

## **Elections Delayed after Martial Law: An Analysis of Events (July-October 1977)**

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### **Abstract**

*This study attempts to evaluate the causes of the postponement of elections by General Zia-ul-Haq following the imposition of martial law in July 1977.<sup>1</sup> The assessment of the amendments in the election laws, the appointment of the Chief Election Commissioner, the election canvassing of both PNA and PPP, and the arrest of Z.A. Bhutto leads to the conclusion of the study. The reasons of adjournment as pronounced by the regime have also been assessed. The accounts of participants of the events which appeared in their autobiographies, the evaluation of the regime's narrative in the Supreme Court and the analysis of Gen. Zia's statements are the methods of research adopted for this paper. Being part of the HEC sponsored research project on "History of Electoral Politics in Pakistan" the paper leads to the findings that three major reasons for the postponement of elections, which the regime pronounced on various forums, namely the possibility of violence, demands for postponement and pre-election accountability were not actual causes of postponement. The elections on the other hand were postponed due to the fear of Bhutto's return to power.*

**Keywords:** Election Postponement, Campaign for Elections, Z.A. Bhutto, Election Laws, Accountability

### **Introduction**

In his first address to the nation, General Zia-ul-Haq, the Chief Martial Law Administrator (CMLA), promised to hold elections within 90 days. He declared that the sole aim of his administration was to organize free and fair elections which needed to be held in October 1977. Asking for cooperation of political parties he promised to soon announce the modalities and the detailed time-table for election. In order to allow some time to cool off human passions he banned political activities till

further orders. However, he said that political activities would be allowed before the polls.<sup>2</sup>

There was never any real intention of permitting fresh elections on the old model. Gen. Zia's address to the nation on the evening of 5<sup>th</sup> July 1977 was a *mélange* of duplicity and straightforward untruth. "I want to make it absolutely clear that neither have any political ambitions nor does the Army want to be distracted from its profession of soldiering... my sole aim is to organize free and fair elections which would be held in October this year. I give assurance that I will not deviate from this schedule."<sup>3</sup> On 15 July Gen. Zia met former Prime Minister Bhutto in Murree in the rest house where he was detained. After this meeting he also met Pakistan National Alliance leaders under detention.<sup>4</sup> He said the political leaders to stay and take rest in custody then they could take part in elections.<sup>5</sup>

Acting Chief Justice of Lahore High Court Justice Maulavi Mushtaq Hussain was appointed as Chief Election Commissioner (CEC). A committee consisting of Justice Nasim Hasan Shah, the Attorney General and A.K. Brohi was constituted to assist the CEC to frame election rules. On 17<sup>th</sup> July 1977 newly appointed CEC assumed additional charge of Chief Election Commissioner.<sup>6</sup> Yahya Bakhtiar as advocate submitted an appeal in which validity of the appointment of Justice Mushtaq Hussain as Acting Chief Justice of Lahore High Court and appointment as CEC was challenged. He pleaded, among other pleas, that Justice Mushtaq Hussain could not continue in this capacity after his appointment as the CEC, as Article 216 of the Constitution prohibited the CEC from holding any other office of profit." The Appeal was dismissed by a short order on the 8<sup>th</sup> of December 1977. The detailed judgment read that "The appointment of the CEC was in the nature of a temporary and *ad hoc* appointment in a situation not covered or contemplated by the Constitution of 1973. It was merely intended for the limited purpose of holding the forthcoming general elections. Accordingly, there was no bar in the way of the CEC continuing to perform his Judicial functions as a Judge and Acting Chief Justice of the Lahore High Court".<sup>7</sup>

During the proceedings of the case, Yahya Bakhtiar, Bhutto's attorney, raised contention that it was not at all necessary for the President of Pakistan or the CMLA to issue the various Post

Proclamation Orders to make special provision for the holding of the forthcoming elections or to vary the terms of appointment of the Chief Election Commissioner, as all these matters stood fully provided for [[the Constitution; and that these Order clearly fall outside the purview of the powers enjoyed by the CMLA, as laid down by this Court in *Begum Nusrat Bhutto's Case*.<sup>8</sup>

