BS HISTORY

HISTORY OF PAKISTAN-II
(1971-2008)

Code: 9122 **Units: 1-9**



Department of History
Allama Iqbal Open University, Islamabad

Study Guide

HISTORY OF PAKISTAN-II (1971-2008)
BS HISTORY PROGRAMME

Code: 9122 **Units: 1–9**

DEPARTMENT OF HISTORY
FACULTY OF SOCIAL SCIENCES AND HUMANITIES
ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

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FOREWORD

The curriculum at AIOU has been designed on modern parameters using the latest information on recent trends, theories, and techniques. An extensive consultative process is also a basic component of this activity. The development of the study material to help the students throughout the country is a challenge. AIOU takes pride in undertaking this major task for the effective learning of the students.

The Department of History, Allama Iqbal University, offers BS History (4 Year) for students who are interested in the discipline of History. The scheme of studies for BS History (4 Year) has been designed, and the courses are developed in accordance with the emerging national and global trends and to meet the needs of the society. The study material provides a comprehensive coverage of the core contents of the BS History (4 Year) Program. The selection of, and the treatment of, study materials have been designed to meet both general and specific aims set out by the Higher Education Commission (HEC) through the National Curriculum Revision Committee (NCRC).

In the end, I am happy to extend my gratitude to the course team, Chairperson, Course Development Coordinator, unit writers, reviewers, and editor for their efforts in the development of the course. Any suggestions for the improvement of the course will be warmly welcomed by the Department of History.

Prof Dr Nasir Mahmood
Vice Chancellor

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Dr. Kausar Parveen
Course Coordinator

ABBREVIATIONS

ANP	Awami National Party
BNP (A)	Balochistan National Party (Awami)
BNP	Balochistan National Party
CMLA	Chief Martial Law Administration
CoD	Charter of Democracy
DNA	Democratic National Alliance
JIP	Jamaat-i-Islami Pakistan
JWP	Jamhoori Wattan Party
KP	Khyber Pakhtunkhwa
MLO	Martial Law Order
MLR	Martial Law Regulations
MMA	Muttahidda Majlis-e-Amal
NRO	National Reconciliation Order
NWFP	North West Frontier Province
PAT	Pakistan Awami Tehreek
PDP	Pakistan Democratic Party
PM	Prime Minister
PML (F)	Pakistan Muslim League Functional
PML (Q)	Pakistan Muslim League (Quaid-i-Azam)
PML	Pakistan Muslim League
PPA	Political Parties Act
PPMAP	Pakistan Pakhtunkhwa Milli Awami Party
PPP (S)	Pakistan Peoples Party (Sherpao)
PPPP	Pakistan Peoples Party Parliamentarians
PSPP	Pakistan Shia Political Party
PTI	Pakistan Tahreek-e-Insaf

COURSE INTRODUCTION

Pakistan has been facing political instability throughout its history. Democracy has not taken deep roots in Pakistan. The people of Pakistan are committed to parliamentary democracy as an ideal, yet the confusion oscillated Pakistan between parliamentary and presidential democracy. To strike deep roots in the political system, democracy must be inculcated as a way of life first. The two courses on the History of Pakistan have been designed keeping in view this dire need. Instead of studying simple political and constitutional events, this course develops and identifies the perilous voyage of democracy and various factors affecting its functioning in Pakistan. Usually, the textbook focuses on the functioning of the governments, but in this course, opposition has been assigned its due right to put forward its point of view, which is equally important and inculcates the culture of patience and tolerance in society. It also stresses the fact that the failure of developing a true democratic system led to extremism that is culminating in the form of terrorism. To counter these tendencies, courses on democracy are included in the syllabus.

COURSE OBJECTIVES

The objectives of this course are to:

1. Introduce the students to the ideological foundations of Pakistan.
2. Familiarize the students with the political developments in Pakistan.
3. Explore the constitutional developments in Pakistan.
4. Evaluate the democratic development in Pakistan.

LEARNING OUTCOMES

After the study of this course, the students will be able to:

1. Understand the course of political and constitutional evolution in Pakistan.
2. Comprehend the major dynamics in the history of Pakistan.
3. Analyse the causal relationship of the events in the history of Pakistan.
4. Evaluate the hurdles and their remedies in the democratic development in Pakistan.

STRUCTURE OF THE STUDY GUIDE

The course "History of Pakistan-II (1971-2008)" is structured to facilitate the students in comprehending and following the guidelines in studying this course. It is a 3-credit-hour course that consists of nine units. The study period of each unit is two weeks; therefore, the total study period of nine units is eighteen weeks. As this is a distance education course, it is organized in the following manner to help you with self-learning in the absence of formal classroom teaching.

i) Course outline and unit outlines indicate the direction of your study.

ii) A detailed Course Introduction provides an overview of the course.

iii) Course Objectives set the targets of learning for this course.

iv) Introduction to each unit provides an overview of the unit.

v) Objectives of the unit set the targets of learning for the specific unit.

vi) Contents of each unit are elaborated for your initial understanding of the specific topic.

vii) 'Required Readings' are provided to extend your study and learning through various relevant sources.

viii) Self-Assessment Questions on each unit are provided at the end of each unit to facilitate your learning and understanding and provide you with an opportunity to assess your progress. Besides, it will give you an idea of how you are going to be assessed through the assignments and final exams.

Unit–1

REVIVAL OF PARLIAMENTARY DEMOCRACY AND BHUTTO ERA

Written by: Dr. Kausar Parveen

Reviewed by: Dr. Malik Hammad Ahmad

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INTRODUCTION

With the Separation of East Pakistan, the new state emerged with changed dynamics. This event not only changed the geography of Pakistan but also had far-reaching consequences for the political, social, and economic life. This unit will focus on the changed dynamics and working of federation and democracy in the changed scenario. Bhutto era is an important period in the history of Pakistan. He was a popular leader, and his party PPP, has deep roots in Pakistani society. Bhutto has the credit of some significant contributions to the polity and state of Pakistan. He gave a constitution that is still a consensus document. He is the founder of Pakistan's nuclear programme. He held the Islamic Summit Conference in Lahore and tried to build an Islamic bloc. This unit will discuss his policies and their far-reaching implications in the political and constitutional history of Pakistan.

OBJECTIVES

After the study of this unit, you will be able to:

1. Understand the changed dynamics of the new state after the separation of East Pakistan.

2. Examine the policies of the Zulfikar Ali Bhutto government.

3. Understand the significance of the Constitution of 1973 in the constitutional and political history of Pakistan.

4. Comprehend the role of opposition in the democratic government.

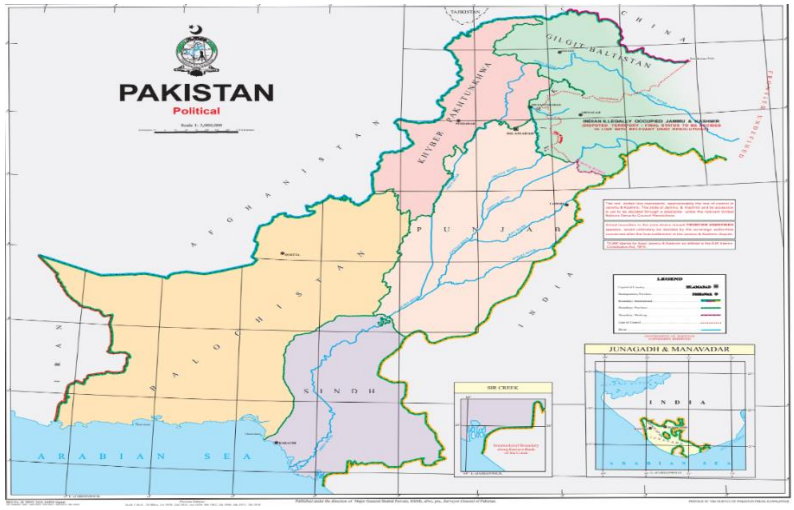


Figure 1: Political Map of Pakistan

1.1.**Pakistan in Perspective**

After the separation of East Pakistan in 1971, the dynamics of Pakistan changed drastically — politically, socially, economically, and militarily. The political balance shifted within Pakistan, with the Punjab overwhelmingly dominant province being the most populous and economically strongest and a major contributor of manpower to the army.[1] The loss of East Pakistan reduced Pakistan's cultural and social diversity, which ultimately proved disadvantageous for the new state.[2] Pakistan lost more than half its population and one-third of its territory with the creation of Bangladesh. The new country consisted of West Pakistan with a changed geographical identity of a two-wing state (East and West) to a single wing (West Pakistan). Zulfikar Ali Bhutto took over as President (1971 and later as Prime Minister in 1973. The Constitution of 1973 was passed, restoring parliamentary democracy and federalism, which is a unanimously agreed document to this day in Pakistan.

The defeat in 1971 provided an opportunity for the nation to reassess its military strategy, which shifted focus from conventional warfare to developing nuclear deterrence, particularly after India's nuclear test in 1974. Bhutto initiated economic reforms, including nationalization of major industries, banks, and educational institutions; therefore, the focus shifted to self-reliance, industrial development, and rural support programs. Pakistan strengthened relations with Muslim countries,

[1] Stephen Philip Cohen, *the Idea of Pakistan* (Lahore: Vanguard Books, 2005), 75.
[2] Cohen, *the Idea of Pakistan*, 75-76.

China, and the West, particularly the USA. Improving relations with the Middle East led to increased labour migration and foreign remittances.

Federalism has remained a challenge for Pakistan since its independence. "Federalism is generally viewed as an ideal type of political arrangement of governance which accommodates the diversity of groups and regions to form a political union enabling these identities to maximize advantages by ceding some authority to the centre yet seeking to preserve and keep their separate identity by retaining a degree of autonomy."[3] Federalism, though declared as part of each constitution but in practice, caused alienation among groups and regions, generating greater demand for autonomy, accompanied by the eruption of violence, insurgency and even secession.

The new Pakistan started with a renewed problem of federalism with a province big enough and three smaller provinces. It posed problems between the federation and provinces and among the four provinces. In the ensuing years, Pakistan witnessed a tussle when there were separate parties ruling in the centre and in the Punjab. This created a deadlock. The Constitution of Pakistan re-established federalism, recognizing provincial autonomy and the division of powers between the federal and provincial governments. The National Finance Commission was created in the Constitution of 1973 to resolve these issues. The Eighteenth Amendment provided greater autonomy to the provinces and replacing the single factor of population with multiple resource distribution criteria has resolved the major causes of discord between the federation and its units, as well as among the units.

Another challenge was the democratic process. Pakistan opted for parliamentary democracy after independence, yet Pakistan experienced four martial laws and weak parliamentary governments. Zulfikar Ali Bhutto (PPP) became the first civilian Chief Martial Law Administrator, then President, and later Prime Minister under the Constitution of 1973, who introduced land reforms, labour rights, and nationalization. The Constitution of 1973 re-established parliamentary democracy with the national consensus and established civilian rule, regular elections, and fundamental human rights.
General Zia-ul-Haq deposed Bhutto in 1977 and imposed martial law, suspending democratic institutions. From 1977 to 1988, Pakistan experienced military rule, with controlled democracy. After General Zia's death in 1988, democratic governments were restored under Benazir Bhutto and Nawaz Sharif, yet Presidential dismissals under Article 58(2b) led to political instability. Even under elected governments, the military influenced foreign policy, defence, and security

[3] Sajjad Naseer, 'Federalism and Constitutional Development in Pakistan', http://www.uni-bielefeld.de/midea/pdf/Sajjad.pdf

matters. The democratic spirit revived with the restoration of the Constitution of 1973 through the Eighteenth Amendment in 2010.

1.2 Bhutto Era

Civilian Martial Law

Zulfikar Ali Bhutto assumed the dual office of the President and the CMLA. As CMLA, Bhutto's orders seized the passports of Pakistan's leading industrialists and their families to detain them from going abroad and set up paramilitary and intelligence organizations to monitor his opponents, ambitious army officers, and even his own party men. He retired several military generals and appointed General Gul Hasan as Army Chief.

Nationalization Policy

Through the Economic Reforms Order, 1972 issued as President's Order on 3 January 1972 ten categories of basic industries including iron and steel foundries; basic metal, heavy engineering, heavy electrical, assembly and manufacturing of motor vehicles; tractor plants, assembly and manufacture; heavy and basic chemicals; petro chemicals, cement; public utilities, like electricity generation, transmission and distribution; gas, and oil refineries, were taken over by the state for the benefit of the people of Pakistan. All establishments under any of the above categories were taken over by the central government by appointing a Managing Director for each establishment. No court, including the Supreme Court and the High Courts, could call in question any provision of this Order or of any rule or order made or anything done or any action taken or purporting to be made, done or taken there under. Similarly, no court could grant any injunction against anything done under this order. The central government and the managing directors of these establishments were indemnified for anything done in good faith.



Figure 2: Zulfikar Ali Bhutto

The federal government took over the ownership and management of vegetable oil mills through an ordinance in September 1973, followed by an Act of Parliament on the same terms. In March 1974, all banking companies registered under the Company Law in Pakistan were nationalized and the ownership, management and control of all banks were transferred to and vested in the federal government. A Pakistan Banking Council was constituted to make policy recommendations to the federal government, formulate policy guidelines for banks, evaluate their performance, determine the area of coordination between them, and to assist them

in the management of banks. In July 1976, through three ordinances, flour mills, rice mills, and cotton ginning factories were nationalized, followed by identical Acts of the Parliament on these subjects in September 1976.[4]

Land Reforms

On 11 March 1972, the Land Reforms Regulation was introduced. The maximum ceiling of agricultural land was reduced from 500 to 150 acres for irrigated land, and from 36,000 to 15000 produce index units. All transfers more than this limit made on or before 20 December 1971 were declared void. However, alienations made prior to 20 December 1971 in favour of heirs, including wife, sons, daughters, father, mother, and sons and daughters of a deceased son or daughter of the owner of the land, were declared valid. Transactions of land more than the limit given between 1 March 1967 and 20 December 1971 were to be considered void unless the Land Commission found any such transaction to be valid. Another important step under this regulation was the grant of land vested in the government. The first right of pre-emption of the land in his tenancy was a progressive step.

The jurisdiction of courts was barred regarding a challenge to the provisions of the regulation itself, and no court could issue an injunction in relation to anything done or intended to be done by the Land Commission or any of its officers. Partition of joint holdings or alienation of holdings should not be allowed to go below economic or subsistence levels.[5]

1.3 Re-emergence of Parliamentary Democracy
Constitution of 1973: Salient features
The Constitution of 1973 reintroduced parliamentary democracy in Pakistan with the following important features:

1. Pakistan was declared a parliamentary democracy. The Prime Minister was the real head of government. The President was the ceremonial head of state.

2. Pakistan is declared an Islamic Republic. Islam is the state religion. Laws must be in conformity with the Qur'an and Sunnah.
3. Parliament consists of two houses: the National Assembly (based on population) and the Senate (equal representation for provinces).

[4] Ian Talbot, *Pakistan: A New History (*Karachi: Oxford University Press, 2012), 111-112.
[5] Talbot, *Pakistan: A New History*, 109-110.

4. Power is divided between the federal and provincial governments. Provinces have their own governments, assemblies, and autonomy.

5. It is a written document with 280 articles and multiple amendments that can only be amended through a two-thirds majority in Parliament.

6. It Guaranteed Freedom of speech, Freedom of religion, the right to a fair trial and Protection of life, liberty, and property.

7. The President and PM must be Muslims. The Council of Islamic Ideology was established to advise on Islamic laws. No law can be enacted against the teachings of Islam.

8. The Supreme Court is the highest court. : The judiciary is independent and has the power of judicial review.

9. All citizens aged 18 and above have the right to vote. Free and fair elections are to be held regularly.

10. Urdu was declared the national language. English may continue until Urdu is fully adopted.

11. The President can declare an emergency during war, a natural disaster, or an internal disturbance. During an emergency, fundamental rights can be suspended temporarily.

The Bhutto government introduced the following amendments in the Constitution of 1973 during its rule.

- **First Amendment**: Recognition of Bangladesh
- **Second Amendment**: Ahmadis declared non-Muslims
- **Third Amendment**: curtailment of the rights of a detenu detainee under a law for preventive detention, extending the Powers of the detainee
- **Fourth Amendment:** Curtailment of Court Jurisdiction
- **Fifth Amendment:** Disciplining the Judiciary
- **Sixth Amendment:** extending the term of the Chief Justice of the Supreme Court and High Courts beyond the age of retirement
- **Seventh Amendment:** it provided for a referendum to demonstrate confidence in the Prime Minister. Another provision barred High Courts from exercising jurisdiction under Article 199 in relation to any area in which the armed forces were acting in aid of civil power in pursuance of Article 245.

Bhutto Government's Administrative Reforms

Pakistan inherited its bureaucratic set-up from the British, who ruled India through bureaucrats. After independence, the fear of internal collapse compelled politicians to strengthen bureaucracy. Consequently, this institution became stronger than the parliamentary government. Several bureaucrats turned into successful politicians, for example, Pakistan's Governors-General, Ghulam Muhammad and Iskandar Mirza (who also became the first President of Pakistan under the Constitution of 1956), and one Prime Minister, Chaudhri Mohammad Ali. Bureaucracy was further strengthened during Ayub Khan's martial law.

According to the People's Party's election manifesto, Bhutto introduced bureaucratic and administrative reforms to reduce the powers and privileges of the bureaucracy. A high-powered committee for the overhauling of the administration submitted its recommendations after examining various issues, such as the revision of the services structure, the eradication of corruption, the creation of a more scientific and effective machinery, and the establishment of sound and rational training programmes. The government accepted its following recommendations:

i. Constitutional safeguards and guarantees were abolished and the terms and conditions of service of the civil servants were brought under the control of the legislatures through ordinary legislation.
ii. Administrative tribunals were set up where government officials could get their grievances redressed.
iii. All the services and cadres were merged into a unified grading structure with equality of opportunity for all who entered the service at any stage, based on the required professional and specialized competence necessary for each job:
iv. All 'classes' amongst government servants were abolished and replaced by a unified grading structure: a peon or equivalent at the bottom and a secretary or departmental head at the top. The road to the top was open to all on merit.
v. The use of service labels like CSP, PSP, etc. was discontinued immediately:
vi. The unified structure enabled promotions to the highest jobs throughout the range of public service and for horizontal movements from one cadre to another, including the movement of the technical personnel to the cadre of general management. There would also be scope for out-of-turn promotion to exceptionally able officers.
vii. The correct grading for each post would be determined by job evaluation.
viii. There was provision for entry into government service for talented individuals from the private sector in fields such as banking, insurance, industry, and trade.

The parliament and the provincial assemblies were empowered to enact laws for the establishment of one or more administrative courts or tribunals to exercise exclusive jurisdiction in respect of the following matters:

a) Terms and conditions of persons in the service of Pakistan, including disciplinary matters.
b) Claims arising from tortuous acts of government or its servants while acting in the exercise of their duties, or of any local or other authority empowered to levy any tax; or
c) The acquisition, administration, and disposal of enemy property under any law.

The jurisdiction of such administrative courts and tribunals was made entirely exclusive, and, on their establishment, no other court could grant an injunction, make any order, or entertain any proceedings regarding matters within their jurisdiction.

General Elections 1977

The general elections for the National Assembly were held on 7 March 1977. PPP received 58% votes against 35% for the PNA. The party position is described in the table below:

Table 1: Party Position in the National Assembly 1977

Provinces	PPP	PNA	Independents	Total
Punjab	107	08	—	115
Sindh	32	11	—	43
KPK (then NWFP)	08	17	01	26
Balochistan	07	—	—	07
Islamabad	01	—	—	01
Tribal Areas	—	—	08	08
Total	**155**	**36**	**09**	**200**

Source: Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 314.

2.5 Alliance Politics: Role of Pakistan National Alliance (PNA)

On 21 January 1977, nine opposition parties formed the Pakistan National Alliance which won 36 seats in the general elections. PNA, accusing the PPP government of rigging in the National Assembly elections, boycotted the elections of provincial assemblies and demanded the resignation of the Chief Election Commissioner and called for a peaceful country-wide strike on 11 March, demanding fresh elections

under the supervision of the Judiciary and the Army.[6] The strike was effective and few voters polled in the provincial elections, which encouraged the PNA leadership to launch a mass movement against the PPP regime, demanding the resignation of Bhutto.

Responding to the mass movement, Bhutto imposed Martial Law in Karachi, Lahore, and Hyderabad under the Article 245, which was challenged before the Lahore High Court, which declared it unconstitutional.



