

## **Institution of Parliament in Pakistan: Evolution and Building Process (1947-1970)**

**Mahboob Hussain\***

### **Abstract**

The paper aims to highlight the process in which the institution of parliament evolved in Pakistan. The paper will mark various developments in regard to the building of parliament. Moreover the formation and structure of the parliament as well as the distribution of the seats according to various criteria would also be examined. How the parliament did affect the political system in the form of legislation and how parliament helped in generating the governmental and political leadership of the country will also be clarified. The historical method has been used to trace out different facts and to prove assumptions. The paper will enhance the understanding and interest in the studies of the parliament as an institution in modern statecraft. The historical books, documents and the articles from the journals have been consulted in bringing out the solutions.

Key words: Legislature, Constitution, Institution, Parliament Establishment

The growth of parliament in Pakistan is the direct outcome of the British Parliamentary System in India. The Governor General's Council evolved and took the shape of parliament in the course of time. The origin of British parliamentary system in India can be traced out from the Charter Act of 1833, which was a landmark in the history of Legislative institutions in India. The Act differentiated the law-making meetings of the Council of officials from its executive meetings. The Charter also increased the size of the Council as

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\* Author is Assistant Professor, Department of History, University of the Punjab, Lahore - Pakistan

legislature and legislative meetings were made public and the proceedings published. The Act of 1861, passed within three years of the end of Company rule and its replacement by the direct responsibility of the British Crown, enlarged the Council with the start of representation of the Indian public.

Constituent Assembly of undivided India which was established as the result of 1946 election was divided into two parts, one for India and the other for the new dominion of Pakistan. The Act made the existing Constituent Assemblies of the time as Dominion Legislatures. These Assemblies were allowed to exercise all the powers which were formerly exercised by the Central Legislature, in addition to the powers regarding the framing of a new Constitution, prior to which all territories were to be governed in accordance with the Government of India Act, 1935. Until a new constitution was framed for each dominion, the existing Constituent Assemblies were temporarily made the dominion legislatures.

### **The Composition of First Constituent Assembly of Pakistan**

Pakistan, thus, inherited a parliament that was comprised of one Constituent Assembly despite the fact that the adopted Constitution of 1935 had envisaged bicameral legislature. The Constituent Assembly was elected by the provincial legislatures. In the case of Baluchistan, where no legislature existed, a representative was elected by an electoral college consisting of the Quetta municipality and the jirgas. The Constituent Assembly created four more seats for Bahawalpur, Khairpur, the Baluchistan and the NWFP states which were filled through nomination by the rulers. A further addition of six members was made when the Assembly accorded representation to the new population, five for the Punjab and one for Sind who were chosen by the provincial legislatures. The strength of the Federal Assembly was thus raised from 69 to 79. Although the provinces were represented on a population basis, it was possible for persons from one province to be returned by the legislatures of other provinces. Territorially the seats of Constituent Assembly were divided as 44 from East Bengal, 22 from Punjab, 5 from Sind, 3 from N.W.F.P, 1 from Baluchistan, 1 from Baluchistan States, 1 from Bahawalpur, 1 from Khairpur, and 1 from N.W.F.P. States. (Ahmad, 2009: 88)

There were only two political parties in the Constituent Assembly, Pakistan Muslim League (PML) comprising all the Muslim members with the exception of two and the Congress Party consisting of the representatives of Hindus in Pakistan. PML, the largest party in the parliament, had fifty-nine seats. Its members from East Bengal were mostly drawn from the middle class while those from West Pakistan included several big landlords. (Yusufi, 1996: 2601) Though there was no organized Muslim political opposition party in the parliament, there was some divergence of views within the Muslim League. The middle class in East Pakistan and feudal classes in Western wing of Pakistan enjoyed a monopoly of representation. In this Assembly, 31 lawyers, 37 land lords, 9 business men, and 12 from other professions (Ahmad, 2009: 89) had been elected as the members.

### **Contribution and Achievements of First Legislature of Pakistan**

The first session of the Constituent Assembly of Pakistan, the first parliament of Pakistan, was held on August 10, 1947, at Sindh Assembly Building Karachi. Mr. Jugindar Nath Mandal, a member of the minority community from East Pakistan was unanimously elected as temporary chairman on the first day of the session. Quaid-i-Azam Muhammad Ali Jinnah, being the only candidate proposed for the presidency, was subsequently elected as president of the Constituent Assembly on August 11, 1947.

On August 14, 1947, the transfer of power from the British Government to the new state of Pakistan took place in the second session of the Constituent Assembly. Lord Mountbatten, the last Viceroy of India, delivered his farewell address to the Assembly while new Governor-General of Pakistan, the Quaid-i-Azam Muhammad Ali Jinnah, in his address spoke on the principles of the State of Pakistan. He mentioned the foremost task before the Assembly was to frame the Constitution for new state. (Yusufi, 1996: 2601)

In order to carry out the foremost task consigned to it the Assembly set up several committees and sub-committees. The Basic Principles Committee was the most important one. Other important Committees included the Committee of the Fundamental Rights of the Citizens and the State Negotiating Committee which dealt with the question of representation of those Princely States which acceded to Pakistan and the tribal areas.

