

# THE CONSTITUTION OF PAKISTAN 1973

## **HISTORICAL BACKGROUND:**

- The Constitution of 1973 is **the supreme law** of Pakistan.
- Promulgated on **14th August 1973**.
- Drafted by a committee led by **Zulfikar Ali Bhutto** (Prime Minister).
- Replaced interim constitutions of 1956 and 1962.
- Known for establishing **parliamentary democracy** in Pakistan.

# MAIN FEATURES OVERVIEW

- Federal Structure
- Parliamentary Form of Government
- Islamic Provisions
- Independence of Judiciary
- Fundamental Rights
- Bicameral Legislature
- Role of Armed Forces
- Amendment Procedures
- Local Government

# FEDERAL STRUCTURE

- Power divided between **federal** and **provincial governments**.
- Subjects listed in **Federal**, **Provincial**, and **Concurrent Lists**.
- Provinces: Punjab, Sindh, Khyber Pakhtunkhwa, Balochistan (later merged with FATA).
- Ensures **provincial autonomy**.

# **PARLIAMENTARY FORM OF GOVERNMENT**

- **Prime Minister** is the chief executive.
- **President** is ceremonial head of state.
- National Assembly elected by the people.
- PM responsible to the **parliament**

## ISLAMIC PROVISIONS

- Pakistan declared an **Islamic Republic**.
- Islam** as state religion.
- Laws must conform to **Qur'an and Sunnah**.
- Establishment of **Council of Islamic Ideology (CII)**.
- Only a **Muslim** can be the President or PM.

# FUNDAMENTAL RIGHTS

- Right to **life, liberty, property, freedom of speech, religion, and equality.**
- Guaranteed in Articles **8–28**.
- Enforceable through **courts**.
- Rights can only be suspended in **emergency** situations.

# INDEPENDENCE OF JUDICIARY

- Judiciary separate from executive.
- Supreme Court, High Courts, and Lower Courts established.
- Judges appointed on merit and secured tenure.
- Judiciary interprets constitution and protects rights.

# BICAMERAL LEGISLATURE

- **NATIONAL ASSEMBLY (LOWER HOUSE)** – ELECTED BY PEOPLE.
- **SENATE (UPPER HOUSE)** – EQUAL REPRESENTATION FOR PROVINCES.
- BALANCES POWER BETWEEN **POPULATION-BASED** AND **EQUAL PROVINCIAL REPRESENTATION**.

# ROLE OF ARMED FORCES

- Must remain **subordinate to civilian government.**
- Role defined in **Articles 243–245.**
- Responsible for defense and law & order when required.
- Cannot interfere in political process.

# CONSTITUTIONAL AMENDMENTS

- Constitution can be amended by **two-thirds majority** in Parliament.
- Important amendments:
- **8th Amendment**: increased presidential powers.
- **13th & 14th Amendments**: limited presidential power.
- **18th Amendment (2010)**: restored parliamentary democracy, provincial autonomy.

# **LOCAL GOVERNMENT**

- Constitution allows for **devolution of power**.
- Provinces must establish **local government systems**.
- Ensures governance at **grassroots level**.

# STRENGTHS OF THE 1973 CONSTITUTION

- Broad consensus among political parties.
- Combination of Islamic and democratic principles.
- Institutional framework for checks and balances.

## CHALLENGES AND CRITICISM

- Multiple **military interventions** undermined implementation.
- Political instability affected **institutional development**.
- Amendments at times **weakened** democratic spirit.

# COMPARATIVE AND CRITICAL ANALYSIS OF PAKISTAN'S CONSTITUTIONS 1956, 1962, AND 1973

# CONSTITUTION OF 1956

- DECLARED PAKISTAN AS 'ISLAMIC REPUBLIC'
- PARLIAMENTARY FORM WITH PM AS EXECUTIVE HEAD
- PRESIDENT WAS CEREMONIAL BUT EXPLOITED POWER
- UNICAMERAL LEGISLATURE WITH EQUAL EAST/WEST REPRESENTATION
- FUNDAMENTAL RIGHTS GUARANTEED
- ABROGATED IN 1958 BY MARTIAL LAW

# CRITICAL ANALYSIS – 1956 CONSTITUTION

- FAILED TO REFLECT EAST PAKISTAN'S DEMOGRAPHIC MAJORITY
- PRESIDENTIAL POWERS AMBIGUOUS; EXPLOITED BY SIKANDAR MIRZA
- LACKED SAFEGUARDS AGAINST MILITARY INTERVENTION
- ONLY LASTED TWO YEARS

# CONSTITUTION OF 1962

- IMPOSED BY GENERAL AYUB KHAN POST-1958 MARTIAL LAW
- PRESIDENTIAL FORM WITH WIDE EXECUTIVE POWERS
- INDIRECT ELECTIONS THROUGH BASIC DEMOCRACIES
- 'ISLAMIC' IDENTITY INITIALLY OMITTED, REINSTATED LATER
- WEAK JUDICIARY, UNICAMERAL LEGISLATURE
- ENDED IN 1969 AMID PUBLIC UNREST

# CRITICAL ANALYSIS – 1962 CONSTITUTION

- UNDERMINED DEMOCRATIC REPRESENTATION
- CENTRALIZED POWER IN PRESIDENCY
- LEGITIMIZED MILITARY RULE
- ALIENATED EAST PAKISTAN, FOSTERING DISUNITY

# CONSTITUTION OF 1973

- PARLIAMENTARY SYSTEM WITH PM AS EXECUTIVE
- BICAMERAL LEGISLATURE: NATIONAL ASSEMBLY & SENATE
- DECLARED ISLAM AS STATE RELIGION
- PREVENTED LAWS REPUGNANT TO QUR'AN AND SUNNAH
- FUNDAMENTAL RIGHTS AND PROVINCIAL AUTONOMY ENSURED
- STILL IN EFFECT WITH KEY AMENDMENTS

# CRITICAL ANALYSIS – 1973 CONSTITUTION

- DRAFTED WITH WIDE POLITICAL CONSENSUS
- SUSPENDED AND ALTERED DURING MILITARY REGIMES
- 18TH AMENDMENT REVIVED FEDERALISM AND PARLIAMENTARY SUPREMACY
- CONSIDERED MOST ENDURING AND DEMOCRATIC

# COMPARATIVE OVERVIEW: 1956, 1962 & 1973

- 1956: FIRST CONSTITUTION, PARLIAMENTARY FORM, SHORT-LIVED
- 1962: PRESIDENTIAL SYSTEM UNDER MILITARY REGIME, CENTRALIZED POWER
- 1973: PARLIAMENTARY SYSTEM WITH CONSENSUS, BICAMERAL LEGISLATURE
- 1956 & 1962 LACKED EFFECTIVE FEDERALISM; 1973 EMPHASIZED PROVINCIAL AUTONOMY
- DEMOCRATIC CHARACTER INCREASED PROGRESSIVELY ACROSS CONSTITUTIONS
- 1973 REMAINS THE MOST STABLE AND ADAPTABLE FRAMEWORK