Figure 3: PM Zulfikar Ali Bhutto with PNA Leaders

Bhutto invited the PNA leadership for a dialogue. The PNA in response demanded for the lifting of emergency, martial law, and section 144 of the Code of Criminal Procedure, release of all political prisoners, dissolution of all special courts and tribunals, removal of press curbs, dissolution of elected assemblies not later than seven days after an agreement was reached, holding of general elections within a period of thirty days after their dissolution, the appointment of new Election Commission with mutual consent, appointments of Governors of all provinces with mutual consent and changes in certain key appointments with mutual agreement to ensure free and fair polls.[7]

On 18 May 1977, Bhutto visited Mufti Mahmood at the Sihala 'rest' house, assuring him that hold new elections and inviting the PNA for talks. Negotiations started on 3 June. Abdul Hafeez Pirzada and Kausar Niazi assisted Bhutto, while Mufti Mahmood, Nawabzada Nasrullah Khan and Professor Ghafoor Ahmad represented the PNA. Consequently, PNA withdrew its demand for Bhutto's resignation, yet amid negotiations, martial law was imposed on the night between 4 and 5 July 1977.

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[6] Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 317.

[7] Khan, *Constitutional and Political History*, 319.

The following were the major factors of the downfall of Bhutto and the imposition of Martial Law in 1977.

- Rigging in the elections
- Long Negotiations
- Delay in the implementation of Negotiations with the PNA
- General Zia-ul-Haq's Islamic inclinations

SELF-ASSESSMENT QUESTIONS

Multiple Choice Questions

1. What was one major political change in Pakistan after 1971?
   A. Return to monarchy
   B. Presidential system restored
   C. Shift to a parliamentary democracy
   D. Abolition of all political parties

2. After 1971, Pakistan became a federation of how many provinces:
   A. 2
   B.6
   C.4
   D.5

3. How many seats did PNA win in the General Elections 1977?

   A.26
   B.36
   C.46
   D.56

4. What is the role of the Senate in Pakistan's federal structure?
   A. Controls the army
   B. Leads the judiciary
   C. Ensures equal representation of provinces
   D. Appoints the Prime Minister

5. Which institution was re-established after 1971 to restore civilian rule:
   A. Army
   B. Police
   C. Parliament
   D. National Security Council
   Answers:

   1. C 2. C 3. B 4. C 5. C

Restricted Response Questions

1.Discuss the land reforms of the Bhutto government and their impact on the rural economy of Pakistan.

2.Examine the implications of the Nationalization Policy of the Bhutto government.

3.Why did the Bhutto government amend the Constitution of 1973?

Extended Response Questions

1. Elaborate on the changed dynamics of geography, society and politics of the new Pakistan after the separation of East Pakistan.

2. Examine the prospects of working of a federation in the new state after 1971.

3. Analyse the significance of the re-emergence of parliamentary democracy in Pakistan in 1973.

4. Evaluate the significance of the Constitution of 1973 in the context of the constitutional history of Pakistan.

5. Explore the implications of the administrative reforms of the Bhutto Government.

6. Examine the factors leading to the downfall of Zulfiqar Ali Bhutto despite being a popular leader.

7. Explore the movement of Pakistan National Alliance (PNA) in the context of alliance politics in Pakistan.

RECOMMENDED READINGS

Burki, Shahid Javed. *Pakistan under Bhutto, 1971-1977*. Hong Kong: Macmillan, 1988.

Syed, Anwar H. *The Discourse and Politics of Zulfiqar Ali Bhutto.* Hong Kong: Macmillan Press, 1992.

Wolpert, Stanley. *Zulfi Bhutto of Pakistan_ His Life and Times*. Karachi: Oxford University Press, 1993.

Unit–2

ZIA-UL-HAQ ERA

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INTRODUCTION

The Zia-ul-Huq era in the history of Pakistan is very important. Since the inception of the Zia rule, the whole scenario of the country has changed. His rule had far-reaching repercussions. Zia's Afghan Policy, Islamization policy, and constitutional amendments had affected the whole fabric of the state and society. The political and constitutional history after the death of Zia could not be comprehended without first examining his rule and policies closely. This unit will focus on his policies and particularly the implications of these policies.

OBJECTIVES

After the study of this unit, you will be able to:

1. Understand the significance of the Zia-ul-Huq era.

2. Comprehend the constitutional developments of the period.

3. Analyse the implications of the key policies of the Zia-ul-Huq regime.

4. Evaluate the role of opposition during this period.

In the 1977 general elections, Zulfikar Ali Bhutto's PPP claimed a sweeping victory. Opposition alliance Pakistan National Alliance (PNA) accused PPP of massive rigging, inciting countrywide protests, strikes, and violence, leading to political instability. Though negotiations started between the government and the opposition, but delay provided a pretext to Chief of Army Staff General Muhammad Zia-ul-Haq to overthrow Bhutto's government, impose Martial Law, and suspend the Constitution on 5 July 1977. Bhutto and opposition leaders were arrested. Zia-ul-Haq promised to hold fresh elections within 90 days, later postponed indefinitely. National and provincial assemblies were dissolved. Military Courts were set up to try vilians. Political Activities were banned. The coup was validated by the Supreme Court under the "Doctrine of Necessity." In 1979, Bhutto was executed after a controversial trial.



Figure 1: President Zia-ul-Haq

The Zia regime consolidated its power due to the Soviet Invasion of Afghanistan in 1979. In 1978, the Communist People's Democratic Party of Afghanistan (PDPA) assumed power in a coup (Saur Revolution) and introduced radical reforms and aligning closely with the Soviet Union, but faced strong resistance from Afghan tribes and Islamic groups. To support the struggling communist government, the Soviet Union invaded Afghanistan on 24 December 1979 with 100,000 troops.

Pakistan strongly opposed the Soviet invasion, considering it a threat to its sovereignty and regional stability, fearing that Soviet troops in Afghanistan could reach the warm waters through Pakistan's Balochistan. Consequently, Pakistan assumed the role of the frontline state in the war. General Zia-ul-Haq's military government supported the Afghan Mujahideen with the help of the USA, Saudi Arabia, and China. The USA provided billions in military and economic aid to Pakistan under the Reagan administration. After 10 years of war, the Soviet Union withdrew its troops in 1989 after failing to defeat the Mujahideen. Pakistan played a key role in this outcome, paying a high price in terms of internal instability. Pakistan accommodated over 3 million Afghan refugees, mostly in Khyber Pakhtunkhwa and Balochistan. This created economic, social, and security challenges, particularly arms and drug trafficking. The war led to the rise of

religious extremism and jihadist groups in Pakistan. General Zia promoted Islamization policies to align with the Mujahideen cause. After the war, many fighters turned to sectarian violence. Groups like the Taliban emerged in the 1990s partly due to this war.

2.1The Provisional Constitution Order 1981

The Provisional Constitution Order (PCO) promulgated on 24 March 1981 rendered the judgments of the Supreme Court and High Courts totally ineffective against provisions of Martial Law with retrospective effect. Judges of the Supreme Court and High Courts were asked to take a fresh oath under PCO.[1] Chief Justice of Pakistan, Justice Anwar-ul-Haq, along with Justice Dorab Patel and Justice Fakhar-ud-din G. Ibrahim of the Supreme Court and Justice Zaki-ud-din Pal, Justice Aftab Farrukh, Justice Amir Raza Khan and Justice Habibullah of the Lahore High Court resigned, refusing to acknowledge the validity of PCO. In all, sixteen judges of the higher courts refused or were not invited to take the oath.[2]

The PCO validated every action of the Zia regime since its coup and such validation was not to be called into question in any court on any ground whatsoever.[3] Besides, the PCO removed many provisions of elections, Parliament and preservation of fundamental rights. The judges of the Federal Shariat Court were to hold their office during the pleasure of the President and the terms and conditions of their service could be modified at any time by him. If the President wished, they could be transferred to perform any other function, which he might deem fit for them.[4] Apparently, to provide justice at doorsteps, new benches of the High Courts of Multan, Bahawalpur and Rawalpindi were constituted. But then, the discerning public had its own apprehensions. As one critic explained, the idea was to:

1. Weaken the lawyers' solidarity and crush them economically.
2. Keep the Judges away from their homes for not less than two years to affect their morale; and
3. Influence the Judges by keeping the sword of transfer to the Federal Shariat Court on their heads. If they refused, they could be forced into compulsory retirement.[5]

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[1] Zulfikar Khalid Maluka, *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995), 262.

[2] Maluka, *The Myth of Constitutionalism,* 263.

[3] Maluka, *The Myth of Constitutionalism,* 263.

[4] Mohammad Waseem, *Politics and the State in Pakistan* (Islamabad: National Institute of Historical and Cultural Research ,1994), 375.

[5] Malik Muhammad Akhtar, "Eighth Amendment-ii, Violation of the Supreme Court Judgement," *The Pakistan Times* 8 February 1989.

In the words of Justice Dorab Patel, the purpose of PCO was to "nullify the Supreme Court judgement because it had put drastic limitations on the powers of Martial Law authority."[6] The PCO also provided for the formation of a nominated federal council to be known as 'Majlis-e-Shoora' to help Zia-ul-Haq assemble his supporters in the so-called representative assembly of Pakistan.[7]

2.2 Socio-economic Reforms

The government of General Muhammad Zia-ul-Haq (1977-1985) introduced a range of socio-economic initiatives to restructure Pakistan's economy and society, relying on Islamization, economic liberalization, and agricultural development. The following are some of his key initiatives:

1. Zia-ul-Haq implemented several economic reforms aligned with Islamic principles, such as the elimination of riba (interest) and profit-and-loss sharing schemes in the banking system. To regulate Zakat and Ushr, new laws and institutions were established. Zakat was deducted from bank accounts annually to provide financial assistance to the poor and needy. The Bait-ul-Mal fund was also established to assist needy citizens with financial aid, healthcare, and educational grants.

2. Zia-ul-Haq's government reversed some of Bhutto's nationalization policies through privatization, especially in small-scale industries and businesses, to encourage private enterprise. Thus, the focus shifted from state control to encouraging private investment, particularly in the textile, sports goods, and surgical instrument industries. Tax incentives also encouraged investment in private industries.

3. The Zia-ul-Haq regime introduced incentives to the agricultural sector to increase productivity and food security, including subsidies on fertilizers, seeds, and pesticides, along with improved irrigation facilities. Mainly, large landowners who were the support base of the Zia regime benefited from these policies. Besides, encouragement of tractors and mechanized equipment also contributed to a rise in agricultural output. He also invested in rural infrastructure, including roads, electrification, and water supply, to promote rural development. Community-based programs like the Village Aid Program were revived to improve health, education, and economic development in rural areas.

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[6] Justice Shamim Hussain Kadri, *Judges and Politics: Ghulam Muhammad to Ghulam Ishaq* (Lahore: Jang Publishers, 1990), 69.

[7] Maluka, *The Myth of Constitutionalism,* 263.

4. The Zia-ul-Haq regime introduced restrictions on trade unions and limited labour rights to control strikes and protests. Wages were regulated, ensuring discipline and stability in the industrial sector.

5. The Zia-ul-Haq regime encouraged overseas employment for Pakistani workers, particularly in the Middle East, increasing foreign remittances through incentives like better exchange rates and duty-free allowances, which ultimately enhanced foreign exchange reserves.

6. Education was Islamized, with Islamic studies becoming a mandatory subject in schools, and the curriculum was revised to reflect Islamic values. Madrassas received increased funding and support.

The PNA's political movement against Bhutto demonstrated 'the tremendous potential of Islamic idiom as a political resource' and the Zia regime adopted it as its political programme. Muhammad Waseem put forward two factors that influenced the pace of Islamization. First was the persistent crisis of legitimacy. He pointed out that 'various Islamic measures tended to coincide in time scale with political crisis expected to emerge at the time of postponing elections, outlawing parties or executing Bhutto'.[8] The other factor was that 'Islam had been the sheet anchor of all the post-independence regimes which… paid only lip service to its cause'. Muhammad Waseem has divided the Islamization measures of the Zia regime into three categories of Punitive Measures, Reconstruction of Economic System, and General Islamization of Morals, Education, and Science.[9] Thus, he concluded that the Martial law regime enhanced its 'religious credibility' through a comprehensive programme of Islamization as a means for political legitimacy damaged due to repeated postponements of elections and arbitrary constitutional amendments. It was expected that it would increase the support base for the regime and alienate the opposition parties from the public due to opposition to the regime's reforms.[10]

2.3 The Eighth Amendment

After the elections of 1985, before calling the session of the National Assembly, Zia-ul-Haq promulgated a Revival of Constitution Order (RCO) on 2 March 1985 on his own authority, amending the character and complexion of the Constitution

[8] Waseem, *Politics and the State*, 379.
[9] Waseem, *Politics and the State*, 380.
[10] Waseem, *Politics and the State*, 387.

of 1973 beyond proportion. The following important changes were implemented through the RCO:[11]

1. The Objectives Resolution was made a substantive and effective part of the constitution.
2. The electoral college for the election of the President was modified to include both Houses of Parliament and all four provincial assemblies (with equal weightage in terms of votes to each provincial assembly).
3. The President was to act on the advice of the cabinet, the Prime Minister or the appropriate Minister, but he could require the cabinet to reconsider its advice.
4. The President could dissolve the National Assembly in his discretion where, in his opinion, an appeal to the electorate was necessary and call for elections within 100 days of such dissolution.
5. The President could ask the Prime Minister to continue in office until his successor was installed. This apparently applied to the Prime Minister who had resigned his office or where the National Assembly was dissolved. The President had the discretion to appoint a caretaker cabinet till the election of the successor through the National Assembly after the general elections.
6. Seats reserved for women were increased from ten to twenty.
7. Membership of the Senate was raised from 63 to 87, with five seats from each province provided for technocrats, ulema or professionals.
8. The time for the President to give assent to the bills passed by the Parliament was extended from 7 to 45 days. The President could veto a bill, other than a money bill, by returning the bill within 45 days for reconsideration. Such a veto could be overridden by most of the members present and voting in both Houses of Parliament.
9. The President could, in his discretion, appoint any member of the National Assembly as Prime Minister who, in his opinion, could command the confidence of most of the members of the National Assembly. However, the Prime Minister, so appointed, had to obtain a vote of confidence from the National Assembly within sixty days.
10. Federal ministers and ministers of State were to be appointed by the President on the advice of the Prime Minister.
11. The procedure for the vote of no-confidence was changed and the requirement of an alternative candidate in such a motion required in the original 1973 constitution, was omitted.[12]
12. The method of amendments to the constitution was modified and, under the new provision, an amendment to the constitution could only take place by a

[11] Sreedhar, *Pakistan after Zia* (New Delhi: ABC Publishing House, 1989), iii.

[12] Mahmood Mirza," Eighth Amendment and the Constitution," *The Nation,* 26 January 1993.

majority of 2 / 3 of the total members in the National Assembly and the Senate and by an absolute majority in all four provincial assemblies. The amendment procedure was further modified under President's Order 20 of 1985 and the requirement of laying the amendment bill before the provincial assemblies was dispensed with, except where such an amendment had the effect of altering the limits of a province. In such a case, the provincial assembly of such a province had to pass the amendment with 2/3 of its total membership.

13. Article 270-A was introduced for the validation of all Martial Law regulations, Martial Law orders, and laws framed during the Martial Law regime and acts and orders made thereunder.
14. The President could appoint the Governor of a province in his discretion.
15. Article 152-A was introduced for the introduction of the National Security Council (NSC), which included the President, the Prime Minister, the Chairman of the Senate, the Chairman of the Joint Chiefs of Staff Committee and the Chief of the Army Staff.[13]

With mounting internal and external pressures in the mid-1980s, President Zia-ul-Haq was compelled to restore some kind of democracy in the country; he first secured his position and authority through a referendum. To further consolidate his power, he held general elections on a non-party basis so that no party could emerge strong enough to challenge his authority.[14] The elected National Assembly had to accept the Eighth Amendment to help lift Martial Law from the country.

Although the Amendment, and particularly Article 58 (2b), was meant to affect a balance of powers between the President and the Prime Minister, and indeed to forestall the imposition of future martial laws in the country, the realities on the ground hardly justified the optimism. Indeed, on the contrary, dismissal of the four successive governments and dissolution of four assemblies proved that, instead of providing stability to the system, it had weakened the political institutions by creating two centres of power, encouraging power struggle, intrigues and opportunism.[15]

With the introduction of the Eighth Amendment in the Constitution, the nature of the parliamentary constitution of 1973 was changed. The amended constitution was neither parliamentary nor presidential. It was rather a mixture of the two systems,

[13] Mirza," Eighth Amendment and the Constitution,".

[14] Hamid Khan, "An Outline of the Constitutional History of Pakistan" Raza Mehdi (ed.), *Pakistan Today* (Lahore: Progressive Publishers, 1987), 53.

[15] Lawrence Ziring, "The Fall of Benazir Bhutto," *Asian Survey*, vol. XXXI, No. 2 (February 1991) 122.

with some features of parliamentary government and some characteristics of the presidential system. In view of the discretionary powers of the President, the system was rather quasi-presidential[16] as the basic anomaly of the system was that an indirectly elected President had decisive powers over and above the directly elected Parliament and its head, the Prime Minister. The President had the power to dissolve the National Assembly, against the spirit of parliamentary democracy.[17] In parliamentary democracies, the Prime Minister is the elected representative of the people and the guardian of public trust. He should, therefore, be allowed to run the affairs of the state, subject to the will of the people to be expressed in the general elections held from time to time under the constitution. He can formulate and pursue policies to achieve the desired results.[18]

2.4 Movement for Restoration of Democracy *(MRD)*



Figure 2: MRD Leaders

After the death of Bhutto, the political forces realized the damage to political institutions. The PPP also realized that to combat the Zia regime, it had to collaborate with other political forces, ignoring the past differences.

Consequently, MRD was formed on 6 February 1981 with the Objectives of lifting Martial Law and holding free and fair elections in accordance with the suspended constitution of 1973. The parties included in the MRD were PPP, Majlis-i-Ahrar-i-Islam, National Democratic Party, Sindh Awami Tehreek, Awami National Party, Tehreek-i-Istaqlal, Pakistan Muslim League, Qaumi Mahazi Azadi, Pakistan Mazdoor Kissan Party, and Jamiat-i-Ulama-i-Islam.

[16] Farid A. Malik, "Moving Towards a Presidential Form of Government," *The Nation*, 18 November 1996.

[17] Inayatullah, "Removing an anti-democratic article," *The News*, 25 October 1996.

[18] Mahmood Mirza, "8th Amendment and the Constitution-II," *The Nation*, 27 June 1993.

SELF-ASSESSMENT QUESTIONS

Multiple Choice Questions

1. When did the Soviet Union invade Afghanistan?
   A. 1975
   B. 1979
   C. 1981
   D. 1983

2. What was the main purpose of the RCO 1985:
   A. Abolish the Constitution
   B. Conduct new elections
   C. Revive the 1973 Constitution with amendments
   D. Form a caretaker government

3. Which constitutional amendment was incorporated through the RCO 1985:
   A. 6th Amendment
   B. 8th Amendment
   C. 10th Amendment
   D. 12th Amendment

4. The following article empowered the President to dissolve the National Assembly:
   A. Article 47
   B. Article 70
   C. Article 58(2b)
   D. Article 19

5. What does MRD stand for:
   A. Military Reform Department
   B. Movement for the Restoration of Democracy
   C. Muslim Rights Defence
   D. Movement for Rural Development

Answers:

1. B 2. C 3. B 4. C 5. B

Restricted Response Questions

1. Bring out the significance of the Provisional Constitution Order 1981 for the ensuing constitutional and political developments.

2. Discuss the changes Zia intended through the Revival of Constitution Order (RCO) 1985 in the Constitution of 1973.

3. Examine the role of MRD for the restoration of democracy in the country.

Extended Response Questions

1. Evaluate the socio-economic policies of the Zia Regime and its impact on the people of Pakistan.

2. Discuss Zia's policy of Islamization as a means of political legitimacy. To what extent was he successful in its implementation?

3. Analyse the causes and consequences of the Article 58(2b) for the political system of Pakistan.

RECOMMENDED READINGS

Choudhury, Golam. W. *Pakistan: Transition from Military to Civilian Rule*. England: Scorpion Publishing LTD. 1988. (33–49 & 113–152)

Khan, Hamid. *Constitutional and Political History of Pakistan*. Karachi: Oxford University Press, 2001. (329–386)

Talbot, Ian. *Pakistan: A New History.* Karachi: Oxford University Press, 2012.

Unit–3

THE JUNEJO GOVERNMENT

1985-1988

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INTRODUCTION

General elections 1985 were held on a non-party basis, which had far-reaching repercussions for the political system of Pakistan. These elections restored a façade of democracy in Pakistan. Muhammad Khan Junejo was elected as Prime Minister by President Zia-ul-Huq. The President had very carefully elected a non-controversial and non-assertive PM. The Eighth Amendment created conflict between the two offices on the sharing of power. This unit examines not only the workings of the Junejo Government but also analyses the implications of the Eighth Amendment for the political system of Pakistan, which broke down in intervals in the ensuing years.

