

PhD. Dissertation

**A History of Representative Institutions in Pakistan:  
Case Study of Senate (1973-77)**

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**A History of Representative Institutions in Pakistan:  
Case Study of Senate (1973-77)**

**Ph.D Thesis**

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The contents of this thesis have not already been submitted in full or in part for the requirement of any other degree and are not currently being submitted for any other degree or qualification. To the best of my knowledge and belief, this thesis does not contain any material published or written previously by another person, except where due references are made to the sources in the text of the thesis. The help received in preparing this thesis, and all sources used have been acknowledged at the appropriate places.

**Fauzia Rashid**

**CERTIFICATE BY RESEARCH SUPERVISOR**

This is to certify that the research work described in this thesis is the original work of the author and has been carried out under my direct supervision. I have personally gone through all the data reported in the manuscript and certify their correctness/authenticity. I further certify that the material included in this thesis have not been used in part or full in a manuscript already submitted or in the process of submission in partial/complete fulfillment of the award of 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 Ph.D, degree through the official procedures of the university.

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## **Dedication**

I dedicate my dissertation work to my family especially my Father Ch. Rashid Ahmad, who has been a pillar of strength for me since my childhood. My Mother has been a great support for me throughout my life, it is her firm believe in me which keeps me going even in the hardest situations.

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**Fauzia Rashid**

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## Abstract

*This research is aimed to explore the institution of senate of Pakistan from its start 1973 to 1977. This study is focused on the working of senate as an institution of Pakistan. For comprehensive understanding of the institutionalization of first senate of Pakistan, cases and workings and its implications is included in the study. Relationship of senate with other state institutions i.e. executive, bureaucracy and military and the role of senate in federal politics are also explored. Moreover, political leadership of the era is included in the discussion for highlighting their contributions in federal politics. Both primary and secondary data sources indicated that the institution of first senate established in 1973 based on the constitution of 1973 in which parliamentary system was adopted. This research work intends to describe institutional history of first senate of Pakistan during its starting phase, it has been analyzed that what was senate's actual formation, objective and what did it delivered in return to the country and what was first senate's contribution in politics. Apart from the fact that many other factors were there too which didn't let senate to be strong and to flourish completely to make Pakistan a democratically strong country. Achievements and failures of the Senate has been focused in the context of main attributes of the institutionalization namely differentiation, durability, and autonomy indicators borrowed from McGuire (2002) has been applied. The study try to answered the main question, whether external forces are the main determinants to hamper the performance of the Senate. While answering the history of institutionalization in Pakistan from 1973-1977 has been explored. Moreover, the interrelationship between Senate and other institutions of Pakistan such as bureaucracy, judiciary, and army has been examined. It has also evaluate that what was result of this interference and how it actually affect the first strong institute of Pakistan. The research has try to analyze the influence and powers of the senate which was apparently strong but in fact was weaker than bureaucracy. The functions of senate institution were highlighted and projected to be stronger than those of bureaucracy but in fact the real functionary was the bureaucracy. Much work has been produced to highlight the role of various institutions such as military, bureaucracy, political parties in politics of Pakistan but historian generally ignored the significant role of the senate as an institution. Although in modern democratic scenario it is playing key role to protect and promote democracy and to protect the interests of federal unites of the country.*

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## List of Acronyms

Sr.No		
3.3	FATA	Federally Administrative Tribal Areas
3.4	PPP	Pakistan Peoples Party
3.5	PNA	Pakistan National Alliance
3.6	FSF	Federal Security Force
4.1	IPU	Inter-Parliamentary Union

## INTRODUCTION

Democracy is a way of government, where parliament/Presidential form rules the system. A parliament consist of two houses: one is upper house and other is lower house, (according to the constitution of the Islamic Republic of Pakistan, the President of Pakistan is also a component of the Parliament). Upper house is called Senate and lower house called National Assembly. A senate is a deliberative assembly, often the upper house or House of Lords of a bicameral legislature. The House of Lords developed from the "Great Council" (*Magnum Concilium*) that advised the King during medieval times<sup>1</sup>. Modern parliaments trace their history to the 13th century , the UK (lower house) was democratic but the upper house (Lords) was not democratically elected. The modern word *Senate* is derived from the Latin word *senātus* (senate), which comes from *senex*, "old man".<sup>2</sup> The members or legislators of a senate are called senators. The original senate was the Roman Senate, which started 753 BC and lasted until at least 603 AD,<sup>3</sup> although various efforts to revive it were made in Medieval Rome. In the Eastern Roman Empire, the Byzantine Senate continued until the Fourth Crusade, circa 1202–1204. The Senate is an integral part of the policymaking process. The President, the Senate the House of Representatives, and the Supreme Court all have a unique role in the process. A chamber of the legislative branch, the Senate is viewed upon as a deliberative body where pieces of legislation are usually slowed to a pace to so it can be "improved" upon. The uniqueness of the Senate which is a body ruled by traditions and norms, the role of floor

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<sup>1</sup>Ian Loveland, *Constitutional Law, Administrative Law and Human Rights (5th ed.)* (Oxford: Oxford University Press, 2009), 158.

<sup>2</sup> Dictionary.com Unabridged Based on the Random House Dictionary: *senate*

<sup>3</sup>Philippe Levillain, *The Papacy: Gaius-Proxies* (UK: Psychology Press, 2002), 1047.

procedures, leadership, and committees. “History informs us of no long-lived republic which had not a senate.”<sup>4</sup>

The Senate of Pakistan is a body which represents the provinces/territories of the country and a feeling of equality, peace and harmony, which is so essential for the growth and prosperity of a nation. Thus, the Senate in Pakistan, over the years, has emerged as an essential organ and a stabilizing factor of the country. After Independence, the first Constituent Assembly of Pakistan, was assigned the task of framing the Constitution of Pakistan. This Assembly passed the Objectives Resolution on 12th March 1949, laying down principles which later became substantive part of the Constitution of Pakistan and still serves as its preamble. However, before it could accomplish the task of framing the constitution, the assembly was dissolved in October 1954. Thereafter, the Governor General, convened the Second Constituent Assembly in May 1955, which framed and passed the first Constitution of Pakistan on 29th February 1956. That Constitution was promulgated on 23rd March 1956, which provided for a parliamentary form of Government with a unicameral legislature. However, from 14th August 1947 to 23 March 1956 the Government of India Act, 1935, was retained as the Constitution of Pakistan.<sup>5</sup>

On October 7, 1958, Martial Law was promulgated, and the Constitution abrogated. The Military Government appointed a Constitution Commission in February 1960 which framed the 1962 Constitution. That Constitution provided for a Presidential form of Government with a unicameral legislature. The 1962 Constitution was abrogated on 25th March 1969. The Civil Government, which came to power in December 1971 pursuant to 1970 elections, gave the nation an interim Constitution in the year 1972. This Assembly framed the

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<sup>4</sup> Alexander Hamilton, John Jay, and James Madison, *The Federalist: A Commentary on the Constitution of the United States* (New York: Random House, 2000), 404.

<sup>5</sup>[www.senate.gov.pk/March,2021](http://www.senate.gov.pk/March,2021).

1973 Constitution which was passed on 12th April and promulgated on 14th August 1973. The 1973 Constitution provides for a parliamentary form of Government with a bicameral legislature, comprising of the National Assembly and the Senate<sup>6</sup>. The intended purpose for the creation of the Senate of Pakistan was to give equal representation to all the federating units since the membership of the National Assembly was based on the population of each province. Equal provincial membership in the Senate, thus, balances the provincial inequality in the National Assembly and dispels doubts and apprehension, if any, regarding deprivation and exploitation.<sup>7</sup>

The Parliament of Pakistan from 1971 to 1977 was the first bicameral Parliament in the history of the state. The 1973 Constitution provides for a parliamentary form of Government with a bicameral legislature, comprising of the National Assembly the Senate and the president. First convened in 1973, the Senate's composition and powers are established by the Article 59 of the Constitution of Pakistan. Each four provinces are represented by fourteen senators and eight senators from the tribal areas regardless of population, who serve staggered six-year terms. At first, senate contains 45 members from all over the country later it was raised to 63 in 1977. The formation of bicameral legislature was done because of, after separation of eastern part of the country in 1971, Pakistan got four provinces and power should have been flowed at lower and each level that's why bicameral legislature was introduced. Senators of first senate belonged to all provinces representing their provinces and their voice in national affairs of Pakistan. Senate of Pakistan gives equal representation to all federating

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<sup>6</sup>[www.senate.gov.pk/March,2021](http://www.senate.gov.pk/March,2021).

<sup>7</sup>[www.senate.gov.pk/March,2021](http://www.senate.gov.pk/March,2021).

units which is in line with the constitutional role attributed to the Upper House i.e. promotion of national cohesion and harmony. The main purpose for the creation of the Senate of Pakistan was to give equal representation to all the federating units since the membership of the National Assembly was based on the population of each province. This equality of representation was also intended to balance the disproportionate influence of Punjab in the lower house – a fact which has caused problems in the federal system over time in Pakistan. Equal provincial membership in the Senate, thus, balances the provincial inequality in the National Assembly and dispels doubts and apprehension, if any, regarding deprivation and exploitation. The actual role of the Senate is to promote national cohesion and harmony and to alleviate fears of the smaller provinces regarding domination by any one province because of its majority, in the National Assembly.

The Senate of Pakistan is the House of the Federation that is equally represented by all four Federating Units of the country, including members from the Federal Capital Territory and Federally Administrative Tribal Areas (FATA). With a mandate to protect the rights of the Federating Units; the Senate ensures that devolution of subjects and powers takes place within constitutional parameters; thus, strengthening the bond between provinces. Being an important component of the Parliament, the Senate also undertakes legislation that translates policies for the welfare and betterment of the Federation, the Federating Units, and its citizenry. Through its Standing Committees, Motions and other mechanisms, the Senate holds to account and ensures transparency in Executive functions. Public accessibility is granted through public petitions, providing for redressal of grievances. Keeping in view the concept of unity through diversity; the Senate provides for the blossoming of different cultures within the Federation, so as to synthesize it into one Pakistani culture; thus, playing an important role in promoting inter-

provincial and federal-provincial harmony. The Senate is a body which represents the provinces and other territories of the country and promotes a feeling of equality, peace and harmony, which is so essential for the growth and prosperity of a nation. Thus, the Senate, over the years, has emerged as an essential organ and a stabilizing factor of the federation in Pakistan.

Senate elections take place in accordance with Article 59 of the Constitution. Each of the four provincial assemblies shall elect in the next Senate election twenty three members from their respective provinces that include fourteen on general seats, four on seats reserved for technocrats including Ulema<sup>8</sup>, four on seats reserved for women and one on seat reserved for non-Muslims. Four members i.e. two on general seats, one technocrat including Aalim<sup>9</sup> and one woman are elected from the Federal Capital whereas eight members are elected from the FATA. The Senate is a permanent legislative body which symbolizes a process of continuity in the national affairs. The term of its members is six years. However, one-half of its members retire every three years. A casual vacancy in the Senate, caused by resignation, death, incapacitation, disqualification or removal of a member, is filled through election by the respective Electoral College and the member so elected holds office for the un-expired term of the member whose vacancy he has filled. A person seeking election to the Senate should not be less than thirty years of age and should be registered as a voter in an area or province from where he seeks election and should meet other qualifications prescribed under Article 62 of the

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<sup>8</sup> Muslim scholars or men of authority in religion and law.

<https://www.collinsdictionary.com/dictionary/english/ulema>

<sup>9</sup> Mid 19th century; earliest use found in Edward Lane (1801–1876), orientalist. Partly from Arabic 'ālim scholar, (specifically) expert in Islamic law and theology, use as noun of the active participle of 'alima to know, and partly from Arabic 'alīm knowing, learned, also (as noun) scholar from 'alima to know.

<https://www.lexico.com/definition/alim>

Constitution. After the Senate has been duly constituted, at its first meeting, it elects from amongst its members, a Chairman and Deputy Chairman. Whenever the office of the Chairman or the Deputy Chairman becomes vacant the Senate elects another member as Chairman or as the case may be, the Deputy Chairman. Term of office of the Chairman and the Deputy Chairman is three years. In the absence of the Chairman, the Deputy Chairman acts as Chairman.

### **Cabinet and Senate**

The cabinet was presided by the Chief Executive. The Parliament, however, was not free from the influence of the Cabinet. Not only invisible involvement of the Cabinet, rather of the Prime Minister through the Cabinet, the Speaker of the National Assembly who was the custodian of one of the houses of the Parliament at one occasion did not hesitate to attend the meeting of the Cabinet of which in fact he was not the part.<sup>10</sup> This was critically pointed out in the National Assembly on 24 June 1974 by Sahibzada Ahmad Raza Khan Qasuri<sup>11</sup>. On the matter of arrest of Ghaus Bakhsh Bizenjo, Sardar Khair Bakhsh Marri and Sardar Ataullah Mengal an adjournment motion was moved by a member in the senate on 18<sup>th</sup> April, 1974 about Governor of Baluchistan's statement on airport, that it is matter of provincial affairs not of federal and that Governor's statement went against the principles of provincial autonomy as laid down in the constitution. After long debates and orders, Chairman gave an example and said that "since the Governor has denied the allegation attributed to him that he stated those words, I accept the version of the statement he has made, and, therefore, rule

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<sup>10</sup> Zafarullah Khan, Interviewed by Rahat Zubair. Seminar. Quaid-e-Azam University, Islamabad. February 23, 2020.

<sup>11</sup>M. Hussain. Kokab, *Institutional Influence in Pakistan, Bureaucracy, Cabinet and Parliament*, Asian Social Science, 2013,173-178.

the adjournment motion out of order.<sup>12</sup> All of them were arrested on various charges of corruption, malpractices and seditious activities. This matter was opposed in both houses by the opposition. It was initiated in a big way. It would go on for many years, indeed till Bhutto's ouster<sup>13</sup>. When he dismissed the Baluchistan government his critics saw him as an elected civilian strongman who had little patience for parliamentary democracy<sup>14</sup>. Another important matter was of Bangladesh recognition at that time which was passed by both National Assembly and Senate on the will of Chief Executive. He also wreath at a monument in Bangladesh, on which an adjournment motion was moved out by a senator but Chairman ruled it out of order saying that it is personal matter of Chief Executive and it doesn't hurt sentiments of nation<sup>15</sup>.

### **Bureaucracy and Senate**

In Pakistan, the vital role of bureaucracy in running the system of government cannot be denied at all. In contrast to the democratic institution of Parliament, the bureaucratic influence remained the key government institution and parliament remained marginalized time to time. The bureaucracy has always been influential, its relative influence has changed over time. The civil service was strong in the 1950s but probably less so in the 1960s or 1980s (as the military became stronger). The bureaucracy had been the partner in the military- bureaucratic oligarchy that ruled Pakistan. It was powerful enough to keep the military at bay even during the Martial Law regimes<sup>16</sup>. The power

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<sup>12</sup>Senate Debates, 18th April, 1974,555-556; 19th April, 1976,579-586.

<sup>13</sup>Hamid Khan, *Constitutional and political history of Pakistan*. Karachi: Oxford University Press, 2009, 287.

<sup>14</sup>Hussain Haqqani, *Pakistan between Mosque and Military*, Lahore: vanguard, 2005,102.

<sup>15</sup>Senate Debates, 29th July, 1974,102-107.

<sup>16</sup>H. Alavi, *Politics of Ethnicity in India and Pakistan*. Sociology of Developing Societies South Asia. Hampshire: Macmillan,1988, 39.

equation between the executive and the legislative during the early days of the country's independence was inherited from the British. The Colonial Power controlled India through strengthening the bureaucracy of state. This pattern persisted in the ensuing years, and the civil military bureaucracy developed an interest in controlling the state and its politics<sup>17</sup>. The bureaucracy is trained to protect the state from external as well as internal threats, Many would argue that the ability of political leaders to transfer bureaucrats has over time strengthened politicians at the expense of bureaucrats According to Alavi, 'the bureaucrats were brought up on the myth of "guardianship," the idea that it was their mission to defend the interests of the people as against the supposed partnership of and personal ambitions of "professional" politicians.'<sup>18</sup>

It was not only the civil bureaucracy that was the stronger element in making and enforcing the decisions but the bureaucracy had close links with the institution of Army and both the institutions had close relationship in ruling over the country. Sometime one institution had been stronger to dictate the other one and at some time second institution became stronger to control the former one. However, the ultimate arbiter role can only be played by the stronger civil-military bureaucracy and not by democratic institutions<sup>19</sup>. In Pakistan, institutions have never been sufficiently strong and the country has often been governed through authoritarianism<sup>20</sup>. Parliament has generally but not always been weak – the 18th Amendment for example represented an important assertion of parliamentary

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<sup>17</sup>A. Siddiq, *Military Inc. inside Pakistan's Military Economy*. Karachi: Oxford University Press, 2007,67-68.

<sup>18</sup>i.e. Siddiq (2007:68).

<sup>19</sup>i.e. Siddiq (2007:68).

<sup>20</sup>British Ambassador, I. (1973, August 16). Diplomatic Report No. 392/73.FCO 37/1334. London: The National Archives (TNA).

strength . Bureaucracy was senior part of the oligarchy, it has always effects the decisions of parliament through direct or in direct pressure. Here is example from adjournment motion of senate debates. On 27<sup>th</sup> February 1976, a member sought leave to move an adjournment motion to discuss the statement of the federal minister for communications published in ‘Jang’ dated the 23<sup>rd</sup> December, 1975, alleged the government was not being run as the people’s government but as a government under the bureaucracy. The minister of communications opposed the matter on the ground and chairman ruled motion out of order that it is not of recent occurrence<sup>21</sup>.

### **Military and Senate**

The first senate was not strong institution like mature bureaucracy and it had effect of it on the decisions and the policies which actually couldn’t let it be strong and mature like other powerful institutions of Pakistan<sup>22</sup>. Bhutto was temporarily successful in asserting the primacy of civilian government<sup>23</sup>. The debates of senate 14 December, 1973 shows that military as a powerful institution of Pakistan later on managed to control state again on certain foolish steps of Bhutto himself. These senate debates illustrate that the senate was a weak institution, that Bhutto was temporarily able to assert the primacy of civilian government .Following are references from debates of senate related to military. On 14<sup>th</sup> Dec, 1973, Khawaja Muhammad Safdar sought leave to move a motion for adjournment of the business of the Senate to discuss the grave situation in Baluchistan, as of ISPR’s press release that thirteen outlaws were killed and two wounded. The concerned minister opposed

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<sup>21</sup>Senate Debates, 27<sup>th</sup>February, 1976, 25-29.

<sup>22</sup>M. Hussain, *Power Dynamics of State Institutions in Pakistan, Discourse analysis of Bureaucracy and the Legislature (1971-1977)*- South Asian Studies, 2015, 177-178.

<sup>23</sup>H.A. Rizvi, *Military and politics in Pakistan* . Lahore: Sang-i-Meel Publication,1997, 119.

the motion that army had already called by provincial government for aid. Therefore chairman ruled motion out of order that law and order are provincial affairs and these are continuing processes<sup>24</sup>. Another adjournment motion is of 24<sup>th</sup> January, 1974 by Senator Mir Abdul Wahid about death of certain persons of Marri area in the Army controlled part of Quetta Jail. It was also ruled out of order by chairman that it is matter of provincial concern and is not recent<sup>25</sup>.

On 6<sup>th</sup> August, 1974, a member sought leave to move an adjournment motion to discuss the unwarranted attack by army-men on village Sheerani of Loralai District in the third week of June, 1974, resulting in several deaths and destruction of livestock, houses and crops. Minister of state for Defense opposed this matter and Chairman ruled it out of order that this matter is already debated in the National Assembly<sup>26</sup>. Another adjournment motion was ruled out of order by chairman on 6<sup>th</sup> August, 1974 about discussion of the refusal of permission by the Government to opposition leaders to visit Chamalang range and the adjoining areas to make an assessment of the damaged caused by bombing. But it was stated that permission is also denied by Army, provincial government and federal Government, and it is also submitted late after that incident is not new so that motion was ruled out of order<sup>27</sup>. In the second week of June, 1974, alleged bombing of Air Force on the Bambore region bordering the District of Kachi mainly inhabited by Marri Tribesmen happened. A senator sought leave of the house to move an adjournment motion regarding this incident which resulted in causing the death of innumerable men, women and children and destruction of Marri settlement in the region. It was also said that the other attacks on adjoining areas

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<sup>24</sup>Senate Debates, 14th December 1973, 277-282.

<sup>25</sup>Senate Debates, 24th January, 1974, 271-273.

<sup>26</sup>Senate Debates, 6th August, 1974, 227-228.

<sup>27</sup>Senate Debates, 6th August, 1974, 229-234.

were also reported to be continuing followed by other repressive measures. The minister without portfolio denied this allegation and said on the behalf of Government that Prime Minister visited that area and there is no interference of Army there and people are also safe and sound. It has also been published in Pakistan Times on 28<sup>th</sup> July, 1974. The Chairman after hearing both sides ruled that as minister had denied the allegations with proof so this motion is rule out of order<sup>28</sup>. Bhutto strived to curtail the powers of Army and this effort was quite successful. Army itself had decided to remain behind the curtain and to keep low profile. However, Bhutto couldn't weaken institutional power of army as compared to other state institutions. Defense was subject out of the order of parliament and both houses too could not assert their powers in contrast of army<sup>29</sup>.

### **Institutionalization**

A political community develop routine, standard ways of doing things by organizational endowed with resource and authority. An institution is a relatively enduring collection of rules and organized practices; embedded in the structures of meaning and resources<sup>30</sup>. Concept of Institutions used in different branches of knowledge institutionalization refers to the development of regularized system of policy making. Samuel P. Huntington<sup>31</sup> Robert E. Gooding<sup>32</sup> Max Weber<sup>33</sup> Polsby<sup>34</sup> and Kevin T. McGuire have worked on this concept.

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<sup>28</sup>Senate Debates, 30th July, 1974, 120-130

<sup>29</sup>M. Hussain, *Institutional Relationship in Pakistan: A Study of the Army and the Parliament*. Pakistan Vision Vol 14 No 1.

<sup>30</sup>Jr. Matthew Holden, *Exclusion, Inclusion and political institutions in the oxford handbook of political institutions*. Oxford: Oxford University Press, 2006.

<sup>31</sup>P.H. Samuel, *The Institutionalization of the U.S. House of Representatives*. American Political Science Review, 1970, 145-162.

<sup>32</sup>R.E. Goodin, *The theory of institutional design*. New York: Cambridge University press, 1996, 41-42.

<sup>33</sup>M. Weber, *Political Writings*. University of Cambridge Press, 1994, 62-63.

<sup>34</sup>N.W. Polsby, *The Institutionalization of the U.S. House of Representatives*. American Political Science Review, 1970, 145-62.

Applying the theory of McGuire institutionalization of the Supreme Court, my aim is to examine the institutional history of Senate. Relying on various measures used by McGuire as differentiation, Durability, and autonomy institutional history of Senate is analyzed. McGuire argues that there are three indicators through which we can measure the level of institutionalization i.e. differentiation, durability and Autonomy<sup>35</sup>. He defined differentiation as share a common understanding of the institution's role. Physical Location helps to gain it importance in political system, a unique identity and independence. Durability, is an ability to persist and adapt to change, organization's mission is acknowledged by its coequals, internal norms not individual personalities. Autonomy as capacity of institutions to make and implement their own decisions, establish boundaries. Other indicators he used are: Complexity, Coherence, Congruence and Exclusivity. McGuire also argues that institutionalization enhances the impact of the organizational significance of its decisions: landmark decisions, institutions are governed by larger forces like socio-economic. Kevin T. McGuire is Professor of Political Science with the expertise of the subject of institutions, especially the U.S. Supreme Court and American constitutional law. Having borrowed the concepts from McGuire, the Senate in Pakistan 1973-1977 has been studied under five criteria:

Differentiation: Common understanding of members of Senate. Durability: Pursuing goals in environmental change.

Autonomy: Independence in making decisions and procedures .

Complexity: The ability to devise the system.

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<sup>35</sup>K.T. McGuire, *The Institutionalization of the U.S. Supreme Court. political analysis* , 2004,12.

Sovereignty: The institution functions without any interfering influence of external forces and factors.

## Literature Review

Many researchers have used institutional explanation in their study of Pakistan's history and politics, like Lawrence Ziring<sup>36</sup> has linked the introduction of Pakistan's first martial law regime in 1958 with the institutional weakness resulting in part from the collapse of Muslim League. Maleeha Lodi<sup>37</sup> analysis the army's 1977 intervention in same term of institutional weakness. Mazher Aziz<sup>38</sup>, Shuja Nawaz<sup>39</sup>, Hussain Haqqani<sup>40</sup>, Ayesha Saddiq<sup>41</sup> and Hamza Alvi<sup>42</sup> has stated that the army's institution is so powerful that it deters any other institution from operating easily and freely. Many writers and intellectuals have written on Pakistan's early history, which has aided my understanding of the state's political situation after 1947 especially politics in the center. However, very few have written on the Senate history of Pakistan and this study tries to fill up the research gap. There have been exceptional instances of research particularly on first senate of Pakistan; much due to the obvious small duration of the institute and as much other problems were there too to tackle.

I have categorized the existing literature on this subject into the following categories. The first category of material is, in which writers mainly discuss central politics. For example Rizwan Malik, politics of the one unit, 1955-58<sup>43</sup>. Riaz Ahmed, constitutional and political

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<sup>36</sup>P. Lawrence Ziring, *Pakistan The Enigma of political development* (Boulder Colorado: west view press, 1980).

<sup>37</sup>M. Lodhi, "Pakistan in crises", *The journal of commonwealth and comparative politic,s* (2011): 65.

<sup>38</sup>M. Aziz, *Military control in Pakista* ( Oxon: Routledge, 2008).

<sup>39</sup>S. Nawaz, *Crossed swords Pakistan and army and wars within* (Karachi: Oxford University press, 2008).

<sup>40</sup>H. Haqqani, *Pakistan between military and Mosque* (Lahore: vanguard, 2005).

<sup>41</sup>A. Siddiq, *Military Inc: Inside Pakistan's military Economy* (Karachi: Oxford University press, 2008).

<sup>42</sup>H. Alavi, *Social Forces & Ideology in the Making of Pakistan* (karachi: Democratic Action, Research & Education, 2002).

<sup>43</sup>R. Malik, *politics of the one unit, 1955-58* (Lahore: Pakistan Study center, 1988).

development in Pakistan, 1951-54<sup>44</sup>Zarina Salamat, Pakistan 1947- 58: An historical review <sup>45</sup>. Hassan Askari Rizvi, military and politics in Pakistan<sup>46</sup>Ahmad, Sayeed Nur, From Martial Law to Martial Law Politics in the Punjab<sup>47</sup>Pakistan its bureaucracy and politics<sup>48</sup>and Ahmad, Mushtaq<sup>49</sup>. Rafique Afzal<sup>50</sup> is one of the prominent writers of the Pakistan. He has written many books on History of Pakistan , his writings for example Political parties in Pakistan 1947- 58, Pakistan history and politics, 1947-1971,Party politics in Pakistan 1947- 58, give us useful information about central politics and role of different political parties in Center. But there is also gap in his writing as working of the Senate is not discussed.

Another category of scholars believe that the Pakistan's army is so strong that it prevents any other institution from functioning, even the Parliament. Aziz<sup>51</sup>has done his work under the theory of Path Dependency, he adopted the argument that the emergence of the military as the foremost decision making entity probably creates its own set of precedent and institution that enable the military to be, in effect a likely that the civilian government in Pakistan will remain unstable and weak given the scope of the military's capacity and influence<sup>52</sup>.

Hussain Haqqani's book of 2005, "Pakistan: between mosque and military's" chapter old and new Pakistan is consulted here. In this chapter he has described about senate working and formation during Z.A Bhutto period. In this chapter of old and new Pakistan

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<sup>44</sup>R. Ahmad, *Constitutional and Political Development in Pakistan 1951-54* (Karachi: Pak American Commercial Limited,1981).

<sup>45</sup>Z. Salamat, *Pakistan 1947- 58* (Islamabad: National Institute of Historical and research,1992).

<sup>46</sup>H.A. Rizvi, *Military and politics in Pakistan* (Lahore: Sang-i-Meel Publication,1997).

<sup>47</sup>S.N. Ahmad, *From Martial Law to Martial Law* ( London: West view press,1985).

<sup>48</sup>M. Chowdhury, *Pakistan – Its Politics and Bureaucracy* (New Delhi: Associated Publishing House,1988).

<sup>49</sup>M. Ahmad, *Government and Politics in Pakistan* (Karachi: Pakistan Publishing House,1959).

<sup>50</sup>R. Afzal,*Pakistan History and politics*(Karachi: Oxford University press,2001).

<sup>51</sup>M. Aziz, *Military control in Pakistan* (Oxon: Routledge,2008).

<sup>52</sup>A. Saddiqa, *Military Inc. - Second Edition: Inside Pakistan's Military Economy* (Karachi: Oxford University press,2016).

he wrote that how after separation of East wing, Pakistan cope up with new strategies and changing in Government's structure through introducing bicameral legislature and a new constitution of Islamic republic of Pakistan. This work is giving the clear picture of bhutto's interest of formation of senate.

The research by Mahboob Hussain in 2015 on "Power dynamics of state institutions in Pakistan, discourse analysis of bureaucracy and the legislature 19761-1977" is critically written on these two powerful institutions of Pakistan. In his research paper, he has analyzed bureaucracy and legislature between Z.A Bhutto times. According to him bureaucracy was much stronger as compared to parliament and decisions of parliament were not much considerable, in fact not much democratic was Pakistan at that time and bureaucracy's hold was on country's workings and decisions. Another research paper of Mahboob Hussain on Parliament in Pakistan 1971-1977 and chief executive: an analysis of Institutional autonomy is related to my topic. In this paper, Hussain has described about working of parliament and Bhutto as chief executive. Key findings of his paper<sup>53</sup> are that it was nearly one man show and everything in parliament from decisions to each member of both upper and lower house were according to will of chief executive. He didn't let parliament flourish and to be strong just because of his own means of power. This Critique is the relevance of this review of work.

Another group of scholars who concentrated on the Zulfikar Ali Bhutto era did not give enough information about Pakistan's first directly elected Senate. The majority of the authors

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<sup>53</sup>M. Hussain, "Power Dynamics of State Institutions in Pakistan, Discourse Analysis of Bureaucracy and the Legislature (1971-1977)", *South Asian Studies A Research Journal of South Asian Studies* Vol. 30, No.2 (July – December 201): 177 – 186.

(such as Stanley Wolpert<sup>54</sup>, Anwar H. Syed<sup>55</sup>, Maulana Kausar Niazi<sup>56</sup>, Sheikh Muhammad Rashid<sup>57</sup>, Rafi Raza<sup>58</sup>, Salman Taseer<sup>59</sup>, Philip P. Jones<sup>60</sup>, and Shahid Javed Burki<sup>61</sup>) discussed various elements of the Bhutto era's history, but they did not go into length on the Senate as an institution. Zulfikar Ali Bhutto, who wrote numerous volumes on his life and contributions to Pakistani history, also failed to acknowledge the importance of Senate in politics. Therefore, studying the Senate as an institution in Pakistan is extremely important in order to comprehend its significance in Pakistan's history.

Another category comprises of those works which have focused on parliament and its relationships with other institutions of Pakistan. Elliot L. Tepper<sup>62</sup> has researched in 1974 as “The New Pakistan: Problems and Prospects”. In his paper, he has described about problems of Pakistan after separation of East wing and then prospects that how it would affect later working of the country. He has barely mentioned first senate of Pakistan and has also told about its working that as a first senate it didn't started quite well. He has analyzed Pakistan situation at that time critically in his paper. Another research work is of Mahboob Hussain<sup>63</sup> “Institutional relationship in Pak: A study of the Army and the Parliament 1971-1977”. In this research paper he has described about relationships between parliament and the army as Army has always remained the most powerful institute in Pakistan. Key findings of

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<sup>54</sup> Stanley Wolpert, *Zulfi Bhutto of Pakistan: His life and Times* (Karachi: Oxford University Press, 2008).

<sup>55</sup> Anwar H. Syed, *The Discourse and Politics of Zulfikar Ali Bhutto* (New York: St. Martin's Press, 1992).

<sup>56</sup> Maulana Kausar Niazi, *Zulfikar Ali Bhutto of Pakistan: Last Days* (Online Edition accessed at <http://bhutto.org>).

<sup>57</sup> Sheikh Muhammad Rashid, *Juhd-e-Musalsal* (Lahore: Jang Publishers, 2002).

<sup>58</sup> Rafi Raza, *Zulfikar Ali Bhutto and Pakistan: 1967-1977* (Karachi: Oxford University Press, 1977).

<sup>59</sup> Salman Taseer, *Bhutto: A Political Biography* (New Delhi: Vikas Publishing House, 1980).

<sup>60</sup> Philip P. Jones, *Pakistan People's Party* (Karachi: Oxford University Press, 2003).

<sup>61</sup> Shahid Javed Burki, *Pakistan under Bhutto* (New York: St. Martin's Press, 1980).

<sup>62</sup> L. Tepper Elliot, “The New Pakistan: Problems and Prospects” *Pacific Affairs*, 47-1 (1974): 56-68.

<sup>63</sup> Mahboob Hussain, “Institutional Relationship in Pakistan: A Study of the Army and the Parliament”, *Pakistan Vision*, Vol 14 No 1 (2013): 116-129.

his research are that Army let chief executive do his work and kind of took low profile in political matters of the state. But if we talk about parliament especially senate then there was whole control of chief executive and later on chief executive was much affected by military as we talk about history of Pakistan in political manners. The theme if institutionalization has since been persuaded by many scholars Hibbing<sup>64</sup>wrote about British House of Common, Mezrey,<sup>65</sup> work is about legislatures and institutional performance. P Squire<sup>66</sup>describes theory of legislative institutionalization in which he discuss about California's Assembly. Max Weber's<sup>67</sup>focus is on political institutionalization and relationship between charisma and institution building in the major field of social order such as politics, law, economy, culture, and religion on the other so concept of charisma is significantly important for understanding the process of institutional building.

None of them have particularly discussed about senate and its role in politics that how it confronted the decisions and what was its role in politics as it was the first senate of Pakistan which is till date now in action as Pakistan is running on British parliamentary system i.e. bicameral legislature. In this research, the gap of the role of first senate in politics of Pakistan during 1973-1977 is filled and how it got affected by strong factors of Pakistan.

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<sup>64</sup>J. Hibbing, "Legislative institutionalization with illustration from British House of commons". *Americans Journals of political science* (1988):681-721.

<sup>65</sup> M Mezay, "Legislatures: individual purposes and institutional performance, in political science".*The American political science Association* (1993): 354.

<sup>66</sup>P.Squire,"The theory of institutionalization and the California's Assembly". *The Journal of Politics* , (1992):1026-1054.

<sup>67</sup>M. Weber,*Charisma and institutional building* (London: The University of Chicago press.1968).

### **Significance of the study**

No specific research work has been done on the Pakistan's Senate as an Institution so it is the first attempt to highlight First Senate by focusing on this institution. It highlights political, social, economic picture of the Pakistan and to examine the measures taken by Senate. The study also shed light on the interference of other institutions like Bureaucracy and Chief Executive.

### **Research questions**

1. How far the senate proved an effective guardian of the rights of the Provinces or has an effective voice in legislation?
2. Why Senate and its performance lacked the basic characteristics of an institution?
3. How was the working of Senate as a Sovereign body affected by the forces outside the Senate?

### **Objective of the study**

1. To undertake a comprehensive study of the institution of Senate 1973-77 and to check legacy of controversial issues and its journey towards future.
2. To explore and analyze the causes, working and implications of the first Senate of Pakistan.
3. To study and highlight the politics of Federal state and its impacts on institutions.
4. To discuss main political leadership and their role in the proceedings of the Senate, which has not thoroughly has been discussed by historians to date.

### **Research design and methodology**

This study is based on primary sources debates of Senate, official reports, census reports speeches, interviews, autobiographies of political figures, secondary sources which help to complete this research include books, biographies, research papers, research work, articles and other means are undertaken to establish the theoretical framework. All kind of documents help me to evaluate the formation and working of Senate in specific era under study. This study has historical approach and Qualitative research.

### **Limitation of the study**

The focus of the research is era 1973-77. Although Senate worked actively and took many decisions after First senate and on ward but my research is limited till 1977 because these early years were more important in the History of Pakistan which left impacts long-lasting. Senate is law making institution which play very important role in Federal especially in early Phase of the country, this research study has encompassed available literature for Senate i.e. debates, proceedings, speeches to books article by scholars.

### **Division of the Chapters**

#### **Chapter No. 1: COMPOSITION AND FUNCTIONING OF THE SENATE**

The first chapter examines the Senate's composition and operation as a national institution. To begin, a comparison of unicameral and bicameral legislation is provided. A detailed history of the Senate's development as an institution is provided, beginning with different pieces of legislation during the British rule and continuing through the 1973 constitution. The next part discusses the election of the first senate, as well as the functions and responsibilities of the chairman, deputy chairman, and senators.

## Chapter No. 2: ROLE OF THE SENATE IN LEGISLATION

The second chapter deals with the function of the Senate in legislation. The chapter begins with the requirements of the Senate as part of the federal state system. The Senate in Pakistan, its function status, the Senate as a second chamber, the Senate as a federal body and the Senate as a deliberative chamber are all dealt with in the following sections. The important part of the chapter, however, begins with a study of the Senate as a legislative body. The Senate's function in legislation is discussed in detail in this section, including bills, ordinances, proposed updates, and resolutions. The function of the Senate in constitutional changes is discussed in detail in the last section.

## Chapter No. 03: IMPACTS OF DECISION MAKING IN SENATE

The third chapter discusses the Senate's influence in terms of working on various tasks. The role of the senate was assessed in the assessment of bills, resolutions, ordinances, questions asked in the senate, privilege motions, adjournment motions, motions filed in the senate secretariat, and the role of the senate in the assessment of bills of amendment in the constitution for the purpose of understanding the impact of the senate and the activities in the senate. Furthermore, discussions in the senate on bills, resolutions, ordinances, questions raised in the senate, privilege motions, adjournment motions, motions filed inside the senate secretariat are useful for gaining a thorough knowledge of the senate's responsibilities.

## Chapter No. 4: SENATE AS AUTONOMOUS INSTITUTION

The fourth chapter deals with the autonomy of the Senate in federal politics. To understand the autonomy of the senate, the relationship of the senate to the three main overviews of the state

is provided in detail. In the first section of the chapter, the relationship between the legislative branch and the executive branch is recounted, highlighting the context of executive control from 1971 to 1973 and the influence of the executive over the senate from 1973 to 1977. The chapter, the relationship between the Senate and the bureaucracy is narrated with some examples in terms of motions compiled by senators of the Senate.

#### Chapter No. 5: SENATE AND POLITICAL LEADERSHIP

In the fifth chapter of the study, the political leadership of the Bhutto era is discussed. Since Bhutto was a hegemonic leader from 1971 to 1977, the chapter therefore focuses on the role of Zulfikar Ali Bhutto. To that end, Bhutto's role had been discussed as a martial law administrator, as well as the country's prime minister. However, his attitude towards his opposition from 1971 to 1977 in general and in particular from 1973 to 1977 is disputed. In addition, the role of several senators in the first senate elaborated by discussing their qualification and profession and their role is also discussed. affairs in the country's first senate.

## **Chapter No. 1**

### **COMPOSITION AND FUNCTIONING OF THE SENATE**

The present chapter is about the composition and functioning (actual day to day practices) of the Pakistan's senate as an institution. First of all, a comparison of unicameral and bicameral legislation is provided. A comprehensive history of the evolution of senate as an institution starting from different acts during British regime until the constitution of 1973 is provided onward. In the next section, election of the first senate is given in detail and the role and responsibilities of the chairman, deputy chairman and the senators are elaborated. In the last section of the chapter, researcher provided powers, privileges and immunities to the senators.

## 1.1 Evolution of Senate in Pakistan

Senate in Pakistan evolved with the passage of time. However, before 1973, unicameral system of legislation was working in the country. The 1973 is an important year when first time in country's history bicameral system of legislation was adopted. Before discussing the bicameral system of legislation in the country, it is necessary to highlight different events which slowly but steadily give birth to bicameral system.<sup>68</sup> First of the role of Morley-Minto reforms is very important to discuss. It was the first attempt in sub-continent India to start representative but popular government in the region. The role of Government of India Councils Act, 1909 proved very important. According to the act, the numbers of members were increased in the provincial legislative councils, because of the inclusion of elected members who were non-official as well in Provincial Legislative Councils. Through this act, elections were introduced in central legislative council.<sup>69</sup> In addition, legislative council was given opportunity to present resolutions which were related to public interests in certain field of life. However, council was not able to move resolutions about armed forces, foreign affairs, and Indian states. The executive was not answerable to the council and final decision making was in the hands of executive.<sup>70</sup>

For the first time in the history of sub-continent, bicameral system of legislation was introduced in 1919 in Montague-Chelmsford Reforms, Government of India Act, 1919.<sup>71</sup>

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<sup>68</sup> Syed Azhar Ali "Unicameralism in United Pakistan: Why and How?." *Pakistan Horizon* 48, no. 3 (1995): 69-80.

<sup>69</sup> Dewitt Clinton Ellinwood Jr, "The round table movement and India, 1909–1920." *Journal of Commonwealth & Comparative Politics* 9, no. 3 (1971): 188..

<sup>70</sup> Courtenay Ilbert. "The Indian Councils Act, 1909." *Journal of the Society of Comparative Legislation* 11, no. 2 (1911): 245-246.

<sup>71</sup> Arvind Elangovan, "Constitutionalism, political exclusion, and implications for Indian constitutional history: the case of Montagu Chelmsford reforms (1919)", *South Asian History and Culture* 7, no. 3 (2016): 272-273.

According to these reforms, bicameral legislation was adopted with two houses i.e. upper house and lower house. Upper house was known as Council of State with total 60 members of whom 34 were elected directly by lower house. Legislative Assembly was the name adopted for lower house. Total 144 members were decided for lower house of which 104 were directly elected. When talking about the power of the both the houses, it was found that the few power of both the houses was somehow common.<sup>72</sup> In other words, first time responsible government was introduced in provinces. However, the decisions of administration were divided into different categories i.e., Central, Provincial, transferred and reserved. Reserved aspects of administration were directly under the control of Governor but in transferred aspects of administration, minister from legislative council was also included. Provinces were given power in the form of delegation of powers from the center. However, center was still able for legislation related to any matter in the whole country. Provincial legislative councils were given opportunity to legislate for the peace and good government in respective provinces.<sup>73</sup>

Indian Act 1919 was not according to the expectations of the Indian political elites because provinces were not provided autonomy in the act. Therefore, a committee investigated the whole matter and give recommendation in 1930 about Indian Act of 1919. British parliament passed another act in 1935 with the name of Government of Indian Act, 1935.<sup>74</sup> The role of Government of Indian Act, 1935 is also worth mentioning. This act remained promulgated in the subcontinent till 1947. However, some of the articles, clauses are still found

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<sup>72</sup> Philip Woods, "The Montagu-Chelmsford reforms (1919): A re-assessment. South Asia" *Journal of South Asian Studies* 17, no. 1 (1994): 25-27.

<sup>73</sup> Lionel Curtis. *Papers Relating to the Application of the Principle of Dyarchy to the Government of India: To which are Appended the Report of the Joint Select Committee and the Government of India Act, 1919* (Clarendon Press, 1920): 29-31.

<sup>74</sup> Khushal Talaksi Shah, *Indian Constitution. Vol. I: Provincial autonomy (under the Government of India Act, 1935)* (Bombay: Vora and Company, Bombay, 1937):122-123.

directly and indirectly in the constitutions of both India and Pakistan. According to the act, it was decided to unite the whole provinces into federation. In addition, it also proposed full autonomy to the provinces as compared to Indian Act, 1919. Accordingly, bicameral legislative body was decided in the federation including House of Assembly of 375 members for five year tenure.<sup>75</sup> The second house was known as Council of States with about 260 members. It was further decided that the members of Council of States to retire after every three years. According to the act, members in Legislative assembly were both from provinces and from Indian states. Members from provinces were decided to be selected directly from the provinces and the members of Indian States were nominated by the rulers of the respective states. This implies that legislative assembly was composed of both members from provinces and members from Indian states. However, the method of selection was not same for both the entities.<sup>76</sup> Initially, it was decided to set up bicameral setup in eleven provinces but in only six provinces bicameral setup was established. The number of members was not same in each province yet the maximum number was sixty. In bicameral system, both lower and upper house were given powers except financial decisions which were given to lower house. Accordingly, election held in 1937 in which Muslim League set up government in three provinces i.e. Bengal, Punjab and Sind. In the remaining provinces The Congress start her ministries.<sup>77</sup>

The end of War in 1945 proved very important to initiate political development in sub-continent. After the end of war in 1945, political development took very rapid pace and many

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<sup>75</sup> Hamid Khan, *Constitutional and political history of Pakistan* (USA::Oxford University Press, 2005):145.

<sup>76</sup> John Percy Eddy and Frederick Horace Lawton. *India's new constitution: a survey of the Government of India act, 1935* (New York:Macmillan and Co., Limited, 1935):201-203.

<sup>77</sup> Bankey Bihari Misra,. *The administrative history of India, 1834-1947: general administration* (London:Oxford University Press, 1970):189.

new developments took place in British parliament as well as in the politics of sub-continent. The Congress intensified the struggle with the launch of the Quit Indian Campaign after 1939. As a reaction for getting complete independence, the congress ministries resigned which further give momentum to the movement of complete freedom. In 1946, Muslim League passed a resolution for the independent creation of Pakistan. Later on, British government proposed a three tier plan in Cabinet Mission Plan of 1946. This plan was rejected by both parties i.e. Muslim League and The Congress. After the failure of the Cabinet Mission, an interim government was asked to be setup based on proportional representation.<sup>78</sup> This interim government first time met without the members of Muslim League that boycotted the interim government. However, interim government proved very helpful for the British government to understand that the dream of united India is not possible.<sup>79</sup> Therefore, Lord Mountbatten announced revised and alternative plan in February 1947. According to Indian Independence Act of 1947, it was decided to establish two dominions i.e. India and Pakistan in the sub-continent. According to the act, it was decided that the constituent assemblies of both the dominions will prepare constitution and shall exercise all the powers related to legislation. Constituent assembly of Pakistan adopted 1935 Indian act from 14<sup>th</sup> august 1947. However, the constituent assembly proposed many amendments in the act with the passage of time.<sup>80</sup>

After the independence of Pakistan, in several meetings of first constituent assembly were held for the sake of framing constitution of the country. However, constituent assembly

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<sup>78</sup> Nicholas Mansergh, Esmond Walter Rawson Lumby, and Penderel Moon, eds. *The Transfer of Power 1942-47: The cabinet mission, 23 March-29 June 1946*. Vol. 7. HMSO, 1977:35-38.

<sup>79</sup> Amar Sohal. "Ideas of Parity: Muslims, Sikhs and the 1946 Cabinet Mission Plan". *South Asia: Journal of South Asian Studies* 40, no. 4 (2017): 713-14.

<sup>80</sup> Act, Indian Independence. V. *Non-sovereign character of the Legislatures. (1947):123-24.*

faced many challenges because of both internal and external factors. On 12<sup>th</sup> March 1949 about two years after independence, constituent assembly passed Objective Resolution. In addition, a basic principle committee was also established by the constituent assembly which was given the task to work on first draft of constitution.<sup>81</sup> This committee presented first report in this regard in 1954. One thing which is quite relevant to this study is the role of upper house. In this report it was recommended to adopt bicameral legislative body in the country. Two houses were named House of Units and House of Representatives. It was decided to give equal strength to east and west wing of the country in House of Units with 120 seats from both the wings. However, seats of western wing were further divided into provinces and states. It was proposed that the members in the house of units will be selected by provincial assemblies by a single transferable vote. The number of House of Representative was decided about 400 which were further equally divided into east and west part of the country. However, 200 members of house of people were further divided into provinces, state, tribal areas and federal capital. It was proposed that the government and minister are only responsible to the house of representative.<sup>82</sup> However, in case of conflict between both the houses, a joint session will be held. Simple majority will decide the fate of conflicting matter. The some members of both wings of Pakistan opposed the draft and they criticized it very much. Therefore, the committee is to submit revised report as soon as possible.<sup>83</sup>

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<sup>81</sup> G. W Choudhury, “*The constitution of Pakistan*”, *Pacific Affairs* 29, no. 3 (1956): 247.

<sup>82</sup> Golam Wali Choudhury, “Constitution-Making Dilemmas in Pakistan”. *Western Political Quarterly* 8, no. 4 (1955): 590-91.

<sup>83</sup> Riaz Ahmad. “Pakistan’s First Constituent Assembly’s Efforts for the Making of Constitution”. *Pakistan Journal of History & Culture* 23 (2002): 1. 161-165.

In 1953, Prime Minister of Pakistan Mr. Muhammad Ali Bogra proposed a compromise formula. According to the formula, federal legislative body was decided bicameral consisting of both House of Units and House of People. He proposed that the members of the house of units will be indirectly elected by the units and member of house of people will be directly elected by the common people from the provinces.<sup>84</sup> Consequently, constitutional draft of 1954 was based on this bicameral formula as proposed by Prime Minister Muhammad Ali i.e. Senate and House of Representatives. According to the formula, the whole country was divided into five provinces and each province was decided to give equal representative in house of units i.e. senate. A total of 50 members were divided into five units and two women each from each wing were decided. However, it was proposed that the members of senate will be selected using single transferable vote based on the principle of proportional representation. The second house i.e. house of representative was decided to be directly elected by the common people with 300 general seat and 14 reserved seats for women. General seats were divided based on the real proportion of population of each unit. However, parity between east and west wing was kept in mind in joint sessions while allocating seats.<sup>85</sup> This implies that compromise formula was one of the initial formulas of bicameral legislation in the country. In term of power, both the houses were given equal power and it was decided that both the houses have equal power on ordinary as well as financial matters. The government was kept responsible to both the houses and it was decided that in case of conflict between both the houses a majority of the members will decide the matter which will include 30% from both the wings. Non-confidence vote was decided to be move in joint session including same terms of at least 30% from each wing of

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<sup>84</sup> Ivor Jennings, ed. *Constitutional Problems in Pakistan* (Cambridge: University Press, 1957):233-34.

<sup>85</sup> B. P. Barua, "Constitution-Making in Pakistan, 1947-56", *Government and Politics of Asian Countries* 12 (2000): 55-56.

the country.<sup>86</sup> One of the major thing in this draft was the parity between both the wings i.e. east wing and west wing of the country. However, the reaction of the east wing of the country was not positive about this formula as well. The representatives of the east wing of Pakistan were in favor of representation on the bases of population. Therefore, this formula was not able to satisfy the demands and desires of the representatives of east wing of the country leading to the failure of this draft of constitution and compromise formula. The constituent assembly was not able to take any concrete decision on these matters of bicameral or unicameral system of legislation.<sup>87</sup> On the other hand, Governor General Mr. Ghulam Muhammad dissolved first constituent assembly of the country which was working on many proposals of constitution. This was one of the first attempts that weaken power of one of the most powerful constituent assembly of the country. Governor General claimed that the representatives of the provinces are no more representatives of their provinces because they were elected before partition on the bases of narrow franchise.<sup>88</sup> The president of the first constituent assembly Moulvi Tamizuddin Khan challenged the legitimacy of the action of Governor General but the federal court upheld the decision of Governor General in a historical decision of 1955 which was an attempt and interference of Federal Court to weaken the powerful institution of the country.<sup>89</sup>

Second constituent assembly was formed again and members in this assembly were elected by the members of provincial assemblies and members from tribal areas. In second assembly, there were a total eighty members. In this assembly, it was tried to figure out the

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<sup>86</sup> Jan Mohammed Dawood,. "The role of superior judiciary in the politics of Pakistan". *Egully. com*, 1994:14-15.

<sup>87</sup> G. W. Choudhury, " The constitution of Pakistan". *Pacific Affairs* 29, no. 3 (1956): 249-250.

<sup>88</sup> Richard S. Wheeler, "Governor General's Rule in Pakistan". *Far Eastern Survey* 24, no. 1 (1955): 6-7.

<sup>89</sup> Ikram Sehgal, and Bettina Robotka. "What is wrong with Pakistan's Judiciary?". *Defence Journal* 23, no. 5 (2019): 84.

issue of representation between both the wings. For this reason, the whole West Pakistan was converted into one unit and East Pakistan was also considered one unit. The conversion of West Pakistan into one unit resolved the issue of equality in federal legislative body.<sup>90</sup> Second constituent assembly of the country presented the draft of constitution which was passed in 1956. In addition, equal numbers of seats were allotted to both the wings and unicameral system of legislation was adopted. It means that second constituent assembly did not realize the importance of second chamber in federal legislative body. In this way, federal legislative body became deprived from the check and balance maintained by second chamber in legislation. Therefore, unicameral parliamentary system of legislation was adopted in the constitution of Pakistan in 1956.<sup>91</sup> In this unicameral parliamentary system equal representation was given to both the wings i.e. East Pakistan and West Pakistan. A total of 300 general seats and 10 seats reserved for women were equally distributed between both the units. However, it was the authority of the assembly to increase the number of seat but keeping in view the parity between both the units. Initially, it was decided to implement separate electorate for East Pakistan and joint electorate for West Pakistan. However, this electoral division was later on abrogated in 1957 and a joint electorate was decided for both the units. It was also decided that current constituent assembly will work until the election according to the constitution.<sup>92</sup> One of the most important tasks which second constituent assembly performed was the promulgation of the constitution of 1956. In addition, this assembly also passed the Establishment of West Pakistan Act, 1955. Interestingly, second constituent assembly also

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<sup>90</sup> Golam Wahed Choudhury, *Constitutional Development in Pakistan* (New York: Longmans, 1959):101-102.

<sup>91</sup> Golam Wahed Choudhury, *Constitutional development in Pakistan*. Vol. 40. (London: Longman, 1969):123-24.

