

PARLIAMENT UNDER MILITARY RULER: A STUDY OF AYUB KHAN ERA

*Dissertation submitted to the University of the Punjab in partial fulfillment of the
requirements of The Degree of Doctor of Philosophy in History*

Ph.D Thesis

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Dedication

To My Beloved Parents

Muhammad Sharif (Late) & Razia Bibi

DECLARATION BY SCHOLAR

It is certified that this PhD thesis titled “**Parliament under Military Ruler: A Study of General Ayub Khan Era**” is an original research. Its content was not already submitted as a whole or in parts for the requirement of any other degree and is not currently being submitted for any other degree or qualification. To the best of my knowledge, the thesis does not contain any material published or written previously by another author, except where due references were made to the source in the text of the thesis.

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It is to certify that the research work of Muhammad Waheed, PhD Scholar described in the PhD thesis “**Parliament under Military Ruler: A Study of Ayub Khan Era**” is an original work of the author. It has been carried out under my direct supervision. I have personally gone through all its data, contents and results reported in the manuscript and certify its correctness and authenticity.

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ABSTRACT

The parliament has become so vital part of the government in modern states that military rulers – dictators in true sense – have to adopt them even though the military rulers do not need parliament as an integral part of their politics and policies. In Pakistan martial law was enforced in 1958 in consequence of which military ruler General Ayub Khan enforced his tailor-made constitution in 1962. The Constitution envisaged a National Assembly as the legislature and parliament of Pakistan. The members of Assembly were elected by the electoral college of basic democrats. This was a unicameral parliament. Following study has looked into the formation, functions and powers of the parliament during General Ayub regime. It compares the use of parliamentary institutions in military regimes of other countries with those of Pakistan during Ayub regime. The working of parliament under military rule of Ayub Khan has been evaluated.

This study, however, while dealing with the history of parliament during the period of General Ayub Khan, also tries to test hypothesis “The dictatorship negatively impacts upon the institutionalization of the Parliament.” The main question of the research is “How could parliament function and assert its institutionalization under a military ruler in modern & developing countries?”

To find out the process of elections, working, and legislation in the parliament during Ayub era, we look how the debates of parliament were influenced by President General Ayub Khan. Secondly the election process has been examined to look into the influence of President in terms of elections. Thirdly the formation, function and decisions of different committees have been investigated to find out the influence of the President. Fourthly legislation and procedure of approval of different bills are studied in the light of

the strategy of making ordinances on behalf of president. In other words, all ordinances and bills have been analyzed so that the influence of President Ayub may be assessed.

The outcome of the research is that the military dictator used the institution of parliament just for his convenience to continue his military rule. The parliamentarians also did not assert the sovereignty and independence of the institution and became just tools in the hands of military dictator.

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INTRODUCTION

The parliament is made of the group of people who make or change laws, and decide what policies the country has been following. Parliament is one of fundamental institutions of modern state. It was the name of legislative assemblies of Great Britain. The word is used for the elected representative institutions in various countries. In modern terms parliaments were elected assemblies which were assigned the duties to check, control and sometimes elect the executive power. The structure of parliaments varies from country to country. However, most of the parliaments are either bi-cameral or uni-cameral. Historically in Europe the development of democracy over the centuries has been largely the growth of power of parliament over the monarchy.

In the parliamentary system parliament has three main functions; making the law, scrutinizing and controlling the executive, and representing the people. These functions, in return, give rise to certain subsidiary functions, including; debate and deliberation, controlling government finance, and channel of communication between government and electorate¹.

It is not the function of Parliament to govern the country. That responsibility rests with the executive: that was, the Prime Minister; Cabinet; and junior ministers. In 'presidential' systems, the executive and the legislature were separated bodies. However, in the parliamentary systems there are overlapping bodies: the members of the executive are drawn from Parliament and remain within it².

¹Moyra Grant, *The UK Parliament* (Edinburgh: Edinburgh University Press, 2009), 2

² Ibid.

The members of the parliament are elected by the people of state. Parliament is representative institution of the public. It represents the public opinion before the government because parliamentarians were elected by the people therefore their opinion was public opinion. Parliament was the most significant in a democratic system. The source of parliament's power is the strength of people. In other words, parliament gets power from people of country.

In the business of the modern parliamentary form of government parliament also takes part in making governments. The ministers are selected from the members of the parliament. The cabinet that is selected from the parliament is also answerable to it. The ministers took charge of their respected departments in formulation of the ministries as well as making important decisions.

As legislature parliament is empowered to formulate the laws of the land. The constitution of the state is formulated through the debates and scrutiny of the parliamentary procedure. This process insures that public is supreme before any expediency and necessity of state. Thus, public impresses upon the legislation with the help of parliament. We can also say that parliament represents the people in order to make law.

Parliament undertakes three types of functions. Firstly, parliamentary procedure is comprised the debates of parliamentarians. Every issue is extensively debated in the houses of parliament. These debates denote the desire of people and when telecast or spread the people come to know what their representatives said in advocating their case. Through adjournment motion that was an extraordinary procedure the legislator gets the normal business of the House set aside for discussion on a definite matter of urgent public importance.

Secondly, parliament formulates different standing committees which shape the policies regarding finance, defence, foreign affairs and all other important subjects of state. These committees, along with making decision and policies, monitor the functions of government and bureaucracy. These committees also give directions for various state affairs.

Thirdly different laws are presented in the parliament and parliament with the help of these bills makes new laws. Through monitory overview a parliament controls all sorts of government expenses. Fourthly budget is presented in the parliament and it is approved by the majority of parliamentarians after close and cruel scrutiny. Fifthly the parliamentarians raise questions about the working of different departments. Ministers answer these questions and take parliamentarians in confidence.

The parliament has become so vital part of the government in modern states that military rulers – dictators in true sense – have to adopt them even though the military rulers did not need parliament as an integral part of their politics and policies. This is partially due to satisfy the people and the foreign democratic forces through a semblance of parliament and public institutions. Also the continuity and control over of the system requires the existence of parliament. That is why a number of military rulers in modern times have governed their countries with a rubber stamp type parliament despite the example of Idi Amin who governed Uganda with no parliament. Muammar Gaddafi of Libya relied on his legislature named General People’s Congress. Council of Representatives of Iraq worked under the military ruler Saddam Hussain.

In Pakistan martial law was enforced in 1958 in consequence of which military ruler Ayub Khan enforced his tailor-made constitution in 1962. The Constitution envisaged

a National Assembly as the legislature and parliament of Pakistan. The members of Assembly were elected by the electoral college of basic democrats. This was a unicameral parliament.

The Presidential system of Pakistan, under Ayub Khan, was called a semblance of the presidential system of USA but historical facts do not support this view. In USA, the Parliament formed the third important pillar of the state. The Parliament there is bicameral and it's both houses – Congress and Senate – played vital role in the policy making, decision making and affairs of the state. The parliament is authorized to have a check on the performance of the executive. It also passed all the finance bills including the budget of the country. On the other hand, the Assembly in Pakistan Ayub Khan era, was toothless and Parliament in name only. It did not have the powers to examine or check the performance of the executive. Even the debate on the President as head of the state was not allowed. The budget was not passed by the Assembly and even it was not practically empowered to legislate freely. Above all the Parliament in Ayub era failed to reflect the needs and aspirations of people of Pakistan and could not earn the respect at the people as a legitimate representative institution.

The present study looks into the formation, functions and powers of the parliament during Ayub regime. It compares the use of parliamentary institutions in military regimes of other countries with those of Pakistan during Ayub regime. The working of parliament under military rule of Ayub Khan was evaluated.

Hypothesis

The hypothesis that has been tested in this thesis is ‘the dictatorship negatively impacts upon the institutionalization of the Parliament. In this hypothesis two variables

have been identified; one was the dictatorship and other was institutionalization. Dictatorship was defined as authoritarian government that runs the affairs of a country according to discretionary powers of a despotic ruler. In this study the dictatorship of Pakistan's first military ruler Ayub Khan has been studied. The institutionalization of parliament, other variable in the hypothesis, is determined by the complexity, autonomy, sovereignty and differentiation of two National Assemblies which were formed and functioned during the Ayub regime. The dictatorship is independent variable and the institutionalization was its dependent. Other variables of the system namely socio-economic conditions, politics of political parties, and journalism's effects have been taken as constant variables.

Research Questions

The main question of the research was "How could parliament function and assert its institutionalization under a military ruler in Ayub era?" In order to answer the research question following supplementary questions have been addressed.

- What was the nature and style of formation and function of the National Assembly during Ayub regime?
- What were the restraints on the free functioning of National Assemblies during Ayub regime and how did its members try to assert their powers in face of military government?
- How was General Ayub Khan as president of Pakistan more powerful than Institution of Parliament and how did he influence the parliament of Pakistan?
- Was institution of National Assembly used as a tool in the hand of dictatorship and how was the assembly became hostage?

- Was any effort to get the autonomy for the institution of parliament made by the parliamentarians during Ayub era? If yes, what was the nature of that effort and what were its results?
- In what way the budget was approved by the parliament and how the president would make it possible to get budget of his wishes approved?

Theoretical Framework

The institution is a multi-disciplinary concept. It is defined differently in different subjects. March and Olsen define it as ‘a relatively enduring collection of rules and organized practices, embedded in structures of meaning and resources that are relatively invariant in the face of a turnover of individuals, and relatively resilient to the idiosyncratic preferences of individuals and changing external circumstances.’³

According to Kevin McGuire a political community develops routines, standard ways of doing things, by organisations endowed with resources and authority. Responses to regularly recurring problems are often institutionalized. Collective action comes to pass in the political community because standard procedures are established that provide political actors with appropriate incentives to take the action necessary to provide a public good or control an externality.⁴

Polsby used the concept of institutionalisation to describe the process by which the American House of Representatives became more complex, autonomous, coherent,

³Matthew Holden Jr., ‘Exclusion, Inclusion, and Political Institutions’, in *The Oxford Handbook of Political Institutions*, (eds.) R.A.W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2006), 182.

⁴Kevin T. McGuire, ‘The Institutionalization of the U.S. Supreme Court’, *Political Analysis*, 12 (Spring, 2004), 129.

adaptive, and universal.⁵ Gehrlich⁶ discussed several European parliaments. Opello⁷ made a case study Portugal's parliament. Hibbing⁸ analysed the British House of Commons.⁹ Squire¹⁰ studied the California State Legislature.

Max Weber studied the political leadership's role in the institutionalization. He presented relationship between charisma with the process of institution-building.¹¹ Ayub Khan was not a Charismatic leader in the democratic sense of the term. He, likewise, was not interested to build the parliamentary institution with the help of the charismatic qualities of a military rule. He, therefore, could not be studied under the Weberian theory.

Chronological factor is a tool for measuring the process of institutionalisation, according to Huntington. Political development is slower in comparison with relatively rapid pace of economic development.¹² An organisation's functions can be defined in many ways. Usually, an organisation is created to perform one particular function. However, when the previously desired function is no longer needed, the organisation faces a major

⁵ Nelson Polsby, an American, who wrote the article 'The Institutionalization of the U.S. House of Representatives' in 1968 and achieved fame by providing a model for the study of parliament in the context of institutionalisation. His next contribution is a part of the *Handbook of Political Science* (Reading, Mass.: Addison-Wesley Pub. Co., 1975).

⁶ P. Gehrlich, 'The Institutionalization of European Parliament', in *Legislatures in Comparative Perspective*, (ed.) A. Kornberg (New York: David McKay, 1973).

⁷ W.C. Opello Jr., 'Portugal's Parliament: An Organizational Analysis of Legislative Performance', *Legislative Studies Quarterly* (1986), 11, 291-320.

⁸ J.R. Hibbing, 'Legislative Institutionalization with Illustrations from the British House of Commons', *American Journal of Political Science*, vol. 32 (1988), 681-712.

⁹ M.I. Mezey, 'Legislatures: Individual Purposes and Institutional Performance', in *Political Science: The State of Discipline II*, (ed.) A.W. Finifter (Washington DC: The American Political Science Association, 1993), 354.

¹⁰ P. Squire, 'The Theory of Legislative Institutionalization and the California Assembly', *The Journal of Politics*, vol. 54 (1992), 1026-54.

¹¹ S.N. Eisenstadt (ed.), *Max Weber, on Charisma and Institution Building*, (London: The University of Chicago Press, 1968).

¹² *Ibid.*, 14.

crisis: it either finds a new function or settles to a lingering death. An organisation that has adapted itself to changes in its circumstances, and has survived one or more changes in its principal functions, is more highly institutionalised than one that has not.¹³

The political context within which the legislatures exist—as well as their internal resource strength, and organisation—enormously affects their formation, development, and work. The fundamental relationship between the legislature and the executive are believed to be determined by the interplay of a number of social, economic, political, and intra-institutional factors. These are social factors like civil society, political history, culture, media, and interest groups; economic factors; political factors like the constitutional dimension and the party dimension; and finally intra-institutional factors like chambers and members.¹⁴ Hence, the comparison between the parliament and the executive can be studied in light of these factors.

Institutional growth can also be expressed in terms of durability—the ability to persist and to adapt to change. Resilience is the mark of a stable policy maker. If an organisation can maintain its role in the ebb and flow of politics, it serves as a gauge of its integration into the political system. The Assembly of Ayub Khan did not have durability. An effective policy maker must also be autonomous, having ‘some degree of independence in making its own decisions without dictation from outside actors’. Operationally, autonomy is indicated by the presence of procedures protecting the independence of the institution *vis-à-vis* other political actors and institutions.¹⁵

¹³ Ibid., 15; Huntington refers for detail: Philip Selznick’s *Leadership in Administration* (New York: Harper and Row, 1957), 5.

¹⁴ Rehman, *Parliamentary Control*, 43.

¹⁵ McGuire, ‘Institutionalization of the US’, 130–2.

Polsby, on the other hand, utilises three of the elements of institutionalisation: the establishment of boundaries (autonomy), the growth of internal complexity, and the development of universalistic—as opposed to particularistic—decision-making rules.¹⁶

This institutionalisation is evident in several ways:

- 1) Significant increase in membership continuity from session to session, and extended apprenticeship periods for leaders;
- 2) Increased autonomy and importance of committees, growth of specialised party leadership, and increase in aid and salaries for members;
- 3) Increased use of automatic means of handling affairs, such as the use of seniority in determining committee positions.¹⁷

The growth of the institution of parliament in terms of the Polsby's concept of institutionalization but in contrast to the powerful executive that did not allow the increase in its membership, autonomy and automatic means of handling affairs has been the theoretic background in the study of parliament during Ayub's period.

As far as parliament is concerned its source of power is public. In contrast to this, military ruler's source of power is military might. It means that no military ruler gets the government with the power of public will. Such rulers do exploit the public opinion in his favour. Even then the basic mode of his strength is not people but army. Sometimes people are not happy with the previous civil rulers. Even at that time we cannot say that military ruler's strength is derived from the people.

¹⁶ Hibbing, 'Legislative Institutionalization', 684–5.

¹⁷ Douglas C. Chaffey, 'The Institutionalization of State Legislatures: A Comparative Study', *The Western Political Quarterly*, 23 (March 1970), 180.

When a military government is formed or a military ruler overthrows the civilian government

1. The ruler does not take much interest in the opinion of people.
2. He legislates by himself or through the people handpicked by him without any care of public.
3. The ruler spent the public treasury with his free will.
4. Military ruler was often against the politicians.

Despite this huge difference between nature, function, style, source of power and outlook of the parliamentary government and military government in modern days military government also formed some type of assembly or parliament in order to give democratic color a military dictator used the institution of parliament to assert his authority and avoid public criticism.

The military dictator affected the parliament in four different ways. Firstly, he affected the speeches in the parliament. He allied different civilians or military-retired personalities with him and made it easy for them to be elected in the parliament. These allied people spoke according to the wish of the military dictator. He got the speaker elected with his own wish. The speaker, selected on the will of military ruler, always tried to safeguard the interests of his patron and he did not let the members speak against the interests and wishes of the ruler. Speaker assigned less time to the opponents and disliked members while loyal members were given much more time to speak in favor of the despot. In order to block the open debate some issues, about which the ruler did not want parliamentarians to talk, were called sensitive. The rules were made that such sensitive issues must not be discussed in the parliament. The rules of assembly were made in such a

way that the debates against the despot were not allowed. If someone was not reined in with above techniques, he was banned to speak in the assembly; and as a last resort he or she was kicked out of parliament.

The formation of a parliament and its election in a military government was somewhat different to that of the civilian government. In military type of government elections rules and laws were made in such a way that the main role of military ruler was confirmed. The ruler often makes his king's party and through that party got his loyal people elected by the people in some way or other. Vote was used just as a show piece and parliament was fully controlled.

A military ruler controlled the business of parliament through influencing the making of different standing committees. These committees did not make decisions according to the will of their electors but for the sake of military ruler. The committees were not often as powerful as those were in a civilian parliament.

Legislation was not made free for the parliament. Different conditions like that of final consent from the military ruler were applied. Military ruler issued ordinances and curtails the capacity of the parliament to make law.

To find out the process of elections, working, and legislation in the parliament during Ayub era above mentioned four points were dealt. We have looked how the debates of parliament were influenced by President General Ayub Khan. Secondly the election process was examined to look into the influence of President in terms of elections. Thirdly the formation, function and decisions of different committees were investigated to find out the influence of the President. Fourthly legislation and procedure of approval of different bills were studied in the light of the strategy of making ordinances on behalf of president.

In other words, all ordinances and bills were analyzed so that the influence of President Ayub was assessed.

Research Methodology

The research was basically historical and it was qualitative, even though plenty of quantitative data were analyzed. Along with qualitative examination of the historical developments of parliament during Ayub era the study was tried to test a hypothesis while testing the impact of military dictatorship on the institutionalization of a parliament in Pakistan. The outcome of the research was recorded in the form of a descriptive writing.

For research in first section the debates of the assembly, their reporting in the press, interview and book notes of different parliamentarians were the source material. For second section election laws, documents for the formation of ruling party (in our case the documents relating to the formation of Pakistan Muslim League (Convention) were used as source material. For the third section the parliamentary record of different committees of house were assessed and to find out the impact of the functions and decisions of these committees the official documents of the time along with news items mentioning the decisions of the committees were utilized. For the fourth section the legislative bills and ordinances and commentaries over them in the form of decisions/verdicts of courts (if any) were major source of information. The discussion was made on the implications and formations of these different pieces of legislation.

This discussion leads us to the formation of theory that explain the formation, function and influence of an assembly under the military despot. The influence of a military ruler vis-à-vis parliamentary institution was assessed.

The main sources of data for this study were the proceedings of National Assembly during the period under studies. The official documents concerning the National Assembly of Pakistan preserved in National Documentation Center (NDC) Islamabad was also consulted. The documents of the National Assembly of Pakistan preserved in national archives were also consulted.

Secondary Sources

Academic books, biographies, autobiographies, reports, articles and research journals. Newspapers and magazines of that time were sources of information though their information were rechecked through close review. This historical record was evaluated through cross examination and historical techniques. The analyses of the data with the aim of extracting institutionalization of National Assembly.

Review of Literature

A number of studies have been conducted on the history of Ayub Khan Era. Many scholars, politicians, soldiers and intellectuals have picked up pens to analyze the developments in the period of Ayub Khan. Most of the books written by supporters of Ayub Khan or his opponents are biased in their approach. Their approach is tainted with their liking and disliking and their versions lack authenticity. There are a few who have written the history of Ayub Khan's period in a balanced way. Most of the writers focus on, social, political and economic aspects of the historical events of the period. None has tried to review the history of period focusing on the institution of parliament during Ayub Khan's period. The history of parliament during Ayub Khan and its parliament's working related to the policy of Ayub Khan, a military ruler, was not undertaken because all of the attention was limited to specific events.

The history of Ayub Khan's period has been discussed in detail and to much extent impartially by Ian Talbot¹⁸, Herbert Feldman¹⁹, Khalid bin Sayeed²⁰, Y. V. Gankovsky²¹, Lawrence Ziring²² and such other historians. One can also see the Ayub Khan's autobiography²³ and his biography written by Altaf Gauhar²⁴ to have an overview of the events with the spectacle of Ayub Khan or his companions.

Institutional study of parliament has been undertaken by a number of scholars who have written on various parliaments during different periods. Huntington, for example, has produced the research on the institution in general while Polsby²⁵ has particularly focused on the institution of parliament. Polsby's target of research was the American House of Representatives. His was not a historical work but he studied to understand the concept of institutionalization and described the process that made the American lower house more complex, autonomous, coherent, adaptive and universal. After Polsby the work of Gerlich²⁶ and others continued the research on institutionalization of several European parliaments. Opello²⁷ undertook a case study of Portugal's parliament. Hibbing²⁸ analyzed the British

¹⁸Ian Talbot, *Pakistan A Modern History*. Lahore: Vanguard Books, 1999.

¹⁹Herbert Feldman, *The Herbert Feldman Omnibus: From Crisis to Crisis*. Karachi: Oxford University Press, 2001.

²⁰Khalid Bin Sayeed, *Pakistan: The Formative Phase 1857-1948*. Karachi: Pakistan Publishing House, 1960; Khalid Bin Sayeed, *Politics in Pakistan, The Nature and Direction of Change*. New York: Praeger Publication, 1980.

²¹Y. V. Gankovsky and L. R. Gordon Polonskaya. *A History of Pakistan*. Moscow: Nauka Publishing House, 1964.

²²Lawrence Ziring, *Pakistan: The Enigma of Political Development* (Boulder, CO, 1980)

²³Khan, Muhammad Ayub. *Friends Not Masters, A Political Biography*. Oxford University Press, 1967.

²⁴Altaf Gauhar, *Ayub Khan Pakistan's First Military Ruler*. Lahore: Sang-e-Meel Publications, 1998.

²⁵Nelson Polsby, an American, who wrote a landmark article "*The institutionalization of the U. S. House of Representatives*," in 1968 and got fame by giving a model for study of parliament in the context of institutionalization. His next contribution is a part of *Handbook of Political Science* in 1975.

²⁶Gerlich, P. "*The Institutionalization of European Parliament*", in A. Kornberg (ed.), *Legislatures in Comparative Perspective*. New York: David McKay, 1973)

²⁷W.C. Opello Jr., "*Portugal's Parliament: An Organizational Analysis of Legislative Performance*", *Legislative Studies Quarterly*, (1986), 11: 291-320.

²⁸J.R. Hibbing, "*Legislative Institutionalization with Illustrations from British House of Commons*", *American Journal of Political Science*, (1988), 32: 681-712.

House of Commons²⁹. Squire³⁰ studied the California state legislature. Patterson and Copeland³¹ and Norton³² edited essays in a book on governments and parliaments in Western Europe. These studies were not historical but they made up a series on the institutional studies of the parliament.

While considerable works are available on general political history of Pakistan, very few books have included any material or chapter on the history of parliament in Pakistan. The role and growth of parliament in Pakistan has not been given sufficient space. However the only work on the history of parliament as an institution which I have found is the book of Dr. Mahboob Hussain³³. One can find an M.Phil thesis³⁴ on the working of the National Assembly 1971-1977 written in QAU Islamabad. This thesis is limited to one house of the parliament and focused only on the working of the Assembly in respect to the constitution making and ignored, like other scholars, the parliament as an institution.

Though no historian has ever dealt with the parliament under a military ruler, the army's intervention in the politics and civil-military relations have been discussed academically by Hamza Ali Alavi³⁵, Hasan Askari Rizvi³⁶, Mazahr Aziz³⁷, Ayesha

²⁹M. I. Mezey, "Legislatures: Individual Purposes and Institutional Performance", in A.W. Finifter (ed.), *Political Science: The State of Discipline II*. Washington, D.C.: The American Political Science Association, 1993), 354.

³⁰P. Squire, "The Theory of Legislative Institutionalization and the California Assembly", *The Journal of Politics*, (1992) 54(4): 1026–1054.

³¹G.W. Copeland and S.C. Patterson, (1998), "Parliaments and Legislatures", in G.T. Kurian (ed.), *World Encyclopedia of Parliaments and Legislatures Vol. 2*. Washington, D.C.: Congressional Quarterly Inc., xix–xxxii.

³²P. Norton, (1998), "Introduction: The Institutions of Parliaments", in P. Norton (ed.), *Parliaments and Governments in Western Europe*. London Frank Cass, 1–15.

³³ Hussain Mahboob, "The Parliament of Pakistan: A History of Institution-Building and (UN) Democratic Practices, 1971-1977, 2019

³⁴Rahat Zubair Malik, "Working of the National Assembly of Pakistan, 1971-1977," M.Phil Thesis, Department of History, Quaid-i-Azam University Islamabad (2004)

³⁵Authoritarianism and legitimation of state power in Pakistan

³⁶Hasan Askari Rizvi, *The Military & Politics in Pakistan 1947-1997* (Lahore: Sang-e-Meel Publications, 2000).

³⁷Mazhar Aziz, *Military Control in Pakistan*, (Oxon: Routledge, 2008)

Siddiqa³⁸, and Marshal has pointed out in his/her respective style that army secures its interests and causes the weakness of other institutions. Rizvi undertakes a comprehensive and documented study of the role of the military in Pakistan's society and politics with a view to explaining why and how a professional military can acquire political disposition³⁹.

The study, therefore, tries to do research on history of parliament of Pakistan in the background of military rule of Ayub Khan. This work has not been done specifically by any historian and scholar yet and the work will be unique in its sense and approach.

Significance of Work

Institutional study in Pakistan has not been attended by the historians of Pakistan. Though one can find some description in between the historical text various books yet the focus on the institution is often missing. The study of the history in institutional paradigm will enhance the scope of history writing in Pakistan. The study will be unique and helpful in analyzing the political dynamics of Pakistan.

Parliamentary study has been developed as a full discipline in modern days. Formation of the parliamentary rules, the behavior of parliamentarian, the politics of political parties with the institution of parliament and parliament's relation with other intuitions have been focus of academic studies in develop countries. The historical review, recording of historical facts of the parliament and analysis of the events within parliament will be helpful for the development of the discipline of parliamentary studies. The main purpose of research will be a valuable addition for the subject of the parliamentary studies.

³⁸ Ayesha Siddiqa, *Military Inc: Inside Pakistan's Military Economy*, (Karachi: Oxford University, Press, 2007).

³⁹Rizvi, *Military and Politics*, 13

The study will also be an important addition in the history of Pakistan because it would look into the aspects of an important institution of state i.e. the parliament. The study will also disclose some hidden facts about the history of Pakistan in relation with the proceeding of its legislature. The study will also be useful for the historians of Bangladesh because the National Assemblies selected for this study were of the period of united Pakistan and the impact of National Parliament on the Government may clarify some historical issues of the time.

The students of political science will equally benefit from this research. The politics involved in the formation and election of the National Assemblies, the politics of the parliamentary parties, the engagements of political parties and political leaders with the institution of parliament in Pakistan can be understood to this research work. This will raise the academic insight for the discipline of political science in Pakistan.

This study can be useful for the training and understandings of the current parliamentarians, politicians and policy makers in Pakistan. As history preaches us the lesson and makes us wiser in our current dealing and actions. The history of the National Assemblies will enhance the capacity and the capabilities of present parliamentarians. It can guide towards the reformation and correction in the present form and function of parliament of Pakistan. In the light of this study the present institution can be reformed.

In the wake of current trends of democratization in Pakistan, the need of study, like this suggested one, has increased. The study will help in movement of Pakistan towards become a full democratic state with strong democratic norms and institutions. The Pakistani people can be educated in the light of parliamentary history how their participation can strengthen the democracy. The discussion in the proposed study about the

parliamentary power and values may teach the common man and make them active citizen of the state of Pakistan.

Objectives

The study pursued the following aims and objectives

- To study the formation and development of National Assemblies during 1960's.
- To understand the performance and influence of National Assemblies during Ayub period.
- To revisit the relationship between the parliament and other institution of the state especially the chief executive who is a military dictator.
- To politically evaluate the functions of the parliament.
- To compare the military ruler-parliament relationship in Pakistan with other political systems.

An Overview of Chapters

Chapter. 1 Initiation of Military Rule: Politics, Legislation and Elections for Assembly

Conditions in which the Martial Law was imposed in October 1958 have been assessed in this chapter. It has also been examined what made the military regime to establish a parliament that is basically a democratic institution. It has been found out that systematic restraints and constraints, the legitimacy problem of the military rule, the constitutional vacuum created with the abrogation of the Constitution of 1956, the pressure of the political parties and their demands for legislature and the demands of leaders as well as public opinion were the factors which forced the military dictator to resort to form the parliament.

Chapter 2: Ayub Khan's Influence on National Assembly (1962-1965)

The working of first assembly during Ayub period is focus of this chapter. It has been analysed if the assembly was free and powerful in its working or it was under the influence of all powerful military ruler. It is argued that the assembly was not at all free in its working and legislation process. It was given restricted and limited powers. It was not free in amending the constitution. Amendments made in the constitution by the assembly have been discussed and it has been found out that they were fully controlled by the president.

Chapter 3: The Powers of President and National Assembly of Pakistan 1965-1969

The influence and powers of second National Assembly during Ayub Khan's period were compared with those of the President in this chapter. It has been assessed how the electoral rules and elections in their results were engineered in order to form the government and assembly favourable to the president. The weak and tame assembly that came into being in the result of the engineered election had to tackle with the important issue of the state i.e. the Kashmir Issue, the war between India and Pakistan in September 1965 and consequent Tashkent Accord. It has been argued that on these issues the opinion and decisions of the President prevailed and overcame over those of the National Assembly. The legislation and other business of the Assembly was also done under the influence of the President.

Chapter 4: Powers of President, Parliament and State Institutions

In this chapter the powers and influence of President Ayub Khan in contrast with the parliament have been compared with other institutions of the state of Pakistan. In this

regard influence and in powers of generally considered powerful institutions i.e. army, bureaucracy and judiciary have been compared with those of president and the National Assembly of Pakistan.

Chapter – 1

Initiation of Military Rule: Politics, Legislation and Elections for Assembly

This Chapter gives a sketch of the circumstantial background of the formation of the parliament in the period of General Ayub Khan. The political conditions of the country before and soon after the imposition of martial law have been described. Then the need of the parliament that forced the military ruler to opt for the formation of assembly has been reviewed. The rules and procedure of election which supported the purposes of military regime have been assessed. It has been elaborated how Kangaroo Assembly was made. Moreover, in this chapter the composition of the assemblies of Ayub era have been highlighted which would be helpful in the analytical and historical description in the subsequent chapters. In the last pages of this chapter the political conditions in the country during Ayub regime have been summarily discussed. This summary is also helpful for the analysis in the following chapters.

1.1 Conditions at Enforcement of Martial Law

Pakistan and India inherited the power and governance structure and system of civil-military relations from British India, which accentuated on civilian supremacy and military's aloofness from political affairs. Both the countries got independence at the same time but contradicted with each other on issue of civil-military relationship. It is interesting that India and Pakistan provide illustrations of the contrasting as well as changing patterns of civil-military relations.⁴⁰ However, in Pakistan, after little more than eleven years of the

⁴⁰Yeena Kukreja, *Military Intervention in Pakistan: A Case Study of Pakistan*, (New Delhi: NOB, 1985), 50.

façade of civilian parliamentary government, the military intervened and imposed its own rule. First martial law in Pakistan was promulgated on 7th October 1958 by joint venture of president General Iskandar Mirza and Commander in Chief General Ayub Khan. The military intervened overtly and imposed martial law throughout the country. The military justified its extreme action on the ground of instability in the country.⁴¹

At the time of promulgation of Martial Law, the country was facing serious political anarchy. The country faced seven Prime Ministers in eleven years, but five in last five,⁴² and a game to control the power corridors with last six Prime Ministers was also played from presidential office as well as other institutions. Pakistan was made as a docile nation state and there were huge ethnic and ideological gaps which made difficult to administer the country. The first year after independence was spent under the charismatic leadership of Quaid-i-Azam Mohammad Ali Jinnah. After his demise, the Prime Minister Liaquat Ali Khan tried to fill the gap of leadership but the system was not streamlined and he was assassinated in October 1951.⁴³ He had supported the parliamentary system of governance and tried to administer the country's affairs successfully but failed to make acceptable constitution, which gave setback to the political stability in upcoming days.⁴⁴

After the killing of Liaquat Ali Khan, Khawaja Nazimuddin left the office of Governor General and commanded the country as premier with the backing of Constituent

⁴¹ Muhammad Hassan, "Causes of Military Intervention in Pakistan: A Revisionist Discourse," *Pakistan Vision*, Vol. 12, No. 2 (2011): 67.

⁴² Government of Pakistan, *List of Prime Ministers*, (Islamabad, Cabinet Division), from www.cabinet.gov.pk accessed on June 21, 2020.

⁴³ Umbreen Javaid and Amir Latif, "Historical Analysis of Successive Governments in Pakistan: A History of First Six Decades, 1947-2007," *Pakistan Vision*, Vol. 18, No. 1 (2017): 215.

⁴⁴ Muhammad Hassan, "Causes of Military Intervention in Pakistan: A Revisionist Discourse," *Pakistan Vision*, Vol. 12, No. 2 (2011): 69.

Assembly of Pakistan.⁴⁵ Governor General Ghulam Muhammad dismissed the government of Prime Minister Khawaja Nazimuddin in 1953 who was working with the backing of the Constituent Assembly of Pakistan.

Ayub Khan was in his early phase to command the Army when a Martial Law was observed in Punjab. The Commander-in-Chief on the advice of Governor General promulgated Martial Law for preserving the law and order situations in the province.⁴⁶ Azam Khan was appointed as Chief Martial law Administrator in the Punjab but Ayub directly supervised the Military rule as well as actions in the province.⁴⁷ The military regime influenced to manage provincial political setups under Mumtaz Doltana and Firoz Khan Noon.⁴⁸

Thus the first intervention of Army in civilian affairs was testified in Punjab in 1953, and on the successful results it was promulgated countrywide. Involving the Army in civilian affairs was a grave blunder which indulged the Army in political sphere and the Martial Law of 1958 was to bear.⁴⁹ The country was facing serious financial issues, so the Nazimuddin made one third cut on defence budget. Commander-in-Chief reacted against the Nazimuddin government on the issue of decreasing the defence Budget. Soon after this cut, Nazimuddin government was dismissed.⁵⁰ Though there was conflict with military

⁴⁵ Muhammad Hassan, "Causes of Military Intervention in Pakistan: A Revisionist Discourse," *Pakistan Vision*, Vol. 12, No. 2 (2011): 69.

⁴⁶ Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, (Princeton: Princeton University Press, 2010).

⁴⁷ Aziz, *Military Control in Pakistan: The Parallel State*, 103.

⁴⁸ Aziz, *Military Control in Pakistan: The Parallel State*, 97.

⁴⁹ Shaikh Aziz, "A Leaf from History: The Ahmadi Issue," *Dawn* (Karachi), February 23, 2013.

⁵⁰ Aziz, *Military Control in Pakistan: The Parallel State*, 104-105.

leaders yet Nazimuddin had majority support in Constituent Assembly and he was in position to beat his rivals in Assembly.⁵¹

A very early cause of political uncertainty was presented as non-Bengalis' control over country's higher bureaucracy. After the assassination of Liaquat Ali, these conditions developed worse to worse and got extreme.⁵² Right from the outset, the bureaucracy despised the Nazimuddin ministry and found Nazimuddin a weak administrator who was unable to accomplish the political, administrative and constitutional challenges faced by the government. The immediate cause of the dismissal of the ministry of Nazimuddin, however was the anti-Ahmadiya riots and food shortages that created difficulties for the government of Nazimuddin.⁵³

It is also stated by some experts that government of Khawaja Nazimuddin was removed for rejecting the US aid of food items. The removal of Khawaja was start of US influence in power corridors for changing the anti-American elements in administration.⁵⁴ The crops were seriously affected in Punjab and Sindh during 1951-52 due to a shortage of rainfall and then due to floods. In addition, the possibility of land reforms impaired wheat production, so the landlords who had turned aggressive due to the modest reforms made in favor of agricultural tenants by the Daulatana government produced this food shortage. In this sense, the ulama returned to direct action after Nazimuddin displayed a reluctance to declare Ahmadis non-Muslim. The condition

⁵¹ Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, (Princeton: Princeton University Press, 2010), 109.

⁵² S. N. Ahmed, *From Martial Law to Martial Law: Politics in the Punjab, 1919-1958*, (London: Routledge, 2019), 171.

⁵³ M. Aziz, *Military Control in Pakistan: The Parallel State*, (London: Routledge, 2007), 58-59.

⁵⁴ Mahmood Ali, "Nazimuddin was Removed for Rejecting the US Aid," *Dawn* (Karachi), October 09, 2006.

escalated when Mumtaz Daulatana, who was the Chief Minister of Punjab, backed the requests and appeals to the center for their acceptance.⁵⁵

Ghulam Muhammad used the discretionary power provided to him by the interim constitution with the help of the bureaucracy and military leadership and dismissed Nazimuddin. He and his cabinet were summoned by Ghulam Muhammad and told to resign. When Nazimuddin refused Ghulam Muhammad had decided to fire him and his cabinet. Under section 10 of the adopted Government of India Act, the Governor General had intervened, so Nazimuddin became the target of a bureaucratic military coup. As he enjoyed the confidence of the legislature and had already passed the budget for the year 1953-54, Nazimuddin attempted to avoid his firing. In order to expel Ghulam Muhammad from the office of Governor General, he even attempted to contact the Queen of England, but failed to achieve the desired result. On 17 April 1953, Muhammad Ali Bogra became the country's new Prime Minister.⁵⁶

After dissolution of his government, Khawaja Nazimuddin commented on the political setup of the country as, “the Governments at the Centre from 1947 to 1953 were the only Muslim League Governments ever established in the country. Those were the only Governments, he said, that tried to establish a society based on Islamic ideals and free from corruption and social evils.” Furthermore as, “all the Governments after 1954 were not Muslim League Governments and were the creation of palace politics which endangered the very existence of Pakistan by indulging in various kinds of malpractices and going against the basic ideals on which Pakistan was founded.”⁵⁷

⁵⁵ Aziz, *Military Control in Pakistan: The Parallel State*, 61.

⁵⁶ Aziz, *Military Control in Pakistan: The Parallel State*, 94-95.

⁵⁷ *Dawn* (Karachi), April 25, 1954.

Governor General Ghulam Muhammad dismissed the Constituent Assembly in order to preserve the powers and authority of the governor general in the constitution. He had the support of General Ayub Khan in doing all this, who offered support for soldiers and logistics to monitor communications with London in order to prevent any chance of recommending the Queen to replace the Governor General.⁵⁸ Thus the roots of first Martial Law that was imposed later are also linked with dismissal of first Constituent Assembly with the orders of Governor General Ghulam Muhammad. The episode clearly reflected the conflict between democratic forces and bureaucracy in the country.⁵⁹ This conflict also reflected the cold-war for power seeking by senior bureaucracy with democratic forces which was led to promulgating the Military Rule in 1958.⁶⁰

The inability of the judiciary to endorse democratic institutions in the case of the Pakistan Federation vs. Molvi Tameez-ud-din presented a new trend that later culminated in more open military action against elected governments and civil supremacy to justify the use of the Doctrine of Necessity.⁶¹

The President of the dissolved Constituent Assembly, Maulvi Tamiz-ud-din Khan, did not agree with the dissolution of Assembly and, along with other representatives, attempted to hold the already scheduled session of the Assembly on 28 October. On 7 November, when they were not authorized to reach the assembly hall, he lodged a writ against the Governor General's action in the Sindh Chief Court. A full bench of the Sindh

⁵⁸ S. N. Ahmed, *From Martial Law to Martial Law: Politics in the Punjab, 1919-1958*, (London: Routledge, 2019), 171.

⁵⁹ S. N. Ahmed, *From Martial Law to Martial Law: Politics in the Punjab, 1919-1958*, (London: Routledge, 2019), 171-173.

⁶⁰ Iftikhar H. Malik, *State and Civil Society in Pakistan: Politics of Authority, Ideology and Ethnicity*, (Lahore: Macmillan Publishers, 1997), 36.

⁶¹ S. N. Ahmed, *From Martial Law to Martial Law: Politics in the Punjab, 1919-1958*, (London: Routledge, 2019), 171-172.

Chief Court ruled in favor of Maulvi Tamiz-ud-din on February 9, 1955, and directed that the Governor-General had no right to dissolve the Constituent Assembly.⁶² Following the ruling, on March 7, Maulvi Tamiz-ud-din called the Assembly session. Bogra agreed to appeal against the verdict in the Federal Court after meeting Ghulam Muhammad, who was in Paris at the time for his medical treatment.⁶³

The Federal Court's Chief Justice, Justice Muhammad Munir, told the government that the Sindh Court's decision will be overturned. Acting according to the doctrine of necessity, the Federal Court did not discuss the issue of whether or not the Assembly was constitutionally dissolved. Rather, they opposed the writ on legal grounds that, because it had not obtained the consent of the Governor-General, Section 233A, under which the writ had been given in favor of Maulvi Tamiz-ud-din, was not yet law.⁶⁴ One member of the five-member bench, Justice A.R. Cornelius, held that the Governor General's approval of the Constitutional Act was not necessary and claimed that the Sindh Chief Court's decision should be upheld. Pakistan's past would have been different if Justice Cornelius' argument had been given attention by the other four judges on the bench.⁶⁵

Following the dissolution of the constituent assembly Ghulam Muhammad ordered Muhammad Ali Bogra, the Prime Minister, to form a cabinet in place of the ministry selected from parliament. On 24 October 1954, a ten-member cabinet was immediately set up, including five members of three previous cabinets as ministers. Chaudhry Muhammad Ali, Dr. A.M Malik and Ghiyyas Uddin Pathan, two as ministers of state, Sardar Amir

⁶²Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, 97-99.

⁶³ Aziz, *Military Control in Pakistan: The Parallel State*, 102.

⁶⁴Ibid.

⁶⁵ M. B. Nair, *Politics in Bangladesh: A study of Awami League, 1949-58*, (News Delhi: Northern Book Centre, 1990), 54-55.

Azam Khan and Murtaza Raza Chaudhry. M.A. was the new members of this cabinet.⁶⁶ Isphani of the Muslim League, Mir Ghulam Ali Talpur, Vice President of the PML, Dr Khan Sahib, Major General Skindar Mirza, Commander-in-Chief of the Army, General Ayub Khan.⁶⁷

Five more ministers, Habib Ibrahim Rahimtoola, Sayyed Abid Hussain, and Sardar Mumtaz Ali, both from the Muslim League, Shrawardy and Hussain Sarkar, were later appointed to the cabinet. Bogra described it as the 'cabinet of talents,' which was accountable to persons in the absence of an elected legislature. Though he was the cabinet's figurative leader, he had no control over it. As is obvious from the appointment of Mirza as Minister of Defense and his tenure as Minister of the Interior, this Cabinet of Talents can be seen as the beginning of the military taking over civil duty. Iskandir Mirza was so vital that he supplied the cabinet's policy and policies.⁶⁸

Bogra's key role was to promote constitution making by the cabinet. For this reason, he used the note that Gen. Ayub Khan had drafted in London and proposed as the basis for constitution building in the USA to a closed military audience. First the cabinet implemented the One Unit Proposal, which aimed to combine the provinces and the princely state of Pakistan into a single province. In order to enforce the One Unit Plan, the cabinet used powerful and oppressive tactics to remove all barriers.⁶⁹

The Cabinet of Talent replaced Sattar Pirzada with Ayub Khuhro in the wake of this incident, as Chief Minister of Sindh, and the One Unit scheme was also agreed to by the Sindh Assembly after one month. The proposal was accepted by Mir of Khairpur state,

⁶⁶ Aziz, *Military Control in Pakistan: The Parallel State*, 94.

⁶⁷ Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, 93.

⁶⁸ Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, 76.

⁶⁹ Aziz, *Military Control in Pakistan: The Parallel State*, 108.

and after the dissolution of the ministry, Amir of Bhawalpur also gave his consent. On behalf of the States for the Administration of West Pakistan, Khan of Qalat, President of the Union of Baluchistan States, was forced into a merger document.⁷⁰ Wherever they existed, the cabinet required official permission from all the legislative bodies. To encourage the MPAs to consent to the One Unit Scheme, Mushtaq Ahmad Gurmani was appointed as the Governor of Punjab. Even though Pir of Manki Shrif and five other members objected and boycotted the proposal, the NWFP assembly approved the plan. Both political powers had previously united in Sindh and formed a body known as the Security of Sindh. And 74 out of 109 MPAs released a signed declaration on 23 October 1954 about the One Unit concept.⁷¹

The situation changed time by time and hurdles for democratic forces were increased. There was no sufficient time for political leadership to establish and legitimize participatory institutes. The circumstances in which Khawaja Nazim ud din was removed and the Constituent Assembly was dismissed were not as simple as they were presented generally. Ayub Khan influenced the power corridors from the early days after his appointment as Commander in Chief. He tried to stimulate the governance in Punjab against the administrations of Mumtaz Daulatana and Feroz Khan Noon.⁷²

The Constitution of 1956 was dissolved just after the two and a half years, there was no doubt that the constitution was not basically executed that it was thwarted by a Military coup. The country had not experienced the working of constitution because no election was held under that legislation, and it was ultimately revoked in October 1958 by

⁷⁰Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, 77.

⁷¹ Aziz, *Military Control in Pakistan: The Parallel State*, 104.

⁷²Ibid.

promulgating the Martial Law by force with a Military coup. The proponents of military action had upheld it, calling Ayub Khan a savior. A new system was evolved which replaced the federal parliamentary system leading to absolute dictatorship. With long term intentions he took every step which consolidated his grip on power”.⁷³

Gen. Ayub Khan and President Gen. Iskandar Mirza were declared as collectively accountable for political chaos in Pakistan during 1955-58. They subjugated the political position and acquired full benefit of fragmented Assembly. They used their office to contend against each other in one party community. Therefore in a brief period of two years, four Prime Ministers were replaced. They used against democratic forces the threats of military takeover and forced them to embrace controversial decisions such as One Unit, parity and the mildest level of regional autonomy. However, when they learned that the leaders were not able to behave fully according to their desires, amid all the scrutiny, they wanted to pursue other alternatives. The East Pakistan Assembly demanded extreme forms of autonomy for the provinces in March 1957.⁷⁴

This was accompanied by the appeal for the abolition of One Unit by the West Pakistan Assembly. In one of his press conferences, Mirza spoke publicly about the notion of “controlled democracy”. Mirza claimed in a country-wide address that the legislative structure was inadequate for the nation and suggested a revamped version of the American system. At the beginning of 1958, it became apparent that Ayub Khan had been looking for a good moment to hit. Ayub Khan was nearing retirement, and Minister of

⁷³Osama Siddique, *The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies under the Pakistani Constitution and its Discontents*, (Karachi: Pakistan Law House, 2008), 615; Aisha Siddiqi, *Military Inc.: Inside Pakistan's Military Economy*, (London: Oxford University Press, 2007), 218-219.

⁷⁴Osama Siddique, *The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies under the Pakistani Constitution and its Discontents*, (Karachi: Pakistan Law House, 2008), 615.

Defense Ayub Khuhro had to request that his service be prolonged. Ayub advised Prime Minister Firoz Khan Noon to make a recommendation, even though President General Iskander Mirza had the ultimate authority to grant the extension. Noon had issued the recommendation under pressure from the President, and the extension was given to Ayub Khan on June 9, 1958, to translate his designs into reality.⁷⁵

At the time to promulgate the Martial Law by Ayub Khan, the country was facing serious societal crises. The rule of law was totally forgotten as well as justice was publicly auctioned and the life of common man had become extremely difficult. The collapse of democratic and parliamentary democracy demonstrated that the leadership's promises were failing. The financial image was broken and the completion of its construction projects became totally dependent on the international financing of Western countries. The power struggle disturbed the state's affairs because it could not focus on burning issues such as the rehabilitation of refugees, canal water and Kashmir conflicts, education, industry and trade, which frustrated the masses and social sector at large.⁷⁶

Major General Iskandar Mirza, dismissed government of Prime Minister Feroz Khan Noon in 1958, and appointed Commander-in-Chief General Ayub Khan as the Chief Administrator of Martial Law. General Ayub Khan took over the office as president after taking advantage of the opportunity as Chief Administrator of Martial Law by sending Mirza into exile within thirty days.⁷⁷

⁷⁵Osama Siddique, *The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies under the Pakistani Constitution and its Discontents*, (Karachi: Pakistan Law House, 2008), 612.

⁷⁶ S. N. Ahmed, *From Martial Law to Martial Law: Politics in the Punjab, 1919-1958*, (London: Routledge, 2019), 179.

