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# **Constitution Making in Pakistan and East Bengal's demand for Provincial Autonomy (1947-58)**

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This paper is an attempt to revisit the constitutional aspect of the challenge faced by the leadership of Pakistan in the form of Bengali separatism during Pakistan's parliamentary phase (1947-1958). The focus here is on how Bengali organisations and political workers struggled for full autonomy for East Pakistan. In this regard their opposition to the constitutional formulas would be studied. The paper will also examine the response of non-Bengalis to this challenge. The views, policies and solutions presented and efforts made in order to find an agreed constitutional formula will also be analysed and the reasons of the separation by Bengalis will be discussed.

Pakistan's early history is marked with many challenges and problems, the most important of which was the multitude of the issues concerning East Pakistan, that later separated from Pakistan in 1971. A significant aspect of the problem in the context of East Pakistan other than the inherent differences, lingual-cum-cultural issues and economic grievances, was constitution-making. It was a corner-stone in the relations of East Pakistan with the centre and

with the other provinces, while one of the complexities in framing the new Constitution was to resolve the conflicts between East and West Pakistan over the federal structure of the Constitution.<sup>1</sup> Moreover, the people of East Pakistan demanded higher representation in the Federal Legislature, maximum provincial autonomy and the recognition of Bengali as one of the State languages of Pakistan.<sup>2</sup>

### Full Autonomy demanded

In the first phase of the Separatist Movement in East Pakistan that started in 1947, the main goal of the Bengali struggle, in constitutional terms, was full autonomy for East Pakistan in all spheres except Defence and Foreign Affairs. The very first demand for autonomy for East Pakistan was made by the Parliamentary Party of the East Pakistani branch of the ruling Muslim League. This was the party that claimed to be the vanguard of the unity of Pakistan. At a meeting held in December 1949, it resolved to attain complete autonomy for East Pakistan.<sup>3</sup>

### Anti-BPC Campaign (1950-52)

The Basic Principles Committee (BPC), formed in 1949 to determine the basic principles for the Constitution of Pakistan, submitted its blueprint known as the interim report of the BPC on October 7, 1950. This report was withdrawn in November 1950 because of the sheer criticism it faced. The most comprehensive criticism came from East Pakistan<sup>4</sup>, where a large number of people were not satisfied as it did not recognize Bengali as one of the state languages of Pakistan, and denied adequate autonomy to the provinces.<sup>5</sup> It also failed to provide East Pakistan with an overall majority on the basis of population in the legislature, and gave both Houses equal powers.<sup>6</sup>

The BPC Report met with severe opposition from inside the Constitution Assembly of Pakistan (CAP). The Bengalis' strong feelings against it can be gauged from the fact that Bengali members in the CAP moved 425 amendments to its only 125

clauses and three lists of subjects.<sup>7</sup> Nur Ahmed, a member of the CAP, said on the motion of its postponement: "...in East Bengal there is a growing belief ... that there are principles in the Report which, if adopted, will reduce the majority of East Bengal into a minority and it will turn East Bengal into a colony of Pakistan."<sup>8</sup>

Bengali Communist activists, with the sponsorship of the Awami Muslim League (AML), set up a Committee of Action in order to launch a country wide campaign against the Interim Report immediately after its publication. While connecting the activists in all the districts and sub-divisional towns, a Central Committee of Democratic Federation (CCDF) was formed. A leaflet entitled 'Will Janab Liaqat Ali Khan answer the following questions?' was published. The questions in it clearly indicated that autonomy for East Pakistan was an active issue. The CCDF convened a public meeting presided over by A. R. Khan at the Armanitola Maidan Dhaka to protest against the Report. From 17 October to 28 October the CCDF toured East Bengal, and in its public meetings agitated mass opposition to the Report.

In a grand national Convention held on November 4 and 5, 1950 in Dhaka under the Chairmanship of A. R. Khan the demands of East Pakistan were formulated in an alternative proposal based on the Lahore Resolution of 1940.'<sup>9</sup> Syed Humayun maintains that the demand for provincial autonomy was raised first in this convention.<sup>10</sup> The convention proposed:

- (a) a United States of Pakistan, consisting of the Eastern and Western regions with a parliament elected under a joint electorate system;
- (b) Only Defence and Foreign Affairs to be the central subjects provided that (i) two units of Defence Forces with two Regional General Officers Commanding in the East and the West under Supreme Command at the Federal Capital; (ii) the Regional Defence Force raised from and manned by the people of the

respective regions, (iii) a Regional Foreign Affairs office in the Eastern Region; and

- (c) the Federal Government to impose taxes only on some specified items; new items for taxation could be added with the consent of the regions.<sup>11</sup> The proposed Constitution also called for the establishment of "a sovereign socialist republic" of Bengalis and for the recognition of Bengali as a state language.<sup>12</sup> The six points of Awami League (AL), which led to the breakup of Pakistan in 1971 were more or less the reformulation of the Bengali position.<sup>13</sup>

The BPC was so collectively resisted by Bengalis that a large number of Muslim Leaguers from East Bengal also criticized the BPC Report and suggested its amendment. Former education minister of Assam, Manwar Ali, and former general secretary of the Assam Muslim League, Mahmud Ali deserted the EPML in protest. The acting secretary of the EPML, Shah Azizur Rahman, called for the observance of protest meetings all over East Bengal. Nikhil Purba Pakistan Muslim Chhatra League (All East Pakistan Muslim Students League), a student organization which supported the East Pakistan Muslim League (EPML), called a protest meeting in Victoria Park on 27 October 1950.<sup>14</sup> The Working Committee of the EPML appointed a seven-man committee to examine the amendments to the BPC Report.<sup>15</sup> Thirteen dissident deputies of the PML held a meeting in the course of which they rejected the BPC's recommendations.<sup>16</sup>