<sup>92</sup> Craig Baxter, "Constitution making: The development of federalism in Pakistan". *Asian Survey* 14, no. 12 (1974): 1075-1076.

validated different decisions and resolutions of first constituent assembly which were abrogated by the decision of Federal Court in the case of Moulvi Tamizuddin Khan.<sup>93</sup>

Although the working of second constituent assembly remained very positive yet there were many factors which increased internal political instability in the country. Over many issues, both the wings of Pakistan were not satisfied on the constitution of 1956. First of all, east wing was dissatisfied with the constitution of 1956. Secondly, west wing was also dissatisfied because of the One-Unit policy of the West Pakistan. Therefore, both were not satisfied with the constitution of Pakistan. This dissatisfaction proved very dangerous for Pakistan and President of Pakistan Sikander Mirza dissolved second constituent assembly on 7th October 1958 and impose martial law across the country with the help of Army Commander-in-Chief Ayub Khan.<sup>94</sup> Soon after martial law, President Sikandar Mirza was overthrown by Ayub Khan and he assumed both the offices of President of the country and Chief Martial Law Administrator. He assured that democracy will be restored in the country soon after normalizing political crises in the country. Although he abrogated the constitution of 1956 yet institutions were working under Martial Laws Order, 1958.<sup>95</sup>

Political philosophy of Ayub Khan was different from other main stream political leaders of that time. He was of the views that parliamentary executive is not helpful to overcome political crises of the country. He therefore, suggested to adopt presidential executive and also suggested to implement control democracy to overcome political crises in the country.

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<sup>93</sup> Mohammed Ayub Khan. "Pakistan Perspective". *Foreign Aff.* 38 (1959): 547.

<sup>94</sup> Manzooruddin Ahmed and S. M. Sharif., "Islamic Aspects of the New Constitution of Pakistan", *Islamic Studies* 2, no. 2 (1963): 261-63.

<sup>95</sup> Ziauddin Ahmad Suleri, "Pakistan's Lost Years: Being a Survey of a Decade of Politics, 1948-1958", *Progressive Papers*, 1962:145-47.

When Ayub Khan became President he introduced the concept of Basic Democracy in which he proposed to restrict political participation of the franchises of national elections.<sup>96</sup> He claimed that these franchises will work as Electoral College to elect president and this Electoral College will perform the function of local government at district, tehsil and union council level. For presenting constitution of the country, he established a constitution commission which was given a task to review the failure of parliamentary government and propose new constitution based on Islamic principles, national unity and fair and equitable system of government.<sup>97</sup>

The recommendations of the constitution commission were very interesting in terms of bicameral legislative system. The commission proposed a bicameral legislature consisting of two houses. It was decided that upper house will be the senate consisting of 48 members from whom 40 will be elected on equality bases from both the wings but President will select 8 persons based on their merit and who will be above 50 years of their age.<sup>98</sup> On the contrary, total number of the members of lower house were decided about 100. These members were decided to be elected by the popular votes. In terms of power of senate, it was proposed that the power will be mainly in lower house and senate will perform limited tasks with limited powers. However, senate could introduce money bills and can cause a delay in legislation. Senate was also given power to recommend amendment in the bills but it was solely the power of the house to either accept or reject the amendments proposed by senate. Except money bills, any other types of bills might be introduced in either senate or house. The powers of making amendments and rejection of bills by senate were kept very interesting which indicated the lower power in

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<sup>96</sup> D. P. Singhal, "The new constitution of Pakistan", *Asian Survey* 2, no. 6 (1962): 17-18.

<sup>97</sup> Wayne Wilcox, "Pakistan: a decade of Ayub", *Asian Survey* 9, no. 2 (1969): 89-90.

<sup>98</sup> W. M. Dobell, "Ayub Khan as president of Pakistan", *Pacific Affairs* 42, no. 3 (1969): 301-303.

senate.<sup>99</sup> It was proposed that initially house will pass any bill and will move it to the senate. If senate accepts the bill in its original form, there will be no change. On the other hand, if senate recommend some amendments and sent back to the house and house passes it with recommendation, it will be approved. If senate reject any bill and sent back to the house and house again pass the bill in its original form, it will be sent directly to president for assents. The method was different in case a bill was initially introduced in the senate.<sup>100</sup> If senate approves that bill and the house reject it, than the fate of the bill will be decided in the joint session of both senate and house. In addition, the senate was also empowered to approve many new appointments made by the president of the country. In addition, the role of senate was also very important in joint sessions about the issues of war and treaties with other countries.<sup>101</sup>

Resultantly, the recommendations of the constitution commission were rejected by Ayub Khan and a new constitution of 1962 was presented based on presidential system of government in the country. In addition, the constitution accepted unicameral system of government with only one chamber. The chamber consists of 150 members. In addition, six seats were allocated for women. These seats were equally divided between East and West Pakistan for maintaining representative parity between both the wings of the country. As a result, elections were held in June 1962 electoral collage of eighty thousand members were asked to elect the members of national assembly. These electorates were equally divided into East and West Pakistan. However, electorates were elected by the universal adult franchise.<sup>102</sup>

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<sup>99</sup> Kunal Mukherjee, "Ayub Khan's Basic Democracy and Political Continuity in Contemporary Pakistan", *India Quarterly* 72, no. 3 (2016): 269-270.

<sup>100</sup> G. W. Choudhury, "Democracy on trial in Pakistan", *Middle East Journal* 17, no. 1/2 (1963): 7-8.

<sup>101</sup> Kunal Mukherjee, "Ayub Khan's Basic Democracy and Political Continuity in Contemporary Pakistan", *India Quarterly* 72, no. 3 (2016): 269-70.

<sup>102</sup> M Rashiduzzaman, "The National Assembly Of Pakistan Under the 1962 Constitution", *Pacific Affairs* 42, no. 4 (1969): 485-486.

Similarly, this Electoral College will also select the members of provincial assembly and president of the country. In addition, the second election in this regard will be held in 1965. In addition, practically a unitary system of government was working in the country but apparently it was federal system in term of relations between legislative and executive. During all this period, second chamber was not demanded by either part of the country because none of the wings felt the need of second chamber.<sup>103</sup> However, soon after the implementation of presidential system of government, people start challenging it and it proved unacceptable. Resultantly, some groups from both the wings demand parliamentary system of government instead of presidential system of government. The political parties of both wings start challenging presidential system of government initially peacefully but later on their voices became violent and large scale disturbance was apparent in both parts of the country. Based on the large scale disturbance in the country, a round table conference was held among the leaders of all political parties in 1962. The aim of this round table conference was to decide the future political setup of the country because of the failure of presidential system of government. In addition, President Ayub Khan announced that he will not contest upcoming presidential elections.<sup>104</sup>

The disturbance in the country went to its peak till March 1969 and government was not able to handle internal instability in the country. Therefore, another military takeover the government by General Agha Muhammad Yahya Khan. In this way, General Yahya Khan became new Chief Martial Law Administrator and Presidents of the country. This was another

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<sup>103</sup> Ralph Braibanti, “Pakistan: constitutional issues in 1964”, *Asian Survey* (1965): 81-82.

<sup>104</sup> Craig Baxter, “Constitution making: The development of federalism in Pakistan”, *Asian Survey* 14, no. 12 (1974): 1079-1080.

attempt by the external institution which attacked parliament. General Yahya Khan, dissolved the assemblies and abrogated the constitution of 1962. He also promised to restore democracy in the country after controlling the disturbance in the country as was promised by Ayub Khan. He promised to hold election at both national and provincial level soon after controlling instability in the country.<sup>105</sup> His contributions were somehow correct but these interventions disturbed parity in both parts of the country. He dissolved one unit in the country and restored provinces in addition, he asked for one man one vote. He also proposed a legal framework order, 1970. This order was promulgated in the country for contesting general election of 1970. In this order, fundamental principles of the constitution and directive principles were also provided for future use. Unicameral legislative was proposed in this order consisting of only one chamber or house with 315 members.<sup>106</sup> The distributions of these members were based on population proportion and 169 seats out of 315 were allotted to West Pakistan. For the first time in the history of Pakistan, representation parity between both the part of the country was disturbed which not only disturbed overall political setup but it also increased gap between East and West Pakistan. Similarly, to the setup of national assembly, setup of provincial assemblies was also laid down in the order. The results of this election proved very fatal for the future of the country. These results put fire on already burning East Pakistan since 1969. These results and the reaction of political leadership towards these results created polarization between both East and West Pakistan.<sup>107</sup> In East Pakistan a war started against West Pakistan in which India played her role to destabilize Pakistan. India intervened in East Pakistan in 1971

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<sup>105</sup> Yasmeen Yousif Pardesi and Khalid Noor Panhwar, “Constitutional crisis in Pakistan from 1969 to 1971: critical analysis”, *Journal of Political Science*. 3, no. 03 (2014):78-79.

<sup>106</sup> Hamid Yusuf, “Pakistan in Search of Democracy, 1947-77”, *Afrasia Publications*, 1980:231-232.

<sup>107</sup> Hasan-Askari Rizvi. *The Second Military Regime. In Military, State and Society in Pakistan* ( London: Palgrave Macmillan, 2000): 133-134.

leading to a war between Pakistan and India. However, on 16<sup>th</sup> of December 1971, united Pakistan became divided into two independent countries i.e. Pakistan consisting of only West Pakistan and East Pakistan became a separate state named Bangladesh. Resultantly, on 17<sup>th</sup> December 1971 a ceasefire was decided and promulgated.<sup>108</sup> After ceasefire, on 20<sup>th</sup> December 1971, General Yahya Khan gave the power to the president of Pakistan People's Party, leading political party in general election 1970. In this way, Zulfiqar Ali Bhutto became new President and Chief Martial Law Administrator. However, on 6<sup>th</sup> March 1972, an agreement took place between Pakistan People's Party, Awami National Party and Jamiatul-Ulema-e-Islam. According to the agreement, it was decided that an interim constitution will be passed by the assembly and on 14<sup>th</sup> of August 1972; martial law will be lifted from the country. The interim constitution will be based on Government of India Act, 1935 and Independence Act, 1947. In addition, a committee was established which will work on the constitution and will draft it till 1<sup>st</sup> August 1972. This agreement proved very helpful for Pakistan in term of drafting the historical constitution of 1973.<sup>109</sup>

Another very important development of 1972 is the first meeting of National Assembly of Pakistan without the participation of East Pakistan. In this session, one hundred and forty two members participated. These members were elected under Legal Framework Order, 1970. This was a short session of national assembly in which members passed a vote of confidence on President of the country Z.A. Bhutto. In addition, extension of martial law till 14<sup>th</sup> of August 1972 was also passed. On 17<sup>th</sup> of April 1972, this assembly passed interim constitution which

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<sup>108</sup> Ved P. Nanda, "Self-Determination in International Law: The Tragic Tale of Two Cities—Islamabad (West Pakistan) and Dacca (East Pakistan)", *American Journal of International Law* 66, no. 2 (1972): 327-328.

<sup>109</sup> Rafi Raza, *Zulfiqar Ali Bhutto and Pakistan, 1967-1977* (Oxford: Oxford University Press, 1997):205-206.

was based on the Government of India Act, 1935 but it was unicameral in nature consisting of only national assembly. From this national assembly a committee was formed for drafting constitution of the country and it was asked to committee to submit their draft no later than 1<sup>st</sup> August 1972 in national assembly. However, Pakistan had to face many challenges on fundamental issues of constitution as earlier. To overcome these issues, President of Pakistan, Z.A. Bhutto invited the leaders of all the political parties in Rawalpindi for discussing these fundamental issues in constitution. These members discussed fundamental issues for three days and then signed an accord on 20<sup>th</sup> October 1972.<sup>110</sup> In this accord it was decided that Pakistan will adopt parliamentary legislative consisting of two houses i.e. Senate and National Assembly. In sum, it is the main accord which proved helpful for giving birth to bicameral legislative in the country consisting of two chambers. According to this accord, a draft of constitution was presented in assembly on 31<sup>st</sup> December 1972. About one and half month later, constitution bill was introduced in assembly on 17<sup>th</sup> of February 1973. However, it took too much time to discuss and adopt final constitution with some amendments on 10<sup>th</sup> of April 1973.<sup>111</sup> On 12<sup>th</sup> of April, 1973, one hundred and thirty seven members of national assembly authenticated the constitution with their signs. However, it took further time to formally implement the constitution. Consequently, on 14<sup>th</sup> of August 1973, the constitution of 1973 came into effect. However, some of the portions of the constitution were approved and implemented later on. These portions came into existence for providing necessary legislation for establishing senate in the country.<sup>112</sup> This implies that bicameral legislative came into being

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<sup>110</sup> Sameel Ahmed Qureshi, “ An analysis of contemporary Pakistani politics: Bhutto versus the military”, *Asian Survey* 19, no. 9 (1979): 913.

<sup>111</sup> Rafi Raza, *Zulfiqar Ali Bhutto and Pakistan, 1967-1977*. (London: Oxford University Press, 1997):67-68.

<sup>112</sup> Muhammad Mushtaq, “ Managing Ethnic diversity and federalism in Pakistan ”, *European Journal of Scientific Research* 33, no. 2 (2009): 281-282.

from 14<sup>th</sup> of August 1973 formally in Pakistan while passing from many phases of unicameral system. Interestingly, constitution drafting committee each and every time prefer bicameral system of government but the role of external institutions in the country like Supreme Court and Army did not approve these attempts of constitution making bodies i.e. constituent assemblies, commissions and committees. In other words, it is also evident from the historical development in the country that bicameral legislation was not new. There was a rich history of legal framework on bicameral legislation in both sub-continent and in Pakistan. However, bicameral legislative system was not adopted initially in Pakistan because of many internal and external factors till 1973. In the constitution of 1973, formally, bicameral legislative system was accepted and implement.<sup>113</sup>

## **1.2 Unicameral VS Bicameral legislation**

The history of Pakistan is full of hot debate over the issue of selecting unicameral or bicameral legislation in the country. Constitution makers in Pakistan face this problem from the start. This became one of the fundamental problems for policy makers to select either one house or two houses legislation in the country. This debate continued till 1973 and first time in the constitution of 1973, bicameral legislation was decided in the country. This implies that the institution of senate evolved with time in Pakistan. In Pakistan two different political models were exercised i.e. presidential and parliamentary in which unitary nature of legislation were adopted. On the other hand, this unitary nature of state legislation and executive models i.e.

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<sup>113</sup> Kishwer Khan, “ Bicameralism in a federation: An historical analysis of role of Senate in promoting federalism in Pakistan”, *Pakistan Perspective* (2017): 135.

presidential and parliamentary both affected the growth of senate in the country and its composition and functioning.<sup>114</sup>

Most of the unitary states, or the states where unicameral legislation is practiced, have only one house. On the other hand, there are few states having two houses i.e. United Kingdom (UK) and Japan. However, federal states have two houses or two chambers i.e. upper house and lower house. There are some states which changed their bicameral system into unicameral system as well i.e. Sweden and Sri Lanka. When talking about the universality of both the system, it is evident from the literature that unicameral system of states is temporary in nature and it is rare in contemporary world.<sup>115</sup> On the other hand, bicameral system of states is more important and it is according to the needs of the contemporary world. In addition, bicameral system is also according to the contemporary characteristics of the states. Nonetheless, the systems of bicameral legislation also vary across the world. In literature a third system of bicameral legislation is also found in which members of the legislative body are directly elected and later on are divided into lower house and upper house i.e. in Norway and Iceland.<sup>116</sup> However, there are many such examples which illustrate that second chamber or upper house is useful for the state and the functioning of legislative body. However, there are also some political scientists who consider that bicameral legislative system is not beneficial. It means

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<sup>114</sup> Syed Azhar Ali, "Unicameralism in United Pakistan: Why and How?", *Pakistan Horizon* 48, no. 3 (1995): 71-72.

<sup>115</sup> Louis Massicotte, "Legislative unicameralism: a global survey and a few case studies", *Journal of Legislative Studies* 7, no. 1 (2001): 152-153.

<sup>116</sup> Kishwer Khan, "Bicameralism in a federation: An historical analysis of role of Senate in promoting federalism in Pakistan", *Pakistan Perspective* (2017): 136-137.

that there is a division of political thinkers and scientists on the benefits of either bicameral or unicameral legislative body.<sup>117</sup>

In federal system of government, it is a dire need to establish and develop a strong second chamber of upper house. Sweden is an example of a unicameral political system. This chamber provides the special opinion of the constituent units involved in federation. The members of this chamber are considered distinct from the members of lower house. Nonetheless, political thinkers and scientists think that second chamber i.e. upper house, represent equality of constituent parts of the federation and it is very important for the successful functioning of federal system of government.<sup>118</sup> There are many benefits of second chamber or upper house in federal system of government. The role of second chamber is very important in term of providing useful considerations in legislation. It is considered that second chamber is relatively less subjected to pressure as compared to the lower house. Therefore, it can provide very useful suggestions and amendments in law making. Its role is also important to provide necessary checks. Members of second chamber provide useful checks on ill-considered and ill-conceived legislations. This implies that one of the major tasks of upper house is to keep check and balance in law making and in amendments.<sup>119</sup> In addition, second chamber also work as a court in legislative matters. However, it is not necessary for the upper house to receive equality in financial matters. It is only possible when electorate of both lower house and upper house is equal. In other words, if the electorate of upper house is equal as of lower house, equality might be granted to upper house in term of legislative matters. On the

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<sup>117</sup> Ibid,136-137.

<sup>118</sup> Muhammad Mushtaq and Sultan Mubariz Khan, “Territorial Role of Second Chamber in Parliamentary Federations: Evidence from Pakistan”, *FWU Journal of Social Sciences* 12, no. 1 (2018): 116-117.

<sup>119</sup> Meg. Russell, “What are second chambers for?”, *Parliamentary Affairs* 54, no. 3 (2001): 445-447.

contrary, the role and vitality of upper house become detached from the realities of the politics if the elections of the upper house are beyond popular control. There is another very useful but sometimes negative role of upper house as well.<sup>120</sup> The role of upper house often cause delay in law making and this delay in turn become very useful for giving enough time to law makers to think and reflect on the new motions. In addition, this delay also gives ample time for public opinion about the motions and new amendments. Second chamber also work as a barometer of public opinion in case of the termination of tenure of lower house. Lower house after termination of tenure become irrelevant of public opinion but the role of second chamber in this matter become very useful because members of second chamber are chosen at different time as compared to the members of lower house. The role of upper house is also important in term of its assistance to lower house.<sup>121</sup> The role of upper house gives enough time to lower house to concentrate on other important issues and tasks because of sharing responsibility of law making. Upper house is believed to provide rich discussion and criticism on many important matters because numbers of members in upper house are less as compared to the members of lower house. This implies that mostly the members of upper house can discuss legislative matters in detail with their co-members and provide rich description, discussion and criticism because of their intimate and intelligent discussion.<sup>122</sup> It is also found that second chamber work as an important institution to enable clear and objective drafting and bringing

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<sup>120</sup>Meg. Russell and Mark Sandford. "Why are Second Chambers so Difficult to Reform?", *Journal of Legislative Studies* 8, no. 3 (2002): 81-82.

<sup>121</sup> Meg. Russell, "The territorial role of second chambers", *Journal of Legislative Studies* 7, no. 1 (2001): 107-108.

<sup>122</sup> Wayne L Francis, "Costs and benefits of legislative service in the American states." *American Journal of Political Science* (1985): 628.

clarity in legislative matters. The members of second chamber are selected from the community according to their abilities is higher in most of the cases<sup>123</sup>. Therefore, upper house provide very convenient mean to give equal representation to different classes and ethnic groups and their respective interests as well. Therefore, the probability of intelligent selection is higher in upper house as compared to the lower house in which members join the house with the help of the majority of voters. Equality of representation is more easily possible in the presence of upper house. In lower house, each constituent unit is provided representation on the bases of population.<sup>124</sup> However, in upper house, representation is equal among all the constituent units of federation. On the contrary, the share in legislation become higher for the units which are bigger in term of population and among the units which are economically prosperous as compared to smaller units and/or economically deprived units. Finally, bicameral system of state protects individual freedom against legislative dictatorship but not always. Upper houses provide a balance of authority and law making which in turn minimize the legislative dictatorship and also increase individual freedom in turn.<sup>125</sup> This implies that there are many benefits and prose of bicameral system as compared to unicameral system of government.

### **1.3 Elections to the First Senate**

Constitution of 1973 explained the procedure and each and every aspect for creating senate as second chamber or upper house in parliamentary legislation. It was decided in the

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<sup>123</sup> John Charles Bradbury, and W. Mark Crain. “*Bicameral legislatures and fiscal policy*” *Southern Economic Journal* (2002): 649.

<sup>124</sup> John Charles Bradbury, and W. Mark Crain. “*Bicameral legislatures and fiscal policy*” *Southern Economic Journal* (2002): 649.

<sup>125</sup>James R. Rogers, “ The Advantage of Second Chambers in Republican Legislatures: An Informational Theory”, *Texas A&M University: Department of Political Science* (2011):89-90.

constitution of Pakistan, 1973, that members of senate will be elected indirectly. This implies that members of senate will not be elected by the common people but the representatives of the common people. It was further decided that each provincial assembly will elect senate members. It was the duty of the provincial assemblies that their members will select ten members from their respective provinces as their representative in senate. It means that a total of 40 senators will be elected from four provinces. However, it was the duty of national assembly to select three members from Federally Administrated Tribal Areas (FATA). In addition, national assembly will select one member of senate from Federal Capital. This implies that initially a total of 45 members of senate were decided.<sup>126</sup> The detail of these members is as under in table 1.1:

Table 1.1: Members of first senate as per the constitution of 1973

Province	Total members
Punjab	10
Sindh	10
North West Frontier Province	10
Baluchistan	10
Federally Administrated Tribal Areas	3
Federal Capital	2
Total	45

Prepared by researcher based on data collected from Constitution 1973.

<sup>126</sup> Khan, Kishwer. *Bicameralism in a federation: An historical analysis of role of Senate in promoting federalism in Pakistan*. Available at SSRN 3119480 (2017), 150.

There were two major reasons for adopting indirect method of selection of senators in upper house of the parliament. First of all, it was aimed to provide empowerment to political parties to select their own senators from their respective provinces. In addition, this method will also help to represent the interests of the provinces, notably the dominance of the Punjab, which was offset by this equal representation of each province in the senate. A third benefit of this method is to overcome the potential conflict between the members of national assembly and senate. This implies that indirect selection of senators was in favor of the provinces as well as political parties which were to contest election in future. The detail of legal technicalities regarding the election of senate was provided in Senate Election Order (P.O. 9, 1973). On the contrary, legal framework for the election of one member from federal capital was provided in Senate Election Order (P.O. 12, 1973). Similarly, for the election of senate members from federally administrated tribal areas, legal framework was provided in Senate Election Order (P.O. 9, 1973). This implies that two different Senate Election Orders i.e. P.O. 9 and P.O. 12, 1973 were provided. These orders were implemented from a notification dated 10<sup>th</sup> of June 1973.<sup>127</sup>

### **1.3.1. Election of the senators**

First time in the history of Pakistan, election of Senate took place in July 1973. However, elections of the Senate were not on the same date in different provinces but in the same month of July. It was decided that first of all, election will be held in Punjab on 4<sup>th</sup> July 1973. After that in Sindh on 6<sup>th</sup> July 1973.<sup>128</sup> On 8<sup>th</sup> July in Baluchistan and it was further

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<sup>127</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 20-22.

<sup>128</sup> Zafarullah Khan, Interviewed by Rahat Zubair. Seminar. Quaid-e-Azam University, Islamabad. February 23, 2020.

decided that on 9<sup>th</sup> of July 1973 senate members will be elected from federally administrated tribal area. In the end, senators will be elected from North West Frontier Province (NWFP) on 10<sup>th</sup> of July 1973.<sup>129</sup> The results of senate election remained very interesting and members of about five political parties were elected in these elections. Pakistan People’s Party, National Awami Party, Pakistan Muslim League, Jamiatul-Ulema-e-Islam and United Democratic Front were successful to elect their senators in first senate of the country. However, Pakistan People Party remained overwhelmingly dominant party in senate election of 1973 with overall 29 members.<sup>130</sup> The detail of party affiliation of senators is under in Table 1.2:

Table 1.2: Political affiliation of senators in first senate of Pakistan

Political Party	Total member
Pakistan People’s Party	29
National Awami Party	8
Pakistan Muslim League (combined)	1

<sup>129</sup>Rais, Rasul B.Rais, “ Elections in Pakistan: Is Democracy Winning?.”, *Asian Affairs: An American Review* 12, no. 3 (1985): 56-58.

<sup>130</sup>Kishwer Khan, “Bicameralism in a federation: An historical analysis of role of Senate in promoting federalism in Pakistan”, *Pakistan Perspective* (2017),135-158.

Jamaitul-Ulema-e-Islam	2
United Democratic Front	2
Independent	3
Total	45

Prepared by researcher based on data collected from library of Senate

As mentioned above in the table, there were three senators who contested election independently and were elected successfully without joining any political party. Interestingly, these three senators were from federally administered tribal areas of Pakistan. After successful election of the first senate of Pakistan from 1973 to 1977 they were divided into two groups. This division of the senators was based on the clause (b) of article 272 of the constitution. This clause state that the elected members of the senate will be divided into two groups. In the first group, five members from each province were added. In addition, two members from federally administrated tribal areas and one member from federal capital were added in first group. On the other hand, in second group, similarly to first group, five members from each province were added. However, two members of whom one was from federally administrated tribal areas and the other from federal capital were added. It was decided that the term of first group will be two years and the term of second group will be four years.<sup>131</sup> This implies that about half of the senators had to retired about completing two years in senate while half were to complete four years in senate. There is another clause in the constitution which was directly related to the total tenure of the senators in senate. In clause (d) of Article 272, a member elected to fulfill the seat of a senator who complete his/her tenure in senate will be four years. In case of causal

<sup>131</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 20-24.

vacancy of senate member, the elected members will serve according to the remaining length of causal vacancy in senate.<sup>132</sup> According to the law, 23 member of senate who were added in the first group had to retire in July 1975 exactly two years after joining senate. Consequently, it was decided as mentioned in the constitution that after the retirement of first group of senators' elections will be held to fill their positions. Therefore, second time second election took place in 1975. However, these elections did not change the majority of Pakistan People's Party in Senate election. In addition, during second election the party position of National Awami Party did not change. However, Jamiatul-Ulema-e-Islam lost one seat. On the other hand, Pakistan People's Party secures two more seats in senate and their number increased from 29 to 31 after senate election of July, 1975.<sup>133</sup> The party affiliation of senators after second election of first senate of Pakistan is as under in table 1.3.

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<sup>132</sup> David Taylor, "Parties, Elections, and Democracy in Pakistan", *Journal of Commonwealth & Comparative Politics* 30, no. 1 (1992): 99-101.

<sup>133</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 20-25.

Table 1.3: Party affiliation of senators after senate election 1975

Political Party	Total member
Pakistan People's Party	31
National Awami Party	8
Pakistan Muslim League (combined)	1
Jamaitul-Ulema-e-Islam	1
United Democratic Front	1
Independent Group (FATA)	3
Total	45

Prepared by researcher based on data collected from library of Senate

Later, it was decided that the total number of senators will be increased because the number of members in national assembly was also decided to increase. According to the constitution and legal framework, it was decided to increase four members from each province in senate and two members will be added from federally administered tribal areas. This implies that each provincial assembly will elect fourteen senators instead of original ten members. Similarly, five members from federally administered tribal areas will be elected and two members from federal capital will be elected by national assembly.<sup>134</sup> This implies that total members of senate increased up to sixty three which was previously forty five. This increase was made for creating consistency with members of national assembly. Similarly, it was also noted that nine members from senate were resigned and they joined either national assembly

<sup>134</sup>Mansoor Akber Kundi and Arbab Mohammad Jahangir. "Federalism in Pakistan: Issues and Adjustment", *Asian Affairs* (2002): 27-28.

or provincial assembly. Therefore, it was decided to held election for filling seats of these nine members of the senate. After the election of senate, the members of the senate were again divided into two groups for determining their tenure i.e. two years and four years.<sup>135</sup>

### **1.3.2 Method of election in senate**

In the constitution of 1973, the method of election for the members of Senate was also provided in detail. However, the election of the members of Senate was different based on the place of election of the Senators. For example, senators from the provinces and senators from the federally administered tribal areas and federal capital areas were elected by two different bodies.<sup>136</sup> Members of senate from the provinces were to be elected by the members of provincial assemblies and the senators from federally administered tribal areas and federal capital areas were to be elected the members of national assembly.<sup>137</sup> This implies that provincial assemblies as mentioned above will select senators from their respective provinces based on the system of proportional representation. In addition, the use of single transferable vote will be used by the members of provincial assemblies to elect senators. However, election commission was handed over the responsibility for the detail scrutiny of the candidates and all the other relevant instructions of election. Therefore, it is necessary to describe the system of proportional representation. According to this method, members of the assembly write down their preferences and according to their preference success or failure of the candidates is decided. First of all, a list is prepared by the election commission including the names of the

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<sup>135</sup>Kishwer Khan, “Bicameralism in a federation: An historical analysis of role of Senate in promoting federalism in Pakistan”, *Pakistan Perspective* (2017),135-158.

<sup>136</sup> Khan, Zafarullah. Interviewed by Rahat Zubair. Seminar. Quaid-e-Azam University, Islamabad. February 23, 2020.

<sup>137</sup>Mansoor Akbar, “Federalism in Pakistan: Problems & Prospects”, *Asian and African Studies* 11, no. 1 (2002): 40-41.

candidates in senate election. This list of names is given to each and every member of assembly for providing their preferences.<sup>138</sup> Members of the assemblies had to write their preferences against that the name of the candidates such as 1, 2, 3, 4, 5 etc. If there are fourteen seats of any provinces, the members of that provincial assembly had to write down their preferences ranging from 1 to 14 against the names of the candidate. In this way quota wise top fourteen candidates will be considered successful and other will be considered failed. This is also called one transferable vote. This implies that each member had the right of one vote but he/she transfers his/her this votes to the number of seats assigned to the province. It means that the member of provincial assembly transfer his/her vote to provide preferences to more than one candidates. In addition, for getting successful the candidates had to secure allotted quote of votes from the members.<sup>139</sup> However, there is a statistical formula to calculate prescribed quote of votes. For deriving the quote of votes, the values of three numbers is required i.e. number of total members of provincial assembly, number of total seats of members in senate and total candidates of election of senate in provincial assembly. For example, in Punjab assembly, there are a total of 100 candidates, and total of 4 seats of senators are allotted to the province and total number of candidates are about 10. For generating quota of votes following equation will be used:

$$\text{Quote of votes: } (100 \times 100 \div 4 + 1) + 1 = 1250 + 1 = 1251$$

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<sup>138</sup>Khurshid Ahmad, Mukhtar Hassan, and Mutiur Rahman, "Proportional Representation and the Revival of Democratic Process in Pakistan", *Institute of Policy Studies*, 1983:202-203.

<sup>139</sup> Roger Myerson, "Constitutional structures for a strong democracy: considerations on the government of Pakistan", *World Development* 53 (2014): 50-51.

This implies that for successful selection of a candidate, a candidate should at least secure 1251 quote votes. However, if the number of quote vote is more than 1251 than the surplus votes will become transferred to the next candidate in selection list.<sup>140</sup>

### **1.3.3 First session of the first senate**

As mentioned above, the first senate of the country is the senate which was elected in July 1973 consisting of 45 members. This senate met for the first time on 6<sup>th</sup> of August 1973 for the selection of Chairman and Deputy Chairman of the senate. However, the members of senate first of all met in September 1973 and they started their regular work in legislation from 4<sup>th</sup> to 15 September 1973. This implies that senate starts working on legislation and many other duties of the senate in September 1973 after the selection of Chairman and Deputy Chairman of the senate. Khan Hibibullah Khan (PPP) was elected Chairman and Mr. Tahir Muhammad Khan (PPP) was elected Deputy Chairman of the first senate of the country from 1973 to 1977.<sup>141</sup> However, there were not proper rules and procedures for the senate to carry out routine meetings and transaction of its business. Constitution in such a matter gives authority of the house to create or make its rule for different procedures and transaction of its routine business. Therefore, initially, the house created own rules for routine activities. However, the regulation by the president about rules of procedure is required. Later on a special committee was formed in the senate for the sake of making fresh rules for procedures and for maintaining and carrying out routine activities in the senate. This committee starts working to design rules from 1974

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<sup>140</sup> Khurshid Ahmad, Mukhtar Hassan, and Mutiur Rahman. *Proportional Representation and the Revival of Democratic Process in Pakistan* (Washington: Institute of Policy Studies, 1983):54-55.

<sup>141</sup> Saeed Ahmed Rid, “The Emergence and Evolution of Upper House (the Senate) in Pakistani Federalism (1947 to the 18<sup>th</sup> Amendment 2010 and afterwards)”, *Pakistan Journal of History & Culture* 40, no. 2 (2019):1-20.

but unfortunately, the committee was not able to submit the report because first senate of the country was dissolved. In the meantime, the tenure of first group of twenty three members got expired therefore, in August 1975; twenty three new members of senate were elected to fulfill the vacancies of retired senators.<sup>142</sup> However, after second election of senate, the majority of the members were affiliated with Pakistan People's Party. In addition, eight members were from National Awami Party and three members were independent from federally administered tribal areas. However, there were only one member each from Pakistan Muslim League (combined) Jamiatul-Ulema-e-Islam and United Democratic Front. This implies that for the first time in the history of Pakistan, senate was elected and it starts working in the same year in 1973. However, there are a lot of works still pending in the senate i.e. fresh rule and regulation for the procedure and transaction of routine business of senate but senate was not given an opportunity to fulfill these tasks. An external involvement dissolved first senate of the country which proved fatal for one of the powerful houses.<sup>143</sup>

#### **1.3.4 Senate elections of 1977**

In 1977, national and provincial assemblies were dissolved for the sake of general elections of 1977. General elections were held on 10<sup>th</sup> of March 1977. Next to general election of 1977, it was the plan to elect full strength of the senator from the provinces as well as from federally administered tribal areas and federal capital territory. According to the constitution of 1973, it was decided that after general election of 1977, eighteen new members in senate will be elected from provinces, federally administered tribal areas and federal capital territory. Therefore, it was asked to provincial assemblies to elect four senators from their respective

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<sup>142</sup> Senate Debates, August 1975:15-17.

<sup>143</sup> Government of Pakistan, *First Senate Of Pakistan(Islamabad: Secretariate, 1980)*, 20-25.

provinces to come up the numbers of senators. Resultantly, provincial assemblies on 23<sup>rd</sup> of April, 1977, meet for the first time after general election to elect senators.<sup>144</sup> One of the very important aspects of that election is the reaction of political parties other than Pakistan People's Party. All the other political parties decided to boycott senate election but Pakistan People's Party contented election, the PNA mobilization against the Bhutto-PPP government .Consequently, all the new senators in senate in the senate election of 1977 were from Pakistan People's Party. This also increased their majority in senate which was previously in majority since first election of senate in 1973. This implies that new members of senate after adding eighteen new members were sixty three.<sup>145</sup> The party affiliation of the senators after senate election of 1977 was as under in Table 1.4:

Table 1.4: Party affiliation of senator after senate election of 1977

Political Party	Total member
Pakistan People's Party	47
National Awami Party	8
Pakistan Muslim League (combined)	2
United Democratic Front	1
Independent Group (FATA)	5
Total	63

<sup>144</sup>Rasul B Rais, "Elections in Pakistan: Is Democracy Winning?", *Asian Affairs: An American Review* 12, no. 3 (1985): 47-49.

<sup>145</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 20-26.

Prepared by researcher based on data collected from library of Senate

However, the tenure of these new members (eighteen new senators) was same as mentioned in the constitution of 1973. It is interesting how the dominance of the PPP is increasing over time and Bhutto was trying to establish himself as an elected dictator. On the other hand, second group which was formed in senate election of July 1973 completed their tenure in 1977. Therefore, they retired in July 1977. This implies that twenty three new members were to be elected from the provincial assemblies and from national assembly to fill the vacancies. Therefore, it was decided that they will be elected before 5<sup>th</sup> of August 1977. In addition, there were also some new vacancies in senate as well. There were senators who contested either election of provincial assembly or national assembly and successfully elected. Total number of these senators was nine. Therefore, senate elections were also to be held to fulfill their vacant position according to Article 272 of constitution.<sup>146</sup>

### **1.3.5 General election of 1977**

General elections of national and provincial assemblies 1977 were held in March 1977. All the political parties took keen interest in general election. According to the record, there were a total of ten major political parties which contested this general election of 1977. One of the very interesting elements of this election was the grand alliance by nine political parties formed against Pakistan Peoples' Party named Pakistan National Alliance (PNA). As, general election of national assembly were held on 7<sup>th</sup> March 1977, therefore, the results were combined before provincial general election. In general election of National Assembly, Pakistan Peoples' Party was successful to secure majority positions. Pakistan United Alliance

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<sup>146</sup> Ibid,20-26.

did not accept these results and accused Pakistan Peoples Party of rigging in national general election. Consequently, Pakistan National Alliance also announced that they will not contest provincial election because of the rigging in national general election of 1977.<sup>147</sup> However, as for the senate election of 1977, Pakistan Peoples Party contested election and secured majority position in all the provinces of the country. It is also said that in general election of 1977, only Pakistan Peoples Party took part in election and they secure heavy majority not only in national assembly and provincial assemblies but also in senate. However, the government was also facing a lot of pressure from Pakistan National Alliance; therefore, government had to start negotiation with them because they were demanding fresh election and were not admitting the results of general election of 1977. However, government was not able to convince the leadership of Pakistan National Alliance therefore, it was decided to hold fresh election in the country both at national level as well as on provincial level.<sup>148</sup> On the other hand, there were also many points of differences in prospective accord between Pakistan Peoples Party and Pakistan National Alliance. Before, validation of the accord, these differences became visible and open which affected very badly the prospective accord between both the political parties. For the failure of the accord both the leadership of Pakistan Peoples Party and Pakistan National Alliance accused each other. For example, Zulfikar Ali Bhutto accused Pakistan National Alliance for the failure of the negotiation and accord in his press conference in July 1977.<sup>149</sup>

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<sup>147</sup>Marvin G. Weinbaum, "The March 1977 elections in Pakistan: Where everyone lost", *Asian Survey* 17, no. 7 (1977): 611-612.

<sup>148</sup>Mehrunnisa Ali, "Pakistan: Aftermath of the March 1977 Elections", *Pakistan Horizon* 30, no. 3/4 (1977): 81-84.

<sup>149</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 25-26.

### 1.3.6 Martial law of 1977

Two days after the press conference of the leader of Pakistan Peoples Party, Zulfikar Ali Bhutto, Pakistan faced another martial law on 5<sup>th</sup> of July 1977, army took over the charge of government by overthrowing the government of Pakistan People's Party. Chief of Army staff, Muhammad Zia-ul-Haq declared martial law in the country and he became Chief Martial Law Administrator. He dissolved assemblies and also declared the dismissal of Prime Minister and cabinet. He also abrogated the constitution of 1973 and dissolved all provincial assemblies along with national assembly and senate. During this martial law all the major government officials belonging to Pakistan Peoples Party's government were overthrown and they were ceased to attend their offices.<sup>150</sup> This implies that the martial law imposed by General Zia-ul-Haq was strict in nature and he dismissed everyone who was with the government in provinces and in federal government. As mentioned above, he also targeted senate of the Pakistan and dissolved it. In addition, he also dismissed Chairman and deputy Chairmen of senate as well. Only one person was not targeted who was the president of the country. President of Pakistan continued his office. After taking complete control of the country by imposing marital law, Zia-ul-Haq announced that both national and provincial elections will be held soon to restored democracy and democratically elected government in the country. Therefore, apparently, he announced that he will give power to the elected representatives of the common people but he as his ancestors did not fulfill his promise.<sup>151</sup> In nutshell, the evolution of one of the most powerful institution in the country was deceased by the interventions of external factors i.e. institution time and again. Although, martial law was imposed by Zia-ul-Haq still constitution

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<sup>150</sup> Hasan-Askari Rizvi, "The civilianization of military rule in Pakistan", *Asian Survey* 26, no. 10 (1986): 1072-1073.

<sup>151</sup> Shahid Javed Burki, "Pakistan under Zia, 1977-1988", *Asian Survey* 28, no. 10 (1988): 1089-90.

of 1973 remained in force but with some amendments as desired by Chief Martial Law Administrator with the help of another state institution Supreme Court of Pakistan. Supreme Court of Pakistan not only validated unlawful action of Zia-ul-Haq but also validated his tempering with the constitution of the country. The case was put in Supreme Court by Begum Nusrat Bhutto against Chief of Army Staff and Federation of Pakistan of 1977. In other words, this was the end of the first senate of Pakistan which was elected in July 1973 and ended with promulgation of martial law on 5<sup>th</sup> of July 1977.<sup>152</sup>

### **1.3.7 Composition of the first senate of Pakistan**

Initially the first senate of the country consists of 45 members. Later on the numbers of seats were increased by adding eighteen new members in the senate from all the units of federation. This implies that senate was comprised of sixty three members from whom fourteen members were decided to be elected from provincial assemblies. In addition, five seats were allocated to the federally administered tribal areas and two seats were allocated to federal capital territory. This implies that a total of 63 members' senate was decided and even implemented to some extent.<sup>153</sup>

### **1.3.8 Procedure of election**

For the election of the senators two different bodies were engaged. At provincial level, it was decided that election commission is responsible for the election of senators. This implies that each and every responsibility of elections of senators from provinces was given to election commission. On the other hand, it was decided that senators from federal capital will be elected

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<sup>152</sup>Masood A Zahid, "Dictatorship in Pakistan: A Study of the Zia Era (1977–88)", *Pakistan Journal of History and Culture* 32, no. 1 (2011):77-78.

<sup>153</sup> Government of Pakistan, *First Senate Of Pakistan*(Islamabad: Secretariate, 1980), 27-30.

by national assembly without any debate according to the Senate Order, 1973. However, from provinces, Chief Election Commissioner will conduct the whole elections according to the rules and procedures as described in Senate Order, 1973 and Rule of Procedure and Conduct of Business in national assembly. On the other hand, the rule of selection of the senator from federal capital is quite different from the rules of selection from provincial assemblies.<sup>154</sup> For contesting election from Federal Capital, candidates were asked to fill their nomination papers to the Secretary of Assembly. On the day of the election, Speaker of the assembly work as presiding officer. Speaker will announce the name of the candidates in order of receiving nomination papers and the members of national assembly will votes after the announcement of the name of the candidates by speaker of the assembly. In this regard, it is the duty of the speaker to read out the names of candidates, their proposers and seconders or proposer and seconder. It is also possible that the proposer or seconder is absent from the assembly on the day of election. In such a case, any other member from the assembly can move a motion for the selection of senator. For selecting members of senate, all the motions are arranged from first to last as secretary receive nomination papers and a division is decided in accordance with the Rules of Procedure of the Assembly. After that members vote for the candidates and those two members who will secure the majority of the votes will be elected as members of the senate. In this regard, later motions are not put by the speaker if two members secure most of the votes of the present voters or members of national assembly.<sup>155</sup> For determining the term of the member of senate from federal capital territory, it is the duty of the secretary of the assembly

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<sup>154</sup> Muhammad Imran Ashraf, *Federalism and provincial autonomy: Political and Economic Dimensions under the Constitution of Pakistan 1973*. PhD diss., International Islamic University Islamabad, 2016:44-45.

<sup>155</sup> Selig S. Harrison, *Pakistan: The State of the Union* (Washington, DC: Center for International Policy, 2009):121-122.

to draw lots in presence of both winning candidates and their proposers and seconders. After that, speaker will communicate the name of successful candidates to the members of national assembly as well as to election commission. However, it is the duty of Chief Election Commissioner to notify the successful election of the members of senate from federal capital territory. However, the procedure of the election of senators from provinces is quite different from the procedure of the election of senators from federal capital. In addition, nominations were filled to election commission in respective provinces and it was the duty of the Chief Election Commissioner to scrutinize the papers. On the other hand, the method of election was not simple majority as in national assembly but proportional representation in which a quota of votes is drawn. Only those members are considered successful who receive votes as described in proportional representation quota.<sup>156</sup>

### **1.3.9 Tenure of the members of senates**

According to the constitution of 1973, it was decided that the tenure of the senators will be four years. Members of the first senate of the country were divided into two groups. The tenure of the first group was two years and the tenure of the second group was four years. This rule was changed for federally administrated tribal areas. Tenure of three senators from federally administrated tribal area was two years and the tenure of the two member of senate from federally administrated tribal area was kept four years.<sup>157</sup>

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<sup>156</sup>Saeed Ahmed Rid, “ The Emergence and Evolution of Upper House (the Senate) in Pakistani Federalism (1947 to the 18 th Amendment 2010 and afterwards)”, *Pakistan Journal of History & Culture* 40, no. 2 (2019):41-42.

<sup>157</sup> Government of Pakistan, *First Senate Of Pakistan(Islamabad: Secretariate, 1980)*, 27-30.

### **1.3.10 Eligibility of the senators**

The candidates for the election of senators had to fulfill certain condition of eligibility. First of all, the candidate should be the citizen of country otherwise he was not eligible. Secondly, the candidate should be at least 30 years of age or above. Thirdly, it was necessary for the candidate to be a registered voter from the areas he/she was filling his/her nomination. For example, candidate should be a register voter from federal capital territory if he/she was filling his/her nomination from federal capital territory. Similarly, these conditions were also applicable for all the senators either from provinces or from federal capital territory and federally administrated tribal areas. In addition, it was also necessary for the candidates to fulfill all the other terms and conditions as per law regardless of these basic conditions which are mentioned above. On the other hand, there are some attributes which are their disqualifications. It is pertinent to mention that disqualification of the senators and the members of the national assembly were same under Section 99 of Representation of the People Act 1976. However, there was a disparity between the disqualifications of the person on the bases of services to Pakistan. It was important to note that either people retire from his services or he was forcefully removed from his/her office. Later on in the House of Parliament Order, 1977 this disparity was removed.<sup>158</sup>

### **1.3.11 Disqualification from the senate**

In the constitution of 1973, the complete rules of procedures of the election of the senators were provided including their eligibility and disqualification. According to the

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<sup>158</sup>Mansoor Akber Kundi and Arbab Mohammad Jahangir. "Federalism in Pakistan: Issues and Adjustment", *Asian Affairs* (2002): 33-34.

constitution of the country a person will be disqualified from the senate election if he/she was involved in any corruption. In addition, he/she was found guilty and was convicted by the court i.e. imprisonment. It was further added in the law that if the candidates were imprisoned for two years and more then he/she will be considered disqualified from the senate election. In addition, previous service record is also important for contesting senate election as well as the election of national assembly. If candidate was a public servant and was removed or dismissed from his/her services, he or she was considered as disqualified. However, their removal or dismissal should be based on the moral miss-conduct and/or corruption. Later on this time period was shorten to three years. In addition, it was also important for the public servant to cease his/her public officer before filling his/her nomination in senate election. It means that gap of two years is necessary between retirement and resignation from public office and contesting senate election. If a candidate was considered disqualified from the office and was found guilty because of corrupt or any other illegal practice during his/her public services. In addition, for being eligible in senate election, the candidate should not be the office bearer of any political party. Specifically speaking about senate elections of 1973, it was decided that the candidate should not be a registered worker or leader of any political party and after 20<sup>th</sup> of December 1971. For being eligible, he/she should have announced is disassociation with the political party at least five years before contesting senate elections. In other words, affiliation with any political party i.e. membership, registration and/or office bearing was considered disqualification of the candidates. If the candidate is found convicted under section 7 of the Political Parties Act of 1962 he/she will be considered disqualified. It was further added that the candidates of the senate or even national assemblies should not have their share in any project i.e. supplying goods or services, execution of the project, performing any kind of duty

related to the public office. However, some of the offices were given exemptions which were provided in the rules for contesting senate election or general election. In addition, contesting election on party ticket of any political party was possible for any candidate. However, if candidate disassociate from their party after being elected in senate, he/she will be considered disqualified from the senate unless reelected in senate. This implies that the influence of the political party was also kept so that senators of any specific political party should not go against them in different affairs in senate. On the other hand, it is also evident from the above mentioned discussion that a candidates' scrutiny is necessary before contesting election in senate.<sup>159</sup>

### **1.3.12 Selection of the Chairman and Deputy Chairman of the senate**

It is the duty of the Chairman and in his/her absence the duty of the Deputy Chairman to act as presiding officer of the senate. The members of the first senate of the country before starting routine business meet on 6<sup>th</sup> August 1973 for electing Chairman and Deputy Chairman of the senate. In addition, the tenure of both Chairman and Deputy Chairman was of two years from the day they assume their offices. It is also pertinent to mention that senate elects Chairman and Deputy Chairman as soon as possible after the retirement of both Chairman or Deputy Chairman or any of them. The rules of election for the selection for Chairman and deputy are more or less same. However, president of the country nominate anyone from the senate to preside over the selection of chairman. However, the elections of deputy chairman are presided over by the chairman.<sup>160</sup> It means that senate first of all selects chairman and then

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<sup>159</sup>Government of Pakistan, *First Senate Of Pakistan*(Islamabad: Secretariate,1980), 32-34.

<sup>160</sup>Tahir Mahmood, *A Comparative Analysis of the Functioning of the Senate in USA and Pakistan*. South Asian Studies (1026-678X) 30, no. 2 (2015): 265-280.

deputy chairman. For the selection of Chairman and Deputy Chairman, a method of secret ballot is used. This implies that anybody can vote to the person he/she likes because of the method of secret ballot. It is also important to note the number of candidates for the selection of chairman or deputy chairman. If there are only two candidates for both chairman and deputy chairman then a ballot is held between them. In the presence of only two candidates, the candidate who will receive the majority of the votes will be considered successful for the selection of either chairman or deputy chairman. However, the method was kept different if the number of candidates was more than two. In such a case, first of all, it will be noticed that who secure the highest number of votes. After that an aggregate of votes will be calculated between the person securing highest votes and the votes of other candidates. If anyone found securing more votes than the aggregate calculated from the votes of the candidates securing less votes, he/she will be considered successful. On the other hand, if none of the candidate was able to secure more votes than aggregate votes, a fresh ballot will be held excluding the candidate who secures the lowest number of votes. In second phase of ballot, if none of the candidate was able to secure more votes than aggregate votes then next round of fresh ballot will be held by excluding the candidate securing the lowest numbers of votes. In this way, selection of both chairman and deputy chairman is made with secret ballot. In the first election of the senate, president of Pakistan nominated speaker of national assembly Mr. Fazal Elahi Chaudhry as presiding over the election of the chairman of the senate. However, it is also possible to remove both chairman and deputy chairman. For this a resolution should be passed in the senate. After resolution in the senate, a notice should be given within one week about the resolution to chairman and deputy chairman. It is also necessary to pass this resolution by the simple majority of the members of the senate. After the resolution, chairman and deputy chairman are

ceased to perform their normal duties of presiding meetings of the senate. If resolution is against chairman, than deputy chairman will preside over the meetings and if resolution is against deputy chairman than chairman will preside over the meetings of the senate. On the other hand, if resolution of removal is against both chairman and deputy chairman than penal of presiding officers will preside over different meetings of the senate.<sup>161</sup>

### **1.3.13 Panel of presiding officers**

Beside chairman and deputy chairman, a panel of three presiding officers will be selected to carry out the transaction of business in the senate. For this purpose, chairman nominates three senators to work as the panel of presiding officers in the senate. One of the major duties of the Panel of Presiding Officers is to preside over the routine activities of the senate in the absence of both chairman and deputy chairman. This implies that if both chairman and deputy chairman were absent from the senate than their duties will be performed by the panel of three presiding officers who were nominated by chairman of the senate.<sup>162</sup>

### **1.3.14 Responsibilities of the Chairman**

The responsibilities of the chairman are sometime declared his/her power too. The power and functions of both the chairman of the senate and speaker of the national assembly are more or less same. However, if chairman is absent, than deputy chairman and if deputy chairman is also absent than the senior most member of the panel of the presiding officer take the chair of the chairman of the senate. His major responsibilities include maintaining order in the house, proving seating plan in the house, controlling entry of public in the senate and

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<sup>161</sup> Government of Pakistan, *First Senate of Pakistan (Islamabad: Secretariate, 1980)*, 30-34.

<sup>162</sup> i.e. Govt. of Pakistan(1980:30-34).

sometimes chairman of the senate can also summon the session of senate on the requisition validated by the signatures of 1/10<sup>th</sup> members of the senate.<sup>163</sup> Below are some of the major responsibilities and powers of the chairman of the senate:

#### **1.4.14.1 President of the country**

Chairman senate in the absence of the president works as president of the country. According to the Warrant of Precedence, the position of the chairman of the senate is secondary after president and prime minister of the country. Therefore, the chairman in the absence of the president of the country works as president. In this regard, he/she also carries out major role and responsibilities of the president.<sup>164</sup>

#### **1.4.14.2 Speaker in joint session**

In joint session of both senate and national assemblies, it is the responsibility of the speaker of the national assembly to work as the speaker of the joint session. However, if speaker of the national assembly is absent in any reason, the chairman senate preside over the joint session of senate and national assembly. If both the speaker of national assembly and chairman of the senate are absent, deputy speaker of the national assembly will preside over the joint session and in case all the three are absent than deputy chairman of the senate will preside over the joint session for maintaining order in the house.<sup>165</sup>

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<sup>163</sup>Saeed Ahmed Rid, “ The Emergence and Evolution of Upper House (the Senate) in Pakistani Federalism (1947 to the 18 th Amendment 2010 and afterwards)”, *Pakistan Journal of History & Culture* 40, no. 2 (2019):1-20.

<sup>164</sup> Government of Pakistan, *First Senate of Pakistan (Islamabad: Secretariate, 1980)*, 30-39.

<sup>165</sup>Khan Ahmad Goraya, “Developing a parliamentary institute: Case study of the Pakistan Institute for Parliamentary Services”, *Parliamentary Affairs* 65, no. 3 (2012): 661-662.

