

Power Dynamics of State Institutions in Pakistan, Discourse Analysis of Bureaucracy and the Legislature (1971-1977)

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Abstract

The Parliament of Pakistan from 1971 to 1977 was the first Parliament of present day Pakistan and the first bicameral Parliament in the history of the state. Therefore this Parliament seemed to have developed as a powerful institution in contrast to other institutions of the state. The mutual confrontation between the two major institutions of the state namely the bureaucracy and the parliament in order to get the driving position of the state will be the focus of this study. It will discuss the mutual relationship of the institutions of bureaucracy and the parliament in the presence of more powerful institution of Chief Executive at the time. The paper will try to analyze the influence and powers of the parliament which was apparently strong but in fact was weaker than bureaucracy. The functions of parliamentary institution were highlighted and projected to be stronger than those of bureaucracy but in fact the real functionary was the bureaucracy. The key sources of the paper are the parliamentary debates, reliable works of research, statements of various key players and various documents from the Pakistani, British and US archives.

Key Words: Parliament, Bureaucracy, Institution, State, Pakistan

Introduction

The ideal form of democratic rule relies heavily on the functioning of the parliament as the institution that sets the goals for the larger public in term of decision-making and policy making, while the bureaucracy is supposed to be a machine that implements the decisions and policies of the government on the ground. Notwithstanding the significance of the legislature in the democratic political system, the powers of the parliament have been restricted by the dominant role of bureaucracy in Pakistan. This encroachment of the bureaucracy into the domains of the legislation takes place due to several factors. One of those factors is related to the fact that the parties in power and opposition tend to control the voting behavior and the speaking pattern of the legislators on the floor of the Parliament. In this way, the leadership of the parties steers the activities of the Parliament. The same party leadership, in democratic setup, also seizes the

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command of the bureaucracy and thus manages to establish their full control over the system. (Waseem, 2006, p. 30)

Pakistan, on the contrary, has been less democratically run country. It has been relatively difficult for its legislature or electorate to assert itself against to the powerful executive (Robert C. Fried, 1966, p. 7) or the bureaucracy. In Pakistan, institutions have never been sufficiently strong and the country has often been governed through authoritarianism. (British Ambassador, 1973) Practically, the parliament remains a subordinate legislature. On the other hand, the executive plays a pre-eminent role in the national affairs as juxtaposed to the role of the parliament. Notwithstanding the forces which do not originate from the parliament, control the country, the political players consider the institutions of parliament as essential segment of modern political structures. Parliament and its sub-ordinate institutions provide legitimacy to the political order. (Mahboob, Kokab, 2013) Despite the residence of the power outside the parliament, it is needed by the power holders in order to win the moral and legal authority. It can, thus, easily be claimed that the government is a representative of the masses and the parliaments represents the public opinion. It was for this reason that all the four military regimes arranged the elections, whether they were party-less, created assemblies which granted the legitimacy to the military rulers. (Waseem, 2006, p. 30)

Since the inception of Pakistan, it was ruled over by an oligarchy formed by the civil and military bureaucracy. Bureaucracy was thus the senior part of the oligarchy. Civil and military bureaucracy, however, remained busy in the efforts to keep each other at bay. The civil bureaucracy succeeded in these efforts even during the regimes of Martial Law. (Alavi, 1988, p. 242) Pakistan inherited from the British the equation of power between the legislature and the executive while the British were the colonial power that felt the need for a stronger state bureaucracy for the purpose of establishing control over India. In the consequent years this pattern of government persisted and the bureaucracy, civil as well as military, succeeded in developing the interest in controlling the politics of the state. Thus civil and military bureaucracy in the presence of various democratic institutions, were able to play the ultimate arbiter's role in the state of Pakistan. Hamza Alavi has described the weakness of Pakistan's political institutions as the crisis of an overdeveloped state. (Siddiq, 2007, pp. 67-68)

Pakistan's civil bureaucracy was such stronger as it made and enforced the decisions. It did not work alone in the enforcement and making of the decisions. On the other hand, while ruling over the country it had close ties with the military. Sometimes it also happened that both the institutions, namely the military and civil bureaucracy, also came into conflict with each other for having control over the country. During the first four years of Pakistan which ended with the death of Liaquat Ali Khan, the first Prime Minister of Pakistan, civil servants became very close to the Chief Executive. Though democratic institutions were there but the bureaucrats were attached with the government because both Quaid-i-Azam and

Liaquat Ali Khan as influential and effective relied heavily on the bureaucrats. Quaid-i-Azam would encourage the top civil servants of various central as well as provincial departments to directly communicate with him as the Governor General, on matters of significance. (Hami, 1993, p. 71) (Islam, 1987, p. 12) (Sayeed, p. 131) (Kaushik, 1985, p. 41) Former Indian Civil Service (ICS) officers were appointed as the governors of the three out of four provinces of Pakistan. Two of these governors were so strong politically that they also got chances to preside over the meetings of the Cabinet.

