

Law and Policy Review (LPR)

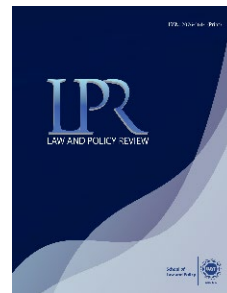
Volume 2 Issue 1, Spring 2023

ISSN(p): 2076-5614

Homepage: <https://journals.umt.edu.pk/index.php/lpr>



Article QR



Title: Deciphering the Interconnection of Good Governance, Rule of Law, and Economic Development in Pakistan: A Critical Evaluation

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DOI: <https://doi.org/10.5349/lpr.21.01>

History: Received: March 19, 2023, Revised: April 27, 2023, Accepted: May 30, 2023, Published: June 29, 2023

Citation: Saleem, A. R., Din, S. J., Ullah, Z., & Irshad, S. (2023). Deciphering the interconnection of good governance, rule of law, and economic development in Pakistan: A critical evaluation. *Law and Policy Review*, 2(1), 01–22.
<https://doi.org/10.5349/lpr.21.01>

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Conflict of Interest: Author(s) declared no conflict of interest



A publication of
School of Law and Policy
University of Management and Technology, Lahore, Pakistan

Deciphering the Interconnection of Good Governance, Rule of Law, and Economic Development in Pakistan: A Critical Evaluation

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Abstract

The good governance concept was borrowed by International Financial Institutions (IFIs) to bring transparency and rule of law in developing countries for the purpose of development. The IFIs stress upon the countenance of good governance, however, the factors including elite mandated corruption, lack of transparency, and disregard to rule of law has made Pakistan unable to achieve development. The current study has attempted to examine the intricate relationship between good governance, rule of law, and economic development in Pakistan with scrutinizing the impediments that thwart their efficacious execution. Through a developmental lens, this inquiry has scrutinized the socio-legal context of Pakistan and pinpointed the key hurdles to render the countenance of good governance. By examining the pertinent literature and data, the current study has illuminated the ramifications of these obstacles for the economic development of the country. The research findings have underscored the urgency of addressing issues, such as inadequate governance, lack of transparency, corruption, and non-adherence to rule of law. The study is culminated by underscoring the significance of promoting transparency, accountability, and pro-people policies to foster sustainable economic growth to advance development outcomes in Pakistan. Moreover, it has rendered a critical evaluation of instances into three accounts; the first account explicates the conception of good governance elaborated by IFIs and second account elaborates the argument of state functionaries in avoiding good governance and rule of law with resultant effects on development. The third account finally extrapolates the conclusion with serious recommendations.

Keywords: accountability, development, good governance, interconnection, Pakistan, rule of law

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Introduction

Good governance, as a requisite for economic development, follows the nuances of transparency, participation, ownership, and accountability to civilians (Imran & Nordin, [2018](#)). Pakistan was created as a separate state for its citizens to live their lives independently irrespective of their caste, creed, and culture. The main objective of its creation was to ensure that people must be able to pursue their social, political, and economic affairs on merit. Many speeches were made by the founding fathers (Khan & Alam, [2020](#)), regarding efficient functioning of the state machinery, in order to ameliorate the standard of common people. The state machinery would be smooth and transparent to make Pakistan a great country. The forefathers must have anticipated good governance as panacea to all the existing problems that Pakistan is still facing at this very juncture. On the contrary, Pakistan submitted itself to the eccentricities that are considered to be the sole reason for deceleration of the economic growth and development of the country. It is still unable to resort to the good governance due to certain socio-legal factors that are creating difficulties for Pakistan to be a developed country. Poor governance, lack of transparency, elite mandated corruption, lack of pro-people policies, disregard to sustainable development goals by submitting itself to poor governance, lethargic accountability along with the non-compliance to rule of law are the main problems that Pakistan is confronting today. All these problems demand a detailed discussion in order to comprehend the unworthy countenances and practices that are prevalent and have acquired the status of norms.