### 1.4.14.3 Point of Orders

One of the major powers of the chairman of the senate is his/her power on the decisions of point of orders in the senate. It is the sole responsibility of the chairman of the senate to decide any point of order either it is point of order or it is not the point of order. In most of the cases, the point of order is related to the interpretation of the Rule of Procedure or any other article of the constitution of the country. For point of order, the member should raise question in the house. This question may be raise before the start of business in the house. However, in some cases, the chairman may give permission to the member to raise point of order in the interval between termination of one and commencement of the other item in house. It is only possible if the point of order is related to the maintenance of the order and arrangement of the business. A person might raise a question that a particular business is more important than other businesses in the senate therefore, it should be discussed before wasting time in other businesses in the house.<sup>166</sup> However, a member cannot raise another point of order before the chairman decides the fate of first point of order. It is the power of the chairman of the senate to decide about the fate of the point of order but it is the duty of the members of senate to raise point of order. Chairman will decide according to his/her best of knowledge, understating and rules of procedure to decide where the question raise is point of order or not. It means that the final decision on the point of order is in the hands of chairman. The decision of the chairman is considered full and final and it cannot be challenged by the member. However, chairman prefers to listen to the members before announcing his/her final decision on the point of order. Therefore, any kind of debate on point of order is also not permissible. In addition, it is also

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<sup>166</sup>Muhammad Shafiq, Razia Sultana, and Muhammad Munir, "Political Rhetoric; Slogan Politics in Pakistan and Role of Parliament", *FWU Journal of Social Sciences* 11, no. 2 (2017):52-53.

not possible for raising point of privilege on the point of order to clarify the position of the member. If there is any other motion being put in the senate and any member want to raise point of order than he/she is not permissible to raise point of order. Similarly, it cannot be raise that member did not hear division bill or division bill did not ring.<sup>167</sup>

#### **1.4.14.4 Maintenance of the order in the house**

Another important responsibility and power of the chairman of the senate is to maintain order in the house. For the purpose of maintaining discipline and order in the house, chairman is provided sergeant-at-arms and chairman can direct them to take action in case a member disrupts the discipline or order in the house. Chairman can direct sergeant-at-arm to take necessary action i.e. immediately withdrawal of that person from the house if he/she violates order and discipline of the senate. In such cases, the members cannot attend remaining session of the day. On the other hand, if a member do not regard the authority of the chairman and willfully disrupt in session and violate rules of procedure then the chairman may name him/her.<sup>168</sup> After that a question is raised for the suspension of the member from the house. However, suspension is kept less than the duration of the session in the senate. After suspension, members cannot sit in the house and is removed from the senate. For the termination of this suspension of the member, the senate can put a resolution to end the termination of the suspense of the member. Chairman of the senate can also terminate, suspend and adjourn the sitting but only in case of grave disorder. In such a case, the senate is adjourn

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<sup>167</sup> Government of Pakistan, *First Senate of Pakistan (Islamabad: Secretariate, 1980)*, 30-39.

<sup>168</sup>Ellie. Valentine, "Pakistan Parliamentary Libraries: A historical excursion and hopes for the future. *Library trends* 58, no. 4 (2010): 536-37.

according to the time and date specified by the chairmen of the senate,<sup>169</sup> which mean responsibility confer real powers to the chairman.

#### **1.4.14.5 Public entry into senate**

It is also the power as well as responsibility of the chairman of senate to regulate and maintain the entry of the public in public galleries of the senate. In other words, it is the power of the chairman to regulate the entry of the common people including strangers in public galleries during the sitting of the senate. As it is not allowed for common people to enter in any part of the senate which was specifically for the members of the senate, therefore, chairman senate in such cases control the entry of strangers in senate. Anyone from the public who did not obey the orders of the chairman might be drawn out of senate with the order of chairman of the senate.<sup>170</sup>

#### **1.4.14.6 Secret meeting of the senate**

It is also the power of the chairman of the senate to summon secret meetings of the members of the senate upon the request of the leader of the house. However, chairman take special care of such meetings and the reports of such secret meetings are kept in different files as compared to the files of routine transaction of business in the senate. In other words, chairman also take necessary precautions for the confidentiality of the secret meetings in the senate.<sup>171</sup>

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<sup>169</sup> Government of Pakistan, *First Senate of Pakistan (Islamabad: Secretariate, 1980)*, 30-39.

<sup>170</sup> i.e. Government of Pakistan(1980:30-39).

<sup>171</sup> i.e. Government of Pakistan(1980:30-39).

#### **1.4.14.7 Expunging words and phrases**

It is the power of the chairman of the senate to maintain the order of the senate in any way. However, sometimes members in their speeches and discussion also use un-parliamentary words and phrases. Therefore, the chairman of the senate may identify such words and announce that these words are non-decent, undignified, derogatory and un-parliamentary therefore, these words should not be included in the proceedings of the senate and expunged immediately from the senate proceedings.<sup>172</sup>

#### **1.4.14.8 Decisions and admission of question, resolution, and Privilege Motions**

Chairman of the senate has power to work as the presiding officers of the senate in all routine and special sitting in the senate. However, the powers of the chairman are also very strong in term of putting questions, resolutions and motions by the members of the senate. In case a person put any question, resolution and motion in the senate, it is the duty of the chairman to decide the fate of such questions, resolutions and motions. However, before the decision of the chairman, secretariat of the senate examine questions, resolutions and motions according to the laws and advise chairman over these questions, resolutions and motions. However, finally, the chairman in most of the times as per the advice of the secretariat of the senate announces the acceptability or non-acceptability of questions, resolutions and motions. The decisions on such questions, resolutions and motions are taken in the chamber of the chairman. On the other hand, acceptability and admission of the adjournment motions and privilege motions is decided in the house by the chairman. Before deciding the fate of these motions, chairman hears the argument about the motions and also allows other members to speak either

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<sup>172</sup> i.e. Government of Pakistan(1980:30-39).

in favor or against these motions. In addition, the chairman of the senate also decides about the motions and resolution under rule 187 ( The functions of the Committee on Human Right)in his chamber but for this the advice of the secretariat of the senate is required. In addition, chairman also decides the acceptance of the motions in the house as well. It means that the chairman work from both the house and from his/her chamber to take decision on the admissibility of the questions, resolutions and motions.<sup>173</sup>

#### **1.4.14.9 Decision on bills**

It is the discretionary power of the chairman of the senate to decide the fate of different bills in the senate. It is his duty to decide whether these bills need amendments, recommendations and approval by the government or not. He/she also decides to take the consent of the president and the government on the bills. In case a bill is moved from the national assembly to senate, the chairman is empowered to dispense it. For this, a notice of two days is required for examining and taking necessary actions on the bills. It is clear from the above discussion that the senate may introduce amendments in the bills for improving the quality of the legislation. However, it is the power of the chairman of the senate to decide the order of amendments in different clauses of the bills. In addition, it is mandatory to take the consent of the chairman before applying any rule over any clause and article of the bill. The chairman can also suspend any motions which is found inconsistent and in conflict with the rules of procedure and with the constitution of the country.<sup>174</sup>

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<sup>173</sup> i.e. Government of Pakistan(1980:30-39).

<sup>174</sup> i.e. Government of Pakistan(1980:30-39).

#### **1.4.14.10 Permission of statements**

It is the power of the chairman of the senate to allow any minister of the government to talk about any topic of public importance in the senate. Although ministers are allowed to give statements with the consent of the chairman but discussion on such statements by the ministers in the senate is not allowed.<sup>175</sup>

#### **1.4.14.11 Decision on unspecified matters**

A lot of matters arise during discussion in the senate and many of these matters have clear cut rules of procedure but there are some unspecified matters which are specified by the rules of procedure. It is the responsibility and power of the chairman to take decisions on such unspecified matters in the senate. It means that it is the duty of the chairman to regulate unspecified matters by providing final ruling in such cases. The chairman also works on secondary supplementary rules of procedure for the better functioning of the senate for contributing in quality legislation.<sup>176</sup>

#### **1.4.14.12 Decision of the chair**

According to the constitution and legal reports, the legal framework of the senate depends upon three broader categories of the rules. The first category is of constitutional provisions which are also known as legal provisions i.e. Articles of the Constitution related to the working of the senate i.e. 53 to 61, the members of parliament act and political parties act of 1961. These are a few examples of legal provisions or constitutional provisions. The second category is the rules of procedure and conduct of business in the senate, 1973. However, the third category is totally

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<sup>175</sup> i.e. Government of Pakistan(1980:30-39).

<sup>176</sup> i.e. Government of Pakistan(1980:30-39).

different from the constitutional provisions and rule of procedure act, 1973. Final decisions taken by the chairman in response to the point of orders also become rules of the senate in term of decision of the chair. During debate and other routine business of the senate, many points of order are raised by the members and the fate of this point of order is decided by the chairman of the senate. The final decision of the chairman of the senate becomes a ruling of the senate for future use. However, ruling by chairman are divided into two categories i.e. written rulings and oral rulings. There is a clear difference in both the rulings.<sup>177</sup> In first ruling, chairman provide detailed ruling in written form with the help of the secretariat of the senate. In this form of ruling, point of order is clearly presented and different arguments are provided in support and against the point of order. In addition, references to the rules of procedures, constitutional provisions are also provided in detail about the particular point of order. It is important to highlight that sometimes these formal rulings by the chairman became the part of rules of procedures because of the quality of the ruling. In other words, formal rulings by the chairman looks like judicial judgments. There is another (fourth source) source of legal provisions in the senate which are termed conventional provisions. It is a common convention that chairman only take the chair when quorum is complete but this is not written in any rule and sometimes chairman broke this rule by taking the chair for speedy working on legislation. For the proper functioning of the rulings by the chairman of the senate, it is the duty of the Editor of the Debates to collect different rulings by the chairman. After initial collection of the rulings, editor presents these rulings to secretary of the senate. Secretary of the senate check and approve

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<sup>177</sup>Saeed Ahmed Rid, “ The Emergence and Evolution of Upper House (the Senate) in Pakistani Federalism (1947 to the 18 th Amendment 2010 and afterwards)”, *Pakistan Journal of History & Culture* 40, no. 2 (2019):1-20.

these rulings. After formal approval by the secretary, the rulings are printed for using them in future.<sup>178</sup>

When talking specifically about the rulings of the chairman in the first senate from 1973 to 1977, the Editor of Debates with the order of the chairman of the senate found about 230 rulings or decisions by the chairman of the senate. These 230 rulings or decisions were printed in a separate volume for the sake of reference from these rulings in future. In addition, the volumes of the rulings by the speakers of previous national assemblies are also used as rulings to take decision of different questions arising during debate in the senate. These ruling are just like the judgments by the court and retain sanctity and binding force for the rules of procedures in the senate. However, the important of formal written rulings is greater as compared to the ruling given verbally during debate in the senate or national assemblies.<sup>179</sup>

#### **1.4.14.13 Freedom of speech**

According to Article 66 of the constitution, the member of both senate and national assembly are not bound to proceedings or court for giving any statement in the senate or national assembly. In addition, they are also not bond to court proceedings for their vote in parliament and their role in different reports published on the behalf of parliament. It means that none of the members of parliament can be preceded for any of his/her act in the parliament. This is one of the immunity of members of parliament including chairman and deputy chairman.<sup>180</sup>

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<sup>178</sup>Ellie. Valentine, "Pakistan Parliamentary Libraries: A historical excursion and hopes for the future", *Library trends* 58, no. 4 (2010): 541-543.

<sup>179</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 30-39.

<sup>180</sup>Urooj Alvi, Muhammad Asim Mehmood, and Shafqat Rasool. "A Multidimensional Analysis of Pakistani Press Editorial", *Dialogue (Pakistan)* 11, no. 3 (2016):69-70.

#### **1.4.14.14 Miscellaneous powers and Privileges**

It was decided to give power, privileges and immunities to the members of the senate and national assembly according to the constitution of the country, 1973. However, there were very few such provisions in the constitution. Therefore, a separate committee was formed to work and provide report on the power, privileges and immunities of the members of parliament in 1974. However, the committee did not provide report. Consequently, it was decided to give power, privileges and immunities to the member of both senate and parliament under the law of 1954. It means that the power, privileges and immunities were same as of the members of British House of Commons. However, it was also included in the law that the house can frame laws of punishment for the members who fail to produce required documents as asked by any committee of the house. However, power to make punishment laws faced two restrictions. It was possible that court might use such laws against those people who refuse to submit evidences required by the court and such laws can disturb the confidential matters and decisions or orders by the president of the country. Keeping in mind the restrictions of these punishment laws by the parliament, the parliament did not frame any law related to the punishment of the members who fail or refuse to provide evidence as required by any committee of the parliament. Consequently, the senate was also not able to make any laws to penalize the members who work against other members of the senate or senate overall.<sup>181</sup>

#### **1.4.14.15 Framing rules for maintaining transaction of business**

According to the constitution of the country, the senate of the country was also able to frame laws as national assembly for regulating its routine activities and transaction of business.

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<sup>181</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 30-40.

It means that senate was also empowered to make rules. In addition, challenging decisions taken in the senate was also not possible by anyone on the bases that anyone who should not be the part of the activity was involved in decision making. In addition, it was also not possible to challenge the proceedings of the senate based on alleged irregularities in the proceedings. The members of the senate and the members of the different committee were not subject to the jurisdiction of any court because of their involvement in in senate proceedings according to the powers granted to them by the constitution of the country. This implies that the rulings of the chairman of the senate cannot be challenged in the court because these ruling were under the law and the power granted to the chairman of the senate for maintaining the procedures of the senate.<sup>182</sup>

#### **1.4.14.16 Immunity in civil cases and Immunity from preventive detention**

It is pertinent to report that powers of the members of senate in term of immunity which they enjoy being the part of the senate. Particularly, the members of the senate cannot be arrested before and after fifteen days of any session of the senate. It means that they enjoy immunity from arrest in civil cases. In addition, they cannot be summoned in the court as witness or any other tribunal. However, election tribunal can summon parliamentarian for any type of investigation and their scrutiny and can also demand evidences and documents related to their eligibility in election of the senate.<sup>183</sup> The members of the senate also enjoy the immunity from the preventive detention or arrest in common words. Members cannot be arrested fifteen days before and after the commencement of a session of the senate. On the

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<sup>182</sup> i.e. Government of Pakistan(1980:30-40).

<sup>183</sup>John Hatchard, and Peter Slinn, *Parliamentary Supremacy & Judicial Supremacy*(London:Routledge, 1999):111-112.

other hand, there is not immunity to the members of the parliament in case they were found affecting the integrity and sovereignty of the country. Therefore, it can be conclude that the members of the senate enjoy limited immunity from preventive detention. However, it is mandatory of the court or any other institution of the country to inform the chairman of the senate before arresting any member of the senate. In addition, it was also mandatory for the court or any other institution about the bail of the members, release after bail and release after putting the members on sentence.<sup>184</sup> The purpose of this information is that the chairman had to inform senate by reading out such information in the senate for communicating with other members of the senate. This implies that the members of the senate enjoy power, privileges and immunity in many matters. On the other hand, the members of the senate also enjoy certain facilities. Members of the senate according to the constitution can enjoy usual facilities of such persons i.e. lounges and rest houses. However, there is a similarity between the power, privileges and immunities of the members of the senate and the members of the national assembly.<sup>185</sup>

### **1.3.15 Pay and allowances of the senators**

The constitution of the country also specified with many new rules from the rules of procedure the pay and allowances of the senators. The senators were decided to provide 1500 Pakistani rupees per month as their salary. It was also decided that one thousand of the pay will not be admissible to income tax. This implies the senators were given immunity from income tax as well. In addition, they were also provided travel allowance and daily allowances. The

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<sup>184</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 40-43.

<sup>185</sup> John Hatchard, and Peter Slinn, *Parliamentary Supremacy & Judicial Supremacy (London: Routledge, 1999)*:117-119.

travel allowance or conveyance allowance was kept 25 rupees per day and daily allowance was fifty rupees per day at the time of first senate.<sup>186</sup> The members were eligible for daily allowance as per the days of session of the senate and three days before and after the commencement of the session of the senate. However, in case member travel for participating in committee meeting, he/she can avail daily allowance one day before and after the commencement of committee meeting. There were three types of accommodations for the members of the senate. First of all, they can stay in the hotel for the member of national assembly. Those members who do not avail the accommodation of MNAs' Hostel were given 65 rupees of accommodation allowance per day. In addition, the government of the country also specified some hotels for the stay of the senators. In case, senator avail accommodation in those hotels, he/she is entitled to reimbursement the charges of the room.<sup>187</sup> However, the members were not given reimbursement for their meals in the hotel. Members of the senate were given 75% of first class air fare or first class railway fare for attending the sessions of the senate. In addition, same fare was also planned to provide to the members of different committees of the senates from their place of residence to Islamabad. Moreover, the members of the senate were also given travel voucher of the values of 6600 rupees per annum. However, it was also possible for the members to receive a cash of 4200 rupees if members do not avail travel voucher. The members of the senate were also given a facility of telephone at their residence. For this purpose, it was decided that government will pay 2400 in term of telephone bill per annum and rest of the bill will be paid by the member his/herself.<sup>188</sup>

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<sup>186</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 40-43.

<sup>187</sup> i.e. Government of Pakistan(1980:40-43).

<sup>188</sup> i.e. Government of Pakistan(1980:40-43).

This is not the end of powers, privileges and immunities for the members of the senate. Members of the senate were allowed to keep certain weapons with them without license during their services in the senate i.e. during their tenure of four years in the senate. The pay and allowances were different for the chairman and deputy chairman. Pay of the chairman and deputy chairman was 4000 and 3000 rupees per month. They were also entitled to sumptuary allowance of 1000 and 500 respectively. In addition, they were given discretionary grant of 10,000 and 5,000 rupees respectively. It is found that the precedence of the chairman and deputy chairman was equal to the precedence of the federal ministers and other state minister in the country. However, the precedence of the chairman was above all the minister of the country and even speaker of the national assembly. Beside the pay and allowances as specified for the senators, the leader of the house and leader of the opposition were entitled to receive an honorarium of 1000 per month. In addition, government also bears the expenses for the installment of telephone in their offices. However, the recurring costs were decided to be paid by the leader of the house and the leader of the opposition themselves. For carrying out their official assignments, they were assigned one stenographer and one peon by the government. Rao Abdus Sattar was the leader of the house in the first senate of the country from 1973 to 1977.<sup>189</sup>

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<sup>189</sup> i.e. Government of Pakistan(1980:40-43).

## **Chapter No. 2**

### **ROLE OF THE SENATE IN LEGISLATION**

The present chapter is about the role of the senate in the legislation. The chapter opens with the prerequisites of senate in federal state system. In latter sections, senate in Pakistan, its role status, senate as second chamber, senate as federal chamber, senate as deliberative chamber are discussed. However, the important section of the chapter starts with the discussion of senate as legislative body. In this section, the role of senate in legislation is discussed in detail i.e. in term of bills, ordinances, adjournment motions and resolutions. In the last section, role of senate in constitutional amendments is provided in detail. (1973-77)

#### **2.1 The Prerequisites of senate in federal state system**

The Senate of Pakistan provides equal representation to each federating entity align with the constitutional part ascribed to the Upper House, which is the unique symbol of national cohesion and harmony.<sup>190</sup> The Senate is the permanent Upper House which signifies a process of stability and continuity in the national affairs of Pakistan. The core point for the formation of the Senate of Pakistan is to contribute equal representation to all the federating units, as the membership of the National Assembly of Pakistan is acutely rely on the population density of each province. Thus, the equal provincial demonstration in the Senate balances the provincial disproportion in the National Assembly and dissipates reservations and apprehension

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<sup>190</sup> Nawa-e-Waqat, Lahore, 18 August, 1972 .

concerning deviation and manipulation<sup>191</sup>. Generally, the Senate of Pakistan is a fundamental body that symbolizes the unique provinces of the country to share a principle of equality, which is vital for the nation's growth and State wellbeing. Therefore, the Senate of Pakistan, over the years has emerged as an indispensable state organ, and a stabilizing aspect of the federation.

## **2.2 Senate of Pakistan: role, status, and structure**

The status of the Senate in federal states like Pakistan is valuable in numerous aspects. It guarantees the effectiveness of entire federating units in the fundamental legislature under the “principle of parity” of representation. Since the governmental power in merely one chamber may lead to the constitutional autocracy. Therefore, the existence of the second chamber allows both to act as a checker on one another. It also marks the possibility of examined and deliberated the legislative process. After scrutinized by two chambers a suggestive proposal becomes a policy. The Senate also executes its customary role of reviewing the bills and interpreting its suggestions. The central function of the senate, therefore, appears to represent the sub-national entities. A general demonstration has to be escorted by the depiction of the constituent geographical units, predominantly when the Federal State has been structured by a procedure of unification. Hence the main persistence of second chamber (Pakistan's Senate) in federal systems is that:

- I. First, as the bicameral structures contain the element of cautious redundancy in the legislative practices aimed to present a source for a second thought, which is chiefly

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<sup>191</sup>[http://www.senate.gov.pk/en/essence.php?id=1099&catid=4&subcatid=138&cattitle=About%20the%20Senate](http://www.senate.gov.pk/en/essence.php?id=1099&catid=4&subcatid=138&cattitle>About%20the%20Senate) (accessed May 21, 2020).

essential where legislative suggestions may have been drafted but approved in the Upper House under strict discipline.

- II. Second, relying upon the participation of the Lower House, such a group may also offer the prospect to bring certain procedures of expertise to endure the debate over an issue before the parliamentary final decisions.
- III. Third, in the federal systems, senates have two supplementary roles: such as Senate acts as a checking device against the power of the majority to make the governmental process according to the parliamentary rules and regulations.
- IV. Fourth, the senate in the federal state system safeguards sufficient representation of provincial representation and all minorities essential interests<sup>192</sup>.

Factually, any extremely decentralized state requires a truly denoted and politically authorized senate to ensure discourse between the core and its peripheries. After the disintegration of Bangladesh, there was a political apprehension that Pakistan, with unique and diverse regions with exclusive ethnicities, entails such a political system filled with true federal structure essence, which would provide equal representation to all the ethnicities despite their geographical dimensions and population bulk<sup>193</sup>. The 1973 Constitution of Pakistan has delivered an empowered National Assembly where the majority belonged to the Punjab province for having a large share of the population with all other provinces with their population ratio.<sup>194</sup>

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<sup>192</sup>[//www.civiceducation.org/wp-content/uploads/2011/02/Senate-Reforms-in-Pakistan-Senator-Sanaullah-Baloch.pdf](http://www.civiceducation.org/wp-content/uploads/2011/02/Senate-Reforms-in-Pakistan-Senator-Sanaullah-Baloch.pdf).

<sup>193</sup>[//www.cidob.org/en/content/download/32418/526985/file/ANEXO\\_SISTEMA+POLITICO+Y+ESTRUCTURA+DE+PAKISTAN\\_ANG.pdf](http://www.cidob.org/en/content/download/32418/526985/file/ANEXO_SISTEMA+POLITICO+Y+ESTRUCTURA+DE+PAKISTAN_ANG.pdf)

<sup>194</sup>Ambreen Javed, "Role And Significance Of Senate In The Federation Of Pakistan: An Analysis Before And After 18 Th Amendment To The Constitution Of 1973", *Margalla Papers*, (2018): 22-23.

The equal provincial anticipation in the Senate was intended to enforce the demographical formula existing in the National Assembly of Pakistan. Therefore, according to the 1973 Constitution, the Senate came into presence for the first time and the elections of the first Senate of Pakistan were organized on 10<sup>th</sup> July 1973. Before this date, there was implemented a unicameral legislative system in Pakistan under which only one House was operated. However, the stimulus of the boosted representation of small provinces has been equalized by the asymmetrical strategy and the scope of the two respective houses. The Senate has no authority to regulate the money bills. The country's budget could be referred for the agreement of the President of Pakistan through the National Assembly.

The 1973 Constitution's Part iii regarding the Federation of Pakistan, and Chapter 2 of the Majlis-e-Shoora (Parliament) and its Article 59 are related to senate and its composition now. Election to seal the seats in the senate shall be seized in accordance with the proportional representation. Therefore, in this particular chapter the researcher intends to concisely scrutinize the Senate's role in Pakistan's politics to apprehend the challenges and prospects for Pakistan's Parliamentary System.

### **2.3 Senate functions as a second moderate thought**

Certainly, the Senate of Pakistan has a important part to perform as a reviewing chamber. However, reconsiderations have been less, yet theoretically there is a constant possibility of the alteration as the reflection of second thought. The Senate in Pakistan's parliamentary system has the power to make discussion and even delay in legislation, but the Senate does not have the veto power in proposed legislation, even after finding contradictions to the federal doctrines. Although the Senate of Pakistan is the representative of provinces its thoughts had

few incorporated in the formation of the nation's internal as well as external policy essentials. The spirit of bicameralism is useless unless the country's constitution provides applicable powers to ensure the spirit of solidarity<sup>195</sup>. As senate, it has the mandate attained by the constitution to secure second consideration as the custodian of rights<sup>196</sup>.

The Second Chamber often characterizes as personifying a source of wisdom, balancer, and expertise. The Senate in Pakistan has also made precise contributions to the law-initiating practice and expands the quality of policy formation if its political validity as a federal representative group is established. Senate frequently has enough time at its disposal to take a full inquiry after the final commencement of any law.

## **2.4 Senate as a federal chamber**

Although the researcher is intended to focus on the 1973-1977 senate role in the legislation, therefore the chapter will considerate the elements of the 1973 constitution and the power of the senate in the specifically mentioned time frame. Another momentous feature of the Senate of Pakistan was intended by the designers of the 1973 constitution to contribute a resilient illustration to the provinces in the federal legislature. Though, the notion of representation on equal bases was prevalent by giving 12 % representation to the Federally Administrated Tribal Areas (FATA) and the Capital Territory of Islamabad<sup>197</sup>.

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<sup>195</sup> Raza Rabbani, Interviewed by Zafar Ullah Khan. Personal Interview. Islamabad. April 19, 2020.

<sup>196</sup> George Tsebelis, Jeannette Money, and George Money Jeannette. *Bicameralism*(Cambridge: Cambridge University Press, 1997):125-126.

<sup>197</sup>Tahir Mahmood, "A Comparative Analysis of the Functioning of the Senate in USA and Pakistan", *South Asian Studies* (1026-678X) 30, no. 2 (2015):270-271.

## **2.5 Senate: As a deliberative chamber**

The Second Chamber “Senate” in working equalities and open federal structure is not merely a legislative body but also a deliberative mechanism. If truly, it can create very remarkable contributions. Conversely, unspecialized members with poor understandings weaken the inclusive reasoning of the senate in the federation. To contest for the technocratic category, the religious intellectuals with enormous knowledge and certification from prestigious universities could fall in this particular category but at the current, it is a recognized exercise in Pakistan that anyone can achieve a certificate from any of the religious schools and could simply contest for the respective technocratic . The present arrangement of the senate and its members elected under this principle is an identified configuration of exploitation of this category.

## **2.6 Senate: as a chamber of steadiness**

The trademark of the Upper House named senate in federal democracies is the standard of continuousness as an elected house and continuous association in the parliamentary framework. A pattern of obtaining a chamber’s continuity of legislative aspects was required in a parliamentary mechanism to encounter the legislative and constitutional ,in the procedure of re-formation after the election. The working of the senate is a guarantee to confirm the stability and solidity of the state. It happens in most of the world's nations. The Senate of Pakistan, concerning article 59 and article 3 of the constitution “shall not be the subject to dissolution but the term of its members, who shall retire only. Moreover, the Senate in Pakistan counting autonomous procedure has grieved severely due to the undemocratic and unconstitutional setbacks.

## 2.7 Senate in Pakistan's polity

The composition, substandard powers and unproductive Committee System of Pakistan's senate so far drive to ascertain that it is not an endowed and power-driven institute, but truly representative chamber. Legislative Capability of both Houses of Parliament, relay on the combined working apparatus to be carried out Parliament's fundamental legislation or lawmaking.

The method for presentation and attainment of bills is placed in the Articles 70, 77 which ensures that both the houses are equal except the money bill matters in which the National Assembly enjoys an exclusive jurisdiction.. The money bill, in relation to any substance in the official Legislative Incline, or the official Legislative List, may come from any of the two Houses, except a bill from the National Assembly but a copy of which shall at once be referred to the senate for commendation to the National Assembly within seven days<sup>198</sup>. On submission, the bill must, unless the executive proposes a proposal for the enactment of this regulation, mechanically stop referring to the Standing Committee on the House for appraisal and report within the time specific. Where a bill, other than the Finance Bill, is passed by the House, where it came from, it is conveyed to another house and that bill, if passed without amendment, the other House is referred to the President for approval.

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<sup>198</sup>*The Constitution of the Islamic Republic of Pakistan*1973, 125-127.  
[http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf)

### **2.7.1 Financial matters (Money Bills)**

In addition to the legislative and oversight power, influence over public finances ensures the legislature's performance in public affairs. Therefore, all executive branch allocated as set out in the proposed budget entails the approval of the legislature (both the Senate and the National Assembly), who will also be permitted to make amendments. However, the budget role of the Upper House varies. Others countries have the same power in the budget as the lower house, for example in the United States. Some countries have asymmetrical power and are more adequate for budget issues than the lower house. For example, article 105 (3) of the Basic Law of the Federal Republic of Germany (1949) requires the approval of a regional chamber or in several ways.

In some republics the national body simply has a consultative role on budget subjects. For example, section 109 of the Constitution of India (1950) allows the Rajya Sabha to make recommendations to the People's House or matter of equitable distribution of resources as a contentious matter between the institution and the provinces. Since the senate represents provinces, there should be independent power in the money bills. The role of the senate of Pakistan is similar to that of the second chamber of India, in that it can also make recommendations for the non-binding nature of the first room, e.g. National Council. Concerning the Finance Bill in Pakistan, it is only the commendation of the National Assembly for consideration. When the Bill is ratified by clause, the recommendations made by the senate are measured following the provisions of the corresponding bill, in accordance with the provisions of rules 131 and 133. If approved by the council, a certified copy of the Finance Bill is submitted to the President for approval under Section 75.

### ***2.7.2.1 Constituents of Money Bill***

The Constitution of Pakistan describes that a bill or amendment is deliberated as a money bill if it covers the requirements dealing with all or any of the subsequent matters:

1. The “imposition, abolition, remission, alteration or regulation of any tax”.
2. The borrowing of money or dispensing of any guarantee by the Federal government, or the revision of the law concerning the financial compulsions of that Government.
3. The supervision of the “Federal Consolidated Fund”, the expense of money and fund.
4. The enforcement of a charge upon the “Federal Consolidated Fund”, or the elimination or modification of any such charge.
5. The receipt of money of the Public Account of the Federation, the supervision, or discharge of such money.
6. The special audit of the accounts of the Federal Government or a Provincial Government.

With the Budget and the financial emergency directly distressing the Federal Consolidated Fund, as the House of Lords in the UK has long-established lesser influence over money bills. The Senate of Pakistan, representing the joint units, should have a consultation in the financial affairs of the National Assembly. The issue of equitable and equitable distribution of resources has become a bone of contention between institutions and provinces. Since the senate represents provinces, there should be a special authority on the Money Bills rather than the National House. As far as Equal Powers are concerned in the National Parliament when there is a separation of powers between the legislature and the legislature, as in the USA, Switzerland and Latin American organizations, usually both legislatures (Senate and National Assembly)

have had equal powers, although in the USA the Senate actually has some power which is not added to the confirmation of appointments and agreements. The USA senate votes to confirm or reject the USA Supreme Court nominees. Some people believe that this power falls to Congress; in any case, "Congress" is a joint name and includes the House of Representatives, which has no bearing on the Supreme Court's election steps.

The Article 2, paragraph 2, of the USA Constitution, provides that the President may appoint members of the Supreme Court, but that appointment is only made at the "advice and consent" of the senate. This means that the senate investigates the nominee's qualifications and background, determines whether he can adequately fulfill the role of Justice, and then decides whether he approves or disapproves of his appointment<sup>199</sup>. If the senate votes on a simple majority (51 votes) for ratification, the nominee receives a commission; If a senate member decides to file austerly to block or delay the nomination, three-fifths (60) votes are required to end the filibuster (until 1975, that requirement was two-thirds of those present). The Italian senate is unusual among the upper Houses because it has almost the same power low liability of them: without a budget, any legislation can be enacted in any house, and must be approved in the same way by both houses; In addition the Government must have permission for both to hold office.

Where there is a parliamentary system, such as Pakistan, the House of Commons such as the National Assembly, it certainly has great potential. Unusually, in Parliamentary files, unlike in Italy, the house is privately held in a one-person-based room, to reduce the impact of party behavior in a house that represents regional interests. The result, on the other hand, has been to

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<sup>199</sup> Nawa-e-Waqat, Lahore, 28 March, 1973.

weaken the equal power of the federation in the alliances of Parliament. In these organizations the power of the second class in relation to debt financing is therefore limited. In addition, in the case of conflicts between the two houses of simply receiving a collective veto when members are on the second floor too small, or due to double dislocations often make the second room weak. Nonetheless, some of the second chambers of the alliance in the alliance, such as the Australian Senate and the German Bundesrat, have been able to exert considerable influence<sup>200</sup>.

## **2.8 Conflicting matters in senate between opposition and government**

The Senate of Pakistan is meant to be for checks and balances. By allowing equal representation in all high-ranking provinces, irrespective of their size or number, smaller provinces have been given a larger voice and greater role in national affairs. Thus, the upper house becomes a barrier to protecting the larger provinces from the brutal majority against the larger provinces in the lower houses. As in Pakistan, there are provinces with a diverse population of people like Punjab which has a large population compared to other provinces. It is therefore, automatically considered in the lower house as the national assembly is a people's house based on the votes of the people. This especially important in Pakistan where the winning political parties in general elections tend to derive most of their votes/ seats from the Punjab – so there is a degree of political alienation of the smaller provinces Thus Punjab became a superpower and was ruled by a national assembly and finally in national affairs but in the forum there is equal representation from all provinces that do not allow dishonesty to take place.

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<sup>200</sup> Nawa-e-Waqat, Lahore, 28 March, 1973.

The legal list of the house is divided into two parts: part I and part II. The courses considered in part I law students and the extended courses in part II in which provinces had a special interest as railways; minerals, oil and natural gas; Council of General Matters, and others. A bill dealing with matters of part I of the co-operative list could only come from the National House and if it was passed, it would be referred to the councils for consideration. If the senate passes it without amendment or has not rejected or amended it within ninety days of its transfer, then it will be deemed to have been passed<sup>201</sup>.

However, if the senate rejects the bill (Bill means a motion for making a law) or passes it by amendment, it will be represented in the National Assembly for consideration, and if after such consideration, the National Assembly has passed it again, with or without amendments proposed by the senate. Be considered transferred and presented to the president for his approval. While a bill relating to issues in Part II of the state list may come from every house and if it is not passed by one house, it will be passed to another house. If the bill is passed by other house without amendment, it is presented to the president for approval. If other house rejects or passes an amendment, the Bill, requesting the origin of the house, must be considered in the joint sitting of the two Houses of Parliament that the President will call. If it passes, then it will be given to the president for approval.

In the National Assembly on 24 June 1974 by Sahibzada Ahmad Raza Khan Qasuri raised a question in connection with the arrest of Ghaus Bakhsh Bizenjo, Sardar Khair Bakhsh Marri and Sardar Ataullah Mengal a statement of suspension was lifted by a member of the court on

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<sup>201</sup>TRI Research Report, *Decade of Democracy in Pakistan, Parliament 2008-2018*(Islamabad: FES,2019)133-134.

April 18, 1974, with the statement of the Governor of Baluchistan at the airport, saying that it is a provincial matter (a conflict between the government and the opposition). After lengthy debate and instructions, the Chairman gave the example and said "since the Governor has denied the allegations he made, I accept the claim he has made, therefore, and we must give a decision to his order. All of these have been arrested on various charges of corruption, misconduct, and criminal activity. The matter was challenged in both houses by the opposition. It started a big debate. It continued for many years, exactly until Bhutto's death<sup>202</sup>.

Other pressure on Z.A Bhutto like Saudia to recognize Bangladesh immediately was another conflicting matter.<sup>203</sup> Z.A Bhutto took a decision quickly and Bangladesh was accepted as an Islamic state overnight. On August 6, 1974 another decision of withdraw was made without the decision by the chairman when Prime Minister was shot in Quetta. The objection is that during the Prime Minister's visit to Quetta, the shooting took place, so this is a federal event but the decision to withdraw was based on the grounds of provincial matter.

On November 13, 1975, the senate sought to vacate the house to submit a resolution to disallow the Prime Minister's complaint on Mian Hamid Yaseen, MNA's misconduct against six staff members of the Lahore College for Women, who served as election officials during election on 19 October 1975. The presiding officer alleged that the matter was not taken seriously, and the Prime Minister had not taken any action in this regard. After that the Minister of Justice

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<sup>202</sup>Hamid Khan, *Constitutional and political history of Pakistan*. Karachi: Oxford University Press, 2009, 287.

<sup>203</sup>Weinbaum, Marvin G., and Abdullah B. Khurram. "Pakistan and Saudi Arabia: Deference, Dependence, and Deterrence." *Middle East Journal* 68, no. 2 (2014): 211–28.

and Parliamentary Affairs said the appeal had been withdrawn and it was not urgent. The chairperson ruled that it is provincial matter.

Another example of a ruled-out adjournment motion is of 17th March 1976, when a member sought leave of the house to move an adjournment motion to deliberate the alleged opposing criticism of the unusually large spending by Prime Minister of Pakistan in his foreign tour as reported in the foreign press. Here again, the Minister of Justice and Parliamentary Affairs denied the facts and opposed the proposal. Therefore, the chairman issued his decision without order stating that the submitter does not include the necessary documents and a motion for his suspension. Another example is on August 4, 1976, when Khawaja Muhammad Safdar called for the statement to address the failure of the coalition government to abolish tax on imported cargo from Punjab to Sind. It has been argued down that it is a provincial matter and there is no constitutional or legal basis in which the Prime Minister has been accused and has failed to pass those orders. This deduction proposal was therefore rejected by the Chairman.

When the land restitution (amendment) bill, 1974 was moved to be considered, Senator Khawaja Muhammad Safdar raised the point that under Article 268 (2) of the constitution the bill required the previous President's permission as it seeks to amend the other rules that have been incorporated into the sixth constitution. The minister welcomed the protest as a legal matter and said the sanctions had been lifted. On April 10, 1974, a bill was introduced and it was announced by Sheikh Muhammad Rashid that the Prime Minister had already advised the president to approve a previous decision on the legislation signed by the Prime Minister on 1<sup>st</sup>

April<sup>204</sup>. The Senator also raised the question that it was not approved by the President. The chairman read the constitution, insisted on the various constitutional issues, and finally held that the proposal to consider the legislation is in order.

On February 27, 1976, a member sought leave to submit a motion to discuss the ministerial statement published in 'Jang' dated December 23, 1975, stating that the government was not run as a government of the people but as a government under the bureaucracy. The minister of communications pushed the matter down and the chairman ruled that it would not happen now. Khawaja Muhammad Safdar called for a decision to suspend the senate business to address the unfortunate situation in Baluchistan, in connection with the ISPR press release that 13 lawmakers were killed and two injured. The minister opposed the move saying the troops had already called on the provincial government for help. The chairman has therefore ruled out that law and order are provincial matters. Another turning point happened on January 24, 1974 by Senator Miri Abdul Wahid over the deaths of some Marri people in Quetta Jail. It was also issued without a directive by the chairman that it is a matter of provinces and is a concern.

On August 6, 1974, a member sought leave to submit a motion to discuss the unintentional attack on soldiers from the village of Sarai village in Loralii in the third week of June 1974, which resulted in the damage of livestock, houses, and crops. The Minister of Defense opposed the matter and the Chairman ruled that the matter had already been discussed in the National Assembly. Another decision was finalized unanimously by the chairman on 6 August 1974 over a discussion of the government's refusal of opposition from leaders of opposition parties

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<sup>204</sup>Mahboob Hussain, "Parliament in Pakistan 1971-77 and Chief Executive: An Analysis of Institutional Autonomy", *Journal of Political Studies*, (2013): 83-92.

to visit Chalalang districts and adjoining areas to investigate the damage caused by the bombing. However, it was said that the permit was rejected by the Army and the federal government.

In the second week of June 1974, allegations of an Air Force bombing in the Bambore region bordering the Kachi District where the Marri Tribesmen lived. The official then sought to leave the house to make a statement in connection with the incident which resulted in the killing of men, women and children, and the destruction of people living in the Marri region. It is also alleged that other attacks on adjoining areas are reported to continue. The minister without a portfolio denied the allegation and said on behalf of the Government that the Prime Minister visited the area and there is no interference by the Army there and the people are safe and sound.

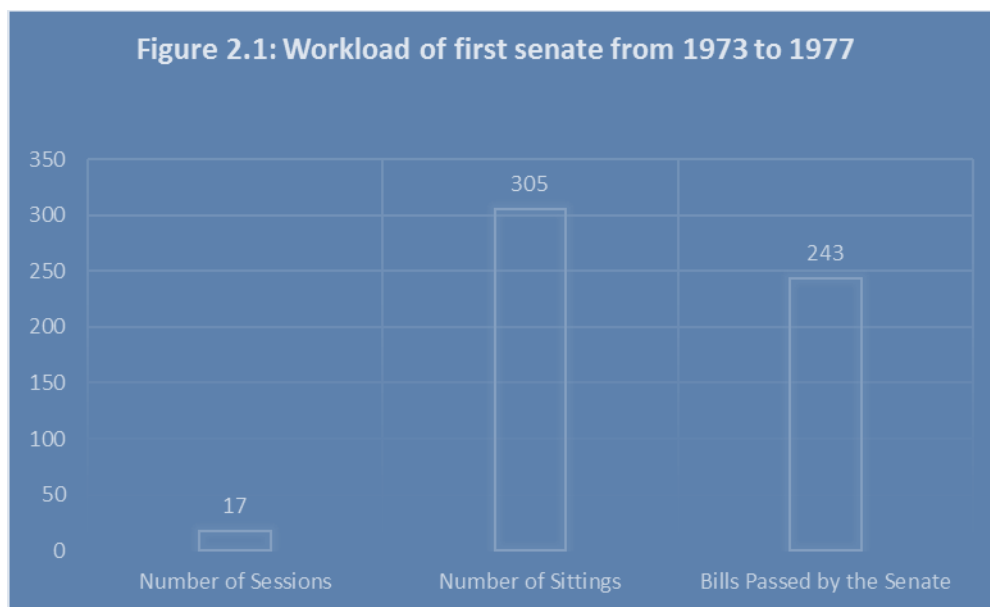
## **2.9 Legislation process in first senate of Pakistan**

The Senate of Pakistan being the second chamber of the Parliament is a self-governed institution, which complements the work of the National Assembly of Pakistan. The Senate burdens the task of constituting and drafting laws and the securitization process of the government's decision and decrees. Following are the aspects of the statistical assessment of the business from 1973 to 1977, working by the Senate of Pakistan.

### **2.9.1 Senate's working status**

According to the constitution of Pakistan, all the bills must be approved by both the houses of the Parliament of Pakistan before their authentication as a law. The decisions of the chair during the first senate of Pakistan were approximately 229, among these 5 were canceled due

to the absentee of adherents, 132 were adjournment motions, 7 were apprehended to amendments in bills, 15 were linked to the bills, 4 to decorum, around 6 to motions, 28 as the point of orders, one to press, 22 to privilege motions, 7 to questions voiced in the senate, one to relevancy, one to resolutions, and one to un-parliamentary statements. Since, the first session of the senate started on 6<sup>th</sup> August 1973 till the last session concluded on 17<sup>th</sup> May 1977 the senate conducted 17 sessions extended over 507 days. The number of tangible sitting days was just 305. The Senate's meetings were stretched over 570 hours, as approximately 74% of the time was dedicated to the legislative business. The senate deliberated and approved 243 bills in which 26 consisted of Government bills and two private bills devised in the senate's first sitting session. Around 217 bills were conveyed to the National Assembly of Pakistan<sup>205</sup>.



(Prepared by researcher based on data collected from library of Senate)

<sup>205</sup> i.e. Mahboob Hussain, (2013: 83-92).

The entire stock of bills was systematically debated but only 20 bills were permitted in amended form in which one of the two private bills was withdrawn by the member in charge and contemplation of the remaining was deferred.

Altogether, about 243 bills were dealt by the upper house “senate” from 1973 to 1977, approximately, 115 bills were referred to the senate’s standing committees of which 107 bills were endorsed as passage without amendments<sup>206</sup>. The standing committees arranged 94 sittings in which 73 bills were commenced for passage unanimously. The majority of the members of the opposition were not agreed in case of three bills. The bills were comprehensively debated but only 20 bills were conceded in amended form. Under article 88 of the constitution of Pakistan, there was also a constituted finance committee of the senate. The expenses of the senate secretariat under the authorized appropriations were organized by the senate itself on the advice of the finance committee which consisted of the chairman of the senate; the minister for finance and some other elected members by the senate of Pakistan. The Government party members asked a total of 334 questions, comprising Qazi Faiz-ul-Haq, who alone queried 66 questions. The questions raised by the opposition members were 836, consisting of Khawaja Muhammad Safdar from the “Pakistan Muslim League” who voiced 525 questions in the senate platform. The period from 12<sup>th</sup> April 1972 to 17<sup>th</sup> May 1977, almost, 305 debates had been published<sup>207</sup>. These facts showed that the Senate being proactive in debating and amending Bhutto Bills.

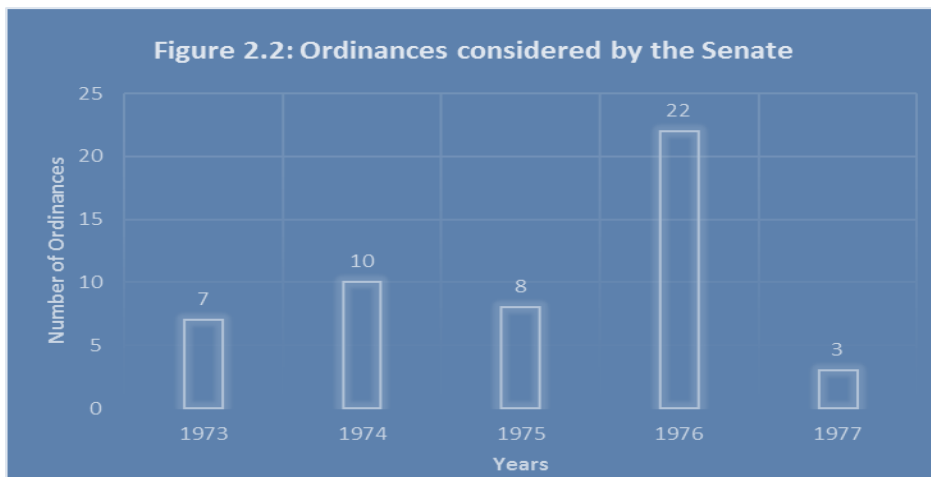
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<sup>206</sup>Government of Pakistan, *First Senate of Pakistan (Islamabad: Secretariate, 1980)*, 133-136.

<sup>207</sup> i.e. Government of Pakistan(1980: 133-136).

### 2.9.2 Ordinances laid before the Senate

During the period of 1973 to 1977, around 50 ordinances were laid before the senate of Pakistan in which seven ordinances were laid in 1973, ten in 1974, eight in 1975, twenty-two in 1976, and three in 1977, the senate was becoming more pro-active. Among these except one ordinance named “the criminal law amendment ordinance 1976” which the government permitted to lapse the remaining forty-nine ordinances, were authorized by the senate in the form of bills. During the epoch under consideration, the secretariat attained notice of 1171 questions out of which 820 were responded<sup>208</sup>. Figure 2,2 shows that altogether, among the total of 50 ordinances presented before the senate, one lapsed and 49 were passed in the form of the bills.

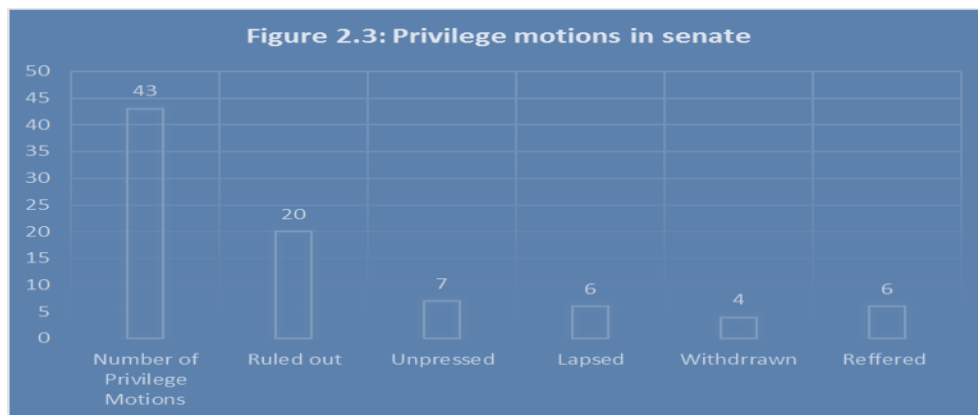


(Prepared by researcher based on data collected from library of Senate)

<sup>208</sup> i.e. Government of Pakistan(1980: 133-136).

### 2.9.3 Privilege motions

The Upper House called the senate of Pakistan received approximately forty-three privilege motions (Privileged motions relate to matters of such urgent importance that they temporarily supersede pending business) under the concerned years of 1973 to 1977, in which 20 privilege motions were ruled out. While seven were un-pressed, six lapsed and four were withdrawn. Only six privilege motions were referred by the Upper House to the concerned committee on privileges. The committee submitted its final report on four privilege motions.

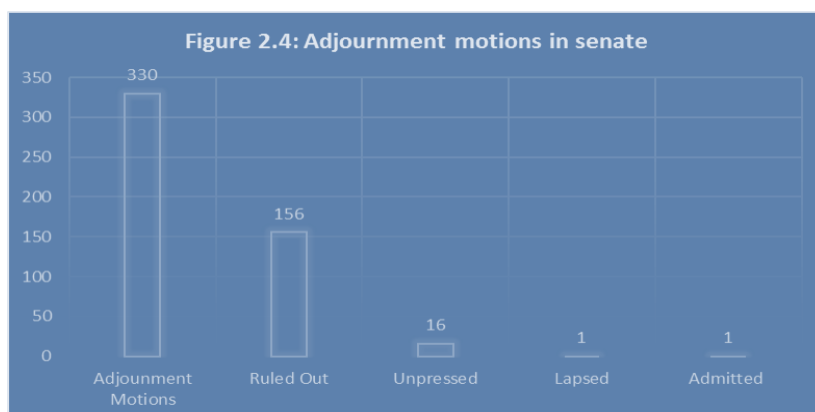


(Prepared by researcher based on data collected from library of Senate)

### 2.9.4 Adjournment motions

In all the 330 adjournment motions which were opted by the senate of Pakistan from 1973-77, around 156 were ruled out of the order, sixteen were pressed, one lapsed and ninety-eight adjournment motions fell through because of the absence of the movers. Five adjournment

motions were held in order by the Chair but were refused by the house. Only one adjournment motion was admitted and debated<sup>209</sup>.



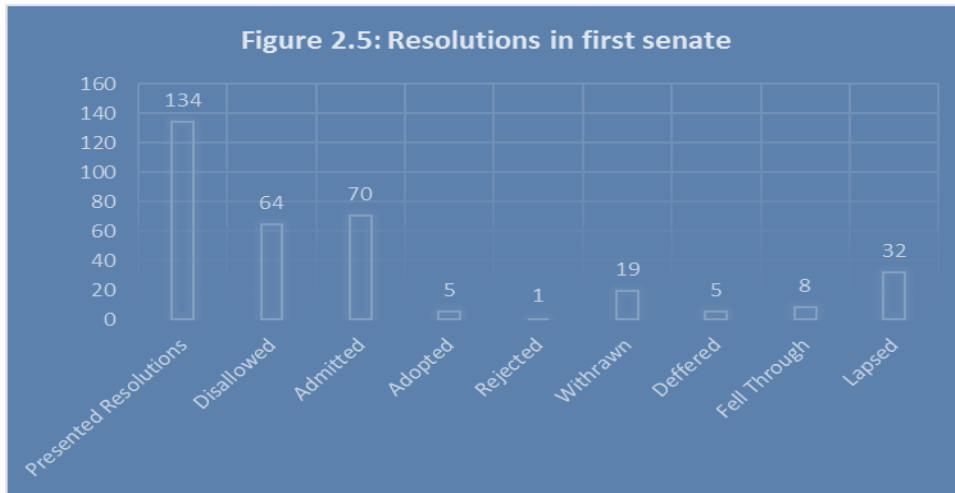
(Prepared by researcher based on data collected from library of Senate)

### 2.9.5 Resolutions

During the period under consideration, 134 resolutions were presented of which sixty-four were disallowed, seventy admitted, five adopted, one rejected, and nineteen withdrawn after discussion or assurance by the concerned Ministers. Five were deferred, and eight fell through because of the absence of the movers while thirty-two resolutions lapsed in first senate of Pakistan<sup>210</sup>.

<sup>209</sup>*Senate Debates*, 1973, 1974, 1975, 1976, 1977.

<sup>210</sup>[http://www.senate.gov.pk/en/essence.php?id=1099&catid=4&subcatid=138&cattitle=About%20the%20Senate](http://www.senate.gov.pk/en/essence.php?id=1099&catid=4&subcatid=138&cattitle>About%20the%20Senate) (accessed May 21, 2020).



(Prepared by researcher on the basis of data collected from library of Senate)

### 2.9.6 Motions under Rule 187/173

The notices of 108 motions were received in the Senate Secretariat out of which 32 motions were disallowed, and twenty-seven were admitted, debated, and discussed. One motion under rule 173 was rejected by senate. Eight motions were withdrawn after debate or assurance by the concerned minister, twenty-six lapsed, and fourteen fell through because of the absence of the movers.<sup>211</sup>

### 2.10 Constitutional amendments

The Senate of Pakistan during the years 1973 to 1977 passed seven constitutional amendments drafts which are currently part of the constitution which showed the senate's efforts to make the constitution more accurate and powerful. These amendments and revisions kept

<sup>211</sup>Senate Debate, 1974.

constitution consistent and up-to-date. Likewise, the constitution of 1973, came into force on 14<sup>th</sup> August 1973 was modified seven times throughout the Bhutto regime. The following are the detailed execution of each amendment in the Constitution of Pakistan.

