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ADMINISTRATIVE STRUCTURE OF PAKISTAN AND THE CONCEPT OF GOOD GOVERNANCE

Administrative structure of the Islamic Republic Pakistan is based on the 1973 Constitution. Under this Constitution, Pakistan has been declared a Republic with Islam as its state religion. The Constitution says that the Islamic Republic of Pakistan will be a federal state constituted of the areas falling in four categories;

1. Four provinces; the Punjab, Sindh, the KPK and Baluchistan.
2. Federal Capital (Islamabad) and areas adjoining it.
3. Tribal areas adjoining the KPK and Baluchistan.

There are five governments working in Pakistan; one federal and four provincial governments. All federal systems are based on the principle of division of powers among the federating units (Provinces) and the federal government (or the central government). Another essential component of a federation is a formula stipulating what subject are to be controlled by the centre and what subjects shall be under provincial control. Under the 1973 Constitution of Pakistan division of powers between the provinces and the centre has been made on the basis of two lists;

1. Federal List: This list contains the subjects on which only the Federal Parliament can legislate. Important matters enumerate in this list are the following:

Armed Forces, Covenants, Banking, Currency, Foreign Exchange, Nuclear Energy, Planning, Citizenship, Foreign Affairs and Communications.

2. Concurrent List: National Parliament and Provincial Assemblies have an equal jurisdiction regarding the subjects mentioned in this list. Following are the important matters enumerated in this list:

Health, Education, Criminal and Civil Law, Armament, Family Planning, Irrigation, Newspapers, Zakat, Tourism and Archives.

3. The Subjects not included in any of these lists are called 'residuary subjects'. Provincial Assemblies are entitled to legislate on the subject falling in this category.

Organs of the Federal Government and their Functions

Governments are comprised of three main organs, composition of these three organs under the Constitution of the Islamic Republic of Pakistan is based on the following lines:

THE LEGISLATIVE

Legislative means the law forming body of the state. Federal legislative of Pakistan has been named 'Parliament'. Our Parliament is bicameral. This means that our Parliament has two houses i.e. National Assembly or the lower house and Senate or the upper house. Every piece of legislation that our Parliament passes undergoes four stages before it is made a part of the statute book.

- First of all a draft of the desired law is prepared by the law experts. This draft is called Bill. Private members can also prepare or draft Bills to be presented before the Parliament.
- A draft is generally initiated before the lower house (National Assembly) first. The National Assembly undertakes a debate on the bill which is carried out in different stages. If the bill is passed by the National Assembly, in original or amended form, it is sent to the upper house (Senate) for approval. Any bill required approval of $\frac{3}{4}$ of the present members of National Assembly.
- A bill passed by the National Assembly is again debated in different stages in the Senate. After debate, the bill may be passed in original or amended for or rejected. After the approval from both houses, that bill became part of the constitution.
- A bill passed by the Parliament (National Assembly and Senate) is then submitted for the final approval of the President. After the approval of the President the bill is published as law and makes a part of the statute book. President has no real authority to reject a bill passed by the Parliament. All bills except the monetary bills can be initiated in either of the two houses (National Assembly or Senate). If a bill is initiated in the Senate it will be sent to the National Assembly after the approval of the Senate, but as a matter of practice most of the bills are first initiated in the National Assembly.

Composition of the Federal Parliament

The National Assembly: National Assembly the lower house of the Parliament consists of 342 members. The country has been divided into constituencies demarcated on the basis of nearly equal number of voters in each constituency. Each constituency returns one members to the National Assembly, elected on the basis of universal adult franchise.

Minority voters elect their representatives from among themselves. Members of the Provincial Assemblies in all the four provinces elect women members to fill the seats reserved for women members allocated for each province. Any citizen of the Islamic Republic of Pakistan who has attained to the age of 25 is eligible for the membership of the National Assembly.

Presiding officer of the National Assembly is called 'Speaker'; a 'Deputy Speaker' is also elected to perform duties in the absence of the Speaker, Prime Minister's is the most powerful and dignified office of the Republic. He is the head of the administrative machinery and the Chief Executive as well as the leader of the majority party in the National Assembly. President cannot overrule or reject the advice tendered by the Prime Minister. The President, however, enjoys certain discretionary powers.

