

**FUNCTIONING OF NATIONAL ASSEMBLY OF PAKISTAN UNDER
GENERAL MUSHARRAF, 2002-2007: A CRITICAL ANALYSIS**

BY

ABDUL SALAM

ROLL NO: 01

Supervisor: Prof. Dr. Mahboob Hussain



DEPARTMENT OF HISTORY & PAKISTAN STUDIES

UNIVERSITY OF THE PUNJAB

LAHORE, PAKISTAN

OCTOBER 2022

**FUNCTIONING OF NATIONAL ASSEMBLY OF PAKISTAN UNDER
GENERAL MUSHARRAF, 2002-2007: A CRITICAL ANALYSIS**



ABDUL SALAM

*“Thesis submitted for the partial fulfillment of Master of Philosophy in Department of
History and Pakistan Studies, University of the Punjab, Lahore”*

Department of History and Pakistan Studies

University of the Punjab, Lahore.

Abstract

In a democratic country, National Assembly is the custodian of the rights of people and its members are the representatives of the people. The current study investigates the functioning of National Assembly during Musharraf era. A qualitative and quantitative content analysis is adopted to study the functions of National Assembly. The main sources of data were both primary and secondary in nature in which the debates of National Assembly were treated as primary source of data, while books, journals, and newspapers were consulted as the secondary sources of data. The indicators of institutionalization were applied on the National Assembly to evaluate the complexity, durability, differentiation, and autonomy of National Assembly of Pakistan between 2002-2007. The study incorporates different issues of national interest to assess the role of national assembly in these issues. The results of the study indicated that due to interference of military ranks in the civilian matters, the National Assembly portrayed a non-autonomous body where majority of the decisions were made by president. The guarantor of national assembly, 1973 constitution, was rigorously amended to curb most of the functions of national assembly through Legal Framework Order (LFO), 2002. Cases of political victimization were so severe that the main opposition leader was imprisoned throughout the parliamentary years of Musharraf era. The study further evaluates several incidences where the functions of the National Assembly were curbed, manipulated, and diverted during the regime of Pervez Musharraf.

DECLARATION

I solely declare that this paper titled, “**Functioning of National Assembly of Pakistan under General Musharraf, 2002-2007: A Critical Analysis**” is the outcome of my own individual effort. I declare that this paper is not submitted to any other university concurrently. It is submitted only for the M.Phil. History program in Punjab University.

Abdul Salam

(M. Phil Scholar)

CERTIFICATE

This is to certify that Abdul Salam has completed his research paper entitled “**Functioning of National Assembly of Pakistan under General Musharraf, 2002-2007: A Critical Analysis**” under my supervision. This paper fulfills all the requirements that are mandatory for the submission of thesis.

Supervisor

Professor Dr. Mahboob Hussain

Dedicated to
My Family

Acknowledgement

I would like to extend my heartfelt gratitude to Dr. Mahboob Hussain for agreeing to work as my supervisor and mentor. The journey of my M. Phil in History would have been a pipe dream if it were not for constant support, motivation, inspiration, and cooperation on his part. I would also like to thank him for his constant cooperation in non-academic aspects of my life. His support and cooperation have made me to a better person. He deserves a huge round of applause for his invaluable supports in my life.

I would also like to thank teachers of Department of History and Pakistan Studies for their dedication to the course of imparting invaluable knowledge to the students. I am grateful to be a part of such an academic culture that not only imparts knowledge but also full of research and development in the field of academia. The teachers of Department of History and Pakistan Studies also deserve a bundle of thanks.

I would also like to thank my sincere friends for their constant support and guidance in the course of conducting this research. I would love to thank Abdul Qadeer, Saira Essa, and Samiullah of Quaid-i-Azam University for their support and cooperation in the course of writing this dissertation. These friends also deserve a bundle of thanks.

Lastly, I would like to extend my gratitude to my lovely friend circle whose company has made me learn numerous things about life and experiences. I would love to thank Javed Sarparah, Muhammad Usman Janjua, Sohaib Ahmed, Abdul Rashid, Ali Akbar, Asifa Faqeer, Hafsa Zafar, Samia Aks, Aqsa Zafar, Shehryar and Saba Naureen. These guys have inspired, appreciated, tolerated and motivated me in every course of life.

Abdul Salam

Table of Contents

INTRODUCTION	1
1.1. Problem Statement	3
1.2. Objectives of study.....	4
1.3. Theoretical Underpinning	4
Differentiation.....	5
Durability	6
Autonomy	6
Books	7
National Assembly Debates.....	9
Journal Articles	9
Newspapers	9
THE NATIONAL ASSEMBLY OF PAKISTAN: A HISTORICAL PERSPECTIVE ..	10
2.1. Introduction.....	10
2.2. Growth of Legislature in British India.....	10
2.3. First Constituent Assembly of Pakistan (1947-1955).....	11
2.3.1. Composition of the First Constituent Assembly	12
2.3.2. Representation of Provinces and States	12
2.3.3. Professional Background of the members	13
2.3.4. Constitutional Developments of the First Constituent Assembly.....	13
2.3.5. The Objectives Resolution, 1949	14
2.3.6. Basic Principle Committee (BPC)	14
2.3.7. Bogra Formula	15
2.3.8. Dissolution of First Constituent Assembly	16
2.4. Second Constituent Assembly (1955-1958)	17
2.4.1. Composition of Second Constituent Assembly	17
2.4.2. Professional Background of Members of the Second Constituent Assembly	18
2.4.3. Durability of Second Constituent Assembly.....	19
2.4.4. Dissolution of Second Constituent Assembly.....	19
2.5. Ayyub Regime (1958-1969)	20
2.5.1. First Presidential Elections of 1960 and the Federal Assembly	21
2.5.2. Constitution of 1962	21
2.5.3. Differentiation and autonomy of National Assembly	22
2.5.4. Presidential Elections of 1965	23
2.5.6. Post-election Scenario.....	24
2.6. Pakistan under Yahya Khan.....	25
2.6.1. Legal Framework Order 1970.....	26

2.6.2. General Elections of 1970.....	26
2.7. Bhutto and Pakistan (1971-1977)	27
2.7.1. Constitution Making	28
2.7.2. Shimla Agreement	29
2.7.3. Recognition of Bangladesh.....	30
2.7.4. Military Operation in Balochistan	30
2.7.6. Bhutto as Prime Minister of Pakistan	31
2.8. Pakistan Under Zia-ul-Haq (1977-1988)	32
2.8.1. Provisional Constitutional Orders (PCO)	34
2.8.2. Zia as President.....	35
2.8.3. Non-Party Based Elections	35
2.8.4. Dissolution of Junejo Cabinet.....	37
2.9. National Assembly between 1988-1999	37
2.9.1. First Term of Benazir Bhutto	38
2.9.2. First Tenure of Nawaz Sharif (1990-93).....	39
2.9.3. Second Term of Benazir Bhutto	42
2.9.4. Second Term of Nawaz Sharif.....	44
FORMATION AND COMPLEXITY OF NATIONAL ASSEMBLY	48
(2002-2007).....	48
3.1. Introduction	48
3.1.1. General Elections of 2002.....	48
3.1.2. Composition of the National Assembly	50
3.1.3. Elections of Speaker and Deputy Speaker	52
3.1.4. Election of Prime Minister	52
3.1.5. Cabinet during Musharraf Regime.....	53
3.2. Complexity of the National Assembly.....	55
3.2.1. Local Government under New Elite	55
3.2.2. Nuclear Proliferation Issue and Abdul Qadeer Khan	56
3.2.3. Elections and the Manipulated House.....	57
DIFFERENTIATION, DURABILITY AND AUTONOMY OF NATIONAL	
ASSEMBLY	60
4.1. Introduction	60
4.2. Differentiation of the National Assembly	61
4.2.1. Legislation.....	61
4.2.2. Federal Budgets	63
4.2.3. Political Victimization	65

4.2.4. National Accountability Bureau (NAB) as an Institution of Political Victimization	68
4.2.5 Parliamentary Unity	70
4.2.6. National Referendum	70
4.2.7. Restoration of Article 58 (2b)	73
4.2.8. Military Induction in Different State Departments	73
4.2.9. Role of Media during Musharraf Regime	76
4.3. Durability of the National Assembly	77
4.3.1. Legal Framework Order (LFO)	78
4.3.2. Unilateral Maneuvers of Musharraf	82
4.3.3. Judicial Rift	82
4.3.4. Parliamentary Election of the National Assembly	83
4.3.5. Issues of Women’s Fundamental Rights	83
4.4. Autonomy of the National Assembly	86
4.4.1. National Security Council (NSC)	88
4.4.2. Legal Framework Order (LFO)	89
4.4.3. Taliban Dilemma	90
4.4.4. US Interference	93
4.4.5. Judicial Rift and the Autonomy of National Assembly	94
4.4.6. Foreign Policy	96
4.4.7. Vote of No Confidence against Speaker	97
4.4.8. Wana Operation and the Role of the National assembly	98
4.4.9. Akbar Bugti Case and the Role of the National Assembly	99
4.4.10. The Operation Silence	101
4.4.11. Army Chief-cum-President and Political System of Pakistan	103
4.5. The End of Military government	105
4.6. Conclusion	105
Bibliography	108
Books	111
Journal Articles	114
National Assembly Debates	108
Newspapers	116
Electronic Media, Websites and Reports	117

List of Tables

Table 1 Professional Background of Parliamentarians	18
Table 2 Party Position in 2002 Elections	50
Table 3 Cabinet of National Assembly	53
Table 4 Annual GDP Growth Rate in Percent	64
Table 5 Province wise Commercial Projects Run by Army	75

INTRODUCTION

The goal of General Parvez Musharraf was like that of Ayyub Khan and Zia ul Haq to clinch the political power in his hands. Like one of his predecessors, chief executive of Pakistan followed the idea of returning the power to the civilian control after the establishment of local democracy. While consolidating his power, Musharraf chose to dissolve the national assemblies, declared emergency, ousted the then prime minister Nawaz Sharif, forced the President Rafique Tarar to retire, and made himself the president with the title of Chief Executive. He then travelled to Agra, India, where he discussed the dynamics of regional security and Kashmir issue with the Indian Premier. The visit came up with no abrupt fruit-bearing results, yet the road was made smooth for further summit meetings between Musharraf and his Indian counterparts. This could bring about major shifts in the Pak-India relations, however the event of September, 11 attacks on the United States changed the reality in the political landscape of Pakistan.

The event of 9/11 was quickly investigated, and the United States came at a conclusion that the attack had been carried out by a militant organization Al-Qaeda operating from Afghanistan nearer to Pakistani borders with active support of Taliban regime. United States demanded Pakistan of its assistance as it prepared a military move against both the Taliban regime and al-Qaeda. Musharraf chose to be a part of US-led coalition against the Taliban. The decision of Musharraf met with severe outrage by the Islamic conservatives at home. The Islamized factions of the country, potentially pro-Taliban Pakistani volunteered in thousands to join the war against the US troops and their allies when they invaded Afghanistan and caused the fall of Kabul in 2001. Militants from the other side of the border boomed in FATA as the fighters of Taliban and al-Qaeda found refuge in Pakistan.¹

United States pressurized Musharraf to take aggressive actions against the militants in the tribal areas of Pakistan. The Pakistan military did launch a major campaign to fight the militants in these areas without the consult of the parliament of Pakistan, which not only challenged the autonomy of Pashtun tribalism and the parliament, but also affected members of the Pashtun

¹ Zahid Hussain, *Frontline Pakistan: The Struggle with Militant Islam* (New York: Columbia University Press, 2008), 57-60.

community not involved in the war front. The soldiers of paramilitary forces, often from the same tribal background, refused to fight or fought with little enthusiasm against the members of their brethren. Musharraf dismissed several army officers considered sympathetic to Taliban and arrested numerous militants and foreign Jihadists. Nevertheless, he faced the continuous accusation of US for not doing enough to combat terrorism.²

In April 2002, Musharraf held a referendum that he easily managed to win. He was elected as the president of Pakistan for a term of addition five years. Provisions of Legal Framework Order (2002) not only extended the term of Musharraf as the head of Army, but also expanded the powers conferred to president and increased the numbers of members in both legislative houses. General elections were held with the imposed limitations by the LFO-2002. Despite winning two third majority in the general elections, Musharraf's Pakistan Muslim League (Q) managed to win more seats than any other contending party. Jamali-led coalition government was formed from the members of Pakistan Muslim League (Quaid-i-Azam)-PML-Q and Muttahida Qaumi Movement (MQM). The policy of confronting Islamist groups, was opposed bitterly by the opposition alliance Mutahida Majlis-e-Amal (MMA) and the role of army was openly questioned in Waziristan. In late 2003, government, unexpectedly, declared a unilateral ceasefire on Line of Control (LoC) and sought to negotiate with Delhi on Kashmir issue.

In late 2003, parliament ratified most of the provisions of Legal Framework Order as the seventeenth amendment to the constitution. This amendment not only conferred the president with the powers to dismiss prime minister, but also entrusted in him the authority to appoint provincial governors and chiefs of armed forces. The 17th amendment to the constitution also removed the National Security Council (NSC). The security council was to be recreated by the national assembly in 2004. The bill of National Security Council was presented to the parliament. Islamic and secular parties vowed to oppose the bill claiming it to be a source of institutionalizing military rule in the country and curtail the powers of parliament. However, the bill was passed with the boycotted opposition. A drift had occurred between president and prime minister and president on the issues of NSC, Musharraf's possible continuation as the Army Chief. In June 2004, PM Zafrullah Khan Jamali tendered his resignation at the request of president of Musharraf, which indicated a massive curtailment on the autonomy of the

² Shuja Nawaz, *Countering Militancy and Terrorism in Pakistan: The Civil-Military Nexus*, United States Institute of Peace (2016): 14-16.

National Assembly. He was succeeded by Chaudhry Shujahat Hussain³ and then replaced by Shaukat Aziz.⁴

In the beginning of 2007, Musharraf began to seek re-election to the presidency and continued his role as the head of army. This move of Musharraf was objected by opposition parties and the Supreme Court on constitutional grounds. The lawyers in Pakistan staged massive general strikes and many violent protests took place in many parts of the country, when Musharraf dismissed the then Chief Justice of Supreme Court, Iftikhar Mohammad Chaudhary. The dismissal of Chief Justice was overturned by the Supreme Court in July, and Chaudhary Iftikhar was restored to his position.⁵ With the refusal of opposition to participate in the vote, the parliamentary electoral college voted in the favor of Musharraf for re-election as the president for another term of five years.⁶ Supreme court delayed the announcement of this vote to evaluate in on the grounds of constitution. In November 2007, Musharraf once again declared a state of emergency, suspended the constitution, and dismissed members of supreme court including Chaudhary Iftikhar. Supreme Court upheld the election of Musharraf in the end of November and Musharraf resigned from the commission of army and took oath as the civilian president. The elections of 2008, PML-Q could not win the majority seats and stood on the distant third behind Pakistan Peoples Party (PPP) and Pakistan Muslim League (N). Zardari's (PPP) and Nawaz' (PML-N) formed a coalition government and Yousuf Raza Gilani was elected Prime Minister.

1.1. Problem Statement

Studies have discussed the attempts of Parvez Musharraf to strengthen his regime by introducing certain minor and major changes in the legislative structure of power tilt from civilians to civilian military. These changes not only restricted the power of individuals and institutions but also created new institutions to legitimize his rule. In the beginning of his takeover of political palace of country, he manifested intentions of making the culprit accountable, reviving the shambled economy, and holding apparent free and fair elections to establish an apparent civilian government.⁷ From a sociological point of view, Musharraf

³ National Assembly Debates, Session 16, Vol, XVI, No. 1 (30 June 2004), 16-20.

⁴ National Assembly Debates, Session 20, Vol, XX, No. 1 (28 August 2004), 3.

⁵ DAWN: March 16, 2009.

⁶ DAWN: October 7, 2007.

⁷ Sughra Alam, Dr. Muhammad Nawaz Bhatti and Dr. Asia Saif Alvi, *Civilization of military rule in Pakistan: A Study of Musharraf Era (1999-2005)*, Pakistan Social Sciences Review 4, no. 2 (2020): 151-163.

changed the course of historical events by bringing a significant alteration in the shared meaning of democracy. With his narrative of “Pakistan First”, he created a collective conscience in the society that attempted to legitimize his decisions as the decisions of “Pakistan”. The social legitimacy gained through aggressive campaigns of narrative building; he changed the collective conscience towards democracy in the country by brute use of national resources. For example, as an official of military institutions, he altered the rules that worked as measuring rod of institutional behavior and deviated from its normal position in the socio-political structure of Pakistan. He also changed the collective conscience towards the normative rule of law as the guiding principle of national institutions to a collective conscience where the alteration in the guiding principles turned to be a normative pattern. It is therefore assumed that he did establish a civilian government with democratic institutions. However, the institutions did not work as per the mandate of democratic culture but by the directions of Musharraf. So, it can be gauged that the National Assembly (2002-2007) was Controlled Assembly under the military regime of General Pervez Musharraf.

1.2. Objectives of study

The present study investigates the functioning of national assembly (2002-2007) as an autonomous, distinct, and durable institution. It makes an effort to meet the following objectives:

1. To study the formation and complexity National Assembly of Pakistan during Musharraf Era.
2. To understand the National Assembly of Pakistan during Musharraf Era as a distinct/differentiated institution.
3. To investigate the extent to which National Assembly of Pakistan during Musharraf Era was durable.
4. To analyze the autonomy of National Assembly of Pakistan during Musharraf Era.

1.3. Theoretical Underpinning

The concept of institution has several connotations based on the domain in which it is being discussed such as political science, sociology, and economics. According to March and Olsen, “an institution is a relatively enduring collection of rules and organized practices, embedded in structures of meanings and resources that are relatively invariant in the face of turnover of

individual and relatively resilient to idiosyncratic preferences of individual and changing external circumstances.”⁸ Institutionalization is the development of an organized system of policy formulation. In a political community, routines and standard ways of doing things are developed in an organized manner by creating a hierarchy of resources and authorities. Recurrence of persistent issues are institutionalized to make them followable by the actors of political community for their solution and betterment of social sphere.⁹

Institutionalization refers to a process in which a body acquires a course of definite ways to execute and perform different tasks that are brought before it. It also acquires ways that are different and independent of external environment. The extent of institutionalization can be gauged by its adaptability, complexity, autonomy, and coherence of its organizations and processes. The level of institutionalization can only be compared if these criteria are identified and measured.¹⁰ Usually, an institution is created to perform certain tasks to achieve a single goal. If the institution performs its tasks with the changing environments with which it is confronted, it is deemed as more institutionalized than one which has not.¹¹

National Assembly of Pakistan is an institution with certain rules and procedures, tasks, and authorities in its disposal. Ideally, it is a sovereign, autonomous, and a durable institution that performs its functions through democratically elected members by general elections. The extent of its performance can be measured more through the following indicators proposed by Kevin T. McGuire.

Differentiation

Differentiation from the environment is one of the principal indicators of an institutionalized political organization. It fundamentally refers to creation of an identity of distinctiveness. In terms of institutionalization of political organization, differentiation refers to the process of establishing the manifest boundaries that marks a clear indication of the distinctiveness of the institution under consideration. The pragmatic approach to the differentiation of an institution can be understood by the extent to which its members constitute a distinct group who make efforts to achieve the institutional goals with well-defined roles in the political system. The measurement of differentiation can be conducted by the extent to which its members are

⁸ Mathew Holden, Exclusion, Inclusion, and Political Institutions, *Economics* (2008): 182.

⁹ Kevin. T. McGuire, The institutionalization of the US Supreme Court, *Political Analysis* 12, no. 2 (Spring 2004): 129.

¹⁰ Samuel P. Huntington, *Political Order in Changing Societies* (New Haven and London: Yale University Press, 1968), 12.

¹¹ *Ibid*, 15.

recruited from a group who have a sheer understanding of the common institutional goals. The operational definition of the differentiation would be an effort to assess national assembly of Pakistan between 2002-2007 against the principles of differentiation as mentioned in the sessions of national assembly.

Durability

The growth of an institution can also be measured by its ability to sustain and adapt to change. The strength of an institution as a sustainable policy maker can also be gauged by the extent to which it is resilient. The resilience here refers to the strength of institution to maintain its role in both the odds and evens of the political culture. Besides representing the durability of the institution, it also serves as a measuring rod of integration in the political system. A durable institution is therefore imperative to be able to pursue the institutional goals even if confronted with the change in the political environment. Durability, in this paper would be measured by assessing the role of national assembly in formulating and passing necessary laws that best serve the interests of nation despite significant alteration in its structure or the hierarchy of its members during the Musharraf regime.

Autonomy

Autonomy is basically referred to as having a degree of independence in making its own decision without any dictation from external forces. On pragmatic grounds, it is conceptualized as the presence of rules and procedures that act as the guardian of the independence of the institution against other organizations of the state. In this paper, autonomy of National Assembly would be assessed by the degree of independence in the decisions it had made during the Musharraf Era. Aforementioned indicators of institutionalization are measured on national assembly of Pakistan during Musharraf era to assess the level of institutionalization found in the assembly. Their application on the national assembly is measured by the debates that had taken place throughout the parliamentary years of Musharraf regime.

1.4.Review of Relevant Literature

The literature review provides the basic understanding of all the consulted bases of knowledge that are incorporated in the dissertation. The review of literature in the present study consulted both primary and secondary sources of data. The following paragraphs provide a brief understanding of major sources of data that were utilized in the present study.

Books

Books were used as the secondary sources of data that were consulted for the understating of different sections of dissertation. These books were thoroughly gone through for getting any information about the ways in which the functions of national assembly or its historical background were historicized.

The book “The Parliament of Pakistan: A History of Institution-Building and (Un) Democratic Practices, 1971-1977 by Mahboob Hussain” highlights the functioning of parliament of Pakistan in 1970s. It is detailed description of the functions and evolution of the parliament in the era of Zulfikar Ali Bhutto. The main focus of this book is on the evaluation of parliament on the indicators of complexity, autonomy, differentiation, durability and sovereignty. It also describes the strengths and weakness of parliament during the regime of Zulfikar Ali Bhutto. It also provides a brief description of the emergence of undemocratic forces in the political culture of Pakistan. The book served as a guide to the present dissertation in terms of its working plan and application of the indicators of institutionalization that were the fundamental indicators of this dissertation.

The work of Hamid Khan “Constitutional and Political History of Pakistan” is a brief description of the history of Pakistan in terms of its constitutional and political developments. It enlists a case-by-case analysis of the constitution building in Pakistan. It also includes almost all the pertinent documents about the constitutional development. The book is also a brief description of the political history of Pakistan that focuses on all the major political events that culminated in different constitutional developments. It also analyzes the role of politicians, military generals, and senior bureaucrats in the analysis and implementation of the constitutional developments in Pakistan.

Moreover, “Fighting to the End: The Pakistan Army's Way of War” by C. Christine is a brief account of the history of Pakistan in terms of the role and rule of army as the superior force in the country. It reasons that the military ranks have locked the country in a rivalry with India to wrestle with it on the issue of Kashmir. The book also provides detailed accounts of the wars that both Pakistan and India fought over Kashmir in 1947, 65, and 99. In which the former had more jingoistic attitude but never managed to win one. The army still continues the policy of belligerence towards the India by employing certain non-state actors. The army has also provided moral and logistical patronage to certain Islamic militant groups in Kashmir and non-Islamic actors in other parts of India which have brought the two countries on the brink of war

with least successes. The author also discusses the reason behind the persistence of the policy of belligerence on the part of army. It maintains that Pakistan would remain in such a destabilized nature because of the preferences set by army in its institutional domain. This book has helped the researcher to document the motivation of Army in meddling with the affairs of the state.

The book of Ishtiaq Ahmed “The Pakistan Garrison State: Origins, Evolution, Consequences (1947-2011)” highlights the underlying factors in which Pakistan army rose to power and authority in political spectrum of Pakistan. It discusses the factors regarding the cold war competition, regional balance of power, and ideological state apparatus. It also discusses the political situation in the neighboring countries of Pakistan that influenced the army to adopt a belligerent version of ideology in its ranks to rise to power. Overall, the book provides a brief account of the motivations and factors that defined the course of action of the state army that was in shambles in its inception and succeeded in acquiring political party through both direct and indirect rule. The attempts of army in this perspective remained ruinous to the socio-economic structure of the country as well as its political culture that remained deprived of democracy. This book also helped the researcher to find out the underlying factors under which the military interfered in the civilian affairs of the country.

Furthermore, *The Army and Democracy: Military Politics in Pakistan* by Aqil Shah points out that the democratic set up in Pakistan could not flourish as it did in its father country India. Unlike India, most of the historical phases of Pakistan were under military leadership who controlled the political spectrum in both direct and indirect manner. The book answers an important question as to how the military in Pakistan becomes a power elite and what it means for the future of nuclear armed state to be governed by an unchecked armed force. The book reasons that both Pakistan and Indian army inherited the same organizational training and doctrines from their British predecessors but what factors led the army in Pakistan to move into the politics from barracks and not in the case of Indian army.

Basing its argument on the archival materials, military documents, and over 100 interviews conducted with politicians, civil servants including four chiefs of army staff and secret agencies, the book provides a brief of army’s contentious relationship with the civilian government of Pakistan. He also discusses the steps through which the role of army in Pakistan can be reduced to less political structure. The researcher utilized this book to come up with certain ideas from this book to discuss the role of military in the political sphere of Pakistan.

Along with these, the arguments and empirical evidence from many other books were also incorporated in the study to ensure the diversity of idea.

National Assembly Debates

The debates of national assembly were treated and consulted as primary data sources to analyze the functions of national assembly during Musharraf era. The debates of five parliamentary years between 2002-2007 were acquired from the website of national assembly and their contents were used as the potential sources of analyzing the functions of national assembly. The debates were used to assess the extent to which these debates changed or retained the political decisions made in the country. These are also treated as the primary sources to analyze complexity, durability, differentiation, and autonomy of national assembly during Musharraf era.

Journal Articles

Journal articles of different natures were utilized in this study as the secondary source of data for the dissertation. The ideas and findings of journal articles were used as the supportive arguments to that of researcher.

Newspapers

Newspapers are the reports of political events in the country. The present study incorporates different political news published in the national and international newspapers to justify the argument of the researcher. The archives of newspapers were widely consulted throughout the course of dissertation writing.

Chapter No. 1.

THE NATIONAL ASSEMBLY OF PAKISTAN: A HISTORICAL PERSPECTIVE

2.1. Introduction

The political and constitutional history of Pakistan is replete with the intervention of undemocratic forces at its ebb to pure democracy. Pakistan adopted a democratic form of government at its inception to continue with an egalitarian approach to ensure the inclusiveness of each and every citizen belonging to any stratum of society. While addressing the first constituent assembly, the founder of Pakistan, Quaid-i-Azam Muhammad Ali Jinnah stated “*you will find that in the course of time Hindus will cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is a personal faith of each individual, but in political sense as citizens of the State.*”¹² However, soon after its independence, and due to variety of domestic and international security issues, Pakistan had inherited a strategic security structure in the form of bureaucracy-military oligarchy but lacked the necessary democratic culture and structure to run the state affairs.¹³ Indeed, the history of Pakistan has completed 11 tenures of national assembly in its political history before Musharraf regime but none of them could function in accordance with the principles of institutionalization.

2.2. Growth of Legislature in British India

The foundation and evolution of the National Assembly of Pakistan was product of the British legislative system in India. The Council of Governor-General transformed into the Imperial Legislative Council, succeeded by the Constituent Assembly, and finally took the shape of the National Assembly of Pakistan. The Charter Act of 1833 was the first regulating act in the formation of the Council of Governor-General of India. This Act distinguished between

¹² Constituent Assembly of Pakistan, Session 1, Vol. I, No. 2 (11 August 1947), 18-20.

¹³ Hafeez Nasir, *Evolution of National Security Structures in Pakistan*, Institute of strategic studies Islamabad 22, no. 2-3 (Summer and Autumn 2012): 151-171.

the legislative and executive powers of the Council.¹⁴ The Indian Act of 1858 abolished the rule of East India Company and brought Indian affairs under the domain of the British Crown. Indian Council Act of 1861 enlarged the Legislative Council and commenced the portfolio system in the legislative structure. The Act of 1892 further empowered the Governor-General in legislative provisions by making regulations for the nomination of additional members of the council. Minto- Morley Reforms of 1909 introduced the separate electorate system for minorities in India. Montagu-Chelmsford Reforms of 1919 brought changes in the Central and Provincial legislations. In the Centre, it initiated Bicameral Legislation consisted of two houses: Central Legislative Assembly (Lower House) and the Council of State (Upper House). It also launched a “Diarchy System” in the provincial assemblies. Government of India Act 1935 abolished the provincial diarchy and introduced it in the Centre. Besides, the Act proposed the federating set up in India.¹⁵ Finally, the Indian Independence Act of 1947 divided British India into two dominions-India and Pakistan. As a result, the first Constituent Assembly of Pakistan was formed in August 1947.

2.3. First Constituent Assembly of Pakistan (1947-1955)

Pakistan began its state functions with a tri-faceted institutional framework including a constituent assembly with its cabinet, judiciary and Governor General. The affairs of the provinces of the country were engineered by provincial Assemblies and Governors, except for Balochistan that was directly administered by the federation at the center.¹⁶ In the federation, on the other hand, the members for newly opted constituent assembly were elected through indirect elections introduced by the British government which continued to work as a *modus operandi* till 1970. In its initial stages, the Indian Act of 1935, with some necessary amendments, was introduced as the guiding principle of the first constituent assembly of Pakistan. The Act was later replaced by Constitution of 1956 drafted by its constituent assembly.¹⁷ The first Constituent Assembly of Pakistan adopted the Objectives Resolution in

¹⁴ Mahboob Hussain, *A History of Institution-Building and (Un) Democratic Practices, 1971–1977* (Karachi: Oxford University Press, 2019), 3-4.

¹⁵ Dr. Mazhar Hussain, Mian Muhammad Ahmed and Muhammad Anwar Farooq, *Evolution of the Idea of Electorates in the United India: A Careful Study of Different Acts (1861-1947)*, *International Journal of Social Sciences, Humanities and Education* 1, no.1 (2017): 2-8.

¹⁶ Subrata Kumar Mitra, *The Post-Colonial State in Asia: Dialectics of Politics and Culture* (Lahore: Sang-e-Meel Publishers, 1988), 39.

¹⁷ Mahboob Hussain, *Institute of Parliament in Pakistan: Evolution and Building process (1947-1970)*, *Journal of Political Studies* 18 (2), 77 (2011): 77-99.

1949 that subsequently was recognized as the guiding principle for constitution making of the country.

2.3.1. Composition of the First Constituent Assembly

The first Constituent Assembly of Pakistan was comprised of 69 members; the number was increased to 79 by giving representation to princely states and refugees. The representation of the Assembly was limited to bi-party system of which the Muslim-majority was Muslim League that is credited with the successful functioning as the party for freedom movement, and the Hindu majority party was congress that represented the non-Muslims in the newly created state of Pakistan. Muslim League was represented by Muslim members with the exception of two non-Muslims while Congress had an overwhelming representation of Hindus in Pakistan Muslim League was the largest political party in the First Constituent Assembly carrying 49 members in 1949, which reached 60 in 1953, and the number of Congress members dropped from 16 to 11.¹⁸

2.3.2. Representation of Provinces and States

The composition of first Constituent Assembly of Pakistan had representation from both the parts of Pakistan including the newly annexed states of Baluchistan, Bahawalpur, and Khairpur. Representation of provinces of Pakistan were also marred with the culture of undemocratic democracy wherein all the provinces were administered by a Governor through their Assemblies except for Balochistan. Pakistan comprised of four provinces consisting of Punjab, Sindh, Northwestern Frontier Province NWFP (now KPK), and Bengal. In the case of Baluchistan, there was no Assembly or cabinet, except the representatives were selected by the Electoral College which comprised of Quetta Municipality and Jirga System.¹⁹ The seats announced for Khairpur, Bahawalpur, NWFP and Baluchistan were filled through nomination by the rulers.²⁰ The representation of members of assembly from each province was made on the population basis. Territorially speaking, 44 seats represented East Pakistan and the rest of 35 seats divided among Punjab, NWFP, Sindh, Khairpur, Bahawalpur, Baluchistan and the Baluchistan states. Along with these, two female representatives: Begum Shahista Ikramullah and Begum Jahan Ara Shahnawaz were included in the assembly.²¹

¹⁸ Mushtaq Ahmed, *Government and Politics in Pakistan* (Karachi: Space Publishers, 1970), 20-21.

¹⁹ Hasan Askari Rizvi, *The Military and Politics in Pakistan: 1947-1997* (Lahore: Sange-e-Meel Publishers, 2000), 332-335.

²⁰ Inam-ul-Haq Kausar, *Pakistan Movement and Baluchistan* (Quetta: United Printers, 1999), 55-79.

²¹ *Ibid*, 58.

