

## Foundations of constitution making in Pakistan: A revisionist discourse

<sup>1</sup> Dr. Mazher Hussain, <sup>2</sup> Dr. Shahid Hassan Rizvi, <sup>3</sup> Dr. Aftab Hussain Gillani, <sup>4</sup> Saeed Ahmad

<sup>1</sup> Lecturer, Department of History, the Islamia University of Bahawalpur, Pakistan.

<sup>2</sup> Associate Professor, Department of History, the Islamia University of Bahawalpur, Pakistan.

<sup>3</sup> Associate Professor, Department of Pakistan Studies, the Islamia University of Bahawalpur, Pakistan.

<sup>4</sup> PhD Scholar, Department of Pakistan Studies, the Islamia University of Bahawalpur, Pakistan.

### Abstract

M. A. Jinnah (1876-1948) himself proved a great constitutionalist. He clearly drew the future contours of the proposed country's constitution a decade ago with his speeches and statements he made on different occasions. However, the politicians of different strata interpreted them differently in the wake of their vested interests; rightists, leftists, and secularists were significant of these stakeholders. One can revisit these ideals from the eye of a 'revisionist' and reinterpret the subsequent discourse accordingly. The ongoing discussion is a careful study of the constitution framing pursuits for the first constitution of 1956 from the revisionist view point.

**Keywords:** Constitution Making, the Objectives Resolution, Communists, Secularists, Islamization

### Introduction

Religion and politics in Pakistan go side by side. However, the progressive factor introduced itself as a strong stakeholder in the power play right after the independence comprising secularists, liberals, leftists—both Communists and Socialists. As far as the Islam as a socio-political force is concerned its sway can be traced back to the times of Arab traders, followed by military expeditions in the 8<sup>th</sup> century A.D. onwards. As a matter of fact the latter had a little impact on the spread of Islam, which, in turn was spread extensively by the efforts of those religious scholars and luminaries who came to the region, stayed over here and started educational institutions, especially after the establishment of the *Delhi Sultanate* in 1206. Between 13<sup>th</sup> and the mid-19<sup>th</sup> century, a number of Muslim dynasties ruled over the subcontinent, and during the time Islam spread gradually without any large-scale forcible conversion. On the whole, the attitude of the Muslim conquerors had been one of toleration <sup>[1]</sup>. The Muslim rulers did not pay heed to the establishment of a formal Muslim society and even they did not bother about the local personal law, especially of Hindus and Muslims. However, individual efforts in this connection were held by the scholars like Shah Waliullah Dehlvi (1703-1762) <sup>[2]</sup>. However, it was the Akbar the great (1556-1605) who brought religion and politics into practice and subsequently caused the division in the ranks of ulema <sup>[3]</sup>. The Muslim rule lasted for many centuries until the British occupation of India in 1857, which in turn manipulated the resources of the region for next ninety years or so <sup>[4]</sup>. However the Muslims of this region strived hard to shun the British rule which eventually ended with the Partition of the subcontinent into the independent states—India and Pakistan <sup>[5]</sup>. The founder of Pakistan, M.A Jinnah (1876-1948)—an enlightened, British educated lawyer aspired to create a modern, progressive Islamic state without any element of theocracy <sup>[6]</sup>. As per his ambitions, Pakistan was created through a democratic process and Muslim masses voted heavily in favour of an independent Pakistan in 1945-46 elections, considered to be a referendum for the creation of

Pakistan out of the Indian sub-continent <sup>[7]</sup>. As his speeches and debates on different occasions in pre and post-independence period clearly manifest that only people with an equal awareness of both Western and Islamic societies could run the newly created country at best. Hence, he never disowned Islam at any stage during the political struggle <sup>[8]</sup>. However, being an enlightened liberal in the strict sense of the word; he always talked about peace, tolerance and equal opportunity for all the sections of the society, with his all-embracing vision. For this, he argued time and again for the equal rights of the minorities and women <sup>[9]</sup>. He discarded categorically the sectarianism extremism, and a number of other such isms which were chalked out to exploit the humanity <sup>[10]</sup>. However, it was a bitter fact that during the democratic struggle for freedom educated people ran the All India Muslim League (AIML, est. 1906), with a little support from the religious leaders i.e. the ulema <sup>[11]</sup>.

Adding to the grimness of the fact mentioned above, a dominant section of ulema opposed the independence movement in general and Mr. Jinnah in particular, on the plea that he, being a western educated one, would hardly be able to run the newly created country within the framework of religion <sup>[12]</sup>. They even did not care that their argument plainly contradicted with basic Islamic values, which emphasized learning through research, tolerance for others regardless of caste, creed and colour and respect for other sects, nationalities and religions and strong belief in Islamic democratic principles <sup>[13]</sup>.

