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## Empowering Political Executive: Analysing Government-Opposition Relations Amidst Constitutional Development During Zulfikar Ali Bhutto Regime

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### Abstract

*The era of Zulfikar Ali Bhutto is characterized by sensational and dramatic political developments. As the post-1972 developments revealed, Bhutto's style of politics was quite different from what he had been projecting ever since 1967. The PPP was lacking the collaborative working mechanism. The opposition leaders sensed undemocratic treatment all the time. The PPP victory in the first-ever general elections of 1970 afforded to the party an opportunity to make a new beginning. A change in the attitude of the party leadership, however, did not allow the ship of the nation to sail smoothly. This paper evaluates the performance of the PPP government with reference regarding constitutional development when PPP was in power. The purpose is to determine whether or not the PPP style of politics was in line with the spirit of the Constitution and under the established principles of democracy.*

**Key Words:** Constitutional Development, Amendments, Parliamentary System, Provincial Autonomy and Opposition.

### Introduction

In Pakistan, the politicians in power for most of the time have supported a centralized administration with the purpose to serve their vested interests. Initially, only East Pakistan but later on other smaller provinces of West Pakistan also felt neglected and exploited by centre. Devolution of power to the provincial level is very much essential for a federation like Pakistan where society is mostly fabricated based on the language and ethnicity.

The leadership of Pakistan People's Party (PPP), before coming into power had strongly advocated the decentralization of power. He was against the concentration of authority in central government and advocated provincial autonomy time and again. However, once assumed the headship of central government, Bhutto preferred the centralization of authority as much as possible. Though Bhutto had promised to restore democracy yet, he felt it necessary for the central government to have enough power to restrain and contain opponent's pressure. Bhutto got indulged in increasing rather than diminishing his authority. The over-centralization of state authority and failure to work on federal principles appeared to be a cardinal feature of Pakistan's parliamentary system under the 1973 Constitution which strengthened centrifugal elements rather than democratic forces.

Moreover, the absence of a strong organization and lack of accountability during Bhutto's era not only weakened democracy but also made PPP mere a tool in the hands of powerful personalities. Bhutto had enjoyed a lot of popular support from the very beginning of his rule. This was a valuable asset to PPP's

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leadership. Unfortunately, he could not sustain this support because he preferred to concentrate power in his own hands as an alternative to using his mass appeal to institutionalize participatory framework, promote democratic norms and practices, and establish self-sustaining political institutions. He established a patrimonial system which gave more importance to leader than to political system. Thus, the whole edifice of political system was built around Bhutto's personality (Rizvi, 1986).

In fact, Bhutto was not sincere in bringing democracy to the country. He was actually maintaining a facade of democracy and was trying to strengthen himself and acquire absolute power. Popular resentment was seen everywhere against Bhutto's undemocratic attitude. The country was moving fast towards a severe domestic crisis. Opposition parties were stuck to adamant stand for the introduction of the federal-parliamentary form of government in line with PPP manifesto for 1970 elections. Inter-party differences arose which adversely affected PPP's discipline and harmony (Kaushik, 1985).

### **Framing the Constitution: Concentration of Power with Prime Minister**

Though Bhutto had got under his belt support of more members in parliament yet, he was cautious about opposition members and wished to get the support from all political parties. Therefore, Bhutto wanted an extension in the period of martial law for securing and strengthening his power and position. Delaying tactics in convening assembly session were adopted by Bhutto. But he had to yield to strong clamour from the opposition parties and also from some of his own party men for the lifting of martial law. The press and general public demanded the same. Deteriorating law and order situation brought the law enforcing agencies, on the verge of collapse. The industrial unrest was at the peak, police strikes were observed in certain cities and frequent clashes erupted between PPP and the opponents. The opposition wanted him to shed some measures which were detrimental to the growth and development of democracy.

The aforesaid scenario compelled Bhutto to focus on constitution-making and strengthening of parliament. However, during the constitution-making process, Bhutto threw to the wind, the established constitutional norms and exercised unlimited authority as President. He reneged on a promise made with opposition in Constitutional Accord of 1972. Through a dramatic change in his attitude, Bhutto not only silenced his vociferous opposition but also remained as powerful as ever. Securing unanimous vote of confidence enhanced Bhutto's respect and there was no but minimal opposition to the interim constitution. During his term of office as Chief Martial Law Administrator and the president of the country, Bhutto seized as much authority as possible and played a vital role in the formation of the 1973 Constitution.

