

## Chapter = 03

# Establishment of an Islamic Democratic State

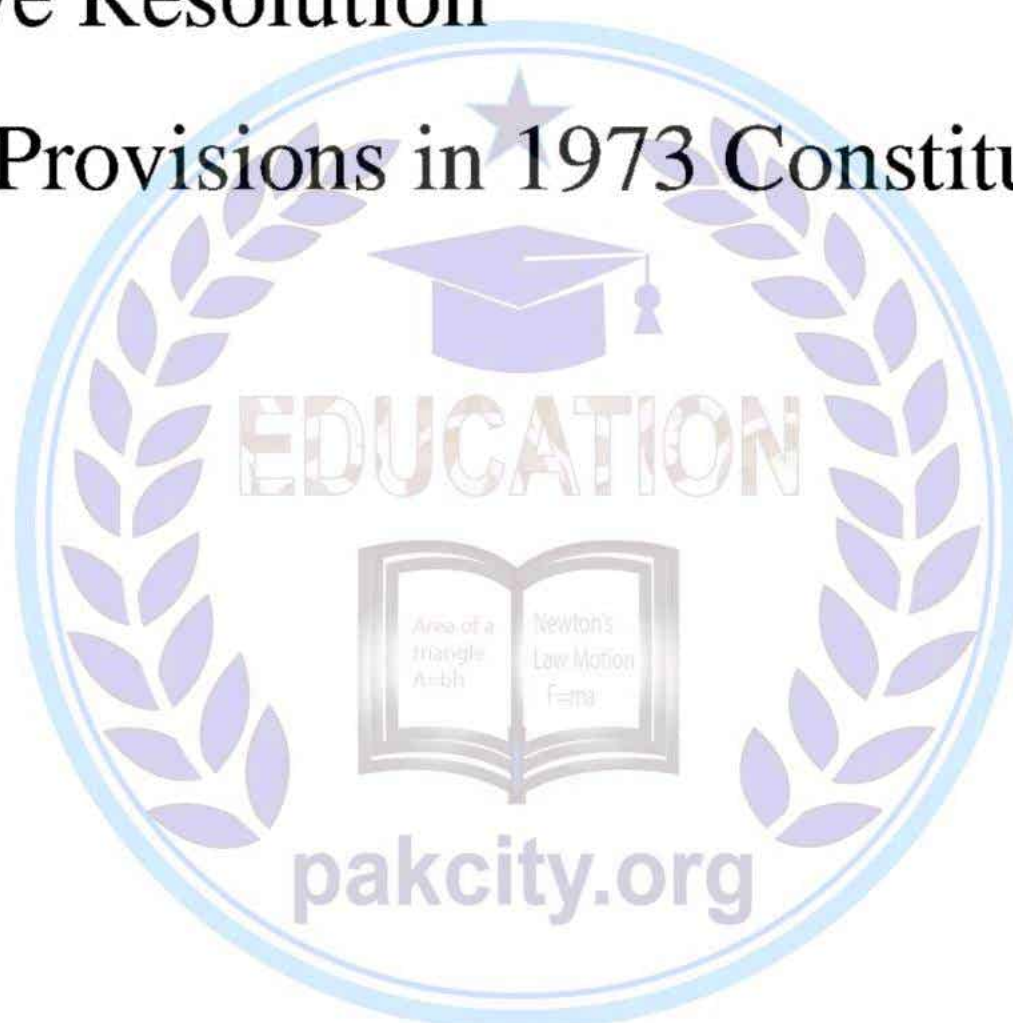
### SHORT ANSWERS:



- Objective Resolution
- Constitution of 1956
- Constitution of 1962
- Council of Islamic Ideology
- Tashkent Declaration
- Fall of East Pakistan
- Islamic Provisions in 1973 Constitution

