**Objectives Resolution is passed [1949]**

The history of formulation of the constitution of Pakistan begins with the Lahore Resolution in 1940. It was here that the idea of Pakistan, a separate homeland for the Muslims of India, was first outlined. It came to be known as the Pakistan Resolution.

On June 3, 1947, the British Government accepted in principle the partition of India in order to create two independent dominions of Pakistan and India. The British Parliament passed the Indian Independence Act on July 18, 1947. Accordingly, the new state of Pakistan came into being on August 14, 1947. This new state was formed of East Bengal, a part of Assam (Sylhet), West Punjab, Sindh, N. W. F. P. and Baluchistan provinces of undivided India.

Under Section 8 of the Indian Independence Act of 1947, the Government of India Act of 1935 became, with certain adaptations, the working constitution of Pakistan.

However, the Quaid's aim was the establishment of a truly Islamic society. As a result, a Constituent Assembly was set up under the Independence Act. The Constituent Assembly had a dual purpose; to draft the constitution of Pakistan and to act as a legislative body till the new constitution was passed and enforced

**Objectives Resolution**

On March 12, 1949, the Constituent Assembly adopted a resolution moved by Liaquat Ali Khan, the then Prime Minister of Pakistan. It was called the Objectives Resolution. It proclaimed that the future constitution of Pakistan would not be modeled on European pattern, but on the ideology and democratic faith of Islam.

The Objectives Resolution, which is considered to be the "Magna Carta" of Pakistan's constitutional history, proclaimed the following principles:

1. Sovereignty belongs to Allah alone but He has delegated it to the State of Pakistan through its people for being exercised within the limits prescribed by Him as a sacred trust.

2. The State shall exercise its powers and authority through the chosen representatives of the people.

3. The principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed.

4. Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings of Islam as set out in the Holy Quran and Sunnah.

5. Adequate provision shall be made for the minorities to freely profess and practice their religions and develop their cultures.

6. Pakistan shall be a federation.

7. Fundamental rights shall be guaranteed.

8. Judiciary shall be independent.

The Objectives Resolution is one of the most important and illuminating documents in the constitutional history of Pakistan. At the time it was passed, Mr. Liaquat Ali Khan called it "the most important occasion in the life of this country, next in importance only to the achievement of independence".

The importance of this document lies in the fact that it combines the good features of Western and Islamic democracy. It is a happy blend of modernism and Islam. The Objectives Resolution became a part of the constitution of Pakistan in 1985 under the Eighth Amendment.

**West Pakistan Established as One Unit [1955]**

Even after eight years of existence, Pakistan was without a constitution. The main reason was believed to be the fact that there were two unequal wings of Pakistan separated from each other by more than a thousand miles. To diminish the differences between the two regions, the Government of Pakistan decided that all the four provinces and states of West Pakistan should be merged into one unit.

To this end, Prime Minister Muhammad Ali made the first official announcement on November 22, 1954, enumerating the benefits of having one unit or province. On September 30, 1955, the Assembly passed the bill merging 310,000 square miles into a single province, with Lahore as its provincial capital. West Pakistan had formerly comprised three Governor's provinces, one Chief Commissioner's province, a number of states that had acceded to Pakistan, and the tribal areas. Geographically, they formed a homogenous block with easy communication, but with marked linguistic and ethnic distinctions. The result of the new bill was to unify these various units into one province to be known as West Pakistan.

The Bill was hailed as a measure of administrative rationalization as it was likely to reduce the administrative expenditure. It was claimed that one unit of West Pakistan would eliminate the curse of provincial prejudices. The problem of representation of various units in the proposed Federal Legislature had been a big hurdle in the way of making a Constitution and it was said that with the removal of this hurdle, the formation of the Constitution would now speed up.

Dr. Khan Sahib was appointed as the first Chief Minister of the One Unit, while Mushtaq Ahmad Gurmani was appointed as the first Governor of West Pakistan. Dr. Khan Sahib's Ministry, however, came to an end when the President himself took over the administration. Subsequently, Sardar Abdur Rashid and Muzzaffar Ali Qazilbash were appointed Chief Ministers of that province in succession.

While the One Unit scheme in West Pakistan could be supported on various grounds, the method of its establishment was not free from criticism. The government wanted to introduce the One Unit Scheme by an executive decree, which it could not do. So the Central Government dismissed the Ministry in Punjab, Sindh and N. W. F. P. One Unit continued until General Yahya Khan dissolved it on July 1, 1970.

**The Constitution of 1956**

After assuming charge as Prime Minister, Chaudhry Muhammad Ali along with his team worked day and night to formulate a constitution for Pakistan. His efforts led to the first constitution that was enforced in the country on March 23, 1956. Pakistan's status as a dominion ended and the country was declared an Islamic Republic of Pakistan. Thereupon the Constituent Assembly of Pakistan became the interim National Assembly and Governor General Iskander Mirza was sworn in as the first President of Pakistan.

The Constitution of 1956 consisted of 234 articles, which were divided into 13 parts and 6 schedules. One of the main features of the Constitution was its Islamic character. The Islamic provisions were contained in the directive principles of the state policy. Along with other Islamic provisions in the Constitution, the president, who was required to be a Muslim of at least 40 years of age, was to set up an organization for Islamic research with the aim of establishing a true Islamic society. The Objectives Resolution was, however, only made the preamble of the Constitution and not included in its main text.

The Constitution vested the executive authority of the President in the Federation. The President had the discretionary powers to make the appointment of the Chairman and members of the Election Commission, Delimitation Commission and Public Service Commission. He also had the power to appoint the Prime Minister from amongst the members of the National Assembly. However, his appointee had to take a vote of confidence from the Assembly within two months of his appointment. The President also had the power to remove the Prime Minister if he felt that the Prime Minister had lost the confidence of the majority of the National Assembly members.

The Constitution of 1956 provided for parliamentary form of government with a unicameral legislature. The only house of parliament, the National Assembly, was to consist of 300 members. The Constitution recognized the concept of One Unit, and the seats were divided equally between the two wings of the country. Thus the principle of parity was introduced. For the first ten years, five additional seats were reserved for women for each wing. National Assembly was to meet at least twice a year with at least one session at Dhaka. The Constitution offered direct elections under adult franchise. Every citizen of Pakistan with minimum age of 21 was allowed to vote in the elections.

The Constitution provided for federal form of government in the country. The provincial structure was similar to the one in the center. The pattern for the center-province relations was the same as it was in the Government of India Act, 1935. There were federal, provincial and concurrent lists of subjects. There were 30 items in the federal list, 94 items in the provincial list and 19 items in the concurrent list. The federal legislation was to get precedence over provincial legislation regarding the concurrent list. Residuary powers were vested in the provinces. In case of a conflict between center and provinces or between the two provinces, the Chief Justice of the Supreme Court was to act as the mediator.

The Constitution of 1956 was a written and flexible constitution. It advocated the fundamental rights of the individual. However, the President had the power to suspend these rights in case of an emergency. Judiciary was to remain independent. Urdu and Bengali were both accepted as state languages, while English was to remain the official language for the first 25 years. After ten years' passage of the Constitution, the President was to appoint a commission with the task to make recommendation for the replacement of English as the official language.

The Constitution of 1956 proved to be short lived as on October 7, 1958, Marital Law was promulgated and the constitution was abrogated.

**Ouster of President Iskander Mirza – 1958**

On October 7, 1958, President Iskander Mirza abrogated the Constitution and declared Martial Law in the country. General Muhammad Ayub Khan, the then Commander-in-Chief of the armed forces, became the Chief Martial Law Administrator.

Iskander Mirza and Ayub Khan had begun the new era with apparent unanimity, jointly describing it as a two-man regime. However, although the two were responsible for bringing about the change, they had different views on dealing with the new situation. Iskander Mirza had not envisaged any change in his previous powers; he wanted to retain the ability to maneuver things according to his own whim. Things however had changed. C. M. L. A. Ayub Khan knew that the real power rested with the army and he was determined to assert himself. Within a week of the proclamation of Martial Law, Iskander Mirza realized the delicate position he had gotten himself into. He regretted his decision and said, "I did not mean to do it" while offering assurances that the Martial Law would be for the shortest possible duration.

The sharing of power soon led to the intensification of the power struggle between the two men. President Mirza tried to balance the power structure by appointing Ayub Khan as Prime Minister on October 24, 1958. The Cabinet he set up consisted entirely of non-political members. This did not satisfy Ayub Khan who had more powers as the Chief Martial Law Administrator. In order to secure himself, Iskander Mirza tried to get the support of Ayub Khan's rivals within the army and air force. He was however unsuccessful in this attempt.

With the consensus of his military generals, Ayub Khan arrested Iskander Mirza on October 27, 1958. He was exiled to Britain where he later died. After the ouster of Iskander Mirza, General Ayub Khan became the sole power in Pakistan.

**Martial Law under Field Marshal Ayub Khan [1958-62]**

On October 7, 1958, President Iskander Mirza abrogated the Constitution and declared Martial Law in the country. This was the first of many military regimes to mar Pakistan's history. With this step, the Constitution of 1956 was abrogated, ministers were dismissed, Central and Provincial Assemblies were dissolved and all political activities were banned. General Muhammad Ayub Khan, the then Commander-in-Chief of the armed forces, became the Chief Martial Law Administrator. The parliamentary system in Pakistan came to end. Within three weeks of assuming charge on October 27, 1958, Iskander Mirza was ousted by General Ayub Khan, who then declared himself President.

General Ayub Khan gave himself the rank of Field Marshal. Corruption had become so widespread within the national and civic systems of administration that Ayub Khan was welcomed as a national hero by the people.

Soon after coming to power, the new military government promised that they would carry out reforms in the entire government structure and would cleanse the administration of the rampant corruption. A thorough screening process of all government servants was conducted and service records were closely scrutinized. Public servants were tried for misconduct by tribunals consisting of retired judges of the Supreme Court or High Court. If charges were proven, disciplinary action such as dismissal or compulsory retirement of the public servant could take place. A public servant could also be disqualified from holding any public office for 15 years.

About 3,000 officials were dismissed and many others were reduced in rank as a result of these measures. The rest of the government servants were provided with an incentive to working hard. Similarly, a law called the Elective Bodies Disqualification Order, popularly known as E. B. D. O., was promulgated for the disqualification of politicians. Under this law, a person could be disqualified from being a member of any elective body till December 31, 1966. Under this harsh law, several politicians like Suhrawardy and Qayyum Khan were disqualified. The E. B. D. O., particularly its application, was severely criticized in the legal and political circles throughout Pakistan.