Thus Jinnah repeatedly rejected rule under *Mulaism* <sup>[14]</sup>. Not only had this Jinnah never owned other isms like secularism communism and socialism, too. He wanted to build Pakistan on modern lines so that it could stand up with rest of the world shoulder to shoulder. Hence, whenever he talked about the constitutional basis he talked about *Quran* and *Sunnah* as the guiding principle, not *Mulaism* or theocracy <sup>[15]</sup>. In this context, his inaugural speech to the first Legislative Assembly of Pakistan was a clear manifestation of his good faith about

the minorities and other ignored and destitute sections of the society<sup>[16]</sup>.

With an all-embracing vision Jinnah deemed equality and opportunity, a born right destined to the inhabitants of the nascent state—Pakistan. Not only this he deemed and aspired that the country will be treated on equal footing in the comity of nations. Apart from the personal enlightenment modernity, liberalism of the founding father, the masses of the constituent areas and beyond favoured and supported the Pakistan Movement working for the achievement of a Muslim homeland. '*Kalma Tayyaba*' was at the base of the very slogans of Pakistan Movement like '*Pakistan ka Matlab Kya, La-Ilah-Illallah*'. M.A Jinnah, at any stage during the years of struggle, did not disown this and other slogans of the same nature<sup>[17]</sup>. However, he wanted simply to melt all the differing nations and nationalities into a homogenous 'Pakistani nation' in the due course of time<sup>[18]</sup>.

In M.A. Jinnah's views, the Constituent Assembly of Pakistan (CAP) was solely responsible for framing the future constitution of Pakistan and functioning as a full and complete sovereign body as the Federal Legislature of Pakistan<sup>[19]</sup>. He considered the creation of Pakistan a miracle on the face of the earth with the assertion that "the whole world is wondering at this unprecedented cyclonic revolution which has brought about the plan of creating and establishing two independent Sovereign Dominions in this sub-continent. As it is, it has been unprecedented; there is no parallel in the history of the world. This mighty sub-continent with all kinds of inhabitants has been brought under a plan which is titanic, unknown, unparalleled. And what is very important with regard to it is that we have achieved it peacefully and by means of an evolution of the greatest possible character."<sup>[20]</sup> He further reminded to the power corridors that "the first duty of a government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State."<sup>[21]</sup>

Jinnah suggested a solution for national strife and disharmony by avowing that "if we want to make this great State of Pakistan happy and prosperous, we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the poor. If you will work in co-operation, forgetting the past, burying the hatchet, you are bound to succeed. If you change your past and work together in a spirit that every one of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste, or creed, is first, second, and last a citizen of this State with equal rights, privileges, and obligations, there will be no end to the progress you will make."<sup>[22]</sup> In continuum, he further added that "No power can hold another nation and especially a nation of 400 million soles in subjection; nobody could have conquered you, and even if it had happened, nobody could have continued its hold on you for any length of time, but for this. Therefore, we must learn a lesson from this. You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed -- that has nothing to do with the business of the State."<sup>[23]</sup>

Nevertheless, M.A Jinnah's inaugural speech to the CAP was interpreted differently by the diverse religious and political sections of the country. Liberals and seculars termed it a forerunner to the formation of a secular constitution for a

secular state, while ulema (religious celebrities) termed it Jinnah's aspirations towards a moderate Islamic State<sup>[24]</sup> but there was a problem that the Islamic State would either be a theocracy or an updated form of it. There was a state of confusion about the very foundations of the constitution and there was a heated debate in the forthcoming years<sup>[25]</sup>. However, if seculars referred to Jinnah's 11<sup>th</sup> August speech in which he said that the inhabitant of the country were free to lead their lives with a religious freedom, the Islamists inclined to Jinnah's 20<sup>th</sup> October speech which was a true representation of his preceding communiqué. According to Choudhry Muhammad Ali, M.A. Jinnah, while addressing to the public, advised to consider the Holy Quran as a source of inspiration and instructions and to work hard in order to make Pakistan 'the fort of Islam'<sup>[26]</sup>. As far as Jinnah's political ambitions are concerned, he even had tried to rename '*Pakistan Muslim League*' in good faith into '*Pakistan National League*' only in order to mainstream all the classes and nationalities into the political stratum, with an aspiration to move towards the goal of a Pakistani nation on his famous motto, 'Unity, faith and discipline'; however issue of "faith" remained controversial throughout the history of Pakistan due to divergent ideology of different politico-social quarters of the country<sup>[27]</sup>. On 24 November 1947, Jinnah while talking to a group of journalists from Egypt had clearly declared that the country's constitution would be based on Islamic principles and Shariah and he further asserted that such an organization should be established on non-sectarian base that would provide guidance in this connection<sup>[28]</sup>.

