

# ASSIGNMENT NO: 2

## ENGLISH ESSAY

### IS COLONIAL MENTALITY IMPEDING

### PAKISTAN'S PROGRESS ?

#### 3. COLONIAL MENTALITY IN JUDICIARY

- (a) THE SUPERIOR MENTALITY IN COURTS.
- (b) DECISIONS INFLUENCED BY THE RULING ELITES.
- (c) DELAY IN DECISIONS AND DISPENSATION OF JUSTICE.

Apart from the law enforcement agencies, Judiciary also reflects the same colonial mentality impeding the progress of Pakistan. The superior mentality of present day judges in Pakistan courts is similar to those of colonial times. The colonial mentality is evident by the attitude and behaviour of the judiciary. The aggrieved one pleads before the judge in the same way as an Indian subject would do during colonial times. The aggrieved adopts the attitude of a slave or a subject, and the judges as masters. The language of courts use such terminologies that create the feelings of the same slave status among the common citizen. Words like 'My Lord', 'Your Honour',

'Your Excellency' are the reflection of the same colonial mindset. Even the request is written as 'Prayer' made to the judge for the dispensation of justice. Not only this but the colonial mentality is shown when the decision of the judge is influenced by the elites similar to that of colonial times. The decision to implement certain policies was undeniably influenced by the support and the advocacy of ruling elites, whose vested interests often shape the trajectory of governmental actions and legislations. For instance, in Molvi Tamizuddin case, the Federal Court by majority of 4-1 gave its decision in favour of Federal Government and rejected Molvi Tamizuddin's petition challenging Governor General's proclamation of the October 24, 1954 by arguing that the Governor General was a constitutional part of the legislation and therefore, every act passed by Constituent Assembly required Governor General's assent. Everytime a dictator would topple the democratic government, the same judiciary took oath of allegiance to legitimize the actions of a dictator. This is what happened during Zia regime (1979-1987) and

## Link it with Pakistan's progress

Musharaff regime (1999-2008). The only instance of defiance against this colonial mindset was the resistance of CJ Iftikhar Chaudery, but that was just an exception. The recent judgement on Bhutto case<sup>B</sup> was the admittance <sup>admission</sup> of this conniving role of judiciary. Finally, the delay in the dispensation of justice is the stark reflection of colonial mindset where the courts show sheer apathy to deliver the common citizen of Pakistan. This delay is so heinous that judiciary is not even ashamed of it just like the colonial judiciary used to be. Public is considered inferior as it was found in the recent executions of the accused. Mazhar Hameed was hanged in Adiala Jail two years before the Supreme Court announced him innocent. To conclude, the judiciary's superior attitude, considering of elite's interest and not taking into account, the common public interest is an hampering element towards Pakistan's progress.

#### 4. COLONIAL MENTALITY IN FEUDALISM.

- (a) ~~SUPPRESSING THE HAVE NOTS TO~~  
~~PROGRESS.~~ from progressing
- (b) MANIPULATING DEMOCRACY FOR  
POWER CONTROL.
- (c) RESISTANCE TO CHANGE,  
MAINTAINING THE STATUS QUO

To make the situation worse, Feudalism is contributing at its fullest to hinder Pakistan's progress. The British rewarded their loyal supporters with estates as they swore allegiance to their colonial rule. In return, they always supported their rulers in tax collection, controlling the agitation in population, and their conscription in the British army during the world war. They always looked after the interest of the empire and ignored the deprivation of their serfs. Today the same mentality is present in Pakistan where the feudals consider their people as slaves or inferior beings. Feudals seldom give their freedom to their workers. They spend a life of servitude and they are not free to take independent decisions. In Pakistan most of the land is occupied by the

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feudals, Nawabzadas, Waderas, Khans, Chaudhsis, Sardars and Shaks. They possess thousands of acres of land and they give some part of their lands to their workers to live. Their workers are like their slaves as they are living on their land and they can not go against their landlord in any case. On the other hand these Feudals do not lead their people to be educated, so that they can not raise the voice against them. Moreover, the same feudals manipulate democracy in their interests. They remain a part of every successive government after being elected from their constituency. The same workers or villagers do not vote anyone else but him. In this way he maintains his power and control over his area and its administration. This can be seen commonly not in Sindh province but also in Punjab. Ishaq Hunain in his book "Governing the Ungovernable" wrote that ~~two out of~~ since 1985, two out of three electoral races in Punjab that have involved a contest between a dynastic candidate and non-dynastic. Contenders were won by the dynastic contender. The

absence of an effective cadre-based structure significantly increases the likelihood that dynastic politicians will win contests and this expectation perpetuates their power in the system. Lastly, they always resist change just like colonial times and they maintain the status quo. This status deprives the population of education, industrial development and political progress. Rural areas, therefore are still suffering from poverty, illiteracy, unemployment, gender discrimination and social development.

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