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THE TRIPARTITE

PPP-NAP-JUI

ACCORD

MARCH 6, 1972

BASIC DOCUMENTS AND BACKGROUND MATERIAL

Syed Muzafar Ali Shah

P.O. Rashid Wagan

Distt Larkana.

PPP - NAP - JUI
THE TRIPARTITE ACCORD

March 6, 1972

Basic Documents and Background Material

“It was settled that there would be a vote of confidence in the Government and approval of continuation of Martial Law till August 14, 1972.”

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MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN
PAKISTAN PEOPLE'S PARTY, NATIONAL AWAMI PARTY
AND JAMIAT-UL-ULMA-E-ISLAM ON MARCH 6, 1972.

The following participated in the discussions which began on March 4 and concluded on March 6, 1972:

P.P.P.

President of Pakistan

Chairman PPP

Mr. Hayat Mohd Khan Sherpao

Mr. Ghulam Mustafa Jatoi

Mr. Abdul Hafeez Peerzada

Maulana Kausar Niazi

Mr. Rafi Raza

N.A.P.

Khan Abdul Wali Khan

President NAP

Mir Ghous Bakhsh Bizenjo

Mr. Arbab Sikander

Mr. Khair Bakhsh Mari

J.U.I.

Maulana Mufti Mahmood

General Secretary JUI

Maulana Ghulam Ghous Hazarvi

1. (a) The Pakistan Peoples Party (PPP) proposed that a short session of the National Assembly should be convened on April 21, 1972, for a period not exceeding three days.

(b) The NAP/JUI proposed that the National Assembly session be convened on March 23, 1972.

(c) It was settled that the summons to the members should be issued on March 23, 1972, and the National Assembly Session should be convened on April 14, 1972, for a period not exceeding three

days during which time the matters specified at paras 2, 3 and 4 below will be voted upon.

2. (a) The PPP proposed that the National Assembly should meet for the purpose of endorsing an interim Constitution on the basis of the Government of India Act, 1935, read with the Independence Act, 1947 with consequential amendments, or on the basis of the 1962 Constitution with consequential amendments.

(b) The NAP/JUI proposed that the interim Constitution should be passed on the basis of the Government of India Act, 1935, read with the Independence Act, with consequential amendments.

(c) It was settled that an interim Constitution would be prepared on the basis of the 1935 Act read with Independence Act 1947 with consequential amendments and that there should be a debate not exceeding 3 days at which only party leaders or their nominees would speak. The parties for this purpose would be : Pakistan People's Party, Pakistan Muslim League (Qayum Group), Jamiat-UL-Ulma-e-Islam, National Awami Party, Jamiat-ul-Ulma-e-Pakistan, Pakistan Muslim League (Council), Jamaat-e-Islami, Pakistan Muslim League (Convention), one representative from the independent MNAs of Tribal areas, and one representative of the remaining independent MNAs.

3. (a) The PPP secondly proposed that the National Assembly on being convened on the 21 April, 1972, pass a vote of confidence in the Government and approve and confirm the continuation of Martial Law till August 14, 1972.

(b) The NAP/JUI proposed that Martial Law should be continued till June 7, 1972.

(c) It was settled that there would be a vote of confidence in the Government and approval of continuation of Martial Law till August 14, 1972.

4. (a) The PPP thirdly proposed that the National Assembly on being convened for the short session should appoint a Committee of the House to draft a Constitution to be presented on August 1, 1972.

(b) The NAP/JUI proposed that the draft Constitution should be presented by July 1, 1972, and that the National Assembly should be re-convened on July 7, 1972.

(c) It was settled that the report of the Committee on the Constitution should be submitted by August 1, 1972, and that the National Assembly be reconvened on August 14, 1972.

5. (a) The PPP proposed that when the National Assembly was reconvened on August 14, 1972, it should act only as a constitution-making body to ensure the early framing of the Constitution.

(b) The NAP/JUI proposed that when the National Assembly meets on August 14, 1972, it should also act as a legislative body after August 14, 1972.

(c) It was settled that after August 14, 1972, the National Assembly should act both as a constitution-making body and as a legislative body till the permanent Constitution comes into force. It was reiterated that the powers of the President in pursuance of the Declaration of Emergency will continue till the Emergency is lifted.

6. (a) The PPP proposed that the Provincial Assemblies should be convened after the passing of the interim Constitution i.e. on May 1, 1972.

(b) The NAP/JUI proposed that the Provincial Assemblies should be convened on April 10, 1972.

(c) It was settled that the Provincial Assemblies would be convened on April 21, 1972.

7. It was accepted that the Government both at the Centre and in the Provinces would be formed on the basis of parliamentary majority.

8. It was accepted that till the new Constitution comes into force, a person elected as a Member of more than one Assembly would be permitted to retain his ~~both~~ seats in both the Houses till the Constitution is finally passed. Similarly, the President, the Vice-President, Governors, Ministers and Advisers both at the Centre and the Provinces will retain their seats in their respective Assemblies.

9. (a) The PPP proposed that the present Governors should continue till the new Constitution is passed, but after the interim Constitution is passed they would cease to be Martial Law Administrators.

(b) The NAP/JUI proposed that after the Provincial Assemblies are convened, the Governors may be appointed in consultation with the Chief Minister. Meantime from today till the convening of the Provincial Assemblies the Governments in NWFP and Baluchistan should be given to the NAP/JUI.

