

Democracy under siege

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In questions of power let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution.

– Jefferson

It's about time when a chapter on civil manners should be incorporated in the curriculum for those who aspire to practice law in this country. There have been so many incidences where some of the lawyers have misbehaved and worse still managed to get away with it. The incident in the Session Court the other day was deplorable and deserves to be condemned by the entire civil society of Pakistan. There seems to be a pattern in this misbehaviour of some of the lawyers, who are not only violating the law of the land but are getting more aggressive and nasty by the day. In case such behaviour is not snubbed, for this the judiciary has to play an important role, the situation may get out of hand that may result not only in damaging the hard won freedom for the judiciary but could also seriously damage the institution of democracy.

We are all aware of the fact that the two mainstream political parties of the country had agreed under the Charter of Democracy to find a method for the appointment of judges to the superior judiciary, and for that it had been broadly agreed that a parliamentary body would be given the responsibility to examine and scrutinise all such appointments. While the issue of appointment of judges was being debated in the country, the president of the Supreme Court Bar has stated that the lawyers will not allow the National Assembly to enact any laws that would lay down the procedure for the appointment of the judges and other related issues. After this statement, a few bar associations have threatened to take to the streets in case the government proceeded on with the recommendations of the Constitutional Reforms Committee, now, working under the chairmanship of Mr Raza Rabbani.

This committee is represented by nearly all political parties and it was expected that they would restore the 1973 constitution to its original glory. Moreover, the issue of appointment of judges is also expected to be resolved by the committee. However, instead of allowing the committee to complete its work so that Parliament can exercise its prerogative and legislate on the issue, it is now feared that the government maybe confronted by the lawyers who, it is widely suspected, are working on the instigation of certain powers in this country.

Recently, one also heard military jargon being used in judicial circles where words and phrases like the "chain of command" and "soldiers" were being used that has raised many eyebrows in the country. It must be remembered that there is no place for regimentation in the judiciary because if that happens there would definitely be a confrontation between different pillars of the state which would mean an early demise of democracy in Pakistan. There are strong indications that certain anti-democratic forces are trying to gang up with

important unelected powers in the country to scuttle the attempts of those who support democracy, so that the whole edifice collapses before a serious attempt can be made by the government to introduce reforms in the constitution that includes the repeal of the infamous 17th Constitutional Amendment. This is a very serious development and one expects that sanity will prevail at the end of the day. And the people will not be carried away for short-term benefits because the long-term damage to the country, its people and the institution of democracy would be colossal in case the government fails to implement the recommendations of the Constitutional Reforms Committee.

Another unfortunate aspect has been that a section of the print and electronic media have also joined hands with the anti-democratic forces and are busy in spreading lies and disinformation that has made the situation worse, which also needs to be addressed by the media itself. Remember if the democratic forces collapse, the freedom that is now being enjoyed by the media would also be severely curtailed.

Apparently, attempts are being made to form a parallel government by increasing pressure on the present administration, to an extent where all its legitimate powers are paralysed and as a result becomes dysfunctional. Therefore, all the factors and the forces that are moving in the wrong direction must carefully consider their objectives otherwise the failure of democracy in Pakistan could mean catastrophic implication for all the other pillars of the state as well.

In the same vein, another thing that must be clearly understood by those who are craving to remove the president and derail the federal government is that the Pakistan Peoples Party and its allies are expected to mount a sharp reaction in case their government is toppled by unconstitutional methods. The theory that the PPP did not take to the streets when their founder Zulfikar Ali Bhutto was hanged by dictator Ziaul Haq, who conspired with the superior judiciary to achieve his nefarious objectives, will not be true today. Reports suggest that the party and its allies are also working on different contingency plans in case the anti-democratic and unelected forces try to topple an 'elected' government and an 'elected' president through extra-constitutional measures. Here the question is, whether the country can afford such a scenario that will lead to social unrest which means further damaging blows to an already beleaguered economy? It would, therefore, be sensible that constitutional means and methods are adopted by the forces that want to remove the incumbent government because even if they fail to topple it by constitutional methods it will not damage the country or the institution of democracy to an extent from where it cannot recover. Yet, it is expected that instead of once again giving dates, like March 23, by those who aspire to bring about a change must either increase their support in Parliament or wait till the next general elections. More so, it is equally important for the democratic forces to be alert to what is cooking around them, and ensure that all attempts that do not have the sanction of the constitution are not allowed to succeed in the country.

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