

PAKISTAN'S UNDEMOCRATIC POLITICAL CULTURE¹

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Introduction

This paper examines why democracy has not taken root and what have been the obstacles in the way of promoting democratic norms and institutions. While doing so, it also makes an attempt to explain the quality of the democratic experience when the country was run by elected governments, though that has been a comparatively shorter period than the four military regimes. It also analyses the reasons for the dominance of undemocratic forces and how they have succeeded in crippling the vital institutions of the state, the judiciary, parliament and the political parties. The underlying thesis of this paper is that Pakistan's political culture has been undemocratic in its values, orientations and political attitudes.

Pakistan's early democratic experience after independence was chaotic, disorderly and characterized by instability, frequent shifts in political loyalties and difficulties in reaching a consensus on the constitution. The other important

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problem Pakistan faced in this early period of its existence as a state was in the fundamental shift of power from Parliament to the Governor General who assumed a vice-regal supervisory authority over the Parliament. His aggrandizement of power was reflected in his dissolution of the Constituent Assembly in 1954, when it tried to clip his powers; a power that the Supreme Court of Pakistan confirmed. That fateful decision has ever haunted the politics of Pakistan, and the country has yet to clearly set itself on the path of parliamentary democracy. Unfortunately, America's intervention has not allowed nurturing the democratic process in Pakistan. Washington supported Pakistan's military dictator, General Musharraf, whom it considered a key ally in the war against terrorism.² Musharraf- Benazir deal National Reconciliation Ordinance (NRO), was made under the U.S pressure. We see the post-Musharraf era has reshaped the democracy of Pakistan. Mr. Asif Ali Zardari, the newly elected President of Pakistan has reiterated that the institutions would be stable which had have never been in the past. This paper also mentions Mr. Zardari's 'political tactics' which forced to the coalition partner PML-N to quit the government in the centre.

Troubles of Parliamentary Democracy

Political forces in Pakistan have a consensus on the parliamentary form of democracy, which the two constitutions of the country, 1956 and 1973

² Benazir Bhutto, *Reconciliation: Islam, Democracy & the West*, (London: Simon & Schuster, 2008). P.83.

drafted by the two respective constituent assemblies, amply reflect. Pakistan's colonial political heritage and its post-independence development of institutions are responsible for this consensus. The British introduced political institutions and practices in the subcontinent that they knew best, which were rooted in their own history. Our founding fathers fighting the case for Pakistan could not think of any other political system either, since their own political experience had included training in British constitutional law, and they were grounded in the history of its institutions.

The military leaders have thrice tried to reorient the Pakistani political system toward some sort of presidential form of government. Ayub Khan who was the first to try so many things was the first military leader to change the parliamentary system by replacing the 1956 Constitution by his own in 1962. He was elected indirectly by an electoral college of councilors comprising eighty thousand, later increased to one hundred and twenty thousand. The second military ruler, Yahya Khan is widely reported to have thought of giving the country his own version of a presidential system after stabilising the situation in East Pakistan, which had deteriorated to a complete collapse of authority. With mass rebellion and Indian intervention, the country broke up. Yahya Khan's dream of creating a stable presidential system died with his ignominious exit from power.

Since 1985 we have seen attempts by two other military rulers, Zia- ul - Haq and Pervez Musharraf, to alter the parliamentary structure of the constitution, purportedly to balance the executive power of the prime minister. With the provision of "58-2b powers"³ in the hands of the President, the

³ The president shall dissolve the National Assembly if a situation has been arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary, see , ' *The Constitution of the Islamic Republic of Pakistan* ', (Islamabad: Ministry of Law, Justice and Human Rights, 2004). P32

political system of Pakistan is closer to the executive presidency in its functioning than the parliamentary. 58-2b has been used as a political weapon to destabilise democratically elected governments **In the present shape, it is worse than it was in the earlier period, because the prime minister is merely a figure-head, who is meant to just act on the direction, advice and under the supervision of the president.**

The political parties, both mainstream as well religious and regional, have made their preference known by promulgating the two parliamentary constitutions and by removing 58-2b -- when they had opportunity to do so in 1997, through the 13th Amendment (to the Constitution of Pakistan?).

In 2002, the military establishment under Musharraf's leadership has abandoned its agreement with democratic forces on establishing the National Security Council; and by re-inserting 58-2b provision through the 17th Amendment.

