
The Role of Opposition in Constitution-Making: Debate on the Objectives Resolution

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The Objectives Resolution is an important document in the history of constitution-making in Pakistan as it was a preamble of the Constitution of 1956, the Constitution of 1962, and the Constitution of 1973. In 1985, president Zia-ul-Huq made it a part of the Constitution of 1973 with the Eighth Amendment. The religious parties and scholars consider it very significant as it proclaims the sovereignty of God Almighty whereas minority communities and liberals in Pakistani society consider it a potential danger for freedom, peace and democracy; they fear it may lead to authoritarianism and clerical rule in the country. The process of framing of such document is very important as the Opposition at that time belonged to a minority community vigorously concerned about the consequences of the document. This article examines the discussion on the Objectives Resolution in the first Constituent Assembly of Pakistan and analyses to what extent the fears of the Opposition were genuine and to what extent the Government of the day addressed them.

The First Constituent Assembly¹ was a sovereign body. It functioned from 1947 to 1954 and involved two major parties. The Pakistan Muslim League (PML) was the official party representing the Government's point of view. The Assembly had initially forty-nine out of a total of sixty-nine seats but later it had sixty out of an enlarged membership of seventy-nine. The other party was the Pakistan National Congress (PNC), which had eleven members, all Hindus from East Pakistan. The

members of the PNC actively participated in the deliberations on the Objectives Resolution and forwarded many amendments to its text. It is relatively important to review these amendments as these were offered by the Opposition who belong to a minority community.

When the PML government started working on the details of the new Constitution of Pakistan, it faced considerable problems and demands. The most important and immediate was the demand to pronounce Pakistan as an Islamic state. The groups of Ulema in the Government, i.e., Maulana Shabbir Ahmad Usmani, the President of the Jamiat-al- Ulama-i-Islam (JUI), Pir of Manki Sharif in the NWFP, Maulana Akram Khan, the President of the East Pakistan Provincial Muslim League, and outside the Government i.e. Jamaat-i-Islami (JI), constantly urged the Government to declare Pakistan an Islamic state and to base the future constitution on Islamic principles. Maulana Maududi, the Amir of JI presented following four points and demanded that the future constitution should be based on these principles: (i) that we Pakistanis believe in the supreme sovereignty of God and that the state will administer the country as His agent; (ii) that the basic law of the land is the Shariah which has come to us through our Prophet Muhammad (SAW); (iii) that all such existing laws as are contrary to the Shariah be gradually repealed and no law contrary to the Shariah shall be framed in the future; (iv) that the state, in exercising its powers, shall have no authority to transgress the limits imposed by Islam.²

The demand for an Islamic state and the attitude of the Government and the Opposition in the early period cannot be understood without probing deeper into its historical context. The All India Muslim League was a party of moderate Muslims. But in the representative system of government, it had to get votes to prove being a representative of the Muslim community. It adopted the strategy to use religious and cultural symbols and slogans in mobilizing the illiterate masses, which could be easily attracted to the name of Islam to gain an independent state. The Muslims rightly understood the slogan of an Islamic State in terms of a welfare state where their problems would be

addressed and they would live a happy prosperous life. The already existing deep cleavages of religion and culture between the Muslim and the Hindu communities were reinforced by advocating 'two nation theory'. This created a pressure for the PML government immediately after independence to take steps towards establishing an Islamic state.

But there was no consensus on details of the kind of nation and state going to be built in Pakistan. The ML leadership deliberately avoided discussions on issues to maintain unity among its ranks. Due to shortage of time, Quaid-i-Azam Muhammad Ali Jinnah was obliged to advise that 'we shall have time to quarrel ourselves and we shall have time when these differences will have to be settled, when wrongs and injuries will have to be remedied. We shall have time for domestic programme and policies, but first get the government. This is a nation without any territory or any government'.³ The educated middle class who had led the movement was deeply divided, rather confused, on the future agenda. The liberals wanted to build a secular nation-state on Western model. Those ulama who had vehemently supported the Pakistan Movement, wanted to construct an Islamic state. There was also a small minority of leftists or Communists who yearned to make it a socialist state. These differences were dormant during pre-partition but soon erupted after the new state came into existence.⁴

