

## *Pakistan: Struggle for Power 1947-58*

**M.M. Syed**

Pakistan came into existence on 14 August, 1947, on the verge of a movement aimed at protecting the Indian Muslims from Hindu dominance and exploitation. The creation entailed numerous problems. Most important of all was the problem of establishing such political institutions as would help the nation march smoothly and effectively on the road to prosperity and development. A century of British rule had convinced the intelligentsia, the elite and the masses to appreciate parliamentary democracy as a model form of government that ensured the greatest degree of people's participation in national affairs. Naturally, therefore, immediately following independence, the form of government introduced in Pakistan was parliamentary democracy. Quaid-e-Azam Muhammad Ali Jinnah, the oresman who had steered the ship for the freedom of Indo-Pakistan Muslims from the British Colonialism and Hindu dominance, became its first Governor-General and his trusted Lieutenant through struggle for freedom Nawabzada Liaquat Ali Khan became the first Prime Minister of Pakistan. The trust and confidence of the Muslims masses enjoyed by them was unrivaled. The arrangement therefore had its roots amongst the masses. However, the inclusion of a "seasoned bureaucrat", Ghulam Mohammad, in the first cabinet, was the greatest misfortune that bestruck the nation. Because while the political leadership was trained to profess parliamentary democracy, the bureaucracy was tuned in authoritarianism to achieve the goals of the British empire. That is, while the political leadership was infused with the sense of appeal to the masses — the electorate, the bureaucracy was trained to obey the Crown. The administrative system which was introduced in India was created and designed to suit the special interests of the colonial rule. Officers



were groomed in traditions which did not bear any influence or interference by the politicians in the way of exercising their discretionary authority. They were disassociated from the public and "became arrogant and aloof from the common people".<sup>1</sup> They "held a monopoly over all the key policy, discretionary and regulatory positions in the country, through recruitment, training and political strategy specially designed by the British to ensure the subjugation of the country for their own imperial interests".<sup>2</sup> Ghulam Mohammad's inclusion, therefore, in the Cabinet and the assignment of the all important portfolio of finance facilitated this elite class to gain access to the highest echelons of power and give the nation a political creed which suited them. The achievement of this goal was facilitated by the facts (i) that the bureaucracy was the only powerful, well-knit and cohesive group in Pakistan, (ii) that the functional and structural organisation of the bureaucracy placed it in a dominant and significant position to influence decision making and policy implementation<sup>3</sup> and (iii) the role assigned and the powers delegated to the bureaucracy immediately placed it in a position convenient for it to keep itself informed of the activities of the politicians.

Perhaps these arrangements were only provisional, because "he [the Quaid] felt that Pakistan could not overcome [the] difficulties by relying on the ability and skills of the politicians".<sup>4</sup> But the bureaucracy, exercising extensive discretionary powers, without permitting any interference very soon grew ambitious to grasp power, and relegate the politicians to oblivion. Nothing, pointed out A.R. Cornelius, could lead to the defeat of democratic institutions "more quickly than...a silent and secret transfer of power from the chosen representatives to service men".<sup>5</sup> Thus in April 1948, while having an informal talk with the civil officers at Peshawar, the Quaid advised:

If you want to raise the prestige and greatness of Pakistan...do your duty as servants of the people and state... Governments are formed, governments are defeated, Prime Ministers come and go, Ministers come and go, but you stay on... You should have no hand in supporting this political party or that political party, this political leader or that political leader, this is not your business.<sup>6</sup>



But unmindful of this advice, immediately after the assassination of Mr. Liaquat Ali Khan, the first Prime Minister of Pakistan, Ghulam Mohammad, "a declining man but with mental grooves of a seasoned bureaucrat, and the eyes and nose of a mountain hawk",<sup>7</sup> — was elevated to the high office of the Governor General. His elevation as Governor General marked the beginning of an era that may safely be defined as the decline of political progress. Disregard for democratic values and rules of political ethics allied with authoritarianism became routine matter.

Nawabzada Liaquat Ali Khan was succeeded by Khawaja Nazimuddin who stepped down from the office of the Governor General to that of the Prime Minister and assumed the "onerous" duties of head of the Muslim League, Leader of the Government and premier national politician none of which he was capable of handling".<sup>7a</sup> The relentless struggle for power reached its peak. The masses who were the real makers of Pakistan, were left to groan under misery and national interests, economic planning, social development, and political advancement became insignificant issues. To be precise, the period following Liaquat Ali Khan's assassination was characterised by unbridled pursuit of interests.