On March 7, 1949, the Objectives Resolution, which now serves as the grund norm of Pakistan was introduced by the first Prime Minister of Pakistan, Nawabzada Liaquat Ali Khan, and adopted by the Constituent Assembly on March 12, 1949. On the same day, a Basic Principles Committee, comprising of 24 Members, was formed to prepare a draft Constitution on the basis of the Objectives Resolution.

The legislative activity of the Assembly was not confined to the passage of fresh laws only but extended to the adaptations and modifications of old status to the requirements of a new society. The Assembly's field of legislation was as wide as it was varied. Of the 283 bills adopted by the Assembly, 130 pertained to the commerce, industry, finance, insurance, banking, currency and communications; 42 to matters of internal and external security; 17 to refugee rehabilitation, administration of evacuee property and citizenship rights while 24 were of local application to Karachi. Discussion on the original bills was often casual, the amending bills were generally rubber-stamped. Although the volume of amending legislation was disproportionately larger than elsewhere there were in all 111 private bills for which notices were given, but of these only 28 were introduced in the House. That only three of them were actually passed, was due largely to lack of enthusiasm on the part of sponsors and insufficient knowledge of the jurisdiction of the House, and the government's indifferent attitude. (Ahmad, 2009: 92-97)

While the Constituent Assembly was working Governor-General dismissed Prime Minister Khwaja Nazimuddin on April 16, 1953. Governor-General's nominee Muhammad Ali Bogra was readily accepted by Muslim League's parliamentary group as its leader. According to the norms of the parliamentary system, the Governor-General could not dismiss the Prime Minister as long as he enjoyed the support of the majority in the Assembly; Khwaja Nazimuddin had demonstrated that having his budget approved by the Assembly before his dismissal. Thus, by dismissing the Prime Minister without reference to the parliament, the Governor-General flouted the established norm under the parliamentary system. One of the damages of the Governor General's action, remarked Keith Callard, was that the role of the legislature as the maker and sustainer of governments was impugned. (Callard, 1957: 137)

The final draft of the Constitution was prepared in 1954, under the supervision of new Prime Minister Bogra. However, just before the draft could be placed in the House for approval, the Assembly was dissolved by the Governor-General, Malik Ghulam Muhammad on October 24, 1954. It seemed that the Governor-General was unhappy with the Assembly because it had passed constitutional and legislative measures for restricting the powers of the Governor-General the Assembly revoked sections 9, 10, 10-A, 10-B of the Government of India Act 1935, by virtue of which the Governor-General could dissolve the Cabinet. The amendment was designed to curtail the powers of the Governor-General to dismiss the Cabinet. Obviously, the Constituent Assembly did this to prevent the repetition of acts such as the dismissal of the Nazimuddin Cabinet in April 1953. The amendment was made in such haste that it could be termed a 'constitutional coup'. Governor-General therefore decided to get rid of the Assembly. This was another unconstitutional step taken by the Governor-General. The sovereign authority of the Constituent Assembly was thought, to be invulnerable and perpetual. Its dissolution, therefore, led to court proceedings against the Governor-General.

In result of the action of the Governor General the powers of the Constituent Assembly in contrast with those of the Governor General came into question in the courts. The President of the dissolved Assembly, Maulvi Tamizuddin, challenged the order of the Governor-General in the Sindh High Court on the ground that no assent of the Governor-General was needed for legislation under subsection (1) of section 8 of the Indian Independence Act of 1947. The full bench of the Sindh High Court unanimously gave the verdict that the dissolution of the Constituent Assembly was illegal. Thereupon, the Federation of Pakistan appealed to the Federal Court, which gave its ruling in favor of Governor-General (Choudhury, 1969: 86) and validated the dissolution of the Constituent Assembly.

The role of the Assembly in legislation was uncritical and therefore unproductive. Since it had no control on policies it made no contribution to their formulation. More than half the members, being ministers, ministers of the states, deputy ministers of the central government, provincial chief ministers and the ministers, governors of provinces and ambassadors abroad. The Assembly was the

subservient to the will of administration and unresponsive to the wishes of people. It functioned nearly as a subordinate branch of the government and not as a parliament of a free country. The Assembly did not cultivate the electorate and the members felt no urgency to consult their constituents. (Ahmad, 2009: 103)

The performance of the Assembly in the field of legislation was thoroughly disappointing and during the seven long years of its existence it failed to produce a constitution. In the absence of general elections no fresh blood had been infused in its membership. (Ahmad, 2009: 103-104) Assembly's go-slow mood was evident from the very beginning. Even during the lifetime of Liaquat Ali Khan the entire progress made in the constitution-making process was confined to introduction of the Objectives Resolution in the Assembly. After Liaquat's assassination a year and a quarter was taken to produce the second Basic Principle Committee Report, but through its Parity Proposal it also divided the nation. After another eighteen months of the Bogra government, constitution-making was still incomplete.

