

GOOD GOVERNANCE: AN INTEGRAL WAY TO IMPLEMENT RULE OF LAW IN PAKISTAN

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ABSTRACT

The dimensions of good governance can be assessed by the proper implementation of rule of law and for this; an effective accountability mechanism is needed. Intrinsically, the promulgation of rule of law is solely relying on accountability. In addition, Pakistan needs a stable system in order to maintain law and order and implement public policies impartially. Albeit, the lack of accountability mechanism and weak rule of law have posed a great threat to the institutions capacity in Pakistan and they resulted in the nurturing place for corrupt activities. Hence, the constitutional decay commences when a sense of responsibility among institutions is ebbed away. For this, vigilant agencies need to be reformed so that the efficiency in the delivering of services, improved transparency and accountability mechanism and continuous building of capacities could be intensified. Accountability mechanism is crucial for Pakistan at all junctures of development. Conclusively, it stimulates implementation of rule of law, equity, participation and transparency in a systematic way that is real, well organized and stable. In order to ensure these principles, it is necessary to hold free and fair elections, responsible legislature that makes laws and delivers omission and an independent bureaucracy to implement those principles and judiciary to interpret it. Good governance be improved under the stable, committed and effective performance via accountability mechanism.

Keywords: Accountability Mechanism, Capacity Building, Good Governance, Rule of Law, Vigilant Agencies

INTRODUCTION

Good governance is an indispensable concept for the development of a country. A society is built on the foundation. It

fosters participation, demands accountability, promotes efficiency and upholds the Rule of Law in political, economic, administrative institutions and processes. It helps to develop the entirety of a society's potential. Retrospectively, it entails for legal framework that are enforced impartially. Neutral implementation of laws needs a free judiciary and accountable law enforcement agency. Undoubtedly, the Rule of Law is a pervasive ideal in contemporary law and politics. More specifically, obedience to the Rule of Law is the prime prerequisite, upon which democracy and governance is installed. In the 17th century, John Locke mentioned on the idea of Rule of law: "Self-assurance of men under rule of an authority is, to have a current life affirming principle, open to all of that society, and enacted by the lawmaking force started in it; and not to be gathering to the in nonstop, baffling, unpredictable will of another man".

What John Locke means is actuality that all governmental power is to be exerted and resolved by plainly executed rule and not by the impulsive notion of anyone or power. It signifies the absolute authority of rule as contrasting to the effect of indiscriminate command.

This is particularly true when Rule of Law is considered a necessary condition for development to take place. Commitment to the good governance agenda in Pakistan has not yet taken root as far as it was expected since independence. Consequently, Pakistan is not merely lacking but it has made no progress. A true democracy is an inevitable phenomenon for the smooth working of any state therefore; political stability, Rule of Law and constitutional supremacy are the key factors to flourish this system. Considering this, the proper implementation of rule of law is highly dependent on accountability because the level of the accountability can be checked by the malleability of Law for the attainment of political development and national integration. Generally, the legitimacy crisis is a failure in the legal structure and presentation of the government over the appropriate nature of the power for political structure. When implementations are not implied, ultimately that leads towards the crisis of authority.

Pakistan's administration issues start with the bygone enlistment framework, which has been working for a considerable length of time as an issue of status quo approach. It is possible that it is the Federal Public Service Commission or Common Service Commission, the two needs to return to the choice criteria, as indicated by the terms of reference for the activity. These organizations are selecting loner

people for the significant employments in the nation. In expansive range, an examination ponders on administration issues inside four wide zones, in particular, Legislative Framework, Institutional Capacity, Efficiency and Management (Memon, 2014). These are quickly talked about, as the first spotlights on the constitution, which characterizes the limits inside which state organs, establishments, organizations and operators can work and, accordingly, addresses issues identified with the state and its kin. The other one is the institutional limit, which distinguishes the capacity of state entertainers like organizations, organizations and operators to recognize approaches, guarantee cognizance and coordination and guarantees consistence and their assessment. It is regularly seen in Pakistan that the idea administration rotates around peace circumstance in the nation, though; it is an increasingly extensive idea which includes dealing with the issues of the state for example political, monetary and social (Memon, 2014).