2.3.3. Professional Background of the members

Composition of first constituent assembly represented a duality of representation on the basis of its members' socio-cultural and professional backgrounds. The members of assembly belonging to East Pakistan consisted of a middle-class stratum and spoke a different language i.e., *Bengali* that nourished difference with the members of assembly belonging to West Pakistan about the running of government who consisted mainly of feudal and landlords. The professional background of the members of Assembly represented a variety of fields including 31 lawyers, 37 landlords, 9 businessmen, and the rest from other professions. A significant majority of the members of the assembly were migrated members and were ostensibly unfamiliar with the socio-cultural setup of the new territory they were assigned to govern. They also had little electoral support in the state like Liaquat Ali Khan who was nominated from East Bengal to represent constituency in the Assembly. He himself was muhajir and belonged to United Provinces (UP), a Muslim minority province remained in India.²²

2.3.4. Constitutional Developments of the First Constituent Assembly

The functioning of First Constituent Assembly began with enthusiastic and coexisting narratives and junctures. On the inaugural day of the assembly, August 10, 1947, Jogendranath Mandal, a minority representative from East Pakistan, was nominated as the temporary chairman of the constituent Assembly.²³ Jogendranath Mandal was first nominated by Liaquat Ali Khan and seconded by the Khawaja Nizamuddin. On the very next day, August 11, 1947, Quaid-i-Azam Muhammad Ali Jinnah, was elected as the president of Constituent Assembly.²⁴ After assuming the role of president, Quaid-i-Azam Muhammad Ali Jinnah emphasized on the unity, dedication and formulation of constitution while delivering his first speech to the nation.²⁵ A Basic Principle Committee (BPC) was established to continue on the task of formulation of a constitution for the country to run the affairs of the state.²⁶ The committee was charged to present the main principles for the constitution of Pakistan. On September 7, 1950, Basic Principle Committee presented its first report to the Constituent Assembly which was met with severe and aggressive public response particularly

²² Yunus samad, *A Nation in the turmoil: Nationalism and Ethnicity in Pakistan, 1937-1958* (New Delhi: Saga Publishers, 1995), 127.

²³ Constituent Assembly of Pakistan, Vol. I, No.1 (10 August 1947), 1.

²⁴ Constituent Assembly of Pakistan, Vol. I, No.2 (11 August 1947), 11-12.

²⁵ Ibid, 18-20.

²⁶ Constituent Assembly of Pakistan, Vol. V, No. 5 (12 March 1949), 101.

in East Pakistan on the grounds of national language and representation of seats.²⁷ The assassination of Prime Minister Nawabzada Liaquat Ali Khan on October 16, 1951 further impeded the smooth functioning of Basic Principle Committee and its task of constitution building.²⁸

2.3.5. The Objectives Resolution, 1949

The Objectives Resolution was the first constitutional step taken by the first Constituent Assembly of Pakistan on 23rd March, 1949 under the supervision of Liaquat Ali Khan. It set the foundation of the future constitution and indicated the framework to its structure. The resolution acted as the roadmap and preamble of all three constitutions of Pakistan. Sovereignty of Allah, Principles of Democracy, equality, and social justice for all were the main features of the Objectives Resolution.²⁹ Liaquat Ali Khan described the resolution as “the most important occasion in the life of Pakistan, next in importance only to achievement of independence.”³⁰

2.3.6. Basic Principle Committee (BPC)

Along with the adoption of Objectives Resolution on 23rd March, 1949, the first Constituent Assembly also established the Basic Principle Committee on the same day. The committee comprised of 24 members and was given the task to frame the basic principles of future constitution of Pakistan.³¹ The services of Sir Robert Drayton were also hired as the constitutional advisor in the Basic Principles Committee. The developments of Basic Principle Committee were communicated to the UK High Commissioner in Karachi by Sir Robert Drayton which not only compromised the efficiency of BPC but also contributed in the procrastination of the process.³² Ineffectiveness and incompetence on the part of the members of committee further weakened the process of committee and in sum depicted that the committee was neither autonomous nor sovereign in its developments.³³

The first constituent assembly was not able to win the support of the members who were elected to run the assembly. It was clearly witnessed from the event when the Prime Minister

²⁷ Ibid.

²⁸ Hamid Yusuf, *Pakistan: A Study of Political Developments 1947-97* (Lahore: Sang-e-Meel publications, 1999), 47.

²⁹ Syed Mujawar Hussain Shah, *Religious and Politics in Pakistan: 1972-1988* (Islamabad: National Institute of Pakistan Studies, 1996), 43-44.

³⁰ Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2017), 57.

³¹ Basic Principle Committee, Interim Report, 7 September 1950 (Karachi: Din Muhammad Press, 1950), 25.

³² United Kingdom High Commissioner (UKHC) Karachi to Percival Liesching, Commonwealth Relation Office (CRO) London, 9 September 1952, DO 35/2252, The National Archives (TNA) London.

³³ Keith Callard, *Pakistan: A Political Study* (London: George Allen and Unwin, 1957), p. 38.

Liaquat Ali Khan presented the first report of Basic Principal Committee on 7 September 1950 about the declaration of Urdu as the national language. The East Wing uses Bengali language as *Lingua Franca* and their representation in the assembly was more than those of the West wing. With the passage of time, the point of Urdu as national language became center of conflict which affected the working of constituent assembly. The smoothness of constituent assembly was further disturbed with the assassination of Liaquat Ali Khan on 16th of October 1951.³⁴

The assassination of prime minister added fuel to the conflict between both wings and also disturbed the pace of constitution building. In such a fragile situation, Ghulam Muhammad, a bureaucrat appointed as Governor General, altered the scenario by turning the collision between bureaucracy and politicians into a clash between Governor General and the prime minister. All this badly affected the working of BPC. Number of points suggested by members were not published in the report presented in the meeting of Basic Principal Committee. Due to this act, number of leaders such as Mian Iftikhar Uddin, leader of Azad Pakistan Party walked out of the meeting and the foreign minister, interior minister and communication minister resigned from the committee.³⁵ On 22 December 1952, Prime Minister Khawaja Nizamuddin presented the revised report of Basic Principal Committee with some additional amendments suggested by the general body and Board of Talimat-I-Islamia to the assembly yet rejected by the Awami League this time. Furthermore, the issue of Urdu and Bengali language intensified after the assassination of Liaquat Ali Khan. This was also one of leading factors behind the dismissal of the Prime Minister Khwaja Nizamuddin's government on 16 April 1953. After his dismissal, the new nominee was Muhammad Ali Bogra who was serving as Pakistan ambassador to the US.³⁶

2.3.7. Bogra Formula

Assuming the charge of Prime Minister by Muhammad Ali Bogra increased the pace of constitution building. He provided a soothing solution to the marred process of constitution building by introducing the Bogra Formula to the final draft of Constitution. The "Bogra Formula" was the basic framework for the establishment of bicameral parliament. It was supposed to be composed of House of People (Lower House) and House of Unit (Upper House) with the equal representation of the five provinces including Bengal, Punjab, Sindh,

³⁴ Hamid Khan, *Constitutional and Political History of Pakistan*, 67-68.

³⁵ UKHC in Pakistan to CRO London, 23 December 1952, DO 35/5048, TNA London.

³⁶ Yusuf, *Study of Political Development*, 55.

Northwestern Frontier Province and Balochistan. The House of People was to consist of three hundred members to be distributed among the five units of country. The division of seats was to be allocated 165 members to East Bengal, 75 to Punjab, 13 to NWFP, 19 to Sindh, 1 to state of Khairpur, 3 to Balochistan, and 7 to states of Bahawalpur. The House of Unit was to be comprised of 50 members equally distributed among 9 units of the country.³⁷ A point of criticism to the Bogra Formula rested on the idea of equal powers to both the houses which maintained that since the lower house represented the democrats and had to have more powers. Unfortunately, before presenting the draft in the assembly, the assembly was dissolved by Governor General Ghulam Mohammad on October 24, 1954.³⁸

2.3.8. Dissolution of First Constituent Assembly

Several internal and external factors were involved in the dissolution of first constituent assembly. Governor-General Ghulam Muhammad Mirza and Prime Minister Muhammad Ali Bogra were pro-US and working in a cooperative manner to take Pakistan in the western camp. However, anti-US and anti-establishment sentiments and forces were getting an all over popularity in the country, especially in East Bengal. Members of the constituent assembly, especially former federal minister Fazl-ur-Rehman openly criticized the efforts of the Constituent Assembly as a conspiracy to jeopardize the political and economic interests of Pakistan and allowing US to colonize Pakistan. The initiative of Fazl-ur-Rehman ended up as the sending of a trade delegation to Soviet Union with a mission of bringing the two countries closer. Constituent Assembly was also annoyed by the discretionary powers of Govern-General to dissolve the assembly, amended the constitution and snatched this discretionary power by amending sections 9,10,10(a) and 10(b) of the Indian Act of 1935 which gave more powers to Governor-General to dissolve the assembly.³⁹ After returning from Peshawar, Governor-General, took the main stakeholders into the confidence, including General Ayub, and dissolved the constituent assembly.⁴⁰

Although, the president of the dissolved assembly and its speaker Maulvi Tamizuddin Khan, challenged the order of Governor-General in Sindh high court which declared the dissolution of assembly as illegal. Then the federation of Pakistan appealed to the federal court on 21st March 1955. The federal court with a majority of four to one (4-1), gave verdict in favor of

³⁷ Saeed Ahmed Rid, *The Emergence and Evolution of Upper House (the Senate) in Pakistani Federalism from 1947 to 18th amendment 2010 and afterwards*, Pakistan Journal of History and Culture (May 2019): 10-12.

³⁸ Hamid Khan, *Constitutional and Political History of Pakistan*, 78.

³⁹ Constituent Assembly Debates, Vol. XIV, No. 35 (21 September 1954), 571.

⁴⁰ Yusuf, *Study of Political Development*, 58.

government and rejected the petition of Maulvi Tamizuddin on rather technical grounds of section 233A which declared the writ of Maulvi Tamizuddin as unlawful since it was not a law yet and not been assented by the Governor-General.⁴¹

The events up to the dissolution of the Assembly by the Governor-General in October 1954, the democratic process of the first constituent assembly manifested a lag in the culture and practice. The sovereignty of the assembly was compromised due to the vested interests of the members it represented. Be it the Basic Principle Committee or the changes in the government structure, majority of the decisions taken in the assembly were interfered by the third parties that were rather undemocratic. The autonomy of the assembly was shunned on many occasions with the intervention of bureaucracy-military oligarchy and the will of people was barred from prevailing in the course. The constant changes in the head of assembly bears witness to the durability of the house as compromised and unlikely to meet the foremost responsibility of framing a viable constitution for the country to work with.

2.4. Second Constituent Assembly (1955-1958)

When the first constituent assembly was dissolved, it remained dysfunctional for eight months. The second constituent assembly was established in May 1955 under the Governor-General Order No. 12 of 1955. Provincial assemblies of the respective provinces worked as the electoral college for electing the members of second constituent assembly.⁴² One-Unit system and formulation of the first Constitution of Pakistan were the major achievements of the Second Constituent Assembly of Pakistan. After the enforcement of constitution on March 23, 1956, Major General Iskandar Mirza became the first elected president of Pakistan. The president was the executive head of the state and worked on the advice of cabinet which was represented by the Prime Minister.

2.4.1. Composition of Second Constituent Assembly

The number of seats in the assembly were increased to eighty that were equally divided between East and West Pakistan. Muslim League was yet again the largest political party, but its representation was not like the previous assembly because of the absence of charismatic leadership. No political party begged the majority in the assembly that pushed the formation of a coalition government. Muslim League secured 25 seats, United Front 16,

⁴¹ Tamizuddin Khan, *The Test of Time: My Life and Days* (Dhaka: University Press Limited, 1989), 78.

⁴² Mahboob Hussain, *A History of Institution-Building and (Un)Democratic Practices, 1971-1977*, 27-28.

Awami League 12, Noon Group 3, Pakistan Congress 4, Scheduled Caste Federation 3, United Prograssive Party 2, Independent Muslim 1 and others 6.⁴³ Chaudhary Muhammad Ali was appointed as the prime minister of the Second Constituent assembly of Pakistan.

2.4.2. Professional Background of Members of the Second Constituent Assembly

Like the first Constituent Assembly, the second Constituent Assembly was also surrounded by the majority of landlords and lawyers. The professional backgrounds of the members of the assembly was as follows:

Table 1 Professional Background of Parliamentarians

Profession	Total	West Pakistan	East Pakistan
Landlords	28	28	—
Lawyers	23	3	20
Retired Officials	14	5	9
Industry and Commerce	7	4	3
Miscellaneous	8	—	8
Total	80	40	40

Source: Mushtaq Ahmed, *Government and Politics in Pakistan* (Karachi: Space Publishers, 1970), 106

2.4.3. Achievements of Second Constituent Assembly

In the terms of achievements, the Second Constituent Assembly established One-Unit system. The enactment of One-Unit system not only resulted in the creation of two vast provinces in the form of East Pakistan and West Pakistan but also solved the issue of parity of representation of the two wings. After the dissolution of first constituent assembly, the task of constitution formulation remained incomplete, for the accomplishment of the task the governor general has formed Constitution Convention in the absence of assembly to frame constitution. Members for the constitution convention were nominated by the Governor-General. The previous working of Basic Principal Committee on draft of constitution resulted as an edge for the members of Constitution Convention. The groundwork was successfully utilized, and the assembly presented its first constitution in March 1956. The Assembly under the constitution of 1956 proposed a unicameral parliament which consisted of president,

⁴³ Ibid

National Assembly with 300 members. Apart from these 300 seats, five seats were reserved for women for each wing.⁴⁴

This draft of constitution also has some loopholes like the issue of joint or separate electorate remained unresolved and the relationship between center and provinces remained unfocused. The responsibility of resolving the issue of joint electorate was given to provincial assemblies. Prime Minister Huseyn Shaheed Suhrawardy was in the favor of the joint electorate. His efforts gained the support of Republican Party, and the issue of electorate was resolved, and the national assembly passed the amendment on 22 April 1957, enforcing the joint electorates in Pakistan.⁴⁵

2.4.3. Durability of Second Constituent Assembly

The durability of the assembly during the presidency of Iskandar Mirza was less observed. Since no party had a majority in the government, the changes of prime ministers were more frequent and meant. Three coalition governments underwent alteration during the tenure of Iskandar Mirza between 1956-1958. The coalition government of Iskandar Mirza had grown more powerful. The influence of military in the political sphere has grown exponentially. The elections were to be conducted on February 1959 and the campaigns and preparations were under way, Iskandar Mirza imposed 1st Martial Law in Pakistan on October 7, 1958.⁴⁶ The most frequent changes in the coalition governments during the second constituent assembly manifest a non-durable assembly that could not continue with a vibrant cabinet.

2.4.4. Dissolution of Second Constituent Assembly

Several causes have been cited for the imposition of martial law in October 1958. The indication of Iskandar Mirza as the Decontextualized Democracy was further augmented by the issue of giving extension to Ayub Khan as the Army Chief. Prime Minister Feroz Khan Noon was reluctant to give extension to Ayub Khan which was due to expire in 1959. With the Military take-over of the political spectrum of the country, the conflict between the military and political sphere has come to an ostensible end.⁴⁷ With the imposition of martial law, the political power of the country has come in the hands of military with the direct support from landlords, business community and bureaucracy.⁴⁸ In the first decade,

⁴⁴ Rasul Bakhsh Rais, *Identity politics and minorities in Pakistan*, South Asia: Journal of South Asian Studies 30, no. 1 (2007): 111-125.

⁴⁵ Ibid.

⁴⁶ Verinder Grover and Ranjana Arora, *Political System in Pakistan: Role of Military Dictatorship in Pakistan Politics* (New Delhi: Deep Publishers, 2014), 244.

⁴⁷ Hussain Haqani, *History Repeats Itself in Pakistan*, Journal of Democracy 17, no. 4 (October 2006): 116-117.

⁴⁸ Mansoor Akbar Kundi, *Politics in Pakistan: Bending the Rules* (Karachi: Maktaba-e-Faridi, 2005), 11-14.

Pakistan's politics witnessed two constituent assemblies, changing seven governments along with three heads of state. These changes in the political sphere brought chaos and empowered the military along with bureaucracy. The first phase of the assembly experiences the interference of bureaucracy, and its second phase was influenced by military force and finally, the parliamentary system was barred by martial law.

2.5. Ayyub Regime (1958-1969)

President Iskandar Mirza dissolved the provincial and national assemblies, abrogated the constitution of 1956, banned all the political parties and imposed martial law in the country on October 7, 1958.⁴⁹ In the later phases, Ayub Khan has himself revealed that he had directed the president to act or if he doesn't act to change the system, the system will be forced to change.⁵⁰ The martial law was a clear episode of army's political agenda in the country that was indirectly forced by the military leadership. In the first phase, he dismissed Muslim League, constitution, provincial and central legislatures. In the second phase Ayub Khan declared himself as the president of Pakistan after deposing Iskandar Mirza for his apparent involvement in offshoots of political instability.⁵¹ Both Smith and Callard were of the view that the parliamentary system in Pakistan did not sustain because its legs were not strong enough to provide support to its own body, Pakistan.⁵²

The state of Pakistan was at the brink of numerous socio-political upheavals when the Martial law was declared. The state of Kalat has declared its cessation from Pakistan, Corruption, nepotism, treasons, and political provincialism were the order of the day. The political instability in the East Pakistan Assembly and the death of its Deputy Speaker further worsen the political environment of the country. The constituent assembly constantly delayed the constitution formation which turned into a sort of political bickering. Ghulam Muhammad and Iskandar Mirza had played their substantial role in the derailing of already fragile democracy.⁵³ Such a critical situation paved the way for Ayub Khan to take the control of government directly on 27th October, 1958.

⁴⁹ Mustafa Chowdhury, *Pakistan-Its Politics and Bureaucracy* (New Delhi: Associated Publishing House, 1988), 34-35.

⁵⁰ Sayeed, *System of Pakistan*, 93.

⁵¹ Uzman Haider, *Forced Modernization and Public Policy: A Case Study of Ayub Khan Era (1958-1969)*, *Journal of Political Studies* 4, no. 3 (2015): 45-60.

⁵² Callard, *A Political Study*, 329.

⁵³ Hafeez Malik, *Martial law and Political Development in Pakistan*, *Journal of South Asian and Middle Eastern Studies* 3, no.5 (1983): 79-82.

2.5.1. First Presidential Elections of 1960 and the Federal Assembly

Ayub Khan introduced a multi-purpose Basic Democracy system in which the basic democrats were both to be representatives of their respective constituencies and as well as members of electoral college to elect president. Later their electoral college was extended to elect the members of the Federal and Provincial Assemblies. The local elections took place in 1959 to elect 80,000 basic democrats. Of the 80,000 basic democrats, 75,238 affirmed their support for Ayyub Khan's presidency.⁵⁴ The elections were alleged to be manipulated by bureaucracy to vote for Ayub Khan as the president of Pakistan.⁵⁵ Later, these Basic Democrats were asked to elect the members of the Federal Assembly as well. The total number of the members of the assembly was 156 of whom 75 members were from both the Eastern and Western wings, and 6 seats were reserved for women. Members elected from West Pakistan in the assembly have no such difference in terms of their professional background from the previous members of the assembly. As usual, the members belonged to the profession of lawyers, businessman, landlords, doctors, teachers, retired government officials and leaders of trade unions. Since from inception, Pakistan was home to significant minority population but there was not a single representative from the minority community in the assembly.

2.5.2. Constitution of 1962

The constitutional development during the rule of Ayub Khan was less parliamentary in nature. Before the course of appointing the team of constitutional advisors, Ayyub Khan openly declared "*members appointed to draft constitution for state was not being appointed to tell us what we should do, we are clear in our mind that we cannot adopt the parliamentary system.*"⁵⁶ A legislative commission was established under the Chairmanship of Justice Shahab-ud-din. The Commission submitted its report to the Assembly on May 6, 1961. By passing the presidential ordinance, Ayub Khan enacted the constitution into force on 8 June, 1962. The constitution was not passed by the elected representatives, rather formulated as a whim of single man. It was a president-friendly constitution in which any amendment could be made if it had the assent of president, otherwise, it was a very lengthy process. The

⁵⁴ Sayed Mujawar Hussain Shah, *Federalism in Pakistan: Theory and Practice* (Islamabad: National Institute of Pakistan Studies, 1994), 57.

⁵⁵ Moeenuddin Ahmed Qureshi, *Planning and Development in Pakistan: Review and Alternatives 1947-1982* (Lahore: Vanguard Books Ltd, 1983), 7.

⁵⁶ JS Banis, *Some Thoughts on Pakistan's New Constitution*, *The Indian Journal of Political Science* 23, no.4 (1962): 219.

constitution of 1962 was a one-man show. It apparently provided rights and securities to the people, but in fact, it robbed people of all kinds of political rights and representation.

During 1962-1969, the assembly made eight amendments to the constitution. Among these seven amendments were made to save and brace the position of the president, except one which dealt with the fundamental rights and Islamic aspects of the constitution. The second amendment brought changes in the term of the president, and the third amendment in the constitution included the Fifth Schedule to the constitution which allowed more than one office at the time and being elected as a member of both provincial and national assembly. The fourth amendment empowered the government to retire any person below 55 years of age who remained in the service for 25 years. The fifth amendment authorized the president to declare an emergency and suspend several fundamental rights. The seventh Amendment also enhanced the powers of the president by amending the provisions related to the ordinance-making powers of the president and the governors of the provinces. These amendments clearly show that the powers vested in the domain of single-persons rather than in the institution. Throughout his tenure in the political spectrum of Pakistan, Ayyub Khan exercised his authority free from any institutional influence.⁵⁷

2.5.3. Differentiation and autonomy of National Assembly

The constitution of 1962 was promulgated on March 1, 1962 and was declared as a fulfillment of vow by Ayub Khan. It was a presidential constitution with substantial powers for the head of state. The council of ministers were to assist the president, attend and take part in the legislature but could not vote for any legislation. All the ministers in the council were answerable to the president not to the assembly that made them utterly toothless.⁵⁸ The national assembly had the jurisdiction to lift the ban from the political parties and manipulate the ways in which it could let the political parties to operate.⁵⁹

Under the one-man show constitution, there was no balanced sharing of powers between the legislature and the executive.⁶⁰ The constitution was not formulated to represent the masses but has beautifully been designed to ensure the continuity of the presidentship of Ayub.⁶¹ Basic Democracies System (BD-System) was initially designed to disseminate the flow of

⁵⁷ Mahboob Hussain and Rizwan Ullah Kokab, *Institutional Influence in Pakistan: Bureaucracy, Cabinet, and parliament*, Journal of Asian Social Science 9, no. 7 (2013):

⁵⁸ Susheela Kaushik, *Constitution of Pakistan at Work*, Asian Survey 3, no. 8 (August 1963): 384.

⁵⁹ Ibid.

⁶⁰ Mushtaq Ahmad, *Pakistan at the Crossroads* (Karachi: Royal Book Company, 1985), 103.

⁶¹ Amir Abdullah Khan Rokari, *Main Aur Mera Pakistan* (Lahore: Jang Publishers, 1994), 25.

power to the grass root level, but it indirectly served as the mean to continue the rein of Ayub Khan through the Electoral College, whom he called as the “foundation stone of new political system”.⁶² After the elections were held, both the treasury and opposition benches were in a bizarre with the discontinuity of the political parties that were banned prior to the imposition of Martial Law. However, the assembly permitted the parties to function with two broad conditions including that they must act in accordance with the Islamic Ideology and do not admit any member to their party that has been convicted of misconduct.⁶³ Most of the ex-politicians were enraged and promised that they would not collaborate for reviving political parties until the restoration of democracy in the country.

Months later in 1962, Suhwardhy formed the National Democratic Front to counter and oppose the reign of Ayub Khan. This front was supported by 54 political leaders of both the wings. Subsequently, National Democratic Front (NDF) was joined by three main opposition parties including Awami League (AL), National Awami Party (NAP), and Council Muslim League (CML). They demanded the full restoration of democracy in the country. The leaders of the NDF were detained by the state law enforcing authorities when they met in Larkana House in January 1964. The leaders were alleged for apparently conspiring against the state. After their revitalization, NDF did not gain momentum and broke down.⁶⁴

2.5.4. Presidential Elections of 1965

During the Ayub regime, six opposition parties of the assembly decided to contest elections and they formed an alliance known as “Combined Opposition Parties (COP)”. The nominations for the national assembly were called for on 16 February 1965 and withdrawal date was till 26 February. The new elections were announced on 2 March 1965. From both wings, nearly 672 candidates filed nomination papers for 150 seats. Among these, 312 came from East Pakistan and 360 from west Pakistan. After the withdrawal of several nominations, 419 candidates contested for the 150 seats. In this election, Convention Muslim League competed 146 seats, and the remaining 4 seats were for the tribal areas whose representatives were announced by the jirgas. The opposition alliance, COP contested 20 seats from west Pakistan and 71 from east Pakistan. The number of independent candidates was 148, seventy-one from West Pakistan and seventy-seven from East Pakistan.

⁶² Herbert Feldman, *Revolution in Pakistan: A Study of the Martial Law Administration* (Karachi: Oxford University Press, 2001), 145.

⁶³ Mohammad Khalid, *Welfare State: A Case Study of Pakistan* (Karachi: Royal Book Company, 1968), 163.

⁶⁴ Feldman, *Revolution in Pakistan: A Study of the Martial Law Administration*, 144-145.

In these elections, Convention Muslim League won 120 seats and caught the status of the ruling party in the assembly. The Combined Opposition Party won 16 seats and 4 seats were grabbed by independent candidates. Some of the interesting elements in these elections were noteworthy. For the candidate of president, opposition parties nominated Miss Fatima Jinnah. Ayub Khan was re-elected as the president by managing to get 49,951 votes that counts for 63% of total votes while Fatima Jinnah managed to get 28,691 votes that counts for 37% of the total count. The success of Ayub Khan was mainly engineered by the support of bureaucracy, army and basic democrats.⁶⁵ One thing that remained unchanged in this election was the composition of members in the assembly. Indeed, it was the replica of the previous one, the members came from the backgrounds of Landlords, lawyers, industrialists, businessmen, tribal chiefs, and ex-government officials.

2.5.6. Post-election Scenario

The political leadership was not contented with the results of the elections. United oppositions of five opposition parties formed Pakistan Democratic Front-PDF. Massive public strikes erupted. PDF criticized the government of corruption and dependence of US aid.⁶⁶ Labor unions, masses, and politicians revolted against Ayub. Streets were filled with the protestors, slogans were being chanted against the reign of Ayub, narrative was being applauded against the president. Politicians had their public meetings and sectarian riots broke out. A dismal state of affairs was on the way. To control the situation, Section 144 of the “Criminal Procedure Code” and rules of “Defence of Pakistan Ordinance” were imposed for a period of two months. Rules of “Defence of Pakistan Ordinance” were employed to seize any person involved in public meetings and prejudicial activity. Mass media campaigns through televisions and radio were initiated in the favor of Ayub.⁶⁷

Throughout the period of Ayub Khan, press censorship was brute, and oppositions were pushed to wall. In consequence of this, in November 1968, Pakistan Union of Journalists collaborated with the Pakistan Federation of Union of Journalists observed a journalism and publicly told the people that Ayub Khan is not letting them to tell the truth to the world. Press was restricted to tell any news about the unrest in the country that further deteriorated the situation.⁶⁸ Historically speaking, the national assembly under Ayyub’s tenure has not been any successive story. His government efforts were just for concentrating all the powers in his

⁶⁵ Rizvi, *Politics in Pakistan 1947-1997*, 132.

⁶⁶ Sayeed, *New Challenges to the Political System*, 99.

⁶⁷ Sayeed, *New Challenges to the Political System*, 101-102

⁶⁸ Muneer Ahmad, *Political Sociology: Perspectives in Pakistan* (Lahore: Punjab Adbi Markaz, 1978), 16.

hands, and to abolish this system of ruling opposition came up with several alliances during 1962-1969, with the demands of restoration of democracy and general elections based on universal adult franchise. Massive strikes in the country directed the government of Ayyub Khan to an impasse. Finally, Ayub Khan was forced to resign on 25 March 1969⁶⁹ who in turn handed over the power to General Yahya Khan. This transfer of power resulted in the defiance of 1962 constitution that required the powers to be transferred to Speaker of National Assembly. In fact, the tenure of Ayub Khan can be described as a decade that started with the Martial law and ended with Martial Law.⁷⁰

2.6. Pakistan under Yahya Khan

Yahya Khan came into the power when the second martial law was declared on 25th March 1969. He abrogated the constitution of 1962 and dissolved the basic democrats. In his maiden speech to the nation, Yahya Khan made it clear that he would transfer the power smoothly to the representatives of the people. He said, "*I wish to make it absolutely clear that I have no ambition other than creation of conditions conducive for the establishment of a constitutional government. . . . smooth transfer of power to the representatives of people. . . . elected freely and impartially on the basis of adult franchise*".⁷¹ With the proclamation of general elections in October 1970, the political activities in the country began in the country and all the political parties started propagating their views and agendas.⁷² He called upon the entire political leadership to work together for the solution of looming problems of the country and maintained its neutrality in all the political activities of the countries. Yahya Khan neither limited any political party nor any of their activities.⁷³ A new assembly was to be elected with a deadline of 120 days for the constitution making. He also made it clear that if the assembly did not meet the deadline, it would be dissolved, and new elections would be held. Other than this, he also dissolved the One-Unit System and restored the status of provinces, and elections for national assembly on one-vote, one-seat basis.⁷⁴

⁶⁹ Malik, *Today's Realities*, 131.

⁷⁰ Mushahid Hussain and Akmal Hussain, *Pakistan: Problems of Governance* (New Delhi: Vanguard Books Pvt Ltd, 1993), 125.

⁷¹ Dawn: Karachi, March 27, 1969.

⁷² M. Rashid-uz-zaman, *The Awami League in the Political Development of Pakistan*, Asian Survey 10, no. 7 (July 1970): 585.

⁷³ Morning News: Karachi, March 29, 1970.

⁷⁴ Craig Baxter, *Pakistan Votes-1970*, Asian Survey 11, no. 3 (March 1971): 201-202.

2.6.1. Legal Framework Order 1970

The Legal Framework Order (LFO) was pronounced on 30th March 1970. It promulgated five new principles to the constitution including ideology of Islam, Free and Fair elections, territorial integrity of Pakistan, autonomy of judiciary, and federal system.⁷⁵ The federal system provided autonomy to the provinces with sufficient legislative, financial, and administrative powers, and full participation of all the regions to the national issues of Pakistan. Nevertheless, president had the sole authority to interpret the constitution that cannot be challenged in any court.⁷⁶

Keeping the LFO in view, it can be asserted that the national assembly was not a sovereign body, and its decisions were taken by the president. The national assembly elected as the legislature was responsible to formulate the constitution within 120 days from the date of its first meeting and its failure resulted in its dissolution. Such a short span given to the assembly was the experience of constitution-making which took two constituent assemblies and nine years to formulate one constitution for the state of Pakistan.⁷⁷ Politicians had the reservation with the clause of the LFO that entrusted president with unlimited powers and making National Assembly toothless and ineffective.⁷⁸

2.6.2. General Elections of 1970

Under the legal framework order, the first general elections were to be conducted on 5th October 1970, but elections were delayed due to a disastrous cyclone in East Pakistan.⁷⁹ After this incident, elections were held on ‘One-Man’ ‘One-Vote’ basis under the supervision of Justice Abdus Sattar as chief election commissioner. Results of the elections of the national assembly show that 25 different parties have emerged. The number of nominated candidates from all over Pakistan was 1,579 for the 300 seats of the national assembly. In these elections, Shaikh Mujeeb-ur-Rahman, representative of Awami League from East Pakistan, stood victorious in East Pakistan and a large majority voted in favour of Zulfikar Ali Bhutto, the leader and founder of Pakistan People’s Party (PPP) in West Pakistan.⁸⁰ These elections gained a huge concentration of Pakistanis and foreign observers and was viewed as free and fair elections in the history of Pakistan which made the elections most successful ones.

⁷⁵ Rizvi, *Politics in Pakistan: 1947-1997*, 188-189

⁷⁶ Rashid-uz-zaman, *Political Development of Pakistan*, 585-586.

⁷⁷ Muhammad Hasan, *General Elections in Pakistan* (Lahore: Mavra Publishers, 2012), 95.

⁷⁸ Rizvi, *Politics in Pakistan 1947-1997*, 189.

⁷⁹ Craig Baxter, *Pakistan Votes-1970*, 210-212.

⁸⁰ *Ibid.* 215-221.

Almost 87% of seats were won by both PPP and Awami League. The results were news of disappointment for Yahya Khan because he was expecting a hung parliament and these elections led him to lose his power and his political control. The elections of 1970 changed the nature of electoral politics in Pakistan. This was the first elections in Pakistan that were represented by the members who were more concerned about national issues instead of local ones. They came up with the representation of a party rather than being candidates and they were dominated by mass politics rather than elite politics.⁸¹

In the elections, Sheikh Mujeeb-ur-Rahman was in a majority position and Yahya Khan called for the national assembly to meet in Dacca on 3rd March 1971. Disagreements arose between Awami League and Pakistan People's Party PPP, whose leader Zulfikar Ali Bhutto restrained his party members from joining the meeting. He also warned for a mass movement and called for a general strike on 2nd March 1971 and demanded a postponement of the meeting.⁸² Yahya Khan asserted that the meeting of National Assembly was postponed in order to negotiate and convince the leader of Awami League on matters related to constitution making.⁸³

When Yahya Khan delayed the meeting of the Assembly, the mass and aggressive reaction was observed in East Pakistan. From March 1971 onwards, the military was deployed in East Pakistan to curtail the support gained by the Awami League which resulted in the drastic situation. Along with the Indian aggression, a war broke out in East Pakistan that resulted in the separation of East Pakistan in December 1971 and the new state of Bangladesh emerged on the globe. After the separation of East Pakistan, Yahya Khan resigned from his position and handed over the powers to Zulfikar Ali Bhutto.

2.7. Bhutto and Pakistan (1971-1977)

On the 20th of December 1971, Zulfikar Ali Bhutto took control as president of Pakistan. He was also holding the position of civilian Chief Martial Law Administrator (CMLA) simultaneously. The urgent tasks before Bhutto were to redefine Pakistan, forming provincial assemblies, restore the support of bureaucracy, military, and newly elected parliamentarians, formation of constitution and lifting martial law from the country.⁸⁴ Bhutto lifted the martial

⁸¹ Hassan Muhammad, *General Elections in Pakistan*, 106.

