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## 17<sup>th</sup> Constitutional Amendment & Its Aftermath: The Role of Muttahidda Majlis-i-Amal (MMA)

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The paper will shed light upon the role of an opposition party, Muttahidda Majlis-i-Amal (MMA), for its cooperation with the ruling party, Pakistan Muslim League, Quaid-i-Azam Group (PML-Q) for the 17<sup>th</sup> amendment to the constitution during dictatorial rule of General Pervez Musharraf. The purpose is to analyse the success and failure of MMA in supporting the military government for 17<sup>th</sup> amendment and conferring some discretionary powers to the post of the president. It will be argued that the strategy adopted by the MMA was quite appropriate according to the situation when it planned to deprive General Musharraf from his real power, which was the uniform. In response to MMA's cooperation for 17<sup>th</sup> amendment to the constitution, General Musharraf gave a pledge to the nation on state-run T.V. to doff his uniform till 31 December 2004. MMA's plan did not materialize as General Musharraf went back on his words after a year but the political developments during 2008 proved that it was the army uniform that was the real power of the General as he had to resign as President of Pakistan after a few months of leaving the post of Chief of Army Staff.

Pakistan was under the dictatorship of General Pervez Musharraf after a bloodless coup d'état led by him in October 1999. The Supreme Court of Pakistan not only legalized the coup under the 'law of necessity' but also conferred some powers to General Pervez Musharraf to amend the constitution to achieve his seven point agenda stated at the time of coup led by him. General Musharraf made several amendments to the constitution under the umbrella of this decision of the superior court. The regime held general elections in 2002 to garb the dictatorship with democracy. General Musharraf incorporated all the amendments to the constitution made by him in the name of

Legal Framework Order (LFO) without any approval of the new parliament. The 2002 elections were also held under this amended constitution. The system underwent a serious stalemate when the opposition parties refused to recognise LFO as a legal piece of legislation. The pro-Musharraf ruling party PML(Q) wanted to get passed LFO from the parliament with the help of any opposition party as it had not the required majority in the parliament. MMA cooperated with the government to get pass LFO in the parliament in the shape of 17<sup>th</sup> constitutional amendment but it mainly aimed at to curtail the powers of General Pervez Musharraf who was Chief of the Army Staff (COAS) and the President of the county as well. MMA got many benefits for the nation in the amendment and successfully got a promise from General Musharraf to shed his uniform after a period of one year. Although MMA did not succeeded in its strategy due to the break up of the covenant by General Pervez Musharraf in December 2004 the later political developments in 2007-08 proved that the strategy adopted by the MMA at the time of 17<sup>th</sup> amendment was quite appropriate as President Pervez Musharraf lost his power in November 2007 when he left the post of COAS and at last he had also to resign from the post of president.

### LFO Controversy and the Negotiations

General Musharraf had never fully depended on political forces for his support as main source of his power remained the armed forces and his army uniform. He continued to argue that his decision to combine the offices of president and Chief of Army Staff (COAS) in himself would strengthen the country and democracy as well. The newly elected civilian government was totally dependent on President Musharraf though the leaders of PML(Q) had been claiming that General Musharraf had transferred the powers to them.<sup>1</sup> Instead of these claims it was well known that all the powers to govern vested with General Pervez Musharraf. S.M. Zafar, a seasoned senator of PML(Q), admitted that all power vested with General Musharraf till 2008 Elections.<sup>2</sup>

The political developments after 2002 Elections paved the way for a political deadlock in the parliament. The major reason of the political deadlock was the controversy on the Legal

Framework Order (LFO) between government and the opposition parties. LFO proposed to validate all the steps taken by the Chief Executive of Pakistan since 12 October 1999. The validation by “one man”<sup>3</sup> instead of the parliament was the core issue between opposition and General Musharraf. Opposition parties like MMA, PPPP and PML(N) had been working and advocating for the restoration of 1973 Constitution and had been opposing the amendments made by General Musharraf. The government wanted to have negotiations on LFO with two mainstream parties, Pakistan People’s Party Parliamentarians (PPPP) and Pakistan Muslim League, Nawaz Group (PML-N), but it failed to bring them to negotiations. The government persuaded MMA and found it willing for negotiations. Both of the sides agreed to resolve various issues which included the President’s uniform, his discretionary powers over the National Assembly, formation of National Security Council (NSC), validity of Presidential Referendum 2002 and the extension in the retirement age of the judges. As a result, MMA and the ruling party, PML(Q), set up a committee at the National Assembly level to have consensus on LFO.<sup>4</sup>