Surprisingly, the same parliamentarians who supported the deletion of 58-2b in 1997 have voted for the 17th Amendment that has brought that power back to the hands of the President. This is a great, not an ordinary weakness in the Pakistani political system. When legislators are permanently on sale for political benefits and patronage bordering on corruption, parliamentary democracy cannot take political root.

Vested interests and the establishment which have wanted to create artificial groupings and parties have countered efforts against floor-crossing by rescinding laws and even constitutional amendments. The case of 14th amendment is in point. But floor-crossing is just one of the destabilising factors for the parliamentary democracy. There are others, perhaps more significant reasons for the derailment of the parliamentary system in this country. The

chief among them is military rule and its so-called “guided democracy”. **The take over by the military four times in Pakistani history and the determination of leaders to stay in power as long as possible by manipulating political institutions has caused institutional decay that included the political parties.**

Military rule could not have been effective or lasted long if it had not politically co-opted the same elites who held public office in the civilian governments. This was enabled by the political fragmentation engineered by the military regime and intelligence agencies under its control. It was a conscious and well designed effort of military rulers to divide political forces by rewarding those who joined their rule and oppressing those who refused to render the political services they desired from them.

Undemocratic and Weak Political Parties

The weak and undemocratic party system is one of the most important reasons for our undemocratic political culture and unstable parliamentary democracy. Political parties in Pakistan are top-heavy with no middle layer of political leadership that can connect them with the masses. All the political parties with few exceptions of religious and urban based parties are dominated by the traditional elites that secure votes more on the basis of their family history and social standing than their service to the communities they claim to represent.

For this reason, the mainstream parties have become stagnant with the same leaders, voices, programmes and propaganda. **Their leadership patterns don’t allow the fresh recruitment of leaders from new social classes. Only the younger generation of the traditional elites is allowed to replace them.** The dynastic quality of leadership is a big handicap for the democratisation of

political parties -- one of the essential conditions for any parliamentary system to succeed.

Whatever the political institutionalisation of democracy or its form, it cannot function in its true spirit without an effective system of checks and balances. These checks can be institutional and formal or informal and outside the formal political process. The institutional checks come from organised party systems, effective opposition, democratic functioning within the party itself, party discipline and the separation of powers. A free media, vibrant civil society, a participatory political culture and good civic values are some of the informal checks on parliamentary governments. Most of these requirements for parliamentary democracy have been relatively weak in Pakistan.

Judiciary works under Executive

A free and independent judiciary is indispensable for parliamentary democracy to work within the limits of law and constitution. Unfortunately, the judiciary has with rare exceptions been facilitating the military regime. The acceptance of the doctrine of necessity has on critical occasions undermined the judiciary from working as the guardian of the constitution and protector of the sovereignty of the parliament. **In Pakistan, Judiciary is identified as power broker. It has been facilitator under the cover of the Law of Necessity.**⁴ Whenever judiciary refused to obey the ruler both civilian and military it has been suppressed. Judges have been sent on leave by force; they were retired before tenure or detained and dismissed as General Mushharraf had done in 2007. In fact, the judiciary has been a part of undemocratic forces. The deposed

⁴ Shuja Nawaz, *Crossed Swords: Pakistan its Army, and the Wars With in* (Karachi: Oxford University Press 2008). P.xxxiS

Chief Justice (CJP) of Pakistan, Iftkhar Muhammad, took oath as CJP under Mushrraf's Provisional Constitutional Order (PCO), and legitimized the military coup. How can judges be independent if they are ever willing to facilitate the military rulers and civilian dictator? The Supreme Court in 2000, declared that General Mushhrraf's extra –constitutional coup d'etat of 12 October 1999 was ' validated on the basis of doctrine of State necessity⁵ the present CJP (Hameed Dogar) of the Supreme Court or the high courts of Paksitan,has always rejected the cases which had been filed against Muhrraf.⁶

Disfiguring the Constitution

The parliamentary consensus on the Constitution was undermined by the insertion of 58 2(b) under the 8th Amendment. It changed the fundamental character of the 1973 Constitution to a sort of executive presidency. The original spirit of the Constitution recognized the sovereignty of Parliament. After the Amendment, this power was greatly diminished by the power of the President to dissolve national and provincial legislatures. The claim of the proponents of the Amendment was that the country needed a balance between the powers of the Prime Minister and the President. Secondly, it was claimed that the power of dissolution would check the excessive exercise of executive authority by the Prime Minister, and thus it would be a stabilizing factor.