Besides, the AIML could not devise any effective mechanism for settling regional claims within the party. For example the issue of centralization of power within the organization of the AIML and the question of national language were two critical issues, which remained unresolved. The successive constitutions of the AIML showed steady centralization of power in the hands of the central leaders who primarily came from the Muslim minority provinces. 'There was a feeling of uneasiness, sometimes bordering on resentment among the leaders of the Muslim majority provinces that the AIML was dominated by leaders from the Muslim minority provinces'.⁵ Thus, the PML leadership lacked a popular base in the Muslim majority provinces.⁶ Being left their constituencies in India, they had little influence to exert on local politics and

politicians. In the new country they had to compete with the regional leaders that entered late in the ML a decade before independence and were powerful contenders of power having strongholds in provinces. Thus, being insecure and apprehensive, the PML leadership relied on the name of Islam to save them and to unite the nation in the face of gigantic problems.

In a nutshell, the demand for an Islamic State was in line with objectives of the All India Muslim League (AIML) which were based on 'two Nation theory' and Islam. With the ideological consistency of its past, the PML urged the people to practice Islam to combat the threat of regionalism, war with India and strengthen the hands of the new Government to face the gigantic problems of partition.⁷

It is also important to review the vision of the founder of Pakistan Muhammad Ali Jinnah about the nature of state of Pakistan. After independence, in his presidential address to the Constituent Assembly of Pakistan, he assured the people of Pakistan that:

You are free to go to your temples; you are free to go to your mosques or to any other place of 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...we are starting in the days when there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one state.... in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.

The founder of the state provided the guiding principle in the framing of the Constitution. Earlier, whenever Quaid was probed

on the question of Islamic state, he pointed towards the fact that Pakistan would be a Muslim majority country therefore, there will be a Muslim government and the people of Pakistan will frame the Constitution.⁸ Maluka asserts that 'in emphasizing Islamic principles, Jinnah understood a society based on social justice, equality, brotherhood, religious tolerance, equity, justice, and fair play for everybody, regardless of colour, caste or creed'.⁹ It is a fact to be reckoned that the Objectives Resolution was not presented and passed in the Constituent Assembly during the life of Jinnah.

The 'Objectives Resolution' asserting the 'Aims and Objects' of the future Constitution of Pakistan is considered the first step towards the framing of the first constitution of Pakistan. Prime Minister Liaquat Ali Khan moved the Objectives Resolution on March 7, 1949. During the debate, his emphasis was on the Islamic character of the constitution which was not in accordance with the views of Jinnah. Although, he claimed that his views were the same as those of the founder of the nation, yet he did not directly quote Jinnah and never referred to Jinnah's speech to the Constituent Assembly of 11 August, 1947 quoted above.

Members from the PNC proposed that the Resolution be circulated for eliciting public opinion because it represented fundamental values on which the future constitution would depend, but the PML rejected this.¹⁰ The Hindu minority was apprehensive that the Islamic provisions as interpreted by the religious groups might go against the interests of the minorities. The Congress members however, desperately concluded that the Resolution reflected the views of neither the Quaid nor the Prime Minister but the ambition of the 'Ulama of the Land'.¹¹ B. K. Dutta in his speech in the Constituent Assembly asserted that 'I feel I have every reason to believe__that were this Resolution to come before this House within the lifetime of the Great Creator of Pakistan, the Quaid-i-Azam, it would not have been in its present shape'. They proposed amendments to the Objectives Resolution and their speeches exhibited their apprehension about the implications of these clauses in the future.

