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ABSTRACT

Pakistan came into being in August, 1947 with the marginal characteristics of a developed polity. Despite the apparent existence of disagreeable political phenomena all the components of Parliamentary democracy, and for that matter a developed polity, were beginning to surface in Pakistan as the year 1958 wore on and a general election was becoming imminent.

The first significant index of political development was Pakistan's achieving a general ideological consensus and resolution of regional cleavages in the country. On the question of integrative institution - building, the amalgamation of all units of West Pakistan into one unified province was a political landmark. The formula of parity between the two wings in all matters and the machineries for implementing it were duly incorporated in the constitution. Proper machinery for deciding disputes over secular versus Islamic issues were also envisaged by the constitution. In sum, the constitution of 1956 laid the foundation of Pakistan nationhood.

The period 1956 - 1958 witnessed further strengthening of institutions which were created. The one-unit scheme was further solidified. The edges of centrifugal forces were blunted, and the grievances of the former smaller units of West Pakistan were attended to. The regionalism of East Pakistan, comparatively speaking, was dwindling. The controversy over the definition of the Pakistan state, whether it would be secular or Islamic

was also finally solved with the ushering of a joint electorate system. It can be thus maintained that within the period 1954- 1958, the regional and ideological cleavages were greatly resolved paving the way for a " Common value orientation " - the desideratum for a developed polity.

Also, there occurred a significant change in the political system, in that the early domination of the Services was on the wane. The Hindus which were looked upon with jaundiced eye in the early period were given a sense of partnership with the majority community in the use of political power. Similarly, the parliament in the period 1956-1958 made some headway towards the right direction. What is more, the trends were identifiable in that, the two parties namely, the M.L. and A.L. were emerging as the two major political parties of Pakistan. Despite all these achievements towards political development, Pakistan could not retain the parliamentary apparatus on the Westminster model, for ; some small group of people who happened to have their fingers on the triggers of power, had no loyalty to democratic institutions and sabotaged the working of the parliamentary government in Pakistan.

"THE WORKING OF PARLIAMENTARY GOVERNMENT IN PAKISTAN

1947 - 1958"

With Particular Reference to Central

Government and Major Political Trends

The Working of Parliamentary Government
in
Pakistan, 1947 - 1958: With Particular
Reference to the Central Government and
major Political Trends

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PREFACE

To concur with the proposition that Government is indispensable, independently of all accompanying deficiencies, by virtue of the very nature of human society, is not apparently a problem. But there involves a judicious judgement, a pragmatic insight in the hard choice of appropriate form of Government which is in consonant with the genius of a given people and its own characteristic social structure.

The Westminster system of government is at bottom a democratic institution. It is both 'a form of Government and a way of life'. Normally, it has functioned smoothly in an homogeneous environment. When Pakistan came into being parliamentary democracy was adopted as her form of Government. Since all the paraphernalia of parliamentary democracy were decreed null and void following the advent of a martial law regime in 1958 an impression has gained ground, at home and abroad, that the parliamentary system of government might have essentially failed in Pakistan - a reinforcement in the belief of the so-called a priori theory that representative institutions are fish out of water in the newly independent countries just freed from the foreign rule. There are some publications available on Pakistan Politics including the illuminating studies of Prof. K. Callard and Dr. K.B. Sayeed. But the fact remains, that all the available studies are lopsided in that they are more prone to discover the debit side of Pakistan Politics to the exclusion of the credit. A decade or two is inadequate for the full development of a nation.

Hitherto, there has been no attempt to decipher the 'dynamics' that lay beneath Pakistan's baffling political events - 1947-1958. After four years of hard slogging in research the author has made an attempt in this thesis to analyse the cumulative effects of events and discern the redeeming features of Pakistan's Parliamentary Politics. Important institutions and great national issues have been analysed and their resultant underlying meanings explained. It will appear at the end of this thesis that all the components of parliamentary democracy, and for that matter a developed polity, were beginning to surface in Pakistan despite the apparent existence of disagreeable political phenomena as the year 1958 wore on and a general election was becoming imminent. While surveying the period 1947-1958 the author has aimed at giving a panoramic view of Pakistan's political aspects, and taken recourse to a broad socio-psychological approach towards political development. This has necessarily entailed the amassing of a considerable amount of detail.

In this thesis considerable stress has been laid on primary sources and published materials. This procedure has been duly supplemented by interviews with people who were deeply committed to Pakistan's politics. In this connection the author records his deepest gratitude to the late General Iskander Mirza who in a series of interviews gave an authoritative account of his political experiences in Pakistan. On another count I am equally grateful to the late general for allowing me to use some of his secret documents for research purposes, the result of which has been to throw new insight on Pakistan politics,

though, unfortunately, inspite of the author's personal respect for the late General, some parts of the documents have not been used as he would have wished so as to ensure that this thesis should be impersonal.

The author places on record his gratitude to his teachers and friends for providing him with incentives in many a way, and especially has greatly benefitted through contact with Prof. C.H. Phillip, Prof. Morris-Jones, Prof. H. Tinker, Mr. C.H. Dodd, Dr. Paris, Mr. D. Arundell and Dr. Zaidi. I thank Miss Mary Manuel for the amount of labour she has put in while typing the thesis. Last but not least, I register my tribute to my wife, Shahzadi, who constantly travelled between East and West Pakistan to help me get valuable materials as a research assistant, and as a wife sustained me during these years with encouragements, prayers and love.

C.S.H. Harun

London,
October, 1970.

Abbreviation of Words

P.R.O.D.A.	Public Representatives Official Disqualification Act
M.L.	Muslim league
C.A.D. (Leg.)	Constituent Assembly Debates (Legislative)
M.C.A.	Member Constituent Assembly
N.W.F.P.	North West Frontier Province
A.P.P.	Azad Pakistan Party
P.I.D.C.	Pakistan Industrial Development Corporation
P.I.F.C.	Pakistan Industrial Finance Corporation
P.A.D.F.C.	Pakistan Agricultural Development Finance Corporation
P.C.I.D.C.	Pakistan Cottage Industries Development Corporation
C.S.P.	Central Service of Pakistan
B.P.C.	Basic Principles Committee
A.M.L.	Awami Muslim league
I.M.F.	International Monetary Fund
C-in-C	Commander in Chief
U.P.	United Provinces
U.F.	United Front
G.D.	Ganatantri Dal
C.P.	Communist Party
Y.L.	Youth League
E.P.S.U.	East Pakistan Students' Union
M.L.N.G.	Muslim League National Guard

M.P.

Member Parliament

Sb.

Saheb

N.A.D.

National Assembly Debates.

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GOVERNMENT

It has been emphasised that "since the State is in modern times the most significant form of organisation of men and embodies the greatest concentration of powers, ... there should have been, and should still be, a great and revolutionary struggle to secure a coincidence between State and nation".¹ Any unkind attempt to assess whether Pakistan in fact qualified automatically as a nation-state might have seemed to the M.L. leaders a political blasphemy, in 1947. But the fact remained that 'Pakistan' as a concept of Muslim nationhood under the M.L. leadership with Mr. Jinnah at the apex brought unity of action among its adherents to create it; but it did not bring unity of mind to define it. In juristic parlance it was understandable that Pakistan was to be made a haven for Muslims. But as soon as it was established, its social structure offered a different picture. Pakistan was achieved, but Pakistanis had to be groomed. There lay Pakistan in a welter of ideology, religion, language and regionalism - a national dissension which might be termed in Platonic language as a "greater evil".² These national cleavages on basic issues had to be integrated into one unified polity; for, the Parliamentary government "to be effective depends not merely upon its methods; it depends also upon agreement upon the object to which those methods shall be devoted".³

1. Rupert Emerson, "From Empire to Nation" (Beacon Press, Boston, 1966) p.96.

2. Plato's Republic, Book V, quoted in Problems of Parliamentary Government in Colonies, ed. (Hansard Society, London, 1953), p.39.

3. H.J. Laski, Parliamentary Government in England, (George Allen & Unwin Ltd., London, 1950), p.51.

It is appropriate to analyse the workings of Pakistan government, nay of all underdeveloped polities, in the light of British or Western experience. But, one encounters difficulties when the contrasting scale is not made contingent upon one cardinal factor, namely that those former countries are the Planters of institutions, not necessarily, their harvesters. The health of a given government is nourished or atrophied largely according to what extent the political society itself is salubrious. In other words, to create a healthy political society a country, above all, needs to have viable institutions of political, economic and social nature symbolic of people's consensus or deference. Certainly, the nation-state concept was not automatically consummated in Pakistan with the dawn of independence; for she was yet to see federal strains and ideological angularities resolved into constitutional articles. The practical solution lay with the government interacting and maintaining a dialogue with the people. As a matter of fact, the governmental activities of Pakistan were mainly clustered around those objects mentioned above. So, we propose to analyse the working of the government of Pakistan, the main emphasis of which will be laid on the gradual emergence of 'national concensus', as has been revealed through the interactions of the government and the governed.

With the chime of 12 o'clock midnight on 15th August, 1947 Pakistan set out on her career as an independent Dominion. Section 8(2) of the Indian Independence Act laid down that the new Dominion "shall be governed as nearly as may be in accordance with the Government of India Act, 1935 ... subject to ... omissions, additions, adaptations and modifications ..."⁴. The Independence Act and the India Act of

4. Quoted in G.W. Chowdhury, ed. Documents and Speeches on the Constitution of Pakistan, (Dacca: 1967), p.7.

1935 would, therefore, act as provisional constitution pending drawing up of the permanent constitution by the Constituent Assembly. The executive authority of the Federal Government, in pursuance of the India Act, was vested in the Governor General, who was, also, to be assisted by a 'Council of Ministers'. There was no provision in the India Act requiring the Governor General to accept the advice of his ministers. But in 1948, a tribunal while trying a dismissed Chief Minister of a Province stated that 'aid and advice' of the Ministers as mentioned in the Sections 9 and 15 of the India Act were to bind the "Governor General and the Governor in Federal and Provincial affairs".⁵ The Pakistan (Provisional Constitution) Order gazetted in September 1947, unlike the Indian Constitution did away with those powers of the Governor General and the Governors which were to be exercised on grounds of "special responsibility", "individual judgment" and personal "discretion". But the Governor General was authorized to promulgate ordinances in cases of emergency. The order did not envisage giving powers to the Governors to assume responsibility in their provinces under Section 93 of the 1935 Act. But Section 51 was amended to give powers to the Governor General to ensure that Provincial Ministries did not exceed their powers. Some of the important posts, e.g. judges of the High Court, Governors of the Provinces, Chairman of the Public Service Commission, etc., were also to be filled by the Governor General. And interestingly the oath of allegiance required for the judges, legislators, etc., was to be sworn to the (provisional) Constitution not to the Crown. But the most important feature of the Order was its making the "Ministers in the Centre and Provinces ...

5. Report of the Constitution Commission, Pakistan, 1961 (Government of Pakistan Press, Karachi:1962), p.6.

absolutely responsible to the legislature".⁶ In short, the changes which were incorporated in the India Act, 1935, to meet the situation obtaining in Pakistan after independence, resulted in the introduction of "a type of Government which was undoubtedly Parliamentary".⁷

However, despite a provision in the Independence Act that "the same person may be Governor General of both the new Dominions",⁸ Pakistan chose her founding father, Mr. Jinnah, as the first Governor General. Whether the appointment was politically sagacious or not was a matter of some controversy. However, many people were apparently disillusioned to find a constitutional jurist of Mr. Jinnah's persuasion playing the role of the Governor General under a parliamentary system. The Governor General in the person of Mr. Jinnah served three purposes. Firstly, he introduced in the Pakistan government what in the words of Bagehot might be "semi-filial feelings".⁹ This filial appeal of the Head of the State as father could be validated both through the manipulation of the body of myth and the cultural values and perceptions of the mass of the people. From time immemorial, the Kings always loomed larger than life in the folk-culture of the Indo-Pakistan subcontinent. Even in ancient Hindu political thought kings were regarded as "Kalasya Karanam",¹⁰ meaning that the king was the maker of the age. And to the Muslims of the subcontinent the memories of the 'Delhi Sultanate' were still fresh. Mr. Jinnah combined in himself this sacred symbol of the

6. The Times, September 3, 1947.

7. Loc. cit., Constitution Commission, p.5.

8. Documents and Speeches on the Constitution of Pakistan, op.cit., p.5.

9. W. Bagehot, The English Constitution (London: 1898), p.4.

10. K.M. Panikkar, The Ideas of Sovereignty and State in Indian Political Thought (Bombay: 1963), p.39.

country's given folk-culture, and thus could elicit from the people deference, devotion and awe toward himself as the source of authority; for it was he who was apparently credited with the creation of Pakistan. So, the 'Charisma' associated with Mr. Jinnah for the Muslim renaissance rendered the office of the Governor General in Pakistan, unlike her equivalents in other commonwealth countries, into a mirror which might have reflected the people's dormant atavistic sentiment for a Sultanate.*

The second purpose was supposedly to confer on Mr. Jinnah the prerogatives of a constitutional Head of State, i.e. "the right to be consulted, the right to encourage, the right to warn".¹¹ But soon these constitutional rights degenerated into the de facto powers of the Governor General. Since the unity of pre-independence days could no longer survive the departure of the British, Mr. Jinnah wrapped in a mantle of charisma was the only 'prop' to national solidarity. He was still the president of the M.L. - the party in power - and was subsequently made the President of the Constituent Assembly, the constitution-making body and also the "sovereign body as the Federal legislature of Pakistan".¹² He was dubbed by the Constituent Assembly in the face of opposition from Congress as the Quaid-e-Azam** of Pakistan.¹³

* Institution of kingship in Muslim vocabulary.

** The great leader.

11. Bagehot, op.cit., p.75.

12. Statesman, 11August, 1947.

13. See, C.A.D. Vol. 1, 12 August, 1947, p.33. The Prime Minister expressed in the House that people were addressing Mr. Jinnah as "Badshah (King) of Pakistan ...", Ibid., p.46.

From this vantage point Mr. Jinnah was able to give leadership to the state which had to be constructed from its foundations. Given that territorial security is the sine qua non of Statehood, Mr. Jinnah preoccupied himself with the problems of the frontiers; for Pakistan inherited one of the world's most strategically important frontiers. He made a bold decision in withdrawing a Brigade of 4,700 troops with all its paraphernalia from the fortresses of tribal zones, in order to appease the frontier tribesmen, and eliminate suspicion in the brotherhood of Islam.* A loose form of control in the Khyber, Markard, Baluchistan and Waziristan was followed by tribal pledges of full loyalty to the Pakistan government.¹⁴ A series of tribal assemblies comprising Ifridis, Mohmands, Waziris and Mahsuds were brought together for the first time. This was followed by the Governor General's 10-day tour of the N.W.F.P. scoring "more than a personal triumph".¹⁵ The same result was yielded through his attending the Royal Durbar at Sibi, Baluchistan.**¹⁶ His immense prestige and authority were responsible for separating Karachi from Sind to make it the Federal Capital of Pakistan, through a fiat called the Pakistan (Establishment of the Federal Capital). The N.W.F.P. Ministry which was still not owing allegiance to Pakistan was dismissed

* The tribal people were all Muslims.

** Former British Baluchistan. Also, was the exclusive subject of the Viceroy.

14. Scotsman, 18th December 1947. Sir G. Cunningham, the then Governor of the N.W.F.P. was a great help to Mr. Jinnah.

15. Times, 15 April, 1948.

16. Manchester Guardian, February 15, 1948.

by Jinnah in August 1947, as was the Ministry of Sind on grounds of corruption in early 1948. To yoke together the cultural fission of East and West Pakistan into one through a common lingua franca, he could venture to say publicly that "the State language of Pakistan is going to be Urdu and no other language".¹⁷ In short, Mr. Jinnah became supreme "arbitrator"¹⁸ in Pakistan affairs, and some of his pre-emptive decisions on issues obviously served the nation well in the avoidance of early embroilment in conflicts.

The third purpose was served in a negative way in that the political process began at the wrong end. For political power, to the detriment of the Parliamentary system, automatically gravitated towards the office of the Governor General - the titular head of the state. If we postulate as a hypothesis that either Mr. Gandhi or Mr. Nehru had become the first Governor General of the new Dominion i.e. India, there would have occurred at once an untoward movement of power in the wrong direction, whether they liked it or not; for, the very stature of their personalities would become a liability to the office. But this did not take place in India. She was lucky to have Lord Mountbatten as her first Governor General who, while behaving properly as constitutional head, let the office of the Prime Minister grow in stature. Mr. Jinnah would have still wielded the same powers as the Prime Minister of Pakistan as he did as the Governor General, provided he could bring about a balance between the form and essence of the parliamentary system.

17. Quaid-e-Azam Mohamed Ali Jinnah, Speeches as Governor General of Pakistan 1947-1948, Rakistan Publications, Karachi, n.d. p.86.

18. Times, 25 April, 1948.

But he slithered on this vital issue. His holding of portfolios,^{*} presiding over Cabinet meetings and becoming the Chairman of the Emergency Committee of the Cabinet were not in the Parliamentary tradition. True, some of Mr. Jinnah's actions might not be scrupulously constitutional. But prudence stood him in good stead where strict constitutional adherence might not have done. On the dismissal of the Congress Ministry from the N.W.F.P. "The Statesman" editorialised that "on the methods employed to eject them there will doubtless be lively controversy ... But those handling the problem had to take more than technicalities into account..."¹⁹ Similarly, his separating Karachi from Sind was debated and passed by the Constituent Assembly.²⁰ On one occasion Mr. Jinnah withheld his assent^{**} to a Provincial Ordinance; for, to him it amounted to by-passing the legislature.²¹ The reason for mentioning these examples is to show that Mr. Jinnah also had a sense of constitutional restraint. But the main crux of the issue was that his activities as the Quaid-e-Azam of Pakistan flowed down from the office of the Governor General instead of from the Cabinet responsible to the legislature. Perhaps, all his omissions and commissions might

* Frontier States, tribal areas, Baluchistan, Kashmir, etc. were his exclusive subjects.

** Khan Abdul Qayyum Khan, the Chief Minister of the N.W.F.P. told the writer that despite his request Mr. Jinnah refused to suggest names of Ministers to his Cabinet.

19. Statesman, 25 August, 1947. "... apparently a week elapsed without the Ministers taking an oath of allegiance to the new State, and on independence day they conspicuously absented themselves from the flag-hoisting ceremony in Peshawar ... positive proof of disloyalty..." See, the same issue.

20. See C.A.D., Vol.III, May 22, 1948.

21. K.B. Sayeed, Pakistan, the Formative Phase (Karachi: 1960), p.265.

have been rationalized by Pakistan political ethics had he been able to bequeath to the nation viable political institutions imbued with general consensus. Instead, however, he died in harness disillusioned, perhaps, unheeded and neglected.

This last point needs a little elucidation. Mr. Jinnah's 'charisma' had functional and operational value up to a point, i.e. the carving out of Pakistan from the subcontinent. And the 'charisma' to continue required readjustments to the new values which crept into the body politic of the new state; for, after all leadership is situational not eternal. On this premise, there is evidence, contrary to widespread belief, that there was 'something rotten in the State of Denmark'. Mr. Jinnah was not as omnipotent as he appeared to be. The Governor General's order separating Karachi from Sind was followed by the Sind M.L. Council's deploring the move. The Council called upon the Sindhi Ministers and members of the Constituent Assembly to resign and seek re-election on the issue of Karachi.²² His choice of Premiership in Sind which "puzzled everyone including his own followers,"²³ was sidetracked. His upholding of Urdu as the sole state language of Pakistan in Dacca public meeting did not go unchallenged,* and on the occasion of his official birthday there were adverse comments on the expense of the illuminations when

* The writer remembers that there were murmurs of protest in that meeting. Years later the writer was told by Mr. Youssouf Ali Chowdhury, the then General Secretary of East Pakistan M.L. that Mr. Jinnah, according to his suggestion, had to send Mohammad Ali, the Chief agitator of Bengali language movement, to Burma as ambassador, to contain the movement.

22. Statesman, 11 June, 1948.

23. Manchester Guardian, 3 May, 1948.

400 refugees died of cold and exposure in Lahore Walton Camp.²⁴ Initially Mr. Jinnah was opposed to the building of a high wall around the Government House where he lived because he was "with" his "people", but in early 1948 he asked his military secretary, Col. Birnie to "start building" the wall "immediately".²⁵ Dr. Chowdhury's judgement that party leadership was separated from government leadership only after Mr. Jinnah's death and so long he was alive "he was the final authority... in the party",²⁶ is inaccurate. In fact, Mr. Jinnah resigned from the M.L. as its President following a decision of the party in March 1948; a decision which provoked a comment "that Jinnah is no longer the dictator that he was when Pakistan was founded".²⁷ A sense of resignation overtook Mr. Jinnah when he confessed to his doctor at Ziarat, a month before his death that he had "wanted to live. Now, ... it does not matter whether I live or die."²⁸

However, having cited these instances we wish to suggest that though Mr. Jinnah as the Governor General appeared to be at the zenith of his power, nevertheless his leadership was in practice vulnerable since many of his utterances on vital issues tended to be enigmatic, presumably for fear of being resisted.* Perhaps no Pakistanis could openly say that their Quaid at any time was subjected to severe challenge by his people, but one may well bear in mind, that people of that part

24. Statesman, 8 January, 1948.

25. H. Bolitho, Jinnah (London: 1954), p.210.

26. G.W. Chowdhury, Democracy in Pakistan, (Dacca:1963), p.43.

27. "Saturday Evening Post" quoted in K.L. Gauba, Inside Pakistan (Delhi:1948), p.318. See also, Z.A. Suleri, Politicians and Ayub, (Lahore:1964), p.21.

28. Bolitho, op.cit., p.223.

* See page 11.

of the world have a knack of first loving, then worshipping and finally assassinating their leaders. The net result of Mr. Jinnah's 13-month Governor-Generalship was that he gave the country a 'glacial stability, consolidating tempo and a continuity of purpose, but failed in the correct institutionalisation process, i.e. the establishment of consensus-based socio-politico and economic institutions.

The Liaquat Cabinet

Cabinet Government began to emerge after the death of Mr. Jinnah on 11 September, 1948. Sir Nazimaddin who was then the Premier of East Pakistan became the new Governor General - a sop to East Pakistanis. Though there was no mention of the term Cabinet in the Constitution Act ** it was but natural that the Pakistan government was to be fashioned after the British system since the politicians were most familiar with that system. At the outset the members of the Cabinet were the hold-overs of the early M.L. nominees who had worked in the composite government of undivided India. Apparently, the Cabinet gave an impression of unobtrusiveness and remoteness, not because what it was doing but in its personnel. The Prime Minister apart, the Cabinet was composed partly of former outstanding civilian administrators and league politicians

Footnote /contd. from the previous page.

* Raja of Mahmoodabad, one of the closest associates of Mr. Jinnah and one-time prominent member of central executive committee of all - India M.L., told the writer that Mr. Jinnah had said to him in early 1948 that he was "surrounded by traitors" in Pakistan.

** The Pakistan Provisional Constitution.

of whom only one* could be described as having significant popular contacts. This feature could only create among those Muslim Leaguers who could not 'get in', a sense of jealousy.

Now that the political process assumed an appearance of parliamentarianism, Mr. Liaquat Ali Khan** "who was to Jinnah what Sir John Anderson was to Winston Churchill"²⁹ broadened the representativeness of his Cabinet by increasing the numbers of Ministers up to 14⁺ of whom 10 had Cabinet rank.³⁰ That a movement towards genuine parliamentary practice had begun was evident when a government press note was couched in parliamentary language viz. "on the advice of the Prime Minister, His Excellency is pleased to appoint", etc., etc.³¹ A Cabinet Secretariat was formed to prepare the agenda and circulate memoranda on the subjects to be discussed in the Cabinet. The Memoranda, though prepared by the Ministry concerned, were subject to consultation as required with other Ministries. The general pattern followed was in keeping with the British. Because of the small size of the Pakistan Cabinet, there was no formal "inner Cabinet". To deal with "various specialized subjects", special Cabinet Committees were appointed but, ultimately their reports "were considered by the whole Cabinet".

* Sardar Abdur Rab Nishtar.

** The Prime Minister.

+ Four were Ministers of State.

29. Times, 19 September, 1948.

30. Statesman, 23 April, 1951.

31. Pakistan Acts, 22 September, 1948 quoted in Masud Ahmed Khan, The Failure of Parliamentary System of Government in Pakistan with special reference to the Governor General and the President (Dissertation for the Degree of M.A.), Manchester University, 1965, p.36.

The Ministers of State, though not formally members of the Cabinet were entitled to sit in the Cabinet.³² Bold leadership in respect of administration and legislation anticipates a corporate cohesion in the Cabinet which in turn depends largely on the potency of the Prime Minister - the king-pin of Cabinet government. Mr. Liaquat Ali* measured up fairly significantly in his conduct with the Cabinet, parliament and people. His was the great advantage arising from his non-identification with any particular province,** but ironically this was his disadvantage, as well. For, he had to accommodate to the demands of provincial politicians, in order to stay in power. He was very much involved in gerrymandering the electoral districts of Karachi, so that he could be safely returned by the refugees in elections, when they were properly rehabilitated.*** Two developments, however, strengthened the Prime Minister's hold on the country's politics. First, historically, the subcontinent had been subject to strong executive role. This was still so in Pakistan, since the central government had to deal with problems like refugee, Kashmir, her administrative set-up, the organisation of the army, finance, etc., etc., that came up in the wake of independence. Added to it the physical remoteness of the two geographical halves of Pakistan, i.e.

* He basked under the sunshine of Mr. Jinnah's popularity for a long time. He was the General Secretary of the All-India M.L., representative in the United Province Legislative Council from 1926 to 1940, member, Indian Central Legislature in 1940 and deputy leader of the M.L. party there in 1943. His budget, during the period of interim government of undivided India in 1947, known as "a poor man's budget", extorted grudging admiration even from Congress members.

** He came from the U.P., now a part of India.

*** This was revealed to the writer by the former Premier of the N.W.F.P., Khan Aboul Qayyum Khan.

32. Information based on letter written to the writer by a former Prime Minister of Pakistan, Mr. Mohammad Ali, dated 3.12.68. See Appendix, I.

East and West Pakistan, obliged the central government to undertake action. This distance also reduced the parliament into an ex post facto ratifying machine. Furthermore, to mobilise the scarce resources of the country for economic development and the creation of social overhead capital - on which political development also depends - central executive initiative was imperative; for, the positions of the economically backward countries "decree that Government must generally play an extremely important role".³³

Second, Mr. Liaquat Ali took the rein of the Presidency of the M.L., the party in power having set aside by an amendment, the former rules which prohibited Ministers from holding ranks in the party. He was also made the Chairman of the M.L. parliamentary party. Now, with a strong executive base and the party caucus behind him, the Prime Minister was well poised to lead the country. We will first evaluate his leadership in the light of institution-buildings.

Mr. Liaquat Ali finally dispelled a long suspense by formally indicating the Principles on which the country's future constitution was to be framed, when he presented the Objectives Resolution* before the Constituent Assembly on 7th March, 1949. The resolution struck a non-secular tone in that it incorporated into it few clauses surcharged with religious sentiment. Talk of Islamism was in the air before and after the establishment of Pakistan awaiting an incisive articulation.

* See C.A.D., Vol.V. 7 March, 1949 pp.1-2.

33. W.W. Rostow, The Stages of Economic Growth (Cambridge:1960), p.25.

The Congress members reasoned that "reason and faith" must "grow to its fullest maturity separately", failing which politics might result in "the deification of the State that the preamble implies". Mr. B. K. Datta thought that had this resolution been brought before the Constituent Assembly "within the lifetime of the great creator of Pakistan, the Quaid-e-Azam, it would not have come in its present shape".³⁴ As a matter of fact, Mr. Jinnah while addressing the Constituent Assembly of Pakistan on August 11, 1947 categorically stated that "we are all citizens and equal citizens of one state (loud applause). We should keep that in front of us as our ideal that in the course of time Hindus will cease to be Hindus and Muslims will cease to be Muslims, not in the religious sense but in the political sense as citizens of the nation. (Loud Applause)."³⁵ To the minorities this statement was a Magna Carta. The government spokesman, on the other hand, maintained that Quaid-e-Azam had given pledges to the minorities but that Quaid-e-Azam had also given pledges to the majority.³⁶ In the quest for national consensus the name of the departed leader* was to be quoted invariably by the

* Mr. Jinnah when he died left behind him an aura of paradoxical speeches relating to the role of Islam in Pakistan polity. At Karachi Bar Association he said, "Islamic Principles ... are as applicable to life today as they were 1,300 years ago". At Chittagong Public Meeting: "... Pakistan should be based on sure foundations of social justice and Islamic Socialism - not other ism." At the opening ceremony of the State Bank of Pakistan: "... an economic system based on true Islamic concept of equality of manhood and social justice". See: Statesman, 25 January, 1948; ibid., 27 March, 1949, and Dawn, 28 August, 1948. But the vital point was that he spoke on the broad principles of Islam. No less a person than Shree Prakasha, the first Indian High Commissioner in Pakistan convinced himself, having studied the speech delivered by Jinnah on 31 August 1947 that nowhere in the speech had the word "Islamic State" occurred, though the word "Muslim State" was there. See: Shri Prakasha, Pakistan: Birth and early Days (Meerat: 1965). p.58.

34. C.A.D., Vol. V, 8 March, 1949, pp. 14-15.

35. Statesman, 12 August, 1947.

36. /Contd. on next page.

Differing groups as a matter of ritual.

Being aware of the minority sensibilities Mr. Liaquat deferred the resolution by maintaining that "In the technical sense, theocracy has come to mean a government ordained by priests ... such an idea is entirely foreign to Islam ... when we use the word 'democracy in the Islamic sense, it pervades all aspects of our life. It relates to our system of Government, to our society with equal validity, because one of the greatest contributions of Islam has been the idea of the equality of all men."³⁷ The debate, however, continued for five days during which two potential socialists, who were still members of the government party lent support to a congressite argument that the main battle in time would be "between Hindu have-nots and Muslim have-nots on the one hand and Muslim and Hindu upper classes on the other".³⁸ When the Resolution was passed and a committee (usually known as B.P.C.) appointed to report on the future constitution based on the objectives resolution, the Congress members did not appear to be very hostile.

The next step towards the making of the constitution took place

Footnote /Contd. from the previous page.

36. C.A.D., Vol. V, 10 March, 1949, p.62.

37. C.A.D., Vol. V, 7 March, 1949, p.3. Mr. Liaquat having been brought up in the cultural milieu of Lucknow (now in India) had some Islamic obsessions. Mr. M.A.H. Ispahani, a prominent Pakistan diplomat politician told the writer that he had warned Mr. Liaquat while dining together to be aloof from Ulema (religious people). In reply he said that he could not eschew Ulema since they were a help to the creation of Pakistan, but he thought that he would be able to contain Ulemacracy. Mr. Liaquat, in short, was an Islamic Hamlet agonised in the ambivalent attempt to reconcile his deep spiritual urge with that of western tradition in which he was educated.

38. Ibid., 10 March, 1949, p.54. The reactions were milder among Congress leaders in East Bengal. See: Statesman, 9 March, 1949.

on 28th September, 1950, when the B.P.C. submitted its interim report to the Constituent Assembly. The report sparked controversies. It offended the Ulema as the Islamic controls in the Report fell short of their expectations aroused earlier in the Objectives Resolution.³⁹ But the main onslaught came from East Pakistan. She thought the Report envisaged a strong unitary government and if its principles were adopted the position of East Pakistan would be reduced "into a colony of Pakistan".⁴⁰ Under the vanguard of the East Pakistan A.M.L. Party a Central Committee of Democratic Federation comprising all shades of opinion (which included also disenchanted Muslim leaguers) was formed to draw up alternative Basic Principles for the Constitution of Pakistan. It climaxed in the observance of 'Protest Day' throughout the Province with the Communist Party, on the one hand, discovering in the B.P.C. Report features of "exploitation by the Zamindars and the capitalists" and the Prime Minister's immediate issuance of a warning against "these activities",⁴¹ on the other. Eventually the Prime Minister dashed to East Pakistan and received deputations of A.M.L. and Central Committee of Democratic Federation.⁴² What really angered the East Pakistanis were the inclusion of subjects in the Federal list that could have been left to the Province, the failure to ensure representation in the federal legislatures on the basis of population and last but not

39. C.A.D., Vol. VIII, 21 November 1950, p.184.

40. Ibid., p.183.

41. Dawn, 30 October, 1950.

42. Hindu, 27 December, 1950.

least the imposition of Urdu as the only state language instead of both the main languages, e.g. Urdu and Bengali.⁴³ Liaquat succumbed to the adverse protest and postponed considering the Report to enable the B.P.C. to consider any "definite suggestions that may be sent by the people with regard to the basic principles of the constitution".⁴⁴ Meanwhile he had the interim report of the Committee on Fundamental Rights of the Citizens of Pakistan and on matters relating to minorities passed on October 6, 1950 with the concurrence of the opposition.⁴⁵

Turning to other issues the Liaquat Cabinet had had a tough test, inter alia, in its financial policy. When India devalued her currency in 1949* Pakistan did not follow suit. Whether this 'non-devaluation' decision was unanimous has never been revealed. But the rumour had it that it was not, and moreover, the Finance Minister stated in London prior to the meeting of the I.M.F. that this issue should be examined "in a detached scientific manner" devoid of "sentiments of prestige and politics",⁴⁶ which was probably meant to help to prepare the public for devaluation of Pakistan's currency. But whatever his mental reservations the Finance Minister did not let this interfere with his sense of collective responsibility of the Cabinet due to the Parliament; for,

* Britain did the same.

43. See Interim Report, Clause 30(1) (2); Annexure III and Clause 120 as printed in C.A.D., Vol.III, 28 September, 1950, pp.12-57.

44. Ibid., Vol.VIII, & 6, 21 November, 1950, p.181.

45. Ibid., Vol.VIII & 3, 6 October, 1950 p.162.

46. Times, 6 September, 1950.

he always defended the non-devaluation policy in the House.⁴⁷ Of course, the Finance Minister of East Pakistan, the area which was hit the hardest appeared to be in disagreement with 'the non-devaluation' policy of the Central Government and ultimately resigned saying in the provincial legislature that he left the government "disillusioned".⁴⁸ Dissensions on issues among colleagues in a Cabinet under a Federal Political System⁴⁹ have always been, after all, an occupational hazard. But on this particular issue Mr. Liaquat had the backing of the entire Cabinet and could say boldly "that the present value of our rupee is the right value. We see no reason for altering it."⁵⁰

But the aftermath of this policy was, however, both positive and negative. It was positive in the sense that the Pakistan government had to look for alternative sources, e.g. the U.K., France and Poland, for coal supplies when they were stopped by the Indian Government as a retaliation against the Pakistan policy of non-devaluation.⁵¹ Pakistan entered into trade pacts with Japan, West Germany and Czechoslovakia for processing her jute without sending it to India.⁵² Finally, it might have been the hope of the Central government to solve the problem of East Pakistan jute by establishing jute mills from the foreign exchange as obtained from the export of raw materials supported by non-devaluation policy. In fact, the biggest jute mill in Asia was set up

47. Manchester Guardian, 13 March, 1950.

48. Statesman, 5 December, 1949.

49. The anti-labour Cabinets of Australia during 1939-1941 were anything but united. See: L.F. Crisp, The Parliamentary Government of Australia, (London: 1949) p.208.

50. Financial Times, 11 September, 1950.

51. Pakistan News, 27 January, 1950. See: Hindu, 15 November, 1949.

52. Scotsman, 7 February, 1950.

in East Pakistan, i.e. The Adamjee Jute Mill.

From the negative angle, the developments were uneconomic in that there was a danger of jute prices rising to a level when the buyers might look for a synthetic substitute - a potential threat to the Jute trade. After all, India was Pakistan's natural customer for Jute. Though the Central government itself entered into the jute market as a buyer, having fixed a minimum price for the jute, this proved to be inadequate in the face of India's total refusal to buy jute so long as the Pakistan currency remained undervalued. As a result East Pakistan was "in a state of siege",⁵³ providing ammunition for attacks by the opposition. Meanwhile Hindu-Muslim riots broke out in India (Calcutta) and the same occurred in East Pakistan in February 1950. Causes were, as usual, ascribed to the fanatic utterances of the Communalists, but the fact remained that India's ban on the import of Pakistan jute also caused huge unemployment in the communist stronghold of Calcutta, India's main centre of jute trade. A subtle communist hand in the riots was a strong possibility. The riots, however, brought the two countries "within a hair breadth of war".⁵⁴ Amid murmurs of war cry, Liaquat an undertook an audacious journey to India and signed a pact (known as the Nehru-Liaquat Pact) with the Indian Prime Minister on 8th April, 1950 to solve inter-Dominion problems.⁵⁵ Soon agitation petered out.

53. Richard Lambert, "Factors in Bengali Regionalism in Pakistan", Far Eastern Survey, Volume 28 (April, 1959), p.50.

54. Ian Stephens, Horned Moon (London: 1953), p.33.

55. Dawn, 9 April, 1950.

Having so achieved a stature of statesmanship he immediately responded to an invitation of President Truman,^{*} and visited the United States^{**} and also Canada to project Pakistan's image, and of himself, on an international stage. The visit resulted, among others in Pakistan getting \$600,000 under Truman's Point Four Programme.⁵⁶ The Pakistan Government was very obsessed, from the very beginning with the Kashmir⁺ problem. It steered a cautious foreign policy without being committed itself formally to any bloc, to gain international support for Kashmir Cause.⁺⁺ Embittered on the Kashmir issue Liaquat once threatened that "Pakistan must not be taken for granted: Pakistan is not a camp-follower of the Commonwealth."⁵⁷ But beneath the apparent neutrality of foreign policy Liaquat sought to forge closer relations with the Muslim world. For he thought that "If the Western democracies can enter into pacts ... if the Communist countries can form a block ... why cannot the Muslim people get together ... they have an ideology and a way of life."⁵⁸ This sentiment found eloquent expression in the support Pakistan held out to all and sundry Muslim causes.^{***} But none of this solved the

* The Soviet Russia had earlier invited him for a State Visit. He was officially not committed to either of the invitations for a long time.

** April, 1950.

*** Pakistan signed Treaty of Friendship with Iran on 18.2.50; Iraq on 26.2.50, Syria on 29.8.50; Turkey on 26.7.51 and Egypt on 28.8.51. See Chronology of Pakistan, 1947-1957, (Karachi: 1957).

+ Kashmir was one of the former major Princely States. Its ruler was a Hindu king, but a majority of the population was Muslim. Despite Pakistan's wishes, the king acceded his State to India. There began one of the world's most difficult problems. Both India and Pakistan had fought in a small scale during '47-'48, prior to the large scale war fought in Kashmir at the end of 1965. Kashmir is to India and Pakistan what Berlin, in a different way, has been to the West and Russia. The U.N. has yet to solve the Kashmir problem.

++ The government recognised Red China on 4th January, 1950.

56. New York Times, 12 December, 1950

Kashmir issue. Meanwhile Sir Owen Dixon - mediator of the Kashmir dispute - announced his failure to bring India and Pakistan together only to be followed, later on, by India's massing of troops on Pakistan borders. Suddenly, on the 9th March, 1951 there was a bolt from the blue. The Prime Minister unearthed a conspiracy (known as the Rawalpindi Conspiracy) which plotted to shoot him, seize the Governor General and finally establish "a communist dictatorship"⁵⁹ in the country. The conspirators included, among others, the Sandhurst-trained Pakistan Chief of the General Staff, General Akbar Khan (who won the D.S.O. during the Burma Campaign in the Second World War), Brigadier Latif (who won M.C. in the Second World War) and Mr. Faiz Ahmed Faiz, a poet, the then editor of the Pakistan leftist newspaper, the Pakistan Times. He was awarded the O.B.E. during the last war while serving as a Lieutenant-Colonel, and has since been awarded a Lenin Peace Medal. Prominent communist workers, progressive writers and journalists including the General Secretary of the Pakistan Communist Party, Mr. Sajjad Zahir and 10 more important army and air officers were also arrested, along with the ringleaders, to be tried secretly by a special tribunal consisting of three High Court judges.⁶⁰ The abortive coup brought the simmering discontents of a section of the people to the fore. An analysis

57. (see page 21) The Round Table, Vol.XXIX, 1948-49, quoted in K. Callard, Pakistan: A Political Study (London: 1957), p.320.

58. Aslam Siddique, Pakistan Seeks Security (Lahore: 1960), p.95.

59. The Daily Telegraph, 10 March, 1951.

60. New York Times, 15 May, 1951.

of this reveals three distinct patterns of politics, e.g. personal ambition, regionalism and extreme patriotism, current in Pakistan. First, General Akbar probably aspired for the post of the C-in-C considering his previous record, plus his recent "exceptional" performances in the Joint Services Staff College in England.⁶¹ In addition, he happened to be the son-in-law of an influential lady, Begum Shahnewaz, M.C.A. belonging to an equally powerful family of Bhagabanpura in the Punjab.* But General Ayub was preferred to General Akbar which may have aroused personal jealousy.

Secondly the pride of the Punjabis lay in their being, formerly, the backbone of the Army and administration in the British period. This fact also had a boomerang effect on them when Pakistan emerged. Psychologically they did not enjoy seeing key posts going to the "foreigners"⁶² i.e. the migrants from the U.P.** now in India.

The third pattern probably smacked of diverse motivating forces. The Times drew an analogy between the attempted coup in Pakistan with that of the coup which took place in Syria in the same year, since in

* The writer was told by General Mirza, the then Defence Secretary of Pakistan - who conducted the prosecution and went into the secret documents, that General Akbar's wife wanted to be the Queen of Pakistan. True, there were thinly veiled rivalries for social prestige among Pakistan's two respected ladies, e.g. the wife of Liaquat and sister of Mr. Jinnah. To what extent prominent Pakistani ladies were able to inject feminine charm into politics is an unknown quantity. But the possibility of "Lady Macbeths" on Pakistan soil cannot be ruled out altogether. The writer, however, wonders if General Mirza's charmingly imperious wife had any extra-conjugal influence on him.

** United Provinces. The Prime Minister himself came from that area.

61. Scotsman, 13 March, 1951.

62. Scotsman, 13 March, 1951.

both cases the prominent soldiers and intellectuals appeared to be impatient with the existing government policies vis-a-vis certain issues, namely 'Kashmir' in the former case and in the latter "in the Levant over Greater Syria".⁶³ General Akbar in the mask of "General Tariq" fought with the help of tribal people in Kashmir during 1948 and was resentful of Liaquat's softer policy on Kashmir; for, to the General wars were not "always determined by statistics".⁶⁴ Liaquat shunned extreme paths and submitted "all Pakistan's differences with India in arbitration ... brought world opinion slowly but surely to the side of Pakistan in this dispute ... a magnificent achievement".⁶⁵ This attitude certainly did not find favour with the people of Azad Kashmir's movement. Similarly, Liaquat scrupled to bring about any drastic change in the land tenure systems of Pakistan beyond speaking about its desirability. His feudal past* and present feudal associates in the rank and file of the M.L. Party halted any action to that end. Then the question of foreign policy and particularly of Pakistan's remaining within the British Commonwealth was controversial with at least a section of the people. To this group of people Pakistan's foreign policy was subservient to the western bloc and the undefined neutral policy of the Liaquat government was a camouflage. Sir Firoze, a prominent Pakistan member of the Constituent Assembly said in the

* He was landlords' representative in the U.P. Legislative Council from 1926-1940. During this period he even went to England to represent landlords. See: The Straits Times, May 4, 1950.

63. Times, March 15, 1951. The analogy, however, held on emotional grounds only. The claim to 'Kashmir' had, at least, a legal basis, whereas 'Greater Syria' had none.

64. Observer, March 11, 1951.

65. Economist, October 27, 1951.

Parliament that he was asked in America as to why the Pakistan press reacted coldly to Liaquat's accepting Truman's invitation and conversely hailed Stalin's invitation to visit Russia, which was turned down.⁶⁶ Added to this, Liaquat supported the Western Korean policy contrary to "ninety-nine per cent of Pakistan's newspapers"⁶⁷ views. And surprisingly a day before Faiz Ahmed Faiz's arrest, he published an editorial fiercely attacking the "bellicose and anti-peace policies of the Anglo-American bloc".⁶⁸ These indigenous causes were dovetailed into an abortive conspiracy. But its failure should not preclude us from making certain implications for Pakistan politics.

First, leftist elements were a factor from the very beginning in Pakistan politics. They were able to bring about an uneasy alliance with the disgruntled soldiers through indoctrination, as many shared a common belief in firm government. That the Pakistan leftists were not without the support of their fellow travellers both home and abroad could be ascertained by the amount of sympathy they received.*

* 13 political parties and cultural associations of Pakistan from India (All-India Trades Union Congress, All-India Students Federation, The Progressive Writers' Association, the Central Committee of the Communist Party, etc.); from Australia (Clerical & Metal Workers' Union) and the Syrian, Lebanese and Egyptian delegations attending the Berlin Youth Festival demanded an open trial. See: Daily Worker, dated 11.7.51 and 29.9.51. Also, the Chinese Peoples' Committee for World Peace and American Aggression, the All-China Federation of Literature and Arts Circles, Federation of Labour, Democratic Workers' Federation and the Asian and Australasian Liaison bureau of the World Federation of Trade Unions protested. See: New China News Agencies, 26.9.51; 28.12.51.

66. C.A.D. (Leg.) Vol.II, January 19, 1950, P.601.

67. Ibid., 11 October, 1950, p. 484.

68. Manchester Guardian, March 9, 1951.

Second, Liaquat's insulation of the M.L. governments, both Central and provincial, from the criticism of opposition parties through restrictive policies, led the growth of dark politics. Unwise repressive measures on the part of the government always gave rise to formation of politics in curbs, not in straight lines.

Third, the Pakistan Army, in essence, was not politicized or indoctrinated, in the Middle Eastern style. So a few prima donnas of the Army could not frustrate the greater loyalty of the entire army which it owed to the nation.

However, an element of assassination was injected in the body politic of Pakistan on October 16, 1951, when during a Rawalpindi M.L.-sponsored public meeting Liaquat was slain.* To a great extent the incident epitomised the prevailing style of underdeveloped politics. Both Asia and Africa were in ferment (as they still are); and what happened in Pakistan had been paralleled in Siam, Burma, Palestine, The Yemen, Lebanon, Iran and Jordan.⁶⁹ The combination of the ultra-nationalism, religious fanaticism and brooding hatreds for anything Western led to political assassination.** And it was the moderation

* The assassin, perhaps conveniently, was torn to pieces on the spot.

** Liaquat's assassin was identified as a member of the Khaksars movement - a nearer version of the Secret Muslim Brotherhood in Egypt. Its leader, Allama Mushriqui met Hitler during the 1920s. The German Military Attache in London (1939) had full knowledge of this Khaksari movement in the Indian subcontinent. See: Manchester Guardian, October 17, 1951.

69. Johannesburg Star, October 17, 1951.

in Liaquat which was assassinated. In him Pakistan lost what Nehru characterised ^{as} a "great steadying influence"⁷⁰ and The Times "one of the few statesmen".⁷¹

The Liaquat years were not barren. The view that he could not give a final touch to the institution-building when "the iron was hot to be struck into any shape",⁷² cannot be substantiated, for, if the hot iron of public opinion was really in this condition then the founder of the nation, Mr. Jinnah would have struck it first. Liaquat offered the Interim Report for public discussion - a step towards the formation of opinion. He flared for popular endorsement behind his policies - an urge he regularly fulfilled, in the absence of pervasive mass media, by speaking directly to the people in public meetings. He tried to consolidate his position first - the excess of which discouraged the growth of opposition - before he could carry the nation with him. For, after all, his eminence as the Prime Minister could aid him, like any other Prime Minister "up to a point and only up to a point".⁷³ His Cabinet as an offshoot of parliament gave a good account of itself in the parliamentary tradition unimpeded by the Head of the State, Sir Nazimuddin who was always in his element in the performance of titular duties. Cabinet government in a Federal Polity is often difficult, particularly when strong personalities enter into it.

70. New York Times, October 17, 1951.

71. Times, October 17, 1951; editorial "Liaquat Ali Khan".

72. Z.A. Suleri, Politicians and Ayub (Lahore: 1964), p.26.

73. H. Morrison, Government and Parliament (Oxford: 1954), p.38.

But the Liaquat Cabinet despite occasional bickerings by the Press neither suffered any open split nor took any decisions by majority vote as alleged.* A knowledgeable authority maintained that "the mode of arriving at a decision was one of discussion until a general consensus was reached. I do not remember a single occasion when it was necessary to take votes."⁷⁴

In the task of converting a stagnant economy into a dynamic one, the Liaquat government recognised the importance of planning. Financial institutions were created. Early in 1948 the government declared its industrial policy, reflecting its desire of owning enterprises like arms, hydro-electric power, railways, communications, industries, etc., and giving the rest to the care of private enterprise. Foreign capital was welcome provided that in all major industries 51% of all share capital and 30% in lesser industries were owned by Pakistan nationals.⁷⁵ A Development Board was established early in 1948 with the Economic Council under the Presidency of the Prime Minister at the apex to examine and correlate official and private schemes. The first plan was officially initiated in July 1951. To augment the development process further, the government set up a public corporation (P.I.D.C.) which provided industrial leadership and equity financing that resulted in the industries' showing "encouraging" progress.⁷⁶ But along with

* See: Sayeed, op.cit., p.336; Chowdhury, op.cit., p.43.

74. Mohammed Ali's letter, op.cit.

75. Observer, April 9, 1948.

76. Statesman, February 6, 1951.

this went an emotional drive towards Islamization of Pakistan economies. To solve ideological problems vis-a-vis modern economies a research organization with economists versed in Islamic principles was envisaged by the Pakistan State Bank authorities.⁷⁷ The International Islamic Economic Conference consisting of 18 Muslim nations held on 25th November, 1951 formed an International Federation of Islamic Chambers of Commerce and Industry to evolve a uniform Islamic economic pattern among the fraternising countries.⁷⁸

The Liaquat period also saw a drive towards Pakistanization. By May 1951 full nationalisation of the Pakistan Army was complete although not yet that of the Navy and Air Force.⁷⁹ The Gubernatorial posts of four provinces out of five held by Britons during Jinnah's time were replaced by the Pakistanis. In short, Liaquat's period was notable for his remarkable post-natal care to the nascent state, initiating institution-building, following moderate socio-economic and foreign policies, ostensibly Islamic and, finally, his being disdain for the opposition parties.

The Nazimuddin Cabinet

Statesmen-politicians were a scarce commodity in Pakistan, particularly in the rank and file of the M.L. party after the demise of Jinnah and Liaquat. Circumscribed by limited choices, the 'ruling

77. Financial Times, January 22, 1950

78. Pakistan Chronology, loc.cit., p.51.

79. New York Times, May 2, 1951.

group' picked up, rather unconventionally, Nazimuddin, the Governor General as the new Prime Minister, and Ghulam Mohammed, the Finance Minister, as Governor General. An influential newspaper hailed the new Prime Minister* as "the right man" called "into the breach".⁸⁰ Apparently, in a given situation, he was the automatic choice. In Churchillian language, however, he might be characterised as a "boneless ^{Wonder} leader". It was more the aristocratic concept of "natural leaders of the soil" which helped him short-circuit the higher echelons of status than any self-initiated struggle from the base upward. Born in the purple of the Nawab family he turned curiously puritan, pietist, teetotaler, unobstrusive, but accidentally, an appreciator of sumptuous dishes. In short, he was not dynamic.

No sooner had he become the Prime Minister than he addressed a mammoth gathering at Karachi defining the broad lines of his policy on home and foreign affairs. The essence of this was that he intended to follow the policy of his predecessor - an indirect public admission that he was not his own man. Liaquat pursued policies with circumspection. The danger was that the same policies might evoke disagreeable results if handled rather aggressively. And what was a tentative approach in Liaquat's time towards Islamisation tended to be a positive one during Nazimuddin's.

* Sir Nazimuddin had a record of nearly 20 years of experience as politician-administrator. He was a member in the Governor's Council of Bengal under the dyarchy System in the 20s, Premier of Bengal, 1943-1945. The most important criterion of his selection as the Prime Minister was due to his playing Casabianca, since 1935, to the father of the M.L. organisation, Mr. Jinnah, and never left the ship of the organisation.

80. Dawn, October 18, 1951.

The personnel of the new Cabinet were the same except for two important additions and one significant omission.* Sardar Nishtar, the Governor of the Punjab, and Chowdhury Mohammed Ali, the keyman of the executive side of the central government were included in the Cabinet. The latter case marked the first departure from the principle laid down by Mr. Jinnah "that officials should not be promoted as Ministers".⁸¹ In the new administration there were four ministers from East Pakistan in a Cabinet of 10 members. They held equally important portfolios, viz. Defence, Interior, Commerce, Economic Affairs, Education and Labour - a potential stimulus to Federal jealousies. However, having assumed office formally Nazimuddin embarked upon a countrywide tour to get himself politically acclimatized. It was rather a drive towards Pakistanization.** While speaking at the 'Paltan Maidan', the Hyde Park of East Pakistan, in January 1952, the Prime Minister committed the faux pas of stressing the desirability of ~~the~~ Urdu being the only state language of Pakistan.⁸² Mr. Jinnah, as the Quaid-e-Azam, kept silent having once pronounced in its favour. Liaquat, as the Quaid-e-Millat,^{***} stipulated the same in the Interim Report and

* Chowdhury Nazir Ahmed, a secularist. But Nishtar was an old leaguer and Islamic in outlook. Chowdhury Mohammed Ali had a similar outlook on Islam. But his strength lay in his thorough knowledge of the administrative apparatus of the country. If the late Prime Minister "at all permitted any single individual to keep his conscience that person was Mohammed Ali". See Dawn, October 24, 1951, "Editorial", The New Cabinet.

** Pakistanization would generally mean rendering of the social, economic and individual lives of the majority of the people inhabiting Pakistan into Islam oriented ones.

*** He was also honoured with this title meaning 'leader of the nation'.

81. Manchester Guardian, October 24, 1951.

82. Dawn, January 28, 1952. Nazimuddin's own family language was Urdu, though he managed to speak pidgin Bengali.

had to shelve it. Obviously neither Urdu nor Bengali could replace English as the official language of Pakistan in the near future, the process of which needed an evolutionary spontaneity.

A common lingua franca provides an all-embracing unity. Blessed are those nations who are attuned to one harmonious mode of communication. While the many-tongued countries, though luxuriate in a mosaic of cultures are vulnerable to one point when linguistic identity threatens a rupture in the established polity. It has happened in the recent years in Belgium (French vs Flemish), Canada (French vs English, Malaysia (Malay, Chinese and Indian Languages), Ceylon (Sinhalese vs Tamil), East Africa (Swahili vs Bantu), and in India (Hindi, Bangla, Tamil, etc.). As far as Pakistan was concerned the ruling leaders laboured under a theory which was a priori, namely that kinship of Islam was at once a cementing and transcending factor between the two wings of Pakistan. But they failed embarrassingly to appreciate the implications of the political geography of Pakistan, i.e. the essence of "area differentiation".⁸³ Islam did not help the ottomanisation process in the Arab world when the Turkish rulers imposed the Turkish language on the Arabs who mutinied during the First World War against their mentor. Similarly, the Persian conversion to Islam in early days did not immediately influence its rich literature which was sensuously pagan. Historically, a rich language has always occupied a unique position in the lives of many people.

83. Saul B. Cohen, Geography and Politics in a Divided World (London: 1964), p.6.

However, the language issue of Pakistan offered a new dimension contrary to the usual pattern. Usually, it is the language of the majority that tends to be foisted on the minority speaking different languages. But the reverse was the case in Pakistan. The spoken Urdu was confined mostly to the people who had migrated from India whose percentage was insignificantly small compared to the largest bloc of entire population of Pakistan, whose mother tongue was Bengali and who resided in the Eastern wing. The rationale of the proposition that Urdu was a supra-regional language lay in its script being arabicized and not confined to any particular region. But the fact remained that Urdu could be easily mastered by the Western half of Pakistan because of its natural intelligibility, syntactical and semantic nearness to these languages, e.g. Punjabi, Sindhi and Pushtoo. However the majority of the people living in the East, whose mother tongue was Bengali, the script of which written in a slightly variant form of Deva Nagari,* would be at a disadvantage. So, the reactions were automatic. Musselmans in general could not be oblivious of the recent past when suddenly they became speechless when the Persian language (the then official language) gave way to English.⁸⁴ So, to dispel Bengalees's apprehension there deserved considerations of "certain facts, as distinct from the fundamental truth of Islamic oneness".⁸⁵ An institutional apparatus grows and flourishes like an organic plant sustained:

* Sanskrit.

84. W.H. Hunter, Our Indian Musalmans: Are they bound in conscience to rebel against the Queen (London: 1871), p. 53.

85. Dawn, February 25, 1952, Editorial "For Pakistan's integration, wanted a brains trust".

and developed by the exigencies and requirements of time and space. A purely mechanistic development in the final analysis fails in binding the people to the imposed institutions, unless it is steeped in some such 'organismic image' which synthesises and adapts the ideas by linking them with an indigenous past. This 'image' "tends to stress the influence of the past, the environment, and the vast complex and slow-changing aspects of the actions and expectations of millions of people".⁸⁶

Arguably, this synthesising process was already there. Apart from the people with "pictures in their head"^{*} who smelt Hinduism in Bengali, there had been a slow but genuine transformation in the Bengali language rendering it more flexible, receptive and natural. Despite its Sanscritic script the Bengali language under the aegis of Muslim rulers of Bengal received a distinct Muslim stamp. The recrudescence of modern Bengali owes its origin greatly to the patronages of the Muslims. What was more, the predominantly Muslim area of East Bengal in contrast to West Bengal developed a Muslim-oriented dialect bordering on "religious literature".⁸⁷ As a result, the language has become a composite one. And the Islamic context of the language become more accentuated as the new forces were introduced following the emergence

* The term used by Walter Lippman to indicate how men's behaviours are conditioned by their preconceived notions.

