

Benazir Bhutto's Opposition Politics in Pakistan: A Study of Politico-Constitutional Issues, 1990-1993

Nasreen Shahzadi & Naumana Kiran***

Abstract

This paper examines the role of Benazir Bhutto as Leader of the Opposition in Pakistan from 1990 to 1993, focusing on politico-constitutional issues. It analyses her strategies regarding the 1990 elections, the Sharia Bill, the Twelfth Amendment, the persecution of the Pakistan People's Party in Sindh, and the conflict between the President and Prime Minister. Drawing on primary sources such as National Assembly debates, official documents, memoirs, and contemporary newspapers, the study argues that Bhutto adopted a mixed strategy of cooperation and confrontation. While her role contributed to highlighting constitutional concerns and governmental excesses, her reliance on agitation and extra-parliamentary tactics also intensified political instability. The paper situates her opposition politics within the broader challenges of democratic consolidation in Pakistan.

Keywords: General Election 1990, The 12 Amendment, Sharia Bill, opposition leader, Pakistan Democratic Alliance (PDA)

Introduction

The period from 1988 to 1999 was unique in its nature in Pakistan's political history, as that short period observed four elected governments. Unfortunately, none of these could complete their tenure as all were dismissed before their time. This era was characterised by frequent institutional crises, political polarisation, and the dismissal of elected governments. In such transitional democracies, the role of the opposition is critical to ensure accountability, scrutinise state policies, and shape political discourse. However, in Pakistan, opposition politics often extended beyond parliamentary contestation and included public agitation and extra-parliamentary mobilisation due to limited institutional space for effective democratic debate.

* Ms. Nasreen Shahzadi, Ph.D. Scholar, Pakistan Study Centre, University of the Punjab & Assistant Professor, Jinnah Graduate Collage, Mozang, Lahore.

** Dr Naumana Kiran, Professor, Department of History and Pakistan Studies, University of the Punjab, Lahore.

This paper covers a major gap in research related to Benazir Bhutto, as most of the studies explore her role as Prime Minister. Whereas this study exclusively deals with her role as Opposition leader during her first term in the portfolio. She adored her career and considered it a new learning ground for her. She writes, 'It was early in my tenure as Leader of the Opposition that I undertook a new part of my professional life'.¹ The paper has been produced on the basis of secondary as well as primary sources, including memoirs and speeches of Ms Bhutto, National Assembly debates, accounts of companions of Ms Bhutto and of other colleagues. Newspapers and scholarly works of historians and political scientists have also been consulted. All such sources have given worth to this study and helped the researcher to reach true findings.

This study explores how Benazir Bhutto, as the opposition leader, tried to maintain a balanced policy in the early months of the new regime. How did she give a tough time to the ruling party on the issue of PPP's persecution in Sindh? And what was her stance on constitutional issues, including the Sharia bill and the Twelfth Amendment bill? And finally, how did she manipulate the conflict between the President and PM in her favour? The study explores that Benazir Bhutto, leader of the opposition, instead of directing the government to work on the right lines, and pointing out their flaws, mainly focused on criticism, agitational politics, and ultimately, sided with the President. Her opposition politics included boycotting Assembly sessions, creating disturbance during the session, if not boycotted, holding demonstrations, leading long marches and rallies, etc., besides criticism of government politics. Consequently, opposition politics, in addition to other factors, forced the democratic government to step down.

A. Benazir Bhutto and Political Issues

This part of the paper deals with Benazir Bhutto's role as an opposition leader, both inside and outside of the parliament, on the political issues. The issues included election results, cooperation with the government and persecution of PPP in Sindh.

Elections 1990

Although the 1990 elections were the first issue of concern for the opposition under Ms Bhutto, who rejected the results, at the same time,

¹ Benazir Bhutto, *Daughter of Destiny-An Autobiography* (Harper Collins), 410. <https://bhutto.org/wp-content/uploads/2020/12/Daughter-of-Destiny-Autobiography-By-Benazir-Bhutto.pdf>

she extended cooperation to the government in the interest of the public. Her policy during the first few months as opposition leader was balanced, based on cooperation and continuation of the democratic system and at the same time, criticising the credibility of the elections.

General Elections 1990 were organised by the caretaker government of Ghulam Mustafa Jatoi. The elections for the National Assembly and Provincial Assemblies took place on 24 and 27 October 1990, respectively. Two main Alliances were the Pakistan Democratic Alliance (PDA) and Islami Jhamhori Itihad (IJI).² The Alliance partners in PDA were Tehreek-e-Nifaz-e-Fiqh-e-Jafariya, Tehreek-e-Istiqlal and the Pakistan Muslim League (Chatta). The IJI consisted of nine political parties, including Pakistan Muslim League, National Peoples Party, Jamaat-e Islami, Jamiat-e-Ulema-e Islam (Maulana Sami ul Haq group), Nizam-e-Mustafa group, Markazi Jamiat-ul-Hadees, Hizb-e-Jihad, Jamiat-e-Mashaekh Pakistan and Azad group.³ It is widely accepted that IJI was established with the help of Inter-Services Intelligence (ISI)⁴ and that Nawaz Sharif was appointed as its president. IJI's lead against PDA was only of 1,13,295 votes. However, it was able to secure 44 seats in a one-on-one competition, while IJI secured 106 seats.⁵ On 3 November the newly elected National Assembly (NA) convened for the first time, and 135 members took the oath of their office under Speaker Miraj Khalid.