⁸² Stanly Wolper, *Zulfi Bhutto of Pakistan: His Life and Times* (Karachi: Oxford press, 2008), 146.

⁸³ Baz Muhammad, *Constitution Making in Pakistan 1947-1985* (Karachi: Royal Book Company, 1995), 65.

⁸⁴ W.H. Wriggins, *Pakistan in Transition* (Islamabad: University of Islamabad Press, 1975), 182-183.

law in April 1972 when he announced the Interim Constitution of the country. Along with the center, Pakistan Peoples Party established its government in Punjab, and Sindh, while in Balochistan and NWFP, National Awami Party (NAP) and Jamiat Ulma-e-Islam (JUI) formed their coalition governments. Leaders of the whole political parties signed a constitutional accord for the making of permanent constitution for Pakistan. The unity in the idea of permanent constitution making was represented as a hallmark for national integration.⁸⁵

Bhutto directed the civil servants to show a non-serious attitude to the elected members. Until the formulation of the 1973 constitution, the interim constitution was implemented which vested more powers in the office of president, who had the authority to amend the acts and bill passed by the assembly. The task of constitution making was not smooth due to several causes, like the removal of Baluchistan government by banning NAP and installing Akbar Khan Bugti as the Chief Minister of Balochistan, due to which opposition boycotted the legislative proceedings of the National Assembly.⁸⁶

2.7.1. Constitution Making

A constitution committee was formed under the leadership of Mian Mahmud Ali Kasuri with a team of 24 members. The committee was aware of the political history of Pakistan and the causes of failure of constitutional machinery in Pakistan. On 22nd April 1972, the committee held its first meeting. It was committed to reach constitutional arrangement that barred not only the undemocratic forces to intervene the political spectrum of Pakistan but also work as the permanent guide to the country. Efforts were made to remove the dichotomy of fiction and reality in the executive authority. The committee was also committed on the view that the future constitution of Pakistan should provide a federal parliamentary form of government in which the executive is answerable to the National Assembly. Nevertheless, on 2nd February 1973, the first draft of constitution was presented in the assembly where it was debated. After the discussion of 33 days, the proposed draft was accepted as the permanent constitution of Pakistan.

Constitution of 1973 brought number of changes in the political sphere of Pakistan. The constitution provided a bicameral system for the first time, according to which two houses, the upper house (Senate) and the lower house (National Assembly) were named parliament.

⁸⁵ Zulfikar Ali Bhutto, *Pakistan Builds Anew*, Foreign Affairs 51, no. 3 (April 1973): 542.

⁸⁶ Leonard Binder, *Religion and Politics in Pakistan* (Berkeley: University of California, 1973), 78-79.

The parliament was empowered to build its own rules of procedure. The powers of the senate were limited, it has only the power to suspend any suggested bill, it was restrained from rejecting the bill and it could not take part in a vote of confidence. However, some edges were given to the senate; the senate was not subject to dissolution, the period set for the senate was four years and the half of membership would retire every two years. The lower house resembled the British system, a system with held more authorities in terms of both legislative and supportive of the prime minister and his cabinet. The time frame fixed for the lower house was five years unless dissolved.

Under the new constitution, the membership of the National Assembly was limited to 210, among whom, 200 were to be elected from a single member constituency according to the population and 10 seats were reserved for women, elected through separate voting of provinces. In terms of legislative powers, passing any bill by the assembly required a simple majority that was to be referred to the senate, and the senate was bound by a time of 90 days to reject or amend the bill. If it did not respond bill, the president can approve it as law. If the senate rejected the bill, the assembly possessed the authority to amend the bill and re-send it to the Senate. In terms of money bills, the bills shall be formulated by the National Assembly, and it would be the choice of the lower house either to send the bill to the Senate or directly present it to the president. Article 75 of the constitution also bound the powers of the president in term of assenting bills, within seven days, he must assent a bill. If he delayed his decision or does not do so, the bill shall be deemed to have accepted.⁸⁷

2.7.2. Shimla Agreement

Shimla Agreement was applauded by the supporters and highlighted as successful diplomatic negotiations while the critics remembered it as a sell of Kashmir. India had seized 5,139 km of territories of Pakistan along with 93,000 hostages and promised to return them on the acceptance of Bangladesh as an independence country. Shimla Agreement was welcomed by Washington.⁸⁸ The parliament had directly supported the decisions of Bhutto to force India internationally. Before departure to the Shimla Agreement, Bhutto called the assembly sessions to discuss the strategy towards an agreement as well as suggestions for the successful accomplishment of the negotiations.⁸⁹

⁸⁷ Caraig Baxter, *Constitution Making: The Development of Federalism in Pakistan*, Asian survey 5, no. 8 (December 1974): 1081-1082.

⁸⁸ Indo –Pakistan pact welcomed by the US, Washington Post, 4 July 1972.

⁸⁹ National Assembly Debates, Vol. II, No. 4 (13 July 1972), 470.

2.7.3. Recognition of Bangladesh

It is an achievement of Bhutto government to form a permanent constitution for Pakistan in the form of 1973 constitution. The issue of recognition of Bangladesh after the Shimla Agreement was referred to Supreme Court for decision which referred it to be tackled by National Assembly. Nevertheless, Khursheed Meer moved the resolution in the assembly for recognition of Bangladesh on the 9th of July 1973, and the resolution was passed. After returning from the United Kingdom, the president, in a meeting with the chief ministers of the provinces, federal ministers, members of National Assembly, and Members of Provincial Assemblies announced the decision of the acceptance of Bangladesh on 22 February 1973 through television.⁹⁰

2.7.4. Military Operation in Balochistan

The Discovery of controversial arms in the Iraqi embassy and their pretext to the government in February 1973 led to the dismissal of the government of Atta Ullah Mengal in Baluchistan. This gave birth to tribal insurgencies which created a trench between the Baloch nation and the government under Zulfikar Ali Bhutto.⁹¹ The federal government took military action in Balochistan without consulting or taking into consideration the provincial government. Baloch activist started a guerilla war against the military forces in Balochistan. The center deployed 8000 military and paramilitary forces equipped with choppers and other military equipments. The operation was a nuisance, and more than 7000 families were forced to leave for Afghanistan.⁹² The tensions between National Awami Party-NAP and Pakistan People's Party-PPP further deteriorated due to military actions in Balochistan.

However, the provincial government was restored and Jam of Lesbella was appointed as chief minister and Akbar Bugti as governor.⁹³ The upper house, as well as the lower house, were not able to sort out the issue of Baluchistan, only the single members of parliament and the opposition played their role in highlighting the issues faced by Baluchistan. The Baloch parliamentarians also used the platform to shed light on the miseries of the Baloch nation. Unfortunately, the support was always in favor of government, and the issues remained issues and escalated day by day.

⁹⁰ Hamid Khan, *Constitutional and Political History of Pakistan*, 271.

⁹¹ G.B. Chalmers, *South Asian Development to Eric Norris*, FCO, 6 September 1973 FCO37/1349, TNA London.

⁹² Stephen Philip Cohen, *The Idea of Pakistan* (Lahore: Vanguard Books Publishers, 2005), 220

⁹³ Mubashir Hussain, *The mirage of Power*, 168.

2.7.6. Bhutto as Prime Minister of Pakistan

With the approval of constitution of 1973, Bhutto took the office of prime minister of Pakistan and Fazal Elahi Chaudhary was elected as the president of Pakistan.⁹⁴ When the government was set up, Bhutto had to deal with the demands of United Democratic Front that had set a deadline of 24th August 1974. When the deadline was over, the UDF resorted civil disobedience which soon collapsed due to non-coordination on the part of people and the upheavals of flood.⁹⁵ Bhutto also used the politics of pushing the opposition to the walls through certain authoritative means. To force Wali Khan out of the political sphere, he banned the National Awami Party (W) that had emerged as the third largest party in the general elections of 1970. Bhutto also established Federal Security Force (FSF) to continue with his political maneuver of suppressing opposition. He also established the Dalai Camp in Azad Kashmir to torture the opposition that went against the wishes of the Bhutto regime. He also kept the character records of the opposition and important political personalities to manipulate them.⁹⁶

The censorship of press and apprehension of journalist was also the order of the day in the regime of Bhutto. A number of newspapers and independent press personnel were banned or detained in his regime. National Press Trust (NPT) had been set up to portray the warm image of Pakistan to the world that Bhutto used for the propagation of his version of truth and politics. Earlier, NPT was used by the authoritarians in their favor.⁹⁷ Bhutto's version of truth and politics required great power that could only be acquired in a strong centralized presidential system. In 1976, Bhutto surprisingly appointed Zia-ul-Haq as the Chief of Army Staff by skipping seven senior Lieutenant Generals.⁹⁸ However, the opposition parties were determined to notch the government from the hands of Bhutto in 1977 elections. The political leadership of opposition parties formed Pakistan National Alliance (PNA) with a single objective of overwhelming Bhutto in 1977 elections.⁹⁹ Pakistan People's Party won 155 seats of the National Assembly in the general elections held on March 7, 1977. While the Pakistan National Alliance-PNA was successful only on 36 constituencies.¹⁰⁰ The PNA blamed that the National Assembly's elections were rigged by Bhutto and demanded for fresh elections.

⁹⁴ Rizvi, *Politics in Pakistan 1947-1997*, 325-327.

⁹⁵ Ibid.

⁹⁶ Lawrence Ziring, *Pakistan: At the Crosscurrent of History* (Lahore: Vanguard, 2004), 393.

⁹⁷ Raza, *Bhutto and Pakistan*, 151.

⁹⁸ Lawrence Ziring, 413.

⁹⁹ Ibid, 156.

¹⁰⁰ Rizvi, *Politics in Pakistan 1947-1997*, 232-233.

Bhutto refused to do so, and the elections of the provincial assemblies were also held on the decided day. PPP also won the provincial assemblies' elections in majority by winning 232 out of 240 in Punjab, 100 out of 100 in Sindh, 34 out of 40 in Balochistan, and 69 out of 80 in NWFP.¹⁰¹

Bhutto had won a significant majority in both the center and all the provinces. The opposition complained and resorted to boycott, but of no use. Media also acted in the favor of Bhutto and criticized opposition. Bhutto clearly stated the behavior of opposition as undemocratic and against the principles of democracy.¹⁰² He remained busy in amending the constitution to make a referendum possible on the sustainability of his position. He made the amendment but could not hold it because on July 5, 1977, Zia-ul-Haq imposed Martial Law and suspended the constitution.¹⁰³

2.8. Pakistan Under Zia-ul-Haq (1977-1988)

The permanent constitution of 1973 remained functional for its initial 4 years and then turned into a piece of paper by the military ranks. It was made certain in the constitution that military ranks should retain its aloofness from the future course of political culture. The definition of high treason also included the forcible abrogation of constitution in the article 6 of the constitution. The constitution had also made it clear in Article 12 (2) that authority of center be maintained on the armed forces of Pakistan. Army ranks were also made to swear allegiance to the constitution under Article 243. The course of action by the military ranks were defined as only under the commands of federation.¹⁰⁴

However, with an alliance of military-bureaucracy oligarchy, Pakistan emerged yet again in a constitutional crisis. The intervention of military ranks in the political sphere of Pakistan has yet again taken place. The parliamentary institutions were yet again sabotaged by the military ranks to preserve their version of political realities that were looming on the country. Amidst very disturbing socio-political landscapes, Chief of Army Staff, General Zia-ul-Haq took over reins of political spectrum. He dismissed the National and Provincial assemblies. Nevertheless, Fazal Elahi Chaudhary was permitted to continue as the president of Pakistan.

¹⁰¹ The Times: *Rawalpindi, March 12, 1977.*

¹⁰² Saleem Yunis, *Sayasi Aiathad Aur Pakistani Sayisat Per Unn Key Asrat: (1947-1992)* (Lahore: Jang Publishers, 1993), 86-87.

¹⁰³ Rizvi, *Politics in Pakistan 1947-1997*, 235.

¹⁰⁴ Rafi Raza, *Pakistan in Perspective 1947-1997* (Karachi: Oxford University Press, 2001), 33-34.

In consultation with the chief justice of Pakistan, the provinces were entrusted to the Chief justices of High courts as the temporary Governors.¹⁰⁵

The course of legitimizing the military takeover was completed with the active support from judiciary in a course of events. However, the support of judiciary was acquired in deceptive manner on the part of military leadership. General Zia called on Chief justice of Supreme Court-CJSC, Yaqub Ali Khan in his chamber with a requesting of seeking support military for the restoration of democracy in the country. Chief Justice was assured that elections would be held within a short course of 90 days and that the Martial law was temporary. Chief Justice put certain demands to Zia-ul-Haq for legitimizing the course of military takeover. These demands included that Zia would not distort the constitution, not set up military courts, neutrality from the government system, sustain president, transfer of power to civilian after elections, and returning of military to barracks. Chief of Army Staff assured Yaqub Khan that all his suggestions will be followed. However, when Chief Justice started hearing the case of Bhutto, Martial Law Order that altered the terms of services of Chief justice. Yaqub Khan retired, and the institution of judiciary was totally ruined.¹⁰⁶

The doctrine of necessity was yet again brought to the face of political culture in Pakistan by Supreme Court when Nusrat Bhutto filed a petition defying the validity of Martial law.¹⁰⁷ The Supreme Court reasoned that the political culture had been ruined in the post-1977 elections and brought the country on the brink of collapse and that the constitution lacks the solution for such circumstances which tenders Martial Law to be valid.¹⁰⁸

Before holding the elections in October 1977, Pakistan National Alliance-PNA proposed that Bhutto be tried for the murder of Nawab Ahmed Khan. Asghar Khan suggested the same even at the expense of postponement of elections. The resentment against the Bhutto threw the opposition in the lap of Military Leadership who collectively assented the execution of Bhutto. It was the first time in the history of Pakistan that judiciary facilitated the ultra-constitutional aims of government.¹⁰⁹ Bypassing his vow to the Supreme Court Chief Justice,

¹⁰⁵ Sattar Tahir, *Martial Law Ka White Paper* (Lahore: Classic Publishers, 1987), 10.

¹⁰⁶ Gauhar Sultana Uzma, *Jamhoriyat Kay Katil Kon?* (Lahore: Jang Publishers, 1993), 151-152.

¹⁰⁷ Sajjad Ali Shah, *Law Courts in a Glass House: An Autobiography* (Karachi: Oxford University Press, 2001), 110.

¹⁰⁸ Hafeez Khan, *Women in the Lives of Politicians*, 83.

¹⁰⁹ Grover and Arora, *Elections and Regionalism in Pakistan*, 49-50.

Zia-ul-Haq banned all the political activities in the country and procrastinated the elections indefinitely.¹¹⁰

2.8.1. Provisional Constitutional Orders (PCO)

Zia installed an interim government with Military Council to decide the important matters and Chaudhary Fazal as the constitutional Head of State. Military Council consisted of the Chiefs of Staff committee and Services Chief. Civil bureaucrats assisted the senior generals in the course of decision-making.¹¹¹ Several critical amendments were brought to the constitution of 1973 that apparently distorted the very face of it. Article 14 of the Provisional Constitutional Order-PCO, 1979 distorted the culture of politics and political parties by making ridiculous amendments related to the registration of political parties. Only the political parties that had a prior registration before the October 1979 could take part in the elections. Registration of no further political parties was allowed without the prior permission of the Election Commission. The president had the sole authority to interpret or ban a political party by his own view of anti-Islam and betrayal to the nation. Notwithstanding the fact, Benazir Bhutto challenged the validity of Article of the PCO in 1987 where the Supreme court declared it null and void.¹¹²

Another course of rigorous amendments was introduced in the constitution through second Provisional Constitutional Order which added 17 articles in the constitution. The guardian of constitution, Article 6, was suspended that defined the course of abrogating the constitution and its punishment.¹¹³ The ambition behind these constitutional amendments was of strengthening presidency in the center of authority in Pakistan. Judiciary was made toothless and deprived of its freewill. It validated the orders, laws, rules, and regulations created by the Martial law authorities. Zia-ul-Haq had made it clear that no order of the Martial law can be challenged in any court which rendered both civil and supreme court ineligible to hear cases against Martial Law.¹¹⁴ Both martial law authorities and politicians were at an impasse with reference to the nature of government in which the former endorsed Islamic democracy while the latter supported Parliamentary democracy. In fact, none of both had any intention to implement the ideals of democracy in Pakistan.¹¹⁵

¹¹⁰ Hafeez Khan, *Women in the Lives of Politicians*, 16-18.

¹¹¹ Rizvi, *Politics in Pakistan 1947-1997*, 239-240.

¹¹² Murtaza Anjum, *Siyasat, Aain Aur Adalat* (Lahore: Fateh Publishers, 2001), 53-54.

¹¹³ Sajjad, *Law Courts in a Glass House: An Autobiography*, 121.

¹¹⁴ Sultana Uzma, *Jamhoriyat Kay Katil Kon*, 15.

¹¹⁵ Grover and Arora, *Elections and Regionalism in Pakistan*, 45-46.

2.8.2. Zia as President

Zia held a referendum in December 1984 that provided the voters with a close ended question, “*Do you endorse the process of Islamization?*” with only two options of “Yes” and “No”. The voters who voted “Yes” validated that Zia be president for the next five years. It can be held as a unique method of election where the contestant is simply getting himself selected by touching the belief system of masses. Zia lifted martial law and assumed the office of President of Pakistan and that of Chief of Army Staff altogether. Despite severe opposition from press and opposition leaders, the course of military meddling in the political affairs of state sustained.

President authorized himself to appoint all key offices of the government machinery of Pakistan through Revival of 1973 Constitution Order (RCO) in 1985. The president could appoint Prime Minister, Governors of the Provinces, judges of courts, and all senior positions of the armed forces. He also authorized himself to dissolve national assembly and federal government under article 58 2-B. Similarly, Article 270-A validated the actions and regulations of military courts.¹¹⁶

2.8.3. Non-Party Based Elections

With the selection of Zia as the president of Pakistan, a total of 9 political parties got together and formed an alliance known as Movement for the Restoration of Democracy (MRD). The alliance strongly opposed the regime of Zia and demanded restoration of Parliamentary democracy in Pakistan. Zia released important leaders of Pakistan People’s Party and opposition in a bid to satiate the political alliance against him.¹¹⁷ Several attempts were made on the part of MRD to pressurize Zia for the restoration of democracy. The MRD launched a movement for the reinstallation of parliamentary democracy on 14th August 1985. Zia promised elections after eighteen months that was outrightly rejected by the alliance and the movement continued until it collapsed with the clashes between law enforcement agencies and crowd of public meeting.¹¹⁸

With certain restrictions, Zia announced non-party-based elections in 1985. The candidates were restricted from using loudspeakers and holding public meetings.¹¹⁹ The opposition leaders criticized non-party based elections as a shrewd tool of Zia to paint his authoritarian

¹¹⁶ Rizvi, *Politics in Pakistan 1947-1997*, 263.

¹¹⁷ Shahid Javed Burki, *Pakistan under Zia, 1977-1988*, Asian Survey 28, no. 10 (October 1988): 1091.

¹¹⁸ Hafeez Khan, *Women in the Lives of Politicians*, 85.

¹¹⁹ Muhammad Ali Shaikh, *Benazir Bhutto: A Political Biography* (Karachi: Orient Books Publishing House, 2000), 95.

regime with the colors of democracy let alone transfer of power to civilian leaders.¹²⁰ Initially, political parties restrained themselves from participating in the elections but later they changed their mind.¹²¹

The elections took place in February 1985. National Assembly convened its first session on 20th March 1985 from where Zia launched his adroit course of horse-trading for the offices of Prime Minister and Chief Ministers. Muhammad Khan Junejo, a fine man but lesser-known figure of Pakistani politics, was proposed for the office of Prime Minister by Pir Mardan Shah. Junejo formed a group with the name of Muslim League Parliamentary Party MLPP which was then joined by several MNAs. Opposition parties formed the Opposition Parliamentary group. Since the formation of Political parties was banned in the Zia regime, but he allowed for the formation of MLPP to award a genuine chance to the parliamentary democracy in the country. Electoral College that consisted of the ministers of provincial assemblies held the elections in senate.¹²²

Muhammad Khan Junejo assumed the office of Prime Minister on 23rd March 1985. In his maiden speech, Junejo vowed to the nation that he would restore democracy, abolish Martial Law, ensure justice, enforce rule of law, and eliminate sectarianism and corruption from the face of country.¹²³ Junejo had assumed that after passing the Political Parties Act, president would be called on to end the Martial law that was wished by every parliamentarian in the National Assembly.¹²⁴

A total of 56 amendments were made in the constitution in March 1985. Out of which only one was related with Islam or Islamic government, others all were aimed at strengthening the regime of Zia and his control over the national institutions. Even the fundamental human rights were suspended through amending the constitution that national Assembly could do nothing about.¹²⁵ The only job the National Assembly could do was the incorporation of the RCO in the constitution and in most of other matters, it was ineffective and dependent on the decisions of the President.¹²⁶

¹²⁰ Rasul B. Rais, *Pakistan in 1987: Transition to Democracy*, Asian Survey 28, no. 2 (February 1988):128.

¹²¹ Ibid, 129.

¹²² Hafeez Khan, *Women in the Lives of Politicians*, 90.

¹²³ Muhammad Ali Chirag, *Tareekh-e-Pakistan* (Lahore: Sang-e-Meel Publications, 2001), 487-490.

¹²⁴ *The Pakistan Times*: Rawalpindi July 18, 1985.

¹²⁵ Sultana Uzma, *Jamhoriyat Kay Katil Kon?*, 158-159.

¹²⁶ Hafeez Khan, *Women in the Lives of Politicians*, 90.

2.8.4. Dissolution of Junejo Cabinet

Martial law was lifted on 30th December 1985 and the constitution of 1973 was installed. The cabinet of Junejo started exerting their constitution authority in the areas of foreign policy and defence which was abhorred by Zia in its wholesome.¹²⁷ When Benazir Bhutto returned from exile, she received a warm welcome by the MRD, and they pressurized Junejo for holding fresh elections on party-based system. The Junejo cabinet was more conscious and supportive of the demands of MRD which created a drift between him and the military ranks. The incident of Ojhri Camp in April 1988 further stained the civil-military relations. The incident had brought about sever loss of life and property. The opposition parties demanded the punishment of the army officers whose negligence had caused such an incident. Zia had realized that the removal of army officer by Junejo could further escalate to his position.¹²⁸

The gap between Junejo and Zia continued to widen and Zia consequently dissolved the National Assembly and dismissed the cabinet of Junejo on 29th May 1988 by invoking Article 58-2 (b) of the constitution and announced fresh elections.¹²⁹ However, senate remained undissolved. An interim government was installed in June 1988. Zia announced to hold fresh non-party-based elections within 90 days. The political parties expressed stern disagreement and demanded for party-based elections.¹³⁰ However, before the elections were held, Zia died in plane crash on 17th August 1988.¹³¹ Chairman Senate Ghulam Ishaq Khan took over as the caretaker president and announced emergency without suspension of fundamental human rights.¹³²

2.9. National Assembly between 1988-1999

Few minutes after taking off from Bahawalpur, aircraft C-130 taking Zia-ul-Haq crashed and resulted in the demise of chief of army staff. With his demise, 11 years of direct military rule came to an abrupt end. Along with him, US-ambassador to Pakistan and 30 other officials have died in the plane crash of 4 engine C-130.¹³³ Almost eight hours after this heinous disaster, Senate Chairman Ghulam Ishaq Khan assumed the power of president and

¹²⁷ Ahmad Salim, *Tootati Banti Assemblian Aur Civil-Military Bureaucracy* (Lahore: Jang Publishers, 1990), 325.

¹²⁸ Rizvi, *Politics in Pakistan 1947-1997*, 265-267.

¹²⁹ Benazir Bhutto, *Daughter of the East* (Karachi: SZABIST, 1988), 366.

¹³⁰ Chirag, *Pakistan*, 496.

¹³¹ Parveen Shaikat Ali, *Politics of Conviction: The Life and Times of Muhammad Zia-ul-Haq* (Lahore: The London Centre for Pakistan Studies, 1997), 205.

¹³² Pakistan Times: Islamabad August 18, 1988.

¹³³ The New York Times: August 18, 1988.

pronounced emergency in the country. The road from presidential form of federation ended here and the parliamentary form of democracy was given a chance to take over the political spectrum of Pakistan. Ghulam Ishaq Khan announced the elections for national assembly and provincial assemblies to take place in November 1988 on party-based system.

2.9.1. First Term of Benazir Bhutto

On October 6, 1988, nine political parties made coalition to oppose Pakistan people's party in the elections with the name of Islami Jamhoori Ittehad (IJI).¹³⁴ In these elections, several politicians had changed their political loyalties, and no party got a clear majority in the elections with PPP attaining 93 seats, IJI 54, JUI (F) 7 seats, MQM 13 seats, and seven to other parties. The IJI formed government in Punjab with Nawaz Sharif as its chief minister. Weak coalition governments were formed in Balochistan and NWFP with Mir Zafrullah Khan Jamali of IJI as the Chief Minister of Balochistan while Aftab Iqbal Sherpao of PPP as the chief minister of NWFP. A coalition government of MQM and PPP managed to form a government in Sindh with Qaim Ali Shah of PPP as the chief minister.¹³⁵

To form a government in national assembly, Benazir Bhutto and Army hatched a deal in which the latter was assured of no revenge from Zia's Family, taking army in confidence about foreign policy decisions, and keeping the Kashmir and Afghan policy intact. The senior army officials did not call it a deal rather a whole pack of suggestions to a democratic government.¹³⁶ Benazir Bhutto was appointed as the Prime Minister by President Ghulam Ishaq Khan on 1st December 1988. Benazir Bhutto emerged as the first female prime minister in the history of Muslim world. Pakistan People's Party-PPP took over the reins of government with several challenges in terms of foreign policy choices, nuclear program, civil military relations and unemployment.

On the advice of chief minister Zafrullah Khan Jamali, governor General Muhammad Musa dissolved the Balochistan Assembly on 15th December 1989. The dissolution was challenged in Balochistan High Court which stated that Jamali had no vote of confidence and hence could not advise the governor to dissolve the assembly. The Provincial assembly of Balochistan was restored and Akbar Bugti was elected as the Chief Minister of

¹³⁴ Muhammad Ali Shaikh, *Benazir Bhutto: A Political Biography* (Karachi: Orient Books Publishing House, 2000), 109.

¹³⁵ Dawn: Karachi, December 3, 1988.

¹³⁶ Ahmad Salim, *Chay August Kay Baad: Intakhabi M'arkoon Aur Mehalati Sazishoon Ki Kahani* (Lahore: Nagarshat, 1990), 14-15.

Balochistan.¹³⁷ Law and order situation in Sindh further widened the gap between MQM, army and PPP-led Benazir cabinet. Similarly, in May 1988, Federal Shariat Court ruled Press ordinances to be contrary to Islam. Press had partisan role and supported the government point of view in all the situations that was not appreciated by the opposition.

The issue of Eighth Amendment further deteriorated the situation between the government and the opposition. It also strained the relations between Benazir and President Ghulam Ishaq Khan.¹³⁸ Combined Opposition Party was formed to oppose the PPP-led coalition government in the center with a view to dissolve the government. Bhutto promised several improvements in the government in the form of increased provincial autonomy, inclusive national health policy, enhancing women rights with equal pay and substantial improvements in the education sector. The problems that the government of Benazir inherited and could not handle wisely included inflation and high unemployment rate, loose drug abuse problems, and the opposition by Islamic benches who distrusted the version of Benazir to respect and implement the Islamic laws.

It is said that the decision of ousting the government of Benazir was taken in the Corps Commanders meeting held in Rawalpindi.¹³⁹ On August 6, 1990, national newspapers had published that the assemblies would be dissolved today. Benazir was unaware of such developments and rejected them outrightly as the conspiracy of the IJI.¹⁴⁰ Ambassador Robert Oakley also met with the president to confirm the news which the president denied as rumors. However, surprisingly, President Ishaq Khan convened a press conference in the evening and announced the dissolution of assemblies. Invoking Article 58-2 (b) of article, President issued the orders of dissolution of national assemblies. The Punjab and Balochistan assemblies were also dissolved.¹⁴¹ Emergency was imposed in the country without suspending the constitution on the justification that the country faced severe external and internal crisis that made it necessary to impose emergency to cope with these situations.¹⁴²

2.9.2. First Tenure of Nawaz Sharif (1990-93)

The caretaker cabinet was formed on 6th August 1990 with Ghulam Mustafa Jatoi as the Premier with the members from senate as members of its cabinet.¹⁴³ The elections were

¹³⁷ Dawn: Karachi, January 26, 1989.

¹³⁸ Zahid Hussain, *Making Amends*, The Herald, Karachi, February 1989, 18-19.

¹³⁹ Akhund, *The Advent and Eclipse of Benazir Bhutto*, 305.

¹⁴⁰ Chaudhry Abdul Ghafoor, interview by Nasir Malick, *The Herald*, Karachi, April 1990, 40.

¹⁴¹ Dawn: *Karachi*, August 7, 1990.

¹⁴² Nawa-i-Waqt (*Urdu*), *Rawalpindi*, August 7, 1990.

¹⁴³ Munir Ahmad, *Bhutto Khandan Ka Katal* (Lahore: Takhliqat Publishers, 1998), 386.

announced to be held in October 1990.¹⁴⁴ The setting up of caretaker government was condemned by all the major political parties such as PPP and JUP (N) and others. Jamiat Ulma-e-Pakistan (Noorani) even went to the extent that holding free and fair elections is impossible when the members of the caretaker government are themselves contesting for it.¹⁴⁵ On the directions of the premier, special courts were established to trial the previous government for misconduct and corruption under 1977 Act of the Parliament.¹⁴⁶ The media was used by the caretaker government to portray a negative image of the previous government to make a collective conscience of no voting for the PPP. The active role of army was visible in the 1990 elections in which ISI-Chief admitted that Aslam Baig has provided him with the funds to distribute among the politicians who were contesting PPP members in the elections. General Hamid Gul accepted that he was the main architect of the IJI to oppose the election of Benazir Bhutto in the first hand.¹⁴⁷

Nawaz Sharif wanted to fight elections on the basis of PML-N, but ISI-Chief, Military Intelligence, Chief of Army Staff (COAS), and Ghulam Ishaq wanted to contest PPP with the alliance of IJI.¹⁴⁸ Benazir also embarked on the path of forming alliance to contest elections for better results. Pakistan Democratic Alliance-PDA was thus formed by the alliance between PML-Q, Tehrik-i-Nifaz Fiqah Jafria (TNFJ) and Tehrik-i-Istaqlal (TI). Benazir Bhutto also tried to win over Muhajir Qoumi Movement-MQM, but the latter collaborated with the IJI¹⁴⁹.

The National Democratic Institute, France, and the SAARC observed and analyzed the electoral process of 1990. National Democratic Institute had deployed a large number of observers in major cities to observe and report any rigging.¹⁵⁰ The assumptions of rigging were in way because of interim government. International observer reported a far less turnout than official reports. Pakistan People's Party won 37% of the total votes in these elections as compared to 39% of votes in 1988 elections. IJI won over 38% of votes as against 30% votes in 1988. The share of votes attained by fell to 11% in these elections. IJI appeared as the

¹⁴⁴ Sajjad Ali Shah, *Law Courts in a Glass House: An Autobiography*, 141.

¹⁴⁵ How an Election was Stolen: The PDA White Paper on the Pakistan Elections 1990 (*Islamabad: Midasia, 1991*), 39-42.

¹⁴⁶ Sayyid A. S. Pirzada, *Facts and Fiction about Rigging in 1990 Elections in Pakistan*, *Pakistan Journal of History and Culture*, National Institute of Historical and Cultural Research Islamabad 25, no. 2 (July-December 2004): 118.

¹⁴⁷ Shaikh, *A Political Biography*, 199.

¹⁴⁸ Ahmad, *Bhutto Khandan Ka Katal*, 356.

¹⁴⁹ Ahmad, *Bhutto Khandan Ka Katal*, 390.

¹⁵⁰ Pirzada, "Rigging in 1990 Elections in Pakistan", 117.

majority party in the elections begging 106 seats out of 207 seats in the National Assembly. IJI was able to form government in the center and in the provinces.¹⁵¹ It was the first time in the history of Pakistan that the federal and provincial government of Pakistan were of a single party.

Nawaz Sharif was enthusiastic to reduce the dependency of the country on foreign bailouts and was also committed to solve the long-lasting issues of the country such as law and order, economy, Kalabagh dam, Afghan dilemma and Kashmir issue.¹⁵² He opted a policy of privatization of nationalized industries, handsome incentives to lure foreign and domestic investors to invest in the country and ensure the free circulation of foreign currency in and out of the country combat economic crisis on the guidelines of private party capitalism. Concerning Nuclear Program, he was clear that Pakistan should surrender to no one in this respect as a case of survival.

Judiciary has been substantially controlled in many ways due to presence of military leadership in top-notch executive. Zia had suspended operational aspects of constitution and its significant referendum on separation of power between judiciary and executive. It is only due to the separation of power that enabled Zia to hold elections of his choice.¹⁵³ Concerning legislations about the separation of power between judiciary and executive, Court advised the government to allocate a separate fund for the operations of judiciary without making any external affair, appointment of chief justice, judges of high courts and supreme court should be appointed by the president. Transfer of judges by any other mean should not take place without the consent of president, and that the establishment of court be independent acts of judiciary since they are the sole guarantor of fundamental rights of the citizens.

The incidents of sectarian violence also touched a pinnacle in both Gilgit and Quetta city. Armed forces were deployed in these countries to normalize the situation in both cities. A supporter of militant sectarian group won by election in Jhang Punjab. Women events of Brazil Olympics were halted from telecasting. Opposition benches openly criticized the government to making Pakistan convert into a Theocratic state.¹⁵⁴

¹⁵¹ Dawn: Karachi, October 31, 1990.

