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Brief History of Three Constitutions of Pakistan:

Pakistan gained independence in 1947 and was established under the Independence Act 1947. Initially, the country operated under the interim constitution, which adopted the Government of India Act, 1935. The first Constituent Assembly of Pakistan was formed with the task of drafting the country's permanent constitution. The Assembly passed the Objectives Resolution, which later became an integral part of Pakistan's constitution. However, the first Constituent Assembly was dissolved in 1954, leading to the establishment of a second Constituent Assembly. This second Assembly successfully drafted and enacted the country's first constitution in 1956, known as the Constitution of 1956, which established a parliamentary system. Unfortunately, this constitution was abrogated in 1958, and the first martial law was imposed by President Sikandar Mirza, eventually leading to the appointment of General Ayub Khan as Chief Martial Law Administrator. Notably, the legality of this action was upheld by the Supreme Court of Pakistan in the case of *The State vs Dosso and Others* (PLD-1958-SC-533).

The second constitution of Pakistan was promulgated in 1962 under the presidency of Ayub Khan, known as the Constitution of 1962. This constitution introduced a presidential form of government, differing from the parliamentary system of the 1956 constitution. However, Ayub Khan's regime faced challenges, and in 1969, he resigned, leading to the imposition of the second martial law by General Yahya Khan. Subsequently, when Zulfikar Ali Bhutto assumed power in 1971, his government collaborated with opposition parties to enact the Constitution of 1973. Despite facing military coups and several amendments by military rulers, the Constitution of 1973 remains in force to date, reflecting its resilience and enduring significance in Pakistan's legal and political landscape. Furthermore, the 1973 constitution has been updated through different amendments depending upon the needs of different situations.

CRITICAL ANALYSIS OF CONSTITUTION OF 1956

The constitution of 1956, which was substantially based on the system provided in the Government of India Act, 1935. In this constitution, a parliamentary form of government was provided, wherein the Prime Minister was declared head of the government and the President was known as the head of state. It is argued by numerous writers that in the 1956's constitution the President was purposely made stronger than the Prime Minister, as the former had the power to dismiss the latter, its government, and the assembly. Furthermore, three legislative lists were provided namely, federal, provincial, and concurrent. Nevertheless, the legal system had not developed under this constitution because the 1956 Constitution was never practically implemented, as no elections were held and just became irrelevant because there was no one to implement it. It was eventually abrogated after two and a half years of its enactment. The main reason behind why this constitution failed to provide good governance and justice, as argued in this article that it was a hybrid constitution trying to satisfy too many stakeholders simultaneously, resulting in its failure to satisfy any of them completely. It was neither a parliamentary form of government in which the prime minister is responsible and accountable nor a presidential one wherein the president can be held accountable. (Raja, 2022)

CRITICAL ANALYSIS OF CONSTITUTION OF 1962

The Constitution of 1962 in which the presidential form of the system was provided and the President was the center figure in this constitution and had absolute powers to run the affairs of the state. The office of the prime minister was abolished. Furthermore, it provided one legislative house and two legislative lists, provincial and federal. Additionally, all the political parties were banned in this system. The legal system of Pakistan developed substantially under this system as it provides a unique presidential form of government under which all the powers were rested with the President without any opposition. Nevertheless, the oppressive policies of the government and restrictions on fundamental rights led to unamicable disputes. It is argued by some authors that the 1962 Constitution was successful in providing good governance and political stability to certain texts. However, it failed at a later stage due to a corrupt and flawed system, lack of accountability, and lack of provincial and political autonomy, lack of independence of Judiciary and restrictions on fundamental rights. (Raja, 1962 Constitution of Pakistan: Features and Causes of Failure, 2022)

CRITICAL ANALYSIS OF CONSTITUTION OF 1973

The constitution of 1973 provides better governance and independence of the judiciary as compared to the previous two constitutions. I am of the view that the 1973's Constitution is more effective because of the exclusive features illustrated below.

➤ **FUNDAMENTAL RIGHTS**

The constitution of 1973 provides the fundamental rights under Chapter in Article 8 to 28; it ensures equality of the citizens, prohibits discrimination on the grounds of race, caste, and religion. In addition, it guarantees the right to education, freedom, and fair trials. (Ahmed, 2021)

➤ **PARLIAMENTARY FORM OF GOVERNMENT**

The constitution of 1973 entails a parliamentary form of government, under which the Prime Minister acts as head of the government and the President acts as head of the state with a bicameral legislature which includes the upper house (Senate) and the lower house (National Assembly).. Furthermore, it is argued in this article "that the parliamentary form of government was more than adequate in safeguarding the legislature, the executive and the Judiciary, formerly the national assembly was safe from any malevolent attempt from any single individual". (Kapoor, 2021)

➤ **Islamization**

The Constitution of 1973 is regarded as a landmark in the law-making history of Pakistan. The Islamic provisions were added to this constitution. Islam is declared as the state religion and no law can be made against the holy Quran and Sunnah. Additionally, it is more Islamic as compared to the previous two constitutions. As the 1973's constitution established the Council of Islamic Ideology, the sole purpose of this institution is to bring all the laws in conformity with the Quran and Sunnah. (Qadri, 2020)

➤ **Independence of Judiciary**

The constitution of 1973 clearly guarantees the independence of the judiciary by providing clear separation of power between the state's organs such as executive and legislative. It further emphasizes that there shall be no interference and overlap between these institutions It is because the idea of separation of power ensures a mechanism of checks and balances between the state's organs which result in effective governance and protect civil liberties. (Democracy, Economic Development, and the Separation of Powers in the 1973 Constitution Pakistan: A Critical Analysis, 2023)

➤ **Provincial Autonomy**

This constitution of 1973 advocates for equal distribution of power between the center and provinces. Which is further strengthened by making the 18th amendment to the constitution, in which relationship between the center and provinces was redefined and more legislative, executive powers were given to the provinces. As the Lord Acton rightly stated that "Power tends to corrupt, and absolute power corrupts absolutely". (Munawar, 2022)

➤ **High Treason**

Article 6 of Pakistan's Constitution serves an integral function. It safeguards Pakistan's sovereignty, integrity, and security by outlining high treason as a criminal offense and its punishment. This article further ensures protection against military coup and overthrowing the government. The purpose of adding this article is to provide political stability. (Amanullah, 2021)

➤ **Reforms**

The reforms necessary for the Constitution of 1973 involve implementing it fully to ensure effective governance and protection of citizens' rights. This requires respecting the mandate of each state organ, adhering to constitutional principles without interference, and fostering mutual respect among state institutions. These reforms aim to uphold the rule of law, safeguard fundamental rights, and promote transparent and accountable governance, ultimately fostering a vibrant democracy in Pakistan.

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