86. Karl W. Deutsch, "Nation-Building", ed. Karl W. Deutsch & William J. Fottz (New York: 1966), p.3.

87. Hunter, op.cit., p.152.

of Pakistan. We do not suggest that this process would have ended in Bengali's being ultimately replaced by Urdu, but at least, other things being equal, the former could have erected a spiritual bridge with the latter ensuring a workable modus vivendi. Otherwise, how could a people possibly - who through centuries lyricised, dramatised, novelised, danced, sang, loved and despised through the vehicle of such an elegant language as was Bengali - opt for an uncertain mode of communication? Possible ! Only if there is a "will". After all, the Israelites have already learnt to speak Hebrew.

The monolithic integrating formula was ahead of East Pakistan public opinion. A convulsive though spontaneous agitation, engulfed every nook and corner of the entire province.* The provincial government** misjudged the seriousness of the agitation and was still not ready to acquiesce. Far back in early 1948 the Congress opposition in the Constituent Assembly with Mr. Jinnah on the chair, maintained that "out of six crores and ninety lakhs of people inhabiting this state, 4 crores and 40 lakhs of people speak the Bengali language ... I consider that Bengali language is a lingua franca of our state ... I voice the sentiments of the vast millions of our state..."⁸⁸

* The writer found himself unconsciously, as it were, among the language-processionists and spent an uncomfortable night along with his colleagues in the Police station.

** Though 'law and order' was a provincial subject, nevertheless on a substantive issue like this the central government did not deprive the provincial government of its directives.

88. C.A.D. Vol.2, 1948, p.16. In the same sitting Liaquat reacted with the following words: "Pakistan is a Muslim State and must have its lingua franca the language of the Muslim nation", the Urdu. And Nazimuddin said, "I am sure that the overwhelming majority of the people are in favour of ... Urdu as the state language..." pp.17-20.

This was followed by Congress' demanding the same in the Legislature of East Pakistan in April 1948, when Nazimuddin, the then Premier of East Pakistan, himself moved a resolution making Bengali the only official language of East Pakistan.⁸⁹ As a matter of fact, the Congress did voice the sentiments of the millions minus the ruling junta. An All-Party Language Committee was formed to spearhead the Bengali-language cause. The protagonists and sympathisers - real or supposed - of this 'cause' were duly gaoled. The containment policy further resulted in the imposition of Section 144 preventing assemblage of more than five persons in the streets of the capital, Dacca. Meanwhile, public rage was already manifest in many a destructive outlet. It was not until then when a few killings - transformed into martyrs - due to police firings on the 21st February, 1952,⁹⁰ drove the government into passing a resolution in the East Pakistan legislature in favour of Bengali as one of the state languages. The Prime Minister himself, beaten by his own province, recanted saying that the "Bengali language has great emotional support of the people of East Pakistan."⁹¹

The language issue, however, influenced politics in three directions. First, the prestige of the M.L. government was tarnished a good deal. The government had seen in the language demand only an attempt of the opposition and subversive elements to discredit the government and had applied coercion. A good many members of the M.L. party decamped and joined the opposition.

89. Statesman, April 8, 1948.

90. Dawn, February 22, 1952.

91. Dawn, April 12, 1952, Editorial "Wise Decision".

Having eventually acceded to the demand the provincial M.L. party put itself into an awkward position of lobbying its central parliamentary party in the Constituent Assembly for enacting the Bengali as one of the state languages.* Worse still, it split opinions of parties and associations of both the 'wings' into opposite directions,** despite the commonness of party affiliations.

Second, the language issue brought an era of political socialization at a given moment, among East Pakistanis. It smoothed cleavages among Hindu-Muslim parties producing an all-embracing, united participation for a common cause. Nothing could better provide political education for the masses in an under-developed polity than the politics of tongue, next to food in importance. Conversely, the country also swung itself back from owing a larger loyalty to a single lingua franca, Urdu.

Third, Communist elements infiltrated into the language movement and this time in East Pakistan. Originally and essentially the language movement was patriotic but the turn of events obscured the atmosphere - a Communist ideal. Usually, the Communists are par excellence supporters of 'linguistic autonomy'. The principle of a "multinational and hence multilingual state",⁹² fitted into the language movement of East Pakistan. The communists were there conspicuously identifying themselves with the issue and influencing it accordingly. The Premier

* See: Dawn, April 12, 1952.

** See: ibid., March 6, 1952; March 23, 1952 and March 31, 1952.

92. Rupert Emerson, op.cit., p.135.

of East Pakistan, Mr. Nurul Amin, quoted, while speaking in the legislature, from the 'Swadhinata' - a Calcutta daily and the mouthpiece of the Communist Party - dated March 10 & 11, 1952, excerpts indicating how the Communist Party in East Pakistan had assisted in forming all party language committees turning the issue into a united mass movement, and inciting people against the government on other issues.⁹³ Worse still, when the government brooded over the situation, not wholly unjustifiably, how "a Mahasabite and Communalist in India, on arriving here, becomes a communist but both work for the same end - the destruction of Muslims and disintegration of Pakistan."⁹⁴

However, having burnt his fingers in the language controversy, Nazimuddin picked up the thread of institution-building left by his predecessor. The public opinions formulated around the postponed Interim Report were duly expressed in the shape of recommendations* based on which a comprehensive report (B.P.C.) was finalised. The Prime Minister presented the B.P.C. Report to the Constituent Assembly on December 22, 1952. The Report was positively committed to giving an ideological basis to the State and setting up constitutional mechanisms for the governance of the country. The Report envisaged an Islamic Democracy where the Muslims would be able to cultivate their

* See: Memorandum on the Basic Principles Committee (Confidential: Governor General's Press: 1951) and Statement showing consolidation of similar suggestions received from the public on the basic principles committee report (Confidential: The Times Press: n.d.).

93. Dawn, March 25, 1952. See also: Dawn, 4.3.52; 5.3.52 and 8.3.52.

94. The East Pakistan Governor's letter to the Prime Minister (Top Secret: D. O. No. 101/PS) dated 21st June, 1954, p.3.

faith adequately while remaining consistent with the requirements of modern life. The interests of the minorities would be safeguarded. The State would be a federal one comprising the existing Provinces, acceding States, Baluchistan and the Federal area of Karachi, the Federal Capital. A bicameral legislature - an upper House with 120 members and a House of the People with 400 - was proposed. In the composition of the Houses parity was sought between the representatives of East and West Pakistan, though some compensating weight was given to the smaller provinces. Financial Bills would originate only in the House of the People. The Head of the State must be a Muslim to be elected at a joint sitting of both Houses of the Federal Legislature. No legislation should be enacted which was repugnant to the Quran, and as a safeguard a Board of Ulema consisting of five persons versed in Islamic law would be appointed to intercept unislamic legislation. Albeit the final authority in passing any law was given to the majority of the Muslims sitting in the Federal legislature.⁹⁵ Ostensibly, the Report provided a compromise between those who demanded an unalloyed Islamic polity and those who preferred to see Pakistan find her proper place among the modern nations. But could this Report really embody an even marriage between modern political needs and religious anachronism? What rationale worked for the incorporation of **obscurantist** ideas in the draft constitution? Why was it that "the spirit soared to the lofty heights reached in Omar's time, but eyes are fastened on the

95. Report of the Basic Principles Committee (Government of Pakistan Press: 1952), pp. 2, 3, 5, 7, 11, 14 and C.A.D. Vol.XII, 2, December 22, 1952, pp.86, 89, 159.

Spires of Westminster.⁹⁶

Obviously, this was an index of political schizophrenia - a crisis of mind and spirit. In historical perspective the Muslims of the subcontinent had been subject to an intermittent brooding i.e. whether or not they belonged to the soil they lived on, heart and soul. The Indo-Islamic polity of the medieval India had in it some dyarohic elements in that the Sultan (Muslim king) had to pay allegiance to an institution outside of the subcontinent, Baghdad's Khalifa.* So prestigious was the institution of the 'Khalafat' that the Indian Sultan "to buttress his position ... procured a robe of honour from the Khalifa of Baghdad".⁹⁷ This extra-territorial commitment both on the part of the Delhi sultan and his subjects caused also, psychologically, a sense of rootlessness despite their time-honoured inhalation of Indian air. The ties of extra-territorial loyalties were sundered by Sher Shah, the founder of the Sur dynasty. The Mughals followed suit and during Akbar's rule a sense of belongingness was kindled among the Muslims of India through the Emperor's dynamic eclectic approach. This process did not continue unhaltingly before the British finally undertook the reign of the country. And after the eclipse of Muslim rule it was the 'Ulema group' (religious doctors) which kept the torch of the Islamic heritage burning. When the Turks revived the 'Kalafat' in the 18th century Indian Muslims again accepted "the

* The spiritual head of the Muslim World (Amirul Mumanim, the Commander of the Faithful).

96. K. Callard, Pakistan: A Political Study (New York: 1957), p.201.

97. H.N. Sinha, The Development of Indian Polity (London: 1963) p.423.

existence of one Caliph for the entire Muslim world".⁹⁸ Through the vehicle of indigenous religious revivalist movements (both moderate and extreme) the national consciousness of the Muslims as a distinct entity with a glorious past was being resuscitated.⁹⁹ The height of religious fervour could be discerned when thousands of Muslims literally left the subcontinent in keeping with a Fatwa (religious decree) which described India as Dar-ul-harb,¹⁰⁰ meaning land of infidels. After the war Kamal himself drove the last nail in the coffin of 'Khalafat' - an incident that cut the Muslims of India to the quick.

In the foregoing passages we have tried to silhouette the schism of Muslim minds of the subcontinent against a historical background. The Islamic zeal was singularly kept alive by the religious group. And when the Muslim secular minded politicians of the then India were yielding less dividends in the constitutional nerve-war, they cried 'Islam in danger', and 'Ulema's reactions came in the best tradition of the Pavlovian "condition-reflex" formula. Now that Pakistan was an accomplished fact the Ulema wanted to cash in the Islamic cheque in full.

Was Islamic Democracy a viable modern proposition? The sense of religious values have found ample expressions in some of the constitu-

98. Hafeez Malik, Moslem Nationalism in India and Pakistan (Washington D.C., Public Affairs Press: 1963), p.21.

99. Edward Shils "The intellectuals in political development" in John H. Kantsky, ed., Political Change in Underdeveloped Countries, pp. 195-234.

100. Hafeez Malik, op.cit., p.343. This decree was made by no less a person than Moulana Abul Kalam Azad, a distinguished Indian nationalist, when Turkey entered the First World War against the British.

tional government of the modern world.* Broadly speaking, the heritage of Judeo-Christianity has not been swept under the carpet by the governments of the Western World. But the fact remained that after the Reformation, religion lost its distinct political character. Islamic Jurisprudence is steeped in metaphysics resembling the medieval notion of law as "the will of God".¹⁰¹ Islam is vulnerable to higher synthesis unless the immutability of the orthodoxy yields to rationality. It is the "embodiment of God's direct government in the earth".¹⁰² This view was maintained by the Board of Talimati-i-Islamia (appointed to advise the B.P.C. on Islamic aspects of the constitution) which rejected the say of Christ, i.e. "give unto God what is God's and unto Caesar what is Caesar's";¹⁰³ for, to them God was immanent in the polity, albeit, transcendent, as well - an admission that the legal and political sovereignty of the people would operate within the confinement of metaphysical determinism.

In essence, the governing laws of Islam are found mainly in the following sources e.g. the Quran (the revealed sayings of God), Sunna (traditions of the prophet Mohammed), Isma (consensus of the religious doctors) and Q'iyas (judgments of the Islamic jurists). And controversy crept in when these laws threatened to claim "immutability and eternal

* Ireland, Sweden, Norway, Denmark, Switzerland, Greece, Argentina, Afghanistan, Iran, Iraq, Syria, Israel, etc.

101. H. J. Laski, The State in theory and practice (London:1956), p.32.

102. Windrow Sweetman "Viewpoints in Pakistan", The Muslim World, Vol. XLVII (April 1957), p.112.

103. Quoted in ibid., p.117.

applicability",¹⁰⁴ regardless of time and space. True, the early Islam promulgated laws that were more advanced and more humane than its contemporary world. And in modern times when "Christians have been talking in terms of a social gospel; Islam has been a social gospel from the beginning".¹⁰⁵ Those laws were implemented to the letter in the early, formative Islamic days of Halyon but in modern times their wholesale recrudescence would be anything but Quixotic. That is one of the reasons that "Islamic history has never been Islamic in the ideal sense - life is too complex for that".¹⁰⁶

However, dogmaticism resulted in the emergence of liberal, rational, and democratic schools of the thought viz. Mutazilites, Mawandi, Kharistes, etc.¹⁰⁷ which emphasised the role of Iztihad (reason) in interpreting Islamic laws. As a result, from 800 to 1100, maintains Horten, Professor of Semitic philosophy at the University of Bonn, there arose nearly one hundred systems of theology.¹⁰⁸ In the same vein, further testimonies can be cited to prove the elasticity of Islamic thought. So Islam was put to the test of a 'choice' i.e. a choice between reason and slavish adherence to dogma. And as far as the subcontinent was concerned it was Shah Waliullah of the 18th century who, first, set in

104. Leonard Birder, Religion and Politics in Pakistan (University of California Press, 1961), p.23.

105. W.C. Smith, Pakistan as an Islamic State (Lahore: 1951), p.23.

106. Ibid., p.33

107. A.K. Sen, The Islamic State (Calcutta: 1950), pp.20-35.

108. For details, see: A.K. Brohi, "Thoughts on the future constitution", Dawn, September 21, 1952.

the reorientation process of Islam and made himself "to Pakistan what Martin Luther is to Germany".¹⁰⁹ His spiritual heirs were Sir Syed Ahmed Khan and Dr. Iqbal in the recent past. Sir Iqbal - the spiritual dreamer of Pakistan just as Jinnah was its political architect - attacked the orthodox Ulemas for holding out a false reverence to an archaic past and thwarting the inner impulses of Islam.¹¹⁰ It was his school of thought which stressed the need of Iztihad (reason) and Izma (consensus) being instituted in the modern legislature, so that Islam could be recreated through dynamic elaboration. Hence, the viability of Islamic democracy would be less anathematic if those two (mentioned above) institutions are recognised fervently.

However, presenting the draft constitution in an enlarged edition of Liaquat's Objectives Resolution as he did, the Prime Minister turned apologist for the proposed Islamic democracy and claimed to have brought "about a synthesis" of Islamic fundamentals "and the requirements of progressive democracy ... of the 20th century".¹¹¹ It came under heavy fire both from within the Constituent Assembly and without. The Congress opposition subjected the Report to searching criticism on intellectual and ethical grounds. The provision making the Head of the State compulsorily a Muslim seemed to make a mockery of democracy. This was tantamount to rendering non-Muslim minorities permanently disabled for

109. Malik Hafeez, op.cit., p.139.

110. Sir Iqbal's Book, "The Reconstruction of Religious Thought in Islam" (London:1934) quoted in the Manchester Guardian, Editorial, "Mullah Raj", January 13, 1953.

111. Documents and speeches on the constitution of Pakistan, loc.cit., p.62.

the highest post of the state.* Moreover, other disability provisions viz. the institution of separate electorates, Ulema Board, etc., would go a long way to reducing minorities to a perennial status of political minorities. That this practice was maintained among "some of the foremost democracies of the world"¹¹² could be explained on historical ground. After all, the European monarchs have been by and large, reduced to a position of reigning rather than ruling. Even the personal laws of the minorities might incur repugnancy for their being either divergent from or opposed to Quranic injunctions. What was more, Macaulay's penal code would have to be revised, if punishments for, say, theft, adultery, etc., were to be awarded as stipulated in the Quran.

The Congress members apart, thirty nine Muslim leaguers spoke in support, rather apologetically, of the Islamic provisions, with the A.P.P. group denouncing the government for hoodwinking the people in the name of Islam.¹¹³ Similarly, the Press and outside public with secular orientation reacted vigorously to Islamic provisions.¹¹⁴ The situation was now pregnant. The opinions relating to Islamic state had now been formed broadly into two groups, e.g. Modernist-Islamist - who would pin faith in 'Iztihad' and democratise 'Izma' by institutionalising it in the popular legislature¹¹⁵ - and the more holier groups -

* Maulana Osmani, known as the Archbishop of Pakistan, declared in the Constituent Assembly that non-believers under an Islamic polity could not be "entrusted with the responsibility of framing the general policy of the state". See: C.A.D. Vol.V, 9 March, 1949, pp.44-46.

112. Documents and speeches, loc. cit., p.64

113. See C.A.D., Vol.XII, 22 December, 1952, Also, Manchester Guardian December 23, 1952, Hindu, December, 23, 1952.

114. Statesman, December 23, 1952. See: Dawn (Editorial) "Ulemacracy", January 24, 1953.

who would entrust the religious expertise (Ulema and Mujtahids) alone to discover the truth "that lies in the Holy Book and the books of Hadith".¹¹⁶ The Ulemas were not appeased with the provisions provided in the draft constitution and hungered for more, the result of which was the submission of amendments to the draft constitution by a group of 33-strong Ulema totally given to the idea of an Islamic state. Having done so the Ulema betrayed their inner impulse of intolerance in that they suggested that Qadianis (a Protestant group of Muslims who differ from the predominantly Sunni group in some tangible ways) be declared "a minority altogether".¹¹⁷ What was more, in the so-called convention of All-Muslim Parties, a decision to launch 'direct action' was taken to force the government to ostracize Qadianis from the Sunni community and dismiss Sir Zafrullah (a Qadiani), the Foreign Minister from the Cabinet.¹¹⁸ A reign of fanaticism with its corollary attendants was let loose in Karachi to bend further an already-bent Prime Minister, religious to his fingertips before the demands. The general expectations were, from the beginning, that the government "would be prepared to face a showdown with the Mullahs".¹¹⁹

115. (Contd. from page 44).

Leonard Binder "Pakistan and Modern Islamic-Nationalist Theory", Middle East Journal, Vol. 12, 1958, p.53. See also: Dr. I.H. Qureshi, Pakistan, An Islamic Democracy, (Lahore:n.d.), p.27.

116. Report of the Court of Inquiry into the Punjab Disturbances of 1953, (Lahore: 1954), p.208. (Usually known as the Munir Report).

117. Documents and speeches, loc.cit., p.997. See: Dawn, 27.12.1952.

118. Dawn, February 27, 1953.

119. Manchester Guardian, December 23, 1952.

This was a situation that raised a vital question i.e. the Summum bonum of public administration and public policy. Was it advisable that a consequential movement like religion - still, in many a form a part and parcel of Pakistan lives - ought to be dealt with from the political platform as contemplated under a parliamentary form of government or left entirely to the care of the services? Away in the Ministry of Defence (the Prime Minister held the Defence portfolio) General Mirza, the Defence Secretary - a personage coming from the early British political services soon to become progressively the most powerful man in Pakistan politics - found his patience and administrative restraints wearing thin in the face of political maelstrom. Passionately forcefully, Mirza wrote to the Prime Minister:

"the problems created by your personal enemies including Mullahs, if not dealt with firmly and now will destroy the administration and the country ... the prestige of the government in Karachi is at its lowest ebb ... will be the feeling in the whole country tomorrow ... I am not a very religious man, I have the greatest respect for your religious beliefs and realize your hesitation ... for vigorous action ... No administration can exist on basis of fear specially if it has got to rule Muslims... There are people who will stand by you till the last. I guarantee the Armed Forces will carry out any directive you may choose to give. For God's sake become a courageous leader and take decisive action. Once you do this, the whole country with the exception of rascals will rally round you and the prestige of Pakistan will go up ..."120

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120. Letter to the Prime Minister (Government of Pakistan, Ministry of Defence) Top Secret Personal D.O. No. 52/PS, dated Karachi 26 February, 1953. See Appendix II, General Mirza held the religious leaders in the highest contempt. He reminisced before the writer how, during the Second World War, he extracted a religious decree in favour of British in lieu of money.

The Prime Minister was still in a quandary.* When the Karachi agitation was contained with the arrests of Ulema, Lahore became the bastion of this movement manifesting itself in the slaughter of police, public and the conversion of Mosques (religious temples) into crime cells.¹²¹ In an eleventh hour cabinet meeting including also provincial representatives it was decided that the "challenge must be met",¹²² and martial law was promulgated in Lahore on March 6, 1953. Peace was restored.

But why was it that the anti-Qadiani movement could not be fought from the parliamentary platforms despite the fact that the majority of the ruling members of both central and provincial governments and legislatures were modernist-Islamist? Because, the Prime Minister's weakness apart, some of the prominent politicians used the movement however contrary to their convictions, as a lever against regional interests. It is to be recalled how the Interim Report was rejected by East Pakistan. Now it was the turn of the West Punjab. The present Report brought in a parity of representation between East and West Pakistan in the parliaments. But the Punjab (West) thought the proposed parity heralded a Balkanization process in West Pakistan ; for,

* The soft corner Nazimuddin had for Ulema was still not waning even after the religious storm. He observed in the Parliament: "I will be the last person to impute any motives to any Ulema ..." See C.A.D. (Leg.) Vol. 1, 19th March, 1953, p.374.

121. See: Dawn, March 5, 1953 and March 16, 1953.

122. Dawn, March 21, 1953 (Editorial) "Only half way".

nine units had been carved out of the western part and representation was assigned according to size and population of the respective units.* Apparently, there was logic in the arguments. East Pakistan would always come as a compact bloc in the parliaments whereas the West would be in "perpetual inequality and discord to confront the solid east"¹²³. But behind the arguments, perhaps, lay the Punjabi fear of being dominated by East Pakistan. Since any alliance with any units of West Pakistan would give East Pakistan parliamentary superiority on numerical grounds.** The Chief Minister of the West Punjab, Mumtaz Daultana, minced no words in showing his disfavour to the Federal proposals. The Punjab press was mobilised fully to discredit the B.P.C. Report while the Punjab provincial M.L. was growing restive. The Prime Minister rushed to Lahore to attend an extraordinary meeting of the Punjab Provincial M.L. and was told to postpone consideration of the Report.¹²⁴

It was ironic, however, that the other units of West Pakistan e.g. Sind, N.W.F.P., Baluchistan, etc.*** were committed to the constitutional proposals, in their entirety. Comradeless, the Punjabi politicians, no lovers of extreme Holier groups, found in the anti-Qadiani movement

* See: B.P.C. Report, loc. cit., pp.11-14.

** See: Times, January 21, (Editorial) "Karachi and Lahore".

*** East Pakistan was not happy either, for the language issue was hushed up. But she kept quiet, relatively.

123. Suleri, op. cit., p.48

124. Dawn, January 16, 1953.

a welcome weapon to avenge provincial grudges upon the central government. The premier of the West Punjab, Mr. Daultana, came in the best tradition of Machiavellianism,¹²⁵ when his words and deeds were analysed in juxtaposition, vis-a-vis the movement.¹²⁶ As a result, the 'issue' could not be tackled in terms of politics because the politicians failed to meet the challenge. Steeped in regionalism the politicians were oblivious to wider considerations and unwittingly paved in a short army rule in one of the premier provinces of Pakistan which could be self-defeating on larger parliamentary considerations.* Was not the hitherto unpublished letter, that tunneled beneath the parliamentary earth to the desk of the Prime Minister where the Defence Secretary was guaranteeing army support to his boss, the Defence Minister - also an omen?

However, simultaneously with these events was a deterioration of the national economy. Granted that a policy of non-devaluation presupposes a planned economy, the government given to temporary complacency failed in that direction, for in the absence of any precautions an overrated 'Rupee' led to reckless buying spree in foreign markets. The irony was that the mass of consumers were deprived of the benefit of the "full value of the Pakistan rupee",¹²⁷ by the

* There were politicians and intellectuals who were suspicious of army rule in the West Punjab. See Dawn, March 16, 1953; May 14, 1953 and C.A.D. (Leg) Vol. 1, March 28, 1953, p.901.

125. Munir Report, op.cit., p.235.

126. Shawkat Hyat Khan, a Punjabi M.C.A. (APP Group) stated in Parliament that Qadiani movement was financed by the Punjab government and banned by the highly placed persons. People arrested in Karachi in this connection was sent by Daultana. It was not all done by the Ulema. See: Dawn, March 18, 1953.

127. Financial Times, March 13, 1953 (Article) Sir Percival Griffiths "Pakistan's Economy".

speculators and commercial tycoons. Pakistan's economic and financial health was dependent upon two export commodities, i.e. jute and cotton, and the heavy falls in the prices of those commodities (the Korean boom was over) in foreign markets affected the economy which seemed to have been "well entrenched behind steady demand for jute and cotton".¹²⁸

On top of it, the government frittered away foreign exchange under the heading of "Government Accounts". As a result, the gold, dollar and sterling reserves were severely depleted. And government cash balances were augmented through advances from the State Bank of Pakistan.¹²⁹

The position was further exacerbated when shortage of food threatened near-famine* conditions in certain areas of the country. And pressure was brought to bear upon the already severely strained financial resources when the Defence Services, alone, were allotted Rs.60.10 crores out of the total revenues of Rs.98.60 crores of the 1953-54 budget. Meanwhile, the Ministry of Food strenuously looked for money to buy food. For, after all, the Finance Minister sought to go down to history for maintaining an unbroken pattern of balanced budgets and, at the same time, mark the "transition from a wholly agricultural economy to a partly industrialised economy",¹³⁰ no matter if that meant borrowing

* It was a (historic) pity that whenever Sir Nazimuddin assumed power some unforeseen disagreeable events were always there to discredit him. To mention one, his assumption of Bengal's Premiership in 1943 saw the tragic stalking of famine all over the Province. His name, unfortunately, prompted a sense of foreboding among the people. This, however, was carefully nurtured by the opposition.

128. Times, October 13, 1952. See also: New York Times, March 18, 1953 (Editorial) "Pakistan's difficulties".

129. "State Bank's Weekly Statements" quoted in Dawn, December 21, 1952 (Article), Hussain Imam "The Economic Crisis".

130. C.A.D. (Leg) Vol. 1, March 19, 1953, p.392.

foreign capital or robbing Peter to pay Paul. Nervously, the government totally cancelled the O.G.L. (Open General License) Policy to halt the drainage of foreign exchange and appointed an Economic Appraisal Committee to enquire into the economic malaise,¹³¹ which resulted only in unsettling the market in the former case and pigeon-holing the report in the latter.

True, the government had no control over some factors, viz. the state of the foreign markets, the stoppage of canal water by India, drought, etc., but the capacity of the Cabinet had also something to do with it.* Its constitutional position apart, the Cabinet also was a functional team - an organisation that was to unite efforts to a common purpose. If we are to view "coordination, the first principle"¹³² of any organised body, then the Cabinet from a strictly functional point of view must organise itself through orderly distribution of portfolios and the arrangement of group effort for the seeking of common goals. There was never an occasion when portfolios were assigned to ministers in terms of proper workability any more than federal politics would allow Ministers to hold the minimum possible portfolios. There were

* The Pakistan Federation of Chamber of Commerce and Industries in an extraordinarily written memorandum to the Prime Minister analysed the productive capacity of the total food grain areas against the total consuming populace in terms of percapita consumption. Taking everything together, the memorandum maintained that instead of shortage of food there ought to have been surplus to the tune of 24,77,034 tons of grain. See: Dawn March 20, 1953.

131. Dawn, March 13, 1953.

132. Joseph A. Littererer, Organizations: Structure and Behaviour (London: 1963), p.39.

overworked Ministers responsible for more than one important subject. After all, even genius is defined as '90 per cent perspiration and 10 per cent inspiration'. In trying to maintain "a mathematical balance between East and West"¹³³ in the Cabinet Nazimuddin also introduced a coordinating imbalance. While the country was facing an economic crisis several vital and interrelated subjects e.g. commerce, industries, economic affairs, food and agriculture were separately held by individual Ministers making prompt coordination in an intra-Ministerial level much more difficult. Obviously the Finance Minister was not comfortable without the portfolio of Economic Affairs,* which was held by the Commerce Minister, who was also the Education Minister. The Finance Minister was not, psychologically, able to take the initiative when he was not responsible for the economy as a whole nor would Mr. Fazlul Rahman part with his prestige portfolio, Economic Affairs. The Food Minister - a very distinct person in food crises - was at a loss to discover the appropriate sources of funds. And a blinding situation arose when various subjects pressed the respective Ministers for immediate attention. Simultaneously the Commerce and Economic Affairs Minister was now also to give an account of his being an

* Sir Winston Churchill once defended the retention of allied subjects under one Ministry by having wittily replied that, after all, "Fish and Chips" had historic links, to a question in the House of Commons which asked separation of the Ministry of Food and Agriculture from the Fisheries.

133. H. Tinker, India and Pakistan: A Short Political Guide. (London: 1966), p.78.

Education Minister. Students in their thousands dinned the air of Karachi with their demand for the reduction of student fees which resulted in the Interior Minister's Cadillac being burnt, a number of students being killed and injured by police firing and finally the army's taking over the troubled areas of the Capital. The humble Prime Minister came to the rescue of his colleague and addressed himself to the students as their "loving father".¹³⁴ Perhaps one might sympathise with the economic difficulties of the Nazimuddin government when it was faced by a world-wide economic recession. But equally justifiably, Nazimuddin could be held responsible for organising his Cabinet unwisely, and pursuing "a wholly unrealistic policy",¹³⁵ in respect of food and economic policies. It was understandable that he was compelled to follow public opinion vis-a-vis constitution-making. But in matters of policy affecting the every day lives of millions of people he could bind the Cabinet to a policy having pre-emptively declared earlier.* But he certainly lacked the stature of "a Sun around which planets revolve".¹³⁶ On the contrary, some of his colleagues were much more in the limelight.** The best proof of this

* As a matter of fact his predecessor did on Korean affairs.

** Sir Zafrullah, Chowdhury Md. Ali, Fazlul Rahman, Sardar Nishtar and K. Shahabuddin. The latter was his cousin - a proverbial clever politician, more by instinct than education, who survived all regimes, including the present one. He was to Nazimuddin what Chowdhury Md. Ali had been to Liaquat.

134. Dawn, January 9, 1953.

135. Financial Times, April 20, 1953.

136. Ivor Jennings, Cabinet Government (Cambridge: 1959), p.200.

was that despite failures of policies in respect of certain Ministries (Food, Economics, Home), no Ministers or officers were required to relinquish their jobs. In short, the Nazimuddin government was in the midst of a political and economic crisis of the first magnitude.

Suddenly, the Governor General's satrapy moved. The whole nation was taken aback when the Governor General claiming as he did as the last residual power of the State sent the Nazimuddin government packing on account of its inadequate grappling "with the difficulties facing the country"¹³⁷ and asked Mohammed Ali* to form a new Cabinet. Was the Governor General's action justifiable constitutionally? Had he the right to dismiss the Cabinet when it was still enjoying the confidence of the Parliament? Was not the M.L. Parliamentary - the major party - body the right parliamentary forum for bringing in changes in the leadership? How could the Governor General adduce that the economic policy of the dismissed government was the heel of Achilles when he had characterised the economic crisis as merely "pangs of growth"¹³⁸ and had himself been associated with the country's economic policy right from the beginning? Ostensibly, the Governor General based his action on the provisions of Section 10 of the Government of India Act, 1935, as adapted in Pakistan by the Provisional Constitut-

* The same person who was sent to Burma in Mr. Jinnah's time, as ambassador. Since then he gradually rose to the position of Pakistan's ambassador to the U.S.; and retained this post until he was called upon to form a new Ministry. He was a former M.C.A. and had worked under Sahrawardy's Cabinet of undivided Bengal (1946-47) as the Finance Minister.

137. Press Communique quoted in Dawn, April 18, 1953

138. Dawn, April 10, 1953 (Editorial) "Pangs of Growth".

ional Order of 1947. The Governor General was no doubt to be aided by a council of Ministers under Section 9; but under ~~Section 10~~, Ministers were chosen and summoned by him and held office during his pleasure. In fact, the Cabinet under the Pakistan Provisional Constitution did not occupy a juristic position* And the contention that the Governor General could not dismiss except by the advice of his Ministry could not be defended even in the courts of law. Because, under Section 10 (4) of the Act maintained that advice tendered by the Ministers to the Governor General could not be enquired into by any court.¹³⁹

A mechanistic interpretation - albeit debatable - of the letter of the Constitution might lend some support to the Governor General's actions but surely it was not in the spirit of the Constitution. Pakistanis had to consider whether the Parliamentary ethos was a means towards an end or an end in itself? To find an answer to this question a pure formal - legalistic approach would be unrealistic - this is an approach which is meaningful in a society where consensus-based institutions have taken deep root allowing a degree of the luxury of disagreement - in the plane of a developing polity such as Pakistan, "for, the transitional socio-politico-economic institutions were an inconstant 'variable' unlike the Western ones".¹⁴⁰ The violation of

* The British Cabinet's legal position was also not clear at the outset. The conventions developed into legalism.

139. Dawn, April 19, 1953.

140. D.A. Rostow, "New Horizons in the Study of Comparative Politics", World Politics IX (1956-57) p.531.

the constitutional spirit was, no doubt, costly in terms of parliamentarianism but a dogged adherence to it would have threatened the very parliamentary system itself in Pakistan. The way in which the Prime Minister was influenced by the religious groups whose aggressive designs found eloquent expression in the anti-Qadiani Movement made it doubtful if the country could have been ever emancipated from the clutches of the extreme Ulema, short of the Governor General's controversial action.* The Ulema - initiated religious renaissance in Pakistan found the Nazimuddin government permissive enough to carry the movement further into other Muslim states crying for the revival of "Khilafat"¹⁴¹ - the vanished institution. And, from Pakistan's point of view if the anti-Qadiani movement succeeded in reducing the Qadianis to minority, the 'Shias', another dissident sect of Muslim, would have been the next target.¹⁴² That was why the Economist's characterisation of the Governor General's action as "courageous, timely ... dramatic ... realistic"¹⁴³ found similar echoes in Pakistan.

Are we then to suppose that the Governor General's action was solely inspired by secular impulses? Obviously no! The action ingeniously fulfilled a number of objectives, namely (a) regional, (b) opposi-

* No less a person than Maulana Maudoodi, the most influential religious leader, characterised the Governor General's action, during an interview with the writer, as "Ek Bندوق se dou shikar hui" meaning, killing both religion and democracy with one gun shot.

141. See: Dawn, May 13, 1953 (Editorial) "Sloganism vs. Realism".

142. See: Percival Spear, "The Political Evolution of Pakistan: A study in Analysis", in Saul Rose (ed) Politics in Southern Asia (London: 1963), p. 40.

143. Economist, May 8, 1953.

tion, (c) centrepetal, (d) 'modernist-Islamist' and (e) positive foreign policy. Thus, the constitutional shock received by the people was cushioned by the thought of finding new alternatives worth trying. For, essentially the country was in a process of winnowing. The parliamentary institutions in which the country was brought up under British supervision could not be taken for granted; for, they had to be tested by the new indigenous forces born of Pakistan. To what extent indigenous forces and particularly religious fanaticism were to be allowed parliamentary hospitality to be determined not to the neglect of the country's given social anthropology or psychology. Did not the opposition group of the Weimar Republic conveniently employ freedom and liberty to sabotage the very Republic? So, the Pakistani Governor General's action was a classic piece of astuteness where under the camouflage of the general approval of his performance he also lent himself to be an accomplice to certain deeds the political effects of which were disagreeable, eventually.

We now examine the purposes served by the dismissal.

(a) It has been mentioned earlier how the Punjabis were opposed to the B.P.C. Report. They used the anti-Quadiani movement as a lever, but could not oust the central government. On the contrary the Punjabi premier had to go out of office at the behest of Nazimuddin.¹⁴⁴ The last hope was the Governor General alone, who happened to hail from the Punjab. He watched carefully how Nazimuddin's popularity ebbed

144. Times, March 26, 1953.

away in the language controversy, and the submission of the B.P.C. Report. In the performance of what Sir Ivor thought of Prime Minister's "extra-parliamentary"¹⁴⁵ role, Nazimuddin, unlike his predecessor failed utterly. He made enemies in the ruling party hierarchy and quarreled with some prominent provincial politicians.* Added to it was the entry of Youssuf Haroon in Pakistan politics who was lately the High Commissioner of Pakistan in Australia. The Prime Minister did not want him to resign the post, but to no purpose.¹⁴⁶ He came back to become the vice-president of the M.L. Party whose president was the Prime Minister himself, and remained invisibly important in Pakistan politics** (particularly in Karachi politics) causing anxiety to the Nazimuddin government. Besides, what the Defence Secretary wrote to the Prime Minister saying that "such a thing as loyalty and team work does not exist in your government, both in the centre and the provinces",¹⁴⁷ - a fact that was not beyond the intelligence of the Governor General. Thus the final blow was struck by the Governor General with the full knowledge of Nazimuddin's weakness and full consent of the Punjabi

* Mamtaz Daultana (Punjab), I.I. Khuhro and Kazi Fazlullah (Sind).

** Here is a type of politician that does not lend an easy classification; for, he always has acted in the ambuscade of politics. The writer was told by a prominent Pakistan politician that Mr. Y. Haroon (a Sindhi) brought about a clash between the Prime Minister and the ex-premier of Sind, Mr. Khuhro, for the purpose of staging a come-back to Sind politics as its Premier, which he had done during Liaquat's time for a few months. (See: Daily Express, February 18, 1949).

145. Jennings, op.cit., p.188.

146. Prime Minister's letter to Youssouf Haroon, dated Karachi 22nd January, 1952 (See Appendix III)

147. Defence Secretary's letter, loc.cit.

politicians - Firoz Khan Noon, Mamtaz Daultana and Khan of Mamdot - who happened to be in Karachi conferring with him.¹⁴⁸ This ended an "era ... of a wider patriotism" which "had only just begun to emerge", because of "regional jealousies ... the long-standing grudge of Lahore",¹⁴⁹ Capital of the Punjab.

(b) The dismissal caused euphoria among the opposition parties; for, any action humiliating the M.L. governments - central or provincial - meant an additional feather in their caps. For, were they not demanding wholesale resignations of M.L. Ministries and dissolution of legislatures (including the Constituent Assembly) for the holding of general elections? Mr. Sahrawardy, the rising opposition leader, epitomised the mixed feelings of the opposition parties when he commented on the dismissal by saying that "this small but welcome encroachment on strict democratic proprieties seems to have opened the floodgate of undemocratic procedure".¹⁵⁰

(c) The assassination of Liaquat witnessed a sliding of the reality of power into centrifugal directions. The all-Pakistan leadership could not be handily symbolised in one person after the exit of Jinnah and Liaquat. Hence, the provincial politicians flourished on the issues of language, religion and regionalism. To augment central powers and divert issues the central government used to 'cry wolf' i.e.

148. Hindu, April 18, 1953.

149. See: Times, April 20, 1953 (Editorial) "Pakistan".

150. Hindu, May 28, 1953.

the menace of the Indian threat.* But, in reality the central power was weakening. The Governor General dammed up the tide by making the central government reflect the substance of political power in the country. The abortive Rawalpindi conspiracy, the communist activities** as reflected in the language movement and the prospect of their further involvement in the coming general elections of East Pakistan, and, finally the anti Qadiani flare-up were, perhaps, some imponderables which received the Governor General's immediate attention. Having achieved the centrepetal goal, the Governor General, coming as he did from the early Audit and Accounts Services, instilled a new trend, recognisably bureaucratic, in the Cabinet. The accent was on the depreciation of politics. We note in the new Prime Minister's broadcast a significant passage which emphasised his "foremost endeavour to ensure a clean and efficient administration⁺ which would serve the people of Pakistan with devotion."¹⁵¹ The Prime Minister did not aspire for 'clean politics'.

(d) The Governor General's action gave a direction towards centrally-focussed politics, in that the modernist-Islamist group came in sharp contrast with that of the Rightists (Ulema) and leftists (secularist). Since that period, religious militancy petered out with

* Suhrawardy: "I find that the old technique of bringing to the fore our dispute with India in trenchant terms is again being utilised to arouse a sense of fear, in the hope that this will induce them to rally round the government". See: Dawn, February 21, 1953.

** Far back in 1948 there was a Conference held in Karachi including Pakistan Home Ministers, Directors of Information and Inspector-Generals of Police to formulate policy in respect of communists who were reportedly arriving in Pakistan from India. See: Statesman, May 16, 1948.

+ Writer's underlining.

151. Dawn, April 18, 1953.

corresponding strength in the rank of the modernist. The new Ministry rebuffed the Mullaha (same as Ulema) by keeping Sir Zafrullah, a Qadiani, in the Ministry. What was more, the newly-sworn law Minister, Mr. A.K. Brohi - "an intellectual and a modernist"¹⁵² - challenged the Ulema to come out with a formula of a state based on the Quran.

(e) Hitherto, Pakistan had been pursuing an undefined neutral foreign policy with an implied pro-western tendency which was now to receive its quietus at the hand of the new Ministry and to be replaced by a positively committed one of whose effects on politics persisted till 1958, even beyond. The analysis begins under the heading, the Mohammad Ali Cabinet.

The Mohammad Ali Cabinet

The dynamics of today's international politics have linked nations with varying role-status to operate globally. The politics of the early nineteen fifties in the international arena were bipolarised. In essence, the battle of politics was fought by the American and Russian gladiators in defence of their respective ideologies e.g. Western democracy and Communism. Against this background we would analyse how the Mohammad Ali Government committed Pakistan to a positive foreign policy by associating her with the Western bloc and in particular America. Why did the alignment take place?

152. Manchester Guardian, April 23, 1953.

Reflecting on the present global politics Morton Kaplan maintained that "in the 'balance of Power' system, groupings will depend primarily upon the interests of nations in particular situations".¹⁵³ As far as America was concerned her transcending objective was to contain the potential communist threat which was both military and ideological in nature. As NATO was set up to deter Soviet expansion in the western world, corresponding arrangements were warranted in the the Asian defence perimeter. Strategically, both India and Japan were key centres of importance in Asia, and the loss of either country to the communist bloc would be a "threat to the American interest ... to the Free World".¹⁵⁴ The long term foreign policy rationale of American, after all, was "to preserve a world environment within which its chosen form of democratic society can persist", and to match the ideological and political balance of power in Eurasia with "the military balance of power"¹⁵⁵ in the same area. This 'balance of power' manifesting itself within a multiple-state system took a perceptible shape in the direction of alliances; for "alliances are a necessary function"¹⁵⁶ of the system.

153. Morton Kaplan, "System and Process in International Politics", in Stanley H. Hoffmann (ed.), Contemporary Theory in International Relations (Prentice-Hall, Inc., N.J. 1960), p.107.

154. W.W. Rostow, "The United States in the World Arena", in Harry Howe Ransom (ed.) An American Foreign Policy Reader (New York: 1966), p.69.

155. Ibid., p.69.

156. Hans J. Morgenthau, Politics among Nations (New York: 1966), p.181

Before the advent of the Korean war (1950) American interests were mainly Europe-oriented. The communist proselytisation process claimed China entirely, sparked a war in Korea, and inflicted a Dien Bien Phu on the French in Indo-China. These events jolted the U.S. into an awareness of the danger of communist expansionism in Asia. The 'containment policy' of the U.S. in Asia was pronounced when the Republican Party came to power in 1953. The new administration succeeded in entering into bilateral defence pacts and organising regional defence arrangements with the newly emerged independent countries of Asia. This resulted in the welding of a large part of the world into a closely knit system of interlocking military treaties.

How did Pakistan appeal to America? The Trumann administration was neutral vis-a-vis Indo-Pakistan disputes. It was not overenthusiastic about Pakistan. The U.S., at the outset, looked at the subcontinent as "a unit not as two separate states in the game of world politics. No interest was shown in developing Pakistan's strength, nor was it regarded as a factor to be reckoned with in world politics."¹⁵⁷ The sudden importance of Pakistan felt by the U.S. was matched by her equally sudden feeling of urgency vis-a-vis communism. No less responsible was Nehru's fastidious foreign policy which prevented America from taking India for granted. Nehru's policy was an irritant

157. J.W. Spain, "Military Assistance", American Political Science Review, September, 1954, p.748.

to the State Department, instead.* So, it was the best of a bad bargain for America to work with an eager Pakistan rather than with a coy India. Karachi's seaport and airport, which was the largest in Asia serving 15 international airlines, was a strategic factor in American considerations. For, it was the closest of all the air bases of the free Asian countries to the Russian border.¹⁵⁸ Considering the geographic halves of Pakistan and their respective approximation to Middle East and South East Asia, Pakistan appeared to be an ideal eastern bastion of the American defence line against communism. Then, what was the motivating force of Pakistan relating to alliances? Modern history has witnessed a manoeuvring of states, great or small alike, for the attainment of appropriate places in the distribution of world power. This process is further determined by a country's given 'stresses and strains'. When Pakistan sought the U.S. alliance three considerations were uppermost in her mind.

First, the geographical location of Pakistan offered a tempting proposition to potential aggressors. West Pakistan had a common boundary with Iran, Afghanistan and Russia and China from the Pakistan side of Kashmir. Similarly, East Pakistan was surrounded on three sides by India and had a common border with Burma. As a matter of fact, the

* "A new U.S. policy, treating Nehru as India's spokesman but not Asia's is called for. America's allies will be asked to support the U.S. in this stand. American aid to Pakistan can be the first in this policy". Source: U.S. News and World Report, December 25, 1953.

158. New York Times, April 19, 1953.

safety of the whole subcontinent "depends in a frightening degree on the stability of Pakistan", because Pakistan confronted "the first impact of all North West Defence problems of the Old India".¹⁵⁹

In the early days, Pakistan government looked upon India and Afghanistan with suspicion. Russian threat was implied, though real on historical perspectives. "For Russian in the 20th century an outlet in the Indian Ocean was the sole still untried possibility, was not Karachi a tempting bait to dangle before the eager Russian eyes".¹⁶⁰ Afghanistan was inimical to Pakistan right from the beginning. She neither voted in favour of Pakistan's admission to the U.N. nor recognised the Durand line as the international boundary between Pakistan and Afghanistan. On the contrary, Afghanistan fueled the agitation for the creation of Pakhtoonistan on the Pakistan side of the border. The very issue of Pakhtoonistan was, to a great extent, responsible for driving the provincial government of the N.W.F.P. to curb parliamentary expressions.

As far as India was concerned, according to the official version, Pakistan had been smarting under a constant fear of Indian aggression. Both India and Pakistan had already a brief round of fighting on

159. Sir Olaf Caroe, former Governor of N.W.F.P. said in London.
Source: Statesman, April 6, 1949.

160. A. Toynbee, A Study of History (London: 1954), p.691.
One still remembers how Stalin in the Yalta Conference tried to grab Maritime Provinces in the search for warm waters.

Kashmir in late 1947 and early 1948.* So, fear had its functional value for Pakistan in that she had the drive for overcoming her deficiencies. The partition arrangements did not favour Pakistan to receive her due share of military equipments. The Pakistan army did not have modern equipment. Similar was the plight of the Pakistan Navy and Air Force. Despite financial limitations, the defence of Pakistan claimed the best attention even at the expense of other pressing requirements. But the efforts to build up a fighting machinery exerted "a heavy strain on Pakistan's economy",¹⁶¹ and the ready alternative was found in the United States' willingness to grant military aid. This was thought to be the available course for Pakistan in her quest for security to obtain a position in the alliances (or balance of power system) under the aegis of America. For, Pakistan being one of the small states could not individually hope to erect a bulwark of defence "to balance, much less overbalance" her "great power neighbours".¹⁶²

No less was the desire for economic assistance associated with the military. At independence Pakistan was one of the poorest countries in the world shorn of significant mineral and industrial resources. It was a pastoral economy where investment of private capital both

* They fought on Kashmir fiercely in late 1965.

161. Aslam Siddique, Pakistan Seeks Security (Lahore: ,960), p.56.

162. Inis L. Claude, Jr., Power and International Relations (New York: 1962), p.89.

internal and external were at a low level. The urge for rising expectations was not suppressed by poverty. By 1953, Pakistan was put in a quandry of meeting defence requirements, an acute food shortage, consumer waste and the growing economy's need for capital goods and industrial raw materials. So, an alliance with the United States meant a short-circuiting of economic difficulties, for Pakistan.

Second, practising the parliamentary type of democracy as she did, it was but natural that Pakistan chose to associate with those countries whose political and intellectual values she shared. Far back in 1947 Mr. Jinnah, while receiving the first U.S. ambassador to Pakistan, eulogised the Pakistan-American link: "The historic fight for self-government by your people and its achievement by the constant teaching and practice of democracy in your country has acted as a beacon light and has in no small measure served to give inspiration to nations ... like us."¹⁶³ Obviously, it was a deliberate choice made by the Pakistan government. Otherwise, was not Russia geographically close enough to deliver 'aids' to Pakistan more quickly?

Third, fear of clandestine communist activities in Pakistan expedited her decision to join the alliances. The burgeoning influence of communists in Calcutta and other areas of India and neighbouring countries was a premonitor to East Pakistan politics. Nature made East Pakistan a Gangetic delta, but man also made it a delta of

163. Montague, George L., "The Pakistan-Afghan Debate", Asian Survey, (Vol.III, No.12, December 1963), p.520.

problems the exploitation or solution of which was a challenge to both communist and non-communist adherents. With the prospect of general elections in East Pakistan drawing an apace, the M.L. government was apprehensive at the growing activities of the opposition parties ranging from centre left to far left. The central government was in need of strength.

However, when the contributing causes of Pakistan American Alliance are analysed, they will reveal, strictly speaking, that there were no identical interests between Pakistan and America in the sense of the Anglo-American alliance. At best it was an alliance "serving complementary interests".¹⁶⁴ For America the containment of communism was the essential feature of the entire arrangements, whereas to Pakistan political, military and economic considerations were no less important. The seeds of conflict were already there awaiting tests. Foreign policy added a new dimension to the parliamentary politics of Pakistan.* Mohammad Ali, a journeyman pro-American, now in his capacity as the new Prime Minister of Pakistan "touched on plans for the early implementation of American political and cultural ideas".¹⁶⁵ The Americanization of the Prime Minister symbolised in his loud attire matched with bright necktie, the idea of introducing a decimal currency system, a right hand traffic rule of the road,

* One knows how foreign policy dominates the internal politics of West Germany, particularly the extent in which it has determined the relative strengths and weaknesses of the two main parties, i.e. C.D.U., S.P.D.

164. Morgenthau, op.cit., p.184.

165. New York Times, April 19, 1953.

television and his Roosevelt-style fireside chats through radio broadcasts were facts rather too early for the people and particularly the politicians who were more familiar with British reticence. The Prime Minister formed a Cabinet of 11 men of whom six were hold-overs* of the previous government. The government's immediate task was the tidying up of the economic crisis. As a part of the Colombo Plan Canada and Australia granted 100,000 and 45,000 tons of wheat respectively to Pakistan.¹⁶⁶ A further huge grant of wheat came from America** to the tune of 1,000,000 tons to overcome food crisis, and a British loan of £10,000,000 was used to buy capital goods to modernise and expand Pakistan's agriculture.¹⁶⁷ As a result of American foreign aid the Pakistan government was able to transform the shortage of food into a surplus, and the foreign exchange thus released could be channelised into developmental areas. By May 1954, the Prime Minister was able to broadcast to the nation that Pakistan had gained an overall recovery of Rs. 99 crores in balance of payments with other countries.¹⁶⁸

* This again proves that the Governor General's action was aimed at certain persons of the previous Cabinet not the entire Ministry. All ministers coming from the Punjab were retained. And the Economic Affairs portfolio, formerly retained by an East Pakistani, was given to the Finance Minister, a Punjabi.

** The resolution calling on the U.S. government to send wheat to Pakistan was introduced in the House of Representatives within 48 hours after the appointment of Mohammad Ali as the Prime Minister. See: Hindu, April 30, 1953.

166. Prime Minister's disclosure at the Press Conference: Dawn, May 22, 1953.

167. Christian Science Monitor, October 8, 1953.

168. Dawn, May 1, 1954.

On top of this, the Prime Minister, having arrived back from the U.S. to Pakistan, declared that economic aid to the tune of \$105,000,000 had been successfully negotiated with the U.S. government.¹⁶⁹

Perhaps the most significant turn took place in the planning of economic development. A new Planning Board was established replacing the earlier Development Board which was working on a 6-year developmental plan as embodied in the Colombo Plan for cooperative economic development in South and South-east Asia, to assess the resources of Pakistan and prepare a 5-year national plan of development beginning April 1, 1954.¹⁷⁰ The newly constituted Planning Board was different from its predecessor in that it was given powers to advise on all aspects of economic development. The Ford Foundation was to provide experts to assist the Planning Board in its task.¹⁷¹ And, by August 1953, the Pakistan Economic Council, the supreme sanctioning authority under the chairmanship of the Prime Minister approved 30 schemes aiming at the overall development of the country.¹⁷² While the American aid stood Mohammad Ali government in good stead in giving a new lease of life to the Pakistan economy, it did not ensure political prosperity. The opposition forces were warming up to the fray the consequence of which would be an ushering of a new era of parliamentary life in Pakistan. The testing ground was the ensuing general election in East Pakistan fixed for early 1954 - a provincial electoral exercise that would

169. New York Times, October 24, 1954.

170. Ibid., July 19, 1953.

171. Financial Times, July 20, 1953.

172. Ibid., August 27, 1953.

challenge the status quo of national politics. The electioneering fever gripped the M.L. parliamentary party which postponed constitution-making and adjourned the Constituent Assembly until the general election was over in East Pakistan.¹⁷³

Professor Ludwig Erhard once remarked that "A true democracy presupposes individual personalities, who remain conscious of their political and human freedom".¹⁷⁴ Nowhere had this remark more relevancy than in an under-developed polity like Pakistan whose political consciousness was not solely dependent upon overall mass literacy. Hence personalities were an essential feature of Pakistan politics. The triumvirate of Mr. A.K. Fazlul Huq, Mr. H.S. Suhrawardy and Maulana Abdul Hamid Bhasani dominated the elections of East Pakistan. The octogenarian Huq, in the prepartition days, was twice the Premier of Bengal, the President of the M.L. and General Secretary of the Congress simultaneously in the twenties, and the mover of the Lahore Resolution (1940) which earned him the title of Sher-e-Bangla meaning the tiger of Bengal. In short, he was an All-India figure in those days. Professor Coupland thought Haq to be a 'resourceful' politician. A substantial number of people in Indo-Pakistan subcontinent thought Haq had the tongue of an Edmund Burke, the courage of a Napoleon and the pen of a Macaulay. These ascriptions were not exactly ipse dixit.*

* Lord Zetland on Haq: "... the youthful vigour of Pitt, the eagle flight of Gladstone, the enthralling magic of Disraeli and the moral grandeur of John Bright." Quoted in A.S.M. Abdul Rab, A.K. Fazlul Haq, (Lahore: 1966), p.196.

173. New York Times, November 16, 1953.

174. Quoted in Richard Hiscocks, Democracy in Western Germany (London: 1957), p.139.

His spirit of parliamentarianism and independence of mind were amply manifest when in 1943, as the Prime Minister of Bengal, he said in reply to the Governor's* letter that "I owe you no explanation whatever in respect of my conduct" for, "My colleagues and I are responsible to the legislature". He refused to see the Governor "unless sufficient amends are made for the language used" in his "letter under reply".¹⁷⁵

Haq himself was a legend - an institution where many a politician had their early lesson. His occasional but fatal emotionalism many a time signalled his emergence as a political turncoat. But everything boiled down to one thing that his magic name i.e. Haq Shahib was affectionately and reverentially stuck to the lips of Bengali underdogs who were immensely benefitted by his social measures.⁺ A politician of Haq's persuasion could always sway mass politics.

Now that Mr. Jinnah was dead and the M.L. rule had fallen from the path of parliamentary rectitude, Haq - who incurred Jinnah's wrath and suffered an 11-year political eclipse - rose from his old ashes like a Phoenix.

Suhrawardy, equally bold, dashing and enterprising but unlike Haq he was discreet and calculating. Himself a lawyer of repute like Haq, Suhrawardy had the additional benefit of going to Oxford and Gray's Inn. Suhrawardy's was the approach of channelling popular movement

* Sir John Herbert.

+ The Bengal Debt-Settlement Board, a Money-lending Act, and a Tenancy Act were cases in point.

175. Letter quoted in the Observer Supplement on "Shara Bangla", April 27, 1963.

through the path of constitutionalism. He upheld the preeminence of the rule of law and parliamentarianism to the last. His political career was one of gradual adaptation in that he entered politics with urbane sophistication dressed in a Saville Row suit, but ended up successfully as a 'people's man' by having merged himself in the landscape of Pakistan multitude. It was widely believed that Suhrawardy's contribution to the creation of Pakistan was large. But his one-time championing of the concept of undivided Bengal plus convenient devotion to Gandhi after partition offered a welcome pretext to the ruling coterie to treat him as a persona non grata to Pakistan. Now that his A.M.L. Party - the only opposition party that was built up in an otherwise oppositionless state - was viable the electoral duel with the M.L. party became inevitable.

If Haq and Suhrawardy were to be viewed as the local Mossaqdeks of East Pakistan, then Bhasani had also some force of a Kassani. Though Bhasani's religious appeals were confined to the barest minimum. His personal sway extended to the rural peasantry because he yapped with the underdogs* for their good. His role in the referendum which resulted in the Sylhet district being incorporated into Pakistan was recognised by Pakistanis. But he soon fell out with the M.L. government in East Pakistan, and for that matter with the central government also, on issues like language, economic deprivation of East Pakistanis, etc., etc., He was gaoled by the government for a long time.**

* In East Pakistan Bhasani was also called Qhaid-e-Muzloom, meaning leader of the underdog.

** Bhasani was prisoner 17 times during British regime - a total of more than 15 years. See: New York Times, January 9, 1954.

But he was set free in consideration of popular demands and the ensuing elections.

