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THE POWERS AND FUNCTIONS OF THE
PRESIDENT OF PAKISTAN - AN
ANALYTICAL STUDY.

by

Azra Farzana Sathar

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A. F. Sathar

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A. F. Sathar.

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CHAPTER I INTRODUCTION

a. STATEMENT AND PURPOSE OF THE ANALYSIS

This thesis is an analytical account of the powers and functions of the President of Pakistan, Field Marshal Mohammad Ayub Khan. In this study I will be concerned with the Pakistani Presidency as it actually is and has been under President Ayub Khan. For this purpose, I shall not only be analysing the powers and functions of the Chief of State as prescribed by the Constitution but also note the actual relationship and role of the President with other groups and institutions in the Pakistani polity - in other words, his actual use of power.

The work has been divided into seven chapters. The first two chapters are introductory and are intended to provide a background. At first a brief summary will be given of the environment and prevalent attitudes of the people in the Pakistani political system because they mark the limits upon presidential power to a certain extent. The second chapter will give an account of the leadership of the country from its Independence in 1947 till 1958 when Martial Law was declared and also cover the period of Martial Law so as to provide a background to the promulgation of the 1962 Constitution. The President's personality will be studied. His powers and functions have been divided into categories so as to study his Office, his role

as a Politician, as a Legislative leader and as an Administrative Chief.

In conclusion, the purpose of the study will be to evaluate the President's powers and to determine his role in the development of the country.

President Ayub came to power on October 7, 1958, after Martial Law had been declared by the then President, Major General Iskandar Mirza. During the past seven and a half years Ayub Khan has had a tremendous impact on the country. On March 1, 1962 he promulgated a new Constitution. The most obvious feature of the Constitution is the concentration of power in the hands of the Chief Executive.

During the past decade, increasing importance has been given to the Chief Executive, especially in the 'developing' countries. This is because the newly independent countries are in a transitional stage and need strong leaders in the process of becoming stable and modern nation states. The people in Pakistan look to the President for leadership. Pakistan is an underdeveloped country with a population largely illiterate and a living standard which is not much above the subsistence level. The need for Government participation in the development of economic resources and social services is urgent if the problems of poverty and ignorance are to be solved. There are deeply entrenched vested interests attached to the status quo which has to be altered in the interest of the country's

progress. These interests used to exert tremendous pressure on Governments in the past. Only a strong executive capable of taking prompt and bold decisions can resist them and bring about the desired social change. The Presidency is not merely an administrative office. It is a place of 'moral leadership' when the President becomes the leader at a time of crisis and confusion. Without good leadership, which is alert and sensitive to change, the country can come to a standstill.

Due to the crises faced by Pakistan and a changing Pakistani society political forces have been thrust into a transition period and the Chief Executive has been made the dominant source of political power and authority. Public attention has shifted from the essentially political area of the legislative to the actions of a single person. President Ayub is a 'revolutionary' leader who rose to power through the Revolution of 1958 after parliamentary institutions had been abolished and who assumed the responsibility for difficult political, social and economic problems. In his speech on the seventh anniversary of the Revolution, President Ayub said, "Seven years ago today the nation took a momentous step forward towards political stability, economic regeneration and national reconstruction. The Revolution of 1958 came at a time when Pakistan was facing grave internal problems, which, if left un - attended, would have shaken the very foundations

of the State. The Revolution not only saved the State from crumbling but ushered in an era of reform, thereby providing a socio-economic base on which it was possible to build a stable edifice of progress and development with the participation of the people."¹

What distinguishes President Ayub's regime from the others is the brilliant image of the Presidency that has been created and built up. This has been aided by the tendency of the ordinary citizen to find it easier to understand a system which presents him with a single dynamic character as the personification of his country. This image has created a hold over the imagination of the people - the masses, and is a very important factor in the political development of Pakistan.

b. ENVIRONMENT

The environment in which the Chief Executive has to work in Pakistan to make it into a stable and modern state contains many elements which limit his effectiveness and initiative.

First of all, as regards resources Pakistan is a very poor country.

¹ DAWN, KARACHI, OCTOBER 27, 1965.

Its economy is primarily agricultural. The land does not produce enough to feed the population which is nearly a hundred million now. Mineral resources are scarce and will not be enough to sustain a highly industrialized system. Industry is rapidly expanding but it contributes only 13% to the National Income.¹ The transportation and communications network and facilities are rudimentary. The majority of the people do not have formal education or the skills which are essential to the advance of specialization. According to the 1961 Census which defined literacy as the ability to "read with understanding a short statement of everyday life in any language", out of a total population of around 95 million, only about 16% qualified.² The 1961 Census recorded that the number of College graduates amount to only 4% of citizens twenty-five years of age or older. It is said that less than 250 industrialists control some 75% of the capital in Pakistan.³ Such are the resources of the country.

There is not much internal cohesion in the nation. To the vast majority of the population the national interest has been a vague

¹Government of Pakistan, Economic Survey of Pakistan 1961-62 (Rawalpindi: Government of Pakistan Press, 1962), Statistical Section, pp. 7 - 8.

²Pakistan Census Commissioner, Population Census of Pakistan 1961, Census Bulletin No. 4 (Karachi: Government of Pakistan Press, 1962) p vii.

³G.F. Papanek, "The Development of Entrepreneurship", American Economic Review, LII, No. 2 (May 1962), pp. 48-49.

concept and personal and parochial interests more or less subordinate it. Because of urbanization the traditional small scale societies are breaking up, yet they tend to draw inwards and kinship ties and regional affiliations are considered important. There are many ethnic groups in Pakistan among whom there are differences of language, customs and mores. The units of economic production have been small too. "The net result is a Pakistan which is culturally and socially heterogenous, economically proliferated and held together internally only by frail national ties".¹ For a traditional society which is being disrupted national orientation and integration are difficult. Another factor to be remembered is that the two parts of the country are separated by a thousand miles of hostile Indian territory. "This factor of distance has by itself proved a major obstacle to the attainment of effective unity of Pakistan."² Perhaps the main two factors that have united the different sections of the nation are the religion Islam and the common struggle for Independence. The feelings regarding India and Kashmir generate "resentment, resistance and a common bond."³ But it has been difficult to transfer this kind of unity

¹K.V. Vorys, Political Development in Pakistan, (Princeton: Princeton University Press, 1965), p. 27.

²K. Callard, Pakistan, (London: George Allen and Urwin Ltd., 1957) p. 156.

³Vorys, op.cit., p. 45.

into a national orientation. It is assumed that since the Government is the only comprehensive nationwide organizational structure it will play the role of effecting unity and integration.

There are severe limitations upon some areas of governmental effectiveness. The Government to preserve public order and implement development programmes, cannot use even a moderate amount of force because this creates resentment and results in violence by individuals and groups.¹

There is a widening gap between aspirations and attainment and there is frustration because of the "revolution of rising expectations". The belief was widespread among the people that the creation of Pakistan would lead to an era of "freedom, justice and prosperity", but Independence was achieved and was not followed by a dramatic rise in living standards. Other serious domestic weaknesses had bred disillusionment among all levels of the public. To these, and other causes of dissatisfaction the normal reaction was to blame Government. The bureaucracy, though efficient, has not been able to "serve as the means of communication between the people and the Government."²

¹Callard, op. cit., p. 52.

²G.M.T. Kahin, Major Governments of Asia, (New York; Cornell University Press, 1963) p. 496.

The leaders outside the governmental sphere have been the traditional elite who have considerable influence, and the map of Pakistan is "dotted with the signs of entrenched areas of personal political power."¹ Public opinion is expressed also by the leaders of the three key politicized pressure groups - the ulama (religious leaders), the students and the lawyers. Because national political institutions did not have a good record, these types of leaders manage to support their claims and are able to mobilize mass support. The ulama represent the more traditional views and do not appreciate politics in the modern dynamic sense. The students are the largest articulate group. Their insecurity, frustration and the heritage of civil disobedience from the time of the British makes them oppose the Government. The lawyers have influence over the urban areas. They believe in the conventional British parliamentary system and in safeguarding the civil rights of all the individuals.

Lastly, there are the masses, the large majority of the population. They are not articulate but play a very significant role in the State, since they are the ones to whom the leaders appeal.

¹Callard, op. cit., p. 50.

CHAPTER II. FORM OF GOVERNMENT IN PAKISTAN 1947-62

a. Powers and functions of the Governor - General
and Prime Minister 1947-56.

Pakistan was governed by the Government of India Act, 1935, in amended form from 1947 till 1956. Under this Act, the Governor - General assumed the highest executive powers. He had the power to appoint and dismiss the Prime Minister and other Cabinet Ministers.

He had the power to appoint Governors of the Provinces, who were under his general control,¹ the principal military officers, the Chief Justice and other important officials. The Governor - General could summon and prorogue the legislature.² He could legislate by ordinance which had the same force of law as an act of the Federal Legislature.³

While his powers were comprehensive, it was presumed that they would be exercised by the Governor - General at the advice of his cabinet, because the political institutions were primarily moulded

¹Government of Pakistan, The Government of India Act, 1935, (Karachi: Government of Pakistan Press, 1955). Sec. 51 (5).

²Ibid., Sec. 19 - 22.

³Ibid., Sec. 42.

on the British parliamentary pattern which existed in other Dominions of the British Commonwealth. Therefore, the Governor General was to be the constitutional head while the executive action was carried out by the Prime Minister and his Cabinet which was responsible to the Federal Legislature.

The position and powers of the Governor General and Prime Minister in Pakistan, as in any other position, depended on the quality and personality of the holder of the post. Pakistan had four Governors - General - Mohammad Ali Jinnah (1947-48), Khwaja Nazimuddin (1948-51), Ghulam Mohammad (1951-55) and Major General Iskandar Mirza (1955-56). There were also four Prime Ministers during this period - Liaquat Ali Khan (1947-51), Khwaja Nazimuddin (1951-53), Mohammad Ali (1953-55) and Chaudhri Mohammad Ali (1955-56).

The status of the first Governor - General Mohammad Ali Jinnah, the "Father of the Nation" was unique. In addition to being Governor - General he was also the President of the Constituent Assembly, and of the Federal Legislature which was the Assembly's other aspect. He was also the Leader of the Muslim League Party which had led the Muslims in India and had so to say, brought Pakistan into being. In relation to the people, he was the Quaid -i- Azam - the "Great Leader", and the people

looked to him for guidance. "There was no one else, he was Pakistan; and wherever he went he was received by vast crowds with adulation amounting almost to worship."¹ He was by nature a commander and leader of men.

From the beginning it was assumed that the normal conventions of the office of the Governor - General could never apply to Mr. Jinnah. "Whatever the constitutional powers of the Governor - General of a Dominion may nominally be, in Quaid -i- Azam's case no legal or formal limitations can apply. His people will not be content to have him as merely the titular head of the Government, they would wish him to be their friend, philosopher, guide and ruler, irrespective of what the constitution of a Dominion of the British Commonwealth may contain."²

The first cabinet of Ministers, with Liaquat Ali Khan as Prime Minister, was appointed by him.³ He took the initiative in the formulation of policies which the Cabinet was to carry out. He presided over its regular meetings, as well as over the meetings of its Emergency Committee, of which he was the Chairman. He even

¹K. Callard, Pakistan (London: George Allen and Unwin Ltd., 1957), p. 19.

²DAWN, July 13, 1947.

³Government of Pakistan, Gazette Extraordinary, August 15, 1947.

called and conducted cabinet meetings in the absence of the Prime Minister. In the last instance all major decisions of the Government were made by him. His was "the office that corresponded most closely to that of the Viceroy who had been the real head of the Government of British India."¹

The loyal support of the masses was crucial in the early days of Pakistan because there was no effective administration for the whole country. Mr. Jinnah realised "the necessity of holding together a new country, full of diverse forces and conflicting interests: he was thinking also of the people of Pakistan, of the masses of inconsidered folk to whom his name had become a legend. Their need was leadership, not a constitution which might look nice on paper but which took little account of their real requirements."²

His immense prestige and the force of his personality kept in control and harmonised the different trends of opinion. When he died in 1948 there was no other person who approximated him in prestige.

Khawaja Nazimuddin was appointed Governor - General. Effective power now passed to the Prime Minister, Liaquat Ali Khan, who "set

¹G.M.T. Kahin, Major Governments of Asia, (New York: Cornell University Press, 1963), p. 433.

²L.F.R. Williams, The State of Pakistan, (London: Faber & Faber, 1962), p. 30.

out in a radically different direction - one which was pursued by him and his successors for nearly ten years. He accepted the parliamentary pattern and in consequence forced upon his successors and their cabinets the daily task of rounding up at various prices sufficient supporters in the legislature to remain in office."¹

The formal written powers of the Governor - General were not changed and certain provisional sections of the Indian Independence Act were allowed to expire. The office of the President of the Constituent Assembly went by election to Tamizuddin Khan. Therefore, there was a dispersal of the power held by Mr. Jinnah among the Governor - General, the Prime Minister and the President of the Constituent Assembly.

Now the position of the Governor General was nominal and similar to that in other Dominions. The Prime Minister had inherited from Mr. Jinnah a Cabinet which consisted of forceful personalities and it was not always that he was able to influence them. This weakened his initiative in consolidating the work which had been begun and also weakened the prestige of the Central Government throughout the country. This was serious because without a strong Centre, the efficiency of the administration was bound to suffer.

¹K.V. Vorys, Political Development in Pakistan, (Princeton: Princeton University Press, 1965) p. 124.

The high hopes that had sustained the people in the early days were being dissipated because of the absence of clear signs of substantial improvement. Besides, "in a young country, it is not sufficient to appeal to reason; the emotions too must be engaged if there is to be national unity. This, Liaquat Ali Khan in spite of all his many admirable qualities was unable to achieve."¹

Liaquat Ali Khan was assassinated in October 1951. The result was that the "top leadership that had unified the masses of Muslims in India behind a common purpose and created the sovereign state of Pakistan was no longer present to guide the people in the task of converting this temporary unity into the massive solidarity of a nation state.