### **2.10.1 The Constitution's first amendment bill**

The bill of the first constitutional amendment was passed at the fifth session of the senate on 25<sup>th</sup> April 1974. The subsequent amendments were structured by this bill are as under:

1. Restricting the right to form a political party or be a member of it in the interest of the sovereignty or integrity of Pakistan. Under clause 1 of article 17 of the constitution of Pakistan, a law could be passed to restrict the right of persons to form associations or unions but the right to form, or be a member of a political party convened by clause 2 of the said article.
2. Reduction of the minimum number of the working days of the senate of Pakistan, and provincial assemblies from 130 to 90 and 70 days respectively.
3. Determination of salary, allowances, and privileges of the Governor of a Province by the President of Pakistan.
4. Preventing the High court from making an order in exercise of its extraordinary jurisdiction under article 199<sup>212</sup>.
5. Exclusion of the offices of the parliamentary secretary and Attorney General of Pakistan from the definition of Service of Pakistan.
6. Amendment in article 1 of the constitution by the recognition of Bangladesh<sup>213</sup>.

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<sup>212</sup>*The Constitution (First Amendment) Act, 1974*. An Act to amend the Constitution of the, May 8, 1974:21-22.

<sup>213</sup>*The Constitution (FIRST Amendment) ACT, 1974*. Gazette of Pakistan, Extraordinary, Part I, 8th May 1974.

### **2.10.2 The constitution's second amendment bill**

The second amendment was assembled in the constitution over the reconsideration of a special committee of the house of the National Assembly designed on 30<sup>th</sup> June 1974<sup>214</sup>. By the second amendment, one of the significant amendment made in the constitution were made about Qadiani's, according to the clause 3 of article 106, form which persons of the Qadiani Group and other groups who call themselves 'Ahmadis' were declared as a non-Muslim minority<sup>215</sup>.

### **2.10.3 The Constitution's Third Amendment Bill**

The third amendment was passed on 12<sup>th</sup> February 1975 in the ninth session of the senate of Pakistan. By this amendment, articles 10 and 232 were revised. The amendment extended the tenure of preventive detention, of those who were indicted for committing grave cases of treason and espionage against the state of Pakistan, and those who were also under trial by the government of Pakistan. In fact, the third amendment was protected against the abuse of government officials in any legal procedure and extended the investigation period from 1 month to 3 months<sup>216</sup>. These constitutional amendments illustrate that the Bhutto government was becoming more repressive/authoritarian and less democratic .

### **2.10.4 The constitution fourth amendment bill**

The Fourth Amendment to the Constitution of Pakistan was made on 21<sup>st</sup> November 1975, under the Government of Prime Minister Zulfikar Ali Bhutto. The fourth amendment directed

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<sup>214</sup> *Constitution (SECOND Amendment) ACT, 1974*. Gazette of Pakistan, Extraordinary, Part I, 21st September 1974, 17th September 1974.

<sup>215</sup>Yasser Latif Hamdani, *Anti-Ahmedi laws and the constitution*. January 26, 2014:11-12.

<sup>216</sup> <http://www.pakistani.org/pakistan/constitution/amendments/11amendment.html>

the seats for minorities and non-Muslims representation to the government and the Parliament of Pakistan, to safeguard the rights of minorities in the country. This particular amendment also deprived the courts of the power to award or grant bail to any accused or innocent individual until proven guilty under any anticipatory detention. The 4<sup>th</sup> amendment protected the rights of minorities as well as protect the rights of the accused until proven guilty from the brutality of police officials during the subsequent inquiry or investigations<sup>217</sup>.

### **2.10.5 The Constitution's Fifth Amendment Bill**

The bill of the fifth constitutional amendment was approved on 8<sup>th</sup> September 1976 at the fifteenth session of the Senate of Pakistan. Besides certain changes of a routine or technical nature drafting, the main provisions of this bill consisted formation of a separate High Court for the Province of Baluchistan<sup>218</sup>. The Fifth Amendment basically extends the latitude of constraint on the High Courts of Pakistan to stripe commands of the High Courts to impose the endowments of the natural fundamental rights expounded in, Part 1 of the Constitution of Pakistan. This amendment also executed the import and sales tax on the consumer product. The particular Fifth Amendment also controlled the suitability of the Governor or the Chief Minister who are not from the provinces in which they have won the elections for the respected offices. The amendment fixed the determined age of the Chief Justice of Pakistan as well as the period of allocation to the respected office<sup>219</sup>.

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<sup>217</sup> *Senate Debates*, 27 January .1975, 112-122.

<sup>218</sup> *Constitutional Amendments. 1971-1977*. <https://historypak.com/constitutional-amendments/> (accessed May 25, 2020).

<sup>219</sup> *Constitution (FIFTH Amendment) ACT, 1976*. Gazette of Pakistan, 1976.

### **2.10.6 The constitution sixth amendment bill**

This significant bill regarding the sixth constitutional amendment was passed on 23<sup>rd</sup> December 1976 in the 16<sup>th</sup> session of the Senate of Pakistan. By this bill, several articles such as article 179, 195, 246, and 260 were altered<sup>220</sup>. The main purpose of the amendment was to enable the Chief Justice of the Supreme Court and the Chief Justice of the High Court to complete the term of five and four years respectively. It also amended the definition of the terms “Provincially administered tribal areas”, and “Federally Administered Tribal Areas” as to align them with the reforms administration brought about in these tribal areas<sup>221</sup>.

### **2.10.7 The Constitution Seventh Amendment Bill**

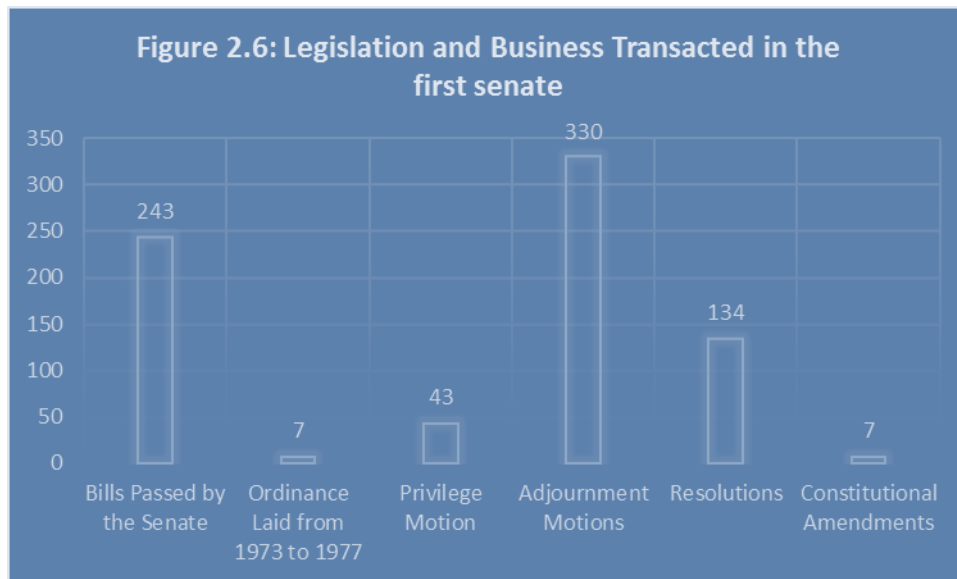
The bill of the seventh constitutional amendment was ratified on 16<sup>th</sup> May 1977 in the 17<sup>th</sup> session of the senate of the Democratic Islamic Republic of Pakistan. Through this bill, besides amendment in article 101, and 245 a new Article 96A was inserted in the constitution with the object of providing for the holding of Referendum by the Prime Minister of Pakistan to seek a vote of confidence from the people of Pakistan. This provision was to remain in force up to 30<sup>th</sup> September 1977 only<sup>222</sup>.

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<sup>220</sup>*Senate Debates, 16 March, 1976, 220-235.*

<sup>221</sup>*Senate Debates, 3 March, 1976, 143-147.*

<sup>222</sup><http://www.senate.gov.pk/ne/rulings.php?id=-1&catid=186&subcatid=305&cattitle=Rulings%20of%20the%20Chair>



(Prepared by researcher based on data collected from library of Senate)

Senate of Pakistan utilizing these changes represented the growing assertion of the prime ministers power as well as responsibilities conducted seventeen sessions, in which it attained approximately seven significant constitutional amendments to the Constitution of Pakistan. The democratic power-sharing body with the National Assembly of Pakistan, the Upper House of the Parliament ratified 243 bills, seven ordinances, 43 privilege motions, 330 adjournment motions, 134 resolutions which have ensured the power emancipation of the Senate of Pakistan from 1973 to 1977. It means that first senate of Pakistan worked and contributed in different tasks as assigned by legal provisions.

## **Chapter No. 03**

### **IMPACTS OF DECISION MAKING IN SENATE**

The present chapter is about the impact of the senate in term of working on different activities. For the purpose of understanding the impact of the senate and the activities in the senate, the role of the senate was assessed in the assessment of bills, resolutions, ordinances, questions asked in the senate, privilege motions, adjournment motions, motions filed in the senate secretariat and the role of senate in the assessment of the bills of amendment in the constitution. In addition, for deep understanding the role of senate, debates in the senate on bills, resolutions, ordinances, questions asked in the senate, privilege motions, adjournment motions, motions filed in the senate secretariat and the bills of amendment in the constitution were also included in the chapter. Moreover, the impact of participation of the member of senate in inter-parliamentary union, association of secretaries general of parliaments and bilateral parliamentary goodwill exchange visits is also included in the chapter for the sake of understanding the overall impacts of the senate and senators in federal politics and legislation during 1973-77.

#### **3.1 Role of senate in the assessment of bills**

According to the constitution of 1973, it was decided that all the bills will be decided in mutual consultation of both the houses. It means that a bill can only be a final law after passing from both the houses i.e. national assembly and senate. However, the role of senate is somehow lesser as compared to the powers of the national assembly. The first senate of the country also worked very hard to in legislative matters of the country. It starts working from

August 1973 and the last session of the first senate was held in May, 1977 and it was dissolved in July 1977 because of the promulgation of martial law in the country.<sup>223</sup> During all the time from 1973 to 1977, senate devoted the majority of the time to legislative affairs. Around 74% of the time, senate was directly or indirectly linked with the legislative business. According to the statistics of senate working from 1973 to 1977, first senate of the country worked on about 243 bills. However, the impact of senate remained differential on different bills. Senate performed three types of working on these 243 bills i.e. passed the bill as received by the national assembly, recommended amendments in the bills and returned to national assembly, bills were originated in senate.<sup>224</sup>

The majority of the bills on which senate worked were received from the national assembly of the country. According the data of the working of first senate about 89% of the bills was received in the senate originated from national assembly. This implies that senate remained most of the time working on the bills which were moved in senate from the national assembly. In other words, it is also clear that senate was working in close relation with national assembly. However, it is also clear from the statistics that senate was more than a substitute institution of the national assembly as most of the time, senate considered those bills which were moved from the executive or government from national assembly.<sup>225</sup>

On the other hand, there are about 12% of the bills which were originated from the senate. This implies that senate was not only working on the bills received from the national

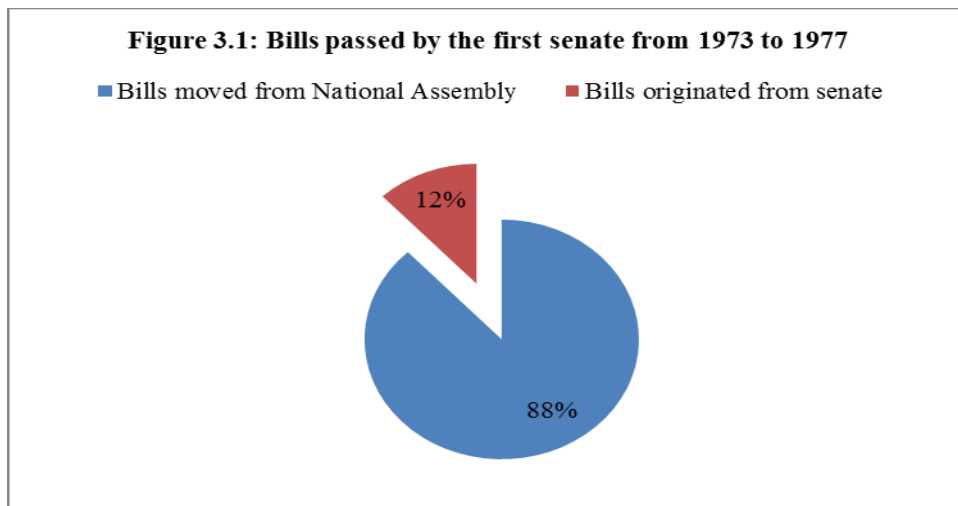
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<sup>223</sup>John Lynch-Staunton, "The role of the Senate in the legislative process", *Canadian Parliamentary Review* 23, no. 2 (2000): 10-12.

<sup>224</sup>Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 65-66.

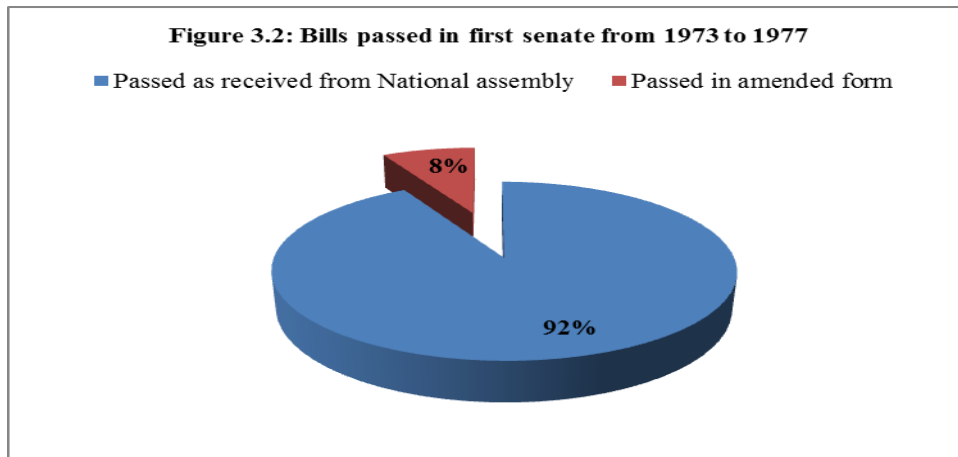
<sup>225</sup>Khan Ahmad Goraya, "Developing a parliamentary institute: Case study of the Pakistan Institute for Parliamentary Services", *Parliamentary Affairs* 65, no. 3 (2012): 660-661.

assembly but issues of legislative matters and public interests were also discussed in the first senate. From 12% of the bills that were originated from senate about 8% were related to private bills and rest of all the bills were government bills (92%). This implies that senate was working to facilitate the government and as it is clear that the majority of the bills which were originated from the senate were government bills.<sup>226</sup>



It is the most important to discuss the impact of senate in term of proposing amendments in the bills received in the senate. The senate only proposed amendments in 8% of the total bills received in the senate from 1973 to 1977. On the other hand, 92% of the bills were although debated and discussed in the senate, passed in their original form as received from the national assembly. This implies that the impact of senate was not significant in amending bills.

<sup>226</sup> Government of Pakistan, *First Senate Of Pakistan*(Islamabad: Secretariate, 1980), 148-149.



According to the statistics, the role of senate is somehow overshadowed by the national assembly in term of providing useful insights in different bills or to improve the quality of legislation. There might be many factors behind the low contribution of senate in proposing amendments in different bills received in the senate. First of all, the majority of the senators in the senate were from the same political party i.e. Pakistan People’s Party which was in clear majority in the national assembly and provincial assemblies., as the PPP became increasingly centralized over time in the office of the Prime Minister and the senate correspondingly less free to debate/ amend bills over time too. Therefore, senate was less concerned about amending those bills which were moved from their own political party in senate and which were related to government affairs. It is also evident that private bills which were originated in the senate were not passed. One of the private bills was withdrawn and the other bill was deferred.<sup>227</sup> This implies that the decision making in the senate was not so much impactful and senate seems more dependent on the bills move by the executive/government. Subjective interest of the senators in different task performed in senate is clear from their participation and interest in

<sup>227</sup>Kishwar Sultana and Kashif Javaid , “Parliament Watch–Pakistan. Proceedings of the National Assembly of Pakistan”, *South Asian for Human Rights* (2010):123-124.

senate's proceedings. It was quite evident from the participation of the members of senate in different proceedings that they showed their keen interests in different tasks performed in the senate. Interest and participation of the members of senate is also evident from their attendance in different session from 1973 to 1977. On average, 25 members of the senate participated in senate proceedings from 1973 to 1977. However, the visits of different federal minister and Prime Minister are also worth mentioning. Prime Minister Mr. Zulfikar Ali Bhutto visited first senate of Pakistan four times from 1973 to 1977. In nut shell, it is evident that the senate remained participating in legislative matters but the impacts of the senate were not as significant as it was conceived.<sup>228</sup>

There is one example related to bill in which a member of senate raises a point of order in the senate. On 11<sup>th</sup> April 1974, the leader of house Mr. Rao Abdus Sattar moved a bill to amend clause 3 of the Land Reforms Bill, 1974. This was actually amendment bill which Mr. Rao Abdus Sattar moved in the senate. On this move, Khawaja Mohammad Safdar raised a point of order. He while quoting clause 2 of the Article 268 of the constitution said that amendment could not be moved which Mr. Rao Abdus Sattar is moving prior to the sanction of the president. He further added that the sanction of the President is required before moving amendment in senate according to clause 2 of Article 268 of the constitution. He therefore, argued that the chair should be pleased to rule on his earlier point of order the other day that the consent of the President could be obtained at any time before the bill was passed from the senate. The mover of the amendment Mr. Khawaja Mohammad Safdar also quoted some rulings of the other parliaments and claimed that amendment under observation is related to

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<sup>228</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 149.

amend the law specified in the sixth schedule of the constitution which also required previous consent of the president before considering it in senate. On the other hand, two ministers from the government opposed this point of order from Mr. Khawaja Mohammad Safdar. Minister for health and minister for social welfare while opposing the point of order claimed that the chair had already ruled that the amendment in the laws of sixth schedule required prior sanction of the president. However, it does not mean that amendment in bill or such law cannot be discussed in the senate without prior consent of the president. In addition, opposing to the point of order, ministers further added that it is not required to take prior consent of the president when amending bill as it was required for introducing money bill under Article 74 of the constitution. However, the chair closely observed the matter and provided his judgment. The chair while looking in the matter found that the member raising the point of order is actually not correctly quoting the ruling of the chair which was given yesterday that there are certain laws for which prior consent of the president is required to make amendments. On the other hand, there are laws in the constitution which do not require prior consent from the president to make amendment. This implies that it is not constitutional requirement to obtain prior consent from the president for discussing and moving amendment in the house. According to the constitutional requirement, alteration, replacement and amendment could not be started prior to the sanction of the president. However, there was not such constitutional requirement for discussing bills on the floor of the house. On the other hand, chair also claimed that Article 75 of the constitution does not permit anything objectionable, unconstitutional and illegal. The chairman of the senate ruled that it would have been advisable to the movers of this amendment to take prior consent of the president but chair do not think that discussion should be stopped on the bill. The chair further added that the consent of the president could be obtained at any

time before the bill was actually enacted. From the above discussion, it is clear that the role of the senate remained somehow very important to discussion technicalities of constitutional amendments. Therefore, positive impact of the senate in legislation cannot be ruled out.<sup>229</sup>

On 22<sup>nd</sup> November 1976, the minister for food and agriculture again moved a bill in senate for making amendment in the land reform bill, 1972. His purpose was to improve Land Reforms Regulation, 1972 and therefore he moved this bill in senate. However, member of the senate Mr. Khawaja Mohammad Safdar raise a point of order that there is not copy of consent of the president attached with the bill therefore, it could not be taken into account. He further added that the laws specified in the sixth schedule require prior consent from the president before suggesting any amendment. He quoted clause 2 of the Article 268 of the constitution that laws included in the sixth schedule cannot be altered, replaced or amended without prior consent of the president. He further added that according to the rule 80 (2) of the Rules of Procedures and Conduct of Business in Senate, 1973 clearly indicate a copy of the consent form the President with the notice of the bill. However, currently the copy of the consent from the president is not provided therefore, the bill could not be considered in the senate. Responding to the point of order raised by Mr. Khawaja Mohammad Safdar, Minister for food and agriculture Mr. Shaikh Mohammad Rashid claimed that the bill is actually an ordinance and consent from the president was obtained before the promulgation of the ordinance. He, therefore, claimed that it is not required to obtain the consent of president for again considering the bill. He was of the views that first consent of the president on the ordinance is enough for

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<sup>229</sup>Ellie Valentine, “ Pakistan Parliamentary Libraries: A historical excursion and hopes for the future”, *Library trends* 58, no. 4 (2010): 533-534.

the consideration of the bills in senate.<sup>230</sup> In addition, another senator from the house also responded on the matter. Mr. Masud Ahmad Khan reported that ordinance when was presented in national assembly was considered a bill and prior sanction of the president was obtain. He further added that it is mentioned in the preamble of the ordinance that the president was satisfied that the ordinance is promulgated because of the existing circumstances. However, Khawaja Mohammad Safdar told the house that it is constitutional requirement to obtain previous sanction of the president for amending laws specified in sixth schedule of the constitution according to Article 89 (3) and 268 (2). According to these articles, it is constitutional requirement to obtain previous consent from the president for consideration of the bill in senate. On the other hand, the minister for food and agriculture reported that when passing this bill from the national assembly they do not required previous sanction of president accompanying the notice was waived there. However, Khawaja Mohammad Safdar claimed that the sanction which minister took for the ordinance is not enough for moving this bill in the senate. Another senator from the senate also responded over the matter. Mr. Kamal Azfar was of the views that point of order raised by Khawaja Mohammad Safdar is not applicable for this bill as it is applicable for the chapter under rules mentioned by him. These rules which Khawaja Mohammad Safdar was indicating are applicable for the bills originating in the senate but this bill is moved from the national assembly. Therefore, the nature of the bill is different. He further added that for the promulgation of any ordinance the previous sanction is required which was obtained as well. However, obtaining second sanction from the president is neither relevant nor possible because there is not time interval between the ordinance and the bill for

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<sup>230</sup>Government of Pakistan, *First Senate Of Pakistan(Islamabad: Secretariate, 1980)*, 148.

obtaining second sanction from the president. He further added the sanction obtained from the president for the ordinance is actually a sanction for the bill because ordinance submitted in national assembly with the sanction of the president are considered bills. After hearing the arguments of both the parties, the deputy chairman presented his ruling. In his ruling he said that formal sanction of the bill which is passed with the sanction of the president in national assembly is not required for introducing it in senate. Therefore, he further added that rule 82 is not strictly applicable to this ordinance. However, if national assembly despite any irregularity passed the amendment it can appear in the senate without the copy of previous sanction of the president. Consequently, rule 82 is not applicable and deputy chairman declared that it is rule out of order.<sup>231</sup>

### **3.2 Impact of senate in the assessment of ordinances**

Besides working on different bills, senate was also found working on different ordinances. First senate of the country received a total of fifty ordinances from national assembly. However, senate received different numbers of ordinances from national assembly from 1973 to 1977. However, the majority of the ordinances were received in 1976 with a count of twenty two ordinances. In term of ordinances, the senate only debated and discussed these ordinances and senate did not asked for any amendment in the ordinances and 49 out of 50 ordinances were passed from the senate in the form of bills. However, one ordinance was lapsed by the government. This implies that senate remained working under the good control of executive and the senate did not propose any amendments in the ordinances moved by the national assembly in the senate and senate after debating and discussing these ordinances

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<sup>231</sup> i.e. Government of Pakistan(1980: 148).

simply passed in the form of bills.<sup>232</sup> Therefore, it is clear that the working of the senate in the assessment of ordinances is also not significant and senate was mainly supporting the government and/or national assembly and was not critically looking into legislative affairs. However, the members of the senate were also found very keen to express their views on various subjects discussed in the senate. For, example during question and answer hour in the senate, questions were being asked about the production of fortified ghee in the country. One of the member asked permission from the chairman of the senate for a speech on the matter for three to four matters. On the other hand, the minister concerned raised objection that member can ask a supplementary question but it is against the rule to make a speech at such time. The chairman of the senate, in his ruling said that the member had not right for speech on this occasion. This implies that the members of the senate were very serious about the impacts of different issues and therefor, were ready to discuss and debate as well. Another example is about the relevancy of the speech in the senate by the member of the senate. On 15<sup>th</sup> of February 1974, the minister for finance made political speech during the consideration of the Bank Bill, 1974. Responding on the speech of the minister for finance, a member from the senate Mr. Kamran Khan said that he is not intended to criticize anyone but the way minister delivered his speech he had no other alternative to start his political speech. During his speech, Mr. Kamran Khan criticized the Pakistan People's Party and different policies of the government especially nationalization of the different industries. He added that this nationalization is not in the interests of common people and of state. The chairman senate responding on the speech of Mr. Kamran Khan said that any member from the senate can criticize and disagree with the bills,

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<sup>232</sup>Mahboob Husain, "Parliament in Pakistan 1971-77 and Chief Executive: An Analysis of Institutional Autonomy", *Journal of Political Studies* 20, no. 1 (2013):84-85.

policies and schemes proposed by the government but all this criticism and disagreement should be quite relevant with the specific bill in the senate. For example, Mr. Kamran Khan can disagree and criticize the bank bill (nationalization of the bank) as far as it is relevant with the bill but it is not quite relevant with to discuss the nationalization of the other factories and industries etc.<sup>233</sup>

### **3.3 Impact of senate in the assessment of questions asked by the senators**

During different session of the first senate of the country, the senators mainly from opposition parties were keen to put different questions to the leader of the house. It is quite visible from the number of questions which senate secretariat received from 1973 to 1977. Senate secretariat received a total of 1,171 questions from the senators. However, about 70% of the total questions asked by the senators were replied and rests of the 30% of the questions were not replied by the relevant stakeholders. This implies that senate closely assessed questions asked in the senate and then decided to reply those questions which were relevant according to the rules of procedures and legal provisions. This implies that the senate remained impactful in term of reply the queries of the senators both from opposition and from ruling political party. These questions were related to a number of different sectors including governmental affairs as well as public affairs. However, the majority of the questions were related to the activities of the government in different fields. The majority of the questions were related to the establishment, finance, education, health, economics and development. This implies that senators put varieties of questions to understand and assess the working of

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<sup>233</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 50-53.

government in different fields.<sup>234</sup> There is another assessment of the questions put in the senate from opposition and ruling party in the senate. The senators from the ruling party asked about 334 questions and the top senators who asked different questions are Qazi Faizul Haq (66) Sardar Mohammad Aslam (65), Afzal Khan Khoso (49) and Farooq Ahmad Khan Leghari who asked a total of twenty six questions in the senate. On the other hand, 71% of the questions in the senate were asked by the senators from opposition parties. This implies that senators from the opposition were working and putting different questions mainly to the leader of the house and different federal minister for assessing the activities of the government in different fields i.e. establishment, finance, education, health, economics and development. Khawaja Mohammad Safdar who was from PML asked about 525 questions, Haji Sayed Hussain Shah from Awami National Party asked fifty nine questions, Maulana Shah Ahmed Noorani asked forty nine questions and Zamarud Husssain from Awami National Party asked forty one questions in first senate of the country. This implies that most of the time senators from opposition parties remained active to inquire about the activities of the government and the senators from the ruling party remained justifying the position of their own political party which was actually ruling party as well. From the above discussion, it is clear that the impact of senate in term of asking questions was somehow significant.<sup>235</sup>

### **3.4 Impact of senate in the assessment of the privilege motions**

First senate of the country also received privileges motions besides working on different bills, ordinances and reply to the questions asked in the senate by the senators. The senate

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<sup>234</sup>Abzahir Khan, Muhammad Idrees, and Akhtar Hussain, “Mawlana Shah Ahmad Noorani: His Role in the Restoration of Parliamentary Democracy in Pakistan, 1977-200”, *VFAST Transactions on Islamic Research* 5, no. 2 (2017): 11-12.

<sup>235</sup>Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 61-63.

received about forty three privilege motions from 1973 to 1977. However, the majority of these privilege motions were not considered by the senate. This implies that the senators were very much considered about their own rights, powers and immunities. Therefore, about forty three privilege motions were submitted by the senators from 1973 to 1977. When deciding the fate of these privilege motions, senate ruled out about twenty privilege motions that these are not according to the legal provisions and cannot be regarded the privilege motions. On the other hand, out of forty three motions, seven motions were not pressed, six were lapsed and four privilege motions were withdrawn by the person who presented privilege motion in the senate. However, only 14% of the privilege motions were considered serious breach of privilege of the senators. Senate for deciding such motions refer privilege motions to Committee on Privilege and committee was asked to submit report on these six privilege motions. Initially, the committee submitted report on four privilege motions. These reports were debated and discussed in the senate keeping in view all the rules of the procedures and legal provisions. Two reports of the committee after discussion and critical analysis by the members of the senate were accepted. On the other hand, one reports after discussion and debate in senate was sent back to the committee to work on it. However, senate was not able to work on rest of the privilege motion because senate was dissolved.<sup>236</sup>

When talking about the impact of the senate on the assessment of privilege motions, it is clear from the above discussion that senate were very careful to work on the privilege motions and two fold scrutiny was adopted in the senate. After initial scrutiny, privilege motions were sorted out and only 14% of the motions were found according to the rules of

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<sup>236</sup> i.e. Government of Pakistan(1980: 61-63).

procedures and legal provision. These motions were then assigned to Committee on Privilege. The reports of the committee were also not accepted immediately but reports were thoroughly checked, discussed and debated in the senate. It means that the impact of the senate is very powerful in deciding the privilege motions moved in the senate by the senator against the breach of their privilege i.e. rights, powers and immunities. The 5% of the privileges motions were accepted in the senate and passed consequently which indicates that the senate was very careful while working on the privilege motions. Consequently, it might be concluded that that the role of senate remained positive in the assessment of privilege motions.<sup>237</sup>

The chair decided one of the privilege motions filed by the member of senate on 1<sup>st</sup> December 1973. Mr. Khawaja Mohammad Safdar moved a privilege motion that he was arrested and remained in the custody of police for three hours. After three hours from his arrest, he was released but all these activities were not intimidated to the chairman senate. Therefore, it is the breach of his privilege. On the other hand, the Minister for law and parliamentary affairs raised objection on the move and claimed that two motions cannot be moved by a single member in same sitting of the senate. He further added that both of the motions raised by the movers are tabled and the chair had circulated both the motions. The chairman senate observed the matter very closely and found that it is not against the law to raise two privilege motions in the same sitting by the same member. However, rules forbid the same person for raising two questions of privilege in the same sitting. Responding on the motion, minister for law and parliamentary affair demanded to obtain commitment from the movers that he will not move other motion. However, the chair ruled not to give permission to the mover to move another

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<sup>237</sup> i.e. Government of Pakistan(1980: 133-136).

motions either he commit or not. Responding on the question of arrest and detention, the minister for law and parliamentary affairs claimed that movers is not arrested not he is detained. He is only taken in the policy custody from one place to another. In addition, there is no breach of privilege because this action had not been taken within fourteen days before or after the commencement of the session of the senate. He further added that according to the rule 59, same question cannot be raised twice by the same member in the same sitting. However, the chair reserved his ruling till next meeting. In the meeting of senate which was held on 4<sup>th</sup> December 1973, the chair announced his ruling. According to the chair, in the meeting of the senate on 1<sup>st</sup> December 1973, Khawaja Mohammad Safdar moved a privilege motion that he along with Nawabzada Nasrullah Khan were arrested by the Superintendent of Police from the office of Democratic Party and were taken to civil lines police station. However, after about 3 hours, Khawaja Mohammad Safdar was released but his companion was retained. Khawaja Mohammad Safdar moved a motion that his arrest, detention and release are breach to his privilege as well as the breach to the senate according to legal provisions and rules of procedures. In addition, he also claimed his arrest, detention and release were not intimidated to the chairman of the senate as required by the rule 64 and 65 of the rules of procedures and conduct of business in senate, 1973. On the other hand, minister for law and parliamentary affairs claimed that police only took Khawaja Mohammad Safar along with another person from the office to police station but he was not retained or arrested. He only remained in police station for two to three hours. Therefore, it is not the breach of his privilege according to the rules. On the other hand, Khawaja Mohammad Safdar claimed that it is the fact that he had been arrested from the office of the Democratic Party and taken to police station where he was retained for three hours. According to ordinary law it is arrest and detention therefore, breach

to privilege occurred. He further added that after moving first motion of privilege he learnt about the second point which required police to report any arrest, detention and release of the member of the senate to the chairman which police did not perform. In other words, there were two major points in the motion moved by mover i.e. breach of privilege for arrest, detention and release of the member of senate during the session of senate and police did not intimate chairman of the senate about the arrest, detention and release of the member of the senate. The chair in his ruling claimed that under ordinary law, Khawaja Mohammad Safdar was arrested and detained because anyone who is taken from one place to other without his/her consent regardless of the time period is actually an arrest and if the person is kept in arrest for some time it also came under detention of the members. Therefore, there is no other opinion that Khawaja Mohammad Safdar was arrested and detained on 6<sup>th</sup> of September 1973. On second point, the chair noticed that a member can raise a question of privilege as early as possible according to the rule 59 of the Rules of Procedure and Conduct of Business in Senate, 1973. The mover in earlier meeting which were held on 4<sup>th</sup> and 5<sup>th</sup> September did not raise question and deliberately delayed attending and raising question consequently. However, there was an opportunity of the members to raise question as early as possible for his arrested and detention according to the law but it had not been raise therefore, the chair had no other option than to rule his motion inadmissible to the senate according to the rules. The chair also discussed the second part of the motion i.e. failure of the police to intimate the chairman of the senate about the arrest, detention and release of any member of the senate. The chair said that it is clear violation of the rule 64 and 65 of the rules of procedure and conduct of business that police did not report the arrest and even release of the member of senate to the chairman senate which is according to the rule mandatory for the police. Therefore, this action by the arresting authority

“Superintendent of Police” is the breach of the rules and legal provision and consequently actionable. Resultantly, the chairman senate noted that it is a collective breach against the privilege of the house therefore, the chair decided to hold the motion on these grounds.<sup>238</sup> This implies that working of the senate in assessing bills, ordinances and the bills of constitutional amendments and assessing privilege motion by the members of the senate remained positive and the chair discussed the matters very deeply for enhancing the repute and honor of the house.

### **3.5 Impact of senate in the assessment of adjournment motions**

The importance of the adjournment motions is very clear in parliamentary affairs. The major objective of the adjournment motions is to indicate a matter of great importance for the public, state and the security of the state. Through adjournment motion it is asked to end the routine activities and business in the senate to discuss something very important and urgent. Therefore, the mover of adjournment motions claimed that the matter is very urgent and of great importance.<sup>239</sup> In addition, motion with proper notice can delay the matter which in turn might be harmful for the country. It is also said that adjournment motions is of great importance and if it is accepted than senate close normal business or activities to discuss something which is very important. Working of the first senate of the country also includes such adjournment motions which were moved in the senate indicating a matter of great important and urgency.<sup>240</sup> However, the assessment of the senate towards these motions remained very interesting. A total of 330 adjournment motions were moved in the first senate of the country for giving attention

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<sup>238</sup> i.e. Government of Pakistan(1980: 133-136).

<sup>239</sup> Martin B. Gold, *Senate procedure and practice* ( Washington:Rowman & Littlefield, 2018):89-91.

<sup>240</sup> Muhammad Mushtaq, “Empowering Ethnoregional Minorities and the Federal Bicameralism: Examining the Role of Senate in Pakistan”, *FWU Journal of Social Sciences* 11, no. 4 (2017): 4-6.

to a matter of great importance and urgency in the country. Out of these 330 adjournment motions, 156 motions were rule out of order. In addition, senate did not press about sixty nine adjournment motions and ninety eight adjournment motions were fell through because the movers of these adjournment motions were absent. This implies that the senate very closely paid attention to the adjournment motions presented in the house. Out of these 330 adjournment motions, five adjournment motions were sorted out by the chair to discuss. Four out the five adjournment motions were refused to be discussed in the house. Only one adjournment motions was decided to be discussed and debate in the senate. This implies that the senate did not remain very active to discuss adjournment motions moved by the senators. There might be many factors associated with this outcome but it is clear from the statistics that senate gives more importance to routine matter or business as compared to the adjournment motions indicating the matters of great importance and urgency by the fellow senators. In other words, it is also quite possible that the motions were not related to the matters of the great importance and urgency. However, lack of proper working on the adjournment motions in the senate impacted negatively on the senate. Senate was giving less attention to the matters highlighted by the senators but to the matters highlighted by the national assembly in the form of bills, ordinances and privilege motions. It means that senate was also not properly working to give great importance to the views of the members of the senate but it was working under the great influence of the executive and party politics.<sup>241</sup>

In term of adjournment motions the role the decisions of the chair are also very important. One of the adjournment motions which were accepted in the senate was presented

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<sup>241</sup>Government of Pakistan, *First Senate Of Pakistan(Islamabad: Secretariate, 1980)*, 50-54.

by the member of the senate about the construction of dam on river Chenab. In this adjournment motion it was claimed that Pakistani government is failed to persuade Indian government not to build a dam on river Chenab. He further added in the motion that building dam is actually a violation of the Indus Basin Treaty. For this adjournment motion, the minister of state for defense and foreign affairs reported that Indian construction of dam on river Chenab is not the violation of the Indus Basin Treaty. In addition, the adjournment motion is based on misconception of the fact and information. He further added that India in term of constructing water dam had not violated any part of the treaty as it was permitted in the treaty to use water for non-consumption purposes i.e. production of hydroelectric power from the water.<sup>242</sup> However, he mentioned that there are some of the safeguard which were included in the treaty about the design of dams, quantity of water and flow of water from India to Pakistan. However, government is negotiating with Indian government to discuss the design of the dam and Pakistani technicians are trying to contact Indian technicians in this regards. Because of some technicalities government is still waiting to contact India for discussing the design of the dam. In other words, the minister of state for defense and foreign affairs denied the claims mentioned in the motion. However, the presenter of the motion claimed that the government is not explaining the matter truly and India might use the water of dam in consumption purposes therefore, such construction of the dams should not be permitted for the safeguard of water in Pakistani rivers. Consequently, the presenter of the motions did not press the motion and deputy chairman of the senate ruled that the motion was not pressed. This implies the senator of first Pakistan senate were somehow aware about the potential outcomes of the national and

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<sup>242</sup> i.e. Government of Pakistan(1980: 50-54).

international events and they also expressed their point of views and opinions on and off in senate. However, some of their motions were accepted and the most of the motions were not accepted for debate in the senate. In addition, many of the adjournment motions were pressed as well after the reply of relevant stakeholders from the executive body of the country. This implies that the impact of the senate is somehow positive in term of assessing and highlight topics of general importance not only for the public but for the state as well.<sup>243</sup>

### **3.6 Impact of senate in the assessment of the resolutions**

Along with many other activities performed in the senate, it also works on the assessment of different resolutions presented by the senators. Resolutions are somehow more formal and related to initiate or stop any activity in the country. Resolutions most of the time are presented in the form of a document by the deep assessment and research work by any committee or by the senators. It is also found that the resolution reflect the opinion of the board or even the whole house.<sup>244</sup> Resolutions were also presented in the first senate of the country and senate responded differently on these resolutions. In the first senate of the country about 134 resolutions were presented. However, after initial security of these resolutions, the chair disallowed about sixty four resolutions. This implies that senate was also very careful regarding the resolutions and did not readily passed any resolution but with proper investigation and documentation. However, about seventy resolutions were admitted in the house for further working. About thirty two of these seventy resolutions were lapsed after discussion and debate in the senate. In addition, nineteen of the resolutions presented in the senate were withdrawn but after debate and discussion. In some cases, the concerned ministers were summoned and

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<sup>243</sup> i.e. Government of Pakistan(1980: 50-54).

<sup>244</sup> <http://www.senate.gov.pk>

they provided assurance and resultantly these resolutions were withdrawn from the senate. About eight resolutions fell through because the presented or movers of these resolutions were did not attend the proceedings of the senate related to those resolutions. However, only five resolutions out of 134 were adopted.<sup>245</sup> It means that the senate was very careful in the transaction of the routine business in the form of different resolutions. In other words, the impact of the senate is found very positive as senate decided to discuss the majority of the numbers of the resolutions. However, the majority of those resolutions which were discussed were not adopted because of technical issues related to the resolutions and only 4% of the resolutions presented in the senate were successfully adopted. One of the members from the senate Mr. Mufti Zafar Ali Nomani sought leave of the house to discuss the resolution related to the historical success of the Muslims of the Arab against Israel. He stated that we congratulate the Muslim of Arab for their success and unity. In addition, Pakistani will also struggle with them to gain the control of Baitul-Maquddas to the Muslim. Leader of the house, Mr. Rao Abdus Sattar raise objection on the resolution and claimed that in the senate only those resolutions according to the rules of procedure can be moved which are directly or indirectly linked with the federation, federal government and financial interests of the government. He further added that he had great sympathy and gratitude with the feelings expressed in the resolution still this resolution is not according to the rules of procedure in the senate, 1973. Therefore, this resolution is not admissible. On the other hand, the mover of the resolution claimed that he had reviewed the required rules and his resolution is already under consideration. He further added that this resolution is relevant to the financial matter as well

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<sup>245</sup>Government of Pakistan, *First Senate Of Pakistan(Islamabad: Secretariate,1980)*, 57-58.

because if Arab imposed restriction on oil supply to other countries which were supporting Israel than Pakistan can import oil from Arab on cheaper rates. In addition, the prime minister of the country had already mentioned that the government is rendered great deal of support to Arab cause, therefore, this resolution is quite relevant. On the other hand, Khawaja Mohammad Safdar also supported the resolution that it is the duty of the government to design foreign policy for making friendly relations with other states both in war and in peace with the help of ministry for foreign affairs. In case Pakistan cannot strengthen relations with other Muslim countries than it is waste of resources to visit and arrange conference of Muslim countries. It means that Khawaja Mohammad Safdar supported the resolution presented in the senate and asserted that it is quite relevant with federal government, public and public relation as well. Therefore, this resolution should be allowed. On the other hand, Minister for finance, planning and development stated that the resolution is not related with the public and it is more relevant to the foreign policy of the Arab countries with other nations therefore, it is not admissible in the senate. The chairman of the senate while agreeing with Dr. Mubashir Hasan, minister for finance, planning and development said that it is not in the scope of the senate to discuss and allow resolution on the foreign policy of another country. On the other hand, on 17<sup>th</sup> of December, 1973 a full-fledged debate is going to be held in national assembly where this issue can be discussed in detail. However, if the mover of the resolution is not satisfied he can ask for debate and general discussion on the matter mentioned in the resolution. The chairman of the senate claimed that although he appreciates the spirit of the resolution still he is bond to the rule and therefore, this resolution is not admissible in the senate. From the above discussion, it

is clear that resolution presented in the senate were taken very seriously before the ruling of the chair which indicate a positive impact of the senate on legislation in the county.<sup>246</sup>

### **3.7 Impact of senate in the assessment of motions filed in senate secretariat**

There were two methods to file or move a motion in the senate. Senator can file a motion directly in the house and the second method of filing the motions is through senate secretariat. In the first senate of the country, motions were filed using both the methods mentioned above. However, the majority of the motions were presented directly in the house by the senators.<sup>247</sup> According to the data of first senate of the country from 1973 to 1977, the senate secretariat received about 108 motions in written or formal form. Of these 108 motions, the house disallowed about thirty two motions because of the non-alignment with legal provisions and the rules of the procedures. However, twenty seven motions which were presented in the senate were allowed and held in order by the chair. In other words, these twenty seven motions were discussed in the house and the debate was held on these motions. After discussion in the senate, one of the motions out of twenty seven were rejected and eight motions were withdrawn after the discussion in the senate and for some motions, the concerned minister assured proper action and the movers withdraw their motions from the senate. However, twenty six of these motions fell through because of presenters or movers of these motions were absent from the senate during the proceedings of the senate. These statistics of the motions presented in senate secretariat indicate that senate very carefully assessed the motions presented even in senate and

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<sup>246</sup> i.e. Government of Pakistan(1980: 57-58).

<sup>247</sup> <http://www.senate.gov.pk>

after tight scrutiny decided the fate of the motions. It means that first senate of Pakistan impacted positively on the motions which were received in the secretariat of the senate.<sup>248</sup>

### **3.8 Impact of senate in the assessment of constitutional amendment**

According to the constitution of 1973, bicameral legislation and parliamentary system of government was decided in the country. Bicameral legislation means that there will be two houses i.e. upper house and lower house. All the bills, constitutional amendments and all the laws will be passed from both the houses before incorporating in the constitution. This implies that the role of the senate is as important as of national assembly in the assessment of the constitutional amendments. First senate of the country did not prove helpful in reviewing and modifying different bills and motions moved from national assembly. Specifically speaking about the role of senate in the assessment of constitutional amendments is not very encouraging for the institution of senate as well as for quality legislation in the country.<sup>249</sup> From 1973 to 1977, first senate of the country received seven bills from national assembly which were aimed to amend the constitution of the country. However, all the seven bills were reviewed and even discussed to some extent but senate did not offer any useful amendment in all the bills. These bills were passed from the senate in their original forms as received from the national assembly of the country. For assessing the impact of senate, researcher mainly focused on the number of amendments which senate proposed as proxy measure to check the quality of the working in the senate and their quality of working, political pressure the senate was under to not amend bills from the National Assembly. In term of this proxy measure to check the quality of working

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<sup>248</sup>Government of Pakistan, *First Senate Of Pakistan(Islamabad: Secretariate,1980)*, 89-92.

<sup>249</sup>Kishwer Khan, "Bicameralism in a federation: An historical analysis of role of Senate in promoting federalism in Pakistan", *Pakistan Perspective* (2017),135-158.

in the senate was not encouraging as senate did not offer any amendment in the bills received from the national assembly. First constitutional amendment was received from the national assembly in the fifth session of the senate which was mainly related to the restriction of formation of union or to be the member of any political party in the interest of the sovereignty and integrity of the country. This bill also include the amendment for reducing the number of working days of both senate and national assembly, determining the salary, allowances and privilege of the governor of the provinces, prevention of high court for making order under Article 199, exclusion of the offices of both parliamentary secretary and Attorney General of Pakistan from the “Services of Pakistan and amendment in article 1 after the creation and recognition of Bangladesh. The first bill of constitutional amendment proposed about six amendments in the constitution but the senate of the country did not even provided any amendment in one of the six amendments received from the national assembly.<sup>250</sup> The second bill of constitutional amendment was very serious and this amendment was based the recommendations put forward by a special committee formed on 30<sup>th</sup> of June, 1974. This special committee was consisting of the whole house and the national assembly appointed this special committee. Interestingly, none of the members from the senate was included and even consulted in this special committee of the national assembly which was working on very special amendments in the constitution. This committee was formed to work on the status of Islam of a person who does not believe finality of the Holy prophet Muhammad (Peace be upon him). It was further aimed to work on proposals and suggestions for discussion the issues and to

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<sup>250</sup> Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*,: 78-79.

compile the recommendation in this matter.<sup>251</sup> This special committee worked very hard on the matter and was assisted by different sub-committees and steering committee proposed a resolution for unanimously consideration and adoption on 14<sup>th</sup> of September 1974. According to the recommendation of the special committee a new clause of defining non-Muslim were added and it was recommended by the committee that those who call themselves Ahmedis, Quadiani are non-Muslim minority therefore, they should be considered and dealt according to minority. Consequently the numbers of seat for the minority were also increased from three to five. The role of senate in this amendment needs special attention. The senate was not included in special committee and none of the senators were even consulted to discuss this delicate matter. One of the main aspects of this bill is that senators were not given any opportunity to even give their opinion about the bill. This implies that senate without any debate and discussion passed this bill of constitutional change. This bill was passed from the national assembly in the form of resolution on 7<sup>th</sup> of September 1974 and this bill was moved in the senate on the same day and on the same day of 7<sup>th</sup> September 1974 the bill was passed by the senate.

Although senate passed this bill for making amendments in the constitution yet senate did not discuss and debated the bills as it was the duty of the senate. First senate of Pakistan passed two bills of constitutional amendments in 1974 and third bill of constitutional amendment was received in the senate in its 9<sup>th</sup> session on 12<sup>th</sup> of February 1975. Three amendments were proposed in this bill related to the article 10 and 232 of the constitution. The

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<sup>251</sup>Saiqa Sadiqa, Aminu Yusuf Dikko, Abbo Usmana, and Zawiyah Mohda., "Federalism and Intergovernmental Relations: the Nigeria and Pakistan Experiences", *Qualitative Research Conference (QRC)* (2016):23-25.

senate kept her previous record intact and did not offer any amendment in the bill received from the national assembly and passed the bill as in its original form.<sup>252</sup> In the third bill of constitutional amendment a very special amendment was introduced for overcoming the repeatedly occurring emergencies and martial laws in the country. According to the amendment it was decided that if in the joint session of both houses of the parliament the majority of the total members of the houses disapprove the Proclamation of the Emergency than the Proclamation of the Emergency shall be ceased. Although this amendment bill was passed from the senate as received from the national assembly yet Pakistan witnessed a martial law imposed by General Zia-ul-Haq in 1977. The senate of Pakistan passed fourth bill of constitutional amendments in its 13<sup>th</sup> session in November 1975. According to this bill of constitutional amendment a total of ten amendments were proposed by the national assembly. Senate on the other hand, did not offer any amendment in the bill received from the national assembly. This bill was mainly related to two major amendments i.e. amendment in first schedule of the constitution and amendments in the fourth schedule of the constitution. In addition, certain time specified orders were also included in this bill. This implies that the senate received two major bills of constitutional amendment in 1975.<sup>253</sup> With the change of year, fifth bill of constitutional change was sent by national assembly in senate. However, change of the year did not change the working style of the senate and senate passed this amendment bill without making any amendment on 8<sup>th</sup> of September 1976. This bill proposed five major amendments in the constitution but the senate did not even bother to offer any amendment in any one of the five amendments offered by the national assembly. The national assembly of the country sent sixth

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<sup>252</sup> Government of Pakistan, *First Senate Of Pakistan*(Islamabad: Secretariate, 1980), 76-78.

<sup>253</sup> i.e. Government of Pakistan(1980: 76-78).

bill of constitutional amendment in senate. The senate passed six bill of constitutional amendment without any amendment on 23<sup>rd</sup> of December 1976. In sixth bill of constitution amendment, national assembly proposed to amend Article 179, 195, 246 and 260. The main purpose was to enable Chief Justice of the Supreme Court and High Court to complete their tenures regardless of their retirement age. In addition, the bill was also about the definitions of provincially administered tribal areas and federally administrated tribal areas. This implies that in 1976, the senate of Pakistan passed two bills of constitutional amendment without suggesting any improvement in the amendments. In addition, the first senate of the country received and passed 7<sup>th</sup> bill of constitutional change on 16<sup>th</sup> of May, 1977 in its 17<sup>th</sup> session. According to this bill of constitutional amendment the Article 101 and 245 were proposed to amend. In addition, a new article 95A was also proposed to be included in the constitution for holding referendum by the Prime Minster to seek vote of confidence. In addition, article 245 was also proposed by the national assembly to amend. This implies that the seventh bill of constitutional amendment was concerned to three major amendments in the constitution as mentioned above. However, the role of the senate did not change from passive to active. The senate passed all these seven bills which were received from the national assembly in their original form as received from the national assembly without offering any amendment. In other words, the impact of senate in the assessment of bills of constitutional change remained very negative.<sup>254</sup>

However, there are examples in which the senators from the senate proposed amendments in the bills of constitutional amendments received in the senate. Khawaja Mohammad Safdar proposed an amendment in the first bill of the constitutional amendment.

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<sup>254</sup> i.e. Government of Pakistan(1980: 76-78).

In second reading of the bill in the senate, he proposed to substitute clause 3 of the bill. He recommended deleting the paragraph (b) of the clause 3 of the Article 8 of the constitution. However, this proposal for amendment was rejected by the minister of law. Minister of law claimed that it is outside of the scope of this bill to delete already existing clause 3 to substitute it with a new clause. On the other hand, the minister for production also raises an objection of the amendment and claimed that this amendment is related to an amendment in the constitution and therefore, it could only be raised in national assembly not in the senate. In addition, law minister also claimed that this amendment is related to the amendment in Article 8 of the constitution. Therefore, this amendment could not originate from the senate. In addition, law minister also told senate that this amendment could not be performed without suspending Rule 90(1). In addition, this amendment is also in conflict with rule 188 (2) and (3) of the rules of procedures. The minister of the production further added that the amendment bill is actually related to the addition of the some words of the clause 3 of the Article 8 of the constitution therefore, the proposed amendment should be directly related to those added words not to the amendment in the whole clause (3) of the Article 8 of the constitution. However, the proposed amendment by the senate is actually related to the substitution of the whole paragraph without any addition and subtraction. Therefore, this amendment is non-relevant to the subject matter of the first bill of constitutional amendment.<sup>255</sup>

On the other hand, the response of the movers of the amendment was totally different. He suggested that the argument of the both the minister for law and minister for the production are not valid and justifiable. He suggested that they are just talking about only one example

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<sup>255</sup> i.e. Government of Pakistan(1980: 76-78).

and leaving all the other amendments which they move from national assembly to the senate. On the contrary, if the argument of the both the minister for law and minister for production are accepted than all the other substitution in the constitution should be considered amendment in the constitution. Consequently, these substitutions should not be allowed to move in senate and only should be allowed to move in national assembly. The decision of the chair is also very important to discussion here. Chairman of the senate took very keen interest in the matter and deeply analyzed the addition of new words in clause 3 of the Article 8 of the constitution and deletion of the paragraph (b) of the clause 3 of the Article 8 of the constitution and substituting with a new paragraph. Chairman of the senate while giving his remarks suggested that by substituting already existing paragraph of the constitution is actually a new amendment in the constitution which is not the part of this bill of constitutional amendment. In addition, accepting this amendment as proposed by the member of senate will not only require amending the constitution but it will also do way completely with the schedule. Resultantly, the chairman of the senate said that the amendment is not only against the rules but also against the constitution of the country as well.<sup>256</sup>

### **3.9 Participation of senate in Inter-Parliamentary Union**

Senate was established for the sake of quality legislation in the country. For achieving this objective, members of the senate of Pakistan were found involved in many diverse form of activities which directly and indirectly linked with the provision of quality legislation in the country. Pakistan as many other independent countries of the world also joined Inter-Parliamentary Union<sup>257</sup>. First of all, Pakistan joined this union in 1948. It is pertinent to

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<sup>256</sup> i.e. Government of Pakistan(1980: 76-78).