### DESCRIPTIVE ANSWERS:

- Objective Resolution
- Islamic Provisions in 1973 Constitution







1. Objective resolution was approved by constitutional assembly in:  
 ☆ 1947                      ☆ 1948                      ☆ 1949
2. Pakistan was recognized as a republic in:  
 ☆ 1954                      ☆ 1955                      ☆ 1956
3. The first constitution was enforced in:  
 ☆ 1954                      ☆ 1955                      ☆ 1956
4. The second constitution was enforced in:  
 ☆ 1954                      ☆ 1962                      ☆ 1956
5. The third constitution was enforced in:  
 ☆ 1954                      ☆ 1955                      ☆ 1973
6. Objective resolution was moved by:  
 ☆ Nazim uddin              ☆ Liaquat Ali Khan              ☆ Waqar ul Malik
7. East Pakistan was separated in:  
 ☆ 1971                      ☆ 1970                      ☆ 1973
8. General Ayyub Khan imposed martial Law in:  
 ☆ 1958                      ☆ 1969                      ☆ 1977
9. General Yahya Khan imposed martial Law in:  
 ☆ 1958                      ☆ 1969                      ☆ 1977
10. General Zia ul Haq imposed martial Law in:  
 ☆ 1958                      ☆ 1969                      ☆ 1977
11. The constitutional name of Pakistan is:  
 ☆ Democratic State              ☆ Islamic State              ☆ Islamic Republic of Pak
12. Islamic Provisions in 1973 constitution are:  
 ☆ 10                      ☆ 12                      ☆ 14
13. Karachi was the capital of Pakistan from 1947 to :  
 ☆ 1958                      ☆ 1960                      ☆ 1977
14. The first Chief Justice of Pakistan was:  
 ☆ Zafar-ul-Haq              ☆ Sajjad Ali Shah              ☆ Abdul Rasheed
15. The first general elections were held in:  
 ☆ 1958                      ☆ 1972                      ☆ 1977



# SHORT answers



## OBJECTIVE RESOLUTION

### **Introduction:**

The First Constituent Assembly passed this resolution in March 1949 under leadership of Liaquat Ali Khan. It contained those objectives on which the future constitution was to be based as stated by the founder of the nation, Quid-e-Azam on 14 February 1948, said:

*“The constitution of Pakistan will be democratic and based on the fundamental laws of Islam....Islam and its ideology has taught us the lesson of democracy.”*

### **Salient Features of Objective Resolution:**

The salient features of the objective Resolution are as follows:

#### **1. Sovereignty Belongs to Allah:**

The resolution clearly laid down that sovereignty over the entire Universe belongs to Almighty Allah alone and the authorities to be exercised by the people of Pakistan are a sacred trust.

#### **2. Federal System:**

Federal system of Government will be introduced in Pakistan.

#### **3. Golden Principles of Islam:**

Principles of Democracy, equality, freedom and social justice as laid down by Islam shall be fully observed.

#### **4. Supreme Authority of the People:**

The sovereignty of the state will be established through the elected representative of the people.

#### **5. Rights of Minorities:**

The Rights and interests of the minorities to freely profess and practice their religion will be protected.

#### **6. Independent Judiciary:**

Judiciary will be independent and free from all pressures.



**Conclusion:**

All classes of people accepted it. It provided a guideline for the future constitutions of Pakistan, which were passed in 1956, 1962, and 1973. It consisted of such principles, which revealed that character of constitution should be Islamic.

## Constitution of 1956

**Introduction:**

Pakistan came into being 1947 after many sacrifices. After Independence of Pakistan, Pakistan has been governed the Govt. of India Act 1935. Constitutional history of Pakistan is very unfortunate. However, first constitutional Assembly has been introduced **Constitution of 1956** after long debates. Constitution of 1956 was enforced 23 March 1956. But unfortunately it was abrogated after two years.

