

History Of Constitution of Pakistan

Meaning of Constitution:

Oxford: A body of fundamental principles or established precedents according to which a state or organization is governed

Collins Dictionary: The fundamental principles on which a state is governed, especially when considered as embodying the rights of subjects.

Black Law Dictionary: In public law the organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers.

The History of Constitution of Pakistan:

At the time of independence Pakistan inherited the government of India act of 1935 constitutional model. Provided a strong central government, a bureaucracy dominated by an executive unanswerable to legislature, and very limited representation with the continuation of feudal domination over politics under this act, the head of the state was Governor-General power to appoint and dismiss minister as well as assume emergency power.

1956 constitution:

- March 23, 1956
- Abolished the office of the Governor-General
- Power sharing arrangement between president and prime minister
- East Pakistan and West Pakistan were to have equal seats in the national legislature
- President retained supreme powers
- Center was more powerful than provinces

February 1959, but President **Iskander Mirza**, fearing a rise in East Pakistan's influence could undermine his hold on power, abrogate the constitution, imposing martial law in 1958 and appointing army chief **Ayub Khan** as chief Martial Law Administrator. This set a precedent for the military to assert itself into the country's political affairs and a pattern of takeovers, subversion of constitutional provisions and a military bureaucracy-dominating executives.

1962 Constitution:

- Came into effect in 1962
- Failed to conclude fundamental rights until its first amendment
- Executive power belong to the president and the office of prime minister was abolished
- It institutionalized the intervention of the military in politics by providing that for 20 years (president or defence minister must have held a rank not lower than that of Lieutenant-General of army)

In 1969, the 1962 constitution was suspended, martial law was declared, and general **Yahya Khan** took over.

1973 Constitution:

- 1st constitution to be framed by elected representatives in Pakistan
- Parliamentary form of democracy
- Executive power belongs to Prime Minister
- President as the formal head of the state, bound to act on the advice of prime minister
- 2 houses of parliament, national assembly and senate
- Provides for 4 provincial governments
- Distribution of legislature power between the federal and the provinces