The first Constituent Assembly could not resolve serious disagreements among the provinces. The first issue in this regard was quantum of representation in the federal legislator. The Second issue in the controversy between the East and West Pakistan was about the distribution of powers between the federal and the provincial governments. The third important issue tackled by the Constituent Assembly was that of state language.

### **Formation of the Second Constituent Assembly (1954-58)**

After the dissolution of the first Constituent Assembly the Governor-General proposed, in order to form the constitution, to set up the Constituent Convention which would replace the Constituent Assembly. The members of Constituent Convention were to be nominated by the Governor-General. The Federal Court, however, in response to the Governor General's Reference to the Federal Court, ruled that the Governor General could only nominate the electorate and not the members of the Constituent Assembly. (Khan, 2001: 87)

Therefore new Constituent Assembly was formed on May 28, 1955 under Governor-General's Order No.12 of 1955 and like its

predecessor the Electoral College for this Assembly was the Provincial Assemblies. (Choudhry, 1969: 93) Elections to the Assembly were held on June 21, 1955, nearly eight months after the dissolution of the first Assembly. Also indirectly elected, the new Assembly could not be said to have acquire a truly representative capacity. In its composition were found lawyers, land lords, industrialists, businessmen, ulema, teachers, trade unionists, tribal chiefs and rulers of princely states. The seats of this eighty-member Parliament were equally divided in East Pakistan and West Pakistan. The seats of West Pakistan were further divided among its constituent units. Forty members were elected from East Pakistan. 21 were from Punjab, 4 from NWFP, 5 from Sind, 3 from Tribal Areas, 2 from Bahawalpur, 1 from Karachi, Khairpur, Frontier States, Baluchistan and Baluchistan States each. (Ahmad, 2009: 105)

Unlike the first Constituent Assembly PML lost its position in the second Constituent Assembly; although it was still the largest party in the Assembly, with twenty-five members but it had neither an absolute nor even a simple majority. So no party enjoyed a majority in the new House, the party position in the Assembly was as follows: Muslim League 25, United Front 16, Awami League 12, Noon Group 3, Pakistan Congress 4, Scheduled Caste Federation 3, United Progressive Party 2, independent Muslim 1, and others 6. (Choudhury, 1969: 93) These eighty people were defined as comprising 'men of great wealth and affluence as well as belonging to the humblest strata of society; men with high educational qualifications as well as semi-literates.' (Feldman, 2001: 25) Thus the new Assembly started its career with three major political parties, none of which had an absolute majority to form a government without coalescing with the other parties. (Ahmad, 2009: 107)

Notwithstanding the members of the Constituent Assembly were divided into nine political parties none of the parties had a clear majority. Therefore there was no alternative but to form a coalition government with Chaudhri Muhammad Ali as the Prime Minister. One of the major decisions taken by this Assembly was the establishment of the province of West Pakistan (One Unit), with the aim to create parity between the two wings (East and West Pakistan). This parliament gave first permanent Constitution to the nation i.e. the Constitution of 1956. (Choudhury, 1969: 96) Frequent floor crossing was common feature of the Assembly. The issue of joint/separate

electorate was not resolved and Centre-Province relationship was still a question mark. Bureaucratic and military involvement in politics increased day by day. Due to this Pakistan's representative institution could not take firm roots.

The second Constituent Assembly had the advantage of profiting from the deliberations and work of its predecessor. It successfully utilized the groundwork of the first Constituent Assembly. It had no need to appoint various committees and sub-committees as had the first Constituent Assembly; reports of committees and sub-committees were ready for the work of the second Assembly. In fact, most of the 245 Articles in the draft constitution reflected little change from those which had been rejected in October 1954. (Choudhury, 1969: 96)

The nearly one-third of the ministers between 1947 and 1954 were drawn from outside the Assembly indicated the poverty of talent in the Assembly. The members took little interest in legislative work and were more interested in enjoying the benefits of power. Sixteen of the twenty-eight ministers became ambassadors, governors and governor-general in the lifetime of the Assembly. (Mahmood, 2002: 353-54)

The parliament proposed under 1956 Constitution was unicameral consisted of the President and the National Assembly, comprising of 300 Members equally divided between East and West Pakistan. In addition to these 300 seats, five seats were reserved for women for each of the two wings, for a period of ten years: thus bringing the total membership of the House to 310.

Before the parliament proposed under the Constitution of 1956 came into force the second Constituent Assembly worked as an interim parliament. The Assembly did not function as a legislature until it had adopted the constitution on February 29, 1956. The National Assembly into which it converted itself came into being on March 23, 1956. (Ahmad, 2009: 107) The major steps taken by this interim parliament are as under. In the Constitution of 1956 the electorate issue was not decided and its solution was delegated to the provincial assemblies. The Prime Minister Suhrawardy supported the joint electorate. Notwithstanding less number of confident members in the Assembly he used his influence to get the joint electorate passed. The members of Republican Party also lent their support to the PM Suhrawardy. Thus the electorate issue was resolved and the National Assembly



passed an amendment on April 22, 1957 according to which joint electorate was enforced in Pakistan.

