

THE TEST OF GENERAL MUSHARRAF  
AND THE PARLIAMENT

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## **THE TEST OF GENERAL MUSHARRAF AND THE PARLIAMENT**

By Professor Khurshid Ahmad

Only twice in Pakistan's history has the Parliament been blessed in terms of its coming into being and taking oath in the holy month of Ramazan. The first time was on 10<sup>th</sup> August 1947 (23<sup>rd</sup> Ramazan), after a period of seven years of huge sacrifices of the Pakistan Movement, the first Constituent Assembly took oath at the dawn of a new era. The second time came some 55 years afterwards now when the newly established Parliament took oath on 16<sup>th</sup> November 2002 (10<sup>th</sup> Ramazan) and took a decisive step forward to come out of the fourth and trying spell of military rule, and to revive the democratic and constitutional order in the country.

Not only is their taking oath in Ramazan is their common feature. Every student of the history realizes that while the Parliament's coming into being is an important development and a step forward in the right direction, it is also a "golden opportunity", a test and a historical challenge; as was the struggle of Independence which Quaid-e-Azam had described as "challenge and achievement".

We thank God for enabling us to come to this stage and for giving us the opportunity. We also think it imperative to invite the entire nation to ponder over the existing situation with all its aspects, including its being a challenge and a test for the nation. We want to particularly draw attention of General Pervez Musharraf, the members of the Parliament, and the political leadership to the fact that we are at a critical juncture of history.

The past 55 years bear witness that the leadership that came to rule after Quaid-e-Azam and Quaid-e-Millat only disappointed the nation, committed disloyalty to the historic struggle of the Muslims of the subcontinent, pursued their own personal, ethnic, sectarian and regional interests and, thus, deprived the current history's first independent Muslim country of its historic role, and took it to the extent that its enemies began to call it "a failed state".

The nation has once again been given an opportunity. In the shape of 27-year military rule and 28-year civil rule, we are witness to two equal and equally failed periods in our history. We are also witness to the tragedies of the country's bifurcation and its coming into the overt and covert grip of the colonial powers, in politics and economy. A new political leadership has emerged in October 2002 elections, and the nation has for the first time in Pakistan's history reposed its confidence in the alliance of religious parties (Muttahida Majlis-e-Amal, MMA – United Action Council). Now it is the responsibility of the new leadership and of its all constituents (President, senate, national and provincial assemblies) to take the country out of the mire and take it on the road of Islam, democracy and constitutional order so that the objectives of the Pakistan Movement could be realized and the people enjoy the blessings of the real, consultative, and justice-based Islamic system. With respect to the second decade of Ramazan, which the Holy Prophet has told us is the

Decade of Forgiveness, we remind ourselves, the political leadership of the country and the whole nation that Muslims are Allah's vice-regents on the Earth:

I will create a vicegerent on earth

**(al-Baqarah 2:30)**

In order to enable man perform this duty of vice-regency, Allah has prescribed a holistic system of worship and prayers so that man could achieve nearness to Allah, control his self and live a pious life; so that man could uphold Allah's Guidance, raise His Word, and strive to enforce His Will; so that Allah's Deen holds sway and becomes dominant; so that Allah's Law is enforced on Allah's Earth and man could set on his journey to his Ultimate Companion, Allah, and His Paradise.

Ramazan has a special role to play in life and in all above mentioned aspects of struggle in life. The Holy Qur'an indicates to these points in a very concise and beautiful manner:

O those who believe! Fasting is prescribed to you as it was prescribed to those before you, so that you may learn self-restraint.

**(Al-Baqarah 2:183)**

This is the month in which Holy Qur'an was revealed:

Ramazan is the month in which was sent down the Qur'an as a guide to mankind, also clear signs for guidance and judgment between right and wrong.

**(Al-Baqarah 2:185)**

This all is to enable man to be grateful to Allah for providing guidance:

(He wants you) to glorify Him for his guidance, and so that you shall be grateful.

**(Al-Baqarah 2:185)**

Piety, guidance, ability to distinguish between right and wrong, a realization of Allah's greatness and gratefulness to Him are the five characteristics that Ramazan inculcates in us. This is the message of target of Ramazan.

The oath of Parliament in the month of Ramazan conveys the message that it is these qualities that the nation needs, and that the future targets can only be achieved with the help of the character built on these qualities.

