

POLICY BRIEF

Renewing Social Contract:
Building Trust Between Citizens and
State in Pakistan

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Executive Summary

The concept of the social contract, a foundational pillar in political philosophy, frames the mutual obligations between individuals and the government. Originating from ancient Greek philosophy and further developed by thinkers like Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, it outlines an agreement where individuals surrender certain freedoms to a governing authority in exchange for protection and social order. In Pakistan, this social contract has evolved continuously since the country's independence in 1947, shaped by constitutional reforms, military interventions, and socio-economic shifts. However, persistent mistrust between the state and its citizens, fueled by exclusionary governance, centralized control, and delayed constitutional reforms, has weakened this contract.

This policy brief explores the evolving social contract in Pakistan, charting its historical evolution, current challenges, and possible avenues for reform. Central to the analysis are the key factors that have led to a growing distrust between the state and its citizens. Among these are the enduring effects of centralized governance, exclusionary practices that marginalize certain groups, longstanding provincial disputes, and a pervasive security-centric mindset. These elements have fractured the relationship between the government and its people and perpetuated a system in which trust and voluntary cooperation are eroded.

The brief draws on global examples to highlight lessons that Pakistan can learn from. It delves into successful case studies such as post-apartheid South Africa, where dialogue and inclusive policies were instrumental in healing a deeply divided nation, and Rwanda's post-genocide efforts demonstrate the importance of justice and reconciliation in rebuilding fractured societies. South Korea's transition from military rule to a thriving democracy is another critical example, underscoring how strategic reforms and broad-based political participation can foster development and trust. Conversely, the brief highlights the failures in Venezuela, Zimbabwe, and several Arab nations, where ineffective reforms, deep-rooted corruption, and political instability have only exacerbated mistrust and further deteriorated the social contract.

Given these insights, the policy brief outlines a detailed roadmap for reimagining Pakistan's social contract. It emphasizes the need for revisiting resource allocation and political power-sharing mechanisms to address provincial imbalances and ensure equitable representation. The reform of electoral and judicial systems is highlighted as a priority, aiming to enhance fairness and access to justice. Additionally, civil service and local government reforms are presented as essential for improving governance at the grassroots level, ensuring that decision-making is more responsive to the needs of citizens.

A key aspect of the proposed roadmap is expanding citizen engagement. By creating more channels for participation and feedback, the state can foster a greater sense of ownership among the populace. The brief calls for a holistic approach that addresses constitutional and policy reforms and promotes inclusivity, transparency, and accountability in governance. This, in turn, is crucial for rebuilding trust and cultivating a more participatory political environment.

Introduction

Re-building a social contract is a process, not a single event. It takes place over a prolonged period and involves continuous negotiations, adaptation, and evolution of the relationship between the state and its citizens. As societies are dynamic and constantly changing, the terms of this contract must be periodically reassessed and renegotiated to reflect new realities and challenges. In response to people's changing expectations and demands, a social contract evolves through constitutional reforms, legislative amendments, policy adjustments, and shifts in governance practices.

The resentment of the social contract of British India and the likely nature of it in a post-British scenario gave way to an implicit agreement among Muslim elites of various regions within the subcontinent that they needed an autonomous government arrangement. This agreement then led to the creation of an independent state comprising regions with a majority Muslim population.

Since the country came into being in 1947, the social contract in Pakistan has evolved through various stages—constitutional developments, military interventions, democratic reforms, and socio-economic transformations. Each of these stages represents a part of the ongoing process of renegotiating the social contract. Both citizens and state have tried to renegotiate the terms in their favour over the last seven and a half decades of the country's history. Some of these attempts strengthened the contract while others weakened it by fueling a mistrust among the citizens and between citizens and the state.

This journey to strike a balance among competing interests of a diverse population, mainly segmented along culturally varied sub-nationalities, economic classes, and religious differences, has been hampered by frequent constitutional interruptions, security paranoia, military coups, and a governance structure heavily influenced by colonial-era practices. On the other hand, occasional efforts for decentralization, mainstreaming of the marginalized, and political consensus on democratic continuity have attempted to rebuild the trust between citizens and the state.

