



**THE SYSTEM OF PRESIDENTIAL AUTOCRACY
AND
INITIAL DIFFICULTIES IN THE PROCESS OF CONSTITUTION MAKING IN
PAKISTAN**

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A VARIETY of governmental systems notwithstanding, autocratic regimes have been the bane of Pakistan politics. The system of “Presidential Autocracy” which developed during the military rule of general Zia-ul-Haq was not a phenomenon. It was a legacy of the preceding systems of government which were governed by the autocratic will of the rules whether politicians, bureaucrats or the military elite. The *Vice-regal system* during 1947-56, the Parliamentary system in 1956-58, the Presidential system in 1959-69 and the ‘Prime Ministerial’ model during 1973-77 were governed by the single individuals.

The highly personalised systems of government resulted in strengthening of *authoritarian and autocratic* trends in the body-politic which caused a greater harm to the development of democratic system in Pakistan. For almost two decades the people of Pakistan did not experience direct political participation. The first general elections were held very late, that is, in 1970. The individual rulers kept the masses away from direct political participation on one pretext or the other. They caused unnecessary delays in the constitution-making. Every ruler tried to give a new constitution of his own choice. Obviously the sole objective of the individual ruler was to attain absolute political authority. The democratic values which were aspired to by the founding leadership of Pakistan movement were thrown overboard by the successive rulers of Pakistan. As a consequence the people of Pakistan have been suffering the agonies of continued *systemic crises, ethno-sectarian violence, regional instability and socio-economic injustice*.¹

An attempt will be made in this chapter to highlight the various strands of authoritarian and autocratic governmental structures which formed the legacy for the future governments in

post-1947 Pakistan.

Pakistan occupied a unique position among the states which appeared on the world map in the middle of the 20th century. It had no territorial existence prior to its emergence into statehood in the wake of India's partition in 1947.

Pakistan is in many ways typical of the new states. It falls into the category of what Clifford Greetz calls old societies and new states.²

It shares with other new states many features-long history of colonial domination, a plural society and traditional socio-economic political structures. Pakistan is truly a new state and a new nation.³

The independent state of Pakistan, created on August 14, 1947 represented the outcome of a political-religious campaign on the part of a section of the Indian Muslim community for a Muslim homeland for which the British colonialist policy of divide and rule was also partly responsible. Although there was a sizeable number of the Muslim politicians, who were comfortable at the thought of remaining a minority in an independent India, albeit with safeguards to ensure that Muslims would not suffer discrimination, a second group believed that their community would become second class citizens in a Hindu dominated state. For them, the partitioning of subcontinent on communal lines was the only alternative to protect the rights of the Indian Muslims in a separate Muslim nation. Under the leadership of Mohammed Ali Jinnah and the Muslim League, the "two nation theory"⁴ became the driving force making India's partition inevitable. "As a consequence, Pakistan came into existence as a separate Muslim nation on the subcontinent.

Soon after the creation of Pakistan, the ruling establishment confronted innumerable challenges in the way of evolving a stable democratic political order. The roots of Pakistan's persistent instability can only be found in the social, economic and political dynamics of the very diverse society that in 1947, with unexpected suddenness, became the new state of Pakistan. Despite Jinnah's claim that Muslims constituted a nation, the Muslims of the sub-continent did not automatically share common objectives. There were serious divisions within the community, both before and after the partition. Being a new country without a pre-existing government, it

was more seriously affected by the disorganisation of services, following the partition, when the greater parts of the divisible assets were controlled by India. Pakistan was thrown on her own resources to build-up an administration from scratch, unlike India which had inherited the whole administrative apparatus contrived by the British power during the two hundred years of its supremacy. Thus Pakistan faced serious problems in the way of evolving a democratic and constitutional system.

