

Topic:

Will the "Rule of Law" always remain an impracticable myth in our country?

Outline

Introduction

Thesis statement: Pakistan with the tested Constitution, democratic system and good governance can ensure the "Rule of Law" in true spirit. Hence, the rule of law is a practicable reality in Pakistan.

Evidences which substantiate that the rule of law will be a practicable reality in Pakistan sooner or later

a) - The Constitution: a <sup>hope</sup> of rule of law in Pakistan

b) - Vibrant role of the Apex Court in present status quo: a roadmap to rule of law

c) - Consecutive transition of powers between democratic governments; paving the way to the rule of law

d) - Everyone's right to contest election: a catalyst for the rule of law

e) - Improving public service delivery without any discrimination: a notion of rule of law

f) - merges of the FATA with KPK: a promotion of the rule of law

g) - The 18th Amendment: an evidence that the rule of law is practicable in Pakistan

h) - Increasing public awareness and promotion of democratic norms will end the myth of impracticable rule of law

i) - Punishment of dictators and the premiers by the Supreme Court of Pakistan: a ray of rule of law

Impediments which make the rule of law impracticable in Pakistan

a) - Undemocratic nature of political parties

b) - Inefficiency of the judicial system to dispose of cases in a timely fashion

c) - Unsatisfactory performance of the executive in the tribal belt

d) - The evil of nepotism and corruption

How can Pakistan make the 'Rule of Law' practicable

- a) - Strengthening accountability institutions
- b) - Ensuring merit in all walks of life
- c) - Following the roadmap of <sup>good</sup> governance
- d) - Enhancing public awareness to discourage evil practice of misuse of powers

Conclusion

The ideology of Pakistan is based on Islam. The teachings of Islam compel its followers to ensure equality and rule of law devoid of colour, creed and status. Therefore, Pakistan can ~~so~~ make the 'rule of law' practicable if it implements its Constitution and social contract in true spirit. There are many evidences which suggest that the rule of law as impracticable myth will end sooner rather than later.

Among them, the roadmaps given by the Constitution and democracy ~~will~~ are ray of hope that the rule of law is an achievable task for Pakistan. Moreover, consecutive transition of powers ~~from~~ between the democratic governments and imposing public service delivery of the governments without any discrimination are ~~help~~ highlighting the efficiency of Pakistan that it can implement the rule of law as soon as possible. Apart from it, punishment of powerful

culpits and individuals right to chose their government freely are paving the way to rule of law in Pakistan.

Although Pakistan is striving to implement the rule of law pragmatically, there are some impediments in this way. It includes undemocratic nature of political parties and inefficiency of judicial system. Besides prevailing menace of nepotism further aggravate the situation of the rule of law. In short, Pakistan ensure the rule of law by implementing the writs, Constitution, following norms of democracy and good governance.

Following paragraphs will shed light on evidences that the "Rule of Law" is a practicable task in Pakistan.

To begin with, the Constitution provides a ray of hope of <sup>pragmatic</sup> implementation of the rule law in Pakistan. The constitution is real roadmap which encourages equality and discourages discrimination among citizens of the country. According to the Article-25 of the Constitution of Pakistan, "All citizens are equal

before law?" It reveals that in the perspective of the Constitution all are equal and no one superior to others on any basis. Therefore, if the provisions of the Constitution are implemented in true letter and spirit, the rule of law will become a practicable notion in Pakistan.

Similarly, the present vibrancy of the Supreme Court of Pakistan is also another evidence that the myth of the rule of law as impracticable in Pakistan will end soon. In the history of Pakistan, the Apex court of Pakistan has never shown active role in disposing off high profile cases in a timely fashion. In the past, it was very difficult for the judiciary to urge the governments to maintain rule of law or go for election. For instance, in the verdict of KP and Punjab Assembly dissolution, the Chief Justice of Pakistan "compelled the

federal ~~comp~~ government conduct elections within 120 days or declare yourself as failed government? These harsh words unveils the freedom <sup>of judiciary</sup> and supremacy of constitution which are basic needs of the rule of law. ~~It~~ So, it suggest that the country is on its way to implement the rule of law in letter and spirit.

Furthermore, consecutive transition power between democratic governments is paving the way to rule of the law in Pakistan. Since inception of Pakistan, it has fallen a prey to consecutive martial laws. Resultantly, it was very difficult for the country to ensure the rule of law under dictatorship. However, this tradition has come to an end after ~~Rev~~ revocation of Article-58(2)(b) of the Constitution of Pakistan. It promotes democratic norms in the country. ~~&~~ There is no denying the fact that the democratic governments promotes the rule of law. Hence,

the rule of law will be part and parcel of the democratic government sooner or later.

In the same fashion, right to contest election is also a catalyst for the rule of law in Pakistan. In monarchy, the layman is deprived of contest election and stand against powerful stakeholders of country. Whereas, in Pakistan, everyone has right to contest election, even against the names prime of the country. This level playing field is evident to the fact that the rule of law is a practicable reality in Pakistan. Thus, rule of law will not remain an impracticable myth in Pakistan.