⁷⁷ S. N. Ahmed, *From Martial Law to Martial Law: Politics in the Punjab, 1919-1958*, (London: Routledge, 2019), 179-180.

The Commander-in-Chief Ayub Khan had political ambitions and was trying to control the power structure of the country from very early days as he appointed Commander-in-Chief. He entered in the power arena in 1951 and assumed powers step by step. The scenario elaborated as, “professional development did not depoliticize the Pakistani military. Instead, it aroused the military’s interest in civilian affairs and spurred members of the senior officer corps. The military was initially content with playing the role of the stabilizing power behind the throne,”⁷⁸ Ayub Khan denied for having political ambitions did not want to enter in politics but Governor General Ghulam Muhammad involved him in political affairs by imposing the Martial Law.⁷⁹ But the historical facts and evidence did not support Ayub’s claim. British reports showed that Ayub regularly participated in international conferences and demanded financial military aids. The reports had also showed that Ayub had built himself not only for military affairs but also for civil administrative affairs of country.⁸⁰

Ayub experienced the Military rule in Punjab in 1953-1954 with the help of General Azam Khan.⁸¹ Observing the Martial Law in Punjab in very early days of command as Commander-in-Chief Ayub Khan experienced the Military Rule.⁸² The military regime prejudiced and experienced to cope provincial political setup and implemented this experience in 1958 countrywide.⁸³

⁷⁸Aqil Shah, *The Army and Politics: Military Politics in Pakistan*, (London: Harvard University Press, 2004), 6.

⁷⁹Mohammad Ayub Khan, *Friends Not Masters*, (London: Oxford University Press, 1967), reproduced by (Islamabad: Sani H. Panhwar, 2018), 183.

⁸⁰South Asia and Eastern Department UK, *Pakistan Internal Situation 1959*.

⁸¹ M. Aziz, *Military Control in Pakistan: The Parallel State*, (London: Routledge, 2007), 111.

⁸² Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, (Princeton: Princeton University Press, 2010).

⁸³ M. Aziz, *Military Control in Pakistan: The Parallel State*, (London: Routledge, 2007), 112-113.

Ayub's claim for impartiality for promulgating the Martial Law is not according to the facts. He visited Iskandar Mirza repeatedly to discuss conditions of country in September to October 1958. He added that there was a sense among people that he and the army were struggling in their duties when observing such a situation.⁸⁴ Ayub Khan's visits to the garrisons persisted. A government order banned army-like uniforms for political employees on September 20th. The decree, two days later, became law. On September 23rd, the Muslim League's Khan Abdul Qayoom agreed to ignore this order. He arrived at the city station in Karachi to display his disrespect for the law.⁸⁵ The clash took place when police tried to implement the rule on staff of Muslim League. Ayub Khan was informed about this class in Hunza by Yahya Khan.⁸⁶

The deployment of army units resumed on September 25, 1958. Karachi had a permanent camp with two infantry and artillery brigades, yet another infantry brigade was summoned from Quetta to Jungshahi camp, a short distance from Karachi. Owing to fierce inter-party disagreements, the constitutional situation was hardly favorable. The war was between Krishak Saramak, the Awami League, and the Muslim League. Prime Minister Noon made a final attempt on October 2, 1958, but failed to bring some sort of rapprochement. He had already declared that February 1959 would be year of election. In the caretaker cabinet, every politician was doing his hardest to book a berth and many were in Karachi. Before the new cabinet was sworn in the PM demanded the resignations of all ministers. All of them did so, and on the evening of October 7, a new cabinet was

⁸⁴Osama Siddique, *The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies under the Pakistani Constitution and its Discontents*, (Karachi: Pakistan Law House, 2008), 614.

⁸⁵Osama Siddique, *The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies under the Pakistani Constitution and its Discontents*, (Karachi: Pakistan Law House, 2008), 615.

⁸⁶ Ashok Behuria, "How Military Dominates the Political Space in Pakistan: A study of Musharraf's Rule (1999-2008)," *Journal of Peace Studies*, Vol. 16, No. 1-2 (2009): 78.

announced. Firoz Khan Noon, Syed Amjad Ali, Hamid ul Haq Chaudhry, Ayub Khuhro, Sardar Abdur Rasheed, Mir Ghulam Ali Talpur, Haji Maula Bakhsh Soomro, A. K. Data, Haji Mahfooz ul Haq, Mian Jaffar Shah, Abdul Aleem, Sardar Amir Adam, Besant Kumar Das, and Rameezuddin were included in this cabinet.⁸⁷

Ayub Khan got international support for promulgating the Martial Law. After setting the stage for Military coup, Ayub visited USA and achieved trust for him in American Administration.⁸⁸ An operation code, dubbed Operation Overload, was secretly planned after receiving a green signal from Americans. The preparation of the operation was connected to three main General Staff Officers, Brig. Yahya Khan, Brig. Abdul Hamid Khan and Brig. Sher Bahadur. As a result of general ban on all paramilitary groups and the suspected uprising of the Khan of Qalat, the huge PML demonstration in Karachi in protest against the banning of its National Guards provided a justification and the first Martial Law was implemented in the country on October 7, 1958.⁸⁹

As President, Iskander Mirza was retained, while Ayub Khan took over as Pakistan's first Chief Martial Law Administrator (CMLA).⁹⁰ The political leadership was trying for arrangements of first elections under 1956 constitution, but Ayub Khan and Iskander Mirza were managing for the future establishment of Pakistan, and certain decision had been made for that. They discussed various options like, prorogation of

⁸⁷ Ashok Behuria, "How Military Dominates the Political Space in Pakistan: A study of Musharraf's Rule (1999-2008)," *Journal of Peace Studies*, Vol. 16, No. 1-2 (2009): 80-82.

⁸⁸ Jogindar Singh, *Behind the Scene: An Analysis of India's Military Operations, 1947-1971*, (New York: Lancer Publishers, 1993), 46.

⁸⁹ Jogindar Singh, *Behind the Scene: An Analysis of India's Military Operations, 1947-1971*, (New York: Lancer Publishers, 1993), 45-50.

⁹⁰ *Dawn* (Karachi), October 08, 1958.

councils, abrogation of constitution, imposition of the moratorium on electoral activities, and military takeover.⁹¹

At the time of promulgating the Martial Law, Iskander Mirza announced to annul the constitution, dissolved the central as well as provincial Assemblies, and dismissed all the cabinets. The first target of the military rule was democratic system. With the promulgation of the Martial Law, all the political parties as well as political activities were banned, throughout the country. Pathetic political condition, growing corruption and incompetency of politicians were presented as the three basic reasons by President Iskandar Mirza for promulgation of Martial Law in the country. The Chief of Army Staff, General Ayub Khan, was nominated as the supreme Commander of the armed forces as well as Chief Martial Law Administrator(CMLA) in the country.⁹²

Instead of President, CMLA Ayub Khan addressed the nation on October 08, 1958. In his address Ayub expounded that “army entered politics with great reluctance but with the fullest conviction that there was no alternative to it except the disintegration and complete ruination of the country”⁹³. The promulgation of Military Rule and controlling the administrative as well as political affairs of the country was the first segment of Martial law regime.⁹⁴

Many in Pakistan while discussing the systematic restraints and constraints for the enforcement of Martial Law in the country believed that Military rule was enforced due to legislative system’s downfall and political leadership failed to manage state affairs as well

⁹¹ Ashok Behuria, “How Military Dominates the Political Space in Pakistan: A study of Musharraf’s Rrule (1999-2008),” *Journal of Peace Studies*, Vol. 16, No. 1-2 (2009): 80-82.

⁹² Hassan Askari Rizvi, *The Military and Politics in Pakistan 1947-1999*, (Lahore: Sang-e-Meel Publication, 2000), 86-87.

⁹³ *Dawn* (Karachi), October 09, 1958.

⁹⁴ Hassan Askari Rizvi, *The Military and Politics in Pakistan 1947-1999*, (Lahore: Sang-e-Meel Publication, 2000), 86-87.

as they could not offer good governance. Some of the key reasons of enforcement of the Martial Law were disparities in the fundamental constitutional issues, role of Islam in politics, regional autonomy, division of powers between East and West Wing. Deprived economic position of the country also showed as reason for coup against democratic government. It was also stated that politicians tried to create barriers in institutionalizing to maintain their hegemony in power corridors which halted the political process.⁹⁵ The scenario shows that those responsible to halt the political, democratic and constitutional process were not only political forces but the representatives of civil and military establishment; Ghulam Muhammad, Iskandar Mirza, and Ayub Khan; also played key role for hurdling the system with malicious intentions.

1.2 The Desires of Military Ruler to Set-up Assembly

The Chief Martial Law Administrator (CMLA) Ayub Khan considered the political leadership corrupt, non-democratic, incompetent, and treacherous. He called the Martial Law as revolution against unapt political leadership, and believed that Military establishment would set the administrative as well as governance issues in the country.⁹⁶ President Ayub announced his objectives to be fulfilled in two stages, short and long term. Social as well as constitutional reintegration was professed as short and to balance the social, financial and economic lifespan of state as long term objectives of revolution. For setting the society according to his ideas, Ayub positioned army officers in civil

⁹⁵Ali Riaz, *Bangladesh: A Political History Since Independence*, (London: Bloomsbury Publishing, 2016), 81.

⁹⁶ Mohammad Ayub Khan, *Friends Not Masters*, (London: Oxford University Press, 1967), reproduced by (Islamabad: Sani H. Panhwar, 2018), 75.

departments at large and assigned them the duty to empowering the Military Rule,⁹⁷ and announced to achieve short term objectives within six months.⁹⁸

The most of the problems in the pre-Ayub era were created by the establishment, especially by Ghulam Muhammad, Iskandar Mirza and Ayub Khan. Although the plan of One Unit was announced by the Muhammad Ali Bogra but designed by the establishment and this plan highlighted the disparities and inequalities in both the parts of the country.⁹⁹ The dissolution of First Constituent Assembly by Ghulam Muhammad and support of military establishment and judiciary without any legal ground strengthened the impression that establishment hurdling the democratic process. The Assembly was dissolved by Governor General with malicious intentions and there was no ground for this action. The decision in favor of dissolution also strengthened the concepts about establishment's intervention in political sphere.¹⁰⁰

The establishment declared parliamentary system failed without holding a single election. The scenario shows that the establishment, especially Iskandar Mirza and Ayub Khan were fearful of the masses and were seeking delay for going to the public. They want to remain in power corridors without any public will and push the political leadership away from democratic institutions with force. Declaring the parliamentary system failed without exercising any election is showing the mall intention of the Martial Law forces.¹⁰¹

⁹⁷ Mohammad Ayub Khan, *Friends Not Masters*, (London: Oxford University Press, 1967), reproduced by (Islamabad: Sani H. Panhwar, 2018), 75.

⁹⁸*Dawn* (Karachi), October 28, 1958.

⁹⁹Ali Riaz, *Bangladesh: A Political History Since Independence*, (London: Bloomsbury Publishing, 2016), 81.

¹⁰⁰Mahboob Hussain and Rizwan Ullah Kokab, "Institutional Influence in Pakistan: Bureaucracy, Cabinet and Parliament," *Asian Social Science*, Vol. 9, No.7 (2013): 174-175.

¹⁰¹Ali Riaz, *Bangladesh: A Political History Since Independence*, (London: Bloomsbury Publishing, 2016), 83.

The parliamentary system always relies on elections and public will and the military regime was declaring without holding a single poll in this regard. The first election under the 1956 constitution was to be held in first quarter of 1959. The elections had been announced and Noon government was in try to maintain caretaker setup for which all the parties and concerned personalities had no objection. In that situation Ayub Khan promulgated the Martial Law which clearly shows the fear of establishment for having free and fair public will.

A comparative study for his practical working in view of his claims clearly presented the answer about his capabilities. Ayub sought only six months for reforms in society and rehabilitate the constitution but he could not complete his constitutional framework for four years, the work for societal reforms was to remain in continuity till his resignation from power corridors.¹⁰²

After 16 months of the execution of Martial law, President Ayub Khan announced efforts for restoration of the democracy and formed a committee with the objective to strengthen the democratic institutes but committee had not been empowered for his work and had been given authority just to submit proposals to the military ruler. Justice Shahabuddin was appointed as chairman of the said committee. The Constitution Committee completed its work in fourteen months and submitted his proposals to the President. After that, military regime completed the draft of Constitution in eleven months. The military ruler was the supreme authority to enforce and finalized the constitutional deed and he did with his own will and wishes. President Ayub and his law minister Manzoor Qadir made the major changes in proposed draft of the Constitution. The

¹⁰²Mohammad Ayub Khan (President of Pakistan), National Assembly of Pakistan Debates (NAPD), 1st year, 1st Session, 08 June 1962, 1.

Constitution was enforced in 1962 and democracy was molded accordingly. Military regime showed that it had been molded according to socio-political situation of the country.¹⁰³

There was no constitution in country at the time of holding national as well as provincial assemblies. Ayub regime had held the local bodies' (Basic Democrats') election in December 1959 and vote of confidence for President by these BD members in 1960. Ayub scored overwhelming majority during vote of confidence with the figure 7504 favored while 2829 oppose him.¹⁰⁴ President Ayub believed that people were realizing the services of BDs and recognizing their effective role in democratic sphere.¹⁰⁵ In that scenario Ayub announced new constitution in March 1962 and declared the BDs as Electoral College for elections of national as well as both provincial assemblies.¹⁰⁶ Ayub Khan claimed that his action to give political role to the BDs was justifiable because people had already realized the effectiveness of Basic Democrats.¹⁰⁷

Ayub had fear for public reaction against him so that he did not decide for direct adult franchise elections for national and provincial assemblies as well as president's office. The decision of indirect poll was an effort to restore democratic system with low intensity. The mass level political activity which required for adult franchise election, was also not allowed and political parties were also banned for functioning in the country but international community was demanding political freedom and democratic setup.¹⁰⁸ After

¹⁰³NAPD, 1st year, 1st Session, June 1962.

¹⁰⁴Tahir Kamran, Electoral Politics in Pakistan: 1955-1969," *Pakistan Vision*, Vol. 10, No.1 (2010): 91.

¹⁰⁵Mohammad Ayub Khan, *Friends Not Masters*, (London: Oxford University Press, 1967), reproduced by (Islamabad: Sani H. Panhwar, 2018), 229.

¹⁰⁶Tahir Kamran, Electoral Politics in Pakistan: 1955-1969," *Pakistan Vision*, Vol. 10, No.1 (2010): 91.

¹⁰⁷Mohammad Ayub Khan, *Friends Not Masters*, (London: Oxford University Press, 1967), reproduced by (Islamabad: Sani H. Panhwar, 2018), 228-229.

¹⁰⁸ South Asia Department UK, *Pakistan Elections 1962*, (London: Secret file classified in 2017, SEA 44/6/21), DO 196/90.

promulgation of the Martial Law in October 1958, Ayub Khan permitted limited political grouping in June 1962, while he was addressing the inaugural session of the national assembly.¹⁰⁹

Ayub had international pressure to restore democratic setup as well as constitutional framework. Meanwhile the political forces were also demanding democratic system and public was seeking their representation in power corridors. The national as well as international situations made momentum for making the constitution and restore the parliament. Ayub did not want any democratic setup in the country which may harm his position in power corridors. He was strictly against the parliamentary system but became ready to restore the limited democratic setup in presidential form on international pressure.¹¹⁰ Ayub admitted the international pressure for restoration of democracy as well as constitution.¹¹¹

1.3 Concentration of Power

The Constitution of 1962 was enforced without approval of any parliament and there was no role of National Legislature in formulation the Constitution and promulgating the legal structure. Generally the constitution is always the production of legislature but this Constitution was not approved by any legislature. Even after the formation of the National Assembly in 1962, the Ayub regime did not try to approve it in the legislature formally. Ayub formally addressed the National Assembly in its inaugural session as President and asked the legislators to amend the constitution according to their will but

¹⁰⁹Mohammad Ayub Khan, *Address of President of Pakistan*, NAPD, 1st year, 1st Session, 08 June 1962.

¹¹⁰ Akbar Zaidi, "Special Report: Changing of the Guard 1958-1969," *Dawn* (Karachi), September 06, 2017.

¹¹¹Mohammad Ayub Khan, *Friends Not Masters*, (London: Oxford University Press, 1967), reproduced by (Islamabad: Sani H. Panhwar, 2018), 229.

with two third majority, but he did not ask a single word about the approval of constitution by parliament.¹¹²

In democratic system the parliament is always considered as the supreme and constitutionally permitted for the amending the constitution and other legal documents. The Ayub's constitution did not enshrine the democratic norms but the legislatures did not make a single collective effort to emend the constitution according to democratic norms but there seemed deep split in legislature, some supported the Ayub and some oppose, even they had power to amend the constitution and could change all the clauses.¹¹³

The Constitution made Ayub a central point of all power corridors. All the authorities, commands and powers came towards the presidential office and the Ayub occupied the presidential office for 11 years. The scholars called the position of Ayub in the constitution as Clock Tower of Faisalabad with eight bazars and all the ways in these bazars circles around Clock Tower.¹¹⁴ President Ayub was the central point of all the power structures during 1958 to 1969, and he did not make a single legislation without the key position of presidential office.¹¹⁵ The Assembly was formed and the legislators were allowed to have amendments in the constitution but there was not a single amendment seemed against the will of Ayub Khan and not a single resolution challenging Ayub's authority.¹¹⁶

¹¹² President Ayub Khan, NAPD, 1st year, 1st Session, 08June1962.

¹¹³ NAPD, 1962-1969.

¹¹⁴Shamsul Islam Naz, "Of old and Magnificent: Ghanta Ghar: Faisalabad's Marvel of the British Rule," *Express Tribune* (Lahore), October 26, 2016.

¹¹⁵ Khan Faqir and Muhammad Hussain, "Legitimacy of Military Regimes and the Superior Courts In Pakistan," *Pakistan Journal*, Vol.52, No.1 (2016): 197.

¹¹⁶ Hassan Askari Rizvi, *The Military and Politics in Pakistan 1947-1999*, (Lahore: Sang-e-Meel Publication, 2000), 86-87.

Although the legislatures were formed and formally the finance bills including annual budgets were presented before the legislators for review. The Finance Minister presented the budget formally and members were allowed to discuss the various points and sanctioned funds but the legislature was powerless to amend the financial plan prepared and presented by the Finance Minister. The members of the legislature were conveyed about their powerless position during the budget session, while they were suggesting amendments in the financial plan.¹¹⁷

The Finance Minister of the Ayub government proudly accepted his position and disgraced the parliament and legislators conveying that they had no power to amend the budget even the whole parliament may reject it but would be implemented, if the finance minister had no will to amend that.¹¹⁸The legislators had understood their position in Assembly and also the credibility of legislature under the Constitution of 1962. As the fiscal powers of legislature were elaborated the lawmakers called the legislature made under the Constitution of 1962 as Zero. As the position of Assembly was described regarding the fiscal policies and budget, a public representative from East Pakistan, Mahbub ul Haq abruptly called the legislature as zero and expressed as, “the creator of Constitution had made the Assembly as a ‘Big Zero’. Assembly members had zero financial and administrative power and Assembly is equal to zero multiply by 156 that would be equal to ZERO”¹¹⁹.

The powerless assembly was criticized by members but not a single man left his position in the whole tenure and members remained divided in opposition and treasury

¹¹⁷Sardar Bahadur (Opposition Leader), NAPD, 1st year, 1st session, 12 June 1962, 75-77.

¹¹⁸ Abdul Qadir (Finance Minister), NAPD, 1st year, 1st session, 12 June 1962, 53-55.

¹¹⁹Mehbubul Haq, NAPD, 1st year, 1st session, 12 June 1962, 105-106.

benches. President Ayub offered the legislators to amend the constitution with the majority of the house in his speech at inaugural session of the newly elected assembly.¹²⁰

1.4 Election Campaign for First Assembly during Ayub Era

The Ayub regime decided to hold local bodies' elections throughout the country on non-party base in 1959.¹²¹ The personalities of the status-quo welcomed this announcement and participated in the elections holding without any legal cover. The influential personalities which always tried to maintain links with power-corridors to protect their illegal activities came in front for these elections, contested, and ran their campaigns with force and wealth.¹²² There was no constitution at that time and also no democratic setup seemed in the upcoming days. Ayub regime held the elections of Basic Democrats (BDs) in December 1959, and as the 80 thousand (40 thousand from each province) members of local bodies elected, it was announced that the president would seek the vote of confidence by the BDs. Basically the Central Cabinet advised President Ayub to seek vote of confidence just to show public support to the international community.¹²³ The majority of the BDs supported the regime and Ayub got 95.6 votes.

Pakistan had no elected local bodies system prior to the BDs elections.¹²⁴ Pakistan innate British local bodies system which was centrally a bureaucratic dominance arrangement and all the structure of the local bodies was run by the bureaucracy. Ayub's

¹²⁰ Mohammad Ayub Khan, NAPD, 1st year, 1st Session, 08 June 1962, 1.

¹²¹ Tahir Kamran, Electoral Politics in Pakistan: 1955-1969," *Pakistan Vision*, Vol. 10, No.1 (2010): 90.

¹²² Tehmina Durrani, *Abdul Sattar Edhi: A Mirror to the Blind*, (Karachi: Edhi Foundation, 1996), 51.

¹²³ Tahir Kamran, Electoral Politics in Pakistan: 1955-1969," *Pakistan Vision*, Vol. 10, No.1 (2010): 90.

¹²⁴ Shaikh Aziz, "Autocracy: Absolute Power," *Dawn* (Karachi), October 23, 2011.

introduced BDs was also bureaucratic centric system but there were representatives of the public which tried to make bureaucracy answerable to the general public but the majority supported initial setup and favored the system controlled by the district setup of bureaucracy. It was a plus point of Ayub's BDs system that it introduced public participation in local bodies' governance system although it was not total independent and free local bodies but something was better than the previous systems in terms of some public involvement.¹²⁵

Ayub introduced BD system to eliminate the seasoned politicians from mainstream politics but the scenario shows that Ayub's failed to exclude political figures from the setup but the influential personalities, feudal lords, and monopolists of the politics did try to contest at local level but supported their allies and local campaigners.¹²⁶ The influential personalities of the local areas participated in these elections and majority of them won the contest. Ayub Khan got the support of BDs twice under regime but many also supported Fatima Jinnah in presidential elections against Ayub Khan.¹²⁷

There were anti-democratic forces and opportunist personalities united for getting benefits from the regime so they opposed the democratic powers as well as public personalities which were opposing the opportunists. In early time these democratic forces had no significant leadership which led at the front but later they had Fatima Jinnah to lead against regime.¹²⁸ The forces of status-quo as well as allies of the regime ran their election

¹²⁵Razia Musarrat and Aamir Nazir, "Basic Democracy System and Role of Bureaucracy in Islamic Republic of Pakistan," *Research Journal Ulum-e-Islamia*, Vol. 22, No. 1 (2016): 88.

¹²⁶Shaikh Aziz, "Autocracy: Absolute Power," *Dawn* (Karachi), October 23, 2011.

¹²⁷Hamid Yaseen Ahmed, "Edhi: Politics and Social Services," *News Line*, July 08, 2017. From www.newslines.com.pk accessed on December 17, 2020.

¹²⁸Shamsul Islam Naz, "Edhi's Social and Political Services," *News Line*, July 11, 2016. From www.newslines.com.pk accessed on December 17, 2020.

campaign based on blame-game. They blamed each other for corruption as well as ethical crimes but time proved that their blame-game demoralized the political sphere.¹²⁹

BDs system of Ayub Khan failed to set pure and unpolluted representation structure of governance at local level, as it was engineered by military regime.¹³⁰ The BDs also had no authority to work independently but under the supervision of bureaucracy,¹³¹ who prepared policies and launched programs on which BDs had to seek act upon. At district level, the Deputy Commissioner was the supreme authority and he used to seek instructions from central government of Ayub Khan.¹³² The President Ayub used the BDs for strengthening his rule by seeking vote of confidence to show public support at international level. Ayub did not announce the role of BDs for seeking vote of confidence for president, which was not mentioned at the time of announcement and commencement of the BDs election. But as the local bodies, process completed, he announced to seek vote of confidence which held on 14 February 1960.¹³³ After three years of BDs elections, Ayub declared BD members as Electoral College for non-party based national as well as provincial assemblies' contest in 1962, and Electoral College for Presidential Election in 1965.¹³⁴

The elections in 1965 were held on party basic but not on adult franchise. The eighty thousand BDs were declared as Electoral College for national as well as provincial

¹²⁹Hamid Yaseen Ahmed, "Edhi: Politics and Social Services," *News Line*, July 08, 2017, from www.newsline.com.pk accessed on December 17, 2020.

¹³⁰Razia Musarrat and Aamir Nazir, "Basic Democracy System and Role of Bureaucracy in Islamic Republic of Pakistan," *Research Journal Ulum-e-Islamia*, Vol. 22, No. 1 (2016): 86.

¹³¹Hamid Yaseen Ahmed, "Edhi: Politics and Social Services," *News Line*, July 08, 2017, from www.newsline.com.pk accessed on December 17, 2020.

¹³²Razia Musarrat and Aamir Nazir, "Basic Democracy System and Role of Bureaucracy in Islamic Republic of Pakistan," *Research Journal Ulum-e-Islamia*, Vol. 22, No. 1 (2016): 87.

¹³³Tahir Kamran, Electoral Politics in Pakistan: 1955-1969," *Pakistan Vision*, Vol. 10, No.1 (2010): 90.

¹³⁴ Ian Talbot, *Pakistan: A Modern History*, (New York: Palgrave Macmillan, 2010), 153.

assemblies and presidential poll. The presidential election was also on party basic and Ayub regime allowed opposition candidate Fatima Jinnah for public gatherings and political activities. After the elections the 4th National Assembly of Pakistan was constituted on June, 12 1965.¹³⁵

- Selection of Suitable candidates by Regime
- How Ayub Regime Influence the Electoral Politics
- Formation of King's Party

The political activities as well as formation of political parties were prohibited before the 1962 elections. The Ayub regime was strictly taking action against the political parties as well as politicians. More than 300 political personalities were behind the bars and around one thousand bureaucratic personalities had been removed from their offices. The political forces were not allowed to actively participate in electoral activities and prohibited for taking party in election activities as party.¹³⁶ The elections were announced to hold but political activities, even arranging the mass level gathering for election complain was not allowed, officially. The election commission prohibited to arrange the mass gathering and advised the candidates to meet the Electoral College in person. Only face to face communication with Electoral College was officially allowed.¹³⁷ During the presidential election campaign gatherings of BDs were allowed to arrange under supervision of the election commission or judicial officers. The election commission also

¹³⁵Tahir Kamran, Electoral Politics in Pakistan: 1955-1969," *Pakistan Vision*, Vol. 10, No.1 (2010): 88-90.

¹³⁶ I.T.M. Lucas (UK High Commission) to R. Walker (Commonwealth Relations Office London), *Action Against Ex-Politicians*, 28 October 1959, TNA London, DO 35/8952.

¹³⁷ Election Commission of Pakistan, *Report on General Elections in Pakistan 1964-65 Vol-I*, (Islamabad: ECP, 1965), 5.

restricted the numbers for meetings, only allowed four meetings in East Pakistan and Six in West Pakistan.¹³⁸

Ayub Khan clearly announced that political activities were prohibited in the country even the elections have been conducted and the Assembly was formed.¹³⁹ Ayub warned the legislators for taking part in political activities and forming the political groups until the formation of political parties be allowed. At the same time Ayub allowed legislators for preparing the political parties' formation rules and regulations but warned them not to participate in political activities as well as grouping in assembly on the basis of political affiliation.¹⁴⁰

Contrary to his announcements and claims, Ayub Khan set a cell for monitoring the elections in country many months before holding the elections. The regime inducted opulent and wealthy industrialists and businessmen in the electoral process as candidates and gave them full support by state-machinery, after searching them by the election cell. The cell started its working to manage the electoral system many months prior to conduct of the elections and managed the situation in favor of Ayub regime.¹⁴¹ Ayub also played with the institution of the BD system by arranging the elections of national as well as provincial assemblies after the presidential polls, in 1962 as well as in 1965. The victory of Ayub Khan as president affected the assemblies' election to getting the overwhelming victory for regime's supporting candidates.

¹³⁸ Ibid.

¹³⁹ Mohammad Ayub Khan (President of Pakistan), NAPD, 1st year, 1st Session, 08 June 1962, 1-3.

¹⁴⁰ Ibid, 7-9.

¹⁴¹ Khalid Bin Sayeed, *Politics in Pakistan: The Nature and Direction of Change*, (New York: Praeger Publishers, 1980), 179-181.

Ayub was prohibiting the legislators for making political groups within assembly but at the same time he invited the likeminded legislators for making the groups of political personalities for his favor. Ayub regime made a group of legislators for favoring administration as the treasury benches and appointed the leader of the house officially, but opposition benches were prevented for keeping political affiliations and making groups of political likeminded personalities.¹⁴² There was contradiction in the letter and spirit of the Ayub's advice regarding political affiliation and grouping in assembly. The contradiction was very clear that the Ayub regime appointed leader of the house which was representing treasury benches and favoring the administration on various occasions while the sanctions were imposed on opposition for political affiliations for years after the elections.

The grouping in the assembly made for favoring the Ayub regime was converted into political party (Pakistan Muslim League – Convention) after the approval of political parties act, under the supervision of Ayub Khan. The Convention League clearly supported the Ayub Khan in all affairs till his removal from office in 1969. Ayub Khan managed the party under his control and accomplished his objectives by using the PML-Convention. Ayub became party president by using his power in government and managed the 1965 elections for his party by using state-machinery.¹⁴³ The Ayub regime openly engineered the elections and political system of Pakistan by using the governmental position in federal as well as provincial setup which became cause to create political vacuum and weekend the electoral system in the country.¹⁴⁴ Ayub Khan influenced the political system by using

¹⁴² Mohammad Ayub Khan (President of Pakistan), NAPD, 1st year, 1st Session, 08 June 1962, 6-9.

¹⁴³ M. Rafique Afzal, *Political Parties in Pakistan 1958-69*, (Islamabad: National Institute of Historical and Cultural Research, 1991), 94.

¹⁴⁴ Nazeer Ahmad, *Political Parties in Pakistan: A Long War Ahead*, (Islamabad: Khurshheed Printing Company, 2004), 117.

his position in government and also used his military position to manage the democratic system which politicized the forces and left a negative impact on the image of armed forces.¹⁴⁵

1.5 Selection of Suitable Candidates and Influencing the Election Process

The regime especially the Ayub Khan clearly announced many times that the President and government would not interfere in electoral process and must avoid to supporting any candidate before as well as during poll.¹⁴⁶ Ayub made this type of statements on various occasions and ensured the international community that election process would be transparent as well as translucent and there would not be any interference by the authorities in the polling process. But contrary to their statements and international commitments, Ayub Khan and his regime interfered in electoral process in all regards and tried to pick and choose candidates with their own needs.¹⁴⁷

The contenders of unannounced King's Parties (Convention Muslim League) had full support by state-machinery to manage the constituencies as well as voters for winning. The concept of King's Party was disseminated at large during the second election under Ayub regime in 1965. The election cell worked to manage the poll in favor of Ayub Khan in presidential election and King's Party candidates in assemblies' polling.¹⁴⁸ It was due to

¹⁴⁵ Elahi Bakhsh Phulpoto, "Party Politics in Pakistan," *The Nation* (Lahore), November 09, 2004.

¹⁴⁶ *Daily Pakistan Times* (Lahore), January 09, 1962.

¹⁴⁷ Nazeer Ahmad, *Political Parties in Pakistan: A Long War Ahead*, (Islamabad: Khursheed Printing Company, 2004), 117.

¹⁴⁸ Elahi Bakhsh Phulpoto, "Party Politics in Pakistan," *The Nation* (Lahore), November 09, 2004.

the large scale working of the regime's election cell that a huge number of rich personalities became member of national as well as provincial assemblies during Ayub era.¹⁴⁹

Ayub regime had introduced BDs system three years prior to the federal as well as provincial assemblies' election. The basic purpose behind the introducing the BDs system was to develop the class of leadership from ground level. However this local bodies' system could not develop new leadership class immediately. So the objectives of the regime could not be fulfilled in this regard.¹⁵⁰In this scenario the Ayub's Election Cell took responsibility to find out the new faces for inducting in the electoral process, and it remained successful in its search. The cell worked on area to area and city to city for finding out suitable candidates and pointed out various names belonging to in different cities.¹⁵¹

The regime influenced the elections at all levels and tried for the victory of their supportive candidates and they used all the means and authorities for this purpose.¹⁵²But it seems that the regime could not gain a tremendous victory and failed to have a overwhelming victory in first election under regime in 1962. The regime's overall defeat was reflected by Deputy Speaker Election, where candidate of opposition groups gained victory with the margin of one vote and Afzal Cheema from Faisalabad became the Senior Deputy Speaker of National Assembly.¹⁵³On the other hand, the regime gained

¹⁴⁹ Dawn (Karachi), May 16, 1962.

¹⁵⁰Tahir Kamran, Electoral Politics in Pakistan: 1955-1969," *Pakistan Vision*, Vol. 10, No.1 (2010): 90.

¹⁵¹Elahi Bakhsh Phulpoto, "Party Politics in Pakistan," *The Nation* (Lahore), November 09, 2004.

¹⁵²Nazeer Ahmad, *Political Parties in Pakistan: A Long War Ahead*, (Islamabad: Khursheed Printing Company, 2004), 182.

¹⁵³Tamizuddin Khan (Speaker of the National Assembly), NAPD, 1st year, 1st Session, 11 June 1962, 51.

overwhelming majority in the national assembly in 1965 elections and King's Party (Muslim League – Convention) scored majority of seats.

1.6 Composition of the Assemblies

The first National Assembly under Ayub Khan consisted of 156 members, 150 general seats (75 from each province East and West Pakistan), six reserved for women (three seats from each province). The elections for the National Assembly were held on 28th March 1962. There were significant personalities who had succeeded to reach in National Assembly in 1962. Personalities like Zulfiqar Ali Bhutto, Muhammad Ali Bogra, Justice Munir, Abdul Qadir, Habibullah remained in Ayub's cabinet from June 1962 to March 1965 but none of them was member of National Assembly during that period. The significant personalities in the National Assembly after winning the elections of 1962 were Molvi Tamiz-ud-din Khan, Sardar Bahadur Khan (Brother of President Ayub but sat in opposition in the Assembly), Senior leader of Muslim League Mian Abdul Bari, Sardar Attaullah Khan Mengal, Mir Khuda Bakhsh Mari, Fazal Elahi Chaudhury, and Afzal Cheema. Mukhdumzada Hamid Raza Gilani, Mufti Mahmood, Makhdoom Talibul Maula, Makhdoom Sajjad Hussain, Mir Balakh Sher Mazari, Malik Wali Khan, Zahur Elahi Chaudhry, Miss Zahra Aziz, Begum Mujeebun-Nisa, Begum Khudeja G.A. Khan, Begum Zari Sarfraz from west Pakistan while Benazir Ahmed, A.K Fazlul Haque, Abdul Hye Choudhury, Ahmad Ali Mondal, Abul Kasem Khan, Akhtaruddin Ahmad, Zia ul Ameen, Major Afsar Uddin, Begum Shamsun Nahar Mahmood, Begum Hamida Mohammad Ali,

Begum Roquyya Anwar, Begum Sarajunnessa Choudhury from East Pakistan also won the election and remained member of Assembly till 1965.¹⁵⁴ Although the elections were held on non party bases but later the grouping was made in pro-regime and anti-regime within the Assembly.

In the second National Assembly in Ayub era the pro-Ayub party, Pakistan Muslim League Convention (PML-Con) scored dominant majority in the house. The opposition was very strong in 1962 assembly but having no strength in 1965 even to requisition the session of the house. The pro-regime PML-Convention was very strong in the assembly but it's seemed that it had no deep-roots in masses.¹⁵⁵

The pro-government PML-Convention had immense majority in National Assembly by winning 120 seats out of total 156 while opposition could only clinch 15 seats and rest of the seats were won by independents. The Combined Opposition Parties (COP) could win 10 while Pakistan Muslim League Council gained only one seat and rest of seats scored by independents.¹⁵⁶ The position of assembly changed a little when independents joined different parties and the strength of the treasury benches became stronger. The majority of the treasury benches enhanced to 129 seats, COP as 14, National Awami Party 3, PML-Council only 1 and strength of independent group decreased to 5 seats in the National Assembly of the Pakistan.¹⁵⁷

There were number of new faces in National Assembly and various renowned political figures failed to reach in assembly, especially those belonging to opposition parties.

¹⁵⁴National Assembly, "*Members List of 1962-1965*," from www.na.gov.pk accessed on June 12, 2020.

¹⁵⁵M. Rashiduzzaman, "The National Assembly of Pakistan under the 1962 Constitution", *The Pacific Affairs*, Vol XLII-4, 483.

¹⁵⁶Tahir Kamran, Electoral Politics in Pakistan: 1955-1969," *Pakistan Vision*, Vol. 10, No.1 (2010): 90.

¹⁵⁷National Assembly, "*List of Members of 4th National Assembly 1965-69*," from www.na.gov.pk accessed on June 12, 2020.

Some close relatives of Ayub Khan also became the part of Assembly like; Gauhar Ayub Khan (son of President Ayub Khan) and Malik Muzaffar Ali Khan of Kala Bagh (son in law of President Ayub Khan). Number of new faces were also in the house like; Mumtaz Ali Bhutto (later became Chief Minister Sindh in Bhutto era), Ghulam Mustafa Jatoi (later became prime minister of Pakistan for interim period), Sheikh Mujib ur Rehman (later became Prime Minister of Bangladesh), Ruhul Amin, Raja Lehasib Khan, Mir Ghouse Bakhsh Bazinjo, Jam Sadiq Ali, Malik Nadir Khan, Chaudhary Sultan Ali, Mian Rafiq Saigol, Miangul Aurangzeb, and Pir Dudu Mian.¹⁵⁸

Although pro-regime PML-Con won 80 percent seats but one minister and twenty four sitting MNA lost their elections. PML-Con scored 54.8 percent while opposition 25 percent of casting votes and rest of votes gained by independents.¹⁵⁹ There were some unexpected victories and various defeats which indicated individuals' influence on voters rather than political parties. The most surprising defeat was of renowned industrialist Siddique Dawood, sitting MNA and treasurer of PML-Convention by the Fatima Jinnah's supporting candidate Hassan Sheikh.¹⁶⁰

A number of retired Army Officers succeeded to reach in Assembly by these indirect elections. Gauhar Ayub Khan (son of President Ayub Khan) was also a retired from Army as Captain. Lt. Col. Saleem Khan, Captain Yar Ali Khan, Captain Ahmed Khan Ghumman, Maj. General Muhammad Shah Khisro, Major Zulfiqar Ali Qizilbash, and some

¹⁵⁸National Assembly, "List of Members of 4th National Assembly 1965-69," from www.na.gov.pk accessed on June 12, 2020.

¹⁵⁹Iftikhar Ahmad, *Pakistan General Election: 1970*, (Lahore: South Asian Institute, 1976), 24.

¹⁶⁰Tahir Kamran, Electoral Politics in Pakistan: 1955-1969," *Pakistan Vision*, Vol. 10, No.1 (2010): 88.

other retired officer of armed forces reached in Assembly,¹⁶¹ and strengthened the regime in parliament.

1.7 Conditions of Country during 1962 to 1969

Politically in the initial phase of Martial Law, the country was facing a hostage situation and populace had no freedom to speak even for their basic rights. The strict Martial Law rules were imposed in the country, fundamental rights of the people were snubbed, political parties were banned and political activities were prohibited.¹⁶² Hundreds of political workers including Hussain Shaheed Suhrawardy, Maulana Bhashani, Abdul Ghafar Khan, Allama Mashriqui, G. M. Syed, Hyder Buksh, Muhammad Khan, Saifur Rehman many other front-line political leaders were prisoned by the regime just because of the political affiliations. Not only renowned personalities and political workers but the trade unionists, factory laborers, human rights defenders, civil society members were also arrested by regime. The protests were made by the public for the release of political prisoners but regime arrested and persecuted the political workers with allegation of agitation. Some political workers died in jails and regime buried them without contacting their relatives. Opposition demanded immediate release of political prisoners,¹⁶³ but regime used delaying tactics and ignored the matter for years.

After composition of Assembly in 1962, opposition tried to raise the issue of political prisoners and political prohibition consistently but could not gain time for speaking on the topic. The huge number of members from East Pakistan supported the point of political prisoners in the Assembly and requested Speaker to discuss the matter

¹⁶¹Tahir Kamran, Electoral Politics in Pakistan: 1955-1969,” *Pakistan Vision*, Vol. 10, No.1 (2010): 88.

¹⁶² I.T.M. Lucas (UK High Commission) to R. Walker (Commonwealth Relations Office London), *Action Against Ex-Politicians*, 28 October 1959, TNA London, DO 35/8952.

¹⁶³ NAPD, 18 June 1962, 117-118, 124-127.

and demanded for early release of political prisoners arrested during the Martial Law by regime.¹⁶⁴ The speaker as well as treasury benches tried to delay the matter. However, the government admitted that there around 15 hundred jailbird in different jails which can be considered political prisoners while apposition pointed out that the number of political prisoners was double than government claimed.¹⁶⁵

The country remained central point of spy activities, especially during Sino-Indian War in 1962 in Chinese border areas and against the USSR for the American interests. The Ayub government got permission from Assembly for the free movements of hundreds of Americans without showing their identity. They were permitted for their doings and were not answerable to Pakistani Authorities for any activity. There was no check and balance upon them. The government presented a list of foreigners in the Assembly and got permission without discussing the matter in the Assembly. The opposition legislators tried many times to discuss the matter but they were not permitted for that.¹⁶⁶ The Ayub government especially relaxed the restrictions imposed on foreigners for their movement and permitted them for free movement in any part of the country without registering with concerned authorities. Ayub regime gave especial permissions about the exemption of registration and movement without restrictions to hundreds of Americans, especially during Sino-Indian conflict.¹⁶⁷

The War of 1965 was a critical time for the country. The issue of Indian insurgencies in border areas of East Pakistan before and after the September War was raised in the Assembly by some opposition legislators but they were not permitted to discuss the

¹⁶⁴Ibid, 117-118.

¹⁶⁵ Ibid, 76-77.

¹⁶⁶ NAPD, 24 November 1962, 66-67.

¹⁶⁷ Government of Pakistan, *Declaration of Exemption Order, No. 2-9-1961-Poll (1)-2*, 03 September 1962.

matter.¹⁶⁸ The issue of Indian assault in Kargil just few months before the 1965 War was raised in the Assembly by opposition.

The legislators showed keen interest in security of the state and demanded detailed discussion against Indian insurgency,¹⁶⁹ but the Ayub government did not agree to discuss the issue in legislature.¹⁷⁰ Ayub regime could not be agreed to discuss the issue of insurgency in the legislature but wrote letters to UN and other international forums about Indian insurgency. President Ayub wrote international bodies that Indian Army launched operation in Kargil in May 1965, crossed Cease-Fire line and occupied three Pakistani posts.¹⁷¹ The issue of Indian Build-up on border, once again rose in the Assembly on in June 1965 but Ayub government did not agree to discuss the matter within legislatures. Pakistan had to face the bombing and firing from Indian troops in that area and overall peace conditions of the country was not satisfactory and resulted into War in various border areas.¹⁷²

The issue of Indian insurgency in September 1965 was not presented in the Assembly, even the Tashkent Agreement was not presented in the Assembly for formal approval. President Ayub Khan just announced that he signed the agreement with India in Tashkent but its details were not presented in the legislature.¹⁷³

Ayub's minister of Foreign Affairs Z.A. Bhutto refused to openly endorse the Tashkent declaration and showed deep concern upon that. The public image was also

¹⁶⁸ Abul Quasem; Abdus Sobur Khan, NAPD, 1st year, 1st session, 14 June 1965, 36-39.

¹⁶⁹ Fida Mohammad Khan, NAPD, 25 June 1965, 1st year, 1st session, 587.

¹⁷⁰ Makhdumzada Syed Hamid Raza Gilani, NAPD, 25 June 1965, 1st year, 1st session, 587-588.

¹⁷¹ Ayub Khan, The President of Pakistan to The Secretary-General United Nations, 05 September 1965, DO 196/384, The National Archives (TNA) London.

¹⁷² NAPD, 1st year, 1st session, 24 June 1965, 173.

¹⁷³ General Muhammad Ayub Khan (President of Pakistan), NAPD, 1st year, 3rd session, 08 March 1966, 63-66.

against this cease-fire agreement and populace considered it against the interests of the country. The public especially the students rose against the pact and demonstrated to back the Kashmir issue. Bhutto resigned from his post of Foreign Minister and publicly criticized the Tashkent Declaration. He staged demonstrations against Ayub and arranged tour de force public gatherings where Ayub's policies were criticized in all respects.¹⁷⁴ The opposition in the Assembly tried to speak about the declaration but stopped by the chair and just allowed to discuss upon constitutional and development points and advised not to speak about sensitive points. The opposition pretested and walked out but not allowed to speak.¹⁷⁵

The Bhutto did not agree to accept the Soviet draft of Tashkent Declaration but Ayub accepted it with his own will. The clause of non-use of force between both the countries for Kashmir was included by the own handwriting of Ayub Khan after the denial of Bhutto to do so. Z.A. Bhutto tried to counsel the Ayub about various contradictory clauses but could not succeed. The former Governor Punjab Salman Taseer presented this controversy as:

“Bhutto could clearly see the implications of signing the Tashkent Declaration. He bitterly opposed the Declaration and fought tenaciously for the exclusion of some of the more damaging clauses. But as Ayub Khan's Foreign Minister, his influence was clearly limited.”¹⁷⁶

The movement against Ayub Khan was at peak but regime was showing peace in the country, especially before the legislature. During the agitation against Ayub Khan in 1968 to 1969, the Assembly was in session and legislators tried to discuss the issues but

¹⁷⁴Rehman Sobhan, “Pakistan's Political Crisis”, *The World Today*, 25-5 (May 1969), 204.

¹⁷⁵NAPD, 1st year, 3rd session, 09 March 1966, 160-174.

¹⁷⁶Salmaan Taseer, *Bhutto a Political Biography*, (Lahore, Evergreen Book, 1979), 64.

the chair did not permit them to discuss the matter of in stability in country.¹⁷⁷ The journalists, students and civil society had launched the movement against Ayub Khan and regime was trying to tackle it with strict hands,¹⁷⁸ but there was silence in legislature. The issue of journalists' movement against Ayub government was presented in the assembly by a apposition legislator but the treasury benches did not reply properly on the matter.¹⁷⁹ During and after the War of 1965, the country had to face the crises of food but Ayub regime ignored the matter for months.¹⁸⁰ The issues of food security and overall poor law and order condition were also presented in the Assembly by legislators but they were not answered properly by the treasury benches.¹⁸¹

The martial law that gave birth to Ayub regime was enforced due to anti parliamentary conspiracies of executive, civil and military bureaucracy. The parliament, however, was an unwanted necessity of the military regime. To address this necessity a plan to establish a tamed assembly was executed. The rules of elections were made in such a way that major resistant politicians could not enter in the Assembly. For this the strategic of indirect polls through electoral college of Basic Democracies were adopted. The composition of the Assemblies during Ayub regime and powers vested to them sufficiently proved that the assemblymen were easy prey of the regime and parliament as a whole was a weak institution which could not demonstrate its efficacy as a representative body of the people of Pakistan.

¹⁷⁷NAPD, 4th year, 10th session, 12 February 1969, 472.

¹⁷⁸ Bryn Jones and Mike O'Donnell (Ed), *Sixties Radicalism and Social Movement Activism: Retreat or Resurgence*, (London: Anthem Press, 2010), 73.

¹⁷⁹Mian Arif Iftikhar, NAPD, 4th year, 10th session, 12 February 1969, 895.

¹⁸⁰ Mr. James, United Kingdom High Commission (UKHC) Rawalpindi, to CRO London, 10 September 1965, DO 196/384, TNA London.

¹⁸¹NAPD, 2nd year, 4th session, 30 May 1966, 110.