During the framing of the 1973 Constitution, the opposition was not happy and initially, it disagreed with some provisions of the constitution bill, such as the process for a vote of censure against prime minister; but looking at Pakistan's critical situation at that time, it did not push the objections. Both National Awami Party (NAP) and Jamiat-e-Ulema-e-Islam (JUI) also boycotted the National Assembly session because of the arbitrary sacking of the NAP-JUI coalition government in Baluchistan and resignation of NAP-JUI government in Khyber Pakhtunkhwa (then NWFP). But later on, the boycott was ended and the assembly adopted the Constitution without dissent. Opposition leaders extended their cooperation to PPP's leadership and combined their efforts with him in providing a permanent and viable constitution to the country. How the government had repaid them for their positive and productive mindset was well known. Bhutto's manoeuvring and bargaining tactics did play a major role in making opposition parties agree and approve the Constitution. However, two most vocal opposition parties; i.e., NAP and JUI and other religious parties particularly Jamaat-i-Islami (JI) also showed responsibility by withdrawing some of their demands in the larger interest of the country. Thus, the opposition showed a spirit of accommodation and played a commendable role on its part (Yousaf, 1999).

Nonetheless, the opposition was committed to make the office of prime minister answerable to parliament. Also, some PPP members showed their desire for an effective legislature where every member could have a say in the affairs of the state. Bhutto and even founding members of PPP were never truly

compatible as they wanted a parliamentary constitution. They believed that it would elevate their social objectives and would also act as a check on the freewheeling powers of PPP leadership (Ziring, 1997). However, Bhutto wanted to become a more powerful executive and the draft constitution provided political executive with almost dictatorial powers. Thus, despite the strong opposition, Bhutto managed to add more powers to the prime minister's office. This fulfilled the desire of Bhutto to become a powerful chief executive so that he might be able to overrule all institutions and those who dared to oppose him (Husain, 2013). It was unfortunate that Bhutto did not respect rules of the game. Almost all executive powers were concentrated into the prime minister's office. In fact, Bhutto had preferred the presidential system but ultimately agreed to a modified parliamentary system where premier would be a strong person. Thus, despite his inclination for the presidential system, Bhutto's acceptance to become premier was because; under the 1973 Constitution, prime minister would be a powerful chief executive (Ziring, 1980).

Bhutto assumed the office of the prime minister for the next five years with a supportive presidency being a PPP man. All martial law orders and regulations were given validity and those who initiated it were granted with indemnification. However, opposition parties were satisfied to have brought Bhuttoism under the law. The newly formulated Constitution provided a parliamentary system, a President as a nominal head of the state, the first-ever bicameral legislature as a sovereign parliament with sufficient legislative and financial powers, federal structure with reasonable provincial autonomy, an independent judiciary and a guarantee for fundamental rights. However, in the real sense, Bhutto's impatience towards opposition parties had proved to be otherwise. To make Bhutto more strengthened, all powers were concentrated in the central government along with continuous interference in the affairs of provinces. In fact, the Constitution had provided extra-ordinary powers to the federal government in the name of 'Defence of Pakistan Rules' which had been arbitrarily used by Bhutto government against political opponents for establishing its control beyond established democratic procedures (Talbot, 2003).

### **Provincial Autonomy: A Compromise by Opposition Parties**

No doubt, the 1973 Constitution was a great and brilliant achievement of the PPP government under the Bhutto leadership. Nonetheless, it provided less room for provincial autonomy but as it was the result of the consensus of all major political parties thus, it was capable to facilitate cooperative centre-provincial relations. After Bhutto's ousting from power by General Ziaul-Haq, some of those who often opposed him, desired restoration of the 1973 Constitution. They provided great respect for this sacred document and considered it a national asset because it was a constitution that represented a broad national consensus (Mahmood, 1988).