Ghulam Mohammad quietly started giving the nation a polity that suited his bureaucratic temperament in utter disregard for the aspirations of the people. Only sixteen months after his becoming the Governor-General, he shunted out Khawaja Nazimuddin, his Prime Minister, although the latter enjoyed the confidence of a majority in the legislature.

On 22 December, 1952, Nazimuddin presented to the House the Second Report based on the principle of parity. In addition it also provided for weightage to the smaller provinces of West Pakistan to create "confidence and trust" among them. The legislature was to be bicameral: the upper house to be called House of Units, and the lower to be called House of the People. The report vested real powers on vital issues, in the lower house, and only recommendatory powers in the upper house.<sup>7b</sup>

These proposals were unacceptable to the Punjab. "Its complaint was that, in spite of parity, East Pakistan could easily manoeuvre to dominate a fragmented West Pakistan, and that



"denuding" the upper house of any real power was a "joke" on the federation".<sup>7c</sup> The consequence was a deadlock which was further aggravated and intensified by "a group of disgruntled politicians,"<sup>7d</sup> and resulted in the worsening of the law and order situation to an extent that the government had to proclaim Martial Law in the Punjab in March 1953. A few days later the Governor-General dismissed Prime Minister Nazimuddin on the plea that he had failed to restore law and order. Nazimuddin's dismissal was a death blow to democratic institutions. In the words of K.B. Sayeed, "The dismissal of Khawaja Nazimuddin was obviously a decision not taken by the Central Legislature. It was clear that the Prime Minister enjoyed the confidence of the Legislature because the budget of his government had been recently approved by the body".<sup>8</sup> Moreover, Ghulam Mohammad himself had in a public statement only a week before described it as a "government deriving its authority from the people".<sup>9</sup> On his part, the Governor-General took the plea that, "The cabinet of Khawaja Nazimuddin was proved entirely inadequate to grapple with the difficulties facing the country".<sup>10</sup> The action however, was an experiment to test the strength and effectiveness of the legislature and leadership.

Having thus dismissed Khawaja Nazimuddin, the Governor General promised to instal a new cabinet which enjoyed popular support. Thus he seemed to have assumed the position of being the sole interpreter of popular will. The man selected was Mohammad Ali of Bogra. He was almost unknown as a politician "with no local support".<sup>11</sup> Still more, even the new cabinet members were selected by the Governor-General rather than the Prime Minister.<sup>12</sup> Henceforward, Ghulam Mohammad consulted Chaudhuri Mohammad Ali, the Finance Minister, another bureaucrat, rather than the Prime Minister in all important affairs.<sup>13</sup>

Moreover, the problem of constitution-making was a vital issue that demanded an early solution. Mohammad Ali's appointment implied delay because he had been absent from the discussions on the constitution and it was necessary for him, therefore, to spend some months "in measuring the difficulties in the path of constitution-making and trying to find out some way around them".<sup>14</sup> Still however, he presented to the House a



formula (Popularly known as the Mohammad Ali Formula) to overcome the constitutional stalemate. Although the Formula was subjected to criticism the Assembly had passed some 130 paragraphs of the formula, before it adjourned on account of elections in East Pakistan.<sup>15</sup>

One of the vital issues that had caused delay in the framing of a constitution was the question of representation of various constituent units of the new state. East Pakistan with 56% of the total population was not ready to accept anything less than its due while Punjab, which already dominated the civil and military services, was not prepared to sit in the house in an insignificant position. Moreover, the Punjabi leadership "felt that the Mohammad Ali Formula offered no means of maintaining a balance between East and West Pakistan when the East was united and the West divided."<sup>16</sup> They, therefore, came forth with two proposals: (i) Unification of West Pakistan into a single Unit, "preferably under the leadership of the Punjab,"<sup>17</sup> and (ii) creation of a zonal subfederation of West Pakistan. The former was advanced by Choudhry Mohammad Ali, and the latter by Malik Firoz Khan Noon, at a meeting of the Muslim League Parliamentary Party's subcommittee on allocation of powers. Ghulam Mohammad had a strong preference for the one-unit plan,<sup>18</sup> and to get this materialised, he is reported to have exerted pressure and even threatened "some of the influential members [of the Assembly] from the smaller provinces of West Pakistan into lending their support, or they would be proceeded against under PRODA."<sup>19</sup> These threats, however, had little effect and when the proposals were discussed in the subcommittee on allocation of powers, they were strongly opposed by Abdus Sattar Pirzada, Chief Minister of Sindh, and Khan Abdul Qayyum Khan, of federal Minister from the NWFP.<sup>20</sup>

