Ghazi Muhammad Abdullah


Introduction

Chaudhary Muhammad Ali is one of the most important political leaders of Pakistan, who played a crucial role in the political development of the country in its early history. A clue to his leadership can be found in Chaudhary Muhammad Ali’s response to the constitutional and political problems faced by the state of Pakistan in the first decade. Soon after its birth, Pakistan was engulfed in a plethora of problems. But, the most important was the question of framing a constitution and a political system for the country. Obviously, it was the primary task of the political leaders. But the untimely death of the Quaid-i-Azam Mohammad Ali Jinnah, the founder of Pakistan, in 1948, the decline of the Pakistan Muslim League, and a dearth of able political leadership at the national level caused a severe setback. To complicate the matters further, the civil bureaucracy staked its share in power, helped by its cohesive organizational structure, mainly inherited from the British. Soon the bureaucracy had an upper hand and came to dominate the political system of Pakistan without much difficulty. Chaudhary Muhammad Ali was at the top of this bureaucratic hierarchy and he took full advantage of it. The primary aim of this paper is to highlight the role of Chaudhary Muhammad Ali in the making of the first constitution of Pakistan in 1956 within the context and nature of his political leadership.

The Situation: The context to the emergence of Chaudhary Muhammad Ali

Born of a middle class family of Jallandhar, he rose to the highest position of eminence in public life. His bureaucratic career in the pre-Partition India attracted the attention of all those who came into contact with him. They saw in him an able and efficient administrator who could deliver goods. He contributed significantly to the success of Liaquat Ali Khan as Finance Minister in the Interim Government, and thus earned the appreciation and gratitude of the Muslim League leadership, including Quaid-i-Azam Mohammad Ali Jinnah. This went on to serve him well in his bureaucratic career in the new nation-state of Pakistan.
In 1947 Chaudhary Muhammad Ali was appointed Secretary General of the Government of Pakistan. He availed this opportunity to show his true mettle. He reorganized the Civil Service of Pakistan from the scratch, and gave it status and authority necessary to carry out the difficult task of administering the new state. In his personal capacity, he had the trust and confidence of Jinnah and Liaquat Ali Khan and often advised them and the Cabinet on important matters. This encouraged some to describe him as 'the power behind the throne' or indeed the 'Deputy Premier'! Yet it was agreed on all hands that he was a man of integrity, vision, and a tremendous capacity for work. He was a bureaucrat par excellence.

In a short while, Chaudhary Muhammad Ali found himself increasingly involved in political life and processes, especially after the assassination of Liaquat Ali Khan in 1951. Bureaucracy had come to prevail over weak political leadership and ineffective political institutions. Chaudhary Muhammad Ali too joined the 'Gang of Four', the elite political club ruling the country virtually without any mandate from the masses. Other members were Ghulam Muhammad, Iskandar Mirza and General Ayub Khan. Chaudhary Muhammad Ali went on to dominate both economic and political spheres of activity in the country. In his capacity as Finance Minister, from 1951 to 1955, he laid the foundation of economic growth and development. Politically, he enjoyed extraordinary clout with Governor-General Ghulam Muhammad and helped him in the dismissal of Khwaja Nazimuddin's ministry and the dissolution of the first Constitutional Assembly in 1954. He was instrumental in the appointment of the next Governor General, subsequently President, Iskandar Mirza. In fact, it was during Iskandar Mirza's tenure that he rose to the exalted position of the Prime Minister of Pakistan.

In this, he was further helped by his so-called neutral status in politics. Although, he formally joined the Muslim League and the First Constituent Assembly in October 1951, he was careful not to align himself practically with any of the groups in the Assembly. He took an independent, detached position most of the time. This helped him attain a position of respect and trust which, more often than not, enabled him to intervene and influence the government in any given difficult situation. No wonder, he was asked by the government to represent Pakistan at the conferences of Commonwealth Ministers in 1952, 1953 and 1954. He established a good reputation as Finance Minister. He was credited with initiating planned economic development in the country. He set up the Planning Board (now called the Planning
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Commission), promoted Pakistan Industrial Development Corporation (PIDC) and helped in the establishment of the major industries of Pakistan, i.e., the cotton and jute textile industries. This may be called the early phase of Chaudhary Muhammad Ali's political career but it definitely provided him an opportunity to enter the arena of politics in 1955 with confidence, authority and recognition.

Chaudhary Muhammad Ali's appointment as Prime Minister was both by design and default. It was designed to the extent that both Ghulam Muhammad and Iskandar Mirza wanted him in that position. It was by default in the sense that they did not want Muhammad Ali Bogra to continue as Prime Minister. They were not interested in Hussain Shaheed Suhrawardy. Fortunately for Chaudhary Muhammad Ali, Suhrawardy was not acceptable to Maulavi A. K. Fazlul Haq either, whose United Democratic Front held the balance of power in the Assembly. In fact, this consideration helped Chaudhary Muhammad Ali to forge an alliance with the UDF and secure the position of Prime Minister.

Setting the stage for the Constitution: Passing the One Unit Bill

The most important task before Chaudhary Muhammad Ali was to give the country its first constitution. Chaudhary Muhammad Ali recognized this himself and was keen to get on with the business of framing the constitution acceptable to the people as early as possible. In fact, in his first address to the nation as the Prime Minister of Pakistan on 11 August, 1955, broadcasted by the Radio Pakistan, he declared that the most urgent task before him was the framing of the new constitution "which must be completed with the minimum of delay and which must reflect the finest traditions of Islam." He noted that there were other problems and tasks too which required greater attention but they had to wait till the government and the Constituent Assembly had framed the constitution. He emphasized the point further in his first press conference on 3 September, 1955. As he put it: "the first thing before the Constituent Assembly is the framing of the constitution. After the constitution is framed, other tasks will be taken up." ²

The difficulties that Chaudhary Muhammad Ali had to face were numerous, diverse and complex. Among these, the most intractable were: the character of the proposed constitution, with particular reference to the place Islam should occupy; ratio of population to representation in federal legislature; the distribution of powers between the federal government and the provinces; the relationship between the executive and the legislature, that is, whether
Pakistan should adopt a parliamentary or presidential form of government; and most important, the question of parity between East and West Pakistan. Neither the Basic Principles Committee nor Mohammad Ali Bogra Formula could solve these issues. Now it was up to Chaudhary Muhammad Ali that how he managed all these problems?

