

**WORKING, GROWTH AND DEVELOPMENT OF  
LEGISLATURE IN PAKISTAN:  
A STUDY OF SECOND CONSTITUENT ASSEMBLY  
(1954-1958)**



**BY**

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**Declaration:**

I hereby declare that this M.Phil thesis is a result of my individual efforts, and it had not been submitted concurrently to any other university for any other degree.

**Farooq Ahmed**

### **Certificate:**

This is to certify that the research work described in this thesis is the original work of the researcher and has been carried out under my direct supervision. I have personally gone through all the data/results/material reported in this research work and certify their correctness and authenticity. I further certify that the material included in this thesis has not been used in part or full in a manuscript already submitted or in the process of submission in partial or complete fulfillment of the award on any other degree from any other institution. I also certify that the thesis has been prepared under my supervision according to the prescribed format and I endorse its evaluation for the award of M.Phil degree through the official procedures of the University.

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### **Dedication:**

*This research is dedicated to Asma Jahangir (late) who fought for marginalized classes in Pakistan. Her political, constitutional and social insight ignited the first flame of curiosity, which led me to study history and writing an M.Phil Thesis.*

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### **Abstract**

Pakistan's early history is marked with so many challenges and tribulations, the most important of which was the power politics between the civil-military bureaucracy and the politicians. Unfortunately, the first constituent assembly was desolated on 24th October 1954 by The Governor General Malik Ghulam Muhammad. Politicians, in the eyes of Governor General, were not only untrustworthy, they were crass opportunists who were too eager to feather their individual nests at the expense of national needs. Though, Pakistan was facing grave challenges since its inception like majority of the people were illiterate and without any political experience, and their deep-rooted religious sentiments could be easily exploited by unscrupulous persons and self-seekers and lingual-cum-cultural issues between East and West Pakistan, economic grievances, provincial autonomy. In the shadow of these subjects Pakistan legislatives bodies were unable to draft a constitution for Pakistan. Especially, working growth in terms of legislation was very slow and that was a considerable stumbling block in development and progress. Despite all these concerns Pakistan's government was trying to disentangle things slowly and steadily but power politics between politicians and civil-military axis led this to vanish. Meanwhile, this study will research the second constituent assembly's working growth and development of legislature in Pakistan.

### **List of Abbreviations:**

AGG	Agent to the Governor General
APML	All Pakistan Muslim League
BPC	Basic Principle Committee
CA	Constituent Assembly
CENTO	Central Treaty Organization
CM	Chief Minister
ICS	Indian Civil Service
ECCC	Economic Coordination Committee of the Cabinet
ECC	Economic Committee of the Cabinet

DCC	Defense Committee of the Cabinet
CMLA	Chief Marshal Law Administrator
CAP	Constituent Assembly of Pakistan
JUI	Jamiat Ulema-i-Islam
KC	Kitchen Cabinet
KSP	Krishak Siramik Party
ML	Muslim League
NAP	National Awami Party
NEC	National Economic Committee
NEC	National Economic Council
NIP	Nizame-i-Islam Party
NWFP	North west Frontier Province
NDF	National Democratic Front
OR	Objective Resolution
PRODA	Public and Representative Office Disqualification Act
PNC	Pakistan National Council
PLD	Pakistan Legal Decisions
PPP	Pakistan People's Party
PSO	Principle Staff Officer
SEATO	South East Asia Treaty Organization
RP	Republican Party
UN	United Front
UNO	United Nations Organization

USSR

Union of Soviet Socialist Republic

USA

United States of America

## **Introduction:**

Facilitated by the circumstances of partition and the laying down of the structures of power under the Government of India Act 1935, which was implemented as the provisional structure, civil servants acquired a solid traction in the new country. Here they placed themselves to become the Centre of the power structure. The growth was further braced due to the Muslim League's intrinsic flaws, and its disaster to engage the vernacular sociopolitical elite, who had not joined the Pakistan movement yet, had significant backing in their respective regions. So within a couple of years after independence, it was evident who would call the shots.

In 1951, with the appointment of the first native Pakistani as the commander-in-chief of the Army, the military top brass joined the power structure and a civil-military oligarchy positioned itself to decide the direction of the state and lay down the parameters of the political institutions. Liaquat Ali Khan's assassination paved the way for the type of political engineering that was now in the offing. In complete disregard of parliamentary practices, the cabinet was made to elevate the finance minister, Ghulam Mohammad, to the post of governor general. The incumbent, Khawaja Nazimuddin, was persuaded to step down and become the prime minister. Another bureaucrat, Chaudhri Mohammad Ali, became the new finance minister.

In the following years, several rounds of differences and tussles between the governors general and the prime ministers gradually unfurled the relative strength of the former office vis-à-vis the latter.

That the federal legislature, which till 1956 also served as the constituent assembly, remained a docile body only confirms the fact that the political dispensation was more of a parliamentary façade or pseudo-parliamentary arrangement that existed alongside a powerful extra-political decision-making state apparatus. Renowned social scientist Hamza Alavi aptly said that "Pakistan in the first period had two regimes; one, the perceptible one that contained the political class and the legislature with unbalanced political governments, and the additional the indistinguishable government of the civil-military establishment that had cumulative all significant supremacies in its hands."<sup>1</sup>

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<sup>1</sup> Hamza Alvi, *Takhleeq-e-Pakistan* (Lahore: Tareekh Publications), p.14.

The idea of a national safety government and a political economy of paramilitary canon forced Pakistan into the Western armed coalitions. Economically, it was made to develop a quantity of marginal capitalism, with the cutting-edge consumerist countries, predominantly the United States, as its center.

The fifteen months of Ghulam Mohammad Nazimuddin uncomfortable sharing concluded with the confiscation of the latter in April 1953. The bendable and unassertive Prime Minister was accused with the fiasco of law and order and a financial crunch instigated due to food scarcity. The law and order situation had flared up in the wake of the anti Ahmadi drive which became ferocious to the magnitude that paramilitary law had to be executed in Lahore. Though, the prime minister had nothing to do with that as it was a regional substance.

Further surprising was “the advanced disclosure by the court of analysis that looked into the sources of a condition that had led to the imposition of military rule in the capital of the Punjab domain. The court discovered that “the anti-Ahmadi undertaking was conceived and sponsored by none but the Punjab regime itself, whose head Landlord Mumtaz Daultana alleged that the subsequent law and order disaster in the state would disrupt Nazimuddin’s rule and pave the approach for his peculiar political spirits to be grasped. To his dissatisfaction, the movement did not set forth in other countryside, and his own province became its concentration.”<sup>2</sup>

The power-holders managed a fraction of aims by removing Nazimuddin. After the dismissal of Nazimuddin and his cabinet the Governor general apparently felt confident that he could now manipulate the constituent assembly to give approval to his own proposal of an interim constitution which would have provided for the integration of the province in the west wing into a single province of west Pakistan. His Bengali background advocated that Nazimuddin was not unconcerned because of being a Bengali. He was substituted as the chief by Mohammad Ali Bogra, before Pakistan’s envoy in Washington. Mohammad Ali Bogra could also be suitable in sweet-talking the United States to assist Pakistan, whose rulers were desperate to get Western approbation for themselves and their country. Muhammad Ali Bogra’s appointment followed the end of the US embargo on food aid to Pakistan, and he later succeeded in seeking a place for his country in the Western military pacts.

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<sup>2</sup> Lawrence Ziring, *Pakistan in the Twentieth Century: A Political History*, Karachi: Oxford University press, 1997.

All the while, Muhammad Ali Bogra was also under pressure to take the process of constitution-making ahead. Six precious years had been lost while no breakthrough was in sight for resolving the East-West representation issue that had almost stalled the constitution-making exercise.

Muhammad Ali Bogra now picked up the threads of the second report of the basic principle committee in an effort to arrive at a consensus on a constitution. He introduced an amendment which came to be known as the Muhammad Ali formula relating to representation of the provinces in the legislature. It proposed the election of the lower house on the basis of population. The upper house was to comprise equal representation from all the five constituents' units. In joint sittings each of the two wings would have equal representation. Powers were to be divided equally. Deadlock could be resolved by a joint sitting, but the majority must include at least 30% of the total members belonging to each zone. This somewhat complicated mechanism had been worked out to satisfy the two regions but it could still be feared that the Bengalis, by combining with one or more provinces, could still manage the requisite majority. "The prime minister announced that the proposal had met with the approval of the cabinet, the chief minister and the members of the Muslim league parliamentary party. The constituent assembly passed without discussion the amendment embodied in the Muhammad Ali formula and it adjourned to enable the east Bengal members to attend the provincial elections. In the provincial election held in east Bengal in 1954, the Muslim league was routed. Its strength from a position of an overwhelming majority was reduced to 10 members in a house of 309."<sup>3</sup> The Muslim league chief minister , Nurul Amin, lost to a medical student . From now on the Muslim league ceased to be a factor of significance in east Bengal. The representative capacity of the Bengali members of the Muslim league parliament party in the constituent assembly had been terminated.

1. Muhammad Ali Formula			
	Upper House	Lower House	Total
East Bengal	10	165	175
Punjab	10	75	85

<sup>3</sup> Hamid Yusuf, Pakistan: A Study of Political and Developments 1947-97 (Lahore. Sang-e-meel Publications, 199), p.56.

NWFP, Frontier St and Tribal Areas	10	24	34
Sindh and Khairpur	10	19	29
Balochistan, BSU, Bahawalpur	10	17	27
Karachi			
Total	50	300	350

Meanwhile, the Bengali legislators along with some of those coming from the smaller provinces in the “western part of the country compelled Prime Minister to assert his and the Assembly’s position. The prime minister thus had a series of legislation passed reducing the powers of the governor general. The latter was now prohibited from appointing and dismissing a prime minister at will. Also, to form the government, he was to call upon a person who was a member of the assembly, and who could be removed only by a vote of no-confidence. This and other restrictions on the power of the Ghulam Mohammad apparently took the wind out of the governor general’s sails.”<sup>4</sup> Having done this, the prime minister left for the United States. The governor general returned to Karachi and decided to outsmart the prime minister as well as the recalcitrant assembly.

A special plane was sent to London and when “Prime Minister Muhammad Ali Bogra reached there after completing his visit to the United States, he was forced to return to Pakistan rather than spending some time in the United Kingdom as planned. Commander-in-chief Ayub Khan and Iskander Mirza, former defense secretary and at that point of time the governor of East Bengal, accompanied the prime minister from London to Karachi. It was an escort of sorts or perhaps a kidnap.”<sup>5</sup>

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<sup>4</sup> Lawrence Ziring, *Pakistan in the twentieth century: a political history*, Karachi: Oxford University press, 1997, p.66.

<sup>5</sup> Justice Masud Ahmed, *Pakistan A study of its Constitutional History (1857-1975)*, Research Society of Pakistan, 1983.

Upon reaching the governor general's house, the Prime Minister was literally abused by Ghulam Mohammad, who forced Muhammad Ali Bogra's removal and dissolved the federal assembly. Rubbing salt on the Prime Minister's wounds, he was now asked to lead a new cabinet that was decided and made then and there in the room where the governor general lay in bed recuperating from an illness. The combination designated as 'the Cabinet of all Talents' comprised, among others, the sitting commander-in-chief who was also made the defense minister, Iskander Mirza, and Chaudhri Mohammad Ali.

The cabinet lost no time in devising the merger of all the provinces and states in the western wing of the country, thus creating the province of West Pakistan. "This was done to neutralize the numerical majority of East Bengal. The engineering of the situation in this manner could enable the argument that since the country had now only two provinces, East and West Pakistan, they should therefore have equal representation. The term 'parity' thus entered Pakistan's political lexicon."<sup>6</sup>

Ghulam Mohammad's decision of Oct 24, 1954, to dissolve the assembly was declared illegal by the Sindh High Court, which held that the governor general had the right to dissolve the legislative assembly under the interim constitution, but the assembly dissolved by him also served as the constituent assembly, whose dissolution was not within his competence. However, the historic decision was overruled by the federal court which observed that the constituent assembly, by not being able to furnish the constitution in seven years, had lost its legitimacy. Pakistan's judiciary, therefore, derailed the country's constitutional and democratic journey with this decision. Subsequently, the Federal Court and, later the Supreme Court, followed the tradition of un-seating the civilian regimes. But it all started in 1954.

In June 1955, a new assembly was elected through the electoral college of the provincial assemblies. By then, the provincial assembly in East Bengal had been re-elected, and in the provincial elections, held in early 1954, the United Front had defeated, rather routed, the Muslim League. This change was reflected in the elections to the new National Assembly in which the Muslim League lost its majority though it was still the single largest party. It formed the next government in coalition with the United Front. With the Bengali component of the Muslim

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<sup>6</sup> Muhammad Waseem, politics and the state in Pakistan, Islamabad: national institute of historical and cultural research, 1994, p.78.

League parliamentary party having shrunk, the Bengali Prime Minister, Mr. Muhammad Ali Bogra, was replaced with Chaudhri Mohammad Ali.

The main achievement of Mohammad Ali's government was the approval of the 1956 constitution which brought to an end the dominion status of Pakistan and made it a republic. Notwithstanding this achievement, the constitution was infested with numerous weaknesses. It was not drafted by any constitutional body; rather it was drafted by the staff of the law ministry and was later put before the constituent assembly. It was a compromise among different factions represented in the assembly but it was an unnatural compromise for it was made under unusual compulsions and duress. The most prominent was the adoption of parity between East and West Pakistan, on which the Bengali leadership's compromise could not last long as the subsequent months proved.

Similarly, the constitution remained silent on the question of the form of representation — separate electorate or joint electorate. The parliamentary system itself was subdued by giving extraordinary powers to the president. This was done only because the last governor general, Iskander Mirza, had to become the first president after the adoption of the constitution.

Chaudhri Mohammad Ali lost his premiership when he was compelled to support President Iskander Mirza in creating the Republican Party, "which had to be given the responsibility of governing the newly-formed province of West Pakistan. It was a pretty unusual situation where the prime minister who belonged to the Muslim League was supporting the Republican Party in the West Pakistan assembly where the League itself was serving as the opposition."<sup>7</sup> This annoyed the newly-elected League president, Sardar Abdur Rab Nishtar, who asked the League ministers to resign from the federal cabinet thus pulling the carpet from under the prime minister's feet.

A manipulator of the highest order, Mirza lost no time in asking Mohammad Ali to resign. Now Hussain Shaheed Suhrawardy was invited to form the government. The Awami League leader managed to form a coalition, but within 13 months he was shown the door once he failed in keeping the coalition together. Iskander Mirza then looked towards Muslim League leader I.I. Chundrigar, who could survive less than two months, losing his office on the electorate issue. Then came Feroz Khan Noon of the Republican Party who managed a coalition with the Awami

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<sup>7</sup> Hamid Khan, constitutional and political history of Pakistan, Karachi: Oxford university press, 2010.

League that lasted 10 months until Mirza imposed martial law in collaboration with Gen Ayub Khan.

President Iskander Mirza also abrogated the constitution. His motive behind this, “as recorded in history, was to introduce a new constitution through which the existing system could have been removed and the presidential form of government introduced. But his collaborator had his own designs. Within 20 days, Ayub Khan turned the tables on Mirza. Four of Ayub’s generals went to President House and forcibly acquired his resignation. Mirza was sent to Quetta and deported a week later to London where he lived the rest of his life in oblivion.”<sup>8</sup> Pakistan, at this point, entered the first phase of its long night of military rule.

### **Research Questions:**

- How second legislature of Pakistan followed her predecessor through its core?
- Did the true political and democratic norms were laid by the political parties under the second legislature of Pakistan?
- Had the politics of compromises and formulas/prescriptions failed during the second constituent assembly?
- Plotting to undermine democracy was already into process before the constitution was even made, do history teaching us nothing?

Along with these basic questions some other supplementary questions will also be discussed.

### **Research Objectives:**

After independence, Pakistan was facing unprecedented challenges in early days. There was prognosticating that this newly born nation would collapse soon because of its growing friction and dissidents between the politicians and top brass civil-military bureaucrats. In the growing divergence between the political and administrative leadership of the country and in the progressive confusion and obfuscation of the Pakistan vision, lay the seeds of the nation’s future agony. As a result of confrontational decision followed by the Governor General Malik Ghulam

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<sup>8</sup> Sir Ivor Jennings, *Constitutional problems in Pakistan*, London: Cambridge University Press, 1957.

Mohammad after dismissing the first elected constituent assembly, anarchy prevailed throughout the country. The ruling party, Pakistan Muslim League, was itself plagued by factionalism and dissensions. The power-hungry Pakistan Muslim League's politicians were always ready to play the game of the scheming Governor General. Of course, there were some courageous people, like Sardar Nishtar and Fazal Rehman, who opposed the Governor General's policies and decisions and were willing to suffer, but the fact is that the party had lost its independent character. The opposition was also unable to provide any responsible leadership.

Despite all these issues and glitches, the second constituent assembly gave top priority to the constitution. Chaudhary Muhammad Ali put himself heart and soul into this task, worked with indefatigable energy, unflinching determination and patriotic fervor, and evolved a formula which could satisfy the divergent views prevailing in the country. He gave the country a constitution within six months of his becoming the prime minister.

To sum up then, the core objectives of this research is to find out the political and legislative failure in Pakistan. How system was derailed again and again will be discussed. The improvement of second constituent assembly and its legislation will be highlighted.

### **Significance of the Research:**

Pakistan's entire system was in chaos from 1951-1958. Unfortunately, Pakistan had to start from a scratch. The problem this nascent state had inherited was so many and so complicated that it was difficult for the leaders to devote much attention to constitutional issues for a long time. The disappearance of the Quaid-i-Azam from the political scene in September 1948 complicated the situation further. Liaquat Ali Khan tried to tackle the teething troubles somewhat successfully but in October 1951, he was shot down by an assassin at a public meeting in Rawalpindi. Pakistani nation was suffering continuously and there was no hope which could wash the darkness. So this research is basically will cover initial period to some extent for the circumstantial and then the second constituent assembly precisely. Although, Pakistan confronted with unprecedented challenges and pestilence during the second phase of the constituent assembly but some way it will lead into the inside stories that how feudal barons, parochial leaders, landlords and so-called civil-military nexus had demoralized and humiliated the system.

**Research Methodology:**

Two paradigms namely qualitative and quantitative approaches determines the directions of a research project/thesis, from the beginning to the last step of writing the research project the distinction between qualitative and quantitative is basically between numerical and non-numerical data. Though, for the current study qualitative method will be used because according to Strauss and Cobin this approach provides better opportunity to understand any phenomenon about which little is known. This approach is also used to gain new insights into things about which much is already known or gain in-depth information that might difficult to investigate.

**Data collection:**

This research will be a descriptive and explanatory and for this research both primary and secondary sources will be utilized.

**Place of work:**

The place of work will be the Department of History and Pakistan Studies, University of the Punjab, Lahore. Punjab archives Lahore will also be consulted.

Then the libraries of the Department of History, Department of the Pakistan Studies, Department of the Political Science, South Asian study center Punjab library, Public library Lahore, Central library of the University of the Punjab, Quaid-i-Azam library will also be consulted for this research.

**Research statement:**

When Pakistan became independent, the power of the viceroy was not lost on his successor, and the relationship between the head of the state and the head of the government remained such as it was before the transfer of power. In spite of the disorder and resulting conflict between rival groups, the use of extraordinary powers by the governor general had elevated concerns in the country, and especially among those politicians who had so much to lose if the vice-regal tradition prevailed over their purported democratic projections. However, to see this clash between the politicians and the higher bureaucracy as one between the advocates of democracy on the one side and authoritarianism on the other, only confuses the issues. The politicians were less than gifted democrats, and the bureaucrats were something more than traditional autocrats. Viceregalism was written into every programme granting self-government to the people of the

subcontinent. Never was the grant of authority so circumscribed as to rule out the intrusion of the viceroy and his subordinate Governors in the everyday political life of the colony.

### **Literature Review:**

**Lawrence Ziring, Pakistan in the twentieth century: a political history**, Karachi: Oxford University press, 1997. This book summarizes the evolution and the progress of second constituent assembly in detail. It also highlights the working growth and development of legislature of the second constituent assembly in Pakistan.

**Justice Masud Ahmed, Pakistan A study of its Constitutional History (1857-1975)**, Research Society of Pakistan, 1983. In this book, political and constitutional history of Pakistan has been discussed. What constitutional changes occurred in the second phase of the constituent assembly and development has been discussed in this book.

Muhammad Waseem, politics and the state in Pakistan, Islamabad: national institute of historical and cultural research, 1994. In this book four decades of Pakistani history have been discussed. This book also debates on political parties and their working patterns. Author puts a light on constitutional development and legislature in Pakistan during the second constituent assembly. It's best part to highlight the economic, political, administrative and constitutional changes.

**M.A. Chaudary, Government and politics in Pakistan**, Dacca: Puthigar, 1968. In this book an attempt has been made to highlight the working growth and development of the second constituent assembly and to elaborate the political system in Pakistan. It's also discusses constitution making issues in Pakistan and various government institution including presidency, judiciary and the cabinet as well.

**Hamid Khan, constitutional and political history of Pakistan**, Karachi: Oxford university press, 2010. Hamid Khan has done phenomenal work on Pakistan political and constitutional history. In his book, Political and constitutional history of Pakistan has been widely discussed. Factors which led to change in political moves and development are also discussed in detail. This book is an important source for the constitutional history of Pakistan.

**Syed Mahmud-un-Nasir, Constitutional history of Pakistan**, Lahore: Mansoor Book House. This book covers Pakistan constitutional history from 1909-1972 and this can be very useful for this research work. Syed Munir has worked extremely commendable on Pakistan's early political and constitutional history.

**G.W. Chaudary, Constitutional Developments in Pakistan**, London: Longman Group LTD, 1969. In this book, constitutional developments which have been took place in the second constituent assembly of Pakistan discussed.

**Sir Ivor Jennings, Constitutional problems in Pakistan**, London: Cambridge University Press, 1957. Fortunately, this book has written in early days when Pakistan's legislation system was undeveloped. It walks around the time as Pakistan was facing back to back failures in making constitution. The best thing about this book is his writer who drafted the initial documents on Pakistan's constitution. So one can understand how this book can be helpful in reading early working growth and development of legislature history of Pakistan.

**G.W. Choudhary, Democracy in Pakistan**, Pakistan Cooperative Book society LTD, 1963. This book covers the working growth of parliamentary institutions in Pakistan and its developments and how parliamentary institutions had performed under the interim constitution. It also discuss the era of constitution making.

**Prof. Muhammad Rafi Anwar, Presidential Government in Pakistan**, the Carvan Book House, 1964. Rafi Sahib has thoroughly written Pakistan's political and legislative history in this book. Meanwhile, this book has understood as one of the authentic source on Pakistan politics. It also covers the obstacles in the framing of the constitution.

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## **CHAPTER- 1**

### **HISTORICAL BACKGROUND OF SECOND CONSTITUENT ASSEMBLY OF PAKISTAN**

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The footpath that acknowledged by Pakistan's leadership at freedom was a significance of an unpleasant development and practically no sound conceptualization. Muhammad Ali Jinnah dedicated all his constitutionalist proficiencies and spends his health in struggling for a self-determining Muslim State where they would animate in their political, constitutional, religious and economic assistances. But neither Jinnah nor any of his instant spheres was moved to set out on paper the design for the state they planned to make. The start of the state, its process, landscape and arrangement was defined in words and mottoes not in truth. Pakistan, as a matter of fact, was shaped without political intellectuals who demarcated its political understanding or record the persuasiveness of the fight for liberation as it was happening. However, there was speculative groundwork, known as Two Nation concept, and it distinct as a pro-independence method in guiding the Muslim purpose hitherto it was little unclear. The powerhouses and shakers of the leaders, who far ahead adopted an 'official theory', had been meant at building Hindu-Muslim citadel. The Congress and the Muslim Leaguers were the same in many of time of the Pakistan drive. Pakistan could be categorized with the feebler constitutionalist fight since the Founding leaders believed the British planned 'failed state' and chosen for the more accustomed expatriate constitution.

The Government of India Act, 1935 which hereditary underneath the Indian Independence Act of 1947 specified that awaiting a constitution was outlined, the interim method for the country would be as lay out in the Government of India Act, 1935. Pakistan has meanwhile been administrated by a sequence of likewise of this act which was better for the colonial iron cage civil service than to the legislators. The constitution, was outlined in more than seven years, was grounded mostly on the Government of India Act, 1935 and on the requirements for different rights in the Indian Constitution, with some trappings and modifications.

Though, Pakistan was tailored into a plan of legislatorial understanding,' but the vision of legitimate parliamentary never came in veracity due to this civil-military bureaucratic ridden act that bring together, if not benign, despotism. It is a factual reality that pre-colonial accomplished administrators, the basic props of Muhammad Ali Jinnah for management, were more well-organized and laborer than the nation's politicians. These skilled, well-ordered administrators

astounded Pakistan's certified dialect of parliamentary entity and considered an administrative state.

The managerial state was actuality since the nation came in to being deprived of receiving its reasonable share of resources as one of the two beneficiaries States that arisen from British India. The newly natural state lacked the convenient nationwide government and had to face the arrival of immigrants, and the question of existence itself, that created by its neighbor like additional 'multidirectional dilemmas'. It was so logical that the task of legitimate state was not its first desire. The deficient of constitutional practice created an extra rash, weak political and constitutional stability by the 'reciprocal relationship ties to one another.' No statutory established means any national polls and this groundwork were to demonstrate calamitous political structure for a newly born State. It was not actually an administrative difficult, but the letdown of this is the misfortune of the controlled administrative state.

In the seventy years of Pakistan's history, the vision of constitutional administration could not become in veracity. Although, Pakistan fight back for it but could not get the ingredient of the constitution. Constitutions are just like connections amid the historical past and the futurist purpose of the governments. Constitutions are the parameters for the commanding approaches and if the authority more gallant than the constitution, it twisted struggle, anarchy, and subjective decision making in the society and create deep seated governing issues in the country. Constitution is the reflective image of the culture and if the society is feeble, separated by inward-developing and decentralized powers, the society cannot overwhelm its ingrained political issues even through constitution making. Hence, the constitutions are the likeness and the extension of the society.

Unfortunately, in Pakistan as stated above, the constitutions are treated like a rough document and for an experimental and mistake rather than the summary of governmental objectives which designates fundamental preparations and recognizes vital mechanisms.

"Pakistanis have treated constitutions as though they were tentative devices. If dissatisfied with the original, try another. If something goes wrong, the documents are at fault. Discard it and attempt something else."<sup>9</sup> Constitution is not the substance of ignorance, it is like reflects of

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<sup>9</sup> Lawrence Ziring, *Pakistan : The Enigma of Political Development* (London: Dowson Ltd, 1980), 34.

optimism and political atmosphere and can be, if requisite, change by the harmony of public opinion and for the upward mobility of the governmental persistence. Meanwhile in the constitutional workroom of Pakistan, the constitutions made by the clichéd controller of vice-regal colonial landscapes. Without understudying, they had fixed, acknowledged and settled in and without the community approval they abandoned, holed in abeyance and dishonored. The great founding father Mohammad Ali Jinnah, who has supremacy of his own capability and character, Jinnah visualized about centralized, legislative, and an independent Constitution in which societal integrity, parity, and impartiality would flashing requirements but it was not outlived in his administrative term. Practically, almost eight constitutions came to display and then suppressed by heads of the state and damaged the making of their own constitutional fight. The disasters of constitutionals in Pakistan have not yet ended. Numerous illogicalities like the secular and religious clashes, the progressive and theocratic administrative set-ups and the democratic viewpoints cracked it. The controlling line amid the common people and governmental elite vanished in the whole constitutional history of Pakistan and “Undeniably, the overwhelming majority of those entrusted with the prestigious task of constitution-making were neither competent craftsmen nor visionary and futurist leaders.”<sup>10</sup> And regrettably, the sensible, more lenient leader than others, died only thirteen months after the birth of Pakistan. While he was died everything was tranquil and unsettled apart from the fact that Pakistan had come to stay. The constitution had yet to formulated, the design of the government had to be resolute, non-alignment in national as well as foreign matters had to be worked out and the type of society to be created was not known either.

The misery of transferring Muslims from India had undeniably inclined the sequence of political and constitutional campaign in Pakistan and when the founder father Muhammad Ali Jinnah died the track of political and constitutional growths were more problematic to expand. Once Jinnah was alive, he was the role model of Pakistan. His powers, which were passed on by the Indian Act of 1935, exercised for beyond those usually connected with that office of viceroy. Jinnah was the mediator amid the Center and the provinces and generally trusted on the civil servant. “Particularly in the provinces, where most of the ministers had assumed office for the first time, the Governors and civil servants were extremely powerful. Governors of three of the four provinces (North-West Frontier Provinces, West Punjab, and East Bengal) were British and

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<sup>10</sup> Zulafkar Khalid Maluka, *The Constitutionalism in Pakistan* (Karachi: Karachi University Press, 1980), 64.

members of the former Indian Civil Service.”<sup>11</sup> This wide of the mark introduction of the civil servants weird the flatness of political and constitutional growth. They never signified the essence and growth of the nation. They never presented national amalgamation but to develop negotiations with their particular, narrow-minded, and cluster interests.

Pakistan has passed through numerous late constitutions. Respectively, constitution was the likeness of particular and set interests somewhat to reflect of state's aspirations without constitutions declare. In the constitution breaching history of Pakistan, no constitution respected and understood by the nation beside as military institution. If the constitution of the state cast-off by the succeeding guardians, there was no public bitterness and fewer desire to talk to them. The constitution making and violation was a game of the rulers and “the population were mere spectators who seldom followed the activity on the field, let alone grasped the rulers of the contest.”<sup>12</sup>

The emerging constitutionalism of the country delayed by the conflicted conceptual calculations but also due to civil-military nexus. Though, the civil servants of Muhammad Ali Jinnah desired to daze the mal-administration and remove dishonesty, but they used dictatorial procedures rather to realize the political development and the leading assignment of making constitution. Quaid-i-Azam, who verbalized the standards and necessities of the constitution based on equality, honesty and social justice and not any theocracy. The British trained administrative controls, though introduced by Jinnah, troubled the softness of constitution making. The country which controlled by the British qualified civil servant and vice-regal act and an underdeveloped with low industrialization, and the unexpected demise of the founding father could not draft the first constitution.

Premier Liaquat Ali Khan did try his best to build link amid the vice-regal classification and the political bodies, which he had hereditary from Jinnah and worked hard for the first constitution. The main constitutional battles that faced by the Premier was the question of representation of local clusters in the significant legislature of Pakistan though federalism was satisfactory to all. Secondly, the Islamic divergence offended the relation concerning the state and religion. The

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<sup>11</sup> Khalid Bin Sayeed, *The Political System of Pakistan*( Karachi: Civil and Military Press, 1987), 10.

<sup>12</sup> Lawrence Ziring, *Pakistan : The Enigma of Political Development* ( London: Dowson Ltd, 1980), 24.

initial Constituent Assembly of Pakistan, which should be work for the transparent constitution but it, became the ultimate reason of conflicts. The assembly members pampered in heated debates than to change constitutional confrontations. The three large institutions, which the British government handed down, were the civil services, the Army, and the constituent assembly, hereditary Pakistan. The growing control and inspirations of the two institutions shaped such kind of political environment that the third inherited institution couldn't able to setting a constitution. The western educated secularist and the conventional Ullema and the local and central powers were the causation of postponing constitution.