Chapter – 2

Ayub Khan’s Influence on National Assembly (1962-1965)

This chapter contains an elaborated study of the National Assembly of Pakistan formed in 1962 and tenured till the 1965 and also examined the influence of the President Muhammad Ayub Khan on legislature and legislators. This portion had the inspected study about the Ayub’s needs and wishes and democratic leaders’ aspirations and desires to the Assembly. This section of the study also assessed the working of the National Assembly and examined the powers of the Assembly and role of legislators in legislative and administrative affairs of the country, especially at federal level. The representation of the assembly members in cabinet and procedure of approval for financial affairs had also been evaluated.

Ayub Khan, Commander-in-Chief at that time, had occupied the power corridors of the country as the Martial law was enforced in 1958. All the authorities to run the administrative and legislative affairs of the country had been taken into the command of the President of Pakistan Iskander Mirza (at that time), but Mirza could not stay in power corridors more than 15 days after the enforcement of the Martial Law and Ayub took over the charge of all the authorities and declared himself the President of the Pakistan. Ayub was a Military ruler, came into power with Martial law authority and had not been concerned with people’s wishes of democracy¹⁸².

When the military rule was imposed, the general election had already been announced in early 1959 under the 1956 constitution but President Iskander Mirza declared

¹⁸² Samiullah, *Transparency in Elections during Ayub Era*, (Government College University Faisalabad), unpublished MPhil Thesis 2019, 1.

Martial law under the command of Chief Martial law administrator Ayub Khan¹⁸³. General Ayub did not consider the parliamentary system suitable for Pakistan and had given reason that immature political leadership and non-appropriate national cohesion became the cause to upset the democratic organizations in the country¹⁸⁴ and he argued many times in this regard.

In 1960, the Martial law regime announced parliamentary election within one year¹⁸⁵ but it had not been conducted till the 1962. The election of national and two provincial (East Pakistan, West Pakistan) assemblies were held in 1962 but not by the direct vote of adult populace of the country but the public representatives were chosen by indirect method. The 80 thousand (half from each province) BD members (local bodies representatives) were declared Electoral College for the national and provincial assemblies elections¹⁸⁶. The International forces were surprised upon the indirect poll where 80 thousand representatives were electing the National Assembly on behalf of 94 million populace.¹⁸⁷ The matter was also discussed with the authority and validity of National Assembly. The United Kingdom officials presented the reason behind the concept of indirect polls that, election activities required the political events and happenings which were banned under the Martial Law rules. The indirect poll had low intensity of public interest and candidates had more chances to speak out at various issues without mass level promises.¹⁸⁸

¹⁸³National Assembly of Pakistan, *Parliamentary History*, (Islamabad, National Assembly Archive, n.d.) Retrieved from official website of the National Assembly from <http://www.na.gov.pk/en/content.php?id=75>

¹⁸⁴ Khalid B. Sayeed, Pakistan: New Challenges to the Political System, *Asian Survey*, Vol 8-2, 97.

¹⁸⁵*Daily Nawa e Waqt Lahore*, 02 January 1960.

¹⁸⁶National Assembly of Pakistan, *Parliamentary History*.

¹⁸⁷ South Asia Department UK, *Pakistan Elections 1962*, (London: Secret file classified in 2017, SEA 44/6/21), DO 196/90.

¹⁸⁸ South Asia Department UK, *Pakistan Elections 1962*, (London: Secret file classified in 2017, SEA 44/6/21), DO 196/90.

Ayub formed a unicameral parliament with the federal but presidential system of governance. The parliament had no powers for the accountability of government. The cabinet had not been chosen from the assembly but appointed by the president other than legislatures. The provincial setups had also been fixed by the president and province was run by the governors appointed by president. The president also had the powers to dissolve the parliament with no reason¹⁸⁹.

President Ayub called the martial law as revolution against incompetent political forces and aimed military regime would have two stairs of objectives, short term and long term. Ayub had also been aimed to position the army in various areas of the country to empower the martial law. The social and constitutional rehabilitation was declared as the short term objective of the revolution and Ayub aimed to balance the social, financial and economic lifecycle of state¹⁹⁰. Ayub declared that the constitutional rehabilitation and other short term objectives must be achieved within six months¹⁹¹ but the scenario showed that the constitution was finalized in four years.

The international forces did not consider Ayub Khan a responsible person, nor the good commander and administrator. Ayub had commissioned in British Army, before independence, and British record showed that Ayub remained failed as commanding officer and might be relieved from service but succeeded to retain his service only due to partition. The reports presented the view that Pakistan was facing serious problems of competent human resource after independence and Ayub had gotten senior position in that

¹⁸⁹ M. Rashiduzzaman, The National Assembly of Pakistan under the 1962 Constitution, *The Pacific Affairs*, Vol XLII-4, 482.

¹⁹⁰ Mohammad Ayub Khan, *Friends Not Masters*, (London: Oxford University Press, 1967), reproduced by (Islamabad: Sani H. Panhwar, 2018), 75.

¹⁹¹ *Ibid*, 76.

scenario otherwise he would be relieved from Indian Army services. The British reports presented him as “strongly pro-American” army officer who had keen interest in increasing the military aid from international forces¹⁹².

2.1 Wishes and Needs of President Ayub Khan

Ayub Khan, first military ruler of Pakistan from 1958 to 1969, wanted a soft and democratic face for his so-called revolution. A Constitutional and democratic setup was necessary to lift the martial law. The international pressure agreed him to lift the martial law and implement the Constitution but as Martial Law Administrator, he had made himself President of Pakistan as the most powerful man in the country and central point of all the authorities. The power structure was made with authorities of the president all around. He had the powers to dissolve the assemblies and nominate cabinet members. All the administrative authorities were made under his centralized command.

The Commander-in-Chief Ayub Khan had political ambitions and was trying to control the power structure of the country from very early days. He entered in the power arena in 1951 and assumed powers step by step. The scenario elaborated in “The Army and Democracy” with these words, “professional development did not depoliticize the Pakistani military. Instead, it aroused the military’s interest in civilian affairs and spurred members of the senior officer corps, led by the commander in chief, General Mohammad Ayub Khan (1951– 1959), to voluntarily assume the obligation of properly organizing political society and the state. The military was initially content with playing the role of the stabilizing power behind the throne”.¹⁹³ Ayub Khan denied having political ambitions

¹⁹² South Asia and Eastern Department UK, *Pakistan Internal Situation 1959*, (London: Secret file classified in 1991, FE 391/15). DO 35/8949.

¹⁹³ Aqil Shah, *The Army and Politics: Military Politics in Pakistan*, (London: Harvard University Press, 2004), 6.

in his autobiography that he did not want to inter in politics but Governor General Ghulam Muhammad interred him political affairs¹⁹⁴. But the scenario presented the other image. British reports showed that Ayub regularly participated in international conferences and demanded financial military aids. The reports had also showed that Ayub had built himself not only for military affairs but also for civil administrative affairs of the country¹⁹⁵. Although, Ayub denied repeatedly about his political ambitions but the international reports and research work presented the picture of his ambitions clearly. The same seemed in his created Constitution, he made Presidential office as center point of all the authorities and assume the Presidential office without any election or public will in his favor in June 1962 when he lift the Martial.

The 1962 National Assembly had significance in the democratic history of Pakistan, as Ayub Khan desired to set democratic setup in the country with low intensity. The Assembly was elected through indirect elections. President Ayub required a low density polls where candidates remained attached with local level issues and National and International issues would not be discussed at mass level. The adult franchised election would become the cause of mass level political activities and public promises of political figures. The Ayub regime did not require open public discussions upon issues like Pakistan's relations with UK, USA and other global forces.¹⁹⁶ There was no political freedom for parties, nor for populace because the elections were held during the Martial Law and it was lifted after poll as the members of National Assembly took oath and unicameral parliament started its official working. It had been announced by the Chief

¹⁹⁴ Mohammad Ayub Khan, *Friends Not Masters*, 183.

¹⁹⁵ South Asia and Eastern Department UK, *Pakistan Internal Situation 1959*.

¹⁹⁶ United Kingdom High Commissioner (UKHC) Karachi, *Pakistan Elections 1962*, DO 196/90, The National Archives (TNA) London.

Martial Law Administrator and President of Pakistan General Ayub Khan during the address in first session of the Assembly. President Ayub address the Assembly before the oath of the members and the sessions was chaired by the Chief Election Commissioner (Akhter Hussain) and oath had also been taken by chair.¹⁹⁷

Addressing the assembly session, the President of Pakistan, Ayub Khan, announced to lift the Military Rule imposed on 08th October 1958 and clarify the members that the Martial law was enacted in a severe emergency and it had become necessary to save the country¹⁹⁸. While Ayub admitted in his autobiography, that he knew about dissolving the government and imposing the Martial few days earlier to its enforcement. Ayub Khan had a detailed meeting about the enforcement of Martial law with Iskander Mirza (president at that time) and other army officials.¹⁹⁹

Ayub declared the constitution as best for the prosperity of the country and directed the assembly members not to amend the constitution without his permission. He also advised the legislators to visit his office and have guidance about the legislative and administrative working from him. He also offered the assembly member with agreeing of his views and ideology they would have chance to administratively participate in country's build up²⁰⁰.

Ayub wanted that political parties could not establish in the country and system remained in his own hands²⁰¹ and he supported the indirect pole for legislator and also for

¹⁹⁷ Mohammad Ayub Khan, President of Pakistan. Address to Assembly, National Assembly Pakistan Debates (NAPD), 8 June 1962.

¹⁹⁸ Assembly Debates, *Address of President of Pakistan; Mohammad Ayub Khan*, Official Report of the First Session of the National Assembly of Pakistan 1962, (08 June 1962), 1.

¹⁹⁹ Mohammad Ayub Khan, *Friends Not Masters*, (London: Oxford University Press, 1967), 70.

²⁰⁰ Assembly Debates, *Address of President of Pakistan; Mohammad Ayub Khan*, Official Report of the First Session of the National Assembly of Pakistan 1962, (08 June 1962), 6.

²⁰¹ Assembly Debates, *Address of President of Pakistan; Mohammad Ayub Khan*, Official Report of the First Session of the National Assembly of Pakistan 1962, (08 June 1962), 6.

presidential election and associated this system with the problems of the country and declared that it would be suitable to solve the issues. But the same time he allowed the legislature to amend the electoral college with practicable and feasible adjustments. He also offered to form a commission for electoral college modifications²⁰². Although president had allowed the assembly but the legislators had not taken interest in this regard and the presidential elections of 1965 had been held with indirect electoral college which had been defined by the Martial regime²⁰³.

The Opposition legislators committed with democratic ideals declared the 1962 Constitutions as man-made document and full of error. They did not agree to consider this as perfect as the government proclaimed. They had also shown determination to amend the objectionable and obnoxious elements of the Constitution. The democratic minded legislators also showed commitment to restore the fundamental rights of the masses by amending the Constitution. Mohammad Ali (An Assembly member) showed happiness on lifting of Martial law and declared that time period as the evil influence. The democracy-loving legislators clearly mentioned that 1962 Constitution had not fulfilled the democratic fundamentals and it had to be amended by Assembly²⁰⁴.

The treasury benches, influenced by authoritative government in different ways, praised and defended the Constitution in Assembly. The treasury legislators labeled the 1962 Assembly as the first and best democratic institute since independence. They praised the revolutionary reforms of the Ayub regime and expressed their satisfaction with the

²⁰² Assembly Debates, *Address of President of Pakistan; Mohammad Ayub Khan*, Official Report of the First Session of the National Assembly of Pakistan 1962, (08 June 1962), 6.

²⁰³ Altaf Gauhar, Presidential Elections: Altaf Gauhar's Version, *Pakistan Journal of History & Culture*, Vol XXIV-1, 19.

²⁰⁴ NAPD, 8 June 1962.

Constitution. Some treasury legislators who had moral courage of not denying the fact did not discuss the Constitution-making process at all. They spoke upon Muslim unity and Islamic integrity in the previous times and showed commitments for the future unanimity of Muslim world under the command of Pakistan, especially with the current Pakistani setup²⁰⁵.

The Assembly debates presented the scenario that, the majority of legislators demanding amendments and alteration in constitution belongs to the East Pakistan and most of them had been addressed the session in Bengali language which was translated later for assembly record²⁰⁶. While, the majority of the legislators from Western side of the country just praised the government or raised the voice for Muslim Unity and Islamic values. They had not directly criticized the regime and nor focused upon constitutional amendments and alteration. Generally, the legislators from West Pakistan had been spoken in English or Urdu but also addressed the assembly in Pashto, Balochi and Sindhi too.²⁰⁷

The president Ayub Khan admitted that the constitution had not been outlined by God but a human creation, this saying had been raised in the Assembly session and legislators pointed out that human framed document can be amend and make better for the populace. They had been determined to amend the constitution and would make it democratic with the power of Assembly.²⁰⁸ But the later scenario presented the view that the assembly had not complied with their commitments as the a huge amount of the legislation was made by the presidential order instead of the act of assembly. The assembly

²⁰⁵Ibid., 17-52.

²⁰⁶ Assembly Debates, The National Assembly of Pakistan 1962, (08 June 1962), 32.

²⁰⁷ Assembly Debates, The National Assembly of Pakistan 1962, (08 June 1962), 21.

²⁰⁸ Assembly Debates, The National Assembly of Pakistan 1962, (08 June 1962), 21.

had only passed five acts during 1962 but the legislation made by the presidential office in shape of ordinances was in 80 number during this year.²⁰⁹

The Masses had the aspirations of prosperity, opulence and magnificence from the Ayub's so-called revolution but they can only get frustrated and disappointed by the Martial Law regime. General took over the charge with the announcements to solve the country's problems and to change the socio-political scenario but failed to give benefits to the general public. Ayub's strategy about friendship with China was considered glistened in region and internationally but at local his image remained quit different in public. Common man disappointed with his policies and constitution. Ayub's party was not supported by the populace, although it had been won the election by indirect pole. There was a strong opposition in the assembly with strong voices and Ayub regime had to face opposition leaders and general public²¹⁰.

They had no way to express against the Ayub, even the media had not been free to publish populace voice. Media owners had been playing the role as obedient and aphonic player and no voice against Ayub Khan all around. The masses had been depressed due to non-expression of reality. The presidential campaign of Fatima Jinnah gave the populace chance to express against the regime. Ayub and his allies had no idea about the unification of opposition in presidential election and strong voice of Fatima Jinnah against General in pole. The charismatic personality of Miss Jinnah had attracted the masses and crowds

²⁰⁹ Ministry of Law and Parliamentary Affairs, *A Collection of the Central Acts and Ordinances for the Year of 1962*, (Karachi: Government of Pakistan Press, 1963), M. Law-141/500.

²¹⁰ Altaf Gauhar, Presidential Elections: Altaf Gauhar's Version, *Pakistan Journal of History & Culture*, Vol XXIV-1, 19.

considered their own voice against dictator. The situation was unexpected for regime and Ayub had to be addressed the public forums, unwillingly²¹¹.

2.2 Constitution Making and Amendments without Assembly

Generally, in the democratic societies the Parliament formulates the Constitution but as for 1962 Constitution, it was not made by any Assembly, nor approved by legislature. President Ayub Khan articulated the Constitution and did not feel need for formal approval of the Assembly which he had created to fulfill the international demands for the restoration of the democracy. As for the Constitution making, The President Ayub did not rely upon his own formulated Constitution Commission and violated its suggestions and drafted the Constitution with a large number of modifications.

The 1962 Constitution was not passed by the Assembly but it had been made by the Ayub Khan with the recommendations of a Commission formed by him. General Ayub admitted that he had added all his ideas of reforms regarding social, legislative, political and administrative affairs in the Constitution. Addressing the first session of the National Assembly Ayub Khan commented about the 1962 Constitution as “What I have produced in this Constitution has become from my heart and soul and it is my belief that the country can run sensibly and can prosper under this system”. Contrary to the parliamentary traditions and acting in authoritative way he advised the legislators not to amend the Constitution at large but to defend it. He categorically declared that the primary purpose of the Assembly was not to amend the Constitution²¹².

²¹¹ Ibid, 20-21.

²¹² Ibid.

Negating the parliamentary traditions of constitution-making through public representatives the authoritative Ayub gave the National Assembly no role in formulation of the Constitution. The Constitution was promulgated before the birth of Assembly.²¹³ In other words the Constitution was not production of the legislature but Assembly was product of the Constitution and it had not been permitted to look into or approve the Constitutional draft. The old parliamentarians and politicians, trained under British system where only parliament is assigned with the work of constitution making, had thought that they had authority and power to amend the Constitution according to their will. It was natural perception of every democratic minded parliamentarian and politician that Assembly would have a major and fine role to amend the Constitution but the scenario presented the picture that the Assembly was influenced by the Presidential powers and legislators could not go beyond the wishes of authoritative Ayub Khan.

After 16 months of the execution of Martial law, President Ayub Khan announced efforts for restoration of the democracy and formed a committee with the objective to strengthen the democratic institutes but committee had not been empowered for his work and had been given authority just to submit proposals to the military ruler. Justice Shahab Uddin was appointed as chairman of the said committee. The Constitution Committee completed its work in fourteen months and submitted his proposals to the President²¹⁴. After that, military regime completed the draft of Constitution in eleven months. The military ruler was the supreme authority to enforce and finalized the constitutional deed

²¹³ Shujaat Siddiqi, "President's Powers in U.S. and Pakistan," *The Pakistan Times*, 4 May 1960.

²¹⁴ National Assembly of Pakistan, *Parliamentary History*, (Islamabad, National Assembly Archive, n.d.) Retrieved from official website of the National Assembly from <http://www.na.gov.pk/en/content.php?id=75>

and he did with his own will and wishes²¹⁵. President Ayub and his law minister Abdul Qadir made the major changes in proposed draft of the Constitution. The Constitution was enforced in 1962 and democracy was molded accordingly. Military regime showed that it had been molded according to socio-political situation of the country.²¹⁶

At the stage to impose the Martial law, General Ayub avowed six months for the constitutional rehabilitation and administrative plus social reforms but the Constitution was only finalized within 40 months and Assembly was promulgated after the 42 months of the Martial was imposed. The President restored the Assembly with his address to his own framed unicameral legislature and declared the moment to restore the National Assembly and lifting the Military rule as historic as the Martial law was imposed.²¹⁷

General Ayub declared that “the Constitution is the suitable for the requirement of the country”²¹⁸ and advised the legislators not to amend it in hurry. Acting upon this authoritative direction it was insured by the Law Ministry and treasury parliamentarians that amendments must be taken in consideration of the Assembly only with the prior approval of the President²¹⁹. The independent members presented the amendments in the Assembly but secretariat did not consider them due to non-consideration of the President. The Treasury benches presented the amendment bill with the prior approval of the president but the opposition and independent members had no access to the President and their amendments were even not allowed to be presented in the House. The Speaker recognized

²¹⁵ Assembly Debates, *Address of President of Pakistan; Mohammad Ayub Khan*, The First Session of the National Assembly of Pakistan 1962, (08 June 1962), 6.

²¹⁶National Assembly of Pakistan, *Parliamentary History*, (Islamabad, National Assembly Archive, n.d.) Retrieved from official website of the National Assembly from <http://www.na.gov.pk/en/content.php?id=75>

²¹⁷ Assembly Debates, *Address of President of Pakistan; Mohammad Ayub Khan*, Official Report of the First Session of the National Assembly of Pakistan 1962, (08 June 1962), 1.

²¹⁸ NAPD, 8 June 1962, p. 4

²¹⁹ NAPD, 4 July 1962, p. 1004.

this issue and promised with the members an access to the President or their amendments would be presented to the President for his consideration.²²⁰

The vast majority of the Assembly members remained silent upon the Constitutional amendments on direction of the President during and soon after his address but Mufti Mahmood, an independent opposition member from West Pakistan, raised the voice against this point soon after the presidential speech. Mufti addressed the chair and viewed that the Assembly members took oath to protect and defend the Constitution but would use the powers to amend the defective clauses of Constitution if needed. Mufti pointed out the powers of the Assembly to amend the Constitution but the Chair did not allow him to carry on further and he was advised to have oath first and then express his ideas.²²¹

Ayub's view in favor of Presidential System could not have the international recognition and world think that he had some weaknesses for which he combat against the Parliamentary system. Khalid B. Sayeed criticized Ayub's ideology about Parliamentary system as "Ayub's arguments that parliamentary democracy is not suitable to Pakistan cannot be brushed aside lightly. He feels that parliamentary democracy through its party system tends to divide people into majorities and minorities when a developing country needs unity and singleness of purpose. This disintegrating process causes further havoc in a country which is already' divided into tribes, religious sects, and regional and linguistic groups. All this may be true but the real criticism of Pakistan's political leaders would be that democracy failed in Pakistan because the leaders did not properly follow the democratic process that is, they did not establish viable political parties which could

²²⁰ Ibid.

²²¹ NAPD, 8 June 1962, p. 8.

construct working majorities out of diverse linguistic and regional groups. Politicians would argue that this might have happened if democracy had been given enough time and elections. Army generals, supported by cohesive modern military machines, can seldom resist the temptation to seize power when their governments, faced by rising expectations, are struggling hopelessly to raise living standards with extremely limited resources. In contrast to the united military apparatus that the generals possess, the politicians have to depend upon the ever shifting loyalties of factions and groups”.²²²

There was some hidden pressure on Speaker and Assembly Secretariat who were not free to present the members’ proposed amendments in the Assembly. This became evident by the attitude of speaker during the consideration of amendments. Legislators insisted to present their amendments related to the amendment bill presented by the treasury benches and Speaker refused to allow their consideration and could not explain the reason behind the refusal. Aziz Din, a member from West Pakistan, emphasized upon presentation of his amendments. He wanted the explanation for the refusal. The Speaker replied “These matters I cannot discuss in the open house. See me in my chamber but you have not to discuss that conversation on the floor of the house”.²²³

President Ayub Khan, the sole creator of the Constitution had managed the upcoming situation in the provisions of the Constitution. One of the Constitutional provisions required prior approval of the President for every amendment to be tabled in the House. The provision said that the legislators must have a prior approval of the President to recommend the amendments in any clause of the Constitution. The members read out the rules again and again and tried to find out any solution to present the amendments in

²²²Khalid B. Sayeed, Pakistan's Constitutional Autocracy, *The Pacific Affairs*, Vol 36-4, 366-367.

²²³NAPD, 4 July 1962, p. 1005.

the house. They proposed to get the drafts passed by special committees or standing committees but there was nothing to do without prior approval of the President in all cases²²⁴. The Assembly could not even discuss various amendments which had no prior consideration by the President.²²⁵

President Ayub had been declared as the key authority in 1962 constitution as all the cabinet had to be nominated by him without any restriction of political and educational experiences and qualifications. None of the member of national and provincial assemblies had been made the member of the cabinet but Ayub nominated them with his own likeness and need. The Ayub regime did not count any worth for assemblies which had been shown by their act to neglect the assembly business. The questions put by the legislature remained unresponsive and their number had been increased day by day from 1962 to 1969²²⁶.

The point was raised in the Assembly that if the President did not give consent for the amendments and denied their discussion then what would have been done. The opposition members from East Pakistan upstretched this issue again and again and suggested the procedure other than Presidential consideration but the Assembly could not take decision. The Senior Deputy Speaker, Afzal Cheema, agreed upon the point but could not resolve the issue. The legislators demanded that the Assembly Secretariat played role for bridging between legislators and President's office for taking consent on amendments as it had been done in previous two Assemblies but their demand remained unattended.²²⁷

²²⁴Ibid, p. 1004.

²²⁵ Ibid.

²²⁶ M. Rashiduzzaman, The National Assembly of Pakistan under the 1962 Constitution, *The Pacific Affairs*, Vol XLII-4, 483.

²²⁷ NAPD, 5 July 1962, p. 1070-1071.

President Ayub Khan admitted that the Constitution had not been outlined by God and it was a human creation. He raised this point on the floor of the House. The democratic legislators picked the point and argued that human framed document could be amended and made better for the populace. They were determined to amend the Constitution and would make it democratic with the power of Assembly.²²⁸ However the authoritative regime's control over Assembly did not let them materialize their intentions. They could not comply with their commitments as major portion of the legislation was made by the Presidential orders instead of the acts of Assembly. The Assembly had only passed five acts during 1962 but the legislation made by the presidential office in shape of ordinances was in 80 in number during first parliamentary year.²²⁹

The Assembly was threatened about the dangers of the dissolution in its first meeting by the General Ayub Khan. The President presented the scenario of the disruption, instability and breakdown of the Assembly if the legislators did not cooperated with him. Ayub Khan asking about the threats but in real sense he was feeling about the authority and powers of the Assembly which could be harmful for his rule. Same time he recognized the authority of legislature and told that the Assembly can amend any clause of the Constitution which may be found defective.²³⁰

The president desired the cooperation of the legislators recognizing the power of National Assembly as supreme authority in the sphere of law making. This desire of cooperation presented the scenario that the President acknowledged that operate the

²²⁸Ibid., 21.

²²⁹ Ministry of Law and Parliamentary Affairs, *A Collection of the Central Acts and Ordinances for the Year of 1962*, (Karachi: Government of Pakistan Press, 1963), M. Law-141/500.

²³⁰ Assembly Debates, *Address of President of Pakistan; Mohammad Ayub Khan*, Official Report of the First Session of the National Assembly of Pakistan 1962, (08 June 1962), 7-8.

administrative affairs without the cooperation of the legislature might not be possible. In fact, his threats about the dangers were recognition of the powers of legislature which showed that the dictator of the time would not ready to accept any encroachment on behalf of the Assembly. He chided the case of disappointed Pakistan again to face the Martial law and the dissolution of Assembly.

2.2.1 Amendment in Constitution

The First Amendment

The First Amendment in the Constitution was enforced on 10th January 1964. In this amendment the preamble to the Constitution was changed and the words “within the limits prescribed by Him” were inserted in the first paragraph.

By adding the words ‘as set out in the Holy Quran and Sunnah’ in the fourth paragraph of the preamble, the explanation regarding the Islamic aspect of the Constitution was made. To give the Constitution more Islamic colour the name of the Country was changed from ‘the Republic of Pakistan’ to ‘Islamic Republic of Pakistan’. By insertion of new provisions in the second chapter the Advisory Council of Islamic Ideology was authorized to give an advice on any question as to whether a proposed law was or not repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah. Thus it was provided that no law would be repugnant to the teachings and requirements of Islam. Through amendment in the article 205 of the Constitution the Advisory Council of Ideology was empowered to prepare annually a report in regard to its proceedings. This report was to be presented to the President who was empowered to lay it before the National Assembly. Here again the President was empowered in contrast to

the National Assembly as the Council was not said to send the report directly to the National Assembly and it was left to the pleasure of the President that he might lay or abstain to lay the report before the Assembly.

The chapter of Fundamental Rights was substituted with the principles of law-making and of policy. It was envisaged that any law inconsistent with the human rights would be considered void. It was also enforced that the state would not make any law which took away or abridged the human rights conferred in the Constitution. However, in the matters of defence services or public order these fundamental rights would not apply. Rights of life, liberty were conferred by safeguards to arrest and detention. Slavery and forced labour was prohibited. Protection against retrospective punishment and freedom of movement was provided. Freedom of Assembly, association, and vocation (trade, business or profession) was protected. Freedom of speech, religion and safeguards to educational institutions in respect of religion was provided. Property rights were granted and equality of citizens was ensured. The right of access to public places was added. Discrimination in services was abolished and the provisions for the preservation of culture, script and language were added.

The declaration of the fundamental rights remained superficial and just a painting. Through an amendment in the Article 30 of the Constitution, the President was empowered to declare the right to move a High Court for the enforcement of the fundamental rights suspended for the period of Emergency. This insertion kept the President powerful even with the enforcement and description of the Human Rights in the amendment. The Supreme Court and High Court was stopped to exercise any jurisdiction in relation to a Tribal Area. However the courts could only exercise such jurisdiction if the Central Legislature

provided such powers. The National Assembly was empowered to make any law indemnifying any person in the service of the Central or a Provincial Government. Swat and Chittagong Hill Tract was excluded from the definition of Tribal area.

A Fourth Schedule was added in the Constitution. It consisted of the Public Offices (Disqualification) Order, 1959, the Basic Democracies Order 1959, The Public and Representative Offices (Disqualification) Act Declaration Order, 1960, The Acceding State (Property) Order 1961, and other Martial Regulations and ordinances promulgated by the President before the enforcement of the Constitution.

The bill was circulated in the Assembly on 18 December 1963. On the next day the second report of the Select Committee on the Bill was moved in the house. The Bill was originally moved during the month of March in the previous Dacca Session of the Assembly. This matter was considered by the House, for more than two weeks and then it was referred to a Select Committee and after that on the last day of the previous Dacca Session again there was a motion that this matter be recommitted to the Select Committee once more. The reason was that the Government and the Opposition were divided, and the gap was too wide, and it was thought advisable that the various points of view, should be reconciled in the Select Committee, and the disparity ironed out. On 19th December 1963 the Law Minister observed that the differences had been narrowed to the extent, where it was possible that the Bill might find favour with the largest number in the House. He did not make any detailed reference to many things which might invite a controversy. I stated only those things which could narrow down the differences.²³¹

²³¹ Khursheed Ahmad, *NAPD*, 19 December 1963, 1297-98

The intention of the Bill was described as that the rights contained in the Constitution in the form of principles of law-making and for which the responsibility was with the Legislature were shifted to the courts which after amendment would be responsible to enforce, determine and safeguard the rights. The Bill sought to shift the responsibility to the courts. The major change was that this responsibility of making law on the human rights was shifted with the will of the Legislature to the courts to enforce the human rights.²³²

The first day of the debate on bill was almost all fire and brimstone. After its introduction by the Law Minister, the very first remark on the bill expressed a stiff criticism to it by the Opposition. Ghulam Jilani Khan Malik, a member who spoke above party loyalties, remarked that the bill was ‘a colossal deception; vicious in intent, dishonest in purpose, and disastrous in consequences.’ It was called ‘a measure to consolidate and reinforce tyranny in the name of freedom’ and ‘a crude and a senseless attempt to sanctify evil and to legalize injustice’. He said the “those, who are sponsoring this Bill today, are forging shackles, and are casting chains, for their own children and grand-children.” He mentioned those political leaders who were under arrest like Kasuri, Lari, Nasrullah, Saadi and Blauch under the allegation of being traitors and said that the bill was not on human rights but it denied their application.²³³

Mahbub ul Huq, an Opposition member, objected on formation of a committee to by the treasury benches to suggest how some amendments should be incorporated. He said that the treasury benches were not themselves certain baou the justification of that statement. If they were, they would not have examined it afresh.²³⁴ Another member

²³² Ibid.

²³³ Ghulam Jilani Khan Malik, *NAPD*, 20 December 1963, 1318

²³⁴ Mahbubul Huq, *NAPD*, 20 December 1963, 1334

criticized in the words that such a Charter of Fundamental Rights as presented in the Bill had no precedent in the constitutional and democratic history and was tantamount to holding itself to public ridicule because if we admit that these rights are fundamental then it follows that their protection is illogical and indispensable.²³⁵

An opposition member pointed out that the Bill was the other form of the Frontier Crimes Regulation which was in force since the beginning of this century in certain areas of Pakistan. It was in force in the tribal areas where orderly Government could not operate. Those were the only areas where orderly Government could not operate. Those were the only areas where this black law was in force. But, not this law has been extended by this Government to the whole of West Pakistan.²³⁶

On 21 December a member (Qamrul Ahsan) of National Assembly from East Pakistan appealed to go out in the pursuit of areas of agreement. He requested to be ready negotiate the common interest even with those with whom there was difference. He saw no reason why all should not accept the Bill as it was not the product of the Government only. It was the offspring of a joint venture although the opposition as the junior partner had lesser say in the matter. He had not the slightest doubt that the Bill was a definite improvement upon the present position.²³⁷ Continuing this air of compromise Akhtar ud Din Ahmad, another member of National Assembly from East Pakistan, called the bill the most vital and possibly the only Bill that the Assembly had come across during its short existence as far as importance was concerned. Therefore, he supported the viewpoint that

²³⁵ Muhammad Hussain Chattha, 20 December 1963, 1352

²³⁶ M. Yusuf Khattak, *NAPD*, 21 December 1963, 1388

²³⁷ Qamrul Ahsan, *NAPD*, 21 December 1963, 1397

the bill should not be taken either in a partisan spirit or very lightly as the Government was taking it.²³⁸

Ramiz ud Din Ahmed, the leader of the Pak People's Group in the assembly, felt very much embarrassed to speak on the Bill. He said by recounting the activities of the last eighteen months of the National Assembly that the members of the house were beggars who had come in the assembly to beg and to pray to the Constitution-giver to give something. Ramiz ud Din was directed to avoid reference to the Head of State, the President as it was not allowed by the rules. He, however, said that under during the discussion it was inevitable to mention the President because all the power was vested in the President and unless he agreed nothing could be done. He told that his party was not going to accept any fundamental rights the type mentioned in the bill and wanted full fundamental rights. It these matters were given in a piecemeal manner then his group of the opinion that it must be given in a full.²³⁹

On an occasion during the debate on the Bill the law minister was not present in the house. When it was pointed out by some member parliamentary secretary to the Ministry of Law told that he was authorized by the Law Minister and he was taking full notes of the debate that was taking place on the floor of the House. At that time the Speaker mentioned that he had no power to compel or persuade a Minister to sit in the House. The Law

Rule prescribed that the voting on the Bill would by division only. The rule further required that a clause of the Bill, a Schedule to the Bill or the Bill as a whole would be declared as passed only if not less than two-thirds of the total number of Members had

²³⁸ Akhtaruddin Ahmad, *NAPD*, 21 December 1963, 1402

²³⁹ Ramizuddin Ahmed, *NAPD*, 23 December 1963, 1544

voted in its favour. There was also a provision that the Bill might be put to the vote of the House as a whole by the Speaker with the concurrence of the Assembly, but even if one Member requested that any clause, or any clause as amended, be put separately that clause had to be put to vote separately. Under this rule only clauses of the Bill, the Schedule and the Bill as a whole would need two-thirds majority for passage. Amendments proposed by honourable Members could be rejected by a simple majority. The position as stated above was quite clear but the Speaker had looked into the precedents of the American Legislatures. According to the procedure of the House of Representatives “in voting upon an amendment it was not necessary to have two-third vote”. The Speaker then ruled that the position under the Pakistan’s Constitution and the Rules was that two-third majority was needed for the passage of a Bill amending the Constitution but for the interim stages in the process of legislation a simple majority was enough. Two-thirds majority was declared needed to amend the Constitution and to change it. But a proposal to modify the proposed Amendment Bill only needed a simple majority to be considered or a simple majority to be negative.²⁴⁰

By presenting the Bill on Human Rights the Government took the wind out of the sails of the Opposition. Though the Rights were not given to the people practically the presentation of the Bill discredited the Opposition’s narrative that government had not provided the human rights to the people of country. Though the fundamental rights to the common man were far different from what they were made out to be yet the Opposition was in a plight.²⁴¹

²⁴⁰ Speaker National Assembly, *NAPD*, 24 December 1963, 1671

²⁴¹ Zahur Ilahi Chaudhry, *NAPD*, 24 December 1963, 1679

The disruption in the Opposition before the passage of the Bill could be marked. The Government took advantage of that. The Combined Opposition Group elected Yusuf Khattak as its new leader just on 24 December that was the day when the Bill was passed. The opposition Muslim League Party declared that it was not the part and parcel of the Coalition and claimed the election of Khattak void. Abul Quasem and few of his followers had left the Combined Opposition and Council Muslim League Parliamentary Party was sharply divided. Islamic Democratic Group was a separate group. Thus there were three groups in the Opposition. The strength of the opposition in the house of 156 was 59 or 60. But the divided opposition for the leadership in the house could not resist the passage of the amendment. The Government managed the required majority for the Bill. It was decided that the Bill as a whole, if not division was claimed on any clause, might be put to the House. However, the amendments put by the members had to be discussed.²⁴²

Talking on the powers of Assembly a member pointed out that assembly means majority and a law is always by the majority. That means it is always passed by the Government. The Constitution provided a complete presidential form of Government where a person was given the powers equal with the National Assembly. The assemblies could not criticize the executive heads. The president also shared all the legislative powers with the National Assembly. A National Assembly meant in Pakistan the majority which meant the government. The member had suggested that the misdeeds of the majority should be left open to judicial enquiry. But the managed majority in the assembly passed the Bill that contained the laws which were not all reformatory and were rather repressive. The provisions of the Bill protected the repressive actions taken during the period of martial

²⁴² *NAPD*, 24 December 1963, 1690-91

law.²⁴³ The Assembly's power was requested to be encroached by the judiciary on the name of Islam by the very members of the Assembly. It was requested that the courts should have powers to review the laws. The Law Minister did not agree with the amendment. However, the expression of the members highlighted the position of Assembly.

The resolution regarding omission of the Fourth Schedule that legitimated the laws before the imposition of the Constitution was negative with 105:22 votes. The Bill was passed with 109:0 votes and the Chaudhry Fazal Elahi acknowledged that some opposition members sided with the Government. The group of Islami Democratic Front supported the Government owing to the inclusion of Islamic word in the name of country.²⁴⁴ Syed Abdus Sultan predicted that the bill would generate new heat in the country and fresh agitation for full fundamental rights, complete and unfettered fundamental rights would come and the Government would have to face it and crumble.²⁴⁵ It was the expression that the majority in the Assembly had aligned itself with the Government that did not bear the wishes of the people.

Second Amendment

The Second Amendment in the Constitution of 1962 was enforced on 23rd June 1964 and it came into effect on 8 July 1964. The Report of the Select Committee on the Bill was presented in the House on 1st June 1964. The Bill determined the life of the Electoral College. Before this bill the Constitution did not prescribe any term or any tenure

²⁴³ Mashiur Rahman, *NAPD*, 24 December 1963, 1697

²⁴⁴ *NAPD*, 24 December 1963, 1762

²⁴⁵ Syed Abdus Sultan, *NAPD*, 24 December 1963, 1764

for the Electoral College. The provision of the Amendment Bill sought to prevent the extension of the Electoral College by a simple majority of the House.²⁴⁶

It gave the President power to continue to hold office even on expiry of his term until his successor entered upon his office. It was provided that if the candidate of the presidential election died before the completion of the election all proceedings relating to the election would be commenced anew and would be completed within 120 days following the death.

It was provided that in the case of dissolution of the National Assembly or any provincial assembly, the new elected assembly will continue for the unexpired period of the term of the dissolved assembly. It was also provided that when the President dissolved the National Assembly he would cease to hold office upon the President elected as his successor entering upon his office

The term of the Electoral College was fixed as full five years, after which it would stand dissolved. During that period the members of Electoral College were provided to continue to perform the functions of the local government notwithstanding its dissolution under clause 2A.

The working hours of the parliament were increased from ninety to 120.

The members of the National Assembly from each province would be formed as the electoral college for the seats reserved for women in the respective province.

²⁴⁶ Khursheed Ahmad, *NAPD*, 1 June 1964, 38

The Amendment's most creditable act was the discretionary power of the president to dissolve the National Assembly who would lose office if he dissolved the Assembly before the expiry of its term. This provision was a serious check on the President against using such power arbitrarily, wantonly, or capriciously. Nevertheless, correspondingly with this provision the President was allowed to continue in office until his successor entered upon office despite the expiry of his term. He could now continue to command influence and power while new elections to the National Assembly did not prevent him from seeking re-election as President. All these provisions read together made the position of the President far more powerful as compared to the National Assembly.²⁴⁷

While introducing the amendment the Law Minister assured that it was not a device to evade Article 165 in favour of the President. He also responded to other criticism on the Bill that the President would be elected earlier. And if he was elected earlier, then his party would find it more convenient to get more majority in the three legislatures. He appealed to the members of Assembly not to assume such happening. Though the later incidents and elections proved the criticism quite true the Law Minister tried to satisfy the House that in elections anything could happen. He also predicted that in the elections those who lose say that the elections are not fair.²⁴⁸

The Opposition criticized the procedure of elections during the debate on the report of Standing Committee on amendment. Qamar ul Ahsan, an opposition member from East Pakistan, said that the Law Minister thought the House was composed of children. He said that the Law Minister 'started with the idea of sterilizing the National Assembly rendering

²⁴⁷ Hamid Khan, *Constitutional and Political History*, 158

²⁴⁸ Khursheed Ahmad, *NAPD*, 1 June 1964, 45

it a body whose life could be snuffed out by an all-powerful President without any hope of revival within a foreseeable future. He also remarked that 'the Bill in its original form sought to do away with all vestiges of democratic rule in the country.'²⁴⁹

A member told on the floor of the House that there was some force at the back of the members of the Assembly which was manipulating and pulling strings and saying that they must say so. They were told from the President House that they should say their paid master's voice.²⁵⁰ The restrictions on the speeches of the members of the Assembly and forbidding to them not to mention the army and the President in their speeches was to such an extent that one member Ghulam Jilani Khan Malik said that everything in the House was subject to the discipline of the Speaker. So he sought the permission of the Speaker 'to use the mike in the Ayub Hall.' The inherent defect of the Constitution had now been practically conceded by the Government, and that the people watched the vandalism with anguish in their heart. All that they could do was to hope and pray in their hearts that one day the burden of government would be removed and they would be given justice and a measure of liberty.²⁵¹

It was pointed out in the House that immediately before the election the Law Minister suddenly came out with the proposal for amendment of the Constitution. It was best known to him and the Government Party that at that time they did not have 104 members with them which were necessary to pass the Constitutional Amendment. They definitely negotiated with any of the opposition parties in bringing the amendment. The Government called the Opposition members in the meeting of its parliamentary group. The

²⁴⁹ Qamarul Ahsan, *NAPD*, 2 June 1964, 76

²⁵⁰ *NAPD*, 2 June 1964, 93

²⁵¹ Ghulam Jilani Khan Malik, *NAPD*, 3 June 1964, 120-21

opposition members said that they could only support the amendment provided the government agreed to open the Electoral College Bill. The Government side said that they had passed it two days before and that they were not ready to open it immediately. So the compromise talk was suspended for the time being. Then the government sent the amendment to the Select Committee that took about one month to give the report. In it the particular amendment had limited scope only to the election of the President.²⁵²

The report of Standing Committee on Amendment was presented before the House just before the start of Budget Session. During the discussion on the report in the Assembly majority of the members did not show much interest. At one time the house had to be adjourned on the indication of the short of quorum. At that time, one member raised the point of order that the member who indicated the shortness of the quorum had practically cast an aspersion on the House. The Speaker, however, remarked that he had to follow the rules of the Assembly about the quorum.²⁵³ Another striking feature of the debate was that every opposition member was stopped by the chair to mention the name of the President that was forbidden. However the nature of the amendment demanded the discussion specifically on the President. Thus the opposition members of the Assembly, though could not have open discussion on Ayub Khan, did not miss the chance to criticize his personality and style of government.

Exactly 104 members who were mandatory to vote for the amendment voted positively for the consideration of the Bill. At the same time after the voting horse trading was in progress and a member A.K.M Zia ul Ameen changed the floor of the House from

²⁵² Mashihur Rahman, *NAPD*, 4 June 1964, 179, 182

²⁵³ *NAPD*, 4 June 1964, 179, 198-99

opposition to the treasury benches. On the day of consideration of amendments in the bill the Speaker suggested to both Leader of the House and Leader of the Opposition to have a consensus that the amendments should be taken together and the speeches were made on all the amendments and then the amendments were put to vote, one by one. Yusuf Khattak, the Leader of the Opposition, refused to accommodate. He said that it was a very controversial Bill and every clause of the Bill must be debated upon and voted upon separately, otherwise it would create a lot of confusion.²⁵⁴

All the amendments of the government were passed on 10 June 1964 and finally on 11 June 1964, with very narrow margin by getting 104, 105 or 106 votes in favour. Just like this amendment of the opposition was rejected with 105 votes against.

2.3 Rule of Procedure for the National Assembly

The rules of business for Assembly were also not framed by the legislators and even the legislators were also not aware about it before the start of first session. The president addressed the National Assembly when the legislators had not resumed the oath and their candidature was not confirmed at that time²⁵⁵. The house was also chaired by the person who was not elected member of the house and never had been an elected representative of the people.²⁵⁶ Instead Abdul Wahab, Speaker of last Constituent Assembly who was de-seated with dissolution of the Assembly when the Martial Law was imposed, could be called to chair the first Session. This parliamentary practice was followed even during later authoritative regimes in Pakistan. During the Musharraf regime later, the first session of

²⁵⁴ *NAPD*, 9 June 1964, 420

²⁵⁵ *NAPD*, 8 June 1962, pp.1-8.

²⁵⁶ *Ibid.*, 1.

the 2002 National Assembly was chaired by Elahi Bukhsh Soomro, the previous PML-N tenured Speaker.²⁵⁷

The rules of the procedure framed to run the 1962 assembly had not been set by the Assembly and legislators even the presiding officer had not been clarified about the rules which had been clearly shown during speaker's elections. As the presiding officer, Chief Election Commissioner of the country, announced about the election of speaker; senior deputy speaker and deputy speaker, some members requested to clarify the position and rules about the pole. The presiding officer had not been clarified himself about the dual nomination, twin contest and dual occupation of seats. The legislators demanded ruling and clarification from the chair but the scenario showed that the presiding officer, Chief Election Commissioner, was also confused about the election rules and position dual pole and occupation of seats²⁵⁸.

The confusion about the rules of procedure for Assembly remained during next session. The legislators from East Pakistan raised point of information and adjournment motion but presiding officer did not allowed them with the reason of non-appointment of minister for this purpose. The legislators pointed out the rules but presiding officer had not allowed them and did not give ruling on the point till the Zulfiqar Ali Bhutto (government allied assembly member) pointed out the provision of the rules of procedure regarding adjournment motion and point of information²⁵⁹.

The unity had been seen within the assembly members from East Pakistan and they won two seats with their unity among three. It had also pointed out in the assembly and

²⁵⁷ NAPD, 16 November 1962, p. 1.

²⁵⁸ Assembly Debates, The National Assembly of Pakistan 1962, (08 June 1962), 13-15.

²⁵⁹ Assembly Debates, The National Assembly of Pakistan 1962, (08 June 1962), 17-19.

discussed in regard to unity of Bengali legislators on ethnic basis. A member from the West Pakistan, Zahur Elahi pointed out about this ethnic unanimity and criticized them upon this racial group. Zahur Elahi expressed upon it during his discussion on budget and viewed that the group of Bengali legislators had maneuvered the election of speaker and senior deputy and deputy speakers. The members, especially legislators from East Pakistan protested upon it and demanded apology upon blame of ethnic based composition of group but Zahur Elahi remained firm upon his opinion. He also added that the legislators from West Pakistan were divided into two groups and some had collusion with East Pakistan group²⁶⁰.

It also seemed that the members were not aware about the rules, especially about the Rule of Procedure of National Assembly. They put the points according to their wish and the chair rejected that argument. This had been seen very common in early days.²⁶¹

2.4 Financial and Administrative Power

The 1962 constitution had empower the Assembly to discuss about the financial administration and fiscal policy of the Ayub government, in this regard the first budget was presented in the Assembly soon after its formation on 12 June 1962. During presenting the budget, the Finance Minister Abdul Qadir pointed out the revolutionary and developmental steps of government during 44 months of Martial law. The minister declared that the democratic era before Martial law was a time full of financial crisis, economic crunch, black marketing, food scarcity and political unrest but under the dynamic leadership of the president Ayub new government took revolutionary steps and solved the country's

²⁶⁰ *Assembly Debates*, First Session of National Assembly of Pakistan, (20 June 1962), 239.

²⁶¹ *Assembly Debates*, The National Assembly of Pakistan, (19 June 1962), 139.

problems. The minister also praised the fiscal and administrative policies of the government and declared that the industrial growth, agricultural and structural development, increase in national income and balance of payments had also been due to these policies²⁶².

Meanwhile the minister praising the fiscal policies of the Ayub government, he presented the imports and exports position of the country which showed that the balance of trade had not been in favor of the country. In 1961, total imports were of 3060 million rupees and exports were of 1900 million. The country had to face the 1260 million trade deficit and country had no sufficient funds to meet this shortfall. The Ayub regime had been receiving grants from World Bank, United States, Canada, Germany, France, Japan and United Kingdom to overcome the monetary gap. Not only in 1961 but government had gotten commitments of financial support from these countries and World Bank in upcoming two years²⁶³.

The government had presented the budget figures in National Assembly and gave the legislators chance to discuss about it but restricted them not to vote upon. They had no right to amend the budget and their proposals had also not be considered admissible to include. This position had been clarified in the first session of the house by the an opposition leader and had clarified the member that they had no right of vote and amendments in budget so they just speak up upon it and point out the shortcomings of this financial document²⁶⁴.

