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An Investigation into the Challenge of Institution-Building in Pakistan and its Impact on Democracy

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ABSTRACT

This article examines Pakistan's inability to develop a strong, sustainable, and dynamic institutional framework that can not only effectively deal with societal issues but also provide a favorable environment to develop a functioning democratic system. Simply put, there exists a structural discontinuity in Pakistan that has hindered any meaningful movement towards achieving that highly desired goal—a strong and stable democratic polity. The situation is exacerbated by the existence of an institutional imbalance between major state institutions, i.e., the legislature, judiciary, executive, and military bureaucratic apparatus. All this has, in turn, led to the alienation of the smaller provinces as they feel underrepresented in important state institutions—that is tantamount to their effective exclusion from important decision-making bodies. Not only that, but there have also been governance issues in Pakistan, as state institutions have been consistently underperforming in providing public goods and services since 1947. This failure of state institutions has also provided an enabling environment for non-state actors, i.e., militant organisations, to get hold of some state territories and provide public services, such as administering swift justice and maintaining law and order. There is a need for holistic structural reforms in Pakistan, the aim of which is to put in place a well-functioning democratic system whereby people can articulate their aspirations and demands without fear or favour and where governance issues are effectively addressed at all levels of government. The overall aim of every reform effort needs to be to achieve a balance among different institutions and establish civilian supremacy. The study has employed the institutionalist theoretical framework in order to explore the issue of institutional imbalance in Pakistan. In terms of research methodology, this qualitative study is based both on primary sources (official policy documents, etc.) and secondary sources (books, articles, etc.).

Introduction

“The past guides the future”. This quote is as much true for an individual to make rational choices with his furnished past experiences as for nations who shape the future of their countries in the light of past historical experiences. The past leaves an inerasable imprint on the future of a nation. So is the case of Pakistan. Since its inception Pakistan has been struggling to achieve a balanced institutional mechanism and a functional democratic system because the institutions of bureaucracy and army, established chronologically earlier than representative institutions due the sensitive nature of the area now constituted Pakistan, have appropriated greater space in shaping the contours of the politics in the state of Pakistan. Both institutions despise the idea of devolution of authority and try to impose a bureaucratic-authoritarian system from above making the masses irrelevant in policy formulating process which is the fundamental norm of

democracy. All this have only degraded and undercut the civilian framework of authority but also have fostered a sense of alienation among the three provinces of Pakistan (Sindh, KPK and Baluchistan) as they conflate the state of Pakistan 'Punjabistan'. To counter the onslaught of center, the disgruntled politicians, general public and militant elements of the provinces resorted to nationalistic narrative and in some instances led to a militant struggle against the state authority. Before analyzing the factors responsible for unbalancing the institutions power and capacity and its impact on governance issues, it is necessary to have a cursory understanding of the British colonial administration system which would later leave a significant impact on the politics of the post-colonial state of Pakistan.

British Administrative System

Britain, after taking over India completely in 1957, began the transformation and the overhaul of the Mughals administrative system and devised a set of rules and procedures to control the subjects of India. These rules and procedures were intended to diminish any attempt of rebellion and insurgency. They introduced a system of governance through constitutionalism along the lines which they themselves had achieved in an evolutionary way. To keep their rule intact they relied on institutional response to the pressures rather than relying only on adversarial (military) approach. The governance structure of the British is discussed in the following sections.

Paternalistic Bureaucracy

The considerable territory gained by the British led them to devise a mechanism to govern these territories through trained civilian functionaries. Thus, the establishment of Central Superior Services and Indian Civil Services played an important role in holding together the British Empire. The imperative of this system manifests in T. B Macaulay's minute on education India on February 2, 1835:

We must at present do our best to form a class who may be interpreters between us and the millions whom we govern; a class of persons, Indian in blood and color, but English in taste, in opinions, in morals, and in intellect. To that class we may leave it to refine the vernacular dialects of the country, to enrich those dialects with terms of science borrowed from the western nomenclature, and to render them by degrees of fit vehicles for conveying knowledge to the great masses of the population (Sarfaraz Hussain Ansari & Bajwa, 2019).

This governance structure of the British India was different from the former Mughal administrative system. The most important change occurred was the unilinear pattern of authority, moving from top to bottom, was replaced by multilinear pattern of authority where structural components could influence and did influence policymaking at the relevant levels. The second important feature of the British administrative system was the

replacement of personalistic command structure, where king ruled according to his whim and the source of legitimacy was religion, higher ethnic and tribal origin, by a new system of government which objectified rule of game in term of legality (Waseem, 2007). Structural differentiation played an important role in the consolidation of bureaucracy as bureaucrats at the lower level of the bureaucracy challenged the supervisory bodies. System of dialogue and negotiation solved issues between them. Members of ICS played important role in the policy formulation at the provincial and central Secretariat and administration at the district level. Governors of the Western part of British India, now Pakistan, also came from this service. The impersonal bureaucracy beside administrative function also performed political functions, as Deputy Commissioners and Magistrate at the district level had been given the duty of maintaining law and order, revenue collection and dispute resolution to make sure that people are law abiding and loyal to the British government (Sarfaraz Hussain Ansari & Bajwa, 2019).