In the absence of any law to control the political parties and the problem of floor crossing, political instability perpetually ensued. Politicians changed their loyalties overnight that no ministry could stay in office for any reasonable length of time. Although the first general elections were scheduled in 1959, President Iskander Mirza abrogated the Constitution, dissolved the National and Provincial Assemblies, and declared Martial Law, on October 7, 1958. He appointed General Muhammad Ayub Khan, who was Commander-in-Chief of the Army, as the Chief Martial Law Administrator. In this way, the institution of parliament was not allowed to work properly. The only way to eliminate the uncertain situation was to hold general elections but Iskander Mirza and the Prime Ministers who rose to power between 1956 to 1958 delayed the elections for one reason or another, by avoiding direct elections, the Constituent Assembly lost its legitimacy and was unable to assert its role in the political system.

Control of the majority in the house was not secured through popular policies and programs, but by bestowing ministerial offices and pecuniary benefits on the members....That nearly one-third of the ministers between 1947 and 1954 were drawn from outside the Assembly indicated the poverty of talent in the Assembly. The members took little interest in legislative work and were more interested in enjoying the benefits of power. Sixteen of the twenty-eight ministers became ambassadors, governors and Governors-General in the lifetime of the Assembly. (Mahmood, 2002: 353-54)

The weakness of Muslim League encouraged the Governor-General to import leaders from outside the country and to impose them on the party. The Muslim League always accepted them with open arms. This was entirely against the spirit of a parliamentary system of government. The essence of the parliamentary system is that the leader of the majority party is invited to form the government. But, in Pakistan, the prime minister was usually appointed first; he was then owned by the majority party. The members of the League Parliamentary Party were always ready to join any cabinet. Since the prime minister in some cases was not an elected representative, he was not answerable to party or parliament. In that situation, he could enjoy neither the blessing of the people nor could he command

support of the party behind him. These Practices hampered the development of democratic concepts in the country and brought about political instability, which ultimately led to the failure of the parliamentary system. (Mahmood, 2002: 356-57)

### **Ayub Khan Era: Parliament with Presidential System.**

The Constitution of 1962 envisaged a Federal State largely with presidential form of government. The Legislatures, both at Centre and in Provinces, were unicameral. One National Assembly at the Centre was to function as a parliament for the term of five years. (Khan, 2001: 145) The electoral system said to be indirect, and the 'Basic Democrats', for both wings were declared Electoral College for the purpose of electing the Assemblies, federal as well as provincial, and the President. The total membership of the National Assembly was 156, seventy-five of which were to be elected from each province. Six seats were reserved for women three from East Pakistan, three from West Pakistan. (<http://www.na.gov.pk/history.html>) The general members were to be elected by the electorate consisting of 80000 directly elected Basic Democrats and six women were chosen by the members of the Provincial Assemblies (Ahmad, 2009: 235) who themselves were elected by the Basic Democrats of their respective province.

The creation of a unicameral legislature was a legacy of the pre-1958 period and was apparently implemented to avoid the complexities of the bicameral system, although the Constitution Commission of 1960 had strongly recommended a second chamber. (Rashiduzzaman, 1969-70: 482) The term of this parliament was fixed for five years (Choudhury, 1969: 209) unless it is earlier dissolved by the President.

There were 610 candidates for 156 seats, with members being elected indirectly by the electoral college of 80,000 Basic Democrats. The elections were fought on an individual basis, since political parties were at that time banned. When the newly elected National Assembly met in June 1962 party affiliations could not take any definite shape because political parties were still banned. Informal political groupings were, however, formed. Mohammad Ali formed his Democratic group with a claimed strength of 41 members, extending support to the government. On the opposition side there

was the Pakistan Peoples' group led by Mashiur Rahman, Farid Ahmed, and a number of well-known leaders. There was also an independent group led by Sardar Bahadur Khan which had 21 members. The Pakistan Progressive group was led by Mian Abdul Bari and Zahur Elahi. Finally there were five unattached members who apparently did not belong to any group.'(Rashiduzzaman, 1969-70: 486-87)

Elections for general seats were held on April 28, 1962 and elections to the special seats reserved for women were held on May 29, 1962. The rules for the conduct of the elections were laid down in the National and Provincial Assemblies (First Elections) Order. (Afzal, 2000: 234) The first session of the elected assembly, that was to function as the third parliament of Pakistan, was held on June 8, 1962 at Ayub Hall, Rawalpindi. The same day, the martial law was drawn after a period of three years, eight months during which period Pakistan had been governed without parliament of any kind. Representative institutions were there only at the local government level. All policy making and the ultimate sanction reposed in military hands. (<http://www.na.gov.pk/history.html>)

Since the elections were held at a time when parties were banned the groups that emerged in the first National Assembly were either factions led by certain leaders or formed on the basis of provincial loyalties. After the passage of the Political Parties Act, 1962 these groups crystallized into government groups and opposition groups. The government group consisted of about 78 members and its components were the Convention Muslim League, (46); Democratic Group and others (32). The opposition groups were Pakistan Independent Group (24) and Pakistan People's group (36) which together had 60 members. The remaining members were Independents belonging to no groups. It was significant that the bulk of the government support came from West Pakistan and the majority of opposition members were from East Pakistan. The leader of the government coalition was from East Pakistan, and the opposition, which derived the bulk of its support from East Pakistan, was led by a West Pakistani. (Sayeed, 1966: 107)

