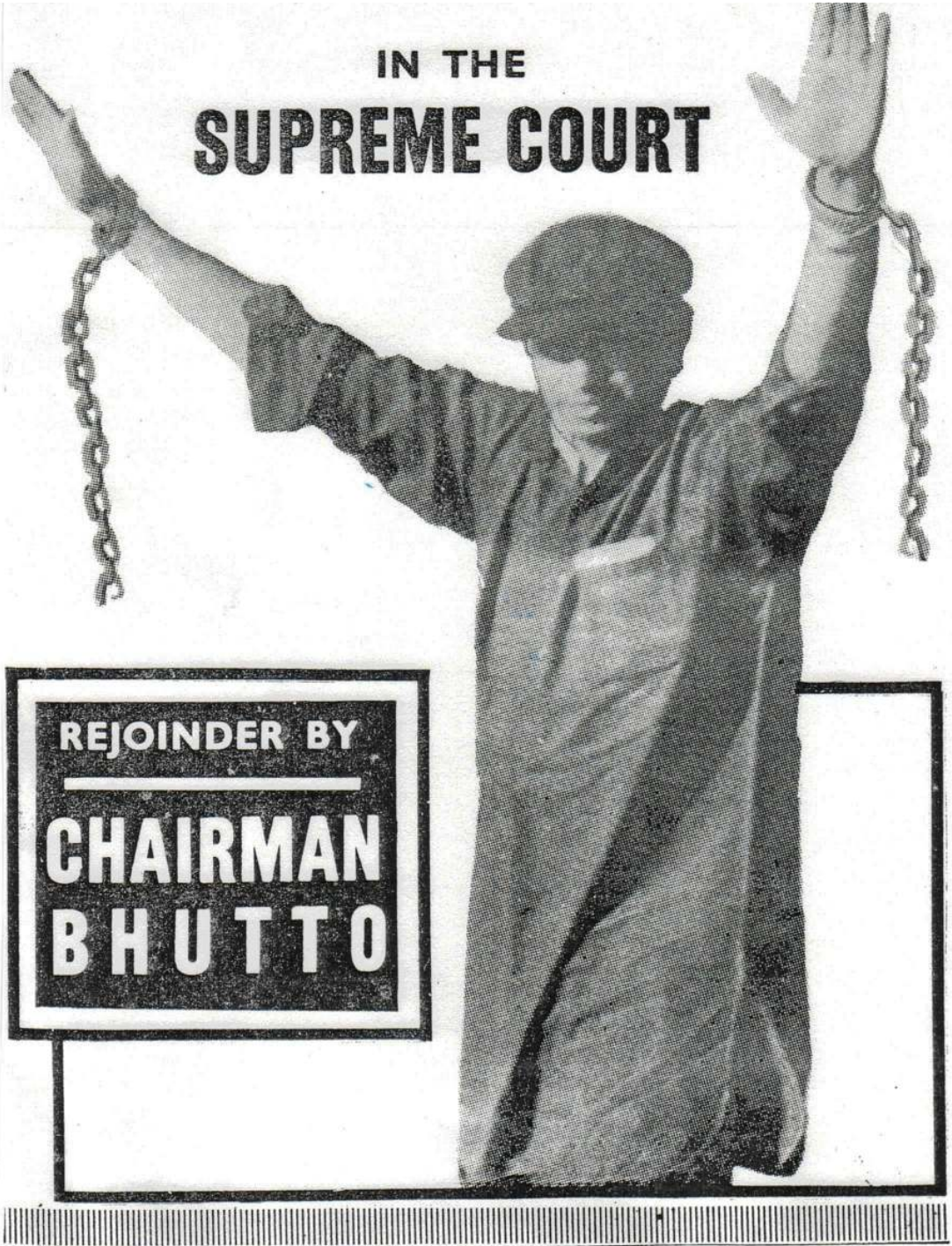


Rejoinder by Chairman Bhutto In The Supreme Court



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Member Sindh Council. PPP

IN THE
SUPREME COURT





RESPONDENT
CHIEF OF ARMY STAFF



PETITIONER'S SENIOR COUNCIL
MR. YAHYA BAKHTIAR



COUNCIL ON RECORD
GHULAM ALI MEMON



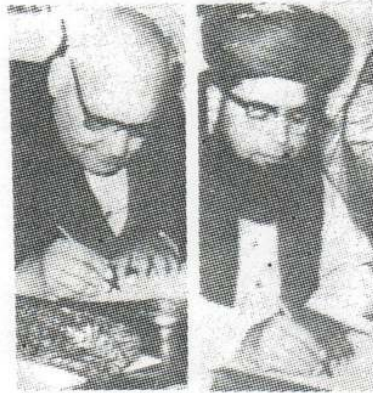
RESPONDENT'S COUNCIL
MR. A. K. BROHI



PETITIONER - BEGUM BHUTTO

THE REJOINER FILED BY CHAIRMAN ZULFIQAR ALI BHUTTO BEFORE THE SUPREME COURT OF PAKISTAN ON OCTOBER 10, 1977, TO THE ACCUSATIONS MADE BY GENERAL M. ZIA-UL-HAQ, CHIEF OF THE ARMY STAFF, HEREBY REFERRED TO AS THE RESPONDENT.

THE ACCUSATIONS WERE MADE IN A WRITTEN STATEMENT ON BEHALF OF THE RESPONDENT BY MR. A.K. BROHI AND SUBMITTED BEFORE THE SUPREME COURT IN THE CONSTITUTIONAL PETITION FILED BEFORE THE SUPREME COURT OF PAKISTAN BY BEGUM NUSRAT BHUTTO, HEREINAFTER REFERRED TO AS THE PETITIONER.



Members of the National Assembly

1. Mr. Liaquat Ali Khan	21. Mr. Iqbal Khan	41. Mr. Iqbal Khan	61. Mr. Iqbal Khan
2. Mr. Liaquat Ali Khan	22. Mr. Iqbal Khan	42. Mr. Iqbal Khan	62. Mr. Iqbal Khan
3. Mr. Liaquat Ali Khan	23. Mr. Iqbal Khan	43. Mr. Iqbal Khan	63. Mr. Iqbal Khan
4. Mr. Liaquat Ali Khan	24. Mr. Iqbal Khan	44. Mr. Iqbal Khan	64. Mr. Iqbal Khan
5. Mr. Liaquat Ali Khan	25. Mr. Iqbal Khan	45. Mr. Iqbal Khan	65. Mr. Iqbal Khan
6. Mr. Liaquat Ali Khan	26. Mr. Iqbal Khan	46. Mr. Iqbal Khan	66. Mr. Iqbal Khan
7. Mr. Liaquat Ali Khan	27. Mr. Iqbal Khan	47. Mr. Iqbal Khan	67. Mr. Iqbal Khan
8. Mr. Liaquat Ali Khan	28. Mr. Iqbal Khan	48. Mr. Iqbal Khan	68. Mr. Iqbal Khan
9. Mr. Liaquat Ali Khan	29. Mr. Iqbal Khan	49. Mr. Iqbal Khan	69. Mr. Iqbal Khan
10. Mr. Liaquat Ali Khan	30. Mr. Iqbal Khan	50. Mr. Iqbal Khan	70. Mr. Iqbal Khan
11. Mr. Liaquat Ali Khan	31. Mr. Iqbal Khan	51. Mr. Iqbal Khan	71. Mr. Iqbal Khan
12. Mr. Liaquat Ali Khan	32. Mr. Iqbal Khan	52. Mr. Iqbal Khan	72. Mr. Iqbal Khan
13. Mr. Liaquat Ali Khan	33. Mr. Iqbal Khan	53. Mr. Iqbal Khan	73. Mr. Iqbal Khan
14. Mr. Liaquat Ali Khan	34. Mr. Iqbal Khan	54. Mr. Iqbal Khan	74. Mr. Iqbal Khan
15. Mr. Liaquat Ali Khan	35. Mr. Iqbal Khan	55. Mr. Iqbal Khan	75. Mr. Iqbal Khan
16. Mr. Liaquat Ali Khan	36. Mr. Iqbal Khan	56. Mr. Iqbal Khan	76. Mr. Iqbal Khan
17. Mr. Liaquat Ali Khan	37. Mr. Iqbal Khan	57. Mr. Iqbal Khan	77. Mr. Iqbal Khan
18. Mr. Liaquat Ali Khan	38. Mr. Iqbal Khan	58. Mr. Iqbal Khan	78. Mr. Iqbal Khan
19. Mr. Liaquat Ali Khan	39. Mr. Iqbal Khan	59. Mr. Iqbal Khan	79. Mr. Iqbal Khan
20. Mr. Liaquat Ali Khan	40. Mr. Iqbal Khan	60. Mr. Iqbal Khan	80. Mr. Iqbal Khan



The 1973 Constitution of Islamic Republic of Pakistan was unanimously approved and signed by almost all the members of the National Assembly.

In the Photographs Mr. Zulfiqar Ali Bhutto, Maulana Mufti Mahmood, Prof. Abdul Ghafoor Ahmed, Mr. Sherbaz Mazari, Khan Abdul Qayyum Khan and Maulana Shah Ahmed Noorani are seen putting their signature on the official copy of the Constitution.

MR. A. K. BROHI



Reply-1. The contents of para 1 deal with preliminary objections. I understand they are being replied to on behalf of the petitioner.

Reply-2. The contents of para 2 need no comments from me.

ACCUSATION.

Martial Law was imposed due to the doctrine of necessity.

Reply-3. Doctrine of necessity for imposition of Martial Law by the Chief of the Army in Pakistan was rejected by the Supreme Court in Asma Jilani's case. Under Article 245 of the Constitution of Pakistan, the Federal Government can call upon the Armed Forces to come to the aid of Civil power to quell disturbances and to restore law and order. In view of Article 245 of the Constitution, there is no scope or justification for Martial Law in violation of the Constitution. For the reason, under Article 237 of the Constitution, there is no provision for indemnity. Hence in view of Supreme Court's judgment in Asma Jilani's case and the Constitution of Pakistan, the doctrine of necessity etc., cannot be invoked by an Army Commander to eclipse or supersede the Constitution, overthrow the legitimate Government and usurp power.

The statement of the Chairman of the Joint Chiefs of Staff and the three Chiefs of Staff dated 27-4-1977 recognised my Government to be the lawful Government of Pakistan. From the date of the national elections, that is 7th March, 1977 till the morning of July 5, 1977, the Respondent obeyed all orders of the Federal Government on the ground that it was the legal Government of Pakistan. The worst period of the agitation was over.

The PPP Government and the PNA delegation had come to a settlement in the national crisis, despite the obstacles placed by the Respondent to frustrate the settlement. As early as the 9th April, 1977, the Respondent told me in Lahore that the Army would not accept a settlement if the Special Court of Hyderabad was not allowed to proceed with the case against Wali Khan and others and the Army in Baluchistan was recalled to barracks. With the passage of time, the Respondent and all the Corps Commanders became more rigid on these two conditions and reiterated them persistently in every meeting called by me and attended by them.

On the 2nd and 3rd of July the Respondent attended a meeting of the PPP Government and PNA delegation in the Prime Minister's Secretariat in Rawalpindi and brought a fifty-paged document to establish that 'secessionists' and 'traitors' (those being tried at Hyderabad) should not be released under any circumstances. The Respondent quoted the speeches and utterances of the persons concerned to substantiate his submission. At one point he was interrupted by Nawabzada Nasrullah Khan who observed that it was no business of the Respondent to give a lecture on political leaders or political issues. The Respondent sought to put the Government on the horns of a dilemma by maintaining that in the absence of an agreement between the PPP Government and PNA, the situation would become uncontrollable and that serious cracks would appear in the Army. At the same time he maintained with equal vigour, that, under no circumstances must there be

an agreement which could necessitate the release of 'traitors' and 'secessionists' and the withdrawal of the Army from Baluchistan.

In this 'Heads I win, Tails you lose' situation the Respondent was responsible for the delay in the progress of negotiations between the PPP Government and PNA. As a matter of fact, the Respondent manipulated the events to aggravate the situation. He deliberately executed a '*langra lula*' aid to civil power under Article 245 of the Constitution to heighten the tension and to create conditions for his illegal and unconstitutional intervention. In his broadcast of 5th July, 1977 the Respondent admitted that he had carried out a '*langra lula*' Martial Law and not come with clean hands to the aid of Civil power as laid down by Article 245 of the Constitution. There are reports that the Respondent deliberately fanned the agitation by clandestinely assisting in the operation 'wheel jam'. These reports were confirmed by Foreign Journals like 'Far Eastern Economic Review'.

In my speech in the National Assembly on the 28th of April, I had stated that '*Operation Wheel Jam*' was one of the contingency plans of the Army. It was introduced in the Army by American advisors in dealing with the promotion of civil commotion in the event of a 'hostile' Government coming into power. When Mr. Aziz Ahmed, the Foreign Minister, went to address the meeting of the Army Officers at Karachi, an ammonium was created at the meeting. This was apparently an engineered affair as all officers are much disciplined and do not resort to rank insubordination of this nature. This incident could not have happened but for the instigation of the Respondent.

The Respondent played a prominent part in encouraging, aiding and manipulating events to exacerbate civil strife in order to overthrow the legal Government at a time of his choosing. The Respondent was the artist and the architect of '*the mosaic of events within the country*' in the critical months of April, May, June and July, 1977. Had the Respondent cooperated sincerely and patriotically with the Prime Minister and the Federal Government, which under the Constitution is vested with the control and command of the Armed Forces, much of the bloodshed mentioned in this written statement in subsequent paragraphs and much of the turmoil and damage of public and private property would have been avoided. Had the Respondent remained loyal and steadfast to the Oath taken under Article 244 of the Constitution, much of the tragedy that has befallen Pakistan could have been averted. The Respondent cannot plead the doctrine of necessity as it is untenable in law and a travesty of facts.

On the basis of necessity the Chief of Army Staff cannot justify his coup or taking over the Administration of the country as a usurper. On the basis of necessity, he cannot nullify the will of the people as embodied in the Constitution which he had solemnly affirmed to uphold, and impose his own will on the people and National institutions and Authorities. His action clearly comes within the mischief of Article 6 of the Constitution and amounts to high treason. If the contention of the Respondent is accepted, then every usurper in control of the coercive power of the State would be able to advance grounds of necessity for dislodging a duly constituted civilian legal Government on the basis of its alleged irregular and illegal acts.

ACCUSATION.

The Government of Mr. Zulfikar Ali Bhutto was unconstitutional and illegal. Secondly, preparations were being made to foment civil war in the country to consolidate its illegal tenure.

Reply-4. Under no phase has my Government been un-Constitutional and illegal. It has been the legal and Constitutional Government and this has been admitted by the Respondent by word and deed. No event or events can lead to the imposition of Martial Law which has been 'buried for ever' by the Constitution of 1973 and by the judgment of the Supreme Court in Asma Jilani's case.

At no time, in no phase and under no circumstances did my associates and I try to "foment Civil War within the country, to frustrate and prevent free and fair elections in order to consolidate our tenure of office". This is a calumny and a wicked falsehood. Not for a single moment has the tenure of office of my Government been illegal for my Government to make an attempt to legalize it by promoting 'civil war in the country.' For the sake of argument even if I were to concede to this false charge, I would like to know how I would have been able to consolidate the, illegal tenure of the office of my Government by inciting civil war and bloodshed. Consolidation does not come by creating or trying to create chaos and instability. My Government's interest lay in the sanctity of the Constitution and not in its destruction_ A Government cannot legalize itself by unleashing, or trying to unleash, civil war and by endangering the Constitution. It is an irreconcilable contradiction; one is the antithesis of the other. On the face of it, the assertion is false and absurd.

The word civil war has been bandied about very loosely and irresponsibly in the last three months .The assertion of the rights of the exploited classes is a historical process and Pakistan cannot fall outside this worldwide march of events. I am proud to have led this honourable struggle of the exploited masses of Pakistan against the powerful vested interests. However, a distinction should be made between this inevitable phenomenon and civil war. If the term civil war is to be used loosely and in a journalistic sense, then there is civil war all over the world. Sensational kidnappings have taken place in the Federal Republic of Germany and in Italy. Some journalists have described the conditions as civil war. Guerrillas and so-called Red Armies have caused terror in Japan and in other countries. Should all these countries and others in Europe, Asia, Africa and Latin America be taken over by military Government on the pretext of civil war; this is a troubled and besieged world. Every country faces so me kind of turmoil or trouble, everywhere there are signs of tension and upheaval. There have been elections repercussions in most countries, people come out on the streets everywhere. Such activities cannot be called civil war such activities cannot become a pretext for imposing martial law. In such an event this cultured and civilized world, this world of the people, would suffocate to death. Civil war in the political sense, in the properly construed sense, can only take place when the Armed Forces get divided, with one side aiding the exploiters and the other side assisting the exploited. In other words, the division and

participation of the Armed Forces in politics is a pre-condition to civil war. A civil war in its proper sense, in the real meaning of the term, cannot take place without such development. The classical and outstanding examples of history are the civil wars of the Soviet Union, the Peoples Republic of China and Spain. The most recent is the civil war of Lebanon. In each of those countries, the Armed Forces were involved on one side or the other and gave the struggle the character of civil war. In Pakistan this did not happen. It is, therefore, futile to allege that my Government was trying to incite a civil war in Pakistan. Such an assertion is contrary to each and every historical data and a dishonest evaluation. of the objective conditions of Pakistan. Therefore, political support to the people to attain their economic and political rights cannot be called civil war or the preparation for civil war.

ACCUSATION.

The Elections of March, 1977 represented a new pattern in illegality.

Reply-5. Since the establishment of Pakistan, the elections of 7th March, 1977 were the high watermark of Pakistan's democratic progress as they were the first general elections, in the thirty years chequered history of Pakistan, to be held by a civilian Government. Under the terms of the Constitution during the emergency, General Elections could have been postponed by a year and held in August, 1978. My Government conscientiously held the general elections a year before the time permitted by the Constitution to promote democratic stability and to establish the finest democratic traditions in Pakistan for the first time in its tumultuous history.

The elections of March, 1977 and the pattern preceding them cannot be judged in isolation or get subjected to an abstract scrutiny. Every country has its own historical experience. The conditions of Westminster cannot be grafted on the plains of the Indus. If there is a pattern, if we are to look for a pattern, we must go back to 1947 when Pakistan was established or even to the 1945-46 elections which led to the creation of Pakistan. A comparative study should be made instead of making distorted and jaundiced criticism of the elections of March 7, 1977, or the so-called pattern of the tenure of my Government. The 1945-46 elections were fought on the demand of Pakistan. Despite a frenzied war in favour of Pakistan, many prominent Muslim League candidates were accused of rigging and election petitions were filed against them. There were no national elections during the Premiership of Messrs Liaquat Ali Khan, Khwaja Nazimud Din, Muhammad Ali Bogra, Ch. Muhammad Ali, H.S. Suhrawardy and Feroze Khan Noon. In other words, no national elections were held during the tenure of any of the civilian Prime Ministers of Pakistan from 1947 to 1958. Only provincial election in the Punjab, Sindh, N.W.F.P. and East Pakistan were conducted but not in Baluchistan, the fifth province. During election and the bye-elections in the Punjab, N.W.F.P. and Sindh every form of deceit, fraud and high-handedness was employed nakedly to get tailor-made results. If this Honourable Court has to take judicial notice, it can take judicial notice of these notorious elections. The elections in East Pakistan resulted in the crushing defeat of the Ruling Party but the Ruling Party did not permit the results of those election to get reflected on the Federal

scene, and on the provincial level the verdict of the people was allowed to exist for a very short period, on for the time required to engineer Governor's Rule in that Province.

The much heralded general elections of March, 1959 were frustrated by Ayub Khan's *coup d'etat*. The Constitution of 1956 was abrogated and the system of Basic Democracies introduced. This limited Electoral College replaced adult franchise. Even under this system controlled by the bureaucracy, Mohtarma Fatima Jinnah, in 1965, had in reality defeated Ayub Khan, but the rigging resulted in Ayub Khan's victory and it was hailed. Yahya Khan took up the mantle of Ayub Khan in 1969, when the latter was humbled by a great movement of the people. Yahya Khan ordered the national elections of 1970 but his plan was so diabolical that although the elections were held, the country was torn asunder by December, 1971.

It is with this backdrop, it is with this undeniable historic experience, that the elections of March, 1977, should be evaluated I get a correct and balanced perspective of events. The Government gave every facility to hold public meetings and lead processions. None of the public meetings or the processions of the Opposition was disrupted, none of the leaders was arrested, none of their workers harassed and none the newspapers supporting them banned. The law was changed immediately give the P.N.A. a single symbol although under the original law P.N.A. was not entitled to a single symbol. No Opposition leader complained of interference or malpractice. When the polling was over on the March 7, 1977, one prominent opposition leader (Asghar Khan), expressed his satisfaction with the arrangements. If any high-handedness was committed it was do by the opposition brazen facedly and violently in Karachi, Hyderabad and other places.

The Government policy was implemented. The Government cannot be responsible for individual initiatives or individual misdeeds affecting about 20/25 Constituencies. In such wrongs the legal remedies are available law was amended to make them expeditious. Elections cannot be ideal the sense of satisfying each and every individual. It is not like go to cinema or to a theatre. Elections do arouse the feelings of people, charges and counter-charges are made. It is not a drill in protocol. It excites the highest and lowest forms of raw emotions. Taking all these and connected factors into account, the elections of March 7, 1977 the pattern set by my Government was a vast improvement on the past. So much so that even the critical foreign press admitted that despite PNA's hue and cry and its agitation, PPP had won the elections. In an interview given to Newsweek soon after he took over power through the gun, the Respondent admitted that the PPP had won the elections, that the charges of rigging were grossly exaggerated and that I had no hand in the irregularities committed by some individuals. (*Annex. D Pakistan Times dated 14-7-1977*).

It is respectfully submitted that the averments in paragraph 5 of the written statement are an after-thought to justify the illegal taking over of the Administration of the country by the Chief of Army Staff. On the face of it, these allegations contradict his original statement made on 5th of July, 1977 wherein while giving reasons for the imposition of Martial Law he had clearly stated:

“I would like to point out there that I saw no prospects of a compromise between the Pakistan People Party and the Pakistan National Alliance because of their mutual distrust and lack of faith. It was feared that the failure of the P.N.A. and the PPP to reach a compromise would throw the country into chaos and the country would thus be plunged into a more serious crisis. This risk could not be taken in view of the high interests of the country.”

“The Army had, therefore, to act as a result of which Government of Mr. Bhutto has ceased to exist; Martial Law had been imposed throughout the country; the National and Provincial Assemblies had been dissolved and the Provincial Governors had been removed.”

The Court would be pleased to note that the reference in this first statement is to the future events that were to take place but not to the alleged past illegalities and irregularities of my Government nor to the prevalent trends and events in the country ‘at the material time.’

ACCUSATION.

The keynote to the March 77 elections was the unopposed election of the then Prime Minister.

Reply-6. This was not the first time that I have been elected unopposed in the election. In the 1970 elections I was elected from five Constituencies in different Provinces by vast majorities. I have many election records to my credit. If the election of 18th October, 1977 were held, even from this jail, I would have broken many more records if, due to mala fide reasons, the Respondent had not disqualified me. The unopposed election of the Prime Minister and the Chief Ministers were duly enquired into by the Election Commission and are beyond any shadow of doubt.

On fifth July, 1977, the Respondent made a categorical statement to the nation that elections would be held in 90 days. He kept on repeating this pledge with great gusto. Two days before the Respondent abruptly and without good reasons postponed the elections, the Secretary General the Ministry of Foreign Affairs while addressing the current session of U.N. General Assembly as Pakistan’s Chief Spokesman, told the world forum in unequivocal terms that the Respondent was determined to hold election in Pakistan on the 18th of October and transfer power to a civilian Government. What was the purpose of making such a solemn commitment before the leaders of the whole world, when only two days later the Respondent was to announce that he had made a false promise to the people of Pakistan and in the process deceived also the world? I used to hear a great deal about credibility. Where does credibility stand at this moment?

The key note is not my unopposed election in March 1977, the key note is credibility. Nobody will think it to be incredible for me to get elected unopposed, but who will place any credibility on the word of the Respondent? In less than three months how many contradictions and concoctions has he mastered?

Unfortunately the Respondent has made a mockery out of the word impartiality. The Respondent has blown hot and cold. He has approbate and reprobated on every vital issue. By his unconsidered and intemperate action the Respondent has brought the country on the verge of collapse. The Respondent's violation of the Constitution, his broken promises on elections, his grave injustices to the undisputed leadership of the country, his blind hatred for certain individuals and his deep prejudice against progressive ideas, his oversimplification of complicated issues, his diatribes to foreign journalists, have caused greater frustration and anxiety among the people of this country than all the false charges under this paragraph or in the whole written statement. If the soul of the society is to be sold on the altar of expediency in less than three months, then the half-truths and lies listed against my Government during five and a half years pale into insignificance.

The key note is promised election but that has been postponed to the detriment of the nation. The Respondent, by abruptly postponing the election, has put in jeopardy the national will and the national unity. Why did the Respondent imperil National interest and solidarity by taking such a disastrous decision? Why did he have to belittle Pakistan in the eyes of the world and belittle himself in the eyes of people of Pakistan? He did so because all his assumptions fell to the ground and all his promises were proven wrong by the will of the people. He took this perilous step because he saw that, despite the incarceration of the PPP leadership and other measures taken against this premier party of the people, the elections were going to result in a massive victory for the PPP. There is no other reason or explanation for such a wanton betrayal of a solemn pledge.

The pledge given on the 5th of July, 1977 was to hold election within 90 days. The Respondent made this commitment categorically and without any qualification. He promised to restore democracy and civilian supremacy within 90 days. He called it '*Operation Fairplay*'. He told the nation in clear terms that the election would be free and fair and his Martial Law Administration will be impartial. He assured the people of Pakistan that the Constitution was safe (*Mehfooz*) that it was only held temporarily in 'abeyance' and suspension. The Respondent made it clear that there would be no witch hunt or persecution of political leaders. He said that it was not his business to take action against politicians. He admitted that it was for the people to select or reject their leaders. It was for the people to reject or honour their leaders by exercise of their votes. The actual position has been the opposite.

The Respondent has started a spiteful vendetta against the PPP and its leaders. He has made crude attempts to destroy the PPP. He has tried to cause a split in the PPP. He has arrested arbitrarily PPP candidates for the National and Provincial Assemblies. The jails of Pakistan are full of PPP workers. He has had PPP workers lashed including a former senator. He has awarded summary punishment to the PPP workers through his military courts. The Respondent has stopped at nothing. While the opposition parties were encouraged to vilify and abuse the PPP Chairman and his associates in the foulest of language, he saw it fit only to warn the wife of the PPP Chairman and put his young daughter under the ambit of Martial Law Order No.12 for making militant speeches. Neither of them made militant speeches, but his fury fell on these two women only. P.P.P

women folk holding Quran Khawani in the precincts of Data Saheb's Darbar and near Supreme Court and High Courts have been manhandled and *lathi-charged*.

The television and radio and the opposition press have been directed to indulge in the worst form of character assassination of PPP and its leadership. The Respondent has arrested officials and bureaucrats to knock out false statements and confessions out of them against the Chairman of PPP and his associates. Those bureaucrats whom he despised have been pardoned and given preferential treatment for making such false statements and confessions and for becoming approvers. The Respondent has turned the Secretariat upside down to collect material against the PPP leadership. The Respondent has given false accounts of Cabinet and other official Committee meetings to malign the PPP Chairman and his colleagues. Opposition leaders have been given official secret documents to besmear the Chairman of PPP and his associates. They have been instigated to file a multitude of cases against the Chairman of PPP and his associates.

The Respondent has given highly prejudicial interviews to foreign journalists and to some local journals. In those interviews the Chairman of PPP was called a murderer, an embezzler, a Modern Machiavelli and an evil genius. The Respondent has bitterly attacked the PPP Chairman in his speech of 14th August and in his four-hour press Conference on September 1, 1977. In three months the Chairman has been arrested on three different occasions. The illegal arrest on 3rd September at Karachi was made in the most insulting and humiliating manner. At one stage the Respondent stated that the courts were open and that he could not interfere in criminal and civil litigation in the ordinary Courts and that his regime would not take any action under martial law or otherwise but later the Respondent declared that the PPP Chairman and his associates would be tried by Military courts when they were arrested and detained under Martial Law Order 12, providing for preventive detention on 17th September. Later the Respondent stated that the trial would initially take place in ordinary court but the military trials will be kept in reserve. When the Respondent postponed elections on 1st October, he was gracious enough to change his mind once more. This time he said that the trials will be held only in the ordinary courts.

THIS PORTION WAS WITHDRAWN BY CHAIRMAN BHUTTO,
AFTER A REFERENCE IN THE SUPREME COURT.

Originally, when the elections were to be held on 18th October, the Respondent was most anxious to get the Chairman of PPP out of the way before 18th October, and for that reason he ordered his trial and the trial of his associates by Military Courts. Now that the Respondent has postponed the elections on the pretext of settling accounts with the PPP Chairman and his colleagues, the longer this procedure takes the more beneficial it is to the Respondent to delay elections.

This paragraph talks of rigging. A catchy word but what does it mean. It means subverting the verdict of the electorate by devious means. It means frustrating, the choice of the electorate by manipulation. In the last three months this country has seen the apogee of manipulations frustrate the choice of the people. There is no need to stuff the ballot papers if the whole party or its leadership is put out of the way by imprisonment and contrived disqualifications. The Respondent has indulged in the quintessence of rigging by all the illegal steps he has taken eliminate the leadership of PPP since he announced to hold impartial elections. None of the Respondent's measures stemmed the high tide of the PPP, not even the crises of jurisprudence he created after the petition of my wife was admitted by the Supreme Court on 20th September, 1977. The Judges of the Superior judiciary were put to a fresh oath of office and it was ordained that those who did not do so within 24 hours will cease to hold their office.

In sheer desperation the Respondent postponed the elections without giving another date for them. The Respondent gave preverse reasons for swallowing his solemn words. He was bold to declare that election would be held after my fate is decided. Ever since PNA leaders have considered this reason to be fatuous. He has ordered the whole nation to come to standstill in order to punish me. It is tragic that 75 million people should be punished for the thirst to punish one individual. It is most unfortunate that democracy and Constitutional Government should be kept in animated suspension for this reason. The Respondent has given so subsidiary reasons also for taking such a critical decision. He has castigated the political parties for not giving a manifesto, forgetting that the manifestoes were given by all the political parties in March 1977. As far as the PPP is concerned, the Respondent should realize that with its top leaders in jail and facing Court cases virtually every day, it hardly in a position to add illumination to the manifesto given only few months ago. This pretext is insulting to the intelligence of the common man, who is now wide awake and who knows the rules of the game fairly well. He cannot be deceived by such lame excuses.

The Respondent also said that there might have been trouble. There was no trouble and surely his naked and coercive Martial Law is sufficiently well oiled and well-equipped to deal with any form of trouble. Later it was stated that the authorities had information that the PPP was going to start trouble on the 10th of October, a week before the elections. This is not true. The PPP's top leadership is in jail. It is totally cut off from the scene and the people. The PPP was going to win the elections hands down. It had, therefore, no reason to create trouble. Besides, the wife of the Chairman and his young daughter with some of the other leaders not yet arrested, were hardly in the position to create any trouble. Nor did they have any such plans. Hence there was no valid reason to postpone the election except to perpetuate the Respondent's one-man rule. For this perpetuation the Respondent is willing to tear up the twelve-page Constitution, to punish the people by denying them their inalienable rights and in creating a political vacuum that may well prove to be fatal to the very existence, of the country. Now it is for this Hon'ble Court to judge intexta position the merits of paragraph 6 and any other paragraph of his written statement that has a bearing on rigging of elections. In the final analysis the people would prefer to have elections as soon as possible even under these adverse conditions of bias and prejudice than to leave their fate and future to the caprices of an individual. The

nation has had a surfeit of excuses and broken pledges. It is impatient to go forward under the sunshine of democracy by exercising its right to choose its leaders. The issue of so-called rigging has passed into history.

The need of the hour is to fulfill the promise for general elections and not to wriggle out of this unalterable commitment. It is no use making a fetish out of the trial of the Chairman of PPP and his associates. There is no point in insulting the basic intelligence of the people by sickening them by fairy tales.

ACCUSATION

In an interview given to “*Millat*”, the then Chief Election Commissioner commented on the massive rigging and called for fresh elections.

Reply-7. The then Chief Election Commissioner did not—make any official statement to the Government as alleged in this paragraph. If there had been such widespread irregularities, it was the duty of the then Chief Election Commissioner to lodge his protest in writing with the Government. Furthermore as an honourable man, who occupied an independent position under the Constitution, he should have gone through the formality of tendering his resignation. The Opposition demanded his resignation but he did not resign. He did not resign ostensibly because according to him his conscience was clear and that he was satisfied with the result of the elections conducted under his direct supervision. The then Chief Election Commissioner did not take appropriate steps to translate into actions the so-called observation made by him to the Daily ‘*Millat*’ of Karachi. It is very strange that such a serious allegation was made by the then Chief Election Commissioner to one solitary vernacular (Gujrati) newspaper with Lahore dateline. If the then Chief Election Commissioner thought it necessary to give the information to one newspaper only, surely he would have given it to an Urdu newspaper having wide circulation and coming out in the national language. The then Chief Election Commissioner was on very good terms with the Editors of prominent Urdu newspapers of National standing both in Lahore and Karachi. The then Chief Election Commissioner was not averse to holding long press conferences before a battery of the national and foreign correspondents. He was equally fond of appearing on the television. When all these powerful means of mass communication were available to him it is difficult to understand why the Chief Election Commissioner should have chosen a Gujrati newspaper for making suet a serious charge. It could not be out of fear of the Government because the attention of the Government would have been drawn to the news item whether it hit the national headlines or came in the corner of a vernacular newspaper. Indeed, the Government attention was drawn to the news-item in question. The then Chief Election Commissioner denied point blank any responsibility for what was ascribed to him by the Gujrati newspaper of Karachi. The Chief Election Commissioner is on record as saying that the Commission was inquiring into on the basis of complaints received and on its own initiative only in respect of about 26 Constituencies.

The then Chief Election Commissioner carried out his duties until he became unwell when he sought the Government's permission to go to Europe for treatment. The permission was granted to him according to his entitlement.

ACCUSATION.

Subsequent investigations show that rigging was directed from the highest Governmental level to make sure that Mr. Asghar Khan and Mr. Gohar Ayub were defeated as the report by Hazara Commissioner (dated much after the coup of 22 September, 1977) shows.

Reply-8. Even before the 5th of July, 1977, immediately after the election of 7th March, 1977, the Respondent was surreptitiously fabricating information about so-called rigging to pave the way for his illegal intervention. Confidential and verbal instructions were issued to trusted Army Officer in most districts of the country to unobtrusively collect information on the so-called rigging. Such an investigation could not remain secret for long due to the scope and nature of the investigations. Some of the candidates and the Chief Minister of a Province informed me that such enquiries were being carried out in a 'hush hush' manner in many places. The Chief Minister referred to above asked me whether I had ordered the Respondent to make such enquiries. I replied in the negative and told the Chief Minister in question that I would raise the matter in the next joint meeting of the Government and the Respondent. When I did raise this matter in the next joint high powered meeting of the Government representatives and the Army Officers, the Respondent muttered some vague and inaudible words denying the information given to me. However, subsequently other persons also confirmed that such enquiries were taking place in many places. Hence, it is not just a matter of 'subsequent investigations'. It is a part of a designed plan which was put into operation soon after the elections of March 7, 1977, and which is now continuing with full vigour and abundant distortion. Now that the State apparatus is entirely in the hands of the Respondent he is using it to his full advantage to implement his pre-conceived plan. The bureaucrats are like clay in his hands. The Respondent is molding this clay according to his designs. By means of threats, imprisonments, inducements and the like, he is making them sing whatever song he fancies. In the prevailing circumstance not the slightest credence and value can be attached to those concocted and inspired reports.

Major General Imtiaz Ali, my Military Secretary and Mr. Muhammad Havat Tammon, my Political Advisor, were not sent by me to the N.W.F. Province or Abbotabad or any other place in that Province with the mission to manipulate the results of the elections. The Military Secretary was sent to Peshawar for a few days as the Governor of N.W.F.P wanted to discuss certain matters relating to his functions. It is a pure coincidence that the visit of Military Secretary took place shortly before the elections. It was my common practice to send members of my personal staff to different provinces from time to time to hold discussions with the relevant provincial authorities and submit reports to me. Therefore, it was not unusual for these two gentlemen to visit the Frontier Province in March, 1977 on my behalf. I repeat it was my normal practice to send my senior officials to different Provinces from time to time to keep me informed of the developments and

the state affairs. The two officials in question were not sent by me to N.W.F.P. to influence the outcome of the elections.

The report of the Commissioner of Hazara dated 21st September, 1977 is full of contradictions and has no value in law. It is a belated report and has been engineered to fit with the situation of the design of the Respondent. It is so belated that the Commissioner admits himself in the report on the very first page that ‘since a long time has elapsed, therefore, it may not be possible to pinpoint exactly what each individual V.I.P. directed the officers to do’. The Commissioner claims to be a gentleman, a respecter of the laws and a man of conscience. If he possessed any of these qualities, it was his duty to submit a report in writing to his Chief Minister giving the details of the meeting and making his position clear. Why did the Commissioner keep his Chief Minister in the dark all these days and months? Why has he come out only on the 21st of September, 1977 with the so-called revelations when he was duty bound to make them to his own boss on the 5th or 6th of March, 1977? He has waited all these months to display his conscience. But the report is without any value. It proves nothing which can be termed as legal proof. It states that the officials discussed the political situation. So what? What was the harm in discussing the Political situation? The political situation in March was surcharged and it was the subject of discussion every where. The belated and inspired report states that the officials gave their evaluation of my leadership. There is nothing wrong in giving such an evaluation. As a matter of fact the evaluation given by them is strikingly similar to the evaluation given by the Respondent about my leadership and ‘indispensability’ to Pakistan in a number of meetings while I was Prime Minister and even after to the *‘Kayhan International’* of Tehran.