In case of Pakistan no scholar negates the bureaucratic importance and influence in contrast with parliamentary influence and significance. Many scholars have established the notion that before Bhutto the institution of bureaucracy was stronger than the parliament.

Z. A. Bhutto enjoyed the support of the masses in a certain way. Therefore, he attempted to exercise control over the bureaucrats with the help of structural changes as well as the 'purges'. In this regard he introduced the administrative reforms in 1973. Through these reforms he made an attempt to establish the supremacy of the parliament over the bureaucrats. His purpose was the acceptance of the supremacy of the political leadership by the bureaucrats at least at the upper hierarchy of governance. Sofia Mumtaz opine that this supremacy of the political leadership meant the supremacy of the parliamentarians. (Shafiqat, 2002, p. 215) In his attempt to subdue the bureaucracy, special guarantees for the Pakistan's civil service ensured in the Constitutions of 1956 and 1962 were abolished. (Porte, 1976, p. 117) As a consequence of the war of 1971, Bhutto regime characterized the former government in the media as corrupt, weak and inefficient. These allegations on the former government machinery took their practical shape in the form of punitive action against the bureaucracy. Within three months of Bhutto's taking control as President of Pakistan, the Removal from Service Regulation 1972 was promulgated under Martial Law Order No. 14. According to the press reports of the time, eighteen hundred and twenty eight civil officers were compulsorily retired. This number was six times greater than the number of government officers who were removed in 1969. This removal of the officers, the senior ones, in fact, weakened the power of the bureaucracy. It weakened at least every cadre of civil superior services. Therefore the CSP's influence became weak in every way. Come gently, of this the civil bureaucracy, especially the CSP, became weaker such that it could neither block any effort at change nor it could resist the control of politicians. (Kennedy, 1987, p. 80)

Notwithstanding Bhutto's efforts to establish more control over the civil bureaucracy, the bureaucracy continued to enjoy its hold on the Pakistani state. As a result, the weakening of the institution of bureaucracy during the early phase of Bhutto regime was turned into strength in the later part of his period. During the later phase, his kangaroo bureaucracy became not only stronger but it also succeeded in getting a significant share in the government. (Brief of the visit of Margret Thatcher, Leader of the Opposition to India and Pakistan, 1976) Prime Minister Bhutto used the civil bureaucracy and bureaucrats as a tool for

enforcement of his personal authoritarian rule against his political rivals especially through the police repression. (Yusuf, Lahore, pp. 131, 139) Bhutto made most of the decisions himself and then he would use the civil bureaucracy to implement his personal decisions and bureaucracy was tamed by some key bureaucrats whom he trusted and who yielded the power. (Brief of the visit of Margret Thatcher, Leader of the Opposition to India and Pakistan, 1976)

According to Mubashir Hasan, by October 1974, for all practical purposes, the stronger personalities from Bhutto's old team were gone; the place of his old political team had been taken by bureaucracy in the persons of Aziz Ahmad, Vaqar Ahmad, Masud Mahmud, Yahya Bakhtiar and Kausar Niazi. (Hasan, 2000, p. 277) When G.M. Khar enquired from Bhutto for this change, as to why he had opted for the team comprising bureaucrats, his reply was very straightforward, as he said that to come into power one needed a special team, but to retain power one needed another kind of team. (Hasan, 2000, p. 277)

Vaqar Ahmad occupied the important post of Cabinet Secretary, combined with the post of Establishment Secretary, which made him the most powerful civil servant ever. An implacable foe of the traditional hold of the Civil Superior Service, Vaqar Ahmad played the leading role in alienating what was once called the steel framework of the British Raj.