The current state of social contract in Pakistan has often been perceived as fragile with a widening distrust between the government and the populace. Citizens frequently view the state as an entity more interested in preserving elite privileges and maintaining control rather than delivering public services, justice, and development. This trust deficit prompts a lack of voluntary cooperation with the official guidelines, decrees, and directives, which further exacerbates the situation as the state resorts to more coercive mechanisms to establish its writ. This peculiar situation in Pakistan is well-

Historical Development of Social Contract Theory

Social contract theory is a foundational idea in political philosophy. Encyclopaedia Britannica describes the social contract as a mutual agreement between members of a society, mainly the individuals and government, where individuals consent to surrender some of their freedoms and submit to the authority of a government in exchange for protection of their remaining rights and maintenance of social order.

With its roots in ancient Greek philosophy, the early modern philosophers including Thomas Hobbes (1588–1679), John Locke (1632–1704) and Jean-Jacques Rousseau (1712–1778) build it as a formal political theory. In his seminal work *Leviathan* (1651), Hobbes argued that in a "state of nature," humans would be in constant conflict due to their selfish instincts. To escape this brutal state, individuals collectively agree to form a society governed by a sovereign authority, who would have absolute power to maintain peace and order.

Building on Hobbes' work, Locke argued that the state of nature was not as chaotic as Hobbes suggested but was instead governed by natural law. People entered into a social contract to form a government primarily to protect their natural rights—life, liberty, and property.

Rousseau, in his work "The Social Contract" (1762), argued that individuals could only achieve true freedom by participating in the formation of laws to which they are subject.

researched and documented by scholars such as Khan et al. (2021), S. Maguire (2019), and Lall (2012).

Building on this existing work, this policy brief explores the root causes of state-citizen mistrust in Pakistan and the past attempts at bridging the trust deficit, examines global case studies—both successful and failed—on rebuilding social contracts, and suggests ways to renegotiate social contract from a Pakistani citizens' perspective.

Root Causes of State-Citizen Mistrust in Pakistan

The colonial heritage of Pakistan was amongst the key factors that shaped the state-citizen relationship in the country during its early years. Historians such as Ayesha Jalal and Khalid Bin Sayeed (K.B. Sayeed) describe the governance structure under British colonial rule as highly centralized and authoritarian that relied heavily on bureaucratic elite. This structure served the purpose of maintaining control and extracting resources rather than promoting democratic governance or addressing local needs. Pakistan inherited this governance structure in 1947, which continued to dominate the country's governance practices in absence of a consensus on a new structure.

The continuation of these centralized practices hindered efforts to build an inclusive and participatory political system. The state apparatus viewed citizens as subjects to be governed rather than as active participants in the governance process. This lack of responsiveness and accountability contributed to a growing sense of alienation among various ethnic and regional groups, who felt marginalized and excluded from decision-making processes.

Colonial policies in British India often exacerbated ethnic, religious, and regional divisions through practices like divide and rule. These policies left a legacy of mistrust and rivalry between various ethnic and regional groups, which persisted in Pakistan after independence. Merely days after the independence in August 1947, the Central Government, through a legal manoeuvre, dismissed the Provincial Government in the-then North Western Frontier Province (NWFP), which was led by Dr. Khan Sahib who then represented Muslim League's arch-rival Congress. The supporters and sympathizers of Dr. Khan and his brother Bacha Khan have never ceased to hold a skeptical view towards the Pakistani state. The Central Government also sent troops to Balochistan in 1948 to ensure the state of Kalat was annexed with Pakistan.

The frictions between East Pakistan and West Pakistan too were visible since the beginning of the constitution-making process. The former had only one-fifth of the land area of the new state but was home to almost half of its total population. There also emerged various ethnic and political fault lines right after the creation of the country. This sense of exclusion and discrimination among various groups played a significant role in the deterioration of state-citizen relations and ultimately contributed to the secession of East Pakistan and the creation of Bangladesh in 1971.

In the early years of Pakistan's existence, the state's reliance on coercive measures to maintain control and suppress dissent further alienated citizens. The use of emergency laws, restrictions on political freedoms, and crackdowns on political opposition reinforced a perception of the state as

repressive and unresponsive to the needs and rights of its citizens. This approach undermined efforts to build a trusting and collaborative relationship between the state and the populace (Jalal, 1995).

