

CHAPTER NO : 5

CONSTITUTIONAL AND POLITICAL DEVELOPMENT IN PAKISTAN SINCE 1947

WHAT IS CONSTITUTION

Constitutional & Political Development in Pakistan Since 1947

What is Constitution?

“The Supreme law which regulates & runs any Modern State”


Constitutional History in Pakistan

Total 5 constitutions (3-regular & 2-interim)

1. Government of India Act 1935

(The first interim constitution of Pakistan)

(Proclaimed on 15th August 1947)

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- ❖ Objectives Resolution 1949-
 - ❖ The first Interim Constitution -
 - ❖ The Constitution of 1956-
 - ❖ The Constitution of 1962-
 - ❖ The Constitution of 1973-
 - ❖ Steps Taken for the Islamization of Laws in Pakistan -

The first Interim constitution

- ❖ The Government of India Act- 1935, After a few amendment were introduced and Proclaimed on 15, August 1947, as the first Interim Constitution of the Country.
- ❖ This Constitution remained in force till March 22, 1956.
- ❖ Quaid -e-Azam was the first Governor -General of Pakistan, Followed by Khwaja Nazimudin, Ghulam Mohd & Iskandar Mirza. ...

“Objectives Resolution 1949”

- ❖ The Constituent Assembly of Pakistan Adopted An Extraordinary Resolution called the Objectives Resolution on 12th August 1949.
- ❖ The Ideology of Pakistan was safeguarded Constitutionally.
- ❖ P.M of Pak at that time, Liaquat Ali Khan proposed that the future constitution of Pakistan would be based on the Ideology and Democratic Faith of Islam.

Objective Resolution Provided that

1. Sovereignty belongs to Allah alone but He has delegated it to the state of Pakistan through its people for being exercised within the limits Prescribed by Him as a Sacred Trust.
2. State Shall Exercise its Powers & Authority through the chosen representatives of People.
3. Principals of Democracy, Freedom, Equality, Tolerance & Social Justice given by Islam shall be observed.
4. The exercise of Fundamental Right shall be fully Guaranteed. ...,
The Organization of the State on a Federal Pattern was ensured.

5. Muslims Order their lives in Accordance with the teachings of Islam as set out in Quran and Sunnah.

6. Provision for Minorities.

7. Pakistan Shall be a federation.

8. Fundamental Rights Shall be guaranteed.

9. The Judiciary Shall be Independent .

The Constitution of 1956

- ❖ This constitution was Proclaimed on March 23, 1956.
- ❖ It is a Written Constitution , Comprised of 234 Articles and 6 Schedules.
- ❖ Introduced Parliamentary form of Government.
- ❖ The constitution abolished office of the Governor General, and Replaced it by the President of the Country.

- ❖ The Constitution named the country as the Islamic Republic of Pakistan.
- ❖ This Constitution declared Islam as the official Religion of the country,..
- ♠ The Muslims should order their Lives according to the teachings of Islam.
- ♠ Rights of Minorities should also be ensured.
- ♠ Fundamental Rights should be guaranteed.

- ❖ Introduced President of the Country (Iskandar Mirza as the first president) and Chaudhry M. Ali was the Prime Minister.
- ❖ On 7th October 1958, it was Abrogated and Martial Law was Imposed.
- ❖ Gen. M. Ayub became the first Martial Law Administrator on 27th October.
- ❖ He forced the powerless President Iskandar Mirza to resign and even leave the country.

The Constitution of 1962

- ❖ General M. Ayub Khan Framed 1962 Constitution.
- ❖ Chief Justice Shahabudin drafted the second constitution for the Country.
- ❖ Consisted of 250 Articles and 3 Schedules.
- ❖ It was totally different from 1956 constitution.
- ❖ Introduced “Presidential form of Government” .
- ❖ It vested Dictatorial Powers in the President.
- ❖ All the Powers vested in the President and not with the Prime Minister.

- ❖ This Constitution was Workable From 1962-1969.
- ❖ On 25th March 1969, Gen Ayub handed Over Powers to C.N.C of Pakistan Army, i.e Gen. Agha M. yahya Khan.
- ❖ Gen.Ayub set aside his own Constitution (1962).
- ❖ He stepped down as President and Replaced by Gen.Yahya khan.
- ♠ Gen.Yahya became the Second Martial Law Administrator. .

- ❖ March 1970, General Yahya Khan issued LFO, a Code of Conduct for the Proposed General elections of 1970.
- ❖ LFO Fixed the Number of Seats in National &
- ❖ Provincial Assemblies.
- ❖ Provide Basic Principles for the Next Constitution of the Country.
- ❖ In 1970 General Elections were held.

- ❖ In 1970 elections, Sheikh Mujeeb represented East-Pakistan and Zulfikar Ali Bhutto represented West Pakistan.
- ❖ In 1971 war , East Pakistan was Separated with Sheikh Mujeeb-ur-Rehman as the President of Bangladesh.
- ❖ Chairman of Pakistan People's Party, Zulfikar Ali Bhutto took over as the president of Pakistan.

