

ZahidYaseen*
Muhammad Abrar Ahmad**
TahirMahmood Butt***

HYPOTHETICAL POLITICAL SYSTEM OF MARTIAL LAWS: A CASE STUDY OF GENERAL ZIA-UL-HAQ

Abstract:

This article investigates the role of military in the politics of Pakistan. The researchers highlight when politicians gave poles to the military, military intervened and it established its own political system. In General Zia-ul-Haq's period, at first the political parties welcomed the military, and then launched the movements to send it back into barracks but these could not be successful. The main problem for them was that they were not united and organized yet, and Military used them for its own objectives. There are a few questions about the civil military patch up from 1977 to 1988. First, had military intentions, in advance, to topple the elected government of Z.A. Bhutto? Second, why Pakistan National Alliance (PNA) couldn't achieve its objectives? Third, was the doctrine of necessity by judiciary proved helpful for the democratic future of Pakistan or not? Forth, why did Zia conduct the local elections on its due time, while General elections were not at all? The research is based on the analysis of the authentic material. Institutional theory is applied with comparative politics. Through the conceptualization of the data, the researchers have developed their stance that if our politicians had took positive measures the situation of martial law would never occurred.

Introduction

When Z.A. Bhutto was blamed for rigging in elections in 1977, people stood against him through strikes and mass movements started. Martial Law was imposed in major cities of Pakistan. Opposition hesitated to negotiate with the prime Minister. Two groups stood out in the country. One major group was led by Pakistan People's Party (PPP) and other by Pakistan National Alliance (PNA). In the meanwhile Movement of Nizam-e-Mustafa (M.N.M) was also started. This Movement of Nizam-e-Mustafa changed the scenario of the country. Both the groups got busy in letting each other down. Civil insurgency was about to start. Moreover, no one expected that military would come and stay for such a long time. In Bhutto era civil setup was strong, political parties were well established. Military was habitual to follow the civil orders and even the people were also

*Dr. ZahidYaseen, Assistant Professor, department of history & Pakistan Studies, GC University Faisalabad.

** Muhammad Abrar Ahmad, Research officer, department of history & Pakistan Studies, GC University Faisalabad.

*** TahirMahmood Butt, Research scholar, department of history & Pakistan Studies, GC University Faisalabad.

politically mature than in the past. Anti-Bhutto agitation created the situation of civil insurgency. General Zia-ul-Haq imposed Martial Law with 'operation fair play' and not a single bullet was fired like the coups of past. People remained busy as usual in their daily routine matters. No agitation was seen against military intervention.

Was Military Pre-Planned About the Coup?

The situation of 1977 was quite different from the coup of 1958 and 1969. The act of General Ayube in 1958 was long contemplation (Yusuf, 1999, p.172). The military coup by General Yahya Khan in 1969 was the act of usurpation of the authorities. The circumstances under the military coup of 1977 were quite different. General Zia deposed an elected government, Bhutto's government that had encircled the military institutions successfully in the past. This act of General Zia was falling in treason according to the constitution of Pakistan 1973 Article (6). As masses had already experienced that the martial-laws in the past could not proved fruitful for the state, so this time military was not commanding the public prestige that it enjoyed in 1958 and 1969. In the past political forces were weak and public was not well-aware. But in 1977 people were conscious (Noman, 1988, p.117).

After the previous two military coups and the disintegration of East Pakistan, military had stigma for its humiliation in 1971. These factors forced military to legitimize the coup. These were the dilemmas which were faced by the third coup of military. The imposition of General Zia's martial law was the grim deposit of the movements of protest launched by the opposition against the Bhutto regime. Bhutto also implemented Martial Law in three cities of Pakistan to encounter the situation. The political polarization was going towards the civil war. Military was left with no choice other than intervening into politics (Yusuf, 1999, p. 172-173).

After the debacle of Dhaka, the military was under the command of civil setup and it was habitual to follow it. The inability of political elite and political crisis changed the situation in favor of military & military again utilized it freely.