Before examining the proposed amendments, it is desirable to have a look on the text of the Objectives Resolution:

‘Whereas sovereignty over the entire universe belongs to God Almighty alone, and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust;

‘This Constituent Assembly representing the people of Pakistan resolves to frame a constitution for the sovereign independent state of Pakistan;

‘Wherein the state shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teaching and requirements of Islam as set out in the Holy Quran and the Sunnah;

Wherein adequate provision shall be made for the minorities freely to profess and practice their religions and develop their cultures;

Whereby the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed;

Wherein shall be guaranteed fundamental rights including equality of status, of opportunity before law, social, economic and political justice, and freedom of

thought, expression, belief, faith, worship and association, subject to law and public morality;

Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes;

‘Wherein the independence of the Judiciary shall be fully secured;

Wherein the integrity of the territories of the Federation, its independence and all its rights including its sovereign rights on land, sea and air shall be safeguarded;

So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the world and progress and happiness of humanity’.¹²

Bhupendra Kumar Datta, a member of PNC from East Pakistan, proposed that the first paragraph of the Resolution must be omitted.¹³ He pointed out that ‘the relations between a state and its citizens have been... the subjects of politics’ and ‘the relations between man and God come within the sphere of religion’. ‘Politics comes within the sphere of reason, while religion within that of faith. If religion and politics are intermingled then there is a risk of subjecting religion to criticism, which will rightly be presented as sacrilegious; and it would also cripple reason and curb criticism as far as the state policies are concerned. In fact criticism must be free and frank, even severe and bitter for the growth of modern democratic institutions’.¹⁴

Datta also warned that this resolution was prone to be misused by a political adventurer who might find a justification for his ambitions in the clause that referred to the delegation of the Almighty’s authority to the state through its people. He could declare himself as Ruler of Pakistan appointed by his Maker’.¹⁵ He also pointed out another potentially dangerous implication of

the Resolution in that ‘the limits’ prescribed by the Almighty would remain ‘subject to interpretations and... liable to variations, liberal or rigid, from time to time by different authorities and specialists.’¹⁶ Taking part in the debate on the same paragraph, Chandra Chattopadyaya, a member of PNC from East Pakistan, expressed the same fears that:

This part of the Resolution ought to be deleted. All powers rest with the people and they exercise their power through the agency of the state. The state is merely their spokesman. The Resolution makes the state the sole authority received from God Almighty through the instrumentality of people. People have no power or authority. They are merely post-boxes according to this Resolution. The State will exercise authority within the limits prescribed by Him. What are those limits, who will interpret them? In case of difference who will interpret? One day a Louis XIV may come and say, “I am the state, appointed by the Almighty” and thus paving the way for the advent of Divine Right of Kings afresh. Instead of the state being the voice of the people, it has been made an adjunct of religion. People are the manifestations of God.¹⁷

Chattopadyaya further elaborated that ‘people of different religions live in a state. Therefore its position must be neutral with no bias for any religion and should help all the religions equally. The state must respect all religions and, therefore, a state religion is a dangerous principle. Previous instances are sufficient to warn us as people were burnt alive in the name of religion. Therefore, sovereignty must reside with the people and not with anybody else’.¹⁸

Raj Kumar Chakraverty, a member of the PNC from East Pakistan, moved another amendment in the same clause: the words ‘state of Pakistan through its people’ should be substituted with the words ‘people of Pakistan’. He further elaborated that ‘a state is the organized will of the people. A state is formed by the

people, guided by the people and controlled by the people.’ Thus, the clause must be substituted as ‘people of Pakistan’ as ‘the state should be responsive to public opinion’.¹⁹

Prem Hari Barma, another member of the PNC from East Pakistan, proposed an amendment to the same clause, that the words ‘within the limits prescribed by Him’ must be omitted because the limitations are not stated in the paragraph. The Objectives Resolution as the basis of future constitution must be self-explanatory.²⁰

Raj Kumar Chakraverty moved another amendment in the second paragraph. He proposed that instead of ‘independent’ the word ‘democratic’ must be inserted as this paragraph states the character of the future Constitution; therefore the form of government should be clearly stated.²¹ In relation to the same clause, Kamini Kumar Datta, a Congress member from East Pakistan, proposed that after the words ‘this Constituent Assembly...’ the following new paragraphs should be inserted, ‘wherein the national sovereignty belongs to the people of Pakistan; wherein the principle of the state is government of the people, for the people, and by the people’. His argument was that ‘it must be clearly stated with whom the real power lays’. The constitution is meant ‘for the people of Pakistan, Muslims and non-Muslims. The authority has been delegated to the state through its people; thereby it has not been limited to the followers of any one faith but to anyone and everyone who claims to be a citizen of Pakistan’. He also quoted the ‘constitutions of the leading Muslim states of Iraq, Turkey, Egypt and Iran where the sovereignty resides in the people and all people are equal before God’.²²

