



75 Years of Pakistan

The Constitution, Public Representation and Governance Model

Seminar Report

The Institute of Policy Studies (IPS) and the Law Department of Fatima Jinnah Women University (FJWU) jointly organized a seminar at the university campus in Rawalpindi on May 31, 2022, to deliberate upon the 75 years of Pakistan with special focus on the ‘Constitution, Public Representation, and Governance’.



Dr. Shahzad Iqbal Sham, Khalid Rahman, Dr. Azra Yasmin, Dr. Aziz ur Rehman, and Dr. Ijaz Shafi Gilani

The theme of the seminar was inspired by Professor Khurshid Ahmad’s recent publication titled *Aa’ien, Ikhtiaraat ka Tawazun aur Tarz-e-Hukmrani* (Constitution, Balance of Powers and Governance) from the series *Armaghan-e-Khurshid* which compiles written and oral contributions of Professor Khurshid Ahmad as a veteran parliamentarian, economist, scholar, and ideologue. This series of books draw attention towards various socio-political facets of Pakistan.

The seminar at FJWU highlighted that despite the successive waves of turmoil and political instability in the country, the Constitution of Pakistan has remained

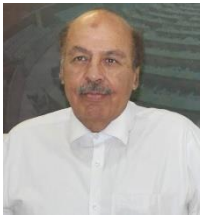
the binding force for the nation. The fact that the Constitution’s viability has strengthened with the passage of time and has led the nation to navigate through difficult times attests to the Constitution’s credibility and people’s confidence in it.

The speakers included Dr. Shahzad Iqbal Sham, author and senior research fellow at IPS, Dr. Aziz ur Rahman, director, School of Law, Quaid-i-Azam University, and Dr. Ijaz Shafi Gilani, chairman Gallup Pakistan and Gilani Research Foundation. The event was moderated by Dr. Nadia Khadam, assistant professor and head of Law Department FJWU, and was jointly chaired by Dr. Azra Yasmin, dean Faculty of Law,

Commerce Management and Administrative Sciences FJWU, and Khalid Rahman, chairman IPS.



After national anthem and recitation from the Holy Qur'an Dr. Nadia Khadam presented her opening remarks. Welcoming the guests, she anticipated that the seminar would provide insights to the students of law who were in great attendance for the event. She was of the opinion that the topic of Constitution requires an unbiased and serious academic research in Pakistan.



Taking to the podium to speak on the topic 'The Constitution of Pakistan and Islam', Dr. Sham stated that in the context of global history and development of nations, 75 years were not sufficient enough to demand extraordinary results. Similarly, summarizing the eventful journey of those many years into a brief seminar talk was not possible. Certain key features of this struggle merited a special mention, however. He drew the audience's attention the gradual reinforcement of the Constitution and steadily developing sense of constitutionalism in the country.

Though Pakistan has witnessed numerous fluctuations and hiccups, the fact that the people of this country have become increasingly sensitive towards rule of the law and supremacy of the Constitution is a silver lining. Public response towards attempts to undermine the Constitution have gained steady momentum in response to the pronounced and implicit military interventions in the political process. Pakistan is in a constant move towards strong democracy that is governed by the current consensus Constitution.

Noting that Islam was the *raison d'être* for the creation of Pakistan and has remained a constant inspiration in all phases of Constitution-making, Dr. Sham reminded the audience that successive military regimes, numerous court verdicts during past seven decades, and alternating political governments from diverse ideological backgrounds have introduced over two dozen amendments to the Constitution, but its Islamic character has not only remained intact but has been reinforced.

He cited Article 91.1 of the Constitution, which originally required the prime minister to be a Muslim member of the National Assembly. However, in 1985, General Zia-ul-Haq removed the condition. For 25

years, anyone from any religion could rule the country. It was not until 2010 when the secular political parties of Pakistan, PPP, MQM, and ANP, having two-third majority in the parliament, reinstated the original condition. Dr. Sham concluded that there is no threat to the supremacy of Islam in the Constitution of Pakistan, particularly when representative and independent parliament is in place.



Taking the discussion forward with a focus on 'The Balance and Harmony of Institutions in the Parliamentary System', Dr. Aziz Ur Rehman remarked that the topic under discussion was of great relevance and sensitivity in the present time. He added that the three institutions, namely judiciary, executive and legislature, held distinctive positions and defined roles in the Constitution of Pakistan. However, these institutions have lost that defined balance.

The question of moral validity of judiciary in redefining authority and expanding its premise over different matters is a debated argument around the world. In Pakistan's context, since the judiciary has been involving itself in political cases lately, the discussion of the 'Judiciary vs. Rest' is becoming prominent in this background in our country. This dichotomy can be curbed if a debate around 'constitutionalism' is built up and formalized, which will help us identify the Constitution's achievements and lacking, and work towards making the required improvements.

Currently, there are no such centers in Pakistani universities that are dedicated to the study and research of Constitution solely, and which localize the study of prevailing and emerging global paradigms in the perspective of Pakistan's Constitution. The question of balance among constitutional institutions can only be addressed through the framework of 'constitutionalism' and can help us determine whether the 1973 Constitution is aimed at defining a more political constitutionalism or legal constitutionalism in Pakistan.



Dr. Ijaz Shafi Gilani noted that Pakistan's history is not only imbued with troubles but also with the resilience of the nation and perseverance of the Constitution. This is a testimony

of evolution of the Constitution and the hope that we need to keep looking forward to.

Dr. Gilani mentioned the scheme and different parts of the Constitution distinctively to demonstrate to the students that it provided a comprehensive guide for governance and nation-building. The constitutional experiment of Pakistan to develop an Islamic republic has set an example for other Muslim nations to follow.

Several Muslim nations have pronounced themselves as Islamic republics as did Pakistan for the first time in 1956.

The most prominent feature of this constitutional model is the acknowledgment that the sovereignty over entire universe lies with Allah the Almighty and that the people of Pakistan would exercise the authority within His prescribed limits through their chosen representatives. This not only decimates absolute power for the rulers but also provides the space for improvement within the constitutional document to achieve the ideal set before them.

For the sake of better governance, the elected representatives must exercise their authority to reflect public sentiments while the people should also avoid

becoming a constant nuisance for the government. Public representatives must ensure that it is the Constitution, in its letter and spirit, that is setting their priorities and shaping their policies and not the fluctuating public demands or sentiments. The state would lead itself into chaos if it deviates from the defined Constitution.



Chair of the session, Khalid Rehman, commended the messages drawn by the speakers for the students which suggested that the struggle and efforts in the 75 years of Pakistan's history have not only developed the masses into a nation but is a beacon for them to keep moving forward in the direction of progress.



Dr. Azra Yasmin thanked all the participants of the event and hoped to continue bringing students in conversation with senior experts and thinkers to help them gain knowledge and vision.

FJWU souvenirs and IPS books were presented to guests towards conclusion of the seminar.

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