

Chapter 2

Political and Constitutional Development

Student Learning Outcomes

After studying this chapter students will be able to:

1. know the functioning of democracy in Pakistan with reference to its problems and prospects.
2. describe the role and functions of political parties in promoting democracy in Pakistan.
3. explain the salient features of the 1956 Constitution.
4. identify the principal features of the 1962 Constitution.
5. identify the core reasons for the separation of East Pakistan and its impact on Pakistan.
6. describe the major features of the 1973 Constitution.
7. explain the federal structure under the Constitution of 1973.
8. explain the structure of the provincial governments.
9. examine the functioning and role of judiciary under 1973 Constitution.
10. analyze the fundamental rights as given in 1973 Constitution.
11. describe the Islamic provisions in the 1973 Constitution.
12. describe the important constitutional amendments.

Progress and Problems of Democracy in Pakistan

After the establishment of Pakistan, a federal parliamentary democratic system was introduced in Pakistan which is implemented even today. Pakistan's first constituent assembly given the task to draft a constitution for the country and act as a parliament. It was also clarified that the Government of India Act 1935 would be implemented till the drafting of the constitution. In 1949, Objectives Resolution was approved by the assembly. According to which the sovereignty belongs to Allah Almighty alone, Who delegates it to the people of Pakistan whose representatives will exercise this sacred trust being within limits of Quran and Sunnah.

After the approval of the Objectives Resolution, it was decided that on which basis the constitution of the country would be drafted. For this purpose, a committee comprising members of the constituent assembly was also made. But soon after independence, Pakistan was plagued with many problems and the process of legislation could not be focused completely. Because of political instability and incompetent leadership, governments began to change rapidly. In view of these circumstances, Governor General Ghulam Muhammad dissolved the constituent assembly on 24th October 1954 and announced the formation of a new Assembly. One of the major obstacles in the way of legislation was that the Western part of the country consisted of four provinces and the states annexing Pakistan while the Eastern part consisted of one province, and to overcome this obstacle, the four

provinces of West Pakistan were merged into one province with name as One Unit. With the establishment of the One Unit, the task of legislation became much easier. Newly elected Prime Minister, Chaudhry Muhammad Ali paid complete attention to the legislation and completed it. Constituent Assembly approved new constitution of 1956 according to which Pakistan will be an Islamic Republic and a federal parliamentary system will be established.

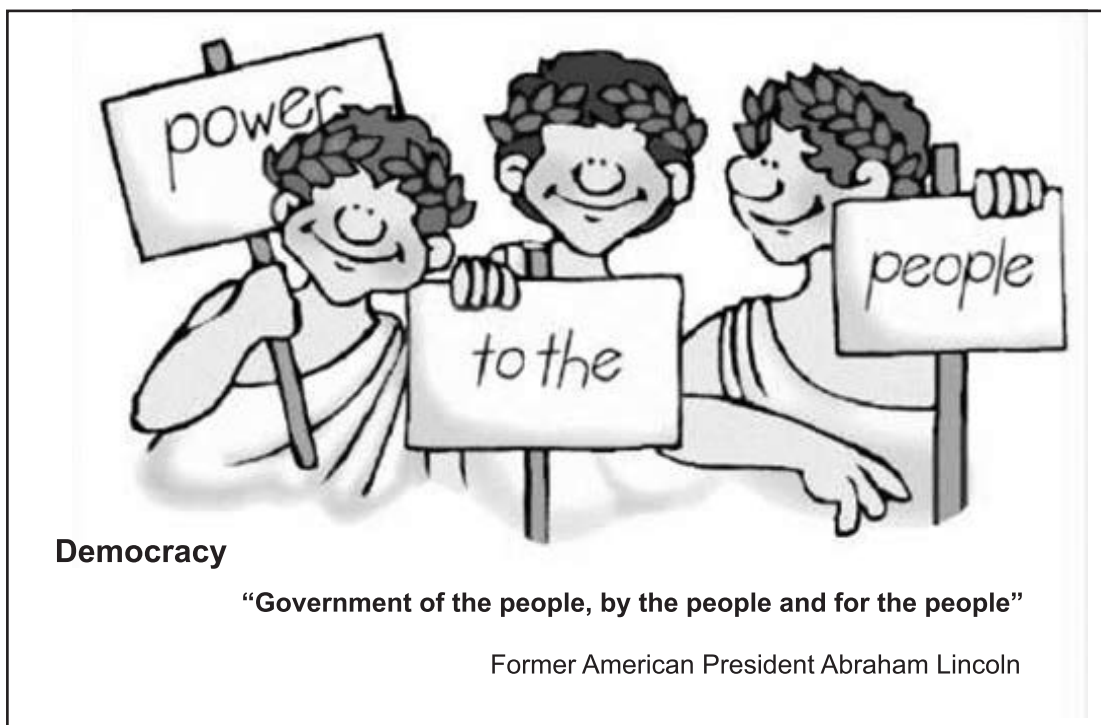
This constitution remained enforced in the country for two and a half years. In 1958, General Muhammad Ayub Khan took over the power by enforcing martial law. All assemblies were dissolved and political parties were banned.