<sup>257</sup> The IPU is the global organization of national parliaments.

mentioned that at that time, unicameral legislative system was practiced in the country. This means that senate was not established at that time. However, Pakistan had to apply again and again for the membership of inter-parliamentary union because of repeatedly martial laws in the country. First time the membership of Pakistan from inter-parliamentary union was suspended in 1958 after marital law and second time in 1969 the membership of Pakistan was suspended. However, this suspension of the membership was before establishment of senate as upper house of in the country. In 1974, Pakistan third time applied for the membership of the inter-parliamentary union and she was unanimously given membership. This is the first time; members from senate also joined this inter-parliamentary union in 1974. Senators from Pakistan attended not only the conference but also participated in the spring meetings of the council from 1974 to 1977.<sup>258</sup> There are a lot of discussion and agendas which are discussed in this union of the parliamentarian from different independent states of the world. This practice gives an opportunity to the senators from Pakistan to interact and share their indigenous knowledge with the global community. Pakistani delegate including members from the senate also discussed different topics of international importance with global community including, peace, education, politics and security. It means that the first senate of Pakistan impacted positively to increase the knowledge and information of the senators because of the membership in inter-parliamentary union.<sup>259</sup>

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What began in 1889 as a small group of parliamentarians, dedicated to promoting peace through parliamentary diplomacy and dialogue, has since grown into a truly global organization of national parliaments. Today, our membership inches ever closer to being universal, with 178 Member Parliaments ,14 Associate Members, and increasing numbers of parliamentarians from all over the world involved in our work.

<sup>258</sup> <http://archive.ipu.org/english/pressarc16.htm>

<sup>259</sup> <http://archive.ipu.org/english/pressarc16.htm>

### **3.10 Participation of senate in association of secretary general of parliaments**

Besides the collaborative working of the parliamentarians from independent state, a separate association of the secretary general of the parliaments was also established. In this association, secretaries general of the parliaments were included and they were given an opportunity to discuss different matters of importance for the parliament and parliamentarians. This association was actually an autonomous body and somehow the part of the inter-parliamentary union with own executive body and financial budget. The prime objective of the association is to give approval to those inquiries which were found quite relevant with the interests of the parliament and parliamentarians. For materializing the objectives set for the association, a Rapporteur is appointed by the association who draft a questionnaire. After drafting questionnaire, the questionnaire is presented for the approval and after detail discussion and elaboration of the questionnaire and prospective report, association give approval. However, this approval is very time consuming and sometimes it extends to couple of years. Besides being the part of the inter-parliamentary union, secretary general of senate was also involved in this association of secretaries general of the parliaments.<sup>260</sup> When talking specifically about the tenure of the first senate of the country, it was found that the membership of Pakistan remained in both inter-parliamentary union and association of secretaries general of the parliaments as long as the senate itself. First senate of the country was dissolved in 1977 and immediately the membership of the country was also suspended because of the promulgation of martial law in the county. However, from 1974 to 1977, Pakistan participated

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<sup>260</sup>Zlatko Sabic, “ Building democratic and responsible global governance: the role of international parliamentary institutions”, *Parliamentary Affairs* 61, no. 2 (2008): 259-260.

in about seven times in different plenary session of the association. However, after suspension of membership Pakistan was not able to attend any other session. During this time period, there are a dozen of different topics which were discussed in different sessions including interpellations, powers, privileges and immunities of the parliamentarians, use of audio-visual media in parliament, procedures for the revision of constitutions and parliament and its budget. From the above topics of the session, it is quite visible that most of the time in the session of the association parliament and parliamentary affairs were discussed. An active member from the senate of Pakistan also participated very actively in one of the sessions of the association. In 1974, a meeting of the association was held in Tokyo in which the members of the association approved an inquiry related to the powers, privileges and immunities to the parliamentarians. For the first time, secretary of the senate of Pakistan Mr. Aslam Abdullah Khan was appointed the Rapporteur of this inquiry.<sup>261</sup> One year after his appointment, the final questionnaire related to the powers, privileges and immunities to the parliamentarians was finally approved in the meeting of Association of General Secretaries in 1975. However, final report was also prepared by Mr. Aslam Abdullah Khan. He presented the report for final approval from the Association of General Secretaries in the meeting held in Canberra in 1977. The report after final approval was published in the issue of Bulletin of Parliamentary Information in second quarter of the 1977.<sup>262</sup> Unluckily, after 1977 the membership of Pakistan was suspended because of the promulgation of martial law by Mr. Zia-ul-Haq. There were many other inquiries which were discussed and worked on in the association of the general secretaries. However, the members from Pakistan did not very actively work in other inquires

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<sup>261</sup>Government of Pakistan, *First Senate Of Pakistan(Islamabad: Secretariate, 1980)*, 90-94.

<sup>262</sup>Parveen Qamar, *A Study of the Powers and Privileges of the Members of Parliament in India*. PhD diss., Aligarh Muslim University, 1999:37-39.

but they took part in the discussion and debate on the questionnaires and reports presented by the Rapporteurs. Information system in the parliament, parliament and public relations, constitutionality of the law, copyrights of parliamentary debates, relationship between national parliament and international parliamentary assemblies, the role of the speaker, procedure for passing legislation, method of voting and status of the political group in parliament were some other inquires which were discussed in different meetings of the association of the general secretaries of the parliaments. The role of the first senate of the country remained very positive and encouraging in the regards. First senate of the country sent a total of nine questionnaires which were received on different topics related to the parliament and parliamentarians as mentioned above. The reply on the questionnaire was appreciated by the association which indicates the positive impact of the senate for sharing information, communicating and interacting with international community and international organizations.<sup>263</sup>

### **3.11 Bilateral parliamentary goodwill exchange visits**

The first senate of the country also impacted positively in term of increasing bilateral relations with the parliaments and parliamentarians of foreign countries. For this purpose, goodwill exchange visits were performed in which delegates from foreign countries visited Pakistan and Pakistani delegates visited other countries. The prime objective of these goodwill exchange visits was to increase friendly and cooperative relations with each other. It was also believed that these exchange visits will prove helpful to increase and strengthen bilateral relations between and within the members of the parliaments across the world. In this regards, the role of the Pakistan remained very encouraging.<sup>264</sup> During the tenure of the first senate of

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<sup>263</sup>Government of Pakistan, *First Senate Of Pakistan*(Islamabad: Secretariate, 1980), 95-97.

<sup>264</sup> i.e. Government of Pakistan(1980: 95-97).

the country from 1973 to 1977, Pakistan received delegates from twenty independent countries of the world. In addition, a total of 163 members from different delegates visited Pakistan most of the time on the official request of the parliament of Pakistan. One visit which is pertinent to mentioned is of the General Secretary of Inter-Parliamentary Union Mr. Pio Carlo terenzio in Pakistan on the official invitation of the Parliament of Pakistan in April 1977. This visit was a great symbol of trust of international community on Pakistan. On the other hand, Pakistani delegates also visited about twelve countries of the world. In these visits of twelve countries a total of 93 members were included in different delegates. During these foreign goodwill exchange visits of the Pakistani delegates, they attended about eight conferences or council meetings of the inter-parliamentary union. In addition, they also participated in a conference on environment as well. The role of senators from the first senate of the country was very encouraging in term of participation in bilateral parliamentary goodwill exchange programs.<sup>265</sup>

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<sup>265</sup> i.e. Government of Pakistan(1980: 95-97).

## **Chapter No. 4**

### **SENATE AS AUTONOMOUS INSTITUTION**

The present chapter is about the autonomy of the senate in federal politics. For finding out the autonomy of the senate, relationship of senate with three most important state institutions is provided in detail. In the first section of the chapter, relationship between legislative body and executive body is narrated while highlighting the background of executive control from 1971-1973 and executive influence on senate from 1973-1977. In the second section of the chapter, relationship between senate and the institution of military is explained while quoting examples from senate. In the last section of the chapter, relationship between senate and bureaucracy is narrated with some examples in terms of motions filled by senators in senate.

#### **4.1 Relationship of legislative with executive body**

There is a plethora of literature published on the subject matter of democracy and its role in decision making. One of the major purposes of the democratic decision making is to involve masses into decision making. However, it is not possible to involve every citizen in decision making therefore, representatives are elected and they on the behalf of common people take part in decision making. Representatives of common people are involved in democracy in two ways. Representatives from the political party who receive maximum seats in election are asked according to legal provisions to set up executive body.

On the other hand, these representatives also make laws in parliament which are to be implemented by the executive. However, the relationship between executive body and legislative institution i.e. national assembly and senate is somehow very complex. The

members from the dominant political party in parliament in reality are also the active members of executive body. Therefore, they work most of the time for securing the benefits for executive body of the country.<sup>266</sup> The role of political party is also very important in this regard. Leaders of the political party are expected to control members of the party and also ensure their votes and support for party interest. In this way, party control its workers and the workers on the other hand, use their power in legislative body to ensure their support to executive body.

It means that political parties either in government or in opposition control the voting, speaking and supporting in parliament i.e. national assembly and in senate. This implies that the leadership of political party can control legislation while sitting outside of parliament by using and controlling voting power of their workers. Both political parties i.e. in government and in opposition control their workers. However, in majority of the cases, the role of political party in power or government is more crucial because its workers are found in dominance in both legislative institutions as well as in executive. They most of the time, support their political party and political leadership which is also formal leadership of the country. This implies that the role of the political party and through political party the dominance of the executive body is a well-defined fact in contemporary political discourse.<sup>267</sup>

The executive body remained powerful and it is still a powerful institution in politics particularly in the politics of modern democratic and parliamentary states. Their role and responsibilities make them one of the major and powerful institutions. The relationship between executive and legislation is very complex. It is not possible to develop powerful

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<sup>266</sup> Mohammad Waseem, *Democratization in Pakistan: A study of the 2002 elections*. (USA:Oxford University Press, 2006):148-150.

<sup>267</sup>Robert C. Fried, *Comparative political institutions*. Vol. 33975. (New York:Macmillan, 1966):78-80.

legislation or electorate without involving executive body in legislation. It is indescribable and inevitable to build a strong legislative institution without involving chief executive. In other words, it is necessary to gain the support of the chief executive for powerful institution building in the country. However, in every case the will and willingness of the executive body of the country is not necessary for legislative institution building because there are some examples in the history when elected representatives were in favor of strengthening institutions of legislation but executive body i.e. chief executive or king were not willing to allow institutional building.

However, with the pressure and support from representative members who were well embedded into masses, institution building remained alive. It means that institution can also be built without the willingness of the executive body. There are also many examples when different personalities controlled the institutions and there are also some examples in which institutions were dominant on personalities. This implies that personalities can only control institutions if institutions are very weak or personalities are very strong. On the other hand, if institutions are well developed and powerful, personalities cannot control institutions. From the above discussion it is clear that both political parties and certain individuals can control institution i.e. parliament and executive.<sup>268</sup>

#### **4.1.1 Influence of executive body from 1971-1973**

Relationship between institutions i.e. executive and legislation, executive and army, army and parliament and parliament and judiciary are of great importance in any country

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<sup>268</sup>Mohammad Waseem, *Democratization in Pakistan: A study of the 2002 elections*. (USA:Oxford University Press, 2006):153-155.

because the interplay of these relationships gives birth to institution building. On the other hand, relationship between personalities and institutions is also of great significance. Particularly for Pakistan, the relationship between certain personalities and institution is very important to understand. In Pakistan, from 1947 certain personality remained dominant over institutions. In other words, state institutions had not gained an autonomous position and remained under the influence of personalities belonging to executive and army most of the time. However, it is also a fact that Pakistan under authoritarian rule achieve some goals of socio-economic development but this socio-economic development remained slower under democratic parliamentary regime.<sup>269</sup>

It is a well-documented scholarly opinion that the role of parliament both National Assembly and Senate is secondary in Pakistan. Parliament remained a subordinator of either executive or any other institution such as army. In Pakistan the role of executive is very dominant and important which is also visible to the masses as compared to the role played by legislative body which is purely linked to legislation and attached responsibilities. One of the very important things in Pakistan is the decision making by executive. Party leadership at different party forums initiate decisions related to national and international politics and according to party vision and agenda.<sup>270</sup>

These more or less party decisions are practically translated into laws in the form of bills, resolutions, motions and bills of constitutional amendments. On the other hand, executive body of the state confirms, controls, defines and implements these laws with the help of

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<sup>269</sup> Hamid Yusuf, *The Return of the Politicians*. (Lahore: Afrasia Publications, 1980):144-145.

<sup>270</sup> Mahboob Hussain, Parliament in Pakistan 1971-77 and Chief Executive: An Analysis of Institutional Autonomy. *Journal of Political Studies* 20, no. 1 (2013):88-89.

bureaucracy. This implies that the role of party politics is the most important in defining legislation and the nature of legislation in the country. This implies that there is a visible domination of extra parliamentary forces on parliamentary forces for legislation and decision making. Consequently, Pakistani politicians consider parliament a tool to materialize party objectives. Therefore, the position of the parliament both national assembly and senate is an accoutrements of a modern ruling structure in Pakistan.

The working of different institutions in Pakistan helps political parties to legitimate the dominance of certain ideologies and personalities. However, as reported by many authors that stability of the powers needs moral and legal support. Therefore, anyone who intends to control in the country tries to legalize his position with the help of legislative body. This implies that legislative body is more are less used to achieve legality of rule. For example, after martial law, every martial law administrator uses legislative assemblies to legalize their control on government.<sup>271</sup>

Parliament and particularly, the first senate of Pakistan also remained under the control of certain personalities and political parties as well. However, the role of executive body i.e. Chief Executive is the most important from all the other forces. The duty of Chief Executive is to govern administration but besides fulfilling this responsibility they were found interfering with legislative body as well. Mr. Zulfikar Ali Bhutto was the Chief Executive and head of ruling political party i.e. Pakistan People's Party. He came into power after the general election of 1970 and Mr. Yahya Khan transferred power to Zulfikar Ali Bhutto. Before the promulgation

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<sup>271</sup>Dennis Kux, *The United States and Pakistan, 1947-2000: Disenchanted Allies* (Washington:Woodrow Wilson Center Press, 2001):22-25.

of the constitution of 1973, Zulfiqar Ali Bhutto worked as the president and Chief Martial Law Administrator of Pakistan. It means that from 1971 to 1973, he worked as a president and in these two years, Parliament of Pakistan (parliament was only consist of national assembly and senate was not there) worked and passed constitution of the country which proposed bicameral parliamentary legislation.

The personality of Zulfiqar Ali Bhutto was dominant because of his charismatic characteristics and anti-capitalist ideology. In other words, it is rightly claimed that the personality of Zulfiqar Ali Bhutto remained dominant and he rightly enjoyed the status of popular leader in the country. During his time span, he remained dominant not only in national politics but also on many international forums and he was also a real threat to his enemies including landlords and industrialists. There are many writers that from 1971 to 1977, Zulfiqar Ali Bhutto was the sole and/or one and only actor who not only affected political system of the country but also influenced state institutions.<sup>272</sup>

There are many scholars who believe that it was not possible at that time to replace Zulfiqar Ali Bhutto because of his charismatic personality and popularity in the country. According to British ambassador, in political system of Pakistan it is hard to think about replacing and challenging the position of Mr. Zulfiqar Ali Bhutto. Although there were many Pakistanis who were not happy and satisfied with the performance and role of Zulfiqar Ali Bhutto in Pakistan still they were not able to search an alternative to him. He also claimed that despite many efforts he was not able to search any name for substituting Zulfiqar Ali Bhutto.

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<sup>272</sup>Husain Haqqani, *Pakistan: Between mosque and military*. (Washington:Carnegie Endowment, 2010):127-129.

He was not only a dominant political leader among masses but he was also very dominant in his party. None of the workers of his party can challenge him in his party decision.

Therefore, he was also not questionable and challengeable in national assembly and senate where the majority of the members were from his political party i.e. Pakistan People's Party. Zulfiqar Ali Bhutto was very clever with iron determination and vision which make him dominant as compared to his contemporary political leaders. Consequently, he remained one of the prominent national figures as well as international figure. There were many other names in Pakistani politics but they were not as visionary and popular as Zulfiqar Ali Bhutto. Therefore, it was even possible to think about any other political figure for Pakistan in presence of Zulfiqar Ali Bhutto. He remained dominant over state institution because of his two fold powers i.e. popularity because of his charismatic personality and authority because being Chief Executive and dominance in powerful institutions of the state i.e. national assembly and senate.<sup>273</sup>

The ideology and philosophy of Zulfiqar Ali Bhutto was different from his contemporary political personalities. He was lefties in his thinking about politics and political system. Air Martial Asghar Khan while talking about Zulfiqar Ali Bhutto said that he was not democratic but more authoritarian in nature. His way of governance and dealing as Prime Minister were more like a feudal landlord or autocrat than democratic political leader. It means that the authority of Zulfiqar Ali Bhutto also played an active part in shaping his dominance

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<sup>273</sup>Mahboob Hussain, "Parliament in Pakistan 1971-77 and Chief Executive: An Analysis of Institutional Autonomy", *Journal of Political Studies* 20, no. 1 (2013):84-85.

over his political party as well as on state legislative institutions i.e. national assembly and senate.

Instead of becoming democratic ruler because of the parliamentary bicameral legislative system of government in country he was like an authoritarian leader. He enjoyed the powers of both the president of Pakistan and Chief Martial Law Administrator of the country. Because of his personality attribute, he misused his powers being Chief Martial Law Administrator and punished many people who were his opponent in his political career. He not only punished many individuals but also many groups who opposed him in his decisions and ideology. For example, he dismissed the government of Baluchistan several time because of his opposition from the province. Therefore, it is rightly claimed that he was one of the strongest statesman who was although elected democratically but was acting and behaving like dictators. In addition, it is also found that he showed very little tolerance for parliamentary decision making. It means that his personal attributes and ideology was more authoritarian and he also exercised his ideology in legislative institutions.<sup>274</sup>

It is also claimed by the writers that Zulfikar Ali Bhutto was in search of increasing his tenure in the country as administrator. For achieving this goal, he deliberately increased the period of martial law in the country. In other words, he prolonged martial law for his personal goals and desires. From 1971 to 1973, Pakistan was under martial law and there were no constitutional restrictions for him to ruin and overcome his opponents. However, from 1973 to 1977, he got the authority to exercise over people. He became more authoritarian in second phase of his tenure with constitutional provisions. There is a consensus among the writers that

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<sup>274</sup> Mahboob Hussain(2013:84-85).

Bhutto was deliberately applying different tactics to delay the constitutional rule in the country. Dictatorship and dictator way of governing was fulfilling his objectives.

Therefore, he was not in hurry to start parliamentary setup in the country. With the passage of time, public, press and opposition leaders start challenging the prolonged martial law in the country. Opposition, on the other hand, reacted very seriously on the prolonged martial law which was fulfilling the desires of Zulfiqar Ali Bhutto but was not in favor of country overall. Khan Abdul Wali Khan also spoke about the convening of national assemblies which was being delayed by Zulfiqar Ali Bhutto.<sup>275</sup>

On the other hand, in the last couple of months in 1972, the situation of law and order, economic and political unrest were very serious threats for the martial law rule. These factors start challenging his authority therefore, he returns to constitution making and parliamentary government. He at the end of the first day of meeting in national assembly got the vote of confidence and also first draft of the constitution was also approved. He also declared that he is going to end martial law from 21<sup>st</sup> April 1972. His address in national assembly at the end of first day meeting was very important for him as his power got authority from the national assembly and constitution of the country as well.

In other words, national assembly which was the sole legislative institution provided legitimacy to his power and power transformed into authority. Resultantly, Zulfiqar Ali Bhutto became stronger and powerful. Changing power into authority also helped him to overcome his opposition from public, opponent political parties and press. After 21<sup>st</sup> April, 1972 there

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<sup>275</sup>Salman Taseer, *Bhutto: a political biography* (New Delhi: Vikas Publications, 1980):49-50.

were very few people who were in his opposition only from his opponent political parties. On the other hand, he also got popularity for ending the curse of martial law from the country.<sup>276</sup>

In 1973, after the promulgation of the constitution of Pakistan, Bhutto became one of the prominent figures because by proving constitution he not only raises his figure in national politics but he also helped the state to get international recognition in term of civilian government. Therefore, it is rightly claimed that one of the greatest achievement of Bhutto was the promulgation of the constitution of 1973. For achieving this greatest goal, Bhutto had to deal different points of views from diverse range of political parties and opposition. Bhutto's role in the 1973 constitution as an example of Bhutto as a consummate politician negotiating and persuading diverse groups to agree to the new constitution. His efforts and struggles in the formation of the constitution remained very helping for him to take over the legislative institutions in future.

There were two different issues in constitution which remained popular during finalization of the constitution i.e. either executive should be powerful or legislative body should be powerful.<sup>277</sup> The majority of the leaders from opposition and even some of the members from Pakistan People's Party were in favor of powerful legislative body so that executive could be held answerable to the legislative body. On the other hand, Bhutto was not in favor of powerful legislative body. He was in favor of powerful executive body. Because of his ideology and dominance in legislative body working on the constitution, he remained successful to give more power and control to executive body and to establish the control of

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<sup>276</sup>Mahboob Husain, "Parliament in Pakistan 1971-77 and Chief Executive: An Analysis of Institutional Autonomy", *Journal of Political Studies* 20, no. 1 (2013):89..

<sup>277</sup>Hamid Yusuf, *The Return of the Politicians*. (Lahore: Afrasia Publications, 1980):102-103.

executive on legislative institution. It means that Bhutto successfully accumulated the powers in the office of Chief Executive. Opposition i.e. Awami National Party responded over the matter but in vain as they were not able to challenge and persuade Bhutto for changing his mindset and ideology.

Wali Khan from Awami National Party stated that the accord between Pakistan People's Party and opposition party should be reopened because the leadership of opposition parties were bribed to make changes in constitution according to Bhutto's desires. Bhutto was also in favor of authoritarian presidential system of government with concentrated power in the office of executive. However, later on he turned towards parliamentary form of government but still the powers were in the offices of executive. This implies that new constitution of the country proposed very powerful Chief Executive. Consequently, Bhutto was ready to be a Prime Minister instead of President of the country.<sup>278</sup>

#### **4.1.2 Executive and senate after 1973**

The constitution of 1973 gives many powers to Prime Minister which was not being exercised by any of the Prime Minister in West. Therefore, opposition, press and public opposed and criticized concentration of powers in the office of Chief Executive. It means that the constitution of 1973 was also based on the personal desires of an individual just like previous constitutions of 1956 and 1962. It is very unfortunate that in Pakistan individuals were dominant in even legislative body and they not only influenced constitution but they also tempered with the true spirit of legislative body for their personal wishes. The constitution of

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<sup>278</sup>Mahboob Husain, "Parliament in Pakistan 1971-77 and Chief Executive: An Analysis of Institutional Autonomy", *Journal of Political Studies* 20, no. 1 (2013):90.

1973 is one of the constitutions which granted majority of powers in Chief Executive Office according to Bhutto's desires and wishes. Consequently, he was able to influence each and every institution and individuals in political system of the country. The legislative institutions were also under the direct control of Chief Executive because of the interplay of many factors i.e. political system, role of political parties in decision making, role of political parties in legislative affairs and in executive affairs as well as many others.<sup>279</sup>

The constitution provide powers to the individual holding public offices however, the use of powers or exercising powers is totally up to the individual holding those offices. It means that practically exercising powers is very important which are provided by the constitution. However, this task of exercising powers by the Chief Executive was very easy Bhutto because of little to no opposition to his decisions from legislative institution. His party was in simple majority both in national assembly as well as in senate. Therefore, both national assembly and senate were providing him very conducive environment to exercise his constitutional powers. The powers of Bhutto were not limited as he was very strong prime minister with overall majority in both legislative bodies.<sup>280</sup>

Therefore, he did not care about working with institution but he did not allow institutions to work independently. Therefore, it was very clear for the opposition after 1973 that Bhutto is not going to work according to the constitution and accord signed with them. Both inside and outside of legislative body i.e. national assembly and senate Bhutto clearly disregard the promises with opposition and kept on influencing institutions. Opposition soon

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<sup>279</sup>Shahid Javed Burki, *Pakistan: Fifty Years of Nationhood* (UK:Routledge ,1999),78-79.

<sup>280</sup>Mahboob Husain, "Parliament in Pakistan 1971-77 and Chief Executive: An Analysis of Institutional Autonomy", *Journal of Political Studies* 20, no. 1 (2013):91.

after the promulgation of the constitution of 1973 realized that Bhutto is not working according to the legal provisions. Therefore, in a press conference, Wali Khan reported that Bhutto is not giving true importance to parliament and parliamentary affairs. He is continuously working to harm the dignity of the house and treating parliament as an institution whose only job is to endorse his proclamations.<sup>281</sup>

This implies that the Bhutto emerged a leader dominating institutions of the country from 1973 which continued till 1977. Therefore, it was a common consensus among the opposition that he was working as all and all in the matters and all the institutions of the country as well. Opposition leader in 1973 during his speech claimed that Bhutto is working as a King and he dismissed the government in Baluchistan just like a King sitting in Islamabad. However, law minister raise objection on these words which were also endorsed by speaker as well. This dismissal was not reasonable and constitutional. This is a reality that Bhutto was using constitutional powers in non-democratic manner over governmental affairs and state. He was exercising his authority on the institutions using many tactics and developments.<sup>282</sup>

Till the start of 1974, Bhutto was one and only figure in federal government as he was one and only in his political party. He first of all, removed all his critics and later on nominated those ministers who were nothing but puppets working for Bhutto. Bhutto also worked with left lobby in the country for solving economic problems faced by the country. Two major names from left lobby are J.A. Rahim and Mubashir Hasan. However, after failing to tackle economic

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<sup>281</sup>Kamal Azfar, *Pakistan: political and constitutional dilemmas*(Karachi: Pakistan Law House, 1987):21-23.

<sup>282</sup>Mahboob Husain, “Parliament in Pakistan 1971-77 and Chief Executive: An Analysis of Institutional Autonomy”, *Journal of Political Studies* 20, no. 1 (2013):90-91.

crises with their proposed Marxist ideology, Bhutto also dropped them from the scene. Resultantly, there was no one for opposing Bhutto in his dealing.<sup>283</sup>

The role of senate and national assembly is very important to mention because Bhutto was working with the help of these legislative bodies for maximizing his powers and overcoming his opponents. National assembly in 1974 moved a constitutional amendment bill which was actually aimed to target those political parties which were opposing Bhutto. The amendment proposed an authority to executive for declaring any political party illegal which was found operating against the sovereignty and integrity of the country. The major aim of this amendment was to give power and authority to Prime Minister for dealing with both his own political party as well as opposition. This amendment was passed without any restriction from both national assembly and senate because of the overall majority of the ruling party. State institutions i.e. national assembly, senate, National press mainly English Language Press were under his direct control.<sup>284</sup>

With the passage of time, Bhutto was losing his novelty and popularity but he was getting stronger in term of power and authority vested in him. Provincial governments in three provinces i.e. Sindh, Punjab and North West Frontier Province, central government and Pakistan People's Party were under his direct control. In addition, he was also working very closely with army and army was backing him to eliminate the government of opposition from Baluchistan. He with the help of another state institution was trying to take control on government in Baluchistan. Till 1976, he was unquestionably powerful in the whole country

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<sup>283</sup> Hamid Yusuf, *The Return of the Politicians*. (Lahore: Afrasia Publications, 1980), 117-118.

<sup>284</sup> Shahid Javed Burki, *Pakistan: Fifty Years of Nationhood* (UK: Routledge, 1999), 77-78.

and successful in making Chief Executive Office one of the most powerful offices. Although he use to admire electorate but he was not in favor of democratic working of state institution. Therefore, he did not let the state institutions work independently.<sup>285</sup>

The whole country under Chief Executive Bhutto was vital state, institutions were not functioning properly and independently. Development of political system and democratic norms was halted by the authoritarian leadership style by ruling party. Political parties were working undemocratically and individuals were dominant in political parties. Provincial assemblies, national assembly and senate were facing serious issues of quorums because executive offices were not ready to attend sessions. On the other hand, the situation of bureaucracy was also very pathetic as they were not sure about their job security because of the unconstitutional involvement of executive office in their affairs. Lawyers and students were on the roads and they were the most active and powerful groups. On the other hand, there was only one institution which was somehow working in 1976 in Pakistan which was security agencies.<sup>286</sup>

As mentioned above, the government of Bhutto was in majority in national assembly, senate and three provincial assemblies yet his leadership style was not democratic and parliamentary. He was not in favor of law making from the assemblies therefore, parliament of Pakistan was not doing its job i.e. law making. However, Bhutto adopted ordinances for ruling the country. According to the data, Bhutto signed about 219 ordinances till 1977.<sup>287</sup> It means

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<sup>285</sup>Hamid Yusuf, *The Return of the Politicians*. (Lahore: Afrasia Publications, 1980),151-152.

<sup>286</sup>Shahid Javed Burki, *Pakistan: Fifty Years of Nationhood* (UK:Routledge ,1999), 155-156.

<sup>287</sup>Muhammad Ayub, *An Army, Its Role and Rule: A History of the Pakistan Army from Independence to Kargil, 1967-1999* (USA:RoseDog Books, 2005),19-22.

that he was almost signing one ordinance per week for ruling the country. In the last couple of months of 1976, Bhutto realized with the help of intelligence agencies that seeking fresh mandate is inevitable for maximizing his power. Therefore, he announced general election in March 1977.

On the other hand, he did not realize to share his desires with parliamentarian because of the puppet working style and submissive nature of the parliamentarians. None of the parliamentarians from Pakistan People's Party was dare to ask any question or suggest any measure to Bhutto.<sup>288</sup> Although the parliamentarians i.e. member of national assembly and senators were to represent their people or provinces but they were only working to safeguard the interest of their leader. It is non-imaginary for the members of senate as well as national assembly to take part in party proceedings openly without the wishes of executive or their leader. Bhutto also denied the actual representation of the members of national assembly from Baluchistan which was repeatedly announced and claimed by opposition leader Wali Khan. Wali Khan also challenged the legitimacy of national assembly because representatives from Baluchistan were not given their electorate representation. This implies that executive body was tempered with the formation of national assembly.<sup>289</sup> On the other hand, Raza Rabbani in his interview claimed that senate and federal executive are two different bodies and there is not point of conflict between council of common interests and federal executive.<sup>290</sup>

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<sup>288</sup>Mahboob Husain, "Parliament in Pakistan 1971-77 and Chief Executive: An Analysis of Institutional Autonomy", *Journal of Political Studies* 20, no. 1 (2013):91.

<sup>289</sup>Shahid Javed Burki, *Pakistan: Fifty Years of Nationhood* (UK:Routledge, 1999), 101-103.

<sup>290</sup>Rabbani, Raza. Interviewed by Zafar Ullah Khan. Personal Interview. Islamabad. April 19, 2020

### 4.1.3 Breach of privilege of senator from Executive body

There are many other examples which can be quoted which indicate that executive body was influencing legislative body. For example, the senators were prohibited to visit Luari Sharif. It means that executive body of both Sindh and Federal Government breached the privilege of senators by issuing a notification that they cannot visit Luari Sharif for participating in religious ceremonies i.e. Urs. This breach of privilege of parliamentarians was raised in senate by J.A Rahim. Responding on the breach, law minister said that it is not a breach of privilege according to the rules and constitution. In addition, the question was not raised on earliest opportunity. Acting Chairman of the senate proposed that it is not the privilege of the senator to visit Luari Sharif therefore; the motion was ruled out of order.<sup>291</sup>

The arrest and detention of a senator Maulana Shah Ahmad Noorani is another example of breach of privilege of senators or parliamentarians. Besides Shah Ahmad Noorani, there were many other parliamentarians who were arrested and detained by police with the order from Executive Office. However, they on the question of breach of privilege were not heard properly in senate because of the majority of the ruling party in senate. Shah Ahmad Noorani also raised a question of his arrest and detention in senate. Responding on the question of breach of privilege, law minister claimed that the question was not raised on earliest opportunity. Consequently, the chairman senate ruled the motions out of order because the question was not raised on earliest opportunity. This implies that both law minister and the chairman ignored

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<sup>291</sup>Mahboob Husain, "Parliament in Pakistan 1971-77 and Chief Executive: An Analysis of Institutional Autonomy", *Journal of Political Studies* 20, no. 1 (2013):82..

rule 64 and 65 and protected executive body despite the breach of privilege of parliamentarians.<sup>292</sup>

There is another very important example of breach of privilege of senators. Shah Ahmad Noornai was continuously being harassed by the member of intelligence agencies, police and CID in government hostels when he came to attend the session of senate. Shah Ahmad Noornai raised the question of breach of privilege in senate. However, the minister for finance while responding on the question claimed that Shah Ahmad Noornai is not able to name any person who harassed him therefore; it is not according to the rule to accept his motion. In addition, he further added that senate could not intervene in such matters because it is not under senate scope. On the other hand, on 16<sup>th</sup> of March, 1976 he moved a motion that the motion should be moved to the committee on rules of procedures and privilege. Therefore, the chairman unwillingly put the motions on house which was also carried out and the motion was admitted under the rules. Therefore, it is quite obvious that senate was only working to protect executive body and ruling party. All the other matters were secondary even in the strongest institution of the country.<sup>293</sup>

In addition, the cabinet nominated and elected by Bhutto was also a factor to his control over institutions. The majority of the members of his cabinet were professionals from middle class. He elected his cabinet members from his party which was under his direct control. In addition, he did not elect any landlord in his cabinet except Jatoi who was landlord just like Bhutto himself. All the members were given a prime task to safeguard Bhutto's interests in any

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<sup>292</sup> *Senate Debate*, 27 February (1976).

<sup>293</sup> *Senate Debate*, 30 March, (1976).

matter, on any cast and in in time. The composition of the cabinet was kept in such a way that it was one of the most professional cabinets ever elected in Pakistan before 1973. His cabinet members were well aware about legal technicalities and they very cleverly tackled unconstitutional steps taken by the Bhutto's government.

It is also quite interesting that the member of cabinet or concerned minister were rarely found attending the sessions of parliament and particular the senate. On average, only three to four ministers were attending the session of senate and from 1973 to 1977, Prime Minister Mr. Bhutto four times attended the session of senate. This implies that the minister were not serious about attending the house for taking part in legislative affairs. On 28<sup>th</sup> November 1975, Senator Begum Nasim Jahan during discussion on a bill raised a point of order that the concerned minister of the bill is not attending the session. The Chairman of the senate as always, supported executive body and claimed that law minister, minister for state and parliamentary secretaries are in the house and they can clarify any confusion if any. In addition, the chairman declared a collective responsibility of cabinet in democratic government therefore, he stated that it is not a problem if concerned minister is absent from the session.<sup>294</sup>

Responding on the motion, minister for law and parliamentary affair demanded to obtain commitment from the movers that he will not move other motion. Responding on the question of arrest and detention, the minister for law and parliamentary affairs claimed that movers is not arrested not he is detained. He is only taken in the policy custody from one place to another. In addition, there is no breach of privilege because this action had not been taken within fourteen days before or after the commencement of the session of the senate. In the meeting of

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<sup>294</sup>Husain Haqqani, *Pakistan: Between mosque and military* (Washington:Carnegie Endowment, 2010):12-14.

senate which was held on 4<sup>th</sup> December 1973, the chair announced his ruling. According to the chair, in the meeting of the senate on 1<sup>st</sup> December 1973, Khawaja Mohammad Safdar moved a privilege motion that he along with Nawabzada Nasrullah Khan were arrested by the Superintendent of Police. However, after about 3 hours, Khawaja Mohammad Safdar was released but his companion was retained.

Khawaja Mohammad Safdar moved a motioned that his arrest, detention and release are breach to his privilege as well as the breach to the senate according to legal provisions and rules of procedures. In addition, he also claimed his arrest, detention and release were not intimidated to the chairman of the senate as required by the rule 64 and 65 of the rules of procedures and conduct of business in senate, 1973. On the other hand, minister for law and parliamentary affairs claimed that police only took Khawaja Mohammad Safar along with another person from the office to police station but he was not retained or arrested. He only remained in police station for two to three hours. Therefore, it is not the breach of his privilege according to the rules.

According to ordinary law it is arrest and detention therefore, breach to privilege occurred. He further added that after moving first motion of privilege he learnt about the second point which required police to report any arrest, detention and release of the member of the senate to the chairman which police did not perform. In other words, there were two major points in the motion moved by mover i.e. breach of privilege for arrest, detention and release of the member of senate during the session of senate and police did not intimate chairman of the senate about the arrest, detention and release of the member of the senate. The chair in his ruling claimed that under ordinary law, Khawaja Mohammad Safdar was arrested and detained.

Therefore, Khawaja Mohammad Safdar was arrested and detained on 6<sup>th</sup> of September 1973. On second point, the chair noticed that a member can raise a question of privilege as early as possible or on the earliest opportunity.

However, there was an opportunity of the members to raise question as early as possible therefore, the chair had no other option than to rule his motion inadmissible to the senate according to the rules. In addition, the chair said that it is clear violation of the rule 64 and 65 of the rules of procedure and conduct of business that police did not report the arrest and even release of the member of senate to the chairman senate which is according to the rule mandatory for the police. Therefore, this action by the arresting authority “Superintendent of Police” is the breach of the rules and legal provision and consequently actionable. However, the above motions and the response of ministers and senate overall indicate the weakness of senate as institution and supremacy of executive body over legislative body.<sup>295</sup>

## **4.2 Relationship of legislative body and Army**

The relationship between different state institutions is of great significance for understanding the autonomy of the institution. Since the independence of Pakistan, there had been a struggle of power between civilian and the institution of military in the country. Army intervened in politics and political matter which were believed to be dealt by civilians since 1950s in Pakistan. Resultantly, army in collaboration with executive and without the consent of executive interfered in many national and international tasks.<sup>296</sup>

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<sup>295</sup> *Senate Debate*, 2<sup>nd</sup> December,(1973).

<sup>296</sup> Ayesha Siddiqi, *Military Inc.: inside Pakistan's military economy* (New York: Penguin Random House India, 2017),81-82.

There is a consensus among the writers that army is one of the most powerful institutions in term of manipulative powers.<sup>297</sup> Although there is no direct link between army and parliament yet army had been found intervening in parliament directly or indirectly. First of all, General Ayub Khan and later on General Yahya Khan dissolved assemblies in Pakistan and also abrogated constitution as well. Army had been found intervening deliberately in many state affairs which in turn proved negative for independent working and autonomy of the state institution. Army rule failed very badly in East Pakistan and army was somehow forced to surrender powers to Bhutto. Bhutto, on the other hand, took very bold steps to remove army from interfering in political matters of civilian nature.<sup>298</sup> The retirement of about 43 senior officers from armed forces and publicity of surrender by armed forces in Dacca are two significant steps taken by Bhutto to make them realized that they are public servant but they were interfering in civilian domain.

Bhutto in his speeches several times announced that army should not interfere in politics because it is not in the wider interests of armed forces, public and for the future of Pakistan. In addition, he also challenged concept of traditional army and proposed a new method of people's army just like Vietnam army.<sup>299</sup> One of the biggest steps taken by Bhutto is the inclusion of Article 6 clause 1 in the constitution. According to the article, anyone who take control on government, abrogate constitution, conspire and temper constitution and subvert constitution of the country with the use of forces or show of forces shall be guilty of high treason. Bhutto

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<sup>297</sup>Iftikhar Malik, *State and civil society in Pakistan: Politics of authority, ideology and ethnicity* (New York: Springer, 1996),31-32.

<sup>298</sup> Stephen P. Cohen, *The future of Pakistan* (Washington: Brookings Institution Press, 2011),149.

<sup>299</sup>Mahboob Hussain, "Institutional Relationship in Pakistan: A Study of the Army and the Parliament (1971-1977)", *Pakistan Vision* 14, no. 1 (2013): 116.

as mentioned above was planning to concentrate powers in Chief Executive Office therefore, he was also planning to eliminate any potential threat of military to take over his government. Therefore, it is right to claim that Bhutto was the first Pakistani civilian leader who was able to setup civilian supremacy over military power.<sup>300</sup>

Although Bhutto enjoyed very good relations with armed forces but later on his terms with Chief of Army General Gul Hasan were disturbed because of many points of disagreement between both. Consequently, General Gul Hasan resigned which further strengthen Bhutto's control over army. There were many points of disagreement between Bhutto and General Gul. For example, General Gul was not agreed for the screening of armed force by police or intelligence, sending army to Karachi for enforcing discipline, Bhutto's desire to participate in promotion and selection board and crushing police strike in Peshawar.

The refusal of General Gul was very disappointing for Bhutto and a clear challenge to his authoritarian leadership style.<sup>301</sup> Bhutto, in president house, was able to arrest General Gul and General Reheem and both were forced to resign from their services. It is claimed that they were planning to coup but their plans were disclosed and Bhutto very cleverly managed both of them. Soon after the resignation of General Gul, General Tikka Khan was appointed a new Chief of Army Staff who was in favor of professionalism and was also in favor of the

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<sup>300</sup> Siddiq Salik, *State and Politics: A Case Study of Pakistan* (Lahore : Al-Faisal Nashran, 1997), 129-130.

<sup>301</sup> Shahid Javed Burki, " Politics of Power and its Economic Imperatives: Pakistan 1947-99", *Power and Civil Society in Pakistan* 101 (2001): 123.

supremacy of constitution in the country. This implies that it was Bhutto who by introducing many new changes in armed forces tried to establish civilian supremacy.<sup>302</sup>

In 1973, a total of three incidents took place in which the officers from armed forces were arrested for planning to take over the government by arresting president, ministers and top administration of armed forces. On 30<sup>th</sup> March 1973 a total of fifty nine military officers were arrested because of the alleged planning to take over the government. Similarly, on 2<sup>nd</sup> May 1973 a group of twelve officers from Air Force were arrested in the same planning to take over the government.<sup>303</sup> The arresting authority claimed that these officers were planning to coup but they were disclosed and arrested consequently. Still, there were many officers in army who were not ready to accept civilian supremacy and were in search of any opportunity to take over the government.

Few months later, fourteen officers were arrested who were planning to take control of the government including some senior and junior officer from army and air force. Their plan was disclosed before they could launch it. For the first two groups, court martial trials were held which were presided by Zia-ul-Haq.<sup>304</sup> However, the last group of fourteen officers were given premature retirement. However, later on the government after reviewing their cases reinstated the services of 7 officers. On the other hand, re-employment was lifted for the other seven officers by the Chief of Air Staff for which he was asked to resign by the civilian

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<sup>302</sup>Muhammad Ayub, *An Army, Its Role and Rule: A History of the Pakistan Army from Independence to Kargil, 1967-1999* (USA:RoseDog Books, 2005),59-60.

<sup>303</sup> Hassan Askari Rizvi, *Military and politics in Pakistan*(Lahore:Sang-i-Meel Publication,1997),41-42.

<sup>304</sup>Muhammad Ayub, *An Army, Its Role and Rule: A History of the Pakistan Army from Independence to Kargil, 1967-1999* (USA:RoseDog Books, 2005),122-124.

government and he resigned as well. Bhutto as the head of executive was working in such a way to increase his power and decrease the powers of all the other institutions.

The creation of Federal Security Force is one of his attempts to minimize the importance of armed forces. Although Bhutto did not take the parliament into confidence for creating Federal Security Force which was also not acceptable for military. It was a common thinking among armed forces that it is parallel institution to army and it will decrease its importance and autonomy in the country. However, Bhutto was only using Federal Security Force for threatening his opponent and for harassing those who were against Bhutto's government. These non-parliamentary steps of Bhutto were not in favor of democratic development in the country. Bhutto was also able to establish civilian supremacy over military powers still he was not able to establish the supremacy of parliament or legislative body over executive or the institution of military. Because of his non-parliamentary thinking and authoritarian leadership style, Bhutto was shaking the foundation of democracy and parliamentary system of government.<sup>305</sup>

The government of Zulfikar Ali Bhutto adopted many reforms and policies for gaining control over state institutions by the office of Prime Minister. His aim was to continue popularity and support from public as he gained in the start of 1973. For this purpose, he introduced many new plans of socio-economic reforms and also took the vote of confidence from the parliament. In these reforms he used his political party and workers as instrument for his own political goals. Consciously and/or unconsciously Bhutto was using those reforms and policies related to armed forces and bureaucracy which were helping him to concentrate powers

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<sup>305</sup> Hassan Askari Rizvi, *Military and politics in Pakistan* (Lahore: Sang-i-Meel Publication, 1997), 105-106.

in Prime Minister Office.<sup>306</sup> On the other hand, these reforms were subsiding military, bureaucracy, parliament and cabinet as well.

There were many potential threats faced by Pakistan mainly from her rival India. According to popular Indian sentiments, Pakistan will not be able to run as independent state and ultimately it will come back to India. Therefore, it was not wise enough for Bhutto to continuously decreasing the power and autonomy of the armed forces. Bhutto in initial period of his rule decreased the powers of army but later on he was not able to calculate the resilience in armed forces. Bhutto rightly became the Supreme Commander of Armed Forces by making changes in command and control structure of the armed forces but he was not able to control army as much as he was expecting. He for minimizing the powers and autonomy of armed forces targeted military's commercial ventures.

However, military start organizing apparently according to civilian desires and reforms but it was actually a planning of another military rule starting from 1977. Bhutto was working to create and maintain civilian supremacy yet he was not using democratic way to reforming. Bhutto preferred his personal goals (maximizing power for chief executive) rather than establishing and strengthening participatory institutions, opposition was fed-up of Bhutto's authoritarian and non-parliamentary behavior and military was also reorganized therefore, Bhutto could not maintained his control of state institution and army took control over the executive and legislative institutions of the country.<sup>307</sup>

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<sup>306</sup> Mahboob Hussain, "Institutional Relationship in Pakistan: A Study of the Army and the Parliament (1971-1977)", *Pakistan Vision* 14, no. 1 (2013): 116.

<sup>307</sup> Husain Haqqani, *Pakistan: Between mosque and military* (Washington: Carnegie Endowment, 2010), 23-25.

There are many examples which might be quoted from 1973 to 1977 about the relationship between army and legislative body i.e. national assembly or senate. However, the role of Bhutto is very important in this regard. Bhutto first of all removed all those officers from armed forces who he thought were against him and might pose any potential threat for his government. Although he did not take parliament into confidence yet parliament was supporting him because of his ruling party.

On the other hand, parliament was thinking about constitutional dominance in the country therefore, parliament wants to define the role and responsibilities of armed forces. In this regard, parliament passed amendment of high treason for the abrogation of constitution. Similarly, there was also an oath in constitution for the armed forces that they will not interfere in political activities and only fulfill their professional duties. It means that parliament want to defined the boundaries of the institutions and as it was the responsibility of the legislative body through independent legislation.<sup>308</sup>

As mentioned above, it was the responsibility of the legislative body i.e. national assembly and senate to collectively work on legislation in the country. However, parliament even senate was not empowered enough to discuss the working, responsibility and roles of armed forces. It means that military institution remained sacred cow which was not allowed to discuss even by the country's most powerful institution. It also indicates the powers of the

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<sup>308</sup>Mahboob Hussain, “ Institutional Relationship in Pakistan: A Study of the Army and the Parliament (1971-1977)”, *Pakistan Vision* 14, no. 1 (2013): 116-18.

military institution that legislative body was not able to ask any question. However, from senate there were two significant attempts to discuss military were ruled out of order.<sup>309</sup>

Khawaja Mohammad Safdar in 1974 sought leave of the house to discuss the provision of modern equipment to armed forces by federal government. Serious objections were raised on his motions by ministers from ruling party. The mover of the motion claimed that Federal government is not providing modern weapons to Pakistan army for protecting border from any future aggression by India. Indian forces are equipped with latest and modern technology in term of defense therefore; federal government should also provide modern technology to army.

On the other hand, state minister for foreign affairs and defense while responding on the motion declared that the government is well aware of the matter. He assured the movers of the motion and the house that army is not neglected by the government to look after the defense of the country. However, government measures in defense cannot be shared with the house for wider public interest. The mover asked for the admissibility of the motion on which deputy chairman ruled it out of order and stated that there are many things which cannot be even discussed for public interest. The mover on the other hand, sought permission for speaking on the matter but he was not allowed by putting the motion on house who voted not to discuss the motion. It means that executive and military institution were working together and they were not accountable to legislative in opposition to the rules of parliamentary democratic system of governance.<sup>310</sup>

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<sup>309</sup>Zulfiqar Khalid Maluka, *The Myth of Constitutionalism in Pakistan*, (USA:Oxford University Press,1995),91-92.

<sup>310</sup> *Senate Debate*, 16 January, (1974).

There is another example from the senate about the discussion of armed forces in senate. On 16<sup>th</sup> of January 1974, Senator Shah Ahmad Noorani moved an adjournment motion to discuss the statement of Chief of Army Staff General Tikka Khan. General Tikka Khan gave a statement regarding the installation of latest weapons near the border of the country. This statement was published in all the well reputed newspaper and Shah Ahmad Noorani moved an adjournment motion to discuss the statement. On the other hand, while responding on the motion, the minister for defense claimed that the statement of General Tikka Khan had been misreported by the newspapers. He further added that Chief of Army Staff was disclosing about the installation of modern weapons by neighboring countries along with border and he was not talking about the installation of modern weapons along the border of Pakistan.

The minister assured house that the government is well aware from defense and therefore, taking serious actions to handle the situation. However, such measures cannot be discussed in the house for public interests. The chair ruled the motion out of order because it was not in public interests to discuss the motion. Moreover, there are some others examples from national assembly i.e. demand of the copies of white papers on Baluchistan by the member of national assembly, use of word “mercenary army” by Abdul Khaliq Khan during the discussion of general budget. Nevertheless, the legislative body was not able to even discuss sacred cow in the house. In addition, legislative body was working under executive body and executive body was protecting and using armed forces for gaining maximum powers.<sup>311</sup>

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<sup>311</sup> *Senate Debate*, 19 January,(1974).

### 4.3 Relationship between bureaucracy and legislative body

Bureaucracy and the senate are two different institutions with different nature of working. It is the duty of the senate along with national assembly to work on legislative matter and it is the duty of the bureaucracy to implement the decisions based on the legislation by working closely with executive. Although parliamentary institutions are the strongest institution yet in Pakistan bureaucracy is stronger than senate.<sup>312</sup> There are many factors of the dominance of bureaucracy over legislative body but the role of political parties and the control of political leader on the members working in legislative body are of great weightage. Party leadership working with bureaucracy controls the working of their workers in legislative body and thus bureaucracy indirectly controls executive body.

Pakistan remained under oligarchy since 1947.<sup>313</sup> There were few individuals either from civilian or from military who rule the country. On the other hand, it is also a hard reality that the top role in oligarchy is played by bureaucracy and army. In other words, it can be claimed that bureaucracy is the senior most segment of oligarchy. The role of bureaucracy was very important even during martial law as they were working at grass rote level for successful maintenance of law and order. Sub-continent remained under the control of bureaucracy because it was the need of the time to control people. However, Pakistan did not change the system and structure of bureaucracy after partition. Therefore, bureaucracy remained intervening and controlling the state. Consequently, the country remained under the control of

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<sup>312</sup>Mahboob Hussain, “ Power Dynamics of State Institutions in Pakistan, Discourse Analysis of Bureaucracy and the Legislature (1971-1977)”, *South Asian Studies (1026-678X)* 30, no. 2 (2015):178-179.

<sup>313</sup>Mohammad Waseem, *Democratization in Pakistan: A study of the 2002 elections.*(USA:Oxford University Press,2006),115-117.

bureaucracy even in the presence of constitutionally powerful institutions such as senate and national assembly.<sup>314</sup>

In Pakistan, civil bureaucracy remained the strongest bureaucracy because of its involvement in decision making. However, bureaucracy was making and enforcing decisions with executive still it was more important than executive. Therefore, none of the policy makers or writers claimed that bureaucracy remained under the control of legislative body but there was a consensus among the writers that it is the bureaucracy which is stronger as compared to legislative body.<sup>315</sup> However, Bhutto tried to control bureaucracy with the help of some reforms i.e. administrative reforms of 1973. Bhutto's intentions were to create the supremacy of political leadership or parliament over bureaucracy. For decreasing the power of bureaucracy, special guarantees for civil service was not included in the constitution of 1973.<sup>316</sup>

Bhutto also weakens bureaucracy while taking punitive actions against large number of senior civil servants who were asked to resign from their services. However, with the passage of time, bureaucracy starts gaining power because of the use of bureaucracy by Bhutto for his personal motives. He used bureaucracy for suppressing and controlling his opponents and involved it in decision making related to the government affairs.<sup>317</sup> Till the end of 1974, the majority of the members of the Bhutto's team were from bureaucracy and they were powerful from parliamentarians who were under Bhutto's direct control. Involvement of bureaucracy is

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<sup>314</sup>Mahboob Hussain and Rizwan Ullah Kokab, "Institutional influence in Pakistan: Bureaucracy, cabinet and parliament", *Asian Social Science* 9, no. 7 (2013): 173.

<sup>315</sup>Saeed Shafqat, *Democracy and political transformation in Pakistan* (Karachi: The Contours of State and Society, 2002), 221-223.

<sup>316</sup>Robert La Porte Jr, *Power and privilege: Influence and decision-making in Pakistan* (California: University of California Press, 1975), 29-30.

<sup>317</sup>Charles H Kennedy, *Bureaucracy in Pakistan (USA: Oxford University Press, 1987)*, 137-139.

very obvious from the working of Vaqar Ahmad as Cabinet Secretary and Establishment Secretary. It means that he was directly involved in the decision making in Bhutto's cabinet. Vaqar was working very closely with Bhutto and this made him very arrogant. Therefore, none of the minister was happy because of his attitude and working style.<sup>318</sup>

Similarly to the relationship of legislative body particularly senate with executive body and military institution, the relationship between bureaucracy and legislative body is of great importance for understanding the autonomy of the senate. Senate along with national assembly remained under the control of executive body as well bureaucracy. From 1973 to 1977, bureaucracy both directly and indirectly had influenced senate. It is the well documented fact that bureaucracy is one of the strongest institutions in Pakistan since 1947. It is bureaucracy which actually enjoys the powers and prestige on the behalf of executive body of the country. In other words, there is a close relationship between bureaucracy and executive body which in turn make this institution one of the most powerful institutions in the country. On the other hand, senate had been the secondary choice for executive body which was to endorse the proclamations by executive. However, the influence of the bureaucracy on senate is visible different motions presented in senate by senators.

