Old Issue in New Context: Last Phase of Politics in United Pakistan

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The era 1969–71–the last phase of united Pakistan–had witnessed the extraordinary political upheaval and particularly East Pakistan (now Bangladesh) was in the grip of an intense regionalist movement. This regionalist movement as discussed here ultimately forced by circumstances led to the secessionist movement resulting the emergence of a sovereign Republic in the world map.

What follows here is an attempt to re-examine policy perceptions of politicians and leaders, politics of tripartite negotiations and main issues and motivations that caused the house divided.

It could be noted that with the conclusion of the first ever General Election (1970), wild-hopes and expectations for a stable government were in the air of Pakistan. The most significant feature of the election was the emergence of two major parties–the Awami League of Sheikh Mujibur Rahman and the Pakistan People's Party of Z. A. Bhutto. It was expected that the emergence of the two parties would both facilitate the task of the constitution-making as well as the running of the governmental process. These hopes were further strengthened by the fact that both these parties were led by young[1] and shrewd politicians who were eager, as they claimed, to see early flourishing of democratic order in the country. Both leaders were again committed to end the exploitation of the common man.[2] Both the leaders also stood for maximum provincial autonomy though Bhutto's stand was not clear. Bhutto also preferred that the injustices done towards East Pakistan should be rectified.[3] The fact that both the leaders and their parties had refrained from attacking each other during the long election campaign, was still encouraging.[4]

Moreover, Sheikh Mujib's contention before the election was that the Six Points were negotiable. Bhutto had also never taken the Six Points as the last word of Mujib. All these common features between Sheikh Mujib and Bhutto had obviously raised the prevailing spirit of optimism among the people to a still higher pitch. There was a general feeling among the people of both wings that both of them would amicably arrive at some political understanding of lasting nature through mutual negotiations and reciprocal concessions.

But very soon the popular spirit of optimism and hope gave way to gloom and despair. It was generally realised that as a matter of fact there was little ground of common understanding between Bhutto and Mujib. It was said that Bhutto was for strong centre, whereas, Sheikh Mujib was committed irrevocably to maximum provincial autonomy.[1] In this connection the vital questions that were being raised by political observers and clairvoyants were that whether Sheikh Mujib would agree to make necessary adjustments in respect of his Six-Point formula in order to meet the objections of Bhutto or whether Bhutto would ultimately agree with Sheikh Mujib in drafting a constitution for Pakistan on the basis of Six-Point Formula without any adjustment. At this stage a meeting between the two giants was most essential because the destiny of the country rested in their hands. Somehow for one or the other reasons such a meeting unfortunately could not take place immediately. But finally when the meeting between them took place, much water had flowed down through the Ganges and the Indus. Therefore, in order to fully grasp and appreciate the course of Mujib-Bhutto parleys which took place towards the end of January 1971, it may be necessary to examine closely the background of events which had occurred earlier.

After the landslide victory at the polls, it was not difficult for observers to notice a marked change in the flexible position that Sheikh Mujib and the Awami League had posed over the Six Points earlier. The Sheikh and the Awami League's stand was now becoming more and more rigid and uncompromising. It would become clear if we go through some of the public statements and speeches of the Awami League leaders. In his first press conference after the election Sheikh Mujib said, "A constitution securing full regional

autonomy on the basis of the Six-Point Formula has to be framed and implemented in all its aspects."[6] He regarded the election verdict as a "referendum on the 6-Point and 11-Point formula."[7] Three days later, i.e., on December 12 he remaked, "If the people had decided otherwise in the elections they would have died like dogs. Now I shall see how the demands of Bengal are not met. Bengalees have shed blood for my release from the jail, I shall not hesitate to repay blood by blood, if necessary."[8] Kamruzzaman, the Secretary-General of the Awami League observed in a public meeting at Rajshahi on December 11, 1970 that his party would under no circumstances enter into alliance with any party or elements which would decline to frame a constitution based on the Six-Point and Eleven-Point programmes.[9]

On the same day Zahiruddin,[9A] the Vice-President of the Awami League, said that the people of Bangladesh had given their verdict in favour of the Awami League's Six Points and that his party would not accept any constitution short of the Six Points.[10] The same voice was again raised after the Awami League's spectacular victory in the provincial polls. Sheikh Mujib reiterated (on December 19, 1970) his earlier demand that there should be no constitution except on the basis of the Six-Point Programme.[11] These speeches and statements showed the uncompromising and un-conciliatory attitude of the leaders of the Awami League.

When Sheikh Mujib and his associates were engaged in making fiery speeches and statements, Bhutto as a retaliator also came forward in West Pakistan. Bhutto reiterated that no constitution or any central government could be formed in the country without the cooperation of the PPP. In this regard a very unpleasant statement was also made by the PPP Chief when he said, "Punjab and Sind are the bastion of power in Pakistan and since his party emerged with a sweeping majority from these provinces his cooperation is essential for the formation of the constitution or any central government."[12]

He also observed that if East Pakistan could not have a proper share in the Government of Pakistan during the past 23 years, it did not mean that during the next 23 years East Pakistan should rule West

Pakistan.[13] These statements met sharp reactions in East Pakistan, particularly in the Awami League circles. The rift between the Awami League and the Pakistan People's Party began to appear on the surface—thus verbal warfare between the two parties began. Tajuddin Ahmad, the right hand of Sheikh Mujib, in a rejoinder to Bhutto said:

> We are with an absolute majority in the National Assembly and clear electoral mandate authorises us to frame the constitution as well as to form the central government. Punjab and Sind can no longer aspire to be bastions of power now. The people of Pakistan have rejected the past.[14]