After taking over, Ayub Khan focused on the long-standing question of land reforms in West Pakistan. The land reforms included the reduction of land ceiling to 1,000 acres for non-irrigated land and 500 acres for irrigated land and with ownership rights granted to the tenants. The land in excess of these limits was taken over by the government to be distributed amongst the deserving persons.

Ayub Khan also introduced a comprehensive scheme of local government, popularly known as Basic Democracies. This scheme was enforced through the Basic Democracies Order on October 27, 1959. Basic Democracies was a pyramidal plan enabling the people to directly elect to Local Council men they knew, who would in turn elect the upper tier of the administration. Altogether there were 80,000 Basic Democrats elected. To lend legitimacy to his rule, Ayub Khan used the Basic Democrats as an electoral college, holding a referendum to seek a mandate to continue in office as President and to have the authority to frame the future Constitution of Pakistan.

The referendum held on February 14, 1960, asked the voters "if they had confidence in President Field Marshal Muhammad Ayub Khan, Hilal-i-Jurat?" With the results of the referendum, Ayub Khan was elected not only as President of Pakistan for five years, but also got the mandate to give Pakistan a Constitution of his choice.

Ayub Khan set up a Constitution Commission which was not only given the responsibility to make recommendations on the future Constitution, but was also to examine the causes of failure of parliamentary government in Pakistan. The report of the Constitution Commission was presented to Ayub Khan on May 6, 1961. Ayub Khan was not satisfied by the findings. The 1962 Constitution was very different from the recommendation of the Constitution Commission, as Ayub Khan favored a presidential form of government. The 1962 Constitution was promulgated on March 1. This ended the three-and-a-half-year Martial Law regime of Ayub Khan. A civilian constitutional government under Ayub Khan replaced his previous military regime.

**Indus Water Treaty [1960]**

Pakistan is an agricultural country. Eighty percent of its agricultural output comes from the Indus Basin. Pakistan has one of the world's largest canal systems built much before Independence by the British. After Independence, problems between the two countries arose over the distribution of water. Rivers flow into Pakistan territory from across India. In 1947, when Punjab was divided between the two countries, many of the canal head-works remained with India. The division of Punjab thus created major problems for irrigation in Pakistan.

On April 1, 1948, India stopped the supply of water to Pakistan from every canal flowing from India to Pakistan. Pakistan protested and India finally agreed on an interim agreement on May 4, 1948. This agreement was not a permanent solution; therefore, Pakistan approached the World Bank in 1952 to help settle the problem permanently. Negotiations were carried out between the two countries through the offices of the World Bank. It was finally in Ayub Khan's regime that an agreement was signed between India and Pakistan in September 1960. This agreement is known as the Indus Water Treaty.

This treaty divided the use of rivers and canals between the two countries. Pakistan obtained exclusive rights for the three western rivers, namely Indus, Jehlum and Chenab. And India retained rights to the three eastern rivers, namely Ravi, Beas and Sutluj. The treaty also guaranteed ten years of uninterrupted water supply. During this period Pakistan was to build huge dams, financed partly by long-term World Bank loans and compensation money from India. Three multipurpose dams, Warsak, Mangla and Tarbela were built. A system of eight link canals was also built, and the remodeling of existing canals was carried out. Five barrages and a gated siphon were also constructed under this treaty.

**The Constitution of 1962**

With the aim of investigating the reasons of failure of the parliamentary system in Pakistan, and to make recommendations for a new constitution, Ayub Khan appointed a Constitution Commission under the supervision of Justice Shahab-ud-din. After a number of considerations, the Commission submitted its report on May 6, 1961. Ayub Khan was not satisfied with the report and had it processed through various committees. As a result the Constitution, which was promulgated on March 1, and enforced on June 8, 1962, was entirely different from the one recommended by the Shahab-ud-din Commission.

The Constitution of 1962 consisted of 250 Articles, which were divided into 12 Parts and three Schedules. It advocated presidential form of government with absolute powers vested in the President. The President was to be a Muslim not less than 35 years of age. The term of the President was for five years and nobody could hold the post for more than two consecutive terms. The President was the head of the state as well as the head of the Government. The President had the power to appoint Provincial Governors, Federal Ministers, Advocate General, Auditor General and Chairmen and Members of various administrative commissions. As the Supreme Commander of the Armed Forces of Pakistan, the appointment of the chiefs of the forces was also his duty.

The Constitution of 1962 provided for a unicameral legislature. The National Assembly was to consist of 156 members, including six women. The Eighth Amendment later increased this number to 218. Principle of parity was retained and seats were distributed equally between the two wings of the country. Principle of Basic Democracy was introduced for the first time in the country and the system of indirect elections was presented. Only 80,000 Basic Democrats were given the right to vote in the presidential elections. The Eighth Amendment later increased this number to 120,000. Half of them were to be from the Eastern Wing, the rest from the Western Wing of the country.

According to the Constitution of 1962, the Executive was not separated from the Legislature. The President exercised veto power in the legislative affairs and could even veto a bill passed by the National Assembly with a two-third majority. He had the power to issue ordinances when the Assembly was not in session. The ordinance needed the approval of the National Assembly within 48 days of its first meeting or 108 days after its promulgation. However, if the President enforced emergency in the country, which according to the constitution was within his jurisdictions, then the ordinances needed no approval from the legislative body.

The President had the power to dissolve the National Assembly. Federal form of government was introduced in the country with most of the powers reserved for the Central Government. There was a federal list of subjects over which the provinces had no jurisdiction. Principle of One Unit for West Pakistan was maintained and the number of seats for Punjab was curtailed to 40 percent in the Western Wing for the initial five years. Provincial Governors were to enjoy the same position in the provinces, which the President was to enjoy in the center.

Islamic clauses were included in the Constitution. These could not be challenged in any court of law. The state was named the Republic of Pakistan, but the first amendment added the word "Islamic" to the name. The word "Islam" and not "Quran and Sunnah" was used in the Islamic clauses to give a liberal touch to the Constitution. The Advisory Council of Islamic Ideology was introduced whose job was to recommend to the government ways and means to enable Muslims to live their lives according to the teachings of Islam.

The Constitution of 1962 was a written Constitution upholding the fundamental rights of the citizens. Under the Constitution, the Judiciary had little independence and the appointment of the Chief Justices and Judges of the Supreme and High Courts was in the hands of the President. The President also had the power to remove a judge after an inquiry on misconduct or on the basis of mental or physical illness.

Both Urdu and Bengali were made the national languages of Pakistan and English was declared as the official language of the country for the first ten years. The Constitution was flexible in nature and could be amended by a two-third majority in the National Assembly and with the approval of the President. In its short life of seven years, eight amendments were made in the Constitution.

When Ayub Khan handed over power to Yahya Khan, Martial Law was enforced in the country and the Constitution was terminated on March 25, 1969.

**Field Marshal Ayub Khan Becomes President [1962-1969]**

In March 1962, Ayub Khan suspended the Martial Law and proclaimed the Constitution of 1962. Presidential elections were held in January 1965, and Ayub Khan defeated Miss Fatima Jinnah, Jinnah's sister, to once again become the President of Pakistan.

During his term, the "Great Decade" was celebrated, which highlighted the development plans executed during ten years of Ayub's rule. The 1965 War was fought during Ayub's term and Ayub Khan represented Pakistan in the subsequent Tashkent Talks.

Ayub Khan moved the capital of Pakistan from Karachi to Islamabad in 1965, but could not complete his term due to public pressure.

He handed over power to General Muhammad Yahya Khan on March 25, 1969.

**Presidential Election (1965)**

Miss Fatima Jinnah, popularly acclaimed as the Madar-i-Millat, or "Mother of the Nation" for her role in the Freedom Movement, contested the 1965 elections at the age of 71. Except for her brief tour to East Pakistan in 1954, she had not participated in politics since Independence. After the imposition of Martial Law by Ayub Khan, she once wished the regime well. But after the Martial Law was lifted, she sympathized with the opposition as she was strongly in favor of democratic ideals. Being the Quaid's sister, she was held in high esteem, and came to symbolize the democratic aspirations of the people. The electoral landscape changed when Miss Fatima Jinnah decided to contest the elections for the President's office in 1965. She was challenging the incumbent President Ayub Khan in the indirect election, which Ayub Khan had himself instituted.

Presidential candidates for the elections of 1965 were announced before commencement of the Basic Democracy elections, which was to constitute the Electoral College for the Presidential and Assembly elections. There were two major parties contesting the election. The Convention Muslim League and the Combined Opposition Parties. The Combined Opposition Parties consisted of five major opposition parties. It had a nine-point program, which included restoration of direct elections, adult franchise and democratization of the 1962 Constitution. The opposition parties of Combined Opposition Parties were not united and did not possess any unity of thought and action. They were unable to select presidential candidates from amongst themselves; therefore they selected Miss Fatima Jinnah as their candidate.

Elections were held on January 2, 1965. There were four candidates; Ayub Khan, Miss Fatima Jinnah and two obscure persons with no party affiliation. There was a short campaigning period of one month, which was further restricted to nine projection meetings that were organized by the Election Commission and were attended only by the members of the Electoral College and members of the press. The public was barred from attending the projection meetings, which would have enhanced Miss Fatima Jinnah's image.

Ayub Khan had a great advantage over the rest of the candidates. The Second Amendment of the Constitution confirmed him as President till the election of his successor. Armed with the wide-ranging constitutional powers of a President, he exercised complete control over all governmental machinery during elections. He utilized the state facilities as head of state, not as the President of the Convention Muslim League or a presidential candidate, and didn't even hesitate to legislate on electoral maters. Bureaucracy and business, the two beneficiaries of the Ayub Khan regime, helped him in his election campaign. Being a political opportunist, he brought all the discontented elements together to support him; students were assured the revision of the University Ordinance and journalists the scrutiny of the Press Laws. Ayub Khan also gathered the support of the ulema who were of the view that Islam does not permit a woman to be the head of an Islamic state.

Miss Jinnah's greatest advantage was that she was the sister of the Founder of Pakistan. She had detached herself from the political conflicts that had plagued Pakistan after the Founder's death. The sight of this dynamic lady moving in the streets of big cities, and even in the rural areas of a Muslim country, was both moving and unique. She proclaimed Ayub Khan to be a dictator. Miss Jinnah's line of attack was that by coming to terms with India on the Indus Water dispute, Ayub had surrendered control of the rivers over to India. Her campaign generated tremendous public enthusiasm. She drew enormous crowds in all cities of East and West Pakistan. The campaign however suffered from a number of drawbacks. An unfair and unequal election campaign, poor finances, and indirect elections through the Basic Democracy System were some of the basic problems she faced.

Miss Fatima Jinnah lost the election of 1965 and Ayub Khan was elected as the President of Pakistan.