The Dhaka Bar accepted the principle of parity only in the upper chamber and insisted on representation based on population in the House of the People. The Bar also demanded the establishment of a Supreme Court and the upper house of the legislature in East Pakistan.<sup>17</sup> *The Pakistan Observer*, in its issue of October 1, 1950 reflected the collective behaviour of the Bengalis against the BPC, noting that the citizens of Dhaka were rudely

shocked on seeing the full text of the BPC Report. It was a shock to everyone high officials, professors, teachers' lawyers, students, medical men, police personnel, etc. Their first reaction was that of bewilderment.<sup>18</sup>

Despite the postponement of the considerations in November 1950, the campaign for a Constitution that met Bengali nationalist interests continued. On the initiative of the CCDF, the protest meetings and demonstrations were again held all over East Bengal on 12 November including a meeting at the Armanitola Maidan Dhaka presided over by advocate Aftabuddin Khan. In response to the call by the Dhaka University Action Committee, students from different colleges in Dhaka observed a strike and gathered in a joint meeting in University in which representatives of the pro-PML Nikhil Purba Pakistan Muslim Chhatra League, pro-AML Purba Pakistan Muslim Chhatra League, pro-Communist Students Federation and Students Association spoke. A mile-long demonstration of the students was taken out and the female students of the Eden College also observed strike. Such meetings were held in different cities of East Pakistan.<sup>19</sup> The protests at Chittagong led to almost complete stoppage of traffic throughout the day.<sup>20</sup>

The resentment against the BPC led the East Pakistan Awami Muslim League (EPAML) to appeal on 26 April 1951 to resist the appropriation of the resources of East Pakistan by the centre and to participate in an uninterrupted struggle for full provincial autonomy.<sup>21</sup>

The final report of the BPC in 1952 got no better a reception from East Pakistan than what had been accorded to its Interim Report. Besides the hostility of influential Punjabi politicians to it, the Bengalis did not find much improvement on the interim report. Dhaka, the supposedly favoured provincial centre, was unhappy with aspects of the draft including the powers of the Upper House.<sup>22</sup> The report was staunchly opposed by Hindus, an

influential East Pakistani minority, because it recommended separate electorates and the reservation of seats for minorities.<sup>23</sup>

In 1953 various Bar Associations advocated maximum autonomy for East Bengal. The principle of maximum autonomy also found support from Mohammad Ali, then Secretary General of Ganatantri Dal (GD). At a press conference he described Pakistan as a multi-national state, among the units of which the only unifying factor was the common danger of foreign aggression.<sup>24</sup>

The strong reaction to the BPC in East Pakistan indicated the separatist Bengali sentiments demanding a confederation comprising of the two wings of Pakistan. The Chittagong branch of the Provincial PML proposed a confederation of East and West Pakistan, the units collecting and controlling the revenues and providing a fixed amount from them to the centre to maintain three central subjects – defence, foreign affairs and currency. The units were to have representation in these departments on the basis of population.<sup>25</sup> The East Pakistan AML, in cooperation with the Khilafat-i-Rabbani Party (KR) and the United Islamic Front (later named the Nizam-i-Islam Party), along with its other demands, also reiterated its proposal for a unicameral legislature on the basis of population, leaving defence, foreign affairs and currency with the centre.<sup>26</sup>

## **Bengali Reaction to the Bogra Formula**

The Bogra Formula, another proposal for Constitution, was also rejected by all political parties from East Pakistan except the PML.<sup>27</sup> A public meeting against the formula was held; it was presided over by Fazl-ul-Huq and addressed by Mr Hmidul Huq Chowdhury as well as representatives of the Jinnah AML, the EPCP, the Krishak Sramic Party (KSP), the GD, and the Khilafat-e-Rabbani Party was held in Dhaka. Fazl-ul-Huq called it 'the biggest meeting that was ever held in Dhaka.' In it, a resolution in favour of complete zonal autonomy on the basis of the Lahore Resolution of 1940 was adopted.<sup>28</sup>

In the CAP the constitutional debate on the Bogra Formula continued from 7 to 23 October 1953.<sup>29</sup> Representing Bengali feelings, Fazl-ul-Huq described it as "a colossal hoax on an obliging group of party members."<sup>30</sup> Demonstrations against the Bogra formula, under the joint auspices of the opposition parties of East Pakistan, were held in Dhaka, Chittagong, Mymensingh and Narayanganj. Fazl-ul-Huq was accorded a civic reception on his return to East Bengal on the 31<sup>st</sup> October. The reception was organized by his admirers and members of the KSP in recognition of his "commendable move in the CAP for the cause of safeguarding Bengali interests."<sup>31</sup>

The process of Constitution making stopped for some months after 24<sup>th</sup> October 1954, when the first Constituent Assembly of Pakistan was dissolved. After the dissolution of the assembly, the constitutional aspect of the challenge was affected by political steps, and the constitutional demands of Bengali Movement became fragile due to these political developments.

## Centralization as a Solution

The Bengali initiated proposal for confederation was supported in Punjab where it was revived by leaders of the Azad Pakistan Party including Mian Iftikharuddin and Shaukat Hayat who, through an amendment to the BPC report, raised the proposal for a confederation.<sup>32</sup> The idea was supported by Maulana Zafar Ali, Begum Shahnawaz, Chaudhry Nazir and others. Three members of the High Court Bar Association (Chaudhry Nazir, Mahmud Kasuri and Sirajuddin Pal) submitted a memorandum to Governor General Khawaja Nazimuddin recommending a confederal form of government for Pakistan as an absolute necessity. They suggested the creation of an autonomous state in East Pakistan, with a unicameral legislature and a similar autonomous federal state in West Pakistan with two legislative chambers. Both states could then join in a confederation which would look after the defence of the country, develop inter-zonal communication and conduct foreign affairs.<sup>33</sup>

