### Constitutional Development in British India

Following acts were introduced by the British government in India.

Indian Councils Act, 1861

Indian Councils Act, 1892

Government of India Act, 1909

Government of India Act, 1919

Government of India Act, 1935

**End of East India Company’s Rule:**

On August 2, 1858 British Parliament passed a law for complete takeover of all rights of the East India Company over India. Post of Secretary of State for India was created through the cabinet. The Secretary of State for India was empowered about government and revenues of

India.

On November 1, 1858 Queen Victoria issued a proclamation for the assumption of control of India by the British Crown. Lord Canning, Governor General of India was given the title of “Viceroy.” He continued in office but not as the Company’s representative but direct representative of British Crown. Moreover armies of the Company came under British Control.

**Indian Council Act, 1861**

This act was the first legislation by the British government in India. Before that laws were promulgated by the East India Company.

According to this act:

Governor General could assign special tasks to any members of the Executive Council. Important matters were to be discussed with the Governor General. Some important subjects were kept directly under the Viceroy, e. g., Foreign Department.

Membership of the Council was raised: 6 to 12. Half of them were to be non-officials, nominated for two years.

The Council had limited legislative powers.

In Madras and Bombay Councils approval of the Governor General (GG) and Governor was needed. This act provided Indian representation by nomination.

**Indian Council Act of 1892**

**By this act:**

Size of Legislative Council increased.

In Central Legislative Council the membership was increased: 10 to 16 members.

At Provincial level representation was increased. In Madras & Bombay 8 to 12, Bengal 12 to 20. Limited powers were given to the legislatures. Questions could be asked.

Nominal elections through special interests were allowed. GG and the British government made these appointments.

**Government of India Act, 1909 (Minto-Morley Reforms)**

This act was another step towards giving Indians more representation in the Government.

This act provided

Expansion of Legislative Councils

Central: Additional members up to 60 But official majority remained there.

Provincial: Size varied in different provinces.

Bombay, Madras, Bengal, UP: 50

Non-official majority

Not all the members were elected.

Powers of the Councils were increased. Now

Budget could be discussed. Members were allowed to present Resolutions and put up questions.

Executive Councils were formed for Bombay, Madras and Bengal and Lt. Governor Provinces. Elections were to be held by University Senate, District Boards, Municipal Committees, Zamindars, and Chambers of Commerce.

Separate Electorate was accepted for minorities.

#### Government of India Act, 1919 (Montagu-Chelmsford Reforms)

In the background of some significant developments between 1909-1919 like World War I- 19141918, political activity during Tehrik-i-Khilaphat, change in Muslim League objectives, Lucknow Pact 1916 etc., the British government announced that gradual induction of Indians in all branches of government would be done. Gradual introduction of responsible government would be done. Commissioned ranks of Army would be given to the Indians.

Mr. Montagu, Secretary of State visited India from November 1917 to April 1918 and discussed the constitutional matters with Viceroy Lord Chelmsford and the Indian political leaders. The outcome was the government of India Act 1919.

**Salient Features, Government of India Act 1919**

This act provided a bicameral legislature at the Centre, which consisted of two houses. One was the Council of State with a membership of 60, out of which 34 were to be elected and 26 nominated official & nonofficial members. The Council’s tenure was fixed at 5 years. Legislative Assembly was consisted of 145 members, out of whom 105 were elected and the rest would be nominated.

Direct elections were introduced with limited franchise on the basis of property, tax paying, previous experience of legislative councils, university senate, district councils, etc.

Separate Electorate for minorities.

Limited law making powers were assigned to the Legislature but for certain categories prior permission was required. It had no control over defense, foreign policy, budget etc. Legislature could refuse grants but GG could restore them.

Questions, Resolutions, Adjournment Motions were allowed.

G.G. remained a powerful office with all the executive, legislative powers with a nominated Executive Council.

Two lists of subjects were given in the act, one was Central and the other was Provincial. Centre had overriding powers.

**Provincial Legislative Councils**

Membership increased. 70 percent were elected. They were having limited powers. They could reject budget but GG could restore it.