A coalescence of Haq-led K.S.P. and Suhrawardy - Bhasani-led A.M.L. took place on 4th December, 1953 on the basis of minimum programme. But they were willing to "contact all parties opposed to the Muslim League and forge a broader united front ... with all the parties".¹⁷⁶ As a result a broad-based U.F. (United Front) was formed consisting of four parties e.g. A.M.L., K.S.P., Nizam-i-Islam and Ganatartri Dal⁺ on the basis of 21-point programme.⁺⁺ But the emergence of U.F. had a more complex orientation than appeared on the surface.

The government took note, and rightly so, of the East Pakistan Communist Party's desire of forging a United Democratic Front as manifest in its party programme of June 1951, on the basis of "anti-feudal and anti-imperialist outlook".¹⁷⁷ The C.P. (Communist Party) emboldened by the support of Haq (K.S.P.), Atawr Rahman (A.M.L.) and Abul Hasheem (Khilafate-Rabbani Party) for its anti M.L. stand successfully held a big meeting in Dacca, for the first time, on 30th October, 1953.¹⁷⁸ In a conference held at Dacca from November 10 to 12, 1953, the C.P. passed a resolution calling for active participation in the coming

+ Democratic Party.

++ See Appendix IV.

176. Dawn, December 5, 1953.

177. Governor's letter, loc.cit., (Top Secret), D.O. No. 127/PS, 26. 7.1954.

178. New York Times, October 31, 1953.

elections. A manifesto* (22-point programme) for the campaign was approved, and a committee was appointed to establish a U.F. of all democratic parties.¹⁷⁹ This urge for U.F. was immediately echoed in the council meetings of the A.M.L. on 16th November, 1953, and G.D. (Ganatantri Dal) on 28th November, 1953 respectively.¹⁸⁰ But as a piece of supreme election strategy the C.P. was officially disaffiliated when the 'Front' came into being. Suhrawardy declared that the U.F. candidates were campaigning against the communists whose proffered support had been refused.¹⁸¹ As a matter of fact the rightist elements in the U.F. far outweighed the leftist ones. And, under pressure of Haq and Suhrawardy - who were rightists** to the very marrow of their bones - extreme election planks such as leaving the Commonwealth, anti-military pacts, confiscation of foreign capitals were deleted from the official manifesto of the U.F. Though the U.F. dared not associate with the communists openly, in reality, it was they, as had been correctly observed by the Chief Minister of East Pakistan,¹⁸² who bore the main brunt of the organisational work of the campaign which ipso facto boosted the U.F. cause. Why did the communists support the parties forming U.F.? The best answer was Lenin's dictum that 'The Bolshevik supports other parties, the way a rope supports a hanging man.'

* See Appendix V.

** The term 'rightist' used not in the religious sense but in the socio-political and economic sense.

179. New China News Agency, December 14, 1953.

180. See: Dawn, November 17 and 29, 1953.

181. New York Times, January 19, 1954.

182. Dawn, March 15, 1954.

The ubiquitous nature of the C.P. in the elections arena found expression in the following way. Given that the respectability of a political party depends on its participation in the normal politics of the country, the C.P. of Pakistan was in line with the communist strategy as adopted at the 19th Congress held in Russia in October 1952. Accordingly, it took a 'national' position in uniting different parties on the basis of grievances against the ruling party i.e. the M.L. And in the bid for seizure of power, their strategy was like that of other communists to smuggle themselves inside the established organizations with the aim of "taking power 'from within'".^{183.}

In the agonising task of building an opposition at an initial period, the A.M.L. was lax in its recruitment process. Some notable communists infiltrated into the rank and file of the A.M.L. What was more they found an ally in the person of Bhasani, the President of the A.M.L. who was intrigued by the C.P.'s 'economic front'. The G.D., one of the components of the U.F., was, according to the government, 'the Communist Party under a different name'. There was no doubt that many of its members were also members of the C.P. There was a Youth Convention held in January, 1951, which resulted in the creation of the Y.L. (Youth League). And the C.P.'s infiltration in it was complete in that by December, 1953 it occupied the main offices of the Y.L. -

183. Bernard S. Morris, "Recent Shifts in Communist Strategy", in Kantisky (ed.), Political Change in Underdeveloped Countries, p. 301.

'the Second Front' of the C.P. The E.P.S.U. (East Pakistan Students' Union) which had been regularly agitating against commonwealth ties, military pacts, the Rosenbergs' trial, etc., was under the clutches of the C.P. through the instrumentalities of the G.D. and Y.L. with which the E.P.S.U. rubbed shoulders. In the educational institutions, such as the University of Dacca, Colleges and High Schools of the province, there were 'extreme communists'. The subtlety of communist indoctrination found expression in a Girls' High School when an English passage was asked to be rendered into Bengalee, during an examination: "Now comrades, what is the nature of this life of ours? Let us face it: our lives are miserable, laborious and short. We are born, we are given just so much food as will keep the breath in our bodies ... We are slaughtered with hideous cruelty". Similarly, the Trade Union Movement was not free from communist influence. Bhasani's soft corner for the working class made him eligible for the Presidency of some labour unions sponsored by the C.P. Bhasani was the president of two important labour organisations e.g. the Adamjee Mills Mazdoor Union and the East Pakistan Railways Employees' League. Besides, the Communist hold* in the rank and file of the Home Transport Workers' Union, Printing Press Workers' Union and Mills Workers' Union was dominant.

In December, 1953, the C.P. in a document e.g. Election Affairs

* As a matter of fact, communists penetrated in the labour force long before the creation of the U.F. Mr. Karim who managed mills in Calcutta before partition recognised many communist elements in the labour force and warned the administration. See: Times, December, 29 1954.

and Our Immediate Task, devised a plan of forming an All-Parties anti-M.L. Workers' Camp. Accordingly, the communist cells at the district, sub-division and Thana levels were asked to work in that direction. Again, a willing Bhasani was tempted by the C.P. to form the so-called 'Karmi Sibir' meaning Workers' Camp comprising all parties to fight the M.L. in the elections. This was on 9th January, 1954. The A.P.P. of the West Pakistan joined this 'camp' as workers.* In short, the workers of the K.S. (Karmi Sibir) i.e. vigorous young people, students, journalists, teachers, etc., were in a different way, the 'storm troopers' of electioneering who criss-crossed the entire province with the sole purpose of popularising the U.F. and its programmes. Needless to add, that communists were there, too.¹⁸⁴ And the interesting thing was, that through these various 'covers' the communists were able to circumvent the U.F.'s official stand by letting a few trojan horses pass over the hurdle of nomination mechanism of the U.F. Furthermore, two cardinal communist purposes were served in that the two component parties of the U.F., e.g. A.M.L. and G.D. had specific planks in their respective party manifestos in favour of a neutral foreign policy and against joining "any military alliance".¹⁸⁵ And the theoretical silence of the U.F. vis-a-vis foreign policy degene-

* See: Dawn, June 3, 1954.

184. Governor's letter, loc.cit. The writer's findings based on other sources, are in substantial agreement with that of the findings of General Mirza, the then Governor of the Province.

185. See: Dawn 17 November, 1953; 29 November, 1953 and Christian Science Monitor, February 3, 1954; Dawn, January 10, 1954.

rated into electioneering eloquence; for, a considerable number of the U.F. candidates minced no words in portraying the aftermath of military pacts, in terms of Japanese Hiroshima to their dazed audience, as the political air became heavier at the inevitability of military aid to Pakistan.

Under the Separate Electorates system there were 72 reserved seats for the non-Muslims, e.g. Caste Hindus, Scheduled Caste Hindus, Buddhists and Christians in a legislature of 309 seats. The National Congress' attempt to create an agreed minority front was abortive. Instead among the minorities a U.F. was forged consisting of the Gana Samity (a splinter group of the old Congress), the Socialist Party, Abhoy Ashram and Independents to contest the elections.¹⁸⁶

Unwisely, the Central Government undertook some negative measures in that the polling date was shifted from early February 1954 to March 8, 1954 to the financial disadvantage of the opposition, arrests of more than 200 people, including a number of alleged communists were made under the Public Safety Ordinance and finally a desperate offer of the Governorship of Bengal to Haq was made in vain.¹⁸⁷ And to crown everything the central government sanctioned \$80,000 for financing the M.L. elections in East Pakistan.¹⁸⁸ Then, followed the traversing of the luminaries of the M.L. including Jinnah's sister, Miss Fatima

186. Dawn, February 2, 1954

187. See: Dawn, February 2, and February 25, 1954. Also, Times, March 3, 1954 and New York Times, February 20, 1954.

188. New York Times, January 9, 1954.

Jinnah* across the country to bring home to the people the indispensability of the M.L. Quite a large section of Ulema also supported the M.L., for they thought they had still something to milk from the old organization. Unlike its opponents the M.L. had no challenging 'planks' save a ridiculous one, viz. "Vote us out and India will swallow the divided halves of our country."¹⁸⁹ The Prime Minister warned the electorate that a vote against the M.L. would be a vote against Pakistan interests.¹⁹⁰ This indirect muckraking campaign of the M.L. against the opposition, and precisely the U.F. of whose leaders were not less patriot before the public eyes, did not work any more than Churchill's warning to the British electorate against the labour party did in 1945.

On the 8th of March, 1954, the majority of the country's population residing in the Eastern wing was poised to fulfill democracy's first test of exercising voting rights based on universal adult suffrage, the first of its kind. As many as 23,020 polling booths were catered for the benefit of 1,96,77,013 voters of whom 1,05,71,949 were men to elect their 309 members out of 1,284 contesting candidates.** More than 50 symbols such as boat, hurricane, camel, bicycle, crescent,

* She had her title too, namely 'Mother-e-Millat' meaning the Mother of the nation.

** 986 men contested the 228 (male) seats and 32 Muslim women fought for 9 seats. Scheduled caste candidates (151) contested 36 seats. 3 scheduled caste women contested for one woman seat. 28 caste Hindu seats were contested by 101 candidates, while 12 Buddhists fought for 2 seats. And 2 contested for 1 Christian seat. See: Dawn March 11, 1954. The communist party in its individual capacity put up 10 candidates - 7 in Hindu districts and 3 in Muslim areas. See: New York Herald Tribune, March 8, 1954.

189. Sunday Observer, March 6, 1954.

190. Dawn, January 16, 1954.

hammer, saw, rice, wheat, automobile and flower were pressed on the ballot boxes to help the unsophisticated electorate to identify their choices of candidates with that of the symbols.¹⁹¹ The East Pakistan elections were a refreshing contrast to the ones held earlier in the Western wing of Pakistan - an electioneering model for any underdeveloped polity in that it demonstrated how a given people largely unenlightened, technically speaking, could, on the one hand, use the ballot box as an input side of their collective power unsmirched by bloodshed or coercion and get across the election messages among themselves through the vehicle of an ingenuous communication process in a country lacking modern mass media, on the other. Constituencies were swarming with dedicated workers whose strategy of political communication was designed to make the unfamiliar, the incomprehensible and the unconventional issue appear understandable to the masses. The entertainment function of communication was emphasised, in that political messages were transmitted through both oral and physically demonstrable communications. In the former case they were folk songs, people's dramatic songs, lyrical plays; and the latter, shadow play, one-act play, dance, mock-heroic play and farce. It was a solo performance by the U.F. group. All these media invariably portrayed the earlier rising hopes of the people at the dawn of independence and their gradual disillusionment at the hands of the M.L. governments till men beheld the march of the U.F. on the scene which revived their hopes in the 21-point programme. The rhythm

191. Times, March 9, 1954; New York Times, February 7, 1954.

and music of political communication minimised resistance and maximised the cognitive grasp of the voting people, and precisely the stoic citizens, namely boatmen, fishermen, rickshawpuller, taxidriver, labourers, postman, peon and cultivator, who suddenly experienced new ripples of hope in their boggy minds, and sensation of politics. In short, it was more than an election.

Reflecting on the inadequate growth of parliamentary institutions and imposing of 'leadership from outside'^{*} in Pakistan Professor Morris-Jones thought the holding of elections might "break the pattern and let in a cleansing breath of real reform"¹⁹² As a matter of fact, the East Pakistan elections did have 'a cleansing breath' whose effect was invigorating in an otherwise monolithic state of politics. The ballot boxes produced not only a 'landslide but an avalanche', in that the ruling M.L. party, credited for the achievement of Pakistan, was ignobly ejected^{**} - a rare electoral feat in Asia.

The results were the following:

The U.F. and its Supporters:		Minority:	
A.M.L. (U.F.)	140	Scheduled Caste	
K.S.P. (U.F.)	34	Federations	27
Nizam-e-Islam (U.F.)	12	Pakistan National	
M. L.	9	Congress	24
Independents	12	+U.F. (Minority)	10

* Such as Mohammad Ali himself, who was not a member of the Constituent Assembly when he was called upon to assume Premiership. And the membership of the Constituent Assembly (leg.) followed the Premiership not preceded.

** Even the Chief Minister of East Pakistan, Nural Amin was defeated by an 18-year old student by 7,000 votes. 65 per cent voters went to the polling booth. This would have been more if women were less shy. See: Times, March 17, 1954. See also, Keesing's Contemporary Archives (1954) which also maintains that out of 19,677,013 voters 65% turned up to the polling booth. P.13,514A.

Khilafat-e-Rabbani	1	+G.D. (Minority)	2
+Y.L.	15	+C.P.	5
+G.D. (U.F.)	10	Buddhist	2
+C.P.	4	Christian	1
		Independent (Caste Hindu)	1
	<hr/>		<hr/>
	237		72 ¹⁹³

The electoral results at once acquired an all-Pakistan significance. The influential newspaper Dawn (usually known as the official organ of the M.L. government) acclaimed the electoral results with an epithet e.g. "the awful majesty of the people's will", and warned Mohammad Ali of its consequences on the oligarchic nature of the M.L. of which he was a member. The editorial cautioned the central leadership not to allow "itself to be swayed by the false propaganda that the people who have been returned to power in East Pakistan are less patriotic than those who sit in power in Karachi, Lahore, Peshawar and elsewhere in the western wing."¹⁹⁴ Evaluating the reactions of the masses of the people in West Pakistan, Dawn remarked that the people's elation was 'phenomenal', but also noted that high placed persons (Muslim leaguers) were trying to work up a feeling as though the U.F. victory in East Pakistan was a "threat to West Pakistan".¹⁹⁵ An index

Footnote + continued from previous page.

+ Though the C.P. won 9 seats officially its unofficial alleged fronts e.g. Y.L., G.D., U.F. (Minority), G.D. (Minority) gained 37 seats. Besides, there were more unmarked C.P. sympathisers in the A.M.L. and in the category of Independents. That meant leftist elements had their numbers in the legislature exceeding 46 in a house of 309 seats.

192. W.H. Morris-Jones, "Experience of Independence - India and Pakistan", Political Quarterly (29,1958), p.237.

of the common people's feeling in West Pakistan was amply demonstrated when Suhrawardy riding on the crest of triumphal wave arrived in Karachi. People regardless of party hue with waving placards with inscriptions such as "Long live Suhrawardy", "Long live Fazhul Haq", "Long live the U.F.", "Down with dictatorship", "Down with Imperialism" and Dissolve Constituent Assembly", gave Suhrawardy a hero's welcome, "the biggest ever seen in Karachi".¹⁹⁶ It was not just a courtesy that miles-long crowds owed to a winning leader. It was an effusion of West Pakistan people's aspirations as symbolised in the U.F. victory. There was a school of thought who opined that U.F. victory was negative in that the people just wanted to get rid of the M.L. government. And, after all, the 'general will' as revealed through the ballot-box was uneducated. While the desirability of an enlightened electorate is always unquestionable, one should bear in mind what Professor Morris-Jones observed in connection with the Indian general elections, the implied overestimation of the "rational character"¹⁹⁷ of an educated electorate. And, as far as the East Pakistan people were concerned, they were not just robots voting mechanically in favour of the magic name called 'Haq'. For, it was the same electorate which had not

Footnote continued from previous page.

193. R.L. Park, "Pakistan's Troubled Province", Far Eastern Survey (May 1954), pp.71-72. According to the Dawn, the U.F. won 222 seats: A.M.L., 142; K.S.P., 48; Nizam-e-Islam, 19 and Ganatantri Dal, 13. See: Dawn, October 19, 1954.
194. Dawn, March 18, 1954, "The awful majesty of the people's will", (Editorial).
195. Ibid., March 18, 1954; Also see: Manchester Guardian, April 5, 1954.
196. Dawn, March 19, 1954.
197. W.H. Morris-Jones, Parliament in India (London: 1957), p.328.

scrupled to reject his leadership in the elections of 1946.

The people of East Pakistan had received unsullied political education in the school of recently held general elections; for, unlike West Pakistan, there were neither the so-called 'vote banks' nor the feudal incubus, worth mentioning at whose **beck** people voted. It was, on balance, 'a public-spirited vote' cast against what Mill might call "the monster evil, the overruling influence of oligarchy".¹⁹⁸

For, was it not the M.L. government which alienated the people by having repressed the growth of opposition, incarcerated people under so-called Security Acts, mishandled the language issue, stumbled on the constitution-making, and sent the price of salt beyond the reach of the common people? It was a movement of the first magnitude in that the electoral mandate emphasized a rethinking of the basic postulates of Pakistan's political ideology and governmental structure (See Appendix: 21-Point Programme). The main streams of the movement were twofold namely, socialistic and democratic with tributaries of local nationalism. The U.F. registered the sapling of a social democratic movement in Pakistan. It did not undermine liberalism. On the contrary, it upheld the rule of law and parliamentarianism. As a matter of fact, as many as 14 'planks' out of 21 had all-Pakistan bearings - a pointer to the brief but spontaneous repercussions that were evident in West Pakistan. This simultaneous growth of liberalistic and socialistic ideas were the portents of politics of moderation in Pakistan which have been, since then, hard

198. J. S. Mill, On Liberty and Considerations on Representative Government, (Oxford: 1948), p.234

pressed in their proper development. Certainly, the U.F. was not an organisation of extremism. It was neither "communist nor fellow-travelling".¹⁹⁹ It fought and won the elections on a socialist-democratic platform. Indeed, communist elements were there, but that consideration was not a factor for the powerful right wing leader and one of the architects of the U.F., Suhrawardy to say categorically: "I think progressive capitalism is ideal for Pakistan. It is time to prick the communist bubble".²⁰⁰ Essentially, the U.F. victory was the victory of a movement which received an electoral sanction of Pakistan's 'Cinderella Province', East Pakistan. Alas, the victory was destined to be a pyrrhic one.

Haq "coming with irrepressible Churchillian high spirits"²⁰¹ (he was 83) formed the U.F. government in East Pakistan in April, 1954. The Pakistan National Congress, second biggest party in the legislature pledged its support for the new government in its pursuit of progressive and popular measures. The first gesture of the new government was the immediate release of 210 political prisoners out of 276 imprisoned earlier by the M.L. government.²⁰² But before the new parliamentary government could get on its work properly, the quicksands of two controversial issues, namely, (a) the dissolution of the Constituent

199. Sunday Observer, March 20, 1954. See also: Journal de Geneve as quoted in Dawn, March 31, 1954.

200. Christian Science Monitor, April 5, 1954.

201. Manchester Guardian, July 19, 1954.

202. Dawn, April 5, 1954.

Assembly, and (b) foreign policy, buried it altogether.

(a) Now that elections had been won the U.F. and its components both collectively and individually, demanded the dissolution of the Constituent Assembly, since the people of East Pakistan had no confidence, as had been revealed in the recently held elections, in the members representing, at the moment, East Pakistan in the Constituent Assembly.²⁰³ This disturbed the central government, for the dissolution of the Constituent Assembly by any suitable legislation would mean also the dissolution of the Constituent Assembly as the parliament to which the central government owed its existence. The politics of pragmatism confronted the legalistic-moralistic aspects of constitutional laws. The Prime Minister, on the other hand, maintained in the parliament that he knew "no parallel in the constitutional history of any federation to the effect that when the composition of a province or a unit changes the representatives of that province or unit in the Federal Government must also change at the same time."²⁰⁴ Obviously, the Prime Minister was speaking as though Pakistan had already settled her problems of institution-building and was at comparable to other federally structured parliamentary governments such as Canada or Australia. The Prime Minister might have scored a technical point, but

203. See: Dawn, April 2, 1954; April 4, 1954, and April 8, 1954.

204. C.A.D. (Leg.) Vol. 1, March 20, 1954, p.286. The A.P.P. in the parliament strongly urged for the dissolution of the Constituent Assembly. One M.L. M.C.A. of East Pakistan, Azizuddin Ahmed, in response to the U.F. demands already resigned saying "We are not true representatives of the people. We were elected by a party which has gone down". See: New York Times, March 19, 1954.

the analogies did not hold much water in the context of Pakistan politics, and precisely, when the position of East Pakistan as a unit vis-a-vis Federal Government was unusual. For there was no federal polity in the community of the commonwealth countries or beyond where a single unit contained a population far exceeding the sum total numbers of other units like that of East Pakistan.* Again, it was equally unthinkable that a ruling party - to which the central government owed its life - having been severely defeated in the country's biggest electoral constituency i.e. East Pakistan would rob the new balance of forces, released in the elections, of their proper significance by its intransigence. Even if it should be granted that the Constituent Assembly was entitled to go ahead with constitution-making as envisaged by the Independence Act, further complications would arise when the Constituent Assembly was to sit as the federal legislature, as well. In other words, Pakistan was to be theoretically prepared to adhere to unstinted central leadership so long as the constitution-making remained incomplete, even at the expense of the people's will. The logic implied the creation of a veritable oligarchic body in perpetuity.

However, the U.F. demand for the dissolution of the Constituent Assembly was simultaneously accompanied by demands for provincial

* There were 45 members representing East Pakistan in the Constituent Assembly.

autonomy (one of the main 'planks' of the U.F.) as envisaged in the Lahore Resolution of 1940 (usually termed as Pakistan Resolution, see Appendix) and recognition of Bengalee as one of the State languages. This was a situation that at once called for a spirit of compromise and accommodation. But politics wrenched into negative directions in that there started "a malicious campaign to create the impression that the people whom the East Pakistan electorate have so resoundingly voted into power are anti-Pakistan elements".²⁰⁵ Hooked by the popular demand the central government was on the look-out for an appropriate pretext to clamp down the agitation.*

(b) As we have shown earlier the communists had their incarnation in various forms in the body politic of Pakistan. They were certainly not an overwhelming force. But they were still a force to be reckoned with. The communist influence had an erratic snowballing effect. It grew in stature when the moderate populist movement foundered on the shoals of political intransigence. Moderates in their frustration found refuge in the communist fold with shoulder-shrugging pessimism. Young people and students in their disillusionment developed a 'tragic hobby' in the cult of communism and scurried along innumerable roads, lanes and by-lanes, dishevelled, unkempt and greasy. But when the course of politics became less refractory

* The demand for the dissolution in East Pakistan was also re-echoed in the Western wing as well.

205. Dawn, March 22, 1954 (Editorial), "Sorting out the Situation".

there was a corresponding waning of the communist hold. In sum, communism in Pakistan was not a self-perpetrating creed, a priori. Its strength was derived from the weakness of the country's political leadership.

Remorselessly, the Mohammad Ali government pursued the foreign policy of which the people had no inkling whatever. What the Prime Minister ought to have done was either to have the grave issues of foreign policy and its various commitments debated and considered on the floor of the Parliament or left them under a moratorium till such time as might be convenient for the government to convince the people concerning the utility of the pacts and refute the charge that the government was entering pacts clandestinely at the back of the people. This was more appropriate particularly when the M.L's democratic credentials were challenged in the East Pakistan elections. Instead, the Mohammad Ali government committed Pakistan in the East-West cold war with such a zeal that "socialist countries", commented Pakistan Times, "are viewed with unreasoning hostility".²⁰⁶ The 'hush hush' manner of handling foreign policy evoked widespread criticism. The U.S. government granted military aid to Pakistan in February 1954 and in the following month Pakistan entered into a pact of mutual assistance with Turkey - an indirect link with N.A.T.O. These were the "significant developments"²⁰⁷ of the year - the Prime Minister told the nation

206. Pakistan Times quoted in Hindu, October 8, 1954.

207. See: Dawn, May 1, 1954; Manchester Guardian, April 5, 1954.

in a broadcast. The communist activities doubled through reinforcements from India; for, East Pakistan, as usual, served as "a bolthole for communists on the run from West Bengal".²⁰⁸ They found in U.F. a ready-made platform and in Bhasani a gullible ally. The hyperboles of communist vocabularies leaked through the lips of Bhasani what could be described as post-election comment: "The bloodless revolution which the people of East Pakistan have brought about by crushing the stronghold of imperialist agents has no parallel in political history of the world".²⁰⁹ This was followed by an observance of 'Thanksgiving Day', organised by U.F. which in a resolution asked the Mohammad Ali government to quit and reject U.S. military aid.²¹⁰ Then, the "popular demonstrations"²¹¹ continued throughout East Pakistan against U.S. military aid with unabated fury. General Mirza's assessing letter to the Prime Minister contained a line: "American military aid is attacked day in and day out".²¹¹

In his book Professor Morgenthau warned (as Machiavelli did) weak nations against "making alliances with strong ones", since "a great power has a good chance to have its way with a weak ally as concerns benefits and policies".²¹³ Mr. Hildreth, joined the political

208. Times, April 19, 1954 (This was possible because communists in India were outmanoeuvred by Nehru's non-aligned foreign policy. In a given situation, Pakistan was ideal place for them.)

209. Dawn, March 20, 1959.

210. Ibid., March 26, 1954

211. New York Times, May 31, 1954; April 4, 1954 .

212. Governor's letter, loc. cit., (Top Secret), dated 21st June, 1954.

213. Morgenthau, op.cit., p.185.

fracas, rather indiscreetly by having reflected on the U.F. demands and its locus standi. This exacerbated the situation further, in that the U.F. could, as a proof of their arguments, point to the alleged statement of the ambassador as a piece of foreign interference.²¹⁴ A thinly veiled semblance of East West cold war was also introduced when the central government abruptly cancelled, to the dissatisfaction of East Pakistan, a proposed visit of the soviet cultural mission* to the Eastern part.²¹⁵ Matters went up to the parliament in the shape of adjournment motions, but to no purpose. Although, the members of the Congress and A.P.P. under appropriate cutmotions were able to give vent to their ideas. The burden of their arguments was this, that the British-sponsored "Subsidiary Alliance", once succeeded in converting the subcontinent to slavery, and the present tendency of alignment would, pari passu, end up in neo-colonialism. And the protagonists of the alliances were, argumentatively, put at par with the stock traitors of the folklore, such as 'Omichand', 'Mirzaffar', etc., etc.²¹⁶

As luck would have it, the Mohammad Ali government tended to be

* Perhaps the central government found some parallel between the events of 1954 with that of Rawalpindi Conspiracy of 1951. The Russian ambassador Mr. M. Stentensko had paid an unscheduled visit to Lahore in 1951 just prior to the abortive 'coup'. This was explained to have been in connection with establishing a soviet cultural college there. This was followed by a Russian economic delegation at the head of M. Nemtchina who stayed at the House of Faiz Ahmed Faiz, one of the main leaders of the Rawalpindi Conspiracy. See: Daily Telegraph, March 18, 1951.

214. New York Times, April 5, 1954.

215. Dawn, April 4, 1954.

216. C.A.D. (Leg) Vol.1, March 29, 1954, pp.898-905.

so squeamish about U.F. because of its alleged communist undertones, to the point where any matter in which the U.F. was involved was dismissed as though its composing elements were all personae non grata. But the crux lay elsewhere in that amid the din and bustle of the U.F.'s anti-pact slogans there was a hidden message to be deciphered i.e. that the U.S. was negotiating pacts with a wrong government. At a post-elections conference, Suhrawardy reflected on the foreign policy saying that "lots of things have to be considered which people outside the government did not know". And on the issue of military aid he appeared evasive but added "by and large I am in favour of Pakistan remaining neutral in a world war". In November of the same year he told his London audience that Pakistan "could have done better"²¹⁷ on the aid issue. Mr. Ataur Rahman, one of the prominent leaders of the U.F. (and later to become Chief Minister of East Pakistan) rather bluntly admitted that he was not opposed to military aid but was sore about the fact that the pacts were not signed by the real representatives of the people.²¹⁸ In regard to the so-called 'Red Mullah', the Times found "no evidence that Bhasani is a communist". In a letter to the editor of the Times Bhasani maintained: "Islam enjoins on me to work for the amelioration of the down-trodden and exploited

217. Dawn, March 18, 1954; November 12, 1954.

218. Ibid., October 15, 1954.

Muslims and, indeed, all other peoples of the world."²¹⁹ But the fact remained that perhaps due to his long imprisonment during British regime and subsequent frustrations at the hand of his own national government, which, to Bhasani, was growing increasingly pro-Anglo-American, chose to be a dedicated anti-Western. As far as Haq was concerned he delayed the formation of a full Cabinet as his recruits had to be clear of supposed communist elements.²²⁰

Despite the right wing preponderance in the U.F. and its tacit adherence to a new foreign policy the central government fell short of statesmanship, in that its unyielding attitude drove the rightwingers into a position where they could neither eulogise military aid in public nor discourage their motley associates, both official and unofficial, hovering in and around the U.F., from decrying military aid. So, the bandwagon of protests against military aid begun to roll in default. This appeared to Karachi (like the so-called 'peasants' march of death' of March 1969) as the projection of a red movement in East Pakistan - a much more inflated estimate of communists than their actual numbers and strength would have entitled them to. Then came labour troubles which were coeval to the U.F. election victory.* An outbreak of a small fire in the Adamjee Jute Mill resulted in what

* A labour force which had been experiencing difficulties in ventilating its grievances collectively, saw in the U.F. a hope. An excessive hope found its expression in an intricate socio-economic plane in violence. For, the labour movement was not well-organized any more than its supposed beneficiaries had control on their emotion.

219. Times, December 5, 1954; November 1, 1954.

220. C.A.D. (Leg) Vol.1, March 18, 1954, p.172.

was called the "worst in the history of Pakistan's labour troubles".²²¹ More than 500 labourers were slain. This was on May 15, 1954, four days before the Mutual Defence Assistance Pact was to be signed formally by the governments of the U.S. and Pakistan.

Now, the central government had an appropriate opportunity to strike back. Already Haq had incurred the wrath of the 'centre' when on May 4 he visited Calcutta - a place with nostalgic memories where he had lived with distinction for more than 50 years - and fulminated in emotional utterances which according to the central government smacked of disloyalty to the nation.²²² Haq rejoined with the taunt 'that budding politicians do not understand English'. The Prime Minister lost no time in holding "communists and other elements inimical to Pakistan"²²³ responsible for the massacre. The Prime Minister's diagnosis was not altogether fallible. It could have been due in part to the anti-labour attitude of the Mill owners.* Or, there might be a degree of jealousy among the Bengali labourers against their West Pakistani and non-Bengali refugee counterparts who outnumbered them in the Mills and factories. The chances were that the communists might have

* A month before the Adamjee calamity two prominent leaders of trade unions were murdered. See: Dawn, March 27, 1954.

221. Times, May 16, 1954. The interesting thing was that when the riots broke out the new ministers were just sworn-in. Even the preceding labour troubles occurred before the U.F. Ministry came into being. In short, the U.F. Ministry could hardly settle down before it was faced with problems.

222. Dawn, May 5, 1954.

223. Manchester Guardian, May 17, 1954.

poured their puckish minds into it. The most important thing was to bear in mind that Pakistan was trying to telescope economic development which had been achieved only gradually in Western countries. In this process of rapid industrialisation there appeared in Pakistan what Lipset would call "sharp discontinuities between the pre-industrial and industrial situation", that caused the emergence of an "extremist working class"²²⁴ All these lava of melted factors were erupted just by kindling a small fire. Hence, there was as much truth in the saying that the mill-riots were entirely due to communist machinations as there was in the hypothesis that the small fire of Adamjee Jute Mill was deliberately made to be the 'Reichstag Fire', to enable the central government to make an end of parliamentary rule in East Pakistan.

Since a popular government with a welfare bias was not a welcome proposition to a business community which thrived well in the unrestrained private sector of the economy, they seized this opportunity and asked the government to take recourse to drastic measures even to the extent in introducing martial law. Drawing 90% of its capital from West Pakistan as it did, the East Pakistan industries were extremely vulnerable to the progressive depression in the share markets and a flight of capital from East to West Pakistan.²²⁵ What was more, politics now

224. S.M. Lipset, "Political Man" in H. Eckstein & D.E. Apter (Ed.) Comparative Politics (New York: 1963), p. 206.

225. Financial Times, May 21, 1954. Following troubles in East Pakistan industrialists transferred more than \$50,000,000 to Banks in Karachi. See: New York Times, June 19, 1954.

took to provincial factionalism. As the non-Bengalis were among the riot victims,* even fraternal bodies like the West Pakistan Federation of Labour, Central United Refugee Council, Karachi Bar Association, etc., etc., asked central government to impose martial law in East Pakistan.²²⁶ Even the West Pakistan press (mostly) which was once all praise for the U.F. movement suddenly recanted. At this juncture, Pakistan politics resembled an almost classical example of what Aristotle called 'stasis' - the factional unrest which was to eat into the very vitals of constitutional government.

Haq was immediately summoned to Karachi (as was Dubcek to Moscow) with some of his colleagues. In the course of his dialogue with the central government Haq happened to grant an interview to P. Callahan, the New York Times correspondent for whose benefit Haq recited a Bengali poem. Translated versions of literature are not always true to their original in matters of form and spirit. It transpired that Callahan saw in this poem a demand for the complete independence to East Pakistan.²²⁷ The gravity of Haq's offence was further compounded when the correspondent told the world in spite of Haq's protests, that Pakistan was bidding for independence. Haq refused to be the

* The riot - terrible as it was - did not last beyond a day nor did it spread elsewhere. Bhasani threatened to fast unto death unless peace was restored. The Peace Committee was formed and everything was under control. See: Dawn, May 21, 1954.

226. Dawn, May 17, 1954.

227. Manchester Guardian, July 19, 1954, "East Bengal Looks for Autonomy, not Independence".

pawn of the central government.*

Mohammad Ali, with the obsession of communism uppermost in his mind, perpetrated the worst character assassination by branding Haq as "traitor", and imposed Governor's rule, in place of parliamentary, in East Pakistan, under Section 92A of the India Act, 1935. The governor's rule in East Pakistan was virtually a state of siege. The central government sent 10,000 troops** to East Pakistan only to be further reinforced by more troops, arms and ammunition. More than 100,000 leaflets eulogising the Prime Minister's decision were dropped in and around the country by Pakistan Air Force planes.²²⁸

The central government's decision came to appear to be the least perceptive one. For it was not an isolated issue of a federal unit being knocked back into its senses. The U.F. was a movement that developed on the national scene. It did not operate in a vacuum but

* Many years later, Haq, in one of his expansive moods told the writer how he had retorted to Mohammad Ali's sneer at the U.F. with this saying: I had the privilege of showing my mettle to those who came across the seas, and am not prepared to play second fiddle to those urchins of self-styled politicians who have just crossed the Megna (a river)."

** History has repeated itself even after 15 years. In 1969, we find the same movement (this time all-Pakistan) towards parliamentary democracy, the same riots with an addition of peasants' participation. But the riots were not as macabre as they were made to appear to be. The same discomfort of the business community matched with a flight of capital. But, above all the same loss of the people's freedom. The difference was then in 1954 it was the Frankenstein-politicians who sabotaged the parliamentary democracy, what their monsters have done in 1969.

228. New York Times; New York Herald Tribune; Dawn, dated May 31, 1954.

in a living community of men and women. The U.F.'s greatest contribution was its laying the foundation of a parliamentary opposition, electorally chosen, in an otherwise oppositionless parliamentary system of government. It was a movement par excellence, in that it challenged the status quo.* The movement provided Pakistan with a testing ground for a parliamentarianism which was dying of atrophy. The small oligarchic base of the central government did not like to see the waves of Bay of Bengal reach the Arabian Coast of West Pakistan. There was no trace of M.L. in East Pakistan which could in any way boost the morale of the central government. There was no reason for granting autonomy to East Pakistan which the central government could not give to Sind or the N.W.F.P. There was no chance of getting aid, military or economic, from the U.S. unless the central government could produce some evidence that it was totally committed to the routing of communists from Pakistan. All these factors were dovetailed into one almighty decision, i.e. that the central government could not afford to allow parliamentary government to continue in East Pakistan. And the most immediately motivating impulse for imposing Governor's rule in East Pakistan was the central government's desperate desire to give a drastic demonstration of its new foreign policy at the expense of parliamentarianism.

* The United Front represented the second round in the agrarian revolution. It is certainly not the last. Bengali leadership may yet play a major role in carrying the agrarian revolution to the whole of Pakistan". See: Stanley Maron, "The Problem of East Pakistan", Pacific Affairs (June, 1955), p.144.

There was an oracular touch in the warning given by Professor Morris-Jones that unless Pakistan was able to foster leadership from within the framework of parliamentary institutions, reforms might take place "with a vengeance from without".²²⁹ This occurred later, but the seeds were sown in 30th May, 1954, in the unusual appointment of General Mirza, the Defence Secretary, as the Governor of East Pakistan.*

We would try to show how the central government caused enormous harm to parliamentary politics in its remorseless pursuit of the cause of the 'containment policy'. Indeed if the containment policy was to be a success in Southern and South East Asia, the position of East Pakistan deserved a careful consideration. It was a bridge between the subcontinent and South East Asia - a flank that could be used as land communications for subversive movement. As early as 1948 there was an organizing committee of communists formed in Calcutta to raise insurrections in India, Malaya, Indonesia and Burma. An Indian Communist leader was killed fighting with the communist insurgents and a number of Burmese communists were arrested in East Pakistan. The so-called

* It is to be noticed how within a few months after he had written a letter to Nazimuddin, the former Prime Minister, pledging army support to curb religious fanatics, that General Mirza came into the political limelight. No wonder that he was selected as the Governor of East Pakistan for it was he who negotiated arms deals with the U.S. Now, this time he was to curb down the extreme leftists.

229. Morris-Jones, op.cit., "Experience of Independence - India and Pakistan", p. 237.

'Free Thai' movement spilled over the whole area. The Indian side of Tripura District, north of East Pakistan, and the Hill areas of Assam were supposed to be strong-holds of armed communist bands. Considering the geopolitical potentiality of East Pakistan the panicky statesmen presumably thought that the onrush of the communist movement might convert East Pakistan into one arm of the so-called "pincer movement" - the other arm was the Viet Minh* in Indo-China - to pinch off Burma, Thailand and the rest of South Asia.²³⁰

But whatever the size of the communist threat, the solution ought to have been sought within the parliamentary framework. General Mirza perceived the situation in simple terms i.e.

"If Pakistan has decided to line up with the anti-communist forces and this is the only logical corollary to accepting American Military Aid and Turko-Pakistan Pact,** then the only safe course is to ban the communist party ... We cannot tinker with the problem nor play politics with the communist."²³¹

* There were some interesting links between Pakistan's increasing troop concentration along the borders of East Pakistan with that of the French defeat in Dien Bien Phu (May, 1954) which preceded the ousting of the parliamentary government of East Pakistan by only a few days. See: New York Times, May 28, 1954.

** Writer's underlining.

230. See: Times, December 29, 1954; New York Herald Tribune, August 10, 1954.

231. Governor's letter to Prime Minister, loc. cit., (Top Secret: dated 21st June, 1954).

It was a pity that the central government suffered from the ambivalence of communist policy. Although a telegram from the Cabinet Secretariat told General Mirza that the Cabinet regarded communism "as a major political problem" this grasping of the truth was evanescent. For, politics succumbed to bureaucratic pressures in that General Mirza thought of it "as purely a law and order problem".²³² So, politics were administered. Instead of harnessing its own internal leadership just released from the parliamentary elections, to the task of fighting communism on political platforms, the central government subjected the country to an external leadership with which the people had no communicating link. The credibility value of Haq and Suhrawardy in the eyes of the public would have been much greater than the sound and fury of a quasi-military rule dedicated to the fight against communism. Even the central government had in its consideration the revival of M.L. in East Pakistan under the cloak of Governor's rule - indeed this was one of the clearest purposes; for in General Mirza's very first letter to the Governor General these lines occurred twice e.g. "You may be able to resuscitate the Muslim League some time in future but not early."²³³ - it could have made a different choice. For, after all, General Mirza was not destined to be a sinecurist. This was an act of suicide committed by the central government.

232. Governor's letter to the Governor-General, loc. cit., (Top Secret: D.O. No. 111/PS) dated 10th July, 1954.

233. Ibid., Governor's letter to the Governor-General (Top Secret: 14th June, 1954).

The day was won for the administration of law and order.

General Mirza told his press audience: "I hope to inspire confidence in the minds of administrators"²³⁴ (not the confidence of the people). The parliament recorded a 14-hour marathon debate in which the Congress and A.P.P. fought heroically for the restoration of parliamentary government in East Pakistan only to evoke a comment from the Prime Minister: "The present government is determined to crack down on all communists".²³⁵ Then followed an anti-communist drive throughout Pakistan which was so suggestive of the Mearthy witchhunt, Pakistan style. A so-called 'screening committee' was established to purge subversive elements from the administration, university, press, trade unions, mills and other organisations. The real red round-up started after the Pentagon had announced on 21st July, 1954, that it was shortly sending to Pakistan an American Military Advisory Group. Under Section 3 of the Pakistan Security Act the communist party was banned in July 1954 all over Pakistan (in East Pakistan a ban came into operation two weeks earlier). An Order was passed restricting the members of the Soviet Embassy to a 35-mile radius from the centre of the Federal Capital.* Among the arrests of suspected communists made all over Pakistan were students, lecturers, professors,

* The Moscow-Chinese radio and newspapers joined the East-West cold war drama as enacted in Pakistan. See: Daily Worker, July 23, 1954; New China News Agency, July 27, 1954; Daily Worker, May 31, 1954; Igvestia quoted in Dawn, June 4, 1954.

234. Dawn, June 9, 1954.

235. Ibid., June 17, 1954; See also: New York Times, June 28, 1954.

Journalists, trade-unionists and politicians. All organisations suspect of communist activities were sealed off. A month long ban on the assembly of more than five persons was ordered in Karachi. More than 500 red suspects in West Pakistan were sentenced to 1-year imprisonment without trial, in addition to the 1293 alleged communists and fellow travellers who had been arrested in East Pakistan.²³⁶

In his enthusiasm for tackling the communist problem, General Mirza suggested to the Governor General: "In America there is the F.B.I., in England there is the M.I.(5). We must waste no time in creating an organisation ... first class men ... must be sent to America to study methods of anti-communist operations... * the Americans have promised to place all their knowledge and research at our disposal."²³⁷ The stop-communism society, the Pakistan-American Cultural Association - government patronised organisations that worked in conjunction with the U.S.I.S. - were set into motion for the anti-communist drive.²³⁸ Then, in a mighty plunge, the central government committed Pakistan to anti-communist pacts e.g. The Mutual Defense Assistance Agreement (with the U.S.), S.E.A.T.O. (South East Asia Treaty Organisation) and

* Writer's underlinings.

236. General Mirza remarked: "This, to my mind, is not a large number in a population of 42 million." Source: Governor's letter to Prime Minister (Top Secret) 21st June, 1954. For more details of the communist round-up see: New York Times, June 2, 1954; July 24, 1954; Hindu, June 13, 1954; Dawn, June 2, 1954; July 26, 1954; July 29, 1954; July 25, 1954; and Richard L. Park and Richard S. Wheeler, "East Bengal under Governor's Rule", Far Eastern Survey (September, 1954), p. 133.
237. Governor's letter to the Governor General, loc. cit., (Top Secret: D.O. No. 185/PS), 16th September, 1954.
238. Dawn, June 8, 1954.

Baghdad Pact (later known as Central Treaty Organisation after Iraq's withdrawal) in a 'hush Hush' manner having unwisely discredited the right wingers and sent communists underground only to reappear later on, on the surface under the tutelage of the rightists; for, after all, the rightists in their resentment against the political cartel - the central government - would always welcome willing partners. In sum, the recession of self-government with its clear predominance of right-wing elements to the background in East Pakistan and the foisting of so-called 'good government' in its place indicated one fact, inter alia, that foreign policy was going to be a 'variable' in the parliamentary politics of Pakistan. Moreover as far as the eclipse of parliamentary government in East Pakistan was concerned it was not unlikely that the U.S. in its pragmatism supported by a huge investment of men, money and equipment for the promotion of its containment policy would have counselled 'good government' rather than a return to the risks involved in 'self government', Westminster style.*

Now that the East Pakistani cries for the dissolution of the Constituent Assembly had been taken care of, Mohammad Ali switched his attention towards constitution-making. The draft constitution of 1954 (B.P.C. Report) was adopted on the 21st September. We have already shown how the previous B.P.C. reports had come to nothing.

* "Even beneficial contact with East and West always carried with it intensive exposures to the American or the communist way of life. These external pressures probably form a greater threat to the evolution of an indigenous democracy than do the internal tensions." See Hugh Tinker, Ballot Box and Bayonet (Oxford:1966), p.126.

But the third draft constitution appeared to have been the product of the government's responsiveness and receptivity to public opinion. On the question of the ideology of the state the draft struck a moderate note, in that it annulled the erstwhile provision of the so-called 'third legislature' i.e. the board of Ulema, as was envisaged by Nazimuddin's draft. In its place, the Supreme Court was given the full authority to determine "whether or not a particular law is repugnant to the Holy Quran and Sunnah".²³⁹ With the exception of certain clauses (particularly the mandatory provision making the Head of the state a Muslim) which reaffirmed the aim of ensuring the Islamic character of the State, the 292 draft articles were a code of secular laws 'for the administration of a democratic parliamentary form of government'. They guaranteed the right of all citizens, including the minorities, to apply to the Supreme Court for the enforcement of fundamental rights.²⁴⁰ The Islamic aspects in the draft constitution were superficial, which, by implication, pointed to the inadequacy of the M.L. leadership in its endeavour to translate Islam into what an Islamologist thought, "an effective, realistic, meaningful ideology",²⁴¹ capable of fulfilling Pakistan's needs in her situation.

The constitutional entanglement on the language question* was extricated in that the draft constitution stipulated that "The official

* Nazimuddin's draft constitution did not mention language at all.

239. Report of the Basic Principles Committee (Government of Pakistan Press, Karachi: 1954), p. 4, Clause (6).

240. New York Times, October 16, 1954.

241. W. E. Smith, Islam in Modern History (Princeton: 1959), p.229.

languages of the Republic should be Urdu and Bengali"²⁴² - the fulfilment of the very first item of the 21-point programme of the U.F. Having regard to the early Punjabi opposition to Nazimuddin's federal schemes, Mohammad Ali devised a constitutional plan nicknamed the 'Mohammad Ali formula'. Five units were hewed out for the federal structure e.g. (1) East Pakistan, (2) Punjab, (3) N.W.F.P., Frontier States and tribal areas, (4) Sind and the State of Khainpur and (5) Baluchistan, Baluchistan States Union, Karachi (Federal Capital) and the State of Bahawalpur. In a bicameral legislature, the House of Units would contain an equal number of seats regardless of size for each of the federating units. The House of the People (lower House) would be composed of members the distribution of whose seats was to be made in terms of the total population of the respective units. Both the Houses were granted equal powers. A joint session of the two Houses was envisaged to iron out their respective difference on any matters, where necessary, but in any case a "matter should not be deemed to have passed unless the majority supporting the motion included at least 30 per cent of the total number of members from each zone"²⁴³. This was done to allay fears of any unit being dominated by another. Despite an earlier Congress resolution asking for broad provincial autonomy (which was lost to voting), the Constituent Assembly chose

242. Basic Principles Committee, loc. cit., p.72, Clause (276) (1).

243. Ibid., pp.10-19, Clauses 41 (1) and 65.

to strengthen the Federal government.²⁴⁴ Three lists of subjects e.g. Federal, Unit and Concurrent, were delineated (they were in fact taken from the India Act of 1935) in which the federal government retained 66 subjects, including defence, foreign affairs and currency, whereas the provinces were left with 48 subjects with a difficult chance of sharing concurrent list (38 subjects) along with the federal government. In addition, the residual powers which were given to the Federation by the 1953 draft constitution were now vested in the person of the President, as head of the state²⁴⁵ - thus residual powers were proposed to be transferred from an institution, the federal legislature to an individual person, the President.

But as the Constitution was on the verge of being produced the Punjabi group became stiff-necked. Instead of participating in the constitutional debates in the Constituent Assembly the Punjabi M.C.A. gulped teas in the room of Chow/Mohammad Ali, the Punjabi Finance Minister.²⁴⁶ Whatever compromises and improvements were made in the Mohammad Ali formula, the Punjabis refused to budge from their dogged opposition to the potential ascendancy of the Bengalis in federal politics. The victory of the U.F. in East Pakistan and its collective stand on provincial autonomy was a threat to the Punjabi supremacy; for,

244. New York Times, September 15, 1954.

245. B.P.C. 1952, loc.cit., p.38, Clause 133 (1) and B.P.C. Report, 1954, p.39, Clause 147 (1). Even the members of the B.P.C. of 1952, The Chief Ministers of the Punjab, N.W.F.P. and East Pakistan dissented from the recommendation as to the residuary power. They were always for residual powers being given to the provinces. See: B.P.C. Report of 1952, p.38.

246. C.A.D., Vol.1, September 9, 1954, p.630.

the politically divided units of West Pakistan of which the Punjab was one, would have to confront in national politics an East Pakistan which would be numerically superior and politically unified entity. Added to this was another apprehension. After the discomfiture of the M.L. from East Pakistan the last vestige of its prestige and power resided with the Western part.. Now things came to such a pass that the central government, the M.L. Parliamentary Party and the Constituent Assembly were all made to serve as an entrenched base for the fast decaying M.L. And if the Mohammad Ali government backed by the Constituent Assembly with its still clear majority of East Pakistani members, succeeded in drawing up the constitution by the end of 1954, the control of the country would pass on to the hands other than the Punjabis. For, after the passing of the Republican Constitution, the Constituent Assembly would elect the new Head of the State who in turn would appoint a provisional government for the administration of the country till the first general elections could be held. In other words, in the existing parliamentary ascendancy of the Bengali group, the chances were that the next President might be Nazimuddin²⁴⁷ - a contingency not to the liking of the Punjabis.

It was stated above, that in the dismissal of Nazimuddin's Cabinet, the Governor General* was also motivated by a desire to thwart the constitutional proposals so unpopular to the Punjabis. Since

* Who happens to be a Punjabi.

247. Sunday Times, October 17, 1954.

Mohammad Ali owed his premiership to the Governor General's wishes, it was but natural for the latter to expect an eager ear from the former. The Governor General wanted the amalgamation of all Western units into one, so that the partnership of the two zones, e.g. East and West Pakistan, could be based on an equal footing. Chow Mohammad Ali with his Punjabi colleagues in the central Cabinet urged upon the Prime Minister to have this scheme implemented. Perhaps the Prime Minister in the course of his successful negotiation for American aid and his involvement in country's administration and politics, had developed a degree of personal confidence, and a sense of noblesse oblige. Understandably, the Prime Minister had an entente with the Bengali group led by Nazimuddin and the provincial leaders (except the Punjabis) of West Pakistan who were committed to his constitutional formula. The Punjabi members of the sub-committee on allocation of powers between centre and provinces overstepped the terms of reference of the Committee by raising the possibility of one-unit idea. Noon, the Premier of the Punjab, said in the Committee: "I am one of the supporters of one unit",²⁴⁸ but Pirzada, the Premier of Sind, was "dead set" against the one unit move. The Premier of the N.W.F.P. was also opposed to the plan. Spasmodically, talks veered around the one unit plan or alternatively the zonal federation of West Pakistan. Meanwhile, the Prime Minister was committed to his scheme of federation, which was, of course, adopted on the 21st September.

248. Dawn, August 30, 1954 and July 24, 1954.

But the real cold war started when on the 15th September, contrary to the decision of the M.L. Parliamentary Party, Noon suddenly dropped a bombshell in the Constituent Assembly by demanding "Zonal Federation"; and on a point of verbal violence he insisted on having it "now and here".²⁴⁹ Nazimuddin characterized it as an attempt to delay the framing of the constitution "at the last minute". The other prominent members of the West Pakistan (except the Punjabis) were also unsympathetic to the idea of Zonal Federation. A showdown was, now, in the offing. On the one side, there was the axis of Bengali-Sindhi-Pathan and on the other was the Punjabi group drawing sustenance from the Governor General - a man of deteriorating health, but still characterised by a resolute mind as prominent as was his sculptural nose. The Governor General summoned all the prominent leaders of West Pakistan and bid them to bring about Zonal Federation²⁵⁰ failing which they would be rendered politically impotent by the P.R.O.D.A.*

Endangered, the anti-zonal federation group hastened a Bill through the Constituent Assembly on 20th September, 1954 for the repeal of the P.R.--O.D.A. Act. An epitaph was given by the mover - M.H. Gazdere** - to the

* This Act was passed in 1949 to bring holders of public offices to book on charges of corruption, Tammanyism, etc., etc. The mover of the Bill, Liaquat said in the Constituent Assembly: "... to purify our public life and to see that Pakistan is founded on sound foundation ...". See: C.A.D., Vol.IV, January 6, 1949, p.44.

** The irony was that five years ago the same person, while welcoming the P.R.O.D.A. had maintained: "The Nazis did not try people. They shot them. I do think, sometimes, in my moments of weakness, that the Government should occasionally shoot a person or two". See: C.A.D., Vol.IV, January 6, 1949, p.49.

249. Ibid., September 16, 1954.

250. Sayeed, op.cit. p.420.

repealed Act that it had already outlived its utility.²⁵¹ This was not considered enough. For the ghost of Nazimuddin's dismissal was still walking. It was resolved that the Governor General's wings of power must be clipped. To that end they perpetrated a constitutional Pearl Harbour upon the Governor General. Flouting the Rules of Procedure of the Constituent Assembly, they surreptitiously introduced an amending Bill in the Assembly at an unusual hour (9.a.m. The usual time had never previously been before 10. a.m.) of the 21st September, 1954.²⁵² A far reaching change was made in the India Act of 1935 in that the office of the Prime Minister was specifically mentioned for the first time. From now onward the constitutional position of the Prime Minister and the Ministers of the central government would be analogous to those practising parliamentary democracies of the Commonwealth countries. It was parliament which would make or unmake the ministry, not the Governor General. This was done by amending Section 9 and replacing Sections 10, 10A and 10B of the India Act by a new Section, 10 comprising seven clauses.²⁵³ Thus, with Governor General's powers neutralised, the Prime Minister embarked upon a scheduled journey to the U.S. leaving a message to the nation that the constitution would be ready by December, 1954.

251. Dawn, September 21, 1954.

252. G.W. Chowdhury, Constitutional Development in Pakistan. (Longmans: 1959), p.43.

253. Times, September 22, 1954.

This was an occasion which evoked alloyed feelings. The curtailment of the Governor General's arbitrary powers viewed from the parliamentary angle was, no doubt, a welcome act. For this would in any case be a feature of the new constitution. But the action was taken in dubious circumstances. Had this parliamentary truth suddenly flashed across the minds of members of the Constituent Assembly after being previously hidden from them? Was not Mohammad Ali's premiership born of this controversial power? Was not Mohammad Ali's parliamentary morality contingent? When the largest section of the people of Pakistan had already questioned the representative character of the Constituent Assembly was it democratic to add another cubit to its height? Indeed, the extent of the Governor General's powers needed to be curtailed in a parliamentary polity. But the Prime Minister's action was of the so-called penny-wise pound-foolish nature. While the Prime Minister had brusquely declined the U.F. in the share of power how could he expect the U.F. to back his action, however desirable, when this would mean giving longevity to the Constituent Assembly for whose death the U.F. had been praying. In these circumstances, the U.F. would try to find an ally in the Governor General, as Suhrawardy once remarked that 'my enemy's enemy is my friend'.

In quashing the U.F. the Prime Minister downgraded the parliamentary cause, but surely he had the support of the majority of the Constituent Assembly and 'power elites'. In curbing the Governor General's powers which were anachronistic in a Westminster system, he,

no doubt potentially upgraded the parliamentary cause, but, ironically, he would fail to enlist the support of the largest section of the people, because of his own myopic approach towards vital issues. And paradoxically, despotic powers grew in Pakistan within a democratic framework when a party in power in its intransigence compelled the parties outside of power to call upon the Head of the State to act as Deus ex Machina.

Suddenly, the Governor General's support for the cause began to grow. He remembered Suhrawardy's comment* on his dismissal of the Nazimuddin Cabinet, and was not taking stock of the widespread demand for the dissolution of the Constituent Assembly. His reflexes were further enlivened by the latest tonic administered from Zurich Hospital, Geneva, where Suhrawardy - who was receiving treatment for his damaged liver - in a statement demanded "the dissolution of the present Constituent Assembly and its replacement by a representative body".²⁵⁴ Frustrated in its purpose, the Punjabi group now came down on bended knees before the U.F. in order to harness the latter's support to blow up the constitution.²⁵⁵

Now the Governor General was to give an account of his political

* "The Governor General is the guardian of public opinion; he gauged it correctly when he dismissed Khawya Nazimuddin; he must gauge it correctly so far as the Constituent Assembly and the provincial legislatures are concerned ... he (Governor General) has handed back power to the same guilty Muslim league, and has placed himself at its mercy". See: Hindu, June 21, 1953.