This paper talks about administration issues in Pakistan. These issues are subject to a couple of fundamental authoritative and managerial factors, which have added to misadministration or mal-governance in Pakistan. At that point, this paper endeavors to recognize the activity system to correct the administration issues in Pakistan. This paper additionally clarifies the base activity methodology required for improvement of administration level in Pakistan as it falls a long way behind in world positioning of administration. The thought of accountability and the Supremacy of Law are interconnected. Mehmood, Sohail in his book *Good Governance Reform Agenda in Pakistan: Current Challenges* highlights that: “Without fair and effective judiciary, one could hardly imagine accountability in all the sectors. A proper functioning institution can achieve the set targets and it is ensured by the Judiciary, which makes each institution to work under the limits of the law. The methods in which institutions complete their role and justice is served plays an essential part in the development of a country” (p.23).

ISSUES OF LACK OF ACCOUNTABILITY MECHANISM IN PAKISTAN

The emergence of Pakistan is the victory of democratic idea that was realized by Quaid-e-Azam Mohammad Ali Jinnah. It is in real terms Jinnah’s greatest lasting bequest. Jinnah had a clear vision for

the basic structure of Pakistan. These included amongst others the reign of democracy, freedom, economic development, societal fairness and Islamic collectivism emphasizing upon parity and association of humanity. As a true democrat, Jinnah firmly believed that democracy was the only way through which Pakistan could achieve honor, dignity and glory in the comity of nation. He truly visions in the Rule of Law to the rule of a few (Stout, 2018). His dream at no time saw daylight, as he did not have much life to see the real progress of Pakistan. Democracy was fated when Nawabzada Liaquat Ali Khan the first elected Prime Minister, was killed at a public gathering. Since then, the power shifted in the service of the military. History is full of such examples where unsuitable choices were taken in different spheres of statecraft. One of the most extensive forms of dishonesty is the misappropriation of authority in the area of governance. Laws, statutes and actions define the role and duties of each individual in governance in actual one finds, these requirements violated to the extreme. The self-government system deprived and terrorized all the sectors from freedom to fairness, community to dominion, a partial judiciary to all the privileges people enjoy (Stout, 2018).

Ahmad, Egbal in his book analyses that: "Lack of accountability mechanisms and weak rule of law position a main danger to communal and monetary progress the world over, and they have delayed advancement in reaching the Era Expansion Goals, Real and humanitarian justice systems and organizations are central to building better civilizations that ease development and progress." Rule of law refers to a principle by which all every person, institutions, state itself are accountable and held responsible to the laws that are publicly aired, equally enforced and independently arbitrated, the laws are consistent and comply with international human rights and standards" (Between Past & Future: Selected Essays on South Asia: Page No:89).

However, this depicts only one thing that all institutions in Pakistan still need to learn how to operate in their own ambit without poking one's nose into other's matters. Legislature, judiciary, executive, media and military all have defined their roles to play properly and all are there for one reason to strengthen Pakistan. Moreover, institutional decay begins when a sense of responsibility among institutions fade away. Retrospectively, that is the critical reason behind maladministration in Pakistan. The situation of law and order is worsening with each passing day (Aziz, K.K., 2005). Public

cannot adornment until constitutionalism and the matchless quality of law is spread in high respect as the standard of law protects that every single regulatory establishment reason as per the perceived qualities and inside their legitimate circle. On the off chance that any foundation negates its controls or endeavors to enter the domain of the other association, it debilitates the matchless quality of standards (Aziz, 2005).