**Silent Features of Constitution of 1956:**

Following are Silent Features of Constitution of 1956

- **Objective Resolution:**  
Objective Resolution was included as Preamble of Constitution of 1956.
- **Name of Country:**  
Constitution of 1956 declared Pakistan as Islamic Republic of Pakistan.
- **National Language:**  
Under constitution of 1956, Urdu and Bengali were made national Language.
- **State Religion:**  
Islam was the state religion of Pakistan.
- **Fundamental Right**  
Fundamental Rights were given to the people of Pakistan according to constitution of 1956.
- **Rights of Minorities**  
Rights of minorities were provided in the constitution of Pakistan 1956. Minorities freely perform own religion festivals.
- **Parliamentary Form of Govt.:**  
Constitution of 1956 was introduced parliamentary form of Govt.
- **Freedom of Judiciary**  
Freedom of Judiciary was introduced in constitution of 1956. It was



decided that Supreme Court would interpret the constitution.

## Constitution of 1962

### **Introduction**

Pakistan came into being 1947 after many sacrifices. After independence of Pakistan, Pakistan has been governed the Government of India Act 1935. Constitution history of Pakistan is very unfortunate. For Example, its second constitution was enforced in 1962, but it ended 1969 when martial law imposed. The 1962 constitution was drafted by a team appointed by Ayub Khan. All work was done secretly and then all of sudden constitution was enforced in the country.

### **Salient Features of 1962 Constitution:**

Following are the salient Features of the Constitution 1962.

#### **(i) Name of the Country**

Constitution of 1962 was declared Pakistan as **Democratic Islamic Republic of Pakistan**.

#### **(ii) National Language**

Under constitution of 1962, Urdu and Bengali were declared as National Languages.

#### **(iii) Presidential Form of Govt.:**

Constitution of 1962 introduced Presidential form of Govt in such form of Govt President was made head and he possessed Power to appoint ministers of his cabinet.

#### **(iv) Freedom of Judiciary**

Freedom of Judiciary was introduced that supreme Court would interpret the constitution.

#### **(v) Fundamental Rights**

The constitution of 1962 grants certain fundamental rights to the citizens of Pakistan. These are basic human rights which cannot be taken away even by legislation in normal circumstances.

#### **(vi) Islamic Ideology Council**

The constitution of 1962 provided for the establishment of Islamic Ideology Council.

#### **(vii) Emergency Provisions**

The president had the power to proclaim the emergency when the integrity or the sovereignty of Pakistan was threatened.



**Conclusion:**

As far as constitution of 1962 was concerned, initially nation always considered it as a gift from a dictator, and, later on, such political anarchy caused its suspension and replacement by constitution of 1973.

## Council of Islamic Ideology

**Introduction:**

Council of Islamic Ideology (اسلامی نظریاتی کونسل) is a constitutional body of the Islamic Republic of Pakistan, responsible for giving legal advice on islamic issues to the government and the Parliament.

**Functions:**

The council has the following functions:

- To recommend laws conforming to Qur'an and Sunnah to the Parliament and Provincial Assemblies.
- To advise the Parliament, Government of Pakistan, President of Pakistan, or Governor on any question referred to the Council as to whether a proposed law is or is not repugnant to the Injunctions of Islam.
- To make recommendations to bring current laws into conformity with Islamic injunctions.
- To compile guidance for the Parliament and Provincial Assemblies.

**Conclusion:**

However, the Government can make a law before advice is furnished by the council. The council is also responsible for submitting an annual interim report, which is discussed in the Parliament and *Provincial Assemblies* within six months of its receipt. Recently, the Council was strongly criticized in many traditionalist quarters for its recommendations on the procedure for khula.

## Tashkent Declaration

**Introduction:**

The Tashkent Declaration of 10 January 1966 was a peace agreement between India and Pakistan after the Indo-Pakistani War of 1965.

Peace had been achieved on 23 September by the intervention of the great powers that pushed the two nations to a cease fire for fears the conflict could escalate and draw in other powers.