Their political and administrative skills were dependent on a combination of force and persuasion. For health, construction and education as well revenue remission and lending loans people looked to the DCs as these functions were placed under the supervision of the Deputy Commissioners at the district level which seriously undermined the role of politicians as representative of their constituencies (Sarfaraz Hussain Ansari & Bajwa, 2019). The High officials of paternalistic bureaucracy came from Britain but other officials to a greater extent inculcated from the local peoples. Paternalism was the result of the generalist, humanitarian and philosophical education which inculcated the spirit of leadership among them (Waseem 2007).

Their recruitment was based on merit which replaced the erstwhile system of caste-based distribution of functions and responsibilities. As Waseem rightly notes that "the state was guided by the public interest as conceived by the guardian bureaucrats, who distrusted the public will as being irrational and uninformed. Procedural safeguards were established to prevent any infringement on the bureaucrats' monopoly over articulation of public interests by the non-officials. These measures not only conserved the institutional ethos of the bureaucracy which controlled various key posts in government departments, but also nurtured in it attitudes of aloof superiority to the masses. The bureaucrats' anthropological vision of the Indian civilization encouraged petition-mindedness among the people who looked up to them as representatives of an omniscient government. On the other hand, the bureaucracy considered the half-educated "destabilizing" urban elements, who aspired for a share in running the government to be "totally incapable of ruling and (who would not for an instant be tolerated by the people of India as a whole). In other words, the government defined its own role in terms of an

altruistic concern with the uplift of what it considered to be the caste-ridden, religiously divided, illiterate, warring and superstitious masses” (Waseem, 2007).

This legacy led to the underdevelopment of legislative institutions and the overdevelopment of bureaucratic and ‘securocratic’ institutions in Punjab, including the NWFP, as they were non-regulation provinces and any attempt of the locals for representation was looked upon with great suspicion as they had been considered incapable of knowing their own interests.

Introduction of Representative Institutions

The growing middle class of India during the last quarter of the 19th century necessitated their accommodation in the business of the state. The imperial authority of the British did this through the indigenization of civil services and representative institutions. The recruitment of local people into service was carried out through strict process of merit irrespective of casts and creeds evident in the enactment of Indian Civil Service Act of 1861. But soon after, various measures were taken to close the doors for the Indians. The creation of Statutory Service in 1879 by the British government to be filled through nomination significantly frustrated the educated middle class who were denied entry into the service on merit base but was hailed by the Muslims as they saw it an opportunity to get some representation in bureaucracy (Waseem, 2007). All this opposition to merit happened due to the growing pressure from provincial government, especially from the feudal section who were wary that their traditional role will be replaced by the free-wheeling educated class and the process of nomination handed the British an opportunity to favor selected group.

For the association of middle class into the affair of the state arouse in another, even more crucial context, namely the legislative power. The need of institutional arrangements for such articulating local interest in representative bodies was stressed as early as 1859; the costly and myriad system of judicature, separation of power, indiscriminate dispensation of justice was taken by bodies like British Indian Association in three presidencies (Waseem, 2007). The government responded to radical elements by devising ways and means within the existing framework of the state. The Indian Council Act 1861 made provision for the administrative setup of India. It demarcated the power of Governor-General and its council as the Governor General was bestowed with the authority to nominate members of his council in addition to five members of which three to be appointed by the Secretary of State with the approval of his respective Council and two by the Crown, one being a barrister and the other Commander-in-Chief. The council was conferred to make, alter, amend or repeal any law and regulation for India subject to the assent of Governor General. Composition of the Council of Governors was also made in the presidencies of Bombay, Madras and Bengal (Khan, 2017).

The Indian council Act of 1892 and 1909, which extended the

Governor General's council additional members that Indians to be included in it, had been cognizant moves to accommodate the local people. It provided the Muslims an opportunity to have say in the affairs of the state and to get some benefits for its marginalized community as it had received the brunt of the War of Independence. To be members of the Governor General's Legislative Council, they ardently advocated Muslims' demand for separate electorate in the local self-government institutions created by Lord Rippon (Khan, 2017). Members of these councils could move resolution related to taxation and matters of significant importance. Indians' elevation to such Councils was done either through nomination or election. Election was indirect and qualification was property and education. The Minto-Morely reforms of 1909 and Montague-Chelmsford reforms, published in 1918, had all been reflections of Indians discontent and desire for complete self-governance (Syed, 1960).

