

With the aim of investigating the reasons of failure of the parliamentary system in Pakistan, and to make recommendations for a new constitution, Ayub Khan appointed a Constitution Commission under the supervision of Justice Shahab-ud-din. After a number of considerations, the Commission submitted its report on May 6, 1961. Ayub Khan was not satisfied with the report and had it processed through various committees. As a result the Constitution, which was promulgated on March 1, and enforced on June 8, 1962,

The Constitution of 1962 consisted of 250 Articles, which were divided into 12 Parts and three Schedules. It advocated presidential form of government with absolute powers vested in the President. The President was to be a Muslim not less than 35 years of age. The term of the President was for five years and nobody could hold the post for more than two consecutive terms. The President was the head of the state as well as the head of the Government. The President had the power to appoint Provincial Governors, Federal Ministers, Advocate General, Auditor General and Chairmen and Members of various administrative commissions. As the Supreme Commander of the Armed Forces of Pakistan, the appointment of the chiefs of the forces was also his duty.

The Constitution of 1962 provided for a unicameral legislature. The National Assembly was to consist of 156 members, including six women. The Eighth Amendment later increased this number to 218. Principle of parity was retained and seats were distributed equally between the two wings of the country. Principle of Basic Democracy was introduced for the first time in the country and the system of indirect elections was presented. Only 80,000 Basic Democrats were given the right to vote in the presidential elections. The Eighth Amendment later increased this number to 120,000.

Half of them were to be from the Eastern Wing, the rest from the Western Wing of the country.

According to the Constitution of 1962, the Executive was not separated from the Legislature. The President exercised veto power in the legislative affairs and could even veto a bill passed by the National Assembly with a two-third majority. He had the power to issue ordinances when the Assembly was not in session. The ordinance needed the approval of the National Assembly within 48 days of its first meeting or 108 days after its promulgation. However, if the President enforced emergency in the country, which according to the constitution was within his jurisdictions, then the ordinances needed no approval from the legislative body.

The President had the power to dissolve the National Assembly. Federal form of government was introduced in the country with most of the powers reserved for the Central Government. There was a federal list of subjects over which the provinces had no jurisdiction. Principle of One Unit for West Pakistan was maintained and the number of

seats for Punjab was curtailed to 40 percent in the Western Wing for the initial five years. Provincial Governors were to enjoy the same position in the provinces, which the President was to enjoy in the center.

Islamic clauses were included in the Constitution. These could not be challenged in any court of law. The state was named the Republic of Pakistan, but the first amendment added the word "Islamic" to the name. The word "Islam" and not "Quran and Sunnah" was used in the Islamic clauses to give a liberal touch to the Constitution. The Advisory Council of Islamic Ideology was introduced whose job was to recommend to the government ways and means to enable Muslims to live their lives according to the teachings of Islam.

The Constitution of 1962 was a written Constitution upholding the fundamental rights of the citizens. Under the Constitution, the Judiciary had little independence and the appointment of the Chief Justices and Judges of the Supreme and High Courts was in the hands of the President. The President also had the power to remove a judge after an inquiry on misconduct or on the basis of mental or physical illness.

Both Urdu and Bengali were made the national languages of Pakistan and English was declared as the official language of the country for the first ten years. The Constitution was flexible in nature and could be amended by a two-third majority in the National Assembly and with the approval of the President. In its short life of seven years, eight amendments were made in the Constitution.

When Ayub Khan handed over power to Yahya Khan, Martial Law was enforced in the country and the Constitution was terminated on March 25, 1969.