

THE DOMINANCE OF PAKISTAN ARMY IN GOVERNANCE OF PAKISTAN AND THE IMPACT ON INDO-PAK RELATIONS

A Dissertation submitted to the Panjab University, Chandigarh for the award of Master of Philosophy in Social Sciences, in Partial Fulfilment of the requirement for the Advanced Professional Programme in Public Administration (APPPA)

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46th ADVANCED PROFESSIONAL PROGRAMME IN PUBLIC ADMINISTRATION

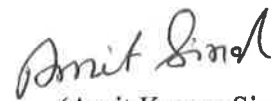
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Certificate

I have the pleasure to certify that Brig DG Misra has pursued his research work and prepared the present dissertation titled "The dominance of Pakistan Army in governance of Pakistan and the impact on Indo-Pak relations" under my guidance and supervision. The dissertation is the result of his own research and to the best of my knowledge, no part of it has earlier comprised any other monograph, dissertation or book. This is being submitted to the Panjab University, Chandigarh, for the purpose of Master of Philosophy in Social Sciences in Partial fulfilment of the requirement for the Advanced Professional Programme in Public Administration of Indian Institute of Public Administration (IIPA), New Delhi

I recommend that the dissertation of Brig DG Misra is worthy of consideration for the award of M.Phil degree of Panjab University, Chandigarh.



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Acknowledgement

Foremost, I would like to express my sincere gratitude to my guide Prof. Amit Kumar Singh for the continuous support, generous guidance, patience, motivation, enthusiasm, and immense knowledge for conducting this study in a very short period of time. His guidance helped me during all the research and writing of this dissertation. I could not have imagined having a better guide and mentor for my M. Phil dissertation.

I would also like to thank the IIPA as an institute for giving me this opportunity to choose a very relevant subject and providing the much-needed infrastructural facilities to complete the work. I want to thank the IIPA library staff for the kind cooperation and making the required books available. I am grateful to all the experts for giving very valuable comments during the research proposal presentations which have helped me a lot in conducting this research work. I would like to thank the Course Coordinator of 46th APPPA, Dr. (Prof.) Charru Malhotra for creating a very conducive and pleasant environment throughout the course, and also showing a very considerate attitude regarding timelines of various assignments especially the dissertation work. I would also to thank the APPPA officer staff Shri Manish, Shri Anil and Shri Rajesh for providing excellent support.

I would fail my duty if I do not thank the Department of Personnel & Training (DoP&T), the Government of India, for providing this wonderful opportunity to join the 46th APPPA course and thus widening vistas of my knowledge and deepening the understanding of public policy making, and meeting the wonderful and bright officers from various streams of Indian Civil Services and Indian Armed Forces having varied and enriching experience. I shall cherish my association with all these bright minds of India. Finally, I am thankful to my family for supporting me to complete this work.

Declaration

I hereby declare that the work presented in this thesis titled “The dominance of Pakistan Army in governance of Pakistan and the impact on India-Pakistan relations” submitted for admittance to the Post Graduate Diploma in Public Administration New Delhi has been carried out under the guidance and supervision of Dr Amit Kumar Singh. This work has not been submitted to any other university for the award of Degree, Diploma or Certificate, in part or full.

Place:

Date:

Brig DG Misra

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ABSTRACT

THE DOMINANCE OF PAKISTAN ARMY IN GOVERNANCE OF PAKISTAN AND THE IMPACT ON INDIA-PAKISTAN RELATIONS

Introduction

The Pakistan Army is the most powerful, organized, and influential institution in Pakistan. It proclaims to protect not only the territorial frontiers of the State, but the very ideology of the nation as well. The Army, through various means and machinations controls the Grand National Narrative in Pakistan and strongly resists any attempts by other stake holders to introduce changes that may have a potential to weaken its omnipotent grasp on the nation. It has firmly penetrated almost all sectors of Pakistan society and institutions of relevance, including mass media and academia. Irrespective of the fact that its support to indigenous extremist/ terrorist organizations has proved counter-productive, the Army refuses to discontinue its policy of using terror outfits as strategic assets to achieve foreign policy objectives. Therefore, most of the functions of the Pakistan Army appear to be in direct conflict with the State resulting in a peculiar relationship between the State and the Army.

This unfettered power to intervene in the governance of the country has not only made the Pakistan Army omnipotent but also omnipresent in all elements of state machinery. The Pakistan Army today has its tentacles in all institutions of the state, be it judicial, financial, economic, business, foreign policy, internal security etc. Thus, it has orchestrated a 'soft coup', where in a puppet democratic regime is the façade of the country, while as the Pakistan Army calls the shots.

Statement of the Problem

A plethora of studies have been carried out to assess the trajectory of political discourse in Pakistan; the diminishing relevance of democratic institutions in Pakistan; the increasing involvement of the Pakistan Army in business and economy; turbulent Indo-Pakistan relations; impact of Chinese interests in Pakistan; and the perpetual issue of support to terrorism by Pakistan. However, from an Indian perspective the following aspects need an evaluation: -

- I. Why does the Pakistan Army behave the way it does?
- II. What is the influence that the Pakistan Army wields in the functioning of the country?
- III. If the Pakistan Army controls the foreign policy narrative than what lies in the future for the Indo-Pakistan relations?

Methodology

The research is based on Qualitative and Quantitative methods. An archival study of historical records and documents relating to Pakistan military and Indo-Pakistan relations. Relevant content analysis of reporting in leading newspapers published during the period under study will be critically analysed and referred.

Review of Literature

The review of literature of relevant resources clearly indicates that there is a research gap existing regarding the reasons for the emergence of Pakistan Army as the power base in Pakistan since Independence in 1947. While as, there may be references to the existing military control over governance in Pakistan, no literature is available to distinctly identify the path to the same. Also, post the implementation of the 'Bajwa Doctrine', where in the Pakistan Army plays the cards through a civil façade, the impact on India-Pakistan relations has not been

analysed in any available literature. Therefore, the study is duly justified to examine these critical issues.

Key Aspects

The Pakistan Army is the most powerful, organized, and influential institution in Pakistan. It proclaims to protect not only the territorial frontiers of the State, but the very ideology of the nation as well. The Army, through various means and machinations controls the Grand National Narrative in Pakistan and strongly resists any attempts by other stake holders to introduce changes that may have a potential to weaken its omnipotent grasp on the nation. The idea to control the administration, economy, media, political discourse, and judiciary can only be attributed to the fact that with numerous coups and military take overs, the Pakistan Army realised where the civil power lay and needs to be monitored. The military business or 'MILBUS' is a financial giant, which not only provides post retirement options to the military personnel but also funds various projects of the Pakistan establishment, where the Army wants to avoid scrutiny. Thus, the Pakistan Army controls every major institution that matters and keeps itself abreast with the latest developments, it is for this reason that it is confident that it can run the country in the background with a puppet government as a façade, as visualised by the Army in the 'Bajwa Doctrine'.

The road to dialogue between India and Pakistan is arduous and extremely challenging. Every process initiated by the two countries to move the relationship forward is deeply scrutinised by the public and the Pakistan Army. The process has seen numerous interruptions which have taken the relations back in time, thus the India-Pakistan relations must be viewed through a framework of zero-sum game. Politicians are wary of giving or accepting benevolent peace overtures as the negative publicity can demolish their political aspirations. As far as India is concerned there can be no forward movement until Pakistan stops its support for militancy in

Kashmir, while as Pakistan identifies Kashmir as the core contentious issue. Therefore, the process towards peace needs to tackle the divergent viewpoints and establish a common ground for dialogue.

The evolving geo-strategic environment due to the shift in focus from Central Asia to the Indo-Pacific has diluted the relevance of Pakistan and interest of the US. The forging of new alliances in the Indo-Pacific like the QUAD and the Chinese nexus with Pakistan have complicated the India-Pakistan relationship. The economic situation in Pakistan and the FATF 'grey listing' has added to Pakistan's afflictions, besides the political situation in Pakistan is in absolute turmoil. The aggravating internal security situation in Pakistan and the trouble along with the Durand Line is another cause of worry. Therefore, we see a shift in Pakistan's approach towards India, where in it desires to ease tensions with India by agreeing to a Cease Fire along the LoC & AGPL, proposal for renewal of trade and strategic signalling by Gen Bajwa for resumption of dialogue between India and Pakistan.

However, a positive headway in India-Pakistan relations remains elusive. While Mr Modi has been known to take bold steps to ameliorate the India -Pakistan stand-off, he cannot compromise with the key issues i.e., terrorism originating from Pakistan soil, Article 370, CAA, NRC, and the boundary differences. In Pakistan, even if there is a new dispensation, the fundamental dynamics defining the bilateral relationship are not going to change till the time the Army and the mullahs are in charge. Therefore, in the present context the best that can happen on the India-Pakistan front is that diplomatic relations are restored fully, trade commences, there is some easing up on travel. It is prudent that first the pre-Pulwama relations be established and thereafter the low-hanging issues be tackled prior to addressing the contentious ones. This seems to be the only way forward in improving the India-Pakistan relations.

Conclusion

The India-Pakistan narrative is complex and demanding with a chaotic history of more failures than success. The dialogue process is the only way forward to restore normal bilateral relations between India and Pakistan. India-Pakistan peace needs to be invested with the citizens of the two countries as the stakeholders and a visa structure that allows such interaction. If the Pakistan Army comes on board than the bilateral process will get strength and see a positive movement, however with its absence not much will be gained. It is recommended that the low-hanging options be initiated in the beginning to thaw the relations and the contentious issues tackled later in a progressive manner. However, both the nations must understand the red lines which cannot be compromised. Peace is important for both India and Pakistan to ensure economic progress and therefore, any opportunity to restore peace between the two nations needs to be utilized and a way forward identified to ensure normalisation of bilateral relations between India and Pakistan.

CHAPTER - 1

INTRODUCTION

“An Army conquering its own country”

Khalid Mahmud

1.1 Introduction

The Pakistan Army is the most powerful, organized, and influential institution in Pakistan. It proclaims to protect not only the territorial frontiers of the State, but the very ideology of the nation as well. The Army, through various means and machinations controls the Grand National Narrative in Pakistan and strongly resists any attempts by other stake holders to introduce changes that may have a potential to weaken its omnipotent grasp on the nation. It has firmly penetrated almost all sectors of Pakistan society and institutions of relevance, including mass media and academia. Irrespective of the fact that its support to indigenous extremist/ terrorist organizations has proved counter-productive, the Army refuses to discontinue its policy of using terror outfits as strategic assets to achieve foreign policy objectives. Therefore, most of the functions of the Pakistan Army appear to be in direct conflict with the State resulting in a peculiar relationship between the State and the Army.

The birth of Pakistan as a result of partition with India was drenched in blood and thus right at the initiation, Pakistan Army was at the helm of affairs in controlling the violence of the partition. The animosity, hatred for India and the subsequent politics of partition along with territorial opportunism led to a constant state of conflict with India. The military action to wrest the control of Kashmir from India by launching an offensive into J&K in 1948 led to the belief of the “unfinished agenda of Kashmir” and the *raison d’etre* for the Pakistan Army.

The colonial legacy also vested enormous powers in the military, especially in the North West regions of the Indian sub-continent and therefore it was accepted that the Pakistan Army would occupy a place of power and reverence in the new state. However, Mr Jinnah had never imagined that his dream of creating a democratic nation for the Muslims of the Indian sub-continent would gradually metamorphize into a stratocracy, with most part of its existence being governed by military dictators.

The absolute disregard for democracy and elected leaders in Pakistan by the Pakistan Army since independence has destroyed the fabric of democratic infrastructure. This has led to abysmal governance, improper financial propriety, and lack of rule of law whenever a democratic government has come to power in Pakistan. Thus, legitimizing the intervention of Pakistan Army in governance and the constant military coups to supposedly reinstate good governance and rule of law.

This unfettered power to intervene in the governance of the country has not only made the Pakistan Army omnipotent but also omnipresent in all elements of state machinery. The Pakistan Army today has its tentacles in all institutions of the state, be it judicial, financial, economic, business, foreign policy, internal security etc. Thus, it has orchestrated a ‘soft coup’, where in a puppet democratic regime is the façade of the country, while as the Pakistan Army calls the shots.

1.2 Statement of the Problem

The fact that the Pakistan Army has entrenched itself deeply into the governance framework of the Pakistan state is irrefutable. Also, the degeneration and selective targeting of democratic parties or leaders has made the democratic institutions hollow. However, it is important to analyze the level of influence that the Pakistan Army exudes in the overall functioning of the state and its institutions.

‘Power tends to corrupt; absolute power corrupts absolutely’¹ is a well-known quote of Lord Acton and an apt description of the malaise that infects the Pakistan Army. The guardians of the state have gradually turned into self-serving aggrandizers, indulging in amassing wealth, power and influence. This penchant has weakened the general perception of the Pakistan Army within the civil populace of the country and may not augur well for the country in the future.

The contours of Indo-Pakistan relations have been turbulent right from the day of Pakistan’s creation. India exemplifies a vibrant democracy with 73 years of experience, while as Pakistan has had military rule for most part of its existence. The situation further gets complicated in the present-day context, where the Pakistan Army has propped up a puppet regime to display a façade of democracy, while as the real power rests with the Generals. To visualize the emerging context a scan of Indo – Pakistan relations during different periods of rule is important to foresee the impact on future relations.

A large number of studies have been carried out to assess the trajectory of political discourse in Pakistan; the diminishing relevance of democratic institutions in Pakistan; the increasing involvement of the Pakistan Army in business and economy; turbulent Indo-Pakistan relations; impact of Chinese interests in Pakistan; and the perpetual issue of support to terrorism by Pakistan. However, from an Indian perspective the following aspects need an evaluation: -

- I. Why does the Pakistan Army behave the way it does?
- II. What is the influence that the Pakistan Army wields in the functioning of the country?
- III. If the Pakistan Army controls the foreign policy narrative than what lies in the future for the Indo-Pakistan relations?

¹https://en.wikipedia.org/wiki/John_Dalberg-Acton,_1st_Baron_Acton.

1.3 Research Objective

The study would endeavor to understand the power dynamics in Pakistan and the intrusion of Pakistan Army in the various institutions of governance along with the historical imperatives that have propelled the Pakistan Army to such pre-eminence. The aspect of indulgence of the Pakistan Army in the business and economic sphere will be deliberated including the image of the Pakistan Army within the population of Pakistan.

It will look at the contours of Indo-Pakistan relations since independence and assess the impact of the relations during democratic and military rule in Pakistan. An assessment of the current power structure will be evaluated to understand the future of Indo-Pakistan relations.

The analysis purports to attempt the following: -

- I. To explore the emergence of Pakistan Army as the center of power in Pakistan since independence.
- II. To examine the involvement of the Pakistan Army in the business complex of Pakistan and the intrusion into the prominent institutions of governance, economy, foreign policy and judiciary.
- III. To assess the Indo-Pakistan relations since independence with emphasis on the government in power in Pakistan during various periods.
- IV. To identify the future course of Indo-Pakistan relations in the present context with a 'soft coup' undertone.

1.4 Rationale

Pakistan and India have shared a turbulent history since independence. India and Pakistan have fought two major wars; two localized conflicts and continue to remain in a state of 'No War No Peace' since Independence in 1947. Pakistan as a 'revanchist state' continues to 'bleed

India with a thousand cuts'² by supporting separatist movements, organizing jihadi proxy armies, supporting Indian terrorists and flooding the country with fake currency and drugs. The relationship between the two countries balances on deterrence, with both the states having communicated to each other of possessing adequate capability to cause unacceptable destruction.

The 'New India' sees itself as a regional power with global ambitions riding on an emerging \$ 5 trillion economy, competitive technology and skilled human resource. However, the unpredictable relationship with Pakistan creates a security dilemma in the region which remains a constant irritant in India's quest for achieving its desired position in the comity of nations.

The arrival of the Modi government with a thumping majority in its second avatar provided the strength to foreign policy strategists to rethink the discourse with Pakistan on new terms. However, the unpredictable behaviour of Pakistan in its foreign policy initiatives and the absolute control of the Pakistan Army in the discourse of its relationship with India makes it imperative to understand the relevance of the Pakistan Army. The understanding of the implications of the existing strength of the Pakistan Army orchestrated through a 'soft coup' in the national narrative, its interests and image is imperative to be analysed to assess the future course of Indo-Pakistan relations and the consequent stability in the Indian sub-continent.

1.5 Research Questions

- I. To arrive at a logical assumption of the level of intrusion of the Pakistan Army in the national power equation and the impact of future Indo-Pakistan relations, the following questions need to be addressed: -

² 1965 speech to the UN Security Council, Zulfikar Ali Bhutto, former Prime Minister and former President of Pakistan,

- II. What were the historical compulsions which provided the Pakistan Army opportunity to acquire unrestrained power?
- III. What are the interests of the Pakistan Army in the business and economic sphere in Pakistan?
- IV. What is the control that Pakistan Army exudes in the governance, foreign policy and the decision making in Pakistan?
- V. What have been the contours of Indo-Pakistan relations since independence?
- VI. If the Pakistan Army is omnipotent in Pakistan, then what is the assessed future course of Indo-Pakistan relations?

1.6 Research Design

The research is based on the mixed research design exploiting both qualitative and quantitative research approach. In the qualitative explanatory and descriptive approach, the available literature on the Pakistan Army and its rise to power has been studied to derive the assessment. Archival study of historical records and media analysis has been carried out to arrive at logical conclusions regarding the intrusion of the Pakistan Army in the governance of Pakistan.

The quantitative exploratory approach utilizing interviews of prominent personalities involved with Pakistan has been undertaken to analyze the contours of Indo-Pakistan relations in the past. Pakistan's foreign relations with other countries needs to be studied to understand the strength that it derives in its foreign policy and the consequent impact on Indo-Pakistan relations. Open-source media inputs has been studied to assess the current powerplay in Pakistan and the direction the country is adopting in its relations with India.

Quantitative approach has also been utilized to evaluate economic and financial data regarding the level of involvement of Pakistan Army in business and economy.

1.7 Research Methodology

This study is analytical and descriptive in nature based on national and international sources including reports, research journals, working papers, books, policy documents and databases. The research is based on Qualitative and Quantitative methods. Relevant content analysis of reporting in leading newspapers published during the period under study has been critically analysed and referred.

Quantitative exploratory research of relevant secondary sources including books and articles in the national and international journals has been attempted. Interview of select prominent personalities available on the digital and print media has been critically studied and endeavour to carry out interview of some undertaken to draw experience of future course of Indo-Pakistan relations. Analysis of number and type of scholarly articles/ studies published that could have an important or direct bearing on Indo-Pakistan relations has also been incorporated.

Qualitative explanatory and descriptive study of available primary source material on Pakistan military, trade, economic indicators, and India-Pakistan bilateral relations has been analysed.

1.8 Data Collection

The following methods have been used for data collection

- I. Books by eminent authors
- II. Research papers published by various think tanks
- III. New Articles
- IV. Internet
- V. Interviews

1.9 Organisation of the Dissertation

The dissertation is proposed to be organised as under:

Chapter I: This chapter gives the outline of the thesis with an introduction to the power matrix in Pakistan and the grip of Pakistan Army on the governance of the country. It dwells on the statement of the problem identified and objective of the research with the rationale that supports the research. The chapter brings out the research questions that lead to answering the problem stated. The research design and the research methodology has been explained along with the limitations of the research in the present circumstances.

Chapter II: Review of existing literature on the subject is crucial to carry out a conclusive research. Literature in terms of books, articles and studies on Pakistan Army and the India Pakistan relations has been critically analysed to identify the research gaps after studying the research methodology adopted by the author. The research gaps confirm the need for the subject research.

Chapter III: The historical perspective of the Pakistan Army has been analysed in this chapter with emphasis on how it acquired the standing in the country that it has today. The strength that the army derived from the British colonial legacy in governance has been highlighted along with the circumstances of partition that gave the Pakistan Army a unrestrictive mandate to impose its authority. The advantage of a weak political system for the Pakistan Army has been explained, which provided an opportunity to orchestrate coups and military take overs in Pakistan. Also, the assistance that the Pakistan Army got from certain friendly countries due to its geo-strategic relevance and its stature in the Organisation of Islamic Cooperation (OIC) has been analysed.

Chapter IV: This chapter brings out the planned strategy of the Pakistan Army to strengthen its hold in the governance of the country through a well-coordinated plan to infiltrate the civil institutions. The business empire established by the military has been identified and the involvement of the Pakistan military in the economy explained. The impact of judicial activism in Pakistan in the last two decades has been analysed to assess the advantages that the military has drawn from it. Finally, the so called 'Bajwa doctrine' has been studied.

Chapter V: The contours of India-Pakistan bilateral relations have been examined in the chapter. The initial distrust pre and post partition has been highlighted. The impact of the India Pakistan wars on bilateral relations has been studied. The advent of the nuclear angle in the India-Pakistan context provided Pakistan with certain leverage, which was exploited to initiate a proxy war against India through the jihadi elements. This aspect has been analysed for impact on the bilateral relations. The Musharraf period had many highs and lows in respect of India-Pakistan relations, also the advent of the democratic phase in Pakistan has been studied. The puppet democracy has been analysed to identify the implications on bilateral relations.

Chapter VI: The existing power matrix in Pakistan has been examined in this chapter. The desire of Pakistan to change the status-quo and achieve its stated objectives against India have been studied. The implication of the current geo-strategic environment, the economic challenges for Pakistan along with the current political situation has been explored to identify the future of India-Pakistan bilateral relations.

Chapter VII: This chapter concludes the research with a summary of the key aspects and provides recommendations to improve the bilateral relations between India-Pakistan.

Scope/ Limitation/ Delimitation

The study has been limited to the available literature on the subject and the available open-source media inputs on the subject. The option of a field study or an analysis of the ground realities in Pakistan is not possible due to India-Pakistan relations.