In view of this opposition the question was referred to the Muslim League Parliamentary Party, which at its meeting held on 2 September, 1954, decided not to reopen issues already discussed and settled. Thereupon the subcommittee was reconstituted, and directed to resolve the impasse on the allocation of powers by 10 September, 1954. The subcommittee was further instructed to formulate its proposals "in accordance with the Muhammad Ali Formula and without disturbing the



federal structure". Still, however, the subcommittee reconsidered zonal sub-federation scheme on the special request of Firoz Khan Noon, and referred the decision on the issue to the parliamentary party. "When the parliamentary party discussed the report of the subcommittee, Noon again pressed for the consideration of his scheme, but Pirzada insisted that such a decision should not be taken without consulting the Sindh Muslim League Parliamentary Party". To avoid further delay in the framing of the constitution it was decided, therefore, that the request could be taken up at a latter stage. To cover such an eventuality, ten constitutional items were left open.<sup>21</sup>

On 15 September, Bogra reported to the Constituent Assembly that, "at long last we have crossed the last hurdle in constitution making".<sup>22</sup> On 21 September, the Assembly finally adopted the Constitutional report, and declared that "the House will be pleased to learn that the formula has been unanimously accepted".<sup>23</sup> It then adjourned to meet on October 27 to take up the Constitutional Bill, but not before having introduced two drastic measures in quick succession. In the first instance it repealed the PRODA (Public Representative and Officers (Disqualification) Act, 1949), (20 September, 1954), and in the second it amended section 10 of the Government of India Act, 1935, under which the Governor-General could dismiss the Cabinet (21 September, 1954). It declared that the Council of Ministers was to be the sovereign executive of the State, and bound the Governor-General to the advice of the Prime Minister. In the words of M.H. Guzdar, the member introducing the latter Bill, "it would revitalise our political life and re-establish our reputation to being a democratic country".<sup>24</sup> The influential daily *Dawn* of Karachi observed that "From now on it is the representatives of the people who can make and unmake governments and nobody else".<sup>25</sup> These measures must have been introduced: (i) to remove the dagger hanging over the heads of those who opposed the scheme of unification of West Pakistan, and (ii) to ensure that Bogra's Cabinet was not dismissed, as it had been the case with Nazimuddin's.

Earlier in August the Assembly had passed a Bill by which the Assembly had appropriated to itself the "power to make constitutional provisions for the whole of the federation of Pakistan".<sup>26</sup> Unprepared to bear any checks on his unlimited



powers, and having already tested the strength of the legislators, Ghulam Mohammad first called in Sir Edward Snelson, Secretary, Law Department, and "prohibited him from bringing the new constitution of the State to book".<sup>27</sup> Thereafter, he proceeded to take that drastic step by which he dissolved the Constituent Assembly on 24 October, 1954, maintaining that:

The Governor-General having considered the political crisis with which the country is faced, has with deep regret come to the conclusion that the constitutional machinery has broken down. He, therefore, has decided to declare a state of emergency throughout Pakistan. The Constituent Assembly as at present constituted has lost the confidence of the people and can no longer function.<sup>28</sup>

Ghulam Mohammad's action was unprecedented and undemocratic. It is doubtful how the 'Constitutional machinery' had broken, when it had almost completed the task of constitution making. Moreover, the proclamation did not specify the provision or provisions of the Independence Act, 1947 or of the Government of India Act, 1935 under which the proclamation was made. Normally the provision of law by which a power is exercised is indicated.

