

THE 1962 CONSTITUTION AND ITS IMPLICATIONS FOR PARTY POLITICS IN PAKISTAN: A STUDY OF CONTROLLED DEMOCRACY UNDER AYUB KHAN

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Abstract

This study investigates the impact of the 1962 Constitution on the evolution and functioning of party politics in Pakistan. It explores how the constitutional framework influenced the political landscape by assessing the multifaceted roles of political parties as intermediaries between the state and society. The research also highlights the adverse effects of Ayub Khan's martial law regime, during which party politics experienced severe constraints as political activities were banned and party functions suspended. Employing a qualitative methodology, the study draws upon both primary and secondary sources to address the research questions. It concludes that following the promulgation of the 1962 Constitution, the National Assembly enacted the revival of Political Parties Act, which restored the role of political organizations in Pakistan's political arena. Consequently, political parties actively re-engaged in political processes, culminating in the formation of the Combined Opposition Parties (COP) alliance against Ayub Khan and his administration, which notably participated in the 1965 elections.

Keywords: Political Parties, Constitution, Ayub Khan, Pakistan, Implications, (COP), elections.

INTRODUCTION

A constitution represents the fundamental framework of rules and principles upon which a state is governed. It provides the structural and operational foundation of political and administrative institutions.¹ Party politics, in turn, pertains to the political activities, decisions, and ideological programs that advance the interests and objectives of specific political parties.² A political party may be defined as an organized body of individuals sharing common political perspectives and pursuing specific policy goals that reflect their collective interests or those of their supporters.³ Political parties constitute a cornerstone of democratic governance, serving as indispensable instruments for political participation, policy formulation, and governmental accountability. Each party develops a manifesto that articulates its ideological orientation and policy agenda, which forms the basis for its electoral contests.⁴ Upon assuming power, the governing party endeavors to implement the promises outlined in its manifesto through administrative and legislative measures.

Following independence, Pakistan adopted a dominant-party system, wherein the Muslim League emerged as the preeminent political force. Although several smaller parties existed both within and outside the legislature, the Muslim League largely monopolized political power in the early years. Gradually, Pakistan's political system evolved into a multi-party framework, characterized by the participation of various political entities such as the Pakistan Muslim League, United Front, Awami League, Muslim League (Noon Group), Pakistan Congress, Scheduled Caste Federation, and United Progressive Party.⁵ However, the political trajectory of these parties was repeatedly disrupted by recurrent political instability and military interventions, which suspended democratic processes and restricted party activities.⁶ Under Ayub Khan's martial regime, political pluralism suffered a severe setback. His administration established a pro-government political organization, the Convention Muslim League, which was largely an extension of his personal authority and policies.⁷ Despite maintaining formal structures across the country, the party failed to garner widespread public support due to its lack of effective welfare-oriented policies. Its primary purpose remained the consolidation and legitimization of Ayub Khan's autocratic governance.⁸

A constitution serves as the foundation of a nation's political and administrative order. Pakistan adopted its first constitution in 1956, nearly nine years after independence; however, it remained in force for only two years. On 7 October 1958, President Iskander Mirza abrogated the constitution and imposed martial law, appointing General Muhammad Ayub Khan as the Chief Martial Law Administrator.⁹ In doing so, Mirza dismissed both the central and provincial governments, dissolved the assemblies, and banned all political activities, demonstrations, and public meetings. Fundamental rights were suspended, effectively terminating democratic governance.¹⁰ Upon assuming control, Ayub Khan characterized the political landscape as being dominated by "disruptive elements, political opportunists, smugglers, black marketers, and other such social vermin, sharks and leeches."¹¹

Although democratic governance presupposes the active participation of

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political parties, Ayub Khan's regime imposed severe restrictions on politicians and political organizations.¹² The political system under his rule became increasingly authoritarian. Prominent leaders such as Sheikh Mujibur Rahman, Maulana Bhashani, and Abdul Ghaffar Khan were imprisoned, and their political activities were forcibly suppressed.¹³ Despite his authoritarian tendencies, Ayub Khan introduced a series of social, economic, and political reforms aimed at consolidating his rule. His initial measures included the Public Offices (Disqualification) Order (PODO) and the Elective Bodies (Disqualification) Order (EBDO), through which he sought to purge "corrupt elements" from public administration. Approximately 3,000 public officials were dismissed or barred from office, and several politicians, including Abdul Qayyum Khan and Hussain Shaheed Suhrawardy, were disqualified.¹⁴

