

Post-Partition

Constitutional and Political Development

Process of Legislation

Emergence of Pakistan

- End of World War II
- Changing geo political scenario
- Cold war
- U.S as a super power
- Decolonization
- Crippling circumstances in Europe
- Jinnah changed the course of history
- Fulfillment of Two-Nation Theory
- Nation-state system

Post-Partition

- Jinnah achieved the country democratically and constitutionally
- Its emergence was miracle
- Unfortunately, he remained unsuccessful to draw the political, economic, and religious map of the newly born state.
- Selection of capital, New Constitution, Language issues, administrative issues, boundary settlement, issue of Pakhtunistan

Post-partition Problems:

- Division of assets
- Financial assets
- Military assets/ Military's division
- According to agreement 75 crore were to transfer to Pakistan but it only received 20 crore
- There was dearth of experienced officers in Pakistan in terms of military
- Pakistan did not get any ordinance factory
- Defense of Pakistan was weak

Administrative problems

- Shortage of trained man power, equipment and infrastructure
- Communal riots and refugees
- Massacre on large scale
- Massive migration
- Issue of Provincial governments
- Karachi was hub of metropolitan activities
- Financial instability
- Political vacuum

Integration of Princely states

- Junagarh-majority population was Hindu but ruler was Muslim
- Hyderabad-majority population was Hindu but ruler was Muslim
- Mountbatten discouraged Nizam and signed standstill agreement
- India sent its troops in Sep 1948 in Hyderabad
- Invasion of Hyderabad

Issue of Water

- Canal water problems
- Kashmir was naturally and geographically linked to Pakistan
- The major rivers flow from Kashmir and some canal heads were located in India
- In 1948, India cut off water to some canal
- Indus water treaty 1960
- Shortage of water
- Violation of international treaty by India

Economical issue

- Issues of trade
- Poor industrial base
- India devalued its currency in 1949
- India's aggressive policies
- No administrative machinery
- Lack of expert labor
- No central bank

Issues

- Political
 - Administrative
 - Economic
 - Military
 - Vested interests of politicians
 - Political instability
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- How did these issues affected the governance system of Pakistan?

Objective Resolution 12 March 1949

- At the time of the creation of Pakistan there was no constitution
- The Constituent Assembly was facing challenges
- Quaid-i-Azam enforced All India Act 1935 with certain amendments
- He wanted smooth functioning of state
- The birth of Pakistan was on modern times
- It was established as a Modern State
- The first PM of Pakistan Liaquat Ali Khan presented the Objective Resolution in the First Constituent Assembly on March 7, which was passed on March 12th 1949.

Objective Resolution

- The reason of Islamic ideology was behind Pakistan
- Establishment of 'Basic Principle Committee'
- It was opposed and criticized by minorities leaders.
- It was an Islamic resolution
- It was considered as a framework for the Pakistani legislation
- It was considered as a Preamble for the constitutional framework

Objective Resolution

- It was also known as Magna Carta in the constitutional history of Pakistan
- Importantly it was declared through democracy not theoretically
- Two school of thoughts
- Secular school of thoughts
- Religious school of thoughts
- Religious aspects were endorsed in the Objective Resolution
- It was designed haphazardly

Objective Resolution

- It was a guideline to make a constitution
- It was first step towards Islamization in Pakistan
- It was almost debated for five days in the assembly
- Minorities were having issues

Secularism

- Indifference to religion
- Exclusion of religious considerations
- Separation of religion from Church
- Renaissance in Europe
- Era of Enlightenment

Salient Features

- Sovereignty of Allah
- Islamic democracy
- Islamic Principles
- Islamic way of living
- Protection of minorities
- Federal form of Government
- Fundamental rights, toleration, freedom, equality
- Free Judiciary
- National Language

- Critique by minorities

Salient Features

- Protection of Boundaries of Pakistan
- Source of Law
- Accountable Government
- Democratic system of Government
- National Development
- Freedom of thought and expression

Objective Resolution

- It was consist of 234 Articles
- 13 parts
- 6 schedule

Constitutional Development of Pakistan

- Constitution is the supreme law of the land
- Basically it is consist of basic principles that guide how a country or state works
- Two types
- Written/unwritten
- Nature of Constitution
- Structure of Constitution
- Drafting of Constitution
- Implementation of Constitution

Constitutional Development in Pakistan

- Islamic ideals
- Issues in delay of first Constitution
- Pakistan got its first constitution after 9 years
- Power politics
- Muslim League was facing decay
- Hegemonic role of military
- Confrontational circumstances
- Role of elites