(c) It was settled that until the permanent Constitution is framed by the National Assembly, the Central Government should continue to have the right, as in the past, to appoint Governors in the Provinces but by way of compromise the Central Government would, during the interim period, also appoint the Governors in consultation with the majority in the two aforesaid Provinces.

10. It was accepted that in the North West Frontier Province and the Province of Baluchistan, the majority parties are NAP and JUI and they will be entitled to form the Governments in these two Provinces.

11. The PPP proposed that the date for Local Bodies Elections should be fixed as early as possible after the Provincial Assemblies are convened and that the Elections in all the Provinces should be on the same date. This was agreed to and the Elections would be held on an agreed date soon after the convening of the Provincial Assemblies.

12. The President said that he would announce today that Martial Law would be lifted on August 14, 1972.

SIGNED by MR. ZULFIKAR ALI BHUTTO,
President of Pakistan and Chairman
of the Pakistan People's Party

Zulfiqar Ali Bhutto

SIGNED by KHAN ABDUL WAJID KHAN,
President of the National Awami
Party.

Khan Abdul Wajid Khan

SIGNED by MAULANA MUFTI MAHMOOD,
General Secretary of the
Jamiat-ul-Ulma-e-Islam.

Muhammad Mufti Mahmood

Rawalpindi,
March 6, 1972

Sayed Muzafar Ali Brelvi
M.A.C.L.B.
Extra Sub Inspector Dargana
Circle

TEXT OF MR. ZULFIKAR ALI BHUTTO'S SPEECH OF
MARCH 6, 1972

Although I am against frequent appearances by Head of State on Radio and Television networks, nevertheless, it falls within my responsibility to inform the Nation about important developments. It so happens that a number of such developments have taken place in the past few days, necessitating my troubling you again tonight. I hope you will bear with me.

In order to overcome the political tensions generated by the misdeeds of the past decade or more, you know that, among other initiatives, on the 4th of this month we opened negotiations with the National Awami Party and the Jamiat-ul-Ulma-e-Islam, the majority parties in the North West Frontier Province and in the Province of Baluchistan, with a view to reaching a settlement. These negotiations have been watched with concern by the Nation. It is for this reason that I must inform you of the settlement that has been reached today.

The terms of the settlement are clear, without ambiguity, and do not require any interpretation or elaboration. The terms, spelling out the positions of both sides and the final accord, are:

1. (a) The Pakistan People's Party (PPP) proposed that a short session of the National Assembly should be convened on April 21, 1972, for a period not exceeding three days.

(b) The NAP/JUI proposed that the National Assembly session be convened on March 23, 1972.

(c) It was settled that the summons to the members should be issued

on March 23, 1972, and the National Assembly session should be convened on April 14, 1972, for a period not exceeding three days during which time the matters specified at paras 2, 3 and 4 below will be voted upon.

2. (a) The PPP proposed that the National Assembly should meet for the purpose of endorsing an interim Constitution on the basis of the Government of India Act, 1935, read with the Independence Act, 1947, with consequential amendments, or on the basis of the 1962 Constitution with consequential amendments.

(b) The NAP/JUI proposed that the interim Constitution should be passed on the basis of the Government of India Act, 1935, read with the Independence Act, 1947, with consequential amendments.

(c) It was settled that an interim Constitution would be prepared on the basis of the 1935 Act, read with Independence Act, 1947, with consequential amendments, and that there should be a debate not exceeding three days at which only party leaders or their nominees would speak. The parties for this purpose would be: Pakistan People's Party, Pakistan Muslim League (Qayyum Group), Jamiat-ul-Ulma-e-Islam, National Awami Party, Jamiat-ul-Ulma-e-Pakistan, Pakistan Muslim League (Council), Jamaat-e-Islami, Pakistan Muslim League (Convention), one representative from the independent MNAs of Tribal areas, and one representative of the remaining independent MNAs.

3. (a) The PPP secondly proposed that the National Assembly on being convened on April 21, 1972, pass a vote of confidence in the Government and approve and confirm the continuation of Martial Law till August 14, 1972.

(b) The NAP/JUI proposed that Martial Law should be continued till June 7, 1972.

(c) It was settled that there would be a vote of confidence in the Government and approval of continuation of Martial Law till August 14, 1972.

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(b) The NAP/JUI proposed that the draft Constitution should be presented by July 1, 1972 and that the National Assembly should be reconvened on July 7, 1972.

(c) It was settled that the report of the Committee on the Constitution should be submitted by August 1, 1972, and that the National Assembly be reconvened on August 14, 1972.

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(c) It was settled that after August 14, 1972, the National Assembly should act both as a constitution-making body and as a legislative body till the permanent Constitution comes into force. It was reiterated that the powers of the President in pursuance of the Declaration of Emergency will continue till the Emergency is lifted.

6. (a) The PPP proposed that the Provincial Assemblies should be convened after the passing of the interim Constitution, *i.e.*, on May 1, 1972.

(b) The NAP/JUI proposed that the Provincial Assemblies should be convened on April 10, 1972.

(c) It was settled that the Provincial Assemblies would be convened on April 21, 1972.

7. It was accepted that the Government both at the Centre and in the Provinces would be formed on the basis of parliamentary majority.