OBJECTIVES

After the study of this unit, you will be able to:

1. Analyse the working of the Junejo Government.
2. Examine the political implications of the Eighth Amendment.
3. Comprehend the role of the Judiciary in the interpretation of the Eighth Amendment.
4. Evaluate the dismissal of the Junejo Government.

3.1 General Elections 1985 and the Junejo Government

The General Elections of 1985 in Pakistan were held on a non-party basis under military rule after the overthrow of an elected civilian government in 1977**,** which marked a gradual transition from martial law to controlled civilian governance**.** The elections were held on 25 February 1985 for the National Assembly and 28 February 1985 for the Provincial Assemblies. The party leaders and workers contested as independent candidates. One of the major political parties, the PPP, led by Benazir Bhutto**,** boycotted the elections. The voter turnout was 52% indicating people's enthusiasm for the revival of the democratic process. The non-party system reduced the influence of mainstream political parties and introduced a culture of personality-based politics.

After the elections, General Zia-ul-Haq appointed Muhammad Khan Junejo as the Prime Minister of Pakistan, who was considered a moderate politician. However, the real power rested with General Zia as the President and Army Chief. Martial law was lifted in December 1985**,** and the 8th Amendment was passed, which empowered the President to dismiss the Prime Minister and dissolve the National Assembly under Article 58(2b).

The first session of Parliament was held on 3 March 1985. Zia-ul-Haq took the oath as president for five years and nominated Muhammad Khan Junejo as the Prime Minister of Pakistan.[1] According to Muhammad Waseem, he was selected apparently for being non-controversial, non-assertive and non-committal on national issues.[2] Subsequently, he was given a unanimous vote of confidence by the National Assembly.[3]



Figure 1: PM Muhammad Khan Junejo

According to the announcement of Prime Minister Junejo, Martial Law was lifted on 30 December 1985. Thus, by the beginning of 1986, Martial Law was lifted, the emergency had been withdrawn, and fundamental rights had been restored. Muhammed Khan Junejo tried to create a kind of participatory system, defying the President, which increased the credibility and popularity graph of the Junejo

[1] Safdar Mahmood, "The Rise and fall of the M.K Junejo", *The News*, 25 March, 1993.
[2] Mohammad Waseem, *Politics and the State in Pakistan* (Islamabad: National Institute of Historical and Cultural Research, 1994), 399.
[3] Mahmood, "The Rise and fall of the M.K Junejo".

government, while President Zia-ul-Haq deliberately kept some distance from the political scene.[4]

As the Junejo government established itself after forming cabinets at federal and provincial levels, and the parliamentary system started operating, he realized the need for political party to organize and mobilize his support in the Parliament, therefore, he launched his own party and assumed the office of the President of the Pakistan Muslim League (PML) under the patronage of Pir Sahib of Pagara. Many members of the National Assembly of the Official Parliamentary Group (OPG) joined the PML in the Parliament. Parliamentary opposition objected to PM Junejo being a member of the PML before it was officially registered. President Zia-ul-Haq issued, retroactively, a presidential ordinance changing the Political Parties Act under Martial Law to rescue him from a parliamentary crisis.[5]

3.2 Socio-economic Reforms

Muhammad Khan Junejo's government (1985-1988) introduced socio-economic reforms in the fields of agriculture, industry, infrastructure, and public welfare.

1. The Junejo government focused agricultural productivity to increase food security through subsidies for fertilizers and pesticides. The "Five-Point Program" emphasized rural development, agricultural infrastructure, such as roads and irrigation systems. Improved seeds and the use of modern farming techniques increased the growth of wheat and cotton.

2. The Junejo government's policies encouraged the private sector to invest in textiles, engineering, and small industries, with tax incentives and reduced bureaucratic hurdles. The government tried to reduce dependence on foreign goods and promote domestic industries. He introduced a minimum wage policy to help low-income workers. His government allowed labour organizations to function, reducing the strict control of the Zia regime.

3. The Junejo government expanded energy projects with investments in power plants and rural electrification to reduce load-shedding and improve energy supply for industrial growth and rural development.

[4] Eliza Van Hollen, "Pakistan in 1986: Trials of Transition," *Asian Survey*, vol. XXVII, No.2 (February 1987), 144-145.
[5] Hollen, "Pakistan in 1986: Trials of Transition,"

4. The Junejo government introduced social programs, such as pensions for government employees and welfare support for low-income families, subsidies on basic goods, such as wheat and sugar.

The Junejo government's initiatives provided some stability to the socio-economic framework, yet its dismissal in 1988 hampered many of these programmes.

3.3 President–Prime Minister Relations

Despite the restoration of civilian order, Zia-ul-Haq continued to direct defence and foreign policies. The system after 1985 can be described as a power-sharing arrangement between the army and the elected representatives under the cover of the Constitution of 1973.[6]



Figure 2: President Zia-ul-Haq taking oath from PM Muhammad Khan Junejo

In temperament and political style, PM Junejo and President Zia-ul-Haq were distinctly different; their personal ambitions and perceptions of their respective roles in the new political set-up diverged widely. The fundamental problem they confronted was how to share power and how to mediate their conflicts of interest. The Eighth Amendment further complicated the orderly working of the government.[7] In particular, the anomaly of the President retaining the office of Chief of the Army Staff (COAS) constrained the free functioning of democratic institutions and, in fact, carried a threat of force to punish any deviation from his set course.[8]

PM Junejo wanted to follow the constitution, which clearly defined the powers of the Prime Minister. Besides, he was as much interested in the ceremonial splendour of his position as he was in the exercise of power, as he considered it a public manifestation of the exercise of his power as Prime Minister. This created problems between him and the President from the very first day.[9]

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[6] Mahmood, "The Rise and fall of the M.K Junejo".

[7] Rasul Bakhsh Rais, "Elections, Regime, Change and Democracy," Rais (ed.) *State, Society and Democratic Change in Pakistan* (Karachi: Oxford University Press, 1977), 255.

[8] Rais, "Elections, Regime, Change and Democracy," 256.

[9] K.M. Arif, *Working with Zia: Pakistan's Power Politics 1977-88 (*Karachi: Oxford University Press, 1985), 236- 37.

By 1988, rumours were widespread that there were fundamental differences between the President and the Prime Minister. The general feeling was that the President, who had wielded absolute power for eight years, was not mentally prepared to share his authority with anybody else. Some people blamed Junejo for his tactlessness, as he appeared to offend the President unnecessarily on trivial matters without realizing that he was only a lesser partner in the power-sharing system and thus exceeded his limits by asserting his authority.[10]

Contrary to parliamentary practices, the President Zia-ul-Haq, continued to criticise Parliament for its failure to enforce Islam and produce a better system for the common man. He went to the extent of issuing an indirect warning to the National Assembly in one of his addresses to the Parliament. He even expressed his aversion to politics and politicians. The members of the National Assembly responded to his criticism by exposing the failures of the Martial Law regime.[11]

3.4 Dissolution of the National Assembly

The conflict between the two highest offices of the state led to the presidential announcement on 29 May 1988. President Zia-ul-Haq dissolved the National Assembly and removed the Prime Minister under Article 58(2b) of the Eighth Amendment. The Press termed as a 'constitutional coup', whereas, announcing the dismissal of the government, the President blamed members of the National Assembly for corruption and failure to enforce the Islamic way of life.[12]

The order of the President was challenged before the Lahore High Court as unconstitutional and without lawful authority and of no legal effect, in a constitution petition which was finally decided by a full Bench of the Lahore High Court in the case titled *Muhammad Sharif vs. Federation of Pakistan*. It was argued on behalf of the government that the power in the said Article was to be exercised by the President in his own discretion and it was the President's subjective satisfaction of the situation which authorised him to dissolve the National Assembly. The High Court had no power to interfere with the discretion of the President.[13]

The High Court, however, did not accept the above argument. According to the Court, "the authority, power, or discretion was not absolute. If the authority, power

[10] Mahmood, "The Rise and fall of the M.K Junejo".
[11] Mahmood, "The Rise and fall of the M.K Junejo".
[12] Mahmood, "The Rise and fall of the M.K Junejo".
[13] Federation of Pakistan vs. Muhammad Saifullah Khan, *All Pakistan Legal Decisions*, vol. XLI, 180.

or discretion is to be free from reason and absolute, it will partake of the Omnipotent, which is impermissible to a mortal, however high he may be…the absolute, unchallengeable and unlimited power is not available to an individual, however high place he may occupy."[14]

The Court called for the speeches delivered during the passage of the Eighth Amendment, especially the speeches delivered by the Prime Minister and the Law Minister. The Court, in the light of these speeches, was convinced that the President's discretionary powers were limited by certain conditions. But nothing was shown either before the High Court or subsequently before the Supreme Court that the machinery of the government of the federation had come to a standstill or a breakdown had occurred, which prevented the orderly functioning of the constitution.[15]

The reasons advanced by the President were not accepted by the courts as they were vague and could have been applied to any situation. They were purely subjective in nature. However, the Supreme Court refused to restore the assemblies because the people needed to choose their representatives for the National Assembly on a party basis, a right which was guaranteed to them under the constitution.[16]

The judgment of the Lahore High Court was challenged before the Supreme Court of Pakistan in the case titled *Federation of Pakistan vs. Haji Muhammad Saifullah Khan*, which upheld the judgment of the Lahore High Court. These judgments subjected the President's discretion in dissolving the National Assembly to judicial review by the superior courts. The order of the President was struck down as unjustified and unreasonable.

3.5 Causes of the Dismissal of the Junejo Government

President Zia-ul-Haq and PM Mohammad Khan Junejo were not political rivals, and the eventual differences between them were part of the political process. Initially, both frequently consulted each other and showed respect. Their subsequent differences grew out of difficulties in the power-sharing process.

President Zia-ul-Haq frequently wrote directives to the ministries. His senior staff officers pestered them for a quick response. Under the rules of business, the ministries were required to write their replies to the President through the Prime Minister's Secretariat. Any delay annoyed President Zia-ul-Haq. His crafty staff

[14] Federation of Pakistan vs. Muhammad Saifullah Khan, 181.
[15] Federation of Pakistan vs. Muhammad Saifullah Khan, 190.
[16] Federation of Pakistan vs. Muhammad Saifullah Khan, 191.

blamed PM for the delay. The gap between the two personalities kept widening. PM Junejo requested the President to address all the directives to him directly and promised their speedy implementation,[17] but the resentment was deep-rooted.

PM Junejo announced the decision to lift Martial Law without the prior approval of President Zia-ul-Haq.[18] Addressing the National Assembly, Junejo stressed taking Pakistan back to the constitution of 1973 through further extensive legislation.[19] His promise to review all the amendments during the last several years further alienated him from the President.[20]

Appointments, transfers and extensions of important civil/military officials soon became a bone of contention between the two highest seats of power.

- PM Junejo vetoed the appointment of the Chief of the Naval Staff, as his prior approval was not obtained by the Ministry of Defence.[21]
- Major General Agha Nek Mohammad was made Director Intelligence Bureau (IB) against the wishes of Junejo.
- Secretary information, Lieutenant General Mujib-ur-Rehman, was removed by Junejo against the wishes of Zia-ul-Haq (Mujib-ur-Rehman's order to delete Junejo's following sentence from his television speech: "Martial Law and democracy cannot go together", which offended Junejo).
- Junejo refused to give extensions to General K. M. Arif and General Rahimud-din, and thus annoyed Zia-ul-Haq.[22]

PM Junejo's efforts to reduce the defence budget for the first time in the history of Pakistan. In May 1988, the finance minister announced that a special review committee of the government had decided to reduce the defence expenditure. He added that the said committee, composed of members of Parliament and officials from the economic ministries, had forwarded proposals for raising a small professional army, comprehensive training for all citizens and the setting up of a national defence council functioning under the Parliament to scrutinize defence spending.[23] To add fuel to the fire, in his budget speech, Junejo referred to the generals as 'royal people' and maintained, "We will put them in the Suzuki cars."

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[17] Arif, Working with Zia, 392.
[18] Mahmood, "The Rise and fall of the M.K Junejo".
[19] *The Nation*, 14 March, 1987
[20] *The Frontier Post*, 14 March, 1987
[21] Hassan Abbas, *Poleaxe or Politics of the Eighth Amendment* (Lahore: Watondost, 1997), 84.
[22] *Jang*, 5 March, 1993.
[23] Mushahid Hussain and Akmal Hussain, *Pakistan: Problem of Governance* (Lahore: Vanguard Books, 1993), 93.

[24] Obviously, Zia-ul-Haq was not amused. In a rejoinder on 22 May 1988, he retorted: "Pakistan cannot afford any cut or freeze in defence expenditure, since you cannot freeze threats to Pakistan's security."[25] The army, as a political analyst described it, "has such a large monetary stake in the country that it will never allow a popular civilian government to interfere with its interests. A civilian government may be permitted to continue only so far as it does not interfere with the financial interests of the army."[26]

PM Junejo's handling of the Afghanistan issue aggravated the matter. The situation really came to a head with his All-Parties Conference on Afghanistan in 1988, ostensibly for the purpose of building a national consensus on the Afghan settlement. All political leaders of national stature participated in the conference, including Benazir Bhutto. Zia-ul-Haq was neither consulted nor invited. Zia-ul-Haq became apprehensive of the move and felt insecure in the face of a joint platform of all the political parties in the country. Junejo had relaxed restrictions on the movements of political leaders and their activities considerably, and, throughout 1988, political circles kept speculating about a mid-term party-based election.[27] PM wanted an early settlement of the Afghan issue, which was affecting Pakistani society and draining its economic resources. Although Junejo followed the lines earlier drawn by Zia-ul-Haq, he, in the end, moved too swiftly on the Geneva Accords. It was felt that more concessions could have been wrested from the Soviets on the formation of an interim Mujahideen government in Kabul.[28] Zia-ul-Haq wanted to disregard the implementation of the Accords and continue to support the Mujahideen until they had captured power and completely defeated the Nagib regime. He saw in the 'hastily' concluded agreement a compromise on the formation of a Mujahideen-backed government, left to the diplomatic initiatives of the officials of the United Nations.[29]

The immediate cause for the dismissal of the Junejo government, apparently, was the *Ojheri* Camp disaster in Rawalpindi. This tragic incident created resentment against the army, followed by growing rhetoric about public accountability of the senior army officers.[31] Prime Minister Junejo ordered a high-level inquiry to determine the causes of the mishap,[30] and promised that his government would not

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[24] Hussain and Hussain, *Pakistan: Problem of Governance,* 93.
[25] Hussain and Hussain, *Pakistan: Problem of Governance,* 94.
[26] Makhdoom Ali Khan, *1973 Constitution: The Founding of the Federation*. Cited in Hassan Abbas, *Poleaxe or Political of Eighth Amendment,* 86.
[27] Rasual Bakhsh Rais, "Elections, Regime, Change and Democracy", 257.
[28] *Pakistan Times,* 15 April 1988.
[29] Rais, "Elections, Regime, Change and Democracy", 257.
[30] *Pakistan Times,* 19 April 1988.

hesitate "in awarding punishment to whosoever is found responsible for laxity, negligence, crime or sabotage." [31] According to a news analysis published in The *New York Times*, the Junejo government was about to declare General Akhtar Abdur-Rehman and General Hamid Gul as responsible for the *Ojheri* Camp disaster, because they had permitted to keep the ammunition depot near a thickly populated area. The cabinet was ready to remove the two generals when the President deliberated the move and sacked the government.[32]

These factors and explanations only partly answer the question of what prompted Zia-ul-Haq to dissolve the national and provincial assemblies on 29 May 1988 and dismiss the Junejo government. Zia-ul-Haq's explanation of corruption and deviation from Islamization lacked any substance and made the constitutional basis for his action questionable. The Supreme Court's decision against the dissolution of the National Assembly confirmed its malaise, illegal, and arbitrary nature.[33]

SELF-ASSESSMENT QUESTIONS

Multiple Choice Questions

1. When were non-party general elections held in Pakistan?A. 1981
2. B. 1985
3. C. 1988
4. D. 1990

2. Which major political party boycotted the general elections of 1985?
A. Jamaat-e-Islami
B. Pakistan Peoples Party (PPP)
C. PML (Q)
D. Tehreek-e-Insaf

3. Who became the Prime Minister of Pakistan after the 1985 elections:
A. Benazir Bhutto
B. Nawaz Sharif
C Muhammad Khan Junejo
D. Ghulam Mustafa Jatoi

5. Under which article did Zia-ul-Haq dismiss the Junejo government:

[31] *The Muslim*, 6 June 1988.
[32] *New York Times*, 13 June 1988. Cited in Hassan Abbas, *Poleaxe or Politics of Eighth Amendment*, 85.
[33] *Dawn*, 9 October 1988.

6. A. Article 199
7. B. Article 58(2b)
8. C. Article 62
9. D. Article 91

5. Which major inquiry ordered by PM Junejo caused conflict with President Zia-ul-Haq:
6. A. Kargil War
7. B. Water crisis
8. C. Ojhri Camp
9. D. BCCI banking scandal

Answers:

1.B 2. B 3. C 4. B 5. C

Restricted Response Questions

1. Discuss the non-party elections of 1985 and their implications for the party politics in Pakistan.
2. Analyse the debates and verdict on the dissolution of the National Assembly in the High Court and Supreme Court.

Extended Response Questions

1. Describe the working of the Junejo Government as the first democratic government after the lifting of Martial Law.

2. Discuss the working relationship of President Zia and PM Junejo in the context of Article 58(2b).

3. Examine the reasons given by President Zia for the dissolution of the National Assembly in 1988.
4. Evaluate the socio-economic reforms of the Junejo government.

5. Examine the causes of the downfall of the Junejo Government.

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Unit–4

BENAZIR BHUTTO'S FIRST TENURE 1988-1990

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Reviewed by: Dr. Malik Hammad Ahmad

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INTRODUCTION

Benazir Bhutto's entry into the government after the 1988 elections was an important event in the history of Pakistan. It was a challenge for Benazir to work as the Prime Minister of Pakistan during a difficult time. The army was directing the defence and foreign policies. An assertive President with 58(2b) was supervising the workings of the government closely. The Opposition government in two provinces added to her difficulties further. This unit analyses Benazir Bhutto's first term as PM, particularly focusing on his socio-economic reforms, working relationship with the President and the judiciary's role in the conflict between the two highest offices of the state.

OBJECTIVES

After the study of this unit, you will be able to:

1. Examine the socio-economic reforms of the first Benazir Government.
2. Comprehend the role of Article 58(2b) in the breakdown of the democratic system
3. Analyse the role of the superior judiciary in the political crisis.

4.1 General Elections 1988 and Benazir Bhutto's First Tenure

The elections to the National and Provincial Assemblies in Pakistan were held on 16 and 19 November 1988, respectively. The voting percentage was rather low—less than 50 per cent as compared to the earlier elections of 1970 (58 per cent), 1977 (55 per cent), and 1985 (53 per cent)[1] , which shows an apathetic attitude of voters.

Table 1: Party Position in the Assemblies in 1988

Political Parties	NA	Punjab	KP	Sindh	Balochistan
Pakistan Peoples Party	93	52	09	31	01
Islami Jamhoori Ittehad	55	45	08	-----	02
Muhajir Qaumi Movement (MQM)	13	------	------	26	-----
Pakistan Awami Ittehad	03	03	------	-----	------
Awami National Party	02	-----	02	----	------
Jamiat-Ulema-e-Islam (Fazal-Ur-Rehman)	07	------	03	------	04
National People's Party (Khar Group)	01	01	-----	------	-----
Pakistan Democratic Party	01	01	-----	------	------
Balochistan National Alliance	02	-------	------	------	02
Jamiat-Ulema-e-Pakistan (Darkhasti Group)	01	------	01	------	------

Source: Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 401-402

The PPP was the largest single party with 93 seats out of the 205 seats, followed by the IJI winning 50 seats. IJI's support base was the province of the Punjab. However, the PPP proved to be a national party with the populous Punjab contributing 52 seats, and Sindh 31 seats. The PPP's national image was further reinforced as the IJI failed to muster even a single seat from Sindh, whereas the PPP improved its position in the NWFP. Thus, the PPP justified its claim as the largest national political party in the country, keeping in view the fact that the IJI was an alliance of nine disparate political parties or groups; the Pakistan Muslim League (PML) led by Junejo, the Jamaat-i-Islami (JI) led by Qazi Hussain Ahmad, the National People's Party (NPP) of Ghulam Mustafa Jatoi, and the Independent Parliamentary Groups (IPG) of Fakhar Imam.[2]

[1] Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 401-402.
[2] Khan, *Constitutional and Political History*, 401-402.

