

Chapter 7

GENERAL M. ZIA-UL-HAQ

Zia was born on 12th August, 1924. His father Akbar Ali was a religious man who emphasized on his children to follow Islamic pattern in their life. Zia got commission in army in May 1945. He held various command assignments during his career in the Pakistan army. Zia was eventually promoted to the rank of full General in March 1976 and was appointed as Chief of the Army Staff. On 5th July, 1977 he dissolved Bhutto's Government and imposed Martial Law in the country.

IMPORTANT EVENTS OF ZIA'S RULE

1. POLITICAL ACTIVITIES BANNED

Zia's ML regime issued Provisional Constitutional Order on March 1981. Under the PCO 1981 it was declared that efforts shall be made to restore as soon as possible the democracy and representative institutions. Till then it was announced that political activities will be banned and allowed only by the President. It was stated that only those political parties shall be permitted to operate which were registered with the election commission and were declared by the election commission to be eligible to take part in the general elections by 11 October, 1979. All other parties shall stand dissolved.

2. MAJLIS-E-SHOORA

A Majlis-e-Shoora (federal council) was nominated on 24 December, 1981 by PO No. 15, 1981. The Majlis-e-Shoora was

constituted to assist the Government in order to pave way for Islamic Judicial System. The Majlis-e-Shoora consisting of 350 members was formally established in early 1982. Provincial councils were also set up in the provinces. All the federal ministers and ministers of state were to be the ex-officio members of the federal council. The federal council was an advisory body but later on converted into a legislative forum by the President.

3. THE AFGHAN MIRACLE "THE HELP OF GOD"

When Zia took over by dissolving Bhutto's elected government, there was a strong re-action by the Western nations who showed their disapproval and were unhappy that military dictatorship had replaced democracy in Pakistan. They did not take Zia seriously and were reluctant to even acknowledge him as the de facto ruler. The western nations did not show their enthusiasm to extend any help or aid to the military government of Pakistan.

On 25 December 1979 the Soviet Union stunned everyone when she occupied Afghanistan forcibly. With the invasion of Afghanistan Zia's popularity reached at top. He became the blue eyed boy of the Western powers overnight who decided to overlook Zia's Human Rights violations and extended recognition of his military regime. Pakistan became the frontline state against the communist forces. The Western countries en bloc condemned Soviet occupation of Afghanistan and came forward

with all kinds of help-military and economic – for Pakistan. The United States in particular was ready to provide unconditional economic and military support to Pakistan to combat the communist threat.

The Soviet invasion of Afghanistan proved a godsend for Zia's regime. Huge funds began pouring in Pakistan to accommodate the Afghan refugees. The funds were also used to equip Pakistan army with sophisticated weapons and ammunition. Zia's regime was able to build an effective military force. It made Pakistan second largest supplier of military manpower in the developing world. It reinforced Pakistan's reputation for military expertise as well as Pakistan governments' ability to develop close relations with other countries.

4. THE ECONOMY

The lavish financial assistance put Zia in a comfortable position. He could now easily afford to undertake some economic ventures with an object of injecting vibrancy in the dormant body of Pakistan's economy. He adopted following measures:

- The nationalization schemes of Bhutto government were reversed. Some companies were returned to their former owners while some were sold to the new investors.
- Laws were passed that industries would not be nationalized except under special circumstances and fair compensation would be paid to the owners.
- Interest – free loans were sanctioned to the farmers, and several financial institutions replaced interest loans with a share in the profit and loss.

The remittances by the Pakistanis working abroad was a big factor which helped the economy of Pakistan record a momentous growth rate during 1980s. Pakistan's average annual growth in the Gross National Product was 6.2% the highest in the world.

5. POLITICAL SYSTEM UNDER ZIA

On 12 August 1983 Zia announced details of his political plan under which civilians could participate in the administration. He announced that elections to national and provincial assemblies would be held in March 1985. It was clear from his gestures that he did not want the political parties to contest elections. The political parties understood that he wanted to remain in power.

Zia also passed several laws which curtailed the powers of the civilian courts. Military courts were set up in 1979 to try offenders of Martial Law. In 1980 the PCO (Provincial Constitution Order) withdrew the rights of the courts to challenge any political executive decision. Nine judges refused to accept it. They were removed from their jobs.