Raj Kumar Chakraverty suggested that the third paragraph ‘Wherein the state shall exercise its powers and authority through the chosen representatives of the people’ should be substituted with the paragraph ‘Wherein the elected representatives of the people -- in whom shall be centred and to whom shall belong legislative as well as executive authority shall exercise their powers through such persons as they are by law authorized to do so. The elected representatives shall control

acts of government and may at any time divest it of all authority'.²³ He raised the following questions regarding the above stated paragraph. 'What are the powers of these chosen representatives? Who are they? What are their functions, especially in relation to the state and government'? He claimed that his amendment provided answers to those questions.²⁴

Commenting on the first paragraph, Leonard Binder remarks that it 'acknowledged the sovereignty of God, recognized the authority of the people derived from their creator, and the vested authority delegated by the people in the Constituent Assembly for the purpose of making a constitution for the sovereign state of Pakistan' thereby declared 'God sovereign, the people sovereign, parliament sovereign, and the state sovereign in Pakistan'.²⁵

Bhupendra Kumar Datta proposed that in the paragraph 'wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam shall be fully observed', the words 'as enunciated by Islam' should be omitted. He explained that this clause has condemned minorities 'for ever to an inferior status and prevented... Pakistan from growing up into a country of a well-knit homogeneous people and the nation would remain communally divided into two distinct houses. Without a legitimate right to share power, the minorities would taste neither democracy, nor freedom, nor equality, nor social justice; they would merely be tolerated'.²⁶

Prem Hari Barma, a member of the PNC from East Pakistan, also supported the above amendment by arguing that it would 'cover a much wider range of the principles of democracy, freedom, equality, tolerance and social justice. But with the retention of these words, the paragraph would cover only those principles of democracy, freedom, tolerance, equality and social justice which have been enunciated by Islam with the result that many of the universally accepted principles of democracy, freedom, equality, tolerance and social justice would be left out'. He elaborated his argument by saying 'those principles should be broad-based so that all sections of the people of Pakistan might equally observe them'. But if, they were confined to Islam then

only non-Muslims could not observe them. Therefore, the constitution would have to provide 'a different set of principles on democracy, freedom, equality, tolerance and social justice for non-Muslims'. Thus, the best course would be that the constitution be based not on 'religion but on universally accepted principles of democracy, freedom, equality, tolerance and social justice'.²⁷ He proposed that if those words were retained, then after the words 'enunciated by Islam', the words 'and other religions' be inserted. He proposed that in addition to the 'principles enunciated by Islam', the principles enunciated by other religions should also be fully observed because 'there *were* a considerable number of non-Muslims in the state of Pakistan; it would certainly be a fatal policy to base the constitution on the principles of Islam only and thereby create misconception and misapprehension in the minds of the people of other religions'.²⁸

Barma also proposed that the words 'but not inconsistent with the Charter of the Fundamental Human Rights of the United Nations Organization', should be inserted at the end of the same clause because 'Pakistan has already become a member of the UNO and, therefore, the Charter of the Fundamental Human Rights of the UNO already binds our state'.²⁹ Commenting on the same clause Raj Kumar Chakraverty pointed out that:

Although these principles are good they are abstract. Thus further clarification is necessary to remove all misapprehensions and misunderstanding with regard to the practical application of these words. In the application of these terms to our day-to-day life and activities, there is scope for difference of opinion and difference of interpretation. With regard to matters of theology the teachings of the Holy Scriptures of different religions; there has not been unanimity of opinion. If there is any ambiguity in the interpretations of these terms then we can refer to the UNO Charter. Many nations of the world have accepted this Charter.³⁰