General Musharraf had incorporated 29 amendments into the constitution under LFO. The negotiation teams of both sides sorted out seven controversial points out of 29 constitutional amendments introduced by LFO. These were, Article 41(7) which was about the election of the president and holding two offices, Article 58 (2)(b) and Article 112 related to the powers of the president and governors to dissolve national and provincial assemblies. Article 152-A was about National Security Council and powers of the president to make appointments of high rank office holders. Article 268 and 6<sup>th</sup> schedule were concerned with provincial assemblies which bounded them to amend certain laws with the approval of the president. Article 179 & 195 discussed the extension in the age of retirement of superior judges and article 270-AA legitimized the Presidential Referendum 2002 along with all other amendments made by General Musharraf after 12 October 1999. MMA was arguing that LFO should be recognized as invalid and all provisions of it be presented in the parliament and get passed in it.<sup>5</sup>

MMA had various round of talks with Chaudhry Shujaat Hussain, the president of PML(Q), on the issue of LFO. But the

negotiations faced a deadlock when General Musharraf insisted to work as President as well as COAS and refused to give any specific date to shed off his uniform.<sup>6</sup> The PML(Q) led government had been arguing that the LFO was the part of the constitution as the Supreme Court of Pakistan had bestowed the powers to amend the constitution to General Pervez Musharraf after the coup d'état of October 1999. While the opposition rejected this argument saying that the constitution can only be amended by parliament with two third majority. The government again sent an invitation to MMA for negotiations which also showed some flexibility on the issue of uniform.<sup>7</sup> MMA leaders did not agree with the key issues like LFO and Article 58(2)(b) of the constitution which had bestowed the power to the president to dissolve the assemblies. MMA refused to acknowledge the proposed National Security Council (NSC) and General Musharraf's extension of presidency for another five years. MMA had been demanding the resignation of General Musharraf from the post of COAS and declared the holding of the office by him as contrary to the principles of democracy.<sup>8</sup> MMA wanted to wipe up the LFO which gave discretionary powers to the president over the elected parliament. The government had been arguing that the members of parliament, elected on the basis of LFO, cannot challenge it but there may be some discussion to resolve the differences on LFO.<sup>9</sup> The MMA negotiating team unanimously criticized and derided the Presidential Referendum 2002. MMA leadership also had reservations on system of joint electorate and high indirect proportion of women in the parliament.<sup>10</sup>

The government started to pressurise the religious alliance during the talks on LFO. Firstly, Jamaat-i-Islami, the second largest constituent party of MMA, was alleged for having a linkage with Al-Qaeda. After the alleged arrests of four main Al-Qaeda activists, including Khalid Shaikh Mohammed (KSM),<sup>11</sup> a direct linkage between Jamaat-i-Islami and Al-Qaeda was sought to declare Jamaat-i-Islami as a terrorist outfit.<sup>12</sup> The federal government issued a statement that Jamaat-i-Islami had suspected links with Al Qaeda.<sup>13</sup> The JI leadership rejected the impression and termed the allegation as propaganda against it. The Jamaat upheld that it had no links with any terrorist group and it always believed in peace and democracy.<sup>14</sup> However all

this seemed to be a tactics to pressurize the MMA and the JI in the prevailing political scenario. Secondly, the government filed a petition in the Supreme Court of Pakistan, through Dr Aslam Khaki, for the disqualification of 65 legislators of MMA on the basis of *madrassa* (seminary) degrees which were, according to him, was not equivalent to bachelors' degrees of formal universities.<sup>15</sup> The military government kept the issue of seminary degrees in abeyance to pressurize the MMA during negotiation on LFO. It was also interesting that the military government had overlooked the issue while accepting the nomination papers of the above MPs for 2002 elections. JUI (F), the major constituent party of MMA, was facing more critical situation on the issue of *madrassa* degrees as all of such MPs belonged to it and none belonged to JI.<sup>16</sup> So, with the passage of time, JUI (F) became more lenient than other parties of MMA on the issues of LFO and dual offices of General Musharraf.

