

Pakistan: Many Layers of Institutional Discord Maj Gen Jagatbir Singh, VSM (Retd)

09 May 2023 will undoubtedly be remembered in Pakistan for the manner in which military installations including Jinnah House in Lahore, the residence of the Corps Commander in Lahore and the GHQ in Rawalpindi were attacked by enraged supporters of Imran Khan following his arrest. Imran Khan was arrested at the Islamabad High Court in an operation which was carried out by the Pakistan Rangers, when he was undergoing a biometric process at the Court. The Rangers broke open the glass window and arrested him after beating lawyers and his security staff. He has been facing a large number of cases since his ouster through a no-trust vote in April 2022, but has said that these cases are political victimisation by the ruling alliance.

While the former Prime Minister has lashed out at the Army, this is only one part of the conflict between the principal power centres in Pakistan- the Army, Political Parties and the Judiciary. The only actors who were not added to the heady cocktail are the religious fundamentalists.

The battle between Imran Khan and the security establishment is only one part of the chain of events. The other part features the ruling coalition which is up in arms against the top judiciary and is vowing to remove the Chief Justice, who they allege is favouring the former Prime Minister. The Supreme Court's order to release Imran Khan within a day of his arrest and provide him with protection from further action has intensified the conflict. Parliament has passed a resolution calling to file a reference against the Chief Justice.^[i]

Incidentally, both (Imran Khan and Chief Justice) are alumni of Aitchison College, Lahore which is considered one of Pakistan's best schools named after the then Lieutenant Governor of the Punjab, Sir Charles Aitchison, who, while addressing the students in 1888, said: "Much, very much, is expected of you. I trust you will use well the opportunities here afforded of you both for your education and for the formation of your character".^[ii]

The ruling coalition also decided to demonstrate its street power. Thousands of supporters gathered outside the Supreme Court demanding that the Chief Justice step down. The protesters may have dispersed peacefully, with no act of violence reported, but it has brought the battle between the government and the top judiciary to a head. ^[iii]

The military struck back in a different manner, alarmed by the fissures within, they have decided to try the perpetrators of the 09 May attacks on military installations. This decision was taken in an extraordinary Corps Commanders meeting which condemned the 'politically motivated and instigated incidents against military installations and public/private properties' and not by the civilian government.^[iv]

The Cabinet has now rubber-stamped the decision. But it will be hard for the Supreme Court to validate the move to try civilians under the Army Act and the Official Secrets Act. The proposed establishment of military courts and deployment of the Army in major cities would further lengthen the institution's shadow, which has mostly eclipsed the civilian government. Such a situation could only worsen matters.^[v]

The use of the Army Act against political activists will have serious implications, and intensify anti-establishment sentiments. Such actions would further erode the democratic process in the country. Naturally, Imran Khan fears that he could be tried for sedition and sentenced to several years in jail.^[vi]

While the modalities of such an endeavour have not been made public yet, there has been much debate over the Military Courts' jurisdiction to try civilians ever since they were allowed to do so in 2015. In a move described by Pakistan People's Party (PPP)'s Senator Raza Rabbani as the "the last breath taken by Parliament", Pakistan legalised military court trials of terror suspects for a period of two years in January 2015 during Pakistan Muslim League (Nawaz)(PML-N)'s tenure, less than a month after terrorists killed 144 people, mostly children, at an Army Public School (APS) in Peshawar. Ironically, today the PPP is part of the ruling dispensation.[\[vii\]](#)

The 'military jurisdiction over civilians was accomplished through the 21st Amendment to Pakistan's Constitution and amendments to the Pakistan Army Act (PAA), 1952, but is viewed by most as a "glaring surrender of human rights and fundamental freedoms".[\[viii\]](#)

In fact, the Punjab caretaker government has already granted approval for taking action against individuals who were involved in the vandalism of public and private properties, as well as military installations, in accordance with the Pakistan Army Act.[\[ix\]](#)

This, too, is against the provisions of the amendments made to the Pakistan Army Act in 2015, which mandated the military courts to seek prior sanction from the federal government before putting a civilian to trial. Most observers feel the move would 'undermine civilian courts and threaten all institutions, not just the judiciary'. Meanwhile Imran Khan has stated that "There can be no military courts in Pakistan. They lapsed in 2019, they can't be established."

The Army Chief, General Asim Munir, has stated that, "All those responsible for bringing shame to the nation on the Black Day of 09 May will be brought to justice and that such 'orchestrated tragic incidents' would never be allowed again at any cost".[\[x\]](#)

According to an Inter-Services Public Relations (ISPR) statement after his visit to Peshawar where he addressed the officers of the Corps and emphasised the evolving threats to national security. He said; "We shall continue with our endeavours of peace and stability and there will be no room for spoilers of the process". He also "sensitised about challenges of information warfare and efforts to create misperceptions. He highlighted that a concerted effort is being made maliciously by inimical elements to target the Armed Forces".[\[xi\]](#)

The other issue that needs to be examined is how sensitive military installations were vandalised with impunity. Under normal circumstances, the crowd would not have dared to enter such a high-security zone. Videos circulating on social media suggest that the Corps Commander and his family were inside the residence when the crowd entered the premises.