Kamini Kumar Datta proposed that the words 'and as based upon eternal principles' should be inserted at the end of the above-mentioned clause. as by incorporating this amendment, it would be comprehensive, embodying all the basic fundamental principles of social order and guaranteeing and securing democracy, freedom, equality, tolerance and social justice.³¹

Prem Har Barma moved two amendments in the fifth paragraph 'wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teaching and requirements of Islam as set out in the Holy Quran and the Sunnah'. He proposed that for the words 'Muslims shall', the words 'Muslims and non-Muslims shall equally' be substituted 'and for the words 'Islam as set out in the Holy Quran and the Sunnah', the words 'their respective religions' be substituted.³² He argued that these amendments will not minimize the importance of teachings and requirements of Islam as set out in the Holy Quran and the Sunnah and the non-Muslims will also be able to order their lives in accord with the teachings and requirements of their respective religions.³³ In the same clause Bhupendra Kumar Datta proposed that after the words 'Holy Quran and the Sunnah', the words 'in perfect accord with non-Muslims residing in the state and in complete toleration of their culture and social and religious customs' should be added.³⁴

Kamini Kumar Datta moved two amendments in the sixth paragraph on minorities. He proposed that following revised paragraph should be added 'wherein shall be secured to the minorities the freedom to profess and practise their religions and develop their cultures and adequate provision shall be made for it'.³⁵ His second amendment was concerned with the paragraph 'wherein shall be guaranteed fundamental rights including equality of status, of opportunity before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality'. He proposed that the words 'and secured to all the people of Pakistan' should be inserted after the word 'guaranteed'. He explained that 'this amendment while retaining the fundamental principle of the paragraph, make it more

effective... more intelligible and would remove all sorts of misapprehensions in relation to the interpretations of the paragraph'.³⁶

Prem Har Barma proposed that in the ninth paragraph the words 'classes and scheduled castes' be substituted for the words 'and depressed classes'. He argued that the word 'depressed' primarily connoted social degradation and that 'the words 'scheduled castes' did not imply any status or position in the society but implied only a list of castes who required special safeguards for their educational, political and economic advancement as it had also been used in the Government of India Act 1935.³⁷ In the same clause, Raj Kumar Chakraverty put forward the amendment that the word 'and labouring' should be inserted between the words 'backward' and 'depressed classes' for 'it has been recognized all over the world that these people produce the means of our livelihood and on their happiness and prosperity depend our happiness and prosperity. Therefore, we should do all we can for their uplift and for their improvement'.³⁸

Commenting on the enabling clause and the following clause guaranteeing cultural freedom to minorities, Leonard Binder described it 'as a step to enshrine the two nation theory in the future constitution of Pakistan' and 'it would certainly give the government more authority in religious matters than is usual in western or westernized states'.³⁹

In response to all these objections of the opposition, Liaquat Ali Khan, the Prime Minister of Pakistan and the mover of the Resolution, reminded the House that 'Pakistan was founded because the Muslims of this Subcontinent wanted to build up their lives in accordance with the teachings and traditions of Islam.' He assured the minority members that in an Islamic state their rights and interests would be fully protected.⁴⁰

The leader of the PNC, Chandra Chattopadyaya referring to the Quaid-i-Azam's declaration made in the Assembly on August 11, 1947, said that it was a clear indication that Pakistan would be based on 'eternal principles of equality and democracy'. He asserted that the minorities considered that

declaration as a guarantee against the imposition of an Islamic state on them.⁴¹

In reply to Chattopadhyaya's point of view, Maulana Shabbir Ahmad Usmani, the president of JUI, referred to a letter of Quaid-i-Azam to Pir Sahib of Manki Sharif, in November 1945, in which he assured him that 'it is needless to emphasize that the Constituent Assembly which would be predominantly Muslim in its composition would be able to enact laws for Muslims, not inconsistent with the Shariat laws and the Muslims will no longer be obliged to abide by un-Islamic laws'.⁴²

