

THE STIGMA OF CORRUPTION AND THE DECLINE OF GOOD GOVERNANCE IN PAKISTAN

**(A Qualitative Study to Drive A Way Forward for Better Anti-Corruption
Mechanisms to Sustain Good Governance)**

Syeda Hoor-Ul-Ain¹

Eruj Rayhan Wajidi²

Abstract

The paper focuses on the contemporary governance and corruption issues of Pakistan and suggests a way forward for good governance to blossom in a corruption-free state. Pakistan stands at 126th and 117th position among 175 and 168 countries on the CPI ranking - in the years 2014 and 2015 respectively. Although, the country's score indicates a better perceived level of public sector corruption but this is still regrettably way down on this account. Corruptions of all magnitudes are perfused in all organs of government including the executive, legislature and judiciary. Corruption severely impacts the governance processes and pushed the state into the political turmoil. The study ascertains the menace and genesis of corruption in the politics of Pakistan from the British colonial era to date. A host of measures are suggested as a way forward to expunge this malaise. The need of deliberate awareness in the masses and emergence of an awakened civil society, raucous and honest media and, independent judiciary is contemplated to curb corruption up to the desired levels.

¹ Research Scholar & Visiting Faculty, Department of Public Administration, University of Karachi, Karachi, Pakistan

² Lecturer, Department of Business Administration, Federal Urdu University of Arts, Science and Technology, Karachi, Pakistan

The study deduced that corruption invigorates and breeds in the absence of good governance. Establishment of independent institutions that will over time mitigates the incidence of corruption across the country.

Keywords: *Corruption, Embezzlement, Corruption Perception Index (CPI), Good Governance, Mal Governance, Organs of the State.*

Introduction

Corruption and governance issues have come to the top in contemporary discussions of reform in Pakistan. Countless problems to which corruption and governance refer are significant and longstanding. Research articles, books and many political, economic and administrative studies argue that the dilemma of corruption is a substantial impediment in maintaining good governance in Pakistan; it is still perceived to be predominantly rampant and systemic across the governmental machinery (Hussain, 1999; Islam, 2006; Chêne, 2008; Javaid, 2010; Ahmed & Mehmood, 2012). The implications of corruption and prevalent corrupt practices in Pakistan are not only the serious obstacle to good governance but also the main reason of the letdown of institutional structures with particular reference to each organ of state including executive, judiciary and legislature. All state organs of Pakistan are endemically alleged in the national and international print and television media for misusing the entrusted power for private benefit. Although many anti-corruption boards, bureaus and commissions were established in the country and are functioning as well to curb this malaise but no substantial and effective results have been produced to heal the governance processes. The whole body of the state of Pakistan is in the anguish of corruption and severely polluted with this malaise (Javaid, 2010).

In today's international world, Pakistan is at a critical inflection point and enjoying a poor reputation for a host of reasons including corruption and mal-governance practices. Transparency International defines corruption as the use of entrusted power for private gain. Corruption can be classified as grand, petty and political, depending on the event of its incidence and the sector where it occurs. Grand corruption consists of acts committed at a top level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good. On the other hand, petty corruption refers to

everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies. Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth. In Pakistan, corruption is evident in multiple and compounded forms, including extensive political and financial corruption, pervasive bribery, embezzlement, nepotism and misuse of power. Corruption is the root cause for the defile of good governance across the country (Chene, 2008; Darden, 2003). (Chene, 2008) in one of her scholarly work called 'Overview of Corruption in Pakistan' says, "Citizens commonly face demands for bribes in their dealings with government institutions to access basic public services. The frequency of petty bribery is alarming and has shown little improvement over time, as evident in the national corruption surveys conducted by Transparency International - Pakistan in 2002 and 2006" (pg no. 04).

Corruption not only billows almost all organs of the state but also deeply entrenched in public institutions that derails good governance in Pakistan. In this connotation, the role of state's anti-corruption bodies is dubious/ questionable in designing effective anti-corruption strategies and implementing those strategies in letter and spirit for improving the governance practices in the country. In spite of so much concern for so long, why has Pakistan failed to effectively reduce corruption? Is it because of a lack of effective anti-corruption strategies? What can be done to curb corruption to stake the state's claim of ensuring corruption free society credibly? The answers to these questions shape up a way forward to control corruption via better strategizing on anti-corruption mechanisms. This analytical study brings out more insight into the important aspects of the weak governance process that weeds corruption.

