



**RESEARCH PAPER**

**Role of Military Leaders in Constitutional Development: A Case Study of Pakistan**

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<b>DOI</b>	<a href="http://doi.org/10.47205/plhr.2018(2-II)2.3">http://doi.org/10.47205/plhr.2018(2-II)2.3</a>
<b>PAPER INFO</b>	<b>ABSTRACT</b>
<b>Received:</b> June 15, 2018	The objective of this study is to find out the role of military leaders in constitutional development of Pakistan. Military leaders have brought many changes to constitution of Pakistan. Certain amendment has been given by them to increase their power as ruler. Qualitative method is used to analyze the whole situation. Conclusions are drawn with the contribution of secondary sources. The result of this study shows that Military is strength of any country. But due to political instability, Pakistan has experienced martial laws where leaders have given such amendments which change the political scenario of country. The principle motivation behind all changes was to build the forces of president and to expand their standard. They simply needed to upgrade their forces and advancing one man rule.
<b>Accepted:</b> December 15, 2018	
<b>Online:</b> December 30, 2018	
<b>Keywords:</b> Constitutional Change, Military Leaders, Pakistan, Political Development	
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**Introduction**

Pakistan military has played an important role in Pakistan's political system since Pakistan gained independence in 1947 till now. Although Pakistan is a democratic country, there is always military power in the country's political system. Pakistan has been under military power for more than half of its survival. The country has identified four charms. The military in Pakistan has a weakening of Pakistan's political, economic and social forces. There are many factors that control the military recruitment in Pakistan. It is wrong to say that soldiers have no political role in any democratic country. The military has placed a high degree of political dignity in Pakistan even during the rule of the people.

The military has constantly assumed a significant job in Pakistan's political undertakings. Since the beginning of the main military law of 1958, the job of the military has been developing and, throughout the years, has built up its position over different political procedures eg. job in strategy detailing behind the cloak, an immediate law under military law.

On account of Pakistan, the military mediates under the oppression of the political downturn and the monetary downturn." Since military system play inadequately with organizations and the soul of the constitution, they don't have any type of majority rules system in the activity of popular government" (ahmed, 2013).

In Pakistan, the military system went to pursuing for a constitution. For instance, General Ayub Khan got to work in 1958 and presented the Constitution of Pakistan, 1956, and presented military law. Indeed, even political governments, which are administered by votes, face the issue of authenticity somewhat as any gathering can get in excess of fifty votes.

In Pakistan, the crushed authority and the uprooted likewise assume a real job in the military. It urges officers to participate in the strike and topple the legislature. For instance, in 1971, Ashgar Khan composed a letter to Zia ul Haq welcoming him to kill Zulfikar Ali Bhutto. During the 1990s, adversaries composed letters to GHQ requesting military help.

This is to a great extent because of the absence of a domain where vote based system can flourish and prosper. For two reasons:

1. Government officials couldn't be given a spot in the political framework
2. Because of the underlying serious issues, that was organized for country building.

Resident powers or ideological groups request their authenticity in races. Be that as it may, if this discretionary procedure is hindered by military intercession it is rendered old because of political trickery. This whole discretionary procedure is decreased distinctly to the fake action. Political pioneers lose their dependability before swarms. In such a case, the political framework neglected to convey and the individuals were happy with vote based system and political pioneers. The military law likewise made an assembled country for Pakistan.

"A mixture of different indigenous and etymological gatherings, including Pashtun, Punjabis, Sindhis, Balochis and Bengalis, Pakistan was assorted. The military expected that agent popular government would debilitate these gatherings, debilitating the focal position expected to fabricate a powerless country" (Aguilar, 2011). Military decided to bring together Pakistan under the Islamic religion.

## **Literature Review**

Ahmed,(2013) discussed the origins, consequences and events of Pakistan. The book mainly focused on military situation in Pakistan. Here is military effect on common set up. Outer and inside components in clarifying the ascent of military as most remarkable establishment in Pakistan. Some Military leaders have predominant role in political development of Pakistan. These developments have changed whole scenario of Pakistan. The author has discussed the detailed of origin of all events. This study recommends that that what will the future about further situation of military in Pakistan.