CHAPTER - 2

REVIEW OF RELATED LITERATURE

2.1 Introduction

In any research work, review of literature needs availability/analysis of relevant and referable volumes on the subject. Accordingly, relevant literature on the subject has been identified and reviewed. The state of media control in Pakistan makes it exceedingly difficult to gather authentic articles without suspecting bias, however literature available in international media has been reviewed to negate biases and capture a realistic picture.

The research covers an extended time period and therefore relevant articles/literature covering the period of study have been identified. Also, a mix of Pakistan, Indian and international authors have been reviewed to appreciate a balanced understanding.

2.2 Details of Studies/Reports/Journals

The following literatures in terms of books and articles have been reviewed: -

Babar Ayaz (2013)³. Beginning with the ‘genetic defect’ that Pakistan was born with, Babar Ayaz highlights the numerous problems faced by Pakistan today that have arisen because of the country’s foundation being based on religion. Ayaz attributes such a situation to the Islamization of Pakistani laws, which are against the twenty-first century value systems. The book also analyses the ‘unwritten national security policy’ of Pakistan and how it has dictated its foreign policy. Relations with the US, India, China, Saudi Arabia, Iran and Afghanistan are discussed vis-à-vis the overall national security policy. The author contends that the rise of

³ Ayaz. Babar (2013), What’s wrong with Pakistan. Penguin Group

fundamentalism is a global phenomenon, but in Pakistan, it has given birth to a plethora of Islamic militant groups covertly supported by the Pakistani intelligence services. Ayaz believes that India and the developed world would have to help by being more accommodating and understanding, so that the people of Pakistan can re-invent their country. Without moving towards secularism, the author warns, Pakistan will remain at war with itself as it is torn between the twenty-first century and medieval religious value systems. **Research methodology** adopted is qualitative descriptive. **Research gap:** the role of the Pakistan Army in the foreign policy of Pakistan and islamisation has not been mentioned.

C. Christine Fair (2014)⁴. *Fighting to the End* begins with an exploration of the “Strategic Culture” of the Pakistan Army, which dominates the state and society. Why is it, Fair asks, that through many regime changes, four unsuccessful wars with India and decades of crisis edging to the brink of war, Pakistan has clung so stubbornly to self-defeating policies? These include repeated failures to provoke insurgency in Indian-held Kashmir, constant intervention in Afghanistan’s bloody politics, and “proxy wars” using militant terrorist groups, which often turn against the hand that feeds them. The Pakistan Army views itself as the global defender of Islam. Its proudest achievement is the nuclear program masterminded by A.Q. Khan, which impoverished the nation but led to the development of the first “Islamic bomb. *Fighting to the End* is a very well researched and insightful book that draw upon on years of interaction with the Pakistani military, and a deep immersion in the professional literature by which it educates its officer class. **Research methodology** adopted is qualitative descriptive. **Research gap:** the impact of military control on Inia-Pakistan relations has not been defined.

⁴ Fair, C.C. (2014). *Fighting to the End: The Pakistan Army’s Way of War*. New Delhi, Oxford University Press.

Shalini Chawla (2009)⁵. Shalini Chawla in *Pakistan's Military and its Strategy* delves into the complexities of its ontogeny or traces the evolution of Pakistan's military strategy. With the backdrop of important political, economic, military and ideological developments in Pakistan's history, Shalini Chawla highlights the army's journey towards supremacy. Observing historical trends, Chawla opines that, abrupt regime changes and frequent changes in the prioritised sector sectors of the economy has been responsible for persistent economic stagnation. The author tabulates some pivotal economic packages directed to Pakistan post-9/11, reflecting the eagerness of the international community to welcome positive Pakistan's military spending and its justifications. Further stress is laid on the development of its indigenous small arms industry. Establishing a strong understanding of the military evolution, the author presents a very strong analysis of the war strategies and its adoption of covert wars. Chawla offers a sound examination of Pakistan military tendencies and strategies, but at times, the tone and analysis appears to politically bias, thus giving an element of doubt on the objectivity of the study. **Research methodology** adopted is qualitative descriptive. **Research gap:** the role of the Pakistan Army in the foreign policy of Pakistan and impact on Indo-Pakistan relations has not been mentioned.

Ashish Shukla (2017)⁶. The book 'Pakistan Army: Institution that matters' is a comprehensive study of army as an institution in Pakistan. The book uses a theoretical framework of civil-military relations and seeks to situate the core of Pakistan military within this framework. It also explains the lacunae in the theory in explaining certain aspects of the centres of the power with the military institutions. Through the course of the study the author also analyses how the army has become an all-pervasive institution within Pakistan and how it shapes the political

⁵ Chawla, S. (2009). *Pakistan's Military and its Strategy*. New Delhi, KW Publishers Pvt Ltd.

⁶ Shukla, A. (2017). *Pakistan Army: Institution that matters*. New Delhi, KW Publishers Pvt Ltd.

narrative. Finally, the book clearly highlights the larger thinking of the Pakistan army which considers itself as the only organised institution capable of attending to the internal and external security concerns of Pakistan unlike the civilian political class which is infested by allegations of corruption and lack of political cohesion and stability. It will be extremely valuable contribution to the academic literature on Pakistan. **Research methodology** adopted is qualitative descriptive and explanatory. **Research gap:** the economic interests of the Pakistan Army and the control on the Indo-Pakistan narrative has not been dwelled upon.

Ayesha Siddiqa (2017)⁷. *Military Inc* offers a close look at what the rise of the military has meant for Pakistani society. Ayesha Siddiqa shows how entrenched the military has become, not just in day-to-day governance, but in the Pakistani corporate sector as well. What are the consequences of this unprecedented merging of the military and corporate sectors? What does it mean for Pakistan's economic development—let alone for hopes of an eventual return to democracy and de-militarization? Ayesha Siddiqa shows how the power of the military has transformed Pakistani society, where the armed forces have become an independent class. The military is entrenched in the corporate sector. So, Pakistan's companies and its main assets are in the hands of a tiny minority of senior army officials. Siddiqa examines this military economy and the consequences of merging the military and corporate sectors. Does democracy have a future? Will the generals ever withdraw to the barracks? *Military Inc.* analyses the internal and external dynamics of this gradual power-building and the impact that it is having on Pakistan's political and economic development. **Research methodology** adopted is quantitative exploratory. **Research gap:** the role of the Pakistan Army in the foreign policy of Pakistan and the Indo-Pakistan narrative is not defined.

⁷ Siddiqa, A. (2017), *Military Inc.: Inside Pakistan's Military Economy*. London, Pluto Press.

UC Jha (2016)⁸. Almost every state in the world has an army to protect it from external aggression, except in the case of Pakistan, where the relationship between the ‘state’ and the ‘army’ is in the reverse order. The Pakistan Army has the ‘state’. The army has governed the ‘state’ directly during half of its existence and in the remaining half of its history indirectly. The Pakistan Army has also ensured that other independent organs of the state—executive and the judiciary—function under its shadow. The army has another unique feature; it runs the biggest business conglomerate that owns everything from factories and bakeries to farmland and golf courses. In 2015, the Parliament by a two-third majority handed over another responsibility to the army—trial of civilians in military courts—on the ground that the criminal justice system and the civilian judiciary are incapable of handling the cases pertaining to terrorists. As the trials in summary military courts fall short as compared to national or international fair-trial standards, the risk of serious miscarriage of justice cannot be ruled out. This book analyses the Military Justice System of Pakistan and assesses its international obligations under the international human rights law and the laws of armed conflict. **Research methodology** adopted is qualitative descriptive. **Research gap:** the role of the Pakistan Army in the foreign policy of Pakistan and its economic interests has not been mentioned.

Rabia Chaudhary (2019)⁹. In her thesis "An island of excellence"? How the Pakistan military reflects on its presence in the development sector Rabia discusses how the Pakistan military reproduces and reinforces its hegemony through its presence in the development sector. This paper concentrates on one aspect thereof – that is, the elements within the military mind-set that inform its modus operandi. How the Pakistan military operationalises its presence in the development sector to further consolidate its hegemony needs scrutiny. This paper

⁸ Jha, U.C. (2016). *Pakistan Army: Legislator, Judge and Executioner*. New Delhi, KW Publishers Pvt Ltd.

⁹ Chaudhry, Rabia (2019) : "An island of excellence"? How the Pakistan military reflects on its presence in the development sector, ZEF Working Paper Series, No. 185, University of Bonn, Center for Development Research (ZEF), Bonn

concentrates on the considerations and the surrounding thought processes that compel the military to play an active developmental role – to which it refers to as nation building. Using primary data in the form of semi structured interviews of serving and retired senior military officers, this paper shows how the military defines its self-interests, reflects upon its own developmental role and, which avenues it selects to pursue. **Research methodology** adopted is qualitative descriptive and explanatory. **Research gap:** the role of the Pakistan Army in the foreign policy of Pakistan and its rise as an omnipotent power has not been dwelled upon.

Sheikha Nasser Al. Battashi (2017)¹⁰. In his paper Military Politics in Pakistan, the author states that the Pakistani military has occupied an important role within the Pakistani political system since the independence of Pakistani state in 1947 until now. Therefore, this is made the military to play important roles within its political system. The political history of Pakistan can be summed up as a story of repeated coupes followed by protracted periods of military government, briefly punctuated by elected civilian government. Pakistan is once again at a critical juncture in its political history as it undertakes an uncertain journey toward democratization. The key question Pakistan faces today is whether it will be able to put in place a new stable democratic order or it will slip further into a political turmoil that has characterized most of its history. There are three factors that deserve attention in this regard. First, Pakistan has been under military rule for more than half the years of its existence. The country has witnessed three coups. The military in Pakistan has come to exercise a formidable influence in the spheres of politics, economy and social aspects. Second, Pakistan has been plagued by exceptional political turbulence since its inception and has had a poor record of democracy. Third, and possibly of the greatest significance is the equilibrium that has come to characterize civil military relations in Pakistan. Battashi argues that the military rulers while seeking

¹⁰ Battashi, Sheikha Nasser Al (2017). Military Politics in Pakistan. Oman, Sultan Qaboos University.

political legitimacy have steadily entrenched their control over key sectors of the Pakistani polity. On the other hand, successive democratic dispensations in Pakistan, while seeking to curtail the power of the military have inevitably hobnobbed with it to remain in political power.

Research methodology adopted is qualitative descriptive. **Research gap:** the role of the Pakistan Army in the foreign policy of Pakistan and islamisation has not been mentioned.

Elisa Ada Giunchi (2014)¹¹. In “The Political and Economic Role of the Pakistan Military”, Giunchi discusses that several factors, internal and external, partly rooted in colonial policies, have contributed to strengthening the Pakistan military and boosting its image since the aftermath of Partition. After 1958, the army became a key political force and increasingly infiltrated the economy. Its penetration into crucial political decision-making became entrenched in the '80s, while the greatest penetration into the economy and society took place in the '90s and has not been reversed to date. Giunchi asserts that the predominance of the military can be seen as part and parcel of predatory politics and a patronage system that characterises all dominant classes in Pakistan; as a consequence, any dilution of its power could only be pursued through general, and necessarily long-term, processes aimed at promoting public scrutiny through education and the media and at redressing social and ethnic imbalances. The role of the national security paradigm in justifying the military's strength and its tentacular influence in society also points to the need for a rapprochement with India, primarily through solution of the Kashmir issue, while Western decision-makers should be mindful of the consequences for civilian institutions and democratic processes of their strategic imperatives and of the military aid that is provided to further them. **Research methodology** adopted is qualitative descriptive. **Research gap:** the role of the Pakistan Army in the foreign policy of Pakistan and Indo-Pakistan relations has not been mentioned.

¹¹ Giunchi, Elisa Ada (2014). The Political and Economic Role of the Pakistani Military. Available at https://www.ispionline.it/ites/default/files/pubblicazioni/analysis_269_2014.pdf

Sanjeet Kumar (2019)¹². In his thesis “Indo-Pak Relations in Twenty First Century”, the author discusses about importance of the bilateral relations in the international relations. He describes the historical background, how third-party factor impact on India-Pakistan relation and what are the theoretical perspectives between these two South Asian states. Thereafter, the political relations of India- Pakistan are discussed, why India-Pakistan partitioned and what are the regional orders in South Asia and the efforts of the government to make National Identity and Nation building and the dialogue in different phases between New Delhi and Islamabad to establish peace in the region. The third chapter is related to the strategic dimensions between India and Pakistan that deals with major issues of dispute. The study also compares Missile Programmes of India and Pakistan and describes the CBMs between both the states for improvement of relations. The India-Pakistan Economic relations thereafter with an aim to explore the opportunities of trade and investment in each other states for economic growth. The Fifth Chapter dwells on cultural relations of both the nations and tries to explore how culture engagement can play an important role in establishing permanent peace in this region. Finally, suggestions for the improvement in India-Pakistan relations have been offered. **Research methodology** adopted is mixed approach. **Research gap:** the rise of the Pakistan Army as an omnipotent power in Pakistan along with intrusion in governance has not been mentioned.

Smruti S Pattanaik (2019)¹³. This article ‘India-Pakistan Relations: What lies ahead?’ delves into the history of diplomacy to highlight how the respective national narratives have shaped bilateral ties and have defined the expectation from each other. It emphasises that the important stakeholders in India Pakistan dialogue are the most challenging aspect for the bilateral relationship between the two countries. While there are several other security,

¹² Kumar, Sanjeet (2014). Indo - Pak Relations in Twenty First Century. Available at https://shodhganga.inflibnet.ac.in/bitstream/10603/86108/14/14_full%20thesis.pdf

¹³ Pattanaik, Smruti S (2019). India- Pakistan relations: what lies ahead? Available at <http://www.unisci.es/india-pakistan-relations-what-lies-ahead/>

political, economic and civil society stakeholders, the dominant factor is that the relationship has been deeply securitised therefore any forward movement in the bilateral relations is seen from the prism of security. In this context, the historical perspective has been investigated and how it has shaped the perception of the two countries and their narratives about each other.

Research methodology adopted is qualitative descriptive. **Research gap:** the role of the Pakistan Army in the governance of Pakistan and its economic interests has not been mentioned.

2.2. Conclusion

The review of literature of the above resources clearly indicates that there is a research gap existing regarding the reasons for the emergence of Pakistan Army as the power base in Pakistan since Independence in 1947. While as, there may be references to the existing military control over governance in Pakistan, no literature is available to distinctly identify the path to the same. Also, post the implementation of the ‘Bajwa Doctrine’, where in the Pakistan Army plays the cards through a civil façade, the impact on India-Pakistan relations has not been analysed in any available literature. Therefore, the study is duly justified to examine these critical issues.

CHAPTER – 3

HISTORICAL PERSPECTIVE LEADING TO THE DOMINANCE OF PAKISTAN ARMY

3.1 Introduction

Several factors, internal and external partly rooted in colonial policies, have contributed to strengthening the Pakistan military and boosting its image since the creation of Pakistan. After 1958, the army became a key political force and increasingly infiltrated the economy. The penetration into crucial political decision-making became entrenched in the 80's, while the greatest penetration into the economy and society took place in the 90's and has not been reversed to date.

Table 3.1 Military and politics in Pakistan

<u>Military and Politics in Pakistan</u>		
Patterns of Rule in Pakistan		
Type	Duration	Period
Direct Military Rule	17 yrs	1958-62, 1969-71, 1977-85, 1999-2002
Elected government under a military president	15 yrs	1962-69, 1985-88, 2002-07
Elected government under a civilian President 'Rule of Troika'	10 yrs	1988-99
Civilian Supremacy	6 yrs	1971-77
Supremacy of the non-parliamentary forces under the formal parliamentary rule	25 yrs	1947-59, 2007-till date (2021)

SOURCE : Siddiq, A. (2017), Military Inc.: Inside Pakistan's Military Economy. London, Pluto Press.p. 308

A chronological insight into the factors leading to the predominance of the Pakistan Army are discussed in succeeding paragraphs.

3.2 Colonial Legacy. At the end of the nineteenth century, Punjab became a major center for recruitment for the Indian army because of the ‘Great Game’. The British established their support base in Punjab by rewarding servicemen and recruiters with land for their loyalty, thus consolidating alliances with local power networks. The nexus between the bureaucracy, the military and the landed elite strengthened and survived the partition. This led Punjab to become the economic and political power center of Pakistan. This colonial legacy, coupled with a lack of trained civil servants, contributed to the progressive induction of higher military echelons into the civil administration and paved way their increasing role in politics.¹⁴

3.3 The Partition. With the partition of British India in August 1947. The British Indian Army was divided in a ratio of 64:36 between India and Pakistan. Pakistan inherited the most troubled borders of British India because of the geographical location. However, the strength of the army was meager with shortages in staff and equipment.

President Ayub Khan fabricated the ‘India Threat’ by selectively choosing statements of Indian leaders like Acharya J. B. Kriplani and Sardar Vallabh Bhai Patel, thus Pakistan acquired a negative identity which was to be anti-Indian, non-Indian and un-Indian.¹ Hence, Pakistan started its journey with a fundamentally false assumption that India was an enemy and an existential threat. This premise along with the communal killings and massive movements of people which accompanied Pakistan, as well as rise of ethnic nationalist movements and tensions with Afghanistan and India over Kashmir and Durand line respectively, created in the country a sense of deep vulnerability. This drove Pakistan leaders to invest heavily in the army which adversely affected the institutional balance in the country and thus, army gained enormous strength occurred other civilian institutions.

¹⁴ Shukla Ashish, Pakistan Army: Institutes that matters, KW Publishers Pvt Ltd, 2017, P290.

A few months after Partition, the first war with India over Kashmir broke out, with declarations by Indian politicians that Pakistan would not survive long fed fears of national fragmentation. The idea of the unfinished agenda of Pakistan i.e. Kashmir germinated and got entrenched in the Pakistan leaders psyche. These factors molded Pakistan's early security perceptions and justified high and increasing budgetary allocations to the military¹⁵.

3.4 Weak Political System. A factor that greatly contributed to strengthening the army and its political role was the under development of the political system, by which is mostly meant inefficient and corrupt politiciansⁱⁱ who tried to maximize the interests of their own groups rather than working for the common good. The frequent dismissal of governments between 1947 and 1958, the factionalism within the party system and its aloofness from the general public did not help to boost the image of politicians. The military which projected an image of corporate pride, contrasted starkly with them, appearing as a disciplined organized institution. Undoubtedly, however, the military's increasing role in turn contributed to the weakness of civilian elites and further delegitimized them¹⁶, in a mutually reinforcing process.

Politicians themselves contributed to the military's politicization by asking it to intervene to quell ethnic and religious revolts and to settle political differences. Both the Bengali revolt of 1971 and the Baluchi revolt in 1973-77 were repressed by the Army. Recently the Army was deployed in FATA by Gen Musharraf and the subsequent Governments to counter extremist forces. While military repression was not popular in the areas that were the target of

¹⁵ Between, 1947 and 1949 military spending represented on average more than half of the annual budget and reached 73 of in the fiscal year 1950-51. A Jalal The state of Material Rule: The Origins of Pakistan's Political Economy of Defence, Lahore, Vanguard, 1991, P92.

¹⁶ S Naraz, crossed success: Pakistan, its Army, and the wars wither, New York, Oxford University Press, 2008, P xxvii.

intervention, the military's image was boosted everywhere during natural calamities such as the 2010 floods, as its efficiency was evidently greater than that of the state apparatus. Thus, the state's dependence on the military, whether to repress or to provide emergency aid, has not allowed civilian institutions to control the military, creating a vicious circle that is different to break.

3.5 The Military Rule. The Army rose to power on several occasions through coups, mostly by involving the need to moralize and rationalize the state apparatus, and ruled for roughly half of Pakistan's history, legitimized by the judiciary and by the apathy – if not outward sympathy of the population¹⁷. Even though the Army supposedly intervened to retrieve Pakistan from poor governance or economic collapse etc., it is interesting to note that there was no significant improvement in governance or economy of Pakistan. In fact, during the Army rule, the government institutions were undermined, and radicalization of Pakistan got an impetus. Therefore, the so-called redeemers of Pakistan have actually harmed Pakistan more than improve the country and have damaged the very foundation of democracy.

3.5.1 Ayub Era: First Military Takeover (1958-1969). Gen Ayub Khan was literally invited to take over the country by President Iskander Mirza due to the incompetence of the civil rules and the rising discontent in West Pakistan. Ayub abolished the office of the Prime Minister and swore in a presidential cabinet, this dissolved the fragile democratic forces and strengthened the bureaucratic forces under the military. This period witnessed the rising image of the military in the eyes of the people. The military managed the international approbation by diplomatically portraying the image of an inefficient and corrupt government which had to be inevitably replaced by the military's rule¹⁸. There was a visible improvement in national affairs and a sudden drop in prices of commodities, which fetched him popular support. The

¹⁷ ISPI Pg 4.

¹⁸ Ashish Shukla, P10.

entire nation thought and believed that they had now found a solution for many problems in military rule¹⁹. He promulgated the new constitution in 1962 bringing in the presidential system and institutionalized the military's role in the power structure of Pakistan. Ayub lost his popular support after the 1965 Indo- Pak war and was ousted by Gen Agha Muhammad Yahya Khan on 25 March 1969.

3.5.2 Yahya Khan Rule (1969-1971). In 1970, the first nationwide elections were held under Yahya Khan and the promised impartiality and honesty was honoured in the elections. The Awami League won the majority and Mujibur Rahman was to be made the Prime Minister of Pakistan. This was obviously unacceptable of the Punjabi-Pathan groups. Also, the Six Point programme of Awami League demanded complete autonomy and challenged the military's dominant role. This resulted in a civil war, followed by the 1971 Indo- Pak war. Gen Yahya Khan was replaced by Gen Gul Hassan Khan in December 1971, who took over as COAS and handed over power to Zulfikar Ali Bhutto.

3.5.3 Bhutto and the Military (1971-1977). Bhutto became the administrator and the Chief Marshal Law administrator, inheriting a disturbed and desperate nation. We curtailed the influence of the army in policy making and established civil political supremacy through a four -pronged strategy: -

- I. **Dual control over the military:** Higher organizations for defense was reconstituted and a Permanent Chairman, Joint Chief of Staff was established with the Prime Minister in control²⁰. This automatically undermined the authority of the army chief whose designation was altered to COAS.