Sardar Abdur Rab Nishtar on behalf of the government replied to most of the arguments put forward by Hindu members. He contended that the criticism emanated from a misunderstanding of the relevant provisions by the Hindu members. He explained the concept of Divine Sovereignty was a mere statement of fact to indicate that the Almighty is the sovereign of the whole universe. It also implied the principle of brotherhood of men all over the world. He pointed out that the political sovereignty of the people was not in any way limited by the provision. He told the House that more emphasis was placed on terms like 'the people', 'the right of the people', and 'the representatives of the people' and 'the authority of the people' in the Objectives Resolution.⁴³

Sardar Abdur Rab Nishtar contended that the inclusion of non-Muslims in the 'enabling clause' would have been to their disadvantage because they would certainly not like the state or the majority community to interfere in their religion and regulate their religious and cultural affairs. In meeting the argument that the Objectives Resolution flouted the assurances given to the minorities by Quaid-i-Azam, he contended that the former had also given pledges to the majority. He claimed that the demand for Pakistan was based on a particular ideology and the Resolution was in accordance with those pledges, which both the League and Quaid-i-Azam had given to the minority as well as to the majority.⁴⁴

All the amendments proposed by the non-Muslim opposition members were put to the vote of the Constituent Assembly. The House rejected these amendments by twenty-one to ten votes. All the PNC members voted for the amendments.⁴⁵

After voting on the amendments, the main Resolution was placed before the Constituent Assembly and was adopted. Hamid Khan remarks that it was 'unfortunate that there was a division on the Resolution along communal lines. The Resolution had sown the seeds of suspicion, alienation and distrust among the minorities. He further asserts that it might have been 'more prudent to accept some of the amendments proposed by the members representing the minorities in order to reach an understanding with them so that the Resolution could have been passed by consensus. Some of the proposed amendments were moderate and might have been adopted in the larger national interest'.⁴⁶

Conclusion

The Objectives Resolution was included in the Constitutions of 1956, 1962 and 1973 as a preamble of the document but President Zia-ul-Haq made it integral part of the Constitution of 1973 through the Article 2(A) in the Eighth Amendment, which is enforceable in a court of law. It has been included as an annexure, so that if the constitution is abrogated, the Objectives Resolution is not automatically suspended, diluted, or abrogated. The word 'freely' was deleted from the Resolution, which was meant for the minorities. Supporters of the Amendment asserted that all the articles of the Constitution would be judged and interpreted in the light of the Objectives Resolution, thereby exalting it to a higher status. But a full bench of Lahore High Court declared in case of Ghulam Mustafa Khar vs. Pakistan that the Objectives Resolution, as embodied in Article 2(A) of the Constitution was not to be given higher status than that of other provisions. Therefore, the Article 2(A) is 'more of a symbolic value than having any practical implications'.⁴⁷

With the passage of the Objectives Resolution, the Government achieved its short term objectives. It satisfied the ulama by declaring 'sovereignty belongs to God Almighty' and 'the Muslims shall be enabled to order their lives ... in accord with the teaching and requirements of Islam as set out in the Holy Quran and the Sunnah'. The liberal and moderate sections of society were contented with the clauses on democracy, federalism, fundamental rights, and protection to minorities. The common people were motivated and inspired through promising an Islamic welfare state, which helped to combat with the threat of external war with India and internal threat of provincialism. Besides, the PML leadership secured their positions within the party.

But in the long term, although the Objectives Resolution did not provide for a theocratic state, it was a definite retreat on the part of government and provided some grounds on which the religious forces of the country thrived and gained some advantage over progressive forces. Later on, Bhutto's further retreat to get the favour of religious elements enhanced the influence of religious forces in the country. This not only resulted in the increasing insecurities and anxieties of the minorities but inflamed the sectarian differences within the Muslim community itself. The retreat of liberal and moderate forces in the Muslim community gave way to extremism. Today it has become a menace not only to Islam who has been falsely portrayed as fanatic religion but to the Muslim community also who has become a hostage to a minority group wanting to impose its version of Islam.