Literature Review

The issue of corruption and decline of good governance in Pakistan has also received a great deal of attention both in practice and in the literature. However, the literature does not provide a definitive solution to curb corruption but draws limelight on the genesis of corruption in Pakistan and essential measures taken by

the state to diminish it (Rehman; 1993a; Sayeed, 2010; Javaid, 2010; Islam, 2006; Islam, 2001).

- **Genesis of Corruption in the Politics of Pakistan**

Political turmoil, instability, insecurity and governmental turbulence have dominated Pakistan's governance over the past 68 years, marked by recurrent corrupt regimes but the seeds of corruption date back to the period of British Colonization when the British treated their loyalists condescendingly by granting lands and patronizing titles. This partisanship has ploughed this land with nepotism and corruption (Noman, 1992; Quah, 2006; Chene, 2008; Javaid¹, 2010). Since independence, three successful coups were observed in 1958, 1977 and 1999 alleging corruption charges on the elected democratic governments. "The nationalization policy of the 1970s enforced by the democratic government of Z. A. Bhutto created new opportunities for corruption and gave birth to a new breed of corrupt government officers whereas the decade on 1980s witnessed the spout of corruption in religious and business circles" (Ibid, 2010 – pg. no. 126). On the contrary, all military regimes had claimed corruption as a universal diagnosis for the nation's ills and fought against corruption as an excuse to deny democracy in Pakistan (Haqqani, 2005). On the other hand, four different democratically-elected governments held power under the auspices of the same two political leaders namely, former prime minister Benazir Bhutto (late) and prime minister Mian Muhammad Nawaz Sharif between 1990 and 1999. Each administration was either dismissed or overturned, over and over again as a consequence of corruption indictments, bad governance and accusations of power misuse (Islam, 2006).

The era of democratic government ended in October 1999 following a military coup led by General Pervez Musharraf and thereafter his claim to the presidency was validated by the Supreme Court in 2000. In 2002 a parliamentary election returned civilian rule, yet the Musharraf presidency was extended for another five years. During the military government, former Prime Minister Bhutto was indicted and convicted on corruption charges at home (in April 1999) and abroad (in Switzerland in July 2003). Prime Minister Sharif was also tried and sentenced for acts of terrorism in April 2000 although he was eventually pardoned and went into exile. The anti-terrorism court found Sharif guilty of hijacking and terrorism, but cleared him of attempted murder and kidnapping. He was spared the death

penalty for plotting against General Musharraf. Against this milieu, the political situation and governance in Pakistan deteriorated (Chene, 2008; Javaid, 2010; Chene, 2012).

Governance turmoil arose as a result of the dismissal of Chief Justice of Pakistan - Iftikhar Mohammed Chaudhry who was alleged for misuse of office. During the chaotic period of civil, political, economic and judicial unrest, Genral Pervaiz Musharraf was re-elected to the presidency in October 2007. He declared a state of emergency and suspended the constitution within a month of taking office. As a result of parliamentary elections of 2008, the political parties unanimously formed a coalition government with the newly elected Prime Minister - Yusuf Raza Gilani. Musharraf's party had been excluded from the ruling coalition and he resigned from his office voluntarily. The supreme court justices the restoration of the State's constitution that had been dismissed by General Musharraf during the country's state of emergency in 2007.

Later former PM Yusuf Raza Gilani and his family had found indicted of many corruption charges. The governance era of former PM Raja Pervaiz Ashraf was also not corruption free. Now the formerly alleged and exiled prime minister Mian Nawaz Sharif has got democratically re-elected as the Prime Minister of Pakistan for the third time and many political parties staked their claim that the elections held in 2013 were not free and fair.

