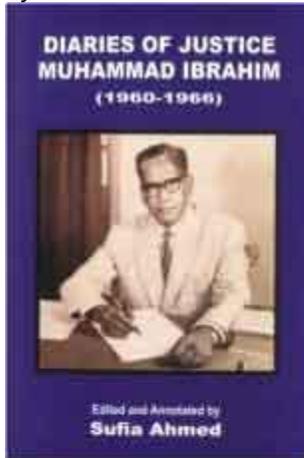


Review Essay

The workings of a conscientious soul

Syed Badrul Ahsan retraces his way to the past



Diaries of Justice Muhammad Ibrahim (1960-1966)
Edit, annotation Sufia Ahmed
Academic Press and Publishers
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For those who have remained focused on Bangladesh's history, particularly as it shaped up in the years after the partition of India in 1947, Justice Muhammad Ibrahim will always be a point of ready reference. It has been suggested, and not without reason, that a good deal of what came to be known as the Six Point programme of the Awami League in the mid-1960s was essentially what Ibrahim had stressed during his time in the political limelight. The judge was by no means a political figure nor did he have any pretensions to being one, but that he was deeply concerned about the future of constitutional politics in Pakistan has never been in any doubt. He was law minister in Field Marshal Ayub Khan's martial law regime, which in itself could turn into a question of why someone of Ibrahim's stature (he had been an academic and had served as vice chancellor of Dacca University) should have been part of such an extra-

constitutional structure at all. The answer is simple: like so many others at the time, Justice Ibrahim believed a new, properly democratic era could indeed be inaugurated by Ayub Khan.

That is the message which emerges from these diaries of the late jurist. Superbly edited and annotated by his daughter Sufia Ahmed, they reveal the mind of a concerned citizen at work. Ibrahim was certainly not among those around Pakistan's first military dictator ready to sing paeans to the glory of the man. The diaries reveal all those sentiments relating to notions about public service that were to assume acute dimensions as the decade of the 1960s progressed. By the early part of the decade, though, Ibrahim was out of the cabinet, the chief reason being his disappointment with Ayub Khan. The military ruler's failure to give shape to a democratic constitution, together with the deliberate sidelining of the judge, was enough to convince Ibrahim that Ayub was not willing to return Pakistan to constitutional governance. Which of course serves as a reminder to all of us that barely two and a half years after the country had adopted a constitution for itself, in 1956, the army had seen nothing immoral or politically wrong about subverting that constitution and seizing the state.

Justice Ibrahim, like Justice Munir and Manzur Qadir, was part of the initial Ayub dispensation. Unlike Munir and Qadir, however, he did not let his self-esteem, especially where his ideas of a need for parity between the two wings of Pakistan were concerned, lose itself in a celebration of the dictator. The entry for 7 August 1960 in the diaries speaks for itself:

'After the Economic Council meeting on the 20th of June 1960, when there was a sharp exchange of words between me and the President, I had my first interview with the President on the 21st of July at 7.45 pm at the President's House at Rawalpindi. In the intervening period he was staying at Murree. He received me with the utmost courtesy.'

It is obvious that Ayub Khan had met his match in his minister, that indeed he could not look forward to Ibrahim as a man who would do his bidding. Despite the dictator's unease with any mention of the travails East Pakistan was going through, Ibrahim remained focused on an issue that would in time lead to the final rupture. Ibrahim would not be there to witness the rise of Bangladesh, but that economic issues would cause an inevitable snapping of ties between the two regions of Pakistan comes through palpably in the diaries. As the year 1960 draws to an end, Ibrahim makes his personal anguish clear:

'It is now only three hours before the end of this year. My whole mind is concentrated on East Pakistan, and my sole concern is her five crore people. To me their future appears to be bleak. They have no voice in the administration of their affairs. What pains me is that I cannot give them any effective help. The odds are too many. Their own people are afraid of demanding anything for them. My sole ambition --- nay my only ruling passion is East Pakistan.'

Their own people? Justice Ibrahim is making an unambiguous though oblique reference to the other Bengalis who are in the cabinet with him and yet will not speak out on the issues affecting the country. **But Ibrahim has deep respect for A.K. Khan, then serving as industries minister in the regime. On his return from a tour of Japan with the president, Khan reports an incident to Ibrahim. In the judge's words:**

'He (A.K. Khan) called on me on the 2nd of January 1961 in the afternoon and said that he had about an hour's talk with the President about the Constitution and told him about the position of East Pakistan. He said that he had told the President that East Pakistan and West Pakistan could not be governed on any theory of one economy --- their economies were distinct and separate, and that trade, commerce and all other subjects should be given to the provinces, retaining only a few subjects at the centre such as defence, currency, foreign relations (excluding foreign trade). And that so far as the army was concerned, East Pakistan should be given parity or at least an East Pakistan army should be created composed of East Pakistanis. The President, thereafter, said "Then why don't you ask for confederation?".Mr. Khan had incidentally observed that East Pakistan could be governed not by force but by willing consent.'

A sense of prescience is at work here. Justice Ibrahim and A.K. Khan are simply making suggestions that would only a few years later become, courtesy of Sheikh Mujibur Rahman, the Magna Carta of the Bengalis. It is interesting to imagine that Ayub did not notice anything treasonous in his two Bengali ministers but did smell in Mujib's move in 1966 a well-laid out conspiracy to break up Pakistan. In 1961, even as Ibrahim and Khan minced no words in telling Ayub what he probably did not wish to hear, there were others from East Pakistan advising the president to take a regressive course of action. Khwaja Shahabuddin, then ambassador in Egypt and later to be minister for information, advised the military ruler not to go for a parliamentary form of government. Shahabuddin's sinister role was to move a step further some years later when he played an instrumental role in clamping a ban on Rabindranath Tagore in Bengali-populated East Pakistan.