The concept of good governance was forwarded by the development banks. The purpose was twofold; first was to bring transparency and second comprised bringing evolution in the developing countries. The World Bank introduced good governance with anti-corruption strategies to procure the sustainable economic development. Good governance emphasizes on the phenomena of transparency in order to strengthen the institutions by the tool of policies to procure the objective of development. The failure of first phase of the Structural Adjustment Programs (hereinafter SAP)¹ compelled

¹ Structural Adjustments programs were economic policies introduced by the World Bank for the developing countries in 1980s. The programs contained the neo-liberal policies based on the neo-liberal approach for developing countries in order to globalize, liberalize and privatize their economies. Under structural Adjustment programs, loans were given to

the financial institutions to adopt the comprehensive framework of good governance to associate with the neo-liberal policies (Rittich, [2006](#)). The policy-based lending was a basic shift from the initial concept of lending previously adopted by Bretton Woods institutions. Initially, their focus remained on the development negating the regard of state ownership; however, later in the policy-based lending state ownership became inclusive. Through the adoption of the concept as a precondition, the objective was the achievement of the economic growth pertinent to a roadmap to the reduction of poverty (Rittich, [2006](#)).

The rhetoric behind the adoption of idea was to ensure the eradication of corruption, mismanagement and nepotism with the principles of transparency, accountability and procedural fairness in order to notch its innate purpose, that is, poverty eradication (Nanda, [2006](#)). Good governance also constitutes the hunch of using the authority by state in an effective mannerism. The worldwide indicators for the governance consist of six elements namely, voice and accountability, political stability, absence of violence and terrorism, government effectiveness, rule of law, and control of corruption (Kaufmann et al., [2011](#)). In all of these constituents, rule of law holds special attention, since it is one of the significant elements preached more by the scholars. The contention of establishing the rule of law, in countries with the combination of vivid legal rules, stimulates institutions to resort to hope and reforms in a country (Santos, [2006](#)).

Many political scientists have rendered discussion on rule of law. According to Aristotle, an ideal society is governed by reason and not by passion (Aristotle, 350 B.C.E) (Lerner, [1943](#)). The concept of rule of law is subjected to multiple interpretations by scholars. The general notion is equal to the supremacy of law. The concept had been bridged to the economic development by the renowned German sociologist Max Webber in his book, 'Economy and Society', depicting the relationship of economic development to the rational law (Webber, [1922](#)). Webber, in his work, stresses universal set of rules essential for the society to create a discipline in which economic development would thrive (Holton, [1989](#); Santos, [2006](#)). The parallel concept of English was presented by A.V. Dicey, comprising of three elements. The first element restrains the government from arbitrary

the developing countries with a condition to adopt certain policies recommended by the World Bank (HURRELL, 2018).

use of law. The second one stresses the equality before law. The third one enunciates its enforcement through ordinary courts of law (Santos, [2006](#)).

The current study is comprised of three accounts. The first account revisits the agenda of good governance adopted by financial institutions including World Bank and International Monetary Fund (IMF) (hereinafter International Financial Institutions (IFIs)) to procure the economic development in developing countries. This account, nevertheless, also tries to enunciate other relevant efforts of United Nations (UN), in order to obtain Sustainable Development Goals (SDGs) through good governance, which are conducive to help economic growth in developing countries.

The second account tries to extrapolate the challenges and lacking factors in the way of good governance in case of Pakistan. This account provides generic factors that cordon to achieve development and economic growth. The third account finally concludes the study with recommendations. The limitations of the study are restricted to the exploration of good governance policy of World Bank and IMF. The study explored the relative concerns of good governance in a qualitative manner and provided a general review of the concept of good governance requisite for the development.

Good Governance Agenda of International Financial Institutions (IFIs)

According to the Article of Agreements of the World Bank, the concept of governance was restricted to the economic growth related to the financial transparency in budgetary discipline (Diarra & Plane, [2011](#)). The Bank had already framed indicators for good governance in 1970; the same indicators have been expanded after the failure of first phase of Structural Adjustment Program. In 1989, the World Bank published a report regarding the failure of Sub-Saharan African countries for the non-effective use of loans given by the World Bank (Nanda, [2006](#)). The second phase of SAP, along with comprehensive development framework, provided viaduct for reaching to the main agenda of the Bank, that is, development (Simms, [2008](#)). This was the turning point in bank policy through which transparency, accountability, and participation of public in government were focused upon. All these elements are to be understood in terms of neo-liberal policies of World Bank (Diarra & Plane, [2011](#)). With neo-liberal approach, the bank expected the borrower to take affirmative action for maintaining economic stability by

reducing the chances of market failure (Storey, [2000](#)). The same is to be achieved by developing infrastructure, promoting public goods, and encourage equity for distribution of resources (Asian Development Bank, [1995](#)).