Thus the leaders of both the parties made some initial mistakes. Instead of understanding each other's view-points they engaged themselves in a verbal warfare which tore them apart. However in the context of the changed political realities, Bhutto tactfully later on changed his approach towards East Pakistan. He softened down his tone and tenor in the course of his references to Sheikh Mujib and the Six Points. At this juncture one should not lose sight of Bhutto's realistic and pragmatic stand to the effect that durable and lasting constitution for Pakistan could not be drafted without the consent and cooperation of the federating units.[15] This truth is fully corroborated by the history of federalism. Indeed the political history of Pakistan itself gives adequate testimony to the fact. The Constitution of 1956 as well as the Constitution of 1962 could not last long because there was no unanimity among the federating units. The 1956 Constitution thrust the 'One Unit' scheme in West Pakistan against the wishes of the people of Sind, North-West Frontier Province and Baluchistan. Similarly a unitary authoritarian political system was introduced in Pakistan by the Ayubian Constitution (1962) against the wishes and aspirations of the people of East Pakistan. In view of all these factors a broad consensus and political understanding between the two major parties of Pakistan was all the more an imperative necessity. But unfortunately a protracted exchange of charges and counter-charges between Bhutto and Mujib continued and that had disastrous impact on their subsequent parleys.

Maulana Bhashani's new politics had also great impact upon the Bhutto – Mujib parleys. The Maulana began to raise the voice of independent Bengal on the basis of the Lahore Resolution. It is a hackneyed observation that the Maulana had always demonstrated his better skill in agitational politics rather than in constitutional politics. In his long political career the Maulana never assumed any public office. Remaining outside of all constitutional agencies of government he was, however, responsible for tumbling many ministries. The fall of Ataur Rahman's ministry in East Pakistan in June 1958 and subsequently Ayub's exit from the scene of national politics could be ascribed to his political machination. His slogans "*gherao – Jalao*" (encircle and destroy) were adding fuel to fire and thus posed great threat to the integrity of Pakistan.

Not long before he had showed much concern about preserving the unity of Pakistan.[16] But what made the Maulana now to adopt this new tactics? Were these moves directed simply to perplex Mujib or was the Maulana doing these on the basis of some secret deal with Mujib? Whatever might be the case the Maulana's new gestures forced Sheikh Mujib to adopt a more adamant position *vis-a-vis* the Six Points. Here it may be pointed out that while the negotiations between Bhutto and Mujib were in progress the Maulana lashed out a general warning to all the newly elected MNAs (Members of the National Assembly) from East Pakistan that if they were going to make any concessions over the Six-Point and Eleven-Point programmes, they would never be spared of the wrath and fury of the Bengalees.[17]

Another significant event that had greatly complicated the process of political accommodation between East and West Pakistan was the occasion of "oath-taking ceremony" of the Awami League MNAs and MPAs held at Ramna Race Course on January 3, 1971. This practice-though new did not suit the politics of the day for it made Sheikh Mujib and his party prisoners of their own making. Sheikh Mujib and his 417 MNAs and MPAs pledged before the public:

> We shall remain whole-heartedly faithful to the people's mandate on the Six-Point and Eleven-Point programmes and

> that we shall strive to the best or our ability to reflect both in the constitution and in day to day practice the principles of autonomy based on the Six-Point and Eleven-Point Programmes.[18]

Was it a deliberate policy to tighten their own hands so that in the conference table they could give the excuse that they could not move from the Six Points since they were pledged to that. Indeed these excuses had been made by the Awami League leaders to justify their rigid stand over the Six Points on the subsequent conference table. At the same oath-taking ceremony, Sheikh Mujib also declared, "We want cooperation and help of the West Pakistani representatives in framing the constitution bill. But there could be no compromise on fundamental matters of policy."[19] In this respect he pointed out that the Six-Point and Eleven-Point programmes were no more his or his party's property. Referendum was held on the Six Points and the Eleven Points. The Awami League could not amend it now. He thus threatened:

> None would be able to stop us in framing a constitution on the basis of the Six Points and Eleven Points. We would frame a constitution for the country as we are the representatives of the majority of the people of the country. Those who want to put an obstacle on its way would be eliminated.[20]

The incident of the oath-taking ceremony and the subsequent provocative statements appeared as death-blow to those who were expecting that Sheikh Mujib would be more flexible to the Six Points after the election. Perhaps these incidents prompted President Yahya Khan to rush to Dacca to have a dialogue with Sheikh Mujib.

Another incident that had embittered the relations between the Awami League and the Pakistan People's Party was the former's efforts to win over the support of independent MNAs of West Pakistan to the creed of the Awami League. In this connection, it would not be out of place to mention that Yousuf Haroon,[21] a big industrialist of West Pakistan had played a leading role. Earlier in 1970, he had been instrumental in bringing Sheikh Mujib, Daultana,

Wali Khan together in a secret meeting in London so that they could arrive at some kind of political understanding among themselves. However, the socalled 'London Plan' became inoperative for the Pakistan People's Party had emerged as the single majority party in West Pakistan. Consequently Yousuf Haroon changed his tactics and his new strategy aimed at to get as many independent MNAs into the Awami League as possible and with the support of the National Awami Party (NAP), the Council Muslim League (CML) belittle Bhutto as much as possible.[22] These efforts however, could not be successful. For majority of the independent MNAs feared to oppose Bhutto, in view of the fact that the PPP was certainly going to form governments in Sind and Punjab. Therefore, nothing came out except that these efforts had widened the gulf between Bhutto and Mujib.