If any of the officials made a forecast about the result of elections, no blame can be attached to it. Every one was making forecasts including the Respondent. If I felt strongly about the defeat of Asghar Khan and Gohar Ayub and sent my top officials of trust and confidence to Abbottabad to ensure that they ‘do not win their seats under any circumstances’ how then did not one but both of them get elected? If I could maneuver the rigging of elections on a massive scale on the national horizon, how is it that I could not get the necessary results of my liking in a remote corner of the country especially when I specially deputed my Military Secretary and my Political Advisor to go all the way to Abbottabad to guarantee the defeat of Asghar Khan and Gohar Ayub ‘under any circumstances’? Moreover, if my two officials were sent with specific instructions to rig the elections in N.W.F.P. and in Hazara Division, how was it possible for them to flout my orders and readily agree with Commissioner of Hazara the moment he raised some easily surmountable objections?

If I had ordered that Asghar Khan was to be defeated “under any circumstances” how is it that he was elected in the first place and that the Military Secretary agreed with the Commissioner that there should not be a re-count when a re-count could have taken place to change the results of that election? The Commissioner admits in his report that ‘subsequent results indicated that the polls to the National Assembly had been held with considerable impartiality and four seats out of the six went to candidates. The two PPP candidates who won did not get very big lead inspite of all the facility and patronage they

enjoyed'. This is the pith and substance of Commissioner's report in his own words. The rest is moonshine. The election were impartial not because of the resistance of the Commissioner. [*He admits in the report that he would take a dishonest position with the V.I.P's vide page 6 para (iii)*]. The officials mentioned in the Report and pinpointed to have been sent by me for ensuring some illegal results in the March elections are all competent and intelligent individuals. If I had given such a mandate they would have been capable of achieving it without any difficulty. The result was different not because they were incompetent or because the Commissioner manage to hoodwink all the three senior and experienced officials. It was so because the officials were not sent by me on any such mission to N.W.F.P. or to the Division of Hazara. The report of the Commissioner is an inspired false and belated report and is without an iota of legal value or import.

ACCUSATION.

The Prime Minister illegally distributed motor cycles and bicycle to Peoples Party workers.

Reply-9. There is nothing illegal at all in providing motor-cycles or cycles to any party workers. The vehicles were purchased from party funds and no secret was made out it. This is clear from Annexure R/3, page 1. Rao A. Rashid Khan, my Special Secretary states quite clearly in report that the 'motor cycles and the cycles are being embossed with a distinctive mark to indicate that they are party property.' It is reported with full emphasis that there is nothing illegal in distributing the motor-cycles and cycles to the poor party workers of the PPP from the party funds, which is exactly what has been done. The Respondent raises untenable objections when I do something for the poor workers of my party, but he raises no objection to the distribution of land rovers, jeeps, suzukis and other expensive vehicles by the PNA to its cohorts. Was the PNA without adequate transportation during March elections? Certainly not. The PNA processions were recognized by the pageantry and pomp of their vehicles and their fancy cars, buses, scooters and the like. On the other hand when the PPP distributes motor-cycles and cycles out of its own funds to its poor workers, commotion is caused.

ACCUSATION.

Rao A Rasheed prepared a list of candidates who would "Obstruct the democratic process in the country".

Reply -10. Pakistan is a Republic with a Constitution. The country has a fairly sound and well established administration which functions on efficacious lines. It is not a 'banana republic' although strenuous efforts are being made to convert it into a banana republic. Prima facie there is nothing objectionable about this report. An attempt has been made to give this report a wrapped interpretation and a Machiavellian twist. It must be read in its historical context. Nobody can deny that there have been elements in this country, both civilian and non-civilian, which have disrupted stability and pulverized democratic institutions in the past. We have known politicians who have worked as agents of foreign

countries. We have known of London Plans. We have found arsenals in foreign missions in the Capital of the Country. There have been serious insurgencies and bomb blasts. The country was dismembered by foreign powers and their agents only six years ago. There have been movements for secession in West Pakistan. Prominent political figures have openly called for the destruction of the State of Pakistan. They have written books and articles on the need to finish this country and to wipe it out from the map of world.

The Respondent is not unaware of these powerful elements. He brought a fifty paged document to the PPP-PNA negotiating table in Rawalpindi on the 2nd and 3rd of July, 1977 to quote chapter and verse the utterances of such anti-Pakistan individuals against Pakistan. Taking this painful historical experience into account, the special secretary merely did his duty to give his honest views right or wrong. No democratic values or norms were violated by the submission of the Report. The names mentioned by him have been repeated to give the impression of a long list. For instance on the annexure of the National Assembly list, the serial numbers are 16 in all whereas the individuals mentioned are nine in all. Perhaps except for two all the others were elected to the National Assembly. This clearly shows that no weight or consideration was given to the report. It was a routine report like many routine reports emanate from the Secretariat. Some of the individuals, mentioned were elected from more than one Constituency. This shows that no action was taken on the report. Many such reports are in the archives of the Government of Pakistan. During the tenure of Ayub Khan and previous Governments many such reports were submitted to his Government. The lists were much longer which included not only 'Secessionists', 'disruptionists' but also so-called 'Communists' and 'Socialists' who were said to be sinners for being opposed to Military Pacts and were dubbed as pro-Chinese and pro-Russian. Such 'homework' is done by all intelligence and police agencies here and everywhere else. The Quaid-e-Azam had himself declared in the 1945-46 elections that 'Nationalist Muslims' should not find a place in the Constituent Assembly of Pakistan. He mentioned names. Does this mean that the Quaid-e-Azam was subverting the course of democracy? The first Prime Minister of Pakistan expelled a prominent leader from the Constituent Assembly of Pakistan for similar reasons. Later that individual became the Prime Minister of Pakistan. Assessments are made at all levels but this does not mean that the policy or the decisions of a Government are made on the basis of a wrong assessment put up to the Government.

ACCUSATION.

The four provinces were asked for a list of presiding officers for the March Poll who would be thoroughly dependable.

Reply-10-A. Adequate arrangements have to be made for elections. There cannot be any elections without providing the machinery for elections. Polling, Officers and Presiding Officers form a part and parcel of that machinery. Such lists had to be prepared for the elections. If the memorandum in question stipulated that the officers should be 'thoroughly dependable' it does not mean that they should be tools of the Ruling Party. It means that they should be men of integrity, individuals who would not be susceptible to corruption. They had to be 'thoroughly dependable' to ensure free and fair elections.

It is ironical that a vice should be made out of a virtue. In preparing for the elections of 18th October, 1977, the Respondent took many questionable steps to make a joke out of the impartiality of elections. The Memorandum of the Special Secretary is an ordinary and explicable memorandum. It would be more appropriate to compare this memorandum to the extra-ordinary and bewildering measures taken in rapid succession by the Respondent to liquidate every vestige of confidence in elections under his supervision. The list is too long and painful to be enumerated here, but this Honourable Court can take judicial notice of the measures. Since the elections of 18th October, 1977 have been postponed without justification, it is not necessary for me to enumerate them.

ACCUSATION.

Mian Abbas of F.S.F. was asked to misuse government property to help PPP Candidates.

Reply-11. I cannot offer any comment as this information is not within my knowledge. However, it is pertinent to mention here that I have not laid my eyes on Mian Muhammad Abbas, formerly Director (Operation and Intelligence) F.S.F. Of course I am aware of this name and existence but I have not had a single minute meeting with him either individually or in the presence of other officials throughout my tenure of office as the President and subsequently, as the Prime Minister of Pakistan. I might have seen him in public meetings or on my tours but I cannot identify him. This is the extent of my association with Mian Muhammad Abbas, formerly Director, F.S.F. Even if a functionary of the Government makes some Government vehicles available to help a candidate, the responsibility would be that of the Government functionary and of the candidate. The Government as a whole cannot be held responsible for it. It is also strange that an ostensibly impartial and interim Government should only confine its attention to the alleged irregularities of the Pakistan People Party candidates in the elections and should not bother as to how, for instance Professor Ghafoor Ahmed in one small part of his Constituency could employ 120 Suzuki Vans for days and days. The amount incurred only in the small part of the Constituency on the employment of these vehicles during the election campaign ran into lacs of rupees. Where did all these funds come from and how could the incurring of such huge expenses be overlooked?

ACCUSATION.

Mian Abbas of FSF set up a “Demolishing Squad” to break up Opposition meetings.

Reply-12. This is a total lie. Throughout the election campaign ending on the 6th of March massive public meetings were held throughout the country by the PPP and PNA and other parties yet not a single incident of disrupting or breaking a public meeting of the Opposition Parties can be cited nor any incident of bomb blast, etc., was reported.

It stems from the figment of the imagination of the Respondent. No such ‘demolishing squad’ was established under my orders and no such ‘demolishing squad’ existed. F.S.F. came under the Ministry of Interior and was not a part of the Prime Minister’s Secretariat.

Yet I can say from knowledge that it is completely false to assert that such a 'Demolishing Squad' existed or that a squad by any other name was created to disrupt and break up public meetings of opposition parties. It is equally untrue to contend that Mr. Rao A. Rashid Than was also responsible, together with other senior officers of F.S.F., for setting up squads of 'Bomb blasts', 'Sharp Shooters' and 'Knife-runners'. This is are and simple James Bond propaganda to malign me and to adversely influence the minds of the people of Pakistan against me and my government. It is a part of the vicious campaign that has been launched against me since the early days of July, 1977. It is continuing with ring venom. I would make bold to say that the subcontinent, in its long and ancient history, has seen no parallel of such a loathsome campaign.

The Federal Government was not responsible for the maintenance of Law and Order. It is exclusively a Provincial subject. The F.S.F. was used on the request of the Provincial Governments to deal with dire emergencies like the Ahmedi agitation and the disturbances of March, 1977. It was used in Baluchistan to guard sensitive installations, like the Sui-Gas Complex. F.S.F. was not supposed to act on its initiative. It was established as an emergency force after the nation-wide Police Strike. At that time the Army was not available to come to the aid of civil power as it was deployed on the borders and there were 90,000 Armed Forces personnel in the hands of India. No law enforcing agency or otherwise, was used for 'bomb blasts' 'sharp shooting' or 'knife running'. Bomb blasts were carried out by foreign inspired agents and it goes to the eternal credit of my Government that we were successful in crushing that colossal intrigue against the integrity of Pakistan.

ACCUSATION.

Massive transfers, politically motivated in nature, were made in the departments from which polling/presiding officers were to be selected.

Reply-13. Per se there can be no objection to transfers. There is no law against transfers. It is entirely a part executive discretion. No explanation has to be rendered by the Chief Executive of the Province or by the Chief Executive of the country to any one for transferring the official or officials. I fail to understand what is meant by the words 'politically motivated' transfers. The actions of a political Government cannot be non-political. Are we to understand that the transfers now being made on a massive scale are 'militarily motivated' because the Respondent is in control of country's administration? These disjointed charts prove nothing. If we are to draw any conclusions by the chart of the transfers made by one department of one Provincial Government we will be drawing wrong conclusions about every thing. This is not an analytical method of drawing sensible conclusions. There is no point in dramatizing a charge by making isolated references which are torn out of context. Let us forget the charts of previous Governments relating to the transfers. Let us call for the chart of transfers of the Respondent's three month old hold on the country and make a comparative study to come to a correct conclusion. The Respondent has made staggering transfers every where and at all levels throughout the country in the last three months on the eve of the polls scheduled for 18th October, 1977. What has been the Respondent's motive? The Court

may also be pleased to take notice of the fact that on the eve of October, 1977 elections a large number of Civil Judges were transferred in the Province of the Punjab by the 'Acting Chief Justice' / Chief Election Commissioner. What was the motive in doing this?

(Annex. E).

Lahore, August 21, (APP) The Chief Justice of Lahore High Court has issued orders for appointments and transfers, of Civil Judges, to be carried out immediately. According to a press release from High Court, the orders for following appointments and transfers have been issued. Muhammad Aslam Khokhar, from Sargodha to Multan, Mohammad Ashique Khan from Jehlum to Sargodha, Azad Muhammad Awan from Sialkot to Shiekhupura, Muhammad Ahmed Aighani from Shuja abad to Dera Ghazi Khan, Abdul Haleem from Multan to Gojar Khan, Muhammad Nawaz from Lyallpur to Charian, Muhammad Ajmal Khan from Gojar Khan to Multan, Muhammad Ra'iq Goreeja from Bahawalpur to Sahiwal, Hafeezur Rehman from Multan to Bahawalpur, Ahmed Yar Lali from Toba Tek Singh to Multan, Ria; Hussain Shah from Sahiwal to Kohola, Muhammad Ashraf Shugufra from Narowal to Shorkot, Ata-ul-Hassan from Hafiza' ad to Narowal, Abdul Hamid Khan from Kharian to Lahore, Gulam Abbas from Lodhran to Sargodha, Ehsan Ahmed from Jaranwala to Khairwala, Faiz Rabbani from Hasilpur to Jehlum, Mohd. Ashraf Bhatti from Shiekhupura to Lodhran, Khadim Hussain from Gujranwala to Toba Tek Singh, Saifur Rehman from Kabirwala to Bahawalnagar, Fayyaz Ahmed Bhutta from Shorkot to Bahawalpur, S.M. Weqarul Hassan from Sargodha to Gujranwala, Abdur Razaque Bhatti from Pasrur to Samundri, Ikramul Haque from Lahore to Lyallpur, Zaidul Hasan from Samundri to Hafizabad, Khalid Saeed Akhtar from Bahawal nagar to Jaranwala, Muhammad Munir from Kohota to Jehlum, Masud Hassan Shah from Multan to Pasrur, Shaukat Hussain from Lyallpur to Shujaabad, Khalid Akhtar from Sahiwal to Sargodha, Zulfiqar Ali Khan from Jehlum to Lyallpur, Karamat Ali from Lyallpur to Sahiwal, Manzur Hussain Malik from Bahawalpur to Shiekhupura, Riaz Mehmood from Muzaff. Garh to Hasilpur.

"NUSAWAT"

August 22, 1977.

It does not lie in the mouth of the Respondent to say that 'the evidence viewed as a whole leads to an inescapable conclusion that there was a Master Plan for the rigging of the elections which had been conceived, directed and implemented by the then Prime Minister Mr. Zulfikar Ali Bhutto This is an after-thought to justify the imposition of Martial Law and perpetuate his illegal regime. The Respondent is on record to have stated that:

"The Chief Martial Law Administrator said that Army had solid evidence that there was a large scale rigging in some constituencies but he discounted the allegations that the election in all the Constituencies had been rigged."

"He said that the Army had also the evidence that Mr. Bhutto was not responsible for the rigging. Moreover, it was wrong to say that the PPP's victory was due to rigging. The Party would have won even if there was no rigging" he added.

"It was not Mr. Bhutto", he said "who rigged elections but his subordinates and the Administrative Staff who wanted to show their loyalty."

The Pakistan Times, Thursday, July 14, 1977.

(Pakistan Times of 14th July, 1977. Annex. D)

3-week campaign for Oct. polls—Zia

RAWALPINDI, JULY 13: THE CHIEF OF THE ARMY STAFF AND CHIEF MARTIAL LAW ADMINISTRATOR GEN. M. ZIA-UL-HAQ, HAS SAID WORK TO DRAW UP LEGAL FRAMEWORK AND CODE OF CONDUCT FOR THE NEXT ELECTIONS IS IN PROGRESS REPORTS APP.

He was talking to newsmen after inaugurating the all-Pakistan Congress of the Pakistan Cardiac Society here today.

He said the committee set up for the purpose (headed by Justice, Maulvi Mushtaq Hussain had on it the Acting Chief Election Commissioner, Mr. Justice Dorab Patel, and the Attorney General, Syed Sharifuddin Pirzada.

Asked about the appointment of Chief Election Commissioner, he said it was up to the Military Council to decide.

PPI adds:

In an exclusive interview with 'Newsweek' Edward Behr, Gen. Zia indicated that a three-week campaign would be allowed after Ramazan for the October polls.

In the interview published by the magazine in its latest issue, Gen. M. Zia-ul-Haq said: "Equal chances will be afforded to both sides through Armed Forces impartiality."

Political parties, he added, would be given all the facilities to shout their heads off if they

wanted to. "We will only impose minor restrictions, like a possible ban on processions."

The following is the text of the interview:

BEHR: How and when did you decide the time had come to take this step?

ZIA: I am the only man who took this decision and I did so at 1700 hours on July 4 after hearing the Press statement which indicated that talks between Mr. Bhutto and the Opposition had broken down. Had an agreement been reached between them I would certainly never have done what I did.

Q. Was this a spur-of-the-moment decision or had there in fact, been an earlier contingency plan?

A. The army always has contingency plans to deal with agitation, not of course to carry out a coup.

Q. In the past you were considered very close to Mr. Bhutto. How did you feel when you took this decision?

A. I have worked very closely with Mr. Bhutto and he has been very kind to me, but I have no regrets. I've done my job. I regret I had to do this to a man for whom I had all the regard and who tried his best. He did sincerely attempt to reach an agreement with the Opposition. In fact, what Mr. Bhutto agreed to was probably the maximum that any politician could agree to. But there was so much mistrust.

Q. Have you had any contact with Mr. Bhutto since he was put into custody?

A. Yes. I spoke to him on the phone on the morning of his arrest, on July 5. I told him I was very sorry. But despite my conviction that the army must give its whole-hearted support to the Government, after the failure of the talks with the Opposition, the army was compelled to take a military option. I said this with all regard and respect. I have no personal animosity against him.

Q. How did he take his new

situation?

A. He took it very well. He sounded in good spirits.

Q. Do you think that Mr. Bhutto will go ahead and campaign this autumn after what had happened to him?

A. He should. He's a very determined man with a great sense of history. He's also a very tenacious fighter and a great politician.

Q. How will you feel about going back to normal soldiering after running the country?

A. I am a soldier, and I will go back to soldiering.

Q. That's what the late President Ayub Khan said, and he then held onto power for 11 years.

A. Well, you must call me after the elections and you'll be able to confirm that I mean it.

Q. It has been said that you acted because of the stress felt by the Armed Forces when they were ordered to use force against their countrymen.

A. This was an important factor. What we were compelled to do did give us a bit of a bad name with the people. But the real fear with arms being collected on both sides was that agitation might escalate with a big bang into something amounting to civil war. I, in fact warned the former Prime Minister of this. I told him that although I was positive all units would obey orders and do their duty this situation would create frustrations which it would be difficult to wash away. In Pakistan, the only real stability is (provided by) its Armed Forces. At the slightest hint of disintegra-

tion in the Armed Forces, the country is in very grave danger indeed.

Q. How long do you think the election campaign should last?

A. Pakistan has been in the midst of an election campaign for the last six months. I asked a politician this week, "How much more time do you want? I feel the campaign should open after Ramazan after people's minds are cleansed, and last around three weeks. The political parties will be given all the facilities to shout their heads off if they want to. We will only impose minor restrictions like a possible ban on processions. Other wise, through a code of conduct we are working on, the guarantee of fair elections will be that (which is) morally decided on by both parties in their last sessions. It will be a clean political campaign. Equal chances will be afforded to both sides through the Armed Forces impartially.

Q. What if the circumstances of the election compel either side to ask that you stay on in power?

A. This is a hypothetical question. I am confident that after the elections we will have a free, stable new Government led by either the former Prime Minister (Bhutto) or the Opposition (PNA).

The Army Chief of Staff and Chief Martial Law Administrator, Gen M Zia-ul-Haq, has said that Mr. Z. A. Bhutto, his colleagues and PNA leaders will

be released in a few weeks to enable them to start their election campaign sans ARC.

Gen. Zia-ul-Haq told IFF in an interview that Mr. Bhutto had been "detained" and that the Armed Forces would take over the administration of the country if he failed to control the situation or if the maintenance of peace became impossible.

Gen. M Zia-ul-Haq said that Mr. Bhutto was capable of winning the election. He hoped that the former Prime Minister would take full part in the forthcoming polls.

The Chief Martial Law Administrator said that the Army had solid evidence that there was large-scale rigging in many constituencies. But he discounted the allegation that elections in all the constituencies had been rigged.

He said that the Army had also the evidence that Mr. Bhutto was not responsible for the rigging. Moreover, it was hard to say that the PPP would win due to rigging. The Party would have won even if there was no rigging, he added.

It was not Mr. Bhutto or any who rigged the elections but his subordinates and the administrative staff who wanted to show their loyalty.

The CMLA said orders pertaining to amputation of hands of a thief and other such orders were strictly in accordance with Islamic jurisprudence. The purpose was to check spread of chaos and maintain peace in the country, he added.

As usual, on the next day after making the above statement General M. Zia ul Haq stated that his interview with the foreign news agency correspondent had not been reported correctly. In the clarification General M. Zia ul Haq alia stated:

*"He said that he had told the correspondent that the fact that the former Prime Minister agreed to re-election showed acceptance of rigging having taken place."
"Perhaps the elections were rigged in the Punjab more than elsewhere", he had further stated in reply to the correspondent's question.*

'General M. Ziaul Haq said that he had also observed that:

"I do not know why they had to do itperhaps they could have won even otherwise."

"These observations he said had been reported with a twist and it was stated that General Zia felt that the PPP would have won and that the PNA could not have."

THE PAKISTAN TIMES

No action against politicians: Contacts with both sides a great success, says Zia

Draft rules soon to be made final & public: Binding on parties

General Zia-ul-Haq said today that the government would not take any action against politicians who had been in power of the country before the military takeover. He said that the draft election rules prepared by the Military Council would be made public soon. The draft election commission would be announced in a day or two, he added.

Addressing a Press conference at the National Defence College on Thursday morning, the General reiterated his oft-repeated statement that the military administration would stick to the 90 days schedule for com-

pleting the entire electoral process. He also said: No amount of claiming will satisfy but the credibility will be there when the elections machinery begins moving in the next few days.

Gen. Mohammad Zia-ul-Haq announced that the Military Council on Thursday morning approved draft election rules prepared by a committee. The next step would be to place the rules before a special committee that would include some public men like lawyers and journalists. Thereafter, the rules would be approved and made public.

In reply to a question, the General said the Military Council had decided that there was no need to discuss the rules with the leaders now under pro-

TECTIVE custody. They would have to accept the framework as laid down. In preparing the rules, the existing laws, the experience of eminent lawyers and the rules of India and other countries had been drawn upon. The aim was "to hold fair, free and just elections", he added.

Gen. Mohammad Zia-ul-Haq also said that he proposed to release the leaders in the next few weeks. He would see them severally in a couple of days. In that context, in reply to a question he said that retired Air Marshal Nur Khan had seen Mr. Zulfikar Ali Bhutto and the PNA leaders at his behest on Wednesday. The Air Marshal's mission had been a great success, he added.

Asked if Mr. Bhutto would

agree to contest elections, the Chief Martial Law Administrator pointed out that he had not yet seen any of the leaders. All the same, he hoped that Mr. Bhutto would participate in the elections "in his own interest, in the interest of his party and in the interest of the country".

APP adds: At the start of his opening statement, Gen. Zia dispelled "all sorts of doubts" about his intentions. He emphatically said that he was a professional soldier and "I intend remaining so."

Gen. Zia pointed out that although one should not speak about oneself, he had to do so because "I have landed in this position, whether I like it or not." Circumstances had demanded certain actions from him as Chief of the Army Staff, the biggest component of the Armed Forces, and also because he knew that he had the support of other colleagues in the Services.

Gen. Zia gave a resume of the events that took place since the announcement of the general elections on January 6 upto the situation which led to the promulgation of Martial Law.

He said when the elections were announced, the country was "calm as a lake". But a "storm" erupted afterwards and after March 7 the nation saw an unprecedented crisis—"a national agitation which disrupted the entire life".

However, he said the agitation reflected the feelings of the nation. It was just not an ordinary agitation as eventually it involved all the major cities of the country.

He said it had all along been his endeavour as a "true soldier" to prove that the Army and the Armed Forces are neither a "third party" nor a "neutral party".

He said the Armed Forces wanted to lay the tradition of not meddling in politics and were determined to do their constitutional duty to support the Government. He said whereas the Opposition could express their feelings through agitation, processions and other such

means the Government could not start a counteragitation. I had to maintain law and order by using their strong arm—the Armed Forces.

Gen. Zia said the Army steps in when police and other agencies fail to control the law and order situation which unfortunately had been the situation in Pakistan. He said that because of the magnitude of the agitation the Army got involved right from the word 'go'. He said it was the duty of the Armed Forces to act when the country's life was disrupted completely with arson, looting and other such activities.

Gen. Zia said when the Army acts it uses only "one language" and some damage was bound to take place but, he emphasised that, throughout, their effort had been to indicate that the Army was not interested in politics. He said that he along with practically all senior officers had attended the cabinet meetings at which decisions were taken and all of them had stressed on the Government that it must solve the problem politically."

He said he was grateful to Pakistan's foreign friends for their help in trying to resolve the crisis. In this connection, he mentioned Saudi Arabia, Abu Dhabi, Kuwait and Libya and said that they all did their job and tried to play their part. Some of them even went out of the way. Gen. Zia said, particularly mentioning the running between Sahara and Prime Minister House by Saudi Ambassador Riazul Khatib.

He emphasised that while the Army was doing its duty, it had nevertheless made it quite clear to the Government that it was a political problem and must be resolved politically. "I leave the conclusion to you and to posterity—when history would be written as to who actually forced the former Prime Minister to agree to hold fresh elections".

Gen. Zia said after the former Prime Minister had agreed to the elections, the question was how to make the two parties to come to the conference

table because of the prevailing mistrust. Eventually, Mr. Bhutto took the initiative and the Saudi Ambassador and some others played a lot of part in bringing about the negotiations.

Referring to the last meeting in which the Armed Forces gave their explanation to the negotiators from both the sides, he said that he had even appealed to their sense of patriotism and urged them to look into the future of the country.

Gen. Zia gave reasons which prompted the three Chiefs of the Staff and the Chairman of the Joint Chief of Staff Committee to issue a statement in support of the Government during the crisis.

He said there were some doubts—genuine or planted—in the minds of the people that the Armed Forces would remain neutral and would not interfere. There were even assurances given to the Opposition that "don't worry, the Armed Forces are on our side".

Therefore, he stressed that some clarification was necessary, "so even going out of our way, unanimously and voluntarily—all four of us—the three Chiefs of the Staff and the Chairman had decided to issue that 'famous' statement".

Gen. Zia said the statement was only meant to strengthen the hands of the Government and also to indirectly inject some sanity in the minds of the Opposition. The idea was to impress the need for a political solution.

About the meeting in which the question of lifting Martial Law was discussed by the Government and the Opposition leaders, Gen. Zia said he had told them clearly that if at the moment the agitation was stopped Martial Law would be lifted.

Gen. Zia said that he was an optimist by nature and had never been let down. He said Pakistan had great "talent and its people were most sincere". He praised the Armed Forces of Pakistan who he said "the most loyal on earth, the most patriotic. Our soldiers second to none", he said. He regretted that cert

elements had deliberately tried to demoralise the Army and of this proof was available in writing.

No division

Gen. Zia said that after 1971, the effort had been to rehabilitate the Army, restore their confidence and respect to the Officers Corps. He said a campaign had been started by some foreign journalists, and by some Pakistani journalists also, to give out an impression that the Army was divided into three compartments i.e., the seniors, the middle rankers and the juniors.

Noting that the political environments after 1969 did create some problems he said it was wrong to suggest that the Armed Forces were divided and lacked discipline. He said right till today there had been no class of seniors, the middle rankers or juniors in the Army.

"Ours is a very solid Army", Gen. Zia said. The honest fact was that this Army has never had before such competent senior commanders. He said the credit went to his subordinates because whatever had been achieved during his tenure was because of their help and co-operation.

He said the Armed Forces had been involved in four long months in the law and order situation but there had not been a single case of indiscipline. The discipline of the Armed Forces was unparalleled in the history of the world. "Today the Armed Forces stand solid as a rock", he said.

Gen. Mohammad Zia-ul-Haq said many stories had been built up about Lahore by foreign journalists who did not fully understand the circumstances in Pakistan. He said it was asserted in these stories that there had been dissensions for the first time in the Army and that the Punjabi Army was not willing to fire at Punjabis.

Gen. Zia, however, said that Lahore was the heart of Pakis-

tan and it dictates the political vibrations in the country. But he emphatically said that the Pakistan Army belongs to Pak-

istan and it has the proud privilege of having representation from the four regions comprising Pakistan.

He said such observations about Pakistan Armed Forces were unfair. The Armed Forces have not only safeguarded the frontiers of Pakistan but they have also been taking part in various nation building tasks and fighting calamities such as floods in all parts of the country.

Gen. Zia said that the Army had prepared a contingency plan for the action which came on July 5. This was done not as a conspiracy but was in line with the normal practice of the Army to prepare in advance various possibilities of a situation.

The plan was prepared unanimously by the entire hierarchy comprising the Chief of Staff, his Staff Officers and the Corps Commanders. But, Gen. Zia, said the eventual decision was taken by himself because the Army was an autocratic and not a democratic institution. In the formulation of a plan a consensus was taken but the final decision was always taken by one person.

Referring to a question asked yesterday by a foreign correspondent about the consequences of his action after the elections, Gen. Zia said he had told him that he was fully aware of Article six of the Constitution. He said he had read this article fully and added "I know my constitutional obligations. I know my loyalties and I know which loyalty takes preference".

Loyalties

Gen. Zia said loyalties to individuals was a personal matter. But loyalty to the Institution which was the Army and the nation came first and that was what he had done.

Gen. Zia said that after reading the details of the Press conference of PNA Vice-President Nawabzada Nasrullah Khan on the evening of July 4, he came to the conclusion that the time for military action had come as

there was no chance of the sides reaching a settlement.

He said the operation which was code-named "Fairplay" had been completed so smoothly that not even a stone was thrown.

Gen. Zia pointed out that profession of soldiery, among other things, a kind "grace" which was evident in the way the former Prime Minister and PNA leaders were being treated in their protective custody. He said a number of leaders had been taken into custody from each side. Later one from each side—Shah Mardan Shah Pir Pag and Mr. Hamid Raza Gilani were let off and now the remaining eight were being looked after well.

Gen. Zia said he had talked to Mr. Bhutto and Maulana Mufti Mahmud about the times since July 5 and "it seems to be quite happy and enjoying their life".

Gen. Zia-ul-Haq said that PPP and PNA leaders were being comfortably and they needed a lot of thinking to do the future because they "held the destiny of the country in their hands".

He said he had a limited role before him. He had to stay on for 90 days of which eight had already passed. However, political leaders had to look to the future. He said the leaders were not in solitary confinement, but the seclusion that were now having was necessary to enable them to start thinking about the tasks ahead.

He said he had been doubted by some as a protégé of Mr. Bhutto while others had described him as a PNA man as he had attended Friday prayers at a mosque.

Gen. Zia-ul-Haq said the fact that he was picked up for a high post and that some of the seniors were left out did not indicate that he was a kind of a "yes man". Referring to the promotion of U.S. General Westmoreland, he asked if it would be right to describe him as a protégé of the U.S. President at that time. He said there had been varying suggestions from

different sections, but it was for the people to judge for themselves about his personality and character.

About hints of collusion between him and the former Premier he asked how could a man of Mr. Bhutto's calibre choose to share power with him and even allow him to depose him.

Gen. Mohammad Zia-ul-Haq said Pakistan was created in the name of Islam. It was his conviction that it would, Inshallah, flourish and "flourish in the name of Islam".

He said 'Nizam-i-Mustafa' did not have the top priority in the manifesto of any party in the beginning. However, later, the people "thrust" this on the political leaders and both sides accepted the demand.

Gen. Zia said that Islam is the "corner stone" of Pakistan and he did not require a licence from anybody for spelling out his convictions as a Muslim.

About the criticism that undue facilities had been provided to the former Prime Minister, Gen. Zia said that the leaders of both the sides were being provided necessary facilities. No one would like the leaders of Pakistan to be put to any disgrace, wherever they might be. These leaders, he said, were going to be in the "arena very shortly".

He pointed out that even Services Rules provided for facilities and privileges for at least two weeks after they leave their post. He said whatever had been provided to the leaders was out of grace and they would be free after some time and would be making use of their own individual facilities.

The Military Council, he said, wanted to proceed with grace in every matter. In this connection, he said, there would be no witch-hunting, but at the same time, he assured, that a few administrators who had behaved in utter disregard of Service Rules and norms would be taken to task.

Gen. Zia ruled out the possibility of the military taking any

action against any politician and said that this was a clear decision of the Military Council even if there was 100 per cent certainty about any misdeeds by anyone.

He said it was for the people's representatives to decide about action against anyone. It was also for the people to take notice of this by exercising their judgment judiciously and correctly at the polls.

Gen. Zia said as far as the military was concerned, it only wanted to ensure a peaceful, calm and congenial atmosphere for the exercise of franchise by the people in a free and impartial manner.

Gen. Zia called upon the news media to educate the people and said the nation had lot of sterling qualities but these had to be mobilised and channelised in the right direction. In this connection, he also pleaded to the foreign journalists to cooperate. It would be good if the journalists imposed some restrictions on themselves voluntarily in the interest of the nation and the country.

Civil servants

Gen. Zia-ul-Haq reverting to the subject of repercussions for him of the July 5 action, said if the future parliamentarians were to feel that he had acted wrongly, then "my neck is there". But, he said, if it was felt that the Armed Forces deserved credit for what they had done, "we will not demand that credit."

About civil servants, Gen. Zia said no wholesale strictures should be passed against them because of the misconduct of a few. Pakistan's Civil Service, he said, was as hard-working and efficient as any other. He named some of the officials, sitting on the flanks adjacent to the rostrum, and praised their talent and qualities.

He said if the talent available in the country was properly utilised, Pakistan could become the most flourishing country in at least the region

in which it is situated.

Gen. Zia reiterated that the prime aim of the Armed Forces was a free and fair election in October next. "I have no intention, whatsoever, of converting myself into a politician," he remarked.

He stressed the need for a "perfect" law and order situation in the country for the conduct of elections and said that the regulations promulgated recently were in that direction so that the presence of Martial Law was felt and no anti-social activities pollute the atmosphere.

About credibility of the assertions and intentions of the Military Council, Gen. Zia said that when the election machinery starts moving, this would automatically inspire confidence and remove doubts, if any still lingered in some minds.

Gen. Zia observed that the Military Council had deemed it necessary to issue the Martial Law regulations because when social environment deteriorated in certain circumstances it was required to bolster it by some measures. It was necessary to say something in the language which everybody understands and that was why "a few sentences" had been expressed in

that language, he remarked.

Answering a question about his observations in a reported interview with a foreign news agency correspondent about ballot-rigging last March, General Zia said his statement had not been reported correctly.

He said he had told the correspondent that the fact that the former Prime Minister agreed to re-election showed acceptance of rigging having taken place. Perhaps the election were rigged in the Punjab more than elsewhere, he had further stated in reply to the correspondent's query.

Gen. Zia said he had also observed that he did not know why did they name it as such, perhaps they could have named even otherwise.

These observations, he said, had been reported with a

twist and it was stated that Gen. Zia felt that the PPP would have won and that the PNA would have not.

Gen. Zia-ul-Haq said the Martial Law Administration had not clamped censorship and journalists were at liberty to write. But, he emphasised, the writings should be judicious and, above all, they should not cast any doubt about "our neutrality".

Concentration camp

A reporter drew his attention to foreign Press reports saying that the previous government ran concentration camps in Azad Kashmir. "Did you know about it before?" he asked the reporter who replied in the negative. "Neither did I," Gen. Zia remarked. "Therefore as a journalist you can do something now and also educate the new members of Assembly to ask these questions from the new Government", Gen. Zia advised.

Asked about the reaction to the changeover in Pakistan of countries visited by Mr Bhutto before the imposition of Martial Law, Gen. Zia said that there had been favourable response in the outside world.

He mentioned his meeting with Ambassadors here, and said "we are lucky, we have had such a favourable response". He pointed out that the Military Council had sent a message of good wishes to the Shahanshah of Iran.

Gen. Zia said that Mr Agha Shahi, Secretary-General of Foreign Affairs, will be going on a tour abroad in a couple of days. He did not disclose the details of Mr Shahi's mission, saying that these would be known when Mr Shahi leaves on his tour.

He said that there had been reasonably favourable response from Afghanistan, and even from India which had seen the situation here as an internal affair of Pakistan.

Answering another question, Gen. Zia said the army acted when it saw the danger of civil war looming large and

an indication of which had already been witnessed in Lahore the day before that. With both sides armed to the teeth, there would have been so much killing that "you and I cannot imagine", perhaps the situation would have gone beyond even the Army's control. If he had taken the action belatedly, people would not have accepted his "credibility".

The action, he said, was "neither a day too early nor a date too late".

Asked about the role of radio, T.V. and the Press Trust newspapers in support of the previous Government, Gen. Zia said that if there had been any misuse of the media it was up to the public and the new legislatures to take notice of this. But now, when there was a neutral Government, the projection by the media should be neutral, he said.

As far as individual administrators were concerned, Gen. Zia said, the new Government was looking into the matter. "We are not going to catch the small fry, but we are going to catch the big fish".

Gen. Zia referred to those who made a mockery of Service rules and did things which their conscience would not allow and said "we will sort them out".

To a question on his reported observations about Mr. Bhutto, Gen. Zia said he had told a foreign correspondent that as he had been closely associated with the former Prime Minister and had known the Government position, he could say that Mr. Bhutto had done his level best for a settlement. He had further told the correspondent that Mr. Bhutto was a very able politician who had a lot of good points.

The Chief Martial Law Administrator said that if he had given a little bit of credit to Mr. Bhutto it should be taken in that light.

He said Mr. Bhutto had ruled the country for six long years. During that time nobody could

say a thing to him, adding "now everybody is after his blood.

This will not work".

Gen. Zia said his observations did not mean that he was in any way undermining the Opposition. He had not been associated with them, he added.

He said the Military Council had decided that it would not raise a finger against any politician, whether big or small. It was for the new Assembly to take care of this.

