

## **SALIENT FEATURES OF THE CONSTITUTION**

The Constitution of 1956 was the first constitution which passed and adopted by Pakistan and its came into force in the month of March 1956, there were 234 articles 13 parts and 6 schedules and below mention are the salient features;

### ***Written Constitution***

This is a written and lengthy document.

### ***Flexible Constitution***

The constitution could be amended through a process requiring the amendment to be passed by at least a two-thirds majority of the parliament. However the president had the right to veto the draft, which then could be overridden by simple parliamentary majority.

### ***Islamic Republic of Pakistan***

The name of the country was adopted as the Islamic Republic of Pakistan.

### ***Objectives Resolution***

The objective resolution was included as a preamble of the constitution.

### ***Federal System***

The constitution provides for a federal system in the country. Powers was divided between the centre and the provinces. The subjects were divided into three lists; The Federal List, The Provincial List, and the Concurrent List.

### ***Unicameral Legislature***

The legislature would consist of a single house. Both the wings of the country were given representation in the National Assembly. The National Assembly consisted of 300 members. 150 members were drawn from each wing.

### ***Parliamentary System***

A parliamentary system was adopted, according to it the president was the head of state and the Prime Minister the head of government.

### ***The President***

Required to be a Muslim of at least forty years of age. The tenure of his office was five years. In case of internal or external danger he could declare a state of emergency in the country. He was authorized to appoint the Governors, the Judges of the Supreme Court, Auditor General and the Advocate General.

### ***The Prime Minister***

He was to be the leader of the Parliamentary group and was thus indirectly elected by the people. He could choose his cabinet from the members of the National Assembly; the cabinet was answerable to the Assembly.

### ***Provincial Autonomy***

Curtailed in the constitution to a great extent.

### ***Islamic Law***

No law would be passed against the teachings of the Quran and Sunnah.

### ***Free Judiciary***

An independent judiciary in the country. A Supreme Court interpreted the constitution, advised the state whenever required, and decided the issues whenever required.

### ***Fundamental Rights***

Included freedom of movement, freedom of speech and expression, freedom to choose profession and freedom to profess religion. Right to life, liberty, and property.

### ***Language***

Urdu & Bengali

Above mention description are the salient features on the constitution of Pakistan 1956 it were constitute till the 7<sup>th</sup> day of October 1958 when The President Iskander Mirza abrogated the constitution and imposed martial law Therefore he appointed General Muhammad Ayub Khan as the Chief Martial Law Administrator.

## **SALIENT FEATURES OF 1962 CONSTITUTION**

The Salient Features of 1962 Constitution of Pakistan are as follows:

### **Federal System**

Under the constitution of 1962 federal system was adopted. The powers of the central government were enumerated in the Federal List while all the residuary powers were given to the provinces so as to meet the demand of provincial autonomy. However, with in this federal structure, the central government was made domineering even at the cost of provincial autonomy. Besides in the administrative matters, centralism was clearly reflected. The provincial governors were the appointees of President and accountable to him: Hence the provincial executive was under the control of the center. This centralism bore more disastrous results in

respect of provincial autonomy. Consequently, the federal structure practically seemed unitary due to which the demand of provincial autonomy became more popular and widespread which threatened our solidarity in the later stage.

### **A Written and Detailed Document**

The 1962 constitution was written in nature and character. It consisted of 250 Articles and 3 Schedules. Thus it was comparatively detailed document. Keeping in view the lack of democratic values and established norms it was thought expedient to give a detailed code of constitutional law as could regulate the conduct of different political institutions.

### **Islamic Provisions**

Like previous constitution of 1956 the Objective Resolution was included in the Preamble of the constitution. The teachings of Quran and Islamiyat were to be made compulsory. The President was to be Muslim. Pakistan was declared an Islamic republic through first amendment. No un-Islamic law would be enacted and all the existing laws would be Islamized etc.

### **Position of the President**

Under the Constitution of 1962 US-type presidential system was enforced to overcome political instability and establish a firm socio-economic and political order. All the executive authority was vested in the President who was unanimously responsible for the business of the central government. All the ministers were appointed by him and they were accountable to him alone. They could participate in the deliberations of the legislature but they were not responsible to it. Along with the provincial governors all the top ranking officials were appointed by him. The president also enjoyed certain legislative, military and judicial powers. The provincial set up also followed the central structure. In short, it was the President who was all in all.