After the enactment of the three Bills, discussed above, and with the likelihood of Mohammad Ali's Formula being enacted into the law of the State, which envisaged a federal parliamentary form of government, it was clear that henceforward the Governor-General shall not enjoy those extensive and unlimited powers which were a legacy of the colonial regime. Ghulam Mohammad, "Being the product of British Indian bureaucracy, with its traditions of rigorous assertion of executive authority...seemed to have little respect for the parliamentary institutions".<sup>29</sup> The dissolution "started Pakistan on the path of frequent and arbitrary use of emergency powers".<sup>30</sup> It also plunged the country into a series of legal litigations. Maulvie Tamizuddin Khan, President of the dissolved Assembly, challenged the dissolution in the Chief Court of Sind. The Court gave its verdict in favour of the appellant. The defendants then appealed to the Federal Court of Pakistan, which upheld the Governor-General's proclamation. Justice Munir, who was then Chief Justice of Pakistan, however, latter remarked that, "the Federal Court was confronted more than once with situations,



unprecedented and unparalleled in the history of the World. The mental anguish cause to the judges by these cases is beyond description...no judiciary anywhere in the world had to pass through what may be described as a judicial torture".<sup>31</sup> But "Ghulam Mohammad knew only one method of dealing with his opponents: their ruthless elimination".<sup>32</sup>

Consequent upon the dismissal of the Constituent Assembly, Ghulam Mohammad instructed Mohammad Ali of Bogra to form a new cabinet without the benefit of the Parliament and thus the ground was set for a new brand of politics in Pakistan. The new cabinet consisted of men like Maj Gen Iskender Mirza (Interior, States and Frontier Regions), Gen. Mohammad Ayub Khan (Defence), Chaudhri Mohammad Ali (Finance). These appointments secured the support of leading army circles and high ranking officers of the Government "Men with strong Muslim League Party affiliations were deliberately kept out and independents like Dr. Khan Sahib or an industrialist like M.A.H. Ispahani were included.<sup>33</sup> Further, the new cabinet was more akin to "a knew kind of Viceroy's Executive Council — perhaps something more than that, for it was not subject to ultimate control of a popularly elected body".<sup>34</sup>

A civil servant throughout his career, and with a vast experience in the colonial bureaucracy, unaware of accountability to "any elected assembly or even public opinion", Ghulam Mohammad, was not familiar with the values of democratic ethics.<sup>35</sup> Thus, once he decided to integrate the western wing of Pakistan into a single unit of West Pakistan, he did not shirk to take repeated recourse to Section 92A, of the Government of India Act, 1935 (adopted as the Provisional Constitution of Pakistan), to eliminate from offices all such men who opposed the scheme.<sup>36</sup> They were replaced by men who fell in line with the Governor-General to carry out the execution of the scheme. So adamant was he, that not even the princely states could escape his wrath. In fact, it was the Bahawalpur State that tasted the Governor-General's wrath, before any of the States or provinces. On November 3, 1954, Hasan Mahmud, Chief Minister of Bahawalpur was dismissed alongwith his cabinet and the legislature was dissolved, "under instructions from the Governor-General".<sup>37</sup> An almost similar fate was meted out to the Balochistan States Union.<sup>38</sup> Looking to the fate meted out to



Balochistan and the State of Bahawalpur, the Khairpur State Legislative Assembly was wise enough to vote in favour of the merger. In the case of princely states of the NWFP, the Government, however, made an exception. A press communique of the Government declared, that "The North West Frontier Province States will not be merged into the proposed West Pakistan Unit since they are being treated as special areas".<sup>39</sup>

By the end of February, 1955, all was set to give final shape to the integration of West Pakistan plan. The new province was to have 10 divisions and fifty districts. "The district commissioners were given much greater power,"<sup>40</sup> than they ever enjoyed. In March the Governor-General finally issued orders for the amalgamation of West Pakistan. Simultaneously, the Emergency Power Ordinance was promulgated that empowered the Governor-General to make provision for the framing of a constitution, to provide the new province with constitutional safeguards. On April 5, 1955, Mushtaq Ahmad Gurmani, was appointed Governor, and Dr. Khan Sahib, an ex-Congressite who had bitterly opposed the creation of Pakistan, was appointed Chief Minister, of the new province. At this juncture, however the Federal Court called a halt, and invalidated the Governor-General's ordinances in the *Usif Patel and others VS the Crown*, decision but, even "at that time the possibility of the Courts order not being obeyed was present"<sup>41</sup> to the minds of the Justices. Finding himself helpless, Ghulam Mohammad was then left with no other choice but to form a new Constituent Assembly.