Rizvi, (2013) gave the comprehensive study about the relations of civil government and military in Pakistan. The main causes of military intervention in civil set-up are explained. There is a interaction of civil and military institution across the political functions of country. There is weaknesses and incapability in political institutions and the whole political structure which gave the reasons to military to intervene in political set up of country. The author has discussed the situation of military involvement in civil set up. The author should be more focused on events that lead to political instability which promoted the military to rule over the country. Sidiqa-Agha, Ayesha has given the profundity investigation of Pakistan's security interface with its arms providers and safeguard modern limit, and the impact of Pakistan's Army on regular and non-ordinary resistance choices. This investigation shows a clarification of Pakistan's military develops. This has detailed study of defense decision carried out 1979-1999. The military played a very important role in procedure of political structure of the country. The author has discussed the Pakistan's arms procurement and military buildup only. He just focused on it and not the events that were occurred during that era (Sidiqa-Agha, 2001).

Fransiscoaguilar, Randy bell, has discussed about the role of military leaders In Pakistan since its independence. Pakistani's army is not only a instrument of state foreign policy but also a main actor in country internal politics. Different events and developments of military leaders are discussed. Pakistan army has influence in different strategies and policy making. This study recommends what will be the strategies that should be working to overcome the instability (Aguilar & Randy bell 2011). Similarly, Pearlstein (2011) also focused on to fill the gap existing among the powers of the state by the consistent advice of military.

Syed, (2014) debates on civil military relations in Pakistan analyzed the whole situation of relation between military and civil set up. Military rule in Pakistan is too authoritarianism against civilian rule. The army always enhanced its role in decision making process. Even the civil leader also shows their dependency on military. There is always weak democracy rather than authoritarianism. The author has discussed the situation of military rules that

change the scenario of whole country. The author should focus on the causes of weak institutions that lead to political instability (Syed, 2014).

The different authors have discussed that here is military impact on civil set-up. There are weaknesses and incapability in political institutions and the whole political structure which gave the reasons to military to intervene in political set-up of country. The army always enhanced its role in decision making process. Even the civil leader also shows their dependency on military but they didn't explain the main causes behind the political instability. It suggests that main reasons behind the weak part of democracy that gave the opportunity to military involvement in civil set-up.

### **The Role of Military Leaders in Political Development**

#### **Ayub Khan**

"Ayub Khan's military career was not particularly illuminating and though he did not hold a military coup, he was promoted to more senior officers with outstanding duties. Ayub Khan was probably chosen because of his reputation as a competent manager, his lack of ambition for politics and his lack of strong party support" (Baloch, 2013).

Hailing from the modest family of the Pakhtun nation, Ayub Khan has come back with a lack of relations with the blocks of great inner power and is therefore welcome in all things.

In 1958 Ayub Khan and his officials chose to oust the lawmakers as "wasteful and dishonest" an act that was successfully carried out without malice. Ayub Khan's way of thinking was forced into Mughal and vice regal meetings; his standard is customized. Ayub Khan defended his allegations of resilience by emphasizing the country's need for resilience and the military's need to take up the task of focusing. At a time when internal trust had waned in the 1960s, he ended up disrespecting the state's attorney general and giving his powers to the joint officers of the military.

Ayub Khan used two important means of governance in his beginnings. He focused on merging power and daunting opponents. He has set out to build the foundation of upcoming resilience by transforming economic, legal and constitutional institutions.

Various measures were approved by government officials. "PRODA has mandated that fifteen years have been removed from an open office for those found guilty of pollution, the Elective Bodies Disqualification Order (EBDO) has authorized unusual courts to try former law enforcement officers to "do wrong," a move that is not immediately obvious" (Shah, 2014).

The case can be kept at a reasonable distance if the accused person makes a pact to avoid being in any position of contention for seven years. Approximately 7,000 people were present for "EBDO" Other people, including Suhrawardy, who was caught fictitious.

### **Basic Democracies**

The Constitution of the Democracies establishes five levels of organization. The smallest but most important level is the co-operation of the associations, each of which gathers small towns with a population of about 10,000 partners. Directly ten elected people, only five elected people were included in the whole committee of the organization all known as the Founding Democrats. The next level was made up of tehsil rooms, which worked in partnership. In addition, local committees, headed by appointed officials, are made up of delegated authorities and illegal persons, including the chamber managers. Regional rooms are provided with the necessary energy and understanding related to training, sanitation, neighborhood culture and social well-being. In addition, the divisional warning committees made the work available to government office guests. The most surprising level was containing a committee advising on development in each region, led by a representative and presented by the president.