8. It was accepted that till the new Constitution comes into force, a person elected as Member of more than one Assembly would be permitted to retain his seat in both the Houses till the Constitution is finally passed. Similarly, the President, the Vice-President, Governors, Ministers and Advisers, both at the Centre and the Provinces, will retain their seats in respective Assemblies.

9. (a) The PPP proposed that the present Governors should continue till the new Constitution is passed, but after the interim Constitution is passed they would cease to be Martial Law Administrators.

(b) The NAP/JUI proposed that after the Provincial Assemblies are convened, the Governors may be appointed in consultation with the Chief Minister. Meantime from today till the convening of the Provincial Assemblies, the Governments in NWFP and Baluchistan should be given to the NAP/JUI.

(c) It was settled that until the permanent Constitution is framed by the National Assembly, the Central Government should continue to have the right, as in the past, to appoint Governors in the Provinces but by way of compromise the Central Government would, during the interim period, also appoint the Governors in consultation with the majority in

the two aforesaid Provinces.

10. It was accepted that in the North-West Frontier Province and the Province of Baluchistan, the majority parties are NAP and JUI and they will be entitled to form the Governments in these two Provinces.

11. The PPP proposed that the date for Local Bodies Elections should be fixed as early as possible after the Provincial Assemblies are convened and that the Elections in all the Provinces should be on the same date. This was agreed to and the Elections would be held on an agreed date soon after the convening of the Provincial Assemblies.

12. The President would announce today (March 6, 1972) that Martial Law would be lifted on August 14, 1972.

I am happy to state that in our discussions, when I explained to these leaders some of the imperatives for the retention of Martial Law, they appreciated our genuine difficulties and agreed that Martial Law should continue till August 14, 1972. I want categorically to inform the nation that the curse of Martial Law which has haunted us for so long will be buried for ever, *Insha Allah*, on August 14, 1972.

As a political being, I have always subscribed to the fundamental principle that political problems need political solutions. I have strained to the ultimate to ensure the success of these negotiations. We have acted in a spirit of adjustment which is the essence of democracy.

As the leader of the majority party, both in the National Assembly and in the two Provinces of Punjab and Sind, I have considered it my duty to keep in touch with other political leaders as well.

We will continue to maintain a positive dialogue with all relevant political forces, giving to each the importance and respect due to them. The settlement reached today demonstrates that we are not dogmatic, either in attitude or approach.

Since the word "alliance" has been used before, not without causing unnecessary misunderstandings, I would like to make it clear that today the majority parties of the four Provinces have arrived at a political settlement of the crucial issues concerning the nation. The accord achieved at this critical hour does not by itself forge an alliance. One good step taken in the mood to reach agreement might, however, lead to other steps and with added momentum possibly to greater strides in the future. This will depend on the spirit of co-operation shown by all sides in the framing of the Constitution of Pakistan and other related matters of national purport.

In this moment of satisfaction, looking back nostalgically, let me recall to you, citizens and friends, that in October 1967, in Larkana, I wrote on the

subject "WHY A NEW PARTY?", which document later became one of our Foundation Papers on December 1, 1967. This is what I wrote nearly four years ago:

"It may be asked why in the circumstances is it necessary to form a new party when the main objective is to unite the existing opposition parties. A slightly deeper analysis would reveal that precisely for this reason, a new party is necessary to cement the unity of all the existing opposition parties. It will form a bridge between the existing conflicting interests and give a lead in reconciling the historical dichotomies."

I envisaged that we would be the Golden Bridge. With this purpose, a vigorous force was released in the form of a new revolutionary party born with the destiny to serve the people of Pakistan. Today we have passed through the dark tunnel, and I see the Golden Bridge.

STATEMENTS OF KHAN ABDUL WALI KHAN WELCOMING THE TRIPARTITE ACCORD

"Khan Abdul Wali Khan, Chief of NAP, said today that the NAP-JUI-PPP Agreement has given a new and constructive direction to the political affairs of the country.

He said that the lifting of Martial Law was now a settled fact and a date had been set for it. The arbitrary nature of Martial Law (however) will go after the Assembly had met and sanctioned its continuance till August 14."

(Extract from an interview with Khan Abdul Wali Khan, published in THE SUN Karachi, March 8, 1972.)

"Khan Abdul Wali Khan yesterday stoutly defended the tripartite political accord between his party, the PPP and the JUI.

Addressing Charsadda lawyers, he said the accord was in the best national interests and essential for the integrity and solidarity of Pakistan.

He said that the NAP's stand on lifting of Martial Law, the Rule of majority parties, both in Provinces and the Centre and restoration of democracy had been vindicated by the accord."

(Extracts from Khan Abdul Wali Khan's address to Charsadda Lawyers. APP report published in DAWN, Karachi, March 17, 1972.)

“Replying to questions from lawyers, Mr. Wali Khan said his party had accepted continuance of Martial Law till August 14 in good faith because the conditions were such that the country needed unity and understanding among various political forces.”

(Extract of Khan Abdul Wali Khan's address to the Members of the District Bar Association at Peshawar on March 11, 1972, published in DAWN, Karachi, March 12, 1972.)

“At the Centre, too, Martial Law will finally come to an end on 14 August, 1972.”

(Extract from the Resolution of the Central Working Committee of the NAP held in Rawalpindi on March 6, 1972. PPI report published in DAWN, Karachi, March 7, 1972.)

TWO LETTERS FROM MAULANA KAUSAR NIAZI TO
KHAN ABDUL WALI KHAN

LETTER NO. 1

Camp Office, Lahore, March 19, 1972.