The new Assembly was elected by the existing provincial assemblies on June 21, 1955, which held its first session in July, 1955. Meanwhile, Ghulam Mohammad's failing energies began to tell upon him, and on July 6, 1955 Maj Gen Iskander Mirza, an Indian Political Services officer, took over as the new Governor-General. Mirza's political philosophy was no secret. While speaking to a correspondent of the *Daily Mail* (London)<sup>42</sup> as Minister of Interior, in October, 1954, he had declared that:

Some underdeveloped countries have to learn democracy, and until they do so they have to be controlled. With so many illiterate people, politicians could make a mess of things. There was nothing in declaring the State of Emergency, because 95 per cent of the people



welcomed it...There was no point in having British administrative system...unless it was run in the British way.<sup>43</sup>

It was, therefore, not surprising that Chaudhri Mohammad Ali — an Indian Audit and Accounts officer, was elevated to the high office of the premier. The team thus formed was unchallengeable by the disjointed political leadership. Conveniently and smoothly the team worked to accomplish the completion of the tasks left incomplete by their predecessor-providing the single province of West Pakistan with constitutional safeguards; and giving the nation a Constitution.

On 30 September, 1955, the Assembly passed the act providing for the amalgamation of the provinces and states into a single province of West Pakistan and on 5 October, the new province came into existence. The establishment of a single unit of West Pakistan however, was *ultra vires* the Lahore Resolution passed on 23 March, 1940, which provided, "that the areas in which the Muslims are numerically in a majority...should be grouped to constitute Independent State in which the constituent units shall be autonomous and sovereign". Dr. Khan Sahib and Mushtaq Ahmad Gurmani, were respectively appointed Chief Minister and Governor of the new province. The Appointment of Dr. Khan Sahib a non-League as the Chief Minister was not supported by democratic norms because the Muslim League had a majority in the provincial legislature. The arrangement was not reconsidered even after the elections held in January 1956, whereafter the Muslim League had again emerged as a majority party in the West Pakistan legislature. Not even after the implementation of the Constitution on 23 March, 1956, nor even after the nomination of Sardar Bahadur Khan as the candidate for West Pakistan Chief Ministership, by the Assembly Party of Muslim League, at its meeting held on 31 March, 1956.<sup>44</sup> Sardar Bahadur Khan, thereupon requested M.A. Gurmani, the Governor, to remove Dr. Khan and appoint him as the Chief Minister. This led to a serious situation for "on the one side was a parliamentary majority which demanded its democratic and constitutional right to form the cabinet and on the other hand was a nominated Chief Minister who wanted to stay in power."<sup>45</sup> However, neither the Governor nor the authorities at the centre showed any desire to accede to the pressure exerted



by the Muslim League. Thus, the team did not even bother to honour a constitution framed and approved by themselves. The reappointment of Dr. Khan was sheer contravention of clause (3) of Article 71, of the Constitution<sup>46</sup> because Dr. Khan had the support of merely 57 members of the Legislature.<sup>47</sup>

Having, thus created the West Pakistan province, the team then proceeded to give the nation a constitution. The Government thus prepared a draft which was presented to the House in January and became law on 29 February, 1956.<sup>48</sup> On two occasions<sup>49</sup> (7 February, and 29 February, 1956), the opposition staged a walkout thus facilitating the Government into passing 50 clauses without discussion, in a single sitting. The constitution too was passed in the same manner. The constitution was given assent by the Governor-General on 2 March, and implemented on 23 March, 1956.