PDA members, led by Benazir Bhutto, left the parliament without taking the oath as Asif Ali Zardari was not permitted to attend the session. On continuous follow-ups and pressure from the opposition, the speaker arranged for the presence of Asif Ali Zardari and only then,

² Mohammad Waseem, 'Pakistan's Lingering Crises of Dyarchy', *Asian Survey*, 32:7 (July 1992), 618.

³ Ibid., and Hussain Haqani, *Pakistan: Between Mosque and Military* (New York: Carnegie Endowment for Int'l Peace, 2005), 207.

⁴ Shuja Nawaz, *Crossed Swords: Pakistan, its Army and the Wars Within* (Karachi: OUP, 2008), 354; 'Lt. General Durrani's affidavit to the Supreme Court' cited in Owen Bannett Jones, *Pakistan: Eye of the Storm* (London: Yale University Press, 2002), 240. A similar opinion had been shared by Benazir Bhutto in various interviews., for example, Sani H. Panhwar, Compiled and Edited. *View Point: Benazir Bhutto, Collection of Articles, Interviews and Speeches*, 54-55. <https://bhutto.org/wp-content/uploads/2020/12/View-Point-Benazir-Bhutto.pdf>

⁵ Benazir Bhutto, *op.cit.*, 409.

opposition members took the oath of office on 4th November, along with Zardari.⁶

Nawaz Sharif was elected as prime minister by the National Assembly on November 6 with 153 votes, whereas the candidate of PDA received 39 votes. Benazir headed the opposition to boycott the session, and PDA boycotted the oath-taking ceremony of the PM, too.⁷

The first issue on which Benazir Bhutto, as the leader of the opposition, raised her concern inside and outside of the parliament was rigging in the 1990 elections. Benazir declared that new elections were necessary since the parliament was formed by deception. She used the term 'brutal rigging',⁸ managed by the establishment in the 1990 elections. She also used the term 'charade elections'⁹ for the 1990 elections. Benazir Bhutto alleged that the caretaker government had made a comprehensive plan to make IJI's electoral victory possible.¹⁰ She not only proved mathematically that seventy members of the Treasury were the product of massive rigging but also provided documentary proof of the rigging that took place, to support her claim in the House. She delivered a detailed speech on the way the establishment had manipulated the elections and made success possible for IJI.¹¹

Starting her speech, she said, 'It was not a fair election fought by fair rules. It was the most unfair election where actions were taken, and people were hit below the belt, and they were not even given the right to reply on the radio and Television'.¹²

Besides criticism, she extended support to the newly elected government, too. While addressing the National Assembly, she said, 'I still extend cooperation to the Leader of the House if he is ready to

⁶ Lawrence Ziring, *Pakistan in the Twentieth Century: A Political History* (Karachi: Oxford University Press, 1997), 530.

⁷ *National Assembly of Pakistan Debates*, Official Report, 6th Session, Volume II, 6 November 1990.

⁸ Benazir Bhutto, *Whither Pakistan: Dictatorship or Democracy*, compiled by Dr Iqbal Narejo (Lahore: Al Hamd Publications, 2007), 102.

⁹ Benazir Bhutto, *Reconciliation, Islam, Democracy and the West* (Washington: Harper Collins, 2008), 186.

¹⁰ *Dawn*, 27 October 1990. For further details on how elections were rigged, please see Ayesha Siddiqi, *Military Inc.: Inside Pakistan's Military Economy* (London: Pluto Press, 2007), 157.

¹¹ Benazir Bhutto, Issues in Pakistan: Selection of Sepeches in 73, and also see National Assembly (1990-1993), Sani H. Panhwar (Reproduced), Bhutto, org. Digital Library. <https://bhutto.org/wp-content/uploads/2020/12/Issues-in-Pakistan-by-Benazir-Bhutto.pdf>

¹² *Ibid.*, 17 June 1991, 16-34.

pursue policies in the larger national interest of the Federation of Pakistan'.¹³ She further said that the opposition's stance was a noble one, taken for the sake of the country, democracy, and the rule of law. PM Nawaz Sharif also declared his intention to work with all political parties, including the PPP, on matters of both domestic and international concerns. He emphasised that all major issues would be settled on the basis of cooperation.¹⁴ During a debate in the National Assembly, she said, 'We responded positively when the representatives of the government approached us to find a solution towards improving the political environment. We continue to believe that the nation can ill afford polarisation and must concentrate our energies on development and on fostering a bipartisan approach to national issues'.¹⁵