The National Assembly is elected for five year, but the President can dissolve the National Assembly on Prime Minister's advice during its term. In this case mid-term elections are to be held within 90 days of the dissolution of the Assembly. The National Assembly has wide ranging powers of legislation. The National Assembly enjoys full control of the financial matters. No tax in the country can be levied without the approval of the National Assembly. Each member of the Cabinet heads an administrative division in the government. It is constitutionally binding on the Prime Minister to select at least three fourths of his ministers from the National Assembly. The Prime Minister is elected by the members of the National Assembly from among themselves. In this way the National Assembly exercises full control over the administration in the country.

The Senate: Senate is the upper house of the Parliament; this house represents the province and not the people. All the four provinces, large and small, have equal representation in the Senate. Any registered voter, at least 30 years of age, is eligible to contest for a seat of the Senate, allocated for his province of domicile. The Senate sessions are presided over by a Chairman; he is assisted by a Vice-Chairman. Both these officials are elected by the Senators from among themselves.

Senate is a permanent house and cannot be dissolved *en bloc* (as a whole), each senator is elected for a term of six years; half of the total number of Senators retire every three years.

No law in the Republic can be promulgated unless it has been passed by the Senate. Senate's powers of legislation are at par with the National Assembly excepting monetary matters regarding which the National Assembly has a dominant role Chairman of the Senate officiates as President of Pakistan in his absence.

THE EXECUTIVE

The Prime Minister: Democratic systems are classified into two major government forms on the basis of the division of powers between the organs of governments parliamentary

and presidential. Parliamentary system has been adopted in a number of countries including Pakistan, India and the UK. The United States of America is the most outstanding example of a country run under the presidential system. In the parliamentary system the legislature dominates the executive.

In Pakistan the executive is formed by the legislature. The Prime Minister (who is also the chief executive) is elected by the National Assembly (legislative). The Prime Minister is legally bound to select three fourths of the members of his cabinet from the National Assembly members. Every minister acts as the executive head of one or more of the government departments. Prime Minister is the chief executive. Office of the President, though more prestigious than the Prime Minister, is less powerful in practice. All the order passed by the President should be countersigned by the Prime Minister. The National Assembly can force the Prime Minister and his Cabinet to resign office by passing a no-confidence motion against the government.

The President: The President enjoys the protocol of being the highest office bearer of the Islamic Republic of Pakistan. Constitutionally his discretion is limited by the binding advice of the Prime Minister. The President is elected by the two Houses for the Parliament and the four Provincial Assemblies. The Parliament can remove the President from office through impeachment, if he is found guilty of serious misconduct or suffers from mental or physical disability. A Muslim, who qualifies for the membership of the National Assembly and has attained to the age of 45 is eligible to contest election for the office of the President.

The President can impose emergency in any province and can dissolve the Provincial Assembly as with the consultation of Prime Minister. He is authorized to appoint judges of the Supreme Court and authority of judges of all the four High Courts. In addition to that the President is also Signatory appoints the Attorney General, four provincial Governors, members for the Council for Islamic Ideology and the three Army Chief's; he also sign appoints a number of other important functionaries of the Government.

The President can, on the advice of the Prime Minister, promulgate ordinance having the force of law, if the National Assembly is not in session. An ordinance issued by the President has the force of law for a period of for months. Within or after the lapse of four months the Parliament may abrogate an ordinance or pass it as a piece of law. After approval by the Parliament an ordinance has the same force as a law passed by the Parliament through normal procedure. The President has the authority to hold referendum on an issue of national importance.

THE FEDERAL JUDICIARY

A Supreme Court had been established, at the federal level, under the 1973 Constitution. All persons and institutions operating within the state of Pakistan fall within the

jurisdiction of the Supreme Court. The Supreme Court is composed of one Chief Justice and a number of Judges. The Chief Justice is appointed by the President; rest of the judges are appointed by the President with the consultation of Chief Justice. Judges of the Supreme Court have full security of the service. Only Supreme Judicial Council can make recommendations about the removal of a judge on the basis of serious disability. Order of the removal is passed by the President, but he cannot remove a judge, on his own, without the recommendation of the Supreme Judicial Council.

PROVINCIAL GOVERNMENTS: THEIR POWERS AND FUNCTIONS

We have studied in the beginning of this chapter that the government of the Islamic Republic of Pakistan is comprised of one federal and four provincial governments, all the provincial governments have identical governmental structures and institutions, but due to variation of the size of the provinces, numerical strength of the Assemblies and the number of judges in the provincial High Courts differs from each other. We shall discuss these provincial institutions separately.