### The Challenge and the Strategy to Meet It

There is a dire need to realize, and of spreading this realization, the challenge before the nation, and to adopt a befitting strategy to meet this challenge.

If the 55 years of Pakistan's history are studied deeply, and the situation we are facing is examined correctly, then the fact that comes to fore is that democracy has never been allowed to function and grow in the country. That democracy could not take roots during the military rules is obvious, but that it could not do so even during the periods of civilian rule is really distressing. But the question is: why it happened so? To us, it was because power was never transferred or restored to people despite the façade of elections. The real power remained with a small coterie where bureaucracy, military top brass, and a few political families enjoyed the key role. Playing musical chairs, these elements continued to play with our fate, sometimes covertly but at certain times quite overtly. Now, it is the responsibility of the new Parliament to carry out the task of transferring power to people with all the prudence and patience it calls for, but also with complete focus, attention and fearlessness.

The real situation even now is that General Pervez Musharraf is adamant to concentrate all powers in his own hands and, thus, indulged in efforts to make Parliament a mere decoration in spite of all the avowals and sloganeering about the revival of democracy, about abiding by the decision of the Supreme Court, and his own pledges and promises. Yet the truth comes out, though rarely, when his tongue slips, and all the gloss that his advisors and cronies put on his political measures gets removed. Such a slip occurred during his Washington visit in September 2002, when he said in a press conference that:

I will put a label of democracy on the system.

Similarly, he said:

If the future Parliament tried to reverse amendments particularly the one pertaining to the National Security Council, either they will have to quit or I will quit.

He even said:

I have made LFO a part of the Constitution through powers given to me by the Supreme Court and I do not need Assembly's approval.

The General should realize that the issue is not of putting labels, it is about the substance of democracy. Democracy and one man's rule cannot go together. The crowns of civilian president and of chief of the army cannot rest on one head. The most fundamental question before the Parliament and the political leaderships is, therefore: whether the Constitution is revived in its original form and whether the Parliament assumes its role of being the custodian of real power?

The issue is of transfer of power, not its sharing. This is why the MMA has categorically established that the transfer of power would remain incomplete until the military leadership abdicates its dual

role. We earnestly desire, for which we are making all out efforts, that this process of transfer of power is completed in the best manner without any obstacle or deadlock or ill-will. We want this to be done in the spirit of mutual understanding and consultation. Yet, these are the issues on which no compromise or mid-way is possible. General Pervez Musharraf and the military leadership should know that it is barracks, and corridors of power and political centers, where they should return to after the Parliament's coming into being as a result of the people's mandate, and that they should focus on safeguarding the borders of the country as this alone is their main task. The General should no more use the excuse of the Supreme Court's decision of May 2000, and, rather, should accept the real political facts and constitutional obligations. In the October 2002 elections, about 75 percent of the people have expressed their no-confidence in his program. An escape from the people's mandate not only amounts to a negation of democratic principle, it also has serious implications. We pray that Allah may give those who are at the helm of affairs ability to adopt rational course and spare the nation from trying and testing hours. This would be a better course also for the nation, but especially for its military, because it is the course by which the relationship of trust and confidence can be maintained between the nation and the military. Feeling quite sad and dejected, we are compelled to say that while people used to point the finger at the military for the failures of military rules in the past, but now the situation has become so worse that the military as an institution has become a target of criticism.

The political leadership needs to learn from the past and avoid the follies and foibles, mistakes and wrongdoings of its predecessors. The military leadership, too, should read the message from this open book of past events and experiences. In it lies the betterment of the country, and of us all. The real test of General Pervez Musharraf has begun only now. And so is the case of the Parliament and the political leadership whose acumen and performance are on test. The two should, therefore, try to come out of the mire with a vision and determination and without confrontation or deadlock. But this needs, along with negotiations, a spirit to abide by the rules of the game and a will to observe them in all times. Till now, the rulers have been changing the rules of the game according to their own whims and interests. And during the last eight months, i.e. from the times of referendum in April till to date, General Pervez Musharraf has in fact broken all the past records in this regard. In the process, he also lost his reputation of being a straight forward man. He has no moral ground to stand on, and if he and his associates ignore this fact then it would be a failure to read the writing on the wall. He and the whole nation, then, would have to bear for this failure. We, therefore, urge his to let the bygones of the past three years be bygones, accept the new ground realities, and refrain from plunging the nation in new trials and trying times.