If truth be told, the PPP-opposition leadership sharply differed on the issue of provincial autonomy. The PPP government faced severe criticism during the process of drafting the Constitution from the provincial assemblies of Khyber Pakhtunkhwa and Baluchistan. NAP leader Abdul Wali Khan and other political figures from opposition parties thought that devolution of power to provinces was the only way to safeguard interests of different provinces. But Bhutto thought that only a strong centralized government could protect national unity (Tasneem, 2013). Wali Khan warned otherwise government not to deprive Pakhtun and Baloch of their democratic rights; otherwise, it would become difficult to stop them from protesting and retaliation in the same manner. The debate between otherwise incumbent party and otherwise the opposition parties on the central-provincial relationships created bitter feelings and retarded the process of framing a permanent constitution.

During haggling for the Constitution, the opposition parties threatened the government of walk-outs and boycotts of the National Assembly session. However, it was Bhutto's cleverness that opposition parties came to heal and all controversies in the formation of the Constitution ended (Husain, 2013). However, it would be fair to say that opposition parties particularly NAP, JUI and JI leadership realized the importance of the Constitution in that critical time. NAP and JUI members who were right to oppose Bhutto

particularly after the then developments in Balochistan and Khyber Pakhtunkhwa showed foresightedness. JI which led the Islamic parties also displayed considerable accommodation in the national interest. The entire country wanted a permanent constitution and both the ruling and opposition parties, by demonstrating an attitude of accommodation for reaching a consensus, did not disappoint the people (Raza, 1997).

When the October 1972 Accord and 1973 Constitution did not fulfil much of opposition demands, then why did opposition parties' assent to the Constitution. Those who had a close look at developments during constitution-making process wondered how an opposition which had severe objections, agreed to such a document which was far short of their demands especially, the provincial autonomy. Important opposition groups to PPP regime in National Assembly were the two Muslim League factions; i.e., Muslim League Council and Muslim League Conventional, the three Islamic parties and most importantly, the NAP. As for as Muslim League was concerned, it had always favoured strong centre and was seemed comfortable with limited concessions to Islamic sentiment. Islamic parties advocated an Islamic state but at the same time also wanted an energetic central government to implement its goal. NAP as a secular party had always been advocating decentralization and provincial autonomy. These differences of orientation and emphasis within opposition ranks provided PPP leadership an opportunity to get the Constitution approved that accommodated most of Bhutto's preferences (Syed, 1992).

Some other factors forced opposition leaders to yield to a constitution which could not include most of their demands. It was because the opposition was in a state of disarray and there was a lack of trust in each other. Ghaus Bakhsh Bizenjo was suspicious about some rightist elements in JI and cautioned his NAP's colleagues that they would stab us in the back at some time. He was also of the view that NAP had more in common with the ruling party than other opposition parties (Syed, 1992). Similarly, another Muslim League leader, Mir Mardan Khan Jamali from Balochistan believed that the NAP was eviller than PPP. Maulana Ghulam Ghaus Hazarvi, a leader of JUI was a pro-PPP and a critique of both NAP and JI. Also, some opposition leaders like Maulana Abdul Haq from JUI and Maulana Zafar Ahmad Ansari had separate negotiations with ruling PPP before approval of the Constitution. Some Jamiat-i-Ulema-e-Pakistan (JUP) leaders were against opposition's boycott of the Assembly (Hasan, 1973). But most compelling was the opposition's strength of only 36 votes as against the government's 110 in the Assembly.

NAP and JUI coalition partners were on driving seats in both Khyber Pakhtunkhwa and Balochistan when Constitutional Accord of October 1972 was agreed upon. This was the first experience for both NAP and JUI leaders to be in government and they did not want to be out. Wali Khan, who never trusted Bhutto and was always a vocal critic of PPP leadership, was in London when the Accord was signed. Bizenjo, who deputized for him, was of the view that NAP should remain in power to be able to expand its support base (Syed, 1992:172). JUI accepted Constitutional Accord and also agreed to the 1973 Constitution which accommodated some of its demands while reserving the right to make other demands at some other opportune time. JUI did not stress on provincial autonomy and was happy with the proposed Islamic provisions. NAP, the most vocal of all opposition parties, was not willing to challenge alone the government of Bhutto. Also, Bhutto had developed the impression that NAP-JUI governments in both provinces of Khyber Pakhtunkhwa and Balochistan would be restored, so NAP leadership did not want to lose the opportunity (Hasan, 1973). Thus, all main opposition parties and their leaders were ready to have a settlement with the ruling party. PPP leadership, on the other hand, was content more with concessions to Islamic parties, which Bhutto thought would cost him little in terms of his authority than concessions to provincial autonomists (Syed, 1992).