For economic development and growth, hesitation of rule of law in a country is crucial to determine the progress of a country. As articulated by Amartya Sen, an Indian economist and philosopher (Sen, [2005](#)), in his magnum opus “Development as Freedom”, the development in a country could be achieved through the adoption of good laws, which are stressing the public interests (Ikejiaku, [2020](#)). The purpose is to strengthen the legal framework as weak legal framework usually leads to high corruption, consequently becoming the reason of dissemination of poverty, for instance, African countries where corruption is considered to be one of the main causes of poverty (Ikejiaku, [2020](#)). The agenda of good governance by the bank is implemented through the governance conditionality attached with loans and funds which plays a significant role in the implementation of the agenda of good governance. The object of agenda is circumscribed to the exertion of the pressure on the borrowing government for the betterment of their policies and effective use of the development loans (Simms, [2008](#)). The new agenda was incorporated, within the functioning of the World Bank, in order to bring transparency within the government. The motive behind new agenda was the adoption of the principle of good governance by developing countries to foster the economic growth and development. Good governance has not been properly defined by the World Bank, however, there are key elements to which all financial institutions agreed. These key elements include accountability, predictability, legal framework, information, and transparency. These elements play a significant role in the effective use of the development loans (Lateef, [2017](#)).

IMF stresses good governance through three channels to its member countries which are policy advice, financial support, and technical assistance (International Monetary Fund [IMF], [2013](#)). Moreover, IMF has measures to support good governance within the institution as well. IMF maintains that good governance is an essential requisite to the economic growth and poor governance leads to the destabilization of the economic growth, eradication of the market competition, and transparency (Woods, [2018](#)). Through Article 4 of the consultations, IMF spreads awareness to its member countries about good governance and consequences resultant to the

poor management. IMF also publishes annual report regarding worldwide good governance indicators (Nanda, [2006](#); IMF, [2013](#)). The concept of good governance was also promulgated by the United Nation (UN) in 2016 with the implementation of the new agenda of SDGs.

The UN's new agenda of 17 SDGs stresses the endeavors of achieving development globally. The disposition of new agenda follows two issues more strictly relevant to governance which needs to be addressed. One is concerned with the institution of governance, that is, public administration institution which works to maintain transparency and restricts corruption by giving access to public offices that makes office holders accountable, while the other is about democracy and rule of law (United Nations [UN], [2020](#)). It requires freedom of speech along with non-discrimination laws and policies which are inclusive in nature along with independent organs submitted to good governance for determination of rights. UN upholds good governance agenda and the same was reasserted in World Summit 2005 (UN, [2005](#)). Since corruption is a curse for entire system, UN, therefore brought a convention on it in 2005 (UN, [2020](#)). Prior to this, anti-bribery convention was adopted in 1997 to curb the inequitable strife of multinational companies. However, in contemporary times it is amalgamated with the concept of good governance. On the contrary, poor governance leads to lack of transparency and corruption, and complete resort to these countenances is equal to the violation of human rights (Nelken, [2010](#)). Corruption more often leads to the contravention of social and political rights (Hakobyan, 2004). Though, international institution agreed on this, it has devastating effect on rights and it also paves the path for sanctions (Nelken, [2010](#)).

SDGs in this new agenda provide the insurance of peace, access to justice, and building of inclusive, strong and accountable institutions for all. All these goals are to be achieved by the good governance and rule of law. Moreover, its implementation can play a constructive role in insurance of individual rights along with that of the community and it is the sole pathway for the confirmation of peace within society (Colvin, [2022](#)). Pakistan became the first country by adopting SDGs 2030 agenda in 2016 (Nanda, [2006](#)). Government is committed to achieve it by making institutions strong and by creating peaceful environment within country (UN, [2019](#)). Resultant to its adoption in the years of 2015 and 2016, economic growth was accelerated in the country and the GDP reached to 4.71 (Khan et al., [2018](#)).

