CHAPTER V

MILITARY REGIMES IN PAKISTAN AND BANGLADESH:
THE QUEST FOR LEGITIMACY, SUSTENANCE
AND SURVIVAL

Legitimacy is of common concern to all governments irrespective of the manner in which they come to power. Military regimes are particularly anxious in this respect because coups are illegal. At first South Asian military regimes sought popular acceptance by propagating that they had a mission to cleanse national life. They were fit to rule because the civilians had failed and because the armed forces were neutral, patriotic and progressive. Their self-image was cast in the "heroic mould." But they were ill-equipped to rule by themselves. They were also obsessed with the "civilianisation" of what in essence was military rule. This was because of the "differences in the legitimacy of regimes deriving from how the regimes came into being." Third, without the co-operation of politicians the right of the military to intervene in every crisis would not be taken for granted. These three problems forced them to seek "creative relationships with civilian political groups."

1 Donald L. Horowitz, Coup Theories and Officers' Motives (New Jersey, 1980), p. 12.

A number of strategies were thus evolved to remain in power. In the short-run, South Asia's military rulers claimed that they were "heroic" and gave "civilian" touches to their rule. These two strategies, namely: heroic self-image and civilisation, were evolved in the context of their unconstitutio nal seizure of power. Other short-term tactics which they shared with their civilian counterparts were: persecution of political opponents; divide et ampera and bluff. But these were only temporary tactics to tide over immediate problems. The long-term and apparently more enduring measures were: expansion of political participation, constitutional legitimisation, religious populism, nuclear politics and foreign policy moves.

II

Heroic Self-Image

We have already seen in the earlier chapters how the armed forces of Pakistan saw themselves as the guardians of the country's frontiers and ideology. This concern for restoring order has not only prompted them to intervene but also to remain in power. During the Ayub years, many officers held businessmen and civil servants responsible for corruption in Pakistan. But such arguments, while not necessarily insincere, were also designed to perpetuate military rule. A general of the Zia regime seriously argued
that if the army had not intervened in 1977, Pakistan would have split. Being the most "organised" Pakistani group, the armed forces had a duty towards the nation. In effect, they saw themselves as the "natural and effective aristocracy" of the country.

Why does the military perceive itself on such lines? Part of the explanation rests on historical memories. The Pakistanis are quick to point out that their ancestors had resisted India's invaders, and that they had established Muslim power over most of India. However, incorrect such assumptions may be, their effect on contemporary Pakistani thinking has been enormous. Today, the Pakistan army sees itself as the only institution which can save the country from outside pressures.

The Bangladesh army, too, as we saw earlier, viewed itself as a missionary force out to save the country from corrupt politicians. One of the majors responsible for Mujibur Rahman's death in 1975 revealed that he and his collaborators

fought for the country in 1971. We did not want to see the politicians ruin it ... we risked our lives while the politicians sat comfortably and cowardly in Calcutta. 4


4 Business Standard, 10 June 1981.
Similarly, H.M. Ershad, the current military ruler of Bangladesh, attributed his coup to the "decaying national character and human values" in his country and vowed to fulfill the historic responsibility of "putting the nation on the correct economic and political course."

But in time the people became aware of the fact that an army was not significantly more successful in running the country than the politicians. Since the promise of better performance remained unfulfilled, the military sought legitimacy in other areas. One of these was "civilianisation" which not only humanised martial law regimes, but also opened the gates of the government to desperately-needed civilian talent.

III

"Civilianisation" of Military Regimes

Ayub Khan's coup was no doubt carried out at the army's instance. But it was done so in the name of a civilian, Iskander Mirza, after he had been informed about it. The army withdrew to the barracks. Ayub kept stressing that the task of the military administration was to help the civilians. Aziz Ahmed, a civil servant, became a Deputy Chief Martial Law Administrator. The bureaucrats heading

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5 See Public Opinion Trends, Analyses and News Service (POT) (Bangladesh Series), vol. 8, part 6, 7 January 1983, p. 45.
the central ministries formed an Advisory Council. Ayub became secure after 1962, but still kept important civilian advisers like Manzur Gadir, Shoaib, Altaf Gauhar and Fida Hasan. Of the fourteen cabinet ministers only three were from the military. The civil service of Pakistan absorbed and "civilianised" fourteen military officers between 1960 and 1965. It was transformed from "an agency of law and order to an agency of socio-economic change." All these made Ayub's administration "a political entity that represented a number of powerful non-military interests." While campaigning for the 1964-65 Presidential elections, Ayub propagated the image of a benign civilian ruler and warned that a "bloody revolution" would take place if he lost. At the same time, he took care to avoid a genuinely representative civilian regime which would have been a threat to him.

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7 Jahan, n. 6, p. 61. It is clear, however, that the army was Ayub's source of power till the very end. On 19 February 1969, at the height of the agitation against him, Ayub summoned the three service chiefs and asked for a declaration of martial law. General Yahya Khan replied that "it would have to be a martial law without Ayub. Yahya advised Ayub to accept all the conditions of the political leaders of the D.A.C. and then withdraw from politics.... Once Ayub lost the backing of the army he was completely helpless...." See Tariq Ali, *Pakistan: Military Rule or People's Power?* (London, 1976), p. 210. Following this Ayub withdrew on 21 February 1969. On 24 March he wrote a letter to

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Much the same strategy has been adopted by Zia ul Haq who, to this day, has preferred "civilianisation" to elections since the latter may lead to his toppling. After the 1977 coup, the real source of Zia's authority was "the army, although like before ... the bureaucracy has again been required to play a role." But Zia was in need of some kind of a civilian government. At first, he was aided by a Council of Advisers which had a number of civilians. He further civilianised the system by announcing an administration consisting of technocrats, officers and politicians on 5 July 1978, a whole year after assuming office. On 23 August 1978 the PNA was inducted into the 21-member Cabinet. Thirteen cabinet ministers were from the PNA's Jamat-e-Islami (Jamaat), Pakistan Democratic Party (PDP), Pakistan Muslim League (PML) and Jamiat-ul-Ulama-i-Islam (JUI). The National Democratic Party (NDP), the Jamiat-ul-Ulama-i-Pakistan (JUP), the Tehrik-i-Istiqal (Tehrik) and the Pakistan People's Party (PPP) refused to join. While vaguely declaring that the

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Yahya Khan requesting him to execute his "legal and constitutional responsibility to defend the country not only against external aggression but also to save it from internal disorder and chaos... The nation expects you to discharge this responsibility to preserve the security and integrity of the country..." See Herbert Feldman, The End of the Beginning: Pakistan 1969-1971 (Calcutta, 1975), p. 13.

Cabinet would be vested with the usual powers, Zia refused to disband the Military Council.

Noteworthy is the fact that a "national government" of "all parties" and a "broad-based understanding" was sought only after Bhutto's death sentence on a murder charge. Zia himself was to admit that without "popular" support, his government could not "establish rapport with the people." To ensure his own security he clarified that the administration would "still have the umbrella of martial law and wasn't a political gimmick." In much the same manner as Ayub, Zia expressed the wish "to save Pakistan from politics and hold elections after putting the country on [the] rails," apart from claiming that "there [was] a hand of providence in what [he] was doing." Like Ayub, he declared himself in favour of a Presidential system and expressed his wish to become President. At the same time he kept assuring the people that the constitution was still in force and that he would relinquish power after the formation of a "stable" government. Basically, Zia had cleverly been using the Jamaat and the Muslim League to tempt the PNA to join his "national government" after releasing Maki Khan, an important PNA member. That this plan failed while undermining the opportunistic PNA's credibility was another matter.

Following this, Zia often disparaged parliamentary democracy while calling for a system which fitted "into the

psyche of the people." He also revealed plans for 10 constitutional amendments in due course." In fact he had no intention of withdrawing from power. But unfortunately for the forces of democracy, his actions were encouraged by politicians such as Abdul Gaiyum Khan of the Gaiyum League and Maulana Mufli Mahmud of the FNA.

Although Zia's first two attempts at civilianising himself failed, the Soviet intervention in Afghanistan gave him a boost. Emboldened by the U.S. support in the wake of the Afghan crisis, he floated a "National Consultative Council" of "good persons," sought Panchayats in Sind on the lines of Ayub's Basic Democracies, mooted an "Advisory Council" and publicised the statement of Maulana Mufli Mahmud that Zia was the man of the hour who could keep the country united.

Unfortunately for Zia, the military was wary rather than supportive of his wish to become a "civilian" ruler. His desire to resign in 1979 was rejected by army colleagues who held him responsible for having got them "into this (Bhutto's hanging)." The move to nominate Asghar Khan of the Tehrik as President to "save the neck of military council from Bhutto reprisals" widened the schism in Zia's Military Council. Restless generals such as Major General Saghir Hussain, Major General Abbasi and Major General

10 The Hindustan Times, 21 March 1979.
Tajammul Husain wanted Zia to make way for Lieutenant General Iqbal Khan. Their view was that the army must avoid civilian tasks and General Iqbal Khan wanted “to take action” against Zia for refusing U.S. military aid. But fortunately for Zia, a coup did not materialise.

This did not deter his continuing search for a civilian face. Zia’s effort to put a Cabinet together in October 1980 failed. But on 23 February 1981 he declared that civilians would join the government, provincial ministers under military governors would be appointed by 23 March 1981 and that a nominated legislature (federal council) would be established. Concurrently, any chance for a genuinely civilian administration was nullified by the dissolution of parties under the Provisional Constitutional Order 1981 which took away the power of the courts to question martial law. On 9 May 1981, Zia, upon being asked when he would return power to the civilians, replied evasively that the 350-member Majlis-e-Shoora (Federal Council) would first have to formulate an Islamic system.

A list of 287 Shoora members was finalised on 24 December 1981. The Chairman and the Deputy Chairman of the body were to be the Speaker and the Deputy Speaker respectively. The Shoora was inaugurated on 11 January 1982. More recently, its 30-member committee has called for the reactivation of

the 1973 constitution with increased powers for the President, which is what Zia wants. Not only has the Shehbaz "civilianised" Zia, but an officially-sponsored "support Zia movement" has been launched to create more civilian bases of support.

Zia's moves, however, have not gone unchallenged. Brigadier Usman Khalid launched the Pakistan Liberation Movement in London and set up a government-in-exile to "struggle against the military despot and liberate the nation." The Nine-Party Movement for the Restoration of Democracy (MRD) began an agitation in February 1981 and continues to be a threat to him. Many of Zia's civilian supporters have also broken away.

There is little doubt that the army remains Zia's real source of power. After becoming President in 1980 he declined to abandon the rank of Chief Martial Law Administrator since the latter position derived from his tenure as Army Chief. Unlike Ayub and Yahya Khan, he continues as Army Chief and dons the army uniform. He also refuses to move into the Presidential palace, presumably owing to the fear of losing touch with his only power base. At the same time, he has carefully kept other aspirants to the post of army chief at bay.

13 The Times of India, 5 July 1983.
14 Indian Express, 26 March 1980.
Insofar as Bangladesh was concerned, soon after the 1975 putsch the coupmakers turned to bureaucrats and politicians for partnerships. The concentration of technocrats, scholars and bureaucrats in the Council of Advisers pleased the civil service, hitherto spurned by Mujib. A Supreme Court judge administered the oath to the "civilian" President, Khondakar Mushtaq Ahmed. Khondakar, a former Cabinet minister of the Awami League faction opposed to Mujib, got the backing of the civil-military bureaucracy and gave silent consent to the murder of pro-Mujib Awami League leaders in November 1975. Despite martial law, parliament and the constitution remained in force. Khondakar announced a Cabinet consisting of members of the erstwhile Awami League. A meeting of the National Assembly, convened in September, was attended by a hundred and forty members, mostly from the former Awami League. After Khaled Mosharraf's counter-coup of 6 November, Justice A.S.M. Sayem, a civilian, became President and Chief Martial Law Administrator. Sayem was helped by a Council of Advisers.

