

## UNIT 09



### Section 5

## Constitution of Pakistan

### Constitutional Development

In this unit the students will be able to:

- Discuss the salient features of 1973 Constitution particularly focusing on incorporating fundamental human rights, Islamic features and major amendments.
- Infer the responsibilities of good citizen, women rights, and rights of minorities in the light of 1973 Constitution.
- Explain the federal structure of the government of Pakistan and its functioning in the light of 1973 Constitution.

## Historical View

The Constitution is the basic law of any state and is an expression of the thinking and aspiration of a nation. It contains the list of human rights and also explains the structure of a state and the form of government. The British Government entrusted the responsibility of drafting the constitution to the Constituent Assembly under the 3rd June 1947 Plan. On August 14, 1947, the Government of India Act of 1935 was adopted as an Interim Constitution. It remained functional with certain amendments until 1956.

## The Objective Resolution (1949)

The Prime Minister Liaqat Ali Khan presented the aims and objectives of the constitution before the Constituent Assembly. After the debate, a resolution was passed on 12th March 1949 and was known as the Objective Resolution. It was a significant and first step towards constitution-making in Pakistan. The salient features of the resolution are mentioned below.

- 1. Sovereignty:** Sovereignty over the entire universe belongs to Allah, and the people of Pakistan will exercise governmental powers as a sacred trust within limits prescribed by Him.
- 2. The Constitution:** The Constituent Assembly will frame the constitution for the sovereign independent State of Pakistan.
- 3. The State Authority:** The State shall exercise its powers and authority through the elected representatives of the people of Pakistan.
- 4. The Islamic Principles:** The Islamic principles of social justice, equality, democracy and freedom as articulated by Islam shall be fully observed in the country.
- 5. The Individual and Collective Lives of the Muslims:** The Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings of Islam.
- 6. Rights of Minorities and Marginalized Groups:** The minorities will be given opportunities to freely profess and practice their religions and develop their cultures. Provisions shall be made to protect the lawful interests of minorities, backward and depressed classes.
- 7. The Federation:** The areas currently part of Pakistan and any new areas that join will form a federation. The provinces will enjoy autonomy as prescribed in the constitution.
- 8. Fundamental Rights of the Citizens:** The citizens of Pakistan will enjoy fundamental rights such as equality before the law, social, political and economic justice, freedom of thought, expression, belief, faith, worship, and association, subject to law and public morality.
- 9. The Judiciary:** The independence of the judiciary shall be protected.
- 10. The Integrity of the Federation:** The integrity of the territories of the federation, its independence and all its rights including its sovereign rights on land, sea and air shall be safeguarded.

## Importance:

The Objective Resolution has great importance in the political landscape of Pakistan. It laid the foundation for the future constitution of Pakistan. It was made part of the Constitutions of 1956 and 1962 as the 'Preamble'. It was declared as the 'Operative Clause' of 1973 Constitution during the rule of general Zia ul Haq.

## Delay in Constitution-Making

The 1935 Act was passed by the British Government to meet its colonial needs. There was an utmost need for a new constitution in Pakistan that could meet its political, social and ideological requirements. Soon after its creation, Pakistan faced gigantic problems, and the process of constitution-making was delayed. The following were the main reasons for the delay in constitution-making.

### 1. Initial Problems:

In the initial years, Pakistan has to face multidimensional problems. These issues delayed in the constitution-making.

**2. Efforts for Constitution-Making:** The following efforts were made to reach a consensus over the draft of the constitution. However, consensus could not be achieved, causing delay in the constitution-making process.

**A. The Basic Principle Committee's First Report (September 1950):** After the approval of the Objective Resolution in March 1949, the Basic Principle Committee was instituted under the headship of Liaqat Ali Khan. The important task of the committee was to determine principles for the future constitution. The committee instituted sub-committees to examine certain significant issues separately. The Basic Principle Committee presented the draft constitution in the Constituent Assembly in September 1950. The representatives of East Pakistan opposed the draft constitution. One of the important reasons for their opposition was the recommendation of Urdu as the national language. The draft of the new constitution was not passed by the Constituent Assembly. Liaqat Ali Khan was assassinated on October 16, 1951, and the process of constitution-making was delayed.

**B. The Basic Principle Committee's Second Report (December 1952):** Khawaja Nazimuddin became the Prime Minister after the assassination of Liaqat Ali Khan. He presented the second draft constitution in the Constituent Assembly on December 22, 1952. A Few recommendations are mentioned below.