The first task, for Chaudhary Muhammad Ali, towards framing the constitution was to pass the One Unit Bill from the Constituent Assembly, on which both coalition parties were agreed. The third largest party, the Awami League, was also favourably inclined to the bill as its parliamentary leader, Huseyn Shaheed Suhrawardy, had helped draft the bill as Law Minister in the 'Cabinet of Talents'. So, there was considerable optimism to the effect that the bill will pass without any serious challenge.

The bill was formally moved by Sardar Amir Azam Khan on 23 August, 1955. He highlighted several advantages of the bill, and argued in particular that it would "pave the way for resolving many constitutional problems as between East and West Pakistan which will greatly facilitate the framing of our constitution based on a large measure of provincial autonomy and equal partnership at the Federal Centre." However, the most passionate and elaborate support to the bill came from Mian Mumtaz Daultana. He argued that the various provinces in West Pakistan were a natural whole, geographically, economically and historically. This "traditional and ancient unity" was broken by the British to suit their "imperialist" designs. To revert to the natural unit, unification of West Pakistan "is the best solution". He assured the Bengali members of the constituent Assembly that they had nothing to fear from the integration of West Pakistan. "It will provide a solution which will enable us to form a constitution, strictly in accordance with the demands and wishes of (East) Bengal."

To the "brilliant, lucid, historical account of the economic, cultural and political unity" given by Daultana, Gurmani added the administrative consideration. To him, the provinces in West Pakistan were a recent 20th century creation. Therefore, he argued that administrative boundaries depending on timing of "alien conquest" had no sanctity, and the provinces as constituted in 1947, had "no linguistic or ethnic unity." He strongly favoured the demand of "our brethren from Bengal" for a maximum measure of provincial autonomy "consistent with national solidarity and stability". The only "hindrance in the solution of this problem in the past", he emphasized, "has been
the existence of numerous administrative units in West Pakistan" that must be overcome now.9

Indeed, most statements, supporting the One Unit bill argued that one province of West Pakistan will clear the ground for a strong, stable and harmonious relationship between the two wings of the country. It would facilitate a constitutional settlement between the two on the basis of equality, interdependence and an overall national solidarity. The makers of the One Unit scheme were in fact so much sure of its positive qualities that they were not prepared to even contemplate any problems or difficulties in the way. "The dangers" lurking under other formulas as of Nazimuddin or of Bogra, had to be met "in a way that suited the West."10 Such was the extent of enthusiasm and faith that Gurmani did not hesitate to issue a pamphlet entitled, "Advantages of One Unit", with his signatures on it, to mobilize public opinion in its favour.11

But then, there was opposition to the bill, and quite vocal and bitter. For instance, Mian Jaffar Shah from the NWFP, rejected the bill out of hand, proposing a "referendum" to ascertain the wishes of the people in the matter.12 But what was most significant about his tirade was the disclosure of the so-called 'Daultana Documents' on the One Unit scheme. He even declared that a copy of these documents was given to him by a person no other than Chaudhary Muhammad Ali who himself had played an important role in this whole development.13 This 'disclosure' deeply influenced the attitude of the Awami League and its leader Huseyn Shaheed Suhrawardy who was already hurt for having been manoeuvred out of power in East Pakistan as well as at the centre.14 The result was that soon Huseyn Shaheed Suhrawardy and several independent and important members of the Assembly, including Fazlur Rahman and Mian Iftikharuddin, joined hands to oppose the bill and to use all possible means to delay its consideration, in the hope that, in the meantime, they might break the 'fragile' unity of the ruling coalition.15 Fazlur Rahman argued that the bill "was detrimental to the interests of the country as a whole". He moved an amendment in the bill, calling upon the government to circulate it for the purpose of eliciting public opinion by 30 November, 1955. While making this proposal, he made an impassioned plea for "a single, indivisible Pakistan", and warned most emphatically that the passage of the bill might promote the concept of "two Pakistans".16 Mian Iftikharuddin was no less critical of the bill and its sponsors. Speaking in the Constituent Assembly on 8 September, 1955, he debunked the thesis that "centralization leads to unity". He told the sponsors of the
scheme that the so-called One Unit would lead to abuse of authority on the part of bureaucracy, which would eventually result in "an administratively controlled democracy". Indeed, he charged that the real purpose of the bill was not to unify various provinces but to reinforce the rule of feudal class and the civil and military bureaucracy. Mian Iftikharuddin, in fact, argued that the Zonal Scheme of Feroz Khan Noon would contribute better to national unity than the One Unit scheme.17

Opposition of Huseyn Shaheed Suhrawardy was of course the most upsetting development. He was an advocate of the One Unit scheme earlier on. But now he had turned against it. Not only he opposed the bill, but, in the process, he also attacked the Assembly itself for lacking representative character. He claimed that the Constituent Assembly represented the provincial legislatures and electoral colleges but not the people.18 He did not deny that he was one of the original sponsors of One Unit Bill. But, he argued, there was "a volume of opposition outside which possibly may damage the cause of Pakistan". He therefore, had no option but to change his position. He was convinced that without popular support the bill had no future. In the end, he proposed a referendum suggesting that "you must get as much support as possible not from the legislative assemblies who had either been hoodwinked, cajoled or threatened into voting in a particular manner, but you should get the support of the people".19 Apparently, Huseyn Shaheed Suhrawardy was referring to the role played by Ayub Khuhro in Sind in securing the support of Sind Assembly for the One Unit scheme.20