Constitution Development in Pakistan

- Constitutional Assembly designs the constitution
- Members of Muslim League
- Jinnah was the first President and speaker of Constituent Assembly
- 1948-Jinnah's untimely death
- 1948-After Jinnah's death Khwaja Nazimuddin became second Governor General of Pakistan
- 1948-Maulvi Tamizuddin became the second speaker of Constituent Assembly
- 1948-Liaquat Ali Khan was the first PM of Pakistan

Constitution of Pakistan

- Establishment of Islamic political system
- Lack of confidence in politicians and establishment
- Role of industrialists

Structure of Constitution

- Legislation
- Basic principle committee designed the structure of constitution of Pakistan
- This committee was chaired by Maulvi Tamizuddin
- To formulate basic constitution of Pakistan in the light of Objective Resolution
- It presented its report in 1950

Constitutional Development of Pakistan

- President of Pakistan will have tenure of five years
- Bicameral Legislature
- House of Unit (Senate)
- House of People (National Assembly)
- Equal representation of provinces
- Seats in assembly according to population

Constitutional Development in Pakistan

- President will dissolve the assembly
- National language will be Urdu

Reaction

- There was aggressive reaction from East Pakistan
- Confusion about seats
- Critique on Urdu language
- 55 % Pakistanis were Bengali and used to speak Bengali language
- Marginalization of minorities
- The report was dismissed
- Liaquat Ali Khan was assassinated

Constitutional Development

- Khwaja Nazimuddin discharged his duties as a Governor General and became the PM of Pakistan after the murder of Liaquat Ali Khan
- Ghulam Muhammad was the third Governor General of Pakistan
- He was the first Finance Minister of Pakistan as well
- He removed the government of Khawaja Hazimuddin
- Third Prime Minister of Pakistan was Muhammad Ali Bogra
- Bogra Formula 1953

Constitutional Development

- Second report of Basic Principle Committee
- President must be Muslim
- Issues of religious state
- Issue of national identity
- Next assembly will decide about the issue of language
- Bicameral legislature
- Council of Ministers and its role

Muhammad Ali Bogra formula

- It resolved constitutional issue of representation
- 7th October 1953
- Issue of East and West Pakistan
- Constitutional issue was resolved
- Lower House, East Pakistan got 165 seats, West Pakistan got 135 seats
- Upper House, East Pakistan got 10 seats, West Pakistan got 40 seats
- Population was in majority in East Pakistan

Muhammad Ali Bogra Formula

- He abolished the powers of Governor General
- Ghulam Muhammad removed the entire cabinet of Muhammad Ali Bogra
- He dissolved the constituent assembly
- Establishment of one unit
- East Pakistan became one unit
- Sikander Mirza became fourth Governor General of Pakistan

Governor Generals

- Quaid-i-Azam
- Khawaja Naziumddin
- Ghulam Muhammad
- Sikander Mirza

Prime Ministers

- Liaquat Ali Khan
- Khawaja Nazimuddin
- Muhammad Ali Bogra
- Chaudhry Muhammad Ali
- Hussain Shaheed Suhrawardy
- Ibrahim Ismail Chundrigar
- Malik Feroz Khan Noon

Constitution of 1956

- Given by Sikander Mirza
- 23 March 1956
- It was abrogated in the 7th Oct 1958
- First Martial Law
- Islamic Republic of Pakistan
- Objective Resolution was included as a Preamble in the constitution

Salient Features

- Federal System
- It provided federal system in the country
- Power was divided among the center and the provinces
- Pakistan was federation
- One unit
- West Pak (Punjab, Sindh, N.W.F.P, Baluchistan)
- East Pak (Bengal)

Salient Features

- Parliamentary System
- Head of the state, President
- Head of the govt, PM
- Power was divided
- PM formed the govt/cabinet
- Electoral democracy

Salient Features

- President and PM must be Muslim
- Tenure was of five years
- President could appoint Governors
- PM and his cabinet
- Cabinet was answerable to assembly

Salient Features

- Fundamental rights
- Language, (Urdu-Bengali)
- Unicameral Legislature
- It was consisted of only one house
- National Assembly (300 members)
- Independent Judiciary
- A Supreme Court was Constituted
- Its head was Chief Justice

Salient Features

- Islamic Law
- It was passed by Parliament
- Its article were 234, 13 parts, 6 schedules
- Semi rigid constitution
- Direct election method
- Voting age was 21 years

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- How it failed?
 - Changes of cabinets
 - Extra constitutional adventures
 - Corruption scandals
 - Distrust of public
 - Lack of political education among masses
 - Vacuum of high caliber leadership
 - Lack of healthy democratic political culture