



RESEARCH PAPER

Constitutionalism in Pakistan: The Yahiya Khan Interregnum

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ABSTRACT

General Muhammad Yahiya Khan abrogated the 1962's constitution of Pakistan and enforced martial law and to run the state business he introduced Legal Frame Work Order in 1970. In actual sense the Legal Framework Order was introduced to serve as an interim Constitution of Pakistan till the new constitution of Pakistan was not adopted by representative of the people of Pakistan. To form parliament he announce the general elections in October 1970 on the principle of universal adult franchise. All the institutions during Yahiya Khan era were legally grounded on the provisions of Legal Framework Order that also had to define the status and working of these institutions. This Legal Framework order was declared to have effected notwithstanding anything to the contrary contained in the Provisional Constitution Order, any other law for the time being in force or the previous Constitution of 1962 of the Islamic Republic of Pakistan. If all the structure of the newly elected setup was lying foundations on this order how it could be possible that any individual or political party could override it and survive legally. General Yahiya Khan had very strong legal deterrent to avoid the dismemberment of Pakistan but he used military option. Significance of LFO in the constitutional development in Pakistan is explained in the study with special reference to civil war of 1971 in Pakistan by shedding light on its important features.

Introduction

The martial law of General Muhammad Ayyub Khan, which had put together the secularism, modernist Islam with indirect form of democracy in one system, remained popular among the people of Pakistan till 1965 (Siakia, 2014). But the war of 1965 had a undesirable influence on the economic condition of Pakistan

and the ensuing political tensions led to a mass protest to remove Ayub Khan from power in 1968. General Yahiya Khan, was commander in Chief of Pakistan and had key role to maintain law and order, supported the idea of resignation of Ayyub Khan (Mukherjee, 2016). General Ayyub Khan resigned in March 1969 and General Muhammad Yahiya Khan took over as president and in the history of Pakistan for the second time imposed martial law by abrogating the constitution of 1962. It is a matter of fact that he was promoted to Major General by the government of Field Marshal Ayyub Khan in 1965. Yahiya Khan led an infantry division against India in 1965 war. Ayyub Khan appointed him Commander-in-Chief in 1966. Yahiya Khan using his position influenced the process of resignation of General Ayyub Khan (Tucker, 2010). Yahiya Khan eased restrictions on the press, he also abrogated the 1962 constitution to open the way for parliamentary system and appease the political parties about parliamentary democracy. He abolished the most hateful 'One Unit', a policy that in 1954 had transformed country's various unites into a single province on the basis of ethnicity. He then announced for the first time in the country that elections would be held on the basis of adult suffrage, and agreed to enhance the representation in parliament due to the large population in East Pakistan. All such reforms, which were made at the behest of political parties, were considered extremely dangerous by the Establishment. But Yahiya Khan went on to improve the country's economy and make the country's politics more conducive. Although the elections under Yahiya Khan were most transparent elections in Pakistan, the results have exposed the tensions between two wings of Pakistan. Sheikh Mujib Ur Rehman's Bengali nationalist sentiments were gradually intensifying and Zulfikar Ali Bhutto used it as a weapon for himself. Failure to unite the newly elected parliament that had responsibility to draft a new constitution, Yahiya Khan joined hands of Zulfikar Ali Bhutto and seized East Bengal province (Choudhury, 1974). The onslaught sparked a bloody civil war that turned into international war with India. Yahiya Khan was unprepared for either situation. He was shocked after the 1971 incident but maintained that he was not the only one responsible for the tragedy. Pakistan did not learned the lesson from the results of two martial laws and within six years of its dismemberment another martial law of was in enforced but this time constitution was suspended not abrogated (khan, 2017). Pakistan's second constitution was suspended in 1969 and country was without constitution (Wilcox, 1970). New elections and process of transfer of power had needed a new constitutional framework and this need was fulfilled by General Yahiya Khan in 1970 by promulgating Legal Framework. This Legal Framework order was a comprehensive constitutional document that open the way for general elections and set the directions of future politics of Pakistan. It is very important to assess the relevance of the Legal framework order as a constitutional document of Pakistan that served in the crucial years of united Pakistan.

