

Public Finances Management in Pakistan: A Shari' ah perspective

Economic history of almost all countries of the world furnishes the evidence that economic role of government has steadily grown overtime. It has become the biggest entrepreneur in virtually every country. Fiscal actions have to cater to the wishes of the people and, at the same time, maintain stability and the momentum of growth. Government policies shielded by legal cover, have had enormous effect on resource transfer from the private to the public sector, on aggregate demand and on income distribution. The growth of public institutions and the exchequer. It is, therefore, not surprising growth in public finances is a universal phenomenon.

Not only public sector has gradually assumed critical importance but there also seems to be a correlation between development status of a country and the level of public finances. In the capitalist country U. S. A., over one-third of GDP is created in the public sector. In welfare states of France, Germany, Norway, Sweden, this ratio hovers around 50% lately. Does this imply that developing countries, like Pakistan, should be ready for increasing role for the public sector as development takes place? One can not underestimate the vital significance of this question for determining our national priorities.

The tax revenue/expenditure ratio has been less than one for most of the countries of the world. Tax revenue raising efforts seem to fetch no notable success in some developed and developing countries and the ratio is gradually declining in some cases. Ratio less than one implies budget deficit (1).

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Under the proposed amendments the political system will function smoothly only if the Prime Minister works in harmony with the President and the top military brass. Given the current political realities in Pakistan when an army chief is holding Presidency and the political forces are weak and fragmented, the top brass of the military will enjoy veto power of Pakistan's democracy and constitutional rule. They will work towards ensuring the continuity of policies and key personnel in the period after a formal return of the military to the barracks. The long-term durability of the political and constitutional changes and their democratic character are not military commander's primary concerns. The key to Pakistan's survival lay not in maintaining a strong center, but in developing consociation type arrangement of power sharing based on the acceptance of cultural pluralism. The inherited traditions of viceregalism and political intolerance precluded such a course of action, with tragic consequences.

The role of army remained important in all the dissolutions. Military is still a major political player. Every government tried to make good relations with it. Whenever there became strains between their relationships, the chances of the dissolution of National Assembly became clear.

On seven occasions – in 1958, 1977, 1988, 1990, 1993, 1996 and 1999 presidents have dissolved the National Assemblies on the basis of principles that could not be called either parliamentary or democratic. The exceptionally powerful presidency then must be counted as a major obstacle to the establishment of democratic government. It is unrealistic to expect that the parties will act responsibly or in a mutually supportive way to establish and maintain a democratic policy. Indeed, the willingness of the parties to lend themselves to military and presidential machinations for the sake of short-term gains has been a major problem since the mid 1950s. To conclude that democracy is there to stay would be presumptuous. The system continues to suffer from lingering crises of legitimacy. If a healthy political cultural has to grow in Pakistan.

All the political parties, especially those in power at the center and provinces must make serious and sincere efforts to understand its requisites and then firmly work for the pursuit of national interests democratically, and in the true spirit of their religion. This will require a lot of heart-searching and unlearning of habits and attitudes. The tragedy of Pakistan is the absence of any coalition for democracy, based on creating rules for elections or governing under law instead of abusing it. Pakistan cannot turn its authoritarian political culture into a real democratic as its ruler's used the law, instead of the law constraining them.

Now the President has proposed amendment to the constitution. Normally, amendment should follow the course laid down in the constitution.

Conclusion:

Dissolution of National Assemblies in Pakistan is not a new phenomenon. The dissolution game was started with the birth of the country. Provincial Assemblies were dissolved, which paved the way for dissolution of National Assemblies. A careful study of our political history clearly indicates that the dissolution of National Assemblies at various stages retarded the growth of our meaningful political culture. Political parties remained in the grip of the feudal class. This class was also instrumental in collaborating with the non-political forces, which placed a major role against the developments of string political system in the country.