The policy to incorporate SDGs' goal has failed due to the conflict it begets with the interest of country's elite class. The reforms, to meet the SDGs are opposed by these elite classes, which would have great advantage for the general public, that is, land reforms, tax reforms requisite for the implementation of welfare policies, and creating pro-people good governance. Strong political institutions and good governance is needed in order to achieve these SDGs. Good governance ensures the participation of all the key stakeholders in policymaking and in its implementation. As in the case of Pakistan, laws and relevant provisions are there to raise concerns regarding the rule of law and good governance to ensure the development in the country.

Article 4, of the constitution of the Islamic Republic of Pakistan 1973, aligns the protection of law and to be treated according to law, an inalienable right of every citizen. Article 4 stresses in particular that no action would be taken detrimental to life, liberty, property, body, and reputation of any person. The importance of Article 4 could be derived from the factum that even in times of emergency it can't be suspended. It is in alliance with the Dicey's conception of rule of law in which all persons should be treated equally in the eyes of law. Article 5 is considered as the backbone for the country's sovereignty, which demands compliance for law of land, especially the social contract present in the shape of constitution. The bleak constitutional history of Pakistan, especially before the constitution of Pakistan 1973, compelled the lawmakers to mention 'Obedience of Constitution' in its first chapter. The consecutive coup d'états disregarded the concerns pertinent to obedience and loyalty to the state which resulted in the eradication of civil government and rule of law (Khan & Alam, [2020](#)). The military interventions were always succeeded by the courts in a way of legitimizing the very interventions. To curb this practice of legitimizing the illegal intervention and absolutism under the guise of logics taken from the typology of the 1973 constitution, the Article 6 was revived. The power of court to legitimize the coup d'état was taken from the judiciary.

The Article 4 and 5 provides a link towards the incorporation and adherence to the rule of law which is one of the contributing elements of good governance. Adherence to the principles of good governance and rule of law ensures the economic growth and development for people. As discussed above, good governance is the agenda adopted by the

international institutions to accelerate growth and development in the developing countries and rule of law nominated as its integral part. Rule of law is also one of the head of constitutionalism (Bellamy & Castiglione, [1997](#)) which ensures the equality of all citizens and supremacy of law in the country. The main issue regarding the hindrance in growth and development is the ignorance to good governance and rule of law principles. The liberal conception of rule of law treats individuals as the subjects subjected to the rules in which they design their lives according to their own preferences. The state cannot alter the constitution explicitly and, thus rule of law constrains the government in order to guarantee the non-interference in the private sphere of individual (Koyama & Johnson, [2015](#)). The IMF also strictly adheres itself to the rule of law which ensures credibility, effectiveness, and legitimacy within institutions and to member countries. Legal counsel at IMF not only gives directions to it but also provides assistance to the member countries in designing accountable institutions to maintain the economic growth (Liu, [2019](#)).

Introducing the aspects of good governance and rule of law was necessary for international financial institutions to ensure the obedience of its own states even contrary to the interest of some shareholders. These aspects brought transparency and accountability within institutions and their dealings with the borrowing countries to ensure the effective use of the funds given for stabilizing the economy and elevating development (Raffer, [2008](#)). Rule of law is one of the monolithic areas of good governance, which brings transparency in financial discipline in order to reduce discrimination, nepotism, and corruption for the effective use of loans. In order to maintain obedience in their own status, the rule of law plays an essential role for the achievement of SDGs. Without good governance and rule of law, economic growth and development would be impossible to catapult the country on road to success and maturity.

