**Constitutional amendments: Part IV**

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After General Ziaul Haq managed to arm twist the National Assembly in 1985 to pass the devastating 8th Amendment, he announced the withdrawal of martial law in December. Now the country was apparently under a civilian rule, alarmed by the spectre of the 8th Amendment.

Prime minister Muhammad Khan Junejo became the president of the Pakistan Muslim League. This signalled the revival of party politics in the assemblies, which officially had no parties since the party-less elections a year earlier. But it did not imply that General Zia’s influence was not there. After nearly nine years of absolute rule, his anti-democratic notions echoed everywhere in the country. Cumbersome requirements for political parties to get registered were in place and Gen Zia kept exhorting the assembly to pass more Islamic laws; he remained all-powerful as the army chief and president of Pakistan.

When Benazir Bhutto returned to Pakistan and an extremely large procession received her in Lahore in April 1986, it raised alarm bells in the government ranks and Gen Zia once again talked about the need for more Islamic laws in the country. With this background, the work on the 9th Amendment started. The bill would have imposed Shariah as the supreme law of the land by amending Articles 2, 203B and 203D of the constitution. Less than three months after Benazir’s arrival in the country, the Senate passed the Ninth Amendment Bill in July 1986 and sent it to the National Assembly.

General Zia and his machinery had a two-pronged strategy to counter the popularity of Benazir and prevent her from demanding fresh elections. In urban areas of Sindh, the MQM suddenly emerged as a potent force and Karachi and Hyderabad witnessed some of the worst ethnic riots in the history of Sindh. Second was the use of religion to persuade Pakistanis that a woman could not be the leader of an Islamic country. The Ninth Amendment Bill got stuck with the select committee of the National Assembly and it could not progress to change the constitution.

The National Assembly passed the 10th Amendment in March 1987 to reduce the duration of the interval between sessions of the National Assembly and the Senate from 160 days to 130 days. In the third year of his premiership, MK Junejo became increasingly assertive, much to the chagrin of General Zia who still wanted to call the shots. In April 1988, two significant events took place: on April 10, Rawalpindi witnessed one explosion after another as the Ojhri camp that stored ammunitions blew up with mysterious blasts; and on April 14, the Junejo government signed the Geneva Accord to pave the way for the withdrawal of the Soviet forces from Afghanistan.

By the end of May, it became clear that General Zia was not happy with the prime minister for his assurance to the nation that the Ojhri camp investigation report would be made public. General Zia was also not happy with the final agreement that the Junejo government had signed in Geneva without getting his approval on the final draft that did not include a provision to hand over power to the Mujahideen. At the same time, horrific killings in Karachi were going on unabated with unprecedented ethnic tensions across Sindh.

Now the 8th Amendment came in handy for the general who used it to dismiss MK Junejo unceremoniously on charges of corruption and inability to expedite the process of introducing more Islamic laws in the country. That was the first strike of the deadly 8th Amendment, and there were many more to come in the 1990s. Gen Zia announced that the country would go through another general elections. But before this, in August 1988, his plane exploded in mid-air, killing him and his colleagues. Senate chairman Ghulam Ishaq Khan assumed the office of president in accordance with the constitution.

Though Gen Zia had earlier announced non-party elections, the Supreme Court led by chief justice M Haleem – the longest serving chief justice so far – ordered party-based elections after hearing a petition by Benazir. After the death of Gen Zia, Haji Saifullah challenged the dissolution of the National Assembly under the 8th Amendment introduced by Gen Zia. The Supreme Court declared that the dissolution was unconstitutional but did not restore the assembly and allowed the planned elections to go ahead. In 1993, General Aslam Beg claimed that as the country’s army chief he had advised the Supreme Court not to restore the assemblies in October 1988.

By the end of 1988, 35-year-old Benazir became the youngest prime minister in the country’s history and the first woman leader in the Muslim world. Opposition members in the Senate presented the 11th Amendment in 1989 to restore reserved seats for women in the National Assembly to 20. The PPP government could have approved it but perhaps it did not want the then opposition to get credit.

Prime minister Benazir Bhutto assured that the PPP government would introduce the same bill on its own. So the bill was withdrawn, and like the ninth amendment, the 11th amendment also could not amend the constitution. By 1990, president Ghulam Ishaq Khan was ready to use the 8th Amendment once again to send the assemblies packing. Benazir wanted to exercise her authority with full powers but the president was not inclined to allow the government to work independently. When Benazir tried to assert her control as the head of government while making some crucial decisions, GI Khan struck with a vengeance. And on August 6, 1990 the 8th Amendment devoured its second victim since 1985, toppling Benazir’s government.

In her 20 months as prime minister, Benazir was unable or unwilling to introduce any new constitutional amendments. Ahmad Tariq Rahim challenged the dissolution of the assembly by the president but the Supreme Court upheld it. The newly installed Nawaz Sharif government introduced the 12th Amendment in July 1991 to establish speedy courts for the trial of dreadful offences for three years. The amendment also raised the salaries of the judges of the Supreme Court and the high courts. Apparently, prime minister Nawaz Sharif was pretty happy with the judges for not restoring Benazir’s government following the use of the 8th Amendment by president G I Khan.

By 1993, the third victim of the 8th Amendment was in order. The president was not happy with prime minister Nawaz making his decisions and not considering the president as an all-powerful head of state – capable of using the eight amendment once again to send a third prime minister home. As Nawaz asserted his authority and declared that he would not take any dictations, he sealed his fate. In April, the president used the 8th Amendment to strike again at the root of democracy in this country.

During its two-and-a-half years of rule, the Nawaz Sharif government passed the 12th Amendment. After Nawaz Sharif’s removal from office when chief justice Naseem Hasan Shah heard the petition, he went against the use of the 8th Amendment by the president. It is worth recalling that Justice Shah was one of the judges who had confirmed ZA Bhutto’s death sentence nearly 15 years earlier. Nawaz Sharif assumed office again in May 1993 but had to resign when army chief Gen Abdul Waheed Kakar forced both the president and the prime minister to resign in July 1993.

To be continued…

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