It could assessment that the leaders earlier partition and in the fight of freedom couldn't understand the growing powers of local and dialectal realities. Possibly they were tiring to draft a country where they could breathe without the Hindus Binia and the British Raj dominance because after supremacy of the unfamiliar command, the Muslim thought "their prestige gone, their laws replaced, their language shelved and their education shorn of its monetary value."<sup>13</sup> They were merely thinking about the existence of their socio-cultural, political, spiritual, legal, and phonological characteristics. They were frightened that these characteristics of their persistence could plunge in a Hindu controlled united India. They couldn't afford to think about the provincial or regional loyalties. These allegiances could rupture the saying of Islamic pledge. Even so, after the formation of the state of Pakistan, it was the redeeming story of early years of Pakistan that the sagacity of national realization was disappeared when an Bengali Leader cried to trouble the government in the first constituent assembly of Pakistan which declared in a debate on January 16, 1956 that 'It is a country which in reality is not one country. We are going to form One State out of two countries. We are going to form one nation out of two peoples.' The logic of right, which was introduced by the founding father Jinnah and inherited by the expatriate masters, broadened the subject of political dissatisfactions.

Any type of government in Pakistan was worked under the sense of authority. The severe institutions like the army, the civil service and the constituent assembly couldn't work for the softness of the government but to thwart the spiritual and provincial problems with their muddle heads. There were other services which introduced by the expatriate system who were had been worked like political hawkers of majestic managers, they were the Mafia, density groups and

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<sup>13</sup> H. A. R. Gibbs, *Pakistan: 1947-1958 An Historical Review* ( London: National Institute of Historical and Cultural Research 1932), 107.

especially the landowning classes. “But their impact was not always decisive; above all, they were often represented by the three major groups that we have mentioned.”<sup>14</sup> One cannot evaluate that which issue was the factor behind the deferring of constitutional government. Though both the religious and provincial resonances in the assembly arisen in such harsh discussions which affected against constitutional sovereignty. However we had pasted the provincial calls by the pledge of Islamic nationalism but this Islamic bond which was the polling campaign of pre-independence days and the promised that we would fix the Islamic state, sounded more in the ramparts of constituent assembly. It was also stated in the draft of Objective Resolution that Muslims would be allowed to frame their lives in harmony with the teachings and necessities of Islam and it was Muhammad Ali Jinnah himself who wished the Ulema to assist in the poll campaign and to grasp their inspiration and authority with the people. “Though, Jinnah wanted to preach very simple doctrine of Islam which was free of all theological and doctrinal contradiction but it was misunderstood by the masses and as well as their supreme Ulema. They not only lighted the cause of the establishment of Islamic state but also the Pure Islamic constitution. They also rejected the westernized politicians and civil servants because according to the religious groups, were not good practicing Muslims. The idea which carved to transcend all regional and sectarian differences, after partition failed to protect national integrity but also paused ‘the delay of complete, clear and independent constitution.’”<sup>15</sup>

It was the mission of Liaquat Ali Khan that in the path of constitutional scuffle he introduced the Objective Resolution to sketch the important features of the new state in which the character, ideology and method of the republic. “It was also not easily implemented due to those regional representational issues and ideological debates such like the nature of Islamic state, the nature of federalism, the form of government, the problem of electorate and the question of language.”<sup>16</sup>

The origin of provincial sovereignty which also congested the flat promotion of governmental aims and separated the political condition of Pakistan into central and provincial factions and obstructed the emerging constitutionalism can be found in the pre-independence federalism of unified India, instilled by the vice-regal directors. It was Indian National Congress and Muslim

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<sup>14</sup> Ibid

<sup>15</sup> Rafique Afzal, *Pakistan, History and Politics 1947-71* (Oxford: The University Press, 2001), 117.

<sup>16</sup> Dr. Manzooruddin Ahmad, *Changing Patterns of Politics in Pakistan* (Karachi: Royal Book Company, 1990), 56.

League who under the British-Raj rule demanded provincial self-rule. However the Minto-Morley Reforms 1909 had introduced non-official bulks in the then Provincial Assemblies but it failed to content the expectation of the native people and their leaders. It was the Montague-Chelmsford Report, the well-known constitutional manuscript, which published in 1918 for the Indian Constitutional Reforms in which “established a measure of provincial autonomy by developing authority in provincial matters on to the provincial governments and freeing them to a large extent from central control.”<sup>17</sup>

The Act dissatisfied the Muslims of India and their political benefits because in the provinces of Bengal and Punjab, where their bulk turned into a marginal. And yet, both the major parties were unsatisfactory by the constitutional improvements but they were unaware on different kind of subjects. In 1920s, the communal strains began to irritate the constitutional understanding between them. Both were talking about the dissimilar constitutional perceptions, as Moulana Hasrat Mohani (1878-1951), demanded “a loose federation of fully autonomous provinces.”<sup>18</sup> In such strong and clear request, Muslim League in its unusual session of 1924 in Lahore asked the government to review the constitutional provision of 1919 Act Reforms in which the government should announce the provision to content the Muslim Benefits. In the Resolution of 1924, they highlighted the demand of a confederation of India in which the complete self-rule of the provinces delivered, power in Legislature to minor minorities, preservation of the demand of separate electorates and the representation of the Muslims majorities in Punjab, Bengal, and the North West Frontier Province should be preserved.

In the entire fight of Centre-Province control in the subcontinent, Indian National Congress demanded and preferred the strong unitary Centre, While the Muslim League supported the constitutional power to the provinces because owing to their political and constitutional existence Although, Muhammad Ali Jinnah wanted to resolve the deviating Congress-League constitutional defiance on center-province circulation of power and the matter of provincial position, the Nehru Report was disallowed all constitutional concessions to the Muslims both in the center and provincial setups. He overlooked 'dynamic minority' by his ‘pious fraud’ of Hindu document, “which turned Muslim intellectualism into callous attitude and Jinnah drafted his 14 points in which he rejected his ‘honorable friend's pet document’, In which he demanded federal

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<sup>17</sup> Ibid.

<sup>18</sup> Syed Sharifuddin Pirzada, *Foundations of Pakistan, All India Muslim League Documents* ( Dhaka, 1969) 123.

constitution, provincial autonomy to all provinces, and the residuary powers in the constitution to be vested in the provinces.”<sup>19</sup> Muhammad Ali Jinnah also talked about to form an independent province of Sindh and became the wisdom of the Muslims political rights.

Although the term ‘Provincial Independence’ that had not name in the Act of 1919, but after the seven years (1927-34) review of the Indian structure of government, the Government of India Act 1935, a Great amount of provincial self-rule and self-government was passed on to the provinces. Nonetheless, it was the statement of status for the minority but headed by the central direction when it provided governors with the right to sheltered matters of minorities and the law and order condition. The governors who were the central power holder intricate the provincial autonomy.

No doubt that the Act also could not draft a modest and more collective circulation of powers between the center and federating components, “rather, it made it complex and unusual by providing three legislative lists i.e., federal and provincial and the concurrent and moreover in the exercise of residuary powers, the Governor general was given an unusual prerogative of deciding in which of the three legislative lists, a specific residuary subject was to be placed. The issue of provincial autonomy was a direct product of centralization of power in the hands of the federation and the powerful impact of governor-general. Though, the self-government was given at the provincial level, and in accordance with the British Parliamentary system. But the Governor General remained in powerful control of the Federal Government and the basic characteristic of Governor- General was to established administrative Central control on the Provinces.”<sup>20</sup>

The political situation of the provinces was parallel to that at the center. The Governor was as powerful at the provincial level as the Governor-General was in the center, “for which the poet-philosopher, Allama Iqbal, expressed his views (even prior to the formal announcement of the Act of 1935) that the British appeared to create in the persons of the Provincial Governors’ white Rajas in addition to the Brown Raja’s.”<sup>21</sup> And this was the matter that couldn’t create the vibrant

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<sup>19</sup> Ibid.

<sup>20</sup> Syed Jaffar Ahmad, *Federalism in Pakistan: A Constitutional Study* (Karachi: Pakistan Study Center: University of Karach 1990), 76.

<sup>21</sup> Zulafkar Khalid Maluka, *The Constitutionalism in Pakistan* (Karachi: Karachi University Press, 1980), 65.

dissection of powers amid the central governments and provincial sovereignty in the provinces. The seat of Governor General became more powerful in provincial substances when the independence Act of 1947 conceded, with its quasi-federal parliamentary classification, by which the British government transported its pinnacle over India to the new territories of India and Pakistan. The Independence Act in its section 8 establishes that, till a constitution was worked, the acting procedure for the country would be set about in the Government of India Act, 1935 and the section 9, provided more power to the Governor General to acceptances and modifications in the substances of Government of Indian Act.

In Pakistan, this burden of 'legal fundamentalism' of federal system inherited and accepted by those leaders who were against of the federal part of the Act of 1935, in order to avoid colonialist 'Hitlerism' against the provincial subjects and called it 'fundamentally bad' and unacceptable for its harmful intentions. The Muslims Leaguers, who accepted the provincial self-rule and the Communal Award and totally overruled its federal part, realized central part and condemned the provincial arguments of new born state, And because the head could modify or alter the Act, the authoritarian got major change made in the federal system of government to govern over 'the indispensable quality' of the system which "is the first instruction in any federal engineering manual, and the first check point for any inspector of federal constitution. Federal system contains two dimensional governments, the national government and the federating units and for the promotion and political development of any country, the division of power is the pulse of the government. The powers are so divided that each set of government coordinates with and remains independent of the other set of the government. The two faced structure of the government should operate at two different levels and on some precise method."<sup>22</sup> In the constitutional history of Pakistan it was treated by personal liking and disliking. The inspectors of federal constitutions of Pakistan made changes for their personal campaign. Referring to the Diaries of Mr. Hamidul Haq Choudhry that 'Mr. Liaqut AM Khan, had Act of 1935 edited giving the Prime Minister power to appoint and discharge provincial cabinets. The dependence of the provincial cabinet on the provision of the provincial assembly was detached. The revision was made through an Administrative Order of the Governor General without the assistance of the Constituent assembly. The change totally demolished provincial sovereignty and made the province a division of the central government. Under it no Chief Minister could afford to distress

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<sup>22</sup> Dr. Jaffer Ahmad, *Federalism in Pakistan*( Lahore, 1990), 87.

with the central government, reject to implement its instructions or up rise to it in the interests of the province.

Mr. Hamid-ul-Haq in his Diaries clarifies the reality as “I came to learn of these changes when the question of appointing the chief minister for East Bengal arose after Khawaja Nazimuddin was appointed to the Post of Governor General on the death of Muhammad Ali Jinnah. According to the 1935 Act (before amendment) the leader of the majority party in the Assembly was to be called upon to form the Cabinet. I had succeeded Khawaja Nazimuddin as leader of the Muslim League party in the Assembly. I called a meeting of the party to formally appoint a leader with a view to forming the government. It was taken for granted that I would be elected without any contest. However, Sir Frederick Bourne, the Governor of East Bengal at that time, showed me a letter from Liaquat Ali Khan directing him to appoint Nur-ul-Amin as the Chief Ministers of the cabinet. The amendment to the Act of 1935, which Liaquat Ali had surreptitiously made, was then shown to me.”<sup>23</sup> Pakistan’s power crises are thoroughly related with that identity of authority. The country, which was attained by political and constitutional fight, cheated by those who fought the constitutional contest with the federal part of the inherited constitution and their bull-terrier procedures constitutionally valued by the Trojan horse of Section 9 of the Independence Act. In the initial stages, of the baby country its opposition leaders faced very difficult time under the safety laws, “which could not be challenged under the Government Act, 1935. The vote against je Muslim League declared the vote against Pakistan and this repudiation of democratic norms could not challenge in the silent courts before the promulgation of the 1956 Constitution.”<sup>24</sup> Although, Liaquat Ali Khan introduced ‘habit of amendments’ in the acts by the order of the Governor General and gave the country in the hands of non-representative, selective and culturally unrestricted managers but also drafted some doctrines of Objective Resolution. This was the foundation of the institution, which were laid in the Resolution. The time was described as a mile stone for the development of constitution and acknowledged by the Prime Minister when it adopted by the Constituent Assembly on March, 1949 that “Pakistan was founded because the Muslims of the subcontinent wanted to build their lives in accordance with the teachings and traditions of Islam. It was not describe in the Resolution that Pakistan was to be an Islamic State, nor was any authority vested in the Ulema but there was a clause of enabling in which the two nation theory enriched in the future

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<sup>23</sup> Keith Callard, *Pakistan: The Political Study* (London: George Allen and Unwin Ltd., 1957), 57.

<sup>24</sup> *Ibid*

constitution. The Resolution was not accepted because it failed to guarantee political, social, and economic justice but adopted after much heated debates. Not clearly but the Resolution tried to combine federalism, democracy with popular sovereignty. The Resolution's generality could not hide profound disagreements about the character of the future constitution or state, for example, its characterization of the role of Islam as made simultaneously prominent, obscure and legally undefined. Its grounding power for constitutional making has been emotional rather than practical and assertive.<sup>25</sup>

The Constituent Assembly created an Islamic recommended committee to assessment the basic principles of Federalism, franchise and judicial rules on which a hurricane of bitterness aroused from the opposition, the members mostly from East Bengal. They were engrossed for the preservation of a secular state as expressed by the founder Muhammad Ali Jinnah. The reports which drafted by the Constituent Assembly Committees in 1950 and 1952 faced refusal by constituencies on the principles of demonstration, provincial sovereignty, secularism and language. The constitutional dilemma also abstracted Liaquat Ali Khan constitution-making keenness and he taking place to build an Islamic citadel for Pakistani Muslims. However, it was not stated in the foundations of the Resolution. The Islamic consultative councils created to make the Muslim population of the country truly Muslim. Although, being a Muslim substance country, 'it was clear that Islam would not be on the agenda.' The founders of Pakistan very truly deliberated Islam and Pakistan to be jointly sovereign and understanding rather than hostile so there was no need for mottoes like Islam is in danger once the country had come in to existence rather than working on a structure that approachable to the requirements of all the provincial, regional and indigenious constituents of Pakistan. It turned to self-assertion; it is also a matter of fact that the disagreements had been start amid the eastern and western Pakistan in the days of Liaquat Ali Khan who was the strongest man of Jinnah in pre-independence days. Instead of doing for the constitution legacy, Liaquat Ali Khan started to create political and constitutional clashes with the provincial substances and the central management. "Within the first week of independence, Liaquat Ali Khan had dismissed the government of Khan Sahib, the leader of Indian National Congress. Liaqtiat Ali also used this power under the Order of 1948 to dismiss Muslim League governments in other provinces. Who created differences with the capital, was

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<sup>25</sup> Newberg R, *Judging the State: Courts and constitutional politics in Pakistani* (Cambridge: Cambridge University Press, 1996), 43.

dismissed by the Prime Minister as Mr. Khurro, the Chief Minister of Sindh and Nawab of Mamdot of Punjab.”<sup>26</sup>

The centralized despotism of Liaquat Ali Khan in the early years of state was supplemented by ethnic and regional separatism. Pakistan’s political dialect of parochialism started in which the Bengalis, Pushtuns, and Balochis realized that Muhajireen who came from India and Punjabi elite were shackled with one another to deny their due provincial rights. It made national veracity complex and provocative. The regionalism which started in the early years of the country that dented national assimilation in many ways. Firstly, it has damaged the mass-based political dynamics for which this country came into life. Secondly, it has congested the constitutional track and its political purposes which are most essential for constitutional mechanisms like the citizens, the judiciary, and the government functionaries. Thirdly, it had permitted the state to fill the void with more stress on management than on ascendancy. If the kind of government led by the administrative, military, and primitive alliance, it cannot solve the chest of political dishonesty. It would be added oligarchic inclinations and the bitterness of centripetal forces.

Despite the fact, the dominant class manipulated the state and the governance, the clerics created serious gridlock in the national stance by confronting the very concept of Pakistani nationalism. “Many of established Mullah questioned such institutions as elections, political parties, parliaments, a consensus-based constitution, an adult franchise, and women’s rights modern education, science, research in humanities and the co-educational system. Such a dismissive attitude on the part of established ullema, who otherwise could not agree on the definition of a Muslim, provided an ideological justification to successive non-representative elitist oligarchies in Pakistan.”<sup>27</sup> Altogether the following representative and non-representative have used the religion to legitimize their powers and to dodge constituency politics. Though, the right wing and the left wing parties couldn’t get more than a handful of seats in the assemblies but their leaders always disturbed the national political veracity. Owing to the lack of education, agrarian-urbanized commonalities always caught many charitable and enthusiastic supporters amongst the ulema and increasing in statistics.

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<sup>26</sup> Choudry Mohammad Ali, *Emergence of Pakistan*(New York, Columbia University Press, 1967), 375.

<sup>27</sup> Malik Iftikhar, *State and Civil Society in Pakistan: Politics of Authority, Ideology and Ethnicity*( Oxford: Macmillan Press LTD, 1997) 44.

While the Jinnah believed that the state would never be a “theocratic or an anything likes it, and in Pakistan, religion, creed, and caste would have nothing to do with the business of the state. But after his death the young state started working against the vision of Jinnah and developed relation with the religious elite to craft and adopt Objective Resolution. In this it made specific mention of Islam. The 1949 Objective Resolution provided, inter alia.”<sup>28</sup>

“Whereas sovereignty over the entire Universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust;

Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed;

The Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teaching of Islam as set out in the Holy Quran and the Sunnah (Traditions of the Holy Prophet (PBUH)).”<sup>29</sup> The political and constitutional philosophy of Pakistan has been a troubled one. “Having colonial ready-made structure as no other newborn nation which gained independence after 1947 has experienced the variety of the intensity of traumas that Pakistan has suffered.”<sup>30</sup> Whenever someone wanted to resolve the tribulations of Pakistan’s politics he frequently faced clashes of philosophy, longing of power, clatter of comforts, and occasionally dialectal and cultural obstacles. These inherited difficulties created the causation of postponing constitution. However, the Objective Resolution was attained and defined by the Prime Minister of the state as “The most important occasion in the life of this country, next in importance only to the achievement of independence.”<sup>31</sup> Yet it was not the entire constitution; it was the conceptual platform for the making of constitution which merely drafted for the making of constitution. Its first Interim Report only created the wisdom of denial in the different segments of the society and “In view of an all-round criticism and public demand, Liaquat Ali Khan moved the House to postpone its consideration and asked the Committee to review the report in the light of the criticism and suggestions made by the members and others.”<sup>32</sup> And soon the Committee

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<sup>28</sup> Ibid

<sup>29</sup> Official Record Prepared by Cabinet Wing (NDC Islamabad).

<sup>30</sup> Ibid

<sup>31</sup> Ibid

<sup>32</sup> Dr. Manzooruddin Ahmad, *Changing Patterns of Politics in Pakistan*( Karachi: Royal Book Company, 1990), 109.

was reviewing the report as advised by the premier; Liaquat Ali Khan was assassinated at Rawalpindi on 16 October 1951, which was the reflection of the provincial and insular power tussles which started after the liberation.

Premier Liaquat Ali Khan was the second man for the great sacrifices to achieve Pakistan. By adopting an Islamic frame work, he thought that he could move the procedure of constitution-making to successful end but during his tenure of four and a half years, he even unsuccessful to make the simple outline of the future constitution. He was in the executive obsession somewhat to draft the constitution and the task of constitution-making was preoccupied by the Khawaja Nazimuddin on his postulation of the office of Prime Minister, who was the Governor General since the death of Jinnah three years earlier. "Nazimmudin did not seem to be anyone's mind as Prime Minister and without minerals in solution. When he became governor-general he had removed himself from politics, and his mild manner and non-assertive nature made him appear ideally suited for that office, although not for the office of Prime Minister. Ghulam Mohammad becoming governor-general was also a surprise because of his health problems."<sup>33</sup> (Mahmood 2000) The process of child's game started after the death of Liaquat Ali another time. The troika, Ghulam Mohammad , Nazimuddin, and Gurmani seized the state of affairs and they worked for the configuration of the new government of decorated notions. This was the preliminary point, in which wrong governmental intentions operated the task of constitution-making. In the Rawalpindi meeting, Khawaja Nazimmud-din evacuated the post of Governor General, and Ghulam Mohammad, an apprentice of autocratic bureaucracy of British India and Ambassador to Washington DC, became the new Governor General. "It was like mid-night operation to give the country a new government as early as possible and the new appointment is likely to be accepted by the people with general satisfaction but it introduced the way of emergency to reshaped power of persons rather to constitution or law."<sup>34</sup>

The Constituent Assembly, which was inherited by colonial managers, "was to operate in accordance with the Government of India Act, 1935, as amended by the Independence Act. The constituent Assembly was empowered to write an official constitution for the country. In the interim, the Constituent Assembly also substituted for the national legislature and passed laws

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<sup>33</sup> Dr. Safadar Mahmood, *Pakistan: Political Roots and Development 1947- 1999.*( Karachi: Oxford University Press, 2000), 65.

<sup>34</sup> Allen MacGrath, *The Destruction of Pakistan's Democracy*( Karachi: Oxford University Press, 1996), 109.

and issued enactment necessary to the governance of the nation.”<sup>35</sup> However apart from having the parliamentary powers the assembly could change the legislation as it saw fit, in order to meet the needs of the new nation but the mandatory role of Governor General, as allowed by the Act 1935, was the central pillar against the activities of Constituent Assembly. The despotism Governor General could use his powers against the constitution making body and the national legislature. This was the reason and the power used numerous times in the political life of Pakistan. The constituent assembly could discover the lines of independent constitution but the power center delayed it. Not only overdue the constitution but also cracked the assembly as in April 1954 and the government was disbanded. “The powerful Governor General, in justification of his decision, pointed out that the Cabinet of Khawaja Nazimuddin had failed to achieve the political stability as well as maintaining law and order situation. The governments in Pakistan were stricken by this common ailment. The successor governments follow in the footsteps of their predecessors. They describe the causes of the failure of the previous governments in more or less the same terms. They abused of political and administrative systems, horse-trading, cronyism, corruption and politicization of the bureaucracy. Though it was practically started in early years of the country but one can observe these negative aspects, just as the present government contends.”<sup>36</sup> All the in-coming governments seem to consider that there has not been ruling elite better than theirs to hold the reins of office has. “Every government, which established in Pakistan, has refrained from taking any radical socio-economic measures to improve the economy or democratize the polity and the judicial system in order to smooth their personal authority. The collective decision-making leadership of the civil and military officers, higher judiciary, the intelligence services and their collaborators in the upper classes (landed and industrial aristocracy) weakened the political and administrative set-up year after year and the governance of the state has been getting bad to worse. Their actions and decisions are based on mysterious rationale of an immense faith on themselves that somehow they will muddle through. Every authoritarian iron-grip, by the few over the many, loosened the power of constitution by their mysterious rational and their elephantiac expenditure.”<sup>37</sup>

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<sup>35</sup> Lawrence Ziring, *Pakistan : The Enigma of Political Development* (London: Dowson Ltd, 1980), 87.

<sup>36</sup> Allen MacGrath, *The Destruction of Pakistan's Democracy*( Karachi: Oxford University Press, 1996), 110.

<sup>37</sup> Ibid

After the assassination of Liaquat Ali Khan in 1951, Pakistan's political life suffered huge loss. The political void “created a legal, political, constitutional, and administrative crises. “Pakistan began choosing its leadership on a geographical basis. No longer did the nation have Jinnah or Liqueate, associated with neither the west and nor the east wing of the country, Nazimuddin was a Bengali and Ghulam Mohammad a Punjabi. Having striking differences in their background and the personalities, they were working as heads of the state. Khawaja Nazimuddin was a member of distinguished family. He had accompanied Jinnah to the 1946 Shimla conference, serving in the legislature and defeating Suharwardy for the office of Chief Minister at independence. He was the best man in the opinion of Sir Frederick Bourne, who worked with him as Governor of East Bengal after independence.”<sup>38</sup> Khawaja Nazimuddin who submitted the Basic Principles Committee Reports to the Constituent assembly, three and a half years after the Objective Resolution 1949, also wanted to strengthen the Islamic foundation of the independence but the bureaucracy, which in the past had looked to Liaquat Ali Khan to shield their comforts, currently had a leader in Ghulam Mohammad disliked both Islam and Parliamentary democracy. All the same, the controversies arisen on a physical basis but the Punjab leadership acknowledged Khawaja Nazimuddin due to his unassertive political leadership, whereas the Bengalis clinched that Ghulam Mohammed’s somatic condition would bound him to a figurehead but he proved to surprise when blemished the assembly and the Bengali leader. He was “absolutely fearless as Ayub Khan coined a term for him, used his mental strength and political inclinations in 1954. This was the first practical step towards ultimate bureaucratization and militarization in state’s political system. Basically this was the alliance of Bureaucracy and Military and for this Ghulam Mohammad entered two Generals in the political Cabinet of Pakistan. General Iskandar Mirza and General Ayub Khan assumed the office of Home Minister and Defense Minister. In the case of Martial Law in Lahore to stabilize the administrative system also gave opportunity to the military-bureaucratic alliance to enter in the political system. The dismissal of Khawaja Nazimuddin was obviously a decision by the central legislative. It was one - man order by the pressure of the civil service and the Army Generals. Both the dissolution of the Constituent Assembly and the dismissal of the Prime Minister were challenged in the courts of law.”<sup>39</sup> The leading political party of the country, the Muslim League suffered a grave

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<sup>38</sup> Hamid Yousuf, A Study of Political Developments 1947-1997 (Lahore: Sang-e-Meel Publications, 1999), 61.

<sup>39</sup> Khalid Bin Sayeed, *The political role of the Pakistan Civil Service* ( Pacific Affairs, 1958),

hindrance from within and outside the party. The perilous relations amid the central government and the provincial government mainly that of East Pakistan, were destabilized, creating a cracks among the Bengalis and West Pakistanis. Pakistan, with administrative leadership, was given a new way in so far as the union of the provinces of West Pakistan was started in order to alter a federation originally based on five units into a bi-polar federal system. “This would ultimately suggest continuous hostility amongst East and West Pakistan and led in 1971 to the secession of East Pakistan, now known as Bangladesh, from the federation.”<sup>40</sup>

Frankly speaking, the period of Khawaja Nazimuddin were not a sound and calm period of constitution making. He was politically and administratively distressed by the anti-Ahmadis slogans by the pious loops. They also wanted that the Foreign Minister, Zafrullah Khan and other civil and military officers belonging to the Ahmadis camp should be sacked. Being a religious training Nazimmuddin sought to compassions the jingles but he was uncertain since such actions of obsessive kind not only against the dream of Jinnah but also “Such an action would for the prestige of Pakistan in international circles, particularly in the United States when the Pakistan expected help to tide over its existing food crises. For these administrative reasons f he took some months to establish himself in personal control of question of constitution-making but the administrative crises which he faced and the unlimited powers of Governor-General failed to achieve any constitutional intentions.”<sup>41</sup> For constitutional bequest he presented the consolidated report of the Basic Principles Committee on 22 December 1952. He recommended in and revised report that:

“The Head of the State shall be a Muslim. He shall be elected by the Joint session of both the Houses of the central legislature but will not be a member of the legislature and hence not responsible to it. His term of office shall be for five years and during this term no action shall take against him in any court of law. The central legislature shall consist of two houses, the House of Units and the House of People, the former shall consist of 120 members, and the latter 400 members, both giving equal representation to the two wings of the country. The share of West Pakistan was to be further divided amongst its provinces according to population. The term of each House shall be fixed at five years. Both shall have equal powers but Money Bills shall originate only in the Lower House. The ministry shall be responsible to the Lower House but could address both the Houses. The constitution shall be amended with the agreement of both

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<sup>40</sup> Ibid

<sup>41</sup> Ibid

the central and provincial legislatures, subjects, however, to certain conditions, at the time of its adoption. Three lists of subjects were drawn up for the division of powers between the Federation and the Units. The Centre was to be strong with residuary powers given to it. Adult franchise was to be introduced.”<sup>42</sup>

The Committee also suggested the boards of Ulema, “both by the Head of the State and the Provincial Governors, consisting of persons well-versed in Islamic law. It would be necessary for all proposed legislation, censored by the Boards of Ulema to ensure that nothing against the teachings of the Qur'an and the Sunnah was enacted. The Ulema who were delaying the constitution making on the question of Islamic state got virtual veto power on the working of the legislature. Though Khawaja Nazimuddin coined the term ‘maximum agreement’ for it and described it as the first golden ray of the sun which illumines the sky.”<sup>43</sup> But like the first report, this report confronted refusal from many political circles. The most restorative result of the report that it gave rise to a hostile controversy between East and the West Wing, which ended in 1971. The report introduced ‘Parity Proposals’ which was significant that it became the concluding draft of the constitution.

The ‘Parity Proposals’, which merged in the Report, was rejected by the leaders of East Pakistan. “They thought injustice was being done to them by ignoring their numerical majority and giving them equal representation.” Though the parity between East Pakistan and West Pakistan was introduced but as regards seats in the central legislature, the Report disregards not only the federal principles but social, linguistic, cultural, economic, and climatic divergence disesteem in population and lack of geographical contiguity between the two wings.” The federal part in which the parity introduced created conflicts in the Punjabi and Bengali wings. “The Punjabi group feared that East Pakistan had been given a position of complete domination over the west, which was already divided into nine units, against one unified unit of East Pakistan.”<sup>44</sup>

The BPC report not only created the disasters among the provinces of east and West into the new State of Pakistan but also broadened conceptual bay in the conventional and liberals factions. The selection of the Boards of Ulema to assessment the central and provincial legislature bid

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<sup>42</sup> Dr. Safdar Mahmood, *Pakistan: Political Roots and Development*( Karachi: Oxford University Press, 1999), 39.

<sup>43</sup> Ibid

<sup>44</sup> Keith Callard, *Pakistan; A Political Study* (London: George Allen and Unwin Ltd, 1957), 57.

punitive censure by the secular and administrative factions who were completely beside this Quranic monopolizations in the country. It was the coalition of Khawaja Nazimuddin with the conventional Ulema, which created other glitches but the rejection powers of the 'Board of Ulema' against the government, was the spell on the constitutional flatness and growth.

Pakistan is a federal state of government as the consecutive leaders hereditary by the Jinnah and marked by its antique, cultural and dialectal motives. "The idea of a federal System appears to suggest a form of government in which general and regional governments work in coordinate relationship maintaining their respective autonomies and they do so to give to the cultural pluralism of the society a viable political expression. The tragedy of Pakistan lies in the fact that although it best suits Pakistan's political structure, nevertheless for the last 52 years Pakistan has been called federal in name only. In practice, it has quasi-unitary State. In the constitutional history of Pakistan, federal system and its spirit of co-existence were sacrificed at the altar of ambition. The diversities of the socio-political inheritance of the country could work with the sound federal constitution and the system but a genuine federal constitution was never formed in Pakistan, and hence, though a number of constitutions were promulgated in the post-independence period."<sup>45</sup> The fiasco of constitutions in the experimental laboratory's Pakistan, owing other alterations, the problem of federalism and the dissection of powers amid the federating components were the serious issues. In the name of strong center, the powers of federating parts were sapped to the point of being snuffed. This has been backed to the suspension of constitution making. The contentious subject started from Objective Resolution in March 1949. It was establish by the constitution-makers that Pakistan should be a federation. "This decision has been regarded as the 'Dictate of Geography'. The Basic Principles Committee Report also recommended the federal structure of the state but did not distribute of powers, among bodies with limited and co-ordinate authority. The recommendations polarized the political society into two groups. One advocating a strong Centre and the other crying for maximum provincial autonomy. Though, Liaquat Ali Khan hoped that the constituent assembly would make every effort to integrate the units closer and forge such ties as would make well-integrated nation and advocated the suppression of provincial feeling."<sup>46</sup> But on the country, the entire history of Pakistan confronted contest of partition of authority amid the federal authority and the components of the federation. The soul of federalism entails that the partition is made in

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<sup>45</sup> Syed Jaffar Ahmad, *Federalism in Pakistan: A Constitutional Study* (Karachi: Pakistan Study Center: University of Karach 1990), 78.