Khwaja Nazimuddin became Prime Minister and Mr. Ghulam Mohammad who was Finance Minister previously was appointed Governor General. Nazimuddin did not prove to be a strong leader. Under his weak leadership, political factions developed in his cabinet. His administration made little progress with the problems faced by the Government. In the spring of 1953 it was obvious that the country was facing a crisis in several spheres at once. There was

¹Williams, op. cit., p. 145.

also a major politico - religious upheaval which threatened Government stability in West Pakistan.

The Governor General then took an action that was clearly political and outside the normal scope of a constitutional head of state. He dismissed the Prime Minister who commanded the support of the majority in the legislature. He justified it on the grounds that the Government had lost the confidence of the people.¹ The implication of this act was that the impartiality of the Governor - General was demolished. The conventions of cabinet and party solidarity were disregarded and the role of the legislature as maker and sustainer of Governments was challenged. The Governor - General had become an "arbiter of the fate of Governments, which he could dismiss or appoint at his will or whim."²

Mr. Ghulam Mohammad appointed Mohammad Ali as Prime Minister. This was in accordance with his views that "Pakistan needed strong leadership from the top by a Head of State who because he was independent of all party ties and affiliations, could afford to ignore everything but the interests of the nation at large. He determined to take as active a part as possible in shaping policy and to secure,

¹Press Note (Governor - General House) April 17, 1953.

²M. Ahmad, Government and Politics in Pakistan (Karachi: Pakistan Publishing House, 1963) p. 32.

so far as he could, Prime Ministers and cabinets who would fall in with his ideas."¹

In September 1954 the Constituent Assembly sought to control the powers of the Governor - General by clearly defining them in an amendment of the Government of India Act, 1935. The Governor - General retaliated by dissolving the Assembly which had nearly finalized a Constitution for the country. Considerable litigation followed this act and after seven months with the guidance of the Federal Court Judgements, another Constituent Assembly was established and parliamentary Government restored.

Meanwhile a new Cabinet had been formed by Mr. Ghulam Mohammad under the Prime Ministership of Mohammad Ali. It was described as a "Ministry of Talent" which could be regarded as a Government of national unity since it represented the major groups of the country.² Its significant additions included Major - General Iskandar Mirza and General Ayub Khan, the first Pakistani C-in-C, as Defence Minister. This was to show that the armed forces were behind the Government, though General Ayub soon relinquished the post and kept himself aloof from controversial politics.³

¹L.F.R. Williams, op. cit., p. 146.

²DAWN, October 31, 1954.

³H. Feldman, A Constitution for Pakistan, (Karachi: Oxford University Press, 1956) p. 90.

The Governor - Generalship of Ghulam Mohammad represents the high water mark of the assertion of complete authority by the executive because the Governor - General was certain that he and his Ministers knew the interests of the people better than the members of the Assembly and the executive had assumed the powers of both branches of Government.

In July 1955, Chaudhri Mohammad Ali, the former Finance Minister, became Prime Minister. Ghulam Mohammad was replaced by General Iskandar Mirza as Governor - General.

The Constitution which was framed by the second Constituent Assembly came into operation on March 23rd 1956.

b. Powers and Functions of the President and Prime Minister 1956-58.

The Constitution of the Islamic Republic of Pakistan, brought about changes in the powers and privileges of the Head of State, the President. His election by the members of the National Assembly and the Provincial Assemblies¹, made him more directly representative and controlled by parliamentary opinion than the Governor General

¹ Pakistan, The Constitution of the Islamic Republic of Pakistan 1956, Sec 32.

who had been appointed and removed by the Crown on the advice of the Cabinet. His term of Office was for five years.¹ He had the power to appoint the Prime Minister who had to be the member of the National Assembly who was most likely to command the confidence of the majority. Though the executive power was to be exercised in his name, and it was said that the Cabinet of Ministers would "aid and advise him in his functions"², it was expected that in reality the Prime Minister responsible to the National Assembly would actually wield power.

Hopes were expressed and enthusiasm was shown when the constitution was adopted, that parliamentary democracy would henceforth be full established. It was stressed that "parliamentary government will not work unless the President, the Cabinet, the legislature and the public services are agreed on the necessity of maintaining stable Government and unless each refrains from trying to usurp the functions of any of the others ... The new constitution assumes that all public men will eschew action calculated to endanger the continuance of parliamentary government."³

¹Ibid., See 33.

²Ibid., See 37.

³A. Gledhill, Pakistan, the Development of its Laws and Constitution (London: Stevens, 1957), p. 105.

Major General Iskandar Mirza was the first and only President of the Republic under this Constitution. There were four Prime Ministers - Chaudhri Mohammad Ali, H.S. Suhrawardy, I.I. Chundrigar and Malik Firoz Khan Noon.

The election of the President was not unanimous, as the opposition had absented itself from the House the day the voting took place. The President was well known for his views regarding Pakistani Government. He had publicly announced his convictions regarding some sort of "controlled democracy" - meaning an executive appointed for a fixed term and not dependent on a shifting and uncertain parliamentary majority. While he was rather dubious about the prospects of parliamentary institutions of any kind in Pakistan, the Prime Minister Chaudhri Mohammad Ali was a convinced constitutionalist. Therefore, there were bound to be differences. In addition, the President being a person of authoritative temperament and a man of initiative, did not abstain from politics and joined the intrigues of the political parties.

The President especially favoured the Republican Party which had a large following in the House. The result was that the Prime Minister was a nominee of the President and at his instance, the party gave and withdrew its support from successive governments. In every crisis the people were given the impression that the

President alone was the only force of stability in the country. None of the Prime Ministers could exercise independently the powers inherent in the office. There is no doubt that most of the President's major policy pronouncements were made without reference to the Prime Minister or Cabinet. "Each one of them, from Chaudhri Mohammad Ali to Malik Firoz Khan Noon had to bow to his wishes and own all his actions as having originated in the decisions of the Governments headed by them. No Prime Minister ever mustered enough courage to make the Presidential encroachment on his authority a public issue."¹

After Chaudhri Mohammad Ali's resignation in September 1956, there followed the Ministry of Mr. H.S. Suhrawardy. He had a long experience of political life and knew how to direct party affairs. More important, he was quite prepared to work with the President and they made an exceedingly strong combination. However, within a year, differences arose and General Iskandar Mirza insisted upon exercising his power to dismiss and appoint Ministries and the Suhrawardy Cabinet fell in October 1957.

Mr. I.I. Chundrigar was the next Prime Minister, his cabinet fell after a couple of months due to political intrigue. The next Ministry of Malik Firoz Khan Noon lasted from December 1957 to the declaration of Martial Law.

¹M. Ahmed, op. cit., p. 40.

As shown above, from 1947 to 1958 Pakistan functioned under a system of Cabinet Government. During these years the traditions of Cabinet Government had not been accepted either at the Centre or in the Provinces. This was the system adopted by the Constitution but most politicians seemed totally unwilling to pay more than lip service to its requirements. The political parties, altogether twenty-four in number, presented a picture of utter failure. At no time, since the death of Liaquat Ali had a Cabinet been in office that seemed to have the clear support of the party, the legislature and the electorate.¹

The uneasy triangle of power which existed between the President, the National Assembly and the Provincial Assemblies depended on the successful manipulations of a few dozen professional politicians.

"A small, well defined group of men monopolized political office throughout the country and transferred from one field to another as occasion seemed to warrant. The conclusion seems unavoidable that a group of about twenty individuals made all important political and governmental decisions at every level. In particular they controlled the posts of Central Cabinet Ministers, provincial Governors and provincial Chief Ministers."²

¹Callard, op. cit., p. 326.

²Ibid., p. 25.

Public life had fallen to a very low level as there seemed to be no restraints of institutional loyalty, party organization or popular responsibility. Holding office became the highest goal.

Only during the time of Mr. Jinnah was there no clash between the legislature and the executive, because he was the head of both branches of Government. Much confusion also resulted from the division of powers between the Prime Minister and President. The system with "a twin focus is unworkable in a country where the Head of State, in theory above politics, has in fact steadily refused to acknowledge the conventional limits to his orbit of power."¹

There were no general elections and no appeal was made to the electorate during these years. There was corruption as well as demoralisation. The financial situation was alarming, and the whole unstable system tended towards immobility.

A good deal of precious time was wasted. The most important thing was, that during these years a pattern of leadership was set which did not increase the Governments' "capacity to persuade". After Jinnah and Liaquat Ali Khan there was no "National" leader.

¹E. Kureishi, "Pakistan Problems", Contemporary Review, 196, October 1959, p. 169.

The rest of the political leaders were hardly popular among the people and no leader was particularly successful in generating popular support for national objectives.

"By the fall of 1958, more than ever, the government became a voice crying in the wilderness. When its message was clear, which was not often, it was heard by only a few, and even those who heard it remained unmoved."¹

When Martial Law abolished the legislatures and disqualified the politicians, it did not abolish "representative institutions" or a strong leadership structure because these did not command the support of the people.

c. Powers and Functions of the President and Chief Martial Law Administrator 1958-62.

On October 7, 1958, the President of the Republic, Major - General Iskandar Mirza proclaimed Martial Law and appointed the Commander -in- Chief of the Army, General Mohammad Ayub Khan as Supreme Commander and Chief Martial Law Administrator. The Constitution was abrogated, the Central and Provincial Legislatures.

¹Vorys, op. cit., p. 108.

were dissolved and all political parties were banned. Several prominent leaders of the previous regime were arrested.

It was clear that the ultimate responsibility rested with the Army. General Ayub said, "The Army asked the President to act to save the country from disintegration and total ruination. If he had not done so, we would have acted since it is our responsibility to maintain law and order."¹ Within three weeks, President Mirza was "requested" to leave the country. On October 27, 1958, General Ayub proclaimed himself President and assumed all executive power by abolishing the office of Prime Minister. He explained that there were reports from all over the country that people were feeling that if two men were at the helm of affairs, policy would not always be clear and might suffer from compromises. Miss Fatima Jinnah, the sister of the Quaid - i - Azam, declared that events had brought a "general sense of relief to the people". This provided a final charismatic touch and the Revolution was complete.

All authority now rested in President Ayub's hands. The immediate tasks confronting the Martial Law Government were innumerable and besides taking some drastic measures, commissions were constituted to investigate problem areas in the fields of land reform refugee

¹Broadcast, August 13, 1960.

rehabilitation, education, health, welfare, law, food and agriculture , etc. President Ayub was the driving force behind the reforms. "By and large", he said, "the ideas are mine but the immense amount of work that has gone into the processing of these ideas goes to my cabinet colleagues and to a large number of public servants who have been associated with me."¹

President Ayub governed without any constitutional or legal limitations on his authority during this period. The provinces were reduced to administrative units designed to carry out centrally formulated policies. The President, Ministers, Governors and Martial Law Administrators with a few select high officials met from time to time as the "Governor's Conference" to make the highest level policy decisions.

The hand of the Army functioned at the top level in two ways. Firstly, four Generals held important positions in the Cabinet including the portfolios of Home Affairs, Food and Agriculture and Refugee Rehabilitation. Secondly, in each region there was a Deputy Martial Law Administrator who was a General.

Martial Law regulations and ordinances issued by the President were the law of the land, which could not be challenged in the courts. The politicians had been incapacitated by the Elective Bodies

¹Broadcast. August 13, 1960.

Disqualification Ordinance which disqualified them from holding public office for six years. Criticism was permitted, provided it was "constructive". Fundamental rights, legally, did not exist. But "the fears initially entertained in some quarters were quickly allayed and a climate was created in which, except for political activity which was prohibited, the economic and social life of the country was allowed to run its normal course."¹

From the very first days of Martial Law, President Ayub had declared that he was determined to establish for Pakistan a political system with a capacity to direct social and economic change. He said "Let me announce in unequivocal terms that our ultimate aim is to restore democracy but of the type that people can understand and work."²

In October 1958, and thereafter, the progress towards this objective could more easily be made than at any time since the death of Mr. Jinnah. The President, more than his predecessors had the capacity to coerce, since the Revolution had unified the chain of command and simplified the process of decision making. Besides, the rigorous discipline of the troops along with advanced military equipment helped in communicating policies and orders.

¹Ahmed, op. cit., p. 193.

²Broadcast. October 8, 1958.

The President and the Armed Forces were popular among the people. The army, being the only element unaffected by corruption, was exempted from the resentment which had grown against the former governments. Besides, the President and his Cabinet traveled widely, their speeches were broadcasted and the people were made to feel that here was a government at last which would care for their needs. Thus it was widely hoped that the army would be more responsive to popular aspirations and more effective in improving the standard of living.

The Government used its capacity to persuade more than its capacity to use force. The Government maximized this by making a massive effort towards national integration, rigorous economic development plans and the construction of political institutions which could enlist national support for a dynamic programme of economic and social development.

The construction of political institutions was carried out gradually step by step. As has already been noted, Martial Law had not divorced the civil administration from power and the President relied on it. At the end of 1959, the President through an Ordinance promulgated the Basic Democracies system, about which more shall be said later. Elections to this system were carried out and the 80,000 elected councillors expressed their support for him in a referendum. No alternative was offered. But they gave him a 95% affirmative vote, confirming him in Office for 5

years and also giving him the authority to institute a new Constitution.

d. The 1962 Constitution

President Ayub Khan played a decisive role in the formulation of the new Constitution. In his memorandum of March 15, 1959, he wrote, "... the situation is not irremediable if tackled with resolution and courage, and that has to be provided by the top leadership - ME. I feel it is my moral and spiritual duty to guide thinking so that we have a constitution that will cover our weaknesses, will not allow political instability to arise, and will take care of local and regional prejudices." In his broadcast he referred to it as "my system."¹ The preamble of the Constitution closed with the words: "Now, therefore, I, Field Marshal Mohammad Ayub Khan ... do hereby enact this constitution."²

The first step in the formation of the Constitution was the appointment on February 17, 1960, of a Constitution Commission. It was composed of eleven members, including two retired judges, a lawyer and two prominent businessmen. The Chairman was a retired Chief Justice of Pakistan, Mohammad Shahabuddin.