**Diarchy System in the Provinces**

The act introduced DIARCHY system in the provinces. According to the new arrangement subjects were divided into two categories i.e., Reserved subjects and Transferred subjects.

Reserved subjects included judiciary, canal, land revenue, Finance, press, power, etc. Transferred subjects included Local govt. education, public health. In case of a dispute, if something belonged to reserved or transferred side, the Governor was entitled to make the final decision.

Limited Responsible Government at the provincial level was introduced. The system of Diarchy was complicated.

The continuous tussle between the elected and nominated members created fear of breakdown of administration. GG had Control on key departments. Elective elements became strong in the legislatures.

**Government of India Act, 1935**

It was the most important and most comprehensive legislation introduced by the British Government in India. It was gradually formulated starting with the Simon Commission, Round Table Conferences, White paper (1933) and J.S.C. it was a lengthy document passed by the parliament in July 1935 and got Royal assent in August 1935.

**Salient Features**

It provided a Federal System with a centre, 11 Governor Provinces, 6 Chief Commissioner Provinces and the states willing to join it.

Three lists of subjects were given with a powerful centre. Federal list had Defense, Postal srevices, External affairs, Coinage and Communication. Provincial list included education, police, Local self-government, justice, agriculture, public service, fisheries and forests. The concurrent list included criminal law, civil marriage, divorce, registration, bankruptcy, factories and succession.

**Two houses of Central Legislature:**

i. Council of State comprised of 260 members, out of which 156 were from British provinces and 104 from Indian States.

Method of election was indirect. Communal representation was also secured. ii. Federal Assembly was lower house consisted of 375 members. Out of which 250 represented British provinces and 125 from Indian States.

They were elected by provincial legislatures on the principle of separate electorate.

States were to nominate their members.

Limited Powers were given to legislature:

80 percent of budget was above their vote.

They could do law making for two lists but GG could turn down or refuse the bill keeping it for consideration of the British Government.

This constitution provided a Powerful GG: Executive Chief having powers of

== Act on advice

== Independent Judgment

== Discretion

== Emergency powers

== Ordinances

== Power to rule provinces directly

**Provincial Governments:**

Governors enjoy the powers like the GG in the Centre.

== Diarchy abolished in provinces.

== Responsible government was formed.

== Provincial legislatures not unicameral. Act provided for bicameral legislatures in six provinces and unicameral in five provinces.

== Franchise extended but still restricted on the basis of land revenue Rs. 5, Non-transferable property of Rs. 60, Education: Primary.

1. Federal Court and High Courts were formed under the act.
2. Burma was separated from India.
3. Sindh was separated from Bombay.

**Comments:**

== Federal part of the act was not introduced.

== Provincial part introduced in 1937.

== Provincial autonomy was provided.

== Elected governments were formed in provinces == A strong centre was maintained.

== This act expanded electorate.

== Indian government under this act had no control over defense. == Indian legislature could not amend it.

== Federal legislature elected indirectly

### The Objectives Resolution (1949)

The Objectives Resolution was the first constitutional document that proved to be the ‘foundation’ of the constitutional developments in Pakistan. It provided parameters and sublime principles to the legislators. It made the constitution-making process easy task setting some particular objectives before them that would be acceptable to the people of Pakistan who had suffered a lot under the Hindu-dominated majority. The Resolution was moved by Liaquat Ali Khan, the then Prime Minister of the Islamic Republic of Pakistan, and approved on March 12, 1949.

**The Constituent Assembly (1947-54)**

The first Constituent Assembly came into existence under Indian Independence Act 1947. The elections were held in July 1946 to decide the destiny of the All India Muslim League (AIML)’s claim that it is the only representative party of the Indian Muslims that desire separate homeland, Pakistan. The members from the districts that became part of Pakistan were declared members of the Constituent Assembly. The number of such members was 69. It increased to 79 after the 1947 when some states joined Pakistan and then increase in the population. There were two major parties, Muslim League and Congress in the Assembly at that time. This Assembly had dual functions to perform.

