

Scenario 21

Pakistan's Judiciary in 1997-II:

In summer 1997, Chief Justice of Pakistan Sajjad Ali Shah proceeded to an overseas trip. Incidentally second senior most justice Ajmal Mian was also abroad. Justice Saeeduzaman Siddiqui was in Islamabad when he was told that chief justice had left the country. He adjourned the proceedings, consulted lawyers and then called upon all Supreme Court registries to stop working. He declared that there was a constitutional crisis since no acting chief justice was appointed. He sent a letter to the federal government advising it to issue notification for appointment of acting chief justice. As he was the next senior judge, Justice Siddiqui was appointed as acting Chief Justice.

This caused a lot of bad taste between J Saeeduzaman Siddiqui and the CJP and on his return. CJP Sajjad Ali Shah conveyed his disapproval in writing and kept it on record.

In August 1997, Chief Justice Sajjad Ali Shah recommended elevation of five judges to Supreme Court without consulting with the government. Government in return issued an order duly signed by the president reducing the strength of the Supreme Court from seventeen to twelve.

It was done by the PM Nawaz Sharif without consulting his closest legal advisor Barrister Akram Sheikh, who was told on 22nd August 1997, about this 'structural reduction' of the Supreme Court by the Swiss authorities in Geneva, where he had gone to attend an International Human Rights Conference. Akram Sheikh did not believe it but when he reached his hotel room, a fax message was waiting for him, sent on behalf of the PM Nawaz Sharif, containing the news about that reduction.

Akram Sheikh immediately left that meeting in between and straightaway rushed back to Pakistan. He advised the PM to take back that executive order because no sane person would approve that. The PM said that the CJP wanted to add his favourite five judges in the Supreme Court to make his lobby strong. Akram Sheikh had urged to accept those five judges; if they would go honest, well & good; if not we'll find out a legal and better way to deal with that wrong judge under Art 209 of the Constitution.

In the meantime, the Supreme Court Bar Association passed a resolution to challenge the PM's decision. Sharifuddin Pirzada had also given the same advice to Nawaz Sharif.

Few days later the Chief Justice Sajjad Ali Shah, while presiding a three member bench, suspended the said notification and the government had to withdraw its decision.

During the same days judges of the Supreme Court started dragging each other in clashes over tiny issues like the colour of the Supreme Court flag. The chief justice arranged for the inauguration of incomplete building of the new Supreme Court because he wanted to be in the limelight before his retirement. A number of judges opposed this ridiculous idea and they were not invited for the ceremony. There were many such gimmicks which marked 1997 a laughing stock.

(Ref: *Judicial Jitters in Pakistan* by **Hamid Hussain in Defence Journal, June 2007**)

Sitting PM called in for Contempt:

3rd November 1997: Chief Justice Sajjad Ali Shah issued notices to the Prime Minister Nawaz Sharif on a 'contempt' petition and on 19th November 1997, the Supreme Court issued charge sheets to the Prime Minister Nawaz Sharif and 11 others in the same contempt case.

Referring to the '*World News....Story page*' of CNN dated 30th November 1997 which described accusation of the then Prime Minister Nawaz Sharif against President Farooq Ahmed Leghari and Chief Justice Sajjad Ali Shah for trying to undermine his government and vowed to fight against the 'conspiracy' in the 'national interest.' Nawaz Sharif said in a 30-minute televised address to the nation:

'I have uncovered a greater, deeper conspiracy but I will fight. I will, inshallah, face every difficulty because the question is not that of my personal interest but of the national interest. I will not allow my people to become a victim to this conspiracy.'

Nawaz Sharif's accusations came as the Supreme Court was to resume his trial for contempt of court -- part of a power struggle that erupted two months earlier and had led to factional fighting that threatened to escalate into a full-blown constitutional crisis. The government was scared that if the Supreme Court found Nawaz Sharif guilty of Contempt of court, he would be disqualified from office of the Prime Minister.

Nawaz Sharif's confrontation with the judiciary began when both he and the Chief Justice Sajjad Ali Shah claimed their rights to appoint judges to the Supreme Court though there might be other issues also. Allegedly Prime Minister Nawaz Sharif wanted to forward names of certain people who were either their family members or friends or their intransigent and die-hard party workers.

