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[HUMANITIES]**



**UNIVERSITY OF THE PUNJAB
LAHORE**

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"COMMUNITY PARTICIPATION APPROACH IN PROMOTING POPULATION WELFARE PROGRAMME"

by

PROF. MUHAMMAD AFZAL CHAUDHRY

Chairman, Social Work Department, Punjab University, Lahore.

It goes without saying that there may be many ways of defining a community. Actually it largely depends upon its size, ethnic composition, socio-economic condition, geographical location and political or administrative structure. The easiest way of conceiving of a community seems to be to think of group of human beings who possess community feeling. Community feeling is a feeling of belonging to a group of individuals who share more common rather than different interests. It obviously implies that different groups may be considered as communities at different times and for different purposes, depending largely on the common or different interests we are looking for. For example, with such a rural settlement we may talk of a group of residents who all speak one language or dialect as a community, provided they have cultivated feeling of common interest in that language in contrast to another group who speaks a different language or dialect. Geographically speaking all the individuals residing in one village irrespective of language or other differences may feel as a community if there is some specific problem, need or interest which has bearing on their village e. g. a canal, or road, or health center etc. Needless to say that once that geographical issue is settled, the village may divide into different groups having community feeling on religious, or socio-economic or cultural lines if these become areas of common and different interests.

What is Community Development.

Community development is a process designed to create conditions of economic and social progress for the whole community with its active participation and with the fullest possible reliance on community's

initiative. The under lying basic idea of community development is to help groups develop and cultivate community feeling about their general welfare, regardless of narrow cultural, ethnic, religious or socio-economic differences. There is indeed a profound need to help communities develop community feeling about their sanitation and environment, about the need to conserve resources or to mobilise resources and above all about the need to adapt and change their way of life hindering their developmental process and adversely affecting their living conditions. Our way of living to a great extent is influenced by geographical conditions, such as which rural area or town we reside in. It is also a hard fact that many things in which we have profound interest such as available resources, sanitation conditions, farmland, spread of diseases, population density are greatly determined by geographical or physical location. Community development therefore, mostly is based on geographical or physical location. Actually endeavours are made to develop community feeling for the purposes of development among such groups of individuals who have common geographical or physical boundaries e. g. one village, one specific area of a town.

How Community Feeling Can Be Created

The prime objective is to develop community feeling among the different groups residing within a given geographical area. The differences among groups are to be skillfully overcome and feeling of sharing Common interests in dealing with development are to be created and promoted. The Community people are to be helped in identifying such needs or problems which are adversely affecting almost all of them and which they are interested in resolving. The people are to be benefited from dealing with the problem together. A lot can be achieved if people could be duly helped in understanding that the identified need or problem affects them all, either directly or indirectly, either in the very near future or after some time and above all that it is much more beneficial than any immediate benefit which they are likely to derive from continuing their

conflicting situation or differences. They may be helped realising how a diseases in a rural area may find its way to everyone, affluent and poverty stricken alike, or how improvement in the health of children may help the whole community becoming stronger and productive, or how setting up an industrial centre will benefit not only the first few to get training but gradually the whole community.

Identification of Common Needs, Problems or Interests

A very careful approach needs to be used in helping the community people identifying their needs, problems or areas of interest. We need to guard the tendency of telling them, or convincing or persuading them as invariably such efforts may not yield the desired results. Instead community people must be duly helped in discovering and identifying their needs and problems for themselves. There are several potent reasons justifying the same.

- * "People will believe and accept ideas or problems which they have discovered for themselves, more than ideas which other people try to give them.
- * Where information about problems in a community is concerned, people will take more seriously information which they have collected or found out themselves.
- * Involving people in an activity like identifying problems or collecting information is itself an activity that helps to create community feeling.
- * By getting people to find out their own problems you avoid the mistake of trying to tell them what you see as a problem, but which they may not agree with.
- * This sort of activity helps you to see how the groups work, what the

initiative. The underlying basic idea of community development is to help groups develop and cultivate community feeling about their general welfare, regardless of narrow cultural, ethnic, religious or socio-economic differences. There is indeed a profound need to help communities develop community feeling about their sanitation and environment, about the need to conserve resources or to mobilise resources and above all about the need to adapt and change their way of life hindering their developmental process and adversely affecting their living conditions. Our way of living to a great extent is influenced by geographical conditions, such as which rural area or town we reside in. It is also a hard fact that many things in which we have profound interest such as available resources, sanitation conditions, farmland, spread of diseases, population density are greatly determined by geographical or physical location. Community development therefore, mostly is based on geographical or physical location. Actually endeavours are made to develop community feeling for the purposes of development among such groups of individuals who have common geographical or physical boundaries e. g. one village, one specific area of a town.

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- * By getting people to find out their own problems you avoid the mistake of trying to tell them what you see as a problem, but which they may not agree with.
- * This sort of activity helps you to see how the groups work, what the

common or different interests are, who is strong, who is a leader etc.'¹.

The best is to recommend an approach which has been applied earlier and has yielded encouraging results. We should help the people conduct by themselves a survey of their community through their representatives, to collect data to help them identify a need or problem. The experience bears witness to the fact that when people gather information about themselves, this substantially helps them to create community feeling; through this meaningful experience they arrive at some specific thing which is common to all of them and they are prepared to work on it. But before we go ahead with this approach, it is advisable to think more about the community life itself. We should have maximum knowledge about the community life and its people. What change we are interested in bringing about in the community.⁸

Does the community want to change? We know that communities live in the way they do because that is how they have learned to manage their lives, their resources and their physical and social environment. They live that way because that is the way of life that makes sense to them. The experience shows that many of our rural communities are isolated in the sense that they don't have much access to the new information, new ideas, new developments and the resources available. That is why they change their ideas slowly and very often exhibit doubts regarding the new change. So as their environment or their resources change, they experience difficulty in adapting. If they want to adopt and change, then it seems their natural desire to have the feeling that they are taking decisions and changing their life patterns on their own without any external pressure or influence exerted on them. For deep rooted psychological reasons it is extremely difficult to motivate people to

1. Government of Pakistan, Orientation Training Course for Deputy District Population Welfare Officers (Communication and Training) from 18th March to 30th March, 1989, Lahore Population Welfare Training Institute, 1984, p-34.

accept a change regarding any of their basic and important pattern of behaviour, way of thinking or value that they adhere to. The best way to do so perhaps is to enable them work it out for themselves. This approach of helping them convincing themselves seems to be tantamount to modern and relatively more scientific approach of transmitting information and knowledge to the target population. In this modern age it is not advisable to convince any one to accept an answer being offered, the best approach is to get him to work out and discover the answer himself. But the major problem that may confront us is related to the fact that invariably the communities are unaware of their real need and problems e.g., for health education, better sanitation, family planning etc. The fact is that on the basis of advanced education and training and access to the available data about various aspects of life of our people the experts usually know the problems that our community people are beset with. These mostly include the following :—

- Poor health, arising from diseases caused by poor sanitation or lack of preventive measures.
- High maternal mortality rates arising from too frequent, too young or too old pregnancies.
- Lack of water, both pure water for drinking and also quantity of water for washing etc.
- Lack of job opportunities.
- Lack of resources, land, livestock, or low crop yield from poor agricultural practices.
- Pressure of population on land, or jobs, etc.
- Lack of roads, electricity, services.
- Lack of education.

- Poor nutrition because of food shortages, famines etc.”²

Experience bears witness to the fact that invariably our community people are aware of some problems like lack of jobs, lack of resources, lack of roads etc., whereas they are unaware of many other problems which are substantially affecting their life in an adverse manner. The problems e. g., in the fields of health, population and nutrition are more difficult to be identified by illiterate and superstitious type of community people. The correct information about the factors which cause diseases, why children of tender age expire, what are the nutritional needs of pregnant women, is relatively more difficult to be understood, even if it is made available. The cause and effect between nutrition and infant mortality, between frequent pregnancy and maternal mortality, and likewise between a high birth rate and available resources are long term. In a rural community a farmer may be able to see the results of fertilizer in one season. The linkage between health and well-being may take a long time to be seen. The pity is that the solutions to these problems are also difficult to be accepted, because needless to say that they usually require changes in personal habits, beliefs and values. What is most important is to transmit information in a way that community people clearly see the relationship between cause and effect. It is extremely imperative to ensure that the information is believed and trusted by the community people, so that they must be helped to collect it by themselves. The cause and effect must be proved, so that they can see it. Some ways of having the same done include the following :

- “A small survey, done by the village, of how many children died in the last 1 month, or 6 months, This can help to bring awareness of infant mortality problems.

2. Government of Pakistan, Orientation Training Course for Deputy District Population Welfare Officers (Communication and Training) from 18th March to 30th March, 1989, Lahore Population Welfare Training Institute, 1989, p-35.

- A survey of school places available compared to number of children who will need those places next year, in 5 years etc.
- A survey of how many young men are migrating away for work; how many are successful etc.
- A survey of water sources ; is water source connected to the prevalence of disease in a practical part of the community.
- A survey of marriage taking place, and costs; are they becoming too expensive”.³

In the population welfare programmes we need to concentrate more on the following services through the community participation approach.

- Ante and post natal care to deal with maternal mortality.
- Delivery care and dai training to deal with pre-natal care.
- Child care, to deal with infant mortality.
- Health education, to deal with problems of nutrition, sanitation, water treatment‘ prevention of disease.
- Nutrition services, growth monitoring, food distribution (through World Food Programme) Iron tablets etc.
- Immunizations, again to deal with child mortality.
- Women’s activities, adult education, literacy, skill development etc.
- Family planning, to deal with so many problems”.⁴

3. Government of Pakistan, Orientation Training Course for Deputy District Population Welfare Officers (Communication and Training) from 18th March to 30th March, 1989, Lahore Population Welfare Training Institute, 1989, p-36.

4. Ibid, p-38.

The community participation approach is a systematic and scientific method of working within group in the community to identify its needs and objectives, to rank these needs and objectives, to develop the will and confidence of the people in them to find the resources, both internal and external, and to take action in meeting them, and in doing so to extend and develop co-operative attitudes and practices in the community. The community participation approach is a method of providing scientific knowledge and information and demonstrating that by joint effort suitable programmes could be effectively developed to meet prevailing needs. The approach is based on the philosophy of social work. It is a way of helping people to help themselves. It assumes the inherent desire in all human beings for self-respect, self-determination and a willingness to change and respond to socially desirable goals, provided they are convinced of the desirability of change and are involved in bringing it about. This approach is, in fact, inherent in the philosophy of democracy.

As mentioned earlier it may be argued that this approach is a long term method and that family planning needs to be effected within the shortest possible time. Every developing country has to fight a race against time. It is true that the community approach, as it involves education of the community and systematic participation of all groups and individuals concerned with it, is likely to take a longer time. But the present practice is one of hit and miss. In the long run, the community approach is bound to prove more fruitful and therefore more economical. The following are some of the specific steps involved in the adoption of the community participation approach which necessitates.

- (i) Careful selection of an area. Geographically it should offer easy coverage; socially it should have some formal or informal community set-up. The village as a basic unit and the Block and the District as a larger unit could meet this requirement.

- (ii) Selection and training of workers. Paid workers should be responsible to implement the programme. Their training should impart a proper understanding of the community approach. Field workers should be provided with consultation and supervision.
- (iii) Preparation of the community profile. It should take into consideration the formal and informal groups, vital statistics, official and non-official organisations, channels of communication and the forces of power and authority.
- (iv) Building up rapport with the community and launching education programmes using community organisation methods.
- (v) Identification and involvement of social leaders and organisations in the planning and implementation of the programme, and training them for the purpose.
- (vi) Ensuring the availability of family planning services and supplies.

The approach to the community has to be flexible, adjusting to local requirements and adopting suitable innovations for the effective promotion of the programme. It can be accelerated and made more effective if the promoters of the programme have conviction in associating the communities with the programme and involving them in its implementation.

The adoption of the community participation approach to Population Welfare Programme requires a change in the overall administrative and promotional set up provided for the programme. Change in the attitude to work among field workers, medical and para-medical workers and administrators is what is called for. All concerned departments and Ministries must adopt this approach as their own. Mere emphasis on one or other method of birth control like the loop or the 'Pill' or push-sale techniques will not help in achieving targets. What we need is radical

change in the administrative machinery, tackling the problem in a new perspective with the help of suitably trained and experienced social scientists, social workers and medical and para-medical personnel.

The community participation approach to Population Welfare Programme calls for an understanding of the process of diffusions and adoption prevailing in a given community — an understanding of the channels of communications through which the programme can be effectively introduced. It is necessary for every agent of change to understand the system of values that is prevalent in the society concerned, since all its formal and informal institutions, and social groups play either a direct or indirect role in fertility control.

If the change agent works blindly, he will not only lose the chance of success but also severely damage his prospects of working with the people. Besides an understanding of the norms regarding size of family, exposure to conception, to intercourse and fetal mortality, the change agent has also to have adequate knowledge of the methods of working with people, with individuals in groups, and in the community, and the ability to organize and promote the programme as a community programme. All these call for training in social sciences and social work. It is this training, specially in social work, that makes the agent of change better equipped to promote the programme of family planning effectively in a social environment.

Population Welfare a Social Action Programme

From the present limited success of programme we might conclude that unless it is made a social action programme, effecting change in the attitudes, beliefs, practices, and models of behaviour, it is not likely to make any impact. This can only be achieved through the community approach. Unless the community approach is adopted to achieve a substantial fall in a birth rate of various population groups, the chances of achieving an economic break-through and overall development are indeed very bleak.

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THE PROBLEMS OF SUICIDE IN THE CITY OF LAHORE

NAZIR HUSSAIN

Social Work Department.

Suicide is one of the ten major causes of death in the world,¹ especially in the industrial countries where there is more exhaustion than the countries where the societies are agriculture oriented. After the death, due to traffic accidents, mortality from suicide ranks 2nd in young people, specially there is more tendency of suicide in the College and University students.

The United States and U. K. are much peculiar in suicide cases because the recorded reports tell the story that the present death rate due to suicide has increased with the passage of time despite tremendous progress in science and technology. In America during the great depression of 1930-32 this rate rose but fell quite considerably during 2nd world war (1939-45) and after the war it has again increased trifold.

After the thorough opidemiological study of suicide numerous facts have come out which show that both men and women have added to this rapid increase. The women suicide cases were maximum during 1960's where as men superceded them in 1970's and 1980's.

Religious doctrines have also effected the suicide rate because most of the suicide cases in USA, UK, Germany, Canada, France and USSR have been reported of protestant families rather than Roman Catholics.⁷ Similarly the rate is more in Urban areas as compared to rural,⁸ Chicago and London as compared to Tennesse, Wisconsin and Canterbury. The cases of suicide have been less in poor classes and thickly populated houses as compared to the monomaniac upper middle classes. The social hermitage is the major cause that leads some one to think of it.

