

Restoration of Democracy under Siege: A Study of Junejo Government in Pakistan 1985-1988

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Abstract

This study poses following theoretical questions: What methods and procedures do the military rulers adopt for transition? How far the civilian regimes established by military rulers are genuinely civilian and powerful? How do the top commanders attempt to protect and promote their interests in the political system once they disengage from direct military rule? The study focuses on the Junejo government (1985-1988) which presents the first phase of transition from military to civilian rule after the lifting of martial law in 1985, following constitutional amendment and holding party-less elections. It concludes that the relinquishing of power by the military is not a real transition to democracy. Military institutes its permanent role in the political system to protect its corporate and organizational interests. The complete disengagement of military from decision making and governance is not seen in any of the post-military states in the recent past. General Zia did the same through the Eighth Amendment to the 1973 Constitution in 1985. This amendment was used to dismiss elected governments throughout the period of 1985-1999.

Like many states of the third world, Pakistan had been under military rule for most of the period after its creation in 1947. The First martial law was imposed in 1958, second in 1969, third in 1977 and fourth in 1999.¹ The voluntary transfer of power occurred three times; first in June 1962, second in December 1985, and third in 2002. Three times it happened through a planned disengagement. The political arrangements were restructured which suited to the organisational preferences of the military and continuity of the major policies. For that purpose, they co-opted with the political elite ready to fit in the new arrangements.

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¹ Aqil Shah, *The Army and Democracy: Military Politics in Pakistan* (Cambridge: Harvard University Press, 2014).

However, in the case of second martial law, the military had to withdraw as a result of the 1971 tragedy, i.e. the fall of Dhaka, and civilian government enjoyed more autonomy to act independently.

This research covers the process of transition from military rule of General Zia-ul-Haq (henceforth Zia) to a civilian government formulated as a result of non-party based general elections of 1985, i.e., the first phase of transition. The military regime of Zia wanted to make a quasi-civilian regime for the continuity of his policies after the lifting of martial law, owing to the discontentment of the masses and struggle of political parties. Unlike the two previous martial laws of 1958 and 1969, Zia did not abrogate the 1973 constitution. He only suspended some of its clauses. However, before the transfer of power, he negotiated a constitutional amendment with the elected assembly and the government of Muhammad Khan Junejo to seek indemnity for all martial law actions and orders and to accept him as the president in uniform for the next five years. Nonetheless, the Eighth Amendment to the 1973 Constitution of Pakistan changed the nature of the constitution from parliamentary to semi-presidential form of government in the name of creating ‘balance’ between the powers of the president and prime minister of Pakistan. This amendment virtually gave the president an ultimate supremacy over all other political institutions. Its notorious clause 58 (2B), instituted the control of military on the political government through the president of Pakistan. Zia used it for the first time to dismiss Prime Minister Junejo’s government.

Theoretical framework

It has been observed that once military generals take over power directly, they never want to disengage from politics. However, it is also a fact that no military government could stay in power for ever. The peoples’ rule is the natural demand of the people, who have always struggled for democracy and offered great sacrifices to get rid of all types of dictatorships and totalitarian rule.² The debate here is not about why the military cannot stay in power forever? Or why generals have to transfer power to the civilian government? Rather this study is focused on how this transfer of power occurs? What methods and procedures do the military rulers adopt for transition? How the top commanders attempt to protect and promote their interests and influence in the political system once the direct military rule comes to an end and how far the civilian

² Leonardo Morlino, ‘What is a Good Democracy’, *Democratization* 11 (December 2004), pp.10-32.

regimes established by military rulers are genuinely civilian and democratic?

Although the relinquishing of power by the military is generally taken as ‘transition to democracy’, however, it is a complex phenomenon and generalisation is not an easy job to be done by the theoreticians. There were more than eighty cases of military withdrawal from politics from 1940s to 80s, out of which around one-third were ‘through a scheduled, planned withdrawal after holding elections’.³ Welch admit that there is no widely accepted paradigm to study the process of military disengagement/withdrawal from politics. There are so many variations in the process that most of the scholars have to deal with on a case by case basis. Some generalities can, however, be provided. The three possible categories of how the whole process takes place, depending upon the nature and strength of military rule, are as follows:

1. The transition is ‘dictated’ when the military is politically stronger than its opposition.
2. It would be ‘pact’ type when the military matches with its civilian opposition in strength.

It concludes a pact with civilians and that covers the whole process of transition to democracy.

3. It would be ‘abdicated,’ when the military is in weaker position than its opposition. In that case it simply relinquishes power and goes back to the barracks.⁴

The dictated type of transition is more complex than rest of the two types. It is difficult for a powerful military to relinquish power. When they do they want to retain some powerful role for themselves through legitimisation of their regime. In the ‘dictated’ category there are two sub types. The ‘relinquish type’ transfers power through planned and scheduled elections, which either leads to full democratisation or some arrangement with opposition leading to democratic rule. The ‘pact like’ sub-type first negotiates some sort of legitimacy leading to liberalisation and limited democracy. It facilitates resurrection of civil society with popular support ultimately leading to restoration of complete democracy. In both cases military seek indemnity for all excesses it has committed

³ C.E. Welch, ‘Military Disengagement from Politics: Paradigm, Processes, or Random Events’, *Armed Forces and Society* 18 (Winter 1992), pp.324-34.

⁴ G.O’ Donnell and P. C. Schmitter, *Transition from Authoritarian Rule: Tentative Calculus about Uncertain Democracies* (Baltimore: John Hopkins University Press, 1986), p.203.

during direct military rule. It also put the condition that the civilians would not insist on immediate restoration of democracy and would refrain from using violent measures against the military government. While negotiating an agreement, military and civilian forces are at par but after that political balance drastically shifts in favour of the civilians. The gradual liberalisation leads to strengthening of political forces by consequent weakening of the military regime.⁵

The dictated type of transition from military to civilian rule remained the more common type in Asia in the 1980s. The complex example is that of Taiwan which passed through a long process of transition. This transition also exhibited some pact like features. The South Korean example was also dictated type but a relatively simpler one as the military transferred power to a political party without any complication. Thailand and Pakistan have also passed through the dictated type of transition.