Zia had declared that civil service should be impartial, but that too was put under military control. Zia filled many posts in the civil bureaucracy with the military officers and a quota was fixed in the civil services for the military men. Zia's government became heavily militarised was evident by the fact that 40% of Pakistan's ambassadors abroad were from the military. Zia became highly autocratic, yet he tried to give an impression of ruling the country with mutual consent.

6. ELECTIONS 1983

In his political plan, General Zia outlined an 18-month-long plan for holding elections to various representative bodies. Zia acknowledged the utility of elections in the present world and in any democratic process. So he was of the firm view that elections must be held on an adult franchise to restore democracy. The elections were to be held in two stages. In the first stage, elections for local bodies would be held – which were held in 1983. Zia attached great importance to the role of local bodies. The elections of 1983 to the local bodies were held on the non-party basis as was the case

in the 1979 elections to the local bodies. The character of the local bodies was fully democratic as all the councils were elected through adult franchise for a period of 4 years. The sections of population like peasants, workers, women and religious minorities, not likely to get adequate representation due to various cultural and economic factors were provided with special representation in different fields of the local government.

As a result of the elections of 1983, 71767 members were elected in 4100 Union Councils, 84 district/agencies, 129 municipal corporations/ committees, 285 town committees and 39 cantonment boards. These included seats of 3929 peasants, 472 workers, 7539 women and 3472 minorities.⁶

In the second stage, elections to the National and Provincial assemblies and the Senate were held. In his political plan Zia expressed the hope that elections to the legislature would be completed by March 1985. Zia confirmed that when these elections were over and the democratic process fully restored, martial law would automatically be lifted. However Zia's political plan glaringly missed one very important point as to how the president of the country would be elected.

Zia's opponents and some political parties criticised his 18 months long plan for transfer of power. They considered the 18 months period too long for restoration of democracy and it was alleged to one of Zia's devices to prolong his martial law regime. Zia-ul-Haq justified his 18 months period for transfer of power on the plea that he intended to ensure a peaceful and orderly transfer of power so that the country is not deprived of the continuity that it needs.⁷ Zia also issued a stern warning to those elements who might try to subvert his 18-

month-long plan for the transfer of power. Some of the political leaders who were organizing a civil disobedience movement, were arrested.

7. MOVEMENT FOR RESTORATION OF DEMOCRACY (MRD)

As Zia had monopolised all the powers, opposition parties became angry with his dictatorial style. Zia's tactics could not cool down the irritated politicians. A civil disobedience movement was launched against Zia in the province of Sindh. The movement was named as Movement for Restoration of Democracy (MRD) and was aimed at pulling Zia down from his high position. The movement, to some extent, was successful in developing a hatred amongst the people about Zia's dictatorial style.

8. NATIONAL REFERENDUM

As Zia's political plan did not contain a provision for the election of the president, Zia became greatly upset to find his position extremely unsafe due to this missing point. In order to seek constitutional basis for his possessive control of the political authority he issued Referendum Order of 1984. The question referred in the referendum was "whether the people of Pakistan endorse the process initiated by General Muhammad Zia-ul-Haq, the President of Pakistan for bringing Laws of Pakistan in conformity with the injunctions as laid down in the Holy Quran and Sunnah of the Holy Prophet (PBUH) and for the preservation of the ideology of Pakistan and for the smooth and orderly transfer of power to the elected representatives of the people". The question was to be answered either by "yes" or "no".

Zia received 97.7 percent votes. The opposition parties boycotted the referendum.

9. ELECTIONS 1985

After having secured himself through referendum, Zia announced that elections to the assemblies would be held in February 1985 on adult franchise basis. Elections to

6. G.W. Chowdri Pakistan, p. 62.

7. Zia's Carrot and Stick, Far Eastern Economic Review 25 August, 1983.

8. Political Plan, p. 23.

the National Assembly were held on 25 February, 1985 and to the provincial assemblies on 28 February, 1985.

10. MUHAMMAD KHAN JUNEJO AS PM

The Joint Session of the National Assembly and the Senate was held on 23rd March, 1985. Zia-ul-Haq took oath as the President of Pakistan for the next five years. Zia nominated Muhammad Khan Junejo from the Province of Sindh, as PM.