CHALLENGES OF ENSURING RULE OF LAW IN PAKISTAN

By upholding, the rule of law means 'Independent Judiciary'. However, it is imperative to tackle the challenges faced by Pakistan today through the supremacy of rule of law and ensuring good governance. Thereby, good governance and regulation of law are inter-related. Seemingly, good governance is difficult to catch, without a fair and effective judiciary based on the rule of law. However, the major threat faces Pakistan today, is a weak rule of law. Will many of Pakistan's problems be resolved, if rule of law can be addressed properly? Here must be access to Law, it should be clear and comprehensive. It can be said that the achievement of law improvements be contingent on constancy of dream within political management. In Pakistan, power often exercised in a permissive way. The Federal and Provincial leadership has never provided with such collective vision. The laws unless implemented, monitored and properly evaluated and reviewed will never be effective (Wagoner R., 1972:116). There has been nothing short of an annual report being published and to bring public opinion on the reforms.

Following are the main challenges:

- Institutional imbalance
- Political instability
- Inefficiency of capability to strategy and use resources for the most optimum value
- Accountability and transparency

PAKISTAN MARRED BY CORRUPTION

Corruption is an indication of deep-rooted political and institutional flaws. Therefore, to curtail corruption relevant measures, political and institutional reforms are the need of time, and reforms of the enticement arrangements in the public administration. Political determination is considered as essential state for applying the

improvements. Policy methods, though, cannot be restored correctly not including the nature of the state that is to appliance the non-corruption policies. The Elites understand corruption as an integrated part, abstraction and maladministration and its practices. Furthermore, both executives and political experts have stressed the importance of institutionalizing numerous kinds of answerability instruments at diverse levels of the government. However, some conditions are difficult to be changed. To being a positive change in countries with bad governance and extreme corruption, it should acknowledge:

- Political determination is often fractional, capable and provisional.
- Government and its institutions have substantial weaknesses and need time to improve.

Thus, to type inroads on corruption the agencies working on reducing corruption and bringing a better change must concentrate on the factors that it influences and hinders the effectiveness of Good Governance and its reforms. As quoted in the Annual report of World Bank 2007: “Reaching great general values of supremacy is a long-term attempt necessitating continued improvement efforts in which the emphasis is most practically on presentation tendencies. The course of transformation will be different in each country, dependent on both the early political motivation and a longer historical process that can form and oblige political and institutional reform (The World Bank Annual Report 2007:47).

Ostensibly, state’s function begins with its backbone in a constitutional democracy that is legislature. It observes the society and enacts laws for the development and progress of the country, which are further enforced with the help of executive institution. These both institutions are one of the essential pillars of a state. Ahmad, Shamshad explained relatively that: “They act as the eyes, ears and voice of the people. Realistically, Pakistan has had a chaotic history since its beginning. The inefficiency and lack of understanding dynamics of major and serious issues have intensified the problems of corruption in the abuse of authority in the area of supremacy. Where, bribery is the beginning of corruption with a standard form. The threat of corruption increases numerous crinkles went specified laws, decrees, and principles are not followed” (Dreams Unfulfilled, 2018:74-75).

An Attitudinal change is required to bring change in the minds of the Elite class. Corruption Free State is possible only when the Supremacy of law, answerability and transparency is ensured in the proper way. The supremacy of law is an identical submission of law and alike security by law and before law. In the omission of the supremacy of law, associations get weak and become upbringing residence for immoral follows.

CORRUPTION IN PAKISTAN'S BUREAUCRACY

Performance of Bureaucracy in Pakistan has always remained questionable. Thus, the lack of proper administration has got worst the situation in this already disturbed country. Corrupt attitudes cannot curb corruption in Pakistan. Hence, corruption leads to fail to comply within the communal directive and arises as a dormant hazard to the success, harmony and steadiness in Pakistan. Corruption in government's sectors spending creates serious reduction in the development program. Some of the major causes of corruption in bureaucracy are as follows:

- Absence of efficient accountability appliance.
- Nonexistence and feebleness of the audit agencies.
- Lack of pellucidity in the administration's policymaking procedure.
- Long and complex processes in the decision-making system.