The MMA considered LFO as a void piece of legislation and refused to recognize it. The party was also of the opinion that Supreme Court had overstepped its constitutional authority by allowing General Musharraf to amend the constitution in 1999. It continued its protests against the LFO inside and outside the parliament and continued to seek the cooperation of other political parties in this regard. The opposition parties continued their struggle against the LFO and staged noisy protests when the parliament met and boycotted its sessions on the issue of LFO and dual post held by General Musharraf. In the end of July 2003, more than twenty groups and parties of opposition, including MMA, met and issued a unanimous statement accusing General Musharraf for damaging the Constitution. The opposition demanded the resignation of General Musharraf and jointly declared LFO as unacceptable.<sup>17</sup> The top leadership of PPPP and PML(N) was in exile those days so MMA was the most forceful and effective resistance to General Musharraf. He was not ready to doff uniform for a full-time president due to expected lack of power.<sup>18</sup> So, MMA was trying to get a date from the General to doff his uniform.

General Musharraf drew his major power from the military brass for staying in power. He consulted his top brass military officers on domestic political situation especially on LFO during August and September 2003. This consultation made him

confident and vociferous towards the opposition. He was less accommodating towards opposition as he was in the uniform.<sup>19</sup> MMA worked to make international community supportive on the issue. Its leadership had convinced the European Union and the Commonwealth that the setup under Musharraf could not be regarded as democratic in the presence of LFO.<sup>20</sup> But Washington always had been more comfortable with Pakistani generals than with the politicians.<sup>21</sup> So, the US government did not pressurize General Musharraf to doff his uniform and preferred to continue his support as a powerful ruler of Pakistan during its war against terrorism in post 9/11 scenario.

The PML(Q)-MMA negotiations were unique in this respect that the former party was not in a position to commit and decide over the proposed changes in LFO. The PML(Q) government, under Mir Zafarullah Khan Jamali, faced a critical situation as it was authorized only to negotiate but not to finalize any deal with MMA as final authority was General Musharraf in this regard.<sup>22</sup> MMA was also facing almost the same problem. The negotiating members of MMA had to satisfy the component parties of the alliance for several times. For the reasons, negotiations continued over a year and faced stalemate for several times.

### Government-MMA Agreement & the 17<sup>th</sup> Amendment

As the time passed, both of the government and MMA aimed at reaching some sort of understanding over LFO. Realizing the centre's administrative & financial powers and fear of its intervening in NWFP and Balochistan, MMA agreed to compromise on LFO. The second apprehension was the disqualification of 65 MPs on the basis of seminary degrees which also forced MMA to compromise.<sup>23</sup> MMA agreed to accept General Musharraf as president till December 31, 2004 to provide him 'safe passage'. The alliance also agreed to help the government in amending the constitutional provisions, relating to the president's electoral college, under which he took the vote of confidence instead of going for presidential elections. MMA decided not to cast a vote in favour of General Musharraf as it had been opposing his economic, interior and foreign policies and his policy to 'secularize the society'.<sup>24</sup>

Both of the negotiating teams reached the following agreement which was signed by Chaudhry Shujaat Husain, S.M.

Zafar on behalf of PML(Q) and by Maulana Fazalur Rehman, Liaqat Baloch and Hafiz Hussain Ahmad on behalf of MMA.

- (i) *the amendment will empower the president to dissolve the National Assembly under the condition that he will seek a validation of his decision from the Supreme Court of Pakistan*
- (ii) *National Security Council will not be given any cover through this amendment. Rather, it could be established through a separate Act of Parliament.*
- (iii) *the president will use his power under Article 243 in consultation with the prime minister rather than upon his discretion.*
- (iv) *item 27, 30 and 35 of the sixth Schedule which restricted the powers of provincial assemblies to amend Local Bodies Ordinance and Police Order will automatically be considered dropped after a period of six years from the date of amendment.*
- (v) *The age of retirement of superior judges will be maintained as in the constitution.*
- (vi) *Article 63(i)(d) shall become operative on 31 December 2004. The said article does not permit to hold two offices.*
- (vii) *An amendment in the constitution will be made under which, the president will seek a vote of confidence from the same electoral college which under the constitution is entitled to elect a president. In this connection 8<sup>th</sup> Constitutional amendment like method will be adopted.*
- (viii) *LFO was to be passed in the parliament by two third majority.*

- (ix) *MMA will support the amendment to legalize the ongoing term of the president. MMA members in the parliament will not bound to favour the president but will not cast their votes against him. They will remain present in the parliament and will not agitate in any form.*
- (x) *According to the pact, both parties were bound to prepare the Constitutional Amendment Bill and get it passed in the parliament by 2/3 majority.<sup>25</sup>*