The Legislature: The Provincial Assembly in each province performs almost the same functions as the National Assembly does at the federal level. The Provincial Assemblies can legislate on all matters mentioned in the Concurrent list. Every province has been divided into constituencies equal in number of the seats allocated to the Provincial Assembly under Constitution. From each constituency voters return one member to their respective Provincial Assembly. Elections are held on the principle of universal adult franchise. Head of the provincial executive is called Chief Minister. The Chief Minister is elected by the absolute majority of the members of the Provincial Assembly. For running administration, the Chief Minister appoints members of the provincial cabinet. Each minister heads one or more administrative departments. The Chief Minister along with his cabinet is accountable to the Assembly. The Provincial Assembly can pass a vote of no-confidence to remove the Chief Minister and his cabinet from office.

Executive (the Chief Minister and the Governor): Chief Minister is the leader of the Provincial Assembly. The Chief Minister has almost the same position in the province as the Prime Minister has in the federal government. The Chief Minister runs his government with the help of his cabinet.

Constitutional head of each province is called Governor. In each province the governor enjoys the same position as the President enjoys in the centre. All the four provincial governors are appointed by the President. The governors represent the federal government at the provincial level. The President can remove any Governor from his office without assigning reason. A piece of legislation passed by the Provincial Assembly takes

the force of law only if it has been countersigned by the Governor of the province. The Governor, however, cannot reject a piece of legislation passed by the Provincial Assembly. The Governor can promulgate ordinances having the force of law in the province. This power is identical to the President's power of promulgating ordinances at the centre. Ordinances are effective for a specified period of time. The respective Provincial Assembly can reject the ordinance or adopt it as a permanent piece of legislation.

Judiciary (the High Courts): Four High Courts have been established under the Constitution in all the four provinces. The High Court's function under the supervision of the Supreme Court. Each High Court consists of one Chief Justice and a number of Judges. The High Court has original jurisdiction as well as appellate jurisdiction. High Courts also hear cases regarding contempt of court and also tender expert legal advice to their respective Governors and Provincial Assemblies. The Supreme Court has the power to heard appeals against the decisions passed by the High Courts.

Local Governments Established Under the Devolution Plan

Gen. Pervez Musharraf assumed power as Chief Executive after removing the civil government on Oct. 12, 1999. In the year 2001 Gen. Pervez introduced a new system of local governments which he named "Devolution Power and Responsibility Plan. Main philosophy underlying this system, as its title shows, was to devolve powers and responsibilities, regarding governmental affairs, to the "grass-root-level".

Devolution Plan gave a four tier system of local government i.e.

1. Union Council
2. City District
3. Tehsil Council
4. District Council

UNION COUNCIL

Union Councils will be elected directly, for tenure of four years, on one man one vote basis (in the original Plan its tenure was three years). Union Councils shall be so demarcated as to have approximately equal population.

Each Union Council shall have twenty one members elected on the basis of the following seat allocation break up:

<u>Category</u>	<u>No. of Seats</u>
1. Nazmi	1
2. Naib Nazim	1
3. Muslim (Male)	8
4. Muslim (Female)	4
5. Workers/Peasants (Male)	4
6. Worker/Peasants (Female)	2
7. Minorities	1
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If the population of the minority community in a Union Council exceeds 10% of the total population, the provincial government shall affect a revised seat allocation.

Function: The Union shall perform following functions:

- 1) To undertake development projects at local level, by working in collaboration with village councils in rural areas, and the Citizens Community Boards in both urban and rural areas.
- 2) To levy taxes in order to raise funds.
- 3) To prepare annual development plans to be carried out in its jurisdiction.
- 4) To act as conciliatory body to resolve civil, criminal and family disputes.

TEHSIL COUNCIL

Tehsil government shall include Tehsil Nazim, Tehsil Naib Nazim, Tehsil Assembly and the Tehsil of all Unions of the Tehsil Administration.

Tehsil Council shall comprise of n indirectly elected Nazim, a Naib Nazim and Naib Nazims of all Unions of the Tehsil.

Tehsil Administration: Tehsil Nazim shall be the Head of the Tehsil Government. A Tehsil Municipal officer (TMO) shall at as coordinator for the Tehsil administration. Four Tehsil Officers (TOs) shall report and assist the TMO on subjects of finance, budget, municipal standards, land use, control, and rural-urban planning.

Functions: Tehsil Council shall perform following functions:

1. Provision of municipal services within the Tehsil area.

2. Co-ordination between and the monitoring of the district government officials.
3. Development through land control and master planning in all towns and village of the Tehsil.
4. Reversing the process of serialization of the urban areas and urbanization of the rural areas.
5. If a Tehsil area becomes urbanized it shall be raised to the status of a '*City District*'. The '*City District*' shall be divided into a number of towns on the basis of populations.