¹The Constitution: The President Addresses the Nation, p. 11.

²Pakistan, The Constitution of the Islamic Republic of Pakistan, p. 2.

The commission was instructed to identify the causes for the failure in 1958 of parliamentary government, and to consider future remedies. It was given the task of presenting constitutional proposals for democratic institutions that would be "adaptable to changing circumstances", founded on Islamic principles and would contribute to national unity and stable government. The commission was also advised to take into account "the genius of the people, the general standard of education and of political judgment in the country, the present sense of nationhood, and the prime need for sustained development."¹

On May 1, 1961, the Constitution Commission formally presented its report to the President. The Report suggested a Presidential form of Government modelled on the American pattern with a strong President, and an equally strong legislature and judiciary.

The President then appointed two special committees to examine the Report in great detail. One committee reflected the vested interests of the bureaucracy. The other, over which Foreign Minister Manzur Qadir presided was composed of seven Cabinet Ministers. These committees did not consult the population. "The emphasis clearly shifted from 'what the people want' to 'what is best for the people'.²

¹Pakistan, Report of the Constitution Commission, (Karachi: Govt. of Pakistan Press, 1961) p. 1.

²Vorys, op. cit., p. 217.

The position taken by three Ministers - Manzur Qadir, Zulfiqar Ali Bhutto, and Mohammad Shoaib represented the President's views. Among them Manzur Qadir, a brilliant lawyer was the most forceful.

Both committees presented their reports as comments on the Constitution Commissions' Report. Their recommendations together with the Report were considered by the Governor's Conference in October 1961. After being debated there, a draft was made and on May 1, 1962, without prior popular ratification, the Constitution was adopted.

The Constitution has been described as owing "something to the American example, to de Gaulle's France, and very clearly, to the viceregal heritage of British India."¹

The Presidential system adopted by the Constitution differed from that advocated by the Constitution Commission since it accepted the supremacy of the executive over the legislature. In Pakistan, for all practical purposes the President is supreme.

Announcing the new Constitution, President Ayub Khan described it as a "blending of democracy with discipline - the two pre-requisites to running a free society with stable government and sound administration." Explaining the reasons for adopting a Presidential system of

¹Kahin, op.cit., p. 449.

Government he said, " we have adopted the Presidential system as it is simpler to work, more akin to our genius and history and less liable to lead to instability - a luxury that a developing country like ours cannot afford. The other alternative was the Parliamentary system. This we tried and it failed."¹

Looked at carefully, the Constitution resembles the President's ideas more than those of the Constitution Commission, the Cabinet Committee and the Administrator's Committee. Therefore, this was the political pattern desired by the President.

An opposition leader described the political structure in the Constitution as "Government of the President, by the President, for the President."² It was also noted that the powers of the President and Prime Minister under the Constitution of 1956 had been unified under the Presidential powers.³

¹Keesings Contemporary Archives, p. 18857.

²Economist, "Carpenter in Trouble", Vol. 209, October 5, 1963, p. 34.

³M. Khalillullah, Dastur Islami Jamhuriyat Pakistan (Karachi: Maktab -e- Faridi, 1964), p. 160.

Chapter III The President's Office.

a. Election

President Ayub Khan was first elected by the representatives of the system of Basic Democracy in February 1960. Since this system is considered to be the "base for the constitutional pattern which was being evolved"¹ and plays a significant role in the election of the President, a brief description of the system will be given.

The Basic Democracies idea is an experiment in democracy. It is one of the most controversial changes introduced by the President and at the same time it may hold the greatest potential for the development of the country. It is a four tiered structure. Under the Basic Democracies Order of 1959² the country was divided into some 7,300 rural union councils and urban union committees, whose members are each elected by between 800 and 1,000 adults under universal suffrage. These councillors then elect Chairmen from among themselves, who also sit on the councils of the 655 'tehsils' (the second tier). Tehsil councils are represented on the 74 District

¹M.A. Khan, Broadcast to the Nation, December, 1964, p. 3.

²"The Basic Democracies Order, 1959, "The Gazette of Pakistan, (Karachi: Government of Pakistan Press, 1959) pp. 1759 - 1809.

or agency councils and these in turn on the 16 Divisional Councils. Government officials are appointed at every level.

This system is an attempt to "synthesize the two aspects of parallel government - the democratic aspect and the bureaucratic aspect."¹ It is visualised "as the means of building national development from a local base".² President Ayub believes that this system will bring into the villages "new ideas" and a new awareness of the chances of a good life. He believes that in the long run the only remedy for poverty lies in education - education through practice and the exercise of responsibility. He argues that democracy is only genuine within the limits of the knowledge of the people to whom an appeal is made. They can quickly understand how to improve their land and their villages and that it will take years before they can judge between a good and bad financial or foreign policy.

Union council members, of the first tier, who are also called "Basic Democrats" have three main duties: to carry on social and economic development, to operate the conciliation courts and to elect the President of Pakistan and members of the National and Provincial Assemblies.

¹K.J. Newman, "Dyarchic Pattern of Government and Pakistan's Problems", Political Science Quarterly, 75, March 1960, p. 107.

²H. Tinker, India and Pakistan (London: Pall Mall Press, 1962) p. 87.

The first elections under this order took place between the end of December 1959 and mid-February 1960. Before the elections were held, the Martial Law Regulation was amended to permit meetings and gatherings to be held in connection with them. The President himself undertook a "whistle - stop" tour in both wings, travelling in a train called "Pak Jamhuriat." Considerable popular interest was therefore aroused. 80,000 Basic Democrats were elected.

An educational analysis of those elected showed that they were mostly literate. More than 84 percent of all Basic Democrats and 98 percent of those from East Pakistan claimed ability to read and write.¹ The majority of them did not have any previous political experience. Whereas in East Pakistan the middle-class was represented, in West Pakistan the members consisted of farmers, retired army officers or small hereditary landlords.

On January 13, 1960, the Presidential (Election and Constitution) Order, 1960 was promulgated. According to this, the Basic Democrats in a referendum had " to make known their confidence" in the President and authorize him to formulate a constitution. An affirmative majority

¹Annual Report on Basic Democracies, October 27, 1959, to October 27, 1960 (Karachi: Bureau of National Reconstruction, r.d.) p. 11.

vote would also entitle him to serve as President for the first term under the new constitution.¹ No alternative candidate was offered. The polling took place on February 14, 1960 and the President received a 95.6 percent affirmative vote. After this indirect election, the President formally took an oath of office and became the President of Pakistan for a term of five years.

b. Re - election

The presidential elections under the new Constitution were held in January 1965. As prescribed by the Constitution, an Electoral College was elected by universal adult suffrage, which later on elected the President.²

The two principal candidates were President Ayub Khan and Miss Fatima Jinnah. President Ayub was nominated as its candidate by acclamation by the Pakistan Muslim League on August 19, 1964, and issued his election manifesto on October 25.

¹"The Presidential (Election and Constitution) Order, 1960", The Gazette of Pakistan, January 13, 1960.

²M. Khalilullah, Dastur Islami Jamhuriyat - e - Pakistan, (Karachi: Maktab - e - Faridi, 1964) p. 119.

In the manifesto, which proclaims high ideals and aspirations, the President affirmed his support for a democracy "based on pragmatism rather than dogmatism", which would safeguard freedom of speech, association and assembly under the rule of law; for the disappearance of all class distinctions; for complete equality of opportunity for all citizens; and for the development of Pakistan into a Welfare State. "Pakistan's sovereignty and unity as a nation", he declared, "can be guaranteed only by a strong Centre capable of providing full provincial autonomy without allowing centrifugal forces to reassert themselves." President Ayub undertook to provide for equitable distribution of wealth; to adopt practical means to reduce the disparity between the rich and the poor; to ensure stable prices and prevent inflation; to provide housing and greater educational facilities; to gradually transfer more functions to the Basic Democracies; to strive for the right of self-determination for the people of Kashmir; to give full protection to the minorities; and that his sole aim is to establish the sovereignty of the people and to work for the progress of Pakistan and the happiness and prosperity of the people of Pakistan.¹

¹Pakistan Observer, July 25, 1964, p. 8.

The five opposition parties called "The Combined Opposition Parties" nominated Miss Fatima Jinnah in mid-September 1964, as their candidate. Miss Jinnah, aged 71, is the younger sister of the late Mohammad Ali Jinnah. She was his constant companion throughout his struggle for the establishment of Pakistan. The name "Jinnah" carries with it memories of the successful struggle for a Muslim homeland, and "the opposition parties hoped to capture the 'sentimental vote'" ¹. She had kept aloof from politics and her only public political activity being occasional Press statements which in recent years had become increasing by critical of the authoritarian aspects of President Ayub's regime, though she had initially endorsed it. Her status in Pakistan being that of "Madar -i- Millat", and with her confidence, she was perhaps the only one who could stand against Ayub.

The Opposition, in a common platform, promised a "democratic" constitution with limitation of the President's powers, restoration of supremacy of the legislature by parliamentary form of Government, direct universal suffrage, an independent judiciary, and unrestrained political activity and freedom. They also promised economic and

¹N.Ahmed, "New Mandate for Ayub", World Today, 21, February 1965, p. 53.

and administrative reforms, solution of the Kashmir problem and an independent foreign policy.¹

The campaign can be divided into two parts - the period before the election of the Basic Democrats who were to form the Electoral College, and after their election up-til the Presidential elections in January 1965.

From September until the conclusion of the elections of the Electoral College by mid-November the President made fifty-six and Miss Jinnah twenty-six major campaign address and statements which were extensively reported in the press. The President concentrated upon West Pakistan and relied heavily on mass audiences and public rallies, radio addresses and press conference or releases. He addressed groups of intellectuals, Basic Democrats, Ulama, tribal chiefs, party workers and students. The President was popular and held an extra appeal to the Basic Democrats because he was the source of their power.

Throughout his election campaign, and also that of Miss Jinnah, the focus was on the political system of the country, next in importance came the economic and social problems, Islamic ideology and foreign policy.

¹Pakistan Observer, July 25, 1964, p. 8.

The President emphasized political stability, the "gradually broadening political base" and the progress and accomplishments of his regime. He emphasized Miss Jinnah's lack of political and administrative experience; he concentrated his attacks mainly on her supporters, however, whom he described as "discredited politicians", and pointed out that although they now championed democracy they had never held general elections during their eleven years in power. In a speech in Dacca on November 8, which provoked strong criticism from the Opposition, he declared that if Miss Jinnah were elected the result would be "lawlessness, tyranny and chaos", and possibly a second military revolution "which would not be as humane as the first."¹

Miss Jinnah toured West and East Pakistan and was welcomed by large crowds in the cities. "She showed an extraordinary capacity to mobilize the masses."² She always spoke about the arbitrariness and corruption of the regime. She attacked him as a "dictator" who wanted to impose a totalitarian regime under the guise of "stability" and she exposed alleged corruption on the part of some members of his family, especially one of his sons. President

¹Kessings Contemporary Archives, p. 20616.

²Vorys, op. cit., p. 283.

Ayub's reply to the charge of dictatorship was that "dictators do not go begging for votes." Miss Jinnah promised parliamentary democracy universal direct suffrage, and then invoked the memory of Quaid -i- Azam by speaking about his heritage.

After the conclusion of the Basic Democrat's election, President Ayub concentrated on select audiences. A series of ten "confrontation meetings" were held in the principal towns from December 8-24 at which both the candidates addressed members of the electoral college, outlining their programs and policies and answering questions. The result was that there was a lot of discussion among the citizens, especially the Basic Democrats, about the election issues. The major issue was still the political system. While the President stressed the necessity and utility of the strong presidential system with indirect elections, and stressed pre-Martial Law confusion and disruption caused by the Opposition, Miss Jinnah spoke about the current moral degeneration and dictatorship.

The elections and the accompanying activity were very important for the development of political interest and consciousness among the people. Symbols were provided (a rose for the President's party and lantern for Miss Jinnah's Opposition parties) and may have been more important for the less educated voter. The voting may

have, for some, affirmed allegiance or opposition to the national figures and the personalities were given importance. Yet, the campaigns stressed policies and issues and there was a time when it was really doubted whether President Ayub would remain or not. That is why the 'Economist'¹ reported that Ayub was one of the "few autocrats in the world's history to organise elections whose results were uncertain".

On January 1, 1965, the President warned the electors that the election was "not only between two individuals but also between two distinct ways of political life."² The polls were conducted the same day and the Election Commissioner announced that President Ayub had got an absolute majority. Miss Jinnah polled 28,691 votes out of an electoral college of 80,000 against the President's total of 49,951 but she did well in East Pakistan where she received 18,434 votes against 21,012 for the President.³ The urban areas of Karachi, Dacca and Chittagong voted heavily for Miss Jinnah, while the President got solid support from the rural areas. In all President Ayub received 64% of the votes in the country as a whole - 74% in West and 53% in East Pakistan.

¹Economist, "Fever Symptoms", January 2, 1965, p. 25.

²M.A. Khan, Broadcast to the Nation, January 1, 1965, p. 1.

³N.R. Mehta, Eight Years Regime, (Karachi: Mehata House 1966), p. 5.

In his victory broadcast the President said, "Through these elections the people have accorded their verdict in favour of the Constitution and have given me a clear mandate to pursue my internal and external policies which they have approved. I feel sustained by the thought that in my endeavours to move towards the establishment of a welfare state I have the fullest support of my people ... As I offer my profound gratitude to those millions of people who supported me, ... I must not forget those who differed from me. They too have served the cause of democracy. So far as Miss Fatima Jinnah is concerned... I have no personal grudge and I wish her well ..."¹

On March 23, 1965 the President was inaugurated in Office for a term of five years.

c. Tenure in Office

The Constitution of 1956 had provided for a fixed tenure of 5 years for the President who was the nominal head of the Government. The Prime Minister, or the Chief Executive had to depend on the majority in the Parliament. This had led to immobility and instability because the political parties were not reliable in their support. For this reason, President Ayub had often suggested that the Chief Executive should have a fixed tenure so as "to

¹M.A. Khan, Broadcast to the Nation, January 2, 1965.

release him from the obligation of having to be sustained artificially" and to "enable him to get on with the functions entrusted to him."

