

## Chapter 2

# POLITICAL DYNAMICS OF PAKISTAN

### Constitutional Development in Pakistan (1947-73)

- Analyze the political development in Pakistan from 1947-56. (1A,2016-G1)

A constitution consists of a set of rights, powers and procedures that regulate the relationships between various organs of the government; and between the government and the individual citizens. Constitution of a nation generally based on the basic ideals of the nation, customs, conventions, and authoritative commentaries. It is considered as a supreme law of the state. Its control may be exerted in a number of ways but the most common method is to provide the protection of the higher judiciary which is supposed to ensure that all political and administrative institutions would work with conformity to the constitutional laws and norms. A constitution reflects the longings of any nation and depicts its collective national thinking. The constitution provides protection to the basic human rights of the individuals and guarantees the national liberty. It explains the method of formation and powers of the administration, legislature and judiciary. It also projects the political system and national goals as well as its destination. So, the constitution making is an important task which needs special attention for its accomplishment.

After the partition of India a new independent and sovereign state of Pakistan emerged on the map of Pakistan. The new state had to carve out its own constitution based on the ideals and passions of the nation. Initially the government of India Act 1935, with certain modifications was adopted as the interim constitution of Pakistan. The interim constitution was supposed to stay till a new constitution, framed by the constituent assembly of Pakistan. Immediately after the creation of Pakistan it was

resolved that the task of constitution making will be given top priority and be completed in time. Quaid-i-Azam in his address to the constituent assembly of Pakistan at Karachi in 11 August, 1947 said while expressing his views on the constitution that the constitution making is very important work and it would need a period of one and a half or two years, as he thought. He presented the features of new constitution in his broadcast to the people of USA in February 1948, as

“The constitution of Pakistan has yet to be framed by the Pakistan Constituent Assembly. I do not know what the ultimate shape of this constitution is going to be, but I am sure that it will be of a democratic type, embodying the essential principles of Islam. Today, they are as applicable in actual life as they were 1300 years ago. Islam and its idealism have taught us democracy. It has taught equality of men, justice and fair play to everybody. We are the inheritors of these glorious traditions.....as framers of the future constitution of Pakistan. In any case, Pakistan is not going to be a theocratic state--- to be ruled by priests with a divine mission. We have many non-Muslims--- Hindus, Christians, and Parsis--- but they are all Pakistanis, they will enjoy the same rights and privileges as any other citizens and will play their rightful part in the affairs of Pakistan”.

## Constitutional Dilemmas

Contrary to the Quaid's expectations, it took almost nine years of the constituent assembly to make a constitution for the country. The process of constitution making in Pakistan was unduly delayed by the unavoidable hardships and political controversies. After the death of Quaid and Liaquat Ali Khan, the sacred and prime task of framing a workable constitution was ignored by the political players which were involved in the national politics. Apart from political intrigues and the difference of opinions on various points, there were a number of fundamental issues which can be divided in three parts such as;

- a) The initial problems confronted to the state.
- b) Problems of political nature.
- c) Constitutional and legal problems.

The detailed account of these problems is as follows. /

### ✓ a) Initial Constitutional Problems

#### 1) Settlement of Refugees

After the creation of Pakistan an influx of Muslim refugees especially from East Punjab poured into Pakistan. So, the settlement of great number of homeless and

*Qaid-i-Azam clearly asked that first and foremost problem strategies is to solve this*

distressed refugees was the foremost responsibility of the government. The government remained involved in humanistic problem and could not give full attention to the constitution making.

## 2) Depleted Administrative system

The government of Pakistan started with depleted administrative machinery with a few Muslim civil servants. There was no official infrastructure and even office material beside the lack of experienced staff. The early years of independence were mainly devoted towards replacing the old government machinery into a workable agent of political democratic system. Owing to involvement of leadership in these basic requirements, other necessary responsibilities could not be concluded in time.

## 3) Division of Military Assets

When Pakistan was created it had to face acute threat to its security. For the security and protection of its territories, Pakistan needed its own separate armed forces and military equipment. So the question of division of armed forces and army equipment was a task of an urgent nature, to be solved. Pakistan government stressed upon the division again and again but the Indian leaders created many difficulties. The equipment which was given to Pakistan was mostly in bad conditions, the machinery was obsolete and out of order.

## 4) Division of Financial Assets

At the time of partition, the Indian government had Bank Reserves of Rs.4 billion. After the division of this asset Pakistan was to get Rs.750 million. The first installment of Rs. 200 million was paid while the rest of the amount was stopped on one pretext or another at early stage.

## 5) The Water Dispute

The partition of Punjab had cut across the rivers and canals, making India an upper riparian of the rivers. India stopped the flow of canal water to West Punjab on 1<sup>st</sup> April 1948 causing dire threat of famine and loss of crops in the area. It was a damaging move undertaken by the Indian leaders to weaken the Pakistan economy.