¹⁹ Siddiqui, N.8, P58

²⁰ Shalini Chawla, Pakistan's Military and its Strategy, KW Publishers Pvt Ltd, 2009, P-14.

- II. **Constitutional Safeguards.** The new constitution which came into effect in 1973, took appropriate measures to prevent any further military takeover under article 271 of the 1973 constitution, subversion of the constitution by military coup was punishable by death²¹.
- III. **Control over the civil services.** Bhutto reduced the role of the civil service from formulator to executor of policy.
- IV. **Creation of Paramilitary Alternative.** The Federal Security Force (FSF) answerable only to Bhutto was created to serve as a reserve force to handle civil unrest resulting in riots, thus undermining military intervention and consequently reducing the scope of military takeover.

However, Bhutto's effort to weaken the military failed and the army was called out five times to enforce law and order between July 1972 and June 1974. Bhutto's autocratic tendencies severely affected governance of Pakistan. The civil services were unhappy as their powers were curbed, political institution were not permitted to grow and the military was hurt with its diminished role. Gen Zia-ul-Haq crafted the departure of Bhutto and declared martial law in July 1977.

3.5.6 Zia's Regime (1977 – 1988). Gen Zia declared martial law in July 1977 and got himself elected as the President in a fraudulent referendum held in 1984. He made substantial changes in the constitution and as per the Eighth Amendment; it empowered the President to sack a government, become the supreme commander of the Armed forces and appoint the heads of the three services and the head of the JCSC²². The Zia period saw strengthening of the military due to a weak political dispensation and the soviet intervention in Afghanistan, which brought in American aid and support for Pakistan. This helped the Pakistan army to modernize,

²¹ *ibid.*

²² Shalini Chawla, P-16

commence training the mujahidin and continue with its nuclear program unchecked. The Pakistan military encouraged the drug trade to fund the Afghan war and support the covert war in Kashmir and Punjab in India. The drug trade was largely controlled by senior military officers and the ISI. Zia advocated radical Islam and introduced the Islamic order in the Pakistan Army. During this period, Pakistan military's strategy was shaped and supported by the Islamic ideology emerging from the interpretation of the Holy Quran, which decided the political, military and international posture of the nation²³. Religion provided the army the much-needed legitimate base for maintaining its stronghold and to increase its power. Probably, another major contribution of Zia to ensure the dominance of the army was to propagate the growth of the Inter-Services Intelligence (ISI). The ISI became omnipotent in not only running the covert wars but also gradually controlling the national political narrative. It controlled, financed and equipped the Mujahideen for the Afghan war and utilized the drug money to support the covert war in Kashmir and Punjab. In short, ISI became a state within a state, answerable to no one and the most reliable arm of the army to manipulate its policies. Thus, herein after the Pakistan army, no longer had to stage a coup for the removal of the elected regimes in the case of clash interest of the two forces.

3.5.7 Democratic muddle and the Military (1988 -1999). The period from 1988-1999 saw four elections and both Benazir Bhutto and Nawaz Sharif came to power two times. There were four caretaker governments and none of the elected governments could complete their term. The President invoked the Eighth Amendment to dissolve the National Assembly three times. The Pakistan Army ensured that it controlled the appointment of senior hierarchy, choice of the defense minister, the defense budget and maintained its financial autonomy. Every ruling party tried to lure the military by offering them lucrative economic opportunities

²³ Shalini Chawla, P-19

and, thus, strengthening the army. Although the army withdrew from the visible political apparatus, it remained the most dominant force, directing the division of powers and helping in the important national decisions as well as controlling the defense budget²⁴.

3.5.8 Musharraf's Legacy (1999-2008). Gen Musharraf fell out with the Prime Minister Nawaz Sharif post the Kargil conflict and seized power in a coup in October 1999. He immediately took several steps to institutionalize army's control over the state. He invoked Article 58 (2) of the Constitution to empower himself to dissolve the National Assembly, dismiss the Prime Minister and declare himself President. He established the National Accountability Bureau and marginalized mainstream political parties through intimidation. He was successful in making the judiciary compliant by promulgating Provisional Constitutional Order that required Judges of the High Courts and Supreme Courts to take fresh oath. Musharraf inducted over 1000 military officers to civilian posts in all important government officesⁱⁱⁱ. Finally, he created the National Security Council (NSC) in 2004 giving the military a formal role in the national decision-making process. The 9/11 attack brought Pakistan and the US closer with Musharraf backing the Global War on Terrorism (GWOT) and supporting attacks against the Taliban and al-Qaeda in Afghanistan. The US lifted some sanctions imposed after Pakistan nuclear tests in 1998 and rewarded Pakistan with financial and military hardware aid. He further banned the Lashkar-e-Toiba and Jaish-e-Mohammad militant groups and took steps to curb religious extremism in Pakistan, especially post the Lal Masjid incident in July 2007. The 2005 Earthquake in PoK substantiated the efficiency of the army and earned it immense goodwill for the relief work.

3.5.9 Democratic Puppets (2008 – till date). President Musharraf resigned in August 2008 and Asif Ali Zardari of the PPP became President. However, the critical internal security

²⁴ Iqbal Nasir, "1,027 civilian Posts occupied by servicemen", Dacca, Karachi, October 3, 2003.

situation and the failing economy put extreme pressure on the Pakistan Government. In 2010 wide ranging constitutional reforms were approved, including transfer of power from the President to the Prime Minister. The killing of Osama Bin Laden in April 2011 created a confrontational situation between Prime Minister Gilani and Gen Kayani, where the COAS warned Gilani of ‘unpredictable consequences’.

Prime Minister Gilani was replaced by Raja Pervaiz Ashraf in June 2012, who was later succeeded by Nawaz Sharif after winning the elections in June 2013. While the Army was busy in anti-terrorist operations in the tribal areas, a spate of terrorist incidents occurred in the hinterland, especially an attack on the Army School in Peshawar. This incident further strengthened the resolve of the army to eliminate the ‘bad terrorists’.

Gen Bajwa took over as the COAS from Gen Kayani in November 2016 and orchestrated the ouster of Nawaz Sharif with the support of the judiciary. Later, the army was successful in placing Imran Khan as the Prime Minister, thus ensuring their writ without actually seizing power.

This period saw heightened activity by the Inter-Services Public Relations (ISPR) directorate. The DG ISPR serves as the official spokesperson of the armed forces to strengthen public relations with the civil society. However, in reality it serves the interest of the military by manipulating public opinion and feeding the military narrative on various issues to the people of Pakistan. To achieve its aim the DG ISPR has controlled the mass media by injecting retired military personnel or diplomats as columnists and penetrated the newsrooms of television channels and newspapers with its own agents. Since, the army has penetrated almost all sectors of Pakistan society and institutions of any significance including mass media and academia; it can handle any negative development and unfavorable situation at home. Thus, ensuring its predominant position and role in Pakistan.

3.6 Role of External Entities in Strengthening Pakistan Army

The supremacy and predominance of the Army in Pakistan is now an established fact. There are a number of factors that facilitated the rise of the army as an institution and over the years, made it the most potent and powerful force in the country. One such important factor which has influenced is the role played by external entities. Pakistan has received enormous amount of economic and military aid from United States, China, Saudi Arabia and other international donors. Among these, the military and, technological support and training programmes provided from time to time by China and more specifically by the United States were critical in building Pakistan's military strength and maintaining its supremacy over other state institutions.²⁵

3.6.1 United States of America.

Mohammad Ali Jinnah made attempts to woo the United States surprisingly even before the creation of Pakistan for possible economic and military aid²⁶. Though he did not succeed initially, the willingness of Pakistan to ally with the United States and its geo-strategic location was noted by the United States, and consequently they became allies, even though their interests never converged.

The military partnership between Pakistan and United States gained momentum under General Ayub Khan. The Mutual Defence Assistance Agreement (MDAA) was signed in May 1954, which provided a legal framework for US military assistance to Pakistan. Soon, Pakistan became a part of the US led and US sponsored cold war military alliances – SEATO in Sept 1954 and CENTO in Sept 1955. These alliances cemented the partnership and US began providing substantial assistance to the Pakistan Army, even at the cost of downgrading the civilian institutions.

²⁵ Ashish Shukla, P237.

²⁶ Ibid, P239.

The US used its economic, military, diplomatic and political power repeatedly in favour of military dictators like Ayub Khan Yahya Khan, Zia-ul-Haq and Pervez Musharraf. The 9/11 incident and the subsequent “Global War of Terrorism (GWOT)” provided Gen Musharraf and the Pakistan Army a great opportunity to side-line the democratic focus and establish a permanent role for the army in the system. They were helped significantly in the consolidation process as the US administration provided diplomatic support, international legitimacy and huge sums of economic and military aid to the regimes.

Post 9/11 aid began with a US \$ 600 million emergency cash transfer in Sept 2001, which crossed \$ 25 billion by end of 2012. The post 9/11 aid can be divided into five major categories as under: -

3.6.1.1 Coalition Support Fund (CSF). The CSF is primarily aimed to reimburse US coalition partners the operational cost for their cooperation in the war on terrorism. The money given to a partner under this category is not considered as assistance by the government of the United States under technical grounds. This fund amounts for 60 percent of total aid provided to Pakistan. It was created to train and equip Pakistan Army in counter terrorism to act against the Al-Qaeda and the Taliban fighters. As per the last accountable estimate the CSF reimbursement by 2016 was US \$ 14.023 billion.²⁷

3.6.1.2 Security Assistance. Under security Assistance, the United States provides as well as sells military equipment to Pakistan and also funds its counter narcotics programmes.

3.6.1.3 Budget Support. This is intended to provide balance of payments, budget, and support for policy reform to the government of Pakistan during the period of economic hardship and political strain associated with Pakistan’s participation in the GWOT.²⁸

²⁷ Document prepared for Congressional Research Service, available at <https://fas.org/sgp/crs/row/pakaid.pdf>.

²⁸ Ashish Shukla, P-241.

3.6.1.4 Development and Humanitarian Assistance. This is provided through the United States Agency for International Development (USAID), which covers important areas such as education, wealth, governance etc.

3.6.1.6 Covert Funds. These funds are classified, and no details are available. These funds are the most debated, disputed, non-transparent and problematic category and were created to reward Pakistan for hunting down and killing terrorists that topped the US target list. As per rough estimate the money provided under these funds is equal to the CSF²⁹.

Details of US aid to Pakistan is summarised in Figures 3.1 to 3.3 below.

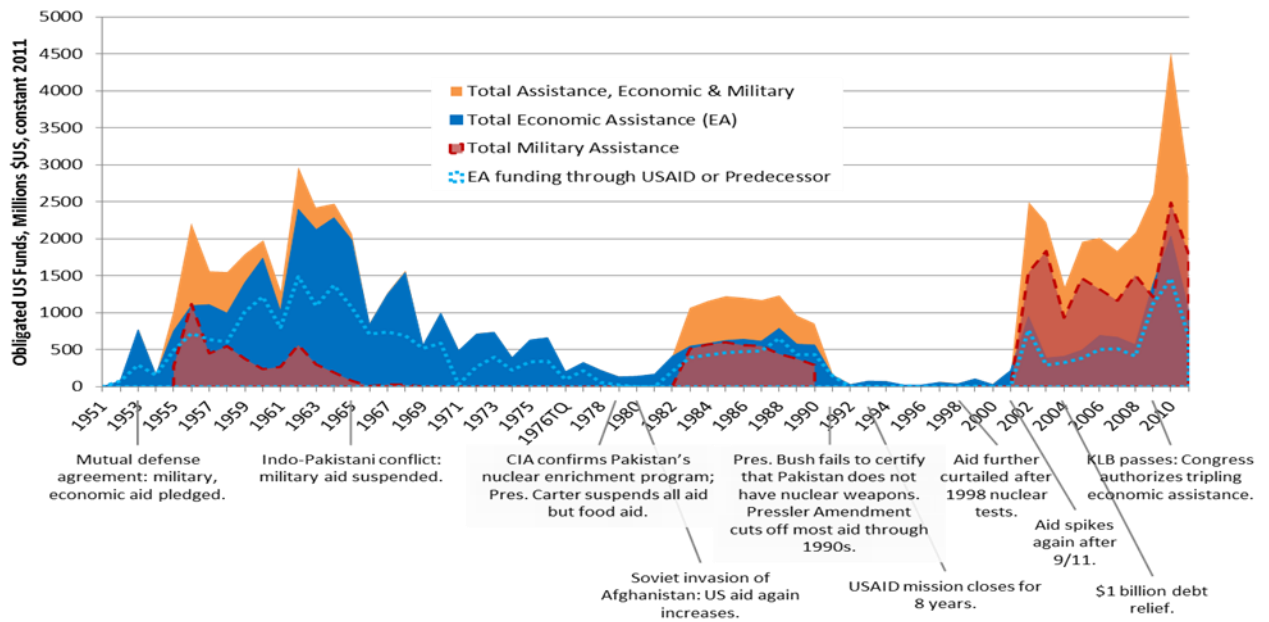
Figure 3.1 History of US Obligation to Pakistan, millions of US\$ (2011)

Program or Account	FY2010	FY2011	FY2012 (Est)	FY2013 (Req)	FY2014 (Req)
Economic Support Fund (ESF)	\$1,292	\$919	\$905	\$928	\$766
Global Health & Child Survival-USAID (GHCF-USAID)	\$30	\$28	-	-	-
International Narcotics Control & Law Enforcement (INCLE)	\$170	\$114	\$75	\$124	\$74
Nonproliferation, Antiterrorism, Demining & Related Programs (NADR)	\$24	\$25	\$21	\$19	\$18
Total Economic-Related Assistance	\$1,516	\$1,086	\$1,001	\$1,071	\$858

Source: US Overseas Loans and Grants: Obligations and Loan Authorizations for the years 2002–2011.

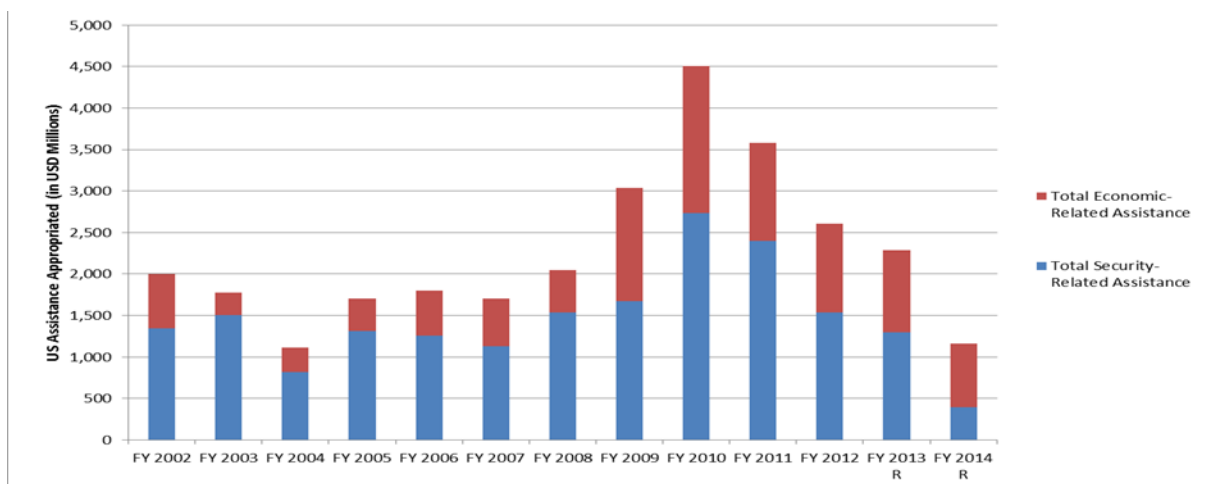
²⁹ Ashish Shukla, P-242.

Figure 3.2 Appropriations for Economic-Related Assistance



(Source: Table 2, “Pakistan: U.S. Foreign Assistance” by Susan Epstein and Alan Kronstadt, CRS, July 2013.)

Figure 3.3 Annual Appropriations, US Assistance to Pakistan FY 2002-2014 (Millions Current US \$)



(Source: Annual Congressional appropriations, as reported and categorized by Alan Kronstadt of the Congressional Research Service.)

The United States began providing economic assistance along and military aid to Pakistan shortly after the country’s creation in 1947. In total, the United States obligated nearly \$67

billion (in constant 2011 dollars) to Pakistan between 1951 and 2011. The levels year to year have waxed and waned for decades as US geopolitical interests in the region have shifted. Therefore, the US Govt supported the Pakistan military to strengthen it as an institution, become more organized and powerful than the civilian institutions, in order to ensure that the dispensation in power in Pakistan would further US interests. Obama was aware that longer term stability and attempts to support a viable reconciliation process to end the violence in Afghanistan depended largely on working effectively with Pakistan, thus the aid continued. However, with the arrival of the Trump administration, the US Government concluded that Pakistan military could not be trusted to eliminate the Afghan Taliban and the Haqqani network. Many initiatives were taken by the Trump administration to pressurize Pakistan to fully support American interests in Afghanistan, but the results were not encouraging and therefore the aid started to dry up. Meanwhile, Pakistan realised this shift and went into an overdrive to offset the US pressure by diplomatic & military outreach to China & Russia.

3.6.2 China.

Historic relations between Pakistan and China have been based on common interests and their security and defence cooperation has been enhanced due to their common animosity with India. In the First decade after Independence, Pakistan navigated cautiously and maintained a 'correct' relationship with China. It avoided participating in the Korean war, refrained from criticising the annexation of Tibet by China and supported the 'One China Policy', in return for diplomatic backing from China on Kashmir. Regional compulsions overtook the narrative in the 1960's to tip the balance of power away from India. The war of 1962, territorial claims by India and China and the border agreement by 1963 between Pakistan and China, where Pakistan ceded 5, 180 Sq Km in PoK to China further enhanced the relationship.

The 1965 Indo-Pak war turned out to be a watershed in the China-Pak relations. The US imposed an arms embargo on Pakistan and India during the war, China stepped in to assist Pakistan with and not only diplomatic but military aid also. The 1970' saw the bonhomie grow with the Pakistan military acting for as the secret interlocutor for the Sino-American rapprochement. Pakistan utilized this opportunity to strengthen military and nuclear co-operation.

The focus in the 1980's was Afghanistan and the 'Jihad' against the Soviet occupation. Though China was not directly involved, however the separatist elements in the Muslim population of Xinjiang were directly influenced by the evolving strategic environment and Pakistan became a breeding ground for the East Turkmenistan Islamic Movement in West China. China utilized the leverage of ISI of Pakistan with the Afghan Taliban to keep the Uighur separatists out of Xinjiang. In return, it conveniently supplied arms and ammunition.

The end of the cold war and the imposition of sanctions by USA on Pakistan due to Pakistan's nuclear programme, helped considerably by China, once again brought China and Pakistan closer. US suspended all military sales and economic aid to Pakistan in 1990 by involving the Pressler Amendment and nearly declared Pakistan a state sponsoring terrorism. China stepped in and became Pakistan's leading arms supplier. In 1992 China sold 34 short range ballistic M-11 missiles to Pakistan. When Pakistan conducted its first nuclear tests in May 1998, China condemned the tests but continues its nuclear cooperation by assisting Pakistan set up the Kushab reactor facility in Islamabad.

The 1999 Kargil war and the standoff between India and Pakistan post the 2001 Indian Parliament attacks boosted the Chinese support to Pakistan. Chinese govt assured Pakistan that "Comprehensive cooperative partnership with Pakistan would continue and so will the aid and

military co-operation". Therefore, while Pakistan-China defence, nuclear and diplomatic ties grew in scope and strength, the civilian institutions and trade contacts remained weak.

The period of Musharraf and Zardari saw a growing cooperation between China and Pakistan is not only military sphere but also in trade. The preferential Trade Agreement (2005) and Free Trade Agreement (2005) saw an enhancement in trade volume between China & Pakistan. China termed Pakistan a "Strategic Partner" in 2005 and also enhanced its counter-terrorism cooperation to quell the separatist activities in Xinjiang province. Also, China's total arms import from China between 2000 and 2013 reached US \$ 5,107 million, making China its largest source of arms and equipment. Thus, during this period, the scope of co-operation between the two also gradually expanded beyond the earlier India centric slant. However, economics and trade relations remained the weakest pillar of the strategic partnership.

President Xi Jinping's plan for the One Belt One Road (OBOR) was published in 2013, followed by the China-Pakistan Economic Corridor (CPEC) initiative in 2015. As per rough estimates, MoUs worth US\$ 46 billion have been signed for the various projects under CPEC³⁰. Security concerns remain the main stumbling block for the success of OBOR and CPEC, especially since the projects are located in Baluchistan, PoK, KPK and Sindh. The security concerns empower the army and give them legal authority to carry out operations against home grown terrorists in order to support the economy. Thus, even though, CPEC is an economic venture, the Pakistan Military continues to dominate.

Since 2016, 63% of total arms import of Pakistan is from China³¹. Numerous joint military exercises including the navy and the air force are held regularly. In June 2017, China accepted Pakistan as a full member of the Shanghai Cooperation Organisation. China has also signed

³⁰ Ranade. Jayadeva (2016), 'The CHINA-PAKISTAN Economic Corridor—implications', [Centre for China Analysis and Strategy \(ccasindia.org\)](http://www.ccasindia.org)

³¹ *ibid*

deals to provide Pakistan with 8 stealth attack submarines by 2028, JF-17 and JC 17 aircrafts: ZDK AWACs, Z-10 attack helicopter, Air Defence weapon support and UAVs. China is also helping Pakistan enhance its capacities in cyber information, assistance in navigation by providing the Beidou Navigation System and training Pakistan astronauts for space mission by 2022³². In a nutshell, the Chinese offer of military assistance and economic aid to Pakistan and the growing relation between the two was to reinforce ‘a new friendship that come into being on account of American neglect and a shared euphemism for India’s rise’, ultimately making the Pakistan military omnipotent.