After assuming power, Ziaur Rahman made a strong bid for support. Discussions with politicians were inaugurated on 22 January 1976 with good results. Maulana Bhashani of the National Awami Party (NAP) called upon the

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"people to unite behind the army," gave his consent to the Union Parishad elections and asked for a referendum. His son, Abu Naser Khan Bhashani, declared on 20 November 1976 that elections should not be held. Mohammed Toaha of the Bangladesh Samayabadi Dal (BSD) (M-L) did the same. Even the JSD was let down by M.A. Awal's group. All this concealed the reality of martial law and a figurehead President. The truth was that the government was basically military in tenor. Rahman kept the key Defence, Home and Finance portfolios.

It is a measure of his success at the "civilianisation" of the entire political process that no general came to power immediately after Rahman's death. General Ershad, the Army Chief, assured that the army would remain "isolated" from politics and not "dabble" in it. In reality, he ruled from behind the scenes. Justice Abdus Sattar, the

16 The "Zonal Martial Law Administrators (functions) Order 1975" split Bangladesh into seven zones in which the MLAs would act as their representatives. Fourteen amendments of martial regulations were passed in a short time. Twenty seven martial law courts were set up on 13 July 1976. Under the Martial Law (Twentieth Amendment) Regulation, disaffection in the armed forces was punishable by death. Eleven new martial law zones were established on 10 August 1976. Rahman declared himself the Chief Martial Law Administrator on 24 November 1976 and elections were indefinitely postponed. See Bangladesh Observer, 25 December 1975.

Vice-President, became the Acting President. The Bangladesh Nationalist Party (BNP) continued to put up a civilian front. Sattar was "unanimously" nominated by the BNP as its candidate for the Presidential elections of 21 September 1981 after Parliament passed the 6th constitutional amendment to make him eligible. Though the BNP was accused of making a "unilateral" announcement of the election date "without consulting" the opposition, Sattar expectedly won.

After the institution of the new government, the army kept a close watch on its functioning. Sattar’s dissolution of Parliament in February 1982 for "corruption and inertness" was at the behest of the army. But Sattar was less pliable than Ershad had expected him to be. He was in serious disagreement with Ershad’s proposal that the

18 Only 11 out of 79 opposition members participated in the debate on the 6th amendment. Even within the ruling BNP, "rebels" Members of Parliament, unhappy with the method of Sattar’s nomination, made a demand for "democratisation" within the party. See POT (Bangladesh Series), vol. 6, part 164, 1 July 1981, p. 1060.

General Osmany went a step further and called for the rejection of the Presidential system. Similarly, Asaduzzaman Khan of the Awami League (Hasina) asked the government to restore the parliamentary system through a constitutional amendment followed by a referendum before the holding of the polls, Rajnik Sangram, 26 June 1981, as quoted in POT (Bangladesh Series), vol. 6, part 121, 27 June 1981, p. 1042.

armed forces have a constitutional role. Such friction was to culminate in Ershad's coup against Sattar who was forced to relinquish power after being compelled to read a statement prepared by the army chief.

After assuming power, Ershad declared that the armed forces were "not isolated from the people" and could not "sit idle" during the crisis. This gave rise to the belief that he wanted the military to rule in partnership with the civilians. Justice Ahsanuddin Chowdhury, a civilian, became the President. But actual rule was through martial law. Ershad appointed 30 martial law administrators, set up martial law tribunals having "jurisdiction all over Bangladesh" and established five special martial law courts. Eventually, Ershad became the President on 10 December 1983. But like Haq he was careful not to give up the posts of the Army Chief and the Chief Martial Law Administrator. Of late, he has been trying to form a national government by inducting into his government Begum Khaleda Zia and Sheikh Hasina Wazed, the leaders of the BNP-led seven-party alliance and the Awami League-led fifteen party front respectively. Not content with that, he has formed his own Jana Dal. He has also tried to forge an alliance between it and the two fronts, as will be discussed later.

20 *The Times of India*, 5 April 1982.
21 The *Nutan Bangla Juba Sanghati* and the *Nutan Bangla Chitra Sanjukta* are the Dal's sister organisations.
The Opposition As a Target of Attack

The repression of political opponents is a technique which all regimes everywhere use to stay in power. Military regimes resort to it when civilians refuse to co-operate with them. While repression is unleashed on all political groups, the main targets are those overthrown by the military since these groups are the most aggrieved by military rule. The other reason for this is that military regimes fear reprisals from those overthrown by them and must necessarily keep the latter on leash.

Ayub, the "benign" dictator, was quite harsh when faced with political opposition. To illustrate, two ordinances were passed in March and September 1963 putting curbs on the press and on free assembly. In 1964 Ayub banned the Jummat-ul-Islami and imprisoned its leader, Maulana Maududi. After the 1965 Presidential elections, Ayub's son, Gauhar Ayub, unleashed ruthless violence in several areas in Karachi which had voted for Miss Fatima Jinnah. Public meetings held by leaders such as H.S. Suhrawardy "were broken up by gangsters."  

Sheikh Mujibur Rahman and several other East Pakistani leaders were falsely

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implicated in the Agartala Conspiracy Case. When Bhutto was riding the crest of a popular wave after his release from prison, the Ayub regime resorted to a "frame-up, an assassination attempt, and the disruption of his rallies" to neutralise his hold over the people. Bhutto and Wali Khan were arrested on 13 November 1968 at the height of the movement to oust Ayub. After the movement gathered momentum, police brutalities and firing became frequent. That Ayub was forced to step down as a result of a determined movement against him does not negate the persecution of his opponents.

Zia went much further than Ayub in creating trouble for his opponents. But to start with, he opposed any "witch-hunt" against Bhutto who would have won the 1977 elections even if the "alleged" rigging had not occurred. But after 5 September, Bhutto became "an evil genius" who had ruled Pakistan on "Gestapo lines." Zia then went on to postpone the promised elections on the plea that Bhutto's civil trial must be held first.


Zia's own credibility would have been grievously injured if Bhutto had been tried in a military court. For details see Ansar Syed, "The Prince Falls From Grace", Asian Survey, vol. 20, no. 4, April 1980, pp. 123-125.
While arresting Bhutto under Martial Law Order No. 12 on 3 September, Zia also admitted that Bhutto's career would end "only if he dies a political death, such as being defeated in a fair election." 26 "Accountability," a Presidential system and Islamic laws were propounded to outmanoeuvre the PPP, ensure the PNA's victory in case elections were held and stabilise military rule. Following that, Bhutto was again arrested and his daughter, Benazir, was put under house arrest. The fair-minded Chief Justice of the Supreme Court, Yaqoob Ali Khan, was replaced by the partisan Anwar-ul-Haque.

Zia postponed the elections indefinitely on the plea of "expeditious accountability." The PNA leaders persecuted by Bhutto were promised "justice." On 31 October 1977 Zia pledged to hold elections six months after the completion of "accountability" and succeeded in getting the Pir of Pagaro to appeal for their postponement.

Zia proposed to "place the full facts before the public," thereby conceding the PNA's demand for Bhutto's persecution prior to elections. The government issued white papers to show how Bhutto had destroyed civil institutions, used public money for private benefit, politicised the services, rigged elections and spread

"class hatred." The former director of the Federal Security Force, Masud Mahmud, confirmed in court that Bhutto had ordered the illegal detention of Rao Abdul Rashid and two former Punjab ministers. Amir Bhutt, Bhutto's erstwhile colleague, revealed that "Bhutto wanted [him] to kill Kher and H.H. Quraishi."

Bhutto's trial was highly partisan and provoked a strong rebuke from the former Prime Minister. Zia was accused by the former Inspector-General of Police of pressurizing him to give evidence against Bhutto. Bhutto had little faith in Chief Justice Ammar-ul-Haque despite the latter's assurance that "I do not have the slightest bias nor prejudice against the appellant."

Bhutto's worst suspicions were borne out by subsequent developments. Zia claimed that the 7-3 verdict favouring his death sentence and the unanimous rejection of all pleas for mercy showed "how independent the judiciary is." The recommendation of the judges for clemency was, however, ignored. A large number of world leaders appealed to Zia to spare Bhutto's life. But Zia quietly had Bhutto hanged on the ground that no one was above the law, and remarked that "the higher you go, the harder you fall."

Bhutto "would have made his own mercy plea if he was serious about life. He thought I was playing cat and mouse."

The manner of Bhutto's hanging was certainly questionable. Justice Saifdar Shah, who had dissented in the trial, characterised it as a "total farce" and a "perverse judgement." Zia was denounced by him as "a crook." Later, the notorious criminal, Jan Nisar, was to claim that after Bhutto's hanging the military leadership wanted him to eliminate Bhutto's wife and daughter then under house arrest.

The persecution of the Bhutto family and the PPP has not abated to this day. The distinction between parties which were registered and other political groups was meant to do away with the PPP as a political factor. Even Professor Ghaffar of the Jamaat-e-Islami, otherwise sympathetic to Zia, opposed this. Zia promised elections under the condition of "positive results," an euphemism for a PNA victory. When asked if he would release Benazir

30 The Tribune, 26 May 1979. According to Asghar Khan "It was also add that a Chief of the Army Staff, himself an Armoured Corps Officer, should have hanged the Colonel-in-Chief of the Armoured Corps." See Mohammad Asghar Khan, Generals in Politics (New Delhi, 1983), p. 146.

31 The Times of India, 24 May 1981.

from house arrest, his reply was that "the moment I get an assurance that she will follow the law there will be no restrictions."  

The drive against the PPP became more concerted after the MRD agitation of 1983. Ghulam Mustafa Jatoi and other party leaders were banned from entering the Punjab in August. Furthermore, Zia declared on 23 December 1983 that the on-going five-year ban on the PPP would be extended by another ten, ensuring that only "good and right-minded" candidates and not the PPP would contest elections. By recently allowing the late Bhutto's wife and daughter to proceed abroad for medical treatment, Zia has tried to weaken their hold on the PPP, and to wean away its members to his own proposed party or to a more moderate course.

The Persecution of Other Political Groups

Insecure in power, Zia has not only cultivated those who were opposed to the PPP, but has also taken harsh measures against them. After the coup, Justice Shaukat Ali of the Muslim Liberal Party and the Jinnah League's General Azam Khan asked Zia to put a five-year ban on parties and constitute a government of "trusted
brains." But Zia's opponents found this intolerable. Since elections were out of the question, Zia banned regional parties and reduced the number of national parties.

Zia then went on to suggest the adoption of proportional representation in electioneering which was a tactic to delay elections and to ensure that no party would secure a majority. Besides, the stipulation of compulsory registration compelled parties to stay away from electoral politics. Parties were banned. Finally, under the Constitution (Second Amendment) Order and Martial Law Order No. 72, military courts were set up and 7,000 political dissidents were put behind bars between 1977 and 1979. The government maintained that all this was in the interest of "the stability of the economy." When the PNA asked Zia to hold elections after Bhutto's execution, Zia's response was to dismiss the PNA from his cabinet and restore martial law without a civilian garb.

The PNA no longer exists in its original form. Instead, the focus of the agitation against Zia has shifted to the MRD. In the wake of the MRD-sponsored movement of 1983, even the government admitted to having put 2,600 political prisoners behind bars. Rule by martial law became

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35 See Daily Telegraph, 19 October 1979.
tighter. The press was gagged. For the last six years, the Council of Pakistan Newspaper Editors has been unsuccessfully demanding that the 20-year-old Press and Publications Ordinance be withdrawn.

36 Throughout the MRD agitation, journalists were severely harassed. According to the Rawalpindi Union of Journalists, pressmen attending meetings had been "rudely waylaid by security men." See The Times of India, 11 July 1983.