<sup>46</sup> Ibid

such a way that “neither general nor regional government is subordinate to the other.”<sup>47</sup> The constitutional creation of the constitution-makers did not miscarry to characterize the soul and development of the nation, nor could they be called signs of national integration of varied ethno-linguistic and regional ambition. With the lapse of years, the principle of division of powers has remained a central subject in the constitutional progress in Pakistan.

It is also a matter of realization that federal procedure is problematic to accept and function even in the utmost favorable surroundings. As Felix Frankfurter describes it, “of all the laws ordering the political life of a nation the federal system is the most complicated and subtle. It demands most flexible and imaginative adjustment for harmonizing national and local interest’. In Pakistan, where there is most unfavorable circumstances inherited, adopted and appreciated in the manner of geography, authority and ideology- the task of adopting a suitable federal structure proved beyond the imagination of the politicians and constitution-engineers.”<sup>48</sup> Every time the center and the provinces like Punjab and East Pakistan acted like the principal characters.

The Report of ‘maximum agreement’ couldn’t gain any admiration and particularly it was unnoticed by the Punjabi leadership, ‘including Mumtaz Muhammad Khan Daultana, then the Chief Minister of Punjab, M. A. Gurmani, then Central Minister of the interior and Choudhry Ahmad, dissociated themselves from the Report and did not put their sign to it.’ It shaped constitutional gridlock in the country, which tranquil by another kind of wrong administrative verdict. The choice also instilled political battle in a punitive way among the Bengali and the Punjabi resistance. The vagueness which presented by the Indian Act of 1935 also, textured in the political and constitutional disasters in the years of 1951-1954. When Governor General Ghulam Mohammad used his vague powers against the constituent assembly. The constituent assembly having autonomous power could not aspect the distinct power of the Governor General. The Governor General maintained that constituent assembly could not work without his acceptance and this was the constitutional right of the Governor General to judge the happenings of the Assembly. If the Constituent Assembly were not working with his concurrence, it would be defilement. Furthermore, if the Assembly was unsuccessful to attain a sound constitution, the Governor General had the right to disband it. The central legislature or the consensus of the people did not take the action of the sacking of Khawaja Nazimuddin and the Constituent

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<sup>47</sup> Ibid

<sup>48</sup> Rafi Raza, *Pakistan in Perspective: 1947-1977*( Karachi: Oxford University Press, 1997), 5.

Assembly. Though Nazimuddin's government substandard to slice the principles of coming constitution which content everyone yet it was vibrant that the Premier enjoyed the sureness of the legislature because of budget of his government had been recently accepted by the body. It is also acknowledged that the Muslim League Parliamentary Party ruled by the Bengali group than the Punjabi group but the Bengali group could not halt the arbitrary action of Governor General. Principally, the lesser cluster of the Parliamentary party had the backing of Army and the civil service which had been gained power and the Governor General was the sign of their powerful association.

The Constituent Assembly had been inherited and indirectly elected in 1947 by the members of the various provincial assemblies. "It is asserted that in the year of 1953, the large numbers of the members had lost grass roots support. They were trying to draft a constitution, but the regional, linguistic and geographical differences were the speed-breakers that no solution had emerged. Governor-general Ghulam Muhammad, a former member of the Indian Audit and Accounts Services, was probably confident that his autocratic action would not revoke a storm of protest throughout the country."<sup>49</sup> So he claimed that the Constituent Assembly had lost the confidence of the people and could no longer functional. The proclamation was one man desire in which he dissolved the functions of the Constituent Assembly. "No provision or section of the Independence Act or the Government of India Act 1935 was indicated under which the Proclamation was issued."<sup>50</sup> This was his surprise to those uninformed of his political ambitions. He assumed himself as Jinnah's descendant, had gained unlimited power within Liaquat's Cabinet and had learned many followers. Liaquat Ali Khan was conscious of his dynamic and politically ambitious maneuvers had intended to send him to Washington, DC, as Diplomat and thus confiscate him from the political scene. "Mohammad Munir, at that time the Chief Justice of the Punjab High Court, wrote that Ghulam Muhammad assumed the office of governor-general ' a stricken man, but with the mental grooves of a seasoned bureaucrat and the eyes and the nose of a mountain hawk."<sup>51</sup> He was not sound in his politically wizens but administratively he was 'as quick and sharp as a rapier' which resulted in the first major politico-constitutional battle before the Federal- Court in the Tamizuddin Khan Case.

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<sup>49</sup> Ibid

<sup>50</sup> Zarina Salamat, *Pakistan 1947-1958: An Historical Review*. (Islamabad: National Institute of Historical and Cultural Research, 1992), 57.

<sup>51</sup> Mohammad Munir, *life, writing and Judgment*( Lahore, 1958).

“Ghulam Muhammad had only one rival in the bureaucratic set-up of Pakistan, Choudhry Mohammad Ali. He was intended to expand the powerful role of bureaucracy in the matters of governance without any personal political ambitions. On the other hand, Ghulam Mohammad was gaining unlimited favor of the two pillars of the state and due to this he successfully built a coalition of senior civil servants and military officers. The Sandhurst trainees like Iskandar Mirza and Ayub Khan were the example of his ambitions to enter the coalition of Army-bureaucratic alliance and the political institutions.”<sup>52</sup>

Ghulam Muhammad seemed to stay out of politics during his two years as Governor General. He seemed to play the representative role of the constitutional head of the state. Some officials worked with Ghulam Muhammad were worried that he was psychotic fanatical with gaining power and feared that Nazimuddin would confiscate him as Governor-General so he called a meeting of the Cabinet, and when it was assembled he demanded the resignation of Premier and other Cabinet members.

Khawaja Nazimuddin was a weakened leader not only in Punjab but also in his own province, Bengal. Though, the Governor General on account of food emergency dismissed him. The Governor General stated, “I have been driven to the conclusion that the Cabinet of Khawaja Nazimuddin has proven entirely inadequate to grapple with the difficulties facing the country.”<sup>53</sup> Yet there were some other problems, inherited from the Liaquat Ali Khan’s administration like the delay of constitution-making, the failure to win the bureaucratic support of Punjabis Language controversy, and specially, lacking of political confidence in the League provincial members of Bengal. Nazimuddin who was 'temperamentally incapable of exercising his power' could not capture the minds of power-seekers. On the other hand the Governor General, ill as he was physically, he developed administrative relationship with the civil service and the army and had tempered the silent support of Suharwardhy and other members of the Awami opposition in East Bengal. The Nazimuddin's dismissal was an experiment to feel the pulse of the nation'. The experiment of dismissal achieved political and constitutional victory because not a voice was heard in protest to Nazimuddin's dismissal, an event that the American Ambassador describes to Washington as ‘one of the most popular coups in history.’ In the Cabinet, Ghulam

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<sup>52</sup> Khalid Bin Sayeed, *The political role of the Pakistan Civil Service* (Pacific Affairs, 1958), 23.

<sup>53</sup> Ibid

Muhammad readopted six of the nine members. The members who were permanently dismissed along with Nazimuddin were the most influential Muslim League members and potentially the most difficult for Ghulam Muhammad to control were Sardar Abdul Rab Nishtar, and Fazlur Rehman. With the Nishtar's sacking, the last face of Jinnah's administration disappeared.

Ghulam Muhammad not only sacked the Cabinet but also eliminated the solitary power of Muslim League in the central government. For this act “he was now exercising power similar to Jinnah, also politically active Governor-General who appointed a Prime Minister independent of the Constituent Assembly.”<sup>54</sup>

A. K. Brohi, the Law Minister, condemned the Nazimuddin's dismissal. He was inspired and thoroughly read the British and Commonwealth conventions. He argued that if the Governor-General could not remove the Prime Minister like Nazimuddin, who had the confidence of the legislature. “While this constitutional practice was well-recognized in the Commonwealth, it was a matter of convention rather than a rule of law which could be enforced in a court of law. Brohi argued that the Prime Minister and his Cabinet was the creature of convention. The conventions, which had grown, up around government practice of Great Britain and have serviceable role in the constitutional mechanics in the country. In Pakistan such conventions were not grew due to the arbitrary actions, were not applicable in Pakistan.”<sup>55</sup> He maintained that ministers in Pakistan were not the same as ministers of the British Cabinet, who had no statutory recognition, while in contrast Pakistani ministers were specifically provided for in the Government Act of 1935 and served at the pleasure of the Governor-General.

The western media cherished the removal. The Times of London acknowledged Ghulam Muhammad for short-circuiting the political maneuvers. The Nazimuddin's sacking was barely noticed in Washington, Pakistan itself being at the time little interest in the American capital. The spokesmen hailed it the ‘Courageous, timely and dramatic’ and ‘a realistic appraisal of the situation and by acting with at least some semblance of constitutional legality, has prevented a possible coup d’état.’ However the western media did not appreciate it yet it was attack on the parliamentary democracy which was accepted at the time of the beginning of the country not out of a deliberate choice but as a historical legacy. Frankly speaking, the Governor-Generals did not limit themselves to their constitutional roles in a parliamentary system. Ghulam Mohammed,

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<sup>54</sup> Ibid

<sup>55</sup> Ibid

who came “from ready-made Volvo of colonial bureaucracy, became the governor-general and through political administrative intrigues without going through the inconveniences of political process. He expanded and abused his powers and opened the doors for successive Governor-Generals and presidents to dismiss the Cabinets and weakening the fledging parliamentary system despite the defects inherent in a report, it was the brainchild for the constitution making. Nazimuddin stated that the Report would take the country towards the destined goal. It was the statement by the Prime Minister but it came to know later that only sixteen of the original twenty-nine members of the Committee had signed the Report. There was prominent Punjabi leadership who disassociated them from the Report.”<sup>56</sup> This was political standstill amid the Punjabi leadership and Bengali leadership and the battle turned into constitutional gridlock. Most of the Punjabi leadership was not welcoming with the Bengali Premier so they vetoed the Report. The political gridlock fixed after the sacking of Nazimuddin's Cabinet on 16 April 1953 and with the selection of Muhammad Ali Bogra as the new Premier because it was accepted by the ruling party, i. e., the Muslim League. Muhammad Ali Bogra who was till then the Ambassador of Pakistan in the United States of America, gave his ‘constitutional formula’ in the Constituent Assembly on October 1953, which, according to him, was acceptable to the legislatures of both the wings. The suggestions personified his method were as follows:

The central legislature was to have two houses, Upper and Lower. In the former, the total membership was fifty, distributed equally among the five units of Pakistan of which East Pakistan was one. That meant that the four West Pakistani units were to have forty members (ten each) and East Pakistan was given ten. The second House would comprise 300 seats, divided among these five units on the basis of population. East Pakistan was allocated 165 seats and the four units of West Pakistan were given 135 seats. When the two houses met together, both the wings had equal representatives as The East Pakistan  $10 + 165 = 175$  and The West Pakistan  $40 + 135 = 175$ . Through this way, despite acceptance of the population principle for the Lower House, the ‘principle of parity’ applied to the legislature was to be as follows:

Sr. No	Units	Upper House	Lower House	Total
1	East Pakistan	10	165	175

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<sup>56</sup> Ibid

2	The Punjab	10	75	85
3	NWFP & Tribal Areas	10	24	34
4	Sind & Khiarpur	10	19	29
5	Balochistan, Bahawalpur & Karachi	10	17	27
		50	300	350

The powers of the two Houses were to be equal and a Ministry was to be accountable to both the Houses. In case of a clash amid the two chambers, there was a provision for a joint session. But in case of grave disparity on matters of exceptional importance, the Head of the State was capable to melt them and order fresh elections. A provision was also made that if the Head of the State was West Pakistan; the Premier shall be from East Pakistan and the other way around. In this new plan, any Wing expressed hope that there would be no permanent domination.

The ideas which were introduced by the Nazimuddin's heir, Muhammad Ali Bogra, commonly known as the Prime Minister formula or Muhammad Ali Bogra formula. These proposals were lastly adopted by the Constituent Assembly with minor alterations along with the Basic Principle Committee report on September 21, 1954, by 29 to 11 votes. “About this federal formula, it was thought that these would make bridge between the centrifugal and centripetal tendencies of the two wings. Though it was an improvement of BPC report yet hailed by almost all sections of public opinion. According to it Pakistan to be an Islamic Republic, the Parliament was to be sovereign and the governor-general's overriding powers were considerably toned down.”<sup>57</sup> One more important change made in the plan that in place of Board of Ulema which had the power to change the legislature, the function was assigned to the Supreme Court. The step, which also hailed by the society also, maintained the power of legislature. The final step structured and the constitution seemed finally completed. A drafting committee was appointed to write down the provisions as approved by the Assembly. Sir Jennings was also secured who was the

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<sup>57</sup> Dr. Safdar Mahmood, *Pakistan: Political Roots and Development* (Karachi: Oxford University Press, 1999), 40.

constitutional expert. The Premier expressed his hope to disseminate it on December 25, 1954 when the Governor-General dissolved the Constituent Assembly in October 1954.

As already identified, the Constituent Assembly of Pakistan was assigned with two basic functions, namely, to draft the Constitution, and to act as the Federal Legislative Assembly or Parliament until the constitution was enacted. It was an open story that the legislative face of the Assembly could not work in a satisfied performance. The constitution-makers could not draft the definite constitution. The constitutional engineering could not tackle in a smooth way but in a hasty enactment. The entire progress of constitution making from 1947 to the assassin's bullet of 1951 was confined to the Objective Resolution. After the creation of Objective Resolution, Liaquat Ali Khan and his successors only refrained from making further effort in the framing of the constitution. The reports and the formula only engineered the principles of the future constitution but not the real constitution. The constitution, which is interface between the people and their government, locked in seven years of deliberations and heated debates for constitution making. Strictly speaking, though without 'regulatory interface', democracy prevailed for less than five years, after which it was strangled by the governor-general Ghulam Muhammad when he dismissed the first Constituent Assembly just before it completed its task of framing the constitution of Pakistan. "For Pakistani nation, a constitutionally-limited government seems to be a luxury that could only be afforded under a certain fortunate political milieu."<sup>58</sup> Because the dictatorial ruler like Ghulam Muhammad who spread the germ and sabotage those political standards and to reassert modestly its humiliating rule in the country. He ignored the people's difficulties for constitutional modesty, political propriety, and democracy.

The reason behind the termination of constituent assembly was its go-slow mood in constitution making but there were other reasons for this unsuccessful action. "The crises, which were started after the ugly Punjabi-Bengali tussle and political ascendancy, particularly after the 1954 provincial elections in East Pakistan, had deadlock the constitution-making process. The Prime Minister formula came to draft for the solution of this political and constitutional deadlock and adopted with slight modifications along with the BPC report by the Assembly. After the adaptation, the Constituent Assembly made two hasty enactments in the sitting, which eventually resulted in its dissolution. The Assembly repealed the PRODA (Public and Representative Offices Disqualification Act) and voted the Fifth Amendment Act on September 20 and 21

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<sup>58</sup> Zarina Salamat, *Pakistan 1947-1958: An Historical Review*. (Islamabad: National Institute of Historical and Cultural Research, 1992), 54-55.

respectively. Then the assembly took the vital step of curtailing the powers of governor-general by amending Section 9-10, 10-A and 10-B of Provisional Constitution”<sup>59</sup>. The Governor-General was the chief target of this modification, bounded him to follow the advice of ministers and authorized the Premier to choose and discharge his Cabinet coworkers. These hasty schemes hastened crises. These schemes were intimidations, which reduced the powers of Governor General to give him to the spot of merely a constitutional head. The provisions were:

“The Governor-General would appoint as Prime Minister a member of the Federal Legislature who enjoyed the confidence of the majority of the members.

Ministers would be appointed from amongst the Legislative members.

The Cabinet would be collectively responsible to the Assembly.

The Governor-General would be bound by the advice of the ministers such constitutional development was wholly unacceptable for the Governor-General who was well-versed in the Machiavellian art of state-craft, could not ignore such constitutional progress ‘having his discretionary powers curtailed, making him dependent on the Federation and the Constituent Assembly.’ He issued a proclamation of Emergency on the pretext that the Constituent Assembly could no longer function. He hit back when he was curtailed by his discretionary powers of the Governor-General. He claimed in a Proclamation that the Constituent Assembly had lost the confidence of the people and could no longer function. Interestingly enough, the Proclamation nowhere stated specifically that the Constituent Assembly could no longer function.”<sup>60</sup> He also reasoned that the constitution-making machinery had failed in the understanding of its unique objective, demanding fresh elections to the Assembly. Therefore, he disbanded the first Constituent Assembly by his inherited Governor-Generals power. He knew that the draft of the formula ready to bound him to trail the instruction of the ministers and empowered the Premier to choose and sack his Cabinet members. This was the second coup in Pakistan’s political history of seven years. He proclaimed:

The Governor General, “having considered the political crises, with which the country is faced, has with deep regret to come to the conclusion that the constitutional machinery has broken

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<sup>59</sup> Zulafkar Khalid Maluka, *The Myth of constitutionalism in Pakistan.* (Karachi: Oxford University Press, 1995), 7.

<sup>60</sup> Ibid

down. He therefore has decided to declare a state of emergency throughout Pakistan. The Constituent Assembly as at present constituted has lost the confidence of the people and can no longer function. The ultimate authority vests in the people who will decide all issues including constitutional issues through their representatives who are to be elected; fresh elections will hold as early as possible.”<sup>61</sup>

The premier Mohammad Ali Bogra, who was the head of Constituent Assembly had described it ‘open treachery against the country’, Followed Ghulam Muhammad and stated to the public, “The destiny of the country could no longer be left to the caprices of an Assembly which instead of safeguarding the interests of Pakistan, was becoming increasingly subject to internal Affairs and bickering. Constitution making by the present Constituent Assembly has resulted in developments, which threatened to imperil our national unity. It has provoked personal, sectional, and provincial rivalries and suspicions.”<sup>62</sup>

The strangulation of the Constituent Assembly by the inflexible attitude opened the new episode in the history of Pakistan and grows hostile consequences for the political and constitutional future of Pakistan. Such an act of despotism introduced the new born country into political tension, social conflict and constitutional and lawful gridlock. The action gave the society into the hands of numerous dictators who chequered, revoked, hold in abeyance and dishonored the democracy and the constitutions. “Had the validity of the unconstitutional action of the Governor-General arbitrarily dismissing Prime Minister Khawaja Nazimuddin in 1953 been challenged in the high Courts, the Governor General would have refrained from taking this far more drastic step of dissolving the first Constituent Assembly.”<sup>63</sup> But the politicians, high Courts' Judges and the people were remain silent, deaf and dumb, the arrogant behavior of existing institution gave free hands to Governor-General to hit and this act set in motion a series of judicial proceedings which was to test the two opposed interpretations.

### **The Judiciary and constitutional politics in Pakistan:**

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<sup>61</sup> Lawrence Ziring, *Failure of Democracy*( Dawson West View, 1980), 115.

<sup>62</sup> Ibid

<sup>63</sup> Zulafkar Khalid Maluka, *The Myth of constitutionalism in Pakistan.*( Karachi: Oxford University Press, 1995), 139.

The Institution of Judiciary is vibrant for the development and functioning of a democratic political system particularly in a third world country. In the absence of strong external political checks on the executive and the lack of well-organized public opinion in such a country, “the role of judiciary becomes important for guarding democracy. An independent judiciary can exert pressure on the rulers (the executive) to work within the framework of the established constitutional order and restrain them from using their executive powers arbitrarily which they otherwise are prone to do. By upholding the rule of law and protecting the rights of the individual and the minorities it can deepen the roots of democracy in a country.

The capacity of a judiciary to perform such a role, however, is limited by several factors. First, paradoxically a judiciary can perform its democratic role only in a democratic polity and society. The normative and constitutional framework in which the judiciary operates grows out of the political dynamics of a society. In an authoritarian system the independence of judiciary is often limited subject to whim of the executive.

Second, a judiciary is a state institution and a part of the state machinery. It shares the political culture of the other state institutions its material interests are linked to the continuity of the state and society. This often inclines it towards assuming the role of a guardian of the interests of the state and the strata dominating it becoming insensitive to the violation of the rights of the citizens by the state. Only when this cultural and material nexus between the strata controlling the state institutions and the judiciary breaks down, the judiciary can assert its independence and play a democratic role.

Third, a judiciary does not have the coercive power at its judgments. For implementation of its judgments it is dependent on the executive, whose conduct in state affairs it is supposed to regulate. The executive often does not feel constrained to implement those judgments of the judiciary which go against its interests unless it has internalized the culture of constitutionalism and strong and articulate public opinion and organized political groups compel it to do so.

Finally, the executive in all political systems appoints judges, promotes and transfers them and determines their privileges and remuneration together with legislative institutions. An authoritarian executive can use this power to create a pliant judiciary serving its interests.”<sup>64</sup>

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<sup>64</sup> Lawrence Ziring, *Pakistan : The Enigma of Political Development* ( London: Dowson Ltd, 1980), 170.

In the Pakistan's judicial history the four issues discussed overhead have limited the independence of judiciary to play a powerful part to foster democracy in the country. "During the colonial period a close cultural and political nexus developed between the executive and the judiciary. Both were concerned with preserving the colonial ready-made Volvo. Consequently, the colonial rulers did not feel the need to directly interfere with the functioning of the Judiciary. The judiciary also did not provide an occasion for it. The nexus continued during the first decade of the existence of Pakistan. The executive and the Judiciary both were committed to creating and strengthening and centralized state in Pakistan and to retain the colonial political and judicial legacy. Consequently, the executive did not make any visible interference in the functioning of the judiciary. When a crack appeared in this nexus after the Sindh Chief Court's judgment in Tamizuddin Khan's case in 1954, the then Federal Court soon repaired it and the nexus continued, though in impaired form, during the entire years of Pakistan's executive and the military rule in which the rulers in Pakistan have occasionally used their power to control the judiciary tempering with the established rules and practices in appointment and transfer of judges, giving undeserved promotions to certain judges and penalizing others who gave judgments they did not like."<sup>65</sup> The Founding Father, Jinnah did not grasp that one day Judges would be appointed not because of their aptitude and genuine charm but their devotion to their Executive and their political associations. The Policymaking packed the courts and their judges. They have known that the vilest man became the Executive by filling of inexpert, ill-trained, ill-qualified judges.

Pakistan could not develop civil society in the 70 years since its independence. It was looked after in the "cradle of dictatorship and democracy. The democracy, which came in the country in a meteoric way also, used authoritarian's whims. The inherited legacy of ideology, sovereignty and authority that was present at independence still trouble Pakistan and Pakistanis today. Viewed in broad schematic outlines, its politics reflects unresolved tensions between two competing models of government. The vice-regal traditions of colonial India were embedded in Plans for Pakistan's own governance. It was absorbed by the state's founders, who used it to establish the outline for its constitutions and agendas for its post-colonial rulers, who in turn perpetuated the tradition in the new state. By contrast, the liberals, representative tradition characterized the rhetoric of political opposition in India and anti-colonial activities that helped to establish its successor states; it has permeated the language and program of anti-government

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<sup>65</sup> Ivor Jennings, *Constitutional Problems in Pakistan* (London: 1957), 160.

politics in Pakistan.”<sup>66</sup> And in this condition the judicial role could not worked in a dynamic way. The size of a judiciary in a Third World’s country like Pakistan to perform such a positive role, however, is partial by these dictatorial societies. The administrative rule in Pakistan always used the pass of dominant power, with the provision of civil-military bureaucracy, have choked the parliaments, courts, judges, media and political parties. The political parties which also developed into these fights of outward-developing and inward-developing skirmishes, though, couldn’t create their self-respect and pledge and sometimes have been stopped, barred or controlled by executives.

The superior judiciary could able to settle such conflict, but their judicial judgments opened “the door of commitments with the executive rather to the public opinions. One can understand the political and constitutional crises by examining judicial executive-dominated decisions. The courts are a crucial vehicle in Pakistan. They have literally judged the state, ruling on constitutional issues directly affecting national sovereignty, political participation and government organization. Though, they have decided conflicts between heads of state and government resulting in the dissolution of legislatures (1954, 1988, 1990, 1993), the validation of coups d’état (1958, 1977), efforts to restructure transitions between civil and military governance (1972, 1986-88), and continuing attempts to define substantively and procedurally the meaning of politics, of constitutional governance and occasionally, of democracy. With the state in almost continuous transition, Pakistan's courts become an epicenter, both the subjects and objects of political change.”<sup>67</sup> Yet the state of governance could not progress. Even before a constitution was drafted for the new state, the rewarded judges described the idea of a constitution as a guidebook of rules for politics. In Pakistan, the central caprices and campaign and the course of give and take have confined the Courts. The courts always negotiated with the state. “From the country's first decade, Pakistan’s judges have tried to match their Constitutional ideas and legal language to the exigencies of current politics. Their judgments have often supported the Government of the day, presumably to retain a degree of future institutional autonomy. This was their chosen path through the 1950s when there was no Constitution; during the Martial Law period of the 1960s, when the Constitution was a moving target; and under the

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<sup>66</sup> Zarina Salamat, *Pakistan 1947-1958: An Historical Review*. (Islamabad: National Institute of Historical and Cultural Research, 1992), 56.

<sup>67</sup> Paula R. Newberg, *In Judging the State: Courts and constitutional politics in Pakistan*( Cambridge: Cambridge University Press, 1995), 110.

mixed Constitutional rule of Zulifkar Ali Bhutto in the 1970s, when hopes for democracy outweighed its reality. To remain open for business, courts accepted limits on their practice that were not always consonant with the conceptual foundations of their rulings a disjunction that operates to day.”<sup>68</sup> The judiciary in Pakistan has shack hand with the authority and has made it to be used easily against the citizens and the judicial values.

As stated above that during the colonial masters, there was close cultural and political link developed amid the executive and the judiciary. Both were worried with preserving the colonial rule. The connection continued during the first period of the life of Pakistan. They were committed to creating and strengthening a durable and federal state in Pakistan and to retain the colonial political and judicial heritage. “The relation was fractured by the Sindh Chief Court's Judgment in Tamizuddin Khan's case in 1954; the then Federal Court soon repaired the crack. The President of the dissolved Assembly, Moulvi Tamizuddin called the Proclamation of dissolution as 'unconstitutional, illegal, ultra virus, without jurisdiction, inoperative, and void'. Moulvi Tamizuddin was the first person who challenged the authoritarian convention of the Governor-General and asked him to appoint a new cabinet, and petitioned of the Sindh Chief Court to issue writs of mandamus and warrantor against the ministers of the central government under section 223-A of the Government of India Act 1935, as amended by the Government of India (amendment) Act 1954.”<sup>69</sup> The constitutional appeals was contested by all the defendants who raised numerous petitions, the main appeal being that the Chief Court of Sindh had no prerogative in the writs prayed for. According to this plea, “the Government of India (amendment) Act, 1954 by which section 223-A was inserted in the Government of India Act, 1935, and under which such writs could be issued, had not received the assent of the governor-general. It was therefore, not a valid law. While setting aside the plea of the Government, the Chief Court of Sindh held that the Acts of the Constituent Assembly, when it was not functioning as the Federal Legislature, did not require the assent of the governor-general; that section 223-A of the Government of India Act, 1935, was a valid law; and the dissolution of the Constituent Assembly was ultra-virus and void.”<sup>70</sup> The Sindh Court supported Tamizuddin's argument and on February 4, 1955, ruled that the five members of the central government, who were not

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<sup>68</sup> Ibid

<sup>69</sup> <sup>69</sup> Zulafkar Khalid Maluka, *The Myth of constitutionalism in Pakistan.* (Karachi: Oxford University Press, 1995), 140.

<sup>70</sup> Ibid

members of the Assembly, were not to exercise ministerial powers. The case, in which Sindh Court upheld the challenge of Tamizuddin's contention, the ruling by the Sindh Court that the Governor-General did not have the power to disband the Constituent Assembly which was rejected by the Federal Government, and pleaded to the Federal Court. The Federal Court ignored the test that the disbanding of Constituent Assembly was unauthorized and unacceptable. The Chief Court judgment was kept back by the Supreme Court on a procedural ground. In the opinion of the Court that the Act, by virtue of which the Court issued the judgment was not yet law, because it had not received the acceptance of the Governor-General. As a matter of fact the Federal Court accepted that the Governor-General was the head of the Constituent Assembly and any law which drafted lacking the approval of the head supposed invalid. Declining the judgment Chief Court of Sindh, it may be stated:

“Many constitutional Bills passed by the Constituent Assembly under this rule since 1948 were authenticated without the assent of the governor-general and neither the first nor the second nor the third governor-general, Ghulam Muhammad himself, raised the question that the Acts of the Constituent Assembly were invalid for want of assent. The Sindh Court referred to an order of the governor-general only four days before the dissolution of the Constituent Assembly under an Act passed without his assent. It was stated before the Court that even the superior courts in Pakistan in a number of cases had accepted the proposition that enactment of the Constituent Assembly required no assent.”<sup>71</sup>

The Supreme Court condensed the ruling on 26 March 1955, and it defended the constitutionality of the Governor-General action, dismissing the Constituent Assembly. The court deliberated that in the blatant state of Crisis, ‘the law considered unenforceable was held to be in power. This judgment provided the power to gadget state of emergency for making unsound to legal in a very unclear era. The consecutive civil and military bureaucratic despots, from Ghulam Muhammad to Pervaiz Musharraf, have acknowledged the judgment for their personal political moorings. The same state of Emergency was planned to award the Governor-General the right to constitute the One Unit of West Pakistan by decree. Furthermore, the Governor-General presumed all constitution-making and breaking authority.

“The governor-general shall by order make such provisions as appears to him be necessary or expedient for the purpose of making provision as to the constitution of Pakistan and for purpose

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<sup>71</sup> Ibid

connected therewith, and very such order may contain such incidental and consequential provisions as the Governor-General may deem necessary or expedient.”<sup>72</sup>

Although, the Supreme Court had given the power to the Governor-General to disband the Assembly, so far it refused to support the governor-general’s will to think all power in his person. One can say that “It had functioned at the behest of the authority and has been used to further the interests of the state against its citizens but it was also the only institution standing between Pakistan and its autocratic struggle of an absolute dictatorship. In a subsequent ruling, the Court warned the governor-general that he had no power to make constitutional provisions. The Supreme Court ordered that the only possible solution of political and constitutional deadlock was the establishment of another Constituent Assembly. The Pakistan Government accepted the ruling. Though the governor-general warned not to use arbitrary powers yet he became the real victor in the encounter. If the Constituent Assembly was not treated to be a sovereign body than for the creation of the new one, governor-general could use his personal whims and no one ignored the role of the Governor-General in the making of the law. He was filled by the special power in the times of emergency and also crowned quasi-acceptance to the government argument that the governor-general was a representative of the King or as Head of State, had certain powers that were outside the written constitution.”<sup>73</sup> This was done in order to permit the validation of the impugned laws until such time as the new assembly could officially pass them. Chief Justice Muhammad Munir who sided with governor-general and ignored the sovereignty of the Constituent Assembly, was conscious the multi-dimensional shades of the problem. He had a mind that the country was surrounded by a deadlock condition and any legal mistake would have strengthened the fight, and fairly probably destroyed any conceivable arrival to parliamentary government. “In the political deadlock between the governor-general and the Constituent Assembly, the Supreme Court sided with the governor-general and preserved the only chance for the resurrection of representative government in the country.”<sup>74</sup> The age after the protection of the national legal context, the country's years of 1953-55 witnessed the domestic political variance such as strong centralized leaderships the struggle for parliamentary system. The Supreme Court was accountable for the reinforcement of vice-regal custom. A man who

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<sup>72</sup> Ibid

<sup>73</sup> Mushtaq Ahmed, *Government and Politics in Pakistan* (New York: Fraederick A. Praeger Publishers, 1963), 69.