It is believed that had the elections been held via direct ballot, Fatima Jinnah would have won. The Electoral College consisted of only 80,000 Basic Democrats, who were easily manipulated. The importance of this election, lay in the fact that a woman was contesting the highest political office of the country. The orthodox religious political parties, including the Jamaat-i-Islami led by Maulana Maududi, which had repeatedly declared that a woman could not hold the highest office of a Muslim country, modified their stance and supported the candidature of Miss Fatima Jinnah. The election showed that the people had no prejudice against women holding high offices, and they could be key players in politics of the country.

**Indo-Pak War [September, 1965]**

The long-standing border disputes, communal tensions, and conflict over the question of Kashmir flared up in a full-scale war between India and Pakistan in September 1965.

**The War of Rann of Kutch**

Skirmishes at the Rann of Kutch flared up almost accidentally in the spring of 1965, and India and Pakistan found themselves drawn into the first of their two undeclared wars. The dispute goes back to the days of the British rule in India. The Rann was the bone of contention between the princely state Kutch, and the British Indian province of Sindh. When British India was partitioned, Kutch acceded to India and Sindh to Pakistan. The issue was inherited by these two states along some 3,500 sq. miles of territory. From January 1965 onwards, border incidents became frequent. By all accounts the Indian forces were badly defeated in the Kutch area by the Pakistan army.

At the Commonwealth Conference in Britain, the British Prime Minister Harold Wilson successfully persuaded both India and Pakistan to sign an agreement on June 30 to resolve the dispute. Failing to do so bilaterally, a tribunal was set up to resolve this dispute. This tribunal announced its verdict on February 19, 1965. It gave 350 sq. miles in the northern part to Pakistan and the rest of the Rann area to India.

**The War in Kashmir**

Events in Kashmir were also moving towards a climax. The Indian Prime Minister Lal Bahadur Shastri added more fuel to the fire by taking steps to absorb Kashmir further into the political body of India and stated that the Kashmir problem occupied a secondary place in successful relations between India and Pakistan. The application of articles 356 and 357 of the Indian Constitution to the Kashmir State which enabled the President of India to establish Presidential Rule in Kashmir and legislate, there was an effort to amalgamate Kashmir completely into the Indian Union. Sheikh Abdullah, the Kashmiri leader took extensive foreign tours to enlist international support for the Kashmir cause. But he was arrested and the Kashmir Legislative Assembly adopted the Constitutional Amendments Bill on March 30, providing:

1. The Sardar-i-Riyasat would henceforth be known as Governor and would be appointed by the President of India instead of being elected by the local assembly.

2. The Prime Minister would be styled as a Chief Minister, as in the states of the Indian Union.

The Kashmiri people called for an all-out war against Indian imperialism and established a National Government of the people of Jammu and Kashmir. In a spillover effect, Azad Kashmir became increasingly restive. The Indian army made a series of new moves across the ceasefire line with her regular armed forces.

**The Lahore Offensive**

At 30 AM on September 6, 1965, without a formal declaration of war, Indians crossed the international border of West Pakistan and launched a three-pronged offensive against Lahore, Sialkot and Rajasthan. There was a fierce tank battle on the plains of Punjab. The domestic Indo-Pak conflict transformed into an international conflict and raised Super Power concerns. The U. S. suspended military supplies to both sides during the Indo-Pak War. Both the Soviet Union and the United States took a united stand to curtail the conflict within the boundaries of the Sub-continent from escalating into a global conflict. China threatened to intervene and offered military support to Pakistan. It was to keep China away from this conflict that both the Soviet Union and the United States pressured the U. N. to arrange for an immediate ceasefire. The main diplomatic effort to stop the fighting was conducted under the auspices of the United Nations and a ceasefire came into effect on September 23, 1965. The Soviet Union, which had remained neutral while India and Pakistan were at war, played broker at Tashkent afterwards. A Soviet Government communique formally announced on December 8 that the Indian Prime Minister Shastri and the Pakistani President Ayub would meet at Tashkent on January 4, 1966.

The Tashkent Conference lasted from January 4 to January 10. The Soviet Premier Kosygin earned praise as a peacemaker. The main achievement of the Conference was to withdraw, no later than February 25, 1966, all armed personnel to the position held before August 5, 1964.

**The Tashkent Declaration [1966]**

In September 1965, the long-standing border dispute, communal tensions, and conflict over the question of Kashmir flared up in a full-scale war between India and Pakistan. Fearing that this regional conflict within the boundaries of Indo-Pakistan would escalate into a conflict of global dimensions, the Soviet Union and the United States pressurized the U. N. to arrange an immediate ceasefire. The diplomatic efforts of the United Nations resulted in a ceasefire that came into effect on September 23, 1965.

The Soviet Union, which had remained neutral when India and Pakistan went to war in September 1965, played the broker afterwards at Tashkent. A Soviet Government communize formally announced on December 8 that the Indian Prime Minister Lal Bahadur Shastri and the Pakistani President Muhammad Ayub Khan would meet at Tashkent on January 4, 1966. The Tashkent Conference lasted from January 4 to January 10. Largely as due to the efforts of Soviet Premier Kosygin, India and Pakistan signed a declaration that is known as the Tashkent Declaration.

The significant clauses of this agreement were:

1. The Prime Minister of India and the President of Pakistan agree to make all efforts to establish good relations between India and Pakistan in accordance with the United Nations Charter. They affirm to renounce the use of force in the settlement of their disputes.

2. The President of Pakistan and the Indian Prime Minister agree to withdraw, no later than February 25, 1966, all armed personnel to the position held before August 5, 1964.

3. Both India and Pakistan agree to follow the principle of non-interference in their affairs and will discourage the use of any propaganda against each other.

4. Both the countries also agree to reopen normal diplomatic functioning and to return of the High Commissioners of both the countries to their posts.

5. Measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between the two countries were to be taken. Measures were to be taken to implement the existing agreements between Pakistan and India.

6. Prisoners of war would be repatriated.

7. Discussions would continue relating to the problem of refugees and eviction of illegal immigrants. Both sides will create conditions that will prevent the exodus of the people.

The President of Pakistan and the Indian Prime Minister agreed that both sides would continue to meet at the highest and other levels on matters of direct concern to both the countries. Both the sides recognized the need to set up joint Indo-Pakistan bodies, which would report to their governments in order to decide what further steps need to be taken. In accordance to the Tashkent Declaration, talks at the ministerial level were held on March 1 and 2, 1966. Despite the fact that these talks were unsuccessful, diplomatic exchange continued throughout the spring and summer. No result was achieved out of these talks, as there was a difference of opinion over the Kashmir issue.

Euphoria had built up during the 1965 war, which had led to the development of a public perception that Pakistan was going to win the war. News of the Tashkent Declaration shocked the people who were expecting something quite different. Things further worsened as Ayub Khan refused to comment and went into seclusion instead of taking the people into confidence over the reasons for signing the agreement. Demonstrations and rioting erupted at various places throughout the country. In order to dispel the anger and misgiving of the people, Ayub Khan decided to lay the matter before the people by addressing the nation on January 14.

It was the difference over Tashkent Declaration, which eventually led to the removal of Z. A. Bhutto from Ayub's government, who later on launched his own party, called the Pakistan People's Party. Despite the fact that Ayub Khan was able to satisfy the misgiving of the people, there is no doubt that the Tashkent Declaration greatly damaged the image of Ayub Khan, and became one of the many factors that led to his downfall.

**Awami League's Six-Point Program**

In the 1970 National Assembly elections, the mandate of Sheikh Mujib-ur-Rahman's Awami League Party was based on a Six-Point Program of regional autonomy in a federal Pakistan. Sheikh Mujib-ur-Rahman had presented the Six-Point Program as the constitutional solution of East Pakistan's problems, in relation to West Pakistan.

First enunciated on February 12, 1966, the six points are as below:

1. The Constitution should provide for a Federation of Pakistan in the true sense on the basis of the Lahore Resolution and for a parliamentary form of government based on the supremacy of a directly elected legislature on the basis of universal adult franchise.

2. The Federal Government shall deal with only two subjects; Defense and Foreign Affairs. All residuary subjects will be vested in the federating states.

3. There should be either two separate, freely convertible currencies for the two Wings, or one currency with two separate reserve banks to prevent inter-Wing flight of capital.

4. The power of taxation and revenue collection shall be vested in the federating units. The Federal Government will receive a share to meet its financial obligations.

5. Economic disparities between the two Wings shall disappear through a series of economic, fiscal, and legal reforms.

6. A militia or paramilitary force must be created in East Pakistan, which at present has no defense of it own.

After the elections of 1970, differences arose between the Government and Awami League on the transfer of power on the basis of this Six-Point Program. There ensued a political deadlock with talks ending in failure and postponement of the first session of the National Assembly. The postponement of the National Assembly session triggered a chain of events that eventually led to the separation of East Pakistan.

**Martial Law under General Yahya Khan [1969-71]**

The Tashkent Declaration signed by the Indian Prime Minister Lal Bahadur Shastri and the Pakistani President Muhammad Ayub Khan was not at all approved by the general public, and was regarded as submission to India and humiliation for the nation. Politicians were already unhappy with Ayub Khan whose Government was celebrating the decade of various reforms. But he fell victim to the then Foreign Minister, Zulfiqar Ali Bhutto, who exploited the whole situation. He resigned from office and after forming a party of his own, Pakistan Peoples Party, announced to "defeat the great dictator with the power of the people". As a result, he and others were arrested.

Ayub Khan tried his best to handle the situation by releasing a number of political prisoners, including the most popular leader of East Pakistan, Sheikh Mujib-ur-Rahman. He held a Round Table Conference in Rawalpindi with all the well-known political leaders in March 1969, but it proved to be a stalemate, with the result that Ayub Khan was forced to hand over power to General Muhammad Yahya Khan, on March 25, 1969. Pakistan was now under the grip of another Martial Law. Being deeply aware of the explosive political situation in the country, General Yahya Khan set in motion moves to transfer power to the elected representatives of the people and announced that the general elections would be held on October 5, 1970.

**Legal Framework Order [1970]**

After the abrogation of the Constitution of 1962, Yahya Khan needed a legal framework to hold elections. In April and July 1969, he held discussions with prominent political party leaders to learn their point of view. Most of them asked for the revival of the Constitution of 1956 on the ground that its abrogation had been unlawful, and the country should return to the constitutional position prevailing on the eve of the 1958 coup. Yahya Khan initially agreed with this opinion, but had to change his stance due to opposition from the Awami League.