After weeks of refusing to back down, Nawaz Sharif had at last told the Parliament that it was up to the Chief Justice and said he was making decisions in the interests of nation and to prevent further confrontation between the two pillars of the state.

To understand the real perspective of enmity and confrontation between the two giants, one has to go back deep into the past events like:

- Justice Sajjad Ali Shah was the only dissenter in the 11-member bench whose decision restored Mr Nawaz Sharif to power in May 1993 after he had been booted out by the then President Ghulam Ishaq Khan on the charges of corruption.
- Chief Justice Sajjad Ali Shah ordered the release of some civil servants who were arrested and hand-cuffed from Faisalabad by order of the Prime Minister Nawaz Sharif.
- The main sour point was the establishment of special Courts by Nawaz Sharif, established in contravention of the Chief Justice's judicious advice. These special courts, which were established to benefit the Prime Minister's allies and supporters, eventually proved to be a humiliating blot on the face of justice in Pakistan.
- The Chief Justice wanted to fill five vacant positions of judges in the Supreme Court on merit and promotion, to be able to carry out the business of dispensing justice in a speedy manner, the Prime Minister not only refused to grant the request but went ahead and abolished those vacancies altogether through a parliamentary move.
- The PM Nawaz Sharif had to restore the judges vacancies under pressure but refused to fill them up.

The Prime Minister eventually gave in but shortly afterwards summoned to the Court to answer allegations of contempt of court, arising out of remarks he had made about a court decision. He had criticized the decision to suspend one of his early pieces of legislation, which had outlawed the practice of members of parliament switching sides, commonly known and understood by the people of Pakistan as '*Horse Trading or Lotacracy*'.

As per daily **Dawn of 30th October 1997**: "*..... while commenting on suspension of the 14th amendment; Nawaz Sharif had said that the Chief Justice's action was 'illegal and unconstitutional' and that it would revive 'horse trading or lotacracy' in the parliament. He also maintained that the Chief Justice of Pakistan had created a situation that was both unfortunate and undemocratic.*"

In the 3rd week of November 1997, PM Nawaz Sharif was formally charged with contempt of court in a dispute that threatened to unseat the leader elected just nine months ago. The charges were made during Nawaz Sharif's second appearance at the Supreme Court to respond to allegations that he made at a news conference showing contempt of the top judicial institution. In Pakistan it was (and still it is so) objectionable and un-wanted to publicly criticize the judiciary. The CJP Sajjad Ali Shah should have reconciled the matter when sitting prime minister had appeared before the apex court himself. It was enough.

Nawaz Sharif had tendered his apologies on the next hearing day, which his lawyer recited on his behalf before the Supreme Court. Nonetheless his comments offended Chief Justice Sajjad Ali Shah, conveying that:

'It was his job to keep the people of my country informed in the light of varying opinions. I [Nawaz Sharif] have neither committed contempt of the apex court, nor do I intend to do that.'

It was not clear whether Nawaz Sharif's apology had satisfied the court. Chief Justice Sajjad Ali Shah adjourned the hearing until next day, so he could review videotapes of the news conference.

At this stage one can recall that 'Public Confidence' in the context of contempt of court was a hot topic in the developed world and was so since the last two decades. The courts have vigorously punished offensive speech directed at the judiciary on the grounds that intemperate criticism of the court leads to erosion of public confidence in the judiciary. It is a well established principle that public confidence in the judiciary is both vital and fragile and therefore requires special protection from offending free expression.

Referring to David Pannick (*Judges*, Oxford University Press [1987] p 110) as explained that:

'.....the grandiloquent fear that criticism of the courts may endanger civilization has, in the twentieth century, continued to lead to the punishment of persons who have insulted members of the judiciary or impugned their impartiality.'

Similarly in Australia, when Norman Gallagher, a trade union leader greeted his acquittal on a contempt of court charge with the comment that it was the demonstrations of his trade union members which changed the mind of the court trying him, he was again charged with contempt. The very court which had just acquitted Gallagher of the charge of committing contempt felt compelled to try him for scandalizing the court, albeit, of course, on a different cause of action. Gallagher was ultimately found guilty.