There is only one rational approach for all that is to establish Parliament's supremacy with mutual understanding and accommodation. The General should fulfill his promise of relinquishing from the post of the Chief of Army Staff – a promise he had made before international community during a seminar at Harvard University, whose fulfillment meets the demands of reason, justice

and fair play, Constitution and morality. He should not put both the nation and the military in test by, on the one hand, ascending to presidency, and, on the other hand, being subordinate to the Prime Minister and the Defense Minister in his capacity as the Chief of the Army Staff, like the chiefs of the Air Force and Naval Staff. He should no more continue on this path as he has taken oath that he would abide by the Constitution and safeguard it (Article 42), and as he has pledged as a military officer that he would not indulge himself in political activities (Article 244). How can he do that while, on the one hand, being President, which requires that he is not only not from the services of Pakistan but has also completed two years after retirement from any such services, and, on the other, lays claim on the duties of the chief of the army of Pakistan. This amounts to making a deliberate and open mockery of the Constitution, law, Parliament, nation, and the military itself. And with respect to its results, it is a bargain of loss. The need is that all the stakeholders take the road of reason and wisdom, and rather than giving preference to their 'self' and interest, show some loyalty to the oft-repeated slogan of "Pakistan First", or the whole game would soon be reduce to "Me First".

Every petitioner has used the crutches of the Supreme Court's decision of May 2000. Unfortunately, the courts, too, have played "hide and seek" that has not only harmed their own dignity but has also caused great damage to the country. The time has now come, after the Parliament's coming into existence, when the jurisdiction of every institution should not only be made clear but are also determined once and for all. The Court can interpret the Constitution, but it cannot amend or annul it. How can the court give such powers to others which it does not enjoy itself? This is the reason why deviation from the Constitution has been resorted to, time and again, and how, on the basis of the law of necessity, military rulers were given powers to introduce temporary and minor amendments in the Constitution. This was done in the past and was repeated for now in the May 2000 decision of the Supreme Court, though with a number of conditions, which General Pervez Musharraf did not observe.

While the stance that the Court adopted is open to interpretations, this is not the time to indulge in this debate, nor is it needed. The need is that Parliament should assert itself. The notorious LFO (Legal Framework Order) should be brought before the Parliament for discussion, its acceptable parts be made part of the Constitution through the due process for Constitutional amendments while its unacceptable parts be rejected; the way Zia-ul-Haq felt compelled to bring the order of revival of the Constitution before the Parliament, to forego its 80 percent and give indemnity to what was left of it through the Eighth Amendment after an open debate of 38 days, and to make it part of the Constitution under Articles 238-239 according to the decision of the Parliament. This is also the demand of the Supreme Court's decision of May 2000, 30<sup>th</sup> September 2002, and 3<sup>rd</sup> October 2003. If personal egos are not allowed to interfere in national matters and these decisions are taken earnestly, then there is no other way except the one prescribed above.

Following are a few excerpts of these decisions, just for the sake of record:

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.

Justifying General Pervez Musharraf's action of 12<sup>th</sup> October 1999, the Court had categorically said that it was extra-constitutional, but that he could take legislative measures within certain limits

- i. ...is entitled to perform all such acts and promulgate all legislative measures as enumerated hereunder, namely:
  - a. All acts or legislative measures which are in accordance with, or could have been made under the 1973 Constitution, including the power to amend it;
  - b. All acts which tend to advance or promote the good of the people;
  - c. All acts required to be done for the ordinary orderly running of the State; and
  - d. All such measure as would establish or lead to the establishment of the declared objectives of the Chief Executive.
- ii. That constitutional amendments by the Chief Executive can be resorted to only if the Constitution fails to provide a solution for attainment of his declared objectives and further that the power to amend the Constitution by virtue of clause 6, sub-clause (i)(a), *ibid*, is controlled by sub-clauses(b)(c) and (d) in the same clause.
- iii. That no amendment shall be made in the salient feature of the Constitution i.e. independence of Judiciary, federalism, parliamentary form of government blended with Islamic provisions.

The Court had also told in clear words that army's involvement in civil affairs is harmful for the country and the military and that it should end as early as possible.