¹⁵² Syed Abdul Quddus, *Nawaz Sharif: The Courage in Leadership* (Lahore: Shah Ghulam Ali and Sons, 1991), 26.

¹⁵³ Hamid Khan, *Constitutional and Political History of Pakistan*, 415-420

¹⁵⁴ Rais Ahmad Khan, *Pakistan in 1992: Waiting for Change*, Asian Survey 33, no. 2 (February 1993): 130-133.

Nawaz Sharif convened the meeting of Council of Common Interests in January 1991 to discuss the ways to improve the relationship between the center and federating units, remove disagreements, and do constitutional justice to the provinces.¹⁵⁵ Sharif's government was called a troika which was sandwiched between military and bureaucracy. In his speech to the nation on 17 April 1993, Nawaz Sharif publicly criticized president for his meddling in the jurisdiction of the representative of people and threatened to act without prior consultation in the future. President retaliated and dissolved the assemblies and brought to end the cabinet of Nawaz Sharif on 18 April 1993. A caretaker cabinet and prime minister were immediately installed in an interim government. The order of dissolution maintained that due to mass resignation by a significant majority of opposition benches and a considerable number from treasury benches made it affirmative situation to announce fresh elections in the country. It also maintained that the government has failed to protect the integrity, sovereignty, and solidarity of federation.

The government of Nawaz Sharif started with active support from establishment and culminated in the tussle between Prime Minister and President, federation and federating units, and government and opposition. Nawaz regime also witnessed significant cases of coercion, blackmailing, horse-trading, and interference of other institutions. Bureaucracy was more powerful than ever which was openly facilitated by army. Assent of army was essential for the pack up of government as the president had twice dissolved the government on the advice of army. Judiciary played a somewhat democratic role in this government since it did not support the establishment in the dissolution of government. A misbalanced working relationship was witnessed between the democratic and nondemocratic institutions.

2.9.3. Second Term of Benazir Bhutto

The general elections that took place between 6-9 October for provincial and national assemblies were applauded by international and national organizations, but the turnout was far less than previous elections from 45% to 40%. Benazir Bhutto was elected as the prime minister after a stiffed deadlock between the two since no one had the majority. The relationship between the government and opposition were so strained that they manifested a clear tussle. The government had to face the canons of Nawaz Sharif on Nuclear and Kashmir Policy, by alleging that PPP is getting dictation from United States on these delicate issues of special concerns.¹⁵⁶ Government made sincere efforts to convince Nawaz Sharif for

¹⁵⁵ *The Nation*: Lahore, January 13, 1991.

¹⁵⁶ *The News*: Islamabad, December 1, 1993.

abandoning the policy of confrontation and adopting the policy of cooperation with the government. Nawaz Sharif was invited several times to discuss the national issues and finding out a way to end the topics of confrontation through active diplomacy, but Nawaz Sharif has rejected all these offers of reconciliations.

Against the guidelines of the constitution about provincial autonomy, the government centralized the transport of goods to Afghanistan which was previously a domain of NWFP government.¹⁵⁷ The issue was criticized by the opposition of as encroachment in the already deprived provinces and as a clear threat to national integrity. The issue of separation of judiciary from the executive was continuously delayed on various amount of excuses. The role of bureaucracy in the affairs of judiciary continuously portrayed a situation of delayed tactics.

Boycott of MQM from the election was not shallow of threats but it was taken non-seriously by the government. The absence of the MQM from the Sindh assembly meant no representation of urban Sindh overall. Instead of tacking the situation, Benazir alleged the MQM of working on the Indian plans of inflicting political instability in the province.¹⁵⁸ However, after a successful operation against the militant wing of MQM, the law-and order situation in Sindh came towards normalization. PPP was appreciated at such a course.

Stories of corruption and maladministration continued spreading against the government, and especially the husband of Prime Minister, Asif Ali Zardari. President took strong initiatives against this fact which deteriorated the working relationship between Prime Minister and President.¹⁵⁹ In September 1996, younger brother of Benazir Bhutto and his six companies were killed by the Karachi police. President took a reference to the supreme court against the incidents in Karachi which further deteriorated the relationship between him and Prime Minister. Opposition Parties formed a grand alliance that normalized the relationship between Nawaz and Laghari. Nawaz Sharif suggested the president to use Article 58-2 (b) to dissolve the government of Benazir Bhutto.

Finally, in November 1996, President dissolved the National Assembly. Benazir clearly stated that she had known about the conspiracy and had tried to stop it but in vain. She was aware of the growing relation between the opposition and president as well as the distrust

¹⁵⁷ *The New: Islamabad, December 18, 1993.*

¹⁵⁸ Interview of Benazir Bhutto by Okaz, *Dawn*, Karachi, July 10, 1994.

¹⁵⁹ Hamid Khan, *Constitutional Political History of Pakistan*, 785.

manifested by the military leadership.¹⁶⁰ Malik Meraj was appointed as the caretaker Prime Minister. A cabinet consisting of Technocrats, former Bureaucrats, and politicians was installed in the cabinet.

2.9.4. Second Term of Nawaz Sharif

Following the dismissal of Benazir Bhutto on the allegations of corruption, lawless, and incompetency. Fresh elections were held in the National and Provincial Assemblies in February 1997. It was the fifth general elections in 12 years which brought no enthusiasm in the election process. The vote casting turnout was lower than ever in the provinces such as 41% votes were casted in Punjab, 31% in Sindh, 30% in NWFP, and 23% in Balochistan.¹⁶¹ Pakistan People's Party headed by Benazir Bhutto was wiped out from all the regions of Pakistan except for Sindh. In the National Assembly, PPP only managed to win 19 seats. The humiliating defeat of Benazir in Punjab owed explanation. Zulfikar Ali Bhutto's regime was supported by a significant bunch of Punjabis in 1970s, and with his execution at the hand of a general further increased their loyalties to Bhutto family who then transferred it to his daughter in 1988 and 1993 elections. Cases of corruption and high-handedness and maladministration deteriorated their loyalty.¹⁶²

Nawaz Sharif obtained two-third majority in the National Assembly in the elections of 1997. He established a coalition government with ANP and MQM in the center. He also controlled the four provinces. In his maiden speech, Nawaz Sharif clearly mentioned the need for accountability at all levels to do away with the menace of corruption from the country. The mandate given to PML-N based mostly on the personal charisma of Nawaz Sharif who had received much more support than any of his predecessors. He was authorized to do whatever it required to solve the issues of the country. It also implied that he had no excuse to justify any inability on his part to do the job.¹⁶³

After assuming power as the Prime Minister of Pakistan, Nawaz Sharif embarked on the path of clearing the dangers that stood in front of his position. He first passed a constitutional amendment to repeal the sword of 58 2(b) to make president ineffective in terms of its discretionary powers of overthrowing the government. Article 58 2(b) was a part of 8th amendment of 1985 that authorized president to dissolve the government. Amidst wide

¹⁶⁰ Zaffar Abbas, Where do We Go from Here? *The Herald*, Karachi, November 1996, 25.

¹⁶¹ Anwar. H. Syed, *Pakistan in 1997: Nawaz Sharif's Second Chance to Govern*, Asian Survey 45, no. 6 (1998): 110-112.

¹⁶² Ibid, 117-118.

¹⁶³ Hamid Khan, *Constitutional and Political History of Pakistan*, 817.

applause, both the houses of the parliament approved the bill, and the constitution of Pakistan came up with 13th Amendment. Prime Minister also got 14th parliamentary leaders to expel the membership of any member that violates the discipline of the house. However, later the supreme court suspended the operation of this amendment. A conflict also occurred between the government and judiciary in which the latter not only asserted its independence but also started working on the doctrine of judicial activism. Chief Justice Supreme Court, Sajjad Ali Shah summoned high ranking government officials to the court to ask them to explain their failure in maintaining law and order situation in the country. Several cases of corruption and maladministration were filed against Benazir Bhutto and also Nawaz Sharif awaiting hearing. The government also passed bills of speedy trials and anti-terrorist court that authorized police searches and arrests without warrants. These developments drifted the judiciary and government apart and the government embarked on a journey of curbing judiciary. The issue of appointment of five vacancies in the supreme court added fuel to the fire of executive-judiciary issue that resulted in a long battle that culminated in the resignation of president and ousting of chief justice thus retaining the Prime Minister in a comfortable position.¹⁶⁴

Despite his overwhelming majority in the national assembly, Nawaz Sharif could not bring a modicum of order in the country. Sectarian and ethnic conflicts remained unabated in the country. Muhajir Qoumi Movement-MQM rival factions killed each other under certain excuses in Karachi City. Similarly, the Sunni and Shia factions assassinated each other and attacked one another's mosques in the country. Police crackdown on the militants of both ethnic and sectarian factions were arrested in several thousands.¹⁶⁵ Within a month of assuming power, Prime Minister also promulgated the Press and Publication Ordinance 1997 that authorized the government to forfeit any book, publication, or newspaper that it considered: contain wrong or false information, ruin the relationship of country with external countries, or provoke the armed forces of Pakistan from their allegiance to the country.¹⁶⁶ Pakistan People's Party utterly criticized the government on this ordinance.

The issue of construction of Kalabagh Dam was of crucial note between Punjab and smaller provinces.¹⁶⁷ Nawaz Sharif announced the construction of Kalabagh Dam in his address to the nation. Subsequently, Anti-Kalabagh Action Committee held a rally against the announcement which was supported by several social, political and religious groups.

¹⁶⁴ Anwar. H. Syed, *Pakistan in 1997: Nawaz Sharif's Second Chance to Govern*, 110-120.

¹⁶⁵ Dawn, Karachi, June 18, 1997.

¹⁶⁶ Dawn, Karachi, March 12, 1997.

¹⁶⁷ Dawn, Karachi, June 12, 1998.

Resolutions were passed in the provincial assemblies of Sindh, Balochistan, and NWFP against the construction of Kalabagh Dam.¹⁶⁸ Several rallies by the opposition leaders in Sindh and NWFP compelled Nawaz Sharif to hold the plan of constructing Kalabagh Dam until a national consensus is reached.¹⁶⁹

While addressing the Navy officers in Pakistan Naval War College in Lahore, Chief of Army Staff, Jahangir Karamat suggested the formation of National Security Council (NSC) for the tackling of several issues of utmost concern in the country including institutionalized decisions in economy, internal security, sense of deprivation of smaller provinces, and relation of country with ordering countries and major powers.¹⁷⁰ Ruling government openly criticized this government that led to the premature retirement of Army chief. Later, on the 7th October 1998, Prime minister appointed Pervez Musharraf as the Chief of Army Staff by superseding the senior command position General Kuli Khan.¹⁷¹ Nawaz Sharif was afraid of military takeover and hence made an appointment based on his calculation and analysis.

The issue in the Kargil strained the relationship between Pervez Musharraf and Nawaz Sharif. When the *Mujahideen* took over a number of mountains in Kargil district, that India blamed Pakistan for which. India used the conflict to isolate Pakistan on international sphere.¹⁷² Nawaz Sharif addressed the convention of G-8 and put forth the stand of Pakistan over the issue and communicated with Bill Clinton to balance the situations.¹⁷³ Pervez Musharraf criticized India for twisting the facts and figures to sabotage the image of Pakistan in front of the international community. However, Kargil issue was settled in which Nawaz signed an agreement to pull its forces from Kargil and respect Line of Control (LoC).¹⁷⁴

Kargil Issue strained the relationship between the government and the military of Pakistan. Prime Minister claimed that the decision of Kargil was taken without taking his prior confidence while Musharraf claimed that he had taken PM on-board while making the decision. When Indian Prime Minister, Atal Bihar Vajpayee called Nawaz Sharif during Kargil incidence, the latter said that he had no information. Musharraf was of the view the Kargil was victory for Pakistan since it caused heavy damage to Indian Army. The misunderstanding between Nawaz Sharif and Musharraf could not be satiated and both grew

¹⁶⁸ Sajjad, *Law Courts in a Glass House*, 568

¹⁶⁹ Dawn, Karachi, August 3, 1998.

¹⁷⁰ Dawn, Karachi, October 6, 1998

¹⁷¹ Dawn, Karachi, October 8, 1998

¹⁷² Shahid M. Amin, *Kargil: The Unanswerable Question*, Dawn, Karachi, July 25, 1999.

¹⁷³ Dawn, Karachi, June 23, 1999.

¹⁷⁴ Dawn, Karachi, July 5, 1999.

suspicious of each other. Musharraf was afraid that Nawaz would remove him from the post while Nawaz was afraid that Musharraf would overthrow his government.

The relationship between both took a dramatic turn on the evening of 12th October 1999 when Nawaz Sharif retired Musharraf while the latter was on the plane way back from Sri Lanka. He chose the ISI chief General, Zia-ud-Din Butt as new Chief of Army Staff.¹⁷⁵ The appointment of General Zia-ud-din Butt had annoyed several senior military officials. A few minutes before the broadcasting of the news of new Army chief's appointment, the office of PTV was held by Army. Nawaz Sharif was placed under house arrest and the army took control of all the important buildings. Following the coup, Musharraf assumed the office as the Chief Executive officer and proclaimed a state of emergency. National and provincial assemblies were dissolved and governors and ministers ceased to hold any office.

¹⁷⁵ Hamid Khan, *Constitutional and Political History of Pakistan*, 472-473.

Chapter No. 2

FORMATION AND COMPLEXITY OF NATIONAL ASSEMBLY

(2002-2007)

3.1.Introduction

Under the Musharraf regime, the first quasi-civilian government accomplished its term since 1977 under the support of Musharraf, which was elected in October 2002. He supported parliament as long as it obliged his purposes. In 2004, he dismissed Zafraullah Khan Jamali from premiership and appointed Shaukat Aziz, the American Citibank executive, and remained as Prime Minister of Pakistan until November 2007.¹⁷⁶ During his era, retired military officers were granted senior positions in government ministries and private-sector enterprises as well, such as Lt. Gen. Javed Ashraf Qazi appointed as communication minister (2000-2002) and then education minister (2004-2007). Musharraf dispatched numerous military men to government offices to maintain his hegemony in civilian institutions.¹⁷⁷

3.1.1. General Elections of 2002

Musharraf's government held general elections in 10 October 2002 for the 12th National Assembly and four Provincial Assemblies. The mainstream political parties such as PPP and PML (N) faced several restrictions for the elections and their leaders Benazir Bhutto and Nawaz Sharif were barred from entering in Pakistan and remained exiled during Musharraf regime. To resist the restrictions, PPP had formed Pakistan Peoples' Party Parliamentarians under the leadership of Ameen Faheem. Besides, PML (N) had divided into two factions; one of them was loyal to the leadership of Nawaz Sharif and contested elections under the leadership of Javaid Hashmi. The other faction broke away from the main party and formed pro-Musharraf party Pakistan Muslim League-Quaid-i-Azam (PML-Q) and contested elections under the leadership of Mian Muhammad Azhar. The leaders of main opposition parties were in forced exile who could not run the campaign for the elections. President Musharraf strongly

¹⁷⁶ C. Christine, *Fair, Fighting to the End: The Pakistan Army's Way of War* (New York: Oxford University Press, 2014), 29.

¹⁷⁷ *Ibid.* 35.

supported Pakistan Muslim League (Quaid-i-Azam) and several members from other political parties joined it before the elections. Nawaz Sharif and Shahbaz Sharif were in forced exile in Saudi Arabia. Similarly, the leaders of Pakistan People's Party were also in forced exile during the general elections of 2002.

Elections of 2002 entertained various changes in the politics. Leading political parties such as PML-N and PPP were bulwarked from this election through barring their leaders in Pakistan. Besides, military had factionalized the main parties before elections. A number of irregularities were reported in the elections which created doubt in fairness of the result. In addition, Musharraf added higher education degrees in the eligibility of elections to improve the quality of parliament in Pakistan on one hand and certificates issued by *madrassahs* were accepted as higher education degree on the other hand. This stand removed many politicians from the race which hurt both PML-N and PPP and benefitted Islamist parties in the elections.¹⁷⁸ The alliance of Islamist parties reflected their frustration with the Musharraf regime, Taliban's downfall and the War on Terror. It also reflected the opportunity for the MMA to rise as the PPP and PML (N) were suppressed by General Musharraf. Moreover, the rise of MMA was the support for the military as both PPP and PML-N were the major obstacles for the Musharraf rule to control the politics of Pakistan.¹⁷⁹ The military was intended to control Pakistan's politics through manipulating the Islamist parties because PPP and PML-N were viewed as the leading threats for the continuity of Military rule.

In 2002 elections, neither party won the majority seats. However, PML-Q won the most seats in the National Assembly and formed the coalition government with Mutahida Quomi Movement (MQM) and independent candidates. During Musharraf regime, the group of six Islamist parties, Muttahida Majlis-e-Amal (MMA), compressed as opposition at the centre. The MMA formed the government in the Khyber Pakhtunkhwa and formed a coalition government with Pakistan Muslim League-Quaid-i-Azam (PML-Q) in Balochistan.¹⁸⁰ However, the MMA contradicted the inclusion of Pakistan in US-led alliance and remained an obstacle against the government of Musharraf. In such situation, Musharraf's government could not pass its bills in the legislation. Therefore, he countered the opposition through attaining a deal with the MMA in December 2003. In the deal, Musharraf promised to leave the post of Chief of Army Staff (COAS) by 21 December 2004 if the MMA would support to pass seventeenth amendment to

¹⁷⁸ Vali Nasr, *Military Rule, Islamism and Democracy in Pakistan*, Middle East Journal 58, no. 2 (Spring, 2014): 202.

¹⁷⁹ Ibid. 203.

¹⁸⁰ Ibid, 77.

legalize his 1999 coup. But he betrayed his promise and made a bill passed that legalized Musharraf as a President of Pakistan and Chief of Army Staff.¹⁸¹ Meanwhile, the political parties suffered a setback against a new local elite, which was dependent on federal government under the Musharraf regime. He weakened political ideologies in the politics and elections of Pakistan and strengthened his executive powers on the legislature and judiciary domains. As the leader of executive, Musharraf overpowered and encroached the power of National Assembly with and without constitutional amendments.¹⁸² Besides, the armed forces, ISI and other intelligence services and PML-Q and his allies provided the necessary support which was required for the continuation of his power in Pakistan.¹⁸³

3.1.2. *Composition of the National Assembly*

The complexity of the parliament would be assessed based on the demographic profile of the members of parliament. The demographic profile would help into the socio-economic and political background of the member to analyze his/her contribution in the promotion of the institutional values of the parliament. The complexity would be measured by taking into consideration the indicators such as party affiliation, educational qualification, profession and age group about the parliamentarian. However, under the constitution of 1973, the parliament of Pakistan is bicameral. According to the Article 50 of the constitution, the parliament is consisted of the President and the two Houses which are known as the National Assembly and the Senate. As per as Article 51, the total members of the National Assembly are 342 including 60 reserved seats for women and 10 for non-Muslims. The seats of the National Assembly are allocated to each province, FATA and Federal Capital on the basis of population.

Table 2 Party Position in 2002 Elections

Sr. No	Party/Alliance	Seats secured
1	Pakistan Muslim League (Q)	126
2	Pakistan People's Party	81
3	Muttahida Majlis e Amal Pakistan	63
4	Pakistan Muslim League (N)	19
5	Muttahida Qoumi Movement	17
6	National Alliance	16

¹⁸¹ Ishtiaq Ahmed, *The Pakistan Garrison State: Origins, Evolution, Consequences (1947-2011)*, 235.

¹⁸² Ibid, 235-236.

¹⁸³ Ibid, 344-345.

7	Pakistan Muslim League (F)	5
8	Pakistan Muslim League (J)	3
9	Pakistan People's Party (S)	2
10	Pakistan Tehreek-e-Insaaf	1
11	Balochistan National Party	1
12	Jamhoori Watan Party	1
13	Pakistan Awami Tehreek	1
14	Pakhtunkhwa Milli Awami Party	1
15	Independents	3
16	Vacant seats	2
Total		342

Source: Self-Constructed

General elections in Pakistan were held on 10th October 2002. Several political parties and alliances took part in the elections. The newly created Pakistan Muslim League (Q) was the pro-Musharraf party that secured the majority seats, 126, then any other party and alliance in the general elections. Pakistan People's party was successful in obtaining 81 seats of the National Assembly in the general elections of 2002. An alliance of religious parties in Pakistan with the title of Muttahida Majlis-e-Amal clinched 63 seats of the national assembly. The party of ousted prime minister, Nawaz Sharif could only secure 19 seats that are 2 seats ahead of Muttahida Qoumi Movement that got 17 seats in the national assembly of Pakistan. National Alliance (NA) was successful in obtaining 16 seats in the national assembly. Rest of the factions of Pakistan Muslim League including Functional, and Junejo, won 5 and 3 seats respectively. Sherpao group of Pakistan People's party obtained 2 seats in the national assembly. Independent candidates won 3 seats while 2 seats of the national assembly remained vacant.

To be specific, the rise of PML (Q) has started to develop the multi-party system in the politics of Pakistan and begun to the end the two-party system between PPP and PML (N). PML (Q) was also known as King's Party because the party enjoyed full support of President Musharraf. It had won the highest number of seats in the National Assembly and dominated the formation of bills and policies of Pakistan. In addition, PPPP won second highest number of seats in the National Assembly despite the absence of Benazir Bhutto. As per as popular vote, it remained at the top. However, the religious alliance Muttahida Majlis-e-Amal (MMA) stood third largest

party in the National Assembly. Due to factionalism, PML(N) remained as the fourth largest party in the Assembly. Moreover, the leader of PML (Q) did not win any seats himself and the party and its allies agreed to appoint Zafarullah Khan Jamali as the Prime Minister of Pakistan.

3.1.3. Elections of Speaker and Deputy Speaker

Three contestants submitted their nomination for the portfolio of speaker in the National Assembly (2002-2007). Liaqat Baloch of MMA, Chaudhary Aitzaz Hussain of ARD, and Chaudhary Amir Hussain from Pakistan Muslim League (Q) were among the three nominees. The presiding officer for election of Speaker was Ilahi Baksh Soomro.¹⁸⁴ The election was held through secret ballot on November 19, 2002. Chaudhary Aitzaz Hasan won 71 votes while Liaqat Baloch got 80 votes and Chaudhary Amir Hussain begged 167 votes for the portfolio of speakership of the National Assembly.¹⁸⁵ The oath taking for the new speaker of the national assembly was administered by Ilahi Baksh Soomro.¹⁸⁶

The proposed candidates for the Deputy Speaker were Hafiz Hussain Ahmed; Sardar Muhammad Yaqoob Khan Nasar, Nabeel Ahmed Gabol, and Sardar Muhammad Yaqoob.¹⁸⁷ Sardar Yaqoob khan Nasar withdrew his candidature before the elections were held.¹⁸⁸ Sardar Muhammad Yaqoob was elected as the Deputy Speaker by obtaining 163 votes against Hafiz Hussain Ahmed 82 votes, and Nabeel Ahmed Gabol 69 votes.¹⁸⁹ Chaudhary Amir Hussain administered the oath to newly elected Deputy Speaker of the national assembly (2002-2007).

3.1.4. Election of Prime Minister

The election of prime minister took place on 21st November 2002 in which three main contestants fought the election for premiership that included Maulana Fazal-ur-Rehman of MMA, Shah Mehmood Qureshi of ARD, and Zafrullah khan Jamali of PML (Q).¹⁹⁰ In the election for the prime minister of Pakistan, Maulana Fazal-ur-Rehman of Muttahida Majlis-e-Amal secured 86 votes, Makhdoom Shah Mehmood Qureshi of Alliance for Restoration of Democracy (ARD) obtained 70 votes and Mir Zafarullah Khan Jamali of Pakistan Muslim League-Quaid-e-Azam obtained 172 votes.¹⁹¹ President General Pervez Musharraf administered oath to newly elected Prime Minister Mir Zafarullah Khan Jamali. In his

¹⁸⁴ *National Assembly Debates*, Session-1, Vol. I, No. 2 (19 November 2002), 23-24.

¹⁸⁵ *National Assembly Debates*, Session-1, Vol. I, No. 2 (19 November 2002), 45.

¹⁸⁶ *National Assembly Debates*, Session-1, Vol. I, No. 2 (19 November 2002), 46.

¹⁸⁷ *National Assembly Debates*, Session-1, Vol. I, No. 2 (19 November 2002), 57.

¹⁸⁸ *National Assembly Debates*, Session-1, Vol. I, No. 2 (19 November 2002), 58.

¹⁸⁹ *National Assembly Debates*, Session-1, Vol. I, No. 2 (19 November 2002), 82-83

¹⁹⁰ *National Assembly Debates*, Session-2, Vol. II, No. 2 (21 November 2002), 26.

¹⁹¹ *Ibid*, p. 29

inaugural speech, PM Zafarullah Khan Jamali laid emphasis on mutual cooperation among all political parties and stakeholders for the betterment of Pakistan. He also maintained that the foreign policy of Pakistan is already determined that is of mutual cooperation, respect and trust.¹⁹²

3.1.5. Cabinet during Musharraf Regime

The cabinet formed under Zafarullah Khan Jamali was dominated by Pakistan Muslim league (Quaid-i-Azam). It was a pro-Musharraf Party and during its tenure, Musharraf enjoyed its complete support. Outside the National Assembly, Musharraf and his government faced harsh criticism, but the parties did not diminish the domination of newly formed pro-Musharraf party in the National Assembly. PML(Q) had passed pro-Musharraf bills and statute and did not criticize the governmental orders and policies in the National Assembly. Therefore, Musharraf, as President and Army Chief, manipulated the durability, autonomy, differentiation and complexity of the National Assembly and run the government in his own favor.

Table 3 Cabinet of National Assembly

Sr. No	Name	Party	Portfolio
1	Zafarullah Khan Jamali	PML(Q)	Prime Minister
2	Ch. Amir Hussain	PML(Q)	Speaker
3	Sardar Muhammad Yaqub	PML(Q)	Deputy Speaker
5	Aftab Ahmed Khan Sherpao	PPP (S)	Water and Power
6	Sheikh Rashid Ahmed	PML(Q)	Information and Media Development
7	Syed Faisal Shah Hayat	PPP(S)	Interior and Narcotics Control
8	Muhammad Nasir Khan	PML(Q)	Health Minister
9	Zubeida Jalal	PML(Q)	Education Minister
10	Sardar Yar Muhammad Rind	NA	Food, Agriculture and Livestock
11	Liaqat Ali Jatoi	PML(Q)	Industry and Petroleum
12	Ghaus Baksh Khan Mehr	PML(Q)	Railways

¹⁹² *Ibid*, p. 30-32

13	Awais Ahmed Khan Leghari	NA	Information Technology and Telecommunication
14	Ch. Norez Shakoor Khan	PPP(P)	Petroleum and Natural Resources
15	Rao Sikandar Iqbal	PPP(P)	Defence Minister
16	Khursheed Khan Kasuri	PML(Q)	Foreign Affairs, Law, justice, and Human Rights
17	Hunayoon Akhtar Khan	PPP(P)	Minister of Commerce

Source: Self-Constructed

PML(Q) was the king's party, therefore, had won highest number of seats in the National Assembly. The opposition parties had criticized General Musharraf for manipulating elections for his own benefit. However, PML (N) and PPP remained a hurdle for the Musharraf regime before the elections. To minimize the hurdle, Musharraf suppressed both opposition parties and convinced the religious parties to make an alliance to weaken the power of PML(N) and PPP. Musharraf supported PML (Q) to win the elections of the National Assembly and in response PML(Q) reinforced the policy of Musharraf and repulsed oppositional criticism in the National Assembly until the end. Besides, it had broken the glass of two-party dominance of PML(N) and PPP in the politics of Pakistan. The Army penetrated more and more in the politics. The retired military-men also participated in the elections of the National Assembly on the behalf of PML (Q). With the help newly formed King's party, Musharraf had made amendments in the 1973 constitution to strengthen the interference of military in politics under the guidance of National Reconstruction Bureau (NRB).¹⁹³

In terms of gender evaluation, approximately above 90 percent male had participated and won elections for the National Assembly. It is deduced that male had dominated the Assembly because of male-dominated society of Pakistan. However, according to 1973 constitution, each province has given reserved seats of women for the National Assembly. Due to male-dominated society, the National Assembly did not create gender equality policies for Pakistan during Musharraf government. Instead of that, Musharraf claimed his government as a liberal government. In addition, PML (Q) had won majority seats in both merit and reserved seats from Punjab. PPP had dominated Sindh in terms of winning elections and religious alliance MMA dominated elections in Khyber Pakhtunkhwa and in some extent Balochistan. Therefore,

¹⁹³ Shah, *The Army and Democracy*, 190-195.

it is deduced that martial manipulation strengthened in Punjab, where Musharraf weakened and factionalized PML (N) and created King's party PML (Q). PML (Q) was newly formed party, nevertheless, it had won majority of the seats in the National Assembly. So, it is clear that the martial regime maintained its manipulation until 2007 due to dominance of PML (Q) in the National Assembly.

Besides PPP, religious alliance MMA became the main opposition party in and outside the National Assembly to resist the policy of Musharraf government. Instead of second highest party, PPP could not become a powerful opposition party because the government suppressed the PPP as well as PML (N). The government felt threat from both of the opponent parties, which are the powerful parties against the military government. On the contrary, MMA was not specifically against the military regime. Initially, the religious alliance did not resist the policy of the government until the government had made international alliance with the United States and explicitly opposed the Taliban regime.

3.2. Complexity of the National Assembly

Complexity is one of the important characteristics of the institutions, in which the bill would be acceptable of the implementation after passing through various procedures. Due to complexity, the institutions carefully scrutinize the bills, policies of government, statute and law so that they would become favor for the society and its people. However, the 1973 constitution has given complex rules and procedures to the National Assembly of Pakistan for the purpose to inspect statute and law carefully before sending them to executive for implementation. As far as constitution, the National Assembly was also given authority to reject the governmental policies if not beneficial for the State and the people of Pakistan. The complex structure was given to the parliament because simple framework could easily be manipulated. To be specific, whether the Musharraf's government had manipulated the complexity of the National Assembly for the dominance of the military institution.

3.2.1. Local Government under New Elite

Under the authoritarian of General Musharraf, the National Reconstruction Bureau (NRB) proposed a plan to authorize true administration in the district and sub-district government and released budget to the *Nazim* and *Naib Nazim* (mayor and deputy mayor in metropolitan cities) instead of parliamentarians. Elected elite of local government had vested with the executive powers and law and order responsibility. According to the Human Right Commission of

Pakistan reported that the military had formed local governments in the absence of the National Assembly as well as provincial assemblies.¹⁹⁴ The critics formulated that the military bypassed the complexity of the National Assembly and directly executed laws, statutes and policies with the help of local government. The Musharraf's government had openly controlled the local government. Besides, the military also decreased the accessibility of the National Assembly over the local government. In addition, the complexity of the National Assembly determined the running of parliamentary democracy. But the military had manipulated rule and procedure of the National Assembly, which is a complex institution as far as 1973 constitution.

3.2.2. Nuclear Proliferation Issue and Abdul Qadeer Khan

In 2004, the United States pressurized Musharraf government to detain Abdul Qadeer Khan (A.Q Khan) against the Nuclear Proliferation. In fact, Abdul Qadeer Khan directed the efforts of Pakistan to develop nuclear weapons. America wanted to control A.Q Khan nuclear efforts because it was reported that he was allegedly selling nuclear technologies to other countries like North Korea, Iran and Libya. Subsequently, he admitted to General Musharraf that he had been selling nuclear technologies to aforementioned countries.¹⁹⁵ In reaction, the MMA has organized demonstrations against General Musharraf who detained A.Q Khan for selling nuclear technologies to other countries. It has condemned the military for suppressing the promoter of nuclear weapons in Pakistan.¹⁹⁶ In addition, Musharraf even did not consult the National Assembly for its decision about the nuclear proliferation issue. As a complex institution, the National Assembly could investigate the issue through various committees in the House. But the military administration bypassed the complexity of the Assembly and implemented its decision under the pressure of the US foreign policy.

The MMA had criticized the government handling of nuclear proliferation and A.Q Khan and originated demonstrations against aforementioned issue in the streets. Besides, Qazi Husayn Ahmed demanded the resignation of Musharraf on this matter and suggested to send the matter to the parliament for detail consideration. The issue of nuclear proliferation shattered the plan of Musharraf's government to balance the American tie with the dependence of religious parties. But the MMA had severely criticized the public censorship of A.Q Khan and portrayed it as surrendering a sensitive issue to the United States which was against the interest of the national security of Pakistan.¹⁹⁷ Instead of strong protests against nuclear proliferation issue,

¹⁹⁴ Shah, *The Army and Democracy*, 194.

¹⁹⁵ Richard Worth, Pervez Musharraf (*Modern World Leaders*), 80.

¹⁹⁶ Nasr, *Military Rule, Islamism and Democracy in Pakistan*, 206.

¹⁹⁷ Nasr, *Military Rule, Islamism and Democracy in Pakistan*, 208.

the National Assembly did not take up the issue seriously because it had already lost its complexity due to internal manipulation and external involvement. Therefore, the House could not utilize its complex rules and procedure to resolve the issue seriously.

The United States, which began supply military and economic aid to Pakistan during Musharraf regime after temporary break, demanded to investigate against A.Q Khan's nuclear proliferation issue. In the fear of losing military and economic aid, Musharraf initiated investigation against A.Q Khan. Therefore, Pakistani authority had interrogated A.Q Khan in January 2004. The investigators had reported that A.Q Khan and another high-ranking officer were involved in providing unauthorized nuclear technical aid to Iranian nuclear weapons programme in the late 1980s and 1990s. However, he was kept under house arrest but did not comply with the American plea to investigate him by US experts.¹⁹⁸ In fact, the 1973 constitution have given the authority of investigation important and complicated issue through complex rule and procedure of the National Assembly. This important issue was investigated by the Musharraf government and kept the House refrain from the nuclear proliferation issue. As a result of bypassing the complexity of the Assembly, the democracy remained weaken in the Musharraf era.

