

Zia's Presidential Powers Under Eighth Amendment and Its Governance Regarding Security of Shia Masses

Syeda Asmat Zahra Naqvi

213442012

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Abstract : The paper represents analytical dependences of the precipitation process on the kinematically possible flow velocities that satisfy the boundary conditions and the condition of volume constancy.

Keywords: Deformation, draft, power, intensity, surface.

INTRODUCTION

A person without determination is obviously purposeless to accede to its life goal. Similar is the situation fits on Pakistan, rather than democracy, this state has experienced necessity of survival on every occasion. If I would define constitutional/political upbringing of Pakistan, there are hundreds of blunders to put human mind under shock. I have heard this story from elders, Islamist state and President Zia Ul Haqq in Pakistan. The Zia's regime known as most controversial in history of Pakistan, and there are his rigid and personal-desire agenda was irrevocable. This self-sufficient persona of Zia have given birth too many misunderstandings. Zia's undue moves to legitimate his rule are quite interesting. Zia's most influential incentive was to extend presidential powers through Eighth Amendment in Constitution of Pakistan. The reason I have picked this topic to do my term paper was curiosity. Due to my belonging to Shia sect, most often our elders remember him (Zia) with hatred and that's why I have preferred to search major constitutional change of 58 2(B). Undoubtedly there

is no as such need to express my personal opinion on Zia's character, but with due respect I have observed destructive riots amongst Shia-Sunni. This paper shall explore findings of different authors, why a dictator has assumed to become absolute ruler and what were those reasons behind failure of democracy. We have understanding to Eighth Amendment but those facts are not justifiable in contemporary circumstances. I would analyze Zia's absolute ruler strategy and further link it with grievances of Shia-sect. And my concern would be to indicate lacunas in his constitutional changes and defective governance.

PURPOSE AND SCOPE OF STUDY

Pakistan as being disturbed state since independence and even masses have been used to surprise factor. Most of the time when sudden changes occur anywhere, then masses show their solidarity or anger with those changes. But Pakistan have different perspectives on this, whereas in other parts of the world masses have concern and consensus with political change in their society. Pakistan has low connectivity to their masses. For Pakistan maestro is the supreme authority to decide any constitutional judgment, unless lobby groups have consensus upon it or not. This paper has also such requirements to underpin political upbringing in Pakistan. While examining Eighth Amendment which is giving description for role of President with absolute rule, I would examine powers of that so called President and what he did for second majority sect in Pakistan.

SIGNIFICANCE OF THE STUDY

Whenever any harm affect civilized societies, it leaves bad image on them. A military dictator who controlled Pakistan after coup in 1977, his incentives were new to third-world nation, and although he succeeded into experimentation for political engineering. To start from Hudood Ordinance, this enunciated Islamization for the first time and Pakistan has never seen such massive change in society before this incident. Further to legitimate his rule, as usual like military rulers he took ratification from Supreme Court of Pakistan. Then before allowing non-party based democratic regime in country after long eight-years of governance, he preferred for semi-presidential form of government. Zia's regime has taken back from eighth amendment, although this was totally undemocratic or technocrat move. Whereas 1973 Constitution clearly indicates supremacy of Parliament and democracy, but this become part of practice with silent move. This silent move by Zia's regime irks significance of investigation and urges us to revisit ashes of history. To determine importance for this paper, I would rely upon counter analysis of state of Pakistan and then I will try to investigate negligence of state for providing social security to Shia-sect.

HYPOTHESIS STATEMENT

As I have submitted you my proposal regarding eighth-amendment and then reversal of it in eighteenth amendment. But that was too lengthy and I was unable to justify it. Even there was less determined outcome for this paper. Now I have made slight change to it and here is the hypothesis statement for this paper.

- **What were the reasons behind need of eighth-amendment? And why the absolute ruler or powerful President like Zia Ul Haq had failed to provide security to second largest sect of Shia.**

METHODOLOGY

As per requirement for this term paper, this research is completely based secondary sources where most of data I have gathered from research

articles, books, and newspapers etc. I would also share experience of my uncle who taught me a lot about dark phase of Shia community during Zia regime. This explanation would be mine personal assessment.

LITERATURE REVIEW

There was pretty much evidence in form literature on this topic, but to follow train of this literature review. I would develop sub-section into it, where my focus would be to argue for causes of eighth amendment but further I will interlink it with sectarian clash of Shia-Sunni.

This was the original text proposed for eighth amendment in Constitution of Pakistan, and here are the provisions and clauses introduced in Article 58:

- “(2) Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion, where in his opinion, (a) a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly is likely to command the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the National Assembly summoned for the purpose; or (b) a situation has arisen in which the government of the Federation cannot be carried or in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.”

This original text tells us story behind the line, where President clearly got immense powers under his command to give directions to the representatives of masses. What to say here, this amendment seems like an order from king. Whatsoever Federation which was already under control of technocrat-military government, all of a sudden become clown of state machinery at that time. The only hope left was appellate right to representatives of the Assembly that they can challenge it in court of law for any undue move by President.