- I. The central legislature shall consist of two houses. Both houses shall enjoy equal powers.
- II. The term of both houses will be five years.
- III. The head of the state will be a Muslim.
- IV. The head of the state will be elected by both houses of the central legislature.
- V. The term of office of head of the state will be five years.

The leaders of the West Pakistan criticized the second draft. East-Pakistan's leadership also spoke against equal representation of both wings in the central legislature. Criticism continued on the second draft constitution and Prime Minister Khawaja Nazimuddin was removed from office on April 16, 1953.

**C. Muhammad Ali Bogra Formula:** After removal of Khawaja Nazimuddin, Muhammad Ali Bogra became the Prime Minister in 1953 and presented the third draft constitution in the Constituent Assembly on October 7, 1953. It was named as 'Muhammad Ali Bogra Formula'. Some of its features are given below.

- i. There will be two houses of the central legislature.
- ii. Both houses will enjoy equal powers.

- iii. The seats of the upper house 'House of Units' will be divided among the five provinces on an equal basis. The total membership of upper house will be fifty members.
- iv. The seats of the lower house 'House of the People' will be divided on the basis of population. The total membership of the house will be three hundred. One hundred and sixty five seats will be given to East Bengal (East Pakistan) and one hundred and one hundred and thirty five seats will be given to the province of West Pakistan, including the princely states and the federal capital.
- v. Urdu and Bengali will be the official languages.

Prime Minister Muhammad Ali Bogra Formula warmly announced that the new constitution will be promulgated in December 1954. However, Governor General Malik Ghulam Muhammad dissolved the Constituent Assembly on October 24, 1954 and the first constitution could not be promulgated.

## The Constitution of 1956

After a lengthy period of almost nine years, Pakistan was able to frame a constitution that was promulgated on March 23, 1956. The salient features of the constitution are mentioned below.

1. **Written and Flexible:** It was a written constitution and contained 234 Articles. It was flexible constitution that could be amended by 2/3 majority of the National Assembly.
2. **Federal Structure:** Pakistan was a federal state and powers and functions were divided between the federal government and the provinces.
3. **Parliamentary System:** A Parliamentary System was introduced. The Prime Minister was the head of the executive and was to be elected by the National Assembly.
4. **The Unicameral Legislature:** There was unicameral legislature called the National Assembly. Its tenure was five years. There was equal representation of both Wings (East and West) in the National Assembly.
5. **The President:** The President was head of the state and enjoyed nominal powers. The candidate of the presidency had to be a Muslim.
6. **The Governor:** The Governor of a province was appointed by the president and was a representative of the federation. There was no fix tenure for the governor. He could serve at the pleasure of the president.
7. **National Languages:** Urdu and Bengali were declared as the national languages of Pakistan.
8. **The Judiciary:** The Supreme Court was the highest court of the country and the High Court was the highest court of the province.
9. **Fundamental Rights:** The 1956 Constitution contained a list of fundamental rights. A few are mentioned below.
  - A. All citizens were equal before the law.
  - B. There should not be discrimination on the basis of race, religion, caste and place of birth etc.
  - C. No person could be deprived of life and liberty.
  - D. No person could be deprived of legal property.
  - E. All citizens would enjoy freedom of expression and association.



## 10. Islamic Provisions

- A. An Islamic Advisory Council was established.
- B. The name of the country was 'Islamic Republic of Pakistan'.
- C. The Objective Resolution of 1949 was declared as the 'Preamble' of the constitution.
- D. The candidate for the presidency had to be a Muslim.
- E. Laws had to be made according to the teachings of Islam.

## The 1962 Constitution

On October 7, 1958, President Iskandar Mirza abrogated the 1956 Constitution, imposed martial law and appointed Ayub Khan as Chief Martial Law Administrator (CMLA). Ayub Khan prepared a new Constitution and implemented it in 1962. The main features of the 1962 were as follows:

1. **Written:** The 1962 Constitution was in written form and contained 250 Articles.
2. **Federal System:** There was a federal system under the 1962 Constitution. Pakistan had two provinces: East and West Pakistan. There was only one list of powers and functions and the central government enjoyed extensive powers.
3. **Unicameral Legislature:** There was a single house of the legislature called the National Assembly. Its tenure was five years. There was equal representation of both the Wings (East and West) in the National Assembly.
4. **Presidential System:** In contrast to the 1956 Constitution, there was a presidential system under the 1962 Constitution. The president was head of the state and also head of the executive. He was elected by the members of Basic Democracies for a period of 5 years. He could be removed by the National Assembly through impeachment.
5. **Indirect Elections:** Under the constitution, the members of the National Assembly and the Provincial Assembly were elected by the members of Basic Democracies. Each province had its separate Provincial Assembly. There was also an indirect election for the president.
6. **National Languages:** Urdu and Bengali were declared as the national languages of Pakistan.
7. **The Judiciary:** The Supreme Court was the highest court of the country and the High Court was the highest court of the province.
8. **Fundamental Rights:** The 1962 Constitution contained a list of fundamental rights.
9. **Rigid Constitution:** The National Assembly had the power to amend the Constitution by 3/4 majority with concurrence of the President.

## 10. Islamic Provisions:

- A. The official name of the country was 'Islamic Republic of Pakistan'.
- B. The Objective Resolution of 1949 was declared as the 'Preamble' of the constitution.
- C. The president was to be a Muslim.
- D. The laws had to be made according to the teachings of Islam.
- E. An Islamic Advisory Council was established. The president, the provincial governor, the National Assembly, and the Provincial Assembly could seek guidance from the council regarding the Islamic nature of any law. The council had advisory role and its opinion was not binding.

## Analysis

The 1962 Constitution was framed by Ayub Khan and it was not prepared by any assembly. The President had extensive powers related to the executive and legislation. The process of removing the President was difficult. Ayub Khan introduced an indirect election method for the President, the National Assembly and the Provincial Assembly. Provincial autonomy was not ensured, and the federal government frequently intervened unnecessarily in provincial matters. Ayub Khan did not strengthen the system but rather strengthened the office of the President. On March 25, 1969, General Yahya Khan imposed martial Law and abrogated the 1962 Constitution.

## The 1973 Constitution

The 1973 Constitution was a consensus-based Constitution and was prepared and passed by the National Assembly of Pakistan. It was promulgated on August 14, 1947. It is comprehensive and democratic compare to previous constitutions. The following are the salient features (Post-18th Amendment) of the 1973 Constitution.

1. **Written:** The constitution is available in written form and contains 280 Articles, 12 Parts and 5 Schedules.
2. **Federal System:** Under Article 1, Pakistan is a federal state. There are four provinces: Balochistan, Khayber Pakhtunkhwa, Punjab and Sindh. Islamabad is the federal capital.
3. **High Treason:** The Constitutions of 1956 and 1962 were abrogated by former military dictators. Under Article 6, if a person suspends, conspires or abrogates the 1973 Constitution, he will be guilty of high treason. The 18th Amendment 2010 strengthened democracy.
4. **The Parliament:** The Parliament consists of two Houses. The National Assembly is the Lower House and is elected for a period of 5 years. 336 seats are divided among the provinces and the federal area Islamabad based on population. The Senate is the Upper House and is a permanent institution. The total seats for the Senate are 96, out of which 92 are equally divided among four provinces whereas 4 seats are for the federal area Islamabad. Each senator is elected for a period of 6 years.
5. **Parliamentary Form of Government:** The Prime Minister is head of the executive and enjoys real powers. The National Assembly elects leader of the house (the prime minister) and can also remove him from office.
6. **The President:** The President is head of the state and enjoys nominal powers. He is elected for a period of 5 years by the Parliament and the four provincial assemblies.
7. **The Judiciary:** The Supreme Court is the highest court, and there are five High Courts: one in each province and one in federal area Islamabad. The Supreme Court has the power to interpret the 1973 Constitution and to hear appeals against rulings of the High Courts. The Supreme Court's decisions are final.
8. **The Provincial Government:** Each province has its assembly elected for a period of 5 years. The chief minister is the head of the executive and is elected by the provincial assembly. The provincial governor is appointed by the President on advice of the Prime Minister.
9. **Provincial Autonomy:** Under the 18th Amendment, several federal ministries were devolved and transferred to the provinces. The Concurrent Legislative List was deleted from the

Constitution, and its subjects were transferred to the provinces. Now the provinces enjoy more powers.

#### **10. Islamic Provisions**

- A. Islam is the official religion.
- B. The Prime Minister and the President must be Practicing Muslims.
- C. All laws shall be made according to the teachings of Quran and Sunah.
- D. An Islamic Ideological Council has been instituted. It makes recommendations to the Parliament and the Provincial Assemblies for bringing existing laws into conformity with the injunctions of Islam.
- E. A person who believes in oneness of Allah and Hazrat Muhammad as the last prophet of Allah is described as a Muslim.
- F. Under Article 2-A, the Objective Resolution was made substantive part of the constitution.