In early 1971, during his controversy with East Pakistan leadership, Bhutto had argued that a constitution should be the one acceptable to all provinces and it should not be imposed by the brute majority of one province. As PPP had lost elections of 1970 in two provinces of Khyber Pakhtunkhwa and Baluchistan, and both provinces were strong supporters of demand of provincial autonomy, a constitution

rejected by these provinces would not be a satisfactory one for Bhutto (Syed, 1992). However, the Constitution of 1973 was promulgated in the backdrop of which opposition was coerced and skilfully persuaded to endorse it (Husain, 2013). Thus, out of controversy between opposition parties and also with government, Bhutto got the better of it in the end, and he was successful in securing enough support for approval of the Constitution (Kushik, 1985). The opportunity was never stronger to give the country a truly democratic constitution. Bhutto addressed the nation after promulgation of the Constitution on August 14, 1973. He emphasized harmony, cooperation, national unity and democratic practice. However, he signed an order just after that in which the Balochistan Governor was directed to take into custody the provincial opposition leaders (Ziring, 1997).

### **Constitutional Amendments: Weakening the Institutional Development**

Democracy has rules for elections, agitation, dealing with opposition, respect for traditions and most importantly for law and amendments to the constitution. Any constitution does not mean a final and everlasting document but amendments are made in extreme emergency cases. Normally, in a federation, a cumbersome procedure is adopted and not an ordinary process for amendments in most of the world. In Pakistan, the first two Constitutions of 1956 and that of 1962 were abrogated arbitrarily. The 3<sup>rd</sup> Constitution of 1973 was drafted as a result of the consensus of almost all political parties but was approved by the National Assembly with a lot of changes. Later on, the PPP government under the leadership of Bhutto amended the Constitution seven times between May 1974 and May 1977.

Unfortunately, PPP's leadership soon "began honouring 1973 Constitution more in the breach than in observance (Jalal, 1999)." It was ignored by leadership and the party that was chiefly responsible for piloting it in the National Assembly. The PPP's leadership violated the norms and values of democracy while amending the Constitution. Most amendments incorporated in the Constitution during Bhutto's government were passed from National Assembly but unilaterally. The opposition was mostly ignored, having no role in these amendments but to oppose only. Although, PPP had been enjoying a two-third majority in parliament, yet he inserted amendments to the Constitution even without presence of opposition parties in a sense that opposition would stage a walk out of the Houses in protest. This act disappointed not only opposition but also the common man. Political mindset in post-1973 Constitution illustrates disloyalty by Bhutto of the trust that not only common people but political opponents also had reposed in him during the thorniest period of his government by supporting him and ensuring its full collaboration in the framing of the constitution.

First, Bhutto used to solve many issues through ordinances. Although there was not a strong opposition, yet PPP leader was not ready to tolerate it and often tried to bypass National Assembly through ordinances. This was something undemocratic on the part of a leader whose party was committed to promote democracy. Within two to three days of the approval of 1973 Constitution, Bhutto amended it unilaterally which opposition strongly protested. These amendments are not on the record i.e. the right to access to courts and right of expression which constitution guaranteed were scraped through an ordinance within 48 to 72 hours of its approval (Usmani, 2015). The ruling party had stultified the Constitution that it had itself made and enforced with cooperation of opposition parties in parliament. However, some of the amendments made by Bhutto were reversed due to pressure of the opposition (Khan, 2015).

However, in the face of concerted resistance from the opposition, the government subjected the Constitution to a series of amendments majority of which was repugnant to its spirit. Although some of the amendments were need of the time and were appreciated but most of these amendments undermined the rights of individuals, politicians and the judiciary. Out of seven amendments to the 1973 Constitution, only the second amendment which declared Qadianis as non-Muslims was supported if not encouraged by opposition (Raza, 1997). Most of the amendments made during the Bhutto regime were

unilateral i.e., opposition was either not provided with the opportunity to debate and discuss amendment bills or views of the opposition were not incorporated. In fact, the amendments were meant for ensuring Bhutto's continuity in office and enhancing the power of the executive branch of the government. Interestingly, out of a total of first six constitutional amendments carried out up to 1976, four extended the range of executive powers which further strengthened the grip of ruling PPP (Kushik, 1985).