Ms Bhutto took the fight for re-election from Parliament to the people. She denounced the elections of October 1990 as totally rigged, described the Parliament as 'bogus,' and from April 1991, she conducted a relentless campaign to oust the Nawaz Sharif government.¹⁶ In a joint press conference with other PDA leaders on 23 September 1991, PDA Secretary General Mian Khursheed Mahmood Kasuri unveiled a new white paper, consisting of 517 pages. The white paper, titled 'How an Election was Stolen', covered the specifics of election tampering in 1990. The white paper contained all available proofs to clarify pre-and post-election rigging.¹⁷ The allegations were denied by the regime, and the National Democratic Institution for International Affairs rejected PDA assertions and claimed that the election process had occurred in a clean environment.¹⁸

Benazir Bhutto questioned the Prime Minister about his policies in addition to the role of government officials. Soon after taking office, the new government started making changes in the ongoing projects, which were earlier initiated by the Benazir government. Consequently, many social programs started during the PPP government were stopped by the Nawaz administration. In this regard, censorship was enforced, student

¹³ *National Assembly of Pakistan Debates*, 16 February 1992. www.na.gov.pk.

¹⁴ Lawrence Ziring, *op.cit.*, 530.

¹⁵ *National Assembly of Pakistan Debates*, 16 February 1992. www.na.gov.pk.

¹⁶ Rais A. Khan, 'Pakistan in 1991: Light and Shadows', *Asian Survey*, 32:2 (1992), 197-206.

¹⁷ People's Democratic Alliance, 'How an Election was Stolen', *The PDA White Paper on the Pakistan Elections 1990* (Islamabad: Midasia, 1991).

¹⁸ Report of the National Democratic Institute for International Affairs, 'The October 1990 Elections in Pakistan' (Washington: 1991), 22 and *The News*, 1 August 1991 and Tariq Ismael Sagar, *Election 1990* (Lahore: Maqbool Academy, 1990), 75.

unions were banned, and opposition was forbidden from having access to the media. Benazir responded to a question by saying that although the press was free under the PPP government, it was currently being persecuted, executed, and mistreated.¹⁹

The controversy over the election results continued throughout the regime. PM Nawaz Sharif's government could not arrange for fruitful dialogues with the opposition, which resulted in weakening his government and also reducing the effectiveness of legislative institutions.²⁰ He believed that opposition leader Benazir Bhutto was attempting to dismantle the ruling coalition.

Overall, the first few months of Ms Bhutto's performance as opposition leader saw a conflict between criticism of the elections, government policies, and announcements of cooperation with the administration.

Persecution of PPP in Sindh

The principal adversary of Benazir Bhutto in Sindh was Jam Sadiq Ali, Chief Minister of the province, who had an autocratic style of dealing with affairs.²¹ He was trying to break PPP's stronghold in Sindh and essentially trying to drag Benazir down to the level of a provincial leader.²² While Benazir constantly emphasised that PPP was the only major party in Sindh that had consistently done federalist politics with mass support in Punjab, Baluchistan and the Frontier. Benazir Bhutto, while expressing her concerns towards bringing unity and harmony, said:

It is the only party that represents the popular will in all the regions, communities and Provinces of this country. Mr Speaker, a popular will that believes in federalism is deliberately being eroded, which is fighting for the unity of this country. And look at the treatment being meted out to this national party, to this party which preaches federalist policy, its leaders and colleagues are facing disqualifications,

¹⁹ Inām Aziz, *Stop Press: A Life in Journalism* trans by Khalid Hasan (Karachi: Oxford University Press, 2008). however, Press was not free during Benazir's regime, either. A similar point of view has been shared by Qurat-ul-Ain Bashir, 'Media in Pakistan (1988-1999): An Overview', *Pakistan Perspective*, 18:1 (January 2013).

²⁰ *The News*, 6 November 1991.

²¹ Naumana Kiran (ed), 'Federal Cabinet of Pakistan: Role in Political Restructuring and Centre-Province Relations, 1977-1999', *Pakistan: Partition, Politics and Society* (Lahore: Vanguard, 2025), 131.

²² Syed Manzural Hasan, *Pakistan Politics in the Mirror of History*, (Lahore: Royal Book Company, 2009), 246.

its members of the Parliament are in jail and denied the privilege of performing their duties to which their electors elected them to do and which have not been proved in any court of law even after 17 months of relentless persecution. Its workers are behind bars, and its supporters are denied the munificence of the state.²³

Benazir Bhutto, while criticising the government policy on Sindh, said in the House:

Consistent persecution of PPP in Sindh is so well documented and acknowledged that it does not warrant any further statement. This persecution also exists in other Provinces, but it is being highlighted more in Sindh because it has been more overt than covert. When no other excuse was available for the political persecution of the PPP, a mass presence of the PPP being linked to AZO was given mammoth Goebbels-like propaganda (a slipshod video was also shown on prime TV about AZO, which only convinced the people of the ill intention of the Nawaz Sharif regime). It was launched to defame the PPP as a terrorist party. The political victimisation of the PPP has been so severe in the last two years that Amnesty International, US Human Rights Reports and other international human rights organisations have all pointed it out.²⁴

The other opposition MNAs, while criticising the policy of the government on Sindh, shared their concerns that 'The situation in Sindh has worsened, and persecution, mass arrests, torture, and character assassination campaigns have taken place. The government has done little to address these issues, and we see a deliberate attempt to undermine the popular will in Sindh. The People's Party has consistently advocated for federalism and the rights of the people, but these are being eroded systematically'.²⁵ Benazir Bhutto claimed that Nawaz Sharif's government had not ended the politics of conflict, hostility, and retaliation. In a parliamentary address critiquing the regime's policies, Benazir Bhutto emphasised that the Pakistan People's Party (PPP) has consistently championed democracy amid political challenges, resisted the government's unconstitutional actions, and advocated for restoring

²³ *National Assembly of Pakistan Debates*, 16 February 1992. www.na.gov.pk.