**Declaration**

The conference was viewed as a great success and the declaration that was released was hoped to be a framework for lasting peace. The declaration stated that:

- Indian and Pakistani forces would pull back to their pre-conflict positions, pre-August lines, no later than February 25, 1966.



- The nations would not interfere in each other's internal affairs.
- Economic and diplomatic relations would be restored.
- Orderly transfer of Prisoners of War.
- The two leaders would work towards building good relations between the two countries.

## Fall of East Pakistan



### **Introduction:**

Pakistan came into being on 14 August 1947. Pakistan had two parts: East Pakistan and West Pakistan until 1971 when East Pakistan got independence and became Bangladesh. Following are the causes of the fall of East Pakistan.

### **i) Geographical Location of East Pakistan:**

Geographically Pakistan was very unique in history. It was, perhaps, the only country in the world consisted of two parts divided by the 1600 km hostile territory.

### **ii) Different Social Structure:**

People of East & West Pakistan belonged to different social systems and they could not develop understanding with each other.

### **iii) Language Issue:**

The people of East Pakistan opposed the govt. policy on language issue. People protested against the govt.

### **iv) Military Action in Pakistan:**

After the elections of 1970 law and order situation became very critical in the East Pakistan. No one tried to find out the political solution of the problem.

### **v) India's Attack:**

India took advantage of the situation and attacked East Pakistan on December 03, 1971. East Pakistan got independence from West Pakistan and became Bangladesh.

### **Conclusion:**

Minor misunderstandings between East & West Pakistan led to the major conflicts. Lack of loyal leadership further aggravated the situation and no political solution was experimented to end the crises. That had brought an end to the united Pakistan and Pakistan was disintegrated.



# Islamic Provisions in 1973 Constitution

## **Introduction:**

On 7th April, 1972 the national assembly of Pakistan appointed a committee to prepare a draft of the permanent constitution of Pakistan. A bill to provide a constitution was introduced by the committee in the Assembly on February 2, 1973. The Assembly passed the bill on 19th April, 1973 and at last the constitution came into force on 14th August 1973.

## **Islamic Provisions of 1973 Constitution:**

The following are the Islamic provisions of 1973 constitution based on the principles of Holy Quran and Sunnah.

### **1. Islamic Republic of Pakistan:**

Pakistan shall be known as “Islamic Republic of Pakistan”.

### **2. State Religion:**

Islam shall be the state religion of Pakistan.

### **3. Definition of a Muslim:**

The constitution also gives the definition of a Muslim. A person who believes in Tauheed or Oneness of Allah and in the prophet hood of Hazrat Mohammad (P.B.U.H) as the last prophet of Allah has described as a Muslim.

### **4. President and Prime Minister:**

The constitution laid down that only Muslims shall be elected president and Prime Minister of Pakistan. Non-Muslim could hold these offices.

### **5. Islamic way of life:**

Steps shall be given to enable the Muslims of Pakistan to order their lives in accordance with the fundamental principles and basic concepts of Islam.

### **6. Error Free Publication of Quran:**

The government shall Endeavour to secure correct and exact printing and publishing of the Holy Quran.

### **7. Ahmadi's A Non-Muslim Minority:**

According to the second amendment of 1973 constitution, the Qadiani group or the Lahori group who call themselves “Ahmadi's” were declared as Non-Muslim minority.



# DESCRIPTIVE answers



## OBJECTIVE RESOLUTION

### Introduction:

The First Constituent Assembly passed this resolution in March 1949 under leadership of Liaqat Ali Khan. It contained those objectives on which the future constitution was to be based as stated by the founder of the nation, Quid-e-Azam on 14 February 1948, said:

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### Salient Features of Objective Resolution:

The salient features of the objective Resolution are as follows:

#### 1. Sovereignty Belongs to Allah:

The resolution clearly laid down that sovereignty over the entire Universe belongs to Almighty Allah alone and the authorities to be exercised by the people of Pakistan are a sacred trust.