However, there was not only the one issue of secularists; in the political arena, there were other forces too and significant of them were leftists (communists, socialists or progressives) who wanted to revolutionize the society on Leninism<sup>[29]</sup> and Stalinism<sup>[30]</sup>. For this purpose the Communist Party of India (CPI)<sup>[31]</sup> had approved the demand of Pakistan, contrary to a Muslim segment that ardently opposed the two nation theory and favoured the nationalist idea of Indian National Congress (est. 1885)<sup>[32]</sup>.

The leftists organized them with different names and organizations. In Pakistan Communist Party of Pakistan (CPP)<sup>[33]</sup> was established as a pro-Moscow leftist political party to propagate communist ideas and consolidate the foundation in the nascent Pakistan<sup>[34]</sup> While landlords of the country, especially of Punjab and Sindh, were totally against the leftist ideals to save their vast *Jagirdaris* (agrarian estates) and they supported those religious rightist parties which could provide their lands a religious legitimacy<sup>[35]</sup>. In this way, there was a right left dialectic right from the very inception of the country. The *ulema* (or commonly termed as religious scholars) and their allies time and again pressed demands for the Islamization of the state affairs right after independence in 1947<sup>[49]</sup>. The elites, on the other hand, had been elusive, probably because of their concern that their own legitimacy to rule would be on question in an Islamic state<sup>[50]</sup>. Others objected that such a state would limit political participation, aggravate sectarian divisions, and disrupt public tranquility<sup>[51]</sup>. The attitude and interface of the *ulema* of various factions and the elites during different parliamentary regimes manifest the fact that elites always stood with the leftist or progressive to save their vested interests<sup>[52]</sup>.

Following independence, the *ulema* including those belonging to the *Majlis-e-Ahrar* and the Schools of *Deoband* and *Bareli*,

who had opposed the struggle for Pakistan before 1947, began to demand that the state to be made Islamic. The Constituent Assembly of Pakistan (CAP)'s adoption of the Objectives Resolution (hereafter the OR)<sup>[53]</sup> in March 1949 appeared to suggest that the government had accepted the aspiration of establishing an Islamic state<sup>[54]</sup>. This adoption of the resolution created concern and discontentment among the liberals and, progressives and leftists and their forceful criticism gave an air that they would in no way accept the forthcoming constitution if based on Islamic ideals. In January 1951, a convention of 31 *ulema*<sup>[55]</sup> representing the major sects of Islam unanimously passed a resolution declaring the principles of an Islamic state which as per their aspirations, the constitution of Pakistan should incorporate<sup>[56]</sup>. Beyond stressing the supremacy of the *Quran* and the *Sunnah*, and its implications, the *ulema* called upon the state to strengthen fraternal unity among Muslims throughout the country and later extending it to the whole Muslim World, and to discourage ethnic, linguistic and regional affiliations<sup>[57]</sup>.

In another convention in 1953, the *ulema* reiterated these positions and, in addition, demanded from the government to appoint five *ulema* to the Supreme Court in order to determine, from time to time, if a given law was repugnant to the *Quran* and *Sunnah*<sup>[58]</sup>.

The *ulema*'s call for establishing the *Quran* and *Sunnah* as the Supreme Law of Pakistan might be seen as a demand for limited constitutional government. Indeed, a constitution is usually the supreme law of the land and other laws cannot be repugnant to it. Constitutions are difficult to repeal or even amend. However, an Islamic state cannot formally repudiate its fundamental law—the *Quran* and *Sunnah*, and claim that it is still Islamic. Some amendment through interpretation may be possible, depending on whether the right to *ijtihad* (independent interpretation of the *Quran* and *Sunnah*) is operative or not. Again in many interpretations the arm of Islamic law can be much longer than that of constitutional law as commonly known. The *ulema* would likely to join *Fiqh* (the medieval Islamic legal codes) with the *Quran* and *Sunnah* and represent the three together as 'a complete code of life', leaving little to individual initiative or determination<sup>[59]</sup>. Needless to say, *ulema* regard themselves as learned and pious and, therefore, better qualified than others to discover, interpret and apply Islamic law. Their ambivalence on the subject of participation may mean that they would admit the generality of Muslims to more or less political participation, depending upon the exigencies of the time when, and if, it became their role to settle this issue. In any case, it is clear that an Islamic state of the *ulema*'s conception would open to them many hundreds of positions in the legislatures, the judiciary, educational institutions, and even in the executive branch of the government. They would recapture the prestige and prosperity they had traditionally enjoyed in Muslim states until recent times<sup>[60]</sup>.

Following the inception of Pakistan, it seems that besides the *ulema*, the politicians in power felt that they had to profess some degree of commitment to the idea of an Islamic state. The CAP discussed the subject on several occasions. The arguments, pros and cons, were essentially the same each time. The main points made on two much occasions—a debate on the OR in March 1949, and a consideration of report from the Assembly's Basic Principles Committee (BPC)<sup>[60]</sup> in October 1953—are worth to mention in this regard<sup>[61]</sup>.

