

# CONSTITUTIONAL CRISIS IN PAKISTAN FROM 1969 TO 1971: CRITICAL ANALYSIS

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## Abstract

*The research paper undertakes the historical perspective of the Constitutional Crisis in Pakistan from 1969-1971. It traces in detail the various stages of the constitutional making and its implications for the legislative, executive and sometimes in civilian terms. The paper also unfolds the facts which were at the force of political happening at that time and adequately explains the reasons for the political turmoil that was witnessed by the Pakistan during 1969-1971. With weak constitutional framework Pakistan was governed on the whims of the military and civilian leadership of that time period.*

*The fall of Dacca, its reasons and its subsequent implications on the administrative and political machinery are also considered and analyzed in this research paper. Apart from political fall outs, the paper addresses the judicial undermining as a consequence of constitutional crisis, which eventual led to the notorious 'law of necessity' which has open the gates for the unconstitutional ascendancy to the political power. With the fall of East Pakistan and the declining of the power wielded by the military personnel the power was readily transferred to the political forces in 1971, which have fostered a kind of political stability and was primary aimed at strengthen the political institutions and was aimed at providing the viable constitutional stance where the government should rely upon and the future constitutional crisis could be averted.*

*The paper has the analytical approach to highlight the successive constitutional crisis that Pakistan has witnessed from 1969-1971. The lesson learned through these constitutional crisis are shred with, so that the grieve political and administrative mistakes shouldn't be repeat at the peril of democratic spirit and which may eventually undermine the 'theory of separation of power' whereby the institutions have to restricted to their respective domains in order to check and balance the delicate equilibrium of the polity.*

**Keywords:** *Pakistan, Constitutional Crises, Martial Law, Political Turmoil, Separation of Power.*

## Abrogation of 1962 Constitution

Pakistan was governed under the Constitution of 1962 from June 8, 1962 to March 25, 1969. Up to the end of this period, the country witnessed scenes of unprecedented chaos and upheaval following a popular movement to overthrow the regime in order to democratize the Constitution. The situation deteriorated to an extent that the President Ayub Khan on March 25 wrote to the C-in-C, Pakistan Army, General Agha Muhammad Yahya Khan in. In his letter he said that, "I am left with no path but to step aside and leave it to the Defense Forces of Pakistan to take over full control of the affairs of this country." (Muhammad Ayub Khan-March 25, 1969) While announcing his resignation, President Muhammad Ayub Khan said:

"I have always told you that Pakistan's salvation lies in the strong center. I accepted the parliamentary system because in this way also there was a possibility of preserving strong center. But now it is being said that the country be divided into two parts. The center should

be rendered ineffective and brought into a powerless situation; the defense services should be crippled and the political entity of West Pakistan be done away with. It is impossible for me to preside over destruction of our country". (Ibid)

After transfer of power from Ayub Khan, General Agha Muhammad Yahya Khan, as President and Chief Martial Law Administrator, followed in his first press conference dated April, 11, 1969 with a declaration that the Armed Forces had no political intention they wanted only to transfer power smoothly to the representatives of the people elected on the basis of adult franchise. Further he said:

"I assure you that this administration is fully conscious of the needs and aspirations of the people of all parts of Pakistan. We will do our best to meet these needs and to fulfill these aspirations within the context of national solidarity. These steps would take us forward in the appointed direction, namely, the election of the representatives of the people on the basis of direct adult franchise. It will be for the people to give the country a workable Constitution".

### **Yahya Regime**

The President and Chief Martial Law Administrator promulgated the Province of West Pakistan (Dissolution) Order, 1970— President's Order No.1 of 1970 March 30, 1970. It laid down that as from the appointed day, the Province of West Pakistan, as it existed immediately before that day shall cease to exist and there shall be constituted in its place four Provinces to be known as (1) Baluchistan (2) the North West Frontier Province (NWFP), (3) the Punjab and (4) Sindh and the following centrally administered areas, namely: (i) the Islamabad capital territory and (ii) the centrally administered Tribal areas.

