

Question #3

Trajectory of Democratic Periods in Since 1971

Introduction

Pakistan, being a transitional democratic country have faced many changes throughout its democratic evolution. The delays in constitution making paved the ways for non-democratic forces. However, since 1971, Pakistan lost half of the country eastern part, due to multiple political problems as well as Indian conspiracy. Meanwhile, this separation have casted havoc upon the democratic conduct and history of Pakistan. Throughout the history of 75 years, there are continuous military interventions remained in front of the

evolution of Pakistan. However, with the passage the country's political cloud have learned many things and made some important constitutional amendments to block their ways to avoid interruption in democratic process. Since 1971, the country has witnessed 9 democratic governments till today and have brought important constitutional development including 18th amendment, 19th etc.

Let's discuss the overall democratic evolutionary period with important political and constitutional developments.

Election of 1971

During the whole episode, the Awami League of Sheikh Mujeeb had won in majority from East Pakistan and P.P.P of Bhutto's won 88 seats. But the military man Gen. Yahya Khan restrained from the transfer of power to Mujeeb-ur-Rahman.

Which ultimately led the civil war in East and hence the separation of Pakistan happened.

Bhutto's Democratic Period (1972-77)

Zulfiqar Ali Bhutto's remained successful in gaining power, after the separation of East Pakistan. After which he took some historical steps including;

- i- Nationalisation
- ii- Humood-ur-Rehman Commission
- iii- Top Army brass resignation
- iv- Initiate Pakistan's Nuclear Programme

Developments After 1977

Election

After using the state machinery, Bhutto's won the election of 1977. The opposition parties alleged him of rigging. The nation wide

protests were launched by the then opposition. Resultantly, the then 'Military Man' again got the chance to impose "Martial Law" in Pakistan.

Gen. Zia's Period (1977-88)

During the whole scenario, the then COAS got support from populace and also from the then opposition parties. He introduced many robust measures and set became the reason behind changing the face of Pakistan.

Policies

- i- Execution of Bhutto
- ii- Hudood Ordinance
- iii- Afghan War

After his death during a plane crash near Bhawalpur, then a new democratic period again began.

Unstable Democratic Period (1988-99)

In the period of 1988-99, there were four (4) democratic governments came on the horizon and became the target of **Article 58(2)(b)**.

After the demise of Zia, Benzeer got the chance to rule over the Pakistan, but unfortunately became prey of 58(2)(b) in the hands of President Iskander Mirza.

Then after general election, IJI (Islamic Jamiat) led coalition government selected the P. M Nawaz Sharif, who also became the target of 58(2)(b). Which after intervention from the Supreme Court was restored.

In the whole period, the four govt. remained on political horizon and finally again a "Military Man" invoked the constitution and derided the overall process.

Musharraf Period (1999-2008)

Gen Mushraff was the last military dictator in the recent past. Who also became the part in the US-led part war against Taliban, who policies also gave deep damages to democratic process in Pakistan.

2008 - Today

2008-13 - P.P.P Govt.

2013-18 - P.M.L.N Govt.

2018-22 - P.T.I Govt.

2022-2023 - P.D.M

Important Constitutional Developements

18th amendment: Autonomy to the province.

19th amendment: Procedure for

the appointment of Judges

2nd: Military Courts.

Influence of Culture

Pakistan came on global map on the name of Islam. Due to which many political as well as Military man used the Islamic Mantra for consolidating their policies over the populace of Pakistan. However, due to natural resistance towards autocracy in Pakistan people, they mostly remained on the front line against Military Man whenever required.

Islamization By Zia

The Military dictator used the Islamic slogans to strengthen his rule over the people. But faced

resistance from people atleast in
the form of Movement for
Restoration of Democracy.

Islamic Rhetoric By Political Parties

Many seasoned politician used
to invoke people on the name
of Islam and remained unfortunately
successful in invoking the sentiments
of general people.

Nawaz's Govt. Sharia Law

J. U. I Islamic Mantra

J. I Islamic Democracy
vision

Imran Khan Slogan for "Riyasat
Madina"

All these people used the Islamic

Islamic flavor in their own interests.

Influence on Democracy

- a. People's Agitation from democracy
- b. Mammoth Support for autocratic rule due to lofty promises.
- c. Absence of consensus among politicians have casted havoc upon democratic process in Pakistan.

Conclusion

Since 1971, Pakistan's democratic process have faced many ups and downs, which involved the military direct as well indirect involvement. But, many times military dictator remained unable to gain popular support for large time and ultimately

democracy prevails. Many times both Military Men and politicians used the cultural influence of Islamic law for strengthening their roles. But often, got caught by the public. However, the good thing is from 2008 to till today, army and any other non-democratic institution remain away from direct intervention. There is a need of hour that the politician should now develop a consensus to avoid indirect involvement of them through constitutional amendments.

Q#1

Constitutional Amendment

Introduction

Pakistan being a developing country has faced many transition in the landscape of country interests

Constitutional, legal and political. The ups and down in the political history backed by constitutional and legal development have remained the top priority amongst country's policy makers. Many regional based government came in flower since 1971 especially, who depending upon their relations with the security establishment have introduced different types of amendment which primarily have become their face in the populace at large. However, more work is required in all of these mentioned areas.

Let's discuss firstly the important constitutional amendments.

8th Amendment

The country's historical robust amendment, which became the reason of many political and legal upheavals.

It gave the authority

to the President due to which four times democratic government faced Challenges. Which later on was replaced and discretion was solely given to Prime Minister.

At target

P.P.P Govt
P.M.L(N) Govt

14th Amendment

The country's political landscape was robustly changed after the introduction of 14th amendment. Which particularly worked about 58(2)(b) and re-rendered the authority to P.M for dissolution of assembly.

18th Amendment

The most crucial, required, demanded and pivotal amendment came in 2010 during the regime of P.P.P. It has finally changed the interaction of federal and provinces. Under this amendment

The crucial development was the autonomy given to provinces by removing subject in Concurrent list of constitution.

19th Amendment

The whole amendment is concerned about the appointment of judges. Under which there would be 16 judges at Supreme Court and 1 Supreme Judge. Also the Provision has given for the appointment of 4 High Court's judges as well as 1 Islamabad High Court Judge (Chief) with other 7.

21st Amendment

Sanction was provided or a legal cover was provided to Military Courts for the period of two years. The M. Army Act 1952 was replaced with 2015 and all the offences mentioned in schedule of Pakistan Protection Act 2014 were included.

in army act including 1997 anti-terrorist act.

Legal Framework

There was disputes amongst various people at various forum about the appointment of Chief Justice of Supreme Courts, High Courts and other judges.

The introduction of 19th amendment have expedited the justice system by providing Constitutional cover, under the umbrella of democracy to avoid any further escalation.

Political Framework

As a play of musical chair was played under 582(b), the introduction of 14th amendment has placed barriers and ensured the political transparency.

Similarly there was widespread agitation among the Orissas. Which was handled with

the provisions of 18th amendment.

Critical Analysis

The overall political history of Pakistan remained under immense pressure. But due to above mentioned amendments, it has become possible for politicians to avail the chances for democratic conduct. In this the country's progress and prosperity can be ensured.

Conclusion

As Pakistan is a transitional democracy, where the overall conduct of politicians also remain subject for many un-democratic forces.

Despite the facts, the overall progress of democracy remains high in the constitution of Pakistan.

People's consent is the paramount for bringing any changes, which the democratic governments can

only bring. Which has happened
in the case of Pakistan and
the legal as well as political
framework is now going without
direct intervention. Which can be
helpful democratic progress and
prosperity of country, which is
directly linked with the people
of Pakistan.