The Supreme Court observed that there was a misconception to the true implications of the decision in *Begum Nusrat Bhutto's case*, in so far as it dealt with the powers of the CMLA under the doctrine of necessity. Therefore, the Court was not to sit in appeal over the question whether an action taken by the President or the CMLA was valid under the law of necessity. Viewed in this perspective, the court decided that the Post Proclamation Presidential Nos. 3, 4 and 5 clearly fell within the objectives for which Martial Law was imposed in the country on the 5<sup>th</sup> of July, 1977, to ensure the restoration of democratic institutions under the Constitution. As the Constitution, unfortunately, did not contain any provisions for meeting the unprecedented situation, the President, on the advice of the CMLA, was clearly not only competent, but also under a solemn obligation, to take step to ensure fresh elections. Thus it was maintained that the validity of three Presidential Orders relating elections could not be questioned on the ground that they were not necessary. The Court felt that it would be traversing outside the scope of the powers of Judicial review in dictating to the Government the procedural and administrative details necessary for the holding of the forthcoming election such as the number of Members of the Election Commission.<sup>9</sup>

On 28 July all PNA leaders and Bhutto were taken to Islamabad and were released. Mazari headed for Karachi and was received by a tumultuous crowd. Most of the detained PNA leadership were similarly feted in their home towns as returning heroes. That same day the newly released Bhutto was also received by a large crowd at Rawalpindi. Realizing the electoral battle that lay ahead, he knew it was time to shed his acquired persona of a major world statesman and to revert to his earlier role of a combative street fighting politician. Portraying himself as an underdog he went on the Offensive.<sup>10</sup> He then left for Karachi to be available to preside over the meeting of the Central Executive Committee of his People's Party that endorsed the

decision to participate in the forthcoming general elections. His party decided to initiate election campaign from Punjab and Bhutto would go to Lahore by train from Karachi. Martial Law authorities however banned the travel of political leaders by trains at places which were connected by airways.<sup>11</sup>

#### **Election Laws Amended**

By the end of July 1977, a Committee of experts was appointed to carry out scrutiny of electoral laws to identify the areas in which irregularities and malpractices had occurred in the previous elections. The election laws were amended to streamline electoral process in the light of the recommendations of this Committee with a view to preventing recurrence of irregularities in future. Since the Constitution was held in abeyance, it became necessary to frame a law enabling the President to appoint a new Election Commission and to provide a statutory basis for the projected elections. The election commission order, 1977 was accordingly promulgated and given effect from 5th July, 1977. This Order enabled the President to appoint a new Chief Election Commissioner and to reconstitute the Election Commission consisting of four members, instead of erstwhile two. A Judge from each High Court was to be appointed as Member of the Commission to represent all the four Provinces. Keeping the new law arisen, the Election Commission started making necessary preparation for fresh elections, which were to be held on the basis of the electoral rolls prepared during 1975-76 and the delimitation of constituencies as notified in January, 1977. To meet the general demand of the public, the Returning Officers were to be drawn from the Armed Forces and the Judiciary and their appointment was notified in the official Gazette.<sup>12</sup>

The Election Commission was made responsible for the purpose of elections to the Senate as well as National and the Provincial Assemblies. The CEC was charged with the duties of organizing and conducting election; appointing Election Tribunals; and preparing electoral rolls on the principle of separate electorates for the Muslims and non-Muslims. The Commission was given the power to issue such directions or orders as may be necessary for the performance of its functions and duties. The directions or orders of the Commission were made enforceable throughout Pakistan as if they had been issued by the High Court.<sup>13</sup>

The Houses of Parliament and Provincial Assemblies (Election Order 1977) was published on 28<sup>th</sup> July 1977. It envisaged that elections would be held in October 1977. The National Assembly would consist of 200 general members, six minority members, and ten women members. The former delimitation as stood on 7<sup>th</sup> March 1977 would remain without any modification. The Senate was to consist of sixty-three members elected through the proportional representations by means of single transferable vote for the term of four years. For the first time half of its members would retire after two years. The provincial assemblies would be constituted as the assemblies from Balochistan, NWFP, Punjab and Sindh would consist of 40, 80, 240 and 100 members respectively for each province with one, one, five and two reserved seats for minorities of respective province. Period of five years was fixed as the term of every assembly. The state of unsound mind, insolvency, holding office of profit in the service of Pakistan, conviction for moral turpitude, imprisonment of two or more years, dismissal, removal or compulsory retirement from service of Pakistan on ground of misconduct, guilty of corruption, office bearing of dissolved political party under section (2) 6 of Political Parties Act, 1962, conviction under the same act were called the disqualifications for the candidates of assemblies and senate. A person could remain members of only one assembly or house at a time. Commission was empowered to declare a poll void in case of grave irregularities or violations. Assemblies were to be summoned within 30 days of election and would elect Speaker and Deputy Speaker. Prime Minister would be elected with majority of total membership of National Assembly. After the elections the CMLA would withdraw the Martial Law.<sup>14</sup>