254. Dawn, October 8, 1954.

255. Dawn, October 7, 1954 (Editorial) "The Maddening Crowds' Ignoble Strife".

Jamesbondship. He summoned the touring Prime Minister from Washington. Earlier, he had lifted the ~~order~~ against M.A. Khuhro, K. Fazlullah, A.G. Nabi, H. Haq Chowdhury which prohibited them holding public offices.* He also cancelled P.R.O.D.A. proceedings to disqualify Daultana. The whole purpose was "to release into the political arena a group of influential men who may unseat Mr. Mohammad Ali and his administration",²⁵⁶ unless the Prime Minister could challenge the legality of the Governor General's ruling. The palpitating Prime Minister, on his way to Pakistan, stopped at London and had an aircraft⁺ chartered to accommodate his growing retinue** and shrink the distance. The next story was well-related by Russel Spurn, correspondent of the Daily Express who flew to London to avoid censorship:

"Troops poured into Karachi. .. Telephone lines to politicians' houses were cut. Mohammad Ali flew Home from an American tour on Saturday. ... drove off for an urgent interview in the Governor General's palace. He emerged four hours later in tears." Iron man Golum Mohammad and the army generals had threatened him with arrest. He was given until yesterday's morning to meet their demands ... 'reorganise your Cabinet and bring in the army'."²⁵⁷

* These people were provincial Ministers and prominent M.C.A.'s They were already P.R.O.D.A.-stricken. When the Constituent Assembly repealed the P.R.O.D.A., it did not give retrospective effect to it.

** The Prime Minister's accompanying personalities - Chow. Mohammad Ali the C-in-C, Gen. Ayub were already with the Prime Minister in Washington to help him negotiate economic and military aid and Gen. Mirza who was receiving treatment to his injured back in London, joined the caravan along with I.H. Ispahani, the Pakistan High Commissioner in London. However coincidental, these circumstances lent an air of suspicion.

+ This cost Pakistan public exchequer £10,000. Gen. Mirza told the writer.

256. New York Times, October 21, 1954.

257. Daily Express, October 25, 1954.

The Governor General declared a state of emergency throughout Pakistan and performed the coup de grace by dissolving the Constituent Assembly which, to him, had "lost the confidence of the people". New elections were to follow. The Prime Minister, in the tradition of a Quisling, backed the Governor General's action and told the nation unabashed that "constitution making is important. But more important by far is the security and stability of our country."²⁵⁸

The Governor General could find solace in a Cromwellian remark that "not a dog barked"²⁵⁹ when he dissolved the long parliament. His sense of timing was astute. The M.L. had long ceased to be an assertive parliamentary body. It was all faction. Albeit, the name M.L. was ceremoniously retained, as it was still thought to be capable of commanding veneration and affection from the people. By 1954, the M.L. had degenerated into a condition resembling that of the not-too-distant Egyptian Wafd party before its knock-out at the hands of the army. Then, there was the question of the U.F. on whose support the Governor General could confidently count in his bid for grand slam. Thus, the Governor General's Sandstone Palace was inundated by congratulatory notes for his public-spirited action.²⁶⁰ But it was an accident of complex circumstances that the Governor General was (mistakenly) hailed as the custodian of public opinion. His sense of political morality was in no way higher than that of the Prime Minister. For,

258. New York Times, October 25, 1954. See also: Times; Manchester Guardian and Daily Herald, October 25, 1954.

259. Jennings, op.cit., "Cabinet Government", p.510.

260. Dawn, October 25, 1954.

did he not suspend parliamentary government in East Pakistan and send General Mirza there to revitalise the M.L. - whose coup de grace he had just performed - as a part of a great plan? Where was his public spirit when the U.F. demanded dissolution of the C.A.? It was only through a provincial lens that he could visualise greater issues* This was a distinct line of his action. And the most redeeming feature was that the action of the head of the State however tendentious in its origin, did at least score in some respects, some points ancillary to popular demands.

This period, 1947-1954, was a period of unusual tension and strains which bent many a rule of the Westminster system, but surely did not break it altogether. True, Jinnah as the founder of Pakistan nation had failed to foster liberal forces. What was more, like Bismarck of Germany, Jinnah's credentials as the father of the nation prompted him to indulge in certain activities in no way conducive to the growth of liberalism. Although, certain discretionary powers were taken away from the Governor General, under Section 17 of the adapted Act he had the rule-making power by dint of which he could determine the business of the Central government and allocate portfolios among ministers.²⁶¹ Some temporary powers were further bestowed upon the Governor General.

* Prior to the dissolution of the Constituent Assembly, the Punjabi leaders, namely Noon, Daultana, Chow. Nazir Ahmed, Sheikh Sadiq Hasan, Malik Shawkat Ali, etc., etc., had been in constant touch with the Governor General. The same lobbying of the Punjabi leaders presaged Nazimuddin's dismissal. See: Dawn, October, 17, 1954 and October 25, 1954.

261. Sayeed, op.cit., p.270.

The Governors General in the initial period of Pakistan did not much resemble their prototypes in the Commonwealth countries. Because of certain powers given to the Governor General to facilitate government activities pending the future constitution, the Governor General's office resembled, in some respects, the American Presidency. There was thus a potential conflict between the office of the Governor General and the Cabinet sustained by the Constituent Assembly, in that the former, devoid of dynastic interest, but full of personal ambitions propped up by regional sentiment, could always create a constitutional crisis, when the latter was not prepared to cooperate.* In addition, the office of the Governor General was very conspicuous since the dawn of the British rule when the incumbent was regarded "as de facto Emperor of India surrounded with some of the outer trappings associated with Moghul rule".²⁶²

But, equally correctly, it could not be maintained that the post-partition Governors General had their sails untrimmed. In Jinnah's case he had a relatively unified country, government and parliament behind him. Nazimuddin, as the Governor General, had no issue on which he could display his mettle. It was only in Gulam Mohammad's

* The dissolution of the Constituent Assembly was a case in point. The attempted curtailment of the Governor General's power by the Constituent Assembly could be likened to the U.S. Congress' trying to impeach the President Andrew Jackson in vain.

262. K. J. Newmann, "Pakistan's Preventive Autocracy and its Causes", Pacific Affairs, (March: 1959) p.54.

tenure that great issues threatened the country. It was doubtful if he would after all, have dismissed Nazimuddin had there not been such widespread discontent against the Ministry. Was it the powerhouse of the Governor General's office or the U.F. that was responsible for the dissolution of the Constituent Assembly? It was always the majority of the people that made the Governor General's Office respond. The only vital snag was that the Governor General's cheque was cashed in imperceptively along with the people's.

Then, what were the legacies of this period, 1947 - 1954? "Five important milestones" viz. (i) the objectives resolution; (ii) the Interim Report; (iii) the B.P.C. report; (iv) compromise on the deadlock over the structure of the federal legislature; (v) the final adoption of the B.P.C. report, "marked the road of Progress",²⁶³ towards making consensus-based institutions. In the ensuing chapters, it will be seen how the experiences gained throughout this period i.e. 1947-1954 would act as launching pad towards a solution of national prosperity. The government and the governed in the course of their dialogue in regards to institution-building understood one vital point: that in the State of Pakistan no particular area or for that matter, any group of people, were going to be dominant at the expense of the rest. Compromise through reasoning and moderation had to be institutionalised. One imperative result that stood out of the labours of the Constituent Assembly was

263. Grace J. Calder, "Constitution Debates in Pakistan", The Muslim World, (January: 1956), p.41.

that "there should be parity in representation between East and West Pakistan".²⁶⁴ Similarly, on the ideological front, Pakistan after having travelled a long way was able to intonate Islam moderately.

In sum, the working of the parliamentary government during the period 1947-1954, viewed from the legalistic-moralistic point of parliamentarianism was, no doubt, an inadequate performance. But there was at least a silver line, in that the government of the country and the quest for integrating institutions were made, on balance, within the ambit of parliamentary system. What was more, an image of viability was attached to the State of Pakistan distinct from the position at the beginning in 1947 when the central government could not offer its administrative officials chairs to sit on, desks to put their papers on, papers to write on or pens and ink to write with.²⁶⁵

264. E. F. Rushbrook Williams, The State of Pakistan (London: 1962), p.139.

265. Sir Zafrullah's address at the Pakistan Institute of International Affairs, on August 18, 1951 (Ferozsons: Karachi, 1951), p.3.

PARLIAMENT

THE STRUCTURE AND MEMBERSHIP PATTERN OF PARLIAMENT

The Constitution of the Parliament of Pakistan contained certain anomalies. It was unicameral in structure in a Federal Polity. The members of Parliament were elected indirectly. An element of nomination was also added, later on. But the most uninvigorating aspect was its dual character. This institution, usually termed the Constituent Assembly, owed its origin to the British Cabinet Mission Plan of May 15, 1946. It was, thus, constituted in July 1946. The Muslim representatives of the Provincial legislatures of Bengal, Sind, the N.W.F.P. and the Punjab elected in the same year on a basis of one representative for each million population, then elected the members of the Constituent Assembly. Similarly, the non-Muslim members of these legislatures elected theirs.

But the real portent for the parliament lay in its being improvised into an organ whose members' energies and terms of reference were enlisted elsewhere, namely drawing up a Constitution for the country. With the subcontinent carved out into two states i.e. India and Pakistan, neither had any central legislature to sustain the executive. The solution incorporated in the Indian Independence Act, 1947, was to give the Constituent Assembly - in addition to its substantive job of framing a constitution - the task of acting as a Federal legislature until a new one was constituted,¹ through general elections under the new

1. The Indian Independence Act, 1947, Section 8, sub-section 2(e).

constitution.

The members tended to emphasise the role of the Constituent Assembly as a constitution-making body, which was to them a sovereign organ. No less a person than the leader of the opposition Mr. S.C. Chakravarty while speaking on the Finance Bill observed "We in this House were elected for the purpose of framing a constitution for Pakistan. We have also acted as a legislature but that has been an additional work."² This frame of mind had a harmful effect on the attitude of members while acting as legislators.

The membership of the House totalled 69 at the beginning. Eventually, its strength was increased to 79. The mode of filling vacancies was both nomination and cooption. On the recommendations of both the States Negotiating Committee and the Committee on Addition and Redistribution of Seats a number of the seats of the Constituent Assembly were distributed to the Provinces of the Punjab, Sind and some states acceding to Pakistan.* The method of electing members to the Assembly was resented by the members (both opposition and some government backbenchers), but to no purpose. The rulers were given a free hand in nominating their representatives regardless of the qualifications of the intending members - a gesture to placate the restive Princely States. Since the M.L. (Government Party) was dominant in all the Provinces, getting people elected to the Constituent Assembly as M.L. members from provincial

* Bahawalpur, Khairpur, Baluchistan and the N.W.F.P. States. See C.A.D., Vol. IV. 1949, p.22.

2. C.A.D. (Leg.) Vol. 1. 27 March, 1954, p.723.

legislatures created no difficulty. Besides, the government party having amended the Government of India Act for the fifth time arrogated to itself the power of nominating members of the provincial Assemblies to the Constituent Assembly during the period of exodus. A member, resentful of this measure, commented that "... it aims at making this Constituent Assembly a mere tool in the hands of the executive, utterly disregarding the fact that this House is meant to control the government ... not ... its instrument".³ Vacancies to the Constituent Assembly did not hold out any promise to that class of people hitherto unrepresented to the House. Proportional representation - a principle of fillings in the vacancies - was "subordinated to the dictates of political expediency".⁴ Even the initial 69 members before being elected to the Constituent Assembly were judged largely by their loyalty to the concept of Pakistan. Some were elected under different tests, namely how far they would be able to throw down the gauntlet vis-a-vis Congressites in Constitutional dialectics. While speaking on a cut motion, Mian Iftikharuddin, rightly observed that "it was thought that we were going to have a constitution and we may have to sit with the Indian representatives of the Constituent Assembly so some economists ... some professors were taken - just for technical job".⁵

It is generally difficult to determine members' occupational backgrounds, through their scant biographical details; and this fact

3. C.A.D. Vol. VI. 18 January, 1950, p.62.

4. Keith Callard, Pakistan: A Political Study, (London: 1957), p.82.

5. C.A.D. (Leg.) Vol. 1. 26 March, 1952, p.517.

is more acute in Pakistan, where, by tradition, a man's personal chronicle has been a matter of memory rather than documentation. Thus the Speaker himself, while filing suit against the Federal Government for dissolution of the Constituent Assembly, failed to furnish the court with the names of the fathers of some of the Ministers.⁶

It is, however, discernible that the complexion of the Assembly, till October, 1954, was palpably dominated by Zaminders,* and the upper middle classes. The lower middle class, labourers and peasantry were unrepresented in the Assembly, although their grievances featured in the Pakistan Hansard, with varying degrees of motives. This was the natural corollary of the Constituent Assembly's being indirectly elected from the same franchise as the provincial assemblies which elected it, i.e. a restricted property or educational franchise. So, the distribution of opinion inside the House did not correspond to outside public opinion.

An analysis of the members' occupational pattern is given below:⁷

Lawyers	28	Business men	4
Doctors	2	Educationists	12
Engineer	1	Landlords	26
Judge	1	Civil Servant	5

79

* Landlords.

6. Dawn, 8 November, 1954.

7. Iqbal Riza, "The first Constituent Assembly of Pakistan", (An unpublished dissertation, the Punjab University, Lahore, 1955), p.15.

However helpful the analysis of the membership pattern mentioned above one cannot be sure of the neatness of the division; for, interests of the members and occupational bias overlapped and in some cases clashed. For instance, a mention in the above chart of refugees as a separate category of occupation* for members might be embarrassing for a Pakistani researcher, but the fact remained that the refugees were, by and large, a politicized community. Should our analysis of members' occupational variables consist in trying to find some correlation between members' susceptibilities and legislative activities, then it is realistic to look at those legislators who happened to cross the Rubicon along with the partition and Independence of the subcontinent, in 1947. The territorial representation of constituencies was brushed aside and instead, a rule was followed whereby people of one province could get elected to the Constituent Assembly by another - a concession to the refugees. The formal occupational labels of those refugee M.C.A.s would not be an adequate guide to read their mind; for, they always looked upon India with a jaundiced eye and their problems with eager ones.

Similarly, conscientious religious bias could be located in the persons of a few members. Particularly, two M.C.A.s namely Moulana S. Ahmed Usmani and Moulana Akram Khan** incarnated in themselves the extreme

* Strictly speaking, the writer does not equate the term 'refugee' with an occupation. But, when a group, such as 'refugees', chooses to employ this magic term to enhance its political and economic interests, it deserves a different treatment of analysis.

** The former was a scholar in Muslim religion, known as the "Archbishop of Pakistan". The latter, was a veteran journalist besides being an expert in Muslim classics.

religious forces. Apart from this, there were a few members, though not by training and discipline highly religious but by inclination and propensity, who would invariably seek to give an impression of it. At least, the names of the two members were suffixed by 'Moulvi', meaning learned in religion. One of them was the President of the Constituent Assembly himself.

Again, on the reverse side of this right wing element of the M.L. group lay the left. The Chief protagonist was Mian Sb., (Saheb), who showed his leanings, more by words than deeds, towards socialism.⁸ His was a case which defied classification. By education he was an Oxford graduate with an added Bachelor of law degree, by occupation he was a big landlord possessing a most sumptuous house, by political pronouncements a flamboyant leftist who knew "in his heart of hearts that no property is going to be confiscated in Pakistan".⁹ Another member - Dr. Malik - catalogued as a medical practitioner, had always been in the forefront of the labour movement in the subcontinent. In short, the members' area of interests were in practice far more complex than the above chart shows. For one reason the occupational pattern was not mainly shaped by inexorable economic forces like western countries; for, a wealthy person could still acquire professional degrees which sounded socially prestigious. Also, they became the "monomorphic" leaders giving

8. M. A. Chowdhury "Pakistan, India and the U.S.A.", Pakistan Horizon (December 1953, Vol. VI), p.173.

9. CAD (Leg.) Vol. 1, 29 March, 1950, p.493.

opinions on all affairs because of their position in the social structure. This was more true of West Pakistan than East Pakistan. For the members from East Pakistan were mostly middle class by origin and professional practice; whereas in West Pakistan the accent was on feudalism.

Another characteristic of most of the members was a high standard of education.* There were members whose Alma Maters were Oxford, Cambridge, L.S.E. and the Inns of Court. As many as 50 members, in one capacity or another, had served in provincial Ministries and Legislatures, the Governor General's Council and the Central Legislature, under the Government of India Acts, 1919 and 1935.** Mr. F. Haq had entered the Bengal Provincial Council in 1913.¹⁰ Besides, the indigenous local self-government systems, in which most of the members were involved, had instilled in them a sense of local responsibility.*** There was another category of members with Congressites at the top whose political frame of mind was partially gaol-bred, in that the members who were incarcerated under the British regime for a fairly long time, developed a consistent habit of viewing authority with suspicion - an acquired attitude that boomeranged.

The composition of the House was less vibrating. It was all sober and staid in keeping with the autumnal mellowness of the ageing

* Among the 48 official biographies of members which were available, 45 were graduates, including some post-graduates, as well. Loc.cit., Riza, (unpublished thesis).

** Calculations based on the personal files kept in the Chatham House and interviews.

*** See H. Tinker, The Foundations of Local Self-Government in India, Pakistan and Burma (London: 1968).

10. A.S.M. Abdul Rab A.K. Fazlul Haq (Ferozsons: Lahore, 1966), p.17.

members whose youths were harnessed in the days of pre-independence yore. On average the members were in their late fifties. By 1954 Mr. Haq was 81, Mr. N. Ahmed and the leader of the opposition were in their late seventies;¹¹ while the youngest members were in their late thirties by 1954.¹²

Women had been enfranchised lately. Besides the institution of purdah* always acted as an impediment towards the emancipation of women. The Indian Statutory Commission had encouraging words for them[†] though progress had always been at snail's pace. The House had two women members, e.g. Begum Shah Nawaz and Begum Ikramullah.** The former had always been an active parliamentarian while the latter - also a writer-represented Pakistan in the U.N.O. on many an occasion. The differences in members' background, taste and outlook were reflected in their apparel which might have lent an extra colour to the House. The Hindu members would appear draped in white sheeting with shawls wrapped around their necks, while among the M.L. members some would prefer wearing Sherwanis*** and tight ankle length breeches, the others would don themselves with western clothes. The women members were elegantly wrapped up in their traditional saris.

* A veil that covers the entire body of a woman.

** The East Pakistan Legislature had two distinguished ladies, Mrs. Neli Sen Gupta and Begum Anwara. The Punjab had two and the N.W.F.P. and Sind had none.

*** Frock-like coat.

† Indian Statutory Commission, 1930, Vol. 1, p.53

11. CAD (Leg.) Vol.V. 9 March, 1949, p.94.

12. Dawn, 26 June, 1954.

Salaries and Privileges

Regardless of countries, social aphorisms had always influenced people to look upon payments for public services with furrowed brows. Now that the social and political ecology have changed the subject has been found comparatively less offensive. On both questions of emoluments and privileges the Pakistan members' situation was an unenviable one. The M.C.A.s were sanctioned a meagre amount of Rs.45/- each for a day's expenditure - no fixed salaries.⁺ The expenses of the journeys members had undertaken from their constituencies to the venue of the parliament and vice-versa, were, of course, borne by the government. Facilities existed for members to reserve rail accommodation up to 30 days in advance compared to the maximum period of 10 days allowed to the public. The members were issued first or second class tickets for themselves and third class for their servants.¹³

If we are to regard members' emoluments as an inducement to devote themselves to their parliamentary works, then the prescribed allowances were not adequate to generate that feeling. This was more true of the East Pakistan members who had a journey of 1200 miles to the capital. Monetary considerations might have discouraged an otherwise politically motivated member from performing his duties adequately. The level of attendance of members at the House which on average ranged from 37 to 57 had some bearings on the financial aspect. It was equally sad that

+ The Provincial Legislators had no salaries either, but a different scale of allowances.

13. Dawn, 4 March, 1953.

while the ruling party could not make the members, who were already in the country, a little more mobile by assuaging their monetary handicap, it found it wise to allow members who were still retaining seats in the House and also serving as ambassadors outside to enjoy sessional allowances, by having cleverly interpreted the diplomatic convention that Pakistan Foreign Embassies and Missions were Pakistan territories.¹⁴

Privileges accorded to the members are not ends in themselves, for they are granted only to ensure unimpeded parliamentary activities.* A country should be on its guard lest members' privileges degenerate into extra-special rights at the expense of the notion of equality of man before the law. Privileges are safe in the hands of those members whose countries' democratic institutions and civic sense have, at least, gained some viability. What the House of Commons enjoys as privileges and immunities could not have formed part of Indian legislative bodies despite some unsuccessful attempts that had been made prior to independence.¹⁵ The advent of independence did not significantly alter the situation. Unlike the Indian Central Legislature, the Pakistan parliament did not establish a Committee on Privileges. Also, it did not possess any rules of procedure dealing with privilege motions. The House

* Immunities are granted in the constitutions of some countries. Members of Parliament are exempt from jury services in France, U.K. and Burma, from compulsory military service in Israel; from giving evidence in the court of law, if they choose, in West Germany. See Inter-Parliamentary Union, Parliaments (Cassell & Co., London, 1962), p.56.

14. Ibid., 23 September, 1953.

15. W. H. Morris-Jones, Parliament in India (London: 1957), pp.245-246.

relied on the Section 28 (Also on Sections 20 and 22, Clause (1)) of the India Act of 1935 as adapted.

Three privileges existed e.g. freedom of speech in the legislature, immunity from courts' proceedings for anything said in the House and non-liability of any members for reports, papers or proceedings as published under the authority of the House. Much had been left for a future Federal Act for further additions to the existing privileges. The Prime Minister bluntly told the House on the question of Gaffar Khan's incarceration that members had no particular privileges entitling them to different treatment under the law. But, he added that "it would be different proposition if this House passes certain legislation giving certain privileges to the ... members".¹⁶

Since then, certain precedents of privileges had been, by convention, established, viz. the government's supplying the members with all documents and notifications that had been gazetted,¹⁷ replying to members' questions as early as possible or ensuring availability of papers, stationery and library facilities to the members,¹⁸ etc., etc. But, members' privileges did not make any headway beyond the threshold of the House. Members on various occasions took recourse to minor complaints, as they had experienced interceptions by the Police on duty, on their way to the House. Also, a false sense of privileges led a member drawing the Speaker's attention as to why his name had been

16. CAD (Leg.) Vol. 1., 16 December, 1948, p.68.

17. Ibid., Vol. 1., 10th April, 1950, p.55.

18. Ibid., Vol. II., 16 December, 1948, p. 7.

erroneously dropped from the Select Committee.¹⁹

But the real threat came from some conservative newspapers casting both direct and indirect aspersions on members' behaviour. It was more true of "Dawn", the Russian prototype of "Pakistan Pravda", who would even go so far as to involve the Congress members in a "Master Plan" opening a "front" in Pakistan for India.²⁰ Perhaps the patience of the members was at the end of its tether, when the "Dawn" came up again with an editorial headed "Serpent of Freedom" lashing the opposition. The House thought that a prima facie case of breach of privilege had been established and immediately appointed for the first time an ad hoc committee to consider the matter.²¹ But the House did not live long enough to see its privileges guaranteed when the ad hoc committee had long been drowned in the debris of events.

The Sitting of Members

The building that houses the parliament and its seating arrangements indicate, in part, the political behaviour of a given nation. Sir W. Churchill, who himself crossed the floor couple of times, at length commented, "We shape our buildings and afterwards our buildings shape us."²² Unlike the House of Commons, whose shape is rectangular, Pakistan's parliament was the conventionally semicircular type.* Even

* Also provincial legislatures. Some buildings were originally not meant for the housing of the legislatures - they were just converted.

19. Ibid., Vol.II, 18 December, 1949, p.155.

20. CAD (Leg.) Vol. 1, 13 March, 1950, p.1.

21. Ibid., Vol. II, 20 November, 1952, p.444.

22. K.C. Wheare, Legislatures (London: 1963), p.12.

the proposed new one was to have been semi-circular. Compared to the number of members the size of the building was large. By the passage of time small isles of members were dotted across the floor, forming parties. The assigned seats with writing desks for members were marked permanently - a departure from the House of Commons practice. On a number of occasions, members who rose to participate in the debates, were declared out of order by the Speaker, as they were not at their seats.²³

According to the Rules of the House, the government sat by the right hand side of the Speaker, while the opposition on his left. Usually, the Speaker would allot seats to the political parties in order of their strength and then consult with the leader of the House and opposition leaders about seating the individual members belonging to their respective parties.

Parliamentary Authority

In a parliamentary democracy of the Westminster type the sovereignty of the people is manifest in the legislature. While the making of laws is synonymous with the name of legislature, the parliamentary type of government moves one significant step further, despite certain common grounds with its other prototypes, in that it holds the executive accountable.

Now that Pakistan was independent, its legislature was to function independently of, from any strings attached to it. The Government of

23. CAD (Leg.) Vol. 1, 26 May, 1948, p.875.

India Act, 1935 would, mutatis mutandis, act as the provisional constitution of Pakistan. Besides, the Indian Independence Act of 1947 and the Pakistan Provisional Constitution Order, 1947 removed the limiting clauses of the Act of 1935 on the legislature. But the fact remained, the Constituent Assembly as a sovereign body could always remove hindrances in the way of the legislature by making or unmaking laws. It clipped the Governor General's powers exercised in his "individual judgment" and "in his discretion". Repugnancy to the British laws would not act upon the laws passed by the Pakistan Federal Legislature.²⁴ On money Bills alone warranted the prior sanction of the Governor General. He would assent to Bills passed by the legislature. He would, no longer, restore a grant or refuse legislation passed by the legislature, but could ask the latter for reconsideration. But one significant allowance was given to the Governor General in that he could decree when the Parliament* was not sitting.

u The Seventh Schedule of the India Act of 1935 contained three well defined lists viz. the Central, the Provincial and the Concurrent, of subjects to be administered by the Central Government and the federating units. However, subsequent developments blurred the lines of distinction between lists of subjects; for, on grounds of public interest, efficiency and emergency more provincial subjects glided into the federal list. Notably, the Government of India (Amendment) Act, 1948, took the

* The term federal legislature and parliament has been used as interchangeable.

24. Government of India Act, 1947, Section 6, Subsection 1.

responsibility of collection of sales tax from the provincial governments. The Government of India (Second Amendment) Act, 1950,²⁵ empowered the parliament to hold the central government responsible for the administration of the federal area, Karachi. Similarly, succession duties on estates, the Essential Supplies (Temporary Powers) Act, and very many light and heavy industries falling under the provincial category, came under parliamentary control. Until 1954, there were as many as 44 Acts passed by the Constituent Assembly as a constituent body, which resulted in the increase of the power of the parliament.²⁶ Most of those Acts passed were amendments to the Government of India Act, 1935. The irony was that the Government of India Act 1935, once thought (before independence) to be inadequate became subservient to the ruling politicians after independence. A wry comment came from Prof. Chakravarty: "... the Government of India Act, 1935 which is sought to be amended has been said to be too wooden, too inelastic and antedeluvian and it is regretted that we are still governed by the Government of India Act."²⁷

However, the element of centralism ingrained in the India Act of 1935 was all the more accentuated in that special powers were given to the Governor General under Rule 9 of the Indian Independence Act, 1947 "that the Governor General by Order shall make such provisions as appears to him to be necessary or expedient for bringing the provisions of this Act into effective operation."²⁸ Above all, the Governor General was

25. Section 8 amended 290A of the Government of India Act, 1935, with effect from 22nd day of July, 1948.

26. Dawn, 5 May, 1955.

27. CAD Vol. VI, 18 January, 1950, p.3.

28. CAD Vol. III, 2 March, 1949, p. 42.

in the person of Mr. Jinnah, the founder of the nation. Circumstances like the burgeoning wave of refugees across the border with its attendant problems prompted concentration of power in the central government through the parliament. Whether the power of the federal legislature as a corporate body was genuine or a neo-facade Assembly, Pakistan style - which is subject to analysis - but in legal parlance the Constituent Assembly as federal legislature was much more powerful than the Indian central legislature.

Procedure

Parliament should be free from any undue outside interference in the conduct of its business. Procedural independence must be ensured. Rules of Procedure of business, Standing Orders in the shape of resolutions serve as guidelines to the unfettered way of running business within the House; and what is more they inculcate in the members the art of going into the rhythm of their parliamentary works. But what is even more expected of the members is their thorough awareness of the rules of the game and the inner mechanism of parliament. The Rules of Procedure, when made, tend to shape the inner workings of the House in a coherent manner. Thus a continuity of purpose is handed down from one generation to the next.

Erskine May's "Parliamentary Procedure" has always been a Bible both to the initiated and uninitiated parliamentary politicians of the Indo-Pakistan sub-continent. Broadly speaking, the Rules and Standing Orders of the Indian central legislature were in line with the spirit of Erskine May. At the outset, the Pakistan parliament followed, in

the words of its own President "the Indian Central Assembly rules...".²⁹ However, the Constituent Assembly as the constitution-making body passed a complete set of rules for its own conduct.³⁰ A Committee on Rules of Procedure was appointed on August 11, 1947, and submitted its report on February 24, 1948; and the new Rules were made on March 2, 1948.³¹ Subsequent amendments were incorporated from time to time. One contentious amendment which disqualified Mr. H.S. Suhrawardy from the membership of Parliament had an import of great political significance. Probably, the whole course of parliamentary politics would otherwise have been very different. Speaking on the amendment, Mr. Suhrawardy in an apparently sardonic vein observed that "... it is not given to everyone in this life to be present at one's obsequies, or to participate in an oration at its own funeral".³²

However, the Rules of Procedure were, also, in part determined by the provisions of the Government of India Act, 1935.³³ The salient features, inter alia, of the Rules of Procedure of the parliament were the following: The Parliament was to hold at least one session in every year. A gap of 12 months between the last sitting of one session and first sitting of the next was to be avoided. The Governor General had both the power of addressing and sending messages to the House. It heard its first Governor General on the 11th August, 1947. The address

29. CAD (Leg.), Vol. I, March 10, 1948, p.462.

30. Statesman, March 12, 1948.

31. CAD (Leg.) Vol.II, March 2, 1948, p.40.

32. CAD, Vol. III, 18 May, 1948, p.31.

33. The Indian Independence Act, 1947, Section 8, subsection 2.

was of a more pontifical nature than the ones delivered by the Queen in Great Britain and the President of India at the opening of the first session, which set out governmental policy. The next address made on August 19, 1949 by the Governor General to the Parliament augured well, in that it contained the general policy of the government and was followed by full-dress debate on the floor of the House.* This convention finally died of atrophy.

Karachi was the seat of the legislature, which used to meet either in the later part of February or early in March to present the Budget showing estimates of annual income and expenditure.³⁴ The Second Session usually began around August or September to be adjourned shortly afterwards having disposed of a few items of legislative business. At the commencement of each session the President was to nominate a panel of not more than four Chairmen to preside over the sittings in his absence.³⁵ Besides, in matters of procedures governing debates, questions, adjournment motions and the like, the House drew on the experiences of the House of Commons and Indian legislature if not covered by its own.

The Officials of Parliament

There emerges a distinct establishment inside the House to ensure its maintenance both administrative and otherwise. The way this Establishment is peopled also determines the power structure of the Parliament. The question is who is pulling the strings? In the parlia-

* During the period 1947-1954, no other addresses were made.

34. The Government of India Act, 1935, Section 36.

35. CAD (Leg.) of Pakistan, Rules of Procedure and Standing Orders, Rule No. 4.

mentary Secretariat of Pakistan the President (or the Speaker), albeit, was the Head, but he had no overall control in the recruitment of executive staff save minor ones. For there was no independent cadre of parliamentary services. The Secretary (Pakistan version of the House of Commons Clerk), two Deputy Secretaries and one Assistant Secretary were appointed by the Cabinet. Below this, there were other staffs namely, librarians, research officers, government reporters, shorthand typists, etc.,³⁶ whose main job was, by and large, to record verbatim the speeches of the members, publish them, keep informative materials in the archives, compile orders of business of the day, assemble questions, and last but certainly not least, to cater to the needs of the members in the discharge of their parliamentary duties. The Secretary was the key figure and was supposed to be adept in parliamentary procedure so as to help the Speaker dispose of issues arising out of procedural tangles.

Apparently, the Secretary of the Pakistan parliament was well-qualified.* His name occurred in the Hansard only a few times when he was required to announce the Bills which had received assent from the Governor General. His seat was in front and right below the President's dais. Usually, the Secretariat bore mild criticism from the members when its annual budget was submitted for sanction. On one occasion a government backbencher grudged the Secretary his fat salary, despite the contrary recommendation of the Pay Commission. He also questioned the

* Mr. B.M. Ahmed, M.A. (Alig.), M.Litt. (Cantab). He had been the Secretary from 1947 to 1958.

36. CAD (Leg.) Index CAP (L) Index Vol.II 48/770, 1948.

existence of three Research Officers whose output was nil.³⁷ During this long period, 1947 - 1954, there was a single complaint from an opposition member that the officials of the Secretariat were partial to the Ministers and their yes-men in giving assistance in respect of Rules of Procedure and previous ruling of the Indian legislature.* The President promptly refuted the charge and said that "...such assistance is available to every member of this House whether he is Minister or not ..."³⁸

However, what is meant by the expression i.e. the independence of parliamentary Secretariat - a desideratum of the parliamentary form of government - was not in the ascendancy in Pakistan. The President could not assert himself vis-a-vis the government, particularly in the question of appointments. The Secretary, though subordinate to the President, happened to be a member of the C.S.P. cadre, whose tenure of service was controlled by the establishment department of the Cabinet Secretariat, the government of Pakistan.

The Speaker

The expression that the Speaker is the "Member of Parliament No.1"³⁹ or one who seldom speaks in the House have more profound meanings than the literal ones. The No. 1 parliamentarian ensures the flow of parliamentary 'life blood' i.e. debates, without participating in them. His

* Far back in 1957, on one occasion, the conduct of the Secretary was questioned in the parliament for alleged discovery of Indian currency in his limousine.

37. CAD Vol. VIII, 28 November 1950, p.198.

38. CAD Vol. I, 31st July, 1954, p.1582.

39. H. Morrison, Government and Parliament (London: 1954), p.204.

comparative silence in the House tends to be eloquent enough to put the entire business of the House in order - a display of seeming verbal incongruity that have been wrapped in papers of history and traditions of the British going far back as 1377. Denuded of this tradition, Pakistan had to emulate the office of the British speaker as close as her politico-social strains would permit.

Implications aside, the first election to the office of the Speaker* of a member belonging to the scheduled caste, though temporary, was a salutary example. Mr. Jinnah came next, and was succeeded later, by Mr. Tamizzuddin Khan in 1948, who continued in the office till its dissolution. In all cases it was the House which elected the Speaker and elected him unanimously. It is generally assumed that once elected the Speaker should be politically colour-blind, so that, in the larger interest, he can dispense justice evenhandedly among different sections of the House.

No sooner elected than the leader of the opposition, Mr. Chakravarty acclaimed the Speaker with fluttering references to his part when he was Deputy Speaker of the House in the undivided India and did things "very efficiently and even without any discrimination; and hoped that he would, with the added knowledge gathered from his recent visits to the House of Commons, consider himself "no longer a party man".⁴⁰ Probably Mr. Khan began with the hardest job of neutralising his own

* In Pakistan parliament he was addressed as "Mr. President".

40. CAD, Vol.II, 16 December, 1948, p.69.

values when the country's national values were in a process of being sorted out.

Notwithstanding the personal strains, he was deeply involved, as the President of the Constituent Assembly, in the making of the country's constitution and took part actively in various committees of it. What Sir Ivor Jennings thought of "the Speaker's authority", in the House of Commons, "is greater than his power",⁴¹ was in the Pakistan situation only partially true. This was largely due to the linkage of the Speaker's office with the Constituent Assembly as a constitution-making body - a sovereign one - whose President he was.* Besides, the Presidentship was the erstwhile saddle of Mr. Jinnah. In other words, the prestige of the office was associated, contrary to parliamentary tradition, more with extrinsic factors than with intrinsic.

Mr. Khan rose to the occasion quite reasonably in the conduct of parliamentary business. Being a veteran Muslim leaguer and a nominee of that party he neither prevented the individual members from participating in the proceedings, if they were on good grounds, nor sought to muffle the voice of the small opposition. As a matter of fact, he, in the initial fluidity of situation, improvised rules that went in favour of the opposition - a desired end. In the very first meeting of the House he stretched a procedural point permitting members to ask more than

* This sounds true that after the dissolution of the Constituent Assembly in 1954, the position of the Speakers, regardless of central or provincial legislatures had been anything but flattering.

41. Sir I. Jennings, Parliament (Cambridge: 1961), p.63.

one question on a particular subject in addition to supplementaries which was "a slight strategic set back the Government suffered".⁴²

In the same session he salvaged the opposition cut motions unrestrained to specific grievance, which otherwise would have deprived opposition's "privilege of moving cut motions".⁴³ His initial concessions made to the opposition members were contingent in that he wanted the members to be cautious and conversant enough in regard to parliamentary procedure in future.

The antennae of the Speaker must be attuned to the sensitivity of the House as a whole - a secret of his success. To make the House productive and successful his tact should be geared to the difficult job of giving the majority a green light in the affairs of the State's business in the House without signalling an inappropriate red light to the Opposition. This job was harder and more delicate in the Pakistan parliament. For the Speaker was called upon to preside over two main groups of parties, one of which had won the State and now formed its government, while the other which was once opposed to its very birth had become, technically, a potential government i.e. the opposition. For instance, when the Budget of the year 1950-51 was presented under the shadow of the East Pakistan communal riots, the Speaker had to grudgingly accommodate, at the expense of the Rule No. 46 of the House, a Congressite reading out a set speech, totally outside the scope of the Budget.⁴⁴

42. Statesman, March 12, 1948.

43. CAD (Leg.) Vol. 1, 4 March, 1948, p.173.

44. Ibid., Vol. 1, 16 March, 1950, pp.58-64.

Members might have on occasions, misread the Speaker's inclination to accept the suggestions of the leader of the House; but that was a normal courtesy he owed to the Prime Minister. But that did not make him an easy accomplice to the government's over-hasty legislative programmes. On one occasion he embarrassed the government by postponing a controversial Bill "to some day";⁴⁵ for proper notice had not been given. He did not scruple to goad the government for not fixing a programme of business "for the entire session"⁴⁶ of 1954. He would occasionally come to the rescue of a nervous opposition member, who got nettled by a Ministerial point of order for indulging in arguments unrelated to central government, by saying that, to his mind, the member was trying to show the inevitability "of the policy of control at the centre".⁴⁷ The way adjournment motions were disposed of was, as usual, psychologically susceptible to opposition unhappiness. But the Standing Order No. 23 only allowed the Speaker to determine if a particular matter proposed to be discussed was in order or not. The authority to allow a motion to be discussed finally lay with the House. The adjournment motion on 'abnormal rise in prices', despite government opposition, was directly put to the vote of the House and carried through by the Speaker.⁴⁸

There was one big difference between the Speaker of the House of Commons and his equivalent in Pakistan, in that the former intervened

45. CAD (Leg.) Vol. 1, 27 April, 1954, p.1275.

46. Ibid., Vol. 1, 18 September, 1954, p. 1782.

47. Ibid., Vol. 1, 10 March, 1948, p. 457.

48. Ibid., Vol. II, 23 September, 1953, p.56.

less in the proceedings of the House, while the contrary was the case with the latter. In Pakistan the Speaker had an implied role of inculcating a sense of parliamentary propriety, procedure and decorum. He might draw a Minister's attention to his not "reading the rules carefully", on the one hand, and wonder at an old member's mistake in not putting down the date in which time "the report" from the Select Committee "will have to be submitted" to the House, on the other.⁴⁹ These were among others, the common expressions viz. "Please address the Chair", "No cross talk", "Does this come under this head?", "No repetition please", etc., etc., the Speaker had to give, else proceedings might have drifted on and on, to an irrelevant area. In the performance of duties he had always been unassuming* but resolute, flexible but cautious, simple in attire but neatly dignified. Only on one occasion he had to silence a vociferous opposition member by saying that "I condemn your action and I hope it will not be repeated."⁵⁰ Despite his deep sense of Islamic values he managed not to let it interfere with the proceedings of the House, unlike his junior colleague of the N.W.F.P. who asked the House point blank if Shariat (religious injunction) was to be the law of the country.⁵¹ The point was that the Speakers of

* Dr Shuzauddin, the Speaker of the Punjab L.A. used to wear gown and wig, unlike the national Speaker. Having returned from an American goodwill tour, he boastfully told the House that he was going to use a hundred-year-old wooden gavel - a White House present - to call the House in order. See Dawn, 1 December, 1953.

49. CAD (Leg.) Vol.II, p.54 and Vol. 1, 21 February, 1949, p.81.

50. Ibid., Vol. 1, 19 March, 1953, p. 378.

51. Dawn, March 13, 1952.

Pakistan, national or provincial alike, were politicised in varying degrees and the differences were ones of level and deepness not of quality.*

Of course, in Mr. Khan's case, his long political career interspersed with legal practice stood him in good stead in the nick of time. He succeeded in establishing a rapport of mutual respectability with the leader of the opposition, and guided the House in the same direction which paid him well in achieving an agreed time table of business, which, sometimes threatened the fringe relationship between the government and the opposition.⁵²

He was not all gruff and stiff, but would be found indulging in innocent fun with the members. For instance, he would tease a crusading member of all corruption, who spoke of banning sex-ridden western films unworthy of being "witnessed by a son together with his parents or by any junior with his senior" with a passing remark: "Are you speaking from your personal experience?", only to be followed by an appreciable answer: "Yes Sir, to a certain extent."⁵³

Inside the House, he had been impeccably fair both to his 'Chair' and to the individual members. Once the Speaker had anticipated a remark attributive to the 'Chair' and intercepted it, scarcely had the

* Mr. Talpur became the Speaker of the Sind legislature after having served the House as leader of the M.L. party. Mr. S. Shaw, a former speaker, became minister under Mr. Y. Haroon's Cabinet in Sind. See Dawn, 15 September, 1953 and Daily Express, 18 February, 1949.

52. CAD (Leg.) Vol. 1, 17 July, 1954, p.149; Vol.II, 24 November, 1952, p.593.

53. Ibid., Vol. 1, 3 April, 1951, p. 791.

leader of the opposition uttered "Sir, I am sorry that the President ...", by saying that "You cannot criticize the Chair in this way."⁵⁴ Similarly, he boldly guarded the privileges of Mr. Suhrawardy, when the government party on a point of order challenged his membership on grounds of being an Indian citizen. His ruling was that Mr. Suhrawardy "is a member of this House and he has a right to speak".⁵⁵

But where he was found most inadequate was in paving the way for the growth of healthy parliamentary practices and conventions. The holding of the Speaker's Conference to evaluate doubts and difficulties arising out of the working of various legislatures had been a routine affair in some of the Commonwealth countries. But the holding of the Speaker's Conference in Pakistan was irregular. The first Speaker's Conference was held in 1950. Though the Speaker showed anxiety as to the status and position of the future legislatures of the Federation of Pakistan as well as of the Secretariats of those legislatures, nevertheless his main preoccupation was the framing of the constitution rather than the "consideration of procedural matters alone"; for, to him, the conference took place "at a psychological moment in the history of their country".⁵⁶ His status as the President of the Constituent Assembly as constitution-making body got the better of his role as Speaker of the parliament. Here he raised a controversial point in respect of the Speaker's remaining politically neutral, qualified or

54. CAD (Leg.) Vol. 1, 29 March, 1954, p. 898.

55. Ibid., Vol. 1, 6 March, 1948, p. 260.

56. Pakistan News, 27 May, 1950

unqualified. He claimed to have been able to maintain the compatibility of his party allegiance with that of parliamentary impartiality.⁵⁷ Side by side with this, what he gained in his ability to protect the rights of the members within the House was matched by his inability to do the same from without. When a Congressite sought the protection of the 'Chair' against a Daily English language newspaper, The Times of Karachi, which had earlier captioned a news as "Chakravarty assails Islam", the Chair, while admitting that there was nothing "objectionable" in Prof. Chakravarty's speech, mildly cautioned the paper "not to give misleading headlines" and "hoped this warning would serve the purpose".⁵⁸ It seemed likely that his subjective yardstick of judging members' privileges coincided with his non-assertive nature vis-a-vis outside powers.

To his credit, however, he certainly had one monumental instance to his score, in that, alone in the gusty constitutional breeze, he bravely fought the Governor-General against his dissolving the Constituent Assembly in October 1954. It was a solitary example of a great parliamentary occasion of the highest magnitude that has so far ever occurred in Pakistan history.** No amount of arguments can water down, at least, its symbolic values, if they have any meaning to posterity. An apt

* The writer thinks that the withdrawal of the Speaker from politics, however desirable, was a difficult matter in Pakistan. The Speaker might have sought not to let his constituency remain disenfranchised - a temptation that could arise in the absence of varied organized groups. However, this outside politicking on the part of the speaker, the scope of which is constitutionally recognised in the U.S.A., Ireland, France or Israel, developed extra-constitutionally in Pakistan.

** A point that has been hardly stressed by Pakistan writers, for their arguments are usually wrenched into a different direction.

57. CAD (Leg.) Vol. II, 16 December, 1948, p.70.

58. Dawn, 11 October, 1953.

remark that it was "unique in the legal history of the commonwealth",⁵⁹ has been featured in the very preface of an expert constitutionalist's book. There is an ironic touch in that the message of history has been unconsciously told recently by a self-conscious President, an avowed non-believer of parliamentary government in Pakistan. President Ayub recalled his interview with Mr. Khan and observed in his book that he "admired his courage ... genuine conviction" for demanding "to have a parliamentary government". Again, he noted his own reactions: "In frustration and exhaustion I replied in strong terms. The old man took it well".⁶⁰ Finally, there was a paradox: The dedicated believer in a parliamentary system of the British type was elected into the office of the Speaker in 1962 to preside over a parliament which in no way approximated to his belief. He died in harness seeing an opposition demand i.e. the fundamental rights to be made justiciable, accepted by the government.*

The Deputy Speaker

To unload some of the burdens of the Speaker or to facilitate parliamentary activities more efficiently, the office** of the Deputy Speaker is created. A Statutory Provision for this office was made in

* The writer had the opportunity of knowing him from close quarters. He believed that his entry into the present parliament would act as thaw to the frozen belief of those people who had still faith in Westminster system.

** The office is also susceptible to spoils system or group placability. In France, there are quite a few Deputy Speakers.

59. Sir I. Jennings, Constitutional Problems in Pakistan (Cambridge: 1957), p. viii.

60. M. Ayub Khan, Friends not Masters (Karachi: 1967), p.206.

the Pakistan parliament as far back as 9th June, 1948, but it came into effect only on the 28th March, 1953. Obviously, there was no outward evidence of any reason for the belated provision for this office. The 'Panel of Chairmen', with minority representation in it, had been quite efficacious. In fact, the new Deputy Speaker could preside over the House only for a few days.

Mr. M.H. Gazder, the new Deputy Speaker, was "the lord of Golimar Colony",⁶¹ Karachi, the capital of the federation. On many an issue, he, though a Muslim leaguer, joined issue with the government. He boldly served notice into the legislature for the repeal of that controversial P.R.O.D.A. Act.⁶² His passionate demand for the return of Karachi or the grant of adequate compensation to the provincial government of Sind had always been a source of embarrassment to the ruling party. The bait of office was dangled before him and was swallowed. What was more his status was made similar to that of a State Minister, drawing 2,000 rupees a month plus an official residence. A Congressite could only exclaim that "after all Deputy Speaker is only a part-time officer".⁶³

The Deputy Speaker could not command the same respect of the House as his superior did, presumably due to his well-known partisan approach. His strident reminder to a member, who was on his feet, that he had one minute left, produced a similar one: "I think whenever I speak your watch runs very fast."⁶⁴ In Pakistan the office of the Deputy

61. CAD (Leg) Vol. 1, 28 March, 1953, p. 902.

62. Dawn, October 9, 1951.

63. CAD (Leg.) Vol. 1, 21 September, 1954, p. 1829.

64. Ibid., Vol. 1, March 23, 1954, p. 442.

Speaker could vie with that of the government whips, for, both positions in varying degrees, were the initial ladders towards higher office.

The Whips

Parliament is an intricate personality. Its abstract constitutional edifice is also built with the concrete bricks of mundane business. Parliament to be productive of works should be free from problems of co-operation and coordination, among its parts. What keeps smooth parliamentary business going is that clincher known as 'Whips' in parliamentary language. Whips are, by and large, trouble shooters. The process of 'whipping' consists in keeping the conscience of the parties and their members. However partisan are the characters of the Whips their ultimate efforts help parliamentary programmes to progress smoothly. In the performance of duties the chief stock in trade is the art of persuasion - a weapon whose effective use empowers the Whips to exert control over the members without applying any apparent power.

In Pakistan situation the job of the Whips, however increasingly important, was less painstaking and engaging. The party position in the parliament was not complex, nor was there any large number of members. And, in the absence of too many divisions and "goats" in the herd of "sheeplike" members stifling whipping was not constantly in vogue. The Congress had no officially designated Whips - only the Party Secretary. The work of the government Whips appeared to have been admirable, since the Speaker and opposition members were on record* in admitting that.

* See: CAD (Leg.) Vol. 1, 25 March, 1951, p.305; Vol. 1, 25 March, 1953, p. 693.

To the credit of the Whips, there had been no serious complaints about the programme of business of the House, which used to be an agreed one. If an unintended error of the Whip angered a member he would "offer sincere regret and apologise",⁶⁵ or would be willing to persuade the leader of the opposition to agree to a parliamentary time apparently inconvenient for him at the cost of swallowing "all the angry pills" of his "venerable old friend".⁶⁶

The government Chief Whip was allotted an office in the parliament. It was not elaborately maintained.* It received notices of amendments to the Bills from the government party members for vetting and adjournment motions from the opposition members to be delivered to the Ministers concerned.⁶⁷ Whips were issued to members in pursuance of the decisions reached by the M.L. Parliamentary Party which had always been held on the eve of each parliamentary session, or sittings as the case might be. The success of the office of the Whip in translating the party decisions into action was related to the extent that the members' feelings on issues were at flashpoint. For instance, no Bengali members of the M.L. Party were present in the House on 18th March, 1953; for, the M.L. Parliamentary Party had decided on retrenchment of Bengali employees without fixing a proper quota for Bengalis in all services. And the

* Information gathered from an exclusive interview with Mr. Y. Haroon - one time Chief Whip of the M.L. party - by the writer.

65. Ibid., Vol. II, 18 December, 1948, p. 154.

66. CAD (Leg.) Vol. II 24 November, 1952, p. 596.

67. Hindu, December 30, 1952.

Chief Whip was found vainly patching up the differences.⁶⁸ Similarly, a demand for disciplinary action arose, when Whipping failed to ensure attendance in the House of some of the M.L. "rebel" members and Cabinet Ministers on the language issue.⁶⁹ But on an equally controversial matter but less sentimental, Mr. Gazder and Mr. Azizuddin Ahmed were whipped into recanting their earlier intentions of moving Bills to repeal the Pakistan Safety Ordinance and to forfeit properties illegally acquired.⁷⁰ (Eventually, the former became the Deputy Speaker and the latter Minister of State.)

With the increase of the volume of parliamentary work, the government Chief Whip, however, felt some dissatisfaction as to the nature of his job, and maintained correspondences for guidance with his counterpart in India. As a result, by 1952 the Ministry of Parliamentary Affairs was created giving the Ministry the status of a Cabinet Minister. Among the duties of the Ministry were the following: to receive complaints from the public as regards Ministries, arrange parliamentary sittings, maintain liaison between Ministries and members in relation to official and non-official business of the House, advise the selection to answer questions in the House and advise Ministries in regard to their parliamentary activities and keep them informed of the progress of the business of the House, etc., etc.⁷¹ For one thing, apart from

68. Ibid., March 18, 1953.

69. Times, 8 May, 1954.

70. Statesman, January 5, 1950.

71. CAD (Leg.) Vol. 1, 25 March, 1953, p. 697.

the relative value of the office of the Whip vis-a-vis parliamentary activities, the office definitely appeared to have served as a training ground for would-be Ministers. All the three Whips* who were appointed within the span of 7 years ended up as Deputy Minister, Minister of State and full-fledged Minister respectively.

The Parliament at Work: the Budget

Parliamentary control over the State Purse is the pivot round which all democratic institutions turn. Monarchs were purged of unbridled 'purse control' paving the way for vox populi to be represented in the parliament. The levying of taxation and the expenditure of money from the State Coffer require parliamentary approval. Beneath the dry figures of the Budget lies the economic and overall state policy. Hence, parliament must have a major voice in the matter. Given that the preparation of the Budget implies intricate and expert work the executive with its huge machinery is well placed to do the work.**

In Pakistan it was the Ministry of Finance which, under the guidance of the Finance Minister, prepared the Budget. The financial year was to commence on the first of April and would end on the 31st March, the following year. In the first session of the parliament the Finance Minister would submit the Budget showing separately (a) the

* Sardar Bahadur Khan, Dr. Mahmood Hussain and Mr. Giasuddin Pattan.

** In the U.S.A. the Budget Bureau - an adjunct to the White House - prepares the Budget. Some countries have permanent legislative committees to do the compilation of the Budget.

sums required to meet the expenditure as charged upon the revenues of the Federation; (b) the sums required to meet the expenditure proposed to be made from the revenues of the Federation.⁷² (Provision for a Supplementary Budget, if required, was made.) In other words the Budget was divided into two e.g. the Capital Budget and the Revenue Budget. The receipt portion of the Revenue Budget included taxation while recurring activities of government in the administrative sphere, defence, etc., were on the expenditure. It had been the policy of the government to incur expenditure year after year on the normal functions of government covered by taxation. The Capital Budget contained expenditure on development, railways, ordnance factories, grant-in-aid to the provinces and the like. Capital on that score had to be procured through borrowings if surplus revenues could not be siphoned off from any revenue yielding area to the Capital Budget. Here a risk of deficit financing was involved.

However, the submitting of the Budget was followed by a speech of the Finance Minister elaborating the salient features of the Budget and its policy. A Finance Bill with proposals for taxation was to be introduced as a matter of course. The House then embarked upon a course of giving its approval or disapproval to the Budget. The procedures adopted by the Pakistan parliament, in common with most Commonwealth countries to deal with the Budget, were broad discussions on the Budgetary proposals and the policies contained therein, cut motions on specific demands for grants and finally consideration of the Finance Bill.

72. The Government of India Act (Amended), Part II, Section 33(2), p.16.

We will now examine to what extent the members of the parliament could use those methods, and with what results. A detailed analysis of the Budget, in the first place, requires ample time to be placed at the disposal of the members so that they can make meaningful and constructive suggestions pertaining to the issues of the State, let alone their ability to do so. The first Budget was presented in the parliament on the 28th March, 1948. Its form was politically of greater import, in that it addressed itself - though technically to the House - astutely to the outside audience. A Congressite curtly remarked, "Sir, I congratulate the Honourable Finance Minister on his political Budget prefixed and suffixed by two political speeches."⁷³ The force of opposition to the Budget was watered down by one solitary consideration, namely the symbolic Budget boosted the morale of the people and to a majority of the members it was a political realisation of "cogito ergo sum". Members were disarmed further when the Prime Minister with a Churchillian touch said, "It is just six months since this new State came into existence ... But what six months! The months of blood, tears, toil and sweat."⁷⁴

However, the passing of the Budget was not without a note of dissent. The members of the Congress, and government backbenchers had had their disagreements registered. The Congress line of attack was

73. CAD (Leg.), Vol.1, 1st March, 1948, p.74.

74. Ibid., 2 March, 1948, p.135.

reminiscent of earlier days when Prof. Chakravarty maintained that "... the Budget ... follows the old bureaucratic method. He (Finance Minister) has merely cut the t's and dotted the i's."⁷⁵ The activities of the Congress members on the floor of the House had nuances. They would hardly give vent to their feelings on issues save a few ones. They turned well-meaning in their criticism of the Budget. Their main stress was on the nation-building subjects like education, health, unemployment insurance, etc., and they wondered why deficit financing was not resorted to, to feed the nation-building departments. On that point, whatever might be the voting behaviour of members, there was cross-fertilization of ideas, in that the attitude of certain opposition members was similar to that of government backbenchers.⁷⁶ The creation of social overhead capital through the Budget as one of the instruments, had all along been emphasized by the Congress. However, in dealing with the Budget the Congress members had one eye on their interests as a minority. In the very first Budget a cut motion was moved to ascertain the ration of Hindu appointments in the administrative services.⁷⁷ In all 16 cut motions were moved by the opposition out of 64 demands for grants during the first Budget session. The pungency of attack could be gauged in that as many as 4 drastic cut motions (demand be reduced to Re.1) were moved on the subjects of railways,^{*} post and telegraph, pay commission

* Unlike India, Pakistan had no separate budget on the railways.

75. Ibid., 1st March, 1948, p.52.

76. CAD (Leg.) Vol.I, 2 March 1948, p.119.

77. Ibid., 5 March 1948, p.236.

and irrigation. In all 24 members participated in the Budget discussion, spread into 7 days, the break-up of which was 2 days for general discussion, 3 days for demand for grants and finally 2 days for the Finance Bill. This famine of time prompted a Congressite to remark that "... this is without any precedent in the history of any legislatures in India, provincial or central."⁷⁸

The Finance Minister, representing the government side, beneath the plain-folk technique of speech like "Sir, I am son of a poor man, and the grandson of a poor man ... I know what is hunger",⁷⁹ laid down the country's economic policy, in which the accent was on a mixed economy with private enterprise on the preferential side, and heavy expenditure on the Defence department. That policy has basically remained unaltered. The general pattern of reply of the Finance Minister to opposition criticism, though sometimes cautious, was also forceful and informative. A prestige newspaper commented that "a brilliant financier ... provided some of the few speeches at this session that were not almost humdrum".⁸⁰

However, as the years passed by criticism of the Budget became less unmeaningful, but more vociferous. The number of days allotted (though still insignificant), the out motions moved and the debate-participants, were intermittently on the increase. From 1947-1951,

78. CAD (Leg.) Vol.I, 1st March, 1948, p.52.

79. Ibid., 2 March, 1948, p. 142.

80. Statesman, March 12, 1948.

the Budget position had been progressively healthy defying all forebodings. "Happy Pakistan"⁸¹ -- was the comment on the 1951-52 Budget. The Korean war catapulted Pakistan's export of primary products. This growth of exports was related to Pakistan's decision not to devalue her rupee in line with sterling and the Indian rupee. Whatever the economic considerations, the non-devaluation policy of Pakistan was, in part, ostensibly to show her economic independence of India. It happens that Congress members took a delicate position in that they urged the government to devalue the rupee in order to save the jute growers of East Pakistan, whose main customer was India, who refused to buy jute unless Pakistan devalued her currency. Throughout this period, the congress members availed themselves of every opportunity out motions on customs and excise duty could offer, to bring home to the government the wisdom of devaluation. The government ascribed motives to Congress members. It was a situation that beggared description. On the one hand, the government inwardly appreciated the Congressman's argument vis-a-vis jute growers' plight (the government created a Jute Board to look into the matter, which bungled), on the other hand the government supporters coming from East Pakistan, though wholly in agreement on principle with the Congress concerning jute growers, would not vote against the government. Things were not pushed to their logical ends because of party loyalty and tortured minds.