In contrast to this accommodating proposal of confederation, the ruling group of leaders bluntly supported the federal system. Khawaja Nazimuddin plainly said that a confederation 'would be the end of Pakistan.' He said it had been summarily rejected by Quaid-i-Azam when a reference was made to a confederation by Mr. Abul Hashim at the ML Legislators Convention on May 6, 1946. Nazimuddin's supporters included Mumtaz Daultana from Punjab and Nurul Amin from East Pakistan. The latter said that 'as a result of Partition, 'we got a truncated Pakistan; therefore, the idea of a confederation should be abandoned.'<sup>34</sup>

In contrast to the demands of the rising Bengali Movement for autonomy the ruling leadership preferred centralization to the separation of powers. "Over Centralization, the conferring of dictatorial powers on important state functionaries including over-riding authority to deal with partially defined and undefined emergencies, suspicion of democratic method and procedure," said *the Pakistan Times*, "were among the most objectionable features of that Constitution which one finds smuggled into the BPC's recommendations." The head of the state's status, *Nawa-i-Waqt* said, had been raised in the BPC's Report to a level 'higher than that of Ceasar and the Czar. The East Pakistan Provincial ML General Secretary, Shah Azizur Rahman, expressed that 'under the cloak of federation' the idea was 'to establish a pure and simple dictatorship that will unleash a reign of terror and coerce the teeming millions to complete submission.'<sup>35</sup>

Centralization of powers was stressed to such an extent that the UK High Commissioner reported that practically the presidential form of government was preferred to parliamentary one. According to the UK High Commissioner the tendency towards the centralization of administration started with Jinnah. Significant examples included his retention of the conduct of Balochistan affairs in his own hands, taking the States and Border Regions Ministry in his own hands, the adaptation of Government of India Act 1935, to enable him to supersede a provincial administration at will, and finally a further adaptation of



Government of India Act to enable him to demarcate a fresh provincial boundary in connection with the taking over of Karachi by the Central government.<sup>36</sup>

Quaid-i-Azam's centralization could be justified as the need of newly born state, but Governor General Ghulam Muhammad injudiciously continued the strategy of centralization even more. This in turn persisted under Governor General/President Iskandar Mirza. He represented the viceregal pattern under new conditions and without a foreign principal. Ghulam Muhammad and Mirza both scorned politics, in their own ruthless way. Each was possessive about executive ascendancy, regarded with repugnance the very idea of a parliamentary experiment in Pakistan, and professed to prefer presidential government on the American model, though without any insight into the actual political character of the American presidency. Each fancied himself a strong man.<sup>37</sup>

Other ruling leaders too favoured the presidential form of government. An evidence of this bent towards centralization can be found in Choudhary Muhammad Ali's cabinet when the issue of presidential versus the British form of parliamentary government was raised. There was unanimous support from the Ministers present for the Presidential form, save in the case of Mr. Suhrawardy who urged the case for the British system.<sup>38</sup> Later, probably under British influence, the Law Minister Chundrigar confirmed that the draft of the Constitution would be based on the British Parliamentary system.<sup>39</sup>

## Parity as a Solution

The constitutional issue of fair and equitable representation to the federating Units was not tackled by the leadership properly. In giving any solution for the issue of representation, in start ruling leadership avoided to express their views on parity clearly. The initial BPC Report simply provided two Houses of Parliament: the House of the People elected by the people, and the House of

Units representing the legislatures of the Units. The provinces were to be equally represented in the Upper House but the size of the delegation was not fixed. Nor did the Report make it clear (though this was perhaps taken for granted) that the Lower House would be so constituted so as to reflect the ratio of the population of the two wings.<sup>40</sup>

The solution which was later adopted, to the problem raised due to the majority of East Pakistan and minority of West Pakistan that was itself divided between provinces and states, was the principle of parity. Begum Jahan Ara Shahnawaz, describing the meetings of the BPC Committee writes that there was "protracted discussions in connection with the representation in the Central administration being fixed on population basis between the East and the West wings." Ultimately the solution found was in the parity of the two wings. Liaquat Ali Khan, the first prime minister of Pakistan, also visualized some kind of parity formula. At a conference of Muslim members of the Constituent Assembly of Pakistan (CAP) from East Pakistan, including Fazlul Haq he formally proposed the principle of parity between East and West Pakistan; and this was unanimously accepted by those present.<sup>41</sup>

The Bogra formula granted great prestige for Muhammad Ali Bogra in finding the solution of a problem which was threatening to split Pakistan in two<sup>42</sup>. It was a singular attempt at interest aggregation on the part of all of provincial or regional groups within the official PML leadership and was adopted by the CAP without much opposition, except for the dissenting voices of Fazlul Haq and Mian Iftikhar-ud-Din, both of whom demanded greater provincial autonomy.<sup>43</sup> It was based on the principle of parity. The formula, *Pakistan Observer* said, was the outcome of the considerations of East Pakistani ruling PML leaders like Nurul Amin who thought that anything less than parity would seal the fate of the ML in the province.<sup>44</sup> There was no difference, according to Dr. Mahmud Hussain, between the Bogra formula and the Nazimuddin scheme, in respect of parity, except that the

Punjab, in the Bogra formula, was given equal representation with other units in the Upper House.<sup>45</sup>

To make the parity between the two units possible it was necessary to form unity among the provinces and states of West Pakistan. In order to prevent the fissiparous tendencies which were developing between the provinces, and due to the importance of establishing parity between the eastern and western wing and because of a less commonly acknowledged reason - the fear that East Pakistan politicians would play off one Province against another and secure power for themselves – and ignoring the danger of concerns of Punjabi domination within West Pakistan<sup>46</sup> the states and provinces of West Pakistan were made One Unit. Choudhury Muhammad Ali presented the proposal of one unit for West Pakistan to the ML parliamentary party's subcommittee on allocation of powers.