Between March 25, 1969 and December 19, 1971, it may be stated that the former President had set the pattern when Martial Law was declared on October 7, 1958, and the new President followed the same pattern, in some matters and, in some others, he acted differently.

No one raised any voice openly, to challenge the validity of any of these actions and it was only after this regime ended that the question was raised, before the Supreme Court in the case of Asma Jilani about its Constitutional status.

The Supreme Court in Asma Jilani case was called upon to decide the question of legality of the regime of the new President and the validity of the laws passed and the actions taken by him from the period between the date of assumption of power, and the date of his abdication, that was December 19, 1971. Regarding the conditions prevailing in the country at the time, when power was assumed by the then Army Chief, the Supreme Court observed as follows: -

"The story is long and painful but for purposes of these appeals, it is not necessary to go beyond March 25, 1969, when with the exit of Field Marshal Muhammad Ayub Khan, the then President of Pakistan, General Agha Muhammad Yahya Khan, the then Commander-in-Chief of the Pakistan Army, was ushered on the political scene. In his letter of the 24th March, 1969, the Field Marshal, depicting the political and economic chaos that had overtaken the country, invited him to discharge his legal and constitutional responsibilities to defend the country not only against external aggression but also to save it from internal disorder and chaos." (P L D 1972, Sc. 139)

As to the steps taken by the Army Chief immediately, after assumption of power, as Chief Martial Law Administrator and President, the Supreme Court summarized the situation

in the following words:

“General Yahya Khan issued a Martial Law Proclamation on the 25th March 1969 assuming to himself the powers of the Chief Martial Law Administrator and the Commander of the Armed Forces. On the 31st March 1969, he also appointed himself as the President and assumed that office with effect from the 25th of March 1969. This was followed by the promulgation of the Provisional Constitution Order on the 4th April 1969, by which it was ordained that notwithstanding' the abrogation of the Constitution of 1962, the State of Pakistan shall be governed, as nearly as may be, in' accordance with the said, Constitution, subject to any Regulations or Orders made, from time to time, by the Chief Martial Law Administrator. It hardly needs any argument to show that General Yahya Khan, at the receiving end, overstepped the mandate of the Field Marshal, as contained in the letter mentioned above, even if it were assumed to have any legal validity. But this mandate was wholly misconceived." (Ibid: 254)

Regarding the validity of the new regime and the actions taken by it, the Court expressed the following view:

"It is not without significance that after the so-called Imposition of Martial Law in 1969, the Martial Law Authorities had no occasion to fire even a single shot and found the conditions so normal that the civil administration never ceased to function and all the Courts continued to sit for all purposes. In fact, the situation was so normal that within a few days the reality had to be accepted and even the Constitution was brought back, except in so far as it had been purported to, be altered by the creation of the office of President and the assumption of that office by the Chief Martial Law Administrator." (Zingeland Lallemand 1979:90)

From the constitutional, or the Martial Law point of view what was done in March 1969 by Muhammad Ayub Khan or General Agha Muhammad Yahya Khan, was entirely without any legal foundation. The Military Commander did not take over the reins of Government by force, nor did he oust the constitutional President. The constitutional machinery did not allow the Military Commander to come into effect but usurped the functions of Government and started issuing all kinds of Martial Law Regulations, Presidential Orders and even Ordinances. (Ibid)

General Yahya Khan imposed the Martial Law, which was itself illegal and all Martial Law Regulations and Martial Law Orders issued by him were had no legal effect. “No valid law can come into being from the foul breath, or smeared pen of a person' guilty of treason against the national order. This reasoning applies with greater force to the abrogation of the Constitution of 1962 by Yahya Khan on March 25, 1969. The legal order imposed by him, in the form of Martial Law Regulations and Orders and President's Orders and Ordinances was, therefore, tainted with illegality and would not be recognized by Courts." (Ibid)

On the question of application of the "doctrine of necessity" the Court stated as under: "The next question which arises for determination is whether these illegal legislative acts are protected by the doctrine of state necessity? The laws saved by this rule do not achieve validity. They remain illegal, but acts done and proceedings undertaken under invalid laws may be condoned on the conditions that the recognition given by the Court is proportionate to the evil to be averted, it is transitory, and temporary in character-does not imply abdication of

judicial review" (Kamal Azfar 1987:84).