The constitution was hardly an improvement over the Government of India Act, 1935, a legacy of colonial rule. With minor adjustments, it retained almost all the discretionary powers of the Governor-General and the Governors. It almost retained all such expressions as "in his discretion", while "acting in his discretion" was replaced by "where he is empowered to act in his discretion," and "exercising his individual judgement" by "in his opinion" making only a slight difference over the provisions contained in the 1935 Act, although these expressions were omitted by the Pakistan (Provisional Constitution), Order 1947.<sup>50</sup> Moreover, it was couched in the language of the lawyers thus rendering it incomprehensible to a common man. This was "a serious defect", because, then he could not "respect and defend it [the Constitution] against encroachment or wrongful interpretation".<sup>51</sup>

In general, the constitution envisaged a parliamentary form of government, with President being merely a figurative head of the State. Article 37, sub-Article 7 provided that, "In the exercise of his functions, the President shall act in accordance with the advice of the cabinet or the appropriate Minister or Minister of State "except in cases where he is empowered by the constitution to act in his discretion". The conditions where the President could act in his discretion were not defined. Sub-Article 3 provided that "The President shall, in his discretion,



appoint from amongst the members of the National Assembly a Prime Minister, who, in his opinion, is most likely to command the confidence of the majority of the members of the National Assembly. The Prime Minister was to hold office during "the pleasure of the President". All other ministers, also were to be "appointed and removed from the office by the President".

French Constitution of the Fourth Republic, however, stipulates, that the Prime Minister, as also the Ministers could be appointed by the President "only after the President of the Council (i.e. the Prime Minister) has been invested with the Confidence of the National Assembly in open voting and by an absolute majority".<sup>52</sup>

Similarly it provided that other Ministers, Deputy Ministers, and Ministers of State "shall be appointed and removed from office by the President".<sup>53</sup> Sub-Article (6) provided that:

The Prime Minister shall hold office during the pleasure of the President, but the President shall not exercise his powers under this clause unless he is satisfied that the Prime Minister does not command the confidence of the majority of the members of the National Assembly.<sup>54</sup>

This was *ultra vires* parliamentary traditions and practices. Even an explicit manifestation by an adverse vote of the Legislature, on a plainly important issue is insignificant. At this stage, also the Prime Minister normally has the option "either to resign or to attempt, by means of a general election, to secure a new parliamentary majority".<sup>55</sup> Refusal by the Head of the State to accept the advice implies "interference with the regular working of parliamentary government".<sup>56</sup> The 1956 Constitution on the other hand, did not provide any such privilege to the Prime Minister. Whereas, the Prime Minister needs this power "as a means of retaining the support of a majority" because if they do not, "his parliamentary defeat might not mean his resignation but a new general elections".<sup>57</sup> This normally involves risk for the member of losing his seat.

Article 50, Sub-Article (1) empowered the President to dissolve the National Assembly.<sup>58</sup> But, the circumstances under which the President could exercise this power were not defined. A dissolution against the wishes of the Prime Minister in a



Parliamentary democracy tentamounts to trespass.<sup>59</sup> Normally, dissolution of the Assembly by the President on his own initiative implies, in a parliamentary system of government, a re-election of the President himself as well. Because, under this system when the President is elected by the Parliament, dissolution signifies that Parliament which had elected him as the President does not exist any further, hence he must seek re-election to continue in the office.

Further, the Constitution bred seeds of discontentment between East and West Pakistan. In the first instance, it gave parity of representation in the National Assembly, to the two provinces. Thus, West Pakistan with a population strength of 44% and East Pakistan with a population strength of 56% were both to have 155 members each, under Article 44<sup>60</sup>. It was incomprehensible that East Pakistan would be content with sacrificing its due representation on the basis of population permanently, when in fact it was much behind West Pakistan socially, economically and politically. Moreover smaller provinces in West Pakistan, were also unhappy by their amalgamation in the West Pakistan province.

Secondly, although Article 31<sup>61</sup> provided that the state shall endeavor "to enable the people from all parts of Pakistan to participate in the defence services of the country", it contained some serious drawbacks. In the first instance, it separated 'Defence Services of the Country' from 'other spheres of Federal Administration'. Secondly, it did not specify the ways and means how the people would be enabled to participate in the Defence Services. And, thirdly it did not mention whether or not parity would be attained as in the case of other spheres of the federal administration:

Steps will be taken to achieve parity in the representation of East Pakistan and West Pakistan in all other spheres of Federal Administration.<sup>62</sup>

The Awami League, and other minor groups from East Pakistan had, therefore, proposed:

It shall be the duty of the State to take steps to attain, within the shortest possible time, parity between the people of the two Provinces of Pakistan in all Federal Services, including Defence and Foreign Affairs.<sup>63</sup>