In Bangladesh, the persecution of political opponents has, more often than not, been violent and murderous. Mujib and four of his trusted colleagues were assassinated between August and November 1975. Mujib's successors understandably tried to obliterate his legacy. An ordinance of 1 January 1976 repealed the Collaborators Order of 1972. References to Mujib were not allowed in political meetings. Brigadier Khaled Mosharraf and Colonel Abu Taher of the Jatiyo Samajtantrik Dal (JSD), which had once supported Mujib, were executed.

Rahman continued this policy after assuming power. 37 2,000 Mujib supporters were arrested as soon as Rahman became the Chief Martial Law Administrator. The Political
Fateless Ordinance was passed in 1976 to keep Mujibist elements under check. "Secularism" and "Socialism" were withdrawn from the official goals of the state in April 1977. The Awami League of Abdul Malek Ukil was blamed for subscribing to "Foreign laws" and Rahman was determined not to "tolerate such forces."

After the February 1979 elections, Zia began a direct attack on Mujib. According to him, the "Awami Baksalites had destroyed the country through killings ... strangulated democracy, indulged in plundering and smuggling, and sold the country's hard-earned independence." Malek Ukil was condemned as one of the "known enemies of the country." Prime Minister Shah Azizur Rahman reminded Awami League leaders that "none amongst you who were Hoshaghe's ministers protested" Mujib's murder and there was "none to buy two yards of white cloth" to give him a decent burial. Rahman warned

38 The Tribune, 16 December 1978.
40 Bangladesh Observer, 30 June 1979. Hasina Wazed, who became the President of the Awami League in February 1981, pledged that her party, if elected, would hold a trial for "the diabolical killing of Sheikh Mujibur Rahman and four other eminent leaders."
She expressed bitterness about the fact that "far from taking any action against them, the present government has given them diplomatic assignments." See The Times of India, 28 February 1982. A Commission of British Jurists revealed that the government had been "impeding" the investigations of Mujib's murder and contd. on next page
the Awami League not to resort to "armed politics" and blamed Mujib for large-scale "destruction and plunder which drove the country fifteen years back [ward]."

After Rahman's assassination, the BNP continued to persecute the Awami League. The New Moore Island issue was played up to synchronise with Hasina Wazed's arrival from India after her election as the President of the Awami League. Asaduzzaman Khan, the Awami League leader of the opposition, blamed the BNP for "a calculated campaign of calumny" against her and for "an ulterior motive to malign her." 21 September was fixed deliberately as the date for the Presidential elections to bar Hasina, who would have

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urged it not to do so. See Ananda Bazar Patrika, 5 January 1983. During his short-lived tenure, Khaled Mosharraf had instituted an enquiry into the murder of Mujib's colleagues in November 1975. But an "Indemnity Ordinance" had already been passed to prevent any "legal or other proceedings against any personnel for any act or things done in connection with, or in preparation of execution of, any plan for, or steps necessitating the historical change and the proclamation of martial law on the morning of the 15th August 1975." See The Times of India, 1 February 1983.

41 Bangladesh Observer, 7 April 1980.

42 Hasina alleged that "anti-liberation forces were ruling the country and freedom fighters were being killed." See Bangladesh Observer, 4 November 1981. In the ensuing election campaign, the League drew large crowds and the army reportedly got ready to intervene. Ershad revealed his thinking by declaring that if the League came to power, there would be "turbulence." Hasina charged that even after the elections, the government had "unleashed a reign of white terror." See Banglar Bani, 19 November 1981, as quoted in PEO (Bangladesh Series), vol. 6, part 223, 20 November 1981, p. 1870.
qualified on her thirty-sixth birthday on 28 September, from offering her candidature.

As in Pakistan, so in Bangladesh, political alignments have lately undergone a change. After Ershad's coup, the BNP and the Awami League have both opposed military rule. Ershad has continued to rule with the aid of martial law. The BNP's Sajia Khaleda Zia, the leader of the seven-party alliance, and Hasina, the leader of the fifteen-party alliance, launched a campaign against martial law in November 1983. On 7 November 5,000 people defied martial law by marching through Dhaka. When Ershad tried to neutralise the agitation by announcing the observance of "Democracy Day" on 16 November and "Election Day" on 28 November, both the alliances complained about his attitude of "confrontation." After this, martial law was reimposed in all its harshness, political activity was banned and the major leaders were put under house arrest. Interestingly, Ershad not only put checks on the politicians but also eased out Major-General Mohabatjan Chowdhury and Major-General Abdur Rahman, two of his army rivals.

43 The Tribune, 19 June 1981. The government, answering the charge that it had deliberately barred Hasina from contesting the elections, pleaded that it had already postponed the date from 21 September to 15 October and that "no other demands can be exercised." See Indian Express, 1 September 1981. The Awami League then gave an "ultimatum" to the government to concede its "residual demands by 16 September", failing which it would boycott the poll. The threat, however, was not carried out.
Dividing the opposition is an old strategy for staying in power. Military rulers in both Pakistan and Bangladesh not only played parties and alliances against one another but even encouraged groups within parties and alliance factions to fight among themselves. Such divisions were usually brought about by offering power to factions and groups favourably disposed towards military rulers.

Ayub Khan resorted to such tactics whenever there was a threat to him. After giving the country a constitution in 1962, Ayub set up his own party, the Convention Muslim League, and won many politicians over through the promise of office. During the 1965 elections, even a respected party like Maulana Bhashani’s NAP allegedly asked the Basic Democrats to vote for Ayub. It has been suggested that Bhashani was persuaded by Ayub, who was moving closer to China, not to campaign against him. Bhashani denied this, though “illness” prevented him from campaigning for Miss Fatima Jinnah.

Yahya Khan’s policy of trying to play the Awami League against the PPP in 1970-71 is, of course, well known. By encouraging both Shutto and Mujib to keep guessing about the intentions not only of one another but of Yahya as well, he hoped to give the army the permanent role of a mediator.

44 Ali, n. 7, p. 129.
Unfortunately for Yahya, things took a course which was different from what he had expected.

Zia has been far more astute than Ayub or Yahya in splitting the opposition ranks. After the 1977 coup, he cleverly opposed "anti-Islamic" parties to wean the moderate Kausar Niazi's PPP faction away from Bhutto. The move was partially successful. Niazi accused Bhutto of converting the PPP "into a personal estate of a particular family" and described Mrs. Bhutto as "a tool in the hands of a communist and anarchist group." He also stated that if the "PPP had not adopted the policy of confrontation after July, 1977 ... the general elections would have been held." Mrs. Bhutto's "unlawful and unconstitutional agitation" was opposed and his own Progressive People's Party was constituted.

Similarly, General Fazl Ali Chishti, who fell out with Zia, has alleged that through him Zia had offered the post of Prime Minister to Ghulam Mustafa Jatoi, the President of the Sind Unit of the PPP. It is interesting to note that the Punjab wing of the PPP, headed by Secretary-General Faruq Leghari, had opposed the MRD agitation of 14 August 1983 and favoured the non-official participation of the PPP in the non-party local bodies poll. This has weakened the

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45 The Times of India, 17 January 1979.
46 The Times of India, 16 November 1983. Zia has made a denial of this allegation.
unity of the PPP. Irrespective of whether the moderate PPP faction gains strength, a new moderate party emerges or PPP ranks desert and move on to Zia, the latter stands to gain.

Zia's strategy in respect of other politicians has also been the same. Wali Khan and Agha Khan declined to join Zia's Cabinet formed in August 1980, but he persuaded the other six constituents of the PNA to do so. 13 cabinet members came from 4 PNA parties — the Jamaat-i-Islami (Jamaat), the FAL, the JUP and the PDP. The refusal of the NNP and the Tehrik to join the government effectively split the PNA. The defectors were constantly humoured by Zia's clarification that but for its divisions he would have handed over power to the PNA.

Zia's skill in manipulating the opposition increased from strength to strength. Agha Khan was encouraged to believe that he was a potential Prime Minister. His officially-sponsored visit abroad made the others in the PNA doubtful about Agha's antecedents. Wali Khan was wooed to neutralise both Shutto and Agha. To cow Agha further down, Hufti Mahmud was encouraged to voice the opinion that there was "more freedom" under Zia than during "Shutto's so-called democracy." Similarly, soon after his release, Wali Khan made the "PNA synonymous with Pakistan."
and condemned people like Asghar "who betrayed" the PNA. Furthermore, he gave direct support to Zia by the statement that "martial law came about because of Mr. Bhutto's policies." The NDP voiced "dissent" in a meeting of the PNA to debate the national government even though the Secretary-General favoured the national government which was expected to "create a congenial atmosphere for elections." The idea of sharing power with Kausar Niazi was opposed by the Jamaat. The JUI was non-committal while the Muslim League did not oppose the idea. Bitter about PNA discussions, Z.H. Bhopali, the JUP Central Information Secretary, was disenchanted with the PNA for having "sacrificed unity for ministerial chairs." He promptly "dissociated himself" from the PNA when it deviated from the cause.

Zia not only succeeded in dividing the PNA but also split its constituents from within. Although it is difficult to prove, the reconstitution of the NAP as the NDP probably had the blessings of Zia who wasn't on good terms with Wali Khan, the NAP leader. The new NDP leader was Sherbaz Mazari, who, like the NAP, kept Baluch nationalists like Bizenjo under the fold of one party representing both the NWFP and

48 Nagpur Times, 26 April 1978.
Baluchistan. It was here that Zia weakened Baluch nationalism by successfully wooing the moderate Baluchis away from the militants like Khair Baksh Marri and Attaullah Mengal through a facade of reasonableness. In April 1979 Bizenjo, the moderate Baluch leader, broke away from the NDP to become the founder-President of the Pakistan National Party (PNP). Mengal and Marri, disillusioned with Bizenjo, became active protagonists of Greater Baluchistan under the aegis of the World Baluch Organisation in London.

Basically, Zia succeeded in dividing the politicians into those who were willing to share power and others who were not. The Pir of Pagarro declared in 1981 that the situation was not conducive to elections. The PDP's Zainul Abedin was willing to "share power" with Zia in combination with the JUP-PML alliance subject to the "removal of martial law." The JUP's Shah Ahmed Noorani saw "no harm" in accepting the invitation of Ghulam Mustafa Jatoi and of Zia himself to join the government. Casi Hussain Ahmed, the Jamaat Secretary-General, dismissed the MRD as "the second name of the PPP." The President of the Pakistan Muslim League supported non-party elections but


51 The Muslim, 15 March 1983. However, to its credit, the Jamaat withdrew support when Zia belied hopes of holding elections.
this triggered a revolt within the party's central committee, proving a setback to Zia's plans. The MRD and the PNP, by refusing to join or support the government, followed a more principled policy than the other parties.

Rahman of Bangladesh was also not wanting in the manipulation of his opponents. The Political Parties Ordinance (1976) was designed to split the opposition by banning parties with "foreign" links. We have already seen how the pejorative, "Awami Baksalites," was used to discredit the Malek Awami League. Rahman not only sidestepped the Malek Awami League but assumed the mantle of the "real successor" of Mujib. Mujib's former detractor became adulatory of the Bangabandhu and began to refer to him as "a great national leader." Besides, Rahman was quick to cultivate Dr. Kamal Hossain (a member of the Awami League (Malek) Presidium) and Justice Abu Sayeed Chaudhury. Further, Rahman's criticism of the Malek Awami League widened the League's divisions and strengthened Mianur Rahman Chaudhury's faction which, unlike that of Ukil, had opposed BAKSAL. A third faction under M.R. Siddiqi emerged. Even the Malek group was further divided into two groups led by

52 A statement to this effect was made on 3 March 1982 by Fazehyab Ali Khan, the MRD Convener. The PNP's Bizenjo was similarly "proud of not having any connection whatsoever with the government." See The Muslim, 14 March 1982 and 14 February 1983.