<sup>74</sup> Lawrence Ziring, *Pakistan : The Enigma of Political Development* ( London: Dowson Ltd, 1980), 123-24.

was clearly not the constitutional head but the Supreme Court made Governor-General, the figurehead who could make and break the Constituent Assembly and the constitution. The Supreme Court indicted the Governor-General's authority. Risking the blames, "there would be no more challenges of the governor-general's authority and the scene were set for the transition to presidential, not centralised government."<sup>75</sup> The judicial gaps, including the rift between the parliamentary and autocratic way of rule disconnected Pakistani Government to work hard for the constitution making. The judiciary acknowledged the administrative domination and behaved like the part and parcel of the Governor-General.

The judgment of the Federal Court, announced on March 26, 1955 had created constitutional crises of supreme amount. Middle such grave constitutional intricacy, the Governor-General trailed a reference in the Federal Court and wanted to legalize definite Constitutional Acts of the Constituent Assembly, by giving his concurrence with retrospective effect. The Federal Court authenticated the Governor-General's Act and functional the principle of State requirement.

It was clear that the Federal Court permitted, that the Governor-General, had the legal authority 'to disband the assembly, to Call a new assembly, and validate laws prospect fully during the interim period, but that he could not nominate the members of the Constituent Assembly which must be a representative body.' However, in a leading constitutional case in which the powers of the Governor-General, 'Usif Patel vs. the Crown' the Federal Court, unrestraint his powers of formulating a constitution. The verdict was the inspiration of section 42 of the Government of India Act 1935. "Due to this section 42 the Governor-General had no power to initiate any constitutional legislation or validate such legislation with retrospective effect, and accordingly the Ordinance was invalid and thus ordered the election of a new Constituent Assembly on 28 May 1955. The verdict by the Court came as a great relief and put an end to the constitutional crises and the 'Cabinet of Talents' of the governor-general. The Court verdict was very motivating for the constitutional process in the country and it also closed the chapter that had open on October 24, 1954. But by insisting on the State necessity Justice Munir threw the nation into chaos."<sup>76</sup> Furthermost of the major legislation in effect in Pakistan became unsound for lack of the now-required assent.

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<sup>75</sup> Ibid

<sup>76</sup> G.W. Choudhary, *Democracy in Pakistan* (Dacca: Green Book House, 1963), 23-24.

Chief Justice Munir introduced a critical drama in Pakistan's political and judicial phase. He ruled the court and judgment, which would resolve who would exercise the sovereign power of the state, the Constituent Assembly or the Governor-General. In the dominating conflict of sovereign power of the state, he tossed the nation and the Constituent Assembly into the hands of Governor-General and gave the preliminary insides of monocracy in the political and constitutional history of Pakistan. The direction of the Sindh Court, allowing the court order invalidating the Constituent Assembly's disbanding, was divested. No reference was made by the Federal Court of the Governor-General's right to disband the Constituent Assembly. As an alternative, Justice Munir dodged the matter by resting the opinion of the Court exclusively on the lack of dominion of the Sindh Court to issue the summons, premising his conclusion on the single point that the stature amending the constitution and creating prerogative in the court to issue the writ had not received the assent of the Governor-General. "For him the assent was ' as necessary to the validity of legislation as the law which requires a document to be under seal or registered. It is a formality, which cannot be dispensed with except by proper amendment of the Constitution."<sup>77</sup> By the application of the formality Justice Munir handed over the politics and nation into confusion. Justice Munir was the man who grabbed the power of the state for Ghulam Muhammad and because the Constituent Assembly unsuccessful to gain the judicial remedy, the Governor-General became long-established and decisive head of the state. The judgment also gifted the effective veto power over all of its legislation. The Governor-General was the Sovereign body and he could dissolve the Assembly for political drives.

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<sup>77</sup> Ibid

## CHAPTER- 2

### CONSTITUTIONAL DEVELOPMENT AND POLITICAL CONSEQUENCES (1956 — 1958)

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After the emergence of a new country, as result of de-colonization and the change of old boundaries of subcontinent, conflictingly seemed amid the colonial and outward-developing forces. A study of the historiography of Pakistan replicates the political fluctuation and change in its political development. Through each change of political open-up, the situations of Pakistan's government also transform. The elementary cause of this anti-constitutionalism in the country was the national legislature for this fresh nation, the Constituent Assembly of Pakistan "was born without the formal blessing of law. Its conception lay in the British Cabinet Mission Plan of May 1946 and the Viceroy's statement of June 3, 1947, which announced the agreement of partition the sub-continent. The 1946 Plan envisioned a single Constituent Assembly for undivided India. This was to be an assembly of representatives chosen by the elected members of the provincial Legislative Assemblies with the addition of delegates from the princely states."<sup>78</sup> There were several forces Pakistan faced which grouped against the progress of a constitutionally representative based political structure. The incapability of the Muslim League to mature itself as an integrated, comprehensible political party and lastly, the Muhammad Ali Jinnah's death so early in the creation of Pakistan, and the leadership which prepared to fill an administrative void, couldn't decide on a constitutional outline until 1956. Life lacking set free the cut off powers and flowed to build mischievous sprite house of civil-military administrators. "Ghulam Muhammad was the member of that devil-house bequest who melted the Khawaja Nazimudin's government and changed the charm of the debate. It also changed forever the Pakistan phenomenon."<sup>79</sup>

Pakistan came into life due to two rudimentary aspects, the Muslim League and the leadership of Muhammad Ali Jinnah. Unluckily two dynamics left so timely in the creation of Pakistan. It

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<sup>78</sup> Kieth Callard, *Pakistan: A Political Study* (London: George Allen & Unwin Ltd., 1957) 77.

<sup>79</sup> Henry Korson , *Contemporary Problems of Pakistan* (Oxford: Westview Press, 1993) 171-173.

was Jinnah's departure which absent the league without its topmost orator, or the Muslim league surrounded by the more contentious characters after the formation of its organized drive, or it overlooked the usual procedure of political life of a country. The fragmentation of the party and its leader's death led to forced brashness towards other dissidents. The issues have given a way for the politics of administrative form of government. These officials not only brought end to the Muslim League, they also started a new beginning, based not only on imported thoughts but also practices that were all too aware to Pakistan's dissimilar people. The Ultimate failure of Muslim League observed in 1954 provincial elections in East Pakistan when it was inclusively crushed. "By the time, the Muslim League tried to resuscitate its general appeal in 1958 but it was too late. It had become the party of the enemies who flying at each other's throats"<sup>80</sup> The historian debated that the chief object that Pakistan has not been capable to pilot its way to a constant, constitutional-based political culture was the lack of national party.

Pakistan's new leadership credited the constitutional, political and sectarian struggles to the politicians and the masses. Declaring that the country had sufficient of declamatory move, Ghulam Mohammad uncovered from the cabinet the more contentious personalities who were yes-man and not only changed the Jinnah's inspired sequence of political though but to deep authoritarian representation of officials. It is a detail that Ghulam Mohammed's sacking of Nizamudin's cabinet in 1953 was indecorous, though in line with the legal obligations of the 1935 government of India Act "under which Pakistan was being run till a constitution was framed."<sup>81</sup> Likewise, the closure of the constituent assembly, by altering sections 9, 10, 10 A, 10 B of the government of India act 1935 can be characterized as a shocking verdicts in Pakistan's constitutional history, predominantly at a time when it had practically completed the draft of the first constitution. The poorest influence of this contentious feat being the stimulation of bureaucracy and the army in vanilla politics, paving the way for army general and civil servants to give validity to Governor General's movements. It was a clear desecration of the code of sovereignty of the political over military-bureaucracy power.

Despite the chaos in numerous managerial matters, the use of surprising powers by the Governor Generals, deputized by the Indian Act, 1935, had directed other political, constitutionals melancholies in the country and it was that constitutions under which Pakistan organized its

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<sup>80</sup> Lawrence Ziring, *Pakistan: A Political History* (Karachi: Oxford University Press, 1997) 148.

<sup>81</sup> Ibid

governmental life during the lengthy period of constitution making. It was for those bureaucrats, politicians and army who had so much enthused by the vice-regal customs and worrying democratic forecasts. Muhammad Ali Jinnah also accepted the act as provisional constitution, in which it was allowed that Governor General, in recognize conditions, to discharge a sitting Prime Minister without the assistance or consent of the council of ministers. The power of Viceroy was mechanically deputized to the heir, and “the relationship between the head of the state and the head of government remained much as it was before the transfer of power. There was no change in the traditional politics administrative system, inherited by vice-regal masters. However there were dim glimpses of clash between the advocates of democracy on the one side and autocracy on the other, only delay the issue of constitutional destination. Basically, the constitutional destination delayed after the Liqueate Ali Khan’s mysterious assassination which create a huge void and filled by an ambitious bureaucracy. Ghulam Mohammed who had never held electoral office and came from railways administration, was the member of that ‘Naukar-shahi’, without any real reason dismissed the prime minister, who still enjoyed a majority in the constituent assembly.”<sup>82</sup>

The action which came from Governor-General unusual powers disordered the members of the Constituent Assembly. It was not unlawful verdict. The members of the assembly were on the razor’s edge. They were finding for their political and sovereign existence which was uprooted by the spells of vice-regal extraordinary power. They had very mystifying questions that ‘if the Governor-General could use his distinct privileges to preventative and repressed the powers discussed on the provincial and central government, how could the Constituent Assembly protect itself against the subjective use of those powers? They modified the government of India act 1935 by implanting new sections, 223 a, that deliberated upon the high court the power to subject privilege court order. The period for their constitutional sovereignty was the repeal of PRODA and a bill was introduced in the Assembly to modify the section 10 of the Government of India Act 1935. It was straight dose on the alternative powers of Governor-General, particularly his right to fire a sitting Prime Minister but vainly because the Assembly and the Prime Minister had being transformed into a artifact of history and the new Constituent Assembly comprised of a actuality of political command, came into being for the drafting of delayed constitutional.

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<sup>82</sup> Lawrence Ziring, *Pakistan: A Political History* (Karachi: Oxford University Press, 1997) 161-62.

When the uniqueness of the authority in Pakistan has been recognized, it is easy to see that given its non-representatives, selective forces which always tried to seek legality by using their constitutional powers, gifting by the vice-regal temporary constitution. However the country assessed from interim constitution to own constitution in 1956, yet the legitimized realization and the whole disrespect for constitutionalism have often injured the country's paralyzed political culture.

Ghulam Mohammed's infinite and inedible rule of high authority turned-out the sagacity of high-headedness in the mind of his coadjutor, Major-General Iskandar Mirza who had brought to his job of Pakistan's third Governor-General. The qualified official who entered in the of Ghulam Mohammed's Cabinet as Interior Minister, with "the full bag of tricks he had learnt as the British Political agent on the North-West Frontier. Though after the entrance of Iskander Mirza, it was the end of Ghulam Mohammed's constitutionally legal, unpalatable job yet it was the start of new era in the nation saw a romance between the civil-military establishment which surpassed countries descendent in every respect. The fallen Muhafiz-i-Millat gave nothing to the Millat, except stridden centralization and having suffered severe heart attack, he had to vacate his office for Iskander Mirza on 6 October 1955. And he had, via the 1956 constitution, coined for himself an official designation, viz., President of The Islamic Republic of Pakistan. The single object was to make secure and make the people believe that he wanted to develop a new system for better establishment, which dented by the wrong mechanical skills. Perhaps it was the destiny of the nation that every time, a man dressed with power, crossed the borders of political and constitutional values and dented the democratic norms and the irony is that the leadership of Pakistan during this time period felt that it was not in the best interests of the new nation to democratize."<sup>83</sup> Too many commentators and spectators in Pakistan shapes that the lack of feelings for democracy and obliging political culture in the country as its birth has been the key obstacles in the quest for real constitutional destiny. The crises of democratic governance in Pakistan started with the sacking of Prime-Minister in 1953, which laid down the foundation of irresponsibility of Pakistan's democracy.

On behalf of analyzing the constitutional growth and the dictatorial state structure in general and the crises of constitutional ascendancy in Pakistan in specific, it is imperious to set up a political and historical examination of some rudimentary constitutional set-ups and their set-backs. The

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<sup>83</sup> Zulafkar Khalid Maluka, , *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995) 163.

purpose is to understand those steps which badly influence the potential and order of Pakistan's weaker constitutional and democratic object. It is a fact that “A Constitution contains those primly rules of law and those binding conventions which regulate the structure of the governmental organs and the civilized government consider the constitution as the supreme law of the land. This kind of agreement amongst them created stable political methodology. It is sacred commitment for the government to the constitution that to preserve it with all its commas, semi-colons, and full stops.”<sup>84</sup> It is, consequently, a politico-legal text, which contracts with the basic rights and the central duties of the citizens of the state and which should comprehend in the light of cooperation, worn as meager piece of paper. The ruling class, soundless judiciary, low literacy rate, inflexible religious pressure groups, the germs of regionalism created by thin centralization, socio-political disorder inherited by the colonial masters, not only became the obstacles in the task of constitutionalism but also helped to collision the politico-constitutions circumstances in the country. It was due to that colonial constitutional legacy that the early constitutional trials “attempted to provide a written constitution that would use the language of British constitutionalism to define sovereignty and yet separate the new state from Empire and was loaded with an executive-dominated state already created by imperial instruments of governance.”<sup>85</sup>

As started earlier chapter, the second constituent assembly again elected indirectly through the provincial assemblies, saw a new draft constitution, which was hurriedly passed and came into effect on 23 March 1956. The constitution was based essentially on the existing arrangements and the 1950 Indian constitution. The general structure was the same as of Indian Act, 1935. The 1956 constitution complicated condition because it did not adequately address the prevailing circumstances in the different regions compromised Pakistan. The matter of representation by Bengali partiality which was the battercake in the first period of Pakistan's freedom, gained impetus after the draft which could not reference equally shared representative culture between the center-province relations. Choudhry Muhammad Ali was became as Prime Minister by Iskander Mirza, who the head of Muslim League-United Front coalition ministry, cheered by the Constituent Assembly of Pakistan on the issue of the scheme of One Unit. The History of constitution making proposed that the “non-contiguity of the two wings of Pakistan and the division West Pakistan into different administrative Units were the major hurdles for providing

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<sup>84</sup> Ibid.

<sup>85</sup> Paula R. Newberg, *Judging the State: Courts and Constitutional Politics in Pakistan*, (Cambridge: Cambridge University Press, 1995) 3-4.

satisfactory representation to the provinces in the central legislature. For the administrative and representative solution the West Pakistan's part were integrated. Though via compromise, he hammered out the Constitution which coined for his Governor-General; an official designation, viz., President of the Islamic Republic of Pakistan.”<sup>86</sup> The God-gifted President with a nominal Prime Minister declared ‘traitors’ i.e., Fazle Haq as Governor of East Pakistan and Dr. Khan Sahib (Brother of Khan Abdul Ghaffar Khan, and Chief Minister of West Pakistan in 1956) who was a non-Leaguer, after the amalgamation of West Pakistan regulated the Republican Party which won the provision of the majority shaped its government. The party “was not in the position to contest against Muslim League in a general election but through political maneuvers and extension of patronage, it won over many legislatures who were elected on the League ticket foisted as the Chief Minister on West Pakistan. Though, the Iskander Mirza’s nominees were the prominent leaders of their lands but they were widely resented within the ranks of the public and the Muslim League. Out of the 310 Provincial Assemblies members, 245 belonged to the league, which had not only passed a resolution against Dr. Khan Sahib's nomination but had selected Sardar Bahadur Khan as its parliamentary leader. In spite of these pangs of motions he continued his constitutional prerogative post because he was backed by the connivance between the Prime Minister and the Governor-General and to remain in office, like a sponge that absorbs water, till troubled and ousted by a no-confidence motion.”<sup>87</sup>

Iskander Mirza, who became the President after using constitution, had knowledge of ‘intrigue-ridden game of realization and discharge of ministries’ sneaked and sacked as many as four ministries which fell like jots. This was reflect of those seven years that failed since the objectives were demarcated were years of wild discontent. The conflict era started when the first Premier assassinated to a bullet and the second was taken by an Anglicized bureaucrat, the third gave the formula of representation was made to step down and “repudiated by his own party. The fourth, a seasoned bureaucrat turned politician, Choudhry Mohammed Ali, gave the country its first constitution who could work for 13 months of constitutional unrest. After the natural death of Choudhry Mohammed Ali's 13 months stint as Prime Minister due to the betrayal of his supporters came the government of Hussein Shaheed Suhrawardy, who (as a member of the CAP) refused to sign the 1956 Constitution.”<sup>88</sup> It is important to note that “H. S. Surawardy led

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<sup>86</sup> Rafi Raza, *Pakistan in Perspective: 1947-1977*(Karachi: Oxford University Press, 1997) 9.

<sup>87</sup> Safdar Mahmood, *Pakistan Political Roots and Development 1947-1999* (Oxford), 48.

<sup>88</sup> Zulafkar Khalid Maluka, , *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995) 165.

his Awami Leaguers out of the Assembly while the vote on the constitution was being taken and before participated in the Islamic republic President's power-ridden politics as prime minister he never gave his approval to the constitution.”<sup>89</sup>

Mr. Suhrawardy, later leaving the government and remaining the opposition leader in the new Constituent Assembly, and all this within a short period of two years, became the Prime Minister of Pakistan in September 1956. It was very surprising for the people that H.S. Suhrawardy who was the highest poppy in the land, accepted the proposal and started working under the overlordship of Iskandar Mirza. “H.S. Suhrawardy's only asset was his indomitable personality, made up of his intellectual attainments, matchless legal acumen, talent and training in the management of men and the art of government.”<sup>90</sup> These assets were demolished when he came as a first counter on Iskander Mirza's chess-board and “defended policies and perspectives which he had detested in the past.”<sup>91</sup> He was like a democratic bird who compelled to sing in the golden cage of premiership who made conciliations under Republican weight, predominantly on One-Unit and in of foreign policy as well. When he was the Leader of opposition, he articulated open qualms about the veracity of the constitution and the desirability and possibility of One-Unit which was planned to give the Governor-General widespread powers in the new constitution that he planned to promulgate by regulation. Surprisingly enough, he turned to preserve and defend the same document and scheme which was imposed imperials, as the prime minister of Pakistan.

This was a heartbreaking sarcasm of Pakistan that old-fashioned class was the leading aspect ‘first in the façade of the Muslim League and later in the Republican costume.’ Conceivably, the utmost disaster of the country that it has had to agonize protracted bouts of miss-governance at the hands of either dishonest or ineffectual feudal politicians, over striving H.S. Suhrawardy, was also imprisoned by plotting ridden game of the profane threesome of monocracy which gripped in the early years and manipulated not only the democratic or constitutional standards but to try every politicians of some public significance, called upon to sustain the government, get them characterized as unsuccessful and dishonest, and then kick them out as throw-away boxes.

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<sup>89</sup> Ibid

<sup>90</sup> Mushtaq Ahmad, *Jinnah And After: A Profile of Leadership* ( Karachi: Royal Book Company) 87.

<sup>91</sup> Zulafkar Khalid Maluka, , *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995) 171.

The people of Pakistan, who saw the “demolition of democracy, were not cried over H.S. Suhrawardy’s sacking. Iskander Mirza who was the actual man behind the devastation despised the Pakistan's citizen as a political useless who needed a controlled government till he could be given proper training in the businesses of government.”<sup>92</sup> Such as Lawrence Ziring enlightened it that “the people were largely ill-educated and due to this lack of education would lead to an unreal estimate of the consequence of political action.”<sup>93</sup> It is a fact that Pakistan is today and at the time of independence an underdeveloped, moth-eaten and condensed state and the people rapidly found themselves in new political, social and constitutional errands but these were not the only significances which made them unqualified for democracy. They were ready for democratic constitutionalism in Pakistan for which they thrashed under the leadership of Quaid-e-Azam Mohammed Ali Jinnah.

The Father of the Nation had most appreciated model of parliamentary, federal and democratic constitution. They were politically soundless but not clown, as Iskander Mirza would have them recalled. Whereas untidy politicians and British trained bureaucratic and military group were complicated in the devastation and nullified the structure. “It was not the people who put Ghulam Mohammed in power. Nor was it the people who wrote the court decisions which legitimized democracy's destruction. It was not the people who create the situation under which as many as four ministries fell like pins which indicates the weaknesses in the constitutional environment. They were politicians and their parties which were more concerned with personal retribution than preserving constitutional principle. They were quarreling with each other and manipulated by bureaucratic-military alliance.”<sup>94</sup> Mirza was expert in changing parties because the political parties became an anachronism. Mirza promptly made and unite alliances and after a brief Republican NAP alliance, he unexpectedly moved his support back to the Muslim League and H.S. Suhrawardy, was substituted by I.I. Chundrigar, a leader of the opposition in the National Assembly only for 59 days. He was substituted by Malik Firoz Khan Noon, a significant landowner from Punjab, who was the last fatality of Mirza's undemocratic fire. In conclusion, there were “politicians who destroyed their options and left the field to the civil-military elite which quickly filled the political vacuum. In this political vacuum not only ill-minded politicians, but the leader like Suhrawardy was also trap to satisfy his personal retribution and

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<sup>92</sup> Allan McGrath, *The Destruction of Pakistan's democracy* (Karachi: Oxford University Press, 1985 ) 232.

<sup>93</sup> Lawrence Ziring, *Pakistan: the Enigma of Political Development (1980)* 58.

<sup>94</sup> Ibid

missed every opportunity to sustain the 1956 constitution. Mirza-politicians companionship did not last long and after trying four candidates, decided to use old whim which he conceived by his ancestors.”<sup>95</sup>

In October 1958, he victimized the 1956 constitution and propagated martial law in the country. “The good guy was also ousted after a month when his best companion, Commander-in-Chief, General Ayub Khan replaced him. They wrecked the Constitution by using the Constitution. Both were jealous about the constitution and constitutionalism. Having no emotion for the integrity of the constitution both finalized authoritarian art of statecraft under their genius and their bureaucratic clique.”<sup>96</sup> Though both tainted and dislocated the politicians, Ayub Khan nominated Iskander Mirza as a twisted politician powerless of giving Pakistan the kind of leadership that the time called for. In his book ‘Friends Not Masters’ Ayub Khan who come into the power since 1954, always reviled the constitution and muddle minded politicians of the state. For the development of his power drive he used legally elected President, the man who had taken pledge on the Koran to defend and protect the Constitution, Iskandar Mirza to destroy the Constitution disclosed that I said the President: “Are you going to act or are you not going to act ? It is your responsibility to bring about change and if you do not, which heaven forbid, we shall force a change and then he perceived his final destination. Sayeed stated that “Ayub Khan could take action against what he considered the enemies of the country and tackle some of his basic problems. He thought he should first get rid of his friend, Iskandar Mirza.”<sup>97</sup>

It was constitutional and developing course of General election, scheduled for February 1959 While blaming everybody except himself, President Iskandar Mirza, on the evening of 7 October 1958, issued a declaration to repeal the Constitution of 1956 and the National Parliament and Provincial Assemblies were melted and pending substitute preparations were made, Pakistan would come under Martial Law, General Ayub Khan being the Chief Martial Administrator, with all the armed forces placed under him. “During the seven year period following the assassination of the first prime minister on 16 October 1951 till martial law, the country had six prime ministers and three Governor-General. The action which, came with Martial Law also introduced a new system.”<sup>98</sup> The country completed the administrative travel from Viceroy to Governor-General

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<sup>95</sup> Ibid

<sup>96</sup> Zulafkar Khalid Maluka, , *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995) 171.

<sup>97</sup> Khalid bin Sayeed, *The Political System of Pakistan* (Queen’s University, 1987),93.

<sup>98</sup> Rafi Raza, *Pakistan in Perspective: 1947-1977*(Karachi: Oxford University Press, 1997) 10.

and lastly, the President. The Constitution which was adopted after long negotiations and discussions endangered by the callousness of political Adventists like Iskandar Mirza and Ayub Khan but they blamed that the conspirators of the political body were accountable for this act and marked the dominance of military and bureaucratic effect in Pakistan's politics. There were three rudimentary reasons behind the action, the ambitions of the civil-army romance, the created political unpredictability, and the constitution, mostly engineered for personal position and power. The period prior to the 1956 Constitution, and afterward, only viewed the drama of political uncertainty.

The disgraceful misuse of constitutional democracy was not only happened in the central system but it was also introduced in the provincial assemblies by their centralized masters. In Sindh Mr. Ayub Khuhro, the Chief Minister, who was discharged in 1948 by the Sindh Governor on charges of corruption? Judiciary supported the action and he was ineligible from holding public office. “However, Mr. Ayub Khuro was able to get his disqualification set aside and a few months later were back in office. In December 1951, he was again removed and barred again from holding public office and again became, in 1955, the chief minister for the third time. Sindh was more politically and administratively hurt by the center. One Unit which was schemed for the domination of representation of Western part over to the Eastern part, provided ‘traitors’ and ‘heroes’ to the history of Sindh. Sindh suffered more under the political rule of Punjab who were dominating Western province. During this period, fertile land was allotted to army officers and high bureaucrats and peasants of their rights. Due to this, Sindh found itself in the same situation as when it was part of the Bombay Presidency during the colonial period.”<sup>99</sup> As a substitute of Bombay it was now dominated by Lahore. However, this condition helped the Sindhis become more settled yet they realized that neither the status of Sindh as ‘Babul Islam’ nor their influence to the freedom movement helped them to get their rights.

The Provincial Assembly of the Punjab also faced scarcity of steady administration as well as political situation. In its short life till 1955 had three ministries, which were ineligible and discharged. The Mamdot Ministry was sacked in 1949, Doultana was disqualified in 1953, lastly the Feroze Khan Noon rule lasted till 1955 when the one unit scheme was lighten up to unite all the provinces of Pakistan. In British India, Punjab was an agro-based transformative province, had prominence for its origins with the colonial managers. It was 1940 when spectators thought

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<sup>99</sup> Rafi Raza, *Pakistan in Perspective: 1947-1977*(Karachi: Oxford University Press, 1997) 10-11.

that the Pakistan Movement had been bright to cavity the hegemonic cooperation between the landed courses and the services gifted by the colonial's masters when in 1897 the British Punjab was the province to obtain most of the seats and services were assigned to the representative of landed aristocracy the intermediaries. 'Such dynasties' of Punjab maintained their hold on Punjabi politics through strong political parts like the Punjab National Unionist Party which ruled the province until 1947. Over the years, the East Pakistan and other smaller provinces used the slogan of Punjabi domination due to its role in national politics.

The little period of ten years after Independence made the political ground a stage of turbulent drama, the conspiracy was thick with plotting and the exoduses and arrivals of the players was at times so recurrent that the audiences would often lose track of the fundamental theme and instead remained engrossed by the ceremony of divisions, action-packed with heroes and villains. Joined with political unpredictability and confusion was the distorted of national economy. In the ten years the governments at the center as well as provinces were changed instant. These undefined political events of Pakistan's history shaped economic emergencies, social variability and ideological frailties but the dazzle of events have one very important progress in constitutionalism which was brought into operation on 23 March 1956. This trial, though, was also short lived and was never fully applied, nor could it have been without national elections but it was clear signal of constitution making, which change the name of the Territory 'Pakistan to the Islamic Republic of Pakistan.'

Although, the internal strife amongst the politicians was stalled the state of affairs yet the constitution of 1956 was the creation of unanimity that develop by the political parties. The document agreed upon by East and West Pakistan leaders. One had then hoped for party based politics and regular elections but this vision was not pleased. Though, the army did not take the constitutional preparations and two years later General Ayub Khan decided to revoke the constitution and lastly took control of the country openly in its own hands in 1958. This is a realism that when the politicians developed the consent it cracked by the army and their idiocies. Since the early years of Pakistan, the army began to play an obliging character beside with civilian bureaucrats like Ghulam Muhammad and Iskandar Mirza scoffed the politicians and practically ran the country after the death of Jinnah. "The army chief even carried out defense agreements with foreign countries without the prior knowledge of the contemporary prime ministers."<sup>100</sup> The history of Pakistan is brimming with sequences of optimisms and displeasures

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<sup>100</sup> Dr. Mubarik AH, *Understanding Pakistan* (Progressive Publication), 36.

and is witness to component of campaign webbed around citadel machinations. In the words of one of Mirza Ghalib's greatest moving verses, 'our fate has been a constant longing for a better future and regret over the unfulfilled wishes of the past.'

The all-inclusive history of Pakistan's constitutionalism had been ruled by the bureaucracy, executive and army. The constitution denied custom in the Pakistan was that of a strong administration, first under the oriental rulers then under the British. This vice-regal inbred arrangement of Pakistan was not in tune with democratic ones because the high executive, the members of the bureaucracy in British India got key position in the governmental machinery in Pakistan. Governor-general Ghulam Muhammad, President Iskandar Mirza, and Choudhry Mohammad Ali "It was hardly expected that this powerful group should have any regard for democratic traditions and constitutional practices"<sup>101</sup> Golam W Choudhry "feels that the real threats and challenges to democracy in Pakistan came from an all-powerful and irresponsible executive in Pakistan which was aided and supported by the powerful bureaucracy. They openly criticized the ability of Pakistani people and advocated controlled democracy for Pakistan in 1954. Although, the era of H.S. Suhrawardy was brief interval of thirteen months when he became the Prime Minister."<sup>102</sup> But even during this interval "Mr. Suhrawardy had to rely on the all- powerful President Mirza and his party for his existence, and such the grip of the group was not seriously undermined."<sup>103</sup>

In 1960, Muhammad Shabuddin, examined the causes of the failure of constitutional democracy in Pakistan. According to him, "the main reasons for the destruction of constitutional-parliamentary democracy were:

- Lack of proper elections
- Undue interference by the heads of the state with the ministers and political parties and by the central government with the functioning of the government of the provinces,
- Lack of leadership resulting in the absence of well- organized and disciplined parties, lack of character in the politicians and their undue interference in the administration."<sup>104</sup>

In the lack of a sound party structure, an apt elections, bureaucratic heads impact, and

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<sup>101</sup> Iftikhar H. Malik, *State and Civil Society in Pakistani* (London: Macmillan Press LTD, 1997) 102.

<sup>102</sup> Golam W. Choudhry, *Pakistan: Transition from Military to Civilian Rule*, 20.

<sup>103</sup> Iftikhar H. Malik, *State and Civil Society in Pakistani* (London: Macmillan Press LTD, 1997) 20.