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The British colonial administration had created a landed elite to maintain control and collect revenues through various land grants and titles. These feudal structures remained largely intact amidst ineffective land reforms. The concentration of land and power in the hands of a few elites contributed to socio-economic inequalities.

On top of this, a primary cause for this trust deficit has been the delay and inconsistency in constitutional developments. For nearly a decade after independence, Pakistan lacked a settled constitution, relying on the colonial Government of India Act 1935. Two successive constituent assemblies made a series of failed attempts at reaching a consensus, the first Constituent Assembly of Pakistan (1947-1954) was dissolved by the third Governor General Ghulam Muhammad. The second Constituent Assembly (1955-1958) did approve a constitution in 1956 but it was abrogated only two years later amidst widespread resentment on the framework.

One of the major reasons behind such extraordinary delay in framing a constitution was the distribution of power among provinces with Bengal province having more than the cumulative population of all four provinces in West Pakistan. The so-called parity principle was invented and the 1956 constitution provided for a unitary form of government considering the entire West Pakistan as a single province. This created resentment in three western provinces and the states that were made part of one unit. This Constitution was replaced with a new constitution in 1962 under General Ayub Khan's martial law that provided for a presidential form of government. The 1962 constitution also failed to placate the regional tensions.

Without a constitution to delineate the distribution of powers between the central government and provincial governments, there was confusion and conflict over issues of regional autonomy and resource distribution. This delay created a governance vacuum and ultimately empowered the colonial institutions of bureaucracy and military. The weak development of institutions such as the judiciary, police, and local governments meant that these institutions often operated in ways that reflected colonial-era practices of control and patronage rather than democratic accountability.

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Provincial disputes over resources and autonomy have also fuelled state-citizen mistrust. The distribution of water for agriculture, natural river flows, and daily life has been a contentious issue since the beginning. The provinces reached the Water Apportionment Accord in 1991 and set up the Indus River System Authority (IRSA) to regulate the water flows to each province. The Sindh province still raises concerns for not receiving its due share of water, particularly during times of drought or when upstream provinces draw more water. The disputes over the construction of dams and barrages particularly Kalabagh Dam continue to arise to date.

Balochistan, which is rich in natural gas resources, has expressed dissatisfaction with the distribution and revenue-sharing arrangements, arguing that it does not receive a fair share of the benefits from

its resources. Other provinces, particularly KP, have also had concerns over their gas supply and distribution.

The provinces have also had concerns over the mechanism for revenue sharing. The National Finance Commission Award, designed to address these issues by determining the distribution of federal revenues among provinces, was not regularly reviewed giving rise to complaints by provinces particularly Balochistan and Sindh of not receiving their due share. The disproportionate allocation of large-scale development projects such as communication infrastructure has been contentious too.

The border disputes arising out of partition of British India created a heightened sense of security paranoia in the state from the start. The conflict with India over Kashmir, which began almost immediately after independence, intensified this paranoia. During the Cold War, Pakistan's alignment with the United States and involvement in regional conflicts, particularly in Afghanistan, also contributed to the security concerns. The Soviet invasion of Afghanistan in 1979 led to Pakistan becoming a frontline state in the U.S.-led efforts to counter Soviet expansion. As a result, Pakistan's military has used this security excuse for repeated military coups and martial law. All coups – 1958, 1969, 1977, and 1999 - were justified on grounds of national security and political instability. These military interventions halted political activity and suspended fundamental rights, casting a negative impact on state-citizen relations. There are political and social disagreements on how to deal with the ongoing insurgency in Balochistan and the threat of terrorism that the state is attempting to address through the traditional security-centric approach.

Moreover, socioeconomic inequalities, systemic corruption, and a weak rule of law have compounded these issues, creating a perception that the state is more interested in maintaining elite privileges than addressing the needs of ordinary citizens. This perception is particularly pronounced in areas with a history of state neglect or repression, such as the former Federally Administered Tribal Areas (FATA) and parts of Gilgit-Baltistan, where the state's presence is often synonymous with coercion rather than service delivery.