—Farberow. The Cry For Help p. 36.

The lack of relationship makes some one more egocentric and morbidly introvert, moreover the tendency of using psychoactive and hypnotic drugs is also maximum in the middle classes.

The people of every country have their own ways to commit suicide. Drugs, especially illegal are the easiest way to get rid of life today as compared to horror methods of stabbing, shooting, hanging, jumping and drowning.

Depression is one of major causes of suicide, over 50% of suicide cases are resulted by depression, especially Psychotic and endogenous ones.⁸ Addicted patients stand next in queue.⁹

Sometimes addiction and depression together join hands with each other to leave the individual to alley of suicide.

The most dangerous situation occurs when some one starts feelings unwanted in society.¹⁰ And having no one to live for, it is ever more bitter than feeling guilty, being pessimistic depressed or helpless.¹¹ This kind of situation is found more in elderly and lonely people.¹² It was belived in the past that those who would talk more of making attempt seldom killed themselves.¹³

But now this theory has become out-dated, now over 70% cases of suicide include the forehand intention of doing so, but these threats and hints are often ignored from patients. Sometimes the retarded patients commit suicide, during the time of recovery instead of being in depression

because their regular visits to the doctor and psychiatrist are also reported in medical assesment.¹⁵ Psychologists Edwin Shneidman,¹⁶ the founder of American association of suicidology and professor at the University of California and Los Angles describes following facts about the people who kill themselves, or try to (his study is spread over 40 years).

Farberow. The cry for help p. 37.

(1) Suicidal people use a particular logical, a style of thinking that brings them to the conclusion that death is the only solution to their problems. This style can be readily seen.

(2) No one commits suicide out of way but due to unendurable psychological pain. The enemy to life is pain. Pain is what the suicidal person seeks to escape.

3. Frustrated Psychological needs.

Needs for security, achievement, trust and friendship form much of our inner lives. While there are many pointless deaths, there is never a needless suicide. Address these psychological needs and the suicide will not occur.

4. The Search for Solution.

Suicide is not random, it is never done without purpose. It is a way out of a problem, a crisis an unbearable situation. It seems to be the only available answer to a real puzzler . . . "How do I get out of this ?"

5. An Attempt to end Consciousness.

Suicide is both a movement away from pain and a movement to end consciousness. The aim of suicide is to stop awareness of a painful existance.

6. Hopelessness and Helplessness

Shame, guilt, loss of effectiveness, frustrated dependency and host of other feelings have all been proposed as "real causes of suicide" but underlying all of these is a sense of powerlessness and feelings that no one can help with this pain and that there is nothing to do except commit suicide.

7. Constriction of Option.

Instead of looking for a variety of answers for their problems, suicidal individual, think of only two alternatives, a total solution or a

E. Shneidman. Voices of Death. p. 76.
Psychology Today. March 1987 p. 56.

total ceazzation. All other options have been ruled out by desperation and pain.

The most dangerous word in the dictionary of suicide is "only".

8. Communication of Intention.

Majority of suicidal person give clear clues about to kill themselves, by giving indications of helplessness and creating opportunity for rescue. It is a sad fact that suicides are not necessarily acts of hostility or revenge, as many people think, but are individual's attempts to get other to see their pain and stop them from killing themselves. These clues to suicide may be verbal, behavioural or situational. The verbal statement reflect the theme of "I am going aways," "you won't be seeing me" and "I cannot endure this pain any longer". The behavioural clues are actions like giving away prized possessions or behaving in ways that are different in eating, sleeping, sex, work, from the usual routine. Situational clues are usually traumatic events in a person's life, such as illness, the breakup of a relationship or the death of a loved one.

9. Departure.

Running away from home, quitting a job and abandoning a spouse are all departures, but suicide is the ultimate escape, a plan for a radical, permanent change of scene.

10. Lifelong coping patterns.

To spot potential suicides, we must look to previous episodes of disturbances, to the person's way of enduring psychological pain and to a penchant for constricted, "either-or" thinking. We must look especially for earliest patterns of departure, such as quitting a job rather than being fired, walking out on a marriage rather than getting a divorce or a style of problem solving that might be called "cut and run".

To understand any individual act of suicide, we would need to see the person and the situation from genetic, bio-chemical, socio-cultural

and psychological perspectives. However, we can take preventive steps without having answers to all of our questions. The fact is that we can relieve the pain, redress the thwarted needs and reduce the constriction of suicidal thinking. These measures are much more than psychological Band-Aids.

HISTORY OF SUICIDE

Suicide has been known to man as long as recorded history, however, the word suicide is relatively new etimologically speaking. This word is derived from Latin word "Suicist" meaning a selfish man "Suicism" meaning selfishness. The Oxford dictionary states that suicide was first used in English in 1651, and is derived from modern Latin "Suicidium" which inturn stems from Latin pronoun for "self" and verb "to kill".

In the German language it is "literally", a murder of self (selbstmard), and all the earlier philological equivalent the idea of murder is implicit. But suicide is a murder by the self, it is a death in which are combined in one person the murderer and murdered. Institutional suicide is self destruction that society demands, the individual as part of his identification with the group. Institutional suicide has taken many forms, with some existing to this day, thus, a general attitude of approval arises when the act confirms to the ideals of society for example, sacrificing one's life for another. Those institutional suicides that have disappeared did so because they were specific for age and were felt no longer to serve any good purpose. Not only did institutional suicide prescribe the occasion in which self destruction to occur but frequently the form it was to take. There were, for example, sacrifices of widows and servants of great Lord or King, or even the sacrifice of King himself after a prescribed period. One form of institutional suicide was practiced in a country where there were food shortages, and the old and the sick were expected to sacrifice themselves for the good of their group.

Among some primitive culture, suicide was a way of expressing anger and revenge.

On the other hand, personal suicide was an individual act of protest. The motives were preservation of honour and dignity.

The overall view of suicide also makes it clear that the rate of suicide has been high or low in particular age in correspondance with changes in social control and variations on the value of individual in comparison with the state, such as idealization of reason, rationality, individuality, and democratic processes, where the controls were greatest the rate was lower, where the individual was more free, the rate was higher.

Brahmanism institutionalized and sanctioned Sutte, a ceremonial sacrifice of widows that was as common in China as in India. The Brahman doctrine was sympathetic to suicide. In Japan, suicide became embedded in the national tradition and ultimately developed the highly traditionalized rituals of Seppuku and hara-kiri. On the other hand the muslims always condemned suicide with the utmost severity and declared it as haram (forbidden).

Suicide among the Jews was generally rare. A Jew was permitted to go beyond every religious commandment to save his life with the exception of three things : (1) murder, (2) the denial of God, and (3) incest. In the Christian doctrine there are quite contradictory point of view about the suicide over the ages. It was the only nineteenth century when word crime and sin was used for suicide. In Italy in 1882, and also in America and France, writings were made about merits and demerits of suicide. Durkheim wrote "lesuicide" in 1857, one of most important books to appear with the view point that suicide was a collective phenomenon influenced by various factors. The theme was that where social solidarity was strong there will be little suicide, where it was weak there would be more. In 1882, the maximum sentence was reduced to two years for attempted suicide in U.K. In 1897, in America William James wrote his

famous essay, "Is Life Worth Living"?, in which he concluded that man did not commit suicide primarily because of his religious faith. For James, religion was belief in the existence of an unseen order in which one believed only because of faith, not our incomplete knowledge based on science. It was faith that helped man to believe, even in deep depression, that life was still worth living.

In many of countries of the world the law hold attempted suicide a crime and punishable.

THE CITY OF LAHORE

Lahore has grown over the years (1947-90) from a city of modest dimensions to its present day considerable size when it seems to be almost overflowing its everwidening area.

After the Partition it suddenly rose to national and International prominence, being the seat of Govt., and developing into large business centre, besides a number of educational institutions, refugees from India flocked. The overwhelming progress and overcrowding in turn brought untold problems for the rapidly growing population, e.g. housing, unemployment, inevitable social economic, moral and other drawbacks. Problems were further aggravated and accelerated by the phenomenon of urbanization and deterioration of institutions, coupled with social disorganization and situation of law and order. The control of social taboo and social sanctions have weakend. Faith in religion has shattered. All these things are contributing the problems of suicide in the city of Lahore. Daily Newspapers frequently tell the details of suicide cases.

THE PRESENT STUDY

The present study is unique because no such attempt was made everbefore, in the city of Lahore about the suicide. The aim or present study is :

IBIDL—P. 10

James William. Is life worth Living P. 27

1. To find out how many people resorted to self destruction and self assault (committed and attempted suicide).
2. To know the age of people indulged in this destructive act.
3. To know sexes of people indulged in this act.
4. To see the relationship of climate with this act.
5. To study the methods used.
6. To study the reasons for attempted and committed suicide in male and female.

For this purpose, all the available police records over the period 1985-89 have been studied. The source of data and FIRs were managed to finalize with the help of SP HQ, & SP City Amanullah Khan and SSP Lahore, DSP Mukhtar Gondal, M. Latif Senior Statistical officer of D.I.G's office. Almost it took more than a year for data collection. Effort was made to study all the FIRs available with police, CIA staff. In the light of prevailing law of country every case of committed or attempted must be reported to the Police. Therefore FIRs were considered as a sole source for details. From the period 1985-89 only the total of 95 cases of both attempted and committed suicide were found. It seems these figures are much less than the actual cases. These cases were from the lower middle social classes and as such they do not represent the cross section of the population. None of the cases from upper social class is hardly surprising in them. It is realized that in view of the social stigma attached to such acts and punitive attitude of society and the law, various types of social pressure play no mean part in preventing the correct reporting of such cases.

FINDINGS

TABLE No. 1

SUICIDE BY YEAR/SEX

Year	Attempted Suicide			Committed Suicide			
	Men	Women	Total	Men	Women	Total	G. Total
1985	7	4	11	5	3	8	19
1986	6	4	10	7	4	11	21
1987	7	2	9	10	3	13	22
1988	3	5	8	5	2	7	15
1989	7	3	10	4	4	8	18
	30	18	48	31	16	47	

Grand Total :— 95

Per year Average :— 19

This table shows the suicide rate per year only with the sex distribution. The total No. of attempted suicide is 48, 30 men and 18 women and that of committed suicide 47, 31 men and 16 women. As we know that through out the world, both, in case of committed and attempted suicide, male out-numbered female. In this study 34 cases, both committed and attempted suicide, during the period 1985-89 were reported against women, while No. of male was 61.

TABLE No. 2.

SUICIDE IN LAHORE BY MONTHS

Months	Attempted	Committed	Total
January	3	3	6
February	2	9	11
March	1	3	4
April	6	4	10
May	10	3	13
June	7	5	12
July	4	1	5
August	7	1	8
September	1	2	3
October	3	4	7
November	2	7	9
December	2	5	7
Grand Total	48	47	95

It was noted that more people commit suicide in the season of winter. It is strange to note that the frequency of attempted suicide is higher during the season of summer while the incident of committed suicide is greater in the season of winter. Interestingly May was peak month for attempted suicide, while February ranked high for the cases of committed suicide.

TABLE No. 3

SUICIDE IN LAHORE BY AGE

Age Years	Attempted Suicide			Committed Suicide			
	Men	Women	Total No	Men	Women	Total No	G. Total %
10-20	6	—	6	5	5	10	16
21-30	10	14	24	15	5	20	44
31-40	12	4	16	6	4	10	26
41-50	2	—	2	3	2	5	7
51-60	—	—	—	—	—	—	—
61-70	—	—	—	2	—	2	2
	30	18	48	31	16	47	95

This table demonstrates a preponderance of cases in age bracket 21-40 years—among committed and attempted suicide.

About 70% of the suicide fall in this category.

METHODS ADOPTED FOR SUICIDE

Methods	Attempted Suicide			Committed Suicide		
	Men	Women	Total	Men	Women	Total
Drug & Poisons	5	5	11	10	7	17
Sharp Instrument	13	—	13	3	—	3
Jupming into River	—	3	3	1	1	7
Jumping from Building	2	1	3	4	1	—
Hanging	—	—	—	6	2	8
Burning	5	6	11	2	5	7
Shooting	3	2	5	3	—	3
Striking Head against wall	2	—	2	—	—	3
Miscellaneous	—	—	—	2	—	2
G. Total (95)	30	18	48	31	16	47

Methods of self assault (attempted suicide) and of self destruction (committed suicide) in reported cases varied from taking of drugs to shooting, depending upon the availability, accessibility and feasibility of means adopted, there was one instance of committing suicide in man after another man. It is evident from the table that more people resorted to taking/poison/drugs.

The use of sharp instruments e. g. knife and razor blades, appeared as common methods in all the cases of attempted and committed suicide in man, while no women opted this method neither in case of attempted nor in committed suicide. This was only a choice of men, both, in case of attempted and committed suicide. No case of hanging was reported in attempted suicide. This was used by 6 male and 2 female in case of committed suicide. No female used shooting to committed suicide.

REASON FOR SUICIDE

Reasons	Attempted Suicide			Committed Suicide		
	Men	Women	Total	Men	Women	Total
Domestic troubles	18	10	28	12	7	19
un-Employment	—	—	—	2	—	2
Mental Disorder	—	1	1	6	3	9
Financial Difficulties	—	—	—	2	—	2
Love	2	4	6	3	3	6
Fear of law & punishment	7	—	7	—	—	—
Prolong Illness	2	2	4	4	—	—
Miscellaneous	1	1	2	2	3	5
Grand Total			48			47

An attempt was made to know the various reasons causing the suicide. The records, however, show over simplified data as they had

mainly been prepared in the first instance from the legal point of view. In this table domestic troubles have been shown to account for the largest No. of attempted and committed suicide (attempted 18 men and 10 women), (committed 12 men 7 women). The term domestic troubles has been used loosely, from quarrels among married couple and family differences to various types of domestic discords. In this study it is evident that no women indulged either in the act of attempted suicide or committed suicide due to unemployment or poverty. The same is true in the case of fear of law and punishment. Women doubled in the case of attempted suicide to the men for love affairs.

2nd largest majority committed suicide due to mental disorder.

DISCUSSION

The entire data in this study, having been drawn from non-medical sources (Police records), have of necessity some genuine clinical limitations. Considering, however, that the records basically were intended for the purposes of law, it is nevertheless gratifying to note that they offer some valuable clinical information as well.