53 The Times of India, 12 April 1983.
Abdur Razzak and Tofail Ahmed. Still, the Awami League had drawn appropriate lessons from the betrayal of the Khondakar group which had joined the coupmakers of August 1975. That is why the party was able to unite under Hasina Wazed's Presidentship on 17 February 1981. It also pledged to try Mujib's killers and rejuvenate the organisation. However, the Awami League again split in 1983 when its Secretary-General, Abdur Razzak, broke away because of "groupism, indecision" and the alleged betrayal of Mujib's ideals by Hasina.

Just as Zia was to do, Rahman also split the parties which had helped him to come to power. When Bhashani died, the NAP (B) broke up and the leader of the biggest group swiftly joined Rahman's Bangladesh Jatiyatabadi Dal (BJD), despite the advice of Nurur Rahman and Anwar Zahid not to do so. The party once again split into two other groups under Gami Shahidullah and Abu Naser Khan Bhashani. Abdul Halim Chowdhury, the United People's Party (UPP) President, also joined the BJD for which he was promptly expelled by Kazi Zafar Ahmed, the Party's General Secretary. Strangely, Kazi Zafar Ahmed of the UPP continued to serve in Rahman's government even after expelling Chowdhury. Rashed

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54 The others in the group were Asaduzzaman Khan, Abdul Malek Ukil and Pani Bhasman Kajumdar.

55 Amrita Bazar Patrika, 26 January 1983.
Khan Menon was so disenchanted with Chowdhury as to delink himself from the UPP after it joined Rahman's front for the 1978 Presidential elections. Instead, he launched the Bangladesh Konotantrik Andolan. Similarly, the General Secretary of the Muslim League, Shah Azizur Rahman, was asked to leave the party by Khan A. Sabur. Upon this, Gamiruddin Pradhan and Tofazzal Ali joined ranks with Rahman.

Rahman also split the Buddhist Chakma rebels fighting for tribal autonomy. Santu Lama, a field commander of the Shanti Bahini, was reportedly released from jail in 1980 after striking a deal with the government to help the army against the insurgents, work for their surrender, help the BNP set up units in tribal areas and liaise between the government and Manabendra Larma, the tribal chief.

Ershad pursued much the same policies as his predecessor. In 1983, many BNP leaders defected to him. After this, the party quickly split into two factions, one headed by Abdus Sattar and the "rebel" faction by Barrister Maudud Ahmed. We have already seen how Ershad also tried

56 The Times of India, 31 November 1983. Manabendra Larma was killed by other tribal leaders for reinstating his brother, Santu Larma, who had compromised the tribal cause.

57 According to another report, several Central Committee leaders led by Sharanul Huda Choudhury formed a parallel national executive body and expelled Sattar from it. Ershad gave support to the breakaway group. See New Nation and Daily年由, 5 April 1983, as quoted in , vol. 8, part 55, 6 April 1983.
to split both the fronts led by the Awami League and
the BNP by trying to persuade Begum Khaleda Zia and
Hasina Wazed to join his "national government." Khaleda
"spurned" Ershad's offer of "either the prime
ministership or the post of the Vice-President," declaring
that she would not deal with an "illegal government." But
Hasina's camp was sceptical about Khaleda's bona fides.
Each group is now suspicious of the other. Besides, Ershad
was also able to attract Mizanur Rahman Choudhury, who was
once a Mujib minister, Shamsul Huda Chowdhury, a former
minister under Rahman, A. Matin and Ziauddin Bablu to his
Jana Dal.

VI

Bluff

Assurances are honoured by ruling groups more in
their breach than in their observance. But the people are
able to see through broken promises. An analysis of the
statements of all of South Asia's military rulers would
show how bluff has been a tactic for their sustenance and
survival.

58 India Today, 15 January 1984. Khaleda, addressing
a Chittagong rally on 25 November 1983 alleged that
Ershad was "trying to entice away her top party
supporters with offers of cabinet jobs [and] had
offered monetary awards to those who would leave her." Ershad
had reportedly also offered the post of Vice-
President to Khaleda. See The Times of India,
26 November and 12 December 1983.
Ayub was widely hailed as Pakistan's man of the hour after the 1958 coup. On 8 October 1958 he declared that "our ultimate aim is to restore democracy." But Ayub was not averse to evasive statements and acts which raised doubts about his integrity. The Elective Bodies (Disqualification) Order (EBDO), 1959, was indiscriminately against all politicians. Ayub also abrogated the 1956 constitution which, according to him, was an "unkind wedlock of the executive, legislative and judicial functions of the state" in which the government was "inoperative." Another act of repudiating past promises was to impose east-west "parity" under the 1952 constitution whereas such "parity" was conditional on parliamentary democracy and a sovereign legislature. The Basic Democratic system was, upon Ayub's own admission, devised in such a manner as to make the villagers "easily manageable" under the watchful eyes of government officials. Nevertheless, Ayub's evasions were not as glaring as those of Zia because his coup was more acceptable than that of Zia. In this respect, he was perhaps more akin of Rahman, who, in the later part of his rule, came to enjoy greater support than he had initially enjoyed.

60 See Talukder Maniruzzaman, Group Interests and Political Changes: Studies of Pakistan and Bangladesh (New Delhi, 1982), p. 10.
After assuming power, Yahya declared on 19 April 1969 that his rule was temporary, political parties would not be abolished and regional autonomy would be decided by the verdict of the people. But his Legal Framework Order (i.FO) was very vague, perhaps deliberately so, on the modalities of the transfer of power after the 1970 elections. However, the i.FO was clear that the National Assembly, far from being "sovereign," would be "instructed" on what to do. Although the Awami League was the only majority party, Yahya referred to "two majority parties" to play Bhutto against Mujib. Mujib was to frequently refer to the "collusion" between Yahya and Bhutto to deny the Awami League the right to form the government.

The number of promises broken by Zia ul Haq have been large. He assumed power to hold elections in ninety days but no polling took place. Thereafter, he promised elections after the completion of "accountability." In fact, President Fazal Elahi Chowdhry was to resign in August 1978 to protest the repudiation of Zia's promises.

Throughout 1981 Zia declared that he had "no interest in ruling the country," and that he would hold elections "in a couple of years." But soon he changed the
tune to say that he was in power due to "God's grace and people's acceptance of what little" he had done.

Under the circumstances, elections would not be "beneficial." On the one hand, Zia declared that the politicians would "run the affairs of the country in future," but on the other he told the politicians to accept that he had "come to stay in power." Elections would neither be held "in the near future [nor in] too distant a future." Such ambiguity was made even more vague with the declaration of moving towards democracy "step by step." But Zia's real intentions became clear when he declared that "I [will not] give up all this and go away," and that the "door [was] open" to his own candidature in future elections.

Quite naturally, such misleading statements were condemned by Zia's opponents. Nusrat Bhutto of the PPP called Zia "the biggest liar on the earth." Chulam Mustafa Jatoi of the PPP described Zia's election plan as "a farce to dupe the nation" while Shah Ahmed Noorani called it a "hoax." Similarly, General Chishti, Zia's one-time colleague, called for a transfer of power to solve the worst crisis "in the history of the country" and declared that the

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63 The Muslim, 27 January 1982.
65 Not surprisingly, even leaders like S.N. Zafar, the Secretary-General of the PML (Fagaro) accused Zia of "Sivasi Jhansa (political deception.") See POT (Pakistan Series), vol. 11, part 159, August 1983, p. 2322.
66 The Muslim, 5 September 1983.
people are no more prepared to believe" the promise to restore democracy.

Military rulers are not very different from one another in their amoral evasions. Rahman, like Zia, devised numerous tactics to divert public attention from the fact that his rule was by martial law. In fact, he was able to "outwit his democratic opponents by taking up their programme himself." Unfortunately for him, his "open" style of politics, in adopting which he had deviated from the orthodox pattern, cost him his life.

Ershad, who has learnt the appropriate lesson from Rahman's assassination, has preferred to play it safe. After assuming power, he declared that "as the situation gets favourable, we will hold elections," while declining to announce an electoral time table. It was made clear that military rule would last for at least three years. However, Ershad was emphatic that he had "no political ambition and I want to put it without any ambiguity." "When have I ever announced that I will stand," asked he. But recently he has revealed that "if people want me to do politics after retirement I may decide to do so ... everyone likes to do that I will be happy if that happens."

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67 Maniruzzaman, n. 60, p. 239.
68 Indian Express, 2 April 1992.
69 The Times of India, 6 December 1993.
70 The Times of India, 23 October 1993. The Jane Del, which Ershad has joined, must be seen in this context.
These, then, were the short-term strategies for the survival of military rulers in Pakistan and Bangladesh. While sufficient to tackle day-to-day problems, they were not enough for long-term stability. That is why support was also mobilised through participatory politics, constitutional legitimisation, religious populism, nuclear politics and foreign policy.

VII

Political Participation

Ayub's Basic Democracies

To mark the first anniversary of his coup, Ayub announced a system of "Basic Democracies" under which "every village and every inhabitant ... in our country would become an equal partner with the Administration." The local councils would be represented in five tiers and the lowest units would be village councils elected on the basis of adult franchise. Superimposed on the lowest councils was a hierarchy of councils. 80,000 Basic Democrats were thus to be elected by 100 million people.

But Ayub's system was meant to strengthen his base and not to promote democracy. The structure was designed "to function in a society without politics" and merely served to enfranchise "a part of the traditional rural elite."

In Ayub's view "stability required limited participation." The main task of the Basic Democrats was to build a rural support base for the President by distributing favours among the influential classes in the countryside. Bureaucratic controls from above were superimposed on the plan for local self-government. Officials were invariably appointed as chairmen of the local councils. Forty six per cent of the rural people opined that the plan was a failure.

Zia's Local Councils

Elections to Zia's local councils were mooted in a similar fashion to pave the way for general elections. Like Ayub, he wanted such elections on a non-party basis to build a rural constituency leading to an electoral college. Such a college would culminate in provincial and national legislatures without direct elections. The Political Parties Amendment Ordinance was then passed to amend the Political Parties Act. Zia characterised the proposed election of December 1978 as "a cornerstone of the

72 Jehan, n. 6, p. 120. See also Robert La Porte Jr.; Power and Privilege: Influence and Decision-Making in Pakistan (New Delhi, 1975), p. 64.

political edifice." This effort to "build grassroots democracy" prior to the November poll won support from the Jajarat and the Progressive People’s Party (Niazi). However, the non-party character of the election was, quite predictably, criticised by the other leading parties.

Zia claimed that 60 to 65 per cent of the electorate had voted in the first local councils elections under him. But the NDP contradicted Zia with the announcement that only 15 to 20 per cent voting had taken place, and that "blatant" rigging had occurred. Zia revealed that "in any scheme of things, for the time being" the polls would not culminate in elections to parliament, implying that this may happen in future. Panchayats and Provincial Councils were established in Sind in a manner that resembled Ayub’s Basic Democracies.

Elections to the local bodies were again held virtually in the same manner in September 1979. Zia announced that they would be on a "non-party" basis, to

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74 Morning News, 31 August 1979.
75 IRSA, n. 12, p. 596.
77 An ordinance was promulgated to bar persons who, after 20 December 1961, had "been members of any executive committee or office-bearers of a political party at the local, district, divisional, provincial or national level" from contesting the elections. See Morning News, 19 August 1983.
be followed by provincial and national elections by 23 March 1983. As on the earlier occasion, the opposition condemned the move. Sardar Sherbaz Nazari, the MRD convenor, called it a "step to divert the people's attention" while the PPP reversed the earlier decision to contest the elections. Similarly, Justice Shaukat Ali, a former Lahore High Court judge, gave the opinion that such elections and the entire political structure announced by Zia would amount to an abrogation of the 1973 constitution.