11. BHUTTO HANGED

Bhutto was implicated in a murder case during his tenure. Ahmed Raza Qasuri was one of the MNA from Qasur. He was an active member of the PPP and very vocal in the parliament.

He soon turned against Bhutto and openly criticised the policies adopted by PPP and its Chairman Mr. Z.A. Bhutto. He turned out to be a deadly opponent of Mr. Z.A. Bhutto. Mr. Bhutto was not used to digest this sort of criticism from one of his party members. He plotted against Ahmed Raza Qasuri and employed his federal security force to quell the outbursts of Ahmed Raza Qasuri. The Federal Security Force fired on Ahmed Raza Qasuri when he was returning from a marriage function alongwith his family members and in bad result his father Nawab Muhammad Ahmed Khan was killed in the incident.

Ahmed Raza Qasuri got an FIR registered against Mr. Bhutto who was sentenced to death alongwith his four accomplices. When President Zia turned down his mercy appeal, Mr. Bhutto was hanged on April 4, 1979.

12. OHJIRI CAMP DISASTER

Ohjiri Camp was an ammunition depot situated in between Rawalpindi and Islamabad. On April 10, 1988, the Twin Cities — Islamabad and Rawalpindi — received an unexpected and heavy shower of weapons which included missiles,

rockets, bombs and other highly lethals and explosive devices. The blast jolted the entire area. The explosion caused great panic and heavy loss of life.

13. The Eighth Amendment

The passage of the Eighth Amendment to the 1973 constitution was a highly significant event of Zia's regime. It left an ever-lasting impact on the political system of Pakistan. President Zia-ul-Haq offered this package to the non-party assembly for lifting of Martial Law. He was successful in extracting the approval of the assembly members who readily gave their consent to save their assembly seats. Following are the provisions of the Eighth Amendment.

- All the Presidential orders, ordinances, Martial Law regulations, all constitutional amendments passed by General Zia's government after July 5 1977 were declared legal and valid and could not be nullified. Nobody or any assembly could question the validity of these laws in any court.

The Eighth amendment, therefore, affirmed all the actions taken by Zia. All laws passed by the regime were validated and were not to be questioned in any court of law.

The Eighth amendment accorded enormous power and authority to the President. Now the President was empowered to appoint the Prime Minister from the elected members of the assembly who enjoyed the confidence of the majority in the assembly.

If the Prime Minister no longer commanded the confidence of the majority, the President could ask the Prime Minister to obtain the vote of confidence from the house.

Article 58 (2b) of the Eighth amendment gave the power to the

President to dissolve the assembly if he was satisfied that

- (a) a vote of no confidence had been passed against the Prime-Minister and he was satisfied that no other member was likely to obtain the vote of confidence from the majority in the house.
- (b) if the President was convinced that a situation had developed in which the federal government could not carry out its responsibilities in accordance with the provision of the constitution.

The President was empowered to appoint the provincial governor, judges of the High Courts and Supreme Court including the Chief Justices. He was also to appoint the Chiefs of Staff of Army, Air Force and Navy. In the provinces, the governors were to have the same powers as that of the Presidents in the centre.

The Eighth Amendment was responsible in developing an acute imbalance in the powers of the President and Prime Minister. The Prime Minister became highly vulnerable, as his authority and liberty were heavily curtailed. The Eighth Amendment introduced the unique concept of 'Selective Accountability' by placing the Prime Minister under the president's thumb. It absolutely absolved the President of all the moral obligation while dealing with the Prime Minister.

Owing to the Eighth Amendment, the efficiency and smooth working of the government was adversely affected. The Prime Minister, being the Head of the government, could not function smoothly as his authority depended on the whims of the President.

The Eighth Amendment also laid its adverse impact on the political set up of the country. Four democratically elected governments and Prime Ministers have been so far dismissed by various Presidents

who were not directly accountable to the people. Prime Minister Muhammad Khan Junejo, a modest and senior parliamentarian, became the first victim of the Eighth Amendment when his government was dismissed by Zia on 29th May, 1988. Zia had himself picked Junejo to become the Prime Minister. The assembly, which was responsible for passing the Eighth Amendment, was also dissolved with its prime minister. After Muhammad Khan Junejo three successive governments of Benazir Bhutto and Nawaz Sharif were dismissed by Presidents Ghulam Ishaq Khan and Farooq Ahmed Khan Leghari respectively. As such the Eighth Amendment has become the scourge of our political and governmental system as it has been responsible for blocking political development ever-since its inception.