A densely populated country with an annual population growth rate of 4% can never be managed on personal and routine dealings or on Jirga morality. It needs rules based on impartial and neutral decision-making, benefitting the community as a whole not individual. In order to transform the laws and policies and enforce them to be implemented is the work of professional bureaucracy.

Hussain, Fiaz describes in his book that: "Held responsible and accountable, Protection of Bureaucracy can be real only if it has the pledge of horrible activities of rulers. According to the report of Corruption Perceptions Index (CPI) in 2015, Pakistan was ranked 127 out of 177 countries and scored 28 out of 100. This depicts a dismal side of Pakistan's administration towards national failure. This defilement and nepotism have regularly been a revile on Pakistan" (p.167).

So as to bring the New Pakistan, the primary need ought to be to rebuild the administration, to reconstruct Pakistan, the principal need ought to be to rebuild the organization, since that is the 'machine' that keeps up lawfulness, executes open arrangements and produces administrations. In a discourse by Mr. Jinnah in 1947, he encouraged the officials to stay nonpartisan constantly and work for the better of the very province of Pakistan; he stated: "The principle job of normal help was to pass on organizations to the nation. That must be practiced, if an administration worker is objective, fair-minded and certifiable. To achieve this objective, one thing, which should be conceivable, is to set up a free commission for postings and moves. This commission should not be influenced by government authorities". (Jinnah's Presidential Address to the Constituent Assembly of Pakistan August 11, 1947).

Along these lines, a government worker will perform his duty with full zeal and will not comply with unlawful requests of legislators. This is imperative to majority rule government as just through an autonomous organization administration can be improved, which thus will profit the individuals.

CRITICAL ROLE OF ANTI-CORRUPTION AGENCIES

Every one of the offices or offices (regardless of whether government associations or private firms) working for checking debasement in their particular fields of intrigue are known as hostile to defilement organizations. For a long time, the counter debasement strategy creators were considering setting up law and requirement offices to manage defilement. The individuals of Pakistan additionally pushed the foundation of such organizations and subsequently a few offices appeared with the essential (or some with the optional) job of controlling defilement in Pakistan.

ANTI-CORRUPTION LEGISLATION IN PAKISTAN

Year	Enacted Title	Present Status
1947	Prevention of Corruption Act	In force
1949	Public Representatives Disqualification Act	Repealed
1958	Elected Bodies Disqualification Ordinance	Repealed
1997	Ehtesaab Act	Repealed
2000	National Accountability Bureau Ordinance	Repealed

Source: FIA (Federal Investigation Agency), Government of Pakistan

ANTI-CORRUPTION AGENCIES IN PAKISTAN

Name	Year Established	Jurisdiction Functions
Anti-Corruption Bureaus	1970	Provincial check on corruption in provincial government.
Federal Investigation Agency (FIA)	1975	Federal Immigration, financial & cyber-crime; anti-terrorism
National Accountability Bureau (NAB)	2000	Federal Public and private sector; white-collar crime.

Source: FIA (Federal Investigation Agency), Government of Pakistan

The Prevention of Corrupt Act 1947 (POCA) was the main subterranean insect defilement enactment embraced by the constituent gathering. It applied distinctly to local officials and stays in power, yet characterizes criminal unfortunate behavior instead of defilement. The Wafaqi Mohtasib's (Ombudsman) laws and commonplace enemy of defilement laws, for example, the 'Punjab Employees Efficiency, Discipline and Accountability Act 2008' and the 'Sindh Prevention of Bribery and Corruption Act 1950' are the same. Commonplace enemy of debasement laws are just pertinent to local officials utilized by the commonplace governments and cannot be utilized to hold the administrators of an area, during or after their residency in office, responsible. The ombudsman's laws experience the ill effects of a comparable lack. Indeed, even inside its characterized parameters, commonplace enemy of debasement foundation do not work appropriately. The issue is evident that while there are plenteous enemy of debasement laws they are obsolete and block a specific class of individuals or establishments from being considering into their domain, in this way conceding them a kind of suggested resistance. Without remedying the framework, offices would pursue hoodlums without having the option to stop the development of cheats that has arrived at an unmanageable extent (Mcgrath, 2000).