To institutionalize his rule, Ayub Khan promulgated the Basic Democracies Order (1959), introducing a system of indirect elections purportedly designed to promote grassroots participation.¹⁵ This system, however, primarily served to legitimize his presidency. A referendum held the same year confirmed Ayub Khan as President. Subsequently, he focused on drafting a new constitution following the abrogation of the 1956 document. On 17 February 1960, he appointed a Constitutional Commission chaired by Justice Shahabuddin to prepare a constitutional framework.¹⁶ The Commission submitted its report on 6 May 1961, and the Constitution of 1962 comprising 250 articles, five schedules, and twelve parts was promulgated on 1 March 1962.¹⁷ Political parties were initially excluded under this constitution, but following the enactment of the Political Parties Act of 1962, limited political activity was reinstated, leading to the revival of organized party politics.¹⁸

When Ayub Khan assumed power in 1958, one of his primary objectives was the dismantling of the pre-existing political structure. Political parties were abolished on 7 October 1958, and politicians from the National Awami Party and the East Pakistan Awami League both opposed to the One Unit policy were particularly targeted under martial law regulations.¹⁹ The new constitution vested extensive powers in the presidency, allowing Ayub Khan to consolidate authority. The 1962 Constitution, largely reflecting his personal vision of governance, institutionalized a presidential system under his direct control.²⁰

MILITARY RULE AND THE PROHIBITION OF POLITICAL PARTIES

The enforcement of martial law in 1958 was justified on the grounds of eliminating so-called "antisocial" practices such as abduction, black marketeering, smuggling, and hoarding. Many officials from the Civil Service of Pakistan and the Police Service of Pakistan were subjected to investigations and punishments for alleged corruption, misconduct, inefficiency, and subversive activities.²¹ The 'Press and Publications Ordinance' was amended in 1960, granting the state extensive powers to impose restrictions or shut down newspapers and other publications. Similarly, trade unions, student organizations, and professional associations were prohibited from engaging in political activities, while religious leaders (imams) were cautioned

against discussing political issues in their sermons.²²

Although democratic governance thrives on the active participation of political parties in the political process, the imposition of martial law under General Muhammad Ayub Khan effectively dismantled this foundation.²³ Political leaders were barred from taking part in the political system, and the overall political environment became highly repressive. Ayub Khan banned all political activities, and several prominent political figures including Sheikh Mujibur Rahman, Maulana Bhashani, and Abdul Ghaffar Khan were imprisoned and placed under severe restrictions.²⁴

The period of military rule gravely disrupted the natural evolution and institutionalization of political parties in Pakistan.²⁵ Even when military rulers later permitted limited political activity; it remained under rigid conditions and within a tightly controlled framework. Constitutional manipulation served as the primary instrument to legitimize this control.²⁶ Accountability proceedings were initiated against politicians, often used as a mechanism to exclude them from the political arena. General Ayub Khan, as Pakistan's first military ruler, exhibited particular hostility towards the political class, he dissolved all political parties, sealed their offices, and confiscated their assets, asserting that politicians had "ruined the country through their corrupt practices."²⁷ Consequently, political activity in Pakistan was virtually paralyzed following the 1958 martial law.²⁸ Although Ayub Khan initially declared on 16 April 1959 that political parties would be permitted to function after the promulgation of a new constitution, by 21 June 1962 he continued to deem them "repugnant."²⁹ Despite opposition from key cabinet members such as Muhammad Ali Bogra and Zulfikar Ali Bhutto who argued that regulated political parties could serve as a channel for mass mobilization in support of the government, Ayub remained steadfast in his opposition.³⁰ His regime, under the misconception that suppressing regional parties would preserve national unity, targeted the National Awami Party and the East Pakistan Awami League most aggressively. Numerous leftist activists and intellectuals were imprisoned, dismissed from their jobs, and deprived of their livelihoods.³¹

