

Scenario 13

Army & Judiciary in 1989-90:

In August 1988, after the death of Gen Ziaul Haq, Ghulam Ishaq Khan (GIK), Chairman of the Senate, took over as acting President.

It remains a blackened page of Pakistan's history that an army institution ISI went so deep in political manoeuvring that it openly fabricated a political alliance named IJI (Islami Jamhoori Ittihad) to block the way of Pakistan Peoples Party (PPP). A former Chief of the ISI, Lt Gen Hamid Gul, once told that he was the only person to formulate and run the IJI. It was a concerted effort of many high ups and he was the front-man only. He flatly told that:

'All the stalwarts politicians, mostly belonging to Islamic religious parties of those days, used to approach and contact the army virtually begging that elections should not be announced. They have been enjoying at peak in Gen Ziaul Haq's days and they wanted to continue with the same bonanza.

'It was written on wall that the PPP was going to win the elections but even then army and the Presidency were determined to hold general elections because the army wanted rest. IJI was only formed as 'balancing factor' that was why the PPP was given the government despite the fact that they were having only 92 seats in the Assembly.'

However, the above proposition cannot be taken as simple. The facts were that after Gen Ziaul Haq's crash, the US government had suddenly increased their pressure to hold elections in the country. The American agenda was also notified. To oppose that agenda or to neutralize their pressure the IJI was tabled. The America's ambition was comprised of three items:

- Firstly; change in Afghan policy. Taliban were not acceptable to them.
- Secondly; Roll back of the nuclear program at the earliest.
- Thirdly; change in Kashmir's hardliner policy to keep India satisfied generally.

The army circles still maintain that had there been no factor like IJI, there was no possibility of any general elections in 1988. After sending the PM Junejo home in May 1988, the Sindhis wanted compensation so Ghulam Mustafa Jatoi was made president of the IJI. Nawaz Sharif had no calibre of being a leader; he was just a mediocre business man but Benazir Bhutto's undue opposition made him leader; should have been ignored.

When there is a talk about IJI, one cannot ignore Lt Gen Hamid Gul, the real figure behind it but what happened in the power corridors, see the following paragraphs.

About eight months before retirement, Lt Gen Hamid Gul was transferred to Heavy Rebuild Factory (HRF) in mid 1991 which was an out of army cadre posting being a project of Defence Production Division. He talked his Army Chief (and a senior friend) Gen Asif Janjua and told that if he was not to be retained as Corp Commander, he could be transferred to any non-attractive posting at GHQ. Two written requests were also made. When not hailed to he had decided to proceed on retirement. He was asked to wait because the then PM Nawaz Sharif and the COAS Gen Asif Janjua both were on tour abroad.

When Nawaz Sharif came back, he sent Gen Hamid Gul a message that he should not resign but next day he had signed his retirement orders without assigning any reasons. He was the

same PM for which Lt Gen Hamid Gul as DG ISI had made IJI after Gen Ziaul Haq's crash and one Army Chief Gen Mirza Aslam Beg had distributed Rs 140 million amongst those IJI candidates in general elections of 1990 to go against the PPP and bring Nawaz Sharif up. On this account a stigma on the army history of Pakistan would prevail for ever.

Lt Gen Hamid Gul must apologise first to the PPP for having done the sordid deed; after that, he must apologise for lack of wits because the IJI could not maintain its two-thirds majority for long.

At another moment, Lt Gen Hamid Gul demanded (referring to his interview appeared in daily **'Jang' of 19th November 2001**) that:

'If you are serious in Ehtesab then start it from high leaders. Had it been so the process was of only three months. They should have started from Nawaz Sharif asking him to explain that from where the Raiwind Palace & Estate come from. How he had gained 32 manufacturing units and factories with three years Chief and two years Prime Ministerial slots. If could not get convincing reply, confiscate every thing. They should have asked me the same questions about my living.'