The Representation of the People Act 1976 was modified up to 7<sup>th</sup> August 1977. Rules for election commission, appointment of Returning Officers, conduct of elections, election expenses, offence, penalty and procedure on corrupt practices and disqualifications were modified. The Representation of the People (Conduct of Election) Rules 1977 was also modified up to 7<sup>th</sup> August 1977. The Houses of Parliament and Provincial Assemblies (Elections) Second Amendment Order 1977 was also promulgated.<sup>15</sup>

**Possible Election 18 October 1977:**

On 2<sup>nd</sup> August 1977, the CEC announced 18<sup>th</sup> October, 1977 as the date for election. On the same day meeting of the Central Executive Committee of Pakistan People's Party (PPP) held at Karachi presided over by Bhutto. It criticized the appointment of Acting Chief Justice Maulavi Mushtaq Hussain as CEC. The party announced on 4 August to contest the October elections and started its campaign. Bhutto opted to violate the ban on political activity. On 6 August he went to Multan to address a large gathering. Following a rousing reception, a three miles long procession hailed Bhutto's arrival. Two days later he arrived at Lahore and was met by a tremendous swarm of people. Lahore was glowing with the spirit of a big reception to receive Bhutto.<sup>16</sup> The crowd that hailed Bhutto was larger and more enthusiastic than any crowd ever to have greeted a Pakistani politician. Wolpert observes that shouts of *Jiye Bhutto* and *Bhutto zindabad* filled air from Lahore to Islamabad and Rawalpindi.<sup>17</sup>

Bhutto resorted to abusing his political opponents to amuse the masses. He publicly made an obscene threat towards Mufti Mahmood. The threat was 'so filthy' that even Bhutto was compelled to check himself in midst of his delivery and then complained that he was forced to do so as there were women present. Some of PPP enthusiasts physically attacked a number of PNA leaders like Maulana Noorani and Maulana Sattar Niazi. They were taken off a rickshaw near Lahore's cantonment bridge and badly roughed up. General Zia was too smart that he personally called them and apologized for incident. He also promised to protect the PNA leadership from all forms of PPP hooliganism in the future.<sup>18</sup> On 20 August, 1977, the PPP got its first electoral victory when its ticket holder Ghulam Mustafa Jatoi was elected unopposed Member of National Assembly on PPP ticket. It sent a shock of wave both in the Martial Law and PNA headquarters. PNA's successes in the field of protest processions were waving before PPP's electoral strength.<sup>19</sup>

**Arrest of Bhutto**

Meanwhile General Zia had got legitimacy from the courts. In the judgment of the Supreme Court in *Begum Nusrat Bhutto v. Chief of the Army Staff* [PLD 1977 SC 657], the imposition of Martial Law was held valid on the ground of state necessity. The

Court further held that the CMLA had the power to perform all actions which could be taken under the 1973 Constitution.<sup>20</sup> The observation of popularity of PPP and weaknesses in PNA that appeared in election campaign made Gen. Zia to use other channel for consolidation of regime by excluding Bhutto. On 27 August Bhutto arrived in Rawalpindi on three days' tour but the local PPP leaders were arrested before his arrival. He met Gen. Zia and discussed the question of their detention. He expressed fears that he too would be apprehended.<sup>21</sup> He also sensed that Gen. Zia was worried enough about his own treachery and the surge in PPP popularity to use any excuse to call off elections. By 30 August Zia had managed to persuade four retired judges<sup>22</sup> to make a public 'appeal' to CMLA to first punish Bhutto for all his crimes before the general elections were held. This demand was supported by political leaders like Sirdar Sher Baz Mazari, Mian Mahmud Ali Kasuri, Mashir Pesh Imam, Begum Nasim Wali Khan and Mairaj Mohammad Khan. The demand for accountability was cleverly set into motion at the behest of martial law authorities.<sup>23</sup>

Bhutto was arrested on September 3 in murder case of Nawab Muhamad Ahmad Khan Kasuri, father of Ahmad Raza Kasuri. FIR of this case was registered on November 11, 1974 alleging that the murder had been committed at the instance of Bhutto.<sup>24</sup> FIA had been working on it since 14<sup>th</sup> August when Masood Mahmood, former Director General of the Federal Security Force (FSF), addressed in custody a letter to General Zia and made a detailed confessional statement about it. In its secret efforts to frame Bhutto evidence was collected and submitted for being processed to establish prosecution case.<sup>25</sup> The case was transferred to a Division Bench of High Court. The police investigation was also revived and Bhutto was arrested on this account. He got bail and accordingly was released on 13<sup>th</sup> September. On 20<sup>th</sup> of September 1977, an application was moved by the State for the cancellation of the bail granted by Justice K. M. A. Samadani.<sup>26</sup> On 17<sup>th</sup> September only four days after Bhutto's release on bail, Gen. Zia ordered his re-arrest, this time under Martial law. The trial in Martial Law court was planned but so unfavorable was the reaction to home and overseas that it was not materialized and a reversal of the Lahore