²⁴ *Ibid.*, 27 December 1992. www.na.gov.pk.

²⁵ *Ibid.*, 16 February 1992.

democratic norms and upholding the Constitution, all in pursuit of the broader national good rather than self-serving motives'.²⁶

Benazir pointed out from the platform of All Parties Conference (APC) that Jam administration, in collaboration with Irfan Marwat and under the close supervision of Ghulam Ishaq Khan, was engaged in horse-trading, subjecting non-compliant assembly members to abuse and torture. The APC demanded an immediate halt to the victimisation of political opponents and condemned the government's total failure to maintain law and order.²⁷ They emphasised that the kidnappings for ransom had become rampant, travel routes were highly unsafe, and the state apparatus had lost all effectiveness, even failing to protect foreigners. Efforts to recover illegal weapons proved futile, while the regime, instead, armed its own personnel and anti-democratic elements. This deteriorating security situation deterred investment, driving capital flight from the country. Rather than regulating capital flows, the government facilitated the unchecked movement of foreign exchange and legalised it.²⁸

Besides in-house protests on the government's policy and holding APC, Benazir Bhutto went on public protest, too, as the government had not taken any serious action to pacify the demands. She, along with other PDA leadership, called for a mass protest meeting on 18 November 1992. Leadership motivated the people from various parts of the country to participate in the protest. In the words of Ms Bhutto, the purpose of the protest was to 'restore democracy, stop theocracy and address the bread-and-butter issues of the people'.²⁹ Although the state forces used harsh measures, including tear gas and baton charges, she stayed determined. She mentions, 'Our single jeep was tear-gassed from all sides. Police sirens were blaring away. There was pandemonium. The car chase was like something from a James Bond movie- or perhaps like a Bollywood movie'.³⁰ Although the demonstration was partially successful, it showed the determination of the opposition leader. She mentioned that the event had the worst effects on her personal health. She was carrying a baby in her womb at that time, and inhaling tear gas created a problem with her gallbladder. Dr. suggested the operation, but she could not risk the health of her child and tolerated the pain for many

²⁶ *Ibid.*

²⁷ *The News*, 13 August 1991.

²⁸ *Ibid.*

²⁹ Benazir Bhutto, *Whither Pakistan: Dictatorship or Democracy*, *opcit.*, 304.

³⁰ *Ibid.*, 305.

weeks.³¹ This single event explains the way Benazir Bhutto was serious towards her business of politics.

Later in December 1992, PPP went on a long march against the government's policies.³² The government used all measures to make the long march unsuccessful. Several thousand PPP workers and some leaders were also arrested. Ms Bhutto was banned from entering Islamabad and the NWFP for a month; the ban was removed a few days later.³³ She continued with her long march in other provinces.

The situation in Sindh, however, could not be improved; persecution of the PPP, as well as the bad law and order situation, continued unabated. Nevertheless, Ms Bhutto's stance and criticism of the policy towards Sindh remained unchanged during the whole tenure.

Overall, Benazir's opposition on political issues was a blend of parliamentary engagement and extra-parliamentary activism. Initially, she showed willingness to cooperate with the government but continuous allegations of rigged elections from PDA and marginalization of PPP, especially in Sindh, by the government led her to adopt policy of confrontation. This shows that opposition politics, like ruling elites' politics, could not adopt a clear line between confrontation and democratic accountability throughout the period under study.

B. Constitutional Issues

Benazir Bhutto stayed equally responsive to the government's policy related to constitutional developments. She raised criticism in and outside of the parliament on the provisions of *the Sharia* Bill and the 12th Amendment.

The *Sharia* Bill

The Sharia Bill was the first legal issue which was criticised by Benazir Bhutto and other opposition political parties. Ms Bhutto believed that it could only fuel sectarianism and dictatorship in the country.³⁴ It was first criticised outside the parliament and then inside it. Though the *Sharia*

³¹ *Ibid.*, 305-6.

³² Qayum Nizami, *Generals aur Siyasutdan Tarikh kee Adalat Main (Generals and Politicians: In the Court of History)* (Lahore: Ilm -o-Irfan Publications, 2022), 209.

³³ *Pakistan: Arrests and Torture of Political Activists*, Report of the Amnesty International, January 1993, <https://www.amnesty.org/fr/wpcontent/uploads/2021/06/asa330011993en.pdf#:~:text=The%20PDA%2C%20an%20opposition%20alliance%20dominated%20by,Rawalpindi%20to%20the%20federal%20parliament%20in%20Islamabad%2C>

³⁴ Benazir Bhutto, *Reconciliation, Islam...opcit.*, 192.