Secondly, the government's policy of uniting people on the name of Islam failed because of its failure to comprehend the plural sensitivities of Pakistani society and to address the problems of the people for whom they had sacrificed and achieved a separate state. This created alienation among certain people and provinces of Pakistan which ultimately lead to the disintegration of Pakistan and separation of East Pakistan in 1971. The event proved that ideology alone cannot keep the people united. Justice and fair opportunity is a must to keep a plural society together and save it from disintegration.

The basic stance of the JI in favour of an Islamic State was that sovereignty (including the law-making power) belongs to God alone and the legislature can only interpret what have been revealed as Divine Ordinances. This would have left no law-making power, but the Resolution attempted to reconcile the conflicting viewpoints by affirming that the 'sovereignty over the entire Universe belongs to Allah Almighty alone' but followed it up by referring to 'the sovereign independent state of Pakistan' and stipulated that the authority 'within the limits prescribed by Him' was to be exercised by the people of Pakistan. Limitations on the power of the legislature were few. They related to the future alone, and excluded only those laws, which were definitely 'repugnant to the Quran and Sunnah'. According to S. M. Ikram, 'this left a vast field, in fact the main field, to the traditions and requirements of the Muslim community and according to sound, healthy principles of Islamic law, under the sovereign authority of legislature'.

One demand of the JI was that Pakistan should formally declare itself to be an Islamic State. The Objectives Resolution did not provide for this, but the only clause added in 1956 to the Objectives Resolution of 1949 and retained in the Preamble to the Constitution of 1962, laid down that 'Pakistan would be a democratic state based on Islamic principles of social justice'. This is also different from a theocratic state, which is the basic goal of the JI.⁴⁸ The principles behind 'the four demands of Maududi, and those held by most of the ulema were accepted but not stretched so as not to injure the modern concept of Islam'. The word Sharia was not included in the text and the exact meaning of the 'limits prescribed', 'the enunciations of Islam', or the 'teachings and requirements of Islam' were not determined in the Resolution. Thus, Binder remarks that 'the wording of the Objectives Resolution was carefully imprecise'.⁴⁹

The other important demand on behalf of the group advocating an Islamic State was that the Muslims of Pakistan should be compelled to live in accordance with the teachings of the Quran and the Sunnah. The relevant provision in the Objectives Resolution was that the 'Muslims of Pakistan should

be enabled individually and collectively to order their lives in accordance with the teachings of Islam as set out in the Holy Quran and the Sunnah'. This shows that 'the entire approach of the Objectives Resolution was that, while Pakistan should be a progressive, modern state and not a theocratic, medieval government like the former Saudi Arabia or Yemen, every attempt should be made to translate the people's dream of an Islamic social order into action'.⁵⁰

To sum up, today Pakistan should revert back to the vision and aspirations of its founder Muhammad Ali Jinnah, who wanted a Islamic welfare state where all people live in peace and harmony and where minorities, according to him, 'will be, in all respects, the citizens of Pakistan without any distinction of caste or creed'.⁵¹

Notes and References

- 1 The First constituent Assembly of Pakistan was created by the Indian Independence Act of 1947. It started with 69 members, but after the accession of the states of Bahawalpur, Khairpur, and Balochistan to Pakistan, the membership was increased to 74. Of the 61 Muslim members in the assembly, the Muslim League with 59 members had a clear majority. The two members who did not belong to the League were Abdul Ghaffar Khan of the Northwest Frontier Province and A.K Fazlul Haq of East Bengal. The assembly met for the first time on August 10, 1947, in Karachi. On August 11, three days before Pakistan achieved independence; it elected Muhammad Ali Jinnah as its President. Maulvi Tamizuddin of East Bengal replaced Jinnah after his death on September 11, 1948, and became the President of the Constitution Assembly and Ghulam Muhammad as governor-general. Liaquat Ali Khan stayed on as Prime minister. Under the Indian Independence Act, Constitution Assembly