The Montague-Chelmsford reforms provided complete popular control in local bodies, steps to be taken for responsible government in the provinces, to make Indian Legislative Council more representative and relaxation of control of the Parliament and the Secretary of State over the Government of India and the provincial government (Khan, 2017). The Government of India Act of 1919, the introduction of diarchy operated from 1921 to 1937 divided the executive powers into two parts in the provinces, one responsible to the legislature and the other responsible to the British Parliament and subsequently the Government of India Act of 1935 further consolidated the Indians desire for self-government and the British long-held ambition to introduce Westminster style democracy in India which was completely different from the pre-colonial structure of governance.

Royal Indian Army

The colonization of India had been done by the British through diplomatic maneuvering, deceit and military force (Niaz, 2019). Military had been pivotal in establishing trading posts in the three presidencies of Bengal, Bombay and Madras. The Bengal Presidency Army of the East India Company had been instrumental in the defeat of Nawab Siraj-ud-Dawla, the Nawab of Bengal, in the Battle of Plassey in 1757, and finally obliterating the Indian army rebellion which the native people call as 'War of Independence' in 1857 (Sandhu, 2011). At the initial stage British needed army only to protect trading outposts and factories. The number of soldiers in any trading post was tiny under the command of the Company, often not more than a few hundred. At that time keeping large number of forces was unnecessary and could have been an economic burden as its arming was expensive.

The need of strong and effective military was necessitated during the period of 1686 to 1690 when the Company sent a delegation to the court of Shaista Khan, the then Governor of Bengal, to obtain permission to allow the Company to trade all over the empire. But the Company office in England broke off the

negotiation which angered the emperor. British decided to send a strong fleet to bombard the Chittagong and Madras but met with disaster (Niaz, 2019). Aurangzeb's army fortified their trading posts and reduced the British possession to the ports of Bombay and Madras. By 1689, a Mughal fleet blockaded the Bombay and by 1690 the British surrendered.

The Company was forced to sue for peace, to which the Aurangzeb agreed with the assurance that they would behave themselves in the future and would avoid such shameful activities. He also imposed fine on the presumptuous elite (Pannikar, 1959). According to Ilhan Niaz that the struggle ended in a draw inasmuch that the British continued their economic activities but it had significant impacts on the imports and exports of the British as well as on the Mughal. It would have been very easy for the Aurangzeb to execute all the Englishmen but he took a wise move to allow the British to continue their economic activities as he needed silver and gold to get rid of the Marathas who had been in rebellion with the Mughals. He also allowed the British to establish a trading post in Bengal.

However, from 1690-1740, the EIC completely diverted their attention to trade and investment and had obtained *firman* to trade all over India by 1717 following the instability caused by Alamgir's death. Still the Company kept the number of soldiers low and reduced their activities to protecting the posts but the presence of French East India Company in India presented serious threat to the vesting interests of the British. It was a state-owned enterprise interested in private investment and its Governor General in India; Joseph François Dupleix was enterprising and aggressive. They possessed unity of command unlike British who were unable to unify their possession under a single authoritative figure.

The French were also interested to interfere in the interiors of India to acquire land and seize India's revenue. Aware of the intention of the French, British organized and expanded their army by training the Indian along the similar style of warfare (Niaz, 2019) officered the European under the leadership of Robert Clive (Sandhu, 2011) to fight the Dupleix. By 1754 French timid government recalled Dupleix home, where he died in poverty in 1763, to avoid further hostilities. The French humiliating defeat of British in Canada stripped the French from its possession in North America and India.

British adopted the policy of French to acquire land and seize the revenue to pay for the expanded military that numbered about 3000 by 1756. From the Battle Plassey, British began to extend their military to protect continental territories and acquire more revenue. Their number rose to 30,000 by 1760s and 70,000 by 1770s respectively. In 1857 the Company military, divided their forces into three presidency armies (Bombay, Madras and Bengal), stood at more than 300,000 strong largely consisted of locals because of the hostile climate (Niaz, 2019). What encouraged the recruitment of

locals was:

what made the Company's service really sought after was the regular payment of wages, the pension benefits, and other rewards enjoyed by its *sipahis*. In the armies of the Indian states, the soldiers' regular complaint was that their salaries were always in arrears. In comparison, the Company soldiers were better off because they had the advantage of being regularly paid every month. Moreover, The Company *sipahis* were at times granted extra allowances either in cash or in kind or both. As they were not recruited for general service, special volunteer corps were raised from amongst them whenever required, to proceed on a sea voyage and they received an additional allowance.

Besides, whenever they were sent outside the Bengal Presidency, they could secure a family certificate by which a certain portion of their salary was paid to their family every month. Apart from this the Company's pension benefits were novel and attractive to the soldier, promising him and his family a great deal of security after he left the service. Every soldier who had served for a minimum of twenty years was eligible to receive a cash pension at the rate of three rupees per month (Alvi, 1998).