<sup>104</sup> Golam W. Choudhry, *Pakistan: Transition from Military to Civilian Rule*, 25.

lack of lineage leadership could not introduce the constitutional inclinations in the country. Where the leaders were short of parties. “Where the representatives were traitors and unrepresentative clowns backed by authoritarian were God-gifted ‘good guys’ how one can imagine for good, sound constitutional-accepted society. It is due to this that the constitutional provisions, both under the interim constitution as well as under the 1956 constitution, contained many loop-holes which enabled the powerful executive to control the powerful executive to maintain and strengthen its grip on the country’s administration and government.”<sup>105</sup>

The story of ambiguity in the constitutional mechanism which assisted the dominant executive to control the whole democratic state started in the time of Lord Cornwallis (1786) when constitutional expert in British India provided emergency requirements to switch some governmental crises. These alternative requirements were also provided after independence to create bureaucratic control.

Pakistan, ‘callous exercise was made of section 92-A of the provisional constitution and article 193 of the 1956 constitution’ which broken democratic foundations and overseen them by bureaucratic influence. This workout became a preferred wonder of Pakistani’s bureaucratic-military coalition. Not only in the age of executive but “even while the popular governments were in operation, its leaders were constantly under the threat of emergency rule or disqualification from political life under the PRODA (Public and Representative Office Disqualification Act).”<sup>106</sup>

Pakistan's political system was described as a “modernizing oligarchy and could be termed as an oligarchy under the democratic constitution because the various government changes that took place in the country could be traced to the inordinate desire of the ruling oligarchy to perpetuate its power and position and it was very easy for oligarchy to hold the constitutional democracy because of the lack of cohesion and integrity among the political parties and their leaders. The oligarchy acted like executive to crush the democracy as well as political parties whenever any of them constituted a threat to its hold and dominance, the oligarchic tendencies griped the entire political situation and constitution. It should be destroyed for the prospects of democracy.”<sup>107</sup>  
The only political machinery was the “well-organized and widely based political parties which

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<sup>105</sup> Ibid

<sup>106</sup> Ibid

<sup>107</sup> Almond and Colman, *The Politics of the Developing Areas* (Princeton, 1960) 572.

could eliminate of the control of the undemocratic elements in Pakistan. This is impossible in country like Pakistan where the leaders and members can change their party and commitment, not for the sake of principles or country but for the sake of base self-interest. It is known as 'lotocracy' in Pakistan and which constitute the greatest challenge to the well- organized and widely-based political party system and the entire constitutional emotions."<sup>108</sup> This is the reason that whenever nasty, ruthless martial law backed by executives has been introduced, it has been cheered by the people. "Our history can be summed up in one sentence. It is the sound of heavy boots coming up the stairs and the rustle of satin slippers coming down."<sup>109</sup>

The hereditary oligarchic circles, "the early death of the founding father, the mysterious death of Liaquat Ali Khan, the removal of second Prime Minister, the collapse of the League and the regional-central tussle are very important for which the Students, teachers and researcher are prone to complain about the system. They argued that events in Pakistan are getting less and less transparent; it is coming more and more difficult to discern any kind of pattern of political and constitutional process."<sup>110</sup> It is true because in Pakistan, presented different kind of political trials by the politicians, executive and military. However all these play no role in decisive strategy verdicts and have become unrelated. As Maleeha Lodhi has perceived, 'how meaningful is our democratic direction, replete with political parties, Parliaments, Cabinets and when tangible results are made elsewhere?' It beset the constitutional and political legacy and missing confidence its future. What is the meaning of constitution in the mind of Pakistan's elite? A bantam draft of no significance on the political surface of an insignificant country, breathing in an inferior Society? An unintentional or hurled of economically disheartened crowds which have come together by an unusual chance? That is what some political critics are explaining and thinking. Looking out into the penetration of political drive which created Pakistan, in which we revealed a society of unlikely people, shackled in slave based medieval thinking or the re-awakening of the people is one of these colossal actions that can only be correctly understood when viewed in a wide historical insight. It was true that country was attained by the constitutional fight but the crowds did not understand the constitutional sentiment of the leader, they were only finding charisma for the gratification of their economic, political and social needs

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<sup>108</sup> Golam W. Choudhry, *Pakistan: Transition from Military to Civilian Rule*, 22.

<sup>109</sup> Roedad Khan, *Pakistan: A Dream Gone Sour* (Karachi: Oxford University Press, 2000 ), 203-204.

<sup>110</sup> Dr. Manzooruddin Ahmad, *Contemporary Pakistan: Politics, Economy Society*, (Karachi: Royal Book Company, 1983), 84.

and for that lock the key was made by the Islamic oath. It is also true that no one comprehend the meaning of Islamic state and Islamic Constitution. All the effort was for the sliding doors. And for this drive the services of Ulema and Mash'ikh was also used. They worked and helped during the elections in 1945.

Kind of the Ulema like Shabbir Ahmad Usmani fortified the Quaid-e-Azam against the spells of other Ulema. It is also a sarcasm that those Ulema who were working with Quaid-e-Azam, functioning for establishment of an Islamic state rather than a constitutional state.

Though, in the nineteenth century, the Muslim common people tracked the political path of Sir Seyed Ahmad and vetoed the Ulema. But in religion they followed the Ulema and rejected Sir Seyed Ahmad. For the clarification of their political dream they did not admit the lead of the Ulema and resumed to a modern liberal educated man who was well known for his contemporary constitutional political understanding in which he was eroded both against the Hindu Congress and British Indian Government. The Muslim Ulema inspired the people for very little time. They wedged on them during the Khilafat Movement but could not develop the frontline in shaping the political ground for Muslim community. This political development came under the leadership of Muhammad Ali Jinnah who had no pretension to leadership in the compass of religion. His slogan of freedom, an independent motherland for the Indian Muslim, where he could live according to his own intellect, the Muslim community into a formidable force.

After the independence, the political idea was confused by citing different statement of Muhammad Ali Jinnah and deferred the constitutional smoothness in the country. "The secularist stated that Jinnah spoke against the exploitation of the common man by landlords and capitalist and the purpose of the making of a new country to solve the political and economic disparities as Jinnah stated that there are millions and millions of our people who hardly get one meal a day. Is this civilization? Is this aim of Pakistan? If this is the idea of Pakistan I would not have it. The Ulema that were with Jinnah exerted the cause of Pakistan into an Islamic state and used the statement of Jinnah for an Islamic state and Islamic constitution. Pakistan started the moment the first non-Muslim was converted to Islam in India long before the Muslims established their rule. As soon as a Hindu embraced Islam he was outcast not only religiously but also socially,

culturally and economically. As for the Muslim it was a duty imposed on him by Islam not to merge his identity and individuality in any alien society.”<sup>111</sup>

The people of Pakistan who saw the heated discussions in the assemblies and their devastation were not the political animals but the educated class of a country talked about the subjects tangled in drafting a new constitution which designated briefly in the chapters.

On the other hand the other class, who could comprehend the constitutional accountability, only used the argument of necessity for their personal notions. The survey of Pakistan’s judicial, from 1954 to the year 2000, renders its rulers as bullies, its judiciary as their powerless cronies, and its inhabitants as slaves. The judiciary which should be the custodian of constitutional significance in a country, authenticating the rule of tyrannical rulers like Ghulam Muhammad, Iskander Mirza, Ayub Khan, Yayha Khan, Ziaul Haq and General Pervez Musharraf.

In this connection “the historical roots of bureaucratic-hierarchical structure of the subcontinent cannot be so easily ignored. Because the history of the subcontinent witnessed the deep-rooted traditions of monarchic-despotic government, just as where the surrounding areas of the Middle East, South Asia and the Far East, South East Asia and the Far East.”<sup>112</sup> The introduction of extremely ratified centralism of the constitution of 1956 was the reflection of those impacts.

The constitution was the second model in which the writer calculated the four era of Pakistan's constitutional evolution. He stated that “it is necessary to distinguish the four different stages which the constitution making process in Pakistan went. For this he made four system of constitutionalism, i.e. from 1919 and 1935 constitutional era and these British acts constitute the basic frame work in Pakistan even today, the pure Whitehall system of Parliamentary Government and which found expression in the first Constitution of Pakistan in 1956, the era of Constitution of 1962 and which was not decided by the Constituent Assembly but decided by President Ayub Khan but without the separation of power and the Introduction of 1973 constitution which was nearer to the Basic Law of the German federal Republic, in its most characteristic aspects of constitutional system of parliamentary Government. This was that constitutional system for which the Muslim League and other political parties struggled in the time between 1947 and 1958. It was true that the Constitution was the revised edition of the

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<sup>111</sup> Khalid Bin Sayeed, *The Political System of Pakistan* (Karachi: Civil and Military Press, 1987), 159-164.

<sup>112</sup> Kieth Callard, *Pakistan: A Political Study*(London : George Allen & Unwin Ltd., 1957) 148.

Government of Indian Act 1935 and many of its terms and even whole clauses have been transferred from one document to the other with having a preamble with 234 Articles and six schedules.”<sup>113</sup>

The Constitution was a game for the maintained bureaucratic-military structure, because it has the provisions for repeating the game of making and unmaking cabinets. “The constitution partly demolished the dualism of British legislation for India by making the President a figurehead, vesting all power in the Prime Minister and his Cabinet, while maintain largely the safety valve of emergency provisions which clung with the entire constitutional body and suck the emotional blood of this sacred document. The Supreme Court did nothing which the country’s mighty civil and military establishment did not want it to do.”<sup>114</sup> Though the period from 1956 to 1958 can be called the era of constitutional importance because the government completed the draft yet it is also true that the Pakistan visualized the state of disasters and the unpredictability of the Executive in those years. “The politicians, the third secondary pillar of governance worked like the rolling stone for the receiving of jobs in the Cabinet or because they hoped to receive a post from opposition if they crossed the floor.”<sup>115</sup> So it be said that the “main drawback of the constitution of 1956 was instability of Cabinets, selfishness of party leaders, and intolerance towards opposition groups.”<sup>116</sup>

Subsequently the application of Constitution by the presiding Governor-General, “Pakistan was declared a federal republic but its parliamentary system had allowed roles for President and Vice-President. Provincial autonomy was included in the document but fractured by the strong centralization in the country especially to meet anticipated emergencies and to safe guard the state’s territorial integrity. One can visualized that the Constitution was riddled by the complexities of centralization and Islamisation. In spite of this implementation, a strong center did not sit well with those pressing for a different version of Pakistan than that engineered by Pakistan’s civil-military elite. Mujib and Bhashani, the strong dissidents of the constitution, called it the document of Americans and demanded immediate recognition of East Pakistan’s distinctive character.”<sup>117</sup> The constitution was failed in its conformist politics and met strong

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<sup>113</sup> Karl j. Newman: *The Constitutional Problems of Pakistan*.

<sup>114</sup> Ibid

<sup>115</sup> Ibid

<sup>116</sup> Ibid

<sup>117</sup> Lawrence Ziring, *Pakistan in the Twentieth Century: A Political History* (Karachi: Oxford University Press, 1999), 18.

hostility from the East Wing who was causing the idea of two countries which led to the parting of the ways. As indicated earlier the constitution also gratified the social purists of the society that is the outlines of Islamic requirements of the state. “It is interesting to note that the country could not gain the status of Islamic state, while it was declared an Islamic Republic.”<sup>118</sup>

So the Constitution was pierced by two rudimentary drawbacks: “the ideology ‘Islamization’ and authority ‘Centralization’, which plagued the whole process of Constitution-making. It is also true that these complexities were historically and instinctively, clung with the nation's constitutional fortunes. Moreover, too many battle lines had been drawn through the course of these events, and those once established, they could not be erased. The leaders and their mad rush for power and acquisition of wealth and their wrong perception of Islamic Republic state, had allowed the country 'to turn into a laughing stock. The history of Islamic ideology used for authority and has often been used to legitimate democracy and dictatorship. Kieth Callard writes that Islam has not encouraged systematic opposition, the vision of good government possessed by many Muslims [was] that of a people united under a strong leader and confident in the possession of certain truth.”<sup>119</sup> If Iskandar Mirza had made a candid effort to ensure the rational and unbiased working of the constitution, the constitution would not have been condensed to farce which marked the death knell of democracy in Pakistan. “He was solely based ruler; the state constitution and religion were not closer to his genius than to its worn-out clichés and inanities. His centralized mind thought that politics means comings and goings of government. Which described by the commission Report that after the Constitution was passed one would have expected the Prime Minister who was successful in piloting it to be able to continue in office of sometime but hardly six months passed when he resigned. The next Prime Minister hardly remained in office for about a year. None of them went out as result of an adverse vote in the legislature.”<sup>120</sup>

Let us see the Islamic and dictatorial requirements of the constitution by which Pakistan was declared a federal republic, “but its parliamentary system had allowed roles for a President and the Vice President. Although the power of decisions was vested in the parliament and the Prime

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<sup>118</sup> Ibid

<sup>119</sup> Kieth Callard, *The Political System of Pakistan*, (New York: Institute of Pacific Relation, 1959) 125.

<sup>120</sup> Ibid

Minister and his cabinet, The President was provided expanded powers and the central government was strengthened to meet anticipated emergency.”<sup>121</sup>

The portion of the chapter is divided into two parts. Part 1 deals with Islamic Constitutional development under the process which started since inception of the state.

Part II concentrates on the how and why the power of Presidential centripetal scheme introduced in the Constitution of 1956. The constitution provided federal structure, Westminster style, but vertical, in which state power flowed from mighty president down to the Prime Minister.

#### THE ISLAMIC PROVISIONS:

As stated before at the time of independence the government of India act was revised and the Pakistan Provincial Constitution Order transmitted. In view of the “ideological nature of the new state, however, the first step in the right direction should have been to frame a constitution according to Islamic injunctions; even six months after the creation of Pakistan no session of the legislature was called. At this point Jamiat Ulema-I-Islam, the religious party which had supported the Muslim League in its struggle for the Independence and Jamat-I-Islami declared their desires to press upon the government to initiate an Islamic constitution or at least, to declare that the constitution would be made in accordance with Islamic injunctions. It was pressure of these ideological movements that the government decided to introduce its ‘Magna Carta’, usually known as the ‘Objective Resolution’. Though in the ‘Resolution’ there was no clear indication of laws of Islamic face and that Shariah would be the basis of all future legislation in Pakistan. The Resolution was prepared for Islamic guideline and a committee was formed in the Constituent Assembly to supervise the provisions for the future constitutional development.”<sup>122</sup> With the chairmanship of Maulana Suleman Nadvi, the Board of Talimat-I-Tslamia was also prepared but it was failed because their suggestion was rejected by the Ulema and the political leadership of East Pakistan.

Seven years after the implementation of the Objective Resolution, Pakistan was attained its first Constitution on 23 March 1956. It changed the nomenclature of the state which made the state of Pakistan an Islamic Republic. It was also declared in the Constitution that “Pakistan would be a democratic state, based on Islamic principles where in the Principles of democracy, freedom,

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<sup>121</sup> Lawrence Ziring. *Pakistan in the Twentieth Century: A Political History* (Karachi: Oxford University Press, 1999) 183.

<sup>122</sup> Abula’la, *Islamic law and constitution* (Karachi: Islamic Publication Ltd, 1967), 17-26.

equality, tolerance and social justice as enunciated by Islam would be fully observed to appease the orthodox elements.”<sup>123</sup> The seven years before the constitution wasted by the religious-political debates. The discussions were between the Muslim secularists who demand to separate religion from politics and Islamists who have construed that Islamic state must be based on the Quranic values. They also stressed that Shariah is as comprehensive as a legal and moral system that no further legislation is possible as Shaykh Eadlallah Nuri (1905-11) believed that “Islam does not have any shortcomings that require completion.”<sup>124</sup> Perhaps this is the reason that in “Muslim politics, Islam has often been used to legitimate democracy and dictatorship, republicanism and monarchy.”<sup>125</sup>

The Constitution of the country was the mixture of spiritual and nonspiritual philosophies and expression was the resonance of those heated debates which has been flashed in the constituent assembly, with suitable elements of traditional and Western looks. “The Constitution had an Islamic facade but the hard core was missing.”<sup>126</sup> The draft started in the name of Allah and stated that “the sovereignty by the people of Pakistan within the limits prescribed by him was the most sacred trust. It was followed by the saying of the founder of Pakistan as he asserted the country would be a democratic State based on Islamic principles of social justice. It was the part of Objective Resolution, Most of the clauses of the Objective Resolution have been successively reproduced in the following constitutions: 'Draft Constitution of the Islamic Republic of Pakistan of 1954; The Constitution of the Islamic Republic of Pakistan (1956); The Constitution of the Islamic Republic of Pakistan, 1962 (as modified up to the 12th October, 1964) where God is declared to be sovereign and law giver.”<sup>127</sup> After the acknowledgment of God and his blessed trust and Islamic democratic values, the Constitution declared the frame work of the Constituent Assembly wherein “the principles of democracy, freedom, equality, tolerance and social Justice as enunciated by Islam, should be fully observed. It was also mentioned in the preamble that the government ensure for the Muslims of Pakistan in which they could secure and order their lives

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<sup>123</sup> The Constitution of Islamic Republic of Pakistan, 1956.

<sup>124</sup> John Esposito, *The Oxford History of Islam* (Karachi: Oxford University Press, 1999), 677.

<sup>125</sup> Khalid Bin Sayeed, *The Political System of Pakistan* (Karachi: Civil and Military Press, 1987), 159-164.

<sup>126</sup> Afzal Iqbal, *Islamization of Pakistan*, 65.

<sup>127</sup> Ibid

in accordance with the teachings and requirements of Islam, as set out in the Holy Quran and Sunnah.”<sup>128</sup>

Though the Constitution and laws shall be enacted which would be taken into conformity with such Islamic orders yet there was no delivery to make Islam the state religion in Pakistan. It was stated that “adequate provision shall be made for the minorities freely to profess and practice their religions and develop their culture.”<sup>129</sup> Secondly, “the Islamic provisions were not enforceable in the Law Courts as they were just like moral values to satisfy the cause of the creation of Pakistan. Only the directive principles of State Policy It was provided the foreign policy with the Muslim world and steps, taken to enable the Muslims of Pakistan individually and collectively to order their lives in accordance to Holy Quran and Sunnah to promote unity and observance of Islamic moral standard and to secure the proper organization of Zakat and Awkaf were responsible to reaffirm the Islamic laws for the betterment of the society not the state. Thirdly, the President was to be Muslim and the Speaker could be a non-Muslim. It was mentioned in the Constitution that if the President vacate his office on his inability or any other cause, the Speaker of the National Assembly was to act as President till a new President was elected so on that occasions the President of the Islamic Republic of Pakistan could be a non-Muslim. Fourthly, the leaders had neither the respect nor the importance for the adaptation of Islamic provision.”<sup>130</sup> The constitution makers had secular presentation and they were uncomfortable when manufacturing the religious practice in the document. Ghulam Mohammad and Iskandar Mirza, followers of despotic government of British India, hated both democracy and the impact of Islam in politics. ‘For this they created quiet revolution to delay the Islamic provisions. The President stated that we cannot run wild on Islam.’<sup>131</sup> They delayed the Article 197 as long as possible and ‘during the two years that the constitution was in force hardly any steps were taken to enforce the Islamic provisions.’<sup>132</sup>

G. W. Choudhry depicts the relations between the Islamic provisions and the Head of the State in the following words: “The country had a federal constitution but in practice it was ruled by a mighty centralized government . Then there was fine and broad principles of Islam embodied in

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<sup>128</sup> The Constitution of the Islamic Republic of Pakistan, 1956, Article-198.

<sup>129</sup> Ibid

<sup>130</sup> Ibid., Article-197.

<sup>131</sup> Iskandar Mirza, New York time, 7 February 1955.

<sup>132</sup> Afzal Iqbal, *Islamization of Pakistan*, 68.

the Constitution but the Head of the State had not the least regard for those principles. He seemed to have as little regard for Islamic principles or ideology as for any kind of representative institutions the net result was complete confusion and disillusionment among the people. The country's prestige abroad was at its lowest and economic development was greatly hampered. Political bickering went on so far even to the extent of riots inside a Provincial legislature resulting in the death of its Deputy Leader and assault on the Speaker. It is with the background of all these unhappy development that the great political changes of October 1958 took place.”<sup>133</sup>

Pakistan is a conceptual state. It was comprehensive consequence of struggle of its leaders and the followers who clutched the marvel of history and cherished the movement that the Muslim Ummah as a distinct cultural object was challenged with severe hazard. Although the political and economic ciphers were there but the Islamic codes were more protuberant which made people politically powerful. So the mottoes of Islam were the inevitability of pledge the people who saw themselves in hazard in the United India but it is also correct that Islam has been used by numerous rulers to withstand legality or, to mobilize crowds in support of specific choices. For this possibility, some of the rulers of Pakistan frequently result an alliance with religious formations for their political authority. This political sovereignty ‘the political relations between God and man’ came from the Objective Resolution and then used it in the first constitution that “Whereas sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limit prescribed by Him is a sacred trust. The inspiration came from the Quranic verses ‘Blessed is He in Whose hand is Sovereignty, and He is Able to do all things.’”<sup>134</sup> The sovereignty of the state of Pakistan thus becomes a derived idea based on the knowledge of delegation of authority from God to people. “This fictitious concept has been used as a legitimacy device by defecto rulers. Though they were not inspired by the religious provisions in the constitution yet they used it for their political supervisory. The single objective was to make the people believe that the God-gifted President was a Good guy.”<sup>135</sup>

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<sup>133</sup> G.W. Choudhry, *Constitutional development in Pakistan* (Karachi: The Ideal Book House, 1959), 134.

<sup>134</sup> The Constitution of Islamic Republic of Pakistan, 1956.

<sup>135</sup> Zulafkar Khalid Maluka, *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995), 171.

The Islamic provisions which cultivated in the Constitution were frequently inspired by the 22 points issued by 31 Ulema. “These points are very apt and ideal representations of the dogmatic theology.”<sup>136</sup>

These points were initially accepted by Objective Resolution and forced on the future constitutionalism. The body of Islam which was used for the amalgamation of the people of the subcontinent was accepted only in the West Pakistan, but the Muslim League’s unit of East Pakistan criticized that the repugnancy section not to be enforceable in the Law Courts. Mr. Suhrawardy, the front-runner of the opposition called it humiliation by saying: “You are deluding the people here calling this an Islamic State.”<sup>137</sup> The country which tuned by Islamic slogans started to contradict on the enactment of that Islam and its philosophy. Meanwhile the rise of Pakistan, the whole country tied up in discussions and deliberations for the Islamic character in the country. Though, the problem of Islamic modern state has not been resolved and even the first constitution did nothing to settle this conceptual subject and if there were some Islamic provisions they were not accepted by the variance unit of the society. The people, who were disorganized about the settlement of the problem before the Constitution-making, remained confused after the announcement of the Constitution. Fatal Irbil in his book Islamisation of Pakistan in a chapter ‘Islamic Republic of Pakistan’ quotes the lines of Justice Munir about the ideological situation of powerlessness in Pakistan. “The Musalman finds himself in a state of vulnerability, waiting for somebody to come and help him out of this chaos of vagueness and misperception. Nothing but a bold reorientation of Islam to distinct the vigorous from the lifeless can preserve it as a world idea and convert the man into a citizen of the present and the future world from the archaic incongruity he is today        it is this lack of bold and clear thinking        which has brought about in Pakistan a confusion which will persist        until        our leaders have clear conception of the goal and of the means to reach it”<sup>138</sup>

Islam, which is the main reason for the creation of Pakistan, futile to construct a bridge to achieve the contrast between the progressive and mystical segments and for this reason the State have not to play an optimistic part in this exertion. The longing to see Islam blossom into a complete realization as a religion, social order, culture and polity, unrestrained by the effect of that choice which turned-out and cultivated by the varied predominance of Hinduism and British. Allama

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<sup>136</sup> Manzoor Ahmad- Khalida Ghous, *Pakistan: Prospects and perspective* (Karachi: Royal Book Company, 1998 ), 72.

<sup>137</sup> Constituent Assembly debates, Vol.1, 31 Jan, 1965. 2248.

<sup>138</sup> Munir report: 232.

Muhammad Iqbal stated that “Islam has furnished those basic emotions and loyalties which gradually unify scattered individuals and groups and finally transform them into a well-defined people”<sup>139</sup> But it was failed in Pakistan not by its own liability, it is fault of those leaders who had no clear thinking about the execution of Islam.

The Constitution which failed to build idyllic Islamic-democratic state was repealed and faced commission which precedes the proclamation of the Constitution of 1962. The Commission criticized on the system of Parliamentary government which was far from satisfactory without a single general election in the country, that the parliamentarian without any sound accountability could not work in a free parliamentary system nor did they effectively settle the issue of the separation of state and religion. Lawrence Ziring discuss the issue in this manner: “ While the country was declared an Islamic republic and not an Islamic state, the Constitution’s blend of spiritual and secular ideas and expression was sufficient to win the favor of the orthodox members of the Muslim League, and no less significant, the chief religious parties, i.e., the Nizam-i-Islami and Jamaat-i-Islami. In fact, the loudest voices of opposition came from the more secular Awami League of East Pakistan and the smaller Hindu and leftist organization in the both provinces.”<sup>140</sup>

The Commission also examined the apprehensions of the minorities and pointed out that “Islam permeates the life of a Muslim and does not allow politics to be kept apart from ethics as is the case in countries with secular conditions. The non-Muslims in Pakistan need have no fear on this account as Islam gives them a guarantee of equality, freedom and justice, which is far more effective being a matter of ideology, than mere declaration of secularity.”<sup>141</sup> The Commission was disbelieved about these values which were the part of every modern state, but in the fifth paragraph of the Constitution the philosophies of democracy, liberty, parity, acceptance etc. devised for the Islamic society by the words ‘as enunciated by Islam’. The Commission was stressed by the consecutive take-over and could not understand the requirement of Islamic cited principles which were only to content the social traditionalists. It was the mixture or the ‘soothing syrup of compromise’ of mystical and nonspiritual ideas and expression which could win the kindness of the more conventional members of the Muslim League as well as the other chief religious parties. On the other side Liaqut Ali Khan, when he was introducing the Objective

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<sup>139</sup> Iqbal, *Reconstruction of Religious Thought in Islam*, 155.

<sup>140</sup> Lawrence Ziring, *Pakistan in the Twentieth Century: A Political History* (Karachi: Oxford University Press, 1999), 180.

<sup>141</sup> Report of Constitution Commission (Karachi: 1961) 115.

Resolution, described that “when we used the word democracy in the Islamic logic, it permeates all aspects of life; it narrates to our system of Government and to our society with identical validity, because one of the greatest contributions of Islam has been the idea of equality of all men. Although the society of the subcontinent didn’t experience the democratic contribution of Islam yet they were united under the Caliphate, realm and sultanates which were far from the democratic idea. The idea of a Muslim state, much like the idea of nationalism, is an import from the West. The presence of the concept of the territorial state into Muslim politics and the actual boundaries of Muslim states are both products of colonialism. (Especially the White man's burden)”<sup>142</sup>

It is also interesting to note that the overpowering majority of Muslims in Pakistan are illiterate. At the time of independence, no one was quite sure “what is the Islamic state, Islamic Government, and the Islamic Constitution meant. Their knowledge of Islam was what the Imam of their mosque provided them in the village. They were not capable of explaining the principles of democracy with the principles of Islam and Islamic history and an average preacher carries on following the line of least resistance by keeping on the good side of the powerful section”.<sup>143</sup> Being a tool of landed and industrial despotism, the imam, failed to tackle with the relationship of the present and future to the past. Now it is a serious question that how Muslim Ummah create relationship of tradition and faith to change in a rapidly changing and multicultural world? For the Islamisation in Pakistan we need “some firsts-class minds who can interpret the old in terms of the new as regards substance and turn the new into the service of the old as regards ideals”<sup>144</sup> with the development of the intellectual level of the majority of minds who captured by the bounty-based Imam and personality-based.

Though, in Pakistan the secularists who desire to distinct politics from religion and Islamists who instrument the celestial law reinterpreted their views yet “it is not surprising that the Constitution Commission appointed by the President Ayub Khan found that 96.6 per cent of the people whose opinions it consulted through questionnaires or interviews were in favor of adopting a preamble with Islamic provisions to the Constitution.<sup>145</sup> It means that the prodigious bulk of powerful people consisting of both the Ulema and modernist were in favor of such

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<sup>142</sup> John Esposito), *The Oxford History of Islam* (Karachi: Oxford University Press, 1999)

<sup>143</sup> Afzal Iqbal, *Islamization of Pakistan*, 74.

<sup>144</sup> Fazlur Rehman, *Islam and Modernity*, 1982.

<sup>145</sup> Khalid Bin Sayeed, *The Political System of Pakistan* (Karachi: Civil and Military Press, 1987), 161.

amalgam of spiritual and temporal preface and the difference among the philosophical sections were with respect to the clarification and implementation of the preamble. One of the group, “the ‘absolutist’ or ‘doctrinal purist’ (like Mawlana Abul Ala Mawdidi (1903-1979), founder of the Jamaat-i-Islami, who concluded that Islam is the very antithesis of secular Western democracy and for this he used the term Theocracy. Preached Theocracy and silenced the popular sovereignty or restricted and directed by God’s law. The modernists, inspired by the ‘writings of Ameer Ali and Iqbal’ rejected that idea that does not have any short comings that require completion’ and argued about the importance and necessity of Ijma (consensus) and Ijtihad (exercise of judgment) for the legislation in a holy community. If the modernist were in favor of implementation of Sunnah and Quran, but with the ‘ijma’ and ‘ijtihad’, they were finding better solution to escape from the theocratic-state which is not the idea of their constitutionalist leader, Jinnah. A. K. Brohi Stated that the Islamic provisions which used in the constitution seem encouraging but a careful analysis reveals that they did not have that prominent place in this constitution which they had in the second BPC report.”<sup>146</sup>

#### THE PRESIDENT

If someone talked about the state of Pakistan, It is a failed state. “After its emergence in 1947, most of the representatives of the Constituent assembly were busy in heated debates like Islam, state and secularism. They were busy to find the meaning of their leaders sayings. There was hardly any debate over the system of government.”<sup>147</sup> Perhaps the major mistake was with our leader’s insight of democratic, and government. The system, as has been augmented in the constitution, basically aimed to govern the collective wisdom of the people of United India. It was not calculated to split into independent state. We worked under the Indian Act 1935 until a new Constitution was framed. The act provided for a parliamentary formula of government both at the center and in the provinces, suggested in the constitutional drafts of 1951, 1952, 1953 and it was introduced in the country’s first constitution of 1956. Though we adopted the British parliamentary system but made it unacceptable by the introduction of centralized President’s powers.

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<sup>146</sup> A. K. Brohi, *Fundamental Law of Pakistan*, 784.

<sup>147</sup> G.W. Choudhry, *Pakistan: Transition from Military to Civilian Rule*, 153.