To assuage the feelings of the opposition, Zia assured that he would not announce a new political structure "without the approval and support of the people." But his real intentions were revealed when he declared that Pakistan, lacking mature political leaders in the manner of India, would have to build institutions through local elections. He hoped to "have those institutions soon" and "build a system of Islamic democracy."

Local Elections in Bangladesh

Ziaur Rahman also sought to build a local base before national level elections. Elections to the Union Parishads were held in January 1977. Candidates unofficially sponsored by the banned Awami League won by a big margin.

78 The Times of India, 4 July 1983.
79 The Muslim, 10 December 1983.
A detailed training programme for the Chairman and the members was drawn. 4,335 Union Parishadads with 12 members in each were set up at the grassroot level. Municipal elections were held on 14 August 1977. The Awami League, the NAP (Shahani), the NAP (Muzaffar), the JSD (constitutional group) and the Communist Party formed an unofficial front against Rahman. 27 seats went to the Awami League, the Muslim League got 24, the NAP (B) secured 5 and the NAP (M) as well as the UPP secured 3 each. One seat each went to the Democratic League, the JSD (C) and the Islamic Democratic League. The Union Parishad elections did not augur well for Rahman. Still, he succeeded in cultivating the local bodies through incentives, protection and subsidised inputs to the landed classes. The strategy was close to the one adopted in Ayub’s Rural Works Programme. Rahman was also the first Bangladeshi leader after Mujib to create political-cum-administrative entities at the village level through the Swarajbar Gram Sarkar (Self-reliant Village Councils) and the Village Defence Force.

Rahman's policies have been continued by Ershad. Under his new election schedule, Union Councils elections were announced for 27 December 1983, to be followed by municipal elections on 11 February. Ershad also introduced 493 newly-created Thana Parishads, elections to which were scheduled for 24 March 1984. These upgraded thanas are decentralised administrative-cum-judicial units. Each has an annual budget of 50 lakh rupees to be increased to 1 crore rupees in the current year. This is a substitute for Rahman's ineffective Swarajya Gram Sarkar system.

According to Ershad, "the money will be used by the elected thana committees whichever way they like.... There will be no interference from above."

Making it clear that the people's verdict would be final and irreversible," Ershad boasted that he would "introduce and not "restore" democracy because "there has never been "any" democracy in this country." The meaning of this becomes clear when we note that he has offered his candidature for the Presidential elections of 1985 after retirement from the army.

82 The Times of India, 23 August 1983. The thanas have been renamed upas-zillas. According to a senior army officer, elections to these bodies "will decentralise power to the largest extent in the entire sub-continent, and will render an MR-ship in Dhaka far less lucrative than before." See India Today, 15 January 1984.

83 The Times of India, 23 August 1983.
Elections at the local level were the first step in building sources of support for South Asia's military rulers. They were to culminate in presidential or parliamentary elections to further legitimise their rule. In this respect, Ayub set an example followed by successive military rulers. Presidential elections were held on 2 January 1965. Ayub secured 49,951 votes while Miss Fatima Jinnah got 28,691. All agreed that Miss Jinnah would have won had direct elections and not elections through Basic Democracies been held. The objective of the elections was to "link the Basic Democrats in the lower echelons with the national hierarchy of his political party ... and develop a second pillar apart from the bureaucracy in the leadership pattern."

Zia has taken somewhat longer than Ayub to transform local bases of support into national ones through electoral politics. This process has, in fact, unfolded only recently. Zia is looking for "Islamic" political order. In his opinion, political parties are un-Islamic.

84 Chakravarty, n. 80, p. 128.


86 Ghaus Baksh Bizenjo of the PNP has called Zia's conditionality a tactic to divert public attention. See The Muslim, 14 February 1983.
and "there is no scope" for them in his proposed system. He favours the holding of the next national elections on a non-party basis in which proportional representation would be the mode of election. However, a committee of the Majlis-e-Shoora has rejected proportional representation, while non-party elections is still only an idea.

All these restrictions have been incorporated in Zia's new political framework announced on 14 August 1983. The opposition has naturally condemned the regulations. Nevertheless, Zia is determined to go ahead with his plans. Elections to local, provincial and national bodies are to be held in stages by 23 March 1985. Raja Zafarul Haq, the Information Minister, has clarified that "the time frame for all elections cannot be shortened" and that the government would be "racing against time" to meet the deadline.

There is an expectation that Zia will form a new political party. Given the context, the possibility that he would restore "civilian" rule in 1985 with himself as an "elected" President along the lines of Ayub Khan is rather strong.

87 The Times of India, 23 October 1983. Zia has promised to teach political parties "a lesson and bring them to book."

88 This is despite the support given to the plan by political leaders like Chaudhry Rehmat Ilahi of the Jamaat who opined that the plan was "best for national integration and fair elections." See The Muslim, 7 December 1982.

89 Zia declared that elections to the federal and the provincial assemblies would be completed before 23 March 1985. See The Pakistan Times, 6 September 1983.
The example of Rahman parallels Ayub even more than that of Zia. Rahman held elections in the wake of a referendum, as Ayub had done. He secured 76.63 per cent of the votes in the Presidential elections of June 1978. Further, parliamentary elections were proposed for February 1979. Anxious to ensure the participation of the opposition, Rahman promised that the poll would be "absolutely fair." 2,125 candidates contested. 20.94 per cent of the voters polled and Rahman's Bangladesh Nationalist Party won 207 of the 300 seats. 400 defectors from the JSD made the victory possible. The Awami League alleged that rigging had taken place and that the Election Commission had been partial.

On the other hand, Prime Minister Shah Aijur Rahman eulogised Rahman by pointing out that "there is no single instance in the world that a military commander has ever handed over power to the people." Rahman described his election as a "historic event" and took credit for withdrawing martial law "for which I am not responsible." He pledged that parliament would have real power and that it would not be a "rubber stamp." Nevertheless, it was true

90 See Khan and Zafarullah, n. 37, p. 233.
91 Bangladesh Observer, 6 January 1979, 1 February 1979 and 6 April 1979.
that he had stayed in power by a resort to martial law ordinances for four years. Once he was elected, there was no need for martial law. Hence, he resigned from the army as Ayub had done and became a "civilian" President.

The real ruler of Bangladesh after the assassination of Ziaur Rahman was General Ershad. Ershad was aware that Bangladesh could be controlled "only by political means and not by military rule." While declaring that "if I had wanted I could have become President at any time," Ershad would not rule out the possibility even in 1981.

At first, he was unwilling to dismiss Justice Sattar, the acting President, so long as Sattar carried out his wishes. The Presidential elections of 15 November were announced to legitimise the rule of Sattar who had, until then, been the de facto President. Opposition leaders like General Osmany criticised the elections on the expected ground that they would legitimise one-man rule. As had been anticipated, Sattar won the elections.

Unlike Ayub and Rahman, Ershad found it unnecessary to take direct charge of the country since Sattar was pliable. But Sattar proved to be expected to be/less pliable than Ershad thought by declaring that in the event of an army coup, he would retire to his Dhaka home. His growing differences with Ershad led to

92 Indian Express, 15 November 1981. Emphasis added.
93 The Times of India, 16 November 1981. But later, Ershad, in an interview with Holiday, claimed that he had been misquoted on this matter and on related issues. See FOT (Bangladesh Series), vol. 6, part 202, 20 October 1981, p. 1722.
his overthrow.

Like other military rulers before him, Ershad revived political activity with a view to creating a political constituency for himself. After a year's ban, parties resumed functioning on 1 April 1983 even while Ershad mooted a "national dialogue" on the country's future with a prior "consensus" on the army's future role as a "precondition." This was a clear signal of his own political plans. In fact, he wanted to "give back democracy to the nation" after trying out "various models of guided democracy." The constant theme in his speeches was that "we are determined ... to transfer power," though he was making preparations to "civilianise" his role. Given this background, his plan to hold Presidential and Parliamentary elections on 24 May and 25 November 1984, respectively, and his own Janata Dal-sponsored candidature for the post of President did not surprise anyone. Interestingly, the Presidential elections were to precede those to Parliament since this was the only way for Ershad to consolidate his own power so that his party could dominate parliament in future. The example of Rahman was not lost on him.

**Party-Building**

Modern politics requires party structures. Local elections can be held on a non-party basis, as already shown.

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Even non-party national elections are possible. But elections without party structures lack legitimacy. That is why military leaders in South Asia have found it useful either to join existing parties or to form their own parties.

Opportunistic civilians and military rulers have a mutuality of interest in the formation of parties by the latter. In addition, lack of political experience makes it essential for army leaders to seek the help of politicians in party-building.

Let us take the example of General Ayub Khan. At first, he showed an antipathy for political parties. But his Presidential system, meant to direct mass politics from above, had to be linked with the Basic Democracies, designed to expand power from below. Such a link was provided by the party system and this became the intellectual basis for Ayub's "guided democracy." His Basic Democracies were expected to lead to a new constitution and end martial law. This would stimulate political participation. In sum, the party system would culminate in democratic politics. Since Ayub's Basic Democracies were not conducive to mass politics, Ayub became a member of the Pakistan Muslim League in May 1962 and his party came to be called the Convention Muslim League. The original Muslim League members preferred to call their party the Council Muslim League.
As the 1962 Presidential elections got closer, the members of Ayub's party vied with one another to win his favour. Ayub secured the support of the Council Muslim League, the Jamaat and the NAP (Bhashani) for the elections. Many of Ayub's supporters from the political parties were "bought - even the people who greeted [him] at airports and railway stations were paid." In fact, Ayub was so sure of his success that his party never even fought the elections.

Like Ayub, Zia has held local elections and drawn a programme for polls at the national level. Ayub formed his party with the support of many members of the 1962 National Assembly. Zia converted the Majlis-e-Shoora into a "nominated parliament" to the charge of members like Dr. Israr Ahmed who resigned because the Majlis was "the beginning of a political process." To date the Majlis members have been nominated. But Zia wants the "bitter pill" of elections to take place on a non-party basis with candidates to the legislature possessing a "number of qualifications." By constituting a national assembly in this manner, Zia wants to formalise all his constitutional amendments and "make hundred per cent sure that the

95 Ali, n. 7, p. 127.
96 The Muslim, 8 May 1982.
directions we have set are not upset unnecessarily." Only the Jamaat has given indirect support to his plans.

There is growing speculation that after non-party elections, members of the provincial and the national assemblies would be invited to join a new political party formed by Zia. Such an idea would suit him since after getting elected he would be required to relinquish the post of the Army Chief and to find another support base.

The idea of constituting a party of the Majlis members is gaining support. Aslam Khattak, a former PPP member, has pointed out that in the event of elections on a party basis, the Majlis members, who have been nominated against the wishes of their parties, would not be taken back. Hence, the Majlis members should unite and form their own party through the amendment of the Shrore Presidential Order. Not unexpectedly, this move has been condemned by eminent politicians.

Rahman gave far more serious thought to party-building than either Ayub or Zia. He evolved his own party. A "Political Front" of civilian and military leaders was formed on 15 December 1977. Air Vice-Marshel M.C. Mehmood resigned and became its "civilian" secretary. On 28 January 1978 Zamanuddin, Rahman's Industrial Adviser, announced the formation of the Jatiyobadi (Nationalist) Front and asked

97 The Times of India, 17 December 1983.
political parties to join it. In view of the flurry of protests, Rahman dropped the idea. An alliance with opportunist political parties was worked out by him prior to the Presidential elections of June 1978. Christened the Jatiyobadi Gonotantri Dal (JAGODAL), the front was discarded immediately after victory had been secured. Eventually, the Bangladesh Nationalist Party (BNP) was constituted by merging the JAGODAL, the UPP, the NAP, the Minority Party and the Muslim League. Rahman became its President for five years. It was the BNP which won the parliamentary elections of February 1979.