Ibrahim's unhappiness with the regime would not come to an end. If anything, the political measures adopted by the authorities would only reinforce his belief that he could not remain a part of the administration any longer. He was distressed by the arrest of Huseyn Shaheed Suhrawardy in January 1962. As Ibrahim reports:

'During my interview with the President on the 5th of February 1962 I told him that the arrest of Suhrawardy was a blunder. He did not agree. In the course of our talk, the President betrayed his mind. "He (Suhrawardy) was arrested at Karachi, because if he had been arrested at Dacca which he had left a day before, there might have been an uprising." Now I understood why he had recently made a law providing for transfer of prisoners from one Wing to the other. It is a weapon to be used in case there is a political uprising.'

And then comes the climax, in the form of a draft letter of resignation. Note the draft:

'My dear President,

I have already submitted my views on constitutional problems for your kind consideration. I cannot agree with the decision taken by the Cabinet on the question of final allocations in its meeting on the 27th of January which unfortunately I could not attend for reasons of health. In the circumstances, this being a major issue I solicit your kind permission to tender my resignation hereby.'

The draft was not sent, however, to the President. It would not be until April 1962 that Justice Ibrahim would finally leave the cabinet. That was followed by a spate of news reports of his being placed under house arrest by the regime. But prior to that Ayub Khan would have announced his constitution. As the judge notes in his entry for 23 February 1962:

'Hafizur Rahman arrived this evening from Pindi. He will be going back to Karachi on the 28th of February, evidently to be there on the 1st of March 1962, when the President will be announcing his Constitution. I do not think that he is going to give up office. On the other hand, it seems that he will stick to it as long as he can, no matter what happens. He and A.K. Khan dissuaded me from resigning. They had been telling me that after the Constitution is launched they would resign with me if the Constitution was unfavourable to East Pakistan. I now realise, that was an eyewash.'

Ibrahim's bitterness speaks for itself. As he had feared and as many had anticipated, Ayub Khan had little wish to reopen the road to democracy. The constitution he imposed on Pakistan only ensured a continued exile for democratic pluralism through the initiation of his so-called Basic Democracy system. In that constitution were sowed the seeds of Ayub's own downfall less than seven years later. He would violate his own constitution by handing over power, on 25 March 1969, not to National Assembly Speaker Abdul Jabbar Khan but to the army commander-in-chief, General Yahya Khan.

Muhammad Ibrahim's letter of resignation, sent to President Ayub Khan on 11 April 1962, was accepted two days later. The letter of acceptance was again revealing of the rancour the dictator felt for his just-departed minister. Even as Ayub told Ibrahim that he would hold him 'in the highest of esteem', he shot a bitter arrow at the man:

'To be absolutely frank, it was the respect for your person and regard for decorum that prevented me from asking you to resign (a) long time ago as your health did not permit you to bear the weight that a Ministry like that of Law imposes on its incumbent.'

It is to be noted that the bitterness between Justice Ibrahim and Field Marshal Ayub Khan continued, as a further exchange of letters between the two men in June and July 1962 would reveal. In the four years remaining of his life, Justice Ibrahim would be inundated with requests from various political quarters to join politics, invitations he would graciously decline. In July 1962, Khan Bahadur Ismail invited him to be part of the public rally in support of the nine opposition leaders' statement made in defence of democracy. In January 1964, Sheikh Mujibur Rahman called on Ibrahim, to ask him to provide leadership to a revived Awami League. Mujib was to follow up on his offer subsequently. Tofazzal Hossain Manik Mia spent good time with Justice Ibrahim discussing Mujib's offer. Ataur Rahman Khan, at a meeting with Ibrahim, informed him that Mujib had been giving the impression that the Awami League would have Justice Ibrahim as president and Nurul Amin as vice president. Khan was peeved, or so Ibrahim believed, that he had not been properly approached by Mujib on the subject of his linking up with the Awami League.

Justice Ibrahim is dismissive of Altaf Hussain, then editor of Dawn and later to be Ayub Khan's minister for industries. In an entry on 4 April 1964, Ibrahim notes:

'Four to five days back Mr. Altaf Hussain, Editor of "The Dawn" who had been at Dacca for sometime, rang up for an interview. I agreed and he came at about 11.30 to 12 pm the same day. He said that he was trying to, or had come to (something like this) assess the situation in East Bengal. He talked for more than an hour. Mr. Altaf Hussain asked (for) my views as to how the two Wings can live together, and the disparity can be removed. I said, "Disparity cannot be removed, disparity can be buried. Each Wing should be autonomous and responsible for its own development and each must develop to its fullest capacity. Mr. Altaf Hussain said many things about his conversations with Suhrawardy. He asked (for) my opinion about President Ayub and incidentally told me that Khwaja Nazimuddin does not agree with the view that, "he is misguided by others. Not that, but he is a very shrewd man, he himself decides what he will do and make others do it." I avoided giving my views to Mr. Altaf Hussain. I just did not think it was necessary.'

These diaries are a necessary journey back into the past and not just because of the need for a study of the darkness that was the Ayub Khan era. The brighter side of those times was the presence of enlightened men such as Justice Muhammad Ibrahim in the socio-political arena, which was a message that there was indeed light at the end of the long tunnel. You end up feeling, though, once you have finished reading the diaries, that men like Justice Ibrahim --- and with him Justice M.R. Kayani, Justice S.M. Murshed, Justice Syed Mohammad Hussain, Justice K.M. Sobhan, Justice Abdur Rahman Chowdhury --- are a rare, even extinct species in our times. That is certainly reason to fear a new darkness around us.

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