**Features of the Objectives Resolution**

1. Sovereignty over the entire universe belongs to Almighty Allah alone.
2. 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.
3. Constitution will be framed for sovereign, independent state of Pakistan.
4. The state shall exercise its power through the representatives of the people.
5. Principles of Democracy, freedom, equality, tolerance and social justice as enunciated by Islam will be fully observed.
6. Muslims shall be enabled to organize their lives in accordance with the teachings and requirements of Islam as set out in the Quran and the Sunnah.
7. Minorities to have freedom to freely profess and practice their religions and develop their cultures.
8. Provisions for safeguarding the legitimate interests of minorities, backward and depressed classes.
9. Pakistan shall be a Federation with autonomous units. State’s sovereignty and territorial integrity will be protected.
10. People of Pakistan should prosper and attain their rightful place in the comity of nations and make contribution towards international peace and progress and happiness of humanity.

**Explanation and Importance**

The Resolution declared the sovereignty of God as the distinctive political philosophy. The Western democracy gives the notion that sovereignty lies in the people but this Resolution is important having the concept of the sovereignty of God. It clarified that people would utilize powers gifted by God so they would have to work within the limits prescribed by Him. The exercise of the powers is a sacred trust. The representatives of the people of Pakistan will manage the affairs under the universal ideology of democracy, freedom, equality, tolerance, and social justice with the spirit of an Islamic framework.

The Resolution pledged to give the due respect and rights to the minorities, backward and depressed classes in the benign society of Pakistan. Their rights, interests, religion and culture were not confuted.

It’s important that the Resolution promised the federating units for due powers, autonomy and territorial integrity.

**Objections by Non-Muslims**

The major objection by the Non-Muslims was that the government was trying to mix the religion and politics that was against the spirit of democracy. The non-Muslims objected on the ‘Sovereignty of Allah’ and minorities’ rights, saying it would promote inequality in the society. They were also of view that Shariah was not adequate for the modern time. They feared that it would encourage the religious extremists to work for the establishment of a ‘theocratic state.’

**Importance**

The Objectives Resolution is a basic and primary document of the constitutional history of Pakistan. It is a framework that provides mechanism to achieve goals for a better life of the people of Pakistan. It’s important that it embraces centrality of Islam to polity sustaining their links with the pre-independence period. The AIML leaders were modernist Muslims not in favour of an orthodox religious state. Therefore, they selected the middle way abiding by the Islamic laws and the international democratic values. The Resolution remained ‘Preamble of all the constitutions due to its importance.

**Lecture 16**

### Constitutional Issues

Constitution is a set of basic principles and framework for governance and exercise of political power and legal authority. It clarifies the scope of power, relationship among various institutions within the government and society. It has precedence over ordinary laws and cannot be changed like ordinary laws. The Government of India Act (1935) was modified and promulgated in the newly state of Pakistan. The elected members in the 1946 elections made the first Constituent Assembly that faced grievous circumstances.

**Major Issues**

The major issues, the first constituent assembly faced,were about:

1. Federalism
2. Representation
3. Separate or Joint Electorate
4. The National Language Issue
5. Parliamentary or Presidential system
6. The Islamic or Secular State

**1: Federalism**

There was consensus on federalism but yet there were many issues to be settled. The main was that Pakistan consisted of two territorial parts, East Pakistan (with more population, less territory but administratively one unit) and West Pakistan (administratively 4 units). Federalism is meant to accommodate such kind of diversity maintaining the unity of the state or country.

**Division of power:**

It was the most difficult question that how the power would be divided between Centre and the Provinces. The heritage of British rule gave the tradition of a **Strong Centre.** But the provinces were demanding more **Autonomy and Provincial Rights.**

In the Interim Constitution and the 1956 Constitution tradition of strong centre continued.

**2: Representation**

Representation at the federal level was another conflicting issue because East Pakistan and West Pakistan were different in population and size. On the other hand there was diversity in Western part of Pakistan. The provinces of West Pakistan were also different in population and size. All of them were sensitive to their representation and provincial autonomy.