THE FORMATION AND ROLE OF THE NATIONAL DEMOCRATIC FRONT

After the promulgation of the 1962 Constitution, three major political parties the National Awami Party, Jamaat-e-Islami, and Nizam-i-Islam Party formed the National Democratic Front (NDF) to collectively oppose Ayub Khan's regime and demand constitutional amendments.³² The formation of the NDF reflected growing political discontent with the authoritarian features of the 1962 Constitution and the exclusion of popular representation from the political process.³³ Earlier, H.S. Suhrawardy had made significant efforts between 1953 and 1955 to organize the National Awami League and establish a coalition with regional autonomists in both East and West Pakistan. However, his attempts were undermined by a lack of interest and cooperation among other political and ruling elites.³⁴

After the imposition of martial law in 1958, efforts were renewed to reestablish the National Democratic Front as a unified opposition platform. Suhrawardy, however,

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rejected Sheikh Mujibur Rahman's proposal to revive the regional Awami League, emphasizing that he had already committed to the NDF's collective leadership and would not act unilaterally without consultation.³⁵ These aspirations were thwarted by Suhrawardy's untimely death on 5 December 1963, which deprived the opposition of one of its most capable leaders.³⁶ Throughout his later years, Suhrawardy faced continuous state obstruction, which curtailed his attempts to organize a national-level political movement capable of challenging Ayub Khan's authoritarian rule.³⁷

THE POLITICAL PARTIES' DEMAND FOR REVIVAL

Political parties in Pakistan were permitted to resume limited functions only under the Political Organizations Ordinance of May 1962, which imposed stringent restrictions on their operations.³⁸ Under this framework, politicians were disqualified from holding membership or leadership positions within any political organization until a formal decision regarding their status was made by the National Assembly.³⁹ Following these developments, the Political Parties Bill of 1962 was enacted, stipulating that no political party could be established or function in a manner contrary to the principles of Islam or detrimental to the integrity of Pakistan.⁴⁰ However, the continued enforcement of the Elective Bodies Disqualification Order (EBDO) significantly constrained political activity, as numerous prominent leaders remained barred from participation. The persistence of such restrictions undermined genuine political competition and impeded the reconstitution of democratic institutions.

Prominent political figures, including Hussain Shaheed Suhrawardy of East Pakistan, openly criticized these limitations. Suhrawardy argued that reviving political parties without reinstating the rights of EBDOed or imprisoned leaders would render political restoration meaningless.⁴¹ The growing frustration among politically active citizens, particularly in East Pakistan, intensified demands for the unconditional revival of political life. In this context, Nurul Amin, another notable leader from East Pakistan, reluctantly aligned himself with the popular call for the restoration of political freedoms and the removal of restrictions on political leadership. He recognized that defending his political legitimacy required advocating for the lifting of bans on both political leaders and party organizations.⁴²

THE NATIONAL ASSEMBLY OF PAKISTAN UNDER THE 1962 CONSTITUTION

According to the Constitution of 1962, the central legislature of Pakistan consisted of the President and a unicameral house known as the National Assembly.⁴³ The Assembly was composed of 156 members, elected on the principle of parity between East and West Pakistan. Each province was allocated three reserved seats for women, in addition to the provision allowing women to contest elections for general seats if they so desired.⁴⁴ The members of the National Assembly were elected indirectly by the Basic Democrats, who constituted the electoral foundation of Ayub Khan's Basic Democracies system.⁴⁵ The Constitutional Commission had initially recommended a bicameral legislature,

consisting of a House of the People and a Senate to ensure more balanced representation. However, this proposal was disregarded in the final draft, which institutionalized a unicameral structure, further concentrating power within the executive.⁴⁶

Under the 1962 Constitution, eligibility criteria for candidacy required that an individual be at least 25 years of age and have their name included on the electoral roll for any constituency.⁴⁷ Moreover, dual membership was expressly prohibited; a person could not simultaneously contest or hold seats in more than one assembly. If a sitting member of one assembly was elected to another, their previous seat was automatically vacated.⁴⁸ The Commission had originally proposed a minimum age of 30 years for candidates to the House of the People and had similarly opposed the practice of double membership, thereby maintaining the distinction between central and provincial representation. The 1962 Constitution preserved the federal structure of the state, consisting of two provinces East and West Pakistan while retaining the One Unit scheme established in 1955. The distribution of representation within West Pakistan maintained the ratio of 40 percent for Punjab and 60 percent for the remaining regions.⁴⁹ Each province was endowed with a distinct political identity and administrative apparatus, including a provincial legislature of 155 members, with five seats reserved for women⁵⁰