Bhutto always relied on his charismatic leadership, he didn't trust on cabinet. He started operations against his friends. When police and Federal Security Forces (FSF) couldn't achieve his desired objectives, he called military for support. First Army's role remained limited but later it was handed over more powers (The Times, April 22, 1977). Bhutto held a meeting with Army Chiefs and it promised to be loyal according to the constitution. Military Chief was called in the cabinet meetings, and was sent to the PNA leaders for negotiations. A message was given to the opposition that the government was still enjoying the military support. When the PNA did not achieve its objectives, it changed its policy and made a direct appeal to the military to intervene. Written requests were sent by PNA leaders to the Army as:

"I am addressing this letter to the Chief of Army Staff and the officers of the Defense Services of Pakistan".

"It is your duty to defend the territorial integrity of Pakistan and to obey lawful commands of superior officers placed over you. To differentiate between

‘lawful’ and ‘unlawful’ command is the duty of every officer. Every one of you must ask yourself whether what the army is doing is ‘lawful’ activity and if your conscience tells you that it is not, and you still carry it out, you would appear to lack moral fiber and would be guilty of grave crime against your country and against your people”. (Letter written to Chief of Army Staff By Air Marshal (Rtd.) Muhammad Asghar Khan in May, 1977).

Air Marshal Asghar Khan put the responsibility of disintegration of East Pakistan on Z.A. Bhutto and mentioned all the actions of the government to counter the mobs.

When General Zia-ul-Haq implemented martial law, in his opening speech after takeover, he mentioned various reasons for the military intervention.

He addressed to the nation that the government of Z.A. Bhutto was ceased. The interim government established and this change was completed peacefully and smoothly. Z.A. Bhutto and PNA leaders were in custody. He mentioned that the army coup was not a pleasant act, army of Pakistan always preferred to run the administration through its representations. Those were its real masters. He further mentioned, “I genuinely feel that the survival of this country lies in democracy and democracy alone”, “Martial Law had been imposed throughout the country, national and provincial assemblies were dissolved and Provincial Governors had also been removed”. Some parts of the constitution were abrogated. Certain parts were in abeyance. President of Pakistan FazalElahiChaudhary was allowed to work with four members of military council.

Council consisted of Chairman Joint Chiefs of Staff, Chiefs Staff of Army, Navy and Air Force. He mentioned himself as chief Martial Law administrator. General Zia-ul-Haq further mentioned, “I have met with Chief Justice of Pakistan, he advised and guided me on legal matters”. He explained that military had no interest in political affairs, after filling the political gap it will go back. Further he mentioned that his sole aim was to organize free and fair elections which would be held in October of that year. Powers would be transferred to the public representatives. About handing over the powers he emphasized “I give a solemn assurance that I will never deviate from that schedule”. Martial Law order could not be challenged in any court of law. “I have banned all the political activities from today to till further orders. Political orders, Political activities will be allowed before the elections”. Chief Justices of the High-Courts were appointed as governors of related provinces. Harsh manners would be adopted for insurgency creators. (General Muhammad Zia-ul-Haq’s First address to the Nation on 5th July 1977).

Chaotic Situation and the Military Strategy

As the time passed Zia-ul-Haq gradually entrenched himself into politics. He expanded the goals of the coup from election to accountability of the politicians. He introduced the Islamization in politics. Professor Hassan AskariRizvi comments, “He developed a savior or messiah complex and ruled the country with an aura of a God ordained missions to transform Pakistani society on Islamic lines” (Rizvi, 2000, pp.247-308). The claim of General Zia-ul-Haq was quite interesting to note that he was only accountable to Almighty Allah for his

actions. Further, he spread the message in the masses of Pakistan that no one could challenge the ruler of Islamic State to impose Islam in Pakistan. He showed his ideological leaning towards the cause of PNA protest movement. He briefed the people of Pakistan about his agenda, ensured that his regime would determine to normalize the situation of law and order, holding of free and fair elections and transfer of power to the elected representatives. This process would be of the 90 days operation.