3.6.3 Saudi Arabia.

Saudi Arabia and Pakistan have long maintained a strong strategic relationship. The two countries have worked together extensively at the international level, within the framework of several bilateral, regional and global organisations including the Organisation of Islamic Cooperation (OIC). Saudi Arabia is the biggest exporter of oil and petroleum products to Pakistan, while Saudi Arabia is the key market for Pakistani goods and services. Saudi Arabia hosts 1.9 million Pakistan nationals who remit over \$ 4.5 billion annually. However, Pakistan having one of the largest organized armies in the Islamic world along with being the only declared nuclear power in the Muslim countries, the military enjoys a unique position and works closely with Saudi Arabia.

Saudi Arabia has long aspired to achieve a nuclear capacity of its own, in order to counter Iran’s atomic ambitions. However, through it has had missile technology to deliver war heads since the late 1980’s; its nuclear infrastructure remains limited. It is believed, that in return for bankrolling the Pakistani nuclear weapons project, Saudi Arabia has a claim on some of those weapons in time of need. This understanding strengthens the military cooperation between the

³² <https://thediplomat.com/2020/01/all-weather-friends-china-and-pakistan-space-cooperation/>

two nations. Besides, Pakistan has been involved in protecting and providing military assistance to Saudi Arabia since the 1960's: -

- I. Pakistan helped the formation of the Royal Saudi Air Force (RSAF) in the 1960's. Pakistan pilots flew RSAF fighter jets during the Al-Wadiah conflict between Saudi Arabia and People's Republic of Saudi Yemen in 1969³³.
- II. Pakistani combat troops assisted Saudi Arabia in suppressing the Grand Mosque seizure in 1979³⁴.
- III. Nearly 15,000 Pakistani troops were posted in Saudi Arabia during the 1980's to track and conduct joint military exercises with Saudi Armed Forces³⁵.
- IV. Approximately 13,000 Pakistani troops and 16000 advisors were based in Saudi Arabia during the first Gulf war, when the kingdom feared an attack by Saddam Hussein³⁶.
- V. Pakistani military continues to train and conduct joint military manouvres in Saudi Arabia frequently³⁷.

Pakistan is one of the 41 members of the Saudi led Islamic Military Counter Terrorism Coalition (IMCTC) launched in 2017. Former Pakistan Army Chief retired General Raheel Sharif presents heads this coalition. Saudi Arabia is also the largest importer of Pakistani arms and has purchased small and medium conventional weaponry worth millions of USD.

Saudi Arabia is becoming increasingly militarized under Crown Prince Mohammed bin Salman, ramping up military spending, leading a military expedition to Yemen and increasing

³³ Kamal Alam and Ibrahim Al-Othaimin (2018), Saudi Arabia and Pakistan: Moving from the Personal to the Strategic Domain. <https://rusi.org/commentary/saudi-arabia-and-pakistan-moving-personal-strategic-domain>

³⁴ ibid

³⁵ ibid

³⁶ ibid

³⁷ ibid

large-scale parades and training. Although Saudi Arabia has some of the world's most cutting-edge arms and technology, it lacks military know-how and experience-something Pakistan has in abundance ³⁸. This ensures the dominance of Pakistan military in all Pakistan-Saudi Arabia understanding and an integral part of military / economic initiatives.

3.6.4 Turkey

The Pakistan – Turkey cooperation began in the 1950's on an anti-communist platform besides religion and culture. In 1988, a Military Consultative Group (MSG) was established between the two countries to explore military training and defence production. Since both Pakistan and Turkey were signatories to the CENTO, the cooperation deepened. Turkey provided training to Pakistan's Air Force officers and also helped in the up keep of Pakistan's F-16 jets. Post 9/11 incident, the Ankara declaration was signed between the US, Turkey and Pakistan to fight the GWOT. In 2003, a High-Level Military dialogue was established between the two countries to enhance defence ties.

The growing military cooperation between Turkey and Pakistan has led to significant procurement deals for latest military equipment from Turkey, to include Turkish ATAK helicopters, 20 mm and 70 mm rocket launchers 34 T- 37 fighters cum training aircrafts and modernization of F-16 aircrafts at a cost of \$ 75 million. Turkey is the second (after China) key participant in Pakistan's International Defence Exhibition and Seminar (IDEAS) to showcase latest military / defence capabilities, might and products. A High – Level Strategic Cooperation Council has been established between the two countries, where in 60 agreements in lines of defence cooperation have been crystallized.

³⁸ Shaul Shay, Saudi Arabia and Pakistan – Strategic alliance, Herzliya Conference Papers, April 2018, P7.

3.7 Conclusion

The journey of rise of Pakistan Army to pre-eminence since independence seems more as a combination of fate and military opportunism. The trauma of partition naturally mandated the Army to take charge of the security situation in Pakistan, which was further complemented by the weak political setup and governance institutions. The feudal bickering between the politicians ensured that political stability was sacrificed, and the Army was considered as a reliable institution to provide the much-needed balance to the newly founded nation. This paved way for the numerous military coups, which were accepted and encouraged by the population of Pakistan.

The existing animosity with India and the belief that India was an existential threat for Pakistan equally reinforced the position of power of the Pakistan Army. The three wars and limited conflicts substantiated this concept and made the military indispensable. The Pakistan military realised that the issue of Kashmir was of great emotional value to the people of Pakistan and exploiting it would keep them in the limelight, therefore after not being able to make much progress in the wars which were primarily conducted to take back Kashmir, the Pakistan military started its nefarious design of using terrorists to create internal turmoil in Kashmir and maintain its position in deciding the security policy of Pakistan.

It was never in the interest of Pakistan Army that the country should have a stable and vibrant democracy, as it undermined its own position of relevance. Therefore, any sign of strengthening of democracy was shunned and mechanisms put in motion to deflate the process. It was also quite ironical that every time Prime Minister found his feet in the Pakistan democratic set up his primary concern was to cut the Army to size, which was mostly pre-empted by the Pakistan Army with the help of the ISI and the civil government dismissed on pre-text or the other.

The geo-strategic location of Pakistan and the Afghan card has come to the rescue of Pakistan Army innumerable times, The Soviet invasion of Afghanistan, 9/11 incident, Taliban, Haqqani network, GWOT made the Pakistan Army the nodal agency for charting the foreign policy initiatives, receive aid and provide the much-needed intelligence and logistic support to the US Army and the coalition forces, albeit with a rider that the Pakistan Army usually did not display all its cards. Assistance from friendly countries as mentioned above ensured that the Pakistan Army played a prominent part in the foreign policy initiatives especially among the OIC. Just as the USA decided to call it a day in Afghanistan, the Chinese project of OBOR and CPEC was crystallised with huge investments in Pakistan, thus the Pakistan Army once again became the main interlocutor and continues with its position of domination.

CHAPTER – 4

THE DOMINANCE OF PAKISTAN ARMY IN THE GOVERNANCE OF PAKISTAN AND VARIOUS INSTITUTIONS

‘We should pay the price for what we believe in. There is a triggered by our nationalism which allows the military to monopolies the state’s resources’³⁹.

Khalid Ahmed

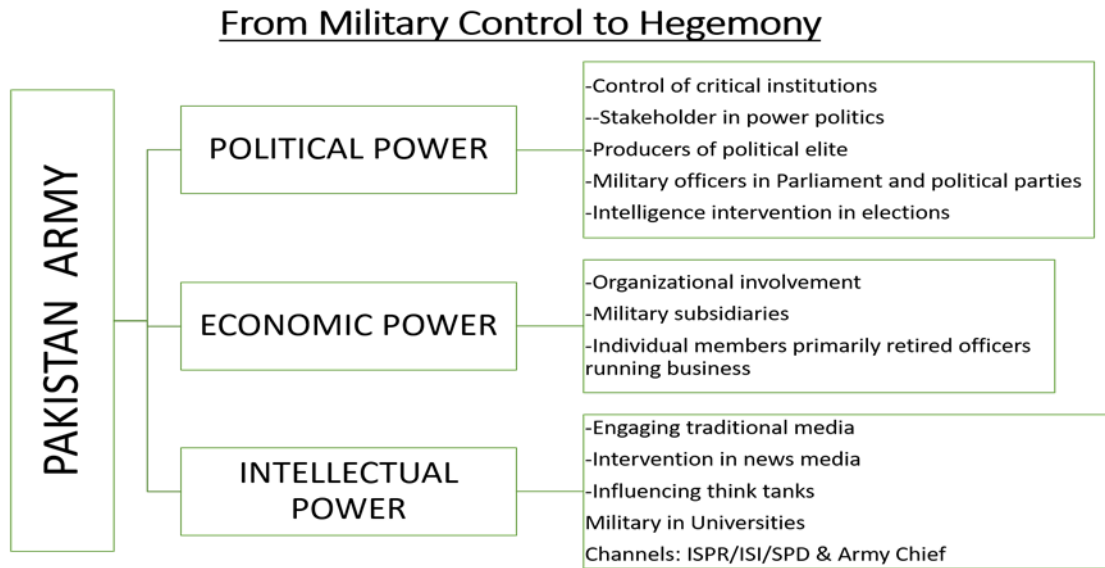
4.1 Introduction

Today, the military’s hegemony in Pakistan is reality. It is important to note that this hegemony is three dimensional, the military has penetrated the society, politics and the economy. Also, it has grabbed the intellectual discourse and the imagination of the people through promoting its own people or luring others to confirm to a classical realist paradigm in analysing domestic or external issues. The national security paradigm has been marketed so effectively that there is hardly any cogent element in the country that could challenge the basis for the military’s existence or its dominance of the state and its society⁴⁰.

³⁹ Khalid Ahmed, internieer Lahore, 17 Aug 2004, Editor, The Friday times.

⁴⁰ Ayesb Siddiqi, Military Inc : Inside Pakistan’s military economy, Pluto Press, London, 2007, P-250.

Figure 4.1



(Source: Siddiq, A. (2017), *Military Inc.: Inside Pakistan’s Military Economy*. London, Pluto Press. p. 324)

Since, political power provides enhanced financial benefits, the military fraternity see, it as beneficial to perpetuate it. In this process respect, economic and political interests are linked in a cyclic process: political power guarantees economic benefits which, in turn, motivate the officer cadre to remain powerful and to play an influential role in governance⁴¹.

4.2 Dominating Civil Institutions.

As early as 1954, Army C-in-C Gen Ayub Khan was inducted in PM Muhammad Ali Bogra’s ‘Cabinet of Talent’ as Defence Minister. Later when Gen Ayub Khan took over in 1958, he started the process of entry of military in civilian institutions. During his tenure, several retired servicemen were assigned administrative, diplomatic and commercial roles⁴². His successor Yahya Khan did not take steps to alter this strategy, while the third military dictator Gen Zia-

⁴¹ *ibid*, P-248.

⁴² Ashish Shukla, *Pakistan Army: Institution that matters*, KW published, New Delhi, 2017, P-220

ul-Haq gave it legal cover, by reserving ten percent quota for armed forces personnel in the civil services of Pakistan. Zia appointed a number of military officers on important civilian posts including in the Karachi Port Trust, the Pakistan International Airlines, the water and power Development Authority and many more⁴³.

Gen Musharraf after capturing power in 1999, inducted a number of serving and retired military personnel in the civil administration and very soon “almost all the major civil service institutions were headed by military officers⁴⁴. It was estimated that approximately 1,027 military officers were inducted in various civilian posts in 2003. These appointments were made to reduce corruption and ensure accountability. Not a single important Ministry was left out and the Army controlled each and every institution of any importance from civil services, Economic Policy to Foreign Affairs. The military personnel were inducted in various civilian institutions as “Army monitoring teams”, which increased efficient abuse of power⁴⁵.

The Army propagated the myth that all politicians were corrupt and the civil servants were inefficient, this belief was upheld numerous times due to the internal political environment and cases of money laundering. Therefore, the Army continued with its plan to appoint retired military personnel in most of the government departments, undermining the civil bureaucracy and establishing its foothold in the administrative set up.

The worsening internal security situation in Pakistan in Baluchistan, KPK and the Federally Administered Tribal Areas (FATA) gave the Army a legitimate reason to oversee the Internal

⁴³ Ibid, P-220.

⁴⁴ Wilden Andrew, *Journal of International Affairs*, 63 (I), 2009, P 19-37.

⁴⁵ ICG, *Devolution in Pakistan: Reform or regression*, Asia Report No 77, International Crisis Group, Islamabad, 2004.

administration and plan anti-terrorist operations. Thus, it further side lined the civil administration and played the role of the executive and the judiciary.

The Army over the years has ensured that it maintains absolute internal control of its own organisation and has prevented any external interference from the Executive or the Parliament. Even though the PM is the country's Chief Executive, and the three service chiefs are supposed to report to him, however in practicality except in a rare case or two, the Service Chiefs govern their fiefdom independently. In accordance with democratic norms Parliamentary oversight is essential to maintain civilian control over the military. In Pakistan too the Parliament Standing Committee on Defence has been mandated to examine the defence budgets, administration and policies. However, the Army has ensured that the Committee steers well clear of the important issues of national security and is generally given the authority to discuss non-issues. Moreover, the Army invites the members of the Parliament to come to the General Headquarters for briefings.

The Pakistani legislators have tried several times to curb the military's prerogatives over the country's defence policy by instituting various committees, but unfortunately either these committees are short lived, or their decisions scuttled as the implementation of the decisions is dependent on military consent.

The Inter-Services Intelligence (ISI) and the Inter Services Public Relations (ISPR) are the two major tools that the military utilises for maintaining an iron grip on internal/ external intelligence and to harness the media. While as the ISI keeps a close watch on the political discourse within the country, often indulging in extra – judicial arrests and killings. The ISPR focuses on creative management of the public opinion and effectively polices the electronic and the print media. The ISPR releases the formatted media line that all media houses are required to follow, ensuring that sensitive defence information is concealed. The Information

Management Wing of the ISI keeps a control on the journalists and the media houses through punishment, intimidation, cajoling and rewards.

Thus, it is no secret that over a period of time the Pakistan Army has ensured that it dominates mostly all civil institutions of relevance, which might interfere in the exercise of its autonomy and the national security perspective.

4.3 The Business Empire.

The “Culture of Entitlement” in the military started during Gen Ayub’s time when he commenced the tradition of award of land to army officers (the size of allotment depending upon the rank of the officers) in the border regions of Punjab and in the newly irrigated colonies of Sind. Gen Zia also created a novel way of involving serving officers in commercial ventures by placing military lands and cantonments and the provision of logistics to the regional Corps Commanders. After, being allotted plots in prime areas, it became common practice for army officers to sell their preferential allotments at exorbitant prices to compliant civilians. The military soon got involved in establishing several foundations ostensibly to help retired service personnel. These institutions virtually penetrated into all sectors of the economy and gradually propelled the military into a major business stake holder in Pakistan’s economy.

The Ministry of Defence controls four major areas – the Service Headquarters, the Department of Military Land and Cantonments, the Fauji Foundation / Group and the Rangers (PMF). The Department of Military Land and Cantonments acquires land for allocation to the service headquarters, which distributes it among individual members. The three services have independent welfare foundations, which are directly controlled by the senior officers of the respective services. The military is also involved in public sector organisations like the National Logistics Cell (NLC), the Frontier Works Organisation (FWO) and the Special Communication Organisation (SCO), which are all controlled by the Army. The Water and

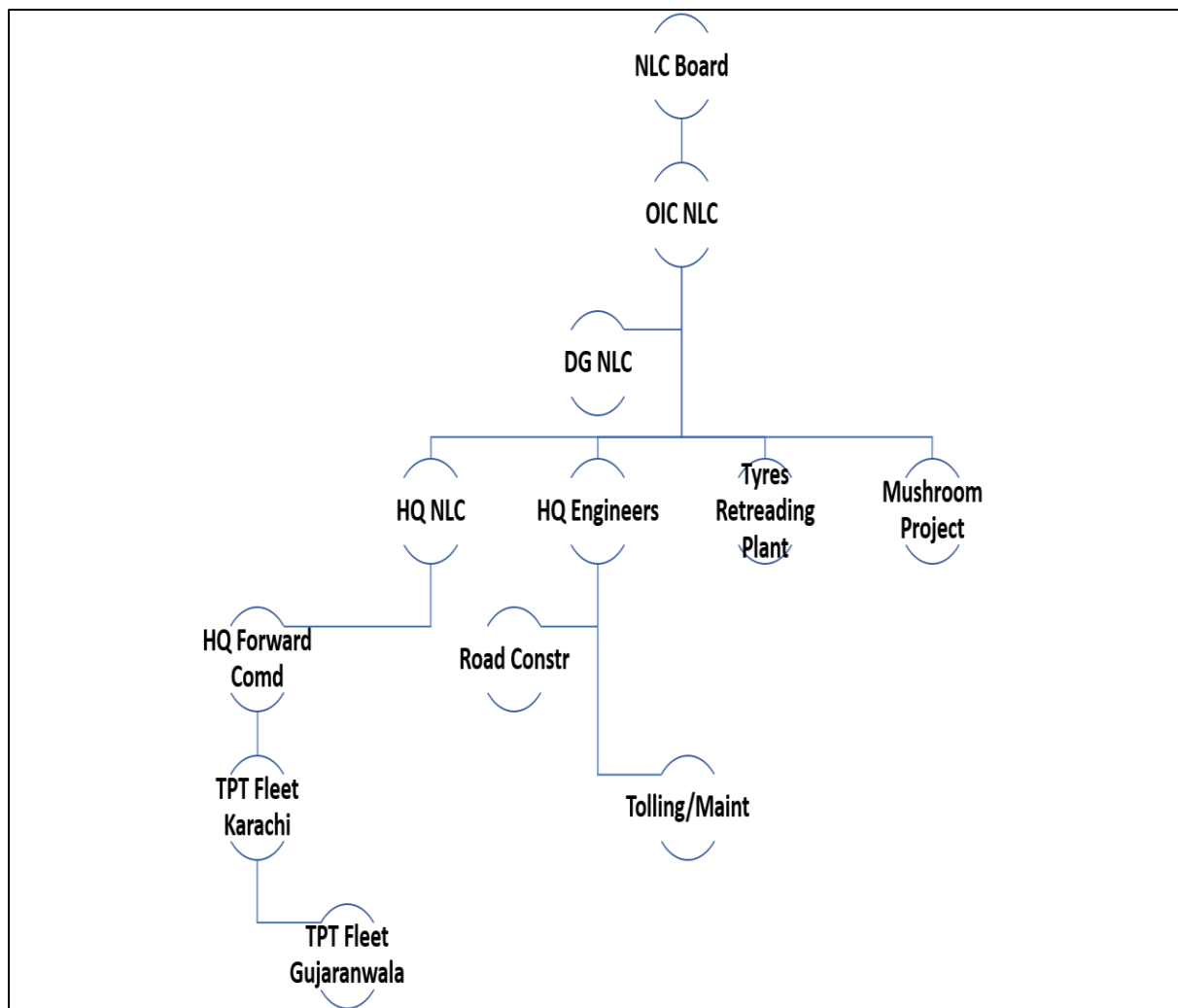
Power Development Authority (WAPDA) was placed under military control in 1998 with over 35,000 personnel.

Figure 4.2 Milbus the structure



(Source: Siddiq, A. (2017), Military Inc.: Inside Pakistan's Military Economy. London, Pluto Press. p. 132)

Figure 4.3 National Logistics Cell (NLC)



(Source: Siddiq, A. (2017), *Military Inc.: Inside Pakistan's Military Economy*. London, Pluto Press. p. 254.)

In addition, there are four subsidiary organizations that are involved in the economic activities of the military. These include:

- I. The Fauji Foundation,
- II. Army Welfare Trust,
- III. Shaheen Foundation (for retired Pakistan Air Force personnel) and
- IV. The Bahria Foundation (for retired Pakistan Navy personnel).

These foundations though controlled by their respective service headquarters are run by retired military personnel. The profits accruing from the commercial ventures of these organizations are distributed to all shareholders, who are retired military personnel. They are engaged in ventures like real estate, fertilizer and cement manufacturing cereal production, insurance and banking enterprises, education, and information technology institutes, besides airport services, travel agencies, shipping harbour services, deep sea fisheries and private security agencies.

Table 4.1 Military Business Ventures

Business Ventures of Military Welfare Foundations

Fauji Foundation	Army Welfare Trust	Shaheen Foundation	Bahria Foundation
Fauji Gas	Askari General Insurance	Shaheen Airport Services	Bahria Education & Training Services
Foundation Gas	Askari Securities Ltd	SAPS Cargo Services	Maritime Services
Overseas Employment Services	MAL Pakistan Ltd (oil company)	SAPS Aviation College	Boat Building Yard
FF Seed Multiplication Farm	Askari Aviation Services	Air Eagle (PVT)	Falah Trading Agency
Fauji Fertilizer Company Ltd	Askari Guards (PVT) Ltd	Air Eagle Aviation Academy	Bahria Pharmacy
Fauji Fertilizer Bin Qasim Ltd	Askari Entrprises (PVT) Ltd	Shaheen Housing Peshawar	Bahria Paints
Fauji Cement Company Ltd	Fauji Security Services (PVT) Ltd	Shaheen Complex Karachi	Bahria Travels
Fauji Kabirwala Power Ltd	Askari Real Estate	Shaheen Complex Lahore	Bahria Enterprise System & Technologies
Foundation Power Company Daharki	Askari Projects (woolen & shoes)	Shaheen Aero Traders	Bahria Security Services
Mari Petroleum Company Ltd	Askari Farm & Seeds	Shaheen Aviation Maintenance repairing Overhaul Centre	Bahria Recruiting Agency
Fauji Akbar Portia Marine Terminal	Army Welfare Sugar Mills	Wind Power Project	Bahria Real Estate
Fauji Oil Terminal and Distribution	Blue Lagoon (restaurant) & Army Welfare Mess	Shaheen Knitwear	Bahria Container Terminal
Pakistan Maroc Phosphore S.A.	Askari apparel	Shaheen Innovation & E-Technologies	Bahria Filling Stations
Foundation Securitues (PVT) Ltd	Askari Fuels	Fazala Education School System	Developer and Constructor
Askari Bank Ltd	Meat Processing Plant	Shaheen Medical Services	Bahria Foods
Askari Cement Company		HAWK Advertising Services	Bahria Wind Energy Farms
Foundation Wind Energy-1		Shaheen Insurance Company (PVT)	
Foundation Wind Energy– 2 Petrol Pumps			

(Source: Siddiq, A. (2017), *Military Inc.: Inside Pakistan’s Military Economy*. London, Pluto Press. p. 254)

Military business termed as “Milbus” by Ayesha Siddiq, is responsible for creating the political and social unbalance in Pakistan. Milbus refers to military capital that is used for the personal benefit of the military fraternity,¹ especially the officer cadre, but is neither recorded nor part of the defence budget. In this respect, it is a completely independent genre of capital. Its most significant component is entrepreneurial activities that do not fall under the scope of the normal accountability procedures of the state and are mainly for the gratification of military personnel and their cronies. It is either controlled by the military, or under its implicit or explicit patronage. It is also important to emphasize that in most cases the rewards are limited to the officer cadre rather than being evenly distributed among the rank and file. The top echelons of the armed forces who are the main beneficiaries of Milbus justify the economic dividends as welfare provided to the military for their services rendered to the state⁴⁶.