On 24 December 2003, General Pervez Musharraf addressed the nation. He congratulated PML(Q) and MMA for resolving the constitutional issue and gave his “verbal commitment” to the nation on national TV to doff his uniform till 31 December 2004. He said, “I have decided to leave the Army Chief Post before 31 December 2004. But it will be up to me to decide about the timing within this period.”<sup>26</sup> Despite the protests of the opposition parties like PPPP and PML(N), the Senate approved the amendments to the constitution which conferred sweeping powers to General Musharraf as President of Pakistan. This 100 member house of the parliament was elected in March 2003 which cast Seventy two votes in favour of the amendments.<sup>27</sup> The bill received the assent of the President on 31 December 2003 and was promulgated as “17<sup>th</sup> Constitutional (Amendment) Act of 2003.”

The Seventeenth Amendment to the Constitution validated all the steps taken by the military regime since 12 October 1999. It also validated Referendum held in April 2002, to accept General Musharraf as president of Pakistan. It also endorsed the holding of Election 2002 along with Constitutional Package of August 2002. The LFO had suspended the Article 63(1)(d) of the Constitution which bars a government servant to be the president of the state. The seventeenth amendment introduced a clause in the Article 41(7)(b) that the Article 63(1)(d) will come into force from 31 December 2004. This amendment also reintroduced the powers of dissolving the assemblies to the President under article 58(2)(b) with the condition of the review of the action from

Supreme Court of Pakistan.<sup>28</sup> Although a clause was added that the President will have to seek the Supreme Court's approval within 30 days of dissolution of the Parliament it seemed to be meaningless as the Supreme Court's judges, in the past, never voted against the President. According to the agreement, National Security Council (NSC) was taken out of the Seventeenth Amendment and was suggested that NSC would be proposed as a separate act in the National Assembly.

After the passage of 17<sup>th</sup> amendment to the Constitution of Pakistan, General Musharraf opted to take a vote of confidence under the new amendment. Before that there was no such provision in the constitution for the president that he could be directly elected through a referendum and then seek a vote of confidence through the electoral college comprised of central parliament and all provincial assemblies which kept him in presidential slot until end of 2007. However the legislators of MMA did not give a vote of confidence to President Musharraf.<sup>29</sup> General Musharraf secured 658 votes out of total 1170 votes. The alliance abstained from voting against General Musharraf according to its agreement with the ruling party PML(Q).<sup>30</sup> Only one vote was cast against President Musharraf which was of Prof. Sajid Mir, Deputy President of MMA. He had differed with its party and voted against the president. He refused to recognize the agreement made by the MMA leadership. He said that he had already made it clear to MMA leadership that he would not support the deal between MMA and the government and would continue his struggle for the supremacy of a true democracy in the country. He also made it clear that his party will not leave MMA but he will cast his vote against General Musharraf. He added that Musharraf regime was "un-Islamic, undemocratic and unconstitutional".<sup>31</sup> The vote of Prof Sajid Mir against General Musharraf magnified the internal differences of MMA on the issue of supporting the General. Pervez Musharraf addressed to the joint session of the parliament as President of Pakistan on 17 January 2004, amid the slogans of "No Musharraf No" and "Go Musharraf Go". MMA also boycotted his address along with other opposition parties.<sup>32</sup> The purpose of the boycott by MMA was to show its voters and the common people that it was still in the opposition to General Pervez Musharraf. As an elected president, General Musharraf

got an authority to bargain with India on Kashmir. His new status also provided him the zeal and power to crack down against Islamic extremism and Islamic seminaries.