Such a proposal for a zonal sub-federation had already been put up in March 1949 by then Chief Minister of Punjab, Firoz Khan Noon<sup>47</sup> who had made a plea in the CAP for One Unit in the interest of 'efficient administration'.<sup>48</sup> Begum Shahnawaz supported Noon. She talked to Liaquat Ali about the creation of One-Unit but he said that, however good the idea might be, the provincial leaders in power would not agree to it.<sup>49</sup> Support for the merger proposal was also voiced by Yusuf Khattak, General Secretary of the PML, and Mumtaz Daultana, PML leader from Punjab.

When almost all political forces agreed on One Unit in principle, a small group led by Khawaja Nazimuddin totally opposed it and wanted to preserve the basis of a parliamentary structure which would allow the Bengalis to control the Centre.<sup>50</sup> Along with the serious agitation by Ghaffar Khan from NWFP out of the CAP, the most vocal and uncompromising opposition within the Assembly came from East Pakistani Fazlur Rehman who urged that the bill would bring about the disintegration of the country by creating "two Pakistans."<sup>51</sup> Mahmud Ali who cast the

only vote against the One Unit Bill in CAP told the CAP that it would not be wise to juxtapose unity; it should come voluntarily. He also predicted that he would live to see that those who were bringing it about would be instrumental to the dissolution of the One Unit in the course of time.<sup>52</sup>

Finally, the Bogra Formula formally designated East and West Pakistan as two zones of the country. On different occasions Mushtaq Gurmani, Feroz Khan Noon, Muzzafar Qizilbash, Hussain Shaheed Suhrawardy, Qurban Ali, the Governor of the Frontier, Sardar Bahadur Khan and Mr Khuhro from Sindh played a prominent part in the shaping of One Unit.<sup>53</sup>

### Period of Compromise (1954-58)

A mutually acceptable working relationship existed between the Central ruling groups and dominant East Bengali political forces from the date of dissolution of first CAP to the early part of 1958. This wave of compromise left a negative impact on the progress of the Bengali Movement. Almost all political parties of East Pakistan, the KSP, Nizam-i-Islam (NI), GD, KR, National Congress and even the provincial PML, boycotted the Constituent Convention proposed by Governor General Iskander Mirza. On April 25, 1955, however, Hussain Shaheed Suhrawardy, the leader of AML, issued a detailed statement in favour of the principle of parity, as enunciated in the proposal of Constituent Convention, arguing that a general agreement on parity had existed since the days of Liaquat Ali, and that even the twenty-one point programme of the United Front (UF) had not disputed it.<sup>54</sup>

The working committee of EPAML accepted Suhrawardy's viewpoint. Bhashani also followed Suhrawardy in accepting the parity as "a compromise and a gesture of goodwill" towards West Pakistan, in the hope that East Pakistan would be given "full regional autonomy." In the meeting of the working committee, Bhashani made Suhrawardy sign a document to the effect that he would try his utmost to get the twenty-one points of the UF

programme and joint electorate accepted, and on failure to do so, would resign from the ministry.<sup>55</sup>

Next, the UF, under the leadership of Fazl-ul-Huq with 16 seats along with an adherence of 9 minority members in the second CAP<sup>56</sup> announced that it would work on the framing of the Constitution together with the ML that had won 25 seats out of 72 seats of the second CAP. Now Suhrawardy-led AL with 9 seats supported the Constitution making efforts on principle and differed with ruling ML merely on the demand for resignation of PM Bogra.<sup>57</sup>

### Murree Agreement

Finally, in an attempt to bring about an East-West agreement on controversial issues<sup>58</sup> of the Constitution, during the first session of the second CAP at Murree, the Murree Agreement was concluded by members of the PML, the AL, and the UF. The East Pakistani delegates agreed to parity of representation as well as One Unit in West Pakistan on the following conditions:

- (i) Regional autonomy for East Pakistan;
- (ii) Parity in representation and also in distribution of jobs in trade, industry, finance and army etc;
- (iii) Joint electorate; and
- (iv) Both Bengali and Urdu to be the state languages of Pakistan.<sup>59</sup>

Mizanur Rahman observes that the formula of parity in legislature was accepted unanimously on the condition that parity was established between the two regions in all other fields, such as defence and administrative services. East Bengal modified its

demand for Bengali regionalism and contributed to making this the "most creative" period of "integrative institution-building."<sup>60</sup>

In this situation of compromises, the Establishment of West Pakistan Act in order to unify the whole of West Pakistan into a single unit, was put in the CAP in August 1955.<sup>61</sup> The coalition government had no difficulty in getting it through and it was made law on 14 October 1955. There was no significant public opposition to it from East Bengal. The bill had already been decided on November 23, 1954 and had been enforced through an ordinance by the Governor General (GG),<sup>62</sup> Notwithstanding a near consensus on the One Unit its promulgation was made controversial. GG Ghulam Muhammad promulgated it through an ordinance. Widespread protests arose from both wings of the country against such arbitrary action. The national leaders recognized the need to return to parliamentary procedure. The proposed merger was left to the new CAP who passed it by 43 votes to 13 and the new province of West Pakistan came into existence.<sup>63</sup> Therefore it was only opposed by Suhrawardy-led AL not on the question of principle but the way it was pushed through undemocratically because it was promulgated through an ordinance of GG proclaiming an emergency.<sup>64</sup>

In the debate in CAP on the One Unit Bill, various members of the CAP representing the AL expressed their views for the demands of East Pakistanis very bluntly. Sheikh Mujib demanded a referendum on the question. Abul Mansur Ahmad commented that Bengalis would not allow the bill to be pushed through without referring to public opinion. A. R. Khan asked for conceding and ensuring five demands of East Pakistan in One Unit Bill. Suhrawardy explained that the reason of his prior favour and later opposition was that the people had lost confidence in the good faith of the Government. He placed four principles as the essential conditions for his support of One Unit scheme: the integration of West Pakistan, parity between East and West Pakistan, division of the offices of the GG and the PM between East and West Pakistan, and regional or zonal autonomy. He

complained that all four principles hung together and that the main basis of the unification of Pakistan had been destroyed by the government.<sup>65</sup>