The members did not take their party pledges seriously. Quite a large number of them crossed the floor to join the Government Party (Muslim League Convention Party) raising its membership in the

House from nil to 46 and finally to 106 despite the restriction placed by the Political Parties Act whose provisions the Government itself did not honor. (Ahmad, 2009: 244)

The Assembly contained a fairly high number of educated and young members whose average age was slightly below 46 years. The predominance of lawyers from East Pakistan and of landlords from West Pakistan showed the re-emergence of the same old pattern in the Assembly's composition. Landlords, lawyers and businessmen accounted for 136 members out of the total of 156 members, and the remaining 20 members were teachers, doctors, retired government officials and trade union leaders not belonging to the working class. (Ahmad, 2009: 235-36) An interesting feature was that, among the elected MNAs, there was not a single representative of the minority communities. (Afzal, 2000: 234)

This legislature under presidential system was designed to play a role very different from that of the previous Assemblies. While it was deprived of control over the executive, the executive also did not have a direct control on legislation. The Assembly was freed from the constitutional limitations on its power. The validity of the law passed by it was not open to challenge in the courts. The legislative power was, however, shared by the executive whose consent to legislation was not simply a matter of formality. The consent was given or denied in the President's own discretion. The Presidential veto was in theory liable to be overridden by a three-fourths majority. Prior consent of the President was necessary for introducing an amendment to the preventive Detention Act. Above all, its control on budget was restricted to the extent that a considerable portion of it, though debatable, was not notable. (Afzal, 2000: 236-37)

Elected on a non-party basis, the National Assembly was not properly organized for the discharge of its functions. The unanimous election of the Speaker was a tribute to the personality of Maulvi Tamizuddin and his services to the cause of democracy. There were no Treasury and Opposition Benches. The majority was as heterogeneous as was the Opposition, and both were composed of groups formed on the basis of personal and provincial loyalties. The leadership of the groups was more a matter of bargaining and convenience than standing and status in the public. (Afzal, 2000: 237-38)

To pass the budget was the Assembly's most important function. It was not understandable why the financial powers of the Assembly were curtailed and in large parts the budget was made non-votable, as the defeat of the Government even on a votable item would have amounted to a vote of no-confidence. The restriction did not prevent the Opposition from criticizing the policies of the Government in every field of activity. (Afzal, 2000: 241)

The debates on foreign policy produced a much clearer definition of attitudes. The demand for opting out of the Pacts was almost unanimous from the Opposition side. (Afzal, 2000: 242) This discussion on the budget and the debate on foreign affairs did not produce any impact on government policies. The Assembly, however, did succeed in enlarging the area of individual freedom and removing some of the constitutional barriers to its institutional expression. (Afzal, 2000: 244)

The members were indifferent to their parliamentary responsibilities. Their participation in the discussion was no guarantee of their attendance in the House. On numerous occasions the House had to be adjourned for want of a quorum, even at the commencement of the general discussion of the budget during its progress and when important issues were being discussed.

The National Assembly had a close resemblance to its predecessors in many respects. The existence of the Treasury Benches occupied by Ministers, Parliamentary Secretaries and their supporters, employment of steamroller majorities to push through official legislation, liberal use of its privileges by the Opposition to criticize the Government by violent speeches and through the Question Hour and adjournment motions, resort to non-parliamentary expression from both sides, and protests and walk-outs by the Oppositions were all reminiscent of the practices familiar in old parliamentary regime. The Assembly did contain a certain number of seasoned and experienced parliamentarians and some promising young members who were beginning to make their mark on its proceedings, but by and large mediocrities outnumbered the talented. (Afzal, 2000: 245-46)

*Mahboob Hussain*

The new National Assembly, the second assembly during Ayub regime and the fourth legislature of Pakistan, came into existence after the elections to the national and provincial assemblies that followed the presidential elections were held on 21 March and 1965 and 16 May 1965. (Khan, 2001: 170) The strength of the political parties as a result of these elections was as follows: Pakistan Muslim League (Convention) was the majority party with 129 seats won and it became again the government party. United Parliamentary party bagged 14 seats and National Awami Party secured 3 seats. Independent group won 5 seats and Council Muslim League got 1 seat. (Rashiduzzaman, 1969-70: 487)

Nominations for the National Assembly were called for February 16, 1965, withdrawals were allowed till February 26, and elections were announced for March 21. Some 672 candidates (East Pakistan 312; West Pakistan 360) filed nomination papers for the 150 seats. Sixteen candidates in the West and two in the East ran unopposed. All, except one independent from West Pakistan, were PML nominees. After withdrawals, 419 candidates contested the remaining 132 seats. The PML contested 146 seats excluding the four seats in the tribal areas whose representatives were to be named by the (government-nominated) jirgas, could join any party after elections. The COP contested 25 seats in the West Pakistan while to contest for 71 seats in the East Pakistan it collaborated with the National Democratic Front. Independent candidates totaled 148 (West 71; East 77). (Mujahid, 1965: 543)