²⁶² Assembly Debates, *Budget Speech of Finance Minister Abdul Qadir*, First Session of National Assembly of Pakistan, (12 June 1962), 53-55.

²⁶³ Assembly Debates, *Budget Speech*, The National Assembly of Pakistan, (12 June 1962), 55.

²⁶⁴ *Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 75.

The assembly member had felt the scenario of fiscal red light area and protested upon that but participated in budget discussion with protest. Khan Bahadar, a legislator from West Pakistan, pointed out the scenario many times and viewed upon it that budget discussion and suggestions were just time waste²⁶⁵. A member from East Pakistan, Abdus Sultan had pointed out the matter and participated in budget discussion with protest. Abdus Sultan expressed that constitution had not given the right of Yes or No to Assembly then what type of budget discussion was being done in Assembly. He also pointed out that budget was showing that country had total 4898 million annual expenditure but Assembly just could discuss the 300 million expenditures, others still had been hidden from the legislature.²⁶⁶

Not only budget but the finance act as bill had also been presented in the Assembly and approved unanimously. The finance bill had been presented clause wise in the house by minister and legislators just asked Yes to proceed it. The speaker had asked the house to discuss the points of finance bill clause wise but the members just raised voices for general discussion which had not been allowed during the presentation of finance bill. The technical aspects of the bill and financial matters had not been even discussed but passed unanimously²⁶⁷.

The financial powers of the Assembly had been elaborated by a legislator in very early days asking the assembly members as zero. A member from East Pakistan, Mahbubul Haq had expressed during his speech on budget as that the creator of Constitution had made the Assembly as a big Zero. Assembly members had zero financial and administrative

²⁶⁵ *Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 75.

²⁶⁶ *Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 191.

²⁶⁷ *Assembly Debates*, The National Assembly of Pakistan, (30 June 1962), 813-840.

power and Assembly is equal to zero multiply by 156 that would be equal to ZERO. The legislator also criticized the practice to present the budget in Assembly if the members had no right to vote and suggest the amendments in financial document.²⁶⁸

Mahbubul Haq not only criticized the scenario but also gave suggestions for the supremacy of the legislature. He suggested that the Assembly must check upon the accounts of the departments and examine the working of the autonomous bodies working under the various ministries. He also suggested that Assembly must have public cooperation against the draconian laws of the dictators which might be caused of the working efficiency of the Assembly. He surprised upon the offers of the President for amendments and modification in the Constitution by the Assembly and practical hurdles with it.²⁶⁹

The legislators felt that the Ayub government had been playing in the hands of the Bureaucracy and Assembly must not be responsible for all that the government was doing. The members expressed in the Assembly that budget had much concerns regarding the financial discipline in the state but the Assembly had no right to vote upon budget²⁷⁰so that why they would be responsible for the financial and administrative discipline in the country. The members felt afraid upon the control of the bureaucratic empowerment and declared this harmful for the state and also for democratic revival. A member from East Pakistan, Farid Ahmed, expressed in the Assembly that the all powers are in the hands of the executive. Assembly had no powers and authority to administer the financial and administrative affairs. The Assembly had no concerns with funds utilization, governmental

²⁶⁸ *Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 105-114.

²⁶⁹ *Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 105-114.

²⁷⁰ *Assembly Debates*, The National Assembly of Pakistan, (21 June 1962), 276.

expenditure and budget making, so that the assembly must not be responsible for any decision. Bureaucracy doing all and must be responsible for all.²⁷¹

2.5 Presidential Authority and Power of Assembly

There had been a big question mark upon the powers of the assembly in regard to the presidential authority. The assembly had been informed that the acts of president had not been discussed and nor been declared void by even by the majority of the legislators. The president had unlimited authority to appoint his ministers and administrative measures taking for the welfare of the masses under the constitution. It had also been clarified by the treasury benches that the assembly may not discuss the matters related to Judges of Supreme and High Courts²⁷². The speaker of the national assembly at that time, Tamiz-uddin Khan, had admired the point about not to discuss the presidential authority and acts in assembly and rejected the adjournment motion regarding the presidential powers to appoint the ministers²⁷³.

President Ayub had been declared as the key authority in 1962 constitution as all the cabinet had to be nominated by him without any restriction of political and educational experiences and qualifications. None of the member of national and provincial assemblies had been made the member of the cabinet. Ayub nominated them with his own likeness and need. The Ayub regime had not counted any worth for assemblies which had been shown by their act to neglect the assembly business. The questions put by the legislature

²⁷¹ *Assembly Debates*, The National Assembly of Pakistan, (22 June 1962), 371.

²⁷² *Assembly Debates*, The National Assembly of Pakistan, (19 June 1962), 139-140.

²⁷³ *Assembly Debates*, The National Assembly of Pakistan, (19 June 1962), 148.

remained unresponsive and their number had been increased day by day from 1962 to 1969²⁷⁴.

In 1962, the elections for National Assembly of Pakistan were held under the indirect electoral system. The members of the Basic Democracies (local government system at that time) declared as the Electoral College for elections of Assemblies and also for Presidential poll later on. The members of Basic Democracies was not declared as the electoral college for election of assemblies and nor for presidential election before the pole of local bodies. At the last stage when the National Assembly elections had been announced to be held, the members of Basic Democracies were declared as Electoral College. The scenario had been presented that the Ayub regime was not feeling secure in adult franchise pole so that the regime chose indirect method of pole to have a secure position in assemblies and also in presidential elections²⁷⁵.

The military regime had initiated the constitutional Committee on 17 February 1960 and draft of Constitution under regime was finalized and implemented on 1st March 1962²⁷⁶. But the BD members elections had been poled on 3rd January 1960²⁷⁷, two years before implementation of the constitution under which the assemblies were formed²⁷⁸. Soon after the assemblies' pole the presidential election had been held with the same indirect method.

In the democratic, especially in societies having parliamentary system of government, the cabinet had been chosen from parliament. On the inception of National

²⁷⁴ M. Rashiduzzaman, The National Assembly of Pakistan under the 1962 Constitution, *The Pacific Affairs*, Vol XLII-4, 483.

²⁷⁵ Sami Ullah, 8.

²⁷⁶ National Assembly of Pakistan, *Parliamentary History*.

²⁷⁷ *Daily Nawa e Waqt Lahore*, 04 January 1960.

²⁷⁸ M. Rashiduzzaman, 481.

Assembly, the ministers of the Ayub Khan government were not members of the Assembly. Ayub Khan did not choose the cabinet from Assembly but some of his ministers were chosen as the members of National Assembly but existing did not received with good grace. A member pointed out that the ministers in some way answerable to parliament and also responsible to president. There was a rule that the veteran Judge of High Court or Supreme Court must not hold any position in government for the two year of his retirement but this rule was modified by General Ayub especially in favor of Mr. Muneer and he was appointed Law minister at that time.²⁷⁹

The legislators were confused about the administrative system in Pakistan; rather it was presidential or parliamentary. The legislators presenting examples of both the systems from USA and UK but Pakistani system did not match with both. In USA, the ministers, who called secretary there, could be appointed from outside the parliament but they were answerable to the parliament. Parliament can advised and directed them. Another difference was about unicameral and double stair parliament. In UK, there was a complete parliamentary system of Government where ministers were chosen within the parliament. The legislators pointed out this issue in the Assembly and criticized the Pakistani system which did not reflect with any democratic example.²⁸⁰

Although the constitution had made the President as the supreme authority of the state but he himself expressed in favor of the National Assembly admitting its supremacy. Addressing the West Pakistan High Court Bar Association, the President Ayub Khan declared that “Parliament must be Supreme and no judicial or social reforms had to initiate

²⁷⁹*Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 116.

²⁸⁰*Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 116.

outside the Assembly. It would be decided by legislature".²⁸¹ The President was expressing in favor of Parliamentary supremacy and acknowledged the powers of Assembly outside the parliament but only after the few weeks, addressing the Assembly, he constrained the legislators to amend the Constitution.²⁸² President also imposed restriction that legislature could not considered the Constitutional amendment before prier consideration of the President.²⁸³The situation presented the double face of the President Ayub. He expressed in favor of legislature addressing outside the Parliament but restricted the Parliament to act freely.

Rejecting the Presidential form of government, Tamiz-ud-din Khan, the upcoming speaker National Assembly, declared the Parliamentary system suitable for the state. He expressed to emend the Constitution according to needs of Parliamentary system and announced legislation for political parties' formation. Tamiz-ud-din declared himself candidate for speaker and showed confident for victory many days before the session of the National Assembly.²⁸⁴Although he had favored the Parliamentary system but served as speaker under the presidential form for various months and no effort was seen in upcoming months in the Assembly to turn the Constitution from Presidential to Parliamentary. Tamiz-ud-din showed some grievances upon the system and concerns with the President Ayub Khan publicly but scenario presented the picture that there was something behind the curtain.²⁸⁵ Tamiz-ud-din had secret meetings with President before and after the speakers'

²⁸¹The Pakistan Times Lahore, 28 April 1962.

²⁸²*Assembly Debates*, The National Assembly of Pakistan, (08 June 1962), 6.

²⁸³*Assembly Debates*, The National Assembly of Pakistan 1962, (04 July 1962), 1004.

²⁸⁴The Pakistan Times Lahore, 04 June 1962.

²⁸⁵ The Pakistan Times Lahore, 04 June 1962.

election. The details of these meetings could not be disclosed because both the counterparts remained silent about that.

2.6 Question Answer Sessions

The Assembly members had the privilege to put question on issues and about working of different departments and its obligatory for the treasury benches, especially for ministers and governmental representatives, to answers these question accordingly. It had been seen that the legislators in 1962 Assembly had the right to put questions but Ayub government disregarded and overlooked a number of question put in assembly. The data showed that the legislators had the persistently asked the question regarding the working of the administrative departments and ministries. The questions about the disparities with East Pakistan and political prisoners had been repeated continuously from the first day of the assembly till the tenure ends²⁸⁶.

Table 1: Questions put by Legislators in 1962 Assembly²⁸⁷

Year	Question Received	Question Answered	Percentage	Question Overlooked	Question Returned
1962	402	300	75	45	57
1963	1979	1315	66	558	106
1964	1198	771	64	177	250
Total	3579	2386	67	780	413

²⁸⁶ *Assembly Debates*, National Assembly of Pakistan, (1962, 1963, 1964).

²⁸⁷ M. Rashiduzzaman, 484.

The data showed that the 33 percent questions put by the legislators had not been answered during the three years. The mostly questions had been remained unanswered were about the budget and expenditures of the governmental departments, especially presidential office. The data showed that the legislators had put 3579 questions but only 2386 questions had admitted and answered by the regime which are the 67 percent of the total. The government had not answered the 1193 questions but returned only 413 question asking not appropriate questions or told not put to relevant department and 780 questions overlooked with ignoring attitude.

Another scenario had also been showed by the data that the ignoring attitude of government towards the questions was least in early days but increased later on. During the year 1962 members had put 402 questions, 300 were answered, 57 returned and only 45 were overlooked. The attitude to overlook the questions had been remained high during the 1963 when more than five hundred questions had been disregarded. The attitude of ignoring the legislators' questions remained continues in 1964 too. In 1962, government answered 75 percent questions, 66 percent in 1963 and 64 percent in 1964.

The legislators had put questions about the working of the various governmental departments in terms to the public issues. The legislators from East Pakistan focused to raise the issues like disparities, political prisoners, political parties, flood, undemocratic behavior, poor conditions of the common man but the legislators from west Pakistan were not focused with same issues. The legislators from the Baluchistan raised the issue of militancy in the area, the legislators from the Punjab raised issues related to agriculture, legislators from Sindh raised more questions related to development of roads and

infrastructure and legislators from NWFP focused with FC cases and law and order situation.

2.7 Debates

The legislators were free to speak on the topic and issue of their choice and they raised voice on the issues important for the state and also of common man interest, as it was indicated by the assembly discussions. According to Assembly rules, the legislators had the permission to address the Assembly session only in three languages, English; Urdu and Bengali. The rule 155 of the “Rules of Procedure of National Assembly” authorized the chair to permit any member to speak rather than these three languages but assembly secretariat had to arrange the translator in this condition. It had been seen many times in assembly that members addressed in regional languages but assembly secretariat could not arranged the translator accordingly and also had not recorded the speech²⁸⁸. During the budget session of 1962 Mufti Mehmood translated an address of a legislator into Urdu from Pashtu which had been translated into English for record by assembly secretariat.²⁸⁹

The issue of American Military aid had also been raised in assembly during general discussion on Budget. A member from the West Pakistan, Mir Balakh Sher Khan, raised the concerns about the effectiveness of the conditional American Military Aid. Mr. Mir praised the Ayub government efforts to increase the defense budget and put concerns on conditions of American government, not to use the American weapons against any other country. The question had been put that why was the America giving Military aid if Pakistan could not use the weapons against its enemies. The member had shown keen

²⁸⁸ *Assembly Debates*, The National Assembly of Pakistan, (21 June 1962), 251.

²⁸⁹ *Assembly Debates*, The National Assembly of Pakistan, (21 June 1962), 251.

concerns in regard to Indian economic funding by American with compare to military funding to Pakistan and analyzed that American policy about funding to two rival countries would be weaken the Pakistan in many terms²⁹⁰.

The legislators spoke upon various local, regional, national international issues. The political and sensitive matters were also discussed in the Assembly. Although, the legislators had no powers to resolve the issues but had the freedom to discussed the matter in the house and paid attention of legislature upon that. The members from East Pakistan pointed out the issue of political prisoners and disparity, Baluchi members criticized the military action in Baluch areas and members from decried about the arrests under FC rules. The issues of industrial workers and agriculturalists had also been presented in the assembly. The voice of common man also raised by some legislators in the Assembly.

Although the Assembly had no power to amend the expenditure allocated by the administration but they had the liberty to discuss the matter in Assembly. They used this freedom and criticized the luxury expenditures of the executive. A legislator found out the expenditure of the presidential lawn from the budget document and criticized the huge amount allocated to expend the lawn of the President from a poor country. The member mentioned that the rupees one lac had been allocated for the rehabilitation of presidential lawn which might be spent upon various development works of public benefit.²⁹¹

The Assembly was informed that the border of the East Pakistan had precious natural resources, especially the Oil had been found in the area of district Sylhet. It was informed by a legislator from East Pakistan and expressed in the house that the Sylhet already had the vast resources of Gas and now Oil had also been found which required a

²⁹⁰*Assembly Debates*, The National Assembly of Pakistan, (19 June 1962), 153.

²⁹¹*Assembly Debates*, The National Assembly of Pakistan, (22 June 1962), 377.

keen attention of the government. He conveyed the Assembly that the resources of Oil had been confirmed in the area but the federal government had an ignoring attitude regarding its exploitation. The legislators demanded proper arrangement to untapped this natural resource with immediate effect. The issue had significant importance for the economical strengthen of the country in general and East Pakistan especially, So the Assembly had detailed discussion upon the issue and demanded proper arrangements for the drilling and other endeavors but it could not got the attention of the Ayub government.

There were some controversial issues were also presented in house by members and they made long debates upon that and Assembly, especially treasury benches, tolerated upon but Assembly could not give any decision upon that. The member of Assembly from Baluchistan, Sardar Attaullah Mengal, presented the issue of military action in the Baluchistan. Assembly paid attention about the one years' situation of the Military rule in the area. Sardar Mengal expressed that the people were detained in camps and had been victimized of inhuman torture at large. A vast majority of the Baluchi people had been tortured by the "True Pakistanis" whenever they want. Because of this inhuman torture a number of Baluchi men lost their senses. He demanded the political and administrative stability in the area and prevention of military actions in Baluch areas.²⁹²

The Assembly also discussed the issues of farmers, especially in emergency situation damages of crops many times. The legislators raised questions²⁹³ and motions²⁹⁴ for discussion on such issues and pointed out for the attention of government on similar matters. The legislators also paid attention on issue of food shortage in various parts of the

²⁹²*Assembly Debates*, The National Assembly of Pakistan, (19 June 1962), 166-168.

²⁹³*Assembly Debates*, The National Assembly of Pakistan, (07 July 1962), 1155.

²⁹⁴*Assembly Debates*, The National Assembly of Pakistan, (29 May 1963), 51.

country.²⁹⁵The members put the questions about the damages of crops with flood and other incidents and also placed attention on human capacities in this regard.²⁹⁶The legislatures demanded keen expertise and carefulness of government departments for food security. A legislator pointed out that government decided to export the high quality rice worth of rupees 2.5 million but it had damaged on Karachi Yard due to careless attitude of government employees.²⁹⁷The legislators expressed that such situations were not bearable for the whole nation. The assembly discussed the matter and suggested the inquiry in this regard.²⁹⁸The treasury benches did not oppose the issue but also not agree for the inquiry and legal action against the culprits.

The legislators put the issue of educational reforms in Assembly but could not have the report of the commission even they had insisted for that. The issue was put in shape of a question and demanded that the report of the Education Reforms Commission to be presented in the house for debate but minister concerned refused for report but expressed that the government had allocated 1000 million for the education reforms. The legislators requested and demanded at large for the report and expressed about various points of the educational reforms but government representative remained firm with his stand not to present the report in Assembly. The minister Fazalul Qadir addressed the house in details and emphasized upon the good deeds of the Ayub government but did not present the report of the commission to be reviewed. Even the speaker asked about his way of reply and irrelevant speech but he continued with his attitude.²⁹⁹

²⁹⁵*Motion for Adjournment on shortage food STUFF IN East Pakistan*, The National Assembly of Pakistan, (29 May 1963), 55.

²⁹⁶*Motion for Adjournment on Rice damage on Karachi Port*, The National Assembly of Pakistan, (29 May 1963), 51.

²⁹⁷The Pakistan Times Karachi (22 May 1963).

²⁹⁸*Assembly Debates*, The National Assembly of Pakistan, (29 May 1963), 51.

²⁹⁹*Assembly Debates*, The National Assembly of Pakistan, (9 March 1963), 61-66.

2.8 Foreign Affairs

The matters regarding foreign affairs were discussed in the Assembly, especially during the Sino-Indian conflict. The President called emergency session of Assembly and addressed the house in introductory sitting.³⁰⁰ The legislators discussed the foreign affairs, relations with neighboring countries, relationships and interact with international powers. The second session of the National Assembly of Pakistan, which was called in emergency, during 21 November to 08 December 1962, remained especially focused with Sino-Indian conflict and international affairs. There were two secret sittings during that to discuss the war situation on China-India boarder and ten open sessions in that time period.³⁰¹

Assessing the emergency situation of Sino-Indian conflict in November December 1962, the government presented the bill for Supplementary Grants and Appropriations for the expenditures of the Government of Pakistan for the financial year 1962-63 (first series). The opposition opposed the bill and pointed out that the session had been called in emergency to discuss the matter of Sino-Indian context. The government presented the bill but upon the point of emergency discussion it was delayed for a couple of days but approved.³⁰²

Legislators criticized the government policy regarding USA aid and called this as “Begging Policy”³⁰³. The legislators pointed out that the policy towards America had made the Nation as “Nation of Beggars”, the opposition leader and brother of President Ayub Khan, Sardar Bahader Khan expressed during addressing the house that “we go to America

³⁰⁰ *Assembly Debates*, The National Assembly of Pakistan, (21 November 1962), 1.

³⁰¹ *Assembly Reports*, The National Assembly of Pakistan, (21 November to 08 December 1962), 1-679.

³⁰² *Assembly Debates*, The National Assembly of Pakistan, (27 November 1962), 119.

³⁰³ *Assembly Debates*, The National Assembly of Pakistan, (24 November 1962), 45.

to beggars bowl”.³⁰⁴ Another member Jahan Khan Bosal also expressed with the same words and suggested to stop the beggaring policy and demanded autonomy, self-reliance and self-sufficiency for the state.³⁰⁵ The legislators continuously criticized the government policy regarding relationship with America, especially about economic aid and demanded equality in international relationship but government continue its policies. Pakistan had the laws about the registration of foreigners when they entered in geographical boundaries of the Pakistan and foreigners’ movement in the country had to be restricted but during the Sino-Indian conflict Ayub government gave especial permissions about the exemption of registration and movement without restrictions to dozens of Americans.³⁰⁶

The legislators criticized the American Economic Aid but could not discuss American Military Aid even they mention it in the Assembly.³⁰⁷ The legislator, from West Pakistan, mentioned the issue of American Military aid but deliberately avoided to point out the facts in this regard. The attitude of the legislator presented a scenario of some hidden pressures to evade the matter. Pakistani defense policy and American military aid situation was also discussed by some other members in various sittings.³⁰⁸ The emergency session of the Assembly was also called when the America and international forces supplied the huge amount of arms to India during the Sino-Indian conflict. Although the arms were supplied during the Sino-Indian conflict but Pakistan considered the situation harmful for it.³⁰⁹

³⁰⁴ *Assembly Debates*, The National Assembly of Pakistan, (24 November 1962), 45.

³⁰⁵ *Assembly Debates*, The National Assembly of Pakistan, (24 November 1962), 66-67.

³⁰⁶ *Declaration of Exemption Order, No. 2-9-1961-Poll (1)-2*, (03 September, 1962).

³⁰⁷ *Assembly Debates*, The National Assembly of Pakistan, (24 November 1962), 45.

³⁰⁸ *Assembly Debates*, The National Assembly of Pakistan, (20 June 1962), 198-203.

³⁰⁹ *Assembly Debates*, The National Assembly of Pakistan, (22 November 1962), 2-18.

Pakistan allowed a large number of American to enter in the country and also for freely traveling and activities all around. The formal permission was gotten for these foreigners from the Assembly with the will of government. The government exempted these foreigners for the registration as it was compulsory according to the “Registration of Foreigners Act, 1939”, the Ayub government issued exemption orders to more than 40 Americans for this registration and allowed them to travel all around the country. These exemption orders were presented in the Assembly by the Minister of Home Affair. The minister presented this in the house and tabled the copies of the exemption orders with the approval of the speaker. The legislators saw the orders and heard about it but did not feel the sensitivity of the matter even when discussing upon the Sino-Indian conflict and criticizing the pro-American policies of the government and approve the exemption orders without any objection or comment.³¹⁰

The issue to exempt the foreigners once again presented in the Assembly in March 1963. This time the Ayub Government exempted more than 100 Americans and Europeans for registration and allowed them for freely movement in the country. The exemption orders once again presented in the Assembly and legislators approved all the exemption orders without any discussion and objection.³¹¹ This time Assembly was discussing upon the international relationship and Kashmir Issue when the home minister presented the exemption orders and legislators approved them without any consideration.³¹²

The legislators keenly discussed about the bi-lateral ministerial dialogue on Kashmir Issue between Pakistan and India. The member from the East Pakistan, Fareed

³¹⁰*Assembly Debates*, The National Assembly of Pakistan, (06 December 1962), 521-524.

³¹¹*Assembly Debates*, The National Assembly of Pakistan, (09 March 1963), 117-123.

³¹²*Assembly Debates*, The National Assembly of Pakistan, (09 March 1963), 98-131.

Ahmed, presented the Adjournment Motion to discuss the Ministerial level Talk on Kashmir Issue. Mr. Abdul Bari, Sardar Bahadur Khan, Mahbubul Haq, Abdullah-al-Mahmood, Syed Abdus Sultan and other opposition members supported the motion and demanded discussion in detail upon issue but Zulfiqar Bhutto, the Foreign Minister, opposed the motion and rejected the option of discussion upon issue. The opposition legislators had opinion that it is a matter of public interest and had to be discussed in details and minister had to present the report about his Talk with Indian counter-part but Bhutto declared it state secret and expressed it must not be discussed at this time. Bhutto categorically refused to give any information in this regard. The speaker agreed upon the Bhutto's point of view and disallowed the motion.³¹³

2.9 Shifting of Federal Capital

The issue of shifting federal capital from Karachi to Islamabad was also discussed in the Assembly. The legislators discussed the matter and demanded details of development expense upon Islamabad as compared to Karachi 1948 to 1958. The legislators opposed the shifting of Capital in this economically poor conditions of the country and declared it as the wastage of funds. The legislators questioned to disclose the expense upon shifting of ministerial offices and construction of various buildings in Islamabad. The government was reluctant to disclose the expenses and to discuss the matter in Assembly. No minister was agreed to discuss the matter even the opposition demanded various times but government representatives avoided the issue.³¹⁴ Although the opposition had strong arguments against the shifting of Capital including poor economic conditions, the Ayub

³¹³*Assembly Debates*, The National Assembly of Pakistan, (09 March 1963), 109-115.

³¹⁴*Assembly Debates*, The National Assembly of Pakistan, (06 July 1962), 1092.

government did not agree even to discuss the matter but continued the constructions in Islamabad and shifted. The shifting of Capital has the significant importance for the state and Assembly members opposing it but government did even discuss the matter, not providing the figures of expenditure. The ignoring attitude of government in this regard disgraced the legislature. The legislators addressed the issue many times but could not have the attention of governmental authorities in this regard.

2.10 Shifting of Assembly Secretariat

The legislature also discussed about the shifting of the National Assembly secretariat to Dacca, East Pakistan. The members from Eastern part eagerly demanded immediate shift in early days of the Assembly but government hesitated upon it. The treasury benches had point of view that the Dacca Secretariat would be constructed next year and then shifted. The minister of Parliamentary affairs, Mohammad Munir, informed the house that government had allocated the 10 million rupees for the National Assembly Building in Dacca and Rs.6 lacs for hostels there. He ensured the legislators that the Secretariat in Dacca would be constructed within a year or more and the session might be possible after a year or later.³¹⁵

The Members pointed out that the Secretariat building completed during the Martial law and PWD department had set their offices there. The house was informed by some members that the Dacca Secretariat had been constructed from 1957, government had provided sufficient funds for that and had completed during the Martial law. It had been decided in 1957 that the Assembly Secretariat must be shifted in Dacca as soon as possible. They demanded an earliest shift. The minister had no information about the previous

³¹⁵*Assembly Debates*, The National Assembly of Pakistan, (02 July 1962), 866-868.

allocation of funds and completion of building and ensue the house to enquire the matter and informed the house.³¹⁶ Later on, the National Assembly Secretariat was shifted to the Dacca and the March/April 1963 session of house was held there³¹⁷.

2.11 Political Freedom

The Election always be considered as the political activities but there was no political freedom under the Martial Law rules in the country. The political parties were banned and activities were prohibited. The adult franchise base general election required as mass level activities and Military rulers were not agreed for that. They introduced indirect poll and declared members of Basic Democracies as the Electoral College. This phenomenon was discussed at international power corridors during that time period with reference to Pakistani Election scenario and Ayub regime's requirements. The matter was also discussed with the authority and validity of National Assembly. The United Kingdom officials presented the reason behind the concept of indirect polls that, election activities required the political events and happenings which were banned under the Martial Law rules. The indirect poll had low intensity of public interest and candidates had more chances to speak out at various issues without mass level promises.³¹⁸ The Martial regime desired democratic set up but with limited political freedom. So the regime held the election for the National Assembly of Pakistan with Electoral College.³¹⁹

The matter of political prisoners was raised in the very first session of the Assembly by the legislators from the East Pakistan but could not be addressed for many sittings. The

³¹⁶*Assembly Debates*, The National Assembly of Pakistan, (02 July 1962), 866-868.

³¹⁷*Assembly Debates*, National Assembly of Pakistan, (08 March 1963), 1.

³¹⁸ South Asia Department UK, *Pakistan Elections 1962*, (London: Secret file classified in 2017, SEA 44/6/21), DO 196/90.

³¹⁹ The Pakistan Times, 06 April 1962.

mover of the adjournment motion Mr. Mashur Rehman a members from the East Pakistan conveyed the Assembly that a large number of political workers was detained without any discrimination of political affiliation around the country during Martial law regime and had not been released yet. The huge number of members from East Pakistan supported his point and requested to discuss the matter and demanded government must release the political prisoners arrested haphazard from all over the country.³²⁰

At first government tried not to discuss the matter as the budget had been presented and house opened for budgetary discussion. The Finance Minister Abdul Qadir, Minister of foreign affairs Mohammad Ali and Minister of Home and Kashmir affairs Khan Habib Ullah Khan opposed the matter to discuss in Assembly and suggested to discuss the matter during general discussion. They gave the examples of Indian and UK assemblies where no other matter had to be allowed to discuss during budget session except budgetary affairs. Assembly members opposed the governmental opinion and requested to discuss the matter because there had no such example of indiscriminate political arrests in India and UK. They also gave the examples that Indian and UK assemblies had the rules which prohibited discussing the other matters during budget discussion but our rules had no such prohibition and matter could be discussed³²¹.

At Second, the government representative, Home Minister, tried to turned the issue with provincial legislature and categorized the political arrests under two groups of law; arrested within central law and arrested within provincial law, also gave a statement in the Assembly that central government had only few arrests of political worker and if the provincial governments had done this within provincial rules then central government

³²⁰*Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 117-118.

³²¹*Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 74-76.

nothing can do to favor these politically arrested workers. At the point assembly members again argued that both the provincial governments were answerable to the central government for their conducts and center had to be answer about the motion in National Assembly in detail³²².

The assembly members demanded the release of all the political workers, including Hussain Shaheed Suharwardy, Maulana Bhashani, Abdul Ghafar Khan, Allama Mashriqui, G. M. Syed, Hyder Buksh, Muhammad Khan, Saifur Rehman and many others had been arrested during the Martial law regime. They clarified that not to nominate any political leader or worker in this regard but release all the political workers and leaders without any discrimination and withdraw the cases against them. The assembly members pointed out that there had been more than 1400 political prisoners are behind the bars. One member from NWFP region put on record that there were around one thousand political workers had been arrested from his region.³²³

Assembly was conveyed by a legislator that the political prisoners had been put behind bars in NWFP, Hyderabad, Sukkur, Montgomery, Multan and other jails on Western part of the Pakistan. It had also been put on record that two political workers jailed in Multan Saifur Rehman and Muhammad Khan had been died behind the bars but their relatives had not been conveyed by the administration for weeks and they buried by the jail officials. Their relatives knew about these incidents after weeks and they had gotten buried dead bodies with long legal struggle.³²⁴

³²² *Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 76-77.

³²³ *Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 76-77.

³²⁴ *Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 123.

The Minister of Home Affairs admitted that there were some political prisoners in the jails but clarified the Assembly that figures had not succeeded to 154. The central government had only 21 prisoners of this type, four from princely states Kalat and Dir (two from each), Hussain Shaheed Suharwardy and Maulana Bhashani had been detained under security act. The fifteen was arrested with suspicious activities and spying for enemies. The provincial governments had 133 political prisoners, 23 in West Pakistan and 110 in East Pakistan. On the pointing out by a legislator, the government representative made clear that the prisoners under FCR had not been included in it³²⁵.

The Assembly had detailed debate upon the issue but could not have a concrete decision or resolution upon this matter of public concern. The issue was discussed as upon adjournment motion presented by the Mashiur Rehman and seconded by the Ali Amjad Khan. Farid Ahmed, Mufti Mehmood, Saifur Rehman, Syed Abdus Sultan, Qamar ul Ahsan, Abdul Haque, Ebrahim Khan, Begum Shamsun Nahar, Begum Roquya Anwar, Ch. Fazal Elahi, Mansural Haq, AKM. Yusuf, Jahan Khan Busal, Hasan Imam, Azizur Rehman and Ahbdur Rasheed had been supported the motion. The mover and supporters of the motion demanded the unconditional release of all the prisoners but government had concerns on unconditional freedom.³²⁶

The treasury benches opposed the motion with technical aspects, agreed to discuss the issue in Assembly as the opposition insisted but did not act according to criticism and arguments of the mover. The motion and movers were criticized by an opposition member assembly from East Pakistan, Aftab Ahmed. Mr. Aftab clarified the arrest of Hussain Shaheed Suharwardy as that he had not been arrested as the Martial law imposed but

³²⁵*Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 132.

³²⁶*Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 132.

prisoned during election campaign to affect the pole results. He also pointed out about the factory workers' arrests upon wrong complaints of the mill owners and manipulated by the system shortcomings, he demanded justice for them. He also criticized the motives to present the motion in assembly and clearly asked that the movers had not wanted freedom of political prisoners but just wanted only political number game.³²⁷

Mr. Aftab demanded free and fair trial for all arrested personalities including political figures and common man arrested during and after the Martial law. He demanded to present all arrested trade unionists, factory laborers, political leaders, lower political workers and all other arrested persons had the chance of free and free trial. Nobody had been detained without trial. All had to face the court of law and freed if innocent and convicted if guilty. He also criticized the motives behind the motion presentation and pointed out that nobody want the freedom of prisoners but political publicity with hidden motives. He predicted with this motion nothing had to be achieve but political number game.³²⁸

He also presented that politically and administratively ill scenario when the Martial law was imposed by the president Iskander Mirza and proclaimed that the political and administrative consequences of that time period had been affecting country at large. The common man welcomed the military regime and common populace showed happiness upon that in all the areas of the country. And that was all due to money making practices of the politicians of that time period. He suggested that mover of the motion, seconder and

³²⁷ *Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 124-127.

³²⁸ *Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 124-127.

all the supporters must be resigned from their seats including him if the government did not release the political prisoners on assembly demand but no one agreed with him.³²⁹

The Assembly acknowledged that the Central and Provincial Security Acts had not been introduced by Ayub Govt but the initially had been enacted and enforced from the first day of independence³³⁰. The assembly had also been conveyed that Mr. Hussain Shaheed Suharwardy had been detained under the Pakistan Security Act. This Act had been criticized by Mr. Suharwardy at large when he was in opposition upon various detentions prior to Martial Law but as the Suharwardy came in power he used this act against his political rivals and now had been detained within this act. The motion had not been fruitful as the time for adjournment motion mentioned in the rule had gone out and no decision had been taken by the assembly. As the motion declared null and void, no voice raised and no protest seen for this.³³¹

The Legislature also pointed out the scenario in term to newly implemented Constitution. The legislators pointed out a tradition that the enforcement of new constitution means that the previous political positions had been washed off. Therefor it had been the fundamental right of people of Pakistan that the political prisoner had to be released with immediate effect as the new statute “The Constitution of 1962” had been enacted in the country. The legislators demanded the release of political prisoners with no discrimination of territory or party affiliation.³³²

The Assembly also informed about the arrest of political workers in 1962 in Lahore. The adjournment motion to discuss these political arrests in West Pakistan was presented

³²⁹*Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 126.

³³⁰*Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 132.

³³¹*Assembly Debates*, The National Assembly of Pakistan, (18 June 1962), 132-134.

³³²*Assembly Debates*, The National Assembly of Pakistan, (21 June 1962), 316.

by the member from East Pakistan, Akhter Uddin. The legislator pointed out the arrest which had been shown by a publication of newspaper. He and other allies members demanded immediate release of all political prisoners. The treasury benches denied to arrest and detain any political workers. The minister supposed that the arrests might be made by the provincial government for which the West Pakistan administration is bound to be answerable, not the central government.³³³

The freedom of political activities and affiliation was announced soon with the approval of the Political Parties Act 1962 but some conditions were prevailed under this law.³³⁴The law minister, Mohammad Munir, announced the objectives and principles of the Act and introduced this in the house with these lines³³⁵ “there should be free activity in the country but that certain associations and parties be prohibited by law and secondly that certain persons should not be permitted to take part in the political activity of the party”. The persons found involved in criminal activities and had been punished under any criminal offence was also not allowed to take part in the political activities, under the law, it was also elaborated by the law minister during the Assembly session.³³⁶

The legislators were also not free to move, think and express even in the Assembly. The Assembly session held in Dacca was so interesting and sensible in this regard. During the session in capital of East Pakistan the government had deployed a large number of intelligence squad in Dacca and also in Assembly building. The intelligence squad was not working secretly but the members of the Assembly knew them and recognized with

³³³*Assembly Debates*, The National Assembly of Pakistan 1962, (05 July 1962).

³³⁴ Ministry of Law and Parliamentary Affairs, *A Collection of the Central Acts and Ordinances for the Year of 1962*, (Karachi, Government of Pakistan Press, 1963), M. Law-141/500.

³³⁵*Assembly Debates*, The National Assembly of Pakistan 1962, (09 July 1962), 1188.

³³⁶*Assembly Debates*, The National Assembly of Pakistan 1962, (09 July 1962), 1189.

gatherings. The legislators pointed out the issue of deployment of intelligence squads in Assembly building and demanded to shift them. The government listened legislators' point of view but overlooked the concerns at all. The members presented the privilege motion to discuss this matter and introduced a resolution for the removal of intelligence squad from Assembly. The members also pointed out that the intelligence squad interrupted during the lobbying upon issues. Not only government representatives oppose the matter but speaker also did not allowed to discuss the issue in detail.³³⁷

The Assembly also had some secret sessions to discuss the important matters.³³⁸A secret sitting of the Assembly was called in emergency to discuss the Sino-India conflict. The President addressed the house in secret session but member were not allowed to discuss the information presented in Presidential Address even not in the Assembly discussion. The members were not allowed to put questions in that sitting which was held only for half an hour, the President addressed and session adjourned. The Sino-Indian conflict and boarder situations were discussed in upcoming sessions but the information provided in secret session remained secret. The Assembly secretariat was also not allowed to interpret the matter even after six decades and still the Presidential address and Assembly report is blank.³³⁹

2.12 Political Parties

The political parties are recognized as the fundamental part of the democratic system but the 1962 assembly was elected without any political affiliation³⁴⁰. President

³³⁷*Assembly Debates*, The National Assembly of Pakistan 1962, (09 March 1963), 105.

³³⁸*Assembly Report*, The National Assembly of Pakistan 1962, (21 November 1962), 1.

³³⁹*Assembly Debates*, The National Assembly of Pakistan 1962, (21 November 1962), 1.

³⁴⁰ *Assembly Debates, Address of President of Pakistan; Mohammad Ayub Khan*, Official Report of the First Session of the National Assembly of Pakistan 1962, (08 June 1962), 6.

Ayub showed biases against the political affiliation and reminisced the legislators that they had been elected without any party affiliation and must have to maintain this position till the rules would be made to proceed the political parties. The President also directed the Assembly members, Don't organize with political affiliation but within likeminded factions³⁴¹. All the Assembly members were elected as independent candidates and had not been allowed to join any party till the President Ayub established his own political party.

The formation of political organizations and parties were also not allowed during the early days of the Assembly. The political parties were banned in the country by the Martial regime and democratic forces were not permitted for the political activities and also not for the formation of the political groups. The President Ayub Khan first time allowed the political leaders to form groups during his address to the assembly³⁴². Ayub Khan had interesting reasons about the restrictions of political affiliations and directed the legislators not to affiliate with political groups but same time gave them freedom to prepare rules to form and regulate the political parties.³⁴³

President Ayub directed the legislators in his first address to the Assembly that they had to avoid the party labels with them and remembered them that they had been elected without any party affiliation. He had given interesting reason about the forbidden of party affiliation that he had banned the political parties but the same time gave the direction to legislature that they may frame the rules to run the political parties meanwhile he jeopardized assembly that the draft of operating rules for political parties had to be

³⁴¹ Assembly Debates, *Address of President of Pakistan; Mohammad Ayub Khan*, Official Report of the First Session of the National Assembly of Pakistan 1962, (08 June 1962), 1-8.

³⁴² Assembly Debates, *Address of President of Pakistan; Mohammad Ayub Khan*, Official Report of the First Session of the National Assembly of Pakistan 1962, (08 June 1962), 6.

³⁴³ Ibid.

presented before him and he can amend or form in appropriate manner with his will at that time. Ayub restricted for the political labeling but allowed the legislators for the likeminded grouping within the assembly as they feel appropriate, in his address. He also pointed out that the regime would have to contact the legislator groups and individuals to convey and defend the actions taken during 44 months of the Martial law³⁴⁴.

The first group in the Assembly was formed by the Ayub Khan's allies (treasury benches) and Leader of the House and foreign affairs minister, Mohammad Ali, introduced this group in the legislature before the approval of the Political Parties Act 1962. The scenario seemed that government needed the uniformed group in the Assembly to direct the proceedings of the house in its favor and to gain political support to the regime. The Minister requested the Speaker to allot the separate seats for their group. The treasury benches chose the name for their faction as "Democratic Group". The Speaker did not hustle to allot them separate seats but replied to wait the formation of the other groups and after that the separate seats would be allotted according to the alliances³⁴⁵. This group formed by the treasury benches developed as the Ayub's political party, later. The government thus managed to run the assembly through proxies and King's party without any regard to the desires of people and free culture of political parties.

The treasury benches formed their group in last week of the June and announced it in Assembly on 28th June but Assembly approved the Political Parties Act on 15th July. There were restrictions upon political organizations and activities in the country but the treasury benches had formed their group with the name of "Democratic Group" and gladly

³⁴⁴ Assembly Debates, *Address of President of Pakistan; Mohammad Ayub Khan*, Official Report of the First Session of the National Assembly of Pakistan 1962, (08 June 1962), 6.

³⁴⁵ Assembly Debates, The National Assembly of Pakistan 1962, (28 June 1962), 671.

announced about it. The President had already directed the legislators to avoid participation in political parties and divide the Assembly into groups but same time he allowed for the grouping of likeminded persons. Later on, the group of Assembly members was formed by the treasury benches, which was assembled as Ayub's own political party.

The consideration and need of political party was desired soon after the emergence of National Assembly. The treasury benches, especially Ayub Khan, desired political grouping in the Assembly to precede the business in house and to gain public support at large. These circumstances had elaborated as that "Soon after that it became obvious that political groupings started emerging in the assembly. Ayub Khan realized that Election and Assemblies necessitated the existence of political parties. The formation of his own party or the adherence to one already existing, therefore, became inevitable for him. Thus one of the earliest bills to be passed by the national assembly was the Political parties Bill which became law on July 16, 1962. It permitted the revival of political parties although in a very truncated and restricted manner. On May 23, 1963, Ayub Khan became a member of the Pakistan Muslim League (convention), which was founded in September, 1962, at a convention in Karachi and almost immediately became the official government party. In December, 1963, Ayub Khan assumed the presidency of the Pakistan Muslim League, thus giving the finishing touch to his control of the country politics and political activities".³⁴⁶

The Law Minister verbally admitted the power of the Assembly at floor of the house. He acknowledging the Assembly's power during very first session declared the Assembly as highest representative body of state. He admitted that the Assembly had powers which reflected the supremacy of the masses.³⁴⁷ The power of legislature to amend

³⁴⁶ Tahir Kamran, Electoral Politics in Pakistan (1955-1969), *Pakistan Vision*, Vol 10-1, 91.

³⁴⁷ NAPD, 11 June 1962, p. 20.

and alter the Constitution was also acknowledged by the President Ayub Khan in his address to newly elected Assembly, although he directed the members not to hurry for the amendments and alterations.³⁴⁸

The powers of the assembly for the legislation are recognized internationally. The basic function of the parliament is defined as the body that has powers to make legislations. But it seems that the Ayub regime remained focused upon legislation with Presidential order. During the tenure of the 1962 assembly, the government presented with a small number of legislations for prier approval of the legislature which had been shown by the reports of the Ayub government regarding the introduced acts and ordinances.

Authoritative Ordinances instead of Legislation from Assembly:

Table 2: Legislation during assembly tenure 1962-1965

Year	Total Legislation	Assembly Act	Percentage	Ordinances	Percentage
1962	85	5	6	80	94
1963	32	23	72	9	28
1964	22	9	41	13	59
Total	139	37	27	102	73

The powers of Assembly to legislate were curtailed through the legislation through Ordinances. Assembly was deprived of its major function as the authoritative President continued to legislate through Ordinances. During complete tenure of Assembly, the Ayub

³⁴⁸ NAPD, 8 June 1962, pp.1-7.

government passed 139 legislations, only 27 percent of these (37 in number) were passed as the acts of Assembly and 73 percent (102 in number) was enforced through the means of ordinances (legislation by Presidential order). In 1962, The Ayub government enforced 85 legislations with only five passed by Assembly and 80 by ordinances³⁴⁹. In 1963, legislation by Assembly increased than ordinances. During this year 23 acts were passed by Assembly and nine ordinances were enforced by president office³⁵⁰. In 1964, nine acts were passed by Assembly and 13 ordinances were imposed by presidential order³⁵¹.

The reports of the Ministry of Law and Justice of that time presented the view that Ayub government had the attitude of legislation by presidential order even the Assembly had been formed. The trend of imposing ordinances changed in 1963 and majority of legislation was made by the Assembly only when Ayub regime had formed its own political party and this party had gotten full control of the Assembly. This attitude again changed in 1964 and majority legislation made by presidential ordinance, as it had been shown in the reports of the ministry of law and justice of Ayub government. The return to authoritarian legislation in the third parliamentary year was owing to the rising strength of the Opposition in the Assembly.

The unity had seen in the case of increase in the salaries and allowances of the members of the National Assembly by amending the Constitution. The bill was introduced from the treasury benches and presented with the recommendation of the President. The members approved the amendment bill for their on benefits with no vote against the bill

³⁴⁹ Ministry of Law and Parliamentary Affairs, *A Collection of the Central Acts and Ordinances for the Year of 1962*, (Karachi, Government of Pakistan Press, 1963), M. Law-141/500.

³⁵⁰ Ministry of Law and Parliamentary Affairs; Law Division, *A Collection of the Central Acts and Ordinances for the Year of 1963*, (Karachi, Government of Pakistan Press, 1964), M. Law-146/500.

³⁵¹ Ministry of Law and Parliamentary Affairs; Law Division, *A Collection of the Central Acts and Ordinances for the Year of 1964*, (Karachi, Government of Pakistan Press, 1966), M. Law-165/499.

introduced by the treasury benches. The law minister had put the bill in the Assembly which proposed to increase the salaries of the members from 400 rupees per month to 500 rupees per month and daily allowance from rupees 21 to rupees 50 for each day of session enacted.³⁵²

It was the one of the five acts passed by the National Assembly during the year 1962. Assembly had passed five acts in 1962 but the President's office promulgated 80 ordinances during the same time period which showed that the most of the legislation was not made by the Assembly.³⁵³ As the Law Minister presented the "The Members of National Assembly (Salaries And Allowances) (Amendments) Act 1962" in the Assembly, some members raised voice against it and addressed the house with loud voice. The opposing legislators suggested that this type of bill not to be presented in the house because it contradicted with the benefits and responsibilities of the members.³⁵⁴

The majority of opposing members belongs to West Pakistan but the members from East Pakistan also raised voice in this regard. But during voting no member voted against the bill. All the legislators present in the house, even who raised loud voice with ethical and legal aspects against it, voted in favor of the amendment. It was the first Act passed by the 1962 Assembly.³⁵⁵

The first act passed by the Assembly was "Finance Act 1962" which was presented during the budget session and introduced as the part of the budget. The Assembly passed the Finance Act unanimously. This act was about the fiscal proposals of Central

³⁵²*Assembly Debates*, The National Assembly of Pakistan, (04 July 1962), 998.

³⁵³ Ministry of Law and Parliamentary Affairs, *A Collection of the Central Acts and Ordinances for the Year of 1962*, (Karachi, Government of Pakistan Press, 1963), M. Law-141/500.

³⁵⁴*Assembly Debates*, The National Assembly of Pakistan, (04 July 1962), 998-1003

³⁵⁵*Assembly Debates*, The National Assembly of Pakistan, (04 July 1962), 1003.

Government for the financial year of 1962-63. The act was presented in the Assembly on 30th June 1962 and the same day it was passed by the legislature without any detailed discussion. The Finance Minister presented the Act clause wise and voice for approval was raised from the house. This act also provided the provisions of various taxes and duties. There was no voice against the Act, the treasury benches presented the finance bill as the part of the budget. The reason of the silent approval from legislators was that they had already been conveyed that they had no role on vote upon budget passed the Finance Act 1962 and they could not vote against it. The Minister of Finance, Abdul Qadir, presented the Finance Bill clause wise soon after the approval the law minister, Mohmmad Munir who presented the bill about the salaries and allowances of the members of the Assembly.³⁵⁶ Knowing the fact that their debate had no practical value, the members kept silent even when the Speaker offered the legislators to debate upon various clauses of the bill in detail.³⁵⁷

2.13 Powers of Assembly on Passage of Various Bills:

“The Members of National Assembly (Salaries and Allowances) (Amendment) Act, 1962” was passed unanimously. It was the first legislation made by the Assembly and members passed it without any vote against it. According to the Assembly record, it was the first Act³⁵⁸ presented in the National Assembly formed under the 1962 Constitution but Assembly approved it after the Finance Act and it came into force from 05 July 1962.³⁵⁹ Basically this bill was introduced as the amendments in the “The Members of

³⁵⁶NAPD, 30 June 1962, pp. 813-814.