However, the BNP was neither homogeneous nor did it have grassroots support. Prime Minister Shah Azizur Rahman, an Islamic zealot, was counterpoised against Moudud Ahmed, the Leftist Deputy Prime Minister. The party was also divided into pro-Peking and pro-Moscow factions. Four of the six BNP constituents fell out over the issue of merger. Weeks after the party came into being, two leftist ministers resigned. Faced with such problems, Rahman tried to build a local base for his party by appointing a 12-man standing committee and a 120-member national executive from local ranks. 452 council members would have preferred elections to nomination. Lacking inner-party democracy, the BNP was more a front for Rahman than a democratic institution. He constituted a very large Council of Ministers not because it was necessary, but to satisfy all
the BNP factions. Only Rahman's charisma held the party together.

In retrospect, the BNP's claim to have "guaranteed a peaceful transfer of power" and to have put "Bangladeshi nationalism" on a permanent footing sounds a little hollow, considering Rahman's liquidation. The BNP never became a true party along the lines of the Awami League. Six of Rahman's cabinet ministers had formerly belonged to the armed forces. His cabinet consisted of a peculiar combination of army officers, civil servants and technocrats. Very few had a political background.

Erahad has followed a course that is almost the same as the paths of his predecessors. He has succeeded in inducting the more opportunistic politicians into his new party. Local elections and the Jana Dal (People's Party) are expected to boost his chances in the coming Presidential elections. Interestingly, like others before him, he too has announced Presidential elections before parliamentary elections to make his position absolutely secure.

VIII

Constitutional Legitimation

Once local and national elections had paved the way for the creation of legislatures, constitutional sanction

became the next logical step for South Asia's military rulers with a view to neutralising the stigma of their illegal seizure of power. That is why the army rulers of Pakistan and Bangladesh sought constitutional sanction, the ultimate source of legitimacy. To do this, each ruler either held a referendum, or amended the constitution with retrospective effect.

Referendum

Both Ayub and Rahman took resort to referendum politics while Zia has a proposal for a referendum. The chronology of events is similar in the cases of Ayub and Rahman. Both initially mooted a Presidential system, then strengthened themselves through referendum politics and finally held national elections as and when it suited them.

Ayub first passed the Basic Democracies Order of October 1959 and then held a referendum on 14 February 1960. Black and white ballot boxes and a ballot paper with "yes" and "no" markings were used for the referendum. Each ballot bore a number which was allotted to a particular voter so that the defaulters could be pinpointed. This, plus the lack of a choice of candidates, got Ayub 75,282 of the 78,720 votes. On 17 February 1960 Ayub declared that he was the first "elected" President of Pakistan.

The hint of a referendum was given by Zia for the first time on 24 September 1979, a day before the local councils elections. But no referendum was held. When asked whether he would hold a referendum on the new political system which he announced on 14 August 1983, Zia replied in the negative. However, such a referendum has been expected by observers and the Election Commission is reportedly making preparations "to hold the referendum at short notice." The Commission is also getting ready to revise the voters' list if Zia decides to increase the minimum voting age to twenty one. It is felt that after holding a referendum, Zia would hold provincial elections in the "spring of 1984" and national elections in 1985.

Rahman, too, held a referendum in much the same manner as Ayub, although the chronology of events was different. He first declared himself the President in April 1977, on the basis of the Presidential proclamation of August 1973. The referendum was then held in May 1977 to legitimise his action. Without rivals, Rahman secured

100 Interestingly, the Majlis-e-Shoora has recommended the restoration of the 1973 constitution and the parliamentary system with a balance between the powers of the President and the Prime Minister. This unexpected development may not suit Zia. However, Law Minister Sharifuddin Pirzada clarified that Zia had an "open mind" on Pakistan's political system. See FE 10 (Pakistan Series), vol. 11, part 154, 10 August 1983, p. 2229.

101 Rahman, like Ayub, gave a choice of two ballot boxes. The white box, with Rahman's photograph, was marked 'yes' and the black 'no.'
98.87 per cent of the votes. As in Ayub's case, the referendum was held roughly two years after his seizure of power.

Ershad, to date, has not held or talked about a referendum to endorse his policies. However, when a controversy arose on the constitutional role of the armed forces, President Sattar, whom Ershad supported, declared that the government "would refer the matter to a referendum," and that such a referendum would decide with finality whether or not the army should have a role or not.

Retrospective Constitutional Amendments

While resort to a referendum is a useful constitutional device, the amendment of the constitution or the adoption of a new constitution is a more secure and sound method of constitutional legitimation. When Ayub came to power, his collaborator, Iskander Mirza, confidently declared that "my authority is revolution. I have no sanction in Law or Constitution." But eventually Ayub was to give Pakistan a new constitution in the interest of his own survival. Similarly, Yahya Khan's seizure of power was termed illegal and unconstitutional by the Supreme Court in

102 The Hindustan Times, 28 March 1982.
the case of Asma Jilani versus the Government of Punjab and Others. Yahya’s response was to introduce the Legal Framework Order. Zia once revealed that

I derive all my powers by being the Chief of the Army Staff. If I give that up then I am nobody. 105

Martial law has continued to be the basis for Zia’s rule. As Justice Ghulam Safdar Shah, a former judge of the Pakistan Supreme Court, pointed out, Zia broke his promise to hold elections “at least thirteen times and violated every part of the constitution.” Such a situation could hardly give Zia much comfort. That is why he repeatedly amended the 1973 constitution and announced a new constitutional order on 14 August 1983 to give himself some form of constitutional legitimacy. Similarly, Ebrahim has proposed a constitutional role for the Bangladesh armed forces with a view to giving constitutional sanction to his rule.

Ayub had drawn a blueprint for the 1962 constitution long before the 1958 coup. The coup was justified on the ground that there was a constitutional crisis in Pakistan. The result was the new constitution of 1962. There was

104 Indian Express, 28 January 1983.
105 Muhammad Mumir, From Jinnah to Zia (New Delhi, 1981), p. XIII.
never any doubt that Ayub wanted to rationalise his arbitrary rule under the new dispensation. Meant to legitimate the power of "non-representative elite groups," this constitution was "of the President, by the President and for the President." Occasioned by the threat of "secessionism" in East Pakistan, it was highly unitary and centralized.

Yahya adopted the Legal Framework Order (LFO) of March 1970 which gave a constitutional framework for federalism and democracy. The National Assembly was given merely 120 days to draft a constitution to enable Yahya to play a major role in framing it. The LFO was kept vague enough on the question of eastern representation so that Yahya could continue the role of mediator between the PPP and the Awami League. It was, however, clear from the LFO that the National Assembly would not be powerful. Yahya also spoke in favour of a constitutional role for the armed forces in the manner of Zia and Ershad. All these encourage the belief that Yahya was more interested in the perpetuation of his rule than in the transfer of power. Unfortunately for him, things went out of hand.

107 Le Porte Jr., n. 72, p. 57.

108 Lawrence Ziring, Ralph Bribanti and W. Howard Wriggins, eds., Pakistan: The Long View (Durham, N.C., 1977), p. 256. This was the statement of Mohammad Ali, a former Pakistani Prime Minister.
Short of adopting a new constitution, Zia has done everything possible to get constitutional sanction. The first such act was a favourable Supreme Court verdict after the coup with the explanation that "an extra-constitutional step had been necessitated by the complete breakdown and erosion of constitutional and moral authority." The coup was thus validated by "the doctrine of necessity." The next move was the "Provisional Constitution Order (PCO), 1981." Under it, "real" martial law was to be enforced for an "interim" period. Article 2 of the PCO declared that the 1973 constitution would be a "part of this order," virtually suspending the 1973 constitution. Article 16 gave the Chief Martial Law Administrator (CMLA)/President the right to make or invalidate any law. Under Article 3, the senior Vice-President would hold office at the pleasure of the CMLA. The Majlis-e-Shoora (Federal Council), too, would function under the full control of the President. The judiciary was also crippled. Article 15(1) validated all orders after 5 July 1977. "Notwithstanding any judgement of any court," these orders would "not be called in question." Article 14 allowed for the resumption of political activity on the condition that only the nineteen registered parties would function. Any among them "operating in a manner prejudicial

to the Islamic ideology" would be banned.

The PCO thus gave Zia unlimited power. Zia even went a step further by asking judges of the Supreme Court and High Courts to sign an oath of loyalty to the PCO. Twenty judges, including Anwar-ul-Haq, the Chief Justice of the Supreme Court, were dismissed after refusing to do so. Anwar-ul-Haq, once Zia's supporter, protested that the balance between "the individuals and the state had gone overboard."

The PPP's Benazir Bhutto decided to challenge the PCO in the Supreme Court and the High Courts. Lawyers in Karachi and Lahore organised protests against Zia's "treasonable act to liquidate the rule of law and extend the life of an illegal martial law regime." Other critics reiterated that the "Doctrine of Necessity" had been propounded only to allow Zia to hold elections and that he had gone far beyond that.

Such criticism did not deter Zia from looking for new areas of constitutional legitimation. A few months later, Zia expressed the wish to amend the constitution to


111 The Times of India, 27 March 1983.

balance the powers of the President and the Prime Minister and to purge it of "un-Islamic" provisions. Article 203F, which said that the Shariat Appellate Bench would, in addition to three Muslim Supreme Court judges, not have more than two Ulama from the Federal Shariat Courts, was amended in favour of the Ulama under "The Constitution (Third Amendment) Order, 1982 (P.O. No. 12 of 1982)" of 15 August 1982. Such a manner of "Islamisation" was justified by Zia on the ground that Islamic democracy was "slightly different" from that of the west and that Islam did "not believe in the rule of the majority." Zia hoped that the Majlis-e-Shoora would become a parliamentary body and pave the way for "Islamic democracy." At the same time, piecemeal concessions to the opposition were announced. Khwaja Mohammad Safdar, the Chairman of the Shoora, declared that he would recommend a constitutional amendment to revive the defunct political parties. Zia also announced that he would hold elections on a non-party basis. Last but not the least, a constitutional role for the armed forces was favoured by him. His thinking was that in times of crises, the military ought to aid the President, and even run the country temporarily. Such a phenomenon would "protect [the] Pakistan ideology and safeguard it against internal disorder." This is the

113 Khyber Mail, 16 August 1982.
so-called Turkish model, so-called because while in Turkey the generals have allowed free and unconditional elections of civilian leaders and the right of the majority-party to form a government, Zia's version of democracy is different.

The opposition did not bear all these acts of constitutional fiat in silence. Statements condemning the moves were issued by the Tehrik, the NDP, the PML, the Jamaat, the MRD and the PPP.

Zia took these criticisms in his stride. A year after "the Constitution (Third Amendment) Order, 1982", he announced a new political framework on 14 August 1983. Its provisions have already been discussed. The mode of holding elections under the new plan has not been clarified. However, Zia has declared that elections would be on the basis of adult franchise and some kind of pre-qualification has been hinted at. Nor has Zia made clear whether the ban on parties would be lifted while clarifying that martial law would be withdrawn after elections are held.

This "new political system" is old wine in a new bottle. The most conspicuous change from his earlier plan is that no new constitutional role has been visualised for the armed forces. Still, the three service chiefs "would sit on the proposed National Security Council which

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alone would have the power to proclaim a national
emergency." The President would be the Chairman and
the Prime Minister a member of the proposed Council.