The second National Assembly during Ayub regime was not exactly a replica of the old. The previous Assembly was elected under the shadow of Martial Law. The composition of the Assembly would have been very different had the elections preceded and not followed the election of the President. Forty six out of 150 (excluding the six women's seats) were re-elected members, thirty one out of 46 were from West Pakistan, most of them being landlords and tribal chiefs with deeply entrenched vested interest in their communities and areas of influence. The class composition of the Assembly had almost remained unchanged. Like its predecessors, it was packed with landlords, lawyers, industrialists, businessmen, tribal chiefs, ruling families and ex-servicemen. (Ahmad, 2009: 246-47)

The indirect system of elections had administered a set-back to the hopes of intelligentsia for whom Basic Democracies, monopolized by semi-literates and illiterates, had no attraction, and the membership of the Assemblies was almost beyond its reach as it neither had the resources to contest the elections nor the temperament to corrupt the electorate. The Assembly was an assembly of yes men, every one ready to oblige the executive with its vote even if it was vote against its own interest. (Ahmad, 2009: 248)

Ostensibly the Assembly was all powerful. It carried through seven amendments of the Constitution in six years, but no amendment for enlarging its own powers except one which along with the other six were initiated by the Executive for its own convenience. (Ahmad, 2009: 249) The Third Amendment 1965 added the Fifth Schedule to the Constitution in which a number of offices or appointments were mentioned which did not disqualify a person from being elected as a member of the National and the Provincial Assemblies. The Fourth Amendment empowered the government to retire any person below 55 years of age who had completed 25 years of qualifying service or, subject to rules, any person who had reached the age of 55. The Constitution (Fifth Amendment) Act 1965 empowered the President, during a Proclamation of Emergency, to suspend a number of fundamental rights. (Khan, 2001: 170) The Sixth Amendment was an extension of the Fourth Amendment. A government servant could be retired on completion of twenty-five years of service. The retirement age was fixed at fifty-five years. The requirement to consult the Public Service Commission could be dispensed with in specific cases. The Seventh Amendment Act, 1966 amended the provisions relating to the ordinance-making powers of the President and the Governors, and the ordinance-making power of the President during emergency.

A lot of legislation was done through ordinance-making which was later rubber stamped by the assemblies. This was the beginning of the tendency on the part of the legislatures to abdicated he law-making functions in favor of the executive, and the ordinances framed by the law ministries of the central and provincial government eventually became Acts of legislature without going through the requirements of successive readings of the Bills and without the benefit of meaningful discussion in the legislatures. When ordinances were placed before the assemblies, their approval without any

amendment by the concerned legislature was deemed to be a matter of prestige for the government and was hustled through the legislature with the help of brute majorities commanded by the government. (Khan, 2001: 175-76)

The attendance in the sessions was fairly good, but the attention the members gave to what was happening inside the Assembly was far from satisfactory. On several occasions the Assembly had to be adjourned for want of a quorum, and the Opposition was found to complain that the members on the Government side were not willing to listen to their speeches. This happened even during the budget session. The absence of the Ministers was not an uncommon phenomenon. (Ahmad, 2009: 248)

The leader of the House, Khan Sabur, was not a member of the House but a member of the Presidential Cabinet. The Speaker of the House, Jabbar Khan, was the President's man who publicly announced that the President's leadership was indispensable for the country not for just one or two terms but for the next twenty years. (Ahmad, 2009: 249)

At a time when the movement for the democratization of the Central Government was at its peak in 1969, the Leader of the House, Sabur Khan, refused to discuss the political situation in the Assembly on the usual pretext that law and order was a provincial subject and that the Provincial Assemblies were an appropriate forum for its discussion. Of the forty two adjournment motions not one was allowed to be moved, and of the 14 privilege motions 13 were disallowed. Only after persistent protests, stormy scenes and ugly incidents did the Government agree to a debate and yet prevented a threadbare discussion by limiting its duration to only four hours shared by three speakers, two from Government side and one representing the entire Opposition. (*National Assembly Debates*, 1972:1475)

If the Leader of the Opposition in the Assembly was not the Leader of the Opposition outside, the Leader of the House who was not even a member of the Assembly had not political leg to stand on. Being totally unrepresentative of the country and callously did not look towards it for a solution of the crisis and with the disappearance of its creator from the scene, it died a death unwept, un-honored and unmourned. (*Dawn*, February 1, 1969)



The number of seats for the two assemblies elected during the Ayub Government remained the same without any change. Two elections, in 1962 and 1965, were held for 150 general seats. However the number of seats was increased in 1967. The Eighth Amendment of the constitution 1962, passed in 1967, provided for 218 members of the National Assembly to be distributed equally between the two wings of Pakistan. (Rizvi, 2000: 126) This increase was to be enforced for next elections which could never be held and the martial law was imposed in 1969 and an altogether new numbers of seats were designed in the LFO 1969.

