

Constitution making delays

Immediate problems

When Pakistan came into being it had to face more pressing issues that needed immediate redressal. With Partition, millions of Muslim refugees flooded into Pakistan to escape the ruthless persecution and massacre in different parts of India. Their accommodation, shelter, clothing, food, medication had to be ensured before long term measures were taken for their permanent settlement.

Similarly, on April 1, 1948, India blocked river water coming from Kashmir through Indian territory putting the very survival of Pakistan in Jeopardy. The new state was to be started from scratch as it faced a crippled economy and vulnerable security. To make things worse, India did not give the agreed share of Pakistan's military and financial assets. These and similar other immediate problems left little time and energy to work on framing a new constitution for Pakistan.

Death of Quaid e Azam

The death of Quaid -i-Azam was one of the reasons for the delay in the constitution-making. Quaid had given an outline for the future constitution of the country while addressing the first constituent assembly of Pakistan on August 11, 1947. But he died on September 11, 1948, before he could give a constitution to his people. Had he lived longer, he would have resolved the constitutional dilemma by using his leadership and non-controversial status.

Disagreement over Parity of Representation

The first step was taken towards constitution-making in Pakistan with the passage of Objectives Resolution by the Constituent Assembly on 12 March 1949. The constituent Assembly had delegated a task of drawing basic principles to a committee in light of the set objectives of the resolution for future constitution-making.

The committee known as the Basic Principles Committee presented its first Report recommending parity of representation in the central Assembly. The proposal of equal membership at the center was resented by East Pakistani members of the constituent Assembly. They were of the view that their representation should be more as they were a majority in the new state. West Pakistani politicians did not want a dominant East Pakistan in the central Assembly. Consequently, no agreement was reached and the constitution-making process was delayed.

Language issue

The Basic Principles Committee had also proposed Urdu to be declared as the national language of Pakistan. Urdu as the national language was also opposed by East Pakistani members of the assembly. They demanded to make Bengali as the national language since it was the languages of the Majority of people – Bengalis formed 56% of the total population of the new country. So language controversy

Even Quaid wanted Urdu.

51% East

13% West ←

along with the issue of representation at the center caused a type of deadlock in constitution-making in the country.

Political Rivalry and Corruption

After the sad demise of the Quaid, Muslim League fell victim to intrigue and disunity. Intense internal strife and selfishness brought about disintegration in the party. Party fell into the hands of opportunists who resorted to undemocratic ways and means, indulging in political mischief and intrigue. Consequently, little attention was paid to constitution-making.

Increasing Influence of West Pakistan dominated Bureaucracy and military

With the death of Prime Minister Liaquat Ali Khan, bureaucrats made inroads to the power corridors. A ^{ruling elite} bureaucrat, Ghulam Muhammad was made the Governor-General who did not hesitate to dismiss elected prime ministers, the constituent assembly itself and paved the way for retired and in-service military personnel in the politics. He made Sikandar Mirza, a retired General as Governor-General who appointed Ayub Khan, the Commandant in Chief of the Armed forces as Foreign Minister. Moreover, ^{in chief by politicians} extension was given to the first Commander West Pakistani politicians, bureaucrats and generals did not want to give East Pakistan their due political and democratic rights. Hence, any proposals made with regard to the constitution seemed to go against the wishes and expectations of East Pakistan creating a tussle in the constituent assembly.

→ They wanted East to be a colony with no share in military, bureaucracy

^{disagreement over system of Govt.}

→ There were issues b/w parliamentary and Presidential systems.

- East Pakistan preferred parliamentary as it wanted power to rest with provinces.
- West Pakistan preferred presidential as it wanted power to rest with centre.

→ Conflict b/w separate → joint electorates.

West Pakistan wanted separate while East wanted joint.

→ Objective Resolution 1949

- Discussed sovereignty and authority of Allah.
- Constitution should observe the principles of democracy, freedom, equality, tolerance and social justice as laid down by Islam.
- Muslims should be able to lead their lives according to Islamic principles.
- Rights of minorities.
Other religious groups should be able to practice their religion freely.
- Minorities & the poor would be legally protected from social injustice.
- All fundamental human rights should be guaranteed.
- The legal system should be independent of Govt.
- IR peace restoration
- power will be given to people to elect representatives through vote
Democracy.
NA
↓
Senate
- Federation secure all parts irrespective of area, population will address issues of all people.

→ 1st Basic Principles Committee 1950

- Committee recommended bicameral legislature with equal powers.
- President was to be selected by the joint session of the two houses.
- Urdu to be the official language.

Opposition

- East → representation / language.
- Provincial politicians objected to the power being given to the Head of State & Federal Govt.
- Religious parties complained constitution not sufficiently Islamic.

→ 2nd Basic Principles Committee 1952

Equal representation

→ 3rd Basic Principles Committee Bogra formula
Parity formula.

→ One Unit Scheme 1956-1970

One unit policy unified 4 provinces of West Pak into one. So now there were two provinces West & East.

→ 1956 Constitution.

- Parliamentary structure
- Federal structure with centre + provinces
- Provincial autonomy
- Independent judiciary
- Secure fundamental rights
- Guiding principles to strengthen foreign relations given
 - eg natural allies → Muslim states on priority
- Islamic provisions
 - State name, religion, Quran & Sunnah supreme law.

→ Decade of Instability

- ① Involvement of civil + military bureaucracy.
Competent in their role ⁱⁱⁱ eg Ghulam Muhammad
(Governor General later) Muhammad Ali Bogra (Ambassador
in ~~Canada~~ ^{America}), Chaudhary Muhammad Ali (decided budget
in Interim Govt. United India)

However, their intervention in Govt. affairs was
a problems.
dictated things

- i) Military → Ayub Khan Commander in Chief
suspicious role
ii) Iskander Mirza (East Pak Gov, finance minister
imposed first martial law)

critical role of trika
imposed laws / abolished

② Lust for power

- Military bureaucracy believed that civilians + politicians could not rule so power somewhere else
 - So wanted to be part of power corridor + were part of conspiracies to achieve power
 - Finally, imposed martial law + took control by pushing aside civilians + politicians
- Martial law imposed by Iskander Mirza
after 20 days gunpoint resign + out of country
Ayub Khan in power.

From Register:
Lecture notes

Date: _____

iii) Lack of leadership ^{Laubre}
no leader after Quid with the ability to run such a country
no constitution

iv) Power distribution ^{Strong centre}
East/West Federal/Provincial (delay of constitution waly reasons)

v) System of Government
Parliamentary/Presidential
↓
East provinces power strong centre West

vi) Lingual conflict
Urdu vs Bengali
↓
majority → secondary

vii) Seperate & joint electorates
↓
East West → (East Pak majority would stay there)

viii) Minority rights → secure rights (political/economic)
Quaid 'Modern democratic welfare state' concept

ix) Enactment of Assembly
assembly dissolved by Ghulam Muhammad Khan
although consensus on 3rd BFC to form new constitution
↓
issue: discussion over Governor General powers curtail
rather solve the issue dissolved assembly

x) Lack of democratic condition
democratic traditions when elections again & again but no general elections in Pak 1910
when elections system refines/matures first GE.
Old people elected again & again. hence state lacked in democratic traditions

xi) Weak & short lived civilian governments
power exercised by others. → short tenure plans/schemes no completed no investment
System not refined.

xii) No election → 1958 martial law
have no democratic traditions (x & xi)

xiii) Delay in constitution
if constitution → state in right direction
plans 3yr 5yr accomplished.

xiii) Supremacy of West Pakistan.

xv) Serving military^{person} in Government. Defence minister Ayub Khan

xvi) Failure of political parties