3.2.3. Elections and the Manipulated House

To maintain the complexity of the National Assembly, the election should be fair and partial and should refrain from manipulation from other institutions and powerful personality. Otherwise, the Assembly would lose its complexity. However, Musharraf held referendum before elections took place in October 2002. Nevertheless, the elections held in October 2002 as promised for provincial legislatures and local offices. To maintain the hegemony of his government, Musharraf manipulated the elections, which loosened the complexity of the National Assembly before the parliamentary took their responsibility.¹⁹⁹ Critically Stephen Cohen states that "the election was manipulated at many levels. Nominations of pliable politicians (who favored the government) were supported, and there was interference by the security forces and bureaucracy on the polling day."²⁰⁰ Meanwhile, Musharraf did not expect that the religious parties could win a good number of seats in the National and provincial assemblies. The religious alliance, MMA won the majority seats in the provincial assembly of Khyber Pakhtunkhwa (former Northwest Frontier Province) and won 60 seats in the national

¹⁹⁸ Ishtiaq Ahmed, *The Pakistan Garrison State*, 343.

¹⁹⁹ Worth, Pervez Musharraf (*Modern World Leaders*), 73.

²⁰⁰ Cohen, *The Idea of Pakistan*, 154.

assembly as well.²⁰¹ So, to weaken the power of religious alliance, Musharraf had developed a new form of government structure in the provinces, which was called “*Nazim System*.” This form of government structure was similar to the “Basic Democracy” of General Ayub Khan in the 1960s. The government of Musharraf bypassed bureaucracy and the provincial legislators and directly pipelined federal money to the Nazims. The Nazims were the local leaders who supported the government of Musharraf.²⁰² Moreover, the elections were held to choose the representative of the people of Pakistan. So, they could make laws for the interests of the people as well as the State. Unfortunately, the manipulated members of the National Assembly did not retain the complexity of the House and Musharraf ruled with the constitutional power of the National Assembly until late 2007. The House without complexity had led to the loosen democracy in Pakistan.

Prior to 2002 elections, pro-Musharraf politicians were busy to prepare the ground for the legitimization of military rule in Pakistan. Pakistan Muslim League-Quaid-i-Azam (PML-Q) was established with the efforts of politicians and the guidance of Pervaiz Musharraf. Enraged member of Pakistan Muslim League-Nawaz (PML-N) also joined PML-Q and strengthened the position of PML-Q in the politics of Pakistan. Meanwhile, elections were held as promised but the government held a referendum as well after the elections to extend the rule of Musharraf for five years. The result of referendum went in favor of Musharraf as well as elections. The government claimed that 70 percent Pakistani citizens voted in the referendum in which 98 percent of vote favored the extension of Musharraf rule. On the other hand, opposition rejected the claims of government and criticized that the government had pressurized state employees to cast their votes in favor of Musharraf. The opposition also asserted that only 5 percent voters casted their votes in the referendum. However, the government rejected all the allegations of the opposition.²⁰³ But it is deduced that Musharraf’s administration manipulated both the elections and referendum. Even a large number of politicians, the future representatives of the people or the future members of the National Assembly, supported the right-wing party PML-Q, military-made party. PML-Q won the majority of the seats in the National Assembly and formed coalition government with pro-Musharraf parties and independent candidates. Therefore, the member of the National Assembly had surrendered their distinctive character to the military and the executive and compromised the complexity of the House. Bypassing the

²⁰¹ Worth, *Pervez Musharraf (Modern World Leaders)*, 74.

²⁰² Cohen, *The Idea of Pakistan*, 155.

²⁰³ Ishtiaq Ahmed, *The Pakistan Garrison State*, 234.

complexity of the House, Musharraf manipulated the Assembly through Executive Order and discussed his policies on the platform of National Security Council (NSC) instead of the National Assembly.

Chapter No. 3

DIFFERENTIATION, DURABILITY AND AUTONOMY OF NATIONAL ASSEMBLY

4.1.Introduction

The military once again transformed from guardian role to the governing role during the 1999 Karil war with India, when difference originated between the then Nawaz Sharif's government and Army Chief, General Pervez Musharraf. He dismissed Sharif's government and declared himself as Chief Executive. He, then, controlled the government and held election in October 2002.²⁰⁴ After the 9/11 incident, Pakistan indulged with stagnant economy, a military government and uncertain political and social institutions. Pakistan regularly faced, corruption, bad governance, malfunction economy, weak political parties, domestic disorder and poor education. Islamic extremism and sectarian violence were at the height. Identity of Pakistan were not clear justified under a particular ideology. Educated people were emigrated to foreign countries especially in USA and European countries. The event of 9/11 effected Pakistan most among Muslim countries except Afghanistan particularly during Musharraf presidential time 2002-2007. In this period, the parliamentary debates focused on the identity of Pakistan instead of important foreign and domestic themes and policies. Without parliamentary influence, Pakistan agreed to support the United States against Taliban and Islamic extremism. Pakistan again became the 'Frontline State' in the American war. US and Pakistan alliance changed the domestic politics as well. US pressurized to make good alliance with India. After various secret meeting, Pakistan and India formally initiated negotiations May 2004.²⁰⁵

Pakistan's economic crisis was deepening and was at the threshold of economic insolvency when Musharraf came into power. On the punishment of nuclear explosion of 1998, the West put economic sanctions on Pakistan which deepened fragile economy. The West declared Pakistan as a Pariah state. Therefore, the military justified that civilian institution were not capable to overcome economic crisis.²⁰⁶ Following Ayub Khan and Zia ul Haq, Musharraf

²⁰⁴ Aqil Shah, *The Army and Democracy: Military Politics in Pakistan* (Massachusetts: Harvard University Press, 2014), 150-151.

²⁰⁵ Stephen Philip Cohen, *The Idea of Pakistan* (Washington, D.C., The Brookings Institution, 2004), 90-91.

²⁰⁶ Ishtiaq Ahmed, *The Pakistan Garrison State: Origins, Evolution, Consequences 1947-2011*, (London: Oxford University Press), 227.

appointed competent bankers and economists in his government to stabilize stagnant economy of Pakistan and to legitimize his rule. In his memoir, he argues that he appointed reputable economists and bankers to minimize corruption. He also claims that his appointed experts boosted economic development, particularly exports.²⁰⁷

Now, the author evaluates the important indicators of the National Assembly, which determine the independence and sovereignty of the House. These important indicators are durability, autonomy, differentiation and complexity of the National Assembly, which gauge the parliamentary democracy of Pakistan. The author critically adjudicates whether the National Assembly had constitutionally utilized these important indicators to protect the democracy, or the military interfered or manipulated the constitutional process of the House.

4.2. Differentiation of the National Assembly

Differentiation from the environment is one of the principal indicators of an institutionalized political organization. It fundamentally refers to creation of an identity of distinctiveness. In terms of institutionalization of political organization, differentiation refers to the process of establishing the manifest boundaries that marks a clear indication of the distinctiveness of the institution under consideration. The pragmatic approach to the differentiation of an institution can be understood by the extent to which its members constitute a distinct group who make efforts to achieve the institutional goals with well-defined roles in the political system. The measurement of differentiation can be conducted by the extent to which its members are recruited from a group who have a sheer understanding of the common institutional goals. The operational definition of the differentiation would be an effort to assess national assembly of Pakistan between 1999-2008 against the principles of differentiation as mentioned in the sessions of the National Assembly (2002-2007).

4.2.1. Legislation

Parliament is enshrined with the virtue of legislation in the best interest of people. The process of legislation is determined by the constitution of Islamic Republic of Pakistan as the process of debating an issue of national interest in the House and convert it into a law after a sheer consensus. However, more ordinances were passed compared to democratic legislation during Musharraf era. The data from all the five parliamentary years (November 16, 2002-November 15, 2007) revealed that only 38 acts were passed by the National Assembly as compared to 273

²⁰⁷ Ibid,233.

ordinances. Only two acts passed in the first parliamentary years, which increased to 7 acts in the second parliamentary years, 18 acts in the third parliamentary year, five acts in the 4th parliamentary year, and 6 acts in the fifth parliamentary year.²⁰⁸ On the contrary, Musharraf promulgated 35 ordinances in a short period of not more than 45 days (November 3, 2007-December 15, 2007) during the emergency period.²⁰⁹ Over all, Musharraf promulgated 273 ordinances next to General Zia who passed the highest number (407) in the constitutional history of Pakistan.²¹⁰ Paradoxically, major acts passed in the national assembly represented the interests of Musharraf more than that of national interests. The Constitution (Seventeenth Amendment) Act (2003), and The National Security Council Act, (2004) were passed by the Assembly that not only rendered it toothless but exponentially increased the power helm of Musharraf. The members of national assembly had a lesser stake in the decision-making process than Musharraf who was the head of executive branch of government and was supposed to launch the policies given by national assembly. Contrarily, he squeezed all powers in his hands and rendered national assembly ineffective by major strikes on the democratic institutions including national assembly. A term of national assembly that took more guidelines from executive cannot be defined as an autonomous and supreme body in the realm of decision making. It proves that the supremacy of the assembly was challenged, its autonomy curbed, and durability curtailed.

The floor of national assembly throughout first parliamentary year was spent on the issue of credibility of oath-taking taken by parliamentarians in the national assembly. The culture of debate in the national was preoccupied by diversions, protests, and least decorum as it manifested least debate between the treasury and opposition benches. The first parliamentary year was spent in walk-outs, hue and cry, and more diverted from its primary duty of legislations.²¹¹ However, Rajab Ali Khan from Treasury Benches defended the working of the house by saying that whatsoever happened in the country, was discussed on the floor of the house. According to him, about One Thousand nine hundred and thirty (1930) questions so far were asked and the ministers gave the answers accordingly. Moreover, 58 resolutions were tackled and about 22-24 bills were introduced. He further said the government under the premiership of Zafar Ullah Khan Jamali believes in the consensus of all parties in the matters

²⁰⁸ National Assembly of Pakistan, Acts of Parliament (16 November, 2002-15 November, 2007), https://na.gov.pk/en/acts-tenure.php?tenure_id=10, accessed on September 15, 2022.

²⁰⁹ Correspondent, *Over 2,000 Ordinances passed in Pakistan's History*, The Express Tribune, January 13, 2020.

²¹⁰ Ahmed Bilal Mehboob, *Ordinances over the Years*, Dawn, December 8, 2019.

²¹¹ National Assembly Debates, Session 10, Vol. X, No. 19 (30 September 2003), 1438.

of legislation rather than formulating rules and regulations on ad hoc basis.²¹² Despite these deliberate optimistic contentions on the part of treasury benches could not be stated as the working of national assembly since it failed to come to consensus. Lack of cooperation between the ruling government and opposition can be cited as one of the underlying reasons for the inefficiency of national assembly in legislation.

On the Motion for the Political Parties (Amendment) Bill, 2004, Naveed Qamar criticized the legislative business of the government. Citing a futility on its autonomous structure, he pointed out that national assembly is so ineffective in its decision that it either takes half a year to introduce a bill and on the same time spends a day to pass a bill. In case of the said bill, the government wants the bill passed in 48 hours from both the houses. Its background was to conduct by-elections and to elect Shaukat Aziz as member of the National Assembly first and then elect him as the next Prime Minister of Pakistan.²¹³ Taking into consideration the aforementioned events and details, it can be concluded that national assembly during the reign of Musharraf was not an autonomous body in its decision making since it could not legislate on the issues as more legislative maneuvers were adopted by executive branch. The distinction of national assembly, differentiation, was also derailed due to major acts that increased the power of executive, let alone making it stronger.

4.2.2. Federal Budgets

The Finance Bill, 2003 of the Federal Budget of first parliamentary year for the year of 2003-2004 was presented on June 7, 2003.²¹⁴ The General discussion continued for the next five proceedings and finally adopted on 13th June 2003. The government considered the Federal Budget (2003-2004) as remarkable achievement as the growth of Gross Domestic Product (GDP) would registered 5.78% compared to the previous budgets 3.4% growth in 2001-2002 and 4.5% in 2002-2003.²¹⁵

The Federal Budget for the Year 2004-2005 was introduced on June 12, 2004.²¹⁶ Different sectors including Manufacturing, Foreign Direct Investment (FDI) and agriculture came under the general discussion which continued for almost 7 proceedings. The GDP growth rate jumped to 6.4% and budget deficit was 4% while the exports surpassed \$ 12 billion.²¹⁷

²¹² National Assembly Debates, Session 10, Vol. X, No. 36 (10 November 2003), 2583-2587.

²¹³ National Assembly Debates, Session 17, Vol. XVII, No. 2 (19 July 2004), 285-304.

²¹⁴ National Assembly Debates, Session 7, Vol. VII, No. 1 (7 June 2003), 2-21.

²¹⁵ National Assembly Debates, Session 7, Vol. VII, No. 5 (13 June 2003), 523-574.

²¹⁶ National Assembly Debates, Session 14, Vol. XIV, No. 8 (12 June 2004), 1064-1125.

²¹⁷ National Assembly Debates, Session 14, Vol. XIV, No. 15 (22 June 2004), 2788-3021.

The Federal Budget (2005-2006) was presented by the government on June 6, 2005.²¹⁸ The General discussion on the budget lasted for the next six proceedings of the Assembly. Finally, the Finance Bill, 2005 was passed on 17th June 2005. Price hike, manufacture, agriculture, exports and imports were the major areas of general discussion. In spite of devastating Earthquake of 2005 and oil price hovering, the GDP reached 7.5%. FDI, manufacture and other sectors also showed a better growth rate.²¹⁹

The bill of Federal Budget (2006-2007) was initiated on 5th June 2006.²²⁰ The General discussion took 10 proceedings to be finally passed on 21st June 2006. Creation of Employment opportunities, Promotion of domestic and foreign investment, broaden the tax net, improvement of infrastructure and social indicators were the main features of this Financial Year. The GDP growth of this financial year was 6.8%. Agriculture being the largest sector of national economy showed a better performance, growing by 5% as compared to the 1.6% of the last year.²²¹

The Federal Budget of the Year (2007-2008) was introduced on 9th June 2007.²²² The General Discussion on the budget continued for almost 10 proceedings of the 41st session and finally passed on 22nd June 2007. Due to political instability, soaring oil prices, and turmoil in the international market decreased the GDP growth to 5.8 against the 6.8% of the previous year. In this year, the services sector showed a robust growth of 8.2% against the 7.6% of the last year. However, the other sectors like manufacturing, agriculture and FDI were shown a dismal performance.²²³

Table 4 Annual GDP Growth Rate in Percent

Federal budget Year	General Discussion (in Days)	GDP Growth Rate (%)
2003-2004	5	5.78
2004-2005	7	6.4
2005-2006	6	7.5
2006-2007	10	6.8
2007-2008	10	5.8

²¹⁸ National Assembly Debates, Session 26, Vol. XXVI, No. 3 (6 June 2005), 203-236.

²¹⁹ National Assembly Debates, Session 26, Vol. XVI, No. 11 (17 June 2005), 2231-2314.

²²⁰ National Assembly Debates, Session 36, Vol. XXXVI, No. 2 (5 June 2006), 127-165.

²²¹ National Assembly Debates, Session 36, Vol. XXXVI, No. 2 (21 June 2006), 2756-2972.

²²² National Assembly Debates, Session 41, Vol. XLI, No. 4 (9 June 2007), 417-459.

²²³ National Assembly Debates, Session 41, Vol. XLI, No. 14 (22 June 2007), 2437-2593.

Source: National Assembly Debates

4.2.3. Political Victimization

Differentiation reflects the relationship between the members of ruling and opposition parties. The Parliament of Pakistan had lost its differentiation and durability during the Musharraf era because internal and external interferences was encouraged and supported within and outside of the parliament. Aitzaz Ahsan, in his parliamentary speech, stated that the center of parliamentary power controlled by another institution such as military and bureaucracy, and the members of opposition parties are suppressed by criticizing the policy of the government. The members of majority party always condemned and ridiculed the criticism of opposition within the National Assembly during Musharraf era. The government used to open illegal cases against the members of opposition to suppress their voices. By suppressing opposition, the durability and differentiation of the National Assembly could not be maintained.

The prevalence of political victimization of members of opposition parties during Musharraf Era substantially unprecedented. The top-notch leadership of opposition parties were in forced exile such as Nawaz Sharif, Shahbaz Sharif, and Benazir Bhutto. Whereas the victimization of members of opposition parties in the National Assembly was also overwhelmingly prevalent. Any member of opposition benches, who disagreed or criticized the decisions of Army in the National Assembly, was either imprisoned, house arrested, forcefully silenced, or charged on treason cases. The contempt of the house was the order of the day and the autonomy of the National Assembly as a democratic institution was curbed. The leader of the PML-N, ARD and the opposition leader in the house remain arrested for almost 4 parliamentary years during Musharraf Era. The absence of a vibrant opposition leadership paved the way for unilateral and autocratic decisions by Musharraf in the National Assembly. While during the military operation in Balochistan in 2006, Abdul Rauf Mengal, a member of national assembly, raised his voice on the floor of the house on the unilateral decision of military leadership to launch operation in Balochistan, he was house arrested.²²⁴ The military operation in Dera Bugti that resulted in the killing of Nawab Akbar Khan Bugti erupted an unrest in Balochistan as well as the political parties in the center. Abdul Rauf Mengal of Balochistan national party resigned on September 6, 2006²²⁵ in protest to the unilateral decision of military leadership to launch an operation in Balochistan. Even with the order of supreme court to allow the return of Shahbaz

²²⁴ *National Assembly Debates*, Session-34, Vol. XXXIV, No. 2, (10 April 2006), 207-211.

²²⁵ *National Assembly Debates*, Session-37, Vol. XXXVII, No. 25 (6 September 2006), 2702.

Sharif, he was not allowed to land in Pakistan and was again set to forceful exile. These incidents along many other describe the lack of autonomy and institutionalized structure of national assembly during Musharraf Era.

The case of Javaid Hashmi and Abid Sher Ali

The relationship between government and opposition during Musharraf Era has been fragile and antagonistic throughout the government tenure. The members of parliament who opposed the supremacy of military takeover and criticized the involvement of army in the parliament bore the greater brunt of political victimization at the hand of ruling government. Opposition leader was arrested from Parliament Lodges without any FIR and a case was levied against him after his arrest which is direct violation of the criminal procedure law which states that no one can arrest anybody without issuance of FIR or arrest warrant²²⁶. The speaker of the house announced the detention of Javaid Hashmi by Islamabad police on 29th October 2003. Members of the opposition benches started protesting against the detention of opposition leader Javaid Hashmi²²⁷. Khwaja Muhammad Asif maintained that the arrested members of parliament are brought to the assembly through production orders by the speaker. He further reminded that two respected members of opposition Javaid Hashmi and Abid Sher Ali are under arrest. He further reminded the speaker that they, the opposition benches, are continuously demanding for the production order of Javaid Hashmi but all in vain.²²⁸

While discussing the case of Javaid Hashmi and Abid Sher Ali, Hafiz Hussain Ahmed maintained that parliament has been ascribed with the authority to issue production orders of the arrested members of house for the smooth functioning of parliament. He also said that all members of house are equal and their participation in the session is mandatory as per law. The failure of issuing production orders of Javaid Hashmi and Abid Sher Ali is against the rules of conduct of national assembly, and it is therefore requested on the part of all parliamentarians to issue production orders of Javaid Hashmi and Abid Sher Ali.²²⁹ Speaker of national assembly has the authority, via rule 19, to issue production order of any arrested member of assembly. Despite this authority, opposition leader Javaid Hashmi remained in custody of jail throughout the tenure of parliament during Musharraf Era. Chaudhary Nisar Ali Khan maintained that

²²⁶ *National Assembly Debates*, Session-14, Vol. XIV, No. 4, (4 June 2004), 657.

²²⁷ *National Assembly Debates*, Session-10, Vol. X, No. 32, (31 October 2003), 2230.

²²⁸ *National Assembly Debates*, Session-11, Vol. XI, No. 2 (28 December 2003), 227-228.

²²⁹ *National Assembly Debates*, Session-11, Vol. XI, No. 3 (28 December 2003), 445-446.

assembly is under the pressure of external forces and cannot issue the production order of opposition leader.

On the other hand, Dr. Sher Afghan, a member of treasury benches, stated that rule 19 provides the exception that only if the presence of arrested member is deemed necessary by the speaker, his/her production order is issued. Contrarily, when a citizen is under trail for a heinous crime, cannot be produced whosoever he/she is and whatever circumstances are. Therefore, Javaid Hashmi is under trail on mutiny charges, that is a heinous crime, and his production order cannot be issued by the August House. Since the constitution provides equality to all the citizens and Javaid Hashmi is a citizen of Pakistan, now if his production orders are issued for the house, the other citizens should also be provided with the same privilege to be present in their house when “deemed necessary”.²³⁰

The detention of Javaid Hashmi was carried without prior informing the speaker which is a violation of rule 85 of the conduct of National assembly. The detention of Javaid Hashmi is also a violation of rule 87 that binds the law enforcement agencies to intimate a circular to the member of national assembly before his detention. Opposition leader was not brought to trial in front of judge and was directly taken behind the bars of Adyala Jail. Javaid Hashmi has been charged on the case of mutiny who has fought a war for the protection of democracy in the country and has been punished with 23 years prison.²³¹ The reason for the suffering of Javaid Hashmi is based on a letter that is owned by none and on the basis of that unowned letter, Javaid ²³²Hashmi went missing for 14 days wherein no one knew where he was.

In this context, Abid Sher Ali was stopped by the speaker when he was narrating the story of his abduction at the hand of intelligence agencies which denotes that anything can occur to opposition members when they are democratically rallying/protesting for a specific issue of national interest²³³. In another session, Abid Sher Ali moved a motion of privilege breach in the house that was deferred by the speaker on the advice of Interior minister Makhdoom Syed Faisal Saleh Hayat. Interior minister maintained that this case is in the jurisdiction of provincial government of Punjab and not of the federal government and hence be deferred²³⁴. The constant incidences of political victimization of members of opposition benches denote the failure of ruling government in maintaining good ties with the opposition and have pushed them to the

²³⁰ *National Assembly Debates*, Session-13, Vol. XIII, No. 20 (5 April 2004), 3090-3098.

²³¹ *National Assembly Debates*, Session-14, Vol. XIV, No. 4 (4 June 2004), 647-649.

²³² *National Assembly Debates*, Session-14, Vol. XIV, No. 4 (4 June 2004), 653.

²³³ *National Assembly Debates*, Session-13, Vol. XIV, No. 3 (10 March 2004), 141.

²³⁴ *National Assembly Debates*, Session-13, Vol. XIV, No. 8 (17 March 2004), 1106-1110.

wall. A parliament without opposition leader denotes that the functions of assembly have been set on dictatorial lines and is a non-autonomous body.

Opposition leader of a democratic parliament remained in prison for almost 4 years. He was absent from the sessions of almost all the parliamentary years being detained in the first parliamentary year and released in the last parliamentary year. The speaker of the house failed to issue the production order of the opposition leader who was released at the judgement of supreme court in the last parliamentary year.²³⁵ Opposition leader was the only member of opposition whose production order was not issued by the custodian of the house.

While addressing the National Assembly, opposition leader Javaid Hashmi continued his speech of 29th October 2003 from where he was detained and imprisoned. He pointed out that the judiciary manifested unity when it came to their collectivity, which unfortunately was not case with the parliament of Pakistan. He also pointed out that he was not in the parliament based on its supremacy but rather at the supremacy of judiciary. As a member of parliament, I wished to have a trail in its domain to narrate what and why I did what and where I did what I did. He further stated that in a democratic institution, his constituency was in forced silence for four years which is pretty an undemocratic maneuver. While discussing the curbed autonomy of parliament, opposition leader stated that the House of parliament in Musharraf Era has remained a curbed body with least independent decisions on its floor. He further cautioned that if the parliament cannot provide safeguard to the right of expressions of its member, how it can safeguard the rights of 160 million Pakistanis.²³⁶

4.2.4. National Accountability Bureau (NAB) as an Institution of Political Victimization

Soon after taking control of government, President Musharraf established National Accountability Bureau (NAB) through a presidential ordinance on November 16, 1999. It was established to check, investigate, and prosecute government officials who are involved in corruption, money-laundering, and abuse of power for financial gains. The mission of National Accountability Bureau was set to “*eliminate corruption through a comprehensive approach encompassing prevention, awareness, monitoring, and combatting.*” In its 4 years, NAB had convicted 270 individuals on charges related to corruption. Combatting corruption, as its vision claims, was the chief purpose of establishment of National Accountability Bureau. However,

²³⁵ *National Assembly Debates*, Session-42, Vol. XL, No. 6 (6 August 2007), 660-661

²³⁶ *Ibid*, 163-164.

the institution was used as a weapon of political victimization and blackmailing by the authoritative persons in the government structure.

In response to a question of Naveed Qamar asked the floor about the corruption cases and recovery of amount through plea bargain/volunteer return, treasury benches stated that there 269 against politicians, 451 against military officials, 1057 against bureaucrats and 7771 other cases²³⁷. Naveed Qamar criticizes the NAB that contrary to the statistics where bureaucrats and military officials are more involved in the corruptions, politicians are blamed for the widespread cases of corruption in Pakistan²³⁸. Moreover, leader of opposition, Javaid Hashmi pointed out that the chairman of National Accountability Bureau is Military General and since the essence of National Accountability Bureau is controversial, his, the chairman's position is also controversial and cannot be impartial in the cases²³⁹. Similarly, the subsequent 4 months witnessed 9 bureaucrat defaulters against only 1 politician defaulter²⁴⁰.

The intervention of military in the civil institution was the order of day during the time of Musharraf. The chairman of National accountability was of the same position as was the president of Pakistan. Along with the taking over of National Accountability Bureau, military officials have taken over several other institutions that depicted an approach of intervention. In another session, Makhdoom Muhammad Amin Faheem from PPP questioned the credibility of NAB that the said institution was made only to tight the Opposition and ignore the corrupt practices of ruling party²⁴¹. Furthermore, Raja Pervez Ashraf pointed out that NAB has been acting as a tool of character assassination, horse trading, arms twisting and rigging and hence controversial. He recalled the Assembly that the Standing Committee of Upper House called Chairman of NAB for a meeting that he rejected to attend. So, he said that the Chairman of NAB should present himself in front of the standing committee and prove that accountability is being carried out across the board.²⁴²

The number of convictions, cases, and defaulters in the NAB itself presents a larger share of bureaucrats and military officials more than politicians. Nevertheless, it is often used as a shield by the ruling government of Musharraf to politically victimize opponents, blackmail usurpers, and harass those who spoke against it. Even the attitude of chairman NAB to refuse to attend

²³⁷ National Assembly Debates, Session-4, Vol. IV, No. 2 (28 February 2003), 185-186.

²³⁸ Ibid, 212-220.

²³⁹ Ibid, 297-298.

²⁴⁰ National Assembly Debates, Session-7, Vol. VII, No. 6 (14 June 2003), 817-818.

²⁴¹ National Assembly Debates, Session-23, Vol. XXIII, No. 1 (23 February 2005), 169-170.

²⁴² National Assembly Debates, Session-34, Vol. XXXIV, No. 2 (10 April 2006), 234-235.

the meeting of Senate Standing Committee manifests the latent functions of political victimization of NAB. It is therefore contended that National Accountability Bureau, in the light of debates in the National Assembly, is a political stunt set up by Musharraf to imprison, banish, and blackmail opponents to have his way in the state affairs.

4.2.5 Parliamentary Unity

Shirafagon Khan Niazi, a member of the National Assembly, stated that the sovereignty of the parliament specifically National Assembly depends on the unity of the parliamentarian.²⁴³ It can show its institutional differentiation through resisting the interference of external power particularly the executive and other powerful institution. However, the military is the most powerful institution in Pakistan because of its constant intervention in the civilian institution from time to time. General Musharraf had manipulated the National Assembly through the British policy of “Divide and Rule.” He had formed his government through manipulating the politicians and legislators to strengthen the involvement of military in the decision-making process of the National Assembly. However, majority of member of National Assembly even did not criticize the American war on terror in Afghanistan, a neighboring country of Pakistan. In reality, American had bombarded the villages of innocent Afghans but the government and manipulated parliament had supported the American policy in South Asia. As a differentiatonal institution, the National Assembly should have hindered the government of supporting such malicious policies. Unfortunately, the Assembly was affected by the “divide and rule” policy of Musharraf’s government. In addition, the military intervention in the politics and rule and procedure of parliament destroyed the differentiation and durability of the National Assembly in Pakistan.²⁴⁴

4.2.6 National Referendum

Musharraf has announced national referendum in April 2002 to gain public support in the politics involvement before the General Elections of 2002. It was asked with “Yes” or “No” whether Musharraf should remain in office as President of Pakistan as far as his performance. The referendum of Musharraf was same as the referendum of 1980s under the supervision of General Zia. Musharraf also promised to decrease poverty, eradicate violence and eliminate corruption. It was reported that approximately 98 percent of votes were casted in favor of Musharraf. In fact, a small percentage of voters voted in the national referendum. Musharraf began to further weaken the alliance of Islamist parties once he strengthened his control over

²⁴³ National Assembly Debates, Session 3, Vol, III, No. 1 (30 December 2002), 11-15.

²⁴⁴ Ibid.

the politics through the referendum.²⁴⁵ Constitutionally, it was not allowed to contest elections for the referendum of the presidency but the dictator had forcibly held elections. However, constitution allows to contest election for the parliamentarian particularly the member of National Assembly. Because they are the real representatives of the people, and have decision-making power. The election and decision-making power lead to institutional differentiation of the National Assembly but the Chief Executive encroached to the power of the parliament. In fact, the Parliament has constitutional authority to elect the President of Pakistan but the executive had elected the president without following the constitutional procedure during Musharraf era. As a result, the National Assembly lost the essence of differentiation in this period because the military government cross over with the power of the Assembly.

However, Musharraf justified the referendum and proclaimed that civilian government devalued the economy and increased the corruption in Pakistan. The military came to strengthen the power of the State on the face of the earth. In fact, economy of Pakistan had improved during Musharraf era and foreign reserves had increased from \$0.5 billion to \$5.5 billion. Musharraf claimed that government official would never be allowed to plunder the national wealth. Feudal and industrial leadership had nurtured corruption and nepotism in Pakistan, which Musharraf claimed to eradicate from the society and would strengthen meritocracy. He declared that his government had reduced the level of poverty. Therefore, he ordered referendum to convince the people about the performance of his government and wanted to gain popular support for his governmental policies. Musharraf promised to fulfil all developmental targets before the expiry of his five-year term. In fact, economic prosperity in the Musharraf era had depended on the foreign aids of International Monetary Fund, the World Bank, the Asian Development Bank and the United States. Foreign aids were channelized in Pakistan at the cost of the war on terrorism.²⁴⁶

On the contrary, opposition parties criticized referendum and demonstrated against the referendum and resisted that this procedure could not be the free expression of Pakistan's people. The critics had convinced most of the people that the referendum could not be a democratic practice. They insisted that the military government intended to increase its influence in the politics. Furthermore, October election produced weak government and legislature which the military easily controlled it for its own institutional dominancy rather than public interests. Through manipulation of government and legislature, Musharraf had amended

²⁴⁵ Worth, *Pervez Musharraf (Modern World Leaders)*, 69-70.

²⁴⁶ Lawrence Ziring, *Pakistan: At the Crosscurrent of History* (Oxford: Oneworld Publications, 2003), 334.

the constitution to reshape the political system which could easily maintain the influence of military in politics. Besides, he rejected the checks and balances of legislature over executive.²⁴⁷ Besides referendum, the military government manipulated the political parties, for instance Musharraf manipulated the member of PML-N through bribes and blackmailing and made a pro-government party out of it. On the contrary, he supported the religious alliance of six parties, which made provincial government in the Khyber Pakhtunkhwa and made coalition government with PML-Q in Balochistan. Therefore, the parliamentarian diminished their distinctive status as a group, which refrained from manipulation of other institution and focused on decision-making process for the people of Pakistan. Particularly, the National Assembly had decreased its distinctive status of the institution in the Musharraf era and remained as a weak institution throughout this period. The parliamentary democracy remained suppressed under the influence of the military government and the whole institution as well.

In reaction, Constitutional lawyers and legislators of National Assembly questioned the validation of Presidential term through referendum without the conformation of legislature or the Supreme Court. The opposition continuously criticized the validation of referendum under the guidance of constitution.²⁴⁸ In fact, the opposition could not stop the referendum to be held because the majority of parliament was controlled by General Musharraf through coalition of PML-Q, MQM and independent candidates. Meanwhile, the opposition severely criticized the government through debates in National Assembly but could not reject the bills of the government. The power of legislature was indirectly controlled by executive particularly by Chief Executive. Musharraf proclaimed that he revived the democracy in Pakistan. Lawrence Ziring, in fact, states that chief executive had controlled the legislature and executive which was completely against the democracy of Pakistan.²⁴⁹ Instead of strong opposition and demonstrations against power encroachment, the military executive did not relinquish the power of the Parliament particularly the National Assembly. The power-sharing of different institutions remained blurred in the Musharraf regime. The military administration had utilized the power of the National Assembly, which created doubt in the distinctive character of the parliament. Meanwhile, Musharraf government furthered the deteriorating democracy due to obscuring the differentiation of the National Assembly of Pakistan.

²⁴⁷ Ibid.