³⁵⁷Ibid., 813-840.

³⁵⁸Ibid., 813.

³⁵⁹*The Members of National Assembly (Salaries and Allowances) (Amendment) Act, 1962*, GPPK – L 82 (62) Law – 5-12-62 – 1500, 1.

National Assembly (Salaries and Allowances) Act, 1956”³⁶⁰ and Assembly made these amendments with no vote against it. Some members voiced against the expansion in salaries but at the time of the voting none of them was against the bill.³⁶¹

The finance Act and Salaries Act was introduced in the Assembly at the same time. The Minister introduced the bill of amendments in salaries but did not discuss that and presented the Finance Act for approval. Soon after the approval of the Finance Act with the will of the government the bill for the increase in salaries was presented in the house for consideration. The scenario presented an image of linkage between both the bills. Thus the opposition legislators were not properly informed about the nature of the legislation and authoritative measure of misinformation was used to hoodwink the legislators.

“The Political Parties Act 1962” was presented in the Assembly for consideration on 4th July 1962 by Minister of Law and Parliamentary affairs, Mohammad Munir. A number of legislators had already presented their bills regarding political parties and political freedom. The movers were demanding separate special committees to discuss the legal aspects of the bill. Mr. Aziz Din, a member from West Pakistan seemed very keen upon the issue. Speaker denied various separate committees upon the bills on same issue. After the detailed discussion the Assembly formulated a ten members committee with representation of different groups in the Assembly.³⁶²

The bill was again discussed in the house on 9th July after the consideration of the special committee.³⁶³ The Minister of Law and Parliamentary Affairs, Mohammad Munir,

³⁶⁰*The Members of National Assembly (Salaries and Allowances) (Amendment) Act, 1962, GPPK – L 82 (62) Law – 5-12-62 – 1500, 1.*

³⁶¹ NAPD, 4 July 1962, 998.

³⁶² Ibid. p, 1035.

³⁶³ NAPD, 9 July 1962, p. 1188.

presented the report³⁶⁴ of the committee and introduced the Act clause wise as bill³⁶⁵. The movers of private bills of same nature withdrew their motions and agreed upon government bill. The government amended various points from the Act during the consideration in the committee, especially the clause three was removed which restricted the detained personalities for the political office holding. Assembly had detailed discussions upon the bill and members expressed their thoughts again and again upon all the clauses of the bill. The Assembly discussed the bill in eight sittings but most the times the general conditions and common considerations were expressed instead of technical points of the act.³⁶⁶

The formation of political parties and grouping in Assembly had become necessity for Ayub Khan to run the legislature business and also to gain political support from masses. The grouping within Assembly had already announced by the treasury benches, as the political parties bill was passed by parliament on 16 July 1962, the Ayub regime announced its Political Party, Pakistan Muslim League (Convention) just six weeks after imposition the act. In May 1963, Ayub Khan officially joined the Convention League³⁶⁷ and held its presidency in December 1963. The scenario was presented as “Ayub Khan realized that Election and Assemblies necessitated the existence of political parties, thus one of the earliest bills to be passed by the National Assembly was the Political Parties Bill. It permitted the revival of political parties with truncated and restricted manner. In December, 1963, Ayub Khan assumed the presidency of the Pakistan Muslim League, thus giving the finishing touch to his control of the country politics and political activities”.³⁶⁸

³⁶⁴Ibid., 1188-1189.

³⁶⁵ NAPD, 09-15 July 1962, pp. 1319-1602.

³⁶⁶Ibid, pp. 1319-1602.

³⁶⁷*The Pakistan Times* (Lahore), 24 May 1963.

³⁶⁸ Tahir Kamran, “Electoral Politics in Pakistan (1955-1969),” *Pakistan Vision*, 10, 1 (2009): 91.

“The Preventive Detention Laws Amendments Act, 1962” was passed by the Assembly in July 1962 and implemented from last week of the same month.³⁶⁹This act was basically about the prevention from extra-judicial arrests and restricted the detention period till the 60 days. The security forces restrained with two months detention and investigations without the judicial custody. The Act was implemented with all the laws related to arrests and forces involved with the security of Pakistan concerns.³⁷⁰The Assembly had detailed discussion upon the bill and formed the 14 members committee having representation of all groups in the Assembly. The Special Committee discussed upon all the clauses of the bill and submitted its report in house. After clause by clause approval of the content of the bill the law was enforced. In the basic draft, the government proposed three month detention period but on the suggestions of opposition the detention period remained with two months. The Opposition members opposed the bill at large, declared it against the fundamental rights and demanded prohibition upon detention. But the treasury benches ignored the suggestions of opposition and introduced the bill with decreased time period for detention. The opposition members expressed against it in general with reference to fundamental rights and democratic rules but did not vote against the clauses of the bill when that passed.

The Assembly also discussed the Press and Publication Ordinance (PPO) 1960, an important legislation regarding the periodicals and publications, and amendments in it were proposed by Ayub’s minister. The legislators opposed the PPO and proposed amendments and demanded to amend the law with democratic terms.³⁷¹ The legislators suggested

³⁶⁹ *The Preventive Detention Laws Amendments Act, 1962*, GPPK – L 84 (62) Law – 4-12-62 – 1500, 1.

³⁷⁰ *The Preventive Detention Laws Amendments Act, 1962*, GPPK – L 84 (62) Law – 4-12-62 – 1500, 1-2.

³⁷¹ NAPD, 19 April 1963, pp. 2023, 2057

amendments in PPO and demanded a more liberal and having freedom of expression law for the periodicals but failed to have the approval for their amendments. The Law minister, Khursheed Ahmed, welcomed the suggestions from the opposition during his address in Assembly session but could not acknowledge them in law.³⁷² The treasury benches amended the PPO as the ministry had already suggested.

In terms of legislation the Assembly was not relied during the year 1962. The reliance on Assembly for legislation was increased in the year 1963 but it again decreased in 1964.³⁷³ During the year 1962, more than 94 percent, 80 in numbers pieces of legislation were done by the Presidential Office in terms of ordinances and around six percent, five in numbers items of legislation were done by Assembly in terms of acts. The year 1963, remained significant for Assembly importance in accordance with the legislation by legislature, as 72 percent legislation, 23 in numbers, were done by the Assembly and 28 percent, nine in numbers pieces of legislation were done by the Presidential office in form of Ordinances. Assembly passed 23 acts during its third parliamentary year. The first session of the Assembly in the year 1963 was held in Dacca and legislation bills was introduced at large in that session which had shown by the series of acts enforced during the month of April and May after the final moniker of the President and gazette notification. The rate of legislation within the Assembly again reduced in 1964 as the 59 percent laws were made by the Presidential order and only 41 percent by the legislature. The legislators repeatedly criticized the attitude of government regarding legislation by the ordinances.³⁷⁴

³⁷²Ibid., 2068.

³⁷³ NAPD, 17 April 1963, p. 1906.

³⁷⁴ NAPD, 17 April 1963, p. 1906.

Chapter - 3

The Powers of President and National Assembly of Pakistan 1965-1969

This chapter elaborates the position of legislature and Presidential powers upon various issues discussed in the Assembly and occurred during the 1965 to 1969. The study explains the scenario of prior and after the war of 1965, Tashkent Declaration, legislation in the Assembly, Electoral College and election reforms, motions and question answer session and agitation against the Ayub regime in later 1968 and early 1969. This chapter of the study examines the influence of the President Muhammad Ayub Khan on legislature and legislators and elaborated the power distribution scenario during the 1965 to 1969.

3.1 The Elections and Electoral System

The elections, electoral system and Electoral College always considered very important to assessed the democratic scenario of the country. The elections in 1965 were not held on adult franchise base but the 80 thousand basic democrats (BDs) were considered as Electoral College as it was done for 1962 National Assembly elections and also for Presidential pool.³⁷⁵

The elections were held in 1965 and the Assembly was constituted on 12 June 1965. The pro-Ayub party got the overwhelm majority in the Assembly. The Pakistan Muslim League (Convention) won on 129 seats out of total 156. United Parliamentary Party scored 14, National Awami Party 3, Council Muslim League 1 and independent group 5 seats in the National Assembly of the Pakistan.³⁷⁶ The opposition even had no numbers to requisite

³⁷⁵National Assembly of Pakistan, *Parliamentary History* (Islamabad, National Assembly Archive, n.d.) Retrieved from official website of the National Assembly from <http://www.na.gov.pk/en/content.php?id=75>

³⁷⁶ List of Members of 4th National Assembly of Pakistan 1965-69.

the session of the house. The pro-government PML (Convention) seemed very strong in the assembly but had no deep roots in the public.³⁷⁷

The opposition criticized the electoral system of the country and presented the constitutional amendments which favored the direct and adult franchise elections. The mover of the amendment bill appreciated the movement under the leadership of Hussain Shaheed Suharwardy in 1963-64 and Mohtarma Fatima Jinnah in 1965. The mover also criticized the electoral college voting for Presidential Election and favored the adult franchise system.³⁷⁸ The treasury benches strongly opposed the bill and presented examples from Caliphate in favor of Presidential system of Ayub regime. The treasury benches' representative criticized the motives behind the amendment bill and supported electoral college of Basic Democracies.³⁷⁹ The Senior Deputy Speaker put the question to introduce amendment bill and announced negative.³⁸⁰

The legislature had no role to set the Electoral College for upcoming elections and did not bother the voting right. The Electoral College amendment bill 1969 was not presented in the Assembly to discuss and never be discussed in standing committees.³⁸¹ The government just presented it in the Assembly and it was announced to be approved by the Speaker. The Minister of Law and Parliamentary Affairs and any other representative of treasury benches did not explained its features and not clause wise discussed in the house. The speaker just announced some clauses to amend according to government proposals and those were approved.³⁸² The same was done with the Presidential Election

³⁷⁷M. Rashiduzzaman, "The National Assembly of Pakistan under the 1962 Constitution", *The Pacific Affairs*, Vol XLII-4, 483.

³⁷⁸ A. H. M. Kamaruzzaman, NAPD, 06 June 1966, 2nd year, 4th session, 473-474.

³⁷⁹ Mohammad Haneef Khan, NAPD, 06 June 1966, 2nd year, 4th session, 474-477.

³⁸⁰ Fazal Elahi Chaudhary, NAPD, 06 June 1966, 2nd year, 4th session, 479.

³⁸¹ S. M. Zafar, NAPD, 27 January 1969, 4th year, 10th session, 94-95.

³⁸² Abdul Jabbar Khan, NAPD, 27 January 1969, 4th year, 10th session, 94-95.

amendment bill 1969. The bill was presented in the Assembly but not a single legislator discussed upon it. The bill was presented and approved.³⁸³

The government party was very strong in numbers but its members seemed ready to praise the president at all the times and never put questions about the government policies. There was no coordination between the members of convention league and all the members tried to remained silent except ministers which were not members of the house. The opposition had diminished in the size but its members were vigilant and cautious and pointed out the shortcomings of the administration heedfully.

The elections and electoral systems always are considered basics of democratic systems. The system introduced by Ayub regime was not directly concerned with populace, only 80 thousand BDs had the role in elections and public will negated in this scheme as it was shown by the Presidential election of Fatima Jinnah. The opposition parties demanded adult franchise base Electoral College and tried to amend the election clauses but failed due to majority numbers of treasury benches. Even the government allies just scored 55 percent votes of Electoral College but won 90 percent seats of National Assembly in 1965 elections.

3.2 War 1965, Tashkent Accord and Assembly

The war affects the countries at large in all social and political perspective. Same happened with Pakistan during and after the War of 1965 against India. The war also determined the power structure in the country. The tension rose between Pakistan and India when Indian Army launched an operation in Kargil in May 1965, crossed Cease-Fire line

³⁸³ NAPD, 27 January 1969, 4th year, 10th session, 95.

and occupied three Pakistani posts.³⁸⁴ While the elections for National Assembly Pakistan were held on 11th May.

3.2.1 Pre War Tensions and Assembly

The newly elected National Assembly of Pakistan started its inaugural session on 12th June 1965. The session that continued till 5th August started its business with the debate on the budget. During this period the tensions and small operations on the borders of India and Pakistan broke out and continued. The issue of tension on Indian borders was raised in the National Assembly for the first time on 14 June 1965, the second day of Assembly's proceedings, by some legislators from East Pakistan. Two members Abul Kuasem and Shah Aziz Rahman presented adjournment motions and asked to discuss the matter of concentration of Indian forces on Pakistan's border. The legislators pointed out the war-like preparation and constant infiltration of Indian Army on borders, especially on Rann of Kutch. The members showed serious concerns on the activities of Indian Army and considered it as the danger for security of the State of Pakistan. The legislators demanded to adjourn the Assembly business to discuss on issue of Indian penetration.³⁸⁵ The leader of the house having presented the official view on the issue, agreed to discuss upon the issue later, on arrival of Foreign Minister in the Assembly.³⁸⁶

During discussion on budget Major Zulfiqar Ali Khan Qizilbash, a member from West Pakistan criticized Indian intentions to force Pakistan. He praised government to set aside a sum of 5% as a cut in over-all development programme for defence.³⁸⁷ Another

³⁸⁴ Ayub Khan, The President of Pakistan to The Secretary-General United Nations, 05 September 1965, DO 196/384, The National Archives (TNA) London.

³⁸⁵ Abul Quasem, *National Assembly of Pakistan Debates (NAPD)*, 14 June 1965, 1st year, 1st session, 37

³⁸⁶ Abdus Sobur Khan, *NAPD*, 14 June 1965, 1st year, 1st session, 38-39

³⁸⁷ Major Zulfiqar Ali Khan Qizilbash, *NAPD*, 17 June 1965, 1st year, 1st session, 193-94

mention to Pakistan's relations with India and dangers of war was made during the discussion on budget by Syed Ali Asghar Shah. On 21st June he referred to that India's making of war-like preparations and requested the Civil Defence training for the civil population. He also viewed that the budget for the welfare of ex-servicemen was far too when the government had recalled 20 lakh ex-servicemen to active duty.³⁸⁸ On the same day during budget discussion another member Fida Mohammad Khan cited the war-like situation by saying that the Indian Army was knocking at Pakistan's borders. He told the house that the Indian army had occupied two posts in Kargil. He called the morale of people of Pakistan high and that of Indians low. Referring the battle of Panipatt he advocated for war and offered that 'cut should have been more and more'. He even was prepared to suspend whole budget and whole programme in order to give a give a fight to the Indians.³⁸⁹ Majibar Rahman Chowdhury however objected on point of order over the advocacy of war of Fida Muhammad Khan who was defended by the presiding Deputy Speaker's ruling out the point of order.³⁹⁰

During the Budget debate on 22nd June 1965 Rana Ghulam Sabir Khan, a member from West Pakistan also praised the high morale of soldiers after their 'fighting bravely in the Great Rann of Kutch'. Instead of serious points regarding possible war or its outcome he referred jokes on Indian soldiers.³⁹¹ Nur-ul-Amin, former Chief Minister of East Pakistan, objected on the military strategy of leaving the defence of East Pakistan

³⁸⁸ Syed Ali Asghar Shah, *NAPD*, 21 June 1965, 1st year, 1st session, 298

³⁸⁹ Fida Muhammad Khan, *NAPD*, 21 June 1965, 1st year, 1st session, 312.

³⁹⁰ *NAPD*, 21 June 1965, 1st year, 1st session, 312-13.

³⁹¹ Rana Ghulam Sabir Khan, *NAPD*, 22 June 1965, 1st year, 1st session, 408.

unattended but he could not continue to elaborate his point due to an announcement from the Speaker. He also objected on the 5 percent defence cut on development budget.³⁹²

The issue of Indian build-up on border was once again raised in starred questions on 25th June 1965. The legislators showed their keen interest in the security of the state and put questions in this regard. The legislators asked the Minister of Home Affairs if he was aware of Indian build-up on the Pakistan borders and whether the measures taken to alert the Civil Organisations to bring them in line with the requirements of time and if government was to train the people at large in Civil Defence. The government representative, the parliamentary secretary, did not disclose the details on the pretext of safety issues.³⁹³

Thus the issue of Indian infiltration in Pakistani borders, Kahmiris' actions and Pakistan army's advances could not be discussed in Assembly even when the opposition indicated the issue in very early meeting of the house and introduced adjournment motion in this regard. The adjournment motion remained un-addressed for around two months' session and could not be discussed and treasury benches used delaying tactics. The non-availability of Minister of Foreign Affairs, Zulfiqar Ali Bhutto, was the pronounced key reason for treasury benches to delay the matter.³⁹⁴ Even during the discussions on the East Pakistan's the equal share in the defence of country there was absence of any mention to the current situation of defence with India.³⁹⁵ Saleem Khan, a member from West Pakistan being retired Lieutenant Colonel, during speech on Finance Bill, praised the expenditures

³⁹² Nurul Amin, *NAPD*, 22 June 1965, 1st year, 1st session, 420-21.

³⁹³ Fida Mohammad Khan and Makhdumzada Syed Hamid Raza Gilani, *NAPD*, 25 June 1965, 1st year, 1st session, 587-588.

³⁹⁴ Shah Azizur Rahman and Abdus Sobur Khan, *NAPD*, 05 August 1965, 1st year, 1st session, 2581-2593

³⁹⁵ *NAPD*, 26 June 1965, 1st year, 1st session, 736-45

and steps suggested for defence without any commentary on the current situation. He also supported the cause of Kashmir's liberation.³⁹⁶

During the war-like situation at Indian border, the government of Pakistan exempted the large number of foreigners for the registration under the law but allowed them to travel anywhere in the country. The regime issued the exemption orders with executive powers and presented for approval in the Assembly after sometime. Although the government presented the exemption orders for approval in the Assembly yet it did not show the figures and details of foreigners who were allowed under these declarations of exemption.³⁹⁷

3.2.2 President's Address on War 1965:

The open war of September 1965 started on 6 September. The National Assembly did not hold its session during the war. The post-war session of the Assembly commenced on 15th November 1965. As war had generated political and societal disturbance in Pakistan, it seemed that there were issues of food security in East Pakistan more than West Pakistan although the flames of war did not hit the Eastern areas of the country. Pakistan had to face social unrest and food crises. The food security issue hit the East Pakistan specially and government had to import rice from Burma. The quality issue of Burmese rice was raised in the Assembly and legislators showed serious concerns in this regard.³⁹⁸

Ayub Khan, the President of Pakistan and alleged reprobate of the war,³⁹⁹ addressed the Assembly in the first day of its session after the September 1965 War on 15th November

³⁹⁶ Mohammad Saleem Khan, *NAPD*, 29 June 1965, 1st year, 1st session, 916-17

³⁹⁷ Makhdumzada Syed Hamid Raza Gilani, *NAPD*, 18 June 1965, 1st year, 1st session, 197.

³⁹⁸ Mr. James, United Kingdom High Commission (UKHC) Rawalpindi, to CRO London, 10 September 1965, DO 196/384, TNA London.

³⁹⁹ Shahid Hamid, *Early Years of Pakistan* (Lahore: Ferozsons, 1993), 205

1965. The session was called two months after the War. In this session the emergency order of September 1965 was laid for approval of the legislature. The President conveyed the legislators about the Indian infiltration in Rann of Kutch in early days and Indian attack on Pakistan in September 1965.⁴⁰⁰ The President of Pakistan took legislatures in confidence about the country's strategy about Indian invasion. He asked that Pakistan always tried to promote peace in the region, especially with its neighboring countries but India always adopted the attitude which harmed the peaceful situations. He enlightened about the legal and ethical stance of Kashmir issue and maintained that Indian infiltration in Kashmir had no ethnical, geographical and political reasoning. The President Ayub told the Assembly that:

“For 18 years we have tried to come to some understanding with our immediate neighbor, India, whose attitude towards us has been one of continued hostility. It is this attitude which has been devilled our relations and which is the root cause of all India-Pakistan tension. There was no legal, moral, geographical, ethnical or political justification for India to create the Jammu and Kashmir dispute except as a deliberate and calculated device to pose a lasting threat to the existence of Pakistan.”⁴⁰¹

The President Ayub Khan laid responsibility of War on India and said that Indian forces tried to occupy cease-fire line in Chaknot area in 1964 and in Dahagram (East Pakistan) in earlier days of 1965, which became the cause of high tensions between both the countries. He added further as:

⁴⁰⁰ General Muhammad Ayub Khan, *NAPD*, 15 November 1965, 1st year, 2nd session, 31-37.

⁴⁰¹ *Ibid.*, 31.

“Her [Indian] hostility towards Pakistan also became more open. Her [Indian] armed forces tried in 1964 to occupy first Chaknot on the cease-fire line and then earlier this year Dahagram in East Pakistan. She [India] followed this with a military take-over of some 3,000 sq. miles of disputed territory in the Rann of Kutch despite the existence of an agreement to settle this dispute by negotiations. We naturally had to react and thwart her designs. Realizing the futility of the course she was pursuing, India for the first time in 18 years agreed to submit a dispute over what she claimed was Indian territory, to impartial arbitration and to abide by its decision.⁴⁰²

The President said Indian infiltration in Pakistani areas was not an accidental permeation but a deliberate and planned attack on its neighboring country. India tried to capture Pakistan during asleep. Its actions in Kargil and Azad Kashmir might not be bearable. He added as:

After a brief lull; the Indian Army re-embarked on its long-planned course of aggression. In the middle of May this year, Indian forces seized 3 isolated and thinly manned outposts in Kargil on our side of the ceasefire line in Azad Kashmir.”⁴⁰³

General Ayub Khan conveyed that Indian forces started a direct action on international borders from August and Pakistan had to counter the neighboring forces in Chamb, Kargil, Awan Sharif and other areas. He concealed from the parliament that

⁴⁰²Ibid., 32.

⁴⁰³Ibid., 33.

Pakistani guerillas disguised as Kashmiris crossed the ceasefire line on 5 August to make their presence visible as a prelude to an indigenous Kashmiri revolt. Instigated and planned by Pakistan, they became the starting point of war.⁴⁰⁴ However Ayub claimed what no assemblyman had chance to contradict or question that the Pakistani move was just to encounter the Indian infiltration. He told that:

“they interpreted our restraint as weakness and went to the extent of shelling the village of Awan Sharif in Pakistan on 25th of August. Simultaneously they were preparing the ground for launching a direct offensive against Pakistan from the Chamb sector. Our forces moved in support of the Azad Kashmir farces into the Chamb sector and destroyed the aggressive positions which the Indian Army had taken for an attack on Pakistan.”⁴⁰⁵

The President told about the September attack saying that

“on September 4, the United Nations issued an appeal for peace. The Indian response to this appeal from the world body was a treacherous attack on Pakistan on the 6th of September in the Lahore area. It was a three-pronged thrust. Anticipating this, our forces had occupied forward positions and within a matter of hours, the massive Indian advance was halted and repulsed. Outnumbered 4 to 1 our gallant forces, supported by our valiant Air Force, delivered

⁴⁰⁴ UK Ministry of Defence, *Secret Report on India Pakistan War 1965*, DEFE 44/102, The National Archives London.

⁴⁰⁵ Ayub Khan, *NAPD*, 15 November 1965, 1st year, 2nd session, 33.

crushing blows on the aggressor and pushed him back to positions from where he was not allowed to advance.”

The president twisted the facts in his narrative to the parliament regarding the beginning of war. About the initiator of the war historians impartially have concluded that Pakistan started the war.⁴⁰⁶ The United Nations’ reports also showed that the Cease-Fire Line was first crossed by the Pakistan which became the cause of war. The India might decrease the tension if it tried for the dialogue but Indian Prime Minister communicated the nation to back Army and expressed to “see it to the end”. The Indians were ready for war, although dialogue might favor them. The dialogues were not in favor of Pakistan and India could be more beneficial in negotiations but Indians did not try for dialogue and Pakistan was also not in favor of dialogue before the War.⁴⁰⁷

Pakistan had agreed for cease-fire just two days after the Indian attack and did not want to prolong the war conditions. The President Ayub admitted that “Pakistanis had not been angels” but same time expressed that Pakistan could not compromise for his territory. Pakistan showed its consent for Cease-Fire on 08 September but called it “purposeful Cease-Fire” and protested upon inhuman acts of Indian Army.⁴⁰⁸

The president also presented a view of Indian attack in various areas and stated that India moving across Pakistan’s border in Rajasthan occupied a small post in Pakistani territory. In response Pakistani ‘forces struck back hard and captured extensive areas deep in Indian territory.’ He explained the ceasefire as “When the cease-fire came on the 23rd of

⁴⁰⁶ Rizwan Ullah Kokab, *Separatism in East Pakistan A Study of Failed Leadership* (Karachi: Oxford University Press, 2017), 122

⁴⁰⁷ Freeman, United Kingdom High Commissioner (UKHC) New Delhi to CRO London, 06 September 1965, DO 196/384, TNA London.

⁴⁰⁸ Mr. James, United Kingdom High Commissioner (UKHC) Rawalpindi, to CRO London, 08 September 1965, DO 196/384, TNA London.

September, the Indian forces had little to show for all their aggression. They had suffered heavy casualties on the battle-field and their war-machine had been badly mauled. They were in occupation of an area of 430 sq. miles in different sectors as against which they had yielded over 1,600 sq. miles to our forces.” The Big International forces responded after two weeks of war. The president criticized their delaying response and said that “the Security Council passed resolution on 20 September while reiterated on 05 November upon it.”

Instead of any debate on the address of the President the Assembly discussed the September War in the context of a resolution to pay respectful homage to martyrs and armed forces of Pakistan. Abdus Sobur Khan, the Leader of the House and Minister for Communication, started the discussion on the resolution on 17th November 1965.⁴⁰⁹ Nurul Amin, the Opposition leader, supported all three parts of the resolution namely the paying homage to martyrs and Shaheeds, the appreciation of the fortitude of armed forces and expression of grateful thanks to all friendly countries.⁴¹⁰ After the passage of the resolution, a motion about the situation created by Indian aggression on War 1965 was moved. Z.A. Bhutto, the Foreign Minister spoke first. He shed light on the history of hostile relations of Pakistan with India. Entire rhetorical assault was aimed at the Indian aggression and animosity against the Muslims and Pakistan. He laid the responsibility of the start of War on India and told that on 16th August the India Army occupied the outpost in Kargil and in the subsequent days shelled on the West Pakistani village of Awan Sharif, crossed

⁴⁰⁹ *NAPD*, 17 November 1965, 1st year, 2nd session, 31, 63

⁴¹⁰ Nurul Amin, *NAPD*, 17 November 1965, 1st year, 2nd session, 31, 69

the ceasefire line frequently on 24th August and towards the end of the August started an operation in Uri-Poonch sector.⁴¹¹

3.2.3 Presidential address in March 1966 on Tashkent:

On 10 January 1966 India and Pakistan concluded Tashkent Declaration and agreed upon ceasefire and settled to go back on 06 September 1965 position. Minister of Foreign Affairs Z.A. did not agree to accept the Soviet draft of Tashkent Declaration but Ayub accepted it with his own will. The clause of non-use of force between both the countries for Kashmir was included by the own handwriting of Ayub Khan after the denial of Bhutto to do so. Bhutto tried to counsel the Ayub about various contradicted clauses but could not be succeeded. The former Governor Punjab Salman Taseer presented this controversy as:

“Bhutto could clearly see the implications of signing the Tashkent Declaration. He bitterly opposed the Declaration and fought tenaciously for the exclusion of some of the more damaging clauses. But as Ayub Khan’s Foreign Minister, his influence was clearly limited.”⁴¹²

The known political writer of that time Lawrence Zeering penned this controversy as:

“It appears now that Foreign Minister Bhutto counseled the President against accepting anything less than an agreement for the holding of a plebiscite on Kashmir”⁴¹³

⁴¹¹ Z.A. Bhutto, *NAPD*, 17 November 1965, 1st year, 2nd session, 31, 76-85

⁴¹² Salmaan Taseer, *Bhutto a Political Biography*, (Lahore: 1979), 64

⁴¹³ Lawrence Zeering, Ralph Braibanti, & W H Wriggins, *Pakistan: The Long View*, (Durham: Duke University Press, 1977), 76

The Indian writers also spoke on this controversy between Ayub and Bhutto and considered it as Bhutto's effort to sabotage the peace dialogue. The Indian writer Durga Das wrote on issue as:

“Foreign Minister Bhutto tried to sabotage the agreement by raising all kinds of objections to the Soviet draft. Even after Ayub had, in his own handwriting, agreed to include a non-use of force in the draft declaration, Bhutto omitted these words from the fair draft sent back by the Pakistanis to the Russians. The Soviets were indignant and decided not to let Bhutto, whom they now were describing as a gariachi Glave (hot head), get away with it. They successfully poured cold water on him by going back directly to Ayub and holding him to his earlier commitment. Bhutto, thereafter, cut a sullen figure at Tashkent. At a glittering ceremony at which the Declaration was signed, those present saw Bhutto quietly rapped by Ayub for blowing smoke rings and conducting himself in a manner which was not in keeping with the dignity demanded by the occasion.”⁴¹⁴

The Ayub regime was obstinate to sign the declaration but Bhutto raised voice against pact and pointed out various clauses were against the National interest. Bhutto was directed to go back to country and take the nation in confidence in favor of the declaration. The known Indian journalist and writer Kuldip Nayar penned upon the issue as:

“When India asked for an official confirmation of the amended draft, Pakistan said that there never was any draft. Bhutto apparently had had his way. He had threatened to go back to Pakistan straight away

⁴¹⁴ Durga Das, *India: From Curzon to Nehru and after*, (London, Collins, 1969), 65

and ‘take the nation into confidence’. Ayub knuckled down under his threats because he could not take chances. He had emerged weaker from the 1965 conflict.”

Bhutto resigned on Tashkent issue but no voice was heard about the Tashkent and Bhutto resignation in the Assembly. The legislators, from opposition and treasury benches, totally ignored the matter and remained silent in this regard. Bhutto resigned in June 1966 after a prolonged leave from his office. He was welcomed by the populace at large on every station during his travel by train from Rawalpindi to Larkana.⁴¹⁵

Bhutto denied to accept Tashkent declaration and showed deep concerns upon that. The public image was also against this cease-fire agreement and populace considered it against the benefits of the country. The public especially the students uprising against pact and demonstrated to back the Kashmir issue. Bhutto resigned from his post and publicly criticized the Tashkent Declaration. He staged demonstration against Ayub and arranged tour to force public gatherings where Ayub’s policies were criticized in all respect.⁴¹⁶

On the Tashkent Declaration President Ayub Khan addressed the National Assembly on 8th March 1966, the second day of the third session of the Assembly. He called Declaration as pact of peace.⁴¹⁷ He considered agreement as initiative to resolve the Kashmir Issue which ultimately turned into socio-economic development in the region. He expected that

“Once this basic dispute [on Kashmir] is resolved, the two countries can turn their energies and resources to socio-economic development, and also

⁴¹⁵ Ian Talbot, *Pakistan A Modern History*, (London: C. Hurst & Co. Publishers Ltd., 1998), 179

⁴¹⁶ Rehman Sobhan, “Pakistan's Political Crisis”, *The World Today*, 25-5 (May 1969), 204

⁴¹⁷ General Muhammad Ayub Khan (President of Pakistan), *NAPD*, 08 March 1966, 1st year, 3rd session, 63

give serious thought to a reduction of the heavy defence burden which an armament race would inevitably entail.”⁴¹⁸

While addressing the Assembly on Tashkent Declaration President Ayub did not give the details about the agreement and just called the legislature the pact has been done and it would be important for future development. The President supposed that the government may concentrate on public progress and national reconstruction as the peace agreement had finalized between both the countries. And further emphasized to the political and constitutional conditions of the country, praised his constitutional setups and advised the legislature not to consider parliamentary form of government for the country. He argued in favor of amendments in Constitution but not as parliamentary but in favor of Presidential form of government. He also presented an overview of his foreign policy and international relations but did not present the details of Tashkent Declaration for which he come to address the Assembly. ⁴¹⁹

The address of Ayub Khan was an isolated piece in the proceedings of the House. No debate in the Assembly was held on the address of the President. No questions were raised and no comments were laid on his assertions. It appeared that there was nothing wrong with the statements of President within the House. The Assembly remained quiet on the Tashkent Declaration and the speech of the President. Negating these developments the Assembly occupied itself in the recovery of possession of Land and Buildings Ordinance 1965.⁴²⁰ Not to speak of the storm that was in the offing outside the House and in broad cities of country where a movement against the Tashkent Accord was boiling to be erupted.

⁴¹⁸ Ibid.

⁴¹⁹ Ayub Khan, *NAPD*, 08 March 1966, 1st year, 3rd session, 63-66

⁴²⁰ *NAPD*, 09 March 1966, 1st year, 3rd session, 160-174

Bhutto had a different opinion of Tashkent Declaration and tried to resign several times but Ayub denied to accept his removal from office. Bhutto was threatened by regime and directed to remained silent on Declaration.⁴²¹ Bhutto's stance on Tashkent Declaration clearly showed under the table dealing on issue but the Assembly did not speak out on a serious matter of national interest. The political developments occurred during and after the war but nothing were seen in the Assembly. The legislators did not discuss the good and bad points of the declaration but just praising remarks for the President Ayub Khan. The political developments in the country after the war were totally ignored by the legislators and never discussed the scenario in Assembly.

On 14th March 1966, however, a privilege motion was placed in the Assembly regarding appointment of Bhutto, Foreign Minister as leader of the delegation to Indo-Pakistan Conference. The privilege motion was moved by Abul Quasem who objected on Bhutto's appointment as leaders of the delegation while Leader of the House, Khan A. Sobur, Minister for Communication was also included as a member of the delegation. The Speaker ruled the motion out of order on the grounds that the Ministerial Conference was held on the basis of the Tashkent Declaration. Speaker declared that it was 'within the absolute power of the President to determine the composition of a delegation and appoint its leader.' He did not see 'how, by any stretch of imagination, this infringed the privilege of Assembly.'⁴²²

⁴²¹ Pillo Mody, *Zulfi My Friend*, (Karachi: Allied Publishers, 1974; republished by Paramount Books, 2009), 66

⁴²² *NAPD*, 14 March 1966, 1st year, 3rd session, 352-53

3.2.4 1966 Violations:

Post 1965 war violations of Indian forces were discussed in the National Assembly of Pakistan on the adjournment motions. For instance in May 1966 the violation of the Indian forces were discussed in the house by Mukhlesuzzaman, a member from East Pakistan. The newspapers had reported that the Indian Army assaulted in areas of East Pakistan on 22 May 1966.⁴²³ While they attacked on Kashmir border on 24 May 1966.⁴²⁴ The Indian forces attacked on civilian areas and damaged the villagers at large. The issue of Indian assault was presented in house a week later by Mukhlesuzzaman through two adjournment motions. One adjournment motion was related to the Indian violation on the Indo-Pakistan border in West Pakistan and the other related to some happenings in East Pakistan. The motions were accepted for discussion.⁴²⁵ In the discussion later the legislators condemned the Indian action. It had been conveyed to the legislature that Indian intrusion had been seen in various areas of the East Pakistan, especially in Assam, Sylhet, Mymen Singh, Rangpur and other border areas. The opposition criticized the government upon low-level defense arrangements in East Pakistan.⁴²⁶ The opposition legislators also questioned about the strength of Indian troops and weaponries used against Pakistan in war and insurgencies.⁴²⁷

3.3 Constitution Making and Legislation

The Parliament always is considered the highest forum for legislative business. The assemblies decided upon the legislative matters with consultation and debates every point

⁴²³ Daily *Dawn* Karachi, 22 May 1966

⁴²⁴ Daily *Dawn* Karachi, 24 May 1966

⁴²⁵ Mukhlesuzzaman Khan, *NAPD*, 30 May 1966, 2nd year, 4th session, 112-113

⁴²⁶ Mukhlesuzzaman Khan, *NAPD*, 07 June 1966, 2nd year, 4th session, 525-529

⁴²⁷ Mian Abdul Haque, *NAPD*, 30 May 1966, 2nd year, 4th session, 255

of the legislative business discussed in the house and every member might be free to discuss about.

The first legislative business was presented in the Assembly in a bulk during its very first session and legislature approved the all even the opposition tried to convey about procedure and rules. The government presented the 21 ordinances for approval in assembly in the very next meeting after oath taking. The session was called for the annual budget and apparently the Minister for Law and Parliamentary Affairs, S. M. Zafar, presented the ordinances for approval. Some ordinances had much importance in the scenario of Indian Army infiltrations in the area and legislators from opposition side demanded discussion on them but they were not allowed and all the ordinances just tabled and passed.⁴²⁸ The members requested to discuss upon legislation and object the process of tabling the ordinances but he was not allowed to speak by the chair.⁴²⁹ A legislator, seemingly, commented upon the huge number of the ordinances in a questioning style as “any other ordinance from the Ordinance Factory?”.⁴³⁰

Not only the ordinances were passed but “The Constitution (Third Amendment) Bill, 1965” was also presented in the Assembly for consideration. The rules were relaxed by the acting Speaker to present the legislative business during the budget session. The opposition object the process to table the bill in Assembly and demanded a procedural activity in this regard but the Law Minister insisted to considered his hustled presentation and legislators from government side supported the Minister. The treasury benches demanded the immediate approval of the Third Amendment Bill and opposition objected

⁴²⁸ NAPD, 14 June 1965, 1st year, 1st session, 44-45.

⁴²⁹ Hasan A. Shaikh, NAPD, 14 June 1965, 1st year, 1st session, 45.

⁴³⁰ A. H. M. Kamaruzzaman, 14 June 1965, 1st year, 1st session, 45.

the presenting style and demanded to adopt legal way. The speaker accepted the request to relax the rules and present the bill. The amendments were presented one by one and division was made to pass them. The treasury benches gained 118 votes out of 137 in favor of the bill.⁴³¹

The Assembly session continued till the late night. After the passing of several amendments in the Constitution the annual Budget of financial year 1965-66 and Finance Bill were presented in the house.⁴³² After the budget speech the treasury benches again tried to present the amendments in the Constitution but opposition was reluctant upon that. The speaker favored the opposition on point to delay the amendments but could not deny government to present bill.⁴³³ The treasury benches labeled this reluctant behavior of opposition as anti-patriotism.⁴³⁴

The opposition considered this urgency to pass the Constitutional Amendment Bill as a serious violation of democratic rules. The opposition leader argued that the earnestness was creating serious concerns regarding the need of the amendments and demanded detailed discussion upon it but he could not be gained the appreciation from treasury benches. The treasury benches remained hurry to pass the amendment bill. The opposition leader expressed his concerns on floor of the house and announced to walk out from house.⁴³⁵ The opposition leader Nurul Amin stated as:

“Before the business of the House is taken, I beg permission to make a statement. Mr. Speaker, Sir, you are aware that this important Bill

⁴³¹ NAPD, 14 June 1965, 1st year, 1st session, 46-120.

⁴³² NAPD, 14 June 1965, 1st year, 1st session, 120-142.

⁴³³ Fazal Elahi Chaudhary (Acting Speaker), NAPD, 14 June 1965, 1st year, 1st session, 144.

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⁴³⁵ Nurul Amin, 14 June 1965, 1st year, 1st session, 142-143.

has been rushed through today in spite of the strongest protests by the honourable Members on this side. Very cogent and strong arguments were put forward against hurrying through this Bill but unfortunately this could not have an appreciation from the Treasury Bench. We had to go through it and you are aware, Sir, that we have been working today for more than eleven hours which has not only transgressed all the parliamentary conventions, traditions, practices and customs but also has transgressed the ILO Regulations.⁴³⁶

The opposition leader considered the continuous session as harmful for legislative and constitutional integrity. He stated that the long and continuous legislative business might not be helpful for the legislative integrity. The exhausted bodies and minds might not work properly and could not provide the better results. He stated as:

“Mr. Speaker, Sir, you are also aware that it is physically impossible to continue to participate in the discussion of a Bill of such a great importance any further. As an old man I have got the age against me but some of my younger friends also have told me that they are feeling tired and exhausted. Our brains do not work, our physique does not work.”⁴³⁷

The leader of the opposition communicated with the legislators that regime were trying to impose the regulations with debate and discussions. The legislative bills were enacted without viewpoint of the legislators and assembly just stump their regulations without consideration. He added that the opposition gave reasonable and public benefit

⁴³⁶Nurul Amin, 14 June 1965, 1st year, 1st session, 142.

⁴³⁷ Ibid.

proposals for legislation to the Leader of the House and Chief Whip which might be helpful for unanimous legislation but still these proposal had not been adopted by the treasury benches. He expressed as:

“I made certain proposals-very reasonable and very modest proposals to the Leader of the House and the Chief Whip so that the view-points of both the parties may be met. I thought that our proposal was so reasonable and so modest that it would be accepted without any objection. I met Mr. Speaker in your chamber also to discuss this question but unfortunately I could not convince the honourable the Leader of the House or the honourable the Law Minister.”⁴³⁸

The opposition leader suggested that no bill had to passed in emergency. Every legislative bill had to discuss with each clause in the house and so the bill be presented in house for approval. But the treasury benches tried to approve presented bill in urgency on the same day without detailed discussion, with numbers power in the house. The opposition leader questioned about the especial emergency for the approval of legislative bill on the set date but was not answered. He voiced as:

“Sir, we have not been convinced about the urgency of this Bill. I do not understand how this 14th of June has been found to be so auspicious that this Bill should be passed on this particular day. Nothing has been stated on the floor of the House as to why this Bill

⁴³⁸ Ibid.

should be passed in course of the 14th of June. Therefore, Sir, I submit that it is impossible for us to continue any further to participate in the discussion of this Bill. It has been proved beyond doubt that whatever steps are being taken in this House are in flagrant violation of all democratic principles and democratic ideals. So, Mr. Speaker, Sir, I most reluctantly record my protest on behalf of my party and Members on this side. We do not want to participate in the discussion of this Bill any further and with these words we walk out from this House.”⁴³⁹

The treasury benches did not bother the walk out of the opposition and continued for the amendments in the Constitution. The treasury benches presented further amending clause and suggested the modifications at large. After the walk out of the opposition the figure of the legislators favoring the amendments was also decreased from 118 to 114.⁴⁴⁰ The treasury benches not only criticized the opposition’s attitude towards amendments but also associated the amendments with state security affairs. The treasury benches indicated about the Indian insurgency and boarder situation and associated the third amendment with the situation.⁴⁴¹

During the years 1965 to 1968 total 158 number of legislations were made by the Ayub regime. The Assembly passed 84 Acts and 74 ordinances were issued by the presidential office. The most of the ordinances were issued in the year 1965 which were 68

⁴³⁹Ibid.

⁴⁴⁰ NAPD, 14 June 1965, 1st year, 1st session, 147.

⁴⁴¹ Muhammad Qasim Malik, NAPD, 14 June 1965, 1st year, 1st session, 143.

percent of the total legislation of that year.⁴⁴² The Presidential office issued seven⁴⁴³ ordinances in 1966, four⁴⁴⁴ in 1967 and again seven⁴⁴⁵ in 1968.

Table 3: Legislation during assembly tenure 1965-1968

Year	Total Legislation	Assembly Act	%age	Ordinances	%age
1965	74	18	24	56	76
1966	30	23	77	7	23
1967	21	17	81	4	19
1968	24	17	71	7	29
Total	149	75	50	74	50

The government party had the majority in the Assembly and made a large number of new legislation as well as amendments in Constitution and Laws using its majority figures. In August 1965, the treasury benches approved for amendments in a sitting with detailed discussion. The treasury benches just introduced the amendments and presented for the approval. The opposition tried to discuss the issues and to be further amended but remained fail in this regard. The treasury benches imposed the fourth amendment in

⁴⁴² “A Collection of the Central Acts and Ordinances for the Year of 1965”, 1970, M.Law-172/500, Ministry of Law and Parliamentary Affairs, Islamabad.

⁴⁴³ “A Collection of the Central Acts and Ordinances for the Year of 1966”, 1971, M.Law-189/500, Ministry of Law and Parliamentary Affairs, Islamabad.

⁴⁴⁴ “A Collection of the Central Acts and Ordinances for the Year of 1967”, 1975, M.Law-191/500, Ministry of Law and Parliamentary Affairs, Islamabad.

⁴⁴⁵ “A Collection of the Central Acts and Ordinances for the Year of 1968”, 1978, M.Law-225/500, Ministry of Law and Parliamentary Affairs, Islamabad.

Constitution with majority without consulting the opposition and discussion on amending points with detail.⁴⁴⁶

The fifth amendment in Constitution was also approved with the same manner. The Minister of Law and Parliamentary Affairs, S. M. Zafar, announced to introduce the fifth amendment on 20 November, presented in house on 22 November and passed and imposed with the majority numbers. The fifth amendment was comprised of several clauses and passed in a single sitting without any detailed discussion upon them. The Law Minister just presented the bill and Assembly announced to approve.⁴⁴⁷ The opposition protested upon but could not oppose strongly, just expressed their views and nothing more.⁴⁴⁸

With the approval of fifth amendment, the government gained the power to declared emergency anywhere in the country with the executive order. The emergency powers was used by the parliament before to this amendment. The legislators criticized this policy and stated the situation harmful for the state.⁴⁴⁹ The opposition legislator from East Pakistan, Hasan A. Shaikh, stated about fifth amendment and powers about proclamation of emergency as:

“If that is the method, if this shows how the emergency powers will be used in this country, then I warn the Government that this is not the right method. The emergency powers which the Government want to take now will leave them absolutely unchecked and

⁴⁴⁶ NAPD, 02 August 1965, 1st year, 1st session, 2415-2454.

⁴⁴⁷ S. M. Zafar, NAPD, 22 November 1965, 1st year, 2nd session, 345-349.

⁴⁴⁸ Shah Azizur Rahman, NAPD, 22 November 1965, 1st year, 2nd session, 350-356.

⁴⁴⁹ Hasan A. Shaikh, NAPD, 22 November 1965, 1st year, 2nd session, 358-363.

unrestricted, and I have no doubt that this is the intention of the Government.”⁴⁵⁰

The opposition legislator argued against the emergency imposing powers of the President and demanded that the power to impose emergency must not be in the hands of the Executive. He contended that there must not be emergency situations in the country and every citizen had their fundamental rights. He also criticized the emergency imposed in 1948 to tackle the refugees issue during independence and questioned about its revocation. He expressed as:

“Then, Sir, how long will that emergency last, nobody can tell. Sir, this Government might hold on to the emergency for a decade. Who can stop them? Actually, Sir, the emergency created by the mass migration of refugees in Pakistan in the beginning of 1948 necessitated a declaration of emergency, and it was declared in March, 1948; and that emergency was not revoked. At least I have not been able to trace the notification revoking that emergency.”⁴⁵¹

The opposition was given much time to speak about fifth amendment and all the opposition members expressed their views freely and made long debates but none of their proposal was acknowledged. The government presented the clauses of the fifth amendment one by one and passed all with a single, “Ayes – Ayes”.

In the early days of the 1966, the government presented a number of amendments in ordinances before the Assembly to have approval. The amendments were presented and

⁴⁵⁰Ibid, 359.

⁴⁵¹Ibid, 359.

without any discussion were declared allowed by the speaker. There were some very important ordinances including “The National and Provincial Assemblies (Elections) (Amendment) Ordinance, 1966 (1 of 1966)” and “The Pakistan Navy (Amendment) Ordinance, 1965 (LVI of 1965)” but there was no discussion on any legislation. The government presented the legislative business with the cover of “The Members of the National Assembly (Salaries and Allowances) (Amendment) (Repeal) Ordinance, 1965 (LIII of 1965)” and legislators remained silent on all the legislative business.⁴⁵²

The legislation without following the rules remained continued and government introduced a number of legislative bills but with suspending the rules of procedure of National Assembly of Pakistan. The Speaker on request of ministers suspended the rules of procedure to introduce the legislative bills.⁴⁵³ With the suspension of rules the government introduced “The Civil Aviation (Amendment) Bill, 1966”, “Transfer of Property Amendment Bill, 1966”, “The Agricultural Development Bank (Amendment) Bill, 1966”, “The Central Government Lands and Buildings (Recovery of Possession) Ordinance, 1965 (LIV of 1965)” and some important legislative business. The opposition strongly oppose the Recovery of Possession ordinance in shape of bill but their efforts remained unsuccessful due to insufficient numbers.

The opposition laid down the Constitutional amendment in Assembly in reply to legislation made by the Ayub regime. The opposition suggested to empower the provinces and decentralized the authorities from federal to provinces. The opposition claimed that the purposed amendments may become the cause of prosperity and decreased the disparities

⁴⁵² S. M. Zafar, NAPD, 07 March 1966, 1st year, 3rd session, 60.