Indianization of the military (Sandhu, 2011) solved the problem of discipline and mutiny as they were completely loyal to the crown. Had not they been forced to convert to Christianity and the policy makers not pushed by the doctrine of lapse and paramountcy; there would have been no rebellion in 1857. Even though at that time they remained loyal to the Crown and the rebellion was largely confined to the sepoys of the Bengal army (Niaz, 2019). Reforms were introduced in the Indian military and administration when the rebellion was crushed. Change of recruitment ground from the presidencies to the north-west India, no further expansion of territory, discouragement of religious proselytization and encourage of apolitical outlook, civilianizing of the police and administration and emphasis on professional outlook the military had been changes of significant importance introduced by the British.

During the World War I and World War II Indian army became the largest volunteer army in the world and its number increased tenfold during the two world wars. They served in World War I in Egypt, Palestine, Persia, France and East Africa and in Burma, Malaysia, Iraq, Abyssinia, Syria, North Africa, Hong Kong and Italy during the Second World War (Sandhu, 2011). During these wars, demand for reforms like introduction of democratic system, expulsion of the British when India moved toward self-rule added a political dimension that was to be done with the British Indian army. The recruitment of the Indians to the officer rank also gained momentum. The British policy to ensure that officers are not indulged in politics and arming them to command thousands of troops imbibed a sense of professionalism in the army which prevented rupture during the time of crisis like World War II and

partition (Niaz, 2019)

Institutional Imbalances and Democratic Downslide in Pakistan The Role of Institutions from S. P. Cohen Perspective

Before analyzing other causes of institutional imbalance, it will be appropriate to discuss Stephen Cohen's views regarding the role of institutions. Stephen Cohen makes several assumptions about the role of institutions. He argues that it's not necessary that the role of institution in state building will always be positive as some institutions corrode and destroy the very structure which gives them purpose and meaning. Institutions play significant role in molding the perceptions of citizens as they are not value-free and influence their choices. According to the principle of Aristotle that state and its apparatus have a duty to and mold its citizens. Moreover, politics everywhere rests upon a mix of consent and coercion. The lack of consent will ultimately lead to the use of force through military and police as Clausewitz argue that force is the continuation of political activity by other means. His third assumption is that institutions of the state are not autonomous but rest on a broader political culture.

Change in the political culture may lead to confrontation between institutions as it will favor one institution at the cost of other. Pakistan, he argues, has proven inefficient to manage the relative power of state institutions- especially the military versus parliamentary structure. Pakistan has failed to function as a British-style democracy because inter-wing and interethnic conflicts were too powerful to be contained by such polite system. Furthermore, the historical trajectory of Pakistan major civilian institutions (political parties, judiciary and bureaucracy) would seem to describe downward curve. Civilian institutions are in disrepair except bureaucracy which somehow has managed to preserve its organizational identity if not all power because of its close association with military. Based on these evidences one can describe Pakistan can be said to be undergoing de-institutionalization.

However, the failure of Pakistan political parties and its leaders gave an excuse to the military to overthrow the existing political system as the politicians were unable to give Pakistan a constitution. The failure of political parties can be traced back to pre-partition period. Muslims League has assumed itself to be the representative of the Muslims of India and many of its leaders immigrated to Pakistan and their mass base remained in India. This and the incipient personalistic quality of the party led to the League rapid decline as a political force (Cohen, 1987).

Causes of institutional Imbalances

The widely held perception that Pakistan and India inherited the same institutional structure implanted by the British but Pakistan has failed to achieve a stable and vibrant democratic structure like India is a mistaken assumption. Ian Talbot proposed a different and a reliable view that Pakistan, especially West Pakistan, inherited the most sensitive and underdeveloped areas (Talbot,

2012) of the British India where security and the maintenance of law and order was prioritized over the establishment of representative institutions (Waseem, 1997). A tradition of paternalistic authoritarianism was promoted in these areas where Punjab dominated the front seat to control its associated areas of NWFP (now KPK), Baluchistan and Sindh because it was a fertile ground for the recruitment of most of the officers of both military and bureaucracy.

As discussed above to keep a strong hold over these territories, ample discretionary powers were bestowed upon the military, bureaucracy, and the culture of "Viceregalism," the term coined by K.B Syed (Syed, 1960), was promoted which became the hallmark of this authoritarian governance, later on bequeathed to Pakistan. The introduction of representative institutions was delayed in these parts because of the strategic location as it was used as a buffer zone to contain the Czarist Russia imperialistic ambitions because it was the only power armed with both military and technological capability to present a threat to both British interests and its colonial role. To get rid of this threat and to have an efficient and vibrant geostrategic plan to keep their interests in safe hands they delayed the introduction of representative institutions and passed draconian acts like Frontier Crime Regulation (FCR), which according to Waseem was the one of the brutal wings of the legal edifice of British India, to silence any dissent voice against British discriminative attitudes, unfair treatment and brutal laws.