We have already observed that Bhutto and Mujib, due to the post-election developments, became the fate-decider of the country. While this is quite true, we should not ignore the role of Yahya Khan in this regard. For he as the President and wielder of power had definitely a stake in the future of the country.[23] Earlier however Yahya Khan had held several secret meetings with Mujib in November 1970. In these meetings Sheikh Mujib had conveyed the impression to him that Six Points were negotiable and necessary adjustments were possible.[24] Yahya Khan became very happy with this outcome and was convinced that the future constitution would combine "Mujib's Six Points and the five principles laid down in the Legal Framework Order."[25] In these meetings Sheikh Mujib had also made a solemn promise to Yahya Khan that he (Mujib) would show the Awami League's draft to him (Yahya) before its presentation to the Assembly. Sheikh Mujib's public speech of January 3, 1971 at the Ramna Race Course, appeared to Yahya Khan, quite contrary to what Mujib had pledged earlier. Yahya Khan thus rushed to Dacca for clarifications. His visit to Dacca was quite dramatic. Earlier it was believed that the visit would come sometime in the second half of January. Mujib at that time had been touring the cyclone affected areas where pollings were yet to take place. Urgent telegram requesting him to meet Yahya Khan was sent and the former reached Dacca immediately. The two leaders met on January 12 and talked for more than three hours. Many

issues including the Six Points came in the discussions. The newspapers all over the country reported that the talks were very successful and satisfactory. President Yahya Khan himself on the eve of his departure for Karachi acclaimed the Sheikh as "the future Prime Minister of Pakistan."[26] All these reports and developments caused great anxiety for Bhutto. He feared that if any understanding was reached between Yahya and Mujib then it would be difficult for him to negotiate on the Six Points. In fact, when his first talk with Sheikh Mujib could not make satisfactory progress he alleged that there had been a 'plan' between Sheikh Mujib and the Government to frame a constitution on the basis of the Six Points.[27] The sense of anxiety and frustration of Bhutto can also be gauged from his immediate reactions. In obvious reference to Yahya Khan's statement he emphatically declared that he had no ambition or desire to hold the office of the President or Prime Minister or any other position. He further maintained that "if the constitution undermined in any way ... the people would know very well that the People's Party could not be held responsible for any of these eventualities."[28] Here it may be noted that although Yahya and Mujib showed a great sense of satisfaction at the conclusion of the discussion yet the discussion went badly for Yahya Khan complained:

> Mujib had gone back on his word and refused to show him his (Mujib) draft constitution on the ground that as leader of the majority party he and he alone was responsible for the new constitution.

Mujib at the same time demanded the immediate summoning of the Assembly. All these factors and circumstances had completely shaken Yahya's faith in Mujib and stimulated the hawks among the Army Generals to assert themselves in order to adopt a tough line in dealing with Mujib.

Another major obstacle on the Bhutto-Mujib parleys was the observation of the "11-Points week" by the Bengalee students which began on January 18, 1971. During this week certain student organisations like *Purba Bangla Biplobi Chhatra Union*, *Bangla Chhatra League*, East Pakistan Students League, raised slogans-*Shadhinata Shadhinata* (Independence Independence), *Bangladesh Shakdin Karo*[29] (Let Bangla-

desh be free). On the concluding day which was declared as "Mass-upsurge Day" a public meeting was held at Paltan Maidan (Dacca), in which Nure-Alam Siddique, the President of the East Pakistan Students League announced that the student community would not tolerate the slightest deviation from the 11-Point and 6-Point programmes in the future constitution of the country. The meeting also gave a word of caution to the elected representatives that they would be pushed out of Bengal if the people's mandate was betrayed in the framing of the constitution.[30] Speaking at the meeting Mohammad Ali, a former student leader and Awami League MNA said that he would not accept any constitution that did not contain each and every provision of the Six and Eleven Point Programmes. He assured the cheering crowd that if necessary, he along with his colleagues would walk out from the parliament and join the masses in a struggle for attaining the rights of 70 million people.[31] These speeches and activities of the students should not be underestimated for they carry great weight in Bengal politics. Recognising their strength in politics, Bhutto agreed to accept all but one point of the students 'Eleven Points'. Perhaps for these reasons Sheikh Mujib's position in the subsequent negotiations had gradually become more rigid.

The long-awaited "summit" between Bhutto and Mujib, at last took place at Dacca towards the end of January 1971. The attention of the whole Pakistani nation and perhaps other nations interested in the affairs of the sub-continent were focused at Dacca.

The dialogues began at the Dhanmandi residence of Sheikh Mujib on January 27. On the first day the Awami League leaders explained their position and presented their exposition of the Six Points. Bhutto attentively listened to what the Sheikh had to say.[32] The next morning the experts from both sides met together for further negotiations in greater detail. The experts from the Pakistan People's Party submitted a proposal for setting up a second chamber legislature based upon the principle of equality of representation for the federating units. But the experts from the Awami League side rejected the proposal on the ground that it would reduce the Bangladesh representation to a 'helpless minority'. The issue of taxation and foreign trade also came before discussion. In the evening

Sheikh Mujib had a 70-minute discussion with Bhutto in the light of the points already thrashed out by the experts early in the morning. The two leaders were found to be very happy at the end of the talks. At one stage Bhutto remarked:

> Sheikh Saheb looks younger than me!
> Sheikh Mujib: But Mr. Bhutto is more handsome.
> Bhutto: Then you should concede more.
> Sheikh Mujib: I will not concede any thing.[33]