ZILA COUNCIL (DISTRICT GOVERNMENT)

District Government shall include Zila Nazim, Zila Naib Nazim and the District Council, District Nazim shall not be the member of the District Assembly, Naib Nazim, shall, however, be the speaker of the District Assembly. District Nazim shall be the Executive Head of the district and district administration. Police shall be answerable to him and shall work under his control. Through this provision the district administration has been made accountable to the people's representatives.

Elections: All Union Nazims will represent their respective Unions in the District Council. They shall be permanent members of the District Council, General Seats in the District Council shall be equal to the number of the Union Councils in the district. The Union Councilors shall elect members for the reserved seats; following is the break up of the allocated seats.

1. Women	33%
2. Workers/Peasants	5%
3. Minorities	5%

District Nazim and Naib Nazim shall be elected indirectly. They shall be elected by all the Union Councilors in the district.

ZILA (District) NAZIM:

Under the Devolution Plan 2000, the District Nazim has emerged as the most prominent and highly prestigious political and administrative office as the centre of all the cultural and economic activity in the district, he has been given full control over district administration. District annual budget is prepared under his guidance. All development programmes in the district are made and executed under his supervision. (Zila Nazim, is not however, a member of the Zila Council)

ZILA NAIB NAZIM:

Zila Naib Nazim shall be the speaker of the District Assembly and shall act as liaison between the District Council and the District Nazim. In the absence of District Nazim the Naib Nazim shall officiate in his capacity.

Functions of the Zila Council / Zila Nazim:**Legislative:**

- Regular and levy taxes and modify tax structure.
- Make bye-laws and rules of procedure for the subordinate local bodies. The provincial assembly, however, shall be empowered to set aside any resolution or order passed by the Zila Council.

Administrative:

- Zila Nazim shall be the executive head of the District Government. Police and district administration shall be duty bound to assist him.
- Zila council shall appoint various committees to monitor the district Administration.
- All divisions have been abolished; district has been made the principal administrative unit.

If the office of the Nazim falls vacant due to any reason, before the expiry of his tenure, Naib Nazim shall not be eligible to contest for seat vacated by him in bye-election; neither shall he succeed him in his office temporarily.

CITY DISTRICT

If a Tehsil area becomes unable to perform its functions smoothly due to its urbanization, it shall be raised to the status of a City District. The City District shall be divided into a number of Towns. Division will be made on population basis. The newly formed towns of the City Districts shall have the powers and authority to perform municipal functions and provide civic facilities to the residents of the area.

DISTRICT POLICE

According to the new concept of devolution, law and order is the responsibility of the provincial government. The provincial government shall provide police force for the maintenance of law and order in the district. The police shall, however, perform their duties under the guidance and instruction of the District Government.

In order to make the police answerable to the general public, a new system of accountability has been introduced at district and city district levels.

DISTRICT JUDICIAL SYSTEM

The Devolution Plan 2001 speaks about new judicial principles i.e.

- Quick and effective dispensation of justice.
- Provision of justice at the doorstep.
- Pre-emption of litigation.
- Decentralisation of judiciary.
- Horizontal expansion of judiciary by establishing new small cause courts at the Tehsil level.
- Establishment of special courts for woman.

CITIZENS COMMUNITY BOARDS

Citizen Community Boards shall be established with a purpose of creating an environment of citizens' participations in government affairs at grass-root-levels.

These Boards shall be formed for managing government hospitals, basic health units, educational and other important services institutions.

Community Boards shall be formed by the monitoring committees of the Union Councils and their opinion shall be given a high weightage by the government.

LITERACY AND INFORMATION TECHNOLOGY

The Devolution Plan 2001 has attached great importance to the basic and computer education. The District Government has been assigned a special duty to establish institutions for the promotion of literacy and information technology.

RESTRUCTURING OF THE PUBLIC SERVICES

- Office of the Divisional Commissioner (formerly known as the "Commissioner") has no place in the present set up.
- Deputy Commissioner's office has been replaced by a District Co-ordination Officer (DCO) Each Department of the District Government shall be headed by an Executive Officer. These departments shall not exceed twelve in member.

- Revenue and magistracy departments have been separated and shall be headed by two different executive officers. The change marks a departure from the centuries old British tradition under which both these powers were exercised by the Deputy Commissioner alone, he was the D.M. (the District Magistrate) and the Revenue Collector in one.

DISTRICT OMBUDSMAN

Office of an Ombudsman has been created at district level. The Ombudsman will be appointed with a responsibility to redress public grievances.