To have a Standard Formula for the representation of units and population the Constituent Assembly (CA) formed a Basic Principle Committee (BPC) on March 12, 1949. The primary task of this committee was to frame a set of basic principles for the future constitution of Pakistan.

**First BPC Report:**

This committee presented its first report on 28th September 1950. According to this report two houses of the parliament were proposed. The lower house was to be elected on the basis of POPULATION and the upper house was to be elected on the basis of equal representation for all the provinces of Pakistan namely East Bengal, West Punjab, Sindh, NWFP and Baluchistan. Equal powers were proposed for the both Houses. No mention of National Language was made. East Bengal opposed this report and Liaqat Ali Khan withdrew it.

**Second BPC Report:**

BPC presented its final report on 22nd December 1952. According to this report two Houses of the Parliament will enjoy the equal status and powers. It proposed equal representation to East and West wing.

This report also faced reaction in both the wings of Pakistan. The principle of parity was not appreciated in both East Pakistan and Punjab.

**Muhammad Ali Bogra Formula:**

Muhammad Ali Bogra immediately after assuming the office of the Prime Minister presented a formula to resolve the deadlock in constitution making. According to this formula Pakistan would have a bicameral legislature. In upper house there would be EQUAL representation to each of five units. In lower house population will be represented. In this way more representation was given to East Pakistan.

Both wings would have equal strength in joint sessions of the two houses.

**Reaction to Bogra Formula**

It was welcomed in both parts of the country. The principle of parity and representation of the population was appreciated. It also solved the problem of national language by suggesting Urdu and Bengali both as national language.

**One Unit of West Pakistan October 1955**

One Unit of West Pakistan was established on 14th October 1955. The provinces of Punjab, Sindh, NWFP and Baluchistan would be amalgamated in one unit to establish parity between the two parts of the country.

**3: Separate or Joint Electorate**

Separate electorate was adopted on the demand of Muslims in 1909 by the British Government. But the minorities did not favour this after independence. Religious elements supported this as a part of heritage.

East: decided for Joint Electorate.

West: Separate electorate.

1957: Joint Electorate was adopted for all Pakistan by the National Assembly.

**4: The National Language Issue**

Pre-independence: Muslim elite all over India adopted Urdu. In 1948 Jinnah declared that Urdu would be the national language but provinces could use their languages.

Opposition against Urdu was there in East Bengal. This became more pronounced after the death of Jinnah as controversies erupted on constitution making. Language Movement started in East Pakistan February, 1952.

There was a complaint about anti Bengali language attitude of the federal government.

Two-language formula was adopted in 1954. Since 1973 Urdu was adopted as national language along with the support for development of regional languages.

**5: Parliamentary or Presidential**

There was a consensus for parliamentary system. But there was a limited demand for presidential system. Supporters of Presidential system became dominant after the 1958 military takeover. The 1962 Constitution was a Presidential constitution.

**7: The Islamic or Secular State**

From the very beginning of Pakistan Movement there was an agreement that the state will have close relationship with Islam. Muslims defined their national identity with reference to Islam and its heritage. Some opposition came from the Congress members of the Constituent Assembly, and a few secularists.

There was a BROAD AGREEMENT that the state will identify itself with Islam. The Constituent Assembly took time to define the precise relationship between the state and Islam.

**Objectives Resolution**

As discussed above, Objectives Resolution rejected theocracy in Pakistan and provided the basic objectives for the future constitution of Pakistan.

**The issues to be addressed were:**

1. Scope of legislation for an elected Assembly?
2. Who will decide about the Islamic nature of laws? Should a Board of Ulema be given this power?
3. Position of women, vote and work?
4. Religious minorities?

Discussion in the Constituent Assembly and outside continued. There was an active demand by religious elements for Islamic political system. In this context the leading Ulema of various sects presented famous 22 points to provide a religious base to the future constitution.

**The Key Issue:**

What kinds of institutions and processes have to be created to translate the notion of supremacy of the Qur’an and the Sunnah

* The Constituent Assembly adopted a middle course and a modernist perspective.
* Spirit of Islamic principles and values, modern notions of governance, representation and administration were amalgamated.