## Constitution of 1956

By 1956 it was generally acknowledged that the Bengali nationalist movement had lost its momentum in practical terms.<sup>66</sup> In the CAP, the major Bengali party under the leadership of Fazl-ul-Huq continued to lend its support to the government for Constitution making from 11 August 1955, when the AL and the UF coalition government headed by Choudhry Muhammad Ali were sworn in.<sup>67</sup> In November 1955, the Central government sustained the UF's ministry in East Pakistan which had a doubtful majority in the Provincial Assembly. Moreover Fazl-ul-Huq had the promise of the governorship of East Pakistan after the passage of the Constitution. The UF, therefore, supported the Government and took part in the sub-committee to decide on four controversial and contentious constitutional issues; the distribution of powers between the provinces and the federation; joint or separate electorate; the official languages; and Islamic provisions.<sup>68</sup>

On the division of powers between the Centre and the Provinces, the UF were committed to obtaining maximum autonomy for East Pakistan leaving only defence, foreign affairs and currency as Central subjects. The agreement between the Government and the UF had been reached on the inclusion of foreign affairs and defence in the central list. The discussions on trade and industry went well.<sup>69</sup> Consequently Fazl-ul-Huq, despite serious criticisms of the draft Constitution of 1956 within his party, the UF, described it in public as "almost unique".<sup>70</sup>

Awami League with the support of other organizations was advocating the Bengali nationalism in CAP as well as in the masses. It organised a full-fledged agitation; there were public meetings, demonstration, a resistance day strike. Bhashani, the president of AL in East Pakistan, was reported to have threatened

secession.<sup>71</sup> Another prominent Awami Leaguer spoke of the two wings of East Pakistan as two countries and two peoples.<sup>72</sup> In a public meeting on 15 January 1956 arranged by AL and participated by GD, Students Union, Students League, Youth League and University Committee of Action the speakers expressed their determination to resist Constitution with all their organized might and appealed for an All-Party Convention at Dhaka to prepare a democratic Constitution based on twenty-one points of the UF and acceptable to all.<sup>73</sup>

In the CAP the representatives of the AL consistently and cogently argued against anti-Bengalis provisions of the Constitution and established their credentials as spokesmen for the interests of Bengalis.<sup>74</sup> During the final debate on 29 February 1956 there was considerable bitterness and anger amongst the members. When Suhrawardy's suggestion to call a Round Table Conference (RTC) for discussing the controversial issues was turned down, the AL walked out followed by four Hindu members of Congress, two members for Scheduled Caste Federation and one member each from GD, and the Azad Pakistan Party and did not participate in final voting and the first Constitution of Pakistan was passed.<sup>75</sup> The general reaction to the Constitution was a mixed one<sup>76</sup> while Bhuiyan says the Bengali intelligentsia felt that the Constitution put East Bengal under the complete control of the Central Government.<sup>77</sup>

Regarding the Constitution, opposition spokesmen and press in East Pakistan directed the brunt of their complaints against the denial of sufficient provincial autonomy and the inadequate provisions relating to the adoption of Bengali as a state language. Strong dissatisfaction was also expressed at the establishment of a National Economic Council, which was regarded as a doubtful safeguard for East Bengal's economic interests. Feelings on this subject were aggravated by the publication of calculations showing the disparity in financial provision for development of East and West Pakistan. Perhaps the most violent protest came from minority groups who bitterly resented the concessions to extreme



Islamic feeling. Two Hindu parties, the Congress and the United Progressive Party threatened to withdraw their support from UF government<sup>78</sup> due to its support for the Constitution. Within two months of the passage of the Constitution, Bhashani reactivated the demand for regional autonomy and joint electorates, while criticizing the central government for the food shortage in East Pakistan. To focus public attention on the problem, he went on a hunger strike on May 2, demanding an outright grant of 500 million rupees, in foreign exchange, for the import of food grains to East Pakistan.<sup>79</sup>

The Constitution had been framed but the process of dealing with Bengali question produced some serious reservations in the Bengalis. Firstly they came to have a conscious that their majority was undermined in the proposals of BPC. They, therefore, demanded maximum autonomy. Secondly they felt the delay in the formulation of Constitution was indeed hesitance for the acceptance of their legitimate democratic right.<sup>80</sup> Thirdly the activists of the Bengali Movement felt that the principle of parity (and as a consequence formation of One Unit) was an efforts to threaten the Bengali's legitimate superiority. For the compromise in the major circles of politicians the hardcore Bengali activists claimed that the Constitution was a product of compromise among the politicians who were not elected through a general election and the issues, constitutional and otherwise, had not been placed before the electorate.<sup>81</sup> Among the masses, there was the sense that differences among the Bengali politicians and their thirst for power had damaged the cause of Bengalis.

Fourthly, the Bengalis criticised the Constitution on the grounds that due to divisions in the rank of East Pakistani leadership, West Pakistani leaders had broken all the pledges made in the Murree Pact except that of state languages. This deliberate breach of pledged words gave rise to genuine grievances in Bengalis.<sup>82</sup> They saw that parity was provided only in representation and not in the Federal Services. More than three subjects allotted to Centre were also criticised.<sup>83</sup> The trends in

the Bengali circles were eye openers and demanded vigilance on behalf of the leaders of the country. Writing under the caption 'Secession,' the *Civil & Military Gazette* said:

If East Bengal behaves in the way it is doing, public opinion will be forced to demand that it should be allowed to go its own way. There would be no need to wait for the coming generation to do the job... We believe the time has already come when East Bengal must either accept the principle of a strong Centre or be told to break away.<sup>84</sup>