Practically, quite the opposite happened. The President assumed a supervisory position over the elected government and judged its performance according to his own political interest. The power to dissolve the legislature became the instrument to destabilize elected governments. Four elected

⁵ Ibid.

⁶ Rehman Masood, "IHC dismisses contempt petition against Musharraaf, others" *Daily Times* (July 30,2008)

governments were dissolved by the sitting president within a span of eight years. In 1988, General Zia ul-Haq, the architect of 58 -2b sacked Prime Minister Mohammad Khan Junejo, his cabinet, one national and four provincial assemblies in one go. He accused them of not listening to his advice, widespread corruption in the government and deviation from the Constitution. That was the first dismissal under the 8th Amendment and Prime Minister Junejo was charged with “the breakdown of law and order situation in the country and for seriously endangering the integrity and ideology of Pakistan, particularly in Sindh.”⁷

This was a comparatively mild charge compared with what was to follow later for other Prime Ministers. Benazir Bhutto came to power in November 1988. But instead of Prime Minister Bhutto it was President Ghulam Ishaq Khan and Mirza Aslam Beg as Army Chief who called the shots in foreign policy matters and succeeded through the manipulation of politics in sidelining Prime Minister Bhutto.

General Beg also shamelessly pressurised the judiciary, and undermined the electoral process by distributing Rs 14 million to his favorite parties to create the Islami Jamhori Itthad which brought down the Pakistan Peoples Party (PPP) in the 1990 elections.⁸

Interestingly, the template of accusations leveled by various presidents in dissolving assemblies and governments has been quite the same, barring the difference of emphasis on the specific ‘crimes’ in each case that each elected government, in the view of military rulers, committed. The real reason for the

⁷ See Lawrence Ziring, *Pakistan in the Twentieth Century, : A Political History*, (Karachi: Oxford University Press, 1998),

⁸ Ex. General’s wisdom, *Dawn*, (Feb 7, 2008).

exercise of control and dominance by the President over elected legislatures is the vague and unspecified claim of “guided democracy”.

What it is claimed this means is that the country and Pakistani society are not really ready for full and complete freedom. And democracy has to evolve only through checks on it by the President. The presidential power to dissolve assemblies has restored the very vice-regal tradition that I mentioned at the beginning of this paper – that Pakistan experienced in its infancy.

In the Dissolution Order of August 6, 1990, when Ghulam Ishaq Khan dismissed Benazir Bhutto, he said that the mandate of the National Assembly had been undermined by internal dissension, persistent and scandalous horse-trading for political gain and the furtherance of personal corrupt practices. Ms. Bhutto was also charged with misusing the authority of the provinces and institutions, resulting in discord, confrontation and deadlock, adversely affecting the integrity, solidarity and well-being of Pakistan. It was also alleged that corruption and nepotism in the federal government, including agencies, corporations and banks working under its supervision and control, had reached such proportions that the orderly function of government did not enjoy public faith or credibility. Other charges were that the superior judiciary had been publicly ridiculed and its integrity attacked and attempts made to end its independence.⁹

President Ghulam Ishaq Khan, however, reserved his strongest words for the next Prime Minister, Nawaz Sharif, when he dismissed him in April 1993. In his Dissolution Order he stated that “the constitutional rights and functions of the provinces had been usurped, frustrated and interfered with. Maladministration, corruption and nepotism had reached such proportions that the Federal Government, its various bodies and authorities and other

⁹ *Dawn*, (August 7, 1990).

corporations, including banks supervised and controlled by the Federal Government, could not function”. Nawaz Sharif was also accused of having unleashed a reign of terror against opponents of the government, including political and personal rivals, their relatives, and the media , thus creating a situation where the government could not be carried on in accordance with the provisions of the Constitution. The President also held the government responsible for the death of the Chief of the Army Staff, General Asif Nawaz Janjua, who died of a heart attack on 8 January 1993. The circumstances culminating in his death indicated that the highest functionaries of the Federal Government had been subverting the authority of the Armed Forces and the machinery of the government and the Constitution itself”.¹⁰

