



## Constitution of 1962

According to the Constitution of 1956, the first Prime Minister was Mr. Hussain Shaheed Suharwardi. He was a Pro-American and did not know much about the East Pakistan. He was in favor of having alliance with America and there was a quite strong opposition in the country against this stance. He faced opposition from different sections of society in spite of that he was a very strong person and a very strong politician but unfortunately, he was very much detached from the realities of East Pakistan. Mr. I.I. Chundrigur took the charge as Prime Minister but resigned after 2 Month at that time. Mr. Sikandar Mirza was the President of the country, but he was not clear about the situation of the Pakistan. He invited General Ayub Khan to implement Martial law and control the country situation.

### Constitution Making

The government introduced Basic Democracies in October 1959. Under this system, Forty Thousand basic democrats (local councilors) were to be elected in each province. They had to perform functions as local government and their role in developmental work. They also acted as an electoral college for the election of president and the national assembly. Elections for the Basic Democracies (BD) were held in December 1959 and January 1960. Then the elected BD members held Presidential referendum on February 17, 1960. A Constitutional Commission was established in February 1960 under the leadership of Justice Shahabuddin, former Chief Justice.

The tasks assigned to the Commission were

- ✓ To examine the causes of failure of Parliamentary system.
- ✓ Recommend a new system keeping in view the
- ✓ Genius of people
- ✓ Standard of education
- ✓ Internal conditions of the country
- ✓ Need of development

Commission presented its report in May 1961 which was reviewed by two committees. Under the report of these committees, the new Constitution was drafted. Ayub announced the Constitution on March 1, 1962. Elections to the National Assembly (NA) and Provincial Assemblies (PAs) were held in April and May 1962 respectively. The new Constitution was enforced on June 8, 1962. Martial Law was withdrawn. The new Constitution was consisted of 250 articles, 5 schedules.

## **Constitution of 1962**

Military took over on 7 October 1958 and consequently Ayub Khan became Chief Martial Law Administrator. One major task was to frame a new Constitution. The new administration was critical of Parliamentary system because it caused in-stability in the past. They sought stability of the state in the gradual development of democracy

President Ayub Khan constituted a commission for constituting the constitution in February 1960. This commission was headed by Justice Shahb-ud-Din. The Commission prepared a draft and presented to Mr. President on 6<sup>th</sup> May 1961 in which all powers were given to President. After certain amendments from the President Ayub Khan, the new Constitution was enforced on June 8, 1962 in the country. This constitution contained 250 clauses and Federal Presidential in nature. This constitution commission was assigned two major tasks. First was to check the causes of the failure of parliamentary system. Second was to make a system of standard education, focus on development and work on the internal conditions of the country.

### **Salient Features of Constitution of 1962**

Islamic Provisions of the constitution of 1962 are as under.

- **Country's name**

The name of the country was proposed as "Republic of Pakistan," which was later on amended as "Islamic Republic of Pakistan."

- **Muslim President**

It was declared in the constitution of 1962 that the president of Pakistan would be Muslim.

- **Presidential System**

A Powerful President who was responsible for administration and affairs of the state. He would be a Muslim, at least 40 years of age, should be qualified to be a member of NA. He would be elected through indirect elections for a period of five years. If he has held office for more than 8 years, he could seek reelection with the approval of the NA and the PAs. National Assembly was given the power to impeach the president, however it was difficult to achieve. President could dissolve the NA but, in that case, he must seek re-election.

- **Powers of the President**

President was the focal point of all the Executive, Legislative and Judicial powers. Cabinet was accountable to him. All key appointments were to be made by President. He could issue Ordinances. He could also declare State of Emergency in the country.

- **National Assembly (NA)**

The National Assembly was consisted of one house based on principle of parity between two wings of the country. There were 150 seats, and 6 seats were reserved for women. All members were elected indirectly. Minimum age limit for membership was 25 years.

- **Legislative Powers**

The National Assembly had all the powers of law making but law was to be finally ratified by the president. President could sign, reject or return the bill.

- **Financial Powers**

Financial Powers of NA were limited. Only new expenditure could be voted. NA could not reject consolidated fund list and recurring expenditure.

- **Federalism**

There were two provinces of the federation; East Pakistan and West Pakistan. Only one list of subjects, i.e. the Central list was given in the constitution.