The new political system has been bitterly
denounced by the opposition. Even the pro-Zia Jamaat,
through a resolution of its Executive Committee, asserted
that "an individual cannot amend the Constitution passed
by the national assembly unanimously in 1973." The PPP
has been characteristically vehement in its condemnation
of Zia. The PL, the Tehrik, the NDP and the PPP have,
jointly and separately, warned that Zia has no right to
amend the Constitution. However, he has stood by his
actions with the declaration that "the legitimacy of our
action has been upheld by the Supreme Court of Pakistan...
the government of Pakistan is a constitutional government."
As Ayub had done, Rahman took about four years to institutionalise the Presidential system introduced by Mujib in 1975. Rahman's "mandate" in the Presidential elections of June 1978 gave him the opportunity to do so. It was decreed in mid-December that the President would "appoint" the Prime Minister who need not "necessarily" be the leader of the party having a majority in Parliament. The deputy Prime Minister and other cabinet ministers up to a maximum of 20 per cent. of the Council of Ministers could also be nominated although they were then required to be get elected. The role of the Council of Ministers was required to only advisory. International treaties were not to be ratified by parliament. The power of veto enjoyed by the President could be taken away only by a referendum and parliament had no authority to impeach the President. Ministers held their posts at the "pleasure" of the President. The Prime Minister would be the "link" between the Parliament and the President.

Quite naturally, the opposition characterised this as the "mere replacement of tweedledum with the tweedledee." The Janata Party's General Osmadi correctly pointed out that the President would become "a virtual dictator." Rahman's system was universally criticised by the Bangladesh opposition as "martial democracy."

Eshhad has suspended the constitution after assuming power. He has also shown a preference for the Presidential system like Ayub and Rahman. The most he is willing to concede is a "parliament with a little more power so that the President should not have absolute power." To this end he has declared the wish to "restore the constitution with one or two amendments." Although Zia abandoned the plan to give the armed forces a constitutional role, Eshhad has not abandoned a similar idea first mooted in 1981. The only way to keep the army happy was to give it a role in development, argued Eshhad. The army, which had fought for the nation's independence, had the necessary capability for a nation-building role, which civilian structures lacked. To give these ideas practical shape, Eshhad drew up the 12-member National Security Council. A plan was finalised to constitute an elected parliament and a

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Apart from the adoption of the Presidential system, all previous martial law ordinances were incorporated into the Fifth Constitutional Amendment. Only then was martial/lifted on 6 April 1979. \cite{law}

120 Eshhad made it clear that the "national dialogue" with political leaders would include discussions on amending the constitution. See New Nation, 12 March 1983 as quoted in POT (Bangladesh Series), vol. 8, part 49, 14 March 1983, p. 461.

121 On 6 May 1982 Zia had declared the wish to establish a "Command Council" including the President, the Prime Minister, the Defence Minister and the three service chiefs. See The Pakistan Times, 7 May 1982.
Cabinet with representatives from among both the politicians and the armed forces. Under the scheme, the army representatives were to sit in the upper house and about 40 per cent of the seats in a bicameral legislature were to be earmarked for them.

Ershad's plan was publicly rejected by Dr. Kamal Hossain of the Awami League. Abdus Sattar, the BNP candidate for the Presidential elections of 1981, also repudiated it in spite of enjoying Ershad's support. Sattar opined that the constitution must remain in force "unless the party (ruling BNP) decides otherwise." In his view, the army's responsibility was "to maintain the integrity and security of the country" and "I don't think they need to do more than this."

Like Pakistan's Zia, Ershad drew an election schedule in such a manner that after being elected he could easily implement his constitutional plans. The constitution stipulates that Presidential elections should be held before parliamentary polls, said he. On 1 November 1981 Ershad emphatically rejected the opposition stand that he (Ershad)

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122 See the Weekly Holiday, 12 March 1983, as quoted in POT (Bangladesh Series), vol. 5, part 50, 15 March 1983, p. 420. Ershad also suggested that the Army Chief should be the Defence Minister. The composition of the NSC was determined by him and not by President Sattar.

has no power to change the suspended Constitution."
The predictable opposition retort was that by such a
stand Ershad "virtually denied the original constitution
of the country." Ershad then queried "how the representa-
tives, elected in Pakistan [in 1970] can frame the
constitution of independent Bangladesh in 1972?" This
raised a chorus of protests to the effect that by question-
ing the 1972 constitution which was "historically beyond
controversy" Ershad had denied the "independence of the
nation."

IX

Religious Populism

It is a truism that most of the rulers of Pakistan
and Bangladesh have rallied support around Islam. No
military ruler has been an exception to this. Although the
degree of the emphasis on Islam has varied according to the
kind of threats faced by each ruler, the generals have been
united in their affinity either with parties espousing
religious causes or with those drawing on the religious
sentiments of the people.

Ayub's use of Islam was a purely political phenomenon;
he was not interested in deifying Islamic theology.

124 For details about the polemics, see The Times of
India, 20 November 1965.
125 The blind and liberal Hashim was a prominent member
of the Council of Islamic Ideology. See Muhamed
Mumir, n. 105, p. 63. The same Council has different
goals and ideas before it under Zia today.
"Islamic" did not figure in the 1962 constitution though there was a reference to the Qur'an and the Sunnah in the Directive Principles. The Advisory Council of Islamic Ideology consisted of liberal lawyers, civil servants and the Ulama. Ayub also established an Islamic Research Institute whose President was the broad-minded Fazlur Rahman. Since his seizure of power was decidedly more popular than that of Zia, Ayub's wish to exploit Islam to stay in power was correspondingly lukewarm. But he was shrewd enough to use "Islam to support the kind of authoritarian system" he envisaged. The Presidential form of government was justified on the ground that no other system was in consonance with Islam. Ayub argued that party politics was divisive and that "without centralisation, unity and solidarity no system can claim to be an Islamic system." Democracy, as he stressed, must be of a type understood by the Pakistanis.

Zia's "Islamisation" has no precedent in Pakistan's history. Earlier, Zia claimed that the 1977 coup was carried out to hold free and fair elections. In due course he began to claim that he assumed power to build a perfect Islamic system which would be irreversible. A number of ordinances were issued to institute the proposed Nizam-i-Mustafa. The most noteworthy were The Prohibition

(Enforcement of Hadud) Order 1979; The Offence of Zina (Enforcement of Hadud) Ordinance 1979; the Offences Against Property (Enforcement of Hadud) Ordinance 1979; The Offence of Gazuaf (Enforcement of Hadud) Ordinance 1979; The Execution of Punishment of Whipping Ordinance 1979 and the Code of Criminal Procedure Amendment Ordinance 1979. Further, Order Number 3 of 1979 amended the constitution and empowered the High Courts to determine whether or not a specific law was Islamic. A shariat Appellate Bench consisting of three members was constituted. Zia made it clear that the changes were for all time to come.

Zia's narrow interpretation of Islam was designed in such a manner as to eliminate secularism and opposition to army rule. The aim of the programme was to impose dogmatic religious "discipline on the population and abolish or alter laws and institutions that according to the most conservative theologians did not accord with the precepts of the Quran.

Zia's Islamisation encompassed the social, economic, political, judicial, educational and religious spheres of activity. The defunct Islamic Ideology Council was revived

127 The first four orders and ordinances provided for punishment against drinking, adultery (Zina), dacoity and the false accusation of adultery against a chaste woman (Gazuaf). See Munir, n. 105, pp. 123-131.
to enact new laws in conformity with Islam. Many Pakistanis viewed his programmes with disfavour but such sentiments were not strong enough since Pakistan was an Islamic state. But what was novel about his regime was the introduction of "Islamisation" in an organised manner.

Pakistan’s Information Minister, Raja Zafarul Haq, declared in 1981 that Islamisation was a "national project" to be implemented "very firmly." He claimed that the government was "adopting only rational laws." The 19-member Council of Islamic Ideology was chaired by Justice Dr. Tanzil-ur-Rahman. Maulana Abdullah Khilji was appointed Honorary Adviser on Religious Affairs for Baluchistan. A new Islamic political structure was put up for study in the Majlis-e-Shoora. The economic component was the levy of Zakat (a 2.5 per cent tax on saving deposits), Ushr (a 10 per cent tax on farm produce) and the gradual elimination of interest. Besides, liquor was banned on Pakistan International Airlines flights, a university of Islamic Studies was inaugurated, 500 government schools were established in mosques and court cases were transferred from civil to Shariat benches. An Islamic

128 See Morning News, 23 May 1981. Credit was taken for the drop in the crime rate by a third after the introduction of Shariat.

129 Zia was unhappy that the programmes did not have the "desired results" and urged the Majlis to "monitor their implementation." See The Tribune, 14 November 1981.
penal code was introduced and an Islamic Court was set up to determine whether laws were Islamic. After the introduction of his reforms, Zia declared that "no government could reverse Islamisation."

Islamisation raises several questions. The first is whether the new laws conform to Islam or not. One author described Zia's version of Islam as "fossilised." Others argue that Zia's laws are out of tune with Islam. Prohibition is against the tenets of the Hanafi school of jurisprudence. The stipulation that adultery is punishable by stoning to death is contrary to the law which prescribes 100 lashes for it. The legal punishment that the right hand be amputated for theft is inconsistent with the spirit of Islamic law. The plan to levy jaziya on non-Muslims is illegal since they do not belong to a conquered territory. Zia's original laws, "except one, are opposed to the plain terms of the Qur'an" and the powerless shariat benches are of no use.

The variance of the laws with Islam gives rise to the suspicion that they are not really meant to "Islamise" Pakistan but to perpetuate Zia's power. He has claimed that in Islamic politics the manner of the transfer of power


132 See Munir, no. 105, pp. XIX-175.
from one ruler to another does not matter. He has also declared a wish "to serve the people as long as we have the blessings of Almighty Allah" and to establish an Islamic state which "no successive government could dislodge." As regards Islamic banking, it is even more "guided" than nationalised banking which at least operates on the basis of rational principles. After having repudiated modern banking with the backing of religious authority, Zia's Islamic banking would increase the power of the state enormously.

That is why Islamisation has been condemned by Zia's political opponents and even by ordinary people. The MRD, the JUI, the PNP and the JUP have often accused Zia of using Islamisation to divert attention from real issues. All the political parties have condemned Zia's formulation that dissent, opposition and parties are foreign to Islam. Political leaders of a religious persuasion, including Chahoor Ahmed of the Jamiat, are unanimous that fundamental rights cannot be suspended and martial law cannot be imposed under Islam. Mianraj Mohammad Khurshid of the Gaumi Mahaz-i-Azadi has even made the charge that

133 The Pakistan Times, 22 April 1985.

134 The leaders argue that whenever the issue of succession arose under the Caliphs, no general was ever invited to assume power. When an Islamic state is threatened, all Muslims are required to wage Jihad during the emergency. Hence, the question of suspending fundamental rights does not arise. See The Times of India, 8 December 1983.
Zia is encouraging "religious fanaticism." The basic fact remains that since Pakistan was created to safeguard Islam, blowing the Islamic trumpet amounts to a ruse. Nor does Islamisation make a meaningful attempt to redress the grievances of the sick, the poor and the illiterate.

But unmindful of these criticisms, Zia has declared that a future elected assembly in Pakistan would only be "consultative," and "power will only be allowed to supporters of Islamic ideology." The army would transfer power after the 1985 elections on the condition that the new government "continues the Islamisation process." Power would not be transferred to "bandits, vagabonds and irresponsible people," and since "sovereignty belonged to ... God ... the government would only rule as long as it respected the principles of Islam."

135 Pakistani Marxists argue that Zia's "ideology of religious alienation is an ideology of the last resort for the ruling class which has failed to contain the masses ... Now that Pakistan is no longer the homeland for all, or even most of the Muslims of the subcontinent, its raison d'être must be that it is the home of the non-Muslims, the last ... fortress of piety... Islamism claims that Pakistan got dismembered in 1971 because of an ... 'international conspiracy' ... Similarly ... the poverty of the masses ... is said to be a consequence ... of 'un-Islamic ways of life... Islamism provides the ideological justification for the absolution of the state." See Hassan Kartdezi and Jamil Rashid, eds., Pakistan: The Roots of Dictatorship (New York, 1983), pp. 116-117.

136 This is despite the official claim that taxes such as Zakat are the only solution to Pakistan's poverty. See Bordewich, n. 3, pp. 176-177.

