**A failed system?**

[**Saad Rasool**](https://nation.com.pk/Columnist/saad-rasool)

November 15, 2020

Pakistan is a democratic ‘constitutional republic’. In simpler words, Pakistan is a democracy that is supposed to function according to the institutional framework enshrined under the Constitution of Islamic Republic of Pakistan, 1973. The success of this structure, as envisioned in the Constitution, is predicated upon certain fundamental assumptions: (i) that the ‘will of the people’ shall permeate through all legislative enactments and policy choices; (ii) that the empire of fundamental rights shall be extended to the farthest of corners and lowest of depths of our social strata; (iii) that law and order, including security of person and property, shall be ensured through the might of the State; (iv) that ‘public good’, as opposed to select fiefdoms, would rest at the heart of the governance matrix; (v) that service delivery mechanisms shall focus on alleviating the downtrodden (vi) that the system of justice will punish the wicked and recompense the aggrieved; and (vii) that pedantic bureaucratic hurdles, or soporific judicial procedures, will not stand in the path of freedom or justice.

[Ministers oppose closing educational institutes in IPEMC meeting](https://nation.com.pk/16-Nov-2020/ministers-oppose-closing-educational-institutes-in-ipemc-meeting)

Sadly, the existing system of governance, of polity, of service delivery, and even dispensation of justice—under the 1973 Constitution—is not fulfilling the mandate of our democratic constitutional promise.

Let us investigate this claim.

The first and foremost responsibility of any democratic state structure is to ensure maintenance of ‘law and order’, especially in regards to safeguarding the life and property of the citizenry. Has the state structure, under the 1973 Constitution, fulfilled this promise? What would the parents of Zainab Ansari say? Can the children, in our society, cross the bounds of their home or street, without fear of harm and molestation? Can they ride their bike to local school, and play, unsupervised, in the public park? Even away from children, can the adults enjoy the safety and freedoms we idolise in other democratic societies? Can the people of Larkana raise slogans against the Bhutto family and continue to live in their homes without the threat of harassment? Can the Hazaras walk the streets of Quetta without constantly looking over their shoulder? Can the youth of Dera Bugti stage a protest outside the house of their tribal masters? Can a woman in Peshawar demand a seat amidst the tribal elders, without being ostracised or worse?

[Bilawal to protest against GB election results](https://nation.com.pk/16-Nov-2020/gilgit-baltistan-election-2020-my-election-has-been-stolen-says-bilawal-bhutto)

Worst still, do we not live in a system where the government machinery itself has perpetuated (or allowed the perpetuation of) the most heinous of crimes with impunity? Did government agencies not murder fourteen people in broad day light on the streets of Model Town? Despite live telecast of the massacre, has any government official (or responsible politician) been punished in this regard? Did Uzair Baloch not ‘play football’ with severed heads on the streets of Lyari? Did he not, that very night, mingle with PPP leadership and police officials? Did CCPO Karachi, Waseem Ahmed, not instruct Uzair Baloch to (target) kill PPP opponents? Did MQM, while being in government, not create ‘no-go areas’ in the heart of Karachi? Did they not set ablaze two hundred and sixty souls in Baldia Town factory? Are there no missing persons in Balochistan? Is there any reason to believe that the life and property of citizens has been adequately protected, over the past fifty years, under the shade of the 1973 Constitution?

[Shibli Faraz says PTI victory in GB sign of people’s trust in Imran Khan](https://nation.com.pk/16-Nov-2020/shibli-faraz-says-pti-victory-in-gb-sign-of-people-s-trust-in-imran-khan)

Next, let’s turn to this idea of ‘public will’ being the dominant thread of our politics; of a government of the people, by the people, for the people, in our land. Is our democratic polity fulfilling this promise? Have the two major democratic parties, over the past several decades worked tirelessly for the public good? Did Asif Zardari use his political power to alleviate the suffering of the masses? Did he build his foreign empires and domestic fiefdom in the service of the public at large? Is Bilawal Bhutto Zardari canvassing Gilgit Baltistan in support of a better public healthcare system? Or for education reform? Or for the bureaucratic overhauling of our state machinery? Does the ‘vote ko izzat do’, brigade have a plan for the upliftment of the downtrodden? Were the Avenfield apartments made in the service of Allah Ditta? Is Maryam Nawaz making public speeches for bringing justice to those massacred in Model Town? Will Salman Shahbaz’s corporate empire pay dividends to the homeless? Did he claim sugar subsidiaries and special tax benefits for the welfare of the poor? Or, instead, are these people merely focused on protecting their ill-gotten wealth, and pursuing their insatiable desire for self-aggrandisement and political power.

