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Essay:- "

Will Rule of Law

always remain an

impracticable myth in

our country"

Outline:-

1) Introduction

2) Rule of law is a hallmark of peaceful democracies

3) Rule of law seems like an impracticable myth in our country:

3a) Corruption within bureaucracy and lack of accountability

- wealth aggrandizement practices

- corruption in procurements

- collusion with political groups

- Pak → CPI → $\frac{133}{180}$ (Transparency International)

3b) Elite capture and lobbying

- lobbying of industrialists, clergy, military, businessmen, landlords to maintain top positions in polity

3c) Lack of meritocracy and prevalence of patronage system

- PIDE survey manifestation → erosion of public trust

4a) Civilian

3d) Suppression of dissent

- peaceful assembly and protest act (2024)
- misuse of section 144 to curtail freedom of assembly

4b) Independence

3e) Long held norm of efforts to curtail judiciary powers

- Bhutto's controversial amendments (3, 4 and 5) to the constitution of Pakistan

4c) Stride judiciary

3f) ^{Rising} Extrajudicial killings on blasphemy - mobocracy culture

- Dr. Shah Nawaz - Unsettled incident

4d) A

3g) Biased and controlled media fuelling polarization without independent checks

- Pak → 152 on World Press Freedom Index 180. published by RSF

4e) Rule of Law

3h) Infringement of fundamental rights of people

- Pak → 125 → Rule of Law Index by WJP 142

- Misuse of PECA laws

4) Rule of law is not a distant dream: Hopes of Rule of law in Pakistan

4a) Civilian supremacy and empowerment
 - no military coups for 3 decades

4b) Independence of judiciary and Judicial review power
 - Era of Iftikhar Chaudhary as chief
 Justice of Pak - excessive accountability
 of government

4c) Strides in holding government accountable by
 judiciary
 - Panama Paper case
 - Toshakhana case

4d) Actions against corruption
 - trial of Faizhamed on 'Top city' corruption
 - improvement in CPI index → Pak improved
 3 points

5) Rule of law can become a reality and
 practicable ~~with~~ with adopting corrective measures:

5a) Empowering judiciary and ensuring
 independence
 - lessons from the US political system

5b) Accountability of state officials within
 bureaucracy
 - independent audits from third independent
 parties

5c) Culture of constructive criticism by
 opposition instead of leg pulling

a gloomy picture of rule of law in this country. Similarly, elite capture, lobbying, lack of meritocracy and prevalence of patronage systems manifest the fact that rule of law is eroding.

In a similar vein, suppression of dissent by government, curtailment of judiciary powers and rising extrajudicial killing and mobocracy are the evidence of wearing away of rule of law. Biased media is also fueling polarization, violence and chaos in Pakistan without being held accountable. The infringement of the fundamental rights of people set paint an inoperability of rule of law in Pakistan. On the contrary, rule of law has also achieved some strides which offer a hopeful but not so promising picture. Civilian supremacy and empowerment is evident in no military coups for the three decades in Pakistan that erodes rule of law. Moreover, judicial review and independence of judiciary and actions against corruption by judiciary offer glimmer of hope in this country. Despite these strides, the overall status of rule of law is raising serious concerns. All the hope is ^{still} not lost even the darkest cloud has a silver lining.

By taking corrective measures and adopting three principles of democracy and rule of law, one can definitely steer Pakistan out of the crisis of rule of law. For this, empowering judiciary, ensuring accountability mechanisms within bureaucracy and crafting a culture of dialogue and tolerance, rule of law can become a norm in this country.

Rule of law is indispensable to the proper functioning of states. Unfortunately, rule of law within Pakistan is raising serious concerns. However, there are some ~~hopes~~ ^{strides} that offer a glimmer of hope, but overall there is a gloomy state of rule of law in Pakistan. Therefore, by taking collective measures and adopting true democratic principles, Pakistan can be steered towards the path of progress and prosperity through rule of law.