Hypothesis; Legal Framework Order could have become an important tool to avert the dismemberment of Pakistan in 1971 if the leadership had opted it to use it in skillful manners. Mehmood, 1970 in his work *The Deliberate Debacle*, shed light on the political and constitutional development in Pakistan that has provided background of the current study. This work is very important being a detailed

overview of the relationship between East and West Pakistan in 24 years of united Pakistan. Safdar Mehmood has provided original document of the legal framework order of March 1970 issued by the second chief martial law administrator. This work explained the details of important events that created a situation in Awami League got space to launch its agenda of six points and mobilized the majority of the people of Pakistan to support the manifesto. This work is very important for the study in hand but it does not explain the features of LFO with their reference to dismemberment of Pakistan.

Choudhry, 1988, in his work explained the constitutional history of Pakistan by starting it from pre partition dates. He gave the details of the all three constitutions of Pakistan in post partition era and three constitutions of pre partition dates. It is very important document being a comprehensive record on the constitutional history of Pakistan by including the all amendments and annexure in his work. He provided a comprehensive discussion on the political development in Pakistan along with the constitutional documents that has made this work an important work for this study. Discussion of LFO of 1970 with the special reference to the debacle of Dhaka was missing that has given in this new work on the constitutionalism in Pakistan.

Article 8 of the Legal Framework Order

Article 8 of the LFO was about the constitution of the election commission under that the general elections of Pakistan in 1970 was going to be held. Any attempt under the influence of the six points or any other political motivations was to be countered through this article of the LFO as it was serving as interim constitution of the country. If there were any threat from the new elected representatives to federal structure of Pakistan then they were walking against the define provision of LFO regarding the foundation of the new constitution and ultimately violating the LFO. Violating any provision of the LFO was clearly the loosing of grounds of the elections and ultimately losing the power to subvert the federation. If there was no LFO there was no election commission and if there was no election commission there was no elections and henceforth any elected representation. Only elected representatives were in power to make new constitution, within the framework provided by LFO. Under the provisions of Legal Framework order they were bound to follow the guide lines for new constitution. So by violating LFO, any constitutions against the foundations provided by it were legally impossible and matter to lose legal grounds of the assembly.

Article 12 of the Legal Framework Order

Under the article 12 of the Legal framework order all the elected representative were bound to take oath to be firmly faith full to integrity, solidarity of the Pakistan, When all the members of the elected institutions were bound to remain loyal to the country and were taking oath under Legal Framework order how they could defy it and legally proclaimed to be the representatives of the people of

Pakistan. So any move toward the disintegration of the country was to be gridlocked with legal tool instead of force. LFO was declaring that the person elected as a member of an Assembly would, before entering upon the office, took a pledged, before a person presiding at a meeting of the Assembly, an oath or affirmation in the following form, namely :-

"I... do solemnly swear (or affirm) that I will bear true faith and allegiance to Pakistan and that I will discharge the duties upon which I am about to enter honestly, to the best of my ability, faithfully in accordance with the provisions of the Legal Framework Order, 1970, the law and rules of the Assembly set out in that Order, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan."