As will be appreciated, it is not possible to determine the pre. suicide and family history, personality and actual reason for suicide or an attempt and the specific nature of the physical or psychiatric illness, if any, at the time of committing or attempting suicide in the individual concerned, judging by the records consulted, illuminating and informative or otherwise as the records have been.

The present study spread over a period of five years (1985 to 1989) deals with 95 cases including both attempted (48) and committed (47) suicide. These cases were from the lower and lower middle social classes and as such they do not represent the cross-section of the population. That not of the cases are from upper social class is hardly surprising when it is realised that in view of the social stigma attached to such acts

and the punitive attitude of society and the law, various types of social pressure play no mean part in preventing the correct reporting of such cases.

The individual case records were collected from various Thanas (area under the jurisdiction of a police station) all over the city. Unfortunately, it has not been possible to tabulate the figures Thana-wise.

Table I shows the number of suicide and attempted suicide by the year and sex. Though the figures obtained may be statistically insignificant and inconclusive, one is obviously tempted to recall that 1987 has been the peak year in respect of attempted and committed suicides. The popular belief that more women usually attempted suicide than men is not borne out in this study, where attempted suicide in men for out numbers women.

Age. All age groups, from adolescence to old age, have been represented in the present series. The peak incidence was in 16-40 range in both attempted and committed suicide cases.

As for the month of the year, February was the peak month for committed suicide cases and May for attempted suicide. Though the spring and autumn months are usually noted for suicide.

With respect to the mode of attempting or committing suicide, much diversity was observed. The adoption of one particular method by a person in preference to other methods depends on its easy availability, accessibility and feasibility. It also depends on the general knowledge of the person, especially in this field, and the socio-economic and educational standard of the individual. In the present study, Table VI shows that far more people committed or attempted suicide by taking drugs or poisons, due to its easy availability cheapness and being generally known as a poison of the type for the population involved.

The reasons for such infrequent use of the drug here may be that the lower classes in the social ladder either cannot afford to buy the pills or are ignorant of the lethal potentialities of the drugs.

The next commonest mode was the hanging in all cases of committed suicide both in men and women. Burning by fire was preferred by women to any other method. It is difficult to say why women chose such a painful method to end their lives. May be it shows their greater determination or the gratification of their masochistic feelings besides fulfilment of their wish to die.

PREVENTION

The problem of suicide is of considerable epidemiological significance and its prevention a formidable social and psychiatric undertaking. The aetiology of suicide is so complex and its incidence so unpredictable that our basic knowledge of its roots, it must be confessed, is very scanty indeed. A glance at suicide itself is not unlike observing the apex of an iceberg and ignoring the vast submerged portion which is appreciably the greater and more dangerous part.

Effective prevention of suicide calls for early recognition of the causative factors and of adoption of prophylactic measures as far as possible.

(a) *Psychiatric Measures*: Depressive disorders claim the lion's share of suicide due to mental disease. Schizophrenics show suicidal tendencies occasionally but quite unpredictably — out of the blue as it were. Sometimes during mental confusion, caused by delirium or in a state of severe excitement, persons may injure themselves while trying to escape from horrors conjured up by their fears or hallucinations. Occasionally, a person, morbidly obsessed with the idea of death, ends up by taking his own life. Hysterical individuals attempt suicide more often than they commit though occasionally they carry their suicidal gestures too far and the attempt, purely to court sympathy or appeal to society for help, not seriously intended, ends fatally.

Early recognition of depression in its various forms and disguises, adequate treatment with anti-depressive drugs and ECT (electro-convulsive therapy) can go a long way to minimize suicidal risk on that account. Suicidal talk, especially in cases of depression, should never be taken

lightly. Such cases should be closely watched at all times but without giving any indication that they are being policed. Gross indecision and marked retardation as part of depressive state may be a safeguard but suicidal attempts may be made, sometimes successfully, in the phase of recovery, when there is some return of initiative and action though the depression may not yet have sufficiently remitted as to be tolerable.

Schizophrenics and acutely delirious patients with suicidal potentialities should at once be admitted in a hospital and active therapeutic measures taken with all the usual precautions against any risk of suicide.

The value of psychotherapy in most of the attempted suicide cases also cannot be denied. The hysterical, the anxious and in some cases the obsessional and even the depressive greatly benefit from psychotherapy besides physical treatment. When the patient is able to discuss his problems, he should be encouraged to unburden himself of his depressive thoughts. His attitude to the future life, death and even suicide should be frankly discussed. Many cases benefit considerably, gaining new insight and rational approach to their hitherto perplexing problems and totally hopeless life situations.

(b) *Physical Measures* : Certain organic disorders are also attended by the risk of suicide e.g. severe jaundice, intractable pain, malignancy, TUBERCULOSIS etc. Treatment in these cases essentially would primarily be of the physical disease. Psychotherapy is helpful in some cases along with the specific treatment of the disease. Anti-depressive treatment may be instituted if there is associated depression.

Suicide attributable to overdosage of drugs (especially barbiturates), no doubt, reflects on the local prescribing practice, which is not uncommonly unduly liberal. Many determined patients collect a sufficient quantity of the drug from two, three or more prescriptions. Though it is very difficult to obviate the risk of suicide by drug overdosage, an attempt can be made if the drugs are prescribed for not more than three days at a time (or in certain doubtful cases for not longer than even one day)

and the prescribing physician tries to exclude as best as he can the suicidal risk in the patient.

(c) *Social Measures* : The family remains the first line of defence. A well adjusted, happy family will prove ideal environments for the growth of self-confident and stable children and adults. The redeeming feature of a closely knit family is the sense of belonging which every member feels and cherishes. In a broken home, on the other hand, a child is deprived of the environment ideal for healthy normal growth. Such children grow up as unwanted, unloved and mixed-up adults and learn to fill the ranks of delinquents, criminals and the suicide prone.

Our society likewise needs to be closely knit and well integrated, where people can have common interests and more personal relationships. With the rising tempo of life due to industrialisation and urbanisation, there seems to be break-down of collective conscience and an obvious flaw in the social fabric. Life is becoming more individualistic and our relationships more impersonal. With the weakening of the family ties, our sense of belonging is often frustrated.

All cases of attempted suicide should be referred to a psychiatrist and, if necessary under his advice, be admitted to a hospital for examination and observation. If recommended treatment, the patient should be kept in the hospital and treated rather than sent to prison in penal servitude. Institutions like clubs and societies should be organised where the people could go and spend their spare time in the company of their associates and participate in organised games, discussions or other social activities. This will not only help foster good interpersonal relationships and integrate collective life but will also provide the opportunity to know and understand each other and their problems to their common advantage. Mutual help and encouragement bring about self-confidence and rational optimism, thereby reclaiming initiative and drive. Frustration, like grief, loses much of its venom if shared or

discussed with an understanding and sincere sympathiser. In developed countries, social welfare agencies have been organized to help the people in need — such agencies offer free help to addicts, alconotics, desperate potential suicides and the like through their "trouble and teens" which comprise of volunteery members who themselves had been addicts, alcoholics or had attempted suicide similar or modified organizations, to fit in with our needs, are also needed in our country at present one can only ring police emergency centre or other numbers else where in the country in dire emergency for help—since attempted suicide is a crime therefore no body ever tries this number to get help from police in such cases. In order to get help from the police emergency centre or from suggested Social Welfare agencies, it is essential that the existing law (P.P.C. 309) be modified. In many countries suicidal attempt is no longer a criminal offence, therefore similar attitude toward the problem, in Pakistan, will go a long way in encovraging a potential suicide to seek a help. Above all it is important to get help from religion and pray.

Suicidal attempt is a crime punishable under Pakistan Penal Code No. 309. The accused, if provided guilty of the said offence, may be awarded simple imprisonment upto one year, or fine or both.

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DISSOLUTION OF ASSEMBLIES IN PAKISTAN

DR. DIL MOHAMMAD

1. INTRODUCTION

General

The dissolution of legislature has become almost a regular feature of politics in Pakistan. The matter is of great political, legal as well as constitutional significance. In most cases it has seriously affected the political and constitutional course of our history. A cursory look at the instances of the dissolution of Assemblies reveals its two main categories; firstly, the dissolution by civilian Heads of the State, and secondly, the dissolution by operators of the military coups. Thus, the first category will cover the dissolution of the Constituent Assembly by the Governor-General, Mr. Ghulam Mohammad in 1954, the dissolution of the National Assembly, by President Zia-ul-Haq, in 1988 and by President Ghulam Ishaq Khan, in 1990 and 1993. The second category covers the dissolution of the National Assembly and Provincial Assemblies as a result of declaration of Martial Law at different times e.g., 1958, 1969 and 1977. This article deals with the dissolution of Assemblies by the civilian Heads of the State enumerated in the above mentioned first category.

Britain

The British Parliament has two chambers; ¹ the upper house called the House of Lords and the lower house called the House of Commons. The House of Lords is composed of non-elected (hereditary, appointed and ex-officio) members and has a perpetual life. The House of Commons, on the other hand, is an elected house which has a maximum life of five years fixed by statute², and it is subject to premature dissolution by the Sovereign under the prerogative powers. An archaic corollary of the sovereign's prerogative was the absurd rule that the Parliament expired

at the death of the Sovereign, but this rule was abolished in 1857 by a statute.³

Today the prerogative of dissolution, like all other prerogatives, has almost become obsolete because of the democratic system of government. Thus, the power to dissolve the Parliament is exercised on the advice of the Prime Minister which advice is normally binding on the Sovereign. The Sovereign may refuse to accept such an advice in exceptional circumstances, but it appears that the Sovereign cannot dissolve the Parliament without the advice of the Government, because the dissolution would require a proclamation under the Great Seal which would require the cooperation of the Lord Chancellor who is a cabinet minister.⁴

Professor O'Hood Phillip, a celebrated authority on the British Constitution, has summarised the constitutional position in a few general principles,⁵ according to which, the Sovereign should not dissolve the Parliament without the advice of the Prime Minister, nor should he refuse to dissolve it when so advised by the Prime Minister irrespective of his party position and of his defeat in Commons. But the Prime Minister should resign instead of advising the dissolution when general elections return another party with a clear majority in the Commons.

India

Under the Constitution of India, the legislature is bicameral.⁶ The Parliament is composed of the upper House, Council of States (Rajya Sabha) and the lower house, the House of People (Lok Sabha). The upper house is a continuous body which is not subject to dissolution; its members are elected for a period of six years in such a manner that one-third retire after every two years.⁷ The lower house, on the other hand, like the British House of Commons, is elected as a whole for a period of five years and stands dissolved at the expiry of this period.⁸ The Lok Sabha can also be dissolved before the expiry of its normal life. The power to dissolve it is formally entrusted to the President⁹ but this power is invariably exercised by him on the advice of the Prime Minister. No

serious doubt had ever existed about the obligation of the President to accept the advice of the Prime Minister/Cabinet and even the Indian Supreme Court recognised the established conventions of the parliamentary system of government¹⁰. Nevertheless, a Constitutional Amendment was made to further strengthen¹¹ the principle by making it mandatory on the President to accept the advice of the Cabinet. On the same principle, the President cannot act without such an advice. Thus, the Prime Minister has a final say in the matter of dissolution; He can ask for dissolution even when a vote of no confidence is passed against him, and so on. Therefore, the dissolution of Lok Sabha has seldom produced any crisis or controversy.

2. DISSOLUTION OF THE CONSTITUENT ASSEMBLY (1954)

At the time of Independence in 1947, the Dominions of India and Pakistan were created without a new constitution, and, therefore, the existing constitutional arrangements under the Government of India Act, 1935, with some modifications, were to continue till the Dominions framed their own republican constitutions. The responsibility of framing the constitutions was given to the elected Constituent Assemblies of the Dominions.¹² India was able to frame a new Constitution in a period of about two years. On the other hand, Pakistan faced a fairly complicated situation during the early days of its statehood. Apart from the administrative and financial problems which faced the country during its infancy, there were various political issues which caused unfortunate delay in framing the Constitution. The problem was further complicated by the death of our two great leaders, Quaid-i-Azam and Liaquat Ali Khan. After the death of the latter, the political situation deteriorated to a considerable extent and culminated in the dismissal of Khawaja Nazim-ud-Din's ministry by the Governor-General in 1953, at a time when the Prime Minister and his cabinet enjoyed the confidence of the Constituent Assembly.¹³

The dismissal of the ministry without a vote of no confidence was certainly against the established conventions of the parliamentary system

of government of the Westminster pattern. But the gravity of the arbitrary action of the Governor General was reduced when the Constituent Assembly reposed confidence in the newly appointed Prime Minister, Mr. Muhammad Ali Bogra.¹⁴ This was perhaps the beginning of our unfortunate and chequered constitutional history. Though, on the political side, the Constituent Assembly impliedly ratified the arbitrary action of the Governor-General, it was soon to realise that its action had established a constitutional dictatorship under the Governor-General. The Constituent Assembly sought to rectify this blunder by making various amendments in the Constitution, i.e. the Government of India Act, 1935. Through these amendments the Assembly sought to clip the powers of the Governor-General relating to his assent to the bills, the appointment of ministers and dismissal of a ministry enjoying the confidence of the Constituent Assembly.¹⁵ This constitutional warfare produced a landmark in our legal system. It was the addition of S. 223-A to the Government of India Act, 1935, under which the High Courts were expressly bestowed with the power of judicial review of administrative action, on the pattern of English law, through the famous writs of *mandamus*, *prohibition*, *certiorari*, *habeas corpus* and *quo warranto*. All this appeared unacceptable to the Governor-General, and he retaliated much more arbitrarily by dissolving the Constituent Assembly by a Proclamation issued on 25th October 1954. The Proclamation stated that the constitutional machinery of the country had broke down, that the Constituent Assembly had lost the confidence of the people, and, that all the issues including the constitutional issues facing the country would be decided by the people through their representative to be elected afresh. Through this Proclamation, he also declared emergency and asked the Prime Minister to reconstitute and reform his cabinet so as to provide a stable and vigorous administration to the country.