With a view to eradicating corruption among high administrative authorities including the President of Pakistan down to Joint Secretaries and equivalent ranks, the President promulgated on April 23, 1969 the Improper Acquisition of Property (Special Committee) Ordinance 1969. A Martial Law Regulation No. 37 was issued in this regard on April 24, 1969 (P L D 1969 Central State Part, p. 59). Reports of the Committee, on these declarations, were to be submitted to the Chief Martial Law Administrator for orders including trials in case properties were acquired by improper means by the officer concerned. The MLR 37, also a law, stated that misstatement of property, and its disposal or transfer instead of its declaration would be punishable for up to 7 years imprisonment.

The Ordinance dated April 23, 1969 was amended on June 03, 1969 without any change in the title (Ibid: 130). The high-powered committee would examine the position of assets and properties between the periods of March 7, 1958 to April 22, 1969 and submit recommendations to the President for necessary action.

On July 8, 1969, the President issued the Judges (Declaration of Assets) Order, 1969 (Ibid: 120) President's Order No.4 of 1969) which provided that instead of submitting statements of assets and properties, under the Improper Acquisition or Properties (Special Committees) Ordinance, 1969, it examine the assets and properties transferred by each Judge between October 7, 1958, and the April 22, 1969.

In the preamble to the Province of West Pakistan (Dissolution) Order 1970, it was stated that on November 29, 1969, the President and Chief Martial Law Administrator had declared, in his address to the Nation, that a legal frame-work for elections to the National and Provincial Assemblies and delimitation of constituencies for the purpose of such elections would be given by the March 31, 1970, and that the Province of West Pakistan would be dissolved and. in its place, new provinces would come into being.

Article 4 of this Order provided that from the appointed day the Province of West Pakistan would cease to exist and there would be constituted, in its place, four Provinces of Baluchistan, the North- West Frontier, the Punjab and Sindh and also the following centrally administered areas, namely: -

- (a) The Islamabad Capital territory, and
- (b) The Centrally administered tribal areas.

According to the Article 14 there would be a High Court for each new Province, but the Governments of two or more Provinces may agree that there should be a common High Court for the group, or, the High Court of one of the Provinces, in the group, shall be the High Court of the provinces of the group.

As per Article 19, the existing laws were to continue, subject to any adaptations made in them, by the President, or the Governor of the Province concerned. According to the Article 20, President was given powers to pass various orders, as may appear to him to be necessary or expedient for bringing the provisions of this Order "into effective operation.

In pursuance of the power conferred by Article 14, on June 16, 1970, the President promulgated Order No.8 of 1970, the High Court's (Establishment) Order, 1970, (Ibid: 250) by which the Peshawar High Court, the Lahore High Court and the Sindh and Baluchistan High Court were established" for the various provinces, and provision was made in it for the transfer of cases and of Judges to the various High Courts and for other matters.

When Yahya Khan abrogated the Constitution of 1962, he needed a legal framework to hold elections.

He appointed a team to draft a new constitutional formula. He voiced his ideas about the constitutional issues in his broadcast address to the nation on November 28, 1969. The formula was officially issued on March 30, 1970, and is known as the Legal Framework Order (LFO) of 1970.

According to the Legal Framework Order, which provides for the composition of the National Assembly under which the National Assembly of Pakistan should have National Assembly 313 seats (300 seats general and 13 reserved for women). The number of seats was to be distributed among the provinces and centrally administered Tribal areas was as follows: (Mahmood Safdar, 1972: 222)

<u>Name of Province</u>	<u>General Seats</u>	<u>Reserved seats</u>
East Pakistan	162	7
Punjab	82	3
Sindh	27	1
N. W.F.P.	18	1
Baluchistan	4	1
Centrally Administered Tribal Areas	<u>7</u>	<u>-----</u>
	300	13

This Legal Framework Order defined the directive principles of State policy and made it clear that the future Constitution should not violate these basic principles.