Factors Affecting the Good Governance and Rule of Law in Pakistan

This account attempted to depict the episode of Pakistan pertinent to the lacking factors barricading its very growth. The abovementioned Article 4 and 5 provides the clear picture of relevance to the maintenance and adherence to the principle of “rule of law”, which is one of the constituent of good governance. Concerns regarding good governance are there in the country. On the contrary, these prevalent unworthy practices hinder the development in Pakistan. Corruption remains the prevalent challenge in

Pakistan. The country acquired this evil of corruption from the colonial times that rewarded lands to their stalwarts which prompted nepotism and defilement. This bequest continued even after Pakistan got independence because few masters attempted to keep individuals uninformed about their basic rights, for instance education, food, and lodging which lead to rural and urban division in the electing framework benefiting the trivial few (Imran & Nordin, [2018](#)). It took 9 years for Pakistan to draft its first constitution; it completed 11 years (1947-1958) of civil rule contrary to 13 years (1958-1971) of military interventions to honor the principle of necessity. The doctrine of necessity was evolved and reflected disregard to rule of law in the constitutional history. For instance, cases, such as *Mulvi Tameez-ud-din Khan 1954*², *State vs Dosso 1958*³, *Asma gilani vs Government of Punjab 1972*⁴, the instances of Military takeovers, the NRO between Benazir Bhutto, Nawaz Sharif, and General Pervaiz Musharraf, establishment of the military courts⁵ and their extension⁶. These patterns reflect the polarized environment of Pakistan where civilians are the ignorant entities and their interests are oblivion by the politicians (Khan & Alam, [2020](#)).

The emphasis that is put on by the international financial institutions to the good governance was a promise to the economic development and progressive growth. The IFIs stress upon certain factors to regard the countenance of good governance and rule of law to foster the economic development in Pakistan.

Lack of Transparency

Transparency is the considered element for successive growth (Khan & Alam, [2020](#)). Without its regard, there would be concerns, pertinent to practices promoting corruption. Through different institutions, transparency can be ensured. Institution, such as media, acts as fourth pillar to state and plays an important role to ensure transparency in the country (Khan & Alam, [2020](#)). Media in Pakistan is divided and criticized for supporting paid narratives (Alam et al., [2021](#)). Resultantly, the only institution left is the Parliament of Pakistan that can calibrate the laws to ensure transparency in

² See *Federation of Pakistan v. Maulvi Tamizuddin Khan*, (P L D 1955 FC 240)

³ See *Dosso vs state*, (PLD 1958 SC 553)

⁴ See *Asma gilani v. Government of Punjab*, (PLD 1972 SC 139)

⁵ See 21st Constitutional Amendment

⁶ See 23rd Constitutional Amendment

the country. On the contrary, Pakistan has no culture of inclusiveness and openness; public officials disregard the practice of sharing of information. The incorporation of Article 19-A, Right to Information (RTI), into the constitution of Pakistan through the 18th constitutional amendment, was a positive step regarding the consideration of transparency in country but continuously violated through different institutions (Khan & Alam, [2020](#)). This achievement was made possible under the compulsion of international institution. In 2002, General Musharraf, then the President of Pakistan, promulgated the Freedom of Information Ordinance, 2002 (FOI) mainly under the influence of Asian Development Bank. Later in 2007, constitutional court held that “access to information is sine qua non of constitutional democracy. The public has the right to know everything that is done by the public functionaries.” In 2010, Article 19-A was incorporated in the constitution of Pakistan 1973 (Alam, [2015](#)).

World Bank highly regards the transparency in developing countries. In some societies, corrupt practices are deeply rooted in their socio-political culture. A recent report formed by the internal committee of Pakistan has unveiled the corrupt practices of Chinese officials in China Pakistan Economic corridor (CPEC) projects. The report has debunked the lack of transparency in several projects, leaving open the real intentions of corrupt elite behind CPEC projects (Wani, [2020](#)). The politicians in Pakistan are involved in corruption in order to procure power and money. Countries, having such a socio-political culture, for instance which is prevalent in Pakistan, are always in search of tools to suppress practices like these and transparency is one of the tools (The World Bank, [2020](#)). Notwithstanding despite the commitments of international institutions, obscure accountability is at premium in Pakistan despite having multiple accountability agencies in the country. However, accountability laws are never implemented in a true sense and these agencies, most of the time, is in search of tools to camouflage the corruption rather than curbing it. These non-implemented laws to curb corruption are used for political victimization to the opposition party. The politicians involved in corrupt practices are never convicted and provisions of plea bargain in NAB laws of Pakistan do not help in order to suppress the corrupt practices.