By the end of 1968, the public resentment against the undemocratic rule of Ayub Khan touched the boiling point. The people came out in the streets and launched a mass movement against his government. Demonstrations and agitations engulfed the whole country. Law and order broke down and the government was practically paralyzed. Ayub Khan offered some political concession as a compromise i.e. not to seek re-election, restoration of the parliamentary system of government, and direct elections. However, it was too late and the political forces were not prepared to accept anything less than the resignation of President Ayub Khan. After having failed to calm down the political situation, Ayub Khan decided to step down on March 25, 1969, but he handed over power to army chief, General Muhammad Yahya Khan, rather than following the procedure laid down in the constitution 1962. (Mahmood, 2002: 364)

During Ayub regime the National Assembly was provided with all the legislative techniques (for example, questions, resolutions, and adjournment motions) which are normally practised in a parliamentary system of government: the first hour of every sitting was utilized for putting and answering questions; every member of the National Assembly was entitled to ask questions subject to certain restrictions; the questions were usually addressed only to ministers or parliamentary secretaries and not to private members. Since the privilege of asking questions may be abused by raising irrelevant, unnecessary, or vague questions, it was provided that a question addressed to a minister or a parliamentary secretary must relate to public affairs with which he had been officially connected or to a matter or administration for which he was responsible. (Rashiduzzaman, 1969-70: 482-83)

A question was not to be vague or irrelevant. Even though an examination of the questions put by the members reveals that vague and irrelevant questions were often asked, the importance of question hour cannot be minimized. Question hour was undoubtedly the liveliest part of the legislative day, and it gave an excellent opportunity for backbenchers to attain prominence. The main purpose of questions is to influence the course of administration. Under the 1962 constitution, the legislature was saddled with an irremovable executive, which might be indirectly influenced but could not be made directly responsible to it. Most of the questions were addressed to the important departments of the government of Pakistan and covered a variety of subjects, such as the armed and civil services, including recruitment, promotion, pension, salary, transfer, and other allied matters; political prisoners and political arrests; posts and telegraphs; radio and broadcasting; railways and communication; foreign affairs, insurance, and banking; industries; agriculture; and regional disparities. Significantly, in the later years of Ayub's regime, more and more questions on regional disparity and allied problems were being asked. The privilege of asking questions was very popular. The number of questions increased progressively from 1962 to 1969, apparently the clearest trend of this period. The number of questions in the Assembly depended on several factors: the length of the session; the intensity of political feelings at the time—whenever there was a swing against the government in the country, more and more harassing questions were put by members of the opposition; the volume of legislative and financial business before the Assembly; and the incidence of natural calamities, such as floods and cyclones. The right to move resolutions was another important weapon which enabled members to bring pressure on the administration. Like questions, resolutions may also be grouped under certain important subjects, such as education, health and welfare, posts and telegraphs, railways, police and custody matters, political grievances, jute prices, and constitutional issues. A resolution was not binding on the government; it was only a recommendation of the legislature and it was entirely up to the government to accept it or not. In practice, very few resolutions were discussed on the floor of the House; from 1962 to 1969 as many as 1933 private members' resolutions were admitted, but only 33 of them were actually moved in the National Assembly. The rest were either disallowed by the speaker or withdrawn by the members

concerned. It is rather disappointing to note that only 5 resolutions were accepted by the House in the last seven years of Ayub's regime. Obviously, members were not able to make effective use of their right to move resolutions. Adjournment motions provided another significant opportunity for members of the Assembly to influence the administration. These covered many subjects and areas of interest, but most of them dealt with sensitive topics such as the arrest of political leaders, restrictions on public meetings imposed by the government, the influx of Muslim refugees from India, famine conditions in certain parts of the country, blacklisting of newspapers, harassment of important political leaders, and lathi charges against student demonstrators. Only on very rare occasions did members get an opportunity to discuss adjournment motions. As many as 678 such motions were received from 1962 to 1969, but only 42 were actually admitted for discussion. As with resolutions the rest were either ruled out of order by the speaker or withdrawn by the members. Most discussions on adjournment motions were aimless and time-wasting. (Rashiduzzaman, 1969-70: 483-85)

The National Assembly also had certain financial powers under the constitution. Each year, the budget was presented to the National Assembly by the finance minister on behalf of the president. But, under its rules, the National Assembly of Pakistan had effective control only over that part of the budget which dealt with new expenditure. Recurrent expenditure did not require the sanction of the Assembly, although demands for such grants could be discussed in the House. The 1962 constitution, in fact, divided the budget into votable and non-votable portions. Such a practice was prevalent during the British period from 1921 to 1947. (Rashiduzzaman, 1969-70: 485)