My dear Khan Sahib,

I hope you will be in the best of health. The 'Daily Jang' of 18th March 1972 has carried a news item on the front page with a three-column headline attributing to you the statement that the National Assembly would not ratify Martial Law. I brought it to the notice of the President. He was sure that you had not issued such a statement, and he believed you had been wrongly quoted; for this was against the agreement reached recently between the three political parties. The President felt I should ask you to let us have your views on the issue. I have underlined the relevant portion in the cutting. I am looking forward to an early reply.

With best regards.

Yours sincerely

Sd/-

Maulana Kausar Niazi

Khan Abdul Wali Khan,
President,
National Awami Party, Pakistan,
Shahi Bagh,
Charsadda.
Encl. one cutting.

LETTER NO. 2

CONFIDENTIAL

MINISTER FOR
INFORMATION & NATIONAL AFFAIRS
AUQAF AND HAJ

Registered A. D.*Rawalpindi, March 25, 1972.**My dear Wali Khan Sahib,*

I hope you would have received my earlier letter of March 19th in which I drew your attention to a statement attributed to you in the daily Jang of 18th March, 1972 to the effect that the National Assembly would not ratify Martial Law (notwithstanding the agreement of March 6th, which specifically provides for continuation of Martial Law up to August 14th, 1972). Quick on the heels of this statement, the Nawa-e-Waqt of Rawalpindi of 23rd March has splashed a news-item which attributes to you a statement to the effect that if the People's Guards were armed, the Pakhtoon Zalme would be armed with missiles. I doubt if you would have made such a statement particularly in view of the concern you showed over the deterioration in the law and order situation when you met the President on the 23rd March in Rawalpindi. However, I am drawing your attention to this statement as well since I have not seen a contradiction from you on it.

2. While we were awaiting contradictions to both the statements, the Pakistan Times, Rawalpindi, of today has carried yet another story stating that you made a statement to the effect that the new Governments in Baluchistan and NWFP when installed would not be bound by the decisions of the present Governors. A copy of the Statement is attached herewith for your ready reference. As this statement is in complete contradiction of the political and constitutional position, the President has asked me to seek the necessary clarification from you. It will be appreciated, I am sure, that the statements referred to in this letter have serious implications. We hope that the statement appearing in the Pakistan Times is not accurate. However, to end the confusion it will be greatly appreciated if your views on the subject are made clear. In this connection, the President has directed me to meet you at a time convenient to both of us, so

that we can clarify the confusion resulting from these statements. I am looking forward to your reply.

With best wishes.

Yours sincerely

Sd/-

Maulana Kausar Niazi

Khan Abdul Wali Khan,
President, NAP, Pakistan,
Hotel Intercontinental,
Rawalpindi.

c.c. to:

1. Maulana Ghulam Ghaus Hazarvi,
C/o Jamiat-ul-Ulma-e-Islam, Chowk Rang Mahal,
Lahore.
2. Maulvi Mufti Mahmood, Wanda Khan Mohammad,
Tehsil and District D. I. Khan.
3. Mir Ghous Bakhsh Khan Bizenjo, P.O. Nal,
Tehsil Kushdar, Kalat State, Baluchistan.
4. Arbab Sikander Khan, Peshawar.

Sd/-

Maulana Kausar Niazi

MR. M.H. SUFI'S LETTER TO KHAN ABDUL WALI KHAN

Dy No. 2692/PS-72

CABINET DIVISION
GOVERNMENT OF PAKISTAN*Rawalpindi, March 27, 1972.**My dear Khan Sahib,*

Pursuant to the understanding reached between your party and the President regarding the appointment of new Governors in NWFP and Baluchistan, I was directed to prepare Commissions of Appointment to be signed by the President.

2. A news item dated March 24 appeared in Pakistan Times which says that "Khan Abdul Wali Khan, Chief of the NAP, has declared that his party's governments in Baluchistan and NWFP would not be bound by the post-March 6 decisions of the present Governors of the two provinces." The President has read this statement with astonishment and great concern and has directed me to inform you that under Martial Law the provincial Governors and Martial Law Administrators hold their positions as agents of the President and Chief Martial Law Administrator and the decisions they take are in this capacity. Quite apart from Martial Law, and even otherwise, there are certain Centrally administered regions in both provinces for which the Governors are exclusively responsible to Central Government; the Governors also act for and on behalf of the Central Government in many other matters.

3. You will no doubt appreciate that if decisions taken by the present Governors are to be annulled or ignored by their successors, to whatever party they may belong, in the manner indicated in your statement, it will

result in utter administrative confusion, bordering on chaos. Even in normal times, and under the ordinary law, successor governments, either in Provinces or at the Centre, do not start by setting aside and disclaiming all the decisions made or measures taken by their previous governments. Apart from this, there are certain Central Laws which are administered by the Provincial Governments under delegated powers and certain Central directives which must be implemented by Provincial Governments.

4. The President desires it to be clearly understood that any new Provincial Governors would be subject to the same legal and administrative control and supervision by the President and Chief Martial Law Administrator as exists today or even in ordinary times. A clarification regarding the statement attributed to you in the press would be appreciated. I am accordingly directed to request you to send your reply to this communication either to the President directly or through me as early as possible so that Government is able to proceed further in preparing the necessary Commissions of Appointment mentioned at the outset of this letter.