The action of the Governor-General was challenged by the President of the defunct Constituent Assembly, Maulvi Tameeze-un-Din, in the

Sind Chief Court. The petitioner sought a writ of *mandamus* for the restoration of the Constituent Assembly and a writ of *quo warranto* to challenge the reconstitution of the Council of Ministers. The relief was sought under the newly added Sec. 223-A, Government of India Act, 1935. It was argued on behalf of the Governor-General that Sec. 223-A was not validly added in the Constitution as the bill to amend the Constitution had not been signed by the Governor-General, and that such an assent was necessary to all the legislative as well as the constitutional Acts of the Assembly. It was also submitted that the Assembly was rightly dissolved because it had failed to fulfil its responsibility of framing a new Constitution. A Full Bench of the Sind Chief Court, headed by Chief Justice Vellani, rejected these contentions of the respondents and held that the dissolution of the Assembly was a nullity and that the assent of the Governor-General was necessary only for the Acts of the Constituent Assembly while acting as a Federal Legislature but it was not required when it was acting as Constituent Assembly.¹⁶

The decision of the Court was quite logical because holding otherwise would have meant that the Governor-General could reject a Constitution framed by the Constituent Assembly if it did not suit him. Obviously, one man, and that too a non-elected person, could not prevail over the elected representatives of the people. Against this decision of the Sind Chief Court, the Government appealed before the Federal Court of Pakistan. The leading lawyers of the country alongwith two English lawyers, Mr. Pritt and Mr. Diplock (later Lord Diplock), argued the case from both the sides. Apart from the arguments taken before the Chief Court, it was also contended that the Governor-General enjoyed immunity from the process of the Court and, therefore, the petition was not maintainable. But the court rejected this argument by holding that, despite the personal immunity of the Governor-General, the Federation of Pakistan can be sued in the Courts. However, the Federal Court, by a strong majority, accepted the preliminary objection of the Federation that the Sind Chief Court had no jurisdiction to issue the writ under S. 223-A. The Federal Court

held that all the legislative measures of the Constituent Assembly including the Constitutional amendments required the assent of the Governor-General.¹⁷ Accordingly, the Court accepted the appeal on the technical ground without going into the merits of the dissolution of the Constituent Assembly. Justice Cornelius dissented and wrote a forceful judgement. According to him the Constituent Assembly was a sovereign body representing the people of Pakistan and that because it was an institution created by a supra legal power to discharge the supra legal functions of framing the Constitution, it had the inherent powers which were not affected by any statute. He further pointed out that the issue of Governor-General's assent to the constitutional enactments was discussed by the Assembly itself as early as 1948 and the decision of the Constituent Assembly that such enactments would not require the assent of the Governor-General remained an established practice for about seven years and because the Parliament is the supreme authority to interpret the laws, its determination must be accepted by the courts.

As the case was disposed of on the technical ground, the validity of the dissolution of the Constituent Assembly did not receive the attention of the Federal Court.

The decision of the Federal Court in *Maulvi Tameez-ud-Din* case created a crisis for the Government, because a large number of constitutional enactments, passed by the Constituent Assembly, had not received the assent of the Governor-General and were, therefore, rendered ineffective. The Governor-General tried to validate them by giving retrospective assent through an Ordinance¹⁸ promulgated under Sec. 42 of the Government of India Act, 1935, but the Federal Court refused to accept its validity and declared it invalid in *Usif Patel v Crown*.¹⁹ In this situation, the Governor-General filed a reference before the Federal Court to seek the opinion of the Court on the question of validating the defective laws.²⁰ On the direction of the Court, two more questions were added, including the one relating to the substantive issue of the dissolution of the Constituent Assembly. In answering this question, the

majority held that the Governor-General had an exceptional power to dissolve the Constituent Assembly in case the Assembly failed to frame a Constitution within a reasonable time. The majority accepted that the reasons given by the Governor-General were sufficient to invoke, the prerogative of dissolution. Justice A.R. Cornelius, who had dissented in *Tameez-ud-Din* case, gracefully accepted the law laid down by the majority in that case and observed that the Governor-General's prerogative to dissolve the Constituent Assembly was not justiciable. Therefore, he did not return any answer to this question. Justice Mohammad Sharif did not at all deal with this question. Thus, the majority view on the question of dissolution of the Constituent Assembly was not refuted by other judges. Accordingly, we can conclude that in the opinion of the Federal Court, the Constituent Assembly was rightly (lawfully) dissolved by the Governor-General.

3. A BRIEF SURVEY OF 1954-1998 PERIOD

The first Constitution of Pakistan (1956) provided a unicameral legislature called the National Assembly.²¹ The National Assembly had a life of five years unless it was prematurely dissolved.²² The Constitution authorised the President to dissolve the National Assembly²³ but this power, which was presumably to be exercised on the advice of the Prime Minister, was never exercised by the President, though he dissolved the National Assembly, as well as the two Provincial Assemblies, in October 1958 when he abrogated the Constitution and declared martial law throughout the country.

The next Constitution of Pakistan was promulgated in 1962. Although it provided for a presidential system of government, which is based on the principle of separation of powers, yet the President was invested with the power to dissolve the National Assembly.²⁴ However, the President's power to dissolve the National Assembly was subject to certain conditions. Thus, for example, he could not dissolve it when the unexpired portion of the term of the Assembly was less than one hundred

and twenty days. Similarly, when a resolution for the removal or impeachment of the President had been moved in the Assembly, he could not dissolve it unless the resolution had been voted upon or, if not voted upon, until the expiry of sixty days after the giving of notice of resolution.²⁵ Moreover, the President was required to seek re-election after dissolving the National Assembly, a condition which almost destroyed the utility of the power of dissolution and perhaps that is why there was no dissolution of the National Assembly by the President during the working of 1962 Constitution for about seven years.

The 1962 Constitution was abrogated on 25th March 1969, when General Yahya Khan unconstitutionally captured power through martial law, which opened an unfortunate and painful chapter in our constitutional history and resulted in the secession of East Pakistan, as Bangladesh, in December 1971. After his exit, Mr. Z. A. Bhutto, the leader of the majority party in West Pakistan, became the President and the Chief Martial Law Administrator. Thereafter, in April 1972, the Interim Constitution of Pakistan was adopted by the National Assembly which provided for a unicameral legislature called National Assembly. The President was given the power to dissolve the National Assembly but he was prohibited to do so before 14th August 1973.²⁶ The National Assembly drafted the present Constitution which came into force on 14th August, 1973.

The present Constitution of Pakistan, for the first time, provided a bicameral legislature, comprising of an upper house called Senate and a lower house, the National Assembly. The Senate has never been subject to dissolution under the Constitution. The National Assembly at that time could be dissolved only on the advice of the Prime Minister, which was binding on the President. Art. 58 provided :-

The President shall dissolve the National Assembly if so advised by the Prime Minister ; and the National Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised.

Explanation :- Reference in this Article to "Prime Minister" shall not be construed to include reference to a Prime Minister against whom a resolution for a vote of no confidence has been moved in the National Assembly but has not been voted upon or against whom such a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the National Assembly or a Federal Minister performing the functions of Prime Minister under Clause (1) or Clause (3) of Article 95.

The Constitution was suspended in 1977 when the Chief of the Army Staff declared martial law and overthrew the government of Mr. Z.A. Bhutto. The Supreme Court of Pakistan declared this action valid under the doctrine of necessity and also authorised the Chief Martial Law Administrator to amend the Constitution during martial law, a power which he frequently and liberally exercised to suit his own needs. Towards the end of the martial law regime, the Constitution was restored after massive amendments were made in it by an order of the President.²⁸ Among other amendments, which considerably increased the powers of the President, Art. 58 was also amended. Thereafter, Art. 58 was further amended by the Constitution (8th Amendment) Act, 1958. The present provisions of Art. 58 are :-

58. (1) Dissolution of National Assembly. The President shall dissolve the National Assembly if so advised by the Prime Minister ; and the National Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised.

Explanation :- Reference in this Article to "Prime Minister" shall not be construed to include reference to a Prime Minister against whom a notice of a resolution for a vote of no-confidence has been given in the National Assembly but has not been voted upon or against whom such a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the National Assembly.

(2) Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion where, in his opinion,

- (a) a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly is likely to command the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution as ascertained in a session of the National Assembly summoned for the purpose ; or
- (b) a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.

4. DISSOLUTION OF NATIONAL ASSEMBLY. (1988)

The National Assembly, elected in 1985, was dissolved by President Zia-ul-Haq, on 26th May, 1988, under Art. 58 (2) (b) of the Constitution. He appointed a caretaker cabinet but without a Prime Minister. However, no date for the elections was announced at that time. President Zia-ul-Haq took the grave step presumably to consolidate his dictatorial position, but the destiny had something different in hand. He died in an air crash on 17th August, 1988, leaving behind a great political crisis. After his death, Haji Saifullah Khan, a prominent member of the National Assembly, and a few others, challenged the action of the President in the Lahore High Court. A Full Bench of this court headed by Chief Justice A.S. Salam heard the case. Many important constitutional issues were raised, argued and decided in this case.²⁹

The first important issue before the High Court was whether the action of the President to dissolve the National Assembly was challengeable in the court. It was argued on behalf of the Federation that Art. 48 (2) of the Constitution grants immunity, from challenge in any court, to the exercise of discretionary powers by the President under the

Constitution. The petitioner relied on the opening words of Art. 58 (2) (b), "notwithstanding anything contained in clause (2) of Art 48, the President may also dissolve the National Assembly in his discretion. - - - - ."

The High Court upheld the petitioner's contention. The Learned Chief Justice observed that the general immunity granted to the President by Art. 48(2) is not applicable to the exercise of his powers under Art. 58(2) because the specific provisions of Art 58(2)(b) will prevail over the general provisions of Art 48 (2). He further observed that there was no express provision to exclude the jurisdiction of the Courts in the matter of dissolution. He also pointed out that if the plea of the petitioners is rejected, the opening words of Art. 58 (2) (b), "notwithstanding anything contained in clause (2) of Art. 48" would become redundant and that under no principal of interpretation any provision of the Constitution can be rendered redundant or non-existent. Justice Rustam S. Sidhwa referred to debates held in the National Assembly during the passage of the Constitution (8th Amendment) Bill and reached the same conclusion. Justice Mohammad Afzal Lone also referred to the proceedings of the National Assembly but he further emphasised that such a debate was relevant specially when the Prime Minister himself took part in it and made a categorical statement in the Parliament. Justices Rustam S. Sidhwa and Muhammad Afzal Lone relied on the proceedings of the Assembly because, in their opinion there was a conflict between Art 48 (2) and Art 58 (2). Justice Muhammad Afzal Lone, referring to our constitutional history, pointed out that the dissolution of Assemblies even under the Government of India Act, 1935, was under the control of some representative body, like the British Parliament, but no such control was available in the case of dissolution under Art. 58 (2) (b), and, this furnished another ground for the judicial review of the order of the President. Justice Gul Zarin Kiani observed that the amplitude of the Powers of the President was abridged by the Constitution (8th Amendment) Act, 1985. Though he did not say it in so many words

but he was obviously referring to the powers of the President under P.O. 14 of 1984. Accordingly, the High Court held that the action of the President in dissolving the National Assembly under Art. 58 (2) (b) is reviewable by the Courts.

The second and the main issue was the validity of the dissolution order. The Court clearly held that the President's action was not in conformity with the Constitution. Therefore, the Court declared it invalid. The learned Chief Justice dealt with all the grounds given in the dissolution order which were ;

- (i) that, the National Assembly had not fulfilled the objects and purposes for which it was elected,
- (ii) that, the law and order had broken down,
- (iii) that, the life, property, honour and security of the people had been rendered unsafe, and,
- (iv) that, the public morality had greatly deteriorated.

The Attorney-General submitted that the object and purpose for which the National Assembly was elected, i.e., Islamisation of society, had not been fulfilled. The learned Chief Justice considered that this reason was too wide. Dealing with the second ground he observed that law and order was not a new problem and could be tackled under the emergency provisions of the Constitution. He declared that the third ground was patently too wide and general, and that the fourth ground was also general and keeps changing from generation to generation. Thus, according to his assessment, the first three grounds were not specific and the fourth non-existent.

He further held that even if one ground is unlawful the entire order becomes unlawful though he made no reference to a long line of precedents available on this subject.³⁰ This infact, is the main feature of judicial review, distinguished from the appellate jurisdiction, that the

courts are concerned with the legality of the action but not its correctness, and because the judges are not in a position to weigh the affect of any individual ground on the mind of the concerned authority they simply refuse to undertake such an exercise.

Justice Rustam S. Sidhwa, dealing with the substantive issue of dissolution, held that the ground (i) and (iv) were vague ; one was philosophical and had no nexus with the forming of opinion, and the other was vague and extraneous to the subject. Dealing with the grounds (ii) and (iii) he observed that these related to law and order which is a provincial subject under the Constitution. Therefore, in his opinion the grounds given by the President had no nexus with the political question that the Government of the Federation could not be run according to the provisions of the Constitution. Interpreting the language of Art 58 (2) (b) he observed that a situation had not arisen in which the Government of the Federation could not be run in accordance with the provisions of the Constitution. In his opinion such a situation can arise when there is a failure of the functional working of the National Assembly which creates a political crisis and therefore an appeal to the electorate becomes necessary.

According to Justice Mohammad Afzal Lone the grounds of dissolution were vague, unintelligible and not germane to Art. 58 (2) (b). Similarly, justice Gul Zarin Kiani also observed that these grounds suffered from vagueness and did not bear reasonable nexus to the situation envisaged by Art. 58 (2) (b). Thus, all the learned judges, in different words, held the view that the grounds given by the President were vague, wide, general or non existent and had no nexus with Art. 58 (2) (b). Accordingly, the High Court declared that the National Assembly was dissolved without lawful authority.

However, the High Court refused to restore the National Assembly and the Cabinet. Although different reasons were given by the learned judges, they were all influenced by the fact that preparation for the

elections were underway and that the people were looking forward to choose their representatives. Three judges gave further reason, that, the dissolved National Assembly was a product of non-party elections which were in fact a contravention of the Constitution. Similarly, a majority of three judges also refused the relief on the ground that no responsible person, i.e., the Speaker, the Deputy Speaker, the Leader of the House or the Leader of the Opposition, had challenged the dissolution order in the Court. Two judges expressed the view that the division in the ruling party had created such a situation that restoration would add to confusion and conflict. All these reasons advanced by the learned judges are quite weighty, to which another one, namely, laches could have been easily added.

The learned Chief justice, with whom justice Lehrasap Khan agreed, gave two other reasons as well; firstly, that dissolution had brought the death of the Assembly and no one could bring life to the dead body; and, secondly, that there was no precedent of restoration of Assembly anywhere in the world. Justice Muhammad Afzal Lone did not agree with these reasons and two other judges preferred to remain silent on it. It is submitted that these reasons are not very sound. If that be so, then there is no use of judicial review. If the President can bring death to the Assembly by an unlawful blow and the Court cannot restore it, then all the discussion relating to justiciability, limits on discretion, specific reasons, their nexus, etc, becomes irrelevant.

The petitioners had also challenged the appointment of the caretaker Cabinet without a Prime Minister. The Court upheld this challenge. Chief justice A.S. Salam declared that Art. 91 (1) lays down that "there shall be a Cabinet of ministers, with the Prime Minister as its head to aid and advise the President in the exercise of his functions". According to him a Cabinet without a Prime Minister would bring in a Presidential system of government during the period when National Assembly remains dissolved. Justices Rustam S. Sidhwa and Gul Zarin Kiani relied on Art. 91 (8) in arriving at a similar conclusion.