After 2002 elections, Parliament remained dysfunctional due to continuous protest against LFO. In January 2002, the military government introduced a constitutional package which increased the number of seats in National Assembly from 237 to 350 including 60 reserved seats for women and twenty five for technocrats.<sup>33</sup> The military government also raised the number of Senate seats up to 100. If LFO was not recognised, what was the future of additional members elected on the basis of LFO? General Musharraf also had got himself elected the President of Pakistan through a Presidential Referendum in April 2002. The most important was that he was the centre of power till then all the powers to govern vested with him as COAS. If political forces were not ready to recognize him as president, they had to face his dictatorial rule. MMA wanted to make parliament viable so its leadership wisely negotiated with the government and took a prudent decision to support the 17<sup>th</sup> amendment. MMA got agreed General Musharraf to doff his uniform before 31 December 2004, which was a great achievement for the nation.<sup>34</sup> It got several other benefits for the nation in this deal. Conditional use of 58(2b), getting NSC out of the constitution were their major gains for the nation along with General Musharraf's promise to doff his uniform within the agreed time limit.<sup>35</sup> MMA remained successful in getting NSC out of the constitution as it did not become the part of the constitution and the military government agreed to form the NSC through a constitutional bill which could be passed with simple majority. Any government, in the future, can make the NSC dysfunctional through simple majority. In this way MMA succeeded in removing the heavy shadow of armed forces over the politics of Pakistan which was going to be imposed through the constitution. MMA wanted to reduce General Musharraf's dictatorship to mere an administration.<sup>36</sup> Hence MMA adopted the best strategy to take a dictatorial rule towards its ultimate demise.

### Political Developments after 17<sup>th</sup> Amendment

In April 2004, the government tabled the proposed 'National Security Council Bill' in the National Assembly of Pakistan. NSC) was an endeavour to legalize the armed forces to cast their heavy shadows on the Pakistani Politics. NSC has its roots in the Zia regime when it was established for the first time in Pakistan. General Ziaul Haq had added Article 152-A to the constitution through his Presidential Order No. 14. The order proposed eleven members NSC out of which five were to be military brass. However, the parliament elected in 1985 turned down the proposal by compromising on 58(2)(b).<sup>37</sup> MMA strongly criticized the NSC Bill and the proposed role of the armed forces in the national politics. It also announced to cooperate with Alliance for Restoration of Democracy (ARD) to oppose the proposed NSC Bill in the National Assembly. Maulana Fazlur Rehman contested the government's claim that the MMA had assured its support on the NSC issue during talks on the LFO.<sup>38</sup> According to S.M. Zafar, the issue was decided in the agreement on LFO as, "Article 152(A) should be omitted. The government can constitute National Security Council by an act of Parliament which will be examined by MMA on its merits."<sup>39</sup> As it required a simple majority, The NSC bill was passed in a few minutes during the walkout of opposition against it.<sup>40</sup> The formation of NSC was indicative of the desire of the Pakistan Army and especially of General Musharraf to control and run the state affairs from the back seat.<sup>41</sup>

In middle of April 2004, General Musharraf gave his first indication not to doff his uniform which he had promised in the wake of government's agreement with MMA in December 2003. He blamed MMA for not honouring its commitments with the government completely and articulated:

"I am certainly upset with the MMA's attitude after the agreements that we reached with them. They did not support us over my vote of confidence, which they had promised, and also on the National Security Council. They are going back on their word."<sup>42</sup>

In an interview with *Daily Telegraph UK*, he again alleged MMA for violating their pledge. He was of the opinion that he had no obligation to honour his pledge due to MMA's behaviour.<sup>43</sup> A fair analysis of the text of the agreement between MMA and PML(Q) explains that there was no such compulsion on MMA to support Musharraf in his vote of confidence or for the formation of National Security Council.

In the mid of 2004, the parliamentarians from pro-Musharraf PML(Q) started a campaign requesting General Musharraf to remain in uniform beyond 31 December 2004. This campaign was launched on the own persuasion of the General. The campaign launched by PML(Q) leadership and some other federal ministers was termed as a rebellion to the constitution by MMA.<sup>44</sup> In continuation of its endeavours, PML(Q) introduced a bill in the National Assembly which was named as 'President to Hold Another Office Bill, 2004' and was passed amid the walkout of the opposition on 13 October 2004.<sup>45</sup> The bill allowed the President to hold another government service along with the post of COAS. MMA rejected the said bill and asserted that article 43(1) of the constitution also banned the president to hold another office. Qazi Hussain Ahmad argued that National Assembly was not authorized to pass such a law with simple majority which would make COAS to override and distort the whole constitution.<sup>46</sup> The constitutional bill seeking to allow President Pervez Musharraf to retain the post of army chief beyond Dec 31 was tabled in the Senate on 29 October 2004 and was passed.