High Court's bail was sought. This time functional irregularities and the misuse of PM's office were added in the allegations.<sup>27</sup> Following the arrest of Bhutto, initially Hafeez Pirzada took over as interim leader of the PPP.<sup>28</sup> With other senior PPP men arrested with Bhutto, he appointed Nusrat Bhutto, his wife, as acting chairman of the party.<sup>29</sup> She with her daughter Benazir Bhutto steered the election campaign. On 24 September Nusrat addressed a big public gathering in Nasir Bagh Lahore. She was accompanied by PPP leaders like Maulana Kausar Niazi, caretaker Secretary General of Party, Ghulam Mustafa Khar, Malik Mairaj Khalid, Mian Yaseen Wattoo, S. M. Masood and others. Nusrat's tone was aggressive against the military dictatorship. She recalled that Bhutto had started to challenge Ayub's military dictatorship from the same place of Nasir Bagh. The arrest of Bhutto had been made the election issue. Therefore, Nusrat stressed that if Bhutto was forced to remain out of assembly no government or assembly would be able to run. She told the audience that only capitalists, landlords and their friends were happy on the detention of Bhutto and Jews rejoiced his detention because Bhutto was chairman of Islamic Conference. She reminded the achievements of Bhutto. Those were the release of 90 thousand prisoners of war, liberation of 5000 square miles from India, nationalization of industry, constitution making, purchase of atomic plant, search of oil and giving voice to people. She demanded for PPP equal opportunities in the elections. She said that the manifesto of PPP was written on the faces of laborers and farmers. She appealed the workers not wait party to give them flags but prepare by themselves. When she suggested the workers to be ready for revolution in case the way of election was closed, she was not inviting disruption as explained by regime. She was, on the other hand, trying to win public vote and support in order to save Bhutto's life.<sup>30</sup>

#### **PNA Election Activities**

While the PPP carried out campaigning intensely, the component parties of PNA were entangled in disputes over the distribution of seats. Pir Pagaro headed the joint Parliamentary Board of the PNA. Board's progress was so slow that it could not finish its work till the deadline of the filing of nomination papers. Applicants were then advised to file their papers in the constituencies they wished to contest until a final decision. When



the parliamentary board's first decision, which related to Sindh, was announced, it led to a storm of protest within the PNA. In Sindh out of a total of 43 seats, 20 had gone to Pagaro's Muslim League and 6 more to Muslim League supported independents. of the remaining 17 seats, 6 were given to Jamaat-i-Islami Pakistan (JIP), 5 to JUP, 3 to Jamiat Ulama-i-Islam (JUI), 2 to Tehrik-i-Istiqlal Pakistan (TIP) and 1 to National Democratic Party (NDP). NDP was annoyed that a number of these PNA tickets had been allocated to former stalwarts of the PPP who had switched sides to Pir Pagaro's League. By 25 August NDP received two further seats in Sindh, raising its total to 3 seats in the province. Little by the issue of the seat was resolved, but even so it was not to satisfactory for NDP.<sup>31</sup>

Distribution of seats was not the only issue of difference among PNA leadership. Ghous Buksh Bizenjo was completely ostracized by his colleagues for his suspected underhand dealing with Bhutto through his associate, B. M. Kutti, as well as his clandestine meeting with Bhutto's personal security chief, Saied Ahmed Khan. A split had also emerged between the Pathan leaders led by Wali Khan and the Baloch leadership. When Wali Khan was transferred from Hyderabad Jail to the Combined Military Hospital at Rawalpindi, the Baloch leaders began to harbor suspicions that he was making a clandestine deal with Zia behind their backs during Zia's two trips to the hospital to meet him. By late August moves were afoot to get all the parties in the PNA to merge into one party. Four parties including JIP, JUI, and PML were in favour of merger. TIP, JUP and NDP disapproved. The idea of the merger died a quiet death.<sup>32</sup>