The rival political parties abuse or neglect of proper democratic norms stems in large part from the personalization of power. Parties are essentially the vehicles of individual leaders and lack the institutional autonomy to force a change at top or determine policy positions. The absence of grass root organizations compounds the Problems of over centralization. Party branches are often controlled by big landowners or other powerful local interests.

It is the agony of our political culture that the changes which were brought against the politicians were never verified by the courts, because the pattern of changes subjective in nature were difficult to be proved. Every dissolution of National Assemblies, elections are held within due time, it can strengthen political process. The established religious parties, at least in recent years, have expressed a firm commitment to electoral politics, even though they have never enjoyed mass support. It does not mean that people are against Islam. The actual position is that now they should not be deceived on the name of religion.

later than October 2002. In June 2001, Musharraf appointed himself president making clear in intended to remain in power. He and his senior colleagues seem to recognizing that a purely military regime does not have the answer to Pakistan's problems, but at the same time the ability of the politicians to lead the country effectively.

By the middle of 2001, it was quite apparent that Musharraf was engineering a framework that combine the legacies of his two military predecessors from 1960s and 1980s Ayub Khan and Zia-ul-Haq Musharraf hold local council elections with promises of decentralization. The MQM stayed away from the local polls in Karachi, but other parties, under different names allowed their followers to run in the local councils. It is interesting to note here that General Musharraf did not go through these councils to get himself elected to the presidency in 2001. In a speech delivered on August 14, 2001 to the national council of Nazims in Islamabad, Musharraf took credit of establishing democracy at the grass root. On April 30, 2002 for the third time in Pakistan's constitutional history, Musharraf presented himself to the people for their approval of his rule. In 1960, 80,000 elected Basic Democrats constituted the Electoral College for the referendum Ayub Khan organized for himself. In 1994, the vote for Zia-ul-Haq was direct, and the nation was asked to decide whether it approved of his Islamization policy. A yes vote meant he would stand elected president for five years. In present referendum the question was more direct, asking the people to decide whether they want Musharraf to stay on as president for five years for the sake of protecting his reforms. The turnout in the April referendum was 71% and the 97.5% yes vote for Pervaiz Musharraf staying on as President for another five-years. The vote for Ayub and Zia was 95.6 and 97.7 respectively.

threatened him with impeachment. This crisis was resolved with the resignation of President Farooq Leghari and the removal of the Chief Justice Sajjad Ali Shah.

Within one year of assuming office, Nawaz Sharif and accumulated as much power as Mohammad Ali Jinnah and Ayub Khan in their time. Instead of being dispersed among three officials power has become concentrated in one office, that of the Prime Minister. He emasculated parliamentary opponents, harassed the press, cowed the Supreme Court, and ruled his party like a sultan. On October 12, the Prime Minister dismissed Army Chief General Pervaiz Musharraf. This time, however, the army moved quickly to defend its chief and preserve the unity of the two most powerful institutions in the country and placed Nawaz Sharif under house arrest. Two days later after the coup, Musharraf declared an emergency. He suspended the constitution and removed the heads of all political institutions. Later he dissolved the parliament.

Many foreign observers saw the coup a battle lost between democracy and dictatorship and at best as an overreaction to the failure of democracy, one that did not warrant an intervention. Pakistanis saw it quite differently. The bloodless coup met with overwhelming public support. Leaders across the political spectrum hailed the army of saving Pakistan. For an army that has suppressed civil society in earlier martial law, General Musharraf has set himself the most unusual of tasks. By seizing power, the army, the country's last viable institution has taken responsibility for the nation's survival and its people's future.

