




# The Constitution of 1962


# Background:

- The parliamentary system under the 1956 Constitution, while theoretically democratic, struggled against the backdrop of Pakistan's emerging political institutions and deep-seated social divisions. The rapid turnover of governments – a consequence of fragile coalitions in a multi-ethnic and economically disparate society – fostered a sense of instability and disillusionment. The dominance of landed elites and the weak organizational structures of political parties further hampered the development of strong democratic norms.
- Ayub Khan's 1958 coup was not merely a reaction to this instability; it represented a deliberate attempt to impose a **top-down model of development and governance**. Influenced by a belief in the efficiency of centralized authority and a skepticism towards what he perceived as the chaotic nature of parliamentary politics in a developing nation, Ayub's intervention can be analyzed through the lens of bureaucratic-authoritarian tendencies, prioritizing order and economic progress over immediate democratic participation.
- The concept of "**guided democracy**," the philosophical foundation of the 1962 Constitution, reveals inherent tensions. It suggested a form of democracy where popular participation was carefully managed and directed by a strong executive, supposedly for the nation's own good. This notion stands in contrast to liberal democracy's emphasis on unrestricted political competition and individual autonomy, drawing parallels with historical instances where authoritarian regimes sought to co-opt democratic rhetoric for legitimacy.

# Key Features:

- **Presidential System:** This was the cornerstone of the new order. The executive authority was vested solely in the President, who was the head of state and government. He appointed his own cabinet, which was responsible to him and not to the legislature. This marked a stark contrast to the parliamentary system of 1956 where the Prime Minister, accountable to the National Assembly, held executive power.
- **Indirect Elections:** As mentioned earlier, the President was to be elected by the Electoral College of **Basic Democrats**. This system was defended as being more suitable for Pakistan's socio-political realities, supposedly insulating the process from the notions of direct popular vote and potential manipulation. Critics, however, argued it concentrated power in the hands of a select few and limited popular participation.

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- **Unicameral Legislature:** The bicameral legislature of the 1956 Constitution was replaced with a single-chamber National Assembly. This move was justified on grounds of efficiency and cost-effectiveness. However, it also reduced the representation of the then East Pakistan, further intensifying regional disparities.
  - **Islamic Provisions:** While retaining Pakistan's Islamic identity, the 1962 Constitution included principles of Islamic ideology without explicitly declaring it the state religion (this came later). An Advisory Council of Islamic Ideology was established to advise the government on Islamic matters.
  - **Fundamental Rights:** The Constitution did guarantee fundamental rights, but these were subject to certain restrictions and could be suspended during a state of emergency, which was a recurring feature of Ayub Khan's rule.
  - **Division of Powers:** The Constitution outlined a division of powers between the federal and provincial governments, but the center held significant authority, particularly in financial and legislative matters. This reinforced the centralized nature of the presidential system.

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- **Written and Rigid Constitution:** It was a written document consisting of 250 articles and was considered rigid due to the complex amendment process, requiring a two-thirds majority in the National Assembly and presidential assent.
  - **National Languages:** Urdu and Bengali were declared the national languages.
  - **Judicial Independence:** The constitution aimed to ensure the independence of the judiciary, with the Supreme Court as the final interpreter of the constitution, although the President had influence over judicial appointments.
  - **Name of the Country:** The country was named the "Republic of Pakistan."
  - **Emergency Provisions:** The President had the power to declare a state of emergency, during which fundamental rights could be suspended.
  - **Rule of Law:** The constitution theoretically provided for equal protection of the law for all citizens



## Analysis and Implications: Centralization and Control

The 1962 Constitution was a clear manifestation of Ayub Khan's desire for a strong, centralized government. It effectively concentrated power in the hands of the President, limiting the role of the legislature and the direct participation of the people.

- **Strengths (as perceived by its proponents):** Proponents argued that the system provided much-needed stability after years of political disorder. The Basic Democracies system was presented as a way to connect the government with the grassroots and foster development. The presidential system, it was claimed, allowed for quicker decision-making and more effective governance.
- **Weaknesses (and criticisms):** Critics argued that the Constitution was inherently undemocratic, disenfranchising the general populace through indirect elections. The concentration of power in the presidency led to authoritarianism and a lack of accountability. The unicameral legislature and the strong central government fueled regional tensions, particularly in East Pakistan, which felt underrepresented and marginalized. The vulnerability of fundamental rights to suspension further eroded democratic norms.

# Causes of Failure:

Despite its initial implementation, the 1962 Constitution ultimately failed to provide a lasting framework for Pakistan. Several factors contributed to its downfall:

- **Lack of Popular Legitimacy:** The indirect electoral system and the perceived imposition of the Constitution by a military regime meant it never truly enjoyed widespread popular support.
  - **Regional Disparities:** The sense of alienation in East Pakistan intensified due to perceived political and economic marginalization under the centralized system.
  - **The 1965 War:** The war with India and its consequences exposed the vulnerabilities of the regime and fueled public discontent.
  - **Growing Political Opposition:** Movements for greater democracy and provincial autonomy gained momentum.
  - **Ayub Khan's Declining Health and Authority:** As Ayub Khan's grip on power weakened, the constitutional order he had established began to unravel.
- Ultimately, widespread protests and civil unrest in 1969 forced Ayub Khan to resign, and he abrogated the 1962 Constitution, paving the way for another period of martial law under General Yahya Khan.

# Conclusion:

- ▶ The 1962 Constitution stands as a significant case study in constitutional engineering and its socio-political implications. While intended to bring stability and a unique form of "guided democracy," it ultimately intensified existing tensions and contributed to the political instability that followed. Its legacy serves as a crucial reminder of the importance of **popular participation**, **regional representation**, and the delicate **balance of power** in establishing a sustainable and legitimate constitutional order.