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Return to the country selector Constitutional history of Ultimo updated in April 2018 By the end of World War II, the British Imperial Government granted independence to its Indian colony and for this reason the British Parliament enacted the Indian Independence Act, 1947. Under the law, the British Crown denied its sovereign powers over India and transferred these powers to the new domains of India and Pakistan on 14 August 1947. The Government of India Act, 1935, until then the constitution of British India, was amended to bring it in accordance with the objectives and objectives of independence as set out in the 1947 Act. The combination of these two constitutional instruments served as a provisional constitutional order for both countries until their constituent assemblies adopted their own constitutions. After independence, it took three governors-general, four prime ministers, two constituent assemblies (1947-1954 and 1955-1956), and nine years of protracted constitutional process to produce Pakistan's first constitution in 1956. It was rejected on the last day of its adoption (February 29, 1956) by all parties of the Hindu minority and the largest Muslim political party (the Awami League) of eastern Pakistan, demographically the largest province. Due to a lack of consensus among ethnic groups, the 1956 constitution failed to halt the political instability that engulfed the entire country after its promulgation, eventually leading to its repeal and the imposition of the country's first martial law on October 7, 1958. Between its promulgation and repeal, four federal ministries changed. General military dictator Ayub Khan, who had assumed the reins of power, promulgated the 1962 constitution in the country through an executive order. The current constitution, issued by the Third Constituent Assembly in 1973, It has been suspended twice by the military coups of General i-ul-Haq (1977-1985) and General Musharraf (1999-2002), and at the time of its restoration, both in 1985 and 2002, military regimes changed it in ways that radically changed its Islamic and Islamic character. One of these amendments on both occasions was the granting of power to the president to dissolve the lower house of the federal legislature. With this power in the hands of presidents – who were usurped by both dictators at the time of the restoration of the constitution – the parliaments that accompanied it on both occasions were forced to give constitutional cover through the 8th and 17th amendments to the acts of suspension of the constitution, and all other acts of military dictators during the period between the suspension and the of the constitution. The process of adopting the current Constitution: in the establishment of trials in the three constituent assemblies of Pakistan (1947-1954, 1955-1956, 1972-1973), 1972-1973), the 1956 and (current) constitutions of 1973, the Islamic character of the State and federalism were the two vexatious issues that prevented the creation of consensus among ethnonational groups on the constitutional design of the instruments that have governed politics to date. The federal discourse in Pakistan was and continues to be structured by two antithetic visions of identity, both of which are articulated by two competing forces. The centripete forces, representing state elites, have aimed to create a homogeneous society and a monolithic national identity, employing Islam as a unifying force in the service of building a centralized Muslim national state, despite the multi-ethnic and deeply divided character of society. The centrifugal forces, representing the different ethnic, linguistic, cultural and regional groups, on the other hand, have pushed back against the officially sponsored national and state construction project and have made counter-demands for constitutional recognition of the multi-ethnic nature of politics and their arrangement within a multinational framework within a decentralized federal order. Divergent visions not only structured the federal discourse, but also shaped the design of all constitutional instruments. The members of the Constituent Assembly (1972-1973) which drafted the current constitution were elected in 1970, when the country was still united. The secession of eastern Pakistan (now Bangladesh) in 1971 changed the political landscape of the country in fundamental ways. However, no new elections were held and members elected by West Pakistan in the 1970 elections formed the constituent assembly for Pakistan. The 1973 constitution did not have the support of two of Pakistan's four provinces, NWFP (now Khyber Pakhtunkhwa) and Balochistan. The secession of eastern Pakistan had changed the demographic composition of politics, as Punjab became the largest province with Punjabis accounting for more than 60% of the population, surpassing the combined strength of all other large ethnonational groups in the remaining three provinces. The Pakistan People Party (PPP) had majority seats in the assembly from the two largest provinces of Punjab and Sindh, and then formed a federal government and provincial governments in the two provinces. The National Awami Party (NAP) won majority seats in NWFP and Baluchistan provinces, and formed the opposition in the constituent assembly. The PPP rejected nap's appeals for the incorporation of consociational principles into the draft constitution to protect the interests of minority ethnic groups. Nap's requests included constitutional recognition of the of society, the establishment of a strong upper house in the federal legislature and the adoption of a non-majority framework of constitution based on the equality of all four ethnonational groups in Punjab, Sindh, NWFP and Baluchistan. Unscathed from these demands led to NAP's boycott of the constitution at a time when the assembly had approved only a third of the provisions of