The Muhajir Qaumi Movement (MQM) won 13 seats in the National Assembly and 26 seats in the Provincial Assembly of Sindh. The MQM was an ethnic political movement of Urdu-speaking Muslim immigrants from northern and central India who settled in the Sindh province after independence. President Zia-ul-Haq encouraged this organization to counter the PPP's popularity in Sindh.[3]

Benazir Bhutto formed the government in the centre with smaller parties and independents, whereas the opposition alliance, IJI, formed the government in the Punjab.



Figure 1: PM Benazir Bhutto 1988

4.2 Socio-economic Reforms

During her first tenure (1988-1990), Prime Minister Benazir Bhutto introduced several socio-economic initiatives to revitalize the economy, expand social services, and promote civil liberties in Pakistan. Despite opposition from powerful groups, her government initiated progressive changes. The following are the main socio-economic reforms during her first term:

1. Benazir Bhutto launched various programs of poverty alleviation and reducing unemployment. Her public works programs created job opportunities, especially for the rural poor, urban working class, and youth.

2. Benazir Bhutto's government focused on education and health to uplift the underprivileged segments of society. Her government's efforts increased literacy rates, particularly among girls in urban areas. Besides, her government launched primary healthcare initiatives, including vaccination programs against diseases like polio, and focused on improving child and maternal health in rural areas.

3. Being Pakistan's first female Prime Minister, Benazir Bhutto emphasized the role of women in society and introduced policies to promote women's rights and empowerment through establishing women's development programs and encouraging greater female participation in government and social programs, particularly in education, health, and civil service sectors.

[3] Khan, *Constitutional and Political History,* 401-402.

4. Benazir Bhutto continued the privatization of previously nationalized industries in banking, textiles, and small industries to increase efficiency and reduce the government's financial burden. Her economic policies reduced state control, encouraging the private sector to play a greater role in economic growth. Her government introduced economic reforms to attract foreign investment through a more open and market-oriented economy, particularly encouraging foreign investors in telecommunications, energy, and manufacturing sectors with tax incentives and other benefits.

5. Benazir Bhutto restored labour rights restricted during previous governments to empower labour groups and improve workers' conditions. She introduced minimum wage legislation to protect workers' rights.

6. Benazir Bhutto's government promoted projects to improve energy supply and reduce power shortages through private investment in the energy sector. Her government invited independent power producers (IPPs) to address electricity shortages in the country, though these policies were criticised in the ensuing years for increasing circular debt.

7. Benazir Bhutto's government promoted press freedom and lifted some restrictions on the media imposed under military rule, promoting civil liberties.

Benazir Bhutto faced significant challenges, including economic instability, political opposition, and a lack of cooperation from some powerful institutions. Though her initiatives had limited impact due to these constraints, she initiated progressive social change and economic reform in Pakistan.

4.3 President–Prime Minister Relations

PPP's emergence as the majority party enabled Benazir Bhutto to form a government in the centre in 1988. Benazir Bhutto elected Ghulam Ishaq Khan as the President, speculated as a result of a deal between the PPP leadership and establishment to have Ghulam Ishaq Khan as the President.[4] A key element of the deal brokered between



Figure 2: President Ghulam Ishaq Khan and PM Benazir Bhutto in Oath-taking Ceremony

[4] Hassan Abbas, *Poleaxe or Politics of the Eighth Amendment* (Lahore: Waton dost, 1997), 88.

Benazir Bhutto and President Ghulam Ishaq Khan stressed, "No interference in internal army matters such as postings, promotions and retirements."[5]

Benazir Bhutto managed to survive for only twenty months. The President and the Prime Minister had developed differences on several issues, including the following: [6]

1. Retirement of Admiral Iftikhar Ahmad Sirohey, who was the Joint Chiefs of Staff Committee
2. Appointment of Judges of Superior Courts.
3. Appointment of Governor of NWFP. Under an agreement with the Awami National Party (ANP), Benazir Bhutto was bound to appoint its nominee as the Governor of that province. She sent a summary to the President, but Ghulam Ishaq Khan ignored her advice and instead appointed Amir Gulistan Janjua as the Governor.

The President Ghulam Ishaq Khan pursued a policy of 'divide and rule'. He helped aggravate centre–province relations, particularly with the Punjab. He encouraged Mian Muhammad Nawaz Sharif, the Chief Minister of the Punjab, to challenge the authority of the federal government.[7] The Centre-Punjab tussle, a unique event in the history of the federation, far from revolving around the federal principles, remained a personal rivalry between Benazir Bhutto and Nawaz Sharif and their respective political parties.[8]

The Chief Minister of Balochistan, Nawab Akbar Khan Bugti, due to his own grievances against the PPP and with the support of Ghulam Ishaq Khan, joined hands with Nawaz Sharif in destabilizing the centre. In principle, it was essential to strike a balance between the powers of the centre and the provinces. But the Centre-Punjab confrontation fostered political corruption of the worst kind in Pakistan.[9] The confrontation and the accompanying corruption provided President Ghulam Ishaq Khan an excuse to dissolve the assemblies and dismiss the Bhutto government.

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[5] Mushahid Hussain and Akmal Hussain, *Pakistan: Problem of Governance* (Lahore: Vanguard Books, 1993), 39.

[6] Abbas, Poleaxe *or Politics of the Eighth Amendment,* 89.

[7] Altaf Gauhar, "President Ishaq Stands Indicated for High Treason," *The Muslim,* 25 June 1993.

[8] Zulfikar Khalid Maluka, *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995), 279.

[9] Maluka, *The Myth of Constitutionalism,* 280.

4.4 Dissolution of Assemblies

The presidential order[10] of dissolution of the National Assembly on 6 August 1990 stressed a host of factors:

1. The National Assembly had lost its position as a representative body due to internal dissensions of political parties and horse-trading in pursuance of selfish interests. Thus, the National Assembly miserably failed to perform its legislative functions.

2. The federal government had deliberately ignored the institutions provided in the constitution to safeguard the interests of provinces. Council of Common Interests and National Finance Commission were not allowed to function, thus violating Articles 153, 154, 155, 160 and 161.

3. The government was guilty of several acts of omission and commission, including the by-passing of the Senate; corruption and nepotism in corporations and banks; failure to arrest internal dissensions in the Sind Provincial Assembly and the resulting heavy loss of life and property; open disrespect shown to superior courts; misuse of government authority and resources for political purposes, etc.

4.5 Courts' Verdict on the Dissolution of Assemblies

Khawaja Tariq Rahim of PPP challenged the presidential order in the Supreme Court. It was mutually agreed that the petition be considered on the basis adopted in Haji Saifullah's case, thereby concentrating on the conditions prevailing that made the use of presidential discretion legitimate.[11]

Tariq Rahim argued that conditions like the breakdown of constitutional machinery and government were not present to justify the President's action. If at all, these conditions were prevalent, the President should have promulgated an emergency and turned to the Supreme Court, under Article 154, for removing the grievances of the provinces. He should have used the powers given to him under the Article 233, Proclamation of Emergency; Article 184(1)—resort to the original jurisdiction

[10] Lawrence Ziring, "Pakistan in 1990: The Fall of Benazir Bhutto," *Asian survey*, vol. XXXI, No. 2(February 1991) 113.
[11] Ahmad Tariq Rahim, V. Federation of Pakistan, *All Pakistan Legal Decisions*, vol. XLIV, No.10 (October 1992), 656.

of Supreme Court in any dispute between any two or more governments; and Section 131(A) of the criminal Procedure Code—power to use military force for the public security and maintenance of law and order.[12]

Syed Sharifuddin Pirzada pleaded the government's case and quoted examples of dissolution of the House of Commons in Britain in 1784 and 1834 in his favour. He also quoted the Australian Governor-General's dissolution of the assembly in 1975 and that of the Germans in 1932. He, thereby, concluded that dissolution of the assemblies was not an unusual thing.[13]

After hearing both sides, Justice Shafi-ur-Rahman wrote the judgement, upholding the presidential order of dissolution of the assembly, with which other judges agreed. Justice Abdul Shakuor Islam wrote a partly dissenting note, but, in view of his previous decision (i.e., in 1988), he refused the request to revive the dissolved Assembly.[14]

SELF-ASSESSMENT QUESTIONS

Multiple Choice Questions

1. Which party won the most seats in the 1988 elections?

A. PML-N
B. PPP
C. IJI
D. MQM

2. Which alliance was formed against PPP in the 1988 elections?

A. MMA
B. IJI
C. PDM
D. MRD

3. Who was the President of Pakistan when Benazir became PM in 1988?

A.Ghulam Ishaq Khan
B. Zia-ul-Haq

[12] Ahmad Tariq Rahim, V. Federation of Pakistan, 657.
[13] Ahmad Tariq Rahim, V. Federation of Pakistan, 658.
[14] Ahmad Tariq Rahim, V. Federation of Pakistan, 665.

C. Rafiq Tarar
D. Farooq Leghari

4. **Who was the finance minister in Benazir's first cabinet (1988–1990)?**
   A. Sartaj Aziz
   B. Dr. Mahbub-ul-Haq
   C. Shaukat Aziz
   D. Ishaq Dar

5. **What was one of Benazir Bhutto's government's major achievements?**
   A. Strengthening ties with the US and Western world
   B. Conducting nuclear tests
   C. Starting motorways project
   D. Signing the Simla Agreement

Answers:

1.B 2. B 3. A 4. B 5. A

Restricted Response Questions

1. Describe the reasons for the dissolution of the Assemblies provided in the dissolution order.

2. Examine the debates and courts' verdict on the dissolution of Assemblies.

Extended Response Questions

1. Examine the significance of the party-based elections of 1988.

2. Evaluate the working of the first Benazir Government. What kind of difficulties did she have to face during this tenure?

3. Analyse the working relationship of President Ghulam Ishaq Khan and PM Benazir Bhutto in the context of 58(2b).

4. Examine the socio-economic reforms of the Benazir government during 1988-1990.

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Khan, Hamid. *Constitutional and Political History of Pakistan*. Karachi: Oxford University Press, 2001.

Talbot, Ian. *Pakistan: A Modern History.* Lahore: Vanguard Books, 1999.

Talbot, Ian. *Pakistan: A New History*. Karachi: Oxford University Press, 2012.

Unit–5

THE FIRST GOVERNMENT OF NAWAZ SHARIF 1990-1993

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INTRODUCTION

After the 1990 elections, the Nawaz Sharif formed the government. He expedited the liberalization of the economy and introduced some social sector reforms according to his vision. It was again the Article 58(2b) that had overshadowed the whole democratic system. It was proved third time that both the President and the Prime Minister could not share power, and the system could not run smoothly under the shadow of Article 58(2b). This time, the judiciary gave an exemplary decision to restore the Assembly and the government. Besides, the whole episode increased the importance of the army being the peace-broker, as the conflict involved the army chief as mediator between the two offices.

OBJECTIVES

After the study of this unit, you will be able to:

1. Understand the working of the first Nawaz Sharif Government.

2. Analyse the significance of constitutional Amendments during this period.

3. Comprehend the implications of the Article 58(2b) for the democratic setup.

5.1 General Elections 1990 and First Nawaz Sharif Government

In the general elections of October 1990, the Islami Jamhoori Ittehad (IJI) won 105 seats in the National Assembly. The Pakistan Democratic Alliance (PDA), including the Pakistan People's Party, captured only 45 seats. MQM (Haq Prast) and Awami National Party got fifteen and six seats, respectively. Of the remaining seats, three went to JUP (Noorani), two each to Jamhoori Watan Party and Pakistan National Party, and one to Pakhtunkhwa Milli Party.[1]

Table 1: Party Position in the Assemblies in 1990

Political Parties	NA	Punjab	KP	Sindh	Balochistan
Islami Jamhoori Ittehad	105	92	08	03	01
Pakistan Democratic Alliance	45	14	05	23	02
MQM (Haq Prasat)	15	------	------	15	-----
Awami National Party	06	-----	06	----	------
Jamiat-Ulema-e-Islam (Fazal-Ur-Rehman)	06	------	04	------	02
Pakistan National Party	02	------	-----	------	02
Jamhoori Watan Party	02	-------	------	------	02
Jamiat-Ulema-e-Pakistan (Norani Group)	03	03	------	------	------
Pakistan Pakhtunkhwa Milli Party	01	-------	-----	------	01

Source: https://gallup.com.pk/bb_old_site/election/4GIER1990.pdf

Prominent party leaders Wali Khan, former Speaker Meraj Khalid, veteran leader Nasrullah Khan, Maulana Fazlur Rahman, Minister for Information and Broadcasting Syeda Abida Husain, former NWFP Chief Minister, Aftab Ahmad Sherpao, Mumtaz Bhutto, and Hafeez Pirzada lost in the elections. Muhammad Khan Juneja, Ghulam Mustafa Jatoi, Nawaz Sharif, Benazir Bhutto, Nusrat Bhutto, Ghulam Mustafa Khar, and former Speakers Hamid Nasir Chattha and Syed Fakhar Imam won the elections.[2]

The PDA alleged that the general elections were rigged on a massive scale to defeat the PDA and install an IJI government. Its White Paper on Pakistan elections 1990 mentioned that caretaker governments at the federal and provincial levels played an active role in defeating the PDA by violation of election rules, disinformation campaign, and the misuse of state media, public servants, public funds, and government facilities. The caretakers placed all kinds of administrative hurdles in the issuance of identity cards, manipulated boundaries of constituencies, and disrupted PDA rallies. The caretakers transferred public servants to the advantage

[1] Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 420.

[2] Khan, *Constitutional and Political History*, 420.

of the IJI and to the complete disadvantage of the PDA, particularly in certain critical constituencies. They pressured subordinate officials and threatened them with dire consequences in case of non-cooperation in rigging.[3]

After the elections, Nawaz Sharif formed the government and assumed the office of the Prime Minister and zealously bent upon his socio-economic agenda.

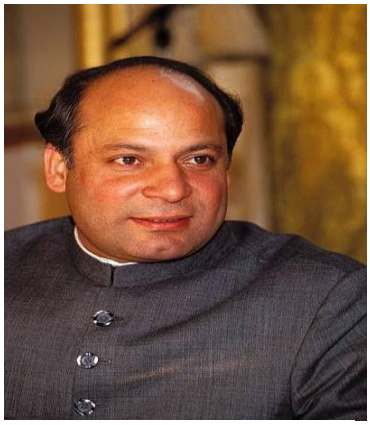


Figure 1: PM Nawaz Sharif 1990

5.2 Socio-economic Reforms

During Nawaz Sharif's first tenure as Prime Minister of Pakistan (1990-1993), his government pursued various socio-economic reforms such as economic liberalization, infrastructure development, privatization, and private-sector growth. Some of the major socio-economic initiatives are discussed below:

In November 1990, PM Nawaz Sharif declared his policy on privatization based on the following lines:

1. The sale of individual state-owned enterprises (SOEs) is being conducted by inviting bids from the private sector.
2. Sale of shares of SQEs in suitable tranches through the Stock Exchange at a price per share to be determined through an evaluation process to ensure broad-based ownership and participation of foreign institutional investors.
3. Encouraging employees to constitute Employee Management Groups and negotiating with them a market price per share based on an evaluation of assets, liabilities, and net worth, besides promoting the concept of ESOP (Employees' Stock Ownership Plan)
4. Encouraging prospective investment managers to form Modaraba Companies and raise funds for purchasing shares of SQEs based on negotiated market prices.
5. Entering a management contract with a Modaraba Company, leasing or contracting of management to private entrepreneurs for a specified period, and so forth.
6. Entering a lease management contract with employees for a specified period to enable them to buy out units.[4]

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[3] Khan, *Constitutional and Political History,* 420.

[4] Khan, *Constitutional and Political History,* 424.

To enforce the government's policy, an amending Ordinance for *Transfer of* Managed Establishments was promulgated, authorizing the government to invite bids for the sale of shares and proprietary interest in the SQEs through public advertisement. On receipt of bids, the government was required to offer to sell shares and proprietary interest, equal to the highest bid in an auction, to previous owners. In case of refusal to accept such an offer, the government could sell them to others on such terms and conditions as the government deemed fit. This ordinance was further amended by another ordinance whereby, on receipt of bids, if the workers' bid was the highest, the unit would be sold to them.[5]

Infrastructure Development

PM Nawaz Sharif focused on infrastructure projects, particularly in the transportation sector. He launched the mega project of the Lahore-Islamabad Motorway (M2), being the first major motorway project in Pakistan to improve connectivity and accelerate economic growth. Other road and transportation infrastructure projects were also launched to improve access and reduce transportation costs to boost trade and commerce.

Agricultural Development

The Nawaz Sharif administration offered incentives to farmers, such as subsidies on fertilizers, seeds, and other agricultural inputs, to increase productivity and food security. Consequently, these policies improved irrigation and infrastructure in rural areas, agricultural growth and income of farmers, particularly in the Punjab.

Power and Energy Projects

The PM Nawaz Sharif government continued Benazir's energy sector reforms to address Pakistan's growing energy needs. Independent Power Producers (IPPs) were encouraged to establish power plants to meet electricity demands and reduce power shortages.

Social Welfare Programs

1. The Nawaz Sharif government initiated poverty alleviation programs to support lower-income groups through subsidies on essential goods like wheat.
2. Besides, his government increased access to primary and secondary education, especially in rural areas, through building new schools and

[5] Khan, *Constitutional and Political History,* 426.

encouraging private investment in the education sector, particularly focusing on vocational and technical education to create a skilled workforce for the growing industrial and services sectors.

3. His government's labour policy increased the minimum wage and discouraged labour strikes.

PM Nawaz Sharif's first term focused on liberalizing Pakistan's economy and fostering private-sector growth. His policies marked a shift toward economic liberalization.

5.3 President–Prime Minister Relations

Islami Jamhoori Ittehad's (IJI) controversial landslide victory in the 1990 elections elevated Nawaz Sharif to the office of the Prime Minister. General Hamid Gul and General Asad Durrani (DGs ISI at different times) often remarked that Nawaz Sharif was a product of their agency.[6]

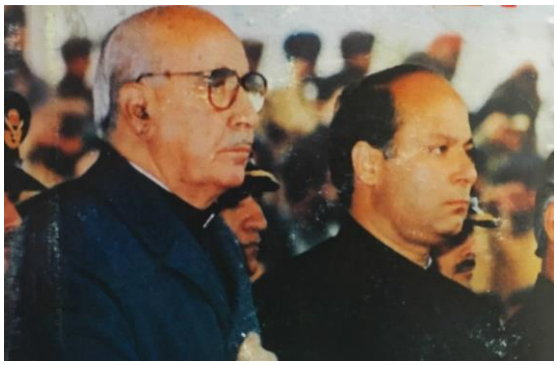


Figure 2: President Ghulam Ishaq Khan and PM Nawaz Sharif in Oath-taking Ceremony 1990

In the beginning, President Ghulam Ishaq Khan and Prime Minister Nawaz Sharif had a cordial and congenial working relationship. Within two years, the relationship broke down completely, resulting in the simultaneous ouster of the Prime Minister and the President.[7] The discord between Nawaz Sharif and Ghulam Ishaq Khan started on the issue of the appointment of a new Chief of the Army Staff (COAS) on the retirement of General Mirza Aslam Beg. The president had his way. The same issue cropped up again on the death of General Asif Nawaz Janjua and was decided similarly. The Prime Minister found himself marginalised and deprived of his right to be consulted effectively in the matter.[8]

President Ghulam Ishaq Khan expected a second term in view of his previous support in bringing Nawaz Sharif to power. On 20 February, Nawaz Sharif's parliamentary group authorised him to nominate its candidate for the next

[6] Hassan Abbas, *Poleaxe or Politics of the Eighth Amendment* (Lahore: Waton dost, 1997), 92.
[7] Abbas, *Poleaxe or Politics*, 92.
[8] Roedad Khan, *Pakistan: A Dream Gone Sour* (Karachi: Oxford University Press, 1997), 114.

presidential election.[9] While he remained silent about Ghulam Ishaq Khan, the press reported that he favoured Syed Ghous Ali Shah, his defence minister and a Sindhi, for the post. Consequently, the annoyed and upset President [10] threatened to defend the Eighth Amendment.[11]

On 21 February 1993, the Prime Minister declared, for the first time, that he was ready to repeal the Eighth Amendment after discussions with other political parties. After a couple of days, he announced in the Senate that a parliamentary system of government could not function so long as the powers of the President under the Amendment were not curtailed.[12]

To counter the moves of the Prime Minister, the President, Ghulam Ishaq Khan, conveyed his displeasure to visiting politicians, including the Prime Minister's rival within the PML and his adversaries elsewhere.[13]

On 31 March 1993, Haji Gulsher Afridi, an MNA from the tribal area in KP (then NWFP), and the Minister of State resigned to protest Nawaz Sharif's moves against the President. On 3 April 1993, Mir Afzal Khan, the KP (then NWFP) Chief Minister, dismissed his finance minister, Mohsin Ali Khan, for supporting Nawaz Sharif against the President. On the same day, Hamid Nasir Chatta, a Federal Minister, announced that he and numerous PML members of the Assembly intended to initiate a 'no-confidence motion' against the Prime Minister. During the next few days, he and a few other ministers resigned from the cabinet in opposition to Nawaz Sharif and in solidarity with Ghulam Ishaq Khan. However, the move to oust the Prime Minister through a 'no-confidence vote' was dropped for lack of sufficient support.[14]

In the meantime, both sides started to gain the support of Benazir Bhutto. Formal talks between the Prime Minister and Benazir Bhutto were initiated on 3 March 1993 in Islamabad. In a major political development, President Ghulam Ishaq Khan, through Syed Faisal Saleh Hayat, an MNA, offered Benazir Bhutto dissolution of the National Assembly and fresh elections under a neutral Caretaker government. In exchange, the PPP would support Ghulam Ishaq Khan's candidacy

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[9] Abbas, Poleaxe *or Politics*, 93.