One of the most significant departures from the earlier constitutional framework was the absence of justifiable fundamental rights.⁵¹ Although these rights were enumerated as Principles of Lawmaking, their non-enforceable status rendered them largely symbolic.⁵² The Constitution Commission had recommended incorporating the fundamental rights provisions of the 1956 Constitution, albeit with certain exceptions concerning land reforms and the Frontier Crimes Regulation.⁵³ Under the 1956 Constitution, any law inconsistent with fundamental rights was considered void to the extent of its inconsistency, thereby providing an enforceable safeguard for civil liberties.⁵⁴ However, the 1962 Constitution diluted this protection by reducing fundamental rights to mere moral obligations rather than binding legal guarantees, thus weakening the democratic character of the state.⁵⁵

ARTICLE 173 DEAL WITH POLITICAL PARTIES UNDER THE 1962 CONSTITUTION

Article 173 of the Constitution of 1962 explicitly prohibited the establishment and functioning of political parties until a legislative framework governing their operations was enacted.⁵⁶ This constitutional restriction effectively institutionalized a non-party political order, reflecting President Ayub Khan's deep mistrust of partisan politics. The Constitution Commission, however, had previously rejected such limitations and had instead advocated for the revival and regulation of political parties as essential instruments of representative democracy. The Commission emphasized that well-organized political parties were indispensable for ensuring the stability and legitimacy of any democratic government.

The 1962 Constitution further entrenched indirect elections as the mode of selecting not only the President, but also members of the National and Provincial

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Assemblies.⁵⁷ Under this system, each province was divided into a minimum of forty thousand territorial units, referred to as electoral units.⁵⁸ Citizens aged twenty-one years or older, of sound mind, and residents of their respective units were entitled to be listed on the electoral rolls.⁵⁹ From among these registered voters, one individual aged at least twenty-five years was elected as an elector for each unit.⁶⁰ Collectively, these electors formed the Electoral College, known as the Basic Democracies, which functioned as the constitutional foundation for Pakistan's electoral system under Ayub Khan.⁶¹

However, the Constitution Commission had strongly recommended direct elections for the presidency, arguing that the extensive powers vested in the office required a direct mandate from the people. It also opposed the Basic Democracies system as an electoral college, deeming it unrepresentative and contrary to the principles of popular sovereignty.⁶²

The first session of the Third National Assembly convened on 8 June 1962 at Ayub Hall, Rawalpindi, marking the initiation of legislative activity under the new constitutional order. The Assembly's term was fixed at three years. It became customary under the constitution that if the President hailed from West Pakistan, the Speaker would be chosen from East Pakistan, symbolizing parity between the two wings of the federation.⁶³ One of the National Assembly's most significant legislative achievements was the passage of the Political Parties Act of 1962, which formally revived party politics within the new constitutional framework. General elections under this constitution were held on 28 March 1962, while elections for special seats reserved for women were conducted on 29 May 1962.⁶⁴

THE POLITICAL PARTIES ACT OF 1962: REVIVAL AND REGULATION OF POLITICAL ACTIVITY

One of the earliest and most consequential legislative measures enacted by the National Assembly under the 1962 Constitution was the Political Parties Act, which formally became law on 16 July 1962. This legislation permitted the revival and regulation of political parties, though within a framework of considerable restrictions designed to maintain governmental control over political activity. The Political Parties Act of 1962 provided legal recognition to political organizations, enabling them to operate within defined constitutional limits.⁶⁵ However, the law simultaneously imposed constraints intended to prevent the reemergence of what the regime perceived as "disruptive" political behavior. Individuals disqualified under the Elective Bodies Disqualification Order (EBDO) of 1959 were explicitly barred from participating in political activities.⁶⁶ The Act also empowered the government to declare individuals' ineligible for political engagement if their actions were deemed detrimental to national security or public order.

