
Parliamentary Democracy under Khaki Shadows, 1985-1988

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The foundation of Pakistan was laid down on the basis of federal parliamentary democracy under the vision of Quaid-i-Azam Muhammad Ali Jinnah. According to his vision the constitution of Pakistan would be the combination of Islamic values and democratic principles.¹ The Objective Resolution 1949 was the first step towards constitution making process. The first Constituent Assembly worked under the premiership of Liaquat Ali Khan. It constituted first Basic Principle Committee to lay down the basic principles for future constitution. Later on, second Basic Principle Committee report was presented after Liaquat Ali Khan's death during Kh. Nazimuddin's premiership and Bogra Formula during Bogra rule. These were initial steps for constitution making but were severely objected by the public circles especially from East Bengal.²

Jinnah had a strong will to build up the political institutions on democratic principles. It was a challenging task which he initiated during his last days. His sudden death on September 11, 1948 was a great blow both for nation and country. After his death the incapable leadership could not effectively handle the conditions and hence, the constitution making efforts became victim of differences and vested interests. The Pakistani political history and democracy has repeatedly been objected by strong autocratic rules and military governments.

The regimes of Ayub Khan, Yahya Khan, Zia ul Haq and Musharraf are identical with reference to political set up and 'controlled democracy'. It was Ayub Khan who firstly derailed the political and democratic set up and introduced the political system and democracy of his own choice and design which delayed the onward democratic process that led hatred among both wings of the country and later on led to the separation of East Pakistan.

The PPP rule from 1971-1977 was a sigh of relief for people but the autocratic temperament of Zulifkar Ali Bhutto created differences among civil-military bureaucracy which resulted again in imposition of Martial Law by General Zia who adopted the same pattern of Ayub Khan to legitimize himself by adopting different measures, i.e. introducing fake and controlled democracy which undermined the development of political culture and leadership in country. The paper discusses the

events and causes which were responsible for fragile political set up in country onwards having special focus on the period from 1985-1988.

General Zia came into power after imposing Martial Law on July 5, 1977. He took certain immediate measures to run the state affairs. The real administrative powers vested in the personality of Zia. President Chaudhary Fazal Elahi continued although the parliament was dissolved.³ The judiciary supported Martial Law. The chief justices of provincial High Courts were appointed governors of respective provinces with the consent of Chief Justice of Supreme Court of Pakistan Justice Yaqoob Ali Khan.⁴

The step of imposition of Martial Law of 1977 was the clear violation of 1973 constitution by the civil and military authorities. The constitution blocked the military's involvement in future politics. Under article 6 of the 1973 constitution the abrogation or undermining the constitution forcibly would be considered as high treason. The articles 12(2), 243 and 244 clearly enumerated that armed forces are under the control of central government and they had to swear to maintain superiority of the constitution and they will act on the commands of the federation of Pakistan.⁵

Martial Law is always considered as supra-constitutional act. Every dictator who imposes Martial Law always seeks justification for his action. After taking this supra-constitutional act Zia sought the help of judiciary. The real objective to get the support of judiciary for his unlawful act was to keep him safe from the penalty of 'death sentence' under the constitution. The Chief Justice of Pakistan was not in favour of dissolution of constitution, establishment of military courts and Martial Law's administration involvement in government affairs. The Supreme Court also recommended that President must not be deposed and army should go back after conduct of election and power transfer to civil authorities. Initially, Zia assured his consent to Chief Justice Supreme Court but when the Court started hearing the case of Bhutto's captivity, the Chief Justice was relieved under Martial Law order according to which the term of service of Chief Justice was amended.⁶ This step was a clear indication of control of institutions by Zia's regime which totally crushed the judicial system.⁷

Later on, the Supreme Court gave its verdict by justifying the imposition of Martial Law under special conditions.⁸ The Supreme Court issued its judgment in a constitutional petition filed by Begum Nusrat Bhutto under which she challenged the validity of Martial Law.⁹ According to the Apex Court the imposition of Martial Law was justified as valid on the grounds of doctrine of necessity.¹⁰ It seemed that judiciary at that time was hand in glove with Martial Law regime. Zia did not keep his words regarding the restoration of democracy under the conduct of elections within ninety days and supremacy of judiciary. On the plea that all political leaders

were in favour of delaying elections, he postponed elections and all political activities.¹¹ An interim government was setup under which Choudhary Fazal Elahi was titular head of the country as president and real powers vested with Military Council. It consisted of Chairman Joint Chiefs of Staff Committee and Service Chiefs. The senior civil military bureaucracy was also included in decision making process.¹²

