

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

(i) Introduction

undeniably, Pakistan records extremely low in rule of law but this ^{can} be reverse by taking some concrete steps.

(ii) Understanding the Concept of Rule of Law

(iii) Rule of Law is an impracticable myth in Pakistan

3-A → strong constitution but weak implementation of laws, compromising rule of law in Pakistan

3-B → Institutional overreach undermines their capacity to ensure rule of law in the country

3-C → politicizing and weaponizing of accountability departments leads to selective justice, obliterating transparency

3-D → Low civic awareness as

As a result of low economic development, eroding civic sense of rights and duties

3-E → The existence of parallel justice system erases the importance of formal justice system

3-G → Elite capture reduces the space for youth, manipulating decision making in partisan interests

3-F → expensive and weak justice system limits poor class access to justice, compromising the supremacy of law

4:0) How to make Rule of law as a functioning reality in Pakistan

4-A → Depoliticising institutions through constitutional protection

4-B → Enhancing civic awareness through Education and incentivised campaigns

4-C → Strengthening justice system through structural reforms

4-D → Restructuring of the enforcement agencies by strengthening coordination.

5:0) Conclusion

Before hundreds of years ago when Human felt Survival threats, they decided to live together. This led to the formation of groups, societies, and ultimately to states. A new concept of the constitution emerged to ensure the harmonization of their co-existence. That constitution was consisting of both written and customary laws. The most fundamental among those laws - was the "rule of law." However, even centuries later, some states, like Pakistan, face the challenge of the rule of law, remains an impracticable myth. There are various causes for crumbling rule of law situation. Few among them are: weak implementation of law, institutional overreach, politicizing and weaponizing of the accountability departments and low civic awareness. Moreover, it also entail the existence of parallel justice system and weak judicial system. Despite all these challenges, it is possible for Pakistan to deliver high on rule

of low indices by following few suggestions. These suggestions include depoliticizing of the institution through constitutional protection and enhancing civic awareness through education and campaigns. Beside strengthening justice system, it also entail the re-structuring of the enforced agencies. Henceforth, undeniably, Pakistan records extremely low on rule of law indices, but it's only a few steps away from ubiquitous rule of law.

The concept of rule of law emerged during 19th century. It was given for the first time by A.D. Dicey. According to this concept no one is above the law. Law must be implemented evenly. Society and state

, moreover, it also implies that everyone is accountable before no matter of what their status is. Hence, rule of

law refers to the supremacy of law. As the concept of the rule of law has already explained, the following written up sheds light on the causes of rule of law crisis in Pakistan.

The first and foremost cause is the weak implementation of laws. Pakistan like all other states, has coherent constitution that addresses all the modern days challenges. The only thing it lacks is the implementation of the laws given by the constitution. Colonial mindset, bureaucratic red-tapism, diverging functions and politicized institutions collectively are responsible for the lax implementation of the rule of law. Until laws are not implemented evenly, the rule of law will always remain an impracticable myth in the country.

In addition to this, institutional overreach also undermines the rule of

law in Pakistan. Even though the 1973 constitution draws lines for institutional limits, they often found themselves in divergence with each others. Every institution in Pakistan often shows more interest in other institutions domains, leaving them in a perpetual state of war. For instance, the recent twenty-six and twenty-seven amendments by executive clearly demolish judicial independence. This made judiciary bond to executive, compromising judicial independence. Hence, institutional overreach is one of the causes for rule of law crisis in Pakistan.

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politicizing and weaponizing of accountability departments are another reason for the rule of law crisis in Pakistan. When institutions are politicized, they become a weapon used for the suppression of opponents. These not only undermines the rule of law, the supremacy of the constitution,

but also obliterates the democratic norms of the country. moreover, politicizing of the institutions starts when politicians start controlling + of the appointments and elevation + of ranks, weakening the meritocracy in the institutions. until these institutions get constitution protection, political intervention cannot be removed.

The appointment of chief justice of the supreme court and the chief election commission are cases on the points, reflecting how badly institutions are politicized and weaponized. Thus, the depoliticizing of the state institution, could ensure rule of law in Pakistan.