Table 4.2 Military Economic Assets 2002

Assets of Military-Owned and Related Companies, 2002

Non – Financial	Amount (Rs. Billion)
Total assets of non-financial listed companies	1,069.97
Assets of military- owned and related companies	59.19
Share of military companies in total assets	5.53%
Financial	
Total assets of financial listed companies	2,907.16
Assets of military- owned and related companies	84.06
Share of military companies in total assets	3%
All Sectors	
Total assets of financial listed companies	3,977.13
Assets of military- owned and related companies	143.25
Share of military companies in total assets	3.60%

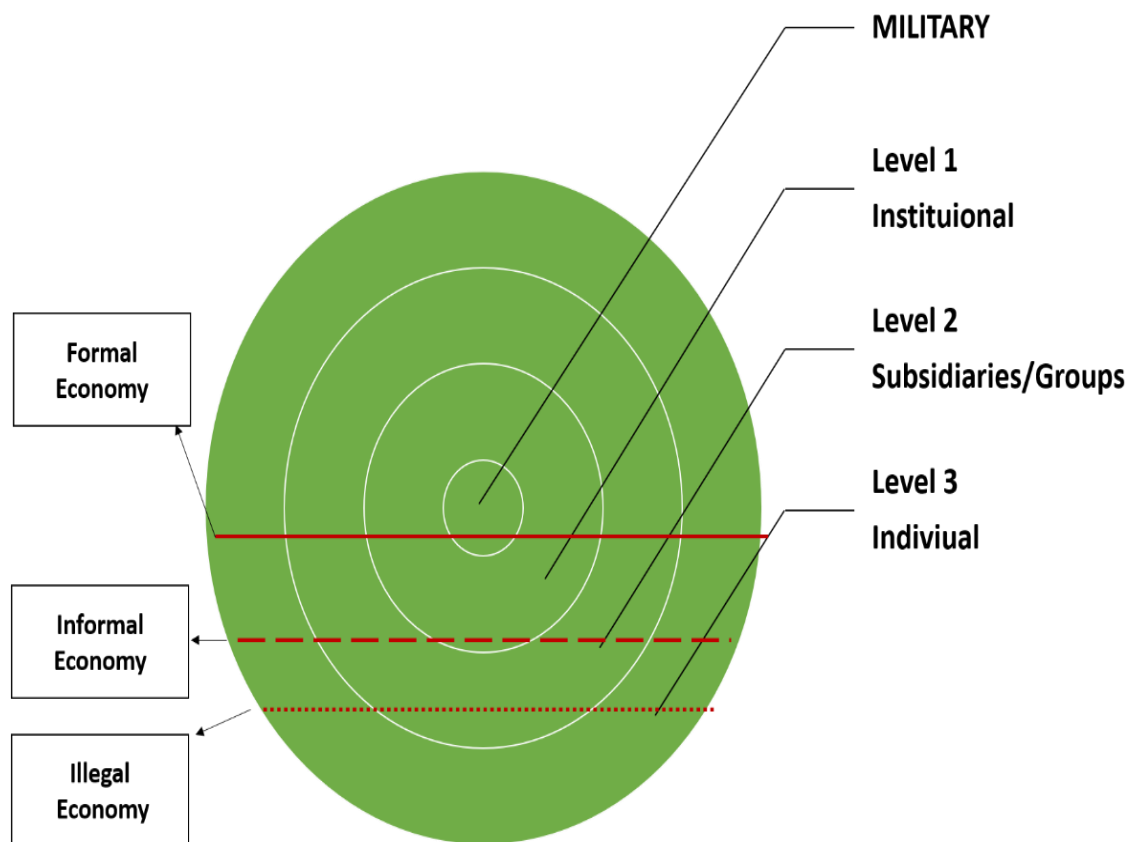
(Source: Siddiq, A. (2017), Military Inc.: Inside Pakistan’s Military Economy. London, Pluto Press. p. 275)

⁴⁶ Ayesha Siddiqua, Military Inc., Inside Pakistan’s Military Economy. . London, Pluto Press. Pp 1.

The military has evolved as a class of influential landowners owing to the policies followed by the military regimes. This has resulted in unequal distribution of land and generated problems of feudalism and unequal social relationships. The welfare organizations established by the military to take care of retired military personnel have evolved as major corporate houses, with asset worth millions of dollars. These organizations have therefore assisted the military to occupy the position of a dominant elite class.

In July 2016, the Pakistan senate was informed that the military runs 50 Commercial Entities worth over 20 billion USD. The same is expected to have surpassed this amount significantly in the present times.

Figure 4.4 Military in Economy



(Source: Siddiq, A. (2017), Military Inc.: Inside Pakistan’s Military Economy. London, Pluto Press. p. 138)

The China Pakistan Economic Corridor (CPEC), which is part of the OBOR initiative once again provided the Pakistan military an opportunity to expand their military business. The CPEC was to invest US \$62 Billion in various infrastructure, construction, Special Economic Zones etc. Security of the Chinese technical personnel were a major worry of the government. The major projects in CPEC were contracted by the military commercial entities, which naturally have senior retired military officers heading the business organisations. The backing of the military also suited the Chinese as it was easier to get clearances and muscle power to quell the restive population. The CPEC had been touted as a game changer for Pakistan to lift it from its economic troubles, but corruption, overheads and financial implications have slowed the project. However, the military continues to thrive with its fingers in all lucrative business ventures.

4.4 Judicial Activism and the Military

In the recent past, the Pak Army faced certain unexpected judicial moves which unsettled the 'comfort zone' of the current Pak Govt in general and the Pak Army in particular, pertaining to the legality of the extension of tenure of the current COAS Gen Bajwa and award of the death sentence to Gen (Retd) Pervez Musharraf for overthrowing the elected govt in a bloodless coup in 1999.

For the first time in the history of Pak, a special court announced a death penalty by a majority vote to a former President and Pak Army Chief. The ISPR reacted against the judgment stating that a former Army Chief cannot be tried for treason and that Gen Musharraf 'can surely not be a traitor' as he has fought wars for the country. The same Army Gen who imposed the Kargil war without the permission of the Pak PM and without taking his colleagues from the Air Force and Navy on-board. He further made a frontal attack on the judiciary by introducing a fresh Provisional Constitutional Order (PCO) to validate his coup like the previous coups.

However, as witnessed in the judicial history of Pak, the Musharraf verdict was overturned within two weeks, when Lahore High Court (LHC) declared the ‘constitution of special court’ which sentenced Gen Musharraf, as ‘void ab initio’. Further, under pressure from Pak Army, the Parliament including the ruling and the opposition parties rubber stamped the amendment to Services Act to legalise the extension to ‘services chiefs’ in future. This once again highlighted the vulnerability of ‘democratic roots’ of Pak, when it was anticipated that finally the chapter of misusing the ‘doctrine of necessity’ has been closed through the ‘Musharraf verdict’ along with a strong signal to extra-constitutional forces in Pak which undermine the Parliament and the democratic forces. With these contradictions, the Pak judiciary continues to be a source of ‘unpredictable consequences’ for the nation as it was in the past, with an ever-growing judicial activism, entrenched deep into the state machinery. The concept of ‘doctrine of necessity’ was first evolved by two English jurists named William Blackstone (1773-1868) and Henry de Bracton (1210-1268). The doctrine pertains to the principle of making lawful by necessity that is otherwise unlawful. Hence, allowing the state to legitimately act in ways that would otherwise be illegal and unconstitutional. The doctrine remains unimplemented in England which successfully recognised Blackstone’s common law of England. However, the govt and the judiciary of Pak have repeatedly hidden behind this doctrine, an abuse to the established principle of separation of powers.

The constitutional history of Pak is tainted with judicial verdicts which made bad precedents of judicial review; thereby halting the growth of democratic process instead of nurturing the same. The judicial history written by the federal court in the initial constitutional development of Pak created a ‘legal black hole’ for its future development. Later, the Supreme Court while following the footsteps of its predecessor court rendered such verdicts which arrested the establishment of rule of law in the country. The ‘doctrine of necessity’, which was introduced in Pak by Justice Muhammad Munir of the Chief Court of Pak, haunts the country till date.

4.4.1 Historical Judicial Fault Lines

After gaining independence from Britain in 1947 under the ‘Indian Independence Act 1947’, Pak was meant to be governed by the ‘Govt of India Act 1935’ till the framing of its own constitution. The Act of 1947 created the Constituent Assembly as a legislature, while the office of the Governor General was established by the Act of 1935.

In 1954, there was a bone of contention between then PM Mohammad Ali Bogra and Governor General Ghulam Mohammad, though he was appointed by the latter himself. They had an issue on the framing of the 1954 Constitution. Just when the Constituent Assembly had almost completed framing the constitution, Ghulam Mohammad **dissolved the** Constituent Assembly because he could not agree on the quantum of autonomy to the federating units and reconstituted it by appointing new members.

This act of Ghulam Mohammad led to many legal controversies and the decision was challenged by Maulvi Tamizuddin in the federal court. He was the Speaker of the Assembly at the time and the President of the Constituent Assembly. The decision given by a bench headed by Justice Munir surprisingly was in favour of Ghulam Mohammad.

The decision of the federal court establishing the ‘necessity of assent’ of the Governor General as mandatory for law-making process by the Constituent Assembly marked the beginning of constitutional crises in Pak. This was also the beginning of the capitulation of the judiciary in Pak by manipulating the bench, where it was appreciated that Ghulam Mohammad would not be able to get a decision in his favour by taking the cover of ‘doctrine of necessity’, which can be defined as the basis on which extra-parliamentarian forces could dissolve the Parliament and Cabinet.

This 'doctrine of necessity' especially empowered military, with its vested interests, to intermeddle with the democratic governance and impose its own extra-constitutional regimes through successive coup d'états. Every time the military got into power; it strengthened its grip in the civilian sectors of Pak through extra-constitutional 'Legal Frame Work Orders' and 'Provisional Constitutional Orders (PCO)'. The military instead of acting 'in aid of civil power', assumed civil power by preponderantly usurping and dissolving civilian governments itself or forcing such dissolution through elected Presidents under the provisions of the Constitution of 1973. This extra-constitutional 'doctrine of necessity' introduced by the judges of the apex court of the country enabled the military to rule for more than half of the constitutional history of Pak. The hold of the military through successive validation of its acts by the superior courts got so entrenched that it practically ruled even in the civilian regimes through the backdoors. The 'doctrine of necessity' established by the apex court as a basis for validating extra-constitutional regimes in 1955 resulted in the country witnessing three constitutions of 1956, 1962 and 1973 and four 'martial laws' regimes. Therefore, among other factors the judicial verdicts of the apex court were equally responsible for creating democratic disruption and political instability in Pak.

The 'judicial overreach' over the legislative coupled with controversial judgements continued to undermine the supremacy of the Parliament. Few of the prominent controversial judgements delivered by the Supreme Court of Pak (SCP) includes disqualification of ex PM Gilani on the basis of 'contempt of court' in 2012, dismissal of PM Nawaz Sharif based on Panama Paper leaks in 2017 and the subsequent PM Shahid Khaqan Abbasi is presently under judicial trial for corruption. In 2018 Chief Justice of Pak (CJP) Saqib Nisar was seen as virtually taking over the domain of executives, thereby undermining the elected representatives of the govt. Therefore, Pak judiciary as deems fit, either acts as a subservient at one point of time by conniving with political/military forces to undermine the Parliament/ the elected govt; and it

undermines the legislative, executives and military at another point of time by posing itself as an independent & powerful organ of the state sans influences.

4.4.2 Judicial Activism

Judicial activism refers to judicial rulings that are suspected of being based on personal opinion rather than on existing law. It is sometimes used as an antonym of 'judicial restraint'. The question of judicial activism is closely related to the constitutional interpretation, statutory construction and separation of powers. Judicial activism is a broader term used to define the process of judicial review i.e. a constitutional power vested with the superior courts to adjudicate on the constitutionality of a law, statute, administrative action, constitutional provision or an amendment. The power of judicial review is exercised worldwide by the superior courts as it is a strong legal tool in the hands of the judiciary to make ineffective all extra-constitutional acts and policies of the administrative, executive and legislative authorities.

Judicial activism in Pak is more egregious and audacious than in other democratic countries. The constitutionality of judicial activism by the SCP is founded on Article 184(3) of the Constitution of Pak 1973⁴⁷. It provides that the SCP under its original jurisdiction can pronounce declaratory judgment 'inter alia' on a 'question of public importance' with reference to the enforcement of any of the Fundamental Rights. The language in this Article shows that the power of judicial review exercised by the SCP is not the self-creation of the apex court; rather it is inherent with it as per the constitutional mandate. The term 'Fundamental Rights' is specific with respect to those rights which are provided under Articles 8 to 28 of the Constitution of Pak; however, the term 'public importance' is a general one and wider in scope.

⁴⁷ Shabbir, Syeda Saima, Judicial Activism Shaping the Future of Pakistan (January 30, 2013). Available at SSRN: <https://ssrn.com/abstract=2209067> or <http://dx.doi.org/10.2139/ssrn.2209067>

Justice Javed Iqbal while interpreting the term public importance observed that ‘the adjective public necessarily implies a thing belonging to people at large, the nation, the state or a community as a whole⁴⁸ .’ In various other judgments, the term public importance has been interpreted in accordance with the facts and circumstances of each case. However, neither the Constitution of Pak 1973 nor the Rules of the Supreme Court 1980 specifically define public importance. This fact alone makes the apex court potent enough to exercise judicial review while relaxing procedural technicalities of relevant laws in various cases.

Hence, the inter-twined relation of three power centres of Pak i.e., judiciary, military and Parliament has witnessed a vicious cycle of ‘leaning’ of any two power centres to outdo the third for their respective interests, be it to wrest the power or exert its strength to undermine the other: for a mutual benefit at the cost of overall national development. Further, when any one player tries to exert itself beyond a particular point, the other two players, irrespective of their fundamental line of thought, scheme with each other to keep the cycle in *status-quo*. Among these players, the legislatives/ civil politicians have remained at the lower end of beneficiaries; the judiciary has remained fledged & controversial, and the military has remained the most beneficial player by attaining its overt & covert interests. Keeping the above in view, judicial activism in Pak can be divided into the following three forms/ categories: -

- I. Judiciary in support of military. (judicial- military convergence)
- II. Judicial overreach on Parliament. (judicial- Parliament overlap)
- III. Judiciary against military. (judicial- military divergence)

⁴⁸ ibid

4.4.3 Judiciary in Support of Military

Judicial activism took its roots as early as 1955 when in the ‘Tamizuddin case’; CJP Munir justified the illegal dissolution of the assembly on the grounds of ‘doctrine of necessity’⁴⁹. From then on, it assumed a life of its own in a stunning series of landmark cases. This ‘doctrine of necessity’ was manipulated by the military to undermine the democratic governance and impose its own extra-constitutional regimes through successive coups, duly endorsed by the judiciary, based on the constitution which is framed by the military minds and its patronages.

The imposition of the first martial rule by Gen Yakub Khan was validated by the SCP by declaring that the 1958 martial law was a peaceful revolution, which was not opposed by the common people which meant that they were happy with it. The apex court order claimed that the verdict was based on the theory of legal positivism (doctrine of necessity). This endorsement of first martial rule continued till the breakup of Pak in 1971 and even beyond that. Gen Zia ul Haq imposed the third martial law in 1977 and imprisoned Zulfiqar Ali Bhutto. Bhutto’s wife moved the superior judiciary against the imprisonment of her husband. This case also challenged the imposition of martial law, but the SCP headed by Justice Anwar ul Haq upheld the subversion of the constitution by Gen Zia.

Gen Zia ul Haq used the draconian power he got from Article 58(2)(b), which was made part of the constitution through the 8th constitutional amendment and dismissed the govt of Muhammad Khan Jonejo in 1988. In ‘Khawaja Muhammad Sharif Vs Federation of Pak’ case, the LHC termed the act of the President illegal but didn’t restore the National Assembly. The SCP in 1989 held that this was a dead matter because the new assemblies came into being.

⁴⁹ ibid

Following the ouster of PM Nawaz Sharif in 1999, the SCP was moved through a case titled ‘Zafar Ali Shah vs Gen Pervez Musharraf’. The SCP led by Justice Arshad Hasan Khan including Justice Iftikhar Muhammad Chaudhary not only ‘rejected’ the petition but also empowered the fourth dictator of Pak to himself amend the constitution, a relief which was not even sought. This black judgement pushed Pak into a blind alley.

After the forcible exit of CJP Iftikhar Muhammad Chaudhary by Gen Musharraf in Mar 2007, the whole nation including the judiciary rallied behind the CJP and he was restored on 20 Jul 2007. The SCP under Iftikhar Muhammad Chaudhary, on 28 Sep 2007, allowed Gen Musharraf to contest ‘presidential elections’ in army uniform at a time when assemblies were to complete their tenure in a few weeks. This order is considered as one of the black judgements in the judicial history of the world.

While the country’s highest court is profound to pass verdicts on ‘constitutional violations by elected officials’, it has shown least interest in questioning the extra-constitutional interventions of the military establishment that have always undermined the authority of elected officials in Pak. The SCP barred a lower court from questioning the military’s role in the Faizabad fiasco 2017 by saying that it “fell outside the judicial domain.” In Jan 2020, the apex court overruled the high court who directed military authorities to release ‘illegally detained’ Col (Retd) Inamur Rehman.

Clearly to a great extent, the Pak judiciary has acted as an extension of the military’s constitutional arm. As long as the judiciary continued to target politicians questioning the military’s role and interests, it will be protected. However, doing otherwise may cost the judiciary its so-called activism and growing institutional role against the Parliament.

4.4.4 Judicial Overreach on Parliament

The SCP advertently has remained focused on undermining the role of the Parliament and the elected officials in the country. However, much of the upheaval in the Pak judiciary has been witnessed since 2007 i.e., the culmination period of Musharraf's military regime post 'Lawyers Movement'. Ever since then, there has been a distinct growth in judicial activism in the country. It gained momentum when the incumbent CJP Iftikhar Muhammad Chaudhary regained his power in Sep 2009. The judiciary emerged as a 'unified institution' having separate identity as an independent organ of the state. The CJP started taking up matters of public importance and Human Rights more frequently and promptly as compared to pre-restoration scenario from Nov 2007 to 2009, when there had been few verdicts on these matters. A large number of constitutional petitions and suo moto actions involving misuse of public funds, loss to the national exchequer, extra-judicial killings, rape cases, missing persons issues, private jails, police torture cases, illegal appointments, illegal promotions, illegal constructions, controversial allotments of state-land on throw away prices, written off bank loans and matters pertaining to conservation of environment were taken up and decided under Article 184(3).

A separate 'Human Rights Cell' was established and functioned under the direct supervision of the CJP to expeditiously process the complaints. Relief was provided to the aggrieved persons without going through the traditional protracted litigation process prevalent otherwise in Pak. Just in a span of about 13 months from Jan 2011 to Feb 2012, the SCP received 54935 cases of 'public policies' & Human Rights violation and decided 53082 cases.

The 25th CJP, Mian Saqib Nisar (Dec 16 to Jan 19) had publicised his role more as an 'elected politician' who was eager to comment on the Parliament's role publicly rather than serving his own institution objectively⁵⁰. By not only aligning with the 'invisible forces' for the purpose

⁵⁰ ibid

of political engineering but he also interfered with the federal and provincial govts, thereby raising the bar for judicial activism. He remained in the news during his tenure for visiting hospitals, schools and keeping himself updated on the developmental speed of infrastructure projects. He went to the extent of asking the general public to donate money for the construction of the dams & instituted 'CJP fund for dams' in Pak', a clear mandate of the elected govt rather than a federal court. He was labelled as a 'judge who nailed the politicians'.

During his tenure he focused primarily on holding former PM Nawaz Sharif and his party PML-N accountable. Nisar took oath as CJP in Dec 2016, six months before the court found PM Nawaz Sharif guilty in the Panama Papers case and forced him to step down. In Feb 2018, the court barred Sharif from heading the PML-N and in May 2018, barred him from political participation for life. It has been assumed that Nisar toed the 'establishment' line and provided his support to help dislodge Sharif and his party by disqualifying him and important members of his party from participating in politics. Following him, the Islamabad High Court (IHC) also disqualified PML-N member and Foreign Minister Khawaja Asif from holding 'public office for life' as he had not declared that he held an 'iqama' or work permit for the United Arab Emirates.