In all the three types the military remained concerned about its future i.e. before relinquishing power they ensured that the successor civilian government would not ignore the corporate interests and policy preferences of the military and would not interfere in military's internal matters.⁶ Secondly, military seeks indemnity for what it had done during its rule. For that purpose it seeks some assurance or constitutional guarantees.⁷ Finally, it keeps watching its civilian successors for competence, delivery of services and provision of stable government.⁸ Therefore, military actually stays in power while the transition takes place. Until the military gets satisfied about all its apprehensions, the civilian governments continue to face legitimacy crisis. They want to assert their independence yet, at the same time, cannot go against the military high command. They can secure strong position against the military if they exhibit the ability to produce consensus among the political forces and the state institutions. In post-withdrawal period fragmented and confronting civilian institutions further complicate the process of transition and undermine the strength of the civilian government.⁹

⁵ *Ibid.*

⁶ All scholars of military theory like Nordlinger (1977), Finer (1888), Welch (1987) agree upon this. See U. Sundhaussen, 'The Durability of Military Regimes in South East Asia,' in Z. H. Ahmed and H. Crouch (eds.), *Military-Civilian Relations in South East Asia* (Singapore: Oxford University Press, 1985).

⁷ Kee Koonings and Dirk Kruijt, *Political Armies: Military and Nation Building in the Age of Democracy* (London: Zed Books, 2002), p.126.

⁸ U. Sundhaussen, *op.cit.*

⁹ Robert Prinkley, *Democracy in the Third World* (Delhi: Viva Books, 2004), p.194.

In view of the above discussion, the gradual disengagement of Zia in 1985 from politics was a dictated type of transition. He claimed himself to be a reluctant interventionist for the limited purpose but exploited the opportunity to prolong his personal rule for no less than eleven years. He assumed the role of a guardian of ideology of the country and extended military's corporate and self-interests in this guise. The transfer of power to civilian government was planned and the military voluntarily relinquished power. It was dictated type and the sub-type was 'pact like.' The army was not in favour of immediate withdrawal and chose to legitimise its rule through referendum. Unlike the first martial law administrator, Ayub Khan, Zia was more confident while relinquishing his power. He dictated his terms first through legitimising his position as president of Pakistan for the next five years through a referendum, then through limited goal elections created a powerless assembly and, in turn, a weak civilian government. It was a quasi-civilian rule with a serving military man as head of the state, in uniform. The transition government was a mix of president's nominees and prime minister appointees. Under the dictated terms the military reserved foreign policy, security and nuclear issue as its exclusive domain and when the first successor civilian government tried to assert its authority, it was fired (Junejo government). However, after Zia's death, the military chose not to take over power directly. It led the electoral democracy work but the above three areas remained again in the exclusive domain of the military. It was also a dictated type as the army chief, General Baig, put certain conditions before Benazir Bhutto, Chairperson of Pakistan People's Party (PPP), which emerged as the majority party in 1988 elections. Benazir had to accept all those conditions.¹⁰

The process of transition

The transfer of power to the civilian government was a hard decision for Zia. It had, nevertheless, become a compulsion for the military government due to the discontentment of the people and struggle of political parties for the restoration of democracy. However, before transfer of power to the civilian government, General Zia wanted to adjust the political system of Pakistan so as to ensure continuity of the Islamisation process and army's permanent role in the political system of the country. Practically he wanted to shape government structures in a

¹⁰ General Mirza Aslam Baig, interview on 30 April 2007, at Lahore, and 17 January 2011, at Islamabad.

way where civilian government would work under him, to implement his personal agenda and policies. For that purpose he started working towards planned disengagement from power, judiciously, in three steps: First, was reshaping of the political system and this task was assigned to three institutions, second Restoration of Constitution Order (RCO), and third, holding of a referendum to ensure his position as the head of the state in uniform after the lifting of martial law.

Zia announced that the transfer of power would be done before 23rd March 1985 but did not announce any election schedule. The religious groups, his civilian coalition partners, overtly offered him to stay in power till the completion of the Islamisation process. Most of the local bodies throughout the country followed the chorus too in support of Zia's future role political after the elections. Apparently Zia, encouraged by these supporters revealed his intentions to stay in power as president in August 1984. However, his crafting of the RCO and later acts revealed that he had actually never thought of leaving power. The time that he took to announce his future plans was an effort to see the trends and responses of the politicians, the bureaucrats, the local body representatives and the public. Receiving an encouraging response he unleashed his plan of not transferring power but to 'share it' only with the public representatives to be elected as a result of the scheduled elections. Zia also sought constitutional protection to all his martial law actions, orders and ordinances before the civilianisation of his rule.

In order to reshape the political system, Zia first gave this task to the Council of Islamic Ideology (CII), which submitted its report to him in April 1982. Though not issued to the press officially, the media men got it from their own sources and published the whole text.¹¹ This report was contrary to the president's will as it recommended a federal form of the government, party-based elections on the basis of adult franchise and a separate electorate. It was returned to the CII for reconsideration. The CII took more than one year to present another report endorsing the aspirations of Zia by recommending a unitary and presidential form of government. In order to Islamise the political decision making, the CII suggested that there should be a council of Islamic scholars with the final authority to interpret Islamic injunctions in the light of the Qur'an and Sunnah.

Zia believed that the presidential system was more close to the Islamic model of government and the Westminster model was not able to recruit public representatives as based on the Islamic criteria. In order to

¹¹ For the text of the report see *Muslim*, 27 July 1982.

prevent political parties from participating in the electoral process and ensuring the Islamic credentials of the candidates, he took two steps: one, he held the local government elections two times during his tenure in 1979 and 1983; two, he established the Federal Council in 1981. But these steps were not enough to meet the demand for the restoration of democracy in Pakistan. Therefore, he decided to civilianise his rule without losing his political initiative.¹² Second, he entrusted this task to a commission presided over by Maulana Zafer Ahmed Ansari¹³ to chalk out an appropriate political system. Having conformity of ideas with the military regime, the recommendations of this commission were fairly close to what Zia thought of the political system should likely to be.¹⁴ So the report won the appreciation of Zia in public but he could not incorporate all the recommendations in the RCO. It proposed presidential form of government in place of the parliamentary system, proportional representation, a separate electorate, restrictions on the powers of the parliament, prerequisites for candidates to public offices and limits on the political participation of women, party-less elections and formation of more provinces. Third, thirty member special committee of the Federal Council was also to accomplish this task. Its report was in total repudiation of the expectation of the martial law regime. It suggested that the 1973 constitution should be restored in its original form, except for the changes required for creating a balance between the powers of the president and the prime minister. A federal parliamentary system facilitated by the party-based elections was also recommended.¹⁵ This report was put in cold storage by the military regime without any acknowledgement.