### **Unicameral Legislature**

The 1962 Constitution like the previous constitution provided for unicameral legislature called National Assembly. Its total strength was 156 (later 218 and then 313, who were elected by the electoral college of Basic Democrats. Besides, certain seats were also reserved for women. Its term was 5 years, which was fixed. The members *were* elected on the basis of parity of representation between East and West wing. The proceedings of the Assembly might not be challenged in any court of law. Unlike the previous practices the members *of* the cabinet were not the members of the legislature. The ministers could attend its meetings but like US system neither the president nor his cabinet colleagues were responsible to it.

### **Indirect Section**

It was a new innovation in the 1962 Constitution. It was a general impression that one of the causes of the failure of the constitutional machinery was the direct and adult suffrage and without proper and necessary political education and training. Hence this constitution provided indirect method of election for President and for the legislative assemblies was envisaged. Accordingly, the primary voters would elect the Basic Democrats who had then to elect the representatives to higher positions.

### **Independence of Judiciary**

Proper safeguards were introduced in the 1962 Constitution to ensure the independence of judiciary. Judges of the superior courts were appointed by the President and were appointed by the President and were ensured security of service. They could be removed on the inquiry report submitted by the Supreme Judicial Council on the ground of misbehavior or physical or mental inability to perform their duties. By induction of first amendment the judiciary had full, power to pass judgment over the views of the legislature. Moreover, the court also enjoyed the power of judicial review of executive actions.

### **Fundamental Rights add Principles of Policy**

In the original constitution there was no list of fundamental rights. It was due to the first amendment in the constitution in 1963 that these were included and made its part, prior to that these were laid down in the directive principles of policy. The list of fundamental rights contained almost all the rights secured to its citizens by a modern state. The Principles of Policy were also incorporated in the constitution. Most of the Islamic provisions were made the part thereof. These principles of policy dealt with such matters as Islamic way of life, national integration and solidarity, social welfare, protection of the rights of minorities, development of backward areas etc.

### **Provincial Governments**

Each province had a provincial assembly, which was organized on the lines of National Assembly. The relationship of the provincial governors with their assemblies was the same like that of President with National Assembly. The assemblies of the East and West Pakistan used to meet at Dacca and Lahore respectively. Each had 155 members, at least of who were women. The governors appointed by the President, had a Council of Ministers in the same manner, as the President, who belonged to their respective province.

## **SALIENT FEATURES OF CONSTITUTION OF PAKISTAN 1973**

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Following are the salient features of the constitution of Pakistan 1973

### **Written Constitution**

Constitution of Pakistan 1973 is a written constitution. It comprises of 280 Articles. It also contains 6 schedules, which has been divided into 12 parts.

### **Rigid Constitution**

The constitution of Pakistan 1973 is rigid because amendment procedure is not easy. This constitution provides that 2/3 majority of votes of members National Assembly and Senate, and assent of President of Pakistan are necessary for its amendment.

### **State Religion**

The constitution of Pakistan 1973 announces that Islam would be state religion.

### **National Language and Official Language**

In accordance with Article 251 of the present constitution Urdu has been declared as National Language of Pakistan but the official language is English.

### **Federal Form of Government**

Constitution of Pakistan 1973 provide federal form of government consisting of four provinces of the central government of Pakistan.

### **Parliamentary form of Government**

Parliamentary form of government has been provided for the government in the constitution.

### **Direct Elections**

Constitution of Pakistan 1973 has provided method of direct elections to elect members of National Assembly and Provincial Assembly.

### **Bi-Cameral Legislature**

The Federal Legislature is bi-cameral consisting two houses. Senate (upper house) and National Assembly (lower House).

### **Preamble**

Preamble means an introductory part of statue; it is not the part of the constitution. It is stated in it than sovereignty over entire universe belongs to Almighty Allah.

### **Holding of Referendum**

The president of Pakistan is authorized to order for holding a referendum on any issue of national importance.

### **Single citizenship**

The constitution of Pakistan 1973 provides single citizenship.

### **Independence of Judiciary**

An Independent Judiciary has been provided in 1973 constitution. Judiciary safeguards the fundamental rights of the people of Pakistan.