Postponing the Elections

General Zia and his associates were quite aware that under the constitution of Pakistan 1973, it's treason to overthrow the elected government and the punishment of treason was sentence to death. Therefore, Military introduced the slogan of Islamization to handle the situation and to prolong the tenure of martial law. After 90 days the elections were postponed and the accountability of the politicians was emphasized. The right wing parties also appreciated the decisions of the government. With the passage of time General Zia-ul-Haq emphasized that he would never hand over the powers as long as the mission of Islamization and purifying the politicians was completed. Later, General Zia recalled that after taking over he clearly defined the priorities of his government, in which the Islamic order was on the top, the transfer of power to the civilians was secondary consideration. (Huqqani, 2004, p. 41),(Shafqat, 1997, p.191).

Later, General Zia prevented the elections at any cost and the present political system of Pakistan was called by him unsuitable for Pakistan. The ambiguity was seen from his first address to the nation, at the very first he said powers would be transfer to the people's representatives then he emphasized that the Islamic system would be implemented.

Legitimacy Issue

Anyhow, it was also quite awkward and difficult for military junta to deny the rights of the people to choose their own representatives according to their own wills. International pressure for the legitimization of General Zia was also present specially, from USA. International aid was conditional about the rehabilitation of democracy. On other hand it was also against the manifesto of PNA which was used against Z.A. Bhutto. So, military was busy in different ways to undermine the political process and the democratic institutions. Military excluded certain political segments from political process. General Zia, rather, deformed the political structure of Pakistan. It was quite imperative to analyze from his policies that all the strategies were adopted to strengthen the rule of military and civilians were not allowed to participate properly.

The political strategies of military regime can be divided into four phases.

1. 1977-1979 (Before the death of Z.A. Bhutto)
2. 1979-1983 (After the death of Z.A. Bhutto)
3. 1983-1985 (Promises of elections)
4. 1985-1988 (The light of democracy)

The First Phase 1977-1979

During this phase the primary objective of this regime was to demoralize PPP and seek the co-operation of PNA leadership. It was the first example in the history of Pakistan when the people of Pakistan showed their alignment with religion. It also ousted Z.A. Bhutto from politics, as it was the heartiest desire of PNA. Slogans of Islamization of General Zia regime set the process in motion to undermine the popular forces with the help of political religious groups who never popped in normal circumstances to get share in the power structure of the country. Some experts called it 'Mullah Military nexus'. It was the assumption of General Zia's regime that co-operation and interaction with anti-Bhutto shall legitimize his rule and ultimately shall narrow the base of PPP.

From 1977-79 General Zia opted for close interaction and co-operation of PNA parties. When military regime offered to setup a civilian cabinet, the Muslim League (Pagara) was first to join in July 1978. It was told to the masses by PNA leadership that they have joined the cabinet under the shelter of military just to facilitate the process of Islamization of country's system and prepare the polity for elections (Rizvi, 2003, p.174). During the first year rule of General Zia he selected his cabinet from the military elites, senior bureaucrats, lawyers, industrialists, technocrats and a segment of non-partisan feudal like Ayube Khan. General Zia was also desperately waiting for PNA co-operation against Z.A. Bhutto. The decision of the court was also an initiative against Bhutto in the favor of General Zia and new cabinet 13 out of 21 were from various components of PNA. It was for the first time in the history of Pakistan that Jamat-e-Islami shared the power in the state apparatus. Jamat got the Ministries of Information and Broadcasting, Water and Power, and Production. General Zia and his military colleagues either held the important port folios (Arif, 2001, pp. 171-172). A white paper was issued by the Martial Law authorities comprising more than 2771 pages on the rigging of Bhutto in March 1978 to demoralize him. It was only after the Supreme Court's decision against Z.A. Bhutto, the PNA cabinet decided to be distanced from General Zia. By getting the cooperation of PNA leadership, General Zia was able to convey the message not only to the masses of Pakistan but also to the world that PNA was the partner in upholding the execution of Z.A. Bhutto (Shafqat, 1997, p. 193).

PNA joined military

The PNA comprised on the right wing parties and was eager to gain powers. Military sought the co-operation of civilians to expand its political base and to reform the political economic patterns. PNA joined the military cabinet to share the credit of Islamization of the polity. They also wanted to utilize the state machinery and patronage to strengthen their political impact to cash it in coming elections. But the PNA's leadership, which was the part of president Zia's regime, soon, realized that the ruling generals and senior bureaucrats by passed them on important policy matters. PNA was also scattered in factional groups.

