
Electoral Politics in Pakistan (1955-1969)

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Pakistani political elite took no less than 23 years to hold the general elections in the country. However in the intervening period people went to the polls many a time. The provincial elections in the Punjab and NWFP were held in 1951 and shortly afterwards the same exercise was repeated in Sindh and East Pakistan. Those elections did not contribute in any tangible measure to bring about the development of political institutions in Pakistan. When in October 1958 Ayub Khan promulgated Martial Law at the behest of Iskander Mirza, the process of political transition reverted-back to square one. The forces of centralization got strengthened beyond measure in a plural country like Pakistan. In this paper electoral reforms and the elections held during the 1950s and 1960s has been critically analysed. The creation of election commission and its role as envisaged in the first two constitutions (1956 & 1962) has also been brought into focus.

It has been cited by many scholars that the provincial elections held particularly in West Pakistan during the 1950s were 'farce, a mockery and fraud upon the electorate'.¹ The party in power deployed all sorts of wholesome and illegal tactics to retain its hold on the three provinces. However, in East Bengal Muslim League had been discredited so thoroughly that United Front almost swept it out of existence from the region. That happened despite Central Government's unequivocal support for the former. Contrariwise, as Yunas Samad argues, the Central Government ceased to be neutral and non-partisan in the elections, held in the Punjab, NWFP and Sindh respectively.² It was contended that the state functionaries at the bidding of the Central Government interfered with the free exercise of ballot. Nomination papers of the opposition candidates were rejected 'on most fanciful and flimsy grounds and in some cases

seconders, proposers were kidnapped.³ Political opponents were harassed and thrown into prison on the pretext of being dangerous to the State. These anomalies, when reported in the press, triggered very serious doubts in the minds of the general public, making thereby the credibility of those elections doubtful. Ostensibly in order to dispel those doubts and to restore confidence among the masses as regards the rule of democracy, the newly installed Central Government appointed an Electoral Reforms Commission on 19th October 1955.⁴ Hence in this paper, the electoral reforms commission, the Franchise Commission and the elections held during Ayub regime would be the focus of our study.

The Electoral Reforms Commission consisted of the Chairman and two members. The Chairman of that Commission, Muhammad Ibrahim Khan assumed office on 22 October whereas the two members, Chaudhry Fazl Ilahi and Mr. Akkas Ali Khan joined Chairman at Lahore respectively on 4th November and 23rd November. Lahore was designated as Commission's Headquarter. Commission was supposed to suggest the ways and the means to revise the electoral laws and rules so that not only 'free and fair' elections could be secured but also 'to prevent malpractices from any source at any stage of an election so as to ensure freedom and secrecy of the ballot in order that a true representation of the people shall be achieved.'⁵ Commission, after gathering information from the public at large and then studying the existing laws and regulations in Pakistan as well as in other countries was meant to submit its report in three months. Commission drew up questionnaire comprising thirty one questions of varying nature and published it. It was given the widest possible publicity through radio and the other means of information like press and its copies were sent to important political parties, organizations and groups. Besides, Commission conducted extensive tours of all the major cities for eliciting public opinion on the conduct of the elections. Commission members also interviewed and examined large number of people including party representatives. Fairly large number of opinion gathered, was of the view that method employed 'for superintendence, direction and control of the preparation, publication and revision of the electoral rolls and the conduct of the elections to the Legislature'⁶ was deficient in the

extreme. It had been the privilege of the provincial governments to appoint Election Commissioners to oversee the conduct of the elections. Therefore they could be influenced by those who had the power to appoint them. It was therefore recommended by the Reform Commission:

“It is a fact beyond dispute that the existing machinery for superintendence, direction and control of the preparation, publication and revision of the electoral rolls and the conduct of elections to the Legislatures is absolutely unsatisfactory, and that it has totally failed to achieve a true representation of the people. We, therefore, suggest that the matters just referred to above should be wholly vested in a Commission, known as the Election Commission. The said Commission should consist of the Chief Election Commissioner, and such number of other Election Commissioners as the President of Pakistan may from time to time determine. The appointment of the Chief Election Commissioner should, subject to the provisions of any law made in that behalf by the Parliament is made by the President in his discretion and when any other Election Commissioner is so appointed, the Chief Election Commissioner should act as the Chairman of the Election Commission. Before each general election to the parliament and the Legislative Assembly of each province, the President may also appoint, after consultation with the Election Commission, such Regional Commissioners as he may consider necessary to assist the Election Commission in the performance of the above functions. Subject to the provision of any law made by the parliament, the conditions of service and tenure of office of the Election Commission and the Regional Commissioners should be such as the President may determine, provided that the Chief Election Commissioner would not be removed from his office except in like manner and on the like grounds as a judge of a High Court, and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment. Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from his office except on the recommendation of the Chief Election Commissioner.

The Head of the State or the Governor of a Province, should, when so requested by the Election Commission, make available to the Election Commission or to the Regional Commissioner

such staff as may be necessary for the discharge of the above-mentioned functions of the Election Commission.”⁷

That recommendation notwithstanding, one must not lose sight of the fact that the provision to that effect had already been made in 1956 Constitution. The Election Commission, as provided in the Constitution had following duties:

- a) to prepare electoral rolls for election to the national Assembly and the Provincial Assemblies and to revise such rolls annually; and
- b) to organize and conduct elections to the National assembly and the Provincial Assemblies.⁸

The Election Commission of Pakistan was created on 23rd March 1956 under the Article 137 of the Constitution of 1956 with the Chief Election Commissioner as its head. The First Chief Election Commissioner was appointed on 25th June 1956. Mr. Khan F.M. Khan was the first incumbent who remained in that position until 28th October 1958. Ironically his services were not invoked as there had been no elections during his tenure as Chief Election Commissioner. The Election Commission of Pakistan was conceived as an independent and autonomous constitutional body charged with the function of conducting transparent, free, fair and impartial elections to the National and Provincial Assemblies. However on very few occasions in the entire history of the Election Commission, transparency and impartiality of the elections could be ensured. The holding of elections to the office of the President and the Senate were the functions of the Chief Election Commissioner. Under the existing laws the conduct of Local Government Elections is also the responsibility of the Chief Election Commissioner.

Constitution of 1956

After nine years, Pakistani ruling elite was eventually successful in framing a constitution in 1956. The Constituent Assembly adopted it on 29 February, 1956, and it was enforced on 23 March, 1956. Pakistan's status as a dominion ended and the country was declared an Islamic Republic of Pakistan. Thereupon the Constituent Assembly of Pakistan became the

interim National Assembly and Governor General Iskander Mirza was sworn in as the first President of Pakistan. That constitution was lengthy and detailed; it contained 234 articles divided into thirteen parts and six schedules. It provided for federal system with the principle of parity between East Pakistan and West Pakistan despite former was a majority province. The Centre was invested with such powers as to take unilateral action in emergency and it could influence the provincial autonomy. Regarding one unit Katherine Adney observes 'Despite the relative homogeneity of its units, Pakistan pursued a strategy that made the units less homogeneous, merging the province its Western wing into one unit in 1955.'⁹ That merger gave rise to intra-regional dissensions in the days to come. In Sindh and NWFP the political ambience started reeking with anti-Punjabi feelings. Baluchistan was no exception either, in that particular regard.

The Constitution provided for the parliamentary form of government, where real executive authority was vested in a cabinet presided over by the Prime Minister, which was collectively responsible to the legislature. Parliament according to that Constitution would be unicameral therefore it consisted only of the National Assembly and equality between the two Wings (i.e., East Pakistan and West Pakistan) was established in it. It was to consist of 300 members. National Assembly was to meet at least twice a year with at least one session at Dhaka. Now the President was the head of the state instead of the Governor General to be elected by an Electoral College comprising members of the National Assembly and Provincial Assemblies.

