

## Scenario 53

### **A A ZARDARI TURNS BACK (2008):**

*{NOTE: This chapter does not seem to belong the main theme of this book but considered necessary because the document, marking an alliance between the 'proprietors' of two major but rival political parties of Pakistan, was mutually drafted, agreed and signed to end the military rule established by the 12<sup>th</sup> October 1999's coup d'état led by Gen Musharraf and to restore civilian democratic rule.}*

The PPP's office bearers had forgotten that after so many years of exile when Ms Benazir Bhutto first time visited Islamabad the whole masses welcome her. Everyone appreciated workers courage and their devotions for Bhutto family and the first thing Benazir Bhutto did was to visit the (then defunct) Chief Justice Iftikhar Chaudhry's residence in Justice Colony Islamabad. He along with his other colleague judges was under house arrest and their residences were blocked with heavy barbed wire and the Capital Police was on duty. Benazir Bhutto broke the barbed wire chain, went near the CJ's residence and announced there that 'Justice Iftikhar Ch would be our CJ'. The workers and the media men present there hailed this announcement.

After general elections of 18<sup>th</sup> February 2008 when Pakistan People's Party (PPP) came up to form the government, there was a series of meetings between Asif Ali Zardari [in the capacity of Co Chairman PPP] and the PML(N). Nawaz Sharif had signed two memorandums with A A Zardari in which the reinstatement of higher judiciary into the position of 2<sup>nd</sup> November 2007 was the major proposal. Zardari went back at 180 angles to his own agreements. The PML(N) many times reminded him about the Charter of Democracy (COD) but Zardari always declined once saying that **'political agreements are not Qura'an or Hadith'** to be followed sacredly. There was much hue & cry in the media; the PML(N) had withdrawn their eight ministers from the Federal Cabinet in mid 2008 but Zardari did not agree to reinstate the suspended judiciary.

*[On 16<sup>th</sup> March 2009, the people were on the roads and PML(N) were brewing benefits from the Lawyer's Movement and the long march was set towards Islamabad. Then Zardari, Rehman Malik and his ministers cried with full voice urging the PML(N) to solve the judge's issue under the COD but it was too late then.]*

Most of the PPP's staff members were not aware of the COD then and not even today. Just to revive their knowledge, a copy of the text of COD is placed below verbatim.

### **CHARTER OF DEMOCRACY (2006):**

**Text of the COD** signed by former Prime Ministers Benazir Bhutto and Nawaz Sharif in London on 14<sup>th</sup> May 2006:

We the elected leaders of Pakistan have deliberated on the political crisis in our beloved homeland, the threats to its survival, the erosion of the federation's unity, the military's subordination of all state institutions, the marginalisation of civil society, the mockery of the Constitution and representative institutions, growing poverty, unemployment and inequality, brutalisation of society, breakdown of rule of law and, the unprecedented hardships facing our people under a military dictatorship, which has pushed our beloved country to the brink of a total disaster;

Noting the most devastating and traumatic experiences that our nation experienced under military dictatorships that played havoc with the nation's destiny and created conditions disallowing the progress of our people and the flowering of democracy. Even after removal from office they undermined the people's mandate and the sovereign will of the people;

Drawing history's lesson that the military dictatorship and the nation cannot co-exist – as military involvement adversely affect the economy and the democratic institutions as well as the defence capabilities, and the integrity of the country - the nation needs a new direction different from a militaristic and regimental approach of the *Bonapartist* regimes, as the current one;

Taking serious exception to the vilification campaign against the representatives of the people, in particular, and the civilians, in general, the victimisation of political leaders/workers and their media trials under a Draconian law in the name of accountability, in order to divide and eliminate the representative political parties, to Gerrymander a king's party and concoct legitimacy to prolong the military rule;

Noting our responsibility to our people to set an alternative direction for the country saving it from its present predicaments on an economically sustainable, socially progressive, politically democratic and pluralist, federally cooperative, ideologically tolerant, internationally respectable and regionally peaceful basis in the larger interests of the peoples of Pakistan to decide once for all that only the people and no one else has the sovereign right to govern through their elected representatives, as conceived by the democrat par excellence, Father of the Nation Quaid e Azam Mohammed Ali Jinnah;