[Trump tweets 'I won' after saying 'fake results' of 2020 mail-in vote shouldn't be allowed to stand](https://nation.com.pk/16-Nov-2020/trump-tweets-i-won-after-saying-fake-results-of-2020-mail-in-vote-shouldn-t-be-allowed-to-stand)

Is that the promise of our democracy? Is it ‘will of the people’ that two families rule over us for all of eternity while amassing unfathomable wealth, stashed in off-shore accounts? Is that really the democratic will of our people? Or has our ‘system’ been constructed in a way that public emotions can be aroused in the name of democracy, to protect undemocratic (even illegal) personal ambitions?

There is nothing wrong with the idea of ‘vote ko izzat do’. So, let us all take this moment to prostrate before the ‘vote’. What next? Does this mean that the accountability process be scrapped? Does it mean that no one can ask the emperor why he is not wearing any clothes? Should we celebrate that the ‘vote’ has ‘izzat’, even if Quaid’s mazaar has none? Will the ‘izzat’ of the vote provide education to our children? When PML-N was in power, did this ‘izzat’ save PIA from bankruptcy? Or revive the Steel Mill? Or bring about a revolution in Pakistan Railways?

[GB rejects PML-N's narrative against state institutions: Fawad Chaudhry](https://nation.com.pk/16-Nov-2020/gb-rejects-pml-n-s-narrative-against-state-institutions-fawad-chaudhry)

Moving on the judicial ‘system’. Does anyone think that it is working? Let me put this another way: does it punish the oppressor and recompense the oppressed? Are there people languishing in our jails who (on merits) have really not committed much wrong? Alternatively, are crooks—undisputable crooks—roaming free in our streets? Is it not true that Allah Ditta’s bail is not heard for years on end, whereas Hamza Shehbaz was granted relief over the weekend? Is there any doubt about the fact that Asif Zardari’s wealth is (at least in part) ill-gotten? In the circumstances, is there any court in Karachi that can punish Asif Zardari, on merits, without there being some ‘motivation’ in this regard? Was the Sharif family financial empire made through honest earnings? Would our courts in Punjab have convicted Nawaz Sharif, or any Sharif family members, if the ‘establishment’ or Saqib Nisar not put their weight behind it? The total conviction rate in terrorism cases related to MQM operatives, per government’s own data, is less than 5 percent. Is it because MQM never perpetrated terrorism? Or, instead, is it because our (district) judicial system does not deliver the goods. Certainly not unless there is ‘support’ from the outside.

[British Prime Minister Boris Johnson self-isolating](https://nation.com.pk/16-Nov-2020/british-prime-minister-boris-johnson-self-isolating)

Is our legislature, under the current constitutional dispensation, enacting laws for public good? Can any political party enact laws that reform our civil bureaucracy? Does anyone in our polity care about modernising the Civil Procedure Code, 1908, or the Criminal Procedure Code, 1898? Did the National Assembly, some years back, not enact a new election law (Election Act, 2017), to remove the requirement of asset disclosure for parliamentary candidates? Did the Punjab Assembly not vote (unanimously) to increase their own salaries? Was all this done for public welfare?

There is really no circumscribed way of saying this: our ‘system’ is not working. And all the patchwork—legislative and administrative—has not fixed the rot that lies at the heart of our democratic structure. We need a new system; one that would be able to overcome the borrowed wisdom of the west and is written in the shade of domestic realities and indigenous wisdom. One that gives ‘izzat’ to Allah Ditta, as opposed to merely his vote. One that provides rabies virus to the children in Sindh. That provides food and water in Thar. That punishes the culprits of Model Town. That punishes Uzair Baloch, and his handlers. And which helps bring back the looted resources of this depleted nation.