General Zia aimed to wipe out the political culture at all levels. He damaged the real spirit of 1973 constitution by introducing Provisional Constitution Order (PCO) of 1979. Under article 14 of PCO, the registration of political parties became compulsory by October 11, 1979 and afterwards no political party could be established without the prior permission from the Election Commission of Pakistan. Under PCO President had powers to ban any part on the plea of anti-state or anti-Islam activities. Under such types of steps the political culture was eliminated from country in the period 1979-88. It incurred irrecoverable loss to politics. Therefore, no real leadership could be produced. The political immaturity prevailing till present traces back to the same era. The selective democracy and leadership was introduced which kept on changing their ideas and leadership. It was unique condition under which the controlled democracy was planned to be introduced which was experienced under non-party based 1985 elections and non-party based elected assembly was changed to party based under vested interests of ruling regime. Afterwards, Supreme Court declared the article null and void in its verdict on June 20, 1988 on the petition of Benazir Bhutto. This decision of Apex Court had positive aspect under which the public representation and participation was materialized in government machinery.¹³ During the whole process all the political and democratic process was kept under control. The 1973 constitution was amended and its real shape was damaged. Zia desired to keep tight grip on the whole system and all institutions. During 1981 second PCO was introduced under which constitution was amended adversely. It included 17 articles of the constitution.¹⁴ The article 6 of the constitution was suspended which checked the abrogation of constitution or attempt in this regard by power or any other ultra constitutional way.¹⁵ The important pillar of the state, judiciary was also brought under control. The Martial Law orders and regulations were validated by Supreme Court¹⁶ these could not be challenged in any court, further more the courts were not authorized to hear any case against Martial Law.¹⁷ Zia during his whole regime damaged the real spirit of democracy in the name of religion. He used religious tool. He neither introduced Islamic System nor proper parliamentary system despite of complete control on the system and institutions. There was a wide gulf between politicians and government regarding application of real ideas about democracy¹⁸

The Martial Law regime under Zia managed to hold referendum on December 19, 1989 to get the public support to hold office of the President for next five years. This referendum was a strange way of election.¹⁹ It was constitutionally legalized under which Zia was allowed to hold the office of COAS and President even after Martial Law.

Zia became absolutely powerful by concentrating all powers in the office of President under revival of 1973 Revised Constitutional Order (RCO) 1985. Under RCO 65 articles of 1973 Constitution were amended or replaced and controlled democracy was allowed to exist. The President was empowered to appoint Prime Minister, Provincial Governors, Judges of Supreme Court, High Courts and Federal Shariat Court, Chairman Joint Chiefs of Staff Committee, and Chiefs of Armed Forces. Moreover, the powers of dissolution of National Assembly and Federal Government were also given to the President under Article (58) (2) (b).²⁰ A new article 270-A was added in the constitution to authenticate all actions, orders, laws, verdicts, and regulations of Military Courts²¹

Martial Law regime announced non-party based elections in 1985 at national and provincial level. These elections were scheduled to be held on 25th and 28th February, 1985 respectively. The strict code of conduct was issued regarding election campaign and the candidates were restrained to hold public meetings.²² Zia was totally against the emergence of civil and military leadership at any level. The non-party basis elections were an attempt to declare Martial Law regime as democratic which was a clear contradiction.²³ Initially, the political parties boycotted elections but later on participated in the bye elections.²⁴

The National Assembly constituted under non-party based elections held its first session on March 20, 1985. The Government machinery tactfully managed the election of Prime Minister and Chief Minister through nomination and horse trading. Muhammad Khan Junejo was recommended by Pir Pagara (Spiritual cum political figure of Sindh).²⁵ He introduced a political group named Muslim League Parliamentary Party in non-party based assembly. A large number of MNAs from the Punjab joined the MLPP. An opposition based parliamentary group was also established. Under the prevalent situation Zia pretended that he had accepted the formation of MLPP to flourish parliamentary democracy. Afterwards the Senate was elected through Electoral College.²⁶

