

HUM 117 PAKISTAN STUDIES

Lecture 04 Dilemma of Constitution Making in Pakistan

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Introduction



- The Constituent Assembly (1947-54)
- Objective Resolution(1949)
- Features of the Objectives Resolution
- Importance of Objective Resolution
- Objections Raised
 - i. By Non Muslims
 - ii. Constitutional Issues
- Basic Principle Committee Reports
- Muhammad Ali Bogra Formula
- Reaction to Bogra Formula
- Criticism on BPC Reports

Introduction



- Dissolution of First Constituent Assembly
- Second Constituent Assembly (1947-54)
- One Unit Scheme, Oct 1955
- 1956 Constitution
- Dissolution of 1956 CA

Objective Resolution(1949)



- The first constitutional document that proved to be the ‘foundation’ of the constitutional developments in Pakistan.
- It provided parameters and sublime principles to the legislators
- It was Moved by Liaquat Ali Khan, the then Prime Minister of Pakistan

Features of Objective Resolution

- Sovereignty belongs to Almighty Allah alone
- Authority delegated by Him through the People to be exercised within the limits permitted
- Constitution is to be framed for Sovereign Independent Pakistan
- Power will be exercised through elected Representatives of People.
- Democracy, freedom, equality, tolerance and Social justice will be as dictated by Islam.
- Enabling Muslims to live in accordance with the teachings of Islam.
- Minorities will have total freedom to profess and practice their religion and develop their culture
- Safeguarding the legitimate interests of minorities, backward and depressed classes.

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- Pakistan shall be a Federation with autonomous units. State's sovereignty and territorial integrity will be protected.
- People of Pakistan should prosper and attain their rightful place in the comity of nations and make contribution towards international peace and progress and happiness of humanity

Importance of Objective Resolution



- Sovereignty of Allah was declared as distinctive political philosophy
- Unlike Western democracy where sovereignty lies with people
- The limits were provided to exercise powers are to be the ones given by God
- Minorities were given their due rights and respect in the benign society of Pakistan.
- Provided a framework for future constitutions of Pakistan
- It embraced the centrality of Islam in the constitutional framework
- It remained the preamble of all constitutions of Pakistan

Objections Raised



By Non Muslims:

- Government trying to mix religion with politics and was against the spirit of democracy
- Sovereignty of Allah will promote inequality in the society
- They viewed Sharia was not in conformity with modern time
- Will encourage the establishment of a theocratic state

Constitutional Issues



1. Federalism
2. Representation
3. Separate or Joint Electorate
4. National Language Issue
5. Parliamentary or Presidential system
6. Islamic or Secular State

Federalism



There was consensus on federalism but yet there were many issues to be settled. Pakistan consisted of two parts

- Division of power was the most difficult part between two wings and also among the provinces
- Provinces were demanding more Autonomy and Provincial Rights
- Strong Centre tradition continued in 1956 as well.