Bill was initiated during the regime of Prime Minister Benazir Bhutto, it was first approved by the Senate, but it could not be finally approved during that period. On 13 May 1990, the IJI, which held a majority in the Senate, passed the *Sharia* Bill known as 'The Enforcement of *Sharia*,'³⁵ unlike the usual practice of passing from the lower House first. It had been introduced by Maulana Samiul Haq and Qazi Abdul Latif.³⁶ It was then referred to the National Assembly. No further development could take place on the Bill due to the dismissal of the Bhutto government.

The Sharif government initiated the bill once again with some amendments. The basic objective behind the passing of the bill was the enforcement of *Shariah* in the country. The opposition under Benazir strongly objected to various articles of the bill. She argued that the bill was an effort to undermine the democratic institutions in the state and also the consolidation of political authority in one hand. Her forceful criticism was on the bill's discriminatory provisions towards women and minorities, too.³⁷ Secondly, it would undermine democratic values, and theocracy would be introduced, or the state might head towards a theocratic state. Besides opposition political parties, minority groups and women organisations also raised their voices on the provisions of the bill as they were fearful of compromising their social status, legal rights and religious freedom in case of enacting *Sharia* law. Eventually, the National Assembly sent the Bill to special committees for consideration.³⁸

Ms Benazir Bhutto suggested that since the bill had been approved by the Senate during her administration, it should now be brought before the National Assembly directly. She was critical of the long deliberations on the bill, going on outside of the House. Miss Bhutto believed that Nawaz Sharif's cabinet, instead of the previous bill, wanted to introduce a new bill in the National Assembly that disregarded the Council of Islamic Ideology's suggestions.³⁹ The APC also criticised

³⁵ *Gazette of Pakistan (Extraordinary)* 18 June 1991, Enforcement of Sharia Act 1991. <https://www.pakistani.org/pakistan/legislation/1991/actXof1991.html>

³⁶ M Ziauddin, 'Nawaz Sharif's Sharia Bill,' *The Express Tribune*, 5 March 2013.

³⁷ For a detailed study on what Benazir thought on sharia and on her criticism of the way it had been taken up by both governments of Nawaz Sharif, please see her book Benazir, *Reconciliation, Islam, Democracy and the West*.

³⁸ Iftikhar Hyder Malik, *The History of Pakistan* (London: Greenwood Press, 2008), 183.

³⁹ Lawrence Ziring, *op.cit.*, 534.

the bill. Through this forum, Benazir Bhutto strongly criticised the *Sharia* Act by calling it undemocratic and divisive.⁴⁰

The delegates of all Islamic political parties rejected the *Sharia* Bill on 23 April 1991. According to them, the exemption had been granted to financial institutions in the context of continuing interest-based business and banking was a trick to avoid the negative curse of interest.⁴¹ Even IJI partners were divided on the nature of the bill. Mutahida Quomi Movement (MQM) also voiced concerns, and the JUI purposefully avoided the sessions.

Discussion on the bill began in the National Assembly on 13 May 1991. Benazir said, 'I would like to say on behalf of PDA that we reject the Bill as unIslamic, sectarian, unconstitutional and obscurantist'.⁴² Benazir marked the Bill as unconstitutional because she was of the opinion that the Council of Ideology should have been taken into confidence. Ms Bhutto believed that *Sharia*, in its original form, is a way to get to justice; thus, *Sharia* is not an end but rather a means to justice or equality or other principles that have been laid down'.⁴³ However, she objected to the provisions of the Bill in which the original spirit of sharia had been twisted.

Eight members of JUI and JI jointly proposed changes to the *Sharia* Bill. The National Assembly finished the bill's first reading on May 14. In a show of dissent, every PDA member left the meeting.⁴⁴ Benazir declared that her party, along with other opposition parties, could not approve the fundamentalist *Sharia* Bill.⁴⁵ On May 16, despite the protest of the opposition, the law was passed by a simple majority. Members of the PDA voted against the bill. She said, '*Sharia* is being used not to serve justice but to justify power grabs and silence dissent'.⁴⁶ Ms Bhutto was concerned that the bill could be used to uphold the authority of the government instead of promoting Islamic values in

⁴⁰ *The News*, 13 August 1991.

⁴¹ Rais Ahmad Khan, 'Pakistan in 1992: Waiting for change', *Asian Survey*, 33:2 (February 1993), 129.

⁴² *National Assembly of Pakistan*, 2017. <https://na.gov.pk/en/debates.php>.

⁴³ Benazir Bhutto, *Reconciliation, Islam, op.cit.*, 66.

⁴⁴ *National Assembly of Pakistan Debates*, 13 May 1991, p.1106. <https://na.gov.pk/en/debates.php>.

⁴⁵ Syed Manzural Hasan, *Pakistan Politics in the Mirror of History, op.cit.*, 246.

⁴⁶ *National Assembly of Pakistan Debates*, 16 May 1991.

society. Later on, the bill was presented in the Senate, which passed the bill on 28 May as well, without proposing any changes to it.⁴⁷

Benazir Bhutto strongly opposed the *Sharia* Bill, but was not successful in halting its passage. However, she stayed committed to her principled stand on the issue.