Zia in fact introduced pseudo parliamentary democracy having all powers in his hand and titular authority in the office of Prime Minister. He misused the parliamentary system for amendments in the constitution of 1973 and disturbed the balance of

power between the offices of President and Prime Minister. The main objective was the concentration of all power and authority with President.²⁷

After taking oath of the office of Prime Minister (PM), Muhammad Khan Junejo showed his strong will for the restoration of democracy by establishing rule of law and justice and abolition of Martial Law after passing Political Parties Act from Parliament²⁸ He stated that “a political party would be formed which would be the governmental party running the affairs of the country”.²⁹

Although all the assembly members desired for immediate abolition of Martial Law but the parliament practically supported the powers of Zia by blending the RCO in 1973 constitution under which 56 amendments were added or replaced in the constitution and one of these was about Islamic form of Government. All important institutions including Parliament and Judiciary were titular and basic human rights had been suspended.³⁰ The constitution of 1973 was replaced under 8th amendment. With the passage of time Zia started disliking his own handpicked Parliament and Prime Minister because Parliament was not in favour of formation of National Security Council under constitution.³¹

At the end of Martial Law on December 30, 1985 the constitutional authority of the parliament started to be materialized. Within the span of next three years certain developments took place in contradiction to the will of Zia i.e the return of Benazir Bhutto in 1986 and her warm welcome and MRD's activation for fresh party polls. Under these conditions Junejo did not remain useful for Zia.³² The incident of Ojhri Camp Blast on April 10, 1988 was also a serious blow for government. The masses and political leaders were demanding the punishment of responsible army officers. The Junejo government took certain steps against senior officers which were considered as pressure on Zia.³³

Due to increasing gulf between Zia and Junejo, the National Assembly and Junejo ministry was dissolved by Zia on May 29, 1988 under article 58(2)(b) and announced fresh elections.³⁴ The Junejo ministry attempted to exercise its constitutional powers but was disliked by Zia which resulted into dismissal of his government. In fact Junejo had become unacceptable for Zia soon after the end of Martial Law in the start of 1986 and he was realizing him as his mistake. Zia ruled country from July 5, 1977 to March 1985 single handedly and was not prepared mentally to share powers with PM.³⁵

The interim government was set up under Zia on June 1, 1988 in which PML had major share. Zia announced elections to be held within 90 days on non-party basis. It

created unrest on the political scene because all political parties were demanding elections on party basis.³⁶

The national political scene went through certain important developments during the middle of year 1988. The nation was suffering from the dilemma of dissolution of national assembly and Junejo Ministry, that the incident of sudden death of Zia took place in an air crash on August 17, 1988, accompanied by many senior officers of Army along with US ambassador to Pakistan Arnold Raphil.³⁷ The situation was tactfully managed by General Aslam Baig, VCOAS and the then Chairman Senate Ghulam Ishaq Khan. General Baig was elevated as COAS and Ghulam Ishaq Khan Acting President.³⁸ Baig avoided the option of imposition of Martial Law and shrewdly kept Army from indulging into politics.³⁹ The caretaker government reiterated the duty of conducting elections as per schedule announced by Zia i.e. November 16, 1988. Under the changed atmosphere Supreme Court of Pakistan gave its verdict in the favour of party based elections on the writ petition of Benazir Bhutto. It encouraged the initiation of political activities in the country.⁴⁰