At the point when precise imperfections are recognized and evacuated, so degenerate practices cannot be preceded under optional statements of law upheld. Anticorruption offices must be resolved to pursue the announced purpose of zero resilience for defilement and full advancement of meritocracy for good administration for this, they need seeking after a development plan and contacting locale level as being increasingly receptive to protests of the overall population and having investigation of establishments. Maleeha Lodhi said that

Hampered by confused methods and political obstruction, these associations have demonstrated insufficient. Truth be told, they are themselves invaded with debasement and absence of limit about the undertaking allotted to them. Besides, these offices do not propose anything adequately clear and quantifiable to be fruitful (Pakistan Beyond the Crisis State (2011:63).

In general, these different enemies of defilements determine and activities fizzled for the most part two reasons. The political will and ability to handle the issue have been missing inside the political tiptop. In addition, all past commissions and reports simply put on paper; their discoveries and perspectives together with many suggestions on what they accepted, ought to be done to address the issue. No chance to get forward for execution is planned. In this way, they simply remain proposals. There is an adage that: More prominent individual decision, independently customized administrations, more grounded neighborhood responsibility and more noteworthy productivity these are generally vital to the new bearing of movement we have set for our open administrations (John Hutton, a British Politician).

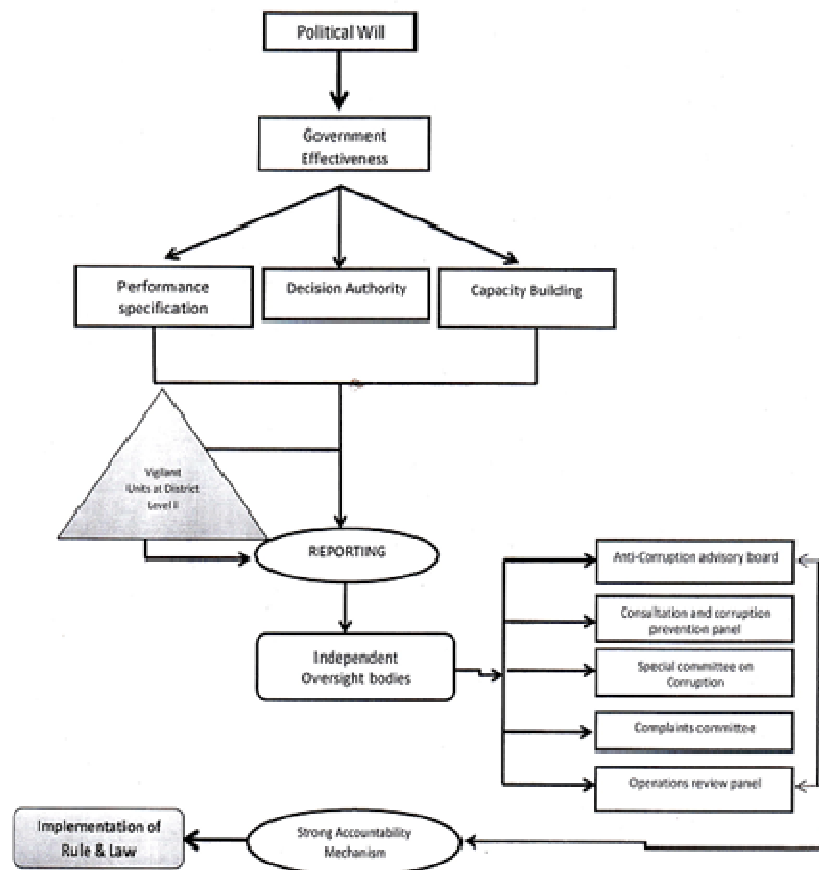
Government is one of the entertainers in administration. Different on-screen characters associated with administration change contingent upon the degree of government that is under dialog. At the national level, notwithstanding the above on-screen characters, media, lobbyists, worldwide benefactors, global partnerships, and so forth may assume a job in basic leadership or in affecting the basic leadership process.