Answering a question, Gen. Zia said that in his opinion the accord arrived at in the last marathon session of negotiations between the Government and the PNA had covered basically all the points. But, he said the demand for a "super council" to oversee the implementation of the accord was the result of mistrust that existed between the two sides. Now the Armed Forces and the Military Council were acting as a "super-council". In order to implement the points that were agreed to.

About the tension and bitterness that had prevailed in the country, Gen. Zia said the situation was created by personal mistrust and hatred. He was confident that the same situation would not crop up now with "as in the middle".

He said he believed the political leaders of Pakistan were patriots. He hoped and prayed that the country's interests would be foremost to them and they would rise above petty party politics, personal grievances and jealousies. "The people of Pakistan demand it from them", Gen. Zia said.

Gen. Zia told a visiting Arab correspondent that there would be continuity in Pakistan's foreign policy. He recalled his statement in his first address to the nation that the Interim Government would abide by all the agreements and commitments made by the previous Government with other countries.

As for Pakistan's attitude toward Arab and Palestinian causes, to which the question of the correspondent related, Gen. Zia said that the sentiments of the people of Pakistan about this were well known. Being a

Pakistan and a soldier he could not even think of changing the existing policy, the Chief Martial Law Administrator added.

The Arabs have been close to the heart of Pakistanis all along he said, adding "we have tremendous regard for our Arab brothers".

Questioned about the agreement with France for a nuclear reprocessing plant, Gen. Zia said "I see no reason why we should make an exception of this when we have said that we will abide by all the agreements and accords. The reprocessing plant is one of them."

To a question about Azad

Kashmir, Gen. Zia said that there were some problems of Azad Kashmir. The Military Council was closely looking into these problems on the same lines as "we are looking into the problems of Pakistan."

A foreign correspondent asked his opinion on the allegation by the former Prime Minister about massive foreign intervention on behalf of the Opposition, Gen. Zia said "if I say something on this it would only be of academic interest".

Answering a question Gen. Zia said the Election Commission was likely to be reconstituted in a day or two.

In reply to a question about

illegal arms, he said the Government had taken steps to recover these.

PPI adds: In reply to a question, Gen. Zia-ul-Haq said it would be for the newly elected Government to release the Harwood. The man Commission's report on the debacle in East Pakistan. He said the report had not been released for the last four years and asked what difference will it make if it is not released during next 80 days. He said: It will be for the new-elected Government to take a decision in this regard.

From the above it appears that General M. Zia ul Haq, as an after thought and as usual has tried to resile from the firm stand he had taken on the basis of 'solid evidence' which, as stated earlier, had been collected by him since 7th March, to an inference that, because the Prime Minister had agreed to re-election, therefore, the rigging may be presumed. But nevertheless he again admitted in this clarification that PPP would have won the election even without the alleged rigging. In a democratic parliamentary form of Government a Prime Minister may at any time seek a re-endorsement of the mandate from the electorate but that does not mean that he had conceded the fact that he is not representative of the people or that his Government had lost confidence of the electorate. The inference drawn not being based on evidence and contrary to the 'solid evidence' mentioned by General M. Zia ul Haq himself is misconceived. It was because of solid evidence in his possession that the Respondent and other Chiefs of the Armed Forces issued a joint statement in support of my legally constituted Government on 27-4-1977 published in the newspapers on 28-4-77.

(Annex. 'G')

DAWN THURSDAY, APRIL 28, 1977

Armed Forces totally united to back legal Government

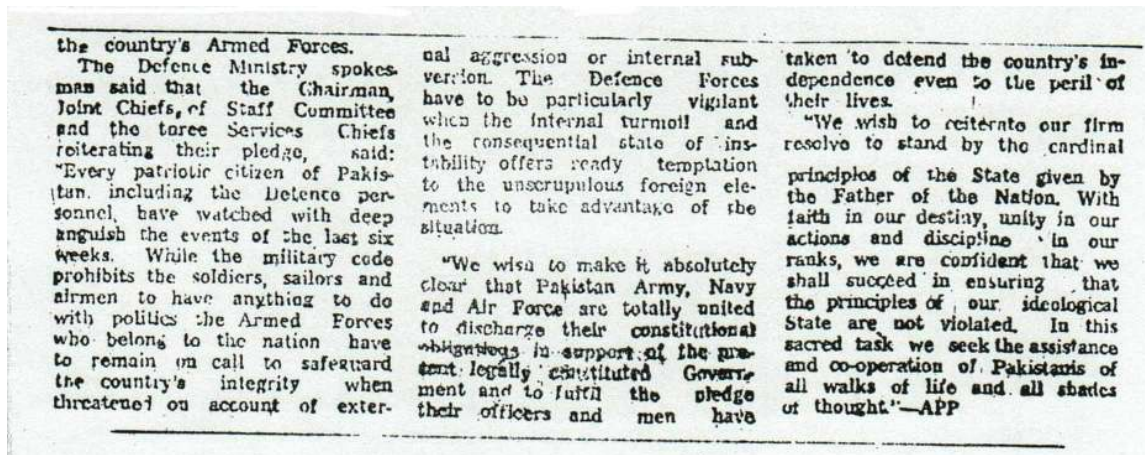
RAWALPINDI, April 27: The Armed Forces of the country are totally united to discharge their con-

stitutional obligations in support of the present legally constituted Government, the Chairman

of the Joint Chiefs of Staff Committee and Chiefs of Staff of the three Services today made it absolutely clear.

A spokesman of the Ministry of Defence also quoted them having said that the Pakistan Army, Navy and Air Force were also united to fulfil the pledge their officers and men have taken to defend the country's independence even to the peril of their lives.

The spokesman said that this re-affirmation of resolve by the Defence Forces should dispel misunderstanding, if any, amongst any segment of public opinion about the role and obligations of



ACCUSATION.

There was a master plan for the rigging of the elections, which had been planned by Mr. Z. A. Bhutto, for which the entire Governmental machinery was subverted.

Reply 14. The paragraph has a tinge of poetic justice about it. It is vehemently denied 'that the entire Governmental machinery involved in the election work had been subverted on a massive scale.' There was no subversion at all of the Government machinery for election work, massive or otherwise. The Respondent would be well advised to refrain from using the word 'subversion' for reasons that are too obvious and too embarrassing to be dilated upon. There was no Master Plan for manipulating the elections as has been explained in answering paragraph 8 of this written statement. If a master plan had existed the Commissioner of one Division would not have been able to frustrate it by alleged simple conversation with his subordinates and my Military Secretary and Political Advisor. There was a master plan and it was entitled 'Operation Fairplay'. It was the plan to subvert the Constitution and overthrow the lawful Government of Pakistan. This plan of usurpation was 'conceived, directed and implemented' by the Respondent.

ACCUSATION.

The machinery provided to hear election petitions was no remedy as it is a notorious fact that, at times, election petitions are left pending ever after the expiry of the life of parliament.

Reply-15. The thought contained in this paragraph is very dangerous. It shows the insatiable appetite for power at any cost. It is an open invitation to any adventurer on horseback to destroy civilian authority and Constitutional Government, The law on election petitions was not devised by my Government. It has existed for generations in the sub-continent and in other democratic countries with parliamentary form of Government. It has been the law of Pakistan from the time of the State's creation.

It is submitted that the Constitutional remedy was the only fair and proper remedy to determine the alleged irregularities. The Respondent seems oblivious of the fact that, to avoid lingering of election petitions for a long time, and to do away with dilatory tactics, special provisions had been made to dispose of the election petitions within six months and for that purpose several Election Tribunals had been set up. These provisions included doing away with the privileges of the Members of the Assembly to avoid attending proceedings before the Election Tribunals 14 days before, during and 14 days after the Assembly Sessions.

ACCUSATION.

Hundreds of people gave their lives because of the denial of their right of self representation due to rigging.

Reply-16. This paragraph is meant for propaganda. The conspiracy given rise to the agitation in April, 1977 is both deep and deadly. The full story has still to be told. The Respondent's hand in it has got to be revealed more fully. The massive and brutal foreign intervention has hardly come to the surface. If there had been no foreign interference, the Islamic Foreign Ministers Conference held in Libya in June would not have roundly condemned it. The Foreign Minister of Pakistan's hotel room in Paris would not have been ransacked in May by foreign agents. The people of Pakistan have seen only the tip of the iceberg. In August, 1976, in this very city of Lahore I was told in the Governor's House that '*we will make a horrible example out of you*' if you do not cancel or postpone the Nuclear Reprocessing Plant Agreement with France. That is why I am again in the very city of Lahore but in Kot Lakhpat Jail in place of the Governor's House. The Respondent might say that he has maintained the agreement with France. He might have maintained it despite what has appeared in the Washington Post on the subject. However, it is one thing to maintain an agreement (without implementing it), but quite a different thing to enter into it. It took me three strenuous years to conclude it. Let us therefore, look beyond our nose and make an honest search for the agitation that struck Pakistan in the spring of 1977. Has the PNA achieved its objectives? The answer is a resounding NO. The PNA has not achieved its objectives because of the simple reason that the causes of the spring fiasco go far beyond the objectives of the PNA. The persons killed and injured in the agitation were Pakistanis irrespective of their Party affiliations. It is said that those brave Pakistanis died for democracy and freedom. Has the Respondent's one-man Martial Law of lashes and witch-hunt for a long and indefinite period given Pakistan the democracy and freedom for which lives were lost? If they fought against any 'dictatorship' surely they did not want to sacrifice their precious lives for the 'democracy' of the Respondent.

ACCUSATION.

Instead of trying to rectify the illegalities, the PPP Government set up a Law and Order Committee to cow down the people of Pakistan.

Reply-17. (i). This paragraph is a non-sequitta. However, the facts are to the contrary. Despite the hurdles put in the path of my Government by the Respondent and briefly mentioned in reply to paragraph 3 of the written statement, shorn of all the frills and redundancy it is an established and acknowledged position that the efforts of the Ruling Party had been crowned with success by entering into negotiations with the PNA and by arriving at a settlement on the 3rd July. In view of the Respondent's maneuvers and the foreign intrigues, it goes to the abiding credit of my Government to have mastered the grave crisis by virtue of the Agreement with the Opposition for fresh elections in October, 1977. This is the cardinal issue and not the minutes of the Law and Order Committee mentioned in this paragraph. But what is obnoxious or repugnant about the minutes? It is another attempt by the Respondent to sensationalize innocuous material. It is the primary duty of every Government to maintain law and order and ensure security of life, honour and property of the citizens. It may be pointed out that during this agitation not only many people died and were injured but the agitators perpetrated atrocities of the worst type on their political opponents who happened to belong to the PPP. Arson of hundreds of buildings took place, over 1100 public vehicles were set on fire, hundreds of Banks/shops were looted or burnt and threats were issued to overthrow the Government by force through a Long March to Rawalpindi. It is, therefore, strange that objections should be raised to the setting up of the High Powered Law and Order Committee of which not only high ranking Civil Servants but also the high ranking Army Officers were members. To mislead this Hon'ble Court some parts of the Minutes of some out of many meetings of the Law and Order Committee have been torn out of context and included in the written statement. It is highly unfair to give such a distorted one-sided picture of the proceedings of the Law and Order Committee. (The Minutes of the Committee only briefly indicate the subjects discussed and the recommendations made. These are mainly based on the reports made to the Committee by the Board of Intelligence, Inter-Services Intelligence, Provincial Governments and other Agencies and Authorities.

If, for instance, an intelligence report had mentioned any conflict or dissension within the Pakistan People's Party in some parts of the country which affected the Law and Order situation, it had to be considered by the Committee. But that did not make the Committee 'the guardians of the interests of the Peoples Party'.

ACCUSATION.

The PPP Government indiscriminately issued arms licenses to its MNA's and MPA's to terrorize the public.

(ii) Arms licenses are issued for protection and not to terrorize the public. This charge has been repeated again and again in the shape of a big stunt. MNA's and MPA's being the representatives of the people have always been entitled to a prescribed number of licenses. It has also been the practice from time immemorial to issue licenses to members of the public on the recommendation of public representatives. There was no unusual deviation from this policy. As a matter of fact when this issue was raised repeatedly by MNA's and MPA's during the height of the crisis, I gave written orders that the recommendations of

the public representatives should be vetted and confirmed by the local police officials before issuing the licenses.

The propaganda on the indiscriminate distribution of arms licenses to PPP is an ex post facto explanation to uphold the charge that preparations were being made by the Government to start a civil war. It is as preposterous as it is false. During the tenure of the NAP-JUI Government in N.W.F.P. literally thousands of licenses were issued most indiscriminately by the NAP-JUI Government to its supporters. The Corps Commander of the 4th Corps stated in a conference in June, that on one occasion the Chief Minister of NWFP endorsed an application for a tank to be given to the applicant. We gave no tank or automatic weapons to our workers.

In Baluchistan the NAP-JUI Government broke all records in providing weapons to its supporters. That Government emptied the Government armories to provide weapons to its supporters. The-President of N.A.P. told a foreign correspondent that any kind of weapon was available in Pakistan and that the people could arm themselves to the teeth by purchasing any kind of weapon manufactured illicitly in the tribal areas of Pakistan. He advised the foreign correspondent to take a taxi and inspect the places where illicit weapons were being manufactured and sold openly. The Respondent would, therefore, be better advised not to harp on an issue which carries not the slightest conviction.

A comparative chart of the issue of licenses by my Government and that of NAP-JUI Government in NWFP and Baluchistan would bring out the true picture. Let it be seen how many licenses were issued by NAP-JUI Provincial Governments in nine months and by my Federal and Provincial Governments in five and a half years. I repeat that a futile endeavor is being made to mislead the general public. After a point, such baseless propaganda becomes counter-productive.

Again when the Committee considered that the Government instructions about the issuing arms licenses on the recommendations of MNA's and MPA's 'not to terrorize the public' but for the protection of the victims of atrocities perpetrated during the agitations, was likely to lead to further deterioration of law and order situation as the Opposition had already amassed very large number of arms and ammunition, it recommended discontinuance of the issue of such licenses. In the reports to the Committee only a few incidents pertained to the sale of licenses to persons belonging to the Opposition in one Province. It is unfair that the real reason for discontinuance of these instructions has been suppressed and 'sale to the persons belonging to the Opposition has been played up as the only reason for the Committee's recommendation.

ACCUSATION.

The Law and Order Committee discussed that the effectiveness of the police had been eroded by the interference of political leaders.

(iii) It is also surprising that the Committee's criticism of some of the political leaders and workers of the PPP in interfering with appointments, promotions and transfers of Police Officers should be made a ground of grievance.

ACCUSATION

The Law and Order Committee paid special attention to the fact that "Lawyers generally meet in Bar Rooms and plain defiance of Martial Law", and made recommendations on the subject.

(iv) Portions in the written statement with regard to some of the recommendations pertaining to the legal community are highly misleading, distorted and have been twisted with a view to cause prejudice. The reports brought before the Committee from all sources indicated that office-bearers and certain Members of some of the Bar Associations had converted the Bar Rooms into Headquarters of militant PNA agitation. The Court may be pleased to call for some of the Resolutions passed day-after-day making false allegations that Members of the Armed Forces had killed innocent citizens or that the law enforcing agencies had committed abominable crimes. The allegations in these Resolutions were wholly false. It was because of such reports calling for immediate stern action that the Committee again and again recommended that in the first instance leaders of these two or three Bar Associations maybe called and warned by the Army Authorities who were responsible in Lahore, Karachi and Hyderabad for maintaining Law and Order. It was only after cases against some Members of the Bar were stayed before the Tribunals or Ordinary Courts and the instigations continued unabated and the reports of the agencies pressed for action, that trial by Court Martial under the amended Pakistan Army Act was recommended. Even in the only instance in which a few lawyers of Lahore were to be tried by a Summary Military Court the proceedings were voluntarily stayed when an observation to that effect was made by the High Court while considering their Habeas Corpus Petition. It is ironical that leaders of these two Bar Associations who opposed the calling of the Armed Forces for aid of the Administration under Article 245 of the Constitution as a violation of the rule of Law should now be the champions and supporters of the absolute Martial law imposed in violation of the Constitution disrupting the entire existing national Legal Order.

ACCUSATION.

The Committee was of the view that "women processions should be handled tactfully" and, if they pay no heed to warning, there would be no harm in using teargas.

(v) It is also highly unfair that the Respondent should distort a recommendation of the Committee with regard to tactful handling of processions of women. Violation of law could be tolerated only to a point but the Committee, after considering several methods of dispersing the processions of women, actually organised by men, recommended that in no case firing or Lathi-charge should be resorted to or even coloured water sprinkled on ladies. The sprinkling of coloured water was not allowed because its use exposed their bodies. It should be appreciated that the Committee want to this extent to honour and

respect the women folk of this country. Therefore, the only humane mode of dealing with situations when such processions became unruly and violent was the minimum use of tear gas which, however, was hardly ever employed. The utmost respect has been shown by my government to the women of our country. It is our firm policy to give equality of rights to women and to emancipate them from the yoke of absolute and un-Islamic customs. We cannot even think of showing disrespect or discourtesy to the women of Pakistan.

(vi) The reports inciting public to violence and lawlessness in the newspapers were naturally discouraged.

(vii) This complaint against the media was made by the Law enforcing agencies.

ACCUSATION

The Committee recommended that action should be taken against Hassan Mahmud who was exercising undue influence on Pir Pagaro. This could be done by recovering loans taken by Hassan Mahmud.

(viii) This recommendation did not impress me. Pir Pagaro is not juvenile who can be under the evil influence of Hassan Mahmud. It is well known that Hassan Mahmud owes the Government and Cooperative Banks vast sums of money. The Respondent is effecting huge recoveries of Government and Semi-Government dues from many defaulters throughout the country. Is it that all these recoveries are being made for political reasons?

ACCUSATION.

The Law and Order Committee took measures to paralyze traffic into Rawalpindi on the day that the PNA leaders proposed to make a long march to the Prime Minister's residence.

(ix) The Long March to Islamabad was being trumpeted day in and day out. It was to be the *coup de grace* of my Government. Foreign Radios and news media were giving it enormous publicity. It was to be the climactic movement when three million muscle men were to come from all over the country, to converge on the Prime Minister's House to break down its walls and tear me apart limb by limb. In such a situation and with such barbaric boasts, blessed by foreign radios, it was the elementary duty of the Government agencies to take all necessary precautions to stop the gladiators.

To maintain law and order the Committee never recommended abuse of the Government machinery but to proceed in accordance with law in as humane and tactful a manner as possible. Instead of allowing thousands of people from outside Rawalpindi, any Government would have taken reasonable measures to stop and frustrate such a design which could have resulted in large scale lawlessness, including murder, loot, arson, etc. Because of these measures it may be noted, that the long march failed and no untoward

incident took place in Rawalpindi on the day fixed for this operation. On the contrary the Prime Minister went out on that day in the midst of the city where he was warmly cheered by a very big crowd of the citizens who felt relieved at the failure of the so-called long march.

The Law and Order Committee was set up in the last week of April, 1977 for the purpose of supervising and coordinating maintenance of law and order and to see that the law enforcing agencies, including the Armed Forces acted subject to law, and to recommend measure to avoid loss of life and property and see that violation of law did not take place. Today the same law and order enforcing agencies, without there being any legal prohibition under the law are stopping peaceful citizens from access to the High Court and the Supreme Court to attend the proceedings of the most important and epoch making cases which are being heard, but, in the interest of law and order and calm atmosphere in which the proceedings in these courts should be held, no grievance was ever made of these measures taken by the present regime. In several cases women who gathered outside the Supreme Court and High Court, have been Lathi-charged, insulted and humiliated and have been dispersed even when they peacefully sat for the purpose of reciting the Holy Quran. Never before in the history of this country not even in the worst days of Ayub Khan and Yahya Khan were women Lathi-charged in the precincts of Data Saheb's Darbar.

ACCUSATION.

The abuse of the law and Order Committee of governmental machinery is only one aspect of a more generalized subversion of governmental activity.

Reply-18. There was no abuse of the Governmental machinery by the Law and Order Committee. Lt. General Ghulam Jilani, D.G., I.S.I. and the C.G.S General Abdullah Malik were members of the Committee. They know that the Committee took serious but sober and considered decisions to deal with an abnormal situation. The sweeping generalization deduced from the deliberations of the Law and Order Committee does not stand the test of an objective appraisal. It is as unfounded and ridiculous as the indictment against the Law and Order Committee. It betrays the immoral outlook of a sick mind of a mind haunted by a, fear of an uncertain justice.

ACCUSATION.

Secret Service Funds were spent for the benefit of the PPP.

Reply-19. It is emphatically asserted that secret funds were utilized for the promotion of the country's interest and for the benefit of the people at large. These funds were not misused as is contended in this paragraph. This is a very sensitive and delicate issue, so much so that according to well established and understandable rule of Government only a general certificate has to be furnished to the Finance Ministry (I think A.G.P.R.) certifying the total amount, spent in the financial year. Details of the expenditure on each item or individual are not required. This rule which has existed from time immemorial is

based on prudence. To open up the details would mean more than opening up Pandora's box. If the Respondent wants to throw to the winds the delicate and dangerous implications of the secrecy attached to this matter, I would certainly have no objection. However, in that event the injurious consequences that will flow to the irreparable damage of Pakistan's internal and external interests will fall squarely on the shoulders of the Respondent. Even if he foolishly assumes such a responsibility, the damage of the vital interest of the State both internally and externally, would have taken place. Before the Respondent probes further, let him reflect on opening up this issue.

The Respondent should summon his D.G.I.S.I. General Gilani and enquire from him some of the information he has on the subject. I say this because in one or two matters, I took D.G., I.S.I. into confidence. The revelation of that information would cause an explosion. The Respondent should also call the Secretary-General of Finance and enquire from him the information he has on one transaction. The revelation of that information will also cause an explosion. The Respondent would be better advised to call the former Chief of Staff of the Air Force, Air Marshal Zafar Chaudhry, who will tell him of yet another transaction of which he has knowledge. The revelation of that information will have the most disastrous effects on our relations with a foreign and friendly country. I can give more examples but these should suffice. Otherwise there are Ambassadors and other high ranking officials whose names can be mentioned in this connection to corroborate my view point.

State craft is not child's play. It is not the game of untutored and enthusiastic adventurer, who seek to burn National interests in an, attempt to make a petty point knowing it to be false.

This is matter of Secret Service Funds. If the utilization of these funds was not to remain 'secret', the utilization of these funds would not have been rightly entitled 'Secret Service Funds'. The utilization of these funds is a State Secret. But this is not the only State secret. There are many state secrets which might be only within the knowledge of the head of Government or one or two other high ranking Ministers or officials who are privy to it. Such secrets are never revealed. They go to the grave with the persons aware of them. This is the price that has to be paid for holding the highest office in the country. This is the sacrifice that has to be made in the supreme interest of the State and its citizens. Let us not, therefore, embark on a dangerous gamble. These are no ordinary matters that can be handled in the open bazars. If such inflammable issues are taken to the bazar, not only will the bazar burn but the edifice of the State would crumble. It will sap every particle of confidence of the various internal and external agencies which deal with the State on a confidential basis. No body will trust such a Government. No body will risk his life in future to work for the cause of one's country.

Despite the manner in which I am being continuously maltreated and harassed, by the Respondent, I am too much of a patriot to even dream of playing with State secrets. The Respondent knows that some matters are within my knowledge, the revelation of which can literally strike at the roots of the country. It is, therefore more prudent to trust the judgment of those who have held the highest elected office in the country, and not seek to

de-robe them by making false and sensational allegations against them. In such a process, it is the country that gets de-robbed.

The circumstances under which I assumed office of President of Pakistan may be appreciated. At that time there were foreign agents galore seeking to reap the benefits of dismemberment. The Constitution had to be framed, vast territory occupied by enemy had to be got vacated, mischief mongers had to be neutralized, the aftermath of separation had to be handled, over 90,000 prisoners of War had to be repatriated without facing trials, conspiracies and attempted *coup d'etats* had to be watched. There was a legion of problems. This is not the place to enumerate them at length. Some of these problems needed funds. Any one endowed with bit of common sense will see the point and agree. Society is not without its failings. Society is composed of all kinds of elements. Some of the individuals who have been posing as militant opposition stalwarts have been on the Government pay roll even before I became President. There are so many threads in the tapestry of the social order. Individuals of all categories have to be kept satisfied to attain certain national objectives. In this connection Secret Service funds have to be employed in such a manner as the right hand does not know what the left hand is doing, I had no personal stake in the utilization of the funds. If I did not utilize these funds for interests of the State, I would not have returned to the Government a large amount of foreign exchange which was needed for a state i fission but which could not be utilized due to certain constraints. Only I was in a position to determine whether the constraint existed or not. If I had been dishonest I could have easily noted that the mission was completed. Nobody else was in a position to know and nobody else was in a position to question. Nevertheless, the large sum of foreign exchange which I held in cash for over a week was duly returned to the Government. Funds were given to Office bearers of the Party not because they were office bearers of the party office but because they held some responsible officials positions and they needed secret service funds for utilization for public purpose. Similarly persons not belonging to my party but holding high official positions were also given huge amounts out of secret funds' for public purposes. Those who did not hold official positions were also given limited funds for the same purpose. For instance, the Governor of one Province was not a member of PPP and yet he was given Secret Service Funds. Some times he wrote letters for more funds. Surely he did not pocket those funds or use them on the PPP. He was a man of means. He needed those funds entirely for public purposes. The Governor of another Province was given Secret Service Funds for public purposes, for the interest of the Province's Administration, like that given to the other Governor. When these funds were given, the Governor in question was not a member of PPP. He joined the party after the 5th July, 1977, after he ceased to be the Governor of the Province.

ACCUSATION.

The People's Foundation Trust was set up for the benefit and advantage of Mr. Bhutto's family. (a) All trustees belong to the Bhutto family. (b) A plot of land in Lahore was bought at concessional rate. (c) IDB made a loan bypassing normal channels. (d) The Trust acquired land against the market price and the construction was in violation of the byelaws of the Karachi Municipal Corporation. (e) State-owned corporations were asked

to become tenants. (f) Begum Bhutto imported furniture for the trust without paying Customs Duty.

Reply-20. The Peoples foundation Trust is a charitable Trust. The Central Board of Revenue has registered it as a charitable trust. I categorically and emphatically deny the preposterous allegation that this trust has been used for the benefit and advantage of my family. The circumstances mentioned in support of this false allegation are vehemently repudiated.

(a) There is no law to debar the members of the same family to be the Trustees of a charitable trust. If this were so the Central Board of Revenue would not have registered the People's Foundation Trust as a charitable trust. At the time of registering the trust, the names of the trustees were made available to the Central Board of Revenue. There are many charitable trusts whose trustees belong to the family settling up the trust in question. Why should the presumption be made that a trust is not charitable merely because members of the same family, who establish the trust, are its trustees?

(b) The Peoples Foundation Trust is located at Karachi. The plot in question was obtained on lease to set up a similar trust or a branch of it in Lahore also. There is nothing in its objects to show that the People's Foundation Trust is not a charitable trust. In dealing with the transaction for the purchase of the plot it is emphatically denied that any influence was used to so get the plot at concessional or nominal rates. Nobody was approached to fix a price contrary to the market price or to offer any concession. For the sake of argument, even if the plot in question was not acquired on market rates, how does the charitable trust become a non-charitable institution by virtue of this fact, particularly when no advantage whatsoever accrued to me or any member of my family personally from this transaction.

(c) I have no knowledge about the allegations made in this sub-para, nor was any 'normally applicable regulation' bye-passed at my instance. The Press and the Newspaper belong to the Trust of which my family members are trustees and not beneficial owners as alleged. It is totally incorrect to say that the loan for the machinery was obtained from I.D.B.P. and that the normal applicable regulations were bye-passed. In fact the rules were vigorously applied while sanctioning the loan and the loan was secured by giving bank guarantee and personal guarantees of the Director of People's Publication Ltd. Secondly, the loan was fully repaid before the maturity period of the said loan. The press was transferred to the Trust at no profit and no loss basis (book value). Contrary to the malicious allegation made, the Bhutto family made no monetary gains whatsoever through this transaction. In fact, the Trust still owes the Bhutto family Rs.5 lacs in the above transaction. Thirdly, the press is being used for printing work on commercial basis including the printing of various types of magazines and newspapers like "*Hilal-e-Pakistan*" and '*Nusrat*'.

(d) The plot acquired by the Trust was at the prevalent market rate of Rs.235/- per square yard. The allegation that the market price for land in the area concerned was Rs.1500/- per square yard is false and fantastic. The construction of the building on this

plot was not 'in violation of the Bye-laws of the Karachi Municipal Corporation.' Making of such allegations betray the petty mindedness of the maker. After completion of the building in accordance with the rules and the terms of the grantee Corporation has, on 17-10-1975, executed a lease. The lease is executed only after the completion of the building in accordance with the relevant Bye-laws and is conclusive evidence of the building being constructed in accordance with the rules and bye-laws. Besides the premium of Rs. 235/-per square yard at the prevailing market rate the Trust has also paid an additional premium for constructing additional eight storey's at the rate of Rs. 4/- per square yard per storey. Apart from the premium, land rent at the rate of Rs.2904/- per annum has also been paid.

(e) Yet another canard of the Respondent. Because of the lower rent of Rs.4.50 per square ft. offered by the Peoples Foundation in contrast of Rs. 5.50 to Rs.6/- for similar centrally air-conditioned accommodation, applicants were only too anxious to get tendency. The State owned Corporation who has become tenant has made a saving because of the low rental. Nobody was asked to become a tenant.

(f) The carpet, chair, etc., were not imported by the Trust nor did the Trust apply, for exemption of customs duty. As a matter of fact, the items have not even arrived. These have been ordered by Begum Nusrat Bhutto and advance payment made from her own personal account.

Are these petty allegations broadcast to the world the reason for imposing Martial law in the country, or perhaps, it was the fear of being removed from the post of Chief of Army Staff during the talks in June and in the first week of July between Bhutto and Pakistan National Alliance (PNA) leaders, the Former premier was 'watching him.

REGIONAL AFFAIRS

PAKISTAN

HAWKS HOVER AS ELECTION NEARS

By Denzil Peiris

Islamabad: The general election, due to be held on October 18, is in the balance.

A decision on whether to hold the poll, the second national vote in seven months — the first one in March leading to bloody riots and, finally, the army coup on July 5 — is being obscured by a number of factors.

Not least of these is the survival of the country's current ruler, General Zia-ul-Haq, who would certainly lose his job — even in the army — in the not unlikely event of an election victory by the jailed former prime minister Zulfikar Ali Bhutto. Indeed, a wave of Bhutto support seems to be growing here.

Threatening the election, too, are the views of high-ranking army men who want martial law to continue, seeing the

military in its traditional role of redeemers of the nation from the mess they say the politicians have created. They are aided and abetted in this ambition by bureaucratic Brahmins who want to revive the military-bureaucratic complex that ran Pakistan under Field Marshal Ayub Khan and General Yahya Khan.

Next there are the gut hatreds of some of Bhutto's opponents, who would like to see him eliminated from the polls. But if the military court that will try Bhutto hands him a Draconian sentence, it could unleash violence and counter-violence between the politicised masses who see Bhutto either as a lily-white crusader for the underprivileged or the Devil-incarnate and an infidel.

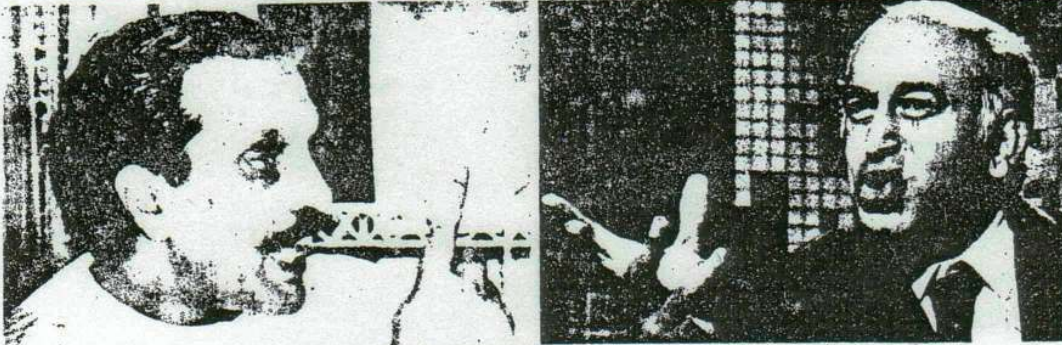
What some saw as the shape of things to come here was the derailing of a train

on September 27 in the Dadu district of Sind, a Bhutto stronghold. The sabotage is attributed to Bhutto followers of the Pakistan People's Party (PPP), but some sceptics suspect it was the work of people trying to create a situation which would overrule the poll.

Should riots occur, then a counter-coup against Gen. Zia by elements in the army who think the general's takeover of the Government on July 5 was a mistake may not be ruled out.

The army's capacity to make the correct decision on whether or not to hold the election would be the most decisive factor in determining whether Pakistan will be stable or chaotic. Four of the six corps commanders want the election postponed. Besides the two corps commanders who are known to be doves, one of the service chiefs and the chairman of the Joint Chiefs of Staff, General Mohammed Sharif, want the vote to go ahead. Below the level of lieutenant-colonels there seems to be a consensus that not only should the election be held, but also it should appear to be fair.

However, with their tradition of hier-



Gen. Zia, Bhutto: Will they or won't they?

archy and discipline, these officers are likely to "soldier on," whether the decision is popular with them or not. But Gen. Zia may have to weigh the pervasive desire of the army for a free and fair election in his decision. For these men believe the army could best rehabilitate the image it lost under the two earlier military dictators and in the Bangladesh war by aiding the march of democracy in Pakistan.

Gen. Zia is worried that a successful Bhutto or his victorious PPP will be out for his blood. The general has revealed that during the talks in June and in the first week of July between Bhutto and the Pakistan National Alliance (PNA) leaders, the former premier was "watching" him. Gen. Zia says: "Later I learned from various sources that Bhutto had thought of sacking me on quite a few occasions, but somehow could not get around to that. He himself volunteered this information when I met him at Murree where he was detained, and said that he did not act on these suggestions because he anticipated an army takeover and considered it advantageous to him to let me continue as army chief. I believe that Mr Bhutto must have changed his opinion now."

However, repugnant Bhutto's treatment of his political enemies may have been, however vain and egotistical his political style, he did give the masses of Pakistan — its workers and peasants — the illusion that he was for them. They did benefit from his minimum wages and, slightly, by his land reforms. The impact he had on them cannot be measured statistically, but can be seen in relation to their earlier oppression without any hope of salvation by usurious

landlords and grinding industrialists. Hence the imprisonment of the former premier and the charges against him of murder, extortion, corruption and self-indulgence are seen by some of the underprivileged as the martyrdom of Bhutto.

DISCRETION: The response of the taxi-driver who brought me from the airport (instant journalism's one-man Gallup poll) could be evidence of a widespread popular mood. Bhutto, he said, would win. Then, looking slyly over his shoulder at me, he added: "But Asghar Khan (a PNA leader) is also good." But after wrestling with his discretion, he went on: "Bhutto is the better man."

Fear that the election, if held, may go Bhutto's way is a reason why some of the highest-ranking bureaucrats are asking the martial law authorities to postpone the vote. In implementing many necessary administrative reforms, Bhutto slaughtered several of these Brahmins' sacred cows. He threw open the top administrative jobs to men of talent outside the "central superior service" which the most elitist administrators had monopolised.

Some PNA politicians themselves want the polls postponed. These include men who feel insecure in their own constituencies. PNA leaders, such as the Pir of Pagaro, are in close touch with the military "hawks." The Pir of Pagaro has openly urged that the election be postponed for as long as it is necessary to determine the charges against Bhutto. Begum Wali Khan, the wife of the National Awami Party leader, also wants the election postponed — for 10 days so that the case against Bhutto can be

determined.

Others who want Bhutto's blood include his former radical ally, Kharshid Hasan Meer, who insists the priority is not the vote but the charges against Bhutto. Several maverick parties believed to be manipulated by the army "hawks" are also for putting off the election.

The National Democratic Party leader, Sher Baz Mazari, Mufti Mahmood (vice-president of the PNA), and Nasarullah Khan, are against putting off the election.

In their vendetta against Bhutto, the military junta may be obliged to act with the shrewdest discretion in dealing with the interests of the people which Pakistan's Muslim East party is now moving over events here. The Shah of Iran is worried that tensions will be poured into the disintegration of Pakistan, affecting Baluchistan, Iran's oil export, which is a strategic roadway to the Central Asia to the Arabian Sea. Iran has a disaffected Baluchi minority in its territory. Observers reflect on the Shah's concern. The journal *Karavan* has mentioned that Bhutto was being summoned.

Gen. Zia has admitted the Shah "initially expressed his concern," but he now had a better appreciation of the situation in Pakistan. The General is sending A. K. Brohi, the veteran Federal lawyer, to the United Nations where he is expected to brief the Arab nations.

Whatever decision they may finally take, the martial law authorities are determined that the election will be held on schedule — but the vote is still two weeks away.

OCTOBER 1, 1977

ACCUSATION.

The contribution made by the Ruler of Abu Dhabi out of his love and affection for the people of Pakistan was misutilized in the form of the People's Foundation Trust.

(Annex H1 is the letter of the Ruler)

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

ذیابن سلطان آل نھیان
رئیس دولة الامارات العربیة المتحدّة

15th March, 1974.

My Dear Brother Bhutto,

When I recently visited Larkana as your guest after my official visit at the time of Islamic Conference I was indeed happy to see the progress of the Women's Hospital which was named after my name. In view of the requirements of this hospital I have decided to make a further donation of U.S. \$ 500,000 by way of cash and equipment to Zulfiqar Ali Bhutto Trust which runs and maintains this hospital. I feel it would be of great help to many poor people to whom a transport facility is not available, if a couple of small dispensaries are also set up by this Trust in smaller towns in the district of Larkana.

You may kindly recall that the question of raising the standard of knowledge of the people by various means was also discussed by us. I do believe that measures should be taken for spreading information, knowledge and educating the general public. While I was desirous of making an out-right donation for this purpose I agreed with you that it would be better to do so through a Trust or Foundation, whose aims and objects should be to spread knowledge, education and information amongst the people of Pakistan.