Reaffirming our commitment to undiluted democracy and universally recognised fundamental rights, the rights of a vibrant opposition, internal party democracy, ideological/political tolerance, bipartisan working of the parliament through powerful committee system, a cooperative federation with no discrimination against federating units, the decentralisation and devolution of power, maximum provincial autonomy, the empowerment of the people at the grassroots level, the emancipation of our people from poverty, ignorance, want and disease, the uplift of women and minorities, the elimination of Kalashnikov culture, a free and independent media, an independent judiciary, a neutral civil service, rule of law and merit, the settlement of disputes with the neighbours through peaceful means, honouring international contracts, laws/covenants and sovereign guarantees, so as to achieve a responsible and civilised status in the comity of nations through a foreign policy that suits our national interests;

Calling upon the people of Pakistan to join hands to save our motherland from the clutches of military dictatorship and to defend their fundamental, social, political and economic rights and for a democratic, federal, modern and progressive Pakistan as dreamt by the Founder of the nation; have adopted the following, "Charter of Democracy";

#### **A. CONSTITUTIONAL AMENDMENTS**

1. The 1973 Constitution as on 12th October 1999 before the military coup shall be restored with the provisions of joint electorates, minorities, and women reserved seats on closed party list in the Parliament, the lowering of the voting age, and the increase in seats in parliament and the Legal Framework Order, 2000 and the Seventeenth Constitutional Amendment shall be repealed accordingly.

2. The appointment of the governors, three services chiefs and the CJCS shall be made by the chief executive who is the prime minister, as per the 1973 Constitution.

3. (a) The recommendations for appointment of judges to superior judiciary shall be formulated through a commission, which shall comprise of the following:

i. The chairman shall be a chief justice, who has never previously taken oath under the PCO.

ii. The members of the commission shall be the chief justices of the provincial high courts who have not taken oath under the PCO, failing which the senior

most judge of that high court who has not taken oath shall be the member.

iii. Vice-Chairmen of Pakistan and Vice-Chairmen of Provincial Bar Association with respect to the appointment of judges to their concerned province.

iv. President of Supreme Court Bar Association.

v. Presidents of High Court Bar Associations of Karachi, Lahore, Peshawar, and Quetta with respect to the appointment of judges to their concerned province.

vi. Federal Minister for Law and Justice.

vii. Attorney General of Pakistan

(a-i) The commission shall forward a panel of three names for each vacancy to the prime minister, who shall forward one name for confirmation to joint parliamentary committee for confirmation of the nomination through a transparent public hearing process.

(a-ii) The joint parliamentary committee shall comprise of 50 per cent members from the treasury benches and the remaining 50 per cent from opposition parties based on their strength in the parliament nominated by respective parliamentary leaders.

(b) No judge shall take oath under any Provisional Constitutional Order or any other oath that is contradictory to the exact language of the original oath prescribed in the Constitution of 1973.

(c) Administrative mechanism will be instituted for the prevention of misconduct, implementation of code of ethics, and removal of judges on such charges brought to its attention by any citizen through the proposed commission for appointment of Judges.

(d) All special courts including anti-terrorism and accountability courts shall be abolished and such cases be tried in ordinary courts. Further to create a set of rules and procedures whereby, the arbitrary powers of the chief justices over the assignment of cases to various judges and the transfer of judges to various benches such powers shall be exercised by the Chief Justice and two senior most judges sitting together.

4. A Federal Constitutional Court will be set up to resolve constitutional issues, giving equal representation to each of the federating units, whose members may be judges or persons qualified to be judges of the Supreme Court, constituted for a six-year period. The Supreme and High Courts will hear regular civil and criminal cases. The appointment of judges shall be made in the same manner as for judges of higher judiciary.

5. The Concurrent List in the Constitution will be abolished. A new NFC award will be announced.

6. The reserved seats for women in the national and provincial assemblies will be allocated to the parties on the basis of the number of votes polled in the general elections by each party.

7. The strength of the Senate of Pakistan shall be increased to give representation to minorities in the Senate.

8. FATA shall be included in the NWFP province in consultation with them.

9. Northern Areas shall be developed by giving it a special status and further empowering the Northern Areas Legislative Council to provide people of Northern Areas access to justice and human rights.

10. Local bodies' election will be held on party basis through provincial election com-

missions in respective provinces and constitutional protection will be given to the local bodies to make them autonomous and answerable to their respective assemblies as well as to the people through regular courts of law.

## **B. CODE OF CONDUCT**

11. National Security Council will be abolished. Defence Cabinet Committee will be headed by prime minister and will have a permanent secretariat. The prime minister may appoint a federal security adviser to process intelligence reports for the prime minister. The efficacy of the higher defence and security structure, created two decades ago, will be reviewed. The Joint Services Command structure will be strengthened and made more effective and headed in rotation among the three services by law.