The founding of the founding Democracies did not have the schedule-prosperity or fulfillment of the expectations of Ayub Khan before he and the legislature collapsed in 1969. Notwithstanding the fact that another group of political pioneers with no particular administrative experience may have stepped up as a substitute for those prepared for the British Protected Law was not found.

### **Constitutional Development**

#### **1962 Constitution**

In 1958 Ayub Khan had vowed to return soon to the protected government. In February 1960, a protected commission of eleven individuals was built up." The 1962 constitution holds a couple of parts of the Islamic idea of the Republic yet dismisses the term Islam in its different concessions; in the midst of the difficulties, Ayub Khan later included that name" (Rizvi, 2013).

The president was to turn into a Muslim, and an Islamic Advisory Council was framed with the Islamic Research Center to help the experts in completing all the law-production the standards of the Quran and the sunnah. Their forces were cautioning and their kin were named by the president, so the ulama had no genuine wellspring of intensity.

The National Assembly, which has 156 individuals (counting six ladies) and is chosen by an appointive school of 80,000 Democrats, was built up as the state lawmaking body. The authoritative force is divided in two different parts one the National Assembly and the other commonplace assemblies. The National

Assembly should hold summits in Islamabad and Dhaka; The Supreme Court will likewise hold meetings in Dhaka. "The obstructing of ideological groups was successful during the main general political race and at the common assemblies in January 1960, just like the prohibition on "EBDO" government officials" (Hussain, 1993).

On March 25, 1969, military law was proclaimed; General Agha Mohammad Yahya Khan, the leader of the military, was doled out to the executive general of military law (CMLA

### **Yahya Khan**

When, in 1969, an overall uprising removed the circumstance from controller, Ayub Khan took designate capacity to the military boss, General Yahya Khan. Soon, Yahya Khan pronounced military law in that nation on March 25, 1969, and accepted the title of Commander-in-Chief of the Army. He nullified the Constitution and broke up the National and

Provincial Assemblies on March 31, he was additionally President of the Islamic Republic of Pakistan.

In contrast to other Pakistani military rulers, Yahya Khan couldn't have cared less to expand his standard. Not long after assuming control over the nation, he started searching for manners by which he could engage the chosen agents. On March 29, 1970, through the Ordinance, he presented the break Constitution, the Legal Framework Order. Truth be told it has been the strategy utilized in the making arrangements for the up and coming decisions. It is up to Yahya Khan that the main general political decision in Pakistan's history was held during his December 1970 organization.

### **Legal Framework Order 1970**

He likewise presented the Legal Framework Order in March 1970 which set out the objectives of Pakistan's future constitution. Revoked the One-Unit program on July 1, 1970.

Features of LFO 1970 are said to be:

"The National Assembly of Pakistan will have 313 seats and 13 seats held for ladies. Of the 313, 169 seats are for East Pakistan, 85 for Punjab, 28 for Sindh, 19 for the NWFP, 5 for Baluchistan, and 7 for national seats" (ElizaAda, 2014). Each territory will have a commonplace gathering with chose individuals. The East Pakistan local get together will comprise of 400 individuals, Punjab 186, Sindh 62, Baluchistan 21 and NWFP 42.

The appointment of the National Assembly will occur on 5 October 1970 and at common gatherings not later than 22 October.

New constitution of Pakistan will follow these standards:

Pakistan known as the Islamic Republic of Pakistan

Democracy will have the ability to hold free races to state governing bodies and areas based on the grown-up structure. Autonomous adjudicators will be made alongside the essential privileges of residents.

All territories will be conceded more prominent autonomy while the organization will stay flawless.

Citizens of the nation will have the option to partake effectively in the issues of the state and the state will attempt to destroy the financial imbalances of society.

The nation's constitution will permit the Pakistani Muslims to live their lives as per Islamic lessons. Youngsters will be allowed to follow their convictions and will have the option to appreciate the advantages of nationality with their Pakistanis.

The LFO explained the position of state and common gatherings. We clarified that the National Assembly would be the finish of the lawmaking body as long as the state council incorporates one house or it would be a lower house if the association had two houses. Its enrollment will be a full term in the two cases. The equivalent is valid for shows.

Within 120 days of the principal sitting of the National Assembly, it will draft a bill and in the event that it neglects to do so it will disintegrate.

After the appointment of the National Assembly, game plans will be made to orchestrate its gatherings.