Despite above mentioned opposition and criticism, the set-up provided in the Constitution was accepted by many major Bengali parties. The UF supported it in the CAP and the AL, despite opposition in the CAP, accepted it afterwards by working under it when in 1957 it formed central as well as provincial governments. The Bengalis had nurtured expectations of the coming elections and participation in the government had also given them a ray of hope but the abrogation of the Constitution in 1958 via martial law dashed all of the weak efforts of generating a consensus on the Constitution on the ground. The nation stood once more on the point from where it started in 1947. In the words of Abul Mansur Ahmad "the most prominent symptom of our national disease is that for 9 years we could not produce a Constitution, and when we could produce one after such a long time, it could be abrogated by our Army Chief."<sup>85</sup>

### Compromise was forced

Since the birth of Pakistan, till the imposition of Martial Law in 1958, the Pakistani leadership tried to make a compromise on the issues surrounding the Constitution but in applying the principle of parity compromise was either expected from or forced to the East Pakistani leaders. The policies of dialogue, people-to-people contact, and party-to-party deliberation were not adopted. Jahan Ara Shahnawaz reports that in the BPC "after the greatest difficulty and making every effort, we were relieved when East Bengal at last agreed to the parity of the two wings."<sup>86</sup>

The whole government of East Pakistan was against the BPC even in November 1950. The Governor of East Pakistan reported to the PM Pakistan with happiness that at least one Minister in East Pakistan government, Mafizuddin Ahmad, had the courage to speak up for the BPC report.<sup>87</sup> In this situation the talks on party-to-party basis could have been successful if initiated. One such effort was reported to be made in January 1953 when to solve the impasse in constitutional formulation it was decided to send a delegation of the Punjab ML to East Pakistan to try and iron out differences on the BPC report but then a period of political turmoil and intrigue made the follow up on this decision impracticable.<sup>88</sup>

Abul Mansur complains that East Pakistani leaders had to accept parity when they were plainly told that there would be no Constitution unless East Pakistan agreed to it. They agreed because of an impression that the parity was for the limited purpose of CAP only. With regard to the One Unit, question could not be raised by East Pakistani leaders on the ground that it was a matter which exclusively concerned the people of West Pakistan and so East Pakistani leaders should not interfere. So East Pakistani leaders had no alternative but to accept parity and integration of One Unit in Murree Agreement.<sup>89</sup> It was why Binder called the One Unit 'officially inspired.'<sup>90</sup> Afzal maintains that the Consent of UF for one unit was secured by exploiting three issues: the inter-party conflicts in the UF; the lifting of the informal ban on Bhashani's entry into Pakistan; and the issue of restoration of a democratic government in East Pakistan.<sup>91</sup> The UF government's position in the province was so uncertain that they could not afford to give way all along the line and then face the accusation that they had failed to represent adequately the Bengali point of view.<sup>92</sup>

Sometimes consent was taken with the help of the policy of division among the Bengali ranks, and agreement on principles was not arranged or desired. The rulers, instead of responding to the dictates of the situation, chose to try the colonial device of

'divide and rule'. Suhrawardy, Bhashani and Huq were pitted against one another.<sup>93</sup> At the time of the formation of the coalition government with Ch. Muhammad Ali, an agreement had been reached between PML and the AL leader Suhrawardy. However, the latter's tactical error of delay in the joint meeting of both parties which was to confirm this agreement gave the PML leadership the chance to form a coalition with UF and without AL, who did not allow Suhrawardy to work as deputy PM in coalition government. Thus ruling government won an opportunity to exploit the East Pakistani forces through political maneuvering. The AL now accused the UF for securing power at Centre in return for surrendering the principle of parity between East and West Pakistan.<sup>94</sup>

When the 1956 Constitution was passed, having the leverage of Fazlul Haq and UF's support, the ruling leadership made no effort to achieve a broad consensus by associating with the AL. Choudhury Muhammad Ali rejected the AL demand for RTC, which was endorsed by Fazl-ul-Huq also. Later, Suhrawardy as PM maintained that he 'and Fazl-ul-Huq together made a prayer to the PM to suspend the sitting of the CAP for only two or three days for the purpose of thrashing out' the controversial matters but 'the PM refused to give that time.' The PM knew that, sitting together in a meeting, the East Pakistan parties would confront him with a solid front as they were doing in public statements. Separately he could and did bring round Fazl-ul-Huq and his party to support his constitutional proposals. The result was that though the UF was a party to the agreement on which the Bill was based, yet the UF Parliamentary Party in East Bengal still proposed amendments to about two-thirds of the Bill.<sup>95</sup> The agreements not made on principles bear such fruits.

**The compromise was not acted upon and was made without good intentions**

The compromises made with the Bengali leadership and people on the Constitution were either not fulfilled or were based

on Machiavellian intentions, and were not promulgated according to their correct natures. The formation of the One Unit was not an effort to impede the Bengali Movement. It was made to strengthen the domination of Punjab, and thus increased distance. It would have been useful if done with good intentions and proper arrangements.

Yusuf Khattak, General Secretary of the PML, remarked in 1949 that One Unit would not only eradicate the 'poisonous mentality of narrow provincialism' but would also effect tremendous saving on the top-heavy administration. He explained that the move could 'never mean the domination of one province over another.'<sup>96</sup> However, a document prepared by Daultana stated that "a fragmented West Pakistan has really nothing to ask from East Pakistan because the realities of the situation had given East Pakistan an irreconcilable superiority."<sup>97</sup> He also wrote that "at a later stage Punjab will have to take the lead. At that time, I hope, an effective, intelligent Punjab leadership will have been put in place both at the Centre and at Lahore. In reality, however, One Unit will mean more effective power to the people of West Pakistan than they have hitherto enjoyed. The present position is that all real power lies with the Central Government in which Bengal has the dominating share."<sup>98</sup> The Confidential Report of IPBA also confirms that a less commonly acknowledged reason for the formation of One Unit was the fear that East Pakistan politicians would play off one province against another and secure power for themselves.<sup>99</sup>