the draft constitution. Of the 400 amendments proposed by the opposition, only one was accepted during their stay in the assembly. The remaining two thirds of the draft constitution were adopted in the absence of members of the opposition, leading to the forfeiture of sixteen hundred amendments moved by opposition members to those parts of the draft constitution. The opposition came to the assembly on the last day of the adoption of the constitution and most of its members signed the draft constitution under the threat of criminal proceedings on charges of treason. Before Pakistan's separation in 1971, state elites, mostly from Punjab, called for anti-majority constitutional protections against the possible domination of the Bengali majority from eastern Pakistan, which made up 56% of the total population of then-Pakistan. However, in post-1971 Pakistan, after Punjab became the largest province, comparable demands by ethnonational minority groups for a non-majority constitution process and the incorporation of consociational principles into the draft constitution were rejected. Consequently, the composition of the Constitutional Committee responsible for making the draft constitution, as well as in the Provisional Constitution of 1972, reflected the dominance of representatives of the larger provinces, despite significant politically salient group divisions in Pakistani society. The 1973 Constitution The 1973 Constitution contains 280 articles and 7 hours and establishes a centralised federal system. The federal executive: The President is the Head of State, represents the unity of the republic and is elected by a simple majority of an electoral college composed of members of the two federal legislatures and the four provincial legislatures. The President may be removed if he is deemed unfit to hold office due to physical incapacity or charged in the event of a breach of the constitution in a joint session of the federal chambers with votes of not less than two-thirds of his total membership. The Prime Minister is elected by members of the lower house of the federal legislature after each general election, and other cabinet ministers are appointed by the President according to the Council of Prime Ministers. The executive authority of the federal government is exercised on behalf of the President by the Prime Minister, or through him, by federal ministers. The Federal Cabinet under the First helps and advises the President in the performance of his duties. However, in the performance of its functions, functions, The President must act in accordance with the cabinet or prime minister's council, except in cases where the constitution has given the President discretionary powers. The Prime Minister must keep the President informed on all domestic or foreign policy issues, and all legislative proposals that the federal government intends to bring before parliament. The President cannot remove the Prime Minister unless the President is convinced that he has lost the confidence of the majority in the lower house. To this end, the President must convene a meeting of the lower house and ask the Prime Minister to obtain a vote of confidence. The prime minister could also be removed on the initiative of the lower house when the House approves a vote of no confidence against her or him. The federal cabinet is collectively responsible for both houses of parliament. The President may summon, extend, address, and send messages to both sides of the federal legislature, separately or jointly. The President also has the power to dissolve the lower house of the federal legislature on the advice of the Prime Minister or on his own initiative if the House approves a vote of no confidence against the Prime Minister and there is no other member who commands majority support at home. The President has been involved in bills passed by the federal legislature within 10 days. He may return a bill to the legislature with a message that the entire or any part of the bill will be reconsidered and any amendment proposed by you or him, in which case the bill will be reconsidered by the joint session of the legislature and if approved by majority vote, is sent to the President for his consent. The President will then give his consent to the bill within 10 days or the bill will automatically become a law. The federal legislature: The Parliament, the federal bicameral legislator, consists of the President, the lower house (National Assembly) and the upper house (Senate). The seats of the National Assembly are allocated according to the population with a total of 342 seats distributed among the four provinces, FATA (Federally administered Areas of the Court) and federal capital. This House is elected for five years unless the President dissolves it earlier. The Senate has a total of 104 seats with each of the four provinces with 23 seats (14 generals, four women, four technocrats and a non-Muslim minority seat in each province), thus giving equal representation to each province, eight seats for FATA and four seats for the federal capital, including two generals, a woman and a technocrat seat. Elections to fill the Senate seats allocated to each province shall be held in accordance with the the system of proportional representation through the single transferable vote by provincial legislative assemblies. The Senate has a mandate of six six and is not subject to dissolution. With the exception of money bills, both chambers of the federal legislature have equal powers in all legislative entities under federal jurisdiction. A non-cash bill may originate in any of the two chambers and in the event of disagreement between the two chambers, it must be considered in a joint session, and if passed with the votes of a majority of the members present and voting, it shall be submitted to the President for his consent. A cash invoice can only originate and be approved by the National Assembly.