Concept of Good Governance in Islam

Islamic pattern of state demands that the relationship between the Individual and the state are organized on a pattern that should neither cause stress and oppression for the individual, nor allow the government to exert its authority autocratically.

Islam wants to create a political culture based on complete balance between the objectives of the state and aspirations of the citizens. These Islamic principles can be upheld by observing certain principles. The Islamic conduct of state is based on the following guiding principles.

- People should be allowed to exercise their free will in the selection of the head of the state. He should be a person distinguished due to his outstanding merits of knowledge and Allah fearing (*taqwa*). Quran says.

“..... Verily most honored of you in the sight of Allah is
(he who is) the most righteous of you ” (49:13)

- All the institutions of the state should be run strictly according to law. All citizens should be equal before law.
- No discrimination among the citizens should be made on the basis of colour, race, and place of domicile, language, creed or gender.
- Basic social, political and religious rights of the citizens should be safeguarded. All the citizens should enjoy equal freedom.
- Usury (*riba*) should be strictly prohibited and accumulation of wealth discouraged.
- It should be the duty of the state to collect *Ushr*, *Zakat*, *Khums*, and *Sadaqaat* from the wealthy and spend it for the uplift of the poor and the destitute.

- The state should take the responsibility of providing all the citizens with the basic human needs. These basic needs include food, shelter, dress, old age pension and health facilities.
- An Islamic state should administer justice without discrimination. Allah had ordered his Rasool ﷺ and all the Muslims to do justice, whatever the circumstances be, Quran says.

“ and let not the hatred of others to you make you swerve to wrong and depart from justice, be just; that is next to pity; and fear Allah ” (5:8)

- An Islamic state should discourage all moral vices like lying, breaking of the promise and covenant, backbiting and untrue allegation, and miserliness greed and avarice, taking bribe, usurp, theft, robbery, falling short the balance and measurements, drinking gambling, arrogance, and hypocrisy.
- The state should work for the promotion of virtue by applying the methods of education and persuasion. Widows, orphans and the destitute should be given help from the *Bait-ul-maal* (government exchequer). An Islamic state should try to inculcate in its citizens the qualities of chastity, self-respect, piety, love of humanity, tolerance and forgiveness, fair dealing, humility, politeness, fraternity, modesty, kindness, consideration of the fellow beings.
- It is the duty of an Islamic state to provide free and compulsory education for all citizens. The education scheme should include not only basic literacy but also higher Islamic learning, linguistics as well as the physical and social sciences on the highest possible level.
- It is the duty of an Islamic state to establish peace and punish the criminals. In an Islamic state Muslim and non-Muslim citizens have equal social rights. The non-Muslim citizens, rather excel in certain matters (for example they are exempt from compulsory military service). The non-Muslims citizens should be given complete freedom for the preservation of their culture, language, personal law, places of worship and religious institutions. No person should be forced to pay a tax for the maintenance and support of the religious institutions or the preaching of religion, he or she himself or herself does not profess of follow.
- An Islamic state is established not merely for the maintenance of peace. It has higher objectives to achieve and it has to work for the moral and spiritual uplift of its citizens. It prepares them for a successful life in their world and deliverance in the

Hereafter. The Holy Quran enlists the paramount objectives of an Islamic state in the following words:

“ (they are) those who if we establish them in the land, establish regular prayer, and give regular charity, enjoin the right and forbid wrong, with Allah rests the end (and decision) of (all) affairs. ” (22:41)

Hazrat Omer's (رضي الله عنه) System of Government

Hazrat Omer (RA) assumed the office of *Khalifah* in August 634, and was assassinated in 644. He ruled for ten years. History merits him to be the greatest of the world's rulers and conquerors. Islamic state under his Khilafat occupied an area of 58 lac sq, kilometers. (seven times larger than the area of Pakistan). But the greatness ascribed to Hazrat Omer (رضي الله عنه) name is not due to the expanse of land he ruled over, it is mainly due to the marvellous system of government he evolved, and in the following centuries the entire civilized world followed his example.

GUIDING PRINCIPLES

Sense of Responsibility: Hazrat Omer (RA) knew very well what Islam demanded from a ruler. To him the seat of a Muslim ruler was not a seat of authority of privilege; it was rather, a position that asked for selfless service and complete devotion. He never aspired to be the ruler of the state, nor was he happy when he was entrusted with this responsibility. He himself said that he only accepted the responsibility of Khilafat because Hazrat Abu Bakr (RA) whom he reversed most, wanted him to do so, and he could not dare disobeying him.