Everybody was convinced that notwithstanding the massive PNA movement Bhutto would sweep the October polls. The shrewd political workers however predicted that the show of strength by PPP would be counter-productive as the concerned circles would not permit the Bhutto's return.<sup>33</sup> A journalist in *The Herald* magazine in September 1977 describing electioneering of Bhutto said: "Bhutto has re-emerged on the political scene not only unrepentant but in a surly, aggressive mood, with his usual slogans and catchwords and shibboleths. His fall, he would have us believe, was brought about not by his own follies but through a conspiracy between s foreign power and local vested interests out to destroy Pakistan and crush her poor masses."<sup>34</sup> Even from

jail, Bhutto continued to exercise a huge influence on the cores and conduct of the election campaign, and it was clear that he had regained most of the support lost during the agitation.<sup>35</sup>

During a few personal meetings that took place immediately after the military takeover, Bhutto had reportedly threatened Gen. Zia with dire consequences for his crime of violating the constitution.<sup>36</sup> According to Gen. Chishti, he witnessed a sudden change in Gen. Zia's attitude on the evening of 9 August. The cause, he states, was a telephone call that Gen. Zia received from Bhutto: The conversation started nicely and politely, but gradually became harsher. Gen. Chishti could hear Gen. Zia loud and clear. The conversation ended badly, Gen. Zia's remarks which Gen. Chishti remembered were like this. No. It cannot be done. I cannot give Concession. We are judicious to both sides. If we are not allowing them, we cannot let you have it either. No that stage may not come. You may never have an opportunity. I will sort it out before that. However, I wish you good luck. Gen. Chishti tells that Gen. Zia did not share with him the conversation but at the end Gen. Zia kept quiet and looked upset. It is possible that Bhutto might have verbally threatened Gen. Zia on the telephone.<sup>37</sup> Gen. Zia feared that if Bhutto were once again in power, he would not only persecute Gen. Zia and his associates but would also deal a blow to the armed forces as a political institution. These apprehensions raised individual and group insecurities among the coup makers, which produced fundamental change regarding their policy on the transfer of power through elections under the 1973 constitution.<sup>38</sup>

Sherbaz Mazari believes that at the time of the coup and for several weeks afterwards Gen. Zia earnestly desired holding neutral elections which he thought would see Bhutto back in office again. He had apparently convinced himself that after Bhutto's return to power things would revert to normalcy once again. But soon there was a noticeable shift in his thinking. Mazari views that Gen. Chishti's version would be a conjecture. While Gen. Chishti might have been able to pinpoint the visible change in Gen. Zia's attitude on 9 August, the actual cause for the transformation most likely lay elsewhere. Gen. Zia's position had altered dramatically since the coup. From being Bhutto's much deprecated 'monkey-general' he now found himself elevated to the most powerful position in the country. As CMLA

he possessed sole charge of the country and was now privy to information about everything. Authentic evidence of Bhutto's vengefulness must have unnerved him. When Gen. Zia visited Wali Khan at the military hospital, the NAP leader warned the general in jocular fashion, 'There are two corpses and only one grave. If Bhutto is not buried first you might have to lead the way'. It was a warning, which by now Gen. Zia must have taken to heart. He had realized that if Bhutto won the elections his own life could be at stake. In a changed political climate, Gen. Zia could be tried for treason. One of the penalties for treason was death.<sup>39</sup>

Preparations for taking the poll on October 18, 1977 were almost complete<sup>40</sup> when Gen. Zia's plan to hold elections were abandoned, when it became obvious that Bhutto and his PPP still had sufficient support to win majorities in at least the two largest provinces of Pakistan.<sup>41</sup> In the first week of September Gen. Zia announced that 18 October as Election day had not been fixed by divine revelation and that the polls could be delayed a few days or a week – if the people so desired or if various political parties supported such a demand. Later on 4 September Martial Law Regulation No. 21 was promulgated through which a declaration of assets from all former members of the national and provincial legislatures was required within a fifteen-day period. On 1 October Gen. Zia announced 'There is cry from the country that accountability should take place before elections. Holding elections under like circumstances will be inviting a new crisis. So the elections are postponed till further announcement.' At the time he also proclaimed a complete ban on all Political activity.<sup>42</sup>

### **Pronounced Reasons of Postponement of October 1977 Election**

The regime pronounced three major reasons for the postponement; the possibility of violence, demands for postponement and pre-election accountability. To PNA leaders who met Zia on 13 October, he held deteriorating law and order situation as the reason to postpone election. The campaign according to him had not been orderly and the martial law authorities received information that there were some 'political elements' who were plotting to create trouble. Another justification for the postponement stated by Zia was that a

number of top leaders of both the PNA and the PPP had been leading with him to postpone the election.<sup>43</sup>