Not being well versed in constitutional affairs, he appointed a team to draft a new constitutional formula. He voiced his ideas about the constitutional issues in his broadcast address to the nation on November 28, 1969. The formula was officially issued on March 30, 1970, and is known as the Legal Framework Order of 1970. According to this order, One Unit was dissolved in West Pakistan and direct ballot replaced the principle of parity.

The National Assembly was to consist of 313 seats, including 13 seats reserved for women. Women were also allowed to contest the elections from general seats. The distribution of seats was to be as follows:

East Pakistan: 162 general and 7 reserved seats

Punjab: 82 general and 3 reserved seats

Sindh: 27 general and 1 reserved seat

N. W. F. P.: 18 general and 1 reserved seat

Baluchistan: 4 general and 1 reserved seat

Centrally Administered Tribal Areas: 7 general seats

The L. F. O. also defined the qualifications of people who would be allowed to contest in the elections. The Constituent Assembly was to stand dissolved if it was unable to frame the Constitution within 120 days. Actually, the Legal Framework Order was to act as an interim Constitution. The primary function of the L. F. O. was to provide a setup on which elections could be conducted. It was then the duty of the elected Constituent Assembly to draft the Constitution of Pakistan. However, the L. F. O. defined the directive principles of State policy and made it clear that the future Constitution should not violate these basic principles. The directive principles demanded an Islamic way of life, observation of Islamic moral standards, and teaching of the Quran and Sunnah to the Muslims.

The Legal Framework Order also urged the Constituent Assembly to frame a Constitution in which Pakistan was to be a Federal Republic and should be named Islamic Republic of Pakistan. It also called for the preservation of Islamic Ideology and democratic values. The Constituent Assembly was also supposed to frame a Constitution in which all citizens of Pakistan were to enjoy fundamental human rights. Judiciary should remain independent from the Executive and provincial autonomy is protected.

The President was given the power to reject any Constitution framed by the Constituent Assembly if the document did not fulfill the above-mentioned requirements. The President also had the power to interpret and amend the Constitution, and his decision could not be challenged in a court of law.

**General Elections 1970**

The political history of Pakistan from 1947 to 1970 witnessed no general elections. Thus, when Yahya's Regime decided to hold the first general elections on the basis of adult franchise at national level, they were not only required to make a new mechanism but were also required to set up a permanent election machinery. A three-member Election Commission was set up and Justice Abdus Sattar was appointed as the first Chief Election Commissioner of Pakistan.

The first task before the Election Commission was to enroll as voters all citizens of Pakistan who were at least 21-years old on October 1, 1969. The electoral rolls were put before the masses for corrections on January 16, 1970, and after necessary amendments, the final list was published on March 17. The total registered voters in the country were 56,941,500 out of which 31,211,220 were from the Eastern Wing, while 25,730,280 from the Western Wing. The Election Commission also marked the constituencies, in accordance with the seats allocated for the National and Provincial Assemblies under Legal Framework Order, 1970. One hundred and ninety nine Returning Officers were appointed for the National Assembly and 285 Returning Officers were appointed for the Provincial Assemblies.

Twenty four political parties participated in the elections. They were allowed to begin their election campaigns from January 1, 1970. The public meetings of Awami League in Bengal and Pakistan People’s Party in the Punjab and Sindh attracted huge crowds. Awami League mobilized support on the basis of its Six-Points Program, which was the main attraction in the party's manifesto. While Z. A. Bhutto's personality, his socialistic ideas and his slogan of "Rotti, Kapra aur Makan", meaning food, clothing and shelter, were the factors that contributed to the popularity of Pakistan People’s Party. The rightist parties raised the religious slogans, while the leftists raised slogans based on regional and communistic ideas.

A total 1,957 candidates filed their nomination papers for 300 National Assembly seats. While after scrutiny and withdrawals, 1,579 contested the elections eventually. None of the political parties filed nominations of their candidates on all the seats. Awami League nominated 170 candidates out of which 162 were for the constituencies in East Pakistan. The party that filed second highest number of candidates was Jamaat-i-Islami. It filed 151 candidates. There were only 120 candidates contesting the elections on the ticket of Pakistan People’s Party, out of which 103 were from the constituencies in the Punjab and Sindh. Pakistan People’s Party didn't nominate a single candidate from East Pakistan. Convention Muslim League nominated 124 candidates, Council Muslim League 119 and Qayyum Muslim League 133.

According to the original schedule, polling for the National Assembly was to be held on October 5 and for the Provincial Assemblies on October 19. However, due to the floods in the East Pakistan, the dates were changed to December 7 and 17, respectively. Elections on nine National Assembly and 18 Provincial Assembly seats, however, could not be held on these dates because of the cyclone that hit a large part of East Pakistan. Elections for these seats were held on January 17, 1971.

According to the results of the elections, Awami League emerged as the single largest party in the National Assembly by winning 160 seats. It was also able to win 288 out of 300 seats in the East Pakistan Assembly. However, the party failed to win even a single seat in the four Provincial Assemblies of West Pakistan. Pakistan People’s Party managed to win 81 out of 138 seats reserved for West Pakistan in the National Assembly. The party also performed well in the Provincial Assembly polls of the Punjab and Sindh Assemblies.

The election results showed that the rightist parties were completely routed. The biggest reason for this was the division of votes among several candidates on almost every seat. Qayyum Muslim League, Council Muslim League, Convention Muslim League, Jamiyat-i-Ulema-i-Islam, Jamiyat-i-Ulema-i-Pakistan and Jamaat-i-Islami as a whole could only secure 37 National Assembly seats. National Awami Party and Jamiyat-i-Ulema-i-Islam emerged as the prominent parties in the N. W. F. P and Baluchistan Assemblies.

**The Separation of East Pakistan [1971]**

The separation of East Pakistan was a great setback to Pakistan. By 1970, sentiments for national unity had weakened in East Pakistan to the extent that constant conflict between the two Wings dramatically erupted into mass civil disorder. This tragically resulted in the brutal and violent amputation of Pakistan's Eastern Wing.

The physical separation of a thousand miles between the two wings without a common border, and being surrounded by Indian territory and influences, led to constant political, economic and social conflicts between the two wings; embittering relations bringing the country on the verge of collapse.

As a result of the separation of its Eastern Wing, Pakistan's international credit was depleted and the military, being its most powerful institution, suffered a lot. To some, the very concept of Pakistan as the homeland for the Muslims in Southeast Asia no longer appeared valid.

Trouble started right at the inception of Pakistan in 1947. Almost immediately, East Pakistan claimed that as their population (55 percent as compared to 45 percent in the West) was greater, they were in a majority. Democratically, the Federal Capital, therefore, should have been in Dhaka and not in Karachi.

Since Karachi was the seat of the National Government; ministers, government officials and industrialists exerted immense influence on national and regional affairs, which brought them many benefits. But the East Pakistanis were unable to extract the same kind of advantages, as they were a thousand miles away from the Capital. Moreover, the Capital initially attracted wealthy industrialists, businessmen, administrators, doctors and other professionals who had fled from India.

The location of the Capital, it was said, created great economic imbalance, uneven distribution of national wealth and privileges, and better jobs for the people of West Pakistan, because they were able to sway decisions in their own favor.

Secondly, Bengalis resented the vast sums of foreign exchange earned from the sale of jute from East, which were being spent on defense. They questioned how the expenditure for the Kashmir cause would be justified, when it could otherwise have been productively used to build dams and barriers to control floods, eradicate poverty and illiteracy, and supply food and shelter for the ever-growing population in East Pakistan.

Thirdly, the people of the East believed that it was sheer regional prejudice that all white-collar jobs were taken by West Pakistanis.

Many mistakes were made early in the short history of Pakistan. There lived in East Pakistan about 15 million Hindus who, with the help of their fellow West Bengali Indians from across the border, were able to exploit East-West differences that emerged as a result of these mistakes. Grievances were exaggerated to foster anti-West Pakistani feelings that eventually created Bengali Nationalism and separatist tendencies. Bengali political leaders went around depicting the Central Government and West Pakistan as hostile exploiters. However, no effective efforts were made by the Government to check these anti-national trends.

Awami League, formed in 1951, was headed by Sheikh Mujib-ur-Rahman. He had always been an ardent Bengali nationalist. He began to attract popular support from Bengalis in East Pakistan. He put forward his Six Points that demanded more autonomy for the Provinces in general, and East Pakistan in particular. He was arrested in April 1966, and soon released, only to be rearrested and imprisoned in June the same year. He languished in prison until February 1969.

Being deeply aware of the explosive political situation in the country, the then Chief Martial Law Administrator, Yahya Khan, set in motion moves to transfer power to the elected representatives of the people, and announced that the general elections would be held on October 5, 1970.

In all his election speeches, Sheikh Mujib-ur-Rahman reiterated his demand for implementation of his Six Points and provincial autonomy plans.

The 1970 elections were postponed from October to December due to heavy floods that caused immense destruction and havoc in East Pakistan. The sheer enormity of the disaster attracted worldwide attention. This gave Sheikh Mujib-ur-Rahman a golden opportunity to have an international audience for his anti-West Pakistan feelings, which he accused of brutal callousness. The Awami League gained much sympathy and benefit out of this suffering, and Sheikh Mujib-ur-Rahman and his people were portrayed on the international scene as victims of West Pakistan's indifference.

In the general elections held in December 1970, the Awami League achieved an overwhelming victory. They captured 167 seats, the highest number in East Pakistan and overall. In the West, the Pakistan Peoples Party had won 85 seats. The way was now open to draw up a new Constitution.

The Awami League, now overwhelmingly victors, stood firm on its Six Points plan and refused to compromise on that issue. The Peoples Party in the West maintained that the Six Points Program did not really permit a genuine federation. It was in fact a unique constitutional proposal that proposed a federation that had power only over defense and foreign policy.

Efforts were made to start a constitutional dialogue and narrow the differences between the two Wings, but all in vain. Mujib-ur-Rahman's adamant stand in support of his Six Points, and his proposal that East Pakistan should have a sovereign status independent of Pakistan, further aggravated the situation.

Mujib-ur-Rahman launched a non-cooperation movement. The civil administration was totally paralyzed. All government and educational institutions were closed. People were asked not to pay any taxes. The transport system came to a standstill. Factories and shops were shut. All government activities between both the Wings ceased. The Awami League setup a parallel government. Gangs of local Awami League freedom fighters, known as Mukti Bahini, led violent demonstrations and howled racial and anti-West Pakistan slogans, inciting the people to more violence.

Amidst these disturbances, Genaral Yahya decided to convene the National Assembly in March 1971. But Sheikh Mujib-ur-Rahman unexpectedly put forward other demands such as the immediate lifting of Martial Law and power transfer to the elected representatives of the people, prior to the National Assembly session.

