Zia-ul-Haq (1977- 1988)

# Martial Law under General Zia-ul-Haq:

Elections were held on March 7, 1977. The Pakistan People’s 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.

# 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.

# 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.

# 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.

# Muhammad Khan Junejo Becomes Prime Minister:

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.

# Historic 8th Amendment is passed:

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:

General Muhammad Zia-ul-Haq was killed in an air crash on August 17, 1988. He had gone to Bahawalpur 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 Bahawalpur 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 act 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.