Rule of law is a base upon which country's political, economic and social might stand still. It is indispensable part of democratic culture that ensures its application fairly on all groups of society without any exemption. The countries who have weak rule of law always lag behind politically, economically and socially. Many philosophers like Plato, Aristotle, John Locke and Rousseau have imposed a great stress on the rule of law in their writings. In fact, the very concept of the rule of law owes its existence to the theories of these shrewd Greek and English philosophers. They emphasized on the need of rule of law for proper functioning of legislature and executive. It creates a system of checks and balances on the working of institutions, so that neither of the branches becomes too powerful in ambit of their power. Therefore, rule of law is instrumental in creating a peaceful democratic culture, where ideas are exchanged without fear of being held hostage to autocracies.

Before embarking on discussing the hopes of rule of law that manifests its practicability, it is essential to delve into the arguments of why rule of law seems like an impracticable myth in this country. Rule of law seems like a distant dream because of the deep-rooted culture of corruption in this country. There are multiple manifestations of corruption rooted in all important institutions of Pakistan. The prominent one, however, is within bureaucracy. The result of which is deep economic loss. Bureaucrats have colluded with political groups that give them necessary impunity from accountability of all sorts. Despite being the symbol of honesty, sincerity and efficiency, bureaucracy has become a snag in the dispensation of public services, the result of which is depletion of national resources. There are many examples in the history of Pakistan, where heavy corruption in procurement were seen without any fair accountability. The scandal of steel mills, PIA and national insurance company are the evident examples. In short, lack of rule of law fuels corruption culture in bureaucracy.

Besides corruption, elite capture is another big obstacle in practicability of the rule of law in Pakistan. National bigwigs like industrialists, clergy, military, businessmen and landlords all struggle to maintain top positions in the polity. They lobby and influence policies and legislations in favor of ~~themselves~~ them. As a result, the citizens are systematically ignored

and their interests and problems are largely filtered in favor of these ruling elites. Pakistan has witnessed similar kind of lobbying in sugar and wheat subsidies, where industrialists were clearly prioritized over local farmers. It has not only posed a heavy stress on the economy of Pakistan but also has eroded the trust of general masses on the rule of law.

By the same token, lack of meritocracy is also a question mark on the effectiveness of the rule of law in this country. This system altogether shore up the system of patronage in this country, where the appointments to public offices are solely based on loyalty towards political parties. Such system is a huge question mark on the rule of law, where everybody does not have equal and fair access to the opportunities. It hinders public trust and completely erodes their belief on the legitimacy of state institution. This belief was manifested in PIDE survey, where most of the people agreed to leave the country given the opportunity. It shows that no one wants to live in this god-forsaken country that prioritize power over rule of law. To be exact, rule of law seems like an unbelieving tenth of this country.

In a similar vein, suppression of dissent is the most prominent fact of all the governments of Pakistan. Since its inception in 1947, all successive governments have added to the final stock of

Suppressions and repressions. The country seems like a playground in a hands of few ruling elites, where any opposition, criticism or dissent is met with severe crackdowns. The recent legislation of government on regulation of protests raises serious concerns over fundamental rights. Pakistan has steadily becoming a place where even the fundamental rights like peaceful assembly, association and movement are stifled. The freedom of speech, opinion and criticism are taken as terrorism by the state. Citizens, who observe such practice are labelled as traitors. Thus, it undermines the rule of law and is an absolute barbarism.

With suppression of criticism and freedom of speech, Pakistan has also observed long held norm of curtailing judicial powers. Ever since its independence, the governments have tried to increase their power through constitutional amendments. The notorious and controversial amendments, 3, 4 and 5, to the constitution of Pakistan represents a fact that the judiciary and the rule of law was never a priority for the leaders of Pakistan. Bhutto squarely tried to alter the power of judiciary to not question his extrajudicial practices by amending the articles. These amendments gave power to Bhutto for increasing ^{the} political victimization of opponents without judiciary intervention. Also, the arbitrary detention of detainees and increasing the days of ~~detention~~ detention without judiciary intervention was a blow to the rule of law. This is clear that

rule of law was not a priority of even populist leaders. Moving forward to the era of Zia and his Islamization, it can be clearly seen that undermining constitution and toppling a democratic government, with the nexus of judiciary, was a major setback to the rule of law. One can conclude that ^{the} rule of law was never a norm in this country.