Sheikh Mujibur Rahman of the Awami League followed suit and criticized the bill severely for a number of reasons. First, East Pakistan should not be called East Pakistan as "the word Bengal has a history, has a tradition of its own". In case it was necessary, it should be done only after the consent of the people of that region. Secondly, the question of One Unit should not be taken up without taking into account other important factors, such as the issue of Bengali language, joint electorates and provincial autonomy. Lastly, the opinion of the people of the various provinces of West must be ascertained through a referendum "If they want One Unit... no objection... people of East Pakistan at once will tell them 'take it'".21

Chaudhary Muhammad Ali was of course disturbed with the intensity and range of criticism over the bill. On 15 September, 1955 he spoke at length as Leader of the House. He pointed out that the discussion on the bill was "remarkable for its length and even more
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remarkable for its irrelevance." He was particularly concerned over the slow rate of progress. He vented his feeling by posing a question: "how long, people wonder, if we proceed at this rate will it take us to enact this one measure?" Since the basic purpose of the Constituent Assembly was to prepare a constitution, he argued, the opposition must " cooperate in carrying out this programme with speed." Indeed, throughout the debate on the bill, Chaudhary Muhammad Ali tried to work closely with the leader of the opposition, Huseyn Shaheed Suhrawardy, but without any luck. Huseyn Shaheed Suhrawardy remained difficult and distant, even hostile. He accused him of using his majority as the "steam roller" and of "rushing through this Bill." Indeed two men clashed all through the debate, at times in very emotional and personal terms. Chaudhary Muhammad Ali, for instance, complained of the "deep agony of the soul" for a debate that was filled with personal attacks of one kind or another, accusations, vituperation and even abuse. "I have no desire", he maintained, "to enter into that field at all. It is a firm and settled principle with me not to answer accusations of this kind. The country will judge the record, the character and the sincerity of every one of us. I leave it to the judgement of my countrymen.... I have regarded myself as a soldier in the service of my country". But Huseyn Shaheed Suhrawardy would not let it pass: "So, are we; you are not the only one!" Chaudhary Muhammad Ali was constrained to explain: "I am not saying I am the only one. I believe ... that there are many patriots in this country, that the vast majority of the people of this country are patriots, or honourable men, or people who will serve and die for this country. I do not claim this for myself alone." In fact, this kind of interaction between the two was evident throughout the tenure of Chaudhary Muhammad Ali as Prime Minister.

But, to his credit, Chaudhary Muhammad Ali was very clear in his mind about the One Unit bill. He emphatically asserted that he saw "this country as one, our people as one nation, one people. I recognize no nationalities... I make no distinction between a Bengali or a Punjabi or a Frontier man or a Sindh. We are all one people. That is the fundamental basis... a great many of the troubles that we are facing have come because this... fundamental truth, has been ignored or lost sight of". He emphasized the historical, cultural, religious and above all -- the administrative imperatives. He was convinced that West Pakistan needed one administration if it wanted to overcome provincial sentiment and poor standard of living of its people. It was also in line with the true spirit of Pakistan Movement. He dismissed the
apprehensions that it would result in the dominance of West over East Pakistan. Instead, he hoped that "politics will be cleansed of the curse of provincialism. Political parties will rise ... and we shall be able to have national politics, not provincial, parochial politics." 27 Chaudhary Muhammad Ali, therefore, ruled out the idea of Zonal sub-Federation as an alternative to the One Unit bill put forward by the opposition. He thought it was too impracticable from the point of view of administration and division of resources among the three tiers of government, i.e., the centre, the zonal sub-federation, and provincial governments. Even if it was possible, he was convinced it would not work for long. Because "either it would be so strong as to leave no initiative and no room for the provincial governments or it will be a monarchy of zonal sub-federation and the provincial governments will be all powerful with zonal sub-federation having no means of evolving common policies."28

Chaudhary Muhammad Ali, however, recognized limitations of the One Unit scheme. He was quite honest about it. "We are undertaking a great experiment - an experiment which will call for the wisdom, for the devotion for the unselfishness of our people. Every scheme, however good, can be vitiated if worked wrongly," he acknowledged. However, at the same time, he hoped that "the benefits that will flow from it will convince the people... that it is in their best interest."29 Chaudhary Muhammad Ali thus presented his case as best as he could, with all the conviction and confidence.

Unfortunately for him, however, the debate took a new turn over the status of Karachi leading to disagreement even among the supporters of the One Unit bill.30 The representatives of East Pakistan demanded that Karachi, the capital of the country, should remain a special federal area. Leading industrialists, such as Adamjee, Ispahani, Valibhai, who had considerable economic interest in East Pakistan, agreed to it.31 But the Punjabi landlords and industrialists of West Pakistan whose interests were primarily concentrated in the Western wing saw things differently. They wanted Karachi to be included in West Pakistan.32 However; the 'Karachi question' did not drag for long and was settled in a way that could satisfy both the protagonists and the opponents of One Unit. The administration of the capital remained in the hands of the central government, but the representatives of Karachi were given seats in the legislative assembly of the West Pakistan province, suggesting that it was considered a part of West Pakistan.33

Thus, in the end, the coalition government remained united, though, in private discussions, a few important members of the United
Front did argue that the One Unit scheme was a politically unwise decision. They even remarked, as did Hamidul Haq Chaudhury, that the whole object of this unification "was to protect the West from the numerically superior East Pakistan". However, given the political realities of the time, they decided to go along with it convinced that, if West Pakistan wanted it, "we should not stand in the way".