Gallagher lodged an appeal to the Australian High Court but it was dismissed, holding that:

"...what was imputed was a grave breach of duty by the Court ...and.... there can be no doubts that the offending statement amounted to a contempt of court, and if repeated was calculated to undermine public confidence in the Federal Court."
(Ref: *Gallagher v. Durrack* [1985] LRC (Crim) 706 Aus HC)

One can compare Gallagher's case exactly fitted in Nawaz Sharif's shoes. May be that Gallagher was not attacking the Court at all. Nor was he leveling direct criticism which could be viewed as 'willful insult'. But in the case of Nawaz Sharif, the Supreme Court might have felt the insult hidden in his expression made in the above referred statement in the name of 'Public Confidence'.

Coming back to our topic, S M Zafar (Nawaz Sharif's lawyer) said he had hoped the Chief Justice would drop the contempt charges after viewing video tapes of the news conference. Nawaz Sharif looked angry as he left the packed courtroom shortly after the Chief Justice had announced his decision.

Next day, in a move that seemed to anticipate the Supreme Court's decision, Parliament amended Pakistan's contempt law giving Nawaz Sharif a right of appeal and suspending a conviction while the appeal is being heard. This controversy had driven the country into a

constitutional crisis. The bill needed the assent of President Farooq Leghari with whom Nawaz Sharif was not at good terms.

One of Nawaz Sharif's first acts when he came to power in early 1997 was to pass a constitutional amendment on 2nd April 1997 stripping President Leghari of the power to sack governments under the provisions of section 58(2)(B) of the constitution, a power that had been used at least five times since 1985.

[Afterwards the military ruler Gen Musharraf got the same power back through an amendment made under military orders and then got it regularized and converted into supreme law under the title of 17th Amendment in the Constitution of Pakistan.]

Nawaz Sharif had insisted on the right to defend himself and wanted an ordinance carrying amendment to the contempt of court law so that he could appeal, should he be found guilty. However, Farooq Leghari, the then President, had refused to sign that amendment, and that prompted Nawaz Sharif to try to impeach the president. The impeachment proceedings were halted when the army stepped in to mediate in the beginning of November 1997.

Then one black Friday of November 1997 came when the court proceedings against Nawaz Sharif were interrupted. His supporters stormed the Supreme Court and a major scuffle ensued with the judiciary. There were riots with the police on duty too. The details of incidence are given below.

Supreme Court Attacked:

28th November 1997: The building of Supreme Court at Islamabad was attacked. The workers of Pakistan Muslim League Nawaz Group [PML(N)] were brought in thousands in buses arranged by the elected members of National & Provincial Assemblies around to ransack the buildings and sanctity of the Supreme Court. Pakistan grappled with its worst-ever constitutional crisis when that unruly mob stormed into the Supreme Court, forcing Chief Justice Sajjad Ali Shah to adjourn the contempt of court case against Prime Minister Nawaz Sharif. Thousands of PML(N) supporters and members of its youth wing, the Muslim Students Front (MSF), breached the police cordon around the courthouse when defence lawyer S M Zafar was arguing PM's case.

A journalist had rushed into the courtroom and warned the bench of an impending attack. The Chief Justice got up abruptly, thanked S M Zafar and adjourned the hearing. While judicial members left the courtroom soon after, the mob entered it shouting slogans, and damaged furniture.

The unruly mob, led by ruling party member from Punjab *Sardar Naseem* and Col (Rtd) *Mushtaq Tahir Kheli*, Sharif's political secretary, chanted slogans against the Chief Justice. The mob had also beaten up *PPP's Senator Iqbal Haider*. The police managed to restore normalcy after baton charging and tear gassing the mob, both inside & outside the courthouse. The court which assembled at 9:45am could continue the proceedings for about 45 minutes only.

[On 5th November 1997, as recounts Gohar Ayub Khan in his recently published book 'Glimpses into the Corridors of Power', Nawaz "asked me to accompany him to the PM's House. In the car, the PM put his hand on my knee and said, 'Gohar Sahib, show me the way to arrest the Chief Justice and keep him in jail for a night'. Naturally, Gohar Ayub was shocked, as has been a disciplined officer and advised him not even thinking about it.

But deep-thinking Nawaz thought further, and in November of that same year he had his goons physically storm the Supreme Court of Pakistan while CJP Sajjad Ali Shah was hearing a contempt case brought against him (Nawaz) and then proceeded to engineer, with the help of Sajjad's brother judges, the successful removal of their Chief Justice.] (Ref: Ardeshir Cowasjee in daily '**DAWN**': 5th August 2007)

After the incident, Justice Sajjad Ali Shah requested the then Chief of Pakistan Army, Gen Jehangir Karamat to send troops to dispel a mob attack on Pakistan's Supreme Court. Gen Jehangir Karamat refused CJP's plea straightway and pointed out that:

'There is an established chain of command and any instructions of that sort should have come from the elected prime minister and the president, who is also the supreme commander of armed forces.'