From the amount paid by me U.S. \$ 500,000 will be used as stated above and U.S. \$ 1.5 Million should be used by way of cash and equipment for a Foundation to be set up for this purpose. I will be glad if you will kindly accept this donation.

You are aware that the welfare of the people of Rahim Yar Khan is very much at my heart and I have already taken steps to start housing scheme in the Rahim Yar Khan district for the benefit of the inhabitants there.

With best wishes and regards.

Zayed Bin Sultan Al Nahyan.

Reply-21. There is no doubt that the ruler of Abu Dhabi has great love and affection for the people of Pakistan. He has demonstrated his kind sentiments towards Pakistan in many ways. That position is crystal clear. However, the funds given by the ruler of Abu Dhabi for Peoples Foundation Trust were given by him on personal level on his own gracious initiative. The Ruler of Abu Dhabi has been a close personal friend of mine for over ten years. We have known each other much before I became President of Pakistan. After the Islamic Summit Conference, the Ruler of Abu Dhabi was so pleased and impressed by the success of the Conference and by the way it was directed, that he wanted to make a personal gift to me. When I explained that I could not accept such a personal gift, it was suggested, by way of compromise, that the funds should be utilized to establish a trust run by my family. The funds in question were gifted by the Ruler of Abu Dhabi in these circumstances and under these conditions. It should be appreciated that instead of pocketing the funds, I used them for public and charitable purpose. Even after the 5th July, 1977, I am informed that the Ruler of Abu Dhabi has confirmed this position. His Ambassador met me in Rawalpindi on the 28th and 29th of August, 1977 and said that he had taken up this matter and other connected matters with the Government of Pakistan.

The allegation that any amendments were made in the Approval of Religious and Charitable Institution Rules for the benefit of my family is false and is denied. It is not within my knowledge if any amendment has been carried out in the 'Approval of Religious and Charitable Institutions Rules 1975' as Stated in this paragraph. But if any such amendment has been carried out, it has not been done under my instructions. Until reading this written statement I was not even aware of such an amendment. It is therefore, false to contend that the amendment under reference, if any, has been carried out under my instructions.

ACCUSATION.

The misuse of funds generously donated by the Ruler of Abu Dhabi could create problems in relations to Pakistan's Foreign Policy.

Reply-22. The circumstances and conditions under which the Trust was constituted have been briefly explained in paragraph 21. Indeed it is in the interest of the foreign policy of Pakistan that I am confining the contents to the barest minimum. I happen to know something about foreign policy. The Respondent's clumsy and crude handling of this matter only for the purpose of wreaking vengeance on me and my family have had repercussions in the narrower and wider sense on our Foreign Policy. The Respondent is responsible for the consequences of his ill-conceived and hasty actions. Relations between Pakistan and U.A.E. improved by leaps and bounds during my tenure. In every field there was a widening co-operation. This is an undeniable and irrefutable assertion. Even in the wider field, every one knows that during my tenure of office, the cooperation between Pakistan and Islamic States reached its zenith. My Government would not have received unprecedented loans from the Muslim States if they did not have confidence in me and in my Government. Not a single penny of the funds given to the State were misused by me.

I have explained the one exclusive donation made by the Ruler of Abu Dhabi for the Foundation. There is no ambiguity about it. The one solitary donation was given voluntarily by the Ruler of Abu Dhabi for the Foundation to be run by my family. It was not at all solicited as alleged. It was given on the personal level and not on the level of the State. I may respectfully add that not a penny out of the funds of this Trust has been used for the benefit of any of my family members or myself or even for Pakistan Peoples Party. Income of the Trust has been re-invested and only a donation of Rs. 50,000/- was made to flood relief. There can, therefore be no misgiving or apprehension in the minds of any foreign country.

On the contrary, by making such irresponsible and utterly false and baseless allegations, the Respondent is unnecessarily trying to sow doubts in the minds of foreign countries. It is the Respondent who is impairing Pakistan's relations with foreign states by maligning in this crude and vulgar fashion the head of the Government of this country.

Foreign loans and Foreign aid given on the state basis cannot be misused or misappropriated. Such aid and loans come through recognised International Banking Channels and are traceable from the source to that of utilization. The Governor of the State Bank of Pakistan, The Secretary, Genral, for Economic Co-ordination, Finance Secretary, Secretary Economic Affairs and the Secretary Planning Commission may he summoned by the Hon'ble Court to give evidence if a single paisa of foreign loans or foreign aid given by foreign countries to Pakistan was diverted by my Government or by me during my tenure of office. Neither the members of the consortium, nor Iran and the Arab States or the Socialist States are so disorganized as to be ignorant of the utilization of their aid or loans. Such allegations are most damaging to the interest of the country and to Pakistan's Foreign Affairs. By seeking to make a useless attempt to slander me, the Respondent is actually slandering Pakistan and the friendly countries giving loans and aid to our country. The Respondent is cutting his nose to spite his face.

ACCUSATION.

Mr. Bhutto, as Head of Government, solicited funds for a trust.

Reply 23. I declare most solemnly and emphatically that I did not solicit funds for the trust under reference. This is the height of injustice. I have been very correct in my dealings with all the head of foreign states. I have scrupulously observed propriety and protocol in dealing with foreign bodies. It is a tragedy and an irony that such painful allegations should be made against me. I have been the Foreign Minister of Pakistan and my services to the country as Foreign Minister have been recognised by my countrymen. If I had been a corrupt or dishonest individual, I could have made millions in that critical period when Pakistan's Foreign Policy was undergoing a fundamental transformation. I could give concrete instance of various approaches made to me directly and indirectly. In the interest of Pakistan's Foreign Policy I am unable to mention the incidents in this reply to the written statement. But some of the material on the subject is on the files of the

foreign Office. I upheld national honour and did not succumb to any temptation. I am proud of my record of integrity.

No Foreign Government can state that I was influenced by it through dubious means. Many prominent names of international figures have been mentioned by some international disclosure or another but not mine. Here I refer to disclosures by Governments and their agencies and not the vicious lies of Military adventurers like the Respondent and his former colleagues who were dismissed by me. When I first visited Abu Dhabi as President of Pakistan, the Ruler of Abu Dhabi was very gracious to gift me with a very expensive car, but I politely decline his kind offer, his Majesty King Khalid of Saudi Arabia presented me a Rolls Royce as a personal gift but I immediately transferred it to the Government of Pakistan There are many other instances of this nature. I do not want to compromise Pakistan's Foreign Policy by mentioning names and giving details. It is sufficient to declare solemnly that on each and every occasion I observed the strictest propriety and protocol by declining all such invaluable presents and gifts and I am being thanked for it in this cruel manner. This is the appreciation shown for raising Pakistan prestige to celestial heights, this is the reward rendered for exemplary conduct. On the contrary, I have given expensive presents not only from the state exchequer but even from my personal property to foreign dignitaries. My former staff in the Prime Minister's Secretariat is aware of some of the expensive presents I have given to foreign dignitaries from my personal possessions. This charge can not stick on me. Although I am not guilty of this charge yet the charge is not 'unprecedented' because it is within my knowledge and within the knowledge of some others that we have had leaders in the east, and not necessarily 'dirty politicians' who have been shamefully guilty of this charge.

ACCUSATION

In addition to the People's Foundation Trust another Trust knows as the Z. A. Bhutto Trust was set up with the funds of the Ruler of Abu Dhabi.

Reply-24. This trust was for public purposes. The funds of this trust were used to build a hospital at Larkana for the general public and another Hospital in Lahore. The hospital in Larkana was completed a year ago and was handed over to the Government of Sindh. The hospital in Lahore was under construction until the time of my Government. I do not know whether work on it is in progress or not. If the work is not in progress it is not my fault. All the papers and the formalities were under the control of my Secretariat and the relevant authorities. On the completion of the hospital at Lahore, it was to be handed over to the Government of Punjab. The only formality with which my wife was concerned was to sign the cheques after the bills and had been verified and approved by my Secretary. No cheque was signed without such verification and clearance.

ACCUSATION.

The Trust deed has been violated. Rs.50,000 were transferred to People's Publications Limited, similarly, the construction of the trust was awarded to Mr. Ruknuddin without a public tender as Mr. Bhutto owed him Rs.9 lakhs. Rs. 11,59,746 have been debited to the

trust. Money from the President's Welfare Fund has also been misutilized but partially repaid to the tune of Rs. 8,85,375 leaving a balance of Rs.2,85,351 still owing. Two luxury Rest houses have been constructed out of the Trust Funds for the comfort of the Bhutto Family.

Reply-25. It is not in my knowledge if a sum of Rs.50,000/- was transferred to the Peoples Publications Limited. If such a sum was transferred to the Peoples Publications Limited, it must have been returned also. I will have to enquire from my Secretary, Mr. Afzal Saeed but he has been arrested by the Respondent since the imposition of his illegal rule. If such a wild charge is to be made I am to be given an opportunity to consult my former Secretary or examine the records. I am in jail. He is under detention and yet I am expected to answer such minute and detailed allegations under these restrictions and limitations. However, I can state categorically that no irregularity could have been committed because I did not commit such irregularities. The question of misappropriation simply does not arise. I am sure there is a valid explanation. All that the People's Publication Limited has since been transferred at book value to the Trust and it is the Trust now which has yet to pay Rs.5,00,000/- to the owners of the People's Publication Limited.

Construction of the building of the Trust has been carried out by Mr. Ruknuddin whose tender was the lowest. This fact could be verified from the record of the Trust which was seized by the Martial Law Authorities. It is the Trust which was seized by the Martial Law Authorities. It is the Trust which owes Mr. Ruknuddin Rs.900,000/- or whatever maybe the sum. Whether construction work was done by Mr. Ruknuddin at my houses by way of alteration or addition to the buildings was paid for from my personal account from time to time as would be seen from the accounts of Mr. Ruknuddin. For instance an amount of Rs.1,83,736/- was paid vide cheque No. 984035 dated 23-8-75 drawn on National Bank of Pakistan, Larkana. Another bill of Ruknuddin for 59,436/- was paid on 9-9-75 vide cheque No.98403E drawn on National Bank of Pakistan, Larkana.

No money from the President Welfare Fund was misutilized. The sum of Rs.11,59,746/- was spent on the construction of a Sports Complex at Larkana for the benefit of the Public from the President Welfare Fund. A part of the Sports Complex was later sold to Z. A. Bhutto Trust in 1974 for a hospital cum nursing home. The Trust reimbursed to the President Welfare Fund for the part purchased by the Trust. The remainder part of the Sports Complex was sold to the Government of Sindh for conversion into Rest Houses for Government use. For this part the Government of Sindh may be liable to pay. I have my own house in Larkana. The question does not arise of any member of my family having to use these rest houses.

ACCUSATION.

Mr. Bhutto indulged in a deplorable abuse of public funds relating expenditure on his personal residence. This came to Rs.53,04,876.02.

Reply-26. All the expenditure of a permanent nature made in my residence in Karachi and Larkana during the tenure of my office has been borne by me out of my funds. The Government did not spend any thing from the State Exchequer for any permanent change or alteration made in the two houses. If I am not mistaken, the Government incurred the expenses for the Guard Rooms and for entertainment of foreign quests.

I, therefore, fail to understand how it can be claimed that a total expenditure of Rs.53,04,876/02 was spent by the Government in five and a half years on items for which the Government had to make legitimate expenditure. Many heads of State and heads of Government stayed for three to four days in my Larkana House. They came with their Ministers and other high officials. It was, therefore, natural that expenses were incurred. But it was not for my personal benefit. Since I was the President and the Prime Minister of an elected Government, the two residences could not be non-official. Important guests came to visit me in Karachi and Larkana not only from abroad but also from all over Pakistan. Not only did I have to meet and entertain important foreign and Pakistani guests but also workers and the general public. I used to meet the general public for hours on end in both the houses. I was not a usurper who had no links with the people. There is a world of a difference between an elected leader of a country and a rootless usurper. Since I did not have to do my official business or work in my house in Naudero and my other house in Karachi, I continued to treat those two houses differently.

If I wanted to make the Government bear unjustified expenditure, these two other houses could also have been declared as official residences. They were not declared as official residences. They were not declared as official residences because they were not used or needed for official work. At Karachi and Larkana I invariably begin my work from about 8 A.M. in the morning until 3.00 A.M. of the following day. I met not hundreds but thousands of people. Sure my such engagement was not a part of my non official work. The Governor's House at Karachi was reserved to the Government of Sindh. I did visit the Governor House at Karachi some time for Official work and for meeting but on most occasions I used my own house. I could not be expected to go to the Governor House at 8.00 in the morning and return to my house at 3.00 on the following morning. Most of the entertainment of foreign guests was also done in my own house, although some banquets were also held in the Governor's House at Karachi. In all those tirades and false charges, the Respondent has not spoken the one truth and that is that I did not draw any salary either as president or Prime Minister not even for a day in spite of the allocation of funds this purpose in the Budget.

ACCUSATION.

Mr. Bhutto, with the help of his Military Secretary, had his house at Larkana and Karachi air-conditioned at Government expense.

Reply-27 I neither had time nor the ingenuity to cook up the fraud alleged in this Para of the written statement. I was perfectly satisfied with the window type air-conditioners in these two houses. As important dignitaries including Heads of States used to visit me at these houses, it was suggested that in keeping with their high status and my position as

President, the Government should take the responsibility of maintaining these houses and provide quite air-conditioning by replacing window-type air-conditioners which were very noisy during negotiations with these important persons. The question was raised as to what would happen to the equipment installed in these houses after I vacated the office. It was thought to be wasteful to remove these installations as such removal would also damage the walls and the ceilings. The matter was examined by the concerned Ministries and my Military Secretary was dealing with it. It was pointed out to me that on vacation of office of the Prime Minister in August, 1978 I had to pay a certain amount after the depreciation had been taken into consideration, and the installations were to remain in the houses even on vacation of my office. I had at that time pointed out that the Ministry concerned should take into account the fact that I might have to vacate the office in 1977 if the elections were held in that year. Accordingly the calculations of depreciated value were revised and the amount payable by me got slightly increased, and I paid the amounts accordingly.

Installations were made in the interest of the State and not out of my desire and to avoid damage to my houses in the event of their removal; I had agreed to pay the depreciated value which was demanded from me.

Note (The petitioner files eight photostates as Annexure J to J8 which she has been able to trace from private records of Mr. Zulfikar Ali Bhutto)

Prime Minister's Secretariat (Personal)

ANNEX. - J-1.

Sub: Installation of Air-conditioning Equipment at Al-Murtaza Larkana

The Prime Minister of Pakistan Mr Zulfikar Ali Bhutto has been visiting his house Al-Murtaza at Larkana off and on ever since he took over as President in December, 1971. He has also been receiving very important visitors from abroad at Larkana, like the Chh of Iran, Sheikh of Abu Dhabi etc.

Al-Murtaza had been airconditioned with window type air-conditioner before the Prime Minister took over as President. However it was noticed that negotiations with important personalities could not take place in the room satisfactorily as the window type air-conditioners were noisy. So it was decided to replace these air-conditioners and provide split air-conditioning. As the Government of Pakistan had taken the responsibility of maintaining this House, hence PWD was asked to do the work. They installed new airconditioning equipment in middle 1973 at Government expense.

A question has arisen that whenever the Prime Minister vacate his high office, what would happen to this equipment. It would be a wasteful exercise to remove this installation as it involves removing dacking, by damaging walls and ceiling, reworking of which would cost a lot to the Government. After discussing this case with the Chief Engineer PWD (Mr Siddiqui) and Superintending Engineer (Mr Zulfikar Ali) we came to conclusion that the equipment should be paid on yearly basis giving depreciated cost and at the time of vacating the office by Mr Zulfikar Ali Bhutto he should have the option of paying the remaining cost and retain the installation.

The Superintending Engineer has worked out the depreciated value of the entire installation on yearly basis for 10 years. (Copy attached).

As the Prime Minister tenure finishes in 1978 (in the 6th year of installation) the depreciated cost as worked out by the S.E comes to Rs. 92617. According to the above proposal if the Prime Minister pays this much money in 1978 he can own the installation.

Another point may also be considered that the Prime Minister before taking over as President was quite happy with the window type air-

full depreciated cost but a part of the cost should be borne by the Government.

This case is submitted for Government decision.

An early decision may please be taken and the undersigned informed accordingly.

D
11/11/73

Meal

Brigadier,
Military Secretary to Prime Minister
(M. Justice Ali)

Labour Minister for works & Labour Islamabad.

No: 168(6)-G/73 21 Nov 73

ANNEX. - J-2

Government of Pakistan
Ministry of Labour and Works

Subject:- Installation of Air-conditioning
equipment at Al-Murtaza, Larkana.

P-8:5

J.4/10

Reference Prime Minister's Secretariat (Personal)

U.O.No.168(6)-G/73, dated 21.11.1973, addressed to the
Works and Labour Minister on the above subject.

2. The matter has been examined in consultation
with the Ministry of Finance who have agreed to our
proposal that 50% of the depreciated cost or the scrap
value, whichever is higher, may be charged, should the
Prime Minister wishes to retain the air-conditioning

equipment on vacation of his high office.

M. Q. Jazir
(M.R. ONAYAT)
Additional Secretary
6-12-1973

Prime Minister's Secretariat (Personal) (Brig. M. Intiaz
Ali, Military Secretary to the Prime Minister), Prime
Minister's House, Rawalpindi.
R & W U.O. No. F.17(85)/73-II-01, dated 6.12.1973.

ANNEX. - J-3

IMMEDIATE

PRIME MINISTER'S SECRETARIAT (PERSONAL)

Correspondence resting with Ministry of Labour
and Works (Works & Rehabilitation Division) U.O.No. B.17(85)/
73-II dated 3.4.74 refers. *P.97*

A sum of Rs. 71,913/50 (Rupees seventy one
thousand nine hundred and thirteen and paisas fifty only)
representing 50% of the depreciated value of the Air- *P.96*
Conditioning Material installed at Al-Murtaza Larkana as
agreed to by the Ministry of Works vide para 2 of their U.O.No
F.17(85)/73-II dated 6.12.1973, has been paid by the Prime
Minister and deposited in the Govt. Treasury vide Challan No.
2399/C dated 19 April, 1974 (Photostat copy attached).

The Ministry of Works are now requested to please
issue necessary orders to declare the Air-Conditioning
equipment installed at Al-Murtaza as personal property of
the Prime Minister to have been owned by him after the

termination of his present tenure as Prime Minister of Pakistan. This is because he has paid his liability of the charge to Govt. in lump sum from his personal purse.

This may be given Top Priority.

Major,
Officer on Special Duty (Cdn)
(Mohammad Ali)

Adml Secy (Mr. M.R. Nawat) Ministry of Labour & Works (Works & Rehabilitation Division), Islamabad.
Prime Minister's Secret (Personal) U.O.No. 68(22)-Works 74 dated April, 1974.

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ANNEX. - J-4

Faint, mostly illegible text, possibly a continuation of the document or a separate page. Includes some handwritten marks and a signature.

PM's vigilance
in paying off
his personal bills

Submitted for local perusal.

Belal Hasan
14/1/74

The Prime Minister

But my
tenure might end before
13-8-1977. I call for
elections earlier and if in the
elections another party gets the
majority what happens in that
case? Please clear the position
beyond all doubts.

Belal Hasan
17/1
MS

Chairman Bhutto in no way wanted to continue his tenure of office and was, in fact, desirous of holding the elections speedily. He also visualised another party winning the elections, as is evident from his remarks on a note submitted by the Personal Secretary to the Prime Minister, as follows:

"BUT MY TENURE MIGHT END BEFORE 13-8-1977. IF I CALL FOR ELECTIONS EARLIER AND IF IN THE ELECTIONS ANOTHER PARTY GETS THE MAJORITY WHAT HAPPENS IN THAT CASE?

PLEASE CLEAR THE POSITION BEYOND ALL DOUBTS."

Subject: Installation of Air Conditioning equipment
at 70-Clifton Karachi

28

The airconditioning equipment was installed at 70-Clifton Karachi during 73/74. The installation was completed and commissioned on 23-9-74.

1. The Ministry of Works was requested to work out depreciated value of the installation on yearly basis. Their reply is attached flag 'A'.

2. Fifty per cent of the residual value is payable by the Prime Minister to own the airconditioning equipment at 70-Clifton as per decision of the Ministry of Works previously made in consultation with Ministry of Finance in the case of Al-Murtaza - flag 'B'.

3. At the end of first tenure of the Prime Minister falling on 13-8-77, the amount payable by the Prime Minister to own the equipment comes to Rs 1,77,906/50.

4. Reckoning from the date of installation of the equipment the residual value has also been worked out for 5 years from 13-8-77 onward as detailed below for information of the Prime Minister:-

<u>Residual value</u>	<u>Amount to be paid by the Prime Minister</u>
on 13-8-77 Rs 3,55,813/-	Rs 1,77,906/50
on 13-8-78 Rs 3,30,732/-	Rs 1,55,362/-
on 13-8-79 Rs 3,06,180/-	Rs 1,33,780/-
on 13-8-80 Rs 2,81,316/-	Rs 1,12,015/-
on 13-8-81 Rs 2,55,542/-	Rs 90,271/-
on 13-8-82 Rs 2,30,619/-	Rs 68,527/-

6. It is suggested that Prime Minister may now pay the residual cost as on 13-2-77 i.e. Rs 1,77,906/50. During the Prime Minister's second tenure of office, a refund of Rs 62,597/- (Rs 1,77,906/50 minus Rs 1,15,309/50) will be claimed.

7. If the above suggestion is approved, Prime Minister may kindly issue crossed cheque for Rs 1,77,906/50 in favour of Prime Minister's Secretariat (Internal).

M. Imtiaz

16 Oct 75

Paid vide crossed cheque No. 984042 dt 17-10-75 drawn on NBP Larkana - P.M. Sectt. (Internal).

ANNEX. - J-6

No. 984042 Dated 17-10-1975

National Bank of Pakistan

LARKANA

Paid to Prime Minister's Sectt. (Internal)

Rupees One Lac Seventy seven Thousand Nine Hundred and Six + Paise Fifty only

Rs 1,77,906/50

Cheque for the amount paid by Chairman Bhutto for Airconditioning Plant at Karachi.



Office Memorandum 26 June, 74

Subject:- Installation of Air-conditioning equipment at Al-Murtaza, Larkana - transfer of the equipment to Mr. Zulfiqar Ali Bhutto.

The undersigned is directed to refer to the Works & Rehabilitation Division letter No. P.17(85)/73-WII dated 18 May, 74 addressed to the Chief Engineer, Pak PWD, Karachi - copy sent to this Sect., and to say that, this Division may please work out the additional charges that would be payable by the Prime Minister on half yearly basis from 13 August, 74 till 13 August, 1977 in case the Prime Minister vacates his high office prior to termination of his present tenure.

This may please be treated as most urgent.

Major
Officer on Special Duty (Adm)
(Mohammad Ali)

The Officer on Special Duty
(Mr S Fakhruddin Khan)
Works & Rehabilitation Division,
Islamabad.

Military Secretary to Prime Minister

ANNEX. - J-8

Subject: Installation of Air Conditioning Equipment at Al-Murtaza Larkana

1. New airconditioning equipment was installed at Al-Murtaza Larkana during April, 1975.
2. PWD was asked to provide depreciated value of the installations on yearly basis. Their reply is attached at

ACCUSATION.

Mr. Bhutto took further advantage of his position to spend public money on his farm located at Taluka Rato Dero.

Reply-28. This is such a foul and stinking lie that it really calls for no comments. Throughout my tenure of office, I did not visit my lands even on a single occasion in five and a half years. This is the interest I took in my personal property or in my personal matters. I presume that the expenditure relates to the Larkana-Shikarpur Drainage Scheme which was started in 1964 or 1965 during Ayub Khan's time. The drainage scheme was included in the five year plan of Ayub Khan to control water logging and salinity in the districts of Sukkur, Larkana and a part of Dadu District. The Naudero pumping station which was a major part of this scheme was completed in 1967 when I was out of office.

To implement this scheme tube wells had to be sunk by WAPDA according to the engineering requirements of the Scheme. When I was informed that some tube wells had to be sunk in my lands to drain the underground water to the Naudero pumping station, I gave instructions that no such tube wells should be sunk in my lands and the lands of my family. Subsequently I was informed that the tube wells in question were a part of the Larkana-Shikarpur drainage scheme and were not being installed as a favour to me and my family. I, therefore, wrote a letter to the Chairman of WAPDA asking for the necessary clarification. It is only when the Chairman of WAPDA confirmed in writing that the tube wells under reference were a part of the original plan that I permitted the work to be done. I am thankful to the Almighty ALLAH that I took this precaution.

Water logging and salinity have caused great havoc to all the four Provinces of Pakistan. The Government has been trying to combat this terrible menace for the last twenty years. Billions of rupees have been spent by Pakistan on a multitude of schemes to combat water logging and salinity throughout the country. If as a part of this gigantic programme covering the whole country these tube wells happen to fall within our lands also, I fail to understand how I have engineered to take advantage of this national enterprise conceived more than ten years ago.

ACCUSATION.

Mr. Bhutto used the Embassies abroad to purchase items which were all paid for out of official funds.

Reply-29. I took no advantage of my position by utilizing the, embassies of Pakistan in the countries mentioned or in others not mentioned for importing luxury items for my personal use. It is absolutely false to state that all or any of the items mentioned in the chart were paid for out of official funds. I emphatically and categorically deny that I used a paisa of the official funds for the import made by me for my person or for my residence at Karachi or Larkana. I paid out of my personal funds for each and every item that was imported by me for myself and for my houses at Karachi and Larkana. My Military

Secretary, Deputy Military Secretary and my Secretary know that I reimbursed out of my personal funds for all, repeat all, the items imported ordered by me for my person or for my residences. I believe that the Secretary Administration, General Mr. A. M. Raza, also could not be ignorant about the reimbursements made by me for the items falling, in this category. I say this because from time to time I used to tell him to get the accounts settled. Since I am in jail and facing a number of trials in the Lahore High Court, I neither have the facilities nor the time to offer comment on each and every item in the chart. I do not have the files or the papers relating to the information contained in the chart to give extensive detail of the reimbursements. Nor do I have the opportunity to consult my former staff. However, I repeat that it is absolutely false to say that even a single item imported by me for my person or my residence has been paid for out of official funds. I repeat again that I made the final payments from my own funds when the formalities were completed. I was legally entitled to import items for myself and my family. I did not create these 'privileges'. These so-called privileges have existed since the time of the creation of Pakistan and before independence for Heads of State and heads of Government.

In spite of the fact that I am very much handicapped in having access even to my personal records and documents to show payment of each of the items, in the chart annexed to the written statement and mentioned in para 29, and inspite of the fact that very little time has been allowed for my family members to trace out the evidence of payments from my personal account, all the same I have been fortunate enough to place before this Hon'ble Court a statement (Annexure 'K') proving that every item mentioned in the said Court has been duly paid by me, except those which I did not receive before the takeover of 5th July, as they were either in transit or with the foreign office. It is, therefore, highly malicious to allege that these items were paid out of official funds to mislead the Court and to malign me in the public knowing that

I had paid for these items from my personal account and not from official funds.

ANNEXURE - K

Year 1973			
S. No	Particulars of Items	Cost	Particulars of payment from personal account
1	Dress material Two suit lengths	US \$ 195.00	Item 1, 2 and 3 paid vide cheque No. 064722 dated 30-7-1973 for Rs. 9216.98 on National Bank of Pakistan Larkana
2	Tropical Material for Trousers and Bush Shirts	US \$ 49.05	
3	Cloth for trousers and Bush Shirts from Bangkok		

4	Hot Cabinet Trolley	£ 97.60	Item 4, 5, 6 paid by Cheque No. H 984009 dated 10-19-75 for Rs. 1,31,511.42 (Photostat copy of cheque)
5	Marble furniture	US \$5925.00	
6	Six Bathroom Sets	US \$3699.00	
7	(i) Chandeliers, Ceiling Baskets	US \$1600.00	Paid by Cheque No. C/10-064734 dt. 11-1-1974 for Rs. 22,211.57
	(ii) Wall Brackets and Bulbs	US \$280.00	Paid by Cheque No. H008874 Dt. 21-4-1974 for Rs. 2841.22 drawn on National and Grindlays Bank, Karachi.

Year 1974

1	Splendid Glassware	US \$445.00	Item 1 and 3 paid by Cheque No HO-12478 Dt. 19-6-1974 for Rs. 10,326.10 on National & Grindlay's Bank Karachi
2	Twelve pieces of glass dishes	D.M. 118.29	Paid by Bank Draft No. I-0111785 dated 3-6-1975 for the amount of D.M. 118.29
3	Replacement of pieces of Royal Derby China Set	£ 241.02	See remarks under item 1.
4	Replacement of two broken pieces of Glass set No. 240	US \$ 14.00	Paid by Cheque No. HO-12485 dated 10-8-1975 for Rs. 5183.28 (photostate of Cheque)

Year 1975

1	Chandelier & Wall Brackets	US \$ 2174.00	Paid by Cheque No HO-12434 dated 24-1-1975 drawn on National and Grindlay's bank Karachi for Rs. 21,529.60
2	Replacement of different items of cutlery set	£ 193.00	Paid by Cheque No H/10-984015 dated 12-4-1975 fir Rs. 31,738.19 (Photostate of Cheque)

3	Chandelier & Wall Brackets	US \$1361.00	Paid by Cheque No. H/10-984048 dated 22-12-1975 for Rs. 54,248.00 (Photostate of the Cheque)
4	Chandelier & Wall Brackets	US \$ 1761.00	Paid by Cheque No H/10-984041 dated 17-10-1975 for rs. 30,807.39. This cheque also includes a payment of Rs.90.00 that Mr. Bhutto made for a pair of Optical

Year 1976			
1	Chandelier & Wall Brackets	US \$1927.00	Paid by Bank Draft No. 13548884 dated 1-12-1976 for Rs.2,35,492.67 (Photostate of acknowledgment by Prime Minister secretariat, Internal)
2	Six Chandeliers	US \$1868.55	Neither the Chandeliers nor the bill for the undelivered Chandeliers has been received.
3	Suit Length	£ 71.32	Paid by Cheque No. H/10-984076 dated 20-4-1976 on National Bank of Pakistan, Larkana
3 (a)	Gold Leaf 50 books	£ 136.50	Paid by Cheque No. 627858 dated 7-9-1976 on National bank of Pakistan, Larkana for Rs. 60,782.12
4	Silk Curtain Material	US \$1752.55	Paid by Bank Draft No. 13548884 dated 1-12-1976
5	Upholstery Material		Paid for by Bank Draft No. 1358884, dated 1-12-1976
	(i) Velvet	£ 48.64	
	(ii) Velvet	£ 164.16	
6	Foam for cushions	£ 250.00	Paid by Cheque No. 627858 dated 7-9-1976 on National bank of Pakistan, Larkana for Rs. 60,782.12

7	Expenditure on Transportation of items 5 & 6	£ 156.00	Paid for by Bank Draft No. 1358884, dated 1-12-1976
8	Curtain Material	US \$1400.00	
	(i) Ossri	US \$795.00	
	(ii) Hans	US \$258.00	
	(iii) Hans	US \$457	
	(iv) Hans	US \$1140	
	(v) Freight and Insurance charges from Rome to Paris for item (ii) & (iv)	50	
9	Wall Paper, Wall lining and paste	US \$218	Paid for by Bank Draft No. 1358884, dated 1-12-1976
10	Curtain cloth and Tapestry cloth	US \$410.00	Item 10 and 12 paid by cheque No. 984203, dated 27-6-1976 on National Bank of Pakistan, Larkana for Rs. 50,016.93
11	Upholstery cloth	US \$13.00	Paid for by Bank Draft No. 1358884, dated 1-12-1976
12	Upholstery cloth	US \$230.00	See Remark under item 10 of 1976
13	Curtain Cloth	US \$708.00	Paid for by Bank Draft No. 1358884, dated 1-12-1976
14	Dining Room Furniture	US \$8518.41	Paid for by Bank Draft No. 1358884, dated 1-12-1976
15	MoqueHe for dining table	US \$34.70	Paid for by Bank Draft No. 1358884, dated 1-12-1976
16	Upholstery Cloth	US \$1121.00	Item No 16, 17, 18, 19, 20 and 21 paid by Cheque No. 627858 dated 7-9-1976 drawn on National bank of Pakistan, Larkana for Rs. 60,782.12 (Breakdown provided if necessary)
17	Upholstery Cloth	US \$166.40	
18	Upholstery Cloth	£ 69.30	
19	Upholstery Cloth	£ 112.35	
20	Upholstery Cloth	£ 112.84	
21	Upholstery Cloth	£ 340.80	
22	Upholstery Cloth	£ 340.80	Paid for by Bank Draft No. 1358884, dated 1-12-1976
23	Upholstery Cloth	£ 87.33	Paid for by Bank Draft No. 1358884, dated 1-12-1976

24	Upholstery Cloth	£ 103.32	Paid for by Bank Draft No. 1358884, dated 1-12-1976
25	Carpet Antique design	US \$2629.00	Actually \$2303 advance payment & fluctuation price. Consignment not yet received. Paid for Bank draft No. 13548884, dated 1-12-1976
26	Dwarf Trees	US \$1651.51	Actually US \$2775 paid which is more than that mentioned by General Rana by bank draft No. 13548884, dated 1-12-1976

A statement of Account from 1st January, 1975 to 30th June, 1975 showing the details of expenditure for producing the books and other articles of the personal account of the Prime Minister has been prepared and is enclosed herewith.

Annexure - I.

2. Original receipts of the printer made from time to time are also enclosed herewith. The Prime Minister may be pleased to retain the same for record in his personal papers.

3. Copy of the bill dated December, 1974, has already been submitted to you.

(Signature)
(Muzafar Khan)
Secretary

The Prime Minister.

*Chairman Bhutto's copy is being kept
in his copy of papers outstanding
in his file
Muzafar Khan
20/11*

*Checked by Mr. Muzafar Khan
on 20/11/75 and confirmed that
the bill has been cleared
on 20/11/75*

CHAIRMAN BHUTTO WAS ANXIOUS TO PAY THE BILLS. FOLLOWING REMARKS WERE MADE BY HIM ON A NOTE BY THE SECRETARY TO THE PRIME MINISTER.

"PLEASE FILE PROPERLY BUT IS THERE ANY BALANCE OUTSTANDING PLEASE FIND OUT."

P.S.

PERSONAL EXPENSES OF THE PRIME MINISTER

Upholstery material (22 yds Velvet)
for West Hall, imported from
New York - under orders Gen NAM Raza
US \$ 1287.40 = Rs 12,792.62

2) Upholstery material (108.10 meters)
for West Hall, imported from
London - under orders Gen NAM Raza
£ 367.45 = Rs 6,475.27

3) Wall paper and wall lining
imported for Dining room
for West Hall, imported from Rome
under orders Gen NAM Raza
Lire 180= \$ 218 = Rs 2,154.74

4) Books sent by Mr Khalid Hassan
to the Prime Minister's Office, during
his visit to London on 20 Jan 76
£ 138.85 = Rs 2,470.74

5) Books (5 books) for
Prime Minister's Office
imported from London under
orders Gen NAM Raza
£ 136.50 = Rs 2,431.43

6) Expenditure through
Prime Minister's Office (amount attached) = Rs 611.07

Total = Rs 26,962.51

The Prime Minister may please be requested for issue of
approved cheque for Rs 26,962.51 (Rupees twenty six thousand
one hundred sixty two and paise fifty one only) in favour of
Prime Minister's Secretariat (Internal) to adjust the above
amount.

Relevant copies of relevant vouchers/documents are placed

D. P. Khan
26

Secretary to Prime Minister

ACCUSATION.

A publication “Promises and Performance” was brought out at public cost to project Mr. Bhutto’s image.

Reply-30. I did not celebrate ‘a decade of development’. It falls within the responsibility of all states to project and publicize the achievements of their governments. It is the normal function of every Government. The writings and political achievements and contributions of national leaders are made known by all countries without exception. The history of a people, the history of a State and the achievements and contribution of national leaders are essential. It is downright petty to make the allegation in this paragraph. It is the right of the people to know the thinking of their Government and it is the duty of the Government to fulfill this obligation. As Prime Minister I sought to inform all sections of society about the economical and political philosophy which determined the Government policy, including the members of Parliament, the Armed Forces and the Bureaucracy. The respondent himself appreciated this policy of mine as is evident by his letter which he wrote to me in November, 1976. In this the respondent stated that “the Prime Minister’s after-dinner speech on very important issues, to inform the senior Army officers of the thinking of the Government and the Prime Minister’s Policies was indeed very helpful”. The book ‘Promises and Performance’ is the logical step in this direction. It was the duty of the Government to bring out publications like ‘Promises and Performance’ before the gaze of the people of Pakistan. More such publications are needed compared to other countries. There is a paucity of literature in Pakistan on such matters. The people must know the political and economic philosophies of their leaders, specially those who hold the higher offices in the land. It is an internal part of the political evolution and growth of the people and the State. For this reason political leaders write on their political outlook and their struggle on behalf of the people. I know there have been men in power in Pakistan who cannot write a line on political and economic issues. They will not understand those who are blessed with the thought to make contributions in the field of political and economic thinking. People are influenced, motivated and informed by such writings. Such writings give a sense of direction to the people.

ACCUSATION.

Mr. Bhutto tolerated corruption at the highest level, Cabinet Members and high ranking dignitaries were given an open hand to loot the public exchequer. Mr. Bhutto kept files on Ministers, MNAs and MPAs with the object of blackmailing and terrorizing them in the event they displeased Mr. Bhutto.