Premier Liaquat Ali Khan (1895-1951)<sup>[62]</sup> moved the OR, which stipulated, among other things, that sovereignty belonged to God, and that the authority He had delegated to the State of Pakistan, "through its people", would be exercised "within the limits prescribed by Him"; that the state would fully observe the principles of democracy, freedom, equality, tolerance, and social justice as enunciated by Islam and that it would enable Muslims to order their individual and collective lives according to the teachings and requirements of Islam as set forth in the *Quran* and *Sunnah*<sup>[63]</sup>. The prime minister went out of his way to declare that Pakistan had been founded so that Muslims could live by Islamic teachings and traditions. The state would therefore do more than merely leave them free to profess and practice their faith. It would create conditions conducive to the development of a truly Islamic society<sup>[64]</sup>. Additionally, alongside these promises of Islamization, the said OR provided that the State of Pakistan would itself be independent and sovereign, and that the people of Pakistan, presumably including non-Muslims, would all have the same rights and status<sup>[65]</sup>.

Liaquat Ali Khan explained that subordination to God was necessary because politics unrestrained by ethics tended to become tyrannical. The acceptance of God's supremacy did not mean that Pakistan would become a theocracy. It meant that the state would implement the Islamic principles of democracy, equality, and social justice. The meaning of these terms in Islam was larger and more wholesome than their meaning in other systems of thought. For Instance, Islamic social justice implied that all citizens would be free from want. Islamic democracy meant that not only government and politics, but all social institutions would function democratically<sup>[66]</sup>. The premier added that his government wanted to build a "truly liberal" polity, where all would be equal before the law, which would effect a "better distribution of wealth and removal of want"; where no "shackles" would be put on thought; where disadvantaged groups would be helped to catch up; where the people, who were the "recipients of all authority," would operate the state through chosen representatives; where everyone would have a voice in the determination of public policy and "in electing those who run the state."<sup>[67]</sup>

The Hindu members of the Assembly opposed the OR, arguing that the Quaid-e-Azam had advised against mixing religion and politics; that the mix would lead to civil strife and that, as some of the *ulema* had told them, non-Muslims would not have equal rights in an Islamic state<sup>[68]</sup>. Responding to this challenge, and apparently referring to the Jamat-i-Islami<sup>[69]</sup>, Liaquat Ali Khan denounced these so-called *ulema* as "enemies of Islam," who meant to "disrupt and destroy Pakistan."<sup>[70]</sup> In his view, they were misrepresenting the ideology of Islam and were "absolutely wrong" in saying that a non-Muslim could not become head of the administration in an Islamic state to be established in accordance with this Resolution. He assured that a non-Muslim could indeed hold such an office and exercise its powers, as defined and limited by the constitution<sup>[71]</sup>.

None of the CAP Muslim members wanted to reject or outright the idea of an Islamic state. However, those who spoke in its favour were desirous through their demands that the proposed state would be modern and progressive. Their opponents, therefore, termed them hypocritical on account of

their stance that the ulema would be excluded from a directing role in the government<sup>[72]</sup>.

Many of the speakers in CAP supported Liaquat Ali Khan's reasoning about the moral basis of the state by combining religion and politics. They saw the OR as a partial fulfillment of that covenant. They, especially Sardar Abdur Rab Nishtar (1899-1958)<sup>[73]</sup>, confronted those who referred to Jinnah's address of August 11, 1947 with quotations from his other speeches and statements, which seemed to have promised an Islamic homeland for the Muslims, believing that Islam had been the only uniting force among Pakistani Muslims who were otherwise diverse and divided<sup>[74]</sup>. They were of the view that the Islamic state of Pakistan would be democratic. The CAP members like I. H. Qureshi assured non-Muslims; as the prime minister had done, that they would be equal participants in the state affairs<sup>[75]</sup>.

Several Muslim members of the CAP held that Muslims at large, and not the ulema alone, had the right to interpret Islam<sup>[76]</sup>. They asserted that the need for the periodic reinterpretation to ensure that Islamic principles and law remained relevant to changing times and conditions. In their views Islam could not live as a vital force if the way of *ijtihad* is not once again opened<sup>[77]</sup>. People like I.H. Qureshi and Nazir Ahmad held that the *Quran* and *Sunnah* had declared principles in broad terms and from them such other principles could be deduce in order to apply to the arising needs, and for this purpose a research institute was required to be established to elucidate Islamic principles and ideals<sup>[78]</sup>.

In order to establish an Islamic state, the question that troubled a number of the CAP members, was "how extensively and how soon Islam could be implemented"?<sup>[79]</sup> The Assembly members like Maulana Muhammad Akram apprehended that *Shari'ah* could not be enforced in the then prevailing conditions of the country<sup>[80]</sup>. Moreover, the apprehensions of the Hindu in the CAP, as Muhammad Zafrullah Khan (1893-1985)<sup>[81]</sup> remarked that were understandable, for nowhere in the world, at that time or in recent history, could they find an illustration of Islamic principles and ideals at work in a Muslim state<sup>[82]</sup>.

