

HUM 117 PAKISTAN STUDIES

Lecture 06

Constitutions of Pakistan 1962

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Introduction (The 1962 Constitution)



- **Background**
- 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 instability in the past. They sought stability of the nation in the gradual development of democracy.

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 Presidential referendum was held by the elected BD members on February 17, 1960.

Constitution Making (Contd...)



- A Constitutional Commission was established in February 1960 under the chairmanship 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
 - (a) genius of people
 - (b) standard of education
 - (c) internal conditions of the country
 - (d) need of development

Constitution Making (Contd...):



- Commission presented its report in May 1961 after then two committees reviewed it. 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 Martial Law was withdrawn.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 consisted of 250 articles, 5 schedules.

Salient Features



- **Title of the State**
- Republic and Islamic Republic
- **Presidential System**
- A Powerful President who was responsible for administration and affairs of the state. He should 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.

Salient Features (Contd...)



- **Powers of the President:**
- President was the Focal point of all the Executive, Legislative and Judicial powers.
- Cabinet was responsible 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.

Salient Features (Contd...)



- **National Assembly (NA)**
- NA was consisted of one house on the basis of principle of parity between two wings of the country.
- There were 150 seats plus 6 seats were reserved for women.
- All members were elected indirectly.
- Minimum age limit for membership was 25 years.

Salient Features (Contd...)



- **Legislative Powers:**
- NA 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.

Salient Features (Contd...)



- **Provincial Governments**
- Governors were head 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.

Salient Features (Contd...)



- **Principles of Policy**
- National solidarity would be observed.
- Interests of backward people would be looked after.
- Opportunities for participation in national life.
- Education and well being of people.
- Islam would be implemented in day to day life.

Salient Features (Contd...)



- **Fundamental Rights**
- Fundamental Rights were provided in the constitution.
- **Political Parties**
- Originally Political Parties were not allowed.