Unlike post-colonial India, where representative institutions were introduced much earlier and had become institutionalized, the north western part of this empire was denied the same privilege under the guise of the sensitivity of the areas as Simon Commission in 1929, commenting on why NWFP was denied the right to have representative institutions explicitly argued that the strategic location of this area make it unsuitable for self-government (Talbot, 2012). The introduction of representative institutions was delayed as evident in the erstwhile NWFP where public unrest in 1930-32 (Syed, 1960) made the introduction of representative institution possible in the Frontier. In the case of Baluchistan, right up to independence, only Quetta Municipality enjoyed the privileges of electoral politics. Chronologically old institutions, according to Huntington, are more institutionalized than those which are introduced later.

The longevity of the existence of an institution and its procedures significantly amplifies the survivability chances of those institutions in contrast to the newly established one (Huntington S.P, 1996). The chronological old existence of the army and bureaucracy in the western part of British Empire gave both institutions an upper hand in controlling the Indian society than those of the representative institutions. Princely states, which had not yet been acceded to provinces till 1950s, had been increasingly

brought under the control of military and bureaucracy in the name of security. The colonial mindset of both military and bureaucracy survived the onslaught of democratic ideals due to the complicity of the state with their action. The 1935 Indian Act bestowed provincial autonomy to the provinces but the desire to centralize the authority of the state overrode the prospect of decentralization of authority as evident in the constitutional safeguard given to the governors to not only veto all legislation but could arbitrarily dismiss any elected government (Waseem, 2007).

The legacy of this practice continued after partition when a seasoned bureaucrat Ghulam Mohammad was elevated to the position of Governor General of Pakistan, after the death of Liaquat Ali Khan, dismissed the Nazimuddin government in April 1953 under section 10 of the 1935 Act. He also dismissed the Constituent Assembly on 24 October 1954 as the assembly tried to assert its power in the shape of repealing the notorious Public and Representative Offices (Disqualification) Order popularly known as PRODA (Khan, 2017).

The aim of the act, passed in 1949 by Liaquat Ali Khan, was to obstruct the culture of corruption and the abuse of power. It authorized the Governor General and Governors of the respective provinces to hear the complaints and conduct an inquiry commission comprised by judges of the High Courts to trial those accused of maladministration and corruption. The second factor, which consternated Ghulam Mohammad, was the amendment of sections 9, 10, 10A, 10B of the Government of India Act of 1935 which deprived the Governor General of his power to dismiss any minister who no longer holds office during his pleasure and empowered the federal legislature to make ministers responsible to the parliament (Khan, 2017). The fear of losing power prompted the Governor General to dismiss the cabinet of Nazimuddin and the Constituent Assembly respectively.

Pakistan's "bureaucratic" center had been deeply suspicious of the activities of "political" provinces in the early days of independence and still continues its suspicious mindset and its quest for the centralization of power in the hand of executive was realized in dismissal of ten provincial governments during the period from 1947 to 1958. The desire to centralize power was also shared by the Nehru of India and Jinnah of Pakistan but the consciously aware and wise Nehru took the policy of inclusion of local leaders in the affairs of the state. In contrast to India, Pakistan, dominated by the migrants, inaugurated its policy of mistrust of the local leaders like G.M Syed of Sindh, Bacha Khan and Dr. Khan Sahib of NWFP and Khizar Hayat Tiwana of Punjab who had operated from the platform of parties other than Pakistan Muslim League (Waseem, 2000).

This security-oriented migrant-dominated state with imbalance, asymmetrical and lopsided developed institution left its imprints in the shape of bureaucratic control and repeated military

interventions which left the prospect of achieving an inclusive, vibrant and a stable democratic political system where the legitimacy of the government shall be rested on the wishes of peoples rather than elites. In the upcoming section we would explain factors responsible for the dilution of Pakistan democratic trajectory in detail.

Causes of Pakistan's Failed Experience with Democracy

During the first decade of its existence Pakistan had been struggling to frame a constitution for the country and establish a stable democratic system which the leaders of the nation envisioned. But all steps taken in that direction didn't bring any result and plunged Pakistan into a state which initiated the process of military control over the state affairs. The underlying causes behind the failed democratic experience are the following:

The role of Muslim League and Bureaucracy

As discussed above, the uneven, lopsided and asymmetrical development (Alavi, 1990) among major state institutions of Pakistan immensely contributed to Pakistan's glide towards authoritarianism and dictatorship often led by military which portrayed itself as the only institution possessing the capacity to protect the country. Pakistan movement was led by people belonged to Muslims' minority provinces of India but the state that they achieved in the North West and North East was Muslims dominated provinces. The idea of two nation theory employed by these people did not get the attention of the people of the respective territories of the then West Pakistan constituted NWFP (now KPK), Sindh, Punjab and Baluchistan at that time (Talbot, 2012).