Yours sincerely

Sd/-
M. H. SUFI, S.P.K., CSP,
*Cabinet Secretary*Khan Abdul Wali Khan,
President of the National Awami Party, Pakistan,
Peshawar.

Copy for information to:

1. Mir Ghous Bakhsh Bizenjo, MNA.
2. Maulana Mufti Mahmood, MNA (delivered to Mr. E.A. Naik, Chief Secretary).

KHAN ABDUL WALI KHAN'S REPLY TO
MR. M. H. SUFI'S LETTER

Multan, 30th March, 1972.

M.H. Sufi, S.Pk., CSP,
Cabinet Secretary,
Government of Pakistan,
Rawalpindi.

My Dear Sufi Sahib,

Mir Ghous Bakhsh Khan Bizenjo just delivered a copy of the letter you wrote to me on the 27th instant addressed to Peshawar. You are, probably, aware that I am on tour of the Punjab from the 27th instant.

There seems to be some misunderstanding about what appeared in Pakistan Times of the 24th instant. It was a political statement about a situation to which we drew the attention of the President when we met him on the 6th March wherein it was pointed out that as it was agreed that both the Governors of Baluchistan and NWFP will be replaced, it was only proper that they should not be taking any major policy decisions without consulting the future Governors.

The NWFP Governor went out of his way to be more active than usual, conducted whirlwind tours and managed to address several Jirgas from the tribal area, wherein, I am sorry to say that his whole approach amounted to creating unnecessary complications for the future administration. There have been instances wherein he even tried to influence the tribal Maliks politically and create mistrust and suspicion about NAP

Throughout his tour of the Province he made fantastic promises, knowing fully that he will not be there to implement them. It was in the light

of this behaviour of the Governor that I issued the statement.

There is hardly any need for me to emphasise that I am quite well aware of the Constitutional position and administrative responsibilities of the Governors of the Provinces and therefore you can assure the President there was no substance in his apprehension that the Provincial Governors of NAP will in any way act in a manner contrary to the above.

Thanking you.

Yours sincerely

Sd/-
Khan Abdul Wali Khan

Copy sent to the President through Mr. Rafi Raza.

MR. RAFI RAZA'S
TELEGRAM TO KHAN ABDUL WALI KHAN

While speaking to the Bar Association at Multan yesterday, you said among other things that when the National Assembly meets in mid-April, the National Awami Party would vote against the extension of Martial Law to August 14 and that the vote against the extension of Martial Law would not mean any violation of the Tripartite Agreement reached between the NAP-Jamiat alliance and the People's Party earlier this month.

I am directed to point out to you that the Accord of sixth March recorded the NAP-Jamiat position on the question of the continuance of Martial Law as follows:

"Clause 3(b): the NAP-JUI proposed that Martial Law should be continued till June 7, 1972." The PPP's position was that Martial Law should continue till August 14, 1972. The accord of sixth March records the Tripartite Settlement as : "It was settled that there should be a vote of confidence in the Government and approval of continuance of Martial Law till August 14, 1972." The accord concluded with the provision "Clause 12: The President would announce today that Martial Law would be lifted on August 14, 1972."

Your statement at Multan clearly contravenes the Tripartite Agreement. You cannot refute the charge of violating the Tripartite Agreement merely by claiming that no violation has occurred.

The aim of the People's Party, as we believe of all the parties, in negotiating the Tripartite Agreement was to arrive at a consensus of opinion between the majority parties of all the four Provinces. This, notwithstanding the fact that the People's Party has an overwhelming majority in the National Assembly, in which the NAP has but seven seats. The President, however, desired to show his genuine belief in the necessity for arriving at a solution to the country's problems through a consensus. But this can only be achieved through the co-operation of all parties by honouring the agreement in spirit and law.

It is deeply distressing that you should choose to violate repeatedly the Tripartite Agreement in spirit as well as law. The nation has not yet overcome the crisis facing it. This is not the time to indulge in petty party politics and frivolous vote catching. At the time of signing the Tripartite Agreement, you called for an end of the election campaign, as you termed it, and to this all agreed. We now call upon you to honour your word.

REPLY OF KHAN ABDUL WALI KHAN TO
MR. RAFI RAZA'S TELEGRAM

REGISTERED A.D.

SHAHI BAGH, CHARSADDA,
DISTRICT PESHAWAR,
April 2, 1972.

Mr. Rafi Raza,
Special Assistant to the President,
President's House,
Rawalpindi.

Dear Mr. Rafi Raza,

I have before me a very long telegram objecting to the interpretation we put on the text of the Tripartite Agreement arrived at Rawalpindi on 6th March, 1972, between the PPP, JUI and NAP.

You have also been kind enough to point out, at this later stage, to the representative character of the NAP in the National Assembly saying that it has only seven members as against an "overwhelming majority" of the PPP.

I would briefly explain. If you remember, the original proposal from PPP was that there should be 'no debate' in the National Assembly. This was opposed by us. You have taken the trouble to quote the relevant clause. I do not see anything in that clause which clashes with the stand that I have taken. "There would be a vote of confidence in the Government and approval of continuance of Martial Law till August 14." It clearly denotes that the agreement was on what you would call the agenda, and it could never convey that we were bound to vote in favour of Martial Law.