Some other nuanced tensions also persist. For example, the allotment of agricultural land to farmers from east and central Punjab in canal colonies and the southern parts of Punjab and Sindh also created a sense of deprivation among the local populace. There was hardly any alternative for the population that was deprived of its riverine livelihoods as a result of the Indus Basin Treaty. The state also did not make effective efforts to mainstream traditionally marginalized classes of society, such as lower-caste artisans, scheduled tribes, nomadic tribes living off grazing, and groups of people who follow other beliefs.

Existing Efforts to Bridge the Trust Deficit

Despite all challenges, Pakistani polity and society have struggled to progress towards achieving a balanced social contract between the state and citizens. The 1973 Constitution of Pakistan, which remains in force today, is said to be the most significant attempt towards this goal. Often branded as the only unanimous agreement among the federating units and representatives of various ethnic, social, religious, and economic classes, this Constitution was framed in the politically and emotionally fragmented atmosphere that followed the secession of East Pakistan and the creation of Bangladesh in 1971.

Drafted with broad political consensus, it sought to address the diverse political and regional interests, establishing a federal parliamentary system with checks and balances. However, the constitution's suspension during periods of military rule and the numerous amendments made to it have raised questions about its efficacy in bridging the trust deficit. The representatives from Balochistan in the

National Assembly had several concerns on the proposed constitutional framework but were made to vote in its favour through the parliamentary approach of the then civilian martial law administration.

Another significant effort to overhaul the social contract was the Eighteenth Constitutional Amendment, which built upon the agreements made in the Charter of Democracy. The Charter of Democracy, signed in 2006 by leaders of the Pakistan Peoples Party (PPP) and Pakistan Muslim League-Nawaz (PML-N), aimed to restore democratic governance and reduce military influence in politics by strengthening the authority of Parliament.

The Eighteenth Constitutional Amendment, enacted in 2010, realized some of these agreements by bringing changes to the constitutional framework of 1973. By abolishing the Concurrent Legislative List in the Constitution, this Amendment transferred significant powers from the federal government to the provinces, including control over education, health, and local governance. The Amendment also reduced the President's role from an executive to a largely ceremonial one and restored a complete parliamentary form of government.

Programs like the Aghaz-e-Haqooq-e-Balochistan initiative, launched in 2009, aimed to address the grievances of the Baloch people by providing greater political representation, economic opportunities, and development funding. Similarly, the mainstreaming of FATA into the Khyber Pakhtunkhwa province and the political reforms in Gilgit-Baltistan represent efforts to integrate marginalized regions more fully into the national polity. However, these initiatives have often been criticized for their slow pace of implementation and for not fully addressing the underlying issues of mistrust and marginalization.

Progressive legislation over the last decade such as the Right to Information (RTI) and the Right to Public Services, along with the adoption of digital technologies, have contributed to strengthening the relationship between the state and its citizens in Pakistan. These laws and technologies improved transparency, accountability, and accessibility of the government for citizens.

Pakistan was a South Asian leader in introducing freedom of information statutes in the early 2000s. Following the recognition of RTI in the fundamental rights chapter of the Constitution in 2010, the federation and provinces upgraded the legislation to introduce a more open and citizen-friendly right-to-information framework providing a right to appeal before information commissions. Citizens, including journalists, civil society, and individual activists have used this right to do government accountability and negotiate on behalf of weaker segments of the society.

Similarly, the right to public services was formally legislated in Khyber Pakhtunkhwa that aimed to improve the delivery of essential services by ensuring that public services are provided in a timely and efficient manner. This law established standards for service delivery and provides mechanisms for citizens to seek redressal if services are not delivered as promised.

The instances of the use of digital technologies to improve service delivery have also been on the rise for a few years. Federal and provincial governments have introduced several web and mobile applications to receive citizen complaints, disseminate authenticated information, and facilitate access to public services. These government portals and digital platforms have enabled citizens to easily access information, submit requests, and interact with government agencies without the need for physical visits. This convenience not only improves service delivery but also makes it easier for citizens to engage with the state and participate in governance processes.