The result was that the Muslim League - United Front coalition, wielding an overwhelming majority, succeeded in pushing through the One Unit bill in the Assembly within a short span of three weeks, though in a slightly amended form. Forty three members supported the bill. Thirteen opposed it. Out of these thirteen opponents, only one belonged to West Pakistan, Mian Iftikharuddin. All the rest belonged to Huseyn Shaheed Suhrawardy's Awami League. The independents, Sardar Rasheed and Mian Jaffar Shah from the NWFP and Sir Feroz Khan Noon from the Punjab abstained or 'absented' themselves from voting.

The West Pakistan Province came into being on 14 October, 1955. Dr. Khan Sahib was appointed Chief Minister. M.A. Gurmani took oath of office as the new Governor. Ayub Khuhro (ex-chief Minister of Sindh), Abdul Hamid Dasti (ex-chief Minister of Punjab), Sardar Bahadur Khan (ex-Chief Minister of NWFP), and, the 'prize boy' Mumtaz Daultana joined Dr. Khan Sahib's ministry.

In West Pakistan Chaudhary Muhammad Ali had achieved first major goal of his government. It was not a bad start. One could certainly question the One Unit scheme itself, but the manner in which the Prime Minister got the bill through the Assembly was not a mean achievement. Although, reaction to the announcement was not favourable, particularly in the NWFP where Khan Abdul Ghaffar Khan (brother of Dr. Khan Sahib) and Pir Sahib of Manki Sharif (the chief of NWFP Awami League) condemned it outright. The Sind Awami Mahaz of G.M. Syed and Azad Pakistan Party of Mian Iftikharuddin also voiced their disapproval. However, after the arrest of Abdul Ghaffar Khan, the opposition gradually died out. This was inspite of the fact that soon many people in the NWFP, Sind and Baluchistan came to be disappointed with the new set-up. Indeed, there were great difficulties for a commoner living in remote areas of these areas to go to Lahore, headquarter of the new province, for their petty yet pressing problems. In addition, too much power was entrusted to the bureaucracy and their indifference to the members of the provincial assemblies and ministers reinforced the sense of alienation and frustration among the people. Even otherwise, the ministers felt
helpless. They found it extremely difficult to administer a vast area from Khyber to Karachi sitting at Lahore. Consequently, the chances of corruption increased. Although efforts were made to address some of the more obvious problems associated with the new administration, the very scheme of One Unit contained inherent potential for conflict between the centre and the different regions. It remained a major source of stresses and strains on the body-politic of Pakistan. In the end, it shattered the process of accommodation and alignment of forces that was going on between the two wings of the country for a long period. The whole of West Pakistan was perceived as an ‘enemy’ of the East Pakistan. This West versus East sentiment went on to hurt the very foundation of the nation-state of Pakistan.

Passing the Constitution: The Goal achieved

After the passage of the One Unit bill, Chaudhary Muhammad Ali turned his attention to other aspects of constitution-making. The preliminary draft, drawing freely on the work done previously by the Basic Principles Committee, had already been prepared before the elections to the second Constituent Assembly. The problems had so far centered round the federal structure of the country and the Islamic character of its constitution. With the unification of West Pakistan, the issue now was the distribution of powers between the centre and the two zones of the country, particularly the quantum of autonomy for East Pakistan. As for the Islamic character of the constitution, the most important question was whether there should be separate or joint electorates, as there was a considerable Hindu minority in East Pakistan.

Chaudhary Muhammad Ali attached so much importance to the early resolution of these problems that he decided to hold in abeyance the legislative responsibilities of the Constituent Assembly until its constitution-making function had been over. In limiting the tasks of the Assembly, however temporarily, he displayed an extraordinary measure of wisdom and foresight. He wanted to concentrate on the constitutional draft and its passage. The previous Assembly had adopted a procedure by which constitutional proposals were considered by a committee of the whole in which there was no distinction made between government and non-government members. This meant that unless there was a majority party in the House which could pilot the bill through, there would be obstacles at every stage with a distinct possibility of defeat for any number of clauses of the bill.
Chaudhary Muhammad Ali, therefore, adopted a new strategy to push things. He prepared a full Draft Bill and then had it approved by a caucus of the ruling coalition, and, finally, using the coalition's strength, approved by the Assembly. The Draft Bill was prepared in October 1955, and the months of November and December were spent in clause-by-clause consideration by the coalition. In this context, a twelve member sub-Committee was entrusted, on 4 October, 1955, with the task of evolving "an agreed formula" on provincial autonomy. On 4 November, the coalition discussed a draft constitution bill. A majority of Nizam-i-Islam members (three out of four) absented themselves from this meeting on the ground that the draft did not include the 'repugnancy clause' and other Islamic provisions of the previous constitution report. Chaudhary Muhammad Ali decided to enlarge the sub-Committee to examine all the controversial issues threadbare and submit a new report. A week later, he presented an interim report of the sub-Committee to the coalition members. But not every body agreed with the report. There were serious differences on a number of issues. Thus attempts were made to find a compromise solution. However, still there remained some points on which members of the coalition, both from the Muslim League and the United Front, could not agree. These points were deferred while discussion continued on other concerns. The timetable announced by Chaudhary Muhammad Ali at the outset called for the coalition to complete its work by the end of December so that "an agreed draft" could be placed before the Constituent Assembly by 5 January, 1956 where its approval was to be a foregone conclusion given the agreement within the coalition government.