As prescribed by the Constitution, the President of Pakistan is elected for a term of five years.¹ Normally, if a person who is, and has for a continuous period of more than eight years, been holding office as President he is not eligible to be re-elected as President.² However, if the person referred to above, is a candidate for election to the Office of President, the Election Commissioner shall inform the Speaker of the National Assembly. The Speaker shall convene a joint sitting of the National and Provincial Assemblies members to consider the candidature. If the majority vote by secret ballot, approve of it, the President shall be eligible for re-election.³ It may be interesting to point out that President Ayub will not be affected by the above provision if he wants to contest the next presidential elections scheduled to be held at the end of 1968. He has been an elected President since 1960 and will have therefore completed just eight years of Office. So he may choose to stay as President till 1972.

¹Pakistan, The Constitution of the Islamic Republic of Pakistan, 1962, Art. 12.

²Ibid., Article 166 (clause 1).

³Ibid., (clauses 2, 3).

The Presidential tenure can be interrupted willingly by him through his resignation which should be addressed to the speaker of the National Assembly,¹ or involuntarily by impeachment.²

The charges for impeachment are a wilful violation of the Constitution or gross misconduct. The procedure of impeachment is as follows. Not less than $\frac{3}{4}$ of the members of the National Assembly should give a signed written notice by each of them to the Speaker that they intend to move a resolution for the removal of the President. The speaker shall send the notice with the charges to the President, who will have the right to appear and be represented before the Assembly when it is considering the resolution. If it is passed by $\frac{3}{4}$ of the total number of members, the President shall cease to hold office. The penalties the Constitution brings down upon the convicted President are not only removal from office, but a disqualification from holding any public office for a period of ten years.

The same procedure applies to the President's removal on grounds of his physical or mental incapacity.³ The President, in this case has also to submit himself to an examination by a Medical Board⁴ consisting of five senior most medical officers

¹Ibid., Article 12 (clause 3).

²Ibid., Article 13 (clauses 1-6).

³Ibid., Article 14.

⁴Ibid., Article 15.

attached to the Civil and Armed Forces in the Central and Provincial Governments.

However, in both cases of impeachment, the President's removal has been made more difficult. If the resolution concerned is voted in support by less than $\frac{1}{2}$ of the total number of members, than the members who gave notice of the resolution to the Speaker, shall lose their office as soon as the result of the voting on the resolution is declared. This provision guards against misuse by the legislature of the power of impeachment.

At any time when the office of President is vacant; or the President is absent from Pakistan or is unable to perform the functions of his office due to illness or some other cause, the Speaker of the National Assembly shall act as President.¹ A person acting as President shall not dissolve the National Assembly or remove a Governor, Minister or Parliamentary Secretary from Office.²

To preserve continuity in office, elections to the Presidency are to be held four months before the current term expires, but the person elected shall not enter upon the office of President before that office is vacant.³

¹Ibid., Article 16 (Clause 1).

²Ibid., Clause 2.

³Ibid., Art. 165 (Clause 2).

CHAPTER IV THE PRESIDENT AS A POLITICIAN

a. Relation with the Pakistan Muslim League Party.

President Ayub had strongly criticized and opposed the revival of political parties under the new Constitution but gradually his position shifted. He had an officer's dislike for politicians whom he always accused of creating the political confusion in the country before Martial Law. While introducing the Constitution, he had called political parties "the bane of the past".¹ He said, "Let us try to avoid reverting to the same old system which had done us no good."²

In July 1962, however, the Political Parties Act was carried through the National Assembly by members of his Cabinet. It authorized the foundation of political parties and their participation in the electoral process with some limitations. The Supreme Court could dissolve parties found acting in a manner prejudicial to the Islamic ideology, integrity, or security of Pakistan. "Foreign aided" parties were also prohibited.³ At this period the President "attempted to attain for himself the position of a super-party

¹Pakistan Times, June 9, 1962.

²Pakistan Observer, June 15, 1962.

³R. Wheeler, "Pakistan - New Constitution, Old Issues", Asian Survey, February 1963, pp. 107-15.

head and an attitude of non-involvement in politics."¹ He resisted for some time suggestions of the press and political leaders that he either form a party of his own or else join and lead one of the existing parties in order to define and defend his own policies. Some of his Ministers were already committed to the Muslim League (Conventionist faction), whose position was precarious in the National Assembly. The Opposition was superficially unified against the new Constitution and the President must have realized that he had now to provide leadership not through "personal excellence" and non-partisanship but "leadership through organization."²

On May 23, 1963, President Ayub joined the Muslim League Party, now renamed the Pakistan Muslim League. He was elected Councillor from Mymensingh District in East Pakistan and then the Party President. He stated that he had joined the Party "so as to fill a vacuum to ensure stability in the country. There have been individual and collective expressions of this desire, culminating in the formal offer by the Chief Central and Provincial organisers. I accept this offer gratefully ... with the prayer that this action of mine will be of some assistance to the cause of the country ... I want to make it clear that in my capacity as President

¹S. Kaushik, "Constitution of Pakistan at Work", Asian Survey, August 1963, p. 386.

²Von Vorys, op. cit., p. 256.

everyone will continue to get fairplay and justice irrespective of his party affiliation and I hope that all patriots will support me in rightful causes."¹

Due to all these factors, the relationship between the President and the Party is that the President is in complete control of it. The party's main appeal has been described to be his "personal support."² At the time he was asked to lead the party it had a very brief existence and just consisted of a group of "like minded" individuals having no long established principles or policies. It also did not have a broad based solid foundation among the people.

At the time of his re-election, although he was nominated and supported by the P.M.L. party, yet he campaigned more on personal lines - stressing on the personal element ("my" government, "my" manifesto) rather than on party basis. In this way he appealed to the nation. Maybe he was forced to do it because the Party had not had time enough to provide mass support and because politically he was more powerful.

The President presides over the meetings of the Pakistan Muslim League Council and of the Working Committee. He is closely

¹M.A. Khan, Speeches and Statements, Vol. 5. May 22, 1963, p. 148.

²Von Vorys, op. cit., p. 280.

in touch with the Leagues' Parliamentary Party and addresses it. His Ministers for Communications and Law are the Leader and Deputy Leader, respectively, of the Parliamentary Party. The Speaker of the National Assembly, the Governors of the Provinces of East and West Pakistan and Provincial Ministers belong to the party. After the elections held in 1965, the Party is well represented in the National and Provincial Legislatures.

The Party has benefited from the Presidents' personality, popularity and political skills. He has given it a national image. Along with this the President has assumed that he and his party and program are synonymous. Before the elections, the Basic Democrats were asked to vote for the Muslim League because it meant voting for President Ayub, "since the strength of the M.L. meant the strength of its President."¹ After the National Assembly elections, which returned a majority of Muslim League members, it was said that "the President had received another massive endorsement of his policies ... the electoral verdict was an approval of the policies, programme and reforms of President Mohammad Ayub Khan and his Government."² The West Pakistan Muslim League chief openly admitted that "the Pakistan Muslim League

¹DAWN, May 7, 1965.

²Ibid., March 23, 1965.

owes its present dynamic existence in Pakistan to President Ayub..."¹

The President on the other hand realizes the importance of a well organized party which has "its roots among the people" and which can depend on popular support. He proposed that "the Party should be organized in such a way that it is able to attract to its fold a body of political workers numerically adequate to the task of establishing mass contact and of spreading an awakening among the people ... The growth of the Muslim League's strength will have to depend largely on the members of Basic Democracies who have developed a keen interest in the working of constitutional machinery." Since "it will be necessary in the rural areas to depend greatly on the community of Basic Democrats for the supply of active man power" his plan to reorganize the party is based on the "dovetailing of Basic Democracies with the Muslim League. Under this scheme, therefore, the units of Party organization will correspond to the different tiers of the Basic Democracies system. Party units will also treat the institutions of Basic Democracies as the primary source of the recruitment of local Party leaders and workers."² The structure outlined above shows that President Ayub intends to have the Party closely linked to the Basic Democracies so as to strengthen them both.

¹Ibid., May 18, 1965.

²Ibid., May 18, 1965.

In a recent Party conference, the President declared the ideals of the Muslim League to be "the unity of Pakistan, common brotherhood, uniform progress, and common destiny for all." These are so general and non-defined that many groups could identify themselves with them. He told the Party members, "If the country progresses, and I hope it will, you will all prosper. Who lives if Pakistan dies, and who dies if Pakistan lives."¹ The same conference was reported to have been also attended by "high officials."

The President told his Party that they "symbolise the unity of the country and are the true nationalist party in Pakistan."²

The party is still in its early stages and has yet to develop into an effectively organized association.

b. Personality and Popularity

President Ayub Khan was born in 1907, in a village in Peshawar District. He is a Pathan of the North - West Frontier Province, and comes from a middle class family. He received his education at the Muslim University, Aligarh. He was commissioned

¹Ibid., March 11, 1966.

²Ibid., March 20, 1966.

from the Royal Military Academy at Sandhurst in 1928 and served with the Royal Fusiliers. He commanded the 14th Punjab Regiment during the Burma campaign. After the war he was in charge of a brigade in the tribal areas, and then Commander of the forces in East Pakistan. He succeeded Sir Douglas Gracey in January 1951 as the first Pakistani Commander - in - Chief at the age of 44. In 1954 he was appointed Defence Minister, but he resigned after six months and continued as C-In-C till 1958, when he became Chief Martial Law Administrator and consequently President.

President Ayub's physical appearance is commanding. His personality has been described as "direct, soldierly, full of calm good sense."¹ Others have noted his "entire lack of affectation and the simple directness of his manner ... his obvious gifts as an initiator, and administrator and a man of action wholly dedicated to the service of his country."² He gives the impression of being "wholly without personal ambition"³ - a "capable, sincere

¹THE ECONOMIST, Decenber 2, 1961, p. 928.

²E.F.R. Williams, The State of Pakistan, p. 193.

³Ibid., p. 194.

and hard working leader."¹ Another facet of his personality is his "massive common sense"² by which he "combines idealism with intelligence in the service of his country."³

When General Ayub was Commander - in - Chief, the Army played an important role in the nations' affairs. During Partition it had protected the millions of refugees which came over to Pakistan. Later, whenever there was a severe economic crisis, a national calamity like floods or cyclones, or a disorderly situation, the Army brought relief, law and order. This raised the army, in the eyes of the common citizen as a symbol of national prestige. That General Ayub wanted this is shown by the fact that "he decided as early as 1948 that it was as essential for the Army to go out to meet the people as for the people to know their Army. He sent Army contingents to tour around and do flag marches in outlying districts. The idea was twofold, to educate the Army regarding the land and the people they had to defend, and to bring soldiers closer to the people."⁴

¹Vorys, op. cit., p. x.

²K. Martin, "Common Sense Dictator", New Statesman, 59, April 16, 1960, p. 546.

³World Today, "Economic and Political Problems in Pakistan", 15, April 1959, p. 176.

⁴M. Ahmad, My Chief, (Lahore: Longmans, 1960), p. 17.

He thoroughly reorganized the army, "Maximum austerity and maximum efficiency became guiding principles" and there was "a revolutionary change in the technical standards and the social and economic outlook of the Armed Forces."¹ This is important because later he stressed that "it was his desire to see the country as organized as her army".²

As regards the Army he took steps to make "his presence felt by every man in uniform in the more remote and outlandish parts of the country, being continuously on the move... He gave the impression of a very dignified and superior class general ... entirely loyal and obedient to the Government in power".³

General Ayub developed similar good relations with officials of the civil administration. He was often specially invited and consulted in the Cabinet meetings, or important conferences. He had opinions to express not only about the army but also national affairs. He was a close friend of the last three Governors - General - Khwaja Nazimuddin, Ghulam Mohammad and General Iskandar Mirza. He also played an active part in the country's foreign affairs and was well known among British and American officials.

¹Pakistan, Pakistan, a Profile, (Karachi: Javed Press, 1963)p.51.

²K.B. Sayeed, "Pakistan's Basic Democracies", Middle East Journal, XV, Summer 1961, p. 252

³Ahmad, op. cit., p. 48.

When he met the common people, there was "never any resemblance of a patronizing attitude on Ayub's part. On all such occasions one finds him absolutely unsophisticated. He becomes one of them and talks at their level."¹

Although General Ayub was in touch with politics before Martial Law yet it was never to the extent that he could be identified with it by the people. "His record as Defence Minister raised his prestige and that of the army still higher. Gradually he became the mediator in national affairs. In 1954, the Governor-General asked him to take over the country, but he refused to do so, for the good of the country. The request was repeated by other responsible persons but to no avail."²

He thus developed the reputation of not "seeking power for power's sake", and that "the soldier in him had remained supreme even in such trying circumstances."³ When he was pressed by Army officers to take drastic measures he said, "If the people want me, I shall not shirk my duty". After assuming power he took pains to explain in his broadcast to the nation that this step was "taken with great reluctance, but with the fullest conviction.

¹Ibid., p. 31.

²F.M. Khan, The Story of the Pakistan Army (Karachi: Oxford University Press, 1963), p. 189.

³Ibid., p. 193.

that there was no alternative to it except the disintegration and complete ruination of the country. History would never have forgiven us if the present chaotic conditions were allowed to go on any further."¹

At another time he said about governing the country, "It is a tremendous responsibility but somebody has to bear it. And it happens to be me. So I'll do my best."² He believed that he had "saved" his "country from a terrible turmoil that was bound to occur if things had drifted on as they were."