When demands for grants were placed before the House, members were at liberty to move motions for reductions in the amount asked for. Such motions were usually moved only for the purpose of raising discussion. Most of the cuts proposed were for token amounts only, and only on rare occasions were such motions pressed to a division. Since the government always enjoyed a comfortable majority, it was futile for the opposition to press a motion to division except to put the dissenting voices on record. The arrangement of placing only a portion of the total expenditure before the National Assembly for approval can be criticized on several grounds. First, it gave almost a

blank check to the bureaucracy, since the government did not require annual sanction for recurrent expenditure, which constituted the lion's share of the annual budget." Secondly, this system gave wide scope for financial irregularities in the absence of effective scrutiny by the elected representatives.' The official argument was always strongly in favor of restricted financial powers for the National Assembly. It was claimed that in a developing country like Pakistan development projects require that funds be spent over a number of years. If the National Assembly should refuse to sanction the required money in any year, the process of development would be hindered. (Rashiduzzaman, 1969-70: 485-86)

The ministers were further helped in maintaining close liaison with the legislators by parliamentary secretaries, who were members of the National Assembly and were also appointed by the President. When ministers were absent the parliamentary secretaries answered questions and served as spokesmen of the government inside the National Assembly. (Rashiduzzaman, 1969-70: 482)

The constitution could be easily amended only if the President agreed to the amendment bill. In case of a conflict between the President and the National Assembly, the former could refer the dispute to a referendum by the Basic Democrats. One of the major achievements of this parliament was the passage of Political Parties Act, 1962. ([www.na.gov.pk/history.html](http://www.na.gov.pk/history.html))

If the government's weapons were coercion and patronage, the opposition resorted to their normal weapons like violent and biting speeches in denouncing government policy and action, adjournment motions and a strenuous use of the question hour to extract information or embarrass the government. The government introduced 40 bills, of which 39 were passed; whereas out of the 232 private members' bills, 35 were introduced and only one was passed. Over 900 resolutions were offered by members, of which 696 were admitted, but hardly a score could be discussed, with three being adopted. There were 68 divisions. About 3800 questions were offered, including over 300 short notice questions, and over 75 per cent of them were admitted and answered in the house. (Sayeed, 1966: 107)

The Assembly during Ayub period was neither so powerful nor influential in the formulation of national policies as the U.S. Congress,

not to speak of legislatures in the parliamentary system. The Assembly's control of the purse was limited: its sanction was required only for the "new expenditures" in the annual budget statement (which forms a very small part). Presidential appointments and decisions, and ministerial actions were beyond its control. The procedure for circumventing the President's veto on bills passed by it was extremely difficult and circuitous. Constitutional amendments called for a two-thirds majority with the presidential concurrence and a three-fourths majority without such concurrence. In such a situation, the President still had the power to refer the matter to referendum by the electoral college or dissolve the Assembly and seek re-election himself. (Mujahid, 1965: 538)

The Assembly proved an ineffective body because of its inadequate techniques of persuasion, its insufficient financial powers, and its dominance by the government party. Many of its members from West Pakistan were the young scions of upper class families-the principal supporters of the Ayub regime -while members from East Pakistan tended to be middle class professionals, particularly lawyers, who were increasingly frustrated by the handicaps under which they had to work within the Assembly. Even so, the National Assembly was the only truly national forum in which the views and grievances of Pakistan's various regions and interests could be expressed. Although the executive was not responsible to the legislature, it was responsive to pressures exerted by it. It is the purpose of this article to explore the role of the National Assembly of Pakistan under the 1962 constitution, to examine the composition of its membership, and to assess how far it was effective in exercising control over the executive. (Rashiduzzaman, 1969-70: 481) But the Assembly, according to the government view, was still inexperienced and immature, and needed to be protected against its own inclination towards folly by being swaddled in this manner. (Sayeed, 1966: 109)

To sum up, the effectiveness of the Assembly was limited by several factors. First, the system of indirect elections failed to inspire enough respect for the House as an important political institution since it did not give the members a genuine feeling that they represented the people directly. Secondly, the National Assembly's political status could not be enhanced in the absence of effective power. Thirdly, the overwhelming strength of the government party inside the National Assembly induced pessimism among opposition members. The

preceding survey of the working of the National Assembly of Pakistan is not a story of success. A modern parliament sustains the executive as well as controls it. But the National Assembly of Pakistan did not play any part in this process because the executive was not responsible to it. The role of the National Assembly in the political development of Pakistan under Ayub Khan was therefore twofold: it served as the all-Pakistan forum for the ventilation of grievances, and it persistently tried to dilute the authoritarian character of the executive under the 1962 constitution. (Rashiduzzaman, 1969-70: 492-93)

In the period under discussion parliament in Pakistan was partially successful in playing its role as a vibrant democratic institution. On the same time the forces like civil and military bureaucracy, which were not the part of parliament disturbed the functioning of the parliament to large extent. Likewise the foreign powers continued to impose their influence on policy makers and parliament remained only a less significant institution in this regard. Most of the period, the country was under a 'bureaucratic-cum-parliamentary' rule or under a military rule. Throughout the first phase of Parliamentary system, the continuous interference of bureaucracy in politics was observed. Finally the parliamentary system was de-railed with the imposition of Martial Law. In the Constitution of 1962, the roles of the head of the state and head of the government were combined in the President and the National Assembly was a weak body as compared to the executive. The control of the National Assembly over the financial matters was particularly restricted.

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