Service above Self: By his own example Hazrat Omer (RA) set the example of a head of state who was the most humble servant of the people. Once a few camels of the Bait-ul-Mall ran away in the desert, Hazrat Omer (RA) himself went out to round them up. A companion asked him why he did not send a slave to run this errand. Hazrat Omer (RA) replied: “Am, I not the most humble of all the slaves”.

Social Security: That the concept of social security as the prime responsibilities of the state reached its climax during the reign of Hazrat Omer (RA) can be gathered from his frequently quoted saying “Hazrat Omer (RA) will be held accountable if a dog at the bank of *Dajlah* dies of hunger”. He established a system of permanent financial support for the widows, orphan and the destitute to be paid from the Bait-ul-Mall (public exchequer). An amount for the purchase of milk was fixed right at the time a baby was born in the state.

Equality: The most outstanding features of Hazrat Omer's (RA) System of government was the superb level of equality he maintained amongst the citizens of his state. During his reign Medina was hit by a worst type of famine. Hazrat Omer (RA) ordered all the citizens of Medina to deposit all the eatables they had, in the Bait-ul-Mall. Food was cooked in a common kitchen and was served in a common mess. Disabled and the women were served food at home. Hazrat Omer (RA) himself decided to abstain from taking food items which were short in supply especially cooking oils and fats. His skin got dry and he grew weak and thin due to starvation. The Caliph himself and the members of his household were served food after everybody else had been served. When somebody suggested to him that the children living in Medina should be given a bigger food quota as compared to the children of rural areas, because they were comparatively delicate and unable to sustain hardship and starvation like village children. Hazrat Omer (RA) declined to do so by saying "This calamity has descended from sky upon allow us, and all of us have to share it collectively" Once, the Governor of Azerbaijan sent a jar of a delicious sweetmeat to Hazrat Omer (RA) as a gift, Hazrat Omer (RA) opened the jar, tasted a pinch full of it and asked the carries weather all the people in Azerbaijan take sweets like this, the courier told him that the sweat was a delicacy which only very rich people could afford. Hazrat Omer (RA) replaced the lid instantly returned it back to the courier and said that anything which is not accessible for all citizens of the state; their Ameer (head) has no right to enjoy. Hazrat Omer Bin-al-'Aas (RA) established a new cantonment at Fistaat. He wrote to Hazrat Omer (RA) that he has built a house for the Caliph (who was also the supreme commander of the armed forces). Hazrat Omer (RA) in his reply expressed displeasure on this and said that a man living in Hijaz has no right to own a house in Egypt. He ordered Hazrat Omer Bin-al-'Aas (RA) to convert that house into a public building.

Vigilance and Accountability: Hazrat Omer (RA) was all time ready and willing to answer any questions that anybody would raise about his public decisions or personal life. From the tradition of The Rasool ﷺ he inferred a principle that if the Ameer of the Muslims or any member of his house hold commits a crime he or she will be given double punishment. He observed this principle strictly throughout his life. He inflicted double punishment for drinking wine on his own son he was extremely vigilant and harsh about the governors he appointed. Every important office holder in the state had to submit a list of his property, at the time of his appointment. The Caliph got it signed by four witnesses and preserved it for record. Every governor had to take oath on four things before he would assume his duties.

- He will not ride a Turkish horse (which was a symbol of vanity and pride at that time)
- Will not wear thin and delicate cloth.
- Will not use refined flour.

- Will not set a gatekeeper at his door.

Commonest of the citizens were free to make complaints against the highest of the government functionaries. If the charges were proved, the functionaries were given exemplary punishment and even removed from office if the charges were serious in nature.

Supremacy of Law: System of Justice established by Hazrat Omer (RA) contained all the pre-requisites deemed necessary for the establishment of the rule of law. Very pious and honest people were appointed as Qazis (Judges). They were handsomely paid. All the members of the state machinery, right from the head of the state to the commonest of the citizens, had an equal status in the eyes of law. One Hazrat Omer (RA) himself had to appear in the court of Hazrat Zaid Bin Sabit (RA) as plaintiff, the Qazi gave him honour due to his esteemed position and personality. Hazrat Omer (RA) admonished him saying “this is the first injustice you have done” saying this he took a seat by the side of the defendant. He observed that the Qazi was reluctant in taking oath from him, he said, “You do not qualify for the seat of justice unless you learn to treat a common man and the head of the state at equal level.

