**Today's Lecture of Pakistan Studies. Dated 17-11-2020**

# Ouster of President Iskandar Mirza.

On October 7, 1958, President Iskandar Mirza abrogated the Constitution and declared Martial Law in the country. General Muhammad Ayyub Khan, the then Commander-in-Chief of the armed forces, became the Chief Martial Law Administrator.

Iskander Mirza and Ayub Khan had begun the new era with apparent unanimity, jointly describing it as a two-man regime. However, although the two were responsible for bringing about the change, they had different views on dealing with the new situation. Iskandar Mirza had not envisaged any change in his previous powers; he wanted to retain the ability to maneuver things according to his own whim. Things however had changed. C. M. L. A. Ayub Khan knew that the real power rested with the army and he was determined to assert himself. Within a week of the proclamation of Martial Law, Iskander Mirza realized the delicate position he had gotten himself into. He regretted his decision and said, “I did not mean to do it” while offering assurances that the Martial Law would be for the shortest possible duration.

The sharing of power soon led to the intensification of the power struggle between the two men. President Mirza tried to balance the power structure by appointing Ayub Khan as Prime Minister on October 24, 1958. The Cabinet he set up consisted entirely of non-political members. This did not satisfy Ayub Khan who had more powers as the Chief Martial Law Administrator. In order to secure himself, Iskander Mirza tried to get the support of Ayub Khan’s rivals within the army and air force. He was however unsuccessful in this attempt.

With the consensus of his military generals, Ayub Khan arrested Iskander Mirza on October 27, 1958. He was exiled to Britain where he later died. After the ouster of Iskander Mirza, General Ayub Khan became the sole power in Pakistan.

------------------------------------------------------------------------------------------------------------------------------------------Martial Law Under Field Marshal Ayub Khan



On October 7, 1958, President Iskander Mirza abrogated the Constitution and declared Martial Law in the country. This was the first of many military regimes to mar Pakistan’s history. With this step, the Constitution of 1956 was abrogated, ministers were dismissed, Central and Provincial Assemblies were dissolved and all political activities were banned. General Muhammad Ayub Khan, the then Commander-in-Chief of the armed forces, became the Chief Martial Law Administrator. The parliamentary system in Pakistan came to end. Within three weeks of assuming charge on October 27, 1958, Iskander Mirza was ousted by General Ayub Khan, who then declared himself President.

General Ayub Khan gave himself the rank of Field Marshal. Corruption had become so widespread within the national and civic systems of administration that Ayub Khan was welcomed as a national hero by the people.

Soon after coming to power, the new military government promised that they would carry out reforms in the entire government structure and would cleanse the administration of the rampant corruption. A thorough screening process of all government servants was conducted and service records were closely scrutinized. Public servants were tried for misconduct by tribunals consisting of retired judges of the Supreme Court or High Court. If charges were proven, disciplinary action such as dismissal or compulsory retirement of the public servant could take place. A public servant could also be disqualified from holding any public office for 15 years.

About 3,000 officials were dismissed and many others were reduced in rank as a result of these measures. The rest of the government servants were provided with an incentive to working hard. Similarly, a law called the Elective Bodies Disqualification Order, popularly known as E. B. D. O., was promulgated for the disqualification of politicians. Under this law, a person could be disqualified from being a member of any elective body till December 31, 1966. Under this harsh law, several politicians like Suhrawardy and Qayyum Khan were disqualified. The E. B. D. O., particularly its application, was severely criticized in the legal and political circles throughout Pakistan.

After taking over, Ayub Khan focused on the long-standing question of land reforms in West Pakistan. The land reforms included the reduction of land ceiling to 1,000 acres for non-irrigated land and 500 acres for irrigated land and with ownership rights granted to the tenants. The land in excess of these limits was taken over by the government to be distributed amongst the deserving persons.