Another step that Zia took to legitimize his stay in power under a civilian arrangement, following the footsteps of his predecessor military dictator Ayub Khan, was a referendum. Shuja Nawaz writes with reference to his brother Asif Nawaz that the main opposition to this idea

¹² To institutionalise his role in the civilian political system maintaining his position as an army chief he decided to hold referendum, see the statement in *Muslim* (Islamabad) and *Jang* (Lahore), 1st and 2nd November 1984.

¹³ He was a prominent Muslim scholar of Jami'a Ashrafi'a Lahore. He shared Maulana Moudoodi's concept of Islamic state. He served as the member of Islamic Council of Ideology.

¹⁴ *Ansari Commission's Report on Form of Government* (Islamabad: Printing Corporation of Pakistan Press, 1983)

¹⁵ *The Report of the Special Committee of the Federal Council on the Form of Government in Pakistan from the Islamic Point of View* (Islamabad: Federal Council Secretariat, 1983).

came from Zia's own constituency i.e., the top military commanders. At a formation commanders' meeting, various officers conveyed to him the 'shame that many officers feel in wearing uniform in public,' since the masses had come to associate the army with dictatorship and harsh Islamic justice. Many of these officers were sub-martial law administrators, who had to deal with summary punishments meted out by military courts, which included public flogging and lashing.¹⁶ However Zia's believed that the level of criticism was very mild. If Zia had known that he would be isolated by taking this decision, he might not have gone for that because army chiefs take strength from their commanders. His cabinet finally approved his referendum plan in November 1984 and an election cell was established in the martial law secretariat. Lt. Gen. Syed Razaqat¹⁷ was called from the Joint Chief of Staff's head quarters to conduct this referendum.¹⁸

Zia again exploited the sentiments of the people for the Islamisation process by asking a tactical question, the answer to which was translated into a mandate for Zia to stay in power as a president for the next five years. The question on the ballot paper was that whether the people wanted Islam in the country or not. It was a carefully drafted question which was to provoke the religious sentiments of the people of Pakistan in favour of the military dictator. The MRD boycotted this referendum and claimed that a very low percentage of the people had responded to the call for referendum while Zia dismissed all these claims by declaring that he as the President of Pakistan had been given the public mandate to continue the process of Islamisation. The official claim of the turn-out was 62.15 per cent out of which 97.71 per cent endorsed the question asked, though the ground realities were different. In the major cities, all roads and polling stations remained calm for the whole day and very few people turned up to give their opinion. It had been reported that the administration, both the civil and the military, performed the function of filling the ballot boxes to show their loyalties

¹⁶ Shuja Nawaz, *Crossed Swords* (Karachi: Oxford University Press, 2008), p.379.

¹⁷ Lt. Gen. Syed Razaqat was the Chief of Staff of General Zia and performed all the functions of coordination with the civilian government of Muhammad Khan Junejo. He was very close to Zia and equally against Prime Minister Junejo.

¹⁸ K. M. Arif, *Working with Zia* (Karachi: Oxford University Press, 1995), pp.228-29.

to the dictator.¹⁹ The Chief Election Commissioner, responsible for conducting the referendum, took several years to admit in a media statement that rigging was done.²⁰ Hamid Yusuf described referendum as ‘an exercise so absurdly rigged that most communist countries would have been ashamed to mount it’.²¹

Revival of Constitution 1973 Order (RCO)

After the referendum, Zia was ready to hand over the power on the condition that the elected government would continue the ‘process of Islamisation’ as started by the military government.²² He conducted non-party based elections on 25 and 28 February 1985 for the national and provincial assemblies. As a next step towards transition he issued the Revival of Constitution 1973 Order on 2 March 1985. Fundamental changes were introduced in the constitution through this order.²³ Instead of presenting constitutional changes before the National Assembly, he tried to bring all the changes in the constitution through another martial law order.

The RCO deleted two articles from the 1973 constitution; Schedule 2 was substituted, Schedule 7 was added while Schedule 3 and 5 were amended. It added 6 new articles while 57 articles in the original constitution were amended or substituted.²⁴ This change offered a strange type of a parliamentary system in which the president enjoyed discretionary powers at both the federal and provincial levels. All the powers of the appointment of judges in the High Courts, the Supreme Court and the Federal Sha’riat Court were given to the president along with the appointment of provincial governors and the three services chief of Pakistan’s armed forces.²⁵ The RCO made it impossible for the prime

¹⁹ The army units in garrisons were assigned this duty to stamp the ballot paper and fill the boxes and then civil administration transferred them to the polling stations. (Interview with many officers of major and captain rank on the promise of anonymity).

²⁰ *Nation*, 2 January 1993.

²¹ Hamid Yusuf, *Pakistan: A Study of Political Developments 1947-1997* (Lahore: Sang-e-Meel Publications, 1999), p.205.

²² President’s statement in *Dawn*, 26 October 1984.

²³ Muhammad Waseem, *Politics and the State in Pakistan* (Islamabad: NIHCR, 2007), p.399.

²⁴ Abrar Hussain, *The Constitution of Pakistan: Defiled-Defaced* (Karachi: Asia Law House, 1995), pp.12-13.

²⁵ Atizaz Ahsen, ‘Pakistan’s Chequered Quest for Constitutionalism’, *The Muslim* (Magazine), 22 March 1985.

minister to work independently. It gave the president a decisive position with overriding powers reducing the prime minister to the rank of a senior minister to the president. The president had to work under the advice of the cabinet in some areas but he was not bound to follow it and might ask for the revision of the 'advice'.²⁶

The president was empowered to dismiss the government and to dissolve the National Assembly in two situations: on the advice of prime minister and on his own discretion in two situations. The first situation was stipulated as being the time when there was no party to command majority in the house and the government had been defeated after a no confidence move; the other when president himself felt that the federal government was not working in accordance with the constitution and a fresh mandate was required. This was the Article 58(2B) which became the cause for the dismissal of four national assemblies one after another.²⁷ The RCO also inducted the Article 27A to the 1973 constitution which gave constitutional protection to the martial law order, actions and the decisions of the military courts.