According to Ian Talbot, Pakistan was given as a gift by the Britishers and had not been achieved through mass mobilization. The lack of institutionalization of the League and its mass appeal is reflected in the figure of their membership in the areas now constituted Pakistan. The membership of League stood in Punjab at 150,000 whereas it was much lesser in Sindh with just 48,500. Factional fighting within the Frontier League prompted an inquiry by the All-India Committee of Action in June 1944 which admitted that 'there was no organization worth the name in the province' (Talbot, 2012). This shattered the League claim as the only and viable representative party of the Muslims. Reliance of the League on the power of the local elites instead of employing strategies which could have been appealing to the masses in their struggle for Pakistan undermined the party loyalty and discipline. The lack of awareness of the Muslim elites of the sensitivity of these areas further complicated the situation.

Migrants besides dominating Muslim League had also dominated bureaucracy and military. They were aware that an open democratic system will end their hegemony due to the lack of its constituency from where representative could be elected. They resorted to continue the utilization of executive power even the

father of nation dismissed NWFP provincial assembly after seven days of independence. The precedent set by the Quaid-e-Azam followed by the seasoned bureaucrats and military officials elevated to high posts in the shape of Ghulam Muhammad and Iskandar Mirza who dismissed provincial assemblies and a Constituent Assembly dominated by the local people in 1950s, and even abrogated the constitution of Pakistan which operated only for two years. All this happened due to the fear that asserting the supremacy of the parliament would have end to the migrant-dominated setup which they maintained with the collaboration of bureaucracy and military (Waseem, 2000).

Pakistan had failed to restructure the interim constitution to deprive the Governor General of its discretionary powers and make a constitution while on the other hand India had been successful in both restricting the Governor General power and making a constitution of their own within the first two years of its independence. Pakistan continued to rule the country through the 1935 Act which had subordinated parliament to the Governor General and Governors. The result was lopsided, uneven and asymmetrical development of institutions in which the bureaucracy and army became overdeveloped (Alavi, 1990) at the expense of civilian framework of constitutional authority where parliament was subjected to executive control.

The Influential Role of the Army and its Emergence as a Parallel State

From Huntington's point of view as discussed above that chronologically older institutions will be more institutionalized and would entail the capacity to accommodate with the vicissitudes of situation and circumstances (Huntington S.P, 1996). So, the military institution after the partition has emerged as a real stakeholder in shaping the politics of Pakistan through various ways. The top brass of military, when partition took place, was dominated by both *Mohajir* (migrants) and Punjabi. The migrants lacking the constituency deliberately opted for an executive dominated state where power will be centralized in the hand of center and subnational identities would be replaced by an all Pakistan-based national identity (Waseem, 2000).

The reason behind military as a powerful actor in the decision-making process was the Pakistani-elite perceived threat of India in the backdrop of the ongoing conflict in Kashmir. Kashmir's decision of accession with the Indian State flared anger among the Pakistan stakeholders and decided to send a group of tribal fighters to accede Kashmir forcefully. They partly succeeded in their mission and achieved the present Azad and Jammu Kashmir (AJK). But the Pakistan fear of India that it would undo Pakistan further enhanced the role of military and kept the Bonapartist tendencies alive (Waseem, 2015) which manifested themselves in the 1965 war, the 1971 shameful defeat of Pakistan Army which resulted in the emergence of Bangladesh as new state, the 1984 war over Siachen

and 1998 war of Kargil (Waseem, 2011).

To keep the state intact, the military prioritized presidential form of government over the parliamentary as they conceived the decentralization of authority as hazardous to the security of the state. Politically, military has been following a Unitarian approach to politics and focusing on the leadership factors on the top instead of participatory factor from the below. President equipped with enough power could lead the nation to its destiny. This vision of military was materialized by Ayub Khan when he dismissed the civilian government and the parliamentary form of government was replaced with presidential one. This pattern was later followed by Yahya Khan; Zia-ul-Haq who ruled the country from 1977 to 1988 and by Musharraf when he dismissed the civilian government of Nawaz Sharif and ruled the country from October 1999 to 2008 (Talbot, 2012).

The continuous deterioration of the authority and authenticity of constitutional state by the military elevated it to the supreme political agency of the state. They dissolved the National Assembly four times (1958, 1969, 1977, and 1999). The Ayub government had tried their best to keep the parliament weak by curtailing its powers; Zia renamed the National Assembly with Majlis Shura (Advisory Committee) and lowered its status merely to a consultative body to serve the president (Waseem, 2011). Series of amendments were made to empower the presidents to dissolve the parliaments and had been used by the military through their proxies in 1990s to dismiss the civilian governments of Benazir Bhutto and Nawaz Sharif respectively. This institutional imbalance between military and parliament tilted in favor of military. Parliament capitulated to the army in matter of policy and strategy.