Reply-31. It is totally false to charge that I gave ‘an open hand’ to cabinet members and high ranking dignitaries of the Peoples Party to loot the public exchequer. Disciplinary action was taken against a number of Cabinet members and some party officials against whom there was concrete evidence. However, I could not punish and disgrace cabinet members and officials of the party on wild rumors, jealousies and unconfirmed

intelligence reports. The Respondent assumed illegal control of the State on the 5th of July, 1977. Within three months there are so many startling stories about corruption in high places in this regime. The Respondent is not answerable to any legislature. The Respondent is not dependent on single member's vote in his system. The Respondent does not have to go to the people or depend on a party to maintain his illegal rule. The Respondent has the long arm of Martial Law at his disposal. He should take stern and exemplary action to stop the rampant corruption that has spread so fast in his regime. It is a malicious lie, sheer mischief to allege that I deliberately maintained files on ministers and other M.N.As and M.P.As to black-mail and terrorize them. Files were maintained, intelligence and other reports were submitted in the routine course as has always been the position but the object was not to blackmail or terrorize the persons concerned. It has been the normal business of every Government to maintain records. So many files have been thrown in my face in the various trials instituted against me. Does it show that I maintained files to blackmail and terrorize myself, I never black-mailed my colleagues and followers. I always treated them with regard and affection. In the face of provocations and harassments of an unprecedented magnitude, the party has stood united like a rock under my command. I know that the Respondent has persistently sought to divide my party. His central, aim is to put my party in disarray. The Respondent has used a cocktail of threats and inducements to achieve this nefarious aim but so far he has failed. If my party members did not hold me in high esteem, some of them might have fallen a prey to the pressure tactics of the Respondent. They have stood indivisible because they have confidence in my leadership and hold me in the highest respect. They would not have shown such remarkable unity if I had treated them badly, or black-mailed and terrorized them. This is another crude attempt to try to create misunderstanding between me and my colleagues. At the same time I want to make it clear that when action was needed I did not hesitate to act. However I would not possibly punish and terrorize political personalities on the basis of wild rumors, Jealousies and unconfirmed intelligence reports. When such reports were put up to me and there was some prima facie material in them, I directed the officials concerned to make the necessary investigations. Such directives were given to D.I.B., my Special Secretary Mr. Rao Rashid, and the Chairman of National Security, General Tikka Khan. It did not fall within the scope or functions of Saeed Ahmed to cover this subject. For this reason he was not given any instruction on the subject. Every official could not be allowed to meddle into such a sensitive subject. The rules of Administration had to be followed and respected.

Reply-32. This is an allegation against the former Education Minister, Mr. Abdul Hafeez Pirzada. Hedging from the false allegations made throughout this written statement, I am inclined to disbelieve this allegation also. However, since it is an allegation against Mr. Pirzada, this Hon'ble Court should give him an opportunity to reply to it. The elementary rules of equity require that the necessary opportunity be given to Mr. Pirzada to clear his position.

ACCUSATION

In order to bribe MNAs, MPAs, Mr. Bhutto's government directed to banks to give advances to them to enable them to purchase cars and jeeps.

Reply-33. Members of the National and Provincial Assemblies represent the people and they are not debarred from availing of the usual facilities which the bank extended to them and others. This is the position in all countries. However, I do not recall recommending any such application to any Bank for advancing such loans. The Banking Council can be asked if I ever approached the Council or any member of the Council for any grant or advances for myself or any one else throughout the tenure of my office. This is a remarkable fact and I am proud of it. I did not have to bribe my own party members, Such an allegation is malicious and is vehemently repudiated.

ACCUSATION.

Mr. Bhutto used government Machinery for the purpose of large scale bribery and large scale in intimidation.

Reply 34. This is a sweeping allegation like the many other sweeping allegations made in this written statement. It is false and I deny it with all the emphasis at my command.

ACCUSATION.

Mr. Bhutto set up the FSF which was a sort of private Mafia. Apart from the case of Nawab Ahmed Khan, the FSF planned to assassinate Mr. Khar and Mr. Asghar Khan. It passed on information to the Income Tax Authorities. In such matters Mr. Bhutto took a personal interest. In the file of Qadir Bakhsh Nizamani, Mr. Bhutto wrote, "The case for them and others must be properly constituted so that no court in the country dare grant them interim bail". The FSF also kidnapped Mr. Bhutto's opponents and kept them in illegal detention in the notorious Dalai Camp. FSF arms were given to Sardar Doda Khan and to Mr. Salim Bugti son of Mr. Akbar Bugti.

Reply-35. The F.S.F. was not a private Mafia. The law that brought F.S.F. into existence was passed by Parliament after a full discussion and debate. The F.S.F. was created to assist the law enforcing agencies to maintain law and order. It was put under the control of the Ministry of Interior and not under the control of the Prime Minister's Secretariat. It could not be used in any of the provinces without the specific request of the Provincial Governments. After the anxious experience of the Nation.-Wide Police strike, the F.S.F. was established to face such contingencies in the future. When the police strike hit the country, there was general trouble in the country. There were language riots in Sindh and a great deal of labour trouble. There were signs of trouble in Baluchistan. 'General Arora Zindabad' slogans were heard. Many prominent political leaders gave statements that the rest of Pakistan would also collapse in a short time. The army was on the borders. General Manekshaw told the people of India that they would get another present in March, 1972. Vast tracts of territory in Pakistan were under Indian occupation. It was under such a calamitous back drop, that the F.S.F. was established. The F.S.F. helped the administration during the Floods that hit Pakistan. The F.S.F. guarded vital installations through out the country. It guarded the Pat Feeder. It detected bomb blast cases. It did its

duties during the Ahmadee agitation. The charter of the F.S.F. is very clear. It cannot go out-side its charter.

The written statement has mentioned the case of Ahmed Raza Kasuri's father in the context of F.S.F. the Respondent knows better than any one else that this case is sub Judice at the moment. A full bench of the Lahore High Court is trying the case while I am drafting this reply. Despite this known fact, the Respondent has committed contempt of Court by commenting on this case of capital punishment. He has already made sufficient statements on this case to subvert the course of justice. He has told foreign Journalists that I murdered Kasuri's father and that he has documentary evidence in support of it. His "verdict" has been published in Pakistan and throughout the World while this case was pending before the High Court. The Respondent has given his "verdict", he has given the time it will take to arrive at a decision and he has also mentioned the sentence. What is there left for the Full Bench of the High Court of Lahore to try? This Honourable Court may take note of all the statements of the Respondent on this case including this written statement and try him for contempt of Court. The Respondent has himself said that nobody is above the law. For instance Annex. 'L' *Interview to Keyhan International*.

Since the Respondent has mentioned this case on a number of occasions and also in this written statement to subvert the course of Justice, I am compelled to reply to him by saying that the Respondent has falsely roped me in this case and in other cases for malafide purposes.

If Mr. Khar had any complaints or grievances he would not have re-joined the Pakistan Peoples Party and become a member of its Executive Committee. Therefore no further comment is necessary on the reference to Mr. Khar in this paragraph. Asghar Khan is hale and hearty. He was only arrested briefly during the spring agitation in the 5½ years of the tenure of my office. No legal action was taken against him when he wrote a letter inciting the Armed Forces of Pakistan to revolt. No action was taken against him when he admitted to be the author of the letter. When the Respondent spoke to me on the telephone on the morning of the 5th of July after his *Coup-d'état* he volunteered the remarks that Martial Law would set up a 'Martial Law Tribunal to try Asghar Khan for treason on account of his letter. The tribunal was never set up. There was never an attempt on the part of my Government on the life of Asghar Khan.

The Federal Government had nothing to do with the detention of Mr. J.A. Rahim. No bomb explosions were engineered by F.S.F either in Lahore or in Quetta or anywhere else. Qader Bakhsh Nizamani is a notorious foreign agent and an incorrigible opponent of Pakistan. He has worked for a number of foreign countries and his one theme is to malign and harm the State of Pakistan. His record is an open book. His anti-state activities are in the full knowledge of the intelligence agencies of Pakistan. His dossier is also on the files of many foreign intelligence agencies. If the respondent wants to protect and patronize such individuals it can only be to the detriment of Pakistan.

I refrain from making any comments on the so called Dulai-Camp as there are a number of cases in the High Court of Lahore on this so-called Camp. But since mention has been

made of it, all that I would say at the moment is that great deals of sensational lies have been circulated about this camp.

Doda Khan Zarkazai and Bugti were given rifles and gun ammunition on the recommendation of the relevant authorities to combat the insurgency in Baluchistan. It is well known that Doda Khan Zarkazai is a pro-Pakistani Tribal Chieftain and for that reason his specific and persistent request for assistance was fulfilled on the recommendation of all the relevant authorities. Bugti has also hibernated between being pro and anti. Some times he becomes pro-Pakistan, some times he becomes anti-Pakistan. His request was met when he was masquerading as a powerful pro-Pakistani chieftain. However it must be made clear that neither of them were helped in this regard on the initiative of the Federal Government.

ACCUSATION.

Mr. Saeed Ahmed, Chief Security Officer to the Prime Minister has said that Mr. Bhutto ordered him to set a journalist, Nasrullah, who was publishing an Urdu Weekly from London, right. Mr. Saeed Ahmad has also said that Mr. Bhutto prepared a “Hur contingency plan” after several disciple of Pir Pagaro were killed by the Police. Further, a special cell was created in the Central Board of Revenue, Islamabad, to look into tax cases of Pir Pagara, Ch. Zahoor Elahi, etc.

Reply-36. Mr. Saeed Ahmad Khan was taken in custody by Martial Law authorities soon after 5th July and remains in detention on very serious charges of corruption etc. He has been made to say whatever the present regime has desired. All suggestions relating to Nasarullah of London were initiated by Saeed Ahmed. It was Saeed Ahmad who drew my attention to his activities in London. It was Saeed Ahmad who mentioned his relations. It was Saeed Ahmad-who made a number of recommendations relating to him. The long and the short of the story is that Nasarullah began to cooperate with the Embassy in London. This would not have happened if his family had been treated or troubled in Pakistan. A person can be set right by persuasion. On most occasions the language of words is more powerful than the language of weapons, but this Respondent will not understand. Hence, he assumes that any action involves violence, whipping and imprisonment.

Shah Mardan Shah, Pir Pagaro, has been mentioned in this and subsequent paragraphs. He has been mentioned in an earlier paragraph also. Pir Pagaro is very well known to me personally. We are neighbours. When my father Sir Shah Nawaz Khan Bhutto was the leader of the Muslims of Sindh and Bombay Presidency in the legislative Assembly of Bombay. Presidency (before the separation of Sindh from Bombay Presidency), it was entirely due to his efforts that the father of the present Pir of Kingri, Pir Sabqatullah Shah was pardoned and released from Ratnagari Jail.

After the separation of Sindh, when my father became the Chief Advisor to the Government of Sindh, his relations with the then Pir Pagaro were most cordial. The present Pir was on the most intimate and friendly terms with my Uncle and father-in-law

Khan Bahadur Ahmad Khan Bhutto. Shah Mardan Shah stayed with him in Naudero on many occasions. There is therefore no personal enmity between us, but we have had political differences. His views are retrograde while mine are progressive. He represents one class and I represent another class. He represents the vested interests and I represent the down trodden masses. It is here that the matter begins and ends.

The Hur contingency plan was prepared by G.H.Q. when General Tikka Khan was the Chief of Staff. The plan was ordered because the Government received persistent reports that the U.D.F., of which Pir Pagaro's party was a component party, and so was NAP, was pressing the Pir to put his Hurs into action in Sindh to relieve the pressure on the insurgents in Baluchistan. In other words, to spread the troubles into Sindh in order to assist the insurgents in Baluchistan and N.W.F.P. The Pir did not succumb to these pressures and therefore, there was no need to put the contingency plan into operation. It was a preventive and a precautionary measure taken by a prudent Government in the national interest. No income tax orders were executed against the Pir. Sanghar is a difficult district. It is virtually divided into two camps; one of Pir Pagaro's followers and the other of those who fear the Hur menace or have been victims of it. Past Governments from the time of the British, and after that, since the creation of Pakistan, have tried to protect the weak against the strong. In this respect some assistance might have been given to those who sought it on genuine grounds but there was no abuse of the assistance rendered, on the contrary, during the later part of the Spring agitation, The Hurs had resorted to wide scale violence. The casualties included Army personnel and the Police as well as the Public. In this case the boot is on the other leg.

ACCUSATION.

A long list of political murders were perpetrated during Mr. Bhutto's tenure. Since the case of Nawab Ahmad Khan is pending before the Lahore High Court, no comment is made. But it may be stated that investigations are being made into the murder of Mr. Nazir Ahmad, Khawaja Rafiq, Asadullah Mengal and others.

Reply-37. This is another sweeping statement. It is altogether false and is general in nature to comment upon. In this paragraph the Respondent states that he does not want to make any comment on the case of Kasuri's father as it is pending before the Lahore High Court, but characteristic of the contradictions with which this written statement is riddled, full comment has been made on it in the earlier paragraph No. 3-5. As investigations are going on in the other cases specially mentioned, I have nothing to add. One day the real truth will be out and I look forward to that day with a clear conscience.

ACCUSATION.

Trumped up cases were made against political opponents such as case against Zahoor Elahi which included one of stealing a buffalo.

Reply-38. Buffalos have been stolen before and buffalos will continue to be stolen even under martial law. I am not aware of any false case trumped up against so-called political opponents.

ACCUSATION.

Mr. Bhutto's Political opponents, such as Mr. J. A. Rahim and Malik Muhammad Qasim, were physical tortured and abused.

Reply-39. I am not responsible for any one's torture. I did not order any one's torture. It is now that torture is taking place on a large and indiscriminate scale" Innocent workers and others are being publicly flogged. There was so much resentment and repugnancy about these public floggings that the Respondent was compelled to make an apologetic statement.

ACCUSATION .

The Intelligence Bureau was given illegal directions. Notes exist in Mr. Bhutto's own handwritings (a) When informed of the opposition parties cooperating with each other, Mr. Bhutto wrote, "Please keep a watch, they must not be allowed to come together. (b) On a report made by Mr. Saeed Ahmad, Mr. Bhutto wrote, "You cannot permit them to unite. This is your supreme mandate". (c) Upon Mr. Rao Rashid Khan's recommendation that the Intelligence Bureau be asked to concentrate on the problems of the PPP's likely candidates, so that the best candidates be chosen, Mr. Bhutto wrote, "I agree with your recommendation."

Reply-40. The intelligence Bureau was not misused by me for personal or political reasons. I did not give any illegal direction to the Bureau. The Intelligence Bureau did its lawful duty and collected intelligence.

- (a) Extract torn out of the Report is misleading. Those who oppose Pakistan and those who were involved in Secessions movement were joining hands with others not only against my government but against Pakistan's integrity itself. There was therefore, nothing wrong or illegal with the directive. It is a directive which any political and patriotic Government would issue in normal course.
- (b) For reasons stated in (i) above I could not permit the opponents of Pakistan to join hands with each others and also exploit the label of a combined opposition as they did in 1964-65 when they exploited the good name and leadership of Mohtarma Fatima Jinnah. Besides, does the Respondent expect me to have made special efforts to bring about the unity of the political opponent of the Government?
- (c) Please look into the charter and practice of intelligence agencies and you will find that it is a major part of their duties to give intelligence on opposition parties to the Government and to use that intelligence to the advantage of the Government. I would like to know what the intelligence agencies are doing at present. I am

aware of the directions that have been given to them in connection with my party and some of the parties in the PNA, but chiefly my party. How were some new parties formed suddenly? They came up like mushrooms. How did the so-called independents emerge in Baluchistan? How has Miraj Muhammad Khan been released? When I raised the question of releasing of Miraj Muhammad Khan in the Quetta Conference held in March or April, 1976 the Respondent insisted that Miraj was fully involved in the Baluchistan insurgency and was needed for the Hyderabad Tribunal. Now the Respondent has released Miraj. Why, if not but to attack me throughout this country?

ACCUSATION.

Mr. Bhutto misused the intelligence agencies to destroy past records containing incriminating material against him. Moreover, Mr. Bhutto called a meeting on 23rd January, 1972 and gave a specific direction that no action should be taken which would undermine Sheikh Mujibur Rehman,

Reply-41. This is another repulsive lie. There is not a single order of mine to the intelligence agencies to destroy part records containing incriminating material against me. Ayub Khan started a number of false cases against me after Tashkent: He tried to harass and trouble me. He had also indulged in malicious propaganda directed against me in the newspapers and the official news media. He directed his Ministers to slander and malign me in the National Assembly and on the public platform, Firstly he had me arrested in November 1968 under D.P.R, From June 1966 until his ignominious fall at the hands of the people in March, 1969 he left no stone unturned to discredit me. He used all the so-called incriminating and non-incrementing material against me that was available in the Establishment and outside it. Whatever material was left undisclosed by Ayub Khan, if there was any such material, was used without restraint or inhibition by the Yahya Regime, and particularly by his erstwhile Information Minister in 1970-and 1971. These circumstances are known to the whole nation. What 'incriminating,' material was left undisclosed against me which I wanted to destroy? As a matter of fact before relinquishing office, Yahya Khan ordered many files to be burnt. By the time the information was conveyed to me the damage had been done. Ayub Khan burnt and destroyed files Yahya Khan out did him in this operation. I was the one President and Prime Minister who gave directives to preserve all Government documents for History and for posturing. I engaged a special Secretary for the purpose. He was assigned to the Cabinet Secretary and it was his duty to collect and preserve all the documents. He was sent by me on a number of occasions to England to get the records of relevance to Pakistan. I sought to collect and preserve all the material of value to the State and the Government and did not do the opposite. The Respondent cannot make up his mind. Earlier, in this written statement he says I collected material of need or use to the Government, but now he says I ordered the destruction of material. There was no incriminating material against me for me to want to destroy it. I did not destroy any material relating to the interrogations of Mujib-ur-Rehman. On the contrary there is a tape recording of my two very important conversations with Mujib-ur-Rehman in

December 1971 and in January 1972 which are available with the intelligence agencies. A meeting was held in Tando Muhammad Khan in January 1972 but as far as I can remember, the meeting was called to discuss the question of the formation of the NAP-JUI Governments in NWFP and Baluchistan and not on Mujibur Rehman, who by that time had already returned to Bangla Desh. I had no personal stake or interest in lowering or elevating Mujib-ur-Rehman's position after the fate accomplished of Bangla Desh. The Policy one way or the other was based on the considerations of foreign policy and on the advice of the Foreign Office. The Official attitude towards Mujib-ur-Rehman who by that time had become the Prime Minister of Bangladesh, rested on the objectives of the State. If the objective was to have good relations with Bangla Desh and gradually draw it closer to Pakistan, it followed that it, was necessary to be on good terms with the Prime Minister of that country, who was at that time the hero of Bangla Desh. If, on the other hand, the policy was to alienate Bangla Desh and make it an enemy of Pakistan, the attitude towards the Prime Minister of that country would have been different. No personal consideration of any sort was involved. We were not dealing with an un-official individual. We were dealing with the Prime Minister of a country, which until recently had been a province of Pakistan. In dealing with such a delicate problem, we had to adopt a sensible and visionary approach. With the passage of time, my policy on Mujib ur Rehman and Bangla Desh has stood the test of time. Now with him towards Bangla Desh, the Respondent is reaping its benefits. If I had pursued an inactive policy towards that country, it would not have been possible for the Respondent to invite a high powered delegation from Bangla Desh to Islamabad in August 1977, and to come out with a communiqué expressing the desire of both Pakistan and Bangla Desh to come close to one another. Nor would it be possible for a Foreign Minister of Bangla Desh to state in the current session of the UN General Assembly only a few days back that it was the earnest wish of Bangla Desh to have closer relations with Pakistan. These positive and welcome results have followed from the policy I laid down towards Bangla Desh and her leaders from the time I took over office as president of Pakistan. Instead of expressing gratitude, the written statement has carried its theme of frenzied criticism even to such matter. I cannot believe that Mr. Rao A. Rashid could have voluntarily made the false statement ascribed to him in the including portion of this paragraph. It may also be added that the record of trial of Sheikh Mujib-ur-Rehman was sent to the War Commission.

ACCUSATION

Mr. Bhutto violated the regulations relating to the land Reforms to favour high ranking members of the PPP.

Reply-42. I introduced far reaching land reforms in March 1972 and in January 1977. The land reforms have altered the structure of our agrarian economy which, since the days of Harrapa and Moenjodaro, was enveloped in darkness. To ensure the proper implementation of land reforms, it was my idea to empower the Federal Land Commission with *suo-moto* powers. I delegated my powers to the Chairman of the Federal Land Commission. The Chairman I appointed was Sheikh Muhammad Rashid, Minister for Agriculture. All his life he has struggled for land reforms. He had a passionate and fanatical commitment to land reforms. Every one knows that Sheikh

Rashid was not the kind of person who would give the slightest benefit of doubt to the Zamindars when it came to land reforms. With the Federal Land Commission being under Sheikh Rashid as Chairman and having *suo-moto* power in addition to the powers of Appeal, Revision, Review, there was no scope to show any illegal consideration to any affected individual. Nevertheless in my capacity as Prime Minister, many individual did appeal to me against the decisions of the Chairman of the Federal Land Commission. They sent me exhaustive representations. They claimed that the Chairman of the Federal Land Commission was ignoring facts and deciding cases not on merit but on his political animosity towards the Zamindar class. They sent or brought representations with themselves. None of the cases were decided by me. I sent most of them back to the Chairman of the Federal Land Commission. In some cases I asked my special Assistant, Agriculture, Malik Khuda Bakhsh Bucha to examine the representations and to give his view to the Cabinet Secretary for perusal by him and the Law Ministry. Finally when the number of such applications was increasing I appointed a former Judge of the Supreme Court Mr. Justice Muhammad Gul to give his legal opinion on the representations. I repeat, I did not decide a single one of the representations on my own. Some of the names mentioned are neither member of my party or may be regarded as close to me. Actually some of the names mentioned have been, and are still, my bitter political opponents. The name of Mr. M. A. Khuhro has not been mentioned in the annexure. He claims to be my local opponent when I am not in power, but becomes my dear uncle when I am in power. M. A. Khuhro also submitted representations to me on his lands and the lands of his family and relations. I sent his applications to the Chairman of the Federal Land Commission for "Justice". The Chairman of the Federal Land Commission wrote a long note on the file stating that Mr. M. A. Khuhro had illegally and patently usurped thousands of acres of land and that he had shamelessly violated land reforms. When Mr. M. A. Khuhro approached me again on his representation, I informed him of the views of the Chairman of the Federal Land Commission. Mr. Khuhro implored me to refer his case to some other official. On his request I referred his case once more one of the officials mentioned above. This shows my fairness and not my favoritism.

ACCUSATION.

To consolidate his personal power, Mr. Bhutto launched a vendetta against members of the business community who, he suspected, were not supporting him.

Reply-43. At last, at long last the-Respondent has-revealed his hand in this paragraph, his true colours as an agent of monopoly capitalism. In the three short months, he has clearly shown his subservience to the international forces of imperialism and neo-colonialism. It follows as night follows the day that he has to align himself to the chariot wheels of Big Business, the natural bridge between imperialism and its tools in our country. The cat is out of the bag. This is the crux of the inter-play of power politics. The national economy cannot be served by capitalism or by big business. Every where capitalism is collapsing, it is collapsing in the citadel of its birth, in Europe and America. It is impossible for this system to serve the superior interests of the masses and the nation. I put an end to monopoly, capitalism and to cartels not to consolidate my personal power but to consolidate national power. For this, Supreme National aim I nationalized the big

industries, banks, insurance companies and shipping. I undertook to build a gigantic steel mill in the public sector. I began the construction of huge cement mills in the public sector. A number of fertilizer factories and sugar mills are coming up in the public sector. We are now a most self-sufficient in sugar by becoming self-sufficient in wheat, my Government accomplished a Herculean mission. During my time we broke records in the production of rice. The same would have been the position with cotton had it not been for floods and heavy rains which affected the cotton crop. We were poised for a self-sufficient economy, but the Martial Law intervened. Perhaps this is the “dire necessity” for Martial Law. Every effort is being made to reverse the synthesis. It will result in the catastrophe of the national economy. My approach to the business community was based on pragmatic national considerations and I had no personal vendetta against members of the business community. In my approach to this community I was striving for the Olympian goal of a scientific economic order. The lives of seventy-five million people of this country could not be sold to the caprice of an unrestricted market economy. The vital limits of the national economy were more important than the whims and fancies of the twenty-two families. It was not a question of gaining the support, of the avaricious few at the cost of the toiling masses. The personal element simply did not appear. The business community might have been against my government because it was only natural for the anti-people forces to array their power and wealth against a Government of the people. I am proud to admit that I was on the side of the people. I am proud to know that I am being punished because I was the champion of the exploited classes: The criticism made in this paragraph is a certificate to me. It is a compliment and I am thankful for it. The business community had to be put on the right track to prevent the blood sucking of the down trodden people of this country. After 25 years of Pakistan, due to unfettered license given to monopoly capitalism, our people remain amongst the poorest in the world. I had a dream to change their destiny. I had started the crusade of the people but now on the pretext of ‘necessity’, the Respondent has come on the scene to put a stop to this craven of the people. The clock cannot be reversed. Power belongs to the people and not to the internal agents of imperialism. Any effort to reverse the process will be doomed The moving finger has written and will continue to write chapter after chapter in the glory of the people. Let the future decide as to who revived the economy. Those who support the concept of free enterprise in its obsolete form are the enemies of the national economy. The Respondent should know that Adam Smith has been buried deep in the debris of history. This is the age of the proletariat and not that of the robber barons.

The real-struggle in Pakistan is not between Islam and “Kufir”. It cannot be, as 90% or more of the people of Pakistan are not only Muslims but their belief in Islam is second to none. Taking into account the historical basis for Pakistan, recalling the heroic sacrifices of the Muslims of undivided India for Pakistan, it can safely be said that Pakistan is the last country in the world where a struggle or conflict can take place between Islam and “Kufir”. The real struggle is between the capitalist class supported by their representatives and the proletariat supported by their representatives. It is a struggle between the exploited and the exploiter. It is a struggle between the Rich class and the Poor Class. There is no question of Islam being in danger. The danger is not facing Islam but it is certainly looking straight in the face of the capitalist order and the spokesmen of that order. No gimmicks will work. The day of reckoning is coming for them.

The Respondent has tried to capitalize on the capitalists. He has gone further; he has tried to capitalize on the name of Quaid-e-Azam. Whenever he appears on the television, his speech is preceded by the display of the portrait of the Quaid-i-Azam. A very touching thought. The Respondent has also stated on a number of occasions that the country's solution lies in following the ideals of the Quaid-i-Azam. What were the basic ideals of the Quaid-i-Azam Muhammad Ali Jinnah, the creator of Pakistan? In the field of economic he supported the concept of the mixed economy as early as in 1943. He stated that the Public Sector would be given due importance. He denounced the hold and the exploitation of the Zamindars and the capitalists. Again and again the Quaid-e-Azam spoke on the need for social and economic justice.

In a speech in Chittagong in 1948 he said to the Chittagong Chamber of Commerce that the economy of Pakistan would be based on the concept of Islamic Socialism. Yes, Islamic Socialism. These are the words of the Quaid-i-Azam and I am the torch bearer of his legacy. Talking of burning of papers and files it is relevant to note here that the Information Minister of Yahya Khan's Martial Law Regime burnt the text of Quaid-i-Azam's Chittagong speech, after making a thorough search for it from the archives of the Government and the papers of the Quaid-i-Azam, which at that time were in the custody of Karachi University. It was a futile but dirty exercise. The Chittagong speech of the Quaid-i-Azam is a part of history, and the declaration made in it on Islamic Socialism cannot be erased by burning the original text. Coming closer to the Respondent, let me remind him that the Quaid-i-Azam believed in Constitutional democracy. The Quaid-i-Azam had stated very clearly that it was the duty of the Armed Forces to obey and uphold the letter and the spirit of the Constitution. The Respondent does not need to be reminded of these utterances of the Quaid-i-Azam because when he drove with me from the Air Force base to my residence in Karachi in the beginning of July, the Respondent himself mentioned to me that the Quaid-i-Azam had uttered those words, whilst addressing the Armed Forces in Quetta or Risalpur. Let the Respondent be told in no uncertain terms that the Quaid-i-Azam wanted a parliamentary system in Pakistan and he had guaranteed provincial autonomy. For this precise reason the Lahore resolution was based on the twin pillars of the parliamentary system and provincial autonomy. The Respondent has shown his antipathy for the parliamentary system in a number of his speeches and in conversation with individuals in Pakistan and also while discussing Pakistani internal matters with some foreign Heads of States during his recent visits abroad.

If the Quaid-i-Azam is the ideal, if the Nation of Pakistan is to be modeled on his thoughts, in that event we need to show a modicum of respect for those thoughts in the building of Pakistan. The position of the Respondent is diametrically opposed to the thoughts of the Quaid-i-Azam on every essential issue dealing with the State:-

- (a) The Quaid-i-Azam was a staunch proponent of Constitutional Government and the Rule of Law. In contrast, the Respondent has savagely violated the Constitution of 1973 and imposed an arbitrary one man rule to administer Pakistan.

(b) The Quaid-i-Azam believed in democracy and in the leadership of the People representatives. The Respondent set aside democracy and jailed the leadership of the people. For the first time in the history of Pakistan the elected Prime Minister of the Country has been given the most brutal and unjust treatment. The Respondent should know that the repercussions of his policies are going to be of a far reaching nature on the issue of the unity and integrity of Pakistan.

(c) The Quaid-i-Azam believed in elections. The Respondent, after solemnly promising to hold impartial election within 90 days and after confirming that declaration in the United Nations on 28th September 1977 postponed the elections indefinitely of the 1st of October, 1977 without any rhyme or any reason.

(d) The Quaid-i-Azam believed firmly in the parliamentary system of Government and in provincial autonomy which was enshrined in the 1973 Constitution, but the Respondent is showing great enthusiasm and zeal for Presidential System. Let the Respondent know that he is going against the wisdom of the Father of the Nation on such vital, political issues, on trying to re-raise the issues settled and determined by the Constitution of 1973 and he will be solely responsible for the deluge.

(e) The Quaid-i-Azam wanted the economy to be based on social and economic justice and on the principles of Islamic Socialism. The Respondent has become the Captain of Capitalism.

Either the Respondent should have the courage of his conviction and state boldly that the Quaid-i-Azam was wrong on the Constitution and Rule of Law, that he was wrong in believing in elections, that he was wrong on the parliamentary system and provincial autonomy, that he was wrong on the system of economy, that was he wrong on every fundamental issue concerning the State and Citizen or he should stop paying superficial praise to the Quaid-i-Azam. Such lip service only adds insult to injury.

The investigation branch of the income tax department was set up by the Ministry of Finance. According to the Ministry of Finance, this branch had done laudable work to recover vast arrears of taxes and dues from habitual defaulters. The Courts of Law were open to any assessee who had a genuine complaint against this department of the Ministry of Finance.

ACCUSATION

Mr. Bhutto tried to discredit and destroy the judiciary. He made unilateral and arbitrary amendments to the Constitution to curb the powers of the judiciary. Mr. Bhutto followed an arbitrary policy in relation to judicial appointments to cause dissension within the ranks of the judiciary. No further reference is being made of Mr. Bhutto's views on the judiciary out of a desire to maintain the prestige of the judiciary.

Reply-44. An individual who puts into grave jeopardy the constitutional structure and contemptuously calls it “the old legal order” is morally estopped from speaking on behalf of the Judiciary. An independent judiciary is the antithesis of Martial Law; Independent Judiciary can only function under the umbrella of the Constitution and not under the shadow of the gun of a brown Duke of Wellington. An independent judiciary exists side by side with an executive chosen by the people and a legislature elected by them. But the peoples Executive is in jail. The assemblies at Islamabad, Lahore, Peshawar, Quetta and Karachi, have become as silent as the grave yards. Can one flower flourish in a garden turned into a desert? I was the author of the Constitution of 1973. All the State organs derive their legitimacy and power from the Constitution of 1973. That being the undeniable case how could I “discredit and destroy judicial institutions in Pakistan”? This is the classical case of the aggressor blaming the victim of aggression for aggression. It is a part of barrack logic to say that “aggression is the best form of defence”.

The Respondent and the Respondent alone has destroyed every vestige of the Constitutional Structure including the judiciary by his illegal action of 5th July, 1977. The only way to restore legitimacy and save Pakistan is to roundly reject his action of 5th July, 1977. Any attempt to justify that action will not take us back to Dossu but to Doom. My Government did not exert unilateral and arbitrary amendments in the Constitution of 1973. When the principles of the Constitution were being settled at the Leaders Conference in Rawalpindi, all the leaders of all the political parties in the national Assembly agreed among other basic principle that the Constitution could be amended by a set procedure. The procedure that the amendment had to be supported by a two-third majority in the National Assembly followed by a majority support in the Senate. The provisions relating to the amendment were incorporated in the Constitution of 1973 in the form of an Article which was unanimously approved by the National Assembly like the rest of the Constitution. The Article relating to the amendment of the Constitution became an integral part of the Constitution and had the same validity and sanction as the rest of the Articles. If this was not the legal position, the Constitution would have suffered from an infirmity. When the Constitution is followed in letter and in spirit it is a contradiction in terms to contend that the action is arbitrary. All the amendments of the Constitution were enacted strictly according to the provisions of the Article on Amendment. All the amendments were backed by a two third votes of the national Assembly and the requisite number of votes in the Senate. Under no stretch of imagination or by any perverse use of logic can it be argued that the amendments were unilateral. Neither the Leaders Conference of Rawalpindi nor the Constitution provided that the amendments would be made unanimously or with the support of all the parties in Parliament. If such a provision has existed on amendment of Constitution It would have become virtually impossible to amend the Constitution.

A Constitution has to be a living instrument. If it becomes a dead letter it would become a piece of paper in the hands of an adventurer. Even when a living and a throbbing Constitution is held in abject contempt by an adventurer, it would be fatal to the Constitution itself, and to the existence of democracy, if a Constitution were to become-obsolete by the passage of time due to absence, or a virtual absence, of an amendment procedure. I doubt if there is a single Constitution in the World which does not carries a

reasonable provision on amendment of the Constitution. The British Parliament can make or amend a Constitutional Statute by a simple majority, even if it is a majority of one member. If the 1973 Constitution had laid down that amendments to the Constitution could only be done by a unanimous vote, or by the agreement of all parties in Parliament, even a Party of two or three members, than it could be said that the Constitution was amended by unilateral means. This however was not the position. It is therefore, a piece of intellectual dishonesty to term the valid amendments in the Constitutions as arbitrary or unilateral amenders.

Not all the Constitutional amendments made constitutionally by my government relates to the judiciary. Indeed some of them had no bearing on the judiciary. Some provision of the amendments that did touch upon the judiciary might have given rise to criticism here and there. However, bonafide criticism is a part and parcel of democracy and I accept some of the criticism with as much good faith as my Government made the amendments. Since so much propaganda has been made on this point, I would like to repeat that the amendments relating to the judiciary were made according to the provisions of the constitution and in good faith. Moreover, the amendments did not touch the central point relating, to objective or subjective criterion for the determination of judicial decision. We retained the objective criterion of 1962 Constitution in the 1973 Constitution and did not amend it. By not falling back to the position of Liversidge V/S Anderson criterion my Government demonstrated its faith and respect in the judiciary and the judges.

This written statement is full of invidious personal attacks in this paragraph a silly attempt has also been made to cause misunderstanding between me and the Hon'ble Judges. Throughout my tenure of office as Foreign Minister, President and Prime Minister, I showed the utmost respect for the judiciary and the judges. I can say without fear of contradiction that I did not approach a single judicial officer from a Magistrate to a Supreme Court Judge, on any judicial issue pending before them. I showed all consideration and courtesy to every judicial officer from the lowest to the highest. I did not pursue an arbitrary policy on judicial appointments, and it does not lay in the mouth of the Respondent make such a charge. Unlike the Respondent, I did not create a crisis of jurisprudence and threaten the judges of the High Court and the Supreme Court to take a new oath not based on the Constitution within twenty four hours or face dismissal.

I am glad that the Respondent has shown some of discretion at long last by refraining to place further material in his written statement on my view on the judiciary in difference to the prestige of judicial institutions. It is heartening to observe that the Respondent claims to be sensitive to the prestige of some institutions at least. This is also another manifestation of his expedient approach and does not stem from his convictions. I know the Respondent's outlook on Democracy and the judiciary. I know it very well but I have refrained from mentioning his views on Democracy and the Judiciary and, indeed, on labour also out of a sense or propriety. However if he had made some false and concocted allegation against me in this connection on the pattern of the motif of his written statement in all other places I would have been compelled to defend the true position, and shown by comparison who has higher regard for Judicial institutions. The Respondent is

placing excessive reliance on the so-called record. Put the same record in the hands of a competent and intelligent agency and the results would be tailored to “the requirements.

It is now an open secret that the Respondent put battalions of his officers, both civil and military, to tamper with records. In the last three months hordes of investigators have been doing no other work than to play with the records. Night and day they are busy with crossing the dots and in destroying yes, destroying material of historical value merely because it adds luster to my leadership and credit to my Government. A lot of hanky panky is taking place within the four walls of all the Secretariats. Under the chadder of the Respondent’s Martial Law, officials who were attached to me have been maltreated and tortured to give confessional statements against me. Torture has been used to get former officials to become approvers. Some of the officials have been under detention for over three months not an account of an earned rest in a hill resort but to knock all manner of false and tendentious statements out of them in order to add to the long list of cases against me. The only Deputy Commissioner (Later Commissioner) of one district of Pakistan has been in the custody of the Respondent and his paraphernalia for the last three months not for amusement. He is the Deputy Commissioner of Larkana (later Commissioner of Larkana). This is the kind of procedure the Respondent has adopted to gather the material mentioned so vain fully in this written statement.

Countless workers of my party throughout the country have been arrested, convicted summarily by Military Courts and awarded lashes. Prominent MNA and MPA candidates have been arrested and harassed in all the four provinces. Former Provincial and Federal Ministers are sitting in jail in every province. The top leadership of my party is behind bars under Martial Law orders. Warnings have been administered to my wife for making lawful political speeches. My young daughter was served with orders to remain confined to a house in Sahiwal on the 29th of September, 1977. What more does the Respondent want to intimidate and crush me and my party? None of us have been spared from the talons of his Martial Law.

