

LEGAL SYSTEM OF PAKISTAN

ASSIGNMENT:

Critically analyze the Legal System of Pakistan in respect of 1956, 1962 and 1973 constitutions respectively. Which constitution would be effective in terms of providing justice and running smooth governance? What reforms would you like to suggest?

Answer : *Analyzing the legal system of Pakistan across the 1956, 1962, and 1973 constitutions provides insight into the evolution and effectiveness of governance and justice delivery.*

- *The 1956 constitution established Pakistan as a federal republic with a parliamentary system, laying the groundwork for its legal framework. However, its effectiveness was limited due to political instability and frequent amendments.*
- *The 1962 constitution centralized power in the hands of the president, reducing the effectiveness of checks and balances and impacting justice delivery. This constitution faced criticism for concentrating power and limiting democratic principles.*
- *The 1973 constitution, though it underwent amendments and periods of suspension, established a federal parliamentary system with a clear separation of powers. It provides a stronger foundation for justice and governance, emphasizing fundamental rights and the independence of the judiciary.*

In terms of providing justice and running smooth governance, the 1973 constitution appears to be the most effective due to its emphasis on democracy, federalism, and separation of powers. However, its effectiveness depends on implementation and adherence to constitutional principles..

The constitution of PAKISTAN1973 includes several articles related to justice:

Article 4 , Article 10 , Article 10A , Article 25 , Article 37.

The articles mentioned, such as Article 4, Article 10, Article 10A, Article 25, and Article 37, were not present in the 1956 or 1962 constitutions of Pakistan. These provisions were introduced in the 1973 Constitution or through subsequent amendments, reflecting an evolution in legal and constitutional principles over time.

The 1956 and 1962 constitutions had different provisions and structures, and while they addressed certain aspects of governance and rights, they did not include the comprehensive framework for justice and fundamental rights found in the 1973 Constitution.

Article 4 :

“ To enjoy the protection of law and to be treated in accordance with law is the inalienable rights of every citizen , wherever he may be, and of every other person for the time being within Pakistan ”.

Article 10:

“ No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds of such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice “

Article 10 (A) :

“ For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to be fair trial and due process “.

Article 25:

“ All citizens are equal before law and are entitled to equal protection of law “

(1) There shall be no discrimination on the basis of gender.

(2) Nothing in this article shall prevent the state from making any special provisions for the protection of women and children.

Article 37:

“ The state shall make technical and professional education generally available and higher education equally accessible to all on the basis of merit “

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