Military rule also institutionalized the culture of election fraud and rigging by changing 'rule of the game' to hold election through referendum and placing partisan electoral teams in charge of polls and later to change the election results. Judiciary was emasculated when the judges of the supreme courts were either sent homes or forced to take oath under the Provisional Constitutional Order (PCO) (Waseem, 2011). Stripped off of its power of dissolving assemblies by Nawaz Sharif in his second term (1997-99) and putting an end to the presidential system and the decentralization of power through 18th amendment passed in 2010 by the Zardari led government caused consternation in military cadres which could be observed from Qamar Javed Bajwa statement which he made during Imran Khan tenure that "18th amendment was more dangerous than Mujeeb Ur Rehman six points."

To maintain the status quo where military dominates every other institution, the military establishment opted for an indirect intervention in the day-to-day governance of the country. The institution (Army) has acquired the status of Kingmaker as no party can imagine gaining power without Army General Headquarter (GHQ) and intelligence agencies sponsorship and support (Siddiqi,

2020). A party contending for state power could not enter into the corridor of power without army's guiding hand. Imran Khan's elevation to the state authority in 2018 through propaganda and rigging was the military first experiment to preserve its power through hybrid democracy or hybrid martial law. The 2018 election was a glaring example of election rigging but a reflection of army's intervention in the political process. It also points to a pattern pursued by the military to keep the organization at the helm of power. According to Ayesha Siddiqi, Pakistan Army secures its institutional and commercial interest by controlling political outcomes through three methods; "first, it plays a role in nurturing and then selecting political leaders; second, it influences the political environment through supporting its most favored candidates; and third, it infiltrates political parties with its favored men at the local level and in Parliament" (Siddiqi, 2020).

These are the strategies repeatedly adopted by successive military governments to keep the military at the center of politics. The military abhors politician and political parties and portrayed them as self-seeking, power hungry and corrupt while depicted itself as the sole custodian of Pakistan state and ideology which is not always the case. It is imperative to mention too that not only internal dynamic but regional and international such as the two superpowers rivalry, Indian bellicosity, Afghan War and 'War on Terror' significantly contributed to army dominance and its overweening influence. This imbalance and asymmetrical power between the two institutional wings (army and parliament) of the state resulted in the overdevelopment of army and underdevelopment of parliament. This distracted the state's struggle to achieve a stable, vigilant and inclusive democratic system where parliament would reign supreme.

Governance Crisis

The politics of post-independence Pakistan has been characterized by structural discontinuity and institutional failure which consequently resulted in institutions failure to alleviate the social, economic political and security concerns faced by the Pakistani society. Studies have revealed a direct correlation between good governance and institutional effectiveness (Husain, 2018) . According to Waseem that the state institutions' ineffectiveness and inability to be pervasive to govern every aspect of society as large part of social, cultural, educational and economic aspects remained outside the purview of state policy and bring every area of Pakistan into the mainstream legal-constitutional framework caused alienation between center and provinces (Waseem, 2000).

Leaving those areas unadministered created a vacuum often filled by non-state actors and charitable groups tied to militant organization-to step in and fill service delivery roles, which the civilian institutions are unwilling or unable to serve (Kugelman, 2018) , and wanted to impose its own version of governance different from the contemporary mainstream legal-political-

constitutional administrative structure. The state late response, which often vitiated security, repeatedly led to mass killing and public displacement. The state institutions' ambition to impose national identity from the above in the shape of "official nationalism" (Ullah, 2023) in the backdrop of internal (sub-ethnic groups) and external (India) threats further complicated the process of national-integration, a necessary instinct that drives to unity and harmony. For example, administering Federally Administered Tribal Areas (FATA) through Frontier Crimes Regulations, which was the brutal wing of the legal edifice of British India according to Waseem (Waseem, 2011) led to the peoples' disenchantment of those areas with the center and further combustion of people's hatred against the Pakistan state.

The civilian institution's fruitless struggle, muddled in ineffectiveness, to cope with the society's concerns further complicated efforts to formulate and implement policies. As discussed above the state institutions' exclusionary tendencies and their failure at the service giving end precipitated military interventions, gave rise to Islamic militancy resulting in deteriorating Pakistan's peace and in turn led to both human and economic losses. This pattern further weakened the state's control over the legitimate means of violence while other non-state actors challenge and dislodge the state authority in the shape of *Tehrik-e-Taliban* Pakistan and weakening the economic backbone of the country. According to Kugelman; "these dynamics not only further marginalizes civilian institutions—it also undermines the institution of democracy. In short, Pakistan's institutional failures have troubling economic, development, and political implications for state and society" (Kugelman, 2018).

However, various reasons have been cited by analysts for Pakistan's institutional struggle ranging from politicization of Civil Services which in turn resulted in institutions populated by mediocre and unqualified officials; military interventions followed by structural discontinuity and degradation of civilian framework of governance, dependency on donor organizations, low tax base to the political class's lack of interest in providing public welfare and the utter neglect of needed institutional and governance reforms.