12th Amendment in the Constitution

The opposition's politics on the 12th Amendment was another significant feature of this regime. Due to the prevailing conflict in Afghanistan, the spread of violence throughout Pakistan was one of the prime concerns of the government. Street crimes had increased, as well as dacoities and robberies proliferated. The Nawaz government decided to modify the constitution in order to expand its authority and establish special courts for the trial of severe crimes. During the IJI and federal cabinet meetings, significant amendments to the Constitution had been suggested. The regime decided that it was crucial to grant constitutional protection to the special courts.⁴⁸

PDA leaders were briefed by the committee on the seriousness of the issue and the need for a constitutional revision. The bill was presented in the National Assembly following a protracted debate during the IJI parliamentary party meetings. On 14 July, Nawaz Sharif gave the IJI Assembly members a second draft that was almost entirely different from the first one. The new draft included proposals to increase the pay of judges in the Supreme Court, High Courts, and Special Courts. Article 212 B was also included in the draft to allow the Federal Government to establish Supreme Appellate Courts and Special Courts. It was decided that the new article would be operated only for three years, after which it would cease to exist. Two High Court judges had to serve as members of the Supreme Appellate Court, which was chaired by a Supreme Court judge.⁴⁹

The 12th Amendment Bill was introduced in the National Assembly on July 18, 1991. The speaker of the NA was repeatedly asked by the opposition to introduce the bill in the house according to the

⁴⁷ *The Gazette of Pakistan Extraordinary*, Act No X of 1991, June 18, 1991, https://na.gov.pk/uploads/documents/1335242059_665.pdf and Shuja Nawaz, *Crossed Swords: Pakistan, its Army, and the Wars within*. opcit, 178.

⁴⁸ Hamid Yusuf, *Pakistan: A Study of Political Developments 1947-1997* (Lahore: Sang-e- Meel publications, 1999), 154.

⁴⁹ Article 212 B, Chapter 4, Part VII, *Constitution of Pakistan 1973*, 122. https://na.gov.pk/uploads/documents/1333523681_951.pdf.

appropriate procedure. However, the speaker disregarded every regulation and allowed the administration to not only introduce it but also pass it in less than 30 minutes without even consulting the opposition.⁵⁰ On July 20, the bill was likewise approved by the Senate with a two-thirds majority. Surprisingly, only three PDA members of the National Assembly supported the bill.⁵¹ They were Qazi Abdul Latif, Molvi Anawarul Haq and Molvi Fida Muhammad Khan. These members supported the bill in favour of the government and thus created a rift in the PDA.

While criticising the 12th Amendment Bill in an interview with the BBC in London on 21 July, Benazir Bhutto said that the 12th Amendment law was totalitarian and had been passed to safeguard the rights of a single person. She declared that her party would not compromise on the judiciary's authority or the fundamental rights of Pakistanis. Islamabad hosted the PPP convention on July 25th, which was led by Benazir Bhutto. PPP criticised the speaker of the National Assembly too, who had not opened it for discussion and passed it hurriedly.⁵² Benazir said that it was against the essence of democracy.

The 12th Amendment bill was recognised as a black law by the PDA central committee. According to the committee, the bill violated both the international charter and human rights. Farooq Leghari, the deputy leader of the opposition, claimed that the way legislation was proceeded, the constitutional duties were just ignored. He remarked that it appeared as though martial law had been declared.⁵³ According to Farooq Leghari, the law should be referred to the National Assembly rather than being signed by the President. In spite of the opposition, President Ghulam Ishaq Khan approved the 12th Amendment Bill on July 27.⁵⁴

Benazir Bhutto and the PDA participated in a nationwide token hunger strike on 4 August 1991 in protest of the IJI government's political persecution, i.e. the passing of the 12th Amendment. The leaders of Tehrik-e Nifaz-e-Jafria, the Muslim League (Qasim Group), and the Pakhtunkhwa Milli Party joined the People's Party. Opposition parties observed a strike and a sit-in by the leadership, which continued for ten

⁵⁰ Hafeez Gohar, *Pakistan Kai Hukmaran (Rulers of Pakistan)* (Lahore: Gohar Publishers, nd), 354.

⁵¹ *The News*, 31 July 1993.

⁵² *Dawn*, 26 July 1991.

⁵³ *The News*, 1st November 1991.

⁵⁴ *Nawa-I-Waqt*, 28 July 1991 and Safdar Mahmood, *Pakistan: Political Roots and Development* (Karachi: Oxford University Press, 2002), 178.

hours in front of the parliament. The prominent leaders who observed the hunger strike and sit-in included Ms Bhutto, Rathore, Mahmood Khan Achakzai, Asghar Khan, Qasim Abdul Hafeez Pirzada, etc. Zahid Sarfraz and Nawabzada Nasrullah Khan paid a visit to the camp. Sherpao in Peshawar, N.D. Khan in Quetta, and Jahangir Badar in Lahore also witnessed strikes. Manzoor Wasan, Asif Zardari, and others also observed a hunger strike while incarcerated. The government had not given any heed to the hunger strike. The opposition then threatened to use all of its power against the administration if its demands were not met within ten days.⁵⁵ Despite resistance from the opposition political parties, special tribunals were established in each of the country's four provinces to reduce the crime rate, yet the crime rate could not be decreased.⁵⁶