## 6) Kashmir Conflict

When the subcontinent was divided, the state of J&K was ruled by Maharaja Hari Singh. The Maharaja came under immense pressure from the Muslims to announce the state accession to Pakistan. The Hindu ruler was hesitant in this regard. Due to his ill intention Muslim started protests leading to a rebellion of large scale. To suppress this violence the Indian government immediately deployed its armed forces in the

Kashmir. The people of Kashmir along with volunteers of tribal areas resisted the forces and a regular fight started in the valley. At last India made an appeal to UNO on 1<sup>st</sup> January 1948 for ending the war due to his bad military position. The accession of Kashmir and other princely states were the significant problems as life and death for Pakistan so the Pakistan government had to take measures on such problems.

### ✕ b) Political Problems

After the creation of Pakistan various problems of a political nature appeared in the centre and in all provinces which had caught the attention of Pakistani government.

- 1) There was a Congress supported government of Dr. Khan Sahib in NWFP presently KPK. The ministry was removed in early days due to its suspected loyalties to Pakistan. Similarly, other provincial ministries coming afterwards also could not gain stability and kept on changing after short intervals.
- 2) Muhammad Ayub Khoro was CM in Sindh. Its ministry was blamed for nepotism and misuse of power. So, it was replaced by the Pir Illahi Bakhsh ministry. The problems of political instability remain in place and ultimately the governor raj was enforced in the province.
- 3) In Punjab, initially the Mumdot ministry was established. After a few days, a rivalry between Iftekhar Mamdot and Mumtaz Doltana started which parted the Punjab Assembly in two groups. Consequently, on 24 October 1949 governor raj was enforced after removing the ministry.
- 4) The political condition of Bengal was not much different from the other provinces. Since early days, Moulana Bhashani raised a separate group in Bengal assembly. The gulf between the rival groups further increased due to the lingual conflict. In this way provincial government remained unstable and weak in those days.
- 5) Such political instability also appeared in the centre after the murder of Liaquat Ali Khan. Owing to mutual political differences and weak cabinets, all Governor Generals found the opportunity to call the shots. They kept on taking unconstitutional steps, the ruling elite were engaged in saving their power and privileges, consequently the matters of national interests were being ignored.

### ✓ c) Constitutional and Legal Problems

The following severe constitutional problems remained a hurdle in constitution making.

### 1) Islam or Secularism

The members of the constituent assembly, first of all were pinched into the most sensitive situation of deciding the role of Islam in the constitution. Most of them had a general agreement that the constitution of Pakistan should be based on Islamic ideology and principles but there were differences about the exact place of Islam in the political system, while a few, like Mian Iftikhar and some Hindu members wanted a secular system for the country. Thus the framers of the constitution had to spend considerable time and energy in reaching up to a commonly accepted nature of the constitution.

### 2) Nature of Federation

The nature of the federal structure was also a complicated issue in the constitution making process. Though there was a consensus on the system that it would be of federal nature yet serious differences in the shape and structure of the federal system were being raised. The politicians of western part were supporter of strong centre while the eastern ones demanded maximum provincial autonomy under the federal system. This issue remained bone of contention for a long time in Pakistan.

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### 3) Cultural and Lingual Differences

These diversities among the Pakistani nation were so complex that those differences haunted the constitution makers. The West Pakistan was predominantly Muslim, supporting Urdu as a national language while East Pakistan had large number of Hindu minority and was supporter of Bengali language. The difficulties and differences were later on manipulated by the extremist and opportunist politicians who incited the people and aggravated the feelings of provincialism. They not only damaged the sentiments of national unity but also delayed the task of constitution making.

### 4) Representation in Federal legislature

Provincial representation in federal legislature was the core issue of constitution making. The politician of eastern wing demanded the representation on the basis of population while the members of western wing stressed upon the equal representation of both wings. This issue could not be resolved for years.

### 5) Geographical Distance

Pakistan was such a country which had two separate wings having distance of 1600

km between them. The distance created economic and political misunderstandings due to lack of frequent interconnection. With the passage of time, such differences enhanced and mistrust increased that affected the constitution making process.

### 6) Type of Franchise

During the constitution making process, the question whether the system of separate electorate or joint electorate will be adopted, arose in the constituent assembly. The members of the assembly had different opinions on this issue. The politicians belonging to Muslim League and United Front supported the system of separate electorate while the Awami League and Republican members opposed the system.

### 7) Vacuum of Leadership

After the demise of Quaid, a vacuum of leadership emerged in the political scene of Pakistan and when Liaquat Ali Khan was murdered the body politics of Pakistan was deprived of capable and sincere leadership. After the death of Quaid and Liaquat Ali Khan, the ruling party, Muslim League, was extremely in weak position, the task of constitution making was in the hands of such politicians which were interested only in power politics instead of national politics and were engaged in palace intrigues making and replacing the cabinets. This leadership later on, affected the matters of national interest.