“The constitution replaced the Governor-General by an indirectly elected President who secured the Governor-General’s Emergency Powers, was the most powerful figure in which the pure White hall system of Parliamentarians.”<sup>148</sup>

In the 1956 Constitution, the President was the commanding executive of the federation, consequently all executive activities of the Federal Government were to be taken and stated in the name of the President and elected by the members of both the National Assembly and Provincial Legislatures with majority votes. The person who wanted to become the President of Pakistan should be a Muslim citizen of not less than forty years of age, and qualified to be a member of the National Assembly, having the tenure of 5 years and like American President could not right to be a President for more than two years. “Under the practice and tradition of the parliamentary government, the President was supposed to be a mere superior man, the representative of the Centre, was vested with substantial discretionary powers which allowed him to involve in political activities. The extra-ordinary power of the President was the ready-made valve for the emergency order, and instrumental in the making and unmaking of ministries and would often influence the prime ministers to induct or drop particular individuals to and from their cabinets. Such as abominable practice was the prevalent in all the era of Iskandar Mirza and his followers. Although, the relation of the President to the Cabinet and both to Parliament has to be understood, not merely by looking at the words of the Constitution, but also by scrutinizing the relationship of the precursors of those authorities before March 1956.”<sup>149</sup>

Although there was a check of President that he also could be detached through accusation for unsophisticated wrongdoing or desecration of the Constitution yet it was not happened due to ‘the intrigue- ridden game of formation and dismissal of ministries, manipulated party position, tried every permutation and combination to create situation under which no one can gathered the signatures one third members of the National Assembly with in the 14 days. If the office of the President fell vacant, the Speaker of the National Assembly was to act as President till a new President’<sup>150</sup> was elected by the constitutional provisions.

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<sup>148</sup> Kieth Callard, *Pakistan: A Political History*, 148.

<sup>149</sup> Safdar Mahmood, *Pakistan: Political Roots And Development 1947-1999* ( Karachi: Oxford University Press, 2000), 49.

<sup>150</sup> The Constitution of the Islamic Republic of Pakistan, 1956, Government of Pakistan, Article 50, 17.

The President's utmost significant function was to appoint 'Prime Minister who commanded the support of majority in the National Assembly. Not only the Prime Minister, but in his discretion he can appoint the Governors of the Provinces. Judges of the Supreme Court, Auditor General, and the Advocate General. He was the Supreme Commander of the three forces and being this power he can appoint Commander-in-Chief of the forces and was to raise and maintain the Military, Naval and Air Forces of Pakistan and grant commission in such forces."<sup>151</sup>

The President could summon, prorogue and disband the National Assembly when 'a bill was passed by a National Assembly, the President within 90 days was to either assent to that bill with hold his assent or to return the bill to the National Assembly with the request that the bill may be reconsidered but if the Assembly again passed the bill with or without amendment by two thirds of the members of the Assembly present and voting, the President was required to assent the bill.'<sup>152</sup> It is the matter of truth that the President-ship is a dedicated area, demanding the amenities of well-read and well-bred gentile man, schooled in the art of wisdom and integrity, and not comprehended by the player of intrigue-ridden game, who solve the problems of political-constitutional improvement but in the period of 1956-1958 presented in Pakistan was a picture of rising political unpredictability. The governments at the center as well as in the provinces were changed sudden. The people had lost their confidence in the political leadership as well as the constitution of the country. Though it was not the liability of the document, but the powers which provided to the President was wrongly cashed by the man. The President was busy in fighting his palatial battles had no time to give attention to the constitutional sentiments and economic glitches which included slow industrial production, lack of development in agriculture, inflation, joblessness and political qualms.

The most powerful section which gifted by the "Constitution that the President could issue a proclamation of emergency if he was sure that the country's integrity was at stake due to an internal, economic, or external threats. The proclamation of emergency plagued the entire history of Pakistan. The position gained momentum under the constitutions from 1935 to 1973 with its

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<sup>151</sup> Ibid

<sup>152</sup> Ibid

amendments to Article 46.”<sup>153</sup> The history personal necessities like the saying of British Prime Minister William Pitt, ‘that necessity is the argument of tyrants, it is creed of slaves.’

### Chapter- 3

#### Second Legislative Assembly and Dynamics of Political Alliance in Pakistan

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Making political alliances is a procedure of forming parties jointly in tracking down of a mutual aim or objective. The origins or actions that involve this development comprise among others the combining of possessions, forming obligatory promises and a contract on the distribution arrangement of the merchandise that may result from attaining this goal. A political alliance is a “provisional amalgamation of clusters or individuals formed to follow precise objectives through joint action”.<sup>154</sup> In other words; it is “the union of different political parties or groups for a specific determination, generally for a partial time.”<sup>155</sup>

Party coalitions may be counterfeit either by giving serious deliberations to philosophical positions of respective parties on political chessboard or by disregarding them overall. The detailed actors that make up such political associations contain mostly of individual representatives and political parties seeking deliberately to control the decision-making. But this does not mean that associations are not counterfeit for any other drive. They are also shaped to defend the interests of smaller parties by providing them demonstration in the government, to take over a government, to defend the resistance from the suppression and density of the

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<sup>153</sup> Safdar Mahmood, *Pakistan: Political Roots And Development 1947-1999* ( Karachi: Oxford University Press, 2000) 49.

<sup>154</sup> Motlemelle Anthony Kapa, *The Politics of Coalition Formation and Democracy in Lesotho*, (Politikon Vol.35, No.3 (2008), pp.339-56.

<sup>155</sup> Arthur Lupia and Kaare Strom, *Coalition Governance Theory: Bargaining, Electoral Connections and the Shadow of the Future*, (Universitat De Barcelona

15 September 2003).

government or to fight for democratization.

In multi-party structures no solitary party can win a majority of seats. The essential majority forms of political coalition may usually happen in two ways. One, pre-electoral grouping occurs before the elections and is made openly with the goal of notifying the public about what the parties will do if they win sufficient seats. Two, post-electoral alliance formed after the elections when the concluding dispersal of seats or votes is known. In this case no clear evidence about alliance membership or leadership is given to the public before appointments. This type of union may also happen when the previous government has unsuccessful but new elections have not been called. In such circumstances haggling arises between different parties proficient and interested in possibly forming a governmental alliance.

Coalitions are also organized by lesser parties in post-colonial states decently for the sake of their existence. In countries where notable party system develops the smaller parties arrive into associations to upsurge the chances of their victory in elections. Thus, they send a message to the electorate that they are substitute to the incumbent. India and Ireland have been governed by main parties for rather long time. Their places were lastly dared by alliances of smaller parties. During the first few years the Muslim League also enjoyed the dominant party position in Pakistan. The development of the United Front was an effort on the part of slight parties to toss the League out of supremacy.

“Coalitions amid parties vary significantly in form and degree. Some are short-lived and disorganized while others are powerfully structured and eternal. Prearranged and lifelong groupings, frequently designed by ideologically indistinguishable parties, may stay integral for quite long time by stabilizing their harmony in all circumstances. The disorganized coalitions, artifact of ideologically detached parties, break down soon as a result of misperception and clash of interests between the allied parties. The former type of alliance depicts itself as a hard-wearing and unchanging body while the latter type presents itself as a brittle and short-lived object.”<sup>156</sup> before long after independence Pakistan stumble upon with coalition politics. The politics had far reaching influence on the future development of its national life. The United Front (UF), the first conglomerate of political parties in the country, was a development setter in this respect.

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<sup>156</sup> M. Rafuque Afzal, *Political Parties in Pakistan 1947-1958*, Vol. I (Islamabad: National Institute of Historical and Cultural Research, 1986), p.115.

## Formation

Subsequently independence, the Muslim League's deficiency of understanding to run self-governing institutions and policy of marginalization of certain key political statistics produced many discontented rudiments that designed opposition. "The letdown of Muslim League to content the masses and put aside those who were divergent to its policies cost her seriously. She lost some very accomplished and powerful leaders along with their factions. Hussain Shaheed Suhrawardy was one of those competent and rare leaders who felt that the Muslim League's ruling circle had unsuccessful to lodge political candidates to play their role in national politics. Soon he got the dominant position as leader of the opposition in both wings of the country. Most significant dissatisfied figures that joined him in those early days comprised Pir of Manki, Ghulam Muhammad Khan of Lundkhwar and Pir Zakori from NWFP, Nawab Mumdot and Nawabzada Nasrullah Khan from Punjab, Mehmud-ul-Haq Usmani from Sindh and Maulana Bhashani, Aaur Rehman Khan and Mujeeb-ur-Rehman from East Bengal. This commanded to the formation of All Pakistan Awami Muslim League, which later became a popular political party of opposition."<sup>157</sup>

During polls for the Regional Legislative Assemblies of western part of the country, the Awami Muslim League was not given an equal playing field by the then rulers. Even Hussain Shaheed Suhrawardy, the party head, was not permitted to campaign spontaneously for his party. As a result of substantial handedness of the administration the Awami Muslim League could not harvest wanted results. She got very partial representation in the legislatures of West Pakistani provinces. "The intrusion of the management in provincial elections led Hussain Shaheed Suhrawardy to concentration on East Bengal and tests the League from there. Bengali grumbles delivered him a productive ground to carry out his activities and to improvement his party program. During this period the Awami Muslim League industrialized a comprehensive organizational base. The prominent figures of East Bengal who were dissatisfied by the Muslim League rule had already joined Awami Muslim League, but those who were not concerned in joining her decided to form political parties of their own. Slowly but surely, new opposition political parties cropped up on the scene. Some of them later decided to form a united front

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<sup>157</sup> Maurice Duverger, *Political Parties* (Islamabad: National Book Foundation, 2000), p.324.

against the Muslim League to challenge approaching elections.”<sup>158</sup> The modest majority single ballot system and leading position of the Muslim League were main aspects answerable for development of the United Front.

### Constituent Parties

The Dominant Government had finally categorical to hold general elections for the East Bengal Legislative Assembly in early 1954. ‘This caused in the frantic political goings-on in the province. Political parties began stitching their barriers, making their manifestoes and on the road to the province for campaigning determinations. The parties that defied the Muslim League’s authority by falsifying the United Front were as follow: The Awami Muslim League (AML): The Awami Muslim League was the foremost opposition party with widespread structural base. Hussain Shaheed Suhrawardy was its dominant leader while Maulana Abdul Hamid Khan Bhashani led the party in East Bengal. He helped as the President of East Pakistan Awami Muslim League with Mujib-ur- Rehman as its General Secretary. It involved in its crinkle Bengalis from all walks of life. Also its own organizational system, it had secondary bodies of followers. The Awami Muslim League also relished sustenance among the lawyers, journalists, government servants, businessmen and farmers.”<sup>159</sup>

The Awami Muslim League in its meeting of 3-5 July 1953 accepted its election platform. “It’s forty-two-point strategy comprised subtle subjects such as acceptance of Bengali as national language, the nationalization of jute trade, the provincial share in revenue and development funds, the Bengali representation in the services and provincial independence. Its belligerent support of these subjects donated to its province-wide approval but also brought it into battle with the government. Recurrent incarceration of its leaders only advanced their narrow-minded tendencies.”<sup>160</sup>

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<sup>158</sup> Rafique Afzal, *Political Parties*, (Published by National Institute of Historical & Cultural Research, 1998), pp.86.

<sup>159</sup> Cesar P. Pobre, *History of Political Parties in Pakistan (1947-1958*, (Ph. D. Thesis, University of Karachi, 1970), p.148.

<sup>160</sup> *Ibid.*, 147.

### Krishak Sramik Party (KSP):

The Krishak Sramik Party was formed on 27 July, 1953 by A.K. Fazlul Haq after quitting from the office of Advocate General of East Bengal. A.K. Fazlul Haq became its forefather president. It was founded at a meeting of political workers held at his residence. The The Krishak Sramik Party proclaimed its twelve point programme on 29 July, 1953. “The programme comprised discharge of political detainees; Bengali as a national language; full provincial sovereignty on the foundation of Lahore Resolution; re-orientation of the education system, economic development etc. A characteristic piece of its programme was its religious alignment accepted in collaboration with Nizam-e-Islam Party. As a traditional leader A.K. Fazlul Haq industrialized close connection with religious leaders though himself was a regionalist and talked for laborers and farmers.”<sup>161</sup>

### Nizam-i-Islam Party (NIP):

The Nizam-i-Islam Party was a new name of East Bengal Jamiat Ulema Islam which, under the leadership of Maulana Athar Ali, decided to partake in politics straight. Its main goal was to scuffle for an Islamic command in Pakistan.

The sacking of the Nazim-ud-Din office (April 1953) and the anxiety of an un-Islamic constitution being forced, as well as the increasing opposition to the Muslim League, persuaded it to function as a political party, independent of Muslim League, and to contest the elections as such. “Its central purpose was to use effect on constitution making procedure that would lead to the establishment of an Islamic directive based on Quranic values; but in other substances, like the language subject and provincial independence, it shadowed the lead given by the opposition parties.”<sup>162</sup>

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<sup>161</sup> M. Rafuque Afzal, *Political Parties in Pakistan 1947-1958*, Vol. I (Islamabad: National Institute of Historical and Cultural Research, 1986), p.93.

<sup>162</sup> M. Rafique Afzal, *Pakistan: History and Politics 1947-1971* (Karachi: Oxford University Press, 2001), p.125.

Ganatantri Dal (GD):

The non-communal left oriented the Ganatantri Dal's groundwork was laid at a convention on 19 January, 1953, attended by about one thousand political personnel. Mehmud Ali was its poignant soul. He was braced by Haji Muhammad Danish, a fabulous farmer leader. The latter was designated president while the former as general secretary of the party.

The party strategy criticized the Muslim League for its conferred benefits and backward-looking views and strained upon the need of social, political and economic variations in the country. "Its ten point programme required the elimination of zamindari structure without reimbursement; release of political convicts; formation of civil liberties, implementation of Bengali as a national language; equal rights for women in social, political and economic compasses, the eradication of visa system between India and Pakistan, nationalization of jute trade and an autonomous foreign policy."<sup>163</sup>

The Ganatantri Dal was the first party to open its doors to non-Muslims on equivalent foothold and to claim a secular constitution. Because of its fundamental viewpoint, it was allied with the socialist party. Its offices were often examined and vandalized.

Alliance Formation:

The Muslim League's disliked ascendancy not only augmented the opposition lines but also further to its (Muslim League) anxiety of downfall in East Bengal's polls. "This distress had been gripping the Muslim League's management since 1951 to delay elections for East Bengal Provincial Assembly. This postponing method could not be used as perpetual answer of the difficult. In the direction of the end of 1953, the government of Pakistan proclaimed that an election to the East Bengal Legislative Assembly would be held early in the subsequent year."<sup>164</sup>

Frantic political movement followed at once in that province, and all the opposition political

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<sup>163</sup> Ibid., p.145

<sup>164</sup> Dawn (Karachi), 10 July, 1953.

parties thought of uniting to throw off the bondage of Muslim League.

The strong point of the opposition forces became manifest during the second half of 1953 in the system of many opposition parties gaining more and more public care. Of all these parties Awami Muslim League had “the comprehensive structural base, but by itself still was not assured to overthrow the Muslim League. Additional opposition parties also comprehended that in the manifestation of modest majority single ballot system, by contesting elections on distinct podiums; they would disperse each other’s possessions and thus surface the way for Muslim League’s victory. Dominant party’s density and dread of its suppressive measures to eradicate the opposition also worked as a cause in realization of the United Front. Hussain Shaheed Suhrawardy’s West Pakistani know-how convinced him and the leaders of other parties to form an electoral coalition and pool their resources together to avoid the replication of what had happened in West Pakistan earlier.”<sup>165</sup>

The idea of an electoral union was primarily suggested by the Democratic Youth League and the East Pakistan Communist Party to contest elections against the Muslim League (ML) in September 1952. The Progressive Student Federation had also started movement in favor of the establishment of the alliance against the Muslim League. The Ganatantri Dal at its beginning also felt the need of construction of pre-electoral agreement. The idea was progressively contained by other opposition parties. “After bracing his old Krishak Praja Party with a new name (Krishak Sramik Party), A.K. Fazlul Haq besought for the realization of united front of all opposition parties with a common least programme for the determination of the coming general elections. The Awami Muslim League, however, was not keen about faking an electoral alliance with the KSP of A. K. Fazlul Haq. But there was a strong burden on both the parties to form coalition. They lastly agreed to pool their possessions together in a common front against the Muslim League.”<sup>166</sup> Through a resolution moved in the meeting of its Council held at Mymensingh on 14-15 November 1953, “the Awami Muslim League also expressed its willingness to form a united front in collaboration with the like-minded parties to smash the ruling Muslim League. The party authorized Hussain Shaheed Suhrawardy and Bhashani to

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<sup>165</sup> M. Rafique Afzal, *Pakistan: History and Politics 1947-1971* (Karachi: Oxford University Press, 2001), p.155.

<sup>166</sup> Salim Yunus, *Syasi Ittihaad aur Pakistani Syasat per Asarat (1947-1990)*, (Lahore: Jang Publishers, 1993), p.48.

conduct talks on the matter.”<sup>167</sup>

Counterfeiting a pre-electoral alliance of opposition parties was a hard project because of personality variances amid Suhrawardy and Haq and Bhashani and Athar Ali; and programme alterations among parties like Ganatantri Dal and Nizame Islam Party. “By November 1953, all parties founded in East Bengal had distinctly articulated the prestige and need for a United Front with a shared slightest programme, and they had authorized their particular leaders to exchange footings. These party leaders were also under endless burden from the public, particularly the student community, to form a pre-electoral coalition.”<sup>168</sup>

Heads of almost all political parties had met one another clandestinely to reach on some arrangement. Originally they required like-minded parties to be designated as partners but later on they deserted this requirement. Maulana Bhashani and Fazlul Haq Proclaimed on 4 December, 1953 that their parties had combined composed on the foundation of “shared minimum programme” to defeat the Muslim League in the elections. The judgment to form the coalition that was called the United Front had tracked the furtive meetings held among the two leaders earlier. They professed on that juncture that equipment for challenging the elections would be soon set up and a thorough programme worked out.

A sequence of previous and advanced underground talks between the Awami Muslim League and the Kridhak Saramik Party management caused in the ratification of a manuscript by Ata-ur-Rehman (AML) and Kafil-ud-Din (KSP) on behalf of their particular parties. The document enclosed the twenty one point programme that was worked out by the partners. “To the point the principal Bengali complaints and difficulties, it lectured its demand to all sections of Bengali culture. The request for the acceptance of Bengali as a national language crowned the list. Other significant demands comprised: nationalization of jute trade; announcement of 21 February as an certified memorial day; formation of a memorial for martyrs of the language movement; discharge of political convicts; revoke of Safety Acts; and establishment of full regional sovereignty for East Pakistan, giving the epicenter only three subjects; Defense, Foreign Affairs and Currency.”<sup>169</sup> In defense, Naval Headquarters were to be positioned in the eastern wing, and to make that wing self-sufficient in defense an arming factory was to be established.

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<sup>167</sup> Ibid., p.49.

<sup>168</sup> Ibid., p.55.

<sup>169</sup> Zarina Salamat, *Pakistan 1947-58: An Historical Review*, (National Institute of Historical Islamabad, 1992). P.53.

When decided on twenty one point programme, “the Krichak Saramik Party and the Awami Muslim League headship held distinct meetings with the Nizame Islam Party and the Gabatantri Dal. Fazle Haq sign up a separate ten-point agreement with Athar Ali, the Nizame Islam Party’s president, after undisclosed talks whose requirements nearly refuted the twenty one point programme. The Awami Muslim League held talks with the Ganatantri Dal and got its sustenance for twenty one point programme and therefore related it with the coalition.”<sup>170</sup> By the time of the elections, the usually acknowledged member parties of the United Front were the Awami Muslim League, the Krishak Sarmik Party, the Ganatantri Dal and the Nizame Islam Party.

Functioning:

The utmost problematic stage in the United Front’s life began after establishment. At the phase of working the partners were anticipated to uphold their harmony. Primarily they deserted all their strategy and individual differences and focused on the achievement of their main objective (electoral victory). As first step towards that end the United Front hurled a dynamic electoral movement.

Electoral Campaign:

For running a fruitful electoral movement the associates had not only to decide on the number of seats assigned to each partner to challenge the elections but also to emphasis on the issues agreed upon in common minimum programme to dodge historic, philosophical and other differences among the alliance partners. They needed common organizations to straight the publicity of associates and oversee the application of contracts but due to lack of knowledge in partnership politics they could not grow such institutions.

The management of the United Front, though, grew a very positive and real plan to fight for victory in the approaching elections. “The champions of the Front fixated primarily on faintness of the Pakistan Muslim League. The leadership of the alliance critiqued and held the League answerable for every ill. The associates transported their message to the people through demonstrations, public meetings, placards, posters and press declarations. Press and radio were under government’s control; consequently, they gave little or no attention to the opposition

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<sup>170</sup> Ibid, p.54.

activities. Print media sometimes gave some space to the United Front's viewpoint while the radio was totally out of its range. But in spite of these restrictions the front effectively managed to approach and interconnect its message to the people. Public meetings, gatherings and political workers were main propaganda tools of the United Front."<sup>171</sup> The Front had designated subjects that fascinated to the peoples' prodigy. Its effort to exploit peoples' criticisms Demonstrated productive. The following conversation shelters light on the approach and subjects raised in electoral campaign by the competitors.

The United Front had taken very hostile start by criticizing the Muslim League and its maladministration. The Front unfilled itself as a substitute to the Muslim League. The United Front started its "electoral campaign with the demand of disbanding of East Pakistan Ministry and setting up of an all-party concierge interim government to safeguard fair and free elections. This request was a part of the Front's policy to keep the Muslim League distrustful from the very beginning. Though, later on this request was released and other subtle issues like language, constitution, independent foreign policy, provincial sovereignty etc. were concentrated. The opposition's public meetings were generally addressed by the heads of constituent parties. They were prevalent political figures in East Bengal. Muslim League's damage of contact with the grassroots and the state language became the major themes of their speeches. They criticized Muslim League for using postponing strategies in mounting the constitution."<sup>172</sup> The United Front alleged that the Muslim League was harping on the tune of Islamic Constitution and resolution of Kashmir disagreement just to cheat the common people.

They supposed that she, in fact, used these problems as justification for its indecision. The League's activists, in reply to the United Front's belligerent, valued accomplishments of their party. "In their public meetings they used to begin with condemnation on the United Front and then decorated the impact made by their party in the national life of the country. They professed that opposition parties by hitching under a combined front had made it clear that their lone goal was 'to abolish' Pakistan. In their opinion the United Front was included of the opponents of Pakistan who not only wanted to fade the Pakistan Muslim League but also to divest the people

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<sup>171</sup> While surveying the literature on the United Front the writer observed that print media was totally in government's control. Most of the newspapers gave little coverage to the opposition viewpoint. The same papers propagated ruling party's programme and agenda generously.

<sup>172</sup> *Dawn* (Karachi), 18 December, 1953.

of the constitution based on Quran and Sunnah. They offered the Muslim League as security of Islamic way of life and harmony of the country while the United Front was expected as rival to these principles.”<sup>173</sup> The Muslim Leaguers accused that the United Front had concerned in the crinkle those who never thought in Pakistan and had faced the Quaid in his fight for Pakistan. To these leaders “every vote against the League would go against Islam and Pakistan”.<sup>174</sup>

On the other hand, the conflict focused on those matters that had appeal for the electors. She criticized the Basic Principles Committee’s report and the “Muhammad Ali Bogra Formula which in its view didn’t completely defense interests of bulk. The United Front’s leaders appealed that language issue would be resolved by the opposition only because the League had no interest in doing so. They also wanted termination of the Constituent Assembly and its elections on the base of adult agreement. The United Front accused the Pakistan Muslim League leadership for its non-seriousness and disappointment in mounting the constitution for Pakistan.”<sup>175</sup>

Hussain Shaheed Suhrawardy, Fazlul Haq, Maulana Bhashani, Maulana Athar Ali and Mehmud Ali were significant activists of the United Front. “The United Front’s supporters and factions from West Pakistan had also sightseen East Pakistan to aid the coalition in its electoral campaign. The significant West Pakistanis who had campaigned for the United Front comprised Pir Abdul Latif Zakori, Ghulam Muhammad Khan of Lundkhwar, Mian Iftikhar-ud-Din and Mehmud-ul-Haq Usmani.”<sup>176</sup> The United Front leaders raised up those concerns that concerned crowds while the Pakistan Muslim League raised old-fashioned issues which had no appeal for the masses.

Beside with condemning the Pakistan Muslim League’s faintness the United Front presented optimism to the people for better future. The twenty one point programme had great magnetism for the masses and was magnificently circulated in every nook and corner of East Bengal. The

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<sup>173</sup> *Ibid.*, 15 December, 1953.

<sup>174</sup> *Ibid.*, 1953.

<sup>175</sup> In response to the Muslim League which had invited important political figures from West Pakistan to campaign for her electoral victory, the Awami Leaguers belonging to West Pakistan and sympathizers like Mian Iftikhar-ud-Din also toured East Bengal to boost the confidence of and campaign for the United Front. Along with East Pakistani popular leadership they contributed in the United Front’s unprecedented victory in the elections.

<sup>176</sup> Salim Yunus, *Syasi Ittihaad aur Pakistani Syasat per Asarat (1947-1990)*, (Lahore: Jang Publishers, 1993), p.65.

United Front prospered in collaborating its message and winning the people. Being a corporation of diverse parties, the coalition could fragment any time but their shared enemy (Muslim League) kept it united and operative. Masses supported the allies for change.

Though, during the election promotion, “signs of the United Front falling apart began to perform. Fazlul Haq was informed to have walked out of a meeting of the United Front parliamentary panel. Countless of the divergences arising in the United Front distributed with the questions of candidates, each of the constituent party demanding the recognition of its personal list. The main competitors were the Krishak Srimak Party and the Awami Muslim League; and the Nizame Islam Party and the Gantantri Dal. Fazlul Haq was criticized by the Awami Muslim League for favoritism in delivery of the United Front tickets.”<sup>177</sup> On inquiry about this indiscretion the students impeded in proposal of certain candidates whom they felt Fazlul Haq was favoring gratuitously. They verified against Fazlul Haq which terrified him. He assured them that in future he would leave everything in the hands of Hussain Shaheed Suhrawardy. “This demonstrations that the latter enjoyed greater admiration among students and shared masses. Another serious danger to agreement of the coalition came from the Nizame Islam Party, which nominated its candidates without accessing the United Front, while condemning it of issuing tickets to “unwanted candidates” and to persons “known to be socialists”. Yet such alterations were not allowed to reach a breaking point before the elections. Maulana Bhashani recognized that the United Front was overwhelmed with difficulties. Though, he used his effect to uphold harmony.”<sup>178</sup>

As the date of polling drew near the electoral drive deepened and the nature of Muslim League’s campaigners became punitive. Nurul Amin, East Pakistan Muslim League’s president, had realized that his party would fail if she unsuccessful to entice the courtesy of voters. “For this detached he promised powerful and significant people including the Prime Minister. Khan Qayum, Qazi Isa, Sardar Abd-ur-Rab Nishtar, Sardar Shaukat Hayat Khan, Sardar Ibrahim (AJK) and Miss Fatima Jinnah were requested to East Pakistan to campaign for the Muslim League. The Prime Minister and his cabinet members regularly visited East Pakistan to address public meetings of the Muslim League. The Jamiat Ulema Islam, Mualana Abdul Qayum Kanpuri, Maulana Abdul Aziz Jawara and Maulana Alauddin Hyder, were also demanded for

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<sup>177</sup> Ibid., p.75.

<sup>178</sup> Lawrence Ziring, *The Failure of Democracy in Pakistan: East Pakistan and the Central Government 1947-1958* (Ph. D. Diss., Columbia University, 1962), p.66.

help.”<sup>179</sup> They reached from West Pakistan to campaign for the Muslim League on 21 February 1954.

The frantic electoral activities and strengthening of electoral campaign invited clatters amid workers of the Pakistan Muslim League and the United Front. “There were grievances and counter complaints about commotion at election gatherings. It was described that workers of opposition as well as the reigning party made pains to disturb public meetings, stage protests and use unmannerly language against their opponents. This defiance contaminated the political atmosphere and led to needless clashes amid workers of contesting parties.”<sup>180</sup>

In campaign the United Front leaders critiqued and held Pakistan Muslim League answerable for all their criticisms. The campaign gained substantial impetus. The “Pakistan Muslim League harped on its old melody but understanding the United Front admiration (on organizations information) suspended elections from 16 February to 8 March, invited Fatima Jinnah to run their drive and got American President Eisenhower to declare military aid to Pakistan, which was made on 25 February, 1954. The United Front’s condemnation did not dislodge the Pakistan Muslim League from its judgment to suspend the polling date. This was an effort to help the Muslim League in election.”<sup>181</sup> It was usually miscalculation of prevalent judgment and, in any case, the party’s appearance was beyond patch-up and this step cast further harmful consequence.

The United Front balanced these strategic changes by sincere comment of the second anniversary of the ‘Martyrs Day’, in remembrance of those killed in the language protests of 21 February, 1952. “Maulana Bhashani led the march of barefooted, bareheaded Bengalis. The stretched path of mourners, their arms swathed in black, marched somberly to the committal ground where the students struck down in the unforgettable struggle had been interred. After a fairly service at the burial place of the young martyrs the parade marched to ‘Paltan Maidan’ where the United Front public meeting was arranged. By delaying the elections the government delivered a chance to

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<sup>179</sup> *Dawn* (Karachi), 8 February, 1954.

<sup>180</sup> *Ibid.*, 24 February, 1954.

<sup>181</sup> Munir Ahmed, *Pakistan Kay Syasi Ittihaad* (Lahore: Frontier Post Publications, 1993), p.19.

the opposition to exploit the language subject more dynamically. The opposition acquired full benefit of it.”<sup>182</sup>

In answer to martyrs day the Pakistan Muslim League witnessed Kashmir Day in which she judged Jammu and Kashmir Constituent Assembly’s verdict to assent to India and promised to set free Kashmir which was likely only under the Pakistan Muslim League government and needed votes from the masses for the same in elections. To disrepute the United Front in public eyes Sardar Ibrahim assumed that the United Front had received ten million rupees from India and that it would take its guidelines from India after achievement in East Bengal elections.

Miss Fatima Jinnah’s 8 day campaign tour ended on 7 March. “She electioneered in exceptional train to ask for votes for the Muslim League. She guaranteed people by stating that the Pakistan Muslim League had won freedom for them and power could also be given by her.”<sup>183</sup>

Notwithstanding its struggles to avoid electoral loss the Muslim League met its Waterloo at the hands of the United Front.

TABLE 1

East Bengal Provincial Assembly Election Results 1954

Muslim Parties	Seats	Non-Muslim Parties	Seats
United Front	223	Pakistan National Congress	24
Muslim League	10	Scheduled Castes Federation	27
Khilafat-i-Rabbani Party	01	United Front (Minority)	10
Independents	03	Others	11
Total	237	Total	72

Source: Munir Ahmed, *Pakistan Kay Syasi Ittihaad* (Lahore: Frontier Post Publications, 1993), 19.

<sup>182</sup> Ibid., p.20.

<sup>183</sup> M. Rafique Afzal, *Political Parties in Pakistan 1947-1958*, Vol. I (Islamabad: National Institute of Historical and Cultural Research, 1986), p.118.

While no one had been optimistic about the Muslim League’s scenarios, they had not projected a defeat. The Table 1 delivers detail of East Pakistan Provincial Assembly’s election results 1954.

“The United Front balloted 65.6 percent of popular vote and safeguarded 223 seats in the assembly of 309; the Muslim League was condensed to a measly 10 seats and to add offence to injury Nurul Amin himself was severely crushed by a 28 years old student leader. In sixty constituencies the Muslim League candidates lost their security credits and succeeded to make a covered showing in only fifty electoral contests.”<sup>184</sup> The Muslim League had met its archrival in East Bengal; the United Front got awe-inspiring bulk and shaped its ministry. The particular strong point of the parties within the United Front is given in table 2.

