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## The Mirage of Rule of Law in Pakistan

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**Legal framework to ensure legislator's transparency:** Recently, many of the legislators of the Islamic Republic of Pakistan submitted to the Election Commission of Pakistan (ECP) their statements of accounts and declaration of their and their spouse's assets. This is a legal requirement under The Representation of People's Act, 1976, enacted on January 4, 1977 by the Pakistani Parliament then led by Prime Minister Zulfiqar Ali Bhutto, founding father of the Pakistan People's Party.

The Act's Article 42A states: "Every member shall...submit a statement of assets and liabilities of his own, his spouse and dependents annually to the (Election) Commission (of Pakistan)" and there is a prescribed form for declaring these details. Article 42A(2) empowers the Election Commission of Pakistan to publish these details and the same could be obtained on "payment of prescribed fee." Under article 42A(3), the Chief Election Commissioner "shall...notify the names of the members who fail to file statements of assets and liabilities within the period specified...and by an order direct that such member shall cease to function till such statement is submitted." Intriguingly, *no* such notification ordering any legislator to "cease to function" has *ever* been issued.

The most important clause is 42A(4) that specifies the penalty against filing a fallacious statement. The article reads: "Where a member submits the statement of assets and liabilities...which is found to be false in material particulars, he may be proceeded against under Section 82 for committing the offence of corrupt practice." Section 82 is titled as "Penalty for corrupt practice" and reads, "Any person guilty of corrupt practice shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both." Interestingly, *no* legislator has *ever* been punished or accused of falsifying his/her declaration under Article 42A(4).

**Pack of lies?** On 28 March 2009, CRSS conducted an informal, non-scientific survey in order to gauge public opinion. The short conclusion: An overwhelming majority of respondents out rightly rejected most

statements of accounts submitted by the elected representatives. Again, an overwhelming majority of respondents was not prepared to accept that the Prime Minister of Pakistan does not own a home or a plot of land; has no vehicle and has a total bank balance of just Rs. 979,734 (\$12,246).

Even more unbelievable are statements submitted by Pakistan's religious leaders including Maulana Fazlur Rahman and his confidants, Maulvi Agha Muhammad and Abdul Ghafoor Haidri, Secretary General of Jamiat-e-Ulma-e-Islam (F). Maulana Fazlur Rahman owns a house, domestic furniture worth Rs.50,000 but does not have any inherited property or vehicle and a mere Rs. 3,000 in his bank account. Total assets declared by Maulana Abdul Ghafoor Haidri are valued at Rs. 650,000 (\$8,125). JUI-F's Senator Maulana Gul Naseeb's declared assets stand at Rs. 30,000 only. Maulvi Agha Muhammad declared that he only has Rs. 1,500 (\$18.75) in his bank accounts.

The total value of assets declared by Mushahid Hussain Syed, PML(Q)'s Secretary General, stand at Rs. 35,000 (\$437). Former Chief Minister, Punjab, and former Leader of Opposition in the National Assembly, Chaudhry Pervez Ilahi, does not have a car and he has a total of 78 acres of land.

Dr Ayatullah Durrani, PPP's Minister of State for Industries and Production, has no assets (he has mentioned that he operates two bank accounts but failed to declare the balances held in those accounts). Durrani also mentions that he shares the agricultural land with his family and has "no other source of income."<sup>1</sup> Another legislator of PPP, Jamshed Ahmed Dasti, said that he had no assets or property and operated just one bank account to draw his salary as a parliamentarian. Federal Minister for Water and Power, Raja Pervez Ashraf, valued his personal luxury vehicles at Rs. 1.5 million.

Pakistan Muslim League-N's MNA, Rana Abdul Sattar, submitted a blank statement and he does not own any property, vehicle, business or any personal belongings. Ms. Reena Kumari,

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<sup>1</sup> Daily Times, March 21, 2009.

MNA, Pakistan Muslim League-Functional, just signed the statement but did not mention the details of *any* of her assets.

Some legislators even claimed that they did not own any property or many of their multi-million rupee properties were gifted to them by “unknown sources.”<sup>2</sup>

**The most interesting asset’s declaration:**

Notably, most interesting of all the statements came from Hamza Shahbaz, son of Mian Shahbaz Sharif, President, Pakistan Muslim League-Nawaz. Hamaza Shahbaz’s statement depicts an asset base in the amount of Rs. 210 million and an equivalent amount of liabilities. His wife, Mehrunnisa Hamza, has jewelry worth Rs. 2.5 million and an equivalent amount in liabilities.

**How is Pakistan viewed internationally?**

According to a 2008 Global Integrity Report, Pakistan has “very strong” anti-corruption laws and “weak” law enforcement. Its executive accountability is “very weak” while legislative and judicial accountability, both, are “weak.” Voting and citizens’ participation is rated as “weak” while political financing is “very weak.” The gap between the existence and implementation of law and rules is noted as “huge.”<sup>3</sup> Transparency International rated Pakistan at 134<sup>th</sup> on its Corruption Perception Index with Uganda, Mozambique, Ethiopia, Eritrea, Guyana doing better at 126<sup>th</sup>. India was rated at 85<sup>th</sup> while Sri Lanka was at 92<sup>nd</sup> position.<sup>4</sup> According to a World Bank report, Pakistan’s standing on “Control of Corruption” was at 21%.<sup>5</sup>

*Prima facie*, Pakistani lawmakers have not done any service to their country, democracy or the people of Pakistan. Pakistani parliamentarians need to set examples that ordinary Pakistanis can follow, admire and implement on themselves. If at all the governing elite wants to bring in the culture of rule of law, of which much is talked about, then all of this *must* begin at home. Personal accountability must become the first step toward a culture of good governance, and transparency before the people of Pakistan.

**Any chance of action?** Would the Chief Election Commissioner and the Judicial organ of the State aptly check and scrutinize these statements? On March 24, Chief Justice of Pakistan Iftikhar Muhammad Chaudhry sat in Court Room Number 1 and began dispensing justice. Would the Court Number 1 begin setting new standards?

**Final words of wisdom:** According to a working paper of the National Bureau of Economic Research: “Democracy and the rule of law are both good for economic performance, but the latter has a much stronger impact on incomes (and) higher income produces...better institutions. *Rule of law and democracy tend to be mutually reinforcing.*”<sup>6</sup>

*Is someone listening?*

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<sup>2</sup> Dawn, January 31, 2009.

<sup>3</sup> <http://report.globalintegrity.org/Pakistan/2008/>

<sup>4</sup> [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2008](http://www.transparency.org/policy_research/surveys_indices/cpi/2008)

<sup>5</sup> <http://info.worldbank.org/governance/wgi/pdf/c170.pdf>

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<sup>6</sup> Rule of Law, Democracy, Openness, and Income: Estimating the Interrelationships by Roberto Rigobon, Dani Roderik; published September 2004.