The parliament started working and the new civilian government was inducted but martial law remained intact. Before lifting martial law, Zia wanted ratification of two important legislations which were inevitable for the security of military high command. One was presented in the form of Eighth Amendment which was the amended form of the RCO. It was discussed on the floor of the house and was adopted with certain amendments. Under the RCO, president was given the power to appoint prime minister, but the parliament wanted to confer it upon the National Assembly. Later, according to a compromise, it was decided that the president would avail this power till March 1990. Similar powers were given to provincial assemblies to elect chief minister from March 1988. Indemnity was granted to all ordinances, actions, and regulations of martial law and decisions of military courts.²⁸ Zia was given the right to hold the office of the president for the next five years while continuing to wear the uniform of the Chief of the Army Staff.²⁹

The Political Parties Act 1962 was also amended. The rules of 1979 regarding the registration of political parties with the Election Commission of Pakistan were reinforced in the form of the amendment

²⁶ Revival of Constitution Order 1984.

²⁷ It later became a part of 1973 constitution when the National Assembly passed it as Eighth Amendment.

²⁸ Article 270A of Constitution of Pakistan 1973 as amended in 1985.

²⁹ Article 41 (7) of Constitution of Pakistan 1973 as amended in 1985.

to this act which also imposed a disqualification penalty for joining an unregistered party by an elected representative.³⁰ Zia was scared of the leftist political parties and wanted to strengthen his control over the political activities in the country before lifting the martial law.

National Security Council

Zia wanted to institutionalize a permanent presence of the military in the political system of Pakistan and he never felt shy to express his desire in public.³¹ For that purpose he established the National Security Council (NSC) under the RCO 1985. It consisted of the president, the prime minister, the chairman of the Senate, the chairman Joint Chiefs of Staff Committee, the three services chief and the four provincial chief ministers. The council was an advisory body to give recommendations on security matters, the declaration of emergency, and other matters of national importance which might be referred to them. The president would refer the issues in consultation with the prime minister.³²

Though Pakistan remained under a prolonged military rule and a large number of people also welcomed the martial law, but they had never wanted the military to stay in government forever. Therefore, any effort to institutionalize the role of the armed forces in national politics always met with a strong resistance by the people of Pakistan. Zia also realized this fact while seeking its approval by the National Assembly in 1985. He lamented that the people had a misperception about the NSC. They thought that it would be all powerful and could override assembly and the government. He said that it would be a way for the armed forces to participate in the affairs of the state.³³ The NSC could not be approved after a long debate in the parliament.³⁴ It showed that even an assembly, generally considered low profile and rubber stamp, did not allow a permanent role for the military in the power structure of the country.

Zia was still not very confident about the public response after lifting the martial law. The federal government first proposed to raise a

³⁰ Political Party Act 1962 as amended in 1985.

³¹ Zia wanted to have a permanent role for the military in the political system and expressed this consistently from 1977 onwards. See Zia's statement in *Pakistan Times*, 15 September 1977; *Nawa-i-Waqt*, 22 June 1979; *Dawn*, 7 May 1982, and *Dawn Overseas Weekly*, 9 December 1982.

³² Hassan Askari Rizvi, *Military, State and Society Military and Politics in Pakistan: 1947-1997* (Lahore: Progressive Publishers, 2000), p.186.

³³ Address to the joint session of the parliament to announce constitutional amendment and lifting of martial law on 30 December 1985.

³⁴ Assembly debate on Eighth Amendment, 1985.

new civilian force to control any difficult situation in the country but resistance from all the provincial governments resulted in strengthening the already existing provincial police and other law-enforcement agencies with additional funds provided by the federal government.³⁵

There seems similarity in different martial laws that all the chief martial law administrators had ideologically been opponents of the democratic set-up in which they would remain out of power. The maximum cooperation they offered for a system was that in which they sought some effective power sharing arrangement with the civilian governments. Definitely, Zia was no exception. He announced general elections in March 1985 but before that he decided to hold a referendum on 24 December 1984 to ensure his presence in the president house in the civilian government while holding on to his hat as an army chief.

General Elections 1985

Zia became President of Pakistan through the referendum and announced that general elections for the national and provincial assemblies would be held in February 1985 on a non-party basis. He also notified the objectives of the coming elections by saying that ‘the cardinal principle of the Islamic order is to ensure the maximum welfare of the people – an order where the principal objectives are socio-economic equality and a just administrative structure’.³⁶ He declared that the elections would ascertain the will of the people to have an Islamic political system. Though Zia put himself in the president’s office in a civilian government but his decision to retain his position as an army chief was evident that he considered the army as his constituency.

The process of the non-party based elections was legalised through an amendment to the 1973 constitution. According to this amendment, each candidate had to rationalize his nomination with the support of 50 people as a precondition to the elections. Several amendments were also made in the Political Parties Act of 1962 which affected all the political parties. The MRD miscalculated the public response to the elections. After boycotting the referendum, they concluded that the public would reject the non-party elections. Under this perception, they announced boycott of the elections. Almost all of the

³⁵ They were scared that it would be another force like Bhutto’s FSF, therefore, all the provinces rejected the idea of a new force.

³⁶ Presidential address to the nation: announcement of date for the general elections, 12 January 1985, published by the Ministry of Information and Broadcasting, Government of Pakistan, Islamabad.

MRD leaders were put under house arrest and hundreds of workers were sent to jails before the elections. The campaign for the election boycott was declared an offence to be tried by the military court. The government also imposed a strong censorship on the official and private print media. The private press faced the threat of a ban in case of publishing material in support of the MRD's stand of boycotting the elections.³⁷

In the absence of the MRD, the government and the MRD both were expecting a low turn-out in the elections. In order to ensure the credibility of the general elections conducted under the martial law, Zia decided to remove the restrictions which barred the MRD leaders to contest the elections. But they rejected the offer after detailed discussions in their meeting in Abbottabad because they did not want to provide legitimacy to the non-party elections.³⁸ Contrary to the MRD expectations and as a surprise to the government, the voters' turn-out was surprisingly high which confirmed the political awareness of the masses. They wanted restoration of democracy, no matter how fragile it was. They were well-aware that the worst form of democracy was better than the best dictatorship. Turn-out was reported to be 52.9 per cent throughout the country.³⁹ Similarly, some of the big shots of politics including some former MNAs and MPAs apparently popular could not survive in the elections.⁴⁰

The non-party elections sent many new faces to the assembly who were prepared to work under the military government. They were more concerned with their personal benefits than with national issues. Being the beneficiaries of the system created by the military ruler, they had good feelings towards Zia. In the absence of political parties the issues raised in the election manifesto were not that of the foreign policy, the economy and lifting of the martial law but they were confined to the constructions of roads, schools and dispensaries, water and sanitation facilities. Some traditional families including feudal, religious leaders etc., who had their stakes in the government, nominated their surrogate candidates. Pro-Zia political parties like Muslim League (P) and Jamaat-i-Islami unofficially supported their candidates.⁴¹ In this way, the

³⁷ Hassan Askari Rizvi, *op.cit.*, p.185.