Thus, while the Act represented a formal restoration of political pluralism, it functioned largely as a controlled liberalization of Ayub Khan's authoritarian system. The revival of political parties under this law allowed the state to project a façade of democratization while retaining the capacity to suppress opposition movements through administrative and legal mechanisms.⁶⁷ Consequently, the

Political Parties Act of 1962 marked both a symbolic concession to democratic norms and a pragmatic instrument of political containment under Ayub Khan's presidential regime.

THE CONVENTION MUSLIM LEAGUE: AYUB KHAN'S INSTRUMENT OF POLITICAL CONTROL

Following the promulgation of the Political Parties Act on 16 July 1962, the ban on political parties and their activities was officially lifted. This legislative change enabled supporters of President Ayub Khan to consolidate their political influence through the formation of a new ruling party, the Convention Muslim League (CML). Acting on Ayub Khan's advice, his political allies convened in September 1962 at a political convention in Karachi, where the CML was formally established as a pro-government organization designed to legitimize and support his administration.⁶⁸

The party functioned as the political arm of Ayub's regime, serving more as an instrument of executive authority than as a representative institution. On 23 May 1963, Ayub Khan formally became a member of the Pakistan Muslim League (Convention), symbolizing his full endorsement and control of the new organization.⁶⁹ By December 1963, he had assumed the presidency of the party, thereby consolidating his political dominance over both the executive and legislative spheres.

The creation of the Convention Muslim League was strategically aimed at mobilizing political support for Ayub Khan's policies and strengthening the presidential system under the 1962 Constitution. However, despite the establishment of local branches and a nationwide organizational framework, the party failed to secure genuine popular legitimacy. Its close association with the regime and its lack of ideological distinction rendered it ineffective as a representative political force.⁷⁰ Rather than facilitating democratization, the Convention Muslim League served primarily as a mechanism for sustaining Ayub Khan's personalized and centralized rule.

THE COMBINED OPPOSITION PARTIES (COP): ALLIANCE AGAINST AYUB KHAN

The 1962 Constitution introduced a presidential system, in which the President was to be elected indirectly by 80,000 "Basic Democrats", who constituted the Electoral College. This arrangement significantly restricted mass political participation, prompting widespread criticism. The poet Habib Jalib famously expressed his dissent through the verse:

"Aisa dastoor ko, subah be-noor ko, main nahin maanta, main nahin janta" – ("This constitution, this dark dawn, I do not accept it, I do not recognize it.")⁷¹ After the revival of political parties on 16 September 1964, opposition forces within the National Assembly united to challenge Ayub Khan's rule. This coalition, known as the Combined Opposition Parties (COP), was formed as a direct response to Ayub's authoritarian governance. The alliance brought together ideologically diverse groups, including the Council Muslim League led by Khawaja Nazimuddin and Mian Mumtaz Khan Daultana, the Awami League under Sheikh Mujibur Rahman, the National Awami Party led by Maulana Bhashani, the North-West

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Frontier branch of the National Awami Party under Wali Khan, the Nizam-i-Islam Party led by Chaudhri Mohammad Ali and Farid Ahmad, and the Jama at-i-Islami under Maulana Maudoodi.⁷²

After extended deliberations, the Combined Opposition Parties announced on 16 September 1964 their decision to nominate Miss Fatima Jinnah, the sister of Quaidi-Azam Muhammad Ali Jinnah, as their joint candidate for the upcoming presidential elections.⁷³ Her acceptance of the nomination was deeply symbolic; though she had largely withdrawn from active politics following her brother's death, her candidacy rekindled public hopes for the restoration of democracy and civilian rule.

The unity of such ideologically divergent parties reflected the depth of disaffection with Ayub Khan's political order. Their alliance was driven by a shared determination to end autocratic rule, rather than by ideological convergence. The primary objective of the COP was to field joint candidates for the offices of the President and members of both National and Provincial Assemblies, thereby coordinating opposition efforts across the political spectrum.⁷⁴

In accordance with Article 165 of the Constitution, the Electoral College was officially constituted on 21 November 1964, tasked with electing the President before 7 March 1965. The Election Commission, chaired by G. Mueen al-Din with Justice M.R. Khan and Justice Sardar Muhammad Iqbal as members, was established in October 1964 to supervise the electoral process.⁷⁵ The filing deadline for nomination papers was set for 26 November 1964. The creation of the Combined Opposition Parties marked the most significant episode of organized resistance during Ayub Khan's presidency. The alliance's ability to rally diverse political actors around a single candidate Miss Fatima Jinnah transformed the 1965 elections into a referendum on civilian democracy versus military authoritarianism, making it one of the most defining political moments in Pakistan's early constitutional history