You will recall that after reading the text of the agreement the President thought it fit to announce that there was no alliance between the three Parties, and that the majority would rule in the Centre, and that is why the two Central Ministries offered to NAP stood dissolved. Now would you still insist that a vote of confidence from the opposition would be forthcoming after this announcement by the President? Surely, no one on that conference table could expect the NAP to vote confidence in the PPP Government, particularly after what the PPP's role was in the election to the women seats in the NWFP and Baluchistan. In spite of an 'alliance' between them, the PPP used its official position through its Governors and even the President found it convenient to interfere. PPP involved itself in an unholy alliance in order to break the NAP (an ally) and thereby worked not only against the spirit of the agreement but also against the spirit of Political Parties Act. Similarly, we feel that there was no compulsion on a vote for the continuance of Martial Law till August 14.

If there was agreement between the three Parties for Martial Law to continue till August 14, where was the need to call the National Assembly on April 14? The very fact that the National Assembly was summoned for the purpose only supports my interpretation. Moreover, why should there be such unnecessary commotion regarding our stand particularly in the light of what you have been able to point out that we have seven members in the National Assembly. Your 'overwhelming majority' puts you in a very secure position. So I would not bother if I were you.

If, however, you still insist on your own interpretation of the text of the said clause, I am prepared to refer the text to the ruling of the Chief Justice of the Supreme Court of Pakistan to determine whether under that clause there is any compulsion on us to vote in favour of the confidence in the Government and continuance of Martial Law till August 14.

While we are on this document, would you permit me to draw your attention to the agreement reached on the appointment of new Governors to the two provinces of NWFP and Baluchistan. Almost a month has passed and what is the position today. Your Governor over here is still busy carrying his party's political campaign at the Province's expense—still making promises which even the entire income of Pakistan could not meet, withdrawing taxes already levied. All this, of course, is the spirit of the agreement and co-operation between the PPP & NAP. How busy he has been at the most sensitive part of the country, the Tribal Area, is the

fact that there was a very large gathering from all the Agencies of NWFP in Peshawar on 31st March—where the Malikis, duly tutored, were encouraged to make all sorts of demands, some of them not quite in conformity with the national interests even. Everything being done so openly and with such marked and childish crudity. And when we protested against all this, that protest was taken again as a pretext for the postponement of the announcement of the appointment of the Governors decided upon on the 23rd March, when the President promised to make the announcement on the 24th. We were waiting for the news when the President told the Press that he had sought certain clarifications from me and was waiting for the reply. I left Peshawar on a 5-day tour of the Punjab on the 26th. The letter seeking clarification was written on the 27th and sent to Peshawar. (A Barrister in Lahore pointed out that in order to assure that a particular notice is not served in time, an irresponsible lawyer always posts it to an incorrect address.) And so the agreement that the new Governors would be sworn in on 1st April turned out to be a practical 'April Fool' joke on Arbab Sikander Khan and Mr. Ghouse Bakhsh Bizenjo. Or is it on the NAP or the country? I can assure you that I am not impressed.

Your advice that as "the nation has not yet overcome the crisis facing it, this is not the time to indulge in petty party politics and frivolous vote catching." You could not have been more correct and I would not have agreed with you more. This is addressed more to the PPP than anyone else whose Governors are still busy feeding people with empty promises rather than get down to the job of reconstructing and rebuilding society. Could I turn your attention, for example, to your Party's policy on the functions of the NPT, radio and television, and see how much you practice what you preach? It was in the spirit of your advice that I had asked the President now that he is the Head of State, he must function as the symbol of national unity and not as the custodian of the interests of a political organisation. If, however, he feels that his Party is more important than his office, then let him devote himself exclusively to the Party as I am doing now.

With kind regards,

Yours sincerely

Sd/-
Khan Abdul Wali Khan

MUFTI MAHMOOD'S TELEGRAM TO PRESIDENT
OF PAKISTAN, APRIL 4, 1972

Reference Law Minister's telephone conversation today. NAP/JUI adhere to Tripartite Agreement in letter and spirit as explained in Wali Khan's letter to Mr. Rafi Raza in reply to his telegram.

MR. RAFI RAZA'S LETTER
TO KHAN ABDUL WALI KHAN

M. Rafi Raza,
Special Assistant to the President.

April 7, 1972.

Dear Khan Sahib,

I am directed by the President to reply to your letter of April 2, 1972.

2. Allow me first to repeat briefly the background to the accord of March 6. On the first day of assuming office, the President unconditionally lifted the ban on NAP, and within five days held two meetings with you. You thanked the President for his action and assured him of your unconditional support. Instead, however, within a few weeks you embarked on a sustained campaign against the Government leading to internal tension at a time when the enemy had conquered the Eastern half of our country and was in occupation of sizeable tracts of territory in the West Wing. The President, however, refrained from responding to your provocations. So much so that the President invited you and other leaders of the National Awami Party and the Jamiat-ul-Ulma-e-Islam to meet him at Rawalpindi on March 4 to defuse the tension, and with a view to arriving at a settlement in the national interest. After a full three days of meetings, a tripartite settlement was reached. The whole of Pakistan welcomed the accord. You hailed the accord. But, to the consternation of the nation, you suddenly changed your position two weeks later to repudiate the accord. This brings me back to your letter of April 2, and also compels me now to go into some details.

3. At the end of paragraph 3 of your letter, after referring to the clause relating to the continuance of Martial Law, you say:

"It clearly denotes that the agreement was on what you would call the *agendas*, and it could never convey that we were bound to vote in favour of Martial Law."