Coming back to the original topic: general elections for the National and Provincial Assemblies were held on 16th & 19th November 1988 respectively. During elections the PPP had surfaced as the winner party. The President GIK appointed Benazir Bhutto as Prime Minister of Pakistan on the condition that she would offer full support to him in the forthcoming presidential elections. According to deal between the President and Benazir Bhutto, the PPP Parliamentarians voted for GIK who was also the candidate of Islami Jamuhri Ittehad (IJI) then being headed by Nawaz Sharif in Punjab.

Constitutional Amendments made by the PCO and the 8th Amendment, that had given the President massive powers, inevitably led the President and the Prime Minister into conflict in two major areas; appointments of the Military Chiefs and the Supreme Court Judges.

The PPP though earned most of the seats in elections but could not have simple majority in the house. Ms. Bhutto entered into discussions with smaller parties to form a coalition government. Ultimately, the Mohajir Quami Movement (MQM) added its 13 seats to the PPP's. There were 237 seats in the National Assembly, of which 205 were contested and 30 seats were reserved for women and minorities. The PPP won 92 seats, and the IJI led by Nawaz Sharif won 55 seats. The results of the provincial elections gave PPP a majority in Sindh and NWFP only.

The IJI's control of Punjab was seen as a serious challenge to Bhutto's government. The Pakistan Muslim League (PML) was the dominant political party in Pakistan from 1986 until 29th May 1988 when Prime Minister M K Junejo was sent home. Soon after the death of Gen Ziaul Haq, the Pakistan Muslim League (PML) had broken into two factions; one led by Fida Muhammad Khan, the former governor of NWFP and Nawaz Sharif, the Chief Minister of Punjab.

After Benazir Bhutto's take over as prime minister, several early actions appeared to strengthen her ability to deal with rising problems. In choosing her cabinet, for example, Benazir kept the portfolios of finance and defence for herself but appointed a seasoned bureaucrat, Wasim Jafari, as her top adviser on finance and economic affairs. Her retention of Gen Ziaul Haq's foreign minister, Sahibzada Yaqub Khan, signalled continuity in pursuit of the country's policy on Afghanistan.

As stated above, MQM had agreed to support the PPP government at both federal and provincial levels. However, Benazir Bhutto was described as autocratic because she was inexorably tied to her father's political legacy, which included harsh repression of political opposition. Further, appointment of her mother, Nusrat Bhutto, as a senior minister without portfolio, followed by the selection of her father-in-law Hakim Ali Zardari as Chairman of the Public Accounts Committee, was viewed as ill-advised nepotism by Benazir Bhutto.

Benazir's government had also set up the controversial Placement Bureau, which made political appointments to the civil bureaucracy, although the bureau was later abolished. Benazir let the political legacy of her family intrude, for example, when the able public servants, who had earlier harboured disagreements with her father PM Zulfikar Ali Bhutto, were dismissed for reasons other than job performance or for personal score balancing games.

Benazir Bhutto narrowly survived a no-confidence motion in the National Assembly in October 1989. Her government did not compile a record of accomplishment that might have helped to offset her other difficulties. No new legislation was passed, except some minor amendments to existing legislation. Benazir Bhutto raised much hue & cry complaining that legislation was thwarted because the Senate was dominated by her opposition.

Benazir's problems were further accentuated in February 1990 when an MQM-directed strike in Karachi escalated into rioting that virtually paralyzed the city. The strike had been called to protest the alleged abduction of MQM supporters by the PPP. The resulting loss of life and property forced Benazir to call in the army to restore order. In addition to the violence in Sindh and elsewhere, she had to cope with increasing charges of corruption levelled not only at her associates, but at her husband Asif Ali Zardari and father-in-law Hakim Ali Zardari.

On the international front, Pakistan faced heightened tensions with India over Kashmir and problems associated with the unresolved Afghan war. All these miseries added in Benazir Bhutto's account continued building a rift between the two, president and the PM.