Pakistan had a unique constitutional experience over the half century of its existence. It had three permanent constitutions, a number of provisional constitutions and three military regimes. None of these constitutions have been able to provide political stability in the country. Contrary to the aspirations and expectations of the people, rulers have imposed constitutional frameworks and governmental structure with the avowed objective of sustaining and consolidating their political ambitions and power interests. Pakistan inherited a political leadership which did not have sufficiently strong roots in the areas constituting it. The Muslim League which spearheaded the Pakistan movement itself did not practice democratic norms in its organisation and function, dependant as it was on certain leaders whose writ was almost unchallenged. Hence, the political leadership, from the very beginning, was dependent on non political institutions like bureaucracy and military which were better organised and cohesive institutions having their origin in the British colonial rule. Thus, firm commitment to democratic norms was absent in Pakistan's natural leadership which by and large lagged behind the military and bureaucracy. A streak of authoritarianism characterised their actions and this was reflected in the governance of Pakistan from the very beginning. It was not merely the emergence of military rule in Pakistan which was responsible for autocratic and authoritarian trends in that country's political system. In fact, the undemocratic trends were already there, the military rulers further consolidated them.

AUTHORITARIAN TRENDS: CRUCIAL FACTORS

There were several factors responsible for the emergence of autocratic and authoritarian trends in Pakistan's political system. It will be worthwhile here to mention the most crucial ones.

(i) *Lack of Democratic Sophistication*

For successful operation of democracy, it is necessary to have a class of people within a society, who have attained a certain degree of political sophistication. Pakistan was unable to evolve a politically conscious middle class which would have formed the basis of a stable political system. On the contrary Pakistan was led by a small group of land owning and industrialist families, with considerable politico-economic clout who cared very little to consolidate democratic institutions.⁵

(ii) *Vast Socio-cultural Diversity*

In Pakistan there was no social homogeneity. Variety of social groups constituted Pakistan society with religion being the only shared factor. In view of religious bonds it was at best a single political community. The social diversity reflected not only religious differences between Muslims and non-Muslims but also dissimilarities in ethnic origin, language, culture and social ethos among Muslims themselves and also between the original inhabitants and the migrant Muslim population from India.

(iii) *Weak Political Leadership*

There were not many skilled and experienced political leaders in the country. Many of the original leaders of Pakistan came from the areas left behind in India, such as United Provinces, Bombay and Bihar. These leaders during the period of movement for Pakistan enjoyed general support but they did not really represent the masses of Pakistan and had no political base in the country. There was not much rapport between them and the common man.

(iv) *Lack of Popular Base of the Leaders in Pakistan*

Even the emotional bonds that had existed between the leadership and the masses during the period of struggle for Pakistan were seriously damaged after the death of the founder leaders Jinnah and Liaquat Ali Khan. In spite of their national stature the rest of the

leaders had no constituency of their own in Pakistan to fall back upon, and no definite prospects of coming back to power after new elections. Even those leaders who came from Pakistan territories belonged to a bygone era and had no representative character left.

(v) *Hegemony of the Landed Aristocracy*

Politics in West Pakistan was particularly dominated by the wealthy landlords, who had little interest in the national well being of the people. They were divided into factions and expressed their dislikes for each other in their characteristic vigorous ways. Even the civil servants and Army officers in the province came from the landed aristocracy.

The aforesaid were some of the major factors which largely contributed to the growth of autocratic and authoritarian trends in Pakistan's political system instead of strengthening the liberal-parliamentary democratic institutions. The entire political system got personalised with the personality cult of the ruling elite.

INITIAL DIFFICULTIES IN THE PROCESS OF CONSTITUTION MAKING

The constitution making through democratic process is always difficult. A constitution has to be evolved according to the needs of the country. The framing of a democratic constitution involves a great deal of negotiations and co-operation of innumerable forces. In a country like Pakistan the constitution making involved all the problems faced by a new country. It must, however, be pointed out that there were certain complicated issues of a genuinely constitutional character involved in the making of a constitution in Pakistan. An attempt is being made here to examine these issues in detail:

Islamic State Controversy

The first and most difficult problem was to determine the exact character of the proposed constitution. Before 1947, M.A. Jinnah, the leader of Pakistan movement never explicitly defined the kind of political structure he would have liked to have in his proposed Pakistan, nor did anyone else in the *Muslim League* initiate a debate on this issue.⁶

Pakistan, it was claimed, was to be a nation wherein the Muslim community could live a life in accordance with the tenets of Islam.⁷ In other words, the objective behind the establishment of Pakistan, according to a section among the Muslim League, was to have an Islamic state.