#### **Analysis**

The 1973 Constitution was overhauled under the 18th Amendment. A genuine parliamentary system is evident in the country, with elected representatives enjoying real powers. The powers of the President have been reduced and democracy has been secured under amended Article 6. The Constitution contains more Islamic provisions compared to past two Constitutions. Now the provinces enjoy more powers than before. There must be supremacy of the 1973 Constitution, which will certainly strengthen the federation of Pakistan.

### **Fundamental Human Rights Granted under the UN Human Rights Declaration 1948 and the 1973 Constitution**

The UN General Assembly passed the Universal Human Rights Declaration on December 10, 1948 that contained 30 Articles. A few of them are mentioned below.

1. All human beings are born free and have equal status.
2. Every person will enjoy rights and freedom without any discrimination.
3. Everyone has the right to life, liberty and security of person.
4. Slavery and the slave trade shall be prohibited in all their forms.
5. All persons are equal before the law without any discrimination.
6. Everyone has the right to freedom of movement and residence.
7. Everyone has the right to freedom of opinion and expression.
8. Everyone has the right to education
9. Everyone has the right to own legal property.
10. Everyone has the right to freedom of peaceful assembly and association.

#### **Human Rights under the 1973 Constitution**

A few of the fundamental rights given under the 1973 Constitution are mentioned below.

1. No person shall be deprived of life or liberty, save in accordance with law.
2. All citizens are equal before the law.



3. A person shall be entitled to a fair trial and due process in any criminal charge against him.
4. Slavery, forced labour, torture, cruel and inhuman treatment are illegal.
5. All citizens shall enjoy freedom of movement, expression, business, association and speech.
6. All citizens shall have right to information in all matters of public interest.
7. The state shall provide free and compulsory education to all children (5 to 16 years).
8. There shall be no discrimination on the basis of religion, caste, race and place of birth.

## **A Comparison between UN Declaration and the 1973 Constitution**

A deep study of the UN Human Rights Declaration 1948 and the 1973 Constitution reveals that both documents honor humanity. It is a fact that the great charter of human rights was announced by Hazrat Muhammad ~~about~~ 1400 hundred ago. Pakistan is an Islamic state and the Islamic character can easily be seen in the list of human rights under the 1973 Constitution. Both, the UN Declaration and the 1973 Constitution talk about rule of law, equality, justice, freedom of expression, abolishment of slavery and equal opportunities and for all the human beings. The need is to ensure the implementation of Articles of the UN Declaration and the 1973 Constitution in letter and spirit.

This alignment of principles is not a coincidence; it shows a shared desire for a fair and just society, a vision that Prophet Hazrat Muhammad ~~expressed~~ expressed centuries ago, long before modern declarations. The 1973 Constitution of Pakistan, inspired by Islamic values and international human rights standards highlights the importance of socio-economic rights such as education, healthcare, and social security, which are essential for living with dignity. Although both the Constitution and international declarations provide a strong foundation for protecting human dignity and basic freedoms, their true value depends on how well they are put into practice. To close the gap between written rights and real-life experiences, there must be ongoing government commitment, strong judicial enforcement, and a well-informed public that actively works to uphold these common ideals.

## **Responsibilities of a good Citizen**

In a reciprocal relationship between a state and its populace, citizens receive various provisions and are, in turn, expected to fulfill their civic duties carefully. An ideal citizen contributes to national well-being by consistently paying taxes to support public services and state expenditures. They demonstrate unwavering loyalty to the state, prioritizing its interests and being prepared to make sacrifices, embodying true patriotism. Adherence to and respect for laws is crucial for maintaining social order and fostering a progressive environment. Furthermore, active citizens contribute to public safety by monitoring and reporting criminal activities to law enforcement departments, thereby discouraging wrongdoing and promoting peace. During crises like natural disasters or emergencies, they readily assist government institutions, offering help and resources such as blood donations. In democratic countries, citizens cast their votes in favor of capable, honest, and dedicated politicians. They compare the election manifestos of different political parties and then decide how to cast their votes, believing that capable leadership can play a crucial role in the progress of the country. Lastly, exemplary citizens reject corruption,



recognizing its detrimental impact on society and prioritizing collective well-being over personal gain, thereby playing a constructive role in national development.