Unfortunately, on March 23, the Republic Day of Pakistan, the Awami League declared "Resistance Day" and Bangladesh flags flew all over the Province. There was a great massacre. East Pakistan had reached a point of no return. To quash the armed rebellion of Awami League militants, the Pakistan Army struck its first blow on March 27, 1971. Yahya Khan chose to use force to bring law and order in the country.

In the meantime, India exploited Pakistan's dilemma to the full. It sought to wring full propaganda and strategic value for itself out of the Bengali suffering and misery. India launched an attack on East Pakistan on November 22, 1971. The use of modern Soviet missiles, geographical separation by a thousand miles lying across the hostile Indian Territory, and the collusion of Mukti Bahini and the Indian Army, made Pakistan's military defeat in the East almost certain.

On December 10, 1971, the first feeler for surrender in East Pakistan was conveyed to the United Nations. On December 17, 1971, a formal surrender was submitted and accepted. Forty five thousand troops and an almost equal number of civilians of West Pakistan were taken as prisoners of war.

The text of the Instrument of Surrender document was as follows:

"INSTRUMENT OF SURRENDER"

The PAKISTAN Eastern Command agree to surrender all PAKISTAN Armed Forces in BANGLA DESH to Lieutenant-General JAGJIT SINGH AURORA, General Officer Commanding in Chief of the Indian and BANGLA DESH forces in the Eastern Theatre. This surrender includes all PAKISTAN land, air and naval forces as also all para-military forces and civil armed forces. These forces will lay down their arms and surrender at the places where they are currently located to the nearest regular troops under the command of Lieutenant- General JAGJIT SINGH AURORA.

The PAKISTAN Eastern Command shall come under the orders of Lieutenant-General JAGJIT SINGH AURORA as soon as this instrument has been signed. Disobedience of orders will be regarded as a breach of the surrender terms and will be dealt with in accordance with the accepted laws and usages of war. The decision of Lieutenant-General JAGJIT SINGH AURORA will be final, should any doubt arise as to the meaning or interpretation of the surrender terms.

Lieutenant- General JAGJIT SINGH AURORA gives a solemn assurance that personnel who surrender will be treated with dignity and respect that soldiers are entitled to in accordance with the provisions of the GENEVA Convention and guarantees the safety and well-being of all PAKISTAN military and para-military forces who surrender. Protection will be provided to foreign nationals, ethnic minorities and personnel of WEST PAKISTAN origin by the forces under the command of Lieutenant- General JAGJIT SINGH AURORA.

Signed:

(JAGJIT SINGH AURORA) Lieutenant-General General Officer Commanding in Chief Indian and BANGLA DESH Forces in the Eastern Theatre

(AMIR ABDULLAH KHAN NIAZI) Lieutenant-General Martial Law Administrator Zone B and Commander Eastern Command (PAKISTAN)

16 December 1971"

The surrender led to the disintegration of East and West Pakistan and the establishment of Bangladesh. After 25 years, the East Pakistanis declared themselves independent and renamed their Province as Bangladesh. Pakistan finally recognized Bangladesh at the Islamic Conference in Lahore on February 22, 1974.

**Zulfikar Ali Bhutto becomes President [1971]**

After the disastrous war with India that ingloriously concluded in December 1971, Pakistan had to face its greatest crisis since Independence. The dismembered Pakistan was left only with the four Provinces of West Pakistan; Punjab, Sindh, N. W. F. P. and Baluchistan. East Pakistan was now independent. Pakistan had lost a whole province of 70 million, 56 percent of the total population, and over 54,501 sq. miles of territory. There were 93,000 prisoners of war in India and Bangladesh. Pakistan's international credit was depleted.

President Yahya tried to act in a militaristic manner to impose law and order but the people's patience had been exhausted by this time. Military leadership had been discredited. Disillusionment, uncertainty and pessimism prevailed. People were no longer prepared to tolerate misgovernment. The public severely criticized and accused President Yahya and his Government for ineptness and inability that culminated with the 1971 national debacle.

Faced with these difficulties, President Yahya ceded power to Zulfiqar Ali Bhutto, Chairman of the Pakistan Peoples Party that had won the majority votes in the 1970 elections in West Pakistan. On the request of Zulfiqar Ali Bhutto, on December 6, 1971, Yahya Khan installed a civilian setup at the Centre and Nurul Amin, a prominent Bengali politician who was against Mujib-ur-Rahman, was made the Prime Minister. Z. A. Bhutto was made Deputy Prime Minister on the same day. Nurul Amin remained Prime Minister till December 20, 1971, the day when Bhutto took over as the civilian Chief Marshal Law Administrator.

A Pakistan International Airline flight was sent to fetch Bhutto from New York, who at that time was pleading Pakistan's case before the United Nations Security Council on the East Pakistan Crises. Bhutto returned home on December 18, 1971. On December 20, he was taken to the President House in Rawalpindi where he took over two positions from Yahya Khan, one as President and the other as Chief Martial Law Administrator. Thus he was the first civilian Chief Martial Law Administrator of the dismembered Pakistan.

The new President inherited a disturbed and desperate nation sobbing and suffering from an intangible loss of confidence. In this dismal hour, he addressed the nation and promised to fight back. He vowed to build a new Pakistan.

Bhutto's intentions to restore national confidence were in several shapes. He spoke about democracy, a new Constitution, and a modified federal and parliamentary system. He took steps to stabilize the situation by successfully negotiating the return of the 93,000 prisoners of war and a peaceful settlement with India. He took steps to ameliorate poverty and to revitalize the economy, industry and agriculture. He gave the third Constitution to the country and established civilian authority over the armed forces in the political setup.

In early 1972, Bhutto nationalized ten categories of major industries and withdrew Pakistan from the Commonwealth of Nations and S. E. A. T. O. On March 1, he introduced extensive land reforms. On July 2, 1972, he signed the Simla Agreement with India for exchange of the occupied territories and release of Prisoners of War.

After the 1973 Constitution was promulgated, Bhutto was elected by the House as the Prime Minister of Pakistan. He was sworn-in on August 14, 1973.

**The Simla Agreement [1972]**

After the 1971 war, India held prisoner around 93,000 Pakistani troops and civilians. In Pakistan there was a growing demand to get these prisoners released with the result that a Summit Conference between Pakistani President, Zulfiqar Ali Bhutto and the Indian leader, Mrs. Gandhi, was held at Simla from June 28 to July 2, 1972. The two countries reached an agreement on July 2. The agreement contained the elements of an earlier Indian draft, but the wording was considerably modified. In particular the clause referring to the ceasefire line in Kashmir was rephrased as to make it acceptable to Pakistan. The broad features of this pact included that the principle and purpose of the charter of United Nations would govern the relations between the two countries. The two countries resolved to settle their differences by peaceful means through bilateral negotiations. The foremost conditions for understanding, good neighborly relations, and stable and lasting peace were laid that no country would interfere with the other country's internal matters on the basis of mutual respect for peace, security, territorial sovereignty, mutual friendship and equality.

It was reiterated again in the agreement that efforts would be made to put an end, as far as possible, to all such disputes and differences that have been the cause of dissension between the two countries for the last 25 years. Both governments also agreed to take all steps within their power to prevent hostile propaganda directed against each other. In order to progressively restore and normalize relations between the two countries, it was agreed that steps would be taken to resume communications, postal service, and promote and facilitate travel by sea, land and air. Trade and cooperation in economic and other agreed fields would also be resumed. In order to initiate the process of durable peace, both the governments agreed that Indian and Pakistani forces would be withdrawn to their sides of the international border. The control line between Jammu and Kashmir would be the same as was on December 17, 1971. Both the countries would respect the international border and the withdrawal of the armies would be completed within 30 days of the implementation of the agreement.

Leaders of both the countries agreed at Simla to meet again at a mutually agreed time so that representatives of both the countries could discuss more arrangements for durable peace, including matters relating to prisoners of war, local prisoners, final settlement of Jammu and Kashmir dispute and diplomatic relations. As a consequence of the clauses pertaining to the withdrawal of forces, Indian troops withdrew from the 5,139 sq. miles of Pakistani territory in Punjab and Sindh it had occupied during the war. Similarly, Pakistani troops withdrew from 69 sq. miles of territory in Punjab and Rajasthan. In Kashmir, India retained 480 sq. miles and Pakistan 52 sq. miles.

Pakistan ratified the Simla Agreement on July 15 and India on August 3, after which the agreement came into effect on August 4, 1972.

**The Constitution of 1973**

The Bhutto Government's first achievement was the preparation of a Constitution for the country. The most prominent characteristic of this Constitution was that it accommodated proposals from the opposition parties and hence almost all the major political parties of the country accepted it. The National Assembly approved the 1973 Constitution on April 10, 1973, and it came into effect on August 14. Bhutto took over as the Prime Minister of Pakistan from this date and Fazal Ilahi Chaudhry was appointed as the President of Pakistan.

The Constitution of 1973 opens with a Preamble. This is the preliminary part of the Constitution in which broad features of the Constitution have been explained. The first Article of the Constitution declares Pakistan as a Federal Republic to be known as the Islamic Republic of Pakistan. Islam was declared as the State religion of Pakistan. Pakistan was to be a Federation of four federating Units, Punjab, Sindh, N. W. F. P. and Baluchistan.

The Constitution was parliamentary in nature. Article 41 of the Constitution lay down that the President was to be the Head of the State. The President was to be a Muslim above 45 years of age and was to be elected by a joint sitting of members of the Parliament for 5 years. He could be re-elected but could not hold office for more than two terms. The President was to act on the advice of the Prime Minister of Pakistan. The President could be removed on the grounds of physical or mental incapacity or impeached on charges of violating the Constitution or gross misconduct. The President was authorized to appoint the Attorney General, Judges of Supreme Court and High Courts, and the Chief Election Commissioners. In the Provincial Government, each province was to have a Governor appointed by the President. The appointment of Federal Ministers and Ministers of the State from amongst the members of the Parliament was at the Prime Minister's disposal.

The 1973 Constitution set up a bicameral legislature at the Center consisting of two Houses, the National Assembly and the Senate. The National Assembly consisted of 200 seats elected directly for duration of five years. The President on the advice of the Prime Minister could dissolve the National Assembly. The Senate was to consist of 63 members; each province was to elect 14 members. In the Provincial Government, each province will have a Governor appointed by the President. The Provincial Assembly for each province consisted of 240 seats for the Punjab, 100 seats for Sindh, 80 seats for N. W. F. P., and 40 seats for Baluchistan.

