

Q: What factors contributed to the delay of the constitution-making process in the early years of Pakistan? Discuss in detail.

Introduction:

After the independence of Pakistan on 14 Aug 1947, the Government of India Act 1935, was considered as a constitution of Pakistan with some amendments.

There were many issues faced by Pakistan in its initial years of making constitution. As, the issue of ~~consti~~ refugee burden, then the economic instability of country and above all the death of Quaid-e-Azam, the founder of Pakistan. The political parties became weak and constantly interrupted by civil and military powers.

Factors responsible for the delay of constitution making in Pakistan:

1. Refugee Problem:

After its inception, the first issue faced by Pakistan is the issue of refugee burden. Even though, Pakistan did not get equal share of military, infrastructure and workforce, so it faced a huge problem of giving residence and food supply to a large number of people.

2. Death of Quaid-e-Azam and Leadership Void:

The founder of Pakistan got died after a very short time of its independence. There was not enough brave leader who could lead the country.

from the front. There were issues in the political structure of the country and the leadership void had come which is never being filled.

3. Political Instability:

Political Instability in the country donot let leaders to focus on constitution making of country which is utmost important for the sovereignty of the country. Almost, it took nine years, three governeel generals, six prime ministers and two constituent assemblies to promulgate the first constituent assembly of Pakistan.

4. Concentration of power in state institutions:

Due to weakening of political institution of country

power was concentrated in state institutions i.e. civil bureaucracy and military. That is why, there were military intervention in the country, three times with abrogation of constitution.

5. Bengali Fear of Suppression:

There were issues regarding parity between East and West Pakistan. East Pakistanis were of the view that, they constitute more population of country and more resource production in Bengal, but they are not given equal status as West Pakistanis.

6. Issue of Federation:

Issue of federation was also among the top, as the politicians of West Pakistan wanted to the decentralisation

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of government. But, the politicians in West Pakistan wanted full control over the country and tilted towards more centralisation of power in Federal. This issues hindered the way in constitution making.

7. Issue of Parity in representation

Bengalis claimed that, as they constitute 56% of population so they should be given more seats in legislature but the West Pakistanis wanted equal seats of both the units.

8. Issue of Parliamentary vs Presidential system:

These were issues regarding the debate of parliamentary versus presidential form of government. Some

wanted parliamentary system as that of UK, who enjoys full support of his legislature while, some wanted presidential who would elect through direct elections.

9. Issue of Structure of Constitution:

Some political parties like Muslim League wanted to declare Pakistan as Islamic state while, PPP had opposition to it, wanted a secular state which had no religion. It was the issue which hindered in the way.

10. Issue of National Language:

At inception of Pakistan, there were almost 70 languages being spoken in Pakistan. Due to

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regional and ethnic diversity, the issue of national language was arose. When it was thought to declare 'Urdu' the national language, the issue arose by Bengalis to declare 'Bengali' as national language. In reaction to it, 'Language Movement' in 1952 was started.

II. Issue of structure of Legislature

The issue was created on the structure of legislature whether it would be bicameral or unicameral. Some political bodies wanted ^{it} to be unicameral, as it would be better in imposition of power and less debates, while other wanted bicameral where president and its cabinet should be accountable.

12. Issue on Separate v/s Joint Electorates:

There was a conflict between East and West Pakistan on the issue of separate versus Joint electorate. So, West Pakistanis wanted separate electorate, as they are more in population, while the West Pakistanis wanted joint electorates, as they wanted to dominate over whole country.

13. Illiteracy and Lack of Public engagement:

More than half of the country is not even aware of the ~~iss~~ constitution and its importance for the country.

There was no public pressure on politicians to make constitution as early as possible. And, the public was not even

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engaged and consulted in the process of constitution making.

14. Doctrine of Necessity:

The usage of doctrine of necessity wherever law is held accountable those powerful personnell and politicians.

The over-use of doctrine of necessity was also responsible for delay in constitution making.

15. Conflict of Traditionalist v/s Modernist:

There was a two approaches i.e. traditional and modern. Traditionalist wanted to construct constitution on the basis of ^{pure} Islamic injunctions and traditions while, modernist wanted

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to inculcate the western approach in the constitution making it the mixture of western and eastern approach

Conclusion:

In a nutshell, there were many issues which hindered the constitution making of Pakistan during its early years. Stable economy and political structure is very important for the constitutional development in the country.

The early death of Quaid-e-Azam lead to political instability in the country and different ethnicities in the country also played its role.