## **Rights of Women and Minorities in the 1973 Constitution**

Women and minorities are respectable citizens of Pakistan. All citizens (Male, women and minorities) enjoy equal rights. The detail of rights of citizens including women and minorities is mentioned from Article 8 to 28 in Chapter 1 of the 1973 Constitution. A brief sketch of rights of women and minorities under the Constitution is mentioned below.

1. There shall be no discrimination on the basis of religion, caste, race and place of birth.
2. All citizens are equal before the law. There shall be no discrimination on the basis of sex.
3. State shall make any special provision for the protection of women and children.
4. Slavery, forced labour, torture, cruel and inhuman treatment are illegal.
5. No person shall be deprived of life or liberty.
6. All citizens shall enjoy freedom of movement, expression, business, association and speech.
7. Every citizen shall have the right to profess, practice, and propagate his religion.
8. No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion and caste or birth place.
9. In respect of access to places of public entertainment, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex or residence.
10. There shall be no discrimination on the basis of religion, race, or place of birth in services.
11. All citizens have the right to preserve and promote their languages and culture.

## **Impact on Developing the Culture of Peace**

Provision of rights to women and minorities will bring the following results:

**Empowerment of Women:** Fundamental rights for women, including the right to education, employment, and equal opportunities, contribute to their empowerment. This empowerment leads to greater participation in decision-making process. It can impact the culture of peace.

**Protection from Discrimination:** Guaranteeing fundamental rights for minorities ensures their protection from discrimination based on religion, ethnicity, or belief. This protection fosters a sense of security and belonging. It helps in promoting peaceful coexistence.

**Promotion of Tolerance and Understanding:** Fundamental rights promote tolerance and understanding by recognizing the dignity of every citizen, regardless of their gender or minority status. This recognition helps in building bridges between different groups.

**Legal Framework for Peaceful Resolution:** Fundamental rights provide a legal framework for the peaceful resolution of conflicts and disputes. By ensuring access to justice and due process for all members of society, including women and minorities, contribute to the resolution of conflicts through non-violent means. It also strengthens the culture of peace.

**Enhanced Social Cohesion:** When women and minorities are empowered and their rights are protected, it leads to enhanced social cohesion within society. This cohesion is important for building trust, empathy, and cooperation among different communities.

**Prevention of Extremism and Radicalization:** Guaranteeing fundamental rights for women and minorities helps in prevention of extremism, radicalization and promoting social cohesion.

**Promotion of Diversity and Pluralism:** Fundamental rights for women and minorities promote diversity, which is an essential element of a culture of peace. Recognizing the richness of diverse cultures, languages and traditions promotes coexistence.

## **Structure of Government under the 1973 Constitution**

There are three organs of government: the legislature, the executive and the Judiciary. Following is the structure of the Federal Government under the 1973 Constitution.

**1. The Executive:** There is parliamentary system in the country and the Prime Minister is head of the executive. Under Article 90, the executive authority of the federation is exercised in the name of the President.

**Cabinet:** The Prime Minister is elected by the National Assembly and nominates the cabinet. The cabinet members are taken from the Parliament. There are two types of ministers: federal ministers and ministers of state. One-fourth of the ministers are taken from the Senate. The President administers the oath of office to the Prime Minister and cabinet members. The Prime Minister can appoint five advisors. According to amended Article 92, the cabinet should not exceed eleven percent of the total membership of the Parliament. The Prime Minister is head of the cabinet and holds the authority to change the portfolio of any minister and can also take resignations.

**The President:** The President serves as the head of the state and is elected by the members of the four provincial assemblies and the Parliament for a period of five years. The President can be removed from office by a two-thirds majority vote in the Parliament. The President enjoys nominal powers and real powers are enjoyed by the Prime Minister and cabinet.

**Accountability:** Cabinet operates on the principle of collective responsibility and is answerable to the Parliament. Members of Parliament can raise questions, and the concerned ministers are required to provide answers. The Prime Minister and cabinet members are also Parliament members, and they participate in the sessions and can cast their votes. The National Assembly can remove the Prime Minister through a vote of no confidence. If the Prime Minister is removed from office then the entire cabinet is dissolved.