### **Rights of Minorities**

Rights of Minorities have been protected in the 1973 constitution.

### **High Treason**

The abrogation of the constitution through unconstitutional means is high treason. It cannot be abrogated by the use of force.

### **Final Analysis**

To conclude that the 1973 constitution of Islamic Republic of Pakistan is a democratic state, parliamentary with bicameral legislature in its nature. It is the constitution of elected people. All major political parties of Pakistan unanimously accepted it. Minorities also have safeguard and fundamental rights in such constitution.

## **AMENDMENTS IN 1973 CONSTITUTE**

The Constitution of the Islamic Republic of Pakistan also known as the **1973 Constitution** is the supreme law of Pakistan. Drafted by the government of Zulfikar Ali Bhutto, with additional assistance from the country's opposition parties, it was approved by the Parliament on 10 April and ratified on 14 August 1973.

### **First (1st) Constitutional Amendment:**

The First Constitutional Amendment in the 1973 constitution of Pakistan was made in 1974. It added provision (2) to Article 7 which authorized every citizen of Pakistan to form a political party (except civil servants).

Moreover this amendment also added provision (3) to Article 17 which required that all political parties should inform the government about the sources of their part funds.

### **Second (2nd) Constitutional Amendment:**

The Second Constitutional Amendment in the 1973 constitution of Pakistan was made in 1974. In the second Constitutional Amendment "Ahmadis and Qadianis" (Lahori Group) declared as non-Muslim and minorities in Pakistan.

**Third (3rd) Constitutional Amendment:**

The Third Constitutional Amendment in the 1973 constitution of Pakistan was also made in 1974. In the Third Constitutional Amendment of Pakistan amended Article 10 and withdrew the cover granted to person found involved in anti-state activities that they could not be detained for more than 24 months.

**Fourth (4th) Constitutional Amendment:**

The Fourth Constitutional Amendment in the 1973 constitution of Pakistan was made in 1975. The Fourth Constitutional Amendment of Pakistan added six seats for minorities to the National Assembly and withdrew power from High Court to grant bail to the persons involved in anti-state activities.

**Fifth (5th) Constitutional Amendment:**

The Fifth Constitutional Amendment in the 1973 constitution of Pakistan was made in 1976. The Fifth Constitutional Amendment of Pakistan restricted a person to become governor of a province of his domicile.

**Sixth (6th) Constitutional Amendment:**

The Sixth Constitutional Amendment in the 1973 constitution of Pakistan was made in 1976. The Sixth Constitutional Amendment of Pakistan defined advisers and parliamentary secretaries to the Prime Minister, Chief Minister, Chairmen Law Commission and Special Assistant to the Prime Minister.

**Seventh (7th) Constitutional Amendment:**

The Seventh Constitutional Amendment in the 1973 constitution of Pakistan was made in 1977. The Seventh Constitutional Amendment of Pakistan authorized the Prime Minister to advise the President to hold referendum on any issue of national importance.

**Eighth (8th) Constitutional Amendment:**

The Seventh Constitutional Amendment in the 1973 constitution of Pakistan was made in 1985. The controversial eight amendment was passed during Gen Zia ul Haq era in 1985 by an assembly which was the product of non-party elections. This amendment actually amended Articles numbers 48, 51, 56, 58, 60, 75, 90, 91, 101, 105, 106, 130, 150-A and 270-A of the 1973 Constitution.

The amendment in Article 48 authorized the President to dissolve the assembly if the conditions in the country did not permit the functioning of the federal government.

The eighth amendment enhanced the power of the President very much.

**Ninth (9th) Constitutional Amendment:**

The Ninth Constitutional Amendment in the 1973 constitution of Pakistan was made in 1985. The Ninth Constitutional Amendment of Pakistan declared Quran and Sunnah as the Supreme law of Pakistan.

**Tenth (10th) Constitutional Amendment:**

The Tenth Constitutional Amendment in the 1973 constitution of Pakistan was made in 1987. The Tenth Constitutional Amendment of Pakistan reduced the duration of the senate session from 160 to 130 days.

**Eleventh (11th) Constitutional Amendment:**

The Eleventh Constitutional Amendment in the 1973 constitution of Pakistan was made in 1989. The Eleventh Constitutional Amendment (Shariat Bill) was introduced in the senate. It became time barred and could not be presented in the national assembly.