However, prolonged involvement of the Army in civil affairs runs the risk of politicizing it, which would not be in national interest, therefore, civilian rule in the country, must be restored within the shortest possible time after achieving the declared objectives, which necessitated the military takeover.

Ruling over the petition of Nawabzada Baloch Marri, the full bench of the Supreme Court elucidated the principle on 30<sup>th</sup> September:

The laws promulgated by the executive authority under the Provisional Constitutional Order (PCO) have no legal or constitutional status unless and until the coming elected Parliament validates them. **(The News, 1<sup>st</sup> October 2002)**

Then, on 3<sup>rd</sup> October and with regard to the LFO (petitioner: Zafarullah Khan), the Court underlined the important point that the status of LFO was of proposals for constitutional amendments. When the petitioner requested the special bench – comprising, besides the Chief Justice, Justice Munir A.

Shaikh, Justice Nazim Hussain Siddiqui, Justice Iftikhar Ahmad Chaudhry, and Justice Qazi Muhammad Farooq - that the Court should at least say that LFO would come into force only with the Parliament's approval, then Justice Munir A. Shaikh responded:

Article 239 is still in the Constitution and could be pressed into service by members of the Parliament.

And,

We are going beyond what you are asking for.

**(Weekly Independent, 21-27 November 2002)**

In spite of all this, our considered opinion is that the issue now should be settled in the Parliament. There is no need to cause botheration to the Court, nor does the time warrant it. Moreover, the Parliament should bury this awful "law of necessity" once and for all, so deep that it may not raise its head ever again.

### Independence and Sovereignty

The second main issue is about the country's independence, freedom and sovereignty in political and economic matters. In the wake of steps that General Pervez Musharraf took after 11<sup>th</sup> September 2001, our independence has been subjected to such compromises that have grave implications for national security. It is now the responsibility of the new political leadership to realize this and not to remain ensnared "under the cloak of continuity". It should rather devise such foreign and economic policies that are really balanced and free from external coercion, that guarantee and safeguard the interests of Pakistan and the Muslim world rather than being a tool to advance the colonial designs of the United States.

This is the second biggest challenge and on it relies the independence and security of the country. We believe that like the rest of the nation, its military would be as much worried and concerned over the existence of American bases and increasing role of American agencies in the country. Whatever might have been the compulsions in the past, the real face of the US is quite exposed by now, and the whole world, including the public in America and Europe, are up against it.

In spite of its all efforts, the US has not won the support of the United Nations or even of the European nations for a military action against Iraq. George Bush had to furnish a sort of warning that America would go along "with or without the UN". This not only reflects Bush's defeat, it is also a declaration of war against the rest of the world. On 24<sup>th</sup> November 2002, Russian President Vladimir Putin expressed his anxiety about Pakistan and Saudi Arabia in the presence of Bush. After the reports that were published in the Washington Post and the New York Times, which link Pakistan's nuclear program with that of North Korea, the threat has become more imminent.



Relying on the US President's words that he thinks that Musharraf is doing well would have grave implications for national security and the future of the nation.

It is time, the Pakistani nation, as an important part of the Muslim community, rises in a struggle to restore its independence and sovereignty and declares that it has nothing to do with the cruelties and injustices being meted out to the oppressed people and weaker nations in the name of "war against terrorism". For this, main changes would have to be brought not only in political field but also in the economic policies. It is now the duty of the new Parliament and the political leadership to meet this challenge with wisdom and prudence and by holding the national interests supreme. Moreover, we are facing threat not only on our borders; our nuclear capability is also under threat. The Parliament should take all measures for its protection, take the nation along in the struggle to reclaim its independence and solicit its support in matters of national security. For this all to achieve, it is necessary that the military gives up its involvement in politics and focus on the demands and requirements of the country's defense single-mindedly.

In this background, General Pervez Musharraf's address on 20<sup>th</sup> November is very important, both for what he said and what he did not say, i.e. its importance is twofold. What he avoided to say is as important as what he said about his 3-year record and, by his own reckoning, about the future.

The most important among the things he did not say anything about is that it was the first speech of the head of the state on such a critical juncture that had nothing to say about the idea and vision of Pakistan, and its ideological and Islamic character. It had no mention of Iqbal (though Iqbal's year it is!) and Quaid-e-Azam. This is not just symbolic. Ignoring this deliberate omission would run contrary to the national interests.