LFO sets up a wide scope of drawings, structures, settings, and abilities. Any gathering whose thoughts are tested to fit the bill for these conditions would not have the choice to partake in the races. Pakistan's sorrow is no impediment and the fall of Dhaka has made Yahya Khan the best country on the planet.

### **General Zia UIHaq**

General Zia ul-Haq, the head of military staff, and became the military administrator in 1977 and became the president in September 1978. He sanctioned the structure, all together for the military to communicate its aim to make a base where sensible choices can be made. The Zia government has turned around Ayub's structure of government 'situation to make another procedure of nearby

government. Neighborhood meetings are organized out into streets and sub-association boards,

tehsil chambers above them, and zilla committees around them." The program includes city boards of trustees and city substances in significant metropolitan territories. Councilors have been designated for a long time and might be reappointed. Committees are intended to address the issue for grass roots showing" (Agha, 2001). Decisions are made without the coalition or contribution of an ideological group. Boards should concentrate on improving locality development, containing agri-business creation, training, welfare, roads and other facilities.

### **Eighth Amendment**

The President was given the option to select the Prime Minister, Provincial Governments, and Judges of the Supreme Court and the Supreme Court, including the Chief Justice. The fairly chosen Prime Minister along these lines gave up under the administration.

In spite of the fact that the President would apply the direction of the Prime Minister, he had the capability to be accomplished regarding selections identified with the organization of association and the authoritative approvals. President may demand the Prime Minister to acquire a demonstration of positive support in Parliament, issue goals, set dates for the appointment of the National Assembly and select a substitution government. The President had the ability to choose chiefs and other significant authorities of the state. He may likewise require a select on a matter of national consequence.

Nonetheless, the greatest disputable force presented on the Presidency was under Section 58 (2) b, which was the ability to break up the National Assembly at its watchfulness.

As indicated by advocates of this provision, the downfall of the state afterward of a state has exhibited the need to practice power in the President so that in case of a political emergency, Parliament can be disintegrated and another political decision is held by the Military Law. be maintained a strategic distance from. Segment 58 (2) b changed the entire look of the Constitution. The Constitution was changed to Parliament as the Presidency. This Amendment was like the Sword of Damocles in consequent governments. After the death of Article 58 (2) b, the National Assemblies were disintegrated multiple times utilizing its capacity." The disintegration of the Assembly by President Zia-ul-Haq in 1988, President Ghulam Ishaq Khan in 1990 and 1993, and President Farooq Leghari in 1996 are under a lot of hypothesis" (Hussain, 1993).

The Prime Minister and governing body manage the workplace in different conditions transformed the Eight Amendments. Area 51 extended the number of



seats in the National Assembly from 200 to 207. As well as the number of seats in Senate also extended from 63 to 87 under Article 59. The Eighth Modification reaffirmed every Presidential Order, Ordinances, Military Laws, with Referendum Orders made between July 5, 1977, and September 13, 1985.

“The Eighth Amendment is viewed as an image throughout the entire existence of the constitution of Pakistan, It not just changed the idea of this Constitution from the fundamental Parliament into Parliament, yet in addition changed the nation's political circumstance” (Khan, 2001).

### **General Pervaiz Musharraf**

On October 12, 1999, Pervaiz Musharraf founded military law. On May 12, 2000, the Supreme Court of Pakistan requested that the Government hold general choices no later than October 12, 2002. While attempting to lawfully implement its law and secure its procedures after the looming races, Musharraf held a broadly unbalanced introduction on April 30, 2002 which gave his term until the finish of the five-year term of office in October. Musharraf solidified his status by giving a Legal Framework Order in August 2001 that set out a protected explanation behind his proceeded office. An general races were held in October 2002 and a specialist, moderate, Musharraf PML-Q won an enormous piece of the seats in Parliament.

### **Seventeenth Amendment**

On August 24, 2002, Chief Executive General Musharraf gave the Legal Framework Order 2002, reporting the general political race that the National and Provincial Assemblies be held in October 2002. The arrangement of the Constitution was explored for a difference in force and request from the Chief Executive to the recently selected Chief Executive after the political race.

The primary concerns of LF O. 2002 can be outlined as:

Every single ideological group must, under the law, hold body electorate races to choose their own officials and gathering pioneers.

When we have acquired the majority rule order to serve the nation as President of Pakistan for a time of five years, the Chief Executive Officer by pulling back the CE position will replace the President of Pakistan and hold the situation for a long time under the Constitution, and Article 44 and different arrangements of the Constitution will put on in like manner.