The APC also condemned the way the 12th Amendment was passed and referred to it as a 'black law.' The 12th Amendment bill's approval had an impact on provincial autonomy and revealed the governing clique's intentions to usurp the people's fundamental rights. Ms. Benazir Bhutto, Air Marshal (Rtd) Asghar Khan, Maulana Fazalur Rehman, Allama Sajid Naqvi, Shah Faridul Haq, Malik Ghulam Mustafa Khar, and others were among the APC members summoned by Nawabzada Nasrullah Khan.⁵⁷

The next strategy of Ms Benazir Bhutto to pressure the government was to organise long marches and take to the streets in order to denounce the government policies. Benazir Bhutto organised a series of rallies and street protests after the passing of the *Sharia* Act and the 12th amendment in the constitution, criticising it across the country. She said that it had been approved to suppress the opposition and jeopardise the rights of women and minorities. She said:

Special Courts and Special Tribunals are actually perversion of the Judicial process. These courts testify to the unprecedented vendetta which has been launched against the Opposition for the first time in the history of the Indus Valley civilisation in any period, while posing itself as democratic.⁵⁸

Ms Benazir Bhutto continued criticising the working of special courts in the house also. While criticising the working capability of speedy trial courts, she said:

⁵⁵ *The Nation*, 5 August 1991.

⁵⁶ *Dawn*, 19 August 1991.

⁵⁷ *The News*, 13 August 1991.

⁵⁸ *National Assembly of Pakistan Debates*, 16 February 1992. www.na.gov.pk

Members of the Opposition are being denied a fair trial. The Disqualification and Speedy Court are all Special Courts set up under special laws, which do not maintain the minimum standard of a fair trial. The ordinary courts are not considered good enough for us. This has vindicated our stand and manifested the malicious intention of the regime, which is bent upon trying to eliminate the Opposition from participating in the political process of the country.⁵⁹

In sum, Ms Bhutto's response to *the Sharia* bill and 12th amendment clarifies her emphasis on protecting parliament's supremacy, judicial independence and protection of basic human rights. She continuously remained critical of the centralisation of authority and marginalisation of democratic values through opposing the two constitutional amendments. Both, however, were passed by the parliament, which shows the limited capacity of opposition forces in Pakistan to influence such broad changes in the system.

C. Rift between the President and the PM: Role of Benazir Bhutto

The conflict between the President and PM was used as a tool by the opposition leader to serve the interests of the opposition and to weaken the government, though initially, she sided with the PM.

The first rift between the two office bearers emerged on the appointment of Chief of the Army Staff after the death of General Asif Nawaz on 8 January 1993. Lieutenant General Abdul Waheed Kakar was appointed as his successor. The PM was neither informed of the decision nor consulted. In this situation, opposition leader Benazir Bhutto sided with the President. Although she did not go against the then Prime Minister overtly, she held the statement that, according to the Eighth Amendment in the constitution of 1973, the President had the full authority to appoint the Chief of Army Staff (COAS) without consulting the Prime Minister.⁶⁰

Although Prime Minister Nawaz Sharif was not opposed to the appointment of Abdul Waheed Kakar, he was unhappy that the choice had been made without his consent. He claimed that the 'federal government shall have control and command of the armed forces,' as stated in Article 243 (1) of the Constitution. The President exercises such control and command since he is the one with executive authority over

⁵⁹ *Ibid.*, 27 December 1992. www.na.gov.pk.

⁶⁰ She mentions in her book that Nawaz Sharif's addressing the public on TV just triggered the president to dismiss his government. Benazir Bhutto, *Reconciliation, Islam, op.cit.*, 194.

the federation. He must, however, in these matters follow the cabinet advice. An exception to this general rule is found in Article 243(2)(c).⁶¹ It gives the President the authority to name the COAS, Chief of the Naval staff, the Chief of the Air staff, and the Chairman of the Joint Chiefs of Staff Committee. He was free to make these appointments without consulting the cabinet or following the advice of the Prime Minister. Ms Benazir Bhutto, the then-opposition leader, supported the idea that the President had the authority to nominate the COAS.⁶² She said while addressing the National Assembly:

The President's statement about the necessity of accountability echoes in the political environment where decisions, including the appointment of key military officials, must be transparent and in the larger interest of the nation, not as a tool for political maneuvering or consolidation of power. This is part of the larger criticism of the government's handling of power and its disregard for institutional accountability.⁶³

In public, she endorsed the President's decision on the appointment.⁶⁴ This study finds that her vague point of view within the House and openly siding with the President publicly created doubts about the credibility of her opinion on the issue.