12. The ban on a 'prime minister not being eligible for a third term of office' will be abolished.

13. (a) Truth and Reconciliation Commission be established to acknowledge victims of torture, imprisonment, state-sponsored persecution, targeted legislation, and politically motivated accountability. The commission will also examine and report its findings on military coups and civil removals of governments from 1996.

(b) A commission shall also examine and identify the causes of and fix responsibility and make recommendations in the light thereof for incidences such as *Kargil*.

(c) Accountability of NAB and other *Ehtesab* operators to identify and hold accountable abuse of office by NAB operators through purgery and perversion of justice and violation of human rights since its establishment.

(d) To replace politically motivated NAB with an independent accountability commission, whose chairman shall be nominated by the prime minister in consultation with the leader of opposition and confirmed by a joint parliamentary committee with 50 per cent members from treasury benches and remaining 50 per cent from opposition parties in same manner as appointment of judges through transparent public hearing. The confirmed nominee shall meet the standard of political impartiality, judicial propriety; moderate views expressed through his judgements and would have not dealt.

14. The press and electronic media will be allowed its independence. Access to information will become law after parliamentary debate and public scrutiny.

15. The chairmen of public accounts committee in the national and provincial assemblies will be appointed by the leaders of opposition in the concerned assemblies.

16. An effective Nuclear Command and Control system under the Defence Cabinet Committee will be put in place to avoid any possibility of leakage or proliferation.

17. Peaceful relations with India and Afghanistan will be pursued without prejudice to outstanding disputes.

18. Kashmir dispute should be settled in accordance with the UN Resolutions and the aspirations of the people of Jammu and Kashmir.

19. Governance will be improved to help the common citizen, by giving access to quality social services like education, health, job generation, curbing price hike, combating illegal redundancies, and curbing lavish spending in civil and military establishments as contentious causes great resentment amongst the teeming millions. We pledge to promote and practice simplicity, at all levels.

20. Women, minorities, and the under privileged will be provided equal opportunities in all walks of life.

21. We will respect the electoral mandate of representative governments that accepts the due role of the opposition and declare neither shall undermine each other through extra constitutional ways.

22. We shall not join a military regime or any military sponsored government. No party shall solicit the support of military to come into power or to dislodge a democratic government.

23. To prevent corruption and floor crossing all votes for the Senate and indirect seats will be by open identifiable ballot. Those violating the party discipline in the poll shall stand disqualified by a letter from the parliamentary party leader to the concerned Speaker or the Chairman Senate with a copy to the Election Commission for notification purposes within 14 days of receipt of letter failing which it will be deemed to have been notified on the expiry of that period.

24. All military and judicial officers will be required to file annual assets and income declarations like Parliamentarians to make them accountable to the public.

25. National Democracy Commission shall be established to promote and develop a democratic culture in the country and provide assistance to political parties for capacity building on the basis of their seats in parliament in a transparent manner.

26. Terrorism and militancy are by-products of military dictatorship, negation of democracy, are strongly condemned, and will be vigorously confronted.

### **C. FREE AND FAIR ELECTIONS**

27. There shall be an independent, autonomous, and impartial election commission. The prime minister shall in consultation with leader of opposition forward up to three names for each position of chief election commissioner, members of election commission, and secretary to joint parliamentary committee, constituted on the same pattern as for appointment of judges in superior judiciary, through transparent public hearing process. In case of no consensus, both prime minister and leader of opposition shall forward separate lists to the joint parliamentary committee for consideration. Provincial election commissioner shall be appointed on the same pattern by committees of respective provincial assemblies.

28. All contesting political parties will be ensured a level playing field in the elections by the release of all political prisoners and the unconditional return of all political exiles. Elections shall be open to all political parties and political personalities. The graduation requirement of eligibility which has led to corruption and fake degrees will be repealed.

29. Local bodies' elections will be held within three months of the holding of general elections.

30. The concerned election authority shall suspend and appoint neutral administrators for all local bodies from the date of formation of a caretaker government for holding of general elections till the elections are held.

31. There shall be a neutral caretaker government to hold free, fair, and transparent elections. The members of the said government and their immediate relatives shall not contest elections.

### **D. CIVIL - MILITARY RELATIONS**

32. The ISI, MI and other security agencies shall be accountable to the elected government through Prime Minister Sectt, Ministry of Defence, and Cabinet Division respectively. Their budgets will be approved by DCC after recommendations are prepared by the respective ministry. The political wings of all intelligence agencies will be disbanded. A committee will be formed to cut waste and bloat in the armed forces and security agencies in the interest of the defence and security of the country. All

senior postings in these agencies shall be made with the approval of the government through respective ministry.

