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Legal System of Pakistan Assignment

Submitted To: Miss Aiman

**Question:** 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?

## **CONSTITUTION 1956:**

### **INTRODUCTION**

The first constitution of Pakistan 1956 was introduced in Pakistan on 23rd March 1956 herein referred as the constitution of 1956(1), The 1956 Constitution of Pakistan had 234 articles 13 parts and 6 schedules in which the whole constitutional framework and principles for governance and power management have been outlined.

### **SAILENT FEATURERES 1956**

#### **Rights of Minorities:<sup>1</sup>**

Rights of minorities were provided in the constitution of Pakistan 1956. Minorities freely perform own religion festivals:

#### **Uni-cameral Legislature:<sup>2</sup>**

Constitution of 1956 was provided uni-cameral legislature which was based on just national assembly.

#### **National Language:<sup>3</sup>**

Under constitution of 1956, Urdu and Bengali were made national Language.

## **CONSTITUTION 1962:**

In January 1962, the Cabinet finally approved the text of the new constitution. Herein referred as constitution of Pakistan 1962(2) , It was promulgated by President Ayub on 1 March 1962 and finally came into force on 8 June 1962. The Constitution contained 250 articles divided into twelve parts and three schedules.

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<sup>1</sup>Article (2A) Constitution 1956

<sup>2</sup>Article (106) Constitution 1956

<sup>3</sup>Article (214) Constitution 1956

## **SAILENT FEATURERES 1962**

### **Uni-cameral Legislature:<sup>4</sup>**

It consist of single house

### **Islamic Provisions:<sup>5</sup>**

Laws were not allowed to contradict Islamic values, and Islamic teachings were to be considered in the making of policies and laws.

### **Fundamental Right's:<sup>6</sup>**

The Fundamental Rights in the 1962 Constitution of Pakistan were basic freedoms and protections granted to all citizens.

## **CONSTITUTION 1973:**

### **INTRODUCATION:**

The 1973 Constitution of Pakistan has 12 parts, 280 articles, and 7 schedules. These parts, articles, and schedules outline the structure of government ,The National Assembly approved the 1973 Constitution on April 10, 1973, and it came into effect on August 14 1973 and commonly known as constitution of Islamic republic of Pakistan 1973(3).

## **SAILENT FEATURERES 1973**

### **Principles of policy:<sup>7</sup>**

The Principles of Policy in the 1973 Constitution of Pakistan are guidelines for the government to make laws and policies well-being for all citizens

### **Bicameral-Legislature:<sup>8</sup>**

A bicameral legislature under the 1973 Constitution of Pakistan means there are two separate chambers or houses of Parliament.

### **Federal Form of State:<sup>9</sup>**

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<sup>4</sup> Article 106 Constitution 1962

<sup>5</sup> Article 2 and 227 Constitution 1962

<sup>6</sup> Article 8 to 28 Constitution 1962

<sup>7</sup> Article 29 to 40 Constitution 1973

<sup>8</sup> Article 50-58 NA, 59- 61 Senate Constitution 1973

<sup>9</sup> Article 41-49 President, 50-58 NA, 59- 61 Senate Constitution 1973

A federal form of state under the 1973 Constitution of Pakistan means that power is shared between a central government and provincial governments.

**Which constitution would be effective in terms of providing justice and running smooth governance? What reforms would you like to suggest?**

Among the 1956, 1962, and 1973 constitutions of Pakistan, the 1973 Constitution would be more effective in terms of providing justice and running smooth governance. It is because the 1973 Constitution has been through several amendments and revisions, incorporating lessons learned from past experiences. It also reflects the aspirations and needs of the people of Pakistan more comprehensively.

Reforms that could further improve governance and justice under the 1973 Constitution might include:

1. Strengthening the independence of the judiciary to ensure fair and speedy trials.
2. Enhancing checks and balances between different branches of government to prevent abuse of power.
3. Implementing measures to curb corruption and promote transparency in governance.
4. Ensuring effective representation and participation of marginalized groups, such as women and minorities, in decision-making processes.
5. Investing in education and capacity building to empower citizens and officials with the knowledge and skills needed for effective governance.

These reforms could contribute to a more just and smoothly functioning governance system under the 1973 Constitution.