[10] Anwar H. Syed, "The Ouster of Nawaz Sharif in 1993: Power Plays within the Ruling Establishment," in Rasul Baksh Rais (ed), *State, Society and Democratic Change in Pakistan* (Karachi: Oxford University Press, 1997), 65.

[11] *Nawa-i-Waqat*, 4 February 1993.

[12] *The Muslim*, 23 March, 1993.

[13] Anwar H. Syed, "The Ouster of Nawaz Sharif," 66.

[14] Anwar H. Syed, "The Ouster of Nawaz Sharif," 66.

in the next elections. To counter the move, on 6 March 1993, Nawaz Sharif sent Iftikhar Gillani, a PPP MNA, to Benazir Bhutto with an offer to help repeal the Amendment which had caused the dismissal of her government in the past.[15] Benazir Bhutto encouraged both the Prime Minister and the President to get maximum advantage for her.[16]

On 18 March 1993, Farooq Ahmad Khan Leghari, the Chief Organiser of the PPP, announced at a press conference that, "we don't want to strengthen the fascist Nawaz government by helping him repeal the Eighth Amendment. Although we are opposed to this Amendment, yet the present government, which is the result of rigged elections, cannot be supported on the repeal issue."[17] Disappointed, Nawaz Sharif rushed to see the President on 23 March 1993 to mend fences with him. Indeed, after the meeting, Nawaz Sharif named Ghulam Ishaq Khan the official candidate of the Muslim League for the presidential elections, yet things did not improve at all.[18]

On 17 April 1993, in his address to the nation on television, Nawaz Sharif directly accused the presidency of being involved in intrigues against his government that "hurdles are being placed in my way to serve the nation and that all efforts to help the country are being subverted by unscrupulous and dirty politics of those who are supposed to be guardians of democracy and symbol of federation and that a lot of pressure, threat and intimidation and blackmail, all of which aimed at forcing me to step down was being exercised." Nawaz Sharif declared that he "will not dissolve the National Assembly and will not take dictation."[19]

5.4 Dissolution of the National Assembly

On 18 April 1993, the President dissolved the National Assembly, and dismissed Nawaz Sharif's government on charges of corruption, maladministration, nepotism and failure to work effectively with the provinces and unleashing a reign of terror against the opponents of the government.[20] Nawaz Sharif vowed to fight the dissolution of the National Assembly and the dismissal of his government. He filed a petition in the Supreme Court on 19 April 1993.[21]

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[15] Amir Mir, "Democracy VS.8th Amendment, Yet again." *The News,* 22 October 1996.
[16] Amir Mir, "Democracy VS.8th Amendment".
[17] Roedad Khan, *A Dream Gone Sour,* 117.
[18] Amir Mir, "Democracy VS.8th Amendment".
[19] Abbas, Poleaxe *or Politics,* 95.
[20] Roedad Khan, *A Dream Gone Sour,* 121.
[21] Samena Yasmeen, "Democracy in Pakistan: The Third Dismissal," Asian Survey, Vol. XXXIV, No.6 (June 1994), 581.

The Supreme Court, after hearing for three weeks, restored the National Assembly, the Prime Minister and his cabinet on 26 May 1993, declaring the President's dissolution order as ultra vires. Out of eleven judges, only one gave a dissenting note. The Court held: "The President, unfortunately, assumed ... the position of a Judge sitting on the performance of the government, and thought that he had the power to punish the cabinet for acts of omission and commission as ascertained by him. He, therefore, taking himself as the authority and the cabinet as civil servants, inflicted on them the major penalty as under the efficiency and discipline rules. He was, however, totally mistaken that the constitution conferred any such power on him vested in the National Assembly, to whom the Prime Minister and the cabinet were accountable."[22]

5.5 Restoration of the National Assembly and Nawaz Sharif Government

In the meantime, however, following Nawaz Sharif's dismissal on 18 April 1993, a majority of his party members in the Punjab Provincial Assembly revolted against his Chief Minister, Ghulam Haider Wyne. They helped pass a 'no-confidence motion' against him in the Assembly. Subsequently, 165 members elected Manzoor Watto, once a supporter of Nawaz Sharif but now an ally of the President, as their new Chief Minister. [23]

On 24 April 1993, the President appointed Chaudhary Altaf Hussain, a PPP leader, as Governor of the Punjab. But, a month later, when the Supreme Court restored Nawaz Sharif to his post, the defectors were ready to abandon Watto to return to the Prime Minister's camp. They were expected to remove Watto and elect Chaudhary Pervaiz Ilahi, Nawaz's new nominee, as the Chief Minister. To forestall such a turn of events, on 29 May 1993, the Governor dissolved the Assembly on Watto's advice and with the President's encouragement. Watto now became the Caretaker Chief Minister.[24]

The next day, the Governor of the NWFP dissolved the Provincial Assembly to preclude the possibility of a 'no-confidence motion' against Mir Afzal Khan, an ally of the President, and asked him to remain in office as the caretaker Chief Minister. The PPP withdrew its opposition to Muzaffar Hussain Shah, the Chief Minister of Sindh and an ally of the President. Nawab Zulfiqar Ali Magsi, who had become the new Chief Minister of Balochistan, was generally believed to be pro-

[22] Muhammad Nawaz Sharif vs. President of Pakistan, *All Pakistan Legal Decisions*, Vol. XLV, No.7 (July 1993), 800.

[23] Yasmeen, "Democracy in Pakistan: The Third Dismissal", 582.

[24] Yasmeen, "Democracy in Pakistan: The Third Dismissal", 582.

President. Thus, all four of the provincial governments in the country were arrayed on the President's side against the Prime Minister. [25]

On 28 June 1993, the Lahore High Court restored the Provincial Assembly, but within less than fifteen minutes of the Court's verdict, the Governor, acting on Watto's advice, dissolved the Assembly again. The next day, a joint session of the Parliament passed a resolution to place the Punjab under federal control without the President's prior approval. The provincial government confronted the centre as Chief Minister, Manzoor Watto, refused to comply with the unsigned orders of the President. Nawaz Sharif's attempt to use the Rangers to enforce his orders was blocked by the timely intervention of the Chief of the Army Staff (COAS).[26]

The COAS was able to play his extra-constitutional role because the positions of both the President and the Prime Minister deteriorated beyond redemption. The Courts had held that the President had acted unlawfully and thus had eliminated substantially his authority to dissolve the National Assembly, again. In addition, he was perceived to be playing politics and engineering a revolt of the provinces against the federation of which he himself was the Head and of whose unity he was supposedly the symbol.[27]

On the other hand, defiant provincial governments eroded the authority of the Prime Minister. His weakness was depicted from the factional divisions within his own party, PML, especially in his home province, Punjab, which made his political base fragile. In fact, he felt so vulnerable politically that he took more than 130 members of the Punjab Assembly to Islamabad and lodged them in a hotel for two weeks to keep them from being approached and won over by his opponents. This move affected his status and invited scorn and ridicule.[28]

The Army came out of the crisis as the only winner who could have seized power, yet exercised restraint and adopted a neutral stance in the conflict between the President and the Prime Minister, acting as an honest broker in national interest, which enhanced its prestige considerably.[29]

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[25] Yasmeen, "Democracy in Pakistan: The Third Dismissal", 583.

[26] Roedad Khan, A Dream Gone Sour, 131.

[27] Syed, "The Ouster of Nawaz Sharif", 70.

[28] Syed, "The Ouster of Nawaz Sharif", 70.

[29] Syed, "The Ouster of Nawaz Sharif", 70.

SELF-ASSESSMENT QUESTIONS

Multiple Choice Questions

1. **Who had the majority in the General Elections1990 of Pakistan?**

   A. PPP
   B. IJI
   C. PML-Q
   D. ANP

2. **The economic policy of the first Nawaz Sharif government was mainly based on:**
   A. Nationalization of industries
   B. Import substitution
   C. Land reforms
   D. Privatization and liberalization

3. **Who was the finance minister during the first Nawaz Sharif government?**
   A. Shaukat Aziz
   B. Sartaj Aziz
   C. Ishaq Dar
   D. Mahbub-bul-Haq

4. **Which controversial case later revealed that funds were distributed to IJI in the 1990 elections to defeat PPP?**
   A. Memogate Scandal
   B. Panama Papers case
   C. Mehran Bank Scandal
   D. Hudabiya Paper Mills case

5. **Who was the Chief of Army Staff during Nawaz Sharif's first tenure?**
   A. Gen. Waheed Kakar
   B. Gen. Mirza Aslam Beg
   C. Gen. Jahangir Karamat
   D. Gen. Pervez Musharraf

Answers:

1. B 2. D 3. B 4. C 5. B

Restricted Response Questions

1. Discuss the reasons for the dissolution of the Assemblies in 1993 as contained in the Order of Dissolution.

2. Examine the significance of the mediatory role of Chief of Army Staff General Jahangir Karamat between President Ghulam Ishaq Khan and PM Nawaz Sharif, and its impact on the political system.

Extended Response Questions

1. Evaluate the Socio-economic policies of the first Nawaz Sharief government.

2. Examine the working relationship of President Ghulam Ishaq Khan and PM

   Nawaz Sharif in the context of Article 58(2b).

3. Evaluate the role of the Supreme Court in the political conflict betweenPresidents Ghulam Ishaq Khan and PM Nawaz Sharif.

4. Examine the performance of the first Nawaz Sharif Government.

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Khan, Hamid. *Constitutional and Political History of Pakistan*. Karachi: Oxford University Press, 2001.

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Unit–6

BENAZIR BHUTTO'S SECOND TENURE 1993-1996

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Reviewed by: Dr. Malik Hammad Ahmad

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INTRODUCTION

This unit analyses the political developments during Benazir's second tenure after PPP's victory in the elections of 1990. One important theme in the history of Pakistan since 1988 was the judiciary's asserting role in the context of challenging the dissolution of Assemblies in the higher courts with the support of the President. During this period, it was proved that even the President and Prime Minister belonging to the same political party could not work together under the shadow of Article 58(2b).

OBJECTIVES

After the study of this unit, you will be able to:

1. Examine the socio-economic policies of the second Benazir Government.

2. Analyse the working relationship of the President and the PM;

3. Evaluate the role of the Judiciary in the constitutional and political crisis.

6.1 General Elections 1993 and Benazir Bhutto's Second Tenure

The general elections to the National Assembly were held on 6 October 1993. The following results were officially declared on 7 October 1993 for 201 constituencies:

Table 1: Party Position in the Assemblies in 1993

Party	Punjab	KP (NWFP)	Sindh	Balochistan	Islamabad	Total
PPP	47	05	33	01	-----	86
PML(N)	52	09	10	-------	01	72
PML(J)	06	-------	------	-------	------	06
PIF (Pakistan Islamic Front)	-------	02	01	-------	------	03
ANP	-------	03	------	------	------	03
Other Political Parties	02	04	01	09	------	16
Independent	05	01	01	01	------	08

Source:

In addition, seven seats in the Federally Administered Tribal Areas went to the independents. The turnout of voters in the national assembly elections was very low. The overall percentage of voters was only 40.54 percent. The low turnout of voters compared to previous elections demonstrated a lack of interest and apathy on the part of the common citizen.[1]

In this election, no political party or political alliance emerged with a clear majority in the National Assembly. PPP and PML (N) stood as equal political forces in the country. Religious parties, including Pakistan Islamic Front (PIF), led by Jamaat-i-Islami, suffered a crushing electoral defeat. PPP emerged as the largest party with eighty-six seats, followed by PML (N) with seventy-two seats. The PPP got 38.1 percent of the total votes cast against 39.7 percent of the PML (N). Thus, Nawaz Sharif claimed that his party had won a popular vote.[2]

> Two factors tilted the balance in favour of the PPP. The PIF secured only three seats in the National Assembly but was instrumental in the defeat of PML (N) in at least fourteen constituencies where there was a close contest between the PPP and the PML (N). Hamid Khan observed that PIF, previously an ally of PML (N) in the IJI, took away enough votes from the

[1] Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 437.
[2] Khan, *Constitutional and Political History*, 437.

PML (N) to ensure its defeat at the hands of PPP candidates with very narrow margins in fourteen closely contested seats. Besides, MQM boycotted the elections. Consequently, in Karachi, thirteen seats were divided by PML (N) and PPP, each getting six seats and one going to PIF. MQM participated in the elections to the Provincial Assembly of Sindh three days later. [3]

On 9 October 1993, elections were held for 459 seats of the provincial assemblies of four provinces. Once again, PPP and PML (N) emerged as the principal parties in the provincial polls. The voter turnout was slightly better, with twenty-two million voters casting their ballots and the percentage of turnout was 43.10 per cent. An important fact that might have made the difference of 2.5 percent in voter turnout between the National and Provincial Assembly polls could be the MQM, which swept Karachi and Hyderabad, once again winning twenty-seven seats in the Sindh Assembly.[4]

Electoral coalition between the PPP and PML (Junejo group), Jamat-I-Islami's decision to contest elections independently, and Muhajir Qaumi Movement's (MQM) boycott of National Assembly, made it possible for Benazir Bhutto to return to power, once again, in October 1993.[5]

6.2 Socio-economic Reforms

During her second tenure as Prime Minister (1993-1996), Benazir Bhutto focused on economic reform, poverty reduction, and social welfare.

1. The Benazir government continued the previous policy of economic liberalization and structural adjustment in line with International Monetary Fund (IMF) recommendations, including fiscal discipline, reducing the budget deficit, and implementing tax reforms. Her government introduced policies to reduce inflation, control public spending, and improve revenue collection. Her government's export incentives and reduced tariffs promoted textiles. Continuing previous privatization efforts, the Benazir government auctioned additional state-owned enterprises in sectors like banking, telecommunications, and energy to promote efficiency and reduce government expenditure, but the privatization process was criticised for a lack of transparency and job security, particularly by labour unions.

[3] Khan, *Constitutional and Political History,* 438.
[4] Khan, *Constitutional and Political History,* 438.
[5] Hassan Abbas, *Poleaxe or Politics of the Eighth Amendment* (Lahore: Waton dost, 1997), 98.

2. The Benazir government launched poverty alleviation initiatives, including subsidies for essential goods and public assistance programs. The People's Program for Social Development improved rural infrastructure, created jobs, and provided better access to healthcare and education.

3. Benazir's government's new programs improved economic opportunities for women and encouraged women's education and employment through skills development programs. Her government established women's police stations and encouraged female recruitment in the police force and judiciary to offer women safe access to law enforcement and legal services.

4. Benazir's government improved maternal and child healthcare programmes accelerated immunization efforts in rural areas. The Lady Health Workers (LHW) programme was expanded to provide basic healthcare and family planning services, one of Pakistan's most successful public health initiatives. Her government opened new schools for girls to increase girls' literacy rate.

5. The Benazir government promoted independent power producers (IPPs), inviting private companies to generate electricity under the 1994 Power Policy, which increased electricity production, reduced load-shedding, and attracted foreign investment in the energy sector, though it faced allegations of corruption and high costs in later years.

6. Benazir's government raised the minimum wages of workers, improving workplace safety and enforcing labour laws.

6.3The Judicial Assertiveness

The Supreme Court of Pakistan granted leave to appeal against the appointment of twenty judges to the Lahore High Court to consider the constitutionality of such appointments. A Bench of the Supreme Court of Pakistan comprising five judges gave a majority judgment of four to one, accepting the appeal against such appointments.[6]

The Supreme Court directed the government to appoint permanent Chief Justices to High Courts where acting Chief Justices were working within thirty days of the judgment. The permanent Chief Justices were directed to process the cases of those judges whose appointment had been held invalid and unconstitutional under the judgment for the regularization of the appointment of those judges who were

[6] Khan, *Constitutional and Political History*, 448.

qualified or fit to be so appointed. It meant that those amongst the appointees who had been confirmed on the recommendations of the acting Chief Justices and found to be not qualified or fit for appointment were to be dropped.[7]

The Supreme Court's judgment on 20 March 1996 regarding the appointment of Judges was an effort on the part of the judiciary to assert itself as a powerful and independent organ of the state. A confrontation developed between the government and the Supreme Court on the issue, which steadily aggravated to a point of no return.[8]

The landmark judgement decided questions relating to appointments, transfers, acting Chief Justices of the High Courts, ad hoc Judges of the Supreme Court, additional judges of the High Courts and confirmations. The most crucial point in the judgment was that "consultation" in the appointment of Judges should be effective, meaningful, purposive, consensus-oriented, leaving no room for complaint of arbitrariness or unfair play." The Court declared that the appointment of Judges to the superior courts, made without the consultation of the Chief Justice of Pakistan, was invalid and violative of the Constitution.[9]

6.4 President–Prime Minister Relations

Elections for the office of the President were held on 12 November 1993. On the eve of the elections, Farooq Ahmad Khan Leghari, the PPP candidate, had declared that: "If I am elected, I will not prove to be an interfering President. The days of interference in government are now over. However, I will be the symbol of The Federation."[10] After his election as President, Farooq Ahmad Khan Leghari reiterated on 13 November: "I myself have struggled against this irritant [Article 58(2b)] and I wish that it should go as early as possible because its removal is in the best interest of the country and the present



Figure 1: President Farooq Ahmad Leghari and PM Benazir Bhutto in Oath-taking Ceremony 1993

[7] Khan, *Constitutional and Political History,* 449.
[8] Abbas, Poleaxe *or Politics of the Eighth Amendment,* 101.
[9] Abbas, Poleaxe *or Politics of the Eighth Amendment,* 101.
[10] Amir Mir, "Democracy VS.8th Amendment, Yet again." *The News,* 22 October 1996.

democratic set-up. I won't be a President who encourages intrigues or subverts the democratic process."[11]

Relations between President Farooq Ahmad Khan Leghari and Prime Minister Benazir Bhutto remained cordial and warm for the first two years. The Eighth Amendment was creating problems slowly and imperceptibly. The two were competing for power and authority in the political system. But, to begin with, it was not about political power. According to Benazir Bhutto, the turning point in their relations came when the opposition levelled allegations of corruption against the President. In particular, he was accused of making a fictitious land deal for money. "Mr. Leghari came to believe that the specific material and evidence of his wrongdoing had been let out deliberately by the husband of the Prime Minister."[12] She maintained that, though she assured him several times that she or her husband had nothing to do with the 'exposure', he became bitter, hostile and adversarial. Benazir Bhutto also alleged that he wanted to give the United Bank to Bishara Hill, which she opposed because he wanted to please his friends.[13] According to Kamran Khan, an investigative journalist, the activities of the Intelligence Bureau also played a major role in creating a gulf of estrangement between President Leghari and Benazir Bhutto. As he put it: "The IB secretly listened to the telephone conversations of President Leghari's sons and his cousin, Jaffar Leghari. On several occasions, the IB monitored the telephones of Mrs. Farooq Leghari."[14]

The following issues also caused difficulties between President Leghari and Prime Minister Bhutto.

1. Difference of opinion on the selection of the new COAS at the time of General Abdul Waheed Kakar's retirement.[15]
2. The President was not taken into confidence before the expansion was made in the federal cabinet in 1996. The President was against the inclusion of Haji Nawaz Khokhar, Jahangir Badar and Asif Ali Zardari in the cabinet.[16]
3. Relations between President Leghari and Prime Minister Bhutto further strained after the murder of her brother and a member of the Sindh Provincial Assembly, Murtaza Bhutto, in September 1996. Bhutto, in a veiled attack, accused the President of being involved in the murder of her brother.[17]

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[11] Mir, "Democracy VS.8th Amendment, Yet again."

[12] *Dawn,* 14 November 1996.

[13] *The News*, 13 November 1996.