The second reason for the conflict between the President and the PM was Nawaz Sharif's effort to repeal the 8th Constitutional Amendment, which declared that his objective, which gave the President such powers that were incompatible with the 1973 Parliamentary form of government. He lacked the necessary parliamentary majority to amend the prevailing Constitution.⁶⁵ He contacted the opposition leader, who agreed to cooperate with the ruling party to repeal the 8th amendment in the Constitution. She even started calling Nawaz Sharif her brother.⁶⁶

⁶¹ *The Constitution of the Islamic Republic of Pakistan*, 1973, art. 243, <https://www.pakistani.org/pakistan/constitution/part12.ch2.html>

⁶² *The News*, 12 January 1993.

⁶³ *National Assembly of Pakistan Debates*, 1992 (Islamabad: National Assembly of Pakistan, 1992), https://na.gov.pk/uploads/documents/1458276598_359.pdf

⁶⁴ Lawrence Ziring, *op.cit.*, 542.

⁶⁵ V.Y. Belokrenitsky and V.N. Moskalenko, *A Political History of Pakistan 1947-2007* (Karachi: OUP, 2013), 331.

⁶⁶ Qayum Nizami, *Generals aur Siyasudan Tarikh... op.cit.*, 211. and Ejaz Hussain, 'Military Agency, Politics and the State: The Case of Pakistan', PhD Dissertation, der Ruprecht-Karls-Universität Heidelberg, 2010, 252.

She was also accepted to chair the parliamentary Committee on Foreign Affairs. Ms Benazir Bhutto said:

I am, of course, referring to the 8th Amendment, and if the President had, while speaking about the 'adventurers' and repeated political experimentation, spoken out against the 8th Amendment, perhaps we would have listened with more respect. But unfortunately, no attempt was made to criticise the act of adventurers. It gave unparalleled power to the head of state, powers which the present incumbent would like to guard jealously. The 8th Amendment has wholly undermined the constitutional institutions created in 1973. It was forced upon the National Assembly of 1985 under the threat of the continuation of Martial law.⁶⁷

Nawaz Sharif believed that repealing the 8th Amendment would solve his difficulties. At the same time, the President, who had not appreciated the whole move, contacted Benazir with the help of Gen. Kakar.⁶⁸ While having cards of both sides in her hands, she, instead of favouring Prime Minister Nawaz Sharif, used that opportunity to gain favour with the President.

With that, the difficulties for the PM increased. He was already facing a dilemma within his coalition set-up. Citing the resignations of important cabinet members,⁶⁹ The defections in the Pakistan Muslim League, and the seeming collapse of the government, Benazir assured her support to the President in his bid for a second term as President if he dissolved the assemblies.⁷⁰ The President dismissed the government on 17 April after the objectionable speech of the PM. And thus, another democratic rule came to a tragic end.

The dismissal of the Prime Minister aggravated the problem when Nawaz Sharif appealed against the dismissal of his government before the Supreme Court. The Supreme Court restored the Sharif government, while deciding that Ishaq Khan's action was unconstitutional. Although it was a great victory for the parliamentary system in Pakistan, practically, the system of government came to a standstill point with the PM and the President at loggerheads with each

⁶⁷ *National Assembly of Pakistan Debates*, 19 February 1992.

⁶⁸ Ian Talbot, *Pakistan: A Modern History* (Karachi: OUP, 2003), 325.

⁶⁹ Naumana Kiran, 'Federal Cabinet of Pakistan: Composition and Stratification, 1988-1999,' *JHSS*, 14:1 (June, 2023), 7.

⁷⁰ Saeed Shafqat, "Pakistan under Benazir Bhutto," *Asian Survey*, 36:7 (July 1996), 668. <https://doi.org/10.2307/2645715> and Lawrence Ziring, *op.cit.*, 541.

other.⁷¹ Finally, both the PM and the President resigned with the involvement of Gen Kakar.

The conflict between the President and the PM was best utilised by Benazir Bhutto in her favour. This, on one side, reflects her political skill, but on the other side, weakens the political and democratic system in the country, which was already very weak.

Conclusion

The study reaches the conclusion that Benazir Bhutto, as leader of the opposition, adopted a mixed policy towards the regime in the beginning; she announced cooperation and continued criticism. However, with the passage of time, her major approach remained either to criticise or to go on long marches, strikes and anti-government processions. Since the formation of the Nawaz government in 1993, she remained critical about the transparency of the elections and alleged that the government was rigging. Benazir Bhutto opposed the passage of the Sharia Bill as she was of the view that it would turn Pakistan into a theocratic state and would grab the fundamental rights of the people of Pakistan. She also opposed the 12th Amendment in the 1973 Constitution of Pakistan. Her siding with the President on undoing the 8th Amendment was more like adopting the politics of dealings. Her role as opposition leader in the context of conflict between the President and the PM was not a principled stand. She, in place of supporting the revival of the Constitution's original spirit, decided in favour of personal benefits. Her actions only strengthened Ghulam Ishaq Khan's position and the undemocratic spirit of politics in Pakistan. Overall, Benazir's opposition politics from 1990 to 1993 were coercive and vigorous as well as agitational at times. She, however, remained determined in her stand on elections, the 12th amendment, *sharia* law, etc. This study has also acknowledged her courage as opposition leader, sacrifices of personal comforts and motherhood.

⁷¹ Naumana Kiran, Federal Cabinet of Pakistan..., op.cit., 7.