At one stage of discussions on this Article, Zahiruddin, an Awami Leaguer, remarked:

The leader of the House himself should get up in the House and say that parity will not be allowed in the Services, and he will see, as also others, what consequences will follow.<sup>64</sup>

It is worth noting that it was at this stage that the opposition staged the walkout from the proceedings. Although West Pakistan Province was created to give parity to the two wings of Pakistan, for equal participation in the affairs of the country, the Constitution provided parity only in so far as the representation in the National Assembly was concerned. It did not specify that for the purposes of smoother political activity the two highest offices of the State — that of the President and the Prime Minister — shall be divided between the two provinces. That is to say, that these offices shall be filled in a manner that at no time both President and Prime Minister be of the same province. This was one of the serious drawbacks in the Constitution.

Lastly, the constitutionalists did not care to honour the commitment made in the Pakistan Resolution<sup>65</sup> to which the country owed its existence. Although, Article I<sup>66</sup> did proclaim Pakistan a 'Federal Republic', it was Federal only on paper. In actual practice, however, it provided for a highly centralised government by retaining the most despised British administrative system with its entire colonial traditions. The control of higher civil services by the centre was the last knell in the coffin of the federal and parliamentary government, as envisaged by the Constitution. True, that the civil services were classified into 'All Pakistan' and Provincial Services, and that while the members of the former services were to hold office 'during the pleasure of the President',<sup>67</sup> and the latter 'during the pleasure of the Governor', it was the organisational set up of these services, that made the difference. Firstly almost all the key offices in the provincial government were reserved for the Central Civil Services personnel. Secondly, they were responsible only to the central authorities, and could not be removed from service by "an authority subordinate to that by which he was appointed", (i.e. the President).<sup>68</sup> This made an All-Pakistan Services personnel conscious, that he would be supported by the



'Central Government if he stands firm...almost to the extent of defying his Minister'.<sup>69</sup> Hence, this Central control of the provincial administration was criticised as a mockery on the federal principle by many political leaders from East Pakistan. Sheikh Mujibur Rehman, an Awami Leaguer, during the discussions of provisions of Articles, 179 to 183 observed thus:

Officers who were under the direct control of the Central Government but were working in that Province [i.e. East Pakistan] refused to carry out or obey orders of Ministers or the Provincial Cabinet or the Provincial Legislature because they believed that the Provincial Government had no power to take any action against them if they violated orders of the Ministers or the Ministry.<sup>70</sup>

Then, the Constitution failed to decide the principle of electorate whether elections shall be held on the basis of separate electorates, to which Pakistan owed its existence, or joint electorates. Instead it provided:

Parliament may, after ascertaining the views of the Provincial Assemblies and taking them into consideration, by Act provide whether elections to the National Assembly and Provincial Assemblies shall be held on the principle of joint electorate or separate electorate and may in any such Act provide for all matters incidental and consequential thereto.<sup>71</sup>

This implied delay in the holding of general elections, and thereby delay in the establishment of truly democratic institutions in the country.

Lastly, our Constitution also failed to discourage abrupt ministerial crisis or government changes. Experience shows, that within a short span of 2 and a half years 4 ministerial crisis occurred at the centre, and almost an even number of crisis took place in each of the two provinces. To check such an eventuality the French Constitution provides that if in the course of 18 months two ministerial crisis occur, "the dissolution of the National Assembly may be decided in the Council of Ministers, after obtaining the opinion of the President of Assembly".<sup>72</sup>

Dr. Khan Sahib had the support of only 57<sup>73</sup> members of the West Pakistan Assembly, in the House of 310. He, therefore, could not continue as the Chief Minister of West Pakistan, unless he had secured the confidence of the majority, when the Muslim League which had a majority was asserting its right of



forming the Government. Consequently, Dr. Khan formed a new party — the Republican Party on 23 April, 1956. No sooner had the new party been formed, it turned the Muslim League majority into a minority, at both the provincial and national levels.<sup>74</sup> The significance of this arrangement lies in that “Mirza and Chaudhry Mohammad Ali, both civil servants turned politicians, wanted to place in power only those leaders who were not bound by any party discipline”,<sup>75</sup> and who could be utilised for the attainment of their ambitions and aspirations. It had been rightly observed that the Republican Party “came into office before coming into existence..and yet ruled West Pakistan and the Centre longer than any other party except the Muslim League”,<sup>76</sup> and, that The President could safely use it “as his main instrument...[to] create a political crisis at will”.<sup>77</sup>