Broadside view of Corruption Laws in Pakistan

In the development perspective, Pakistan has been in the limelight of corruption since its very inception. Corruption is a barrier to the economic

growth and development of a country. The laws pertinent to the prevention of corruption in the country are not effective and inclusive. In this case, take the account of chapter 9 of Pakistan Penal Code 1860 (PPC), which caters the provisions starting from section 161 to 171 and deals with the offences committed by public officers. The terminology of “public servant” has been defined in section 21 of PPC 1860. The problem with these provisions lies in the fact that these provisions are only limited to the offences committed by the public officers only. The nature of these provisions, which are dealing with offences pertinent to corrupt practices, is not inclusive. Nevertheless, making the scope of provisions narrowed and restricted (Gul et al., [2022](#)). Other laws which were incorporated to deal with corruption in the country are same as the provisions of PPC 1860. Prevention of Corruption Act, 1947 was the first piece of legislation to combat corrupt practices, to the contrary; it only deals with the criminal misconduct of the public officers. The agencies which are working to investigate the corrupt practices are also restricted to function. Take the case of Federal Investigation Agency (FIA); the section 5 of FIA Act, 1974 requires the prior permission of the higher authorities to initiate the investigation proceedings against public officers (Gul et al., [2022](#)).

However, National Accountability Bureau (NAB), working under the National Accountability Ordinance, 1999 was formulated by the Military Dictator General Pervez Musharraf. The vision of the agency was to take comprehensive measures in order to eradicate corruption from the country. On the contrary, NAB became the victim of political engineering in the country. Moreover, it is being used as a tool for political victimization in the country nowadays. The agency never obtained freedom to operate independently from the influences of political parties and military establishment. Many aspersions were cast to the monolithic powers given to NAB that was supposed to procure the transparency in the country. As section 25 of NAB deals with the conception of plea bargain, it is more likely to procure the compromise between the offender and NAB in the court of justice. Section like this, is not going to solve the problem of corruption in Pakistan, where it has become a trend. This provides the culprit with the confidence to retain the corrupted money and motivation to be involved in practice like this in future. Other provisions relating to the exclusion of military personnel from the domain of NAB makes the NAB law limited and narrowed in the scope to meet the vision and mandate (Gul et al., [2022](#)). Corruption is one of the contributing factors barricading the

economic growth and development in Pakistan. The laws are less inclusive and outdated to combat corruption in the country, thus violating the principles of good governance and rule of law.

The second factor barricading the positive growth in Pakistan is the less participatory government. Participatory government, on the opposite, invites all holders having stake on any issue in policymaking and ensures its effective implementation (Khan & Alam, [2020](#)). A democratic country is all about its people and representing their interests, working for the well-being of its people (Bellamy & Castiglione, [1997](#)). Therefore, it is compulsive that the participation must be organized and maintained. People must be aware of the loans and spending as it would boost positive growth and development in Pakistan. This factor is interlinked with the transparency. The transparency in public offices would ensure the active participation of public in policy makings which would be beneficial for the country. Public would become aware of the spending by the government, consequently leading to less corrupt practices by government officials.

Political Chaos and Instability

Politicking is dangerous for a country as it suppresses the national interests. Political instability has acquired the status of culture in Pakistan nowadays. Politicians are involved in politicking by completely disregarding the interests of people (Lodhi, [2020](#)). Political instability decelerates the economic growth and development. It also hampers policymaking and its implementation. Politicians, most of the time in Pakistan, are involved in conspiracy of toppling government in order to secure their interests and completely ignoring the promises made to people (Khan & Alam, [2020](#)). Political chaos in the country is one of the contributing factors negating the development of the country. The matter of the fact is that economic growth and political stability are interconnected with each other. Uncertainty regarding the unstable political environment may reduce the potential of economic growth and development in the country (Hussain & June, [2014](#)).