³⁸ Muhammad Waseem, *op.cit.*, pp.397-98.

³⁹ Ijaz Shafi Gillani, *Pakistan at the Polls*, Islamabad, n.d., pp.40-54.

⁴⁰ 'General Muhammad Zia-ul-Haq [1924-88]', <http://www.gatlineducation.com> retrieved on 2nd March 2009.

⁴¹ Hassan Askari Rizvi, 'Third General Elections in Pakistan, 1985', *Pakistan Journal of Social Sciences* 1 & 2 (1985-86), pp.1-21.

parliament had a mixed composition. The positive step towards transition to democracy was that the Majlis-e-Shura (Consultative Assembly) was ultimately replaced by the newly elected National Assembly after a gap of eight years.⁴²

Muhammad Khan Junejo, the handpicked of General Zia, was appointed as the Prime Minister of Pakistan on 20 March 1985. Zia wanted to build a religious empire in which he would be able to rule as 'Amir-ul-Momineen'.⁴³ Junejo, a less known politician from Sindh was the better choice to colour the future designs of Zia. Initially three names for prime minister were proposed, but Zia unilaterally took the decision to appoint Junejo as the prime minister.⁴⁴ In his first meeting, Zia received Junejo genially in his office on 20 March and informed him that he had decided to nominate him as the prime minister. Shuja Nawaz wrote that 'a grim-faced Junejo did not thank the President, but instead immediately asked: When do you plan to remove martial law?' It was a shock for Zia because he had been expecting a thankful person in response. He 'tried retrieving the situation by saying that the Martial Law would now support the Prime Minister', but kept this aspect of Junejo in mind. Zia proposed the name and the party-less assembly formally approved the appointment of Junejo as the Prime Minister on 23 March 1985.⁴⁵ After being nominated as Prime Minister, Junejo asserted that democracy and martial law could not sail together. He promised the nation that he would lift martial law and restore civilian government at the earliest.⁴⁶

⁴² The newly elected assembly started working for the lifting of martial law and the constitutional package to provide indemnity to the martial law orders and actions was presented to the assembly.

⁴³ *Amir-ul-Momineen* is the title of the head of the state in an Islamic state. The first four caliphs of Muslims adopted this title and then it was used by the hereditary monarchs of Ummaids and Abbasids even. Zia liked to be called as *Amir-ul-Momineen*. He introduced Islamic conjunctions and replaced the word Parliament with *Majlis-i-Shura* (means parliament working with *Amir-ul-Momineen* to give him advice on affairs of the government).

⁴⁴ K. M. Arif, *op.cit.*, pp.236-7.

This was originally the power of the National Assembly.

⁴⁵ Shuja Nawaz, *op.cit.*, p.381.

⁴⁶ *Muhammad Khan Junejo: Taqarir* (Urdu), Division of Film and Publications, Ministry of Information and Broadcasting, Government of Pakistan, Islamabad, n.d., Part I, 24 March- 30 June 1985, pp.11, 138.

The most challenging task was the process of transition from a military to civilian government. Despite the transfer of power, the civilian government was not all in all due to a number of factors. The first reason was that the constitution was not fully restored and the country was run through martial law orders and the Provisional Constitutional Order (PCO). Zia wanted to ensure the continuity of the process of Islamisation which he had started in 1979.⁴⁷ As it always happens, the army wants an indemnity to all the actions that it had performed during its praetorian rule under the umbrella of the constitution. Zia too was working on a constitutional amendment before restoring the Constitution 1973. Another factor was that Zia, by temperament, was not in the habit of sharing power. Therefore, he wanted to institutionalise the presidential control over the prime minister, which he did in the form of Eighth Amendment. In the presence of this amendment it was not possible for any elected prime minister to exercise political independence.

Zia's undemocratic behaviour could be observed at the time of his presidential address to the parliament. He flatly refused to deliver a speech dictated by the cabinet. He declared it as wastage of money if the president had to present the thoughts gathered by someone else. He further added that the circumstances in Pakistan were 'different from other Western countries' and Pakistan was not 'bound to follow' their parliamentary practices.⁴⁸

Although Junejo's position was quite weak due to the constitutional amendments made by Zia to make his own position strong but he continued with his promise of lifting martial law and the restoration of the 1973 constitution.⁴⁹ Junejo asserted his position and refused to approve all the names of the cabinet nominated by Zia. He, as a Prime Minister, dropped a few names and accepted the nomination of Sahibzada Yaqub Ali Khan as the Foreign Minister and Mahbub-ul-Haq as the Minister for Planning and Development and later as the Finance Minister.⁵⁰ He did not allow many military men in the cabinet and Lt.

⁴⁷ President Zia's statement in *Dawn*, 26 October 1984.

⁴⁸ President Zia's speech to the parliament on 7 April 1988 in *Dawn* (Karachi), 8 April 1988.

⁴⁹ Junejo's statement in *Jang* (Lahore), 26 March 1985 and prime minister's statement in the National Assembly on 25 March 1985.

⁵⁰ Sahibzada Yaqub Ali Khan was a retired Major General, who as a Chief Martial Law Administrator of East Pakistan refused to conduct an army action against Bengalis. He was demoted from Lt. General to Major General and then retired from the army. He was from Armour Corps and

Gen. Mujibur Rehman⁵¹ was dismissed. He was critical of the privileges provided by Zia to the military officers.