Nawaz Sharif challenged the dissolution of his government in the Supreme Court, and on 26 May 1993, the Court, in a historic decision declared the dissolution as illegal and unconstitutional and restored the government.¹¹ The civil state’s legal triumph was short lived because both Ishaq Khan and Nawaz Sharif refused to accept each other. On 18 July 1993, the Chief of the Army Staff, Abdul Waheed Kakar produced a compromise solution requiring both President Ghulam Ishaq Khan and Prime Minister Nawaz Sharif to resign.¹² Thus, the Army has held the upper hand on political affairs even during periods of civil government. Later, President Farooq Khan Laghari, while dismissing Benazir Bhutto in November 1996, (though, ironically, owing

¹⁰ See detail in the Text from the President Ghulam Ishaq Khan’s speech on 18 April, 1993. *The News*,(April 19, 1993).

¹¹ *Daily Times*, (May 27, 1993).

¹² Christophe Jaffrelot, *A History of Pakistan and its Origin* (London:Anthem Press,2004)01, p.86

his office to her) stated in his Dissolution Order that “in the previous three years, thousands of people in Karachi and other parts of Pakistan had been deprived of their right to life.” He referred to innocent people killed in police encounters and police custody. He even accused her of the murder of her brother, Mir Murtza Bhutto.¹³

The tradition of the Presidents of Pakistan accusing their Prime Ministers of misconduct -- as a prelude to dismissing them -- has continued. As mentioned earlier, Nawaz Sharif, dismissed by General Musharraf, was accused of hijacking a plane. Nawaz Sharif was sacked and later exiled, when he attempted to dismiss the then Army Chief General Pervez Musharraf on October 12, 1999 and appoint Inter Services Intelligence (ISI) director Khawaja Ziauddin. Senior generals refused to accept the decision of the elected Prime Minister.¹⁴ Under such circumstances, how can democracy be expected to function?

In Pakistan’s political history, President General Musharraf was the first army ruler who sent home 60 judges of the superior courts including the Chief Justice of Pakistan on 3rd November 2007 and imposed a second Martial Law. Yet in 1999, it was the judiciary that had legitimised his rule. As I mentioned earlier, Chief Justice Iftikhar Chaudhry who was dismissed by Musharraf had taken oath under Musharraf’s PCO No 1, issued on 15 October 1999.

¹³ Text from President Farooq Khan Laghari’s speech, *Dawn*, (November 6, 1996).

¹⁴ Christoph Jaffrelot op.cit.p.91

Musharraf's Controlled Democracy

General Musharraf was the fourth general who dismissed an elected government (on 12 October 1999) and he would not be the last unless the feudal mentality of leaders and authoritarian style of governance changes.

On 17 October 1999, **The Chief Executive, as he came to call himself, delivered a speech to the nation in which he said that it was indeed unfortunate that the few at the helm of affairs in the last government were intriguing to destroy the last institution of stability left in Pakistan, the armed forces of Pakistan, by creating dissension in its ranks.**¹⁵ In fact, General Musharraf decided to remove Nawaz Sharif because of the threat that the Prime Minister would institute an inquiry into the Kargil issue.¹⁶

Surprisingly, the people of Pakistan did not protest against Nawaz's dismissal though he had had a massive parliamentary mandate. General Musharraf promised to introduce true democracy in the country. He gave a seven-point agenda to replace what he called the "sham democracy" of Nawaz Sharif. However, **Musharraf had failed to implement his seven-point agenda during his eight years in power.**

The only possible exception could be the devolution plan for local government that could be called a partial success. The National Accountability Bureau (NAB), which he set up, was used for political purposes. Nawaz Sharif was thrown in jail, tried and convicted. In December 2000, he was exiled to

¹⁵ www.fas.org/news/pakistan/1999/991017-mushraf_speech.htm - 16k – accessed on 27 February 2008

¹⁶ Ayesha Siddiqi, *Military INC: Inside Pakistan's Military Economy*, (Karachi: Oxford University Press, 2007). p.97

Saudi Arabia for ten years. According to President Musharraf, “Nawaz Sharif entered into a written agreement with a very eminent personality, a great friend of Pakistan and that personality had given him a message not to violate this agreement.”¹⁷

As President of Pakistan, Musharraf strengthened his position by issuing a Legal Framework Order (LFO) on 21 August 2000, which legitimised his presidency, thanks to a spineless Supreme Court. General Musharraf said the constitutional amendments would not require validation from Parliament. “I don’t need the assemblies’ approval. If anyone has any objection to this, he better go to the Supreme Court, which has mandated us to amend the constitution.”