The General also did not pay heed to the people's aspirations and the political change the nation is looking for after the Parliament's coming into existence, whose echo could be heard in its very first session. There was neither a mention of LFO, nor of abdicating from the post of Army Chief. Those who had hoped that the General would talk about the real transfer of power might have been gravely disappointed. This also suggests that the General does not have a correct understanding of the changing situation and is lost in his own world. This is not a good omen for the future. His address was devoid of political strategy, and has added to the difficulties facing the Parliament and the political leadership. Yet, ground realities cannot be changed by this approach. Complete transfer of power is the need of the hour, the sooner it is done the better it would be for the nation and the country, for the leadership and the military.

### The Truth of Economic Development

General Pervez Musharraf put all his emphasis on his economic successes. He also indicated that he wants to continue the economic policy that the World Bank and the IMF have imposed. For this, he would perhaps try to bring in his own favorites and place them at the helm of affairs. This is our

apprehension, which we pray may prove wrong, but such are the sings! Just after having been elected Leader of the House, Mir Zafarullah Khan Jamali said "continuity is the name of the game"!

The economic policies of the era and their results need to be analyzed impartially and without any let-up. Delivering a lecture on economics, the General held that macro-economics is the real thing; it causes economic activity, and paves way to development. Those who taught this lesson to the General did not do any good to him. No doubt that macro-economic has a value of its own, but the General should know that there is a great difference between micro-economics and micro-finance. Macro-economics is based on micro-economics, which is the real seat of economic activity. It is the economic activity on which the whole structure of economy rests. Individual, company, and market, economic activity are the domain of micro-economics. And, unless micro-economics is set on firm foundations, macro-economic cannot do a miracle. He should know that macro-economic developed in the 1930s when the role of State was identified as necessary to check the wrongs and flaws of capitalism that the free market economy had created, when macro-economic was declared a subject of economics and economic policy. Macro-stability has been given a priority in the World Bank and IMF strategy at the cost of other factors. This is not a balanced and right policy, and our economy is a victim of this wrong policy. Not only in Pakistan, have results been the same wherever the World Bank strategy has been adopted. This is what the Bank's former chief economist and Nobel Laureate Jeffrey Sachs has exposed in his latest book "Globalization and Its Discontentment's". As for Pakistan, the proof is that the two developments that are being held the achievements of the period – i.e. increase in foreign exchange reserves and lower rate of inflation – cannot be separated from the foundations of the country economy. To hype on these counts disparately from economic activity, production, and the purchasing power of the people is a mistake of Himalayan proportions.

The boost in foreign exchange reserves is a fact. This boost came after September 2001, as the reserves before it were \$1.7 billion, which was no different from the average for the past 10 years. The real increase occurred during the last 15 months. But the question is: How did this boost took place and what were the factors behind it? Had this boost been because of an increase in the production and foreign trade, especially exports, then it would have been a real feat. But the fact is that economic activity has been on the low, the growth rate has been less than half of the average from 1960 to 1990, unemployment has increased and according to the official figures (which are open to question) it has increased from 5 percent of the labor force to its 8 percent, about 500,000 are joining the ranks of the unemployed each year, poverty is also on the rise, and the international agencies, whose policies the General's team is carrying out, are admitting this fact. The latest report of the Asian Development Bank (July 2002) says: the incidence of poverty increased from 26.6 percent in the fiscal year 1993 to 32.3 in the fiscal year 1999 and the number of poor increased by over 12 million during this period. Since FY 1999, economic growth has slowed further, development spending has continued to decline, and the country has experienced

a severe draught. It is, therefore, highly likely that the incidence of poverty in Pakistan today is significantly higher than in FY 1999. (Poverty in Pakistan, Asian Development Bank, July 2002, p 1)

According to an estimate, another lot of eight million people joined those living below the poverty line in the last three years. The value of rupee has depreciated by 18 percent in international markets during these three years. The budget deficit has not decreased despite all claims to the contrary. Last year, it remained 7.1 percent of the GDP. It appears that a new jargon that this increase is due to "one term expenditure" and that the deficit is only five percent is used as a statistical deception. The World Bank report itself says that this "one term expenditure" may be repeated. According to Asian Development Bank's Pakistan Economic Update (January-July 2002) agricultural output in 2001 remained in minus and the rate of decline was 2.6 percent. While it registered only 1.4 percent increase in 2002. The rate of industrial growth was 1.3 percent in 2000, 3.1 percent in 2001, and 2.8 percent in 2002 (page 4). This has been two-, three-, or even four-fold in the past. In these three years, value added products of electricity and gas continuously declined (page 6). The national savings also decreased, i.e. from 16.6 percent in 2001 to 14.7 percent in 2002, which is not only the lowest in our history but also lowest among the countries of South Asia.