On 27<sup>th</sup> of February 1976, a member of senate moved a motion about the statement of a federal minister for communication. Federal minister for communication gave a statement that currently the government is being run by the senior bureaucracy and it is no more the people's government. In other words, he was of the views that democratic government had no control over decision making and the majority of the decisions are being provided by

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<sup>318</sup>Mubashir Hasan, *The Mirage of Power* (USA:Oxford University Press, 2000),19-21.

bureaucracy. This statement was published in national newspaper on which an adjournment motions was moved in senate. Responding on the motion, the minister for communication raised an objection that the question had not been raised on the earliest opportunity therefore, the motion is not admissible. Based on the objection of the minister for communication, the chair ruled the motion out order that the matter is not recent.<sup>319</sup>

It means that the institution of senate was not as strong to discuss and question bureaucracy because of both internal and external pressures. Internally, the ruling party particularly the cabinet of Bhutto was protecting bureaucracy and bureaucracy was strong enough that it did not allow flourishing the institution of senate. On the other hand, senate was also fully aware from the role of bureaucracy in executive because even the minister from Bhutto's cabinet was not happy with the involvement of bureaucracy in decision making. For example, minister for communication whose statement was reported in newspaper was being targeted by the bureaucracy of his department and he because of Bhutto's policies was not able to do anything.<sup>320</sup> It is also evident from the statement of the minister that he was feared to get proper support from the cabinet or parliament therefore; he did not raise this question in parliament nor in cabinet meeting.

The parliament and particularly, the senate were only to support the decisions of executive in term of bills, resolutions and motions moved by national assembly into senate. It means that the role of senate was to approve the decisions taken by Chief Executive in the form of legislative provisions. Despite the apparent parity between national assembly and senate,

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<sup>319</sup> *Senate Debate*, 29 February,(1976).

<sup>320</sup> Mahboob Hussain and Rizwan Ullah Kokab, "Institutional influence in Pakistan: Bureaucracy, cabinet and parliament", *Asian Social Science* 9, no. 7 (2013): 175-176.

national assembly was powerful in term of their decision to implement legislative bills and resolutions. Because of the less powerful position of senate, bureaucracy was found misbehaving with senators. Senators on the other hand raised many privilege motions about their harassment in senate but in vain. For example, Shah Ahmad Noorani motion of breach of privilege, motion by Khawaja Mohammad Safdar's arrest and detention by police are two major examples when senate did not support senators but protected bureaucracy.<sup>321</sup>

Therefore, it is the fact that from 1973 to 1977 bureaucracy remained powerful and dominant as compared to legislative institutions. It is also noted that it is the failure of the parliament or senate as an institution that it was not able to hold its supremacy over bureaucracy and executive body because in most of the cases, senate as an institution did not care about institutional development and superiority. Senate was not able to set rules of procedures which guarantee the provision of freedom of speech, tolerance to disagreement and respect of opposition and minorities therefore, the institution remained in subordinate position despite being the country's most powerful institution. It is also reported that it is the failure of the ruling party of that time to develop democratic and parliamentary system of government in which executive body, bureaucracy and military were held responsible to legislative body of the country.

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<sup>321</sup>Tahir Mahmood, "A Comparative Analysis of the Functioning of the Senate in." *Journal of South Asian Studies*, Vol. 30 (December 2015): 265-280.

## **Chapter No. 5**

### **SENATE AND POLITICAL LEADERSHIP**

In the present chapter of the study, political leadership of the time discussed. As Bhutto was hegemonic leader in 1971 to 1977, therefore, the focus of the chapter is the role of Zulfikar Ali Bhutto. For this purpose, Bhutto's role had been discussed as chief martial law administrator and president as well as prime minister of the country. However, his attitude towards his opposition from 1971 to 1977 generally and particularly from 1973 to 1977 is discussed. In addition, role of different senators in the first senate is also elaborated while discussing their qualification and profession and their role in legislative affairs in first senate of the country.

#### **5.1 Zulfikar Ali Bhutto**

The results of general election 1970 did not prove fruitful for Pakistan. Based on the results and many other internal and external factors, Pakistan had to lose one of its parts "East Pakistan" in 1971. It is also claimed that it was the result of the failure of the military government in Pakistan to negotiate with political leadership from East Pakistan to settle the disputes. On the other hand, Pakistan People's Party wins the majority of seats in three provinces of West Pakistan including Punjab, Sindh and North West Frontier Province. After facing many challenges both from masses as well as political parties, military government of

Mr. Yahya Khan was not able to run the state. In addition, the failure of the military government in East Pakistan decreases the morale and trust on military government by the masses.<sup>322</sup>

Consequently, General Yahya Khan decided to hand over the powers to Pakistan People's Party in Pakistan (West Pakistan) because it was the party which secured the maximum number of seats in the general election of 1970. Therefore, Zulfikar Ali Bhutto the leader of Pakistan People's Party received powers from military dictator in 1971 as the president of the country as well as Chief Martial Law Administrator. From this day, formal political career of Bhutto as President of the country and Chief Martial Law Administrator started. From the day of assuming the office, the role of Mr. Bhutto remained authoritarian as head of the state and administration. Although Bhutto received powers based on democratic norms yet he was not democratic in nature.<sup>323</sup>

As mentioned above, Bhutto emerged in national politics after the general election of 1970 based on the subsequent victory of Pakistan People's Party. Bhutto emerged as national leader in Pakistan because of his popularity in the masses and because of his charismatic leadership and attributes. Resultantly, he was Bhutto who received the title of "Quaid e Awam". It means that Bhutto was successful to win the heart of people and therefore, common people considered him very loyal leader of the masses. Therefore, he successfully ruled more than five years in Pakistan starting from 1971 to 1977. From 1971 to 1973, Bhutto worked as the president of Pakistan as well Chief Martial Law Administrator. However, Bhutto worked as

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<sup>322</sup>Rafi Raza, *Zulfikar Ali Bhutto and Pakistan, 1967-1977* (Oxford:Oxford University Press, 1997),55-56.

<sup>323</sup>Nicholas Deakin and Jenny Bourne, "Powell, the Minorities, and the 1970 Election", *The Political Quarterly* 41, no. 4 (1970): 401-402.

Prime Minister of Pakistan from 1973 to 1977.<sup>324</sup> This implies that Bhutto era can be divided into two parts i.e. Bhutto as President and Chief Martial Law Administrator and Bhutto as Prime Minister of Pakistan. On the other hand, Bhutto was also very famous on many international forums because of his Charismatic personality. Bhutto rightly enjoyed popularity in the country despite his involvement in bloodshed and violence in East Pakistan which was based on his lust for power.

Although he used many tactics for gaining and maintaining power in the country yet he was only successful for about five and half years. With the passage of time, it became very clear to his workers, supporters and advisers that Bhutto is only after his personal glory and he is not loyal with anyone even with his very close friends. Therefore, after the end of his glorious time in Pakistan none of his supporters and workers was able to rescue him because he did not work too much for institutional building in the country. It is also a hard reality that Bhutto worked somehow for creating the supremacy of executive body with the help of legislative body still he was not able to keep the involvement of external actors away from political activities.<sup>325</sup>

In the early years of Bhutto regime, he was considered the best alternative of martial law administrators from military because of his popularity in the country. The role of Bhutto's promises and pronouncements remained also very helpful for him. His slogans were very popular among the illiterate and the poor people of the country. He rightly talked about the

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<sup>324</sup><https://nation.com.pk/13-Dec-2017/party-versus-parliament>

<sup>325</sup>Iftikhar Ahmad, Ramzan Shahid, and Shumaila Rafique, "Z. A Bhutto's Bout for Civil Supremacy in Pakistan: An Analysis", *Vol4, no 1* (2004)102-103.

bread, cloths and living apartments for all by introducing Islamic socialism and participatory democracy in the country. However, he was not able to fulfill the needs of the masses both social and economic which were being faced by the majority of the population at that time. In addition, Bhutto was also not able to prove him innocent because of the separation of East Pakistan from West Pakistan which was an incident of the failure of the state. He was also not able to calculate the risks from many fundamentalists who were against Bhutto and raged reactionary elements in armed forces because of his policies.<sup>326</sup>

First of all, Bhutto was not as such favored by the armed forces because of his role in East Pakistan and secondly, Bhutto after assuming the office start actively working to weaken military institution by imposing forceful retirement of many key and senior officers from armed forces. Bhutto's working style was consistent with the authoritarian working style of military dictator therefore; it can be assumed that Bhutto inherited authoritarian working style from his close interaction and working with two dictators i.e. General Ayub Khan and General Yahya Khan. After working as president and chief martial law administrator, it was not possible for Bhutto to give up authoritarian leadership style because this was consistent with his temperament and personality characteristics as well. The army on the other hand, was also working every efficiently and it was a common thinking about the members of armed forces that it was Bhutto's fault to divide Pakistan into two parts. Bhutto, on the contrary, was not able to counter them effectively. Below is the detail of Bhutto's career as President and Chief Martial Law Administrator and Prime Minister of Pakistan.<sup>327</sup>

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<sup>326</sup> Muhammad Shafiq, Razia Sultana, and Muhammad Munir, "Political Rhetoric; Slogan Politics in Pakistan and Role of Parliament", *FWU Journal of Social Sciences* 11, no. 2 (2017):26-27.

<sup>327</sup> Surendra Nath Kaushik, *Pakistan under Bhutto's leadership* (Delhi:Uppal Publishing House, 1985),27-28.

### **5.1.1 Bhutto as President and Chief Martial Law Administrator**

Bhutto was handed over the powers from military dictator General Yahya Khan. After assuming powers, Bhutto worked as both Chief Martial Law Administrator and President of the country. More than one year, Bhutto enjoyed the powers of both Chief Martial Law Administrator and President. In the meantime, the constituent assembly of Pakistan which was elected based on the general election of 1970. The assembly was working on the constitution making and an interim constitution of the country was presented on 21<sup>st</sup> April 1972. Initially, Bhutto was in favor of presidential government but commission recommended bicameral parliamentary system. Bhutto, on the other hand, was not ready to leave powerful office of the president but later he start intervening and manipulating the working of commission to make executive powerful than any other state institution. However, after the adoption of interim constitution in 1972, Bhutto took the oath of the president of the country and left the office of Chief Martial Law Administrator. However, he served as the president of the country until the adoption of permanent constitution of 1973 on 14<sup>th</sup> of August 1973.<sup>328</sup>

Pakistan was facing many challenges at that time when Bhutto assumed the office of Chief Martial Law Administrator and President. Although he gained power based on popular vote but he was not working as democratic leader. He proposed to build new Pakistan based on Islamic Socialism and participatory democracy in the country. In addition, he wants to set some examples for establishing democracy in the country. Therefore, he not only released Sheikh Mujibur Rehman but also lift ban on Awami National Party of Khan Abdul Wali Khan. At one hand, he was trying to be a popular democratic leader and on the other hand, he was

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<sup>328</sup> Surendra Nath Kaushik(1985:27-28).

working both as Chief Martial Law Administrator and President. He for the sake of power was not ready to leave the office of Chief Martial Law Administrator. It means that he was working as dictator as well.<sup>329</sup>

Bhutto perhaps for showing off shed tears because of division of the United Pakistan. He most of the time accused India for interfering in the internal affairs of Pakistan. It is not possible to differentiate either Bhutto was really concerned about the separation of East Pakistan from United Pakistan or he was just showing it off for maintaining his popular vote in the country. It is also evident that Bhutto remained in search of any opportunity for proving him innocent. For this purpose, he asked Mujibur Reham to take oath as the President of United Pakistan. However, initially he was Bhutto who refused his constitutional right of Prime Minister of Pakistan.<sup>330</sup>

Bhutto was working as the head of executive in Pakistan because of assuming two the most powerful offices in the country without any formal constitution from December 1971 to April 1972. The powers of both the offices forced Bhutto to realize that Presidential Cabinet is the need of the time. Therefore, he announced presidential cabinet which will be governed by Chief Martial Law Administrator and President as the head of cabinet. He further added that it will be a temporary setup in which the ministries of foreign affairs, defense, interior and provincial cooperation will be include in president cabinet.<sup>331</sup>

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<sup>329</sup>Kurshid Hyder, "Pakistan Under Bhutto", *Current History* (pre-1986) 63, no. 000375 (1972): 202.

<sup>330</sup> Rafi Raza, *Zulfiqar Ali Bhutto and Pakistan, 1967-1977* (Oxford:Oxford University Press, 1997),40-41.

<sup>331</sup>Shahid Javed Burki, *Pakistan under Bhutto, 1971-1977*(London:Macmillan,1988),33-34.

It is a hard reality that Pakistan was facing many problems before Bhutto took charge of the offices. However, he increased the problems faced by Pakistan because of his nondemocratic leadership style. He deliberately prolonged martial law in the country just for the sake of oppressing his opponents who were also not in majority but in significant numbers to disturb him for achieving personal glory. Similarly, he was also deliberately not convening the session of national assembly along with prolonging the permanent constitution of the country.

Top officers from military and bureaucracy were asked to resign on account of corruption and malpractices. The forced retirement and resignation was not constitutional move by Bhutto but it assured him that he is safe from any potential threat to achieve powerful position in the country. He ordered the house arrest of former President Yahya Khan and Chief of Army Staff General Abdul Hamid Khan and asked to investigate the causes of the division of United Pakistan. He even did not spare his friends from military who helped him to get powers from Yahya Khan and appointed Tikka Khan Chief of Army Staff and Zafar Ahmad Chaudhry Air Martial. It means that Bhutto targeted military institution for making him powerful politician and to avoid future martial laws in country. Besides army, he also introduced many changes in bureaucracy and also asked about 1300 civil servants forcefully to resign for breaking the power of bureaucracy. This implies that Bhutto was working very consciously to weaken states institution just for his personal glory.<sup>332</sup>

Bhutto on the other hand, was also working very hard to maintain his popular position by involving middle class working people with them. He introduced many economic reforms

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<sup>332</sup>Surendra Nath Kaushik, *Pakistan under Bhutto's leadership*(Delhi:Uppal Publishing House, 1985),33-35.

in the country and asked the employees to provide all the basic necessities to their workers for raising their standard of living. On the other hand, he was getting pressure from opposition parties to end martial law from the country. Resultantly, he announced the end of martial law after an agreement among three political parties i.e. Pakistan People's Party, Awami National Party and Jamiat-ul-Ulema-i-Islam on 6<sup>th</sup> of March 1972. However, after the promulgation of interim constitution from 21<sup>st</sup> April 1972, presidential system at center and parliamentary system at provincial level was introduced based on Indian Act 1935 and Independence Act 1947.<sup>333</sup>

The interim constitution of the country gave powers to Bhutto as president. This development was not according to earlier promises by Bhutto and his party manifesto because he promised parliamentary system in the country. Although he appointed a committee under his chairmanship for drafting permanent constitution yet many issues emerged between ruling party and opposition which were actually related to the nature of the executive, relationship between state and religion and provincial autonomy. There were two wings of political parties which were active but opposite in nature. Rightist and Islamic wing want to incorporate Islamic laws in new constitution and leftist parties were in favor of parliamentary laws and values in constitution. In addition, Bhutto was also facing some differences from the members of his cabinet on the basic elements of new constitution. Bhutto did not give any importance to both Mr. Mahmud Ali Kasuri and Miraj Mohammad Khan resultantly both resigned from cabinet

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<sup>333</sup> Craig Baxter, "Constitution making: The development of federalism in Pakistan", *Asian Survey* 14, no. 12 (1974): 1077-1078.

and they also quit constitution making committee as well because of the Bhutto's unconstitutional wishes and desires.<sup>334</sup>

However, Bhutto was able to convince opposition parties somehow about permanent constitution of the country despite many hurdles in his way. Committee submitted final draft of constitution on 31<sup>st</sup> of December 1972 which was further amended by Bhutto for making executive office more powerful by violating parliamentary rules and norms. Despite the serious efforts from opposition parties and serious name calling and allegations, Bhutto did not realize that he was doing something wrong. Opposition parties were working very hard for true parliamentary constitution but Bhutto was not ready to negotiate therefore, on 23<sup>rd</sup> March 1973, the opposition parties observed "Black Friday" but in vain. However, the nature of the constitution which was being insisted by Bhutto and the ground realities of socio-economic development were not consistent because committee was ignoring the ground realities of socio-economic and ideological condition of the country.

In addition, it is also obvious that few social groups working in political system of Pakistan were also not aware or even not concerned with the needs of the time.<sup>335</sup> It is very surprising fact that Bhutto was able to pass the new permanent constitution of the country from the national assembly with 125 votes out of total 128 members present in national assembly. It means that opposition with 56 votes was not able to stop Bhutto. Resultantly, he took the oath of new prime minister on 13<sup>th</sup> of August 1973 and new permanent constitution of the country was promulgated from 14<sup>th</sup> of August 1973. From the above discussion, it is quite evident that

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<sup>334</sup>Mansoor Akbar, "Federalism in Pakistan: Problems & Prospects", *Asian and African Studies* 11, no. 1 (2002): 39-40.

<sup>335</sup>Kamal Azfar, *Pakistan: political and constitutional dilemmas* (Karachi: Pakistan Law House, 1987):91-93.

Bhutto remained one of the powerful who enjoyed ultimate powers and privileges from 1971 to 1973 and he targeted any potential opponent with firm actions. Although he was facing hurdles to implement president system at center yet he was successful to make executive office so strong that it surpasses all the other state institutions. Bhutto on the other hand, did not allow true parliamentary system in the country but was successful to implement modified parliamentary system.<sup>336</sup>

### **5.1.2 Bhutto as Prime Minister from 1973 to 1977**

Pakistan entered into a new phase of parliamentary democracy with the adoption of permanent constitution of 1973. Bhutto stated on the day of being elected as Prime Minister that it is a very special day for the people of Pakistan because it is great achievement by the people of the country. Besides the inclusion of amendments introduced in the constitution by Bhutto there are many amendments which were included in the constitution because of Islamic ideology of the majority of the population in the country. In other words, the reflection of Islamic ideology was visible in many laws of new constitution of the country. For example, Article 1, Article 2 and Part IX of the preamble of the constitution indicated the dominance of Islamic ideology in constitution. For the first time, the constitution of 1973 declared that Islam is state religion which was not included in former constitutions.<sup>337</sup>

As it is mentioned earlier that Bhutto was successful to make the office of Prime Minister the most powerful state institution by interfering and intervening in the committee which was working on constitution. It is very interesting because in parliamentary democracies

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<sup>336</sup>Surendra Nath Kaushik, *Pakistan under Bhutto's leadership*(Delhi:Uppal Publishing House, 1985):51-52.

<sup>337</sup>Shahid Javed Burki, *Pakistan under Bhutto, 1971–1977*(London:Macmillan,1988):77-79.

it is not possible by Chief Executive to dictate in legislative affairs as it was very easy for Chief Executive in Pakistan. According to the constitution, it was declared that President shall act in accordance with the advice of Prime Minister and shall be binding on him that was against the Westminster model of parliamentary democracy. In addition, it was mandatory to identify a successor to the prime minister for moving a motion of no-confidence and a clear majority of the total members of national assembly is required for vote of no-confidence against prime minister. It was also added in Article 96 (5) that the vote of the member from the party which did not support vote of no-confidence will be disregarded. These two provisions related to the vote of no-confidence are also different Westminster model of parliamentary democracy.<sup>338</sup>

Therefore, it is quite evident that Bhutto makes his position powerful with the help of initial amendments in constitution as well with the help of constitutional amendments from 1973 to 1977. It was required by the law to pass any constitutional amendment with two-thirds majority from national assembly and simple majority from the senate. Therefore, it was not a big deal for Bhutto to pass any amendment because of his simple majority in both the houses. However, four constitutional amendments out of total seven constitutional amendments which were passed from 1973 to 1977 increased the powers of chief minister of the country directly or indirectly. It means that Bhutto with the help of his untrained voters was able to make executive office more powerful than any other state institution.<sup>339</sup>

The lust for power and thirst of power is quite evident from the working of Bhutto. Bhutto as leader although secure visible majority in the country, was not satisfied with his

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<sup>338</sup>Surendra Nath Kaushik, *Pakistan under Bhutto's leadership*(Delhi:Uppal Publishing House, 1985):79-80.

<sup>339</sup>Lubna Kanwal, "Centre-Provinces Relations under the Constitution of 1973: The Role of Punjab during Zulfikar Ali Bhutto Era", *Journal of the Pakistan Historical Society* 64, no. 1 (2016): 41.

achievement. He on the other hand, wants to maximize his powers just like his predecessors i.e. General Ayub Khan and General Yahya Khan. For achieving his goals, Bhutto was using parliamentary democratic way. He for increasing and maintaining his powers was using parliament and making continuous amendments in the constitution. He wants to make him the custodian of ultimate powers both in central as well as in provincial government. Therefore, he was using his political party to take full control over the whole country. On the contrary, he was not able even to tolerate his opposition both inside and outside of his political party.<sup>340</sup>

For this purpose, he used Federal Security Force (FSF) and state machinery to crush his opposition. Those in opposition reported many such cases in which they were being harassed by police and other security agencies for speaking against Bhutto. It means that for personal glory and achievement he was playing with the constitutional norms, traditions and practices. Bhutto was not able to trust others because of two factors i.e. his origin and his personal ideology. As he was a Sindhi politician and therefore, he was not able to trust any Punjabi because of their majority of seats in National assembly. On the other hand, he was also of the views that only centralized powerful government is capable to work in heterogeneous Pakistan.

This ideology he adopted from General Ayub Khan who was in favor of powerful centralized government in the country. Although Bhutto was different from Ayub in many ways yet he was working according to the model adopted by Ayub. The model of Constitutional Autocracy was quite visible in many ways in the different steps taken by Prime Minister Zulfikar Ali Bhutto from 1973 to 1977 because he was in search of maximizing his own powers

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<sup>340</sup>Satish Kumar, *The New Pakistan* (Chennai: Vikas Publishing House Private, 1978),101.

by decreasing the powers of contemporary state institutions such as national assembly, senate, military, bureaucracy and judiciary.<sup>341</sup>

## 5.2 Opposition from 1973 to 1977

It is very important to discuss the role of opposition party(s) in Pakistan from 1973 to 1977 because of many new developments which took place in these four years. In general election 1970, about ten political parties took part. From East Pakistan, Awami League secured maximum seats. On the other hand, Pakistan People' Party remained successful in West Pakistan. In West Pakistan, Pakistan Muslim League, Council Muslim League, Jamiat-ul-Ulema-e-Islam (Hazarvi), Jamiat-ul-Ulema-e-Pakistan, National Awami Party (Wali Khan), Jamat-e-Islami and Muslim League (Convention) contested elections. On the other hand, Awami League and Pakistan Democratic Party were two political parties which contested election from East Pakistan. It is clear from the number of political parties that a number of parties both rightist and leftist were contesting election in West Pakistan. Province wise break down of political parties indicated that the majority of the seats in three provinces were secured by Pakistan People's Party.<sup>342</sup>

In Punjab, Pakistan People' Party was successful to win 64 seats out of 82, Pakistan Muslim League won one seat, Council Muslim League seven, Jamiat-ul-Ulema-e-Pakistan four, Jamat-e-Islami one and Muslim League (convention) two and three independent candidates were successful. It means that there was a clear majority of Pakistan People's Party in Punjab. On the other hand, eighteen seats were won by Pakistan People's Party, one by

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<sup>341</sup>Surendra Nath Kaushik, *Pakistan under Bhutto's leadership*(Delhi:Uppal Publishing House, 1985),29-31.

<sup>342</sup>Rafi Raza, *Zulfiqar Ali Bhutto and Pakistan, 1967-1977* (Oxford:Oxford University Press, 1997),37-38.

Pakistan Muslim League, three by Jamiat-ul-Ulema-e-Pakistan, two by Jamat-e-Islami and three independent candidates were successful in Sindh. It means that out of 27 seats, a clear majority of the seats were won by Pakistan People's Party in Sindh. In North West Frontier Province, Pakistan People's Party secured only one seat, Pakistan Muslim League seven, Jamiat-ul-Ulema-e-Islam (Hazarvi) six, National Awami Party (Wali Khan) three and Jamat-e-Islami won only one seat.<sup>343</sup> It means that in North West Frontier Province, the majority of successful candidates were from Pakistan Muslim League and Jamiat-Ulema-e-Islam (Hazarvi). Moreover, in Baluchistan, three candidates of Awami National Party and one candidate of Jamiat-Ulema-e-Islam (Hazarvi) were successful. It mean that from a total of four provinces, the majority of the seats for national assembly (88) were secured by Pakistan People's Party and all the other seven political parties remained in opposition. Therefore, in center, there was a clear majority of Pakistan People Party which was also in favor of Bhutto to fulfill his desires but it did not prove beneficial for the country.

Bhutto for the sake of extending his tenure and for the sake of personal glory also used, threaten and harass his opposition in many ways. However, his first desire was to secure his future as powerful politician in the country and other desire to interest in promoting national benefits to Pakistan as well. Opposition parties were also targeted by Bhutto as he targeted military and bureaucracy. It is widely claimed that except few decisions, the majority of the decisions taken by Bhutto were not because of the pressure of opposition. In his early tenure as Chief Martial Law Administrator and President, he did not care about his opposition parties for taking decisions. On the other hand, political parties kept on pressurizing him for lifting

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<sup>343</sup>Government of Pakistan, *First Senate Of Pakistan(Islamabad: Secretariate,1980)*, 123-125.

marital law and working on permanent constitution in the country. Because of the pressure from opposition, Bhutto decided to lift martial law and also passed interim constitution.<sup>344</sup>

As mentioned earlier, Bhutto was in favor of Presidential system in center but opposition parties kept on arguing for parliamentary system of government which was promised by Bhutto earlier and which was also included in the manifesto of Pakistan People's Party. Based on the ever mounting pressure by opposition parties, Bhutto was successful in signing an accord with opposition parties. Consequently, he starts working on permanent constitution in the country in which parliamentary system of government in center was the central point as he promised earlier. However, Bhutto was a man of great ambitions. It will not be wrong to claim that actually Bhutto was a man of great political ambitions.

Therefore, he was in search of any opportunity which was helping for him to secure maximum power. Resultantly, he also secured every opportunity and option which empowered him for the concentration of powers in his hands. Bhutto was also a radical politician in few aspects. His radical ideology and steps were not encouraged by rightist political groups in the country. Therefore, he remained accusing political parties for not giving him a chance to implement his radical program. In addition, he also accused Awami League for the division of United Pakistan in 1971. Although initial conflicting issues were raised by Pakistan People's Party yet Bhutto tried his best to prove him innocent.<sup>345</sup>

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<sup>344</sup> Syed Jaffar Ahmed, "The Dilemmas of Transition from Military to Civilian Regime the Making of the 1972 Interim Constitution of Pakistan", Pakistan Historical Society. *Journal of the Pakistan Historical Society* 60, no. 2 (2012): 39.

<sup>345</sup> Shirin Tahir-Kheli, "Martial Law Again in Pakistan." *Asian Affairs: An American Review* 5, no. 4 (1978): 233-234.

From 1971 to 1977, Bhutto's attitude towards opposition was not friendly and democratic. He for the sake of glorifying his own political party and personal glory used many negative tactics against opposition. He was more than a repressive and coercive towards his opponent usually those members of opposing political parties which were a sign of clear threat for Bhutto and his political ambitions. Bhutto came into power with help of popular votes which required being a democratic leadership style but he was working like authoritarian leaders just like his predecessors i.e. General Ayub Khan and General Yahya Khan. He did not show tolerance and democratic attitude towards his opponents nor did he implement competitiveness politics.<sup>346</sup>

It is also said that Bhutto instead of working for the socio-economic development of the masses focused more on the repression of his opposition political parties. It means that Bhutto was not a man of principles in term of his relations with opposition. He availed each and every opportunity to suppress his opposition and for this purpose he used even state machinery. He used different statutory laws, emergency regulations and constitutional amendments for keeping his opposition away from his government and personal political ambitions. His repressive attitude towards opposition was just like the attitude exhibited by his predecessors General Ayub and/or General Yahya Khan.<sup>347</sup>

Bhutto was using direct and indirect methods to sabotage his opposition or opponent political parties. First of all, Bhutto was using state machinery to suppress and harass

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<sup>346</sup>Rafi Raza, *Zulfiqar Ali Bhutto and Pakistan, 1967-1977* (Oxford:Oxford University Press, 1997),66-67.

<sup>347</sup>Mujeeb Ahmed, "The Constitutional Development in Pakistan (1970-1977) and the Jam'iyyat-i-'Ulama-i-Pakistan", *Journal of the Pakistan Historical Society* 45, no. 4 (1997): 446-447.

opposition. In addition, in his speeches it is quite evident that he was cursed towards opposition parties. He was of the views that opposition is promoting hatred and they were united to sabotage the concept of Quaid-e-Azam, Pakistan and struggle for Pakistan. Moreover, opposition was also accused by him for increasing disintegration in the country. He often accused his opposite political parties for involving in such activities which were related to the disintegration of the country. This suppression of opposition parties became the part of his personality because Bhutto used to accuse and suppress political parties with General Ayub Khan.<sup>348</sup>

General Ayub Khan and Bhutto were used to accuse combined political parties for disturbing them to launch different programs of socio-economic development in the country. In Ayub's regime, Bhutto was with him and both were against the leadership of political parties in Pakistan at that time. However, during Yahya's regime, Bhutto starts accusing Sheikh Mujibur Rehman for working against the integration of the country. On the other hand, Bhutto's campaign against his opposition mainly Khan Abdul Wali Khan started after 1971 when he assumed the office of chief martial law administrator and president. He in his speeches accused Awami National Party for working towards the disintegration of the country. It means that Bhutto in his entire political career remained skeptical and repressive towards opposition. Every step of opposition parties was towards disintegration and every step taken by Pakistan People's Party and its leadership was pro-Pakistani. It means that Bhutto only consider the rule of his own political party democratic and lawful. Rest of all the political parties were not loyal

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<sup>348</sup>Saeed Shafqat, *Civil-Military Relations in Pakistan: From Zulfikar Ali Bhutto to Benazir Bhutto* (UK:Routledge, 2019),20-21.

with Pakistan and were only working for their interests and not for the interests of the country.<sup>349</sup>

Bhutto was also found in many acts of self-praise and personal glory. He used to label him as man of principles. He also claimed that politics is both a science as well as arts. Those who were not qualified enough should not take part in politics. On the other hand, he accused political parties for being incompetent and more than novices. Moreover, Bhutto was found accusing all most all the major political parties for being counter-revolutionary with self-seeking and opportunist leadership. On the contrary, Bhutto labeled his own political party the one and only revolutionary party. He used to praise his own political party for having one leader, one manifesto and one machinery. In addition, he also claimed that Pakistan People's Party is one and only political party which had an excellent record in national politics and none of the other political parties can counter it.<sup>350</sup>

However, the relationship between Pakistan People's Party and Awami National Party remained very sour throughout Bhutto's political tenure. The leadership of both the political parties accused each other on several occasions. Bhutto accused Awami National Party for being involved in many alleged activities for the disintegration of the Pakistan. On the other hand, Khan Abdul Wali Khan accused Bhutto for exercising non-democratic and unparliamentarily approach towards political parties in Pakistan.<sup>351</sup>

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<sup>349</sup>Salman Taseer, *Bhutto: a political biography* (New Delhi: Vikas Publications,1980),6-8.

<sup>350</sup>Rafi Raza, *Zulfiqar Ali Bhutto and Pakistan, 1967-1977* (Oxford:Oxford University Press, 1997),43-44.

<sup>351</sup> Ronald J Herring, "Zulfiqar Ali Bhutto and the "eradication of feudalism" in Pakistan", *Comparative Studies in Society and History* 21, no. 4 (1979): 531-532.

The results of provincial assemblies were also very important for Pakistan People's Party. It was Awami National Party of Khan Abdul Wali Khan which emerged as opposition party in two provinces i.e. North West Frontier Province as well as Baluchistan. Resultantly, Pakistan People's Party was facing opposition in two provinces from the same political party which was not acceptable for Bhutto as well as his cabinet. Therefore, Bhutto did not spare any opportunity of suppressing and harassing the leadership of Awami National Party. Bhutto even did not allow Awami National Party to setup government in Baluchistan because of his rivalry with Khan Abdul Wali Khan.

Bhutto was well aware from the fact that after Sheikh Mujib, Wali Khan was the only person who could threaten his position in the country. Therefore, Bhutto with the help of federal government uses every opportunity to defame Wali Khan and his political party. Awami National Party was accused of being involved in the alleged planning of the further disintegration of the country similarly as of the creation of Bangladesh. According to the reports published in newspaper and media propaganda, Bhutto's fully control media highlighted "London Plan" and accused the leadership of Awami National Party for being the leader of another disintegration of Pakistan. London Plan was not only highlighted through media but federal minister of Bhutto's cabinet also move a resolution in which London Plan was highlighted. In addition, it was accused that opposition parties were planning to create confederation by creating fully independent states by disintegrating four provinces of Pakistan.

In addition, it was also included in the resolution that the leadership of opposition parties was also planning to include Bangladesh, India and Afghanistan in that confederation.<sup>352</sup>

On the other hand, Khan Abdul Wali Khan was the leader of opposition in national assembly before Awami National Party was ban. He accused Bhutto for not adopting parliamentary and democratic leadership style. He challenged authoritarian role of Bhutto and his policies as well. He repeatedly claimed that Bhutto is violating parliamentary norms and traditions. Khan Abdul Wali Khan tried his level best to gain provincial autonomy but in vain. He asked Bhutto to for provincial autonomy by reminding him his own logics which he discussed with Sheikh Mujib after the announcement of the results of general election 1970.<sup>353</sup> The rivalry between Wali Khan and Bhutto showed both influence on politics of Pakistan.

Bhutto adopted many tactics to stop the increasing popularity of Khan Abdul Wali Khan in the country. After assuming power, Bhutto for countering Awami National Party start negotiating with the anti-Awami National Party in both North West Frontier Province as well as in Baluchistan. In both the provinces, Bhutto used two different faces for countering Wali Khan. In Baluchistan, he encouraged Abdus Samad Achakzai and in North West Frontier Province he encouraged Abdul Qaiyum Khan for challenging the authority of Khan Wali Khan.

Bhutto because of his very wise, clever and calculated move remained successful in countering Wali Khan from both the provinces. It means that Bhutto was using both internal and external means to take over Wali Khan who was the one and only opposing leader to

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<sup>352</sup>Gulshan Majeed and Rehana Saeed Hashmi, “ Baloch Resistance during Zulfikar Ali Bhutto's Era: Causes and Consequences ”, *South Asian Studies* (1026-678X) 29, no. 1 (2014):322-323.

<sup>353</sup>Surendra Nath Kaushik, *Pakistan under Bhutto's leadership*(Delhi:Uppal Publishing House, 1985),34-36.

Pakistan People's Party. Bhutto included Abdul Qaiyum Khan to his cabinet just for using him against Wali Khan and for achieving his own personal desires.<sup>354</sup>

Bhutto, on the other hand, was also facing challenge from rightist wings of Islamic groups in the country because of his leftist ideology. Bhutto was facing two threats at the same time i.e. opposition from Wali Khan and opposition from Islamic rightist groups. However, Bhutto included Islamic provisions both in different programs of Pakistan People's Party as well as in the permanent constitution of the country. Islamic provisions were included in the constitution of 1973 because of countering rightist Islamic political groups in the country. Another group with political influence that Bhutto had to contend with. In addition, he also raised Kashmir issue for gaining the support of Islamic groups. On the other hand, Bhutto was also well aware about the sentiments of the majority of the population in Pakistan. The majority of the population was more concerned about their belief system than anything else. Therefore, Bhutto tried to establish and strengthen his ties with Islamic countries for satisfying the desires of the majority of Pakistanis.<sup>355</sup>

Opposition parties were also not organized and well aware about their own interest. Therefore, it was very easy for Bhutto to use them for his personal desires. For example, opposition was not able to hold voting of their workers against the implementation of modified version of parliamentary constitution in the country. Resultantly, Pakistan People's Party with the passage of time became powerful and assertive. It is also interesting that political alliance of all the major political parties was not able to counter the authoritarian leadership style of

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<sup>354</sup>Gulshan Majeed and Rehana Saeed Hashmi, "Baloch Resistance during Zulfiqar Ali Bhutto's Era: Causes and Consequences", *South Asian Studies* (1026-678X) 29, no. 1 (2014):326-327.

<sup>355</sup>Rafi Raza, *Zulfiqar Ali Bhutto and Pakistan, 1967-1977* (Oxford:Oxford University Press, 1997),17-18.

Bhutto and the influence of Pakistan People's Party. Opposition parties for countering Bhutto formed United Democratic Front but the leadership of different political parties was not able to counter Bhutto because of their internal issues with each other.

In addition, most of the time, they boycotted sessions of national assembly and demanded fresh election in the country. Bhutto realizing his powerful position declared the dates of fresh election in the country and the parties included in United Democratic Front give birth to a new alliance with the name of Pakistan National Alliance. However, Pakistan National Alliance also failed because of the lack of proper alternative to Bhutto and internal issues of the leaders of different political parties. It means that opposition was not able to give any suitable alternative leader to Pakistan. Therefore, besides Bhutto's success, it is the failure of opposition parties too. Opposition just verbally accused Bhutto and his political party for being undemocratic and non-parliamentary. In conclusion, it is rightly claimed that weakness of opposition strengthens the power and hegemony of Pakistan People's Party in Pakistan from 1971 to 1977.<sup>356</sup>

### **5.2.1 Role of Opposition in first senate of Pakistan 1973 to 1977**

While discussing the role of political leadership from 1973 to 1977, it is pertinent to explore the role of opposition in first senate of Pakistan which starts working from 1973 to 1977. Before the permanent constitution of Pakistan, unicameral legislative system was being practiced in Pakistan. However, after two consecutive military regimes in Pakistan, a civilian regime came in Pakistan. Although Pakistan was not lucky enough based on the results of general election of 1970 yet first democratically elected civilian government was set up in the

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<sup>356</sup>Surendra Nath Kaushik, *Pakistan under Bhutto's leadership*(Delhi:Uppal Publishing House, 1985),80-81.

country based on the results of general election 1970.<sup>357</sup> However, Pakistan also lost East wing in 1971 because of the electoral success of heterogeneous political parties in Pakistan. In addition, military government of Yahya Khan was also failed to handle political instability in the country. Therefore, Yahya Khan decided to transfer powers to civilian government of Pakistan People's Party in 1971.

Civilian government under the leadership of Zulfikar Ali Bhutto initially proposed interim constitution and later on provided a permanent constitution in the country. According to permanent constitution of 1973, a democratic bicameral parliamentary legislation was adopted in the country. Based on constitutional provisions a second house "senate" was elected in 1973 by giving equal representation to the provinces, federally administrated tribal areas and federal territory as well. In the first election of the first senate of Pakistan, the majority of the senators were from Pakistan People's Party.<sup>358</sup>

### ***5.3.1.1 Senators from opposition parties***

Out of total 45 senators, 31 senators were from Pakistan People' Party. However, a total of eleven senators were elected from four parties i.e. Awami National Party, Pakistan Muslim League (combined), Jamiat-ul-Ulema-Islam and United Democratic Front. The second largest political party in senate was Awami National Party in term of its strength in the house. Although Pakistan People's Party was in clear majority in the senate still Bhutto used many

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<sup>357</sup>Hassan Askari Rizvi,*Military and politics in Pakistan*(Lahore:Sang-i-Meel Publication,1997),121-122.

<sup>358</sup> Mahboob Hussain, "Power Dynamics of State Institutions in Pakistan, Discourse Analysis of Bureaucracy and the Legislature (1971-1977)", *South Asian Studies* (1026-678X) 30, no. 2 (2015):188-189.

tactics to sabotage the representation of Awami National Party in senate as well as in national and provincial assemblies.<sup>359</sup>

Mir Abdul Wahid, Mr. Ghulam Ahmad Bilor, Haji Sayed Hussain Shah, Mr. Kamran Khan, Mir Mahmood Aziz Kurd, Mr. Mohammad Hashim Ghilzai, Mr. Shahzad Gul and Mr. Zahrul Haq were elected on the ticket of Awami National Party led by Khan Wali Khan. Khawaja Mohammad Safdar was elected on the ticket of Pakistan Muslim League, Maulana Shah Ahmad Noorani was elected on the ticket of Jamait-ul-Ulema-Pakistan and Syed Zulfiqar Ali Shah Jamote was elected on the ticket of United Democratic Front. It means that all the senators from opposition benches were male and the majority was from Awami National Party. Mr. Mohammad Hashim Ghilzai worked as leader of the opposition who belong to Awami National Party and the leader of house was Rao Abdus Sattar. However, in senate election 1977, Khawaja Mohammad Safdar was elected as the leader of opposition.<sup>360</sup>

### **5.2.2 Role of senators from opposition parties**

Opposition includes four major political parties in the first senate of Pakistan from 1973 to 1977 i.e. Awami National Party, Muslim League (combined), Jamait-ul-Ulema-e-Islam and United Democratic Front. According to constitutional provisions and rules of procedures of senate, there was a parity of power between national assembly and senate. Practically, senate was a second house to only validate the proclamations of national assembly. Senate was not given enough space and independence to work on legislative affairs. As mentioned earlier,

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<sup>359</sup>Jamison C Heinkel, "The genesis of Baloch nationalism: Politics and ethnicity in Pakistan, 1947–1977", *Commonwealth & Comparative Politics*, 57:3, (2019): 397-398.

<sup>360</sup>Government of Pakistan, *First Senate Of Pakistan*(Islamabad: Secretariate, 1980), 124-125.

senate was under the direct control of executive body because of Bhutto's hold on the workers of his political party.<sup>361</sup>

Senators from Pakistan People's Party were in clear majority in senate from 1973 till 1977. After senate election of 1975, two new senators were elected on the ticket of Pakistan People's Party. Therefore, it was not a difficult task for Bhutto to use senate and senators for his own desires and ambitions. Opposition with only eleven members was one of the weakest opposition in national assembly and senate. In addition, senators from different political parties were also not united which was in favor of Bhutto and his cabinet. Only a few members from opposition were active in senate and rest of the senators from opposition were just attending session for the sake of attendance.<sup>362</sup> Two most active senators from senate were Khawaja Mohammad Safdar and Moulana Ahmad Shah Noorani. Both of these senators were not from Awami National Party of Khan Wali Khan.

Khawaja Safdar and Moulana Ahmad Shah Noorani raised maximum questions from opposition benches. For examples, Khawaja Mohammad Safdar in four years asked about 525 questions related to legislative affairs discussed in senate including questions related to bills, resolutions, ordinances, privilege motions and constitutional amendments. However, in most of the cases, the questions raised by Khawaja Mohammad Safdar were ruled out of order by the chairman senate. On the other hands, only a marginal numbers of questions were admitted in senate by the chair. Similarly, Moulana Ahmad Noorani also asked 49 questions in senate

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<sup>361</sup>Mahboob Hussain, "*Power Dynamics of State Institutions in Pakistan, Discourse Analysis of Bureaucracy and the Legislature (1971-1977)*", *South Asian Studies* (1026-678X) 30, no. 2 (2015):180-181.

<sup>362</sup>Mujeeb Ahmed, "The Constitutional Development in Pakistan (1970-1977) and the Jam'iyyat-i-'Ulama-i-Pakistan", *Journal of the Pakistan Historical Society* 45, no. 4 (1997): 445-446.

which were treated in the same way as the questions asked by Khawaja Safdar. In about four years, Mr. Zulfiqar Ali Shah Jamote who was elected on the ticket of United Democratic Front asked only eight questions. It means that he was not very active senators in term of raising queries related to legislative affairs in senate.

In addition, Haji Shabib Shah who was elected on the ticket of Jamiat-ul-Ulema-Pakistan was also not so active in senate in term of raising queries as he asked only two questions during his stay in senate from 1973 to 1977. From the senators of Awami National Party, Mr. Zamarud Hussain asked about forty one questions, Mr. Kamran Khan asked about forty questions, Haji Sayed Hussain Shah asked fifty nine questions, Mr. Shahzad Gul asked twenty nine questions, Mr. Mohammad Hashim Khan Ghilzai asked only one question, Mr. Abdul Wahid Kurd asked fifteen questions, Mr. Mohammad Zahurul Haq asked only one, Mr. Ghulam Ahmad Bilor asked ten questions. Mr. Mohammad Zaman Khan Achakzai asked fifty six questions in first senate of Pakistan. He was elected in senate on the ticket of Jamiat-ul-Ulema-e-Pakistan. Out of 836 questions asked in senate a total of 196 questions were asked from the senators of second largest political party in senate.<sup>363</sup>

This implies that the senators from Awami National Party did not fulfill their duty as active opposition in senate. There might be number of factors behind their inactiveness in senate. First of all, Awami National Party was at the hit list of Bhutto and he was using many tactics to keep them away from participating in national affairs. Bhutto was using state machinery against them and he labeled Awami National Party as a political party working

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<sup>363</sup>Government of Pakistan, *First Senate Of Pakistan (Islamabad: Secretariate, 1980)*, 130-131.

to destabilize and disintegrate Pakistan. On the other hand, Bhutto was also using many negative tactics against other members of opposition political parties working in senate.

For example, Khawaja Mohammad Safdar was also arrested and detained by Punjab Police without any allegation. Moulana Ahmad Shah Noorni was also arrested and detained by security forces. He also reported that he was being harass by different security forces because of his active involvement in senate affairs and challenging the authority of Zulfiqar Ali Bhutto. Both Khawaja Mohammad Safdar and Moulana Ahmad Shah Noorani also moved privilege motions in senate against their arrest, detention and harassment but chair did not admitted their motions. Chair held the objections by either state ministers or the senators from ruling party and in most of the cases ruled their motion out of order. Similarly, the questions raised by the members of Awami National Party were also treated similarly in senate.<sup>364</sup>

It appears from the working of senate that the questions, adjournment motions, bills, privilege motions and amendments proposed by opposition were secondary and the primary function of senate was to accommodate and validate the proclamations of Pakistan People' Party and Chief Executive Zulfiqar Ali Bhutto. Therefore, it is quite obvious that the role of opposition was both suppressed and the system of senate was deliberately designed in such a way that it was nothing more than a house to accept and pass the legal and constitutional provisions for facilitating both national assembly and executive body of the country.

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<sup>364</sup> i.e. Government of Pakistan(1980: 130-131).

## CONCLUSION

The present study is aimed to explore the contributions of the first senate of the country which was elected in 1973 and dissolved in July 1977 because of the martial law imposed by the General Zia-ul-Haq. The primary focus of the study is on the major objectives of creating senate and its working in return. However, the study also focused on the determinants of the performance of the senate and relationship of the senate with other institutions of the country i.e. judiciary, bureaucracy and army.

For answering the research questions of the study and meeting the objectives, researcher used both primary and secondary sources such as official reports published by senate, government of Pakistan, books, article of different national and international journals, newspaper articles and research work such as thesis, speeches and interviews of key stakeholders. This implies that the present study is descriptive in nature in which analytical and critical approach is used to deeply understand the meanings of different events and incidents taking place in the country which also affected the working and performance of first senate of the country.

Bicameral system of government came into sub-continent with British rule. British came into sub-continent in 1857 and they brought different values and practices with them. In other words, people of subcontinent came to know about many new values i.e. social, economic and political from British. British not only introduced these values and practices in sub-continent but they also applied these values and practices. Same is the example of bicameral legislation in sub-continent. British government in 20<sup>th</sup> century, for the first time thought about

giving some autonomy to the provinces in Government of India Act, 1909, they come up with some plans to establish bicameral legislation. However, British were not ready to give complete autonomy to the provinces but it was a good start to a bright outcome. Later on the Government of India Act, 1919, British included more articles and clauses about provincial autonomy and bicameral legislation in sub-continent.

In the act, it was decided to introduce two houses in the country including Council of State and legislative assembly. Council of State was upper house of the country with equal representation from the units. However, bicameral legislative system of government became visible and practical in 1935. British government introduces Government of India Act, 1935 in which again bicameral legislative was included. According to the act it was decided to unite all the units i.e. provinces of the sub-continent into a federation. In federation two houses were suggested upper house i.e. Council of States and lower house i.e. House of common. In the act, the composition, working and functioning of both the houses were clearly mentioned. Government of India Act, 1935 is considered one of the successful acts in sub-continent and it remained promulgated till Independence Act, 1947. Bicameral system of legislation was introduced in six provinces out of eleven in sub-continent. This implies that political leaders were well aware about the usefulness of the bicameral legislative system before the creation of Pakistan.

After the creation of two independent states in sub-continent i.e. Pakistan and India according to the Independence Act, 1947 in August 1947, Pakistan starts working on constitution. In this regard, first constituent assembly provides some blueprints of the constitution in the form of Objective Resolution. However, first constitution assumedly also

work very hard on initial draft of the constitution of the country in which bicameral legislative system was suggested. Unfortunately, first constituent assembly was dissolved and it was claimed that first constituent assembly is no longer the true representative of the provinces. The power of Governor General to dissolve assembly was challenged in the court but in vain and court did not favor country's first ever politically strong institution.

Later on, a new assembly which is commonly known as second constituent assembly start working on constitution. The focus of the second constituent assembly was on the parity between both the wings of Pakistan. Resultantly, unicameral legislative system was introduced in the country in which both the wings were given equal number of seat. In addition, the second constituent assembly successfully passed first constitution of the country i.e. Constitution of 1956. Two year latter assemblies were dissolved and constitution of the country was abrogated because of martial law imposed by field marshal Mr. Ayub Khan with the help first president of Pakistan Mr. Askander Mirza. However, Mr. Ayub also overthrows the president later on and he became first Chief Martial Law Administrator and President of the country. He, for securing his future, was in favor of presidential system of government instead of parliamentary system of government.

Consequently, during his tenure a new constitution was passed in which unicameral legislative system was decided along with presidential system of government. In 1969, because of increasing unrest in the country, Mr. Ayub handed over the country to Mr. Yayha Khan and he became the new Chief Martial Law Administrator of the country. His tenure is considered one of the most unstable and bad political management for Pakistan. He was not able to handle political crises in both the wings of the county. In addition, he also dissolved one unit policy

of West Pakistan which increases hatred among the people living in East Pakistan. However, the results of general election 1970 were not in favor of both General Yahya Khan and for dominant political party in West Pakistan. They start challenging the results and as a result Pakistan had to lose one unit East Pakistan and a new independent state of Bangladesh emerged on the world map in 1971.

Later on because of increasing unrest in the country, powers were handed over to Mr. Zulfikar Ali Bhutto who was the leader of Pakistan People Party which emerged dominant in the general elections of 1970 in West Pakistan. As a result, he became President and Chief Martial Law Administrator of the country. Two year from 1971 to 1973, the government and national assembly of the country worked very hard despite many challenges to present a draft of the constitution of 1973 in which bicameral legislative system and parliamentary system of government was proposed. The same assembly after some amendments passed the constitution of the country i.e. Constitution of 1973.

As mentioned above, bicameral legislative system was decided in the constitution of 1973 and practical work to establish upper house in the name of senate started in the same year. Initially it was decided to establish first senate of the country with 45 members of whom ten were decided to be elected from each provincial assembly of the country, three from federally administrated tribal areas and two from federal capital territory. However, later on the numbers of senators were increased to 65 because of numbers of the national assembly were also increased. It was decided that provincial assemblies will select their senators using proportional representation method of election and candidates were to secure certain number of votes for successful selection in senate.

However, simple majority system of selection was used for the member of senate from federally administrated tribal areas and two from federal capital territory. In addition, it was also decided that members of national assembly will select senator from federally administrated tribal areas and from federal capital territory. First elections of the first senate of the country were held in July 1973 in which Pakistan People's Party remained dominant with 29 senators. Senators were divided into two groups and the tenure of first group was two years and second group was four years. For the first time, a short session of the senate held in October 1973 in which chairman and deputy chairman were elected.

From the selection of chairman and deputy chairman first senate of the country became functional. Senate of the country starts working under constitutional provisions and Rules of Procedure and Business Conduct in Senate, 1973. However, senate was also empowered to frame rules and regulation for self-business and regulation as well. First senate of the country was elected in 1973 and it was dissolved in 1977. In July 1977, martial law was imposed by the General Zia-ul-Haq and he not only abrogated constitution of 1973 but also dissolved assemblies and senate as well. However, from 1973 to 1977, first senate of the country worked on many bills, legislative motions, privilege motion and also provided useful insights in the form of amendments and debate over many legislative matters in the country.

The first senate of Pakistan worked from 1973 to 1977 as mentioned above. In about four years of working, first senate took part in many legislative affairs. The senate received different bills related to federal government as well as federation. The majority of the bills which were assessed in senate were moved from national assembly. Although senate discussed and held a healthy and through debate on the bills yet the majority of the bills were passed

without any amendment proposed by senate. It means that senate was working according to the requirements of national assembly or executive because national assembly was actually working to safeguard the interest of the executive body of the state. In addition, only limited number of bills originated in senate but only few of them were passed. This implies that in majority of the cases, senate was only assessing and working on the bills moved from national assembly.

Besides working on bills, first senate of the country also worked on different ordinances. However, senate did not suggest any amendment in the ordinances moved in the senate. It is very hard reality that Bhutto during his regime from 1971 to 1977, run his government with the help of ordinances and he was less likely to ask parliament for legislation. He in most of the cases issued ordinances which were later on tabled in national assembly and national assembly on the other hand, moved those ordinances to senate after passing without any amendment. It is very important to mention that all the ordinances which were moved in senate were received from national assembly. Interestingly only one ordinance was not passed from the senate and the rest of all the ordinances was passed. This implies that the senate only discussed and held debate on the ordinances and passed them after passing from routine procedure.