[14] Kamran Khan, "Spooks who become Benazir's Achilles' heel*," The News,* 13 November 1996.

[15] Abbas, Poleaxe *or Politics of the Eighth Amendment,* 101.

[16] *Pakistan Times*, 6 November 1996.

[17] Zahid Hussan, "Benazir Bhutto: Fall from Grace," *Newsline*, November 1996.

4. An Accountability Bill in the National Assembly was largely seen as a move to pre-empt President Leghari's proposal to establish a permanent accountability commission to investigate corruption charges against public representatives and civil servants. The most controversial clause of the bill suggested that a Judge was required to step down from the Bench if 45 members of the National Assembly demanded an inquiry against him. The crisis came to a head when President Leghari wrote to the Prime Minister to point out that the government had violated Article 46-A of the Constitution by tabling the Accountability Bill in the National Assembly without informing him first. [18]

It was in this backdrop that the Prime Minister, Benazir Bhutto, declared on the floor of the National Assembly that: "I will not resign under pressure."[19] Subsequently, four meetings took place between her and the President, but the crisis could not be resolved. In the meantime, according to one report, the Chief of the Army Staff, General Jehangir Karamat, assured President Farooq Leghari that: "the armed forces will at all costs uphold the constitution and will stand by the decision made by the Supreme Commander of the Armed Forces."[20]

6.5 Dissolution of the National Assembly

In the early hours of 5 November 1996, President Farooq Leghari dismissed Benazir Bhutto's government and dissolved the National Assembly.[21] This was the fourth dismissal of a government under section 58(2b) of the Amendment. The dissolution order gave explanations, including worsening law and order situation; extra-judicial killings in Karachi; political interference in the appointments and transfers of officers and staff of the law- enforcing agencies; killing of Murtaza Bhutto and Prime Minister's allegation that President and other state agencies were involved in this conspiracy; efforts to humiliate the superior judiciary through the Accountability Bill and delay in the implementation of 20 March Judgement; phone tapping of politicians, Judges and high ranking military/civil officials; wide-spread corruption and nepotism; induction of a minister against whom criminal cases were pending, etc. The PPP leadership went in appeal against the dissolution order. But, the Supreme Court, in its verdict of 30 January 1997, upheld the presidential order of dissolution.[22]

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[18] Hussan, "Benazir Bhutto: Fall from Grace,"

[19] *The News*, 21 October 1996.

[20] Kamran Khan, "Clock Ticking for a Major Political Change," *The News*, 18 October 1996.

[21] Abbas, Poleaxe *or Politics of the Eighth Amendment,* 104.

[22] Abbas, Poleaxe *or Politics of the Eighth Amendment,* 104.

SELF-ASSESSMENT QUESTIONS

Multiple Choice Questions

1. Who resigned as Prime Minister in 1993 after pressure from the Army?

A. Benazir Bhutto
B. Nawaz Sharif
C. Ghulam Ishaq Khan
D. Moeen Qureshi

2. Which party emerged as the single largest party in the 1993 elections?

A. PPP
B. PML-N
C. IJI
D. ANP

3. Who was elected President of Pakistan in 1993 with the PPP's support?

A. Rafiq Tarar
B. Ghulam Ishaq Khan
C. Farooq Leghari
D. Pervez Musharraf

4. What was the focus of Benazir Bhutto's second government?

A. Privatization of industries
B. Nationalization of banks
C. Strengthening social sector reforms
D. Trade reforms

5. Pakistan's relations improved with the following country during Benazir's government, 1993–96?

A. Afghanistan
B. India
C. Iran
D. China

Answers:

1.B 2. A 3. C 4. A 5. D

Restricted Response Questions

1. Explore the judicial crisis during the second Benazir tenure.

2. Discuss the grounds on which the Assemblies were dissolved as provided in the Order of Dissolution.

Extended Response Questions

1. Review the socio-economic reforms of the second Benazir Government.

2. Examine the working relationship of the President Farooq Ahmad Laghari and PM Benazir Bhutto in the context of Article 58(2b).

3. Analyse the Supreme Court verdict on the dissolution of the Assemblies in 1996.

4. Examine the verdict of the Supreme Court validating the Eighth Amendment in Mahmood Achakzai's Case, rendering the major findings of the court.

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Khan, Hamid. *Constitutional and Political History of Pakistan*. Karachi: Oxford University Press, 2001.

Talbot, Ian. *Pakistan: A Modern History.* Lahore: Vanguard Books, 1999.

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Unit–7

THE 2nd GOVERNMENT OF NAWAZ SHARIF 1997-1999

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INTRODUCTION

This unit examines the political and constitutional developments during 1997-2002. It also traces the roots of the confrontation between successive governments of Nawaz Sharif and General Musharraf with the Judiciary. The change of government from a democratic government to a military government is the second important theme of this unit. The agenda of the Military government is important to analyse, particularly, the Local Government Reforms would be focused.

OBJECTIVES

After the study of this unit, you will be able to:

1. Comprehend the political and constitutional developments of the period.
2. Assess the implications of the political government's confrontation with the military and the Judiciary.
3. Analyse the political situation in the context of the post 9/11 scenario.
4. Examine the significance of Local Government Reforms in Pakistan.

7.1 Results of Elections 1997 and 2nd Nawaz Sharif Government

President Farooq Leghari stated on the polling day on Pakistan Television (PTV) on 3 February 1997 that turnout in urban areas had been 26 per cent and in rural areas 27 per cent. According to the election results, the PML(N) won a two-thirds majority in the National Assembly, about 90 per cent of the seats in the Punjab Assembly, and a near majority in the NWFP Assembly. In Sindh and Balochistan, no party had an absolute majority, though the PPP was the majority party in Sindh. Benazir Bhutto declared it an engineered election.[1]

Table 1: Party Position in the Assemblies in 1997

Parties	NA	Punjab	Sindh	KP (then NWFP)	Balochistan
PML (N)	134	212	15	31	05
PPP	19	2	36	04	1
HPG (Haq Prast Group)	12	-----	28	------	-----
ANP	09	------	-------	28	-----
BNP	03	------	-------	-------	09
Others	06	05	06	03	17
Independents	19	21	15	11	08

Source: Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 463.

Nawaz Sharief had the Opportunity to form a Government again at the centre.

2 Socio-economic Reforms

During his second tenure as Prime Minister (1997-1999), Nawaz Sharif focused on economic Reform, infrastructure Development, privatization, and self-reliance, to modernize Pakistan's economy and Improve socio-economic Conditions.



Figure 1: President Farooq Ahmad Leghari and PM Nawaz Sharif in Oath-taking ceremony 1997

[1] Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 463.

However, his term was reduced by a military coup in 1999. He focused on socio-economic policies during his second tenure:

Economic Reforms

PM Nawaz Sharif pursued structural reforms to stabilize the economy, manage inflation, and reduce the fiscal deficit. His government implemented IMF-backed programs and focused on fiscal discipline. Tax reforms broadened the tax base and improved revenue collection. Privatization accelerated through the sale of several state-owned enterprises in banking, telecommunications, energy, and manufacturing. Deregulation policies facilitated private businesses, reduced bureaucratic hurdles, and encouraged foreign investment.

Infrastructure Development

The government invested in infrastructure projects and the Lahore-Islamabad Motorway (M2) was completed during this period. The "Pakistan 2010 Program" is to develop infrastructure through highways, railways, and telecommunications for economic growth and connectivity.

Energy Sector Reforms

Nawaz Sharif continued private investment in power generation through independent power producers (IPPs). The government's energy exploration projects for oil and gas resources increased domestic energy production.

Ehtesab Bureau

The Nawaz Sharif government established the *Ehtesab* Bureau to investigate and prosecute cases of corruption.

Qarz Utaro Mulk Sanwaro Scheme

PM Nawa Sharif's decision to conduct nuclear tests in 1998 led to international economic sanctions affecting Pakistan's economy. Consequently, the government introduced austerity measures, debt management strategies, and the "Qarz Utaro Mulk Sanwaro" scheme to manage the damage.

Despite some ambitious projects and policies, Nawaz Sharif's second tenure faced significant challenges of political instability, allegations of corruption, and economic pressures. His policies laid some groundwork for modernization and infrastructure development, which was halted by the 1999 military coup.

7.3 The Government-Judiciary Confrontation



Figure 2: Chief Justice Sajjad Ali Shah

Serious differences started between the Nawaz Government and the Chief Justice Sajjad Ali Shah, when the latter took suo motu notice of the handcuffing of certain officers of the Water and Sanitation Agency in Faisalabad on the verbal orders of the Prime Minister and set them free on bail. These differences further deepened on the Anti-Terrorist Law. The Chief Justice objected to this innovation and instead stressed improving the existing court structure. Nawaz Sharif stressed for quick results and the appointment of some PML (N) members as judges.

Consequently, Anti-Terrorist Law was introduced, and special courts were constituted, and the High Courts and the Supreme Court were excluded from the due process.[2]

The real confrontation started when Justice Sajjad Ali Shah recommended five judges from three High Courts for elevation to the Supreme Court. The Prime Minister delayed the matter due to objections from two judges for personal reasons. To preclude the appointments, the government issued a notification to reduce the number of judges of the Supreme Court from seventeen to twelve. The Chief Justice suspended the notification, and the government had to withdraw the notification.[3]

On 30 October 1997, the Chief Justice, heading a three-member Bench under Article 190 of the Constitution, asked the President to appoint the five judges. On the President's warning, the government ordered the notification of the appointment of five judges.[4]

Chief Justice suspended the Fourteenth Amendment. The Prime Minister and the members of Parliament criticized the decision. The Prime Minister called the order 'illegal and unconstitutional'. Consequently, they had to face contempt proceedings

[2] Khan, *Constitutional and Political History,* 466-467.
[3] Khan, *Constitutional and Political History,* 467.
[4] Khan, *Constitutional and Political History,* 467.

before the Supreme Court. Nawaz Sharif, the Prime Minister, had to appear before the court on two occasions.[5]

7.4 Nuclear Tests: Declaration of Emergency

The Bharatiya Janata Party (BJP) became the largest party in the Parliament in the general elections in February/March 1998. It formed a coalition government with regional parties. The BJP government exploded two nuclear explosions in Rajasthan, and their aggressive statements indicated their intention to invade Azad and Jammu and Kashmir. In Pakistan, all political parties developed a consensus to deter Indian aggression; Pakistan must respond with its own nuclear tests. Consequently, Pakistan held five successful tests of nuclear devices in the Chaghi region of Balochistan province on 28 May 1988. On the same day, the government proclaimed an emergency under Article 232. Besides, the government froze all foreign currency accounts in local banks belonging to residents and non-residents. The value of the Pakistani rupee against the US dollar fell from 44 rupees to more than 55 rupees in one month. Remittances from overseas Pakistanis were drastically reduced.[6]

7.5 Kargil Crisis: Confrontation with the Military

PM Nawaz Sharif had not cordial relations with the army. On proposing a National Security Council for important national issues, General Jahangir Karamat, the Chief of Army Staff, was forced to resign on 7 October 1998. General Pervez Musharraf replaced him. The Kargil crisis was the key issue between the Nawaz Sharif government and the military. Certain Mountain peaks in the Kargil, from where Pakistani forces were ejected by the Indians some years ago, were occupied by the Mujahedin, backed by the Pakistan Armed Forces. The Indian Army was trapped yet Indian propaganda isolated Pakistan on the international front. The Nawaz government hurriedly appealed to President Clinton of the USA to bail him out and unilaterally signed an accord with the USA for the withdrawal of forces from Kargil and to respect the line of control in Kashmir in the future. Consequently, Army personnel and Mujahedin were withdrawn from Kargil. The Nawaz Government blamed the army for this misadventure. The relations between the Nawaz government and the Army leadership were strained. On 12 October 1999, Nawaz Sharif promoted Lt. Gen. Zia-ud-Din to General and appointed him as Chief of Army Staff. The Army Corps Commander did not allow him to take over the charge and took over the country. General Musharraf, who was on a plane coming from

[5] Khan, *Constitutional and Political History*, 467.
[6] Khan, *Constitutional and Political History*, 479-480.

Sri Lanka from an official visit, landed in Karachi when the Army was in total control of the country.[7]

7.6 Constitutional Amendments

Thirteenth Amendment: End of 58(2) b

On 1 April 1997, the National Assembly deleted ***58(2) b*** from the Eighth Amendment through the Thirteenth Constitutional Amendment Bill. Both the government and the opposition members unanimously supported the motion. The Senate approved it by 79 votes to nil.[8] The government had the required strength in the National Assembly but was short of a two-thirds majority in the Senate. The PPP's nineteen Senators joined hands with the government.[9] This was the only Amendment in the Constitution of 1973 approved unanimously.

The legal experts, political leaders, and the people in general all hailed the repeal of Article 58(2b) of the Eighth Amendment as a triumph of democracy. They described the Thirteenth Constitution Amendment as the most important step towards the restoration of Parliamentary democracy. Prime Minister Nawaz Sharif, himself was elated. As he put it: "The spirit of Parliamentary Democracy has been revived."[10] Former Prime Minister and now the leader of the opposition, Benazir Bhutto, called it "a moral victory for everyone who fought for democracy in the country. I congratulate the nation on this historical moment, which came when we are celebrating the golden jubilee year of Pakistan."[11] Even the foreign press noted that a major source of political instability in the country had been removed with the adoption of the Thirteenth Amendment.[12]

The Thirteenth Amendment brought about the following changes:

- Article 58(2b) had given the President the extraordinary power of dissolving the National Assembly. Precisely, to recapitulate, it said: "The President shall dissolve the National Assembly where, in his opinion, 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." The Thirteenth Amendment omitted the entire clause of the Article from the Constitution.[13]

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[7] Khan, *Constitutional and Political History,* 485-486.

[8] *The Pakistan Times*, 2 April 1997.

[9] Hassan Abbas, *Poleaxe or Politics of the Eighth Amendment* (Lahore: Waton dost, 1997), 117.

[10] *The Pakistan Times*, 2 April 1997.

[11] *The Pakistan Times*, 2 April 1997.

[12] *The Pakistan Times*, 3 April 1997.

[13] The Constitution (Thirteenth Amendment) Act 1997, [Act No. 1 of 1997], *Gazette of Pakistan, Extraordinary*, Part 1, 4 April 1997.

- Article 101(1) of the Eighth Amendment, which dealt with the appointment of provincial governors, stated: "There shall be a Governor for each province who shall be appointed by the President after consultation with the Prime Minister." The Thirteenth Amendment amended the Article in a way that the words "after consultation with the Prime Minister" were replaced with the words "on the advice of the Prime Minister." In this sense, the Amendment withdrew the discretionary powers of the President to appoint the provincial governors. Now, he is required to act on the advice of the Prime Minister.[14]
- The Article 112(2b) dealt with the Governor's powers to "dissolve the provincial assembly if a situation has arisen in which the government of the province cannot be carried on in accordance with provisions of the constitution and an appeal to the electorate is necessary." This clause was completely omitted in the Thirteenth Amendment. The advice of the Chief Minister was made "necessary" for the Governor to dissolve the provincial assembly.[15]
- Article 243(2) dealt with the command of the armed forces and stated: "The President shall, subject to law, have powers to appoint (in his discretion) the Chairman, Joint Chiefs of Staff Committee, the Chief of the Army Staff, the Chief of the Air Staff and the Chief of the Naval Staff and determine their salaries and allowances." The words, "in his discretion," were omitted in the Thirteenth Amendment. The President was now required to make the above appointments subject to law.[16]

Indeed, the Thirteenth Amendment finally eliminated the presidential seal over the parliamentary form of government, since 1985. The constitutional pendulum swung back in favour of the Prime Minister. With the balance of power restored in favour of the Prime Minister. The role of the army, which had largely acted through the President, had also been curtailed.

Fourteenth Amendment: Defection Clause

The Fourteenth Amendment of the Constitution of Pakistan (1973) was passed in 1997 to address issues of political party defections by members of parliament. It defined "defection" as a breach of party discipline, including violating a party's constitution or voting against a party's directive, and outlined a process for a party's disciplinary committee to hear the case and take action. The amendment was largely intended to enforce party discipline, although its impact has been debated. It clarifies what constitutes a defection from a political party. This includes:

[14] The Constitution (Thirteenth Amendment) Act 1997.

[15] The Constitution (Thirteenth Amendment) Act 1997.

[16] http://pakistanconstitutionlaw.com/the-constitution-thirteenth-amendment-act-1997/

1. Violating the party's constitution, code of conduct, or policies.
2. Voting against a parliamentary party's direction.
3. Abstaining from voting against party policy.

The Amendment also outlines a disciplinary process for addressing defections. A party leader can refer a potential defection to the party's disciplinary committee. The committee is required to hear the member's case, giving them a personal hearing within seven days. [17]

Fifteenth Amendment: Enforcement of Sharia

The 15th Amendment to the Constitution of Pakistan was passed by the National Assembly on 28 August 1998, but was never passed by the Senate, so it is not an active part of the Constitution. The amendment aimed to enforce Shariah by adding clauses that obligated the federal government to enforce Shariah, establish Salat, administer Zakat, and promote "amr bil ma'roof and nahi anil munkar" (enjoining good and forbidding evil). It would have also made the Holy Quran and Sunnah the supreme law.

Supreme Court verdict on the Thirteenth and Fourteenth Amendments

A three-member Bench of the Supreme Court, headed by Justice Sajjad, had suspended the operation of the Thirteenth Amendment to the Constitution on 20 December 1997, which was immediately suspended by a ten-member Bench of the Supreme Court. Finally, a seven-member Bench of the Supreme Court under Chief Justice Ajmal Mian heard the petition and due to non-prosecution, it was dismissed. [18]

The fourteenth Amendment was also suspended in October 1997 by a Bench headed by Chief Justice Sajjad, restraining party heads from taking adverse action against members who express independent opinion in parliament. A seven-member Bench of the Supreme Court, headed by Chief Justice Ajmal Mian, declared the Fourteenth Constitutional Amendment as valid under the Constitution by a six-to-one majority judgment.[19]

[17] Khan, *Constitutional and Political History*, 476-477.
[18] Khan, *Constitutional and Political History*, 476.
[19] Khan, *Constitutional and Political History*, 476-477.

7.7 MILITARY TAKEOVER 1999

Pervez Musharraf imposed martial law twice in Pakistan: first on October 14, 1999, when he staged a bloodless coup and assumed the office of Chief Executive, suspending the Constitution. He imposed a second, More controversial period of martial law on November 3, 2007, suspending the constitution again to retain power, which led to his later conviction for high treason.



Figure 3: Chief of Army Staff General Pervez Musharraf Addressing the Nation on Television

A Bench of 12 judges of the Supreme Court, headed by Chief Justice Irshad Hassan Khan, heard the petitions against the military takeover and for the restoration of the Assemblies. A judgment on 12 May 2000 disposed of all the petitions with the following finding: [20]

1. On 12 October 1999, a situation had arisen for which the Constitution provided no solution and the intervention by the Armed Forces through an extra-constitutional measure became inevitable. Sufficient corroborative and confirmatory material had been produced by the Federal Government in support of the intervention by the Armed Forces through extra-constitutional measures. Thus, the intervention was validated based on the doctrine of State necessity and the principle of *salus populi suprema lex* as embodied in Begum Nushrat Bhutto's case.
2. All past and closed transactions, as well as such executive actions as were required for the orderly running of the State and all acts that tended to advance or promote the good of the people, were also validated.
3. The 1973 Constitution remained the supreme law of the land, subject to the condition that certain parts thereof were held in abeyance on account of State necessity.
4. That the Superior Courts would continue to function under the Constitution. The mere fact that the Judges of the Superior Courts had taken a new oath did not in any manner derogate from this position because the Courts had originally been established under the 1973 Constitution.
5. That General Pervez Musharraf, through Proclamation of Emergency dated the 14 October 1999, followed by PCO I of 1999, had validly assumed power by means of an extra-constitutional step.

[20] Khan, *Constitutional and Political History*, 492-493.

The court granted three-year period to the Chief Executive, with effect from the date of the Army takeover i.e. 12 October 1999, for holding general elections and achieving his declared objectives. The Chief Executive would appoint a date, not later than 90 days before the expiry of the aforesaid period of three years, for holding a general election to the National Assembly and the Provincial Assemblies and the Senate of Pakistan.

That the Supreme Court would have jurisdiction to review/re-examine the continuation of the Proclamation of Emergency dated 12 October 1999 at any stage if the circumstances so warrant.