The ruling party had a different interpretation of Article 63(1)(d) of the post 17<sup>th</sup> amendment constitution which barred the president to hold a "office of profit" provided "other than an office declared by law not to disqualify its holder".<sup>47</sup> PML(Q) argued that the new law, 'President to Hold Another Office Act, 2004', allowed the president to hold another office and it also removed the restriction imposed upon him by Article 63(1)(d). It was an absurdity on the part of MMA who had overlooked the loopholes in the Article 63(1)(d) during the passage of 17<sup>th</sup> Amendment which finally gave General Musharraf an opportunistic chance to hold dual offices beyond 31 December 2004.

The Supreme Council of MMA decided to launch a campaign for mass mobilization against General Musharraf's endeavour to continue as COAS beyond 31 December 2004 which was unconstitutional according to it. Prior to the deadline of 31 December, MMA held protest rallies to put pressure on General Musharraf to shed his uniform according to his pledge.<sup>48</sup> Jamaat-i-Islami held numerous rallies against General Musharraf to force him to doff his uniform but JUI (F) remained divided on the adoption of a strategy against President Musharraf.<sup>49</sup> MMA supreme council demanded that the President should give up his dual post as COAS till 31 December 2004 as promised by him. It also warned the President for a country-wide protest if the pledge was not fulfilled till the deadline.<sup>50</sup> MMA also sought the cooperation of other opposition parties but it did not succeed to do so. This inability of the opposition parties gave a lease of life to the rule of General Musharraf. The main reason was the will of all political parties to keep alive their individual identities and vested interests. Even parties within MMA were conscious about their identities and were working for their party interests. Secondly, PPP did not want to tag itself with MMA by street agitation and loose its liberal posture in the West and especially in the US.

On 30 December 2004, General Musharraf openly broke his public pledge which he had given on television to shed his uniform till 31 December 2004. According to General Pervez Musharraf, after the passing of this amendment and getting his covenant to take off the uniform, the leadership of MMA turned against the proposed act of NSC. However this act was passed through a simple majority. He also stated that he was "quite serious" while announcing the removal of his uniform till 31 December 2004. But due to unfolding events at national and international level, he changed his mind and decided to continue as President as well as Chief of the Army Staff. He also accused MMA for not having its words which also caused to change his mind.<sup>51</sup> It was amazing that the US and its allies in 'war against terrorism' did not criticize the decision due to their vested interests in General Musharraf.

The MMA strongly rejected General Musharraf's decision to retain both the offices of the president & COAS and observed 01 January as "Black Day". The rallies were ruined by the heavy

rain and bad weather conditions in Islamabad. The other opposition parties also fully supported the MMA call for “Black Day”.<sup>52</sup> The president of MMA, Qazi Hussain Ahmad, declared the Black Day rallies successful in spite of bad weather and strongly denounced the president’s decision to hold dual offices.<sup>53</sup> MMA demanded the resignation of General Musharraf both as president and COAS and alleged him for violating the constitution and breaking his pledge.<sup>54</sup> The Supreme Council of MMA also announced the programme of its million marches and road caravans against General Musharraf.<sup>55</sup>

It organized its rallies against President Musharraf during March 2005 in the five major cities of the country. The alliance tried to mobilize public opinion against holding dual offices by President Musharraf, government’s internal and foreign policies, price hike, unemployment and US intervention in Pakistan’s internal affairs. MMA also observed a strike against General Musharraf on 02 April 2005. The government fully mobilized the administration to make MMA’s call fail and arrested hundreds of its workers to dilute the pressure. During May 2005, MMA launched a campaign against the dictatorship of General Musharraf in the garb of democracy and abeyance of the constitution in the country. The campaign was named as *Karwan-e-Jamhoriyat* and was initiated from Chakwal. It was scheduled to pass through various cities in different phases. Thousands of people participated with their vehicles to protest against President Musharraf and demanded that he should quit both as President and COAS to pave the way for new presidential elections under the constitution. They urged that removal of General Musharraf was essential for the restoration of democracy and supremacy of the parliament.<sup>56</sup>

The MMA held marches and public meetings all over the country but could not attract the people to pressurise General Musharraf to quit the office of COAS.<sup>57</sup> The government got the transporters on roads in turn of security guarantee. The strike calls from MMA got a mixed response although it arranged such strikes on Fridays when the markets in many cities of the country usually remain closed. Another factor contributing to the partial success of the strike calls was the anguish of the middle class regarding inflation in the country.<sup>58</sup>

