

Pakistan Affairs

Q5:

Explains the contours of constitution in Pakistan. What was the course of constitutional development in Pakistan?

Instructions

1. Give numbering to headings

2. Do not write lengthy paragraphs. Write medium sized paragraphs with headings.

Answer:
Introduction:

3. There should be around 15 headings for 20 marks question.

4. Draw figures/diagram/flowchart where needed.

5. Start new question from fresh page.

6. Each answer should start with Introduction and end with Conclusion.

7. Give more weightage to expressedly asked part/s of the question.

8. Change colour scheme for references to give them more visibility.

9. Manage time well.

10. Wide page borders are discouraged. Should be reasonable.

11. Avoid writing wrong references.

The constitutional development in Pakistan faced many challenges and influenced the country's working mechanism. Absence of political acumen, assassination of political leaders, dissolution of constituent assembly and military intervention were the main hurdles behind constitutional development. Moreover, endorsement of executive leaders pre contributed to hurdle the constitutional development of a country. Thus, Pakistan then newly established state was entangled in many challenges which led to delayed constitutional development in a country.

Contours of constitution development in Pakistan:

Objective Resolution

- Passed on 12th March, 1949.
- Base of constitution

Government of India Act 1935
3rd June Plan

Dissolution of constituent assembly

Governor General
redissolved constituent
assembly on 24-10-1954

Basic Principles Committees

Transformation of another constituent assembly

Another constituent assembly
was formed on
28 May 1956

Promulgation of 1st constitution

Pakistan promulgated
its first constitution
on 23 March, 1956

Abrogation of 1st constitution

President Iskander Mirza
abrogated 1st constitution
on Oct 7, 1958.

Enforcement of 2nd constitution

Ayub Khan enforced
~~1960~~ constitution on
1st March, 1962

Abrogation of second constitution

Second constitution was
abrogated.

Promulgation and enforcement of third constitution 1973

Third constitution was enforced on
14th August, 1973.

Amendment and
evolution - since today.

Courses of constitutional development in Pakistan:

Pakistan has faced long struggles in its constitution development. Many writers divide this development into different phases. An outline of course of constitutional development are elaborated below:

First phase (1947-1958):

First phase of Pakistan faces many struggles in its constitutional development. The death of the founder of Pakistan created a loophole in its political leadership. After objective resolution passed in assembly, Prime Minister Liaqat Ali Khan was assassinated. The main turnpoint was the dissolution of constituent assembly. The constituent assembly was ready to present its first draft,

Governor-general dissolved it. Chief Justice's decision in its favour set a legal precedent of "Doctrine of necessity" which hampered the constitution development in Pakistan.

Second phase (1958-1969):

The second phase of Pakistan confronted martial law. The first martial law of then Pakistan's history of ten years. It has not only abrogated the first constitution, but also entangled the nation in political and economic crisis. It set a precedent of military intervention in the country and sidelined the civil democracy. Moreover, second phase also presented Constitution of Pakistan 1962, under which basic democratic elections were held. This constitution was presidential form of government and authorized the president.

Third phase (1970 - present):

Third phase led to ~~const~~ long-lasting constitution of Pakistan - Constitution of Pakistan 1973. This constitution was enforced on August 14, 1947, which not only provided the country with constitution, but also protected the democracy, liberty and freedom of state. Article 6 of constitution 1973 protected the constitution from being abrogated. Till now, twenty-six amendments have been made.

Challenges in the development of constitution:

Absence of political acumen:

The father of nation - Quaid-e-Azam Muhammad Ali Jinnah died on 26th April, 1948 after the establishment of Pakistan. His death left a space which could not be fulfilled by other political leaders.

Assassination of political leaders:

When the constitution was established, Liaquat Ali Khan had been assassinated on Oct 16, 1951.

Greed for political powers:

Since its inception, Pakistan is found lacking good political leaders.

Conclusion:

To conclude, Constitution history of Pakistan is not smooth. It has been going through numerous challenges and difficulties. Political crisis, military intervention and lack of political consensus were the main elements behind its

delayed development. Thus, 1973 proved to be a good year for the country to provide it a constitution.

Q7:

Discuss the Kashmir issue in totality. Elaborate the prospects of various solutions of the problem.

Answer:

Introduction:

Kashmir dispute is one of the most protracted conflicts in modern history, rooted in the partition of 1947. It involves Pakistan, India and Kashmiri people, with international dimensions due to UN resolutions and global security concerns. The issue remains unresolved, threatening peace and stability in South Asia. However, it can

be resolved through proper negotiations, plebiscites and maintaining status quo.

Historical background:

According to 3rd June plan 1947, the division would be such that Muslim majority area would be with Pakistan. Kashmir a Muslim majority area but ruled by Hindu ruler acceded to India under controversial circumstances. The first war was fought in 1947-1948 leading to subsequent wars of 1965, 1971 and 1999. The tension between two countries rose when India revoked article 370 - revoked Kashmir's special status.

Nature of the dispute:

1- Territorial nature:

Kashmir dispute is of territorial nature. Both the countries claim of its

entire territory of Jammu and Kashmir. Besides, China also holds part of it - Aksai Chin. Today, China holds 15%, Pakistan 28% and India 55% of Kashmir's territory.

Political nature:

Kashmir's dispute also holds of political nature. Kashmiris are denied to their rights of self-determination. Kashmir calls India calls it internal dispute, while Pakistan and global state calls it international disputes.

Religious nature:

Kashmir is Muslim-majority state. Pakistan claims of its territory due to majority of Muslims as decided by 3rd June plan, 1947. On the other hand, India calls itself

a secular state and claims of its territory due to treaty of accession.

Humanitarian nature:

Large-scale mass violation happens in Indian-Occupied Jammu Kashmir. More than one hundred thousand army personnels are standing there.

Kashmir as a flash point:

Kashmir holds a unique position in both Pakistan and India conflicts. Due to its geostrategic location, it is a centre of both country's tourism and water-strategy.

Water strategic point:

Indus and its tributaries pass through the Jammu and Kashmir which makes it important for both countries.

Control over Jammu and Kashmir is to control the water.

Tourism:

Kashmir valley also called valley of paradise.

It means that it is a point of tourism. People from different areas come here for trip which makes revenue collection and increases the country's revenue. Thus, Kashmir also holds a unique position of tourism which makes both countries accede its valley.

Solution:

UN-plebiscites:

Kashmir issues can be resolved by implementing the UN-resolution in Kashmir. UN-plebiscite will help resolve the dispute.

Bilateral negotiation:

A peaceful path to resolve dispute is the dialogue. Bilateral negotiation under Simla agreement might resolve the issue.

Third-party mediation:

Third-party mediation is another way to resolve Kashmiri disputes between two states. Global powers or WB act as mediator to

Maintaining status-quo:

Some argue for the current division along the Line of Control to be made permanent. However, this ignores the will of Kashmiri people.

Musharraf Formula
Chenab Formula
Amritsar Plan

Independent Kashmir

Independent Kashmir is a solution to resolve dispute between two states.

Conclusion

To conclude, Kashmiri dispute has long been a conflict between Pakistan and India. Many factors contribute to escalate this tension. However, this issue can be resolved by adopting some measures. Resolution to resolve the issue is to promote peace in the region.