Nisar tainted the already not very bright history of Pak with his toxic legacy. Because of Nisar's tenure, characterised by a selective justice approach, the judiciary has become politicised. From Justice Munir to Justice Abdul Hameed Dogar and from Justice Iftikhar Chaudry to Justice Saqib Nisar, everyone has intervened in politics and given their support to the invisible forces to assist their efforts to undermine their opponents. Thus, courts in Pak have increasingly taken on the role of elected officials rather than strengthening Parliament which has historically remained vulnerable to other institutional pressures, particularly the military establishment.

The growing judicial activism is clearly at the expense of parliamentary sovereignty and supremacy. The law-making process in Pak, which according to the constitution should offer legitimacy to the judicial structure, has virtually become dependent on courts and whims of judges. It's unfortunate that courts in Pak have become a party to undemocratic designs to keep the country's lawmakers weaker. Apparently, the judicialization of Pak politics has been in full swing. Concerns are being raised about the growing outreach of the judiciary and how much judicial activism can be exercised without breaching the country's constitution.

4.4.5 Judiciary Against Military.

The prominent case that proved to be a catalyst for changing the past hackneyed jurisprudence of Pak was the arbitrary dismissal of the sitting CJP Iftikhar Muhammad Chaudhary by Gen Pervez Musharraf in Mar 2007. This led to the Lawyer's Movement and from there-on emergence of an anti-military and anti-politician stance of the Pak judiciary.

On 5 Oct 2007, Gen Pervez Musharraf issued a controversial ordinance called 'The National Reconciliation Ordinance (NRO)' which granted amnesty to politicians, political workers and bureaucrats who were accused of corruption, embezzlement, money laundering and murder between Jan 1986 and Oct 1999, the time between two regimes of martial law in Pak. CJP Iftikhar Muhammad Chaudhary suspended this ordinance on 12 Oct 2007.

On 3 Nov 2007, Gen Musharraf declared a 'Provisional Constitutional Order (PCO)', which declared a state of emergency and suspended the Constitution of Pak. Under this 'emergency law' all High Court judges including the Supreme Court justices, were asked to take oath under this PCO. Those who didn't were placed under effective house arrest. Judiciary went against it and a seven-member bench issued a 'restraining order' on the same day, barring the govt from implementing emergency rule and urging other govt officials to not help do so.

In contrast to Chief Justice Muhammad Munir's scheme of assessing militarised govt's extra-constitutional powers in 1955, the incumbent CJP Iftikhar Muhammad Chaudhary offered more sound and rational interpretation of the same. The SCP admitted in the judgment that in the past it had been wrongly justifying extra-constitutional interventions. It further observed indomitably that 'the military rule, direct or indirect, is to be shunned once and for all.'

The military received another setback when a 17-member bench headed by CJP declared the 'NRO 2007 'unconstitutional and void ab initio' on 16 Dec 2009 calling it a black law created and prolonged by the corrupt and malevolent hands of a military dictator. This exercise of judicial review by the apex court after 2009 shaped a new jurisprudence in Pak that was not tainted with extra-constitutional influences and interruptions.

The ensuing decisions of the SCP also gave resoluteness to the Parliamentarians to incorporate a solid amendment in the Constitution of Pak 1973 for containing the unlawful practice of overthrowing elected govts by military dictators and non-state actors. On 19 Apr 2010, the President of Pak approved 18th amendment to the Constitution whereby *inter alia* Article 6 was amended to the effect that 'any person who abrogates or subverts or suspends or holds in abeyance or attempts or conspires to abrogate or subvert or suspend or hold in abeyance, the constitution by use of force or show of force or by any other unconstitutional means shall be guilty of high treason'. This is the same amendment under which Gen Musharraf was tried by a special court on the basis of the complaint made by the PML-N Govt. It was further incorporated in the same Article 6 that the Supreme Court and High Courts shall not validate an act of high treason in future.

A certain practice adopted for a long time becomes custom through subsequent legitimisation. The military practice of overthrowing the constitution was taken as a valid custom in Pak by the SCP prior to 2009. Military, which had been maintaining and preserving its dominance in Pak since independence, made no attempt to intervene even when there was a possibility of an imminent coup in Dec 2011 during the PPP Govt.

Similarly, the Supreme Court's decision in Asghar Khan's Case decided in 2012 was against military's perception. The case pertains to the letter written by Air Marshal (Retd) Muhammad Asghar Khan, a former Chief of Air Staff to the then Chief Justice Sajjad Ali Shah in 1996 alleging that Gen (Retd) Mirza Aslam Beg, former COAS in connivance with Lt Gen (Retd) Assad Durrani, the then DG ISI, had withdrawn Rs 15 Crores from Mehran Bank before 1990 elections for the purpose of distributing among various people for casting vote, which resulted in victory of Nawaz Sharif. A three-member bench, to the utter dismay of military, ruled that 1990 elections were rigged and a special Political Cell of ISI played a major role.

Hence, in contrast to its past practice of completely acquiescing to military and civilian extra-constitutional moves, the SCP in the recent years emerged as a bulwark against the same but at the same time it has delivered many controversial decisions as well. However, Supreme Court's verdicts conveyed a strong message to the military as well as the politicians that 'no one is above the law'. Further, the chapter of misusing the 'doctrine of necessity' would have closed for ever with the bold judgement which sentenced Musharraf to death. But weaker Pak Parliament and lawmakers in particular, have aligned to their respective vested interests, both in ruling and opposition bloc, by unanimously approving the bill pertaining to extension of tenure of 'Services Chiefs'. This reflects that the element of fear of military repercussion still prevails at large among the democratic forces in Pak.

4.4.6 Implications of Judicial Activism.

4.4.6.1 On Pak Military. Pak military has remained the biggest benefactor of Judicial Activism as the Pak Judiciary has always supported the ‘validity’ of unconditional military coups, as well as accepted the other extra-constitutional military overtures, as long as these overtures have been aimed to target the politicians directly or indirectly. Pak Judiciary however, has reacted violently whenever it felt that the ruling military government has tried to limit its ‘powers and scope’, like the manoeuvres by President Musharraf, which were aimed at targeting the CJP or endeavours to introduce such legal ordinances which either encroached the judicial space or tried to question the supremacy of the court. Other than the above instances/circumstances, Pak Judiciary by and large has remained indifferent to the military’s domestic adventures in terms of violation of HR, state killings, political interferences, media targeting, unlawful detentions, economic activities etc. Only in a few instances has the Pak military been challenged through formal move of court and the judiciary has not hesitated to at least question the laws and procedures of the military. But in all such cases too, the judiciary fell short in challenging the military in totality barring few recent major issues pertaining to challenging the extension granted to COAS by the PM’, award of death penalty to Gen (Retd) Pervez Musharraf, validity of serving Air Vice Marshal holding the appointment of CEO Pak International Airlines. The recent posture of the judiciary against the military has rung alarm bells in the military hierarchy and Pak military will have to be more cautious in taking steps that would bring it in a ‘confrontational’ role with the judiciary. The growing public awakening for democratic rights is the second reason for the increasing demand for ‘interference’ by the courts in military matters. Infact there could be increasing judicial challenges for the military in the future as they attempt to monopolise the entire system in Pak. However, the stronghold of Pak military on the ‘executive’ will ensure neutralization of such anti-military judicial verdicts by the government which retains the writ of Pak Military on the Pak polity.

4.4.6.2 On Pak Politics. The Judicial Activism in Pak has affected politics in two ways. Firstly, it manifested through the judicial act of weakening the legislature by way of wresting the power of dissolution of ‘constituent assembly’ with the executive. These Judicial loopholes were exploited by the executive to oust even the elected governments with periodic dissolution of the parliament throughout the independent history of Pak. The second phenomenon has been witnessed in the form of ‘judicialization’ of politics in the form of individuals and political parties choosing ‘courts’ as a place to settle their political scores. This phenomenon has gained more prominence post Musharraf rule. The legal targeting of various politicians including PMs, Presidents, Foreign ministers etc has witnessed a steady rise in Pak. With courts becoming the ‘battle ground’ for settling political scores, the judiciary is also extending its reach by resorting to pronounce judgments on the extreme end of political justice by disqualifying the politicians for life, imprisonment for life, dismemberment from assemblies and public offices etc. Further, on the grounds of matters related to ‘larger good of people’, the SCP has literally encroached the legislature’s domain, thereby not letting any government to function freely and smoothly. This has resulted in political parties constantly targeting each other, resulting in constant change of ministers and bureaucrats with ruling governments functioning in an ad hoc manner thereby resulting in pol instability in the country.

4.4.6.3 On Common Masses. The consistent political instability due to the ethnic, social, economic, and judicial fault lines has most impacted the common masses. Judicial Activism in Pak is perceived by the common masses as ‘good for the country’, as it is felt that the corrupt politicians and elites in the country can only be reined in by the judiciary. The strong verdicts by the courts against rich businessmen, government officials, bureaucrats and finally politicians, are appreciated by the masses. The heightened interference by the courts in the functioning of the government in the matters related to the ‘services to the people’, establishes people’s faith in judiciary as the only medium which can assist them in getting their

justified dues from the government and it saves them from the harsh treatment by the state institutions. However, the common masses have not raised their voice against the military, the only exception being the Baluchis and Pashtuns who feel victimized by the Pak Army due to unlawful military kidnappings, enforced disappearances, violation of HR and killings. Hence, Judicial Activism is appreciated by the Pak citizens, who cannot directly fathom the way the military has moulded the judiciary to suit its ends.

4.7 The Bajwa Doctrine⁵¹

In March 2018, the then DGISPR Maj Gen Asif Gafoor revealed the ‘Bajwa Doctrine’, a strategy to bring peace and prosperity to Pakistan while tackling the economic and governance woes of Pakistan. Gen Bajwa it is believed agreed to interact with the journalists and media on a regular basis.

The most significant aspect of the doctrine was that Gen Bajwa mentioned that the days of military coups and democratic manipulations is over in Pakistan. The military would support democratic institutions within the constitutional domains. Thus, the military would install puppet governments as the face of Pakistan to project democracy in Pakistan. Gen Bajwa also stated that the military would continue to play its rightful role in national security and foreign policy directions. As far as economic policy, centre-province relations and governance issues were concerned, he acknowledged that these are civil domains and need to be strengthened. The how and when still remains an unanswered question.

4.8 Conclusion

The Chapter illustrates that the Pakistan Army has infiltrated every aspect of governance of Pakistan. The idea to control the administration, economy, media, political discourse and

⁵¹ Published in Dawn, March 25th, 2018. <https://www.dawn.com/news/1397410>

judiciary can only be attributed to the fact that with numerous coups and military take overs, the Pakistan Army realised where the civil power lay and needs to be monitored. The 'MILBUS' is a financial giant, which not only provides post retirement options to the military personnel but also funds various projects of the Pakistan establishment, where the Army wants to avoid scrutiny. To sum up, the Pakistan Army controls every major institution that matters and keeps itself abreast with the latest developments, it is for this reason that it is confident that it can run the country in the background with a puppet government as a façade.

Chapter – 5

THE CONTOURS OF INDO-PAKISTAN RELATIONS SINCE INDEPENDENCE

5.1 Introduction

The journey of Indo-Pakistan relations since independence has been a turbulent one with its limited crests and numerous troughs. The saga of partition and the violence was a sad beginning to the formation of the two nations and distrust, deceit and deception played out right from the beginning. Both the countries over a period of time have realised the necessity for dialogue and better relations, however the story has been one step forward and two steps backward. Pakistan views all actions by India with deep suspicion and any compromise is considered unacceptable by the Pakistan Army or the politicians. While as the Indian government believes in bilateral ties cemented through government-to-government ties, the truth is that on the Pakistani side it is the Army that calls the shots and hijacks the debate. The bilateral relations between two nations depend on a large spectrum of issues such as economics, trade, civil society, political, however the Indo-Pakistan relations have been deeply securitised, and any forward movement will be seen through a security perspective.

5.2 The Initial Distrust

The relationship between India and Pakistan were founded in the calamitous times of the partition. The two-nation theory and the consequent partition was premised on the fact that Hindus and Muslims cannot stay together and were sworn enemies with opposite cultural and religious leanings, as propounded by Jinnah, therefore the very beginning was based on distrust and enmity. The idea of India was wrongly projected as a Hindu state, while as it was a secular state with people from all religions. Pakistan was a state created on religious grounds and was

for Muslims, therefore the initial impression of the founding of the two nation took a religious hue. The bloodshed during partition, the pain of migration added to the belief. The accession of Kashmir with India and the subsequent battle for Kashmir in 1948 further complicated the bilateral relations and the mistrust increased. The award of Gurdaspur district to India as a bridge to Kashmir was also considered as a conspiracy to undermine the claims of Pakistan on Kashmir.

The division of military assets and resources were also not to the liking of the Pakistan Army, since most of the training and Ordnance facilities were located in India. The admission of Pakistan as a member of SEATO and CENTO, the powerful Western military alliance was not appreciated by India, it seemed that the Western countries had included Pakistan in the alliance to undermine the military supremacy of India in the sub-continent.

The decision of India not to hold the plebiscite in Kashmir was touted as India's non acceptance of the two-nation theory by Pakistan. Even though, Pakistan refused to withdraw its troops from Kashmir before the plebiscite as per clause 2 of the UN Resolution, which was mandatory for conduct of the plebiscite. Since, this condition was not met, the plebiscite was not carried out. Therefore, Pakistan has itself to blame for India not conducting the plebiscite.

Thus, we see that the creation of the two nations was itself founded on mistrust between the leaders and the partition with its violence only aggravated this mistrust. The events that followed as mentioned above ensured that the bilateral relations between the two countries were far from cordial.

5.3 The Wars

The relations between India and Pakistan have been described by many as two steps forward and one step backward. Every time there seems to be progress in the dialogue it is interrupted

by events that drag the relationship back to null and squander the previous efforts. The immediate process of demarcating the boundary between India and Pakistan after Independence was itself a tardy business with challenging diplomatic obstructions. The refugee control and their settlement further added to the confusion that prevailed.

The next issue that ruffled feathers on both the sides was the issue of water sharing between the two nations. Patient diplomacy and concessions by India led to the World Bank mediated Indus Water Treaty in 1960, however this was a positive step in mutual understanding for further points of difference. The Indo-China War of 1962 was a debacle for India and highlighted the weakness of the Nehruvian policies. It also showed the lacunas of the Indian Armed Forces and their capability. Pakistan confident of its military forte due to the support of the Western nations started the Indo-Pak War of 1965 to capture Kashmir and other boundary flashpoints. The War ended with no significant gains by either side, though it pushed India and Pakistan into cold war dynamics with USSR and USA as the silent power brokers. The 1965 Tashkent Agreement brokered by USSR was a major diplomatic victory for India as it did not mention Kashmir and defeated the very purpose for what Pakistan had planned the offensive. Therefore, as far as bilateral relations went the two nations were back to their acrimonious beginnings.

The political scenario in Pakistan was in a tumultuous state during the late 1960's, with West Pakistan and East Pakistan leadership vying for power. The unimaginable set-up, where in Mujib-ur- Rehman of East Pakistan was likely to become the Prime Minister of Pakistan was unacceptable to the West Pakistan leadership and thus, the Pakistan Army began its exploitation in East Pakistan. This led to local uprising of Bengalis against the Army and a mass exodus of refugees to India. Approximately 10 million refugees migrated to India, out of which 7 million were Hindus. India perceived this as religious cleansing and genocide; it raised the matter in the UN to no avail. However, Pakistan enjoyed US support and continued with

the abuse. Incapable to handle such large magnitude of refugees and considering the displacement of millions of Bangladeshis, India declared war on Pakistan in Dec 1971. The War of 1971 was a major success for India and a disaster for Pakistan, not only did Pakistan loose half of its territory with the creation of Bangladesh, but India also captured 92,000 PsOW at the culmination.

The Shimla Agreement of 1972 was agreed upon between Mrs Indira Gandhi and Z.A. Bhutto after the war. Pakistan was able to seek release of its 92,000 PsOW and territories captured by India in West Pakistan as per the agreed Line of Control. For India, the major gain was that the Shimla Agreement converted the UN implemented ceasefire line to Line of Control, which would give legitimacy to the interim boundary and help resolve the Kashmir issue. The UNMOGIP, a UN team in India and Pakistan to monitor the cease fire line was now irrelevant and therefore India withdrew its support to UNMOGIP.

The 1971 War with Pakistan clearly indicated two things to Pakistan, firstly that it could not win a classical military campaign against India and secondly that incorporating Kashmir in Pakistan was the only way to avenge the loss of East Pakistan. Therefore, all its military, diplomatic and intelligence capital would now be used to liberate Kashmir by any means possible. Therefore, contrary to the India presumption that Pakistan would resolve the issue of Kashmir bilaterally as agreed to in the Shimla Agreement, differences arose in the interpretation of the Shimla Agreement and Pakistan continued to internationalise the Kashmir issue. The relations between India and Pakistan were at their lowest post the 1971 War. There was some forward movement of discussing a non-aggression pact along with a War. There was an attempt to normalise the relationship through a non-aggression pact along with a peace and friendship agreement to promote cooperation on economic, industrial, educational, cultural, tourism and technological fields through a Joint Commission. However, there was no forward movement on the ground and the bilateral relations continued to deteriorate.

5.4 Nuclear Era and Jihad

Gen Zia came to power in Pakistan in 1977 and began his project of radicalising the Pakistan Army and also giving support to the Mujahideen. Zia laid the foundation for the militancy in Indian Punjab and Kashmir covertly, while playing out his 'cricket diplomacy' overtly. The bilateral dialogues during this period were mainly superficial as Pakistan stuck to its national position of Kashmir first.

The relations were further dented by the Siachen conflict in 1982, when the Indian Army noticed that Pakistan was undertaking mountaineering expeditions into Indian territory in the Siachen Glacier area. The Indian Army pre-empted the Pakistan Army and mobilised to occupy the significant heights and also launched operations to evict and capture posts occupied by the Pakistan Army. This once again strained the already crawling bilateral relations.

The next set back was the declaration by Pakistan that it possessed nuclear weapons through a well-orchestrated interview by Dr AQ Khan of Pakistan to an Indian journalist Kuldip Nayar in 1987. The fact that Pakistan possessed nuclear weapons gave a new dimension to the security perspective and a safety umbrella to Pakistan to pursue covert and terrorist operations against India without threat of a full-scale war. India conducted Ex BRASSTACKS during this period and the situation grew tense because of a threat of a nuclear exchange. There were some efforts to rebalance the bilateral relations and the two countries instituted a series of Confidence Building Measures (CBM) to normalise the relationship, the significant one that has stood the test of time since 1988 is the exchange of list of civilian nuclear installations that will not be attacked in case of conflict. The balance of the CBMs remained on paper as tensions grew with the induction of terrorists into Kashmir by Pakistan.

The 1990s saw major violence in Kashmir with the Pakistan establishment supporting the jihadi infrastructure through material and human resource. The anti -India propaganda was wretched

up by the Pakistan agencies and large amount of money was offered for fighting for the cause of Kashmir. Even though the local militants had been eliminated by 1995, Pakistan infused the militancy by inducting jihadi elements from Pakistan to keep the Kashmir issue alive. Numerous attempts were made by Pakistan to internationalise the issue and bring focus on Kashmir, which led to deep mistrust and souring of relationship.

Prime Minister Vajpayee was sincerely interested in normalising relations with Pakistan and therefore in 1997 the two countries agreed to set up a Joint Working Group to identify the modalities of bilateral talks. The JWG agreed to a composite dialogue that delineated eight issues that were to be discussed at the Secretary level. Pakistan however continued to refer to the centrality of the Kashmir issue and showed little flexibility. Prime Minister Vajpayee tried to break the ice by undertaking the famous visit to Lahore in the inaugural Delhi-Lahore bus known as Sada-e-Sarhad (call of the border) and it seemed that the relations would see a better future. The Lahore declaration was signed during the visit and it provided several nuclear risk reduction measures post the nuclearization of the sub-continent. The rapport between Prime Minister Vajpayee and Nawaz Sharif evidently did not go down well with the Pakistan establishment and soon the entire positive movement was shattered with the ingression in Kargil in 1999 by the Pakistan Army. Not only did it break the hope of any cordial relationship with Pakistan, the aftermath of the Kargil ingressions led to the ouster of Prime Minister Sharif and the return of military rule in Pakistan with Gen Musharraf.

5.5 The Musharraf Period

The Pakistan establishment went on an overdrive with the Army back in the driving seat. The hijacking of an Indian Airlines aircraft to Kandahar for release of certain terrorists in 2001 brought international focus on India-Pakistan relations and Kashmir. To make the matter worse, the Pakistan establishment executed an attack on the Indian Parliament on 13 Dec 2001

with terrorists from Lashkar-e -Taiba and Jaish -e- Mohammed. The terrorists were killed before they could enter the Parliament, but it cost lives of nine security personnel. The Indian Armed Forces mobilised for war with Pakistan and the standoff continued for nearly one year. Heavy international pressure mounted on Pakistan for these continuous adventures from Kargil to the Indian Parliament, and Gen Musharraf was forced to offer the olive branch with a visit to Agra in July 2001. The issues under consideration during the Agra summit were a drastic reduction in nuclear arsenals; issues involving the Kashmir dispute; and cross border terrorism. However, the negotiations failed, and the Agra Summit was not able to bring back the India - Pakistan relations to normality.

Prime Minister Zaffarullah Khan Jamali made an attempt to normalise relations by announcing a ceasefire in the Line of Control and Actual Ground Position Line in 2003 during Eid ul Fitr, which continued for a decade, and is one of the positive aspects of India- Pakistan relations. It was in 2004 when India was able to get approval from Pakistan to fence the LoC to check infiltration after the ceasefire was declared. There were certain objections by Pakistan initially with the fencing, however the military under Gen Musharraf allowed the same. The fencing was completed in 2008.