14. JUNEJO GOVERNMENT DISSOLVED

Prime Minister Junejo appointed a committee to submit a report on the incident of Ohjiri Camp. The report was submitted on April 24, 1988. The report was reviewed by the Cabinet which held Gen. Akhtar Abdur Rehman chief of ISI and General Hameed Gul former chief ISI responsible for the disaster.

It became evident that the PM Junejo was going to dismiss those army Generals on whom the inquiry committee had fixed the responsibility of the disaster.

Sensing Junejo's intentions of dismissing Gen. Akhtar Abdur Rehman and Gen. Hamid Gul, Zia pre-empted the move and dissolved Junejo's Govt. on May 29, 1988 using his powers under the 8th Constitutional Amendment.

PROCESS OF ISLAMIZATION

The Government of President Zia-ul-Haq took a number of steps to introduce Islamic Laws in the country which are as follows:--

1. HADOO'D ORDINANCE

Hadood Ordinance was promulgated in the country in 1977 (12 Rabi-ul-Awwal, 1399). According to Hadood Ordinance, different punishments were prescribed for various crimes. The word 'Hadd' means the punishment which has been prescribed in the light of the Holy Quran and Sunnah.

According to the Hadood Ordinance preparation, transportation and use of liquor/wine was prohibited and was considered a culpable crime throughout Pakistan. Any person found guilty of the said crime would be liable to punishment of thirty lashes and five years imprisonment.

The second Hadood law concerned with the crime of theft. It was ordained, according to this law, to cut the right hand of the person found guilty of theft. If the person commits the crime of theft for the second time his left hand, too, would be amputated. The habitual thief was to be awarded life imprisonment.

The third Hadood law is meant for adultery. According to this law if a person, man or woman, indulges in the act of adultery, he or she would be stoned to death. The act of stoning the adulterer would be initiated by the first eye witness. The culprit will then be shot dead during stoning. The law has been enacted in the light of Islam which means that if a man or woman, not married with each other according to the Islamic way, indulge in adultery, would be stoned to death at an open place.

2. QAZAF ORDINANCE

Qazaf means a false allegation of fornication or adulteration on a person, living or dead, to harm his/her reputation. In order to prove this allegation, at least four adult Muslims, known for their truthfulness, will be required to bear witness to this fact. If the crime is established a punishment of fine and imprisonment can also be awarded.

3. ZAKAT AND USHR ORDINANCE

The most important step taken to introduce the Islamic system in the country,

was the enforcement of 'Zakat and Ushr' Ordinance by the Government. The 'Zakat and Ushr' Ordinance was promulgated on June 20, 1980. It is an important step towards Islamization of our economic system and a big achievement of the Government.

This Ordinance will be known as the 'Zakat and Ushr Ordinance of 1979' and will be enforced throughout the country. The Ordinance will cover the Muslim population and will be extended to the Muslim Organizations/ Associations and Institutions only. A Zakat fund will be established to collect all sorts of gifts and bounties. It will be compulsory for every 'Sahib-e-Nisab' Muslim to pay Zakat by deducting it from his/her accounts lying in the banks. Levying of Zakat will be applicable on the saving accounts and the current accounts will be exempted from it. A 'Sahib-e-Nisab' Muslim was defined as the one who came under the category of those Muslims on whom the payment of Zakat was compulsory. However, it was necessary that at the time of deduction of Zakat there must be a balance of Rs. 3000/- lying in the bank. In addition to this compulsory contribution, Muslims were also expected to pay Zakat voluntarily on their assets lying outside the banks.

4. USHR ORDINANCE

'Ushr' is a tax which is levied on the yield of agricultural land in cash or kind. According to this ordinance every owner, plougher and cultivator of an agricultural land will have to deposit with the Government 10 percent of the agricultural yield/production of the land under his use in cash or kind as 'Ushr'. However, the agricultural yield of wheat less than 948 Kg. was exempted from the payment of 'Ushr'. It was also decided that if the land-owner, plougher and cultivator was a poor man and came under the category of those persons who are eligible to receive Zakat, he will be exempted from the payment of 'Ushr'.

