



FROM 1999- TILL 2008

# GENERAL MUSHARRAF'S PHASE

# Introduction

- ▶ **Musharraf's period started as Nawaz Sharif's reign ended.** Army took over as Nawaz was removed from PM's seat.
- ▶ **General Musharraf proclaimed emergency in the country.** He didn't impose martial law nor did he assume presidency till 13<sup>th</sup> October, 1999.
- ▶ He proclaimed the newly coined office of **Chief Executive** on 14<sup>th</sup> October, 1999.
- ▶ In order to **legally justify his post** as Chief Executive, he promulgated **Provisional** authority to pass judgement against the order of the CE( chief executive). the **president Constitutional Order (PCO)** on 14<sup>th</sup> October 1999.
- ▶ The provisions of PCO, order made by CE or any person executing power or exercising jurisdiction under his authority **would not be questioned** nor will any **court have will act on the advice of chief executive, as per the PCO.**

# Handling of judiciary

- ▶ Nawaz Sharif and the PML(N) leaders had filed several of the partitions in the Supreme Court challenging the military take over and seeking restoration of assemblies. These petitions were fixed for hearing on 31<sup>st</sup> January 2000.
- ▶ A few days before this date, **the Chief Executive promulgated (on 25<sup>th</sup> January 2000) oath of office (judges).**
- ▶ The oath order required *all the judges of the supreme court to take oath to the effect that **they could discharge their duties and performs their functions in accordance with the Proclamation of Emergency of 14<sup>th</sup> October 1999** and the PCO as amended from time to time.*
- ▶ The CE provided it in the order that *if a judge would not be given or would not take oath within the time fixed; he would cease to hold office.*

# Trial of Nawaz Sharif

- ▶ **Nawaz and his brother Shehbaz were arrested** immediately after military control.
- ▶ After high-profile trials held in Karachi, Nawaz Sharif was sentenced to life imprisonment and all other co-accused acquitted.
- ▶ **Before his appeal** against his sentence could be decided, **Nawaz and his family left for Saudi Arabia for 10 years** under an arrangement.
- ▶ The **arrangement, however, remained shrouded in mystery** in view of the divergent claims, until after 2008 elections when it came to public knowledge in written form.

# Supreme court justifies military take over

- ▶ The **Supreme Court disposed off all petitions on 12<sup>th</sup> May 2000 justifying the military take over under the law of necessity.**
- ▶ The court's view was that **the constitution provided no solution to the situation that arose on 12<sup>th</sup> October 1999** and the intervention by the armed forces through an extra-constitutional measure became inevitable.
- ▶ The military intervention was validated on the basis of the doctrine of state necessity.

# Removal of President Tarar

- ▶ Once the **supreme court had provided legal cover to military regime** by delegating authority even to amend the constitution, the **Chief Executive went step further and promulgated President's Succession Order 2001.**
- ▶ **Chief Executive to become President of Pakistan** and perform all functions of the office of president until his successor enters upon this office.
- ▶ **Tarar was, thus, unceremoniously removed.**
- ▶ **Musharraf took his oath of office as President**, to be a better position for the forthcoming talks and negotiations with India.

# The 9/11 event

- ▶ Pakistan was one of the three countries to recognize and support the *Taliban* government in Afghanistan.
- ▶ It was also **playing host to Osama Bin Laden.**
- ▶ The **US government** blamed Osama and his organization Al Qaeda for the **attack on the Empire State Building.**
- ▶ President Bush addresses the Pakistani President and said, **“you are with us or against us.”**
- ▶ Musharraf, considering the larger national interest, took a **U-turn in Pakistan and Afghanistan policy and abandoned the Taliban**, and put his support in the US intelligence agencies.