However, there were two major sources of conflict within the coalition and which threatened a deadlock. One was the delimitation of powers between the centre and the units. The other was the nature of electorates, whether separate electorates should be retained or they may be replaced with joint electorates. Chaudhary Muhammad Ali was so keen to resolve these problems at the earliest that he did not hesitate to warn the members of the Constitution Assembly that if they failed to evolve agreement on constitutional issues, martial law could not be averted. Apparently, it worked to an extent and an agreement was reached on the distribution of powers between the centre and the units. However, the debate over the electorates dragged on, and finally it was decided to leave the matter to the open meeting of the Assembly. Chaudhary Muhammad Ali made the members of his coalition party work day and night and the final draft was approved on 23 December. However, he could not present it to the Assembly on 5
January, 1956, as announced earlier because there was some delay in printing the draft. It was presented on 9 January, 1956.51

The Draft constitution, which consisted of 234 articles, was divided into 13 parts. Part I dealt with the republic and its territories; II, with fundamental rights; III, with directive principles of state policy; IV, with the Federation; V, with the Provinces; VI, with relations between Federation and Provinces; VII, with property contract and suits; VIII, with elections; IX, with the judiciary; X, with Services of Pakistan; XI, with emergency powers; XII, with general provisions; and XIII, with temporary and transitional powers.52 There were six schedules as well.53 The Draft, as a whole, represented a compromise between the two coalition parties - the Muslim League and the United Front. The recognition of Bengali as an official language, and the establishment of a National Economic Council had been demanded by United Front which were included. And in return, the United Front had abandoned its demand for full provincial autonomy and the limitation of the centre's powers to the spheres of defence, foreign affairs and currency.54 The members of the Constituent Assembly were given a couple of days to study the Draft before the clause-by-clause debate began.

During the first reading of the Draft in the Constituent Assembly, several members, both from the ruling coalition and the opposition, actively participated in the debate. The Law Minister, I.I. Chundrigar, who had submitted the Draft in the Assembly, mainly dealt with and defended the Islamic provisions.55 Zaheer-ud-Din of Awami League was critical of the overriding powers given to the President and the Islamic provisions.56 Pir A. H. Rashidi, Minister for Information, spoke against a proposal put forward by Awami League that the Draft should be circulated to elicit public opinion and for referring it to a select committee.57 Biswas of United Front, the Minister for Food and Agriculture, declared that the Draft had given East Pakistan regional autonomy to the extent possible.58 Dutta, a Hindu member approved the Draft and was satisfied with the "fact that it has given ultimate power to the people".59 Chaudhary Muhammad Ali himself recalled that the main object of the Pakistan Movement, as envisaged by Quaid-i-Azam Mohammad Ali Jinnah, was the attainment of a state where the Indian Muslims could live and breathe as free men and according to their own way of life and culture based on the principles of Islam. He stoutly defended the rights of minorities, calling them a matter of "our faith“. Federal constitution and provincial autonomy, he insisted, "are the dictates of geography" of Pakistan and thus they must be part of our
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...constitution. But, he warned, they must be consistent with our national security. In the end, he made it a point to emphasize that an effort had been made to make "this constitution" simple, easy and flexible.60

It would be interesting to note that during the debate on the Draft constitution, Hamidul Haq Chaudhary - a prominent leader of United Front, had obtained the services of Professor Abdur Razzaq and Professor Muzaffar Ahmad Chaudhry (both taught at Faculty of Political Science, Dacca University) as advisors.61 But, as he described it in his Memoirs, they went astray "in pursuit of some political advantage and ceased to be trusted advisors."62 On the other hand, the Cabinet meetings dealing with the Draft held little interest for some of the members and indeed mostly remained confined to the Prime Minister, Chaudhary Muhammad Ali himself, the Law Minister I.I. Chandrigar, and Hamidul Haq Chaudhary and a few others from time to time.63 This showed the extent of difficulties that Chaudhary Muhammad Ali had to face in preparing the constitution. There was little contribution from the coalition members or the opposition.

During the second reading (corresponding to the committee stage in the British House of Commons) of the Draft, which started on 3 February, 1956, a number of amendments were adopted. First, the President and the Provincial Governor, who under the earlier Draft, had been empowered to dissolve the National Assembly and the Provincial Assemblies respectively at their discretion, could only exercise these powers on the advice of the appropriate Ministers. Secondly, the clause in the Draft providing for a Vice President was deleted, and the Speaker was empowered to act as Head of State in the absence of the President. Thirdly, the Provincial High Courts, in addition to the Supreme Court, were empowered to issue writs for the enforcement of fundamental rights.64 The Draft passed its second reading on 28 February, 1955.

Meanwhile, the atmosphere outside the Constituent Assembly, as a whole, was favourable for Chaudhary Muhammad Ali. The Draft constitution contained in the bill was generally welcomed by the religious parties and their leaders, and indeed helped mobilize public support for it in their constituencies, particularly in East Pakistan.65 An all-Parties Islamic Front, sponsored by the Jammat-i-Islami of the East Pakistan and the Nizam-i-Islam, campaigned for an Islamic constitution. This campaign countered, to a considerable extent, the regional autonomists.66 However, the East Pakistan Awami League led a campaign against the Draft constitution on the ground that it had failed to comply with its Twenty One Points formula. It was supported by the Gantantri Dal, an ally party of United Front Ministry in East
Maulana Abdul Hamid Khan Bhashani was the most vocal critic. He led some protest meetings in East Pakistan and in one of those meetings held on 15 January, he threatened that, if the central government did not meet the demands of joint electorates and those envisaged in the Twenty One Points formula, "then East Pakistan would have to think in terms of secession". Such an outrageous statement evoked sharp reaction, and even Huseyn Shaheed Suhrawardy was constrained to explain that it did not signify anything more than an "intellectual exercise". Chaudhary Muhammad Ali, who was watching the situation very keenly, appreciated the efforts on part of Huseyn Shaheed Suhrawardy and observed:

...The remarks which the Honourable Leader of the Opposition made on that subject, I can endorse whole-heartedly. There can never be any question of secession. No such thought must even be entertained. Mr. Huseyn Shaheed Suhrawardy excused the people who talked about it as indulging 'in intellectual exercise'. I do hope that these intellectual gymnasts will not go through contortions in public... not doing things which injure the very fabric of our state. And these of my friends who use phrases carelessly, who talk of 'nationalities' in a loose way which can lead to misunderstandings; I would earnestly request them to desist. We are yet in a formative stage..., where germs of disruption can thrive. Let no patriotic man do any thing which would help these germs survive. Let him not... lend support to any such tendency in our body politic. Let us, once and for all, make up our mind and be absolutely clear that East and West Pakistan are one; they must be wielded into an indivisible whole. That way lies our survival.