In the first senate of the country, the senator asked many questions related to the working of executive as well as other relevant affairs of legislative. However, the numbers of questions asked by the senators were different from government benches and opposition benches. The majority of the questions were raised by the senators from opposition party and the chair replied significant number of question. In addition, questions raised in senate were

both in written form as well as verbal. However, those questions which were not replied in senate were ruled out of order. It means that senate before replying the question assessed them very deeply. However, based on the questions of senators, the relevant ministers were rarely asked to attend senate. In addition, therefore; the working of senate remained in question for helping opposition to take part in the accountability of the ruling party or executive body. In most of the cases, the senators from ruling party remained opposing the questions from opposition. Nevertheless, a good example of asking question by senator started even in the first senate of country which was weak as compared to national assembly and executive body.

The senators of first senate of the country also moved privilege motions in the senate when breach of privilege occurred. However, the majority of the privilege motions were filled by the senator from opposition party. In most of the cases, the chair found that breach of privilege did not occur therefore, privilege motions were not admissible. However, only few of the privilege motions were considered in the senate. Bureaucracy on behalf of executive body of the state was found harassing many senators from opposition benches i.e. Khawaja Mohammad Safdar and Ahmad Shah Noorani. However, the breach of privilege motions filed by such senators was very seriously objected by minister attending the session of senate. The majority of the motions were ruled out of order by the chair on the bases of not raising question on the earliest opportunity in senate. It means the senate as an institution was not loyal with its members but it was more concerned about validating the proclamations by the Chief Executive of the country.

The senator mainly from opposition benches moved adjournment motions as well. However, in most of the cases, adjournment motions were ruled out of order by the chair by

upholding the objections raised by the minister attending the session of senate. It means that senators were aware about the contemporary matter of public interest and of urgent nature but the chair and senators from government benches were not ready to hear from the senators of opposition benches. Only tiny numbers of adjournment motions filled in senate were considered by the chair relevant to be discussed in the senate which indicates the lack of seriousness by the chair to work on the matters of public interests and urgent matters of public interest. This implies that the senate was not ready to work on the matter other than routine matters i.e. bills, resolutions and ordinances which were moved by national assembly to senate. Senate remained assessing mainly those bills which were originated by external actors rather than internal actors.

The senate remained under the influence of external actors in term of assessing resolutions filed by the senators. Resolutions which were formal document to start or end any activity because of its relevance with public interests, federation or federal government. Similarly to the numbers of adjournment motions, the tiny numbers of resolutions were adopted in the senate and the rest of the resolutions were not considered based on technicalities. It means that senate were not even ready to listen the voices of the whole senate but it was more in the hands of external forces like executive who want to control each and every institution of the state i.e. bureaucracy, parliament and even the institution of military. The chair and the members of senate from government benches were safeguarding the interests of executive and in most of the cases those resolutions which were against executive body were ruled out of order by the chairman senate or deputy chairman senate on the objections raised by the senators from government benches.

The senators in the first senate of the country filed motions directly in the sessions of senate and also filed motions in senate secretariat. However, the motions filed in the senate secretariat were more formal and technical in nature. The chair along with assessing different motions and legislative affairs also assessed these motions. However, chair did not change his loyalty with executive body of the state and the majority of the motions were ruled out of order based on lack of relevancy and conflict with the rules of procedures and conduct of business in senate. There were also some motions which were ruled out of order based on the objections raised by concerned minister from government benches. Only a small number of motions were included in agenda and were discussed and debated in senate. It means that senate remained safeguarding only external actors and did not consider the points raised by the internal actors in senate.

Senate also passed about seven bills of constitutional amendments which were moved from national assembly to senate. All the bills of constitutional amendments were passed as received from the senate and in few cases senate only discussed and held debate on the bills just to fulfill procedure to pass the bills. In one of the bills, the senate proposed any amendment. On the other hand, the members from opposition benches raised some question on couple of bills but their proposed amendments in the bills were ruled out of order by the chair based on the objections raised by the concerned ministers and other members from government benches. It means that senate was working mainly on the directions set by the members of national assembly and indirectly on the directions of the member of executive body of the state because senate was working only on those amendments which were proposed by national assembly.

The senators of the first senate were involved in many activities which were related to increase their impact and involvement in decision making or legislation. The senators remained the part of inter-parliamentary union which was a global institution of parliamentarians. They participated in different conferences and meetings held under the umbrella of inter-parliamentary union. In addition, the members from senate were also the part of the association of secretaries general of senate who were working on different matters of great importance to parliament and parliamentary affairs. Secretary General of parliament from Pakistan took part in different meetings of the association which was admired by association as well. Besides working with global institutions, the senators from Pakistan also visited many countries in the form of delegates. On the other hand, delegates from foreign countries also visited Pakistan under bilateral goodwill exchange visits. These visits were very important for interacting with the parliamentarians from foreign countries and to learn from their experiences.

On the other hand, parliamentarians from Pakistan also shared their point of views with foreign delegates as well during their visits to foreign countries. It is very important to mention the official visit of the secretary general of inter-parliamentary union to Pakistan. He visited Pakistan on the formal invitation of Pakistani Parliament. He was invited to Pakistan for assuring global community that Pakistan is on the way to development. In addition, democratic norms and values are being practiced in Pakistan in terms of democratic parliamentary decision making. It means that senate and parliament as a whole were working very hard to ensure global community that Pakistan is not in the hands of dictator and Pakistani leadership prefer and practice democracy.

Bhutto enjoyed hegemonic powers in term of his role as political leader as well as head of executive in his tenure as chief martial law administrator, president and prime minister. It is also quite obvious from the data that Bhutto was one of the strongest politicians and head of state. Initially, he worked as chief martial law administrator and president from 1971 to 1973. He, during these two years, exercised the powers of dictator while being a civilian leader. Therefore, he became famous as a civilian dictator in the history of Pakistan. He was the first civilian who worked as chief martial law administrator for about two years.

However, based on the difficulty from opposition political parties, press and general public, he decided to lift martial law. Still he was not in favor of bicameral parliamentary system in the country. He just like his predecessors General Ayub Khan and General Yahya Khan was in favor of very strong executive in the center. Therefore, he was advocate of powerful executive in term of presidential government. However, opposition political parties pressurized him to fulfill his promises for establishing parliamentary government in the country. Resultantly, a committee headed by the Chairman Pakistan People's Party Zulfiqar Ali Bhutto start working on permanent constitution of the country. During the final drafting of permanent constitution, Bhutto did not seize any opportunity to make executive a powerful institution of the country.

Therefore, it is rightly claimed that Bhutto was in favor of amended form of Westminster parliamentary model in the country in which executive is above all state institution. Parliament was given only the powers to validate the proclamations of executive. In other words, it can be concluded that legislative was not able to question executive and parliament was also not independent as well to work on legislative affairs in the country.

Parliament both national assembly and senate were under direct control of executive body because of the influence of party leadership on the workers of their party. In this regard, Bhutto enjoyed hegemonic powers. Bhutto's control on the workers of his political party was excellent and he used worker very efficiently in both national assembly as well as in senate for validating his proclamations. Because of simple majority in both national assembly and senate it was not an issue for Bhutto to pass any amendment for making executive body powerful. It is quite evident form the constitutional amendments proposed from 1973 to 1977.

A total of seven constitutional amendments were proposed in this time period. All of these constitutional amendments were moved by national assembly. It means that executive body moved these amendments indirectly. However, four out of seven constitutional amendments were related to empower Chief executive or executive body as well. All the amendments were passed from national assembly and senate without any amendments against the desires of Chief Executive of the country. It means that Bhutto was successful to give superiority to executive body and the position of parliament both senate and national assembly was secondary as helping institution to the executive body of the country. It is also evident that Bhutto not only use parliament but also tempered with Westminster parliamentary model for achieving personal glory and political ambitions.

The relationship between army and legislative body are also very important to discuss. Legislative body should be the most powerful state institution in the country according to Westminster parliamentary model. However, this model was not used in its true spirit in Pakistan because of the unconstitutional involvement of executive in parliamentary affairs. Bhutto for the sake of his personal glory and political ambitions, weaken legislative body too.

It was not possible for the legislative body to even discuss defense, army and their activities in senate as well as national assembly. Bhutto systematically took the bulk of powers of legislative body and for the sake of public interests it was not allowed to even talk about army in legislative assembly.

There are few examples from the senate when senators want to discuss about armed forces and/or military but they were not allowed to discuss because it was popular opinion in Bhutto's cabinet that general discussion about army either in senate or in national assembly will harm national cause. Therefore, resolutions moved by senators to discuss military institution and executive-military relationship were not admitted by the chair on the ground of objections raised by the state ministers. However, executive body also took many bold steps to weaken military institution because of the fear of military coup to Bhutto's government. Bhutto soon after assuming office, asked senior officers from military to resign for the sake of avoiding military interference in political affairs of the country. In addition, several officers both from army and Air Force were court martial for planning to take over the government. Bhutto very cleverly, introduced military reforms and brought his favorite team in the management to avoid any potential military coup.

Military on the other hand was also passive because of the very unfortunate failure in East Pakistan. Bhutto used press and media to propagate the failure of military in the division of United Pakistan. Therefore, military remained focused on professionalism and never thought about another coup. However, in 1977 military again took charge of the government because of the internal conflict between Bhutto and opposition political parties. In addition, Bhutto was also not able to maintain his control on his political party therefore, both internal and external

factors led to the Bhutto's arrest and execution as well. Nevertheless, Bhutto was successful to make executive the one and only powerful institution of the state and legislative and military institution were secondary in Bhutto's regime.

In other words, it is very true that the focus of state institution was executive body and all the other state institutions were linked with executive and through executive with each other. For example, legislative body and military institution were linked to each other via executive body or minister for defense and foreign affairs. It means that executive was the basic state institution which was also one and only powerful state institution.

For understanding the autonomy of senate or parliament in general, it is also necessary to understand the relationship between bureaucracy and legislative body. Bhutto initially targeted bureaucracy as well just like military institution. Bureaucracy historically remained very close to political leadership of the country. Bhutto was not in favor of very strong bureaucracy and military in the country. Therefore, he asks more than 1300 civil servants to resign from the services on account of misconduct and corrupt practices. However, Bhutto was only aimed to make executive powerful and weaken bureaucracy in the country because bureaucracy remained one of the powerful institutions.

It is the duty of legislative body to give laws and it is the duty of executive body to take decisions according to the legal provisions by legislative body in the country. Bureaucracy, on the other hand, implements decisions taken by executive body. It means legislative body; executive and bureaucracy were linked to each other for effective working of state institutions. However, it is bureaucracy which actually rules in country. This fact is even evident from Bhutto's regime. Bhutto because of his undemocratic and non-parliamentary decision lost two

very active and front men of Pakistan People's Party i.e. Mahmood Kasuri and student leader from Karachi Miraj. Bhutto asked both of them to resign because they were against his personal glory and political ambitions.

After their removal, Bhutto again turned towards bureaucracy and included some very active bureaucrats in his team. One of those bureaucrats is Vaqar Ahmad who was very close to Bhutto and Bhutto's cabinet was also not happy with the induction of Vaqar in Cabinet. Bhutto's cabinet was both directly and indirectly under the control of bureaucracy and legislative assemblies both national assembly and senate were directly under Bhutto's control. Therefore, bureaucracy was indirectly dominant in cabinet and in legislative assembly as well. Therefore, reporting to press, one of the members from Bhutto's cabinet claimed that it is bureaucracy which is running the country. His statement was so important that a resolution was moved on the statement in senate. It means that bureaucracy remained powerful because of taking decisions and enforcing decision. It is bureaucracy which actually enjoyed power and prestige in the country.

Executive body although at decision making position is not able to challenge bureaucracy because of their direct dealing with the masses. Bhutto for achieving his own goals and fulfilling his political ambitions used bureaucracy such as police to suppress and control his opponent. Therefore, it was necessary for Bhutto to protect bureaucracy from any other state institution. Although senate was aware about the role of bureaucracy in executive body of the state but because of party politics it was not possible for senators to challenge the supremacy of bureaucracy in senate. Therefore, the role of bureaucracy cannot be ruled out to suppress independent working of senate. It means that interplay of executive, army and

bureaucracy strengthened executive body and undermined the autonomy of parliament generally and senate particularly.

However, the role of different politicians is also very important to highlight. There are two major stakeholders in legislative affairs i.e. stakeholders from ruling party/parties and the stakeholders from opposition party/parties. In the national politics from 1971 to 1977, the role of both ruling party and opposition parties influenced constitution making, institutional development and in constitutional amendments. Chairman Pakistan People' Party Mr. Zulfikar Ali Bhutto remained one the most active politician from ruling party. On the other hand, Khan Wali Khan from Awami National Party emerged as the leader of opposition party. He was the only politician who was capable to challenge Bhutto's hegemony. However, opposition did not prove very effective and active in Bhutto's era. In the majority of the decisions, legislative did not consider opposition parties. It means that legislation and decision making remained focused only on the wishes and desires of Chief Executive, Zulfikar Ali Bhutto.

As mentioned earlier, Bhutto was one of the strongest politicians from 1971 to 1977. From 1971 to 1973, Bhutto enjoyed both the powers of chief martial law administrator and presidents. He used his powers every effectively to increase his powers and say in constitutional making and suppressing his opponents. Bhutto is perhaps the only civilian leaders who enjoyed the powers of chief martial law administrator. Because of the firm grip on his party and party decisions, he was actually a civilian dictator. It was not even imaginable to challenge his decisions. Interestingly, Bhutto was not worried about opposition because of his clear majority in both the legislative assemblies. Therefore, it was not an issue for Bhutto to fulfill his personal desires and political ambitions. Anyone who dares to challenge him was overthrown.

Bhutto' control over state institutions helped him to overcome his political and ideological opponents. During constitutional making, Bhutto was in favor of presidential system of government but few members of his cabinet who were also the member of constitution committee were in favor of parliamentary system of government. Therefore, they were overthrown from his party because of their different opinion. It means that a democratically elected civilian leader was not a democratic leader anymore. He, for the sake of his political ambitions, wants to implement distorted and manipulated form of parliamentary system in the country in which the maximum powers should be given to executive body. Therefore, it took about two years to present permanent constitution in the country.

According to the permanent constitution, national assembly and senate were given almost equal powers but in many ways national assembly was superior to senate. In addition, executive body was the strongest in term of powers which Bhutto wants to enjoy as a Chief Executive of the country. Because of party politics in national assembly and senate, Bhutto was safe from any kind of criticism and above all he was not in favor of the strongest legislative body in the county. Therefore, with the help of legislative institutions i.e. national assembly and senate he was successful to concentrate powers in executive. It means that he very cleverly set executive control over all the other state institution which was clearly the violation of Westminster parliamentary model. On the other hand, Bhutto for his personal political ambitions did not let the institution flourish independently which ultimately decreased the powers of the other state institutions. He not only used legislative institutions but he also introduced reform in military institution and bureaucracy as well. Therefore, Bhutto as rulers was hegemonic in his tenure and it was not possible to challenge and question him.

Opposition, on the other hand, remained under Bhutto's control because of his powerful position. Opposition political parties were targeted by Bhutto since the start of 1971. He used his powers as chief martial law administrator and president to extend martial law in the country and deliberately delayed constitution making. His sole purpose was to eliminate his opposition for protecting him against any opposition. On the other hand, opposition was also not united because of the varied political objectives of the leadership of opposition political parties. Opposition political parties first of all were united in the form of United Democratic Front and later on in the form of Pakistan National Alliance. However, none of the united efforts of opposition party was successful because of Bhutto's control over state institution and weakness of opposition political parties.

In term of opposition in the first senate of Pakistan from 1973 to 1977, Awami National Party of Khan Wali Khan secured second position with a total of eight senators. However, all the other political parties in opposition were not able to secure significant number of seats. However, the role of opposition was not played by the senators from Awami National Party because of many factors. Awami National Party was continuously being targeted by Bhutto which made it very difficult for the members to fully participate in legislative affairs. In addition, opposition was being threatened and harass by state institution because of challenging Bhutto in senate. However, they did not participate actively in legislative affairs i.e. asking questions and participation in debate and speeches.

Two most active members from senate were Khawaja Mohammad Safdar and Moulana Ahmad Shah Noorani. Khawaja Mohammad Safdar was elected on the ticket of Pakistan Muslim League (combine) and he participated in legislative affairs in term of raising questions,

moving motions and resolutions and proposing amendments in the bills of constitutional amendments. Similarly, Moulana Ahmad Shah Noorani also moved resolutions, motions and raised questions in senate. However, they were also threatened and harassed by security agencies because of their active role in senate.

However, senate as institution was not able to play active part in legislative affairs because of the clear majority of Pakistan People's Party and hegemonic personality of Zulfikar Ali Bhutto. In addition, senate remained under the control of national assembly which was under direct control of executive body. It means that political leadership, legislative institutions, executive, bureaucracy and military interplayed and the maximum powers were enjoyed by executive and legislative institutions were only to validate the proclamations of executive body. It is therefore, concluded that senate did not fulfill its prime objectives and in most of the time, senate remained working on the bills moved by national assembly. In addition, senate also remained under the control of executive, bureaucracy and military because of their direct involvement with each other. Therefore, it can be concluded that senate did not work independently to achieve institutional autonomy. Besides many others factors, the role of senators in the first senate was not up to the mark. The senators from ruling party were more concerned to safeguard the decisions by party leadership. The crux of the findings of this study (under the points of MCGUIRE , complexity' differentiation ,autonomy, durability, sovereignty') that the Senate did not lack the basic characteristics of an institution, rules and regulations in initial phase but its performance was shadowed under the prominence of other forces and institutions, not because of their overcoming but due to the weaknesses and shortcomings within the institution itself. Although Senate worked actively and took many

decisions after first senate and on ward but this research is limited till 1977 because these early years were more crucial in the history of Pakistan which left impacts long-lasting. Senate is law making institution which play very important role in Federal especially in early Phase of the country.

### **Key findings**

Below are the key findings of the study;

1. Bicameral parliamentary legislative system was proposed in the permanent constitution of Pakistan in 1973.
2. In upper house i.e. senate, equal representation was given to provinces. However, senators were also elected from Federally Administrated Tribal Area and capital territory as well.
3. First elections of senate were held in 1973 in which most of the senators were elected on party ticket of Pakistan People's Party. Awami National Party remained on second position.
4. In the first meeting of the senate, chairman and deputy chairman were selected and from the day, senate starts its working on legislation officially.
5. Senate starts working under the rules of procedures and conduct of business in senate and constitutional provisions.
6. From 1973 to 1977, senate considers bills, motions, resolutions, constitutional amendment bills. In addition, questions raised by the senators were also answered. However, the majority of the bills were moved by national assembly in senate.

7. Very few bills were originated in senate and in most of the time senate remained working on the bills moved by national assembly. Shockingly, the majority of the bills were passed as received by national assembly after passing them from routine activities.
8. Senate working was not impactful because of the lack of independence of senate. Senate remained under the direct control of executive body and national assembly. The majority of the bills and motions moved by ruling party were considered and passed. On the other hand, objections raised, question asked and motions moved by opposition parties were most of the time ruled out of order based on the objections raised by state ministers.
9. Senate did not work as an autonomous body. It remained under direct control of party politics, executive body, bureaucracy and military. However, one of the most autonomous bodies from 1973 to 1977 was executive body which were so powerful that it was controlling all the other state institutions i.e. legislative institutions, bureaucracy and military.
10. Zulfikar Ali Bhutto was one of the most active politicians from 1971 to 1977. Every decision and policy was around his desire and political ambition. He enjoys the powers of both dictator as well as civilian leaders.
11. Senate remained under the control of external players who used it for their own benefits and did not let it work independently for flourishing institutional building in the country. In addition, the role of senate as an institution was also not impactful and significant which weakened the institution itself.
12. The institutions of Pakistan failed to generate powerful political, social and economic structure because state institutions in Pakistan remained under the control of

individuals. From 1971 to 1977, state institutions of Pakistan remained under the control of Zulfikar Ali Bhutto and decisions were taken as per his wishes and political ambitions. Individuals such as Bhutto were not in favor to giving autonomy to institution for institutional building, but they were not more likely to increase their own power and tenure.

13. Institutions of Pakistan such as senate remained under the control of external players or stakeholders. Legislative in senate was also affected by the forces outside of senate such as party leadership, executive, military, and bureaucracy. These forces did not seize any opportunity to weaken senate as an institution.

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### **Dissertations**

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### **Newspapers**

*Dawn* (Karachi)

*Jang* (Lahore)

*Nawa-i-Waqt* (Lahore)

*The Pakistan Times* (Lahore)

### **Journals**

*American Journal of Political Science*

*Asian Survey*

*International Socialist Journal*

*Journal of Research Society of Pakistan*

*Legislative Studies Quarterly*

*Middle East Journal*

*Pacific Affairs*

*Pakistan Horizon*

*Political Analysis*

*South Asian*

*The American Political Science Review*

*The Journal of Commonwealth and Comparative Politics*

*The Journal of Politics*

*The Western Political Quarterly*

### **Websites**

#### **American Institute of Pakistan Studies**

<http://www.pakistanstudies-aips.org/>

The website provides rudimentary information about the country's political system and some useful links.

#### **Guide to Law Online: Pakistan**

<http://www.lcweb.loc.gov/law/guide/pakistan.html>

Prepared by the Law Library of Congress, the Guide to Law Online is an annotated compendium of international sources accessible through the Internet. Links on the Pakistan section provide access to primary documents, legal commentary and information about the Executive, Legislature and **Judiciary**.

#### **National Assembly of Pakistan**

<http://www.na.gov.pk>

Even though not as comprehensive as other parliamentary websites, it is a good source to track the performance of the assembly through press releases and the Gazette. The site also contains the lists of government ministries, committees and political parties in the current assembly.

#### **Pakistan's Legislative History**

<http://www.jinnah.org/pakistan/legislation>

The site is a commendable effort to put together Acts, Ordinances and other legal instruments that constitute Pakistan's legislative history.

### **PILDAT**

<http://www.pildat.org/publications/lcp.pdf>

Pakistan Institute of Legislative Development and Transparency, a Lahore-based organization, works to

strengthen and sustain democracy and democratic institutions in Pakistan. The website contains a

directory of MNAs, reference on parliamentary issues and some very useful links.

### **Senate of Pakistan**

<http://www.senate.gov.pk/Main.asp>

Relatively more comprehensive and user-friendly than the National Assembly website, it contains a

complete list of senators with email addresses, some useful publications such as Rules of Procedure and Conduct of Business in the Senate, and news about various committees.

[www.mapsofindia.com](http://www.mapsofindia.com). Retrieved on 23.09.2015.

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<http://www.senate.gov.pk>

## **APPENDICES**

## Members list 1973-75

S.No.	Name	Tenure	Party	Province
1	Agha Ghulam Nabi Khan	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Sindh
2	Ahmed Waheed Akhtar	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Punjab
3	Aziz Ahmed	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Federal Capital
4	Ch. Mohammad Aslam	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Punjab
5	Gulab Malik Khan	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	FATA
6	Habib Ullah Khan Chairman	- August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	
7	Haji Shabib Shah	August 1973 to August 1975	Jamiat Ulema-e-Islam Pakistan (JUIP)	
8	Haji Syed Hussain Shah	August 1973 to August 1975	Awami National Party (ANP)	Balochistan
9	Ihsanul Haq	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Punjab
10	Jalal-ud-Din Abdul Rahim	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Sindh
11	Kamran Khan	August 1973 to August 1975	Awami National Party (ANP)	
12	Khawaja Mohammad Safdar	August 1973 to August 1975	Pakistan Muslim League (PML)	Punjab
13	Khayal Said Mian	August 1973 to August 1975	Independent (IND)	FATA
14	M. Zahoorul Haq	August 1973 to August 1975	Awami National Party (ANP)	Punjab
15	Malik Nasrullah Khan	August 1973 to August 1975	Independent (IND)	FATA
16	Mehran Khan Bijarani	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Sindh
17	Mian Arif Iftikhar	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Punjab
18	Mir Abdul Nabi Khan Jamali	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Balochistan
19	Mir Abdul Wahid	August 1973 to August 1975	Awami National Party (ANP)	Balochistan
20	Mir Afzal Khan	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	
21	Mir Hazoor Bakhsh Domki	August 1973 to August 1975	Independent (IND)	Balochistan

22	Mir Mahmood Aziz	August 1973 to August 1975	Awami National Party (ANP)	Balochistan
23	Mir Nabi Bakhsh Zehri	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Balochistan
24	Mirza M. Rafi Raza	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Sindh
25	Mirza M. Tahir	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Balochistan
26	Mohammad Zaman Khan Achakzai	August 1973 to August 1975	Jamiat Ulema-e-Islam Pakistan (JUIP)	Balochistan
27	Moulvi Zahoorul Haq	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	
28	Mufti Zafar Nomani	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Sindh
29	Muhammad Suleman Muhammad Ibrahim Samejo	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Sindh
30	Nargis Zaman Kiani	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Federal Capital
31	Niamatullah Khan Ghazni Khel	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	
32	Qamaruz Zaman Shah	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Sindh
33	Qazi Mohammad Shahid	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Punjab
34	Rao Abdus Sattar	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Punjab
35	Samia Usman Fatah	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Punjab
36	Sardar Ghulam Mohammad Khan	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Sindh
37	Sardar Mohammad Aslam	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	
38	Shahzad Gul	August 1973 to August 1975	Awami National Party (ANP)	
39	Shaikh Fazal-i- Elahi Piracha	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Punjab
40	Sher Mohammad Khan	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	
41	Syed Qurban Ali Shah	August 1973 to August 1975	Pakistan People s Party Parliamentarian (PPPP)	Sindh
42	Syed Zulfiqar Ali Shah Jamote	August 1973 to August 1975	Pakistan Muslim League Functional (PML-F)	Sindh
43	Zafar Ahmad Qureshi	August 1973 to August 1975	Pakistan People s Party Sherpao	

44	Zamarud Hussain	August 1973 to August 1975	Awami National Party (ANP)	Balochistan
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## Members list 1975-77

S.No.	Name	Tenure	Party	Province
1	Abdul Lateef Ansari	August 1975 to August 1977	Pakistan People s PartyParliamentarian (PPPP)	Sindh
2	Abdul Malik	August 1975 to August 1977	Awami National Party (ANP)	Balochistan
3	Abdul Rehman Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	
4	Afzal Khan Khoso	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
5	Ajab Khan	August 1975 to August 1977	Independent (IND)	FATA
6	Ali Mahmood	August 1975 to August 1977	Pakistan Muslim LeagueFunctional (PML-F)	Sindh
7	Aziz Ahmed	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	FederalCapital
8	Capt. (R) Gul Mohammad Khan	August 1975 to August 1977	Pakistan Muslim League (PML)	Balochistan
9	Ch. Muhammad Ashraf	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
10	Ch. Muhammad Aslam	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
11	Fakhar Zaman	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
12	Feroz Din Ansari	August 1975 to August 1977	Pakistan People s Party Parliamentarian	Punjab

			(PPPP)	
13	Gen. (R) Tikka Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Federal Capital
14	Ghulam Ahmad Bilour	August 1975 to August 1977	Awami National Party (ANP)	
15	Ghulam Hussain Abbasi	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
16	Ghulam Rasool A. Siddiqui	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
17	Habibullah Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	
18	Haji Akbar Khan	August 1975 to August 1977	Independent (IND)	FATA
19	Haji Madar	August 1975 to August 1977	Independent (IND)	FATA
20	Haji Syed Hussain Shah	August 1975 to August 1977	Awami National Party (ANP)	Balochistan
21	Kamal Azfar	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
22	Kamran Khan	August 1975 to August 1977	Awami National Party (ANP)	
23	Khan Abdullah Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
24	Khawaja Mohammad Safdar	August 1975 to August 1977	Pakistan Muslim League (PML)	Punjab
25	Lal Muhammad Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	
26	M. Hashim Ghilzai	August 1975 to August 1977	Awami National Party (ANP)	Balochistan
27	M. Zahurul Haq	August 1975 to August 1977	Awami National Party (ANP)	
28	Main Saifullah Khan	August 1975 to August 1977	Awami National Party (ANP)	Balochistan

29	Malik Muhammad Sharif	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	
30	Malik Nasrullah Khan Afridi	August 1975 to August 1977	Independent (IND)	FATA
31	Masood Ahmad Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
32	Maulvi Abdul Hakim	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	
33	Meer Muhammad Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
34	Mehboob-ur-Rehman	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	
35	Mian Ghulam Abbas	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
36	Mian Muhammad Iqbal	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
37	Mir Abdul Wahid	August 1975 to August 1977	Awami National Party (ANP)	Balochistan
38	Mir Hazoor Bakhsh Domki	August 1975 to August 1977	Independent (IND)	Balochistan
39	Mir Mahmood Aziz Kurd	August 1975 to August 1977	Awami National Party (ANP)	Balochistan
40	Mir Nabi Bakhsh Zehri	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Balochistan
41	Mirza M. Rafi Raza	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
42	Miss Asifa Farooqi	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
43	Mohammad Haneef Ramay	August 1975 to August 1977	Pakistan Muslim League (PML)	Punjab

44	Moulvi Zahoorul Haq	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
45	Mrs. Aziza Humayun	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
46	Muhammad Khalid Khan	August 1975 to August 1977	Awami National Party (ANP)	Balochistan
47	Muhammad Saleem Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
48	Muhammad Shafi	August 1975 to August 1977	Awami National Party (ANP)	Balochistan
49	Muhammad Suleman Muhammad Ibrahim Samejo	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
50	Nawabzada Mir Sheikh Umar Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Balochistan
51	Niamatullah Ghazni Khel Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	
52	Nimatullah Khan Shinwari	August 1975 to August 1977	Independent (IND)	FATA
53	Qazi Faizul Haque Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Balochistan
54	Rao Abdus Sattar	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
55	Sahibzada Farooq Ali	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Punjab
56	Sardar Ghulam Muhammad Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
57	Sardar Mohammad Aslam	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	

58	Sarfraz Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	
59	Sayed Murad Ali Shah	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	Sindh
60	Shahzad Gul	August 1975 to August 1977	Awami National Party (ANP)	
61	Syed Zulfiqar Ali Shah Jamote	August 1975 to August 1977	Pakistan Muslim League Nawaz(PMLN)	Sindh
62	Tahir Mohammad Khan	August 1975 to August 1977	Pakistan People s Party Sherpao	Balochistan
63	Wali Mohammad Khan	August 1975 to August 1977	Pakistan People s Party Parliamentarian (PPPP)	

## APPENDIX - I

Members of the Senate elected in August, 1973.

First Group (two years term expired on 5-8-1975)	Second Group (four years term was due to expire on 5-8-1977.)
--	---

Baluchistan Province

- |                            |                                 |
|----------------------------|---------------------------------|
| 1. Mir Abdul Nabi Khan     | 1. Haji Syed Husain Shah        |
| 2. Mir Mahmood Aziz Kurd   | 2. Mir Abdul Wahid              |
| 3. Mirza Mohammad Pahir    | 3. Mir Hazoor Bukhsā            |
| 4. Mr. Mohammad Zaman Khan | 4. Mir Nabi Bukhsā Zehri        |
| 5. Mr. Zamarud Husain      | 5. Mr. Mohammad Hashim Ghilzai. |

N.W.F. Province

- |                            |                           |
|----------------------------|---------------------------|
| 1. Haji Shabib Shah        | 1. Mr. Habibullah Khan    |
| 2. Mr. Niamstullah Khan    | 2. Mr. Kamran Khan        |
| 3. Sardar Mohammad Aslam   | 3. Mir Afzal Khan         |
| 4. Mr. Shahzad Gul         | 4. Mr. Sher Mohammad Khan |
| 5. Mr. Zafar Ahmed Qureshi | 5. Mr. Zahoorul Haq       |

Punjab Province

- |  |                                 |
|--|---------------------------------|
| 1. Ch. Mohammad Aslam                            | 1. Mr. Ahmad Waheed Akhtar      |
| 2. Mr. Fazal Elahi                               | 2. Mr. Ihsanul Haq              |
| 3. Mian Arif Iftikhar                            | 3. Mr. Mohammad Safdar Khawaja. |
| 4. Qazi Mohammad Shahid                          | 4. Moulvi Zahoorul Haq          |
| 5. Mrs. Samia Usman Fatch<br>(Samia Nizamuddin). | 5. Rao Abdus Sattar             |

Sind Province

- |                             |                                    |
|-----------------------------|------------------------------------|
| 1. Agha Ghulam Nabi Khan    | 1. Mirza Mohammad Rafi Raza        |
| 2. Mr. J.A. Rahin           | 2. Mr. Mohammad Suleman M. Samejo. |
| 3. Mr. Mehran Khan Bijarani | 3. Mr. Qamaruzzaman Shah           |
| 4. Mufti Zafar Ali Noomani  | 4. Sardar Ghulam Mohammad Khan.    |
| 5. Mr. Qurban Ali Shah      | 5. Mr. Zulfiqar Ali Shah           |

Federal Capital

- |                   |                          |
|-------------------|--------------------------|
| 1. Mr. Aziz Ahmad | 1. Mr. Nargis Zaman Khan |
|-------------------|--------------------------|

Federally Administered Tribal Areas.

- |                    |                         |
|--------------------|-------------------------|
| 1. Mr. Ghulab Khan | 1. Malik Nasrullah Khan |
| 2. Mr. Khayal Said |                         |

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Total: 45 \*

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\* Provided in Article 272  
of the Original Constitution  
of 1973.

ZAFAR.

## APPENDIX - II

LIST OF MEMBERS OF THE SENATE (PARTY-WISE)(1975)

1. Rao Abdus Sattar, Leader of the House.  
2. Mr. Mohammad Hashim Ghilzai, Leader of the Opposition.

S.No.	Name	S.No.	Name
<u>PAKISTAN PEOPLES' PARTY - 31</u>		<u>NATIONAL AWAMI PARTY - 8</u>	
1.	Abdul Lateef, Mr.	1.	Abdul Wahid, Mir.
2.	Abdus Sattar, Rao.	2.	Ghulam Ahmad Bilor, Mr.
3.	Afzal Khan, Mir.	3.	Hussain Shah, Haji Sayed.
4.	Afzal Khan, Mr.	4.	Kamran Khan, Mr.
5.	Ahmad Waheed Akhtar, Mr.	5.	Mahmood Aziz Kurd, Mr.
6.	Asifa Farooqi, Miss.	6.	Mohammad Hashim Ghilzai, Mr.
7.	Aziz Ahmed, Mr.	7.	Shahzad Gul, Mr.
8.	Faizul Haque, Qazi.	8.	Zahurul Haq, Mr.
9.	Farooq Ahmad Khan, Mr.	<u>PAKISTAN MUSLIM LEAGUE(COMBINED) - 1</u>	
10.	Ghulam Mohammad Khan, Sardar.	1.	Mohammad Safdar, Khawaja.
11.	Ghulam Rasool A. Siddiqui, Mr.	<u>JAMIAT-E-ULEMAI PAKISTAN - 1</u>	
12.	Gul Mohammad, Capt.(Retd).	1.	Shah Ahmad Noorani, Maulana.
13.	Habibullah Khan, Mr.	<u>UNITED DEMOCRATIC FRONT - 1</u>	
14.	Hazoor Bakhsh, Mir.	1.	Zulfiqar Ali Shah Jamote, Syed.
15.	Ihsanul Haq, Mr.	<u>INDEPENDENT GROUP - 3</u>	
16.	Kamal Azfar, Mr.	1.	Ajab Khan, Mr.
17.	Masud Ahmed Khan, Mr.	2.	Nasrullah Khan Afridie, Malik.
18.	Mohammad Aslam, Ch.	3.	Niamatullah Khan Shinwari, Mr.
19.	Mohammad Aslam, Sardar.	-----	
20.	Mohammad Hanif Ramay, Mr.	Pakistan Peoples' Party	31
21.	Mohammad Sharif, Malik.	National Awami Party	8
22.	Muhammad Sulleman M. Samejo, Mr.	Pakistan Muslim League(Combined)	1
23.	Nabi Bakhsh Zehri, Mir.	Jamiat-e-Ulemai Pakistan	1
24.	Nargis Zaman Khan, Mr.	United Democratic Front	1
25.	Niamatullah Khan, Mr.	Independent Group	3
26.	Qamaruzzaman Shah, Mr.	(Tribal Area)	
27.	Rafi Raza, Mr.	-----	
28.	Sher Mohammad Khan, Mr.	Total: 45	
29.	Tahir Mohammad Khan, Mr.		
30.	Umer Khan, Sheikh.		
31.	Zahoorul Haq, Moulvi.		

## APPENDIX - III.

MEMBERS OF THE SENATE  
AFTER MARCH, 1977, ELECTION

Second Group:  
term was due  
to expire on  
5-8-1977.

First Group:  
term was due  
to expire on  
5-8-1979.

BALUCHISTAN PROVINCE

- |  |  |
|--|--|
| 1. Mir Hazoor Pakhsh.                      | 1. Qazi Faizul Haque.                                  |
| 2. Mir Nabi Pakhsh Zehri.                  | 2. Sheikh Umer Khan.                                   |
| 3. Mir Abdul Wahid.                        | 3. Capt.(Retd.)Gul Mohammad.                           |
| 4. Haji Sayed Hussain Shah.                | 4. Mir Mahmood Aziz Kurd.                              |
| 5. Mohammad Hashim Ghilzai.                | 5. Mrs. Bibi Perveen.<br>(Vice Mr.Tahir Mohammad Khan) |
| 6. Mr. Abdul Malik.<br>(Additional)        | 6. Mian Saifullah Khan.<br>(Additional)                |
| 7. Mr.Mohammad Khalid Khan<br>(Additional) | 7. Mr. Mohammad Shafi.<br>(Additional)                 |

N.W.F. PROVINCE

- |   |  |
|---|--|
| 1. Mr. Habibullah Khan.                                   | 1. Mr. Shahzad Gul.                        |
| 2. Mr. Kamran Khan.                                       | 2. Malik Mohammad Sharif.                  |
| 3. Mr. M. Zahurul Haq.                                    | 3. Sardar Mohammad Aslam.                  |
| 4. Mr. Sarfraz Khan.<br>(Vice Mir Mohammad Afzal)         | 4. Mr.Miamatullah Khan.                    |
| 5. Mr. Lal Mohammad Khan.<br>(Vice Mr.Sher Mohammad Khan) | 5. Mr. Ghulam Ahmad Bilor.                 |
| 6. Mr.Abdul Rehman Khan.<br>(Additional)                  | 6. Mr. Wali Mohammad Khan.<br>(Additional) |
| 7. Mr. Mehboob-ur-Rehman.<br>(Additional)                 | 7. Moulvi Abdul Hakim.<br>(Additional)     |

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PUNJAB PROVINCE

- |  |   |                          |
|--|---|--------------------------|
| 1. Rao Abdus Sattar.   | 1. Miss Asifa Farooqi.                                    | <u>Introduc</u>          |
| 2. Moulvi Zahoorul Haq.  | 2. Mohammad Hanif Ramay.                                  |                          |
| 3. Khawaja Mohammad Safdar.                                    | 3. Ch. Mohammad Aslam.                                    |                          |
| 4. Mr. Mohammad Saleem Khan.<br>(Vice Mr. Ahmad Waheed Akhtar) | 4. Mr. Masud Ahmad Khan.                                  |                          |
| 5. Mr. Fakhar Zaman.<br>(Vice Mian Ihsanul Haq)                | 5. Mian Ghulam Abbas.<br>(Vice Farooq Ahmad Khan Leghari) | <u>System<br/>electl</u> |
| 6. Sahibzada Farooq Ali Khan.<br>(Additional)                  | 6. Mr. Feroz Ein Ansari.<br>(Additional)                  |                          |
| 7. Mian Mohammad Iqbal.<br>(Additional)                        | 7. Begum Aziza Humayun Mirza.<br>(Additional)             |                          |

SIND PROVINCE.

- |  |   |  |
|--|---|--|
| 1. Mr. Mohammad Sulleman<br>M. Samejo.                             | 1. Mr. Kamal Azfar.   |  |
| 2. Mr. Rafi Raza.  | 2. Mr. Ghulam Rasool A. Siddiqi.                            | <u>The La<br/>the Ru</u>                             |
| 3. Syed Zulfiqar Ali Shah Janote.                                  | 3. Mr. Afzal Khan Khoso.                                    |  |
| 4. Mr. Ghulam Mohammad Shahliani.<br>(Vice Sardar Ghulam Mohammad) | 4. Mr. Abdul Lateef Ansari.                                 |  |
| 5. Chowdary Mohammad Ashraf.<br>(Vice Mr. Qamaruzzaman Shah)       | 5. Khan Abdullah Khan.<br>(Vice Maulana Shah Ahmad Noorani) |  |
| 6. Mr. Ali Mahmood.<br>(Additional)                                | 6. Sayed Mureed Ali Shah.<br>(Additional)                   |  |
| 7. Mir Meer Mohammad Khan.<br>(Additional)                         | 7. Mr. Ghulam Hussain Abbasi.<br>(Additional)               | <u>Appoi<br/>of Re<br/>Offic<br/>Polli<br/>Offic</u> |

FEDERAL CAPITAL

- |  |                    |
|--|--------------------|
| 1. General Tikka Khan H.J.(Retd).<br>(Vice Mr. Nargis Zaman Khan). | 1. Mr. Aziz Ahmad. |
|--|--------------------|

FEDERALLY ADMINISTERED TRIPAL AREAS.

- |                                 |                                     |                      |
|---------------------------------|-------------------------------------|----------------------|
| 1. Malik Nasrullah Khan Afridi, | 1. Mr. Ajab Khan.                   |                      |
| 2. Haji Madar.<br>(Additional)  | 2. Mr. Niamatullah Shinwari.        |                      |
|                                 | 3. Haji Akbar Khan.<br>(Additional) | <u>List<br/>vote</u> |

Total: 63 \*\* Article 59 of the Original  
Constitution of 1973Noti  
unde  
10.

## APPENDIX - V.

Members elected for the term of four years  
After August, 1975, Election.

Beluchistan Province

1. Qazi Faizul Haque
2. Sheikh Umer Khan
3. Capt.(Retd.) Gul Mohammad
4. Mir Mahzood Aziz Kurd
5. Mr. Tahir Mohammad Khan

N.W.F. Province

1. Mr. Shahzad Gul
2. Malik Mohammad Sharif
3. Sardar Mohammad Aslam
4. Mr. Niamatullah Khan
5. Mr. Ghulam Ahmad Bilor

Punjab Province

1. Miss Asifa Farooqi
2. Mr. Mohammad Hanif Ramay
3. Ch. Mohammad Aslam
4. Mr. Masud Ahmad Khan
5. Mr. Farooq Ahmad Khan Leghari

Sind Province

1. Mr. Kamal Azfar
2. Mr. Ghulam Rasool A. Siddiqi
3. Mr. Afzal Khan Khoso
4. Mr. Abdul Lateef Ansari
5. Maulana Shah Ahmad Noorani

Federal Capital

1. Mr. Aziz Ahmad

Federally Administered Tribal Areas

1. Mr. Ajab Khan
2. Mr. Niamatullah Shinwari

## APPENDIX VI

LIST OF MEMBERS OF THE SENATE (PARTY-WISE)(1977)

1. Rao Abdus Sattar, Leader of the House.  
2. Khawaja Mohammad Safdar. Leader of the Opposition

S.No.	Name	S.No.	Name
<u>PAKISTAN PEOPLE'S PARTY-47</u>			
1.	Abdul Lateef, Mr.	41.	Rafi Raza, Mr.
2.	Abdul Hakim, Moulvi.	42.	Saifullah Khan, Mian
3.	Abdullah Khan, Khan.	43.	Sarfraz Khan, Mr.
4.	Abdul Malik, Syed.	44.	Tikka Khan, H.J. General (Retd.)
5.	Abdur Rehman, Mr.	45.	Umer Khan, Sheikh.
6.	Abdus Sattar, Rao.	46.	Wali Mohammad Khan, Mr.
7.	Afzal Khan Khoso, Mr.	47.	Zahoorul Haq, Moulvi.
8.	Ali Mahmood, Mr.	<u>NATIONAL AWAMI PARTY - 8.</u>	
9.	Asifa Farooqi, Miss.	1.	Abdul Wahid, Mir.
10.	Aziz Ahmed, Mr.	2.	Ghulam Ahmad Pilon, Mr.
11.	Aziza Humayun Mirza, Begum.	3.	Hussain Shah, Haji Sayed.
12.	Bibi Perveen, Mrs.	4.	Kamran Khan, Mr.
13.	Fakhar Zaman, Mr.	5.	Mahmood Aziz Kurd, Mir.
14.	Faizul Haque, Qazi.	6.	Mohammad Hashim Ghilzai, Mr.
15.	Farooq Ali Khan, Sahibzada.	7.	Shahzad Gul, Mr.
16.	Feroze Din Ansari, Mr.	8.	Zahurul Haq, Mr. M.
17.	Ghulam Abbas, Mian.	<u>PAKISTAN MUSLIM LEAGUE (COMBINED)-2.</u>	
18.	Ghulam Hussain, Mr.	1.	Mohammad Hanif Ranay, Mr.
19.	Ghulam Mohammad, Mr.	2.	Mohammad Safdar, Khawaja.
20.	Ghulam Rasool A. Siddiqui, Mr.	<u>UNITED DEMOCRATIC FRONT - 1</u>	
21.	Gul Mohammad, Capt. (Retd.)	1.	Zulfiqar Ali Shah Janote, Syed.
22.	Habibullah Khan, Mr.	<u>INDEPENDENT GROUP - 5.</u>	
23.	Hazoor Bakhsh, Mir.	1.	Akbar Khan, Haji.
24.	Kamal Azfar, Mr.	2.	Ajab Khan, Mr.
25.	Lal Mohammad Khan, Mr.	3.	Madar, Haji.
26.	Masud Ahmed Khan, Mr.	4.	Nasrullah Khan Afridi, Malik.
27.	Meer Mohammad Khan, Mir.	5.	Niamatullah Khan Shinwari, Mr.
28.	Mehboob-ur-Rehman, Mr.	Pakistan People's Party 47	
29.	Mohammad Ashraf, Chowdhry	National Awami Party 8	
30.	Mohammad Aslam, Ch.	Pakistan Muslim League (Combined) 2	
31.	Mohammad Aslam, Sardar.	United Democratic Front 1	
32.	Mohammad Iqbal, Mian.	Independent Group (Tribal Areas) 5	
33.	Mohammad Khalid Khan, Mr.		
34.	Mohammad Saleem Khan, Mr.		
35.	Mohammad Shafi, Mr.		
36.	Mohammad Sharif, Malik.		
37.	Muhammad Sulleman M. Samejo, Mr.		
38.	Murad Ali Shah, Sayed.		
39.	Nabi Bakhsh Zehri, Mir.		
40.	Niamatullah Khan, Mr.		

VI

## APPENDIX - VII.

## PROCLAMATION

Whereas, I, General M. Zia-ul-Haq, Chief of the Army Staff have proclaimed Martial Law throughout Pakistan and assumed the office of Chief Martial Law Administrator, hereby order and proclaim as follows:-

- a. the Constitution of the Islamic Republic of Pakistan shall remain in abeyance;
- b. the National Assembly, the Senate and the Provincial Assemblies shall stand dissolved;
- c. the Prime Minister, the Federal Ministers, Ministers of State, Advisers to the Prime Minister, the Speaker and Deputy Speaker of the National Assembly and the Provincial Assemblies, the Chairman and Deputy Chairman of the Senate, the Provincial Governors, the Provincial Chief Ministers and the Provincial Ministers shall cease to hold office;
- d. the President of Pakistan shall continue in office; and
- e. the whole of Pakistan will come under Martial Law.

GENERAL  
Chief Martial Law Administrator  
and Chief of the Army Staff

(M. ZIA-UL-HAQ)

Rawalpindi,  
the 5th July, 1977.

Retd.)

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## APPENDIX - X.

CONSOLIDATED LIST SHOWING NAMES, AGE,  
QUALIFICATIONS AND PROFESSION OF SENATORS

S.No.	Name of Senator	Age	Qualification	Profession
1	2	3	4	5
		Yrs.		
1.	Khan, Habibullah	76	B.A., L.L.B. (Alig).	Agriculturist/ Lawyer/Judge/ Politician.
2.	Khan, Tahir Mohammad	37	M.A., L.L.B.	Lawyer.
3.	Abbasi, Ghulam Hussain		Information not supplied.	
4.	Abbasi, Mian Ghulam		Information not supplied.	
5.	Achakzai, Mohammad Zaman Khan	52	F.Sc.	Agriculture.
6.	Afridi, Malik Nasrullah Khan	48	Matricula- tion.	Transporter, Businessman.
7.	Ahmad, Aziz	68	B.Sc.	Civil Service (Rtd).
8.	Akhtar, Ahmed Waheed	37	M.A., L.L.B.	Lawyer.
9.	Ansari, Abdul Latif	39	M.A.	Zamindari and Business.
10.	Ansari, Feroz Din		Information not supplied.	
11.	Ashraf, Choudhry Mohammad		-do-	
12.	Aslam, Chaudhry Mohammad	35	B.A., LL.B.	Lawyer, Agriculturist.
13.	Aslam, Sardar Mohammad	43	B.A., LL.B.	Lawyer.
14.	Azfar, Kamal	39	M.A.	Advocate
15.	Belor, Ghulam Ahmed		Information not supplied.	
16.	Bijarani, Mir Mehran Khan	41	Secondary Level	Agriculturist
17.	Domki, Mir Hazoor Bakhsh	34	Secondary Level	Agriculture.
18.	Farroqi, Miss Asifa	33	M.A.	Nil
19.	Fatah, Mrs. Samia Usman	37	Secondary Level	House Wife.
20.	Ghilzai, Mohammad Hashim.	70	B.A., B.T.	Agriculture
21.	Gul, Shahzad	49	B.A., LL.B.	Lawyer.
22.	Hakim, Moulvi Abdul		Information not	supplied.

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1	2	3	4	5
23.	Haq, Ihsanul	42	B.A.LL.B.	Lawyer, Business
24.	Haq, M.Zahuraul	43	B.Sc.	Lawyer
25.	Haq, Moulvi Zahoor-ul	67	Honours in Arabic	Businessman
26.	Hussain, Zamarud	43	Knows Urdu and English	Business
27.	Iftikhar, Mian Arif	43	M.A.(Cantab).	Nil
28.	Iqbal, Mian Mohammad		Information not supplied.	
29.	Jamali, Mir Abdul Nabi Khan	38	Senior Cambridge	Agriculture
30.	Jamote, Syed Zulfiqar Ali Shah	33	B.A.(Agriculture)	Farmer
31.	Khan, Abdul Rehman		Information not supplied.	
32.	Khan, Agha Ghulam Nabi	63	B.Sc.(Alig)	Agriculturist and Industrialist
33.	Khan, Ajab	52	Educated in Oriental Schools	Zamindar
34.	Khan, Captain(Retd) Gul Mohammad	63	Matric	Zamindar
35.	Khan, General Tikka, H.J.(Retd).		Information not supplied.	
36.	Khan, Gulab Malik	59	Knows Urdu Persian and Pushto	Agriculture
37.	Khan, Haji Akbar		Information not supplied.	
38.	Khan, Kamran	54	Matric	Business.
39.	Khan, Abdullah Khan		Information not supplied.	
40.	Khan, Lal Mohammad		-do-	
41.	Khan, Masood Ahmad	44	Law Graduate	Advocate
42.	Khan, Meer Mohammad		Information not supplied.	
43.	Khan, Mian Saifullah		-do-	
44.	Khan, Mohammad Khalid		-do-	
45.	Khan, Mohammad Salim		-do-	
46.	Khan, Nawabzada Mir Sheikh Umar	52	Under Matric	Zamindar
47.	Khan, Niamatullah	51	Matric	Landlord and Transporter

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1	2	3	4	5
48.	Khan, Niamtullah Ghazni Khel	61	Intermediate	Agriculturist
49.	Khan, Qazi Faizul Haq	46	B.A.(Honours)	Business
50.	Khan, Sahibzada Farooq Ali		Information not supplied.	
51.	Khan, Sardar Ghulam Mohammad	50	Primary level	Agriculturist
52.	Khan, Sarfraz		Information not supplied.	
53.	Khan, Sher Mohammad	32	F.S.c.	Agriculture
54.	Khan, Wali Mohammad		Information not supplied.	
55.	Khoso, Afzal Khan	44	B.A. Barrister- at-Law	Advocate and Farmer.
56.	Kiyani, Nargis Zaman Khan	48	Matric	Agriculture
57.	Kurd, Mir Mahmood Aziz	35	Matric	Agriculture and Mining.
58.	Leghari, Farooq Ahmed Khan	37	M.A.	Agriculture/ Business
59.	Madar, Haji		Information not supplied.	
60.	Malik, Abdul		-do-	
61.	Malik, Mohammad Sharif	49	F.Sc.	Business.
62.	Mahboob-ur-Rehman		Information not supplied.	
63.	Mahmood, Ali		-do-	
64.	Mirza, Aziza Humayun		-do-	
65.	Nomani, Mufti Zafar Ali	53	Islamiyyat	Business
66.	Parveen, Bibi		Information not supplied.	
67.	Piracha, Shaikh Fazal-i-Elahi	73	M.A.LL.B.	PCS(Retd).
68.	Qureshi, Zafar Ahmad	52	B.A., LL.B.	Lawyer.
69.	Rahim, Jala-ud-Din Abdur	71	Trinity College Cambridge and the University of Munich.	Pakistan Foreign Service (Retd.).