Article 14 of the Legal Framework Order

Article 14 of the LFO was about the duties of the president of the Pakistan to summon the session of the assembly to meet on such day, at such time and place as he may think fit for the purpose of framing new constitution for the country (Farani, 1970). President of Pakistan who was General Yahiya Khan had the power to make decision regarding the commencement of the session and place of the session when sheikh Mujeeb ur Rehman requested the session of assembly after getting vast majority in the country his request was denounce for pre session guaranties for the safety of federation and role of the military leadership in the future government of the country. Possessing clear powers under the running constitution of the country that was LFO that time to overcome the mandate of the people such guaranties were mind blowing and a majority party leader was pre assume as the traitor dew to his six point that was merely a political stunt. Six point of the Awami league were negotiable according the Shaikh Mujeebur Rehman, who was the leader of his political party and poplar leader of the country at that time (Choudhury, 1973). . Trusting the intentions of the Shaikh Mujeeb Ur Rehman Generals become ready to step down on the charges of Agrtila conspiracy and allowed him to walk freely and campaign for the elections and six point agenda. President of Pakistan who was also commander in chief of the armed forces of the country became not ready to allow the session and used military force against its own people when the just demanding the legal and constitutional right of summing the session of the national assembly and to decide the future relationship of the federating unites. There was no political and constitutional pressure during framing the LFO and also no objection were raised during its proclamation. All the political and constitutional forces of the country become ready to work under this one kind of an interim constitution. Yahiya Khan no doubt included all such provision to hold grip over the powers of the country and make him the center of power in this framework order. It was insane to avoid to not using legal and constitutional powers and using military force to overcome the majority region of the people. After violating his own made constitution General Yahiya khan loose legal and moral grounds to hold power and ultimately he had to leave the office after the break up country.

Article 15 of the Legal Framework Order

Article 15 of the LFO of 1970 was included in this constitutional document to stop any solo flight of the political leadership by underestimating the position of the president. Article 15 was giving powers to the president of the country to address the national assembly. After the 1971 elections Sheikh Mujeeb Ur Rehman could be doubted with six point agenda in which he was mentioning weak federating center more like on the principles of the confederation that could lead the Pakistan in dismemberment of five countries as political environment among the provinces was not satisfactory. Sheikh Mujeeb Ur Rehman had won the majority and according to the parliamentary principles of government he had the right to lead the country and in the special case of Pakistan had also the right to make new constitution for the country. He in his election campaign and polling scheme did not totally ignore the West Pakistan and contest the elections in east and west Pakistan but mainly focusing the East Pakistan being a majority wing. Position of East Pakistan due to majority populated province of Pakistan was same like current days Punjab in Pakistan. His such move in positive sense could be seen as he had in mind the idea that after winning the overwhelm majority in the east Pakistan he could easily manage to post of prime minister of the Pakistan and he did not care much for the west Pakistan and results proved his move as a valid move. Therefore he gave such manifesto that was suited to the East Pakistan as well as the majority of the population. In negative sense such move was clear indicator of his bad intentions for the federation of the Pakistan and national solidarity and integrity therefore he could not be trusted (Ghosh, 1990, p. 121). In second case Sheikh Mujeeb Ur Rehman with Majority in the national assembly could move toward the weak federation with strong provinces and ultimately dismemberment could be predicted in that environment. Now question is that what could be done to counter such bad intentions and actions of Sheikh Mujeeb Ur Rehman. Did military solution was the only option or there were any other options that could be used before the use of military in 1971? Under article 15 General Yahya Khan had power to send the message and also address the national assembly if he had feelings of the bad intentions of the Sheikh Mujeeb Ur Rehman regarding the solidarity and integrity of the country. General Yahya Khan could use the option of sending message to the national assembly about his powers and jurisdiction regarding the constitutional matters and law making. He could send the message of displeasure if he felt that Sheikh Mujeeb Ur Rehman was going to make such constitution that could lead the country into breakage. He could publish his message in national and international media regarding the bad intentions of the majority party in the assembly and could won the public support as majority of the country was patriot. International community could also be satisfied in case of using the last option of military by propagating his warnings and advices in international and national media. If General Yahya Khan felt that his messages to the national assembly were remain unfruitful he could go in national assembly and address it. In his address, General Yahya Khan could advised the national assembly members to make such constitution for the country in which a strong Pakistan could survive and also could

tell them about bad intentions of the hostile forces regarding the good will of the country. General Yahiya Khan also could use the forum to awake the public against the hostile agenda in the six points and its implications on their country. General Yahiya Khan could also warn the Awami league regarding the implication of six points and threat them about the powers of president of Pakistan in any worse situations. He could also remember them the legal grounds of the general elections and role of eastern wing in making of Pakistan (Choudhury, 1972). . General Yahiya Khan could threat the Sheikh Mujeeb Ur Rehman to lose the chance to become the prime minister of whole Pakistan and dissolution of assembly by rejecting the constitutional bill approved by the national assembly on the dent of the majority in the house. But he never bother to test the provisions of LFO and allowed smooth transition of power.