Under this Legal Framework Order it was urged to the Constituent Assembly for frame a Constitution in which Pakistan was to be a Federal Republic and should be named Islamic Republic of Pakistan, which must included the preservation of Islamic Ideology and democratic values. The Constituent Assembly was given a task to frame a Constitution in which all citizens of Pakistan were to enjoy fundamental human rights and Judiciary should remain independent from the Executive and provincial autonomy is protected.

Martial Law Regulations included MLR No. 21, (P L D 1969 Central State Part, p. 48) which provided that no person shall organize, or convene, any meeting, or procession, without prior permission of the local Martial Law Administrator, This Regulation was reconstituted by Martial Law Regulation No. 50, (Ibid: 122) on July 29, 1969, and, as reconstituted, holding of meetings of a religious nature and not in open places, as well as taking out of religious, funeral and marriage processions, without obtaining written permission of the local Martial Law authorities were allowed. Martial Law Regulation No. 61 canceled the reconstituted Martial Law Regulation No. 21 on December 22, 1969 (P.L.D 1970 Central State Part, p. 175). A day before the cancellation of this Regulation, Martial Law Regulation No. 60 (Ibid: 173) was promulgated, which allowed political activities to a limited extent only.

As a result of promulgation of Regulation No. 60 political activities started in both the Wings and, as the time of election came near those activities increased considerably. The various political parties, which intended, to contest the forthcoming elections took active part in the meetings organized at various places, and some of them also took out processions for propagating their views.

## The 1970 Elections and its aftermath

According to Article 13 of the Legal Framework Order, polling for elections to the National Assembly seats was to commence on October 5, 1970, and for the Provincial Assembly seats, on a date not later than October 22, 1970. However, on account of unprecedented floods and cyclones in East Pakistan the dates of elections were altered twice, by amendment of the legal framework order, and elections to the National Assembly seats, throughout the country, were held on December 7, 1970, and to the Provincial Assemblies seats on December 17, 1970.

The results of the elections were announced immediately after the polling was over and, in East Pakistan almost all the seats in the National Assembly were captured by the Awami League, and in West Pakistan the majority of seats were captured by nominees of the Pakistan Peoples Party. Any possible doubt with respect to the strength of the Awami League in East Pakistan was set at rest by the results of these elections, because all the political parties in that wing were badly defeated and the Awami League captured 167 seats out of 169, including 7 seats reserved for women. Not only that this political party had an absolute majority in the National Assembly in both the wings, the results also showed clearly that the remaining political parties in East Pakistan had no hold over the electorate and in most of the constituencies, the securities of their nominees were forfeited, which meant they did not command even 1/18<sup>th</sup> of the total number of votes cast.

Besides the Awami League and the Pakistan Peoples Party, there were 22 other political parties in the field, but some of them did not contest elections in either East Pakistan or West Pakistan. The most important parties, which took part in the elections, besides the Awami League and the Pakistan Peoples Party, were the three Muslim Leagues (Qayum Group, Council and Convention), the Jamaat-i-Islami, the National Awami Party (Wali Group and Bhashani Group), the Pakistan Democratic Party, the Jamiat Ulama-e-Islam and the Markazi Jamiat-ul Ulama Pakistan.

A number of independent candidates also contested the elections. The following statement would show the number of seats contested by the various parties, the seats captured by them and the seats for which their candidates lost securities in respect of elections to the National Assembly held directly, so far as East Pakistan was concerned:

Name of Party	Number of seats Contested	Number of Seats Captured	Number of seats in which security forfeited
Pakistan Peoples Party	----	----	----
P. M. L. (Q. Group)	65	----	63
P. M. L. (Council)	50	----	44
P. M. L. (Convention)	93	----	86
Jamaat-i-Islami	71	----	38
P. D. P.	78	1	70
N. A. P. (Wali)	39	----	30
N. A. P. (Bhashani)	14	----	13
Independents	113	1	98
Awami League	162	160	----