Islamic provisions would be taken up when we discuss the constitutions.

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**Lecture 17**

### Constitution Making (1947-56)

Constitution is a basic document in the handling of domestic affairs. It sets out the framework for governance and exercise of power. It gives guiding lines of relationships among the federating units. Law making is always within its limits.

The modified Government of India Act (1935) became the Interim Constitution of Pakistan in 1947. The Constituent Assembly (CA) was given the task of framing the Constitution. The first meeting of the CA was held on August 11, 1947 at Karachi. we have discussed the constitutional issues that the CA had to deal with, mainly 6 major issues. Now we will discuss the stages of constitution making.

The process began with the passing of the Objectives Resolution in which the Islamic and democratic values were adopted as grounds for the future constitution. The Basic Principles Committee (BPC) consisting of 24 members was made to work for the constitutional powers. The various sub-committees on Federal and provincial powers, Franchise, Judiciary, and Fundamental Rights started working. Board of Talimat-i-Islamia was also set up to seek advice on the religious matters.

**First BPC Report, 1950**

**1:** The Objectives Resolution to be included in the Constitution as the directive principles.

**2:** Legislature: Two houses of the parliament.

Upper: (House of Units) Equal representation for the units

Lower: (House of People) On the basis of Population. Both the Houses would enjoy the equal powers.

**3:** The Head of State elected by joint session would be for five years (Two terms only). President had discretionary and emergency, appointment and other powers. President was not answerable to anyone, might be a Muslim or non-Muslim, would be assisted by the Prime Minister (PM) and Cabinet that would be answerable to the CA. Parliament may impeach him by 2/3 majority. He was given the power to abrogate the constitution.

**4:** Cabinet responsible to both the Houses.

**5:** No mention of national language

**Criticism:**

This report was severely criticized throughout the country. It could not satisfy both the wings, East and West. The religious group objected that the report contained nothing about Islamisation. On the question of representation, the East Pakistan (EP) protested that their majority had been denied by the Report. They remarked that they were thrown into a permanent minority. The population of EP was slightly larger than that of the West Pakistan (WP) but it was treated as the small provinces because both the Houses were given equal powers. So the domination of WP was intolerable for the East wing.

The language issue proved subversive to the national solidarity. The Eastern Pakistanis condemned the proposal that made Urdu as official language.

**Second BPC Report, 1952**

1. Head of State would be Muslim and no change in powers.
2. Equal representation to East and West wings: UH (Upper House) 60, 60 LH 200, 200
3. More powers were given to Lower House. Cabinet was made responsible to Lower House.
4. It was promised that law making would be in accordance with ISLAM. No law would be made in violation of Islamic principles.
5. Advisory Board of five Islamic scholars was founded.
6. Silent on national language.

**Criticism:**

The politicians particularly from the Punjab deplored the Report because formation of the UH on the basis of representation was not acceptable. It was declared against the principle of federation. The WP favoured equality only for Upper House. The political crisis removed Prime Minister Nazimuddin and attention diverted from the core issue.

**Third Report: Muhammad Ali Formula October 1953**

The proposals were revised in the light of the criticism and decided:

Upper House: Equal representation to all five units

Lower House: More representation to Eastern part

While in joint session, both wings had equal representation:

East Pak West Pak

Upper House 10 40

Lower House 165 135

------------------------------ Joint Session 175 175

Decision by majority but it must include 30 percent members from each zone.

**Criticism:**

It suggested some difficult process but mostly it was widely acceptable. Two languages, Urdu and Bengali, were approved as official languages that injured the national unity as Quaid-iAzam had wished Urdu as national language.

This is important that after the Formula, the work began on constitution drafting because the deadlock was over.

**CA Dissolution**

In October 1954, GG (Governor General) dissolved the CA that was challenged in the Sindh court by Maulvi Tamizuddin. The court declared the dissolution illegal but the Federal Court upheld the GG action but asked for setting up an elected CA.