#### **Demands and Reactions in support of Postponement**

In a PNA General Council meeting on 25<sup>th</sup> August in Quetta where TIP was represented by Mahmood Kasuri instead of Asghar Khan, three non-party heads – Moula Buksh Soomro and Ali Ahmed Talpur and Zahoor Elahi, secretly in connivance with Gen. Zia – pleaded with the PNA leadership to refrain from pressurizing Gen. Zia to hold the elections and warned of serious bloodshed in elections. They feared that Bhutto might regain his popularity, PDP leader Mazari viewed the elections without the release of leadership of Balochistan and the NWFP a farce. Relying on Zia's promise to release those leaders soon he consented the postponement of elections provided Zia publicly declared to hold them by March 1978 latest. Mazari observes that at this early stage the PNA parties were not quite connived with Gen. Zia and they had interests contrary to each other regarding share in seats. In a state of indecisiveness, they decided to remain silent in case elections were postponed, provided a complete process of accountability was carried out.<sup>44</sup>

The politicians or political parties did not demand postponement publically before its declaration, though some of them were in connivance with the regime and most of them from PNA accepted the postponement or hailed the decision after it had been taken. General Arif disclosed later that 'the Pir of Pagaro and Chaudhry Zahoor Elahi, met Zia on 30 September and requested the postponement of elections. The former suggested a five-year delay. General Chishti informed the generals that on the afternoon of 28 September, PPP leaders such as Khar, Jatoi, Kausar Niazi, Mir Afzal, Hamid Raza Gillani and Noor Hayat Noon met the Zia appointed Election Cell and recommended that the elections postponed and no new date given. These PPP lenders were clandestinely in direct opposition to the dictates of their party chairman. Z. A. Bhutto.<sup>45</sup>

A.K. Brohi, the counsel of CMLA in the Supreme Court presented press clippings which were allegedly evident that the postponement of the elections was widely acclaimed by the National Press and political leaders. Similarly the withdrawal of constitutional amendments that had curtailed the ambit and authority of Superior Judiciary was also widely acclaimed by the

people at large and the legal community in particular.<sup>46</sup> Most of these press clippings bore the post-decision commentary instead of pre-decision demands. Most of them were government sponsored, directed by regime or officially produced. They highlighted the narrative of the regime. Some of them were presented only to attract the sympathy of court.

The References were read by the leaders of the Bar on the assumption of office of the new Chief Justice Mr. Justice Anwar-ul-Haq on the 25<sup>th</sup> of September 1977. They went a long way to prove the demands of people for postponement.<sup>47</sup> Like the statements of lawyers Former CM of Sindh, Qazi Fzlullah, former Federal Minister Haji Moula Bux Soomro welcomed the postponement of elections. Soomro's statement was the reflection of the narrative of the military government. The statement mentioned the justification of national interest and law and order situation in the country that looked like the replica of the statement of government minister. The statements published in *Pakistan Times* on the line from Larkana were those of pro-junta leaders like Fida Muhammad Khan Lundkhawar a leader of Pagaro's League from Peshawar, Mohammad Ashraf Khan another leader of the same party, Rafique Ahmad Bajwa former Secretary General of PNA who had been charged during the agitation on allegedly having covert links with junta.<sup>48</sup>

The editorial of *Jang* (Rawalpindi) expressed sorrow and regretted that one family rule was being established in the country. According to paper Quaid-i-Azam did not make Pakistan to establish rule of ZA Bhutto, Nusrat Bhutto, Benazir Bhutto and Murtaza Bhutto. The appeal of Nusrat to get prepared for revolution if Bhutto was killed was meant to paper as an appeal of bloodshed if Bhutto was not given power. Paper proposed the advisors who were loyal to Bhutto family to leave their posts and wait for the time when Bhutto was acquitted from courts.<sup>49</sup> *Morning News*, in its editorial just reported the government's version and did not add any comment. The paper very carefully observed two factors behind the decision of postponement; accountability and peace. However, at least on one place the paper marked a phrase favourable for the military regime. For instance, the trial of leaders in civil courts was observed as 'following the general consensus' which it was only the regime's narrative.<sup>50</sup>