Currently, the fate of Retired Genral Musharraf seems uncertain. Earlier this year, the special court had ordered his arrest warrants and legal experts believed that the military dictator's indictment is imminent. Musharraf faced a formal trial under Article 6 of the Constitution. The trial had begun in February 2014 and still couldn't reach any conclusion (Asad, 2014).

Although Pakistan is an emerging economy and strong nuclear power in South Asia that has its own geopolitical importance on the map of the world but still facing turmoil of corruption that undermines good governance in the state . In spite of so much concern for so long, Pakistan has failed to effectively reduce corruption. In short, corruption in the state organs of Pakistan is more moral and political than a legal accusation due to which the public office is betrayed. This rampant corruption has negatively impacted all spheres of activity in the country

and the whole society has suffered serious blows to its social, political and administrative working environment.

- **Genesis of Anti-Corruption Laws and Mechanisms in Pakistan**

The evils of corruption and bribery were of course deep-rooted when Pakistan came into existence in the year 1947, but in a mild form. As the Nation was fighting for independence, there was a missionary spirit in every citizen, particularly the public servants (Raza, 2000). Corruption was mentioned as one of the ailments afflicting territories constituting Pakistan by the founder of the country, Mohammad Ali Jinnah, in his first address to the Constituent Assembly on 11 August 1947. Jinnah said: (Sayeed², 2010).

“One of the biggest curses from which India is suffering - I do not say that other countries are free from it, but, I think our condition is much worse - is bribery and corruption. That really is a poison. We must put that down with an iron hand and I hope that you will take adequate measures as soon as it is possible for this Assembly to do so.”

An anti-corruption law was one of the first legislation enacted by the assembly soon after independence. Since the country's inception, the enactment of five 'Acts of anti-corruption legislation' has been made to date. (Please see Table 1 on page no. 8). In addition, there are a number of specialist agencies and bureaus that are dedicated specifically to investigate white-collar crime. Presently here are three specialized anti-corruption agencies (Ibid, 2010). (Please see Table 2 on page no. 9 for further details.

Table 1: Anti-Corruption Legislations in Pakistan

Year	Name of Act	Basic Features	Present Status
1947	Prevention of Corruption Act	<ul style="list-style-type: none"> Any public servant who accepts or obtains any undue gratification is liable 	In force

		to be punished under this law.	
1949	Public and Representative Office Disqualification Act (PRODA)	<ul style="list-style-type: none"> This Act provided for the debarring of public and representative office holders found guilty of misconduct. 	Repealed
1959	Elected Bodies (Disqualification) Ordinance EBDO	<ul style="list-style-type: none"> This law applies to persons holding any public office or membership of any elective body. In this law, misconduct includes all the offences mentioned in PRODA, in addition to indulgence in 'subversive' activities. The punishment prescribed is disqualification from membership of an elective body for a period of seven years. 	Repealed
1997	Ehtesab Act	<ul style="list-style-type: none"> The law applied to political administration as well as public servants (federal or provincial government employees). The law 	Repealed

		excluded the institution of judiciary and members of the armed forces except in cases when they hold a post in public office.	
2000	National Accountability Bureau Ordinance NAB	<ul style="list-style-type: none"> Investigate corruption against holders of In force public office or any other person The Chairman NAB or Court under 'plea bargain' (voluntary return clause) may withdraw the case against any accused The burden of proof to prove innocence is on the accused. Serving armed forces personnel and judiciary are exempted. 	In Force
Sources: <ul style="list-style-type: none"> Sardar Muhammad Raza (2000) Asad Sayeed (2010) (Please see. http://www.researchcollective.org/Documents/Contextualising_Corruption_in_Pakistan.PDF)			

Table 2: Anti-corruption agencies in Pakistan

Name	Year of establishment	Jurisdiction Level	Functions of agencies
------	-----------------------	--------------------	-----------------------

Anti-Corruption Bureaus	1970	Provincial	Check on corruption in provincial government
Federal Investigation Agency (FIA)	1975	Federal	Immigration, financial & cyber-crime and anti-terrorism
National Accountability Bureau (NAB)	2000	Federal	Public and private sector; white-collar crime
Source: Asad Sayeed (2010) (Please see. http://www.researchcollective.org/Documents/Contextualising_Corruption_in_Pakistan.PDF)			