The initial calm relationship gradually became problematic when both the prime minister and the president developed differences over the appointments of the secretaries and ambassadors as well as petty issues like protocol and the use of the Falcon aircraft. Junejo also blocked the summary of the proposed visit of Zia to Africa because he believed that it was the right of the prime minister to make foreign tours.⁵² This activism of the civilian prime minister was intolerable for the president which created anti-Junejo sentiments among the top military brass. Zia encouraged Lt. Gen. Ejaz Azim⁵³ who wrote an article to defend the senior military leadership. It was published in the newspaper, *The Muslim* on 28 June 1987, which stated, 'Any attempts to sow doubts in the minds of our soldiers regarding the quality of their Generals, to my way of thinking, does not serve the best interests of the country'.⁵⁴

After taking charge, Junejo tried to take several steps on his own. He declared all the privileges enjoyed by the top military brass as extravagances. He further alienated the military generals by withdrawing the Mercedes staff cars from the senior civil and military officers by replacing them with small Suzuki cars. Junejo's statement that he would put 'Generals into Suzukis' offended the senior commanders.⁵⁵ The senior commanders publically registered their annoyance over these remarks in the press. It shows the emerging conflict between the civil and the military commanders.

Junejo presented a five point programme in December 1985. The main objectives of that programme were:

- The establishment of an Islamic democratic political system in the country.
- The promotion of an equitable economic order.
- The eradication of illiteracy.
- The eradication of corruption and other social evils.

Gen. Zia-ul-Haq had served under him. While Mr. Mahbub-ul-Haq was an economist of international repute.

⁵¹ The Secretary, Ministry of Information.

⁵² Hamid Khan, *op.cit.*, p.383.

⁵³ Lt. Gen Ejaz Azim awarded with *Hilal-i-Imtiaz* (military) and *Sitara-i-Basalat*. He was an officer of Cavalry. He served as the head of National Defence College.

⁵⁴ Lt. Gen. (Retd.) Ejaz Azam, 'Unfair Criticism of Generals Deplored', *The Muslim* (Islamabad), 26 June 1987.

⁵⁵ Muhammad Waseem, *op.cit.*, p.414.

- The consolidation of national integration.⁵⁶

This programme was more of a slogan than a solid framework of action. The Planning Commission incorporated it in the Sixth Five Year Plan through rationalised physical targets for the period of 1986-1990. Considerable allocations were reserved for the development sector. The government tried to engage MNAs through offering each an amount of Rs. 5 million to be spent in their constituencies in two sectors, education and rural development. Nai Roshni and Iqra Pilot Projects started to address illiteracy but these projects soon ran into difficulties due to corruption.

The Junejo government maintained the momentum of the economy and the growth rate was 7 per cent for 1986-87. The inflation rate also remained at 3.4 per cent, which was the lowest in the previous 16 years.⁵⁷ The other indicators also remained positive. Though the targets for investment could not be achieved but the production was higher than expected. The Karachi riots in 1987 watered down production due to the closure of the industry which cost Rs. 3 billion. The policy of deregulation of the industry also continued. The newly introduced Islamic banking system could not deliver and showed a further decline on the profit-loss accounts, which was already 69 per cent of the total deposits.⁵⁸

The crucial time for the government in the economic field was the annual budget of 1987-88 when Junejo tried to broaden the tax base by imposing more taxes to get an additional amount of Rs. 1788 crores. The budget proposed a defence tax at the rate of 10 per cent of the income tax. In addition, a super tax and a wealth tax was proposed to be levied on all tax payers. A numbers of additional taxes were proposed on consumer goods while a 5 per cent tax on some imports items was also recommended as import duty. The business community responded with strikes and street protests against the budget.⁵⁹ The government to avoid losing the support of the anti-PPP business community, accepted their demands after negotiation between the representatives of the stakeholders.

Though all the economic policies of the Zia government were more or less continued, Junejo tried to establish his separate identity while working under Zia — a common crisis which was confronted by

⁵⁶ *Prime Minister's Five Point Programme: A Better Life for the Common Man* (Directorate of Film and Publications, Islamabad, n.d.), p.3.

⁵⁷ *Economic Survey of Pakistan* (Islamabad: Economic Advisor's Wing, Ministry of Finance, 1987), p.xi.

⁵⁸ Economist Intelligence Unit, *Country Report: Pakistan, Afghanistan*, no. 4-1987 (London), pp.11, 14.

⁵⁹ *The Muslim*, 5 June 1987.

the civilian governments in the post-Zia period. He initially remained successful because Zia took his efforts as harmless but, later, when he realised that Junejo was trying to be autonomous he offered a strong resistance to his handpicked prime minister.

The Eighth Amendment

The Eighth Amendment⁶⁰ changed the entire shape of the Constitution of 1973 because it had turned the parliamentary system into a presidential one. The presidential power to dissolve the National Assembly remained as a hanging sword upon the necks of the elected governments which had already been used four times by different presidents including Zia in 1988, President Ghulam Ishaq Khan in 1990 and 1993 and President Farooq Leghari in 1996. Even though Zia managed to grab these controversial powers but he could not resist Junejo's efforts against the martial law who continued to force him to restore the Constitution of 1973 as soon as possible. Finally, Zia lifted the martial law on 30 December 1985 after securing constitutional safeguards for his ten years of martial law and an assurance of his role as a legitimate president for the next five years in the position of the head of the civilian government. On the very next day, Junejo declared that he would provide 'every opportunity for the political parties to organise themselves and contact the people in preparing for the next elections'.⁶¹ It clearly meant the restoration of the political parties to ensure party-based elections in future, which were against Zia's vision of politics.

It became an ideal time for Benazir Bhutto to return home as the lifting of the martial law provided a base for the transition from military to civilian rule. Therefore, on 10 August 1986, Benazir returned to the country as the heir of Z.A. Bhutto and was welcomed and greeted by almost more than half a million people at the Lahore airport. She attended several public rallies against Zia regime and infused a new spirit in the Movement for the Restoration of Democracy. She asked Zia to resign and demanded fresh elections.⁶² Although, she was an excellent

⁶⁰ This amendment was passed by the parliament in 1985; it empowered the president to dissolve the National Assembly. Other clauses which were changed under the Eighth Amendment related to the office of prime minister, Senate and governors. Article 51 was included in the constitution which increased the number of the National Assembly seats from 200 to 207, while Article 59 increased the number of seats in the Senate from 63 to 87.

⁶¹ Hamid Yusuf, *op.cit.*, p.209.