Learning from International Experiences

To forge a renewed social contract in Pakistan, it would be instructive to look at international examples where nations have successfully or unsuccessfully faced similar challenges. The civil rights movements in the United States during the 1960s provide a compelling case of how sustained advocacy for rights, legal reforms, and inclusive policies can lead to significant shifts in state-citizen relations. The dismantling of apartheid and in South Africa the subsequent establishment of a democratic regime under Nelson Mandela's leadership is another example that highlights the need for legal and constitutional reforms to address historical injustices and build an inclusive social contract.

Rwanda's post-genocide reconciliation efforts provide valuable insights into the power of dialogue, justice, and inclusive policies in healing societal divisions. The establishment of community-based courts (Gacaca) and efforts to promote national unity and reconciliation were critical in rebuilding trust in a deeply fractured society. The economic and political transformations of countries like South Korea and Singapore exemplify strategic reforms and a representative polity. South Korea's transition from military rule to a robust democracy, alongside its rapid economic development would not have been possible without a broader civil movement.

On the other hand, the attempts to rebuild the social contract in Venezuela, Zimbabwe, and many Arab nations have largely been unsuccessful. Despite various political reforms and social programs, Venezuela has faced severe economic and political collapse. Similarly, Zimbabwe's efforts to emerge out of years of economic mismanagement and political repression have largely failed. The 2008 political agreement between President Robert Mugabe and opposition leader Morgan Tsvangirai aimed to address political and economic crises but struggled with implementation issues. Corruption, a lack of genuine political will to reform, and economic challenges persist despite the efforts at the top of the hierarchy.

The Arab Spring, a series of anti-government protests and uprisings that began in late 2010, also aimed to address long-standing issues of political repression, economic hardship, and corruption in various Arab nations. Although it initially showed promise to democratization, the outcomes in several countries have been mixed or disappointing.

Egypt's experience with the Arab Spring led to significant upheaval but did not achieve the anticipated democratic consolidation. The initial removal of President Hosni Mubarak and the election of Mohamed Morsi were seen as positive steps.

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However, Morsi's presidency was marked by political polarization, and his subsequent removal by a military coup led to the rise of Abdel Fattah el-Sisi. The current regime has been criticized for its authoritarian tendencies, suppression of dissent, and lack of meaningful political reform.

In Libya, the Arab Spring led to the toppling of Muammar Gaddafi, but the country has struggled with severe fragmentation and ongoing conflict. The power vacuum left by Gaddafi's removal resulted in competing militias and rival governments. The uprising in Syria quickly escalated into a brutal civil war, which has resulted in widespread devastation and a humanitarian crisis. Yemen's situation has similarly deteriorated following the Arab Spring. The initial protests led to the resignation of President Ali Abdullah Saleh, but the subsequent political transition failed to stabilize the country. The rise of

Houthi rebels, ongoing conflict, and intervention by regional powers have plunged Yemen into a deep humanitarian crisis.

Reimagining the Social Contract in Pakistan: A Roadmap for Reforms

Building a new social contract in Pakistan requires a broad-based dialogue and a holistic approach that addresses both constitutional and policy-level reforms to bridge historical divides and contemporary challenges as well as social measures to bridge the deep-rooted trust deficit between citizens and state.

Revisiting Resource Distribution: While there has been some progress in the distribution of resources among federating units, significant regional disparities persist within the provinces, as they have effectively evaded the constitutional requirement for a third tier of governance. Consensus among provinces will not be meaningful if diverse groups within each province have serious reservations. The resource-sharing formulas need to be updated at both the provincial and federal levels. Disgruntled groups within the provinces, as well as those traditionally and socially marginalized—such as religious minorities, lower castes, nomadic tribes, and indigenous groups—must be considered in these new negotiations.

Distributing Political Power: The distribution of political power among various groups needs to be revisited. Delimitation of constituencies is currently based on population, which has effectively turned population growth into an incentive for any province. Punjab lost seven National Assembly seats to Khyber Pakhtunkhwa and Balochistan after the 2017 census, as the population growth rate in Punjab has been lower than that of KP and Balochistan. The development of any region is directly linked to its low population growth rate, and constituency delimitation that focuses solely on population reduces the political power of people in relatively developed regions.

