

Constitutional Development in Pakistan

OBJECTIVES RESOLUTION

Salient Features

- ❖ Sovereignty belongs to Allah
- ❖ Islamic Democracy
- ❖ Freedom, Equality, Tolerance and Social Justice
- ❖ To guarantee minority
- ❖ Ensure fundamental rights to all citizens.
- ❖ Pakistan shall be federation
- ❖ Independence of judiciary

Causes of Delay in Constitution Making in Pakistan

- **Feelings of Distrust between the Eastern and Western Wing**
- **Division of Power**
- **Controversy over Ideological Basis of the Country**
- **Controversial Reports of Constituent Assembly**

The Constitution of 1956

Salient Features

- ❖ **Written Constitution**
- ❖ **Preamble**
- ❖ **Flexible constitution**
- ❖ **Parliamentary System**
- ❖ **Unicameral Legislature**
- ❖ **Federal State**

- ❖ **Elected President**
- ❖ **Independent Judiciary**
- ❖ **Single Citizenship**
- ❖ **Fundamental Rights**
- ❖ **Directive Principles of Policy**
- ❖ **National Economic Council and Finance Commission**
- ❖ **Islamic Provisions**
- ❖ **National Language**

Causes of Failure of 1956

Constitution

- **Undue Interference by President in Politics**
- **Parity between East and West Pakistan**
- **Demand for maximum Autonomy for provinces**
- **Absence of Majority party**
- **Lack of organisation and discipline**
- **Lack of Experience of Parliamentary System**
- **Lack of Elections**

The Constitution of 1962

Salient Features

- ❖ **Written**
- ❖ **Federal Republic**
- ❖ **Rigid Constitution**
- ❖ **Unicameral Legislature**
- ❖ **Principle of Policy**
- ❖ **Presidential System**
- ❖ **Independence of Judiciary**

- ❖ **Close Harmony between Executive and legislature**
- ❖ **Indirect Elections**
- ❖ **Provision of Punishment**
- ❖ **Superiority of Centre over Provinces**
- ❖ **Fundamental Rights**
- ❖ **Islamic Provisions**
- ❖ **National Language**

Causes of Failure – 1962

Constitutions

Salient Features

- **A dictated constitutions**
- **Undemocratic**
- **Indirect Elections**
- **Defect Basic Democracy**
- **un Islamic Measures**
- **No principle of check and balance**
- **Suspension of Fundamental Rights**
- **Miss use of power**

The constitution of 1973

Salient Features

- ❖ **Popular Democratic Constitution**
- ❖ **Written Constitution**
- ❖ **Preamble**
- ❖ **Rigid Constitution**
- ❖ **Federal State**
- ❖ **Parliamentary form of Government**
- ❖ **Bicameral Legislature**

- ❖ **Principal of Policy**
- ❖ **Direct Election**
- ❖ **Independence of Judiciary**
- ❖ **Fundamental Rights**
- ❖ **Islamic Provisions**
- ❖ **Single Citizenship**
- ❖ **National Language**

Islamic Provision of 1956 & 1962

Constitution

- ❖ The name of the country will be Islamic Republic of Pakistan.
- ❖ An Islamic Advisory Council consisting of twelve persons shall be set up.
- ❖ Sovereignty of Allah Almighty was reaffirmed.
- ❖ The Islamic Advisory Council shall be set up three years.
- ❖ The Islamic Advisory Council shall give suggestion to mould the laws in accordance with the Islamic principles.
- ❖ The president of Pakistan shall be a Muslim by faith and belief.

Islamic Provision of 1973

Constitution

- **Islam will be the state religion.**
- **President and Prime Minister must be Muslim by faith and belief and they should also be professing faith in the finality of Prophethood.**
- **Clear and concise definition of Muslim was laid down on the constitution.**
- **All laws of the state shall be brought in conformity with the injunctions of Islam.**

Islamic Provision of 1973

Constitution

- **The govt will take all possible steps to impart education of Islamiat and the Holy Quran.**
- **The President and Prime Minister will take oath and openly express their faith in the Holly Quran and the finality of Prophethood.**
- **Islamic Advisory Council will be set up to bring the existing laws of the country in conformity with the Islamic provision.**
- **Steps will be taken to introduce interest free banking system in the country in the light of Islam.**

Steps taken towards Islamisation

- ❖ **Establishment of the Federal Sahariat Court.**
- ❖ **Enhancement of Haddood Laws.**
- ❖ **Zakat and Usher ordinances.**
- ❖ **Interest free banking.**
- ❖ **Establishment of Shariat faculty.**
- ❖ **Establishment of Law Commission.**
- ❖ **Wafaqi Mohtasib.**
- ❖ **Salat Committee.**
- ❖ **Ahtraam-e-Ramazán.**

Steps taken towards Islamisation

- ❖ **Wearing of national dress.**
- ❖ **Qasas and Dieat.**
- ❖ **Ordinance for respect of Holy Prophet (Peace Be Upon Him), Ahle Bait and Sahabas (Companions).**
- ❖ **Compulsory Education of Islamic Studies.**
- ❖ **Sanads of Darse Nizami made equal to MA degree in Islamic Studies and Arabic.**

Hindrances in way of Islamisation

- **Attitude of decision makers.**
- **Role of political parties.**
- **Unfair distribution of wealth.**
- **Contrast in theory and practice.**
- **Defective education system.**
- **Role of media.**
- **Distortion of culture.**
- **Corruption and nepotism.**
- **Attitude of religious elite.**