General Musharraf continued to work for the division between opposition parties to achieve his goal of absolute authority. He also tried to sow the seed of dissension between the ranks of MMA. Maulana Fazalur Rehman claimed that Chaudhry Shujat Hussain and Tariq Aziz met him on behalf of General Pervez Musharraf before December 2004. They tried to persuade him to leave MMA and Qazi Hussain Ahmad for the offer of ministries and share in the government but he denied disintegrating the alliance.<sup>59</sup> According to Stephen P. Cohen, MMA showed significant cohesion on different occasions till 2005 and even ISI failed to weaken the coalition.<sup>60</sup> General Musharraf released Asif Ali Zardari after a period of eight years and also made some contacts with Mian Nawaz Sharif in Jeddah. He successfully divided the opposition and released the pressure on the issue of his dual offices. Although MMA had tried to show its muscles to the government on the uniform issue but could not fully convince the people to come out in the streets on this constitutional issue. MMA also had its limitations regarding the protest due to the pressure of its constituent party JUI(F) due to its share in the governments of two provinces, NWFP and Balochistan.

MMA leadership was divided upon its participation in National Security Council. JI and JUI (F) had different standings upon the issue. JUI (F), the biggest constituent party of MMA took NSC in administrative, rather than political terms. Its leader, Maulana Fazalur Rehman, began to see the matter in pragmatic rather than constitutional terms. The NWFP chapter of JUI (F) had been insisting and continuously been pressurizing the MMA leadership to allow the NWFP Chief Minister to attend the NSC meetings as administrative head of the province to avoid any kind of arm-twisting by the federal government on financial and other matters.<sup>61</sup> Due to internal differences on the issue, MMA continued its boycott of NSC meetings till 08 June 2005.<sup>62</sup> President Pervez Musharraf noticed the absence of Maulana Fazalur Rehman and Akram Khan Durrani from the meeting of NSC and advised to consider the option to de-notify the leader of opposition, Maulana Fazalur Rehman, on the ground that he did not enjoy the support of the majority of opposition. On the other hand, a constitutional reference was to be filed in the Supreme Court against NWFP Chief Minister,

Akram Khan Durrani, for violating constitutional provisions that bound him to attend the NSC meetings.<sup>63</sup> Upon the pressure of JUI(F), MMA leadership allowed Chief Minister NWFP, Akarm Khan Durrani, attended the meeting of NSC in October 2005, which was held to provide relief activities to the earthquake victims in NWFP. It was alleged that MMA again extended its support towards the military government and went into a deal with the condition that the former will send Akram Khan Durrani to NSC meeting while the later will not go to Supreme Court or any other forum to unseat the MMA parliamentarians due to their seminary degrees.<sup>64</sup>

General Pervez Musharraf continued his dictatorial rule till the time he was pressurized by the international community and political forces at home to quit as COAS. He managed to get himself elected by the same assemblies in October 2007 through a controversial presidential election. He also imposed 'Emergency' in the country to curtail the activism of the higher judiciary of the country as its some members were "working at cross purposes with the executive".<sup>65</sup> In opinion of General Pervez Musharraf the emergency was imposed to 'ensure the implementation of the third stage of the transition to democracy' but in actual sense, it was imposed to strengthen the existing political system that revolved around him.<sup>66</sup> The judges who were installed after the proclamation of emergency on 03 November 2007 gave a ruling against all the legal challenges which were a hurdle in the ratification of General Pervez Musharraf as newly elected president of Pakistan.<sup>67</sup> After securing himself General Musharraf stepped down as COAS and took the oath as civilian president of Pakistan. In 2008 general elections, the masses rejected he pro-Musharraf PML(Q) which gave birth to democratic process in the country. The coalition government of PPP and PML (N) announced to impeach the president who could not bear the pressure and resigned as President of Pakistan. He may have opted for "other options" if he had not resigned as Chief of the Army Staff.

Muttahidda Majlis-i-Amal (MMA) had adopted an appropriate strategy in 2003 when it made General Pervez Musharraf agree to doff his army uniform. The alliance knew that the real power of the General vested with the uniform and not with the presidency. MMA legalised the unconstitutional

steps taken by the dictator through 17<sup>th</sup> constitutional amendment to save the system which was facing a stalemate from its inception. The same system eventually gave birth to true democratic system in elections 2008. Political and democratic forces remained successful in ousting General Pervez Musharraf as he was not COAS and was without its real power which he had been using since last eight years.

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