7.8 The Policies of the Musharaf Regime

9/11 and Pakistan's Response

The events of 11 September 2001 (universally known as 9/11) in New York and Washington completely changed the political landscape of the world and left deep imprints on the politics of Pakistan and the neighbour region. The U.S. administration immediately blamed Osama bin Laden and his Organization AI-Qaeda in Afghanistan as being responsible for the terrorist acts on 9/11. The Pakistan Government, as a supporter of the Taliban Regime in Afghanistan, was under pressure. The US government wanted Usama bin Laden and the Taliban government refused to cooperate. The U.S. Government demanded cooperation from Pakistan under threat of dire consequences. General Musharraf immediately succumbed to all the demands of the U.S. government and reversed the policy on Afghanistan and abandoned the Taliban regime. He agreed to lend bases within Pakistan for American military operations against Afghanistan and to share intelligence with American intelligence agencies in the war against terrorism.[21]

Referendum 2002

To gain legitimacy, General Musharraf organized a national referendum on the military takeover in June 2002, winning 98 percent of the votes and extending his tenure as President for five years.[22]

Local Government Reforms

Musharraf took the task of transforming of Pakistan's governmental structure and its law-and-order mechanism. He commissioned a retired Lieutenant General (ret.) S. Tanvir Naqvi as the head of the National Reconstruction Bureau (NRB). This commission conceived the new district government (Nazim) system. Politicians

[21] Talbot, *Pakistan: A New History*, 171-178.
[22] Khan, *Constitutional and Political History*, 495.

and bureaucrats opposed the system. The Nazims and the elected assemblies were promised autonomy and money, directly distributed to them by passing the bureaucracy and provincial legislators.[23]

The Nazim system weakened the power of the bureaucracy. The block grants weakened the provincial governments, with no fiscal control over districts. It created a class of local notables who owe their position to the military headquarters.[24] After uniform laws were crafted for the provinces, the NRB conceded to the provinces the right to amend these according to their peculiar situations. This provided a sense of ownership to provinces.[25]

Legal Framework Order *(LFO)* 2002

President Musharraf assumed the power to amend the Constitution based on a Supreme Court judgment in Zafar Ali Shah's case. NRB, particularly its chief, Lt. Gen (R) Tanveer Naqvi, initially proposed two constitutional amendment packages, one for sustainable democracy and the other for institutional strengthening and circulated them for soliciting public opinion. There were widespread protests on the proposed constitutional packages as there was no legitimate power vested in Musharraf to amend the Constitution and secondly, the proposed amendments would undermine the parliamentary system of government and provincial autonomy in the country. Disregarding public opinion, Musharraf promulgated Legal Framework Order 2002 (LFO) on 21 August 2002. Important features of LFO are listed below:[26]

1. Political parties are required to hold intra-party elections to elect their office bearers and party leaders. No political party should promote sectarian, ethnic, or regional hatred or animosity.
2. Musharraf would relinquish the office of Chief Executive on such day as might be determined in accordance with the judgment in Zafar Ali Shah's case. However, he would hold the office of President of Pakistan for a term of five years from the day he assumed such office.
3. The seats in the National Assembly were increased to 342, with 60 seats reserved for women and 10 seats reserved for non-Muslims. In Balochistan, the number of seats were raised to 65 (11 seats reserved for women and 3 for non-Muslims); in KP (then NWFP), seats were raised to 144 (22 seats reserved for women and three for non-Muslims); in the Punjab, seats were raised to 371 (66 seats reserved for women and 8 seats for non-Muslims); and

[23] Stephen Philip Cohen, *The Idea of Pakistan* (Lahore: Vanguard Books, 2005), 155.
[24] Cohen, *The Idea of Pakistan*, 155-156.
[25] Cohen, *The Idea of Pakistan*, 155-156.
[26] Khan, *Constitutional and Political History*, 497-498.

in Sindh, seats were increased to 168 (29 seats reserved for women and 9 seats for no Muslims). The seats in the Senate were increased to 100, with 16 seats reserved for women i.e. 4 from each province.

4. Article 58 (2) (b), deleted from the Constitution by the Thirteenth Amendment, was revived. The President was again empowered to dissolve the National Assembly at his discretion.
5. New disqualifications were added to Article 63, which includes persons convicted and sentenced to imprisonment as absconders, defaulters in the payment of loans from banks or cooperative societies amounting to Rs. 2 million or more, defaulters of the payment of government dues and utility bills etc.
6. Article 63 A, added by the Fourteenth Amendment, was drastically changed and the defection clause would only be applicable to a member of a political party who votes against the direction of his parliamentary party in relation to the election of the Prime Minister or the Chief Minister, or in a vote of no confidence, or a money Bill. Defection clause would only apply to a member of a parliamentary party, if composed of a single political party in a House, on his resignation from membership of that political party or joining of another parliamentary party.
7. In case of a difference of opinion between the two Houses of the parliament on a Bill, it would be referred to a mediation committee consisting of 16 members, 8 members from each House of the parliament.
8. Whenever the Money Bill would originate in the National Assembly, its copy would be transmitted to the Senate, which may make its own recommendations on the Bill to the National Assembly within seven days. However, the National Assembly can pass the Money Bill with or without incorporating the recommendations of the Senate.
9. Where a Bill is passed by both the Houses of Parliament and is presented to the President for assent, he may return the Bill to the Parliament for reconsideration. However, the Bill can only be passed with or without amendments by the parliament after going through the process of the mediation committee.
10. A governor of a province would be appointed by the President after consultation with the Prime Minister.
11. Article 112 (2)(b) deleted by the Thirteenth Constitutional Amendment, was revived, thus conferring discretionary powers on a Governor to dissolve the provincial Assembly at his discretion, subject to the previous approval of the President.
12. Article 140 A was added to confer constitutional status to the local government system.

13. Article 152 A, deleted under the Eighth Constitutional Amendment, was added. It included four men in uniform, namely the Chairman Joint Chiefs of Staff Committee and three Chiefs of Staff of the Pakistan Army, Pakistan Navy and Pakistan Air Force. The functions of the National Security Council (NSC) include consultation on strategic methods like sovereignty, integrity and security of the State and democracy, governance and inter-provincial harmony.
14. Article 209 was modified, conferring power in the Supreme Judicial Council to enquire into the matter of misconduct of judges on its own motion.
15. The Election Commission of Pakistan was enlarged by including four judges of the High Courts, one from each province.
16. A provision was made under which the president would appoint a caretaker government on the dissolution of the National Assembly. The Governors would have the same power in the event of dissolution of Provincial Assemblies.
17. Article 270AA was added, validating all the laws made during the period of suspension of the constitution and actions taken thereunder.
18. Article 270 B was added, declaring that the elections held in October 2002 would be deemed to have been held under the constitution.
19. Article 270C was added, declaring that all the judges who had taken oath under the Oath of Office of Judges Order 2000 would be deemed to have been appointed under the Constitution. Similarly, those who had not taken oath under the said order would be deemed to have ceased to continue as judges.
20. Schedule VI was amended, and several laws were added to the list of laws that could not be altered, repealed or amended without the previous sanction of the President. These laws included the State Bank of Pakistan Act, the National Accountability Bureau Ordinance, Election Commission Order 2002, Conduct of General Elections Order 2002, Political Parties Order 2002, the Police Order 2002 and all four Local Government Ordinances for the four provinces, passed in 2001.

On 9 October 2002, LFO was amended and Articles 179, 193 and 195 were amended and the retirement age of judges of the Supreme Court was raised from 65 to 68 and that of the judges of High Courts was raised from 62 to 65. The minimum age for appointment of a High Court judge was also raised from 40 to 45. In making this amendment, Musharraf violated his own pronouncements, which he repeatedly made on radio and television, that no amendment in the Constitution would be introduced unless it was circulated in advance for soliciting public comments. Enhancement in the retirement age of the judges was not included in the two constitutional amendment packages. The judges were apparently beholden to Musharraf for this extension in service, but this has been achieved at the expense

of the independence of the judiciary. Prior to this amendment, the Supreme Court had disposed of the case titled Watan Party V. Chief Executive with the following observation:

> The elected Parliament is in immediate sight and obviously, the Parliament and not this Court is the appropriate forum to consider all these amendments. We may further observe that the procedure to amend the Constitution, as enshrined in Article 239, Part XI, remains unaltered. The parliament retains the same power to amend the Constitution as it did before the promulgation of the legal Framework Order.

Despite the above observation, the Chief Justice, author of the judgment, and other judges had no qualms about accepting an extension in the tenure through an amendment in the LFO without the bill being placed before the parliament for consideration.

LFO was an attempt to rewrite the Constitution by a military ruler. Hamid Khan has pointed out the following harmful effects on the Constitution.[27]

- By reviving Article 58 (2) (b), conferring discretionary authority in the President to dissolve the national assembly and dismiss the federal government, the parliamentary character of the government was seriously impaired. The Prime Minister and his cabinet were subordinated to the President. The revival of Article 58 (2) (B) revived the spectre of unstable governments from 1985 to 1999, during which period the discretionary power to dissolve the national assembly was exercised on four occasions. Similarly, by reviving Article 112 (2 (b) conferring discretionary power to the Governors, under prior approval from the President, to dissolve Provincial Assemblies and dismiss provincial governments, a serious blow was dealt to provincial autonomy.
- By introducing the National Security Council (NSC) in the Constitution with Chiefs of armed forces as its members, civilian authority under the Constitution was subordinated to the military authority.
- Musharraf was allowed to continue as President in uniform. This destroys the scheme of the Constitution in relation to the office of the President. According to Article 43, the President cannot hold any office of profit in the service of Pakistan or occupy any other position carrying the right to recommendation for rendering of services. Article 41 read with Article 63 disqualified him even to be a candidate for the office of President because he holds an office of profit in the service of Pakistan. Being President and Army Chief at the same time creates many constitutional anomalies. The President is the appointing authority of the Chief of Army Staff. How can one person hold both positions?

[27] Khan, *Constitutional and Political History*, 499-500.

- Inclusion of important laws in the Sixth Schedule undermines the power of the Parliament and the Provincial assemblies to legislate in important matters like laws in relation to accountability, central banking, elections, police, local governments etc. The legislatures had thus been deprived of their basic function of legislation on subjects entrusted to them under the Constitution. What is the worth of provincial governments when they cannot regulate the legislation of the local governments under them? How does this promote provincial autonomy?
- There appears to be no overriding reason for increasing the number of general seats in the National Assembly from 207 to 272 and in the provincial assemblies of Balochistan, KPK (then NWFP), the Punjab and Sindh from 40,80,240and 100 to 51, 99, 297 and 130, respectively. It only burdened the public exchequers unnecessarily. However, the redeeming aspects of the LFO are the allocation of reserved seats for women, the reduction of voters' age from 21 to 18 and the reintroduction of joint electorates.

SELF-ASSESSMENT QUESTIONS

Multiple Choice Questions

1. Which party faced a major defeat in the 1997 elections?

A. ANP
B. PPP
C. JUI-F
D. PML-J

2. Who was the President of Pakistan at the time of the 1997 elections?

A. Ghulam Ishaq Khan
B. Rafiq Tarar
C. Farooq Leghari
D. Pervez Musharraf

3. Which constitutional amendment passed in 1997 curtailed Presidential powers?

A. 12th Amendment
B. 13th Amendment
C. 16th Amendment
D. 18th Amendment

4. The 14th Amendment, passed in 1997, introduced:

A. Provincial autonomy
B. Nuclear program expansion
C. Ban on floor-crossing
D. Women's reserved seats

5. Who was appointed as Chief of Army Staff by Nawaz Sharif in 1998?

A. Gen. Mirza Aslam Beg
B. Gen. Waheed Kakar
C. Gen. Pervez Musharraf
D. Gen. Jahangir Karamat

Answers:

1. B 2. C 3. B 4. C 5. C

Restricted Response Questions

1. Evaluate the decision of the Nawaz Sharif Government to declare an emergency and discuss its implications. Besides, examine the verdict of the Supreme Court on this decision.

2. Discuss the merits and demerits of the Legal Framework Order 2002.

Extended Response Questions

1. Bring out the significance of the Constitutional Amendments during the second Nawaz Sharif Government.

2. Examine the causes of the confrontation between the second Nawaz Sharif Government and the Judiciary and its implications for the political setup.

3. Evaluate the socio-economic reforms of the second Nawaz Sharief government with their impact on the state and society of Pakistan.

RECOMMENDED READINGS

Khan, Hamid. *Constitutional and Political History of Pakistan*. Karachi: Oxford University Press, 2001.

Talbot, Ian. *Pakistan: A New History*. Karachi: Oxford University Press, 2012.

Unit–8

THE CIVIL GOVERNMENTS 2002-2008

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INTRODUCTION

This unit covers the events from the General Elections 2002 to the General Elections 2008. The implications of the revival of Article 58(2b) through the Seventeenth Amendment have been discussed. Other important themes are the Judicial Movement and Political Rapprochement, which have changed the political scenario in Pakistan.

OBJECTIVES

After the study of this unit, you will be able to:

1. Understand the political situation in which Article 58(2b) was reinserted through the Seventeenth Amendment.

2. Analyse the Judicial Movement in a historical context.

3. Evaluate the implications of the Charter of Democracy.

8.1 Election Results 2002

General elections for the national and provincial assemblies were held on 10 October 2002. The Pro-Musharraf National Alliance (NA) consisted of six small parties, including the Millat Party of former President Farooq Ahmad Leghari. The government officials, including provincial governors, facilitated the adjustment of seats between PML (Q) and NA.[1] Another significant development was the formation of an electoral alliance, Muttahida Majlis-e-Amal (MMA) of six religious parties. It contested the election with common candidates.[2]

The polling was held on 10 October 2002 amidst serious allegations of rigging and other electoral abuses. European Union observers termed the general elections as seriously flawed due to State interference in the voting process. The opposition parties alleged that the election machinery delayed results to give a voting edge to pro-military government parties. In some cases, the results were changed and those from PML (Q) who had lost the elections were declared successful the next day. The role of the Election Commission was dubious. The party's position in the results of the elections emerged as under.

Table 1: Party Position in the Assemblies in 2002

Party	National Assembly	Punjab	Sindh	KP (then NWFP)	Balochistan
PML (Q)	77	130	10	6	10
PPP (Parliamentarians)	63	63	50	8	01
MMA (six-party alliance)	44	8	9	48	14
PML (Nawaz)	14	33	0	4	0
MQM	13	0	32	0	0
National Alliance	12	12	11	0	0
Non-partisan/ independent	28	33	3	15	6

Source: Stephen Philip Cohen, *The Idea of Pakistan* (Lahore: Vanguard Books, 2005), 137

Overall voter turnout was 40.69 per cent. Islamabad had the highest with 51.16 per cent, followed by the Punjab 45.55 per cent, Sindh 37.72 per cent, KP (then NWFP) and Tribal Area 31.42 per cent and Balochistan 28.66 per cent.[3]

[1] Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 500.
[2] Khan, *Constitutional and Political History,* 500.
[3] Khan, *Constitutional and Political History,* 501.

These elections were manipulated at several levels. First, the PML broke into several factions. Then the military openly favoured the PML (Q) was openly favoured by the military. Nominations of pliable politicians were supported and there was interference by the security forces and the bureaucracy on polling day. The elections were carefully planned so that no party could clearly be dominant at the centre or in the provinces. The only unexpected result was that the votes for the Islamist parties encouraged them to form an electoral alliance, which generated a wave of anti-Americanism.

8.2 Zafarullah Jamali as Prime Minister (2002-2004)



Figure 1: President Musharraf taking Oath from PM Zafarullah Khan Jamali

The pro-government PML (Q) and National Alliance were short of a majority to form the government. With many independents and a forward block of PPP Parliamentarians of ten members grouped themselves as Patriots, PML (Q) formed the government. On 24 November 2002, Zafarullah Jamali from Balochistan was elected as Prime Minister with 72 votes from a House of 342 and served the country from 2002-2004. He was the first Prime Minister from Balochistan. During his tenure, President Musharraf dominated the decision-making in the government. [4]

Jamali acted largely as a supportive PM to General Musharraf, who retained strong powers under the Seventeenth Amendment. He continued Pakistan's cooperation with the United States in Afghanistan after 9/11, including military operations in tribal areas. He also supported Musharraf's local government system to strengthen grassroots governance. Due to remittances, privatization, and foreign aid, the growth rate remained 6%. He initiated limited peace moves with India, including talks on Kashmir.

8.3 President – Prime Minister Relations

Due to Article 58(2) b, the Prime Minister accepted a subordinate position to the President. The ensuing Prime Ministers after the elections of 2002 were very cautious and tried to avoid any confrontation with the President to save the parliamentary system.

[4] Khan, *Constitutional and Political History*, 500.

8.4 The Seventeenth Amendment: Revival of 58(2) b

The session of the National Assembly was delayed till 16 November 2002, that is, 36 days after the elections. The elections of the Senate, scheduled to be held on 12 November, were delayed till February 2003. A dispute occurred on 16 November 2002, when the opposition members objected to taking the oath under the LFO and declared that they were taking the oath under the Constitution as it stood on 12 October 1999. The presiding officer of the oath-taking session, Mr. Ilahi Bux Soomro, assured the members that the copy of the Constitution under which he was administering the oath did not include the LFO. Similarly, opposition members of the Senate taking oath on 12 March 2003, made it clear that they were taking oath under the Constitution as it existed prior to 12 October 1999.[5]

The members of the Opposition in the Parliament kept protesting the LFO, which forced the political parties in the government to initiate dialogue with the opposition parties. Finally, the negotiations between PML (Q) and MMA became successful. On 24 December 2003, the PML (Q) and its allies signed an agreement of the following seven points with MMA on the constitutional amendment package.

1. Three year extension in the retirement age of judges of the superior Courts would be withdrawn.
2. The National Security Council would be deleted from the Constitution and would be constituted under an ordinary Act of Parliament.
3. Exercise of discretionary power by the President to dissolve the National Assembly under Article 58(2) (b) and similar exercise of power by the Governors to dissolve Provincial Assemblies under Article 112(2) (b) would be preferable to the Supreme Court within 15 days of such exercise.
4. The laws regarding the local governments and the police protected under the Sixth Schedule to the Constitution would be deleted from the Sixth Schedule after six years.
5. Musharraf would seek a vote of confidence from the Parliament and the four Provincial Assemblies.
6. The President would be required to consult the Prime Minister in the matter of appointment of the chiefs of armed forces, though such consultation would not be binding on him.
7. Musharraf would give up the office of Chief of Army Staff by December 2004.

The government moved the Constitution (Seventeenth Amendment) Bill on 26 December 2003 in the National Assembly. Aitzaz Ahsan of PPP (P) raised an objection that the amendment bill was contrary to the joint stand of the ARD and

[5] Khan, *Constitutional and Political History*, 501-502.

MMA that LFO was not part of the Constitution. Finally, on 29 December 2003, the revised Seventeenth Amendment Bill was passed by the National Assembly with 248 out of 342 members in favour and no votes in opposition. In fact, ARD and other opposition parties boycotted the session, protesting the deal between the government and MMA. On 30 December 2003, the Senate passed the Amendment Bill by 72 votes to nil, with ARD and other opposition parties again boycotting the session of the Senate.[6]

However, LFO was never submitted before the Parliament and the Seventeenth Amendment Bill only contained amendments that were altered/amended/added/ varied by the LFO. The amendments made in articles 17, 51, 59, 62, 6 3,63A, 70,71,7, 3, 75,101, 140A, 199, 203C, 209, 218, 224,260, 270B, and 270C of the Constitution by LFO were not touched by the Seventeenth Amendment Act. These were deemed to have been validly made in the Constitution under the language used in Article 270AA.[7]

Hamid Khan has pointed out that the Seventeenth Amendment Act made amendments in the following Articles of the Constitution.[8]

1 Article 41 (Election of the President) has been amended. It adds a proviso to paragraph (b) in Clause (7) to the effect that the disqualification incurred by an MNA for holding another office of profit would become effective on 31 December 2004. However, there was no paragraph (b) in the Constitution. It was introduced by the LFO. Clause (8) has been added to the Article 41, which provides only for endorsement of Musharraf's election as President. Clause (9) has been added to Article 41, which authorizes the Chief Election Commissioner to regulate and conduct the proceedings for a vote of confidence for Musharraf and to count the votes cast during such proceedings.

2 In Article 58, a new Clause (3) has been added to provide for reference to the Supreme Court within 15 days of dissolution of the National Assembly under Article 58 (2)(b). The sub clause (b) of clause (2) of Article 58 was deleted by the Thirteenth Amendment Act 1997. It was reinserted by the LFO in 2002. A similar amendment has also been made in Article 112 (Dissolution of a Provincial Assembly by the Governor), which was also deleted by the Thirteenth Amendment Act, 1997.

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[6] Khan, *Constitutional and Political History*, 502.
[7] Khan, *Constitutional and Political History*, 502.
[8] Khan, *Constitutional and Political History*, 503-504.

3 Article 152 A (National Security Council) has been deleted. However, this Article did not exist in the Constitution and was only added by the LFO.