In the course of evaluation of the Budget two distinct patterns

81. Manchester Guardian, March 10, 1951.

of criticism emerged. The Congress view of the Budget was that the framework in which the Budget was cast could be improved by emphasizing items here and there. The Congress criticism epitomised the urge of a nascent country to thin away its already small capital to the growth of welfare institutions without ensuring the country's productive future. The second pattern of criticism coming from the A.P.P. was at once radical and affected. It urged complete rejection of the present structure of the Budget. Most of the members, irrespective of group affiliations, had three things in common in dealing with the Budget. Firstly, they scratched the surface of the Budget alone without going deep into it. In their world two categories of Budget existed i.e. the rich man's or poor man's Budget. This was an old cliché. If taxes were levied on certain things having a bearing, directly or indirectly, on the masses, the Budget would be readily dismissed as a "Rich man's Budget". So would some remissions in taxation constitute a "Poor man's Budget".⁸² Because of the clinging nature of opposition to any type of taxation however justified, the cut motions moved lost too much of their force. A salt tax was imposed in 1949 and cut motions with same arguments bordering on tautology were moved till the legislature was dissolved in October 1954. Secondly, the members very often committed the error of confusing the sphere of responsibilities between the central and provincial governments in that they held the central government responsible for lapses in the area of education, agriculture, health, etc., which were provincial

82. CAD (Leg.), Vol. I, 16 March, 1950, p.73.

responsibilities.* Thirdly, the members would hardly deal with the Capital Budget save for a few stray comments. The creation of national wealth, and how best it could be achieved the suggestions of which were contained in the Capital Budget. Granted that this was one of the main yardsticks on which a Budget should be judged, the Pakistan parliament failed. The members were more concerned with the revenue side of the Budget at the expense of the other, Capital. As the Statesman rightly remarked that "the detailed discussion on the Budget was almost devoid of interest".⁸³ No doubt the Finance Minister himself construed the absence of criticism as a sign of "eloquent approval".⁸⁴ Though some of the serious members, particularly of Congress, voiced the importance of evolving an economic structure productive of national wealth.⁸⁵ This was, to a great extent, a refuge of ignorance on the part of the members, so far as the technical aspects of economics were concerned.

The microscopic radical group i.e. the A.P.R., had a passion for attacking the Budget, year in and year out, with the patent tone that the Budget was "a Colonial Budget prepared and presented by His Majesty's Finance Minister of Pakistan".⁸⁶ One could see immediately the irrecon-

* Here one might sympathise with the members for the precarious position in which they were placed; for, some valuable sources of provincial revenues were taken by the central government. Though on procedural grounds they were not in order.

83. Statesman, March 24, 1951.

84. CAD (Leg.) Vol. 1, 30 March, 1954, p.1049.

85. Dawn, 19 March, 1952 and CAD (Leg.) Vol. I, 3 March, 1949, p.309.

86. Statesman, March 29, 1951; Also see: CAD (Leg.) Vol. I, 24 March, 1951, p.213.

cilable contradiction of terms in the statement. They advocated the abolition of Imperial preferences. The main argument was that the world needed Pakistan's exportable commodities which should not be confined to Britain alone. This argument was equally valid in regards to import policy - they maintained. Mian Sb. thought that it was a shame "that this country is still bound up with the sterling bloc and that gives you the key to the ... financial ... policy of Pakistan".⁸⁷ This idea stemmed from a mistaken preconceived notion. Because the sterling bloc is not a political one; * moreover, Pakistan, short of foreign exchange, always fell upon the reserves held in the Bank of England to finance development schemes - an advantage of being a member of that trading community. No wonder, the Finance Minister, while winding up the debate on the Finance Bill, made a quip saying that Mian Sb. should read a book on "elementary public finance".⁸⁸ On the question of formation of capital and its productive investments, the panacea lay, according to this group, in the confiscation of all lands from the zaminders. The incomes from those confiscated lands could amply take care of the country's development programme.⁸⁹ This was the essential nature of the members in dealing with the Budget.

The Finance Ministers, coming as they did from the early Indian Audit and Accounts Services "had no difficulty in effectively shattering

* Canada is not a member. Czechoslovakia and the U.S.S.R. participate in this multilateral trading area.

87. Dawn, March 20, 1952.

88. Ibid., March 19, 1953.

89. CAD (Leg.) Vol. I, 18 March, 1950, p.138.

the few criticism that had been levelled against the Budget".⁹⁰ Besides, members were circumscribed by the paucity of time, an important factor in examining the Budget. They achieved something in narrowing down their focus of attack on certain areas what they had lost in the wider glimpse of the Budget. The distribution of time is charted below:

Table I

* Year	Presentation of Budget	General discussion	Demands for Grants
1948-49	1 day	2 days	3 days
1949-50	1 "	3 "	5 "
1950-51	1 "	3 "	5 "
1951-52	1 "	4 "	5 "
1952-53	1 "	3 "	5 "
1953-54	1 "	5 "	6 "
1954-55	1 "	4 "	4 "

Table II

Year	No. of Demands for Grants	Cut motions moved	No. of Participants
1948-49	64	16	24
1949-50	74	16	24
1950-51	80	? ^{**}	22
1951-52	84	23	36
1952-53	87	12	31
1953-54	85	31	28
1954-55	86	32	24

* Figures were calculated by the writer from the Hansard.

** No formal cut motions were moved by the Congress as a protest against communal riots. Though, 20 demands for grants were discussed informally.

90. Statesman, March 19, 1950.

An analysis of the types of cut motions moved would reveal, in order of emphasis, how the members' minds were working. During the Assembly's lifetime there were, in all, 45 cut motions including 7 drastic ones (meaning refusal of total supply) moved relating to customs, central excise, salt, jute and income and corporation tax. Two divisions were forced in the 1954 session on account of the salt tax and excise duties on betel nuts, hookka tobacco, the railways, the commercial department of state, shared exclusively 29 cut motions. The rest were distributed in the following manner: Cabinet 10; Post and Telegraph (another commercial concern of the government) 8, one being drastic; the Ministry of Foreign Affairs and Commonwealth Relations 8, 4 being drastic; labour 4; the Ministries of Interior, Commerce, Education and Industries 2 each and the Ministries of States and Frontier Regions and Parliamentary Affairs each shared one. The cut motions apart, amendments to the Finance Bill were usually sought for. In 1950, Mr. Datta moved 20 amendments opposing import duties on kerosene, tea and cycles, which to the members were "either essential commodities or the poor man's luxury".⁹¹ Members also discussed demands for grants, shorn of cut motions and on some occasion motions were withdrawn on assurances given by the Treasury benches.

The presentation of Supplementary budgets, was an almost regular feature. The demands for grants were usually huge. For instance, in 1949 38 supplementary grants involving a sum of about Rs.32,78,00,000

91. Hindu, March 29, 1950.

including Rs.12,85,00,000 on capital outlay in the Defence Services and Rs.10,48,91,000 on capital outlay on pensions were sought to be approved by the House.⁹² The irony was that the members were in a procedural trap; for, according to the standing rule "no grievances can be made in respect of a demand for supplementary grant; nor can the policy be criticised"⁹³ - a damper on effective criticism. The most consistent pattern of the Pakistan Budget was its being either a balanced or a slightly surplus one.* And the usual technique was to raise the level of taxation in order to cover the revenue deficit. For instance, a deficit of 1 crore 90 lakhs of 1950-51 Budget was converted into a surplus of 10 lakhs by additional taxation.⁹⁴ The next biggest feature of the Budget was its granting of huge amounts for the Defence Department.⁹⁵ Compared to it, the provincial legislatures witnessed a series of deficit budgets, with lopsided grants on the nation-building departments. This was more true of East Pakistan. Despite a fifth successive presentation of a deficit budget, the East Pakistan government earmarked as much as 20% of the entire revenue on education** at all level.⁹⁶

Impressive statistics cannot be reeled off to show the opposition stand, but a continuing urge for effective criticism was, no doubt, noticeable. What was most conspicuous by its absence was the thorough

* The estimates for 1949-50: Revenue Rs.66.66 crores and Expenditure 65.66; 1950-51: Revenue Rs.115.64 crores and Expenditure Rs.115.54 crores; 1951-52: Revenue Rs.159.85 crores and Expenditure Rs.139.11 crores. Source: "Chatham House Papers", Far Eastern Dept., No. 2.

** 300% rise of budgetary grants on education in the N.W.F.P. See Statesman, January 2, 1951.

92. Statesman, March 10, 1949.

93. CAD (Leg.) Vol.I, 31 March, 1952, p.859.

discussion of the Budget and cut motions on the Defence Services, which used to chew the largest slice of the Budget, every year. The government policy was to build the Defence Establishment as a scarecrow for the potential aggressors. In each Budget session, the members would be horrified, as a matter of routine, at the Defence prodigality, but would predictably, withdraw into sullen acquiescence. For the Congress members, it was risky to dwell on the matter very hard. It was only the East Pakistan members (M.L.) who consistently urged for the diffusion of Defence expenditure evenly on both side of the wings.

Legislation

The passing of laws is one of the fundamental functions of the legislature in that it lays down a framework of rules making all the organs of the State and the citizenry subject to obedience. In the parliamentary systems obtaining within the Commonwealth, legislative leadership has become, by and large, an executive monopoly.* Increasing party discipline coupled with the intricacies of a modern legislative programme have been, inter alia, responsible for this development.

With the inherent limitations of a Federal legislature Pakistan's output of legislation, during seven years, was 283 Acts. A group of

Footnote contd. from previous page.

94. Financial Times, March 13, 1950.

95. Daily Herald, March 20, 1951 and Guardian 10 March, 1951. The total Budget amount of 1947-48 was 66 crores and defence claimed 34 crores; 1949-50 claimed 67% of the Budget on the Defence; 1950-51: 75 crores. See: CAD (Leg.) Vol. I, 1 March, 1948, p.74; Vol. I, 2 March, 1949, p.267 and Vol. I, 18 March, 1950, p.391.

96. Dawn, March 6, 1953 (Editorial).

* Even in the Montesquian environment of politics like the U.S.A. the executive initiative of legislation has been on the upper hand.

subjects consisting of Communications, Finance, Commerce, Industry, Insurance, Banking, Currency and related subjects were dealt with by 130 Acts of Parliament. The rest of the Acts dealt with refugees, citizenship rights and the Federal Capital.⁹⁷ However, the legislative process in Pakistan was an example of "hurried scuttle". Hosts of Acts were passed so quickly which otherwise should have been subjected to protracted discussions in the parliament. In the very first session of the parliament within the span of 12 sittings, it passed the Budget, hustled through 6 government Bills, appointed 17 Committees and asked 218 questions. The Bills were passed into laws within 20 minutes. Only once did the House divide into the lobbies "otherwise almost invariably the 'ayes' had it."⁹⁸ The House continued to be over-burdened with the onrush of legislative programmes in each session which produced extempore and inadequate discussions in them leading to half-baked laws unchecked by public opinion.

The Ordinances of the Governor General were 86 in number.⁹⁹

In answering a question the law Minister admitted that there were 12 Ordinances promulgated since the termination of the last session of the parliament and the commencement of the new one.¹⁰⁰ Most of the Ordinances

97. M. Ahmed, Government and Politics of Pakistan (Karachi: 1959), p.99.

98. Statesman, March 12, 1948.

99. The All Pakistan Legal Decisions (PLD), Lahore n.d.

100. CAD (Leg.) Vol.II, 29 December, 1948, p.419. 14 Ordinances were promulgated when the East Pakistan legislature was in recess. Statesman, 15 February, 1951.

were non-controversial. Some, of course, were of great significance needing careful consideration in the House. But they would all appear as fait accomplis before the parliament. This extra-parliamentary method was designed to meet an extraordinary situation arising from the division of the subcontinent. Later on, Section 42 of the India Act, 1935 was amended, shrinking the period of the Governor General's Ordinances up to 6 weeks only after the re-assembly of the House, which also could be nullified by a resolution of the House.¹⁰¹ However, the number of Ordinances were progressively on the wane.

The first Budget presented, contained a proposal to set up an Industrial Finance Corporation to assist industries. With the Bill was associated a Select Committee (on to which two non-official members representing public views were also coopted) which submitted its report in the House on 14 February, 1949.¹⁰² The debate could not be prolonged since the Select Committee itself did not propose any substantive change in the original Bill. The general accord of the House could be seen in that during two-day discussion on the Bill, there were only 7 minor amendments of which the government accepted 4 with the rest withdrawn. However, the members had their views. One member being aware of the rural base of Pakistan's economy, suggested a broadening of the Bill's definition, so that agriculture could be benefitted.¹⁰³

101. CAD Vol. VI, 6 January, 1950, p.36.

102. Ibid., Vol. I, 14 February, 1949, p.15.

103. Ibid., Vol. I, 16 February, 1949, p. 30.

This did not find favour in the House; for, the members were more concerned with the production of essential consumer goods through rapid industrialisation.¹⁰⁴ On the side of the administration of the policy two valuable suggestions, one from the leader of the opposition, the other from a government backbencher, were accepted by the Finance Minister. He agreed to appoint one committee to go into the reason as to why Country's Capital was shy and a Technical Committee to evaluate genuine cases of applicants for loans.¹⁰⁵ A well-meaning suggestion from a Congressite that industries to be financed should be first placed in order of preference, failed to elicit a categorical assurance.¹⁰⁶

One solitary piece of legislation, The Estate Duty Bill, met an ideal process of enactment in the whole life of the legislature. The Bill was introduced on May 18, 1948. Having been circulated for eliciting public opinion, the Bill was referred to the Select Committee of which 3 were Congress members out of five. The Select Committee report was one of "complete unanimity"¹⁰⁷ - declared the Finance Minister. Despite the agreed report of the Select Committee, the House as a whole contributed to the improvement of the Bill, at its final reading. Sixteen amendments of which 11 were of significance were moved. Three Congress amendments were accepted by the government with appreciation, the rest were negatived save 5 minor ones from government backbenchers.

104. Ibid., 17 February, 1949. p.50.

105. Ibid., 16 February, 1949, p.33.

106. Ibid., p.53.

107. Ibid., Vol. II, 24 December, 1949, p. 70.

Well thought out arguments were brought forward, particularly by an A.P.P. man who pointed out a snag that the average life expectancy in Pakistan was 27 years compared to Britain's nearly 65 and unless that provision of the Bill were well-defined "the people here will pay death duties twice".¹⁰⁸ Mr. K.K. Datta - a Congress man - sought an amendment in the Bill lest it should operate in a manner which would discourage the Estate owners from making gifts for the welfare of the people. The Congress scored a parliamentary point when it suggested that taxable property should be in the neighbourhood of 50,000 instead of one lakh rupees. This point was very astutely advanced in the hope of instilling habit of insurance among the reluctant people.¹⁰⁹ This proposed amendment sprinkled salt on the wounds of the government's vested interest; for, the M.L. government drew its support mainly from the Estate owning people. Needless to say, it was politely turned down.¹¹⁰

The Agricultural Development Finance Corporation Act - a very significant piece of legislation - augured well from its reference to the Select Committee down to the passing. The Act would advance capital on easy terms to those who were engaged in agriculture, with the sole object of augmenting agricultural productivity. Despite the nature of the Bill, members regardless of party strains or regions could not confine their debates within their precise scope. To regard the

108. CAD (Leg.) Vol. I, 29 March, 1950, p. 495.

109. Ibid., Vol. II, 3 January, 1950, p. 259.

110. Ibid., p. 265.

corporation as a money-lending institution would vitiate the spirit of the Bill. The agricultural problems in all developing countries are wrapped up onionwise. The trend of the debate was wrenched into a different but not to an altogether irrelevant direction. How could loans alone increase productivity in the presence of "fragmented holdings"¹¹¹ on the one hand and no holdings on the other, let alone the non-availability of the ingredients of mechanised agriculture. The debates would appear realistic when considered that they were representative of social and cultural problems of the country, else they would be regarded outside the precise scope of the Bill. No doubt, the Minister had to console the House and himself with the will "to tackle each object separately".¹¹²

However, not all the important Bills were processed through the Select Committees. An important Bill like the P.I.D.C. was enacted without reference to a Select Committee. The House was prone to legislate upon morality. In almost every session the government would come forward with such Bills and members had had their moral catharsis in enacting them. The party in power beguiled the time in thinking that its government was 'doing something'. The series of laws, on that score, passed were apparently similar, sometimes overlapping. The Hoarding and Black Market Act, the Prevention of Corruption Act, The Prevention of Hoarding Act, the East Bengal (Smuggling and Foodgrains) Act, The

111. CAD (Leg.) Vol. I, 3 April, 1952, pp.1019-1030.

112. Ibid., p.1034.

Karachi Essential Articles (Price Control and Anti-Hoarding) Act, Essential Supplies (Temporary Powers) Act, among others, were cases in point. A classic example of legislative muddle and faulty draftsmanship could be found in the Security Bill introduced in 1952. The Bill sought "special measures to deal with persons acting in a manner prejudicial to the defence, external affairs and security of Pakistan, and the maintenance of supplies and services essential for the community".¹¹³ While dealing with the maintenance of supplies and services the government would be ultimately confronted with the hoarders and black-marketeers on the one hand and the trade unions on the other. In determining prejudicial acts relating to the defence, external affairs and security of Pakistan the government might be dealing with different categories of people - supposedly politicians - from within or outside the country. As a result, a variety of subjects affecting various types of people were huddled into the ambit of one Bill - rather an omnibus measure - whereas separate Bills for them would have been justified.

Similarly, the drafting of the Bill - a very important aspect which helps to produce a clear interpretation of the statute before the court of law or elsewhere - was haphazard in that it could not precisely define what would constitute prejudicial acts vis-a-vis the security of Pakistan and external affairs. A criticism of foreign policy might come within the scope of the Act. What was more the introduction of the Bill violated one important principle viz. the Bill was submitted at

113. CAD (Leg.) Vol. I, 21 April, 1952, p.1542.

the fag-end of the session when the House was growing restive. An unhappy Congressman protested that "a momentous Bill like this is going to be passed in this state of things", when the members were "about to disperse".¹¹⁴

Implementation of laws, particularly of anti-social measure, presupposes a willing and cooperating community. Legislation alone cannot stamp out corruption unless people are made receptive of them through extra-governmental methods or social movements. Independence, as its by-product, brought in its wake some lapses on the social plane of Pakistan as the English restoration period witnessed after 1660. "Ticketless travelling"¹¹⁵ was for some time coeval with the dawn of independence. In spite of a number of laws passed to curb hoarding, black marketing and control the prices of commodities, the prices, according to a member, "are rising in the entire country".¹¹⁶ Some of the Ministries were not properly streamlined for their tasks. For example, the departments of commerce and industries were working separately. As a result of all these factors laws remained in the Statute Book as reminders of legislative myopia. Also, there was an interesting aspect of legislative psychology: the introduction of a new Bill in the Indian parliament would be followed by a parallel one in the Pakistan House. This was very true of Bills covering refugee and developmental affairs. Dr. Qureshi would be willing to withdraw a Pakistan measure

114. CAD (Leg.) Vol. I, 21 April, 1952, p.1551.

115. Ibid., Vol.I, 1 March, 1948, p.54.

116. Ibid., Vol.II, 14 October, 1953, p.1127.

on Evacuee Property provided India "agrees to withdraw the Evacuee legislation".¹¹⁷ In piloting the P.I.F.C. Bill, the Minister in charge compared it favourably with that of the Indian one passed in 1948,¹¹⁸ while another member thought that the Pakistan Bill was "an improvement on the Indian Act".¹¹⁹ An undeclared competition in legislation with India, perhaps, was a spur to Pakistan legislators.

Mr. Ahmed opined that original Bills and the amending ones were whisked into the Statute Book effortlessly.¹²⁰ This was true. But in understanding this three intrinsic factors happened to be associated with Pakistan legislation, need to be borne in mind. Firstly, Bills holding out instant hopes for rapid industrialisation, a high standard of living and everything associated with it, became symbols with Pakistanis of what Adlai Stevenson would call the 'revolution of rising expectations', and had the concurrence of the legislators almost by reflex. There was unanimity of opinion in regard to the principle. The best example would be the moving of the P.I.D.C. Bill. All members were agreed upon the principle, but the opposition was insistent upon sending the Bill to the Select Committee. The Minister having correctly assessed the trends of the House negatived the opposition "that the weight is more on the side of urgency than on the other side".¹²¹

117. Dawn, 27 November, 1952.

118. CAD (Leg) Vol. I, 16 February, 1949, p.28.

119. Ibid., 17 February, 1949, p.50.

120. Mustaq, op.cit., p.102.

121. CAD (Leg.) Vol. I, 11 April, 1950, p.799.

Secondly, there were a good many pre-independence Acts extant, like the Prisoners Act, The Extradition Act, The Limitation Act, The European Vagrancy Act, The Penal Servitude Act, etc., etc., which were irritating to all the members. This was also true of the Penal Code and the Code of Criminal Procedure. So the swift passing of Amendment Bills was to the members a partial fulfilment of their nationalistic goals. In the words of a member it was "incumbent on the government of Pakistan to do away with all discriminatory privileges that are being enjoyed by Europeans and Americans under various Acts in force in Pakistan."¹²²

In a parliamentary system, regardless of countries, controversial Bills are not just "rubber stamped" by the Parliament. An element of acquiescence, however, grudging, on the part of the members is what is called for. In the Pakistan situation whether it was an active acquiescence or passive adherence of the members vis-a-vis legislation cannot be assessed absolutely. An approach of relativity helps appreciate the situation. For one thing the parliamentary time earmarked was notoriously incommensurate with the jobs to be done. That feeling was echoed and re-echoed by all members that "a Bill is introduced one day and it is passed on the day following",¹²³

Thirdly, the members overall, did not suffer from the unfamiliarity of the titles of the Bills introduced. As a matter of fact, a substantial portion of the Acts were the holdovers of the British administration - a factor hardly emphasized. Vast numbers of laws for

122. Ibid., Vol.II, 28 December, 1949, p.146. Also, Statesman, 29 December, 1949.

123. CAD (Leg.) Vol. I, 17 February, 1949, p.57.

the governance of the vast subcontinent were legislated upon, let alone the reforming legislation of a social and economic nature. Some of the Pakistan legislators had also a share in it. Those laws were not all retrograde. All they had to do was to amend the existing Acts to suit the new situation. The skeleton of laws was there and the Pakistan legislators breathed new life in it - rather frequently and surely without proper discussions.

Non-official business

Theoretically speaking, every member of the parliament is entitled, as a democratic right, to initiate any number of legislative proposals. In reality, it has often become a qualified privilege,* particularly under the British form of government. Firstly, the non-official Bills are deprived of the technical guidance which require not only "the creative imagination of a political brain but the combined knowledge of an economist and a specialist in a whole series of cognate sciences".¹²⁴ Secondly, under the party system of government - the underlying principle of which is that the majority of the members give support to the government in power, express or implied - the members are not at liberty to have Bills pushed through. So, it is a falling in the trap of their own making. Thirdly, parliamentary time is hard-pressed to accommodate much of non-official business.

Of the Private Bills introduced in the House most of them were

* In the U.S.A. and continental countries, private members' initiative in respect of legislation is in the ascendancy.

124. Hansard Society ed., op.cit., p.128.

imbued with reforming and purifying zeal. The Public Address and Entertaining Regulation Bill, The Pakistan Indecent Advertisement Prevention Bill, The Public Subscription (Prevention and Abuses) Bill, among others, were to be mentioned. The fact that Private Bills usually emanate from interested quarters could not be fully applied to Pakistan because of her less social cohesion. The absence of strong interest groups discouraged sectional or local issues to be factors of primary cause of Private Bills. Hence, those Bills, generally speaking, were of all-pervasive applicability. For instance, the Bill on the Public Subscription would cover the entire country; for, in everywhere the "same person is approached by several persons. Sometimes the D.M. will come; sometimes sub-divisional Magistrate will come; and then the President ... the Chawkider ... and then certain other officers will come for collections of subscriptions, and everybody must be propitiated otherwise the man is harassed."¹²⁵ Thus common problems gave common ground for introducing Bills.

Though pressure groups were not pronounced in instigating legislation, it cannot be maintained that all Bills were born of members' self-initiation immune from outside influence. Bills such as the Pakistan Practitioners of Homeopathic Systems of Medicine Regulation and the Pakistan Practitioners of Indigenous Systems of Medicine, were the expressions* both of one members' own cumulative faith in them plus

* The writer is aware that many an eminent man westernized in education, has a precious little fancy box containing indigenous medicine, would pour a pill or a drop of medicine in a gaping mouth of a friend, saying that it did cure another person miraculously. The 'Sadhana' has branches all over the world. Prof. Mathur Baboo had immense political influence in East Pakistan.

125. CAD(Leg.) Vol. I, 21 February, 1949, p.83.

environmental influence. There were large number of flourishing practitioners in Unani and Ayurvedic medicine all over the country. How involved the introducer of the Bill was, could be seen when he conjured up a situation where the Unani system, long associated with the Moghal regime, and the Ayurvedic linked with old Hindu culture, were being replaced by the Alapathic, a foreign growth, though advanced.¹²⁶ One member even suggested "to get rid of Allopathic system gradually", if possible.¹²⁷

The passing of the Karachi Port Trust (Amendment) Bill in 1949 was, by all indications, the fulfilment of an interest of a local authority. During the British period the Karachi Port Trust was comprised of 14 members among whom the Karachi Buyers and Shippers Chamber representing a majority of industrial and commercial concerns were dominant. The Muslim trading community had only one member therein, to look after its interest. The advent of Pakistan turned things to the member's favour who was "agitating for giving representation to Muslim merchants for a long time".¹²⁸ Another Bill namely the Port Haj Committees (Amendment), introduced in the same session, was indirectly benefitted in that it got the right of representation in the Karachi Port Trust, the absence of which had been a discomfort to the intending pilgrims. Similarly, some other legislative proposals with a touch of localism -

126. CAD (Leg.) Vol. I, 1 April, 1950, p.588.

127. Ibid., p.590.

128. CAD (Leg.) Vol. I, 21 February, 1949, p.81.

they were never passed - such as the Karachi Rent Bill, and the Forfeiture and Prevention Illegally Acquired Properties Bill, were pressed for legislation.

There were two "Personal Bills" of highest social significance. One such Bill, The Pakistan Mussalman Wakf (Amendment), has a history of which goes back to 1871 and also finds illustration in Sir William Hunter's report. The Wakf was a trust in Mohammedan law which would protect its beneficiaries from misuse by the Mutavallis (trustees). Mr. Jinnah himself made his legislative debut in the Indian central legislature in 1913 in having passed the 'Wakf Bill' as a private member, which, according to Miss Naidu, "won him ... the appreciation of his colleagues (and) ... coreligionists".¹²⁹ Despite further elaborations on the Act in 1923, nothing could stop incomes of the trust from being "misappropriated, abused and misapplied".¹³⁰ The Bill was introduced in 30th December 1948, after which it was tossed back and forth from the House to the Select Committee, but to no purpose.

The second one, the Pakistan Marriage Expenditure Bill, was introduced in 11 May, 1948, to regulate expenditure in respect of marriage. It aimed at stopping the non-productive habit of investment in social functions. As far back in 1920 both the Central Banking Enquiry and Provincial Banking Enquiry Committees reported that poor and middle class people were in debt to the tune of crores of rupees, on account of "Fazool Kharacha" (unnecessary expenditure) incurred in the marriages

129. H. Bolitho, Jinnah (Karachi:1966), p.54.

130. CAD (Leg.) Vol. I, 3 April, 1953, p.1203.

of their daughters and sons.¹³¹ In spite of members' willingness to celebrate marriages on a mere "Sharbat ka piala",* the Bill orbited around the country four times and the Select Committee three times for public opinion and agreement. It survived the technical clash with the section 298 of the India Act, 1935.¹³² Pressure was brought to bear upon the House from all over the country, as the member himself admitted that "letters are being sent to expedite enactment of the Bill".¹³³ With all the irregularities and differences removed, the Bill came for consideration in the House, when it was adjourned. The unhappy member heard the Minister of Parliamentary Affairs saying that "you can discuss it later on".¹³⁴ That was the end of it.

Private Members' Bills had to persevere with some procedural hurdles. One month's notice was required for leave to introduce Bills whose priority was to be arranged by lot. They could be taken into consideration straightway, referred to the Select Committee, or circulated for eliciting public opinion.¹³⁵ One day in a week, preferably a Friday, was devoted to non-official business. Given the short duration of sessions, the place occupied by the non-official day was anybody's guess.

Of the 111 Private Bills received by the Assembly Secretariat,

* A glass of syrup

131. Ibid., Vol.II, 2 October, 1950, p.117.

132. Ibid., Vol. I, 1 April, 1950, p.590.

133. CAD (Leg.) Vol. I, 24 May, 1954, p.1333.

134. Ibid., p.1333.

135. Pakistan Constituent Assembly (Leg.) Standing Orders, 1948, Order Nos. 7a, 38(a) (b) and (c).

28 were introduced of which three* were passed.¹³⁶ Mr. N. Ahmed topped the list for his enthusiasm for initiating Bills. There was one striking aspect of non-official activity, namely that the Congress did not initiate any Bills, although they did participate in the debates, selectively. Usually, it is the practice and privilege of the minority group to bring forward Bills in parliament- an opportunity seized by the minority to exert itself in the legislative domain. This lukewarm attitude of the Congress towards non-official business might be the result more of apprehension of its diminutive size in the House than sheer apathy. This non-serious attitude of the Congress hardened its leader into a comment i.e. "I do not care for non-official day".¹³⁷ As a result, the pattern worked in a different way in that the government supporters got some leeways from the treasury benches.

There were two overriding reasons as to why so many Private Members' Bills could not be passed. One was the fact that they all emanated from the government party. Members did not press hard - because of party loyalty - knowing that the government would sponsor Bills if they were worth being legislated upon. Secondly, the government had to weigh carefully the implication of the 'proposals' as contemplated therein so that public and private interests were in proper balance. This consideration prompted the Minister to observe that government

* The writer finds 4 Bills that were passed e.g. The Karachi Port Trust (passed 1949); The Pakistan Indecent Advertisement Prevention Bill (passed 1951); The Pakistan Indigenous System of Medicine (passed 1951), and The Lunacy (passed, 1951).

136. Ahmed, op.cit., p.104.

137. CAD (Leg.) Vol. I, 27 March, 1954, p. 702.

responsibility lay not only in satisfying particular groups of people but in looking into the interests "of all classes of people".¹³⁸ But this reason was not always valid. There were cases where the government looked askance at the Bills and pigeonholed others for fear of being lashed by powerful groups of people. For example, the Pakistan Mussalman Wakf (Amendment) Bill could not be passed despite its noble sentiment.

There were 82,000¹³⁹ wakfs registered in undivided Bengal. Some of them were really big trusts. The passing of the Bill would have meant that some of the leading politicians, who happened to be trustees* of the wakfs, were to be accountable to the law. The Pakistan Marriage Bill, had it been passed, would have wiped out the so-called socially prestigious custom of selling sons and daughters in the matrimonial market in the garb of dowry and social manoeuvrings. Similarly, a nervous government supporter hurriedly withdrew the Public Address and Entertainment Regulation Bill to save embarrassing the government, only to be followed by an opposition gibe that "the Chief Whip is running about disturbed and the Ministers, one and all, are eagerly wishful to raise points of order that discussion over it may not begin so that their dinners, their presents may continue."¹⁴⁰

In short, the non-official business did serve three distinct

* The writer is aware of some litigations regarding wakfs against some influential politicians.

138. Ibid., Vol. I, 1 April, 1950, p.587.

139. CAD (Leg.) Vol.II, 15 November, 1953, p.1336.

140. Ibid., Vol. I, 2 April, 1952, p.966.

purposes. Firstly, the Bills raised some subjects of public interest in the House which otherwise would not have been discussed. Secondly, it kept the backbenchers happily occupied with some Bills. Thirdly, the introduction of some of the Bills indirectly helped the Government what, in the words of Prof. Bromhead, might have been "impolitic for the Government to introduce" Bills "on its own account".¹⁴¹ Thus, the Karachi Port Trust Bill rescued the government from an embarrassment; for, the Act increased Muslim mercantile representations in the trust at the expense of the Hindus. The sponsor, Mr. Gazder, himself shrewdly paved the way for full East Pakistan support to his proposal by having supported earlier an East Pakistan member's motion for developing Chittagong Port Trust¹⁴² - an example of effective log-rolling.

Resolutions

Resolutions in a parliament sometimes act as an auxiliary to future legislation. In Britain the parliament Bills of 1910 and 1911 were cases in point.¹⁴³ The Standing Order No. 2 of the Constituent Assembly (Leg.) allowed resolutions to be discussed. They were selected through ballot, and speeches on them not exceeding 15 minutes by each member, subject to the Speaker's permission, were allowed.¹⁴⁴ The general drift of the resolutions, the attitude of the government shown to them, and the interest taken by the members, were, to a great extent,

141. P.A. Bromhead, Private Members' Bills in the British Parliament (London: 1956), p.172.

142. CAD (Leg.) Vol. I, 5 March, 1948, p.223.

143. Jennings, 'Parliament', op.cit., p.248.

144. Rules of Procedure, CAD (Leg.) Rule No. 62.

similar to the pattern of the Private Bills. The keynote was reformatory. But there was one striking contrast in that the opposition - Congress - though author of a few resolutions, took an active part in them.

Why did they prefer resolutions to Private Members' Bills?

Presumably because they could not, in the first place, foresee the type of constitution the country was going to have, in the absence of which initiation of personal laws - as a form of Private Bill - would be anything but sanguine. Whereas the majority party belonging to the M.L. had a strong hunch as to the future nature of the country's constitution. The sample of resolutions moved by them would speak volume in that direction. Secondly, by bringing in resolutions - an easier process compared to that of the Private Bills - the Congress was able to commit the parliament to debate on issues in which they had a greater stake.

In the first session of 1949, notice had been given of 22 resolutions of which two were selected by ballot.¹⁴⁵ A forceful debate marked the proceedings of the House when it discussed a Congress resolution, namely that the "Communal organisations engaged in political activities" should be discouraged by the government in the interest of the State. Now, this resolution was, at once, pregnant with controversy. Its ultimate aim was to change the essential nature of the M.L., the party in power. The mover himself was not feigning when he asked the government to "change the name of the Muslim League into that of the Pakistan National League, throwing its doors wide open to people of all communities...¹⁴⁶

145. Statesman, February 9, 1949.

146. CAD (Leg.) Vol. I, 22 February, 1949, p.111.

The government, aware of the existence of the Akali Panth, R.S.S.S.* in India, cleverly gave out to the House that the resolution anticipated a situation where a particular people embracing different religion would not be able to form itself politically, so the resolution should be withdrawn in the interest of the opposition party. In respect of what the government should do with the nomenclature of the M.L., its answer was in the best tradition of Delphian oracle i.e. "Alexander never did what he said and Caesar never said what he did."¹⁴⁷

The second Congress resolution asked the government to assure the people that criticism of the Cabinet or individual Ministers would not be construed as disloyalty to the State. The mover wanted opportunity for fair criticism; for, "if a Muslim league committee criticize the government, such a criticism is tolerated, but if a minority voices genuine criticism, it is accused of anti-Pakistan activity".¹⁴⁸ But to the government it was not an innocent motion, rather a mask to castigate the Safety Act.¹⁴⁹ The third resolution wanted to discuss government failure to "secure reasonable price"¹⁵⁰ for the East Pakistan jute growers, a favourite subject of the Congress.

The purport of the resolutions indicates that the opposition was more eager to censure the government than to discuss. This does

* Rastriya Sebok Swamyuke Sangha.

147. CAD (Leg.), Vol.I, 22 February, 1949, p.119.

148. Statesman, 5 January, 1950.

149. CAD (Leg.) Vol.II, 4 January, 1950. p.303.

150. Statesman, October 3, 1950.

violate an important point that the House should not raise issue in the form of resolutions when a decision cannot be resolved upon. Then, whose resolutions and what type of resolutions got through the House? Obviously, it was the government's and its following's.

The government resolutions were of a formal kind viz. seeking extension of 12 months, every year, to the India (Central Government and Legislature) Act, 1946 to have power to control the production and supply of various essential commodities;¹⁵¹ or seeking amendments to the Schedule of the P.I.D.C. Act, from time to time, to bring more industries under its initiative.¹⁵² An important resolution seeking support of the government's condemnation of the North Korean attack on the South and offering of 5,000 tons of wheat to the South Korean Republic, in pursuance of the Security Council decision,¹⁵³ was seriously debated and passed, the Congress siding with the government. It gave an opportunity to members to throw a searchlight on the foreign policy, a subject that had not been formally discussed.

Resolutions of a controversial nature could be sent to the Select Committee to distil out disagreement before they are introduced to the House. But the government foisted a resolution on an Industrial Tribunals Award on an uneasy House, without having it referred to the Select Committee. The resolution related to an award given by a Tribunal, which held out a judgment on the affairs of the East Bengal Railways

151. CAD (Leg.), Vol.I, 30 March, 1954, p.1055.

152. Ibid., Vol. I, 17 April, 1952, p.1428.

153. Ibid., Vol.II, 11 October, 1950, p.507.

Employees committing the government to certain obligations which the government wanted to be rid of. The opposition accused the government of rushing through an important resolution after having failed to make the government agree "that the award of the tribunal should also be binding upon the government, as it is binding upon other employers".¹⁵⁴

The resolutions of the government backbenchers, on the other hand, dealt with religious affairs, education, corruption and sports. The Secretariat received 476 notices of resolutions of which 388 were admitted by the Speaker. Only 39 resolutions were taken up by the parliament.¹⁵⁵ Of all the five resolutions moved - they aimed at making the teaching of the Quran compulsory to Muslims; establishing an Institute of Islamic Research ; observing the Prophet's birthday as State function; setting Fridays as a holiday instead of Sundays; and eradicating of corruption and redtapism from the administration - all but the one desiring Fridays as holidays were adopted.* One such resolution i.e. Establishment of an Islamic Research Institute, finally succeeded in having its place in the country's constitutional provisions.¹⁵⁶ The adopted resolutions, however, had an Islamic savour. But on balance, they served as a "trial balloon" for future enactments. The provincial legislatures took recourse, also, to resolutions as the prelude to future solution of issues. Nevertheless, they offered opportunities

* Calculated by the writer.

154. Ibid., Vol. I, 28 August, 1954, p.1654.

155. Munir Ahmed, Legislatures in Pakistan (Lahore: 1957), p.82.

156. "The Constitution of the Islamic Republic of Pakistan", (Karachi: 1956), p. 143, part XII.

for debates. Seventeen members joined a two-day debate on the resolution, "Eradication of inefficiency, corruption and red-tapism in services", which took place on different dates between which a Ministry fell. The resolutions on Education and Sports found eloquent expressions in the House. The House witnessed a sincerely well-devoted debate on a resolution, "East Bengal Floods"- a matter of great magnitude affecting lives, properties and crops every year - moved by a Congress member. Twenty seven members, both East and West Pakistani members, participated in a 4-day debate, spending over 10 hours, shuffling across views among themselves as to the causes and remedies of the routine yearly flood. This resolution, though a provincial concern, brought about a meeting of minds among the members regardless of party hues - a departure caused by a common identification of national issues. No doubt, the Prime Minister had to appreciate the constructive criticism coming "from the members on the government side as well as from the members of the opposition".¹⁵⁷

The futility or fertility of Private Members' time is not to be judged, alone, by the yardstick of legislative record, or for that matter the quantum of motions adopted, but also, by the consideration that, to what extent, it has been spent to raise issues of both Private and Public interests. The motions of which notices had been served, admitted, and finally adopted by the Pakistan parliament were an expression more of members' legislative garrulity than of reticence.

Committees

It is said that "a legislature may be known by the Committees it keeps".¹⁵⁸ This keeping of committees may have been due to the practice that evolved through ages or, the reflexion of a country's given constitutional structure. The system does serve three major functions. Firstly, it enables members to have a close view of the 'goings' of the State business by putting 'Whys' to the people concerned with policy and administration. Secondly, all the benefit of division of labour in legislation is associated with it, in that it can feed the 'subject' under legislation with the fodder of new knowledge gained through public evidence or expertise. Added to it was the congeniality in the absence of a "Party political atmosphere".¹⁵⁹ Thirdly, it serves as a training ground for would-be Ministers, what in the opinion of Prof. Laski might be an aspect of the "selective function"¹⁶⁰ of the parliamentary system. The countries coming under the British parliamentary tradition, regard, unlike continental countries or the U.S., committees as incidental developments, though important, to the parliamentary system. The moot point is that the committee system must not be indulged to a point when it is liable to be harmful to parliamentary authority itself and for that matter, to Cabinet responsibility.

Two types of committees, namely Ad hoc and Standing, were set up in Pakistan. The former was as useful as the Select Committees in

158. Morris-Jones, op.cit., p.279.

159. Ibid., p.278.

160. H.J. Laski, Parliamentary Government in England (London:1950), p.170.

dealing with particular Bills, drafting rules of procedure or doing specific things as assigned to them by the Speaker, but would wind up the moment the job was over. The latter type was relatively permanent, in that it was appointed in the beginning of each session for a fixed term. The Committees on Public Accounts, Standing Advisory assigned to each Ministry, Privileges, House, Library, etc., were of the latter category. The Committees' proceedings were treated as confidential till their reports were submitted to the House.

The Public Accounts Committee

The appointment of this committee* was designed not to go into the financial policy of the State, but to probe into public expenditure as sanctioned by the parliament in the form of estimates for demands for grants, based on the audited report of the Auditor-General of Pakistan. The idea was to put on a check upon the government to discover whether post-Budget expenditure was in accord with the parliamentary sanction or not. Besides, the Constitution Act, under Section 169 required the accounts of the federation to be audited and placed before the House.

The Public Accounts Committee was duly appointed in the first Budget session of 1948, but the Committee was still awaiting early in 1950 the "reports of the Auditor General"¹⁶¹ to work upon. The members had been alert to remind the government that the House was being deprived "of controlling the finances of Pakistan",¹⁶² since the report of the Auditor-General was not forthcoming. At long last, the outstanding

161. CAD (Leg.) Vol. I, 28 March, 1950, p.466.

162. Ibid., Vol.I, 25 March, 1953, p.692.

reports of the Public Accounts Committee on the Appropriation Accounts for the year 1947-48, 1948-49 and 1949-50 were submitted to the House in 1953. They were debated upon, with particular stress on the 1947-48 report. The contribution of the Public Accounts Committee as a watchdog of the House on public expenditure was visible, in that they revealed four distinct patterns of follies in the ledger book of expenditure.

(1) Granted that budgetary estimates do not precisely tally with the amount finally spent, but it is the bulk of the figures of savings and expenditure of the post-budget period that should matter. The government of Pakistan had two opportunities for straightening estimates, one when the Budget was to be submitted, the other when the revised budget was prepared. Despite this fact, the Budgets of 1947-48, 1948-49 and 1949-50 witnessed an excess expenditure of rupees 2 crores, 10 crores and 20 crores respectively.¹⁶³ (2) Over utilisation and under-utilisation of the fund voted by the House. In the former category the expenditure was rationalised for the proper nourishment of the Defence and Foreign Affairs departments; whereas in the latter case, savings were shown only to result in the undernourishment of the nation-building department. The Committee was particularly shocked to see this tendency "to occur under ... departments, e.g. education, medical, public health, etc. ..."¹⁶⁴ (3) The mutual cooperation of the government, the Auditor-General and the Public Accounts Committee is prerequisite to have an

163. CAD (Leg.) Vol. II, 13 November, 1953, p.1508.

164. Ibid., Vol. II, 11 November, 1953, p.1491.

"honest and incorruptible system of financial administration".¹⁶⁵

Relevant department documents and top officials, if need be, must be accessible to the Committee. In the deliberations of the Committee, secretaries (usually represented by the Joint Secretaries) were not very responsive. Perhaps they dismissed the Committee as a concourse of laymen vulnerable to accounting dots and decimals. This might suggest that the Ministers were either lax in directing officials or just they let it go by as a matter of course. An offended member hinted to the government that it was time to "say goodbye to your bureaucracy".¹⁶⁶

Finally, it was the irregularity of ledger keeping which resulted in some cases of "embezzlement, defalcation and losses".¹⁶⁷ It happened mainly in the Defence Department where things were shrouded in mystery. In short, the ledger balances did not correspond with the actual stock available in some departments, not to speak of 'fund lapses' due to delay in payment of government bills.

The Committee gave a good account of itself having worked on a belated audit report. It remained in continuous session for a fortnight scrutinizing appropriation accounts, examining witnesses of the various departments of the government and discussing all important items pertaining to defence, civil, railways, and post and telegraph.¹⁶⁸ The Committee evolved an interesting procedure in dealing with the government,

165. Jennings, op.cit., p.337.

166. CAD (Leg.), Vol. II, 13 November, 1953, p.1514.

167. Ibid., p.1509.

168. Dawn, 20 September, 1952.

in what were termed "compliance reports".* In each year the Committee would check with the compliance report to see whether the recommendations that had been made previously to the departments and ministries were fulfilled. The manner in which the Committee conducted its business compelled the Finance Minister to characterise it as "vigilant and alert".¹⁶⁹

Was amenability of the government compatible with the Committee's recommendations? Evidently not. Though a few suggestions were heeded so far as the government commercial departments were concerned. The main defect lay in the delay of submission of the Auditor-General's report without which the Committee was motionless. An allowance for delay in compilation of the Appropriation Accounts was made in the early period, when the Finance Minister thought that unless they "received accounts of some months before partition our financial accounts cannot be complete".¹⁷⁰ Added to this the absence of trained staff, reference books, accounting machines, etc., etc. But these causes were repeated every year, till the parliament was finally dissolved. Even before the demise could take place a Congress member had managed a cut motion on this affair only to harp on the same point that the financial grip of the House on government expenditure was weak and the "labours of the Public Accounts Committee" were "of no avail".¹⁷¹

* Some similarities with the Committee on Assurance in Indian House as mentioned by Prof. Morris-Jones.

169. CAD (Leg.) Vol. II, 13 November, 1953, p.1516.

170. Ibid., Vol. I, 29 March, 1950, p. 507.

171. Ibid., Vol. I, 26 March, 1954, p.628.

The Standing Advisory Committees

Pakistan retained this tradition from the old central legislature of India. These Committees differed from their prototypes in the House of Commons, in that their terms of references were less diffuse.

They were 'attached' to each Ministerial department. The Law Minister laid down the principles that the Committees would evaluate the legislative proposals, or discuss matters of public importance, subject to the Minister's consent, relating to the Ministry concerned and tender advice on the general policy of the department when asked by the

Minister.¹⁷² The very nature of these Committees did not encourage outside publicity. But the caustic references in the House made by the members proved that meetings did not take place as they should, though a new set of committees, as a rule, were announced each session.

Mr. Jaffar thought them to be "Sleeping Committees"¹⁷³ than "Standing".

Particularly the members of the Defence and Foreign Affairs Advisory Committees were genuinely eager to call meetings; for, they thought a lot of bungling was going on in those departments. The best example of the attitude of the government was given by the Prime Minister himself, in answer to a question that "there was no matter which could be referred to this Committee".¹⁷⁴

Of all the Committees, the Advisory Committee to the Ministry of Finance (apparently, the British type of Committee on Estimates)

172. Ibid., Vol. I, 8 March, 1948, p.361.

173. Ibid., Vol. II, 26 September, 1953, p.369.

174. Dawn, March 13, 1952.

was most active. It met regularly every year, went into new items of expenditure, including those of Defence and Railways, examined them thoroughly and placed reports before the House.¹⁷⁵ In 1952, it had schemes for the introduction of a School Health Service in Karachi, the setting up of a Pakistan Medical Research Association and the Insurance Promotion Corporation approved.¹⁷⁶ The Committee met 6 times in 1948-49, 3 times in 1949-50, twice in 1950-51, 10 times in 1951-52 and 4 times in 1952-53;¹⁷⁷ although Rule No. 9 of the House's Rules and Procedure only required the Committee to be summoned not less than twice a year. One characteristic feature was that the Committee's meetings almost conveniently coincided with that of the presentation of the Budget. For instance, the Committees on Food and Agriculture and Finance Ministries met on the 13th March, 1952, just two days prior to the Budget submission.¹⁷⁸ It was a whitewash on the government's part or an attempt to take some sting out of the opposition attack, which did not work; for, after all, the demands of the opposition were complementary.

Government indifference aside, the success of a Committee system, after all, relies on the 'understood' spirit of give and take among its components - a spirit that was yet to be cultivated in Pakistan. Besides, the effectiveness of Committees depends a good deal on the way they are appointed. In Pakistan party views were represented in the

175. CAD. (Leg.), Vol. I, 6 October, 1953, p.809.

176. Ibid., Vol. I, 18 March, 1953, p.306.

177. Ibid., Vol. I, 29 March, 1950, p. 529.

178. Dawn, March 13, 1952.

Committees through proportional representation by means of the single transferable vote, which resulted in the monopoly of the majority party on the Committees. What was more, the Committees regardless of types were to be chaired by the Ministers of the departments concerned.^{179.} In other words, the Speaker had no free hand in choosing Chairmen* for Committees like his counterpart in neighbouring India. This violated a principle of giving fair representation to the opposition in order to offset the preponderance of the majority party. Also, the fact that these Committees were not entrusted with legislative powers made them more prone to criticize the government. They were, by rule, precluded from meeting any time other than during the sessions of the parliament.¹⁸⁰ The principle that Committees must not assume powers at the expense of the parliament, was a factor that had never been jeopardized in Pakistan. The Committees were formed with built-in safety valves ensuring executive authority, if not parliamentary prerogatives.

The Select Committees

Bills filtered through the Select Committees to the House, are chiselled to legislative manageability on which the members at large can react. In all 15** Bills were processed through the Select Committees.

* In Britain the Public Accounts Committee is chaired by an opposition member. In the United States accent is on seniority to become Chairmen of Committees.

** The P.I.F.C.; The Karachi Port Trust; The Bombay Prevention of Prostitution (Karach); The Estate Duty, The A.D.F.C.; Employment; Pakistan Army; The Non-Allopathic Practitioner; The Cinematograph; The Criminal Law; The Merchant Shipping; The Tariff; The Unani, Ayurvedi & Homeopathic Practitioners; The P.C.I.C. and Hoarding and Black Marketing.

179. Rules of Procedure and Standing Orders, (C.A.Leg.) Rule 100, 52(1) (b).

180. CAD (Leg.), Vol. I, 29 March, 1950, p. 550.

The inefficiency of the Members of the Committees did not appear to have been the cause of non-reference of Bills to them. The Minister was all praise for the members of the Committee who brought about valuable amendments to the draft Bill on Hoarding and Black Market, particularly in making "a distinction both in the offences and the punishment to be given to persons who are hoarding not for gain".¹⁸¹ But the main nub of the issue was the government's desire for haste and unwillingness to be buttonholed* by the Committees in the legislative process. The idea was "government knoweth better". The purposes of the Committees might not always appear neutral to the Members themselves; for, they could be instruments of delay in legislation. One such case was the Karachi Hotels and Lodging Houses Bill introduced by the government. One group of members (those who had an interest in house rent) wished the Bill had been referred to the Committee; while the second one (who had interests, probably to hire houses at low rent) did not want to go to the Committee.¹⁸² Compared to this, the Committees on the Private Members' Bills fared better, in that they presided over 7 Bills and sent 6 of them for eliciting public opinion and in one case thrice.** Whereas, in the entire history of government sponsored Bills public opinion was sought only twice.

Three more committees, potentially important, are to be mentioned. They were Committees on Administration, Economy and Zakat.*** The Admini-

* The writer gets this impression from the Hansard.

** Pakistan Marriage Expenditure Bill.

*** A system in Muslim law by which a portion of a person's income is given to the Public Treasury to be doled out to the poor.

181. CAD (Leg.), Vol.II, 30 December, 1948, p.556.

182. CAD (Leg.), Vol.II, 11 October, 1950, p.475.

strative Enquiry Committee was appointed in 1948 to evaluate the organisation, structure and level of expenditure in departments of the government. The government readily implemented one of the vital recommendations of the Committee i.e. establishment of an organization and methods service to "examine the set up and methods of works of the various government organisations in order to improve efficiency of administration consistent with economy".¹⁸³ The rest of the recommendations, save a few minor ones, had been consistently put off for some future date.¹⁸⁴ The Economy Committee was appointed in 1950 to help various organisations of the government achieve frugality. It produced four reports⁺ but to no purpose. The earnestness was there when the Committee sent a two-man sub-committee abroad, which having surveyed the Far Eastern and Middle Eastern Embassies was suddenly prevented by the Ministry of Foreign Affairs from visiting either the Pakistan London High Commission or the Washington Embassy. The members could vainly protest against the government's obstruction by saying that, after all, "they have been elected by this august House".¹⁸⁵ Similarly, the Zakat Committee report was "placed in cold storage",¹⁸⁶ which otherwise would have facilitated social legislation, the way the "Bhoodan Movement" did in India. Apart from this, members also served in some other Committees of various subjects such as education, pilgrimage, sports, national anthem, etc.

+ Hindu, June 2, 1950.

183. Ibid., Vol. I, 15 March, 1952, p. 22.

184. Ibid., Vol. I, 25 March, 1954, p.555

185. CAD (Leg.) Vol.I, 26 March, 1954, p.631.

186. Ibid., Vol. I, 25 March, 1954, p.563.

Positively speaking, the presence of Committees, however ineffectual they might be, at least, allowed the members to get to know the process and levers of parliamentary democracy. Disenchantments indeed, - as there were many - followed not from the inherent unworkability of the system but from the inability to remove the obstacles hindering smooth functioning. Evidently the members had a sense of involvement in the governance of the nation, by being present there. They took advantage of what was of worth in the system. They fought and finally extracted a promise from the government that the Committees "will be meeting in off-session days".¹⁸⁷

On the negative side, the non-official activities, in general, were restrained by stringent rules. Members wondered that during British rule they were taken around the military sites of the country, but the home-made Rule No. 7 governing the Procedure of the Standing Committees reversed that course.¹⁸⁸ The weakness of the Committees was not the result of the awareness of the House as a whole that its authority was being challenged by the miniature legislature i.e. the Committees, but due to the policy of a well-entrenched section of the House, the government.

Question Time

Posing questions to Ministers does not consist merely in pumping out information from the government or the airing of grievances of con-

187. Ibid., Vol. I, 26 March, 1954, p.632.

188. CAD (Leg.) Vol.II, 13 November, 1953, p.1495.

stituencies. Question time is one of the last bastions of the right of private members to exercise political control over the government. This questioning device evolved in Britain through a long bargaining process as the use of the rights of dealing with the public petitions, private bills and questioning the order of the day's business prior to governmental ones, had gradually fallen into disuse. So, an hour's time or so that precedes the public business of the House tends to be intensely used by the members in the brevity of time.

The observance of Question time had been the redeeming feature of Pakistan parliament. The questions, both starred and unstarred* occupied, chronologically, a sizeable space of the Pakistan Hansard. The rules required members to give five days' notice before answers to the question could be obtained. The provision for supplementaries to the original questions was also envisaged.¹⁸⁹ In the glamour and fury of the first parliamentary session the rules were evidently liberal. The Speaker for the time being, deviated from the earlier practice of the Indian central legislature, in that he allowed an absentee member's questions to be put by another, provided the answers were ready.¹⁹⁰ The first session of the parliament augured well with the Question hour. The pattern of questions, such as the seeking of innocent information equally matched by motivated one which succeeded in forcing some facts

* Starred questions require the Ministers to answer questions orally before the House making provision for supplementaries, whereas unstarred questions do not.

189. Rules of Procedure, loc.cit., No. 8A (ii) and 8A (v).

190. CAD (Leg.) Vol. I, March 8, 1948, p.314.

on the cost of "Operation Pakistan",¹⁹¹ from the government, set mostly by the government backbenchers at the outset was a pointer to the future trends. The comparative ease and composure of the government in dealing with the questions could not be a guide in the future. In the first session lasting only 12 days the House disposed of 67 oral and 151 written questions.¹⁹²

The immediate second session began with a lively question hour that brought affairs of the Lahore Flying Club to the fore in the disappearance of money and plane.¹⁹³ So, the members, by and large, were interested in the questions whose numbers gradually burgeoned and remained fairly steady during the whole period. And, that "the system provides ... a searchlight upon every corner of the public service",¹⁹⁴ was in principle, adhered to by the Pakistan parliamentarians with considerable practical effect.