The democratic rights and freedoms such as freedom of speech and expression, of assembly and association, of movement and of profession were all provided in the Constitution, with the usual qualifications. With regard to civil rights, familiar rights such as rights of life, liberty and property were granted, again with the usual qualifications and safeguards. The judiciary was given power to enforce the fundamental rights and the courts were to decide if a law was repugnant to any provisions of the fundamental rights. As per the Constitution, Urdu and Bengali were made national languages while English was to remain the official language for the first 25 years. After

ten years' passage of the Constitution, the President was to appoint a commission with the task to make recommendation for the replacement of English as the official language. 'Linguistic communities were not accommodated at the provincial level or at the centre under the 1956 constitution with the belated exception of the recognition of Bengali as a state language on par with Urdu. Pakistan did not recognize the legitimacy of provincial languages.'

Along with other Islamic provisions in the Constitution, the President was required to be a Muslim of at least 40 years of age. The Objectives Resolution was, however, only made the preamble of the Constitution and not included in its main text. The President had the discretionary powers to make the appointment of the Chairman and members of the Election Commission, Delimitation Commission and Public Service Commission. He also had the power to appoint the Prime Minister from amongst the members of the National Assembly. However, his appointee had to take a vote of confidence from the Assembly within two months of his appointment. The President also had the power to remove the Prime Minister if he felt that the Prime Minister had lost the confidence of the majority of the National Assembly members.

The Constitution offered direct elections under adult franchise. Every citizen of Pakistan with minimum age of 21 was allowed to vote in the elections. The provincial structure was no different to the one in the center. The pattern for the center-province relations was the same as it had been provided in the Government of India Act, 1935. There were federal, provincial and concurrent lists of subjects. There were 30 items in the federal list, 94 items in the provincial list and 19 items in the concurrent list. The federal legislation was to get precedence over provincial legislation regarding the concurrent list. Residuary powers were vested in the provinces. In case of a conflict between center and provinces or between the two provinces, the Chief Justice of the Supreme Court was to act as the mediator.

Some positives in that Constitution notwithstanding General Muhammad Ayub Khan, the mighty Commander in Chief of the Armed Forces had strong reservations regarding that document. In his book *Friends Not Masters*, he castigates it as 'a document

of despair' and 'no better than a bundle of unworkable compromises.'¹⁰ He flays Chaudhry Muhammad Ali by saying 'The Prime Minister (Chaudhry Muhammad Ali) was so anxious to go down in history as the author of a constitution that he was prepared to accommodate all point of view. What the country got was not a constitution but a hotch potch of alien concepts which had already brought enough confusion and chaos to the country. The Constitution, by distribution power between the president, the Prime Minister and his Cabinet, and the provinces, destroyed the focal point power and left no one in a position of control.'¹¹ According to him Iskandar Mirza was shrewd enough to see how the constitution could be used to promote political intrigues and bargaining.'¹² The Constitution of 1956 proved to be short lived as on October 7, 1958, Marital Law was promulgated and the constitution was abrogated. The *coup detat* was in fact Sikander Mirza's brain child however he was summarily ousted from the position of power by Ayub Khan. Hence new era in the history of Pakistan was ushered in wherein the controlled version of democracy was introduced.

Table

Cities	Total votes	Ayub Khan	Miss Fatima Jinnah	Other Candidates	Invalid	Total cast of votes
Karachi	1907	837	1049	4	13	1903
Hyderabad	406	201	201	0	0	405
Lahore	1210	819	371	1	17	1208
Lyallpur	397	274	123	0	0	397
Rawalpinid	319	202	106	2	8	318
Peshawar	521	299	215	0	6	520
Dacca	558	199	353	1	2	555
Chittagong	334	181	151	0	2	334
Khulna	283	167	113	2	0	282
Comilla	287	156	128	0	2	286
Total	6221	3335	2809	10	54	6208