ANALYTICAL FRAMEWORK

To better illustrate the purpose of this study, an analytical framework has been developed.

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Source: Authors' Schematic Model

CONTENT ANALYSIS

A legislature that is responsible to its populace is will eventually be required by that populace to ensure the established rights to rise to insurance and access to equity. Power is never again an end in it-self, yet must be practiced regarding objectives, which are characterized through intrinsically, and authoritatively decided procedures. For this: Implementation of rule of law will be sought after in a generally brought together condition:

- Need a steady, law based, and clean political framework.

- Successful execution of rule of law requires:
- Strong administration inside the framework to conquer everyday impedance from outside powers and withstand the invasion of personal stakes;
- Financial freedom so as to maintain a strategic distance from ill-advised political impact and control accomplished through budgetary weight; and
- Administrative help to keep up practical freedom from different parts of government.
- Need uniform approaches to execute changes reliably.
- Capacity building is fundamental to practical law change through responsibility for viable administration.

History of Pakistan shows that this nation is going through terrible administration of political, monetary and social classes. As Ayesha Jalal in her book exhibits that: These devout expressions for the sake of a solitary nation neglected to stem the tide of double-crossings, which diverted the course of the revolt from its very commencement.

Pakistan's political stage is experiencing an indecision, evasion and a shilly-shallying street way. Parliamentary and political thought processes and activities are moving in a very unpleasant house and that seems like a stance sort of a circumstance lying in the popularity-based territory of Pakistan. Sayeed, Asad in one of his books "*The nature of corruption and anti-corruption strategies in Pakistan*" gives the main idea that: Pakistan's voyage for the popular government is in the constant procedure. In spite of the fact that it is seen that politicians, officers just as civil servants in crusade to be on an effective strategic where they need request to unravel certain nation-based issues.

There are defects in laws, and practices. In addition, there is the developing accentuation on improving frameworks of authoritative equity so most debates among residents and state functionaries can be settled at the departmental level. Over the more drawn out term, assembling open intrigue and desires can thus, make open organizations progressively responsible to the necessities and privileges of poor people.

RECOMMENDATIONS

- **Political Will:** Demonstrations by a scope of key pioneers of responsibility to change.

- **Decentralization:** It results incapable supervision and licenses brief and increasingly exact choices.
- **Straightforwardness:** transparency in managing the general population and popular feeling.
- **Obligation:** Task for the presentation of popular feeling.
- **Meritocracy:** Promotion of the most gifted and ready to perform.
- **Deregulation:** Systematic expulsion of superfluous guidelines and procedures.
- **Defense of optional forces:** Reduction, at every possible opportunity and corresponding to level of duty.
- **Effectiveness of administration conveyance:** Progressive execution, improvement and skill.
- **Sets of accepted rules:** a lot of moral models to which foundations receiving the code will cling so as to exhibit their pledge to dispense with defilement from their exercises.
- **Informant: arrangements and insurance:** A key system to defeat the way of life of resilience of degenerate practices.
- **Cautious units:** bunch selected all through the open segment with obligation regarding checking the consistence with sets of accepted rules and against defilement rules and techniques.

CONCLUSION

To conclude it is, there is a critical requirement for conceiving improved framework in all administration foundations to uncover defilement. State columns ought to in a perfect world and essentially be viable and stable. Legitimate and definitive arrangements should be formulated by governing body; appropriately executed by organization and translated by legal executive with the goal that establishments could be balanced out and reinforced authoritative structures.