Dr. Mubashir Hasan had mentions a specific case as an example. By the middle of June 1974, Vaqar Ahmad had become all powerful. When the two senior CSP officers, Hasan Zaheer and Masud Mufti, who had been detained in India as prisoners of the 1971 war finally reached Pakistan, his request for their posting in the Ministry of Finance was not complied with. He raised the matter with Bhutto. To follow Mubashir's own statement: In his comments, Vaqar Ahmad wrote explanatory paragraphs which ended with:

...While every effort is made to meet the wishes of the minister or the ministry, the Establishment Division has to keep the requirements of government as a whole when proposing such appointments. (Hasan, 2000, p. 270)

On this issue, Bhutto wrote to me:

How I would feel relieved if this simple fact was realized. Please appreciate my apparent difficulties. I have to take decisions for the whole country. It is not possible to satisfy everyone. Even a saint, or a Wali, or a new prophet cannot do it. Hope you do not misunderstand."

Mubashir further argues: "time had changed a year earlier, confronted with a similar request from me, the same Vaqar Ahmad would have come to my office with a long list of officers and would have requested me to select those I wanted appointed to the Ministry of Finance. Little did he or Bhutto realize that by then, almost all the ministers were very unhappy with Vaqar and his arrogant attitude." (Hasan, 2000, p. 271)

The Ministers confirmed the domination of the bureaucracy while speaking in the Parliament. The statements of not a common personality or not any opposition

member could be negated as being biased but Minister's statements cannot be labeled as biased opinions against the government. The complaint of the minister about the overwhelming rule of bureaucracy could be seen in the proceedings of the Senate on 27th February 1976 when a senator moved an adjournment motion for the purpose of discussion on one of the statements of the Federal Communication Minister which were published in the *Daily Jang* on 23rd December 1975. The Minister had stated that the government was being run as the government under bureaucracy and it was not run as the government of the people as the name of the party or claim of the leaders had labeled. The motion was ruled out of order by the Chairman on the ground that was often used for rejection of most of the adjournment motions that the motion did not concern with any matter of recent occurrence. (Senate Debates, 1976) Even then the appearance of the statement in the national press and its echo in the Senate of Pakistan indicates that there was full control of bureaucracy on the country and the Minister who issued the statement was facing tough time from the bureaucrats of the departments he was controlling. The Minister did not feel it suitable to raise the matter in the Parliament because he was sure that he could not get proper support from there. He, on the contrary, used the medium of press to highlight his concern.

The institution of Parliament was not able to assert its supremacy over the institution of bureaucracy which was actually under the control of powerful Chief Executive. The parliament just passed or rejected the resolutions and motions against the institution of the executive who was able to manage the situations without caring for the approval or disapproval of the legislature. The bureaucrats could misbehave with a parliamentarian publically. Such misbehaving of officials or police were mentioned in the parliament on many occasions especially when the privilege motions were moved. One of such issues was raised through Sher Baz Mazari's privilege motion on 17th December 1974 in the National Assembly. Mazari had alleged that police had stopped him from seeing the detainees at the Sihala jail. Such act of stopping a parliamentarian had violated his privilege as the member of the National Assembly of Pakistan. In response of his motion the Minister of State for Parliamentary Affairs opposed the motion and explained that privilege of the member had not been violated and thus house did not need to intervene. The mover was of the view that parliamentarians were the representatives of the people and public servants did not have authority to humiliate them. He stressed that the dignity of members of the National Assembly may be recognized and in this regard, their affiliation with ruling or opposition parties should not be considered at all. The Minister of State for Parliamentary Affairs agreed with the mover, assuring him that the government would look into the grievances of the mover and in case it considers essential, the defaulting officers would be admonished. The Minister also assured the House that he will keep the institution informed about the actions of the government about the privilege of one of the members of the institution of Parliament. After the assurance of the Minister on the floor of the house, the speaker of the National Assembly observed regarding the privilege of the members of National Assembly

that they must be honoured without any discrimination of being in the opposition or treasury benches. (National Assembly Debates., 1974)

Despite such observations of the Speaker and statements of the Ministers supporting the point of view as well as the status of the parliamentarians on some occasions, the bureaucracy could not be let down and it failed to endorse the superiority of the Parliament over the institution of bureaucracy. Before the first general elections 1970's, political leaders and parties generally accepted the superiority and lawful authority of the bureaucratic elite. The colonial administrative structure, which established the supremacy of the bureaucratic elite, performed satisfactorily with minor irritations, until 1970. (Soofia Mumtaz, 2002, p. 215) If Bhutto had succeeded to cow down the bureaucracy in the start of his tenure, he did not manage it with the help of the parliament. Parliament was not anywhere in the game of getting authority which was being played by the Chief Executive Bhutto and the executive machinery called bureaucracy. Again during the later period of Bhutto government when he was able to secure cooperation from the bureaucracy, it had no concern with respect to the commanding position of Parliament in comparison with that of bureaucracy. If parliamentary institution was compared with the bureaucratic institution, the latter was more dominating than the former in exercising control over the government. The personalities who dominated the government in some way used the institution of bureaucracy as a machine that supported their autocratic rule over the country.