TABLE 2

Strength of Parties within United Front

Component Parties	Seats
EPAML	143
KSP	48
NIP	19
GD	13
Total	223

Source: National Institute of Historical and Cultural Research

United Front in Power:

After gaining electoral triumph the United Front elected Fazlul Haq as its legislative leader on 2 April 1954. The new four member cabinet under Fazlul Haq took pledge on 3 April, 1954. Of these three cabinet members belonged to the Krishak Saramik Party and one to the Nizame Islam Pakistan. “The Awami Muslim League and the Ganatantri Dal had no representation in this cabinet. This was anticipated that after conciliation amid Hussain Shaheed Suhrawardy and Fazlul Haq lasting parties of the United Front would also safe cabinet docks conferring to their statistical strength in the provincial governing body but regrettably for almost more than one

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<sup>184</sup> Ayesha Jalal, *The State of Martial Rule: The Origins of Pakistan’s Political Economy of Defence* (Lahore: Sang-e-Meel Publications, 1999), p.188.

month the issue of cabinet growth persisted disconcerted. There were conceptual and personal cracks among constituent parties and characters. The Clatter amid the Nizame Islam Pakistan and the Ganatantri Dal demonstrated more damaging. The previous was supported by the Krishak Saramik Party's management while the latter by the Awami Muslim League's leaders. These disagreements cynical associations amid the parties of the United Front and contributed to the continued standoff in the Fazle Haq and Hussain Shaheed Suhrawardy's affairs over the growth of the cabinet. The central object for the gridlock, according to Fazle Haq, was his rebuttal to give a great share of the ministry to the Awami League and its young inexperienced and radical members."<sup>185</sup> Fazlul Haq, in fact, wanted bigger portion for his party though it had only 48 seats in the assembly as compared to the Awami Muslim League's 143. Giving to partnership standards each constituent party of the association receives pay-offs in quantity to its statistical strong point in the legislature. "The Krishak Saramik Party and the Nizame Islam Pakistan did their greatest to disrupt these standards. This desecration promotes worsened already delicate relations amid the allies. The degree of the variances became public when Hussain Shaheed Suhrawardy, in a challenge to hush up information of a rift, alleged the governor general for delay in cabinet's enlargement. A subsequently lengthy dialogue amid the top leadership of the Krishak Saramik Party and the Awami Muslim League the issue of cabinet development was settled. Hussain Shaheed Suhrawardy and Fazlul Haq decided on enlargement of the cabinet. On 15 May ten more new ministers took pledge of their offices. Even this expansion of the cabinet could not give representation to particular parties in harmony with their statistical strength in the assembly. The Krishak Saramik Party and the Nizame Islam Pakistan got grander percentage in the ministry."<sup>186</sup> Out of fourteen ministers seven belonged to the KSP, five to the AML, two to the NIP and none to the GD. This disproportionality kept leadership of both sides tensed and amplified confusion among them.

In spite of pressure between the partners, the alliance's harmony was preserved due to accord on concerns of representative nature of the Constituent Assembly and United States military aid. The United Front leaders thought it constitutionally inappropriate for the Constituent Assembly to linger under the control of the Muslim League. All the members of the Constituent Assembly

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<sup>185</sup> M. Rafique Afzal, *Pakistan: History and Politics 1947-1971* (Karachi: Oxford University Press, 2001), p.120-22.

<sup>186</sup> *Ibid.*, p.123.

who contested the elections against the United Front had been whitewashed and it seemed comical that they should be engaged as members of the constitution making body.

“The Muslim League had contested the elections on whether or not the people wanted a constitution which the Muslim League had promised to deliver. The result displayed that the Bengalis neither wanted any part of this constitution nor the present members of the Constituent Assembly.”<sup>187</sup>

The United Front took unanimous stand for the dissolution of the Constituent Assembly, or at least the resignation of its Bengali members. The demand was inspired by their desire to share power at the center as well as to safe a better bargaining position in support of their twenty one point programme, particularly on the concern of provincial autonomy.

This ultimatum upset powerful clusters in West Pakistan; “the Prime Minister disallowed the call saying in confederation no single unit could postulate to speak for or to control the other components. Though Maulana Bhashani endangered to launch a drive for termination of the Constituent Assembly but it was flooded in disagreements of vigorous implication for persistence of the United Front.”<sup>188</sup>

One more problem where more or less constituent parties had arrangement was that of United States military Aid. “Most of the East Bengalis dreaded that the treaty with United States would negotiation country’s sovereignty. Momentarily after the validation of the US-Pakistan Military Aid Pact on 19 April, 1954, 162 members of East Bengal Assembly, belonging to various parties stated serious distress about the accord. On the Ganatantri Dal’s petition nearly all opposition parties perceived ‘Anti US-Pakistan Military Pact Day’.”<sup>189</sup> The only component of the United Front that greeted military aid was the Nizame Islam Pakistan while Hussain Shaheed Suhrawardy was restrained and non-committal in his notes for maybe worries of his coworkers. “This reproach could not be accepted by the Dominant Government under administrative

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<sup>187</sup> Lawrence Ziring, *The Failure of Democracy in Pakistan: East Pakistan and the Central Government 1947-1958* (Ph. D. Diss., Columbia University, 1962), p.66.

<sup>188</sup> *Ibid.*, p.67.

<sup>189</sup> *Ibid.*, p.67.

mechanism.”<sup>190</sup> She was waiting for a suitable time to get rid of the United Front’s Provincial Government.

Fazlul Haq’s scandalous official visit to Calcutta from May 4-8 provided a prospect to the Centre to impede. At a reception, he is informed to have spoken the confidence ‘to take away the simulated barricades that had been shaped amid the two Bengals.’ He further said, “Bengalis are destined by communal language and tradition. On another circumstance, he is stated to have destined the ‘political detachment of the country’. The declarations he delivered during his Calcutta stay made him contentious symbol in the country.”<sup>191</sup> This further worsened the current anxious affairs among the center and the United Front’s recently elected Provincial Government. Fazlul Haq repudiated the responsibility but no one paid attention to him.

After the United Front’s polling victory, the law and order state had declined in East Bengal. “In the last week of March 1954, a horrible unrest at the Karnafuli Paper Mills had left 13 dead and 35 injured. Throughout the ministries transitory term in office the province was engrossed by industrial ferocity, together with distress in Dacca Central Jail which caused in 50 injuries, 19 of whom were targets of police gunfire.”<sup>192</sup> The highpoint touched with the outburst of demonstrations at the Adam Jee Jute Mills, notorious for its bestial working circumstances and so a ‘powder keg of discontents’; some 400 people were murdered and many more injured. The army had to be called in. The responsibility of this disorder was laid on the Provincial Government’s so-called communist friends. “Hussain Shaheed Suhrawardy deliberated all acts of viciousness a plot of the Central Government who could not gulp the acrimonious pill of the United Front achievement in provincial elections. The entire leadership of the united front thought that the Central Government was devising against the coalition by misrepresenting its appearance using the state gadget.”<sup>193</sup>

The Central government asked Fazlul Haq to round the communists up. “This problematical the substance because the Chief Minister denied any participation of communists in the fierceness. New York Times story of 23rd May added further firewood to the fire. It was stated in the Paper that Fazlul Haq was frustrating for the parting of East Bengal. At that time Fazlul Haq was

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<sup>190</sup> *Ibid.*, p.68.

<sup>191</sup> Zarina Salamat, *Pakistan 1947-58: An Historical Review*, (National Institute of Historical Islamabad, 1992). P.78.

<sup>192</sup> *Ibid.*, p.32.

<sup>193</sup> Pakistan Times (Lahore), 20 May, 1954.

attending Chief Ministers' conference at Karachi. He denied the charge but the Centre had made up its mind by now to get rid of the United Front ministry. Fazlul Haq was professed conspirator and on 29<sup>th</sup> May his cabinet was discharged and under section 92-A Governor Rule was forced."<sup>194</sup> Sikandar Mirza was sent as fresh Governor General who barred political activities and detained the United Front activists. Mujib-ur-Rehman, Fazlul Haq, Yousaf Ali Chaudhry and 33 MPs along with amount of labors were detained. "Centre's controls were ministry's incapability to uphold law and order, its letdown to stimulate sureness in management, Fazlul Haq's plot to splinter Pakistan and the existence of enemy's proxies directing to demoralize the uprightness of the country by generating industrial turbulence."<sup>195</sup>

The discharge was disliked by the United Front leadership and the sacked cabinet acknowledged it an inequitable and random action but "fascinated to the public to uphold concord and assured to endure the fight to maintain their self-ruled rights. East Bengalis touched that there was a United States hand in removal of Fazul Haq's ministry. The removal had monitored the 19 April defense assistance pact amid Pakistan and United States and consequent report of a United States journalist Kalhan published on 23<sup>rd</sup> May in New York Times."<sup>196</sup>

After the firing of its ministry, the United Front remained nearly latent till the end of the year. This was owing to inaccessibility of its leadership for one motive or the other. "Hussain Shaheed Suhrawardy was overseas for medical cure, Bhashani was in émigré since of Sikander Mirza's intimidations and Fazlul Haq had proclaimed departure from politics below Sikandar Mirza's heaviness."<sup>197</sup> Infrequently, the second rate leadership of the United Front delivered announcements to the media in which they required renovation of parliamentary organizations.

The termination of the Constituent Assembly on 24 October 1954 made a disturbance in political tranquil. The United Front sought to benefit this occasion for repair of parliamentary institutes in East Pakistan. The suspension of the Constituent Assembly was highly praised by the Awami Muslim League and the Krishak Sarmik Party. Aatur Rehman, a deputy of Hussain Shaheed Suhrawardy, made official appeal to the Governor General to visit East Pakistan to see for himself triumphant response of people. The Awami Muslim League and the Krishak Sarmik

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<sup>194</sup> Ibid.

<sup>195</sup> M. Rafique Afzal, *Pakistan: History and Politics 1947-1971* (Karachi: Oxford University Press, 2001), p.122-25.

<sup>196</sup> Ibid, p.126.

<sup>197</sup> Ibid, p.126.

Party decided to give him common comfortable in the optimism those parliamentary institutes would be reinstated but the Governor General directed them to be persistent. This was for the last time that the partners had shown harmony. Henceforth, the aloofness amid the two major parties of the union kept on swelling.

#### Termination

Union closure may be as exciting and significant as coalition developments and that one marvel cannot be accurately assumed but in background of the other. This segment deals with the particulars of the United Front's closure. "The United Front was a conglomerate of parties with dissimilar policy situations on political chessboard. Together inner constrictions and peripheral burdens surfaced a way for its breakdown. Subsequently, sacking of the United Front Ministry the Central Government gave air to inside alterations among the partners by evolving distinct contacts with the leaders of the association. These struggles on the part of the Central Government generated qualms. The first pebble was thrown by the Governor General by coaxing Hussain Shaheed Suhrawardy to join the Short-term Cabinet, identified as "cabinet of talent," with the capacity of prime minister ship at a favorable time."<sup>198</sup> The Prime Minister presented Fazul Haq a ministry in the fresh cabinet with pledge of government in East Bengal. "Fazlul Haq was greeted as a factual loyalist by the Central Government this time. Former, he was professed a plotter and defector by the same Prime Minister and on the same charges his cabinet was sacked. Hussain Shaheed Suhrawardy linked the "cabinet of talent" as Law Minister without accessing his partners in the United Front. Likewise, Fazlul Haq visited Karachi and without looking up Hussain Shaheed Suhrawardy gave name of his men to be installed in the acting Cabinet. He even dodged meeting Hussain Shaheed Suhrawardy who was in Karachi at that time. This was disliked by the latter's supporters."<sup>199</sup> These distinct self-seeking moves attested detrimental for harmony and veracity of the coalition. "Nothing of the main allies had realized the status of looking up each other in advance to making any commitment. This amplified the

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<sup>198</sup> M. Rafique Afzal, *Pakistan: History and Politics 1947-1971* (Karachi: Oxford University Press, 2001), p.125.

<sup>199</sup> *Ibid*, p.126.

coldness among constituent parties of the coalition whose associations had already been delicate.”<sup>200</sup>

In January 1955, “those East Bengali politicians who had relationship with the Awami Muslim League became dynamic and started criticizing Fazlul Haq for his helplessness to perform as a liable leader. He was also measured the only disablement in the way of renewal of parliamentary government in East Bengal. He was accused with profane the guidelines of the United Front and of making statements without accessing the other leaders. Of these Mujeeb-ur-Rehman was the toughest opponent of Fazlul Haq. On his relief in January 1955 he won the support of his party associates to twitch campaign against Fazlul Haq for his unauthorized announcements in Calcutta.”<sup>201</sup> He thought that Fazlul Haq had become a danger for the coalition after giving provocative statements. Bhashani in Calcutta at that time tempted for preserving harmony in the United Front, but the petition unsuccessful to break the spreading crack. In conclusion, the United Front parliamentary party met on 17 February, 1955, to ponder a no confidence gesture against Fazlul Haq. But then again after the summit, two contradictory reports seemed. Fazlul Haq demanded 132 votes of 185 present while Ata-ur-Rehman Khan claimed 106 votes against 79. This split shown distressing to the harmony and existence of the united front.

In April 1955, Fazlul Haq succeeded in creating a situation in which he could punish those Awami Leaguers who had tried to overthrow him from union leadership in February last. Later, compulsory directions, “he bid meeting of the United Front parliamentary party to deal with his antagonists. The United Front parliamentary party charge sheeted those who had a hand in an effort made for overthrowing Fazlul Haq. The charges leveled against Awami Muslim Leaguers comprised; their engrossment in uninvited undertakings to disturb discord and commotion inside the party, an effort to expel Fazlul Haq from it, a movement alongside the party and its judgment, heartening alignment and groups within the party, founding straight connection with the Central Government deprived of accessing the United Front leadership and socializing with Hussain Shaheed Suhrawardy and Central Government on numerous matters.”<sup>202</sup> The above quoted charge sheet demonstrations that Fazlul Haq had effectively contrived to show the United Front as a political party underneath his leadership rather than a coalition of numerous political parties.

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<sup>200</sup> Ibid, p.127.

<sup>201</sup> Lawrence Ziring, *The Failure of Democracy in Pakistan: East Pakistan and the Central Government 1947-1958* (Ph. D. Diss., Columbia University, 1962), p.66.

<sup>202</sup> Lawrence Ziring, *The Failure of Democracy in Pakistan: East Pakistan and the Central Government 1947-1958* (Ph. D. Diss., Columbia University, 1962), p.66.

The charge sheeted statistics were pickled as persons rather than leaders of a constituent party of the United Front. They were postponed from the United Front while Hussain Shaheed Suhrawardy was disclaimed. This transfer nearly finished the United Front.

After termination of the United Front, the Awami League implemented sovereign course of action. With the disappearance of a chief partner the United Front had vanished its consequence but still Fazlul Haq sustained its name. “He merged the new cabinet of Chaudhry Muhammad Ali as Interior Minister while Hussain Shaheed Suhrawardy became the opposition leader. Hussain Shaheed Suhrawardy criticized Fazlul Haq for his disloyalty. He appealed that at the time of coalition formation they had agreed to uphold coherence through consignment of roles. Hussain Shaheed Suhrawardy had to backing Fazlul Haq to become Chief Minister while Fazlul Haq was destined to support Suhrawardy in the Centre. Owing to this accepting the latter had not challenged the provincial elections.”<sup>203</sup>

The Ganatantari Dal and the Nizam-i-Islam Party along with the Awami Muslim League’s fragment group under Abdus Salam Khan remained combined with the Krishak Saramik Party. But then again this celebratory period also finished within a year. “The Ganatantri Dal extracted its support on 3<sup>rd</sup> January 1956. She had required statement of political detainees, speedy holding of by- elections on unfilled seats, dismantling of the Bengal Public Safety Act, and a unconditional affirmation of the United Front leaders in favor of self-governing constitution exemplifying therein the system of joint electorates, complete provincial self-rule and acknowledgment of Bengali as one of the state languages. The Krishak Saramik Party leadership could not content the Ganatantri Dal so she divided her ways.”<sup>204</sup> In July, the Awami League’s fragment group isolated it. In September 1956, “the Nizame Islam Party separated concern on account of the letdown of the Krishak Saramik party to announce itself in favor of discrete electorates, to which the Nizame Islam Party was dedicated. Hence, the United Front vanished in the air after a momentous short life.”<sup>205</sup>

### **Chapter – 3**

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<sup>203</sup> M. Rafique Afzal, Pakistan: *History and Politics 1947-1971* (Karachi: Oxford University Press, 2001), p.122-25.

<sup>204</sup> Ibid, p.130.

<sup>205</sup> Ibid, p.131.

## ERA OF UNCERTAINTY & THE ELECTIONS OF SECOND CONSTITUENT ASSEMBLY

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Subsequently, the election of a new Constituent Assembly held on 28 May 1955. The second Constituent Assembly of Pakistan voted on 21 June 1955 contained of eighty members, each wing characterized by forty members. The new Assembly was elected secondarily by the members of the Provincial Assemblies. The Muslim League, which was the solitary representative in the first Constituent Assembly, grieved a loss and had grown only twenty five members in the second Assembly. Most of the members who attained seats in the first Constituent Assembly were crushed and only fourteen of them taken the seats in the second Constituent Assembly of Pakistan.

Pakistan's post-independence political history has been full with widespread disasters and trials that maybe no other country in the world has practiced. It has gone through hurtful periods, counting inflated wars and perpetual tensions with India, loss of half the country, regional hindrances, political collapses, military take-overs, economic inactivity, social sickness, societal confusion and fragmentation, sectarianism, and a culture of ferocity and radicalism.

Ever since its birth, Pakistan's pursuit for existence has been as convincing as it has been undefined. It has been involved in a perilous fight to define a national distinctiveness and grow a political system for its culturally and linguistically dissimilar population. Pakistan is known to have over twenty languages and nearly 300 distinct vernaculars. This variety underwritten to long-lasting regional strains and provincial conflict which not only an obstructed the procedure of constitution-making but also remained a .possible danger to central authority.

While the provincial grounds continued to be the main middles of political bustle, those who set about creating the consolidated government in Karachi were either politicians with no real sustenance or civil servants trained in the old civilizations of the British Indian management. The characteristic faintness of the Muslim League's construction, composed with the absence of a central administrative apparatus that could coordinate the matters of the state, proved to be a crippling drawback for Pakistan general.

Further the military and the civil bureaucracy who exercised actual power, Pakistan suffered the Deceitful conspiracies of politician's thus unchecking continuous political and economic disasters. The politicians were corrupt and hooked to power for fortifying only the benefits of

the elite. They foisted themselves as the characteristic authority and the hope of a self-governing state that could provide socio-economic impartiality and fair administration to all Pakistani citizens remained subtle. The powerful disagreements over the issue of the national language, the role of Islam, provincial demonstration, and the delivery of power between the center and the provinces deferred constitution making and suspended general elections.

By the time of independence in 1947, we hereditary the Government of India Act, 1935, which continued our constitutional context with compulsory versions and alterations in the form of Indian Independence Act 1947 passed by the British Parliament. Underneath this Act, a “sovereign” Constituent Assembly was recognized with the twin tasks of (a) drafting the new Constitution of Pakistan, and (b) acting as the Federal Legislature of Pakistan. For nine years, we “experienced” democracy with a quasi-parliamentary system in a political void for we had no constitution of our own.

The first main stage in edging the constitution was the implementation of the Objectives Resolution in March 1949 significant the basic principles of the new state. It provided that Pakistan would be a state wherein the principles of classlessness, liberty, parity, open-mindedness and social impartiality, as pronounced by Islam, shall be fully witnessed; wherein the Muslims shall be permitted to order their lives in the individual and cooperative compasses in harmony with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah; and wherein suitable provision shall be made for the sections to easily development and practice their religions and develop their cultures.

Seven years of discussion futile to harvest contract on fundamental subjects such as regional picture or the structure of a constitution. This stalemate provoked Governor General Ghulam Mohammad to discharge the Constituent Assembly on 24 October 1954 in what was the first takeover, however a civilian one, in Pakistan’s history which caused in a constitutional gridlock. The Supreme Court of Pakistan supported the action of the Governor General, arguing that he had the power to disband the Constituent Assembly and refusal legislation it passed. This domination of the Governor General over the legislature was mentioned to as the vice regal practice in Pakistan’s politics.

Supreme Court of Pakistan categorical in favor of Governor General of Pakistan with orientation to disbanding of Constituent Assembly. It clears the summoning of second Constituent

Assembly on April 13, 1955. Two days later, Governor General by proclamation summoned the convention of Constituent Assembly on May 10, 1955. The agreement was held to designate members from present Provincial Assemblies. Its purpose was to substitute the first constituent Assembly. Governor General Malik Ghulam Mohammad had chosen a person to chair over session of convention. The leaders of United Front endangered to refuse the agreement. The establishment of Constituent Assembly was not on the base of population. United Front and Government made contract to reinstate the postponed Assembly of East Pakistan. United Front decided to admit correspondence of representation. The leader and Law Minister Mr. Suhrawardy of Awami League were also supposed it.

Representation of different states and provinces of Pakistan in Constituent Assembly was as follow;

**Second Constituent Assembly of Pakistan (1955-58)**

SR No.	Areas	Seats
1	Punjab	21
2	Sindh	05
3	East Pakistan	40
4	N.W.F.P.	04
5	Balochistan	01
6	Bahawalpur	02
7	Khairpur	01
8	N.W.F.P. States	01
9	Karachi	01
10	Tribal Areas	03

	Total Seats	80
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The convention was held on the principle of parity for representation of both wings of Pakistan. Party position in Constituent Assembly was as follow;

**Second Constituent Assembly Party Wise Position (1955-58)**

SR. NO.	Party's Name	Year-1955	October 1958
1	Muslim League	33	15
2	Republican	-	21
3	United Front	16	-
4	Awami League	13	13
5	Krishak Siramik	-	16
6	Awami National Party	-	04
7	Noon Group	03	-
8	Nizam-i-Islam	-	03
9	Congress	04	04
10	Scheduled Cast Federation	03	02
11	United progressive party	02	01
12	Independents	06	09
13	Vacant	-	02

Total Seats	80	80
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After convention of Constituent Assembly the results showed party position. There was no single party in position to formulate the federal government in Pakistan. It was time to established coalition government. The coalition government experience was not giving fruitful results.

The new Constituent Assembly, which was soon designated, shaped the Constitution of the 'Islamic Republic of Pakistan' which came into strength on 23 March 1956. It provided a parliamentary method of government with a President elected by the members of the National Assembly and two Provincial Assemblies, and a Cabinet of Ministers controlled by a Prime Minister appointed by the President. This Constitution continued effective for about two and a half years. The political unpredictability resulting from recurrent variations of governments at the Centre and in the Provinces led to the retraction of the Constitution and statement of Martial Law through the country on 7 October 1958. The Commander-in-Chief of the Pakistan Army, who was acting as the Chief Martial Law Administrator, became the President of Pakistan on 27 October 1958.

#### **Nexus between Pakistan Muslim League and United Front for Coalition Government:**

No Marginal majority was structured for any party and for the solution a coalition of the Muslim League and the United Front was sought under the Choudhry Rahmat Ali, the former Finance Minister, as the Prime Minister of Pakistan for the resolve of drafting a constitution. Though the second knock-on elected Assembly by the Provincial Legislature was against the Indian Act of 1935, and consequently the new Assembly could not realistically carry out the constitution-making jobs now being entrusted to it by the Governor-General hitherto Birth saw this latest order of the Governor-General as getting the country 'back on the rails', (16 April 1955) on the other hand Pakistan Times revealed it that the Governor-General power to sack the Constituent Assembly, damage the future condition of constancy because now the Governor-General could lay off the Assembly at any time.

#### **Judicial Activism and Highly Provocative Legislation:**

The argument that the members who came after the election of Provincial Legislature had been created after the Indian Act was appreciated by the Justice Munir's predecessor, Chief Justice Abdul Rashid who considered the new Assembly undemocratic because it had no resemblance

with the Independence Act and for this reason the Constituent Assembly was validly substandard. The Assembly, which was empowered by the Indian Independence Act, could create the new Constitution. It was greeted by the 'Pakistan Observer' which claimed that a constitutional convention would not be in consensus with the Indian Independence Act and the planned membership was undemocratic. The matter which was opposed by the Munir's precursor and the press could not stop the Governor General who was now free from the constitutional constraint of acting only on the guidance of his ministers and the new Assembly had little supremacy and would be viewer. Fundamentally "an excessively tormented judiciary, practically operating under a highly centralized system can in no way fulfill the function which it owes by virtue of being an essential functional component of a federal system. For this chequered judicial development in Pakistan an independent judiciary was never allowed to function in the country."<sup>206</sup>

The second Constituent Assembly did not experience the delay for which the first Constituent Assembly fractured. "The substance of the new constitution was agreed on in private meeting held among Ayub Khan, Iskander Mirza, Gurmani, Khan Sahib, Suharwardhy, and Choudhry Muhammad Ali but before the final draft was accomplished the next highly provocative legislation came to develop. It was the first step by the Second Constituent assembly towards framing a constitution. The bill of the amalgamation of West Pakistan was agreed by the Governor-General and his Ministers and adopted by the Assembly. The considerations for the integration of West Pakistan had gained impetus after the victory of the United Front in the East Bengal elections of 1954."<sup>207</sup> The One Unit Plan was not the new political marvel, it had turned-out in the minds of the Punjabi leadership of the first Constituent Assembly that the equivalence scheme might subjugated their political rights. When the United Front gained votes in the East Bengal elections of 1954, the anxiety got fire. It has been aptly observed "That one of the Causes of the breakdown of constitutional government in Pakistan was the holding of pistols to enforce the One Unit Plan."<sup>208</sup>

### **Parity Formula and It's Challenges:**

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<sup>206</sup> Khalid Bin Sayeed, *The political system of Pakistan*,(H.Mifflin, 1967), 97.

<sup>207</sup> Ibid, p 98.

<sup>208</sup> Zulfikar Ali Maluka, *The Myth of Constitutionalism in Pakistan*,(Oxford University Press, 1995), 143.

The London-Based Economist described the unification of West Pakistan Provinces as a good many eggs were cracked in the making of the 'One Unit' omelet but they were mostly muddled onset's One Unit which came for the unification of the state and deliver a constitution in for the whole country, proved to be administrative hindrance and entirely against the spirit of federalism. "To borrow its characterization from Professor Wheeler, it was a painful process of grudging concession by the smaller units like the western wing, which were coerced into making such an unpalatable omelet. The One Unit was the brainchild of the West Pakistan leaders in general and of the Punjab in particular. It was coined for an equal degree of autonomy and an equal say in all national affairs. The desire of equal degree was the mirror of 'parity formula' between the two wings of the country, which had announced by Muhammad Ali Bogra and was followed by the Govern-General's order-establishing the single province of West Pakistan under an Emergency Ordinance, which was subsequently rejected by the Federal Court's ruling the Usif Patel vs. the Crown case."<sup>209</sup> It was also witnessed that through the crisis when there was no Constituent Assembly, the Governor-General tried ineffectively to decide the question by allocating representation on the basis of two Federal Units through an Executive Order merging all provinces of West Pakistan, and remaining East Bengal as East Pakistan. Within a few weeks, support to the scheme had been secured from the Provincial Parliaments including that the Punjab which agreed to a representation of 40 per cent in the West Pakistan legislature for the period of 10 years, while it was entitled to 56 per cent of the seats. At that stage, the Federal Court held that the Governor-General's power did not include the authority to amalgamate the provinces. The Scheme consequently had to await the approval of the Second Constituent Assembly, which finally came about in October 1955.

When the second Constituent Assembly came into existence, "The much-cherished scheme for the Punjabi leadership decided to get it through the legislative process. With this little regard for the political aspirations of the people of the merging provinces and princely states and without even seeking their free consents, the Provincial Legislature was decided into agreeing to the establishment of One Unit."<sup>210</sup> Therefore, on 30 September 1955, the Assembly passed bill

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<sup>209</sup> Ibid, p 144.

<sup>210</sup> Allen Glidhell, *The Constitutional Crisis in Pakistan*, (Indian Study Group of International Affairs, University of Madras, 1955), p 75.

integration the former provinces of Sindh, Punjab, and the NWFP, the federally managed terrain of Karachi, the former states of Balochistan, Bahawalpur, and Khairpur, the former Frontier States, and the Chief Commissioner's province of Balochistan into a single province, West Pakistan. "It was true that the advocates of One Unit claimed that the union of the provinces would bring some benefits and compensations and the High Court of Punjab, the Chief Court of Sindh and the Judicial Commissioner's Court in the North West Frontier Province and Baluchistan were amalgamated into a single court with jurisdiction over the entire province. Who argued for the unification of West Pakistan did the military leaders and bureaucratic administrators (The Ministry of all talents) back. The Governor-General himself had been a civil servant and General Ayub Khan, the Commander-in Chief of the Army, Iskander Mirza, an Army trained administrator were the pillars of the Governor-General's assent. If one wants to find the conflict in the early years of the country, he can suggested that in Pakistan there was a basic conflict between the interests of bureaucratic-Army alliance and those of the politicians. It is the alliance who has largely controlled the state while politicians have either played a secondary role or simply merged to cooperate with the question of who runs the country"<sup>211</sup>

### **The Power Struggle amid Civil Servants and Politicians:**

The Pakistani civil servant, as the successor of the British masters, always dreamed the era of Colonial civil servants who had exercised guiding over the Indian leadership to enjoyed political captivation without political interlinings. After the independence, in Pakistan, mainly in East Bengal and in the some areas of West Pakistan, a new group of politicians with their new provincial sovereignty raised voices for the advancement of their respective provinces as rapidly as possible. This was the starting point for the fight between them and in government of Ghulam Muhammad, a new Jawans of defense entered to side with the British trained management as stem for too powerful state and a weak democratic political culture. Pakistan's Civil service and Army institution had deep-seated relations with the Punjabi and Sindhi landowner "because they came from the same social background, had gone to the same school, and belonged to the same social clubs."<sup>212</sup> So the Governor-General and his tormenters desired the addition of West Pakistan as

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<sup>211</sup> Muhammad Ayub Khan, *Friends not Masters, A Political Biography*,(Oxford University Press, 1976), p 66.

<sup>212</sup> Ibid, P 67.

one Unit. “It has been reported that General Ayub had already prepared a plan for the integration of West Pakistan. Muhammad Ayub Khan had a mind that strategically and economically West Pakistan should be welded into one Unit. He was arguing that such unification of West Pakistan is better for Western Wing and specially, for Punjabis who were in majority. Therefore, Ayub Khan suggested that being a biggest constituent of Punjab; the Punjabis could cash the representation on the basis of population.”<sup>213</sup>

### **Mian Mumtaz Doltana’s Role in One Unit Scheme:**

The document for the integrating West Pakistan was designed by the Punjab’s Former Minister, “Daultana who drafted the Plan on Mackiavelli’s techniques and forecasted that Punjab will have to take the lead. At that time I hope an effective intelligent Punjab leadership will have been put in place both at the Centre and at Lahore like a corrupt tree uprooted from the earth, having no stability. The advocates of the unification of West Pakistan were numbering the benefits and advantages but on the other hand the formula was resisted from the smaller provinces of Sindh and Frontiers. It was eliminated by the open use of force, which apprehended that the formation of One Unit would establish Punjabi sway in the economic and administrative sphere of West Pakistan. The advocates argued that it would simplify the federal structure of the proposed new Constitution; constitution- making would be made easier by getting rid of the complexities and intricacies of bicameral legislation and it would be fractured the problem of provincialism, kill the practices for ‘Pakhtunistan’, and introduce democratic rights and values to the people of princely states. The protagonists also agreed that it would provide scope for administrative reforms, economic readjustments, and political reorientation, to the benefits of the whole population, national unity, and integrity.”<sup>214</sup>

The rivals of the Constituent Assembly defined One Unit in a different way; they defined it as a “Punjabi sway against the smaller provinces of West Pakistan. Hussain Shaheed Suharwardhy propounded that the unification idea lay in the fear of domination by East Pakistan over the Western wing and to capture power at the center.”<sup>215</sup> The NWFP’s leadership maintained that it

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<sup>213</sup> G.W. Choudary, *Constitution-making Dilemmas in Pakistan*,(University of Utah, 1955), p 23.