In order to organize and run the system of Zakat and Ushr effectively, a Zakat Council was set up on central level which was responsible for the collection and distribution of Zakat. The Zakat Council for this purpose will maintain accounts of the collection and distribution of Zakat. The Council will consist of the following:-

(a) Central Zakat Council

Chairman, four Chief Administrators from the four provinces and four ulema nominated by the President of Pakistan. Four persons belonging to different professions and walks of life. The Council will also have as its members the Foreign Secretary of Pakistan, Secretary Ministry of the Religious Affairs and Administrator-General who will be the Secretary of the Zakat Council.

(b) Provincial Zakat Council

Chairman and five ulema nominated by the Provincial Governor. Provincial Secretary Finance and Chief Administrator Zakat who will be the Secretary of the Provincial Zakat Council.

(c) District Zakat Committee

A District Zakat Committee will be set up in every district which will supervise the distribution and collection of Zakat on the district level. The Deputy Commissioner of the district shall be the Chairman of the District Committee alongwith one member from every Tehsil of district.

(d) Tehsil Zakat Committee

The Tehsil Zakat Committee shall be set up on Tehsil level to assist District Zakat Committee in its work of management. The Assistant Commissioner of Tehsil shall be a member of the Tehsil Committee which will work under District Zakat Committee.

The amount collected in the Zakat Fund shall be distributed, in accordance with the Shariat laws, amongst those who will be considered as eligible to receive it. The District Committee, for this purpose, shall nominate one of its members to prepare the list of eligible persons to receive assistance from the Zakat Fund. The Zakat will be distributed amongst poor, orphans, widows and those who are unable to earn their sustenance in a respectable manner.

5. ESTABLISHMENT OF FEDERAL SHARIAT COURT

The establishment of Federal Shariat Court is a highly important and significant step undertaken by the Government in the Islamization process. The jurisdiction of Federal Shariat Court extends to the whole country. Appeals against the decisions of the lower and high courts can be presented before the Shariat Court for hearing. The Supreme Court of Pakistan can hear the appeals against the decisions of Federal Shariat Court. However, Pakistan Family Laws and financial affairs are out of the jurisdiction of the Federal Shariat Court.

The Federal Shariat Court decides various issues brought before it, in the light of Holy Quran and Sunnah. Any citizen can challenge any law of the country in the Shariat Court where he has to prove that a certain law is against the injunctions of Islam. The appellant can claim that since a particular law is against the principles of Islam, it may, therefore, be declared as ultra vires. The Federal Shariat Court is authorized to give its decision in order to declare any law of the country as ultra vires if the law is found and proved as against the spirit of Islam.

6. INTEREST FREE BANKING

'Riba' is an Arabic word which means the rent of the capital borrowed for personal use. It implies that a person, who lends money to another person for the personal use, will take a certain amount of money from the borrower in excess of the amount

actually lended, as the rent of the lended money, for the period the lended money is kept under use by the borrower.

The substitute word of 'Riba' in English is 'Interest' and in Urdu it is called as 'Sood'. Interest or Sood is the main characteristic of the modern capitalist economy all over the world. In Islam 'Riba', 'Interest' or 'Sood' is Haram (unlawful) and forbidden as it amounts to sheer exploitation of a needy person by the other who happens to be in a better economic position. It has been considered highly immoral in Islam and has been termed as war against Allah and his Prophet (peace be upon him).

Banking system in Pakistan was organized on 'Interest' basis and the account-holders were paid a fixed amount on their deposits on yearly basis as interest. The Government, in order, to streamline the banking system in accordance with the Islamic principles, took steps to eliminate the evil interest from the banking system of the country. For this purpose *Interest Free Banking System* was introduced in the country on 1st January, 1981 and in its place the 'Profit and Loss' Sharing System was introduced. According to this system the account-holder becomes the partner with the bank in its profit or loss and shares it according to his investment in the bank. The bank then invests the money, deposited by the clients, in different industrial and commercial projects and the account-holder is informed of the profit or loss the bank has accrued on its various industrial and commercial concerns. Accordingly the account-holder shares the profit or loss with the bank at the end of the year. In the beginning some difficulties and problems were faced in running this Interest Free Banking System which have now been overcome. The Interest Free Banking is an important step towards Islamization process of our society.