“The general perception in Pakistan is that in spite of the myriad laws and agencies investigating corruption, white-collar crime has increased rather than decreased. Moreover, serious analysts also do not consider anti-corruption mechanisms in Pakistan to have been successful. The most common lament is that the above-cited laws and agencies are discriminatory and particularly that they are focused on politicians in the main and civil bureaucrats on the periphery. As such, politicians have often questioned the legitimacy of anti-corruption mechanisms as a form of victimization in a country where the civil-military tensions have dominated politics. Their recriminations gain credence from the fact that these laws consistently exclude the military, the judiciary and lately, the Islamic clergy from their ambit” (Ibid, 2010).

The Stigma of Corruption in Pakistan: A Critical Analysis

Corruption is perennial and to be found in any and all systems of government around the world (Rose-Ackerman, 1978). The problem of corruption in Pakistan is not to account for its presence, but rather for its extent and the way it has been cascaded into the system of governance. Its spread is enormous. So enormous is

its incidence that Pakistan has been ranked 127th and 126th in the comity of nations on the scale of corruption free governance in 2013 and 2014, respectively. Although, the ranking of Pakistan has comparatively improved in 2015 from the previous years but this ranking is not at all acceptable or enviable. Nineteen year track record (from 1996 to 2015) of the state on the scale of corruption free governance paints a worrying picture. Not in a single year; Pakistan's name was excluded from the list of highly corrupt countries. (Please see Table 3 further details).

TABLE 3			
Transparency International - Corruption Perception Index			
Pakistan's Score & Ranking			
Year	Pakistan Rank	Score	No. of Countries Ranked
2015	117	30	168
2014	126	29	175
2013	127	28	177
2012	139	27	176
2011	134	2.5	183
2010	143	2.3	178
2009	139	2.4	180
2008	134	2.5	180
2007	138	2.4	179
2006	142	2.2	163
2005	144	2.1	159
2004	129	2.1	147
2003	92	2.5	133
2002	77	2.6	102
2001	79	2.3	91
2000	N/A	N/A	90
1999	87	2.2	99
1998	71	2.7	85
1997	48	2.53	52
1996	53	1	54

Source: "<http://www.transparency.org/research/cpi/overview>"

Note.:

1. Scale of 0 – 100 was used in CPI for 2012-13 where lowest score indicates highest levels of corruption and highest score shows corruption free and clean territories.
2. Scale of 0 – 10 was used in CPI for 1996-2011 where lowest score indicates highest levels of corruption and highest score shows corruption free and clean territories.

The Transparency International in its Global Corruption Barometer 2013 report had said that Pakistan's religious bodies, military and media respectively had been found as the three least corrupt institutions in the list of 12 organizations. Furthermore, the most corrupt in Pakistan were from the government and politics. According to the last government's own chairman National Accountability Bureau (NAB), sacked by the apex court for having been illegally appointed (Abbasi, 2013).

Based on the above arguments presented by various journalists and researchers, this has been endorsed that corruption in its broad sense is political in Pakistan. Its success, even locally is a manifestation of power. This power is manifested negatively, in the effective insulation of the most corrupt organ of the state – the Executive. In this connotation Chene argued that the extensive consensus across surveys spotted police as being one of the mainly corrupt institutions of the executive branch in Pakistan (Chene³, 2008). According to the Global Integrity organization appointments in the police force are often based on political considerations. Police officers frequently have conflicts of interest due to personal loyalties and family connections. It is also well known that in Pakistan, influential landlords decide the appointment of law enforcement officers in their area, with police officers acting on their behalf. Unlawful police methods do not solely affect poor people. Businesses also complain that they suffer from extortion by the police, for instance in the form of bogus traffic fines (3Ibid, 2012).