From this conversation even one can easily notice that Sheikh Mujib's posture over the Six Points had been consistently rigid. The last and final round of the talks, held at Sheikh Mujib's Dhanmandi residence, was devoted to some serious and controversial discussion. Besides the Six Points, the 11-Point demands of the East Pakistani students were also discussed. The People's Party, however, showed its willingness to agree to all the demands of the students except "the one relating to sub-federation in West Pakista n and the demand incorporating all the Six Points of the Awami League."[34] It is also said that the Awami League proposed tha an external debt of Rs. 38,000 million (out of a total of Rs. 40,000 million) and an internal debt of Rs. 31,000 million were to be borne by West Pakistan.[35] Unfortunately the talks failed. This was hinted by both the leaders statements: Mujib said, "I shall talk to others also", while Bhutto stated, "None could expect us in the first meeting to get a solution of all the problems the solution of which we could not find in 23 years."[36] Why did the talks fail when the whole nation was expecting that both the leaders should arrive at some agreed formula. The failure of Bhutto – Mujib parleys at this juncture could be ascribed to the following reasons:

Firstly, the timing of the 'dialogue' was quite late. We have already discussed the factors that had complicated the position of the Awami League and the People's Party and embittered the relations between the two. With the passage of time the Awami League was becoming more conscious about its absolute majority in the Assembly and was therefore adopting more rigid stand over the Six Points on that strength. Had the meeting taken place immediately after the election there might have been better chances of its success.

Secondly, Bhutto acted on the assumption that Sheikh Mujib was a secessionist[37] and the Six Points was "a veiled charter for confederation which contained the germs of constitutional secession." Thus Bhutto was reluctant to compromise even on points where compromise was possible. Another fear that also had prevented him from compromising was that the Six Points if implemented, would divide Pakistan not only into two but in five independent states.[38]

Thirdly, Bhutto could not speak before Mujib as the sole voice of West Pakistan when other West Pakistani politicians were opposed to Bhutto.

Fourthly, the talks failed because, as Rahman Sobhan says, the PPP went to the conference table not to negotiate but to understand the Awami League's stand point on the Six Points.[39] Tajuddin Ahmad, the exile Prime Minister of Bangladesh also alleged:

> He (Bhutto) and his advisers were mainly interested in discussing the implications of the Six Points. Since their responses were essentially negative and they had no prepared brief of their own it was not possible for the talks to develop into serious negotiations where attempt could be made to bridge the gap between the two.[40]

Similar view was also expressed by Sheikh Mujib at his Press Conference on February 24, 1971. He said that the PPP Chief postponed serious and detailed discussion in respect to the Six Points scheme on the ground that they would first have discussion with their members in West Pakistan and thereafter return for further discussion.[41] Bhutto himself had admitted that his team was "not a negotiating team."[42]

Finally Sheikh Mujib's rigid posture over the Six Points also led to the failure of the talks. His argument was that he had received a mandate from the people on the Six Points and that he was not in a position to "deviate one inch from Six Points."[43] Sheikh Mujib talking to newsmen after the conclusion of the talks said, "I have told him (Bhutto) that constitution should be given to the people on the basis of Six Points programme because I am

committed to people on Six Points programme.[44] He also observed that the Awami League was the absolute majority not only in Bangladesh but also in the whole country and therefore it was in a position to pass the constitution. He thought that he could pass the constitution with or without the cooperation of the People's Party. This attitude of take it or leave it of Sheikh Mujib greatly contributed to the failure of the talks.

The talks failed but what the leaders could not realise at that time was that they had also failed to keep Pakistan intact. From then on every step was a step that pushed the two wings of the country apart. The verbal warfare was again resumed. In the meantime a very serious incident took place at the Lahore Airport. An Indian Plane (*Ganga*) had been hijacked there by the two socalled nationalist Kashmiris. Both Sheikh Mujib and Bhutto failed to understand the sinister move of India behind the incident.[45] Instead of a cautious and wise approach, the leaders allowed the incident to develop into a source of discord between them. While Bhutto hailed the hijackers as the 'National Hero' of Kashmir, Mujib interpreted the incident as a conspiracy to delay the transfer of power to the people's representatives.[46] The Awami League leadership began to stress more and more on the Six Points. Addressing a gathering at Moulvi Bazar Community Centre (Dacca City) Mujib said that the constitution would be based on the Six Points and that none would be able to prevent it. He also added that if necessary they would pass their days in prison but would not deviate from the principles.[47] The Pakistan People's Party also retaliated as reported by the PPI by declaring that they would launch a mass movement if a constitution based on the Six Points was framed.[48] The Pakistan People's Party, however, later denied the basis of the report and blamed the PPI for circulating such malicious report against the Pakistan People's Party.

With the announcement of the date for summoning of the National Assembly, the rift between the Awami League and the Pakistan People's Party became noticeable. Thus what came into surface was the complete polarisation between the Awami League and the Pakistan People's Party. The political situation became tense due to charges and counter-charges from both the sides. Events

began to move fast. Bhutto's efforts to form a united bloc of the West Pakistani parties could not be successful. The National Awami Party (Wali group) and other Baluch leaders from West Pakistan showed their willingness to cooperate with the Awami League rather than with the People's Party.[49] Bhutto's provocative statement that 'there were three forces in the country—the Awami League, the Pakistan People's Party and the Armed Forces—and that he did not recognise any fourth power' also stood as a barrier to his plan. The other smaller parties and independent groups joined the anti-Bhutto camp. The situation that appeared towards the end of February was that all parties (including the independents) except the Pakistan People's Party and the Qayyum Muslim League, were ready to participate in the ensuing National Assembly on March 3, 1971. The Council Muslim League's position however was not clear.