Case on top of case has been instituted. We have to fill in forms galore virtually every day. For instance this Honourable Court expects me to reply to the thirty paged written statement and the numerous annexures from jail by the 18th of this month. I received the written statement on the evening of 9th of October. I have to attend to it in jail, and at the same time appear in the High Court of Lahore every day in cases involving capital punishment. On the morning of the 13th of October, 1977 at 9.30 I have been given another confidential Memorandum No.XL/27/X/ 4 dated 12th October, 1977 addressed by the ASMLA, Larkana to give further detailed information on my assets statement filed under ML-21 by 16th of October, 1977. How is it humanly possible to simultaneously attend to a host of vital matters in a period of a few days from the four walls of this jail. Am I expected to attend to the cases in the High Court of Lahore involving capital punishment, or am I expected to adequately answer the written statement and its annexures to be filed before this Hon’ble Court on the 18th October, or am I expected to give detailed answers to the communication from A.S.M.L.A., Larkana by 16th October, 1977? I do not have my books or files or papers with me in jail to do justice to all these mounting demands. I cannot meet my personal staff to consult them on

the information sought by ASMLA, Larkana or on the multitude of annexures filed with the written statement. I have had fever for the last four days. My doctor has seen me on October 13 and on one occasion earlier. I am not a walking encyclopedia to retain all the information in my head, especially when detailed information is sought for almost every decision and every action covering the last five and a half years.

In such circumstances, the Respondent has taken compassion on me by omitting from his written statement the mention of my views on the judiciary. He has not shown any compassion. He has only saved himself from an embarrassment because if he had tried to dilate on this subject, I would have given him befitting replies on his own views relating to the judiciary. A lofty consideration has not prevailed upon him to desist from going deeper into this matter.

ACCUSATION.

Mr. Bhutto treated Pakistan as if it were a vast private *jagir* owned by a medieval Wadera. He institutionalized terror and corruption. The private property of his opponents was used for nationalization. The public property of the State was availed for his personal use. Mr. Bhutto steadily pursued retrogressive policies designed to destroy the institutional framework of government and replace it with a system meant to be operated on the basis of his arbitrary whims and caprices.

Reply-45. The Respondent has drawn a dim over all picture of my Government. He claims that I treated Pakistan as it were a vast private *Jagir* owned by a mediaeval *Wadera*. He contends that I institutionalized corruption and terror. According to the Respondent for me the distinction between private and public property had ceased to exist: The private property of my opponents was intended for nationalization. These are very serious charges and they have been made dramatically. I have a different over all picture of my Government.

This Honourable Court and the people of Pakistan will give their verdict on the real picture. On that bleak and miserable day in December, 1971, when in total defeat and disgrace, Yahya Khan handed over the reins of Government to me of an asundered Country, every thing lay shattered in pieces. Immediately I rallied the Nation. Immediately I picked up the pieces and began the colossal task, indeed the seemingly impossible task, of resurrecting the State structure. In the Welter of chaos and confusion, there were police strikes, there was '*Ghero and Jalao*' every where, there were language troubles, there was trouble in the factories and on the farms. Labour was restive; strikes were the order of the day. Intellectuals were depressed; the people were sullen and bewildered. Those Congressite Muslims who had opposed Pakistan gleefully went about saying that they were right about the non-viability of Pakistan. Our ears heard the slogans of 'Arora Zindabad' and 'Indira Gandhi Zindabad' on the sacred soil of Pakistan. Some bodies openly demanded Confederation with India as being the only answer to the crisis that had touched the bone. The national treasury was really empty. The balance of payment position was alarming. The value of currency had fallen precariously. Internationally Pakistan stood alone and isolated. Despite the international conspiracy to

dismember a Sovereign State by the use of naked force, international sympathy was lacking for our cause. The World Press was bitterly hostile. The second phase of the London Plan was revived. Arsenals were set up in an embassy in the capital of the country. The fate of Mujibur Rehman had to be decided and with that fate, the fate of our relations with Bangla Desh, India and beyond. The inter-wing trade and commerce were abruptly severed. The rice and other goods like yarn and textiles which went to the other Wing year after year were rotting on the dockyards of Karachi.

There was neither a Constitutional framework nor a political equilibrium. We were revolving in void. We were in this World and yet we defied Newton by becoming weightless. Ninety thousand prisoners of War were in the hands of the Indians. Vast territories were under Indian Occupation in Sindh, Punjab and Azad Kashmir. General Manakshaw was promising the Indian people a better gift by the following spring. Demands were being made that the broken Pakistan must accept the hegemony of India. We were told that if we did not accept the ceasefire line in Jammu and Kashmir as the international frontier not a single prisoner of War would return to Pakistan and not a single inch of our territory would be vacated. There were threats from all sides.

Those days belong to the past but we went through them and I know more than any one else in this country, how each minute, each hour and each day passed. For Pakistan those dreadful days were far more dangerous than the days of Dunkirk for Britain. With dazzling speed and in the sagacious direction, I quickly wiped out the stigma. My Government accepted the-frightful challenge energetically. My Government surmounted the insurmountable troubles. We gave the country an interim Constitution within four months and lifted Martial Law with the hope that it was buried for ever as a 'mata Constitutional' curse. By August 1973 we had the proud privilege of giving Pakistan its first democratic, Federal and Islamic Constitution. That was a great and glorious day in the history of Pakistan. The Constitution drafted and approved by the leaders of all the four Provinces settled for all times the vexatious question of the quantum of autonomy. The Constitution was based on the ideals of the Father of the Nation in that it was based on the parliamentary form of Government and on the progressive thoughts of Islam.

The Constitution of 1973 is more than twelve sheets of paper. It is a covenant of the four federating Units to live together under the haven of one State. The Constitution is the shield of our citizens. It is the concrete manifestation of our sovereignty. It is the mother of all our institutions. We filled the void by the cement of the Constitution.

We introduced fundamental social and economic reforms in all fields. We increased salaries and wages of the working classes. We gave a new education policy and exempted education fees up to Matriculation. Educational institutions were nationalized. We opened new Universities and Medical Colleges. We gave a fair return to the farmer for his agricultural products. We attained self-sufficiency in Wheat by wiping out a deficit of one million tons. We exempted land owners from the payment of land revenue up to 25 acres of irrigated land and fifty acres of non irrigated land, thereby giving relief to over 80% of the rural population. We sunk thousands of tube-wells and imported thousands of tractors. Through the Agriculture Development Bank and other nationalized banks, we

simplified the procedure of giving liberal loans on easy terms to the farmers. We stopped the ejectment of tenants. We began the construction of new fertilizer factories. We established co-operatives. We gave five marlas of land to the poor and the needy. We built roads and Schools. We electrified the countryside. We found oil and gas. We tackled vigorously the menace of water logging and salinity. We broke the barriers of backwardness in Baluchistan and made that Province come under the light of modern times. We abolished the pugnacious *Sardari system* and overcome the insurgency in that Province.

Before the time of my Government, the writ of the Provincial and Federal Government of Pakistan extended to only 137 square miles of Baluchistan. Only 137 square miles of Baluchistan fell within the sovereign Authority of Pakistan. The rest of the largest province of Pakistan was under the exclusive control and authority of the Sardars. The total area of Baluchistan is 1,24,000 square miles. We brought that whole Province under the active and effective jurisdiction of the Islamic Republic of Pakistan. We began to build the Loari tunnel.

We made an agreement with the peoples Republic of China to complete the Karakorum Highway by the Middle of 1978. We entered into an agreement with the Soviet Union to build a steel mill for production of one million ton steel in Karachi. We started the construction of Port Qasim, We planned to build the Indus Highway on the right bank of Indus. We executed the construction of a number of power stations including the nuclear reactor in Chasma.

Bomb blasts came to an end in the N.W.F.P. Insurgency in Baluchistan was dealt with successfully. The development of all backward regions was accelerated. The Northern Regions of Gilgit, Hunza and Nagar were given special attention and the separate existence of Hunza, Nagar and other Princely States in the Northern Region were abolished. The privy purse of the former rulers were drastically reduced. Feudalism was given a death blow by two radical land reforms and the introduction of taxation in the field of agriculture above 25 acres of irrigated lands and fifty acres of non-irrigated lands. Many '*Kachi Abadies*' were given propriety rights, low cost housing projects were undertaken throughout the country for the benefit of the poor and the middle class citizens. Urban Development was given an impetus. The economy began to throb; the re-distribution of incomes and the increase in the price of agricultural products to the level of the international standards stopped smuggling of food grains, increased agricultural production and also increased the purchasing power of the common man. Labour reforms gave new confidence and dignity to the proloteriat. The farmer for the first time in Centuries, was able to lift his head high and look into the eyes of the decaded and feared Master of yester years.

We abolished the import license system and the notorious Bonus scheme and allowed free imports throughout our term of office. The value of the Pakistan rupee remained stable and very close to parity in the international market throughout the last five and a half years. We found copper in Baluchistan. We expended the refineries. We built new cement units. We began the construction of more than ten sugar mills. We saw the

completion of Heavy Forge and Foundry Factory. The work on the electrical mechanical complex was started in earnest. We nationalized the processing plants of flour, rice and cotton ginning to eliminate the abuses of the private sector and to give a fair price to the fanner for his produce. We could not tolerate to see the farmer at the mercy of market manipulation. We were determined to give him his due not for just a day, not for just a week, but throughout the season. The nationalization of the Processing Units stopped the abuses of cheating and speculation, the adulteration of agrarian products and gave employment to our unemployed and under-employed rural youth. We changed the face of the tribal territories with the enormous investments. Factories, Schools, hospitals and cantonments were built. The fortress of Razmak once again became an enchanting habitation after thirty years of abandonment. Every year my government kept increasing the development budget for the welfare and progress of the peoples of Pakistan. Every where there were distinct signs of construction and growth.

After an initial period of dislocation, all classes had come to accept the concept of mixed economy. There was an all embracing approach to the problems of the country; there was an integrated outlook to the Nation's development. There was progress in every sphere. Not a single sector was neglected. There were legal reforms and appropriate attention was paid to maintain a reasonable standard of living of the members of the judiciary. The number of subordinate judges was increased. The High Courts and the Supreme Courts were expended. Funds were allotted for the repairs and renovation of the High Courts. Baluchistan was given a separate High Court. The Supreme Court was established in the Capital of the Country.

Adequate attention was given to the promotion of Arts and Culture. Colour was given to television for the Respondent to appear resplendent in uniform to announce the postponement of elections. We toiled for the country and for the people of Pakistan. We neglected nothing of any importance. I went repeatedly to the remotest regions of our beloved land to see the progress in person. My Government made arrangements for the orderly development of the country from sector to sector, from province to province. The achievements were remarkable.

My Government picked up not only the pieces but also the ashes and in the span of five brief years built the infra-structure of the economy, created a base for heavy industries, gave due weight and consideration to the public sector and established public sector institutions like the BIM. The private sector was given its rightful position in the egalitarian dispensation.

Commendable objectives were achieved in the fields of education, Science, health and other social sectors. Each and every major accomplishment of my Government cannot be tabulated in this reply. I have mentioned only some of the most significant achievements that have come to my mind in this cell of a jail without reference material or consultations. This is not a sign of self-praise. It has been forced on me by the false and heartless contents of this paragraph. The achievements of my Government in the socio-economic sphere mentioned briefly and from memory in this paragraph were not accomplished in normal circumstances. It is all the more creditable and praiseworthy, that

such high objectives were achieved under the most adverse internal and external conditions. Some of the abnormal internal conditions have been mentioned, the most vital being the dismemberment of the country and the consequences arising out of it. There were other adverse conditions as well which caused inevitable set backs. During this period, Pakistan was hit by two devastating floods. Structural damage of the Tarbela Dam upset the anticipated rise in agricultural commodities specially wheat by three years. Also during this period we had an earth quake and the worst draught in Pakistan's history in the year between the floods. The heavy and untimely rains of last year badly damaged the Cotton crop. The international conditions having a direct bearing on Pakistan and the rest of world were not happier. The worst and the longest economic crisis since the end of the Second World War struck the world community. It was a vicious cycle between soaring inflation and recession. During the acute international economic crisis, the oil crisis rose astronomically. From about 70 million dollars in 1970-71, by the year 1976-77, Pakistan oil bill rose to approximately 400 million dollars.

The textile crisis of Pakistan is another by-product of the international economic situation. Due to a tragic co-incident, while the prices of all imports, both capital goods and commodities increased sharply, the prices of commodities manufactured in our country declined on the world scene. When viewed in the objective perspective of the internal and external conditions, the achievements of my Government in the socioeconomic field were spectacular.

Whatever may be written now in the propaganda sheets, the pen of history will write the truth and render unto Caesar what belong to Caesar. Islam is not the monopoly of the Muliah. My Government gave the country an Islamic Constitution. Under the Constitution it became mandatory to implement basic Islamic tenets within an agreed span of time. The ninety year old Ahmadi problem was resolved not by an individual, but by an institution.

Haj policy was made open and the system of going to Haj on the gamble of the ballot was abolished. My Government had the honour to declare Friday instead of Sunday as the weekly day of rest. In the last thirty year no Government in Pakistan thought it possible or practical to take this decision. The Red Cross was changed to the Red Crescent, another decision which no previous Government dared to take. The Ruet-i-Hilal Committee was formed. A law was passed by parliament to print error free copies of the Quran. Prohibition was imposed. Gambling was banned.

Defence is a sensitive subject. I cannot emulate the Respondent in irresponsibility and recklessness and mention in detail the saga of my efforts to modernize the Armed Forces of Pakistan. I cannot mention my successful negotiations with a number of countries on the acquisition of modern equipment for our Armed Forces. Tempted as I am, I refrain from mentioning how I had to plead with the former President of France and the present President of France to enter into a binding agreement on the Reprocessing Plant. Every year my Government kept increasing the defence budget breaking every successive record. In addition to the huge financial commitment, however, each year, in the five and a half year of my Government, a separate sum of Rs.1600 crores was given to the Armed

Forces for the purchase of Modern weapons. On top of that, I negotiated with the Government of the Peoples Republic of China a number of agreements by virtue of which that friendly country gave to Pakistan considerable military assistance without consideration. The Shahinshah of Iran also gave valuable assistance without consideration; I prevailed upon the Government of the United States to lift the arms embargo which that Government had imposed on Pakistan for ten long years. Suffice it to say that both in development and defence my Government surpassed by long measures the contribution of all past Governments. The contributions were unmatched and unparalleled. Yes, I admitted we took loans and I am grateful to all the friendly countries for giving us laboural loans. I am grateful to the Consortium, to the Socialist Countries, particularly, the Peoples Republic of China, the Soviet Union and Romania, and above all, I am grateful to Saudi Arabia, Libya, U.A.E., Kuwait, Qatar and Iran for their generous assistance.

I wish I could - disclose the talks I had with the Shahinshah of Iran in Kische and in Mohen-jo-dero, I wish I could tell a little of my efforts with the others, particularly with His Majesty-King Khalid of Saudi Arabia and his brother Prince Vaud and the Foreign and Defence Ministers, Prince Saud-bin-Faisal and Prince Sultan. I wish I could narrate the discussions with President Gaddafi and the President of UAE why did my Government get more loans for Pakistan from these friendly and fraternal countries than the previous Governments? The previous Governments were also headed-by Muslims of Pakistan. We were Muslim State from the inception and yet only my Government received more loans larger loans and on better terms than all previous Governments. This took place because the World saw with admiration the rapid and miraculous recovery made by Pakistan under my leadership in the most excruciating internal and external conditions. The world saw with admiration and the Muslim States saw with satisfaction, the constitutional stability I gave to Pakistan. Every State in the Third World, Muslim and Non-Muslim and most States in Europe noted with applause the achievements of my foreign policy. Pakistan began to matter again. A stable Pakistan, a pulsating Pakistan became a source of strength to the Third World and to the Muslim States. Under my stewardship the country regained its self-respect and prestige.

These were the non-subjective reasons which influenced friendly and fraternal states to extend to Pakistan the most generous assistance it has received up to this day when I was at the helm of affairs.

Instead of appreciating these outstanding achievements the Respondent's puppet press and his minions have, started to say that my Government increased the debt and burden of Pakistan: Since the time of Muhammad Ali Bogra Pakistan has been taking debts. The resources of the country do not come half way near the requirements of the country, these circumstances it is inescapable to take loans. However, during my tenure of office, we tried to generate the resources by taking a number of measures in the public sector and by embarking on a vigorous programme to locate oil and gas and other natural resources. We have found oil and gas at Dodak. Before the 5th of July, 1977 I was informed that we had located oil and gas at Pirko. The prospects in other places were also reported to the

encouraging. But whether we find oil and gas or other resources, or whether we learn to cut our cloth according to our present resources is another issue.

The main point is that foreign countries especially the Muslim countries gave unprecedented loans to Pakistan during my tenure of office because they developed confidence in Pakistan. Finally it boils down to a matter of confidence. No Government no matter how rich its country might be in resources and wealth will risk throwing away its money on a country which is unstable, rudderless and whose value is declining inherently. Recently, the American Ambassador to India stated that now the United States regards India as the dominant power of the subcontinent and will no longer try to equate Pakistan with India. The significant and operative part of this statement is not the declaration on 'the dominant power' but word 'now' why 'now' why not before the 5th of July, 1977?

In the realm of foreign affairs my government did voeman service to Pakistan. During my tenure of office we concluded the Simla Agreement with 'India without compromising one bit on the principle of self-determination in Jammu and Kashmir. We nationalized our relations with Bengla Desh despite all the fuss and fury made by interested quarters. We maintained the proper equilibrium with the great powers. We developed cordial relation with Europe and the principle states of that continent. We became a pillar of strength for the Third World. Pakistan was made a beacon light of the Muslim States. We held the Islamic Summit Conference in Lahore and fulfilled the dream of Iqbal and Quaid-i-Azam. We were approached by friendly states for guidance in their vital issues. Pakistan became a member of the Security Council and Chairman of the Group of 77 during my time.

Naturally the stamp of the author of any successful policy, internal or external, gets imprinted on that policy. Let me give only three examples although these are umpteen. The stamp of Chau-in-Lai is visible on the foreign policy of China and the mark of Tito is apparent on the Foreign Policy of Yugoslavia. The same is true of India's foreign policy as carved out by Jawahar Lal Nehru. Surely this does not mean that the architect of a magnificent edifice is seeking to project his person at the cost of the edifice. Perhaps the Respondent should read Thomas Carlyle to understand this elementary motion of history. I have found it necessary to make these comments reluctantly because in paragraph 59 the Respondent in his characteristically cruel and ungracious deductions has stated that now, that is after 5th July, 1977 'the Country's Foreign Policy' is being conducted in the national interest and not for the aggrandizement of the Mr. Bhutto or the projection of his personal image.

This written statement is full of unkind cuts. If my contributions in the realm of internal affairs or to be played down for the political greed and hatred, surely that greed and hatred is not so intense as to belittle my contributions in the field of foreign policy, which stretches over almost two decades. This then is the unkindness cut of all.

Without the assistance of files and documents, without consulting anyone, I have hastily recapitulated the more memorable internal and external achievements of my Government

as objectively as possible to give the factual ‘over all picture which emerges’ during my tenure of office. I gave the country a Constitution, I gave it a progressive sense of direction, I wiped out the stigma and humiliation of the 1971 War, I restored the Nation’s self-respect and honour on the international pedestal. I introduced modern reforms to bring Pakistan into the lime light of this century of Science and Technology. I established new institutions like the Ministry of Provincial Coordination to bring about harmonious integration. This Ministry did positive service in strengthening the tissues of National unity. I created under the Constitution the Council of common interest to resolve inter-provincial disputes and problems. I tried to liberate the peasant and the labourer and to emancipate the women of Pakistan. I gave the Minorities a genuine place of equality in our society. I did anything to save the youth of Pakistan. Yet I am the modern Machiavelli and the evil genius, who ‘institutionalized corruption and terror’.

If the present trends are an indication, time will show when corruption and terror reached their Zenith. Only two days ago women were beaten at the Data Darbar for performing religious rites. Women were also beaten up before this Honourable Court when this case commenced. Hundreds if not thousands of young men have been awarded ten lashes and one year’s rigorous imprisonment for raising slogans or for clapping when they get a glimpse of me on my way to the High Court of Lahore, or on my way back from the High Court to this jail. Hundreds of youngsters have been arrested in my district. The people of Pakistan are being punished because I was their elected Prime Minister and the people of my district are being punished because I was born in that district. This is the humane treatment, of the Respondent in contrast to my terror.

The mask of Martial Law cannot conceal the reign of terror that Respondent has let loose throughout the length and breadth of Pakistan. I have been accused of ruthlessly eliminating all opposition whether from the ranks of the Peoples Party or from the opposition. If such were the position, it would not have been possible to have the agitations of this spring, unless of course, the Respondent was solely responsible for the agitation” in order to pave the way for his alleged intervention on the 5th of July, 1977. The Respondent cannot approbate and reprobate at the same time.

This unique paragraph goes on to say ‘the private property of his opponents was intended for nationalization’. I do not have any non-political opponents. The Seths of Pakistan who controlled monopoly capital were not my opponents. I nationalized the heavy industries, the banks, the insurance companies, the shipping companies, the Refineries and the processing units on a basis of morality and economic justice. I did it out of conviction. I did it on the basis of a political and economic outlook and in the larger interest of the country. None of the Dawoods, or the Habibs, or the Munirs were my opponents. There was absolutely nothing personal against the Seths who controlled and monopolized our economy. National interest demanded that I broke their strong hold on the economy of Pakistan and placed it in the safe hands of the State and the people.

This is not only a unique paragraph but it is sordid. It is sordid because it says ‘In fact Mr. Bhutto treated Pakistan as if it were a vast private Jagir owned by a mediaeval *Wadera*’. The person who abolished Jagirs and nationalized private property of ‘his opponents’ as

is claimed in this very paragraph, the person whose reforms and Constitution made Pakistan jump from the mediaeval stage to the modern era is accused of treating Pakistan as if it were a vast private Jagir owned by a mediaeval '*Wadera*'. I gave the country a democratic Constitution. As I have said earlier, the Constitution is the mother of all other institutions. The Respondent has done black magic to the Constitution. I created the institutions of Provincial Co-ordination and the Council of Common interest. The Respondent abolished the institutions of Provincial Coordination and the Council of Common Interest with all the other institutions abolished by him. I gave Constitutional rule and the Rule of Law to Pakistan. The Respondent gave Martial Law to Pakistan. I gave fundamental rights to the citizens of Pakistan. The Respondent gave lashes to the citizens of Pakistan. I ensured the independence of the judiciary. The Respondent set up Military Courts and Military Tribunals which awarded rigorous imprisonments and punitive fines before and individual has had time to blink. I nationalized Educational institutions, industries and processing units. The Respondent is de-nationalizing the educational institutions and the processing units. He has set up a Commission to begin the retrogressive step for the nationalized industries. He is taking those fatal decisions without any fetters. I was answerable to Parliament and the people. The Respondent is answerable to nobody on earth. I was under the discipline of the Constitution. The Respondent has kept it in abeyance and boasted in Tehran that he could tear to pieces the twelve page Constitution of Pakistan. Who then has converted Pakistan into a private Jagir? The elected Prime Minister of Pakistan answerable to Parliament and coming under the constraints of the Constitution and the law, or the Respondent, who has played the rope trick with the Constitution and is answerable to nobody on this earth. The position is crystal clear; it is so self-evident that the question needs no answer.

The Respondent has not been able to conceal his obscurantist and mediaeval views in the course of three short months. His opposition and anger towards me stems partly if not chiefly from a conflict of views. The Respondent represents mediaeval thoughts. I represent progressive, contemporary thought. The whole question can be summed up by the action taken by me to give the country a modern, progressive Constitution and by the Respondent giving the country Martial Law. The Government of Martial Law is synonymous with mediaeval conditions. Therefore, the Respondent has made Pakistan into a vast Jagir owned by a mediaeval despot. I will not use the word '*Wadera*' because this word has acquired a meaning going far beyond its class description. Over the years the word has been used by politicians to show their contempt and prejudice against one of the Provinces of Pakistan. However, an explanation can be provided for politician to use such language. It is a part of their game. But no explanation or justification can be offered for non-politician to employ a word which is connoted with contempt and full of derogation for the people of a province. By using the word '*Wadera*' in this context of contempt and prejudice the Respondent has not insulted me but he has insulted the entire people of one of the federating units of Pakistan. If the Respondent is untutored in the delicate norms of politics, the genius who has drafted this written statement should have known better. In his well known propensity to play with words he has rendered irreparable harm to the Respondent. In his zeal to attack me he has been carried away by impropriety. This is so because nobody can deny that the word *Wadera* has acquired a wider connotation than feudal lord. The concluding portion of this paragraph is poor

rhetoric. It is devoid of any semblance of truth. It betrays a sense of guilt. It is a poor attempt to devise a defence mechanism to transfer the burden of guilt from the real delinquent to the innocent.

ACCUSATION.

The elections of March 1977 were no elections at all. By agreeing to hold fresh elections Mr. Bhutto tacitly accepted the contention that the elections had been massively rigged. Hence Mr. Bhutto and his colleagues lacked all legal or moral sanction for running the country.

Reply-46. I would like to take the conclusion reached in this paragraph to falsify the arguments used to declare the conclusion. It summarizes the arguments to conclude that 'In fact Mr. Bhutto, by agreeing to hold fresh elections, tacitly accepted the contention that the elections had been massively rigged. Hence Mr. Bhutto and his colleagues lacked all legal or moral sanction for running the country. This is a false dishonest and fraudulent conclusion. As Prime Minister of a Parliamentary Government, I was entitled to dissolve the National Assembly at any time and hold elections. The Constitution is unambiguous on this right of the leader of the House. There was nothing to stop me from holding elections once again. I decided to hold elections again not because the previous elections had been rigged, but because I thought that the national interest required another election. I did not have to offer an explanation to anyone for taking the decision for fresh elections. The decision to hold general elections once again does not mean that the previous elections were rigged. The decision, to go to the polls again might have been motivated by many considerations. Whatever the considerations, it is certainly not an admission of the previous elections being rigged, nor is it proof of it. There are many countries in which elections have been held before the expiry of the term of the Legislature. Indeed this flexibility and this outlet is one of the advantages of a parliamentary system. A crisis, a sudden impasse, or an expected turn in the events, arms the Prime Minister with the authority to overcome the situation by holding fresh elections. I can fill this reply with many examples in all Parliamentary Democracies to establish my point. I refrain from doing so as it is well known to every one.

Whatever the reasons for holding elections again, once the decision was taken, it gave no justification to the Respondent to impose Martial-Law and postpone elections indefinitely. The answers to the so-called rigged elections were fresh elections and not the imposition of Martial Law with elections postponed indefinitely. I maintain that my Government was the legal Government but according to the Respondent it was 'illegal'. Even if the Respondent did reach this erroneous conclusion belatedly and after publicly admitting that my Government was the legal Government, what legal or constitutional justification did he have to impose Martial Law? One so-called illegal Government could not be replaced by a one-man rule which was the epitome of illegality, especially when it was decided to hold fresh elections in the country. Martial Law can never be a bridge as has been contended in this Hon'ble Court. The Constitution is the only bridge. When that bridge is destroyed by the force of lashes and terror, it can pretend to be anything but a bridge.

ACCUSATION

The nation wide agitation led to violence and irreparable damage. The cardinal obligation of the government was to urgently restore normality. In fact, the actual actions of the PPP were the exact opposite.

Reply-47. It is a great misfortune that there was violence and destruction in the spring of 1977. It is a great misfortune that valuable lives were lost and a number of people injured. I made many efforts to control the situation. I offered the Yahya Bakhtiar formula. I met Pir Pagaro and Moulana Maudoodi with the object of seeking the co-operation of the Opposition to put an end to strife. I sent many emissaries to the Opposition leaders to enter into negotiations. Finally there were negotiations and a settlement. (*Annexed hereto as Annexures 'N' to Annex. 'R' are the press Reports on the Accord*). My statement of 4th July, 1977 made it clear that agreement was on the anvil. If I said in that statement that the Government might also raise some new points, it was said only as negotiating position. But the Respondent struck on the very day when the agreement was to come. Actually, the negotiations would have started much earlier if the Respondent had not taken the position on the 9th of April, 1977 and on all subsequent occasions thereafter, that the Army would not accept the release of Wali Khan and other NAP leaders whom he repeatedly described as traitors. If the Respondent had not put two conditions as being outside the scope of compromise, the Agreement would have come much earlier and the flames of violence mentioned in this paragraph with detailed disclosures, would have been avoided to a great degree. The Respondent's two conditions were that the Army would not accept any compromise on the Hyderabad Special Court trying the NAP leaders or the withdrawal of the Army from Baluchistan. The Respondent felt so strongly on these two issues, that he brought all the Corps Commanders to a meeting in which he said that he was expressing the views of all the Corps –Commanders on these two issues.

The Respondent said he could not understand how traitors could be released. As for Baluchistan, he said that the Army had given its blood to crush insurgency and now it was being asked to withdraw. According to him this could not happen. The Respondent felt so strongly on these two issues that he addressed a joint meeting of the PPP and PNA delegations on these two issues in the beginning of July in the Prime Minister's Secretariat in Rawalpindi. Now with knowledge of hind sight we understand the real motive of the Respondent in taking such a stand.

ANNEXURE - N

The Pakistan Times, July 1, 1977

ANNEX. - N

THE

PAKISTAN TIMES

Rawalpindi, Friday, July 1, 1977-

12th meeting of main negotiating committee at P.M. House today Pirzada, Ghafoor discuss draft clause by clause

From Our Islamabad Bureau

JUNE 30: The Pirzada Ghafoor sub-committee met at the National Assembly here for three hours this morning.

Coming out of his office in company of Mr. Ghafoor, Mr. Pirzada said that the sub-committee had discussed the PNA's latest draft of the accord, clause by clause. He declined to comment further.

Mr. Ghafoor, told Mr. Pirzada that his side, too would not make any statement today.

Under the arrangement worked out at last evening's meeting between the Prime Minister and

Mufti Mahmud, the Government-PNA Negotiating Committee is due to hold its next round of discussion at the Prime Minister's House tomorrow morning.

APP adds:

The 12th main committee meeting will begin at 10 a.m. with Prime Minister Bhutto leading the Government side and Maulana Mufti Mahmud the PNA team.

The last meeting of the main committee, which began the dialogue on the country's political crisis on June 3, was held on Saturday when the Government presented its own draft of the accord after raising objections on a PNA draft submitted on June 25.

Mr. Pirzada received the PNA draft on Wednesday morning,

after Mufti Mahmud informed Prime Minister Bhutto on the telephone on Tuesday afternoon that the draft was negotiable and that his side did not intend any threat or ultimatum.

Earlier, Mr. Pirzada had expressed his inability to receive the draft after Prof. Ghafoor had called it a "take it or leave it" document.

Mr. Pirzada told a Press conference on Tuesday the two sides had agreed in the last main committee meeting that the revised PNA proposals would first be discussed by the sub-committee and then the matter would be taken to the main committee.

Meanwhile, Mufti Mahmud also held an hour-long meeting with Prime Minister Bhutto on Wednesday evening.

The Pakistan Times, July 2, 1977

ANNEX. - O

THE PAKISTAN TIMES

Rawalpindi, Saturday, July 2, 1977

Draft considered clause by clause

Govt.-PNA accord in sight

From H.K. Burki

ISLAMABAD, July 2: After two more sessions, lasting well over seven hours, the Government-PNA negotiations seem to be moving ahead towards an accord.

At the end of a five-hour session, Maulana Kausar Niazi told waiting newsmen around 1 o'clock this morning that they would resume their discussions after dinner. They had already considered about half the clauses of the draft accord and they may go on with their work for another three hours or so.

Asked if they had discussed the crucial provision for the proposed Implementation Council, the Maulana said they had covered some of it and they would have more discussions after dinner.

At yesterday morning's session, lasting two-and-a-half hours, the four Service Chiefs had attended for one hour. According to Maulana Niazi, the Chiefs had briefed the leaders about the withdrawal of troops from the field in Baluchistan. However, there is some reason to believe that the Service

Chiefs also briefed the leaders about their supervision of the next elections. This would explain the participation of the Naval and Air Chiefs in the meeting, for they would have little relevance to the withdrawal of troops to barracks in Baluchistan.

The correspondents had remarked to Maulana Niazi about his cheerful expression, which he acknowledged, which indicated that the clause-by-clause consideration of the two drafts was productive. There is thus every likelihood of the two sides finalising the accord today.

Dinner recess

APP adds: The morning session lasted three hours. The evening session began at 8 p.m. and continued without any break until 12.45 a.m. when it was recessed for dinner.

It was the twelfth session of the Government-PNA dialogue. The two sides had reached agreement on June 15 on the main issues—holding next elections, the polling date and an independent machinery to supervise the elections.

The difference of opinion had

mainly remained on the powers of a proposed council for immediate redressal of grievances about the elections and the date of dissolution of the present National Assembly

Earlier, addressing a Friday congregation in a local mosque, PNA President Mufti Mahmud said today's negotiations would be decisive, one way or the other. He said the talks would have continued till decision if they did not have to break for Juma prayers.

He said in case an accord was reached, the elections would be held either on Oct. 6 or 8 because the date earlier agreed (Oct. 7) fell on Friday.

He congratulated the people on the occasion of first weekly holiday on Friday and said the switchover was the result of the persistent demand of the people.

But, he said, this change of weekly holiday, although a source of happiness for every Muslim, was only a step in the direction of establishment of Islamic system for which Pakistan had been achieved. Mufti Mahmud urged the people to continue their struggle for the achievement of the ultimate goal.

The Pakistan Times, July 3, 1977

ANNEX. - P-1

THE PAKISTAN TIMES

Rawalpindi, Sunday, July 3, 1977-

Signing of agreement in 'a day or so'

Govt. - PNA accord on all main points

The Government and PNA negotiating teams have reached agreement on all main points of a political accord, it was announced early yesterday (Saturday) morning at the end of a marathon night-long session at the Prime Minister's House.

The signing of the accord on the basis of the points agreed at the Main Committee level is subject to the approval of the modified draft by the PNA Central Council. Spokesmen of both sides said some procedural matters were yet to be sorted out and the signing of the accord could take place in "a day or so".

The Government and PNA teams, headed by Prime Minister Zulfikar Ali Bhutto and PNA President Mufti Mahmud, respectively, worked through the night in the Cabinet Room of the Prime Minister's Secretariat on a PNA draft that appears to have been modified.

"We are very much near to

the goal," said Government spokesman Federal Religious Affairs Minister Kausar Niazi at a briefing for newsmen who kept a night-long vigil strolling or sprawling on the lawns near the conference venue.

PNA spokesman and Secretary-General Mr. Ghafoor Ahmed said if the "modified draft" were approved by the PNA Central Council, there might be no need for another formal Government-PNA Main Committee meeting except for signing the accord.

Maulana Niazi and Mr. Ghafoor, showing signs of tiredness but still looking cheerful, talked to newsmen in the auditorium of the Prime Minister's House, sitting on the same sofa almost rubbing each other's shoulders.

Brief breaks

Asked how close now the two sides were to the signing of the accord, Maulana Niazi remarked: "As close as I and Prof. Ghafoor are now before you."

The second session of the

twelfth Government-PNA meeting at the Main Committee level began at 8 p.m. on Friday and continued up to 6:25 a.m. yesterday with brief breaks for dinner after midnight and Isha and Fajr prayers.

The committee had met earlier on Friday morning for three hours during which the Services Chiefs had given the negotiators their professional point of view regarding withdrawal of troops to barracks in Baluchistan.

After the second session, Mr. Ghafoor said the two sides had "very detailed discussion" on the PNA draft for about 10 hours. Both parties tried to understand each other's point of view and on various points agreement was reached subject to the final decision of the PNA Central Council.

Answering a question, he said every point had been discussed and some details of certain decisions remained to be worked out by himself and Federal Finance Minister Abdul Hafeez Pirzada. The two-man Sub-Committee met in Islamabad yesterday evening.

Mr. Ghafoor would not tell how many changes had been made in the PNA draft. "It is very difficult to say," he told a questioner.

Interjecting, Maulana Niazi said: After seeing the final draft you will be able to draw conclusions yourself.

In reply to another question, Mr. Ghafoor said the PNA Council had not fully authorised its negotiating team for modifying the draft of the accord.

Maulana Niazi said the two sides had come to an agreement and only some procedural matters remained to be sorted out.

The dialogue began on June 3 and an agreement in principle was reached on June 15.

Taking part in the discussions from the Government side were Prime Minister Zulfikar Ali Bhutto and Federal Ministers Abdul Hafeez Pirzada and Maulana Niazi. The PNA was represented by its President Mufti Mahmud, Vice-President Nawabzada Nasrullah Khan, and Secretary-General Ghafoor.

The first Friday weekly holiday in Pakistan turned out to be a day of over-work for the two negotiating teams and a long wait for newsmen.

Looking fit

The two teams met for more than 13 hours in two sittings—the first beginning at 10-30 a.m.

on Friday and lasting three hours and the second starting at 8 p.m. and continuing up to 6-25 a.m. yesterday.

At the conference table, after the post-midnight supper recess, Nawabzada Nasrullah had some 'pans' brought in from his car and offered them to fellow negotiators.

A bracing breeze and chirping birds greeted the Government and PNA leaders as they came out of the conference room at 6.25 a.m. when Prime Minister said Khuda Hafiz to Mufti Mahmud and Nawabzada Nasrullah.

"Don't you see... I look fit," remarked Mr. Bhutto as the newsmen shot a barrage of questions at him.—APP.

ANNEX. - P-2

The Pakistan Times, Sunday, July 3, 1977.

PNA discusses draft accord

From Our Islamabad Bureau

JULY 2: The thirteen and a-half hours Government-PNA session, concluding early this morning, produced an agreed draft accord which was discussed inconclusively by the PNA Central Council late into the night.

The PNA's three negotiators had maintained all along that they had attended each round of negotiations with full mandate from their side. They, however, asserted this morning that they needed the Central Council's prior approval to sign the draft, each and every clause of which they had negotiated and agreed to in course of the marathon 12th round.