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Reforming the Electoral System: Pakistan's electoral framework has repeatedly failed to garner trust from all political players despite multiple rounds of overhauling, the latest of which happened in 2017. This situation warrants an unorthodox approach to identify and resolve the issues that may be causing perpetual instability and frictions. The current electoral framework in Pakistan, which relies heavily on the first-past-the-post (FPTP) system, often results in a distorted representation where votes do not always translate into proportional legislative seats. This system tends to favour larger political parties and can marginalize smaller and regional parties. According to a study by Zafar (2020), Pakistan's current electoral system often fails to represent marginalized and regional voices adequately, leading to political disenfranchisement. The study suggests that reforms such as adopting proportional representation or mixed-member systems could improve inclusivity and ensure fairer representation for underrepresented groups. However, critics argue that such reforms may face resistance from entrenched political elites who benefit from the existing system. Moreover, the fear remains that the proportional representation could lead to fragmented legislatures with multiple parties, potentially complicating the formation of stable governments and leading to increased coalition politics. Nevertheless, any future reforms cannot ignore the electoral issues.

Other Critical Reform Areas: To bridge the trust deficit between citizens and the state, the policymakers and legislators need to be open to radical and fresh ideas for opening up the state to citizens and bringing about a whole new set of constitutional reforms on the pattern of the Eighteenth Constitutional Amendment. Apart from the distribution of resources, and political power and agreeing

on updated rules for electing governments and representatives, the new set of reforms should also focus on the following key areas:

- **Judicial Overhaul:**

According to a 2021 report by the Pakistan Institute of Legislative Development and Transparency (PILDAT), the slow pace and high costs of the judicial process undermine public trust and access to justice. The backlog of cases in the Supreme Court stands at above 50,000 with a pessimistic outlook of their resolution in coming years. A similar issue prevails across the border in India where the judicial system is overburdened. Without radical reforms in the process justice is expensed, this problem will only worsen. The existing reform proposals include simplifying legal procedures and increasing the number of lower courts to handle cases more efficiently.

- **Civil Service Reforms:**

The executive branches at both the federal and provincial levels operate through a bureaucracy that still runs on the colonial model it inherited. The last significant civil service reforms were implemented in 1973. However, much has changed since then, with technology revolutionizing the way governance is conducted. Today, specialized cadres of administrators are essential to support elected representatives in implementing laws, regulations, and facilitating efficient governance for the public. Civil service reforms are crucial to eliminating the 'white elephant' and 'red tape' issues that have become characteristic of the country's civil services.

- **Devolution to Local Governments:**

Completing the unfinished agenda of devolution is essential to building a more participatory state structure. A study by Shah (2017) underscores that local governments can address local issues more effectively than central authorities, leading to improved governance and public service delivery. Despite constitutional protection to the local governments in the Eighteenth Constitutional Amendment, local governance has not emerged among priority areas for the provinces. The delays in local government elections, arbitrary changes to the local government powers and functions, lack of financial authority, and a plethora of other issues plague the local governance in the province. Local governments have received more attention and resources under military regimes than the democratically-elected political setups. Constitutional reforms protecting the local governments, providing for periodic elections, and reducing arbitrary controls of the provincial governments may yield stable and consistent local governments that would ultimately mark a positive shift towards public service delivery to the citizens. Such a reforms process must also provide safeguards against local corruption and inefficiency.

- **Expanding Citizen Engagement and Participation:**

Citizen engagement refers to a set of procedures and mechanisms that allow citizens to voice their concerns and hold their representatives accountable, leading to a citizen-centered, collaborative approach to public management (Maguire, 2019). Historically, the state in Pakistan has maintained a distance from its citizens while carrying out its governance functions. However, advancements in technology and global influences have gradually facilitated greater openness and interaction between the state and its citizens. Notwithstanding the recent developments, the formal link between the state and citizens remains dysfunctional to date as it is not ingrained within the governance structure. To further enhance citizen engagement, it is essential to develop a framework in the constitution that encourages formal mechanisms for participation. This framework may be in the form of a set of guidelines that inform the provinces' actions in this

regard. By implementing clear guidelines for these consultations and improving transparency through open government initiatives, the state can foster greater accountability.

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