**2. The Parliament:** The Parliament comprises the National Assembly and the Senate.

**The National Assembly:** The National Assembly is the lower House of the Parliament and seats are allocated among provinces based on population. The National Assembly's term is five year. The Prime Minister can dissolve it under Article 58. It holds more powers compared to the Senate. It can reject money Bills but the Senate does not enjoy such power. The National Assembly elects its leader, the Prime Minister, and can remove him by a vote of no confidence. The minimum required strength for electing or removing the Prime Minister is fifty-one percent of the total National Assembly membership. Sessions are chaired by the speaker. Seats of the National Assembly have been divided under Article 51.

National Assembly have been divided under Article 51.

Category	General Seats	Women	Total
Balochistan	16	04	20
Khyber Pakhtoonkhwa	45	10	55
Punjab	141	32	173
Sindh	61	14	75
Federal Capital Islamabad	03	NIL	03
Non-Muslims	—	—	10
Total	266	60	336

**Note:** Ten seats are reserved for Non-Muslims in the National Assembly

**The Senate:** The Senate is the Upper House, with seats equally divided among provinces. Each senator is elected for a six-year term, with half retiring after three years. Under Article 59, the Senate is a permanent institution and cannot be dissolved. The Chairman and Deputy Chairman Senate are elected for three-year term. Both, the Senate and the National Assembly equal powers for bringing the constitutional amendment. The total membership of the Senate is 96.

Province/Area	General Seats	Women	Technocrat/ Aalim	Non-Muslim
Balochistan	14	04	04	01
Khyber Pakhtunkhwa	14	04	04	01
Punjab	14	04	04	01
Sindh	14	04	04	01
Federal Capital Islamabad	02	01	01	NIL
Total	58	17	17	04

**The Judiciary:** The Supreme Court is the highest court, comprising a Chief Justice and other Judges determined by the Parliament. The Judicial Commission of Pakistan nominates one person for each vacancy of a Judge in the Supreme Court to the Parliamentary Committee. The said committee consists of eight members, four from the Senate and four from the National Assembly. The committee sends the name of the nominee to the Prime Minister who forwards the same to the President for appointment. The retirement age of a Judge of the Supreme Court is sixty-five year. The Supreme Court resolves disputes between any two or more Governments, hears appeals, interprets the Constitution and also performs advisory jurisdiction.

## The Provincial Structure

Following is the structure of the Provincial Government under the 1973 Constitution.

**The Executive:** Under Article 129, the Chief Minister is the chief executive, with the Governor as the constitutional head of a province. The Provincial Assembly elects the Chief Minister by the votes of majority. The Chief Minister nominates the cabinet.

**The Legislature:** Under Article 106, each province has its own Provincial Assembly, elected for five years. The Speaker presides over sessions of the Assembly. The Chief Minister can dissolve the Assembly under Article 112. The Provincial Assembly passes the Bills and budget (money Bill). The cabinet members also attend sessions of the Assembly and answer the questions.

**The Judiciary:** Under Article 192, each province has a separate High Court. Judges are appointed



by the President under Article 175-A. The retiring age of a Judge of the High Court is sixty-two. The High Court exercises powers under Article 199.

## Process of Democracy

Process of democracy in Pakistan is mentioned below.

**Elections:** Elections are held at regular intervals for the National Assembly, Provincial Assemblies and local government. The Election Commission of Pakistan oversees the election process, ensuring free, fair and transparent elections.

**Independent Judiciary:** The Judiciary performs its functions in an independent atmosphere. The executive cannot remove the Judges from their offices. The Judiciary plays an important role in maintaining the rule of law in the country.

**Political Parties:** Pakistan has a multi-party system, with various political parties representing different ideologies and interests. These parties contest elections at different levels of government, advocating their manifestoes and agendas.

**Voters:** All citizens of eighteen year and above have the right to vote, regardless of gender, ethnicity, religion, or social status.

**Parliamentary System:** under the 1973 Constitution, Pakistan follows a parliamentary system of government. The Prime Minister is the executive head and is elected by the National Assembly.

**Rule of Law:** The principle of the rule of law is fundamental to democracy in Pakistan. It ensures that all individuals and institutions, including the government, are accountable under law.

**Protection of Fundamental Rights:** The 1973 Constitution guarantees fundamental rights to all citizens, including the right to equality, freedom of speech and expression, and the right to participate in the political process.

**Media Freedom:** A free and independent media works in Pakistan. It is a watchdog, holding the government accountable and providing citizens with information. Media freedom is necessary for democracy, ensuring accountability in governance.