Climax of Jamat-e-Islami

It was quite interesting to note that Jamat-e-Islami and ruling Generals were not fully complementing the political goals of each other, yet they realized

that cooperation with each other would be mutually rewarding. Jamat-e-Islami was not so popular among the masses of Pakistan. It decided to enhance its alliance with military to cash on the crisis of legitimacy and dilemma of isolation with which General Zia was confronting day by day. Jamat supported to maximize the establishment of a Sharia based on Islamic system, which bordered on theocracy. The military regime used them to dilute the pressure for early elections and restoration of political process.

Z.A. Bhutto's wife Nusrat Bhutto challenged the Martial Law in September 1977. She accused the treason under Article 6 of 1973 constitution. Supreme Court in its judgment announced that the military coup was on the basis of the 'Doctrine of Necessity'. Judiciary gave its verdict in favor of General Zia and endowed his usurpation of power with legality. The court described the coup d'état as 'Phase of constitutional deviation'. By accepting the doctrine of necessity judiciary had undercut its own authority by making martial law legally superior to the constitution (Louis, 1986, pp. 260-261).

With the death of Z.A. Bhutto a U- turn came in the politics of Pakistan. Political forces permanently divided between pro-Bhutto and anti-Bhutto forces. Mian Tufail, Chief (Ameer) of Jamat-e-Islami met with General Zia before the execution of Bhutto. It was decided that if Bhutto was to be executed, his party would favor the government (Arif, 2001, p. 189).

Second Phase of General Zia's regime 1979-85

After the assassination of Z.A. Bhutto, Political parties were kept out of power. The systematic efforts were made to advance the interests of military aggregation of institutional interests and also the entrenchment of institutional hegemony of military in the state structure of Pakistan.

Promises of elections

Supreme Court legitimized the military government in the judgment of Begum Nusrat Bhutto vs. Chief of Army Staff, recognized the Martial Law under the 'doctrine of necessity' with the instructions of free and fair elections but unfortunately time period was not mentioned. Court also granted power to the CMLA to amend the constitution to perform the duties in good manners for holding free and fair elections (PLD 1977, Supreme Court of Pakistan PP-657-763). But the local elections were conducted on non party basis to keep the people busy on local basis. General Zia declared that "Islam doesn't believe in the rule of majority and majority makes the wrong decisions. The correct decision is needed the minority". These were the views of General Zia regarding democracy (Aziz, 2008, pp. 25-31).

General Zia established the military courts parallel to civil courts. First, these courts were trying to offend the martial law. But later the jurisdictions of military courts were expanded to add the article in the constitution of 1973. This article stated that no civil court including High court was granted an injunction to make any order or entertain any proceedings in respect of the matter to extend the jurisdiction of military court with the article of 212-A (Arif, 2001, p.299). Supreme Court legitimized the government with the help of doctrine of necessity for restoration of democracy not Islam. Shariat benches were created in all the

High-Courts to adjust the anti military judges.

Provisional Constitutional Order (PCO)

After Military coup 1977, constitution of Pakistan 1973 was in abeyance, the official working was under the CMLA order No. 1 of 1977, and Provinces were working under provincial Martial Law Order. Military courts, writs were going to lose it. High-Courts challenged its decisions. Administrative hurdles were increased for the government.

Article 212 (A) was included for the protection of the military courts. A meeting was held by General Zia with Justice Anwar-ul-Haq, MolviMushtaq and SharifudinPirzada at president Zia's residence. They scrutinized the draft and modified it in a new order of 1979. With the help of this order civil and High-Courts were prohibited to interfere in the proceedings of military courts. Article 212 (A) served military and it became possible with the consultation of Judiciary to give more time to military.

Restoration of Democracy

Movement for Restoration of Democracy (MRD) comprised on twelve political parties. This movement claimed in 1981 to restore the democracy, but in reality couldn't achieve its objectives.