# The Referendum

- ▶ To legitimate his powers conducted a referendum on 30 April 2002.
- ▶ A question with YES OR NO,
- ▶ For the constitution of the system of local government, establishment of democracy, continuity of reforms, elimination of sectarianism and extremism and attainment of the ideals of Quaid-e-Azam, do you want to make Musharraf as President for next 5 years?
- ▶ The voters cast vote without reference to electoral lists.
- ▶ The verdict was taken as YES.
- ▶ CHALLENGED IN THE SUPREME COURT BUT TREATED AS PREMATURE.

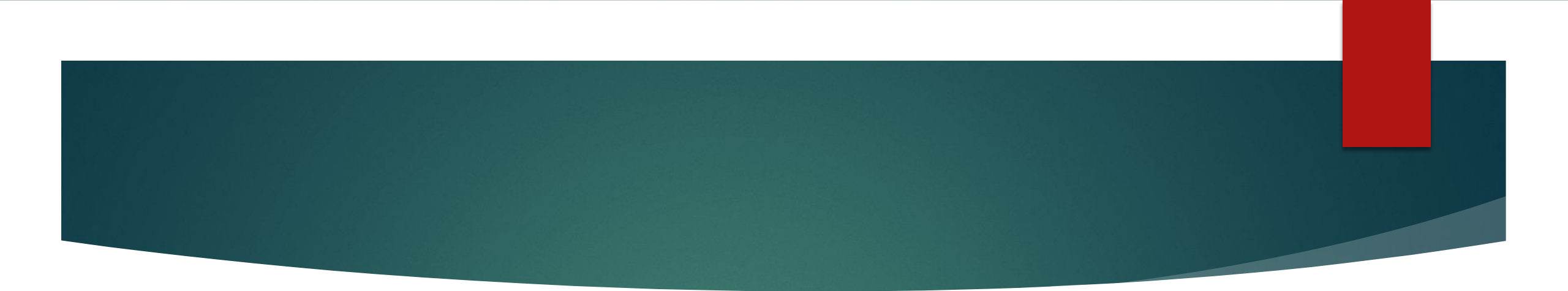


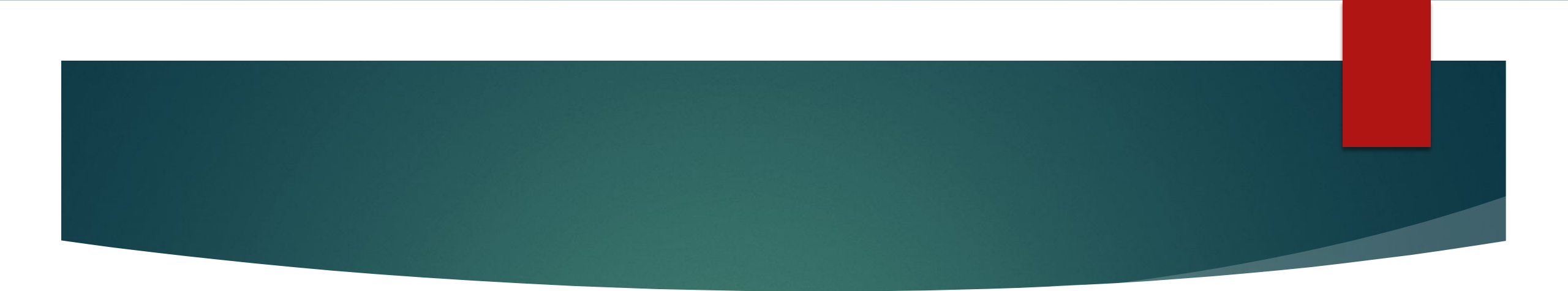
# Local Government Reforms

- ▶ Like Zia and Ayub Khan Musharraf also used Local bodies as use full device to create political base.
- ▶ an ordinance issued in 2001 through election were held and the spacing facilitated the establishment to get those candidate elected for Nazims who get the need from the regime.
- ▶ More powers and autonomy at local level became serious rival to provincial government.