There will be 342 seats for individuals from the National Assembly, including seats held for ladies and non-Muslims.

The seats in the National Assembly are designated to every Province, the Federated Regions and the Federal Capital. Members of the non-Muslim voting

demographics will be chosen by excellence of a corresponding portrayal rundown of ideological groups named based on the quantity of normal seats won by each ideological group in the National Assembly. An ideological group that gets fewer than 5 percent of the complete number of seats in the National Assembly will not be apportioned to any situate saved for ladies or non-Muslims.

In the event that any inquiry emerges whether a Member of Parliament is excluded from being a Member, the Speaker or, all things considered, the Chairperson, inside 30 days, allude the inquiry to the Electoral Commissioner who will settle on his choice inside 3 months of receipt by the Electoral Commissioner.

The President, discussed the whole details in the National Assembly and Declaration of the crisis on October 14, 1999, every single Presidential Order, Ordinances, Executive Council Orders, including PCO No. 1 of 1999, Oath of Office (Judge) Order 2000, Referendum Order 2002 (Chief Executive's Order No. 12 of 2002), and every single other law made between October 12, 1999 and the date of this Article, are thusly asserted, acknowledged and are not in opposition to any court choice, to be made legal by the authority is approved and anything contained in the Constitution won't be challenged in any court in any way, shape or form.

All Proclamations, Presidential Orders, Orders, Orders of the General Assembly, rules, rules, rules, sees, rules, requests or rules appropriate preceding the viable date of this article will proceed until changed, revoked or corrected by this able power.

### **Conclusion**

Pakistan has been under military standard for the greater part the long periods of its reality. The nation has seen four overthrows. The military in Pakistan has an influence in the circles of the Pakistani political, monetary and social. There are numerous variables regarding the military upsets in Pakistan. In Pakistan, military systems depended on experimentation with the constitution. For instance, General Ayub Khan took over in 1958 and put the Constitution of Pakistan, 1956, in suppression and forced the military law." The military expected that delegate majority rules system would engage these gatherings, debilitating the brought together position important to assemble the frail country. The military along these lines selected to join Pakistan under the religion of Islam" (Syed, 2014).

Numerous military heads have accepted military law in nation. Ayub Khan had an extraordinary job as in political improvement. He presents 1962 constitution. In which he present parliamentary framework. Yahiya Khan presents legitimate edge work request. Zia ul Haq changed the entire scenario and present the eighth amendment which shorten the forces of PM and increment the intensity of president.

Musharraf present the seventeenth amendment which recapture and restoration of eighth amendment. This thing can't be denied that military heads have job in political improvement of nation. They present the numerous changes which bring edifies nation. For the most part pioneers present the nearby bodies' framework. Be that as it may, for the most part these systems have one man rule. They advance autocracy for the sake of majority rules system. The principle motivation behind all changes was to build the forces of president and to expand their standard. They simply needed to upgrade their forces and advancing one man rule.

## References

- Agha, A. S. (2001). *Pakistan's arms Procurement and Military Build Up: in search of a Policy*. Basingstock.
- Ahmed, I. (2013). *Pakistan, the Garrison of state (origin, evolution, consequences) 1947-2011*. Karachi: Ameena Saiyid.
- Aguilar, R. b. (2011). *An introduction to Pakistan's military*. Harvard Kennedy school.
- Baloch, J. A. (2013). Military Interventions in Pakistan and its Implications. *The government-Annual Research Journal of Political science*.
- Khan, H. (2001). *constitutional and political history of Pakistan*.
- Syed, M H (1993). *Pakistan Problems of Governance*. Delhi: association with Konark publishers Pvt.Ltd.
- Rizvi, H. A. (2013). *The Military & Politics in Pakistan (1947-1997)*. Lahore: Sang-e-Meel Publications.
- Pearlstein, D.N. (2011). The Soldier, The State and the Separation of Powers. *Cardozo Legal Studies, Cordozo Legal Studies*. 184,68.
- Shah, A. (2014). *The Army and Democracy in Pakistan: Military Politics in Pakistan*. Harvard: Harvard university press.
- Syed, M. H. (2014). A Recourse to the Analysis of Civil-Military Relations in Pakistan-Borrowing Sociological Narratives in Contemporary Era. *ISSRA PAPERS*, 1-20.