Source: *Ibid* p. 35

<http://www.storyofpakistan.com/articletext.asp?artid=A060>

Voting in some urban centres in the Presidential Elections, 1965.¹³

Ayub Era(1958-1969); With Ayub Khan's arrival on the political stage in 1958, the System of Basic Democracy system was introduced in which 'the voters delegate their rights to choose the president and the members of the national and provincial assemblies to 80,000 representatives called Basic Democrats.'¹⁴

At the lowest level were the Union Panchayats, each containing ten elected and five nominated members. Each elected member was to represent from 1000 to 1500 people. Their primary responsibility was to oversee the judicial police and developmental functions pertaining to their areas. The next tier was the sub district council called teshil council in West Pakistan and *Thana* council in East Pakistan. These councils comprising presidents of union panchayat and officers of development departments had been entrusted with development activities within their respective areas. The other two tiers namely the district council was being presided over by deputy commissioner and divisional councils by the commissioners. These councils had members equally divided into official and non officials. Election to union panchayat was to be held on the basis of adult franchises.¹⁵

Ayub has put the constitutional clock back to the days of Lord Mayo and Lord Ripon – the late nineteenth century --- when democratic experiments were initiated by putting life into the existing indigenous local institutions and creating other wider organs of local government like the district boards and the Municipal councils. Ayub's experiment also indicates the sort of government that is likely to work in an Asian country. Democracy in Pakistan according to Ayub should be a government for the people by the bureaucratic elite. Whether this bureaucracy will evoke support in East Pakistan, particularly when both the army and civil service are dominated by west Pakistanis remains to be seen.¹⁶

The public meetings held to face the electorate were joint affairs, held under the chairmanship of the District Magistrate or some other civil service functionary. All candidates sat on the platform and each was allowed the same number of minutes in which to address the audience. The audience was not restricted to the Electoral College, but members of the general public were admitted and could ask questions along with the others. In these

circumstances, it is not surprising that the election passed off in a largely tranquil atmosphere.¹⁷

The first elections to be held under this system were scheduled to run during the end of 1959 and the early 1960. Cabinet advised Ayub to seek the vote of confidence from the 80000 members of elected Basic Democrats. The Basic Democratic gave him an overwhelming vote of confidence. The ballot was held on 14 February and the result was announced on 15 February 1960. I received conformation in 95.6 per cent of the approximately 80,000 votes cast.¹⁸ B.D system however failed to produce a class of new leaders, insightful and independent in their outlook. They were subservient to the Ayub regime because the Basic Democracies Order, 1959, had given enough powers to the bureaucracy to control these institutions. Moreover, due to fear of victimization and the desire to win favour, the members did take steps to displace the bureaucrats associated with these institutions.¹⁹

Despite Ayub's depiction by Huntington as an innovator who through the device of Basic Democracies sought to transform the institutional basis of Pakistan's politics, he was the paternalist of the Raj's non-regulation provinces. He reintroduced the nineteenth century ideas of political tutelage through indirect election and official nomination of representatives. However, like the paternalistic Punjabi colonial officials, Ayub discovered that while this model of governance would work in a static society, it was found wanting in a period of Rapid socio-economic change. Just as the development of the canal colonies in colonial Punjab threatened bureaucratic governance as was seen in 1907 disturbance so the process of migration and urbanization unleashed by the green revolution and industrialization put an increasing strain on the Ayub system in the post 1965 period.²⁰

The Basic Democrats collectively formed the Electoral College which affirmed Ayub Khan as president in January 1960. The ballot showed 75084 votes in favour and only 2829 against. They similarly reelected him as president in 1965 following his election contested against Miss Fatima Jinnah. The Basic Democrats also chose the members of the National and Provincial Assemblies in the party-less election of April 1962.²¹