In the same vein, the improving public-service delivery is also a notion of hope to



implement the rule of law in true letter and spirit. According to the statistics of the Pakistan Economic Survey 2022-2023, "The literacy rate of Pakistan's rural areas has increased by 20% within two years, and rural health facility ratio has increased 42% in the past five years." It suggests that the rural areas of Pakistan slowly are getting their due rights compared to the urban areas of the country. As a result, the scale of <sup>the</sup> rule of law is upgrading in Pakistan and making it a pragmatic practice in the country.

Besides, the merger of FATA with Khyber Pakhtunkhwa is another upgrading level of the rule of law in Pakistan. Before the KP-FATA merger, there were different laws for the FATA as compared with rest of Pakistan. It was an open violation of the rule of law. However, the former government merged

the Federally Administered Tribal Areas with KPK through amendment back in 2018. It played a vital role to ensure equity in the country. In this way, the sense of rule of law advances in the country.

Coupled with it, the 18th Amendment also breathes the rule of law in Pakistan. Since many decades, the country was falling short in the race of the rule of law ~~and~~ due to excessive powers in the hands of the president and the federal court.

Meanwhile, the 18th Amendment broke the shackles of inequality of powers among center and the power. It decentralized the power of center government and made the province more powerful. This dissolution of power supports the view that the rule of law is a practicable task for Pakistan.

Apart from it, increasing public awareness is also providing hope of application of the rule of law in Pakistan. Gone were the days when masses were the unaware the rule of law. They had no access to social media and other information technology in the past. In the past, the execution of duty by the officers for welfare of the masses was considered the kindness of that officer. Nowadays, people are fully aware that it is duty of officials to serve the masses as like civil servants. They are not only raising questions over performance of the government servants but they are also demanding for equal rights. Thus, this demand leads to the rule of law in Pakistan.

Last but not the least, punishment to the powerful personalities by the Supreme Court of Pakistan, is also hope that the impracticable

myth of rule of law end soon.  
A decade before, the performance of the Apex Court was under scepticism. The reason is that it never punished to ~~perpetrators~~ perpetrators who destroyed the writ of the country by imposing martial law. However, this tendency of not punishing the violators of constitution is changing. The Supreme Court of Pakistan announced punishment for the former <sup>the</sup> COAS and President, Pervez Musharraf, in high treason case. Moreover, it also punished former premier Yousaf Raza Gillani for violating the Constitution. Hence, it reveals that the notion of impractical rule of law is changing in Pakistan.

The following paragraphs would shed light on the impediments in the way of implementing the rule of law in true letter and



against the rule of law could  
end. In the words Justice ~~Mar~~ Mathew  
of the Supreme Court, "Pending  
Cases are increasing due to population  
growth? The piling cases show  
the inefficiency of judiciary  
which makes the writ of  
the rule of law very fragile.

Moreover, unsatisfactory  
performance of executive is also  
hampering the condition of the  
rule of law in the remote areas.  
In the remote areas, executive  
seems weak before feudal lords.  
Feudal lords have more ~~power~~  
power than police. In the last  
week of June, 2023, two police men  
were abducted in the area of  
Kacha. Instead of police forces,  
feudal lords ensured release of  
police men from the hands of dacoits. Similar  
It promotes feudal lords  
above the law which weakens  
the condition of the rule of

Law.

Last but not the least, the ail of nepotism further aggravates the situation of the rule of law in Pakistan. Nepotism discourage the effectiveness of merit. which plays important role in ensuring the rule of law. Presently, the Scandal of Sindh Public Service Commission (SPSC), which recruited the kith and kins of powerful politicians, is an eyebrow raising incident of nepotism in Pakistan. In this way, many other institutions are leaning to endorse merit in recruitment policies. Moreover, infrastructural tenders are also given to selected contractors which creates hype of lawlessness in the country.

As every problem has a solution, similarly, there is also solution to materialize the dream of the rule of law in Pakistan. In this make, vibrant role of accountability ensuring institutions will play a

vital role to punish the violators of the rule of law. Secondly, following the roadmap of good governance will also ensure the rule of law in true letter and spirit. Among eight basic elements of good governance, the rule of law is a very essential. Therefore, by following the elements of good governance ~~to~~ ~~to~~ religiously.

To conclude, Pakistan with the tested Constitution, democratic system and good governance can ensure the rule of law pragmatically. Since many years, Pakistan is lagging behind to implement the rule of law in true letter and spirit. That is why many questions are raised over continuous failure of the country to implement the rule of law. Whereas, the changing effectiveness of all



Three states Pillars: judiciary, executive and legislature are playing vital role to implement the rule of law pragmatically. Multiple amendments in the Constitution of Pakistan are hallmark achievements in the wake of ensuring the rule of law. Hence, it will not be wrong to say that the myth of impracticable rule of law in Pakistan ~~is ending~~ will end sooner rather than later.