Moreover he said, the constitution stood amended with the promulgation of the Legal Framework Order 2002. He said he would continue as president and Chief of Army Staff (COAS) for five years, adding, “I have a role to oversee the transition from a democratic dictatorship to an elected democracy and its success”.¹⁸

Elections were held to local bodies in August 2001 under the new local government ordinance. These bodies completed their 4-year tenure and new elections took place in 2005. Power was decentralised at the grassroots level, but the local administration did not help the people. On the other hand, they were harassed and often victimised by the local Nazims (district governors).

The Nazims interfered in the recruitment process, were said to be corrupt

¹⁷ Musharraf’s statement on 29 August 2007, and later Saad Hurari and Saudi Arabia confirmed the ‘Nawaz-Musharraf deal’. see “Nawaz Sharif should abide by deal”, *The News*, (August 26, 2007).

¹⁸ “Article 58-2(B) restored; president to appoint services chief”, *The News*, (August 22, 2002).

and believed to provide shelter to criminals. Not a single Nazim was dismissed or arrested in a corruption case because they were used to increase the vote bank for President Musharraf and the Pakistan Muslim League Quaid (PML-Q), known as “the king’s party.”

Musharraf- Centered Government

General Musharraf ruled Pakistan over eight years. He used all tactics which were making political parties and local governments under his direct supervision, and closing the door of masses agitation against his rule by introducing ‘Devolution of Power’.¹⁹ Pakistani people at grass roots level have been supporting the military ruler’s step by using their votes. These tactics stopped any mass movement against military rules.

Musharraf held a controversial national referendum on 30th April, 2002, which extended his term for 5 years. For the third time in 42 years, the people of Pakistan were asked to elect the leader of a military coup as their President in a nationwide referendum. **General Musharraf used the name of the founding father, Quaid-i-Azam Muhammad Ali Jinnah to mount this fraud. The people were asked, “For the survival of the local government system, establishment of democracy, continuity of reforms, end to sectarianism, and extremism, and to fulfill the vision of Quaid-i-Azam, would you like to elect President General Pervez Musharraf of Pakistan for five years²⁰?”**

As I mentioned earlier, the judiciary in Pakistan unfortunately has not played its role in upholding democracy. **The Supreme Court of Pakistan has**

¹⁹ Devolution of power was approved by General Mushrraf under LFO in 2000

²⁰ http://news.bbc.co.uk/2/hi/south_asia/1958219.stm. Accessed on 29-08-2008

provided a legal umbrella to Musharraf's regime. Musharraf's referendum was upheld by the Supreme Court. On 12 May, 2000, the Supreme Court legitimized his action by ordering ²¹the government to hold general elections by October 2002.

Thus the Doctrine of Necessity was used to provide legal protection to the LFO. As Musharraf said, "The Supreme Court allowed me to amend the Constitution. I will not remove my military uniform, nor would give a time in this regard. I understand uniform has to be removed, as it is not democratic".²²

Yet he did not quit his office as Chief of Army Staff till he was confirmed as the next President of Pakistan, ensuring that he threatened the entire process of democracy by demonstrating that he would rule in one guise or another. Some political parties, mainly the PML-Q, supported the referendum "in the interest of democracy".²³

Had this not been so, the PML-Q would not have been able to form its government. Musharraf wanted the Pakistan Army to have a constitutional role. He said, "**In Pakistan's politics, the army had always played an important role. In the past, the head of the army had always been called to help when there were problems between the president and the prime minister. So why should we be so shy and not institutionalise this reconciling role?**"²⁴

Musharraf created a National Security Council (NSC) in April 2004 as the supra-constitutional body that institutionalised the role of the army in the

²¹ *Dawn*, (May 13, 2000).

²² LFO can't be undone: Musharraf: No timeframe on uniform, *Dawn*, (June 19, 2003).