The overall position in respect of 1970-71 elections to all the seats in the National Assembly,

held directly in Pakistan, both East and West, was as under: -

Name of Party	Number of seats Contested	Number of Seats Captured	Number of seats in which security forfeited
Pakistan Peoples Party	120	81	13
P. M. L. (Q. Group)	133	9	92
P. M. L. (Council)	119	7	68
P. M. L. (Convention)	124	2	102
Jamaat-i-Islaml	151	4	97
P. D. P.	105	1	90
N. A. P. (Wali)	64	6	42
N. A. P. (Bhashani)	19	---	17
Awami League	170	160	8
Independents	316	16	252
JUI(W.P)	105	7	67
MJUP	50	7	18

Source: Election Commission of Pakistan, Report of General Elections of 1970-71, Vol. I, p. 216-219.

Note: The figures shown in the columns other than 1 and 2 shows above the lines, the number of seats contested and below the lines the number of seats captured by the various parties.

The result of 1970-71 elections in respect of Provincial Assemblies were not materially different from the result of elections to the National Assemblies, in respect of the main political parties mentioned above, as the following statement would show:

PROVINCE 1	# of Seats contested 2	P.P.P. 3	PML (Q) 4	PML (C) 5	PML (Conv.) 6	Jamaat -i- Islami 7	P.D.P. 8	NAP (W) 9	NAP (B) 10	INDP. 11	Awami League 12	JUIWP 13	MJUP 14
East Pakistan	300	3/Nil	128/Nil	116/Nil	20S/Nil	174/1	144/2	107/1	32/Nil	480/7	300/288	23/Nil	Nil
The Punjab	180	166/113	77/6	110/16	50/5	80/1	52/4	4/Nil	9/Nil	579/27	4/Nil	72/2	73/4
Sindh	60	49/28	34/5	29/4	9/Nil	37/1	18/Nil	6/Nil	3/Nil	333/14	5/Nil	23/ Nil	15/7
NWFP	40	37/3	39/10	14/Nil	7/2	28/1	4/Nil	38/13	Nil	112/6	1/Nil	35/4	Nil
Baluchistan	20	6/Nil	14/2	10/1	Nil	12/Nil	Nil	13/8	Nil	88/6	1/Nil	14/3	Nil

The Awami League returned with an overwhelming majority in East Pakistan and the Pakistan People's Party (PPP) in West Pakistan. These two parties could not reach a consensus on a workable constitutional arrangement for the whole country, as the six points on which the Awami League's electoral victory was based envisaged a confederal system and were in conflict with the Legal Framework Order.

On March 6, 1971 the President announced that the Assembly will meet on March 25, 1971 and said that, "For some reason, the postponement of the date of the Assembly session has been completely misunderstood. Whether this is deliberate or otherwise I cannot say; but

one thing is certain – this misunderstanding has become the rallying cry for the forces of disorder” (The Pakistan Times, March 6, 1971). He warned that he will not allow a “handful of People” to destroy the homeland of millions of innocent Pakistanis. On the other hand the outright demands for an independent Bangladesh by the Mujibur Rahman merely insisted on a Constitution based on his Six Points. However, while rejecting Yahya Khan’s call for a meeting of all parliamentary groups at Dacca on March 10, 1971, Mujib demanded at a public meeting for the fulfillment of seven preconditions for attending the National Assembly session. They were: (Zulfikar Khalid Maluka 1995: 226)

1. Withdrawal of Martial Law.
2. Return of troops to their barracks.
3. Immediate transfer of power to the elected representatives.
4. Ceasing of the transfer of troops from West Pakistan to East Pakistan.
5. Prompt termination of firing on civilians.
6. Non-interference by the military authorities in the functioning of the Government in eastern wing.
7. The maintenance of law and order to be left to the Bengal Rifles and the Awami League Volunteers.