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	1	2	3	4	5
lturist	70.	Ramay, Mohammad Haneef	46	M.A.	-
ess	71.	Raza, M.Rafi	38	M.A.(Oxon) Barrister- at-Law	Lawyer
lturist	72.	Safdar, Khawaja Mohammad	63	B.A.(Hons), LL.B.	Lawyer.
lturist	73.	Said, Khayal	40	Matric	Agriculturist
lturist	74.	Samejo, Muhammad Suleman Muhammad Ibrahim	52	B.A., LL.B.	Lawyer.
lture	75.	Sattar, Rao Abdus	49	B.A., LL.B.	Lawyer.
lture	76.	Shafi, Mohammad		Information not supplied.	
te and	77.	Shah, Haji Sayed Hussain	60	Matric	Mining and Business.
lture	78.	Shah, Haji Shabib	56	Secondary level	Agriculture & Business.
lture	79.	Shah, Qamaruzzaman	44	B.A.(Hons) LL.B.	Lawyer.
ing.	80.	Shah, Sayed Murad Ali		Information not supplied.	
lture/ ss	81.	Shah, Syed Qurban Ali	38	B.A.	Agriculturist.
lture/ ss	82.	Shahid, Qazi Mohammad	32	Senior Cambridge	Agriculturist
ss.	83.	Shahliani, Ghulam Mohammad		Information not supplied.	
ss.	84.	Siddiqui, Ghulam Rasool A.	57	B.A. LL.B.	Lawyer
ss.	85.	Siddiqui, Shah Ahmad Noorani	-	B.A.	Lecturer, Muslim Missionary.
ss.	86.	Wahid, Mir Abdul	49	Intermediate	Agriculturist
ss.	87.	Zaman, Fakhar		Information not supplied.	
td).	88.	Zehri, Mir Nabi Baksh	53	Higher Secondary Education	Agriculture and Mining Industry

## APPENDIX - XVII.

JOINT SITTINGS

<u>S.No.</u>	<u>Name of Session</u>	<u>Duration</u>	<u>Sitting Days</u>	<u>Remarks</u>
1.	Joint Sitting 1973.	10.8.1973	1.(10.8.1973)	Election of President
2.	Special Session, 1973.	12.8.1973	1.(12.8.1973)	Election of Prime Minister
3.	Joint Sittings 1973.	5th & 6th Sept., 1973	2.(5&6,9.73)	Extension of Emergency. Opposition staged a walk out.
4.	-do- 1973.	17th to 21st Dec. 1973.	4.(17,18,19 & 21st Dec. 1973.	Discussion on Foreign Policy
5.	-do- 1974	3rd & 4th March, '74.	2. (3rd & 4th March, 1974)	Extension of Emergency.
6.	-do- 1974	28.8.1974	1.(26.8.1974)	-do-
7.	-do- 1974	5.9.1974	1.(5.9.1974)	Address by Prime Minister of Sri-Lanka.
<u>1975</u>				
8.	-do- 1975	18th to 20th Jan. 1975	2. 18th & 20th Jan. 1975.	Passed 3 bills under Article 71 of the Constitution.
9.	-do- 1975	10.12.1975	1.(10.12.75)	Passed Divorce (Amendment) Bill, 1975.
<u>1976</u>				
10.	-do- 1976	26.2.1976 and 14.5.1976	2.(26th Feb. 1976 & 26th April, '76.	Passing of Proclamation in respect of Baluchistan and extension of period.
11.	-do- 1976	26th to 29th June, 1976	3. (26th, 28th and 29th June, '76).	Presentation and passing of Baluchistan Budget.
12.	-do- 1976	21st & 22nd Dec. 1976.	2. 21st & 22nd Dec. 1976.	Reference to Quaid-e-Azam and adoption of Resolutions.
<u>1977</u>				
13.	Joint Sittings 1977.	28th April, 1977.	1. 28.4.1977	Proclamation of Emergency dated the 21st April, 1977.
14.	-do- 1977.	14th May, 1977	1. 14.5.1977	Adoption of resolution regarding confidence in the Prime Minister.

## Appendix XVIII

STATEMENT SHOWING CATEGORYWISE SANCTIONED  
STRENGTH AS IN 1977

Sl.No.	Category	Total sanctioned strength
1.	Secretary (Grade-22).	1
2.	Joint Secretary(Grade-20).	1
3.	Deputy Secretary(Grade-19).	2
4.	O.S.D.(Grade-18).	1
5.	Chief Reporter(E),(Grade-18).	1
6.	P.S. to Chairman,(Grade-18).	1
7.	Section Officer (Grade-18).	2
8.	Section Officer (Grade-17).	2
9.	P.S. to Dy.Chairman(Grade-17)	1
10.	Editor of Debates.(Grade-17).	1
11.	Official Reporter,(Grade-17).	11
12.	Sergeant-at-Arms.(Grade-17).	1
13.	P.S. to Secretary(Grade-16).	1
14.	A.P.S. to Chairman, (Grade-16).	1
15.	Superintendent (Grade-16).	4
16.	Assistant Librarian (Grade-16).	1
17.	Interpreter-cum-Translator, (Grade-16).	3
18.	Stenographer (Grade-14).	1
19.	Assistant (Grade-14).	4
20.	Translator (Grade-12).	4
21.	Assistant (Grade-11).	13
22.	Stenographer (Grade-11).	7
23.	Cataloguer, (Grade-10).	1
24.	Stenotypist (Grade-8).	5
25.	U.D.C. (Grade-7).	5
26.	Electrical Supervisor,(Grade-7).	1
27.	S.M.C. (Grade-7).	1

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1	2	3
28.	J.M.C. (Grade-6).	14
29.	Urdu Typist, (Grade-6).	2
30.	Proof Reader, (Grade-6).	3
31.	L.D.C. (Grade-5).	18
32.	Copy Holder, (Grade-5).	3
33.	Comparer, (Grade-5).	2
34.	U.S.C. (Grade-5).	1
35.	Electrician, (Grade-5).	2
36.	B.R.(Grade-4).	2
37.	Staff Car Driver, (Grade-4).	5
38.	D.M.O. (Grade-3).	2
39.	Jamadar, (Grade-1)	3
40.	Daftary, (Grade-1).	10
41.	Peon, (Grade-1).	32
42.	Chowkidar-cum-Frash,(Grade-1).	1
Total:-		177

## APPENDIX - XIX

LIST OF BILLS PASSED

Total No. of Sessions : 17

Total Bills Passed : 243

Ist Session (6-8-1973)

Only election of Chairman and Deputy Chairman was held. No other business was transacted.

2nd Session (4-9-1973 to 15-9-1973)

Bills Passed: 9

- \*\*1. The Economic Reforms (Amendment) Bills, 1973.
- \*\*2. The Removal of Accused Persons Bill, 1973.
- \*\*3. The Federal Public Service Commission Bill, 1973.
- \*\*4. The Hydrogenated Vegetable Oil Industry (Control and Development) Bill, 1973.
- \*\*5. The Life Insurance (Nationalization)(Amendment)Bill,1973.
- \*\*6. The High Treason (Punishment) Bill, 1973.
- \*\*7. The Companies(Amendment) Bill, 1973.
- 8. The Service Tribunals Bill, 1973.
- \*\*9. The Civil Servants Bill, 1973.

3rd Session (1-12-1973 to 22-12-1973)

Bills Passed: 4

- 1. The Displaced Persons (Compensation and Rehabilitation) (Amendment) Bill, 1973.
- 2. The Employees' Cost of Living(Relief) Bill,1973.
- \*\* 3. The Post Office (Amendment) Bill, 1973.
- \*\* 4. The Private Military Organizations (Abolition and Prohibition) Bill, 1973.

4th Session (16-1-1974 to 16-2-1974)

Bills Passed: 15

- \*\* 1. The Prevention of Anti-National Activities Bill,1974.
- \*\* 2. The Dock Workers(Regulation and Employment)Bill,1974.
- \*\*\*3. The Banks (Transfer of Assets and Liabilities)Bill,1974.
- 4. The House Building Finance Corporation(Amendment) Bill, 1974.

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- \* 5. The Succession (Amendment) Bill, 1974.
- \*\* 6. The Companies (Appointment of Legal Advisers) Bill, 1974.
- 7. The Foreign Exchange (Prevention of Payments) (Amendment) Bill, 1974.
- \*\* 8. The Income-tax (Amendment) Bill, 1974.
- \*\* 9. The Pakistan Red Cross Society (Amendment) Bill, 1974.
- 10. The Workers' Welfare Fund (Amendment) Bill, 1974.
- \*\* 11. The Pakistan Atomic Energy Commission (Amendment) Bill, 1974.
- 12. The Marketing of Petroleum Products (Federal Control) Bill, 1974.
- 13. The Pakistan Maritime Shipping (Regulation and Control) Bill, 1974.
- \*\* 14. The Banks (Nationalization) Bill, 1974.
- \*\* 15. The Passports Bill, 1974.

5th Session                      (28-3-1974 to 25.4.1974)

Bills Passed: 21

- \* 1. The Centres of Excellence Bill, 1974.
- 2. The University Grants Commission Bill, 1974.
- \* 3. The Administrator General's (Amendment) Bill, 1974.
- \*\* 4. The Criminal Procedure (Amendment) Bill, 1974.
- \*\* 5. The Electoral Rolls Bill, 1974.
- \*\* 6. The Economic Reforms (Amendment) Bill, 1974.
- \*\* 7. The West Pakistan Industrial Development Corporation (Transfer of Projects and Companies) Bill, 1974.
- 8. The Members of Parliament (Salaries and Allowances) Bill, 1974.
- \*\*\* 9. The Land Reforms (Amendment) Bill, 1974.
- \*\*
- \*\*\* 10. The Service Tribunals (Amendment) Bill, 1974.
- \*\* 11. The Weights and Measures (Metric System) (Amendment) Bill, 1974.
- \* 12. The Sukkur Barrage (Validation of Orders) Bill, 1974.
- \*\* 13. The Delimitation of Constituencies Bill, 1974.
- \*\* 14. The Development of Industries (Federal Control) (Amendment) Bill, 1974.

For asterisks please see page 181.

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- \* 15. The Transfer of Property Ordinance (Repeal) Bill, 1974.
- 16. The Displaced Persons (Land Settlement) (Amendment) Bill, 1974.
- \*\* 17. The Provincial Service Tribunals (Extension of Provisions of the Constitution) Bill, 1974.
- \*\*\* 18. The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974.
- \*\* 19. The West Pakistan Arms (Amendment) Bill, 1974.
- \*\*\* 20. The People's Open University Bill, 1974.
- \*\* 21. The Constitution (First Amendment) Bill, 1974.

6th Session (25-7-1974 to 5-9-1974)

Bills Passed: 12

- 1. The Dangerous Cargoes (Amendment) Bill, 1974.
- 2. The Pakistan Maritime Shipping (Regulation and Control) (Amendment) Bill, 1974.
- \*\* 3. The Import of Goods (Price Equalization Surcharge) (Amendment) Bill, 1974.
- 4. The Civil Aviation (Amendment) Bill, 1974.
- 5. The Karachi Port Trust (Amendment) Bill, 1974.
- \*\*\* 6. The Abandoned Properties (Taking Over and Management) Bill, 1974.
- \*\*\* 7. The Road Transport Workers (Amendment) Bill, 1974.
- 8. The Employees' Cost of Living (Relief) (Amendment) Bill, 1974.
- 9. The West Pakistan Industrial and Commercial Employment (Standing Orders) (Amendment) Bill, 1974.
- \*
- \*\*\* 10. The Evacuee Trust Properties (Management and Disposal) Bill, 1974.
- \* 11. The Labour Laws (Amendment) Bill, 1974.
- 12. The Islamabad (Requisitioning of Immovable Property) Bill, 1974.  
(Note: Deemed to have been passed by the Senate under Article 71(2) of the Constitution).

7th Session (7-9-1974)

Bill Passed: 1

- \*\* 1. The Constitution (Second Amendment) Bill, 1974.

For asterisks please see page 181.

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8th Session (18-11-1974 to 21-12-1974)

Bills Passed: 9

- \* 1. The Pakistan Criminal Law Amendment Act(Amendment) Bill, 1974.
- \* 2. The Criminal Law (Special Provisions)(Amendment) Bill, 1974.
- \* 3. The Law Reforms (Amendment) Bill, 1974.
- \* 4. The Associated Cement (Vesting) Bill, 1974.
- 5. The People's Finance Corporation(Amendment)Bill,1974.
- \*\* 6. The Frontier Corps (Amendment) Bill, 1974.
- \*\*\* 7. The Federal Investigation Agency Bill, 1974.
- \*\*\* 8. The Suppression of Terrorist Activities(Special Courts) Bill, 1974.
- \* 9. The Hydrogenated Vegetable Oil Industry (Control and Development) (Amendment) Bill, 1974.

9th Session (16-1-1975 to 16-4-1975)

Bills Passed: 34

- \*\* 1. The Pakistan Tobacco Board (Amendment)Bill, 1974.
- 2. The Evacuee Property and Displaced Persons Laws (Repeal) Bill, 1975.
- \* 3. The Industrial Relations (Amendment) Bill, 1975.
- 4. The Pakistan Commissions of Inquiry (Amendment) Bill, 1974.
- 5. The Pakistan Coinage (Amendment) Bill, 1975.
- \*\*\* 6. The Import of Goods (Price Equalization Surcharge) (Amendment) Bill, 1975.
- 7. The Benevolent Fund and Group Insurance(Amendment) Bill, 1975.
- \*\*\* 8. The State Bank of Pakistan (Amendment) Bill, 1975.
- \*\* 9. The Members of the National Assembly (Exemption from Preventive Detention and Personal Appearance) (Amendment) Bill, 1975.
- \*\*10. The Members of Provincial Assemblies' Privileges (Amendment) Bill, 1975.
- \*\*11. The Political Parties (Amendment) Bill, 1975.
- \*\*12. The Explosive Substances(Amendment) Bill, 1975.
- \*\*13. The Constitution (Third Amendment)Bill, 1975.
- \*\*14. The Boilers (Amendment) Bill, 1975.

For asterisks please see page 181.

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- \*\* 15. The Pakistan Standards Institution(Certification Marks) (Amendment) Bill, 1975.
- 16. The Ports (Amendment) Bill, 1975.
- 17. The Capital Development Authority (Abatement of Arbitration Proceedings) Bill, 1975.
- \*\* 18. The West Pakistan Rangers(Amendment) Bill, 1975.
- \*\* 19. The North-West Frontier Province Suppression of Crimes Bill, 1975.
- \*\* 20. The North-West Frontier Province Urban Planning Bill, 1975.
- \*\* 21. The North-West Frontier Province Public Service Commission Bill, 1975.
- \*\* 22. The North-West Frontier Province Bus Stand and Traffic Control (Peshawar) Bill, 1975.
- \*\* 23. The Explosive Substances (Amendment) Bill,1975.
- \*\* 24. The Baluchistan Constabulary Bill, 1975.
- \*\* 25. The Opium (Amendment) Bill, 1975.
- \*\* 26. The Land Reforms (Amendment) Bill, 1975.
- \*\* 27. The Preventive Detention Laws(Amendment)Bill,1975.
- \* 28. The Dangerous Drugs (Amendment) Bill, 1975.
- \*\* 29. The Decorations (Amendment) Bill, 1975.
- \*\* 30. The Imports and Exports (Control)(Amendment) Bill, 1975.
- \*\* 31. The Pakistan Insurance Corporation(Amendment) Bill, 1975.
- \*\* 32. The Archival Material (Preservation and Export Control) Bill, 1975.
- \*\* 33. The Area Study Centres Bill, 1975.
- \*\* 34. The Code of Criminal Procedure (Amendment)Bill,1975.

10th Session      (30-6-1975 to 12-7-1975)

Bills Passed: 10

- \*\* 1. The Senate (Election) Bill, 1975.
- 2. The National Registration (Amendment) Bill, 1975.
- 3. The Legal Practitioners and Bar Councils(Amendment) Bill, 1975.
- \* 4. The Malaria Eradication Board (Repeal) Bill,1975.

For asterisks please see page 181.

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5. The Insurance (Amendment) Bill, 1975.
6. The National Guards (Amendment) Bill, 1975.
7. The Newspaper Employees (Conditions of Service) (Amendment) Bill, 1975.
8. The Employees ' Cost of Living (Relief)(Amendment) Bill, 1975.
- \*\* 9. The Validation of Laws Bill, 1975.
- \*\* 10. The Federal Ministers and Ministers of State (Salaries, Allowances and Privileges) Bill, 1975.

11th Session (6-8-1975 to 23-8-1975)

Bills Passed: 7

1. The Companies(Managing Agency and Election of Directors (Amendment) Bill, 1975.
2. The Banking Companies(Amendment) Bill, 1975.
3. The Telegraph (Amendment) Bill, 1975.
- \* 4. The Legal Practitioners and Bar Councils (Second Amendment) Bill, 1975.
5. The Federal Board of Intermediate and Secondary Education Bill, 1975.
- \*\*\* 6. The General Statistics Bill, 1975.
- \*\*\* 7. The Divorce (Amendment) Bill, 1975.

12th Session (12-11-1975 to 24-12-1975)

Bills Passed: 19

- \*\* 1. The Constitution (Fourth Amendment) Bill, 1975.
- \*\* 2. The Land Reforms (Amendment) Bill, 1975.
- \*\* 3. The Pakistan Army (Amendment) Bill, 1975.
- \*\* 4. The Cutting of Trees (Prohibition) Bill, 1975.
- \*\* 5. The Life Insurance(Nationalization) (Amendment) Bill, 1975.
- \*\* 6. The Pakistan Insurance Corporation(Amendment) Bill, 1975.
- \*\* 7. The Airports Security Force Bill, 1975.
- \*\* 8. The Banks (Nationalization)(Amendment) Bill, 1975.
- \*\* 9. The Foreign Cultural Associations(Regulation of Functioning) Bill, 1975.

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- \* 10. The Criminal Law (Amendment) Bill, 1975.
- \*\* 11. The House Building Finance Corporation (Amendment) Bill, 1975.
- \*\* 12. The Companies (Appointment of Legal Advisers) (Amendment) Bill, 1975.
- \*\*\* 13. The Pakistan International Airlines Corporation (Amendment) Bill, 1975.
- \*\* 14. The West Pakistan Water and Power Development Authority (Amendment) Bill, 1975.
- \*\* 15. The Suppression of Terrorist Activities (Special Courts) (Amendment) Bill, 1975.
- \*\* 16. The Industrial Relations (Amendment) Bill, 1975.
- 17. The Pakistan Engineering Council Bill, 1975.
- \*\* 18. The Land Reforms (Baluchistan Pat Feeder Canal) Regulation (Amendment) Bill, 1975.
- 19. The Antiquities Bill, 1975.

13th Session      (27-2-1976 to 21-5-1976)

Bills Passed: 36

- \*\*\* 1. The Pakistan Tourist Guides Bill, 1976.
- \*\*\* 2. The Travel Agencies Bill, 1975.
- \*\* 3. The Centres of Excellence (Amendment) Bill, 1976.
- \* 4. The Labour Laws (Amendment) Bill, 1976.
- 5. The Federal Supervision of Curricula, Text-books and Maintenance of Standards of Education Bill, 1976.
- \*\*\* 6. The Employees' Old-Age Benefits Bill, 1976.
- 7. The Code of Criminal Procedure (Amendment) Bill, 1976.
- 8. The Code of Civil Procedure (Amendment) Bill, 1976.
- 9. The Legal Practitioners and Bar Councils (Amendment) Bill, 1976.
- 10. The Members of Parliament and Provincial Assemblies (Exemption of Advisers from Disqualification) Bill, 1976.
- 11. The Withdrawal of Remission of Sentences Bill, 1976.
- \*\* 12. The Criminal Law Amendment (Special Court) Bill, 1976.
- 13. The Law Reforms (Amendment) Bill, 1976.
- 14. The National Insurance Corporation Bill, 1976.

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15. The National and Provincial Assemblies(Elections to Reserved Seats) Bill, 1976.
16. The Conformity with Fundamental Rights(Amendment of Laws), Bill, 1976.
- \*\* 17. The Defence of Pakistan (Amendment) Bill, 1976.
18. The Railways (Amendment) Bill, 1976.
19. The Pakistan Study Centres Bill, 1976.
- \*\* 20. The Conformity with Fundamental Rights(Baluchistan Amendment of Laws) Bill, 1976.
21. The Seed Bill, 1976.
22. The Drugs Bill, 1976.
- \*\* 23. The Emigration Bill, 1976.
24. The Provincial Motor Vehicles(Amendment)Bill,1976.
25. The Provincial Service Tribunals(Extension of Provisions of the Constitution)(Amendment)Bill,1976.
26. The National Guards(Amendment) Bill, 1976.
27. The Compulsory Service in the Armed Forces (Amendment) Bill, 1976.
- \*\* 28. The Defence of Pakistan(Second Amendment)Bill,1976.
29. The Criminal Law Amendment(Special Court)(Amendment) Bill, 1976.
30. The Land Reforms (Baluchistan Pat Feeder Canal) Regulation(Amendment) Bill, 1976.
- \*\* 31. The Publication of the Holy Quran (Elimination of Printing Errors)(Amendment) Bill, 1976.
- \*\* 32. The System of Sardari(Abolition) Bill, 1976.
- \*\* 33. The Foreign Private Investment(Promotion and Protection) Bill, 1976.
- \*\* 34. The Dowry and Bridal Gifts(Restriction) Bill,1976.
- \*\* 35. The Code of Criminal Procedure (Amendment) Bill,1976.
- \*\* 36. The Abandoned Properties (Taking Over and Management) (Amendment) Bill, 1976.

14th Session      (17-6-1976 to 8-7-1976)

Bills Passed: 5

- \*\* 1. The Quaid-i-Azam's Mazar (Protection and Maintenance) (Amendment) Bill, 1976.
- \*\*\* 2. The Pakistan Army (Amendment) Bill, 1976.

For asterisks please see page 181.

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3. The Land Reforms (Amendment) Bill, 1976.
- \*\* 4. The Industrial Relations (Amendment) Bill, 1976.
- \*\* 5. The Pakistan Arms (Amendment) Bill, 1976.

15th Session                      (2-8-1976 to 8-9-1976)

Bills Passed: 11

- \*\*\* 1. The Auqaf (Federal Control) Bill, 1976.
- \*\* 2. The West Pakistan Press and Publications (Amendment) Bill, 1976.
- \* 3. The Suppression of Terrorist Activities (Special Courts) (Amendment) Bill, 1976.
4. The Oil and Gas Development (Amendment) Bill, 1976.
- \*\* 5. The Pakistan Shipping Corporation Bill, 1976.
- \*\* 6. The University of Islamabad (Amendment) Bill, 1976.
- \*\* 7. The Defence of Pakistan (Third Amendment) Bill, 1976.
- \*\* 8. The Cotton Ginning Control and Development Bill, 1976.
- \*\* 9. The Rice Milling Control and Development Bill, 1976.
- \*\* 10. The Flour Milling Control and Development Bill, 1976.
- \*\* 11. The Constitution (Fifth Amendment) Bill, 1976.

16th Session                      (10.11.1976 to 8.1.1977)

Bills Passed: 30

- 1- The Legal Practitioners and Bar Councils (Second Amendment) Bill, 1976.
- \*\* 2. The Cost and Industrial Accountants (Amendment) Bill, 1976.
3. The National Registration (Amendment) Bill, 1976.
4. The Flour Milling Control and Development (Amendment) Bill, 1976.
5. The Rice Milling Control and Development (Amendment) Bill, 1976.
6. The Cotton Ginning Control and Development (Amendment) Bill, 1976.
7. The Land Reforms (Second Amendment) Bill, 1976.
8. The Pakistan Plant Quarantine Bill, 1976.
9. The State Bank of Pakistan (Amendment) Bill, 1976.

For asterisks please see page 181.

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10. The Newspaper Employees(Conditions of Service) (Amendment) Bill, 1976.
11. The Fee-Charging Employment Agencies(Regulation) Bill, 1976.
- \*\* 12. The Civil Servants(Amendment) Bill, 1976.
- \*\* 13. The Contempt of Court Bill, 1976.
14. The Esso Undertakings (Vesting) Bill,1976. .
15. The Pakistan Arms (Second Amendment) Bill,1976.
- \*\* 16. The Pakistan Hotels and Restaurants Bill, 1976.
- \*\* 17. The Territorial Waters and Maritime Zones Bill,1976.
- \*\* 18. The Constitution (Sixth Amendment) Bill, 1976.
19. The Regulation of Mines and Oil-fields and Mineral Development(Government Control)(Amendment) Bill,1976.
- \*\* 20. The Representation of the People Bill, 1976.
21. The Holders of the Representative Offices(Prevention of Misconduct) Bill, 1976.
22. The Parliament and Provincial Assemblies(Disqualification for Membership) Bill, 1976.
23. The Antiquities (Amendment) Bill, 1976.
24. The Pakistan Railways Police Bill, 1976.
25. The Political Parties (Amendment) Bill, 1977.
26. The Establishment of the Federal Bank for Cooperative and Regulation of Cooperative Banking Bill, 1976.
- \*\* 27. The Transfer of Evacuee Land (Katchi Abadi) (Amendment) Bill, 1977.
- \*\* 28. The Land Reforms Bill, 1977.
29. The Criminal Law Amendment (Special Court) (Second Amendment) Bill, 1976.
30. The Defence of Pakistan (Fourth Amendment)Bill,1976.

17th Session      (26.4.1977 to 17.5.1977)

Bills passed: 20

1. The Prevention of Sumuggling Bill, 1977.
2. The Prevention of Corruption Laws(Amendment) Bill, 1977.

For asterisks please see page 181.

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3. The Emigration (Amendment) Bill, 1977.
4. The Organization of the Islamic Conference (Immunities and Privileges) Bill, 1977.
5. The Representation of the People (Amendment) Bill, 1977.
6. The Labour Laws (Amendment) Bill, 1977.
7. The Defence of Pakistan (Amendment) Bill, 1977.
8. The Pakistan Army (Amendment) Bill, 1977.
9. The Jammu and Kashmir (Administration of Property) (Amendment) Bill, 1977.
10. The Service Tribunals (Amendment) Bill, 1977.
11. The Privileges of Members of the National and Provincial Assemblies (Amendment) Bill, 1977.
12. The Members of Parliament (Salaries and Allowances) (Amendment) Bill, 1977.
13. The Land Reforms (Baluchistan Pat Feeder Canal) (Amendment) Bill, 1977.
14. The Criminal Law Amendment (Special Court) (Amendment) Bill, 1977.
15. The Employees' Cost of Living (Relief) (Amendment) Bill, 1977.
16. The Prohibition Bill, 1977.
17. The Negotiable Instruments (Amendment) Bill, 1977.
18. The Prevention of Gambling Bill, 1977.
19. The Price Control and Prevention of Profiteering and Hoarding Bill, 1977.
20. The Constitution (Seventh Amendment) Bill, 1977.

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\*Bills introduced in the Senate.

\*\* Bills not referred to the Standing Committee.

\*\*\* Bills passed with amendments.

## APPENDIX - XX.

Ordinances laid before the Senate  
from September, 1973 to May, 1977.

S.No.	Year	Title of Ordinance	Passed in the form of Bill or lapsed.
1	2	3	4
1.	1973	The Removal of Accused Persons Ordinance, 1973 (Ordinance No. XVII of 1973).	Passed
2.	-do-	The Economic Reforms (Amendment) Ordinance, 1973 (Ordinance No. XVIII of 1973).	Passed
3.	-do-	The Hydrogenated Vegetable Oil Industries (Control and Development) Ordinance, 1973 (Ordinance No. XIX of 1973).	Passed
4.	-do-	The Displaced Persons (Compensation and Rehabilitation) (Amendment) Ordinance, 1973.	Passed
5.	-do-	The Employees Cost of Living (Relief) Ordinance, 1973.	Passed
6.	-do-	The Private Military Organizations (Abolition and Prohibition) Ordinance, 1973.	Passed
7.	-do-	The Dock Workers (Regulation of Employment) Ordinance, 1973.	Passed
8.	1974	The Road Transport Workers (Amendment) Ordinance, 1974.	Passed
9.	-do-	The Labour Laws (Amendment) Ordinance, 1974.	Passed
10.	-do-	The Pakistan Criminal Law Amendment Act (Amendment) Ordinance, 1974.	Passed
11.	-do-	The Criminal Law (Special Provisions) (Amendment) Ordinance, 1974.	Passed
12.	-do-	The Evacuee Property and Displaced Persons Laws (Repeal) Ordinance, 1974.	Passed

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1	2	3	4
13.	1974	The Evacuee Trust Property (Management and Disposal) Ordinance, 1974.	Passed
14.	-do-	The Hydrogenated Vegetable Oil Industry (Control and Development Amendment) Ordinance, 1974.	Passed
15.	-do-	The Suppression of Terrorist Activities (Special Court) Ordinance, 1974.	Passed.
16.	1974	The Industrial Relations (Amendment) Ordinance, 1974.	Passed
17.	-do-	The Associated Cement (Vesting) Ordinance, 1974.	Passed
18.	1975	The Employee's Cost of Living (Relief) (Amendment) Ordinance, 1975 II of 1975).	Passed.
19.	-do-	The Newspaper Employees (Conditions of Service) Ordinance, 1975 (VII of 1975).	Passed
20.	-do-	The Pakistan Engineering Council Ordinance, 1975 (XV of 1975).	Passed
21.	-do-	The West Pakistan Water and Power Development Authority (Amendment) Ordinance, 1975 (XVI of 1975).	Passed
22.	-do-	The Suppression of Terrorist Activities (Special Courts) (Amendment) Ordinance, 1975 (XVIII of 1975).	Passed
23.	-do-	The Foreign Cultural Associations (Regulation of Functioning) Ordinance, 1975 (XVIII of 1975).	Passed
24.	-do-	The Industrial Relations (Amendment) Ordinance, 1975 (XIX of 1975).	Passed
25.	-do-	The Antiquities Ordinance, 1975	Passed.
26.	1976	The Law Reforms (Amendment) Ordinance, 1975 (XXIV of 1975).	Passed.
27.	-do-	The Labour Laws (Amendment) Ordinance, 1975 (XXVI of 1975).	Passed.

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1	2	3	4
28.	1976	The Employees Old Age Benefits Ordinance, 1975 (XXVII of 1975).	Passed.
29.	-do-	The Criminal Law Amendment (Special-Courts) Ordinance, 1975 (XXIX of 1975).	Passed.
30.	-do-	The Code of Criminal Procedure (Amendment) Ordinance, 1975 (XXX of 1975).	Passed.
31.	-do-	The Code of Civil Procedure (Amendment) Ordinance, 1975 (XXXI of 1975).	Passed.
32.	-do-	The Drugs Ordinance, 1976 (IV of 1976).	Passed.
33.	-do-	The Law Reforms (Amendment) Ordinance, 1976 (VIII of 1976).	Passed.
34.	-do-	The Conformity with Fundamental Rights (Amendment of Laws) Ordinance, 1976 (IX of 1976).	Passed.
35.	-do-	The Withdrawal of Remission of Sentences Ordinance, 1976 (X of 1976).	Passed.
36.	1976	The Criminal Law Amendment (Special Court) (Amendment) Ordinance, 1976 (XI of 1976).	Passed.
37.	-do-	The Legal Practitioners and Bar Councils (Amendment) Ordinance, 1976 (XII of 1976).	Passed.
38.	-do-	The Criminal Law Amendment (Special Court) (Second Amendment) Ordinance, 1976 (XVI of 1976).	Passed.
39.	-do-	The Code of Criminal Procedure (Amendment) Ordinance, 1976 (XVIII of 1976).	Passed.
40.	-do-	The Pakistan Arms (Amendment) Ordinance, 1976 (NP-XXI).	Passed.
41.	-do-	The Suppression of Terrorist Activities (Special Court) (Amendment) Ordinance, 1976 (XXVIII of 1976).	Passed.
42.	-do-	The Pakistan Arms (Second Amendment) Ordinance, 1976 (XXXI of 1976).	Passed.

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1	2	3	4
43.	1976	The Criminal Law Amendment (Special Court) (Third Amendment) Ordinance, 1976 (XXXIII of 1976).	Lapsed
44.	-do-	The Legal Practitioners and Bar Councils (Amendment) Ordinance, 1976 (XXXIV of 1976).	Passed.
45.	-do-	The Pakistan Hotels and Restaurants Ordinance, 1976 (XXXIX of 1976).	Passed.
46.	-do-	The Pakistan Railways Police Ordinance, 1976 (XLI of 1976).	Passed.
47.	-do-	The Regulation of Mines and Oil-fields and Mineral Development (Government Control) (Amendment) Ordinance, 1976 (XLIV of 1976).	Passed
48.	1977	The Prevention of Corruption Laws (Amendment) Ordinance, 1977 (V of 1977).	Passed
49.	-do-	The Labour Laws (Amendment) Ordinance, 1977 (IX of 1977).	Passed
50.	-do-	The Criminal Law Amendment (Special Court) (Amendment) Ordinance, 1977 (XIV of 1977).	Passed.

## APPENDIX XXII.

FOREIGN PARLIAMENTARY DELEGATIONS WHICH  
VISITED PAKISTAN FROM 1973 TO 1977.

1. Eight-member delegation from Australia led by Mr.L.R.Johnson, Minister for Housing and Construction. (January 25 to February, 1974)
2. Ten-member delegation from Egypt led by Mr.El Syed Aly Al Syed, Vice Chairman of Peoples Council. (March 14-22, 1974)
3. Five-member delegation from Yugoslavia led by Mr.Peko Dapcevic, Vice President of Assembly of S.F.R.Y. (September, 18-22, 1974)
4. Nine-member delegation from Japan led by Mr.Kishitaka Ihara, Member of Diet., Member of Transport Committee. (September 18-24, 1974)
5. Six-member delegation from Switzerland led by Mr.Anton Muheim, President of National Council (October 13-19, 1974)
6. Six-member delegation from Sri Lanka led by Mr.Stanley, Tillekeratine, Speaker of State National Assembly, (January 10-16, 1975)
7. Two-member delegation from Sri Lanka led by Mr.I.A.Kader, Deputy Speaker of State National Assembly (April 25 to May 1, 1975)
8. Fourteen-member delegation from Canada led by Mr.Robert Stanbury, MP. (April 7-11, 1975)
9. Five-member delegation from Mauritania led by Mr.Dah ould Sidi Haiba, President of National Assembly. (May 19-25, 1975)
10. Ten-member delegation from Sweden led by Mrs. Cecilia Nettelbrandt, Vice Chairman of Foreign Affairs Committee of Swedish Parliament. (September 14-19, 1975)
11. Seven-member delegation from Romania led by Mr.Micilac Ciosan, Chairman of Grand National Assembly. (December 3-7, 1975)
12. Nine-member delegation from Kuwait led by Mr.Khaled Saleh Al-Chunaim, Speaker of the National Assembly (December 26 to January 1, 1976)
13. Five-member delegation from Brazil led by Mr.Celio de Oliveira Porja, President of Chamber of Deputies. (January 17-23, 1976)

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14. Ten-member delegation from Norway led by Mr. Sverre Stray, Vice President of Norwegian Parliament. (February 2-8, 1976)
15. Eight-member delegation from Jordan led by Mr. Bahjat Talhouni, President of Senate (March 1-8, 1976)
16. Ten-member delegation from Iran led by Dr. Abdullah Riazi, Speaker of Majlis. (March 25-31, 1976)
17. Fourteen-member delegation from Turkey led by Mr. Tekin Arıburun, President of Senate. (March 19 to April 4, 1976)
18. Eight-member delegation from United Arab Emirates led by Mr. Thani Bin Abdullah, Speaker of Federal National Council. (April 28 to May 4, 1976)
19. Nine-member delegation from Indonesia led by H.E. Mr. R. Ng. S. Domo Pranoto, Vice Speaker. (October 20-28, 1976).
20. An eight-member Soviet Parliamentary delegation led by H.E. Vitali Petrovitch Rubenis, Chairman of the Soviet Nationalities and Supreme Soviet of the U.S.S.R., visited Pakistan from March 13 to 21 in 1976. The other members of the delegation were Mr. R. N. Alekseeva, Deputy of the Supreme Soviet of the U.S.S.R., member of the Planning and Budget Commission of the Soviet of the Union, Mr. V. G. Dikusarov., Deputy of the Supreme Soviet of the U.S.S.R., member of the Commission for Goods of People's consumption of the Soviet of the Union, First Secretary of the Chernovitsi Regional Committee of the Communist Party of Ukraine, Mr. N. T. Kozlov, Deputy of the Supreme Soviet of the U.S.S.R., Deputy Chairman of the Commission for legislative proposals of the Executive Committee of the Moscow Regional Soviet of Working People's Deputies, Mr. Khursand Tursunov, Deputy of the Supreme Soviet of the USSR, member of the Commission for nature conservation of the Soviet of Nationalities, Chairman of the kolkhoz "Pravda Vostoka", Uzbekistan, Mr. N. G. Sudarikov, Adviser of the Delegation, Mr. B. N. Ivankov, Secretary, Mr. V. A. Kalugin, Interpreter.

The delegation from USSR paid this return visit at the invitation of the Chairman of the Senate who led Pakistan's parliamentary goodwill delegation to the USSR in September-October, 1974.

## APPENDIX XXIII.

PAKISTANI'S DELEGATIONS WHICH PAID GOODWILL  
VISITS TO OTHER COUNTRIES FROM 1973 TO 1977.

<u>Sl. No.</u>	<u>Name of the Country.</u>	<u>Name of the Leader.</u>	<u>Name of the Senator.</u>	<u>Total membership of the delegation.</u>
1.	Iran (July 17-23, 1973).	Mr. Fazal Elahi Chaudhry, Speaker, National Assembly.	Senate was constituted in August, 1973.	Ten.
2.	Turkey (April 28-May 6, 1974)	Sahibzada Farooq Ali Khan, Speaker National Assembly.	Mr. Tahir Mohammad Khan, Mrs. Samia Usman Pateh.	Ten.
3.	Tokyo (September 27-October 12, 1974).	Sahibzada Farooq Ali Khan, Speaker National Assembly.	Mir Abdul Nabi Khan.	Six
4.	USSR (September 21-October 3, 1974).	Khan Habibullah Khan, Chairman, Senate.	Rao Abdus Sattar, Mr. Agha Ghulam Nabi, Mr. Ahmed Waheed Akhtar.	Nine
5.	Australia (October 30-November 6, 1974).	Sahibzada Farooq Ali Khan, Speaker, National Assembly.	Mr. Tahir Mohammad Khan, Mir Nabi Baksh Zehri.	Ten
6.	Newzealand (November 7-9, 1974).	Mr. Tahir Mohammad Khan, Deputy Chairman, Senate.	Mr. Tahir Mohammad Khan.	Five
7.	Fiji (November 7-8, 1974).	Major Ghulam Haider Cheema, M.N.A.	Mir Nabi Baksh Baksh Zehri.	Four
8.	London (March 11-25, 1975).	Mr. Mohammad Hanif Khan, MNA.	Mian Arif Iftikhar	Four
9.	London (September 2-13, 1975).	Sahibzada Farooq Ali Khan, Speaker, National Assembly.	Mr. Tahir Mohammad Khan, Mr. Qamaruzzaman Shah	Seven
10.	Switzerland (September 15-19, 1975).	Sahibzada Farooq Ali Khan, Speaker, National Assembly.	Mr. Tahir Mohammad Khan, Mr. Qamaruzzaman Shah Mr. Niamatullah Khan Shinwari.	Nine
11.	Yugoslavia	Sahibzada Farooq Ali Khan, Speaker, National Assembly.	Mr. Tahir Mohammad Khan, Mr. Qamaruzzaman Shah Mr. Niamatullah Khan Shinwari.	Nine
12.	Japan (October 2-10, 1975).	Khan Habibullah Khan, Chairman, Senate.	Mr. Mohammad Sulleman M. Samejo, Mir Hazoor Baksh, Miss Asifa Farooqi.	Ten

## APPENDIX XXIV.

PAKISTAN'S PARLIAMENTARY DELEGATIONS WHICH  
ATTENDED EIGHT CONFERENCE/COUNCIL MEETINGS  
OF I.P.U. AND ONE OTHER CONFERENCE.

<u>S. No.</u>	<u>Name of the Country.</u>	<u>Name of the Leader.</u>	<u>Name of the Senator.</u>	<u>Total membership of the delegation.</u>
1.	Nairobi (April 8-10, 1974).	Mian Ihsanul Haq	Mian Ihsanul Haq, Mr. M. Zahurul Haq.	Two Environment Conference.
2.	Bucharest (April 15-20, 1974).	Mr. Tahir Mohammad Khan, Deputy Chairman, Senate.	Mr. Tahir Mohammad Khan.	Three
3.	Colombo (March 31, April 4, 1975).	Mrs. Ashraf Abbasi, Deputy Speaker, National Assembly.	Sardar Mohammad Aslam.	Five
4.	Bucharest (May, 1975).	-	Mr. Qamaruzzaman Shah	One Delegation attended a colloquium on "A New System of International Economic Relations."
5.	Syria (December 17-22, 1975).	Dr. Mrs. Ashraf Abbasi.	Nil	One
6.	Mexico City (March 19-25, 1976).	Mr. Tahir Mohammad Khan, Deputy Chairman, Senate.	Mr. Tahir Mohammad Khan.	Five
7.	Madrid (September 21-October 2, 1976).	Sahibzada Farooq Ali Khan, Speaker, National Assembly.	Mr. Tahir Mohammad Khan, Mr. Afzal Khan Khoso, Mr. Farooq Ahmed Khan Leghari.	Ten
8.	Namibia (January 1977).	-	Mr. Farooq Ahmed Khan Leghari.	One Delegation represented Pakistan in the I.P.U. Mission to Namibia.
9.	Canberra (April 10-16, 1977).	Mr. Abdul Fateh Memon, Deputy Speaker, National Assembly.	Malik Mohammad Sharif.	Four







**Senate Museum at Parliament House, Islamabad**






**SENATE OF PAKISTAN**

**1973 - 75**

<b>Mr. Habibullah Khan</b>	:	<b>Chairman</b>
<b>Mirza Muhammad Tahir</b>	:	<b>Deputy Chairman</b>
<b>Rao Abdus Sattar</b>	:	<b>Leader of the House</b>
<b>Mr. Mohammad Hashim Ghilzai</b>	:	<b>Leader of the Opposition</b>

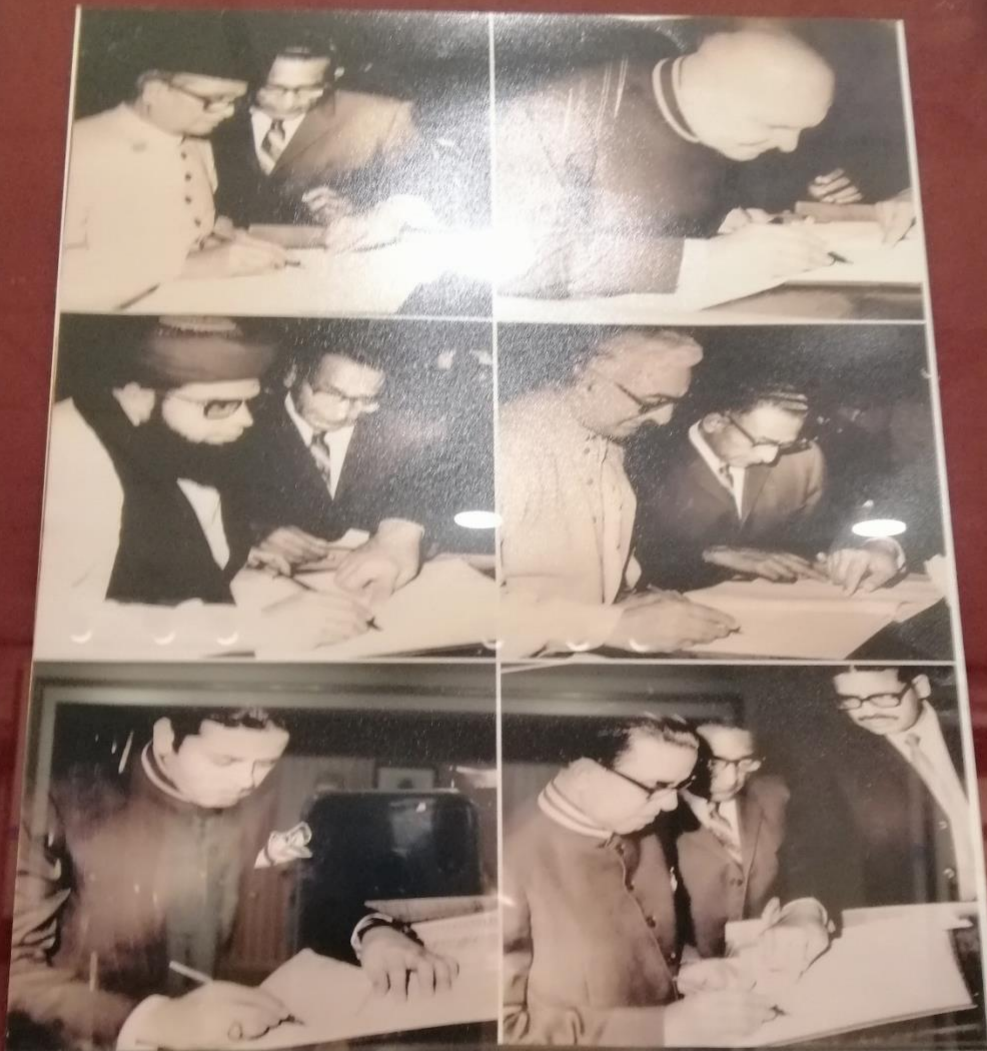
**Mir Abdul Nabi Khan**  
**Mir Abdul Wahid**  
**Rao Abdus Sattar**  
**Mir Afzal Khan**  
**Mr. Ahmad Waheed Akhtar**  
**Mian Arif Iftikhar**  
**Mr. Aziz Ahmad**  
**Mr. Fazal Elahi**  
**Sardar Ghulam Mohammad Khan**  
**Agha Ghulam Nabi Khan**  
**Mr. Gulab Khan**  
**Mr. Habibullah Khan**  
**Mir Hazoor Bakhsh**  
**Haji Syed Hussain Shah**  
**Mr. Ihsanul Haq**  
**Mr. J. A. Rahim**  
**Mr. Kamran Khan**  
**Mr. Khayal Said**  
**Mir Mahmood Aziz Kurd**  
**Mr. Mehran Khan Bijarani**  
**Ch. Mohammad Aslam**  
**Sardar Mohammad Aslam**  
**Mr. Mohammad Hashim Ghilzai**  
**Mirza Mohammad Rafiq Raza**  
**Khawaja Mohammad Safdar**  
**Qazi Mohammad Sheikh**  
**Mr. Muhammad Qureshi M. Samjo**  
**Mirza Muhammad Tahir**  
**Mr. Muhammad Zaman Khan**  
**Mir Nabi Bakhsh Zehri**  
**Mr. Nargis Zaman Khan**  
**Malik Nasrullah Khan**  
**Mr. Niamatullah Khan**  
**Mr. Qamaruzzaman Shah**  
**Mr. Qurban Ali Shah**  
**Mrs. Samia Usman Fateh**  
**Haji Shabib Shah**  
**Mr. Shahzad Gul**  
**Mr. Sher Mohammad Khan**  
**Mr. Zafar Ahmed Qureshi**  
**Mufli Zafar Ali Noomani**  
**Mr. Zahoorul Haq**  
**Moulvi Zahoorul Haq**  
**Mr. Zamarud Hussain**  
**Mr. Zulfiqar Ali Shah**

 SENATE OF PAKISTAN 1975-77	
Mr. Habibullah Khan	Chairman
Mr. Tahir Muhammad Khan	Deputy Chairman
06-08-1975 to 20-03-1977	
Rao Abdus Sattar	Leader of the House
Mr. Mohammad Hashim Ghilzai	Leader of the Opposition
01-12-1975 to 07-07-1976	
Mr. Abdul Lateef Mir Abdul Wahid Rao Abdus Sattar Mir Afzal Khan Mr. Afzal Khan Maulana Shah Ahmad Noorani Mr. Ahmad Waheed Akhtar Mr. Ajab Khan Miss Asifa Farooqi Mr. Aziz Ahmad Qazi Faizul Haque Mr. Farooq Ahmad Khan Mr. Ghulam Ahmad Bilor Sardar Ghulam Mohammad Khan Mr. Ghulam Rasool A. Siddiqui Capt.(Retd) Gul Mohammad Mr. Habibullah Khan Mir Hazoor Bakhsh Haji Syed Hussain Shah Mr. Ihsanul Haq Mr. Kamal Azfar Mr. Kamran Khan Mr. Masud Ahmad Khan Sardar Mohammad Aslam Mr. Mohammad Hashim Ghilzai Khawaja Mohammad Safdar Malik Mohammad Sharif Mr. Mohammad Sulleman M. Samejo Ch. Muhammad Aslam Mir Muhammad Aziz Kurd Mr. Muhammad Hanif Ramay Mir Nabi Bakhsh Zehri Mr. Nargis Zaman Khan Malik Nasrullah Khan Afridie Mr. Niamatullah Khan Mr. Niamatullah Khan Shinwari Mr. Rafi Raza Mr. Shahzad Gul Mr. Sher Mohammad Khan Mr. Tahir Muhammad Khan Sheikh Umer Khan Moulvi Zahoorul Haq Mr. Zahoorul Haq Syed Zulfiqar Ali Shah Jamote	

 <b>SENATE OF PAKISTAN</b> As it stood on July 4, 1977	
(Senate dissolved due to imposition of Marshal Law on 5 <sup>th</sup> July, 1977) <b>Mr. Habibullah Khan</b> 26-4-1977 to 4-7-1977 <b>Rao Abdus Sattar</b> Khawaja Mohammad Safdar 08-7-1976 to 7-7-1976	<b>Chairman</b> <b>Deputy Chairman</b> <b>Leader of the House</b> <b>Leader of the Opposition</b>
<b>Moulvi Abdul Hakim</b> <b>Mr. Abdul Lateef Ansari</b> <b>Mr. Abdul Malik</b> <b>Mr. Abdul Rehman Khan</b> <b>Mr. Abdul Wahid</b> <b>Khan Abdullah Khan</b> <small>[elected against the seat vacated by Maulana Shah Ahmed Noorani]</small> <b>Rao Abdus Sattar</b> <b>Mr. Afzal Khan Khoso</b> <b>Mr. Ajab Khan</b> <b>Haji Akbar Khan</b> <b>Mr. Ali Mahmood</b> <b>Miss Asifa Farooqi</b> <b>Mr. Aziz Ahmad</b> <b>Begum Aziza Humayun Mirza</b> <b>Mrs. Bibi Perveen</b> <small>[elected against the seat vacated by Mr. Tahir Muhammad Khan]</small> <b>Qazi Faizul Haque</b> <b>Mr. Fakhar Zaman</b> <small>[elected against the seat vacated by Mian Ihsanul Haq]</small> <b>Mr. Farooq Ahmed Khan Leghari</b> <small>[seat vacated before expiry of term as on 1979]</small> <b>Sahibzada Farooq Ali Khan</b> <b>Mr. Feroz Din Ansari</b> <b>Mian Ghulam Abbas</b> <small>[elected against the seat vacated by Mr. Farooq Ahmed Khan Leghari]</small> <b>Mr. Ghulam Ahmad Bilor</b> <b>Mr. Ghulam Hussain Abbasi</b> <b>Mr. Ghulam Mohammad Shahlani</b> <small>[elected against the seat vacated by Sardar Ghulam Muhammad]</small> <b>Sardar Ghulam Muhammad</b> <small>[seat vacated before expiry of term as on 1979]</small> <b>Mr. Ghulam Rasool A. Siddiqui</b> <b>Capt. (Retd) Gul Mohammad</b> <b>Mr. Habibullah Khan</b> <b>Mir Hazoor Bakhsh</b> <b>Haji Syed Hussain Shah</b> <b>Mian Ihsanul Haq</b> <small>[seat vacated before expiry of term as on 1979]</small> <b>Mr. Kamal Azfar</b> <b>Mr. Kamran Khan</b> <b>Mr. Lal Mohammad Khan</b> <small>[elected against the seat vacated by Mr. Sher Muhammad Khan]</small> <b>Mr. M. Zahurul Haq</b> <b>Haji Madar</b> <b>Mir Mahmood Aziz Kurd</b> <b>Mr. Masud Ahmad Khao</b>	<b>Mir Meer Muhammad Khan</b> <b>Mr. Mehboob-ur-Rehman</b> <b>Sardar Mohammad Aslam</b> <b>Mr. Mohammad Hanif Ramay</b> <b>Mr. Mohammad Saleem Khan</b> <small>[elected against the seat vacated by Mr. Ahmed Waheed Akhtar]</small> <b>Mr. Mohammad Suleman M Samejo</b> <b>Khawaja Mohammad Safdar</b> <b>Malik Mohammad Sharif</b> <b>Mir Muhammad Afzal</b> <small>[seat vacated before expiry of term as on 1979]</small> <b>Chowdary Muhammad Ashraf</b> <small>[elected against the seat vacated by Mr. Qamaruzzaman Shah]</small> <b>Ch. Muhammad Aslam</b> <b>Mr. Muhammad Hashim Ghilzal</b> <b>Mian Muhammad Iqbal</b> <b>Mr. Muhammad Khalid Khan</b> <b>Mr. Muhammad Shafi</b> <b>Mr. Ahmed Waheed Akhtar</b> <small>[seat vacated before expiry of term as on 1979]</small> <b>Sayed Murad Ali Shah</b> <b>Mir Nabi Bakhsh Zehri</b> <b>Mr. Nargis Zaman Khan</b> <small>[seat vacated before expiry of term as on 1979]</small> <b>Malik Nasrullah Khan Afridi</b> <b>Mr. Niamatullah Khan</b> <b>Mr. Niamatullah Khan Shinwari</b> <b>Mr. Qamaruzzaman Shah</b> <small>[seat vacated before expiry of term as on 1979]</small> <b>Mr. Rafi Raza</b> <b>Mian Saifullah Khan</b> <b>Mr. Sarfraz Khan</b> <small>[elected against the seat vacated by Mir Muhammad Afzal]</small> <b>Maulana Shah Ahmed Noorani</b> <small>[seat vacated before expiry of term as on 1979]</small> <b>Mr. Shahzad Gul</b> <b>Mr. Sher Muhammad Khan</b> <small>[seat vacated before expiry of term as on 1979]</small> <b>Mr. Tahir Muhammad Khan</b> <small>[seat vacated upon elected as MNA on 21-03-1977]</small> <b>Gen. (Retd) Tikka Khan H. J.</b> <small>[elected against the seat vacated by Mr. Nargis Zaman Khan]</small> <b>Sheikh Umer Khan</b> <b>Mr. Wali Mohammad Khan</b> <b>Moulvi Zahoorul Haq</b> <b>Syed Zulfiqar Ali Shah Jamote</b>



First Woman Senator, Mrs. Samia Usman Fateh (PPP), Punjab (1973-1975)



Members of the National Assembly signing the Constitution of Pakistan, 1973