²³ Musharraf set to win fresh term today , <http://www.dawn.com/2002/04/30/top1.htm> accessed on 01-03-2008

²⁴ *Dawn*, (May 7, 2002).

governance of the country.²⁵ If the NSC is supra-constitutional body then where does the parliament stand? **The creation of NSC has become an “albatross” around the neck of an elected Prime Minister as well as the Parliament.**

Election 2002 and Musharraf’s tactics

The 8th general elections were held on 10 October 2002 without the popular leaders Nawaz Sharif and Benazir Bhutto. Both were in exile. The government had announced that Benazir Bhutto would be arrested if she returned home, and that it would not allow Bhutto and Sharif, to contest the elections because of their alleged corruption while in power.²⁶

General Musharraf saw to it that the ISI and National Accountability Bureau (NAB) were used for political purposes. **The ISI manipulated the 2002 election. Corruption cases were used as pressure tactics on law makers. The ISI and the NAB pressurised several politicians to join the pro-Musharraf camp to form the government to help the General stay in power”.**²⁷ The PML-Q won the majority of the seats in Parliament and Mir Zafarullah Khan Jamali became the 21 Prime Minister of Pakistan. The first issue which was to be resolved by the newly-elected government involved the controversial LFO. Musharraf and some of his opponents including Muttahida Majlis-i- Amal (MMA), an alliance of religious parties, agreed upon a compromise, and pro-Musharraf legislators were able to muster the two third majority required for passing the 17th amendment. Technically, the 17th amendment legitimised the military coup of 1999 and the LFO inserted article

²⁵ Aysha Sidiqa, op.cit

²⁶ Anwar Iqbal, No guarantee Benazir won’t be arrested: US
<http://www.dawn.com/2002/08/28/top4.htm>, accessed on 03-03-08

²⁷ Umer Cheema “The man, who rigged 2002 polls, spills the beans”, *The News*, (February 24, 2008).

58-2b into the Constitution. A one-time vote of confidence from parliament and the four provincial assemblies allowed General Musharraf to remain army chief for one more year.’²⁸

General Musharraf and Prime Minister Jamali (who was ‘Baloch) could not work together democratically; however, Jamali was forced to resign because of political differences with President Musharraf.²⁹ Shaukat Aziz who was the finance Minister, though not a politician, having been a banker all his life, was elected Prime Minister by Parliament in August, 2004. He continued to retain his position as Minister of Finance’.³⁰

Conflict between General and Judiciary

The Musharraf regime found itself in confrontation with the Supreme Court, which questioned several of its key decisions, including privatisation, coercion in Balochistan and the fact that citizens seized by the secret Agencies had disappeared, and perhaps been murdered.

Moreover, the Court stopped the government from selling the nationalized steel mills at a throwaway price. The verdict embarrassed the government at home and in abroad. We saw 2007 as a decline of Musharraf’s regime. On 9 March, 2007, General Musharraf called Justice Iftikhar Chaudhry in his office and asked him to resign, which he refused to. Exercising his powers under Article 180 of the Constitution, Musharraf sent the Chief Justice home and appointed the most senior judge available, Justice Javed Iqbal, to act

²⁸ *Dawn*, (December 30, 2003).

²⁹ Prime Minister Jamali had difference with Musharraf over military action against Akbar Bugti (the Baloch Nationalist),

³⁰ *Dawn*, (August25, 2004).

as acting chief justice of Pakistan.³¹ He also filed a reference of misconduct against Chaudhry and accused him as nepotism and corruption. The Chief Justice challenged the decision in the appropriate forum, while the country's lawyers launched a huge movement in support of the Chief Justice, which galvanized the country and the forces of democracy. These drastic actions made Musharraf very unpopular. He next cracked down on the media which was highlighting the lawyers' protests carrying them live. Some private channels were banned and the media made to agree to restrictions.

When Musharraf's government was at stake, the two former and exiled prime minister signed a 'Charter of Democracy' in London.³² Yet all along, however, Benazir Bhutto in particular had maintained secret contacts with Musharraf, with the two finally meeting in Dubai. Meanwhile, in a historic judgment, the Supreme Court reinstated Iftikhar Muhammad Chaudhry on 20 July 2007, holding his suspension by Musharraf was "illegal".³³

Sharif's exile was also challenged and the Supreme Court's verdict in his favour came as another setback to the government. He returned to Pakistan on 10 September 2007 and was forcefully deported to Saudi Arabia.