Before the third reading on the Draft bill got started, the Awami League revised its strategy, approved by its Working Committee. It was now decided that its members of the Constituent Assembly should either strive to get the Draft constitution suitably amended, or withdraw from the Assembly during the third reading of the Draft bill. During the first and the second readings of the bill, the opposition in the Constituent Assembly had tried stalling tactics but was defeated time and again by motions for closing debate and calling for a vote. The Awami League was really frustrated.

Chaudhary Muhammad Ali had earlier promised the nation that his government would complete readings on the Draft bill by the end of February 1956. Fortunately, it was a leap year and that month of
February had 29 days! On the last day of February, the Assembly remained busy in the third and the final reading of the bill till midnight.\textsuperscript{73} Since this was the last round of the debate, Huseyn Shaheed Suhrawardy gave it all, especially on three points. First, he opposed the addition of the word "Islamic" to the name of the state. Secondly, he challenged the stipulation that only a Muslim could be president of the Republic. Finally, he criticized the absence of a clause for joint electorates. In his view, each of these clauses negated the promises made earlier to give equal political and civil rights to the minorities along with the Muslims. In this context, he had the full support of minorities.\textsuperscript{74} But then, Huseyn Shaheed Suhrawardy did not stop here. He went one step further and also demanded that the proceedings be halted and a round table conference be held, and then the bill be amended to reflect the views of all parties. In this demand, strangely enough, Huseyn Shaheed Suhrawardy was supported by Fazlul Haq. However, at this crucial stage, there was no way Chaudhary Muhammad Ali could agree to the proposal.\textsuperscript{75}

In fact, at this stage, it was not Huseyn Shaheed Suhrawardy alone raising fundamental issues. The ruling coalition was also divided, particularly on the question of electorates. The Krishak Sramik Party (KSP), of which Fazlul Haq was the leader, insisted on joint electorates. But the Muslim League and the Nizam-i-Islam were opposed to this system.\textsuperscript{76} There was a virtual deadlock. However, Chaudhary Muhammad Ali helped the matters by making the ruling coalition to agree on the insertion of a provision to the effect that, after the promulgation of the constitution, the interim legislature would seek the views of the provincial assemblies to decide whether the elections should be on the basis of joint or separate electorates.\textsuperscript{77}

But still it was not enough to appease the opposition. Huseyn Shaheed Suhrawardy's Awami League, and the rest of the opposition staged a walkout of the Assembly on the plea that the ruling coalition had used its majority to suppress their voice on the issues of electorates and regional autonomy, and thus had no regard for their point of view.\textsuperscript{78} However, this did not quite help the opposition in their effort at influencing the character of the constitution. Taking advantage of the opposition's absence, the coalition government Chaudhary Muhammad Ali got fifty clauses approved!\textsuperscript{79} As indicated earlier, the attitude of Huseyn Shaheed Suhrawardy was clearly the result of his failure to get a share in power both at the centre and in East Pakistan. Interestingly, the Draft constitution, presented by Chaudhary Muhammad Ali, followed in most part the draft prepared by Sir Ivor Jennings which was
given a final shape during the time Huseyn Shaheed Suhrawardy was the Law Minister under the premiership of Bogra. Also, in private discussions, the government members found Huseyn Shaheed Suhrawardy "very reasonable and open to argument" but he would act much differently in public and the Assembly, perhaps under pressure from his party members. On several occasions, Chaudhary Muhammad Ali tried his best to make him agree to a joint effort in preparing the preliminary draft of the constitution. He even suggested to him the idea of special committee consisting of each party in the House, irrespective of whether it belonged to the treasury or to the opposition benches, to debate and discuss the main constitutional issues, but to no avail. Huseyn Shaheed Suhrawardy refused to oblige. On the contrary, he opted for 'non-cooperation' and concentrated his attention upon opposing every clause of the Draft bill, and, in the final showdown, even refused to put his signatures on the bill. Ironically, he soon became the Prime Minister himself to extol the virtues of the constitution of 1956 and indeed Chaudhary Muhammad Ali for giving a constitution which provided "99 percent autonomy" to East Pakistan.

However, the role and tactics of Huseyn Shaheed Suhrawardy and the opposition then could not deter the unflinching determination of Chaudhary Muhammad Ali in the fulfillment of his most important task. On 29 February, 1956, just before the stroke of twelve at midnight, the final clause of the Draft bill was approved. The speaker's announcement was greeted by shouts of 'Allah-ho-Akbar' from the members of coalition party. It was a great personal moment for Chaudhary Muhammad Ali. He approached the task with the enthusiasm and discipline of a planner with his gaze firmly fixed on the deadline. During the whole process, he kept the Constituent Assembly in almost continuous session for six months, during which it met on 83 days - a period greater than the total number of working days of the first Constituent Assembly in any single year. Whenever differences threatened to arrest the progress, he preferred to postpone decisions rather than to be bogged down in controversy. Undoubtedly, it was a unique contribution of the Prime Minister because he succeeded where his contemporaries, more distinguished than him, had failed.