The movement failed on the following accounts.

- The incident of PIA plane hi-jacking by Al-Murtza (Son of Z.A. Bhutto) an undermined movement (Yusuf, 1999, p. 204).
- Mr. Jatoi (acting P.M & C.M of Sindh) the leading person of the movement was accused by PPP of hobnobbing with the government.
- This movement was only on local basis.
- It was poorly planned.
- PPP kept itself at distance and without the alliance of the famous party at that time.

Presidential Referendum 1984

It was planned by the right wing political parties and military to solve the issue of Z.A. Bhutto first, after it all the political matters would be dealt. The sentence of death for Z.A. Bhutto kept all the political parties silent. US aid to Pakistan was also conditional on General Zia's legitimacy. The US president pressurized General Zia about his legitimacy. Military decided to conduct elections in the country. In referendum voters were required to reply the questions either "Yes" or "No". The referendum order provided that "Yes" answer would be electing General Zia as President of Pakistan for next five years. Extra explanation or detail was not mentioned.

The Third Phase 1985-88

Dawn and dusk of democracy under General Zia-ul-Haq

General Elections were held after long period of eight years on non-party

basis. So, much interest of the people was seen. The solution of local issues of the people was the slogan of the candidates in these non party based elections. The candidates were not prominent personalities. Most of them were General Zia's selected parliamentarians. An official Muslim League was established from elected house. General Zia nominated Muhammad Khan Junejo as the Prime Minister of Pakistan. Junejo was Sindhi politician, a gentleman, humble and veteran politician (Hamid, 1999, p. 207).

Revival of Constitutional Order (RCO) 1985

The constitution of Pakistan 1973 was restored in 1985 with the Revival of Constitutional Order 1985 (RCO), it was mentioned that National assembly would amend the constitution in favor of General Zia. In October, assembly passed the 8th amendment (president was given the powers to dissolve the assemblies) and martial law was uplifted (PLD 1986 status, P-13). RCO provided a strong president and National Security Council (NSC) was introduced. Military was given powers in emergency. General Zia decided to form a national security council (NSC) with the proclamation of Article 232 of the constitution of Pakistan 1973; National Security matters were dealt by this committee. President could consult with the Prime Minister. It consisted of 11 members, President, Prime Minister, Chairman of Senate, Chairman Joint Chiefs of Staff Committee, Chief of Army, Navy and Air Force. Military was given the right for direct intervention in national affairs. Military Officers were in majority to veto the decisions of the committee. President was the appointing authority and it made the President so powerful (Revival of the constitution 1973 order No. 14, 1985 Article 152-A (1) & (2). A quasi parliamentary form of government was introduced by him.

Constitution of Pakistan 1973 and 8th amendment with Prime Minister Junejo

The 8th amendment balanced the powers of the prime minister and the president of Pakistan. The most effective powers of the President were to dissolve the assemblies without any consultation, the appointment of Army and Naval Chief, Admiral and Provincial Governors, powers were also assumed to the President. This amendment validated the military coup of 1977 and President could hold the office of Chief of Army Staff (Article 66, Constitution of Pakistan 1973).

Junejo attempted to control military like Z.A. Bhutto but could not succeed (Hussain, 2013, pp. 83-86). After taking oath Junejo announced on very next day that he would reinstall the pure democracy on political party basis. He encouraged the political parties to reunite themselves. P.M. Junejo did not feel well under the supremacy of General Zia. But following events unabridged the alliance of General Zia and P.M. Junejo. Prime Minister Junejo exclaimed that he would put the Generals in SUZUKIS (Small Cars). It was an unpleasant for the Generals. The life style of the Generals was discussed in Media. A series of anti-military debates started which was not in the favor of military. Junejo started to make many decisions without consulting General Zia-ul-Haq, particularly two which are defined under (Lamb, 1991, pp. 58-63).

i. Geneva Accord

An agreement on Afghan peace process was signed under the supervision of UN representatives. General Zia wanted to hold the dialogues till the permanent solution of Afghanistan. P.M. Junejo held a meeting with the political parties including PPP for consensus, parties favored the early settlement. All the political parties wanted detachment of Pakistan from Afghan issue as soon as possible. Benazir Bhutto (daughter of Z.A.Bhutto) participated in this meeting with the condition if Zia would not come; it was accepted by P.M. Junejo (Lamb, 1991, pp. 223-227).