Pakistan 'juridical' statehood had been accepted as it has been recognized as a sovereign state by all of the world states and appropriated the membership in the United Nations but it is the "empirical statehood" that is at stake. 'Empirical Statehood' refers to the state's institutional effectiveness, strong economic base and its possession of perusable tools to foster unity (Jackson & Sorensen, 2013). Pakistan is a state which fails in these criteria. Every state sets some goals to be achieved through government institutions. Douglass North has defined institutions as "humanly devised constraints that structure political, economic, and social interactions and include the laws, rules, customs, [and] norms constructed to advance and preserve social order" (Husain, 2018).

Analysts argue that institutions determine the fate of nations. Institutions having inclusivity and pluralism will provide incentive to anyone to participate in the decision-making process. The enigma with Pakistan institutions is that, they are dominated by the political and economic elites belong to one province that provide little space to other ethnic groups to have say in the decision-making process. This exclusionary state building (Ullah, 2023) lopsided and asymmetrical development of state major institutions with uneven distribution of power (Alavi, 1990) followed by the imposition of “official nationalism,” and the instrumentalisation of religion for political ends, which led to the growing influence of clerics and militant organization who want to impose their own version of Islam within parliamentary and non-parliamentary frameworks respectively, are impediments to good governance in Pakistan. If the state of Pakistan wants to survive, then there should be across-the-boards reforms in institutions. Therefore, the restructuring of government institutions along the standards set forth by the stable and effective state will revive public confidence on public institutions and ultimately lead to state-building and national integration.

Policy Recommendation and Conclusion

Ensuring of competitive election with necessary protective measure to keep away the extra-constitutional forces from influencing the electoral process and to have a functional democracy some policy recommendations presented below need to be undertaken:

Ensuring of competitive election with necessary protective measure to keep away the extra-constitutional forces from influencing the electoral process

Strengthening The Principle Of Separation Of Power

The necessity of providing incentives to political parties to move from identity politics to issue-based politics and the protection of parliament and its sovereignty.

Political class should be strengthened rather than just the educated middle class

To broaden its penetrative reach and dealing with growing militancy, unadministered areas should be brought into the mainstream political, legal and constitutional order.

Militant discourse shall be discouraged and regulation of madrasahs and reforms in curriculum need to be undertaken

Implement a zero-tolerance policy with respect to militant organization and stop their use for strategic goals

To alleviate growing alienation of provinces and accept them as equal stakeholders there should be a genuine effort to ‘federalize’ the state in practice.

The issue of Kashmir should be solved through mutual consensus and compromise between the two states as both countries necessitate stable neighbors and Pakistan’s need to focus on human development rather than just security.

Transformative reforms in court system to build citizen trust on

the rule of law

Lastly and most importantly, restructuring of state institution along the global standards to deal effectively with all the vicissitudes

The abovementioned policy recommendations will strengthen the civilian frameworks of constitutional authority, solve governance issues, ensure parliament's sovereignty and eradicate the rising problem of militancy and extremism.

Internal conflicts between major state institutions (military, civilian and bureaucracy) have caused political, economic and security crisis. Another factor playing a momentous role in undermining the legitimacy and authority of the state is the Islamic establishment. The role of ulema increased after partition as they were active in Pakistan movement. But the close association of Islamic parties with the militant organization in the backdrop of Afghan war initiated the process of challenging the legitimate authority of the state over the coercive means of power.

To alleviate structural discontinuity as of India and allowing the state to have a functional democratic system, it is imperative for a state to fulfill the four credentials of democratic system outlined by Myron Weiner. These credentials are: 1.competitive election 2.operational freedom for contenders of power 3.acceptance of results by the defeated side 4.and exercise of supreme power by the elected government. Competitive elections are held and contestant for power often rely on corner meetings, rallies, door to door canvassing and pamphlets as means for gaining voting. The last two credentials are problematic in Pakistan as opposition governments have incessantly refused to accept election results, a practice that continues still today, since nation-wide general elections were held in 1970.

Additionally, the exercise of the state authority by the elected government is not a norm as extra- parliamentary forces in the shape of military establishment and bureaucracy did not allow civilian governments to exercise that authority as it requires the sovereignty of parliament which they despise and has, since independence, always been subjected to executive orders. The military and bureaucracy of Pakistan as the dominant institutions of the state, in the early years of independence, left their authoritarian imprints on Pakistan political system. The endless practice of crossing their constitutional limits of both institutions undercut the basic principle of separation of power. The bloody partition, migrants and their resettlement and dominance of bureaucracy and army, Islamic militancy and regional factors have played a substantial role in the destabilization of the country governance structure, centralization of state power and drift towards dictatorship and authoritarianism.

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