Unlike Pakistan's three previous military dictators Musharraf did not impose martial law and ban on political parties. He accepted a ruling by the Supreme Court that the military will step down within three years in other words, not

The people of Pakistan went back to the poll in February 1997 and gave an overwhelming mandate to Nawaz Sharif. Nawaz Sharif took power at a time when the country had faced serious political, social and economics structural problems. Perhaps the most serious problem was the unrepresentative nature of the system. A small number of landlords had been able to exert a great deal of influence inspite of decline of the proportion of people living in the countryside. Landed interests had persuaded the government not to hold another count since the census of 1998, which had shown significant decline in the share of the rural population. The decision by the Nawaz government to hold a population census in March 1998 may have set the stage to correct the imbalance in the political system. Nawaz Sharif presented two amendments into the constitutions within six weeks of assuming power. The thirteenth amendment removed article 58 2 (b) which President had used with great frequency to dismiss Prime Ministers, to dissolve National Assemblies. Each time, the decision was motivated by questionable political and personal reasons and had little to do with the good of the nation. The result of the frequent dismissal of the government and dissolution of the National Assembly was political instability and confusion, and little economics development between 1988-99. The fourteenth amendment took away the right of the members of the assemblies to cross party lines, a practice that had introduced a great deal of political corruption. The Prime Minister also decided to move against the judiciary. By indicating that he wished to retain considerable control over judicial appointments, he adopted the position taken earlier by Benazir. The result another confrontation with the judiciary. Pakistan again faced a constitutional breakdown. President Leghari tried to persuade the Prime Minister to work within the system and turned down his request to remove the Chief Justice of the Supreme Court. The President declined and the Prime Minister

Minister was clearly preeminent in matters of policy. Yet as public doubts about effectiveness of the Bhutto government increased, Leghari's felt obliged to reassert his authority, in national interest.

Both the president and the chief Justice, wanted to maintain the autonomy of their institutions, which brought them in conflict with Benazir Bhutto, who wanted to override the political system and all of its institutions. Benazir cut from the traditional mood of Pakistan's ruling, intolerant of opposition, vulnerable to corruption, and more interested in securing personal power than in developing viable democratic institutions. Presidents Leghari pressured Benazir Bhutto to institute administrative and policy changes to improve her government's performance. Benazir's unwillingness to implement fully the necessary reforms appears to have been a factor in her dismissal on November 1996, President Farooq Leghari with the backing of army chief General Karamat, dismissed Prime Minister and dissolved National Assembly. The dissolution received a wide spread welcome from the different groups of people and political and religious leaders. It was also the repetition of history, that a President, who came to this high position by PPP, had dismissed his own party leader from office and dissolved the National Assembly. Shortly before her removal, rumors were circulating Islamabad that she was trying to reach a deal with opposition leader Nawaz Sharif on repealing the Eighth Amendment.

The Supreme Court might well strike down this dissolution order if it felt bound by its own precedent. Yet the court did up hold the constitutionality soft Leghari's suspension. No Supreme Court has acted against the wishes of the Army, which clearly wanted Bhutto out. People also saw the neutering of Leghari as the key to a resurgent Pakistan.

Sind, based on a combination of coercion and co-operation. When ethnic violence increased, especially, first against the Sindis and then against an increasingly assertive Muhajir leadership Nawaz Sharif used his power to suppress political opposition, and his policies generated a growing opposition among the people. The Shariat Bill also created some tension between the various Islamic seats in Pakistan and the process of Islamization, accompanied by political repression caused social unrest and generated some opposition to the Nawaz Sharif. By early 1993, strains had become evident between the President and an increasingly assertive Prime Minister. The split first over the choice of a new army chief of staff. The rift became unbridgeable when Nawaz Sharif proposed reducing the powers of the presidential authority; Benazir Bhutto now aligned herself with President. Emboldened by Benazir's support, the President in a bid to weaken Nawaz Sharif's government, Ishaq Khan sacked Nawaz Sharif government and dissolved the National Assembly on April 18, 1993, in a manner similar to Benazir's removal on charges of corruption and incompetence and announced elections in July. But in a landmark judgment the Supreme Court overturned the dismissal in the following month and restored Nawaz Sharif to power. The military high command, however then forced the Prime Minister and the President to resign for the sake of preserving political stability.