According to Ayub Khan, by the beginning of 1962 people had begun to realize the utility and effectiveness of basic democracies and it was becoming obvious that I intended to give them political function. The new constitution was announced on first march 1962 the basic democrats then proceed to elect the representative of the people to national assembly in April 1962 and to the provincial assembly in May 1962.²²

Prior to these election "I issued an Order authorizing the election commission to take all necessary measure to ensure that the elections were conducted honestly, justly and fairly and that corrupt practices were eliminated. .. it was interesting to see the many of those who had publicly criticized and discredited the system eating their wards and approaching democrats for support. The masters were going to household servants and elite to turbaned natives for votes. It was a fitting nemesis."²³

The first session of the national assembly elected in 1962 was held on June 8, 1962. Soon after that it became obvious that political groupings started emerging in the assembly. Ayub Khan realized that "Election" and "Assemblies" necessitated the existence of political parties. The formation of his own party or the adherence to one already existing, therefore, became inevitable for him. Thus one of the earliest bills to be passed by the national assembly was the Political parties Bill which became law on July 16, 1962. It permitted the revival of political parties although in a very truncated and restricted manner. On May 23, 1963, Ayub Khan became a member of the Pakistan Muslim League (convention), which was founded in September, 1962, at a convention in Karachi and almost immediately became the official government party. In December, 1963, Ayub Khan assumed the presidency of the Pakistan Muslim League, thus giving the finishing touch to his control of the country politics and political activities.²⁴

Under the constitution, a Presidential election was to be held within 120 days before the expiry of the incumbent's term of five years. Since the date for the election was fixed for 2 January 1965. Ayub was nominated as Presidential candidate for re-election by the Convention Muslim League. He was, however, anxious to know whom the opposition would nominate as his opponent.²⁵

The opposition parties in the National Assembly had already joined forces to oust Ayub from power, under the banner of the Combined Opposition Parties (COP). This group included the Council Muslim League, led by Khwaja Nazimuddin and Mian Mumtaz Khan Daultana; the Awami League, led by Sheikh Mujibur Rehman; the National Awami Party, led by Maulana Bashani; the North West Frontier group of the National Awami Party, led by Wali Khan, son of the famous Abdul Ghafar Khan; the Nizam-i-Islam Party, led by Chaudhry Mohammad Ali and Farid Ahmad; and the Jamaat-i-Islami, led by Maulana Maudoodi on 16 September 1964, it was announced, after much confabulation, that the Combine Opposition Parties had invited Miss Fatima Jinnah, the Quaid-i-Azam, to be their candidate, an invitation she accepted although she had been virtually inactive in politics since her brother's death.²⁶

On November 21, 1964, the Electoral College was duly elected; and, the following day, its members were called upon to elect a President, which, according to article 165 of the constitution, they had to do before March 7, 1965. The Election Commission had been set up on October 21, 1964, with G. Mueen al-Din as Chief Election Commissioner and Justice M. R. Khan and Justice Sardar Muhammad Iqbal as members. The last date for filling nomination papers was November 26, 1964.²⁷

In lieu of the elections of 1965 combined opposition parties alleged that Ayub Khan as Field Marshal he was being paid by the government, which according to the constitution made him ineligible to stand for any election. This plan if it had succeeded would have created quite a predicament for Ayub Khan. But he came to know of it beforehand, and maneuvered to regularize his position through order issued with retrospective effect. However, even these orders bearing a weak rationale, were no less embarrassing for him.²⁸

The opposition parties from the very outset had been apprehensive that the general election would not be fair and free. That alleged that the previous few by-election had been marred by uninhibited official interference and hence there was no basis for them to believe that this interference would not be restored by the ruling party in the coming election. They demanded that the various measure of political control like the press and publication ordinance, the loudspeaker ordinance, and the public

safety acts should be withdrawn, all political prisoners should be released, steps be taken to ensure that section 144 of the Penal Code would not be forced during the election campaign to curb their political activity and that the official machinery would not be misused to their detriment.²⁹