ii. Explosion in Ojhri Camp

On 10th April 1988 an explosion blew the depot of ammunition at Ojhri Camp (near Rawalpindi & Islamabad). It was the heavy loss of life and property. Pakistan army was criticized all over the world. The Prime Minister of Pakistan adopted harsh manners against it. He exclaimed that concerned authorities would face the music. The two hi-profile military officers (General Hamid Gull and General Akhtar Abdul Rehman) were expected to be trialed. President Zia wanted to protect them at any cost. These were the major reasons which set the stage for General Zia and P.M. Junejo (Wall Street Journal, February 16, 1988), (Eastern Economic Review, 5th March, 1987).

Dissolution of the Assemblies

The above mentioned activities of P.M. Junejo threatened President Zia. The interests of the military were going towards the brink. President Zia wanted to keep himself in power with the help of his colleagues. He preferred military and ignored the political setup. He came to the conclusion that civil government was ignoring his advice and interests of the military. So, in this context on 29th May 1988, he dismissed the civilian government. General Zia exclaimed “The armed forces of Pakistan are responsible for not only safeguarding the country’s territorial integrity but also its ideological basis” (The Muslim, 14 March 1984). It was not clear which was the benefit of the ideology in dissolving the parliament.

General Zia’s Local Government System

Basic democracies couldn’t achieve its objectives in president Ayube era. After president Ayube this local system was completely freeze in General Yahya’s Period. After the debacle of Dhaka, P.M. Bhutto took the power. Bhutto converted the political system on the local basis. But he couldn’t politicize the people in perfect manners. A lot of Policies of Bhutto were failed one of them was local government. He couldn’t conduct the local elections in his tenure (Islam, 2004, pp.38-43), (Badar, 1987. p. 134).

President Zia took the power, he was soldier and his mind was to eliminate the political parties and to introduce the new system on ideological basis. He had some objectives in his mind which could be fulfilled only in this way. First, legitimization of his rule, second, divided the people on federal, provincial and local basis. Third, constitution of Pakistan 1973 was in abeyance and he wanted to keep the people busy in local elections and no one would claim about its (constitution) revival. It was more interesting that ‘local bodies’ elections were

conducted on their perfect time in 1979, 1983, and 1987 but general elections were conducted in 1985 on non-party based after 8 years for first time and never allowed the parliament to work more than three years. It was preplanned to introduce the local bodies, elections on non political party basis. General Zia divided the people on rural and urban basis. He adopted the same policy of president Ayube when in elections president Ayube was rejected by East Pakistan he ignored it in all fields of life. Urban areas disliked Bhutto and he was liked in rural areas. So, General Zia promoted the urban areas (Anti-Bhutto) and ignored the rural areas (Pro-Bhutto). On other hand political influence was more in rural areas (Baxter, 1985, pp. 111-119). General Zia was against this trend. He chalked out his plan with slogan of welfare of the people and Political parties were banned. It was the single way to link with the people in the manners to legitimize him. He conducted the local elections on non-party basis. For implementing this system round about nine ordinances were issued (Chaudhary, 2003, p. 202).

Conclusion

President General Zia-ul-Haq was so powerful dictator but legitimacy was also an issue for him. So, he used to adopt some demeanors for prolonging his tenure. President Zia introduced the 'Islamic political system'. He was successful in maintaining his hegemony with the help of this system to exclude the political parties.

This local government solved the problems of the people on their doors but caste system, sectarianism, color and creed system became strong with this system. Military gained its objectives with non-party based elections but national thinking was dispersed. People were deprived of national thinking and national leadership. Multi-cultural, and multi-lingual system was introduced. Political awareness was snatched and military used people to gain its objectives. Zia covered himself with this local system but his luck could not support him more and died in an air crash on 17th August 1988. This hybrid system was delivered to the coming government in the shape of 'Troika'.

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