**The ball is in the court of courts**

**[Dr Farid A Malik](https://nation.com.pk/Columnist/dr-farid-a-malik)**

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‘Naya Pakistan’ hangs in the balance. Free and fair elections in 2023 are crucial for the country. The issue of corruption will dominate this electoral contest. The corrupt can make a comeback if their cases are not decided by the courts, in other words, the ball is in their court. The Lawyers’ Movement of 2007, which was fully supported by the rank and file for the rule of law, plunged the nation into the one-eyed, blind justice of Ifthikar Muhammad Chaudhry, the restored Chief Justice of Pakistan (CJP). To add insult to injury, there was a recommendation to extend his term to cover the years he was deposed. As an activist, I was all inclined to start a movement against such insanity but luckily, I had the chance of meeting the senior most judge of the Supreme Court who was in line to succeed the outgoing CJP. Justice Tassaduq Hussain Jilani, a real gentleman and scholar, was an active member of the restoration movement. I clearly asked him to convey the mood of the activists to the superior judiciary that any extension would be met with resistance. Justice Jilani was taken aback by my comments but he got the message. Finally, when Justice Chaudhry went home on December 11, 2013 there was a sigh of relief, but his poor decisions and unnecessary encroachments in the executive domain continue to haunt us today. A reference should be filed against him to contain such future legal terrorism. Justice Muhammad Yaqoob Ali, who was removed from the coveted position of CJP by the usurper in 1977 when he accepted to hear the petition of Nusrat Bhutto against the illegal takeover by Zia-ul-Haq, came up with an interesting doctrine. According to him, no one should escape justice, dictators after they have been disarmed should be made to face the law of the land. By invoking trial of the fourth dictator under Article 6, Nawaz Sharif followed this approach to some extent, but its complete implementation calls for cases against all those who violated this article in July 1977 and then again in October 1999.

[IHC extends Zardari's interim bail till Jan 28](https://nation.com.pk/12-Jan-2021/ihc-extends-zardari-s-interim-bail-till-jan-28)

Most corrupt establishment politicians were weeded out in the first free and fair elections in 1970. The parliament was occupied by fresh faces, able and willing to serve the voters who elected them. The leader of the house was Zulfiqar Ali Bhutto (ZAB) while Abdul Wali Khan led the opposition benches. The level of legislation and debates was high class. Political corruption was contained to a great extent. On August 14, 1973 Pakistan was declared a constitutional republic. Civilian authority prevailed while the establishment was contained. The elections in March 1977 under the new constitution could have established the democratic order for all times to come, but instead the country was engulfed in Zia’s dark ages. Rampant corrupt practices are a relic of this era which must reach its logical end through an expeditious legal process. It should be either conviction or exoneration—nothing in between—to ensure a level playing field for all contestants resulting in credible future leadership after the electoral contest in 2023.

[MPAs to elect PTI senate candidates from Sindh](https://nation.com.pk/12-Jan-2021/mpas-to-elect-pti-senate-candidates-from-sindh)

The 1985 partyless elections turned out to be a lethal attack on democracy. Political powers were relegated to individuals who had no ideology or democratic credentials. While there was rampant corruption at the top, most civilian institutions collapsed. It has now become almost impossible to weed out these corrupt elements from the political arena. Weak common law combined with inefficient prosecution results in a stalemate. Public office holders should be required to provide money trails of their family assets to remain in the race or face disqualifications. In his recent interview, the Prime Minister (PM) has hinted at establishing special tribunals in consultation with the Chief Justice of Pakistan (CJP) to expeditiously decide cases of political corruption. By dodging conviction through procedural delays, unscrupulous politicians have managed to repeatedly manipulate the electoral process.

Every election since 1977 has been disputed including the last one held in June 2018. Once credible electoral contest in 1970 established democracy, though it was short lived (1971 to 1977). The 1973 constitution is a gift of this legislature.

[Almost 13,000 healthcare workers infected with COVID-19: NCOC](https://nation.com.pk/12-Jan-2021/almost-13-000-healthcare-workers-infected-with-covid-19-ncoc)

The Judicial Commission that investigated irregularities in the 2013 elections pointed out serious procedural violations which have not been corrected, resulting in another disputed contest in 2018. Election reforms together with conviction of the corrupt is imperative for the future of democracy. The courts can play an effective role in sieving out corrupt elements, rendering a new era in politics as it was between the two brief periods (1947 to 1958, 1971 to 1977). The menace of corruption has to be contained for which both NAB (National Accountability Bureau) and the superior judiciary have a major role to perform. The people of Pakistan have always reposed their trust in the judicial process despite being repeatedly let down. As an important pillar of the state, it can support the constitution and the rule of law as envisioned by the founding fathers of Pakistan.

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[Pak Navy launches Missiles, torpedoes to safeguard submarines](https://nation.com.pk/12-Jan-2021/pak-navy-launches-missiles-torpedoes)

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