Art. 91 (8) expressly refers to the office of Prime Minister during the period of dissolution. Justice Gul Zarin Kiani also referred to Art. 91 (1) and aptly remarked that a living body without a head is unthinkable. Justice Lehrasap Khan, who agreed with the Chief Justice on other issues, also relied on Art. 91 (8). Thus all the judges except the Chief justice based their decision relating to the caretaker government on Art. 91 (1) and Art. 91 (8).

There was a delay of about three months in challenging the order of dissolution and the respondents had objected to the maintainability of petition on the basis of laches and acquiescence. But the court rejected this objection. It was observed that because the petitions raised important questions relating to the interpretation and enforceability of the Constitution and it was the duty of the Court to see that the Constitution is maintained and obeyed, therefore, the delay of a few weeks was not considered fatal to the petitions. But this delay certainly influenced the minds of the judges in the grant of relief.

Both the sides appealed to the Supreme Court against the decision of the High Court. A Full Bench of twelve Judges of the Supreme Court affirmed the decision of the High Court on all issues.³¹ The leading judgment was delivered by Dr. Nasim Hassan Shah with whom the Chief Justice and eight other judges agreed, and justice Shafi-ur-Rehman, with whom Justice Usman Ali Shah agreed, wrote a separate concurring judgement. In order to find out the real import of the decision it is important to analyse the two judgements.

The Supreme Court unanimously approved the decision of the High Court. Justice Nasim Hassan Shah, who wrote the leading judgement, dealt with all the issues raised and discussed before the High Court. On the question of the immunity of President's action under 48 (2) and 58 (2) he adopted the approach of Justices Rustam S. Sidhwa and Muhammad Afzal Lone who observed that because there is some ambiguity in the interpretation of Arts 48 (2) and 58 (2), and two meanings are possible, reference to the proceedings of the National Assembly

can be made in order to get the proper intention of the legislature. He concluded that the immunity available under Art. 48 (2), to the action of the President taken in his discretion, is not available to his actions of dissolving the National Assembly under Art. 58 (2) (b). He further observed that if any immunity is available under Art. 48 (2) to the action of the President taken under Art. 58 (2) (b), it can be in respect of the exercise of his discretion and not that of forming the opinion. The majority approved the views of Justice Muhammad Afzal Lone that the President is first required to form his opinion objectively and thereafter he can exercise his discretion subjectively to dissolve the National Assembly. Similarly, on the issue of discretion, the majority approved the reasons given by the High Court, in particular, the interpretation of the words 'discretion' and 'opinion' which was enunciated by Justice Muhammed Afzal Lone. On the substantive issue of the merits of the dissolution order, the majority accepted the findings of Chief Justice A.S. Salam.

The decision of the High Court relating to the constitution of the Care taker Cabinet was also approved by the Supreme Court. The majority approved the reasonings of Justices Rustam S. Sidhwa, Lehasap Khan and Gul Zarin Kiani, who had based their decision on the interpretation of Art. 91 (1) and 91 (8).

The Supreme Court also approved the High Court's refusal to grant the consequential relief. Both the majority, and the concurring minority, believed that the National Assembly was a product of non-party elections, therefore, it was not in the national interest to restore it. Justice Nasim Hassan Shah dealing with the maxim "let justice be done though the heaven should fall" gave the historical origin of this maxim by repeating the story narrated by Seneca and concluded that "Justice should be done in such a manner that heavens should not fall down".³² The minority gave other reasons, as well, including the conduct of the petitioner in challenging the dissolution order.

Another issue which was raised before the Supreme Court was the fixing of the date of elections after the dissolution of the National Assembly. It was held that, reading Art. 48 (5) (a) and Art. 224 together, it is evident that elections to the National Assembly must be held within a period of ninety days.

The majority the High Court had dealt with the provisions of Art. 58 (2) (b) by holding that the grounds given by the President were vague, too general or non-existent, therefore, the action was invalid. This view was approved by the majority in the Supreme Court. On the other hand, the minority approved the views of Justice Rustam S. Sidhwa who went a step further to explain the circumstances which could justify the order of dissolution and held that it could be done so only in case of the failure of functional working of the National Assembly.

This was the first case relating to the dissolution of Assemblies under the provisions of the present Constitution which were inserted by the Constitution (8th Amendment) Act, 1985, and fundamental issues of national importance with far reaching consequences were involved in the case. Both the High Court and the Supreme Court dealt with the case in that spirit. The judges outlined the powers of the President in dissolving the National Assembly. They rightly refused to grant him the unlimited discretion in this matter, otherwise the President would have been placed in the position of a dictator who could at his pleasure dissolve the National Assembly at any time. Thus, the judiciary came forward to save the democracy and the Constitution and laid down the following principles.

1. The President's order of dissolution is subject to judicial review.
2. The discretion of the President is not unlimited. The President must first form the opinion on the basis of objective grounds that the Government of the Federation cannot be carried on

in accordance with the provisions of the Constitution and thereafter he can exercise the discretion of dissolving the National Assembly.

3. The grounds disclosed by the President must be specific and have reasonable nexus with the situation envisaged by Art. 58 (2) (b).
4. Where the order of dissolution is declared unconstitutional, the Assembly may not be restored if it is not in the national interest.
5. The rule of latches is not strictly applied where an issue of national importance is involved, though it may have some affect on the grant of relief.
6. After the dissolution of the National Assembly, the President must appoint a Care taker Cabinet headed by the Prime Minister and must announce a date for the general elections to be held within ninety days.

5. DISSOLUTION OF NATIONAL ASSEMBLY, (1990)

After the dissolution of National Assembly and the Provincial Assemblies in 1988, general elections were held on 18th November 1988. Mrs. Benazir Bhutto, the Co-Chairperson of the Pakistan Peoples Party was nominated as Prime Minister by the President because her party had secured the largest number of seats in the National Assembly. However, the opposition had strongholds in the Senate and two Provinces, i.e., the Punjab and Baluchistan. A twenty month period of bitter politics and Centre-Provincial disputes brought another dissolution of the National Assembly. On 6th August 1990, President Ghulam Ishaq Khan dissolved the National Assembly, dismissed the government of Mrs. Benazir Bhutto, appointed a prominent opposition leader as caretaker Prime Minister and announced the holding of elections in October 1990. Soon thereafter, all the four Provincial Assemblies

were also dissolved by the respective Governors; two on the advice of the Chief Ministers and two by the Governors in their discretion. While dissolving the National Assembly, the President read out a lengthy charge-sheet against the ousted government. The grounds of the dissolution stated by the President were:

1. The National Assembly had lost its utility and efficacy because of internal dissensions, frictions and horse trading. The Assembly had failed to discharge its substantive legislative responsibility.
2. The government had willfully undermined and impaired the working of constitutional arrangements relating to federalism by (a) failing to convene the meeting of C.C.I; (b) blocking the constitutional process for the allocation of revenues to the Provinces through the National Finance Commission; (c) frustrating the powers and functions of the Provinces by extending the executive authority of the Federal Government to Provinces in violation of Art 97, including the manner of the implementation People's Work Programme and (d) eroding the constitutional role of of the upper house by publicly ridiculing it,
3. The Government had failed to take appropriate corrective measures to combat increasing corruption and nepotism in the Federal Government and its agencies.
4. The Government had failed to discharge its constitutional obligations under Art 148 (3), of providing protection to the Province of Sind against internal disturbances.
5. The Federal Government violated the provisions the of Constitution by (a) ridiculing the superior judiciary (b) misusing the authority and resources of the Government for political and personal gains, (c) disregarding the constitutional provisions and (d) using the President's pardoning powers under Art 45 without his approval.

The action of the President was challenged in the Lahore High Court by Kh. Ahmad Tariq Rahim, a minister in the dismissed Federal Government.³³ The petitioner challenged the validity of the order on the grounds; that circumstances did not warrant the dissolution, that the grounds given by the President had no nexus with dissolution, that there was no constitutional breakdown, that documents of non-evidenciary value were used, that the matter of the C. C. I. meeting was sub-judice, that the National Finance Commission was constituted within prescribed time, that the President could take other steps to control corruption, nepotism etc, that allegations relating to senate, judiciary and civil services were nonexistent, that the order was mala fide as a prominent opposition leader was appointed as care taker Prime Minister, and, that the order is liable to be struck down even if one ground is found faulty.

It was argued on behalf of the Federation that the dissolution of National Assembly was based on the opinion of the President formed by objectively applying his mind to the prevailing circumstances which had direct nexus with the constitutional provisions. Moreover, the respondents supported all the grounds of dissolution by material facts. The Learned Chief Justice Muhammad Rafiq Tarar delivered the main judgement; all other judges agreed with him. However, Justice Mahboob Ahmad in an elaborate judgement gave his own detailed reasons and Justice Manzoor Ahmad Sial added a short concurring note on the vires of 8th Amendment and the discretion of the President. The Chief Justice dealt with all the contentions of the petitioners and the grounds given by the President. He rejected these contentions and found that the grounds given in the dissolution order were factually correct. He also observed that these grounds had nexus with the dissolution order though he did not give any specific opinion about the corruption in the Government and relying on Haji Saifullah case he held that the facts brought on record and considered by the President justified him to hold that a situation had arisen in which the Government of Federation could not be run according

to the Constitution and that such a situation allowed the President to dissolve the National Assembly. Justice Mahboob Ahmad in his elaborate concurring judgement came to similar findings and conclusion.

The Court also dealt with the appointment of a prominent opposition leader, Mr. Ghulam Mustafa Jatoi, as Care-taker Prime Minister. The Court held that the President has an absolute discretion in the matter of the appointment of the care taker cabinet. This finding is obviously to be read in the light of the present case; otherwise, no exercise of public power can be treated as absolute. It is trite law that every grant of discretion is accompanied by some implied limitation on its exercise.

The petitioners had urged that even if one ground is found defective by the Court, the entire order would fall down. They cited a number of cases to support their assertion.³⁴ Chief Justice Mohammad Rafiq Tarar and Justice Mehboob Ahmad, both dealt with this aspect in quite some detail. The Chief Justice held that the law laid down in the cited cases was not applicable in the instant case because those cases were distinguishable; instead he preferred to rely on a 1951 case, *Rafiq Ahmad v Crown*³⁵ and an Indian case *Swarn Singh v State of Punjab*,³⁶ though this pick and choose approach is not understandable. He also tried to rely on another doctrine laid down by our Supreme Court in *Chairman Railway Board v Abdul Majid Sardar*³⁷ and *Lahore Improvement Trust v Custodian*.³⁸ However, it is submitted that this doctrine is not very helpful in the present case because this doctrine is applied to an administrative action which is challenged as ultra vires in the sense that the legal source of the authority relating to a particular power is lacking; it has nothing to do with the grounds of the impugned order. Justice Mehboob Ahmed took a similar approach. However, he further applied the doctrine of severability to the grounds of the dissolution order. He extensively cited various English, Indian and Pakistani authorities. But with the exception of one or two Indian cases, all the authorities relate to the operative part of the order, i.e., the consequential aspect. Thus, for example, if an order of acquisition

relates to two properties and the court upholds the order with relation to one property, but not to the other, in that case the doctrine of severability will apply. Similarly, if the President dissolves the National Assembly and appoints a caretaker cabinet without a Prime Minister, and if the Court finds the dissolution lawful but declares the appointment of caretaker cabinet unlawful, it will apply this doctrine and declare the latter part of the order invalid while retaining the remaining part.

The decision of the Lahore High Court was challenged in the Supreme Court under Art. 185 (3) of the Constitution but the Supreme Court refused leave to appeal to the appellant.³⁹ Thus, as pointed out by Justice Rustam S. Sidhwa, the Court did not give a decisive judgement but one dismissing the petition in limine. Nevertheless, the case does provide some principles of law relating to the dissolution of National Assembly. Justice Shafiqur Rehman delivered the leading judgment, with whom the majority agreed, and while Justice Rustam S. Sidhwa concurred with the decision, Justices A.S. Salam and Sajjad Ali Shah dissented. The majority found that most of the grounds had direct nexus with the provisions of Art. 58 (2) (b) and were enough for the President to form the opinion for the dissolution of National Assembly. They observed that some of the grounds like allegations of wide spread corruption, misuse of government sources/agencies and undermining of the Civil Services may not have been independently sufficient to warrant the dissolution, but they can be invoked alongwith other more relevant grounds.

Justice Rustam S. Sidhwa believed that the provisions of Art. 58 (2) (b) have curative as well as preventive aspects. He observed that in the prevailing political situation a strict view of the provisions of Art. 58 (2) (b) could not be taken. According to his assessment, a partial dislocation of the government had set in and the downfall was imminent. He believed that the constitutional provisions do not require the President to wait for the total collapse or failure of the government and he may take the step of dissolution to avert the serious crisis.

This appears to be too liberal interpretation of Art. 58 (2) (b) which, for a variety of reasons, must be narrowly construed by the courts.

The majority while upholding the decision of the High Court on the substantive question of the dissolution of National Assembly did not approve the important holding of the High Court that if some of the grounds are irrelevant or factually non-existent, it would make the entire order invalid. The majority observed that if some of the grounds are enough to justify the dissolution of National Assembly, other grounds may be used to supplement the order. On the other hand, Justice Rustam S. Sidhwa justified his opinion on the basis of the scope of judicial review of administrative action. He relied on the well established doctrine that the court should not substitute the opinion of the administrative authority,⁴⁰ in this case the President. But the petitioners' case was that the basis of the President's opinion was defective. If the High Court, in the exercise of its jurisdiction under Art. 199, was unable to hold that some of the grounds given by the President were insufficient, how can it hold that remaining grounds were sufficient; obviously, both are the functions of an appellate authority which can determine them either way. Thus, if an appeal is available against the orders of the President, for example to a court, it would have had the power to assess the sufficiency of the grounds and could have sustained the order even if all the grounds except one were held to be invalid. But can a court exercising the powers of judicial review give such a verdict? Perhaps not. It would change the entire concept of judicial review under Art. 199. The majority view therefore appears to be based on better conceptual footings.