Another manifestation of eroding rule of law is the surge in extrajudicial killings of blasphemy suspects. The people of Pakistan has started ~~to~~ taking the law in hands by resorting to illegal means. Maybe, they are aware of the ineffectiveness and long tedious processes of trial in courts, where the justice is never served but delayed. People have become aware of the fact that, in this country, justice is not only delayed but denied ^{too}. Therefore, they have resorted to illegal means of extrajudicial killings of blasphemy suspects. There are hundreds of such cases. From Sirkat factory manager to Jaranwal incident, swat and to the recent killing of doctor in Unarkot, the government has failed the rule of law and justice. They are just creating monsters fueled by lack of opportunities and rising extremism.

Similarly, another factor that undermines rule of law is media. The biased and controlled media has increasingly involved in crafting a culture of sharp polarization in Pakistan. With hundreds of

news media outlets, the growing interest of media ~~is~~ has become profits, views and rating over legitimate, honest and sincere opinions. The ^{serious} news is even presented in fragmented and spicy way so that the attention of audience can be ~~kept~~ gripped for the long. Moreover, ~~state~~ political groups have also started forming alliances with media outlets so that the one-sided, controlled and distorted reality can be presented to the people of Pakistan. On the world press freedom index, published by Reporters without borders, Pakistan lies on 152 out of 180 countries. This ranking paints a gloomy picture, which shows that media is certainly biased, controlled and not independent. It undermines ^{the} rule of law because such outlets misguide and distort the reality and her forces polarization in a country. This is absolutely against the democratic and rule of law norms.

In a same manner, the growing infringement of the fundamental rights of people ~~observed~~ is an evidence of weak rule of law in Pakistan. The rights granted by constitution of Pakistan are undermined and the citizens face infringement of their political rights. The world Justice project places Pakistan 128 out of 142 countries in fundamental rights observance. Article 9-28 grants fundamental and basic rights to the people of Pakistan, but one cannot observe the granting of any rights uninterrupted. There is a crackdown on the journalists by misusing PECA laws. Freedom of speech is stifled and the citizens, journalists, civil society organization faces a severe crackdown on

observing their rights. Recently, the civil society of Sindh were protesting against the extrajudicial killing of Dr. Shahawara. They were peacefully protesting by drawing the sufficient lessons from their ancestral history. But the state, with the misuse of section 144, imposed a heavy crackdown on them, thus making the rule of law crippled.

Now, it is clear that ^{why} rule of law seems like an impracticable myth in our country. The arguments discussed above highlights the potential abuse of rule of law through various political institutions. However, one can also cannot deny the fact that rule of law has significantly improved in Pakistan compared the last few decades. There are some hopes that outline that rule of law is not a distant, distant, a very near reality. The first and foremost stride in the improvement of rule of law is 18th amendment. It does not only ensured ~~the~~ civilian supremacy but also closed its door permanently to the military coups. This is the reason after the Musharraf's emergency in 1999, no such other coups are witnessed again. The civilian governments are significantly empowered through 18th amendment and political developments are also considerably improved. The 2008 general elections and the 2013 general elections mark the success of rule of law, when the power is transferred to next government peacefully and democratically. Thus, it paints a hopeful picture of rule of law in Pakistan.

With civilian supremacy through 18th amendments, the judiciary is also significantly empowered. After the Musharraf coup, the judiciary had seen a major blow out. But, the lawyers movement in 2007 significantly reshaped/restored the judiciary power. The era of Iftikhar Chaudhary is still remembered as the most powerful era of judiciary, when judiciary excessively used its judicial review and suo moto power for the dispensation of human rights and issuing contempt of court against constitutional violations. Similarly, the Panama papers case against Nawaz Sharif is also considered a development by many legal experts and analysts of Pakistan. It is because the rule of law was ensured against the power politics. The offshore company records and illegal accounts were questioned and the government was made accountable. In a some manner, Tishkhera case against Imran Khan is also considered a stride in improvement of the rule of law. Thus, strengthening of judiciary and increased accountability of power groups paint a hopeful and promising picture of the rule of law supremacy in this country.