The Constitution's democratic character was compromised by introducing amendments particularly (fourth, fifth, and sixth) which constrained political freedom and independence of the judiciary. Bhutto thought that the way he was ruling would not be acceptable to the judiciary that is why he curtailed powers of judiciary through amendment. Also, the government adopted a biased attitude towards dissent and opposition was attacked by the government and their leaders were arrested for different nominal reasons. The press and media were also restricted. In short, it stopped the growth of political institutions and democratic traditions (Ahmad, 1959). Through blindly and bluntly imposing constitutional amendments, ruling PPP also manifested despotism. Bhutto could not control his authoritarian tendencies when he was restricting the freedom of the judiciary, freedom of the press, and participatory role of the opposition parties through a series of constitutional amendments. Accordingly, the PPP government turned into personalized authoritarianism that resorted to undemocratic practices repeatedly.

Bhutto's policy in dealing with the higher judiciary was comparatively less compelling. Bhutto had instituted several amendments to the Constitution for curtailing the powers of higher judiciary and not to grant any relief to political rivals of his government. The 3<sup>rd</sup> and 4<sup>th</sup> amendments to the Constitution; an indicator of politics under the rules, were passed specifically for curtailing jurisdiction of higher judiciary and also to limit its powers especially regarding contempt of court and transfer of judges. Fifth Constitutional Amendment further curtailed powers of higher judiciary vis-a-vis the government not to give any relief to political opponents of government being detained by law enforcement agencies. However, the Bhutto government was able to institute these constitutional amendments given the history of the higher judiciary, especially inclinations to particular political groups, pro-military verdicts, appointments and promotions of judges in higher courts.

## **First Constitutional Amendment**

It is commonly believed that the first Amendment to the 1973 Constitution was made to recognize Bangladesh. In fact, there were other aspects of the First Amendment that showed as to what Bhutto actually wanted. The more serious and violent changes made to Article 17 of the constitution through first amendment paved the way for limiting the freedom of association. The amendment placed reasonable restrictions on the right to associations, imposed by law in the interest of sovereignty or integrity of Pakistan. Accordingly, the Political Parties Act of 1962 was also revised. It gave power to the central government to declare any political party accused of working against the sovereignty and integrity of Pakistan; the accused party would stand dissolved and all its properties and funds would be forfeited to the federal government (Mahmood, 2015). The Supreme Court was also involved. However, the government was made bound to refer the matter of banning a political party to the Supreme Court whose decision would be final. Certainly, the apex court could declare the government's decision null and void but as the judiciary too was willing to obey the federal government, it never happened. It was under this provision of the amended constitution that NAP was later dissolved in 1975 and the matter was referred to Supreme Court (Khan, 2005). Two main reasons pushed PPP's leadership to bring in such changes to the Constitution.

Firstly, if Bhutto wanted to crush the most vocal opposition party, NAP, he had the fear that some of the annoyed members within PPP such as Ghulam Mustafa Khar and J. A. Rahim might wish and decide to establish a new political party, which, of course, would oppose Bhutto, so he wanted to keep the sword in his hands (Mahmood, 2015). Secondly, it was a move towards Bhutto's ultimate aim. He wanted to establish a single-party state where he would control everything (Burki, 1986). This shows Bhutto's trend

towards authoritarianism and less respect for democratic norms which Bhutto had promised so loudly. In addition to that, the first amendment also reduced the maximum period between two consecutive sessions of the Senate, the National Assembly, and the Provincial Assemblies, from 130 days to 90 days (Khan, 2005).

## **Second Constitutional Amendment**

The 2<sup>nd</sup> amendment chiefly dealt with the Qadiani problem nevertheless it had other repercussions on the politics of Pakistan. Unmatched in the world history, an elected parliament took it upon itself to decide about the fate of a religious denomination by passing ruling on the limits of faith. An issue that even Justice Munir Report had left open for debate was now closed and sealed to the happiness of some of the most veteran politicians of the country. A process of declaring other minority sects as infidels was initiated that would in due course tear asunder the very fabric of this society (Mahmood, 2015). A section of civil society also blames Bhutto that to obtain support from religious forces, he restricted the freedom of religion i.e., when in 1974 Ahmedia Community was declared a minority because of their beliefs (Kepel, 2002). However, there was no curb on their 'Right to Expression.'