#### 2. Federal System:

Federal system of Government will be introduced in Pakistan.

#### 3. Golden Principles of Islam:

Principles of Democracy, equality, freedom and social justice as laid down by Islam shall be fully observed.

#### 4. Supreme Authority of the People:

The sovereignty of the state will be established through the elected representative of the people.

#### 5. Islamic Atmosphere:

The Muslims shall be provided with opportunity to order their lives in accordance with the teachings and requirements of Islam.

#### 6. Rights of Minorities:

The Rights and interests of the minorities to freely profess and practice their religion will be protected.



## 7. Development of Under Developed Areas:

All efforts will be made for the development and progress of the under developed areas.

## 8. Independence Judiciary:

Judiciary will be independent and free from all pressures.

## 9. Defence:

The integrity of the territories of the federations, its independence, and all its rights, including the sovereign right of land, sea, and air shall be safeguarded.

## Objective Resolution and Lique Ali Khan:

While introducing the resolution in the constituent assembly, Lique Ali Khan said:

*“The ideals that promised the demand for Pakistan should form the corner stone of the state. When we use the word ‘Democracy’ in the Islamic sense, it pervades all aspects of life. It relates to the system of government and to our society with equal validity because one of the greatest contributions of Islam has been the equality of all men.”*

## Importance of the Objective Resolution:

This resolution is of fundamental importance in the history of constitutions making in Pakistan because from the first constitution of 1956 until the constitution of 1973 (present constitution) whatever constitution was framed it was based on this objective resolution. It contains those steps and principles, which were to be taken for the fulfillment of the basic aim of the freedom struggle that is the establishment of an Islamic society in Pakistan. Hence, it is a significant document in the constitutional history of Pakistan.

## Conclusion:

All the above-mentioned principles were presented in the objective resolution that is why this resolution is considered an important event in the constitutional history of the country. All classes of people accepted it. It provided a guideline for the future constitutions of Pakistan, which were passed in 1956, 1962, and 1973. It consisted of such principles, which revealed that character of constitution should be Islamic.

## Islamic Provisions in 1973 Constitution

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The present constitution (1973) provides for the protection and preservation of Islamic Concept of life. It also attempts to propagate and implement the basic teachings of Islam.

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#### **5. President and Prime Minister:**

The constitution laid down that only Muslims shall be elected president and Prime Minister of Pakistan. Non-Muslim could hold these offices.

#### **6. Islamic way of life:**

Steps shall be given to enable the Muslims of Pakistan to order their lives in accordance with the fundamental principles and basic concepts of Islam.

#### **7. Promotion of Social Justice:**

The State shall take necessary steps for prosecution of social justice and eradication of social evils and shall prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisements.

#### **8. Teachings of Holy Quran:**

The state shall try to make the teachings of Holy Quran and Islamic studies compulsory to encourage and facilitate the learning of Arabic language.

#### **9. Strengthen Bond, with Muslim World:**

The state shall Endeavour to strengthen fraternal relations among Muslim countries in order to promote Islamic unity.



**10. Error Free Publication of Quran:**

The government shall Endeavour to secure correct and exact printing and publishing of the Holy Quran.

**11. Promotion of Islamic Ideology:**

The federal and Provincial Ministers, the Speaker and Deputy Speaker of the National and Provincial Assemblies, the chairman of the Senate and the Governors and Chief Ministers of the Provinces also take oath to preserve and protect the Islamic Ideology.

**12. Ahmadi's A Non-Muslim Minority:**

According to the second amendment of 1973 constitution, the Qadiani group or the Lahori group who call themselves "Ahmadi's" were declared as Non-Muslim minority.

**Conclusion:**

The 1973 constitution enlisted the main principles of State Policy. Maximum efforts were made to improve the character of this constitution. Like other constitutions, 1973 constitution of Pakistan also provides for the protection, propagation and enforcement of Islamic Ideology.