All these developments made Bhutto's position very difficult. In order to initiate a meaningful dialogue with Sheikh Mujib again, Bhutto showed his willingness to accept the points relating to currency and taxation with slight adjustments.[50] But he said that he could not compromise on the points relating to foreign trade and aid.[51] On the other side Sheikh Mujib encouraged by the support of smaller West Pakistani parties continued to harp on old tunes and resorted to the language of intimidation. Attacking Bhutto directly Sheikh Mujib said:

> Mr. Bhutto has 83 members in the Assembly, but I have 167—double the members of Mr. Bhutto's People's Party. If any body tries to sabotage the process of democratisation by the outcome of such strength they would be resisted by the people.[52]

Sheikh Mujib was adamant on the Six Points, Bhutto was reluctant to go to the National Assembly without some amount of reciprocity from Sheikh Mujib. None of the leaders was prepared to retreat from their respective positions. A deadlock was created and Pakistan seemed heading towards "a tragedy far greater than the one that befell Muslim Spain."[53]

Efforts were made by Yahya Khan and Admiral Ahsan, the then Governor of East Pakistan, to end the deadlock but to no

avail. Governor Ahsan was reported to have requested Sheikh Mujib to visit West Pakistan to ease the tension. Had the latter responded to Ahsan's request the course of the history of Pakistan might have taken a different turn.

In the meanwhile MNAs of smaller parties from West Pakistan began to arrive at Dacca to attend the National Assembly session. Bhutto was in a dilemma. In a public speech at Lahore on February 28, he proposed two alternatives to overcome the present political crisis:

a. Postponement of National Assembly session; or

b. Removal of the condition of 120 days time-limit for the Assembly to frame the constitution.[54] He had also launched a campaign of intimidation against all other parties in West Pakistan to prevent them from attending the session. Bhutto's statement met adverse reaction in East Pakistan. Sheikh Mujib, in a threatening voice said "If you with a strength of 83 members don't come we comprising 167 members can say that we cannot go ... None could stand in our way and stop us. We will die but will never surrender."[55]

Yahya Khan now found himself in a real dilemma. Had he permitted the Assembly session to open as scheduled, Bhutto would certainly have seized the opportunity to organise violent movement in West Pakistan. Yahya could have resorted to force against the Pakistan People's Party whose major political victory was based in the principal recruiting areas of the forces.[56] But that would have endangered Yahya's hope to return to the Army if he failed to get the post of future President. Perhaps the memory of Ayub's fall (who had resorted to force in those areas and thus lost popularity in the armed forces) was too fresh to forget. On the other hand if he allowed the Assembly to resume then he undoubtedly would sooner or later have been faced with a Six Points Constitution possibly passed with the assistance of Wali Khan's NAP and other smaller parties of West Pakistan. This Constitution would have certainly violated the Legal Framework Order. He would have been powerless to exercise the veto, permitted by the Order, in the face of overwhelming support from the Awami Leaguers. Thus the ball

was in Yahya's court allowing dark clouds to gather on the political horizon of Pakistan.

The postponement of the Assembly was accompanied by certain changes which indicated that Yahya Khan was prepared to act with force if necessary. The Governor of East Pakistan Admiral Ahsan, friendly towards Sheikh Mujib,[57] was replaced by the Martial Law Administrator General Yaqub Khan. Restrictions on Press and political freedom were imposed by strengthening the existing Martial Law regulations and adding new ones.

On the other hand similar development had occurred inside the rank and file of the Awami League. An extremist group emerged there which further complicated the situation. This group popularly known as Pro-Moscow and Pro-Indian group, believed in outright secession of East Pakistan from West Pakistan and preached 'armed struggle' against the West Pakistani ruling clique. This group also opposed Sheikh Mujib when the latter was ready to fight the general elections even with the new restrictions put by the Legal Framework Order. They became very much active with the increasing polarisation between the two majority parties. Their pressures for independent Bangladesh were intensified with the postponement of the Assembly session.[58] Since then they had been constantly pressurising Sheikh Mujib to make a unilateral declaration of independence. The situation became so tense that many political observers speculated that Sheikh Mujib would ultimately declare independence for Bangladesh on March 7, 1971.[59] It is in this context that Hasan Zaman, a political observer, had remarked that the Marxist hooligans had in fact taken over the leadership from Sheikh Mujib.[60] Rahman Sobhan, an economic adviser to the Awami League, however, maintained that by the evening of March 7, 1971 Sheikh Mujib had successfully contained all pressures from the extremists groups and since then his authority on all successive issues was unchallenged within the party.[61] Some observers however maintained that Sheikh Mujib had never been the master of his own house.

The announcement to postpone the session of the National Assembly came as a rude shock to the Bengalees in general and to the Awami League in particular. This brought to the surface the fear that had laid dormant in Bengal since the successful completion

of the elections that the Punjabi rulers never really intended to transfer power. Thus a feeling prevailed there that the rights of Bengalees could never be realised within the framework of Pakistan. It was also generally believed in East Pakistan that Yahya Khan had postponed the session of the Assembly in consultation with Bhutto,[62] and that the catastrophe could be averted by taking Mujib in confidence. In sharp reaction to the postponement of the session, Sheikh Mujib made a call to the people to observe a five-day general strike throughout East Pakistan:

> "In this critical hour it is the sacred duty of each and every Bengalee in every walk of life, including government employees, not to cooperate with anti-people forces and instead to do every thing in their power to foil the conspiracy against Bangladesh."[63]