Another significant advancement in the rule of law is evident in increasing accountability of corrupt groups. Actions against corruption is considerably improved in past few decades. The trial of Faiz Hamood, who was alleged of corruption is a major development of the rule of law. Similarly, the improvement of Pakistan ranking on Corruption Perception Index (CPI) is also the evidence of strengthening of rule of law.

in Pakistan. The culture of increased accountability discourages other corrupt groups from indulging in corrupt practices. It also hinders the rent seeking behavior in bureaucracy, while policies are often ~~not~~ manipulated for political interests. This makes it clear that the rule of law is gaining traction in Pakistan and any soon it will become a norm of the institutions.

Despite the given hopes, the gap is still widening. The rule of law is not a near peer reality in this country because of the current political landscape! The reports of human rights and United Nations organizations ~~are published annually~~ that are published annually place Pakistan at the bottom in every aspect. In ^{South Asia} ~~the~~, Pakistan only fares better than Afghanistan and is absolutely worst and deplorable in delivery of all basic fundamental rights. Then any other South Asian country, making it on a verge of rule of law erosion. All the hope is still not lost, ~~but~~ rule of law can become a reality and practicable truth by adopting true principles of democracy.

By empowering judiciary, the rule of law can be improved. For this purpose, the independence of judiciary must be ensured and no external political interferences should be allowed.

in the decisions of judiciary. The writs issued by courts must be implemented transparently. The government should prevent the institutional resistance to enforcement of writs. The political system of USA is a fine example of independence of judiciary and strong rule of law. Pakistan should draw lessons from the USA and should strengthen its judiciary by offering longest tenure and handsome salaries so that the justice is served without any ~~feared~~ reluctance of political collusions.

Similarly, the bureaucracy must be overhauled for strong enforcement of rule of law. Merit based recruitment, security of tenure and digitalization are the key reforms proposed for the sector of bureaucracy of Pakistan. It will strengthen the mechanism of accountability and transparency of government officials. Similarly, depoliticization of bureaucracy must be discouraged. They should be prevented from taking political pressures in their work. The goal of bureaucracy should be solely to serve public under the rule of law and nothing more than this. Therefore, reforms within ^{the institution and to prevent} bureaucracy is necessary to transform all illicit activities within bureaucracy. By doing so, rule of law could prevail in the country.

Another instrumental way to ensure supremacy of rule of law is allowing a culture of

constructive democracy. It means that disallowing the policies of leg pulling and destructive criticism that results in deadlocks and stalemates, polarising the political landscape of Pakistan. The government must encourage the system of criticism and political opponents must not be seen as rivals but as ~~as~~ independent checks on the functioning of government. By doing so, rule of law can be upheld and everybody ^{will be} presented with the opportunity to contribute fairly in the decision-making process of a country.

Lastly, the government must ensure independent checks on the media so that the media performs its role responsibly. Media plays a role of watchdog in democratic societies. Therefore, it must not be politically motivated and accomplice with the political groups. It acts as a mediator between government and people and gives voices to the destitute masses of the peripheries. Therefore, it is high time to turn tables on rule of law by effectively ensuring the role of media as a watchdog. By doing so, the path to achieving rule of law can be ~~secure~~ ~~secure~~ guaranteed.

In a nutshell, rule of law is the cornerstone of democracy and is substantial for the proper functioning of state's institutions. Unfortunately, the status of rule of law in Pakistan is quite

enigmatic. The rule of law seems like an impracticable myth in Pakistan due to several reasons. Corruption, abuse of power, lack of meritocracy and infringement of fundamental rights of people are evidence of its ineffectiveness. Similarly, suppression of dissent, rising extrajudicial killings and efforts to curtail independence of judiciary are a snare in a way of rule of law practicability. However, there are significant developments in past few decades that offer a glimmer of hope in rule of law. 18th amendment, civilian supremacy, increasing accountability of government through judiciary and actions against corruption are a few strides that offer a hope in the strengthening of rule of law in Pakistan. Unfortunately, the international and human rights report on Pakistan overall paints a deplorable picture of rule of law. It seems like strengthening the rule of law, judiciary and democracy are the panacea of all problems plaguing Pakistan. It is high time to turn tables on rule of law supremacy to steer Pakistan out of the crisis and dilemma of rule of law atrocity. Government must pay heed to this call and should substitute weak rule of law with strong rule of law. It will bring much relief to the grief-stricken institutions of Pakistan. In the other scenario, misery, barbarity and ruthlessness will continue to take its toll on the Pakistan.