## **Third Constitutional Amendment**

As said earlier, the Bhutto government was intolerant and was bent upon restricting people's freedom and fundamental rights. He adopted extremely repressive measures towards those who opposed the PPP government. Some were arrested and detained. Political opponents had to seek the judiciary's help which was not up to the mark of government. The court's decision often favoured government and extended very limited relief to political opponents of Bhutto's government. Bhutto and his comrades were not happy with such relief for the opposition. Interference of judiciary in PPP leadership's dealing with the opposition was seen as against the PPP government. Bhutto government decided to limit the powers and jurisdiction of the courts. An arrangement was made and adopted to demoralize the judiciary for keeping it away from interfering in such matters.

The Code of Criminal Procedure was amended through the 3<sup>rd</sup> Constitutional Amendment which prohibited the courts from granting bail before arrest (BBA) to a person except if a case was registered against him. It also provided that no bail would be effective if the case is not registered. Such bails before arrest were a safeguard for political workers to save themselves from victimization and a court could approve such bails even if there was no case registered but a victim anticipated that a case would be filed and he would be arrested before approaching the court (Mahmood, 2015). Until that time, the courts had permitted blanket bail before arrest to political opponents in cases registered and to be registered as part of the process of such ill-treatment. But this right was snatched through the 3<sup>rd</sup> Amendment and Article 10 of the Constitution, which provided for certain safeguards against preventive detention, was amended in February 1975 (Khan, 2005). It was a move aimed against all those who opposed PPP leadership.

Third Amendment, on the one hand, limited rights of political detents and on the other hand, enhanced powers of the central government. It allowed the federal government to put under detention a political opponent for an unlimited time if accused of indulging in anti-state activities. Interestingly, by the time Third Amendment was passed; action against more vocal opposition party i.e., NAP had already been taken (Khan, 2005). In particular, the 3<sup>rd</sup> Amendment also gave power to political executives to prolong the duration of emergency with no earlier endorsement from the legislature (Kaushik, 1985). In National Assembly, Bhutto while defending the introduction of this Amendment stated that it was aimed to restrain the non-democratic manner of the opponents. Bhutto further maintained and held opposition responsible for maintaining an emergency. He said that opposition has embarked on the path of violence. They have ruined atmosphere of dialogue and cooperation (National Assembly of Pakistan Debates, 1975). This Amendment was simply meant for enhancing the power of the PPP government to sternly deal with its

political opponents and put their leadership under indefinite detention. NAP was the ultimate target and Wali Khan along with topmost leadership was put behind the bars. This amendment proved a severe blow to the prospects of democracy in Pakistan.

### **Fourth Constitutional Amendment**

PPP leadership was never willing to hear the opposition's viewpoint and was always intolerant to any criticism against its program and policies. The opposition parties complained against repressive measures. However, Bhutto wanted to take stern action against those who were unwilling to follow his instructions. PPP government, for muzzling and suppressing the opposition, resorted to the introduction of another arbitrary amendment. The Fourth Constitutional Amendment specified jurisdiction of the executive regarding the issuance of orders for preventive detention (Kaushik, 1985). Through this amendment, the PPP government's plan to limit jurisdiction of the courts was materialized as the courts were forbidden from granting relief to PPP opponents. This was actually limiting power and jurisdiction of High Courts and preventing them to aid and provide relief to political victims of government or to allow such persons with a bail when they were detained (Khan, 2005).

Various opposition members wished to have a debate over the 4<sup>th</sup> Amendment Bill because it was meant to curtail powers of the courts. However, they were not only denied their due right but most of the opposition members were expelled out of the assembly by force (Khan, 2005). Voting on the Bill was held in the absence of PPP opponents. The speaker justified pushing out of opposition leaders, saying that he had to ensure the order of the House. Maulana Mufti Mahmood and Ahmad Raza Kasuri made every possible effort to stop the passage of the Bill but in vain. Other opposition leaders also tried their level best but without any success. The PPP government, on account of its numerical majority in the Assembly, was able to pass the Amendment Bill. Also, Bhutto had well-disciplined party members and there were little chances that PPP members would vote against the will of party leadership. In fact, there was no need for silencing the opposition but such maltreatment towards the opposition showed Bhutto's disrespect not only to his political opponents' but to democratic norms and traditions as well.