Generally there was suspicion about the holding of elections in time in political circles as these had been delayed several times in the past? Actually, the non-party political trend introduced by Zia damaged the real spirit of national political culture. The organizational structure of different political parties was damaged due to participation of their representatives in non-party based elections of 1985. This was a great change brought under the political culture introduced by Zia. It further spoiled the induction and growth of political leadership at national level from which country is still suffering. The political leaders who were deactivated by non-party system were speculating about the re-imposition of Martial Law. The induction of Local Bodies System on the pattern of Ayub Khan provided Zia a 'legitimate' and authoritarian ruler already through referendum of 1984 and non-party elections 1985. He skillfully prepared a full team of 'viceroys' who could run the government and implement his policies even after him. It has been always the desire of dictators to implement their policies and they also like to see their policies being enacted after them. The regimes of Ayub, Zia and Musharaf are identical in this case. Many important figures and champions of democracy and fair-play under the umbrella of these three, who were and are equally responsible to create authoritarian system so they may remain above law and constitution and may be capable of amending constitution under their vested interest, Such lot of politicians who claimed and are still claiming for the democracy and change under them have the same mindset and are struggling to implement their 'designs of democracy'.

General Zia under increasing pressure announced the conduct of elections on November 16, 1988 on non-party basis. It was in contradiction with the verdict of

Supreme Court. General Zia was in a chance to take advantage from the internal differences of PML and PPP. Both of these parties were divided internally on the issue of registration. PPP was at safe ground due to verdict of Supreme Court⁴¹. PML was also indulged in obeying Zia's orders and policies, although some party members were not in this favour. The Chief Ministers of all the four provinces were struggling to remove Junejo from the president ship of PML with the exception of Pir Pagara only. Nawaz Sharif was in an effort to hold the meeting between Junejo and Zia to end the differences but failed to do so.

A joint session of PML was held at Islamabad Hotel on August 13, 1988 which was mostly attended by the supporters of Junejo. The proceedings of the session could not be conducted properly due to disturbance and exchange of harsh words between the supporters of Junejo and Nawaz Sharif. It created chaos and imbalance in national politics. The death of Zia provided a chance to suppress and victimize faction to recognize them. The supporters of Zia wanted to establish Ziaism i.e. to continue and support the policies of Zia even after him.

The sincere supporters of PML desired to rectify the situation. They aimed to unite the party during a meeting of supporters, provincial Chief Ministers and League's councils in which Fida Muhammad Khan was appointed President and caretaker Chief Minister Punjab Nawaz Sharif was appointed Gen. Secretary of the party. On other hand, Pir Pagara group elected Junejo as President and Iqbal Ahmed Khan as Gen. Secretary in their Central Council's session.⁴² Under these conditions PML had divided into two factions by the end of August 1988.

The after effects of decision regarding the dissolution of Assembly by Zia created unrest at political and administrative level. The full bench of Lahore High Court declared the step of May 29, 1988 of dissolution of Assemblies unconstitutional under the writ petition of Haji Saif Ullah. Hamid Nasir Chattha, the speaker National Assembly and Manzoor Wattoo announced to summon the session of National and Punjab Provincial assembly respectively. The call of Speaker National Assembly for its session created chaos. Later on, Lahore High Court clarified the situation that although the Presidential Order of dissolution of Assemblies was unconstitutional but the assemblies could not be revived, because the new elections⁴³ had been announced by the government. The chaotic situation had reached to the limit that National Assembly session which was summoned on October 2, 1988. Junejo conveyed Secretary National Assembly to open his office as legitimate prime minister. It created the possibility of parallel government which was later on settled down under Supreme Court's decision on October 4, 1988. The Supreme Court made it clear that elections would be held on party basis. PPP the main beneficiary of the decision got much popularity.