Justice A.S. Salam adopted a somewhat different approach from the one he had taken in his High Court judgement dealing with 1988 dissolution. This time he expressed the view that President's power to dissolve the National Assembly was available only to President Zia-ul-Haq and it disappeared with him. According to him if the Queen of England or the President of U.S.A. cannot dissolve the legislature how

can our President do it. He further asserted that the National Assembly can be dissolved when the Government "cannot be carried on", but not when it is not being carried on in accordance with the provisions of the Constitution, and if the President acts on the advice of the Prime Minister/Cabinet, the Government is being run in accordance with the provisions of the Constitution. He also pointed out some other corrective measures, short of dissolution, which could have been adopted. However, again he refused to restore the National Assembly, but this time he did not argue that the assembly was dead and could not become alive. Perhaps he had realised the flaw in that logic. In the instant case he refused to restore the Assembly because dissolution had not been challenged by any leading member of the defunct Assembly, i.e., the Speaker, the Deputy Speaker, the Leader of the House or the Leader of the Opposition. But this too does not fit well in our constitutional jurisprudence. No doubt the jurisdiction under Art. 199 is discretionary, but this discretion, it has been repeatedly held, should be exercised judicially and not arbitrarily.⁴¹ No doubt the court may refuse relief on the basis of laches or public interest or equitable grounds⁴², and no doubt the petitioner may be denied the relief because of his own conduct⁴³, but can he be denied the relief for the conduct of others. The Constitution requires that the court may interfere on the application of an aggrieved person. Who is an aggrieved person? An aggrieved person is one whose interest is adversely affected by the order. He need not be the worst hit person. It is submitted that though the petitioner was not the best person to challenge the dissolution order but he was good enough to do so if others were not forthcoming.

Justice Sajjad Ali Shah also dissented. He did not agree with the grounds given by the President. He pointed out; that 'horse trading' (floor crossing) does not amount to defection under our law, that the Federal-Provincial relations were running according to the Constitution, that the charge of corruption being sub judice, it could not have been

investigated by the Court, and that the law and order problem could have been tackled under other provisions of the Constitution, etc. He further opined that the action of the President inherently suffered from mala fides on a number of grounds. But he too refused the restoration of Assembly on the ground that all the persons aggrieved by the order had participated in the elections.

After analysing the judgments delivered by the judges of the High Court and the Supreme Court we are in a position to find out the *ratio decidendi* of this case. The following rules can be deduced from this decision :—

- (1) The law laid down in Haji Saifullah case provides the basic principles relating to the dissolution of National Assembly under Art. 58 (2) (b).
- (2) The dissolution order would be sustained if specific grounds are given and some of them have nexus with the dissolution while the other grounds are such which can be used to supplement the formation of the said opinion.
- (3) An opposition leader can be appointed as a Care-taker Prime Minister.

6. DISSOLUTION OF NATIONAL ASSEMBLY (1993)

The general elections of 1990 returned a coalition of right wing parties (IJI) with majority in the National Assembly. Consequently, Mr. Muhammad Nawaz Sharif, the head of this coalition, was nominated as Prime Minister by the National Assembly and was appointed so by the President. Within about two and half years in government, the ruling coalition became a victim of defections and internal dissensions. During March 1993, serious differences erupted between the President and the Prime Minister on the issue of the repeal of the Eighth Amendment and the next Presidential elections. Many Cabinet Ministers resigned from their offices and joined the anti-government camp. They also resigned from their National Assembly seats, but instead of

sending their resignations to the Speaker of the National Assembly, as required by the Constitution, they submitted them to the President. The members from the combined opposition also followed a similar course. When it became apparent that the President's side was completely dominating the political scene, the ruling party went for a political gamble by moving towards a head-on collusion. The Prime Minister addressed the nation on Radio and Television on 17th March. He made an emotional speech and in strong, though somewhat covered words, he placed the entire blame on the President. The President retaliated immediately and the very next day he dissolved the National Assembly and dismissed the Cabinet and the Prime Minister.

The dissolution order recited some specific and some general grounds but it was not as comprehensive and convincing as the dissolution order of August 1990. It appears that the decision was taken and the order was drafted in a haste. According to the dissolution order, the President had decided to dissolve the National Assembly because he had formed the opinion that the Government of the Federation could not be run according to the Constitution on the basis of the following grounds :—

1. The en-mass resignations by MNAs of the opposition and the government party.
2. The speech of the Prime Minister wherein he levelled serious allegations against the President which tantamounted to subversion of the Constitution.
3. The failure of the Federal Government in upholding the constitutional provisions and protecting the institutions governing the relations between the Federation and the Provinces.
4. The wide spread corruption and mal-administration in the Federal Government and its agencies and lack of transparency in the privatisation process.

5. The reign of terror unleashed by the Government against the opposition parties and other rivals

6. The violation of numerous other provisions of the Constitution.

The leaders of the dissolved government, with their allies, moved with extreme speed and vigour. They followed a two prong strategy of mass protest and challenge in the courts. Within a few hours of the dissolution, the Speaker of the National Assembly, Mr. Gohar Ayub, filed a writ petition in the Lahore High Court, Rawalpindi Bench, and before the petition came up for regular hearing before the High Court, the ousted Prime Minister, and some of his associates, filed a writ petition in the Supreme Court,⁴⁴ under Art. 184 (3) of the Constitution which reads as under :—

Without prejudice to the provisions of Article 199 the Supreme Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights conferred by Chapter I of Part II is involved, have the power to make an order of the nature mentioned in the said Article.

The leading lawyers of the country argued the case for these respective parties before a Full Bench of the Supreme Court, for about three weeks. The Court by a short order dated 26.5.1993 declared the dissolution of the National Assembly and the appointment of the Care-taker government unconstitutional. The Court also restored the National Assembly as well as the Federal Cabinet. However, the Court did not declare invalid the actions taken by the care takers relating to the orderly running of the government within the framework of the Constitution and law. The case revolved around two major issues; the maintainability of the petition under Art 184 (3), and the constitutionality of the dissolution order.

a. Maintainability of the Petition under Art 184 (3)

The first issue that whether the Supreme Court under Art 184 (3) has the original jurisdiction to adjudicate on the dissolution of the Assembly

infact turned out to be as important as, or perhaps more important than, the substantive issue of the validity of dissolution order. The issue was important in many respects. Firstly, a negative decision on this issue would have caused considerable delay in the final adjudication, and would have virtually closed the doors of judicial intervention. Secondly, a positive decision could provide a new remedy against the dissolution, a remedy which can be really effective and efficacious but one which was hitherto not invoked in such cases. Thirdly, a positive decision was to expand the concept of Fundamental Rights available under the Constitution.

The preliminary issue relating to the maintainability of the writ petition involved the scope of the original jurisdiction of the Supreme Court. It was argued on behalf of the petitioners that Art 17 (2) of the Constitution guarantees the right to form a political party which implies the right of the political parties to take part in running the government of the country. Against this contention, the respondents argued that Art. 17 (2) relates only to the formation of a political party and that the formation of the Federal Government is provided under other provisions of the Constitution. A majority (9-2) upheld the contention of the petitioners, and relying on *Benazir Bhutto v Federation of Pakistan*,⁴⁵ held that the functioning of a political party is implicit in its formation.

The main judgement was delivered by Justice Shafi ur Rehman with whom the majority agreed, though most of them gave their own reasons. He refused to restrict the field of Art. 17 (2) which provides, to every citizen, not in service of Pakistan, the right of forming and being a member of a political party. Referring to the word 'operating' used in this Article he observed that there is healthy, as well as, unhealthy operation, and that by taking care of unhealthy operation, the healthy operation has been kept free of all limitations. On this interpretation he extended the scope of Art. 17 (2) to cover the right of a political party to run the government of the country.

Chief justice Dr. Nasim Hassan Shah believed that the changes in social, political and economic conditions of the society necessitate a corresponding need to re-evaluate the essence and soul of the Fundamental Rights. He pointed out that under a similar approach the American Supreme Court has expanded the rights guaranteed by their Constitution. He has rightly taken this approach, for, the American Supreme Court has played a leading role in protecting the liberties of the citizens by expanding the Constitutional Rights. For example, the expansion of 'Due Process Clause',⁴⁶ alone, has covered the rights relating to association,⁴⁷ travel,⁴⁸ franchise,⁴⁹ privacy,⁵⁰ equality⁵¹ and fair procedural⁵² as well as substantive⁵³ laws.

Justice Ajmal Mian relied on Art. 2-A, by which the Objective Resolution has become the substantive part of the Constitution, and held that though this addition has not provided any additional Fundamental Right yet the courts should keep it in view and place widest possible construction on Fundamental Rights so as to advance the goals envisaged in the Resolution. He also relied on *Benazir Bhutto* case wherein it was held that "the forming of a political party necessarily implies the carrying on of all its activities as otherwise the formation would be of no consequence".

Justice Muhammad Afzal Lone, who agreed with justice Shafiur Rehman, and also shared the views of other judges, regarding the expansion of Fundamental Rights, according to changing times, the Principles of Policy, the Objective Resolution and the precedents, further relied on the term 'political right' in the Objective Resolution and held that illegal and unconstitutional denial to the petitioner to run the government will be denial of political justice. Justice Muhammad Rafiq Tarar did not go into this aspect; apparently he agreed with others on this issue.

Justice Saleem Akhtar relied on the doctrine of political justice as well as the content of Art. 17 (2). According to him, Art. 17 (2) also covers the formation of the government and functioning of the political parties inside and outside the legislature.

Justice Saeeduzzaman Siddiqui took an approach similar to that of Justice Shafiur Rehman. He too emphasised on the use of words 'operating' in Art. 17 (2) and concluded that it has not been used in restricted sense. He further supported his views by the definition of the political party given by various authorities.

Thus, a strong majority extended the content of Art. 17 (2) and held that the right guaranteed therein covers not only the formation of a political party and being its member but also its entire functioning in the political process.

Justice Saad Saood Jan, who agreed with the majority on the merits of the case, dissented on this issue, and Justice Sajjad Ali Shah totally disagreed with the majority on both the maintainability as well as the merits of the case.

b. Constitutionality of Dissolution Order.

On the second issue, namely, the constitutionality of the dissolution order, the Supreme Court held the action invalid. Justice Shafiur Rehman wrote the leading majority judgement with whom two others, Justices Muhammad Afzal Lone and Muhammad Rafiq Tarar, fully agreed regarding the grounds of dissolution though they added their brief notes on some general aspects of the merits of the case.

Chief Justice Dr. Nasim Hassan Shah, with whom two other judges agreed, dealt only with one of the grounds of dissolution, i.e., the speech of the petitioner, and here too he held the view almost similar to that of Justice Shafiur Rehman. Thus a majority of six judges held unanimous views while four others concurred and wrote separate elaborate judgement which dealt with all grounds in detail. The sole dissenting member, Justice Usman Ali Shah, held that the grounds of dissolution were more or less similar to the grounds of dissolution which were held valid by the Supreme Court in Ahmad Tarq Rahim case, and, therefore, he held the action valid. Accordingly, a very strong majority (10-1)

declared the dissolution unconstitutional. A brief summary of the views of the learned judges on different grounds of dissolution order is given below.

1. The first ground of dissolution given by the President was, that due to en mass resignations of its members, the National Assembly had lost its representative character under the Constitution. Justice Shafiur Rehman, along with nine other judge, held that resignations were not valid as those were delivered to the President and not to the Speaker of the Assembly as provided by the Constitution.

Justice Sajjad Ali Shah, on the other hand, held the view that the intrinsic value of the resignations is not relevant but these resignations are to be considered as material in support of the ground that the members had lost confidence in the Federal Government.

2. The Second ground related to the speech of the Prime Minister. A majority of eight judges believed that the criticism of the President was justified under the prevailing political situation. Two other judges held the view that though the speech was somewhat improper it could not be termed as subversion of the Constitution.

Thus, the majority (10-1) held that the speech was not a valid ground of dissolution under the Constitution. The majority believed that the President and the Prime Minister having constitutionally defined areas of jurisdiction can co-exist despite their strained personal relations. Justice Sajjad Ali held that because the speech brought a deadlock in the working relations of the President and the Prime Minister, the Government could not be carried on in accordance with the Constitution.

3. The third ground of dissolution, that the Constitutional institutions relating to Federal-Provincial relations were not allowed to function properly, was also held non-existent by the majority; some of the judges further found that some allegations relating to this issue were too vague to be made a ground of dissolution.

4. The fourth ground related to corruption, nepotism and mal administration in the Government and its agencies. A majority of eight judges held that these allegations are independently not sufficient for the dissolution of National Asssmbly. Two other judges held that such allegations could not be made a ground of dissolution as these had not been proved against the Federal Government.

The majority of six judges, led by justice Shafiur Rehman, did not go beyond the first four grounds and did not give any specific findings on other grounds except that "the impugned order has too many subjective elements not recognised by the Constitution" for the exercise of the power of dissolution. However, four other judges dealt with all these grounds in detail and found them too vague, non existent or irrelevant. Thus all the judges of the supreme Court except one held that none of the grounds given by the President was validly available to him to dissolve the National Assembly.

A few other important aspects of the case also deserve some attention. For example, almost all the judges who declared the order of the President unconstitutional, expressed the view that the Constitution provides for a parliamentary system of government, in which the Prime Minister is not subordinate to the President because the latter is generally required to act on the advice of the former. They also expressed the opinion that it behoves the high office of the President that he must remain above the political controversies and maintain a neutral stance in the exercise of his duties.

They also dealt with the dismissal of the Prime Minister and the Cabinet by the President and declared that such an action can only be taken when the Prime Minister fails to get a vote of confidence from the National Assembly on the directions of the President.

Justice Shafiur Rehman also dealt with the question of the appointment of the Chief of Army Staff. Interpreting Art. 243 of the Constitution, he held that the President doesnot have the discretionary

power in the appointment of the Chiefs of Army, Air Force and Naval Staff. According to his opinion, such a power is available to the President only in the appointment of the Chairman, Joint Chiefs of Staff Committee.

After ananlysing the different aspects of the case and various judgements delivered by the learned judges of the Supreme Court, we are in a position to crystalise the main holdings of the case.

1. Firstly, the most imporant aspect of the case is that the dissolution of National Assembly, and accordingly a Provincial Assembly as well, can be challenged in the Supreme Court under Art. 184 (3).

2. Secondly, the Supreme Court has not deviated from the law laid down in the two previous cases that there must exist sufficient grounds which must have clear nexus with the provisions of Art. 58 (2) (b) and that vague or general grounds cannot be made the basis of the dissolution order.

3. Thirdly, the resignations not tendered according to the Constitutional provisions have no validity at all.

4. Fourthly, the Constitution provides for a parliamentary system of government in which the Prime Minister is not subordinate to the President. Infact the President is required to act, in most cases, according to the advice of the Prime Minister.

5. Fifthly, a political crisis, even a serious one, cannot be made the pretext of dissolution if the President is, more or less, responsible for creating such a situation.