If inflation has decrease in such circumstances, it is simply because the purchasing power of the people has decrease due to the government policies. This is the worst method of keeping the inflation low. Then, statistical jugglery has much to do in portraying a low inflation rate. According to the Pakistan Economic update (page 8), the rate of inflation in 2002 was 4.4 percent as against the 3.5 percent for the last year. The government's subsidy system has been anti-poverty in this regard. The purchasing power of the people has been decreased because of lessening the direct taxes and imposing indirect ones, sales tax in particular. While there has been an increase of 3.8 percent in taxes on the poor segments of society, taxes on the rich classes have decreased by 20 percent (for details, see Dr. A.R. Kamal's address to the 17<sup>th</sup> conference of the Pakistan Society of Development Economics, January 2002, p 9).

The prices of electricity, gas and oil have registered an increase of 40 percent. This has not only made the life of the ordinary man more miserable, but has also had a bad impact on the position of competition with respect to the country's products due to the high cost of production. One has to be quite audacious to take pride in such an economic record!

The increase in foreign reserves is a good thing. But it has not been because of economic performance, it owes to three-fold increase in foreign remittances, relief in payment of loans, and the State Bank's policy of purchasing up to \$2 billion every year from the open market to have an artificial check on the value of dollar. If it is this macro-management the good General is boasting about, then the bosses of the World Bank may feel inclined to appreciate, but the poverty-ridden and unemployed cannot even take a sigh of relief.

The General has also talked about the elimination of corruption and has much bragged about his own clean-handedness. Though we do not want to say about his personal record, we cannot help saying that corruption is not just about taking monetary benefits but also includes misuse and abuse of powers. As for the corruption in the country, the general impression is that it has decreased at the upper levels if compared with the past records. The General may take as much credit for this as he can, yet the real situation of a period becomes clear only sometimes after it. Even now, the reports of the Auditor General for the years 2000 and 2001 do not present a good picture. In the department of railways alone, the 2002 report, which is for the year 2001, gives the news of irregularities and embezzlements to the tune of Rs 334 million and of a staggering deficit of Rs 11.9 billion. Yet the real picture would come to fore only when the existing situation has been thoroughly examined. The Public Accounts Committee, headed by H.U. Baig, was dismissed when it started to review the post-1999 period. Its dismissal and the way it was dismissed raise a number of questions.

If the impression is relatively better about corruption at upper levels, it is complained that corruption at middle and lower levels is not only continuing as before, it has rather increased. More agonizing is the widespread notion about the military officials' "portion" in it. Transparency International's reports cannot be of much use, because these reports base on the views and impression of foreign traders only, and also because we have "improved" only nominally, i.e. our score was 2.2 in the past that is just 2.6 now!

The National Accountability Bureau (NAB) had just started the process when it began to be used for political ends. The same old selective method was adopted to hold into account only a certain type of people. This is unfortunate. On the eve of the recently held elections, those who belonged to the "King's Party" were spared the rigors of accountability, pending cases were buried, convicted people were given pardon and were released, and others were forced to change their loyalties with one party to another. According to an estimate, loyalties of 36 members of assemblies were won through this process. If this is not corruption, what other name could be given to it? Then, according to another report, the "clean' cabinet that has been sworn in has in its ranks three persons who are on the NAB's list while other six have been rewarded with ministerial portfolios just for changing their loyalties! **(Daily Nawa-i- Waqat, 25<sup>th</sup> November 2002)**

### Promises Fulfilled?

General Pervez Musharraf had the cheek to quote from the Holy Qur'an and claim that he had fulfilled his promises. But even then he should be reminded of the verse:

And fulfill every engagement, for every engagement will be enquired into.