Article 20 of Legal Framework Order

Article 20 of the LFO was very clearly dictating the newly elected assembly to make the constitution for the country on such bases in which Pakistan shall become a federation and republic to be known as the Islamic Republic of Pakistan in which all five provinces and other such territories which are now and may hereinafter be included in the country shall be so united in the federation of Pakistan that the territorial integrity, the independence and the national solidarity of the country were ensured and that the union of the federation is not in any manner weakened. In such apparently guided space Awami League had to choose between the displeasure of president that mean the dissolution of national assembly and losing the chance to form government or to follow the guide lines and make new constitution on the basis of federal principles against the six point agenda.

Another principle for the new constitution of the country was the Islamic ideology for Pakistan as new elected assembly was directed to make such provision in the constitution that Ideology of Islam which is the basis for the foundation of Pakistan could be preserved according to its requirements of Islamic ideology the Head of the State of Pakistan must had to be a Muslim. Awami League and Sheikh Mujeeb Ur Rehman were mobilizing the strong majority of Hindu and other minorities by propagating equal political right for all citizens in the state in election campaign along with Pakistan People's party and it was chance that non-Muslims could morally force Sheikh Mujeeb Ur Rehman to make provision of secular state of Pakistan. In such move of the Awami League LFO was main hurdle which was directing the majority based government and assembly to make Pakistan an Islamic republic.

In federation majority was not allowed to change the fundamental principles of democracy because 1955 to 1970 priority formula between east and west Pakistan already had widen the space between two population wise desperate wings of the Pakistan. For this federation was directed to ensure by providing free and direct periodical elections to the federating units and federation to form legislatures on the basis of adult franchise and population. This article of the LFO was guarantying the Fundamental Rights to all the citizens of the country. Third branch of the

government that is judiciary was also guaranteed the independence in the matter of dispensation of justice so that the enforcement of the fundamental rights shall be protected. Awami League was propagating the more rights for the East Pakistan as in their minds East Pakistan was neglected in the past. This article was providing equal rights for all the citizens of Pakistan including the east and West Pakistan.

Basic Principle for Federal Structure

Key issue in dispute on the six points was issue of federal structure. National integrity of the Pakistan was also assured in the LFO taking six points of Sheikh Mujeeb Ur Rehman hostile to it. LFO was demanding the new assembly the provincial autonomy with distribution of all powers including legislative, administrative and financial between the Federal Government and the five Provinces of the country. This distribution was on such a formula that the federating Provinces would have maximum autonomy, that would be to say maximum legislative, administrative and financial powers but the central Government would also have suitable powers including legislative, administrative and financial powers, to perform its responsibilities in relation to external and internal affairs and to preserve territorial integrity and independence of the country (Rashiduzzaman, 1970). This clause in the article 20 of the LFO was included to counter the six point's agenda in which weak federal government was proposed with strong and autonomous provinces with all residuary powers (Farani, 1970). Any proposal to avoid these guide lines would be the violation of LFO and ultimately would bulldoze the whole building of election process and political structure. In such condition it was the obligation of the leaders of that time to follow the LFO and trust on the legal ground instead of use of power.

This article was also granting the equal rights for all the citizens of Pakistan living in East and west wings of Pakistan and were to be enabled to participate fully in all kinds of national activities; and to tackle the economical distractions this article was giving assurance to make arrangements within a specified period to remove economic and all other disparities between the Provinces and between different areas in a Province by the adoption of statutory and other measures. It could be helpful for the propagation of legal and constitutional guaranties in future to handle miseries of the past to curtail the Awami League propaganda. When six point agenda was only propagation of the Sheikh Mujibur Rahman and his Awami League (Ahmed, 1971). why in LFO article 20 clause five was discussing the fiscal and other disparities among the federating units of the country and if they were existing then what were constitutional arrangements' made to provide assurance to deprived people for the future relationships. If Sheikh Mujibur Rahman was going to make such constitution for the country which could lead the country to dismemberment did General Yahiya Khan not have the power to overrule it using provisions mentioned in the LFO of 1970?