Political chaos is not good for democracy; democratic government gets compromised in the unstable environment amidst political tensions in the country. Good governance ensures that the decisions taken by government are prioritized to regard the economic and pro-people policies, thus catapulting the country into economic development. Political chaos in the

country disregards the good governance and rule of law. It does not auger well for the country, such as Pakistan, which is struggling to its knees for the attainment of prosperity. Political instability in Pakistan is the major cause behind the low economic growth. It has been proven through research that the countries which are victims of irregular flow of governments have low economic growth and development. In the tenure of 2013-2018, Pakistan faced massive corruption scandals and low economic growth due to the large scale of demonstrations and political unrest by the then opposition (Jaisar, [2022](#)). Charter of Democracy (COD) was signed in 2006 between two exiled political party leaders provided the bipartisan consensus that was reflected in 18th, 20th, and 25th constitutional amendment, the seventh NFC award and special status for Gilgit-Baltistan among other developments. Given the country's derailing economic condition, this is the ideal opportunity for political parties to create a covenant for an accelerated and sustainable economic development. The nation needs a 'Charter of Development' to render transformational change in country (Sheikh, [2022](#)).

Disregard to Rule of Law

Kenneth Dam argued in his book “The Law-Growth Nexus” that the implementation of rule of law is requisite for the economic development of a country. Implementation of the laws is as important as the content of law in written form (Hassan, [2022](#)). In Pakistan, it is a normative fact to disregard the rule of law and the courts are failed to provide speedy justice. According to the World Justice Report 2017, only 21% of people in the country are of the view that officers involved in corruption would be prosecuted and punished. About 33% of people think that the respective authorities would ignore the allegations of corruptions against them (World Justice Project, [2017](#)). The criminal justice system also depicts the bleak picture of Pakistan. Most of the time, witnesses give false testimony which leads to wrongful conviction and ultimately leads to the miscarriage of justice (Khan et al., [2022](#); Qayum et al., [2016](#)).

In such environment, the rights of people become compromised and investors avoid investing in a country where there is no rule of law (Khan & Alam, [2020](#)). In accordance with the recent report on Rule of Law Index, Pakistan stands at the 129th out of 140 countries (Irsa, [2022](#)). Rule of law is considered to be the requisite for the economic growth and development. As discussed above, rule of law is one of the constituting elements of good governance; provisions in constitution of Pakistan also stress to the

adherence to rule of law. Contrary to rhetorical aspect, in reality, rule of law is always restricted to the de-jure perspective (Shaikh, [2018](#)). There are multiple factors which are exacerbating the poor situation of rule of law in Pakistan. All these factors are interconnected with each other and restrict the development of the country. These factors are inclusive of high rated corruption, encroachment of the jurisdiction of one office over the other, submission of the cases lacking evidence into the courts, politicizing of the matter, overburdened courts with delayed justice, laws without implementation, and no policymaking at all (Shaikh, [2018](#)). The practices of different laws in different parts of the country, under the aegis of speedy dispensation of justice, reflect mockery to equality of law. For instance Swat, district of Khyber Pakhtunkhwa (KPK), where Darul Qaza (appellate or revision court), based on the Nizam-e-Adl regulation, is still in practice that reflects the parallel judicial system in the country (Khaliq, [2011](#)).

Defective Policy-Making

Policy-making is the national phenomenon which provides groundwork for the direction of specific goal. When a policy is made on the directions of World Bank, its implementation becomes very rare. The research, used to make surveys, is most of the time bogus and outdated in Pakistan. Through policy-making, governments administer the problems faced by people; however, on the long-run Pakistan has completely failed to formulate consistent policies. The general factors behind the failure of public policies include lack of funds, corrupt practices, and lack of vision, indifferent behavior, weak institutions, and irrelevant allocations of funds. Governments in power resort to short-term policies of indeterminate nature which is not conducive to attract the investors to invest in Pakistan. Consequently, leading to the low economic growth in a country (Jaisar, [2022](#)).

The perpetual economic problems in Pakistan are due to the inconsistent policies, wrong priorities, and poor governance. Each new government tries to blame on the previous government for the adoption of inconsistent economic policies (Sahqani, [2022](#)). Pakistan tax governance system remains weak as well and lacks the policies for the reconstruction of the tax system despite the funding by IFIs. It lacks the iron which would take the initiatives regarding the inclusive tax system through the better policies and good governance (Sahqani, [2022](#)).