The Senate may make recommendations on a money bill, which the National Assembly may or may not adopt. Thus, the approval of a money bill is the exclusive domain of the National Assembly. For any bill to become a law, the President's consent is mandatory. When a bill is presented, the President must consent to the bill within 10 days or may, if it is not a bill of money, return it to a joint session of parliament with a message to reconsider the bill or any part of it. Once a simple majority of the joint session of parliament approves the bill after such reconsideration, it becomes a law, regardless of whether or not the President signs the bill. The constitution provides for a federal legislative list of 71 subjects, and provincial legislatures have exclusive legislative powers over matters not listed on the federal legislative list. A provincial assembly may voluntarily delegate to the federal legislature the power to make law on matters on which it is competent to make laws. The executive authority of the federal and provincial governments extends to issues on which federal and provincial legislators have legislative powers respectively. The judiciary: The 1973 constitution provides for a hierarchy of the judicial branch with the Supreme Court of Pakistan at the top and five High Courts subordinate to it, each working in the four provinces and the federal capital. The lower courts of each province are under the administrative control of their respective courts. In addition to being courts of appeal in civil and criminal cases, the Supreme Court and the High Courts have original constitutional jurisdiction in some cases. As a federal court, the Supreme Court has original and exclusive jurisdiction to resolve any dispute between and between federal and provincial governments. However, even if such disputes are decided, the power of the Supreme Court is limited to issuing only declaratory judgments. The constitution also provides for a federal shariat court and delivers it with universal jurisdiction to examine and decide the question of whether any law or of the law is repulsive to the injunctions of Islam. Timeline August 1947 The objective resolution - the first document of a constitutional nature - introduced and adopted by the first Constituent Assembly amid opposition from the National Congress of Pakistan, Pakistan, the only opposition party composed of a Hindu minority in eastern Pakistan. March 1949 The objective resolution – the first document of a constitutional nature – introduced and adopted by the first Constituent Assembly amid opposition from the National Congress of Pakistan, the only opposition party made up of a Hindu minority in eastern Pakistan. Interim report of September 1950 of the Basic Principle Committee introduced in the Constituent Assembly, but due to public opposition from Bengal and Punjab on the federal formula, the debate on the report was postponed. In December 1952 the Assembly was presented for discussion in the report of the Basic Committee of December 1952. September 1954 The report of the Basic Committee of Principle is adopted as a draft constitution. October 1954 The first Constituent Assembly was dissolved by Governor-General Ghulam Muhammad. June 1954 Indirect elections held/ appointments made to the second Constituent Assembly. September 1955 A unit formed, combining the four provinces and ten princely states of western Pakistan. February 1956 1956 Constitution promulgated. October 1058 1956 The Constitution is repealed and martial law imposed. General Ayub Khan takes the reins of power. In June 1962, General Ayub Khan promulgated the 1962 Constitution through an executive order. In March 1969, General Ayub Khan died and handed over the reins of power to his successor General Muhammad Yahya Khan, who imposed the second martial law in the country. March 1970 A unit is dismantled and the legal framework order is issued to serve as a provisional constitution. December 1970 The country held its first general election on the adult franchise. In December 1971, eastern Pakistan seized after a brief and bloody civil war, General Yahya Khan died and Mr. Ali Bhutto assumed as its first civilian administrator of martial law. First tripartite agreement in March 1972 between the Pakistan People's Party and the Coalition of the Awami National Party and Jamiat-ul-Ulema Pakistan. The Constitution was adopted in 1973. July 1977 1973 constitution suspended, central and provincial governments dismissed and legislative assemblies dissolved by General Haq with staging of a military coup. On March 1985,1973, the Constitution was restored in a modified form by General Iul Haq through the Revival of the 1973 Constitution Order, 1985. Elections were held on a non-party basis. The Parliament of November 1985 approved the 8th Amendment to the 1973 Constitution which gave legal and constitutional cover to the suspension of the constitution and to all acts of General Iul Haq between the suspension and restoration of the constitution. April 1997 Nawaz Sharif's civilian government some of the Prime Minister's powers under the 1973 constitution that were removed from the 8th Amendment and also took away the president's power to dissolve the National Assembly at his discretion. In October 1999, General Musharraf launched a military coup, suspends the constitution, dismisses federal and provincial governments, takes over as CEO, declares a state of emergency and promulgates the provincial constitutional order, 1999. In June 2001, Musharraf assumed the post of President of Pakistan. In August 2002 Musharraf issued the legal framework order, 2002, providing for the 2001 general election, the restoration of the 1973 constitution with numerous amendments. In December 2003, Parliament approved the 17th Amendment to the 1973 Constitution, incorporating the legal framework order, 2002 into the constitution, reversing the thirteenth amendment bringing the Prime Minister and the National Assembly, once again, under the thumb of the President, who was occupied by General Musharraf. In November 2007, Musharraf issued another Legal Framework Order No. 1 of 2007, assuming the power to amend the constitution and suspending fundamental rights. He resigned as military chief and was sworn in as President for a third term. February 2008 General election held in the country, in which the party supported by General Musharraf was defeated. In August 2008, Musharraf resigned as President under heavy pressure and before impeachment charges. April 2010 18 amendment, removing the President's discretionary powers to dissolve the national assembly and restoring the office of Prime Minister all powers under the constitution that have been taken by the general military dictators S'iul Haq and Mussharaf, and transforming Pakistan from a semi-presidential to parliamentary system. Bibliography Bibliography

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