Bhutto did not prove a weak Prime Minister. He also did not care to work within the constitutional limits. Moreover he did not let the institutions of the state flourish independently and freely. He, as the President and CMLA, did not pay much regard to democratic institutions like the national assembly or the parliament. (Yusuf, Lahore, pp. 128, 131)

There were many occasions when maltreatment of the opposition parliamentarians by the police was reported in the parliament in the form of privilege motions. Despite such proceedings of the Parliament, the parliamentarians did not succeed in establishing their influence on the institution of bureaucracy. In the first two years of Bhutto's period of government, he managed to exercise his dominance over the bureaucratic institution. However it was not parliament which helped him in managing such dominance over the bureaucracy. On the other hand, the actions as well as the strength of individual executive could control the bureaucratic elements. In the later part of Bhutto regime, bureaucracy had to cooperate with the head of the state who was chief executive and in fact was also the boss of the bureaucracy. This shows the fact that the parliament was not a stronger institution in contrast with the bureaucracy.

The Parliamentarians themselves were responsible of the bureaucratic hold and the major cause of the bureaucratic dominance was that the parliamentarians were not able to abide by the principles of liberal democracy – where respect for law, tolerance of dissent, minorities and opposition groups is a prerequisite and needed to be developed. The dominant political party namely the Pakistan

People's Party (PPP) and her leadership failed to promote a pro-democracy environment – an environment in which plurality of views was encouraged and conflict of views and values could be resolved through non-violent means (Soofia Mumtaz, 2002). (Shafqat, 2002, p. 214)

Military Bureaucracy and Parliament

After defeat in the war of 1971, the army generals for the time being got a low-profile and let Z. A. Bhutto run the affairs of the state. (H. Malik, 1997, p. 73) Bhutto also tried to break the intervention of the military bureaucracy in the governmental affairs by planting the seeds of constitutionalism through the parliament. (Kapur, 2006, p. 106) As soon as he took control of the country after 1971, he forced to retire forty-three senior military officers which included two Generals, eleven Lieutenant Generals, ten Major Generals, one Vice-Admiral, four Rear-Admirals, one Air Marshal and two Air Vice Marshals. This step was taken in order to cleanse the armed forces from Bonapartism, the term used by Bhutto to describe the activism of the generals to overthrow the people's government. (Khar, 2012) (Salik, 1997, p. 124) Bhutto used the twin leverages, first he scaled down the image of the military and second he deployed his mass appeal bordering on charisma to reassert civilian supremacy over the military bureaucracy and limit its political role. (Rizvi, 2000, p. 229)

After Bhutto had dispersed with the generals whom he perceived as real or possible rivals, he moved for Parliament to establish the civilian control through constitutional means. The policy of Parliament for facing the armed forces was to confine their functioning to defense and security matters. (Shafqat, 2002, p. 168) The Parliament's approved Constitution of 1973 clearly defined the role of the military. The Constitution of 1973 enforced that the person who abrogates or conspires to abrogate the Constitution or uses force to subvert it or who shows force or uses any other unconstitutional ways for abrogation of the constitution would be the culprit of high treason. (Government of Pakistan, 1973, p. Art 6) The Parliament, in order to lessen the role of military bureaucracy in the politics, made laws to punish those who would be guilty of such high treason. It passed, in September 1973, a law that provided life imprisonment or death sentence for subversion of the Constitution. A specific provision was incorporated in the Constitution that every personnel of the armed forces would have to take an oath that he will not take part in political activities. (Rizvi, 2000, p. 215)

However, the Parliament could not completely subjugate the military bureaucracy. National Assembly would not discuss country's defence and the army - the institution that was responsible for the defence of Pakistan. One of such example can be seen on 17th January 1974 in the senate. Here Senator Khawaja Muhammad Safdar wanted to discuss that the Central Government had failed to provide the defence forces of Pakistan with the sophisticated weapons which might enable the forces to protect Pakistan from the possible aggression of India in the future. He was of the point of view that it was especially needed because