The Washington Post in its March 3 issue, carried a Report that Sheikh Mujib had stated that the Awami League would hold a public meeting at Dacca on March 7 where he would outline a programme for achieving the right of 'self-determination for the people of Bengal.' The response to Sheikh Mujib's appeal was complete. Normal life was paralysed. At the initial stage some amount of force was used by the Military Junta. But that added more fuel to the fire. Yahya Khan, in order to pacify the angry Bengalees, called a Round Table Conference on March 3. The proposed conference was to compose of one leader from each political party in the Assembly. Incidentally it so happened that besides Yahya Khan, it was to be composed of 10 leaders from West Pakistan in the face of only two leaders from Bangladesh.[64] Besides, it appeared to Mujib that the conference would certainly be a bargaining session in which President Yahya would hold the trump card in the form of potential force and in which he, with the largest following (in the Assembly) would find himself all but isolated against an array of politicians from the West. Thus, Sheikh Mujib refused to participate in the conference. In rejecting the conference, the Sheikh, however, said that in the context of what had happened it came as a "cruel joke."[65] Mujib's refusal to participate in the conference, his declaration to continue the 'non-violent civil disobedient movement' and above all the rumour that he would declare independence

on March 7 put the army generals on alert. Now they had firmly resolved to put down the open rebellion of the Bengalees by using brute force. General Yakub, the Martial Law Administrator of East Pakistan, whom Sobhan describes as, "the scholar among the Generals"[66] cautioned the Military Junta not to use force but to seek political solution of the crisis. But the Military Junta paid little heed to his words; on the contrary he was replaced by General Tikka Khan, a strong man. Tikka Khan's appointment paved the way for the tragic events which happened on the night of March 25 and after. His appointment was also backed up by a continuous inflow of reinforcements for the garrisons.

In order to desist Sheikh Mujib from declaring independence for Bangladesh, Yahya Khan lashed out a clear note of warning to Sheikh Mujib in a speech[67] delivered on March 6. Though the Sheikh did not openly declare independence, he nevertheless chanted loudly, "This struggle is the struggle for emancipation, 'this struggle is the struggle for independence'." *(Ai Sangram Muktir Sangram, Ai Sangram Sadhintar Sangram)*. He, however, very tactfully put forward four demands which he no doubt hoped would oblige the Central Government either to lose face by yielding to them, or to take the blame for forcing him into unilateral action. These four-point demands were:

1. Immediate withdrawal of martial law;
2. Immediate withdrawal of all military personnel into barracks;
3. An enquiry into the casualties inflicted by the Army shooting; and
4. Immediate transfer of power to the elected representatives of the people.[68]

Sheikh Mujib also stated that these demands must be satisfied before he and his party would even consider attending the National Assembly on March 25. Since March 7, the general strike was replaced by, to use Denber's phrase, "a return to normal life"[69] — what in fact amounted to a parallel government run by the Awami League. During this period the Central Government's writ did not have any effect in Bangladesh. It seemed that a de-facto transfer of power had taken place and the Awami League was demanding a de-jure transfer of power. In view of the continuous

military re-inforcements from West Pakistan, the Awami League added another demand to the 'four demands' which called upon Yahya Khan to stop reinforcement of army units from West Pakistan.

It was in such a tense political situation that Yahya Khan arrived at Dacca by the middle of March with the announced intention to find a "via media." Earlier in response to Yahya Khan's intention to visit Dacca, Sheikh Mujib retorted back that Yahya Khan would be welcome as 'guest of Bangladesh' and gave him assurances that there would be no demonstrations on his arrival.[70] Soon after arrival at Dacca Yahya started the dialogue with Sheikh Mujib. While these negotiations were going on, a general feeling prevailed in East Pakistan that these negotiations were 'mere hoax' and the Military Junta was simply buying time for the final showdown. Their fears gained credence with the arrival of the *M. V. Swat* at the Chittagong port on March 20 that carried military supplies. It is significant to note that during these negotiations the Six-Point together with the additional four-point demands formed the basis of discussion. These points in fact demanded judicial recognition of the de-facto situation in Bangladesh.[71] In the course of the second round of talks, held on March 17, attempts were made to thrash out these demands for some common agreement. As a result a draft was prepared in which it was agreed to set up a council of ministers drawn from the elected members to advise the Governor of each province to arrange that the Martial Law would gradually withdraw. On March 19 – negotiations, Sheikh Mujib insisted on President Yahya Khan that the draft, agreed upon earlier on March 17 should provide for investing the National and Provincial Assemblies with legislative powers accompanied by representative government in both spheres, and that there should be complete withdrawal of Martial Law.[72] The Presidential side drafted another Martial Law regulation which provided for the setting up of central and provincial cabinets, for investing the National and Provincial Assemblies with the powers that they enjoyed under the format 1962 Constitution; the abolition of Martial Law administrators and Military Courts, but retaining for the time the Presidential function of Chief Martial Law Administrator to avoid the risk of a legal vacuum.[73]

During March 20th's parleys Justice Cornelius from the Presidential side raised the question of legal difficulty of abolishing the Martial Law. He suggested that Martial Law must remain as the legal cover for the agreement or there would be constitutional vacuum. To this Mujib emphatically pointed out that since President Yahya Khan and he as the leader of the majority party had come to a prior political decision to withdraw Martial Law it was not for Cornelius to impose legal obstacles but to provide the legal mechanism to give effect to the political decision.[74] The deadlock was however overcome by some sort of arbitration by A. K. Brohi, a well known West Pakistani advocate.