33. All indemnities and savings introduced by military regimes in the constitution shall be reviewed.

34. Defence budget shall be placed before the parliament for debate and approval.

35. Military land allotment and cantonment jurisdictions will come under the purview of defence ministry. A commission shall be set up to review, scrutinise, and examine the legitimacy of all such land allotment rules, regulations, and policies, along with all cases of state land allotment including those of military urban and agricultural land allotments since 12th October, 1999 to hold those accountable who have indulged in malpractices, profiteering, and favouritism.

36. Rules of business of the federal and provincial governments shall be reviewed to bring them in conformity with parliamentary form of government.

### **MURREE DECLARATION ON JUDICIARY 2008:**

**On 9<sup>th</sup> March 2008**, the Pakistan People's Party (PPP) and the Pakistan Muslim League (N) agreed on the framework of a governing coalition at Bhurban, Murree. The agreement represented the move of the two parties to form a coalition government to strengthen democracy. The text of the six-point summit declaration was:

1) Allied parties, the Pakistan People's Party and the Pakistan Muslim League (N) resolve to form a coalition government for giving a practical shape to the mandate, given to the democratic forces by the people of Pakistan on 18<sup>th</sup> February 2008.

2) This has been decided in today's summit between the PPP and the PML (N) that the deposed judges would be restored, on the position as they were on 2<sup>nd</sup> November 2007, within 30 days of the formation of the federal government through a parliamentary resolution.

3) The parties agreed that all allied parties would fully support the candidate for the position of Prime Minister, nominated by the PPP. The PML (N) suggested that the candidate for Prime Minister should be such person who can take ahead the common agenda of the allied parties.

4) The parties agreed that the Speaker and the Deputy Speaker of the National Assembly would be from the PPP while the Speaker and the Deputy Speaker of the Punjab Assembly would be from the PML (N).

5) Both the parties agreed that the PML (N) would be a part of the federal government while the PPP would be a part of the Punjab government.

6) This is the solid opinion of the leaderships of both the parties that the allied parties are ready for forming the governments and the sessions of the national and provincial Assemblies be summoned immediately.

Here the political acumen of the twice Prime Minister of Pakistan Nawaz Sharif could not peep deep inside the shrewd Zardari while signing the declaration wherein: firstly as per clause 2, the judges were to be restored through a parliamentary resolution. Secondly no methodology was given for disposal of the then sitting CJ Abdul Hameed Dogar and his colleague judges.

Both these things back-fired due to incompetence of the PML(N)'s advisors; the parliamentary session was not called within that stipulated period or if called, the resolution for restoration of judges could not be tabled. Nawaz Sharif, in utter disappointment, extended his dead line by some more days, till 12<sup>th</sup> May 2008, but then he revised his demand saying that the judiciary should be reinstated even through an executive order, if not through Parliamentary reso-

lution. The revised demand was for restoration of the judges not necessarily through the settled resolution in the Parliament because the new date for the session was not perhaps possible.

When the matter got delayed, the PPP's own think tank, Barrister Aitzaz Ahsan and the then president Supreme Court Bar Association (SCBA), while addressing a press conference at Quetta on 1<sup>st</sup> April 2008 said that conspiracies were being hatched at the presidency against the Murree Declaration. He contended that:

*'The Murree accord was signed in the larger interest of the country. It guarantees independence of the judiciary and reinstatement of deposed judges. The legal fraternity did not want confrontation among institutions. Lawyers' Movement stands for strengthening of the institutions which have been weakened by former dictators [Gen Musharraf but still he was in Presidency] just to serve their personal interests. The cases of sitting judges would be decided on merit and that there would be no judicial crisis after the reinstatement of deposed judges.'*

Federal Minister for Law and Justice Farooq H Naek on 19<sup>th</sup> April 2008 had also confirmed that judges would be restored under the Murree Declaration. "We have said it earlier and say it again that judges would definitely be restored", he said while talking to reporters at the Supreme Court premises after attending the Pakistan Bar Council meeting. He urged the people to show patience on the issue and trust in the commitment made by the PPP and its allies. He denied the impression that the government is considering to cut down the tenure of the Chief Justice of Pakistan. He hoped that every thing would be done amicably in the interest of the country. Naek said that the PPP and its allies would uphold the supremacy of Constitution and law at any cost.