However, the leftists like Mian Iftikharuddin (1907-1962)<sup>[83]</sup> and Sardar Shaukat Hayat Khan (1915-1998)<sup>[84]</sup> attacked the supporters of the Islamic state rigorously in 1949<sup>[85]</sup>. While discussing the nature of the proposed state, the former criticized the authors of the resolution of not defining its terms, such as Islamic democracy and social justice, and not showing how these differed from democracy and social justice elsewhere, and mere wordily emphasis on Islam in the constitution would not make the state Islamic<sup>[86]</sup>. Later, discussing the Basic Principles Committee Report in 1953, Mian Iftikharuddin termed the proposed constitution as "a victory of the slogan over the spirit."<sup>[87]</sup> In his aspirations, a constitution was Islamic, if it reflected the popular will, and laws were Islamic if they brought peaceful coexistence, progress, and happiness to mankind. He denied that the ulema had any special right to interpret or apply Islam. They were stooges of British rule before independence, and since then they had been puppets of the feudal lords in Pakistan<sup>[88]</sup>. They led prayers five times a day and made a speech at the Friday congregation every week. If, in spite of this abundant contact with the people, they could not get elected to positions of power, it followed that they did not have the people's trust and confidence. The Assembly should therefore leave it to the

people's "tribunal" to judge what was, and what was not, Islamic<sup>[89]</sup>.

Sardar Shaukat Hayat made the same argument regarding the ulema, and asked: "If the Muslims do not elect them, what right do they have to decide what is according to the Quran and Sunnah?"<sup>[90]</sup> The legislators themselves were Muslims, and surely they had "brains enough" to know what was repugnant to Islam. He went on to say that, by requiring the head of state to be a Muslim, the Assembly would violate the agreement that Quaid Azam had made with the Hindus when he assured them that they would have equal rights in Pakistan<sup>[91]</sup>. Moreover, it was needless to include such a condition in the constitution, for a non-Muslim could not, in any case, get elected as head of the state in a country where eighty five percent of the people were Muslims. He wanted to know why the government leaders, if they were serious about Islam, did not start practicing it and let us say, become honest forthwith, instead of waiting for the formal establishment of an Islamic state. But they were not serious in his view rather they were playing to the gallery<sup>[92]</sup>.

It is worthy to be noted that the interaction between the politicians and the ulema was not wholly adversarial because the ulema were not the only ones to have raised the issue of Islamization. It was the politicians themselves who invoked Islam in the hope of renovating their legitimacy at a time when grave and obstinate problems faced the nation at home and abroad. In the same quest, they sought the ulema's support and offered them patronage. Some of them were posted to the *Board of Talimat Islamia*<sup>[93]</sup> that was attached to the CAP in an advisory role. Mumtaz Muhammad Khan Daultana (d.1995)'s government<sup>[94]</sup> in the Punjab established a department of Islamic studies, which employed numerous ulema in essentially sinecure positions. However, the history of ulema in the subcontinent manifests that they were not fanatics rather they were gradualists—ready to compromise, beginning with a demand for a Ministry of Religious Affairs (MORA)<sup>[95]</sup> that could have charge of mosques, religious institutions and endowments, and Islamic courts. The proposed ministry would also act as a grand overseer of public officials and their activities in terms of Islamic righteousness. As per alternative course of action, ulema suggested the formation of ulema's committees, both at the center and in the provinces to determine whether the existing and new laws conformed of the *Shari'ah*. If this were not acceptable, they asked that some of their number be appointed to the Supreme Court (SC)<sup>[96]</sup>, which would then review laws in terms of the *Shari'ah*. They were willing to entrust this function to the SC even if no ulema were added to it. Finally, they accepted an arrangement that gave them an advisory role in the matter but placed final authority in the national legislature<sup>[97]</sup>.

Interestingly, neither the politicians nor the ulema won a clear victory in the constitutional settlement of 1956. The politicians had been insisting that they must be the authoritative interpreters of Islam. This position had had respectable antecedents. For, instance, responding to some ulema who had justified landlordism in 1949, Liaquat Ali Khan declared that he would not accept interpretations of the *Shari'ah* based on the vested interests. Others took the same position in the CAP during 1949 and 1953<sup>[98]</sup>. The politicians might not have resorted to this maneuver if the ulema had been contented with the former's promise to implement Islamic principles rather than injunctions. On the other hand, the ulema were probably