## Important Constitutional Institutions

**1. National Finance Commission:** National Finance Commission (NFC) was established under Article 160. The NFC Award decides the distribution of money between the Federal and the Provincial Governments. The 7th NFC Award was signed on December 30, 2009 and was implemented on July 1, 2010. According to the 7th NFC, the allocation of share to the Provincial Governments is mentioned below.

1.	Population	82.0 %
2.	Poverty or Backwardness	10.3 %
3.	Revenue Collection or Generation	5.00 %
4.	Inverse Population Density (IPD)	2.7 %
	Total	100 %



The share of each Province under the 7th NFC Award is explained below.

1.	Balochistan	9.9 %
2.	Khyber Pakhtunkhwa	14.62 %
3.	Punjab	51.74 %
4.	Sindh	24.55%
	Total	100 %

**2. Economic Coordination Committee:** The Economic Coordination Committee (ECC) is a federal institution and the Prime Minister acts as Chairman. The Prime Minister nominates ECC's members and can also nominate any federal minister as its chairman. The ECC performs the following functions: It examines all urgent economic matters and coordinates the economic policies. It recommends the plans for the attainment of the status of a welfare state. It keeps an eye on the monetary situation of the country. It makes proposals to maximize production and export and to prevent inflation. It reviews from time to time country's import policy. It reviews social and economic surveys.

**3. Council of Common Interest (CCI):** The institution of the Council of Common Interest (CCI) was established under Article 153 of the 1973 Constitution. The CCI formulates and regulates policies in relation to the subjects enumerated in the Federal Legislative List (FLL)-II. The 18th Amendment deleted the Concurrent Legislative List (CLL) and also increased the subjects of the FLL-II. The 18th Amendment addressed the CCI and brought changes in its composition and functions. The CCI has to meet once in ninety days. The Prime Minister is the chairman of the CCI. Three federal ministers and four provincial chief ministers are also members of the council. The CCI submits annual report to both Houses of the Parliament. The true utilization of the forum of the CCI will certainly strengthen the federation of Pakistan and enhance the trust of the provinces upon the federal government.

**4. The Election Commission of Pakistan (ECP):** The Election Commission of Pakistan (ECP) is a constitutional institution. The ECP consist of a Chief Election Commissioner and four members who are appointed for a period of five years. The ECP performs the following duties under Article 219.

- It prepares voter lists for election to the National Assembly and the Provincial Assemblies.
- It organizes and conducts election to the Senate.
- It appoints Election Tribunals.
- It holds general elections to the National Assembly, the Provincial Assemblies and the local governments.

## Amendments in the Constitution of 1973

The Constitutional Amendment Bill is passed by Both Houses of the Parliament by two-third majority. A brief description of 2nd, 8th, 13th, 18th and 25th Amendments is given below.

**The 2nd Amendment (1974):** According to the 2nd Amendment, A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (PBUH), the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever,

after Muhammad ~~Arshad~~, or recognizes such a claimant as a Prophet or religious reformer, is not a Muslim for the purposes of the Constitution of Law.

**The 8th Amendment (1985):** The 8th Amendment was incorporated in the Constitution of 1973 and some crucial powers were transferred from the office of the Prime Minister to the President. The decisions made by the military government of General Ziaul Haq were exempted from the judicial review. Under Article 58 (2-B), the President had the power to dissolve the National Assembly. The 8th Amendment made a shift from a true parliamentary democracy to a controlled democracy.

**The 13th Amendment (1997):** The 13th Amendment reversed the 8th Amendment and limited the powers of the President and once again office of the Prime Minister was made powerful. Under the 13th Amendment, the President's powers to dissolve the National Assembly and to appoint chiefs of armed forces were taken away. It strengthened parliamentary democracy.

**The 14th Amendment (1997):** The 14th Amendment introduced Article 63-A to curb political defections and enhance political stability. This amendment aimed to prevent members of parliamentary parties from switching allegiances, thereby addressing issues of instability in government formation and functioning. It stipulated that a lawmaker would be deemed to have defected if they committed a breach of party discipline, voted contrary to party directives, or abstained from voting against party policy. This amendment empowered the head of a political party to initiate disqualification proceedings against any parliamentary member who "defects."