THE COP'S NINE-POINT PROGRAMME: A CHALLENGE TO AYUB KHAN'S REGIME

On 24 July 1964, the Combined Opposition Parties (COP) unveiled a comprehensive Nine-Point Programme to articulate their collective stance for the forthcoming presidential elections.⁷⁶ The manifesto served as a direct ideological and political challenge to Ayub Khan's authoritarian rule, outlining a clear vision for the restoration of democratic governance and the protection of civil liberties in Pakistan.

The major provisions of the Nine-Point Programme included:⁷⁷

- 1. Guarantees of fundamental rights for all citizens, ensuring constitutional safeguards for individual freedoms and civil protections.*
- 2. Direct elections based on adult franchise, replacing the indirect system of Basic Democracies.*
- 3. Establishment of a federal parliamentary structure guaranteeing maximum provincial autonomy.*

4. *Effective limitations on presidential powers to prevent autocratic rule.*
5. *Independence of the judiciary, secured through complete separation from the executive branch.*
6. *Withdrawal of bans on political parties and the release of political prisoners, along with the abolition of repressive laws such as the Security of Pakistan Act, the Public Safety Ordinance, and the Press and Publications Ordinance.*
7. *Elimination of economic disparities between East and West Pakistan, ensuring equitable distribution of wealth and opportunities.*
8. *Implementation of policies for the rehabilitation of refugees and comprehensive flood control measures across both regions.⁷⁸*
9. *Protection of minority rights, including the right to freely practice religion, preserve cultural identity, and participate equally in national development.*

The program also addressed the Kashmir dispute, calling for a just and peaceful resolution, and emphasized the implementation of Islamic principles in governance, including revisions to the Family Laws Ordinance to align it with Islamic values.⁷⁹ The document was primarily drafted by Chaudhry Mohammad Ali, a seasoned statesman who carefully crafted the programme to bridge the ideological divides among the diverse opposition parties.⁸⁰ His diplomatic and political skill enabled the coalition to present a unified and pragmatic platform, balancing Islamic ideals, democratic principles, and regional equity. The Nine-Point Programme thus became the central manifesto of the anti-Ayub movement, symbolizing the opposition's commitment to restoring constitutional democracy, rule of law, and federal balance in Pakistan. It marked a significant shift from fragmented resistance to an organized political movement grounded in constitutionalism and democratic reform.

PUBLIC MOBILIZATION AND ELECTION CAMPAIGNS OF THE COMBINED OPPOSITION PARTIES

The 1965 presidential elections under Ayub Khan's regime gradually evolved into a contest centered more on personalities than on political programs. However, a fundamental distinction defined this confrontation: Miss Fatima Jinnah symbolized the revival of democratic politics, while Ayub Khan embodied the continuity of military-bureaucratic authority.⁸¹

During the campaign, widespread discontent with Ayub's rule became increasingly visible. Allegations of corruption, nepotism, and abuse of power, particularly involving members of Ayub's family, became central issues.⁸² Despite severe restrictions on public gatherings and electoral participation given that only 80,000 Basic Democrats formed the electorate Miss Jinnah's rallies drew immense and emotionally charged crowds representing diverse political backgrounds.⁸³ Her presence and rhetoric evoked memories of her brother, Quaid-i-Azam Muhammad Ali Jinnah, rekindling a sense of national unity and political consciousness among the masses.

The Combined Opposition Parties (COP) organized a series of large-scale

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public meetings across major urban centers to mobilize popular support for Miss Jinnah.⁸⁴ In her first round of nationwide tours, she visited Peshawar, Rawalpindi, Lahore, Hyderabad, and Karachi, accompanied by key COP leaders.⁸⁵ These gatherings attracted thousands, reflecting widespread enthusiasm for her candidacy and the public's yearning for democratic restoration.