aware that many of the political elites had secular inclinations. On occasion, Liaquat Ali Khan professed socialism and defined the Islamic state as one free from exploitation. His finance minister, Malik Ghulam Muhammad (1887-1957) <sup>[99]</sup>, once told at an international conference that Islam meant “nothing more than social justice.” Likewise, after Khawaja <sup>[100]</sup> Nazimuddin (1894-1964)’s dismissal, Iskander Mirza (1899-1969), <sup>[101]</sup> the interior minister, and Sardar Abdur Rashid, the new chief minister of the North West Frontier Province, openly favoured secularism <sup>[102]</sup>. A. K. Brohi, the then advocate general of Sindh, believed that Islam could not be a universal religion for all times and places as well as a stable and comprehensive legal code <sup>[103]</sup>. He suggested that Europe and America had accepted and implemented Islamic principles while the Muslim countries had not. Ideas such as these may have led the ulema to suspect that the politicians intended to carry on business as usual, without bringing about any real Islamic reformation, resulting into frustration regarding their insistence on specificity <sup>[104]</sup>. It follows that, during the first eleven years of the parliamentary regime, the idea of the Islamic state produced no wholesome results for the nation. According to Leonard Binder the idea itself had suffered a setback; maintaining that “the length of the controversy, the political intrigue built around it and the complex detail into it has gone have discouraged the interest of the public.” <sup>[105]</sup> However, the issue remained smoldering in the forthcoming decades and the left-right milieu severed with the passage of time.

### Conclusion

Framing of 1956 Constitution was an interesting and complicated discourse due to the varied expectations of both the power-brokers and different social strata of the country. Their warring pursuits made the narrative intricate and convoluted. An untimely departure of the founding father of the country gave way to the self-centered succession of people pursuing their coveted vested interests. However, their pursuits were tackled high-handedly by warring pressure groups and the result was the compilation of a flawed, unproductive and intricate constitutional document.

### References

1. Choudhry Muhammad Ali. *The Emergence of Pakistan*, Lahore: Research Society of Pakistan University of the Punjab, 1983, 3-4.
2. Tara Chand. *Influence of Islam on Indian Culture*, Allahabad: Indian press, 1922, 68-72.
3. Akbar Ahmad S. *Discovering Islam: Making Sense of Muslim History and Society*, Routledge: New York, 1988, 23-47.
4. Ishtiaq Hussain Qureshi. *The Struggle for Pakistan*, Karachi: University of Karachi Press, 1974, 12-15.
5. *Ibid*.p.17
6. Akbar Ahmad S. *op.cit.*, 1988, 52.
7. Ishtiaq Hussain Qureshi. *Ulema in Politics*, Karachi: Ma’arif, 1972, 11-15.
8. Choudhry Muhammad Ali. *The Emergence of Pakistan*, Lahore: Research Society of Pakistan University of the Punjab, 1983, 7-11.
9. Akbar Ahmad S. *op.cit.*, 1988, 67-68.
10. Ishtiaq Hussain Qureshi. *Ulema in Politics*, Karachi: Ma’arif, 1972, 17-23.
11. Ref-11-Muhammad Munawar. *The Quaid*, Lahore: Punjab University Lahore, 1998, 13.
12. Choudhry Muhammad Ali. *op.cit.*, pp.12-16, see Also K. K. Aziz (1967), *The Idea of Pakistan*, Karachi: IBS, 1983.
13. Ishtiaq Hussain Qureshi *op.cit.*, 1972, 24.
14. Mulaism, the term coined by the progressives (especially liberals and seculars) for the religious section of the society supporting the establishment of a theocratic state (Syed Wali Raza Nasr Mawdudi and the Making of Islamic Revivalism, NY: Oxford University Press, 1996, 63-64.
15. Ishtiaq Hussain Qureshi *op.cit.*, 1972, 24.
16. *Ibid*.p.37
17. *Ibid*.p.39
18. Choudhry Muhammad Ali. *op.cit.*, 1983, 45-46.
19. Allana G. *Pakistan Movement Historical Documents* (Karachi: Department of International Relations, University of Karachi, 1969, 407.
20. *Ibid*.p.408
21. *Ibid*.pp.408-409
22. *Ibid*.p.410
23. *Ibid*.p.411
24. Choudhry Muhammad Ali. *op.cit.*, 1983, 45-46.
25. Qudratullah Shihab. *Shihab Nama*, (in Urdu) Lahore: Sang-e-Mail Publications, 1989, 178-179.
26. Choudhry Muhammad Ali. *op.cit.*, 1983, 47.
27. Zahid Choudhry. *Pakistan Kaisay Bana*, (How Pakistan was formed.), *Political History of Pakistan Series*, Vol. II, Lahore: Idara Mutal’a-i-Tarikh, 1989, 41.
28. Dawn, Karachi, 27 November, 1947.
29. Encyclopædia Britannica (2010), *Encyclopaedia Britannica Ultimate Reference Suite*. Chicago: Encyclopædia Britannica
30. *The method of rule, or policies of Joseph Stalin (1879-1953), Soviet Communist Party and state leader from 1929 until his death in 1953. Stalinism is associated with a regime of terror and totalitarian rule. (Ibid.)*
31. Communist Party of India (CPI) could not produce the desired results; however it supported the demand for Pakistan with a view that it would gain key position in a new country.
32. Indian National Congress enjoyed the support of Muslim nationalists and some religious sections too, like Ahraris, etc
33. Communist party of Pakistan, an offshoot of the Communist Party of India (CPI) was brought into existence to further the leftist agenda in the nascent state of Pakistan
34. Zahid Choudhry. *op.cit.* 1989, 54.
35. *Ibid*.
36. 9/11 Incident (11 September 2001 Attacks) refers to the terrible twin-tower incident, which affected the international political scenario, followed by US-led war against terrorism. The incident was series of airline hijackings and suicide attacks committed by 19 militants associated with the Islamic extremist group al-Qaeda against targets in the United States. The attacks caused extensive death and destruction and triggered an enormous U.S. effort to combat terrorism.
37. The Mutahidda Majlis-i-Amal (MMA), an alliance of six religious-cum-political parties formed in July 2001 which