**(Al-Isra 17:34)**

He had pledged to transfer power within the period of three years, but he spent the whole last year in grabbing more and more power for himself, he imposed himself on the nation and concentrated all key powers with himself. What kind of transfer of power it is!

He held that he abided by the Supreme Court's verdict. Is it not true that the Court had asked for completing the process of transfer of power till 12<sup>th</sup> October 2002. So the process should have started some 90 days prior to the end of the stipulated time. He delayed the process to the extent that it is yet to complete while these lines are being written on 25<sup>th</sup> November, and still, the provincial assemblies have yet to take oath and the elections of the Senate are yet to take place!

The Supreme Court had said that "constitutional amendments can be resorted to only if the Constitution fails to provide a solution to some formidable issue", that "no amendment shall be made in the salient features of the Constitution", and that amendments can be resorted to remove some anomaly. But, he introduced 36 amendments in August 2002, barely two months ahead of the transfer of power, just to consolidate his own power. These amendments shook the basic structure of the Constitution. This did not end here as he insists on keeping these amendments out of the purview of the Parliament. Such is his fulfillment of promises!

If the Supreme Court's decision is taken with its spirit, then his powers to take legislative measures ended on 12<sup>th</sup> October 2002, but he continued as usual and issued ordinances to make more than 30 new laws, which affect almost all aspects of national life. He did not care that it was the task of the Parliament to do legislation. Is it how promises are fulfilled?

During the same period, he interfered with the process of elections, not only indirectly but also directly. He issued ordinances that targeted certain figures – who could be allowed to contest elections and who could not be given such permission. Then, once the election results were known, the condition on independent members to join one political party or the other within three days and quite opposite condition for the FATA members that they could not join any party; the politics of forward-blocs, the condition that the candidate would have to be personally present at the time of submission of nomination papers; first shutting the doors for election to the post of Prime Minister of those who had twice been Prime Minister / Chief Minister but then opening them up for a person who had been two-times chief minister; seeing no no-go areas for complete three years, but taking an action to eliminate them, rather giving certain areas to a certain group under the Rangers' control, for the sake of a few votes – is all this can be covered up as "rendering back your trusts to those to whom they are due" and "fulfillment of promises"?

### Strategy for the Future

Such an impartial and objective analysis of the prevailing situation is imperative to come to terms with the reality and not to remain in confusion about the challenge. Yet, we also want to say that while the members of the Parliament have to perform their duties, they have to do so in the best

possible manner with wisdom and prudent approach. The way the King's Party has obtained majority is an established fact; its alliance is still a glass-house, very hollow and extremely weak. The Opposition is divided into two main groups, which differ with each other not only ideologically but also in their understanding of political expediency. The wheeling-dealing that was rampant before the elections of the Speaker, Deputy Speaker, and the Leader of the House was not a good omen. The leadership of Muttahida Majlis-e-Amal – MMA (United Action Council) would have to act with utmost maturity and rather than falling for immediate benefits would have to dedicate all the energies to putting the process on the track, and it would also have to take others along with a spirit of accommodation, sacrifice and wisdom.

The confidence that the nation has reposed in the MMA demands that we form good government where we have a majority and present a model for governance, a model that is characterized by sticking to principles, service of the masses, and rule of law. And, at the center, we should strive to revive the Constitution in its original form, to make the amendments part of the Constitution through the prescribed constitutional process, and to remove additions and deletions from the book of law. Moreover, making the transfer of power a reality should be our endeavor. The General should be given possible and permissible concessions so that he could play his role as a really civilian President, the one who is elected according to the Constitution and performs his duties by remaining within the framework it provides. The supremacy of the Parliament is a must as also such amendments as may be necessary to close the doors for further chaos. The country needs a law-making and policy-making that could solve the problems of the people, protect the independence and security of the homeland, and keep a check on the interventions of the foreign elements, so that Islam's justice-based system could be established. In this regard, the importance of the following should not be ignored:

1. Independence of Judiciary should be ensured, and such a system for the appointment of judges is introduced that could end the game of subordinating the judiciary to politics. The principles that were settled in the famous Judges Case with respect to the appointment of judges in the courts should be upheld and enforced.
2. Article 89 should be amended so as to end the government's powers to enact laws through ordinances. This sword that is hanging on the supremacy of the Parliament should be removed so that Parliament alone could perform the task of legislation.
3. The system of Statutory Regulatory Orders (SROs) should be abolished so that the usurpation of the Parliament's rights in the name of "delegated legislation" comes to an end.
4. The Committee System should be reactivated and strengthened. The members should devote themselves to play their due role in the parliamentary system of governance, rather than falling on each other for privileges.