Freedom of Expression: Careless and biased reporters have portrayed Hazrat Omer as a harsh and aggressive person. No doubt he was very Harsh in the administration of justice and the use of public exchequer. So far as the consultation is concerned, nobody after The Rasool ﷺ was as keen and considerate in this matter as Hazrat Omer (RA) was. When a person raised objections, regarding the length of his shirt in an open public meeting, somebody tried to silent the objective, Hazrat Omer (RA) SAID “Let him speak, if people do not criticize us they are of no use, if we do not listen to them we are of no use.”

Democracy: The Rasool ﷺ established a democratic state in the city state of Medina. Hazrat Omer’s (RA) Caliphate which touched some of the remotest parts of the globe was based on the same democratic principles.

This state was to serve as a role model of democracy for the rest of the world. French philosopher Rousseau’s treatise “The Social Contract” is considered to be the pioneer work from which the western world took its first lessons of democracy. Rousseau opens his book with a statement which sounds to be a direct replica of the Hazrat Omer’s (RA) sentence which he wrote in a letter to one of his governor “Mothers give birth to freemen how dare you to make them slaves.” In his book Rousseau has clearly admitted that The Rasool ﷺ and his companion were the first torch bearers of democracy in the world. India’s great leader Mahatama Gandhi used to say that the establishment of Ram Rajiya (rule of God) was his

cherished dream, asked what he really meant by Ram Rajiya he said that it would be modelled exactly on the pattern set by Hazrat Omer (RA) AND Hazrat Abu Bakr (RA).

Rights of Minorities: Hazrat Omer's (RA) treatment of the non-Muslim citizens was exemplary. Muslims wanted to put up a mosque in Syria, when a suitable place was located and plan chalked out, it was found that the plan would not be executed unless a private house, built on the proposed site were demolished. This house was owned by a Christian. He was asked to sell it, but he did not agree. The Muslims demolished the house per force and made it part of the mosque. When the news of this incident reached Hazrat Omer (RA) he ordered that the part of mosque put up on the Christian's house be demolished immediately and the house restored and given to its owner.

Discipline: Hazrat Omer (RA) for the first time established such a perfect system of government that would serve as a role model for times to come. History of many of the successful systems and practices applied in the modern states dates back to Hazrat Omer's (RA) Caliphate, he was the pioneer and innovator of the systems like:

- Population census
- Division of the country into provinces and administrative divisions.
- Appointment of Governors and functionaries and their accountability to the head of the state.
- Posting of the tax Collectors (Sahib-ul-Kharaj) in each province.
- Appointment of the Police Chief (Sahib-ul-Ahdath).
- Appointment of the Secretary (Katib).
- Appointment of the Finance Minister (Sahib-e-Bait-ul-Mall).
- Appointment of Justices (Qaziz) in all the provinces.
- Establishment of a Divan (Secretariat) to maintain the account of the salaries and financial assistance paid to the soldiers and the families of the Mujahidin.
- Establishment of a standing Army and a system of assigning ranks to army personnel.
- Putting up of a number of military cantonments on permanent basis; each of these cantonments was called 'jund'. More famous among these were Fistaat, Basrah, Koofah, Dimaskh (Damascus) Mosal, Himas, Urdun (Jordan) Philistine (Palestine) and Medina. Hazrat Omer (RA) was the first ruler who established separate departments for rendering authentic opinions in the light of Islamic Shari'ah (*Ifta*), and implementation of penalties on criminals (*Hudood* and *Taziraat*). He also established post and income tax departments. Put up mosques at public places and built new roads.

Devolution Plan and Good Governance

EXPECTATIONS AND TARGETS

We have studied earlier that Gen. Pervez Musharraf launched a new programme under the title of Devolution of Power and Responsibility Plan in 2001. The targets of the plan if achieved would bring about a revolution in the entire set up of the society. Following are the major stipulated targets of the Plan:

1. To build confidence of the nation.
2. To strengthen the federation and remove disparities existing among different provinces.
3. To build the confidence of the investors.
4. To establish peace, upheld the rule of law and ensure speedy justices.
5. To eliminate political manoeuvring from the institutions of the state.
6. To devolve governmental authority at grass-root level.
7. To ensure speedy and transparent accountability.

Obstacles in the way of Establishing Good Governance

Good governance is directly related to the good citizenship. Good Governance can be established only in a strong and stable political culture. Following are the major obstacles interposed in the way of establishing good governance:

- a. Bad citizenship.
- b. Illiteracy and ignorance.
- c. Poverty.
- d. Culture based on war and terrorism.
- e. Oppressive political system.
- f. Social system based on corruption and dishonest practices.
- g. Lack of accountability.