- got a considerable political significance during Musharraf Regime (1999-2008) for details see the fifth chapter.
38. Zahid Anjum. *Encyclopedia Waq'iyat-i-Pakistan*, Lahore: Sang-e-Meel, 2004, 289.
  39. *Ibid.* pp.289-290
  40. In Pakistani political culture it seems impossible that the politicians ever followed the track of Politics of Principles
  41. The JUP during 1970 to 2003 set a prime precedence to align itself on Politics of Principles under the head-ship of Maulana Shah Ahmad Noorani, 1926-2003.
  42. As per origin of the term, the liberal is the person who is anti-Conservative or someone who supports or belongs to the former Liberal Party in Britain or the Liberal Party in Canada. In the broader sense it is used to condemn conservative or religious views.
  43. The conservative call the liberals as 'Liberal fascists'.
  44. I have coined the term "command enlightened moderation" for Musharraf's command performance to proliferate his ideals, especially in the wake of 9/11 incident.
  45. Mazher Hussain. *Pakistan kay Siyasi Ittehadon mein Maulana Shah Ahmad Noorani ka Kirdar—Qaumi Ittehad se Mutahidda Majlis-i-Amal tak*, (The Role of Maulana Shah Ahmad Noorani in the Political Alliances of Pakistan—from Pakistan National Alliance (PNA) to Mutahidda Majlis-i-Amal (MMA), Joharabad: Allama Shah Ahmad Noorani Research Centre Pakistan, 2009, 36-37
  46. However, no work addressing the issue directly is available up till now (*Ibid.*)
  47. *Ibid.*
  48. *Ibid.*
  49. Ishtiaq Hussain Qureshi. *op.cit.*, 1972, 38.
  50. *Ibid.*p.39
  51. Khalid bin Sayeed. *The Political System of Pakistan*, Karachi: Oxford, 1967, 48-59.
  52. *Ibid.*p.61
  53. The Objectives Resolution 1949 was the very first document produced by the Constituent Assembly of Pakistan as a road map to the future constitution of the country, outlining the features of an Islamic state. [For the Text of the Resolution and of the speeches on it, see Constituent Assembly of Pakistan (CAP) Debates, Official Report (7 March to 12 March 1949)]
  54. Dawn, Karachi, 24 March 1949
  55. For details see *Nawa-i-Waqt* 22 January 1951
  56. *Ibid.*
  57. Anwar Syed. *Pakistan: Islam, Politics and National Solidarity* Lahore: Vanguard, 1984, 78.
  58. *Ibid.*pp.78-79
  59. Ishtiaq Ahmad. *The Concept of an Islamic State in Pakistan*, London: Frances Printer Publishers, 1987, 3-4.
  60. The Basic Principles Committee was made right after the approval of the Objectives Resolution in order to further the constitution making process (*Ibid.* pp.9-10)
  61. Aziz KK. *Party Politics in Pakistan 1947-1958* Islamabad: National Commission on Historical and Cultural Research, 133.
  62. Zulfiqar Ali Maluka. *The Myth of Constitutionalism in Pakistan*, Karachi: Oxford University Press, 1995, 138.
  63. *Ibid.*p.39
  64. Nawabzada Liaquat Ali Khan was the first Prime Minister of Pakistan. He played an active role in Pakistan Movement. He got the OR approved from the CAP. He was the person, alleged to westernize foreign policy of Pakistan following his US visit in 1950. On 16 October 1951, he was assassinated while addressing a public gathering at Rawalpindi.
  65. Kamal Azfar. *Constitutional Dilemmas in Pakistan in Shahid Javed Burki and Craig Baxter Pakistan Leadership Challenges*, Boulder: Westview Press, 1991, 53-54
  66. *Ibid.*p.54
  67. Ishtiaq Ahmad. *op.cit.* 1987, 18-19.
  68. Anwar Syed. *Pakistan: Islam, Politics and National Solidarity* Lahore: Vanguard, 1984, 78.
  69. *Ibid.*p.79
  70. *Ibid.*pp.79-80
  71. Zafar SM. *Constitutional Development*, in Hafeez Malik (ed.), *Pakistan: Founders' Aspirations and Today's Realities*, Karachi: Oxford University Press, 2001, 38.
  72. *Ibid.*p.39
  73. Sardar Abdur Rab Nishtar was one of the close associates of Quaid-i-Azam Muhammad Ali Jinnah, remained minister in the interim Indian government after 1945-1946 elections. He also remained Governor of Punjab in 1950s. Professor Muhammad Aslam Wafayat-i-Mashaheer-i-Pakistan, Islamabad: Muqtadra Qaumi Zuban, 1990, 138.
  74. S.M. Zafar. *op.cit.* 2001, 41-42.
  75. Anwar Syed. *op.cit.* 1984, 79.
  76. *Ibid.*p.83
  77. *Ibid.*p.84
  78. *Ibid.*pp.84-85
  79. *Ibid.*p.85
  80. *Ibid.*p.86
  81. Chaudhry Sir Muhammad, Zafrullah Khan. *Pakistan's first foreign minister, once served as Justice in International Court of Justice (ICJ), Hague (Nawa-i-Waqt, Lahore, 2 September 1985)*
  82. Zafar SM. *op.cit.* 2001, 44.
  83. Mian Muhammad Iftikharuddin. A renowned leftist of Pakistan, was born at Lahore on 8 April 1907. He started his political career from Indian National Congress (INC), later he joined All India Muslim League. After partition he remained Minister for the Rehabilitation of Refugees during 1947-48. In 1951, he founded Azad Pakistan Party and tried his level best to flock the leftist of the country. Professor Muhammad Aslam *op.cit.*, 1990, 24.
  84. Sardar Shaukat Hayat. The son of Sir Sikandar Hayat Khan—the Premier of Punjab in 1940s, was born at Wah, district Attock, in 1915. He was elected to Punjab Assembly after his father's death in 1942. He was re-elected in 1946 on AIML's ticket. After independence he was disillusioned therefore joined Mian Iftikharuddin's Azad Pakistan Party. Later, he returned to the League and was elected as Member of National Assembly in 1970 elections. He joined PPP also for a short while. [Sardar Shaukat Hayat Khan *The Nation that Lost its Soul*, Lahore: Jang Publishers, 1995.
  85. Zahid Choudhry. *Pakistan Kaisay Bana*, *op.cit.* 1989, 64.
  86. *Ibid.*p.69
  87. Anwar Syed. *op.cit.* 1984, 87-88.
  88. *Ibid.*p.88