Interestingly the editorials of different newspapers were similar and they expressed the similar narrative with similar arguments. It is very easy to find out that they were directed by same authority. State sponsored *Pakistan Times* called the annulment of Fifth Amendment 'apt'. The paper viewed that 'the Martial Law Government's reversion to the constitutional position' of the powers of judiciary had been 'hailed by all sections'. The enclosure of the editorial of state sponsored paper with Brohi's rejoinder had a value for the case cleverly attached by a shrewd lawyer to get the sympathy of judges.<sup>51</sup> The editorial of *Imroz* reiterated the narrative that CMLA had decided to postpone election in the broader national interest. It justified the General that he could have decided that on 5 July but it was proved that he was not selfish. The paper too advised the political parties to review their manifestoes in the respite that was provided due to postponement of elections.<sup>52</sup> *Mashriq* Lahore in its editorial took the same line and said that by postponement the CMLA had accepted the old demand of public circles that accountability was prior to the elections. The paper supported the official version without giving any proof that in the public meetings during election campaign the leaders had delivered provocative speeches.

It was not the duty of paper but he was easing the politicians with the assurance that the steps of government had not been taken to prolong the military rule.<sup>53</sup> Again the editor of *Pakistan Times* praised the regime's decision of postponement of elections as 'patriotic decision' that had dispelled the clouds of chaos and confusion. The editor was sure that CMLA stood by the commitment to transfer power to the civilian government. The commitment for elections was considered minor to the commitment for restoring suitable conditions as during the campaign tensions were rising and the threat of civil strife had begun to loom up on the horizon.<sup>54</sup>

Virtually the majority of politicians had not demanded the postponement in public before it was declared. Some demanded the elections as scheduled in October. On 3 September, quite unaware that Bhutto had been arrested that day, as official leaders of the PNA, Mufti Mahmood publicly demanded that elections be held as scheduled in October.<sup>55</sup> Most of them were not even consulted before its declaration. *Hurriyat* could not help

mentioning the version of the politicians that they had not been taken into confidence when the decision of postponement was taken. The paper showed its concern that the courts could have been consulted which could give priority to the cases of the politicians. The government, however, had not produced the cases in the courts with established allegations. The paper was perturbed that new schedule of elections had not been announced. The paper quoted the CEC that he could not tell how much time would be taken to resolve the issues before the announcement of new programme.<sup>56</sup>

Some pro-regime politicians expressed their satisfaction following the declaration of postponement. PML (Qayyum) chief Abdul Qayyum Khan expressed confidence that the tension which had gripped the nation would defuse with the postponement of the elections. He said that national solidarity was supreme to elections. "We have seen nation's split in the 1970 elections." he added. Pir Pagaro too welcomed the postponement of elections. He said the banning of political activities was a logical move. Yusuf Khattak, former Federal Minister, congratulated Gen. Zia on the patriotic courageous and timely action of postponement. Ch. Zahoor Elahi welcomed the announcement. Justice (r) Shaukat Ali, President Pakistan Muslim Liberal Party, said the decision of postponement was widely appreciated. Nabi Bakhsh Zehri, Convener Jeevey Pakistan Party welcomed Gen. Zia's announcement. Ayub Khuhro hailed the decision and called it as 'most appropriate'<sup>57</sup> Some politicians behind the scenes advised Zia to postpone the elections while maintaining a public posture for free and fair elections. The JIP and the PML (Pagaro Group) envisaged not only power sharing with Gen. Zia but also thought that they would achieve the central goals of the PNA movement by joining the Zia regime.<sup>58</sup>

### **Violence and Strife**

Violence and its dangers were mashed as the most important cause of postponement of elections. Gen. Zia stated "Elections mean avoiding violence and changing the Government peacefully. The situation in our country is to the contrary. Whenever elections impend, the doors of violence and chaos are flung open. I am a great believer in elections, but I cannot let the country face destruction for the sake of elections. I am

determined to prevent the creation of conditions similar to those in which the armed forces had to move in on July 5".<sup>59</sup>

Gen. Zia, on the pretext of cooling down the high running passions, not only postponed the elections but also banned all political activities. For this purpose, a new Martial Law Regulation was issued on the day of declaration of postponement. The ban on political activities was also posed to support first justification of the postponement namely the desire to maintain law and order. The advice to press to abjure publishing provocative material was also justified for this purpose.