A leaf from history: Power Shift, where Zia become absolute power puller and had most clout in the country. Shaikh Aziz (2015) wrote a descriptive note on Zia regime in Dawn Newspaper article. Aziz has made justifiable arguments regardless of the fact that even media was also black out during Zia era. To his understanding this amendment bill got passed within absence of parliamentarians of the Assembly, and those were highly recognized for such moves and motions. So, without any interference bunch of technocrats cum military officials have proposed a death warrant for pity parliamentarians who were not even aware of seriousness of the issue. This was self-sufficient desire by that time President and his subordinate fulfilled his desire. A democratic state has witnessed worse of democracy through this amendment bill, and even Islam has also been maligned by Mujaeedeen nurseries, and sectarian tensions.

Siddique Salik, one-star rank General, who was considered to be close aid to General Zia Ul Haq and he has served on most powerful designations during Zia's regime. Salik (1987) has made arguments for role of military in Pakistan in his book *State and Politics: The Case study of Pakistan*. From page 124-125 Salik has given bold statement regarding Islamization, to him Islam was essential tool between Pakistan and Bangladesh separation. That somehow we West Pakistanis were more close to Islamic traditions and values, whereas Bengalis were having mixed cultural norms and values. This Islamist mindset was rooted very deeply in military's approach and matter of discussion was right thing at right time, and that opportunity came to military under Zia's leadership. Another argument was developed on page 155, where Salik referred eighth amendment as best move done by Zia Ul Haq. Salik was supporting Zia in his arguments that swarm needs a master to reach their destination every time. So, to author here Zia was the leader and he has right to do whatever he think would suit his persona. No problem that one is legitimate according to constitution or forcefully implementation of eighth amendment.

Anatol Lieven a professor for war studies in King's College, London. Lieven has made several arguments for jihadism, militarism in his book *Pakistan a Hard Country*. Lieven (2011) has put insightful explanations on different socio-political issues of Pakistan in this book, while explaining jihadism, author has blamed Zia's regime for this extremist stage. Where no one is secure for life and suicide bombers target different places on regular basis, according to Lieven Zia's regime is responsible for all this. They have not participated into just an ordinary war like other world fights against each other but they have put national security at high risk and no one was pre-determined that what would happen next. Undue moves by Zia's government have not just put national security at high risk, but they had outburst sectarianism in Pakistani society. Hundreds and Thousands of civilians become victim of this Shia-Sunni tension, and whereas Zia regime was power broker at that time. Lieven has also criticized military power-seeking nature, that whenever democracy starts breathing in Pakistan a dictator come with military coup to destabilize it. And whatsoever they legitimate it with justice who custodian of law in state, then further every dictator moves with concerned desires for long lasting his rule over the country.

Syed Azhar a research scholar of Numl University, Islamabad. Azhar's (2011) views in his article of social security for Shia sect in Pakistan were impeccable. To historical lineage, author made argument that there was no as such tension between Shia-Sunni before Zia Ul Haq. When Zia started Islamization drive, he made his mind according to priorities and preferences. Due to his personal affiliation with Deobandi sect, he obtained that doctrine of Islam and this started tussle between Barelvi and Shia sects of Islam. First riot was registered in between both sects was Muharram 1983, but then this become regular trend for Shia-Sunni to make point scoring on each other. Even Ahmadiyahs were also not safe from this sectarian warfare in Pakistan, their prayer places were burnt by mobs in Lahore. Azhar has made interesting argument in this article that with such immense

powers after eighth amendment General Zia was helpless or unfaithful with his responsibilities. Author has considered him self-sufficient persona, who has nothing to do with grievances and problems of masses.

Mutahir Tirmizi Advocate, he is my grand uncle who is practicing law from last forty-five years. Tirmizi has witnessed governments of many rulers in Pakistan, but to his perception Zia was the worst dictator and ruler of the country. To him Zia was responsible for hatred amongst masses here and murderer of many innocent people of different communities and sects. Tirmizi recommends him most selfish and self-oriented personality in Pakistan and Zia has did nothing remarkable for Pakistan and its masses.

CONCLUSION

This to the point paper has highlighted two issues very briefly, additional powers to President under Zia's regime and his performance for security of masses. The precise details I have provided in this paper needs a lot more to get my answers out of it, but this one is justifiable to my hypothesis statement. That eighth amendment was self-proclaiming agenda of Zia Ul Haq, and he was concerned to secure his own rule. No doubt that he wanted to maintain control over parliament, those who were declared masters of the state of Pakistan since independence. But here Zia has deemed for his personal desires and he did so to achieve it. Then arrangements for security of Shia-sect is still questionable, Zia made them curse according to his personal will and affiliation to Deobandi sect. He would have taken such parameters which would have provided parity to all of us and secured Shia community rights, but he was de-facto ruler whose priority was satisfy his own desires.

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