Members' interests knew no bounds in that they spilled over a vast range of subjects under the sun. From one extreme, the members would search for 'Boro' seeds for plantations in local areas, while, to the other, they would put meandering questions in search of the historic "Kohinoor Diamond" in Great Britain. However, the subsequent developments vis-a-vis the rate of questions, though, in no way alarming by British standards received by the parliament secretariat - the table of which is given below - jolted the government into putting some

191. Ibid., Vol I, March 10, 1948, p.406.

192. Statesman, 12 March, 1948.

193. CAD (Leg.), Vol. I, 10 May, 1948, p.507.

194. D.N. Chester & N. Bowring, Questions in Parliament (Oxford: 1962), p.269.

restrictions on the flow of the questions. On this score, however, the provincial legislatures* slumped due to both their inadequate

<u>Year</u>	<u>Starred</u>	<u>Unstarred</u>	<u>Short Notice Q</u>
1948	642	509	38
1949	706	361	29
1950	867	523	29
1951	959	330	29
1952	1,462	442	48
1953	2,474	724	69
1954	812	410	241

* Total 11,704.¹⁹⁵

sittings and occasional dissolutions. Rules putting some restraint on the haphazard onrush of question were laid down by the Speaker. He forbade members to ask for huge statistical information through the media of starred questions¹⁹⁶ - a ruling which succeeded in transferring very many questions to the unstarred category. The putting off questions (oral) in case of question hour having been dispensed with or postponement of parliamentary sittings, for the next sitting was discouraged; and the starred questions of that day, by convention, would be treated as

* The East Pakistan legislature, a good user of supplementaries, fared less in the volume of oral and written questions. In 1949, sitting over for more than a month it answered 145 out of 189 questions. Source: Statesman, December 19, 1949. The N.W.F.P., by chance, in the absence of fixed rule on the Question Time, was the greatest user of questions. For instance, in the 10-day autumn session it dealt with 400 questions leaving another hundred outstanding. Also, in the following year of the same session of 7 days, it disposed of 500 questions; whereas in the same year the Punjab legislature in an 11-day session took care of only 255 questions and the following year in a 14-day session disposed of 252 questions only. See Dawn dated 23/11/52; 20/11/53 and 11/12/54 respectively.

195. M. Ahmed, op.cit., p. 133.

196. CAD (Leg.), Vol. I, 26 February, 1949, p. 177

'unstarred' and be laid on the table. Again, an animated discussion took place in the parliament when a Minister, referring to the large number of questions, asked the Speaker for a ruling that each member should be permitted to put down only 5 questions. Another Minister added that the approximate cost incurred in collecting information for the questions was well over Rs.240 and hoped that public money could be saved by restraining the number of questions.¹⁹⁷ The Speaker, in turn, having asked the questioner to give notice both to the Minister and to the House secretariat indicating which particular 5 questions out of turn he was going to ask, failing which would mean his adherence to the day's order paper as it would appear normally.¹⁹⁸ This could only diminish some uncertainties attached to supplementary questions vis-a-vis the Ministers. Finally, the M.L. Parliamentary Party, as was to be expected, decided that M.L. members must not send more than five questions each day. The irony was that the prodigal questioner, whose daily average of sending questions was more than 50, who happened to be present at the meeting, could not object to the decision as he was partially deaf.¹⁹⁹

Erskine May's dictum that "the purpose of a question is to obtain information or press for action"²⁰⁰ was followed in the Pakistan parliament, but the direction of its question pattern went, very often, off at a tangent. Information asked for could be either of value to the

197. Dawn, 25 September, 1953.

198. CAD (Leg.) Vol. II, 28 September, 1953, p. 396.

199. Dawn, October 1, 1953.

200. Quoted in Bowring & Chester, op.cit., p. 187.

questioners, or be reduced to bootlessness. For example, questions eliciting information in respect of the percentage of population and literacy province-wide,²⁰¹ national and per capita income,²⁰² and the amount of money earned, spent and saved by the Departments of Railways and Post and Telegraph in late 1947 and early 1948,²⁰³ were meaningful particularly in the context of the initial period. The members could make an incisive attack on the government and fry the fish of its policy with the oil of statistics as had been supplied to them. Similarly, questions of a factual nature were asked, such as to why Pakistan got 2% of the entire exports of capital goods from the U.K. while India got 17% contrary to Anglo-Pakistan Agreement,²⁰⁴ Lord Boyd-Orr Agricultural Enquiry Committee's recommendations were partially implemented, to the neglect of his main one, agrarian reforms,²⁰⁵ and why the government did not take proper action when the Chief Special Officer of the Central Police had reported the government's losing 6 lakhs of rupees a month due to corruption in the staff of the Railways, Telegraph, Excise and Customs.²⁰⁶

But at the same time, unprofitable questions were in even greater numbers. For instance, the value of questions seeking to know the total number of Pakistanis arrested, convicted or sent back to Pakistan

201. CAD (Leg.), Vol I, 2 April, 1951, p. 736.

202. Pakistan News, 1 December, 1951.

203. CAD (Leg.), Vol. II, 3 January, 1950, p.242.

204. Ibid., Vol.II, 3 January, 1950, p.205.

205. Ibid., 20 November, 1952, p.410.

206. Ibid., Vol. I, 2 March, 1949, p. 245.

by India and vice versa,²⁰⁷ and the number of officers of Pakistan government drawing salary of Rs.500/-, between Rs.250/- and Rs. 500/- and below Rs.250/- per mensem respectively, with their names, qualifications and places of birth, would not have been commensurate with the time and labour involved in collecting the information. Some of the questions insisted on knowing the confidential proceedings of the Commonwealth Prime Ministers' Conference²⁰⁸ and stopping the activities of the militant Hindu Mahasabha in India trying to undo Pakistan,²⁰⁹ were, no doubt, specimens of members' limited awareness of the functioning of international relations and protocol.

Pressing for actions on matters ranged from national to local, on the one hand, and sectional to particular, on the other. Questions urging the government to recast the syllabus and curricula of education studies from the primary level to the university in the light of Islamic ideology,²¹⁰ to appoint a Commercial Attache at Singapore and Malaya, because of the preponderance of Muslims and India's gaining trade facilities there,²¹¹ to reassure minorities of East Pakistan by stopping Hindu exodus, or to grant more scheduled caste scholarship, and to build a satellite town in the suburbs of Jessore,²¹² were cases in point.

Organised questionings for the fulfilment of group or particular

207. CAD (Leg.) Vol. I, 18 March, 1954, p.130.

208. Ibid., Vol. I, 25 March, 1951, p. 287.

209. Ibid., Vol. I, 9 April, 1952, p.1189.

210. Ibid., Vol. I, 16 February, 1949, p.22.

211. Ibid., Vol.II, 3 January, 1950, p.207.

212. Ibid., Vol. I, 24 March, 1953, p.601.

interests were negligible. But, a greater number of lopsided patterns of questions vis-a-vis refugees was suggestive of the presence of refugee sympathisers in the House, whose concern for the 'refugees' might be genuine or "professional",²¹³ as Prof. Tinker has succinctly put it. In the case of Mr. E.H. Jaffer, never a sitting passed without his questioning the government in respect of refugee affairs. His dogged pressing for the abolition of the distinction of refugees between "agreed" and "non-agreed" areas,^{*} was, at length, successful.²¹⁴ Similarly, Mr. Gazdar's incessant arrows of questions, probably pierced the government into allotting 2 crores of rupees for Sind in the Budget of 1953 - a partial compensatory amount due to Karachi's being taken over by the Federal government.²¹⁵

The wordy duel between the questioner and the questioned, on balance, had been both formal and prosaic, rarely enlivened by flashes of wits putting each other at his wit's end. Allusions made during question hour were more often of a personal nature. For example, the buzzing sound of the telephones signalling out of order might be compared with the snoring sound of the Communications Minister,²¹⁶ or a lean and thin member, in view of the Pakistan Film Industries' unattractiveness might propose to a corpulent Minister if they could start together in Pakistan films playing the roles of Laurel and Hardy.²¹⁷

* "Agreed areas" were the areas where communal riots had taken place; the contrary was the case with the non-agreed areas. This was the mutual agreement between the Indian and Pakistan Government to tackle mass migration following the independence.

213. H. Tinker, India and Pakistan (London: 1967), p.78.

214. CAD (Leg.), Vol. I, 12 April, 1954, p.1207; See also Dawn, September 24, 1953.

215. Ibid., Vol. I, 14 March, 1953, p.149.

Footnote /Contd. over.

A large number of questions were couched in a language which resulted in the Minister's saying either 'yes' or 'no' thus pre-empting the scope of supplementaries. There were instances, when both 'starred' and 'unstarred' questions were hardly distinguishable. For instance, starred question No. 8 and unstarred 6, in the same sitting, asked for the setting up of a Military Academy, an Ordnance Factory and a Naval School in East Pakistan.²¹⁸ It was the quantitative value of the questions that got the better of the qualitative. Arguably, this was the concomitant result of parliament being apportioned the shortest possible time and the government's unwillingness to have many an affair debated in the House. The increasing number of questions answered - the chart of which is given ~~below~~ as the years rolled by, involved issues which normally should have taken place under different parliamentary procedure. The contents distorted the real framework of the questions.

	<u>Starred</u>	<u>Unstarred</u>	<u>Short Notice</u>	<u>Average</u>	<u>Q. Time</u>
1948	579	459	26	23.12	25
1949	603	328	11	19.45	31
1950	736	480	5	23.74	31
1951	864	310	15	34.56	25
1952	1,258	372	9	41.93	30
1953	2,085	626	18	63.18	33
1954	<u>634</u>	<u>306</u>	<u>93</u>	39.62	<u>16</u>
	6,759	2,881	177		191
			= Total	9,817*	

Footnote continued from previous page.

216. Ibid., Vol. I, 4 March, 1949, p.359

217. Ibid., Vol. I, 31 July, 1954, p.1571.

Footnote /Contd. over.

If questions may be considered a barometer showing the trends of a country's politics, the above chart is indicative of the gradual rise of Pakistan political mercury. The relative fluctuations in the rate of questions was more pronounced in the periods of 1951, 1952 and 1953. Truly, these were the periods which catalogued the great events of assassination, dismissal of Ministries, religious riots, so and so forth. The increased number of short notice questions in 1954, meant for relatively urgent matters, was due mainly to the Speaker's allowing them in the presence of fluid parliamentary programme.²¹⁹ As the dimension of public policy widened so its mode of application resulted in a vast increase of administrative establishments, on the one hand, and a corresponding decrease in the quantum of effective control on them by the members, on the other. The Question hour with all its attendant irregularities, could, at least, ruffle that process. Question time, on average, lasted for 45 minutes to one hour per day. The average number of questions per day compared favourable with that of the Indian parliament, whose average was 20-25 questions a day.²²⁰

The majority of the questioning members belonged to the government backbenchers rather than to the opposition party. Three backbenchers used 'questions' throughout the life of the parliament to their utmost.

Footnote continued from previous page.

* Calculated by the writer from the Hansard.

218. *Ibid.*, Vol. I, 17 March, 1954, pp.38 and 47.

219. CAD (Leg.) Vol. I, 18 September, 1954, p. 1782.

220. Morris-Jones, *op.cit.*, p.225.

Particularly, the indefatigable Nur Ahmed, who asked questions good, bad and indifferent, in each sitting, could vie for the world record with Col. Harry Day of the British House of Commons in the 1930s.²²¹

Of the 1200 questions put during the first session of 1953, Mr. Nur Ahmed raced first in putting 545 questions, followed by Mr. Zaffer with 478 and Mr. Monem Khan 91 respectively.²²² Even the Whips of the party could not restrain Mr. Zaffer from reducing the number of questions to 5 to be put down; for, his ingenuity could induce another 9 members to send his questions in their names, so that his average of 50 could be maintained.²²³ This was alarming to the Ministers; for, they had to brace themselves for supplementaries, as well as the oral answering of the original questions. This led the Prime Minister to say that "We Ministers are not walking encyclopaedias."²²⁴

The Congressites were more inclined to ask supplementaries than to send in formal questions. Perhaps this was more convenient to them or their leaders may have been preoccupied with major speeches. For one thing, some questioning areas appeared to be 'taboo' to them. The Congress members' putting down a touchy question asking whether the defence expenditure of Kashmir was separate from that of the main defence estimates earmarked in the Budget,²²⁵ predicatably evoked no answer, on grounds of "public interest". However, their tenor of questions

221. Bowering & Chester, op.cit., p.195.

222. CAD (Leg.) Vol.II, 24 September, 1953, p.137.

223. Dawn, op.cit., p.225.

224. Dawn, April 6, 1953.

225. CAD (Leg.), Vol.II, 20 December, 1948, p.180.

rambled less, in that they would ask questions of a specific nature relating to constituency affairs, provincial or the so-called 'underdogs' i.e. the IV Class employees of the different branches of the government. A shrewd Congressite question could induce Muslim leaguers to suspend party loyalty for the time being. One such question on food prices in East Pakistan developed into a regular debate, in which the M.L. Premier of East Pakistan relished the vain efforts of shifting the blame for the prevalent unsatisfactory food situation in his province to the M.L. central government, through the use of supplementaries.²²⁶

The framing of supplementaries acted strenuously upon the impromptu common sense resources of the members, in that seldom were the occasions where members were found overwhelming the Ministers with torrents of tripling questions and the Ministers parrying them. Members were not shown questions one day earlier, as was prevalent in some Indian State legislatures,²²⁷ to get ready for the supplementaries.* At least one zealous questioner somehow managed to have a list of supplementaries typed out earlier for his guide.²²⁸ Supplementaries were usually long-winded, argumentative, hypothetical and opinionated in nature, starting with the words "Is it not ...?" "Will the Minister agree ... if ...?" "Does the Minister believe ...?" etc., etc. What Sir Ivor Jennings

* The best part of the parliamentary time devoted in the N.W.F.P. legislature was occupied by the questions. A convention grew where supplementary debates and explanations in reply to questions were held usually. Dawn, 20 November, 1953.

226. Ibid., Vol. I, 22 February, 1949, pp.102-108.

227. Morris-Jones, op.cit., p.225.

228. CAD (Leg.), Vol. I, 23 March, 1953, p. 519.

thought of questions often serving "as pegs on which to hang a more insidious 'supplementary'",²²⁹ occurred in the Pakistan parliament, too. A question apparently intended to know if the members of the House were immune from the Arms License Act, resulted in the questioner's drawing the attention of the Minister to the fact that his gun had been seized.²³⁰ Similarly, an innocent-looking question querying the government's awareness of the formation of the "Pakistan People's Organisation" with a non-communal and socialistic bias, was followed by tripping questions linking Gaffar Khan's arrest with his association with the organisation.²³¹ Supplementaries could create a 'row' in the effort to know the exact qualification of an officer,²³² or the names and addresses of firms which were granted loans by the P.I.F.C.,²³³ from an evasive Minister. It appeared that the Ministers' tone in answering supplementaries was related to the members' respective locus in the scale of prestige. But occasionally, an obscure but vigilant member's question seeking explanation from the government as to why a secret document, Economic Appraisal Committee's Report, was put up for sale by the government publication branch,²³⁴ could put a complacent Minister in bad shape; since, he had to answer a crop of hostile supplementaries, as to the alleged leakages of government import policy²³⁵ and trade policy of 1952.

229. Jennings, op.cit., p.106.

230. CAD (Leg.), Vol. I, 12 March, 1948, p.499.

231. Ibid., Vol.II, 29 December, 1948, p.428.

232. Ibid., Vol.II, 12 November, 1952, pp.7-9.

233. Ibid., Vol. I, 30 March, 1951, pp. 644-646.

234. Ibid., Vol.II, 6 October, 1953, p.749.

235. Dawn, 7 October, 1953.

In short, the Question Time was a silver line in the procedure of the Pakistan parliament. The Speaker's encouragement,²³⁶ coupled with the members' unwillingness for making a "scapegoat of the Question Hour",²³⁷ helped, at least, to maintain a steady surveillance over the vast area of governmental activities and ministerial answerability, which acted "as a safety valve for the public and for Hon. Members themselves".²³⁸

Adjournment Motions

The use of the adjournment motion, the watered down version of the continental 'interpellation', as a parliamentary prerogative to hold the executive to accountability is prevalent in most Commonwealth countries' legislatures. But to limit its use the scope of the motion had been reduced to only 'definite matters of urgency' and 'public importance' in Pakistan parliament. Of the 69 adjournment motions²³⁹ of which the Secretariat had been given notice only 41 were introduced in the House. (See Appendix).

According to the Standing Order No. 23, the Speaker was to determine if a particular matter proposed to be discussed was in order; and, then, in the case of opposition to the motion's being granted leave by the House the support of 12* members in favour of discussion would sanction its admissibility.²⁴⁰ Given the limited number of parlia-

* Required number in the East Pakistan Assembly was 35, the N.W.F.P. 12 and Sind 22 respectively. Dawn, November 1, 1951; Statesman, 11 April, 1948; Dawn, March 5, 1954.

236. CAD (Leg.) Vol.II, 29 December, 1948, p.419 and Vol.I, 27 April, 1954, p.1241.

237. Ibid., Vol. I, 17 March, 1954, p.170.

mentary sittings, the Speaker, in order to curb the plethora of adjournment motions* every day, said that "only in exceptional circumstances"²⁴¹ should adjournment motions be brought in the House. As many as 27 motions fell foul of the severe rules governing adjournment motions. The government opposition to those motions usually consisted in finding fault with the procedure and tenor of the subject proposed to be discussed. These are some illustrations: (a) indefiniteness (economic crisis); (b) more than one subject (abnormal rise in prices of essential commodities); (c) earlier opportunity not taken (disturbed conditions in the Punjab); (d) provincial jurisdiction (shortage of rice in East Pakistan); (e) protocol (ambassador's interference); (f) already discussed (prices of cotton); (g) continuing policy of government (refugee rehabilitation); (h) routine administration authorized under law (Section 144 in Karachi). Of all the motions moved 8 were debated in the House, 2 thrown out by the House, 4 withdrawn on assurances and the rest were dismissed on some such grounds quoted earlier.

What were the main messages the adjournment motions purported to convey? If all the motions were broadly categorized in terms of their

Footnote continued from previous page.

238. Bowring & Chester, op.cit., p.43.

239. M. Ahmed, op.cit., p.137.

240. CAD (Leg.), Vol.II, 23 September, 1953, pp.55-56.

* Among the provincial legislatures, the Punjab's record of adjournment motions was the highest. In the very first day of autumn session of 1953 it had 34 adjournment motions to be disposed of in a span of 3 days. And the following session 60 motions were tabled. Dawn, 20 December, 1953 and 12st November, 1954.

241. CAD (Leg.) Vol. I, 28 August, 1954, p.1640.

natural aims, at least 15 of them would be found bordering on foreign policy, 6 on national economic difficulties, 14 on provincial problems of politics, economy and natural calamities respectively, 3 on individual political and civic rights and 3 on Karachi's chronic troubles with refugees, administration and politics. Controversial contexts apart, a large number of motions implied or express, sought to debate Pakistan foreign policy in the context of international politics - a parliamentary right which was being allowed to lapse by default. Granted that foreign policy thrives well if left to the executive, this should not preclude the parliament from discussing it, or for that matter, outlining the general principles. By and large, the foreign policy became the exclusive province of the Pakistan executive. Never had foreign policy been formally debated in the 7-year life of the parliament, save on one fortuitous occasion when the Foreign Minister - who had hardly stayed home or attended parliament - bandied words on foreign policy in support of the demand for a grant for his Ministry and to refute some of the invectives hurled at him.²⁴² No doubt, this hiatus of parliamentary rights vis-a-vis foreign policy contributed more strains to Pakistan politics, later on. It appeared that government supporters were dragooned on foreign policy matters, since on all occasions the House did not support the adjournment motions touching on foreign policy, when enquired into by the Speaker.²⁴³ It was, however, on this ground that the meaning of those motions could be realistically read.

242. CAD (Leg.) Vol. I, 27 March, 1952, pp.615-624.

243. Ibid., Vol. I, 27 April, 1954, p.1247.

The eight adjournment motions that were debated - not unusual* - in some form or other, were subjects comprising both national and provincial issues which cut across party lines. Similarly, members' affability on 'Kashmir affair' was a by-word in Pakistan parliament; for, to the members it was more of an 'emotion' than a problem. Again, the adjournment motion on Dutch military action on Indonesia could be safely debated by the members with binoculars on their eyes. For, it provided a rhetorical opportunity both for the Congressites' asking for the abolition of "alien rule" and unity of "Asiatics", and government backbenchers' tinkering on the third world concept, since "weaker nations are no longer confined to Asia ..."²⁴⁴ In other words, the government adroitly screened under some pretext, adjournment motions which otherwise, had they been debated, would have censured the government's omissions and commissions. Conspicuously, motions on civil rights were not allowed to be debated.** On one solitary occasion the government was circumstantially forced to allow a debate on the imposition of Section 92A which froze the popularly elected government of East Pakistan. A substantive debate on the constitutionality or the unconstitutionality of

* In the 12 years from 1945 the House of Commons discussed only 8 out of 73. See Peter G. Richards, Honourable Members (London: 1959), p.122; Also, same scarce use was made in Indian parliament, see Morris-Jones, op.cit., p.228.

** The East Pakistan legislature succeeded in debating police excesses in Sylhet district on an adjournment motion. See Statesman, 19 November, 1949.

244. CAD (Leg.) Vol. II, 23 December, 1948, pp.333-334.

the suspension of popular government continued for four days.*

The mode of allowance and disallowance of adjournment motions in the parliament had similar echoes in the provincial legislatures with a slight difference in that the latter presumably had wished the former to set example. For instance, the rejection of 9 motions on the anti-Ahmadya riots in the Punjab Assembly was preceded by similar rejection in the parliament.²⁴⁵ Similarly, a discussion on the food crisis was followed by the same held earlier in the parliament.²⁴⁶ Again, a Congressite's negatived motion of 1948 in the parliament seeking release of Gaffar Khan was still found inadmissible in the N.W.F.P. legislature in 1952.²⁴⁷ This was, however, indicative of the extent the M.L. government held sway.

Although the majority of the adjournment motions could not survive the rigour of the rules, there was no development of the mitigating convention - one that is found in the House of Commons or in the neighbouring India where the House does adjourn for half an hour at the end of day's business to discuss various matters. Nor did the House have a chance to debate the speech of the Head of the State** where it could bring the entire administration into the focus of debate - a regular feature in Britain and India. The Speaker though in almost every case, while

* 28th June, 3rd July, 10th July and 17th July, 1954.

** Only once an impressive debate took place following the address to the parliament by the Governor General in August, 1949. See Pakistan News, 19 August, 1949.

245. Dawn, 17 March, 1953.

246. Ibid., 14 December, 1952

247. Ibid., 8 March, 1952.

hearing the Minister's "objection on the ground of its admissibility",²⁴⁸ afforded the House some information. At the same time he would suggest a member to pick up the topics under an appropriate cut motion. Finally, there is an interesting aspect in regard to the authors of adjournment motions and their subjects. The Congress did not move any motions touching foreign policy. Its subjects comprised only civil rights, local and provincial matters. It was the A.P.P. who was the sole author of foreign policy motions. And the government backbenchers contented themselves with the harmless subjects of Dutch-Indonesian and Kashmir affairs.

Debates

The quintessence of parliamentary procedure is debate, which enshrines valuable information to be passed on to later generations as a historical guide. Despite the division of responsibilities of the Constituent Assembly, "the Assembly fell into the error of confusing constitutional with ordinary law".²⁴⁹ As a result, some of the important debates on subjects took place on the wrong floor of the House, and were catalogued under a different heading. Besides, the Federal legislature was impoverished of major speeches, since the cream of the debates on country's substantive issues were skimmed off into a different channel i.e. the Constituent Assembly as a constitution-making body.

248. CAD (Leg.) Vol. II, 24 November, 1952, p.561.

249. The Guardian, 20 November, 1953, editorial.

The tone of the debate in parliament fluctuated with the relative importance of the subjects under discussion. In the initial periods the debates were characterised by tedious sombreness devoid of flashing repartees. But in the course of time debates assumed some poignancy, not without a few gems of wits studded in them. While the members of the provincial legislatures were usually on the wings of rhetoric when provincial norms* were involved, the parliament comparatively was at its best debating form when dealing with subjects on individual civil and political rights. On this plane, all legislatures in Pakistan were a fortiori alike in reactions both in the level of debates and vocabularies. For instance, the Pakistan Safety Act of any form had always been greeted with almost same expressions, e.g. "monstrous", "fascist",²⁵⁰ "black legislation", "immoral",²⁵¹ "anarchist" and "nihilist",²⁵² no matter if it was to be debated either in the legislatures of East Pakistan, the Punjab or the parliament. Similarly, the government supported in its wisdom by numerical strength would make the Act appear non-malignant in the debates. The common features of debates between the parliament and provincial legislatures, however, were not to be stressed too much; for, the former conducted its debates in an atmosphere of comparative tranquility, dignity and unity in procedural matter, while the latter

* The issues of Pakhtoonistan, transfer of Karachi to Sind, language issue in East Pakistan; and agrarian reforms in the Punjab. See: Dawn, March 8, 1952; 17 September, 1953; Statesman, 8 April, 1948 and Dawn, September 19, 1953.

250. Dawn, November 5, 1951.

251. Dawn, March 8, 1952.

252. CAD (Leg.), Vol. I, 24 April, 1952, p.1650.

turned increasingly aggressive to the point of playing filibuster tactics and boycotting debates,* from which the parliament was remarkably free.

The most striking thing about debate in the parliament was the uses of similes, metaphors and allegories grounded in what might be described as the Islamic cultural milieu - a drive towards Pakistani-ization. And for this, Dr. Iqbal or Galib was not enough, the M.L. members had to invoke the spirits of the Muslim mystic scholar poets of the bygone ages, outside the subcontinent. Seldom was a speech made without some excerpts from the Qhuyums, Rumis or Saadis having been quoted. They were the 'wafers' in the cream of debates which helped members to elucidate points. For instance, the Quranic excerpt i.e. "Wa man yuhajir fisabillah, yajid fil arze muragh aman kathiran wusata",^{**253} gave a new meaning to the urgency of refugee rehabilitation; a couplet from Iqbal i.e. "Ai lair-e-lahooli us rizq se maut a chchi; jis rizq se ati ho parwazman kotahi",^{***254} articulated a member's bitter opposition to the acceptance of American wheat; and a touch of Saadi i.e. "Gah Bashad Keh Kodark-e nadan; Az galat bar hadaf Zahad Teeray",⁺²⁵⁵ revealed

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- * The Punjab speaker had to warn filibusters that obstructions to the debates could make them liable for being named. See Dawn, December 9, 1952. In East Pakistan the government once applied closure motion to obviate obstructionism only to be followed by boycott. See Statesman, April 9, 1949.
- ** He who forsakes his home in the cause of good finds in the earth many refuge, wide and spacious, against the wishes of his enemy.
- *** O Celestial Bird, Death is preferable to that food, which clips your wings in flight.
- + Sometimes a boy not versed in archery, erroneously shoots the target.
253. CAD (Leg.) Vol. I, 20 May, 1948, p.712.
254. Ibid., Vol. I, 18 March, 1954.
255. Ibid., Vol. II, 24 April, 1952, p.1651.

a member's anxiety for rising bureaucratic power. Similarly, western authors were quoted profusely by a few members. For instance, Kant and Hegel were surprisingly quoted to determine the moral aspect of a Finance Bill,²⁵⁶ when Dostoyevsky's portrayal in the novel "The Brothers Karamazov" of "man is tormented by ... gift of freedom",²⁵⁷ gave the member an extra force to speak against the Security Bill. Of course, the Congressmen had their Mahabharata and Kalidasas to fall back upon.²⁵⁸ A Sanskrit metaphor i.e. "Balanang rothonong balang,"^{*259} would make an aggrieved provincial Chief Minister asking for more central government aid, a little bashful. But did all these produce incantation or enrich debates, alone? Beneath the layer of semantics lay members' Weltanschauung with the majority trying to dye Pakistan with the varnish of Islamic culture, and the minority relying more on its own cultural framework - apparently a barrier for mutual communication.

It is assumed that debates of high quality are produced when cast in the mould of vigorous attack and counter attack, and for this, the onus of responsibility lies mainly with the opposition. Seen from this angle, the opposition fell short of expectations in that the potentiality of the opposition was not fully exploited. The average tone of the debates was rather more glittering than businesslike punctilio. Not

* A wife weeping before the husband for more ornaments.

256. Ibid., Vol. I, 30 March, 1953, p.947.

257. Ibid., Vol. I, 24 April, 1952, p. 1652.

258. CAD (Leg.) Vol. I, 13 May, 1948, p.599.

259. Ibid., Vol. I, 24 March, 1951, p.225.

infrequently, the Speaker had to remind the members that they were far off the subject under debate. In some cases members committed convenient mistakes by discussing the devaluation of currency on a motion of the non-availability of commodities.²⁶⁰ So far as the approach towards the technique of debates was concerned the Congress clearly stood apart from the rest of the members of the House. The mealy-mouthed Congressites indulged in parliamentary niceties. They would oppose the government in the debates with some such words depending on the subject at issue e.g. "I do not see eye to eye with the Minister on ... and I join issue with him on this",²⁶¹ or "I oppose it with full sense of responsibilities".²⁶² But the A.P.P. group was always in a combative mood in the same way as the House of Commons had experienced in the presence of Irish members, earlier. Perhaps, an A.P.P. member's remark on the commerce Ministry that its achievements were "all 'crashes!', namely the cotton crash, the jute crash, the wool crash and the gold crash",²⁶³ was of its mildest sample. Really, some of the unparliamentary expressions e.g. "lie", "damned lie", or "hell"²⁶⁴ - though very insignificant in their numbers - which were expunged from the debates,²⁶⁵ mostly originated from this group. It was, however, in both manner, spirit and objectivity of its speeches, that the Congress Party stood clearly apart from its opposition colleagues.

260. Ibid., Vol. II, 25 September, 1953, p.325.

261. Ibid., Vol. II, 13 October, 1950, p.592.

262. Ibid., Vol. I, 10 March, 1948, p.457.

263. Dawn, March 26, 1952.

264. CAD (Leg.), Vol. I, 17 March, 1950, p.103.

265. Ibid., Vol. I, 3 April, 1952, p.1016.

No doubt, the treasury benches could not just eschew the Congress as an opposition challenge which, indeed, they had admitted on many an occasion and had to join debates well equipped.

The vehicle of communication in the House was mainly English, albeit, provisions entitled members to speak either in Bengali or Urdu if they did not know English. Slogan values apart, it appeared that most of the members, in practice, preferred English to any other languages. On one occasion the Speaker stopped a member from speaking in Bengali on the ground that the member was quite familiar with English.²⁶⁶ The English language, however, provided a modus operandi in an otherwise irreconcilable situation. For instance, the Congress while trying in vain to amend Rule No. 29 to ensure that Bengali also should be used in writing the proceedings of the House, grudged that even Bengali had become unpreferable to English - "a souvenir of slavery".²⁶⁷ The use of English in provincial legislatures, save East Pakistan, was less.*

Lively parliamentary speeches endear members to the public, and for that matter draw the House closer to them. Erudite speeches alone do not sustain public interest unless they are bathed in wit and humour.

* In 1954, the Punjab Assembly appointed a Select Committee to consider amendment of the Rules of Procedure seeking that all proceedings of the Assembly be conducted in Urdu. In East Pakistan proceedings were conducted in both the English and Bengali languages. The extreme was the N.W.F.P., contrary to the Speaker's suggestion, a member spoke in English on the Budget of 1953 only to be followed by members walking out of the House, and the same thing was repeated the following year. See Dawn, 22 November, 1954; March 18, 1953 and March 20, 1954.

266. CAD (Leg.), Vol. I, 10 March, 1948, p. 462.

267. Ibid., Vol. II, 2 February, 1948, p. 19.

Here again, the witty snubs in which the Congress members indulged in were soft but pointed. For instance, the leader of the opposition was having a friendly 'dig' at the Minister of State, who came up with a Bill for increasing Ministers' salaries, by enquiring why had the House resounded with Islamic ideals earlier and now been found wanting when Ministerial salaries were on the increase. Appreciative of the joke the Minister replied "But I do not draw salary under that Bill" (laughter).²⁶⁸

As a contrast, an A.P.P. member while speaking on the Coconut Bill, had the baldness of the Prime Minister uppermost in his mind, when he obliquely remarked that "... in the research of coconuts ... a man of the eminence of the Prime Minister ... would like to know how is it that coconuts are so hairy and how is it that some nuts are altogether bald".²⁶⁹ Wits were no respecter of party loyalties but became bolder when provincial interests were involved. A provincial Chief Minister did not hesitate to subject the central government to a bizarre comparison where the ugliest woman's automatic identification with the fair sex was equated with the government's letting each statement on provincial allocation pass as all true. "Shylock! take your pound of flesh, but do not shed a drop of blood"²⁷⁰ retorted the central government having explained the difficulties in matters of allocation.

In all, the public interest in the debates, on balance, had never been at low ebb. Neither the temperature of 116° could prevent the

268. CAD (Leg.), Vol. I, 10 March, 1949, p.636.

269. Ibid., Vol. II, 11 January, 1950, p.448.

270. Ibid., Vol. I, 24 March, 1951, p. 281.

public gallery from being packed to capacity, including purdah-clad ladies in 1948,²⁷¹ nor did the watching of the jammed public galleries with foreign visitors in it dwindled, when as late as 1953 the pressmen were found "feverishly" covering the debates "to meet the demand of 43 vernacular and 3 English newspapers".²⁷²

Parliamentary Time

The judicious allocation of precious parliamentary time in the conduct of the business of the House in order of priority is an expression of the efficiency and seriousness with which a country's given parliamentary system is nurtured. Emphasis on priorities may vary with individual countries, but, since the presentation of the yearly Budget contains all-embracing issues of the State, all countries view this occasion as a common denominator of importance. Hence, a large share of parliamentary time is earmarked for it.

It was a pity that a nation of over 80 million people was governed with the benefit of minimum time spent in the parliament for a maximum period of slightly over seven years. From February 23rd, 1948 up to 21st September, 1954, the parliament sat for 244 days in a series of 13 sessions. The highest number of days in a single session was 35 in the first and the lowest number in the second session, was 7 only. The Budgets during this period could claim only 76 days, though not exclusively; for, the question hour had its share. The Rules of Procedure approved of discussion

271. Statesman, 16 May, 1948.

272. New York Times, November 1, 1953.

on the demands for Grants alone for 15 days,²⁷³ but this was inoperative in the face of the Budgets being presented at the eleventh hour. It started with a 15 minutes' speech limit for each member in general discussion on the Budget, and a total of half an hour on each demand for grants,²⁷⁴ but ended up in slight recognition of elasticity of demands for more time. Members, later on, were entitled to speak for 20 to 30 minutes on general discussion and 10 minutes on each demand for grants which could be discussed for $1\frac{1}{2}$ hours, on the basis of importance.²⁷⁵ The total time spent on the demands for grants throughout the life of the parliament was as follows:

<u>Year</u>	<u>Hours</u>	<u>Minutes</u>
1948	10	35
1949	7	0
1950	12	20
1951	13	35
1952	14	0
1953	15	30
1954	9	20 ²⁷⁶

Members became more critical of the meagre allotment of time on the Budget.* They looked back to those prepartition days of the Indian

* Days allotted for the discussion of supply in the House of Commons is 26, Burma 12 and in India general discussion lasts 4 to 5 days. Hansard, op.cit., pp.231-232.

273. The Rules of Procedure C.A. (Leg.), Rule No. 47.

274. CAD (Leg.) Vol. I, 1 March, 1948, p. 51.

275. Ibid., Vol. I, 22 March, 1954, p. 354.

276. Ibid., Vol. I, 2 February, 1957, p.90

government - a period when "many more days were given and members had the opportunity, each and every member, to speak in quite a detail on questions of policy".²⁷⁷ During the whole period an average of $10\frac{1}{2}$ days were spent in disposing of the whole paraphernalia of the Budget. The situation in the provincial legislatures was no better. The Budget of the N.W.F.P. for the year 1949-50 was passed in a few minutes' time in the absence of the opposition.²⁷⁸ In the East Pakistan Budget session of 1950-51, 18 demands for grants were passed in less than 3 hours, in which the largest demand i.e. 'civil works' amounted to Rs. $3\frac{1}{2}$ crores.²⁷⁹ In one instance, the members of the parliament volunteered to forgo their 'non-official' day, so that they could do justice to the Budget demands, but the guillotine - which must be applied on the last day of the Budget at 5 o'clock²⁸⁰ - made short shrift of everything.

The time spent in passing Bills was variable. But a quick disposal of Bills was the by-word of the House. One of the determining factors was obviously, how deeply the members felt about particular Bills. For instance, during its 12 sittings of the autumn session of 1952, the House took care of 24 Official Bills, spending a total of 31 hours on them, in which the Bill to amend the Restriction and Detention Ordinance, 1944 was debated for 7 hours in three continuous sittings - the longest ever. Also, the Bill to control entry of Bharati people into Pakistan took 5 hours to be passed.²⁸¹ Conversely, the House enacted 7 Bills in

277. CAD (Leg.), Vol. I, 29 March, 1951, p.589.

278. Statesman, March 15, 1949.

279. Ibid., 11 March, 1950.

280. "Procedure", loc.cit., Rule No.20 (b) (iii).

281. Dawn, November 27, 1952.

1953 within 90 minutes of which 4 did not require any discussion whatever.²⁸² The pattern of provincial legislatures was of course, more or less the same.* For one thing, the parliament did not have to waste time on some parliamentary procedural fuss.**

The lions share of the time went to the government. A total of 28 days²⁸³ belonged to the private members' business. Ordinarily, the Ministers were allowed to take more time during the course of the debate, so the ratio of non-official consumption of time was less. The yearly days of sittings of the House averaged 35 days and the hours of time spent was $3\frac{1}{2}$.²⁸⁴ During the whole period the House could neither evolve a convention as to its appropriate time of commencement, nor adjournment. The timetable had always been subjected to immediate need.

The Government and Opposition in the Parliament

Parliament is the people's will incarnate, under the Westminster system. The parties sent into the House through periodic electoral choice identify in themselves, in the name of practical politics, the de facto 'will' of the people. The 'will' of the majority of the people residing in the majority party in the parliament rules the country, while the minority awaits its turn. Hence, the dichotomy e.g. the majority forming

* Sitting over a month the East Pakistan legislature passed only 3 Bills and 35 out of 124 Clauses of the State Acquisition Bill; whereas the N.W.F.P. passed 7 Bills without discussion. Statesman, December 19, 1949 and January 5, 1950.

** The Punjab legislature in 1952 recorded 94 points of order which took 120 minutes of the parliamentary time. Dawn, December 5, 1952.

282. Ibid., April 2, 1953.

283. M. Ahmed, op.cit., p.82.

284. CAD (Leg.), Vol. I, 28 March, 1953, p. 893.

the government and the minority opposing is relative and temporary. What is permanent is the determining factor of electoral choice of parties which clinches the issues i.e. the ruling and opposing parties. In other words, the opposition has the potentiality of transforming itself into the ruling party provided the former carries the people with it in the next election - a system that helps opposition party (ies) "approximate to office".²⁸⁵

Strictly speaking, the institutions of government and opposition that obtained in Pakistan immediately after independence were not in conformity with the principles we have adumbrated above. Once this point is understood, our appreciation of the situation will be more realistic. The party that formed the government of Pakistan in 1947 was not placed there by the electorate. The people voted virtually on a plebiscite determining the possibility of the creation of a new state, Pakistan. The party - M.L. - having been the midwife to the birth of a new state, became ipso facto, its governing organ. Neither this governing body nor the Prime Minister had ever been subjected to proper parliamentary elections. Similarly, the Congress opposition in Pakistan parliament was the by-product of the partition plan. In short, neither the government nor the opposition emerged out of proper electoral environment as understood in the British sense. Their respective purposes were limited. Now that the main purpose had been achieved, the M.L. party was not in a position to go to the people for legitimising its holding of governmental rein, nor was the opposition, in the beginning,

285. Laski, op.cit., p.176.

inclined to force the M.L. to do so. As a result, the formation both of government and opposition was synthesized. Till 1954, all the parliamentary paraphernalia were performed on this synthetic political plane.

In seven years' span the ruling party witnessed some vicissitudes in the parliament, namely new Ministries and memberships. But changes had no overall impact upon the basic character of the M.L.; for they were brought about by a small number of leaders in what Ostogorski and Michels might view as "the rise of an oligarchy in the system of the political party".²⁸⁶ We find Pareto's notion of "circulation of elites" more appropriate in the Pakistan situation, since the governing leaders were in a rapid cycle of decadence and renewal. Most of the M.L. members, at one time or another, were recruited to be commissioned for governmental jobs - a process that helped members in the art of government but also brought about devitalisation among backbenchers. The boundary line between the government front and back benchers was made meaningless; for, the clever backbenchers felt tempted to angle for jobs. The occasional vacancies caused by deaths or resignations were filled in by the leaders, whose criterion was reliability. The membership pattern of the M.L. party in the House, when analysed, would reveal how members' main attention was being weaned away from their parliamentary duties. In 1949, 20 M.L. members were serving as Ministers either in the central or provincial governments leaving 24 M.L. non-official members in the House.²⁸⁷ In 1952,

286. Kizoski Tsuji, "Pressure Group in Japan" in H.W. Ehrmann ed. Interest Groups on Four Continents (University of Pittsburg: 1964), p.145.

287. CAD (Leg.), Vol. I, 2 March, 1949, p.284.

out of 54 members, 30 were in government employment with the rest representing the 80 million people of Pakistan.²⁸⁸ Among the 60 M.L. members sitting in 1953, 10 were holding jobs outside the House as Governors and Ambassadors. More than half of the rest were the Ministerial positions leaving the rest trying for jobs.²⁸⁹ By 1954, a new pattern developed: of all the 12 central Ministers 8 were originally not members of the House²⁹⁰ - a result of the new "circulation of elites". However, in spite of all permutations and combinations that went into shaping the M.L. parliamentary party, it managed to stay in power till October 1954. But its well-entrenched position was dwindling every year before the electorate and the opposition was no less responsible for that.

Compared to the governing party, the chief opposition party, the Congress, was well-knit and compact. It did not incorporate any change in the rank and file of the party, by design. Its verve remained unabated throughout. If we bear in mind the unorthodox origin of both "government" and "opposition", the missing link in the system that opposition was not in a position to offer "an alternative government",²⁹¹ can be explained. Besides in its original function the Constituent Assembly had no place for either government or opposition. The stop-gap arrangements were adhered to, when it sat as the legislature of the country. We do not know as to why the term 'opposition' could not be, in the past,

288. Dawn, 30 March, 1952.

289. CAD (Leg.), Vol. I, 28 March, 1953, p.900.

290. Ibid., Vol. I, 25 March, 1954, p.565.

291. Callard, op.cit., p.84.

euphemised by British political ingenuity into some more attractive words, as it apparently palls upon the senses of laymen. The opposition, after all, does not operate in a plane of sheer dissension. On the contrary, there is a basic unity-in-difference between the government and opposition; for commentators on "the nature of political orders conclude that an underlying consensus is a prerequisite to the existence of representative government".²⁹² This implies that there exists within a polity a general acceptance of fundamental values, agreement on basic goals or common concurrence on the nature of things; and these help parties "disagree because they had a basis of agreement upon the constitution",²⁹³ the one that was yet to be hammered out in Pakistan. Surely, both the government and opposition in Pakistan was handicapped by the absence of consensus. The factor of too much of executive powerfulness and too little opposition powerlessness was determined more by extra-parliamentary forces, pending drawing up of the constitution.

However, while spearheading the main opposition, the Congress^{*} whose number in the beginning was 10, suffered a psychological setback in the defection of its leader, Mr. K. Roy, who became an Indian citizen and joined the West Bengal Cabinet. The newly elected leader, Mr. S.C. Chakravarty, a veteran freedom fighter, readily offered his "cooperation to the Pakistan government", and pronounced in the Parliament that the

* The Congress also formed the main opposition in the East Pakistan legislative assembly. The aftermath of partition reduced the number of Congress members to almost nil in the legislatures of the Punjab and Sind. See Hindu, March 26, 1951. The N.W.F.P. legislature had 12 Congress members at the time of partition. By 1949, 6 went to jail, 3 to India and the rest sat in the opposition benches of the legislature. Statesman, March 15, 1949.

292. V.O. Key, jr., Public Opinion and American Democracy, (New York; 1963), p.27.

Congress "have no mind or design anyway to harm the Pakistan state (hear hear)".²⁹⁴ Whereas, the leader of the House, Mr. Liaquat Ali, apart from his having committed the faux pas of likening Pakistan to "a laboratory where" they "could experiment upon the principle of Islam",²⁹⁵ proved himself, later on, more accommodating to the Congress. He did not lag behind in complimenting the Congress "as a responsible opposition",²⁹⁶ for its "sobriety", "dignity", and mode of "criticism". But platitudes gave way to the historic heritage of hatred and suspicion. It was the one-time mutual memories of the Congress and M.L. which acted as an incubus in their relationship. What the M.L. ought to have been oblivious to - the nourishing of the opposition - was conveniently recalled to memory. The Congress was a party still consisting of Hindus and owing its allegiance to an All-India body.²⁹⁷ So attribution of motives to the opposition worked negatively, as a silencer. No less a person than the Prime Minister* himself would hold out an implicit threat to the Congress by saying that "If you keep your eyes across the borders ... if you place your feet in two boats, you know the fate of such people".²⁹⁸ What was more, when an opposition member enquired about the level of unemployment "since" partition, the Prime Minister himself couched his

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293. K.C. Wheare, op.cit., p.120.

* The same insinuation would be found in the speech of the provincial Premier of East Bengal when he said in the House that "there is a section of thought that have not yet been reconciled itself to Pakistan." See Dawn, November 2, 1951.

294. CAD (Leg.), Vol. I, 2 March, 1948, p.129.

295. Ibid., Vol.V, 12 March, 1949, p.96.

296. Ibid., Vol. I, 4 March, 1949, p.371

Footnote /Contd. over.

feelings in a play upon words, viz. "is it since partition or sins of partition?"²⁹⁹ No wonder that a Pakistan political scientist could find this political party as of a "dubious complexion and doubtful allegiance".³⁰⁰ It was, no doubt, very difficult to avoid inhaling the air of suspicion that gripped the whole of the subcontinent. But the credibility of disloyalty was determined by one factor, e.g. who were well placed on the continuum of power structure. For example, if Pakistan loyalty could be defined mainly as severance of all sorts of connections with India, then it would be very difficult to save some of the illustrious leaders, who crossed the border in 1947 or afterwards, from being termed carpetbaggers. As a matter of fact, a question was asked in the parliament as to ascertain the number of Pakistan Ambassadors and High Commissioners in foreign countries having property or trade interests in India and, at the same time, retaining Indian citizenship.³⁰¹ Mr. C. Khaliq-uz-zaman, who later on became the President of the M.L., the party behind the government, had taken the oath of allegiance, earlier, to the Indian union.³⁰² These anomalies were the result of the aftermath of partition of the country. The issues of distrust or hatred had to be fossilized; for, the parties had axes to grind. The greatest healing

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297. Statesman, 20 March, 1948.

298. Dawn, March 30, 1952.

299. CAD (Leg.), Vol. I, 30 March, 1953, p.938.

300. G.W. Chowdhury, Democracy in Pakistan (Dacca:1963), p.51.

301. Dawn, November 20, 1951.

302. CAD (Leg.), Vol. III, 18 May, 1948, p.33.

balm to this national wound would be the rolling of time accompanied by proper "institution building". We will, however, now analyse what the opposition communicated to whom, through what channels and with what effect?

As far as the Congress was concerned, the keynote* of opposition was "responsive cooperation",³⁰³ as laid down by its leader. In other words, the 'cooperation' of Congress was contingent upon one factor, namely government 'responsiveness'. It boycotted the Constituent Assembly meetings when its secular appeals were not responded to. But it always participated in parliamentary business save once when the communal riots of 1950 overwhelmed the members and the opposition leader "decided not to move any cut motion during this session",³⁰⁴ as a protest. However, the contents of opposition communications were based mainly on two issues e.g. the secularisation of the Pakistan body politic and establishment of good relations with India. In the very first session of the parliament Mr. Chakravarty apprehended what might be in the words of a lawyer constitutionalist, the State car "going downhill".³⁰⁵ He urged the government to do away with the distinction of "non-Muslim" and "Muslim",, "Refugee" and "Scheduled Castes"; for, they wanted "to be known as the citizens of Pakistan", alone. He went on saying that the protection of minorities by the Muslims was against their "self respect", for they would want to stand on their "own rights",³⁰⁶ as equal citizens. The Congress

* The leader of the opposition in East Pakistan Assembly said, "We are here to serve the people, and not to obstruct". See Statesman, April 9, 1949; also Statesman, February 28, 1950.

303. Ibid., Vol. I, 27 March, 1954, p.723.

304. Ibid., Vol. I, 20 March, 1950, p.199.

Footnote /Contd. over.

wanted to reorient the country's political institutions. It did not enjoy being "a communal opposition".³⁰⁷ On the contrary it fought vigorously to bring about a non-communal and non-theocratic atmosphere in the country through the institution of a joint electorate.*

Equally strongly, the Congress thought that Pakistan's well-being, both political and economic, was bound up with that of India and vice versa. They wanted both the countries to develop friendship between each other, since the constituting populace i.e. Hindus and Muslims, of those states were "brethren".³⁰⁸ On an emotionally charged issue like Kashmir, the leader of the opposition would first address himself to the "authorities of both the States to lay their hands together..."³⁰⁹ The Deputy leader of the opposition in East Pakistan Assembly, Mr. D.N. Dutta, after having asked the government in the House to have good trade relations with Bharat, since she was the biggest buyer of Pakistan jute,³¹⁰ came to attend the parliament and repeated the same thing with this addition that in the economic field Bharat and Pakistan were "one economic unit".³¹¹

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305. Jennings, op.cit., p.167.

306. CAD (Leg.), Vol. I, 2 March, 1948, p.130.

* B.K. Das, leader of the opposition in East Pakistan legislature voiced the same feelings. See: Dawn, March 27, 1952.

307. Ibid., Vol. I, 30 March, 1954, p.1028.

308. Ibid., Vol. I, 3 March, 1949, p.309

309. CAD (Leg.), Vol. II, 19 January, 1950, p.590.

310. Dawn, 3 March, 1953.

311. Ibid., 19 March, 1953.

In addition to these two fundamental burdens of communication the Congress was no less glib on issues such as parliamentary prerogatives and the fundamental rights of all citizenry. The Congress would challenge any type of delegated legislation that might make an inroad on parliamentary jurisdiction. In these following cases viz. giving the Governor General power to make necessary provisions for making the Indian Independence Act effective;³¹² providing the officials with extra power to administer the Pakistan Safety Act;³¹³ authorizing the Governor General in the allocation of provincial revenues;³¹⁴ and furnishing the Governor General with the powers of the Letters of Patent to create High Courts;³¹⁵ the Congress argued forcefully that the cardinal principle of legislation was trammelled. Similarly, on the measures such as the Public Safety Ordinance, the Security Bill, and the Restriction and Detention Bill, attempting to infringe political rights, the Congress forced the government on four occasions, though in vain, to go to the Division lobbies. On the economic side they had no well-enunciated policy to offer, save occasional observations. Sketchy evidences would suggest that they were in favour of less state participation in economy;³¹⁶ as on one occasion a prominent member said that he was "positively opposed"³¹⁷ to the jute industry being nationalised. Truly, their economic parlance was narrowed

312. CAD (Leg.), Vol. III, 2 March, 1949, p.43.

313. Ibid., Vol. I, 8 April, 1950, p.714.

314. Dawn, March 22, 1952.

315. Ibid., March 27, 1953.

316. CAD (Leg.) Vol. I, 24 March, 1952, p.422.

317. Ibid., Vol.II, 9 October, 1953, p.1044.

to a few subjects namely, the decontrol of all essential commodities, the scrapping of all taxes or duties on salt, betel nut, tobacco, kerosene, oil, etc. - an arena of home economics of the masses. And, on three occasions, the Congress sent the House into the lobbies for the above mentioned subjects.

When analysed, however, we come across a big contradiction in the Congress policy; for, all its communications were lopsided. While mouthing liberal creeds, it maintained a well-studied silence, throughout, on agrarian reform. Perhaps the Congress prestige or popularity would have been catapulted letting old stigmas to wane, had the party's eloquence been waxed on land reform regardless of wings, as well. On the contrary, it became obscurantist in the people's eyes, when it fought tooth and nail with all the parliamentary armoury, in the East Bengal legislature to oppose the passing of the State Acquisition and Tenancy Bills, Acquisition of Waste Lands Bill, and Transfer of Agricultural Land Bill,³¹⁸ which, inter alia, intended to liquidate the 200,000 rent receiving estates based on the 150-year old British Permanent Settlement Act in ten years' time and redistribute them equitably among the landless peasants. No less a person than Mr. D.N. Datta - also an M.C.A. - would say in the East Pakistan legislature that this was an encroachment on the right of private ownership.³¹⁹ It was disconcerting that the valiant propounder of liberal ideas had to seek protection for zaminders, who just happened

318. Statesman, December 19, 1949; February 8, 9, 16, 1950; October 24, 1951.

319. Dawn, 22 October, 1951.

to be Hindus, on grounds of fundamental rights. Viewed from this angle, the main opposition party had some common grounds with the central M.L. government, who always kept "Chup" (Silent) on agrarian reforms. Similarly, the Congress views on Palestine and Korea were in line with the M.L. government³²⁰ which, perhaps acted as a counterpoise to the former being on the opposition side.

Coming next in line of opposition was the A.P.P.* Undaunted by the infinitesimal size of its party, it definitely succeeded in drawing the attention of the House, nay of people outside, to its dogged perseverance in opposition and radically affected ideas. What should have been a constitutional method so far as opposition was concerned "became a second nature",³²¹ to its members. Its main contents of communications were the socialistic pattern of economy, a neutral foreign policy and xenophobia. On the economic front they wanted the government to "adopt the road of socialised economy",³²² which, among others, should consist in nationalising all important industries, the stopping of the infiltration of foreign investments, the abolition of feudalism and controlling of profits in trade and commerce.³²³ On foreign policy they thought that the Pakistan Ministry of Foreign Affairs was an agency of "British Imper-

* The A.P.P. consists of two M.L. renegades and one independent who joined in it later on. Its number by 1954 dwindled to one (leader alone) as one of them rejoined the M.L. and the other again preferred to be an independent.

320. CAD (Leg.), Vol. I, 26 May, 1948, p.892 and Vol.II, 11 October, 1950, p.485.

321. CAD (Leg.), Vol. I, 29 March, 1950, p.494.

322. Ibid., Vol. I, 18 March, 1950, p.139.

323. Dawn, March 25, 1952.

ialist Foreign Policy", but was about to be passed "from British hold into the American trap".³²⁴ The Pakistan Foreign Policy, according to them, should be steered clear of the western bloc and become auxiliary to freedom movements anywhere under the sun. That they were not far from the founder of the nation, Mr. Jinnah, in foreign policy thinking may be illustrated by one example: Mr. Jinnah recognized and received the representatives of Ho Chi Minh, who was fighting for freedom in Indo-China, during the Asian Relations Conference held in Delhi in 1946.³²⁵ Their xenophobia was derivative of past history; for, the ghost of imperialism was still haunting them. That "a foreign jew is smugly seated ... at the establishment of Pakistan 'Cabinet Secretariat' and another officer from the same country who ruled the subcontinent "for 200" years,³²⁶ in the Ministry of Commerce, was a source of irritation to the party.

On all these matters the Congress did not side with the A.P.P., whereas the latter joined the former in division lobbies in support of the democratisation of the Pakistan polity. No wonder, the Congress were termed "reactionaries" by the A.P.P.; for, they "agree with the people sitting on the treasury benches on matters of policy".³²⁷ Albeit, the party was insignificantly small and its members could be sarcastically

324. CAD (Leg.), Vol. I, 26 April, 1953, pp.751-753.

325. CAD (Leg.), Vol. I, 27 March, 1951, p.439.

326. Ibid., Vol. I, 26 March, 1951, pp. 397-401.

327. Ibid., Vol. I, 29 March, 1951, p.591.

characterised by the Prime Minister as "the three Tailors of Tooley Street ... who used to address petitions to parliament and used to say: 'We the people of Britain'. Laughter";³²⁸ but the fact remained it was the only opposition group which did not spare the government on the floor of the House on any issue whatever.* And this tiny group, later on snow-balled into a recognizable force both within and without the legislatures of Pakistan.

There was an interesting feature in the parliamentary attack, in that the government backbenchers, on matters of central-provincial relations, would invariably join the opposition in taking the federal government to task. Two scheduled caste members** - also associate members of the M.L. - took the same view as the Congress in many an issue. They abstained from two divisions and joined in the third with the opposition.*** Similarly, a full-fledged M.L. member Begum Ikramullah abstained from a division on an amendment i.e. "there should be no detention without trial",³²⁹ moved by the Congress. However, when the contents of opposition communications are examined it would reveal that despite substantial differences with the government the Congress had areas of

* In some way it helped the government. The writer was told by a veteran Pakistan politician, Mr. Muntaz Daultana, that the Prime Minister Liaquat Ali on many an occasion sent for Mian Sb., the leader of the A.P.P., and requested him to criticise some areas of Pakistan Foreign Policy; for, it would help the Prime Minister in talks with U.K. and the U.S.A.

** A.K. Dutta and Dhananjoy Roy.

*** 1954, 22 March, on Central Excise and Salt and 1950, 8 April on Public Safety Ordinance.

328. Ibid., Vol. I, 26 March, 1952, p.526.

329. Times, 30 October, 1953.

temperamental similarities on some issues with it, whereas the A.P.P. had some common grounds with its colleagues, the Congress, but none at all with the M.L. government.

To whom did the opposition speak and through what channels? It is said that opposition communications "is directed not so much towards a fundamental modification of the government's policy as towards the education of public opinion".³³⁰ Indeed, this was the keynote of the Congress's attitude; for, fighting as they did for secular statehood they never thought of converting the M.L. government to its views without having, first, created a popular scaffolding behind it. While asking the government to change the M.L. into a Pakistan National League, the member candidly addressed himself to "the attention of the leaders of the State and the country to the present and also the future of Pakistan",³³¹ for consideration. The ideas of the opposition were radiated from the parliament to the opinion leaders, who, in turn, passed on what they read and heard to their fellow beings for over whom they were influential.