6. And, lastly, the powers of the President to dissolve the National Assembly are essentially limited to an exceptional situation of constitutional crisis which cannot be remedied by recouse to other provisions of the Constitution.

7. CONCLUSION

In most parliamentary systems of government the dissolution of legislature which is formally vested in the Head of the State is generally exercised on the advice of the Prime Minister. Nonetheless, the Head of the State has, at his disposal, some undefined marginal discretionary authority; an exceptional power to be exercised in exceptional circumstances to protect the national interests. Therefore, hardly any dispute has arisen, in relation to the dissolution of legislature, in those countries which have political stability and well established democratic institutions as well as conventions. In Pakistan, unfortunately, the situation has been substantially different, primarily, due to the political instability, with the result that we have tried various methods to resolve this problem.

The misuse of the power of dissolution by the Head of the State during the early years of our statehood led to its complete transfer to the Prime Minister under 1973 Constitution and the President did not have even a nominal share in it, an arrangement which, in the opinion of many people, created an absolute imbalance and resulted in an unfortunate situation during 1977 leading towards martial law.

The martial law regime made massive amendments in the Constitution which, inter alia, purported to solve this problem by providing some balance in the constitutional arrangements but this one sided and undemocratic exercise created a serious imbalance in favour of the President, and though the Parliament, sought to ameliorate the situation to some extent through the Eighth Amendment, yet it fell to the judiciary's lot to rectify the blunders of history.

The recent decisions of our Superior Courts which have substantially curtailed the dictatorial powers of the President, have put the country on the democratic road. The constitutional position that has emerged from the recent judicial verdicts is that the President can dissolve the National Assembly only in exceptional circumstances, and his action can be challenged in the High Court or the Supreme Court which may

declare the action unconstitutional and restore the Assembly as well as the government. Thus, the judiciary has, to a great extent, restored the parliamentary system of government in our country. But the system cannot work successfully without the mature behaviour on the part of the political leaders. Let us hope and pray that they measure up to the situation and save the democratic institutions as well as the Constitution from undemocratic invasions.

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46. See 5th Amendment and 14 the Amendment, Constitution of U.S.A.
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DOMESTIC VIOLENCE AND PAKISTANI WOMEN

By

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Abstract :— This research investigated the psychosocial impact of domestic violence on Pakistani women. A 15-item scale was devised to measure the frequency of the occurrence of different types of domestic violence in an average month. The sample consisted of ten adult married women from high socio-economic group, presently, under treatment as out-patients after being exposed to spousal violence during the past 5 years. All the subjects reported being exposed to verbal threats of violence, abusive language, throwing things around, a "little slap", pushing, shoving, kicking, punching and injury with a house-hold object *three to four times a month*. In addition, 20%, admitted experiences of forced sex, biting and choking on an average of once or twice a month.

The Beck Depression Inventory (BDI) and Cornell Index (CI) showed significantly above-average scores ($\bar{X}=21$) and $\bar{X}=13$, respectively) obtained by the victims of domestic violence. Personal History Questionnaire, Mental Status Examination and House-Tree-Person (HTP) drawings suggested serious intrapsychic and interpersonal conflicts with significant features of clinical depression; fear of males, episodic regressive behavior and a chronic state of post-traumatic syndrome. These findings further suggest association between "Spousal Violence" and "Parental Violence" which may be attributed to the fact that in all cases spouses were chosen by their fathers who might have chosen sons-in-law very similar to themselves. However, a comparative sample much larger in size (both males and females) is needed to support such a "Displacement Hypothesis".

STATEMENT OF PROBLEM

This research investigated the psychosocial impact of domestic violence on Pakistani women. Domestic violence was operationally defined by a 15-item scale that measured the frequency of the occurrence of the following types of violence in an average month.

1. Verbal threats of violence.
2. Abusive language towards the spouse/partner.

3. Throwing things around.
4. A "Little Slap".
5. Pushing.
6. Shoving.
7. Kicking.
8. Punching.
9. Biting.
10. Choking.
11. Burning.
12. Injury with a house-hold object.
13. Injury with a weapon.
14. Throwing acid on face/body.
15. Forcing a partner to engage in sexual activities against her will.

Though domestic violence can be further classified into three categories (parental violence, sibling violence and partner/spouse violence); the present research was limited to "partner/spouse violence", exclusively.

Responses of the subjects to the 15-item scale were scored as follows :

A score of zero (0) if none occurred.

A score of one (1) if it occurred once or twice.

A score of two (2) if it occurred three or four times.

A score of three (3) if it happened for five or more times.

INTRODUCTION

Ironically enough, we tend to think that violence occurs either on streets or behind the bars ; whereas it can also occur within the four

walls of a safe place we call "HOME". Traditionally, three facets of any family transaction are : (1) parent-child interaction, (2) spouse-spouse interaction, and (3) child-child interaction. There is sufficient clinical evidence that suggest that if family conflicts, triangulations, enmeshment and/or family schism are not handled cautiously, they may set the stage for violent outbursts of primitive impulses—both sexual and aggressive in nature. Gradually, the home turns into a battlefield where psychic casualties and life-threatening injuries may take place in the heat of aggressive outbursts or escalating power struggle.

Brown (1991) reports that more than two million American women a year are physically attacked by their spouses or male partners. Browne & Brown (1991) further add that"—during the first half of the 1980's, the death of nearly 17,000 people resulted from one partner killing another ; with women twice as likely to be victims of such fatal partner violence as men" (Browne & Brown, 1991 ; pp. 1-2). Unfortunately, the situation in Pakistan appears more grim, probably, because, the Pakistani Family Ordinance provides little protection to women against polygamy, unilateral divorce, assault, rape and child custody battles. Further-more child labor laws are not only flimsy and vague but also poorly implemented across country.

Farooqi's (1992 & 1992) clinical data suggests that in this highly oppressive, religious and male-dominant society, people seem to rely more on violence/force to solve or escape problems, particularly, matrimonial in nature. Often, men get away with it, because, the Pakistani women like some other third world women (such as, Indians, Bengalis, Malaysians etc) continue to be the most under-privileged, under-educated and the most traumatized group. Further-more, fear, ignorance, religious and socio-cultural beliefs prevent these women from exposing themselves as victims of home violence. Consequently, the under-reporting of domestic violence fails to give us a true picture of the grave situation at home. More over, it is astounding how little we know about

the incidence of home violence across cultures and the victims' specific psychosocial reactions to it.

Malamuth, Sockloskie, Koss & Tanaka's (1991) research findings suggest that societies that regard qualities, such as power, dominance, aggressiveness and competitiveness as "masculine", often breed individuals hostile to women. The critical gaps in our current knowledge pertaining to these issues may raise serious doubts about the efficacy of treatment and rehabilitation programs for the victims of domestic violence across cultures. Farooqi (1992 & 1993) observed a marked difference between the American and Pakistani societies' over-all attitudes toward domestic violence. For instance, the way state police, legal system, department of human services, social work dept, medical emergency staff, psychologists and psychiatrists intervene in the best interest of the victims of domestic violence in the state of New Jersey, U-S-A ; is in sharp contrast to the appalling general attitude of apathy, denial and social stigma that seems to obstruct the implementation of any plan for the protection, management and long-term rehabilitation of such traumatized cases in Pakistan. As a result, it cripples the genuine efforts of the treating clinical psychologists, as well.

Jouriles & Compte (1991) ; Mullen, Romans - Clarkson ; & Herbinson (1988) ; Shupe, Stacey ; & Hazlewood (1988) ; Straus & Gelles (1990) and Malamuth, Sockloskie, Koss & Tanaka (1991) provide sufficient empirical data that suggest that women from different cultures and different academic and socio-economic groups respond to violence, particularly, "home violence" differently. Some respond as the "hiders", some as the "scape - goats" ; others as the "provokers" or as the "caretakers". Farooqi intends to carry out a cross-cultural research in this field.

It is true that there is a growing need to develop a conceptual framework (socio-cultural) that would help the providers of psychological services to better understand the impact of domestic violence on culturally

diverse populations. It is worth-mentioning that there is an acute shortage of qualified and well-trained clinical psychologists in Pakistan. Unfortunately, there is no licensing system, no examining board, no peer review system and no written or spoken guideline for the providers of the psychological services that could safeguard the general interest of the patients, particularly, those of the victims of domestic violence. Hence, Pakistan and the third world psychologists desperately need to encourage cross-cultural research in this area so that it would promote their understanding of the impact of ethnicity, race, language and culture on behavior while working with the victims of the domestic violence from diverse populations. Such an understanding is imperative to introduce more effective treatment, rehabilitation and prevention programs across cultures, in future. The present research is just one step in this direction.

METHODOLOGY

A sample of ten married women, exposed to partner/spouse violence during the past 5 years, were selected from a private clinic. These women presented the following symptoms :

1. Recurrent and intrusive distressing recollections of physical beating and/or verbal abuse by their spouses (flashbacks).
2. Irritability or out-bursts of crying spells.
3. Difficulty falling or staying asleep.
4. Diminished interest in daily activities.
5. Exaggerated startle response.
6. Depressed mood and suicidal thoughts.

Their age range was between 38-62% ; 20% were working and 80% were non-working women. All of them belonged to high socio-economic group (monthly income above 30 thousand rupees).

A "Personal History Questionnaire" and a "15-Item scale" were devised and administered individually to assess the type, duration, frequency and intensity of domestic violence. Then, the Cornell Index, Beck Depression Inventory and House-Tree-Person drawings were used to

determine the specific psychological reactions of the female victims to domestic violence.

RESULTS + DISCUSSION.

Table-1 shows that all of subjects reported being exposed to the use of abusive language, a "littleslap", pushing, shoving, kicking, punching, throwing things around, injury with a house-hold object and verbal threats of violence for three-four times a month from their spouses during the past five years, 20% of them further added "Forced-sex", "Biting and Choking" being used twice or once a month (by their husbands) in addition to other types of violence as mentioned earlier. However, injury with a weapon, throwing acid on face/body and burning were not reported by any one of the respondents; probably, because the sample was too small to represent the larger society.

TABLE-1

Frequencies and Percentages of Subjects Reporting Different Types of Domestic Violence On 15-Item Scale.

Types of Violence	No of Occurrence in One Month	Percentages
1. Verbal Threats of Violence	3-4	100%
2. Abusive Language	3-4	100%
3. A "little-slap"	3-4	100%
4. Throwing Things	3-4	100%
5. Pushing	3-4	100%
6. Shoving	3-4	100%
7. Kicking	3-4	100%
8. Punching	3-4	100%
9. Biting	3-4	100%
10. Choking	1-2	20%*
11. Burning	1-2	20%*
12. Injury with House Hold Object	0	0%
13. Injury with A Weapon	3-4	100%
14. Throwing Acid	0	0%
15. Forced Sex	0	0%
	1-2	20%*

Table-2 indicates significantly high average on Beck Depression Inventory ($\bar{x}=21$) and the Cornell Index ($\bar{x}=13$). Furthermore, psychodynamic analysis of their HTP drawings revealed serious intrapsychic and interpersonal conflicts. The subjects also presented features of clinical depression, nervousness, anxiety, fear of males, episodic regressive behavior and chronic post-traumatic stress syndrome during their case-history interviews.

TABLE-2

Subjects' Scores and Means on BD* + CI*

Subject	Back Depression Inventory	Scores on Cornell Index
1.	20	12
2.	19	10
3.	24	14
4.	22	13
5.	20	12
6.	19	10
7.	20	10
8.	23	13
9.	22	14
10.	18	12
-	20.7	12.2
x		

*BDI :— Beck Depression Inventory

*CI :— Cornell index

It is worth-mentioning that the self-disclosures of all the clients took place after an average of 20 sessions and with a cautiously rigorous probing. Thus, It may be argued that the subjects tended to use the defense mechanisms of denial and repression probably to avoid intensive feelings of shame and embarrassment or fear of further retaliation from their male partners/spouses. Thus, it is strongly recommended that the therapist should be more sensitive and focus heavily on strengthening an empathic, warm and non-threatening therapeutic alliance with such clients so that it would facilitate earlier self-disclosures. Further-more, using family or reference group bonds (if any) while encouraging emotional expression and disinhibition may inspire hope for change in such clients. Consequently, the process of psychotherapy would unlock the impasse caused by heavy use of denial and repression.

Since theory generated from clinical observations indicates that the frequency and severity of interpersonal aggression covary with the frequency and severity of parental aggression toward children; it may be advisable to investigate the association between parental violence, spousal violence, and sibling violence on comparatively larger male and female samples.

Table-3 indicates that 90% of the total sample reported exposure to spousal violence also admitted being exposed to parental violence during their pre-marital lifespan. It may be argued that marriages were purely arranged by the subject's parents in all cases and it is quite possible that their fathers ended up "choosing-spouses" for their daughters similar to themselves. Thus, it would be desirable to include males too to test this hypothesis. O Leary's (1988) research findings support such a "Displacement Hypothesis" which suggests that the maritally distressed mothers strike out more often at sons than at daughters, because, sons reminded mothers of their husbands. Conversely, the daughters may remind mother's of themselves, not deserving of harsh punishment. Though the present research was limited in this respect as it excluded males; this researcher intends to

include Pakistani males and females as well as their fathers-in-law and mothers-in-law in future for comparative purposes.

TABLE-3

Subject's Scores on 15 Item Scale for Domestic Violence (Range 1-3)

Subjects	Parental Violence	Sibling Violence	Spousal Violence
1.	1	2	3
2.	1	2	3
3.	2	2	3
4.	2	2	3
5.	1	2	3
6.	2	2	3
7.	2	2	3
8.	1	2	3
9.	1	2	3
10.	0	0	3
--	1.30	1.80	3.0
x			
Percentages	90%	90%	100%

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A PROPOSED MODEL OF STUDENT TEACHING PRACTICE

by

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Teaching practice is a component of student teacher preparation in which educational theories are tested through actual teaching under competent supervision. Since the nineteenth century, the importance of teaching practice has remained an unchallenged, vital and necessary element of the teacher education programme. Barrow (1990) recommends that a teacher should have knowledge of classroom particularities as well as legitimate generalisations such as a sound understanding of such issues as the nature of education, the nature of knowledge, human nature and child psychology. However, he considers the practical aspect of training to be more important because practical experience of teaching enlarges the understanding of teachers before they go into the classroom.

After many active debates in various countries, the practical aspect of a teacher education programme is considered desirable and its position within teacher preparation is undisputed. One can debate and differ about matters such as length of training, how it should be broken down, whether it should take place in one or more schools and in what kind of schools. Barrow (ibid) considers these questions to be serious and important and thinks that different approaches might be appropriate in different circumstances. He raises five questions, answers to which should be known about any individual who is going to teach our children. The Questions about practical experience are given the top priority :

1. Does he have experience in teaching ?
2. Does he have certain generic skills of teaching ?
3. Does he have certain personal characteristics ?