The 1973 Constitution provided a free and independent Judiciary. The Constitution guaranteed a right to the citizens; to be protected by law, and imposed two duties on them, loyalty to the Republic and obedience to the law. Any person who was found to abrogate or attempt or conspire to abrogate or subvert the Constitution was to be treated guilty of high treason. The Constitution conferred several kinds of fundamental rights to the people such as the right to life, liberty, equality and freedom of speech, trade and association. The Constitution also declared the laws inconsistent with or in derogatory to fundamental rights as null and void.

In light of the previous experience, the Constitution of 1973 was more Islamic in character than the previous ones. Emphasis was made to establish a real Islamic system in all aspects of social life. Keeping this objective in mind, more Islamic provisions were laid down in the Constitution of 1973. The Constitution recognized Islam as the religion of the country and enjoined upon the State to serve the cause of Islam and to bring all existing laws in conformity with Islam. The Islamic Advisory Council was set up to recommend ways and means to bring existing laws of the country in conformity with the Islamic principles.

The Constitution of 1973 remained in force for nearly four years. It was, however, suspended by General Muhammad Zia-ul-Haq, who imposed Martial Law in the country on July 5, 1979. However, General Muhammad Zia-ul-Haq who ran the country with Martial Law passed the Eighth Amendment in the Constitution in 1985. This Amendment empowered the President to dissolve the National Assembly under Article 58(2) b. This Article was later repealed by the Parliament during Nawaz Sharif's era through Thirteenth Amendment introduced on April 1, 1997. The Thirteenth Amendment was in turn repealed by the Legal Framework Order of 2002, which effectively restored the discretionary powers of the President enacted by the Eighth Amendment.

**Zulfikar Ali Bhutto becomes Prime Minister [1973]**

After the promulgation of the 1973 Constitution, the elections for the President, Prime Minister, Chairman of Senate, Speaker and Deputy Speaker of the National Assembly were to be undertaken. The 1973 Constitution had adopted a federal parliamentary system for the country in which the President was only a figurehead and the real power lay with the Prime Minister.

Z. A. Bhutto was sworn in as the Prime Minister of the country on August 14, 1973, after he had secured 108 votes in a house of 146 members. Fazal Ilahi Chaudhry was elected as the President under the new Constitution.

During his period, six amendments were carried out in the 1973 Constitution. The First Amendment led to Pakistan's recognition of Bangladesh. The Second Amendment in the constitution declared the Ahmadis as non-Muslims. The rights of the detained were limited under the Third Amendment while the powers and jurisdiction of the courts for providing relief to political opponents were curtailed under the Fourth Amendment. The Fifth Amendment passed on September 15, 1976, focused on curtailing the power and jurisdiction of the Judiciary. This amendment was highly criticized by lawyers and political leaders. The main provision of the Sixth Amendment extended the term of the Chief Justices of the Supreme Court and the High Courts beyond the age of retirement. This Amendment was made in the Constitution to favor the then Chief Justice of the Supreme Court who was supposed to be a friend of Bhutto.

The Bhutto Government carried out a number of reforms in the industrial sector. His reforms were twofold; nationalization, and the improvement of workers' rights. In the first phase, basic industries like steel, chemical and cement were nationalized. This was done in 1972. The next major step in nationalization took place on January 1, 1974, when Bhutto nationalized all banks. The last step in the series was the most shocking; it was the nationalization of all flour, rice and cotton mills throughout the country.

This nationalization process was not as successful as Bhutto expected. Most of the nationalized units were small businesses that could not be described as industrial units, hence making no sense for the step that was taken. Consequently, a considerable number of small businessmen and traders were ruined, displaced or rendered unemployed.

In the concluding analysis, nationalization caused colossal loss not only to the national treasury but also to the people of Pakistan. During his period as the Prime Minister, a number of land reforms were also introduced. The important land reforms included the reduction of land ceilings and introducing the security of tenancy to tenant farmers. The land ceiling was fixed to 150 acres of irrigated land and 300 acres of non-irrigated land. Another step that Bhutto took was to democratize Pakistan's Civil Service.

**Fazal Ilahi becomes President [1973]**

After the promulgation of the 1973 Constitution, Zulfiqar Ali Bhutto was sworn in as the Prime Minister of the country, and Fazal Ilahi Chaudhry became the President of Pakistan, on August 14, 1973, for a term of five years. Fazal Ilahi was a mere figurehead since all power and authority rested with the Prime Minister. He was allowed to continue as the President of Pakistan till 1978, although the army took over the reigns of power in July, 1977. He was relinquished from the office at his own request on September 16, 1978.

General Muhammad Zia-ul-Haq was sworn in as the next President of Pakistan, in addition to being the Chief Martial Law Administrator and the Chief of Army Staff.

**General Elections 1977**

According to the original schedule, the second general elections in the history of Pakistan, and the first after the dismemberment of the country, were to be held in the second half of 1977. However, on January 7, 1977, Bhutto announced that the elections would be held earlier. On January 10, Justice Sajjad Ahmad Jan, Chief Election Commissioner, announced the election schedule and declared January 19 and 22 as the last date for receipt of nominations for National Assembly and Provincial Assemblies, respectively. To many, the idea was not to give sufficient time to the opposition in order to make decisions and arrangements for the forthcoming elections. Election symbols were allocated to all the political parties. The total registered voters in the country were 30,899,052. Two hundred and fifty five Returning Officers were appointed for the National Assembly elections by the Election Commission.

Immediately after the announcement, Bhutto started his election campaign. The first step he took was the allocation of tickets to his party men. Unlike the 1970 elections, when Pakistan People’s Party mainly banked on socialistic slogans, this time Bhutto also relied on political heavyweights. A number of feudal lords and other influential persons were allocated party tickets. Bhutto himself held public meetings all over the country, and to get further support from the common man, he announced labor reforms on January 4, and a second set of land reforms on January 5. The attendance in the public meetings was amazing in all parts of the country, especially in interior Sindh and Punjab. The opposition blamed Bhutto for using Government machinery in running his election campaign.

The biggest problem for Bhutto and his Pakistan People’s Party was that nine important parties of the opposition had joined hands and formed an alliance, named as Pakistan National Alliance. P. N. A. decided to contest the elections under one election symbol "plough" and a green flag with nine stars as its ensign. Throughout their election campaign, instead of giving their own agenda, P. N. A. leadership mainly concentrated on echoing the alleged misdeeds of Bhutto's Government, corruption, mismanagement of national wealth, heavy expenditures on administration and disastrous economic policies evidenced by inflation. The P. N. A. leaders also exploited the deteriorating law and order situation and misuse of law enforcing agencies against the political opponents. They claimed that the fundamental rights had been curtailed during Bhutto's era.

P. N. A. managed to exploit anti-Bhutto sentiments among a huge section of masses and thus their election campaign received an unexpectedly positive response. Their claim, that their manifesto was Quran, also helped them in winning over a sizable number of voters from all over Pakistan. The attendance in P. N. A. public meetings and rallies was at times unexpected, even for the Alliance leadership itself.

Finally the elections were held on March 7 in which Pakistan People’s Party managed to win 155 out of 200 seats in the National Assembly. The results of the elections astonished political pundits both inside and outside Pakistan. Pakistan National Alliance was only able to win 36 National Assembly seats. To add insult to injury, the Alliance could only win 8 out of 116 seats of the National Assembly from Punjab, and failed to win even a single seat from Lahore and Rawalpindi, cities in which they had organized big public gatherings and processions.

Pakistan National Alliance leaders protested that there had been a systematic rigging of election results to defeat them. At many places, particularly where the P. N. A. candidates were strong, the polling was alleged to have been blocked for hours. There were also reports that P. P. P. armed personnel in police uniform removed ballot boxes. Marked ballot papers were also found on the streets in Karachi and Lahore. Rumors quickly circulated that the results in key constituencies were issued directly from the Prime Minister's office. P. N. A. boycotted the provincial elections. P. P. P. resorted to bogus voting merely to prove that voters had come to cast their ballot. Overall P. P. P. gained 99 percent seats. The voting figures showing the success of the P. P. P. candidates often surpassed the actual number that turned up for voting.

At last Martial Law was imposed by Zia-ul-Haq who appointed a committee to inquire into the alleged rigging of the National Assembly polls. This committee was reported to have found a blueprint of the plan of rigging from the Prime Minister House. The inquiry committee alleged that Bhutto had prepared this plan as early as April 1976, under the title of "A Model Election Plan", later known as the "Larkana Plan". In an interview to Associated Press of Pakistan, Sajjad Ahmad Jan, the Chief Election Commissioner admitted that the failure of the electoral process was by and large due to the candidates of the ruling party, who exploited their position and party machinery and thus destroyed the sanctity of the ballot box.

**Ouster of Zulfiqar Ali Bhutto**

Ever since Zulfiqar Ali Bhutto took over the responsibilities of governance, there was a strong group in the country that was not ready to accept him. They considered him as one of the players who were involved in the dismemberment of Pakistan. This hatred was further enhanced by the authoritarian style of his governance. His policy of suppressing the opposition and interference in the affairs of the Provinces proved to be the major factor for the unity of the rightist and the leftist political parties against him. As early as March 1973, opposition parties in the National Assembly set a common platform, called United Democratic Front, to counter the anti-opposition steps of Bhutto's Government. However, the opposition emerged as a significant force against Bhutto at the macro level for the first time when elections were announced in January 1977. The opposition decided to join hands against Bhutto and contest the election from a common platform, the Pakistan National Alliance.

Formation of P. N. A. proved to be the beginning of the decline of Bhutto. During the elections, the Establishment showed its biased attitude towards P. N. A. which made the Alliance even more popular among the masses. Most of the public meetings of P. N. A., especially in the big cities like Karachi, Lahore and Rawalpindi, were immensely successful. Yet the result of March 7 elections astonished everyone as P. P. P. swept the polls and P. N. A. was only able to win 36 seats in the National Assembly. P. N. A. leadership did not accept the results and accused the Government of systematic rigging. P. N. A. Executive Council decided to boycott the Provincial Assemblies' polls and demanded for immediate resignation of Bhutto, replacement of the Chief Election Commissioner, and fresh election of National Assembly seats under the supervision of Judiciary and the Army.

When Bhutto refused to accept the demands of P. N. A., leadership of the Alliance decided to bring the people onto the streets, to break law deliberately, and to confront the police and the security forces. P. N. A. leaders called upon the people to stage countrywide strikes and organize protest marches. The followers fully responded to the call and a full-fledged political movement started. The business community wholeheartedly joined Alliance. P. N. A. used mosques to stimulate the masses and tried to create an impression that they were only working for the enforcement of Nizam-i-Mustafa. They criticized the socialistic attitude of Bhutto and alleged that he had lost his faith in Islam. The ulema whipped up emotions for a Jihad to save Islam, which they thought was in danger from an evil regime. The bar associations across the country also began to register their strong protest against the electoral fraud and denounced the post-election policy of repression.