4 Article 179 purports to substitute new text in the Article. The new text (Retiring age of Supreme Court judges) was already there in the Constitution before it was changed by the LFO. This amendment erases the chance in the Constitution deemed to have been affected by the LFO whereby the judges' retirement age was raised by three years.

5 The substitution of Article 195 (retirement age of High Court judges) is like that of the substitution in Article 179.

6 Article 268 lists the enactments that cannot be amended or even discussed in the Parliament or the Provincial Assemblies without the prior approval of the President. Before the LFO was issued, 24 laws listed in the Sixth Schedule were so protected. The LFO added eleven more laws to the list. The Seventeenth Amendment Act reduces the protection to Provincial Local Government Ordinances and the Police Order to six years.

7 Article 270AA, inserted by LFO, and was replaced with a new text. It affirms and validates all amendments made by the LFO in the Constitution. It also validated laws made from 12 October 1999 onward as having been validly made or accorded affirmation, adoption and declaration by the competent authority. All orders made, proceedings taken, appointments made, and acts done by any authority or person under such laws from 12 October 1999 onwards have also been validated and affirmed under Article 270AA. Competent authority is defined as the appropriate legislature in respect of the President's Orders, Ordinances, Chief Executive's Orders, and enactments, including amendments in the Constitution. Since LFO and its amendments were made through the Chief Executive's Order, it would be deemed that the amendments made in the Constitution by LFO were made by the Parliament itself.

LFO has amended/added twenty-nine Articles in the Constitution, out of which twenty have been left untouched by the Seventeenth Amendment. Only the provisions of nine Articles, namely 41, 58, 112, 152A, 179, 195, 243, 268, and 270AA have been amended/deleted/substituted by the Seventeenth Amendment. Thus, LFO was deemed to have become part of the Constitution.

Chaudhry Shujaat Hussain as Prime Minister (30 June 2004 - 28 August 2004)

Chaudhry Shujaat Hussain was the 16th Prime Minister of Pakistan. He belongs to Gujrat and has been the chairman of the PML (Q) since 2003, which was considered the king's party during the Musharraf era. On his advice, President Musharraf had offered NRO to political leaders.



Figure 2: PM Chaudhry Shujaat Hussain

Prime Minister Shaukat Aziz (2004- 2007)



Figure 3: PM Shaukat Aziz

A former Citibank executive, brought into politics by General Pervez Musharraf after the 1999 coup. He served as Finance Minister (1999–2004), credited with stabilizing Pakistan's economy with IMF and World Bank support. After Zafarullah Jamali's resignation (2004), Shaukat Aziz was elected Prime Minister on 28 August 2004. Pakistan witnessed the highest GDP growth periods (6–7%) during his tenure due to a rise in foreign reserves, remittances, and privatization revenues. He introduced banking sector reforms and encouraged foreign investment. He promoted large-scale projects such as Gwadar Port, highways, telecom expansion, besides expanded the IT and telecom sectors, leading to a "mobile phone revolution." He continued Musharraf's Devolution Plan through local governments. On the foreign policy front, he continued close alignment with the United States in the War on Terror, yet strengthened ties with China and GCC states and tried to improve relations with India, including peace talks on Kashmir. Despite some achievements, he was termed a "technocrat PM" with a limited political base. He was accused of selling national assets at cheap rates, for example Pakistan Steel Mills case was blocked by the Supreme Court. The growth only benefited the urban classes. Unrest among the lawyers and the political class grew due to the government's policies.

8.5 Judicial Movement



Figure 4: Chief Justice Iftikhar Muhammad Chaudhry

The Judicial Movement was a unique event in the history of Pakistan, lasting for 143 days. It commenced when President Musharraf, invoking Article 209 of the Constitution of Pakistan, sent a reference to the Supreme Judicial Council on 9 March 2007 to seek the opinion whether the Chief Justice of Pakistan, Iftikhar Muhammad Chaudhry, was guilty of misconduct and whether he should be removed from office. The President appointed an acting Chief Justice and constituted the Supreme Judicial Council, which also restrained the Chief Justice from functioning as the judge and Chief Justice of the Supreme Court. This development evoked a strong reaction from the legal community. Supreme Court Bar Association, Pakistan Bar Council and other organizations of lawyers collectively boycotted courts and started demonstrating protests. The Political parties and the media supported the movement, which demanded the reinstatement of the Chief Justice of Pakistan, independence of the Judiciary, rule of Law, supremacy of the constitution and a truly representative civilian government. The Supreme Court Bench of thirteen judges heard the case and issued a short order on 20 July 2007, unanimously restoring the Chief Justice of Pakistan. They also decided by a majority of ten to three to set aside the reference in question of 9 March 2007. [9]

8.6 The Charter of Democracy



Figure 5: Benazir Bhutto and Nawaz Sharif in the Signing Ceremony of Charter of Democracy

The Charter of Democracy (CoD) was a political agreement signed on May 14, 2006, in London by former Prime Ministers Benazir Bhutto, chairperson PPP and Nawaz Sharif, chairman Pakistan Muslim League (PML-N), to restore democracy, strengthen democratic institutions, and prevent future military interventions in politics. The following are its main provisions:

1. Both parties committed to ending military rule and pledged to support democracy and civilian supremacy. They agreed to respect each other's

[9] http://ipripak.org/factfiles/ff89.pdf.

mandates and not to undermine elected governments through conspiracies or alliances with the military.

2. Both leaders pledged to end the tradition of political victimization by not targeting each other's party leaders, members, or supporters for political gains, including not misusing state institutions such as the police and judiciary against political opponents.

3. It also proposed to abolish the National Security Council created for the institutionalization of the military's advisory role in civilian governance.

4. It called for restoring the 1973 Constitution in its original form and curtailing the president's powers under Article 58(2) (b) to dissolve the National Assembly and dismiss the government.

5. Both parties pledged to strengthen the judiciary by ensuring that judges would not be dismissed or removed unlawfully through measures to secure their independence from executive influence. The parties agreed that judges removed by Musharraf's government, particularly after the 2007 dismissal of Chief Justice Iftikhar Chaudhry, should be reinstated.

6. It proposed reforms in the electoral system to ensure free, fair, and transparent elections to prevent manipulation of intelligence agencies, electoral rigging, and ensure the neutrality of the Election Commission of Pakistan by making it an autonomous body and appointing impartial officials.

7. The Charter emphasised parliament's role in governance through policy decisions, parliamentary oversight over domestic and foreign policy and key appointments, such as the Chief Election Commissioner, through parliamentary approval.

8. It proposed a Truth and Reconciliation Commission to investigate human rights abuses, political victimization, and other injustices of previous governments to address past grievances and prevent future political persecution.

9. It advocated provincial autonomy and implementation of constitutional amendments to transfer more power and resources to provincial governments.

10. It proposed fair and impartial accountability mechanisms for a transparent government to end politically motivated accountability. Both parties agreed that anti-corruption agencies should not be used to target political opponents.

11. It stressed to ensure equal rights and opportunities for women and minorities in all spheres, including politics, employment, and education, through legal reforms.

Impact of the Charter of Democracy

The Charter of Democracy has had a far-reaching impact on the political developments in Pakistan. A few of these are discussed below:

Firstly, both parties' unity forced General Musharraf to resign in August 2008. After the 2008 elections, both PPPP and PML-N cooperated in forming the government. Secondly, for the first time in Pakistan's history, a civilian government of PPPP completed its 5-year term from 2008-2013 and smoothly transferred power to another elected government of PML-N. Thirdly, the Constitution of 1973 was revived in its true parliamentary spirit through the 18th Amendment in 2010. Fourthly, it influenced the lawyers' movement during 2007–2009 to restore Chief Justice Iftikhar Chaudhry. The judiciary became a powerful actor, though at times clashing with the executive. Fifthly, after CoD, both major parties avoided confrontation and focused on institutional reforms. Though political rivalry remained, the culture of destabilizing each other via a third party declined. Sixthly, the CoD promoted Election Commission reforms and agreements on caretaker governments.

National Reconciliation Ordinance (NRO) 2007

President Musharraf issued the National Reconciliation Ordinance on 5 October 2007 and granted amnesty to the politicians, political workers and bureaucrats accused of corruption, embezzlement, money laundering, murder, and terrorism from 1 January 1986 to 12 October 1999. The Chief Justice Iftikhar Muhammad Chaudhry suspended the NRO on 12 October 2007. President Musharraf abrogated the constitution on 3 November 2007, dismissed the Chief Justice and the new Chief Justice, Abdul Hameed Dogar, and revived the ordinance on 27 February 2008. On 16 December 2009, a seventeen-member bench under the Chief Justice Iftikhar Muhammad Chaudhry declared the NRO unconstitutional.

Implications of NRO

President Musharraf gained legitimacy and finalised a political deal with the PPP. Through NRO, Benazir Bhutto and Asif Ali Zardari returned to Pakistan and contested elections, leading to the Revival of PPP as a major political force in the 2008 elections. Consequently, thousands of serious corruption cases were withdrawn, which created an impression that political elites could evade accountability through deals, ultimately damaging the credibility of the National Accountability Bureau (NAB). The civil society, lawyers, and opposition parties criticised it and in December 2009, the Supreme Court of Pakistan declared NRO unconstitutional,

which revived corruption cases of Asif Ali Zardari and others and created frequent PPP vs Judiciary clashes during 2009–2012 and the disqualification of PM Yousaf Raza Gillani for contempt of court. Thus, it damaged public trust in politicians and institutions and strengthened the narrative of corruption and dynastic politics. However, NRO indirectly enabled the transition to democracy.

To conclude, NRO 2007 had dual implications. It had opened the door for democratic transition by PPP's return, and an end to Musharraf's rule, yet it undermined the rule of law, encouraged corruption, and created years of political instability due to judiciary–executive confrontations.

SELF-ASSESSMENT QUESTIONS

Multiple Choice Questions

1. Which party emerged as the single largest political party in the 2002 elections?

A. PPP
B. PML-Q
C. PML-N
D. PTI

2. Which alliance represented religious parties in the 2002 elections?

A. MMA
B. MRD
C. IJI
D. PDM

3. Who became Prime Minister after the 2002 elections?

A. Shaukat Aziz
B. Zafarullah Khan Jamali
C. Chaudhry Shujaat Hussain
D. Yousaf Raza Gillani

4. Which constitutional amendment validated Musharraf's rule and the LFO?

A. 12th Amendment
B. 15th Amendment
C. 17th Amendment
D. 18th Amendment

5. During 2002–2007, Pakistan became a key ally of the US in the following global campaign?

A. Cold War
B. War on Terror
C. Afghan Jihad of the 1980s
D. Gulf War

Answers:

1. B 2. A 3. B 4. C 5. B

Restricted Response Questions

1. Analyse the results of the General Elections 2002.
2. Describe the events of the judicial movement in the historical context.

Extended Response Questions

1. Examine the performance of Zafarullah Khan Jamali as Prime Minister of Pakistan.
2. Examine the passing of the Seventeenth Amendment and its impact on the political development in Pakistan.
3. Examine the National Reconciliation Ordinance (NRO) 2007 and its implications for the politics in Pakistan.
4. Evaluate the Shaukat Aziz government's economic priorities and policies and their impact on the economy of Pakistan.

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Unit–9

THE WORKING OF PPPP GOVERNMENT 2008-2013

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INTRODUCTION

This unit covers the events from the General Elections 2008-2013. Besides, it analyses the challenges faced by the new government and constitutional and administrative initiatives to address the socio-economic issues of Pakistan.

OBJECTIVES

After the study of this unit, you will be able to:

1. Examine the results of the Elections of 2008
2. Examine the significance of the Eighteenth Constitutional Amendment
3. Evaluate the Performance of the PPPP government during 2008-2013.

9.1 General Elections 2008

The general elections[1] were held on 18 February 2008 and the following political parties entered the National Assembly. The PPP was the largest party in the National Assembly with 113 seats. A wave of sympathy after the murder of Benazir Bhutto, the Chairperson of PPP, before the elections, contributed to its success in the elections.

Table 1: Party Position in the Assemblies 2008

Parties	NA	Punjab	Sindh	KP (then NWFP)	Balochistan	Islamabad	FATA	Women/ Minorities	Total
Allocated Seats		**(148)**	**(61)**	**(35)**	**(14)**	**(02)**	**(12)**	**(60/10)**	**(342)**
PPPP	89	45	29	10	04	–	–	22/03	**113**
PML-N	68	59	–	04	–	–	–	16/03	**84**
PML-Q	42	28	05	06	03	–	–	11/02	**55**
ANP	10	–	–	19	–	–	–	03/01	**14**
MQM	19	–	19	–	–	–	–	05/01	**25**
PML-Functional	04	01	03	–	–	–	–	01/00	**05**
PPP-Sherpao	01	–	–	01	–	–	–	–	**01**
Independents	30	14	04	01	04	–	10	–	**33**
MMA	06	–	–	03	02	–	–	02/00	**07**
NPP	01								
PDP	01								
Total		147	60	35	13	02	10	60/10	**337**

Source: https://gallup.com.pk/bb_old_site/election/8GIER2008.pdf

PPP and PML-N formed a coalition government at the centre as well as in the provinces. Syed Yousaf Raza Gillani was elected the Prime Minister unanimously. Both Parties signed an agreement 'Murree Summit Declaration', to restore the judges deposed on 3 November 2007, including the Chief Justice Iftikhar Muhammad Chaudhry, within 30 days of the formation of the federal government. The PPP government delayed the matter. Consequently, the PPP and PML-N coalition was dissolved on 25 August 2008. At last, PPP had to restore the judges after a long march from the political parties, mainly PML-N and the lawyers' community.

[1] Khan, *Constitutional and Political History*, 713.

9.2 Formation of the Federal Government and Challenges for the PPPP

With PPPP leading, Yousaf Raza Gillani (PPP) was elected Prime Minister on 24 March 2008 with 264 votes in the National Assembly with coalition partners PML-N, ANP, JUI-F, MQM and Independents. The PPPP government faced the following challenges:

Lack of a Simple Majority in the National Assembly
PPPP had the largest number of seats (125), yet short of a simple majority (172 out of 342), therefore had to rely on a coalition of ideologically different parties.

Strained Relations with PML-N
PPP and PML-N signed the agreement to cooperate, yet the issue of the restoration of deposed judges sacked by Musharraf in 2007 created mistrust between the two parties. Thus, PML-N soon withdrew from the coalition, leaving PPP's federal government to the mercy of minor parties.

Legacy of Musharraf's Rule
President Pervez Musharraf was still powerful as President, and PPP's tussle with him created political instability, yet eventually President Musharraf had to resign in August 2008.

Terrorism & Security Crisis
Pakistan suffered an intense wave of terrorism after the Lal Masjid operation in 2007 and the rise of Tehrik-e-Taliban Pakistan (TTP).[2]

Economic Challenges
PPPP inherited a weak economy with high inflation, food shortages, a power crisis, and a balance of payments deficit. The global financial crisis in 2008 further deteriorated the situation.[3]

Pressure from the Judiciary & Lawyers' Movement
Lawyers' movement demanded the restoration of Chief Justice Iftikhar Chaudhry. PPPP's hesitation led to clashes between the government and the judiciary.[4]

The PPPP government managed to resolve all the problems and completed its tenure, being the first elected government in power.

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[2] Talbot, *Pakistan: A New History*, 205-212.
[3] Talbot, *Pakistan: A New History*, 203-205
[4] Talbot, *Pakistan: A New History*, 215216

9.3 Yousaf Raza Gillani as Prime Minister (2008-2012)

Yousaf Raza Gillani belongs to a political family from Multan. Being a member of PPP, he served as Speaker of the National Assembly during 1993-1996. After victory in the elections of 2008, he was elected PM on 24 March 2008 with the support of 264 votes out of 342. He became the 18th PM of Pakistan and the first PM from South Punjab.



Figure 1: PM Yousaf Raza Gillani

9.4 Election of Asif Ali Zardari as the President of Pakistan

The coalition government of PPP and PML-N pressurized President Musharraf either to resign or face impeachment. Consequently, he resigned on 18 August 2008. The presidential elections were held on 6 September 2008. PPPP nominated Asif Ali Zardari, while PML-N nominated Justice Saeeduzzaman Siddiqui as presidential candidate and PML-Q nominated Mushahid Hussain Syed. Maulana Fazlur Rahman of JUI (F), Aftab Ahmad Khan Sherpao of PPP (S) and Amir Muqam of PML (Q) announced their support for Asif Ali Zardari, who was elected President after a landslide victory.[5]



Figure 2: President Asif Ali Zardari

9.5 Eighteenth Constitutional Amendment

The 18th Constitutional Amendment was passed in 2010. It shifted power from the federal government to the provinces, from the President to PM restoring the parliamentary system, decentralizing authority, and abolishing the concurrent legislative list.[6]

1. It devolved powers in the health, education, and planning sectors from the federal government to the provinces.

2. It removed the President's power to dissolve the National Assembly, restoring the parliamentary system.

[5] Khan, *Constitutional and Political History*, 725-726.
[6] Talbot, *Pakistan: A New History*, 216-218.

3. The North-West Frontier Province was renamed Khyber Pakhtunkhwa.

4. It revived and strengthened institutions like the Council of Common Interests (CCI) to facilitate coordination and conflict resolution.

5. Provinces gained more taxing powers and a larger share of natural resources, such as oil and gas reserves.

9.6 Raja Pervaiz Ashraf as Prime Minister (2012-2013)

Raja Pervaiz Ashraf is a senior leader of PPP from Gujar Khan. He served as minister for water and power from 2008-2011. After the disqualification of Yousaf Raza Gillani, he was appointed the new PM and served till March 2013.



Figure 3: President Asif Ali Zardari taking Oath from PM Raja Pervaiz Ashraf

9.7 Socio-Economic Policies of PPPP Government

The PPPP government, despite major challenges, introduced some significant socio-economic policies, briefly discussed below:

1. A new initiative Benazir Income Support Programme (BISP) in 2008 ensured direct cash transfers to the poor, especially women, to reduce poverty and empower women.

2. The PPPP government inherited challenges of energy crisis, inflation, global financial crisis (2008) and terrorism. The government responded with subsidies on wheat, sugar, and fuel to control inflation. Privatization slowed down compared to the previous era. The government received a bailout package of $11.3 billion from the IMF in 2008.

3. The PPPP government increased support prices of wheat and cotton to benefit farmers and provided agricultural loans and inputs like tractors, fertilizers.

4. The energy crisis severely hit the industry, so the government provided incentives to the Textile sector. Besides, it encouraged foreign investment from China in Gwadar.

5. The government introduced the People's Works Programme to generate jobs through local development schemes. Besides, it revived of labour unions and increased the minimum wage for workers.

6. The government expanded the Higher Education Commission (HEC) scholarships. It allocated more funds to primary and girls' education. Besides, it initiated free healthcare programs (vaccinations, maternal health projects).

7. Through the 18th Constitutional Amendment in 2010, powers were devolved to provinces and parliamentary democracy was restored. Through the 19th Amendment in 2011, judicial reforms regarding judges' appointments were introduced.

SELF-ASSESSMENT QUESTIONS

Multiple Choice Questions

1. The general elections of 2008 were held in Pakistan after which tragic event?

A. Musharraf's resignation
B. Assassination of Benazir Bhutto
C. Kargil War
D. Lal Masjid Operation

2. Who became the Prime Minister after the 2008 elections?

A. Asif Ali Zardari
B. Yousaf Raza Gillani
C. Nawaz Sharif
D. Raja Pervaiz Ashraf

3. Who was elected President of Pakistan in September 2008?

A. Pervez Musharraf
B. Asif Ali Zardari
C. Rafiq Tarar
D. Farooq Leghari

4. Which constitutional amendment restored parliamentary democracy by curtailing presidential power to dissolve the National Assembly?

A. 14th Amendment
B. 17th Amendment
C. 18th Amendment
D. 20th Amendment

5. Which Chief Justice was restored after the Lawyers' Movement during PPPP's rule?

A. Justice Sajjad Ali Shah
B. Justice Abdul Hameed Dogar
C. Justice Iftikhar Muhammad Chaudhry
D. Justice Saqib Nisar

Answers:

1.**B** **2. B** **3. B** **4. C** **5. C**

Restricted Response Questions

1. Identify the factors in the success of the Pakistan People's Party in the General Elections 2008.

2. Evaluate the working of the PPP government under PM Raja Pervaiz Ashraf.

Extended Response Questions

1. Examine the challenges faced by the PPPP at the time of forming the federal government.

2. Analyse the performance of Yousaf Raza Gillani as Prime Minister.

3. Analyse the major clauses of the Eighteenth Amendment and its impact on the Federation of Pakistan.

4. Evaluate the socio-economic policies of the PPPP government and their impact on the state and society of Pakistan.

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