On **6th August 1990**, the President Ghulam Ishaq Khan levelled various charges including corruption and mal-administration, violations of the Constitution etc, dissolved the National Assembly, dismissed only 19 months old government of Benazir Bhutto under Article 58(2)(b) of the Constitution and ordered fresh elections. The conflict between the President and the Prime Minister had its drop scene. GIK said:

'His actions were justified because of corruption, incompetence, and inaction; the release of convicted criminals under the guise of freeing political prisoners; a failure to maintain law and order in Sindh; and the use of official government machinery to promote partisan interests.'

A nationwide state of emergency was declared, citing both "external aggression and internal disturbance." Benazir called her dismissal "illegal, unconstitutional, and arbitrary" and that the military was responsible.

The order of dissolution of Assemblies and Benazir Bhutto's government was challenged before all the four High Courts. However, the cases from Balochistan and Sindh were consolidated and heard by the High Court of Sindh at Karachi.

Likewise, the cases from NWFP and Lahore were consolidated and heard by the Lahore High Court. Both the High Courts in their separate judgments, distinguished *Haji Saifullah Khan's case* and upheld the order of dissolution of assemblies and observed that the President was justified in forming the opinion that the government of the Federation was not being carried on in accordance with the Constitution.

The matter came to the Supreme Court in appeal in the case reported as *Kh. Ahmed Tariq Rahim v. Federation of Pakistan (PLD 1992 SC 646)* but the Court refused to grant leave to appeal against the judgments of the High Courts and consequently the dissolution order was maintained.

Fresh elections were scheduled on 24th October 1990 and one Ghulam Mustafa Jatoi was appointed as the caretaker Prime Minister.

[Benazir Bhutto immediately announced that her government was sacked by the army and the President GIK was the front man only. It was true; Gen Mirza Aslam Beg had played the main role from behind and it was true.]

Relying upon *www.defencejournal.com* wherein an opinion is available under scripts of **July 1998:**

During Benazir Bhutto's first premiership from December 1988 till August 1990; despite the military's mistrust of the PPP, she was welcome in power after the PPP's visible victory in the general elections of November 1988. The PPP gained 92 seats (government & ISI sponsored IJI had got only 56 seats) so the prerogative to make government was allocated to Ms Bhutto. The 'Emergency Council', under the chair of Admiral Iftikhar Sarohi, Chief of Joint Staff Committee, formulated a charter of governance for her. The top conditions contained the following allowances for the military:

- To continue with President G Ishaq Khan for another term of 5 years, Gen Zia's loyalist who enjoyed the military's support;
- To keep Lt Gen Yaqub Ali Khan (Gen Zia's Foreign Minister) in her cabinet to ensure continuity in Afghan policy; and
- Not to touch the issue of defence expenditure whatsoever.

She agreed to admire military's role in restoring democracy and vowed to strengthen the armed forces by all means. The military budget continued to rise during her term, Afghan policy continued and nuclear program was kept on priority.

Benazir Bhutto's relations with the military soured, allegedly because of her unprofessional economic conduct and bitter confrontation with her political opponents that brought her administration to stand still. Senior army commanders got disturbed at growing civilian interference in the military's internal affairs especially relating with appointments and transfers, which are summarized below:

- The first dispute arose in May 1989, when Benazir Bhutto changed the DG ISI to reduce ISI's involvement in domestic politics. Army Chief Gen Mirza Aslam Beg reluctantly agreed, but was annoyed by her decision to appoint retired Maj Gen Shamas ur Rehman Kallue, an old friend of her late father Zulfikar Ali Bhutto.
- Gen Beg had also resented Benazir government's efforts to persuade Army for concessions to the officers who had been once removed from service for indiscipline after her father's execution in April 1979.
- A more serious row developed when the government unsuccessfully attempted to retire Admiral Iftikhar A Sirohi, Chairman of the Joint Chiefs of Staff Committee, in 1989 amidst interference with extension of some senior officers in mid 1990.
- Benazir Bhutto's wish to cultivate India's PM Rajiv Gandhi during his visits to Pakistan in December 1988 and July 1989 was seriously suspected. Army intelligence reports on dialogue between the two leaders had spoiled the whole image of Benazir Bhutto in military record posing her unreliable on security matters.