²⁴⁸ Ziring, *Pakistan: At the Crosscurrent of History*, 335.

²⁴⁹ Ibid, 335-336.

4.2.7. Restoration of Article 58 (2b)

In Pakistan, the army has always tried to manipulate democracy for the benefit of their own institution. Military dictators of Pakistan have always lied down constitutional traces for the purpose to control the democracy from the cantonments, such as General Zia-ul-Haq amended Article 58 (2)(b) of 1973 constitution under eighth amendment. Under this amendment, the President was authorized to dismiss the prime minister and the provincial chief ministers, dissolve the national and provincial assemblies, nominate judges to the superior judiciary and appoints chief of the armed services. Before this amendment, the powers were vested to the parliament particularly to the National Assembly. However, Nawaz Sharif's government repealed Article 58 (2)(b) under seventeenth amendment of 1973 constitution in 1997 but again Musharraf restored it after takeover of authority in 1999 to strengthen his rule over the democracy. Under this article, Musharraf enjoyed unrestricted rule until 2007.²⁵⁰ It created antagonism between military and democratic parties, so Musharraf refrained democratic leaders such as Nawaz Sharif and Benazir Bhutto from elections. In fact, the differentiation of the National Assembly depended on the distinctive group of leaders and politicians who are entitle for decision-making in the parliament after winning election. But the military government created bulwark against its powerful opponents who could challenge Musharraf regime through the rule and procedure of the National Assembly. Out the fear, he strengthened his military government through thwarting powerful opponents on one hand and seizing constitutional powers of the National Assembly. Therefore, most of political leaders and parliamentarian fought for the revival of the constitutional power instead of doing decision-making practice in the Musharraf period.

4.2.8. Military Induction in Different State Departments

Musharraf has planned to sustain his hegemony over political stratum and civilian institutions through induction of Military personnel not only in politics but also in different civilian departments. Data from different sessions of the National Assembly show the figures as there were 64 Army personnel serving in National Highway Authority (NHA) including its Chairman Major General Farrukh Javed, General Manager (Engineering) Lt. Col. (R) Aziz-ul-Haq Mirza, Director General (Admin) Brigadier Imtiaz Hussain and others in different scales of the said department.²⁵¹ According to the National Assembly Debates dated 16th May 2005, 9 serving Army Officers/Officials were held on NHAs strength on deputation while seven more

²⁵⁰ C. Christine, *Fair, Fighting to the End*, 29.

²⁵¹ National Assembly Debates. Session 11, Vol. XI, No. 4 (29 December 2003), 683-689.

Army officials were recruited on the strength of the Vigilance Directorate of the Ministry of Communication. The top positions of the department were still with Army Officials²⁵².

As far as April 2005, there were 110 retired Army personnel in Civil Aviation Authority (CAA) on different scales from PG-2 to PG-11. Among them, 92 employees were serving on regular basis while the rest on contract basis.²⁵³ Similarly, in National Database and Registration Authority (NADRA) employed 249 retired Army personnel on different posts, of which 190 serving Army men were working as deputation in the aforementioned department.²⁵⁴ Moreover, the Alternative Energy Development Board (AEDB) was also observed top 20 positions by Force cadres. Air Marshal (R) Shahid Hamid was holding the position of Chairman and Brigadier Dr. Nasim A. Khan was serving as Secretary/member Technical branch of the AEDB.²⁵⁵ Raja Pervez Ashraf questioned the position and qualification of the said chairman. The chairman of AEDB (Wapda department) was a BA qualified in Avionics that is a different requirement for the said post. He also raised questions on the recruitment of other officials as their positions did not match their subject qualifications. Chair Holder (Deputy Speaker) barred him to speak.²⁵⁶

Moreover, the Minister of Education was military retired officer, Lieutenant General (R) Javed Ashraf. His ministry of education was also observed more than ten top ranked positions by retired military personnel.²⁵⁷ Brigadier (R) Dr. Aziz Ahmed Khan (Rector) and Lt. General (R) Syed Shujaat Hussain were appointed as rectors in National University of Modern Languages (NUML), Islamabad and National University of Sciences and Technology (NUST), Rawalpindi respectively.²⁵⁸ In Ministry of Health, seven ex-military officers were working as well. Among them, Major General (R) Shahida Malik was Director General in Health Ministry, and major General (R) Masood Anwar was serving as Executive Director at National Institute of Health, Islamabad.²⁵⁹

The aforementioned statistics of military officials in civilian departments clearly highlight the meddling of military in the civilian structure not only through politicking in the government, but also as heads of different government department. With a comprehensive strategy of taking

²⁵² National Assembly Debates. Session 25, Vol. XXV, No. 10 (16 May 2005), 913-914.

²⁵³ National Assembly Debates. Session 24, Vol. XXIV, No. 9 (21 April 2005), 895-906.

²⁵⁴ National Assembly Debates. Session 36, Vol. XXXVI, No. 6 (12 June 2006), 844-847.

²⁵⁵ National Assembly Debates. Session 39, Vol. XXXIX, No. 4 (9 February 2007), 304-305.

²⁵⁶ Ibid, 312-314.

²⁵⁷ National Assembly Debates. Session 42, Vol. XLII, No. 10 (10 August 2007), 1193-1194.

²⁵⁸ National Assembly Debates. Session 42, Vol. XLII, No. 4 (2 August 2007), 405-406.

²⁵⁹ National Assembly Debates. Session 42, Vol. XLII, No. 12 (15 August 2007), 1365-1366.

over all the institutions of government in his fist, Musharraf managed to appoint military personnel meant for defending borders and ensuring law and order in the ranks of civilian affairs. Not only were retired military officials inducted in civilian institutions, serving military personnel also had their lion's share. It is therefore evident that democracy and national assembly in Pakistan were meant for upholding the supremacy of Musharraf not for the representation of people who voted them for this mandate. National assembly could not sustain its differentiated role of legislating for people because it was busy legislating for president and chief of army staff.

Army was not only limited to postings in different civilian institutions but also run commercial projects. Some data are as follows:

Table 5 Province wise Commercial Projects Run by Army

Sr. No	Nature of Project	Number of Projects (Province wise)	Annual Income (in million)
1	Petrol Pump	Punjab _____ 22 NWFP _____ 10 Sindh _____ 04 Balochistan _____ 02	42.960 8.360 2.80 0.24
2	General Store	Punjab _____ 33 NWFP _____ 13 Sindh _____ 04 Balochistan _____ 02	40.172 9.587 1.5 0.9
3	Bakeries	Punjab _____ 11 NWFP _____ 04 Sindh _____ 01 Balochistan _____ Nil	1.00 0.2 0.4 —
4	Ice Factory	Punjab _____ 07 NWFP _____ Nil Sindh _____ 03 Balochistan _____ Nil	5.81 — 5.0 —
5	Cinema	Punjab _____ 03 NWFP _____ 04 Sindh _____ Nil Balochistan _____ Nil	4.235 0.84 — —
6	Agricultural land	Punjab _____ 03 NWFP _____ Nil Sindh _____ 08 Balochistan _____ 01	5.2 — 2.7 0.6
Grand Total			136.364

Source: National Assembly²⁶⁰

According to the government, the normal budget is not enough for the army to fulfill its requirements. So, the commercial projects help them to manage their expenditures and defence activities. However, Naveed Qamar questioned the house if defence which is taking the largest chunk of the National Budget cannot entertain its requirements, how can the other civilian institutions be able to fulfil their needs. Therefore, the civilian departments like teachers and doctors should also be allowed to run such schemes at prime localities of cities for the welfare projects.²⁶¹

4.2.9. Role of Media during Musharraf Regime

The role of media during the rule of Musharraf was substantial and note-worthy in its major decisions. Media observed a tremendous growth during the regime of President Musharraf. Pakistan Electronic Media Regulatory Authority (PEMRA) was established after he came into power in Pakistan. Licenses were issued to private sectors to establish television channels and FM Radio stations. News-broadcasting on private FM radio stations were also permitted. Similarly, cable TV network and high-speed internet networks spread in both urban and rural areas of Pakistan. People from all socio-economic backgrounds had access to high-speed internet that ignited the pace of internet surfing in the country. The electronic media in Pakistan has witnessed excessive growth since 2002. There has been a new rise in the private television channels and FM radio stations in the country. The citizens of Pakistan who had to rely on state-owned television until late 1990s, had now access to 74 television channels and 122 FM radio stations that were owned by private entrepreneurs. Press and Public ordinance that regulated the affairs of media was also replaced by Musharraf which further flourished the print media in the country. As long as the media served the status-quo, it enjoyed the support of President Musharraf in all its forms. When Musharraf resorted to undemocratic and unconstitutional maneuvers, the role of media as the watchdog of the state sustained.

The quagmire of differences between military dictator and media started after the very unpopular decision of Musharraf to suspend Chief Justice of Supreme Court of Pakistan on 9th March 2007. Media believed in freedom of expression, rule of law, justice and democracy.

²⁶⁰ National Assembly Debates, Starred Questions, Vol. XVII, No. 4 (22 July 2004), 466-478

²⁶¹ National Assembly Debates, Session 17, Vol. XVII, No 4 (22 July 2004), 466-478.

The course of suspension of chief justice and his hearing in the supreme judicial council were reported by media in its day-to-day developments. These reports not only changed the public opinion towards the democracy but also badly tarnished the image of Musharraf. Instead of correcting his mistakes, Musharraf resorted to a number of steps to subjugate media and bring it under his dictatorial control. Many TV Channels including AAJ²⁶², Geo²⁶³ and others were banned to operate.²⁶⁴ Media, on the other hand, manifested a professional and enthusiastic approach in these hard times on its history in Pakistan. Lawyers, journalists, and student organizations were on the forefront against the decision of Musharraf to ban assembly, speech, and demonstrations. Protesters were dispersed by the use of brute force by the law enforcement agencies. Protestors and journalists were detained, tortured²⁶⁵ and even killed without any trial to shut their voices but all in vain. Musharraf tried to squeeze powers in his hand by impeding the process of the formation of public opinion that did not help. Media played its worthy role until the end without all the odds. The role of media, as the fourth pillar of state, in the democratic process proved in a much-differentiated way than national assembly during the whole regime of Musharraf.

4.3. Durability of the National Assembly

In all democratic set ups, the bill of national interest or any aspect of it is publicized in media to open the channel of discussion on it on many levels. The aspects of bill are brought under discussion throughout the stakeholders of country and their suggestions, amendments, and even counterproposals are entertained to the parliament or respected parliamentary committees. Thus, a country wide discussion takes place that reflects a true form of democracy. In this sense the durability and the debate on the issue is given a high value with the inclusion of masses and their feedbacks in it. The durability involves all the stakeholders of democracy to be informed and take part in any decision taken in the parliament.

The growth of an institution can also be measured by its ability to sustain and adapt to change. The strength of an institution as a sustainable policy maker can also be gauged by the extent to which it is resilient. The resilience here refers to the strength of institution to maintain its role in both the odds and evens of the political culture. Beside representing the durability of the

²⁶² National Assembly Debates, Session-40, Vol. XL, No. 4 (26 April 2007), 436-438.

²⁶³ National Assembly Debates, Session-41, Vol. XLI, No. 2 (7 June 2007), 233-241.

²⁶⁴ National Assembly Debates, Session-40, Vol. XL, No. 10 (7 May 2007), 1172-1175.

²⁶⁵ National Assembly Debates, Session-41, Vol. XLI, No. 10 (18 June 2007), 1506-1507.

institution, it also serves as a measuring rod of integration in the political system. A durable organization/institution is therefore imperative to be able to pursue the institutional goals even if confronted with the change in the political environment. Durability would be measured by assessing the role of national assembly in formulating and passing necessary laws that best serve the interests of nation despite significant alteration in its structure or the hierarchy of its members the Musharraf regime.

4.3.1. Legal Framework Order (LFO)

Musharraf formed the National Reconstruction Bureau (NRB) to develop administrative and political reforms. In July 2002, NRB proposed a bundle of constitutional reforms to reorganize the parliamentary system. The reforms were legalized through LFO on 2nd August 2002. Despite severe criticism on the part of parliamentarians, LFO stood as a part of constitution during Musharraf era and later, with some amendments, took form of seventeenth amendment. It had legitimated the military government and presidentship of Musharraf with the extension of five-years and simultaneously remained as the Chief of Army Staff. The LFO also authorized the president to dismiss the parliament, to appoint military men in the high-rank civilian posts and to appoint judges of the Supreme Court. However, the critics stated that these reforms violated the 1973 constitution and diminished the significance of parliamentary democracy by empowering Army Chief to dissolve the parliament.²⁶⁶ The durability of parliament depends on the independence of the National Assembly and non-interference of other institutions. In fact, the amendment of LFO without the approval of National Assembly in the constitution compromised the durability of the parliament during presidency of Musharraf. Due to diminished durability, it weakened the parliamentary democracy in Pakistan and strengthened the military dominancy in the whole institutions and politics.

In addition, Musharraf supported American policy of war on terror in South Asia. His decision consolidated his position in domestic position. But the religious severely demonstrated his policy of supporting American foreign policy. Despite harsh opposition, Musharraf committed to eradicate religious extremism and restored the image of Pakistan as a moderate State on the international platform. To maintain his position, he declared himself president of Pakistan for another five-year term through 2002 referendum before October election. However, he held elections in October 2002 as promised but before the elections, Musharraf furnished himself with Legal Framework Order (LFO). Through LFO, he was authorized to dismiss the elected

²⁶⁶ Shah, *The Army and Democracy*, 190-191.

house, National Assembly. He also changed the constitution to create a permanent place for the military in the political structure of Pakistan. Musharraf, in fact, contrived the victory of pro-government party (PML-Q) in 2002 elections but the religious alliance and PPP strictly opposed the pro-American policies in Pakistan.²⁶⁷ In real sense, LFO was the constitutional change in which General Musharraf has proposed the legalization of military rule in Pakistan. Qazi Husain Ahmed, a Jama'at's leader and member of National Assembly, was the leading figure in the opposition of LFO. He criticized the LFO and demanded to leave the seat of Army Chief if Musharraf would want to remain as the President of Pakistan.²⁶⁸ However, the rule and procedure of the Parliament particularly of National Assembly of Pakistan determine the durability and sustainability of Parliament. During the Musharraf era, the parliament had lost its durability against the LFO and constitutional amendments. And the parliament remained the platform for the debates, rhetoric speeches and criticism. The legislators were not capable of passing bills in the interest of general public. Constitutionally, the legislature is intended make statute for the public's interests because the legislators are representative of the public in the parliament.

The issue of approving or rejecting LFO brought severe disturbance in the functioning of National Assembly throughout the first parliamentary year. Members of National Assembly rejected taking oath under legal framework order. Opposition leaders rejected LFO and contended that they would take oath only under 1973 constitution.²⁶⁹ Treasury benches claimed that they are taking oath under the constitution of 1973 only²⁷⁰. Ms. Rifat Amjad from treasury benches said that Pervez Musharraf has restored the constitution and all the members here who are opposing the armed forces of Pakistan have been elected through LFO and now are demanding its rejection²⁷¹. Dr. Sher Afghan Khan Niazi pointed out that none of the opposition members counter-checked the book presented by presiding officer Ilahi Bakhsh Soomro during the oath-taking ceremony. He also pointed out the MMA has established its government in NWFP under the Legal Framework Order and are criticizing its essence in the national assembly. He also pointed out the MMA is in a coalition government in Balochistan which creates no sense of their objection to LFO in the parliament. It is hence proved that the issue of

²⁶⁷ Sugata Bose and Ayesha Jalal, *Modern South Asia: History, Culture, Political Economy*, 2nd edition (New York: Routledge, 2004), 197.

²⁶⁸ Vali Nasr, *Military Rule, Islamism and Democracy in Pakistan*, 206.

²⁶⁹ *National Assembly Debates*, Session-1, Vol. I, No. 1 (16 November 2002), 2-3.

²⁷⁰ *Ibid*, 4-5.

²⁷¹ *National Assembly Debates*, Session-1, Vol. I, No. 2 (19 November 2002), 71.

LFO raised by opposition benches is not a constitutional dilemma rather a political stunt to accrue more privileges.²⁷²

Similarly, Sanauallah Khan Masti Khel, a member of treasury bench, raised a question about the demands of opposition for rejecting LFO. He argued that Legal Framework Order reduced the voting eligibility age from 21 to 18, inducted more seats for women in the National Assembly, and enacted joint electorate. He further argued that incumbent National Assembly is a by-product of legal Framework Order. He also criticized the opposition that despite invitation to dialogue from benches and prime minister, the opposition leaders are only indulged in the politics of hue and cry and not accepting the offer of dialogue and diplomacy.²⁷³ Dr Firdous Ashiq Awan also criticized the part played by women in derogating LFO. She argued that it is only through LFO that channeled them in the national assembly. They should either initiate negotiation with the government or resign from their constituencies.²⁷⁴ Opposition member Liaqat Baloch pointed out the comments of speaker about the validation of LFO on print and electronic media would endanger the autonomy, and durability of this prestigious house.²⁷⁵ In another session of National Assembly, Liaqat Baloch pointed out to the speaker that He give a ruling about the legal status of LFO whether it is a part of constitution or not. Because the house is well aware of the fact that any amendment in the constitution is only subject to approval after it gets a two-third majority of votes in the parliament according to article 238 and 239 of the constitution of Islamic Republic of Pakistan.²⁷⁶ Qazi Hussain Ahmed, member of national assembly pointed out that the speaker had given no ruling about the legal status of LFO since it has got noy two-third majority of parliament.²⁷⁷ On 14th June 2003, Speaker Chaudhary Amir Hussain gave a ruling that the amendments made by Pervez Musharraf through LFO are valid. He said,

“I, therefore, still hold the same view that the constitution was rightly amended through LFO on the basis of decision of supreme court and amendments so made through it in the constitution are valid²⁷⁸”

²⁷² *National Assembly Debates*, Session-6, Vol. VI, No. 4 (22 April 2003), 161-164.

²⁷³ *National Assembly Debates*, Session-6, Vol. VI, No. 3 (21 April 2003), 88.

²⁷⁴ *National Assembly Debates*, Session-6, Vol. VI, No. 4 (22 April 2003), 165.

²⁷⁵ *National Assembly Debates*, Session-2, Vol. II, No. 1 (21 November 2002), 71-72.

²⁷⁶ *National Assembly Debates*, Session-3, Vol. III, No. 1 (13 December 2002), 8-10.

²⁷⁷ *Ibid*, 44-46.

²⁷⁸ *National Assembly Debates*, Session-7, Vol. VII, No. 6 (14 June 2003), 778.

He justified his ruling on the basis of supreme court judgment in Syed Zafar Ali Shah's case²⁷⁹ that allowed rightfully the chief executive to make any amendments in the constitution so considered and understood as a matter of national interest and emergency. He said,

“All the major parties have contested the general election 2002 under the conduct of general election order 2002, chief executive's order No 7 of 2002, and none of them filed a petition before the supreme court to assail any provision of the legal framework order. Now after election, the national and provincial assemblies and the senate have come into being and holding their sessions regularly. Many provisions of the LFO have thus been implemented and acted upon”.

These debates in the national assembly dictate that autonomy of national assembly is hijacked by a single individual who is not even a member of national assembly. Nevertheless, LFO was brought under debate in the national assembly, and after approval from the constitution, assumed the status of 17th amendment in the constitution.

In Pakistan, the military government drastically changed the 1973 constitution to maintain checks and balances over civilian government and other institutions particularly the Parliament. For instance, Musharraf amended 1973 constitution through inclusion of LFO in it. Through LFO, Musharraf, as a President, empowered himself with constitutional power to dissolve the parliament. Nevertheless, he furthered his power through National Security Council (NSC), in which the military had a dominant role. Through NSC, LFO had legalized the role of the military in the government. The implementation of LFO had made parliamentary democracy safe for the hegemony of the military in the politics and decision-making process in Pakistan.²⁸⁰ In addition, the practice of LFO had decreased the durability of the National Assembly during Musharraf presidency. On one hand, he weakened the National Assembly when he equipped himself with the power to dismiss parliament. On the other, he executed the governmental policies without the approval of the National Assembly, which is the house of people's representative.

²⁷⁹ Ibid, 776-777.

²⁸⁰ Shah, *The Army and Democracy*, 151.

4.3.2. Unilateral Maneuvers of Musharraf

Two important changes have taken place since October 2002 elections. First, the MMA retained its cohesion against the military's plan to manipulate and factionalize it. Second, the Musharraf government has faced challenges from the MMA to modify constitution in its favor. The MMA including PPP and PML-N criticized the encroachment of military in politics. They also criticized General Musharraf for taking the charge of the Army Chief and President simultaneously. In addition, the MMA did not serve as the tool in the hand of military which they intended to organize the alliance.²⁸¹ However, the MMA increased its political interests in the Parliament against the interests of military and particularly against the hegemony of Musharraf government or executive. It has also criticized the hegemony of executive over Parliament and Judiciary. Instead of strong opposition of dominant parties such as PML-N and PPP on one hand and the religious alliance of MMA on the other, the military had maintained its rule until 2007 and Musharraf remained as both the Army Chief and President of Pakistan. In the parliamentary democracy, parties played an important role to resist the illegal policies and demands of the government. But during the Musharraf, even the dominant parties did not thwart unconstitutional authority of Musharraf as President and Army Chief simultaneously. Therefore, the durability of the National Assembly remained compromised under the Musharraf rule. The durability of the Assembly is the essence of the parliamentary democracy, but it was suppressed. So, it can be deduced that the Musharraf era was not the era of democracy but the era of dictatorship and authoritarianism with a least durable parliament.

4.3.3. Judicial Rift

The judiciary challenged the authority of Musharraf both as military chief and president simultaneously. Therefore, Musharraf suspended the chief justice of Supreme Court, Iftikhar Chaudhry, in March 2007. When the parliamentarians wanted to discuss the issue on the floor of the National Assembly, they were barred to speak on the matter.²⁸² It shows how the National Assembly was controlled rather than working democratically. However, the Iftikhar Chaudhry organized the lawyers of Pakistan and strongly protested against the incompetency of military and organized corruption. The opponent parties of the government also supported the demonstration of the lawyers. To suppress the protest, Musharraf used force against the demonstration. Using force against protestors radicalized the movement until 2008. Due to lawyers movement, the elections replaced Musharraf to Asif Ali Zardari, husband of Benazir

²⁸¹ Nasr, *Military Rule, Islamism and Democracy in Pakistan*, 206.

²⁸² National Assembly Debates, Session-40, Vol. XL, No. 1 (23 April 2007), 45-50.

Bhutto.²⁸³ Nevertheless, the legislature could not verdict against both the authorities of Musharraf, but the protests and demonstrations of opposition pressurized him to revive democracy in the hand of civilians. Besides, large number of lawyers and educated youth severely demonstrated against excessive corruption, war on terrorism and military interference in the civilian matters.²⁸⁴

4.3.4. Parliamentary Election of the National Assembly

Fair and partial elections determine the durability of the National Assembly and the essence of parliamentary democracy. It is because the members of National Assembly are the representative of the people of Pakistan. The manipulation of election and structure of parties directly and indirectly diminished the durability and differentiation of the National Assembly. Aqil Shah states that before the election, the Inter Service Intelligence (ISI) formed a new right-wing party, Pakistan Muslim League-Quaid-i-Azam (PML-Q) through manipulation. Pakistan Muslim League-Nawaz (PML-N). PML-Q remained as the civilian face of the military and through this party, the military maintained its dominancy in the politics and National Assembly. Besides the manipulation, the military supported the religious alliance of six parties, Muttahida Majlise Amal, which became the strongest party in the National Assembly. As a result of election, PML-Q became at the center of power and the MMA won sweeping election in the Khyber Pakhtunkhwa and formed coalition government with PML-Q in Balochistan. In addition, the MMA supported to legalize the LFO as the seventeenth amendment of 1973 constitution in December 2003.²⁸⁵ The manipulated election of 2002 diminished the durability of the National Assembly during the Musharraf's government. The National Assembly is the core of parliamentary democracy because its members are the representative of the people and they are intended to make decision and law for the interests of people. But the military manipulated political parties for maintaining its hegemony. It had suppressed the opponent parties such as PML-N and PPP and supported pro-government parties such as PML-Q and MMA to maintain the dominancy of the military in the parliament. Therefore, the durability of the National Assembly was compromised through the manipulation of the election.

4.3.5. Issues of Women's Fundamental Rights

Due to Talibanization, the image of Pakistan was deteriorating in the international sphere. Under the international pressure, Musharraf regime wanted to change the course of Pakistan's

²⁸³ Geoff Brown, *Pakistan: Failing State or Neoliberalism in crisis?* International Socialism (March 2016): 151.

²⁸⁴ Ibid, 164.

²⁸⁵ Shah, *The Army and Democracy*, 191-192.

patriotic society through passing liberal-oriented bills in the National Assembly and taking presidential ordinance. In term of liberalizing the image of Pakistan, Musharraf mainly focused on the legislation of women protection and equal rights of men and women. On one hand, political, social and economic emancipation of women was necessary for the progress of Pakistan in modern world. On the other hand, due the detrimental reputation of Pakistan in international arena, it was essential for Pakistan to change the laws related to women basic rights as far as the laws of the United Nation.²⁸⁶ Through these acts and ordinance, Musharraf tried to mask the patriotic and extremist face of society and wanted to accept Pakistan as a liberal state.

Under 17th amendment of 1973 Constitution, Musharraf had restored the power of the president under Article 58 (2) B. Due to his undeniable efforts and presidential authority, he had influenced the National Assembly and increased the representation of women in the Parliament and local governments for the first time in the political history of Pakistan. Through some ordinances and different legislations, Musharraf's government had protected the fundamental rights of women. For the first time, it brought judicial protection against women violence in Pakistan.²⁸⁷ In this perspective, the government of Musharraf had passed Criminal Law Amendment Act 2004 in the National Assembly for the prevention of honor killing in Pakistan.²⁸⁸ Civil society and female parliamentarians had pressurized the government to pass the bill for the abolition of domestic violence and honor killings.²⁸⁹ It was a good step to improve the image of Pakistan in the international arena but it was clear that the President pressurized and influenced the National Assembly through the fear and presidential power under the Article 58 (2) B or the parliamentarians had made independent decisions to improve the fundamental rights of women in Pakistan. Therefore, it could be stated that the durability of the National Assembly was blurred during the hybrid regime of Musharraf.

Due to great portion of women representation, women parliamentarians had greatly influenced the National Assembly for the protection of fundamental women rights. On October 2003, the member of Pakistan Peoples' Party (PPP) Miss Sherry Rehman had moved a bill *The Protection and Empowerment of Women Bill 2003* in the National Assembly. She also moved

²⁸⁶ Mohammad Ikram and Naumana Kiran, Legislation on Women Issues: Musharraf Regime, *Sadiq Journal of Pakistan Studies* 2, no. 1 (January-June 2022), 36.

²⁸⁷ Anita M. Weiss, *Moving Forward with the Legal Empowerment of women in Pakistan* (Washington: US institute of Peace, 2012), 91.

²⁸⁸ Ikram and Kiran, "Legislation on Women Issues," 36.

²⁸⁹ Naeem Mirza and Wasim Agha, A Five-Year Report on Performance of Women Parliamentarians in the 12th National Assembly (2002-2007), 27.

two other bills; *the Protection of Domestic Violence Bill 2005* and *the Equality of Opportunity for Women Empowerment Bill 2005* in the National Assembly to increase jobs for women in private and government sectors.²⁹⁰ In addition, she had also moved the Hudood Laws (Repeal) Bill 2005 for the protection of women's rights against Hudood Ordinance. Due to these discriminatory bills, the government was pressurized to move the Protection of Women Act 2006.²⁹¹ The Parliament had passed the Protection of Women Act 2006 to abolish the discriminatory laws against the women. Under this Act, the National Assembly had changed the *Hudood* Ordinance and brought the crimes of *zina* and *qazf* within the jurisdiction of the Pakistan Penal Code. The Act has brought various changes regarding honor killing crime and its punishments. Due to Musharraf efforts, the government and the National Assembly had changed the discriminatory laws within the Constitution of Pakistan and the *Hudood* Ordinance. Despite the domestic pressure, Musharraf was committed to change the discriminatory laws against the women, which were approximately 46 percentage as far as the population of Pakistan.²⁹²

Under the discussion of the Protection of Women Act, the religious political parties had criticized the bill in the National Assembly and announced the Act as un-Islamic. They argued that the protection of women rights of the bill were contradictory with the rights given on the basis of *Quran* and *Sunnah*.²⁹³ However, PPP had supported the bill despite of opposition parties. Miss Sherry Rehman claimed that "we are supporting the bill because our commitment has always been with deprived women for the protection of their fundamental rights. The Protection of Women bill does not contradict with the Islamic laws."²⁹⁴

Besides acts and amendments of the National Assembly, Musharraf had announced the Code of Criminal Procedure (Amendment) Ordinance 2006, in which women convicted of offence are given right for the bail. A great number of girls and women were in jail due to adultery and extra-marital relations and absence of four eyewitnesses on the crime scenes. As a result of the Ordinance, various women were released from the jail.²⁹⁵ However, Musharraf had improved the judicial protection of women's fundamental rights through this Ordinance. But the National Assembly should have taken this step to show its durability as an institution and representative

²⁹⁰ Ibid. 41-48.

²⁹¹ Rubeena, Zakir and Hamid, "Gender mainstreaming in Politics: Perspective of Female politicians from Pakistan," *Asian Journal of Women's Studies* 24, no. 2 (2018), 227.

²⁹² Ikram and Kiran, "Legislation on Women Issues," 37.

²⁹³ *National Assembly Debates*, Session-38, Vol. XXXVIII, No. 4 (15 Nov 2006), 342-423.

²⁹⁴ Ibid.

²⁹⁵ Ikram and Kiran, "Legislation on Women Issues," 36-37.

of the public. It shows that the National Assembly did not work independently during the Musharraf regime.

To strengthen the involvement of military in politics, Musharraf initiated the idea of political training to politicians, civil servants, journalists and businessmen. Particularly, he opened a 'political school' for women parliamentarians.²⁹⁶ They were lectured about the issues of strategic importance through the lens of military and convinced them about splendid life of military life. According to Asiya Azeem, a member of PML-Q, the selected members for the training in the workshop of National Defence College (NDC) including parliamentarians were unaware about the parliamentary rules and procedures. In fact, the military is also responsible for the underdevelopment of the politicians of Pakistan. The political parties have been trained as the authoritarian platform and discourage democratic discussions. Besides, the top political leaders as the clients of the military did not focus on the development of institutions in Pakistan. Therefore, the military training and authoritarian nature of political parties could not bring democratic system in the politics. As Justice Majida Rizvi mentioned that "the military's role cannot be curtailed, because when the vested interests of the elite become common then how can you check the military's role as expansionist?"²⁹⁷

4.4. Autonomy of the National Assembly

Autonomy is basically referred to as having a degree of independence in making its own decision without any dictation from external forces. On pragmatic grounds, it is conceptualized as the presence of rules and procedures that act as the guardian of the independence of the institution against other institutions/organizations. This paper intends to assess the autonomy of the Parliament particularly National Assembly of Pakistan during Musharraf era from 2002 to 2007. The relation of the National Assembly with the executive and Army is going to evaluate whether the Army and executive which was controlled by General Musharraf obstructed the process of parliament to be an autonomous institution. Or Musharraf as both Army Chief and President of Pakistan manipulated the process of parliament for benefit of its own institution.

The Army and other institutions have been continuously struggling for the decision-making process of the State in the history of Pakistan. Sugata Bose and Ayesha Jalal state, however,

²⁹⁶ Jawad Ahmad, 'Political Women?' letter to the editor, *The News*, 18 August 2005.

²⁹⁷ Ayesha Siddiqa, *Military Inc.: Inside Pakistan's Military Economy*, Second Edition (London: Pluto Press, 2007), 110.

General Pervez Musharraf thwarted civilian government and overthrew the government of Nawaz Sharif. He also dissolved the parliament and suspended the constitution. He established his own cabinet and a National Security Council to strengthen its position. He appointed himself as the president of Pakistan and promised to revive genuine democracy. But instead of restoring democracy, Musharraf encouraged reforms for political and administrative decentralization.²⁹⁸ The author evaluates the autonomy of the parliament particularly the National Assembly through different issues and decision-making during the Presidency of Musharraf. Aitzaz Hassan addressed the assembly that Pakistan came into being with the efforts of democratic movements and forces, unfortunately, since the time of General Gracey to existing General Musharraf, the military ranks have not acknowledged the supremacy of civilian institutions²⁹⁹.

However, Younus Samad states that democracy could be attained in Pakistan, but the regime change through elections is not enough. He insists that Democracy has been failed in Pakistan because of militarization of civil institutions particularly the Ministry of Defence, the Inter-Services Intelligence (ISI) and para-military forces on one hand. He also investigates that lack of parliamentary supervision is deteriorating democracy in Pakistan. Military maintains its hegemony and control over civilian institutions due to all these mistakes. Shah suggests that civil institutions should be authorized by full civilian control rather than military. In addition, parliament should control and authorize defense and security committee should be empowered to make decision in the interest Pakistan public. Judiciary and media need to be independent and strengthened as well to judge and bring the truth in front of public. Moreover, it should be included in national educational curriculum that parliament is superior that military. Police need to be restored as a capable paramilitary institution to counter terrorism within the boundaries of Pakistan. Finally, he proposes that democracy is the best way of American foreign policy to counter terrorism in South Asia and contain nuclear proliferation in the region.³⁰⁰

Unfortunately, Pakistan lacks autonomous house and is often used and engineered by external pressures for their vested interests. Whenever, the house aspires to gain supremacy, it is dissolved by the forces external to it. The internal factors for this vulnerability is the fragile

²⁹⁸ Bose and Jalal, *Modern South Asia*, 197.