In her historic address at a public meeting in Peshawar on 1 October 1964, Miss Fatima Jinnah articulated her vision of democracy and people's sovereignty, declaring:

*"Manifestation of freedom lies in the exercise of your vote directly in favor of your candidate for the head of state, as well as for members of the National and Provincial Assemblies. The symbol of your freedom is your vote, and you must have the inalienable right to exercise it directly for a candidate of your choice."*⁸⁶ Her speeches consistently emphasized the moral and civic duty of citizens to reclaim their democratic rights. Addressing another crowd, she asserted:

*"You have to restore your right of free expression. You have to restore your privilege of free speech and free association. You have to maintain and encourage the independence of the judiciary. You have to provide a system of easy and speedy administration of justice, I am sure that you will not miss the opportunity that has been provided to you through these elections."*⁸⁷

The COP leadership utilized these events to expose the dictatorial tendencies of Ayub's regime, denouncing its corruption, suppression of dissent, and manipulation of the electoral process. Miss Jinnah's campaign speeches combined moral conviction with political critique, framing the struggle as a battle between democracy and despotism. In a public meeting at Chittagong, she condemned Ayub Khan's proposal for a joint defense pact with India, describing it as a compromise on Pakistan's sovereignty.⁸⁸ Similarly, addressing a crowd at Rajshahi, she urged citizens not to allow themselves to be divided by appeals to false unity.

Under the Electoral College Act of 1964, both provinces were divided into forty thousand electoral units, each responsible for electing Basic Democrats who would form the Electoral College for the selection of Provincial and National Assembly members as well as the President.⁸⁹ The elections of Basic Democrats, held on 19 November 1964, concluded with both sides claiming substantial majorities.⁹⁰ In a letter dated 6 December 1964, Miss Fatima Jinnah congratulated the members of the Electoral College on their victories, urging them to treat their votes as a sacred trust to be exercised in defense of democracy.⁹¹ Her message resonated deeply, transforming the election campaign into a national movement for democratic restoration, transcending party lines and regional divisions.

Under mounting political pressure, Ayub's cabinet ministers, who had initially submitted nomination papers, voluntarily withdrew their candidacies, leaving the contest effectively between Ayub Khan and Miss Fatima Jinnah. Despite the constitutional requirement that the presidential elections be held at least 20 days before the expiration of the incumbent's term which was due on 23 March 1965 Ayub delayed the announcement. Eventually, he fixed 2 January 1965 as the official

date for the election.⁹²

On 30 November 1964, the Election Commission announced the list of approved candidates along with their electoral symbols. Ayub Khan was assigned the symbol of a flower, while Miss Fatima Jinnah's campaign was represented by the symbol of a lantern.⁹³ These symbols soon acquired significant political and emotional resonance, serving as powerful emblems of the ideological divide between authoritarianism and democracy during the 1965 election campaign.⁹⁴ Despite the overwhelming public support demonstrated for Miss Fatima Jinnah during her campaign rallies, the Combined Opposition Parties (COP) failed to translate popular enthusiasm into electoral victory. The indirect nature of the Basic Democracies electoral system, which vested power in a limited body of 80,000 electors rather than in the general populace, rendered mass mobilization efforts politically ineffective. The COP denounced the conduct of the elections, alleging official interference, police intimidation, corruption, and bribery at multiple stages of the process.⁹⁵ These accusations reinforced the perception that the 1965 presidential election was neither free nor fair, but rather an orchestrated exercise in legitimizing Ayub Khan's continued rule.

The decline of the COP marked the waning of organized opposition to Ayub Khan's regime. Although the alliance had initially succeeded in uniting diverse political forces under a common banner, its inability to sustain post-election momentum revealed the structural weaknesses of Pakistan's party politics during the 1960s.⁹⁶ The failure of the COP not only consolidated Ayub Khan's grip on power but also underscored the institutional fragility of opposition coalitions operating within an authoritarian political framework.