Apart from the parliamentary channels which we have examined earlier, the communications were further reinforced by the public media, mainly newspapers. For example, the Congress's criticism of the non-devaluation policy found an echo in the editorial of a rightist newspaper which accused the government of lacking a "planned economy".³³²

330. Ivor Jennings, Cabinet Government (Cambridge: 1959), p.472.

331. CAD (Leg.), Vol. I, 22 February, 1949, p.110.

332. Morning News, 19 November, 1952.

Similarly,* a famous M.L. paper vindicated the opposition view on the introduction of the passport cum visa system by saying that it deprived "thousands of Pakistan labourers" living on the borders of India of a "source of livelihood".³³³ The Morning News editorial i.e. Govern or Get Out,³³⁴ in relation to salt was in keeping with the opposition views. Thus, the process i.e. "the two step flow of communications",³³⁵ channelised parliamentary activities. It was made all the more communicable to the unsophisticated masses as the Congress indulged in the manipulation of symbols. The uses of the loaded words "Noon Bhat" and "Dal Bhat"^{**} by the Congress members in the parliament drew them and the parliament closer to the masses of the people. The symbolic salt which happened to be associated with the earlier freedom struggle could be used as stimulant to the dormant political consciousness of the people the response of whom would be automatic. The continuous moving of cut motions on salt kept the issue alive and its non-availability together with high prices no less responsible for making the M.L. politicians - the salt of the Pakistan earth - unpopular in the general elections of 1954 in East Pakistan. What was the effect of the opposition? Well, no doubt, the opposition could not put enough teeth in its attack. With Mr. Suhrawardy

* The opposition leader of the N.W.F.P. legislature thanked the Press for having presented the opposition point of view faithfully.
See: Dawn, 18 November, 1953.

** Salt and Rice; Lentil and Rice.

333. Ajad, 12 January, 1953

334. Quoted in Dawn, October 31, 1951.

335. Dr. E. Katz, "The two step flow of communication", Mass Communication, ed. Wilbur Sehramm (U.S.A.: 1960), p.346.

disqualified, Mr. Gaffar Khan gaoled and Mr. F. Haq engrossed in mass politics,³³⁶ much of the wind in the sails of parliamentary opposition was taken off. The Congress - alone in the breeze - was still in need of mental rehabilitation. Even the defected leaders of the opposition could not find solace in India; for, while on his deathbed he would still wonder if he could "go back to his homeland",³³⁷ East Pakistan. Still then, it was the only party which fought, though in a limited area, gallantly to the end. For one thing, its cooperation was predicated upon the assumption of government responsiveness, which really meant secularisation of the State. A crack in the government opposition relationship had always been there, but it became fatally pronounced when framing of Islamic constitution was inevitable. Added to this was an atmosphere of mutual mistrust which resulted in the Congress's not participating seriously on the subjects like Defence, Kashmir and foreign affairs.³³⁸ And this gap in the opposition attack was made up by the A.P.P. and government backbenchers who intended to "bark" not to "bite".³³⁹

The government, on the other hand, was entitled to have its show since it was the majority party in the House. But it would be wrong to say that it did not respond to the opposition criticism. Caught in the forensic trap of the Congressites, the government had to concede the

336. Hindu, June 4, 1948.

337. CAD (Leg.), Vol. I, 23 February, 1949, p.150.

338. Ibid., Vol. I, 28 March, 1953, p.916.

339. Ibid., Vol. II, 29 December, 1948, p.440.

postponement of consideration of two Bills on Income and the Business Profit Tax and Estate Duty,³⁴⁰ Also, the opposition won the privilege of having their "amendments drafted" by the Ministry of Law, to "put them in proper order".³⁴¹ The effect of opposition saw the levying of Sales Tax at "one stage and not at multiple stages".³⁴² The opposition demand for a "detailed Budget"³⁴³ was implemented, as the "Explanatory Memorandum", "Economic Survey" and "Statistical Tables" were incorporated in the Budget.³⁴⁴ An already declared 'division' on a Bill was averted, when finally the government accepted "a reasonable amendment".³⁴⁵ There were other instances when the opposition could obtain responsiveness from the government. And this responsiveness was also responsible for the occasional identical approach on issues by both the government and the opposition. This tendency was mentioned to have existed in the provincial legislatures, as well.³⁴⁶ Also, in the beginning of each session the government would lay on the table important documents, Statements of the Directors and accounts of the Statutory Corporations - even though they might be explained as an eyewash. We do not, of course, say that the effectiveness of the opposition criticism on the government had been a regular feature, but we do imply that symptoms were observed in the positive direction as the years rolled by.

340. Statesman, December 25, 1949.

341. CAD (Leg.), Vol.II, 24 December, 1949, p.72.

342. CAD (Leg.), Vol. I, 2 April, 1951, p.748.

343. Ibid., Vol. I, 29 March, 1951, p. 589.

344. Ibid., Vol. I, 15 March, 1954, p.21.

345. Ibid., Vol. I, 18 September, 1954, p.1786.

346. See: Statesman, 11 April, 1949; January 5, 1950 and Dawn, 20 December, 1953.

True, the opposition was not in a position to make the M.L. government behave properly, either in the centre or in the provinces. But this premise holds water up to a point. A 'drip by drip' opposition campaign had been a continuing process. The opposition made the best of a bad bargain in the parliamentary forum. It, at least, could "sustain public interest"³⁴⁷ - a parliamentary desideratum. The position of the parliament in the people's attention was made more conspicuous because of its still greater function as a constitution-making body. Issues were discussed in the House the reverberations of which criss-crossed the entire country. Dr. K.B. Sayeed thought, and rightly so, that in a parliamentary democracy the opposition should either defeat the government in the House or educate and persuade the electorate to return it to power in the next election. But his second proposition e.g. the immediate unlikelihood "of this pattern of politics being developed in Pakistan",³⁴⁸ could be challenged on the basis of the subsequent electoral events of 1954, in East Pakistan. If the opposition had failed in putting the government in the dock of the House, it did succeed in persuading the electorate to do so. A set formula may not work out the complex equation of an underdeveloped polity.

How could one account for the defeat of the ruling party in an election without an opposition role? Could a "greater awareness among

347. Laski, op.cit., p.144.

348. K.B. Sayeed, Pakistan the Formative Phase, (Karachi: 1960), p.328.

overwhelming sections of the intelligentsia of what is felt to be the contribution potentialities, rights and needs ... agitation over the B.P.C.'s report with its demands for maximum autonomy",³⁴⁹ have been an easier process, had there been no such educative institution as the parliamentary opposition. One could easily visualise the greater confidence and condescending tone of the opposition as gained through the dishing out of the M.L. in general election of East Pakistan in 1954. The opposition leader who once told the M.L. government with a self-deprecating voice that he was "not very far from" his "eternal rest", and was willing to forget "all injuries",³⁵⁰ hurled at him, could, later on, ask the M.L. government to leave everything for "the coming Prime Minister ... Mr. Shaheed Suhrawardy", who according to him was "cleverer than all of the "Muslim leaguers "put together".³⁵¹ The effect of the opposition was "the smouldering fire of political consciousness "that was burning"³⁵² in the country, against which background even a Congressite could now see that "the difference between economic aid and military aid" was more than "the difference between Tweedledum and Tweedledee"³⁵³ - a subject that was not touched by the Congress earlier. That a few opposition members in the House could see the possibility of their kind of number bulked into too many among the people was, no doubt, one of the main causes of parliamentary criticism.

349. Statesman, December, 31, 1951.

350. CAD, Vol. V, 12 March, 1949, p.94.

351. Ibid., Vol. I, 25 March, 1954, p. 548.

352. Ibid., Vol. I, 30 March, 1954, p.1027.

353. Ibid., Vol. I, 17 March, 1954, p.113.

An evaluation

We have seen the debit side of the workings of the parliament. The parliament could neither sit for an adequate number of days nor even utilise the fund earmarked for it.³⁵⁴ It suffered from the dual membership of its members, in that some of the M.C.A.s were also members of the provincial legislatures. In every year the parliament either coincided with sittings of some provincial legislatures or had to sit for a short period to enable its members to attend the provincial ones. Besides it had to sit 116 days³⁵⁵ as constitution-maker, and attend various functions when broken into committees, in respect to the same. As a natural corollary, the milch cow of parliament was reduced to a draught one by situation of which particularly, its inner constitution was no less responsible.

On the credit side of the parliamentary balance sheet it could be avowed that it palpably contributed towards establishing a political infrastructure on which further improvements could be envisaged. There were the posts of Deputy Ministers, Minister of State, Whips and Parliamentary Secretaries whose existence, no doubt, served as a training ground for future parliamentary leadership. Then, in matters of legislation and handling parliamentary procedures, the members irrespective plucked some positive experience. Besides, the members who were too shy to speak in the parliament could open their minds in the informal meetings of their

354. CAD, Vol. II, 13 November, 1953, p. 1502.

355. Callard, op.cit., p.80.

respective parliamentary parties.

The parliament had some valuable pieces of legislations to its credit, particularly in the economic field. The building of economic institutions e.g. the P.I.D.C., A.D.F.C., P.C.I.D.C. and P.I.F.C., whose importance was of the highest magnitude vis-a-vis country's economic development owed their origins in the parliament. What the Ayub regime observed as the decade of development in 1968, had its foundations laid down in the parliamentary period. The scientific and technical research institutions on Public Health, Malaria, Leprosy, Jute, Cotton, Forest, River, and Animal Husbandry,³⁵⁶ which are still extant today, had been consistently sustained by the parliament. Similarly, provincial legislatures enacted some worthy laws. The smashing land reform, and compulsory free primary education³⁵⁷ of East Pakistan, the mild reform of the Punjab Tenancy Act of 1887, free primary education and separation of the judiciary from the Executive³⁵⁸ of the Punjab, and the N.W.F.P. Tenancy Bill giving full proprietary rights to the occupancy tenants³⁵⁹ and abolition of the Begar system,^{*} were cases in point. The greatest virtue, however, of the parliament was its being present in a crisis-ridden society exerting civilizing and sobering effects. It helped

356. CAD (Leg.), Vol. I, 25 March, 1954, p.557.

357. Dawn, 23 1952.

358. Dawn, March 7, 1952.

359. Hindu, January 9, 1950.

* Rendering of service to landlords without pay.

Ceylon to maintain "a modicum of stability and continuity".³⁶⁰ Viewed from this angle of politics together with its achievements as distilled out from its failures, the Pakistan parliament could claim to have made a fair beginning.

360. H. Tinker, Ballot and Bayonet (London: 1966), p.58.

THE UNITS

It has been remarked that "India was moving steadily towards a Federal structure already before independence",¹ but the post-independence cultivation in the field of federalism had the effect of diminishing returns in Pakistan. In modern times, there has been a general tendency of central governments in federations (such as the U.S., Canada, Australia, Switzerland) to exercise more powers than were contemplated earlier by the federating units. The measuring scale, whether federal powers are to be, at all times, kept down to minimum, no matter if circumstances demand that this minimum be high or that it be low, has been a country's given internal and external situation. New needs have brought flexibility to the otherwise air-tight structures of a federal polity - a trend to what are in the words of Prof. K.C. Wheare, "quasi-federal" systems.

The federation of Pakistan was made up of units which were at once varied and disconcerting in their make-ups, resources and potentialities. During the honeymoon period of independence the provinces were, relatively speaking, charitably disposed towards the growth of central leadership, the institutions of which had to be created de novo.* The maiden session of the parliament recorded views

* India obtained Delhi i.e. the whole central structure, intact. Pakistan had to found one. Only three provinces e.g. the Punjab, Sind and N.W.F.P. found their headquarters, ready made.

1. W. H. Morris-Jones, "Stability and Change in Indian Politics", in Saul Rose (ed.), Politics in Southern Asia, (London: 1963), p. 13.

that were germane to the future federal structure of the country. Apart from the ritualistic charge levelled by the regional leaders against the federal government for encroaching upon provincial subjects three distinct lines of approaches crystallised. The Premier of East Pakistan, Nazimuddin, categorically asserted that "the stability of the centre is a condition precedent to the development of the provinces". Obviously, his mind was not operating in a unitary direction. He invented the image of the Pakistan provinces as 'horses' drawing the 'carriage' of the central government. But his accent was on the balanced nourishing of the provincial horses without the central government's letting any one turn "lean and thin".² That was the trigger-release of the whole arguments about federalism. After all, federalism is a sentiment that lives on equality, fairplay and justice whose dispensation remains at the hands of the centre.

Representing the federal government's point of view, the Prime Minister, Liaquat, was equally smooth in his utterances when he observed that the central government was "working as agents of the provincial governments of all the provinces that compose the State of Pakistan".³ In the discharge of duties if the central government faltered, he continued, the parliament could always throw the Ministry overboard. With all these mottoes in front, the process of centralisation began. It could not however, be maintained that Pakistan started from a smooth federal base. On the contrary, she had all the elements what according

2. CAD (Leg.), Vol. I, March 2, 1948, pp.127-149.

3. Ibid., p.140.

to Prof. K.C. Wheare should be prejudicial to federal cause e.g.

"war, or power politics, and economic crisis, or depression politics".⁴

Soon after partition the Pakistan Army collided with Indian forces in Kashmir. But the "march of affliction" witnessed in the cataract of refugees pouring into the country from India was one of the biggest tests that awaited the new government. It was not only the question of rehabilitating them physically. They had to be integrated into the economic and social pattern of the country, since the immigrating refugees mostly differed with the migrating ones in matters of complexions. By 1953, there were as many as 80 lakhs* of refugee population of which 33.42 lakh Muslims entered East Pakistan, and the rest, the different provinces of West Pakistan.⁵ In short, the country was faced with overwhelming problems which contributed considerably to the growth of power at the centre.

The political and economic powers of the central government were already outlined in the Act of 1935, during British rule. Yet, the division of responsibilities between the general and unit governments were well delineated in the three lists, e.g. the federal, provincial and concurrent. In the reorientation process the central govern-

* The number of refugees rose, later on, as high as 12 million. The people who left Pakistan were mostly of middle-class persuasion. Those who replenished the gap were mostly artisans and peasants with exceptions to quite a good number of top-class people. See: W. Norman Brown (ed.), India, Pakistan and Ceylon (University of Pennsylvania Press: 1960), p.171.

4. K.C. Wheare, Federal Government (London: 1951), p.254.

5. "Economic Appraisal Committee", loc.cit., p.131.

ment of Pakistan felt impelled "to ask for a revision of all these things",⁶ in its effort to form financial resources. Thus, the central government took the responsibility of collecting the proceeds of the Sales Tax from the provincial governments for a period of two years. (It was renewed again.) The proceeds of estate duties on both agricultural and non-agricultural estates were left to the charge of the central government.⁷ The Provinces were denied, at the outset, the income tax receipts so that central credit might be built up quickly. What was more, the advisability of taking over the tax-accruing areas of provinces such as electricity, irrigation, land revenue, water rates, business tax, all excises, was also emphasised in the very first session of the parliament.⁸ Likewise, the provincial responsibilities in the industrial field were qualified by the passing of the Development of Industries (Federal Control) Bill, in that the subject 'industries', unlike the previous arrangements of the India Act, leapt from the provincial into the concurrent jurisdiction.⁹

Another major controlling arm of the central government was the planning organization. In recent discussions of economic development in the emerging countries it has become the trend of the day to entrust the central government - the possessor of finance, capital goods and technical resources - with bringing about an integrated

6. CAD (Leg.), Vol. I, March 2, 1948, p.146.

7. Ibid., Vol.II, January 3, 1950, p. 271.

8. Ibid., Vol. I, March 1, 1948, p.57.

9. CAD (Leg.), Vol. I, March 10, 1949, p.635.

economic development of the country. In Pakistan, like India, the execution of national economic programmes were left to the care of the provinces as far as practicable, but the main decision-making mechanism lay with the centre. Having evaluated the country's economic position the Economic Appraisal Committee maintained that "planning and regulation of development should be made a central responsibility".¹⁰

Even in the areas where the provinces were entitled to work on small projects, final approval had to be obtained from the centre. An East Pakistani Chief Minister has committed his bitter experiences to a book: * "It is not far to seek the reason as to why East Pakistan has remained underdeveloped. The Secret gets unsecreted as soon as one goes into the files lying in the chest of drawers of the Secretariat. A good many number of plans and decisions have ended in fiasco. Why? Development plans are financed from the central coffer - as loans, or grants-in-aid. Schemes have to be drawn up in prescribed 'forms' and sent to Karachi for approval. As many as seventy five duplicates of each scheme have to be sent to various departments for scrutiny ... By the time the final order is released from the cobwebs of central machineries the financial year is at its fag end ... so projects die a premature death."¹¹ By and large, the central government, through

* "Administration of two years". This was a book written in Bengali.

10. "Economic Appraisal Committee", loc.cit., p.177.

11. Ataur Rahman Khan, Ozaratir Dui Bashar (Standard Publishers' Ltd.: Dacca), n.d. pp.141-142.

fiscal policy and taxing powers,* assumed an almighty stature like that of other federal governments say the U.S., Canada and Australia that the provinces were reduced to a position of sunflowers of whose blossomings were conditioned to the sunrays of the central government.** But then, there was a good deal of difference between the climate in which the federal leviathans grew in the U.S., Canada and Australia and that of Pakistan's. In the former case, the federal growth occurred in a climate of necessity and spontaneity. The federating units were interested in the growth of the general government. Through time honoured experience, usage, convention and mandatory methods they evolved some mechanisms and formulae so that co-operation between the centre and the unit, and precisely, the federal government's presiding over the allocation (or reallocation) of national wealth were held in the best tradition of federalism.¹² The constant process of readjustment kept the balance of interests even - a federal requirement. To this end, the system of judicial review acted as a steadying factor.¹³

* The main source of central revenues are: customs, central excise duties, income tax and corporation tax, sales tax, salt, capital gains tax, surcharge, etc., etc., import duties on spirit, liquors, spices, tea, tobacco, oil, motor spirit, machinery so and so forth. Export duties on raw jute, cotton seeds, skins, hides, jute manufactures, rice, tea, fish, wool, etc., etc.

** "Sir, I plead guilty to that charge ... the centre did ... encroach on the provincial field." The Finance Minister admitted on the floor of the House. See: CAD (Leg.), Vol. I, March 24, 1951, p.271.

12. K.C. Wheare, op.cit., p. 135.

13. J.D.B. Miller, Australian Government and Politics, (London: 1959), p.141.

In the Pakistan situation the lurch towards centralisation, with inadequate bridle, on the balance, harmed the cause of federal democracy. In the realm of inter-zonal financial relations, the judiciary had no tangible role to its credit. The judiciary, perhaps, was looking forward to an emerging constitution to work upon it. Serving as the provisional constitution, as it did, the Act of 1935 did not have to stand the rigour of a difficult amending process, in that a simple majority of members in the Constituent Assembly was all that was required.

During the British time the centre had a fixed grant earmarked for the provinces on various heads. This position was reversed. The provinces - they were all in deficit save Sind - were not only deprived of their shares of the income tax proceeds* but also the usual grants whose dispensation depended on the will of the centre. Assuming control over certain items of taxes for instance, Sales Tax or Estate Duty, was, no doubt, productive; for, it helped to bring about a rationalised and uniform tax structure throughout the country. Tax yields were equally encouraging. But the bone of contention was the distributing mechanism of the central government not its accumulative capacity.

* Although agricultural income tax was under provincial jurisdiction. Regarding personal income tax it was decided in 1947 that the centre would not make any allocation of income tax share to the provinces so long as the defence expenditure remained heavy.

There was a convention of holding annual conferences in which Premiers and Finance Ministers of respective units sat with the general government to thrash out the distributive tangle of national wealth. But then, its efficacy was fleeting as the politics of economics got the better of it. Provincial shares in the central tax revenues, * of course, had statutory sanction, but the basis of shares was determined by the centre. Although an independent body, namely the National Finance Commission, came into being later on to look into the matter, yet its role was purely advisory. Not that the Central government was particularly callous. The services of Sir Jeremy Raisman were employed to determine the provincial share of central revenues. The Raisman award was the basis of allocation - though East Pakistan thought the award was harmful to her economy¹⁴ - but the government despite the opposition's resentment handed the power to the Governor General, instead of the parliament, to decide on the Raisman award.¹⁵

Unfettered, the central government handled its economic resources in a way that resulted in making some units beautiful while others ugly. No doubt, some native factors of some units in no small way influenced the indexes of development. But on federal reckoning, the central government failed in that it could not create a climate of con-

* Some taxes e.g. Corporation Tax, Export Duties, Excise Duties, Personal Income Tax, etc., etc.,

14. Mahbul ul-Haq, The Strategy of Economic Planning, (Dacca: Oxford University Press, 1963), p.98.

15. Dawn, March 19, 1952; March 21, 1952.

fidence among the units. A regional leader remarked that the centre was building "its castle on the carcasses of the provinces".¹⁶

Besides the Central government was not exempt from the charge of partiality in its dealings with the units. For instance, central loans advanced to provinces since partition till 1952 had no East Pakistani and Sindhi shares.

<u>Description</u>	<u>Date of floatation</u>	<u>Amount outstanding</u>
		Rs.
1. 3½% Punjab loan, 1963	27.11.51.	3,92,16,406
2. 3½% N.W.F.P. loan, 1964	30. 8.52.	75,00,000
3. 3½% Punjab loan, 1964	30. 8.52.	4,11,94,700 ¹⁷

When the East Pakistani premier was unhappy at receiving only 30% of the Sales Tax proceeds against a population of 56%, the Sindhi premier thought that the basis of distributing finances should be the 'incidence of taxation' not population. For, he continued, "in Sind the incidence of taxation per capita is no less than 14, in the Punjab it is 10, and in Bengal* it is hardly one-fourth of that, about 2½ per cent."¹⁸ All these contentions were never realistically dealt with by building impartial institutions capable of resolving conflicts.

No doubt, the central government in each fiscal year allotted

* Under the Permanent Settlement Act land revenue in Bengal was fixed, whereas in West Pakistan taxation was flexible.

16. See Amin's speech. CAD (Leg.), Vol. I, March 21, 1951, p.54.

17. "Economic Appraisal Committee", loc.cit., p.163.

18. CAD (Leg.), Vol. I, March 23, 1951, p. 115; Vol.I, March 21, 1951, pp.54-55.

funds on social development projects such as education, health, housing, refugee rehabilitation, but in matters of grants-in-aid - a vital factor to provincial needs - it supposedly played politics. To contain the Pakhtoonistan movement in the N.W.F.P. and enhance the credibility of the M.L. Ministry there, the central government, apart from fixed yearly subvention,* poured in huge grants. The central doles were skillfully made to appear as genuine revenue incomes of the province in the budget. The 1953 budget of the province displayed a 70% revenue increase over the revenues of 1947.¹⁹ This was designed only to divert people's attention and silence the opposition. Whereas in the same year, both the government and opposition in the Sind legislature, while debating on a "communication" addressed to the Governor, concluded that Sind was meted out a "stepmotherly treatment" by the centre in money matters.²⁰ Even, a centre-oriented provincial governor of Gen. Mirza's persuasion governing in a still centrally administered province under 92A of the Constitution Act was resentful of the central government's wily parsimony and wrote a complaining letter: "I would beg the centre not to give more money than absolutely necessary. This system of doles will make this nation a nation of "Shukrana Khors"^{**} and this must be avoided at all costs."²¹

* In British time, the N.W.F.P. heavily relied on the central grant of subvention as its revenue-yielding capacity was low.

** Those who live on other's mercy and still remain grateful.

19. Dawn, March 12, 1953 (Editorial) "N.W.F.P. Budget" Also, March 18, 1953.

20. Ibid., September 18, 1953.

21. Governor's letter to the Governor General, DO No. 161/PS, dated 16th August, 1954 (Top Secret/Personal).

However, there was another loophole in the centralising process viz, the absence of a clear definition of functional responsibility for the development of resources between the general and units governments. This irregularity was surely caused by the existence of one-party rule throughout the country, which acted as a silencer. Although, a timely warning was given by an expert to this end that "when the day comes on which different parties are in power at the centre and in the provinces, any weakness in the definition of responsibilities will undoubtedly be exploited politically, and development will suffer".²²

It was not, however, economic control alone that the centre had over the units; political means were also used. The Indian Independence Act of 1947 bestowed powers to the Governor General* under Section 9 "for bringing the provisions of this Act into effective operation".²³ Mr. Jinnah incorporated in the Constitution Act a new version of the early Section 93 of India Act of 1935 which had been sparingly used during the British regime to enable the central government to assume the administration of the provinces in case of emergency. This was the Section 92A - an emergency weapon of the Governor General relying on which he could ask the provincial executive head i.e. the Governor to

* Although the preceding section i.e. 8 stipulated that the Governor General, in his exercise of the powers, must consult the Constituent Assembly to which the central government was responsible.

22. R.G.A. Jackson, Development in Pakistan, (Government Press, Karachi: 1953), p. 6.

23. "Documents and Speeches on the Constitution of Pakistan", loc.cit., p. 8.

take charge of the governance of the province by suspending the provincial constitution. The black and white position had it that the provincial governors were to be aided by a Council of Ministers whose appointment and dismissal rested on the gubernatorial pleasure.* And the offices of the Governors, in their turn, appeared as assessing posts of the central government and particularly of the Governor General whose line of communications with the provincial heads had always been alive. Under Section 51(5) of the India Act 1935, as amended by the Pakistan Provisional Constitutional Order of 1947, a provincial governor in fulfilment of the Governor General's Order could dismiss any Provincial Ministry. This occurred in the N.W.F.P. in August 1947, Sind April 1948, the Punjab January, 1949, Sind December, 1951 and East Pakistan May 1954.²⁴ It was not, however, the question of imposing 92A in the province which was so imperative from a pragmatic point of view in some cases, but the question of "getting out of it",²⁵ as was maintained by Sir Francis Mudie, the Punjab Governor. Because there was always a danger of the centre's forming a habit.

* The position of a constitutional head has an euphemistic bias in all the parliamentary governments of the Commonwealth. But on the functional level Ministers hold office so long they enjoy confidence of the legislature. This was the spirit in which Pakistan governments both of the centre and the units were initiated into. Powers that were there in theory were used in Pakistan in practice pending constitution making to uphold both warrantable and unwarrantable causes.

24. New Chronicle, August 23, 1947; Manchester Guardian, April 27, 1948; Statesman, January 25, 1949;

25. Statesman, February 1, 1949.

Then, the power of the Governor General regarding issuance of Ordinances was provided in the Section 102 of the India Act of 1935 as adapted. In no small way were the provinces themselves responsible for provoking the Governor General's reserve power. Mr. Jinnah was compelled to issue a proclamation (August 27, 1948) of a State of Emergency in Pakistan, since "the mass movement of population from and into Pakistan" had already threatened "the economic life of Pakistan". Now, on the basis of the Proclamation Sind was to absorb 200,000 refugees; The N.W.F.P. 100,000; Bahawalpur, Khairpur and the Baluchistan Agency 100,000 and the Punjab a further 100,000.²⁶

It has been the practice of the British system of government and its emulators that the Ministers suspected of gross misconduct are dealt with through appropriate party machineries. Besides, this process is farther reinforced by public opinion strong enough to make a corrupt politician to seek his oblivion. But the central government of Pakistan in an ingenuous frenzy placed the PRODA on the Statute Book to purge corrupt public office-holders. The ideal which inspired the production of the Act could not long survive the test of Pakistan politics. Soon, the Act was to hang as the sword of Damocles over the necks of the provincial leaders who would turn nonconformists to the central establishment. The Constituent Assembly empowered the Governor General to disqualify a person under the PRODA. The worst part of it was that the public were kept in the dark in regard to the findings of the

26. Chowdhury Mohammad Ali, The Emergence of Pakistan, (New York: 1967), p.267.

tribunal* "which are produced at so much expense of taxpayers' money, energy and time".²⁷ No doubt, some of the PRODA-struck politicians had a legend of notoriety, but the bizarre side of it was that the central government stood on the way of public opinion and parliamentary mechanism on the one hand and the due process of law on the other. Besides, the central government in its process of drowning the provincial leaders also left a few subtle straws to catch at i.e. submission to the central leadership was the price of final rescue.**

Leaders who had all-Pakistan status - though a very few - spoke from the pedestal of the central government. Furthermore, the Prime Minister was also the President of the M.L. The Central Executive Committee of the M.L. had sway over all the provincial organisations. By virtue of the Presidential authority vested in the Prime Minister, he could direct the provincial M.L. to move in a particular direction in matters of policy or choosing parliamentary leaders. There was, however, too much bickering about the centre's making provincial premiers high-handedly. When Nazimuddin was commissioned as the Governor General, he, as the departing Premier of East Pakistan, used his privilege to

* A case having been instituted the Governor General would appoint a tribunal to enquire into the matter. The Governor General's award followed the recommendations of the tribunal. Interestingly enough, when parliamentary government was effaced in 1958, the Martial Law Administrators - the hater of parliamentary government and politicians - followed the footsteps of the very politicians and hatched a measure called EBDO (Elective Bodies Disqualification Order) to condemn politicians, selectively.

** The PRODA-culprits such as Hamidul Haq Chowdhury, M.A. Khuhro, K. Fazlullah, etc., etc., all staged successful come-backs with the help of the centre.

27. Dawn, October 9, 1951.

suggest his successor, knowing that the Parliamentary Board would approve of it. (Eden's Prime Ministership owed its origin to Churchill's advice.) The case of the Punjab (1953) was somewhat unusual. Martial law was already in force. Noon, the then Governor of East Pakistan, was made the Premier of the Punjab at the central government's direction. Surely, Noon had a better claim to the Premiership so far as the Punjab was concerned. And the Punjab parliamentary body approved of it, later on.²⁸ When the N.W.F.P. Chief Minister was to join the central government (1953) he was authorised by the Provincial Parliamentary Board - not the centre - to nominate his successor.²⁹ But in any case, the central government through the party machinery could make its powers felt by the provinces.

Services also accounted for the centralisation process, particularly, the cadre, namely central services of Pakistan whose control lay with the Establishment Department of the Central Secretariat. The C.S.P. officials were placed at the key area of provincial administration which resulted in the centre's having more grip on the provincial government. Similarly, the organisation of the judiciary starting from the lowest base of courts at subdivisional and district level and extending to the zenith i.e. the Federal Court (later named the Supreme Court) had strong centralising characteristics. The cumulative effects of all these impelled the ship of the Pakistan state into a quasi-

28. Dawn, March 25, 1953.

29. Times, April 25, 1953.

federal direction, and the federal mottoes with which the leaders had started earlier failed in their proper manifestation.

But was this growth of centripetal forces of pressures that might paradoxically originate from the units themselves? The oddity was that provincial fears of centralisation were not consistently expressed, in that they were dissipated as soon as a particular unit or a coalition of units secured a position of dominance over the centre. The provincial leaders while crying for more autonomy, also acted as a pressure group to render central authority amenable to provincial causes. Successes or failures in that direction determined the force of centre-unit relations. What was distinct in the ebb and flow of centre-unit relations was that at no period of time was there a federal government which could claim immunity from all sorts of partiality, any more than the units could show an honest record that they did not sabotage the federal government to feather their own nests. It was an issue of shared follies. We now examine the parliamentary record of the provinces.

East Pakistan

The sequel of the partition of Bengal had its bearings on the formation of the East Pakistan cabinet, in that Nazimuddin became the Chief Minister in place of Suhrawardy who was defeated by the former in his bid to secure the leadership of the M.L. parliamentary party.³⁰

30. Times, August 5, 1947.

Mr. Suhrawardy's commitment - Suhrawardy was already the M.L. Premier of undivided Bengal, 1946-47 - to "an independent, undivided, sovereign Bengal in a divided India",³¹ was used as a hostage by his political adversary i.e. Nazimuddin* who successfully lobbied among the M.L. leaders, including Jinnah against Suhrawardy's anti-M.L. stand vis-a-vis the partition of Bengal.** A dedicated loyalist, Nazimuddin enjoyed the affection of the M.L. High Command with whose help he secured the Premiership of East Pakistan and pitched his camp at Dacca - the place of his birth and huge Zamindari.+ Nazimuddin's selections as the Chief Minister of East Pakistan appeared to be tendentious and symptomatic to future political trends. On the one hand, it fulfilled the gregarious urge of the ruling coterie - the Prime Minister himself and the Chief Ministers of the Punjab, Sind were all of feudal stock++ - and deprived the progressive mass leaders in the share of powers, on the other. For, judging Suhrawardy's later leadership pattern, would not

* And his lieutenants Messrs. Nurul Amin, Hamidul Haq Chowdhury, Fazlur Rahman, Youssouf Ali Chowdhury, etc.

** From an extremely reliable quarter the writer has come to know that Suhrawardy's demand for an undivided Bengal had Jinnah's blessings. Jinnah dared not support Suhrawardy publicly, and Suhrawardy never chose to discredit his one-time leader by divulgence. Nazimuddin himself maintained that "partition of Bengal fatal to interests of its people". See: Statesman, April 22, 1947.

+ Nazimuddin himself hailed from the Nawab family. Gen. Mirza - another descendent of the Murshidabad Nawab family - told the writer that Nazimuddin made it a point to see that Murshidabad (now in India) did not form part of East Pakistan; for, that would have meant a challenge to his 'Nawabi' by the more famous 'Nawabs' of Murshidabad. The writer wonders if Gen. Mirza's personal vendetta had made any contribution towards Nazimuddin's dismissal as the Prime Minister.

++ The Premier of the N.W.F.P. was no landlord, but he had no clannish ties with the province either.

31. Statesman, April 27, 1947.

Pakistan political history have been gone into different directions, had he been selected as the Premier of East Pakistan? Nazimuddin was no mass leader. His hold on people was judged when in the 1936 election (under India Act of 1935), he being the Nawab and member of the Governor's Executive Council could not win the elections in his own estate-constituency against Fazlul Haq.* But, after necessary deductions, what remained was Nazimuddin's fairly long experiences as administrator and parliamentarian on which he could count. The Provincial Governor, Sir A. Frederick Bourne thought himself to be fortunate to have Nazimuddin as the Chief Minister and "was most agreeably surprised to find no little change from what" he "regarded as normal"³² in a parliamentary sense. Unlike other Pakistan provinces, East Pakistan had a small but compact group of opposition members** which numbered 72 in a legislature of 237 seats.³³

At the start, the opposition in the House or at large was not in a combatative mood particularly in a situation when in the wake of the partition of Bengal East Pakistan inherited a debt of Rs.14 crores, an inadequate "police force, a few Executive Officers" and an economic life "paralysed by the migration of non-Muslim businessmen who held ... the field of trade and commerce in the province".³⁴ So well-entrenched

* "An all-out fight ensues from today between the Zamindars and the peasants. By the grace of God I shall abolish zamindari within the shortest possible time ... But God forbid if I am defeated, this defeat will be more glorious than the defeat of Napoleon at Waterloo". Fazlul Haq's statement. See: A.S.M. Abdur Rab, A.K. Fazlul Haq: Life and Achievements, (Lahore:1966) p.88.

** Mainly the Congress Party supported by a few members of the Christian and Buddhist group.

was the position of the government and the cohesion of the M.L. party in East Pakistan in the beginning that Jinnah, contrary to his usual practice, allowed the province to steer its own course. The Governor categorically observed that "Mr. Jinnah never interfered so far as I was concerned in provincial affairs. He no doubt kept in touch with our proceedings, but my direct contacts with him were minimal."³⁵ But as the early difficulties were reduced to a state of toleration, the government having felt the power of the statecraft in a few years' time of existence grew arrogant only to be matched by ever-increasing opposition. Nazimuddin before he became the Governor General of Pakistan in 1948 had already set the pattern of intolerance towards the growth of opposition. Suhrawardy was at that time a full-time devotee to the cause of Hindu-Muslim unity between the two Dominions, India and Pakistan. Nazimuddin thought this to be 'mere eyewash' and detained Suhrawardy for a few hours under Section 10 of the East Bengal Public Safety Order, 1948,³⁶ so that he could no longer hold public meetings in East Pakistan and criticise the government. At the partition of Bengal, West Bengal had 5 million Muslims out of a total of 21 million people. But out of 42 million people East Bengal (East Pakistan) had 12 million Hindus who

Footnote continued from previous page.

32. Quoted from the letter written to the writer by Sir A. Frederick Bourne, dated 19.2.1969
33. New York Times, January 18, 1954.
34. CAD (Leg.), Vol. II, December 16, 1948, p. 4.
35. Governor's letter to the writer, loc.cit.
36. Statesman, June 3, 1948.

were psychologically "less reconciled to their lot".³⁷ Suhrawardy urged the ruling leaders to take Hindus into the Cabinets* both in the centre and provinces to create confidence among the minorities.³⁸ A sore point with the Hindus was that their houses were being requisitioned - the reason they possessed the largest number of houses whereas there was scarcity of accommodation. The East Pakistan government had one crucial choice before them i.e. whether or not they were going to play parliamentary politics with the Hindus, the intelligent and vocal section of the whole community. Till 1949 - a period of relative "peace and quiet"³⁹ - the government had no concrete answer to this.

Then came the communal riots in early 1950. "It was not at all the anger of one community against another" maintained by a Congressite - "that found expression ... in East Bengal",⁴⁰ but, surely, it was the result of the inadequacy of leadership that was found both in India and Pakistan to suppress the communal extremists. And, as far as the East Pakistan government was concerned, the remark of a Congress member in the parliament that "... minorities ... were held there as hostages for the good conduct of the majority in another state",⁴¹ could not be easily dismissed. There was no doubt that in the early flush of independence

* From a strict parliamentary point it is the party having a majority in the legislature forms the Cabinet. But the situation in Pakistan was different. Although the central and the East Pakistan Cabinets each had one scheduled caste Minister but their representative character was questioned by the largest sections of minorities. See: Statesman, May 17, 1948.

37. Times, July 25, 1948.

38. CAD (Leg.) Vol. I, March 6, 1948, p.262.

39. Statesman, December 31, 1950.

40. CAD (Leg.), Vol. I, March 16, 1950, p.63.

41. Ibid.

the ruling party (the M.L.) displayed an element of Islamic jingoism* which through the ensuing years did much to annoy and alarm the minorities. A veteran Congress leader, and one-time finance Minister of East Pakistan, Mr. P.C. Lahiry, compared the dual policy of the M.L. vis-a-vis minority in his book (proscribed in Pakistan) with that of the two sets of teeth of a rogue elephant - "one set was for show of beauty, and the other was for the real purpose of mastication".⁴²

So, in circumstances like these the Congress and other minority groups in the legislature could not beguile themselves into thinking that they were truly parliamentary opposition groups. Hence, they looked for a fundamental change in the scheme of things.

Similarly, the M.L. government in East Pakistan became alienated from its own party and the majority community at large because of its dogged following of the central government - the symbol of monolithic unifying power. It did not thwart the centre in its determination to impose 'Urdu' on East Pakistanis. It did not arrest the growth of the centralisation process** which was contrary to the Lahore resolution, the basis of Pakistan. It failed to secure the benefit of the non-

* "Pakistan designs to show a beacon light to the world, which has been caught in the vortex of materialism ... atheism and agnosticism ..." a part of a speech made in the Constituent Assembly by Moulana Shabbir Ahmed Osmand, known as the Archbishop of Pakistan. See: CAD, Vol. V, March 9, 1949, p.44.

** Gobindalal (Congress) accused the government during budget discussion of having "mortgaged" the entire province "somewhere" outside. See: Statesman, February 26, 1951.

42. Pravash Chandra Lahiry, India Partitioned and Minorities in Pakistan (Writers' Forum Private Limited, Calcutta:1964), p.11.

devaluation policy to the jute-growers of East Pakistan, and created an organisation i.e. Jute Board to look into the plight of the jute-growers which had no East Pakistan member at all.⁴³ Having failed to win a bye-election in Tangail, the government postponed as many as thirty four bye-elections.⁴⁴ In 1950, the army was used to suppress ruthlessly the so-called 'Te-bhaga' movement (claiming a two-thirds share of the crop by the actual tillers of the soil) among the Sontals and Adibasis of Mymensingh District.⁴⁵ Hunger-strikes were resorted to by the security prisoners as a protest against the government's suppression policy. Nurul Amin, the Chief Minister, replying to an opposition resolution asking for the release of all political prisoners told the House that there were as many as 300 political detainees.⁴⁶ Prominent leaders, workers of political parties and leading people of social and academic areas came within the purview of the government's public safety Act as they failed to subscribe to the official fiats on issues. A good many parliamentary Secretaries, and members of the Legislative Assembly resigned from the M.L. parliamentary party saying that they could no longer "record a silent vote",⁴⁷ when issues were being mishandled and civil liberties eroded. Although the Chief Minister had no difficulty

43. Dawn, October 25, 1952.

44. Keith Callard, "The Political Stability of Pakistan", Pacific Affairs, (March: 1956), p. 11.

45. Times, December 29, 1954. (The unfortunate part of it that the leader of the movement was found to be a communist - Miss Ila Mitra).

46. Dawn, October 19, 1952.

47. Ibid., November 11, 1951. See also: May 15, and 20, 1953.

in maintaining the confidence of the East Pakistan M.L. Parliamentary Board as was tactfully manipulated on the 9th May, 1953. But the cost was high in that the General Secretary of the East Pakistan M.L. had to be expelled from the party along with other influential members.⁴⁸ Similarly, newspapers showing independence of outlook could not escape the scourge of the government as was the case of the English Daily, 'The Pakistan Observer', which was banned at one time and on another occasion its editor was arrested for publishing an article which was according to the government, "calculated to offend the religious sentiment of the people".⁴⁹

In the overall pursuit of policy the East Pakistan government was so much identified with the centre, that the latter, instead of asking the former to trim its sails, sought the negative posture of extending the life of the East Pakistan legislature which was supposed to be dissolved in 1952 to make room for a newly-elected legislature.⁵⁰ Dr. Chowdhury's contention that "political agitation in East Pakistan was largely due to ... economic discontent"* which caused the "defeat of the Muslim league ... in the provincial elections of 1954",⁵¹ did not take into account the still larger areas of gloom i.e. the people had a growing sense of losing its 'identity', and its grip of parliamentary democracy. As a matter of fact, the economic discontent of East against West did not feature in the 21-point programme of the U.F.

* Writer's italics.

48. Ibid., May 16, 1953.

49. Ibid., March 6, 1952.

50. Dawn, April 7, 1952 (Editorial), "East Pakistan Assembly".

51. G.W. Chowdhury, op.cit., p.57.

To the opposition the economic situation was not particularly fundamental. Interestingly enough, it was the Chief Minister himself and his colleagues who both in the provincial legislature and parliament drummed the economic misery of East Pakistan and its causes. That did not save him from the electoral wrath. Why? Because, people were more indignant about the centre's obscurantist, unprogressive and regimented policies, whose major interpreter happened to be the government of East Pakistan, the largest province of Pakistan.

True, gloomy aspect of the East Pakistan economy was very apparent in 1954, as it was in 1958. (And is still in existence and will be so for a considerable time) But the issue was that the articulate group of East Pakistanis were political animals, as well as talking ones. And so long they could exercise their political rights as enjoined in a parliamentary democracy with an iota of pride, even an acute economic grievance against the centre, and for that matter, the West which was to be aired periodically, never took place beyond the parliamentary confines.* A number of bye-elections were won by the A.L. government in East Pakistan in the late fifties and people did not cast their votes against the party in power as the province had not recovered from economic ills. So, it was mainly a question of a clog to democratic channels for whose removal opposition stood.

* The events of 1969 in Pakistan have undoubtedly proved that people's regional grievances real or imaginary, were liable to be notoriously forceful, if their basic democratic rights were denied.

Also, the opposition efforts were not negative, namely "to prevent the Muslim league from regaining power",⁵² but were proved positive in its victory in the elections which signalled "the first opportunity to show that democracy in Pakistan was strong enough to allow different parties to control central and provincial governments without disrupting the state".⁵³

The important thing about East Pakistan was that its people did not suffer from political apathy due to any intrinsic factor of social structure. East Pakistan had zaminders who were already 'absent' on the spot. Among the zaminders were mostly Hindus whose numbers were further thinned out as they went to West Bengal simultaneously with the partitioning of Bengal. The East Pakistan Land Acquisitions Act - a substantial piece of legislation - which entered the Statute Book in February 1950, further enhanced the tenants' rights to the land. The cumulative effect of all these produced an impetus towards a genuine social revolution. As a natural corollary, parties had claims to grass-root support. This was a plane where protracted undemocratic government was not feasible, if elections were to take place. And in fact, the 1954 election was the case in point. Although it was a different but cruel point when the governor of the province under 92A told the centre in a secret despatch: "It is my considered opinion that the United Front leaders are the enemies of Pakistan and cannot be trusted."⁵⁴

52. Chowdhury, op.cit., p.57.

53. Keith Callard, op.cit., p.161.

54. Governor's letter, loc.cit., DO No. 101/PS 21st June, 1954
(Top Secret: Personal).

However, there is one last point to be made about the M.L. Ministry in East Pakistan: it did succeed in maintaining parliamentary stability until its departure from the scene⁵⁵ - a solitary example when compared to other provinces of Pakistan. Also, most of the issues were debated in the legislature, as the Congress was not prepared to allow matters to be settled by default.

Punjab

On the 5th August, 1947 the Pakistan sector of the Punjab (Western) elected its parliamentary leader without a contest, as Sir Firoz Khan Noon chivalrously withdrew his candidature in favour of the Khan of Mamdot.⁵⁶ The new premier and the Finance Minister, Mr. Mumtaz Daultana hailed from the Eastern sector of the Punjab (now in India), and the holding of their key positions in the Cabinet was a boost to the morale of the refugees.

The Ministry thus formed was from the very start wobbly in that the prominent Ministers particularly the Khan of Mamdot, Mumtaz Daultana, Mian Iftikheruddin, Shaukat Hayat Khan were ranged against each other both on personal and policy grounds. Their predilections could be broadly grouped as rightist, centre-left and leftist. For instance, the Premier evolved a programme of Islamic Shariat for

55. Constitution Commission, loc.cit., p.66

56. Statesman, August 6, 1947. In deference to the wishes of 53 out of the 59 M.L. members of the West Punjab section of the Provincial Assembly, Noon agreed to serve as their parliamentary leader, subject to Jinnah's wishes. Whereas, the Eastern section had 22 M.L. members. Noon obviously showed good sense. See: Statesman, July 4, 1947.

enforcement. At an annual recurring loss of Rs.50,00,000 the government decided to enforce prohibition. The first step was taken in April 1948. But in the following year the High Court held it invalid on technical grounds and readjustments were made with the provincial Excise Act.⁵⁷ This measure was shrewdly employed to rally the conservative elements to his side. Similarly, the 'ambitious Finance Minister', leaned towards the left of centre as he proposed to tax agricultural income on a scale rising from 50 per cent to 500 per cent of the land revenue. This move was "both revolutionary and courageous", but also had the force of liquidating the Finance Minister's adversaries - "The Noons, Tiwanas and Iftikhar-ud-dins".⁵⁸ Mian Iftikheruddin, on the other hand, since his early Congress association had always been thought to be a crypto-communist. His was the most important portfolio namely, refugee rehabilitation. At a time when millions of refugees were to be socio-economically integrated into the society, Mian Sb. emphasised that agrarian reforms were the sine qua non of refugee rehabilitation. He wanted to build up 'People's Pakistan' under 'a People's Government'.

Furthermore, a crisis of ministerial jurisdiction was also in evidence, in that whether allotment of forsaken factories and commercial shops to Muslim refugees from East Punjab was the responsibility of the Minister for Finance and Industries (Daultana) or the Minister for Refugees (Mian Sb.).⁵⁹ This was, though temporarily averted by Jinnah.

57. The Punjab Review, 1947-1953 (Information Directorate of the Punjab Government, n.d.) p. 79.

58. K. L. Gauba, Inside Pakistan, (Delhi: 1948), p.151.

59. Statesman, November 2, 1947.

But ultimately 3 out of 5 Ministers, including Mian Sb. resigned from the office as a protest against the centre's interference in provincial rehabilitation matters.⁶⁰ Mian Sb. free of Ministerial responsibility and helped by his enormous wealth and two self-owned newspapers (Pakistan Times and Imrose), and the Presidency of the provincial M.L., just seized, was now in the drive for political recruitment to his leftist camp only to be expelled from the M.L. shortly afterwards.

Now, with the leftist Mian Sb. gone, the new difficulties cropped up in the expansion of the Cabinet. The principal leaders were summoned before Jinnah as the tussle between the rightist Chief Minister (Mamdot) and "progressive"⁶¹ Finance Minister (Daultana) became pronounced. Jinnah failed in his mediation. Daultana and Shawkat Hyat resigned. The formation of the Second Ministry could not last long as the centre promulgated 92A on the province in January 1949.

The Cabinet was prone to disunity. The Ministers could not give parliamentary account to the legislature, either collectively or severally. One major reason, however, was the total absence of any opposition in the legislature.* As a result there developed factional opposition within the ruling party. Added to this, the time-honoured rivalries among the so-called noble families such as Tiwanas, Noons,

* A couple of Anglo-Indians or scheduled caste members could not be styled as opposition. It was all M. L.

60. Times, November 10, 1947.

61. Manchester Guardian, April 27, 1948.

Qizilbashes, Mamdots, Daultanas, Mians, etc., etc., which had always been, as suggested by many critics, the determining factor of the Punjabi politics since the British time. It was always the clannish balance of power that ruled the roost of parliamentary politics.

In a situation like this when the Ministry had to follow, for many reasons, 'the attitude of the ostrich', the only stable office was the Governor's. Sir Francis Mudie (Governor) was "a keen Pakistani",⁶² who provided guidance to the new administration and Jinnah with provincial tidings.* But after the passing of Jinnah xenophobic pressure was mounted against the Governor by a section of the M.L. (Bari group) that led to the Governor's resignation.⁶³

An innovation was added to the 92A rule, in that under the new governor, Sardar Nishtar five advisers were taken from the M.L. party to aid the governor in the discharge of duties.⁶⁴ A modicum of parliamentary government was created; for, in the absence of legislature and Ministry, the Governor's advisers and M.L. Council became the de facto Ministers and legislature respectively. That the advisers to the Governor were responsible to the M.L. party was evident from the fact that the Chief Adviser had to go when adverse votes were recorded

* It appeared that Sir Francis had rapport in his relationship with Jinnah. In his letter he addressed the Governor General as "Dear Mr. Jinnah" not your excellency. See: K.L. Gauba, op.cit., "Appendix A." A rumour was also confined within the top circle that Jinnah wanted Sir Francis to succeed him.

62. Sri Prakash, Pakistan: Birth and Early Days (Meerat: 1965), p.29.

63. Manchester Guardian, July 10, 1949. (Lack of support for the Governor from the centre was also alleged.)

64. Statesman, November 5, 1949.

against him in the M.L. Council meeting.⁶⁵ Two things, however, crystallized amid the vicissitudes of the Punjab politics during the period of 92A, namely, the M.L. party was relatively filtered of factional elements,* and electoral rolls were prepared for the general election to be held in March 10, 1951 based on universal adult suffrage, first of its kind anywhere in Pakistan.

The Punjab was to Pakistan what Prussia had been to Germany. So, the election results had more than provincial significance. There were 197 seats in the Assembly, of which 40 were reserved for refugees who fled to Pakistan from India since 1947, 5 were reserved for women, 4 for Christians, 1 for other minority groups, and one earmarked for the graduates of the Punjab university.⁶⁶ The electoral rolls had about 9 million voters of which 34,00,000 were women,⁶⁷ most of whom would be in their Burqas.** The M.L. party apart, there were five contesting parties in the field viz. J.A.M.L.,⁺ A.P.P., Jamate-e-Islami, the Islam league (Allam Mushriqui) and the Communist.

That the M.L. did not look askance to the opposition was indicative of its 'stake-all' directive to the centre and provinces

* The groups such as Bari and Mamdot in the league gave way to the larger group, Daultana.

** A sort of veil that surrounds women from being seen.

+ Jinnah Awami Muslim league. The ex-premier, Mamdot coalesced with Suhrawardy's A.M.L. to fight the Punjab elections. The party thus formed was named J.A.M.L. See: Statesman, January 25, 1951.

65. Ibid., July 27, 1950

66. Times, March 12, 1951.

67. Hindu, January 29, 1951.

for marshalling their resources for the M.L. victory.* The central M.L. parliamentary board sat with the provincial one to decide nominations for the candidates. The M.L. working committee considered its 50,000 word election manifesto which contained, inter alia, the promise of the fulfilment of agrarian reforms - the watered down version of the drastic agrarian reforms recommended earlier (1949) by the M.L. Agrarian Reforms Committee. But essentially the manifesto suffered from generalities viz. "The Muslim league did not fail in 1945 when it promised Pakistan. It did not fail in 1947 when it claimed to stabilize Pakistan. It will not fail now in 1951 when it plans to reshape Pakistan. The task of the Muslim league is not yet done."⁶⁸ Ranged against it were the opposition planks of the J.A.M.L. and particularly of A.P.P. which envisaged, among others, drastic agrarian reforms and severance of commonwealth ties. So the issues on which the campaigns were fought were both local and national. Since the M.L. could not stress local issues beyond a certain point,** it placed emphasis on the federal issues. The Prime Minister himself undertook a marathon electioneering tour in the province, defending Pakistan's membership of Commonwealth.⁶⁹ The Prime Minister did not halt there; for he set

* All provincial Chief Ministers and M.L. leaders gave a good account of their lungs.

** That would mean the extinction of the landlords who comprised the M.L.

68. Quoted in Statesman, March 6, 1951.

69. Manchester Guardian, March 9, 1951. (The election prospects for the M.L. candidates were further improved as India accepted the value of Pakistan currency)

into motion outside pressures* to plough a harvest of votes for the M.L., as Chancellor Dr. Adenaur did in the 'Land' elections of West Germany during the time of the Second Bundestag. However, the revelation of the sensational news of the communist inspired abortive coup (discussed elsewhere) further helped the M.L. and produced an "adverse effect on the electoral chances of the leftists",⁷⁰ as it distracted attention from the issues which came up in the general elections.

The 10-day electoral exercise was finished with an epitaph from Suhrawardy that the Punjab elections were "fraud and farce". The Times' correspondent characterised the elections as "less disorderly, on the whole", but also noted that only "one-third" of the voters "exercised their rights".⁷¹ The final party position resulting from the elections was: M.L. 141, J.A.M.L. 32, Independents 17, Jamat-e-Islam 1, A.P.P. 1, Minorities 5. Among the members elected 30 had been members of the previous legislature dissolved in 1949.⁷²

An analysis of the election results reveals firstly that a considerable share of the total votes cast went to the opposition side. Secondly, the voting had been extremely close and the opposition group fared better in urban constituencies.⁷³ (An interesting similarity with

* Gen. Mirza told the writer that the Prime Minister (Liaquat) in front of him asked the Inspector General of Police - who also happened to be the uncle of Daultana - to see that the elections were won for the M.L.

70. Hindu, March 11, 1951 (Editorial), "Pakistan's first election".

71. Times, March 27, 1951. See Also: Hindu, 23 March 1951 (Editorial) "A Plea for Free Elections".

72. Statesman, April 1, 1951.

73. Manchester Guardian, March 18, 1951.

that of the Indian Congress which has been more successful in the rural constituencies.) The people's reactions to adult franchise as manifested in their voting apathy were not encouraging. There was no doubt much truth in the comment in a leading article of the Statesman that it was a "not wholly unexpected result of extending novel political rights to the masses".⁷⁴ But the crux of the question lay elsewhere. The Punjab was a landlord-infested agrarian province.* Land was the measure of power, prestige and a deterrent against insecurity. This 'golden earth' was institutionally monopolised by a string of zaminders. As far as cultivable lands were concerned, about "80% of the owners owned less than one third of the cultivable area about 0.6% of them owned more than one-fifth of the area".⁷⁵ The tenure system harboured the "old ruling oligarchy with its roots in big estates".⁷⁶ This had an adverse effect on the political freedom of individuals, as well as the country's political institutions. And the opinion that "political independence without a social revolution is a mere substitution of 'brown capitalism' for white",⁷⁷ had its relevance in Pakistan. The apathy was largely formed out of the peasants' stoicism and fear of feudal wrath. That was why parties could not root deep into the masses as it did in East Pakistan's case. On that point East

* As a matter of fact, the whole of West Pakistan had a feudal structure. Indeed, it is still there.

74. Statesman, April 3, 1951 (Editorial) "Punjab (P) Election".

75. Report of the Land Reforms Commission for West Pakistan (Lahore: 1959), p. 13.

76. Ibid., p. 19.

77. Sir Ivor Jennings, The Commonwealth in Asia (Oxford: 1951), p.53.

and West Pakistan told the 'tale of two cities'.

However, the most compensating aspect was that a group of about 40 (out of 197 members) obtained the right to dissent and formed the nucleus of a potentially lively opposition in a hitherto oppositionless legislature. No less important was the circulation of new blood in the legislature in that 167, members made their parliamentary debut. The new parliamentary opposition did not let the new M.L. government practice in a way far short of its election-professions, nor the Cabinet at the head of Daultana fell back upon its pledge to bring through agrarian reforms. Faced with an anti-reform group within the M.L. Assembly party, who thought agrarian reforms "unislamic,"^{*} uncalled for and ruinous for the ... well-being of the Punjab",⁷⁸ Daultana took umbrage and threatened to dissolve the legislature and face the electorate. A mountain of tedious and fatiguing^{**} discussions on reforms produced a mouse of mild programme. The draft bill which had earlier allowed landlords to possess 25 acres of irrigated land and 50 unirrigated, and the share of produce between the tenant and landlord to be divided at the rate of 66% for the former and 34% the latter was revised, and instead a much more moderate measure was proposed which to the Premier himself was "not revolutionary".⁷⁹

* Instant religious decrees (Fatwa) against reforms were made available.