Article 24 of Legal Framework Order

Article 24 of the LFO 1970 was about the time frame for the constitutional bill. Saying as the National Assembly would frame the Constitution of the country in the form of a Bill to be described the Constitution Bill within a period of four months or 120 days from the date of its first meeting and on its anticlimax to do so would stand dissolved. After the completion of the process in February of the elections with no major mishap in the country if the power was transfers to the elected representatives of the people in March then till the end of June of 1971. Sheikh Mujeeb Ur Rehman and his political party could be judged with actions and could be used as weapon of propaganda if he was making such political and constitutional development regarding the dismemberment of the country. He could become easy target after taking the realm of the country and making no drastic changing in life of the poor people of the Pakistan. Military action could be taken any other time with gaining time to increase number of troops in the eastern wing of the country to make defense against internal and external aggression. If he could not be able to make constitution in giving time LFO as legal document had dissolved the Sheikh Mujeeb Ur Rehman's majority assembly and called for fresh elections and provided the chance to Pakistani leadership to counter him in the field of politics.

Article 26 of Legal Framework Order

Article 26 of the LFO was about the ratification of the president that was most effected tool in the hand of the president. This article was read as The Constitution Bill, as passed by the Pakistan's National Assembly, would be presented to the President of Pakistan for authentication. The National Assembly would stand dissolved in the event that authentication was refused by the president of the Pakistan. General Yahiya Khan was president of Pakistan and if he was feeling threat regarding the six point implementation he could use the powers granted in the article 26 of the LFO and dissolved the assembly to send the Sheikh Mujeeb Ur Rehman's government home legally. Sheikh Mujeeb Ur Rehman himself would be aware of this article could not easily frame such constitution that could make president of Pakistan displease to make forward end of his regime. Sheikh Mujeeb Ur Rehman definitely made try to save his government and satisfied his follower being shown in the federal power house as guaranties against their reservations. It was easy for him to be presented in the public as symbol of hope tackling all hurdles in the ways of deprived people's rights.

Article 27 of the Legal Framework Order

There could be thinking that Sheikh Mujeeb UR Rehman could summon the assembly session after being prime minister of Pakistan and make arrangement for new president or summon the session of provincial assembly of East Pakistan to make legal arrangement for new nations. Any such move was made impossible constitutionally by adding the article 27 in the LFO that said to save as provided in this Order for the purpose of framing a constitution, the National Assembly of Pakistan would not meet in that capacity, until the Constitution Bill passed by it and

authenticated by the President of Pakistan, has come into force and any Provincial Assembly would not be summoned to meet the session until after the Constitution Bill passed by the National Assembly of Pakistan had been authenticated by the President of Pakistan, and has come into force. So the idea to transfer power to Sheikh Mujeeb UR Rehman was not very erroneous. It provided the chance to him to rule as the leader of the east and West Pakistan (Kapur, 1991). Being the leader of the whole nation he could be expected to behave sagaciously in favor of the national integrity and solidarity.

Explaining the Four Possibel Options of Awami League

Taking article 27 of the LFO there could be four options in the hand of Awami League and sheikh Mujeeb Ur Rehman to sidestep the bases granted by the LFO in making of new constitution if he was taking the LFO as hurdle in his manifesto. Firstly he with majority in assembly could have amended Legal Frame Work Order and implemented its publically announced manifesto and slogans. Secondly he could have forced the president of Pakistan to give his consent to the desired amendments in the Legal Frame Work Order to fulfill his bad intentions if he had regarding the federation of Pakistan. Thirdly sheikh Mujeeb Ur Rehman could have used the third option and challenge this whole document in East Pakistan high court or in Supreme Court of Pakistan to make amendment or sent LFO in the absence and implemented its disintegration agenda. Fourthly Sheikh Mujeeb Ur Rehman and his political party Awami League could have used the option to wrongly interpret this legal document and get a way out to implement constitution of his own desires.