Then in paragraph 4 you give two different reasons for contravening the accord of March 6. In the first place you say that, after the accord, the President announced that there was no alliance between the three parties; therefore, how could the NAP now be expected to support the Government in the vote of confidence. You go on to point out now that the NAP feels no compulsion to vote for the continuance of Martial Law till August 14 because the People's Party had worked against the NAP in the election to the women's seats in the NWFP and Baluchistan, which elections were held on February 20, 1972, that is, over two weeks before the signing of the accord of March 6. This is indeed a strange position to take at this stage.

4. May I ask upon which of the two positions above mentioned, legal or political, do you place reliance in contravening the accord of March 6? Allow me, however, to deal with both the positions you have chosen to adopt.

5. On the legal point there can be no doubt. The "agenda" as you call it for the short session of the National Assembly is settled in paragraph 1(c) which says:

"...the matters specified at paras 2, 3 and 4 below would be voted upon."

Paragraph 3 which deals with the vote of confidence and the continuation of Martial Law is a substantial one, and not merely procedural as you now desire to call it. Paragraph 3(b) of the accord is quite clear:

"The NAP/JUI proposed that Martial Law should be continued till June 7, 1972."

This comes after the provision for the meeting of the National Assembly on April 14 and is a clear proposal on your part that Martial Law should be continued after the National Assembly session. The only difference between the NAP position and that of the PPP was the period or duration of Martial Law *after* the convening of the National Assembly and the passing of the interim Constitution. Paragraph 3(c) of the accord clearly provides for the "Approval of continuation of Martial Law till August 14, 1972", and does not envisage a vote on whether or not Martial Law should continue after April 14. This was clear to all those who arrived at the

political settlement on March 6. It is significant that an important member of your alliance, Maulana Ghulam Ghaus Hazarvi of JUI, who was present at the meeting, should take exactly the opposite position to that taken by you as to what transpired at the meeting and was recorded in the settlement of March 6. Maulana Hazarvi, who does not belong to the PPP, has taken the correct position.

6. Although the meaning of the accord is abundantly plain, you now seek refuge in abstruse legal interpretations in order to break the accord. There is no question of any legal interpretation—the clause is quite clear. It has been suggested that the accord should be referred to the Chief Justice of the Supreme Court. However, political agreements of this nature have never in the past, either in this country or in any other country, been the subject matter of such a reference. Nor for that matter is there any provision for such a reference in our constitutional arrangement. It would unnecessarily involve the judiciary in the political arena, and is not in the interest of the institution of the judiciary.

7. On the question of the President's announcement on the evening of March 6 that there was no alliance between the three parties, I would refresh your memory. Towards the conclusion of the tripartite meeting on March 6, the President said that this was a political settlement and not an alliance, and that he would inform the nation accordingly. The NAP/JUI desired to be recognised as the majority parties of NWFP and Baluchistan, which was noted. Since so much stress was laid on your majority in the NWFP and Baluchistan Assemblies, and with the People's Party having a clear majority in the Punjab and Sind Assemblies as also in the National Assembly, there was no need for an alliance between the three parties. Despite this, however, the President hoped that the accord could lead to a better understanding between the three parties and in due course may open the possibility for an alliance. The President made it clear that the accord merely reflected a political settlement and not an alliance. This was accepted by all present at the meeting. The President's broadcast that evening merely confirmed this position and introduced no new element.

8. It is even more painful that you should at this stage again revert to the question of the earlier "alliance" between the three parties and the elections to the Women's seats. This matter was discussed at length at the first meeting on March 4, and the President emphatically asserted that he had not in any way interfered in those elections. He told you that the

only person he approached was a member of his own Party and he had every right and justification to do this. May I, therefore, ask how you can now make this an issue, particularly when on March 4 both the NAP and JUI expressed full satisfaction on this matter.

9. On the question of appointment of new Governors in the NWFP and Baluchistan, you have incorrectly stated the position. In the course of the three-day meetings from March 4 to 6, the NAP contended that in the present scheme of things "Governors meant Government," and it was for this reason that the majority parties in the NWFP and Baluchistan should be allowed to choose the Governors. The final accord arrived at on this point is clear and reads as follows:

"9(c) It was settled that until the permanent Constitution is framed by the National Assembly, the Central Government should continue to have the right, as in the past, to appoint Governors in the Provinces but by way of compromise the Central Government would, during the interim period, also appoint the Governors in consultation with the majority parties in the two aforesaid Provinces."

10. After the agreement it was decided that the NAP representatives would call on the President at Karachi to discuss the appointment of Governors, and, accordingly, Mir Ghaus Bakhsh Bizenjo, Sardar Khair Bakhsh Marri and Sardar Ataullah Mengal met the President at Karachi on March 15. They suggested that they be permitted to nominate the two Governors without giving a list of names. The President pointed out that this was contrary to the agreement of March 6, but he would nevertheless put the question to the Party's Central Committee. For this purpose, on the President's return from Moscow, an early meeting of the Central Committee was held at Lahore on March 22 in which it was unanimously decided that the NAP proposal to nominate Governors was contrary to the agreement, and also past practice, and that it should not be accepted. The same evening the President met Mir Ghaus Bakhsh Bizenjo and Sardar Khair Bakhsh Marri and it was agreed that there should be a full meeting in Rawalpindi on the following day.