It may be an interesting fact of the history that when the Supreme Court was being attacked by the guided mob of the PML's 'danda bardar force', Lt Gen Javed Nasir was supervising the on ground situation from a helicopter in air.

Sitting Chief Justice ousted:

On **25th November 1997**, Senator Rafiq Tarar had flown to Quetta with Shahbaz Sharif and briefcases (the opponent group of judges said it as blatant lie because relations between J rafiq Tarar and J Irshad Hassan Khan were never good) on a special aircraft to meet with Justice Irshad Hasan Khan, then a senior judge of SC Bench at Baluchistan.

[Unprecedented in the history of Pakistan judiciary, a strange row of events was seen. The Quetta bench of the apex court held the appointment of CJP Sajjad Ali Shah in abeyance till further orders and restrained him from performing judicial and administrative functions. The bench had also held in abeyance the operation of the notification of 5th June 1994 in that regard.]

(When Dr. Nasim Hasan Shah retired as Chief Justice of the Supreme Court in 1994, Justice Sa'ad Saud Jan should have taken his place but Ms Benazir Bhutto by-passed three senior judges and appointed Sajjad Ali Shah as Chief Justice of Pakistan)

On 9th February 1998, the Lahore High Court accepted the constitutional petition filed by (Senator) Rafiq Tarar against his disqualification by the (former) Acting CEC and declared him qualified to contest for and hold the office of President. The acting CEC, Justice Mukhtar Junejo of the Supreme Court, had found Mr Tarar, a former Supreme Court Judge, guilty of propagating views prejudicial to the integrity and independence of the judiciary at the time of his nomination as a presidential candidate under Article 63(G) of the Constitution of Pakistan and debarred him from the December 1997 contest. [Courtesy: Excerpts from ISLAMIC PAKISTAN: ILLUSIONS & REALITY by Abdus Sattar Ghazali]

The Chief Justice Sajjad Ali Shah, declared the order of the two-member Supreme Court bench at Quetta 'without lawful authority', and directed the assistant registrar, Quetta registry, not to fix any case before the two judges till further orders. Justice Shah, whose appointment as the chief justice was held in abeyance by the two-member bench, continued working as the CJP.

In his order the chief justice observed that under Order XXV of the Supreme Court Rules 1980, a petition of Article 184(3) under the original jurisdiction of the Supreme Court was to be filed only at the principal seat and not at any other registry. He said;

'In this respect there are orders and directions that if any such petition under that provision of Article 184(3) is filed at any other registry, it is to be forwarded straight-away to the principal seat for orders to be obtained from the Chief Justice for its fixation before a proper bench.'

Chief Justice Shah observed that if any orders had been passed in that petition they should be deemed to have not taken effect for the reason that proper procedure had not been followed. He had further observed that even registration number could not be given to such petitions at the registry without the permission or express orders of the Chief Justice.

The CJP directed that the record of the above mentioned petition may be summoned immediately from Quetta Registry for placement before him for further orders in this respect

and also the 'honourable' judges present at the Quetta registry had acted without lawful authority.

When these two ad hoc judges of the Supreme Court were asked by the Chief Justice not to perform their judicial functions; the Quetta bench of the Supreme Court had used the words that '*the impugned executive order of the Chief Justice is nullity and is to be ignored*'. The Quetta bench had also over-ruled the executive order of Chief Justice Syed Sajjad Ali Shah regarding not fixing the cases before it. One of the senior judges used the phrase that;

'it is misconduct on the part of Chief Justice as none of the Supreme Court judge can be restrained from the work on executive order and said that judicial order had already suspended the Chief Justice to perform his duties as Chief Justice of Pakistan'.

The full bench after ignoring the orders of the Chief Justice disposed off 10 cases. These cases were fixed before the bench by Advocate General Balochistan and the counsels of different petitioners. The court had also ordered the CJP that he should not perform his judicial and administrative duties as Chief Justice till the decision of the said bench regarding the petition comes up. Notices in this regard were issued to Attorney General (AG), Deputy AG and others.