The Government-PNA session had ended this morning with full agreement on every basic point. It had been decided that some peripheral matters, still left undiscussed, be assigned to the Pirzada-Ghafoor sub-committee. Accordingly, the sub-committee met in the National

'The elephants still active': The Round-about on Page 3.

Assembly office of Mr. Pirzada for about 90 minutes this evening. Neither side made any comment on the sub-committee deliberations.

The PNA Central Council meeting opened here late this evening to discuss the draft accord agreed to by the Alliance's negotiators. The discussion con-

tinued late into the night. According to Prof. Ghafoor, the Central Council was consulting legal advisers and was likely to hold a session tomorrow also.

Talking to reporters during the dinner break of the Central Council meeting, Mufti Mahmud declined to predict when the accord would be signed. He also refused to state if he was satisfied with the agreement he and his two fellow negotiators had hammered out with the Government. He said, however, that if the Council approved the draft accord the signing ceremony could take place tomorrow. He also said the negotiating team had made its report to the Central Council and would inform the Government of the Council's considered view when it was formulated.

Minor changes

He refuted a suggestion that the PNA Council might be considering some new Government proposal. He said there had been minor changes in the

PNA's revised draft accord in course of the last round of the negotiations. The changes related to the powers of the Supervisory Council, the withdrawal of troops to barracks in Baluchistan, and certain other matters. In his view there had not been any fundamental change in the proposals made through the PNA's revised draft accord, he added.

Irrespective of Mufti Mahmud's assertion, the PNA's "final and take it or leave it draft", appears to have undergone quite some evolution. Among other alterations, it has

experienced, the significant one is the dropping out of the PNA's demand to bestow a constitutional status upon the Supervisory Council. The PNA negotiators have also agreed to abandon the demand for assigning the power of appointment of key officials to the Supervisory Council. The demand for giving the power of revision to the Council in respect of Government officials' cases has also been given up.

Apart from other modifications in the PNA's draft accord which the Government

was supposed to merely sign on its dotted lines, the powers that the Alliance envisaged for the Supervisory Council are understood to have undergone a radical transformation. Also the PNA's negotiators have accepted the Government's amendment that the accord should describe Mr. Zulfikar Ali Bhutto as the Prime Minister and Chairman of PPP instead of using the latter title alone. Further changes that there may be in the "unchangeable" PNA draft should be known only when the accord is signed and made public.

ANNEX. - Q-1

The Pakistan Times, Monday, July 4, 1973

Moral obligations go overboard PNA Council 'unanimity' after sharp division

From Salamat Ali

ISLAMABAD, July 3: The PNA seems to have backtracked on the settlement it reached with the Government yesterday. It is now refusing to state whether it has endorsed or rejected the agreement its negotiating team reached with the Government.

The backtracking appears totally incomprehensible, for Mr. Hafeez Pirzada said earlier today that copies of the final accord were exchanged between him and Prof. Ghafoor Ahmed during their meeting last evening. Your correspondent further gathered reliably that in the last Pirzada-Ghafoor Sub-Committee meeting each and every clause of the draft accord was finalised. Also, all outstanding

matters were finalised and nothing was left outstanding.

It is also learned on good authority that PNA chief Mufti Mahmud talked to the Prime Minister on telephone today. It is not known what they discussed.

Hawks on top

After the second session of the day of PNA's Central Council, Mr Asghar Khan told reporters this evening: "I have been asked by the Council to convey to you that it has considered the suggestions made by the Government's negotiating team. The Council has reached complete agreement on its attitude to the Government's suggestions. Right now we are drafting our comments on those suggestions and shall convey them to the Government. The re-

action is unanimous and is to be conveyed tonight.

The briefing by Mr. Asghar Khan was a departure from the norm, for so far none of the nine stars of the PNA except the three negotiators have briefed the Press in course of the Government-PNA negotiations.

Going by the intransigence he brought into sharp focus earlier this morning, this change is indicative of the hawks not only being in full cry in the PNA's Council but gaining ascendancy over their colleagues. Mr. Asghar Khan said he was not unhappy over the Central Council's decisions arrived at this evening.

Lawyers disagree

After the first session of the PNA Council early this morning, Mr. Asghar Khan had clari-

fied that he was speaking for himself and had said it would be a mistake to consider that an accord had been reached. He had indicated that lawyers representing diverse components of the Alliance were in disagreement over the settlement arrived at between the two negotiating teams. He had added that Tehrik-i-Istiqal lawyer Mian Mahmud Ali Kasuri had explained to the Council that the draft accord hammered out between the Government and the PNA's negotiating teams, bestowed more powers upon the Prime Minister than were available to him under the Constitution. However, he had argued later, in reply to questions, that the accord agreed to by the PNA's negotiators had no constitutional sanctity and hence in effect was no more than a scrap of paper. He was not asked by his questioners to reconcile the obvious anomaly between the two statements.

Mr Asghar Khan had also claimed in the morning that there had been basic changes in the PNA's draft discussed at the last marathon meeting of the Government-PNA negotiating teams. He had explained that the new draft accord evolved by the two sides had reduced the implementation council to a mere advisory body. Stating that there was a vast gap between the agreed draft and the PNA's draft, Mr Asghar Khan had indicated the possibility of one more round of Government-PNA negotiations. He, however, declared enigmatically later in the evening that his views should not be confused with the point of view of the PNA Council but that the stand taken by the Council was not unacceptable to him.

After the second meeting late this evening, Mr. Asghar Khan claimed that the PNA Central Council which alone could approve or disapprove the settlement between the Government-PNA negotiating teams, was unanimous in its comments to be conveyed to the Government tonight. However, the unanimity claimed

Accord met all PNA demands

by Mr. Asghar Khan seemed to be an offspring of the earlier sharp division within the Council. Mr. Asghar Khan and his followers are understood to have mounted a sharp attack on the PNA negotiators. Thus the unanimity was reached only after the negotiators and their supporters agreed to throw morality overboard and go along with the backtracking on the settlement.

Awkward position

Going overboard is also the PNA's moral pretensions, for going by the Alliance's professed high democratic, moral standards, the three negotiators—the Alliance's President, Vice-President and Secretary General—are ignoring their awkward position. Mr Asghar Khan, in reply to a question firmly contradicted a questioner who had asked if it was correct that the three negotiators had been asked to

resign their offices for having transgressed their brief. He even added that if and when there was a second round of talks with the Government, the same three negotiators would participate on the PNA's behalf. Mr Asghar Khan also said the current situation was not embarrassing to the PNA's negotiating team, for had it been so the Council's reaction finally would not have been unanimous.

Mr Asghar Khan claimed that it was the PNA's desire to wrap up the whole affair as early as possible. He could not say if the PNA Central Council members would be here day after tomorrow, but added that they would be in the City tomorrow.

He refused to disclose when the next meetings of the Central Council and General Coun-

cil were scheduled to be held. Asked if it meant that he expected the Government to invite his side for yet another round of talks, Mr. Asghar Khan replied that if there were an invitation, the PNA Council would judge first if such negotiations would prove fruitful.

Asked to explain the morality of slapping down by the Council of its own negotiating team, Mr. Asghar Khan said it was in fact indicative of the democratic character of the PNA—the difference of opinion and eventual consensus arrived at was indicative of the PNA's strength. He declined to answer a question if the PNA would now issue a call to its supporters.

Beyond doubt

It is now beyond doubt that last night's meeting proved injurious to the accord. Last night, Mufti Mahmud had said half way through the meeting that the settlement he and his fellow negotiators of the PNA had reached with the Government, was not a basic departure from the Alliance's own proposals. He had also implied that the basic demands of the PNA had been met.

Mufti Mahmud's assessment was as close to the truth as possible, for apart from the basic demand of re-election almost all the important demands of the Alliance seemed to have been met. It was agreed that the Defence of Pakistan Order would be repealed upon the signing of the accord, the tribunals would be wound up, the DPR prisoners would be released and the cases of those not released within two weeks would be sorted out by a special council comprising one representative from each side.

The differences within the special council would be referred to the Implementation Council. A special list of the constitutional amendments to be repealed was also agreed to. It was further agreed that emergency would be withdrawn as soon as the accord was signed and also that all remaining political prisoners would be released.

Apart from relief and assistance to those who suffered losses during the agitation, the accord also provided for free political activity and agreement not to use Section 144 to ban the use of loudspeakers except under provision of a mutually agreed code of ethics. The accord also provided for freedom of Press, including release of journalists, if any still in detention, free issuing of declarations and lifting of restrictions on awarding of advertisements.

Fair treatment

The accord further provided

for fair treatment to both sides by official mass media. The Election Commission was to be strengthened and allowed to impose punishment on its defaulting appointees. The Commission was to be empowered to call upon the Armed Forces to provide assistance in the holding of elections. It was specifically provided that the FSF and Rangers would not be used for any duty on the polling day. Another provision of the accord was that the election results would not be announced by any of the mass media except under the written authority of the Election Commission.

The accord further provided that all election petitions, now under adjudication, would abate and all those who had not filed election returns would not have to account for the failure.

Under the accord, the Government had agreed to exa-

mine the list of officials the Opposition accuses of meddling in the electoral processes. It also agreed to place the FSF under the Ministry of Defence and not to ban any political party until the conclusion of the elections. It also agreed not to make any constitutional amendment except those agreed to between the two sides for implementing the accord.

The accord also provided for the setting up of an implementation council. With a membership of 10, the Council was to meet on each Tuesday and remain in session until its agenda was disposed of. Unresolved disputes in the Council and cases undiscussed due to lack of quorum were to stand automatically referred to a bench comprising the three senior-most judges of the Supreme Court.

ANNEX. - Q-2

The Pakistan Times, Monday, July 4, 1977

PNA team had full mandate Accord cannot be reopened .. Bhutto

Prime Minister Zulfikar Ali Bhutto declared in the early hours of this (Monday) morning that after the accord had been reached between the Government and the PNA, "it cannot be reopened".

"This is just not done," he

said.

The Prime Minister recalled in detail how the PNA had given assurances before entering into the negotiations that no single party would have veto over the decisions arrived at between the Government and the PNA. This, he said had been amply clarified by PNA leaders before foreign envoys who help-

ed in bringing about the negotiations between the two sides.

The Prime Minister disclosed that after having agreed and prepared a draft which was only to be signed by the two parties, they brought on Sunday evening 10 points saying that the PNA Central Council was not willing to accept the

agreement.

He said the three-man committee consisted of the President, the Vice-President and the Secretary-General of the PNA and had come to the negotiating table with a clear mandate of the nine-party Alliance.

The Prime Minister said it was irrelevant whether the 10 points were new or important. The question was that once an agreement had been reached, it could not be reopened.

However, he said he had called a meeting of the Cabinet which was joined by all provincial Chief Ministers including that of Baluchistan, and the Staff the COS, and the

holding of second elections. He said there had been very heated discussions at the Cabinet. He, too, was responsible to the people, his Cabinet, MNAs, Provincial Assemblies and the Central Committee of his party. He, too, was answerable to them, Mr Bhutto said.

He said when the people would see the agreement they would be surprised to see to what extent the Government had acceded to the Opposition's point of view.

He said the three PNA leaders fought on every point with logic and good advocacy. The PNA could not have sent better representatives than the ones they sent.

The Prime Minister said the agreement had been finally reached between the two sides after discussion on every point—rather on "every word"—and it was left to be signed.

'Great difficulty'

He said by reopening the question, the PNA had put into "great difficulty" not only the Government but the nation as a whole. He expressed his willingness to meet the PNA leaders again but said he would have to have further consultations with his Cabinet before that.

The Prime Minister said in the Cabinet meeting there was sharp difference of opinion. After all, he said he also had to run his team and take into account their wishes because nobody could afford to be alone in politics. He said his colleagues had not differed with him so much during the past five-and-a-half years as they did now.

If the PNA had its difficulties, he too had difficulties of his own, he pointed out.

Mr. Bhutto's hurriedly-called Press conference held in the auditorium of the Prime Minister's House, began at 1.30 a.m. Cabinet Ministers, Chief Ministers and high civil and military officials were present. Apologising for calling them at such an odd hour, he said he wanted to make three points to show how unjust was the PNA stand.

Firstly, he said, it was agreed at Sihala, before the negotiations started, that none of the nine parties would have veto

over the decisions reached by the PNA representatives in the negotiations. The PNA President had assured him, in the presence of Saudi Ambassador, that they would stick to the decisions arrived at whether their other colleagues concurred with them or not.

On that basis, the negotiations were started, otherwise all the nine parties of the PNA could have been asked to join the negotiations.

The same point was clarified by Sardar Abdul Qayyum in answer to Pressmen's questions before he started his contact tour.

Secondly, he said, the PNA leaders assured that they would not like to waste time by taking issues to their Council which they said would be bound by their decisions.

Thirdly, it were negotiations between two parties—the Government and the PNA. Both sent their top negotiators. The PNA sent its President, Vice-President and the Secretary-General. They were not selected by us. They were given full mandate to reach an accord and not to act as messengers.

If consultations with Council were taken as a compulsion, he said, his side too had a Central Committee, Cabinet and Assembly members to consider.

Mr. Bhutto said since PNA negotiators had full mandate they could not reopen whatever had been already agreed to.

The Prime Minister said he had put aside all other State duties and international matters in order to expeditiously reach a settlement with the PNA and it was now for the people to see who was wasting time, keeping the nation waiting and deepening the crisis.

People's verdict

Answering a question, Mr. Bhutto said if the PNA had not been afraid of the people's verdict in the next elections, why should it create difficulties now.

WRECKERS AT WORK Leading article on Page 3

Director-General, to discuss the situation arising out of it and wanting to reopen the agreement.

The Prime Minister described as totally false PNA assertion that it had not given its team of negotiators the mandate to discuss their final draft with the Government.

Mr. Bhutto recalled how PNA President Mufti Mahmud phoned him after Prof. Ghafoor's "take it or leave it" statement that there had been a misunderstanding and that they were coming to negotiate with the Government.

Mr. Bhutto said in fact they were willing to sign the accord after the night long session but they all decided that it could be signed after going through the formality of getting it approved by the PNA Central Council.

He said the PNA Central Council had in fact insulted its President, Vice-President and Secretary-General.

It was unjust not only to the PNA negotiating team which did their very best to win their point of view during the talks but the nation as a whole which had been awaiting results eagerly.

Mr Bhutto said he would tell the people when the time comes why he agreed to the

The Prime Minister said the PNA leaders could not claim now that final agreement had not been reached when the two sides concluded their long session last Saturday morning. The only question left was when it should be signed.

Asked whether there was deadlock now, he said he would not make any comment.

The Prime Minister said they could not deny that every matter was settled on Friday night. All had left happy—and declaring so.

Mufti Mahmud had said in the meeting that the settlement had been reached. He would refer it to the Central Council of PNA formally. He was sure that the Council would give its approval.

But now, today, they returned to tell the Government side that some colleagues in PNA Council were not agreeable to certain points and had raised 10 more points. This was a matter of great regret, he said.

Mr. Bhutto said he, too, could say that his Cabinet was not

agreeable. He, too, had difficulties in asking his Assembly members to sign their death warrant and amend the Constitution to provide for new elections.

PNA leaders had been telling the world, even ambassadors, that they did not have any confidence in the words of Mr. Bhutto, that he would go back on his words. Now it was for everybody to see who had gone back on his words. They had done it before in connection with the PPP-NAP-JUI agreement.

Ten points

The Prime Minister said now when only the signing of the agreement reached on Saturday remained, the PNA wanted to reopen it, pleading that the 10 points they had now brought in were minor points.

Mr. Bhutto said: We are blamed for everything just because we are in power. But both parties have to solve the crisis.

He said he had stretched to the farthest possible to accommodate PNA's point of view.

He said he had called a special meeting of the Cabinet to consider the situation arising out of the PNA's latest 10 points. The Government-PNA meeting could be arranged tomorrow or the day after. That would, however, be decided after the Cabinet meeting.

Mr. Bhutto said the PNA negotiators should be man enough to say that agreement had been reached. "You will be surprised when you see the agreement. They (PNA) got all they wanted."

He said he had not been left with any room for manoeuvrability. He had already done whatever was humanly possible, which was unparalleled.

In answer to a question, he agreed that the apprehension of new demands being raised by PNA was there, but what mattered was that any new demand was against the principle of not opening settled issues.

Asked if the new points were new or old and how far they were acceptable to the Government, Mr. Bhutto said this was irrelevant in view of the above principle.

When a correspondent pointed out that the new PNA spokesman (Asghar Khan) had said the PNA negotiating team had mandatory powers, Mr. Bhutto said it was to contradict this that he had held the Press conference.

Mr. Bhutto said he had called the Press conference because he considered it important to talk to the Press.

He said he had refrained from making any statement to the Press since the talks with the PNA started on June 3. He said the Press had been present in the Prime Minister's House to cover the talks, but whenever the Press wanted to talk to him, he did not do so. He said he did not want to spoil the atmosphere and, therefore, avoided making any statements.

The Prime Minister said he was sorry to have called the

correspondents at this hour. But, he said, "I thought you are used to waking up at night, and you are my friend's friend!"

He said: When I see the statements published by the Pressmen, they sometimes think that I have done all of you in the Pakistan Service, because you can keep everyone happy.

He said: Even now, I do not want to say anything which may create any complications, or do any damage, because even a minor statement can do the damage as different interpretations can be put to what is said. Then, such things create reactions.

On the other hand, he said, statements were made by "our friends" (in the Opposition), though not necessarily by those who were engaged in the negotiations. The ones who were engaged in the negotiations had also made speeches, but "I made no speech".

The Prime Minister said during the negotiations, it was decided that Maulana Kausar Niazi from the Government side, and Prof. Ghafoor Ahmed from the Opposition side, would brief the Press regarding the state of the talks. He said he stuck to this procedure from the very first day. "But I said nothing although if I had done so, I would have been justified in making statements, but I always said that the Press should wait for the briefing by Maulana Niazi and Prof. Ghafoor, for their joint statement. This procedure was continued from June 3 to July 2," he added.

The Prime Minister said there was only one important problem which was to be discussed between the two sides. He said when he met PNA chief Mufti Mahmud at Sihala, "He (Mufti) raised his finger, and said there is only one problem, and that is holding of a just and independent election."

In nation's interest

Mr. Bhutto said when the talks were started it was in

order to safeguard the interests of the people, democracy and Pakistan that he accepted what was their demand, or the demand of the nation, although he had first stated that there was no need of fresh elections.

Mr. Bhutto said the PNA had "a single central and specific point," but to this, the Opposition added 32 points, and they went on expanding their demands, although "they had told us previously that there is only one point at issue".

He said as a result of the negotiations, the two sides had agreed on three major points: (1) Holding of fresh national elections, (2) date of the election, which was set for Oct. 7, but because it was a Friday, it was decided to hold the elections on Oct. 6, and (3) arrangements for ensuring fair elections, for which it was agreed to increase the powers of the Election Commission.

Mr. Bhutto said after an agreement on basic issues he had thought that only details were left to be worked out. It was in view of this situation, he said that he had undertaken his tour of six Islamic countries.

On his return from this tour, he said all sorts of things were brought in. But he would not go into the question which of

these things concerned the elections and which did not, because this could also cause misunderstanding. However, he said whatever the PNA considered related to the elections, it was discussed.

In the meantime, he recalled, it was alleged from the PNA side that the Government was wasting time. But he had pointed out that this was not so. He said he had told the PNA President that the two sides would meet on July 1 and would not leave the conference room until they had reached the final accord.

He said notwithstanding what points were raised by the PNA and which of them were accepted—or not accepted—the final result was that a decision had been reached. "The only thing left was when the accord should be signed".

Mr. Bhutto said he had considered the idea of holding the signing ceremony at Murree but he had to stay back in Rawalpindi in view of the U.S. independence day reception on July 4.

In answer to question, the Prime Minister said if PNA leadership would have been sure of its footings and popular following it would have not created obstacles. If they could face Oct. 6 confidently, why were

they wasting time? he asked.

Asked if the accord would form part of the Constitution, he retorted even this matter was decided. Whatever the Constitution permitted was to be accommodated in the Constitution but nowhere in the world everything went into the Constitution.

Mr. Bhutto said no one could remain aloof in politics. "I have to take my own people into confidence. There are many a "Tarzans" sitting in my party."

After the 55-minute Press conference, Mr. Bhutto asked his Cabinet members to stay on in the auditorium.—PPI APP.

ANNEX. - Q-3

Govt.-PNA talks

An unscheduled Government-PNA meeting was held at the Prime Minister's House last (Sunday) night after the PNA Central Council concluded consideration of the agreement reached between the negotiating teams of the two sides.

The meeting lasted an hour. No immediate comment was available from either side.

Soon after the Government-PNA session, a Cabinet meeting began under the chairmanship of Prime Minister Bhutto.—APP.

ANNEX. - R-1

The Pakistan Times, Tuesday, July 5, 1977

If PNA reopens issue, Govt. will do the same

By H. K. Burki
in the larger interest of

the nation, Premier Bhutto has agreed to resume the

dialogue with the PNA, but he has made it clear that if

the Opposition were to reopen settled matters then his side, too, would do the same.

Addressing a Press conference at the P.M.'s House late yesterday (Monday) evening Mr. Bhutto disclosed that Mr Hafeez Pirzada would telephone Mr. Ghafoor Ahmed this morning and, if necessary, the committee would meet again. However, if the PNA were ready to honour the agreement he would be prepared to sign the accord tomorrow morning.

Mr. Bhutto said that in the interest of the nation and reposing confidence in his leadership, the Cabinet had given him the mandate to talk to the PNA. However, no double standards would be tolerated and if the PNA reopened any settled issues, then "we will also reopen some" Mr. Bhutto said and explained that most of the concessions had been made by his side.

Matter of principle

Mr. Bhutto recalled that after the two sides reached an agreement the PNA leaders had expressed their satisfaction, saying that there remained only the formality of taking it to their Council and they would have no difficulty in getting it approved. Thus it was agreed verbally to sign the accord on July 3 or 4. He went on to remark that when the three PNA leaders met him yesterday, one of them had volunteered that he was ashamed to come back again for further discussion.

The PNA was wanting to reopen issues that were either settled or set aside Mr Bhutto said. The point was not whether the matters raised were important or minor, but a matter of principle was involved in that the PNA was reopening discussion on an accord which had been reached after clause-by-clause and word-by-word discussion.

Denying that he had talked of any deadlock on Sunday night, Mr. Bhutto said he had only mentioned his own difficulties, for he, too, had a Cab-

net, party organisation and MNAs to consider. If after having freely negotiated an accord as the principal leaders of the PNA there was any delay then he and his party could not be held responsible for it.

NAP leaders' release

Although neither side has revealed the nine or 10 points raised by the PNA, it is believed that at least two of these are major issues. The PNA has asked for the release of all the former NAP leaders and workers, and it has also demanded that the control of the armed forces and the administration should be given to the joint Implementation Council. These are the kind of impossible demands which the Government cannot accept.

Certain interested factions have quite obviously sought these wholly unreasonable concessions after the PNA team had secured all the many demands in other fields. Thus, if they insist on these points, they will put in jeopardy the agreement already reached.

APP adds: Mr. Bhutto said he had discussed with his Cabinet colleagues the situation arising out of the PNA move to reopen the settlement, in three meetings held since Sunday. His Cabinet colleagues, he said, had once again given him mandate to proceed "even on this basis".

Asked about the "sharp difference" that existed in his Cabinet on the matter, Mr Bhutto said it had to be narrowed down. "It is for the leaders to take control of the situation and not to pass the buck onto others".

The Prime Minister said he was surprised when the PNA President, Senior Vice-President and Secretary-General were made to look small because of rejection by the PNA Council of their commitment to the Government. He denied suggestions that the Government was trying to create a rift in the PNA and said he had never been nor was he now interested in creating any split in the PNA. He said one could not

create rift through Press conferences. This required other tactics in which he was not interested.

He said he had full knowledge of things when the PNA was being formed but he never tried to create rift at that time, nor during or after the elections.

Mr. Bhutto reiterated that in principle the PNA negotiators had reached an agreement when the two teams sat through the night. Were this not the case, then instead of working all night, the Government could have asked the PNA negotiators to secure their Council's approval before proceeding ahead.

Question of veto

The Prime Minister again pointed out that Mufti Mahmud had earlier told him and also the Saudi Ambassador that none of the parties in the Alliance had any veto powers. He said had it been made clear that the PNA negotiating team did not have the authority to reach a settlement the number of negotiators could have been increased to nine.

Mr. Bhutto said he did not want to enter into any polemics because the matter involved the future of the nation. He was for positive and concrete steps and that was why he had asked Mr. Pirzada to have a preliminary meeting with Mr. Ghafoor today.

Reverting to allegations that the Government wanted to create a rift in the Opposition camp, Mr. Bhutto remarked: Only one person can occupy this house (Prime Minister's House) and not nine. This is the trouble.

Present with Mr. Bhutto, apart from Mr. Pirzada, were Federal Minister Mumtaz Ali Bhutto and Sind Chief Minister Ghulam Mustafa Jatoi.

Referring to the new issues now sought to be raised by the PNA, the Prime Minister said actually there were 11 points and not 10.

Mr. Bhutto who had disclosed to newsmen in the early

hours of yesterday that PNA leaders had brought forth 10 more points, told his evening Press conference that after looking into his notes he had found they were eleven points.

Eleven points

He took out a paper from

the pocket and said: These are eleven points.

Finance Minister Hafeez Pirzada who was also present on the occasion, pointed to a note book with him and said: Yes, there are eleven points.

Referring to PNA Vice-President Nawabzada Nasrullah

Khan's statement at a Press conference earlier yesterday evening that the PNA had raised nine points, and not 10 as stated by the Prime Minister, Mr. Bhutto said he was happy the PNA had reduced the number by one. He would be happier if they reduced the number further, he added.

ANNEX. - R-2

The Pakistan Times, Tuesday, July 5, 1977

Doves retaliate PNA seeking another round

From Salamat Ali

ISLAMABAD, July 4: Emphasising that "there should not be a deadlock under any circumstances at the present, delicate, final phase of the negotiations", the PNA this afternoon implicitly sought an invitation to yet another round of talks with the Government.

The PNA's latest position was explained at a Press conference in Rawalpindi by one of the three PNA negotiators, Nawabzada Nasrullah Khan. The Nawabzada talked to the Press after a meeting of the PNA Central Council that, according to him, considered the negotiating committee's report on its last night's meeting with the Government side. He also said the Council had approved the statement he was making at the Press conference.

Conciliatory tone

Although the Nawabzada criticised the Prime Minister's Press conference of early this

morning, his statement was a far cry from Mr. Asghar Khan's sledge-hammer comments of yesterday. The assignment of Nawabzada Nasrullah as the PNA spokesman today, as also his suave and conciliatory tone was broadly indicative of the doves retaliating in the Council today for all the beating they had received yesterday. It was their point of view that seemed to have prevailed today.

The Nawabzada claimed that he and his two colleagues had submitted to the Prime Minister last night nine points that constituted "slight amendments in the language and proposals given by the Government". He asserted that none of those points ~~reopened any of the settled~~ issues. They had been submitted only because the PNA lawyers considered them necessary to remove certain lacunae, he added.

Going by the Nawabzada's arguments, it seems that the PNA is trying to reopen the settlement arrived at between the two negotiating teams by redesignating the agreement as Government's proposals. Also, the Alliance is trying to gloss

over its backtracking of yesterday by under-playing the significance of its latest set of demands.

'Minor nature'

Nawabzada Nasrullah asserted that the PNA's nine points were of a minor nature. To emphasise the purported insignificance of the demands, he cited some examples. He said the PNA was now demanding that the accord be made a transitory provision of the Constitution. The preamble of the accord should refer to Mr. Bhutto as representing the Federal Government and the PPP and Mufti Mahmud as representing the PNA. "This is only to fix the respective responsibilities and no more", he said. What he glossed over was the PNA earlier agreeing to describe Mr. Bhutto as the Prime Minister and Chairman of PPP.

Replying to questions, the Nawabzada said he had last night returned from the Prime Minister's House with the impression that the PNA's stand was not unacceptable to the Government. The PNA team had been told that the Prime Minister would consult his colleagues on the Alliance's communication and convey the Government's reaction today. The Prime Minister's subsequent Press conference was thus unexpected, uncalled for and regrettable, he maintained.

The Nawabzada claimed that there was no difference of opinion amongst the nine PNA

stars. It was pointed out to him that contrary to his arguments of today, Mr. Asghar Khan, speaking for the PNA Council yesterday, had argued that there were fundamental differences between the points of view of the Government and the PNA and that the proposed Implementation Council under the accord was no more than an advisory body. The Nawabzada replied that he was presenting only the PNA Council's views. He added: Let it be clearly understood that the Implementation Council has nothing to do with anything except the issues settled under the accord for ensuring free and fair elections.

Nawabzada Nasrullah avoided a direct reply to a question whether some of the PNA Council members had found unacceptable the settlement their negotiating team had arrived at with the Government. He said there were always various views and also that it was not for the first time that the

PNA Council had argued over a matter before arriving at a consensus. In reply to another question, he said the nine top PNA leaders had the full authority to arrive at any agreement. They did not need anyone else's approval, he clarified.

He also evaded two other questions—how long the PNA would wait for the Government's reaction, and whether the nine new points included a demand for the release of political prisoners held before announcement of the last general elections.

APP adds: Nawabzada Nasrullah said the PNA wanted to reach a settlement expeditiously so that the national crisis was resolved in the interest of the people and the country.

He said it was wrong to say that the July 2 session of the Main Committee had produced an agreement on all points leaving nothing unsettled. He said the Government had made certain suggestions and it was made clear that these

would be put before the PNA Central Council and their reaction conveyed to the Government.

The PNA leader criticised attempts at creating the "wrong impression" that the PNA Central Council was beset by sharp differences, on the pretext of the Council's refusal to agree to what had been accepted by the negotiating team. He said the PNA leaders were united and determined as before to ensure the successful conclusion of the "national movement".

In reply to a question, Nawabzada said the Council would decide future line of action if no reply were received from the Government.

He claimed that the negotiating team had refrained from saying anything which might vitiate the atmosphere. But, he alleged, the others had been acting otherwise.

He alleged victimisation of PNA workers, large-scale transfers and "indiscriminate" distribution of arms to PPP inc.

ACCUSATION.

At the height of the agitation, the Chief Minister of Punjab removed a ban on arms licenses and issued a directive that every MNA and MPA could, recommend the grant of an arms license.

Reply-48. When the flames of violence were spreading and the whole country was in the grip of insecurity and tension, MNAs and MPAs felt the need for protection of their persons and their families and properties. Not only MNAs and MPAs but many other citizens took steps to protect themselves. MNAs and MPAs are mentioned here to distort the picture. Being the representatives of the people, MNAs and MPAs were more accessible to the general public for requests relating to licenses for their protection. A more detailed reply to these allegations which are contained in para 21 has already been given.

ACCUSATION.

a) The Prime Minister constituted a Committee (b) Issued a directive to MNAs and MPAs to obtain lists of persons against whom action should be taken. (c) No further verification, other than that of an MNA or an MPA, was needed for issuing arms license.

Reply-49. There is nothing that requires comment on subparagraph (a) It is denied that any directive was given to obtain lists from MNAs and MPAs of persons against whom action should be taken. Only goondas and criminals were ordered to be arrested in the interest of law and order. The contents of sub-paragraph (b) are denied. I clearly remember noting on a file that the district Magistrate and or the Superintendent of Police should verify the application of every license.

ACCUSATION.

In addition, arms licenses were issued at random by the Prime Minister and the Chief Ministers. The Prime Minister issued direct orders for prohibited bore license.

Reply-50 This is another illustration of indulging in a melodrama. The Respondent is very fond of charts. Why does he not bring out charts on the issue of arms licenses of every Government since 1947? A comparative study will show the real position. My Government did not adopt any new policy on arms licenses. It is in the nature of things, that as time passes, more and more individuals are in a position to own a weapon for self-protection. I did not issue any license at random, although, as Prime Minister it was well within my authority to do so. I always endorsed the recommendations of the Interior Ministry on Prohibited bore weapons. Naturally during the agitation there was greater pressure for licenses but I did not succumb to any unreasonable pressure. Since the Chief Ministers have been mentioned in this connection, it might be only fair to get their comments. However, since there was nothing wrong or undesirable about my Government Policy on this issue, I do not think that the Chief Ministers misused their authority in the issue of licenses, I have already stated that I only endorsed the recommendations of the Interior Ministry on the issue of prohibited bore weapons although it was well within my competence to issue these licenses without any recommendation or verification by the Interior Ministry or any other department.

ACCUSATION.

Throughout the spring the PPP tried to intensify the forces leading to strike, disorder and violence in the land.

Reply-51. The false theme in this paragraph has been repeated again and again to build a case for the imposition of Martial Law. It has been adequately answered by me in this rejoinder. It is a futile and unproductive endeavor. It cannot stand the test of an objective analysis of the events of the relevant period. It is an exercise in semantics and no more. I vehemently deny this intellectually dishonest appreciation. By waltzing with words, the political and Constitutional axioms cannot be suppressed. My Government had nothing to gain by intensifying strike, disorder and violence. Quite to the contrary, my Government had an imperative stake in restoring law and order and normalcy in the land. This paragraph is a poor apology for the justification of Martial Law. Its contents are vehemently repudiated by me, and more than by me, by the logic of democratic necessity in marked contrast to the despotic and rejected doctrine of necessity.

ACCUSATION.

Mr. Bhutto imperiled Pakistan's foreign policy by saying "No comment" to the reports that Iranian troops had moved to the Baluchistan borders and Indian troops to the borders of Sindh and Azad Kashmir although the Foreign Ministers of both the countries had denied the reports.

Reply-52. The Respondent is the one who is again and again imperiling the country's foreign policy by unnecessarily dragging into this written statement Pakistan's relation with Foreign Countries. He should see the danger in implicating the country's relations with foreign states with the narrow and mundane object of maligning me and my Government. My experience in foreign affairs and my spirit of patriotism compel me once again to restrict my comments to the barest minimum. I do not want to be associated with the Respondent in jeopardizing Pakistan's relations with Foreign States solely to the purpose of making a point. Suffice it to say that it was the Respondent, in his capacity of Chief of the Army Staff, who provided me with the information contained in this paragraph. He gave this information to me with details and expressed his grave concern over the developments mentioned by him. Otherwise how else would I know of the deployment of forces, the place of deployment and the strength with which the forces were deployed? When I questioned him at greater length, he did say that he was informed that the deployments were for the purpose of winter spring exercises of the forces of those countries yet he expressed his skepticism, of this explanation. Since the highest interest of the State restrain me from making an elaborate answer I will offer no further comments on this paragraph. For exactly the same reason I said 'No Comment' when I was approached by reporters to comment on this information.

ACCUSATION.

In his endeavors to retain political power, Mr. Bhutto was indifferent to every consideration relating to national interest.

Reply-53. I have dealt with this sweeping allegation in paragraph-52 and for the same reason offer 'no comment' except to emphatically deny its reprehensible contents.

ACCUSATION.

A bitter political rivalry existed between Mr. Bhutto and Mr. Khar but a rapprochement was effected and Mr. Khar was appointed special Advisor to the Prime Minister. This was to capitalize on Mr. Khar's past reputation for relying on the naked use of force to attain his ends.

Reply-54. Since my first meeting with Ghulam Mustafa Khar up to the time of this reply, I can say with all the emphasis at my command that Mr. Khar has not been my 'bitter political rival'. Admittedly he has had differences with some PPP leaders in the past but that has been at the level of Provincial Politics. As far as I am concerned, he has remained my political lieutenant and disciple. The question of being my rival has never

arisen, the bye-elections of October, 1975 not with standing. It was my executive prerogative to appoint him as my Special Assistant like it was my prerogative to appoint him as Governor. There was no ulterior, motive in any of these appointments. He never really broke away from me for there to be a rapprochement. The Respondent knows this to be the true position. If Mr. Khar was such a barbarian, the Muslim League should not have welcomed him with open arms and made him the League's Senior Vice President the moment he ostensibly broke away with me in October, 1975. There could not be any heightening of tension by his appointment in the Federal Government. Law and Order fell within the provincial sphere of responsibility. If I had appointed Mr. Khar or any one else in a key position in the Provincial Government at the time of the agitation, a feeble attempt at drawing such fanciful conclusion might have been worth the attempt.

Reply-55. This is both false and preposterous. It is so baseless that it would be better to save everyone's time by ignoring it with contempt it merits.

ACCUSATION.

Mr. Khar and Mr. Mumtaz Ali Bhutto purchased large quantities of arms from Peshawar. Malik Jahangir was asked by Mr. Bhutto to prepare a lashkar of 20,000 tribesmen to kill PNA supporters.

Reply-56. Neither Mr. Khar nor Mr. Mumtaz Ali Bhutto purchased large quantity or any quantity of arms or Stenguns from Peshawar or anywhere else under the orders of my Government or on their own. This is another lie full of sensation. I did not ask Malik Jehangir Khan, a former M.N.A. from the tribal territories to prepare or organize a Lashker of twenty thousand tribesmen or a Lashkar of any number to kill and loot PNA supporters. Jehangir Khan is a notorious and an unscrupulous person who has no following to prepare or organize any Lashkar. He had become so unpopular and disliked by the people of his Agency that he could hardly visit his Agency. He was a corrupt and dishonest individual who believed in living on permits and smuggling. To ask such a man to prepare or organize a Lashkar is like asking the Melody Queen Nur Jehan to drop atomic bomb on Amritsar. The former Governor of N.W.F.P. Nasirullah Baber virtually blacklisted him for his misdeeds. I categorically deny having had any such talk with this non-entity either alone or in the presence of Nasarullah Baber. Jehangir Khan has told this fairy talk only to ingratiate himself with the Respondent. An Affidavit from Major General (Rtd.) Nasirullah Baber is filed as Annexure 'M'.