137 The Times of India, 23 December 1983.
The case of Bangladesh is rather different from that of Pakistan. Right from its inception, Bangladesh had to choose between secular democracy, Bangladeshi nationalism and a pure Islamic identity. Mujib chose the first but failed. Rahman chose "Bangladeshi nationalism." While language and culture were given importance, Islam was also given its due place by him. Secularism was disavowed as a state goal but Rahman kept Islamic theology at bay. He tried to balance the divergent pulls of Bangladeshi society. 15 August was neither declared as **Najat** (Deliverance) Day as demanded by the orthodox nor proclaimed as National Mourning Day as wished by the Awami League. Instead, a moderate consensus was sought around the Sepahi Janata Revolution and the **Jatiya Biplob Divas** (National Liberation Day) of 7 November. This was perhaps the best course for Bangladesh because an Arabised Islamic identity would have meant that language and culture were dispensable while religion was not. On the other hand,

138 While Zia repudiated Mujib’s principles, he was equally firm in dismissing Air Marshal Tawab and his compatriots who wanted Bangladesh to be an Islamic republic with a change in the national anthem.

139 Islamic orthodoxy would have revived the Pakistani days when the western wing tried to impose a "pure" form of Islam on the Bengalis on the plea of the threat from "Hindu India." The West Pakistani contempt for Bengalis was partly because of "Hindu influence" on the latter. The Bengali Muslim shares a common culture with the Bengali Hindu. The observance of contd. on next page
a "secular" identity would have failed in accommodating the strong religious feelings of the Bengali Muslim.

Mujib chose secular nationalism and Rahman gave Islam a due place. Ershad's first national address did not even mention Islam. When asked if he would declare Bangladesh an Islamic republic, he answered that "people along can decide such issues." But subsequently, he changed his stand. In 1981 he ordered that 21 February, the Martyrs Day, be observed in an Islamic manner. He also called for the "Islamisation" of education.

Education Minister Abdul Majeed announced plans to make the teaching of Arabic compulsory at the kindergarten level. This, however, had to be shelved because of the general opposition to such a move. Furthermore, it was announced in June 1983 that primary education in the rural areas would henceforth include mosques and an Islamic university for 2,000 would be set up. According to the

\[140\] National Herald, 6 May 1982.

A bitter controversy arose over the use of "alpaca" motifs at the base of the Shahid Minar. But the protest against his move was so strong that he had
Vice-Chancellor, its task was to "unify Muslim society by getting rid of the gap between two parallel systems of education at present in place." An Islamic bank of Bangladesh with 13 Arab sponsors owning 70 per cent equity was also set up at Dhaka. Ershad also wanted the inclusion of Islamic principles in the constitution while clarifying that such ideas would not be introduced in the administration since "Pakistan is not our model." His policy, therefore, was one of ambivalence. This is understandable since neither the Islamic nor the Bangali identity of the Bangladeshi can be repudiated.

X

Nuclear Politics

Pakistan's avowal of the nuclear option has given enormous popularity to her rulers since public opinion in that country largely favours a nuclear capability. Bhutto was the father of Pakistan's nuclear programme ever since 1993 and particularly after 1972. The acquisition of nuclear weapons by Pakistan during Bhutto's tenure would

142 The "Islamisation" of education led to the call for "Protest Day" on 7 February 1983. See POT (Bangladesh Series), vol. 6, part 24, 7 February 1983, p. 216.

143 The Hindustan Times, 28 December 1983.

144 This emerges from his own admission. See Zulfikar Ali Bhutto, If I am Assassinated ... (New Delhi, 1973), p. 137.
not only have increased his stature but would also have diminished the power of the civil-military bureaucracy. But Bhutto did not live to fulfil his dreams and accused the USA of toppling him because he had pursued an independent nuclear option.

Bhutto was to reveal in his final testament that "only the Islamic civilisation was without [nuclear capability], but that position was about to change." Bhutto also accused Zia of abandoning the goal of a nuclear capability. However, Zia has not done so. Pakistan, through stealth, acquired key components for a nuclear explosion based on the centrifuge method. She refused to

143 For an analysis of the domestic implications, see Major General D.K. Fait and P.K.S. Nambodiri, Pakistan's Islamic Bomb (New Delhi, 1979), p. 16.


145 A Pakistani scientist, Abdul Qadir Khan, is reported to have smuggled secret Dutch documents on the centrifuge technology into Pakistan. Pakistan also succeeded in importing special steel tubes for the centrifuge plant without the knowledge of the Dutch government. "Tecn Industries," a West German firm, and the Dutch firm, "Weergate," combined with others to supply equipment from countries including "Britain, Netherlands, Switzerland, West Germany and the United States." See T.C. Rose, "Nuclear Proliferation: A Case Study of Pakistan", in Surendra Chopra, ed., Perspective on Pakistan's Foreign Policy (Amritsar, 1983), p. 399.

Experts at New Delhi's Institute for Defence Studies and Analyses opine that with an unsafeguarded heavy water plant and possibly a trigger from China, Pakistan can not only stockpile four kilograms of weapons grade fuel a year but may even carry out a nuclear test in the near future. In this context,

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allow full scope safeguards on her uranium enrichment plant at Kahuta which was irrelevant to her civil nuclear programme.

The fact is that the domestic advantages of pursuing a nuclear option have not been lost on Zia. Just as Bhutto hoped to awe the military into submission through the exercise of the nuclear option, Zia expected to keep his domestic opponents at bay by taking his country close to nuclear weapons capability. Zia has reportedly stated that the development of nuclear energy is more important than the holding of elections. It was believed in 1979 that he would hold elections after exploding a nuclear device through the plutonium route. But no explosion took place presumably because Pakistan had not succeeded in mastering the plutonium technology. Zia is on record as having acknowledged that Pakistan has mastered the difficult uranium enrichment technology, and that his country "will not make a weapon, and if it does,...

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Dr. A.G. Khan has made the important revelation that Pakistan is the sixth country to reach uranium enrichment capability, and can make a bomb if she wants. See K. Subrahmaniam, "Pakistan's Nuclear Capability and Indian Response", Strategic Analysis, vol. 7, no. 12, March 1984, p. 967. The Mirage III and V, as well as the F-16 could deliver nuclear weapons.


This strategic ambivalence has gone down very well with his countrymen. In addition, the New Delhi statement of A.K. Brohi, Zia's special emissary, that Pakistan and India "will have to choose between co-existence and no existence" has not only bluntly signalled India about Pakistan's nuclear profile but has also bolstered Zia's image as a strong ruler capable of withstanding Indian pressure against Pakistan.

Foreign Policy

Issues of foreign policy are manipulated by rulers everywhere for their survival. While foreign policy has already been examined in chapter four, the use of foreign policy to acquire legitimacy needs a brief perusal.

Ayub offered joint defence to Nehru in 1959 to gain legitimacy but Nehru was averse to dealing with a military dictator. However, with the passage of time, India's willingness to discuss outstanding issues aided Ayub in the long run. Similarly, Zia has been steadfast in his wish to reach agreements with India. His New Delhi


visit in November 1982 was a diplomatic triumph. The subsequent offer of a No-War Pact with India gave Zia a respectability and recognition he had hitherto lacked. Zia had, upon his own admission, "pulled the carpet (from) under the feet of the Indians." Similarly, the establishment of a Joint Commission further fortified Zia.

Before the Soviet Union's Afghan intervention in 1979, Zia was a widely disliked strongman whose popularity had plummetted after Bhutto's hanging. But after that event he got a fresh lease of life. While unwilling to accept Bengalis from Bangladesh who had fought for Pakistan, Zia, out of political considerations, showed much concern for Afghan refugees who had always championed the Pakhtunistan cause. The Afghan crisis was projected in both its strategic and humanitarian dimensions. A large American aid programme was the result.

In sum, Zia's diplomatic success has been conspicuous. Not only has he kept the U.S. and India guessing about his real intentions, but he has also made repeated visits to Saudi Arabia and other Islamic countries which have been more than willing to endorse his

152 P.B. Sinha, "Islamabad Meet: Quest for Normalisation", Strategic Analysis, vol. 7, no. 4, July 1983, pp. 279-285. From another angle, many Pakistanis felt that by offering the no-war pact to India, Zia was trying to ease the external security burden of the army to facilitate its use against his domestic opponents.
Islamisation and give large amounts of aid. There is little doubt that Zia has been far more successful than Ayub was in the domestic uses of foreign policy. But with the Afghan situation having stabilised, the issue of Soviet intervention there having ceased to be the burning issues of the day, the flow of American aid and the strength it gives to Zia is likely to ebb. There may then be greater pressure on him to hold elections.

Rahman faced many difficulties in the early years of his rule. He was not particularly sympathetic to India, though he avoided the shrill anti-Indianism pursued by the junior officers who had carried out the August coup of 1975. After the institution of India's Janata government, Rahman was able to secure a guarantee that India would not aid Bangladesh rebels. 1500 Bangladesh freedom fighters were sent back to Bangladesh from India by June 1977. Rahman also secured a 5-year interim agreement on Farakka in November 1977. Rahman succeeded in sending back 200,000 Burmese refugees after pressure from friendly governments. His stature increased after he took the courageous step of making a proposal for a summit to discuss South Asian regional co-operation. In a condolence message after his death, Mrs. Gandhi complimented his "statesmanlike vision" in making the proposal. Through

his "supersalesmanship" he was able to get himself and his country a status out of proportion with the actual potential of the country. That is why by the end of his tenure he came to symbolize "Bangladeshi nationalism" and was widely mourned.

XII

Conclusion

The military regimes of Pakistan and Bangladesh have adopted similar and sometimes even identical strategies of sustenance and survival. This is not surprising. They saw themselves in a heroic mould and sought "civilianisation" because of the manner of their seizure of power. They unleashed repression against political opponents and tried to divide the rank of both supporters and detractors, while resorting to bluff. But such temporary tactics could not pay in the long run. The stigma attached to their violent and unconstitutional seizure of power always haunted them. Hence, they broadened political participation, sought legitimation through constitutional fiat and exploited issues like religion, nuclear politics and foreign policy.

It is worth remembering here that resort to all these strategies was taken in a variable and dynamic

154 Maniruzzaman, n. 60, pp. 253-254.
mixture, depending on the prevailing circumstances. As the situation changed, so did the strategies. When the threat to a regime changed, a new response was imperative for its survival. The ultimate source of power was obviously coercion. With their mastery over the technique of violence, military rulers were not wanting in its use. However, a judiciously balanced mixture of short-term and long-term strategies was always preferred.

Variations in the strategies were, of course, discernible. Zia took more than six years to announce elections though Ayub and Rahman had taken less time to "civilianise" themselves. Perhaps the Afghan crisis, an event without precedent, delayed Zia's search for a civilian face.

Such strategies do not always succeed, partly because they are employed in the wrong mixture at an inappropriate time. Ayub's fate was sealed when the generals refused to agree to an extension of his rule. To the very end Rahman tried very hard to erase his military background and "civilianised" himself to a much greater extent than the other military rulers. But his ultimate source of power was the army. Members of that very organisation assassinated him because he began to harbour delusions of being a genuinely civilian ruler and tried to keep the armed forces at bay. If they lose the
support of the army, Zia and Ershad may also fall one day, as did Rahman and Ayub. No amount of "legitimation" and "civilianisation" of their rule can alter this basic fact. "Civilianisation" is a mirage that is no substitute for legitimacy.

In fact, the issue of legitimacy is central to the analysis of military rule, as already noted in chapter two. Legitimacy cannot be built on the edifice of a formal constitutional platform. In the last analysis, performance is the foundation on which legitimacy rests, since nothing succeeds like success. To what extent the military rulers of Pakistan and Bangladesh have been successful in fulfilling their promises would be unravelled in chapters six and seven.