**2nd Constituent Assembly, June-July 1955**

Ghulam Muhammad called a Convention on May 10, 1955. All its members were to be elected indirectly (by the provincial assemblies). In this way, the 2nd CA came into existence.

#### One Unit Scheme, October 1955

The presence of different provinces in the WP had complicated the issue of the WP representation in the CA. It was handled by uniting all the WP units into ONE (One Unit, October 30, 1955). Now both the parts had become two units and could be addressed equally.

**Constitution-making**

One Unit scheme helped the task of constitution making to accomplish successfully. The previous committees report helped the new Assembly that completed its work and presented in the 2nd CA on January 9, 1956. It, with certain amendments, was approved on January 29, 1956 and enforced on March 23. With this Pakistan had become an Islamic Republic.

**Lecture 18**

### The 1956 Constitution

The Constitution of 1956 was passed after long deliberations. It replaced the Interim Constitution. It has 234 Articles and 6 Schedules. It declared that the name of the country would be the Islamic Republic of Pakistan.

There was clear impact of the Government of India Act, 1935 and the Interim Constitution.

**Features**

**1: Parliamentary System**

Executive Authority vested in the President who exercised it on the advice of the Prime Minister except in the matters he had discretion.

President had ceremonial functions and exercised limited powers.

The President would be of 45 years of age, Muslim and qualified to be a member of National Assembly.

He was to be elected by National Assembly (NA) and Provincial Assemblies.

**Prime Minister**

PM would be appointed by President. President could not remove him unless he was sure that PM did not enjoythe support of majority in the National Assembly. The President would be its sole judge. He could ask PM to show his support. Cabinet was **collectively responsible** to NA. PM was the head of government assisted by cabinet.

**One House Parliament:**

National Assembly was the only house of the parliament having a membership of 300 plus10 women seats. Principle of parity was observed for representation.

Method of direct elections was adopted for general seats.

All legislative powers were rested with NA.

President could return, reject or sign the bills.

Regarding monetary bills of ordinary expenditure NA had all powers but they could not vote on Consolidated Fund List. Salaries of President, judges, federal service commission, etc. were to be paid through Consolidated Fund.

NA could control the Executive.

**2: Federal System**

The constitution provided three lists: Federal, Provincial and Concurrent. There were two Provinces in the federation of Pakistan.

**3: Provincial Structure:**

At the provincial level there was elected Assembly. The Parliamentary System under the nominal headship of Governor. The real powers were given to Chief Ministers and his cabinet. Centre had some overriding powers and some Emergency powers too. They were

Clause 191: Security or economic life was under threat for external or internal reasons. Clause 193: Constitutional crisis in provinces.

**4:** **Independent Judiciary**

At centre level the highest court was Supreme Court, then High Courts in provinces and subordinate courts were established.

Higher Courts have the power of Interpretation of the constitution. They could hear the disputes between governments. They were guardians of the Legal rights of the citizens.

**5: Fundamental Rights**

Civil and Political Rights were given to the people of Pakistan but they could be suspended in case of emergency.

**6: Directive Principles of State Policy**

These principles provided guidelines for policy making.

Principles of Objectives Resolution were included as preamble. The other principles included surety about Islamic practices, Welfare of people, non-discrimination, and fulfillment of basic needs, etc.

**7: Islamic Character**

The name of the country was the Islamic Republic, Objectives Resolution was the Preamble.

Other Islamic clauses were part of Directive Principles.

No law can be made to violate Islamic principles and teachings.

Existing laws would be brought in conformity with Islamic teachings. A Commission was to be appointed to examine the laws for bringing them in conformity.

Whether a Law is Islamic or not, NA had to decide. The matter could be taken up with the Judiciary.

Islam was not declared state religion.

Islamic heritage and roots are combined with modern notions of governance and a moderate political system was adopted.

**Working of the Constitution**

No elections were held after the enforcement of elections. It was finally abrogated on October 7, 1958.

It worked from March 23, 1956 to October 7, 1958.