- **Provincial Governments**

Governors were the heads of the provinces and governed the provinces with their cabinets. Provincial governments were directly under the control of President. There was a strong center with a powerful President. He had enough powers to manage provincial affairs. In case of emergency powers, central government could take direct control of the province.

- **Principles of Policy**

National solidarity would be observed. Interests of remote areas would be looked after. Opportunities for participation in national life, education and wellbeing of people will be provided. Islamic principles would be implemented in day-to-day life.

- **Fundamental Rights**

Fundamental Rights were provided in the constitution.

- **Political Parties**

Political parties were banned according to the constitution of 1962.

- **Islamic Provisions**

Objectives Resolution was the preamble of the Constitution. Other Islamic provisions were the part of principles of policy and not the constitution.

- **Advisory Council for Islamic Ideology**

An Advisory Council for Islamic Ideology was made in the constitution having 5-12 members. This body could only make recommendations.

- **Islamic Research Institute**

It was designed for the research and instructions in Islam for assisting the reconstruction of Muslim society on truly Islamic lines.

## **Working of the Constitution**

The constitution was enforced from June 8, 1962 to March 25, 1969. In early 1965, Mr. Bhutto and General Musa started Operation Gibraltar and won the territories of India. However, after this General Ayub felt that if they could not give their territories back it will shed the blood of our army. At that time, Russia negotiated and signed a peace treaty between two countries in Moscow and gave them back all the territories. Mr. Bhutto started campaign against Mr. Ayub Khan, he resigned in 1969, and Mr. Yahya took over the charge.

## **Cancellation and Abrogation of 1962 Constitution**

First constitution was promulgated in 1956. Mr. Ayub Khan was not in favor of western democracy in Pakistan. He was against the system of governance, which was in the west, and Ayub Khan was the person who had deep understanding of looking into the things in a very detached manner. He developed the idea under which politicians are to be ruled, they were only taking care of their narrower interest, and they need to discard them. This was the reason, he put a ban on political parties. The political parties were not doing so good for the country. In the meanwhile, Mr. Zulfikar Ali Bhutto became blue-eyed person for Ayub Khan.

Zulfikar Ali Bhutto was quite young and was quite intelligent and got solutions for many problems, which Ayub Khan was facing at that time. Whenever there would have been a meeting of cabinet, people were criticizing Ayub Khan, vocals in those meetings. Zulfikar Ali Bhutto tried to remain calm without saying a single word and when the meetings went over, he used to go silently to Ayub Khan to consult the matter.

Zulfikar Ali Bhutto had capitalized the opportunities to have a favor of president of country. Initially Ayub Khan implemented land reforms in the country though they were not that much effective at that time. Zulfikar Ali Bhutto had dual nationality and he was busy in the administration of country in 1960. He was very influential as the foreign minister of the country and Army was virtually run by General Musa at that time. Therefore, Ayub Khan did not have the time to look into the matters of the country.

Strategies were built by Pakistan to take back the Kashmir from India, but it was a miscalculation of Pakistan Army. In 1965 war, Pakistan retaliated fiercely and penetrated deep into India but it was a temporary kind of thing because Pakistan was running out of arms and it was in the interest of Pakistan to ceasefire with India.

Zulfikar Ali Bhutto and Ayub Khan went to Moscow, a treaty was signed between two countries, and situation was resolved between two countries as the result of 1965 war. When

he came back, Zulfikar Ali launched a campaign against Ayub Khan and he just gave away everything on the table which Pakistan had acquired into the battle field.. Zulfikar Ali Bhutto launched his party with the name of Pakistan people's party (PPP) and he went to East Pakistan to make an alliance with Mujeeb-ur-Rehman. But Mujeeb-ur-Rehman had his own desires and was not happy with the behavior of bureaucracy with East Pakistan.

Zulfikar Ali Bhutto was also playing the role of diplomat with China, Russia and with other countries and was highly visible in print media and electronic media. General Yahya Khan was very disappointed. Military was against him due to his role played in the war of 1965. Ayub Khan was left with no any other option else to resign. General Yahya Khan came into power, another martial law was implemented in the country, and constitution of 1962 was abrogated. When the constitution of 1962 was abrogated elections were held and Sheikh Mujeeb Rehman clean swept from East Pakistan under Awami League Party (AMP) and Zulfikar Ali Bhutto secured seats in Sindh and South Punjab. Consequently, Zulfikar Ali Bhutto did not accept the results of elections.