ANNEXURE – M

IN THE SUPREME COURT OF RAWALPINDI
IN RE: CONSTITUTIONAL PETITION NO.1-R OF 1977

Begum Nusrat Bhutto	Petitioner
Versus	
The Chief of Army Starr, etc.	Respondent

AFFIDAVIT

I, Major-General (Retired) Nasirullah Baber, former Governor of N.W.F.P. do hereby solemnly swear and state as follows:

1. That I was appointed governor of North West Frontier Province in March, 1976 and continued to hold that office until the 5th of July, 1977.

2. That I had read the statement made by a former M.N.A. of tribal area Malik Jehangir Khan, published in the Newspapers of 30th September, 1977. I had immediately repudiated the allegations made by Malik Jehangir Khan against the Prime Minister Mr. Zulfikar Ali Bhutto, in a press statement. Malik Jehangir Khan in his statement had stated that 'the Prime Minister, in my presence, on the night between 14th and 15th March, 1977, had asked him to prepare a Lashkar of 20,000 tribesmen to kill and loot the PNA supporters in cities and towns.' This is a white, lie. As far as I can remember the Prime Minister did not visit Peshawar at that time nor did Malik Jehangir on any other occasion see the Prime Minister in my presence nor did the alleged talk take place. Malik Jehangir Khan had been trying to seek interview with me for quite some time but I did not oblige him. This could be verified from the Government House record.

3. That Malik Jehangir Khan is a person who had become a persona non-grata with its own tribesmen for a number of years. The hostility against him in his own tribal area was so much that he was not able to visit the area even on the occasion of the death of his mother. He had been staying in the Miran Shah Government Rest House with his family for a number of years. After I took over as Governor, he applied for the permanent transfer of the Government Rest House to him. I could not agree to such preposterous request and directed him some time in August '76 that he should be asked to vacate the Government Rest House. He was pleading for time from the local officials which was granted from time to time but ultimately probably in January, 1977, he was forced to vacate the Government Rest House. He still owes about Rs.60,000/ as rental and electricity etc. charges to the Government.

4. That Malik Jehangir Khan always had the Government patronage which was the means of his livelihood. During my tenure as Governor I had also directed that he should not be given the permits (for timber etc.) as I had come to know that he had agency for cement, for North Waziristan but he was selling the same in black-market in settled areas and had not sent any cement to the area for which it was meant. In my Press, statement I had challenged Malik Jehangir Khan that if he could collect even a hundred people, I would give him Rs.100,000/- by way of reward.

5. That having been associated with the tribal areas of N.W.F.P. for a very long time I knew of the unpopularity of this disgruntled tribal 'leader' because of this he did not even contest the March,1977 election from the tribal area. The allegation that the Prime Minister had asked him to prepare such a Lashkar is wholly malicious and false.

6. That on the contrary during the P.N.A. agitation a Special drench report of the N.W.F.P. Police had been sent to the Prime Minister by I.G. Police, N.W.F.P. stating that agitation in favour of PNN was gaining momentum in some of these areas and that a Lashkar was being organized, by the PNN leaders for the purpose of murder, loot and arson. The Prime Minister felt perturbed about this report and had asked me to look into this matter immediately. I had submitted my report and this could be verified from the official records.

7. That at the time of election it came to my knowledge that in four or five Constituencies attempts would be made to rig the polls and I immediately conveyed this matter to the Prime Minister. The Prime Minister felt very indignant and annoyed and called the Chief Minister Mr. Nasrullah Khan Khattak in my presence and gave him a stern warning telling him that he had given a solemn promise to the people to hold fair election and that he was running from pillar to post canvassing for his party, that any sort of rigging would cause irreparable damage to the democratic process and harm Pakistan's image abroad, apart from damaging his own reputation.

8. Again on the night of 7th March it was brought to my notice that the Chief Minister of N.W.F.P. had lost election to the National Assembly but the results were being delayed and an effort might be made to temper with the result of the election. I immediately contacted Secretary to the Prime Minister and the Prime Minister's message came that the result must be immediately announced even if the Chief Minister had lost, and it was one accordingly. Throughout this period the Prime Minister impressed upon every one in my presence the importance of holding fair and impartial elections.

(NASIRULLAH BABAR)
DEPONENT

Solemnly sworn before me on this the 15th day of October, 1977 at Lahore.

ACCUSATION.

The negotiations between the PNA and the PPP, prolonged by Mr. Bhutto for mala fide purposes, had reached an impasse. The specter of civil war loomed. The necessity for the Army to act had become imperative.

Reply-57. I did not enter into negotiations with the Opposition with malafide purpose. Neither was there any impasse in the negotiations. On the contrary the crisis was all but resolved and the Nation's owes were behind it on the 4th of July, 1977. The specter of civil war did not loom ahead. We had overcome the crisis. The situation was fast returning to normal when the respondent put the heavy-heel of Martial Law on the face of Pakistan. The Opposition would not have continued or virtually concluded. the agreement with me if I had entered into negotiation with mala fide purpose. The Respondent himself is on record having stated in an interview to Newsweek (Pakistan Times dated 14th July, 1977 Annexure 'D') that:-

“He did sincerely attempt to reach an agreement with the Opposition. In fact, What Mr. Bhutto agreed to was probably the maximum that any politician could agree to. But there was so much mistrust.”

My approach was bonfide; that is why, despite the obstacles placed by The Respondent, we had come to a settlement in the supreme national Interests. Only the loose ends had to be tied up, and that was going to take place on the 5th of July, 1977. The term civil war has been used again by the Respondent for mala fide purposes. Either the Respondent does not know the meaning of the term or he is deliberately using it irresponsibly and without cause and justification to find a rational for his usurpation of power. Two factors give rise to civil war properly called civil-war and in both, the Armed Forces have to get divided on one side or the other as participants and collaborators. One is a religious civil war and the other, emanating from class conflict. In both cases, the Armed Forces get split to support one side or the other. A religious civil war could have taken place in undivided India between the Hindus and the Muslims with the Indian Armed Forces (of undivided-India) splitting into two, with the Hindu Soldier supporting the Hindu population and the Muslim Soldiers supporting the Muslim Population. It was this fear which made the British finally and substantially agrees to Pakistan. However, even the alien rulers chose a democratic solution to prevent a real Civil war, instead of imposing Martial Law. The threat of a religious civil war does not exist in Pakistan as more than ninety per cent of the people of this Islamic Republic are Muslims. As far a civil war based on class conflict, Pakistan is still far away from that objective evolution. And even if the country reaches that objective evolution (which need riot come if the masses are given their rights), the civil war in its true sense cannot take place until and unless the Armed Forces get split into two camps-one supporting the vested interests and the other fighting shoulder to shoulder with the exploited classes against the exploiters and their supporters. Such a situation did not and does not exist in Pakistan. The term civil war therefore is being exploited by the Respondent as a ruse.

ACCUSATION.

No possibility of a fair and free election being held existed so long as power remained in the hands of Mr. Bhutto.

Reply-58. Fair and free elections could have been held under my Government. Moreover the PPP-PNA accord had devised certain provisions of joint responsibility to inspire confidence of fair and free elections. If the draft of the final accord is seen by this Hon'ble Court, it will be clear that provisions existed in the accord for free and fair elections which were to the satisfaction of both the PPP Government and the PNA. Hence, there was no justification for the Respondent to step into the breach so to speak. In the first place there was no breach and in the second place, even if a breach had existed, it was for the political elements to devise means of filling it and not the Respondent. It was none of his business. His business was to carry out the orders of the Government, and to fulfill his duties as Chief of Staff of the Army. It is not the duty of the Chief of Staff of the Army to devour the country. It is an allusion to think that Martial Law can fill a political breach. At the end of the day, when the sunsets, it is discovered that Martial Law only widens the breach and creates new breaches not bridges, in addition to the-existing ones.

ACCUSATION.

Martial Law was greeted by sigh of relief in the country. The economy is returning to normal. Foreign Policy is being conducted in the national interest and not for the projection of Mr. Bhutto.

Reply-59. Whether Martial Law created a sigh of relief throughout the country or it created despondency will be judged in the days ahead. Little or no purpose is served by entering into a controversy on this subjective evaluation of the coterie of the beneficiaries of Martial Law. If the Respondent comes outside from his sheltered fortress and roams in the *bazars* and the *gullies* of our cities and villages, he might come to a different conclusion. In 1958, the Martial Law of Ayub Khan was received 'with jubilation', 'with a sigh of relief'. What was the ultimate outcome? Those who think only of today and think that a tomorrow will not come, make such naive statements. It took two months for Yahya Khan's Martial Law to get discredited. It took two weeks for the Respondent's third Martial Law to get discredited and it took two days for the 3½ Martial Law of the Respondent to get discredited when he imposed it on the 1st of October, 1977. The national economy is now shambles due to the anachronistic decisions of the Responder. If he continues to take reactionary decisions, he would be responsible for an economic catastrophe. By de-nationalizing processing units he has done tremendous damage to the economy. The prices of paddy and the prices of cotton have fallen sharply. This will effect production and self-sufficiency. It will give not the slightest relief to the city dwellers because the shortages arising out of the fall of price of agricultural commodities will lead to a hoarding, smuggling across the borders and to black marketing. The net result is that prices will rise. Exports will also get affected. Unemployment and retrenchment is on the increase. The economic conditions have deteriorated so rapidly

that ever the supine PNA have passed resolutions on the grievances of the people, on the hardships caused to them. Otherwise also prices are rising. Economic development has come to a standstill. The uncertain conditions resulting from the 'Yes-No' Policies of the Respondent are a disincentive to investment. The private sector is being tampered again but Mount Everest will not be conquered. The only thing now left is for the Respondent to join the Commonwealth. It would be more logical for him to do it because by kicking the Constitution of 1973, Juridicially speaking, he has taken Pakistan back to or rather beyond the Indian Independence Act of 1947. In contrast, I had great plans to consolidate the gains of my reforms during the next five years. If I had not been the victim of a deep conspiracy, in the next five years, I would have brought about solid results in the economy. This I would have done not by going backward but by taking a great leap forward. Within 18 months I would have raised the minimum wages and salaries to Rs.500/- and fulfilled the promise I made to the poor masses of Pakistan in 1970. But the Respondent has brought all those plans and objectives to a naught. I do not want to make any further comments on foreign policy. The observations made in this paragraph have been already covered by me.

ACCUSATION.

The Chief of Army Staff has declared that he will hold elections as soon as the process of accountability in relationship to the top leadership of the PPP is brought to a close.

Reply-60. No wonder it has been said that 'the road to hell is paved with good intentions'. In the last three months, the Respondent has made so many categorical but conflicting statements on elections that I would like to spare him from embarrassment by quoting his statements on elections. If we begin from 5th of July and come down the line to the 12th of October when he met the P.N.A. leaders, one might have to re-write the Arabian Nights. What is still in store for Pakistan by way of Respondent's commitments on elections might put every bed time novel in the shade. Accountability can only be taken by an accountable Government. The whole nation cannot be ordered to mark time on this flimsy pretext. The Respondent has not only demanded an expeditious disposal of all pending cases but he has also pronounced the sentences. The Respondent has given his verdict. There is however, a superior verdict which awaits not only the leadership of the PPP but all mortals. One of the main themes, repeated again and again in the Holy Quran is on justice. What is Justice Mr. Respondent? I suppose according to the Respondent's concept it lies in the interview given to the Keyhan International, Tehran.

(Reproduced Below)

Muawat 28 September, 1977

General Zia: Why I was forced to take control

KAYHAN INTERNATIONAL, September 18, 1977.

GENERAL Mohammad Zia ul-Haqq of Pakistan gave an interview to Kayhan editor Amir Taheri during his visit to Tehran to confer with His Imperial Majesty the Shahanshah, last Wednesday:

TAHERI — What were the reasons behind your decision to stage the coup on July 5?

General Mohammad Zia ul-Haqq: The basic reason for my move was the necessity of saving Pakistan from the civil war I saw was coming. I wanted to preserve the integrity of the country and prevent fratricide. I had become convinced that unless the army acted the very existence of the republic would be threatened. I also thought that we had reached a point at which only the army could restore to the country a measure of political stability that the political parties had failed to achieve. The two main parties, the PPP and the PNA had been turned into two hostile camps; their leaders no longer trusted each other and were manifestly incapable of putting an end to the post-election crisis.

I made my move reluctantly because I am a chap who firmly believes that the Pakistan army should not interfere in politics unless the existence of the Islamic Republic is genuinely threatened. For three months I had watched the situation deteriorate. I was under strong moral pressure to act. No army in the world has ever been under such pressure as a

result of internal problems. On the other hand we had the people seeking to generate its movement. On the other hand we had a government that was determined to hang on at all costs. We obeyed the government and our troops even had to fire on the people, killing their own brothers. The army was becoming very unpopular. I could not stand by and see the country rushing towards utter perdition. I broke the rule of non-intervention in politics when I was convinced that that was the only choice.

What are your intentions now?

My intention is to hold the elections on October 18. We are progressing very well towards that goal. So far everything has been moving ahead right on schedule. The date of the election shall not be altered. It now depends on the people to elect whoever they like. ~~Do you think that the crisis which you say prompted you to intervene resulted from the very nature of your political system or was caused by mismanagement?~~

I would say it was more mismanagement. Systems by themselves are neither good nor bad. They are means, no ends. All depends on the way a system is run. The best system, if run by men who are less than good, would turn out more than bad. What is most important is to have good and honest men running the country. At the same time I am suggesting certain changes in the system. But I must make it clear that I do not mean to operate the system I am suggesting. Someone

else would have to do that. I mean to go back to my army functions after the election and serve the rest of my tenure as Chief of the Army Staff provided the government will come into being will allow me to keep my army job. I don't think the crisis was caused by the system. Bad intentions were responsible.

Pakistan has been experimenting with a variety of systems: Westminster-style democracy, military dictatorship and even parliamentary autocracy. None of these have responded to the basic need of the republic which is striking a balance between the country's almost natural anarchistic tendencies and the need for unity. Would the existing system meet that need?

Your observation is basically correct. We are an unruly people; that is a fact. But it is also a fact that we need unity discipline to progress. At the same time, however, I must say that none of the systems you mentioned was ever allowed to function properly.

Let us see what happened from 1947 onwards. Qa'ed Aazam Mohammad Ali Jinnah did not have enough time. God recalled him from among us before he had given the country of his creation a definite shape. Then we had Qa'ed Mellat Liaquat Ali Khan. But then he was assassinated. Thereafter we had a series of dictators with no political acumen. They wasted the nation's time. They hung on to power as best they could until Field Marshall Ayub took over in 1958. Ayub stayed on until 1969.

Well, 10 years was long enough time to see any experiment to a

successful conclusion. But what did Ayub do? He did everything to his own military style. He experimented with his "basic democracy" which, in fact, meant his personal rule with a pseudo-democratic sugar-coating. He had no intention of leading the nation towards full democracy. In my opinion, his aim was to maintain himself in power as long as he could. Of course this judgment is based on my observations from a distance since I was never associated with Ayub. I think his tenure was economically productive.

Those 10 years, I must say in all fairness, have been the best in Pakistan's history so far — from an economic point of view. As long as Ayub was honest, people had faith in his rule and he could smoothly operate the system he had invented. That system functioned. In 1969, however, it became evident that Ayub was developing other intentions. People began to lose faith in him and the politicians found a chance to play their own game. So the system fell apart.

A cyclic study of the Pakistani history... What guarantee could one have that the same pattern would not continue ad-infinitum?

All you need is an honest and god-fearing leadership. You need selfless politicians who constantly have the interests of the nation and the mood of the people in mind. You need devoted and dedicated men who never forget that their power is rooted in the support of the people. You need men of integrity and honour....

That is a tall order. You are describing saints not politicians. Well, at least, I don't know of many politicians who would fit those descriptions...

You have a point. But not all politicians are entirely dishonest all the time. They could at least be honest and sincere in their own field and abide by the rules they themselves set for their game. Politics is not all immorality....

No, not all...

I think that some politicians can be moral at times. I am not a politician but I think that honesty and morality pays better in politics in the long run. In any case, no system you can imagine would

work in Pakistan unless it were operated by honest and moral men.

Will the army, at least as long as you command it, intervene if it realised that the politicians who take over do not fit those descriptions?

This is what I am trying to suggest. My intervention was not without precedent. The army intervened in politics in 1953, 1958 and 1969. I made no innovation. As I told you earlier I am a chap who was sincerely trying to establish that the army should not indulge in politics. I tried my best to break the tradition of army intervention in politics. I did not succeed. Even a chap like me was forced to intervene. Every country has its own peculiarities; the nature of the people, the environment in which they live, their history, the breed of politicians they have, the conditions surrounding them, even the weather and the smell in the air are different. In Tehran you feel different from Islamabad although Iran and Pakistan are brothers and the closest of friends. We must find out how best we can cope with our peculiarities. Pakistanis, being devout Muslims, believe in one God, one Prophet, one Holy Book and one country. So they must have one leader. Please note that this is my personal opinion.

That "one leader" could be the President of Pakistan or the Prime Minister, provided all people vote for him. He should constantly feel accountable to the people. Such a leader would enjoy the confidence of the whole people. Look at Mr Bhutto, how he emerged in 1970 as the most accepted political leader in Pakistan. And look at him now and see how he has gone down in 1977. It is not because Mr Bhutto has changed. It is the same Mr. Bhutto and the same Pakistan. But the people were no longer prepared to accept him. Why? Because he began having wrong ideas about himself, his country and his people.

What would happen if the next chap — provided Bhutto doesn't turn out to be the next chap — also started having what you describe as "wrong ideas"?

Our country needs strong and honest leadership. In Pakistan you cannot be a strong leader for long

without being honest. I have proposed a presidential system with proper checks and balances. But some of my brothers among politicians do not seem to agree with me on this point. I am not the one to thrust that upon them. If they do not agree, what can I do? I cannot shed tears. They can have the parliamentary system as long as their parliament is allowed to function and not as an assembly of servile yes-men.

Ayub filled his so-called parliament with appointees. Mr. Bhutto had the representatives of the people in parliament but never listened to them. He had 200 parliamentary stooges to follow him. That was Mr Bhutto multiplied by 200. The President we have under the present constitution is ineffective. His functions are largely ceremonial although he is the head of state. The Prime Minister, on the other hand, has so much power that I don't think any other ruler in the world has more. He is more than a dictator. I am suggesting changes in this set-up.

You want these changes before or after the election?

After the election. I cannot change the constitution. I am simply airing my ideas. If there is a prime Minister with so much power there must be a check on him.

My experience of Pakistani political life is that people almost always vote against something or somebody and not for something or somebody. Bhutto won his landslide on a wave of protest against military rule. Now his rivals might win on another wave of protest. Wouldn't it be possible to achieve a lasting consensus on a minimum programme under a strong leadership?

Even then there would be no guarantee that such a set up would not be overthrown after a few years. We must have a strong central government. But do not forget that Pakistanis, as Muslims, are very individualistic. You cannot keep them in line with the best of programmes. In the end they have faith in their leaders or they will rise again. It is much better for Pakistan to have a leadership of average intelligence but more patriotism, than have dashing intellectuals with a lot of intelligence and much less patriot-

ism and loyalty. Such intellectuals are bound to develop inordinate ambition. They would look around them and see the mass of peasantry and feel like gods. This is what happened to us in the past seven years.

I am sorry I have to ask this question. But I have seen so many generals, including some in Pakistan who made coups and said they merely wanted to set things right and then return to the barracks. All of them, however, hung on until they were pushed out — not only of politics but also from the barracks. I have no reason to believe you would be different. Could you make what the Americans call a Sherman declaration?

I think I have already made my Sherman declaration and I am ready to make it ten times over. You cannot make me President and I shall never accept any political office. The Sunday Times has claimed that I was not such a simple soldier and that I was paving the way to become President of Pakistan....

Are you not?

No. I am not. I assure you that I am not putting on a show. If I want political power, what is there to stop me? The army is behind me and I have the power to do what I like. What is the Constitution? It is a booklet with ten or 12 pages. I can tear them from tomorrow we shall live under a different system. Is there anybody to stop me?

Not for the time being. You might get away with it, for some months — or years, if you are specially lucky.

Exactly. Today, the people will follow wherever I lead. All the politicians, including the once mighty Mr. Bhutto, will follow me with their tails wagging behind them, as long as I want them. But is that good for the country? No. I have no political ambitions personally. I am not interested in political office and shall never accept one.

Well, General, you might well turn out to be the exception to the rule. But would you just hand over the country to any Tom, Dick and Harry who might win on a passing protest vote?

No, sir. Election is a means,

not an end. I am concerned with the end, not with the means. I am interested to see whether October can produce a force that could offer the country some form of a stable government that would have a national, and not merely a provincial, nature. We do not mean to manipulate the elections to achieve that result. But in our capacity as the interim government, we can, to a certain extent, make sure that what emerges in October would approximate our desire for a strong central government. Both the political parties are going to fight the election in an atmosphere of tranquility and fairness. Neither will be under any compulsion. Neither can have recourse to social and political bribery. I am holding the fort so that they can operate to the best of their abilities and generate support for their programme.

This is a golden opportunity for them. They can pick the candidates they like and seek popular support. It is my conviction that whosoever emerges out of the election shall have a much better mandate and will muster enough members to help him last for some time. If they are just a little bit honest, and the army is there to make sure that they are, they will last for some time.

Why should everytime the army come out and make a coup? I don't mean the army should have a role like that in Turkey. We don't want that; they have different traditions and environment. What I am proposing is that the armed forces should, under a critical condition, like the one we had between March and July, be able to intervene, not to seize power but at the behest of the President who is the constitutional head and who should have that much constitutional power to intervene if he sees the Prime Minister is no longer acting in accordance with the wishes of the people.

In such a situation the President would dissolve parliament and call fresh elections under the supervision of the army and the judiciary, just as it is being done now. This much role only, I can envisage for the army. The army would be called in by the President only when he feels that the system wouldn't function without

it.

The army would be an under-study to be called in whenever the prima donna catches cold.... But even now you are making definite political decisions such as denationalising certain industries. Isn't that more than merely supervising the election?

We are an interim government. We have to take certain measures to prevent economic disaster. But we do not wish to tie the hands of the next government. You can play some politics some of the time; but you cannot play all politics all the time. A government is responsible for a lot of things: law and order, defence, education, improving the lot of the common man and the political environment. The government can play politics in some domains.

Consider what happens when you have a situation in which everything is run or run down — for political motives only: education, railways, roads, bureaucracy, banks, the whole junk. That would mean ruining a country in the interests of the hierarchy of a single party. This is what happened in Pakistan. Consider, for example, the case of the rice-husking mills that I denationalised and returned to their original owners. If you want to nationalise something you must have some sound economic reason. Our economy depends on rice and wheat. Now if you want to nationalise only in order to fill the pockets of a few of your hatchmen, that would hardly go for a sound economic reason.

There was nothing wrong with the rice-husking mills. In fact they were nationalised because they made money and that money could go into the pockets of a few cronies. I couldn't accept that 200 mills should be run-down so that 20 PPP favourites could make 10 million rupees in a year. That had been a political nationalisation and I had every reason to undo it.

Has there been any impartial enquiry proving such misdeeds, or do you base your judgment on rumours?

No. It is all on record. You shall know the details on the 28th October when I shall present a White Paper — or shall I say a Black Book? to the National Assembly on what we found on

the 5th of July when we toppled the government. Everyone shall then know the full squalid truth. I

shall make sure you get a copy. When did you discover such misdeeds?

Mostly after the 5th of July. Up to then I had been minding my own business as a soldier. I had, of course, heard allegations. But I wished to think the government was acting in the interests of the economy. What I am trying to do now is to put our economy back on its feet in the short time the interim government is in power. I wish to make our industry flourish again by promoting and protecting enterprise and undoing the politically motivated moves made by the previous government.

Putting the Pakistani economy back on its feet and making the industry flourish before October 18 shouldn't be that easy, considering the time factor?

You have a point. But I am trying to do the basic minimum so that the elected government would have something to build upon.

So much for your economic moves. What about your political moves such as ordering "Islamic" punishment and paving the way for what the PNA calls "Nezam-e-Mostafa" (the Prophet's system)?

These are not political measures. I do not need to have the stamp of approval from the PNA, or anybody else, to be a Muslim. I am a Muslim and cannot but act as one, in strict adherence to the teachings of the Prophet. The laws of Islam are all in the Holy Book and are above any laws that any group of mortals could make. I am trying to erect a foundation upon which the next government would continue to build up the country on the basis of the principles that brought Pakistan into being as a distinct nation-state.

Pakistan came into being as the concrete realisation of an ideal. Ours is a unique country since it owes its very creation to religion. Some people might cite Israel as another example. But that was quite different. The Israelis invaded Palestine from the outside and are usurpers. A subcontinent had to be divided so that

Pakistan could come into being.

The basis of Pakistan is Islam and nothing else. The colour of my skin is no darker or lighter than that of any Hindu from East Punjab where all my ancestors lived and I was born. I left my ancestral home in what is now part of India and moved to Pakistan because I believed in the idea of the Islamic nation. I could have stayed in India. But I did not because I was a Muslim. We left everything we had in East Punjab and arrived in Pakistan destitute but rich with hope and faith.

My family had established itself in East Punjab as early as 1262, seven generations of my family were born and brought up there. When the breakup came we were not rich; ours was an ordinary family. Nevertheless, we sacrificed all we had and moved to Pakistan. With such a background how would you expect me to forget, after a mere 30 years, what the basis of the Islamic Republic was. The basis is Islam and shall remain so.

This might be jumping to conclusions. But you give the impression that the PNA's victory next month is a foregone conclusion...

Not necessarily. Even if the PPP wins, the basis of the country cannot be changed. Even if Mr. Bhutto is re-elected I shall still present the "black book" to the National Assembly. You know I called in Mr. Bhutto a few days ago and told him what I thought about him. I told him point blank that I was going to unfold his sordid record for the whole world to see. I told him: Sir, I had respected you for many years. You used to be the one Pakistani leader for whom I had the highest regard. But I have become terribly disappointed in you. I told him You who had been in the forefront of our national life for 18 years, becoming minister, chief martial law administrator, President, Prime Minister... what else did you want? You were highly educated, rich, powerful, popular and assured of an honourable place in history. Why did you debase yourself? You were even promoting yourself as Qa'ed Awam, in the style of Jinnah and Liaquat Ali. You were chairman of the Islamic Summit and even promoting yourself as the Grand Wise Man of Asia and the leader

of the Third World.

I told him: Sir, you have turned out to be a murderer, an embezzler. You pocketed the country's money, part of which was given by Muslim nations to help Pakistan out of its economic troubles.

Do you really believe that Bhutto was really involved in such things or are we in the rumour-infested world of the Oriental bazaar?

It is not a question of believing or not believing. I know it all. And what I know pains me. I have seen irrefutable proofs. The whole sorry affair makes me sick because I used to like Mr. Bhutto.

You are the only Pakistani general who ever liked Bhutto. But shouldn't we await the verdict of the jury before passing judgment?

We certainly should. This is why I have allowed the whole matter to go through civilian courts. Otherwise I could have handed Mr. Bhutto to one of our military courts that would decide his fate in 12 hours and that would be the end of that.

As things are now Bhutto would be able to contest the election...

Why not? He would, if he does not get convicted before October 18. He might land in gaol for three years on the murder charge. And there are other charges against him, also. What is repulsive is that Mr. Bhutto stooped so low as to arrange the murder of a nobody — a certain Kassuri, who escaped assassination while his father died by his side. Had Mr. Bhutto arranged for the murder of someone like Mr. Bhutto I might have understood the forces that compelled him to such a deed. But to try to kill someone who would in no way be a serious adversary smacks of cold-blooded brutality.

I have little doubt which party you would like to see emerging as the victor in October. But could you be more specific about your preferences?

My preferences do not matter much. The people have the choice and must weigh the pros and cons of voting for either side carefully before casting their ballots. What is the choice? On the one side you have an experienced, highly educated, an extremely smart intellectual — a political prince with a gift

for oratory and natural talents of persuasion and manipulation. You have a man who has seen the world and has rubbed shoulders with the great ones of our times; a man who would not look an oddity in the company of the world's elite. Here is a man with an infectious charm, just the right hint of radicalism to attract the advocates of change without frightening the conservatives. An astute politician who is a pastmaster of the craft — in short, a veritable star capable of performing on the most illustrious stages.

But the same man, behind his fascinating mask, is an individual totally devoid of principles. He believes in nothing but himself and is prepared to sacrifice the closest of his kin simply in order to get alone. He is totally unreliable, mercurial and cynical. For him, politics is a game with millions serving as mere pawns. Under his kid-gloves are hidden a pair of soft and smooth hands, strained with the blood of the innocent. To reach the dizzy heights of his megalomania, he would not hesitate to turn the corpses of his dearest friends into a ladder, discarding it without ceremony the moment he has reached the top.

That is one of the choices. On the other hand you have a number of inexperienced politicians, still uncertain about the path they mean to take but not yet wise enough to consider accountability to the people as merely a rhetorical

cal aside. They have never been in office and we do not know whether or not they can run things efficiently. They would look rather odd in the company of the elite who rule this world. For they are basically provincial with simple tastes and little or no education in worldly affairs. Each of them has notions and ideas of his own. And you do not yet know whether as parts they could achieve a coherent whole.

As you can see, there are advantages and disadvantages on both sides. There are risks to take whichever choice is made. It is up to the people to decide since their collective wisdom would far outweigh whatever judgment you and I might make.

The way you put it I am glad I won't be voting on October 18....

But this is what we have at the moment. One cannot escape the realities. What is important is that we have a highly conscious people. It is the good sense and patriotism of the Pakistani people that gives me every hope for the future of the country.

Supposing the PNA wins the election, don't you think they should become less parochial and adopt policies that are more in tune with Pakistan's needs and the realities of the contemporary world?

I have had long discussions with them about that. I have talked to all the leaders. I have told them that they cannot fill the people's empty stomachs with the

Holy Book. The Quran should be in every Muslim's heart. But the Muslim stomach needs food. I have tried to impress upon them that generating a movement while in opposition is one thing while running a country — especially one that is facing grave problems — is quite another. Their lack of administrative experience need not be a long-term handicap. We should not be afraid of a change simply because those who might arrive have never been there before.

The PNA has been portrayed to us as a coalition some of whose members are said not to have friendly sentiments towards Iran....

I don't think that is true. No government in Pakistan could wish for or afford to have, anything but the closest of brotherly relations with Iran. Even if everything changes in Pakistan our friendship with Iran and our affection and respect for His Imperial Majesty the Shahanshah and the great Iranian nation would remain as solid as ever. No Pakistani politician could enjoy popular support if he advocated anything else. You can be sure of that, we not only cherish Iran's support and friendship but we need it, too.

I have discussed this with the PNA leaders and have found them in full agreement with me and among themselves on that score. In the last election campaign they had little opportunity to show their friendship for Iran. But now they are coming out and making the necessary statements.

ACCUSATION.

Martial Law was imposed in order to provide a bridge to enable the country to return to the path of constitutional rule.

Reply-61. Even the meaning of audacity has been lost in this bankrupt thought. The country has been put into the dark ages by Martial Law. A Law -- if you want to call it so -- based on the mood of an individual. On the strength of lashes and on the shoulders of brute force can never be a bridge. A bridge is built on understandings on the basis of cooperation of team and according to an agreed plan. A bridge fosters love and fraternity. It is a bond among people. It is the platform of participation. It is a meeting point of smiling faces on whom there is not the slightest trace of fear. Martial law is the antithesis of a bridge. It breaches the meeting point. It does not permit participation. It imposes a

ban on laughter. It takes you back to the jungle and not to the fertile plains of Constitutional rule.

SUBMITTED.

The doctrine of necessity is fully applicable in the circumstances of the case.

Reply-62. The doctrine of necessity for the imposition of Martial Law is a dangerous doctrine which has been rejected by this Hon'ble Court. This doctrine is the arch villain of democracy and freedom. It is the virus that kills the virtues of civilized existence. It is the other side of the coin of imperialism. It is an affront to the dignity of man, to the concept of equality. It is a form of cannibalism in modern politics. The Respondent's Counsel has stated in this Hon'ble Court that on this pernicious doctrine 'a new order has replaced the old order'. A new order can validly replace an old order if it is an improvement on the old order. It cannot replace the existing Constitutions order if it results in retrogression. A democratic order can replace a feudal order and rightly hold that the old order has given way to a new order. A republic can replace an autocracy and make the same claim. Independence can replace colonialism on the same basis. But for the new order to replace the old order it must be a forward march, a further step towards enlightenment, a more, progressive and humane dispensation. It must be qualitatively superior to the old order. As such, a step in the wrong direction, a measure to replace constitutional law by the law of the jungle can under no circumstances be called 'a new order'. New order does not mean the most recent catastrophe. It means the higher attainment of status by society in the pyramid of progress which has brought us from the base of the pharaohs to the Pinnacle of human rights.

The denial of inalienable rights cannot lead to a new order. A new order is not an event of time but an event of the progress of mankind from an inferior status and system to a superior status and system. If this argument is accepted, another Martial Law, another *Coup d'etat* —coming tomorrow or the day after tomorrow will be the new order replacing the Respondent's order. The Constitution of 1973 provides a permanent order like the Constitution of the United States or Britain. You cannot abolish it with a repair and call it 'the old order'. In that event the new order will depend on who is quicker on the draw, who has the better tank or whose horse is faster than the others.

Hans Kelsen has been done wrong in Dosso's case and in the submissions made in this Hon'ble Court by the Respondent's Council. I have been a student of Hans Kelsen. I was admitted to both Harvard University and the University of California, at Berkeley. I chose Berkeley only because I wanted to study under Kelsen. I happened to be his favorite pupil. I can claim to know something about his 'pure theory of law.' 'Kelsen did not subscribe to the doctrine of necessity.' If Kelsen, the founder of the vienneu School of Jurisprudence had believed in legal despotism he would have served Hitler who was very anxious to use his services. But Kelsen chose to migrate to the democracy of America than to serve the Third Reich of Hitler. At an advanced age he left the honour offered by Hitler, left his motherland and migrated to an alien country on principles. Kelsen was an avowed opponent of despotism but despots have misused his theories and

done him great harm. Kelsen quoted 'the will of the people' again and again to explain his 'Grundnorm'. He quoted Jean Jacques Rousseau and not Hobbes to make his points and to explain his theories. The concept of meta-Constitution stems from spiritual and not terrestrial premises in the theory of Kelsen. That great Professor of Jurisprudence, that giant of law and letters died after Dosso's case. But by a false and misleading application of the voluminous writings of Kelsen the judgment in Dosso's case tried to kill the great theory of Kelsen it goes to the abiding credit of this Hon'ble Court, that in Asma Jilani's case, this Hon'ble Court redeemed the true thoughts of Kelsen. Another effort is being made to slaughter Kelsen by quoting him superficially and out of context in this case. 'The theory of law and State' is not the only treatise of Kelsen but even in this masterpiece there is no justification for the validity of the Doctrine of necessity. Kelsen spoke of Revolutions that shook the world and not of petty *coup d'etat* which put the clock back. Every Government's days are numbered. Neither Cessor nor Napoleon ruled for a millennium. Hitler spoke of the thousand years Reich, but he crumbled in the ashes of the Reich within a decade. The Respondent's illegal usurpation is not going to last until eternity. The Respondent is already crumbling by the weight of his successive mistakes and contradictions. He is trying to open options, if opened will lead to an explosion. He is trying to close options, if closed will lead to an explosion. What hangs in the balance is not the fate of the Respondent but the fate of Pakistan and the people of Pakistan. The Respondent has not solved a crisis. He has started a crisis. Martial Law opens the flood gates; this kind of 'Law' re-opens settled problems. When it departs it leaves no grass. It creates more problems than it pretends to resolve. It fosters regionalism and society gets stagnated and its victims dehumanized. These are the foot prints of Martial Law. Where then is the necessity for its visitation, when its application leads to a wasteland? Let us see how many explanations the Respondent has given in the last three months to invoke the so-called Doctrine of necessity.

- a) His first explanation was that he imposed his arbitrary rules on Pakistan because he had come to conclusion that an agreement between PPP Government and PNA was not possible.
- b) His Second explanation was the so-called 'rigging of elections'.
- c) His third explanation was the so-called specter of civil war' looming on the horizon of Pakistan.
- d) His fourth explanation was that my Government wanted to create chaos and strife.
- e) His fifth explanation was that he had destroyed the Constitution to save the Constitution.
- f) His sixth explanation was to take accountability.
- g) His seventh that I was going to remove him from his position as the Army Chief.

In this short period of three months the Respondent has given no less than seven untenable and incredible explanations or justifications for invoking the doctrine of necessity. Indeed in the written statement he has invoked his eighth explanation. This latest of all excuses relates to salvaging the economy by giving the Big Business a renewed lease of life to plunder the country.

However, to be fair to the Respondent, I must admit that he is oily, a particle in this river of power politics. On the 28th April, 1977, I had told the people of Pakistan through the August forum of the National Assembly of Pakistan that 'the bloodhounds are after my blood'. The Respondent is only an instrument in the execution of this Master Plan striking at not only my roots but the roots of Pakistan. For the last thirty years if Pakistan has moved in one direction, India has moved in the other. Only now, after thirty long years, there are forces outside India and Pakistan which have evolved a common plan to deal with the leaders of both countries. Is it not strange, is it a co-incidence that the former Prime Ministers of both countries are being hounded in like manner because both of them refused to succumb to the pressures of foreign power in the national interest of their respective countries? The former Prime Minister of India has already observed this similarity and has spoken on the subject.

Whatever appropriate decision this Hon'ble Court may deem to take on this petition, it is hoped and prayed' for the sake of country that it is not based on the pernicious and primitive 'doctrine of necessity'. In conclusion, if this written statement is a glimpse of the so-called white paper which the Respondent intends to publish it would be unworthy of any one to waste his time replying to such concocted and fantastic matters.

I request that I may be heard in this Hon'ble Court to elucidate some of the submissions made above and also some others which could not be put in writing in the interest of the state.

I will also be submitting a few more documents in support of my submissions which I have sent for and are being traced of my out from my personal record.

S/d

(ZULFIKAR ALI BHUTTO)

KOT LAKHPAT JAIL, LAHORE.

OCTOBER 17, 1977.