The suspended Composite dialogue also resumed in 2004 after Gen Musharraf stated that Pakistan would not allow its territory to be used by terrorists against India when he met Prime Minister Vajpayee on the side-lines of SAARC meet. This gave impetus to the bilateral relations and a way ahead seemed possible. A new start in the dialogue process was initiated after Pakistan agreed to a dialogue process to resolve all the outstanding issues without making it contingent on resolution of Kashmir issue first. Gen Musharraf's statement that whatever was acceptable to the Kashmiris is acceptable to Pakistan gave political space for India to manoeuvre the internal dynamics in Kashmir by identifying political solution from within. Gen Musharraf suggested a four-point proposal for addressing the Kashmir issue; firstly,

demilitarization or phased withdrawal of troops; secondly, there will be no change of borders of Kashmir and the people of Kashmir will be allowed to move freely across the LoC; thirdly, self-governance without independence; and lastly, a joint supervision mechanism in Kashmir involving India, Pakistan and Kashmir. Though the proposal was not agreed to, however a way forward was identified, and back-channel diplomacy was initiated to find a solution to the contentious issues. The talks led to greater interaction with bus services, opening of the LoC for people to people contact and trade between the two Kashmir.

Gen Musharraf's exit in 2008 had serious consequences on the back-channel diplomacy and improvement of the bilateral relations. The Pakistan Army disassociated itself from the initiatives of Gen Musharraf and the civil dispensation assumed power. The peace was short lived as the Pakistan establishment unleashed its jihadis to carry out the attack on the Indian Embassy at Kabul on 07 July 2008, followed by the Mumbai terror attacks from 26 to 29 Nov 2008. The wheel had turned full circle and the relations were once again at the rock bottom.

5.6 Democratic Façade. The Pakistan politicians understand that for democracy to flourish in Pakistan, the democratic parties cannot take an anti-India stance as it strengthens the Pakistan Army. Also, the civil-military tussle that threatens the political stability in Pakistan is mainly due to the India policies which the political parties decide. Therefore, following the military's view on negotiating India -Pakistan relations is a safer option to stay in power, with the military indirectly controlling the defence and foreign relations.

Pakistan's People's Party came to power in 2008 and completed its tenure in 2013. Benazir Bhutto returned to Pakistan and to power through a US brokered understanding with Gen Musharraf. However, she was assassinated as she seemed to overstep her brief and Zardari remained Prime Minister for the balance of the tenure. Zardari tried to improve the bilateral relations and did rule out 'no first use' of nuclear weapons against India in the Hindustan Times

Conclave in 2009. Also, he announced that he will send the Director General of ISI to India for assisting in the investigation of the Mumbai attacks. However, he had to eat his words under the pressure of the Pakistan Army and back track on them.

The consequent impact of the Zardari initiative was that he delivered a hard-hitting speech in the UN General Assembly in 2012 against India and in support of the Kashmir cause. The proposed Non-Discriminatory Market Access (NDMA), a nomenclature coined to replace the accepted Most Favoured Nation (MFN) term for trade as per WTO due to its literal translation and meaning, was shelved and India -Pakistan trade suffered. The Pakistan civilian Government's inability to sincerely investigate the Mumbai attacks and deliver justice continued to affect the relations negatively, as the Indian Government found it impossible to have cordial relations with Pakistan with the population hankering for revenge/justice for the attacks.

The improvement of India-Pakistan relations was identified as the government's agenda when Prime Minister Sharif came to power in 2013. The military leadership was not pleased with Sharif attending Prime Minister Modi's swearing-in ceremony and was further riled when PM Modi visited Lahore on Sharif's birthday. Though the personal rapport between the two leaders was established, however with the iron grip of the Army, PM Sharif was not able to take any concrete steps to raise the relationship. Watching the increasing bonhomie between the leaders, the Pakistan Army planned the terrorist attack on the Indian Pathankot Air Force base and the bilateral relations soured once again. This was aggravated with enhanced cross border firing, cease fire violations, induction of terrorists from Pakistan into India, beheading of two Indian soldiers by a Pakistan Border Action Team (BAT) and to top it all, PM Sharif praised the slain militant Burhan Wani. The relations which looked to move forward were once again at their worst, even though both the PM's tried to salvage the situation through communication and condolences for certain unfortunate events.

The attack by four terrorists on the Uri Army camp planned by the Pakistan establishment, which led to the death of 19 soldiers created an irretrievable situation and India went ahead to execute the now famous surgical strikes on terrorist camps in Pakistan occupied Kashmir. India made it clear to Pakistan that “terror and talks cannot go together” and no progress can be made in the relations until Pakistan stops supporting militancy in Kashmir. Meanwhile, the political scenario in Pakistan worsened with the Pakistan Army and PM Sharif falling out with each other and the Pakistan Army manipulated PM Sharif’s ouster. The interpersonal relationship between the two PM’s thus came to null in bringing the bilateral relations on track.

The Pakistan Army there after adopted the ‘Bajwa Doctrine’ and instituted a puppet government in Pakistan in 2018, PM Imran Khan came to power with a tacit understanding with the establishment that he would follow the dictum of the Army. His vitriolic anti-India speeches in the UN and statements for the Pakistan public bear testimony to the fact. Kashmir once again became the prime focus of the Pakistan government and the relations worsened further. The 2019 Pulwama attack on a convoy of Indian security personnel by a suicide bomber on the Srinagar-Jammu highway near Awantipora led to the death of 40 soldiers. The attack was coordinated and planned by the Pakistan establishment and India was outraged. On 26 Feb 2019, India conducted the Balakote air strike deep in Khyber Pakhtunkhwa of Pakistan against a terrorist training camp located in a madrassa with a 16 aircraft package and claimed that approximately 300 terrorists were killed in the attack. Pakistan retaliated the next day and dropped some bombs next to an Indian Army establishment. In the skirmish Pakistan lost a F-16 and India a Mig-21 aircraft. This was a major engagement after the Kargil incursions, and the war clouds were once again looming between India and Pakistan. The relations had once again hit rock bottom and seemed irredeemable.

The period between 2019 and 2021 saw no progress in India Pakistan relations and the hyper-vitriolic statements continued to dominate the media and India refused any dialogue with

Pakistan until it ceased to support and instigate militancy in Kashmir. Meanwhile, The Khalistani movement was being encouraged by Pakistan and this once again added fuel to the fire. Pakistan tried peace overtures by creating the Kartarpur corridor connecting Gurudwara Darbar Sahib to the Indian border. However, after much fanfare during its inauguration the corridor did not deliver what the Pakistan establishment wanted. The Indian government was adamant that visa would be required for visiting the holy place and the daily attendance was also limited. The administration of the area and the Gurudwara was also taken over by the local administration from the Sikh community in Pakistan, which was not appreciated by the Sikhs in Pakistan. Further, the cross-border movement was ceased after the spread of the COVID-19 virus and the corridor continues to be blocked till the threat of the virus negates.

The already suffering bilateral relations were once again at their worse when India decided to abolish Article 370 in Jammu and Kashmir and create two Union Territories of Jammu & Kashmir and Ladakh. Pakistan objected to the arrangement on the grounds that Jammu & Kashmir was a disputed area and tried to obtain international support to oppose the Indian decision. India however, continued to maintain that Jammu & Kashmir is an internal matter of India and international opinion was unwarranted.

The Cease Fire Violations (CFVs) across the LoC and the AGPL have been increasing over the years as per the Ministry of Defence Annual Reports. From just 4 CFVs in 2004, the CFVs continued to escalate to 153 in 2014, 152 in 2016, 228 in 2017, 860 in 2018 and the figures for 2020 show 5,133. Recently, the Director General of Military Operations of the two countries have agreed for a ceasefire on the LoC/AGPL on 24 Feb 2021. It is appreciated that the decision was vetted at the highest level and may also be a result of back-channel diplomacy. Certain think tanks assume that the latest border dis-engagement talks post the border skirmish with China and the change in the government in the USA may have some bearing on the decision, however this is conjecture and may purely be a result of mutual understanding between India

and Pakistan. If so, there seems to be some light at the end of the tunnel and hopefully the relations will see an upward swing.

5.7 Conclusion

The road to dialogue between India and Pakistan is arduous and extremely challenging. Every process initiated by the two countries to move the relationship forward is deeply scrutinised by the public and the Pakistan Army. The process has seen numerous interruptions which have taken the relations back in time, thus the India -Pakistan relations must be viewed through a framework of zero-sum game. Politicians are wary of giving or accepting benevolent peace overtures as the negative publicity can demolish their political aspirations. As far as India is concerned there can be no forward movement until Pakistan stops its support for militancy in Kashmir, while as Pakistan identifies Kashmir as the core contentious issue. Therefore, the process towards peace needs to tackle the divergent viewpoints and establish a common ground for dialogue.

Chapter - 6

ASSESSED IMPACT ON FUTURE COURSE OF INDO-PAKISTAN RELATIONS IN THE CURRENT POWER MATRIX IN INDIA AND PAKISTAN

6.1 Introduction

The above chapters have clearly established certain facts that are a constant in the India-Pakistan relations. We understand the historical baggage connected with India -Pakistan relations and the enmity that has taken shape because of the pains of partition. The mistrust and the suspicion between the Hindu and the Muslim leaders as well as the population is deeply rooted due to the pre- and post-partition politics. The hollowness of the two-nation theory is well understood along with the despondency of the boundary award.

6.2 The Revanchist State

The fact that Pakistan continuously strives to change the status-quo as a revanchist state is a matter of history and its discontent with the founding conditions. There is ample evidence to suggest that Pakistan considers India as an existential threat, especially after the creation of Bangladesh and therefore the prime adversary. There is no doubt that Pakistan considers Kashmir as an unfinished agenda of the two-nation theory or partition and will leave no stone unturned to achieve/ liberate Kashmir. The fact that Pakistan utilises terrorists/jihadis as proxies to foment trouble in India is also a well-established fact, acknowledged by the international community. To add to its woes, Pakistan has the distinction of being labelled as a fountainhead of terrorism globally and large number of militant networks originate in Pakistan.

The role of Pakistan Army in the administration of the state is clearly defined as omnipotent, with its intelligence agencies omnipresent, giving it the might of being omniscient. The political parties have never been able to really establish themselves due to the constant military take-overs and find themselves wanting in terms of national presence and acceptability. To diminish the power of the political leaders, the Pakistan establishment ensures that they do not over-step their brief, which might threaten the grip of the Pakistan Army. In fact, the Pakistan Army is now so entrenched in the political and administrative network that it has the capacity to bring any party that suits its ends into power. It is also no myth that the Pakistan Army is relevant in Pakistan till the time enmity with India exists, as they have identified liberation of Kashmir as their *raison d'être*. Therefore, the question arises that can the Pakistan Army allow peace to prevail between India and Pakistan? However, history states that whenever progress in bilateral relations was made between India and Pakistan, it was always during the rule of a military dictator. Thus, the impact of the power matrix is as complicated as the relation itself.

6.3 The Current Power Matrix

The Indian state continues to be a vibrant democracy in its 74th year of Independence with the power vested with the elected government and the Prime Minister as the head. PM Modi is a strong, dynamic leader with national acceptability and charisma to take strong decisions. This authority of his has been amply demonstrated in various national decisions taken by him and his party. Therefore, India stands on a pedestal where a strong leadership exists, which can take decisions in national interest. To accept unwarranted compromises in the India-Pakistan relationship may not be an acceptable way forward for the government, but initiating dialogue seems to be acceptable to find a *via media* to negate the discord between the two nations.

Pakistan meanwhile suffers from its age-old dilemma of military dominance, though at the present the military is in the background with the Imran Khan government as a facade. We are

aware that the decisions of national importance are made by General Bajwa and the PM is mainly a conduit. Thus, the predicament arises while proposing dialogue between India and Pakistan. Does the Indian government initiate dialogue with the Pakistan politicians or the Army? If the Army, then does it substantiate the fact that India accepts a military rule or control in Pakistan, being the largest democracy in the world.

Pakistan has also enhanced its relationship with China and presently both the countries are cooperating in many fields from economic to military. China had planned to invest US \$ 62 billion in the China-Pakistan Economic Corridor (CPEC), which is regarded as an economic revival of Pakistan. However, as per the latest figures only an investment of US \$ 26.5 billion has been made⁵². Also, the Chinese military has elevated its support to the Pakistan military through provision of aircrafts, tanks and other hardware, besides setting up infrastructure projects to manufacture military hardware. Incidentally, China and India enjoy their lowest ever bilateral relations presently due to the Galwan skirmish and the consequent Ladakh standoff. The dialogue to de-escalate and dis-engage is meandering its course and the border remains active and volatile.

Therefore, the context of India-Pakistan relations needs to be seen considering the above. The Indian decision makers are prepared and unanimous in their decision, however the Pakistan side must juggle with different players and perspectives in carrying the dialogue forward. It is evident that the process will be complicated and challenging, but possible if sincerely attempted.

⁵²Rana Shahbaz (2019), What China's \$ 26.5 billion investment for CPEC will cost. The Print.in, 1 January 2019.

6.4. The Geo-Strategic Environment.

Pakistan is located at a region which has a great economic, political and strategic location. Stephen Cohn describes this importance “While history has been unkind to Pakistan, its geography has been its greatest benefit. It has resource rich area in the north-west, people rich in the north-east⁵³.” Pakistan is a junction of South Asia, West Asia and Central Asia, a way from resource efficient countries to resource deficient countries. Pakistan has witnessed the intervention of three great powers Britons, U.S.S.R and U.S. Its significance is further enhanced during the cold war when it became the alley of the U.S policy of containment of U.S.S.R and now the post-cold war era has witnessed its significance politically after the event of 9/11.

Pakistan’s geo-strategic importance can be best understood in the regional and global perspective. In geographical terms, it is surrounded by four countries. In one way or the other, the presence of Pakistan is vital for all neighbouring countries and this raises its international importance. Afghanistan, which is now the focus of world’s attention, is generally regarded as the breeding ground of the global terrorism and opium production. International community, including the US, recognises the fact that no peace is possible in Afghanistan without an active support and cooperation of Pakistan.

The Pakistan -US relations have generally been transactional over the years but post the 9/11 incident and the killing of Osama Bin Laden the relations soured. There is a mutual distrust, lack of convergence of interest, lack of mutual economic interest between the US and Pakistan lately. The only reason the US continues to engage with Pakistan is because of Afghanistan. The need to bring peace in Afghanistan, destroy terrorist networks and the opium industry keeps US interests in Pakistan alive. The need for the US to pull out its troops from Afghanistan

⁵³ Cohen. Stephen (2004), *The Idea of Pakistan*, Washington: Brookings Institution Press.

is another compulsion which makes the US dependant of Pakistan. As far as Pakistan is concerned, its lack of cohesion and lack of consistent policies are major reasons of poor and ineffective diplomacy, which have reduced its space in the US diplomacy. US approach and criticism towards CPEC and BRI with Pakistan leaning towards China have also complicated the diplomatic relations.

Pakistan was a major player in the OIC in the past, however the deteriorating relations with Saudi Arabia after Pakistan refused to send military troops to Yemen to fight the Houthi's and the Turkey-Malaysia-Pakistan nexus has diluted its prominence. The continued support to radical militant organisations within Pakistan has led to the reduced influence of Pakistan in the OIC. Turkey has emerged as a major supporter of Pakistan in the international forum as well as a supplier of military hardware.

Pakistan's relations with Iran have generally been strained in the recent past. The Shia-Sunni divide and the border skirmishes between Pakistan and Iran security forces are a continuing source of discord. Both accuse each other of harbouring and supporting militant groups who are active in their border areas. India's economic interests in Iran are also not appreciated by Pakistan, especially the construction of the Chabahar port.

Pakistan and Afghanistan's relations are at the lowest ebb presently. The issue of the border fencing of the Durand Line, Afghan refugees in Pakistan and the support to militant organisations is the main irritant. The ISI supports the Afghan Taliban and controls the peace narrative in Afghanistan. Post the failure of the peace talks between the Taliban and the Afghan Government the relations have nosedived. Pakistan accuses Afghanistan of supporting the Tehreek-e-Taliban Pakistan (TTP), which is active in Baluchistan, Gilgit-Baltistan and KPK. India's strong bilateral relations with Afghanistan and economic/military support has also strained the relations between Pakistan and Afghanistan.

The China-Pakistan nexus has emerged as a strong bond. Chinese economic interests in Pakistan through the establishment of the CPEC and BRI have strengthened the relationship. The construction of the Gwadar port and other infrastructure projects under the CPEC has enhanced Pakistan's economic outlook and it is assessed that the Chinese would be investing up to US \$ 62 billion in the CPEC project. China is also aggressively supporting Pakistan military in its equipment and technological upgradation with new generation aircrafts, tanks, ships and other weaponry.

Therefore, the Geo-Strategic environment in the sub-continent seems to define new alliances. Pakistan derives its strength due to a close affiliation with China and Turkey, besides controlling the peace narrative in Afghanistan through the Afghan Taliban. India on the other hand has seen its worst relationship with China in the recent past and a growing proximity with the US. India continues to maintain strong relations with Afghanistan and Iran, besides improving relations with the OIC and Saudi Arabia in particular.

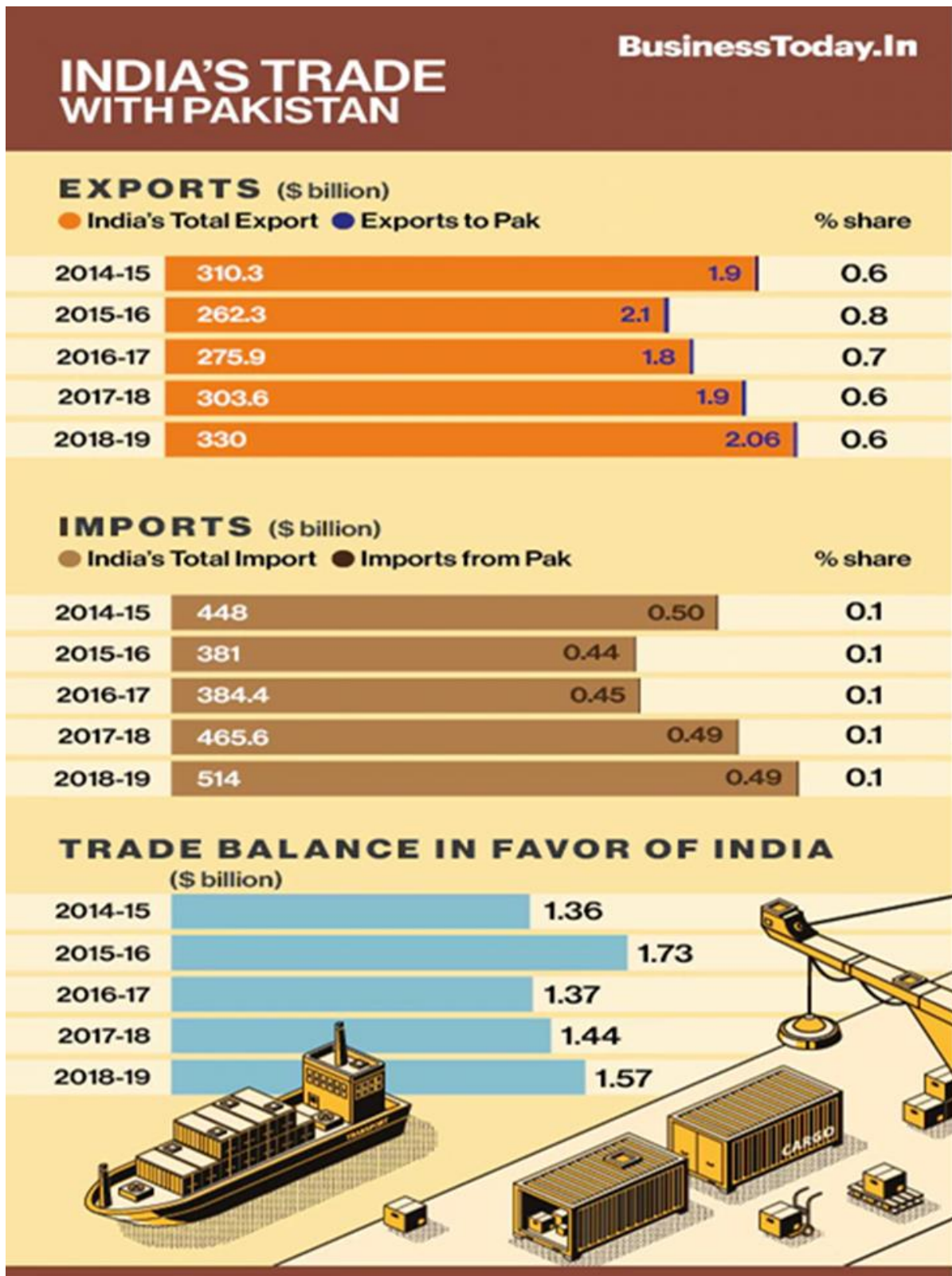
6.5 Economic Challenges.

In the past 18 months, Pakistan's total debt and liabilities have risen from PKR 30 trillion to PKR 41 trillion. The Central Government's debt increased by over 5 % in the first eight months of FY20, and by 21% year-on-year in February 2020. According to IMF's estimates, the federal government's debt has surged from 80.4% of the GDP pre-COVID to 85.4% post COVID. This has pushed Pakistan to seek loans from the IMF, World Bank and other financial institutions, besides donor countries like the Saudi Arabia. The grey-listing by the FATF because of Pakistan supporting terrorist organisations has further compounded the problem as it impacts inflow of FDI and dissuades loans from financial institutions. China has supported Pakistan, but all aid from China comes with conditionalities which may prove unmanageable in the future. Therefore, the Pakistan economy is in dire straits. India on the other hand has

successfully navigated the COVID economic stress and appears to be regaining its economic trajectory through robust manufacturing and business environment.