On March 15, 1971 Yahya Khan reached Dacca for talks with Sheikh Mujibur Rehman and other political leaders who had assembled there. In March 1971, a Commission of Inquiry headed by a Judge of the High Court of East Pakistan was set up to go into the circumstances, which led to the calling of East Pakistan between March 2 to 9, 1971. Mr. Zulfikar Ali Bhutto reached Dacca on March 21, 1971 and met with Shekih Mujibur Rehman in the presence of President Yahya Khan. An account of these parleys is given by Pillo Mody in his book *Zulfi My Friend* casts some light on these talks:

By now the Awami League had modified its original proposals. It wanted two Constitutional Conventions instead of two Committees, who would submit two Constitutions not merely reports containing proposals, to the National Assembly which would later meet to tie up the two Constitutions forming a Confederation of Pakistan. This was the first time that Awami League had formally proposed a Confederation for Pakistan. Mr. Zulfikar Ali Bhutto, out of desperation, agreed to the proposal, provided the National Assembly itself accepted it to begin with, as otherwise it could create a power vacuum, but Mujibur Rehman rejected Bhutto’s conditions.

The President and Chief Martial Law Administrator announced a new plan and timetable for the restoration of democracy in the country. A Constitution Committee comprising a group of experts was set up to prepare the draft in accordance with the Legal Framework Order.

## **Beginning of Democracy**

The fall of Dacca and the surrender of the Pakistan Army were followed by several events, which took place in quick succession, some at international level and some in the domestic field. Before the Fall of Dacca, the Security Council was in session, debating the question of a cease-fire and withdrawal of troops from East Pakistan. No decision could, however, take place before Dacca fell. Mr. Zulfikar Ali Bhutto represented Pakistan in the

Security Council, when the matter was being debated; he walked out of the meeting after ending his speech with these words, “for four days the Security Council has procrastinated. Why? Because object was for Dacca to fall, why should I waste my time here in the Security Council? I will not be a party to the ignominious surrender of a part of my country. You can take your Security Council. Here you are. I am going.” (P L D 1972 Central Statutes Part, p. 434)

President Yahya Khan signed the following Proclamation on December 20, 1971 as under: (Ibid: 664)

"Whereas by the Proclamation of 25th March, 1969, I, General Agha Muhammad Yahya Khan, H. Pk., H. J. declared that the whole of Pakistan shall be under Martial Law and also assumed the powers of Chief Martial Law Administrator and the Commander of all the Armed Forces of Pakistan; and whereas I have decided to relinquish the office of Chief Martial Law Administrator and the command of all the Armed Forces of Pakistan; and whereas it is necessary that Mr. Zulfikar Bhutto should assume the powers of the Chief Martial Law Administrator and the commander of all the Armed Forces of Pakistan. Now, therefore, I, hereby, declare that the said Mr. Zulfikar Ali Bhutto shall be the Chief Martial Law Administrator and shall command all the Armed Forces of Pakistan and shall also be the President of Pakistan.

The Proclamation of the 25th March 1969 shall have effect subject to this Proclamation and the following provisions: (Ibid: 624)

1. Before assuming the office of the President under clause (2) of paragraph 3 of the Provisional Constitution Order, 1969 Mr. Zulfikar Ali Bhutto shall make an Oath before me in the form set out in the Schedule;
2. Until a new Constitution is approved, or framed by the representatives of the people, the Islamic Republic of Pakistan shall be governed by the provisions of the Provisional Constitution Order, 1969;
3. Notwithstanding anything contained in the Provisional Constitution Order, 1969, the Governors of the Provinces holding offices immediately before the commencement of this Proclamation shall continue to hold their offices as Governors of their respective Provinces.