11. On the evening of March 23, a meeting was held at Rawalpindi at which representatives of the three parties were present. At this meeting two names were put forward for Governor of Baluchistan, and two for the NWFP. The President pointed out that he only wanted the names to

comply with the accord, but, now that NAP/JUI had complied, he would leave the choice to them. Accordingly, Mir Ghaus Bakhsh Bizenjo was chosen as Governor for Baluchistan, and Arbab Sikander Khan for the NWFP. The President also reminded you and the others present that the NAP wanted the right of choice because in the existing situation "Governors meant Government." The President went on to state that he hoped the swearing-in of the new Governors could be on April 1, to which Mir Ghaus Bakhsh Bizenjo replied that he would prefer to have his swearing-in on April 2.

12. The very next day you jeopardized the settlement by stating that the decisions of the two Governors made after March 6 would not be binding on the new Governors. Thereafter you unfortunately chose to embark upon making statements, one after another, in contravention of the accord of March 6. The fault does not lie with the President if his letter requesting clarification should reach you late because you happened to be on a whirlwind tour, as if you were on an election campaign.

13. You have taken exception to the progressive and reformative measures of Governor Sherpao. These measures perhaps now embarrass you, as you seem to be enrolling many reactionaries into your party. The measures undertaken and promised by Governor Sherpao are after full consideration of all the relevant factors including finance.

14. I do not want to put in this letter your new approach on Pakhtoonistan or your modified views on secularism as they are not strictly relevant to the subject matter of the accord of March 6. However, it is not out of place to mention that you have been saying, quite incorrectly, that the President is not making sincere efforts for the release of the POW's, whereas in fact tireless efforts have been made in this regard by the President. I mention this matter only to put the record straight. For that matter, your remarks about the President choosing between the Party and the Presidency is also unwarranted. The President sees no incompatibility to national interest in his continuing as Chairman of the Party; in fact it is common practice throughout the world that party office is not relinquished on assuming office.

15. In conclusion, I can only reiterate that at this time of grave national crisis the Pakistan People's Party, in arriving at the accord of March 6, was motivated by the higher considerations of national consensus, rather than in seeking to assert the brute strength of their majority in the Assembly.

If this is not how you would like to proceed for the future well-being of the country, then the President would have no option but to rely on his overwhelming democratic majority to see that the country gets an interim Constitution and is put on the road to a democratic order, at the same time ensuring that national interest is not jeopardised. This is what the people of Pakistan want, and this is what the President has pledged to the people. I end by pointing out that if the accord of March 6 is not honoured by you on this important question, it cannot stand on other points—it stands or falls in its totality.

With regards,

Yours sincerely

Sd/-

M. Rafi Raza

Khan Abdul Wali Khan,
Shahi Bagh, Charsadda,
District Peshawar.

BASIS FOR NEGOTIATIONS

Little purpose is served in dilating further upon the question of responsibility for breach of the March 6 settlement. The accord was arrived at to overcome the national crisis. The difference of opinion has regenerated tension. The accord in effect now stands broken. The only question before us is how to repair the damage and salvage national unity. With this object in mind, the Pakistan People's Party proposes the following arrangement:

1. The National Awami Party and Jamiat-ul-Ulma-e-Islam stand absolved from giving a vote of confidence in the Government and as suggested by the National Awami Party and Jamiat-ul-Ulma-e-Islam may now abstain on or vote against giving approval to the continuance of Martial Law till August 14.
2. The People's Party continues to accept the National Awami Party/Jamiat-ul-Ulma-e-Islam majorities in the Provincial Assemblies in North-West Frontier Province and Baluchistan. They will form the Provincial Governments on April 21 as earlier agreed.
3. The drafts of the interim Constitution prepared on the basis of the Government of India Act, 1935, read with the Indian Independence Act of 1947, with consequential amendments, will be exchanged and discussed between the parties as earlier agreed, before the short session of the National Assembly, in order to facilitate the passing of the interim Constitution.

4. The National Awami Party/Jamiat-ul-Ulma-e-Islam position was that in the present scheme of things "Governor meant Government" in the provinces and this because the Provincial Governments on the basis of majorities in the Assemblies were not in existence in the provinces of North-West Frontier Province and Baluchistan.
5. Now that the Provincial Governments in North-West Frontier Province and Baluchistan are to be formed on April 21 by National Awami Party/Jamiat-ul-Ulma-e-Islam, the Governors would cease to mean "Governments" as earlier contended by the National Awami Party/Jamiat-ul-Ulma-e-Islam. As under the past constitutional arrangements, the Governors will continue to be appointed by the President and shall hold office during his pleasure. However, by way of compromise with the National Awami Party/Jamiat-ul-Ulma-e-Islam, the People's Party proposes that the Governors in the two provinces of North-West Frontier and Baluchistan will be selected by the President from outside the political parties and will be men of public standing. As earlier agreed, the Governors will cease to be Martial Law Administrators.
6. The People's Party is prepared to go one step further in its pursuit of national consensus and unity. In this respect the People's Party in spite of its overwhelming majority in the National Assembly is prepared to offer one Cabinet position in the Central Government each to the National Awami Party and the Jamiat-ul-Ulma-e-Islam.
7. Alternatively, the Pakistan People's Party reiterates that they are fully prepared to continue with the accord of March 6, both in letter and spirit, if this is acceptable to the National Awami Party and the Jamiat-ul-Ulma-e-Islam.

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