Initially Bhutto put a deaf ear to the demands of P. N. A. and debunked opposition's charges that his landslide victory was a result of rigging. He used police and F. S. F. against Alliance's activities and its top leadership was arrested and put behind the bars. Martial Law was enforced in three main cities of Karachi, Lahore and Hyderabad. Curfew was imposed in the rest of the big cities of the country and Army was called to maintain law and order.

However, the intensity of the situation made Bhutto realize that it was not possible to suppress the movement by force. In the beginning of May, Bhutto changed his policy and started to explore the option of a dialog. Some P. N. A. leaders were released and brought to Sihala for negotiations in the first week of June. Bhutto showed his willingness to hold elections in November 1977, and offered five ministries to the P. N. A. candidates during the interim period. But P. N. A. team insisted on 50 percent representation in the Cabinet and demanded elections before August 14. Bhutto eventually accepted almost all the demands of P. N. A. and the stage was set for a compromise. Signing of the agreement was held in abeyance as he went abroad for a tour of Saudi Arabia, Libya, U. A. E., Kuwait and Iran. His tour was termed as dilatory tactics and again there seemed to be a deadlock.

It was in these conditions that Chief of the Army Staff, General Zia-ul-Haq, imposed Martial Law in the country on July 5, 1977, and sent Bhutto behind the bars. General Zia said, "Had an agreement reached between the opposition and the Government, I would certainly never have done what I did".

**Martial Law under General Zia-ul-Haq [1977-1985]**

Elections were held on March 7, 1977. The Pakistan Peoples Party won these elections, but was accused by their opponents, Pakistan National Alliance, of rigging the elections. On March 14, 1977, the Alliance started a series of nationwide protests. Talks between the Alliance and Bhutto government were held in June 1977 and an agreement was reached, but it could not be implemented.

Fresh elections were announced for October 15, 1977. But on July 5, 1977, the Chief of Army Staff, General Muhammad Zia-ul-Haq, imposed Martial Law and the elections were postponed. General Zia-ul-Haq announced holding of elections within 90 days.

A conference of political leaders was held in February 1978, but a year later, in 1979, General Zia-ul-Haq declared political parties to be defunct and certain political leaders were disqualified.

Under General Zia's Martial Law, there was steady economic growth favoring the private sector, and efforts were made to Islamize the political, legal and economic structures. Pakistan gained the status of Most Favored Nation from the United States following the Soviet invasion of Afghanistan in December 1979. Vast amounts of military equipment and aid were donated to Pakistan to help the four million Afghan refugees who crossed into Baluchistan and North West Frontier Province.

On February 6, 1981, Movement for Restoration of Democracy was established to return democracy to Pakistan. A provisional Constitution was enforced on March 23, 1981, as the Constitution of 1973 had been suspended with the imposition of Martial Law.

Finally, after the nomination of Muhammad Khan Junejo as Prime Minister of Pakistan on March 20, 1985, Junejo fulfilled his promise of lifting the Martial Law and the restoration of the fundamental rights, but at the price of enforcement of the Eighth Amendment and the validation of the Revival of the Constitutional Order.

**Referendum 1984**

General Zia wanted to establish a pseudo-democracy in Pakistan, with a continuation of him as President under a civilian setup. Zia took a number of steps in this direction; the first was the establishment of the Majlis-i-Shoora. The Majlis-i-Shoora was to take the place of the National Assembly, but was to be without any legislative powers. General Zia's second step was to ask the public to endorse his rule. This appeal was in the form of a referendum, which was so worded that a "Yes" meant that Zia himself would be further endorsed, even though the referendum did not refer to this directly. The Referendum Order 1984 put forward a complex question to the citizens, but in essence, seeking endorsement of the process of Islamization initiated by General Zia.

The question read as follows:

"Whether the people of Pakistan endorse the process initiated by General Muhammad Zia-ul-Haq, the President of Pakistan, for bringing the laws of Pakistan in conformity with the injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet (PBUH) and for the preservation of the Islamic ideology of Pakistan, for the continuation and consolidation of that process, and for the smooth and orderly transfer of power to the elected representatives of the people."

The question was, by all standards, a very complicated and complex one, particularly for the uneducated rural class. It was a loaded question that simply asked, "Do you wish Pakistan to be an Islamic state?" An affirmative vote in the referendum was to result in a five-year term for Zia as President of Pakistan.

The referendum was held on December 19, 1984. The Movement for the Restoration of Democracy boycotted the elections. The results of this referendum showed the people voted in favor of Zia, though the M. R. D. claimed that a very small percentage of people actually showed up to vote. Zia rejected this claim and declared that he had been given public support to continue as President of Pakistan for the next five years

As a result of the referendum, the Chief Martial Law Administrator General Muhammad Zia-ul-Haq became the President of Pakistan. After the referendum, General Zia announced that the elections for the National and Provincial Assemblies would be held in February 1985, on a non-party basis.

**General Elections, February 1985**

After the 1984 referendum, General Zia announced elections of the National and Provincial Assemblies in February 1985. The elections were to be held on a non-party basis, which was legalized through an amendment to the 1973 Constitution. Each candidate had to be supported by at least 50 people to be able to contest in the elections. In a nationwide speech on January 12, 1985, General Zia also announced various other conditions for the elections. Amendments were made in the Political Parties Act of 1962. These amendments affected all political parties. The opposition parties, M. R. D., boycotted the elections, as their demands for party-based elections and restoration of the 1973 Constitution were not met.

The elections for the National and Provincial Assemblies were held in 1985 on February 25 and 28, respectively. The successful boycott of the 1984 referendum caused the M. R. D. to miscalculate their next step. Being confident of public opinion, they boycotted these elections as well. Contrary to expectations, the voters turned to the polls in large numbers. Surprisingly, many political leaders, including former Members of National and Provincial Assemblies, and Advisors, who had seemed popular in their appeals, could not win from their constituencies. The people elected many new faces. The M. R. D. soon realized that it had miscalculated badly, that it should have fought the elections on Zia's terms. An alternative leadership was in place with many of the old political leaders routed out.

The general elections to the National and Provincial Assemblies were held peacefully and with a large participation of the people. Total voter turnout for the National Assembly was 53.69 percent. In the Provincial Assemblies elections, where the constituencies were smaller and the contest harder, the turnout of the voters was even better. It was 57.37 percent nationwide. The newly elected National Assembly was to replace the Majlis-i-Shoora and was to have legislative powers as well. Muhammad Khan Junejo was appointed as the Prime Minister and he formed the government. It was this newly elected Assembly that set the tone for later years by incorporating the controversial Eighth Amendment in the Constitution of Pakistan.

**Islamization under General Zia-ul-Haq**

When General Zia-ul-Haq took over as the Chief Martial Law Administrator on July 5, 1977, Islamization was given a new boost. General Zia-ul-Haq was a practicing Muslim who raised the slogan of Islam. The Islamic sentiment has always been fully alive in Pakistan. Various governments have used this to their benefit. There are people who doubt Zia's reasons for raising the Islamic slogan; whether it was for political purposes to counter balance Bhutto's appeal or was it to enforce Islam in its true sense.

In his first address to the nation, he declared that Islamic laws would be enforced and that earnest attention would be devoted towards establishing the Islamic society for which Pakistan had been created. General Zia wanted to bring the legal, social, economic and political institutions of the country in conformity with the Islamic principles, values and traditions in the light of Quran and Sunnah, to enable the people of Pakistan to lead their lives in accordance to Islam.

The Government of Zia-ul-Haq took a number of steps to eradicate non-Islamic practices from the country. He introduced the Zakat, Ushr, Islamic Hadood and Penal Code in the country. The Government invited eminent scholars to compile laws about Islamic financing. The Zakat and Ushr Ordinance to Islamize the economic system was promulgated on June 20, 1980. It covered only Islamic organizations, associations and institutions. Zakat was to be deducted from bank accounts of Muslims at the rate of 2.5 percent annually above the balance of Rupees 3,000. Ushr was levied on the yield of agricultural land in cash or kind at the rate of 10 percent of the agricultural yield, annually.

The Government appointed Central, Provincial, District and Tehsil Zakat Committees to distribute Zakat funds to the needy, poor, orphans and widows. Shias were exempted from Zakat deduction from their accounts due to their own religious beliefs. The Zakat was to be deducted by banks on the first day of Ramazan.

A Federal Shariah Court was established to decide cases according to the teachings of the Holy Quran and Sunnah. Appeals against the Lower and High Courts were to be presented before the Shariah Court for hearing. Blasphemy of the Holy Prophet (S. A. W.) would now be punishable by death instead of life imprisonment.

Zia-ul-Haq selected his Majlis-i-Shoora in 1980. It was to be the Islamic Parliament and act as the Parliament of Pakistan in place of the National Assembly. Most of the members of the Shoora were intellectuals, scholars, ulema, journalists, economists and professionals belonging to different fields of life. The Shoora was to act as a board of advisors for the President.

A number of other Islamization programs were carried out including the teaching of Islamic Studies and Arabic, which were made compulsory. Pakistan Studies and Islamic Studies were made compulsorily for B. A., B. Sc., Engineering, M. B. B. S., Commerce, Law and Nursing students. For professional studies, extra marks were given to people who were Hafiz-e-Quran. The first Ombudsman was appointed to rectify the misadministration of the Federal Government, officials and agencies.

A Shariah Council consisting of ulema was established to look into the constitutional and legal matters of the State in order to bring them in line with Islamic thought. Since Islam does not allow interest, On January 1, 1980, Muhammad Zia-ul-Haq introduced a "Profit and Loss Sharing System" according to which an account holder was to share the loss and profit of the bank. The media was also targeted. Television especially was brought under the Islamization campaign, news in Arabic were to be read on both television and radio, female anchor persons were required to cover their heads, the Azan was relayed regularly on radio and television to announce time for prayers.

In the armed forces, the status of the religious teachers was raised to that of a Commissioned Officer. This was done to attract highly qualified individuals from the universities and religious institution to serve on such assignments.

As the government grew further in its Islamic leanings, the numbers of mosques were increased. Ordinance for the sanctity of Ramazan was introduced to pay reverence to the holy month of Ramazan. The Ordinance forbade public drinking and eating during the holy month of Ramazan. A three months imprisonment and a fine of Rupees 500 were imposed for violating the Ordinance. A program to ensure the regularity of prayers called the Nizam-i-Salaat was launched by General Zia himself.

Zia's Government introduced the Hadood Ordinance for the first time in Pakistan, which meant the punishments ordained by the Holy Quran or Sunnah on the use of liquor, theft, adultery and qazf. Under this Ordinance, a culprit could be sentenced to lashing, life imprisonment and in some cases, death by stoning.