Question is that did General Yahya Khan had in mind these four constitutional options of Awami League and he choose military option in place of constitutional to avert the debacle of Dhaka? To answer this question it is very important to study the Legal Frame Work Order of 1970 and try to get answer if General Yahya Khan was right in using force in East Pakistan and violating his own constitutional document. So reading carefully LFO of 1970 an article 27 of this document provide the sufficient answer of this question. In the article 27 of the Legal frame work order 1970 it was very clearly answered the question of any amendment in this order was discretionary right of president of Pakistan not the newly elected assembly of Pakistan in which Awami League with majority could be doubted about amendment in this order. So the use of first option by the Awami league was counter with legal and constitutional provision provided in the Legal Frame Work Order of 1970.

If Sheikh Mujeeb Ur Rehman was doubted to avail second option to force president of Pakistan or remove him from his post using any legal or illegal mean to put his own person in the post of president of Pakistan to amend the document through presidential powers. In this case question should be raised in mind that did such option was feasible for the Awami League. Answer of this question was also provided in the article 27 of the LFO, which was denouncing the right to the

president of Pakistan to amend this Frame Work Order. So the military solution cannot be justified if General Yahiya Khan was seriously feeling any threat from powerful Awami League. In case of using third option of challenging the whole order in the court or its interpretation in the court by Sheikh Mujeeb Ur Rehman to avoid the Legal Frame work Order, did there was any provision to counter such move? Answer of this question was also provided in same article of the LFO 1970 in which very clearly mentioned that any court of Pakistan had no right to question about the legal frame work order. No court in the jurisdiction of the Pakistani soil had the right to question the authenticity and interpretation of the Legal Frame work Order. So Sheikh Mujeeb Ur Rehman had no such option to avoid the federation and other necessary bases of the new constitution mentioned in the LFO and General Yahya Khan should follow the suit to avoid the use of military in 1971 crisis.

Discussing the fourth option in the hand of Sheikh Mujeeb Ur Rehman if Awami League leadership could make way out by interpreting the LFO in his favor how Military leadership could have countered the move was a big question. But the answer of this question could also be search out in article 27 of the Legal Frame Work Order. In this article right of the interpretation of the LFO was rested with only president of Pakistan who was that General Yahya Khan himself. So in the presence of president of Pakistan no one could interpret that legal document and interpretation of the president had also right to not challenge in any court. General Yahya Khan could interpret the LFO in the favor of Pakistani federation and solidarity of the country if he felt need of it. With such kind of guaranties military junta of Pakistan in 1971 should trust the constitutional document and used the power granted by it. Sheikh Mujeeb Ur Rehman and his Awami league had if any intentions to change it, it was very easy and legal to counter it with the power of article 27 of Legal Frame Work Order. Sheikh Mujeeb Ur Rehman's any move to amend the LFO with the majority of the assembly could also be counter with this article as no assembly had power to make any amendment in this document. If General Yahya Khan was feeling any threat of his removal by unnatural course and after his removal from the scene Awami League wanted any change through presidential order it was also impossible as it was very clearly mentioned that no assembly and president could make any change in this constitutional document. As President of Pakistan he had the right to interpret the Legal Frame Work Order in case of any doubt or ambiguity. So the use of force setting aside the option to use legal tools was unacceptable and unworthy as first use of force made the position of Pakistan weak in the international community and gave the chance to hostile forces to make propaganda regarding the actions and intentions of the Pakistani leadership. Military power should have been the last option in the hand of Yahiya Khan which could be used at any unavoidable stage but putting it at the first option killed other options which could be useful in the giving situation of the country. In case assembly was dissolve after failing to get approval of the constitutional bill, General Yahiya Khan was on some extent remained successful to exploit the anti-Pakistan agenda of the Sheikh Mujeeb Ur Rehman and his awami league and in any future election clean sweep from the East Pakistan could not have become possible for Awami League. Awami league could be morally forced to make amendments in