⁴⁵³ Fazal Elahi Chaudhary, NAPD, 08 March 1966, 1st year, 3rd session, 102.

within provinces.⁴⁵⁴ The treasury benches strongly opposed the bill and Law Minister declared it as unpatriotic move and an effort to increase the disparities between two wings.⁴⁵⁵ The opposition's bill was negative and could not be moved in the house.⁴⁵⁶

The opposition introduced another amendment in the Constitution with the name of provincial autonomy. The opposition played a political trick with government. They suggested technical changes in government system introduced by Ayub Khan and proposed bill to empower the Governors and make them directly answerable to the provincial assemblies. The suggestions were not against the system and government but to distribute the powers of President. The opposition advocated in favor of Governors appointed by the Ayub Khan and suggested to empower them and weaken the Presidential authority and declared that as the public demand.⁴⁵⁷

According to the Constitution, the President of Pakistan had unlimited powers and not answerable to the parliament. The cabinet was chosen outside the legislature and minister were also not accountable to assembly. The ministers had no authority, even they can't have different of opinion before the president. The opposition introduced amendments in Constitution that limited the power of President, amplified the authority of ministers and amplified the supremacy of Parliament.⁴⁵⁸ The treasury benches welcomed the amendments and admitted that the president enforced the powers by the bureaucratic network but ministers also had the role in the system. The government representative confessed that the President takes decisions in Council of the Ministers and administrated

⁴⁵⁴ A. H. M. Kamaruzzaman, NAPD, 30 May 1966, 2nd year, 4th session, 117-119.

⁴⁵⁵ S. M. Zafar, NAPD, 30 May 1966, 2nd year, 4th session, 119-123.

⁴⁵⁶ Fazal Elahi Chaudhary, NAPD, 30 May 1966, 2nd year, 4th session, 125.

⁴⁵⁷ A. H. M. Kamaruzzaman, NAPD, 30 May 1966, 2nd year, 4th session, 125.

⁴⁵⁸ A. H. M. Kamaruzzaman, NAPD, 06 June 1966, 2nd year, 4th session, 469-472.

by the officers. But same time denied the concepts regarding the powerlessness of ministers.⁴⁵⁹ Therefore the treasury benches opposed the bill and amendments could not be passed. The Senior Deputy Speaker presented in the house and announced negative.⁴⁶⁰

The scenario clearly presented a picture that the treasury benched ruined the Assembly with their majority. The treasury benches ruled over all the procedures and the Speaker helped them to do so. The rules were relaxed and somewhere suspended for the treasury benched to presented the legislative business in the house in other hand the rules were implemented strictly for the opposition. The clauses of legislative bills were not presented in the house for discussion but just numbers of the clauses and their brief introduction were spoke out and passed with the majority. The opposition had no chance to express their concerns in this regard, even then the government needed to present ordinances.

3.3.1 Amendments in the Constitution

Third Amendment

Third Amendment in the Constitution of Pakistan 1962 was enforced on 15th June 1965. Through this amendment the fifth schedule was added in the Constitution. It was deemed to have been added always. An office which is not a whole time office remunerated either by salary or by fee and the personnel of the armed forces. It was provided that a person holding any of the offices specified in the Fifth Schedule to the Constitution as added by this Act who had been elected as a member of an Assembly before the

⁴⁵⁹ Mohammad Haneef Khan, NAPD, 06 June 1966, 2nd year, 4th session, 472-473.

⁴⁶⁰ Fazal Elahi Chaudhary, NAPD, 06 June 1966, 2nd year, 4th session, 473.

commencement of this Act would not be and shall be deemed never to have been, disqualified from being elected as a member of an Assembly.

Third Amendment Bill was presented in the House, when the Second Amendment was being discussed. It was presented in such a manner that the Assembly's status could be understood from that presentation. The government member remarked at the time of the move to take into consideration of the Bill that the object of the Bill was to enhance the prestige and dignity of the Assembly. The Assembly through considering the Bill would have unlimited power to discuss a Bill without the prior consent of the President even when he had the power to assent the bill. The mover of the bill appealed to the House to consider the bill by getting the prestige given by the president as the bill was harmless and simple. It did not want to take away the power of the President.⁴⁶¹

Fourth Amendment

Fourth Amendment in 1962 Constitution was imposed on 11th August 1965.

This amendment empowered the President in the Central Government and Governor in Provincial Government to declare any government servant retired after his service of 25 years or 55 years of age. However, this clause was not applicable to the Judge of Supreme Court or to a High Court or the Auditor General.

Fifth Amendment

Fifth Amendment in 1962 Constitution was imposed on 30th November 1965. During Emergency, the making of law against certain fundamental rights was allowed.

⁴⁶¹ Md. Serajul Islam Miah, *NAPD*, 6 June 1964, 288

Again during the emergency, the President was empowered to declare that the right to move any court for the enforcement of fundamental rights in Chapter one of the Constitution was suspended. The root of the objection to the Fifth Amendment was not that it had withdrawn any fundamental rights, but the it had rendered them in effect and enabled the government to contravene them as it chose without risk of challenge. Furthermore, this remained the position for three years. An attempt was made in the Assembly to withdraw the emergency but the government comfortably managed to resist the amendment made by the opposition.⁴⁶²

Sixth Amendment

Sixth Amendment in 1962 Constitution was imposed on 31st March 1965. It amended the are article 178 of the Constitution. It substituted the clauses 4, 5 and 6. It also amended Article 185, 186 and Third Schedule of the Constitution. It was an elaboration of the Fourth Amendment, enacted just seven months earlier. This amendment increased the discretion of the President in the matters of extension of service of any public officer or civil servant beyond the official retirement age on the terms as he decided.

Seventh Amendment

Seventh Amendment in 1962 Constitution was imposed on 19th December 1965. It was passed by second assembly during Ayub period. The amendment amended the provisions relating to the ordinance-making powers of the President and the Governors, and the ordinance-making power of the President during emergency. The amendment did not make any significant change in the provisions. However, the method of converting an

⁴⁶² Hamid Khan, *Constitutional and Political History*, 170

ordinance into an Act of the central legislature or a provincial legislature was further simplified. An ordinance could become an Act on the passing of a resolution by the concerned legislature. Even if the resolution had modified the ordinance, it could still become an Act if assented to by the President or a Governor, as the case may be. The Seventh Amendment allowed the National Assembly to convert such an ordinance into an Act of the central legislature by passing a resolution of approval. Even if a resolution had made an amendment in the ordinance, it could become an Act if assented to by the President.

The notable point is that the powers of the President and Governors nominated by him were further expanded particularly as far as the control on the legislature were concerned. A lot of legislation was done through ordinance-making which was later rubber-stamped by the assemblies. This was the beginning of the tendency on the part of the legislatures to abdicate the law-making function in favour of the President and the ordinances made by the law ministries eventually became Act of legislature without going through the requirements of successive readings of the Bills and without the benefit of meaningful discussion in the legislatures. The approval of the ordinances without any amendment through the resolution deemed as the affair of prestige for the government and brute majority of the treasury benches made it easy for a resolution to be hustled from the legislature. Any objection of the opposition's individual was brushed aside with contempt regardless of its usefulness or weightage.

Ayub could not totally ignore the growing opposition to the continued application of Article 30 that was changed in the Seventh Amendment so as to extend, very slightly, the power of the National Assembly to participate in legislation by ordinance. As originally

drafter the amending clause (6) provided that the National Assembly had no power to disapprove of any ordinance promulgated. However, Assembly could by resolution approve of the ordinance with or without amendment. The power to amend was thus introduced and the new arrangement an ordinance approved by the Assembly would become an act of the central legislature. This extension of Assembly's authority was clearly minimal and did nothing to moderate or clip the powers which Ayub exercised for so long after the emergency was first proclaimed. Nevertheless, his supporters claimed on this amendment in a chorus that it was a great and important addition to the National Assembly's powers. These amendments concentrated all power in the President.⁴⁶³

Eighth Amendment

Eighth Amendment in 1962 Constitution was imposed on 19th December 1967. This amendment was about the composition of the National Assembly and provincial assemblies. Through it the seats of the National Assembly were increased from 156 to 218. The reserve seats for women was increased from 6 to 8 and instead of former three, four of the seats were to be elected from every province. The number of provincial assemblies was raised from 155 to 218. The amendment increased the seats of provincial assemblies of the same house that passed it. It was the second Assembly during Ayub period. The Bill was introduced in the Assembly on 8 December and thereafter it was sent to the Standing Committee. The Committee held discussions and there were its two sittings. After that the Report was submitted to the Assembly on 11 December. The mover of the Bill claimed that the after its introduction in the Assembly, it was published in all the newspapers and

⁴⁶³ Hamid Khan, *Constitutional and Political History*, 176-77

it was well circulated. Therefore, the provision of the sub rule that provided for three days' limit after the presentation of the Standing Committee Report was called not necessary and it was appealed to the House that it should be suspended. .⁴⁶⁴

SM Zafar, the law minister, said that along with the increase in the seats of National Assembly, the Bill introduced a new concept of drawing upon the store of knowledge, wisdom and experience available in the country, made unique and unusual. The provision of introducing the men from the store-house of wisdom, knowledge and experience of the country in a unicameral legislature was another unique and another new provision of the Constitution that was introduced through this Bill. Five of the seats for each Province would be reserved for persons who had held office as President, Speaker of an Assembly, Governor or Minister, or had acquired high academic distinction in art, science or literature, or had knowledge and practical experience of not less than ten years in the field of law, medicine, engineering or journalism. This clause, also, would not be construed as making any such person ineligible for election to any other seat in the National Assembly.⁴⁶⁵

The third important issue that was addressed in this amendment was the end of discrimination with judicial service who were to retire at the age of 55 and no extension after retirement was possible. Moreover, through a 'saving clause' the Assembly was to continue till 1970 and the change of seats would implement on the new Assembly. The Opposition levelled the charge that the Bill did not concede a greater measure of democracy to the people. However, the treasury benches, which were in a brute majority, kept on admiring the President whose 'goodness', in view of a treasury member, was that he

⁴⁶⁴ Abdul Awal, *NAPD*, 12 December 1967, 479

⁴⁶⁵ S.M. Zafar, *NAPD*, 12 December 1967, 481

accepted the suggestions if they be of constructive nature. It was said that “we are indebted to him for this that his time also he has accepted our recommendation, that is, the recommendation of the Muslim League party with regard to this amendment by which we are getting the things.”⁴⁶⁶

3.4 Question Answer Sessions

The question answer, privilege motion, adjournment motion and resolutions are considered the basic technique to run the legislative business in democracy.⁴⁶⁷ The executive had to make responsible to answer the questions of legislators and it showed the supremacy of the legislature. The first hour of the legislatures considered as the question answer session and all the members are allowed to put the question to the concerned ministry and ministers must be bound to answers.

The first half of the working day during session in the Assembly was declared as the Question – Answer as it had been decided in the previous Assembly. Only Budget discussion days were exempted from this. All the members (from treasury or opposition benches) had right to put question on any issue and government representative were bound to reply upon. Generally, the relevant minister or parliamentary secretaries were replied on queries but required prior notice to be respond accurately.

The data showed that during the Assembly tenure 1965 to 1969 about 12 thousand questions were put in the Assembly but the large number of questions remained unanswered. The data showed that only 57 percent questions were answered by the government representatives and more than five thousand questions could not be

⁴⁶⁶ Moulvi Sultan Ahmed, *NAPD*, 12 December 1967, 498

⁴⁶⁷ M. Rashiduzzaman, “The National Assembly of Pakistan under the 1962 Constitution”, *The Pacific Affairs*, Vol XLII-4, 482.

acknowledged. The government did not answer 2426 questions and 2739 questioned were not allowed to be put by the Speaker.

Table 4: Questions Put by Legislators In 1965 Assembly

Year	Question Received	Question Answered	%age	Questioned Disallowed	Un-answered Questions	%age
1965	1171	828	71	263	80	7
1966	3614	2056	57	1031	527	15
1967	2827	1515	54	558	754	27
1968-69	4346	2394	55	887	1065	25
Total	11958	6793	57	2739	2426	20

The data showed that the government attitude for addressing the questions decreased as compared to previous Assembly. During the Assembly tenured 1962-65, the 33 percent questioned were remained unanswered but during the 1965-69 Assembly the ratio of un-addressed questions increased. The government did not addressed the 43 percent questions and remained reluctant to answer them.

In the early days, the legislators put small number of questions as compared to upcoming years. As the number of questions were increased by the legislators, the ratio of answers by government was decreased. In the year 1965, the legislators put 1171 questions and 71 percent were acknowledged, 80 were returned by the government and 263 were

disallowed to put by the speaker. The ratio to answer the questions were decreased in next year. The answering rate remained 57 percent in 1966, 54 percent in 1967 and 55 percent in 1968 and February 1969 session.

In 1966, the 2056 questions were answered out of 3614 put by legislators. The speaker disallowed 1031 to put in the house and 527 were returned by the state administration. In 1967, the legislators put 2827 questions in the house but only 1515 were addressed. The speaker disallowed 558 questions and government did not answered 754 questions. During the year 1968 and session of February 1969, total 4346 questions were put in the house but only 2394 were acknowledged. The speaker disallowed 887 questions and 1065 questions were not answered by the administration.

The reluctant behavior of government to answer the questions was felt by legislatures and both opposition and treasury benches expressed keen concerns about it during the Assembly session. The opposition criticized the government behavior in this regard.

The Apposition legislator Mizanur Rahman Chaudhary stated on the issue with these words:

“To-day there are 60 Questions earmarked for answers during 60 minutes and as such only the questions started from No. 364 to No. 379 could be answered and the remaining Questions which are more than 40 have remained without answers. Now I would request you to call upon the Leader of the House to give his opinion in the matter since more than 40 Questions have remained unanswered.”

The treasury benches admitted the delay in replies but criticized the attitude of supplementary questions. The leader of the house stated on the point as:

“I very much appreciate the anxiety expressed by the honourable Member. There is no lack of interest or willingness of Members on this side of the House, to furnish answers to all questions. Sir, you will appreciate that during the suspension of the Question Hour for discussion of the Budget, we agreed to 'the proposal to carryover all the questions so that those could be answered on the floor of the House. But, Sir, for this slow progress in the daily schedule of questions, I do not think we are responsible. If the honourable Members had avoided asking frivolous supplementaries I think lot of the questions could be answered. Sir, I can assure my esteemed friends on the other side that from our side there will never be any lack of interest.”

The speaker used his power to back the government and disallowed the questions put by the legislators. The legislators pointed out that the hundreds of questions and motions were disallowed by the Speaker office to be put in the house. Only during the last year of the Assembly more than 1100 hundred questions and motions were disallowed and the Speaker did not present any reason to canceled them, just asked them vague but never identified their vagueness.⁴⁶⁸

The legislatures put questions about the foreign affairs, military and civil budget, bureaucracy, armed and civil services, political situations, political prisoners, press

⁴⁶⁸ A. B. M. Nurul Islam, NAPD, 29January 1969, 4thyear, 10thsession, 199.

freedom, journalists' strikes, television broadcast, regional disparities, salary and transfer issues, recruitments and promotions, railways, posts and communication, industries, agriculture, banking and other various matters. The focused areas of questions remained the government departments. But the large number of unanswered questions showed the neglecting behavior of the executive about legislature and legislators.⁴⁶⁹

The basic purpose of questions answer session was to make the executive responsible and answerable to the legislature but the ignoring behavior about questions showed that the executive did not considered the legislature so important and had not be answerable to the parliament. The questions were about the important departments and ministries had to be responsible for them but more than 11 thousand unanswered questions out question mark on the supremacy of the legislature and powers distribution structure.

The scenario presented a picture that the Speaker disallowed a large number of questions to put in the house which disturb the administration. More than five thousand question put by the legislators also remained unanswered and treasury benches adopted ignoring attitude in this regard which was admitted by the senior legislators of government side many times in the Assembly.

3.5 Motions

Motions considered the basic right of the legislators to run the parliamentary business, especially the opposition members used this right to present their views, express on issue, gain privilege for urgent matters and stop the business for emergency situations.

The issue of Indian infiltration in Pakistani borders could not be discussed in Assembly even the opposition indicated the issue in very early meeting of the house and

⁴⁶⁹NAPD, 12 June 1965 to 12 February 1969.

introduced adjournment motion in this regard. The adjournment motion remained unaddressed for around two months' session and could not be discussed and treasury benches used delaying tack's. The non-availability of Minister of Foreign Affairs, Zulfiqar Ali Bhutto, was the key reason for treasury benches to be delayed the matter.⁴⁷⁰

The first ever motion in the Assembly during this tenure was about the Indian insinuation on boarders bout that was discussed due to non-availability of Minister of Foreign Affairs.⁴⁷¹ The issue of Indian aggression was discussed as on 19 November, Wahiduzzaman (a legislature from East Pakistan) laid the adjournment motion.⁴⁷² The legislatures condemn the Indian assault and criticized the behavior of Indian administration and paid tribute to the martyrs.⁴⁷³ The legislatures declared Indian Prime Minister Shastri as responsible for War and called him a psychopath. The legislator showed solidarity with Pakistan Army and criticized Indian government on efforts to establish Brahaminical State in Asia for which Indians disturbed the neighboring countries. The legislator believed that China and Indonesia became the part of War and assaulted on Indian borders if Indian Army attacked on East Pakistan.⁴⁷⁴

The Assembly sittings were also controlled by the President and no sitting could be set without his permission and he had the right to prorogue the session at any time without any reason. The president of Pakistan ordered to prorogue the session at any stage and speaker secretariat had to abide the orders.⁴⁷⁵

⁴⁷⁰ Shah Azizur Rahman and Abdus Sobur Khan, NAPD, 05 August 1965, 1st year, 1st session, 2581-2593.

⁴⁷¹ Abdul Jabbar Khan (Speaker), NAPD, 12 June 1965, 1st year, 1st session, 28.

⁴⁷² Abdul Jabbar Khan (Speaker), NAPD, 19 November 1965, 1st year, 2nd session, 197.

⁴⁷³ Wahiduzzaman, NAPD, 19 November 1965, 1st year, 2nd session, 197.

⁴⁷⁴ Syed Asghar Hossain Zaidi, NAPD, 19 November 1965, 1st year, 2nd session, 204.

⁴⁷⁵ Fazal Elahi Chaudhary, NAPD, 04 July 1967, 3rd year, 6th session, 2725.

The legislators raised the issue of press freedom in the country and questioned about the ban of advertisement for newspapers by government. The legislators argued for the neutral policy in regard to media dealing but did not allowed to discuss the matter even the legislators gave adjournment motion but were not allowed to express by the Speaker.⁴⁷⁶ The legislators wanted to discuss the government policies in this regard but the Speaker strictly halt them.⁴⁷⁷ The legislators walked out from house, protesting on speaker's behavior.⁴⁷⁸

The question answer time was specified in this tenure of the Assembly but a large number of unanswered question put the question upon effectiveness of this session. The ignoring attitude of the government functionaries also a big question mark on effectiveness of the legitimate right of the legislators. The Speaker also adopted the negative behavior in this regard and did not allowed members to put questions many times.

3.6 Political Scenario of the Country

The politics and democracy always traveled together. The political institutions and democratic bodies functioned side by side as both are interconnected with each other. The political parties were allowed to establish before the elections of 1965 and pro-regime party scored huge majority in the Assembly. The Assembly had to face huge number of political changes and unrest during its tenure of four years.

The Political unrest during Ayub regime hit the country as the agitation announced by the Z.A. Bhutto against Military government. Bhutto mobilized the populace against Ayub with his charismatic personality and popular announcements against regime and his

⁴⁷⁶ Hasan A. Shaikh, NAPD, 05 July 1966, 2nd year, 4th session, 1823-1824.

⁴⁷⁷ Shah Azizur Rabman, NAPD, 05 July 1966, 2nd year, 4th session, 1823.

⁴⁷⁸ NAPD, 05 July 1966, 2nd year, 4th session, 1824.

policies. The PPP chairman traveled city to city and charged the anti-government sentiment with his expressive abilities. His attacks on regime attracted the young blood, especially students against regime and they came out for demonstrations against Military dictator and raised voice with the Bhutto.⁴⁷⁹

Bhutto formed his own political party, Pakistan Peoples Party (PPP), with a revolutionary purpose and revolt against the fiasco policies of Military dictator.⁴⁸⁰ Bhutto's revolutionary agenda attracted the populace at large especially in the Western part of the country.⁴⁸¹ Bhutto considered the Ayub's fiscal and administrative strategies as stereotype policies and felt need to treasure the solutions of societal phenomena with progressive reorganization of society.⁴⁸² The PPP and its foundation could not be understandable without perusing the political atmosphere of that time period and attractive and charismatic character of Bhutto. The foundation of PPP also explained the outlines of Bhutto's ideology, political vision, power attaining stratagems and communal attention technics.⁴⁸³

In the later years, the Ayub regime showed low level of tolerance upon opposition's behavior, even the use of police for the tackling with opposition members was suggested by regime. Shams-ud Doha, a minister of the regime advised the Speaker to call police in the Assembly and tackle with opposition with iron hands.⁴⁸⁴ The issue was raised in the Assembly as privilege motion by Mukhlesuzzaman Khan, an opposition member.⁴⁸⁵ The

⁴⁷⁹Rehman Sobhan, "Pakistan's Political Crisis", *The World Today*, 25-5 (May 1969), 203-204.

⁴⁸⁰Pillo Mody, *Zulfi My Friend*, (Karachi: Allied Publishers, 1974, republished by Paramount Books, 2009), 109-110.

⁴⁸¹Dr. Maleeha Lodhi, "Bhutto, The Pakistan Peoples Party and Political Developments in Pakistan, 1967-77", (PhD Thesis, University of London, 1980), 97.

⁴⁸²Pillo Mody, *Zulfi My Friend*, (Karachi: Allied Publishers, 1974, republished by Paramount Books, 2009), 109-110.

⁴⁸³Dr. Maleeha Lodhi, "Bhutto, The Pakistan Peoples Party and Political Developments in Pakistan, 1967-77", (PhD Thesis, University of London, 1980), 97.

⁴⁸⁴*Pakistan Observer* (Lahore), 28 January 1969.

⁴⁸⁵ Mukhlesuzzaman Khan, NAPD, 28 January 1969, 4th year, 10th session, 132.

legislators from both the sides showed concerns over Doha's remarks.⁴⁸⁶ The AHMS Doha commented upon opposition while sitting in Assembly as "Shame to the Opposition Members who were violent and were rowdy and obstructive".⁴⁸⁷ The opposition protested upon comment but the Speaker disallowed the privilege motion and deny to discuss the matter in Assembly.⁴⁸⁸ The opposition members protested upon and demanded to discuss upon the privilege motion.⁴⁸⁹but speaker rejected the motion and declared the solely discretion of Speaker to scrutinized the motions and decide which have to discuss in house.⁴⁹⁰

Bhutto started agitation against regime with revolutionary slogans. The political unrest hit the all sectors of the society but there seemed no voice in Assembly in this regard. The Ayub regime imposed sanctions on political leaders. Bhutto, Mujib and many of other opposition leaders were arrested, number of politicians including dozens of legislators were gagged but the Parliament remained silent. Bhutto was doppelgänger as the revolutionary leader for common man, hope for business community and choice for international forces. He was imaged as first-hand opposition leader of powerful Military dictator of his time period.⁴⁹¹

The Ayub regime prohibited 23 treasury benches members to express in press and also in Assembly. The opposition member, Farid Ahmed, tried to discuss the issue as point of privilege in the Assembly again and again as a point of privilege.⁴⁹² But the Speaker

⁴⁸⁶ NAPD, 28 January 1969, 4th year, 10th session, 132-144.

⁴⁸⁷ A. H. M. Shams-ud Doha, NAPD, 28 January 1969, 4th year, 10th session, 133.

⁴⁸⁸ Abdul Jabbar Khan (Speaker), NAPD, 28 January 1969, 4th year, 10th session, 134.

⁴⁸⁹ Dr. Aleem-al-Razee; Mukhlesuzzaman Khan; Farid Ahmad; Shah Azizur Rehman; Hasan A. Shaikh; A. S. M. Sulaiman; Abul Kuasem, NAPD, 28 January 1969, 4th year, 10th session, 133-141.

⁴⁹⁰ Abdul Jabbar Khan (Speaker), NAPD, 28 January 1969, 4th year, 10th session, 141.

⁴⁹¹ Dr. Maleeha Lodhi, "Bhutto, The Pakistan Peoples Party and Political Developments in Pakistan, 1967-77", (PhD Thesis, University of London, 1980), 97.

⁴⁹² Farid Ahmed, NAPD, 28 January 1969, 4th year, 10th session, 145-147.

interrupted him every time and not allowed to express on issue.⁴⁹³ At the end, the legislators stated the issue, condemn the gagging of legislators from treasury benches and demanded the detailed discussion on issue. He also expressed about the poor press freedom conditions.⁴⁹⁴ The legislators also demanded to discuss the issue of deployment of Army and imposing the curfew in Karachi.⁴⁹⁵ The Speaker interrupted the members and did not allow them to discuss the issue.⁴⁹⁶

The legislators put the issue of calling Army in Peshawar and Curfew-like situation and demanded to discuss the matter in the house.⁴⁹⁷ The legislator presented the adjournment motion but disallowed by the Speaker. The legislators requested the Speaker to review the decision but their try remain in vain and Speaker declared his decision as final and not to be reviewed.⁴⁹⁸ Although the Speaker did not allow to speak but the mover of the motion blamed government for using the Armed Forces of Pakistan to set their political game and requested to discuss the issue in the Assembly but speaker utterly refused even to present the issue in the house.⁴⁹⁹

During the year 1968, the Ayub regime was fallen down and populace rose up for a socio-political change under the command of Bhutto, especially in West Pakistan. The opposition became strong and to strong with the passage of time and government was affected. The 1969 was risen with the flop of power of Ayub Khan.⁵⁰⁰ The dynamic leadership of Bhutto became the reason to emergence of a forceful, strong and vigorous

⁴⁹³ Abdul Jabbar Khan (Speaker), NAPD, 28 January 1969, 4th year, 10th session, 145-147.

⁴⁹⁴ Farid Ahmed; Dr. Aleem-al-Razee, NAPD, 28 January 1969, 4th year, 10th session, 146-147.

⁴⁹⁵ Hasan A. Shaikh, NAPD, 28 January 1969, 4th year, 10th session, 147.

⁴⁹⁶ Abdul Jabbar Khan (Speaker), NAPD, 28 January 1969, 4th year, 10th session, 147.

⁴⁹⁷ Aleem-al-Razee, NAPD, 29 January 1969, 4th year, 10th session, 200.

⁴⁹⁸ Abdul Jabbar Khan, NAPD, 29 January 1969, 4th year, 10th session, 200.

⁴⁹⁹ Aleem-al-Razee, NAPD, 29 January 1969, 4th year, 10th session, 200.

⁵⁰⁰ Wayne Wilcox, "Pakistan: A Decade of Ayub", *Asian Survey*, 9-2 (February 1969), 93.

opposition against the legal covered dictator. The labor and students joint hands with political forces and the protest hit all the urban and rural areas of the country. The industries and educational institutions was shut down due to strikes. The allies, opponents and establishment was ready to give a graceful and safe exit to the President Ayub. Due to public pressure, the President Ayub announced not to participate as candidate in upcoming presidential elections in 1970.⁵⁰¹ Instead to decrease the intensification of socio-political scenario but tightened and squeezed the atmosphere for Ayub and he resigned on 25th March 1969.⁵⁰²

In 1968, the Ayub regime arrested Sheikh Mujib and a number of his companion politicians, civil and military officials, accusing them to involve in conspiracy of separating the East Pakistan from federation.⁵⁰³ Mujib was member of the National Assembly at that time and his companions were also known legislators of the time but there was no voice in the Assembly on their arrest. The issue of conspiracy was also not discussed in the legislature. The opposition and treasury benches remained silent upon the issue and no one raised the voice for their companion politician and other officials arrested by the regime. Mujib and his companions resigned in protest in the last session of the Assembly with announcement that his party had decided to resign from legislature.⁵⁰⁴

The Ayub regime announced to celebrate decade of development in 1968 and campaign was launched with the government-controlled media in this regard at large.⁵⁰⁵

⁵⁰¹ Wayne Wilcox, " Pakistan in 1969: Once again at the Starting Point", *Asian Survey*, 10-2 (February 1970), 74.

⁵⁰² *Dawn* (Karachi), 26 March 1969.

⁵⁰³ Bryn Jones and Mike O'Donnell (Ed), *Sixties Radicalism and Social Movement Activism: Retreat or Resurgence*, (London: Anthem Press, 2010), 73.

⁵⁰⁴ Mujibar Rehman Chaudhary, NAPD, 12 February 1969, 4th year, 10th session, 904.

⁵⁰⁵ Bryn Jones and Mike O'Donnell (Ed), *Sixties Radicalism and Social Movement Activism: Retreat or Resurgence*, (London: Anthem Press, 2010), 73.

The media was under control of the regime and suppressed. There was no liberty in media to raise voice against powerful dictator of the time. In this scenario the journalists at the platform of Pakistan Federal Union of Journalists launched country-wide protest against the Ayub's media policy and for the freedom of press. The voice of journalists movement was heard in the Assembly as opposition mentioned about their protest against the regime.⁵⁰⁶ The opposition presented and adjournment motion to discuss the matter but not allowed for motion but just for the statement in the Assembly by the Speaker.⁵⁰⁷ The opposition leaders also discussed the journalist's movement in their resigns and presented the journalists movement as precedence.⁵⁰⁸ The movement against the dictator was initiated by the journalists and later on civil society and political parties joined it.

Bhutto formed the new party with mind set of agitation against the Ayub Khan. The warmed welcome by populace during his train visit from Rawalpindi to Larkana instigated him for the formation of new political party – Pakistan Peoples Party (PPP) – but he took fifteen months to decide it.⁵⁰⁹ Bhutto formed the PPP with revolutionary purpose. He did not desire only political struggle but social upheaval and communal uprising too.⁵¹⁰ Bhutto was popular in general public and his concepts of prosperity and equality for all gave him widespread fame in populace and his call for political and societal change instigated the common man against regime.⁵¹¹ The agitation was at its boom and people were agitating

⁵⁰⁶ Mukhlesuzzaman Khan, NAPD, 04 February 1969, 4th year, 10th session, 472-474.

⁵⁰⁷ Abdul Jabbar Khan (The Speaker), NAPD, 04 February 1969, 4th year, 10th session, 473.

⁵⁰⁸ Mian Arif Iftikhar, NAPD, 12 February 1969, 4th year, 10th session, 895.

⁵⁰⁹ Ian Talbot, *Pakistan A Modern History*, (London: C. Hurst & Co. Publishers Ltd., 1998), 180.

⁵¹⁰ Pillo Mody, *Zulfi My Friend*, (Karachi: Allied Publishers, 1974; republished by Paramount Books, 2009), 53.

⁵¹¹ Dr. Maleeha Lodhi, "Bhutto, The Pakistan Peoples Party and Political Developments in Pakistan, 1967-77", (PhD Dissertation, University of London, 1980), 98.

against the dictatorship but there was no voice in Assembly on the political instability in the country.

The political disturbance hit the towns and cities of the country from late 1968 to March 1969, till the resign of Ayub Khan. The students' insurgency was sparked with a killing of young man during the clash between protestors and police in Rawalpindi. This killing became the reason of country-wide violent protest. The Ayub was attempted to assassinate by a young student during a public gathering in Peshawar. Bhutto supported in this students-led agitation.⁵¹²

The Ayub government called the Army in various cities and imposed Curfew. No one allowed to be go on street and shoot at sight orders announced by the official and unofficial media. The legislators enquire the order of shoot at sight which resulted as that no one had the authority to instruct for killing in that manner. A legislator filed a petition in high court but it could not be heard. The opposition pointed out the matter in Assembly but not allowed to discuss the issue.⁵¹³

The opposition members spoke loudly for months but the issue of political and administrative unrest could not be brought in the house but as the flames reached to burn the governmental institutions, properties and personals the issue was presented in the house by treasury benches. The leader of the house and core supporter of the Ayub regime, Abdus Sobur Khan, made a long speech in the house which was interrupted by opposition members many times.⁵¹⁴

⁵¹² Ian Talbot, *Pakistan A Modern History*, (London: C. Hurst & Co. Publishers Ltd., 1998), 181.

⁵¹³ Farad Ahmad, NAPD, 30 January 1969, 4th year, 10th session, 270.

⁵¹⁴ Abdus Sobur Khan, NAPD, 31 January 1969, 4th year, 10th session, 295-306.

The treasury benches were seemed to be afraid by the angriness and violent behavior of the protestors. The leader of the house expressed that the activists burnt the official properties and vehicles; tried to flame the houses of some government party leaders and attacked the officials in streets. The unrest was same in both the sides of the country. Many cities including Lahore, Rawalpindi, Karachi, Lyallpur, Pishawar, Dacca, Chittagong, Rajshahi, Khulna, Narayanganj, Shahjahanpur, and many other areas of the country had been hit by the administrative unrest. The leader of the house declared them anti-nationalists elements and blamed the opposition for this violent behavior of demonstrators.⁵¹⁵ The opposition demanded resign of Ayub Khan at the Assembly floor for the political and administrative stability in the country.⁵¹⁶

The situation was becoming tightened to tightened, the social disorder was hitting the bases of the state but the Assembly was silent in this regard. The legislators tried to present the scenario in the last two session held in 1968 and 1969 but their efforts could not be successful due to non-cooperative and authoritarian behavior of the Speaker. The Speaker disallowed their questions and motions.

The international community showed serious concerns on silence in the Parliament over the harassment of political workers, denial of meeting places and use of “Thugs” for breaking the meetings of opposition. The international community considered the silence of the legislature as support for regime and thought that parliament had to react upon political unrest and non-democratic behaviors.⁵¹⁷

⁵¹⁵ Abdus Sobur Khan, NAPD, 31 January 1969, 4th year, 10th session, 295-306.

⁵¹⁶ Farid Ahmed, NAPD, 31 January 1969, 4th year, 10th session, 303.

⁵¹⁷ C.S. Pickard, British High Commission Rawalpindi to George Thomson M.P., 09 July 1968, FCO 37/181, The National Archives (TNA) London.

The regime decided to tackle the situation with force, Mujib was already detained and Bhutto was arrested in November 1968 but agitation could not be stopped and disturbance increased day by day. President Ayub released both the political leaders in February 1969 and called a round-table conference but Mujib and Bhutto boycotted the dialogue with Ayub and demanded his resignation.⁵¹⁸ The country was facing political developments but the superior forum of the country, The Assembly, was quiet upon and there was no voice in favor or against the scenario in the Parliament. The President Ayub was trying to tackle the opposition with his own strategy and never tried to discuss the matter in legislature.

The changes in political scenario occurred side by side the Assembly run from 1965 to 1969. During its first year the flames of war hits the country and social unrest was felt by all corners. As the war was stopped and Tashkent Declaration was signed the Ayub's close companion and Minister of Foreign Affairs resigned. The Tashkent Pact also disturb the social fabric of the country at large and agitation was started. The political movement hits all the corners of the country but the Assembly remained silent on issue till the socio-political scenario captured all around.

3.7 Assembly Discussions

The Assembly members discussed upon various important matters during different sessions. The matters of state importance were discussed and societal and political issues were also raised in the Assembly.

The legislatures pointed out in the Assembly that the current regime promoting the class system in the society. The governmental policies supporting the privileged class and

⁵¹⁸ Ian Talbot, *Pakistan A Modern History*, (London: C. Hurst & Co. Publishers Ltd., 1998), 182-183.

they were becoming more wealthy and the same time common man had to face huge amount of problems which are not addressing. The legislature showed concerns over this classification in the society and expressed that this class system destruct the society and cause to increase corruption.⁵¹⁹

The Assembly discussed the issue of women recruitment in government services, especially in Armed forces. The opposition indicated the matter and questioned about not to recruit the females in services.⁵²⁰ The treasury benches opposed the recruitment of the females especially in Armed forces and generally in services.⁵²¹ The treasury benches showed concerns about the capabilities of females regarding administration and Armed actions⁵²² but opposition justified the females' capabilities with the historical examples of Chand Bibi, Razia Sultana and Joan of Arc.⁵²³

The shifting of federal capital from Karachi to Islamabad and second capital Dacca was also discussed especially in regard to its construction. The legislatures discussed the expenditures and construction deadlines in the Assembly and demanded equal pace of work in both the cities. The legislators from East Pakistan was keen for the speedy construction of second capital at Dacca and demanded to speed up the constructing the roads and buildings there. The construction pace of Islamabad was also discussed by the legislators.⁵²⁴

The National Assembly of Pakistan also discussed the issues of Atomic Energy and mining of Uranium in Pakistani areas. The legislators put questions about the discovery of

⁵¹⁹ A. H. M. Kamaruzzaman, NAPD, 14 June 1965, 1st year, 1st session, 63.

⁵²⁰ A. B. M. Nurul Islam, NAPD, 24 June 1965, 1st year, 1st session, 487.

⁵²¹ Muhammad Qasim Malik, , NAPD, 24 June 1965, 1st year, 1st session, 487-488.

⁵²² Ibid

⁵²³ A. H. M. Kamaruzzaman, NAPD, 24 June 1965, 1st year, 1st session, 488.

⁵²⁴ Mohammad Abdul Matin and Kazi Anwarul Huque, NAPD, 25 June 1965, 1st year, 1st session, 584.

high quality Uranium and suggested for early mining and used for Atomic Energy. The issue to establish Atomic Energy Commission was also discussed in the assembly in the early days of the 1965. The government representatives replied with words but remained silent about its prospects.

The economic crises after war hit the important agricultural product of the country, Jute and its price fall down suddenly. The opposition legislators put the issue in Assembly and demanded to maintain fix price and implementation accordingly.⁵²⁵ At first, the treasury benches could not counter the issue on facts but technically. The Law Minister replied upon the adjournment motion and declared the motion above the rules.⁵²⁶ The Minister of Commerce and Trade differ with the point of Law Minister and tried for the underhand deal with mover, requested him to move back the motion and discuss the matter with government representatives beyond the Assembly.⁵²⁷

The legislators also discussed about the issue of Indian nuclear weapons and emphasized to raise the matter internationally.⁵²⁸ The legislators were keen to know the counter strategy of Pakistan against Indian nuclear policy. The legislators questioned about the Pakistani strategy and international stand upon nuclear powers.⁵²⁹ The government representative officially stated in the Parliament that government was aware about the Indian nuclear explosion preparation.⁵³⁰ The opposition also showed concerns about the Canadian supply of atomic reactors to India.⁵³¹

⁵²⁵ Mukhlesuzzaman Khan, NAPD, 25 June 1965, 1st year, 2nd session, 685-686.

⁵²⁶ S. M. Zafar, NAPD, 25 June 1965, 1st year, 2nd session, 686.

⁵²⁷ Ghulam Faruque, NAPD, 25 June 1965, 1st year, 2nd session, 687.

⁵²⁸ Ch. Muhammad Iqbal, NAPD, 25 May 1967, 3rd year, 6th session, 5.

⁵²⁹ Mkhlesuzzaman Khan, NAPD, 25 May 1967, 3rd year, 6th session, 6-7.

⁵³⁰ Khwaja Shahabuddin, NAPD, 25 May 1967, 3rd year, 6th session, 5-6.

⁵³¹ Qamar-uz-Zaman Shah, NAPD, 25 May 1967, 3rd year, 6th session, 5.

During the war-like situation at Indian border, the government of Pakistan exempted the large number of foreigners for the registration under the law but allowed them to travel anywhere in the country. The regime issued the exemption orders with executive powers and presented for approval in the Assembly after sometime. Although the government presented the exemption orders for approval in the Assembly yet it did not show the figures and details of foreigners who were allowed under these declarations of exemption.⁵³²

The President Ayub was dependent upon the Military for power gaining which was due to his grip on the foreign and military issues. The economic growth, public interests and uprisings in East Pakistan had no importance but the military budget, international consideration about the geo-strategic situation and tank campaign in Rann of Kutch. Ayub did not respond upon claps of his political system and went away when the powers did not remained in his hands and Military chose new face to tackle the situation after him.⁵³³

The Speaker, Abdul Jabbar Khan run the Assembly business with authoritarian approach and never allow legislators to clarify the rules of procedures, especially in regard to questions and motions. A large number of questions were disallowed and motions rejected only to favor the government. The speaker dismissed the rules only to facilitate the government in legislation but as the opposition members presented legislative business, all the rules of procedure be implemented. The division were made for the government bills as the minister concern desired and awaited as treasury benches feel uneasy. The hundreds of questions of opposition members, especially about the political unrest and distress

⁵³² Makhdumzada Syed Hamid Raza Gilani, *NAPD*, 18 June 1965, 1st year, 1st session, 197.

⁵³³ Wayne Wilcox, Review on "The Ayub Khan Era: Politics in Pakistan, 1958-1969. by Lawrence Ziring", *International Affairs*, 48-3, (1972), 527.

administrative scenario of the country, were disallowed apparently. The legislators argued with the examples of the rules of procedure but the Speaker ruled out all with the opinion that his interpretation is right.⁵³⁴ The speaker gave rulings as he desired and reply with the words as that “my order is final”⁵³⁵.

The Pakistan had a unicameral Parliament in shape of National Assembly at that time. The unicameral parliament was a legacy of the pre-1958 era and was effort to avoid the complexity on the formation of bicameral parliament especially in the circumstances of concerns of East Pakistan. The legislature had esteemed importance in democracy rather it is presidential or parliamentary. The power distribution between the Executive and the Parliament decide the situation supremacy. Under the 1962 Constitution, the parliament had less power than the Executive. The President had powers to dissolves the Assembly and there was no check and restrictions on the President regarding the dissolution of the Assembly.

The Ayub regime gave the example of American presidential system for his scheme but the scenario showed that the American executive and parliament had the equal powers and parliament is not played like a puppet in the hands of executive. The American president had the power to dissolves the parliament but with many restrictions. The President could not dissolves the parliament if the impeachment resolution had been moved in the legislature. The president had to vacate the office and had to reelect within the 120 days after the dissolution of parliament.⁵³⁶ But under the Constitution of 1962, the President

⁵³⁴NAPD, 4thyear, 9th and 10thsession.

⁵³⁵ Abdul Jabbar Khan, NAPD, 29January 1969, 4thyear, 10thsession, 200.

⁵³⁶M. Rashiduzzaman, “The National Assembly of Pakistan under the 1962 Constitution”, *The Pacific Affairs*, Vol XLII-4, 482.

had unconditional powers to dissolve the Assembly without explaining the reason on any forum.

Although the National Assembly of Pakistan had less powers during the 1965 to 1969 under the Constitution of 1962 than the parliamentary system legislatures but it was the only national level forum where the issues were raised and discussed. The political disturbance amassed in late 1968 was not discussed as its volume required but the matters of regional disparities and administrative affairs were presented and discussed in this esteemed national level body. The opposition was very small in numbers and unable to make answerable the executive but tried not to spare the administration.

CHAPTER – 4

Powers of President, Parliament and State Institutions

The chapter elaborates the power scenario of President of Pakistan, Parliament and State Institutions during Ayub regime. The power and influence, during Ayub regime, of the state institutions like civil and military bureaucracy, judiciary, president and parliament has been first assessed and then compared. This comparison has been done to examine whether president or parliament could overpower the other after collaborating or subduing other institutions of the state.

4.1 President, Parliament and Military

Pakistan and India inherited the power and governance structure and civil-military relation system from British rule, which accentuated on civilian supremacy and military's aloofness from political affairs. Both the countries got independence at the same time but contradict with each other on issue of civil-military relationship. It is interesting that India and Pakistan provide illustrations of the contrasting as well as changing patterns of civil-military relations.⁵³⁷ However, in Pakistan, after little more than eleven years of the façade of civilian parliamentary government, the military intervened and imposed its own rule. And yet, Pakistan had faced four military rules, first was promulgated on 7th October 1958 by joint venture of president General Iskandar Mirza and Commander-in-Chief General Ayub Khan. On four occasions, the military intervened overtly and imposed martial law

⁵³⁷Yeena Kukreja, *Military Intervention in Pakistan: A Case Study of Pakistan*, (New Delhi: NOB, 1985), 50.

throughout the country: October 1958, March 1969, July 1977 and October 1999. The military justified its extreme action on the ground of instability in the country.⁵³⁸

At the time to promulgating the Martial Law, Iskander Mirza announced to annul the constitution, dissolved the central as well as provincial Assemblies, and dismissed all the cabinets. The first target of the military rule was democratic system. With the promulgation of the Martial Law, all the political parties as well as political activities were banned, throughout the country. Pathetic political conditions, growing corruption and incompetency of politicians were presented as the three basic reasons by President Iskandar Mirza for promulgation of Martial Law in the country. The Chief of Army Staff, Genral Ayub Khan, was nominated as the supreme commander of the armed forces as well as Chief Martial Law Administrator(CMLA) in the country.⁵³⁹ Instead of President, CMLA Ayub Khan addressed the nation on October 08, 1958. In his address Ayub expounded that “army entered politics with great reluctance but with the fullest conviction that there was no alternative to it except the disintegration and complete ruination of the country”⁵⁴⁰. The promulgation of Military Rule and controlling the administrative as well as political affairs of the country was the first segment of Martial law regime.⁵⁴¹

The second and final segment of the Martial Law promulgation was started after 20 days when Ayub and some of his companions forcefully gained resign of Iskander Mirza and declared himself President of Pakistan.⁵⁴² It is seemed that the President Iskandar Mirza

⁵³⁸Muhammad Hassan, “Causes of Military Intervention in Pakistan: A Revisionist Discourse, “*Pakistan Vision*, Vol. 12, No. 2 (2011): 67

⁵³⁹Hassan Askari Rizvi, *The Military and Politics in Pakistan 1947-1999*, (Lahore: Sang-e-Meel Publication, 2000), 86-87.

⁵⁴⁰*Dawn*(Karachi), October 09, 1958.

⁵⁴¹Hassan Askari Rizvi, *The Military and Politics in Pakistan 1947-1999*, (Lahore: Sang-e-Meel Publication, 2000), 86-87.

⁵⁴²Khan Faqir and Muhammad Hussain, “Legitimacy of Military Regimes and the Superior Courts In Pakistan,” *Pakistan Journal*, Vol.52, No.1 (2016): 197.

had his own interests in promulgating the Martial Law while Commander-in-Chief General Ayub had interests contrary to the President. The scenario shows that Iskandar Mirza desired presidential form of government with executive powers just like America and he had started working for it with the help of Justice Muhammad Munir, Chief Justice of Pakistan, many months before the promulgation of Martial Law.⁵⁴³ Mirza supposed that he was using the Ayub while on the other hand; Ayub admitted that he pushed president to promulgate the Martial Law with the idea of political change. In the very early days promulgation of Martial Law, Ayub revealed the plan to roll back the democratic setup as, “I said to the president: are you, going to act or are you not going to act? It is your responsibility to bring about change and if you do not, which heaven forbid, we shall force a change”⁵⁴⁴.

Iskandar Mirza and Ayub Khan had close ties before the proclamation of military rule. They consulted with each other for rolling back the democratic setup, the third man in their consultation was seemed Justice Muhammad Munir. The Martial Law was promulgated with the assumption that political government had failed to serve the nation and military may bring change in political as well as societal sphere. It was a clear example of military syndicalism in Pakistan. Iskandar Mirza and Ayub Khan, both the military officials, supposed that politicians and current democratic government of that time is not competent to run the administration and decided to take over the charge of the executive powers of the country.⁵⁴⁵ As the idea of syndicalism works, the planners of the coup clearly

⁵⁴³Humayun Mirza, *From Plassy to Pakistan the Family History of Iskander Mirza* (Lahore: Feroz Sons Ltd, 2000), 224.

⁵⁴⁴Khalid Bin Sayeed, *The Political System of Pakistan*, (Boston: Houghton Mifflin Company, 1967), 93.