After the declaration of Martial Law his popularity became greater. It again rose to the same level during the period of crisis and war with India. At that time he appealed to the underlying convictions of the nation by stirring it emotionally.

He holds the highest rank in the Army - that of Field Marshal and he is the only one. After the promulgation of the new constitution, the Cabinet gave him the highest order of the land "Nishan -i- Pakistan."³ He also holds the awards of "Hilal -i- Pakistan" and "Hilal-i- Jurat".

¹H.A. Khan, Speeches and Statements, Vol. I, p. 1.

²A.J. Fischer, "President Ayub Khan", Contemporary Review, September 1960, p. 479.

³Pakistan Times, March 23, 1962.

He has kept his dignity during the crises faced by his regime. He exposed social and economic evil and pointed the way to constructive reforms. He became very popular because he showed so much confidence that all the problems could be tackled. Within one speech he would promise an optimistic and bright future for the people - the cost of living would decrease, incomes would rise, workers would receive better salaries, cheap medical care would be provided, the refugee and population problem would be solved, Kashmir would be liberated, the nations' integrity and sovereignty would be safeguarded and its prestige raised. Another things he avoided was violence. It was explained that "he had not taken over the country to avenge the abuses of the past Governments."¹

On the whole, the popular image that was built up for him was that "of the benevolent ruler so prevalent in the doctrines and traditions of Islam which during the last centuries had remained the ethical goal but unhappily was not the practical experience of the Muslim in India."²

His popularity however, lies mainly with the masses, especially those in the rural areas. As indicated by the 1965 Presidential election results, the urban areas of Karachi and Dacca

¹Khan, The Story of the Pakistan Army, p. 199.

²Von Vorys, op. cit., p. 191.

voted for Miss Jinnah. This may be explained by the fact that the Land Reforms carried out and the agricultural policy of the Government have bettered the farmer's situation. They are less literate and therefore more easily impressed. Besides, the army is recruited from the rural areas. In the cities the lawyers and the middle class are his critics mainly because they have been affected by the policies of his Government.

c. Communication with the Masses.

Unlike the previous regimes, President Ayub's Government used many approaches to come into contact with the masses. In doing this, the President used his personality and prestige and also the various media of communications. This was the first attempt being made to draw the masses closer to the Government, so as to mobilize their support and also to channel their existing political consciousness into a constructive role. In this field he has been advised mainly by his personal staff of Secretaries, especially his Special Assistant and Principal Secretary. In the past he had on his staff a well-known writer and journalist, who no doubt helped in writing his speeches. Speeches on more specialized subjects are written in cooperation with the Department concerned, which supplies the relevant material for them. On the whole, the President has relied also on the Ministers of his Cabinet who have been associated with him for the past eight years, and who represent different regions of the country. They also have helped a great deal in popularizing

his image and communicating his policies through their speeches and tours.

"Revolution" or "Inqilab" is by itself a hypnotic word. When it was identified with the Ayub Government that itself made it look different from the others. More important, an impression was disseminated by all the media of communications regarding the new political system and its leadership. Every step taken in the process of political construction was done so with special reference to the past and to the future. The Revolution, it was said repeatedly, was "caused" by the disintegration of the previous political structure and "brought about" an interval of military rule. The system of Basic Democracies was "caused" by the consolidation of the Revolution and would "bring about" the Constitution. The Constitution was "caused" by the successful operation of the Basic Democracies and would "bring about" the lifting of Martial Law. Permission for political parties organization was "caused" by the successful operation of the constitution and would "bring about" a representative political system.¹

The press played an important part in awakening the interest of the public towards this regime. Effective films were produced which depicted in "clear, vivid terms the change that the Revolution

¹Von Vorys, op. cit., p. 148.

had brought about in destroying vested interests and liberating the ordinary citizen".¹ Simple plays which showed the same theme were performed in the countryside. Pamphlets, posters, simple literature penetrated everywhere.

The President's pictures and those of his cabinet ministers were splashed on front pages of magazines and newspapers. After he became a politician the pictures showed him more in traditional costumes than in army uniforms. Whatever he says and does is in the news. His trips abroad are covered in great details with a large amount of photographs illustrating them. His visits to the mosques are also reported.

The President relies on the press conference, giving scheduled conferences, or calling them to explain an important situation. There were 95 daily newspapers in the country with unspecified circulation in 1960.² But functional literacy is below 10 percent of the population and the utility of newspapers in familiarizing the masses with Government policies is correspondingly limited. The Government has influence over a few papers in the country and through Press Ordinances and other pressures news management does take place. Television does not have a vast audience as yet, as it is confined to 2 major towns and cities. Therefore, the President

¹Williams, op. cit., p. 203.

²Pakistan Statistical Yearbook 1962 (Karachi: Government of Pakistan Press, 1962) p. 364.

relies more on the radio.

He broadcasts to the nation on the first of every month. Describing the aim of these talks the President said that the Government take major decisions "which vitally affect the life of the people and it is quite possible that sometimes their meaning may not be understood or may be misunderstood. So there is need for putting the people in the picture, and as such I have decided to speak to you direct through this medium on the first of every month explaining the background of the decisions taken. I feel I owe it to you, and I am sure that you will find it helpful in making a correct assessment of the national problems."¹ In these broadcasts he mentions the important events of the past month.

The sequence in which he refers to various matters in his broadcast has its significance because "it gives a clue to the priorities which he has fixed for each."² In these broadcasts he has referred to international matters, domestic problems - cyclones, floods, family planning, and day - to - day affairs. Importance is attached to these broadcasts. But the use of this media is also restricted. There were 227,130 licensed radio sets.

¹M.A. Khan, Speeches and Statements, Vol. VI, p. 27.

²DAWN, December 3, 1965.

Although obviously the number of listeners exceeds this figure by far, they still form a small minority of the citizens. Moreover, sets are concentrated in the towns and cities. Few of the one hundred thousand villages have even one radio. This scarcity is magnified by the lack of electric power. In 1960 only 64 of the 186 small towns and 370 of all the villages were electrified.¹

To make more concerted efforts, the Bureau of National Reconstruction was established. The Bureau printed in large quantities books, pamphlets and articles on the common struggle for independence, the interests of the population and the national policies of the Government. "Color pictures of Mohammad Ali Jinnah and President Ayub Khan were widely distributed and freely supplied. The number of organized tours of citizens (especially students) to other and distant parts of the country was accelerated, while at special seminars the learned presented extensive discourses on national character, national consciousness, and nationhood."²

¹Pakistan Statistical Yearbook 1962, p. 215.

²Von Vorys, op. cit., p. 154.

The Bureau was abolished in 1962 and the Ministry of Information and Education continues to carry on its work. It has been criticised for not being very effective.¹

In view of the comparative ineffectiveness of the media of radio and the press in the large rural areas of the country, the President has used tours and inspection visits to these places to establish closer contact with the people. He consciously tried to speak in a way which would arouse the interest of the masses.

From the very beginning he spoke in the name of the masses. "If the masses are in distress, the country suffers. We cannot allow this to happen."² He realized that the temperament of the people demands that the leader must be visible and personal. When he toured both parts of the country he praised the nature of the people calling them "patriotic and good". "They are tolerant, patient and can rise to great heights when well led... I am sure they are sick and tired of the unscrupulous type of politicians who were busy tearing their dear country into pieces. The Army too felt the same..."³

¹M. Ahmad, op. cit., p. 243.

²M.A. Khan, Speeches and Statements. Vol. I., p. 13.

³Ibid., p. 2.

Observers are impressed "by the hold that President Ayub has upon the imagination of the masses. They know that he has their interests at heart; that he is by origin a villager like themselves; and that he really understands their problems and their needs."¹

The villagers and the common man are easily impressed by power and show a lot of respect to it in Pakistan. When "the peasantry assemble in their hundreds to listen to a brisk military appreciation of the situation, they also want to take "darshan" (to permit subjects to partake of their sacred presence, thus receiving darshan or grace)."²

The President gave special attention to East Pakistan, where he tried to assure the masses that their interests and feelings were as important to him as those of the people of West Pakistan. While he was there he stressed the tie of Islam which is the major factor binding the two parts of the country.

Three subjects which have great effect on the masses in Pakistan and which have aroused the people when mentioned by the President are - the freedom struggle, Islam, and the high ideals of the state.

¹L.F.R. Williams, The Times, November 11, 1964.

²H. Tinker, Ballot Box and Bayonet, (London: Oxford University Press, 1964), p. 59.

The legend or myth of the freedom struggle (the struggle for independence) has contributed largely to building the nation by uniting its various elements. It has two aspects - the memory of the Quaid -i- Azam Mohammad Ali Jinnah and also a bitterness which stems originally from the common perception of an enemy towards India.

President Ayub has laid stress on the era of Quaid -i- Azam. Among the first acts of his Cabinet was to pray at the grave of Mohammad Ali Jinnah.¹ On the anniversary of the Quaid's birthday he said, "The Quaid -i- Azam's birthday, the first after the Revolution, has a very special significance for us. We celebrate it realising that it is our responsibility and our privilege to start building this country afresh, in accordance with his ideals and instructions. A great deal of time had been lost. We have to begin where Quaid -i- Azam left off."² A mausoleum is being constructed over his grave in Karachi due to the efforts of Ayub's Government. The political party which Mr. Jinnah led was the Muslim League and the Presidents' party is also called the Pakistan Muslim League. The slogan of Mr. Jinnah was "Faith, Unity and Discipline", that which President Ayub has declared is

¹Morning News, November 1, 1958.

²M.A. Khan, Speeches and Statements, Vol. I, p. 24.

"Unite, work and achieve."¹ The President continues to broadcast messages to the nation on the birth and death anniversaries of the Quaid -i- Azam. Another symbol of that era is the 23rd March, 1940 when the famous Pakistan Resolution was adopted in British India. Last year, on March 23, 1965 exactly twenty-five years after the resolution, the President was inaugurated in his office formally. During the elections campaign, President Ayub refrained from a direct attack on Miss Jinnah though he mentioned her age and inexperience.

In Pakistan, passions can be very easily aroused over Kashmir. This issue has become one of national prestige now for the people. A survey of the speeches and statements of President Ayub shows that Kashmir is mentioned in almost all of them. Maybe it is relevant to mention here that the Tashkent Declaration was not well received among a large section of the population and the opposition fanned this indignation even more. It was only President Ayub's prestige that could overshadow this disturbance.

The President has always given the impression of being a devout Muslim. The importance that Islam has for the masses of Pakistan cannot be exaggerated. Nearly all of President Ayub's speeches contain a prayer or an appeal to the Almighty. "I pray

¹Ibid., Vol. VI, p. 123.

to God for the greater glory of Pakistan. I pray in humility and supplication, that He may give us the wisdom to work and act in such a manner that we may become the instrument of His will to enable Pakistan to achieve its destiny. May He give us the strength and the will to make Pakistan the goal of our endeavours, so that for it we may live and for it we may die. May Pakistan become a great country..."¹

His inaugural address started by saying, "On assumption of Office as President, my first thoughts are of complete submission to Allah, the Beneficent, the Merciful, Whom we all serve and to Whom we all turn for guidance and protection. May He bless this occasion. And may He also bless my people and my country."² During the war with India he was able to infuse a new spirit in the country by declaring clearly to the people what the attack actually meant. Emotions played a strong part and never was leadership so much appreciated. All the Opposition declared their open support for him. Ayub had raised the cry of "Islam in danger". "The Indian rulers were never reconciled", he said, "to the establishment of an independent Pakistan where Muslims could build a homeland of their own ... The hundred millions of Pakistanis

¹ M.A. Khan, Speeches and Statements, Vol. I, p. 29

² Inaugural Address, March 23, 1965.

whose hearts beat with the sound of "La Ilaha Illallah, Mohammad ur Rasulillah", will not rest till India's guns are silenced for ever."¹ At another time, he said if Pakistan is defeated, "Islam will receive a severe blow".

In return the people showered him with praise and adulation. He was called "Ghazi -i- Islam"² and "Sher -i- Islam" (The Lion of Islam), a "man of honour, peace and justice."³

President Ayub Khan also carries the masses with him by expressing high ideals. Actually these type of speeches are not wholly rational and appeal to the irrationality of the masses. He exhorts the nation by declaring aims which are irresistible. "This country will endure long after you and I are gone. But on what terms it will endure, will depend entirely on what you and I are able to achieve together. The heart of the country is sound, the ideals that inspired this country into being are imperishable, the faith that through our ages sustained our people is invincible. We are heirs to the finest system of social justice ever devised. And we have in our country as good human material as exists anywhere in the world. This is what we can build upon, this is our strength, this is the foundation on which this country can be built."⁴

¹DAWN, September 7, 1965

²Ibid., December 3, 1965.

³Ibid., October 27, 1965.

⁴M.A. Khan, Speeches and Statements, Vol. 5, p. 109.

CHAPTER V The President as a Legislative Leader.

a. Powers of the National Assembly

According to the constitution, the President has positive powers of legislation. This aspect of his powers has been emphasized and criticized by the members of the Opposition and others who believe in the parliamentary form of Government. In the presidential elections, the Opposition had campaigned for a parliamentary system of Government and a "democratization" of the constitution with limitations to the Presidential powers.¹ Recently also, the Opposition members stated that the constitution would be acceptable to them after "certain basic changes were affected in it - a system of universal adult franchise was introduced, the Central and Provincial Cabinets were made responsible to the respective assemblies, and the supremacy of the legislature over the executive was guaranteed".² Some have styled the Presidential Constitution as "executive dictatorship" which has violated the universally accepted postulates and principles of the presidential system of Government"³. Others said "the Presidency is constructed on the theory that in the legislative as

¹Pakistan Observer, July 25, 1964.

²DAWN, March 10, 1966.