Even after the acceptance of East Pakistani leadership, the measure of One Unit was attended to by the Republican Party – the party of GG Iskandar Mirza – in 1957 when they were obliged to conclude an alliance with the NAP on the basis of dismemberment of One Unit. It was the Awami Leaguer PM Suhrawardy who, in opposition to his coalition partner Republicans, created the understanding with the PML which had returned to its original support for the one unit formula. Apparently Iskandar Mirza himself heavily committed to the

maintenance of the unit, began by himself supporting his PM's stand, but this did not prevent him, when Republicans announced their withdrawal from the ministry, from demanding the resignation of Suhrawardy.<sup>100</sup>

East Pakistanis complained that the agreement on the Constitution was not acted upon. The UF parliamentary party, in a stormy meeting after the issuance of the draft Constitution expressed opposition to many provisions of the draft which were claimed to be at variance with agreement previously reached.<sup>101</sup> The parity was agreed but in practice there had been no parity except representation in the Assembly. This principle, in effect, produced regionalism and never encouraged nationalism. It fostered parochial feeling in both wings. Finally it is necessary to consider that the Constitution of 1956, which came into being after an agreement, was abrogated in 1958 even when it had been reduced to a farce, as *Dawn* reported, in less than two months. The body politic of Pakistan had been infected with such multiple viruses that mere passage of Constitution on paper had not proved enough antibiotic to cure it and restore it to normal health. The Constitution of 1956 was abrogated not because it was unworkable, but because it was to be fully implemented by the first elections to be held in the country.<sup>102</sup>

## Leaders on Electorate and Election

The Leadership, ruling as well as opposition, failed to make a consensus on the electorate issue. The separate electorate was decided in the Constitution of 1956. The coalition government led by Suhrawardy first gave a formula according to which there was joint electorate in East Pakistan and separate electorate in West Pakistan and later supported a joint electorate in whole country. The government of I. I. Chundrigar could not continue because of differences with Republicans. The ML wanted to change joint into separate electorate and Republicans led by Dr. Khan Sahib did not support them as promised already.

When it was announced that the government intended to introduce joint electorates in the country, Sardar Nishtar decided to launch campaign against it. Nishtar observed: "We will not rest till the decision is amended". He held the Awami Leaguers and the Republicans responsible for this decision of the Assembly and warned the government that the campaign would continue until the decision was reversed. Nishtar had the support of Maulana Maudoodi who called it "the decision of the unholy alliance" and "the worse conspiracy". Mr. Manzar Alam also criticising the system said it was unholy attack on the basic ideology of Pakistan. It was due to Nishtar's resistance that the government was ultimately forced to reverse the decision.<sup>103</sup>

The direct election on the basis of adult franchise was not held until there was martial law. When the case for the dissolution of the first CAP was being heard in the federal court an offer for compromise given by the counsel of Maulavi Tamizuddin and endorsed by CJ Federal Court providing for the voluntary dissolution of the CAP by direct election on the basis of adult franchise to be held within the time limit and providing for equal representation of East and West Pakistan<sup>104</sup> was not accepted by the ruling leadership on the pretext of no surety that a CAP would dissolve itself in case a compromise was reached.<sup>105</sup>

## Delay in Constitution Making

The Constitution, had it been made in time could have functioned as an institution for the integration not only between the two units but also among the provinces. On the failure of accommodating the Bengali Movement through a constitutional set-up the leadership adopted the policy of delay. In the words of Abul Mansur, 'instead of boldly solving the only problem (of two wings) that faced us, we started moving hesitantly in a vicious circle and found ourselves entangled in a quagmire of an ever-increasing number of problems.'<sup>106</sup>

Immature tackling of the constitutional issues appeared from the release of the BPC Report that had been presented without

waiting for the recommendations of the Franchise and the Judiciary Sub-committees of the BPC.<sup>107</sup> Even the members of BPC took its work non-seriously. The signatures of only 16 out of 29 members on Report, the earlier resignation of several members including three cabinet members and absence of others from the final meeting, suggested that the report would not have a smooth passage from the Assembly.<sup>108</sup>

Liaquat Ali Khan was first to try to make a consensus on constitutional issues. He, in December 1950, visited East Bengal with the clear objective to confront the many critics of BPC and replied the criticism by members of Legislative Assembly in secret session of the PML Parliamentary Party. In a meeting with a council of Provincial PML he made an open offer to the PML councillors of East Pakistan to appoint a committee of five persons, not members of the CAP, to draw up a case against the Central government's treatment of East Pakistan at any particular issue. He assured his audience that he would be able to satisfy them regarding any misapprehensions that they might have.<sup>109</sup>

Failing to get a compromise, Liaquat felt it expedient to postpone the considerations on the BPC and proposals were withdrawn in November 1950 so as to give full opportunity to those who might be interested in offering suggestions regarding the basic principles of the Constitution. Thus, constitutional conflicts in Pakistan were shelved for the time being.<sup>110</sup> Jahan Ara Shahnawaz reports that despite the repeated warnings from many members of BPC, majority of PML Assembly Party decided to return the interim Report to the BPC. She contended that had the Report been accepted there and then, the Constitution finalized and drafted within year, and elections held soon after, Pakistan would not have had to face all that happened after 1950.<sup>111</sup>

The consequences of the delay created more complications. During the interval the amendments in the existing Constitution were necessary. They were the results of the decisions made by executive and not by the CAP. Thus the framers of the



Constitution changed from legislators to executives and the controversies deepened.<sup>112</sup> Robert Drayton, the chief draftsman of the CAP, who had helped so far as anyone could, to keep that difficult and rather inexperienced body on the right line, was so frustrated after little evidence of positive achievement that he contemplated bringing his appointment to an end.<sup>113</sup>