Ayub Khan also introduced a comprehensive scheme of local government, popularly known as Basic Democracies. This scheme was enforced through the Basic Democracies Order on October 27, 1959. Basic Democracies was a pyramidal plan enabling the people to directly elect to Local Council men they knew, who would in turn elect the upper tier of the administration. Altogether there were 80,000 Basic Democrats elected. To lend legitimacy to his rule, Ayub Khan used the Basic Democrats as an electoral college, holding a referendum to seek a mandate to continue in office as President and to have the authority to frame the future Constitution of Pakistan.

The referendum held on February 14, 1960, asked the voters “if they had confidence in President Field Marshal Muhammad Ayub Khan, Hilal-i-Jurat?” With the results of the referendum, Ayub Khan was elected

not only as President of Pakistan for five years, but also got the mandate to give Pakistan a Constitution of his choice.

Ayub Khan set up a Constitution Commission which was not only given the responsibility to make recommendations on the future Constitution, but was also to examine the causes of failure of parliamentary government in Pakistan. The report of the Constitution Commission was presented to Ayub Khan on May 6, 1961. Ayub Khan was not satisfied by the findings. The 1962 Constitution was very different from the recommendation of the Constitution Commission, as Ayub Khan favored a presidential form of government. The 1962 Constitution was promulgated on March 1. This ended the three-and-a-half-year Martial Law regime of Ayub Khan. A civilian constitutional government under Ayub Khan replaced his previous military regime.

The Constitution of 1956 was lengthy and detailed; it contained 234 articles divided into thirteen parts and six schedules. The Constitution of 1956 provided for federal system with the principle of parity between East Pakistan and West Pakistan. The Federal Legislature was to perform like the British Parliament. The Centre was invested with such powers as to take unilateral action in emergency and it could influence the provincial autonomy.

The Constitution of 1956 provided for the parliamentary form of government, where real executive authority was vested in a cabinet, collectively responsible to the legislature. The cabinet was presided over by the Prime Minister. The Constitution declared that there would be only one house of parliament known as the National Assembly and equality between the two Wings (i.e. East Pakistan and West Pakistan) was maintained in it. The Governor General was replaced by a President, who was to be elected by the Electoral College of Pakistan composed of members of the National Assembly and Provincial Assembly.

Salient features

1. Written Constitution - This is a written and lengthy document. It consists of 234 Articles divided into 13 parts and 6 schedules.

2. flexible Constitution - The constitution could be amended through a process requiring the amendment to be passed by at least a two-thirds majority of the parliament. However the president had the right to veto the draft, which then could be overridden by simple parliamentary majority.

3. Islamic Republic of Pakistan - The name of the country was adopted as the Islamic Republic of Pakistan.

Objectives Resolution - The objective resolution was included as a preamble of the constitution.

4. Federal System - The constitution provides for a federal system in the country. Powers was divided between the centre and the provinces. The subjects were divided into three lists; The Federal List, The Provincial List, and the Concurrent List.

5. Unicameral Legislature - The legislature would consist of a single house. Both the wings of the country were given representation in the National Assembly. The National Assembly consisted of 300 members. 150 members were drawn from each wing.

6. Parliamentary System - a parliamentary system was adopted, according to it the president was the head of state and the Prime Minister the head of government.

7. The President - required to be a Muslim of at least forty years of age. The tenure of his office was five years. In case of internal or external danger he could declare a state of emergency in the country. He was authorized to appoint the Governors, the Judges of the Supreme Court, Auditor General and the Advocate General.

8. The Prime Minister - He was to be the leader of the Parliamentary group and was thus indirectly elected by the people. He could choose his cabinet from the members of the National Assembly; the cabinet was answerable to the Assembly.

9. Provincial Autonomy - Curtailed in the constitution to a great extent.

10. Islamic Law - no law would be passed against the teachings of the Quran and Sunnah.

11. Free Judiciary - An independent judiciary in the country. A Supreme Court interpreted the constitution, advised the state whenever required, and decided the issues whenever required.

12. Fundamental Rights - included freedom of movement, freedom of speech and expression, freedom to choose profession and freedom to profess religion. Right to life, liberty, and property.

13. Language - Urdu & Bengali.

14. Karachi & Dhaka was declared capital of Pakistan.