In addition, the division of forces idea should be pursued appropriately. Likewise, it will ensure responsibility of every one of the state columns; the better will be nation's condition. Rehearsing great administration includes encouraging standard of law, responsibility component, straightforward political procedures, bureaucratic changes and free legal executive that are carefully dependent upon nonmilitary personnel control. Nonattendance of attachment prompts emergency, confusion and turmoil at the state and

cultural levels and can change the state as bombed state. Poor administration and complete loss of managerial responsibility make framework breakdown. Nevertheless, the need of these indispensable administrations is more basic than any other time in recent memory. The steady however firm our rulers must be center on rejuvenation of these segments as proof of their duty to success in a continued way. The advancement of solid popularity-based establishments will lead toward usage of rule of law and responsibility instruments.

REFERENCES

- Ahmad, Eqbal. (2005). *Between Past & Future (Selected Essays on South Asia)*, Karachi: Pakistan, Oxford University Press.
- Ahmad, Shamshad. (2018). *Dreams unfulfilled*, Karachi: Pakistan, Jahangir Book Depot.
- Aziz, K.K. (1993). *The Murder of History*. A critique of history textbooks used in Pakistan, Vanguard books, Lahore: Pakistan.
- Aziz, K.K. (2005). *The making of Pakistan: A study in Nationalism*. Sang-e-Meel Publications, Lahore: Pakistan.
- Hussain, Fiaz, et.al., (2013). Corruption in the public organizations' of Pakistan: Perceptual views of University Students. *The Journal of Commerce*, Vol.4, No.1. Hailey College of Commerce, University of the Punjab, Pakistan.
- Jalal, Ayesha. (2012). *Self and sovereign*. Taylor & Francis Publications. New York: USA, pp.34-35.
- Lodhi, Maleeha. (2011). *Pakistan Beyond the Crisis State*. Oxford University Press.
- Mcgrath, Allen. (2000). *Destruction of Pakistan's Democracy*. Oxford University Press.
- Mehmood, Sohail. (2007). *Good Governance Reform Agenda in Pakistan: Current Challenges*. Nova Publishers, Karachi: Pakistan.
- Memon, Umar, Waqar. (February 27, 2014). Reforming Bureaucracy. Letters to the editor. *DAWN* Newspaper.
- Michael, Johnston. (2017). *Good Governance: Rule of Law, Transparency and Accountability*. French Publications. Paris: France.
- Pakistan country profile. (2018). Public Anti-Corruption Initiatives. Business Anti-corruption portal Austrian development Agency.
- Sayeed, Asad. (2018). *The nature of corruption and anti-corruption strategies in Pakistan*. Asian Human Rights Commission. Social Science Research, Karachi.
- Stout, E. C. (2018), (ed.), *The Psychology of Terrorism: Clinical Aspects and Responses*, Vol.2, British Library Cataloguing, USA.

- The World Bank (2007). Annual Report-2007, Washington D.C., p.47.
- Wagoner, R (1972), Party Politics and Pressure Groups: A comparative Introduction, Thomas Nelson and Sons Limited.
- Wolpert, Stanley. (1984). *Jinnah of Pakistan*. Oxford University Press.
- www.thenews.com.pk/Todays-News-13-23538-Hurdles-in-upholding-Constitution-intolerable-CJ Retrieved on: 03-06-2019.
- Yusuf, H. (2017), Tahir-ul-Qadri's rise and its potential impact on Pakistan's stability, Retrieved from: www.peacebuilding.no/var/.../61c24c70cd70df8c8d96ced4f1e7e88e.pdf
- Zafar, M.S. (2017), "Impact of bad governance in Pakistan" Retrieved from: <http://www.pkhope.com/impact-of-bad-governance-in-pakistan/>