In the third paragraph of the Proclamation, it was stated that it was ‘necessary’ that Mr. Zulfikar Ali Bhutto should assume the powers of the Chief Martial Law Administrator and the command of the Armed Forces of Pakistan but it is not explained why the then President thought it ‘necessary’ to do so. In the fourth paragraph of the Proclamation it was declared that Mr. Zulfikar Ali Bhutto shall be the Chief Martial Law Administrator and shall command all the Armed Forces of Pakistan and shall be the President of Pakistan, without indicating as to why all these offices were being entrusted to Mr. Bhutto. The then President also did not indicate why he had decided to relinquish the office of the Chief Martial Law Administrator and command of all the Armed Forces. In the absence of any explanation of any of these facts in the Proclamation itself, it would not be wrong to presume that the then President decided to relinquish his offices, because he felt that the Army had been thoroughly discredited, as a result of events in East Pakistan, and he was not prepared to face the wrath of

the public. It can also be presumed, as indicated earlier, that Mr. Bhutto was selected for these offices on the strength of his leadership of the party commanding the largest number of votes in the National Assembly, from amongst those who had been elected from West Pakistan.

Further progress in constitution making was interrupted by the events that followed Indian forces having entered East Pakistan on all its borders on November 22, 1971 on the pretext of providing assistance to the 'Mukti Bahini'. They also attacked on the West Pakistan front on December 3, 1971. A fortnight later, fighting came to an end and Pakistan Armed Force laid down arms in Dacca on December 17, 1971. General Yahya Khan was finally compelled to transfer power to Mr. Zulfikar Ali Bhutto, the Chairman of the Pakistan Peoples' Party on December 20, 1971.

In his first broadcast to the nation soon after the assumption of office, Z. A. Bhutto new President announced the withdrawal of the ban imposed on the National Awami Party (NAP) by the Yahya Khan government. He said he was doing it in good faith in order to start with a 'clean state'. The results of its inconclusive bye-elections in East Pakistan were also liquidated, as they were "an insult to the people". He also said that, "As far as the Constitution is concerned, we intend to move fast in that direction. I am going to have further discussions with the Chief Justice of the Supreme Court as well as with others. I am also determined to move as fast as possible for the restoration of democracy" (Daily Dawn, December 29, 1971). He issued a statement, which said (in parts):

"We propose to take a further step to bring about direct participation of the people in government. I am abolishing the system of Basic Democracies – a system that had bred nothing but nepotism and corruption; a system that reduced democracy to a farce. We are bringing in a system of purely representative local government, on the basis of adult franchise and direct elections. These elections will be held on 15th March. In the rural areas, the system will consist of District Councils; in the small towns Peoples' Committees and in the cities, Peoples' Municipalities. Thus democracy will be brought to every one's doorstep and within everyone's reach" (Daily Dawn, January 22, 1972).

Apart from repairing the broken shape of state, the most important task before the new government was to frame a constitution for Pakistan. The National Assembly approved an Interim Constitution on April 12, 1972, which replaced martial law.

## **Conclusion**

General Yahya Khan took over the power in March 1969. Soon after he declared that the military was not interested in the power, and that power would be handed to a civilian government to be formed after general elections. Under Presidential Order No. 1 of 1970, West Pakistan was dissolved into four provinces, the federal capital and federally administered tribal areas. Despite the Constitution of 1962 having been abrogated on proclamation of martial law, the Chief Martial Law Administrator announced that all laws would remain in force and all the courts, officers and authorities were to continue to function. This was a mockery of the Constitution and the legislature. Presidential Order, Martial Law Regulations and Ordinances kept issuing under the dictator to keep the constitution ineffective and suspended.

In the elections held on January 17, 1971 the Awami League was victorious in East Pakistan winning almost all the seats in the National Assembly while in West Pakistan Peoples Party

(PPP) bagged most votes. Consequences were leading to disintegration of the country. Despite its large majority seat win in elections, the Awami League was not offered the government. Resultantly, the 6 points of Sheikh Mujibur Rehman later turned into demand of Bangladesh. Then there was a wave of intense unrest and civil disobedience in East Pakistan. The rulers seemed non-serious and indifferent about the alarmingly deteriorating consequences. The government decided to deal with the situation with an iron hand. This decision proved fatal and highly damaging. Many people in East Pakistan were forced to take refuge in the adjacent Indian areas. Careless handling of affairs led to fall of the military regime in December 1971. On December 20, 1971, General Yahya Khan transferred the functions of President to Mr. Zulfikar Ali Bhutto.

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