The deliberate delay of the leadership in forming the Constitution was evident when on 1st January 1953, more than five years after the creation of Pakistan, all members of CAP chose to take more time for the consideration on BPC despite the plea of Sris Chandra Chattopadhyya, who opposed the adjournment and observed that 'we have considerably delayed the framing of the Constitution' and, in the case of further delays, Bengalis 'would say that we are not the real representatives of the people, because we were not, they say, elected by adult franchise, and let there be fresh elections.' He pleaded for the consideration of the Report; 'if there is any omission or anything wrong, let new people come and let them amend it according to their own liking.'<sup>114</sup> This was the only sensible opinion in the Assembly. The task of the passage of BPC Report was accomplished 9 months later on 21 September<sup>115</sup>

Whenever there was any serious controversy the tactic of delay was there. When the language controversy became very acute in April 1954 the proceedings of the CAP were suspended for three weeks until an acceptable solution was evolved.<sup>116</sup> Likewise to solve the parity issue the Constitution-making remained unresolved and pending until unification of the West Pakistan was put into operation in 1955. When that was accomplished the intrigues led to the dissolution of the CAP which changed whole set up and took another year for final enforcement of the Constitution.

The delay was not the result of, as G.W. Choudhury professed, "political intrigues and squabbling"<sup>117</sup> but it was made deliberately to avoid the opposition on the difficult issues and to

stop unfavourable consequences to the personal interests? The most of CAP members were not true representatives of the people.<sup>118</sup> They feared that with the promulgation of the Constitution there would be elections and they would be deprived of their seats. The chief executive (President or GG) was too not a man of people and could carry on only due to the delay in elections for which a delay in the Constitution was necessary. 'Real cause of delay in the Constitution making was a tragic lack of a sense of urgency and accountability on the part of the Government and the CAP and an absence of strong and imaginative leadership able to understand the unique nature of the country calling for a unique Constitution. One or two lone voices were raised but completely ignored, and the caravan went on, oblivious of what was happening, what might happen in future.'<sup>119</sup>

Interestingly, the efforts to create obstructions in the way of Constitution were often made by the ruling leadership and not by Bengali Movement. When Muhammad Ali Bogra turned to task of Constitution making; and by mid-1953 press was told that an interim Constitution would be presented to the CAP at its next session. The East Pakistan ML parliamentary party, meeting in September 1953, directed its members of the CAP to oppose any plan of an interim Constitution, irrespective of the nature of its provisions. Thereafter the idea of an interim Constitution was dropped.<sup>120</sup> Again the GG dissolved the first CAP on the ground that CAP deprived him of some powers three days before the draft Constitution was to have been reported to the Assembly that had nearly completed its task of framing the Constitution. This view is also supported by K. J. Newman.<sup>121</sup> If GG and his accomplice thought in terms of the national interests the act of the CA against the GG could be ignored for the benefits of the country in the long run but personal vested interests did not let them think in this way.

Delay was also made in the decisions which were taken later. *Nawa-i-Waqt* and *Dawn* gave the idea of One Unit in 1949.<sup>122</sup> In the same year Chatopadiah, a Congress member of parliament,

floated the idea<sup>123</sup> but the PML leaders failed to take advantage of the initiative taken by the press, and to popularize the idea through a mass publicity campaign. There is no gainsaying the fact that the conditions could hardly be more conducive to the success if the ML League leaders thought of such a campaign. At that time the spirit of unity generated by common struggle was still alive and provincialism had not taken firm roots yet. Moreover then Central Government's writ ran through the provinces effectively mainly due to national figure of Liaquat Ali, unlike in the subsequent years. A proposal to create a federation of two units, East and West Pakistan, might have been easily written into the Objective Resolution; greatly speeding up the work of Constitution-making.<sup>124</sup>

## **Conclusion**

Various Constitutional proposals were not acceptable to the Bengalis who protested against the proposals in the Constituent Assembly as well as in public. Greater autonomy for East Pakistan was demanded. The Constitution of 1956 was accepted by the Bengalis in the air of reconciliation. The leadership, however, took much time in giving a viable constitutional solution satisfactory to the aspiration of Bengali autonomists. A policy based on over-centralization and parity was deemed fit to reconcile the Bengalis without feeling any serious threat to the unity and integrity of the Country. The reconciliation on constitutional issues was managed during the period when One Unit scheme and Constitution 1956 was approved but the compromises were not fulfilled in letter and spirit. The leaders who were able to establish compromises were sidelined and at the end the unconstitutional tactics were preferred to the constitutional solutions. This, ultimately, gave rise to the separatist movement in East Pakistan.

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  - 114 *CAPD*, vol. 12, No. 3 (1 January 1953), 169.
  - 115 Index to the *CAPD*, vol. 16, 1954, 14 March 1954 to 21 September.
  - 116 Salamat, *Pakistan 1947-58*, 74.
  - 117 Choudhury, *Pakistan: Transition*, 10.
  - 118 A Hindu opposition member reminded the CAP in 1954 that 'it has been declared by the people of East Bengal that the members sitting [in the CAP] do not represent the views of the people of East Bengal and they have no right to speak on their behalf. *CAPD*, vol. 16, No. 27 (15 September 1954) 375. Speech of Dharendra Nath Datta, moving amendment to Schedule 1 of the Report.

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- 119 Tamizuddin Khan, *The Test of Time My Life and Days*, Dhaka: University Press, 1989), 153.
  - 120 Afzal, *Political Parties*, vol. 1, 235-36.
  - 121 *Manchester Guardian*, 9 August 1955, DO 35/5117; G. W. Choudhury, "The Constitution of Pakistan," *Pacific Affairs* 29 (September 1956) : 243; and K. J. Newman, "The Constitutional Evolution of Pakistan," *International Affairs* 38 (July 1962) : 353.
  - 122 UKHC Pakistan to CRO, London. OPDOM, No. 10, Part 2, 11 March 1949, DO 142/424, TNA London.
  - 123 Javed Haider Syed, "Pakistan Republican Party," *South Asian Studies* 22 (January 2007): 87.
  - 124 Rehman, *Public Opinion*, 68-69.