²⁹⁹ *National Assembly Debates*, Session-1, Vol. I, No. 2 (19 November 2002), 51-52.

³⁰⁰ Yonas Samad, *The army and democracy: military politics in Pakistan*, *Commonwealth & Comparative Politics* 54, no. 1 (2016): 145. Accessed on August 02, 2022.
<http://dx.doi.org/10.1080/14662043.2015.1128574>.

relationship between the government and opposition. The members of opposition are often pushed to the wall and are charged for on several excuses to make them suppressed and their right to expression in the house is curbed. The fragile relationship between opposition and ruling government is cashed by the external/undemocratic forces.³⁰¹

While addressing the house, Hafiz Hussain Ahmed pointed out the case of harassment and abduction of Maulvi Abdul Haq, a member of National Assembly from FATA. He said that Maulvi Abdul Haq was invited to Governor House NWFP and abducted from its gate. He was harassed and blackmailed to vote for desired senators. Such an attitude to a member of national assembly depicts the unwavering external interferences in the process of prestigious parliament³⁰². Adding to the case of abducted member, Maulvi Abdul Haq stated that he was invited to the Governor House and on his return was abducted by unknown people forcefully and taken to an underground apartment. He said that he was also blackmailed to vote for the desired senators they had in mind. He said that it was an undemocratic pressure levied on him.³⁰³

4.4.1. National Security Council (NSC)

Musharraf had established the National Security Council (NSC) just after taking over the power in 1999 coup. However, General Zia failed to implement NSC after the end of martial law. Musharraf intended to legalize authoritarian role at the high-rank of government for the purpose of maintaining checks and balances on the prime minister and the cabinet. He wanted to institutionalize the role of NSC as the constitutional body under the Legal Framework Order but quit it after disagreements with the MMA. Finally, it was made a statutory body in 2004, in which following members were included in it such as the president, the prime minister, the National Assembly speaker, the Senate Chairman, the leader of the opposition in the National Assembly, the chief ministers of provinces, the chairman of Joint Chiefs of Staff Committee, and the three service chiefs. The NSC was used as the consultation body related to strategic matters, security and sovereignty of the State, governance, democracy and interprovincial cooperation.³⁰⁴ In addition, the practice of NSC decreased the autonomy of the National Assembly because constitutionally, the National Assembly work as the consultatory body as well in the affairs of the executive before implementation of its future plans. But under the

³⁰¹ *National Assembly Debates*, Session-1, Vol. I, No. 2 (19 November 2002), 49-50.

³⁰² *National Assembly Debates*, Session-4, Vol. IV, No. 2 (28 February 2003), 301-303.

³⁰³ *Ibid*, 310-312.

³⁰⁴ Shah, *The Army and Democracy*, 196.

Musharraf regime, the National Assembly had lost its capability due to the convention of the NSC.

Meanwhile, the military supported the practice of NSC in the government, which weakened the autonomy of the National Assembly. Pakistan army insisted that the NSC was determined to distribute resources equally among the provinces to confirm the interprovincial harmony. Besides, the military also claimed that the NSC had the capability to ensure stable governance and democratize defense policy through the cooperation of civil-military stakeholders.³⁰⁵ The military also claimed the presidential checks and balances under the NSC on the Prime Minister led to the real democracy.³⁰⁶ In reality, the constitution has given the authority to the National Assembly to maintain its checks and balances to the government. But Musharraf's government transferred the authority to the president and NSC. So, it could be assessed that NSC snatched the authority of the National Assembly and weakened the parliament, which is the strength of the parliamentary democracy.

General Musharraf had been serving both as chief executive and Army Chief since 2000. Through repeated criticism from the religious parties, he promised to abandon the post of Army Chief in 2004. But he did not comply with his promise and strengthened the interference of military in politics. He has created National Security Council (NSC) to increase the involvement of military in the government. He included top army generals in NSC to support him in running government. Once again Musharraf and NSC promised to hand over the government to the civilians as in 1990s. Nevertheless, they broke the promise and held local elections for the district mayors in late 2005 to maintain their hold in the politics. It was reported that only 40 percent of voters have participated in this local election. Besides, the election was rigged and rules of election was broken by the government. In fact, Nawaz Sharif and Benazir Bhutto were not allowed to return in Pakistan during the election.³⁰⁷ As the *Economist* claimed that "the consolidation of one-party rule behind a general (Musharraf) is not the democracy that many Pakistanis still crave."

4.4.2. Legal Framework Order (LFO)

In the first session of the parliament in 2002, the legislator, Aitzaz Ahsan, stressed on the autonomy against the legitimacy of Legal Framework Order (LFO). To maintain the autonomy of the parliament in Pakistan, LFO should be dismissed and revived constitution before the

³⁰⁵ Shah, *The Army and Democracy*, 197.

³⁰⁶ Ibid, 205.

³⁰⁷ Richard Worth, *Pervez Musharraf (Modern World Leaders)*, 85-86.

dictatorship of Musharraf. Through LFO, the military strengthened its involvement in the politics and parliamentary affairs against the constitution. The President of Pakistan should be elected through the procedure which is written in the 1973 constitution. The legislator should have resisted the interference of the military in the politics and institutions of Pakistan but the State remained as the garrison state.³⁰⁸ To the contrary, pro-government legislators favored the implementation of LFO in Pakistan. Miss Rifat Amjad reiterated that through LFO, General Musharraf revived the constitution and democracy. All the member of the parliament who were criticized the presidentship of Musharraf were also elected through LFO. She insisted that they are ridiculing the respectable institution of the military of Pakistan.³⁰⁹ It is deduced that LFO was implemented by military administration through weakening the parties. The autonomy of the National Assembly was compromised through non-cooperative and compartmentalized parties. The parties did not stress on the interest of general public but conform with their personal or party interests on one hand. They even did not comply with respective party's ideology. Due to this policy, the parties did not emphasis on the autonomy of the National Assembly, which is its constitutional authority, in the Musharraf era.

Besides, Liaquat Baloch, member of Jama'at-i-Islami party, criticized the LFO as well. He stressed that inclusion of LFO in the 1973 constitution diminished democracy in Pakistan. But the legislature turned LFO as a valid law and valid constitution amendment.³¹⁰ Under the constitution, amendment should be accepted in the constitution if the National Assembly pass the with 2/3rd majority. Unfortunately, LFO was included in the constitution as an amendment without the approval of 2/3rd majority of the parliament. The National Assembly had lost its autonomy under the validation of LFO.³¹¹

4.4.3. Taliban Dilemma

The event of 9/11 greatly affected the policies of Pakistan. After the takeover of power, Musharraf and military decided to support American foreign policy of War on Terror against terrorism in Pakistan and Afghanistan. They accepted the decision of hunting down militant jihadi groups particularly Al-Qaida and Taliban. In fact, this decision established good and comfortable relationship with the United States but it diminished relationship with Islamist power base in domestic politics. It also damaged the domestic peace and interests of Pakistan as the militant organization initiated regular lethal attack on Pakistan military and civilian

³⁰⁸ National Assembly, Session-1, Vol. I, No. 2 (19 November 2002), 52-53.

³⁰⁹ Ibid, 71.

³¹⁰ National Assembly, Session-2, Vol. II, No. 1 (21 November 2002), 2-3.

³¹¹ National Assembly, Session 3, Vol. III, No. 1 (30 December 2002), 9.

infrastructure.³¹² Moreover, Musharraf's government supported US war on terror without the consultation of the parliament. He decreed his support through Executive Order in the parliament. To respect the autonomy of the National Assembly, the president should have sent the bill of assisting war on terror to the parliament. The Executive Order actually diminished the autonomy of the National Assembly.

By 2006, America established important relationship with Pakistan to counter Taliban in Afghanistan. However, the United States humiliated Pakistan against the outcome of Kargil conflict when Bill Clinton had visited South Asia. But this time American foreign policy supported Pakistan policies and encouraged special relationship when George W. Bush visited South Asia in March 2006. The President of America appreciated Pakistan's effort in fighting terrorism in South Asia and particularly in Afghanistan.³¹³ Meanwhile, the opposition particularly religious alliance condemned Musharraf's policy of supporting US war on terror. Instead of strong opposition, the government supported American foreign policy, which inflicted various damages in Pakistan particularly bordering regions with the Afghanistan. The opposition within the National Assembly could not rejected the policy of war on terror in Pakistan because the military had manipulated the parties within the parliament. It had suppressed the opponent parties like PML-N and PPP and supported PML-Q to strengthen its hegemony on the National Assembly. Therefore, the executive snatched the autonomous power from the National Assembly and decreased the parliamentary democracy in Pakistan.

Initially, Musharraf did not publicly accept that US military was using Pakistani soil against Taliban and al Qaeda in Afghanistan and border region of Pakistan because it angered the fundamental Islamists in Pakistan. However, Musharraf supported the alliance of Islamist parties to resist the opposition of PPP and PML-N. But he could not manipulate the alliance of fundamentalist groups as he intended to do so.³¹⁴ Meanwhile he supported US war on terrorism against the wishes of political parties in Pakistan. Therefore, they criticized the policy of Musharraf and they organized All Parties Conference in Lahore in May 2002 against the war on terror and presence of US military in Pakistan. Pakistani politicians particularly religious leaders demanded the resignation of Musharraf and restoration of democracy in Pakistan. They claimed that Musharraf as the President and US military presence could be more dangerous than the presence of Taliban and al Qaeda.³¹⁵ In addition, within the National Assembly, the

³¹² Nasr, *Military Rule, Islamism and Democracy in Pakistan*, 202.

³¹³ Ahmed, *The Pakistan Garrison State*, 352.

³¹⁴ Richard Worth, *Pervez Musharraf (Modern World Leaders)*, 70-71.

³¹⁵ Ibid.

opposition harshly criticized US war on terror which has been affecting the Pakistani people. The representative of the people in the National Assembly emphasized to change the policy of supporting American interest in Afghanistan. But the manipulated National Assembly was controlled by the Musharraf administration, which favored the economic and military aid to Pakistan. Without autonomous power, the National Assembly had not checked the interference of executive in the rules and procedures of the parliament.

The decision of joining hands with United States on “war on terror” was taken before the formation of national assembly of Pakistan. Least of its aspects came under debate in national assembly that manifests a sharp inefficacy on the part of national assembly to contribute to the major foreign policy choices of Pakistan. National Assembly discussed the “*benefits to be achieved by Pakistan as non-NATO ally along with responsibilities to be discharged by Pakistan*” on 19th August 2004³¹⁶. The benefits to be received by Pakistan were in economic nature and the after-effects it brought were in the form of increased terrorism in Pakistan.

The debts of International Monetary Fund and World Bank were rescheduled that not only curbed inflation but also increased the foreign reserves in Pakistan. Pakistan also substantial aids from United States and other western countries for its services in the “war on terror”. The cases of Hundi and money laundering were minimized in Pakistan that not only increased the movement of economy within the country but also increased the remittance from \$1.5 billion to \$4 billion per annum.³¹⁷

On the other hand, the effects of joining hands in “war on terror” proved beneficial in terms of internal economic stability but increased cases of terrorism in Pakistan. Hundreds of bomb blasts took place in Pakistan that culminated in the death of thousands of Pakistanis. Assassination attempts were made on high officials including President Pervez Musharraf and Finance Minister Shaukat Aziz. Resolution was passed condemning the assassination attempts made on President Musharraf on 14th December 2003³¹⁸. The attempt of assassination on Shaukat Aziz took place on 30th July 2004 in Attock District of Punjab. National Assembly passed a unanimous resolution on the condemnation of terrorist attack on Shaukat Aziz³¹⁹. Unrest broke in FATA region that made certain military operations necessary in the region and also increased the influx of refugees in Pakistan.

³¹⁶ *National Assembly Debates*, Session-18, Vol. XVIII, No. 4 (19 August 2004), 213-218.

³¹⁷ *National Assembly Debates*, Session-34, Vol. XXXIV, No. 6 (17 April 2006), 621-622.

³¹⁸ *National Assembly Debates*, Session-11, Vol. XI, No. 1 (26 December 2003), 16.

³¹⁹ *National Assembly Debates*, Session-18, Vol. XVIII, No. 1 (13 August 2004), 14-16.

The national assembly of Pakistan had more debates on the Iraq War in Musharraf-led regime than the issues of terrorism that came after joining hands with United States' "war on terrorism". The debates on Iraq war continued in many national assembly sessions that included both condemnation and effects it brought to Pakistan. However, fewer discussions were witnessed on the Pakistan's status as a non-NATO ally in war on terror. It depicts that national assembly in the Musharraf regime functioned as a ceremonial institution rather than a democratic one to represent the will of people.

4.4.4. US Interference

During the Kargil war with India, Pakistan remained isolated from the United States and hegemonic international nations until the event of 9/11. The event had been an advantage for the military government of Musharraf because Pakistan became a frontline ally of the United States against Taliban and al-Qaeda. The Bush administration demanded the cooperation of Pakistan in tracking down al-Qaeda and Taliban leaders, use of air and naval bases and intelligence sharing. Under American pressure and isolationism, Musharraf and military high command accepted to withdraw economic and military support to Taliban and to support US war on terror in Afghanistan and Pakistan as well. Moreover, the United States was not, now, interested to the restoration of democracy in Pakistan. US administration initiated to pool economic and military aid on one hand and lifted nuclear- and democracy-related sanctions on Pakistan.³²⁰ Musharraf government continuously remained as the strong ally of the United States in the South Asia in war on terror.³²¹ In reaction, the religious alliance castigated the support of General Musharraf to US involvement in Pakistan and Afghanistan and its war on terror as well.³²² It was the responsibility of the National Assembly to question the US interference in the internal affair of Pakistan for saving the sovereignty of the State. The Assembly only debated against the US involvement in the politics and remained incapable to pass bill against US presence on the territory of Pakistan. The decisions about the presence of US military forces and conducting operations from the soil of Pakistan were unilaterally taken by Musharraf and military high command. In a democratic set-up, such decisions are the only jurisdiction of national assembly. Unfortunately, national assembly played no role in this segment of foreign policy choices which is safe to say that the autonomy of national assembly was curbed by the military leadership.

³²⁰ Shah, *The Army and Democracy*, 189.

³²¹ Worth, *Pervez Musharraf (Modern World Leaders)*, 94.

³²² Nasr, *Military Rule, Islamism and Democracy in Pakistan*, 206.

Pakistan military faced strict pressures against the challenges of domestic issues and international pressure to maintain its unity. Military maintained its unity to resist those challenges. The foreign policy of Musharraf confronted harsh criticism from domestic political parties. However, he tried to avoid isolation in domestic political circumstance simultaneously conform with the international demands on the Pakistan. Unlike Zia regime, the military dropped an Islamic ideology in its policies and the religious alliance did not accept the secondary role during Musharraf regime.³²³ However, Liaquat Baloch criticized the interference of the United States in the internal affair of Pakistan. He also condemned the foreign policy of General Musharraf's government particularly the government's support of American war on terror in South Asia. He stressed that the government supported the war on terror without the approval of the National Assembly. Important issues should be brought to the parliament before implementation by executive but the government ridiculed the autonomy of parliament to bypass the approval of legislature.³²⁴ However, the constitution gave autonomy to the parliament but the executive diminished its autonomous responsibility by implementing the American policy war on terror in Pakistan.

During Musharraf era, American pressure worked for two reasons. Firstly, due to poor economic functioning Pakistan needed international economic support for better economy. Besides, the Western countries were prepared to crush the economy of Pakistan if the authorities did not cooperate. Secondly, the United States had an alternative country; India which could replace Pakistan in the foreign policy of America in South Asia. In the fear of alternative, Pakistan accepted US demands in the War on Terror.³²⁵ Referendum and Manipulated election helped Pervez Musharraf to stay in power until August 2008. As a result, the political parties and parliament did not develop for real democracy in Pakistan. Yet again Pakistan oscillated between democracy and military regime. However, Musharraf ruled without serious opposition due to mal-developed political system.³²⁶

4.4.5. Judicial Rift and the Autonomy of National Assembly

Judicial crisis erupted in Pakistan in March 2007 when President Musharraf suspended Iftikhar Muhammad Chaudhry, chief justice of supreme court of Pakistan. President alleged that chief justice is involved in the violation of the norms of judicial prosperity; seeking undue favor for his son by misusing his power; and interfering in the functioning of executive. Presidential

³²³ Ibid, 208-9.

³²⁴ National Assembly, Session-3, Vol. III, No. 1 (30 December 2002), 9.

³²⁵ Cohen, *The Idea of Pakistan*, 91-92.

³²⁶ Ibid.

reference was sent to the supreme judicial council for subsequent actions on the advice of Prime Minister Shaukat Aziz. It was unprecedented in the history of Pakistan where in spite of sending presidential reference under article 209 to the supreme judicial council for investigation of allegations, president suspended the chief justice and appointed Justice Javed Iqbal as acting chief justice in his seat. The appointment of acting chief justice was also criticized and termed as unconstitutional due to bypassing second senior most judge, Justice Rana Bhagwandas who was apparently out of the country.

The rift between Pervez Musharraf and Chief Justice started due to main judgements of supreme court headed by justice Iftikhar Muhammad Chaudhary during the year 2007. The case where supreme court passed a judgement against the privatization of Pakistan Steel Mills, in which supreme court ruled that selling of national property to Arif Habib, a friend of prime minister Shaukat Aziz, was done in indecent haste and hence illegal. This judgement of supreme court bittered the relationship between Judiciary and Pervez Musharraf. In another case where Pervez Musharraf had filed a petition to the apex court for an opinion about the Hasba bill passed by the provincial assembly of NWFP that authorized the police to ensure observance of Islamic values and practices. The supreme court ruled that the Governor may not assent the bill and declared it unconstitutional. The case which brought major confrontation between Pervez Musharraf and Justice Iftikhar Chaudhary was of the Missing Persons. The families of missing persons filed a petition in the supreme court about the illegal kidnapping of their siblings by CIA, FBI, US and Pakistani Agencies. Chief Justice Iftikhar took up the case that was not acceptable to Musharraf. Besides several other cases proved to be bone of contention between the Musharraf and the Judiciary.

The role of national assembly in the case of Judicial rift was minimal and least observed. On 25th April 2007, when Raja Pervez Ashraf begun his speech in the national assembly about the suspension of Iftikhar Chaudhary, speaker did not permit him to speak on the case of Iftikhar Chaudhary for he called the matter to be a matter of judiciary and allowed none of the members to speak on it³²⁷. In another session, Raja Pervez Ashraf maintained that despite several requests on the part of parliamentarians, speaker does not allow to discuss the judicial crisis. He also maintained that military regime has arrested hundreds of supporters of judicial movement and the custodian of the rights of people in a democratic set-up is not allowing them to discuss the case³²⁸. Similarly, Ms. Sheri Rehman pointed that government is engrossed in

³²⁷ National Assembly Debates, Session-40, Vol. XL, No. 1 (23 April 2007), 45-46.

³²⁸ National Assembly Debates, Session-40, Vol. XL, No. 9 (4 May 2007), 1067-1068.

arranging presidential rally and hundreds of citizens are being suppressed and threatened when they are rallying for the supremacy of judiciary, and there is no parliamentarian in the House to discuss the question which is undemocratic and authoritarian a picture on the political spectrum of Pakistan³²⁹

The aforementioned crisis and the inefficiency of National Assembly of Pakistan clearly states that Musharraf era not only curbed the autonomy of Judiciary by suspending its supreme unprecedentedly but has also curbed the autonomy of national assembly by impeding its members to discuss the case for a durable discussion and coming to an autonomous conclusion. The executive, led by Military leadership, in the Musharraf era has flawlessly curbed the autonomy of national assembly and has converted it into a facilitator to the unilateral decisions of military ranks.

4.4.6. Foreign Policy

In his inaugural speech, prime minister of Pakistan Zafrullah Khan Jamali explained the role of national assembly in the foreign policy choices of Pakistan. He maintained that the foreign policy of Pakistan is already determined and would continue so with the neighboring countries and major powers. Among the neighboring countries, he maintained that if anything about any foreign policy decisions of Pakistan is not appreciated by any parliamentary member or group is subject to discussion in the house. Nevertheless, a very minimal role was played by the national assembly in terms of foreign policy formulation for Pakistan since most of the decisions were being engineered unilaterally in the office of president and decided among the military council. This unilaterality describes the irrelevance of national assembly of Pakistan in terms of foreign policy formulation.

The issue of Samjotha Express was brought under debate in the national assembly of Pakistan. The issue of Samjotha Express began as an adjournment motion in the national assembly. Pervez Malik, a member of national assembly, pointed out the case of blasts in the Lahore destined Samjotha Express that culminated in the death and injury of several passengers including majority of Pakistanis on 19th February 2007. All the members of parliament condemned the act of gruesome violence in the Samjotha express including the Minister for Railways, Sheikh Rasheed Ahmed. The condemnation also came across several international organizations and countries especially United Nations. Indian Railway Minister has admitted the security lapse in the Samjotha Express case. The parliament of Pakistan demanded a mutual

³²⁹ National Assembly Debates, Session-40, Vol. XL, No. 12 (9 May 2007), 1425-1426, 1436-1437, 1466.

thorough investigation of the Samjotha Express case by both Indian and Pakistani authorities. The national assembly members reached a decision that all the subsequent trains from either side would be brought under strict security scrutiny before departure from and arrival to Pakistan. A resolution was unanimously passed in the national assembly that expressed solidarity and deep condolences with the family of deceased passengers of Samjotha Express.³³⁰ However, National Assembly could not form any foreign policy choices at this juncture when the security lapse of neighboring country had resulted in the killing of hundreds of Pakistan citizens. It is safe to say that the national assembly had no authority over foreign policy formulation.

4.4.7. Vote of No Confidence against Speaker

Fighting the manipulation of the constitution of Pakistan by Musharraf, opposition benches in national assembly failed to push a vote of no confidence against speaker of the National Assembly. The resolution of no-confidence against speaker, Chaudhry Amir Hussain, for the first time was moved by Syed Naveed Qamar on 28th June 2003. The resolution was moved on the allegation that speaker of the National Assembly had “*transgressed his power by giving a ruling on the constitution and thereby undermining the sovereignty of the House*”.³³¹ While addressing the floor, Syed Naveed Qamar pointed out that the political advisors of the speaker had failed to understand that the chair of speaker is a neutral position that serves to uphold the dignity and sovereignty of house not of any other institution. The involvement of speaker of the assembly in the thorny issue of giving extension to LFO has converted him into a beneficiary of the act and not to a custodian of the House.³³² The intervention of executive branch of the government in amendment process of constitution is a clear example of depriving the people of Pakistan of their right to govern themselves. A uniformed president of the country is a clear indication of an instable Pakistan. The election results were announced in which the resolution of no-confidence for the removal of speaker of national assembly stood rejected³³³. The aforementioned process of vote of no confidence against the speaker manifest a number of inferences that are undemocratic and against the dignity of the house. The rejection of the vote of no confidence against the speaker can be summed up as a point of contention for a non-differentiated institution. The sovereignty of the national assembly, as conceptualized by Syed

³³⁰ *National Assembly Debates*, Session-39, Vol. XXXIX, No. 11 (20 February 2007), 1053-1148.

³³¹ *National Assembly Debates*, Session-8, Vol. VIII, No. 1 (28 June 2003), 13.

³³² *Ibid*, 14.

³³³ *Ibid*, 53.

Naveed Qamar, was not upheld when the speaker was involved in an undemocratic act and siding with the president to bring about amendment in the constitution against his powers.

On 24 December 2004, another motion of no confidence was moved against the speaker by Mr. Aitzaz Hasan. 111 members of national assembly rose in favor of the motion and hence it was accepted to be brought under debate. A lengthy conversation in the house occurred in which the time limit for duration of the assembly was discussed by both treasury and opposition benches. The Deputy speaker ruled that the time for the mover of motion and chairman will be 30 minutes each while other members shall speak no more than 15 minutes³³⁴.

After the voting process in which the members of treasury benches abstained from voting and opposition members boycotted the process in protest, national assembly speaker survived the no-confidence motion. During the movements of motion, only 26 members of the coalition government were in the house while the opposition members were more. It manifests that the parliamentary tradition of differentiation of national assembly was derailed at the whim of another group of people.

4.4.8. Wana Operation and the Role of the National assembly

In March 2004, there was news which propped up that the members of Al- Qaeda are hidden in South Waziristan. For this purpose, Pakistani Army and members of Osama Bin Laden's al-Qaeda engaged in combat at Azam Warsak, a location close to the South Waziristan town of Wana. 500 suspected al-Qaeda fighters were held up in numerous fortified communities when the army and intelligence paramilitary soldiers encountered them. This region is linked with Tora Bora area of Afghanistan. Most of the time, Afghan terrorist came this place for refugees or as a safe heaven. Historical speaking about this place and its background, early in 2002, the Pakistani Army sent and deployed a sizable group of infantry and mountain divisions. Under Lieutenant-General Ali Jan Aurakzai's direction, the Mountaineering and Infantry Divisions were sent into action. Lieutenant-General Aurakzai then assumed the position of Governor of Pakistan's North-West Frontier Province. After Pakistan gained its independence in 1947, the Army Divisions made their first entry into the Tirah Valley in the Khyber Agency. Following that, the troops moved into South Waziristan and then North Waziristan's Shawal Valley. The root of this war-torn area is associated with the socio-cultural landscape of South Waziristan. As the Waziri tribal leaders perceived the action as an attempt to dominate them, tensions between the Pakistani government and the tribes grew in late December 2003. As per intelligence sources, there were 500–600 al-Qaeda members in the area; all of the militants

³³⁴ National Assembly Debates, Session-22, Vol. XXII, No. 10 (22 October 2004), 729-778.

were Chechens, Uighurs, Uzbeks, Arabs, and Tajiks. By March 19, 2004, a team from ISI's Covert Action Division (CAD) had infiltrated the Shin Warsak region covertly, where they had discovered the presence of a high-value target. Ayman al-Zawahiri was allegedly locked up in one of the locations, according to the media sources. However, 17 soldiers were martyrs at the end of the conflict.

When someone talks about the role in the epoch of military dictatorship from 1999 to 2007, the national assembly seems toothless; one can see there was limited role of the National Assembly. The Wana operation was launched without consult of the National Assembly.³³⁵ At the epoch of military dictatorship, there was a few assembly sessions which came to surface. Most of the national level of decisions were made outside of the national assembly. The autonomy and durability of a state's national assembly was put at stake and had sacrificed. At the same time, one can neither see the durability and differentiation nor can observe autonomy of state's national assembly.

4.4.9. Akbar Bugti Case and the Role of the National Assembly

Nawab Akbar Khan Bugti, a Baloch who was the Tumandar (chief) of the Bugti tribe and the Minister of State for Interior and Governor of Balochistan Province in Pakistan, lived from July 1927 until August 26, 2006. Additionally, he was appointed defense minister of state in Feroz Khan Noon's administration. He had previously been the Interior Minister of State.

The case of Akbar Bugti arose from very early of era of President General Pervez Musharraf. He had issue with Government and Military regime on provincial autonomy and natural resource ownership of province Balochistan. But the matter of Akbar Bugti with Military government heated when the rape issue of Lady Doctor, Dr. Shazia³³⁶ in District Dera Bugti, Balochistan came to surface. There were local reports that Lady Doctor was raped by military man in Dera Bugti. Bugti was demanding that military man who was responsible for, should be brought to book. But the matter was not solved. This matter aggravated the issue. As a result, Bugti tribe revolted against military government and challenged the state status with his armed men who went to mountain. On the other hand, there was a military operation and bombardments were going on at the same time in Dera Bugti region.³³⁷

In 2005, military operation was launched by General Musharraf without taking the national assembly into confidence. A parliamentary committee was formed in this respect to bring the tribal men of Dera Bugti to a peaceful resolution of issue. Negotiations were held with Akbar

³³⁵ National Assembly Debates, Session-14, Vol. XIV, No. 10 (7 June 2004), 816.

³³⁶ National Assembly Debates, Session-23, Vol. XXIII, No. 6 (2 March 2005), 1114.

³³⁷ National Assembly Debates, Session-23, Vol. XXIII, No. 17 (17 March 2005), 2675-2677.

Bugti that culminated in an impasse. Even one of the members of assembly shared that "Bugti was not anti-negotiation, anti-federal government, or in favor of independence. But Akram Dashti pointed out that establishment's rigid stance was a clear indication that it was unwilling to find a solution. Additionally, as a member of the group dispatched to negotiate with Akbar Bugti, Senator Mushahid Hussain once said. Unfortunately, there is a culture in Pakistan and in the Pakistani bureaucracy that is unwilling to recognize the rightful rights of the smaller provinces, like Balochistan. Nawab Bugti was quite moderate, open to negotiation, willing to debate, and willing to compromise. I do recall the talk I had with General Musharraf regarding the obstacles that stood in the way of finalizing the deal.

As a result, there was a revolt like situation occurred. At this time, Bugti's men confronted with military. These policies and decisions directly came from military side with its country military president who was already harsh and agonized towards Bugti tribe. Bugti was charged by the Pakistani government for maintaining a private militia and waging an insurgency against the government. When Bugti's hiding place cave in Dera Bugti, which is roughly 150 miles east of Quetta, crumbled on August 26, 2006, he was killed.³³⁸ The way Akbar Bugti passed away made him a hero and martyr in the Baloch pantheon, which sustains a political identity that regularly sparks uprising. All around Balochistan, especially in the regions where the Baloch population is predominated, strikes were quickly reported.³³⁹

In this whole scenario, there was zero role of Prime Shaukat Aziz nor was his cabinet autonomous. His cabinet was dependent upon the decision of a single man: President General Musharraf. In the matter of Bugti, Musharraf only engaged those who belong his school of thought, and rest of the members of both houses were helpless and were playing idle and dependent role. Similarly, the autonomy of both houses were at stake but were used as a titular way. Durability, differentiation, and democratic norms and principles cannot be seen in practices. In the meanwhile, amendments consolidated the military regime and made national assembly and its roles and functions fragile and de jure and titular way. Even the committee which made to negotiate with Bugti was toothless and helpless in this matter. There were selected and guided debates which were discussed in national assembly were instructed by President.

³³⁸ National Assembly Debates, Session-37, Vol. XXXVII, No. 17 (28 August 2006), 1987.

³³⁹ National Assembly Debates, Session-37, Vol. XXXVII, No. 20 (31 August 2006), 2376-2398.

4.4.10. The Operation Silence

The issue of Laal Masjid (Red Mosque) is dented the peace of entire country and is worst of its kind in the history of Pakistan. In 1996, Laal Masjid was declared as the Central Mosque of Islamabad. Maulana Abdullah was its first Imam and ‘Khateeb’ who played an active role in the Khatm-e-Nabuvvat Movement in 1970s of which the Laal Masjid was a main camp. He was killed in 1998. After his death, Maulana Abdul Aziz was appointed as its Khateeb while his younger brother was appointed as the Assistant Khateeb.³⁴⁰ The announcement of Musharraf to support US-led “war on terror” sparked conflict with Laal Masjid whose leadership was openly in support of Taliban regime in Afghanistan.³⁴¹

Capital Development Authority of Islamabad decided to demolish all the mosques and madrassahs that were not approved in its masterplan. Jamia Hafsa was one of the non-approved mosques in the list of CDA. Jamia Hafsa was the largest religious institution for women that homed more than six thousand students.³⁴² The religious scholars in Islamabad opposed the decision of demolition by government. Maulana Abdul Aziz demanded for the implementation of Islamic Laws, reconstruction of demolished mosques, and eradication of vulgarity from society. Before this, he also released a *Fatwa* that declared the army operation in Waziristan *Haram*. The government started “Operation Silence” on 3rd July 2007 which resulted in 154 deaths and capturing of 50 militants.³⁴³

The operation received wide-ranged coverage from both national and international media. Print Media provided special supplements of the operation while the electronic media kept live coverage of the operation. A lot of media cells criticized the operation but PTV, Daily Times, Dawn News, Pakistan Observer, and Radio Pakistan were supporting the operation. Express News, Geo News, and ARY News were making somehow balanced coverage of operation. International media including Anglo-American were strongly supporting the operation. All India Radio, Hindustan Times, Voice of America, BBC, Newsweek, and Washington post strongly supported the media.

Daily English Dawn newspaper supported the operation against Lal masjid but also queried the failure of intelligence agencies to be informed about the happenings in Lal Masjid and

³⁴⁰ Zafar Iqbal, *Media and Musharraf: A Marriage of Convenience*, European Scientific Journal 8 no. 3 (2012): 45.

³⁴¹ BBC news. Retrieved on April 21, 2008.

³⁴² Introduction, Jamia Hafsa web site: <http://www.jamiahafsa.page.tl/Introduction.htm>, Retrieved on May 24, 2008.