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4. Does he know and understand his subject ?
5. Does he understand the educational function of his subject ?

Different countries, even different teacher education institutions, have different styles and programmes for this purpose. Usually students work in any primary or secondary school for six to eighteen weeks. This is considered a long enough period of practical preparation for a prospective teacher. Olaiton and Augisiobo (1981) consider that normally the student teacher should be prepared in four major areas of teacher competence before going to gain teaching practice. These areas are :

1. theoretical study of human behaviour;
2. attitudes that reinforce learning and genuine human relationship;
3. study of the subject-matter to be taught;
4. control of technical skills of teaching that facilitate pupils' learning.

This preparation seeks to help the student teacher to :

- (a) apply principles of learning to a particular situation to bring about meaningful changes in the experiences of the learner;
- (b) identify objectives of teaching and to the relationship of a day's lesson to the long range plans for a week or a term;
- (c) organise syllabus content around major concepts and generalisations in the development of sequential learning in a unit of a course of study;
- (d) use knowledge of human growth and development of children and adolescents in providing effective teaching-learning situation;
- (e) become familiar with a variety of instructional materials and resources; evaluate and select those appropriate for the objectives in a teaching unit or lesson;

- (f) identify factors that influence the effectiveness of the teaching-learning process and find ways to direct or control them;
- (g) apply the principles of evaluation and use the results of evaluation as a means for improving instruction;
- (h) develop effective practices for carrying out the routine management of the classroom;
- (i) communicate the work effectively with pupils, staff, and other members of the school;
- (j) establish rapport appropriate means of interaction with individuals and small or large groups;
- (k) have the opportunity to participate activities which will enhance the professional growth of a teacher." (ibid)

This offers a valuable list of aims for teaching practice. So, it is recommended that it should be a compulsory part of teacher education programme.

Sharp (1990) considers practical work during teacher training to be important, since it helps teachers to acquire confidence in their own abilities. She thinks it necessary for student teachers to have an opportunity to apply their theoretical knowledge, skills and techniques practically before starting their full-time jobs in schools.

Teaching practice for student teachers assists the development of their professional competency; personal character, understanding, knowledge and skills.

Cohen and Manion (1989) are of the view that

".....no teacher can expect to be fully prepared to meet the demands of the classroom before teaching practice, he may reasonably anticipate that the assistance he receives prior to his school experience is directly relevant to the teaching task he will face",

Alexander (1984) is of the view that teaching practice, not only provides an opportunity to apply knowledge practically but also provides opportunity to observe, to study and to experiment in a non-threatening atmosphere.

Fish (1989) supported teaching practice that it helps students to learn in many respects; some of which involve doing; some involve observing, and others involve a wide range of thinking, investigation and reading as a vital aid to reflection. She, therefore, considers that learning through practice is an important part of professional education. It enables the student to consider the broader implications of theories in practical setting.

According to whalley (1974), student teaching practice is a very important part of the teacher education programme. It is important because it is the one means by which trainee teachers acquire first hand experience of teaching through classroom work in schools.

One two decades ago schofield (1968) gave a brief but solid comment in support of student teaching practice; "student teaching practice is the greatest milestone in the teacher training programme".

According to Cohen and Garner (1971):

".....the student's school practice is the most vital part of his professional training. Few would challenge the contention that the student's practice in school should be the focal point of all the other training he receives. It is on this occasion that he has his first opportunity to put into application some of the psychology, methods, and principles he has learned theoretically in lecture rooms".

The arguments of Cohen and Garner are solid, student teachers should be given an opportunity to apply psychological, sociological and philosophical aspects of their theoretical learning. The principle of learning by doing still holds true. Teaching Practice should be given full weight and importance in all teacher training programmes.

Practical training plays an important role in the development of the qualities of a person. It assists student teacher to test bookish knowledge, think about problems and struggle to solve them. For instance a medical student needs not only theoretical knowledge but also requires practical education and training. Whilst training he observes doctors at work with patients who have real problem. He sees their caring behaviour and finds out how medicines are prescribed for the treatment of the patient. In the beginning, he works with patients under the guidance of a competent experienced doctor until he can stand independently. After a period of time, he alone examines the cases of patients and suggests treatment for them. Likewise teachers also need practical training before starting their careers independently.

Fish (1989) considers that teaching practice is a vital part of the teacher education programme. It helps in learning concepts better and more rapidly and it enables the student teacher to consider the broader implications of theories towards practice. She argues that it is valuable to associate theory with practice :

- "1. Theory and practice, though separate in kind in some ways, are interrelated and become one in practice.
2. Learning to do is achieved by doing, which involves thinking.
3. Practice can usefully precede theory, and theorising is a form of practice.
4. Performance of practice involves more than simply knowing theory and producing a series of routine actions. It involves judgement, decision making, and improvement and a pragmatic approach to the particular situation. These in turn are capacities influenced by our dispositions but also related to personality. (there is much here that a professional practitioner needs to explore, and much that we do not yet know about).

However, She warns that :

5. Simply repeating the routines of practice is not likely to improve

that practice and certainly will not determine its quality. What is needed is reflection upon the practice, the drawing out of the underlying theory and the seeking of other theory and or practice which might enlighten it, together with deliberation upon its ends.

She also advises that students must reflect and evaluate what happens during teaching practice :

6. Starting with sort of some practice might well prove the most effective way of understanding practice as well as of improving it, but practice without reflection (which should be fuelled by a range of source and fostered by debriefing) is as a rid as unrelated formal theory.

However, the practice teacher, like other teachers, must never believe that mastery is easily attainable :

7. Mastrey either theory or practice is unlikely to be attained since both are temporary, problematic, and always susceptible to improvement.

Teaching practice is valuable but it needs to be evaluated and it should not be assumed that it automatically makes students good teachers.

Caspari and Eggleston (1965) stated that most of the teachers of United kingdom are the product of a teacher education programme in which student teaching practice is an important part. Students are undoubtedly helped in many ways, application of teaching methods and organisation are important for them.

So far, this paper has clearly identified a need for practical work during teacher training programmes. It can be concluded that student teaching experience can provide an arena for real teaching in schools. Teaching practice assists student teachers under the supervision of their staff members. The supervisors observe lessons and give feed back of performance with their comments.

It appears that teaching practice helps in applying their theoretical knowledge in practical situation. It helps them to identify their shortcomings and weaknesses to clarify most of their professional concepts. It also clarifies their understanding of the purpose, development, and administrative organisation of the educational system. Teaching practice makes their thoughts firm and provides ripeness. Teaching practice confirms that the process of learning takes place in a practical situation. It makes students critical of their experiences in the light of practical work. They may understand the principles of child growth and their development and relationship to the learning process. It develops healthy professional attitudes towards members of the teaching profession, parents and pupils. The student teachers improve their knowledge through this practical situation. They learn to apply audio-visual aids properly during teaching practice. They begin to develop a style of communication for their future career. Teaching practice enables them to enhance their confidence, to construct a teaching manner, to plan adequately and cover most aspects related to the teaching-learning situation. It would appear to be true that "practice makes perfect".

Given this great importance, some organised efforts have been made for the organisation of teaching practice in a scientific way in different teacher training institutions during the last two three decades. In the late 1980s the British Department of Education and Science (DES) "rediscovered" the importance of teaching practice and suggested that teacher training institutions should develop some new criteria giving more stress on to practical aspects. As part of the greater emphasis on practicalities, teacher trainers themselves were required to keep in touch with the classroom by gaining "recent and relevant" experience in schools. Thus, since 1988, teacher trainers in Colleges and University Departments of education have been returning to the classroom for short periods. Similarly the teacher trainers and experts in education critically analyzed the issue and felt a need of the reorganisation and extension of teaching practice. As Fish (1983) noted that a reasonable and useful

consideration was made in (1988) in this respect, and follow questions were point of mouths and discussions :

- “* how and by whom the trainee's learning through practice will be fostered ;
- * how practice and theory will be related ;
- * and how the practical experience will be extended and enriched beyond the instrumental into reflection and deliberation.”

In Britain, the DES (1989) issued a fresh circular replacing DES Circular 3/84 and Welsh Office Circular 21/84, concerning teacher training and its practical aspect. This introduced a new criteria for teacher training with more stress given to teaching practice. The DES claimed that it had consulted experts in education and that their recommendations were made in the light of research work done in this field. Institutions were to be asked to have regard for practical aspects while planning and running any degree or certificate programme in teacher training. Regarding practical aspect of any teacher training programme it was recommended that the course should include a substantial element of teaching practice and other school experience in more than one school. In total, it was recommended that there should be at least : 75 days teaching practice in undergraduate and postgraduate courses lasting three-years or less and in four-year concurrent undergraduate courses (ie where the teacher training element accounts for the equivalent of about one year and leads to the award of a separate certificate of education) and 100 days in all other four year courses.

Further it was suggested in this regard that :
 “those parts of Subject Application Work, Curriculum studies and Educational and Professional Studies courses which take place in institutions should be closely linked to students' practical experience in schools.....institutions should have a written policy statement which sets out the roles of tutors, headteachers, other teachers,

employers, and students in relation to students' school experience. Further more that no degree or other qualification attracting qualified teacher status should be awarded unless the student has demonstrated a satisfactory standard of practical classroom work”. (Department of Education and Science, 1989).

In this regard, it was also recommended that institutions should ensure that the staff concerned with the supervision and advisory work with students during practice teaching should have recent experience of teaching in schools and maintain and develop that experience. It was also advised that the teachers having sufficient practice of teaching should be involved in planning teacher training courses, in selection of students, the supervision and assessment of students' practical work and overall evaluation.

At the beginning of the last decade three major reports emerged which made recommendations for improving the preparation of teachers in USA. National Commission for Excellence in Teacher Education appointed by the American Association of colleges for Teacher Education. The Task Force on Teaching as a profession established by the Carnegie Forum on Education and the Holmes Group, a consortium of the deans of education and chief academic affairs from the leading comprehensive research institutions from around the country (Tanveer, Nawaz and Laine, 1990). One of the recommendations that run through the three reports and has been a subject of discussion in professional circles, particularly in the eighties, is that of field experience (teaching practice) being an integral part of pre-service teacher education (Boyer, 1983; Goodlad, 1989). It was recommended in all three reports that special attention should be given to teaching practice.

In USA student teaching generally involves 300 to 500 hours of full time experience in an actual classroom in a four year degree programme (Tanveer, Nawaz and Laine, 1990).

Teaching practice in American teacher training institutions can be divided into four phases:

First Phase : Non-instructional

In the first phase of teaching practice the student teacher is assigned non-instructional tasks such as : classroom setting, observation of classroom activity, distributing various materials concerning the lesson (A.V. Aids), taking attendance and locating sources.

Second Phase : Instructional and Non-instructional

In this phase opportunity is provided for a gradual induction into the classroom with both tasks: instructional and non-instructional. Instructional activities include grading papers, reading stories to group of pupils and conducting tutorial sessions. Non-instructional activities include proctoring tests, monitoring hallways, Supervising lunchrooms and playgrounds and other such activities.

Third Phase : Field Experience

The phase of field experience provides opportunities for the student teacher to demonstrate and refine skills of teaching in conjunction with generic and specific methods courses, usually in the final year of their studies, in classroom situations.

Fourth Phase : Application.

The final and concluding session of teaching practice provides opportunities for student teachers to apply all the knowledge they have gained as a practicing teacher (Tanveer, Nawaz and Laine, 1990).

In Pakistan, teaching practice has been a compulsory part of teacher training at degree level with the establishment of teacher training degree programmes, but some concentrated efforts were done to improve teaching practice in the late 1980s. In preparation for 12 weeks practical teaching, during a two years degree programme, teacher trainers first gave full attention to the classroom applications of theoretical work. Special concentration and attention was given to

* helping students to plan their activities

* delivering model lessons

- * use of audio-visual aids during teaching
- * observation in depth of classroom activities
- * frequent conferences with the student teachers after classroom activities.

A fresh observation and rating scale was devised and used for the evaluation of performance of student teachers during teaching practice.

So, generally, as we have seen in examples from three continents, there is a great challenge for the teacher trainers, experts in education and education authorities to enter into deliberation about the issues associated with improving the practical aspect of professional training of teachers.

Massive and swift changes in society, values, education-systems and modern technology require reorganisation of teaching practice in a new way.

with regard to the aforementioned changes, some efforts have been made for a scientific and organised programme of teaching practice in various teacher training institutions.

It is proposed that teaching practice in Pakistan be reorganized. It should extend over a period of nine weeks in six stages for practical work as described below.

FIRST STAGE (one week)

1. preliminary preparation and planning activities;
2. classroom activity without any supervision and guidance;
3. students should teach only in area of specialisation;
4. use of audio-visual aids;
5. self analysis by student teacher;
6. two or three conferences with the supervisor.

SECOND STAGE (one week)

1. planning by the student teacher under the supervision of expert supervisor;
2. supervision should be conducted by the supervisor, headteacher and class teacher;
3. weaknesses should be pointed out with suggestions.

THIRD STAGE (one week)

1. model lessons by the supervisor using various teaching aids;
2. model lessons by the student teacher in school.

FOURTH STAGE (Two weeks)

1. teaching with some specific targets;
2. supervision and all other formalities continues;
3. frequent conferences between student teacher and supervisor, head teacher and class teacher.
4. participation in general aspects of school.

FIFTH STAGE (Two weeks)

1. teaching of various subjects chosen by student teacher;
2. school and class should be changed;
3. supervisor should be replaced;
4. supervision and all other formalities continues.

SIXTH STAGE (TWO WEEKS)

1. work should be assigned by the supervisor, i.e. teaching and participation in overall school activities and responsibilities.
2. some general discussions with the supervisor and head teacher. Evaluation of various aspects of the overall performance of the student teacher during teaching practice.

In this model the student teachers are given an opportunity to use their capabilities and gain theoretical/practical knowledge by themselves. It is hoped that it would provide them with confidence and improve their creativity and planning abilities. Then, after observation and with guidance from their supervisors, their learning would become strong and permanent. Their performance in front of the supervisor should steadily improve. Specific targets would help to prepare teachers for specific subjects i.e. science teaching, agriculture and religious education teaching etc. In addition, change of school, class, subject and supervisor would provide many different experiences. Likewise, frequent meetings with the supervisor, headteacher and class teacher would provide information about the shortcomings of student teachers.

This model should help to organise and make effective programme of teaching practice and teacher training programme. Further, it is hoped that it would give required results. It is suggested that it should be managed in accordance to the situation, environment and facilities available in institutions where it is being used.

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