In 1948-49, about 56% of Pakistan's exports were to India, and 32% of its imports came from India. From 1948-65, India and Pakistan used a number of land routes for bilateral trade; there were eight customs stations in Pakistan's Punjab province and three customs check posts in Sindh. India remained Pakistan's largest trading partner until 1955-56. Between 1947 and 1965, the countries signed 14 bilateral agreements on trade, covering avoidance of double taxation, air services, and banking, etc. In 1965, nine branches of six Indian banks were operating in Pakistan. However, after the 1971 war the trade relations began to contract and were like a seesaw. The trade between India and Pakistan was impacted the most post the Pulwama incident in 2019, where in India withdrew the NDMA (MFN) status for Pakistan, raised customs duty on Pakistani imports to 200%, reduced its diplomatic presence in Islamabad and ceased all bilateral relations. In April 2019 India suspended cross-LoC trade to stop the misuse of this route by Pakistan-based elements. The trade details between India and Pakistan before the incident is reflected in Figure 6.1 below.

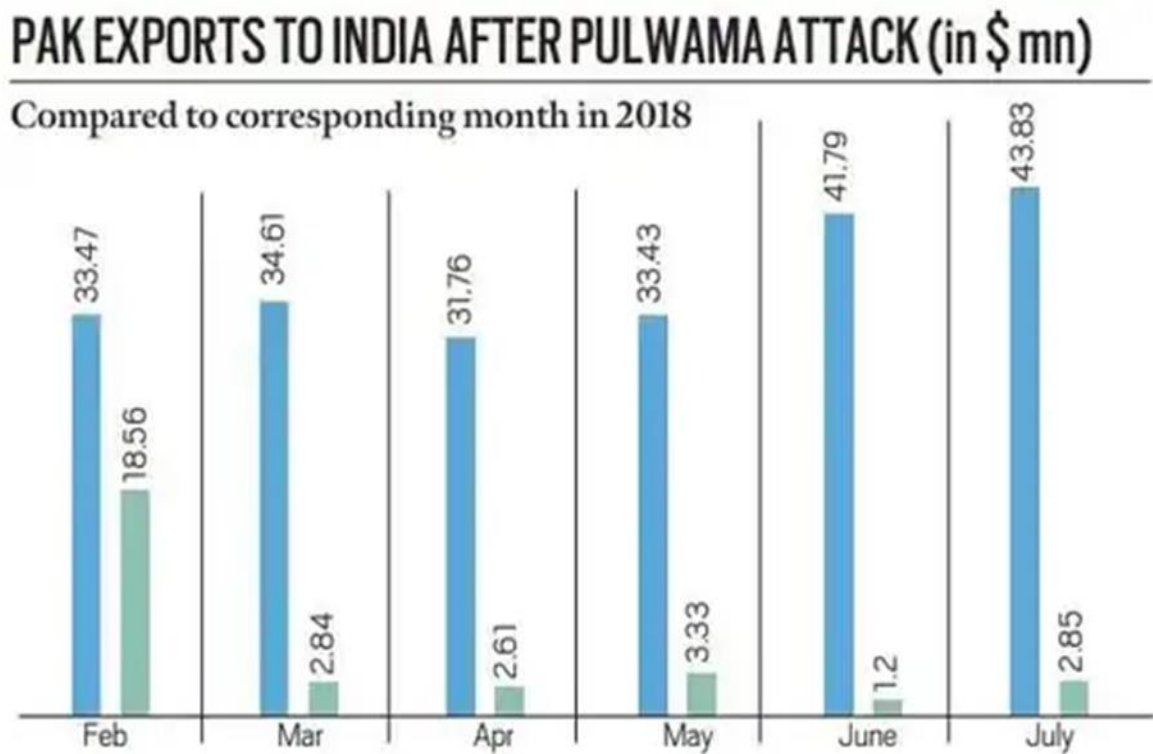
Figure 6.1 India's trade with Pakistan till 2018-2019



Source: BusinessToday.in

The reduced trade between India and Pakistan post the Pulwama incident is reflected in the Figure 6.2 below.

Figure 6.2 India's trade with Pakistan in 2019-2020.



Source: Department of Commerce, Government of India

Thus, it must be appreciated that seeing the economic situation of Pakistan it is essential for Pakistan to commence trade with India. This will not only enhance financial situation but will also improve bilateral relations. There is forward movement in this, and both the governments are discussing opening of trade for certain goods.

6.6 Political Scenario.

The political scenario in Pakistan does not bode well for the Imran Khan PTI government as there is major opposition against his government by the opposition parties. Prime Minister

Khan faces a serious challenge as the Pakistan Democratic Movement (PDM) - an alliance of 11 Opposition parties carried out a "Long March" to Islamabad on 31 January 21 to force him to step down. The PDM held massive rallies in major cities to seek Khan's ouster and press the powerful military to stop interfering in politics. The Pakistan Army has denied meddling in politics. Khan also denies that the Army helped him win the election in 2018. Also, the main opposition party leader Nawaz Sharif has openly stated that Imran Khan is a puppet of the Army and it is the Army that is ruling the country. The Pakistan establishment has left no stone unturned to demoralise and destroy the Nawaz Sharif/ Maryam Sharif led opposition party PML(N). However, with the support of the Pakistan Army it is assumed that the Imran Khan PTI government will continue in office and may get re-elected later in future elections. The PTI government suits the 'Bajwa Doctrine', where in the Army calls the shots and rules the country with a democratic façade.

While on the other hand, India has a vibrant and dynamic democratic government in office with PM Modi as the leader. Therefore, politically it is the military controlled Imran Khan government in Pakistan that has to negotiate/deal with a democratically elected Modi government in India in the near future.

6.7 Bi-lateral Relations

The bilateral relationship between India and Pakistan have become very bitter and prone to brinkmanship (which could lead to miscalculation and/or accidents). The rising complication in the regional dynamics will also complicate the India-Pakistan equation. At the bilateral level, as long as Imran Khan remains at the helm in Pakistan, the relationship will be vitriolic due to his rants against his Indian counterpart. This negative attitude suits all Pakistan segments and is extremely popular not just in the military, but also with the Mullahs, Mujahideen, media and even the people. The contentious issues in the relations will obviously hinge on Kashmir,

Article 370, radicalisation of Islam, and the support to terrorism in Kashmir by Pakistan. It is almost a given that Pakistan will not just make every effort to re-ignite separatism in Punjab (Referendum 2020 for instance), but also do everything possible to incite and instigate Indian Muslims to create internal security issues. The entire CAA-NRC-NPR issue will be exploited by Pakistan not just to create trouble in India but also forward its poisonous propaganda campaign against India in international fora. The regional strategic environment is also not going to be very encouraging for the India Pakistan dynamic. The endgame in Afghanistan will probably see greater contestation between the two countries, in addition to new alignments. The China factor will continue to loom over South Asia, not just in the context of CPEC but also the Indo-Pacific strategy. The more India hedges China by engaging in the Indo-Pacific with the US and its allies, the more Beijing will rely on Pakistan to keep India unsettled.

The recent announcement of cease-fire along the LAC, AGPL and the working boundary is a welcome first step to ease the tension. Also, the talk for resumption of bilateral trade in cotton will help. Surprisingly Gen Bajwa in his speech at the first ever Islamabad Security Dialogue on 18 March 2021 mentioned to “bury the past and move forward”⁵⁴, which seems to suggest a change of priorities in Rawalpindi. However, he also stated that “Stable Indo-Pak relation is a key to unlock the untapped potential of South and Central Asia by ensuring connectivity between East and West Asia. This potential, however, has forever remained hostage to disputes and issues between two nuclear neighbours. Kashmir dispute is obviously at the head of this problem. It is important to understand that without the resolution of Kashmir dispute through peaceful means, process of sub-continental rapprochement will always remain susceptible to derailment due to politically motivated bellicosity”⁵⁵. Therefore, it appears that the suggestion for peace may be China driven to propagate the CPEC and the BRI. The issue of Kashmir

⁵⁴<https://www.dawn.com/news/1613207/read-full-text-of-gen-bajwas-speech-at-the-islamabad-security-dialogue>.

⁵⁵ Ibid.

continues to be the core issue and the absence of mention to control the jihadi elements remains elusive.

6.8 Conclusion

The improvement in India-Pakistan relations remains bleak. While Mr Modi has been known to take bold steps to ameliorate the India -Pakistan stand-off, he cannot compromise with the key issues i.e., terrorism originating from Pakistan soil, Article 370, CAA, NRC, and the boundary differences. In Pakistan, even if there is a new dispensation, the fundamental dynamics defining the bilateral relationship are not going to change till the time the Army is in charge. Therefore, in the present context the best that can happen on the India-Pakistan front is that diplomatic relations are restored fully, trade opens up, there is some easing up on travel. It is prudent that first the pre-Pulwama relations be established and thereafter the low-hanging issues be tackled prior to addressing the contentious ones. This seems to be the only way forward in improving the India-Pakistan relations.

Chapter - 7

CONCLUSION, SUMMARY AND RECOMMENDATIONS

7.1 Conclusion

The India-Pakistan narrative is complex and demanding with a chaotic history of more failures than success. Except for short spurts of peace, the relations have been mostly disturbed and tense during the last 74 years. However, peace among the two nations is required to ensure economic prosperity, cultural exchange and stability in the sub-continent. The dialogue process is the only way forward to restore normal bilateral relations between India and Pakistan. India-Pakistan peace needs to be invested with the citizens of the two countries as the stakeholders and a visa structure that allows such interaction. If the Pakistan Army comes on board than the bilateral process will get strength and see a positive movement, however with its absence not much will be gained. Gen Bajwa has stated in his address at Pakistan Military Academy, Kakul that peace with India runs through a comprehensive and meaningful dialogue. He has also urged the political leaders of Pakistan to improve relationship with India, while appearing before a Senate Committee on Defence in Dec 2018 and recently at the Islamabad Security Dialogue he has again reiterated that there is a requirement to move forward towards peace through dialogue. India on its part has always taken initiative to restore normalisation of relations between the two countries, but the negative aftermath brings in caution. However, the opportunity to restore peace between the two nations needs to be utilized and a way forward identified to ensure normalisation of bilateral relations between India and Pakistan.

7.2 Summary

The Pakistan Army is the most powerful, organized, and influential institution in Pakistan. It proclaims to protect not only the territorial frontiers of the State, but the very ideology of the nation as well. The Army, through various means and machinations controls the Grand National Narrative in Pakistan and strongly resists any attempts by other stake holders to introduce changes that may have a potential to weaken its omnipotent grasp on the nation. The idea to control the administration, economy, media, political discourse, and judiciary can only be attributed to the fact that with numerous coups and military take overs, the Pakistan Army realised where the civil power lay and needs to be monitored. The military business or 'MILBUS' is a financial giant, which not only provides post retirement options to the military personnel but also funds various projects of the Pakistan establishment, where the Army wants to avoid scrutiny. Thus, the Pakistan Army controls every major institution that matters and keeps itself abreast with the latest developments, it is for this reason that it is confident that it can run the country in the background with a puppet government as a façade, as visualised by the Army in the 'Bajwa Doctrine'.

The road to dialogue between India and Pakistan is arduous and extremely challenging. Every process initiated by the two countries to move the relationship forward is deeply scrutinised by the public and the Pakistan Army. The process has seen numerous interruptions which have taken the relations back in time, thus the India-Pakistan relations must be viewed through a framework of zero-sum game. Politicians are wary of giving or accepting benevolent peace overtures as the negative publicity can demolish their political aspirations. As far as India is concerned there can be no forward movement until Pakistan stops its support for militancy in Kashmir, while as Pakistan identifies Kashmir as the core contentious issue. Therefore, the

process towards peace needs to tackle the divergent viewpoints and establish a common ground for dialogue.

The evolving geo-strategic environment due to the shift in focus from Central Asia to the Indo-Pacific has diluted the relevance of Pakistan and interest of the US. The forging of new alliances in the Indo-Pacific like the QUAD and the Chinese nexus with Pakistan have complicated the India-Pakistan relationship. The economic situation in Pakistan and the FATF 'grey listing' has added to Pakistan's afflictions, besides the political situation in Pakistan is in absolute turmoil. The aggravating internal security situation in Pakistan and the trouble along with the Durand Line is another cause of worry. Therefore, we see a shift in Pakistan's approach towards India, where in it desires to ease tensions with India by agreeing to a Cease Fire along the LoC & AGPL, proposal for renewal of trade and strategic signalling by Gen Bajwa for resumption of dialogue between India and Pakistan.

However, a positive headway in India-Pakistan relations remains elusive. While Mr Modi has been known to take bold steps to ameliorate the India -Pakistan stand-off, he cannot compromise with the key issues i.e., terrorism originating from Pakistan soil, Article 370, CAA, NRC, and the boundary differences. In Pakistan, even if there is a new dispensation, the fundamental dynamics defining the bilateral relationship are not going to change till the time the Army and the mullahs are in charge. Therefore, in the present context the best that can happen on the India-Pakistan front is that diplomatic relations are restored fully, trade commences, there is some easing up on travel. It is prudent that first the pre-Pulwama relations be established and thereafter the low-hanging issues be tackled prior to addressing the contentious ones. This seems to be the only way forward in improving the India-Pakistan relations.

7.3 Recommendations

- I. The essential element of people-to-people contact is the foremost ingredient to create an environment of peace and acceptability.
- II. Cross border movement through rail/air/bus needs to be encouraged to bring a sense of harmony and mutual respect as a CBM.
- III. CBM permitting cultural exchanges along with inter-action at the civil society level will mitigate the vitiated atmosphere.
- IV. Pakistan and India consider cricket as a religion and therefore gradually matches should be re-started to build on bilateral relations.
- V. The High Commission of India and Pakistan should revert to full strength after due assurances by both the countries.
- VI. Trade has suffered the most during the past years because of the constant friction between India and Pakistan. Renewed focus on the NDMA will build confidence and provide economic benefits for both the nations.
- VII. Regular interaction between the members of the Joint Indus Water Commission will quell misapprehensions regarding water sharing.
- VIII. Permitting medical visas for the needy will also enhance the image of India in Pakistan.
- IX. The option of providing assistance to Pakistan for COVID-19 is another area where goodwill can be developed between the two countries.
- X. Boundary disputes may be the initial difficult issues that need to be tackled through the existing mechanism.
- XI. Terrorism is the key issue that needs deft handling to progress the bilateral relations. The established comprehensive dialogue is the way forward. Pakistan needs to reign in the terrorist groups not only to improve relations with India but also to exit out of the Financial Action Task Force (FATF) grey list.

XII. Finally, it should be understood by Pakistan that Kashmir is an integral part of India and under no circumstances will there be a compromise on this issue by India. An understanding to stop the acrimonious exchange of words in international forums may be a good beginning to progress on this issue.

BIBLIOGRAPHY/REFERENCES

1. Ahmed, I. (2013). The Pakistan Military in Politics: Origins, Evolution, Consequences. Noida, Gopsons Papers Ltd.
2. Ajit kumar, M.P., Kalpaz (2006): India -Pakistan Relations: The Story of Fractured Fraternity, Delhi, Kalpaz Publications.
3. Andrew, Small (2015), The China Pakistan Axis: Asia's New Geopolitics, Random House Publishers India Pvt Ltd.
4. Ayaz. Babar (2013), What's wrong with Pakistan. Penguin Group.
5. Aziz, M. (2007). Military Control in Pakistan: The Parallel State. London, Routledge.
6. Battashi, Sheikha Nasser Al (2017). Military Politics in Pakistan. Oman, Sultan Qaboos University.
7. BBC News (2019). Pakistan Profile-Timeline. Available at <https://www.bbc.com/news/world-south-asia-12966786>
8. Chawla, S. (2009). Pakistan's Military and its Strategy. New Delhi, KW Publishers Pvt Ltd.
9. Chaudhry, Rabia (2019) : "An island of excellence"? How the Pakistan military reflects on its presence in the development sector, ZEF Working Paper Series, No. 185, University of Bonn, Center for Development Research (ZEF), Bonn

10. Cohen, S.P. (2013): Shooting for a Century: The Indian-Pakistan Conundrum, Washington DC, Brookings Institution.
11. Davar, K. (2017). Tryst with Perfidy: The Deep State of Pakistan. New Delhi, Rupa Publications India Pvt Ltd.
12. Davar, Kamal Lt Gen (2017). Inside Pakistan's biggest business conglomerate: the Pakistani military. Available at <https://qz.com/india/1134516/inside-pakistans-biggest-business-conglomerate-the-pakistani-military/>
13. Dixit, J.N. (1998): Across Borders: Fifty Years of India's Foreign Policy, Delhi, Picus Books.
14. Dixit, J.N. (2002): India – Pakistan in War and Peace, Delhi, Routledge.
15. EFSAS article (2020). Indo-Pak Relations – A brief history. Available at <https://www.efsas.org/topics/indo-pak-relations.html>
16. Fair, C.C. (2014). Fighting to the End: The Pakistan Army's Way of War. New Delhi, Oxford University Press.
17. Faisal, Pervaiz (2019). Pakistan's Military-Democracy Complex. Available at <https://worldview.stratfor.com/article/pakistans-military-democracy-complex>
18. Giunchi, Elisa Ada (2014). The Political and Economic Role of the Pakistani Military. Available at https://www.ispionline.it/ites/default/files/pubblicazioni/analysis_269_2014.pdf
19. Grover, Verinder & Ranjana Arora (eds) (2002): Events and Documents of Indo-Pak Relations, New Delhi, Deep and Deep Publications Pvt Ltd.

20. Ganguly, Sumit & Michael R. Kraig “ The 2001-2002 Indo-Pakistan Crisis: Exposing the Limits of Coercive Diplomacy, in Security Studies, vol. 14, No 2, 2005, pp. 290-324.
21. Ganguly, Sumit & Devin T.Hagerly (2006): Fearful Symmetry: India - Pakistan Crisis in the Shadow of Nuclear Weapons, Seattle, University of Washington Press.
22. Ganguly, Sumit (2016): Deadly Impasse, Cambridge University Press.
23. Global Security.Org (2019). Pakistan Army. Available at <https://www.globalsecurity.org/military/world/pakistan/army.htm>
24. Haqqani, Hussain (2016). India vs Pakistan: Why can't we just be Friends, Juggernaut Books, New Delhi.
25. IDSA, Pakistan Project (2010): Whither Pakistan? Growing Instability and Implications for India, Delhi, IDSA and Magnum.
26. ISPI Analysis No 269 (2014), The Political and Economic Role of the Pakistan Military.
27. Jain, B.M.: “Geopsychology and Peace Dialogue between India and Pakistan: An Exploratory Exercise in Diagnosis and Prognosis”, in Indian Journal of Asian Affairs, vol. 21, n° 1/2 (2008), pp. 1-15.
28. Jha, U.C. (2016). Pakistan Army: Legislator, Judge and Executioner. New Delhi, KW Publishers Pvt Ltd.
29. Johnson, Donald (2020). India-Pakistan Relations: A 50-Year History. Available at <https://asiasociety.org/education/india-pakistan-relations-50-year-history>

30. Kamath, P.M. (2005): India-Pakistan Relations: Courting Peace from the Corridors of War, New Delhi, Promilla & CO. Publishers.
31. Karnad, Bharat: Pakistan's Paranoia, Harvard International Review, Vol. 31, n^o 4 (2010), pp. 4-5.
32. Khalid, M. (2016). Governance and National Security: Pakistan – a case study in Banerjee D.(eds), Security Studies in South Asia: Change and Challenges (Regional Centre for Strategic Studies, Colombo). New Delhi, Manohar Publishers.
33. Kumar, Sanjeet (2014). Indo - Pak Relations in Twenty First Century. Available at [https://shodhganga.inflibnet.ac.in/bitstream/10603/86108/14/14_full% 20 thesis.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/86108/14/14_full%20thesis.pdf)
34. Levin, Anatol (2010). Understanding Pakistan's Military. Available at <https://www.opendemocracy.net/en/understanding-pakistans-military/>
35. Mehta, Pratap Bhanu: "India- Pakistan: The Enduring Stalemate", Economic and Political Weekly, vol. 38, n^o 21 (2008), pp. 2014-2017.
36. Misra, Ashutosh: An audit of the India-Pakistan peace process, Australian Journal of International Affairs, vol. 61, n^o 4 (2007), pp.506-528.
37. Musharraf, Pervez (2006). In the Line of Fire: A Memoir: Simon & Schuster UK Ltd.
38. Narsimhan, N.: India-Pakistan Relations, Economic and Political Weekly, vol. 37, n^o 2 (2002), pp. 86-172.
39. Nayar, Kuldeep (2003): India-Pakistan Relations, Delhi, Gyan Publishing House.

40. Pattanaik, Smruti S (2019). India- Pakistan relations: what lies ahead? Available at <http://www.unisci.es/india-pakistan-relations-what-lies-ahead/>
41. Paul, T.V. (2005): The India-Pakistan Conflict: An Enduring Rivalry, Cambridge, Cambridge University Press.
42. Prasad, Nitin (2017): Changes in India's foreign policy towards Pakistan, New Delhi, Alpha Editions.
43. Rizvi, A. (2004). Pakistan: Civilian- Military in a Praetorian State in James M.R. and Selochan V. (eds) The Military and Democracy in Asia and the Pacific. Canberra, Australian National University Press.
44. Sandhu, Kamaldeep Singh (2016). India-Pakistan Relations: A Brief Survey of the Evolving Conflict Terrain. Available at <https://www.e-ir.info/2016/03/21/india-pakistan-relations-a-brief-survey-of-the-evolving-conflict-terrain/>
45. Shukla, A. (2017). Pakistan Army: Institution that matters. New Delhi, KW Publishers Pvt Ltd.
46. Siddiqui, A.R. (Brigadier, Retired) (1996). The Military in Pakistan: image and Reality. Lahore, Vanguard.
47. Siddiq, A. (2017), Military Inc.: Inside Pakistan's Military Economy. London, Pluto Press.
48. Small, A. (2015). The China Pakistan Axis: Asia's New Geopolitics. Gurgaon, Random House India.
49. Zamarayeva, Natalia (2014). Pakistan: The Army's Role in the Country's Life. Available at <https://journal-neo.org/2014/11/30/rus-pakistan-rol-armii-v-zhizni-strany/>