³H. Rahman. Constitutional Development of Pakistan, (Dacca: Ideal Publications, 1966), p. 123.

well as the executive sphere the President can maintain his supremacy".¹ The National Assembly, they said, was "not a rival of the President but in a sense an unequal partner in the state power."² Still others concluded that no leader can "match the Pakistan Presidents' authority"³ and that "while denied the privileges and powers which the American Senate and House of Representatives enjoy, the National Assembly of Pakistan has inherited most of their limitations."⁴

The President, on the other hand, urged a dispassionate study of the constitution and declared that this system was more practical and more akin to the nature of the people.

The Constitution states that the Central Legislature of the country shall consist of the President and one House to be known as the National Assembly of Pakistan.⁵ The Assembly consists of 156 members elected on the basis of parity between the two provinces, of East and West Pakistan.⁶ The tenure of the Assembly is 5 years.⁷

¹M. Ahmad, Government & Politics in Pakistan. (Karachi: Pakistan Publishing House, 1963) p. 259.

²Ibid., p. 268.

³D.P. Singhal, "New Constitution of Pakistan", Asian Survey, August 1962, p. 22.

⁴S. Kanshik, "Constitution of Pakistan at Work", Asian Survey August 1963, p. 389.

⁵Pakistan. Constitution of the Islamic Republic of Pakistan, Article 19.

⁶Ibid., Article 20.

⁷Ibid., Article 21.

Though the President has the power to summon the Assembly,¹ the constitution requires that this shall be at least twice every year.² If 1/3 members so desire it, the speaker may summon it. Though normally the President prorogues the Assembly, in the above case only the speaker is allowed to do so.³

The President has power to dissolve the Assembly.⁴ He can not do so if the unexpired term of the Assembly is less than four months and if the Assembly has before it a resolution concerning his removal or impeachment. The dissolution also results in his loss of office because fresh elections have to be held to the Assembly and Presidency.

If at any time there is a conflict between the President and the National Assembly, the issue will be decided by a referendum of the Electoral College.⁵

A bill passed by the legislature becomes law after it has received the assent of the President.⁶ The Presidential veto may be overridden by a 2/3 majority, even then he has the power to either assent

¹Ibid., Article 22.

²Ibid., Article 109.

³Ibid., Article 22.

⁴Ibid., Article 23.

⁵Ibid., Article 24.

⁶Ibid., Article 28.

to it or refer it to the Electoral College for a referendum.

Ultimately the President is responsible to his electorate rather than the Legislature. The electorate is to be the arbiter of all controversies. This direct relationship between the President and the electorate by-passing the legislators was resented by the Opposition. "Confusing the 'soveriegnity of the poeple' with the 'soveriegnity of the representatives of the poeple', they insisted that an executive with independent powers even if elected was not 'democratic'"¹.

The President has been given the power of legislation by ordinance when the Assembly is not in session and he is "satisfied that circumstances exist which render immediate legislation necessary." His ordinances have the same force of law as an Act of the Central Legislature (to whose area it is confined) for six months. "As soon as is practicable" it has to be laid before the Assembly. If the Assembly approves, it becomes law, otherwise it will be repealed.²

In case of an Emergency, the President may issue a Proclamation of Emergency, and promulgate Ordinances which have to be laid before the Assembly but do not require its approval to be effective.³

¹R. Wheeler, "Pakistan, New Constitution, Old Issues," Asian Survey, February 1963, p. 112.

²Constitution, Article 29.

³Ibid., Article 30.

As regards financial powers, the President has to present an Annual Budget Statement to the National Assembly. The statement would show separately expenditure charged on the Central Consolidated Fund and "other expenditure", also indicating separately "new expenditure". So much of the Budget as relates to the Consolidated Fund may be discussed but cannot be voted by the Assembly. Only "new expenditure" may be voted upon. The fiscal powers of the Assembly have therefore been limited to approving or disapproving increases over the previous years' budget, to enable the executive to carry out its policies confidently and prevent a hostile Assembly from withholding appropriations.

How serious this limitation is on the legislature can be shown by the Budget of 1962. Out of RS 1430 crores only RS 17.6 crores was votable, which was about one percent of the demand for grants and appropriations.¹

The constitution stipulates that candidates for the Presidency must be screened by the National and Provincial Assemblies.²

¹ Pakistan, Budget of the Central Government 1962-63 (Karachi: Government of Pakistan Press, 1962).

² L.A. Sherwani, "Constitutional Experiment in Pakistan" Asian Survey, Aug. 1962, p. 11.

The Assembly also has the power to impeach the President (as described in Chapter 3). Regarding this power it has been observed that "it will require a desperate situation and bold iron nerved members before any attempt to remove the President is ever initiated."¹

The President can address and send messages to the National Assembly. His Ministers have the right to take part in its proceedings though they are not entitled to vote. The President has addressed the Assembly only on very important occasions - for example, after the inauguration of the Assemblies and after or during an external crisis.

The President has been empowered to appoint a number of Parliamentary Secretaries who are the legislative liaison officers.² They are full fledged members of the Assembly. They are "another Parliamentary element in the Presidential system ... designed to strengthen the hands of the President vis-a-vis the National Assembly; also ... intended to provide the National Assembly with the opportunity of enforcing a sort of accountability on the executive."³

¹H. Tinker, India and Pakistan, (New York: F.A. Praeger, 1962), p. 90.

²Constitution, Article 35.

³M. Ahmad, op. cit., p. 258.

The Office of the Speaker is the second highest in Pakistan. He has to preside over the Assembly, and act in the absence or illness of the President as the Head of State. By convention it has been established that when the President is from West Pakistan the Speaker should be from East Pakistan or vice versa.

There are 19 Standing Committees (16 are Departmental while the others deal with unspecified matters, Public accounts, etc.) which form "a link between the legislature and the administration." In addition, Bills are normally referred to select committees for detailed consideration.¹

Although the Assembly cannot overturn the Government by a vote on a Motion, the rules provide for adjournment motions and resolutions to express the feelings of members on the policies or action (or lack of it) of the Government.

The National Assembly, therefore, has a minor role in policy making. This may be due to the fact that in the past party activity was thought to be more important than effective Government.

b. Executive Pressure

After the announcement of the Constitution, the elections to the first National Assembly were held in April 1962. The members

¹McKahin, Major Government of Asia (New York: Cornell Univ. Press, 1963) p. 455.

were elected by the Electoral College consisting of the Basic Democrats. Since political parties were banned, the Government sponsored meetings of the electors and candidates where the candidates could express their views and make themselves known. The issues on which they spoke were the constitution, political parties, suffrage, national integrity, economic aspirations, Islamic ideology, foreign policy, fundamental rights and social welfare. Some spoke about their wish to revive the former parliamentary system.¹

The elected candidates had among them a large number who had a previous record of political affiliation. Three economic and professional groups were predominant - the landlords, lawyers and business-men. Together they accounted for 136 members while the rest were teachers, doctors and retired bureaucrats. Farmers and industrial labor remained almost totally unrepresented. Over 90 members had a University education.²

President Ayub addressed the inaugural session of the Assembly in Ayub Hall, Rawalpindi, on June 7, 1962 - the day Martial Law was lifted. He said that the "National Assembly's foremost obligation

¹Von Vorys, op. cit., p. 234.

²M. Ahmad, op. cit., p. 273.

was not to amend the constitution but to work and defend it."¹ He cautioned against the consequences of successive breakdowns in the nations' political life and said that there were three objectives before the Assembly. To ensure the integrity of Pakistan against external danger and internal disruption; to make Pakistan as strong as possible and to promote among its people a national outlook and the removal of all traces of distrust and suspicion between the two "wings"; to adopt measures for the moral and material happiness of the people paving the way for a welfare State. He said it was necessary in the first instance to have a strong and stable Government which could carry out long term plans and policies.

It should be noted that at this time the President was in a critical position and this was a crucial phase in the political development of the country. Martial Law had been lifted and with it its safeguards to political control had gone. The President, besides his constitutional powers did not have an organized party which could support him effectively in the legislature and "guide its deliberations", or mobilize public opinion outside.

The first speaker of the N.A. was Maulvi Tamizuddin Khan who was unanimously elected by all the political groups. He was a known democrat. Though he was not against President Ayub's policies,

¹Pakistan Times, June 9, 1962.

he was not committed to him also. He openly advocated the need for a healthy opposition even under a presidential form of Government¹ and at the same time urged a fair trial for the Constitution.

The President relied on executive patronage to have influence in the Assembly. He formed a new Cabinet after the resignation of his Martial Law Cabinet. There were also the posts of Parliamentary Secretaries.

He also put pressure on the Members of the Assembly through informal relations with them. He invited the legislators to the President House and discussed matters with them. He assured them of his support and in return asked for their cooperation.

At the beginning he could count on the support of 50 legislators but the appointment of Ministers and Parliamentary Secretaries increased it to a majority among both East and West Pakistani legislators. "His influence was firmly established when in August 1963 the National Assembly lost its non-committed Speaker."² Tamizuddin Khan died and was succeeded by Fazlul Quader Chowdhry on November 29, 1963 who had been a member of Ayub's Cabinet previously and had strongly supported him.

¹DAWN, June 5, 1962.

²Von Vorys, op. cit., p. 249.

The parliamentary pattern was adopted in the Assembly's proceedings.

The Ministers with the help of their Departments formulated the Bills, in accordance with policy decisions taken earlier in the Cabinet. They presented the Bills to the Assembly and while his supporters advocated and defended his policies the Opposition criticized them. He was able to get his budgets approved, and several acts were passed, including the Political Parties Act which had been strongly disapproved by the Opposition. As yet the political parties were not crystallized and disciplined. The division in the Assembly was described, not inaccurately, as "a division between the political haves and political have nots and not a division between differing economic and social programmes."¹

The members from East Pakistan who were chosen by him to be Ministers insisted that they would join the Cabinet on condition that they were allowed to retain their seats in the Assembly. The President amended the particular provision in the constitution by ordinance. Four other Ministers had joined the Cabinet and their supporters from East Pakistan helped to keep the majority for the President.

¹Ahmad, op. cit., p. 280.

The Dacca High Court challenged the influence of the President when it declared the amendment to the constitution ultra vires and void. This was a setback to his influence and the majority became rather slim.¹

He complained that in the Assembly "very little constructive work was done." He appealed to "those in the Assembly, and especially those in the Opposition, to realise the gravity of the hour and establish healthy traditions for constructive work."²

He insisted on his position as the national leader representing the national interest as against the Assembly, which represented the different regions. "It is my duty, in view of the oath I took as President, to consider to what extent the will of the majority reflects the will of the people and what would be its effect on the Nation if it became law ... The only guide before me ... would be the opinion expressed by properly organized parties representing the masses or the opinion of members of the electoral college."³

Elections to the second N.A. were held in March 1965, the electoral college consisting of 80,000 Basic Democrats who had themselves been elected by universal suffrage in Autumn 1964 and

¹Keesings Contemporary Archives, p. 19694.

²M.A. Khan, Speeches and Statements, Vol. VI, p. 31.

³Ibid., Vol. V p. 48.

who had previously elected the President in January 1965. Candidates addressed "projection meetings" of the electors and candidates which were presided over by judicial officers in the constituencies concerned.

This time the elections were conducted on party basis and President Ayub's party, the Pakistan Muslim League had an overwhelming victory. It occupied 126 seats, while the combined Opposition Parties (who had offered Miss Jinnah as their presidential candidate) got 13. The rest were occupied by minor and independent parties. Similar elections to the Provincial Assemblies resulted in victory for the P.M.L. too.

Mr. Justice Abdul Jabbar Khan (of Pakistan Muslim League) was elected speaker on June 11, 1965. Mr. Sabur Kham, the Central Communications Minister became the elected Leader of the House and Leader of the League's Parliamentary Party.

In his address to the National Assembly on June 12, 1965, the President spoke in stirring tones about the challenges faced by the Nation and how they should and can be met. He asked them to always "serve the cause of the people and not to advance personal or sectional interests". He appealed strongly for cooperation in the implementation of his manifesto. At the end of the Address, the Assembly gave him a standing ovation.¹

¹DAWN, June 14, 1965.

At the time of the crisis and war with India in September 1965, national opinion demanded action and looked to the President for initiative. The National Assembly in a special session including the members of the Opposition, supported him wholeheartedly.¹ The President declared a state of emergency on September 6, 1965 and could therefore promulgate ordinances without the Assembly's concurrence. He referred to the "brief but memorable session of the National Assembly" in which "all members of the Legislature rising above party considerations, gave expression to sentiments which find an echo in the hearts of our people."²

The last session of the National Assembly was held in Dacca in March 1966. It was important because in his address to it the President suggested that it "should make recommendations with regard to amending the Constitution to enable the National Assembly to amend the ordinances and exercise greater control over the State Budget."³

It is not clear as yet, whether the President was urged to do so because of the demands of the Opposition, or because he was pressed by his own party officials. The National Assembly had become increasingly aware of its impotence in regard to the Presidential

¹DAWN, June 14, 1965.

²Ibid., December 3, 1965.

³DAWN, March 10, 1966.

Ordinances and the Budget - the major part of which was non-votable.

The amendments are to be introduced in the next session,¹ after all the parties have received proposals from their committees. The President sensed perhaps that it was necessary to increase the sphere of the legislature and reduce the grievances of the Opposition. The coming sessions of the Assembly will show a new and changed relationship between the President and the Legislature, after the amendments to the Constitution have taken place. The Chief Executive will have to rely more and more on strong party discipline and support in the legislature to push through his programme.

¹DAWN, March 12, 1966.

Chapter VI. The President as an Administrative Chief.

a. The Cabinet and Provincial Governors.

The executive authority of the Republic is vested in the President and is exercised by him directly or indirectly through officers subordinate to him, in accordance with the constitution and the law. The executive branch of the government is completely under his control, organized and operated in the manner he desires without direct legislative interference or influence. Thus he can regulate the allocation and transaction of the business of the central government and also establish divisions in that government.

To assist him in the performance of his functions, he appoints Ministers to a council called the President's Council of Ministers. The Ministers do not have a fixed tenure and may be removed by the president at his pleasure. The President also has authority to appoint high civil, military and judicial officers.