**Twelfth (12th) Constitutional Amendment:**

The Twelfth Constitutional Amendment in the 1973 constitution of Pakistan was made in 1991. The Twelfth Constitutional Amendment of Pakistan established special courts for the prevention of terrorism.

**Thirteenth (13th) Constitutional Amendment:**

The Thirteenth Constitutional Amendment in the 1973 constitution of Pakistan was made in 1997. The Thirteenth Constitutional Amendment of Pakistan deleted Articles 58(2)B and 112(2)C from the 1973 constitution.

Thus the President and Governors of Pakistan were deprived of their powers to dissolve the assemblies. It also withdrew Presidents discretionary powers to appoint Chiefs of Armed Forces and the Governors of the Provinces.

**Fourteenth (14th) Constitutional Amendment:**

The Fourteenth Constitutional Amendment in the 1973 constitution of Pakistan was also made in 1997. The Fourteenth Constitutional Amendment of Pakistan declared floor crossing as an illegal act.

**Fifteenth (15th) Constitutional Amendment:**

The Fifteenth Constitutional Amendment in the 1973 constitution of Pakistan was made in 1998. The Fifteenth Constitutional Amendment of Pakistan declared Shariat Bill.

**Sixteenth (16th) Constitutional Amendment:**

The Sixteenth Constitutional Amendment in the 1973 constitution of Pakistan was made in 1999. The Sixteenth Constitutional Amendment of Pakistan extended the quota system for another 20 years.

**Seventeenth (17th) Constitutional Amendment:**

The Seventeenth Constitutional Amendment in the 1973 constitution of Pakistan was made in 2003. The Seventeenth Constitutional Amendment of Pakistan restored 58(2)b.

Under this Amendment Articles 41, 58, 112, 151-A, 179, 195, 243, 268, 270-A have been amended. It empowered the President to dissolve the assemblies.

**Eighteenth (18th) Constitutional Amendment:**

The Eighteenth Constitutional Amendment in the 1973 constitution of Pakistan was made in 2010. In the Eighteenth Constitutional Amendment of Pakistan Judicial Commission created and number senate seats increased from 100 to 104.

**Nineteenth (19th) Constitutional Amendment:**

The Nineteenth Constitutional Amendment in the 1973 constitution of Pakistan was made in 2011. In the Nineteenth Constitutional Amendment of Pakistan number of senior judges as member of the Judicial Commission has been raised from two to four.

**Twentieth (20th) Constitutional Amendment:**

The Twentieth Constitutional Amendment in the 1973 constitution of Pakistan was made in 2012. The Twentieth Constitutional Amendment of Pakistan provided for constituting an eight member committee each at the center and the Provinces to nominate the Prime Minister and the Chief Ministers respectively along with their cabinets.

**Twenty-first (21st) Constitutional Amendment:**

The Twenty-first Constitutional Amendment in the 1973 constitution of Pakistan was made in 2015. The Twenty-first Constitutional Amendment of Pakistan is related about Establishment of military courts in Pakistan.

**Twenty-second (22nd) Constitutional Amendment:**

The Twenty-second Constitutional Amendment in the 1973 constitution of Pakistan was made in 2016. In the Twenty-second Constitutional Amendment of Pakistan Bureaucrats and Technocrats also will become members of Election Commission of Pakistan.

**Twenty-third (23<sup>rd</sup>) Constitutional Amendment:**

The Twenty-third Constitutional Amendment in the 1973 constitution of Pakistan was made in April, 2017. In 2015, National Assembly passed the 21<sup>st</sup> Amendment and created the military courts for the period of 2 years. The period of two years was expired on 6<sup>th</sup> January 2017 hence this 23<sup>rd</sup> Amendment was passed to re-establish the military courts for further two years till 6<sup>th</sup> January 2019. At the end of this period all the amendments will be expired/removed automatically.

**Twenty-fourth (24<sup>th</sup>) Constitutional Amendment:**

The Twenty-fourth Constitutional Amendment in the 1973 constitution of Pakistan was made in Nov, 2017. The 24<sup>th</sup> Constitutional Amendment Bill 2017 will allow the conduct of delimitation of constituencies on the basis of provisional census results.