In the parliamentary elections, the PPP again won a plurality but not a majority of seats, while the PMJ now running without its IJI allies conferred its position as a strong challenger. This time, however, Benazir was much stronger than in 1988. She had a more secured parliamentary base, and had won control of Punjab and two other provinces. She was able to ensure that the Electoral College chose his president nominee, Farooq Leghari. Farooq Leghari's election appeared to offer the possibility of a more harmonious are in constitutional relations. Indeed, until late 1996 the Prime

dominated conservative coalition; the Islamic Democratic Alliance (IJI) finished a close second and contested the PPP's right to form the government. Benazir eventually cobbled together a majority with help from small parties and independents. From the out set, she had to contend with multiple threats to her government, a hostile President, a suspicion army, and a weak coalition. Further threat was opposition's control of Punjab, the most important of the four provinces. From his position as chief minister there, PML leader Nawaz Sharif was able to carry the government throughout its 18-month tenure. Electoral alliances in the Sind provincial government and in the federal government, such as the coalition between the PPP government and MQM had failed because of direct intervention of the military. President Ghulam Ishaq Khan dismissed Benazir's government, dissolved National Assembly and Provincial Assemblies alleging corruption, economics mismanagement and inability to maintain law and order. His action apparently had the backing of army chief, who resented Benazir's efforts to intervene in what the soldiers saw as internal army business, especially high-level promotions. It is fact that democratic governancês and democratic politics themselves have been the victims of the military's interventionist policies. To oversee the August 1990 elections, the President installed a caretaker government clearly un-sympathetic to the PPP. In the elections the IJI won a decisive parliamentary majority and took all four provinces, including Singh. Nawaz Sharif's new government was much more to the President's liking.

It is a fact that during Nawaz Sharif period a political process was in progress. As Prime Minister Nawaz Sharif was able to create a certain degree of mutual understanding between the center and the provinces, but like his predecessor he was unable to manage the ethnic tension of the nation. The military continued to dictate ethnic policy in

violence. By the beginning of 1988, strain between the President and the Prime Minister became apparent. Zia resented Juenjo's efforts to expand prime-ministerial authority into areas that the President regarded as parts of his official preserves, especially foreign policy and relations with military. He dismissed Juenjo's government and dissolved National Assembly on the familiar grounds of alleged inefficiency and corruption, and scheduled new elections for October. This was a most unexpected dismissal decision and was termed as constitutional coup by the press. The situation is comparable with Ayub, as like him, Zia after dismissal of the damage than any government to the Army's interest. The dismissal of the elected government by the President caused a set back to the democratic process initiated in 1985. Zia's own image suffered as he began to be perceived to be so powerful oriented that he could not work with a representative leadership. It also gave new life to Pakistan People's Party (PPP). With the dismissal of the government, the PPP was able to regain its position and the Muslim league was temporarily divided into pro-Junejo and pro-Zia factions. Zia tried to contain the building pressure by promising elections in August. But the incident of 19th August 1988 changed the political scene of the country.

Ghulam Ishaq Khan became acting President following the death of Zia. He had to keep the army at bay. To do that he had to demonstrate to senior officers that a return form democracy, a necessary outcome of election's scheduled for November 1988, need not sacrifice the armed forces interests.

Zia's death in the interim could have been used as an access for the riposting of Marital Law, but the new army chief democracy was fully restored in time for the balloting, which took place in mid-November slightly later to schedule. The PPP emerged as the single largest party but failed to gain an overall parliamentary majority. A PML

1979 and then tries it out with a nominated National Assembly called Majilise Shura. However there was not much success. Zia held a referendum, in which less than a quarter of the electorate bothered to vote. He then thought of party less election. The opposition sensed his game and protested in the form of a Movement for the Restoration of Democracy (MRD) in 1983. Zia-ul-Haq held party less and coming less elections in 1985. These elections provided an opportunity for the major land owning families and large industrialists to gain direct access to the government and thus reap the benefit that success in such a contest would provide. The PPP still under the ban on political parties responded with a protest boycott.