his six point agenda observing the nation mood. It could also provide the chance to patriot political leadership to join hand and regain public support in favor of strong Pakistan. Fresh general election could provide time space for some acceptable measures regarding the security of Pakistan and if military option was taken as sole solution it could also provide time to raise military strength in the east Pakistan and counter the hostile situation in that wing. This could also provide Pakistan a time space to make strategic arrangement regarding the time and position of launching the war and win it in favor of the federation. Negotiations were probably feasible for both Sheikh Mujeeb UR Rehman and General Yahiya khan after the results of the elections to make progress towards the solution of deadlock (Syed, 1992). Six points were not any kind of hurdles in the way forward especially when Sheikh Mujeeb UR Rehman was provided the chance to lead the nation. Setting in the realm of federal power house Sheikh Mujeeb UR Rehman could be morally sent under pressure to take sensible position and make way forward for the workable relationship of the federating units. He himself had the idea that there was no such example in the federations of the world of his demanding relationships among the federating units (Ahmad, 1971). His six points were negotiable as he himself retires from the harder position to soften one assessing the public response during four years before the elections. Military use as option would remain in the hands of the General Yahiya khan as he was the commander in chief and president of Pakistan along with chief martial law administrator of the country. Pakistani leadership put the last option at first place and did not provide the chance to other options.

Dissolution of assemblies would have been resulted in announcement for fresh mandates and provide the chance for more patriot political parties to propagate against the Sheikh Mujeeb UR Rehman bad intentions as these were exploited in the development during four month time to frame constitution. Fresh elections could be resulted differently or with more trust in Sheikh Mujeeb UR Rehman. In the first case Sheikh Mujeeb UR Rehman could be knockout with public decision and issue would be resolved politically and in the case military solution would get more effectiveness due to the time gaining. When India attack Pakistan in 1971 December there were only 30 to 40 thousand troops in East Pakistan. The number of troops could be increased by time being and also could be projected the enlargement to fulfillment of sixth demand of the Sheikh Mujeeb UR Rehman (Westergaard & Bhuiyan, 1985). In place of 30 thousand troops two or three hundred thousand troops could have defended well the East Pakistan if Pakistani leadership was really wanted them with in federation of Pakistan in future. LFO of 1970 and elections on the ground of these constitutional documents along with transfer of power to the elected representatives could mold the situation morally in favor of Pakistan domestically and internationally. Negotiating behavior of the leadership could also soften the East Pakistani people for the strong federation as transfer of power could become symbol of surrender before the will of majority and could result positively. Taking in mind the development regarding the relationship between remaining four province and federal government six point demands were not be labeled as treachery. Pakistan in the 21st century has changed its federal

structure and adopted number of items in the six points of Shaikh Mujeeb Ur Rehman. It is matter of fact that federal structure of Pakistan by accepting feasible clauses of six points could not have become different from the current federal structure of Pakistan.

Conclusion

It is a matter of fact that the dismemberment of Pakistan resulted in geographical loss to Pakistan and reduces the strategic importance of Pakistan. Role of India in the dismemberment of Pakistan was important factor as Pakistan was geographically balancing in its strategic relations with India (Khan, 2018). But the real issue involved in the dismemberment of Pakistan was behavior of its leadership who was deliberately violating the constitutional frameworks developed by themselves in different phases since 1947. General Yahiya Khan was chief martial law administrator who imposed second martial law by abrogating second constitution of Pakistan and introduced Legal Framework order in 1970. He held first general elections in 1971 and paved the way for democracy in Pakistan. All political forces accepted the constitutional framework under LFO including the Awami League. They all were agreed and bound to work according to the provisions of LFO. General Yahiya Khan and political leadership of West Pakistan had some apprehensions against the six point agenda and keeping in mind General Yahiya Khan had included safety provisions in LFO and Awami league accepted all of them. LFO could have become constitutional guarantee to save federation of Pakistan against the six point agenda of Awami league if it would have applied in letter and spirit. Pakistan could have saved from dismemberment in 1971 if leadership of that time had followed the provisions of LFO of 1970. So avoiding the constitutionalism resulted in distrust among the federating unites of Pakistan and in future if stronger Pakistan is need of time, the key to make Pakistan is in the constitutionalism.

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