However, there were cogent voices contrary to Barrister Ahsan and Farooq Naek's views too. Citing from an article titled '*Nawaz's Murree Declaration is dead now*', appeared in daily '**The Nation**' of 4<sup>th</sup> May 2008, written by Humayun Gohar after the lapse of 30 day's mandatory period mentioned in the pact:

*'So what's Nawaz really playing at? Is he cornering Zardari or are they together cornering the president [till then Gen Musharraf was occupying the presidency] with a secret methodology and .... Even if the National Assembly is convened urgently, at least two days will be lost, and more while waiting upon the wise old men on the legal committee to devise a roadmap out of the constitutional and legal morass that the Nawaz Declaration is rife with.*

*It seems that Nawaz and Zardari don't agree on anything anymore.*

*Zardari loathes the judges. Nawaz wants them restored in his single-minded pursuit of the president. Each, it seems, wants to be rid of the other. But Zardari fears that Nawaz could become a fearsome adversary. Nawaz wants to quit on a high point of grand 'principle' so that he can lionize himself in opposition and wait to win the next election.'*

Murree Declaration was announced in a festive mood by both Nawaz Sharif and Asif Zardari. PML(N) announced a joint press conference after his come back from Dubai but Zardari couldn't do like that. It could have been announced when both were together a day earlier in Dubai. Zardari returned to Pakistan only a few hours after Nawaz's press conference so Nawaz could have waited till more hours. Gohar had rightly assumed that:

*'Given the unseemly haste and the unrealistically short deadline, the conclusion seems inescapable that Nawaz is steamrolling Zardari, cornering him by confronting him with a fait accompli.'*

Thus the talks between the two at Dubai were termed by the PML(N) as **Nawaz Declaration** and it could never be taken as 'Dubai Declaration' because Zardari remained mum on the subject.

Some dissenting notes were secretly extended to the media from Zardari's camp, that the 12<sup>th</sup> May deadline was never agreed in Dubai. In fact there were arguments between Zardari and Khwaja Asif which forced Nawaz Sharif to settle winding up the whole scenario in the hope of raising more noise before media to befool the masses at large. It was their hard luck that then the two parties could not reach an agreement even in the absence of intelligence agencies for which they had chosen Dubai as their talk-venue. Away from intelligence, Nawaz and Zardari could have come up with an agreement that could pull the rug out from under the Gen Musharraf's feet, just like Murree Declaration but the chance failed.

Leaving aside the sentimental feelings of the general populace, the fact remained that it was not an easy task to restore Chief Justice Iftikhar Chaudhry and others either using leverage of resolution passed by the parliament or through an executive order because anyone could move the Supreme Court for a stay asking it whether it was constitutional. A resolution was not an Act that the Supreme Court could not touch especially where they had already validated the 3<sup>rd</sup> November 2007's emergency and all actions taken under that umbrella. In any way constitutional and judicial crisis would have been there. The above article analysed:

*'The deposed judges made a hurried ruling just before they left that the November 3 emergency was unconstitutional. But the successor court deemed that ruling invalid, as their 'lordships' had already been sacked. So do you think the present judges will allow the former judges back; and in the unlikely event that they do, who will be the chief justice, the present one or the former one?'*

*'The constitution says that the Supreme Court will comprise 17 judges. If both sets of judges remain, how will the number be raised, through another resolution cum executive order; only an executive order or a constitutional amendment? If either of the first two options is followed, will the (then) sitting Supreme Court deem it unconstitutional? Will we end up with two Supreme Courts? It's a mess.'*

For the sake of academic discussion, some members of Intelligentsia had also considered the above view as erroneous and misconceived, mainly that how could there be two chief justices at the same time and how could the judges given oath on an executive order or an Assembly resolution. Their viewpoint was that answers to these two objections were already available in the Constitution as well as in Zafar Ali Shah case (**PLD 2000 SC 869**).

In the said decision, while validating the takeover by Gen Musharraf in October 1999, the apex court had declared that *'no amendment shall be made in the salient features of the Constitution i.e. independence of judiciary, federalism and parliamentary form of government blended with Islamic provisions'*. The proclamation of 3<sup>rd</sup> November's emergency and the PCO of November 2007 were a blatant attack on the independence of judiciary in gross violation of not only the Constitution but also of the conditions of validations prescribed by the Supreme Court in the said Zafar Ali Shah case.