LACK OF CONSENSUS

Soon after the creation of Pakistan the rulers had to grapple with issues concerning state versus religion. There was, however, no consensus in Pakistan as to what the term Islamic state really meant.⁸ The question was debated at great length both inside and outside the Pakistan Constituent Assembly. In fact during the first phase of the constitution making in Pakistan (from 1947-54) the problem of the relation between state and religion was a dominating theme with the framers of the constitution. While there was a general agreement among different Muslim groups that the state should be conducted in accordance with the principles of Islam, there were divergent views on the *nature and concept* of Islamic state. The conflict arose particularly between *Ulama* and intellectuals with regard to the *Interpretation and enforcement* of Islam. Some *Ulama* emphasise that the constitution had to be based strictly on the pattern which existed under caliphs, thirteen centuries earlier in Arabia. They held that Islamic law was complete and merely required interpretations by Muslim theologians. On the other hand, the intelligentsia in the Pakistan thought that the requirements of Islam could be met without departing from the essentials of modern democratic state.

THEORETICAL POSTULATES

Iqbal, the poet and philosopher who provided for theoretical foundation of Pakistan, while addressing the session of Muslim League as President had said in 1933:

“Nor should Hindus fear that the creation of autonomous Muslim state will mean an introduction of a kind of religious rule in such state.”⁹

Poet-Philosopher Iqbal believed that Islam being a dynamic religion, it was possible to legislate through *ijma* (consensus) and *ijtihad* (exercise of judgement – the two Quranic concepts).” Indeed Iqbal had clearly stated that *ijtihad* could be exercised by National Assembly.

The Prophet Mohammed had himself laid down that “My people will never agree in error” to show that a duly elected parliament, representing the great majority of Muslims could decide which was the correct interpretation of Islamic tenets.

There can be no doubt that *Jinnah* was a secularist and against theocracy. In his speech to the Constituent Assembly on 11th August 1947, he had given a picture of Pakistan which was nothing short of a secular state in which Muslims and non-Muslims could live together and be its citizens, with equal rights of citizenship and that religion should be the private affair of the individual, having nothing to do with the administration of the state. *Quaid-I-Azam* also said at a public meeting in Chaka which was held on 21st March 1948:

“Islam has taught us this and I think you will agree with me, for whatever else you may be and whatever else you are a Muslim. You belong to a nation now. You have carved out a territory, a vast territory it is all yours. It does not belong to a Punjabi or a Sindhi or a Pathan or a Bengali, it is yours. Make no mistake : Pakistan is not a theocracy or anything like it. Islam demands from us the tolerance of other creeds and we welcome in closest association with us all those who of whatever creed are themselves willing and ready to play their part as true and loyal citizens of Pakistan.”¹¹

FAILURE OF THE MUSLIM LEAGUE IN RETAINING ITS NATIONAL CHARACTER

The seeds of Islamic state controversy, in fact, lay in the policies pursued by the Muslim League while waging a campaign for the establishment of Pakistan. Although through political religious slogans and symbols, the Muslim League succeeded in achieving Pakistan, it miserably failed in consolidating it. After the establishment of Pakistan, the Muslim League failed to build a strong grass root support base, nor did the leaders try to put forward liberal or modern interpretation of Islam before the masses. As a result, the *Ulema* and particularly the *pirs* were



able to maintain their influence over a great majority of the people in rural areas. By 1954, the Muslim league was reduced to an insignificant stature. In Pakistan politics the Muslim League could not sustain its erstwhile nationalist rigour and clan. The two Constituent Assemblies in Pakistan sought to resolve Islamic state controversy from 1947 to 1956. The framers of the constitution came face to face with the controversy in March 1949, when it passed resolution on the aims and objectives of the constitution popularly known as Objectives Resolution which was adopted after prolonged debate in which the ruling party members and the opposition expressed their views.

NOTES AND REFERENCES

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10. Note 8, p.161.
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