The Supreme Court's circuit bench at Peshawar had also endorsed the verdict of the Quetta bench on a petition challenging the appointment of Justice Sajjad Ali Shah as Chief Justice of Pakistan. But Justice Sajjad Ali Shah continued hearing the contempt case against the sitting Prime Minister Nawaz Sharif.

A division bench of the High Court of Sindh requested the CJP Sajjad Ali Shah to convene a full court meeting of the SC to consider the controversy surrounding his appointment. But at the same time, the Supreme Court Quetta bench maintained its interim order suspending the Chief Justice Syed Sajjad Ali Shah and barring him from performing administrative and judicial functions. The SHC bench had referred the matter to the full court at Islamabad for final decision.

As a matter of fact, the judges were harvesting the crop which was sown by Benazir Bhutto in 1994 by superseding three judges to bring Justice Shah at the top. Justice Sajjad Ali Shah was never been accepted by heart by any of judges even the junior one being power thirsty.

CJP Shah should have placed himself before the full bench excluding him; J Mian Ajmal abstained at his own being an interested party. The other judges once made this proposal and the CJP Sajjad Shah had informed the 10-member bench that he would contest the case, and engaged *Abdul Hafeez Pirzada*, a prominent lawyer, to represent him.

However, a severe blow to CJP Mr Sajjad Ali Shah came when President Farooq Leghari tendered his resignation saying he could not violate the Constitution and the law to oblige Government. Speaking at a press conference Mr Leghari said he had opted to resign because he did not want to become a party to the violation of law and the Constitution. He had received a summary from the Government asking him to de-notify the appointment of Chief Justice Sajjad Ali Shah.

[The fact available on record is that on 2nd December 1997, President Leghari was conveyed messages of 'impeachment' and thus forced to quit. PM Nawaz Sharif wanted to bring Justice (Rtd) Rafiq Tarar, then senator, as president. In Muslim League circles his image was being portrayed as a rubber stamp.]

26th November 1997: Justice Irshad Hasan Khan of SC-Quetta Bench held Sajjad Ali Shah (Chief Justice)'s appointment in abeyance.

'The background may also be kept in mind that in his self-imposed war against the Chief Justice Sajjad Ali Shah, Nawaz Sharif (the then Prime Minister) succeeded in dividing the judges into two camps. The group of judges that sided with the Prime Minister said openly that "if Justice Sajjad Ali Shah gives up trying cases of Contempt

of Court against Mian Nawaz Sharif, they will accept him [Justice Sajjad Ali Shah] as the Chief Justice."

The infamous Article 58(2)(b) was restored and suspended within minutes by two separate benches of the Supreme Court of Pakistan assembled against each other.

A three member bench headed by CJP Sajjad Ali Shah suspended the operation of the 13th Amendment restoring the powers of the president to dissolve the National Assembly, a verdict which was within minutes set aside by another 10-member bench.

The 10-member bench of the SC headed by J Saeeduzzaman Siddiqui granted stay against the chief justice's order minutes after it was passed, even without receiving any formal petition or the copy of the order on the subject.

All efforts to resolve the judicial crisis failed as both the judge's groups stuck to their stance and issued separate cause lists. The dissident judges, who did not acknowledge Sajjad Ali Shah as chief justice, issued a fresh cause list for 13 member's full court session. The full court, headed by Justice Saeeduzzaman Siddiqui, took up petitions questioning the validity of CJP's appointment'.

Justice Malik Qayyum, in an interview appeared in the daily '**Jang**' dated **5th February 2006** had commented that:

'The two judges then making Quetta bench were nice and upright but they should not have issued injunction against a sitting chief justice whatever was the cause. If at all they wanted to do so then instead of issuing judgment from Quetta, they could come at principal seat at Islamabad and could have held a full court bench. It was a degradation event for the office of the Chief Justice not a person. Can some one think such an activism in army or any other institution?'

23rd December 1997: A Supreme Court bench declared Justice Sajjad Ali Shah's appointment as Chief Justice illegal. Justice Shah was already barred on 3rd December to sit on CJP's chair and Justice Ajmal Mian was given the charge of acting CJP since then. On 23rd December he was elevated to take oath as the new Chief Justice of Pakistan after a judicial order passed by a 10-member bench. Critics were also there to say that role of Justice Ajmal Mian was controversial in that scenario as he effectively allowed a coup to occur within the Supreme Court of Pakistan against a sitting chief justice.