⁵⁴⁵Samuel E. Finer, *The Man on Horse Back, The Role of Military in Politics: The Political Strengths of the Military* (New Brunswick, New Jersey: Transaction Publishers, 2002), 27.

had concepts that military officials, who had taken over the charge of executive powers, are more competent than all other civilian as well as military officials. All the intelligence is only in their mind and all other had been dulled, especially the civilians are incompetent in all regards.⁵⁴⁶ Ayub indulged the military officials in all civilians departments for reforms.⁵⁴⁷

But the idea of competence of proclaimers was negated by the proclaimers as, the Martial Law was proclaimed with the orders of the President of Pakistan, but as the CMLA, Ayub Khan, got firm position in power corridors, he forced the President Mirza with military power to resign from his office.⁵⁴⁸ It is contended that being consolidated and hierarchical body, the armed forces in Pakistan always remained loyal with their immediate headship, rather than civil administration. The situation remained the same in 1958, when armed forces obeyed the orders of their immediate head, General Ayub Khan, and ignored the political government on 7th October same did in the case of former military official, General Iskandar Mirza, on 27th October. The military men followed the directions of the leadership rather than elected prime minister or president.⁵⁴⁹

General Ayub called the military coup as revolution against incompetent political leadership and aimed that military regime would have two stairs of objectives, short term and long term. Ayub had also been aimed to position the army in various areas of the country to empower the martial law. The social and constitutional rehabilitation was declared as the short term objective of the revolution and Ayub aimed to balance the social,

⁵⁴⁶Ibid, 47.

⁵⁴⁷Naghman Chaudhary, "*Pakistan's First Military Coup: Why Did The First Pakistani Coup Occur And Why Does It Matter?*," (MPhil Thesis, Naval Postgraduate School California, 2013), 19.

⁵⁴⁸Khan Faqir and Muhammad Hussain, "Legitimacy of Military Regimes and the Superior Courts In Pakistan," *Pakistan Journal*, Vol.52, No.1 (2016): 198.

⁵⁴⁹Naghman Chaudhary, "*Pakistan's First Military Coup: Why Did The First Pakistani Coup Occur And Why Does It Matter?*," (MPhil Thesis, Naval Postgraduate School California, 2013), 18.

financial and economic life cycle of state⁵⁵⁰. Ayub declared that the constitutional rehabilitation and other short term objectives must be achieved within six months,⁵⁵¹ but the scenario showed that the constitution was finalized in four years.

Ayub claims himself as the most competent man in the country who had competency to resolve all the issues in the society but the consideration of international community regarding Ayub's capabilities presented another concept. International community did not consider the Ayub a good administrator and commander not a responsible personality. Ayub had commissioned in British Army, before independence, and British record showed that Ayub remained failed as commanding officer and might be relieved from service but succeeded to retain his service only due to partition. The reports presented the understanding that Pakistan was facing serious problem of competent human resource after independence and Ayub had gotten senior position in that setup otherwise he would be relieved from Indian Armed Services. The British reports presented him as "strongly pro-American" army officer who had keen interest in increasing the military aid from international community.⁵⁵²

Ayub had announced to seek only six months to show his competency in administration for rehabilitating the constitution and reformed the society administratively and ideologically with the footprints provided by the CMLA but he remained fail to act upon his own words. Even he could not finalize his desired constitution within given framework, and could enforce his designed Constitution after forty-two months of

⁵⁵⁰ Mohammad Ayub Khan, *Friends Not Masters*, (London: Oxford University Press, 1967), reproduced by (Islamabad: Sani H. Panhwar, 2018), 75.

⁵⁵¹ *Ibid*, 76.

⁵⁵² Allen Symond (British High Commission Karachi) to Sir Gilbert Laithwaite (Commonwealth Relations Officer London), *De-Centralization in Administration in Pakistan*, 16th January 1959, TNA, DO 35/8949.

promulgating the Martial Law. The CMLA always claimed competency for him and his regime but he could not meet the timeline even in his first task to finalize the Constitution. Ayub rolled back the democratic setup and baptized the political leadership as incompetent but had to reestablish the National Assembly for the enforcement of his designed Constitution. Although Ayub was not ready to give power to parliament and desired all powers for his position but could not enforce the Constitution without a parliamentary forum and framed an unicameral legislature. The elections under strict control of the regime was held and a national legislature was restored with the address of CMLA in Assembly with the announcement of enforcement of constitution.⁵⁵³

After 16 months of the execution of Martial law, President Ayub Khan announced efforts for restoration of the democracy and formed a committee with the objective to strengthen the democratic institutes but committee had not been empowered for his work and had been given authority just to submit proposals to the military ruler. Justice Shahab ud din was appointed as chairman of the said committee. The Constitution Committee completed its work in fourteen months and submitted his proposals to the President. After that, military regime completed the draft of Constitution in eleven months. The military ruler was the supreme authority to enforce and finalize the constitutional deed and he did with his own will and wishes. President Ayub and his law minister Abdul Qadir made the major changes in proposed draft of the Constitution. The Constitution was enforced in 1962 and democracy was moulded accordingly. Military regime showed that it had been molded according to socio-political situation of the country.⁵⁵⁴

⁵⁵³Mohammad Ayub Khan, NAPD, 1st year, 1st Session, 08 June 1962, 1.

⁵⁵⁴NAPD, 1st year, 1st Session, June 1962.

The Assembly was made under the Constitution of 1962, promulgated without approval of the legislature and there was no role of National Legislature in formulation the Constitution. The Constitution was not production of the legislature but Assembly was product of the Constitution and it had not been permitted to look into or formal approval of the constitutional draft. Taking this in consideration the old parliamentarians, politicians who were despised by Military regime as well as Ayub Khan, had thought that they had authority and power to amend the Constitution according to their will. It was natural perception that Assembly would have a major and fine role to amend the constitution but the scenario presented the picture that the Assembly had been influenced by the Presidential powers and legislators did as the Ayub required.⁵⁵⁵

The President General Muhammad Ayub Khan dominated the parliament as well as all other institutions in the country. The president enforced the Constitution without any approval and consultation with any institute. Ayub made a committee under Justice Shahab to design the Constitution but did not accept its recommendation and amend the proposed draft with his own desires. The draft was proclaimed by the presidential orders and there was no need was pursued for formal approval from parliament, even after the formation of Unicameral Legislature where Ayub regime had desired support for constitutional making and amending.

The Ayub regime reinstated the legislature but it had no financial power. The regime was not bound to have formal approval of financial bills including budget from assembly. The legislators were just allowed to discuss the financial matters and different clauses of the budget but could not amend any clause without the desire of Finance

⁵⁵⁵NAPD, 1st year, 1st Session, June 1962.

Minister, who was the authority to make the budget and other financial proposals. The scenario of powerless legislature regarding making the budget and maintain the fiscal policy was unwrapped during the very first session of the National Assembly. The first session of the assembly was called in June 1962 to discuss the annual budget but the legislature was conveyed by the Finance Minister, Abdul Qadir, that they just had power to discuss the budget but not to amend it.⁵⁵⁶

The Ayub government presented the budget figures in National Assembly and gave the legislators chance to discuss its key points freely but restricted them not to vote in its favor or against. They had no right to approve or amend the budget and their proposals were also not considered permissible. The Finance Minister of Ayub regime clearly pointed out that legislature just discuss the budget but not to amend. The lawmakers also felt their position for fiscal as well as administrative affairs and they expressed upon but it could not be resulted in favor of legislators. The opposition leader and other representatives criticize the position of constitution in this regard. During the first session of the house, the opposition leader clarified the members that they had no right of vote and amendments in budget so they had to just speak up upon it and point out the shortcomings of this financial document, and the amendments were just made if the finance minister desired.⁵⁵⁷ The legislators protested on the powerless legislature,⁵⁵⁸ especially regarding the fiscal affairs, but their protest could not be result oriented.

The legislators had understood their position in Assembly and also the credibility of legislature under the Constitution of 1962 and they expressed in this regard many times.

⁵⁵⁶ Abdul Qadir (Finance Minister), NAPD, 1st year, 1st session, 12 June 1962, 53-55.

⁵⁵⁷ Sardar Bahadur (Opposition Leader), NAPD, 1st year, 1st session, 12 June 1962, 75-77.

⁵⁵⁸ NAPD, 1st year, 1st session, 12 June 1962.

As the fiscal powers of legislature were elaborated the lawmakers called the legislature made under the Constitution of 1962 as Zero. As the position of Assembly was described regarding the fiscal policies and budget, a public representative from East Pakistan, Mahbubul Haq abruptly called the legislature as zero and expressed as, “the creator of Constitution had made the Assembly as a ‘Big Zero’. Assembly members had zero financial and administrative power and Assembly is equal to zero multiply by 156 that would be equal to ZERO.”⁵⁵⁹ He not only criticized the scenario but gave proposals for the supremacy of parliament. He suggested that the Assembly must check upon the accounts of the departments and examine the working of the autonomous bodies working under the various ministries. He also suggested that Assembly must have public cooperation against the draconian laws of the dictators which might be caused of the working efficiency of the Assembly.⁵⁶⁰ The legislator also criticized the practice to present the budget in Assembly if the members had no right to vote and suggest the amendments in financial document.

The powerless assembly was criticized by members but not a single man left his position in the whole tenure and members remained divided in opposition and treasury benches. President Ayub offered the legislators to amend the constitution with the majority of the house in his speech at inaugural session of the newly elected assembly.⁵⁶¹ Although, President Ayub advised the legislators for not to amend the constitution in hurry but the constitutional clauses allowed the assembly to amend in any extent with the majority vote. The majority of the house favored the parliamentary system and knew that the presidential system enforced by the regime is not in favor of the democracy but they joined the ruling

⁵⁵⁹Mehbubul Haq, NAPD, 1st year, 1st session, 12 June 1962, 105-106.

⁵⁶⁰ Ibid, 105-114.

⁵⁶¹Mohammad Ayub Khan, NAPD, 1st year, 1st Session, 08 June 1962, 1.

regime and ignored the democratic as well as parliamentary system for which they raised slogans. The legislators may amend the constitution but with their majority and unity but they could not maintain it. The split was very clear within supporters of Ayub and opposition of regime. The supporters of Ayub were in majority and they worked according to the desires of the regime. The opposition tried to amend the constitution but could not be succeeded due to less than required numbers.⁵⁶²The opposition members were aware about the practical position of the legislature and surprisingly commented upon the offers of the President for amendments and modification in the Constitution by the Assembly and practical hurdles with it.⁵⁶³

The war of 1965 had a great significance in the history of Pakistan and the powers of Parliament, Military and President can also be determined with this event. The War affected the nation at large and billions of dollars were spent in stop the attack. The political and social perspective was changed with this tragic event. The insurgencies on borders were observed many months ago. The members of National Assembly, especially from East Pakistan, tried to discuss the issue of Indian actions in the Assembly but the legislature was not even informed in details in this regard. The Indian Forces official launched operation in Kargil and crossed the Cease-Fire Line in May 1965.⁵⁶⁴ They occupied three Pakistani posts and troops were martyred but Assembly was unaware about the issue.

The issue of War-like situation created by Indian Forces on boarders was outstretched in Parliament, many months before the start of the War. Abul Kuasem and Shah Aziz Rahman presented adjournment motions in Parliament to discuss this historical

⁵⁶² NAPD, 1962-1969.

⁵⁶³ Mehbubul Haq, NAPD, 1st year, 1st session, 12 June 1962, 105-106.

⁵⁶⁴ Ayub Khan, The President of Pakistan to The Secretary-General United Nations, 05 September 1965, DO 196/384, The National Archives (TNA) London.

matter in Parliament. The legislators pointed out the War preparation and continuous intrusion of Indian Army on borders, especially on Rann of Kuch. The members showed serious concerns on Indian Army activities and considered it as the danger for security of the State. The legislators demanded to adjourn the other assembly business and detailed discussion on Indian penetration issue.⁵⁶⁵The members from opposition side demanded with continuously but treasury benches had not agreed even to discuss the matter of historical importance. After many hours the treasury side agreed to debate the matter when a message from government from outside the Parliament was conveyed to the leader of the house.⁵⁶⁶

The Indian operation in Kargil rose the tension between two countries. President Ayub wrote letter to the International community about Indian Operation in May and condemned the situation.⁵⁶⁷The legislature remained unaware about the issue for weeks,⁵⁶⁸ but could not be allowed even for discussion and condemning the Indian Action. The speaker and leader of the house allowed discussing the issue when the treasury benches catch a message from government, and then the leader of the house was announced to discuss the matter.⁵⁶⁹The opposition demanded detailed information but the government representative did not disclose the details and parliament was remained unaware about many realities.⁵⁷⁰

The issue of Indian infiltration was once again raised by the opposition in Assembly even the opposition indicated the issue in very early meeting of the house and introduced

⁵⁶⁵Abul Quasem, NAPD, 14 June 1965, 1st year, 1st session, 37.

⁵⁶⁶Abdus Sobur Khan, NAPD, 14 June 1965, 1st year, 1st session, 38-39.

⁵⁶⁷Ayub Khan, The President of Pakistan to The Secretary-General United Nations, 05 September 1965, DO 196/384, The National Archives (TNA) London.

⁵⁶⁸Abul Quasem, NAPD, 14 June 1965, 1st year, 1st session, 37.

⁵⁶⁹Abdus Sobur Khan, NAPD, 14 June 1965, 1st year, 1st session, 38-39.

⁵⁷⁰Makhdumzada Syed Hamid Raza Gilani, NAPD, 25 June 1965, 1st year, 1st session, 587-588.

adjournment motion in this regard. The adjournment motion remained un-addressed for around two months' session and could not be discussed and treasury benches used delaying tack's. The non-availability of Minister of Foreign Affairs, Zulfikar Ali Bhutto, was the key reason for treasury benches to be delayed the matter.⁵⁷¹The War was started between the two countries but the Parliament was remained unaware. Indian insurgencies in Rann of Kuch, Kargil and other boarders areas was increased with the passage of time but the higher democratic forum remained unaware and military government tried not to disclose the realities. The War was started but the Parliament had no information.

The Indians were ready for war, although dialogue might favor them. The dialogue were not in favor of Pakistan and India could be more beneficial in negotiations but Indians did not try for dialogue and Pakistan was also not in favor of dialogue before the War. The United Nations' reports showed that the Cease-Fire Line was first crossed by the Pakistan which became the cause of war. The India might decrease the tension if tried for the dialogue but Indian Prime Minster communicated the nation to back Army and expressed that "see it to the end".⁵⁷² The Pakistan had to face social unrest and food crises after the War. The food security issue hit the Eastern part especially and government imported rice from Burma,⁵⁷³but the Parliament remained unaware in all respects. The loss by the War were estimated around half a billion dollar but there was no discussion in Assembly in this regard. The Ayub government allowed spy missions of America against Soviet Union but there was no official statement in assembly in this regard.

⁵⁷¹Shah Aziz ur Rahman and Abdus Sobur Khan, NAPD, 05 August 1965, 1st year, 1st session, 2581-2593.

⁵⁷² Freeman, United Kingdom High Commissioner (UKHC) New Delhi to CRO London, 06 September 1965, DO 196/384, The National Archives (TNA) London.

⁵⁷³ Mr. James, United Kingdom High Commission (UKHC) Rawalpindi, to CRO London, 10 September 1965, DO 196/384, The National Archives (TNA) London.

The assembly was used to allow the Spy but their reality was not disclosed before the parliament. The government of Pakistan exempted the large number of foreigners for the registration under the law but allowed them to travel anywhere in the country during the war-like situation at Indian boarder. The regime issued the exemption orders with executive powers and presented for approval in the Assembly after sometimes. Although, the government presented the exemption orders for approval in the Assembly but did not show the figures and details of foreigners who were allowed under these declarations of exemption.⁵⁷⁴ All was did with wrapped information and without taking consent from Parliament.

The decision to allowing the American spy missions for Soviet Union from Pakistan was taken during Ayub Khan's visit of America with his daughter.⁵⁷⁵ The spy missions were launched and hundreds of American Spy missions were launched via Pakistan and the country had to face its consequences but the Parliament was not aware in this situation at all. Pakistan was serving the America extraordinary but US, Britain and other players of international power game were blaming the Pakistan to launch insurgency on Cease-Fire line. It was stated as that the Indians were ready for war, although dialogue might favor them. The dialogue was not in favor of Pakistan and India could be more beneficial in negotiations but Indians did not try for dialogue and Pakistan was also not in favor of dialogue before the War. The United Nations' reports showed that the Cease-Fire Line was first crossed by the Pakistan which became the cause of war. The India might be

⁵⁷⁴Makhdumzada Syed Hamid Raza Gilani, NAPD, 18 June 1965, 1st year, 1st session, 197.

⁵⁷⁵ "Timeline History of US-Pakistan Relations," *Dawn* (Karachi), July 04, 2012.

decrease the tension if tried for the dialogue but Indian Prime Minister communicated the nation to back Army and expressed that “see it to the end”.⁵⁷⁶

The President of Pakistan addressed the Assembly in the first session after the War. The session was called in November, two months after the War and the emergency order of September 1965 was laid for approval of the legislature. The President conveyed the legislators about the Indian infiltration in Rann of Kutch in early days and Indian attack on Pakistan in September 1965. President Ayub Khan addressed the assembly after many months of War and advised the legislators to approve the Tashkent Declaration.⁵⁷⁷ Pakistan had to bear expenses for more than half a billion dollar in War and America provided this money to Ayub regime arranging via a consortium otherwise the country may collapse economically.⁵⁷⁸ But the stories were prevailed that the America and Britannia were helping the India in armament program under the circumstances of Sino-Indian war of 1962 and September 1965 war with Pakistan. The Pakistanis felt fear with Indian rearmament buildup especially the unrest in Kashmir de-stable the situation. The changes in political scenario of the country also became the reason to instigate the Pakistan for open war. The settlement on War was a moral victory of India as Pakistan had to release all the occupied areas. The Pakistan had to face restrictions regarding arms.⁵⁷⁹

The Indians were ready for war, although dialogue might favor them. The dialogue were not in favor of Pakistan and India could be more beneficial in negotiations but Indians did not try for dialogue and Pakistan was also not in favor of dialogue before the War. The

⁵⁷⁶ Freeman, United Kingdom High Commissioner (UKHC) New Delhi to CRO London, 06 September 1965, DO 196/384, The National Archives (TNA) London.

⁵⁷⁷ General Muhammad Ayub Khan (the President of Pakistan), NAPD, 15 November 1965, 1st year, 2nd session, 31-37.

⁵⁷⁸ “Timeline History of US-Pakistan Relations,” *Dawn* (Karachi), July 04, 2012.

⁵⁷⁹ Pillo Mody, *Zulfi My Friend*, (Karachi: Allied Publishers, 1974; republished by Paramount Books, 2009), 61-62.

United Nations' reports showed that the Cease-Fire Line was first crossed by the Pakistan which became the cause of war. The India might be decrease the tension if tried for the dialogue but Indian Prime Minister communicated the nation to back Army and expressed that "see it to the end".⁵⁸⁰

Pakistan had agreed for Cease-Fire just two days after the Indian attack and did not want to prolong the war conditions. The President Ayub admitted that "Pakistanis had not been angels" but same time expressed that Pakistan may not compromise for his territory. Pakistan showed its consent for Cease-Fire on 08 September but emphasized upon "purposeful Cease-Fire" and protested upon inhuman acts of Indian Army. The British diplomats considered Pakistan as victim of Indian aggression and British diplomats supposed that Americans could stop the war if tried.⁵⁸¹The Minister of Foreign Affairs, Zulfikar Ali Bhutto announced that future scenario Pakistan's alliances and international relations would depend upon actual response of countries in war conditions. The China sent notice to India, warned and demanded to stop the war. President Soekarno called especial meeting of Indonesian Supreme Command to discuss the assistance of Pakistan against Indian aggression. Iranian Prime Minister quickly flew to Ankara for joint effort for Military aid for Pakistan in this situation. The questions were raised upon American and British silence.⁵⁸²The legislators condemned the Indian action and conveyed the legislature that Indian intrusion had been seen in various areas of the East Pakistan, especially in Assam, Sylhet, Mymen Singh, Rangpur and other border areas. The

⁵⁸⁰ Freeman, United Kingdom High Commissioner (UKHC) New Delhi to CRO London, 06 September 1965, DO 196/384, The National Archives (TNA) London.

⁵⁸¹ Mr. James, United Kingdom High Commissioner (UKHC) Rawalpindi, to CRO London, 08 September 1965, DO 196/384, The National Archives (TNA) London.

⁵⁸² Mr. James, United Kingdom High Commission (UKHC) Rawalpindi, to CRO London, 10 September 1965, DO 196/384, The National Archives (TNA) London.

opposition criticized the government upon low-level defense arrangements in East Pakistan.⁵⁸³ But there was no policy statement in assembly by the government side.

The political developments occurred during and after the war but nothing were seen in the Assembly. The legislators did not discuss the good and bad points of the declaration but just praising remarks for the President Ayub Khan. The political developments in the country after the war were totally ignored by the legislators and never discussed the scenario in Assembly. The scenario regarding the powers of Parliament, Military and Presidential office was clearly shown by the initiation of war and Tashkent Declaration. The Ayub regime did not discuss about the initiation of war in the Assembly although opposition presented the issue months before the open attack. The clauses of Tashkent Declaration were also not presented in the house to discuss. The Assembly was just intimated about the war situation and the Pact after that. The Ayub's Minister of Foreign Affairs resigned upon Tashkent Declaration issue and populace protested upon that at large but the Assembly remained silent in this regard. The Ayub was the commanding the military and executive powers were also in the hands of Ayub Khan, and he decide single handedly on all the issues.

4.2 President, Parliament and Civil Bureaucracy

The importance of the civil-bureaucracy cannot be denied in any extent but its efforts of supremacy and snub the other institutions must be considered as over-confident as an institute. The basic purpose to develop the state institutions has been considered as for streamlining the governance. The governance denotes for forming the proper as well as casual directions to regulate public demesne. Therefore a state-arena is developed for

⁵⁸³Mukhles uz zaman Khan, NAPD, 07 June 1966, 2nd year, 4th session, 525-529.

decision-making with the mutual efforts of economic and societal actors by interaction.⁵⁸⁴The scholarly consideration is that, the role of bureaucracy for implementation of rules and regulations and streamline the administrative affairs cannot be restricted but intelligent-governance is considered as anti-bureaucratic and public friendly. In good governance, the size of administration is not measured but competence mentioned.⁵⁸⁵ The case of Pakistan regarding role of bureaucracy, especially during and before the Ayub regime is questionable and presented the different view than requirement.

The concept is presented by some scholars that the bureaucracy clutched after the assassination of Liaquat Ali Khan,⁵⁸⁶ but in-depth study of Quaid-i-Azam and Liaquat Ali's period presented a different scenario than casual perception in this regard.⁵⁸⁷ The dominance of bureaucracy in the state-affairs was indulged by the Jinnah who tried to control the affairs of the newly born state by higher level bureaucracy and indulged them in key-state position. In Jinnah era, the Governors of three provinces among four were former officers of Indian Civil Service (ICS), although there were chief ministers for leading the executive but governors (former civil servants) chaired cabinet meetings, and remained in dominant role during their tenure.⁵⁸⁸ Jinnah and Liaquat Ali also tried to use the bureaucrats (departmental secretaries) to control the state machinery and ministers were neglected or by-passed.⁵⁸⁹

⁵⁸⁴Goran Hyden, *Making Sense of Governance*, (USA: Lynne Rienner Publisher, 2005), 12-28.

⁵⁸⁵ Nicolas Berggruen and Nathan Gardels, *Intelligent Governance for the 21st Century: a Middle Way between West and East*, (Cambridge: Polity, 2014), 107.

⁵⁸⁶Maleeha Lodhi, *Pakistan, Beyond the Crisis State*, (London: Hurst & Co Pvt. Ltd., 2011), 45-48.

⁵⁸⁷Mahboob Hussain and Rizwan Ullah Kokab, "Institutional Influence in Pakistan: Bureaucracy, Cabinet and Parliament," *Asian Social Science*, Vol. 9, No.7 (2013): 174.

⁵⁸⁸M. A. W. Bhuiyan, *Emergence of Bangladesh and Role of Awami League*, (New Delhi: Vikas Publishing House, 1982), 52.

⁵⁸⁹Mahboob Hussain and Rizwan Ullah Kokab, "Institutional Influence in Pakistan: Bureaucracy, Cabinet and Parliament," *Asian Social Science*, Vol. 9, No.7 (2013): 174.

The position of sitting Commander-in-Chief in cabinet as minister and close linkage with Governor General (a former bureaucrat) shows that there was an adjacent relationship between civil and military bureaucracy in the first decade. The Ayub's coup in 1958 is seemed to be the effort of seizing control of the power hub from civil bureaucracy to Military regime.⁵⁹⁰ The induction of various Military officers in governing affairs is also support this assumption but it was remained only in early few years, and Ayub befitted as dependent on bureaucracy and conceptuality about the supremacy of military upon civil administration failed. Ayub's dependency on civil-administration had been called as, "Ayub became a prisoner of the bureaucracy because the civil servants regained their position at the end of 1959, and henceforth bureaucracy played a dominant role in policy-making during the Ayub regime"⁵⁹¹. The scholars are agreed that the dominating role of unelected bodies, civil and military, weakened the political as well as democratic institutions. The primacy of unelected institutions over representative organs left Parliament weak and subservient to the executive.⁵⁹² The stimulus of bureaucracy over state has been negated in contrast to sway of Chief Executive, a single man or dictator and it is declared harmful for the democracy as well as for state too.⁵⁹³ The scholars considered this scenario as that "because of supremacy of civil and military bureaucracy, the political institutions began to be seen as weaker than the steel frame of bureaucracy."⁵⁹⁴

⁵⁹⁰ S. K. Mazari, *A Journey to Disillusionment*, (Karachi: Oxford University Press, 2001), 56.

⁵⁹¹ M. Chowdhury, *Pakistan – Its Politics and Bureaucracy*, (New Delhi: Associated Publishing House, 1988), 104.

⁵⁹² Ahmad Khawar Shahzad, "Crisis of Governance in the Bureaucracy of Pakistan: A Study of Administrative Ramifications with Apposite Policy Recommendations," *ISRRRA Papers*, Vol. m No.1 (2017): 35.

⁵⁹³ Kokab (2010) P.110-112.

⁵⁹⁴ Jean Luc Racine. "Pakistan's Predicaments: The Diagnostic and the Debates within." *Pakistan Vision*, Vol. 13, No.1 (2012): 14.

It seems that in the early days after independence there was the “gang of four”⁵⁹⁵ consisted with General Ayub Khan, General Iskandar Mirza, Chaudhary Muhammad Ali, and Ghulam Muhammad, tried to play a game to control the power corridors against political leadership. At the time of promulgation of Martial Law the “gang of three” consisting of General Ayub Khan, General Iskandar Miraz, and Justice Munir, strengthened the Military supremacy over bureaucracy and political leadership. Justice Munir’s verdict and his position in Ayub Cabinet in later years,⁵⁹⁶ cleared the scenario in many respects.

The role of civil-administration in good governance cannot be denied. It has the significant position in governing system in the countries like Pakistan. The studies prove that bureaucracy always remain powerful in political and democratic as well Martial Law rules. The administrative system cannot be flourished without strong bureaucratic setup but the issue is just to remain in limits and jurisdiction and interfere in jurisdiction of other institutions. The scholars presented the concepts that bureaucracy always enjoys its position from top to bottom,⁵⁹⁷ and same it did during Ayub rule.⁵⁹⁸ It has cleared that the Ayub’s coup sent bureaucracy on back-foot but only for a while. Ayub’s efforts for overall domination of military in all spheres could not be succeeded and soon he has to recognize the importance and need of bureaucracy and he turned back with his old allied institution. After return, Ayub trusted on bureaucracy at large and scholars commented on this position

⁵⁹⁵Mushahid Hussain and Akmalhussain, "Pakistan-Problem of Governance," *Centre for Policy Research*, Vol.1, No.1 (1993): 18.

⁵⁹⁶Ayub cabinet

⁵⁹⁷ H. Alavi and J. Harriss (Eds.), *Sociology of Developing Societies South Asia*, (Hampshire: Macmillan, 1988), 242.

⁵⁹⁸Mahboob Hussain and Rizwan Ullah Kokab, “Institutional Influence in Pakistan: Bureaucracy, Cabinet and Parliament,” *Asian Social Science*, Vol. 9, No.7 (2013): 177.

as that “Ayub became “prisoner of the bureaucracy”⁵⁹⁹, and so-called public servants became more powerful as they were in early days of the country. The bureaucracy was in dominating position in first decade after independence and they has to face back-bencher just for couple of years in Ayub rule but soon they again gained policy-making position and captured all administrative and power corridors.⁶⁰⁰

The political position of the country was not well defined in the first decade but the politicians were playing their role as much as possible during the influential position of civil and military bureaucracy. Ayub’s Martial Law sent politicians far from the power-corridors and they became much deprived community of the country. In the very early days after promulgation of the Martial Law, politicians were sent to behind the bars. The restrictions were imposed on political leaders including Hussain Shaheed Suharwardy, Khan Qayyum Khan, Khan Abdul Ghafar Khan, Feroz Khan Noon, Ayub Khauhro, Maulana Bhashani, Allama Mashriqui, G. M. Syed, Hyder Buksh, Muhammad Khan, Saif ur Rehman and many others were arrested by the Martial law regime. The Ayub regime denied to arrest political leadership and always announced in press as well as in National Assembly after 1962 elections that there is no political prisoner in jails but the realities were against their claims.⁶⁰¹ The international community recognizing the political victimization by Ayub regime demanded for release of political leadership and stopping the human rights violation but Martial Law regime remain on his mission for gaining the supremacy of military by force.

⁵⁹⁹ M. Chowdhury, *Pakistan – Its Politics and Bureaucracy*, (New Delhi: Associated Publishing House, 1988), 104.

⁶⁰⁰ Mahboob Hussain and Rizwan Ullah Kokab, “Institutional Influence in Pakistan: Bureaucracy, Cabinet and Parliament,” *Asian Social Science*, Vol. 9, No.7 (2013): 177.

⁶⁰¹ I. T. M. Locus (British High Commissioner in Karachi) to Common Wealth Officer London, 27 May 1965, *Action By Ayub Regime against Politicians and Civil Servants*, DO 35/8952, The National Archives (TNA) London.

The action against the political leadership had not remained restricted in the early couple of hours but in 1962 after the elections of National as well as Provincial Assemblies and local bodies, there were hundreds of political prisoners in jails including Hussain Shaheed Suharwardy and Maulana Bhashani. The opposition leadership presented the scenario of political victimization and clarified with the words that not to nominate any political leader or worker in this regard but release all the political workers and leaders without any discrimination and withdraw the cases against them. The assembly members pointed out that there had been more than 1400 political prisoners behind the bars. One member from NWFP region put on record that around one thousand political workers had been arrested from his region, except these 1400 political prisoners. Assembly was conveyed that political victims are in the jails of Dhakka, Peshawar, Hyderabad, Sukkur, Lyallpur, Montgomery, Multan and other prisons of West part of the country.⁶⁰²

The opposition categorically expressed its serious concern about the figures and names of victim personalities; international community was also indicated about political victimization but treasury benches emphatically denied for the political prisoners at large. The central minister for Home Affairs just admitted 21 prisoners under the custody of central government, four from princely states Kalat and Dir (two from each), Hussain Shaheed Suharwardy and Maulana Bhashani had been detained under security act. The fifteen was arrested with suspicious activities and spying for enemies. The provincial governments had 133 political prisoners, 23 in West Pakistan and 110 in East Pakistan. On the pointing out by a legislator, the government representative made clear that the prisoners under FCR had not been included in it.⁶⁰³

⁶⁰²NAPD, 1st year, 1st Session, 18 June 1962, 76-77.

⁶⁰³NAPD, 1st year, 1st Session, 18 June 1962, 132.

The Assembly had detailed debate upon the issue but could not have a concrete decision or resolution upon this matter of public concern. The issue was discussed as upon adjournment motion presented by the Mashī ur Rehman and seconded by the Ali Amjad Khan. Farid Ahmed, Mufti Mehmood, Saif ur Rehman, Syed Abdus Sultan, Qamar ul Ahsan, Abdul Haque, Ebrahim Khan, Begum Shams un Nahar, Begum Roqaya Anwar, Ch. Fazal Elahi, Mansural Haq, AKM. Yusuf, Jahan Khan Busal, Hasan Imam, Aziz ur Rehman and Ahbd ur Rasheed had been supported the motion. The mover and supporters of the motion demanded the unconditional release of all the prisoners but government had concerns on unconditional freedom.⁶⁰⁴ Assembly was conveyed by a legislator that the two political prisoners jailed in Multan, Saif ur Rehman and Muhammad Khan, had died behind the bars but their relatives had not been conveyed by the administration for weeks and they buried by the jail officials. Their relatives knew about these incidents after weeks and they had gotten buried dead bodies with long legal struggle.⁶⁰⁵

The scenario of victimization was not only for political personalities but also same for the civil servants in the country. The record shows that Ayub regime victimized hundreds of high level civil servants without prescribed legal procedure. The civil servants were just alleged for the corruption and practices and terminated from services without any chance to prove them innocent. Not only at higher level but the civil servants were victimized at lower level too and hundreds of government servants were sacked from services without legal procedure.⁶⁰⁶

⁶⁰⁴Ibid.

⁶⁰⁵Ibid, 123.

⁶⁰⁶ I. T. M. Locus (British High Commissioner in Karachi) to Commonwealth Officer London, 27 May 1965, *Action By Ayub Regime against Politicians and Civil Servants*, DO 35/8952, The National Archives (TNA) London.

The scenario shows that the political and democratic institutions in first two decades were very weak than Military and Bureaucracy. After the independence in 1947, the initiation of governance was with charismatic leadership of Muhammad Ali Jinnah who leaded the nation at front and governed the country intelligently, but he was died just after a year. The power seeking game had been started during the Jinnah period and appointment of two influential bureaucrats in governance system, Chaudhary Muhammad Ali as Secretary General of newly established state and Ghulam Muhammad as Finance Minister, provided the bureaucracy chance to arrive in power game. Later, Ghulam Muhammad gained chances to capture the power structure and he succeeded to become Governor General of the country.⁶⁰⁷By the time of Ayub's coup, two critical issues had been settled. First, parliamentary democracy would not be allowed to function in Pakistan. Second, a strong central executive would dominate the provinces. Pakistani politics have never recovered from these twin setbacks.⁶⁰⁸ The new cabinet consisted of civilians as well as generals. The office of the prime minister was abolished and Ayub Khan's cabinet begun to function as a presidential cabinet.⁶⁰⁹

Successive regimes of Pakistan's polity transformed bureaucracy into politicized institution to avoid imperils of dismissals, transfers and postings. Institutional strength was clubbed with regimes and rules of the game.⁶¹⁰ It seems that Military tied with bureaucracy in first decade to push the democratic forces in back stage and intervene with force to

⁶⁰⁷ Jean Luc Racine, "Pakistan's Predicaments: The Diagnostic and the Debates within," *Pakistan Vision*, Vol. 13, N.1 (2012): 1-31.

⁶⁰⁸ Javed Iqbal, "The Judiciary and the Constitutional Crisis in Pakistan," in Hafiz Malik (Ed.) *Pakistan Founders Aspirations and Today's Realities*, (New York, Oxford University Press, 2003), 63-64.

⁶⁰⁹ Omar Noman, *The Political Economy of Pakistan 1947-85*, (London: KPI Limited, 1988), 15.

⁶¹⁰ Ahmad Khawar Shahzad, "Crisis of Governance in the Bureaucracy of Pakistan: A Study of Administrative Ramifications with Apposite Policy Recommendations," *ISRRR Papers*, Vol. m No.1 (2017): 25.

overcome the bureaucracy as well as political forces for recognizing the supremacy of military on all other institutions. Ayub's entrance in cabinet as minister in 1954 is the start of military's influence in political sphere. General Iskandar Mirza was also nominated as minister of Home Affairs at the same year.⁶¹¹ Ayub and Mirza tied relations with higher and influential bureaucracy during that and succeeded to promulgate the Military Rule in 1958 as joint venture.⁶¹²

In early days of the Ayub regime, the bureaucracy was remained suppressive and hundreds of bureaucrats were terminated from service,⁶¹³ but soon bureaucracy overcome the crises and power sharing measures were taken from the both sides, military as well as bureaucracy. The regime designed a sub-servient role for bureaucracy under Basic Democracy (BD) system from upper to lower,⁶¹⁴ but CSP designed their own agenda and strengthen their position within system and gained the policy making powers within limited period.⁶¹⁵

4.3 President, Parliament and Judiciary

Judiciary also appeared as important player of power seeking game from the very early days after independence; especially during Ayub regime it played as key partner to strengthen the draconian dictatorship in the country. The marriage of convenience in power-corridors between judiciary, military and bureaucracy was started from very early

⁶¹¹ Cabinet of Bogra B

⁶¹² *Dawn* (Karachi), October 08, 1958.

⁶¹³ I. T. M. Locus (British High Commissioner in Karachi) to Commonwealth Officer London, 27 May 1965, *Action By Ayub Regime against Politicians and Civil Servants*, DO 35/8952, The National Archives (TNA) London.

⁶¹⁴ Aminullah Chaudhary, *Political Administrators-The story of Civil Service of Pakistan*, (Karachi: Oxford University Press, 2012): 38.

⁶¹⁵ Ahmad Khawar Shahzad, "Crisis of Governance in the Bureaucracy of Pakistan: A Study of Administrative Ramifications with Apposite Policy Recommendations," *ISRRA Papers*, Vol. m No.1 (2017): 24.

days after independence. It seemed that military and other players of the power game used the judiciary to strengthen the draconian dictatorships of military regimes and illegal occupations of bureaucratic despots. The rulers, military or bureaucratic, used the power of appointments and removal of senior judges as their discretionary power for having their support in power game.⁶¹⁶

It also seemed that there was no judicial independence and this issue made judiciary vulnerable for making independent decisions. In factual spirit judicial unconventionality means that judiciary has supposed to make decision independently in the court of law with common man as the key main beneficiary of society. Contrary to this, in absence of judicial independence the common man had to face dependent and managed decisions. The dependent judiciary always protects the interests of powerful entities in ruling as well as reigning corridors.⁶¹⁷ The concept of independent judiciary always applied with the idea that institution as well as judges individually is free from all types of pressures and interference of executive, military, political forces, bureaucratic elite, societal groups and criminal mafias.⁶¹⁸

Pakistan is facing the collusion of judiciary with bureaucracy as well as military from the early days after independence. The country faced the rapidly changed political elite in early eleven years. During these eleven years, the collusion of military and bureaucracy with judiciary played significant role in power game and destabilized the political setup. Seven Prime Ministers were changed during that period and they played

⁶¹⁶ Khan Faqir and Muhammad Hussain, "Legitimacy of Military Regimes and the Superior Courts In Pakistan," *Pakistan Journal*, Vol.52, No.1 (2016): 196.

⁶¹⁷Sadaf Farooq, Abida Rafique and Ghulam Qumber, "Independent Judiciary and its Role in Nation-Building: Case Study of Pakistan," *Global Regional Review (GRR)*, Vol.1, No.1 (2016): 100.

⁶¹⁸Ibid.

very nominal role in governing and constitutional development. The disbanding of first Constituent Assembly in 1954 unwrapped the ties of judiciary with ruling elite of bureaucracy and military.⁶¹⁹

It is indicated that the struggling for democracy and instability of political structure hit the fiscal situation of the country. The political problems and instable executive increased the economic uncertainty and shakiness which harm the position of common man and gradually weakened the institutions.⁶²⁰ The influence of non-democratic forces from the very early times also created problems for country and dictatorship damaged the infant democracy. In this situation the prescribed institutional role was not followed and scenario was become unchecked and imbalanced. It was commented upon the situation as that “there is an executive that functions without any checks and balances, a legislature influenced by political and bureaucratic elite and a judiciary struggling to evolve as an independent, impartial institution”. It was transported by judicial drive originated via unconstitutional adjournment of Chief Justice by earlier government.⁶²¹

A fight was started for capturing the power corridors by bureaucrats with politicians and military as well as judiciary stands with bureaucracy against the first hand stack holders of power structure. The collation of bureaucracy and judiciary against politicians was unwrapped during the case against dissolution of Constituent Assembly in 1954 by Governor General Ghulam Muhammad. The case of Ghulam Muhammad was very week but decision was in his favor which damaged the position of democratic structure as well

⁶¹⁹Moeen H. Cheema and Ijaz Shafi Gilani (Ed.), *The politics and Jurisprudence of the Chaudhry Court 2005-2013* (Karachi: Oxford University Press, 2015), 36.

⁶²⁰ Muhammad Ahmed, and S.M. Sharif, “Islamic Aspects of the New Constitution of Pakistan,” *Islamic Studies*, Vol. 2, No.2 (1963): 215.

⁶²¹Sadaf Farooq, Abida Rafique and Ghulam Qumber, “Independent Judiciary and its Role in Nation-Building: Case Study of Pakistan,” *Global Regional Review (GRR)*, Vol.1, No.1 (2016): 102.

as judicial integrity. The decision for ratification of Martial Law in 1958 was also unwrapped the ties of military and judiciary against democratic forces.

General Ayub enforced Martial Law in 1958, with the patronage of powerful president of the country, General Iskandar Mirza. It was said by the Ayub that he was not interested to impose military rule and was unaware about this imposition till the orders of president.⁶²² At the time of imposition of military rule they blamed the democratic government for corruption, political chaos, and economical obstruction as reason for imposing the Military Rule. After imposition of the martial law, they used religious clauses of rolled back 1956 Constitution for gaining public support with political motives.⁶²³ Some corners supported the Ayub Khan that he was not directly imposer of Martial Law, while it was imposed by the President Iskandar Mirza who had the powers of imposition. Supreme Court of Pakistan validated the Martial Law and Ayub became President after court's verdict.⁶²⁴ General Ayub dishonored constitution and tendered the powers to General Yahya Khan and Court sheltered all the acts of Yahya Khan in Asma Jillani case. The validation of court provided the dictators reason for their illegal act and legalized the coup as patriot action.

Unfortunately, within a short period of time, serious differences arose between political leaders as regards the nature of Constitution, the quantum of provincial autonomy, the national language which the country should adopt and many other disputes of fundamental nature. A great deal of intrigue and dog fighting started in Constituent

⁶²² Mohammad Ayub Khan, *Friends Not Masters*, (London: Oxford University Press, 1967), reproduced by (Islamabad: Sani H. Panhwar, 2018), 79.

⁶²³Nadeem F. Paracha, "Smoker's Corner: Ayub's Republic," *Dawn* (Karachi), April 10, 2016.

⁶²⁴Nasir Iqbal, "Judiciary Reminded of Its Role in Validating Martial Law," *Dawn* (Karachi), April 30, 2013.

Assembly and other committees. An actual tug of war started between the politicians to seize and retain power. The continuous wrangling on the part of the politicians brought four periods of Military regimes in the country and Pakistan had the misfortune of living under military for a long time.⁶²⁵

The supporters of Ayub regime try blame the President Iskandar Mirza for promulgating the Military Rule and presented Ayub as innocent in the entire coup but the realities are against presented picture. Ayub was aware about all the actions and he was in consultation with Iskandar Mirza from many days before the enforcement of Military Rule. It is fact that Commander-in-Chief Ayub Khan had political determinations and was in try to control the power corridors, years before the practically proclamation of Martial Law. Ayub arrived in power-arena in 1951 and assumed powers step by step. The scenario elaborated in “The Army and Democracy” with these words, “professional development did not depoliticize the Pakistani military. Instead, it aroused the military’s interest in civilian affairs and spurred members of the senior officer corps, led by the commander in chief, General Mohammad Ayub Khan (1951– 1959), to voluntarily assume the obligation of properly organizing political society and the state. The military was initially content with playing the role of the stabilizing power behind the throne”.⁶²⁶ By enforcement of the Martial Law, the military officers was deputed in civil departments and no officer refused for having the charge of civil departments while the verdict of Supreme Court validated all illegal actions of the Ayub regime and demoralized the democratic forces.

⁶²⁵ Muhammad Dawood Jan, *The Role of Superior Judiciary in the Politics of Pakistan*, (Karachi: Royal Book Company, 1994), 149.

⁶²⁶ Aqil Shah, *The Army and Politics: Military Politics in Pakistan*, (London: Harvard University Press, 2004), 6.

The abrogation of constitution as well as dissolution of provincial and central assembly on 7th October 1956 was the first phase of the Martial Law. Iskandar Mirza promulgated the Martial Law and appointed the Commander-in-Chief General Ayub Khan as CMLA.⁶²⁷ The democratic forces challenged the country wide proclamation of Martial Law in Supreme Court of Pakistan. The court under the Justice Munir (later he became minister in Ayub government) heard the case and gave verdict in favor of Martial Law.⁶²⁸ In his promulgation, President of Pakistan, Iskander Mirza clarified the situations which made obligatory to take step of military rule. Mirza told that “the pathetic political conditions and the growing corruption in the society and the inability of the politicians to change their ways had left him with no alternative but to take this step”⁶²⁹. General Ayub Khan addressed the nation on 8th October, 1958, and explained that the army entered politics “with great reluctance but with the fullest conviction that there was no alternative to it except the disintegration and complete ruination of the country”⁶³⁰. This was the first phase of Martial law.⁶³¹ The first phase of the Martial Law had remained till the verdict of Supreme Court in favor of Military Rule. As the court legalized the Martial Law, Ayub and his companions forcefully attained resignation from President Iskandar Mirza and Ayub captured the office of President without any election and backing.⁶³²

The second phase of the Martial Law was started just three weeks after its promulgation when the Army Generals forced Iskader Mirza to resign from the office of

⁶²⁷*Dawn* (Karachi), October 08, 1958.

⁶²⁸Nasir Iqbal, “Judiciary Reminded of Its Role in Validating Martial Law,” *Dawn* (Karachi), April 30, 2013.

⁶²⁹*Dawn* (Karachi), October 08, 1958.

⁶³⁰*Dawn* (Karachi), October 09, 1958.

⁶³¹ Hassan Askari Rizvi, *The Military and Politics in Pakistan 1947-1999* (Lahore: Sang e Meel Publication, 2000), 86-87.

⁶³²Nadeem F. Paracha, “Smoker’s Corner: Ayub’s Republic,” *Dawn* (Karachi), April 10, 2016.

President. Iskader Mirza silently obliged. General Ayub Khan combined in himself the office of the President and the Chief Martial Law Administrator.⁶³³ Why did President Iskader Mirza proclaim Martial Law? It was told that there were gloomy chances for him to get himself reelected as president.⁶³⁴ President Mirza also wrote to ex- Prime Minister Noon, explaining the reason for his actions and expressing regret that Martial Law had to be imposed during his premiership. The Chief Justice of Pakistan, Muhammad Munir, was asked to prepare a new constitution more suited to “the genius of the Pakistani people”. President Mirza favored the American system of a presidential executive with an independent legislature and judiciary.⁶³⁵ Later, even when Iskander Mirza was still the president, General Ayub disclosed that it was at his initiative that the president imposed martial law “ I said to the president: are you, going to act or are you not going to act? It is your responsibility to bring about change and if you do not, which heaven forbid, we shall force a change”.⁶³⁶

In definite substances before Supreme Court, a question was arose as to what was the effect of the abrogation of the late constitution and its replacement by the laws (continuance in force) order, 1958 on writs issued under the existing pieces of legislation. The Supreme Court, headed by the Chief Justice Muhammad Munir, delivered a judgment on 27 October 1958 in four appeals generally known as Doso case. To the effect that a victorious revolution for a successful coup d'états was an internationally recognized method of changing a legal order, and citing Kelson general theory of Law and State, gave

⁶³³ Hassan Askari Rizvi, *The Military and Politics in Pakistan 1947-1999* (Lahore: Sang e Meel Publication, 2000), 87-88.

⁶³⁴ Khalid Bin Sayeed, *The Political System of Pakistan*, (Boston: Houghton Mifflin Company, 1967), 92.

⁶³⁵ Humayun Mirza, *From Plassy to Pakistan the Family History of Iskader Mirza* (Lahore: Feroz Sons Ltd, 2000), 224.

⁶³⁶ Khalid Bin Sayeed, *The Political System of Pakistan* (Boston: Houghton Mifflin Company, 1967), 93.

legal sanctity to the coup d'état of 1958. But Justice Cornelius dissented, as he did not think that the coup could be legally justified.⁶³⁷ Ayub's military coup was legitimized by Supreme Court on the same basis which was developed in the Molvi Tamiz-ud-din Case against dissolution of First Constituent Assembly.⁶³⁸

The ties between power corridors and judiciary had been shown during the dissolution of first Constituent Assembly and same was in the case against promulgation of Martial Law. The judiciary favored the Military ruler and legalized the Martial Law. The Chief Justice of Pakistan, who gave verdict in favor of Military rule, was appointed Minister of Law in Ayub cabinet just after his retirement from position in Judiciary.⁶³⁹ The appointment of the Justice Munir as federal minister was also not according to rule. The opposition protested at his appointment and expressed in the assembly that Justice Munir was awarded the job for his services to validating the Martial Law. It was expressed that Justice Munir could not be appointed for any administrative job before two years of the retirement.⁶⁴⁰ The opposition raised all the points which supported the issue against the appointment of Justice Munir but Ayub and his regime did not consider the point of view and legal arguments in this regard.