Musharraf meanwhile reached an agreement with Benazir Bhutto and issued the National Reconciliation Ordinance (NRO) that ended all the cases against her husband. The Q-League was not happy with the President's decision which was said to be taken under US pressure.³⁴ Musharraf had failed

³¹ Muhammad Kamran, "Musharraf Wants CJP Iftikhar out", *Daily Times*, (March 10, 2007).

³² <http://www.dawn.com/2006/05/16/local23.htm>. Accessed 24 February 2008.

³³ "CJP Iftikhar reinstated: Presidential references thrown" *Daily Times*, (July 21, 2007).

³⁴ Former minister for religious affairs, Ijaz-ul-Haq revealed in *PTV* programme, with Israr Kasana, on 06-03-2008

to implement the democratic values by issuing NRO. Thus; he ignored all democratic values and did what was better for his political survival.

Musharraf's Second Coup and Elections 2008

Yet in the meantime Musharraf's re-election in uniform was challenged and its legitimacy questioned in the Supreme Court. “Although the Supreme Court allowed the same assemblies which were elected in 2002 to conduct the presidential election on 6 October 2007 it directed the Election Commission to keep the results classified until a final decision was reached on the petitions challenging the candidacy of President General Musharraf. However, Musharraf did not wait for the verdict as he feared it would go against him. He proclaimed an emergency, which a seven-member bench of the Supreme Court, headed by Chief Justice Chaudhry set aside the same evening. An overwhelming majority of the Supreme and High Courts Justices, about 60 of them refused to take a fresh oath of office under the new Provision Constitutional Order, which the bench had already declared unconstitutional. Musharraf thereupon packed the judiciary, replacing all the judges, including the chief justice. The new judges cooperated with the executive and nullified the petitions that had been moved against Musharraf. They also validated the proclamation of the Emergency and the PCO under the Doctrine of Necessity.

The elections promised at the end of 2007 were postponed to February 18, 2008, on the pretext of unrest following the assassination of Benazir Bhutto. The results of the election were a big surprise to Musharraf and his men. The “king's party” was trounced and the PPP and the Pakistan Muslim League-Nawaz (PML-N) scored big victories. Benazir's assassination in Rawalpindi on 27 December 2007 acted as a nail in the coffin of the establishment's fortunes.

The New Shape of Democracy

Election 2008 has made history in Pakistan. Pro-Musharraf forces had been defeated unexpectedly. Although PML-N and PPP emerged as a “binding force” against Musharraf, the both party leaders Asif Ali Zardari (party Co-chairman)³⁵ and Nawaz Sharif could not move together due to ideological differences thus alliance collapsed after four months on the issue of deposed judges when Asif Ali Zardari stated that “agreement was not a holy Quran or Hadith”³⁶ Mr. Zardari had refused to restore the deposed CJP and contested the presidential election. Mir. Zardari was elected as 11th president of Pakistan through electoral college and PML-N decided to perform their role as opposition in the parliament. Zardari handled the issue of sacked judges without Nawaz’s consensus as he desired. Up till now seven deposed judges have taken fresh oath as Supreme Court judges.

Conclusion

Over 60 years have passed since Pakistan’s establishment and democracy still has not taken hold. Pakistan’s democratic culture could not flourish because the army once having tasted power has never really let go. Whenever it has had an excuse to move in, it has not hesitated to do so. Some of the blame lies with politicians who have frequently cooperated with illegitimate forces to protect interests.

³⁵ After Benazir’s assassination, Asif Ali Zardari, Bhutto’s husband became the party Co-chairperson and her son, Bilawal Zardari, is nominated the party chairperson by Asif Ali Zardari. Bhutto’s will is still controversial

³⁶ Daily Times, August 24, 2008

The elections of 2008 and Musharraf's resignation cannot guarantee the sovereignty of Parliament and an independent judiciary if there are no checks and balances. Mr. Asif Ali Zardari is the most powerful civilian president of Pakistan but he is not an independent president. The Pakistan's Army has the upper hand on foreign affairs and nuclear issue. On the other hand, with a powerful President and weak Prime Minister democracy in Pakistan will remain a mirage.

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