CONCLUSION

The Constitution of 1962 represented a critical turning point in Pakistan's political evolution, profoundly shaping the nature and trajectory of party politics under President Ayub Khan's regime. Designed within a framework of controlled democracy, the constitution institutionalized a presidential form of government that deliberately restricted political pluralism and curtailed representative participation. By replacing direct elections with the Basic Democracies system, Ayub Khan centralized political authority, effectively undermining the role of political parties as mediating institutions between the state and society. The abolition of political parties in 1958 and their subsequent revival under the Political Parties Act of 1962 demonstrated the regime's ambivalent approach toward democratization allowing political activity only under strict governmental oversight. While the revival of party politics marked a nominal return to constitutionalism, it remained confined within an authoritarian structure that limited opposition influence. The emergence of the Combined Opposition Parties (COP) and its unified challenge during the 1965 presidential elections illustrated both the resilience and fragility of Pakistan's political opposition. Despite mobilizing significant public support, the COP was unable to overcome the systemic constraints imposed by Ayub Khan's controlled electoral mechanism. Nevertheless, the COP movement played a historic role in reinvigorating democratic consciousness and exposing the contradictions of Ayub's political order.

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The alliance's efforts to promote civil liberties, judicial independence, and provincial autonomy reflected a deep-seated aspiration for participatory governance that continued to shape Pakistan's subsequent political developments.

In essence, the 1962 Constitution, while ostensibly aimed at introducing administrative efficiency and stability, entrenched an authoritarian framework that subordinated democratic institutions to executive dominance. Its long-term impact on Pakistan's political culture was twofold: it weakened institutional trust in constitutionalism, yet simultaneously catalyzed new movements for political reform and democratic restoration. The experience of the 1962 constitutional era thus remains a pivotal chapter in Pakistan's constitutional history one that underscores the persistent struggle between authoritarian control and democratic aspiration within the country's evolving political landscape.

SUGGESTIONS AND RECOMMENDATIONS

The study of Pakistan's 1962 Constitution and its impact on party politics highlights the deep structural tensions between constitutional formality and democratic substance. Several key recommendations emerge:

1. Constitutional Reform and Institutional Balance

Future constitutional frameworks in Pakistan should prioritize a balanced distribution of power between the executive, legislature, and judiciary. The 1962 Constitution demonstrated that excessive concentration of authority in the executive undermines democratic institutions. Strengthening institutional checks and accountability mechanisms is therefore essential for sustainable governance.

2. Strengthening Political Parties

The political instability observed under the 1962 Constitution underscores the need to institutionalize political parties through transparent internal elections, consistent ideological orientation, and democratic leadership practices. Legal and structural reforms should aim to reduce factionalism and promote political continuity beyond individual personalities.

3. Revitalizing Political Culture and Public Participation

Pakistan's political development requires an environment that encourages public engagement, civic education, and participatory politics. The limitations imposed by the Basic Democracies system should serve as a historical lesson that democracy cannot function meaningfully without direct popular involvement.

4. Preserving Civil Liberties and Political Freedoms

Future constitutional and legislative reforms must guarantee the freedom of association, speech, and political organization. Political bans and disqualification laws, such as the EBDO, not only weaken democratic legitimacy but also alienate the populace from the political process.

5. Promoting Federal Harmony and Provincial Autonomy

The 1962 Constitution's rigid federal arrangement contributed to tensions between East and West Pakistan. Any modern constitutional framework must ensure equitable representation and resource distribution among provinces to prevent political alienation and strengthen national integration.

6. Encouraging

Comparative Research and Political Scholarship

Scholars should engage in comparative studies examining the political effects of Pakistan's various constitutions (1956, 1962, and 1973). Such analysis can help identify patterns of institutional weakness and the recurring challenges to democratic consolidation.

7. *Revisiting the Concept of Controlled Democracy*

The experience of the 1962 Constitution invites a deeper theoretical reflection on hybrid political systems that blend authoritarian control with democratic façade. Future research should explore how such systems evolve, their socio-political consequences, and their implications for developing democracies.

8. *Empowering Women in Political Leadership*

The 1965 presidential election demonstrated the transformative symbolism of Miss Fatima Jinnah's candidacy. Contemporary political institutions should draw upon this legacy to enhance female political participation and representation across all levels of governance.

9. *Enhancing Historical Awareness and Political Education*

The lessons of the 1962 Constitution should be incorporated into academic curricula and political training programmes, helping future leaders understand the dangers of over-centralization and the enduring importance of participatory democracy.

10. *Ensuring Accountability in Electoral Systems*

To prevent manipulation and ensure legitimacy, Pakistan's electoral framework should be guided by independent oversight, transparent procedures, and equitable access to political competition. Historical experiences like the Basic Democracies system illustrate the need for reforms that priorities electoral integrity.



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