⁶² Benazir Bhutto, *The Daughter of the East: An Autobiography* (London: Hamish Hamilton, 1988).

speaker yet she benefited more from the public sympathy because of her father's assassination. She herself was using her own charisma rather than focusing on issues. This challenged the hybrid regime and the assembly which had changed the constitution according to the will of the military dictator. The return of Benazir was a positive sign for the process of transition. Many things were yet to be done to take the country on to the track of democracy.

Foreign policy

Junejo adopted the policy of reconciliation and took an independent course from Zia. He adopted the same on the issues of foreign policy, particularly on Afghanistan. He consulted the leaders of different political parties including Benazir. He called a roundtable conference of all the political parties on Afghanistan to get support on the issue. Zia perceived this as a conspiracy against his standpoint. Junejo was interested in peace dialogues with the Soviet Union over the Afghan war while Zia wanted to broker some pro-Pakistan interim government in Afghanistan before signing any agreement. He declared that 'Pakistan won't sign any agreement with Najeeb-ullah's regime'. Junejo was aware of Zia's close relationship with Yaqub Khan and doubted his intention about the ongoing peace talks on Afghanistan in Geneva. The ISI on the other hand had its own stance over this issue, therefore, it supported the Pakhtun rule in Afghanistan and for that it backed Gulbaddin Hekmatyar who was a hardliner. Zia was not desirous to end this war before any settlement of the government in Afghanistan. He was cautious to continue with Pakistan's commitment within the limits defined by his regime and wanted to keep the door open for a negotiation to finalise the withdrawal of the Soviet armed forces.

In October 1987, the US oil tycoon, Armand Hammer, visited Pakistan with a proposal to reinstall the former Afghan King as a binding force in Afghanistan. Zia, Gen. Hamid Gul and Foreign Minister Yaqub met the US envoy to chalk out a plan to replace the USSR's puppet Najeeb-ullah government in Afghanistan with that of King Zahir Shah. Junejo felt betrayed when he came to know that this plan was the brainchild of Zia and Foreign Minister Sahibzada Yaqub Ali Khan, devised it without consulting him. He removed Yaqub from the office and kept the portfolio of the foreign minister with himself, unofficially the prime minister forbade the Foreign Office to send any file to the president. Now he came face to face with Zia who considered himself the sole in-charge of the foreign policy and was operating it with the help of the ISI, especially on the Afghan issue. Certainly the position of a weak civilian prime minister was more vulnerable as compared to a president

and COAS with the support of ISI, a powerful institution in the country. The results were obvious but Junejo won temporarily when he signed the Geneva Accords on 14 April 1988⁶³ and Najeeb-ullah came to power. The Geneva Accords included a withdrawal of the Soviet troops from Afghanistan; Pakistan had to stop the arms supplies to the mujahideen and the Najeeb-ullah⁶⁴ government was allowed to continue in power till 1992.⁶⁵ Zia felt that Junejo had deliberately designed to exclude him from foreign policy's domain especially when the settlement of the Afghan issue was about to be achieved and Pakistan was going to get the fruits of its sacrifices during this crisis period.⁶⁶

The trouble also intensified when Junejo tried to assert his authority in appointing and promoting senior military commanders like Lt. Gen. Shamim Alam etc. who became the CJCS later on. Zia wanted to promote Major Gen. Pirdad Khan to the position of a Lieutenant General. This issue caused real tension between Zia and Junejo which ended in a compromise that allowed the promotion of both the candidates. The point on which the military was really concerned was Junejo's interference in the professional matters of the army.⁶⁷ The military as an institution really felt insulted because of the civilian interference.

Ojhri Camp tragedy

The Ojhri Camp tragedy⁶⁸ proved another cause of confrontation between the elected government and the military top brass and ultimately became the major reason for the dismissal of the Junejo government. Just before signing the Geneva Accords, this crisis escalated due to the explosion, on 10 April 1988, at a huge army dump known as Ojhri Camp located near Faizabad, Rawalpindi. The ISI managed the arms received from the CIA which were stored in this transit ammunition depot and the

⁶³ *Dawn*, 15 April 1988.

⁶⁴ Mohammad Najeeb-ullah Ahmadzai (6 August 1947 – 28 September 1996) served as the fourth and last President of the Soviet-backed Democratic Republic of Afghanistan.

⁶⁵ Text of the Geneva Accords, <http://www.informationclearinghouse.info/article5019.htm>, retrieved on 26/10/07.

⁶⁶ ISI also shared the same view with General Zia, General Hameed Gul, interview by researcher, 30/10/09 at Islamabad. (He was the DG ISI at that time).

⁶⁷ K. M. Arif, *op.cit.*, p.390.

⁶⁸ Ojhri is a village between Islamabad and Rawalpindi (adjacent to both cities). The Pakistan army had underground arsenals in this vast area. All the weapons collected from the US were stored in this depot.

ultimate destination was the Afghan mujahideen. The building consisted of World War II barracks which were without appropriate safety arrangements required for an ammunition depot according to the military standards. As a result of this explosion, hundreds of the civilians died and more than this figure were injured. All the factions demanded an independent inquiry to fix the responsibility for this negligence particularly as to why an ammunition depot was placed in a civilian area. The Junejo government, fairly receptive to this demand as a peoples' representative, constituted a parliamentary sub-committee to look into the Ojhri disaster. This committee 'is believed to have recommended the dismissal of the former ISI Chief General Akhtar Abdul Rehman who was the then Chairman of the Joint Chiefs of Staff Committee, a right hand of Zia'.⁶⁹ The tension between Zia and Junejo was at its peak on the reports of investigation about the incident which were pointing against General Akhtar Abdul Rehman. The military came under severe criticism but the case remained unsolved and is still a mystery. But, at the same time, the army took the stand that it was a project of the ISI and that the army had nothing to do with it. The then DG, ISI accepted the responsibility and offered his resignation but Junejo held General Akhtar, the former DG, ISI responsible because he had actually constructed the depot near a populated area. What Zia really wanted was to protect his generals who were held responsible for the incident.⁷⁰ No doubt General Akhtar was the second most powerful person after Zia in Pakistan, and the ISI was the most powerful organisation after the army; therefore, it appears that the immediate reason for the dismissal of the Junejo government was the Ojhri Camp issue, not the Geneva Accords.