The area around the Corps Commander's residence in Lahore has always been ultra-security conscious. Apparently, every road that approaches the residence had obstacles to deter the unwelcome, and within its compound, at least 50 to 60 soldiers remain permanently on security duties.

How could a crowd of several hundred reach it without being detected or stopped? There are, of course, views circulating regarding the riots being stage managed and of the divisions existing within the Army. There are also certain inputs to suggest that Lieutenant General Salman Fayyaz Ghani was pro Imran and that is the reason he was quickly removed from command in order to ensure that the institutional cohesion of the Army remains intact.

The authority of the most powerful institution has been vilified, its trust eroded, the reservoir of respect, in the eyes of the public, has depleted rapidly.

While the images of the gates to GHQ being forced open, monuments being defaced army vehicles being pelted with stones, and the burning down of a Corps Commander's residence will not be easy to delete from public memory but trials under the Army Act points to vindictiveness over political leanings of citizens. The action is now shifted to the Zaman Park area of Lahore which is where Imran Khan resides and, in a statement, he has said; "What will never be forgotten is the brutality of our security forces and the shameless way they went out of their way to abuse, hurt and humiliate our women." Hundreds are languishing in jail in terrible conditions. This too won't be forgotten".^[xii]

No doubt this is a major challenge for the establishment of constitutional democracy, governance and civil liberties in Pakistan. Normally, this is a near impossibility given the veto power of the Army and the personalised nature of hereditary family parties. In this instance, the Army is propping up an unpopular civil government against whom public anger is boiling. By extension this is spilling over against the military.

Obviously, elections cannot be held without banning Imran Khan's party as they are likely to sweep them. In the short term, they can stifle him but what later? Sustaining the present lot as proxies and shields may yield diminishing returns. If the Army takes over it will inherit all the economic and political problems which will only get worse.

The President who is a member of the Pakistan Tehreek-e-Insaf (PTI) and the judiciary seem to have broken ranks with the Army and ruling coalition and are siding with Imran Khan. The trial of Imran Khan under the Army Act will no doubt ensure that the judiciary will no longer be able to play a role as the proceedings will be out of their jurisdiction. Or as Ashraf Jehangir Qazi has written; "Constitutionally superior bodies subordinate to a constitutionally subordinate body"!

Muhammad Ali Jinnah's motto in Urdu, is 'Iman, Ittehad, Nazm-o-Zabt' which translated as 'Faith, Unity, Discipline' are intended as the guiding principles for Pakistan. Unfortunately, Pakistan is being wrecked by the opposite of two of these principles, unity and discipline. As said; "the ship of state has drifted far from its moorings".

Soaring inflation with the Rupee touching 300 to the \$, polarised politics, a weaponised society, poverty, religious fundamentalism, are all part of Pakistan's problems but, till date, there was no ability in the public to touch the sacred cow the untouchable institution. Despite promises of change, things have only deteriorated.

US diplomat Zalmay Khalilzad when asked if Pakistan can come out of this crisis unharmed, said: "I think it remains possible, but only if key persons and institutions start to put the national interest above their personal ambitions, grudges, and manoeuvrings" he went on to say that, "it now looks utterly dysfunctional, untrustworthy, and volatile, and economic activity is stalled".^[xiii]

At a time when the focus should be on economic reforms and development Pakistan is literally at the cross roads. It's a free-for-all and a volatile situation. An opposition pitted against the all-powerful security establishment and a government at loggerheads with the Apex Court gives a dangerous twist to the power game, exposing the country's many layers of institutional discord which is only getting compounded. Confrontation between institutions have the potential to wreck the foundations of society.

Endnotes

[i] Zahid Hussain, Creeping military rule? The Dawn May 17, 2023 <https://www.dawn.com/news/1753755/creeping-military-rule>

[ii] Aitchison's History <https://www.aitchison.edu.pk/school/history>

[iii] Zahid Hussain, Creeping military rule?, The Dawn May 17, 2023 <https://www.dawn.com/news/1753755/creeping-military-rule>

[iv] Zahid Hussain, Creeping military rule?, The Dawn May 17, 2023 <https://www.dawn.com/news/1753755/creeping-military-rule>

[v] Pakistan: Riots instead of reforms, The Financial Express, May 20 2023 <https://www.financialexpress.com/business/defence-pakistan-riots-instead-of-reforms-3094884/>

[vi] Ibid

[vii] Shahzeb Ahmed, Can Pakistan's military dispense justice? May 25, 2023, Asia News Network, <https://asianews.network/can-pakistans-military-dispense-justice/>

[viii] Pakistan: Riots instead of reforms, The Financial Express, May 20 2023 <https://www.financialexpress.com/business/defence-pakistan-riots-instead-of-reforms-3094884/>

[ix] Ibid

[x] Ibid

[xi] Iftikhar Shirazi, Army warns against further attempt to vandalise security installations, the Dawn, May 13, 2023

<https://www.dawn.com/news/1752937>

[xii] The Dangerous Designs, The Dawn, 17 May 2023,

<https://www.dawn.com/news/1753751>

[xiii] Anwar Iqbal, Instability in Pakistan can destabilise entire region, warns Khalilzad, The Dawn, May 19, 2023 <https://www.dawn.com/news/1754294>

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