The Second Interim Constitution

- ´ **14th April 1972, the 2nd Interim Constitution was approved by the National Assembly of Pakistan**
- ´ **Proclaimed on 21st April 1972**
- ´ **Consisted of 295 Articles & 7 Schedules**
- ´ **Zulfiqar Ali Bhutto (PPP) became the President**
- ´ **East Pakistan (Bangladesh) was separated from West Wing**
- ´ **Carried out steps to give proper constitution to the country**

The Constitution of 1973

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Salient feature

- 1. Fundamental Rights**
- 2. Directive Principles of State policy**
- 3. Parliamentary form of Government**
- 4. Federalism**
- 5. Role of President**
- 6. Cabinet**
- 7. Federal Legislature**



**08 - Provincial Governments and Legislature,
09 - Judiciary,
10- Islamic Provisions ,
11- Emergency Provisions,
12- Amendments in constitution.**

1. Fundamental Rights

- **Security of person**
- **Safeguard against unlawful arrest and detention**
- **Prohibition of slavery and forced labor**
- **Freedom of movement**
- **Freedom of assembly**
- **Freedom of association**
- **Freedom of business**
- **Freedom of speech**
- **Freedom to profess religion**
- **Right to hold property**
- **Equality before law**
- **Right to preserve language, script and culture**
- **Safeguard against discrimination in services**

Directive Principles of State Policy

- 1. Muslims to live in accordance with the teachings of the Holy Quran and Sunnah.**
- 2. Securing of well-being to the people:-**
(Income, food, clothing, housing, education, health),.
- 3. Promotion of social justice and removal of illiteracy.**
- 4. Discouragement of parochialism, tribalism and racialism .**

- 5. Strengthening unity between Pakistan and Muslims countries**
- 6. Protection of legitimate rights and interests of non-Muslim minorities**
- 7. Protection of marriage, family, mother and the child**
- 8. Participation of woman in all spheres of life**
- 9. Promotion of local government institutions**
- 10. To eliminate interest (Riba or sood) system as early as possible**
- 11. Participation in Armed Forces of Pakistan is open for all.**

Salient Features of 1973 Constitution

- ' A comprehensive document
- ' 10th April 1973 The third constitution was Proclaimed
- ' Approved by the National Assembly
- ' Introduced Parliamentary form of Government in Pakistan
- ' Consisted of 280 Articles & 7 Schedules
- ' From 1973 to 2010 total 19th Amendments have been introduced to the constitution
- ' Guarantees fundamental rights to all the citizens

Islamic Provision of 1973 Constitution

- ' Pakistan: The Islamic Republic
- ' Islam: The State Religion
- ' Sovereignty belongs to ALLAH
- ' Definition of "Muslim"
- ' Only Muslims could become President or Prime Minister of Pakistan
- ' Islamic way of life
- ' Islamization of laws
- ' Teaching, Printing & Publication of Holy Quran
- ' Council of Islamic Ideology
- ' Eradication of Social Evils
- ' Unity of Muslims

Islamic Provisions

- 1. No law in Pakistan will be made which is repugnant to the injunctions of the Holy Quran and Sunnah.**
- 2. President and Prime Minister will be Muslim.**
- 3. Strong bounds with the Muslim countries.**
- 4. Formation of Council of Islamic Ideology which will recommend the NA and the PAs laws regarding the injunctions of Islam.**

Emergency Provisions

When Emergency is declared in the country by the president with the consent of the parliament then;

- 1. The Parliament has power to make laws for provinces for provincial matters.**
- 2. Federal executive would have power to give direction to provinces.**
- 3. The federal government will give all power to Governor of the province.**
- 4. At the time of emergency some fundamental rights may be suspended such as freedom of movement, assembly, association, trade and business, speech, and property right.**

Amendments in the Constitution

- **Amendments can be made in constitution by the two third of the total number of members of the National Assembly and by the votes of majority of the total members of Senate.**

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ISLAMIZATION OF LAW'S IN PAKISTAN



Steps taken for the Islamization of Laws in Pakistan / POST 1977 STEPS

‘ The Martial Law Regime in 1977, under General M. Zia ul Haq took Steps for the process of Islamization of Laws in Pakistan -;

1. Hadood Ordinance

- a. Liquor/Wine
- b. Theft
- c. Adultery

2. Qazaf Ordinance

- a. False allegation

3. Zakat & Ushr Ordinance

- a. Central Zakat Council
- b. Provincial Zakat Council
- c. District Zakat Council

4. Establishment of Federal Shariat Court-Islamabad

it's jurisdiction extends to whole of the country.

5. Interest Free Banking (Riba)

'Riba' in Arabic means Rent , In English it's Interest & in Urdu it is called as 'Sood' .

6. Compulsory teaching of Pakistan Studies & Islamiyat,

On intermediate, B.A, B.SC, Engineering, Medical, Commerce & Law education, it's Teaching is Compulsory.

- 7. Ordinance For the Sanctity of Ramzan ;
Open drinking & eating in restaurants in Ramzan
is liable to 3 months Imprisonment & Fine of
Rs.500/-**
- 8. Nizam-e-Salaat Committees ;
Set up at District Level to Persuade the people
to be Punctual in offering their Prayers.**
- 9. Ban on the display of Nude Posters & Publicity
Symbols.**
- 10. Pakistan and the Islamic World.**

















THANK
YOU