

## **The Bhutto government**

### **December 1971 to July 1977**

Civilian martial law

In a broadcast on 16 December 1971, Yahya admitted defeat in East Pakistan and went on to declare war.

Mrs Gandhi under pressure from the United States, announced that she had ordered a unilateral cease-fire on the Western front from 8:00pm on 17 December.

Violent demonstrations began on 18 December against the military regime in West Pakistan.

Vocal revolt by army officer in GHQ Rawalpindi led to the Yahya's resignation.

Bhutto was sworn in as Pakistan's new president on 20 December 1971.

### **Bhutto take over**

Despite political and military disaster in East Pakistan, Yahya stuck with the notion that he could carry on as President.

A faction favoured Bhutto as Yahya's successor.

His qualifications were that:

- He was not an armed force man

- He was an elected member of the National Assembly

- His party had a majority in the assembly

- He emerged in West Pakistan as popular leader.

### **Bhutto take over**

On 17<sup>th</sup> December Gul Hasan and Rahim Khan went to President House, Yahya was busy in his Radio address.

In a meeting General Abdul Hameed Khan was present Gul Hasan and Rahim Khan informed Yahya to go.....

Yahya intended to go back to army which was turned down by General Abdul Hameed Khan after discussion with officers at the GHQ.

The meeting with all officers of Rawalpindi Garrison was stormy with strong language used. Abdul Hameed was unable to satisfy his audience.

### **Bhutto take over**

**From 18 to 20 December**, the Country was virtually without a government and Yahya was more or less a prisoner.

The only person exercising authority was Gul Hassan

Bhutto was met by Gul Hasan and Rahim Khan and went straight to President House where he took over office from Yahya.

When Bhutto took over the affairs on 20 December:

The country has been ripped apart

Six thousand square miles of territory was under Indian occupation and nearly 90,000 prisoners of war were in Indian camps.

#### **Civilian martial law**

**Bhutto assumed unto himself the dual capacity of the President and the CMLA.**

**Chief Justice Hamood-ur-Rahman was appointed to probe into the military debacle in East Pakistan.**

**As CMLA, Bhutto issued orders and pronouncement covering range of subjects.**

**Passport of industrialist and their families were seized**

**Para-military and Intelligence Organization were set to monitor his opponents.**

**He appointed some notorious police officer in Federal Intelligence Bureau.**

**He started victimizing his old antagonists and imprisoned without adequate reason.**

**He retired a number of Military Generals.**

#### **Release of Mujib**

**The manner in which Bhutto released Mujib speaks volumes for his style and intention.**

**Addressing a huge public meeting in Karachi on 3 January 1972, he asked about Mujib:**

**‘Shall I let him go? I want the people’s will to prevail. Shall I release him? If you say no, I won’t, but if you want me to release him, I will. Raise your hands, all those who want me to release him.’**

**The hands shot up, he thank them for giving permission to release him.**

**Obviously, all this was a gimmick meant to befool the simple souls in the crowd.**

**The decision had already been taken as it was necessary to close the sad chapter of dismemberment of Pakistan.**

#### **Nationalization of basic industries**

**Bhutto announced on 2 January 1972 that ten categories of basic industries were being taken over by the state ‘for the benefit of the people of Pakistan’**

**Including:**

**Iron, steel foundries, basic metal, heavy engineering heavy electrical, assembly and manufacturing of motor vehicle, tractor plants, chemicals petro chemicals cement, electric generation, transmission and distribution, gas, oil refineries.**

**In pursuance of this announcement, the Economic Reforms Order, 1972 was issued.**

**Nationalization of basic industries**

**Economic Reforms Order, 1972**

**It was issued as a Presidential Order on 3 January 1972.**

**No court, including the Supreme Court and the High Court could call in question any provision.**

**According to Wali Khan, it was not nationalization but bureaucratization of industry.**

**This nationalization hampered the process of industrialization, resulted in the flight of capital and entrepreneur skill abroad.**

**The interim constitution of 1972**

**The Interim Constitution that came into force on 21 April 1972 on the withdrawal of martial law, was adopted by the National Assembly that had been elected in December 1970.**

**Bhutto issued a presidential order, National Assembly Order 1972 on 23 March 1972.**

**The NA was to be the one provided for in the LFO, 1970.**

**The business of the assembly was restricted to vote of**

**Confidence in the President of Pakistan;**

**Continuance of martial law till 14 August 1972;**

**Framing of the Interim Constitution of Pakistan;**

**Preparing draft for the permanent Constitution by 1st August 1972.**

**The Constitution of 1973**

**1973 Constitution was adopted with the consensus of all the political parties in the National Assembly.**

1973 Constitution embodied the best possible arrangement to accommodate the various political parties, political issues, and demands, economic interest, parties manifestos and so on.

The National Awami Party (NAP) was the main opposition in the National Assembly.

The Constitution contained 280 Articles divided into twelve parts and six schedules.

Part I dealt with the Republic and its territories and other introductory matters.

Part II with fundamental rights and directive principles of policy

Part III with the federation

Part IV with the provinces

Part V with the relation between federation and provinces.

### **The Constitution of 1973**

The Constitution of 1973 is strikingly different from the earlier Constitution of 1956 and 1962. It has the following salient features.

#### **1. Written Constitution**

Like the previous constitutions of 1956 and 1962 the Constitution of 1973 is a written document. It is very comprehensive and consists of twelve parts consisting of 280 articles.

#### **2. Introductory and the Objectives Resolution**

It commences with an introductory which states the Islam shall be state religion. The principles and provisions set out in the Objectives Resolution have been made substantive part of the constitution.

#### **3. Islamic System**

The inclusion of Islamic Provisions has given the 1973 Constitution an unprecedented Islamic character. It ensures an Islamic system in the country.