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Indian Armed Forces were equipped with modern arms like SAM-6. The man who opposed the motion to discuss in the parliament was not other than the Minister of State for Foreign Affairs and Defence who gave assurance that government would not show any inaction, negligence or dereliction in the defence of the country. The Minister refused to disclose the measures taken for the defence of the country in the parliament. On the request of the mover for permission to speak, the Chairman did not permit and ruled that in the public interest so many things cannot be divulged in the Parliament. The representatives of the people could not know about the defence of the country in the public interest while an in-camera session of the house could also be managed for any sensitive discussion. When Chairman failed to satisfy the mover who continued to insist the matter was referred to the House who interestingly showed no mood to discuss the matters of defence and voted that the motion should not be discussed in the House. (Senate Debates, 1974)

Another of such incident took place on 16th January 1974. This time the mover was Maulana Shah Ahmad Noorani who wanted to move an adjournment motion about a statement of the Chief of Army Staff, General Tikka Khan in which he was reported to have stated about the installation of modern weapons near country's border. The Minister of State for Defence, while explaining that the Tikka Khan's statement was mis-reported, assured the National Assembly that Government was taking essential steps in order to face the challenges for the defence of Pakistan. Even then he, did not disclose those steps because of the sensitivity of issues related to defence. Speaker too upheld the objection and ruled that the motion was out of order because a discussion on the sensitive defence issues would be harmful for the interest of people. (National Assembly Debates, 1974, p. 20) It may be noted that the defence was not the public issue.

While the discussion on the budget was continued on June 15, 1974 Abdul Khaliq Khan, referred to the Pakistan army as "mercenary Army". He also alleged that Pakistan Army committed atrocities in East Pakistan during the crisis in 1971. One of the members objected, to his remarks and his objection was admitted and the Speaker issued the ruling that the words spoken by Abdul Khaliq Khan were seditious, defamatory and treasonable. The Speaker also observed that the words "mercenary Army" should remain on record and proceedings but should not be mentioned in the media. This observation of the Speaker was objected by another member who requested that the statement should be mentioned in the media so that the persons who are responsible of earning mercenary benefits from army might be exposed. On this, the Speaker observed that there were no restrictions for highlighting any matter concerning the Army in the media. He assured that only the words "mercenary Army" are not allowed to be mentioned in the media. These words will remain in the record. However the Deputy Leader of the House requested that the allegations about the atrocities on East Pakistan should also not be mentioned in the media because an inquiry about this matter was in progress under the War Commission. (National Assembly Debates, 1974)

These extracts of the debates in the assembly highlight that the parliamentarians wanted to speak against armed forces in the assembly as well as they wanted to mention it in the press but the ruling circles were cautious to deal with the Army even during the days when Army generals seemed to be in difficult position.

Bhutto's efforts to give permanence to the rehabilitated principle of civilian supremacy over the military did not succeed. This was partly due to the fact that the military recovered from the set-back of 1971 by 1976 and regained its confidence, and partly because of Bhutto's failure to create viable political institutions. (Rizvi, 2000, p. 230)

The role of the Inter-Services Intelligence (ISI) in tendering advice to Bhutto increased over the years. The service was headed by Lieutenant General GhulamJilani, who was attending high level meetings of purely political nature. (Hasan, 2000, p. 271)

Conclusion

The first bicameral Parliament of Pakistan was not a strong institution in contrast with the mature institution of bureaucracy that had experience as well as capacity of dominance over the system since the colonial period. Neither the ruling political parties nor the powerful chief executive were willing to give larger importance to the representative institutions nor were the parliamentarians too skillful to exert supremacy of Parliament vis-à-vis the bureaucracy. The Constitution was framed by the Parliament and it was considered a great performance of the National Assembly as constitution-making body but decision making and monitoring of the activities regarding bureaucratic functions became a difficulty for the Parliament. The Standing Committees which were constituted for the purpose of monitoring bureaucracy were there but they were not able to harness bureaucracy which worked regardless of any influence from the Parliament. The Chief Executive Bhutto's asset was the popular support which he enjoyed at the beginning of his rule. Instead of using his mass appeal to institutionalize the institutions, in words of Rizvi the whole network of the political system was built around his personality.

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