Brohi supported the stand-point of the Awami League and held that the objections raised by Cornelius were not valid. He argued that Yahya Khan could transfer power by a proclamation and this would provide the 'legal cover' till the Constituent Assembly had framed a constitution. He advised that a precedent was to be found in the method of transferring power from the British Government at the time of independence. This opinion, according to Sobhan was accepted by President Yahya Khan. The White paper, however, maintains that this fundamental question was referred for further discussion, to the Awami League Constitutional experts.[75] What is still more interesting is the view of Tajuddin Ahmed who claimed that this question (i.e. the question of legality), never arose between Yahya Khan and Sheikh Mujib but was raised by Bhutto and endorsed by Yahya Khan.[76] However, from the three sources (The White paper, Press statement of Tajuddin Ahmed and the 'Great Tragedy' written by Bhutto) it seems that some sort of agreement was reached between the two sides by March 20. The essential elements of agreement were: 1. Martial Law should be lifted; 2. provision should be made for the setting up of central and provincial cabinets; 3. the Central and Provincial Assemblies should be vested with legislative powers; 4. in view of the geographical position of East Pakistan more provincial autonomy should be conceded to East Pakistan as compared to other provinces; and 5. the precise manner in which these measures could be given effect should be further discussed.[77]

The *Morning News* on the following day carried 'hopeful stories' of the parleys. Sheikh Mujib in contrast to earlier days was found in a very happy mood while coming out of the President House.

The most startling news of March 22, was that President Yahya Khan, Sheikh Mujib and Bhutto had a joint meeting for the first time. Though no serious negotiation took place but it was decided to postpone the session of the National Assembly scheduled to meet on March 25. Perhaps this was done because Sheikh Mujib would not be attending the Assembly without the fulfilment of his immediate four-point demands which till the time remained unfulfilled. On the same day the Presidential team and PPP team met to discuss the amended draft proclamation (the 13-point draft proclamation presumably prepared by the Presidential team).

The March 23 was Pakistan Day. On this very day 'The Pakistan Resolution' was passed in Lahore in 1940. Thirty one years after, the basis of the Resolution was again debated. While one party (i.e. Awami League seemed to have stood for strict application of the Resolution, the other parties (i.e. the Presidential team and the People's Party) stood for the maintenance of the status quo. While the debate continued at the President House at Dacca, outside the crowd celebrated the 31st anniversary of the Pakistan Resolution by destroying the flag of Pakistan and raising the new flag of Bangladesh in its place.

The main highlights of the discussion that took place on March 23 were the presentation of a new draft proclamation by Dr. Kamal Hussain, the Legal expert of the Awami League. The draft proclamation contained certain novel proposals, such as:

1. Martial Law to stand revoked in the province from the day when the provincial Governor (who was not removable) took office, and throughout Pakistan, within seven days from the date of commencement of the proclamation;

2. Members of the National Assembly from 'the state of Bangladesh' were to sit as a separate constituent convention to frame a constitution for the state of Bangladesh

within 45 days, and members from the states of West Pakistan (Punjab, Sind, North West Frontier Province and Baluchistan) were to do likewise for a constitution for the states of West Pakistan;

3. The National Assembly was then to 'sit together as a sovereign body' for the purpose of framing a constitution for the confederation of Pakistan;

4. The President must authenticate the Constitution Bill within 7 days of its presentation. Otherwise it would be deemed to have been authenticated automatically;

5. The Provincial Government and legislature of East Pakistan were to have substantially increased powers during the interim period, including foreign trade and aid, control of finance and taxation and control of their own state bank.[78]

According to Pakistan Government source, the Presidential team raised objections on each and every proposal and argued with the Awami League to modify their stand. But the latter refused to do so.[79] Finally came the last round of the tripartite negotiations on the morning of March 25. After that the door of negotiations was closed. Needless to say the negotiations failed. And it failed because the parties to the talks failed to respond to the needs of the hour. It is not clear why Sheikh Mujib was so much averse to the idea of placing his draft proclamation before the Assembly for its approval and sanction. The other parties had showed their willingness to accept the draft proclamation if passed by the National Assembly. Sheikh Mujib with his absolute majority and the assured support of certain West Pakistani members could have easily overcome the formalities of the Assembly and thus could have achieved his goal in due time. This could have, perhaps saved million of lives. Unfortunately Sheikh Mujib acted as a politician and not as a statesman.

Bhutto recognised the gravity of the situation, but failed to act accordingly. Yahya and Bhutto equally were responsible for the

failure of the crucial talks held during the month of March. They sought military solutions rather than political one. The resort to force was bound to destroy a united Pakistan and the end came with the entry of a triumphant Indian Army into Dacca on December 16, 1971.

Footnotes

1. Z. A. Bhutto & Sheikh Mujib were 42 & 50 respectively at that time.
2. Mr. Bhutto and Sheikh Mujib were alike in stressing the need for justice in dispensing the fruits of economic progress more widely, in deprecating the over-centralization of wealth in too few hands, and in advocating the nationalization of basic industries.
3. In this regard the Pakistan People's Party's manifesto framed in 1967 contained a special provision.
4. Bhutto and his party were opposed to the Six Points but they did not criticise the Six Points before the election.
5. See A. Salam, "The Political Scene" in *The Pakistan Observer*, Dacca, December 14, 1971.
6. *The Pakistan Observer*, December 10, 1970.
7. *Ibid.*
8. *Pakistan Times*, Lahore, December 13, 1970.
9. *The Pakistan Observer*, December 12, 1970.

9A. Mr. Zahiruddin was also the first Bangladesh Ambassador to Pakistan.

10. *Ibid.*
11. *The Pakistan Times*, December 20, 1970.
12. *The Pakistan Observer*, December 21, 1970.
13. *Ibid.*, December 22, 1970.
14. *Pakistan Times* and the *Pakistan Observer*, December 22, 1970.
15. *Pakistan Observer*, December 27, 1970.
16. See the election broadcast of Maulana Bhashani.