The Martial Law regime appointed law reforms commission in December 1959 to suggest improvements in the legal system inherited from the British. The recommendations of the commission covered a wide field and their implementation was only feasible over a number of years. The objective of the recommendation was to make available the speedy

⁶³⁷Javed Iqbal, "The Judiciary and the Constitutional Crisis in Pakistan," in Hafiz Malik (Ed.), *Pakistan Founders Aspirations and Today's Realities*, (New York, Oxford University Press, 2003), 63-64.

⁶³⁸Satish Kumar, "Judicial Subsistence Hampered Democracy in Pakistan," *South Asian Perspectives*, Vol. 2, No. 6, (2007): 2.

⁶³⁹Ayub cabinet

⁶⁴⁰NAPD, 1962.

and less expensive justice. Ten ordinances were issued during 1962-63 to streamline the administration of justice.⁶⁴¹ The implementation of the recommendations of these two commissions, no doubt had some healthy effects on the legal system of Pakistan, but the ideal of “speedy and less expensive justice” was too high to be achieved through the steps taken by the military regime.⁶⁴²

From the outset of Martial Law and later on Ayub Khan took all possible measures to put a limit on the powers and authority of Judiciary. He ensured that independent minded Judges could not come on the driving seat of Chief Justice of High Court or Supreme Court. Throughout his regime as President he used his powers of appointing the Judges of High Court and Supreme Court to stop the elevation of strong Judges such as Justice M.R. Kayani and Shabbir Ahmad. Ayub nominated Manzur Qader, his previous foreign minister, as Chief Justice of Lahore and only to prevent Justice Shabbir Ahmad from becoming the Chief Justice of the then West Pakistan High Court Lahore.

The Constitution of 1962 empowered the President Ayub to appoint the Judges of the High Court and Supreme Court, Chief Justices of High Court and Supreme Court. The President had the powers to appoint any Judge of the High Court as temporary Judge of the Supreme Court. Similarly the President had the powers to appoint any Judge of the Supreme Court as Chief Justice at Supreme Court during the absence of Chief Justice because of illness or any other cause. Such appointments were to remain in force until revoked by the president. To ensure the pliability of higher Judiciary, the interference of the executive in the Judicial appointments became a routine practice. The Deputy Speaker of National Assembly

⁶⁴¹ Hamid Yousaf, *Pakistan: A Study of Political Developments 1947-99*, (Lahore: Sange-Meel Publication, 1999), 71.

⁶⁴² Ibid, 72.

Muhammad Afzal Cheema was made a Judge of the West Pakistan High Court in 1965. Afzal Cheema had no appearance in the High Court and his appointment was seen as pure and pure political. Similarly Abdul Ghani Khattak was made Judge of the High Court to oblige his brother Yousaf Khattak who supported Ayub Khan during the Presidential election of 1965. Mr. Shamim Husain Qadir was also made Judge of the High Court in a blatant disregard of merit in 1966.

Such appointments shocked the legal fraternity of Pakistan. There was no elaborate process for the appointment of Judges of Superior Judiciary. All the candidates of Judiciary were made to appear before Ayub in the President House. The normal duration of interview of a candidate was five to ten minutes. There was no mechanism to assess the judicial keenness and capability of the candidates. The process of interviewing the candidates was perfunctory and a mere formality. The selection of the candidates was made on the basis of political considerations and personal preferences of Ayub Khan. With the benefit of hindsight it can be assumed that during Ayub Khan era the higher Judiciary as a whole remained subdued and did not dare to challenge the authoritarian nature of Ayub regime and considered Ayub Khan as their benefactor.⁶⁴³

4.4 Conclusion

The political developments were occurred during and after the war but nothing were seen in the Assembly. The legislators did not discuss the good and bad points of the declaration but just praising remarks for the President Ayub Khan. The political developments in the country after the war were totally ignored by the legislators and never discussed the scenario in Assembly. The scenario regarding the powers of Parliament,

⁶⁴³ Hamid Khan, *A History of the Judiciary in Pakistan* (Oxford University Press 2016)

Military and Presidential office was clearly shown by the initiation of war and Tashkent Declaration. The Ayub regime did not discuss about the initiation of war in the Assembly although opposition presented the issue months before the open attack. The clauses of Tashkent Declaration were also not presented in the house to discuss. The Assembly was just intimated about the war situation and the Pact after that. The Ayub's Minister of Foreign Affairs resigned upon Tashkent Declaration issue and populace protested upon that at large but the Assembly remained silent in this regard. The Ayub was the commanding the military and executive powers were also in the hands of Ayub Khan, and he decide single handedly on all the issues.

The scenario of victimization for the politicians and bureaucracy was an effort for the supremacy of military officials on bureaucracy and political institutions. Ayub regime rolled back the political setup in 1958, terminated civil bureaucrats and appointed the military officials on key civil posts but the practice for the complete omnipotence and hegemony of military officials in totality, resulted in failed and Ayub regime had to recognize the importance of political and civil institutions. The regime reinstated parliament and set a local, provincial and national level political setup. It was made mandatory for Ayub's cabinet members to answer the parliament. Although the parliament was not so powerful and Ayub dominated on the parliament in many respects but the institute as established at least. Later, Ayub established his own political party, became its president, and allowed political activities at large during presidential election. Same with the institution of bureaucracy, Ayub had to reinstate it. The pressure of termination without prescribed legal procedure was ended and bureaucracy's importance in system was recognized by the regime.

The situation shows that the judiciary supported the illegal actions against the democratic institutions from the early days after independence. The decision against the dissolution of First Constituent Assembly was not according to the legal requirement but the apex court backed the power-corridors against democratic forces, same was done in the case of promulgation of Martial Law. The ties between Justice Munir and Ayub Khan had been unwrapped with the passage of time but the serious questions on the decision making capacities of Pakistani Judiciary had been put by the Justice Munir's verdicts.

CONCLUSION

The parliament during the period of President General Muhammad Ayub Khan was structured to give legitimacy for the military rule. The rules and electoral procedure were adopted to prevent true representatives of people from reaching in the Assembly. The indirect elected elections by the votes of Electoral College of Basic Democrats did not let the politically powerful element to become the part of parliament. Likewise party-less elections for first Assembly during Ayub regime also weakened the parliament.

The second Assembly could be formed by powerful elected members as the regime had managed to weaken the opposition in the presidential election prior to the Assembly elections. The impotence of the opposition after their defeat in Presidential elections made the election of Assemblies as one way process in favour of Government. This led to the power of president in face of the Parliament as its supporters as well as clients were elected as parliamentarians who did not work for the strength of institution of Parliament but became instrumental for raising the powers of President.

The formation and profile of the parliamentarians was supportive for the President. Most of the assemblymen were from the elite and privileged class who were dependent on the powers of the President. These clients supported their patron in all the ways and methods. They were favoured and their interests were attached with the regime. So the members of interest groups who were anti people or against parliamentary powers supported Ayub Khan as President and undermined the institution of Parliament. They also made the Parliament as a supporting institute of regime.

The first assembly under Ayub Khan functioned under the Constitution of 1962 from 1962 to 1964. This phase of the Assembly marked the testing time for Presidential

form of Government which was introduced following the first martial law in Pakistan under Ayub Khan. The semblance of parliamentary work was used to cover the authoritative and administrative control over the legislative business. The significant part of legislation was made out of the ambit of parliament. The legislative business within Assembly too was controlled by the administration and president.

In the second Assembly under Ayub Khan the number of opposition members was very much nominal only 15 Assemblymen out of 150 total strength of Assembly (10 percent only) could not give proper hindrance to the increase in powers and policies of President. Thus the Parliament's 75 percent members were pro President who were always prone to support their patron.

The Parliament, unicameral, was formed not to fulfill the needs of the federation of Pakistan but to fulfill the needs and necessities of military authoritarian rule of the President Ayub Khan. It was just a show piece to show to the international community that a democratic institution was there. The rubber stamp parliament legitimated the policies and acts of previous martial law regime as well the constitution, which was not formed according to legitimate parliamentary procedure and was refractive of people's will. It was already formulated by the regime and the Parliament had just to stamp its approval. The Assemblymen were not allowed to change and criticize the constitution *in toto*.

The Parliament was not free to amend the constitution according to the democratic norms and values. It had only to follow the directions of President conveyed to the Parliament through his ministers and parliamentary secretaries.

The Assembly's rules of procedure were such that they ensured the supremacy of the President. There was not any permission to criticize the President. The Presidential

orders could not be brought under question. The powers of Presiding officers of the Assembly sessions did not provide liberty and powers of expression to the members. The motions could easily be rejected and stopped.

The Assembly was not assigned with the financial powers to approve or disapprove the budget. The financial bills could be discussed but they were not compulsorily subject to the approval of the Assembly. The financial matters remained in full control of the executive.

The Parliament could not be powerful in the absence of political parties. As the martial law was imposed and the political parties were banned, the first Assembly under Ayub Khan worked without political parties. Along with bar on political parties the political activities too were banned by the regime. The parliament in that situation could not work free of the authoritarian control on the will and opinion of public when political activities and press were under siege.

The parliamentary institution could not function freely and independently and worked under President Ayub Khan's firm presidential control. The legislation that is main parliamentary business was controlled in fully authoritative manners. Most of the significant legislation was made through the ordinances issued by president. The bills approved by the Assembly marked obvious directions of the administration and the treasury benches decided them not by debate and discussion but followed the directions of president or his administration. The bills were passed without following any parliamentary traditions of proper consideration, debate, publicity and consensus. The National Assembly's business and existence, in fact, was a semblance of the parliament created only to give cover to the authoritarian rule of Ayub Khan.

The second Assembly under Ayub Khan was elected through the electoral college of Basic Democrats. Soon after the elections the trouble in Kashmir heightened the tension between Pakistan and India. In democracies there are traditions that parliament discusses the all-important happenings and there is history of parliament's key role in the conflicts and conflicts resolution. Regarding important issues like War of 1965 and Tashkent Accord the Assembly was far less powerful in contrast to the authoritarian President of country.

In the field of legislation that is specific for the Parliaments even in the Assembly of 1965-1969, when considerably it had become somewhat a mature forum under Ayub Khan, most of the legislation was made through extra - Parliamentary way. In this regard the Assembly was forced to endorse the ordinances passed by the President. The endorsement of the ordinances was also got without proper procedure. Assembly was not given proper time to discuss the ordinances. No ordinance was rejected by Assembly. A large number of ordinances were put in Assembly in a bulk so that Assembly could not debate on any single item of a legislation in free and careful way. Only 37% of legislation in first Assembly was undertaken through acts passed by the Assembly.

Amendments in the constitution were passed through the relaxations of the rules of Assembly. The bills were passed in hustle and without amendments in an emergency and urgent manner. The concerns of opposition were never addressed and in most of the cases the treasury benches overrode the views of opposition benches. The walks out of opposition were never bothered. These walk outs were not tactical or for nothing but they were on significant issues but treasury benches never took these seriously.

The amendments suggested by the opposition did not succeed to attract the attention of government. The opposition was neglected and the President's wishes and desires were

fulfilled. This increased the powers and influence of the President in the political system as well as in the Governmental system and state structure. The President's unlimited powers over-shadowed the limited powers and controlled working of the assemblies. The rules existed to empower the Parliament but they were often manipulated for the benefit of the President.

The Parliament is often empowered to monitor the working of the Government through question answer sessions. In this procedure, the ministers and departments under them are put under the review of Parliamentarians who raise their concerns on the performance of Government through their questions. In the first Assembly 33% questions were not even answered. This ratio of unanswered questions increased in the second Assembly under Ayub. In that Assembly 43% questions of the Assemblymen remained unanswered. The questions which were answered were dealt in such a way that it only was a showpiece procedure and gave only cursory information to the Assemblymen. Thus the Ayub administration, being an authoritarian administration was saved mechanism of monitoring and criticism of the Parliament.

The motions of the Assemblymen were either not allowed to be moved and presented. If they were allowed the President was not subject to be criticized. The motions presented were only stock of talking without any actual actions. They were not practically influential on the powers of President.

In the period of second Assembly the President was under attack because of public demonstrations. The influence and powers of President was constantly under question out of the Assembly but within the Assembly no such mood was allowed to be expressed. The issues of political unrest and public disturbance were not allowed to be brought in the house

of Assembly. The power of President and the influence of Ayub fell but not through the actions and speeches of the parliamentarians and the fall of Ayub Khan took place from the hands of extra Parliamentary forces.

The powers of National Assembly were limited in the contrast to those of Presidential office. It was clearly evident from the initiation of war and Tashkent Declaration. The Ayub regime did not discuss the issue of initiation of war in the Assembly although opposition presented the issue months before the outbreak of open hostilities. The clauses of Tashkent Declaration were also not presented in the house to discuss. The Assembly was just intimated about the war situation and the Pact months after their occurring. The Ayub's Minister of Foreign Affairs resigned upon Tashkent Declaration issue and populace protested upon that at large but the Assembly remained silent in this regard.

The institution of army was mature and more powerful than the institution of Parliament during Ayub regime. The Parliament became weaker in front of President even more when the weightage of the powers of the institution of army wanted to support the President who was in start chief of army and in the latter period was very much respectable and influential as field marshal in the institution of army.

In contrast to the powers of army, the institution of Parliament was new, under pressure and powerless. The constitution making, a function of the Parliament, was not assigned to the Parliament and it was made by the commission formed by the President. On the contrary army was assigned duties and powers of civil administration the leverage of army 's powers in support of President enhanced his prestige and influence.

The army, defence and the matters related to the war 1965 were not discussed and debated in the Parliament. The demands of the opposition for debate on army and defence were not honoured at all. The issues of Indian infiltration were discussed under the directions of army to the Parliamentary leaders. For the defence and security of the country this was useful but it was done as disregard to the powers and respect of Parliamentarians.

The civil bureaucracy was made a tool in the hands of President. In the very early stages of the regime the bureaucracy was an example for those bureaucrats who could possibly resist the President. The Parliament could not influence the bureaucracy more than of the President. Thus bureaucracy became a weightage in the excessive powers of President instead of being responsible to the Parliament.

The institution of Judiciary did support the Presidential and military regime in start by validating the Martial Law. Chief Justice Munir, by using the doctrine of necessity, issued verdict in favour of promulgation of Martial Law. Even after the introduction of the constitution of 1962 the Parliament was not supported by the rulings and verdicts of the Judiciary. In a way the whole system was formed to make the institution of Parliament powerless and ineffective with the sole purpose of making the authority of Parliament, Judiciary, Bureaucracy etc. were made to function under the President. It would not be an exaggeration to say that from the day one the institution of Parliament was made to serve certain political goals of Ayub Khan instead of making it a legitimate and true representative body of the people of Pakistan.

ANNEXURE - I**ACTS AND ORDINANCES ENFORCED DURING AYUB PERIOD****Acts 1962**

No.	Year	Name	Date of Enforcement
I.	1962	Finance Act, 1962	30-06-1962
II.	1962	Members of National Assembly (Salaries and Allowances (Amendment) Act, 1962	06-07-1962
III.	1962	Political Parties Act 1962	16-07-1962
IV.	1962	Preventive Detention Laws Amendment Act 1962	24-07-1962
V.	1962	Posts and Telegraphs (amendment) Act 1962	24-07-1962

Ordinance 1962

No.	Year	Name	Date of Enforcement
I.	1962	Sind Nurses, Midwives and Health visitors Registration (Amendment) Ordinance, 1962	03-01-1962 02-05-1962
II.	1962	Displaced persons (Compensation and Rehabilitation) (Amendment) Ordinance 1962	13-01-1962 12-05-1962
III.	1962	Displaced Persons (Land Settlement) (Amendment), 1962	19-01-1962 18-05-1962
IV.	1962	Essential Supplies (Amendment), Ordinance 1962	30-01-1962 29-05-1962
V.	1962	University of Karachi, Ordinance 1962	03-02-1962 02-06-1962
VI.	1962	Electricity (Amendment), Ordinance 1962	14-02-1962 13-06-1962
VII.	1962	Code of Criminal Procedure (Amendment), Ordinance 1962	14-02-1962 13-06-1962
VIII.	1962	Frontier Crimes Regulation (Amendment), Ordinance 1962	15-02-1962 14-06-1962
IX.	1962	Port Authorities Lands and Buildings (Recovery of Possession) Ordinance 1962	17-02-1962 16-06-1962
X.	1962	Forest Laws (Amendment), Ordinance 1962	24-02-1962 23-06-1962

XI.	1962	Governor Generals Pension (Amendment), Ordinance 1962	28-02-1962 27-06-1962
XII.	1962	Partnership (Amendment), Ordinance 1962	12-03-1962 11-07-1962
XIII.	1962	Displaced Persons (Compensation and Rehabilitation (Second Amendment), Ordinance 1962	17-03-1962 16-07-1962
XIV.	1962	Pakistan Insurance Corporation (Amendment), Ordinance 1962	24-03-1962 23-07-1962
XV.	1962	Cinematograph (Amendment), Ordinance 1962	25-04-1962 24-08-1962
XVI.	1962	Sports (Development and Control), Ordinance 1962	02-05-1962 01-09-1962
XVII.	1962	Military College of Engineering Risalpur, (Degree) Ordinance 1962	09-05-1962 08-09-1962
XVIII.	1962	Political Organizations (Prohibition of Unregulated Activity) Ordinance 1962	10-05-1962 09-09-1962
XIX.	1962	Pakistan Military Academy Degrees and Certificate (Amendment), Ordinance 1962	11-05-1962 10-09-1962
XX.	1962	Pakistan College of Physicians and Surgeons Ordinance 1962	19-05-1962 18-09-1962
XXI.	1962	Pakistan Army (Amendment), Ordinance 1962	26-05-1962 25-09-1962
XXII.	1962	Employees Social Insurance Ordinance 1962	25-05-1962 24-09-1962
XXIII.	1962	Pakistan International Air Lines Corporation (Amendment), Ordinance 1962	31-05-1962 30-09-1962
XXIV.	1962	Chartered Accountants (Amendment), Ordinance 1962	04-06-1962 03-10-1962
XXV.	1962	Coconut and Oil Seeds Committee Act (Amendment), Ordinance 1962	28-05-1962 27-09-1962
XXVI.	1962	Iqbal Academy Ordinance 1962	29-05-1962 28-09-1962
XXVII.	1962	University of the Karachi (Amendment), Ordinance 1962	29-05-1962 28-09-1962
XXVIII.	1962	Cement Surcharge (Amendment), Ordinance 1962	29-05-1962 28-09-1962
XXIX.	1962	Imports and Exports (Control) (Amendment), Ordinance 1962	30-05-1962 29-09-1962
XXX.	1962	Protective Duties (Amendment), Ordinance 1962	31-05-1962 30-09-1962

XXXI.	1962	Tax Laws (Amendment), Ordinance 1962	31-05-1962 30-09-1962
XXXII.	1962	Medical Council Ordinance 1962	05-06-1962 04-10-1962
XXXIII.	1962	Ancient Monuments Preservation (Amendment), Ordinance 1962	02-06-1962 01-10-1962
XXXIV.	1962	Copyright Ordinance 1962	02-06-1962 01-10-1962
XXXV.	1962	Appropriation Railways (Supplementary), 1962	02-06-1962 01-10-1962
XXXVI.	1962	Industrial Corporations (Dissolution) Ordinance 1962	04-06-1962 03-10-1962
XXXVII.	1962	Provincial Industrial Development Corporation (East Pakistan) Ordinance 1962	04-06-1962 03-10-1962
XXXVIII.	1962	Provincial Industrial Development Corporation (West Pakistan) Ordinance 1962	04-06-1962 03-10-1962
XXXIX.	1962	Tea Plantations Labour Ordinance 1962	04-06-1962 03-10-1962
XL.	1962	Tariff (Amendment), Ordinance 1962	05-06-1962 04-10-1962
XLI.	1962	Salaries and Allowances of Ministries (Repeal) Ordinance 1962	05-06-1962 04-10-1962
XLII.	1962	Trade Organization (Amendment), Ordinance 1962	05-06-1962 04-10-1962
XLIII.	1962	Limitation (Amendment), Ordinance 1962	07-06-1962 06-10-1962
XLIV.	1962	Code of Civil Procedure (Amendment), Ordinance 1962	07-06-1962 06-10-1962
XLV.	1962	Registration (Amendment), Ordinance 1962	07-06-1962 06-10-1962
XLVI.	1962	Insolvency (Dacca and the Federal Territory of Karachi) (Amendment), Ordinance 1962	07-06-1962 06-10-1962
XLVII.	1962	Sale of Goods (Amendment), Ordinance 1962	07-06-1962 06-10-1962
XLVIII.	1962	Karachi Rent Restriction (Amendment), Ordinance 1962	07-06-1962 06-10-1962
XLIX.	1962	Negotiable Instruments (Amendment), Ordinance 1962	07-06-1962 06-10-1962
L.	1962	Appellate Jurisdiction (High Courts and Supreme Court) Ordinance, 1962	07-06-1962 06-10-1962

LI.	1962	Provincial Small Cause Courts (Amendment), Ordinance 1962	07-06-1962 06-10-1962
LII.	1962	Court Fees (Amendment), Ordinance 1962	07-06-1962 06-10-1962
LIII.	1962	Foreign Awards and Maintenance Orders (Enforcement) (Amendment), Ordinance 1962	06-06-1962 05-10-1962
LIV.	1962	Disturbed Areas (Special Power) Ordinance 1962	05-06-1962 04-10-1962
LV.	1962	Appropriation (Supplementary) Ordinance 1962	06-06-1962 05-10-1962
LVI.	1962	Apprenticeship Ordinance 1962	06-06-1962 05-10-1962
LVII.	1962	Banking Companies Ordinance 1962	07-06-1962 06-10-1962
LVIII.	1962	Customs Acts (Amendment), Ordinance 1962	06-06-1962 05-10-1962
LIX.	1962	Pakistan Penal Code (Amendment), Ordinance 1962	06-06-1962 05-10-1962
LX.	1962	Decorations Ordinance, 1962	07-06-1962 06-10-1962
LXI.	1962	National Bank of Pakistan (Amendment), Ordinance 1962	07-06-1962 06-10-1962
LXII.	1962	Jute (Amendment), Ordinance 1962	07-06-1962 06-10-1962
LXIII.	1962	Pakistan (Administration of Evacuee Property) (Amendment), Ordinance 1962	07-06-1962 06-10-1962
LXIV.	1962	Displaced Persons (Land Settlement) Second (Amendment), Ordinance 1962	07-06-1962 06-10-1962
LXV.	1962	Allopathic System (Prevention of Misuse) Ordinance 1962	07-06-1962 06-10-1962
LXVI.	1962	Tea (Amendment), Ordinance 1962	07-06-1962 06-10-1962
LXVII.	1962	Civil and Criminal Procedure Codes (Amendment), Ordinance 1962	07-06-1962 06-10-1962
LXVIII.	1962	Pakistan Army (Amendment), Ordinance 1962	07-06-1962 06-10-1962
LXIX.	1962	Maintenance (Order Enforcement) (Amendment), Ordinance 1962	07-06-1962 06-10-1962
LXX.	1962	Pakistan Penal Codes (Second Amendment), Ordinance 1962	07-06-1962 06-10-1962
LXXI.	1962	Abbottabad Joint Development Board Ordinance 1962	07-06-1962 06-10-1962

LXXII.	1962	Martial Law (Confirmation of Sentences) Ordinance 1962	31-07-1962 30-11-1962
LXXIII.	1962	Appellate Jurisdiction (High Courts and Supreme Court) (Amendment), Ordinance 1962	18-08-1962 17-12-1962
LXXIV.	1962	Jute Ordinance 1962	10-09-1962 09-01-1963
LXXV.	1962	Maneuvers, Field Firing and Artillery Practice (Amendment), Ordinance 1962	10-10-1962 09-02-1963
LXXVI.	1962	Pakistan Penal Code (Third Amendment), Ordinance 1962	19-10-1962 18-02-1963
LXXVII.	1962	Deputy Attorney General and Standing Counsel (Amendment), Ordinance 1962	22-10-1962 21-02-1963
LXXVIII.	1962	Military Court Sentences (Supplementary Provisions) Ordinance 1962	22-10-1962 21-02-1963
LXXIX.	1962	Industrial Disputes (Amendment), Ordinance 1962	29-10-1962 28-02-1963
LXXX.	1962	Registration of Claims (Displaced Persons) (Amendment), Ordinance 1962	31-12-1962 30-04-1963

Acts 1963

No.	Year	Name	Date of Enforcement
I.	1963	Privileges of Members of National Assembly (Exemption from preventive Detention and Personal Appearance) Act 1963	21-03-1963
II.	1963	Diplomatic Immunities (Conferences with Commonwealth Countries) Act 1963	04-04-1963
III.	1963	Code of Civil Procedure (Amendment), Act 1963	04-04-1963
IV.	1963	Appellate Jurisdiction (High Courts and Supreme Court) (Repeal) Act 1963	04-04-1963
V.	1963	Pakistan Armed forces Nursing Services (Amendment), Act 1963	01-05-1963
VI.	1963	House Building Finance Corporation (Amendment), Act 1963	01-05-1963

VII.	1963	Agriculture Development Bank (Amendment), Act 1963	01-05-1963
VIII.	1963	Pakistan Air Force (Amendment), Act 1963	01-05-1963
IX.	1963	Pakistan Army (Amendment), Act 1963	01-05-1963
X.	1963	Displaced Persons (Compensation and Rehabilitation) (Amendment), Act 1963	01-05-1963
XI.	1963	Cantonments Rent Restriction Act, 1963	01-05-1963
XII.	1963	Indecent Advertisements Prohibition Act 1963	22-06-1963
XIII.	1963	Public Debt (Amendment), Act 1963	22-06-1963
XIV.	1963	Gift-Tax Act 1963	30-06-1963
XV.	1963	Wealth Tax Act 1963	30-06-1963
XVI.	1963	Finance Act 1963	30-06-1963
XVII.	1963	State Bank of Pakistan (Amendment), Act 1963	17-08-1963
XVIII.	1963	Censorship of Films Act 1963	02-09-1963
XIX.	1963	Displaced Persons (Compensation and Rehabilitation) Second (Amendment), Act 1963	06-09-1963
XX.	1963	Medical Service of Pakistan Order (Repeal) Act 1963	14-09-1963
XXI.	1963	Geneva Convention Implementing (Amendment), Act 1963	16-12-1963
XXII.	1963	Drugs (Amendment), Act 1963	16-12-1963
XXIII.	1963	Representation of the People (Repeal) Act 1963	16-12-1963

Ordinance 1963

No.	Year	Name	Date of Enforcement
I.	1963	Political Parties ((Amendment), Ordinance 1963	07-01-1963 06-05-1963
II.	1963	Elective Bodies Disqualification (Removal and Remission) Ordinance 1962	07-01-1963 06-05-1963
III.	1963	Displaced Persons (Compensation and Rehabilitation) (Validation of Transfer) Ordinance 1963	17-01-1963 16-05-1963
IV.	1963	National Shipping Corporation	18-09-1963 17-01-1964

V.	1963	National Bank of Pakistan (Amendment), Ordinance 1962	12-10-1963 11-02-1964
VI.	1963	Capital of the Republic (Determination of Area) Ordinance 1963	26-10-1963 25-02-1964
VII.	1963	Jute (Amendment), Ordinance 1963	01-11-1963 28-02-1964
VIII.	1963	Customs Acts (Amendment), Ordinance 1963	16-11-1963 15-03-1964
IX.	1963	Members of the National Assembly (Exemption from preventive detention and Personal Appearance) Ordinance 1963	16-11-1963 15-03-1964

Acts 1964

No.	Year	Name	Date of Enforcement
I.	1964	Constitution (First Amendment), Act 1964	16-01-1964
II.	1964	Tribal Ares (Restoration of Jurisdiction) Act, 1964	10-04-1964
III.	1964	Emigration (Amendment), Act 1964	10-04-1964
IV.	1964	Electoral College Act, 1964	18-04-1964
V.	1964	Finance Act, 1964	30-06-1964
VI.	1964	Constitution (Second Amendment), Act 1964	08-07-1964
VII.	1964	National and Provincial Assemblies Election) Act 1964	26-08-1964
VIII.	1964	Presidential Election Act, 1964	01-09-1964
IX.	1964	Referendum Act, 1964	01-09-1964

Ordinances 1964

No.	Year	Name	Date of Enforcement
I.	1964	National Shipping Corporation (Amendment), Ordinance 1964	27-01-1964 26-05-1964
II.	1964	Legal Practice (Disqualifications Ordinance 1964	30-01-1964 29-05-1964

III.	1964	Basic Democracies (Amendment), Ordinance 1964	07-02-1964 06-06-1964
IV.	1964	Inter-Provincial Trade Ordinance 1964	01-07-1964 31-10-1964
V.	1964	Code of Criminal Procedure (Amendment), Ordinance 1964	02-09-1964 01-01-1965
VI.	1964	Pakistan Army and Air Force (Amendment), Ordinance 1964	02-09-1964 01-01-1965
VII.	1964	Merchant Shipping (Amendment), Ordinance 1964	16-09-1964 15-01-1965
VIII.	1964	Electoral College (Amendment), Ordinance 1964	14-10-1964 13-02-1965
IX.	1964	Electoral College Second (Amendment), Ordinance 1964	17-10-1964 16-02-1965
X.	1964	Security of Pakistan (Amendment), Ordinance 1964	25-11-1964 24-03-1965
XI.	1964	Presidential Election (Amendment), Ordinance 1964	25-11-1964 24-03-1965
XII.	1964	Presidential Election Second (Amendment), Ordinance 1964	06-12-1964 05-04-1965
XIII.	1964	Displaced Persons Laws (Amendment), Ordinance 1964	28-12-1964 27-04-1965

Acts 1965

No.	Year	Name	Date of Enforcement
I.	1965	Frontier Corps (Amendment), Act 1965	28-01-1965
II.	1965	Unani, Ayurvedic and Homeopathic Practitioners Act, 1965	28-01-1965
III.	1965	Legal Practitioners and Bar Councils Act, 1965	09-02-1965
IV.	1965	Constitution Third (Amendment), Act 1965	16-06-1965
V.	1965	Finance Act, 1965	30-06-1965
VI.	1965	The State of Pakistan (Amendment), Act 1965	22-07-1965
VII.	1965	Banking Companies (Amendment), Act 1965	03-08-1965
VIII.	1965	Pakistan Armed Forces Nursing Services (Amendment), Act 1965	03-08-1965
IX.	1965	Foreigners (Amendment), Act 1965	03-08-1965
X.	1965	Decorations Act, 1965	03-08-1965
XI.	1965	Limitation (Amendment), Act 1965	03-08-1965

XII.	1965	Anti-Corruption Laws (Amendment), Act 1965	03-08-1965
XIII.	1965	Leader of the Opposition (Privileges) Act, 1965	12-08-1965
XIV.	1965	Security of Pakistan (Amendment), Act 1965	12-08-1965
XV.	1965	Constitution (Fourth(Amendment), Act 1965	12-08-1965
XVI.	1965	Basic Democracies (Amendment), Act 1965	14-08-1965
XVII.	1965	Constitution (Fifth Amendment), Act 1965	01-12-1965
XVIII.	1965	Limitation (Emergency and War Conditions) Act, 1965	02-12-1965

Ordinances 1965

No.	Year	Name	Date of Enforcement
I.	1965	National and Provincial Assembly Elections	05-01-1965 04-05-1965
II.	1965	Basic Democracy Order (Amendment Ordinance 1965)	31-01-1965 30-01-1965
III.	1965	Pakistan Essential Services (Maintenance) (Amendment), Ordinance 1965	15-02-1965 14-06-1965
IV.	1965	National and Provincial Assemblies Election Second (Amendment), Ordinance 1965	18-02-1965 17-06-1965
V.	1965	Speaker's Remuneration and Privileges Ordinance, 1965	01-03-1965 30-06-1965
VI.	1965	National and Provincial Assemblies Elections (Third Amendment), Ordinance 1965	03-04-1965 02-08-1965
VII.	1965	National Investment (Unit) Trust Ordinance 1965	10-04-1965 09-08-1965
VIII.	1965	Imports and Exports (Control) (Amendment), Ordinance 1965	17-04-1965 16-08-1965
IX.	1965	The Security of Pakistan (Amendment), Ordinance 1965	17-04-1965 16-08-1965
X.	1965	The Repealing and Amending Ordinance 1965	19-04-1965 18-08-1965
XI.	1965	Tariff (Amendment), Ordinance 1965	24-04-1965 23-08-1965

XII.	1965	Aircraft (Removal of Danger to Safety) Ordinance, 1965	11-05-1965 10-09-1965
XIII.	1965	Jute (Amendment), Ordinance 1965	26-05-1965 25-09-1965
XIV.	1965	Tea (Amendment), Ordinance 1965	26-05-1965 25-09-1965
XV.	1965	Pakistan Army (Amendment), Ordinance 1965	07-05-1965 06-09-1965
XVI.	1965	Capital Issues (Continuance of Control) (Amendment), Ordinance 1965	27-05-1965 26-09-1965
XVII.	1965	Pakistan Atomic Energy Commission Ordinance 1965	29-05-1965 28-09-1965
XVIII.	1965	Displaced Persons Laws (Amendment), Ordinance 1965	02-06-1965 01-10-1965
XIX.	1965	Industrial Development Bank of Pakistan (Amendment), Ordinance 1965	03-06-1965 02-10-1965
XX.	1965	Pakistan Academy (Award of Degrees) Ordinance 1965	04-06-1965 03-10-1965
XXI.	1965	Reservists (Re-instatement in Civil Employment) Ordinance, 1965	07-06-1965 06-10-1965
XXII.	1965	Pakistan Mujahid Force Ordinance 1965	08-06-1965 07-10-1965
XXIII.	1965	Defence of Pakistan Ordinance 1965	06-09-1965 05-01-1966
XXIV.	1965	Compulsory Services (Armed Forces) Ordinance, 1965	07-09-1965 06-01-1966
XXV.	1965	Pakistan Army (Inter-Arm Transfer) Ordinance, 1965	07-09-1965 06-01-1966
XXVI.	1965	War Risks Insurance Ordinance 1965	09-09-1965 08-01-1966
XXVII.	1965	Civil Pioneer Force Ordinance, 1965	09-09-1965 08-01-1966
XXVIII.	1965	Electricity Control Ordinance, 1965	12-09-1965 11-01-1966
XXIX.	1965	Defence of Pakistan (Amendment), Ordinance 1965	14-09-1965 13-01-1966
XXX.	1965	Detention of Enemy Ships, Aircraft and Goods Ordinance, 1965	14-09-1965 13-01-1966
XXXI.	1965	Exit from Pakistan (Control) Ordinance, 1965	15-09-1965 14-01-1966
XXXII.	1965	Civil Pioneer Force Ordinance, 1965	18-09-1965 17-01-1966

XXXIII.	1965	War Injuries (Compensation Insurance) (Amendment), Ordinance 1965	18-09-1965 17-01-1966
XXXIV.	1965	War Injuries (Compensation Insurance) (Amendment), Ordinance 1965	18-09-1965 17-01-1966
XXXV.	1965	Frontier Corps (Amendment), Ordinance 1965	18-09-1965 17-01-1966
XXXVI.	1965	Pakistan Mujahid Forces (Amendment), Ordinance 1965	20-09-1965 19-01-1966
XXXVII.	1965	War Risks Insurance (Amendment), Ordinance 1965	01-10-1965 30-01-1966
XXXVIII.	1965	Pakistan Mujahid Force (Second Amendment), Ordinance 1965	04-10-1965 03-02-1966
XXXIX.	1965	Laws (Amendment), Ordinance 1965	04-10-1965 03-02-1966
XL.	1965	Pakistan Army (Amendment), Ordinance 1965	08-10-1965 07-02-1966
XLI.	1965	Banking Companies (Amendment), Ordinance 1965	12-10-1965 11-02-1966
XLII.	1965	Detention of Enemy Ships, Aircraft and Goods(Amendment), Ordinance 1965	15-10-1965 14-02-1966
XLIII.	1965	Defence of Pakistan (Second (Amendment), Ordinance 1965	16-10-1965 15-02-1966
XLIV.	1965	Control of Employment (Amendment), Ordinance 1965	12-10-1965 20-02-1966
XLV.	1965	Members of National Assembly (Salaries and Allowances) (Amendment), Ordinance 1965	28-10-1965 27-02-1966
XLVI.	1965	Defence of Pakistan (Third (Amendment), Ordinance 1965	30-12-1965 28-02-1966
XLVII.	1965	Reservists (Re-instatement in Civil Employment) (Amendment), Ordinance 1965	30-10-1965 28-02-1966
XLVIII.	1965	Pakistan Army (Second (Amendment), Ordinance 1965	01-11-1965 29-02-1966
XLIX.	1965	National and Provincial Assemblies Elections Fourth (Amendment), Ordinance 1965	01-11-1965 29-02-1966
L.	1965	Malaria Eradication Board (Amendment), Ordinance 1965	04-11-1965 03-03-1966
LI.	1965	War Risks Insurance Second (Amendment), Ordinance 1965	08-11-1965 07-03-1966

LII.	1965	State Bank of Pakistan (Amendment), Ordinance 1965	13-11-1965 12-03-1966
LIII.	1965	Members of the National Assembly (Salaries and Allowances) (Amendment), Ordinance 1965	03-12-1965 02-04-1966
LIV.	1965	Central Government Lands and Buildings (Recovery of Possession) Ordinance 1965	10-12-1965 09-04-1966
LV.	1965	Control of Employment Second (Amendment), Ordinance 1965	18-12-1965 17-04-1966
LVI.	1965	Pakistan Army (Amendment), Ordinance 1965	12-02-1965 11-06-1966

Acts 1966

No.	Year	Name	Date of Enforcement
I.	1966	Civil Aviation (Amendment), Act 1966	28-03-1966
II.	1966	Constitution Sixth (Amendment), Act 1966	31-03-1966
III.	1966	Transfer of Property (Pakistan) (Amendment), Act 1966	01-04-1966
IV.	1966	Agricultural Development Bank (Amendment), Act 1966	01-04-1966
V.	1966	Transfer for Property (Amendment), Act 1966	01-04-1966
VI.	1966	Pakistan Army (Amendment), Act 1966	09-06-1966
VII.	1966	Deputy Speakers (Remuneration and Privileges) Act 1966	16-06-1966
VIII.	1966	Official Secrets (Amendment), Act 1966	18-06-1966
IX.	1966	Carriage by Air (International Convention) Act, 1966	18-06-1966
X.	1966	Civil Defence (Amendment), Act 1966	18-06-1966
XI.	1966	Finance Act, 1966	30-06-1966
XII.	1966	Ex Government Servants (Employment With Foreign Governments (Prohibition) Act 1966	07-07-1966
XIII.	1966	Members of the National Assembly (Salaries and Allowances) Act, 1966	14-07-1966

XIV.	1966	Cost and Industrial Accountants Act, 1966	19-07-1966
XV.	1966	Oil and Gas Development Corporation (Amendment), Act 1966	20-07-1966
XVI.	1966	Cantonments Pure Food Act, 1966	20-07-1966
XVII.	1966	Pakistan International Airlines Corporation (Amendment), Act 1966	14-12-1966
XVIII.	1966	Medical Diplomas (Repeal) Act, 1966	19-12-1966
XIX.	1966	Ancient Monuments Preservation (Amendment), Act 1966	19-12-1966
XX.	1966	Dormant Funds (Administration) Act, 1966	20-12-1966
XXI.	1966	Constitution Seventh (Amendment), Act 1966	20-12-1966
XXII.	1966	Capital Development Authority (Amendment), Act 1966	03-01-1967
XXIII.	1966	State Bank of Pakistan (Amendment), Act 1966	03-01-1967

Ordinances 1966

No.	Year	Name	Date of Enforcement
I.	1966	National and Provincial Assemblies (Elections) (Amendment), Ordinance 1966	10-01-1966 09-05-1966 07-03-1966 06-07-1966
II.	1966	Unani, Ayurvedic and Homeopathic Practitioners (Amendment), Ordinance 1966	15-01-1966 14-05-1966 07-03-1966 06-07-1966
III.	1966	Islamabad (Preservation of Landscape) Ordinance 1966	27-01-1966
IV.	1966	Investment Corporation of Pakistan, Ordinance, 1966	19-02-1966 18-06-1966
V.	1966	Basic Democracies Order (Amendment), Ordinance 1966	19-05-1966 18-09-1966
VI.	1966	Merchant Shipping (Amendment), Ordinance 1966	21-05-1966 20-09-1966
VII.	1966	Basic Democracies Second (Amendment), Ordinance 1966	15-10-1966 14-02-1967

Acts 1967

No.	Year	Name	Date of Enforcement
I.	1967	Legal Practitioners and Bar Councils (Amendment), Act 1966	07-01-1967
II.	1967	Electoral College (Amendment), Act 1967	30-05-1967
III.	1967	Import of Goods (Price Equalization Surcharge) Act, 1967	05-06-1967
IV.	1967	Basic Democracies (Cantonments) (Amendment), Act 1967	09-06-1967
V.	1967	Weights and Measures (International System) Act, 1967	12-06-1967
VI.	1967	Pakistan Air Force (Amendment), Act 1967	12-06-1967
VII.	1967	Mines (Amendment), Act 1967	12-06-1967
VIII.	1967	Excise Duty of Minerals (Labour Welfare) Act, 1967	12-06-1967
IX.	1967	Medical Councils (Amendment), Act 1967	20-06-1967
X.	1967	Agriculture Development Bank (Amendment), Act 1967	20-06-1967
XI.	1967	Pharmacy Act, 1967	20-06-1967
XII.	1967	Finance Act, 1967	30-06-1967
XIII.	1967	Pakistan Insurance Corporation (Amendment), Act 1967	13-07-1967
XIV.	1967	University of Islamabad Act, 1967	13-07-1967
XV.	1967	Official Secrets (Amendment), Act 1967	08-12-1967
XVI.	1967	Listed Posts (Substantive Appointment) Act, 1967	15-12-1967
XVII.	1967	Electoral College Second (Amendment), Act 1967	16-12-1967

Ordinances 1967

No.	Year	Name	Date of Enforcement
I.	1967	Natural Gas (Development Surcharge) Ordinance, 1967	24-01-1967 23-04-1967

			23-05-1967 22-09-1967
II.	1967	Defence of Pakistan (Amendment), Ordinance 1967	22-04-1967 21-08-1967
III.	1967	Defence Services Laws (Amendment), Ordinance 1967	25-09-1967 24-01-1968 02-12-1967 01-04-1968
IV.	1967	Defence Services Laws Second (Amendment), Ordinance 1967	03-10-1967 02-02-1968 02-12-1967 01-04-1968

Acts 1968

No.	Year	Name	Date of Enforcement
I.	1968	State Bank of Pakistan (Amendment), Act 1967	11-01-1968
II.	1968	Agriculture Produce Cess (Amendment), Act 1968	17-05-1968
III.	1968	Code of Criminal Procedure (Amendment), Act 1968	22-05-1968
IV.	1968	Chartered Accountants (Amendment), Act 1968	28-05-1968
V.	1968	Carriage by Air (Supplementary Convention) Act, 1968	31-05-1968
VI.	1968	Port Authorities lands and Buildings (Recovery of Possession) (Amendment), Act 1968	31-05-1968
VII.	1968	Deputy Speakers (Remuneration and Privileges) (Amendment), Act 1968	07-06-1968
VIII.	1968	Official Secrets (Amendment), Act 1968	07-06-1968
IX.	1968	Privy Purses (Charged Expenditure) Act, 1968	08-06-1968
X.	1968	Unani, Ayurvedic and Homoeopathic Practitioners (Amendment), Act 1968	12-06-1968
XI.	1968	Finance Act, 1968	30-06-1968
XII.	1968	Companies Profits (Workers Participation) Act, 1968	05-07-1968

XIII.	1968	Pakistan Atomic Energy Commission (Amendment), Act 1968	14-12-1968
XIV.	1968	Antiquities Act, 1968	14-12-1968
XV.	1968	Banking Companies (Amendment), Act 1968	28-12-1968
XVI.	1968	Capital Development Authority (Amendment), Act 1968	28-12-1968
XVII.	1968	Merchant Shipping (Amendment), Act 1968	28-12-1968

Ordinances 1968

No.	Year	Name	Date of Enforcement
I.	1968	Pakistan Tobacco Board Ordinance, 1968	08-02-1968 07-06-1968
II.	1968	Defense of Pakistan (Amendment) Ordinance, 1968	05-03-1968 04-07-1968
III.	1968	Income Tax (Amendment) Ordinance, 1968	31-05-1968 30-09-1968
IV.	1968	Companies (Amendment) Ordinance, 1968	29-05-1968 28-09-1968
V.	1968	Criminal Law (Special Tribunal) (Amendment) Ordinance, 1968	06-06-1968 05-10-1968
VI.	1968	Criminal Law Amendment (Special Tribunal) (Amendment) Ordinance, 1968	06-06-1968 05-10-1968
VII.	1968	Capital Development Authority (Amendment) Ordinance, 1968	11-12-1968 10-04-1969

Acts 1969

No.	Year	Name	Date of Enforcement
I.	1969	Second Capital of the Republic (Determination of Area) Act, 1969	03-02-1969
II.	1969	Central Employees Benevolent Fund and Group Insurance Act, 1969	07-02-1969
III.	1969	Municipal Administration (Amendment), Act 1969	10-02-1969
IV.	1969	Customs Act, 1969	08-03-1969

Ordinances 1969

No.	Year	Name	Date of Enforcement
I.	1969	Enemy Property (Continuance of Emergency Provisions) Ordinance, 1969	17-12-1968 16-06-1969
II.	1969	Requisitioned Land (Continuance of Power) Ordinance, 1969	17-02-1969 16-06-1969
III.	1969	Patents and Designs (Amendment) Ordinance, 1969	17-02-1969 16-06-1969
IV.	1969	Control of Employment (Amendment) Ordinance, 1969	17-02-1969 16-06-1969
V.	1969	War Risks Insurance Continuance Ordinance, 1969	17-02-1969 16-06-1969
VI.	1969	Essential Commodities (Amendment) Ordinance, 1969	17-02-1969 16-06-1969
VII.	1969	Criminal Law Amendment (Special Tribunal) (Amendment) Ordinance, 1969	18-02-1969 17-06-1969
VIII.	1969	Criminal Law Amendment (Special Tribunal) (Repeal) Ordinance, 1969	22-02-1969 21-06-1969
IX.	1969	Improper Acquisition of Property (Special Committee) Ordinance, 1969	23-04-1969 22-06-1969
X.	1969	International Monetary Fund and Banks (Amendment) Ordinance, 1969	12-05-1969 11-09-1969
XI.	1969	State Bank of Pakistan (Amendment) Ordinance, 1969	12-05-1969 11-09-1969
XII.	1969	Improper Acquisition of Property (Special Committee) Ordinance, 1969	03-06-1969 02-10-1969
XIII.	1969	British Statutes (Application to Pakistan) Repeal Ordinance, 1969	25-06-1969 24-10-1969
XIV.	1969	Income Tax (Amendment) Ordinance, 1969	28-06-1969 27-10-1969
XV.	1969	Sales Tax (Amendment) Ordinance, 1969	28-06-1969 27-10-1969
XVI.	1969	Finance Ordinance, 1969	28-06-1969 27-10-1969
XVII.	1969	Securities and Exchange Ordinance, 1969	28-06-1969 27-10-1969

XVIII.	1969	Improper Acquisition of Property (Special Committee) Second (Amendment) Ordinance, 1969	10-07-1969 09-11-1969
XIX.	1969	Defense Services (Inquiry) Special Provisions) Ordinance, 1969	22-07-1969 21-11-1969
XX.	1969	Code of Criminal Procedure, (Amendment) Ordinance, 1969	29-07-1969 28-11-1969
XXI.	1969	Legal Practitioners and Bar Councils (Amendment) Ordinance, 1969	21-08-1969 20-12-1969
XXII.	1969	Pakistan Refugees Rehabilitation Finance Corporation (Amendment) Ordinance, 1969	20-19-1969 19-01-1969
XXIII.	1969	Industrial Relations Ordinance 1969	13-11-1969 12-03-1969

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