There is no short cut remedy to the vices of a bad political culture. Problem of good governance is not a simple one, it is very complex and complicated, in fact this is not one problem, it is the amalgamate of a multitude of problems. Ignorance is the mother of all evils. Ignorance cannot be got rid of unless education is made universal. But a poor society cannot afford to educate its citizens for want of resources. Poverty in itself is such a great curse which gives birth to a multitude of vices, i.e. greed, indolence, corruption and social disintegration. Poor people fall easy prey to petty temptations offered to them by the self-serving politicians.

After the development of technology, war has become an extremely expensive enterprise. Even the richest nations of the world cannot venture to remain in a state of war for long, not to talk of the extremely poor countries like Pakistan and India. German dictator Adolph Hitler is known to be the most callous and ruthless of world's dictators. He idealized war as the noblest of human pursuits, he said that one who does not want to wage war must perish, and nobility of a person, according to him could be judged only by the intensity of his love for war. It was due to this philosophy that the fire lit by Hitler's militancy set an extensive part of the globe ablaze in the shape of World War II. Vanquished and spent out, as a result of his insane proclamations, Hitler had to admit at last; "In modern warfare there are no conquerors, there are only the perished and the survivors".

A nation determined to achieve the ideal of good governance should, first of all, say good-bye to war. History bears evidence that nations like the Chinese and the Japanese have achieved highest possible standards of economic and social progress only by adopting a policy of peaceful co-existence with other nations of the world.

EXERCISE

Q. 1. Fill in the blanks to make an appropriate statement.

1. There are governments at work in the federation of Pakistan.
2. sad Ram Rajjiya will be a government identical with Hazrat Omer (رضی اللہ عنہ) And Hazrat Abu Bakr's (رضی اللہ عنہ) governments.
3. French philosopher was very much impressed by the governmental system established by The Rasool ﷺ and the Pious Caliphs.
4. New system of the district government is of tiers.
5. Hazrat Omer (رضی اللہ عنہ) ruled form the year 634 to

Q. 2. Fill in the blanks by putting one of the three alternatives given in the bracket against each question.

1. The National Assembly is elected for a period of years. (6, 5, 4)
2. Lower age limit for a candidate contesting Senate elections is years. (30, 35, 25)

3. Senate and National Assembly put together are called
(Parliament, Supreme Court, Executive)
4. The Prime Minister is bound to select at least of the members of his Cabinet from the Senate. (1/4, 1/3, 1/2)
5. A Union Council should consist of at least members. (25, 21, 15)

Q. 3. Indicate whether the statement is TRUE or FALSE; put a circle around the correct answer.

1. Pakistan's present administrative set up is based on the 1973 Constitution. (True/False)
2. Hazrat Omer (RA) ruled for ten years. (True/False)
3. Hazrat Omer (RA) turned the non-Muslims out of his state. (True/False)
4. Draft of a law is called draft law or Bill. (True/False)
5. Chairperson of the Senate is called Speaker. (True/False)

Q. 4. Put right parts together.

A	B
Parliament	2001
Tehsil Administration	45 years
President	Two houses
Devolution Plan	5% minority members
District Council	TMO

Q. 5. Answer each question in two to four lines.

1. Enlist the areas of the Islamic Republic of Pakistan as per constitutional division.
2. Enumerate the subjects enlisted in the Federal List.
3. Enumerate the important subjects included in the Concurrent List.
4. Write a note on the federal judiciary (The Supreme Court).
5. When and why was the Devolution Plan introduced?
6. Enlist five significant obstacles in the way of good governance.
7. Give an account of the system of accountability adopted in Hazrat Omer's (RA) government.

8. What measures were taken by Hazrat Omer (RA) to ensure social security?
9. Enlist the four tiers of the District Government.
10. What is Citizen Community Board?

Q. 6. Answer these questions extensively.

1. What is the composition of the federal legislature in Pakistan?
(Separate narration of Senate and National Assembly composition is not required).
2. Write a detail note on National Assembly and senate of Pakistan.
3. What is the composition of the federal administration under the 1973 Constitution; also enlist its important function.
4. Give an estimate of Hazrat Omer's (رضي الله عنه) system of government.
5. Enlist the obstacles interposed in the way of good governance and how can these be overcome?
6. What is the composition of the Union Council and functions it is required to perform under the new system of District Government?
7. What do you know about the City District Police and District Judicial system?
8. Write an essay on the "Islamic Concept of Good Governance".