## First Constituent Assembly

The elected members of Imperial Legislative Council which were elected in the elections of 1945-46 and belonged to the territories of Pakistan or migrated from India to Pakistan were declared the members of constituent Assembly of Pakistan. The initial strength of the members was 69, comprising on 49 from Muslim League 16 from Congress and 4 independent. Later on the strength was enhanced up to 79 giving the representation of various states and FATA. The first constituent assembly met for the first time on 10th August, 1947 and elected Quaid-i-Azam as a president. Later on Moulvi Tamiz-ud-Din was elected as the speaker. The assembly was assigned the dual job of,

- Framing the constitution,
- To act as federal assembly

Objective

## Objectives Resolution 1949

12 March 1949

- Write a comprehensive note on Objectives Resolution. (1A, 2015-G1)

Despite various hurdles on the path of constitution making and other urgent attention diverting matters, the task of constitution making could not be postponed for a longer time. After the continuous deliberations, the assembly passed a resolution on 12th March, 1949. The resolution included all the guiding principles on which the future constitution of Pakistan was to be framed. The important points of the resolution were follows:-

### 1) Sovereignty of Allah

The resolution pronounced that sovereignty over the entire universe belonged to the Almighty Allah and the authority delegated by Him to the people of Pakistan was only a sacred trust.

### 2) Democratic System

The objectives resolution stressed upon the observance of democracy and establishment of a democratic system based on the principles of Islam.

### 3) Observance of Islamic Principles

It was resolved that Islamic principles such as freedom, equality, and social justice as enunciated by Islam shall be observed.

### 4) Islamic Way of Life

The Muslims shall enable to live their individual and collective lives in accordance with the teachings of the Holy Quran and Sunnah.

### ★ 5) Protection to Minorities

It also recognized the rights of minorities to freely profess and practice their religion and culture.

### 6) Guarantee to Fundamental Rights

It stipulated that exercise of fundamental rights should be guaranteed.

### 7) Independence of Judiciary

It provided for the independence of Judiciary which will be free from any type of pressure.

### 8) Federal System

It was resolved that Pakistan shall be a federation in which provinces would enjoy autonomy within the constitutional limits.

### 9) Development of Backward Areas

It was mentioned in the resolution that such arrangements would be made for remote areas and backward communities to develop them so that they can avail equal opportunities in national progress and prosperity.

### 10) Security of Pakistan

The complete arrangements for the integrity of the country and protection of all the territories included in the federation would be made. Moreover, it will be the responsibility of government to take suitable steps for this purpose.

### 11) Foreign Policy

It is highlighted that the establishment of good relations with other countries would be the guiding principles of foreign policy of Pakistan.

So, that internally the people of Pakistan would be provided with all opportunities of progress in order to lead a prosperous life and externally they could acquire complete freedom and respectable status, so that they can play their role in the welfare of human being.

### Comments on the Objectives Resolution

The resolution was discussed in five successive meetings of the constituent assembly.

The Congress members raised objections on the plea that the resolution had mixed up politics with religion and the minorities would be reduced to the status of slaves in the society. The leader of Congress party criticized the resolution and said that resolution would make the non-Muslims 'drier of water' and 'hewer of wood'. Mian Iftikhar-ud-din who was a liberal leader, stressed on the revision and observance of social justice and social protection for the poor. He said while analyzing the resolution; "Had we brought in such safeguards for them (workers class), then only would it be possible for us, to give the people of Pakistan, a real Islamic democracy".

The western educated members like Malik Ghulam Muhammad and Hashim Gazdar stressed upon the modern democratic state. Prime Minister Liaquat Ali Khan while replying the objections said the system of government would be combination of democracy and Islam, the rights of minorities would be cared for, all the citizens would be given equal rights and social justice would be upheld under this constitution. More than that, the principles of liberty, equality and tolerance batter than the



Western democracy would be adopted. Islamic Republic of Pakistan would be a democratic state. It would not be a theocratic state. The logical arguments of the Prime Minister impressed most of the members and the resolution was passed with majority.

### Importance of the resolution

- 1) It was the first solid step towards the constitutional framework of Pakistan. This resolution settled the aims and objectives of the future constitution and made the task of constitution making easy.
- 2) The resolution in which the sovereignty of Allah Almighty was pronounced, gave salvation to the citizens from human slavery.
- 3) By the objectives resolution the principle of democracy which will be run by the representatives of the people, was adopted instead of theocracy
- 4) All the reservations of the minorities were removed by ensuring the protection of their rights.
- 5) It is considered as the Magna Charta in the constitutional history of Pakistan. Owing to its significance, the resolution was included as preamble in all the constitutions and was made part of the constitution of 1973 by the eighth amendment in 1985.
- 6) The resolution rejected the concepts like western democracy, and secularism etc.
- 7) This resolution created consensus among the nation, all the segments of society like intellectuals, Ulema, minorities and public opinion makers supported the resolution. ✓

### Basic Principles Committee (BPC)

After agreeing on the fundamental principles of future constitution through the objectives resolution, a committee comprising on 25 members, was constituted for the preparation of the constitution. To make it more powerful, the federal and provincial cabinets were asked to support the committee in its working. It was assigned the job of determining the detailed features on which the constitution would be based. The BPC on its part set up sub-committees to examine separately important issues

- 1) Sub-committee for the division of Powers
- 2) Sub-committee for Franchises *electorate*
- 3) Sub-committee for Judiciary
- 4) Sub-committee for Basic Human Rights