During 1989-90, serious law and order situation developed in Sindh on ethnic issues. Army troops were assisting Sindh's civilian authorities but refused to go beyond a certain point to settle scores against PPP's political opponents. Army had also once refused to take dictations from the Sindh and Federal governments. Army had demanded permission to set up the military courts and to restrict the superior judiciary's powers to enforce fundamental rights in areas under army control. As prime Minister Benazir Bhutto had refused.

A more serious blow to already strained civil-military relations had been seen because the Army Chief started releasing public statements on the Sindh situation in bitter tones. The political opponents of PPP brewed benefits out of this situation and moved nearer to the Army command by supporting their demands.

On the Judiciary's front: During 1990-91, Justice Mehboob Ahmed was the Chief Justice (CJ) Lahore High Court (LHC). Once in a meeting at Governor House Lahore, where Altaf Hussain Chaudhry, Governor Punjab, and Benazir Bhutto as Prime Minister were heading the

meeting on issue of appointment of judges. Some vacancies of judges were lying vacant in LHC. CJ LHC briefed the meeting that:

'He (Chief Justice LHC Mehboob Ahmed) had sent some names to the previous Chief Minister Punjab Nawaz Sharif but no appointments were made. Now there are more vacancies because of two more retirements thus I'll send some fresh names.'

Benazir Bhutto told that there were some recommendations with her too.

CJ LHC Mehboob Ahmed immediately refused to take dictation without knowing about the names Ms Bhutto was going to forward. He told Ms Bhutto that only capable people would be taken whether they belong to the PPP or Muslim League. Ms Bhutto then asked the CJ to take some lady judges on list. The CJ LHC opined immediately that in Lahore Bar he was not able to find even a single woman to be a judge.

Ms Bhutto told about her political restraints but CJ Mehboob Ahmed had no such compulsion. The CJ categorically told Benazir Bhutto that he would not accommodate even a single name in the list already sent nor the President or the Prime Minister should compel him.

The meeting lasted for 90 minutes but CJ could not agree. Meeting ended and after some days CJ's services were transferred to the Federal Shariat Court as judge as per rules then prevailing since Gen Ziaul Haq's time. CJ Mehboob Ahmed had refused to go to the Federal Shariat Court but was sent home after three months. **(Ref: 'Adlia kay Urooj o Zawal ki Kahani' by Sohail Warraich 2007 P 186-87)**

A confrontation between Benazir Bhutto and Punjab Chief Minister Nawaz Sharif played a pivotal role in tarnishing civil-military relations. Both leaders were trying to let down each other in every administrative step taken by either side; thus mystification and doubt prevailed to high pitch; big leaders but having small minds.

During this tug of war Nawaz Sharif maneuvered to win the president GIK playing him against Benazir Bhutto. President, being the Supreme Commander of the army, criticized her political and economic managerial skills. The Troika broke down. President and the Army Chief joined hands and after taking the top brass in confidence through a Corps Commander's meeting in late July 1990, the President GIK sacked Benazir Bhutto on 6th August.

*[Earlier on 3rd June 1990, the President GIK rang up Adml Iftikhar Sarohi, the Chairman Joint Chiefs of Staff Committee, to visit him at his HQ. All the Chiefs of three wings were already there in connection with their own meeting so the President rushed in. Soon he started talking about Pakka Qila Operation of Hyderabad, escalating corruptions and some other political issues. As per military tradition, the Air Chief Hakeemullah floated his opinion first and concluded that **'the PPP government is not going good'**. The same types of briefings were given by the Naval Chief and Army Chief.]*

Since that day the President had started his home work to send Benazir Bhutto home.