**The 18th Amendment (2010):** Under the 18th Amendment, important changes were made in the political structure of Pakistan. It increased powers of the Prime Minister and the elected representatives. The size of the federal cabinet will not be more than 11% of the total figure of the Parliament. A new procedure for appointment of the Judges of the Supreme Court and the High Court was introduced. The Judicial Commission and the Parliamentary Committee were empowered to appoint the Judges of Superior Courts. Seventeen federal ministries were transferred to the provinces and provincial autonomy was increased. The share of the provinces shall not be less than the share allocated to the Provinces in the previous NFC Award. Under the Amendment, each Province will establish a system of local government and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments. The true implementation of the 18th Amendment will strengthen the federation.

**The 25th Amendment (2018):** Former Federally Administered Tribal Areas (FATA) was a tribal region in North-Western Pakistan. It consisted of seven tribal agencies and six frontier regions and was governed by special laws called Frontier Crimes Regulation (FCR). The Parliament passed the 25th Amendment to merge FATA with Khyber Pakhtunkhwa. The Khyber Pakhtunkhwa Assembly also approved the merger. The 25th Amendment, officially merging FATA with Khyber Pakhtunkhwa was implemented on May, 31, 2018.

After the merger of FATA into Khyber Pakhtunkhwa, the number of members of the Assembly rose from 124 to 145, adding 16 general seats, 4 reserved seats for women and 1 reserved seat for non-Muslims.

## EXERCISE

Answer the following questions by choosing the best answer A, B, C or D.

1. Which was a significant and first step towards constitution-making in Pakistan?
  - a. The Objective Resolution
  - b. Basic Principle Committee's first report
  - c. Basic Principle Committee's second report
  - d. Muhammad Ali Bogra formula
2. According to 1941 census, Muslim population of the State of Jammu and Kashmir was:
  - a. Fifty-seven percent
  - b. Sixty-seven percent
  - c. Seventy-seven percent
  - d. Eighty-seven percent
3. The official languages under the 1956 Constitution were:
  - a. Urdu and Punjabi
  - b. Urdu and Sindhi
  - c. Urdu and Pashto
  - d. Urdu and Bengali
4. The 1956 Constitution was abrogated by:
  - a. Iskandar Mirza
  - b. Malik Ghulam Muhammad
  - c. Muhammad Ali Bogra
  - d. Khawaja Nazimuddin
5. Which system of government was introduced in Pakistan under the Constitution of 1962:
  - a. Parliamentary
  - b. Absolute Monarchy
  - c. Presidential
  - d. Constitutional Monarchy
6. If a person suspends, conspires or abrogates the 1973 Constitution, he will be guilty of high treason under:
  - a. The 8th Amendment
  - b. The 13th Amendment
  - c. The 18th Amendment 2010
  - d. The 25th Amendment 2010
7. Which institution can be dissolved by the Prime Minister under Article 58?
  - a. The Senate
  - b. The Council of Common Interest
  - c. The Economic Coordination Committee
  - d. The National Assembly
8. The total membership of the Council of Common Interest (CCI) is:
  - a. 08
  - b. 10
  - c. 12
  - d. 14
9. Which institution performs its functions under Article 219?
  - a. The Council of Common Interest
  - b. The Election Commission of Pakistan

- c. The National Finance Commission  
d. The Economic Coordination Committee
10. Which Amendment was introduced in 1974?
- a. 2nd                      b. 8th  
c. 13th                    d. 18th

Answer the following questions briefly.

1. Write any three features of the Objective Resolution 1949.
2. Write briefly on the Economic Coordination Committee (ECC).
3. Write a brief answer on the Council of Common Interest (CCI).
4. Write functions of the Election Commission of Pakistan (ECP).
5. Write the share of each province under the 7th NFC Award 2010.
6. Write briefly on the 13th Amendment (1997).
7. Write briefly on the 25th Amendment (2018).

Answer the following questions in detail.

1. Discuss salient features of the 1956 Constitution.
2. Highlight the features of 1962 Constitution.
3. Write salient features of 1973 Constitution in detail.
4. Write impact of women and minorities rights on developing the culture of peace.
5. Write process of democracy in Pakistan.

### Glossary

- **Interim:** intended to last for only a short time until something more permanent is found
- **Plebiscite:** a vote by the people of a region or country on an issue that is very important
- **Preamble:** an introduction to a book or written document
- **Abrogate:** to officially end a law, an agreement, etc.
- **Basic Democracies:** it was a system of local bodies introduced by Ayub Khan
- **Federal minister and ministers of state:** a federal minister is head of a ministry, while a minister of state assists the federal minister and has a junior or secondary role within the ministry

List more words and write their meaning that you find difficult in this unit.