Notes and References

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- ¹ A. H. Kardar, *Pakistan's Soldiers of Fortune* (Lahore: Ferozsons Pvt. Ltd, 1988), 16.
- ² After the introduction of One Unit Scheme in 1955 East Bengal was renamed as East Pakistan.
- ³ Abdul Hafeez Khan, *The Conspiracies against Pakistan and the Women in the Lives of Politicians* (Karachi: Royal Book Company, 1991), 82.
- ⁴ Sajjad Ali Shah, *Law Courts in Glass House, An Autobiography* (Karachi: Oxford University Press, 2001), 110.
- ⁵ Rafi Raza, ed. *Pakistan in Perspective, 1947-1997*. Karachi: Oxford University Press, 2001.33-34.
- ⁶ Gauhar Sultana Uzma, *Jamhooriyat Kay Qatil Kon?* (Urdu),(Lahore: Jang Publishers,1993), 151-152 .
- ⁷ Bilal Ahmed, *Jamhooriyat aur Ghair Siyasi Qowatay: Tarraqi Pazir Dunya May Jamhooriyat Ka Bohran* (Urdu) (Lahore: Book Home, 2005), 11.
- ⁸ Hafeez Khan, *The Conspiracies against Pakistan*, 83.
- ⁹ Sajjad, *An Autobiography*, 110.
- ¹⁰ *Ibid*, 106.
- ¹¹ Grover and Arora, *Elections and Regionalism in Pakistan*, 49-50.
- ¹² Hassan Askari Rizvi, *The Military and Politics in Pakistan: 1994-1997* (Lahore: Sang-e-Meel Publishers, 2000), 239-240.
- ¹³ Murtaza Anjum, *Siyasat, Aain Aur Adalat* (Urdu) (Lahore: Fateh Publishers,2001),53-54.
- ¹⁴ Sajjad, *An Autobiography*, 121.
- ¹⁵ Uzma, *Qatil Kon?*,154.
- ¹⁶ Sajjad, *An Autobiography*, 121.
- ¹⁷ Uzma, *Qatil Kon ?*154.
- ¹⁸ Grover and Arora, *Elections and Regionalism in Pakistan*,45-46
- ¹⁹ Rafi Raza, ed. *Pakistan in Perspective 1947-1997* (Karachi: Oxford University Press, 2001), 36.
- ²⁰ Rizvi, *Politics in Pakistan, 1947-1997*, 263.
- ²¹ *Ibid*
- ²² Muhammad Ali Sheikh, *Benazir Bhutto: A Political Biography* (Karachi: Orient Books Publishing House 2000, 95.
- ²³ Rasul B. Rais, "Pakistan in 1987: Transition to Democracy" in *Asian Survey*, 28, No. 2, Part 2 (February 1988), 128.
- ²⁴ *Ibid*, 129.
- ²⁵ Syed Mardan Shah popular as Pir Sahib Pagaro was important spiritual and political figure in Pakistan belonged to Sindh was Pir (Spiritual Guide) of Muhammad Khan Junejo.
- ²⁶ Hafeez, *The Conspiracies against Pakistan*, 90.
- ²⁷ Rais, "Pakistan in 1987: Transition to Democracy", 127-28.
- ²⁸ Muhammad Ali Charagh, *Tehreek-i-Pakistan* (Urdu), (Lahore: Sang-e-Meel Publications, 2001), 490.
- ²⁹ *Pakistan Times*, Rawalpindi, July 18, 1985.
- ³⁰ Uzma, *Qatil Kon ?*158-59.
- ³¹ Hafeez, *The Conspiracies against Pakistan*, 90.
- ³² Rizvi, *Politics in Pakistan, 1947-1997*, 265-266.
- ³³ *Ibid*.

³⁴ Benazir Bhutto, *Daughter of the East* (Karachi: SZABIST, 1988), 366.

³⁵ Ahmad Salim, *Civil Military Bureaucracy* (Lahore:), 322.

³⁶ Charagh, *Tehreek-i-Pakistan*, 496.

³⁷ *Dawn*, Islamabad, August 18, 1988.

³⁸ *Ibid.*

³⁹ The caretaker Chief Minister of the Punjab Nawaz Sharif and of NWFP Fazl-i-Haq requested the Chief of Army Staff to impose Martial Law. *Nawaz Sharif Itfaq Se Nafaq Tak*, 25.

⁴⁰ A writ petition against non-party elections was submitted in the Supreme Court of Pakistan on August 28, 1988. According to the verdict on October 2, 1988, the political

⁴¹ Due to writ petition of Benazir Bhutto, Supreme Court of Pakistan abrogated Section 3A of Political Parties Act, 1962 partially and Section 3B and 3C completely due to which compulsory registration of political parties was finished. Case Reference: PLD 1988, SC 416, Benazir Bhutto vs the Federation of Pakistan, Supreme Court of Pakistan, 406-407.

⁴² *Daily Jang*, Lahore, August 27, 1988.

⁴³ *Dawn*, Karachi, September, 28, 1988.