Conclusion

The failure of SAP in the first phase made it compulsory for the Bretton Woods Institutions to go for good governance policy. Although, it is a fact that after the end of the cold war all the international institutions adopted the policy of good governance. Initially, the articles of agreements resorted to the decision that they would not interfere with the internal policies of states. However, later on followed by the incompetency of developing countries due to their mismanagement and ineffectiveness, they added good governance as a condition for lending. The effectiveness of good governance is limited to the fact that it was only related to financial matters. The implementation of good governance is highly dependent upon the state; due to myriad factors of internal nature, its implementation gets halted. These factors depend on culture of the decision-making within the community, values of the society, and basic structure of state. Sometimes, reforms in a country are in tension with the interests of elite and apathy of government to make any policy of reform at all. The best solution for the standing hiccup regarding it lies in the inclusive form of government. The lesson learnt from the despotic government is that public would disregard the decisions and policies if they had been excluded from the process.

The economic growth may be considered as one of the indicators for measuring rule of law in the country. The economic conditions of the developed countries were not ideal for its implementation due to initial structural policies of international financial institutions. The individual life and freedom center perspective were not taken into consideration by those policies at grass root level. The institutional changes and legal reforms prerequisites for development were never regarded by the respective states. In the case of Pakistan, political turmoil and poor governance are the main handicaps to attain development. The one example relating to land reforms could be considered from the judgment given by apex court in Qazalbash Waqf case due to which land reforms became impossible in Pakistan. The reforms in those laws are essential for equal distribution. Moreover, the incapacity of institutions renders ineffective implementation and such incapacity results from paucity of specialist persons, even if there are any, they are always at great discount. Additionally, the institutions also fall victim of over burden functionalities since there are numerous tasks to complete and few hands to work on them.

Irrespective of strengthening the accountability, the laws for long, have been the tools of victimization. Given the special purpose of these laws, the political figures, opposition leaders, particularly test their mettle against the odds of being honest and truthful to nation. The history of Pakistan is riddled with such accountability laws and their utilization to disqualify the opponent. Moreover, the rhetoric is still viable in 21st century as two leaders including Mian Muhammad Nawaz Sharif and Imran Khan have been de-seated. In Pakistan, true accountability is hard to find, though the sole purpose of accountability law is to strengthen the transparency and rule of law and to make good governance as inevitable part of smooth governance. However, it has failed to deliver.

Weak institutions lead to the failure of law implementation which results in the creation of an unjust society. Irrational laws coupled with weak institutions contribute to chaos and diversion to the interests of people. While, the progress is gradual, there is still a pressing need for accelerated growth with a strong national commitment; otherwise economic development would remain elusive.

Recommendations

- A better coordination is required among federal, provincial, and local governments for the implementation of principles of good governance and rule of law for the development in a country.
- Enhancing the access to information leads to pro-people policies and good governance. Suppressing the access of information leads to bad decisions and poor governance.
- There is a dire need for an independent watchdog to curb the corruption, with appointments made through the Federal Services Commission (FSC). The head of this watchdog should be appointed by High Courts based on the principle of seniority. Improvement in the NAB laws is required as well to the extent of inclusivity of private persons and all excluded officials in order to curb the corruption in Pakistan.
- The limitations concerning the amount of corruption should be removed, as they inadvertently encourage corruption to reach such levels.

- Enhancing transparency in the institutions through laws and policy making. Transparency would ensure the eradication of corruption and would play a constructive role in poverty reduction.
- It is crucial to change public perception, for which awareness seminars should be organized in schools, colleges, and universities.
- It is recommended to follow the recommendations of international institutions, such as UN and Transparency International.
- Constitutional amendments in case of dissolution of assemblies lead to political unrest. Moreover, it is not suitable for the development and growth of a country. Partisan politics should also be avoided as in the case of Pakistan, it is prevalent and politicians are totally oblivious to the interests of people. In order to implement appropriate changes in the law, it is essential to involve a think-tank that may conduct research and propose evidence-based modifications.
- Strong accountability mechanism ensures the eradication of corruption at all levels. Amendments in PPC regarding the offences are dealing with corruption of public officials to the extent of inclusivity and heavy punishments.
- Political stability is the need of the hour to ensure the interests of people as economic development would remain elusive in a polarized environment.
- Strong democracy would be helpful to negate the interventions of establishment in government by ensuring the decentralization of power among people.
- Right person for right job would ensure the implementation of good governance.

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