** Some members literally fell in a swoon. See: Dawn, October 2, 1951.

78. Dawn, October 1, 1951.

79. Dawn, October 6, 1951.

Suddenly, the puffs of the Qadiani movement and the breath of federal politics produced a wind that swept Feroze Khan Noon into the Premier's office in early 1953 marking the end of Daultana's fairly productive parliamentary years. Noon was an apostle of feudalism who thought his predecessor's agrarian legislation was based on "precepts from books of progressivism ...with utter disregard of hard facts of our national life",⁸⁰ and with the help of bell, book and candle* and extant anti-reform groups rushed to the scrapping of the Daultana reforms, Noon, however, could not make any further headway as the majority members of the M.L. Assembly party served notice of no-confidence against Noon, who saved his skin by agreeing to the status quo.⁸¹

In sum, the period 1951-54 i.e. after the general election, was a definite improvement upon the previous ones in that some social legislation** was enacted, the opposition played its role in the House, on balance, quite loudly but more vigorously than its number should have permitted, and regular party intrigues did not follow regular change of governments.

Sind

The Sind governments were historically notorious for instability. The ready made answer could be traced, like that of the Punjab, in

* He also argued that Islam was on his side in the retention of Zamindari.

** Particularly, the Punjab Children Act which held the state responsible for undertaking the responsibilities of those children who had no one to look after them. See: Dawn, December 9, 1952.

80. Ibid., May 17, 1953.

81. Ibid., December 1, 1953(Editorial), "Quo vadis?".

an intriguing publication, namely the Biographical Encyclopedia of Pakistan which described the relationships of individuals in a country of Jagirdars and zamindars.⁸² The landscape of barony in Sind was highly pronounced where noble families such as Pirs, Mirs, Talpurs, Khuros, Sayeeds and Kazis were in a state of corrosive co-existence. These families owned 87% of the entire cultivable land of Sind.⁸³ Among them there were big jagirdar families "descendants of marauding clans or mercenary soldiers"⁸⁴ - who were earlier given the right, by the state, of collecting and appropriating a share of the produce of land. Hence, politics in Sind were dominated by nobility.

At independence the number of members in the legislature was sixty which afterwards dwindled to less than forty, as the Hindu members went to India. A couple or more of Hindu members (Congress and scheduled caste) who were still Pakistanis pending solution of their properties could not fill in the gap of parliamentary opposition. In other words, all the prominent clans were in control of the M.L. - the governing party. The members of the Sind M.L. parliamentary board considered themselves all chiefs not Indians. And among the chiefs, there was a sinister figure, namely Ayub Khuhro whose major contribution to Sind politics in the words of Suhrawardy was 'khuhroism' i.e. striking terror in the hearts of his political opponents. He was chosen to be

82. See: Donald N. Wilbur, Pakistan, Yesterday and Today, (New York: 1964), p. 126.

83. Chowdhury Mohammad Ali, op.cit., p.346.

84. Grenfell Rudduck, Towns and Villages of Pakistan, (Karachi: 1957), p.138.

the first Premier of Sind in place of Sir Hidayattullah who was promoted to the Governorship. The formation of Khuhro's Cabinet was significant in one respect, in that G.M. Syeed* - himself a landlord of no mean stature but always championed the cause of the peasants and downtrodden Haris** - and his following were left out of the government. A Hindu journalist of repute who thought G.M. Syed representing "Sind's eternal soul ... Sind without ... Syed is like playing Hamlet without the Prince of Denmark".⁸⁵ The G.M. Syed group's exclusion from the government meant that in the Cabinet there would be no progressive elements who would challenge the social status quo. The Cabinet having been formed with like-minded people, however reactionary they might appear, created the basis of teamwork. But this did not work out as cabals flourished on the personal ambitions of the Cabinet members and members of the parliamentary body. As a result, M.L. Ministries from August 1947 till December 1951 followed one another with amazing frequency viz. those of Khuhro, Pir Ellahi Bux, Yussouf Haroon, Kazi Fazlullah, Khuhro.⁸⁶ The parliamentary majority for each succeeding group could be managed through

* G.M. Syed was the President of the Sind Muslim league 1943-45. But he could not continue in his office further due to his independence of mind and ideas that were not appreciated by the top circle of the M.L.

** People who were sitting on the lowest rung of social arrangements. See G.M. Syed, Struggle for New Sind, (Karachi:1949) where he pleaded for the abolition of jagirdari and zamindari systems.

85. M.S.M. Sharma, Peeps into Pakistan, (Calcutta: 1954), p.102.

86. See: Manchester Guardian, 27 April, 1948; Statesman, February 4, 1949; May 5, 1950; Hindu, January 11, 1951; Statesman, December 19, 1951.

"a mixture of patronage and coercion".⁸⁷ Then followed a 17-month Governor's rule from December 1951 to early 1953. A new parliamentary phase was initiated after the general elections of 1953.

However, the Cabinet inconstancy was not all the fault of the Sind politicians; for, the centre had its subtle hands played in it. On two issues the successive Sind governments turned recalcitrant e.g. Karachi and refugees. Sind was virtually generous enough to play host to the federal government which later took away Karachi - Sind's former capital - to make its own capital. Sind was equally fearful of an unrestricted flow of refugees into its territory. The Sindhi sentiments on both these issues found expression in G.M. Syeed's speech in the legislature who said amid thunderous applause that "It was Sind which invited Pakistan government to have sojourn under her roof ... It was again Sind which opened her doors for the armies of political refugees* from India".⁸⁸ The federal government, no doubt, felt affronted.** Whenever the Sind government failed to toe the line of the centre its Chief Minister came within the jurisdiction of that famous PRODA or election tribunal for gross public

* Writer's italics.

** The writer heard from a knowledgeable quarter that when Khuhro shilly-shallied about moving his provincial headquarters from Karachi to Hyderabad, Jinnah summoned Khuhro and charged him as a dictator. Khuhro exclaimed, "Quaid-e-Azam, you telling me a dictator." Khuhro was duly dismissed by him, later on, on charges of maladministration, corruption, etc., etc.

87. Callard, "The Political Stability of Pakistan", loc.cit., p.10.

88. Quoted in Dawn, September 17, 1953.

conduct. Most of the prominent ministers, one time or another, were PRODA-struck. True, politicians such as Khuhro, Fazlullah, Pir Illahi Bux and Golam Ali Talpur were found unscrupulous, but the vital point was that the centre acting through the Governor chose its own particular time to bring the politicians to book. And the criterion was the extent of the provincial government's subservience to the centre.* The official memory of the central government was so short that it felt no scruple in emancipating those very convicted politicians to assist the federal cause. Khuhro offered an extraordinary example of it when he was ransomed by the Governor General to bolster the cause of the one-unit.

However, the bright spots during the whole of Sind parliamentary life were the holding of general elections and their resultant benefits. Electoral rolls were prepared based on universal adult franchise. There were 17 lakhs of voters of whom 5 lakhs were females. The women were not only to vote for the first time but were registered by their names abandoning the age-old system of their being registered as 'wives' and 'daughters'.⁸⁹ The government made elaborate arrangements for facilitating voting and preventing adoption of unfair means. As many as 1,200 polling booths were made and voters were required to place their ballot papers in the boxes

* Haroon was made the Premier of Sind, obviously at the beck of Liaquat. And when Gulam Ali Tarpur was elected the leader of the Sind M.L. Assembly party in 1951, the Governor did not call him to form a Cabinet. See: Statesman, December 26, 1951.

89. Dawn, March 24, 1953.

bearing colours or symbols* of their respective party candidates. A number of 540 gazetted officers were entrusted with the counting of votes and ballot boxes were required to be sealed and later opened in the presence of the candidates or their agents. Indelible ink lasting for 24 hours was imported from India - the sole possessor - for the use of voters' thumb impressions so that casting of votes could not take place more than once.⁹⁰ The election commissioner recognized three parties and colours were allotted to them accordingly - M.L. (green colour), Sind Awami Mahaz (white) and Sind league** (a black background with white stripes). Since both the Hari Federation and Islam league applied for red colour, no colour was given to them.⁹¹

In a legislature of 111 seats, there were 101 Muslim seats, for which there were 378 contestants and for the remaining 10 seats (minority) the contestants numbered 46. The M.L. parliamentary party put up 100 candidates, Sind Awami Mahaz⁺ 51, Khuhro league 55.⁹² The remaining contestants were the sundry independents and minorities who did not come in an organized way. A model election day was observed in each district and Taluks headquarters to educate the

* 12 symbols were selected: sword, bicycle, scales, elephant, plough, umbrella, tiger, hand, millstone, sun, tree and horse. See Dawn, April 12, 1953.

** The splinter group of the Sind M.L. led by Khuhro. Usually known as Khuhro league.

+ G.M. Syed's party.

90. Dawn, April 5, 1953.

91. Ibid., April 14, 1953.

92. Ibid., April 6, 1953.

voting people and election machinery on the conduct of elections.⁹³
The elections commenced on May 4, 1953.

Because of Khuhro's leaving the main M.L. body and contesting elections on a bogus M.L. platform after his name, the central M.L. parliamentary board formed a 5-man committee under the supervision of the Prime Minister himself to campaign for the Sind M.L. Its 16-page election manifesto contained, inter alia, planks such as the abolition of jagirdari, the enjoyment of civil liberties and protection of the interests of minorities.⁹⁴ Khuhro's 22-point programme was more generous promising to do everything, even maintenance of "harmony between Haris and Zaminders".⁹⁵ The Awami Mahaz stood on 7-point programme of which the first two items, namely (1) total abolition of jagirdari and (2) limitation of zamindari acreage,⁹⁶ were prominent.

The elections were over by 10th May, 1953. According to the Dawn's estimates 52% of the voters cast their votes. Among women voters, about 35% went to the polls⁹⁷ - a better record than that of other provinces of West Pakistan. The M.L. party - old and organized - swept the elections. The M.L. won 88 seats, Awami Mahaz 4 (later became 7), Khuhro league 4, and the rest independents.⁹⁸ Obviously, the election results contained a message. Though the M.L. won the elections overwhelmingly, it only obtained 53% of the votes polled in

93. Ibid., April 14, 1953.

94. Hindu, April 16, 1953.

95. Dawn, April 12, 1953.

96. Ibid., April 9, 1953.

97. Ibid., May 15, 1953.

98. Hindu May 12, 1953.

Upper Sind, the stronghold of landlords.⁹⁹ Secondly, the elections proved that only well-organized parties could make any electoral impact. A powerful opponent 'worth his powder and shot' Khuhro was of no avail before an organized party, the M.L. And the most important revelation according to the Guardian was "that it was a fair fight - no extraordinary powers were invoked by the administration. Even the disappointed opposition leaders, by some miracle, agree that the elections were completely fair. This is an unheard of verdict in Sind, where corruption and improper influence have always tended to reduce election ... to a farce. It also shows - and there were many who had begun to doubt this - that democracy really can be a working and workable system in Pakistan."¹⁰⁰

Since May 1953, the Sind government under the new Premiership of Pirzada Abdus Satter had a definite veneer of stability till early 1955. Only the larger issue of the consolidation of all West Pakistan units into one province produced a ruffle in the course and the legislature had to be dissolved in late 1955. A few pieces of social legislation were enacted.* Although the opposition was impoverished of numbers - only 7 Awami Mahaz and a few independents - nevertheless, it contributed in a 'positive manner' to the business of the House.

* For example the Sind Village Sanitation Act, Children Act, The Sind Tenancy Act, 1950, etc., etc. In 1954, Jagirdari was abolished but could not be enforced due to legal complications. 5-year plan, op.cit., pp.314-15.

99. Dawn, May 17, 1953.

100. Manchester Guardian, May 20, 1953. See Also: Dawn, May 6, 1953; May 7, 1953.

It was observed by Dr. Muneer that "the standard of debates and the general level of proceedings registered an improvement after the election."¹⁰¹

N.W.F.P.

The N.W.F.P. Ministry was the first to have been dismissed on 22nd August 1947 at the behest of the Governor General. Dr. Sayeed's observation - indeed, a well meaning one - that "the precedent of dismissing a Ministry which had a majority ... was bound to lead to political instability in the provinces,"¹⁰² was steeped more in the moralistic-legalistic aspect of parliamentarianism than in the psychology of political surroundings. Back in the mid 1920s the Simon Commission wrote: "The N.W.F. is not only the frontier of India; it is an international frontier of first importance from the military point of view for the whole empire."¹⁰³ And the new situation did not alter the geographical and political realities, The Congress Ministry in the N.W.F.P. was formed after the electoral verdict of 1946. But when the referendum was held in July 1947 in the Province, in pursuance of June 3rd plan of the British government, on the question whether the province should join the Pakistan Constituent Assembly or the Hindustan Constituent Assembly, the province decided in favour of Pakistan.¹⁰⁴ The verdict of the referendum was also, by implication, anti-Congress i.e. the Ministry, which had been consistently opposed to the idea of Pakistan and threw hundreds of M.L.

101. Muneer Ahmed, op.cit., p.22.

102. Khalid-bin-Sayeed, op.cit., p.295.

103. Quoted in New Zealand Herald, January 2, 1948.

104. Statesman, July 20, 1947.

leaders and workers into prison.* The situation was further complicated when the Frontier Congress in a resolution demanded Pakhtoonistan, a free Pathan State, and after the Congress defeat in the referendum the Congress flag was totally abandoned and its place given to the New Zalme Pakhtoon red flag with two black crossed swords on it.¹⁰⁵

Perhaps the Pakistan government could show its qualities of magnanimity and foresightedness vis-a-vis the Congress Ministry, particularly in a situation when Afghanistan which was occupying the same strategic position in relation to the subcontinent as Armania did in the days of the Flavian Emperors, when Parthian imperialism was the major military problem of Rome, showed her interests in the Pathans. Khan Abdul Gaffar Khan, a venerable leader of the Frontier avowed his loyalty to Pakistan but insisted on having 'Paktoonistan' within the polity of Pakistan. The central government elected to use its reserve powers and dismissed the Congress government for its sponsoring a scheme considered to be anti-Pakistan.

Khan Abdul Qayum, the M.L. leader became the Chief Minister. Jinnah himself tried to make Gaffar Khan* agree to a political truce, and form a coalition government with his Red Shirt (or Khudai Khidmatgar***) but to no purpose.¹⁰⁶ The 'Ides of March' of 1948

* Including Qayum Khan, the later M.L. Chief Minister of the N.W.F.P. For Congress persecution on the Muslim leaguers see: Times, April 20, 1947; Statesman, May 25, 1947.

** Gaffar Khan was brother of Dr. Khan Shahib, the dismissed Chief Minister.

*** Meaning servants of God. The predecessor of the M.L. government was virtually the coalition of Congress and Red Shirt party.

105. Statesman, June 29, 1947; August 2, 1947.

106. Ibid., April 19, 1948.

falsified the political soothsaying in that the Frontier budget of the M.L. Ministry was duly passed. In a legislature of 50 members there were 38 Muslims of whom the M.L. had the allegiance of 25 members* including 3 members who were elected in the recent by-elections. Among the 12 Hindu members 11 left for India leaving one (Lala Koth Ram) who found it more convenient to support the M.L. government.¹⁰⁷ This depleted Assembly of 39 members continued to function until the general elections of December, 1951 brought forth a new and enlarged legislature.

The Frontier province was also not devoid of landlords. One-eighth of the total area in lots of more than 500 acres each was owned by 0.1% of the people.¹⁰⁸ But feudal dominance could not get upper hand as the Khan brothers particularly Gaffar Khan** (affectionately called the Frontier Gandhi) always kept some sort of egalitarian movement in motion. So, the accents of Frontier politics were mainly on the Pakhtoonistan movement struggling to come out on the surface, on the one hand, and the government's autocratic antidotes against the very movement what it considered to be evil, on the other. That the rise of opposition parties was not a welcome proposition to the

* The writer was told by Qayum Khan himself that 8 Congressmen crossed the floor to join the M.L. bandwagon.

** They themselves were landlords too. Qayum Khan himself made flattering references to Khan brothers in his book, 'Butter and guns'.

107. Statesman, April 11, 1948.

108. Land Reforms Commission, loc.cit., p.13.

Premier was made clear by him in the first session of the legislature viz. "Our new State ... is at present surrounded by enemies. We should give up our differences for at least five years."¹⁰⁹ Gaffar Khan became a security prisoner to the central government, and his brother Dr. Khan was put under house arrest. Large number of the followings of Red Shirt and Congress fell victim either to the Frontier's crime regulation or the Security Act. There was room for personal vendettas; for, in the days of Congress-Red Shirt rule people were fined for just being Muslim leaguers and those fines were refunded from the public exchequer.* Extraneous factors such as certain Indian leaders' occasional outburst of sympathies for the Khan brothers which rather dramatically culminated in the Frontier government's unearthing of the so-called "heinous plot"¹¹⁰ which showed that the Red Shirts were in collusion with some Indian leaders, influenced governmental policy. Then the Fakir of Ipi, a religious zealot par excellence - he had declared a crusade against the British rule in the mid-thirties - despite his being forgiven by the government for his earlier role, involved himself in antistate activities in Waziristan before he made a clean pair of heels to Afghanistan. Toughness, no doubt, was required of the government up to a point, but its excessiveness, perhaps, was the reflection of Qayum's penchant for political masochism.

* The writer was told by Qayum Khan, the Chief Minister.

109. Quoted in Statesman, March 24, 1948.

110. Hindu, March 14, 1949.

Qayum's myopia was evidenced by his brandishing the big stick all the time without holding out an olive branch to dissentients, as he would not "let off disloyal persons, come what may", despite the opposition's plea for a general amnesty, for prisoners who declared "unflinching loyalty to Pakistan".¹¹¹ Qayum's was the policy of gradual release. His policy alienated some of the influential Muslim leaguers such as Pir of Manki Sharif, Zakori Sharif, Khan of Lundker, who ultimately came out of the M.L. after the centre had failed to bridge up the schism and started operating under the new party, A.M.L. The A.M.L. activities were hamstrung as their leaders, by rotation, suffered either expulsion from the province or imprisonment. However, the clouds of repression started lifting a bit as the sunrays of the general elections to be held in November 1951 were breaking in. Compared to other provincial elections, the Frontier electioneering atmosphere tended to be a cramped one. Though campaigning started in April (the legislature was dissolved at the end of March) so far as the M.L. was concerned, the opposition parties, particularly the rising one, A.M.L. - the Red Shirt was banned when its leader Gaffar Khan went to prison - could not function properly as its leaders and workers were allowed to electioneer only shortly before the elections. Even its President, Pir of Manki Sharif, and Convenor, Suhrawardy were not allowed to enter the province until November 15 - twelve days

111. Hindu, March 12, 1949.

before polling.* In spite of the opposition parties' ** threat that they would boycott elections "till full civil liberties are restored in the Province",¹¹² they, at length, chose the positive method of contesting the elections.

The Electoral Rolls published on November 6, 1951 showed an electorate of 15,16,347 of which 44,777 were for the two reserved seats for women and 5,618 for the general constituency (Hindu).¹¹³ The basis of allocation of seats in the legislature was one representative for every 40,000 people. As many as 396 candidates were contesting the elections in a legislature of 85 seats of which 84 were Muslim seats, including 2 women⁺ and 1 minority. The M.L. Parliamentary Board nominated candidates for all the seats, the A.M.L. 44 (due to insufficient party propaganda), and the remaining contestants hailed from the Independents and other parties.¹¹⁴ The common denominator of the opposition plank was the restoration of full civil rights in the province. Whereas all the M.L. promises boiled down to, as usual, one thing i.e. the M.L. "is just like a mother to Pakistan and as a mother it has a special love for its child

* Qayum: "After his (Suhrawardy) speech in East Pakistan applauding the Red Shirts, how could we take the risk of allowing him in the province and trying to revive a banned organization." See: Dawn, November 17, 1951.

** M.L.; A.M.L.; A.P.P., the Islam league and Jamat-i-Islami.

+ 5 women contested for the two seats reserved for women. See: Pakistan News, November 17, 1951.

112. Statesman, November 25, 1951.

113. Year Book of the North West Frontier Province, 1954, (Information Department: Peshawar: 1954), p. 30.

114. Dawn, November 24, 1951.

that no other political party could have"¹¹⁵ - said the campaigning Chief Minister. The 17-day polling results (November 26 - December 12, 1951) brought forth the following party position: M.L. 67; Independent Muslims 13; Non-Muslim 1 and A.M.L.4.¹¹⁶ Apart from the opposition's allegation that the elections were not fair* and its quick refutation by the government that they were, the poll had some positive indices. The Pathan (people of the N.W.F.P.) reactions to adult franchise, first of its kind was quite favourable. The percentage of votes cast was 48:72¹¹⁷ - 9 members returned unopposed. The inculcation of the democratic idea made through the vehicle of general election brought about, evidently, a suspension of fratricidal village feuds and rivalries for which the Pathans had been historically condemned. Instead of rifles in their hands Pathans clasped loudspeakers and trudged around villages of rolling surface to electioneer.¹¹⁸

* The possibility of some irregularities could not be ruled out altogether. But its reality was magnified by the disgruntled Muslim leaguers themselves, let alone the defeated parties. The re-election of the Chief Minister as President of the Frontier M.L. was opposed by Khan of Jhagra who led the dissidents supported by Youssouf Khatak, the General Secretary of the All-Pakistan M.L. The Jhagra-Khatak group could not defeat Qayum (66:48 votes). As a result, this group was deprived of M.L. nominations in the elections. Though the central parliamentary board - the final hearing authority - cancelled some of the nominations of the provincial board in favour of the Jhagra-Khatak group. But the group was far from satisfied. See: Dawn, October 22, 1951; November 4, 1951; November 5, 1951 and December 14, 1951.

115. Dawn, November 26, 1951.

116. Statesman, 13 December, 1951.

117. "Year Book", loc.cit., p.31. "The polling was heavy, considering the enlarged franchise and inaccessibility of many regions of the Province. "Times, December 13, 1951.

118. Pakistan News, December 15, 1951.

A highly patriarchal society like the N.W.F.P. where women could scarcely have a glimpse of the sun, nor the chance of exercising voting rights in an environment where orthodox Pathans scrupled to eat the humble pie of winning a seat on woman's vote, had to its credit two women elected by the women votes for the first time - a phenomenon which "would have been inconceivable in the North-West Frontier Province only a short time ago".¹¹⁹

The poll was also indicative of the Frontier people's loyalty to the Pakistan government as the M.L. "has buried the myth of Pakhtoonistan".¹²⁰ If the Pathans were so keen on the creation of Pakhtoonistan, they would have voted the M.L. government out, no matter that the protagonists were interned. And the charge that Pathans were goaded into voting in favour of the M.L. was not convincing to those who knew that Pathans were fiercely independent and their traditional love for freedom was more than enough to stave off outside intervention. Surely, the opposition parties could have fared better had they been provided enough political leeway. After all they were new to people's eyes. The abstract stand for 'civil liberties' attracted the attention of the electorate less from the tangible achievements made by the M.L. government in nation-building areas; for, "strong leadership and enterprise are often accepted as adequate excuse for rough and ready methods".¹²¹

119. Times, December 18, 1951 (Editorial), "Pakistan and the Frontier".

120. Ibid., December 13, 1951.

121. Statesman, December 17, 1951 (Editorial), "N.W.F.P. Politics".

The second phase of parliamentary government registered a change of attitude vis-a-vis opposition, particularly when Qayum joined the central Cabinet in April 1953 and Sardar Abdur Rashid became the Chief Minister. Meanwhile, Pir of Manki Sharif - he did not contest the general elections - won a by-election and became the opposition leader of the paltry group of Members. The Chief Minister initiated, to the delight of the opposition, a resolution in the House to the effect that Standing Committees be appointed consisting of members from both sides to advise the government on measures of public interest, law and order, taxation, jails, education, agriculture, etc., etc.¹²² Over and above this, the Chief Minister granted a general political amnesty and released Red Shirt leaders including Gaffar Khan and Dr. Khan.¹²³ Suhrawardy recorded his comment e.g. "I am extremely happy ... at the news that the N.W.F.P. Ministry have released all political prisoners."¹²⁴ However, it would appear from the records that the M.L. Ministry, during the period 1947-1954 had the distinction of achieving stability through harsh measures which were however gradually relaxed.

The Princely States and centrally administered areas

The tact and toughness with which Sardar Patel of India brought about the process of democratisation in the Princely States and

122. Dawn, November 18, 1953.

123. New York Times, January 5, 1954.

124. Hindu, January 7, 1954.

their accession to India could not be followed in Pakistan. One big reason was that the M.L. leaders, prior to independence, always hobnobbed with the Princes to enhance the cause of Pakistan and thwart the Congress which stood for a united India. The States - falling under Pakistan - acceded to Pakistan at the eleventh hour. They were veritable islands of medieval autocracy. The central government found it rather too delicate to steamroller the States - the erst-while allies of the M.L. - into accepting parity with other provinces having responsible governments. Besides, the central government was intrinsically inhibited i.e. a wholesale reformation in the principalities would ultimately bind the central government pari passu to abolish the feudal system in the provinces. In a situation like this, the road to reforms, constitutional or otherwise, was bound to be "dangerously long one".¹²⁵

Although, after dawdling initially the biggest state, Bahawalpur, set a remarkable example in that the Ruler transferred the State's administrative powers to the Cabinet responsible to the Majlis (legislature) of 49 members elected on adult franchise.* Addressing people he urged them to be worthy of the "new and great opportunities"

* The Ruler was so enlightened that in response to the opposition complaints of racketing in the elections held in April 1952 he ordered re-election in May in which the M.L. won 35 seats in a legislature of 49. The opposition (A.M.L.) won 14 seats - a rare feat compared to other regular provinces. See: Dawn, April 27, 1952; May 27 and May 29, 1952.

125. Dawn, April 10, 1952 (Editorial) "Reforms in States".

which provided the "majority rule" and also "an opposition within constitutional limits".¹²⁶ The Central Ministry of States and Frontier Regions persuaded four States of Baluchistan (Kalat, Mekhran, Lasbela and Kharan) to merge into one union with a common executive, legislature and judiciary and introduce some reforms towards responsible government.* The Frontier States (Chitral, Dir, Swat and Amb) had anthropological difficulties in the way of progress as the tribal habits and customs rendered the people deferential to their respective leaders.

Next to Bahawalpur was the Khairpur State which maintained parliamentary machinery and had its State legislature elected on an adult franchise. It was the only State which enacted a Bill guaranteeing free compulsory education (excluding girls) up to matriculation.¹²⁷ Baluchistan was the stronghold of feudalism. The 55 tribal chiefs who constituted the Shahi Jirga (Royal Council) influenced the destinies of the nomadic people of Baluchistan. The Indian Central Assembly of the British period urged for its reform. But nothing new was added to the then existing system by which this area was governed viz. the agent to the Governor General, the Chief Commissioner,

* A "Council of Rulers" with "Khan-e-Azam" (sort of Prime Minister) at the head was in charge of the administration. But the greatest drawback of the scheme was that in a legislature of 40 members 30% of the membership belonged to the category of nomination. See: Dawn, April 14, 1952 (Editorial) "Baluchistan States Union".

126. Dawn, March 10, 1952 (Editorial) "Bahawalpur".

127. Ibid., March 11, 1953 (Editorial) "Khairpur Budget".

and the Jirga system. One big obstacle, though, was Baluchistan's being a "politically heterogenous"¹²⁸ area. The only improvement made under the Pakistan government was the forming of a 15-man advisory council representative of the Baluchis - who would enjoy the same privileges as the members of a legislature - to assist the centre in administration. Some association between administration and people was made by attaching the council to the Agent to the Governor General in Baluchistan rather than to the Governor General at Karachi. This constitutional advance was further supplemented by the extension of local self-government to deal with education, health and economic development.¹²⁹ The N.W.F. agencies were the responsibilities of the central Minister of States and Frontier Regions. And, representative tribal chiefs were associated with the Frontier administration.

The metropolis, Karachi like Baluchistan and the N.W.F. Agencies was within the sphere of the central government which operated through the Chief Commissioner. Karachi had nearly 40 years of experience in local government to its credit. The refugees who filled in the gap caused by Hindu migration pressed, under the leadership of Hussain Imam, for an elected legislature and responsible ministry to look after Karachi,* on the grounds of its increasing population, higher literacy rate, number of newspapers and commercial superiority.

* Central and provincial governments coexisted in Calcutta till 1911, Simla till 1939. Besides, the Indian example of giving smaller units like Ajmer, Bhopal, Delhi, etc. elected legislatures and responsible ministries gave some impetus to the demand.

128. Statesman, February 27, 1948.

129. Ibid., February 25, 1949.

Lobbying to this end was actively carried on by the Karachi Chapter of the M.L. which ostensibly behaved as though it had the de jure status of a provincial unit.¹³⁰ But the centre was apprehensive of the Karachites who had all the symptoms of the proverbial 'Roman mob'. Besides, the centre had political grounds for not envisaging a separate status for Karachi. For example, the East Pakistanis might object (as in fact they did) to Karachi's sudden change of status after so much federal money had already been invested therein. However, the Karachi Municipal Corporation - which was already in existence - with its 82 councillors and a Mayor at the head which were freshly elected in 1953 by a 4-lakh voters¹³¹ continued to function within the jurisdiction of local subjects.

The relation between the centre and the Princely States and the centrally administered area was not uniform. States were duly represented in the Constituent Assembly. The terms of the Instrument of Accession entitled the States to conduct their respective governments independently of the Pakistan government", provided they had full allegiance to the Pakistan constitution. The main policy of the centre was one of persuasion through which it wanted to bring about a uniform level of democratic development among different States.

* Subjects like Foreign Affairs, Defence, Currency, etc., etc., though were Pakistan government's responsibility.

130. Dawn, May 27, 1952.

131. Ibid., April 24, 1953.

The degree of success was not commensurate with its intention. The States, at bottom, were feudal edifices. The noble heads could have been severed from their necks, French style or, left intact, British style, to be assimilated into the society through evolution. The central government chose the path of gradualism and persuasion vis-a-vis the Princely States. And its relation to centrally administered areas was rather direct and temporary,* as well.

In the foregoing pages we have analysed the relation between the centre and the units. We have also seen how the parliamentary governments functioned in various units. The quick rise and fall of Cabinets, particularly in Sind was, no doubt, a disturbing phenomenon. Internal causes apart, some dyarchic arrangements of governmental powers between the centre and units operated to the detriment of the growth of parliamentarianism in the latter. But what was discernible was the continuity of policy which did not change along with the permutation and combination of Cabinet personnel in the provinces. That policy, however, was not progressive, particularly when only the fringes of agrarian reforms were touched. But, we emphasise, that there was positive improvement registered by all units from a broad parliamentary standpoint, after each general election held in each unit.

* For instance, some portion of the excluded areas of the Frontier region, according to the centre's decision, came under the executive authority of the provincial government of the N.W.F.P. See: Times, September 27, 1950.

Considering that "the political system of democracy is ... itself a system of choices" and "voters are the political equivalents of consumers in ... a free economy",¹³² the elections held in the provinces and some States* in Pakistan were a landmark. Mr. Sydney D. Bailey, a Hansard Society man, having enormous interest and knowledge in the affairs of South Asian governments, thought that the very conduct of elections based on adult franchise among a marginally educated populace "is a remarkable achievement".¹³³ Still, one can pause on the fruitfulness of having elections in an illiterate electorate. Perhaps Bryce's dictum i.e. 'the tool will give the workman the skill' has more force in the 20th century world of today than the more desirable one held out by J.S. Mill, 'universal teaching must precede universal enfranchisement'. The Pakistan Electoral Reforms Commission of 1955 struck a note of cynicism that elections were "a farce, a mockery"¹³⁴ upon the people. This was so due to the existence of the feudal system and so-called 'pocket constituencies' that resembled the 18th century 'rotten boroughs' of England. But the impediments were bound to be removed, gradually, as the elections

* During this period 1947-1954, all and sundry local self-governing bodies had their elections held, too.

132. D.E. Apter, "Comparative Politics", op.cit., p.331.

133. Sydney D. Bailey, Parliamentary Government in Southern Asia, (London: 1953), p. 59.

134. Quoted in Report of the Franchise Commission, 1963, (Ministry of Law, Pakistan: 1964), p. 44.

would give the electorate a sense of participation in government, a degree of political education and new political parties committed to electoral emancipation through reforms.*

* Even under the quasi-dictatorial regime of Ayub born of highly qualified electoral system, the Franchise Commission of 1963 in its majority report strongly recommended the universal adult franchise.

INTERREGNUM

True, the Governor General fulfilled one of the demands of the U.S. by dissolving the Constituent Assembly which was reduced to the position of an unrepresentative rump, but in doing so he was no less actuated by the desire of creating one unit in West Pakistan. While the U.F. victory in East Pakistan gave a facade of unity to the central government of the M.L., curiously enough the U.F.'s victory also "gave a leg-up to the dissidence in the West",¹ i.e. the Punjabi group's dissatisfaction with constitutional proposals of the East Pakistan-dominated Constituent Assembly produced a deep rift in the rank and file of the West Pakistan M.L. And it happened that the Punjabi group, of late, came to look forward to the end of the Constituent Assembly like that of the U.F., though obviously for different reasons.

Now the question was one of means as to how best the present unusual political situation could be exploited for the realisation of the designs for which the Governor General performed the final coup de grace on the M.L. It was possible for the Governor General in his moments of pent-up rage* caused by the politician's snatching away his powers by an Act of the Constituent Assembly, to suggest to Gen. Ayub (C.-in-C.) the taking over the government of the country.

* Begum Taz, wife of the A.D.C. to the Governor General (also daughter of Gen. Mirza) who had the opportunity of seeing the Governor General at a close range, told the writer that during the later part of 1954 the Governor General was almost half-mad and running a temperature of 102° or 103° on occasion.

1. Hindu, October 27, 1954 (Editorial) "Crisis in Pakistan".

For he knew Gen. Ayub was mentally committed to the one-unit project.*
 Whether Ayub was formally approached to assume the reigns of the country or given a casual hint by the Governor General** there is no definite proof. But on hindsight it can be maintained that it was but natural for the Governor General to have the support of the army in the person of Ayub in the reconstructed Cabinet. For, after all, a Cabinet orphaned by the absence of a parliament, responsible only to the Governor General, and committed to undertake country's major issues, to be successful needed the support of those who represented the influential sections or groups of people in Pakistan. And as far as Ayub's alleged magnanimity reflected in his "No"² to the hypothetical offer of the Governor General was concerned it was, no doubt, dictated more by the native unpreparedness of the Military Establishment to seize power than Ayub's deep sense of parliamentary politics. The Army was yet to be adequately fed with the fodder of American Military Aid before it could flex its muscle decisively. The Prime Minister himself regretted the delay of the U.S. military aid before the M.L.

* See his book: Mohammad Ayub Khan, Friends not Masters, (Oxford University Press: 1967), pp.186-191.

** Gen. Mirza told the writer that when the Prime Minister's retinue assembled at the London Airport to depart for Pakistan in response to the Governor General's call, Ayub took Mirza aside and told him: "Kichiko Ma'at Koha Karo, Golam Mohammad Hukumat Ham Logo Ko De Denge", meaning 'Don't tell anybody the Governor General had told me that he would hand over administration to us'. According to Gen. Mirza Ayub's later references to the Governor General's proposals, both written and spoken were all 'lies', for he had been no less close to the Governor General than Ayub.

2. A devoted lieutenant of Ayub magnified this aspect of Ayub's saying 'no' to the offer. See M. Ahmed, My Chief (Karachi: 1960).

central parliamentary party which, according to him "should have been faster".³ However, the situation was tempting for a man of ambitions and Ayub could only 'look into the seeds of time' and await his grains of ambitions to grow into maturity; for, he read things suggestive to his inner ambition, first as Macbeth picked up the message of the witches that he had the potentiality of a king. The Governor General willed 'let there be a constituted cabinet with the same Mohammed Ali at its head'. And there was one. The retention of Mohammed Ali as Prime Minister - the Governor General's erstwhile tormentor - was perhaps motivated by reasons. Pakistan could not afford to alarm her allies who had just poured into the country \$105 million in aid.⁴ A non-party Cabinet of 9 members was sworn in on October 25, 1954. It was a broad-based Cabinet in which the services, business interests and the country's politics were represented viz., Gen. Ayub (military); Gen. Mirza* (political service); Chowdhury Mohammed Ali (Audit and Accounts); the Governor General (Audit and Accounts); Ispahani** (Business); and the Prime Minister, Dr. Khan, G. Pathan and G.A. Talpur (country's politics).

When the Governor General came to preside over the new Cabinet on October 27, it looked as though the new arrangements were reminiscent

* Lately Governor of East Pakistan.

** Lately High Commissioner of Pakistan to U.K.

3. Dawn, June 1955.

4. Observer, October 31, 1954, "Tough Politics in Pakistan" by Philip Deane. "Army needed him (Mohammad Ali) to remain as recipient of much needed American aid." See Daily Express, October 25, 1954.

of the Viceroy's Council of British India where since the time of Kitchener the C.-in-C. always sat in that Council as a military member.⁵ The Governor General who was not much of a politician hit upon a strategy by which he wanted to shoot the target of his programmes by placing his gun on the shoulders of politicians. That was why he brought politicians into the Cabinet and particularly Dr. Khan,^{*} of whose inclusion in the Cabinet acted as a salve to the Redshirt opposition to the creation of one unit. He sent an emissary to Zurich to sound Suhrawardy and 'feelers' to other prominent leaders of political parties to fill in the remaining numbers of Cabinet ministers.⁶ But side by side, he also institutionalised an implicit threat in the Cabinet in the shape of Ayub, who chose to have his ministerial duties performed from his military headquarters of Rawalpindi⁷ - a step that gave him an air of non-involvement in politics on the one hand, and saved him from being alienated from the army's affection, on the other. Gen. Mirza, who in his recent tide of fortune found a suitable base for climbing the rungs of upper echelon of powers continued liaison, as an ex-defence Secretary, between the civilian government and the army. Here the Governor General dug in the canal of the so-called "Cabinet of talents" to bring in the crocodile of military threat of take-over. Although, in matters of

* Brother of Abdul Gaffar Khan.

5. Times, October 28, 1954.

6. See Manchester Guardian, October 28, 1954; Statesman, October 30, 1954; Dawn, October 28, 1954.

7. Dawn, November 1, 1954.

Cabinet recruitment the Prime Minister had no other alternative than to play second fiddle to the Governor General; but, supposing the Prime Minister had a free hand in the selection of Cabinet members, it was doubtful if Mohammad Ali would have dropped Gen. Mirza* after having written in longhand a testimonial extolling Mirza's "...high sense of patriotism ... our country is safe, so long as we can count on such selfless devotion to duty ... and loyalty to an officer like the Def. Secretary".⁸ True, there could be no two opinions about Gen. Mirza's efficiency as an officer, but commissioning his services for a political job** was equivalent to putting a square peg in a round hole. And, precisely this was the way in which top officials of different cadres by dint of their past services were catapulted to higher political jobs by the unsuspecting politicians - an extra-parliamentary recruitment process that was not always infallible.

Among the influentials in the Cabinet three persons, e.g. Ayub, Mirza and Chowdhury Mohammad Ali (Finance Minister) were in the higher brackets. But Chowdhury's frame of mind was more in harmony with his other colleagues representing the country's politics

* Since the beginning of Pakistan's arms deal with the U.S. Gen. Mirza had become very close to Mohammad Ali.

** Gen. Mirza, for the benefit of the writer, jocularly defined the role of an Interior Minister in the Pakistan situation as 'to break heads'. He said in October 1954 "I don't expect trouble ... But if anybody wants it they will have it from me." See: News Chronicle, October 29, 1954.

8. See Appendix VI.

in that he wanted to have things done at least with the varnish of available democratic procedure. While these elements remained quiet and reticent, Gen. Mirza* told the Pakistanis for the first time in his reckless and shattering candour that they were not worthy of enjoying democracy, much less the Westminster system. He opined Pakistan needed "controlled democracy" - an irreconcilable contradiction of words - since politicians were "scallywags" - perhaps, except those to whom he owed his new life. He canvassed for one-man rule "to prevent people from destroying themselves" - suggestive of a strong presidential form of government. "None can stop formation of one unit. Have you seen a steam-roller being stopped by small pebbles on road?"⁹ he said in a Press Conference implying the threat of army intervention. In sum, Gen. Mirza, the aggressive member of the council of the Cromwellian Governor General recited before the public with full-throated ease that outrageous rhyme of Alexander Pope e.g. "For forms of Government let fools contest; what is administered ^{ever best} best, is best." And the substance of it was found in the broadcast of the almost captive Prime Minister who promised "a vigorous and stable administration"¹⁰ to the nation.

The Prime Minister's broadcast to the nation on 22nd November, 1954 was a prelude to what the government was going to undertake.

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- * Gen. Ayub kept a well-studied silence throughout. He found it more profitable to watch the trial balloons launched by Gen. Mirza.
9. See Manchester Guardian, October 29, 1954; also Dawn, February 23, 1955.
10. Ten Years of Pakistan, 1947-1957, (Government Publications, Karachi, 1957), p.16.

The Prime Minister envisaged two provinces e.g. East and West Pakistan. In other words, the existing provinces and states in West Pakistan whose boundaries seemed "to be completely illogical" must go.¹¹ The provincial and state legislatures registered their support in favour of the one unit rather quickly, not taking any time to look into the pros and cons of the issue. The Governor General relying on the Section 135 of the India Act of 1935 passed an order setting up the establishment of a Council for the administration of West Pakistan to chalk out immediately a detailed scheme for the project.¹² Thus the government devoid of parliament was veritably pushing through a major issue of such magnitude by decree. And a government by decree presaged the advent of the so-called 'controlled democracy'.

But soon after Suhrawardy's return to Pakistan after a four-month stay in Zurich hospital, the political process took a new turn and precisely for the better. This was evident in the huge reception* given to Suhrawardy on his arrival at Karachi - this was the second one after he had been accorded a similar welcome in early 1954 for the U.F. victory in East Pakistan elections. On landing he assured the nation that government would have "to take people into confidence".¹³ The octogenarian Haq was summoned in Karachi, too, by the Governor General. So an atmosphere of talking was ushered in.

* The whole reception was organized by non-political reception committee. See Dawn, November 16, 1954.

11. Times, November 23, 1954.

12. Dawn, 14 December, 1954.

13. Times, 13 December, 1954.

The Governor General and his council knew it would take them more time to build up a following in the country. If Suhrawardy could be tempted inside the Cabinet, the Governor General's purpose would be served; for, he was the only man who had the instant popular support and ability to deliver the goods. Suhrawardy was on the other hand placed between the two horns of a dilemma. While he associated himself with the dissolution of the Constituent Assembly he had enough reasons to dissociate himself from the autocratic pattern of the government. His was the concern for drawing up the Constitution and calling elections for a new parliament to which the government ought to hand over power, eventually. It was a crucial moment both for Suhrawardy and for the country i.e. how best and quickly parliamentary politics could be restored. Evidently, Suhrawardy was smarting under an implied threat of a military take-over; * and finally he elected to join the Governor General's Council (20th December, 1954) to fight from within. He said his sole object in joining the Cabinet was to establish democracy in Pakistan, and held up Gen. Mirza's concept of "controlled democracy" to ridicule in a rejoinder and added that "true democracy controls itself".¹⁴ His becoming the Law Minister entrusted with the task of framing country's constitution was also a recognition of opposition triumph

* Suhrawardy "...We are making every possible effort to avoid this (martial law) alternative ... that we are appealing to the people to cooperate ... so as to avoid such a dreadful contingency". See Dawn, April 23, 1955.

14. Manchester Guardian, December 21, 1954.

after years of living in the doldrums. Soon Abu Hassain Sarkar as the representative of the U.F. of East Pakistan, joined the Cabinet. In short, Suhrawardy's entry gave the Cabinet the semblance of a political body to what otherwise was operating "simply as a committee of administrators".¹⁵ But the fact remained, the Governor General was still in effective control of the political situation holding all trumps; for, the political leaders got into his council from a weak bargaining base. It was, however, the institutionalised countervailing power i.e. the judiciary which challenged the Governor General's constitutional rashness and insisted on his following the due process of law.

A robust judicial foundation ensures a healthy growth of a political society as the latter is always in a process of being jogged into its conscience by the former. In his analysis of the English institutions, the late Professor Gneist found the judiciary contributing to "the success of the parliamentary system".¹⁶ In this context, a word of reference to Pakistan judicial tradition appears warranted. When the British came to India they also brought along with them not only guns but also the tradition of Anglo-Saxon law. The British importation of Anglo-Saxon legal paraphernalia and the concept of rule of law into the subcontinent was one of the hallmarks

15. Ibid., December 29, 1954.

16. Quoted in A. Lawrence Lowell, Governments and Parties in Continental Europe, Vol. 1, (Longmans, London: 1896), p. 68.

of British rule in India, and exactly on that point Great Britain as a colonial power stood apart from her other European colleagues. A century-old judicial system had established deep roots in Indian society, and there were abundant cases of the judiciary's putting checks on executive excess. In the resolution of conflicts the judiciary always acted as one of the 'intermediaries' an "institution which was built up in imperial India and became part of the legacy handed over in 1947"¹⁷ to the succeeding states e.g. India and Pakistan. If we are to hypothesize that religion does influence human behaviour then the predominantly Muslim population of Pakistan whose Quran enjoins them e.g. "Wa-etha hakantom bayn al nasi ann tahkomu bel-adel"¹⁸ (You have to be just between people) are spiritually closer to the essence of Angla-Saxon law. Besides, the spirit of Montesquian separation of governmental powers was practised during the period of Delhi Sultanate in India, in that the Abbaside traditions of submitting the affairs of canon law to the care of the Kajis (judges) were adhered to. The independence of the Kajis* restrained much of the autocracy of the Kings.¹⁹ And a people having a tradition of respect for justice however crude,

* A King of Bengal found guilty by the court remarked "I have in my dominions a judge who acknowledges no authority superior to the law". ibid., p.371.

17. W.H. Morris-Jones, The Government and Politics of India (Hutchinson University Library, London: 1964), p. 41.

18. Koran Karim (Shamarli Co., Cairo: 1964), p. 72.

19. See H.N. Sinha, op.cit., p. 340.

primitive and inadequate from modern viewpoints were psychologically more receptive to British legal system. Hence, Sir Ivor's remark that "the British tradition for the Rule of law has been firmly established in Pakistan",²⁰ was not an exaggeration.

The judicial leadership and role as an 'intermediate institution' during the post independence period in Pakistan were a great stabilizing factor in the country's politics. The judiciary held the anchor of the ship of the State from being marooned. For instance, the Federal Court declared the Pakistan Public Safety Ordinance of the Governor General ultra vires in response to an habeas corpus application and ordered the release of the appellant, Sobo Gianchandani. It cautioned the central government that "A legislature cannot delegate its powers of making, modifying or repealing any law to an external authority. If it does so, it would be creating a parallel legislature."²¹ The Sind High Court defended freedom of political comment in the Press and set aside the sedition charges levelled by the central government against the editor and cartoonists of the Evening Times of Karachi. The judgment clearly made a distinction, for the benefit of both government and the press, between politically fair and seditious comment. It envisaged the scope for legitimate criticisms of the government based on a party system and asked the

20. Sir Ivor Jennings, Constitutional Problems in Pakistan, (Cambridge: 1957), p. 51.

21. Judgment quoted in Dawn, March 4, 1952.

government to amend the laws of sedition in the light of the individual freedom following independence.²² The judicial concept of freedom was, however, not unbridled. The High Court denied Allama Mashriqi the freedom of raising a private army for his organization, the Khakhsar party, and upheld the government's action in suppressing the militant party.²³ Even the lower courts were to mediate, sometimes, the internecine disputes of political parties namely, whether a member was rightly expelled from the party, a meeting legally called or a party election for office bearers was held to the letter of the party constitution, etc., etc. If an epitaph was to be written on the demise of the first Constituent Assembly one would have extolled the M.C.A.s for their ensuring full independence to the Supreme Court in the proposed constitution.²⁴ What was more, they conferred unfettered powers, pending the framing of the constitution, upon the provincial High Courts to issue writs - what to the M.C.A.s were Magna cartas - in the nature of habeas corpus, mandamus, quo warranto and certiorari. This was done by amending the India Act of 1935 and incorporating a new section, 223-A.²⁵ What has been said of English constitutional growth, that it "was marked by a close alliance between parliament and the common lawyers",²⁶ the

22. Times, May 6, 1953 (Editorial) "Press Liberties in Pakistan".

23. Dawn, May 31, 1952.

24. Ibid., April 5, 1954.

25. Ibid., July 6, 1954.

26. Geoffrey Marshall, Parliamentary Sovereignty and the Commonwealth, (Oxford: 1957), p.55.

developments of which had had their marks on the constitutional plane of Pakistan. Perhaps the alliance was uneven or lopsided, in that a century-long judiciary with all its accessories produced a class of lawyers whose "preponderance ... among top politicians"²⁷ was a case of near-notoriety.

But, on balance, they were the standard-bearers of the British legal and parliamentary ideals; for, to the lawyers the terms 'parliament' and 'court' were not mutually exclusive. In fact, all the great parliamentarians (or politicians) were at the same time great lawyers. They had the greatest commitments to parliamentary and legal habits, which, at least, contributed to the growth of individual and collective respect for the rule of law among the Pakistanis - one of the fundamental requisites of Westminster system. And, imbibed with the same habit and with an air of Hampden, the President (Speaker) of the Constituent Assembly, himself a lawyer, went to the Sind High Court in November 1954 to prove that the Constituent Assembly had been wrongfully and illegally dissolved by the Governor General.

The Sind High Court in its judgment^{*} held that the dissolution of the Constituent Assembly was unconstitutional. The Federal Court on appeal from the Federal Government ordered the Sind Court to

* February 9, 1955.

27. Morris-Jones, "Government and Politics of India", op.cit., p.42. (Though Prof. Morris-Jones reflected on the Indian situation, it had its applicability on Pakistan, as well.)

stay its writs. This was a situation that raised a vital question of judicial ethos i.e. whether the judiciary ought to behave mechanically in applying rules upon cases to the utter disregard of genuine demands and needs of a given country. One knows, particularly, how the American Supreme Court which gradually managed to find itself in an important position in the Federal scheme, could declare the so-called "Jim Crow law" (separate but equal rights) legal at one stage only to be declared ultra vires of the 14th amendment in 1954, later on. In other words, the judiciary has become susceptible, by and large, to social forces and its alleged cold and reactionary attitude of earlier days is on the wane.

However, the Federal Court from the start was aware of the delicacy of its position vis-a-vis the struggle for supremacy between the unrepresentative Constituent Assembly on the one hand, and the Governor General, supported as he was by the weight of informed public opinion,* on the other. Although the dissolution case was focused on a legal matter, it had non-justiciable aspects, as well. The Court, at first, dropped a hint for a compromise and suggested that an appeal to the constituencies would be more graceful solution of the dispute than the appeal to the court.²⁸ It did not work.

* No doubt, the court was equally conscious of an implicit threat of military take-over. Following the verdict of the Sind Court Gen. Mirza remarked that the court's ruling would not affect the one-unit scheme, for "those necessary steps will be taken in any case". See Manchester Guardian, February 10, 1955.

28. Ibid., March 3, 1955.

And the legal fight ensued. The plaintiff* argued that the common law of England did not apply in Pakistan and should not limit the independence of Pakistan. Regarding Section 5 of the Independence Act under which the Governor General was to represent Her Majesty for purposes of the government of the dominion, the Governor General was to be the representative and not the agent of the Crown. If the latter had no powers, the former did not have either. The Governor General, in short, was a symbol of a symbol.²⁹

The defendant established that the Indian Independence Act placed Pakistan in a position of a dominion devoid of (theoretically) full independence. The sovereignty of the Constituent Assembly was complete with the Governor General, not without. And the royal prerogatives were in existence in common law which were "vested in the Governor General" enabling him "to legislate without the ... consent of a legislature".³⁰ So, the Governor General exercised his emergency powers in dissolving the Constituent Assembly imbued with the spirit of *salus populi suprema lex i.e.* the public safety was the main criterion.

The cautious court avoided saying whether the Constituent Assembly had been dissolved constitutionally or not, but gave its judgment on the 'unassailable ground' that the Governor General was a part of the Constituent Assembly and the laws passed by it to be

* On the government side was Sir K. Diplock, Q.C., and D.N. Pritt, Q.C. argued for the President of the dissolved Constituent Assembly.

29. See Court's Proceedings quoted in Times, December 22, 1954.

30. Sir Ivor Jennings, "Crown and Commonwealth in Asia", International Affairs (April: 1956), p.142.

valid required the Governor General's assent to them. And it just happened that 35 Acts out of 44 passed by the Constituent Assembly did not bear the signature of the Governor General. In other words, the country, as it were, had been ruled illegally on many a matter. The Governor General, however, felt encouraged at the judgment and issued an ordinance proposing to validate the illegal acts with retrospective effect and give a constitution to the country. On April 22, 1955, the court held that the Governor General could neither validate laws nor make constitutional provisions by decree. The Chief Justice warned the advocate general in the court: "If you ride roughshod you will bring disaster to this country. You don't have a validating machinery, nor you intend to create one".³¹ In the determination of whether or not the Constituent Assembly existed in law, Sir K. Diplock's commendable reply that "the constituent convention is a body inside the Constitution Act" to a rather passionate remark of the Chief Justice, namely "The fate of the country depends on the statement that you are going to make on this point",³² further strengthened judicial pronouncements. The court then suggested to the central government "If Lord Mountbatten could set up a Constituent Assembly what prevents the Governor General of Pakistan from setting

31. Times, April 13, 1955. See also K. J. Newman, Essays on the Constitution of Pakistan, (Dacca: 1956), p. xlviii.

32. Dawn, April 27, 1955.

up a body, not necessarily on the same line?" At the same time it warned the government of packing the convention with sycophants who might be told "Here is a constitution and you endorse it".³³ These positive utterances by the court were further facilitated when the government volunteered itself to have an "advisory judgment" of the Federal Court" the advice of which showed the path and ended the constitutional crisis.³⁴

The judgment of the Federal Court was a magnum opus.^{**} The court prevented the Governor General from shortcircuiting democratic processes. While justifying the dissolution of the Constituent Assembly it made its necessity a justiciable issue. But at the same time it paved the way for a new Constituent Assembly with similar scope, jurisdiction and powers to its predecessor. A consequential issue like the one-unit was not left to the Governor General to stoke but to the country's ensuing Constituent Assembly to dispose of. The Punjabi group which was being mounted into prominence since the dismissal of the Nazimuddin government read in the judicial decision that unholy alliances were vulnerable. The judgment was also an implied recognition of what the U.F. had been agitating for, since its electoral triumph of 1954. Lastly, in essence, the court hurt neither the plaintiff nor the defendant. The Speaker in his heroic

* See: Times, April 27, 1955 and Daily Telegraph, May 10, 1955.

** For detailed discussion on the judgment, see Sir I. Jennings, Constitutional Problems in Pakistan, (Cambridge, 1957).

33. Hindu, April 28, 1955.

34. Alan Gledhill, "The Pakistan Constitution", Public Law, (Winter: 1956), p. 435.

struggle for the restoration of parliamentary sovereignty failed particularly in reviving his Constituent Assembly, but his principle triumphed in the revival of another Constituent Assembly far more representative in character. Similarly, the Governor General was allowed a graceful retreat in that his prerogative rights to dissolve the Constituent Assembly was upheld by the court. In sum, the Federal Court in its judgment discretely rolled legal and political aspects into one.*

At this point, however, a reference to Suhrawardy is called for. No doubt, the Governor General's sudden deference to the judicial system was praiseworthy. But this psychological change was initiated by Suhrawardy, the Law Minister, whose 'distinct' presence in the Cabinet had the effect of an indoctrination upon the Governor General. When Suhrawardy said that the Governor General would "abide by the decisions of the Federal Court and continue steadfastly to uphold rule of law"³⁵ without any rejoinder from the Governor General or his truculent colleagues,** it signalled that the Governor General was

* Maulana Mandoodi told the writer that the then Chief Justice Munir in his speech to Bar Association in Lahore in 1960 had remarked "Adalat Hookumat ka Bahar Nehi Rah Sekta", meaning the court cannot altogether stay outside of politics.

** Following the Federal Court's judgment even Mirza was very watchful. Accused by a friendly journalist that he was not bold as he had been a couple of months before, Gen. Mirza replied "I am not conversant with the contempt laws. You don't know what may happen if you say a thing." See Dawn, February 23, 1955.

35. Hindu, April 22, 1955.

well briefed about the efficacy of the rule of law.* It was everybody's knowledge that Suhrawardy was in charge of the drafting of the one-unit scheme and the country's constitution. The Governor General wanted him for the implementation of the one-unit plan. While Suhrawardy served as a restraint to the executive rashness in giving an opportunity to judicial leadership, similarly it was he who was largely and singularly responsible for giving a concrete shape to the judicial decision. It was his titanic endeavour to help people choose between a constitution convention proposed by the Governor General in pursuance of the court's verdict or a military rule that was all implicit.³⁶ And precisely, he was solely instrumental in weaning East Pakistan from an attitude of complete non-cooperation with the central government and inducing the East Pakistan legislature to participate in the elections to the new 80-man Constituent Assembly announced to be held in June 1955. Now, what emerges from the foregoing discussions? One significant fact crystallised that dictatorship was not at any time virtually established, albeit it could have been. The irrevocable decision to do away with democratic institutions and to achieve the one-unit plan through executive fiats was not taken, though it could have been. The litigation on constitutional

* After the demise of Suhrawardy, Mr. A.K. Brohi - a legal and an intellectual luminary in Pakistan - commented on Suhrawardy's passion for the rule of law saying that in "mysterious manner Suhrawardy is going to rule the State of Pakistan from his grave - so that the coming historian will see the triumph of what he stood for in the act of his passing ever." See The Dacca Times "Suhrawardy Supplement", May, 1964, p. xxiv.

36. Sunday Times, April 23, 1955.

issues could have been stopped and jurisdiction of the courts curtailed. Similarly, the convening of the new Constituent Assembly could have been brushed aside - but this was not done. The facts were indicative of that, although the forces of dictatorship did rear their heads occasionally - that was also mainly due to politicians' becoming party to self-defeating purposes - they failed to gain a permanent foothold in Pakistan, so far, as the democratic forces far outweighed the anti-democratic ones.