Moreover, the said proclamation of 3<sup>rd</sup> November 2007 was immediately suspended and set aside by the seven judges of the Supreme Court on the same day. Hence, all acts done or purported to have been done, in pursuance of the said proclamation, including the PCO and the fresh oath given to the judges, were in violation of the Constitution and void *ab initio* by prevailing cannons of law.

Further, the famous Judges Case of 1996 (if it did not come in collision with another similar decision of 2002) had prescribed the procedure for the appointment of judges of the superior courts. The oath of office of superior court judges administered by Gen Musharraf or by his governors in November 2007 was clearly in violation of 13 categorical conditions prescribed by the Supreme Court itself.

However, Mr Zardari seemed to be more mature of the two but Nawaz Sharif was actually playing a very clever game to distract the people whereas he was never sincere in calling back the defunct judiciary. He was simply dragging PPP into a sand grave which Zardari had smelt just a moment after signing the Murree accord. That was why Zardari had told US Ambassador Anne Patterson a day after signing the Murree Declaration that:



*'He and Mr Sharif had agreed that Chief Justice Iftikhar Chaudhry would not be restored and reassured the then Chief Justice Abdul Hameed Dogar that he need not worry about the declaration.'*

So in nut shell, Murree Declaration was posed as a big breakthrough for parliamentary cooperation between the two major winners of the February 2008 elections. It was blown up to un-imaginable heights because of its primary clause; to restore all the judges within 30 days who were removed under Gen Musharraf`s 3<sup>rd</sup> November 2007 Emergency proclamation.

The revelations about Mr Zardari`s interpretations of the Murree Declaration were mentioned in a confidential diplomatic cable dated 10<sup>th</sup> March 2008 sent to Washington by the US Ambassador Miss Patterson. She had called on Zardari on the same day to get his version of the `deal` with Nawaz Sharif. When Patterson asked about the 30 days deadline contained in the Murree Declaration about the restoration of judges, **Mr Zardari laughed and said in politics 30 days could become 90.** He also revealed that he had been in touch with Chief Justice Dogar and assured him he would not be removed.

Mr Zardari was more concerned about the poor image Justice Chaudhry`s continuing house-arrest would create for his newly formed government. He had to do something about the judges to save a new civilian government from embarrassment. Mr Zardari was willing to work with Gen Musharraf and his advisor Tariq Aziz, but at the same time, he wanted to work with the PML(Q) without the interference of Chaudhrys. However, later Mr Zardari successfully ousted Gen Musharraf in mid August and assumed the president`s office himself.

PML(N)s Ahsan Iqbal, then Federal Education Minister also, on 4<sup>th</sup> April 2008 when even 30 day`s mandatory period was not over, had given a statement to media that:

*'Even before the elections the stance of PPP was not so sure about the reinstatement of the judiciary, and they were never very fond of deposed CJ Iftikhar Chaudhary. When Benazir Bhutto was alive; in her deal with President Musharraf, Justice Iftikhar was nowhere to be seen, and the judiciary was a non-issue, as Benazir always thought it as a Kangaroo Court, and she thought that as Justice Iftikhar was also a PCO-ed judge, so nothing would be changed if he was not reinstated.'*

PML(N) had always rallied behind the judges and their anti-Musharraf campaign had revolved around this point, and they got their votes from the urban areas on this crunch point.

In August 2008, PML(N) led by Nawaz Sharif had withdrawn its support from the ruling coalition government and the PPP was left to hold onto power with the support of smaller parties. With the resignation of Gen Musharraf under a threat of impeachment by the parliament in the third week of 2008, the people thought that the judiciary would be re-instated taking it that PPP was hesitating to take the step forward because of his presence in the presidency. Weeks passed after the resignation but the issue remained stand still. The faith in the democratic government started fading away and at last the PPP lost PML(N), a key member of the coalition. According to the media reports, Mr Zardari had appealed to Nawaz Sharif to return to the government but there prevailed a wide gulf of mistrust amongst the two.

The **'Washington Times'** in an editorial note **of 27<sup>th</sup> August 2008** preferred to comment on this issue and said:

*'The PPP is headed by Asif Ali Zardari, the widower of the late Benazir Bhutto. He has been reluctant to reinstate Mr. Chaudry because he once refused to grant him bail when he was in jail on corruption charges - charges that could very well be reinstated if the judges are restored. Yet, without an independent judiciary, Pakistan risks sliding into unconstitutional rule once again, with all the impending chaos this might trigger.'*

Thinking logically, an independent judiciary does not grow on trees. It has to be built in minds of the people and respected even when it is likely to deliver a judgment unfavourable to one.