"Likewise 3Ibid (2008) further states in one of her researches that the judiciary is the other sector in Pakistan which is seen as notoriously inefficient and corrupt organ of the state. In her research, she further clarifies that the judiciary is also viewed as a helping hand contributing to a general culture of impunity. Again,

according to Global Integrity, the procedure for selecting judges at the national level is not transparent and selection procedures are often made in exchange for political favors, she further added. Despite these problems, judges are exempt from oversight and investigations by Pakistan's national anticorruption agency, the National Accountability Bureau.” Moreover, the judicial crises with glaring trust deficit has caused a huge damage to the country. In Pakistan, corrupt judiciary is the mother of all ills. Most of the times well planned delays have been observed in deciding the cases of corruption; these are truly an explanation of the adage: the justice delayed is justice denied. (Rehman, 1993b).

Like previous studies, this study establishes that corruption is entrenched into the state organs of Pakistan ranging from higher government level to the lower strata of government officials. Be it a military coup in Pakistan to overthrow democratic regimes or manifestation of embezzlement or misuse of power by the elected and democratic representatives; both are power holders and participate in political corruption which involves diversion of public funds into private hands, and inefficiency in the use of manpower and public resources.

In Pakistan, corruption breeds politically that has enriched to grotesque levels where power holders exercise corrupt influence for the acquisition of forbidden benefits. “The level of corruption in the society ultimately depends on the values and morals of that society” (Vittal and Mahalingam, 2004: 237). Over the period acceptability of corruption has rather increased in the society and there is little evidence that people feel guilty about their own role in corruption (Javaid, 2010). In this connection, the culture of graft and greed needs to be curtailed in order to put a ceiling on the intractable problems of corruption.

Conclusion and the Way Forward

The research agenda was rooted in exploring a way forward to control corruption in Pakistan via better strategizing on anti-corruption mechanisms. The study deduced that corruption invigorates and breeds in the absence of good governance. In our country, it proliferates in a number of ways; for instance through nepotism and fraud, bribery and extortion, and embezzlement. The state’s criminal laws/ policies for the eradication of corruption have remained ineffective in delivering on promises, formulation and performance. Other researchers have suggested the same on this account and their findings are based on the same

rationality - Notwithstanding the overabundance of criminal laws for the prevention and punishment of corruption among public representatives and government servants, the results have not been very encouraging. Hardly any prominent figure has been convicted. Unfortunately, the process of accountability could never acquire the level of legitimacy and credibility which the people expected (Raza, 2000). The reason of this chaos is the absence of political will to instigate the pure and transparent process of accountability and apply the law in earnest, without fear or favor, has ensued in a state of affairs where corruption is not only tolerated but allowed to escalate.

It can be encapsulated that Pakistan is instilled with uniquely ubiquitous and endemic corruption; it occurs up stream in all organs of the state. However, the issues of improving the capacity of anti-corruption bureaus for better strategizing on anti-corruption mechanisms; corruption is inextricably linked to socio-political imbalances in Pakistan. To embark upon the effective and sustainable anti-corruption drive in Pakistan, strong level of agreement among different power wielders is necessary to ensure that accountability across the country. The consensus among power wielder will be very instrumental in instigating broader societal legitimacy for anti-corruption practices.

The meticulous analysis of the genesis of corruption in politics and anti-corruption laws/ mechanisms purports that rigorous measures need to be taken on an urgent basis to rescue the Pakistani society from the syndrome of corruption. Following measures are recommended to shake off the tag of a corrupt state:

1. To control corruption it requires effective redress, a population sufficiently alert, self-confident, full of values and politically aware to. The fluctuating desires of the people needs to be re-arranged in line with ethical values to strengthen the value system of the society. Ethical values should be developed to eradicate corruption via service oriented mindset to form a culture that transform into a barrier against corruption
2. An immediate shift from fusion of powers to separation of powers should be implanted in the system of governance to uphold and infuse accountability among the organs of the state i.e., the legislature, executive and judiciary.
3. Bureaucracies should be set free to avoid pressures from political leaders towards corruption.

4. The Executive should condemn and protest vigorously against corruption and create a constitutional body to oversee all aspects of corruption, with no group or entity outside its ambit. The creation of such an entity would also mean that the duplication in mandates of several agencies could be rationalized.
5. Necessitate public officials and politicians to declare their assets.
6. Both media and press should play their vital role in highlighting corruption wherever exists across the country and avoid yellow journalism.