<sup>214</sup> Paula R. Newberg, *Judging the state: Courts and Constitutional Politics in Pakistan*,(Cambridge University Press, 1973), p 23-25.

<sup>215</sup> Ibid, p 28.

was the consequence of a conspiracy to riven the country (The former Chief Minister of NWFP Mian Jaffar's speech, quoted in Dawn (Karachi) 25 August 1955). Sindh described it as 'ill-conceived and short-sighted', un-historical, unfair and anti-Pakistan, an attempt to abolish the very basis upon which Pakistan was conceived, an unpatriotic move to liquidate the three smaller provinces and a hostile act Against Sindh. The anxieties of the adversaries blazed due to the way in which the Bill was passed by the Second Constituent Assembly; Support for the plan had been obtained through compulsion and coercion, ministries were discharged, people were vulnerable, interned or extended for opposing the merger plan, officers were moved, fake charges were framed against troublesome persons, elections were interfered with and solemn pledges were broken.

Though, the founders of the Plan were maintaining that it would save millions of rupees, minimize corruption, and promote competence by bringing value to the top, "constitution-making would be made easier by getting rid of the complexities and intricacies of bicameral legislations yet it created hydra-headed provincial rivalries and jealousies. It imbued the centrifugal tendencies among; the federating units and destroys the honor of Centralism. The Plan did not kill the monster of regionalism, it take speed to disturb the political and constitutional future of Pakistan. Far from achieving any national objective the scheme was not appreciated throughout the country. The deep-seated values of Quasi-racial and lunatic identities of the distinct units in the Western wing were artificially liquidated for the ruling elite's electoral and administrative convenience."<sup>216</sup>

It is truthful that its creators conceived Pakistan as a federal democratic state. Federal and regional devotions are the columns of any firm federation. After the implementation of One Unit structure, the regional allegiances, upon which rested the very foundation of Pakistan, were destroyed and provincialism of concentration infiltrated in the development. "It removed the possibility of relations between the Centre and the regions; it also removed the possibility of parity and equity that East Pakistanis required for its version of provincial autonomy and the beginning of a conflict between Eastern and Western wings came to an end when they found new sovereignties and constitutions."<sup>217</sup> This was the mirror of centralization, which introduced by the army generals, bureaucrats and feudal politicians of Punjab against the other provinces. "The Punjabi dominated bureaucracy fashioned the province of West Pakistan along administrative lines similar to the

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<sup>216</sup> M.S. Venkataramani, *The American Role in Pakistan, 1947-58*, (Radiant, 1982), p 173.

<sup>217</sup> Iftikhar H. Malik, *State and Civil Society in Pakistan*, (Palgrave Macmillan UK, 1997), p 72.

central government, ruling the province as it had the center.”<sup>218</sup> The plan was sell by the Premier Mohammad Ali who criticized the ‘artificial boundaries’ of ‘provincialism’ appealing that smaller provinces were not justified politically or administratively, he related the plan with the Jinnah’s dream of non-Sectarianism in the first Constituent Assembly, saying “Within a Short time people will cease to think of themselves as Punjabis, Sindhis, Baluchis or Pathans. Instead they will begin to think of themselves as Pakistanis.”<sup>219</sup> The other groups as stated before did not inspire the idea. Baluch leaders organized a new political party, Stoman Gal, especially to castoff one Unit and transformed the demands for a unified Baluchistan that had seethed since independence. An anti-One Unit Front was organized by Jaffar Khan in the Frontier after his release in July. Parties upholding provincial autonomy backed the movement. “In Sindh, noticeable political personalities voiced their discord. In National Assembly, Fazlur Rehman and Iftikharuddin condemned the bill. And Governer General’s friend Suharwardhy who had at the outset supported the bill, changed his mind on grounds of the volume of opposition outside.”<sup>220</sup> He had suspected the prospect of One Unit. The Khan of Kalat who was also domineered the idea, prearranged wide self-rule movement against it that helped to spur the military’s interference in politics in 1958 and real cause for the coup. Though, “one can simply observe that it was One Unit, which caused greater bitterness after fifteen years, terminating in the end of One Unit but also the civil war that led to the parting of East Pakistan from the West. Yet the One Unit also silenced West Pakistanis for the time being and paved the way for a quick settlement of the constitutional problems.”<sup>221</sup>

Principally, One-Unit was manufactured to gift the Governor-General widespread power in the new constitution that he planned to disseminate by regulation and for the aim he imposed “it imperially, disposed of Chief Ministers who objected to its promulgation, imprisoned politicians who spoke against it. Getting green light from Moulvi Tamizuddin’s case, the Governor-General could exercise unchecked power. He had already had his staff draft a constitution, which provided for a head of state that would be assisted by ministers to be appointed by him. His ministers would

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<sup>218</sup> Golam Wahed Choudhury, *Pakistan: Transition from Military to Civilian Rule*,(Scorpion Pul Limited, 1988), p 65.

<sup>219</sup> Charles H. Kennedy, *Bureaucracy in Pakistan*,(Oxford University Press, 1987), p 152.

<sup>220</sup> Zarina Salamat, *Pakistan, 1947-1958: An Historical Review*, (National Institute of Historical and Cultural Research, 1992), p 55.

<sup>221</sup> *Ibid*, p 56.

have broad powers and would not be responsible to the legislature. A week after the victory Ghulam Muhammad imposed the Emergency Power Ordinance which Jennings had drafted for him, in which he 'declared a grave' emergency in order to augment the emergency he had declared when he dissolved the assembly, and which was still in effect."<sup>222</sup> The action was expressed by pledge, "28 March 1955 as 'romantic reading because it fulfills the romance of unity where diversity has been the canker in the rose. Like mist before the sunshine let that diversity now melt, disperses and vanishes and the result was predictable confusion. For the political and constitutional solution, and hoping to impose order upon unruly politicians, Ghulam Muhammad requested an advisory opinion from the Federal Court on his plans."<sup>223</sup>

The country had apparently chosen for solid centralized leadership. It was implemented; despite the long and long fight for structure of a parliamentary system. "When the Federal Court reserved its hearing for the Governor-General, it was not without the cost no matter how constrained the Governor-General was said to be, he was clearly not the figurehead that had been envisaged in drafting the constitution. It was Pakistan's Supreme Court, which reinforced the vice-regal tradition, and set the chief executive off from the rest of the political plane and the shadow of this act could neither wash out nor forgive in the entire history of Pakistan."<sup>224</sup> It is interesting to note that without having constitution, "the strong ground of centralized government had been prepared. The constitution-makers who were the members of executive wing followed the guidelines already engineered by the Governor-General. Now there would be no challenges of the Governor-General's authority and the scene was set for the transition to presidential, not decentralized government."<sup>225</sup>

### **Colonial Trained Administration:**

The foreign trained managerial structure was completely prejudiced in courtesy of a strong executive. It was inbred structure by Pakistan by their stately ancestors. The Indian Act of 1935 or the assemblies who, by virtue of articles like section 93, could simply liquefy the designated

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<sup>222</sup> Ibid, p 58. Sindh Chief Minister Pirzada was dismissed for opposing One Unit and was replaced by former Chief Minister Khuhru, who was supported the plan).

<sup>223</sup> Reference by His Excellency the governor-general, PLD 1955 FC 435, Advisory Jurisdiction.

<sup>224</sup> Lawrence Ziring, *Pakistan; the enigma of political development*, (Dawson), p 173.

<sup>225</sup> Ibid, p 174.

assemblies and disseminate governor's rule on the province hardened the transition of centralized wing. Long after independence, the same act, aided by the Independence Act of 1947, functioned as the de-facto Constitution for Pakistan. "In the nine years of inception the vice-regal system and its mechanical members like Bureaucracy have constantly overstepped, bypassed, dismissed and denigrated the mass verdict by simply opting for authoritarianism. And the judiciary did it. The judiciary, military, and the vice-regal bureaucracy underrated its own citizens and their acumen. Without understanding the dilemma of politicians and the political parties in a young country like Pakistan, they acted as king-makers, missing no opportunity to malign them among the people."<sup>226</sup> It was started when the Premier Liaquat Ali Khan appointed governors. The first dissolution was set on provincial level when "the West Punjab Legislative Assembly was dissolved; in January 1949 with the government citing Section 93 (a) of the India Act of 1935. The servants of Pakistan as Quaid-i-Azam Muhammad Ali Jinnah acknowledged the urgency of an official servants in the state and advised them to adopt a nationalistic and patriotic role for the development of democracy, not realized that the bureaucracy which came under him were the trainees who in the Braibanti words 'steeped in the ethos of British colonial administration' and it has maintained all along that it knows what is good for the nation."<sup>227</sup> Candidly speaking, "they were not the servants they were trained masters in the 'manufacturing laboratory'. The laboratory created officials who held political- leaders in contempt. It was interesting to note that Jinnah maintained state future on the shoulders of anglicized bureaucracy. In the entire wounded history of Pakistan the political faces replaced, but the officials clung on the administrative wall of machinery or imperious to change."<sup>228</sup>

The civilian bureaucracy of Pakistan acted as "masters and kingmakers, missing no opportunity to create their own political pickets in the society. In fact, bureaucracy has been playing concurrently executive, judicial, legislative, political and technical roles (such as economic planning and implementation) in the state structure at the same time regimenting the status quo."<sup>229</sup>

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<sup>226</sup> Khalid B. Sayeed, *The political role of Pakistan's civil service*, (Pacific affairs, University of British Columbia), p 131.

<sup>227</sup> Iftikhar. H. Malik, *State and Civil Society in Pakistan*, (Palgrave Macmillan), p. 61.

<sup>228</sup> Ibid, p 62.

<sup>229</sup> Charles H. Kennedy, *Bureaucracy in Pakistan*, (Oxford University Press Karachi), 1987, p. 4-5.

Though, it was bottomless ancestries in the era of Jinnah, but it was basically started in the days of Liaquat Ali Khan the dullest attitude of bureaucracy towards political institutions and parties was Nazim-u-din's removal, by Ghulam Muhammad in 1953. They were at the parting of the ways. While in 1951, the bureaucratic multitude gathered around the assassinated body of Liaquat Ali Khan and pressured Nazium-u-din to form their fantasy government. In the new government Ghulam Muhammad, an Anglicized official, was selected as the Governor-General and the later was Prime Minister.

### **Controlled and Fragile Democracy:**

The country rushed with severe crises, when Iskander Mirza, a part of colonial civil service machine with 28 years' experience, and General Ayub Khan having dreamed closer relations with Western powers in order to attain his establishment, started assistance with the mentally sick Governor-General. "In the trio, the Prime Minister, Muhammad Ali Bogra, was only a titular and as weak as water, resigned or was made to resign from the Premiership. It was Sikander Mirza who declared the government's policy as 'controlled democracy' with politics to be kept out of administration as he stated about them that politicians could make policy but they must not interfere in the administration."<sup>230</sup> The dissolution of 1954 was the administrative reflection of this autocratic statement. "Ghulam Mohammad who gave himself the title of Mohafiz-e-Millat (guardian of nation), with his 'half-dumb, half-paralyzed (as in the words of Air Marshal Asghar Khan) and insane activities was a 'munim who rose to be a vazir had turned himself into a sultan' by exploiting the assassination of Quaid-e-Millat."<sup>231</sup> It was a eccentric grows for him that he became the real center of power and authority in the new government along with his favorite coadjutors. "After the dissolution he also attacked and culminated the CAR as stated before the undemocratic and unconstitutional arbitrary actions, were introduced by him and naturally, exploited by his civilian coadjutor, Iskandar Mirza who captured the high office which was vacated after the severe heart attacks of Governor-General on 6 October 1955."<sup>232</sup> Iskander Mirza started his high job as Pakistan's third Governor-General with the backing of bureaucracy and military.

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<sup>230</sup> New York Times, December 15, 1954 which adopted in Zarina Salamat, Pakistan 1947-58: An Historical Review, p. 40).

<sup>231</sup> M.S. Venkataramani, *The American Role in Pakistan, 1947-58*, (Radiant, 1982), p 174.

<sup>232</sup> Mirza had already assumed office as acting governor-general on August 7.

### **The Military's Direct and Indirect Role in Decision-Making:**

Iskander Mirza, who had demoralized the divisions in Chundrigar's alliance to recall the upper hand in leadership, felt vulnerable by Feroz Khan Noon's resilient and more stable ruling coalition. Religious and traditional strains also continued. In West Pakistan Chief Minister Khan Abdul Jabbar Khan was murdered. In the NWFP his brother, Khan Abdul Ghaffar Khan (1890–1988), acknowledged his determined to work for independence for the Pashtuns. And in Baluchistan, the khan of Kalat again professed his independence, demanding the mediation of the Pakistani army. Iskander Mirza, who already had the support of civil servants due to their disbelief of politicians, tried to strengthen his position by forging coalitions with politicians from other parties, including Khan Abdul Ghaffar Khan but he was powerless to weaken the alliance created by Feroz Khan Noon. With his efforts to declare control through political means failing, Iskander Mirza turned to extra-legal means. On October 7, 1958, with the collaboration of the commander-in-chief of the armed forces, General (Field Marshal) Muhammad Ayub Khan, Iskander Mirza declared martial law. General Muhammad Ayub Khan presumed the position of chief martial law administrator. The Constitution of 1956 was abolished, the central and provincial assemblies disbanded. Elections scheduled for January 1959 were negated. The Muslim League was melted, never to be revitalized again. Iskander Mirza and Ayub Khan offered themselves as dual leaders, but the real power restored with General Muhammad Ayub Khan due to his mechanism over the armed forces. Within days Iskander Mirza grasped that he had little control over Ayub Khan or the government. Iskander Mirza wanted, ineffectively, to nurture General Ayub Khan's competitors in the armed forces as a balance against the general's power. Endeavoring blunter measures, on October 24 Iskander Mirza detached Ayub Khan as head of martial law, assigning him as Prime Minister. On October 27, 1958, General Muhammad Ayub Khan had Iskander Mirza detained and declared himself President. Ayub Khan was now the undoubted monarch of Pakistan and its military-run government. Both the military and the civil bureaucracy were affected by the disruptions wrought by partition. Pakistan cycled through a number of politicians through their beginning political and economic crises. The politicians were corrupt, interested in maintaining their political power and securing the interests of the elite, so to have them as the representative authority did not provide much hope of a democratic state that provided socio-economic justice and fair administration to

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all Pakistani citizens. Ranging controversies over the issue of the national language, the role of Islam, provincial representation, and the distribution of power between the center and the provinces delayed constitution making and postponed general elections. In October 1956 a consensus was cobbled together and Pakistan's first constitution declared. The experiment in democratic government was short but not sweet. Ministries were made and broken in quick succession and in October 1958, with national elections scheduled for the following year, General Mohammad Ayub Khan carried out a military coup with confounding ease.

The military's direct and indirect role in the decision-making, not only in regional and foreign strategies as well as the ever-escalating defense disbursement has been vindicated normally as a means of eliminating corruption of incompetent politician, assuring national safety and refining law and order. The political and constitutional incapability of the state repeatedly requested the men on horseback. Possibly in 1953, while the army served as guardians of the law for a short-lived retro during the anti-Ahmadi uprisings in the Punjab. The plan of entry of army into a domestic politics was prearranged by the powerful civil servants like Ghulam Muhammad, Iskandar Mirza, Ikram Ullah and Choudhry Muhammad Ali with the help of a determined army chief. From reintegration of refugees to official take-over in 1958, army played very calculating role and in this 'power-broker' role army generals finally conquered over the bureaucrats.

### **Political Unpredictability in East Pakistan:**

After the political and administrative domination "it assumed the role of modernizer in the 1970s it battled with the alienated political forces in the former East Pakistan and Baluchistan; and in the 1980s it adopted an additional role as the defender of ideology. In the 1990s it withdrew to a less visible yet crucial role of being the most powerful members of a 'troika' with the president and Prime Minister as the other members axe. It played a crucial role in brooking deals among the feuding politicians.<sup>233</sup> In 1998, the Military leadership became the solitary owner of the country and criticized on legislatures as well as the civilian administrators. The country was still under military-led formation of GHQ.

The country's governments, which don't much care about the political and constitutional development, could not institute the constant way. "It took nine years (1947-56) for two constituent

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<sup>233</sup> Iftikhar. H. Malik, *State and Civil Society in Pakistan*, (Palgrave Macmillan), p. 72.

assemblies to frame a constitution for Pakistan. In that era the Prime Ministers were in and out of office and the mirth-bureaucratic alliance was still scrambling and intriguing for power. On the other hand India was fortunate to produce a stable political order under which it framed an institution under the guidance of Jawahar Lal Nehru and Indian National Congress.”<sup>234</sup> Pakistan was unsuccessful because after the deaths of Jinnah and Liaquat, and the sad state of matters of Muslim League, “which had been completely rooted in the general election in East Pakistan, could not able to construct stable political structure in which it framed a constitution without any inordinate delay Constitution-making became a tool in the hands of unscrupulous politicians who were engaged in ‘palace intrigues’ making and un-making the cabinets. The task of constitution making was fragmented at the ‘alter of power politics’, which ultimately led to military-bureaucratic alliance in political structure.”<sup>235</sup>

### **The Cultural and Linguistic Problems of East Pakistan:**

It is, though, “true that apart from political unevenness and the involvement of two strongest institutions in Pakistan’s politics, there were other fundamental hurdles facing the constitution-engineers.”<sup>236</sup> Apart from dictatorial techniques and unreliable heads, Islamic-modern conceptual misperceptions, federal difficulties and regional mottoes were the important subjects facing the framers of the constitution in Pakistan. It was categorical by the command of layout and the dictate of Allah that Pakistan should form an Islamic confederation. However these judgments were accepted without any disagreement yet thoughtful alterations were raised over the philosophy, structure and form. Three questions are still facing the country and the people. “Under the shadow of these problems, the cultural and linguistic were also important or the destruction of smooth democracy. The country which described as geographically unique. It consisted of two parts, commonly known as East and West, created differences between them on the basis of regional representation and linguist’s domination. This was the dispute between two parts of the country, separated by a thousand miles of Indian territory and the people of western part also separated to

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<sup>234</sup>Ghulam W. Choudary, *Pakistan: Transition from Military to Civilian Rule*, (Victoria House Scorpion Publishing LTD- 1988), p 10.

<sup>235</sup> Ibid, p. 11.

<sup>236</sup> GW Choudhry, *Constitutional development in Pakistan*, second edition, London, 1969 and Dr Manzooruddin, *Contemporary Pakistan*, p. 7.

each part where racial complexion, language, habits of life, and culture also fractured that dictate of the geography. The economic rights of the citizens also very important to note on this dispute, not in the two parts but also in the different provincial sections of western parts which encouraged provincialism and enter considerable harm to feeling of national unity. These problems with the group of disgruntled politicians and without constitution, it is easy to disturb the state.”<sup>237</sup>

The language disagreement catalyzed the declaration of Bengali national distinctiveness in Pakistan and became a portent to Bengali chauvinism, which appealed Six Point movement of Awami League in East Pakistan for larger self-rule and equality. One request was to retile East Pakistan as Bangladesh (Land of Bengal), which then led to the Bangladesh Freedom War. Language subject was no more in East Pakistan in 1971, as the constitution determined it fifteen years back. Notwithstanding that language movement was measured to have placed the basics for nationalism in East Pakistan, it also intensified the cultural hostility amid the two arms of Pakistan. The language question caused a much deeper sowed romanticism of hate within East Pakistan, which protracted into other matters such as those regarding economic discernment and the cumulative attentiveness of political power in the western section of the country. Mainly, the two wings of Pakistan were detached by a land of thousand miles and this aloofness improved changes in social, cultural and even in religious outlooks. In early years, Bengalis thought that their social, cultural and economic aims are fit within the agenda of a united Pakistan, but that delusion was soon to be devastated.

With the ad-hoc, handling of the glitches of representation and language, and the circulation of powers amid the federal and the provincial governments, the framers of the constitution continued faster towards adopting a constitution. “Perhaps the first net result was Mohammad Ali Bogra’s formula of language and representation, which delay the controversy for some years. The first Assembly was not allowed or permitted to, complete its constitution-making mission because it was dissolved by the Governor-General in a most arbitrary when the assembly ready to introduce its final draft of constitution. After the dissolution of the assembly, the country was indulged on a series of legal and constitutional crises which was solved by the supreme judiciary of Pakistan and

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<sup>237</sup> There were seven prime ministers in Pakistan during the era of parliamentary democracy, multi-party system and coalition politics (1947-58), With the exception of the first prime minister, Liaquat Ali, none of the remaining six prime ministers were elected as a result of election or even as a result of the vote of confidence.

cleared the way for summoning the second constituent assembly in 1955.”<sup>238</sup> Thus the first Constituent Assembly died its judicial death for the want of agreement and “Munir’s opinion became the law that the Governor-General was legally authorized to dissolve it and put the country back on the road to democracy. Following the judgment of the Federal Court, The Governor-General issued order to holds elections of the second constituent assembly which members were, elected by the Provincial Legislatures of East Pakistan, Sindh, the Punjab and N.W. F. P. by the method of single transferable vote. From Karachi the electorate was the municipal Corporation and from Balochistan it was Shahi Jirga and the no-official members of the Quota Municipality”<sup>239</sup> and whereas the members from Bahai war Pur and Frontier States were designated by their particular leaders. The elections of these members planned after the termination of the eight months. The second Constituent assembly elected and in its structure was to be founded lawyers, property-owners, capitalists, manufacturers, newspaper owners, journalists, ulema, servicemen, teachers, unionists, tribal rulers and the leaders of princely states. “Among them were men of great wealth and affluence as well as those belonging to the humblest strata of society, men with high education, qualifications as well as semi-literate whose political experience dated back to the days of the non-cooperation movement of 1920 as raw recruits to public life. So the second Assembly of Pakistan was the tool-box of subordinates having no powers of expressions and arguments, just like dead woods as they under the premier ship of Choudhry Muhammad Ali, took up and completed the task of constitution-engineering. There was only one merit of this second constituent assembly that it produced quicker results than its predecessors and presented its fourth draft constitution to the country which certain changes and amendments was finally adopted on 29 February 1956.” This was Pakistan’s first constitution.

Factually, the subject of the national language made a division amid East and West Pakistan during these first years of nation-hood. Several in Bengal had wanted the area would gain independence as a distinct state when the British government pulls out from the subcontinent. When Lord Mountbatten proclaimed that the post-British partition of the subcontinent on June 3, 1947, he

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<sup>238</sup> Ibid., p. 18.

<sup>239</sup> Dorab Patel, *Testament of a Liberal*, (Karachi: Oxford University Press, 1999) 13. (Though the way was not good for the long political future of the country yet it was good for that ad-hoc solution of political and constitutional dead lock. It opened the way for highly centralised federal structure and the departure from the parity).

made Bengal a province of Pakistan, forecasting if not devastating those visions. Keen to safeguard their opinions would be heard in the new nation, many in East Pakistan wanted Bengali, the language of Bengal, to be the state language of East Pakistan and to stake the division of the state language with Urdu, the language that controlled West Pakistan. West Pakistanis, who organized the political influence, prearranged to make Urdu alone the state language. In the months after freedom the matter grew more critical. In November 1947, university students in Dhaka, the capital of the province of East Pakistan, acted a dissent, challenging Bengali be made the state language. When the new nation's coins and stamps were issued, they were in Urdu and English only. Government representatives described it was an mistake, but in February 1948 the first Constituent Assembly, designed the previous August to draft a constitution, declined to favor the resolution to make Bengali the state language of East Pakistan. Protests sustained, and a general raid was called. Muhammad Ali Jinnah arrived in March of that year for a visit to East Pakistan. In a speech on March 21 he declared that Urdu alone would be the national language of Pakistan, further fuelling the public.

According to Kieth Callard, The constitution of 1956 forms a “logical constitution of the scheme of government, under the government of India Act. Many of its terms and even whole clauses have been transferred from one document to the other. Both in politics and in law it must be expected that the established practice of constitution will continue except where the new document requires a change to be made. The relation of the President to the Cabinet and birth to Parliament has to be understood, not merely by looking at the words of the constitution”<sup>240</sup> but also by examining the association of the forerunners of those establishments before March 1956.

The constitution opened the new era for constitutional leadership (1956-1958) in Pakistan and it ended the political watershed which was marked in the year 1954. “Though it was not appreciated by the different sections of the society yet the country was little proud for having constitution because it was not only for the country's stability but for its prestige abroad as well. The constitution was not only the work of present assembly but also accomplished by the predecessor who had submitted their various drafts and reports.”<sup>241</sup> For this reason most of the articles in the

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<sup>240</sup> Kieth Callard, *Pakistan: a Political Study*, (Karachi: Oxford university Press, 1968), p 148.

<sup>241</sup> *Zarina Salamat, Pakistan 1947-58: An Historical Review*, p. 58-59.

draft Constitution of the second Constituent Assembly replicated slight change from those disallowed in October 1954.

The second Constituent Assembly of Pakistan having certain advantages like the forerunners and their reports and deliberations, requirement of the constitution, agreed Governor-General with its 'Ministry of Talents', but also faced certain disadvantages. "Muslim League which had monopoly in the first constituent assembly had lost its comfortable majority, because of its failure in the East Pakistan Provincial Assembly election in 1954, and still there was no one man big enough to control. For this reason, in the second constituent assembly there was a coalition government of the United Front and the Muslim League."<sup>242</sup>

About the actuality of Muslim League one could rightly state that there was a Party which had made the country with its political and constitutional struggle of Muslims but that Party disregarded and undesirable, led by different minds and hands. "These groups were explaining their own diverse views on fundamental issues of the constitution like the role of religion in the state, strong or weak center, federation or confederation, joint or separate electorates, the national languages of the country, and One Unit."<sup>243</sup> However, in spite of these excited debates the constitution of 1956 was accepted by the assembly yet it was never entirely implemented, nor could it have been without national elections which became signals of its early collapse "Muhammad Ayub Khan's domination over political and constitutional values was the fruit of deep-seated military intrigues and relations with Iskandar Mirza and muddled-headed politicians. The observation of the country like Pakistan can make to use King Lear's graphic description when he told the blind Gloucester, that a man may see how this world goes with no eyes."<sup>244</sup> This was indeed see-through statement to recognize the poor and undiagnosed political system and for the establishment of this situation they also serve who only stand and wait.

## **Conclusion:**

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<sup>242</sup> Safdar Mahmood, *Pakistan: Political Roots and Development 1947-1999* (Karachi: Oxford University Press, 2000 ), p 48.

<sup>243</sup> Ibid, p. 50.

<sup>244</sup> Amartya Sen, *Poverty and Famines*, (Karachi: Oxford University Press, 1999), p 7.

The word republic is frequently used lightly but there is a world of variance amid what may be designated practical and societal democracy. The previous comes down to slightly more than the holding of consistent polls though the later suggests a hands-on section in the implementation of supremacy and the exclusion of social disparities. In its deficiency, only lip-period 1954-1958 showed features of a practical classlessness with ballot vote at the regional, if not at the national level and grounded on a universal franchise. But it didn't own any of the features of a social democracy which, it could be contended, were needed to amalgamate the conversion from expatriate to self-governing regulation.

Subsequently, after the partition the adjacent country India has developed his own constitution and started working on rehabilitation but unfortunately Pakistan could not make it realistically. The early phase of Pakistan's political and constitutional history was undeveloped due to lack of political wisdom and an unimpressive leadership and this space created when Muhammad Ali Jinnah left. All political class, establishment and bureaucracy were even unable to give this newly born country a clear road map which may lead to stability and development. Further, the first constituent assembly which was working on making constitution and policies was dissolved by Governor General Ghulam Muhammad with disrespectful manner.

The second constituent assembly then took up on its mission of outlining the constitution of Pakistan and in order to deal with this matter the second constituent assembly did not start from the beginning, it could make use of all the work done by the earlier constituent assembly. It was in a way building on what the first constituent assembly had done. The significant step taken by the second constituent assembly was the amalgamation of the province of West Pakistan and it is also known as the One Unit Scheme for Western Pakistan. In the case of West Pakistan there were three provinces, Balouchistan was not a full province but a diverse managerial unit, other than these four major components there were significant states, what was done in 1955 that all these managerial units in the West Pakistan were combined into the province of West Pakistan.

Lesser administrative elements were eliminated all the provinces and units in West Pakistan misplaced their distinct uniqueness and were combined into West Pakistan. Consequently this is or what is called as the One Unit Structure for West Pakistan and because of this there were only two provinces in Pakistan East Pakistan and the West Pakistan and in this way the issue of demonstration was decided, while in the slighter provinces and units of West Pakistan there was condemnation of setting up of this assimilated province of West Pakistan.

On the other hand, this incorporation in the constitution making development in Pakistan and after that the constituent assembly began to deal with the constitution, it deliberate the constitution and the draft of the constitution was unconfined for the constituent assembly and for the public at large on 8th January 1956 that is the draft text of the constitution. This text was debated in the constituent assembly, outside the constituent assembly and then the constituent assembly approved the constitution on 29th Feb 1956. The following phase in the making of the constitution was the endorsement of the constitution by the Governor General of Pakistan, that is his signs were compulsory and at that time Sikander Mirza was the Governor General of Pakistan and on March 23th March 1956 he signed the constitution that has been accepted by the constituent assembly and in this way it became the constitution of Pakistan. This constitution was obligatory on 23rd March 1956 and it swapped the Interim Constitution of Pakistan that was introduced in Pakistan in Aug 1947. In this way the long run exertion to make the constitution of Pakistan was fruitful in giving this country a constitution of its own which became functioning on 23rd March 1956.

In early phase, there were several justifications for Pakistan's self-governing letdown. The simplest is that put forward by the Ayub Khan administration to validate its overthrow in 1958 that this portrays the politicians as carrying the country to its laps through their ill use of authority, exploitation and divisive conspiracy. The flip side to the prerogative that it was all to the politicians' liability is the opinion articulated by such writers as M.M. Syed and Allen McGrath who point to the thoughtful anti-democratic feelings of such veteran administrators as Iskander Mirza and Ghulam Mohammad.

This concentration on characters cannot do integrity to the complications and chronological possibilities of the period. Two significant facts have arisen from our narrative in this research. First, that the Muslim league's feeble political institutionalization prohibited it from playing a like merging role to that of the congress in India. The Muslim league required the grassroots side by side structural base to stop landowner power and this dissatisfied social modifications and maintained clientelism. The party's deterioration more moved the state's dependence on the Pakistan army and the administration for the workout of authority. This also destabilized the only self-governing vehicle for trans-regional connections. Additional, concentration was seen as an obligation for state alliance, yet it had the consequence of increasing struggle amid the centers and the provinces. This not only damaged political procedures but fortified a frequently self-serving politicization of society. The significance of both property-owner politics and center-province battle was a sneaking despotism which finished in the 1958 coup.

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