

# SALIENT FEATURE OF 1956

## CONSTITUTION OF PAKISTAN

### Introduction:

The First Constitution was introduced in Pakistan on 23 March 1956. 23 March as you know is an important day in the History of Pakistan. You would recall that on 23 March 1940, The Lahore Resolution was presented for approval in the annual Session of ML held at Lahore. So when this Constitution was introduced it was decided that it should be introduced on such a day of historical importance. Therefore on 23 March this Constitution was introduced.

### Detail:

The 1st Constitution of Republic of Pakistan was written in nature. It consisted of 234 Articles and 6 Schedules. Hence it was one of the lengthiest Constitution of the World as it regulated the activities and jurisdiction of not only the Central Governments. In this way unlike the US Federation, the Federating unit did not have their separate Constitutions.



## Features:

And now we will discuss the basic Feature of the 1956 Constitution, so that you had an idea of what kind of Constitutional System came into being with the introduction of the Constitution. What kind of State institutions were created, what kind of relationship of different State institutions with each other with the public at large, how the power was distributed and how the power was to be exercised.

### 1: Parliamentary System:-

The 1st Significant Feature of the 1956 Constitution is that it provides for a parliamentary System of govt. under the Constitution parliamentary form of Government was adopted. All the ministers were supposed to be the members of parliament and they remained of the majority members in the Assembly. In this case the president was to be elected; there was an elected president and he was to be elected by the members of the NA and pass for a period of 5 years. And the minimum age for the president was 45 years. And under this Constitution the Office of the president could only be held by a muslim that was a condition provided in the Constitution. If he signs then those laws become part of the Constitution. He can return the laws for reconsideration to the NA. He has the power to reject a law passed by the NA.



## prime minister:

The real power is exercised by the prime minister who was appointed under this system by the president. In this respect that is whether the PM has the majority support or he has lost the support the president was to be the sole judge. But under 1956 Constitution, president was not obliged to ask him to show his strength. So this was the situation under the 1956 Constitution that was the parliamentary system of govt. In fact, this was the system functioning before 1956 Constitution was enforced that is under the 1947 interim Constitution.

- PM would be appointed by president.
- He could ask PM to show his support.
- PM was the head of government assisted by Cabinet.

## One house parliament:

The 2nd important feature of this Constitution is that it created one house parliament which was named as the National Assembly.

National Assembly was the only house of the parliament having a membership of 300 plus 10 women seats. principle of parity was observed for representation. Method of direct elections was adopted for general seats. All legislative powers were vested with NA. president could return, reject or sign the bills.



## 2: Federal System:-

The Constitution embodied all the Features of Federation. There were three legislative lists Federal provincial and Concurrent. Federal List Contained 30 Subjects, the provincial 74 and in the Concurrent list Only 19 Subjects were enumerated. Both the Central and provincial Legislatures Subjects. However, in Case of Conflict the Central Law would prevail. All the residuary powers were entrusted to the provinces, which showed decentralization of authorities so as to meet the demands of provincial autonomy. In Case of Conflict between the Centre and the provinces, the Chief Justice of Pakistan would have to settle the dispute.

## 3: Provincial Structure:-

The Constitution provided for a provincial structure, each province had a provincial Legislature elected directly by the people of even in the provinces. Parliamentary System was introduced that is the CM would be the head of govt. CM is to be the responsible to the provincial assembly. The way through PM is responsible to the NA. 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. So there was an independence judiciary in the 1956 Constitution.



#### 4: Independent Judiciary:-

Necessary protection was given to independence of judiciary. Head of the State will be authorized to appoint the judges. Their service could not be challenged without any accusation. The Supreme Court was entrusted the task of interpreting the Constitution and to adjudicate in any provincial government or between provincial government. There was single hierarchical Court network throughout the Country with Supreme Court at the top.

#### 5: Fundamental Rights:-

Fundamental rights were made part of the Constitution and were to be enforced by the Supreme Court. All such laws and administrative policies as could violate fundamental rights could be challenged in the law-courts. These rights were guaranteed to Muslims and non-Muslims without any discrimination. Some of these included right to life, liberty, property and personal security, freedom of speech, expression, thought and action, right of movement, right to privacy and family life etc.

#### 6: Directive principles of State policy:

Directive principles of State policy were also incorporated in part III of the Constitution. Some of these principles dealt with Islamic teachings, others included eradication of poverty and provisions of



equal Facilities to all alike For Welfare purpose, protection of the rights of minorities, elimination of illiteracy, uplift of life standard, enforcement of Socioeconomic justice, Separation of judicial and executive branches etc. These principles were in fact Codes of Constitutional morality and it was an Obligation on government to act accordingly.

## 7: Islamic Character:-

The name of the State under the Constitution of 1956 was the Islamic Republic of Pakistan. No Law can be made to violate Islamic principles and teachings. 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:

Before I conclude let me say a few words about the working of the Constitution. This Constitution was introduced on 23 March 1956 and functioned till 7th October 1958. On October 7th the military took over power under the leadership of the then Commander in Chief General Ayub Khan who abrogated the Constitution along with the then president Iskander Mirza and assume power under martial law and this brought an end to the 1956 constitution.

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Notes