The Constitution approved by the Constituent Assembly on the night of 29 February, was authenticated by Governor-General Iskandar Mirza on 2 March, 1956. It was done through a lot of fanfare. A procession of members of the Assembly, led by the speaker, Abdul Wahab, marched from the Assembly Hall carrying a copy of the
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document and was presented to Iskandar Mirza at his residence for signature. The opposition parties, of course, boycotted the ceremony. Mirza readily signed. Three days later, on 5 March, he was elected first President of the Islamic Republic of Pakistan, by the Constituent Assembly. He was nominated for this office by 50 members, including Chaudhary Muhammad Ali, Fazlul Haq, M. A. Gurmani and Dr. Khan Sahib. The election was boycotted by the 20 members of the opposition. Mirza had already been assured by the Prime Minister and his colleagues that they will nominate him as the President. Meanwhile, the Assembly adopted on 2 March, by 42 to 2 votes, a resolution ratifying the declaration on Pakistan's continued membership of the British commonwealth as a Republic which had been issued on 5 February, 1955, by the Commonwealth Prime Ministers' Conference during Bogra Ministry. Finally, Pakistan became the Islamic Republic of Pakistan formally on 23 March, 1956, and the Constituent Assembly assumed the functions of the interim federal legislature, i.e., the National Assembly. General elections were promised once the legislatures in East and West Pakistan had decided whether to have joint or separate electorates - an issue over which there was no agreement in sight. Described as 'Constitution Day', 23rd March was declared a public holiday. Subsequently, it was renamed as the 'Republic Day'.

Thus, nearly nine years after its creation, Pakistan, finally had a constitution considered and approved by a Constituent Assembly, thanks to Chaudhary Muhammad Ali's untiring efforts and commitment. It was a remarkable success. However, the success was a mixture of merits and demerits. The Constitution was based on the existence of two provinces, which were given equal representation in the National Assembly. There was no second chamber. The unicameral system had the inherent potential of degenerating into 'legislative dictatorship'. This 'distinctive feature' of the constitution was all the more striking given the fact that India, though similar in historical and constitutional antecedents, had adopted a bicameral legislative system. Moreover, the parliamentary tradition of West which inspired the modern constitutional movements had also largely recommended two-chamber system for parliamentary democracies.

Pakistan was now a federation of two large provinces, West Pakistan and East Pakistan. They were at par with each other in spite of the fact that East Pakistan had a large population. Representation on a population basis would have given the more populous province a permanent majority. But, the idea of representation on a parity basis
was not an imposition from above; it was the result of an agreement between the representatives of the two provinces. East Pakistan was satisfied with a large measure of autonomy conceded to it through reduction in the powers of the central government and the transfer of a number of subjects from the concurrent to the provincial list. The federal list of subjects was reduced from 59 to 30; concurrent list from 36 to 19 and the provincial list were expanded from 54 to 94. Railways, communications, mineral resources and the tribal areas were now a provincial responsibility. Equality of representation in the National Assembly had also made it impossible for either province to dominate the other, as neither of them could form the central government without the support of the other. The Constitution no doubt had the support of the majority in the Assembly, but it was essentially a majority of the government. It was the strength of the Muslim League and the United Front. The opposition, led by Suhrawardy, had not signed the constitution.

The constitution was democratic in the sense that it provided for an executive responsible to the legislature to be elected by the people on the basis of adult franchise. It had provided for an independent judiciary and for the fundamental rights of the people that were to be justiciable. But the executive or the President had a great share in the power structure. The constitution was certainly undemocratic to the extent that, as indicated earlier, the representation in the National Assembly for the units was to be equal, while the population of the two units was unequal. East Pakistan, with 56% of the population was to have only 50% of the seats. Even more undemocratic was the artificial unity created in West Pakistan through the One Unit scheme. The result was "a progressive alienation of East Pakistan without a progressive unification of West Pakistan".

The constitution was built on compromises made by Chaudhary Muhammad Ali to satisfy various demands. The separate electorate issue, already mentioned, was one such example. Moreover, to pacify the opposition led by Huseyn Shaheed Suhrawardy, an amendment was made, during the second reading of the Draft bill to declare both Bengali and Urdu as State languages. But then, Chaudhary Muhammad Ali had also made sure that there was a spirit of accommodation within the coalition where some members felt strongly on certain issues. Chaudhary Muhammad Ali tried his best to accommodate them. Every issue was discussed in all aspects, sometime by the whole party, sometime by a select committee, but always "with the desire to reach unanimous decision". Indeed, Chaudhary
Muhammad Ali wanted the same way with the opposition parties. Throughout the debate on the bill, he sought their co-operation, took regular notes of their criticisms, and accepted suggestions with open heart, and even appreciated their 'lively' criticism on his policies.\textsuperscript{103}

However, ironically enough, it was not so much the opposition which exploited his spirit of 'compromise' and 'agreement'. Huseyn Shaheed Suhrawardy did not take as much advantage as he could. The real gainer was Iskandar Mirza. He pressed for a strong executive like the President in the U.S. Constitution.\textsuperscript{104} Chaudhary Muhammad Ali and most of his colleagues insisted on the parliamentary form of government, on the Westminster model. However, Chaudhary Muhammad Ali failed to assert his position, and conceded a strong executive in the constitution. Perhaps given his role and influence in his appointment as the Prime Minister, there was little that Chaudhary Muhammad Ali could do to check his ambitions. He had to yield. In the end, however, this concentration of powers in the hands of the President attracted the attention of General Ayub Khan, the Commander-in-Chief of the Army, who, in a military coup in October 1958, sent Mirza packing and took over the administration of the country as the Chief Martial Law Administrator. The only thing Chaudhary Muhammad Ali was able to do, against the wishes of Mirza, was to give the country its new name, the Islamic Republic of Pakistan.\textsuperscript{105}