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1. The Constitution of the Islamic Republic of Pakistan. Art. 31
 2. Ibid., Art.32.
 3. Ibid., Art. 33.

Theoretically, the President has a free hand in selecting his team of Ministers, though for practical purposes his choice has been limited. He has to keep in view regional, party, and other interests, to make the Council as broadly representative as possible of the country and society. This is in the interests of smooth administration and also in the effectiveness of the Cabinet.

The Constitution requires that the Ministers must be eligible to the membership of the National Assembly, though not necessarily its members.⁽¹⁾ They have the right to participate in the Assembly's proceedings, and they are not responsible to the legislature but to the President. In this way, there is a clear limitation of the legislative powers on the Executive Cabinet.

The members of the President's Council of Ministers are more like advisors of the President than his colleagues. Their advice may be accepted or rejected and may be not asked at all. The President can take decisions independently or in consultation with those who enjoy his confidence outside the Administration. Consequently he alone is responsible for the decisions of the Government and the execution of

1. Ibid.

policies. The Ministers are a team in the sense that they owe loyalty to the President and carry out his policies and programme. (1)

President Ayub Khan appointed his first Council of Ministers when he became President in October 1958. It consisted of three military officers - Gen. Burki, Gen. Shaikh, and Gen. Azam Khan. The rest were eight civilians drawn half from East and half from West Pakistan, and a majority of them had not taken part in politics before. Later the Governors of East and West Pakistan became the ex-officio members of the Council participating in its meetings and conferences. (2)

When the Constitution was promulgated in 1962 the Cabinet was reappointed. It consisted of two "specialists" - Justice Munir and Mr. Abdul Qadir in the fields of Law and Finance respectively. The calibre of the Ministers as a whole was not as high as the Martial Law Cabinet since the President had to place more emphasis on legislative support than personal capability. (3)

After the Presidential elections of 1965, the Cabinet was reconstituted. Prominent among the Ministers

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1. M. Ahmad, Government and Politics in Pakistan, p. 270
 2. Williams, op.cit., p.185.
 3. N. Ahmad, World Today, February 1965, p.55.

were Mr. Bhutto, Mr. Shoaib, Mr. A.S. Khan, Mr. G. Faruque, Mr. Shahabuddin and Mr. Altaf Husain. They enjoy a national reputation. The Pakistan Muslim League Party is well represented in the cabinet since the above mentioned ministers belong to that Party.

The portfolio of Defence is held by President Ayub Khan. The Constitution requires that for a period of 20 years the Defence Minister must be a retired officer of the rank of Lieutenant - General or its equivalent unless the President has himself held such a rank. (1)

Regular meetings of the Council of Ministers are held and so also the Governor's Conferences. Important matters are discussed and opinions are expressed by all the Ministers and Governors. The majority decides. Difficult problems are referred to a sub-committee which consults expert opinion and collects the necessary information which it submits in the form of proposals to the Cabinet for action. (2)

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1. Constitution, Art.238.
 2. Williams, op.cit., p.185.

The broad policies are however laid down by the President. He has initiated action on his manifesto promises by sending directions to the Ministers of the Central Government and the Provincial Governments "to examine each and every pledge with a view to its implementation"⁽¹⁾ Several recommendations were made which were submitted to the Governor's Conference and a number of decisions were taken.

The Ministers are concerned only with policy matters and not with day-to-day administration. The Parliamentary secretaries have also been directed to deal only with Parliamentary Affairs and public relations functioning on behalf of their respective Ministers.

The structure of the present constitution is unitary which has adopted some of the external forms of a federal system in order to effectuate delegation of power. The Governors of the two provinces of East and West Pakistan are appointed by the President for an indefinite term and are subject to his direction⁽²⁾. The Governor's Council of Ministers is in effect an executive council appointed and dismissed by the Governor in consultation with the President. It is not responsible to the Provincial Legislatures. ~~The~~

1. Pakistan, National Assembly, Debates, Vol II, No. 1, p.30.
2. Constitution, Art.66.

Governor is not a mere titular head of the Provincial Administration but the real repository of executive power.

Since the Governor is responsible to the President whereas the Provincial Assembly is responsible to its electors, there are possibilities of conflict. If the Provincial Assembly passes a Bill over the Governor's veto he must either accept it or request the President to refer it to the National Assembly. If the National Assembly supports the Governor in this or any other conflict referred to it the Governor with the concurrence of the President is empowered to dissolve the Provincial Assembly.

A constant theme in the years since Independence has been the demand for greater provincial autonomy. The Government of President Ayub Khan is facing the same demand from East Pakistan. This has normally been countered by the Central Governments urging "that limited resources and the risk of friction and instability make central control inevitable."⁽¹⁾ The President has always stressed the need for "Unity" and a strong central government. The East Pakistani leader, Mr. Mujibur Rahman, an active member of the opposition, is totally opposed to this view and believes that East Pakistan

1. G.M.T. Kahin, Major Governments of Asia, p.460.

will prosper with the Grant of provincial autonomy. On his recent visits to Dacca, the Provincial Capital, President Ayub warned the people that a demand for provincial autonomy will result in the disintegration of the State. He has said that East Pakistan will not be able to stand alone.

To compensate for political centralization the Government has provided administrative decentralization. While policies continue to be formulated by the Central Government, their execution is largely to be carried out by the Provincial Administration. Provincial responsibility has been greatly extended by transferring the Railways and major projects to the appropriate provincial agencies. The various public corporations have been bifurcated - for example, the Pakistan Industrial Development Corporation, the Water and Power Development Authority, etc.

The Constitution provides that in the "national interest" the Central Government may interfere in the provinces with regard to any subject. This provision reduces provincial independence even more.

b. Ministerial and Departmental Organization.

As in every other state, especially a "developing state," the bureaucracy and its organization is given great importance and is powerful in Pakistan. This is because of its heritage, and because of the heavy responsibilities imposed on it for the economic and social development of the country. The pressures of modern government requirements in Pakistan "point towards greater government participation in social and economic affairs and centralization of power in the highest organs of the state."⁽¹⁾

The President of Pakistan is more closely allied to the "selected" - the bureaucrats, than to the "elected" - the politicians, in the process of governing. He is dependent on the cooperation of the civil and military services, in order to exercise his executive powers which make him the effective head of state and through which he directs the development of the state.

The Central Government was reorganized in April 1962

1. S.S. Hsueh, (ed) Public Administration in South and South East Asia, (Brussels: I.I.A.S., 1962), p.134.

in accordance with the recommendations of a committee (headed by the Minister for Economic Co-ordination) which had been set up in February 1962 by President Ayub.

Ministries, to a considerable degree, are "the basic organization units." ⁽¹⁾ There are eleven Ministries - these of Defence; External Affairs, Finance; Commerce Home and Kashmir Affairs; Industries and Natural Resources; Communications; Health, Labour and Social welfare; Education and Information; Law and Parliamentary Affairs; Agriculture and Works, including Rehabilitation.

The President's Secretariat consists of the following five Divisions - Cabinet; Planning; Establishment; Economic Affairs; States and Frontier Regions.

In every Ministry, the Minister is concerned primarily with political and major policy decisions. To assist him "in formulating specific programs and in coordinating,

1. R.A. Egger, "Ministerial and Departmental Organization and Management in the Government of Pakistan," in Bureaucracy and Development in Pakistan, ed. Inayatullah (Peshawar: Ferozsons Ltd., 1963). p.117.

controlling, and implementing these programs,"⁽¹⁾ there is a non-political permanent civil servant called the secretary. He is the highest officer in every ministry and is assisted by a hierarchy of joint secretaries, deputy secretaries and under or assistant secretaries. These officers supervise a considerable number of office personnel. This organization taken collectively for all the ministers is known as the secretariat. It stands "between the politically oriented ministers and line department heads charged with day by day execution of the programs."⁽²⁾ The line department's heads are known as Directors General. For example, the Ministry of Communications, besides its Minister and Secretariat has the Departments of Shipping, Railways, Road Transport, Posts, and Telegraphs and Tele-Communications.

The President's Secretariat with its five Divisions is headed by "the officer of highest position in

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1. H.F. Goodnow, The Civil Service of Pakistan (New Haven: Yale University Press, 1964), p.130.
 2. Ibid.

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the bureaucracy, the secretary general. This post has usually been held by a senior officer of the Civil Service of "considerable ability and strength of views." The Secretary General is in close contact with the President and enjoys considerable influence. Mr. Aziz Ahmad, Mr. S.M. Yusuf and Mr. N.A. Faruqi have occupied this post and they have been very highly regarded in Government. Mr. Yusuf is now the Principal Secretary to the President.

The President has, through the Establishment Division of the President's Secretariat, a strong link with the Civil Service of Pakistan. The importance of this fact is that out of 650,000 civilians employed by government in Pakistan, there are "perhaps less than thousand who hold key decision making posts. The three hundred C.S.P. officers occupy the most important of these posts." (2) The C.S.P. officers are posted in the central and provincial governments and are ultimately responsible to the President. They have been described by Prof. Braibanti as "an elite corps of executives exercising many of the most important policy making functions of Government." (3)

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1. J.L. Palombara (ed) Bureaucracy and Political Development (Princeton:Princeton University Press, 1963), p.373.
 2. H.F. Goodnow, op. cit., p.40.
 3. Bureaucracy and Development in Pakistan, op. cit., p.202.

The Establishment Division in the President's Secretariat "serves as the central personnel agency."⁽¹⁾

The main and important functions of the Establishment Division in regard to the superior and ministerial establishments are the formulation of recruitment policy of the central Government, the training and promotion of officers. It initiates any general legislation relating to the Civil Service. It retains control over the conditions of Service, pay and so on. It consults the Public Services Commission on recruitment, promotion, transfer, discipline and pension. One of its important functions is the selection of officers for promotion to all the higher posts in the Secretariat. There is a great deal of centralization of control in the President's Secretariat. This enables the President to establish direct and intimate contact with personnel matters. "As the role of the Civil Service is becoming more and more vital and important, it is essential that the well being and efficiency of the civil servants should be constantly under the eyes of the head of the state."⁽²⁾

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1. M.A. Chaudhri, The Civil Service in Pakistan (Dacca: NIPA, 1963), p.126.
 2. Ibid., p.127.

The Constitution provides safeguards to the rights of the public servants. ⁽¹⁾ Although Article 176 of the Constitution lays down that a public servant holds office during the "pleasure of the President," there are "restraints on his power" laid down in Article 177. It requires that a public servant shall not be dismissed or removed from service by an authority subordinate to the appointing authority and he has to be given a reasonable opportunity of defending himself against any action taken in respect to him. "The object of these conditions is to prevent the arbitrary exercise of the President's pleasure and thereby to extend a certain amount of security to Government Servants." ⁽²⁾

The President has the power to appoint the members of the Central Public Services Commission. But they can be removed only by the National Assembly. The Commission's Annual Report with a memorandum declaring the advice accepted or rejected by the President has to be laid before the National Assembly.

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1. Articles 174-179.
 2. M. Zaman, "Services under the Constitution of Pakistan," Public Administration Review, NIPA, June 1963, p.22.

C. Budget and Economic Planning.

The Ministry of Finance is the main agency of the executive Government responsible for framing the Annual Budget and for controlling the expenditure of the Government. The Economic Affairs Division of the President's Secretariat deals with foreign aid matters and with the economic and monetary policies of the Central Government.

The financial year starts from July 1 and ends on June 30 the next year. In the month of October of the preceding year, the Budget and Expenditure Division of the Ministry of Finance asks all the administrative ministries and divisions to send their budget estimates for the next year, and revised estimates for the particular year. These estimates have to be submitted in two parts - Part I includes the standing and fluctuating charges and Part II includes the proposals for fresh charges including developing expenditure. In preparing these estimates the ministries and divisions are requested to keep some principles in view - of
(1)
austerity, etc.

1. M.R. Inayat, (ed) Perspectives in Public Administration (Labore: Civil Service Academy, 1962,), p.43.

The Budget and Expenditure Division exercises its pre-budget scrutiny after the various proposals have been passed by it, the Ministry of Finance finalizes them in the form of the Budget.

The Ministry of Finance is in close consultation with the Economic Affairs Division and the Central Planning Commission in its formulation of the "Revenue" Budget - relating to recurring annual expenditure and income and the "Capital" Budget which relates to the development projects which are dependent largely on foreign aid.

Several exercises are held between the Planning Commission, the administrative ministries and agencies concerned and the Ministry of Finance after which the Budget is finalized on the basis of available resources, foreign aid, and at the level of expenditure considered practical.

The Minister of Finance, Mr. Mohammad Shoaib presents the budget to the National Assembly. He is among the Ministers most in confidence of the President and enjoys high prestige due to his enormous experience. He is one of the very few
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qualified cost Accountants in Asia.

1. Williams, op. cit., p.189.

"The most important changes in Pakistan in recent years have taken place in the field of development administration ⁽¹⁾." Since the President has given this part of administration high priority, a brief account will be given of the agencies set up.

The supreme decision making body on economic policies and programming is the Economic Council headed by the President and consists of the Governors of the two provinces, Ministers in charge of development and the executive head of the Planning Commission as members. The heads of the P.I.D.C. and the Provincial Water and Power Development Authorities serve on the Council as co-opted members.

Its functions are mainly to review the overall economic position of the country, to formulate economic policies; to approve, sanction and review the Five Year Plans and the annual development programs.

For current decisions and actions below the level of the Economic Council the Economic Committee of the Cabinet performs the functions of supervision and day-to-day decisions of development schemes. The Economic Committee operates under the Finance Minister.

1. Bureaucracy and Development in Pakistan, p.155.

The Planning Commission has the President as its chairman. The executive head of the commission is its Deputy chairman assisted by various officials. The staff of the commission includes a strong contingent of economists and specialists in various development fields. The commission also has a team of foreign advisers provided by the Ford Foundation through Harvard University.

The Planning Commission carries direct responsibility for economic and social planning, advice and research and for progressing the implementation of approved development projects and programs.