The principle implication of this study proclaims to instantiate that too much moralizing, ethicizing or preachifying on the culmination of corruption's menace does not generate substantive dividends. In this connotation, it is advisable to establish independent institutions that will over time mitigate the incidence of corruption across the country. Such independent institutions can work effectively to curb the quandary of corruption if representatives from government, business and civil society work together to abide by the standards and procedures of the law and discourage archaic discretionary laws. It is imperative that corruption can't be rooted out in one big sweep. It is a gradual, step by step and project by project process. It is hoped that this study will inspire other researchers and provide an impetus for further research. More importantly, there is a need for greater strategic focus on the governance issues to curb corruption in Pakistan. Further study in this direction will considerably increase understanding of the decline of good governance in the country. Ultimately, that richer understanding will produce concrete benefits for theories and practitioners alike.

References

- Abbasi, A. Pakistan shows better face in new corruption index, *The News International*, December 3, 2013.
- Asad, M. What the dictator now faces, *The Daily Dawn*, February 2, 2014.
- Chene, Marie (2008), Overview of corruption in Pakistan. Retrieved December 17, 2013, from <http://www.u4.no/helpdesk/helpdesk/query.cfm?id=174>.
- Chene, M. (2012), Lessons learned in fighting corruption in post-conflict countries. Retrieved December 3, 2013, from <http://www.transparency.org>

/files/content/corruptionqas/355_Lessons_learned_in_fighting_corruption_in_post-conflict_countries.pdf

- Hussain, M & Hussain, A. (1993). *Pakistan Problems of Governance – Governing South Asia*, New Delhi: Konark Publishers Pvt. Ltd.
- Haqqani, H. Fighting Corruption is an excuse to deny democracy to Pakistan, *South Asia Tribune*, March 24, 2005.
- Islam, N. (2006). ‘Democracy and Governance in Pakistan’s Fragmented Society’. *International Journal of Public Administration*, 24:12, 1335-1355.
- Islam, Z. (2001). *Good Governance for Pakistan*, Pakistan: Arco Publishing company Inc.
- Javaid, U. (2010). ‘Corruption and its deep impact on Good Governance in Pakistan’. *Pakistan Economic and Social Review*, Vol. 48, No. 1 (Summer 2010), pp. 123-134
- Noman, O. (1992). *Pakistan: Political and Economic History since 1947*. London: Kegan Paul International.
- Quah, J. S. T. (2006). ‘Curbing Asian Corruption’, *Current History*, April: 176_179.
- Raza, S. M. (2000). “The effective administration of criminal justice for the prevention of corrupt activities by public officials.” Resource Material Series No.56 - United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) (Tokyo). Viewed on Dec 15, 2013, [www.unafei.or.jp/english /pdf/PDF_rms/no56/56-38.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no56/56-38.pdf)
- Rehman, I. A. (1993a). ‘The Court Rests its Case’, Review of Judgements on the Constitution , Rule of Law, and Martial Law in Pakistan by Chief Justice Dr. Nasim Hasan Shah, *Newsline* , November/December, pp. 87_88.
- Rehman, I. A. (1993b). ‘*Crisis of Justice*’, *Newsline* , February, pp. 34_41.
- Rose-Ackerman, S. (1978) *Corruption: A Study in Political Economy* New York: Academic Press.
- Sayeed, A. (2010). ‘Contextualizing Corruption in Pakistan’. *Social Science and Policy Bulletin, Lahore University of Management Sciences. Vol. 2, No. 1. (Summer 2010)*, pp. 9-18.

- Vittal, N. and S. Mahalingam (2004), *Fighting Corruption and Restructuring Government*. New Delhi: Manas Publications.

Webliography

- “http://antisystemic.org/satribune/www.satribune.com/archives/200503/P1_hh.htm”, 24 March 2005, 11:21 AM.
- “<http://www.thenews.com.pk/Todays-News-13-27023-Pakistan-shows-better-face-in-new-corruption-index>”, 3 December 2013.
- <http://www.transparency.org/research/cpi/overview>, 15 June 2016.
- <https://www.hrw.org/reports/2000/pakistan/pakio09.htm>, 10 December 2014