**Lecture 19**

### The 1962 Constitution

1. **Background**
2. **Constitution-making**
3. **Salient Features**

**1: Background**

Military took over on 7 October 1958 and consequently Ayub Khan became Chief Martial Law Administrator. One major task was to frame a new Constitution. The administration was critical of Parliamentary system because it caused instability in the past. They sought stability of the nation in the gradual development of democracy.

**2: Constitution Making**

The government introduced Basic Democracies in October 1959. Under this system Forty Thousand basic democrats (local councilors) were to be elected in each province. They have to perform functions as local government and their role in developmental work. They also acted as an electoral college for the election of president and the national assembly.

Elections for the Basic Democracies (BD) were held in December 1959 and January 1960. Then Presidential referendum was held by the elected BD members on February 17, 1960.

A Constitutional Commission was established in February 1960 under the chairmanship of Justice Shahabuddin, former Chief Justice. The tasks assigned to the Commission were:

* To examine the causes of failure of Parliamentary system.
* Recommend a new system keeping in view the (a) genius of people
  1. standard of education
  2. internal conditions of the country
  3. need of development

Commission presented its report in May 1961 after then two committees reviewed it.

Under the report of these committees the new Constitution was drafted.

Ayub announced the Constitution on March 1, 1962. Elections to the National Assembly (NA) and Provincial Assemblies (PAs) were held in April and May 1962 respectively.

The new Constitution was enforced on June 8, 1962. Martial Law was withdrawn. The new Constitution was consisted of 250 articles, 5 schedules.

**3: Salient Features of the Constitution**

**1: Title of the State**

Republic and Islamic Republic

**2: Presidential System**

A Powerful President who was responsible for administration and affairs of the state. He should be a Muslim, at least 40 years of age, should be qualified to be a member of NA. He would be elected through indirect elections for a period of five years.

If he has held office for more than 8 years, he could seek reelection with the approval of the NA and the PAs.

National Assembly was given the power to impeach the president, however it was difficult to achieve.

President could dissolve the NA but in that case he must seek re-election.

**Powers of the President:**

President was the Focal point of all the Executive, Legislative and Judicial powers. Cabinet was responsible to him. All key appointments were to be made by President. He could issue Ordinances. He could also declare State of Emergency in the country.

**3: National Assembly (NA)**

NA was consisted of one house on the basis of principle of parity between two wings of the country. There were 150 seats plus 6 seats were reserved for women. All were elected indirectly. For the membership minimum age limit was 25 years.

**Legislative Powers:**

NA had all the powers of law making but law was to be finally ratified by the president. President could sign, reject or return the bill.

**Financial Powers**

Financial Powers of NA were limited. Only new expenditure could be voted. NA could not reject Consolidate Fund List and Recurring Expenditure.

**4: Federalism**

There were two provinces of the federation: East Pakistan and West Pakistan. Only one list of subjects, i.e. the Central list was given in the constitution.

**Provincial Governments**

Governors were head of the provinces and govern the province with his cabinet.

Provincial governments were directly under the control of President.

There was a strong center with a Powerful President. He had enough powers to manage provincial affairs. In case of emergency powers Central government could take direct control of the province.

**5. Principles of Policy**

* National solidarity would be observed.
* Interests of backward people would be looked after.
* Opportunities for participation in national life.
* Education and well being of people.
* Islam would be implemented in day to day life.

**6: Fundamental Rights**

Fundamental Rights were provided in the constitution**. 7: Political Parties**

Originally Political Parties were not allowed. Political Parties Act was introduced in 1962**.**

**Islamic Provisions**

Objectives Resolution was the Preamble of the Constitution. Other Islamic provisions were a part of Principles of Policy and not the constitution.

**Advisory Council for Islamic Ideology**

An Advisory Council for Islamic Ideology was made in the constitution having 5-12 members. It was a recommendatory body.

**Islamic Research Institute**

It was designed for the Research and instructions in Islam for assisting the reconstruction of Muslim society on truly Islamic lines.

**Working of the Constitution**

Constitution remained enforced from June 8, 1962 to March 25, 1969.