7. COMPULSORY TEACHING OF PAKISTAN STUDIES & ISLAMIAT

The educational system occupies a key position in the nation-building process of

any country in the world. It reflects the ambitions, approach and the goal of a nation which it aims at achieving to take a respectable position in the international fraternity.

We have inherited our educational system from the British who drafted it according to their own needs and requirements. In fact they erected our educational system in order to consolidate their rule in the sub-continent. Since the Pakistan Government is determined to re-organize the society in the light of Islam by bringing deep-rooted changes in the social set up, it is, therefore, imperative that effective changes should be introduced in the present educational system to accomplish the objectives of Islamization. For this purpose few changes have been made in the educational system which have initiated the process of Islamization in the educational sector of the country.

The first step taken in this direction was the teaching of Islamiyat, as a compulsory subject, on degree level which aimed at giving Islamic education to our students to a greater extent. Apart from it mosques have been converted into educational institutions where primary education is being imparted. Great efforts are being made for the teaching and development of Arabic language. Arabic language courses were introduced on the Radio Pakistan and Pakistan Television besides other programmes broadcast in Arabic from other medias.

The subject of Pakistan Studies, containing comprehensive information and material on freedom struggle of the Muslims of sub-continent and history of Pakistan, has been introduced for Intermediate, B.A., B.Sc., Engineering, Medical, Commerce and Law students. The major purpose of introducing this subject on all levels of education is to inform the young generation of Pakistan about the freedom struggle and the sacrifices which their forefathers gave to achieve independence for them. The subject

of Pakistan Studies also aims at bringing to light the sacrifices which the millions Muslims of sub-continent, gave for the accomplishment of Pakistan.

8. ORDINANCE FOR THE SANCTITY OF RAMAZAN-UL-MUBARAK

Another revolutionary step towards Islamization of society has been taken by the Government which pertains to maintaining the sanctity of the holy month of Ramazan-ul-Mubarak. The Government has issued an Ordinance, according to which, open drinking and eating, during the holy month of Ramazan-ul-Mubarak has been forbidden. Any one found eating or drinking at an open place, in contravention to this Ordinance is liable to three months imprisonment and a fine of Rs. 500/- However, hospitals, railway stations, sea ports, bus stands, trains and airports are exempted from this Ordinance.

The Government, in order to make Pakistan a real Islamic State, is sincerely striving hard to introduce Islamic system in the country. The Government, for this purpose, needs staunch support and co-operation from the masses. Pakistan at present, is passing through the transitory stage towards its ultimate goal of Islamic society. A very long span is required to mould Pakistan into a real Islamic State. However, in view of the efforts, made by the Government, it can be safely assumed that the time is not very far away when a society based on Islamic principles would come into existence which was the prime objective of demand for Pakistan.

END OF ZIA-UL-HAQ

On August 17, 1988, A C-130 plane carrying Gen. Zia, Gen. Akhtar Abdur Rehman and a number of other very senior army officers and the US ambassador to Pakistan Mr. Arnold Reafael, crashed near Bahawalpur killing all the persons on board.

IMPORTANT QUESTIONS

1. When was the Objectives Resolution passed?
2. How did the Objectives Resolution of 1949 describe 'sovereignty'?
3. What was the title of the ruler of Hyderabad Deccan?
4. Which city became the capital of Pakistan in 1947?
5. When was Pakistan's first constitution enforced?
6. When did the state of Hyderabad become a part of India?
7. Who became the first premier of Pakistan?
8. Which party ruled the NWFP at the time of partition?
9. Name the princely states that acceded to Pakistan in 1947.
10. Name the princely state other than Kashmir and Hyderabad which caused a dispute between India and Pakistan.
11. What name did Pakistan adopt under the 1956 Constitution?
12. In which province did the 'Canal Water Dispute' originate?
13. In which year did Pakistan become a member of the UN?
14. What was imposed on Pakistan in 1962?
15. Who was assassinated on 16 October 1951?
16. Who succeeded Liaquat Ali Khan as governor-general?
17. Who initiated the 'One Unit' scheme?
18. In which constitution was it decided that Pakistan would now be known as the 'Islamic Republic of Pakistan'?