89. Ibid.p.89
90. Ibid.p.90
91. Herbert Feldman. A Constitution for Pakistan, Karachi: Oxford University Press, 1955, 41.
92. Ibid.p.42
93. Ibid.p.43
94. Mian Mumtaz Khan Daultana was one of the leaders who worked with Quaid-i-Azam in Pakistan Movement. He became Chief Minister of the Punjab in 1951 but was compelled to resign for violence in Punjab during anti-Ahmadia Movement. He served as Defense Minister in I.I. Chundrigar's short lived ministry at the centre. During Ayub regime, he became victim of EBDO. Later, he became President of CML but in 1972 Bhutto appointed him as High Commissioner to UK. Thereafter, he was not active in politics till his death in 1995. Zahid Anjum Encyclopedia Waq'iyat-i-Pakistan, Lahore: Sang-e-Meel, 2004, 572.
95. Anwar Syed. op.cit. 1984, 91-92.
96. Ibid.92
97. Ibid.93
98. Ibid.93-94
99. Malik Ghulam Muhammad, born at Lahore and educated at Aligarh, served in Accounts Department but after partition opted for Pakistan and became the first Finance Minister of the country. He was elevated to the position of Governor General of Pakistan in 1951 when the Governor General Khawaja Nazim ud din opted for premiership due to the assassination of PM Liaquat Ali Khan (1895-1951). On this position he worked for about four years and left no stone unturned in derailing democracy first, by dismissing Khawaja Nazimuddin cabinet and later dissolving the first Constituent Assembly of Pakistan (CAP).
100. Herbert Feldman, *op.cit.* p.62
101. Ibid.p.63
102. Ibid.p.64
103. Brohi AK. Was the advocate general of Sind and the law minister sometimes in 1953 in the government of Pakistan.
104. Anwar Syed. op.cit. 1984, 95.
105. Leonard Binder. Religion and Politics in Pakistan, Berkley: University of California, 1961, 97.