Zia dismissed Junejo's government under the clause 58(2B) of the Eighth Amendment and dissolved the National Assembly immediately. It was done when Junejo had returned from his successful tour of China, South Korea and Philippines on 29 May 1988. General Arif maintains that it was done due to the manipulation of the close aides of Zia. However, General Akhtar seemed to be the person who might have done this because he was the major stakeholder. Knowing that all the inquiry reports were against him, he might have told Zia that the civilian prime minister was trying to be more assertive and wanted to get rid of Zia. Being scared of losing his power, Zia took immediate action and dismissed the Junejo government. The transition process was

⁶⁹ General K.M. Arif, interview telecasted in program 'Band File (close file)' on *Geo News*, 30 August 2009.

⁷⁰ K. M. Arif, *op.cit.*, p.390.

derailed by its architect after a period of two years. In the presence of a uniformed general in the office of the president it was difficult to facilitate democracy to flourish.

Zia, knowing the mood of the masses, announced new general elections on 17 November 1988, again in violation of the clause 26 of the constitution which asked for elections within 90 days of the dismissal of the National Assembly.⁷¹ But before that time he was killed in an air crash on 17 August 1988, while he was on his way back from Bahawalpur along with a number of senior army officers including General Akhtar. The US Ambassador to Pakistan, Mr. Arnold Raphael, was also among the victims of the mysterious C-130 aircraft crash. After Zia's death, a high level meeting was called in Islamabad to decide about the problem of succession. This issue was resolved according to the constitution and Ghulam Ishaq Khan, the Chairman of the Senate, stepped into the shoes of the president.

Civil-Military relations

During the period of transition, the civil and military relations were normal in the beginning which got sour day by day and ultimately resulted in a serious tension. Under the Eighth Amendment, the president was the supreme authority supported by all the powers of the COAS. The civilian prime minister was subordinate to him. Zia wanted to maintain an absolute control on all the affairs of the government with the help of a non-assertive prime minister. Junejo being a non-entity in the national politics was deemed to be the best choice in this regard but, the day he assumed power, the strife for real powers and a separate identity from the president started. This was intolerable for the president and finally led to the dissolution of the assembly.

A sort of distribution of matters was done by the military and the civilian camps of the government. The defence and foreign policy matters were strictly the domains of the military; finance and establishment were managed jointly and all other areas were handled by the civilian government. Zia was sensitive about defence and the foreign policy, so he proposed the name of Sahibzada Yaqub Ali Khan to continue as a Foreign Minister. He was fully in control of policymaking but Zia was perturbed when Junejo removed him from the office and

⁷¹ The date fixed for elections was 172 days after the dissolution of National Assembly.

kept the portfolio with himself.⁷² It ultimately contributed to the decision against the Junejo government.

After a successful visit to the United States, Junejo secured enough confidence. Zia commented that the visit should not affect his mind. Yet, Junejo took the first daring step after the visit when he dismissed Major General Agha Nek Muhammad from the headship of the Intelligence Bureau (IB) without consulting General Zia. The IB was a civilian intelligence agency, its head had to be a civilian but, under a president in an army uniform, the appointment of a general on this post was no surprise. When Junejo removed General Agha Nek Muhammad it was not easy for Zia to take this insult.⁷³

There was a trust deficit on both sides. Junejo thought that Zia was playing Jatoi card against him. He got a confirmation when Ghulam Mustafa Jatoi launched his political party with much fervour. General Zia also thought that Junejo had a covert understanding with Benazir Bhutto so as to abuse Zia publicly and with no one to defend him in the government. This suspicion was strengthened by the fact that Benazir showed restraint in criticising Junejo. Zia further suspected that the criticism on his wearing of the hat of the COAS along with that of the President was also endorsed by Junejo. The dismissal of Foreign Minister Yaqub Ali Khan was another blow to the already troubled relationship. Zia started expressing his uneasiness with Junejo in his private circles. The dealing of the Afghan issue was the height of irritation for Zia because he thought that the civilian government was washing off all his efforts to have a pro-Pakistan government in Afghanistan. The Ojhri Camp tragedy proved the last blow as Zia was not ready to sacrifice his general on the altar of democracy. The obvious casualty was the elected prime minister and the fragile democracy.

Conscious of Zia, Junejo, on the other hand, constantly consulted Zia in the affairs of the government. Zia continued to write directives to different ministries. Under the procedures files from the President Secretariat had to move through the Prime Minister Secretariat to the ministries and back from the same channel, but Zia could not tolerate a delay in reply. Junejo, therefore, tried to address his grievance and requested Zia to send the directives directly to him. Yet, Zia remained bitter because he was in the habit of dealing with the subordinates

⁷² Muhammad Waseem, *op.cit.*, p.413.

⁷³ Hamid Khan, *op.cit.*, p.383.

directly.⁷⁴ This bitterness was exploited by Zia's aides to level the ground against Junejo and advised him to take pre-emptive action before Junejo could cause a political damage to him.

Conclusion

General Zia sought military's permanent role in political system through eighth constitutional amendment in the 1973 constitution. Like all military governments, relinquishing power voluntarily through a dictated type pact, military got indemnity to all the actions/orders of martial law and martial law authorities by the elected assembly and government of Muhammad Khan Junejo before lifting martial law in December 1985. General Zia secured his position as the president in uniform for the next five years. Nonetheless the Eighth Amendment to the 1973 Constitution of Pakistan changed the nature of the constitution from parliamentary to semi-presidential form of government in the name of creating 'balance' between the powers of the president and prime minister of Pakistan. This amendment virtually gave the president an ultimate supremacy over all other political institutions. Its notorious clause 58 (2B) instituted the control of military on the political government through the president of Pakistan. General Zia used it for the first time to dismiss Muhammad Khan Junejo's government, despite its satisfactory performance, on the fake charges of corruption, mismanagement and damaging the process of Islamization in Pakistan. However, the real causes were his efforts to use his powers independently like a prime minister in a parliamentary form of government; interfering in the internal matters of the armed forces promotions and transfers; Afghan policy/Geneva Accords, and trying to locate responsibility of Ojhri Camp tragedy against the will of General Zia. First phase of transition under General Zia as a President is thus the classic example of military rule in a civilianized form which is called a hybrid regime.

⁷⁴ The prime minister was in search of identity but wanted to get a smooth sailing with the president but it was not possible for an authoritarian president to share power. He was in habit of directly dealing in all matters. He, therefore, could not operate through an elected prime minister.