5. Important international agreements should be brought before the Senate for ratification. The cabinet should not have the authority to decide alone about such agreements and bind the nation in whatever manner it likes to.
6. Appropriate legislation should be undertaken, according to the Constitution, for appointments to important posts so that no one has the discretionary powers. Everything should be done on merit and under the rules of the game. The door of public scrutiny should be opened to ensure transparency in national affairs.
7. A completely independent and superior system of accountability should be established, so that it could hold into account without any fear all those at the helm of affairs – be they members of the Parliament, government officials, bureaucrats, judges, business people, or others. The accountability process should be absolutely independent, impartial and transparent so that the real culprits reach their ignominious end and the practice of selective accountability for political ends is given up once and for all.
8. Print and electronic media should be given their due freedom and a national code of ethics should be evolved to be respected by all parties.
9. The ministry of information and media development should be abolished. Historically, it was the product of wartime needs of the government but has been used for political reasons. Instead, arrangements should be made to promote culture and national character.
10. The law of freedom of information should be enacted and implemented to lay the foundations of "open government".
11. The outline that the Constitution gives for provincial autonomy should be translated into action within a stipulated time (of a few months). This transfer of power should not be restricted to giving certain ministries and powers for law-making, but should extend to financial matters so that the transfer is real and genuine with an effective system of answerability.
12. The Parliament should immediately start deliberations on the reports of the Council of Islamic Ideology (CII) and arrange for legislation and policy-making in the light of its recommendations.
13. The principles prescribed in the Constitution for devising a strategy (Articles 29 to 40) should be made the basis for legislation. They should be brought within the purview of the Judiciary in a multi-phase process.
14. All out and immediate measures should be taken to realize the Constitutional obligation of Islamization of laws and incorporating the Islamic laws into the body of laws. The Constitution once had set the time frame of seven years for accomplishing this task!
15. Economic policy should be re-formulated and a line of action to rid the economy of riba (interest) should be adopted according the strategy that the CII and the Supreme Court in its decision of 1999 have prescribed. All the delaying tactics

should be avoided. Either the Parliament overlook this task, or a parliamentary committee be established to oversee the process constantly. This would also help the country to move forward towards having a judicious and fair economic system.

- 16.** A parliamentary committee should be established to promote the cause of independence of the State of Jammu and Kashmir, solution of the Kashmir issue in accordance with the resolutions of the United Nations, and mobilization of international opinion in its favor. It should be coordinated with the institutions and peoples responsible for running the foreign and national security policy.
- 17.** The country's economy should be developed on the basis of self-reliance. A high-powered committee should be formed to oversee the task of devising a new economic policy and its implementation. The Planning Commission should be directed to work under the guidance of this Committee. New norms should be identified to gauge the strength of the economy. These should include standard and quality of life of the common man and provision of basic amenities along with the growth and rate of growth. Decrease in dependence on others and increase in self-reliance should also be included in these norms so that economic development could result in prosperity and economic independence for the nation.
- 18.** The limits on the jurisdiction of the Federal Shariat Court should be done away with, the judge of the Court should be given protection according the system of higher courts, with their tenure like that of their colleagues in the rest of higher courts, and abolition of all discriminatory provisions against them.
- 19.** All the Constitutional institutions that the Constitution has prescribed for running the affairs smoothly without any snags between the Federation and the Federating Units (provinces) should be established and activated within their respective domains – like the Council of Common Interests, National Economic Council, Financial Commission, powers to ensure the performance of the system of distribution of gas and electricity.
- 20.** Urdu, as the national language, should be used for all official works. It should be the official language as well as the medium of instruction.

Pakistan's Parliament has not played its due role till this day. It is now time when it should assert itself, work as a full-time institution, protect the rights of the people, oversee government's performance so that the process of transferring the power to people could be started and people could become masters of their own destiny!

Muttahida Majlis-e-Amal should devote itself for the realization of this vision of the role of Parliament and model government.

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