17. *Pakistan Observer*, 29 January, 1971.
18. *Ibid.*, January 4, 1971.
19. *Ibid.*
20. *Ibid.*
21. Sheikh Mujib had earlier acted as Chief Executive at one of the enterprises of Haroon family.
22. *Pakistan Observer*, January 8, 1971.
23. Justice Abdul Hamid observed that the political future of the country was in the hands of three persons—President Yahya Khan, Sheikh Mujib and Z. A. Bhutto. For details see *Pakistan Observer*, January 23, 1971.
24. See *White papers on the crisis in East Pakistan*, August 1971, p. 10.
25. See G. W. Choudhury, "What really happened in 1971," *International Affairs*, London, April 1973, pp. 6, 10.
26. *Pakistan Observer*, January 15, 1971.
27. *Ibid.*, February 11, 1971.
28. *Ibid.*, January 16, 1971.
29. *Pakistan Observer*, January 21, 1971.
30. *Pakistan Observer; The Ittefaq* (Bengali) January 25, 1971.
31. *Ibid.*
32. See Z. A. Suleri, "The Dacca Scene: III" in *Pakistan Times*, February 6, 1971.
33. *Pakistan Observer*, January 22, 1971.
34. Z. A. Bhutto, *The Great Tragedy*, Karachi, 1st ed., 1971, p. 22.
35. *Ibid.*, p. 22.
36. *Pakistan Observer*, January 30-31, 1971.
37. Bhutto writes "Having given six points constitutional sanctity, with himself (Sheikh Mujib) as the legally constituted Prime Minister of Pakistan with control over the Armed forces and General administration, and with East Pakistan under his command, the next step would have followed as night follows day." Z. A. Bhutto, *The Great Tragedy*, p. 23.

38. *Ibid.*, p. 13.

39. Rahman Sobhan, "Negotiating for Bangladesh: A participant's view", in *South Asian Survey*, (Vol. 4, No. 4, July 1971), p. 317.

40. Press statement issued by Tajuddin Ahmed, the exile Prime Minister of Bangladesh, on April 17, 1971 to the people of the world. Also quoted by Safdar Mahmood, *Pakistan: A political study*, p. 323.

41. *Pakistan Observer*, February 25, 1971.

42. *Pakistan Observer*, January 28, 1971. See also the *Pakistan Times*, January 25, 1971.

43. Z. A. Bhutto, *op. cit.*, p. 21.

44. *Pakistan Observer*, January 30, 1971.

45. The commission of inquiry on the hijacking incident concluded that the entire incident had been engineered from the Indian side, with the object of providing a pretext for banning over flight of Indian territory and disrupting communications between the East and West wings at a time when parleys between the Awami League and Pakistan People's Party were being held in Dacca. See the report of the commission, April 1971.

46. *Pakistan Observer*, February 4, 1971.

47. *Ibid.*, February 10, 1971.

48. *Ibid.*, February 12, 1971.

49. *Ibid.*, February 13, 1971 & February 18, 1971.

50. *Ibid.*, February 20, 1971.

51. *Ibid.*

52. *Ibid.*, February 25, 1971.

53. Maulana Moududi's statement: See, *Pakistan Observer*, February 27, 1971.

54. *Pakistan Times*, March 1, 1971.

55. *Ibid.*

56. Pakistan People's Party gained 100% success in those constituencies in the Punjab which were supposed to have been the principal recruiting ground of the army. M. B. Naqvi, "West

Pakistan struggle for power," *South Asian Review* (Vol. 4, No. 3, April 1971), p. 222.

57. Tajuddin Ahmed however described him as one of the moderates in Yahya's cabinet. See the statement of Tajuddin Ahmed which he gave as the exile Bangladesh Prime Minister.

58. R. Sobhan, *op. cit.*, p. 321.

59. *The Washington Post*, March 3, 1971.

60. See, Dr. Hasan Zaman, *East Pakistan crisis and India*, Dacca, 1971, p. iii.

61. R. Sobhan, *op. cit.*, p. 318.

62. Bhutto, however, in a public meeting at Karachi on March 14, 1971, stated that President Yahya Khan did not consult him about the convening of the National Assembly Session. *Pakistan Times*, March 15, 1971.

63. *The White Paper on the Crisis in East Pakistan* (Islamabad: Ministry of Information and National Affairs, 1971), p. 11.

64. *Ibid.*, p. 12.

65. *Pakistan Times*, March 4, 1971.

66. R. Sobhan, *op. cit.*, p. 320.

67. Yahya Khan warns: "let me make it absolutely clear that no matter what happens, as long as I am in command of the Pakistan Armed Forces and Head of the State, I will ensure complete and absolute integrity of Pakistan. Let there be no mistakes on this point. I have a duty towards millions of people of East and West Pakistan to preserve this country. They expect this from me and I shall not fail them". See, *The White Paper*, Appendix, p. 11.

68. See, *Pakistan Times*, March 1, 1971.

69. See, David Denber, "Pakistan: The Failure of political negotiations," *Asian Survey*, Vol. XII, No. 5, May 1972.

70. See, *The Pakistan Times*, March 15, 1971.

71. Because the Martial Law Orders were not being enforced, the Awami League was running the parallel government and the forces were confined in the barracks.

72. *The White Paper, op. cit.*, p. 17.
73. *Ibid.*
74. See R. Sobhan, *op. cit.*, p. 323.
75. The White Paper, *op. cit.*, p. 18.
76. David Denber, *op. cit.*, p. 452.
77. R. Sobhan has given an explanation of this proposal. He maintains: "Yahya Khan suggested that West Wing might need more time to work our inter-provincial relations in a post-One Unit region, since no work had been done on this by any of the parties there. He suggested separate session of the Assembly for either wing so that this task in the West could be done without any interference by the East Wing". R. Sobhan, *op. cit.*, p. 323.
78. A full sketch of the Awami League draft has been given in the appendix E in the White Paper, *op. cit.*, p. 47.
79. The White Paper, *op. cit.*, pp. 23-26.