**Background**

In accordance with the Constitution of 1956, the first Prime Minister was Mr. Hussain Shaheed Suhrawardy. However, his pro-American stance and lack of understanding about East Pakistan led to strong opposition in the country. Despite being a formidable politician, he faced challenges due to his detachment from the realities of East Pakistan. Mr. I.I. Chundrigar succeeded him as Prime Minister but resigned after two months. Meanwhile, President Sikandar Mirza, uncertain about the country's situation, invited General Ayub Khan to implement martial law and take control.

**Constitution Making**

The government introduced Basic Democracies in 1959, electing 40,000 local councilors in each province. They served as both local government officials and an electoral college for the president and the national assembly. Following the Presidential referendum in 1960, a Constitutional Commission led by Justice Shahabuddin was established.

The commission aimed to examine the causes of the failure of the parliamentary system and recommend a new system based on the genius of the people, education standards, internal conditions, and development needs.

The commission's report, presented in 1961, underwent review by two committees, leading to the drafting of the new Constitution. Ayub Khan announced the Constitution and elections to the National Assembly and Provincial Assemblies in 1962, respectively. The new Constitution, consisting of 250 articles was enforced later in the following year, marking the withdrawal of martial law.

**Constitution Of 1962**

Following the military takeover in 1958, Ayub Khan assumed the role of Chief Martial Law Administrator. Tasked with framing a new Constitution, the administration, critical of the parliamentary system for causing instability, aimed for the gradual development of democracy to ensure state stability. In 1960, President Ayub Khan established a commission, led by Justice Shahabuddin, to draft the constitution. The commission presented a draft to the President in 1961, granting extensive powers to the President. After amendments, the new Constitution was enforced in 1962, consisting of 250 clauses and having a Federal Presidential nature. The commission focused on addressing the failures of the parliamentary system and creating a system emphasizing standard education, development, and internal conditions of the country.

**Salient Features**

Salient Features of the Constitution of 1962:

**1. Country’s Name:** The name was initially proposed as "Republic of Pakistan," later amended to "Islamic Republic of Pakistan."

**2. Muslim President:** The constitution declared that the President of Pakistan must be a Muslim.

**3. Presidential System:** A powerful President, responsible for state administration, elected indirectly for five years. The minimum age for presidency was 40 years.

**4. Powers of the President:** The President held executive, legislative, and judicial powers. Key appointments and the ability to declare a state of emergency were vested in the President.

**5. National Assembly (NA):** Consisted of one house with 150 seats, including 6 reserved for women. All members were indirectly elected.

**6. Legislative Powers:** The NA had the authority to make laws, subject to final ratification by the President.

**7. Financial Powers:** Limited financial powers; only new expenditures could be voted on. The NA couldn't reject consolidated fund lists and recurring expenditures.

**8. Federalism:** Two provinces—East Pakistan and West Pakistan—with only one central list of subjects.

**9. Provincial Governments:** Governors headed the provinces, directly under the control of the President. Central government could assume direct control in emergencies.

**10. Principles of Policy:** Emphasized national solidarity, remote area interests, and opportunities for participation in national life. Committed to implementing Islamic principles.

**11. Fundamental Rights:** Ensured fundamental rights as outlined in the constitution.

**12. Political Parties:** Political parties were banned by the constitution of 1962.

**13. Islamic Provisions:** Objectives Resolution served as the preamble, and other Islamic provisions were part of the principles of policy rather than the constitution.

**14. Advisory Council for Islamic Ideology:** Established with 5-12 members, tasked with providing recommendations.

**15. Islamic Research Institute:** Designed for research and instruction in Islam to assist in reconstructing Muslim society on Islamic principles.

**Working of the Constitution**

The constitution was enforced from 1962 to 1969. In early 1965, Mr. Bhutto and General Musa started Operation Gibraltar and won the territories of India. However, after General Ayub felt that if they could not give their territories back it will shed the blood of our army. At that time, Russia negotiated and signed a peace treaty between two countries in Moscow and gave them back all the territories. Mr. Bhutto started campaign against Ayub khan, he resigned in 1969, and Yahya Khan took over the charge.

**Cancellation and Abrogation of 1962 Constitution**

The Constitution of 1962 faced cancellation and abrogation due to Ayub Khan's dissatisfaction with Western democracy in Pakistan. Ayub believed politicians prioritized personal interests over national welfare, leading to the imposition of a ban on political parties. Zulfiqar Ali Bhutto, emerging as a key figure, capitalized on opportunities to gain Ayub Khan's favor, especially during the 1965 war with India.

Despite initial success in the war, Pakistan's resources depleted, prompting a ceasefire with India. Zulfiqar Ali Bhutto, serving as the Foreign Minister, played a crucial role in negotiations with India. However, upon returning, Bhutto launched a campaign against Ayub Khan, leading to his resignation. General Yahya Khan took over, implementing another martial law and abrogating the Constitution of 1962.

Elections were then held and Sheikh Mujeeb-ur-Rehman's Awami League dominated in East Pakistan, while Zulfiqar Ali Bhutto secured seats in Sindh and South Punjab. Bhutto was not satisfied with the election results, and refused to accept them. This period marked significant political turmoil and transition in Pakistan.