While being evasive to discuss election postponement in the meeting with the delegation of PNA, Zia claimed that he had received 'clear evidence' that the PPP was planning a major campaign of disruption. According to him, this could prove to be a serious risk to law and order. Zia appeared more concerned about the disruption and weakness of PNA. While he could not conceal his concerns over PNA's internal disharmony over electoral seat allocations and the often contradictory statements being given by its various leaders. He, however, insisted that in view of threatened civil violence, public interest demanded the elections postponed.<sup>60</sup>

Where was civil strife? To Brohi it was in the public statements of the PPP leaders. He provided a news-cutting in the Supreme Court, of Benazir Bhutto who, according to the reporter, in a gathering at Kasur had warned that if Bhutto was hanged the colour of the rivers would turn red.<sup>61</sup> The reporting of another newspaper described that Benazir had said in Kasur on 28 September that PNA leaders were demanding to hang Bhutto. She explained that the day when Bhutto would be hanged the colours of five rivers will be turned into red.<sup>62</sup> It was ignored that when Benazir was mentioning the sword figuratively as it was the election symbol of PPP. Turning the rivers into red was also a warning to stop the hanging of Bhutto not a threat of bloodshed on election day or during election campaign.<sup>63</sup>

**Accountability:**

The need to complete the process of accountability was another pronounced justification of postponement. Zia started to harp on accountability immediately after taking over. He was determined to provide opportunities to the accused politicians to defend



themselves in courts and prove their innocence. He called accountability in the national interest. He misquoted Bhutto's statement that "leave the election alone, first decide whether I have robbed the nation or served it". The date for the next elections was called conditional with the speed of the process of accountability and expect from judiciary to give cases of political significance preferences over day-to-day cases in order to make early elections possible.<sup>64</sup>

The counsel of Zia in Bhutto's trial also pointed to two main reasons which in his address to the nation dated 1<sup>st</sup> October, 1977 he referred. These were the process of accountability through Civil Courts and Tribunals the persistent demand of the people and political leaders. The accountability before elections was aimed to lessen the public support behind Bhutto. It was intended to damage his image that was image of a politician who was now directly confronted to the army. In the words of A.K. Brohi the electorate was entitled to be apprised of the true face of the politicians through accountability.<sup>65</sup>

After reaching the assessment that the martial law government should continue without holding election, President Zia and his colleagues began to focus on the accountability of the Bhutto regime. With the accountability process, the linkage of elections to a peculiar notion of "positive results" gained currency in official circles.<sup>66</sup>

### **Long Term Goals**

The objectives set for the short interval of postponement required 'long' time frame. Tasks of law and order and elimination of miscreants could be finished in a brief period but toning up the administrative structure and initiation of basic steps for enforcing the Islamic system pointed out the agenda that could not be finished within months or even years. Improving the national economy- maintaining proper atmosphere in educational institutions and improvement of the educational system and also required long term plans.<sup>67</sup>

In a Martial Law Administrators Conference where the postponement of elections was recommended Gen. Zia gave no indication that the postponement of elections was a ruse to prolong his rule. While his preference for an Islamic polity was well-known, he did not mention this as a reason for delaying the polls. By and large the Bhutto factor and the reluctance of other

political parties to face the electorate influenced the government decision.<sup>68</sup>

A thesis about the reason of postponement pertains to the collusion of bureaucratic and political groups that were opposed to the PPP's economic and political programs. The synergism of the anti-Bhutto coalition gained strength with Zia's takeover in July 1977. The industrial and business class that suffered from Bhutto's arbitrary nationalization program saw in the martial-law regime a new era of stability and economic opportunity. As the interests of bureaucratic, business/industrial elite and opportunist politicians converged on the stability of the Zia regime, a nonpolitical program for economic development and Islamization began to unfold. This necessitated basic and long-term changes in the pre-July 1977 constitutional arrangements.<sup>69</sup>

### **Conclusion**

The enforcement of the martial law was apparently imposed on the pretext of unresolved election issues and alleged rigging. However, Bhutto's efforts to resolve the issues could not bear fruits partly because Gen. Zia had been in collaboration with a segment of agitators during pre-martial law agitations.<sup>70</sup> Gen. Zia, soon after taking over, promised to hold elections soon. The discussion above leads us to the conclusion that this promise of elections was not fulfilled because the military regime could not afford the possible victory of Bhutto's PPP in the scheduled elections. The election laws were amended and the preparations for elections were complete. Though these steps of regime and the appointment of Justice Mushtaq as CEC was not conducive for PPP the election activities of the parties of PNA and PPP convinced the regime that Bhutto could not be tamed after elections. Victory of Bhutto's party was quite obvious and the regime became apprehensive of the backlash from Bhutto who was first released for canvassing was re-arrested. The regime claimed that elections were postponed because the press, people and political leaders demanded it and stability was required in the dangers of violence. These claims, however, were fabricated. The semblance of these claims and the march towards long term plan of Islamization initiated before postponement indicate that the postponement of elections scheduled for October 1977 was executed to avoid the re-entry of Bhutto's PPP in power corridors.

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