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- had two separate functions: to prepare a constitution, and to act as legislative assembly. The assembly's legislative powers were to be exercised under the Government of India Act of 1935. Although the assembly failed in carrying out its first mandate, it functioned effectively as a legislative assembly until it was dissolved in 1954. Keith Callard, *Pakistan: A Political Study* (Oxford: Allen & Unwin, 1957), 77.
- 2 Leonard Binder, *Religion and Politics in Pakistan* (Berkeley: University of California, 1961), 103.
 - 3 Jami-ud-Din Ahmad, ed., *Speeches and Writings of Mr. Jinnah*, vol. II (Lahore: Ashraf, 1964), 199.
 - 4 Khalid Bin Sayeed, *The Political System of Pakistan* (Boston: Houghton Mifflin Co., 1967), 59.
 - 5 Khalid Bin Sayeed, *Pakistan: The Formative Phase, 1857-1948*, 2d ed. (Karachi: Oxford University Press, 2007), 206.
 - 6 Rizvi, *Military, State and Society*, 4.
 - 7 Binder, *Religion and Politics*, 117.
 - 8 Sayed Wiqar Ali Shah, 'The Making of Pakistan and the NWFP: Quaid-i-Azam - Pir of Manki Sharif Unpublished Correspondence November 1945-November 1946' in *North-West Frontier Province: History and Politics* (Islamabad: National Institute of Historical and Cultural Research, 2007), 137.
 - 9 Zulfikar Khalid Maluka, *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995), 75.
 - 10 Ibid., 7.

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- 11 *CAP, Debates*, vol. V (March 12, 1949), 93.
 - 12 *Constituent Assembly of Pakistan, Debates, Official Report*. vol. V, 5th Session (March 7- 12, 1949), p.7
 - 13 *Ibid.*, 13.
 - 14 *Ibid.*, 14.
 - 15 *Ibid.*
 - 16 *Ibid.*, 15.
 - 17 *Ibid.*, 89-90.
 - 18 *Ibid.*, 90.
 - 19 *Ibid.*, 17-18.
 - 20 *Ibid.*
 - 21 *Ibid.*, 19.
 - 22 *Ibid.*, 20-23.
 - 23 *Ibid.*, 25.
 - 24 *Ibid.*
 - 25 Binder, *Religion and Politics*, 149.
 - 26 *CAP, Debates*, vol. V, (March 12, 1949), 27-28.
 - 27 *Ibid.* 31
 - 28 *Ibid.*
 - 29 *Ibid.*

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- 30 Ibid., 29-37.
- 31 Ibid. 30
- 32 Ibid., 33.
- 33 Ibid.
- 34 Ibid., 34.
- 35 Ibid.
- 36 Ibid., 35.
- 37 Ibid. 33.
- 38 Ibid., 35-36.
- 39 Binder, *Religion and Politics*, 150-52.
- 40 *CAP, Debates*, vol. V (March 12, 1949), 2-5.
- 41 Ibid.
- 42 Ibid., (March 10, 1949), 46. See text of the letter of Quaid-Azam to Pir of Manki Sharif on November 18, 1945 in Sayed Wiqar Ali Shah, *North-West Frontier Province: History and Politics* (Islamabad: National Institute of Historical and Cultural Research, 2007), 137.
- 43 Ibid., 55-56.
- 44 Ibid.
- 45 The Opposition members who voted for the amendments included Prem Hari Barma, Prof. Raj Kumar Chakravarty, Chandra Chattopadyaya, Akshay Kumar Dass, Bhupendra Kumar Datta,

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- Janendra Chandra Majumdar, Birat Chandra Mandal, Bhabesh Chandra Nanday, Dhananjoy Roy, and Harrendra Kumar Sur. *CAP, Debates*, vol. V (March 12, 1949), 98.
- 46 Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 65.
- 47 Hassan Abbas, *Poleaxe or Politics of Eighth Amendment, 1885-1997* (Lahore: Watondost, 1997), 77.
- 48 S. M. Ikram, *Modern Muslim India and the Birth of Pakistan* (Lahore: Institute of Islamic Culture, 1990), 486-87.
- 49 Binder, *Religion and Politics*, 153.
50. Ikram, *Modern Muslim India*, 486-87.
- 51 *Quaid-i-Azam Mohammad Ali Jinnah: Speeches and Statements As Governor-General of Pakistan 1947-48* (Islamabad: Services Book Club, 1989), 26.