The 10 member bench had earlier directed the CJP's office not to take any further orders for constituting benches from the Chief Justice Sajjad Ali Shah (under restraint) and orders regarding day-to-day working and administration of the court should be obtained from Justice Ajmal Mian till the appointment of Acting Chief Justice.

The 10-member bench which was hearing the petitions challenging the appointment of Justice Sajjad Ali Shah as Chief Justice of Pakistan was also constituted by Justice Ajmal Mian being the senior most in routine. He was retired as the Chief Justice of Pakistan on 30th June 1999.

[Points to ponder: Justice Ajmal Mian, was the only judge in the country's recent history who did not receive any residential plot in Islamabad or anywhere else, unlike most of his colleagues including Justice Riaz A Shaikh, Justice Irshad Hasan Khan and Justice Iftikhar M Chaudhry.

PM Nawaz Sharif once wanted to oblige the CJP Sajjad Ali Shah so the same evening a Mercedes EEL320 car was purchased from open market and sent to the CJP. After Justice Shah's departure Justice Ajmal Mian got CJP's slot and thus that car got allotted to him. Next day CJP Ajmal Mian sent back that car to the pool that he was not entitled to keep that car in the given official capacity.]

29th December 1997: Justice Junejo was forced to vacate Chief Election Commissioner's seat because he had dared to reject Tarar's nomination papers on 18th December on the basis of his dismal background.

[Justice (Rtd) Rafiq Tarar, was considered accused of corruption. According to media reports he was the person who reportedly passed on 'brief cases' to certain members of Baluchistan Judiciary to influence the judges in PM vs Sajjad Ali Shah row.

When the Chief Election Commissioner rejected nomination papers of Justice Tarar as unfit to stand for election, Nawaz Sharif's pocket man Justice Qayyum, who was on leave for a death in his family, left the condolence mat to return to office and passed the order that Justice Tarar be allowed to contest elections. As a result, on 1st January 1998: Justice (Rtd) Rafiq Tarar, later Senator, became President of Pakistan]

Coming back; the judiciary's clash with the PM Nawaz Sharif prompted the chief justice to call for army protection for the court building and his home. These clashes also drew a callous and hurtful attack from President Leghari, who effectively accused Prime Minister of incompetence saying:

'There can be no greater evidence of the dismal failure of your government's administration than that provided by the unprecedented shameful events of the last two days.'

Nawaz Sharif had replied by accusing President Leghari of 'intemperate language' and rejected his call for army protection for the Supreme Court. A new crisis loomed within the judiciary on next Sunday when two separate agendas were issued for Monday's Court proceedings against Nawaz Sharif. It was unprecedented in the judicial history of Pakistan. One agenda said the Chief Justice would take up the contempt of court case against Nawaz Sharif, while another agenda said a full Court, comprising 15 judges, would take up petitions challenging appointment of the CJP.

The Chief Justice Mr Shah issued an order cancelling the full court meeting, saying it was being convened illegally to prevent him from deciding cases against the prime minister. No body heard him then. PM's brother Shahbaz Sharif and Justice (Rtd) Rafiq Tarar, a Nawaz Sharif's party Senator then, had approached the judges of Baluchistan Bench, formed a lobby with like minded judges of Northern Frontier province, and had started proceedings against the sitting Chief Justice on the pretext of his illegal appointment to the apex office.

End result....Chief Justice Sajjad Ali Shah was sent home.

But, Justice Shah deserved that treatment because once he had betrayed his '*Mohsina*', a lady PM who had blessed her with excessive grace.

[On Dr Nasim Hasan Shah's retirement as CJP in 1994, Justice Saad Saud Jan should have taken his place. But Ms Benazir Bhutto threw tradition overboard when she appointed Sajjad Ali Shah as Chief Justice of the Supreme Court by superceding his senior judges. Later she was dismissed by President Farooq Leghari on charges of corruption and Sajjad Ali Shah along with 6 other members of the Supreme Court upheld this decision. Reading from a 12-page short order, CJP Sajjad Ali Shah had said:

'The presidential order contained enough substance and adequate material had been provided to conclude that the government could not be run in accordance with the provisions of the constitution and that an appeal to the electorate had become necessary in the given circumstances.'