Although Choudhry Mohammad Ali, had played an equally significant role in the creation of the Republican Party, he could not derive much benefit from it. In September, 1956, when he was forced to resign from the premiership, the Republican Party which had by now mustered a support of 26 members<sup>78</sup> of the National Assembly, joined hands with the Awami League, to form the Government, with H.S. Suhrawardy as the Prime Minister. The new team was a fresh combination of men with temperament and background training, heart and soul different from one another. Whereas the President was a British trained bureaucrat, always “sceptical about the values of parliamentary democracy”,<sup>79</sup> the Prime Minister, had all through his career been a renowned political figure. It did not, therefore, take him long to realise his precarious position. It is, therefore, comprehensible that the team could hardly give the country a congenial atmosphere for nation building. Consequently, only 13 months after his appointment, in October, 1957, Suhrawardy was compelled to resign “otherwise he [the President] would take action”,<sup>80</sup> without caring to test the claim of Suhrawardy that he still enjoyed the support of the majority of the members of the House. Thus Suhrawardy met with the same fate, as was metted out earlier to Khawaja Nazimuddin in 1953.

The arbitrary dismissal of Suhrawardy was followed by the two-month Premiership of I.I. Chundrigar, a Muslims Leaguer, after which it was a Republican, Malik Firoz Khan Noon who came to head the Government. Thus, the government



was in the safe hands of a man who could hardly bear to oppose the President. Unfortunately, however, he could not prolong his rule either.

Since the "One-unit" was an artificial creation, its existence was opposed right from the day of its birth. With the passage of time, this opposition grew more and more rigorous, organised and effective, to the extent that twice motions were tabled in the West Pakistan Legislature favouring its dismemberment.<sup>81</sup> However, the idea was not liked by the President, and nothing could be done. The National Awami Party, the chief advocate of dismemberment, was increasingly becoming popular. On 22 September, 1958, it held an 'anti-one-Unit' convention at Hyderabad, which was attended by many Republicans also. It was held to "finally devise ways and means to give a death blow to the one-unit set up before the general elections".<sup>82</sup>

In the meanwhile, the Muslim League was also re-emerging as a political force. Then, there was a general demand for the holding of general elections. The latter demand was acceded to by the government, and it was announced that these would be held in the Autumn of 1958. However, these were postponed until 15 February, 1959, on the grounds that "the East Pakistanis wanted it on grounds of uncertain climatic conditions".<sup>83</sup> However, this explanation was hardly acceptable to the people and it caused an outburst of anger and deteriorated the situation. On its part the ruling coterie, discarding the principles of democracy reverted to oppressive measures. But, the situation could not be controlled. Meanwhile, the Awami League also withdrew from the Republican — Awami League coalition headed by Firoz Khan Noon. Finding it an opportune time, President Mirza proclaimed Martial Law on 7 October 1958, dissolved the Assemblies, abrogated the Constitution, and centralised all the executive, legislative, and judicial powers in his person. It was a logical accomplishment of his desire "to assume Supreme Power".<sup>84</sup> Thus stood the nation where it was "almost 11 years back, perhaps in a position of greater uncertainty".<sup>85</sup>

Thus we see that the sincerity of purpose and commitment manifest during the struggle for independence were overshadowed by political bickerings and self-aggrandizement.



None, but few only cared for national cohesion and reconstruction. The masses were left to groan under the uncertainties of circumstances. Political creed, economic stability, legal protection and constitutional safeguards were the most urgent matters requiring attention on priority, but unfortunately these were not seriously taken and rendered to hang as meaningless trash. The first decade of independence was thus lost without any tangible results in the field of nation building and development.

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33. Thus, went out of office the Chief Ministers of Sindh, the Punjab and NWFP, one after another, Abdus Sattar Pirzada, Chief Minister of Sindh was removed in November, 1954, Malik Firoz Khan Noon, Chief Minister of the Punjab was removed in May 1955, and Abdur Rashid, Chief Minister of NWFP, was removed in July, 1955.
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