Moreover, low civic awareness is also a cause of the rule of law crisis. until public ~~not~~ become aware of their rights and duties, they remain easy prey to manipulation and exploitation. Besides, uneducated masses also cannot contribute to the development of the society. Unaware of

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their rights and duties, illiterate folks do not have access to justice as those of the elite class, further exacerbating the already worse situation of equality. Hence, rule of law crisis cannot be avoided until enhanced civic awareness.

Furthermore, the existence of the parallel justice system undermines formal justice system at great extent. This not only obliterate the supremacy of the law but also leaves hundreds of people in despair, weakening the rule of the law in the country. In Pakistan, parallel justice system exists in every east. Panchayath in Punjab, Jargho system in Pashtoon majority region, and Sardari justice systems in Sindh and Balochistan are the examples of the existing parallel system in Pakistan. Moreover, in these systems, poor often have to face uneven punishment while elite class in most of the cases enjoys

immunity and impunity. Hence, until these parallel systems are not rooted out, the rule of law in Pakistan would always remain an impracticable myth.

Also, Elite capture is a reason for rule of law crisis in Pakistan. Most of the parties high positions are held by some dynastic families, narrowing space ~~for~~^{of} political equality for youth. Besides, elite capture also exists in state's formal institutions. As a result decisions made by these elite often serves partisan and self interests rather than states. Consequently, the equality gap become more broader. They make laws in a way that indirectly provide them impunity and immunity from accountability. The twenty-sixth amendment to the constitution of Pakistan is a case to the point, reflecting the fact that how elite capture compromises the rule of law. Thus, rule

of law always sleeps when elite capture wake the system. Lastly, weak and expensive justice system is another reason can be held responsible for the rule of law crisis in Pakistan. When justice is expensive, it makes harder for the poor class to get access to justice. This often results in delayed justice which ultimately mean denied justice. The same is true of weak judicial system. Even when any-one manage the expenses, Pakistan judicial system often does not deliver on time, compromises the very norm of the democracy. Henceforth, where justice is expensive and weak, the rule of law cannot become a reality.

Despite all these drawbacks, the rule of law can become a living reality by following the below suggestions.

Depoliticization of the institutions is the first and foremost step

that will make rule of law in Pakistan as a divine reality. All the institutions, whether judiciary, executive, administrative and political are required to be depolitized. Appointment systems should be internalized, evaluations must be performative. Above all these, constitutional guarantees should be ensured so they would not fall back into the hands of politicians. Along with this, bureaucracy also needs to be depolitized, making them neutral administrative bodies of the state. Therefore, depoliticizing of the institution is the very first step to take to ensure the supremacy of the law in Pakistan.

Similarly, spreading public awareness is another step helpful in making the rule of the law in Pakistan as a reality.

Educational curricula needs to be redesigned to include civic education in all levels. Moreover, as the use of social media has become ubiquitous since last two decades, effective state

sponsored campaigns of civic-awareness will help in educating those who have no access to formal education. These campaigns need to include all the rights and duties information. This will be boost through private organization engagement. Thus, civic awareness is prerequisite for a living rule of law in Pakistan.

Apart from this, restructuring of the law enforcement agencies another much need step, important for rule of law. These law enforcement agencies, particularly the police force is responsible for the implementation of most the laws, regulating society through their constitutional mandates. However, in Pakistan, the police force operates on the same roles set by colonial masters. It inspite of serving public serves masters. For this, structural reforms are of the utmost importance. Leading rules and recruitments procedures must follow meritocracy. Hence, restructuring police force and other law enforcement agencies

are important for making the rule of law an achieved reality.

To conclude the discourse, undeniably it is true that Pakistan records extremely low when it comes to rule of law. There are various factors contributing to this crisis. These factors range from weak implementation of the laws to institutional overreach. It also entails politicizing and weaponizing of the accountability institutions and low civic awareness. Despite these challenges and entrenched issues, the prevalence of the rule of law is still not an impracticable myth in Pakistan. It is only a few steps away from a living reality of the supremacy of the law.

These suggestions include depoliticizing of the institutions, limiting institutional overreach, enhancing civic-awareness and last but not least is restructuring of the enforcement agencies. Hence, taking these steps with political will will ensure rule of law as living dream in Pakistan. Time = 2 : 30 min total