But, of course, Chaudhary Muhammad Ali never claimed that the constitution was ideal and perfect. He himself confessed at the floor of the Constituent Assembly, the day the Draft bill was approved by the House, that, it was "capable of improvement" and was indeed flexible enough to make amendments easy.\textsuperscript{106} He insisted that it was a simple and sound constitution. In his words: "its basic structure is simple; two units, one in East Pakistan, one in West Pakistan, with federal centre where both are equally represented and in whose process both take equal part."\textsuperscript{107} This arrangement, he argued, was "dictated by our peculiar condition, by our geography, by the very structure of our State.... As time passes and as conditions of our society change, it should be possible to change the constitution".\textsuperscript{108} He was grateful for the support he had received from his coalition partners, particularly Fazlul Haq, who helped him immensely in presenting "an agreed constitution to the country".\textsuperscript{109} He acknowledged the contributions of I.I. Chundrigar, and his law officers, justice Sheikh Abdul Hamid and Benyon and the staff" for working day and night under 'terrible pressure' and constraints.\textsuperscript{110} In the end, he was convinced that they
"could not have achieved it without the great beneficent, the merciful Allah, to whom we all turn for guidance and for light. He, in His infinite mercy, has helped Pakistan through its many struggles and if we turn to Him always in our difficulties... He listens to... and showers His blessing and His mercy upon them."  

Apart from the One Unit and the constitution, the tenure of Chaudhary Muhammad Ali as Prime Minister was also significant for its 'legislative harvest'. For instance, the validation of Laws Act, which validated 39 laws passed by the dissolved Constituent Assembly and were declared void by the Federal Court for want of assent by Ghulam Muhammad, was passed by the Constituent Assembly under his leadership. During his tenure of office, 35 bills were adopted by the legislature, all in one session. 17 of these were passed without discussion, and, on 12, discussion was confined to only two members. These included the Navy Discipline (Amendment) Bill, the Commission of Enquiry Bill, the Industrial Disputes (Amendment) Bill, the Security of Pakistan (Amendment Bill), the Pakistan International Airlines Corporation Bill, and the National Assembly (Salaries and Allowances) Bill. But here, too, the number of participants was very limited. An Electoral Reform Commission was also constituted by the Law Ministry on 19 October, 1955, to make suggestions as to how the electoral laws and rules could be revised in order to secure free and fair elections in future. The Commission submitted its report on 18 March, 1956, which was published on 24 April, and was released to the press for ascertaining the public opinion.

Conclusion

In a nutshell, by the end of March 1956, Pakistan had its new constitution based upon a parliamentary system of government. The One Unit scheme had come into force. With the settlement of some of the basic constitutional and political issues, the stature of Chaudhary Muhammad Ali had increased manifold. He had emerged as a skillful and effective parliamentary leader. In fairness to Chaudhary Muhammad Ali, it must be acknowledged that he played an important role at a difficult time in the history of Pakistan. He was the one, who, unlike the other two top bureaucrats, Ghulam Muhammad and Iskandar Mirza, who made their way into politics, remained committed to democracy and parliamentary form of government. And he spared no effort in pursuing and promoting it. The 1956 constitution was a testimony to that commitment and goal. In the process, he not only associated the political leadership from East Pakistan (United Front) in this national task, but, also ensured that major demands
of that region could be accommodated as far as possible. Even an unrelenting critic like Huseyn Shaheed Suhrawardy was constrained to admit, after he took over from him as Prime Minister, that the constitution had incorporated a maximum measure of autonomy. This was no mean tribute.

NOTES
5. Ibid., 336-338.
6. Ibid., 347-348.
7. Ibid., 784-809.
8. Ibid., 788.
9. Ibid., 789.
11. Ibid.
15. Ibid., 169.
17. Ibid., 605-611, & 1464-1465.
18. Ibid., 644.
19. Ibid., 645-653, 676.
20. Ibid., 704-706.
21. Ibid., 296-297.
23. Ibid.
24. Ibid., 255.
25. Ibid.
26. Ibid., 256.
27. Ibid., 257-259.
29. Ibid., 260-261.
31. Ibid., 222.
32. Ibid. Also see, Pakistan Times, Lahore, 14 August, 1955, & 17 February, 1956.
35. Ibid., 238.
37. Ibid.
42. Ibid., 266-270.
44. Ibid.
45. Ibid.
47. Ibid.
49. Ibid., 354.
52. For a complete and thorough summary of the Draft Constitution see, *Keesing's Archives*, 14768-14772.
53. Ibid., 14769.
54. Ibid., 14772.
55. Ibid.
56. Ibid.
57. Ibid.
58. Ibid.
59. Ibid.
60. Ibid.
62. Ibid.
63. Ibid.
64. *Keesing's Archives*, 14772.
73. Ibid.
74. Ibid., 355.
75. Afzal, Political Parties, 174.
76. For a detailed study of the issue, see, Makhmdmzada Hassan Mahmud, A Nation is Born (Lahore: 1958) especially Chapters 4 and 5.
79. Ibid.
80. Hamidul Haq, Memoirs, 238.
81. Ibid.
83. Hamidul Haq, Memoirs, 237-238.
84. Ibid., 278. In August 1957, he extolled Chaudhary Muhammad Ali as his 'distinguished predecessor' who "proved true to his pledge". About the constitution, he remarked: it "gives comfort and assurance, it has brought the people significantly nearer to nationhood with institutions of their own making". See, Hussain Shaheed Huseyn Shaheed Suhrawardy, "Political stability and Democracy in Pakistan: II", The Pakistan Review, Vol. V., No. 8 (August 1957), 34-35, 43.
85. Nur Ahmad, Martial Law, 354.
88. Keesing's Archives, p. 14772.
90. Keesing's Archives, 14772.
92. Keesing's Archives, 14772.
94. Mahmudul Hasan, Unicameral System, 37.
95. Ibid., 34.
97. Ibid.
99. The Constitution, Section VI, Article 105.
100. Mushtaq Ahmad, Politics Without Social Change, 31.
102. Ibid., 291.
103. Ibid., 292.
105. Ibid.
107. Ibid.
108. Ibid.
109. Ibid., 296-297.
110. Ibid., 296.
111. Ibid., 297.