## Legal frame work order LFO, a prelude to 17<sup>th</sup> amendment in the constitution

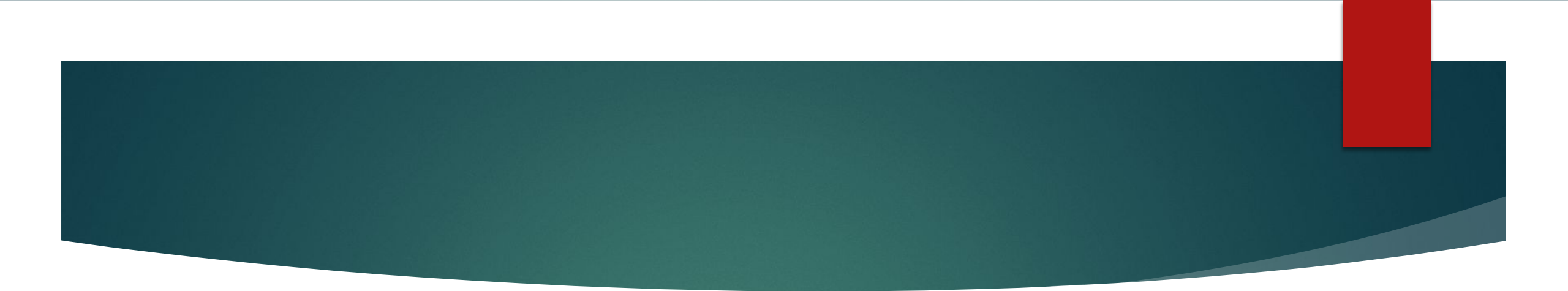
- With the removal of Nawaz Sharif and take over by General Pervez Musharraf a new phase of constitutional and political evolution was started.
- Musharraf did not impose martial law he proclaimed emergency, suspended assemblies and assume a newly coined office of chief executive on 1999.
- In order to provide a legal base for legitimizing his legal status as chief Executive he promulgated a constitutional order **RCO** on 14 Oct. 1999.
- Under which the constitution will be partially held abeyance.
- In the provision of **PCO**, any order made by chief executive, or any person executing power or exercising jurisdiction under his authority would not be questioned nor will any court have authority to pass judgment against him.

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- **The national assembly passed the 17th Amendment Bill on 29th December 2003 and by the Senate on 31st December 2003.**
  - **It amended several articles but restoration of Articles 58(2) B and where the most important because those were deleted under the 13th Amendment.(all powers delegated to the president )**
  - **The 17th amendment Article 270 AA validated all amendments made by General Musharraf and his legal framework order 2002 (LFO) was promulgated by on 21st August, all the laws made during the period of suspension of the 1973 constitution, which indeed was in total disregard of the 1973 constitution.**
  - **The supreme court had provided a legal cover to the military regime by delegating authority to Musharraf even Amend the Constitution.**
  - **It authorize The chief executive to became President of Pakistan and perform all functions of the office of the President. The president is again empowered to dissolve the NA at his discretion**

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- ▶ More reserved seats for women in NA.
  - ▶ Voters age was reduced from 21 to 18

# General elections: Semblance of Democracy

- ▶ Elections were held on 10 Oct. 2002.
- ▶ A political party as Kings part was created with the name of PMLQ.
- ▶ the dissenters of PMLQ and PPP were grouped together.
- ▶ The ISI did some arm-twisting to bring in more leaders to join PMLQ.
- ▶ But pro-government elements were get elected.
- ▶ For electing the prime minister independents joined government supported party but still needed majority.
- ▶ ISI and NAB acting together were able to break the PPP and created forward block of patriots. Prime minister Jamali in 2002 then Shujaat in 2004.

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- ▶ The Lal Musgid Episode.
  - ▶ The judicial activism and confrontation. Missing persons in Baluchistan.
  - ▶ Issues of election as President and judiciary.
  - ▶ Two new developments, serving as instruments of changes. New TV channels and FM Radios Mobile Phones wide spread of internet.
  - ▶ National reconciliation order NRO.

# Freedom of Media