The Islamic laws of Zia also included laws for women. Zia put forward the theory of "Chadar Aur Chaar Devari" and this was to be applied to women. Thus, for the first time, a woman could be flogged for adultery. If a rape was reported, four witnesses were to be provided otherwise, legally, the rape could be termed adultery. Another law, The Law of Evidence, under the Shariah laws proposed that the testimony of a woman was not equal to that of a man. In legal matters, two women would have to stand witness against the testimony of one man. The status of women was thus arbitrarily cut in half by Zia. There was little consensus amongst Muslim authorities over this law. The lack of consensus among the re1igious authorities combined with countrywide protests forced Zia to hold back on making the Shariah law the law of the country.

General Zia-ul-Haq wanted to make Pakistan the citadel of Islam so that it could play an honorable and prominent role for the Islamic world. The steps taken by General Zia were in this direction and had a long-term impact; the Zakat tax introduced by General Zia still holds and so does many of his the other laws.

**The Afghan War Settlement**

In 1979, Russian forces invaded Afghanistan. Communism came to the threshold of Pakistan when forces led by Babrak Karmel overthrew the Government of Afghanistan. Some 120,000 Russian troops entered Afghanistan .The Afghan people organized a resistance force against this blatant aggression. The Soviet forces suffered greatly in terms of manpower and material, and the Afghan War proved expensive even for a world power like the Soviet Union.

It has always been said about Afghanistan that it can be invaded and occupied easily but it is very difficult to hold and control it. Afghans have a history of resisting foreign invaders. The British imperial power failed in all three attempts to occupy and control Afghanistan. The Soviets were to learn the same lesson. In the beginning, the Soviet army was successful in occupying and controlling Afghanistan.

General Zia stood against the spread of communism. He reiterated his solution to the Afghanistan crisis in 1983 in New Delhi. He said that Pakistan has given political asylum to millions of Afghans. He demanded the expulsion of Russian forces from Afghanistan. America responded to the call of Pakistan and flooded Pakistan with monetary help to finance the anti-communist regime in Afghanistan and to equip the freedom fighters. The freedom fighters, the mujahideen, put forward a strong resistance to the Russian invasion. Although the Afghans suffered enormous causalities in the beginning of the war but the turning point in the war came when the U. S. supplied them with surface-to-air Stinger missiles.

General Zia's gamble in resisting the Russian invasion in Afghanistan paid him huge dividends. On the domestic front his policy of Islamization became more relevant as it was seen that in the neighboring Afghanistan, Islam was in danger. As Pakistan was a frontline state, huge amounts of money, military equipment and aid arrived in Pakistan. The huge amounts of aid that poured in propped up Zia's government. With the Afghan problem, a new phase of modernization of the military began. The arms provided to Afghanistan freedom fighters were also provided to the Pakistan Army. As a result the Pakistan Army became better equipped.

Other than the problems faced due to the Afghan War efforts, the Soviet Empire was breaking apart at the seams. This led the Soviets to seek peace in Afghanistan. Negotiations on Afghanistan were carried out under Zia's Government, and the Geneva Accord was signed on April 14, 1988, under which the Soviet Union agreed to withdraw its forces in two installments .The Soviet Government lived up to its commitment of withdrawal of forces according to the agreed timetable.

The victory in Afghanistan was achieved at a great cost to Pakistan. It had to look after and feed more than three million Afghan refugees that had crossed over to Pakistan. The refugees were a great economic burden on Pakistan. Not only this but, they also caused the problem of drugs and gunrunning in the country.

Long after the Soviet forces had left Afghanistan, fighting continued between the various factions of the mujahideen. With the emergence of the Taliban, Pakistan found itself an ally in Afghanistan that enforced peace and virtually eliminated the drug cultivation. After the September 11 tragedy of 2001, world attention again focused on Afghanistan as they considered it as training grounds of terrorists responsible for the tragedy. The Talibans were removed by power and a U. S. led coalition installed an interim government in Afghanistan, which till today keeps a fragile peace in the country. Meanwhile Pakistan continues to suffer numerous problems from the legacy of the Afghan War such as refugees, drugs, guns, crime, and terrorism.

**Muhammad Khan Junejo Becomes Prime Minister [1985-88]**

After the Presidential referendum of December 1984, elections for the National and Provincial Assemblies were held in February 1985 on a non-party basis. President Zia-ul-Haq nominated Muhammad Khan Junejo as the Prime Minister of Pakistan on March 20, 1985.

On being nominated, Muhammad Khan Junejo promised the nation that he would lift the Martial Law and restore a civilian government as soon as possible. Junejo's position was weak and vulnerable under the constitutional amendments made by Zia, which made the position of the President paramount and that of the Prime Minister subordinate. Despite his weak position, Junejo, after being sworn in as the Prime Minister, carried out his promise of lifting the Martial Law and the restoration of fundamental rights, but at the price of the Eight Amendment and validating the Revival of the Constitutional Order.

Muhammad Khan Junejo introduced a five-point program in December 1985. The program was multidimensional in nature. The main objectives were to induct a new and progressive civilian order, establish institutions of social justice, introduce an egalitarian economy, increase employment opportunities, strike hard at corruption and other social evils, liberate at least 50 percent of the people from illiteracy, and to start socio-economic development of the country.

After the lifting of Martial Law, Junejo tried to take a course independent of Zia. He annoyed military generals by withdrawing big staff cars from them and replacing them with small cars. He tried to conduct an independent foreign policy, particularly on Afghanistan, by taking into confidence and consulting leaders of political parties, including Benazir Bhutto, the leader of the Pakistan People’s Party. His government even tried to probe into the military fiasco at the Ojheri Camp near Islamabad on April 10, 1988, which resulted in the death and serious injuries to a large number of civilians. This probe perhaps became the immediate cause for the dismissal of his government.

Junejo's regime met its sudden and unexpected end while he was returning from a visit to South Korea on May 29, 1988. General Zia dismissed Junejo's Government using the controversial rule under Article 58(2) b of the Constitution. According to General Zia, Junejo's Government had been dismissed because the law and order situation had broken down to an alarming extent and the government could not be run in accordance with the Constitution. Not only were the Junejo Government dismissed, but also were the Federal and Provincial Assemblies and the Provincial Cabinets and their Chief Ministers. General Zia installed a new caretaker government in the Center and Provinces. Fresh elections were promised after 90 days but were eventually held on November 16, 1988, three months after Zia's death in a plane crash.

Although Junejo had no claim to power on his own, as Zia had appointed him Prime Minister, but his performance was commendable. With limited options, he did what was possible for him. He restored the fundamental rights of citizens under the Constitution that had been denied to them for a very long time. He tried to put the country on the course of development and some progress was made, particularly in the area of construction of roads in rural areas and the electrification of villages. He was honest, polite and had a low-key political personality, traits which are not easy to find in political leaders of today.

**Historic 8th Amendment is passed [1985]**

The 1973 Constitution of Pakistan envisaged a Parliamentary System of government, with the balance of power tilted towards the Prime Minister. The President could not exercise his powers without the concurrence of the Prime Minister. The Eight Constitutional Amendment, however, altered the form of the Constitution drastically. Passed by the Senate on November 14, 1985, the Eight Amendment affected almost 19 clauses of the Constitution and brought the office of the President of Pakistan almost at par with that of the Prime Minister.

The President was given the right to nominate the Prime Minister, Governors of the provinces, and Judges of the High Court and Supreme Court, including the Chief Justice. Democratically elected Prime Minister thus became subservient to the President.

Though the President was to act on the advice of the Prime Minister, he had the power to be informed about the decisions relating to the administrative affairs of the federation and proposals of legislation. The President could ask the Prime Minister to get a vote of confidence from the Assembly, issue ordinances, set dates for the elections for the National Assembly and appoint caretaker government. The President had the power of appointing service chiefs and other important federal officers. He could also call a referendum on an issue of great national importance.

However, the most controversial power awarded to the office of the President was under the Article 58(2) b, which was the power of dissolution of the National Assembly at his own discretion.

According to the proponents of this clause, post-constitutional deadlocks in the country had shown the necessity to vest authority in the President so that in case of a political crisis, the Assembly could be dissolved and new elections could be held and Martial Law could be avoided. The Article 58(2) b changed the entire complexion of the Constitution. The Constitution was transformed from a Parliamentary System into a Presidential one. This Amendment was like the proverbial Sword of Damocles for the successive governments. After the passing of Article 58(2) b, the National Assemblies were dissolved on four occasions using its powers. The dissolution of the Assembly by President Zia-ul-Haq in 1988, President Ghulam Ishaq Khan in 1990 and in 1993, and President Farooq Leghari in 1996 are subject to a lot of speculation.

Other clauses amended by the Eight Amendment dealt with the office of the Prime Minister, Senate, and Governors. Article 51 increased the number of the National Assembly seats from 200 to 207. The number of the Senate seats was increased from 63 to 87 under Article 59. The Eight Amendment also indemnified the entire President's Orders, Ordinances, Martial Law Regulations and Martial Law Orders, including the Referendum Orders made between July 5, 1977, and September 13, 1985.

The Eighth Amendment is considered as a landmark in the constitutional history of Pakistan. It not only altered the very form of the Constitution from purely Parliamentary to semi-Presidential, but also changed the constitutional and political history of the country.

**Death of General Zia-ul-Haq [1988]**

General Muhammad Zia-ul-Haq was killed in an air crash on August 17, 1988. He had gone to Bhawalpur to see a demonstration of tanks where he was accompanied by a number of Generals, including the Chairman Joint Chiefs of Staff Committee, Chief of General Staff, high-ranking Military Attaches, as well as the U. S. Ambassador to Pakistan. On his return journey, his military transport aircraft, a C-130, exploded in mid-air a few minutes after takeoff from Bhawalpur airport, killing all passengers aboard including the President. This tragic air disaster was the worst in Pakistan's history and was unprecedented in the history of military aircraft. The cause of the crash was not known and the enquiry report was never made public. General Zia's remains were buried on the grounds of Faisal Mosque in Islamabad. With the death of General Zia, the 11-year military rule came to an end. The country now was set forth on the road to democracy. This transition from dictatorship to democracy took place constitutionally. After the crash, a high level meeting was held in Islamabad to decide the question of succession. Some of the participants in the meeting were in favor of imposition of Martial Law. However the military Chief present did not support the idea. Under the Constitution, whenever the office of President becomes vacant by reason of death or resignation, or removal of the President, the Chairman of Senate acts as the President until a new President is elected. As a result Ghulam Ishaq Khan, Chairman of the Senate, became the next acting President of Pakistan.