#### **4. Rigid Constitution**

It is a rigid constitution. No Government can change it at will. It is not easy to make amendments in it. Two-third majority of both the Houses is required for this purpose.

### **The Constitution of 1973**

#### **5. Federal System**

The Constitution of 1973 has introduced a Federal system in the country. The federation of Pakistan consists of a Central Government and four Provincial Governments.

The Federal Government is headed by a President elected by members of Majlis-e-Shoora (Parliament)

## **6. Parliamentary form of Government**

The 1973 Constitution proposes a Parliamentary form of Government in the country.

Prime minister is the head of the Parliamentary system.

He is leader of the Majlis-e-Shoora (Parliamentary).

He is elected on direct adult franchise basis.

The Prime Minister selects a cabinet of central ministers from the members of Parliament which conducts the affairs of the country.

According to 1973 Constitution the Prime Minister enjoys wide powers.

### **The Constitution of 1973**

## **7. Bicameral Legislature**

The Constitution provides for the establishment of a bicameral legislature in Pakistan.

The Majlis-e-Shoora (Parliament) consists of two Houses named Senate and National Assembly.

The Senate or the Upper House consists of 63 members (the 8th Amendment has raised this number to 87).

The National Assembly consists of 200 members (Now this number has been raised to 272).

The Majlis-e-Shoora enjoys wide powers of legislature.

## **8. Direct Method of Election**

The Constitution of 1973 gives a direct method of election.

The members of the National Assembly, the Provincial Assemblies are directly elected by the people.

### **The Constitution of 1973**

## **9. Fundamental Rights**

Fundamental rights are those which are recognized and protected by the society. They are different from legal rights which law protects. Maintenance of child is legal right while love with parents or respect them are social thus fundamental rights. Out of these rights certain rights are placed or put in the constitution, which is supreme law of the land. In this way we give them more importance. Rights placed in constitution are not taken as ordinary. Another ordinary law can change legal right or can reduce its importance, but ordinary law can never repeal the constitutional law.

The 1973 Constitution ensures the following fundamental rights to the citizens of Pakistan.

Security of person

Safeguard against unlawful arrest and detention

Prohibition of slavery and forced labor

Freedom of movement

Freedom of assembly

Freedom of association  
Freedom of business  
Freedom of speech  
Freedom of profess religion  
Right to hold property  
Equality before law  
Right to preserve language, script and culture  
Safeguard against discrimination in services.

### **The Constitution of 1973**

#### **10. Principles of Policy**

The Constitution of 1973 has set the following principles of policy:

Local electoral bodies will be set up for solving local problems.

The parochial and other prejudices shall be discouraged.

The women shall be given full representation in all spheres of national life.

Social justice shall be promoted.

Bonds with Muslim world shall be strengthened.

#### **11. Independence of Judiciary**

The Constitution of 1973 stresses upon the establishment of an independent judiciary.

Full job security has been provided.

The judges are appointed by the President.

They cannot be removed from service before the end of their term except on the recommendation of the Supreme Judicial Council.

In addition, the Judges are paid respectable salaries.

### **The Constitution of 1973**

#### **12. National Language**

The 1973 Constitution has declared Urdu as the national language of Pakistan. However English has been retained as the official language for 15 years. Similarly regional languages have been provided full protection.

#### **13. Single Citizenship**

The Constitution of 1973 has established the principles of single citizenship. According to this principle the rights and duties of the citizens are determined by the Federal Constitution only. Thus the people throughout Pakistan are citizens of Pakistan.

#### **14. Rule of Law**

The 1973 Constitution establishes rule of law in Pakistan. According to rule of law no person can be deprived of his fundamental rights. All the citizens of Pakistan are equal before law.

#### **15. High Treason**

According to the Constitution of 1973 the act of unconstitutional abrogation of the Constitution has been declared as an act of High Treason.

## **16. Referendum**

The Constitution of 1973 has authorized the President to hold Referendum on any national issue. Similarly the Prime Minister can ask the President to hold referendum on any important national issue

### **General Elections 1977**

On 7<sup>th</sup> January 1977, Bhutto announced that general elections would be held in March and assured the nation that they would be fair.

The president of Pakistan then dissolved the assemblies and the Election Commission appointed 7 and 10 March as the polling dates, respectively.

On 21 January, nine opposition parties came together in an electoral coalition called the Pakistan National Alliance (PNA) to oppose the PPP.

The PPP won nearly four-fifths of the National Assembly seats, the PNS managed to win less than one-Fifth, while the remainder went to the independents. The results surprised all parties. The PNA lost in three of the four provinces.

### **Allegation of Rigging the Polls**

The PNA alleged that the election had been rigged on a massive scale, rejected the results, boycotted the Provincial Assembly elections scheduled for 10 March and launched a mass movement to secure Bhutto's resignation and new election under impartial auspices.

### **Martial Law 1977**

General Ziaul Haq, Chief of the Army Staff, overthrew the government on the morning of 5 July 1977 and dissolved the newly elected assemblies.

### **General Elections 1977**

- ❖ 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.
- ❖ 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.
- ❖ Bhutto also relied on political heavyweights. A number of feudal lords and other influential persons were allocated party tickets.
- ❖ \*The biggest problem for Bhutto and his Pakistan Peoples 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.
- ❖ 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.

### **General Elections 1977**

- ❖ Pakistan Peoples Party managed to win 155 out of 200 seats in the National Assembly.
- ❖ Pakistan National Alliance was only able to win 36 National Assembly seats.
- ❖ Pakistan National Alliance leaders protested that there had been a systematic rigging of election results to defeat them.\*\*
- ❖ 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.
- ❖ 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.