³⁴³ Zafar Iqbal, *Media and Musharraf: A Marriage of Convenience*, 46.

stockpiling of arms and ammunitions in such large quantities³⁴⁴. Daily Times also supported the operation of government but added “Let’s be clear. No government can violate the universal principle of ‘no negotiation with terrorists’ and live to be praised’³⁴⁵

The debate on the issue of Laal masjid and Masjid Hafsa begun in national assembly on 24th April 2007. Chaudhary Zafar Iqbal Warraich pointed out that the land of Hafsa Masjid has been occupied forcefully and the religion and women card are being played to justify this illegal occupation. The government has already tried to resolve the issue through dialogue and diplomacy through main religious clerics of the country, but the administration of Hafsa Masjid is not playing sufficient heed to the reservations of government³⁴⁶. Similarly, Ms. Mehnaz Rafi maintained that some female students of Hafsa Masjid have kidnapped some Chinese from a Chinese beauty parlor in Islamabad on June 22nd, 2007. The girls should bring them back unconditionally, otherwise initiating strict actions against them would be the last resort to the government. If the House allows an operation against it, the government wholly ready for that. Sayyid Nayyar Bukhari from the opposition benches maintained that it is not a case of unanimous support of the house since the government has already prolonged legislation against it that should be availed by the government in such incidences.³⁴⁷

Liaqat Baloch of opposition benches stated that the government has besieged the territories of Laal Masjid and Masjid Hafsa and terminated all the supply lines including basic necessities to the students. Police is using teargas, gunships, helicopters, and Mortars against the students which is gruesome act. Similarly, Mr. Krishn Bail Advocate termed the act of government as the Terrorism of Army against the innocent students. To counter these arguments, the members of treasury benches maintained that the administration and students of Laal masjid and Masjid e Hafsa have compelled the government since they have already prioritized weapon over dialogue. Ms. Azra Afzal stated that Islam does not allow the worshipping places to be used for insurgency and violence that the administration and students of Laal Masjid and Masjid Hafsa are using for.³⁴⁸

In sum the debates of national assembly indicate that the House has only discussed the diverging points about the military operation in Laal Masjid and have not reached a consensus

³⁴⁴ ‘Pakistan Press on Mosque Assault’, BBC news on 12-7-2007, which can be accessed from http://news.bbc.co.uk/2/hi/south_asia/6290594.stm, retrieved on May 13, 2008.

³⁴⁵ Najam Sethi, the then editor of Daily Times, said in an interview with Outlook, published in July 23, 2007

³⁴⁶ National Assembly Debates, Session 40, Vol. XL, No. 2 (24 April 2007), 121-126.

³⁴⁷ National Assembly Debates, Session 41, Vol. XLI, No. 15 (23 June 2007), 2600-2617.

³⁴⁸ National Assembly Debates, Session 42, Vol. XLII, No. 1 (30 July 2007), 50-111.

to come up with some vibrant decisions about the debacle. The role of national assembly as the custodian of the rights of citizens has been minimal since the member had only resorted to diverging opinions to save their political image in the country. It can thus be argued that the role of national assembly in the military operation of Laal Masjid has remained inconsistent with the institutional legacy of decision making in a democratic manner. Nevertheless, the executive retained its supremacy in the form of launching and concluding the operation without the prior consent and approval of national assembly which is a severe blow on the autonomy of the national assembly.

4.4.11. Army Chief-cum-President and Political System of Pakistan

In 2004, the National Assembly had passed a controversial bill. According to the bill, “*the holder of the office of the President of Pakistan may, in addition to his office, hold the office of the Chief of the Army Staff which is hereby declared not to disqualify its holder.*”³⁴⁹ As a result, the National Assembly supported Musharraf, Army Chief-cum-president to hijack the political system of Pakistan. Through this bill, the National Assembly gave Army Chief-cum-president the capability to manipulate politicians and harbored the formation of PML-Q. Through his manipulation, PML-Q did not challenge the power of army-president.³⁵⁰ The strength of the democracy depends on the autonomy and durability of the National Assembly but the National Assembly as an institution handed over its power to the executive or Army-President. As a representative of the people, the National Assembly should have represented the general public of Pakistan but the Assembly followed the order of the executive. Therefore, it had diminished the democracy in the hand elitist interests. The National Assembly did not act as the democratic institution instead of shadow-institution of the executive during the bureaucratic-authoritarian regime. As a result, the member of the ruling party had misused their power for the personal interests and further damaged the democracy in Pakistan.

During Musharraf’s regime, the political system was not stable but it was controlled by authoritarianism. In the period of 1999-2005, the government had changed three Prime Ministers, including one caretaker prime minister. Without dismissing the National Assembly, the President spearheaded the alteration of Prime Ministers against the internal instability of King’s party. The supporters of Musharraf’s regime claimed the continuation of parliament was the symbol of restoration and stability of democracy in this period. In fact, the army-president had reshaped the political system of Pakistan into a bureaucratic-authoritarian state

³⁴⁹ The Gazette of Pakistan, The President to Hold another Office Act, 2004, National Assembly of Pakistan.

³⁵⁰ Maryam Hussain, “56 Government MNA’s protest to Aziz,” *Daily Times*, 22 June 2006.

and he appointed an international banker as the Prime Minister of Pakistan to ensure economic stability in the state. In this process, the parliament, particularly the National Assembly remained subordinate to the executive.³⁵¹ Due to subordinate status, the National Assembly did not comply with its autonomous status as the independent institution. The army-president, with the help of presidential power 58 (2) B and National Security Council, manipulated country's politics and the National Assembly to strengthen the military-bureaucracy in Pakistan. In fact, the executive had completely controlled the National Assembly through King's party. The extra-parliamentary forces had overshadowed the power and procedure of the National Assembly and diminished its autonomous status. In his book Mohammad Waseem clearly states that:

“[the] Parliament in Pakistan is a subordinate legislature. Here, the executive is, without exception, a pre-eminent player on the national scene. It initiates decisions in party forums, which are translated into law through the legislative procedure, and are then rigidly defined, implemented and controlled by the bureaucracy. Given the domination of extra-parliamentary forces over the power structure of Pakistan, parliamentary institutions are often considered by political players as necessary accoutrements of a modern ruling structure. In other words, these institutions legitimize the existing political order. Even if real power resides outside the legislature, the power holders need to win legal and moral authority. Not surprisingly, each of the four military governments tried to fill the gap of legitimacy by holding elections in 1962, 1970, 1985 and 2002.”³⁵²

The circumstance spearheaded the politicians' surrender to the military power without mobilizing the general public. Therefore, the public did not trust the behavior of the politicians and supported the bureaucratic-authoritarianism of the military. The absence of populist politics signaled the weakness of the political structure in Pakistan. With the support of the military, the political elite attained their personal goal rather than general public. The political elite wanted to maximize their power and did not focus on the interest of the general public. Ayesha Siddiqa coins that “the politicians cooperate with the military because of their commonality of interests, and because their main problem is not with the military's use of force to fulfil its political objectives, but with its control of their authority.”³⁵³ Even Musharraf lobbied for his political clients, the members of PML-Q, to gain public support for the 2008

³⁵¹ Siddiqa, *Military Inc.*, 118.

³⁵² Mohammad Waseem, *Democratization in Pakistan: A study of the 2002 elections* (Karachi: Oxford University Press, 2006), 31-2.

³⁵³ Siddiqa, *Military Inc.*, 119.

general election in late 2007. He also campaigned against the opposition parties for the popularity of PML-Q and tagged the opposition parties as anti-army and anti-nationalism.³⁵⁴ The personal interests of political elite and military dominancy had internally choked the political system of Pakistan. They focused on rhetoric politics to convince the general public with their fake promises. Besides, Musharraf and the member of King's party paralleled the Pakistani nationalism and patriotism with the militarism. Those who criticized the dominancy and involvement of military in politics were labelled as anti-state. The ruling elites claimed that the strength of the state lies with strong and powerful army in Pakistan. However, they ignored the strength of the parliamentary institution for the stability of the democracy. They did not focus on the autonomy and durability of the National Assembly to raise voice for the interest of the state and general public. As a result, the civilian institutions including the National Assembly deteriorated against the military dominancy in the Musharraf's regime.

4.5. The End of Military government

Musharraf transferred the power to civilians in 2007-2008, when he was surrounded strong legitimate problems, which raised by the opposition. Specifically, when he dismissed Chief Justice of Pakistan, the lawyers, civil societies and political parties organized demonstration against the dictatorship of Musharraf. Finally, he persuaded the military command to launch an extrication coup in 2007, which result in deteriorating his power. In November 3, 2007, he suspended the constitution and launched an emergency rule in Pakistan. But he was challenged legally with the power of President and Army Chief simultaneously. Under international and domestic pressures, he had to abandon the post of the military and held election in 2008. However, he maintained his position as President of Pakistan in the new government. But he was forced to resign from the presidency under the fear of impeachment from the coalition government.³⁵⁵

4.6. Conclusion

The functions of national assembly during the regime of Musharraf regime (2002-2007) were mired in several ups and downs. President and chief of army staff had other plans for the national assembly than to let it function in accordance with its principles and rules of

³⁵⁴ 'Musharraf seeks vote for his supporters', *Dawn*, 1 August 2006, 3.

³⁵⁵ Aqil Shah, *The Army and Democracy: Military Politics in Pakistan*, 215-216.

procedures. The national assembly during Musharraf was dominated by the pro-Musharraf Pakistan Muslim League (Q) and its decisions were in most cases binding and destined to approval. The comments and suggestions of opposition benches were taken as onslaughts to the rule of Musharraf and were either sent in prison or harassed to comply.

After taking over the reins of government in a bloodless coup de 'tat, Musharraf managed to send the leaders of major democratic parties i.e., Pakistan Muslim League (N) and Pakistan People's party in to forced exile. Exile of the main leaders of opposition not only allowed him to run his version of political campaign but also allowed him to conduct the type of undemocratic referendum that earned him most powers. Before election, President Musharraf managed to send its main opponents to forced exile that undermined the democratic process of election where opposition leaders could not campaign for their elections. Amidst these circumstances, Musharraf provided maximum patronage to Pakistan Muslim League and vowed to provide a secular and moderate picture of Pakistan to the world. His progressive narratives were cashed by majority of the politicians who joined PML (Q) before the elections. Hence Musharraf managed to win 126 seats in the elections held in October 2002.

The national assembly functioned in the least autonomous pattern since it could not even bring into debate the major decisions taken by the government. The decisions about launching military operations in FATA and Balochistan were taken unilaterally by Musharraf and none of their details were either shared to the parliament or any suggestions taken by the institution. The constitution of Pakistan clearly asserts that the armed forces of the country are bound to act in accordance with the decision of civilian government and in this case parliament. Musharraf bypassed the constitutional obligations and took decisions unilaterally. In the similar fashion, the debates in the national assembly on many other issues were not decided in the parliament through a democratic pattern but rather in an authoritarian manner by Musharraf and Military council. The autonomy of national assembly was not observed and the autocracy of president cum army chief were more binding and final.

The durability of national assembly is another prime indicator of institutionalization in a democratic set up. Adaption to change was not observed in the national assembly during Musharraf era. ideally, the national assembly inhibited the elected members of democrats but the brisk decision and ordinances by Musharraf were counted as severe onslaughts to the durability of the national assembly. The relationship between the bills presented to national assembly and their validity in terms of undergoing a durable debate and coming to a conclusion

was not observed in the national assembly. Hence, the researcher concludes that the national assembly of Pakistan during Musharraf-led government was not a durable institution.

In the similar fashion, the differentiation of national assembly as distinct institution with members working for the same purpose of serving the interest of nation was not found in the national assembly of Pakistan during Musharraf-led government between 2002-2007. The constant cases of political victimization and manipulation of opposition by the ruling government was the order of the day. Main opposition leader Javaid Hashmi spent his elected days of membership in the prison. Speaker of the house had not authority to issue the production orders of the main opposition leader to continue and sustain the democratic culture in the national assembly of Pakistan. The researcher therefore concludes that the differentiation of national assembly was measured not to of the principles of institutionalization.

In sum, the national assembly of Pakistan during Musharraf-led regime was used mostly by the ruling government and especially Musharraf to strengthen his rule and implement his version of national interest instead of providing an opportunity to the representatives of people decide what is important and urgent for them. The legislation in the national assembly were more skewed towards representing and strengthening the regime of Musharraf. The other pillars of the state that were important stakeholders of the national assembly were brought under strict control of Musharraf to include none but the will and wish of president and Army Chief General Pervez Musharraf.

Bibliography

Primary Sources:

National Assembly Debates

- Constituent Assembly of Pakistan. Vol. 1, No.1 (10 August, 1947): 1.
- Constituent Assembly of Pakistan. Vol. 1, No. 2 (11 August 1947): 18-20.
- Constituent Assembly of Pakistan. Vol. 5, No. 5 (12 March 1949): 101.
- Constituent Assembly of Pakistan. Vol. 14, No. 35 (21 September 1954): 571.
- National Assembly Debates. Vol. 2, No. 4 (13 July 1972): 470.
- National Assembly Debates. Vol. 1, No. 1 (16 November 2002): 2-3.
- National Assembly Debates. Vol. 1, No. 1 (16 November 2002): 4-5.
- National Assembly Debates. Vol. 1, No. 2 (19 November 2002): 23-24.
- National Assembly Debates. Vol. 1, No. 2 (19 November 2002): 45.
- National Assembly Debates. Vol. 1, No. 2 (19 November 2002): 46.
- National Assembly Debates. Vol. 1, No. 2 (19 November 2002): 49-50.
- National Assembly Debates. Vol. 1, No. 2 (19 November 2002): 51-52.
- National Assembly Debates. Vol. 1, No. 2 (19 November 2002): 57.
- National Assembly Debates. Vol. 1, No. 2 (19 November 2002): 58.
- National Assembly Debates. Vol. 1, No. 2 (19 November 2002): 71.
- National Assembly Debates. Vol. 1, No. 2 (19 November 2002): 82-83.
- National Assembly Debates. Vol. 2, No. 1 (21 November 2002): 71-72.
- National Assembly Debates. Vol. 3, No. 1 (30 December 2002): 11-12
- National Assembly Debates. Vol. 4, No. 2 (28 February 2003): 301-303.
- National Assembly Debates. Vol. 6, No. 3 (21 April 2003): 88.
- National Assembly Debates. Vol. 6, No. 4 (22 April 2003): 161-164.
- National Assembly Debates. Vol. 6, No. 4 (22 April 2003): 165.
- National Assembly Debates. Vol. 7, No. 1 (7 June 2003), 2-21.
- National Assembly Debates. Vol. 7, No. 5 (13 June 2003): 523-574.
- National Assembly Debates. Vol. 7, No. 6 (14 June 2003): 77.
- National Assembly Debates. Vol. 7, No. 6 (14 June 2003): 76-77

National Assembly Debates. Vol. 8, No. 1 (28 June 2003): 13.

National Assembly Debates. Vol. 8, No. 1 (28 June 2003): 14.

National Assembly Debates. Vol. 8, No. 1 (28 June 2003): 53.

National Assembly Debates. Vol. 10, No. 19 (30 September 2003): 1438.

National Assembly Debates. Vol. 10, No. 32 (31 October 2003): 2230.

National Assembly Debates. Vol. 10, No. 36 (10 November 2003): 2583-2587.

National Assembly Debates. Vol. 3, No. 1 (13 December 2003): 8-10.

National Assembly Debates. Vol. 3, No. 1 (13 December 2003): 44-46.

National Assembly Debates. Vol. 11, No. 1 (26 December 2003): 16.

National Assembly Debates. Vol. 11, No. 2 (27 December 2003): 227-228.

National Assembly Debates. Vol.11, No. 3 (28 December 2003): 445-446.

National Assembly Debates. Vol. 11, No. 4 (29 December 2003): 683-689.

National Assembly Debates. Vol.13, No. 3 (10 March 2004): 141.

National Assembly Debates. Vol.13, No. 8 (17 March 2004): 1106-1110.

National Assembly Debates. Vol.13, No. 20 (5 April 2004): 3090-3098.

National Assembly Debates. Vol.14, No. 4 (4 June 2004): 647-649.

National Assembly Debates. Vol.14, No. 4 (4 June 2004): 657.

National Assembly Debates. Vol. 14, No. 10 (7 June 2004): 816.

National Assembly Debates. Vol. 14, No. 8 (12 June 2004): 1064-1125.

National Assembly Debates. Vol. 14, No. 15 (22 June 2004): 2788-3021.

National Assembly Debates. Vol. 16, No. 1 (30 June 2004): 16-20.

National Assembly Debates. Vol. 17, No. 2 (19 July 2004): 285-304.

National Assembly Debates. Vol. 17, No 4 (22 July 2004): 466-478.

National Assembly Debates. Vol. 18, No. 1 (13 August 2004): 14-16.

National Assembly Debates. Vol. 18, No. 4 (19 August 2004): 213-218.

National Assembly Debates. Vol. 20, No. 1 (28 August 2004): 3.

National Assembly Debates. Vol. 22, No. 10 (22 October 2004): 729-778.

National Assembly Debates. Vol. 23, No. 1 (23 February 2005): 169-170.

National Assembly Debates. Vol. 23, No. 6 (2 March 2005): 1114.

National Assembly Debates. Vol. 23, No. 17 (17 March 2005): 2675-2677.

National Assembly Debates. Vol. 24, No. 9 (21 April 2005): 895-906.

National Assembly Debates. Vol. 25, No. 10 (16 May 2005): 913-914.

National Assembly Debates. Vol. 26, No. 3 (6 June 2005): 203-236.

National Assembly Debates. Vol. 26, No. 11 (17 June 2005): 2231-2314.

National Assembly Debates. Vol. 34, No. 2 (10 April 2006): 207-211.

National Assembly Debates. Vol. 34, No. 2 (10 April 2006), 234-235.

National Assembly Debates. Vol. 34, No. 6 (17 April 2006): 621-622.

National Assembly Debates. Vol. 36, No. 2 (5 June 2006): 127-165.

National Assembly Debates. Vol. 36, No. 6 (12 June 2006): 844-847.

National Assembly Debates. Vol. 36, No. 2 (21 June 2006): 2756-2972.

National Assembly Debates. Vol. 37, No. 17 (28 August 2006): 1987.

National Assembly Debates. Vol. 37, No. 20 (31 August 2006): 2376-2398.

National Assembly Debates. Vol. 37, No. 25 (6 September 2006): 2702.

National Assembly Debates. Vol. 38, No. 4 (15 November 2006): 342-423.

National Assembly Debates. Vol. 39, No. 4 (9 February 2007): 304-305.

National Assembly Debates. Vol. 39, No. 11 (20 February 2007): 1053-1148.

National Assembly Debates. Vol. 40, No. 1 (23 April 2007): 45-46.

National Assembly Debates. Vol. 40, No. 2 (24 April, 2007): 121-126.

National Assembly Debates. Vol. 40, No. 4 (26 April 2007): 436-438.

National Assembly Debates. Vol. 40, No. 9 (4 May 2007): 1067-1068.

National Assembly Debates. Vol. 40, No. 10 (7 May 2007): 1172-1175.

National Assembly Debates. Vol. 40, No. 12 (9 May 2007): 1025-1026, 1066.

National Assembly Debates. Vol. 41, No. 2 (7 June 2007): 233-241.

National Assembly Debates. Vol. 41, No. 4 (9 June 2007): 417-459.

National Assembly Debates. Vol. 41, No. 10 (18 June 2007): 1506-1507.

National Assembly Debates. Vol. 41, No. 14 (22 June 2007): 2437-2593.

National Assembly Debates. Vol. 41, No. 15 (23 June 2007): 2600-2617.

National Assembly Debates. Vol. 42, No. 1 (30 July 2007): 50-111.

National Assembly Debates. Vol. 42, No. 4 (2 August 2007): 405-406.
National Assembly Debates. Vol. 42, No. 6 (6 August 2007): 660-661.
National Assembly Debates. Vol. 42, No. 10 (10 August 2007): 1193-1194.
National Assembly Debates. Vol. 42, No. 12 (15 August 2007): 1365-1366.

Books

Ahmad, Munir. *Bhutto Khandan Ka Katal*. Lahore: Takhliqat Publishers, 1998.

Ahmed, Ishtiaq. *Pakistan The Garrison State: Origins, Evolution, Consequences 1947-2011*. London: Oxford University Press.

Ahmed, Muneer. *Political Sociology: Perspectives in Pakistan*. Lahore: Punjab Adbi Markaz, 1978.

Ahmed, Mushtaq. *Government and Politics in Pakistan*. Karachi: Space Publishers, 1970.

Ahmed, Mushtaq. *Pakistan at the Crossroads*. Karachi: Royal Book Company, 1985.

Ali, Parveen Shaukat. *Politics of Conviction: The Life and Times of Muhammad Zia-ul-Haq*. Lahore: The London Centre for Pakistan Studies, 1997.

Anjum, Murtaza. *Siyasat, Aain Aur Adalat*. Lahore: Fateh Publishers, 2001.

Bhutto, Benazir. *Daughter of the East*. Karachi: SZABIST, 1988.

Binder, Leonard Binder. *Religion and Politics in Pakistan*. Berkely: University of California, 1973.

Bose, Sugata and Ayesha Jalal. *Modern South Asia: History, Culture, Political Economy*. New York: Routledge, 2004.

Callard, Keith. *Pakistan: A Political Study*. London: George Allen and Unwin, 1957.

Chaudhry, Mustafa. *Pakistan-Its Politics and Bureaucracy*. New Delhi: Associated Publishing House, 1988).

Chirag, Muhammmad Ali. *Tareekh-e-Pakistan*. Lahore: Sang-e-Meel Publications, 2001.

- Christine, C. Fair, *Fighting to the End: The Pakistan Army's Way of War*. New York: Oxford University Press, 2014.
- Cohen, Stephen Philip. *The Idea of Pakistan*. Lahore: Vanguard Books Publishers, 2005.
- Feldman, Herbert. *Revolution in Pakistan: A Study of the Martial Law Administration*. Karachi: Oxford University Press, 2001.
- Grover, Verinder and Ranjana Arora, *Political System in Pakistan: Role of Military Dictatorship in Pakistan Politics*. New Delhi: Deep Publishers, 2014.
- Hasan, Muhammad. *General Elections in Pakistan*. Lahore: Mavra Publishers, 2012.
- Hussain, Mahboob. *The Parliament of Pakistan: A History of Institution-Building and (Un) Democratic Practices, 1971–1977*. Karachi: Oxford University Press, 2019.
- Hussain, Mushahid and Akmal Hussain. *Pakistan: Problems of Governance*. New Delhi: Vanguard Books Pvt. Ltd, 1993.
- Hussain, Zahid. *Frontline Pakistan: The Struggle with Militant Islam*. New York: Columbia University Press, 2008.
- Kausar, Inam-ul-Haq. *Pakistan movement and Baluchistan*. Quetta: United Printers, 1999.
- Khalid, Mohammad. *Welfare State: A Case Study of Pakistan*. Karachi: Royal Book Company, 1968.
- Khan, Hamid. *Constitutional and Political History of Pakistan*. Karachi: Oxford University Press, 2017.
- Khan, Tamizuddin Khan. *The Test of Time: My Life and Days*. Dhaka: University Press Limited, 1989.
- Kundi, Mansoor Akbar. *Politics in Pakistan: Bending the Rules*. Karachi: Maktaba-e-Faridi, 2005).
- Mitra, Subrata Kumar. *The Post-Colonial State in Asia: Dialectics of Politics and Culture*. Lahore: Sang-e-Meel Publishers, 1988.
- Muhammad, Baz. *Constitution Making in Pakistan 1947-1985*. Karachi: Royal Book Company, 1995.
- Musharraf, Pervez. *In the Line Fire: A Memoir*. London: Pocket Books, 2008.

- Quddus, Syed Abdul. *Nawaz Sharif: The Courage in Leadership*. Lahore: Shah Ghulam Ali and Sons, 1991.
- Qureshi, Moeenuddin Ahmed. *Planning and Development in Pakistan: Review and Alternatives 1947-1982*. Lahore: Vanguard Books Ltd, 1983).
- Rafi, Rafi. *Pakistan in Perspective 1947-1997*. Karachi: Oxford University Press, 2001.
- Rizvi, Hasan Askari. *The Military and Politics in Pakistan: 1947-1997*. Lahore: Sange-e-Meel Publishers, 2000.
- Rokari, Amir Abdullah Khan. *Main Aur Mera Pakistan*. Lahore: Jang Publishers, 1994.
- Salim, Ahmad. *Chay August Kay Baad: Intakhabi M'arkoon Aur Mehalati Sazishoon Ki Kahani*. Lahore: Nagarshat, 1990.
- Salim, Ahmad. *Tootati Banti Assemblan Aur Civil-Military Bureaucracy*. Lahore: Jang Publishers, 1990.
- Samad, Yunus. *A Nation in the turmoil: Nationalism and Ethnicity in Pakistan, 1937-1958*. New Delhi: Saga Publishers, 1995.
- Shah, Aqil. *The Army and Democracy: Military Politics in Pakistan*. Massachusetts: Harvard University Press, 2014.
- Shah, Mujawar Hussain. *Religious and Politics in Pakistan: 1972-1988*. Islamabad: National Institute of Pakistan Studies, 1996.
- Shah, Sajjad Ali. *Law Courts in a Glass House: An Autobiography*. Karachi: Oxford University Press, 2001.
- Shah, Sajjad Ali. *Law Courts in a Glass House: An Autobiography*. Karachi: Oxford University Press, 2001.
- Sheikh, Muhammad Ali. *Benazir Bhutto: A Political Biography*. Karachi: Orient Books Publishing House, 2000.
- Siddiq, Ayesha. *Military Inc.: Inside Pakistan's Military Economy*, Second Edition, London: Pluto Press, 2007.
- Tahir, Sattar. *Martial Law Ka White Paper*. Lahore: Classic Publishers, 1987.
- Uzma, Gauhar Sultana. *Jamhoriyat Kay Katil Kon?* Lahore: Jang Publishers, 1993.

Weiss, Anita M. *Moving Forward with the Legal Empowerment of women in Pakistan*. Washington: US institute of Peace, 2012.

Wolpert, Stanly. *Zulfi Bhutto of Pakistan: His Life and Times*. Karachi: Oxford press, 2008.

Worth, Richard. *Modern World Leaders: Pervez Musharraf*. New York: Chelsea House, 2007.

Wriggins, W.H. *Pakistan in Transition*. Islamabad: University of Islamabad Press, 1975.

Yunis, Saleem. *Sayasi Aiathad Aur Pakistani Sayisat Per Unn Key Asrat: (1947-1992)*. Lahore: Jang Publishers, 1993.

Yusaf, Hamid. *Pakistan: A Study of Political Developments 1947-97*. Lahore: Sang-e-Meel publications, 1999.

Ziring, Lawrence. *Pakistan: At the Crosscurrent of History*. Lahore: Vanguard, 2004.

Ziring, Lawrence. *Pakistan: At the Crosscurrent of History*. Oxford: One World Publications, 2003.

Journal Articles

Banis, J.S. 'Some Thoughts on Pakistan's New Constitution.' *The Indian Journal of Political Science* 23, no.4 (1962): 219.

Baxter, Caraig. 'Constitution Making: The Development of Federalism in Pakistan.' *Asian survey* 5, no. 8 (December 1974): 1081-1082.

Baxter, Craig. 'Pakistan Votes-1970.' *Asian Survey* 11, no. 3 (March 1971): 201-202.

Bhutto, Zulfikar Ali. 'Pakistan Builds Anew.' *Foreign Affairs* 51, no. 3 (April 1973): 542.

Burki, Shahid Javed. 'Pakistan under Zia, 1977-1988.' *Asian Survey* 28, no. 10 (October 1988): 1091.

Haider, Uzman. 'Forced Modernization and Public Policy: A Case Study of Ayub Khan Era (1958-1969).' *journal of Political Studies* 4, no. 3 (2015): 45-60.

Haqani, Hussain. 'History Repeats Itself in Pakistan.' *Journal of Democracy* 17, no. 4 (October 2006): 116-117.

Hussain, Dr. Mazhar, Mian Muhammad Ahmed and Muhammad Anwar Farooq. 'Evolution of the Idea of Electorates in the United India: A Careful Study of Different Acts

(1861-1947).’ *International Journal of Social Sciences, Humanities and Education* 1, no.1 (2017): 2-8.

Hussain, Mahboob and Rizwan Ullah Kokab. ‘Institutional Influence in Pakistan: Bureaucracy, Cabinet, and parliament’, *Journal of Asian Social Science* 9, no. 7 (2013):

Hussain, Mahboob. ‘Institute of Parliament in Pakistan: Evolution and Building process (1947-1970).’ *Journal of Political Studies* (2011): 77-99.

Ikram, Mohammad and Naumana Kiran. ‘Legislation on Women Issues: Musharraf Regime.’ *Sadiq Journal of Pakistan Studies* 2, no. 1 (January-June 2022): 36.

Iqbal, Zafar. ‘Media and Musharraf: A Marriage of Convenience.’ *European Scientific Journal* vol. 8 no. 3 (2012): 45.

Kaushik, Susheela. ‘Constitution of Pakistan at Work.’ *Asian Survey* 3, no. 8 (August 1963): 384.

Khan, Rais Ahmad. Pakistan in 1992: Waiting for Change. *Asian Survey* 33, no. 2 (February 1993): 130-133.

Malik, Hafeez. ‘Martial law and Political Development in Pakistan.’ *Journal of South Asian and Middle Eastern Studies* 3, no.5 (1983): 79-82.

Nasir, Hafeez. ‘Evolution of national security structures in Pakistan.’ *Institute of Strategic Studies Islamabad* (2012): 151-171.

Nasr, Vali. ‘Military Rule, Islamism and Democracy in Pakistan.’ *Middle East Journal* 58, no. 2 (Spring 2014), 202.

Nawaz, Shuja. ‘Countering Militancy and Terrorism in Pakistan: The Civil-Military Nexus.’ United States Institute of Peace (2016): 14-16.

Pirzada, Sayyid A. S. ‘Facts and Fiction about Rigging in 1990 Elections in Pakistan.’ *Pakistan Journal of History and Culture, National Institute of Historical and Cultural Research Islamabad* 35, no. 2 (July-December 2004): 118.

Rais, Rasul Bakhsh. ‘Identity politics and minorities in Pakistan.’ *South Asia: Journal of South Asian Studies* 30, no. 1 (2007): 111-125.

Rais, Rasul Bakhsh. ‘Pakistan in 1987: Transition to Democracy.’ *Asian Survey* 28, no. 2 (February 1988):128.

Rashiduzzaman, M. ‘The Awami League in the Political Development of Pakistan.’ *Asian Survey* 10, no. 7 (July 1970): 585.

Rasul, Azmat and Stephen D. McDowell. ‘Consolidation in the Name of Regulation: The Pakistan Electronic Media Regulatory Authority (PEMRA) and the Concentration of Media Ownership in Pakistan.,’ *Global Media Journal* 12, no. 20 (Spring 2012): 2-3.

Rid, Saeed Ahmed. 'The Emergence and Evolution of Upper House (the Senate) in Pakistani Federalism from 1947 to 18th amendment 2010 and afterwards.' *Pakistan Journal of History and Culture* (2019): 10-12.

Rubeena, Zakir and Hamid, 'Gender mainstreaming in Politics: Perspective of Female politicians from Pakistan.' *Asian Journal of Women's Studies* 24, no. 2 (2018): 227.

Syed, Anwar. H. 'Pakistan in 1997: Nawaz Sharif's Second Chance to Govern.' *Asian Survey* 45, no. 6 (1998): 110-112.

Newspapers

Dawn: March 27, 1969.

Morning News: *March 29, 1970.*

The Pakistan Times: *March 12, 1977.*

The Pakistan Times: July 18, 1985.

The Pakistan Times: August 18, 1988.

New York Times: Aug 18, 1988.

Dawn: December 3, 1988.

Dawn: January 26, 1989.

The Herald: February 1989.

The Herald: April 1990.

Dawn: August 7, 1990.

Nawa-i-Waqt: August 7, 1990.

Dawn: October 31, 1990.

The Nation: January 13, 1991.

The News: *December 1, 1993.*

The News: *December 18, 1993.*

Dawn: July 10, 1994.

The Herald: November 25, 1996.

Dawn: March 12, 1997.

Dawn: June 18, 1997.

Dawn: June 12, 1998.
Dawn: August 3, 1998.
Dawn: August 14, 1998.
Dawn: August 15, 1998.
Dawn: October 6, 1998
Dawn: June 23, 1999.
Dawn: July 5, 1999.
Dawn: July 25, 1999.
Dawn: October 8, 1999.
The News: 18 August 2005.
Daily Times: 22 June 2006.
Daily Times: July 23, 2007.
Dawn: December 8, 2019.
The Express Tribune, January 13, 2020.

Electronic Media, Websites and Reports

United Kingdom High Commissioner (UKHC) Karachi to Percival liesching, Commonwealth Relation Office (CRO) London, 9 September 1952, DO 35/2252, The National Archives (TNA) London.

Elaine Sciolino “Zia of Pakistan Killed as Blast Downs Plane, US-Envoy, 28 Others Die (The New York Times Aug-18-1988).

How an Election was Stolen: The PDA White Paper on the Pakistan Elections 1990 (*Islamabad: Midasia, 1991*), 39-42.

Naeem Mirza and Wasim Agha, A Five-Year Report on Performance of Women Parliamentarians in the 12th National Assembly (2002-2007), 27.

Yonas Samad, “The army and democracy: military politics in Pakistan,” *Commonwealth & Comparative Politics* 54, no. 1 (2016), 145. Accessed on August 02, 2022. <http://dx.doi.org/10.1080/14662043.2015.1128574>.

Introduction, Jamia Hafsa web site: <http://www.jamiahafsa.page.tl/Introduction.htm>,

Retrieved on May 24, 2008.

UKHC in Pakistan to CRO London, 23 December 1952, DO 35/5048, TNA London.

Indo –Pakistan pact welcomed by the US, Washington Post, 4 July 1972, cited by Kux, the United States and Pakistan, p. 208

National Assembly of Pakistan, Acts of Parliament (16 November, 2002-15 November, 2007), https://na.gov.pk/en/acts-tenure.php?tenure_id=10, accessed on September 15, 2022.

National Assembly of Pakistan, Acts of Parliament (16 November, 2002-15 November, 2007), https://na.gov.pk/en/acts-tenure.php?tenure_id=10,

Pakistan press on Mosque Assault’, BBC news on 12-7-2007, which can be accessed from http://news.bbc.co.uk/2/hi/south_asia/6290594.stm, We retrieved on May 13, 2008.

BBC news. Retrieved on April 21, 2008.

G-B Chalmers, South Asian Development to Eric Norris, FCO, 6 September 1973 FCO37/1349, TNA London.