On the lower levels planning cells have been established in ministries and departments. The major planning and policy decisions are however made at the top level in the agencies presided by the President.

d. Diplomatic Role

In his capacity as the head of state and as the Supreme Commander of the Armed Forces, the President is the chief Diplomat. He has the final say in the foreign policy of the country in times of

1. Bureaucracy and Development in Pakistan, p.156.

peace and war. He is assisted by the Foreign Minister chiefly who has a great deal of influence in this field. Mr. Manzur Qadir, Mr. M. Ali, and Mr. Z.A. Bhutto, have been the Foreign Ministers under President Ayub Khan. The tenure of them left their mark on the foreign policy. Mr. Bhutto had been chiefly responsible for Pakistan's closer collaboration with the Communist countries. He resigned recently due to differences of policy with the President.

The President also receives assistance from the principal members of his cabinet, the Foreign Secretary Mr. Aziz Ahmad, and the Directors - General of the Foreign Office.

Before President Ayub came to power in 1958, Pakistan's membership of such anti-communist collective security organizations as CENTO and SEATO and heavy dependence on the United States for military and economic aid, inhibited the exercise of an independent line in foreign affairs. They also established Pakistan's status as that of a satellite which, when combined with domestic instability, had made Pakistan in President Ayub's words "a laughing stock" ⁽¹⁾ in the world. The new Government

1. M. A. Khan, Speeches and Statements, Vol. I, p. 3.

began a serious review of the country's interests and its effective representation in its foreign policy.

Without altering the main assumptions of the country's foreign policy at first, President Ayub's regime tried to correct the balance of external factors in its favour. Mr. Manzur Qadir, then Foreign Minister said that the "foreign policy of a country is nothing more nor less than the line adopted by the country to create that balance of external circumstances which would be favourable of least unfavourable for the promotion of its interests." ⁽¹⁾ More "pragmatism, skill and vigour" ⁽²⁾ was employed in the execution of the foreign policy.

An effort was made to improve relations with Russia, China and even India. "Peace with all countries, including Russia," President Ayub declared was to be his policy. An Oil Agreement involving a credit of 36 million dollars was carried through with the Soviet Union when Mr. Bhutto as Minister for Fuel, Power and Natural Resources visited

1. Morning News, May 31, 1960.

2. M. Ahmad, Government and Politics in Pakistan, p.231.

that country.

The most important aspect of the country's foreign policy has been its relations with India. Mr. Nehru was invited to Pakistan in 1960 when negotiations were carried out on various subjects. The most important settlement was that of the Indus Waters. On Kashmir, however, there was no agreement. "This", said the President, "can nullify the rest."⁽¹⁾ The Ayub Regime went "further than any previous government in seeking a settlement of the Kashmir dispute"⁽²⁾ for which the President was prepared to accept an alternative solution (to the plebiscite) provided it was to the satisfaction of the three parties concerned—Pakistan, India and Kashmir. These were important concessions but relations did not normalize.

Till 1962, though the foreign policy did not change radically, yet in many ways Pakistan's image was carried abroad. Stability of leadership and the President's visits abroad were responsible for this. The President paid State visits to many nations and foreign dignitaries were invited to Pakistan.

During 1960-62, President Ayub visited Saudi Arabia

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1. DAWN, September 24, 1960.
 2. M. Ahmed, Government and Politics in Pakistan, p.236.

the United Arab Republic, Burma, Indonesia, Japan, Hong Kong, Lebanon, Yugoslavia, W. Germany, the United Kingdom and the United States. He received as state guests the heads of state of India, Indonesia, Great Britain, Vice-President Johnson of the United States, Nigeria, Nepal, Japan, Malaya, Thailand and Mrs. Kennedy.

The Sino - Indian War in the winter of 1962 and the subsequent response by the United States and Great Britain in supplying massive arms aid to India, "had a profound effect upon the external enemy agitation and Pakistan's foreign policy."⁽¹⁾ The President openly voiced concern about the way Pakistan's Western allies were preparing to build up India militarily even though it would upset the already precarious balance of power in the region."⁽²⁾ Friendship from any quarter will be welcome", he insisted.

In rapid sequence, Pakistan's Foreign Minister visited Peking; a border agreement, a trade agreement and a commercial air agreement were signed with China; Pakistan supported China's stand on the nuclear test ban treaty and

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1. Von Vorys, op.cit., p.166.
 2. M.A.Khan, "The Pakistan - American Alliance", Pakistan Perspective (Washington : Embassy of Pakistan, 1965), p.17-34.

the country played host to the Chinese Premier.

Pakistan's new attitude towards China was not only a response to the changed geo-political situation but also offered "a politically sensational break with the immobilism of satellite foreign policy."⁽¹⁾ Since then President Ayub has been establishing an image of neutralism which is deliberately undefined, so that it could reconcile existing treaties with a visible independence of thought and action. "The enlargement of the circle of Pakistan's friends and the growth of a wider understanding of her position and her policy has not carried with it any weakening of Pakistan's close ties with her allies,"⁽²⁾ it was declared.

Relations with the Soviet Union, almost non-existent before 1961, slowly improved, as did those with Afghanistan whose claims on Pakistan's territory had been encouraged by the Russians to counter Pakistan's membership of Western alliances.

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1. The Times, February 26, 1966. p.iii
 2. Williams, op.cit., p.122.

In South East Asia, Pakistan's participation in SEATO had effectively cut her off from the uncommitted Asian countries. Late in 1963, Pakistan began to seek closer collaboration with Nepal, Burma, Ceylon and Indonesia, which at that time all enjoyed friendly relations with China. The attempt met with varying responses. Initially all these countries had unresolved disputes with India and were anxious to establish a balance of power in the region. Relations with Indonesia were very friendly.

To the west, Pakistan, conscious that her sense of Muslim nationalism is her main *raison d'être*, has sought to create new groupings in the Muslim Middle East. In these efforts it has not been successful in the past. ⁽¹⁾ Though normal relations exist with these countries and President Ayub has stressed the "ties of faith and brotherhood", Saudi-Arabia and Jordan only have responded. King Faisal of Saudi-Arabia visited Pakistan in April 1966. In answer to his call for Islamic unity, President Ayub stated that "Pakistan will never be found wanting in making her due contribution towards the realisation of true Islamic solidarity." ⁽²⁾

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1. Z.A. Bhutto, Foreign Policy of Pakistan (Karachi: P.I.I.A, 1964), p.20.
 2. DAWN, April 20, 1966.

President Ayub had more success when in August 1964 he launched a scheme for economic cooperation - called the Regional Cooperation for Development between Pakistan, Iran and Turkey - all members of CENTO. During the Indo-Pakistan war both Turkey and Iran supported Pakistan openly.

The central problem between India and Pakistan - that of Kashmir - erupted into border clashes between the two countries and later on war that lasted for 17 days in September 1965. "In the interests of international peace" ceasefire was declared on September 23rd, 1965. The Soviet Premier Mr. Kosygin invited the President and the Prime Minister of India to have talks in that country. The result was the Tashkent Declaration, signed on January 10, 1966. This declaration called firmly for peace and the two countries promised not to use force against each other. For some this was a diplomatic failure of Ayub ⁽¹⁾ and amounted to a No-War Pact with India without any step being taken for the resolution of the Kashmir dispute.

The Opposition who had more or less supported the foreign policy of Ayub started an agitation. They believed

1. DAWN, March 1, 1966.

that the Declaration implied the "weakness of Pakistan."⁽¹⁾
President Ayub and his ministers repeatedly emphasized that
"the self determination for the people of Jammu and Kashmir
was a matter of faith with them" and that the Declaration
opened new avenues for the peaceful settlement of the
dispute.⁽²⁾

The war did not affect the previous trends in
Pakistan's foreign policy. Pakistan remains formally aligned
to the west. Relations with the United States which had been
severely frayed during the past year seemed to have improved
with a more pragmatic understanding of each other's aims and
desires. The President visited the United States in December
1965. Foreign Minister Bhutto had stated that there was no
intention to compromise the Pakistan-American relations. That
relations have now returned to normal is evident from the fact
that America announced resumption of economic aid in late June 1966.

Relations with China are now reasonably well established
on a cool and cautious basis. The Chairman of the Chinese
People's Republic, Liu Shao-Chi paid a state visit to Pakistan
in March 1966. The Soviet Union has friendly relations with

1. Ibid., January 20, 1966.
2. N.R. Mehta, Op.cit., p.18.

Pakistan, without losing her old friendship for India.

The President has had successes and failures in his diplomatic policy but in the future the foreign policy will be severely tested. Economically, the United States provides the largest amount of aid and in straining relations too far, this may be affected as it was last year and so the development of the country is affected. On the other hand, political, national and other interests urge a more independent line of action. A lot depends on the next Foreign Minister upon the side to which the foreign policy will lean.

Chapter VII

Perspectives of Presidential Power

President Muhammad Ayub Khan has been in power since the past seven and a half years. He became President when the country was faced with a critical situation. He had announced that the aim of his Revolutionary Government was to prepare the base for a type of democracy which would work in Pakistani conditions. He said that a government would be established which would guide existing political consciousness in a constructive way and develop the country economically to make it into a stable and "modern" nation state.

During Martial Law, understandably, there were no representative institutions. Gradually, political institutions were created which would attract popular commitment. President Ayub was of the view that the transition to democratic government should be slow and gradual. The people, he thought, and their elected representatives, should be given a measure of authority but not too large a measure. The bureaucracy was the first to have a share in the government and then the courts. But the crucial controls were in the hands of the President, who made the policy for the bureaucracy to implement and the laws which were interpreted by the judges. Also it was in his

power to appoint the judges and the highest officials of the bureaucracy.

Then the system of Basic Democracies was introduced in which the village councilors were expected to administer their communities and carry out development programs. Financial grants were also made to them and the President stressed responsibilities and powers of the Basic Democrats. These institutions were popularly representative on the lowest scale and the District Commissioner, appointed by the Central Government exercised "controlling authority" on them. When the constitution was implemented and representative political institutions were introduced, the power of the legislature and the courts was restricted. Fundamental rights were carefully enumerated and the Government had power to arrest people for "security" reasons. The legislature could not check the executive either through power over the Budget or the Presidential Ordinances. Political parties were allowed but regulated.

Looking at it from the other side it may be pointed out that the President who had undisputed power and with the army's support and reasonable popularity, proceeded to devolve his power and increase participation in government. The courts

and the bureaucracy shared a little in the decision making process and the Basic Democracies offered some, however little, participation by the people.

He instituted a Constitution which obliged him to face elections and become politically responsible to his electors. A highly vocal minority in the legislatures criticised him and his policies. However strong he may be in his position he has to keep in view such criticism while formulating his policies. Besides, the political parties which came into existence were able to mobilize support against the President, especially by raising the Tashkent Agreement and the question of provincial autonomy in East Pakistan.

From the situation of 1958, the country has come a long way. The disintegration of the country, threatened by political and regional factions is not a power^{ful} threat. Economic growth has been steady and especially in the industrial fields has been spectacular in comparison to Asian rates of growth. The second Plan was implemented successfully and even exceeded its targets. The Third Plan is now being implemented. The country's image abroad was improved

because of clear policies uniformly carried out. The Government gained stability because the President stayed in Office for over six years and remained secure.

The new political structure has not as yet been completely successful in its endeavours to direct social and economic change. This is because only four years have passed since the new institutions were set up and also because a large section of articulate groups in the country have not accepted the Constitution as it was promulgated. They have demanded basic changes in it and for their own support have been able to mobilize the people too.

The progress toward national integration has been slow. Only the war against India and an independent foreign policy evoked national response. Islam continues to be stressed, as another tie of unity.

The President's political party, which he fled with great reluctance, but which he is now trying to organize into a support for the Government by the people has to take time to evolve into a firmly based organization which can secure and retain, popular confidence.

The conditions of the country, the feelings of the people regarding past governments and parochial loyalties have all hindered the powers^{of} the President and his influence. Communications have yet to be extended so as to mould public opinion and also have a way of determining response.

What has been noticed is that the President, the more he extended the power of other institutions, the more decrease there was in his personal power and popularity. Also, more effective power was asked for by these institutions. An example would be the recent demands of the legislature to have more authority over the Budget and the Presidential Ordinances.

In other words, though the President has changed the situation in the country, helped in its progress in economic development and increased stability and efficiency, there is another effect. It is becoming increasingly obvious that effective power is concentrated and is devolved only when it is absolutely necessary. This is the impression that has spread.

At present, the President is in a difficult situation. Though he still has the capacity to attract popular support,

as evidenced from last year's elections and the response shown during the war, yet the Opposition is growing. His popularity decreased after the Tashkent Declaration and has not risen again to the heights it had previously reached.

The dilemma is that the President has made the Presidency so strong that in a way he is able to fill it best because he came to power at a time when the previous Governments had not been popular and he achieved popularity among the people. There is no other leader at present who commands equal support in both parts of the country. Besides he has been capable enough and has been able to have continued support of the Armed Forces. In future, when the President leaves office, a vacuum would be created. The President realizes this and has said in several statements that his intention is to make the ~~make~~ the institutions more stable and to provide a system through which only capable men will be able to guide the nation.

The Ayrb Government has been losing its appeal for the people because too much was promised and expected from it. In this stage of economic growth private investment has prospered leading to the prosperity of the small industrial class.

The majority of the population is, through in a better condition, yet not so satisfied. The Government's sensitivity to criticism when destructive criticism can raise passions so easily - has resulted in the imposition of controls on the press and the judiciary. The intelligentsia is divided in its opinion regarding the Ayub Government.

On the whole, though the Government is strong and stable yet conditions are still not developed and some suggest the remedy to be complete parliamentary democracy while others led by President Ayub believe that a strong administration is best for the country now and that political democracy may evolve gradually.

Perhaps it is more important to judge the President's use of power in terms of the direction in which the country is moving. Gradually, it is moving in the direction of effective representative democracy, regardless of its present status.

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