Zia subsequently nominated the little-known Mohammed Khan Junejo as Prime Minister, at least partly because of hope that Junejo's Sindi background might help undermine support for the Bhutto dynasty in its Sindi heartland. Parties were legalized and Martial Law was lifted at the end of 1985, after the new Parliament agreed to a constitutional amendment endowing Zia with sweeping powers. The result was a complete dilution of the constitution's parliamentary character with most powers concentrated in the President's hands. These powers were to be used by Zia and his successors to fetter the democratic process. It must be noted that Pakistan's experience suggests that whenever powers were shared equally between the President and Prime Minister, it led to conflict between the two. The basic reason for this situation was the absence of well-organized political parties and strong democratic institutions, which could moderate such tensions and serve as a source of strength for the system. Under Zia's military rule, Sindi Muhajir relations deteriorated even further as the Muhajir sided with the Military regime. Following the formation of Muhajir Qaumi Movement (MQM) in 1986, Sindi Muhajir tension, resulted in periodic outbreak of

order issued by the President must be countersigned by the Prime Minister and unless the Prime Minister had signed it, no order or decision of President would have any legal sanction. Bhutto amended article 17, of the constitution, which limited the right of freedom of association, political parties and organizations. He curtailed the civil liberties guaranteed by the constitution. The press was shifted and censored through bodies like the National Press Trust. All this was a clear *Volte-facie* from his earlier pro-democracy and civil liberties drama that he enacted to depose Ayub Khan. The undesirable cocktail and authoritarian exploded in the end and finished him. He had to hold elections in 1977. The elections were a farce, mockery and fraud upon the electorate. The elections were noted for wide spread riggings and malpractice. Just when the results were announced, there was violent protest inspite of all suppressive measures; the anti-Bhutto agitation was getting stronger and stronger. There was total breakdown of the machinery of Law and Order. Under these circumstances, the Pakistan army under General Zia-ul-Haq imposed Martial Law. The constitution was suspended and National Assembly was dissolved. The military takeover was initially projected as a ninety-day operation for holding general elections. But later Zia-ul-Haq changed his mind and expended the goals of the coup. He took refuge in Islam and sought public legitimacy through Islamization.

Unlike Ayub Khan who relied more on the civil bureaucracy, Zia's only resource to liberality lay in grafting favoured military officials into key positions within the civilian administration as well as in semi government and autonomous organizations.

The compulsion of legitimacy also forced General Zia to seek a military dominated semi representative arrangement. He first went in for local bodies elections in

It was hoped that before the National Assembly was summoned, mutual accommodating would be reached between the political parties on framing a constitution under the Legal Frame Work Order. But Mujib-ur-Rehman refused to negotiate on the Six Points on March 2, 1971. A. Z. Bhutto also wanted his share of government in the center and Yahya Khan was agreed with his views. But tension increased between the two wings of Pakistan and it resulted in the disintegration of Pakistan on December 16, 1971. The disintegration of Pakistan once again underlined the importance of a democratic political culture for again underlined the importance of a democratic political culture for keeping the diversified societies intact. Bengalis under representation in all sectors of administration, economic deprivation, and the suppression of the democratic process excluded the Bengalis from the decision-making process, which created much frustration and alimentation among them. People from different regions and sections developed a sense of participation only if they are adequately represented in the national institutions, especially in the national legislature. The absence of such opportunities contributed to the separation of East Pakistan. In the future all the regions and sections of population should have equal opportunities to take part in the political process and the state must work towards overcoming economic disparities and economic and social underdevelopment so that the people of all regions of Pakistan develop a strong sense of attachment with the state and the political process. With the separation of East Pakistan, Yahya had to quit and handed over power to Zulfikar Ali Bhutto. He became a constitutional dictator under a democratic constitution of 1973. The 1973 constitution provided for a parliamentary system with all powers concentrated in the Prime Minister. There was total concentration of both executive and legislative powers in the office of the Prime Minister. It was mandatory that every