Opposition alleged that the delimitation of constituencies for election to the Electoral College had not always been done on the basis of the provisions laid down in the Electoral College Act, 1964. It was alleged that principles like territorial contiguity and the population limit of 1072 voters for each unit were often flouted by the Election Commission authorities in order to bestow special advantage to some persons with utter disregard to the convenience of people. Constitutional petitions were filed in high courts and statements were issued to the press in which specific instances of breach of the provisions of the Electoral College Act were cited.³⁰

Faulty voter's list

The opposition was also of the view that the registration of voters had also been done with *mala fide* consideration. It charged that the names of persons who had been thought to be antagonistic to the party in power had been omitted from the voter list whereas fictitious names had been included in them to enable bogus voting in favor of the ruling party.

It was alleged that in East Pakistan many intending voters, who went to the registration office in Dacca during the week following the day the Electoral College Act, 1964 was amended were told that no instruction had been received by the East Pakistan Election Authority for further inclusion of names in the electoral rolls from the Chief Election Commissioner. The official concerned, therefore, refused to register their names. Those individuals suffered the most by that anomaly, who wanted to file their nomination for the election to the Electoral College but could not do so since their names had been omitted from the voter's lists.³¹

Bogus Voting

Yet another source of grievance to the opposition parties was the practice of the Bogus voting during the Electoral College

polls. It was alleged that the procedure laid down for the Electoral College election were not fool proof. The procedure suffers from certain built in loopholes permitting large scale bogus voting and all manners of corrupt practices. Firstly, it was not required of the voters to sign his name or give his thumb impression before receiving his ballot paper from the presiding offices and secondly, identity of the voters was justified by a polling agent of any of the candidates after which he was accepted as *prima-facai* voter in the unit. Although the identity of a voter could be challenged by another agent, the challenged vote, however, was taken into account for the purpose of counting.³²

Another factor that had been attributed to the victory of the Ayub Kan was the dubious role of Maulana Bhashani. He was a staunch supporter of the Miss Fatima Jinnah but remained inactive during the election campaign in East Pakistan. The rumor was that immediately before the elections Bhashani had been won over the Ayub and a deal had been worked out between them.³³ But that contention is corroborated by Iftikhar Ahmad who states 'the refugees in Khulna and Rajshahi division who tended to support Ayub, especially since Bhashani who had considerable support in Rajshahi division did not campaign actively for Miss Jinnah.'³⁴

The PML secured a thumping majority 120 seats in those elections. The opposition could clinch only 15 seats. Combined Opposition Party (COP) won 10 seats whereas NDF bagged 5 seats in East Pakistan and 1 in West Pakistan. The rest of the seats went to the independents. The most unexpected victory was that in West Pakistan of Miss Jinnah's candidate Hassan A Sheikh, who routed Siddique Dawood a leading industrialist, sitting MNA and PML treasurer by a convincing majority. One unusual feature of the elections was the large number of teid seats three of them prestige seats. One minister and 24 sitting MNAs lost their seats. Although the PML won 80% of the seats, it secured only 54.8% (East 49.64%; West 61.31%) of the total votes cast, the opposition secured a little more than 25%, the rest being secured by the independents.³⁵

The voting trend during these elections indicated that the voters were more influenced by the individual rather than parties and their manifestos. It is however significant to note that the

independents supported largely by the opposition secured 51.22% of the votes in West Pakistan and the independents and the opposition together obtained 61.7 % of the votes in East Pakistan. Another trend that emerged from the presidential and Assembly elections was that while the majority of the MEC favoured the existing regime, they were extremely unpredictable on some matters. Their unpredictable disposition is manifested by the fact that a massive 63.3% votes were cast to the PML in the presidential elections whereas 51.8% of votes went to PML in the National Assembly polls and 42.24% in the Provincial Assembly polls. This inconsistent voting pattern demonstrated flexibility on part of at least one third of the MECs based upon theories of discretion and conscience.³⁶

Notes and References

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