The government's point of view in the defence of the Bill was that opposition had to establish a peaceful relationship and avoid conflict. Also, the Amendment was aimed to empower the government to deal with the uneasy situation created by the opposition (Aslam, 1988). Bhutto's defense for the 4<sup>th</sup> Amendment was that it had no impact on the fundamental structure of the Constitution. He was of the view that amendments, relating to the laws of detention, would not bring judiciary and parliament face to face. Instead, Supreme Court had already declared NAP as a party having some members working against the interest of Pakistan. The fact, according to Bhutto, was that opposition had not understood its role and was negating the Constitution by imposing its will on the majority party which is a negation of democracy (National Assembly of Pakistan Debates, 1975). In fact, the 4<sup>th</sup> Amendment was devoid of any national interest, it was meant for further strengthening PPP's position to handle the opposition by reducing the powers of the courts and narrowing down freedom of expression and fundamental rights. Through this amendment, Bhutto signalled to his political opponents that they could not seek a constitutional remedy.

### **Fifth Constitutional Amendment**

The Fifth Constitutional Amendment was aimed to further clip wings of the court's vis-a-vis the parliament. It was intended at restricting discretionary powers of judges. Bhutto himself defended the amendment in National Assembly. The reality was that the amendment did empower parliament to legislate freely in matters of emergency regulations and fundamental rights at the expense of judiciary powers (Kaushik, 1985). The same amendment also set the term for judges of Supreme Court and High Court as five and four years respectively. By extending the term of office even after retirement for judges of Supreme Court and High Courts who were in his good books, signified his favouritism and duplicity vis-à-vis his struggle



for democracy.

### **Sixth Constitutional Amendment**

The 6<sup>th</sup> Constitutional Amendment excluded some important officeholders from civil service rules just to enable them to contest the next elections. In essence, the said Amendment was introduced to facilitate followers of PPP to take part and contest the upcoming elections. This amendment was specifically meant for enabling Government's advisors and Special Assistants to participate in elections immediately after their retirement. Bhutto sought to politicize the career of his advisers and assistants and thus politicized these institutions.

### **Seventh Constitutional Amendment**

Bhutto acknowledged that since he had been made a central figure of opposition's campaign in 1977, he had decided to put the issue in the hands of people through a referendum. He proposed that a joint sitting of parliament would pass a temporary amendment to the Constitution to provide for a referendum. Accordingly, the seventh amendment to the Constitution was passed which was meant for holding a referendum where the voters had to demonstrate their confidence in the prime minister (Khan, 2005). Seventh Amendment was not only a novel but a strange constitutional provision and was essentially repugnant to the parliamentary system.

### **Conclusion**

The 1973 Constitution had already provided the prime minister with enormous powers not only in the decision making in central government but also in matters of provincial governments. It is believed that Bhutto wanted to continue in the office of chief executive and establish one-party supremacy in Pakistan's politics. It was for that reason that he pretty like his forerunners introduced constitutional amendments. The way, the Constitution was amended during Bhutto's rule was not per the democratic principles. Some of the amendments, if not constituted, would have strengthened institutional development. The amendments made under Bhutto's leadership, the spirit with which the 1973 Constitution was formed by all political parties was totally lost. The said amendments for making the office of prime minister stronger illustrate his concern for seeking legitimacy to his authoritarian rule. For seeking this, he even ignored constitutional values, democratic traditions and parliamentary practices. It is remarkable to note, even though Bhutto had severely criticized Ayub Khan but in getting and sustaining power in absolute manners, in reality, the former was, by no means, different from the latter. No doubt, both as chief executives of the country made use of constitutional autocracy.

The amendments to the constitution show political pressure the Bhutto government had faced with. The most crucial point of the whole manoeuvre is that the constitution was put in service of the government to prevail over its troubles. While amending it, the usual line was not taken up and significant amendments were introduced without taking opposition parties in confidence. Having strong partiality for concentrating all levers of powers, Bhutto had also made every possible effort to establish a presidential system. He was, however, curbed by people from both within his own party and the opposition not to do so mainly, keeping in view the elections manifesto, the parliamentary democracy which PPP had put forward to the public. No doubt, half a dozen amendments that were added to the Constitution without the involvement of opposition were aimed at fulfilling Bhutto's hidden and biased motives of becoming a powerful chief executive either in a presidential or parliamentary form of government.

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