Addressing the nation, General Muhammad Ayub Khan said that our real objective is restoration of democracy. We shall return to democracy.

With the efforts of General Muhammad Ayub Khan, the second constitution of Pakistan was enforced in 1962, under which General Muhammad Ayub Khan was elected as President of the country. He remained in power from 1958 to 1969. In 1969, the demand for the resignation of President Ayub Khan got intensified. The circumstances were so worse that President General Muhammad Ayub Khan resigned and handed over the power to the commander-in-chief of the Army General Muhammad Yahya Khan.

General Muhammad Yahya Khan enacted martial law on March 25, 1969 and repealed the constitution. On 30th March 1970, General Muhammad Yahya Khan issued the Legal Framework Order (LFO), under which, on the basis of adult suffrage general elections were held in December 1970. Awami League in East Pakistan and the Pakistan People's Party in West Pakistan appeared as majority parties while as a whole Awami League emerged as a majority party. Awami League had right to form the government but governing power was not transferred to it. Suddenly, disturbances broke out in East Pakistan and the army's efforts of controlling the situation were unsuccessful. On 16th December 1971, East Pakistan got separated from Pakistan and became a new country with name as Bangladesh.

Later, in (West) Pakistan, on 20th December 1971, General Yahya Khan handed over the power to Zulfikar Ali Bhutto, the leader of Pakistan People's Party. This government enacted the third constitution of Pakistan on 14th August 1973. Just before the end of the constitutional term, Zulfikar Ali Bhutto's government held elections in March 1977, in which Pakistan People's party won, but on this occasion, the opposite political parties accused the government of rigging and announced a movement. The opposition movement soon took the form of nationwide unrest and the circumstances were out of control of the sitting government. In view of these circumstances, on July 5, 1977, the Chief of Army Staff, General Muhammad Zia-ul-Haq, enforced martial law in the country. National and Provincial assemblies were



dissolved. Constitution 1973 was suspended. Under the martial law, all political activities were banned and an interim constitution was enforced in 1981.

In December 1981, President of Pakistan General Muhammad Zia-ul-Haq announced the formation of a nominated Majlis-e-Shura (National Assembly) which lasted till February 1985. In February 1985, on non-party basis general elections were held in the country and after essential amendments, constitution 1973 was restored. After these amendments the powers of the President were drastically increased. On March 23 1985, Muhammad Khan Junejo was elected as Prime Minister of the country. Martial law was lifted from the country on 30th December 1985. Only three years and two months later, on May 29, 1988, the President of Pakistan, General Muhammad Zia-ul-Haq dismissed the government of Muhammad Khan Junejo and dissolved the national and provincial assemblies.

On August 17, 1988, the President of Pakistan, General Muhammad Zia-ul-Haq died in a plane crash and Ghulam Ishaq Khan, the chairman of the Senate, became the president who announced elections in November 1988. In these elections, Pakistan People's Party emerged as the largest party in the National Assembly and Pakistan Peoples Party's chairperson Benazir Bhutto took over the charge as the Prime Minister.

In August 1990, President Ghulam Ishaq Khan expelled Benazir Bhutto's government and announced re-elections in October 1990. These elections resulted in the victory of the Islami Jamhuri Ittehad and Muhammad Nawaz Sharif was elected as Prime

Minister of the country. This government also could not complete its term and firstly Balkh Sher Mazari and then Moin Qureshi were nominated as caretaker Prime Minister. General elections were held in the country on 16th October 1993 and once again Benazir Bhutto was elected as Prime Minister while Farooq Ahmad Khan Leghari was elected as president of Pakistan. On November 5, 1996, President of Pakistan Farooq Ahmad Khan Leghari dismissed Mohtarma Benazir Bhutto's government. Malik Meraj Khalid was appointed as the caretaker Prime Minister and new elections were announced in the country. Pakistan Muslim League (N) had a big success in elections February 1997 and for the second time Muhammad Nawaz Sharif was elected as Prime Minister of the country. On October 12, 1999, the Chief of Army Staff General Pervez Musharraf overthrew Muhammad Nawaz Sharif's government and took over the government.

The constitution was suspended and an interim constitution (PCO) was announced. The President of Pakistan General Pervez Musharraf announced new general elections in the country. On October 10, 2002 elections of National and Provincial Assemblies were held, resultantly Mir Zafarullah Khan Jamali was elected as Prime Minister of the country. After national assembly elections, Senate elections were also completed in February 2003.

In June 2004, after the resignation of Mir Zafarullah Khan Jamali, Chaudhry Shujaat Hussain took over the charge as Prime Minister for two months and Shaukat Aziz was nominated as the next Prime Minister. In August 2004, Shaukat Aziz became Prime Minister of the country. On November 15, 2007, National Assembly was dissolved after the completion of its five-year term. Mian Muhammad Soomro was appointed as caretaker Prime Minister. On November 29, 2007, General (Rtd) Pervez Musharraf took oath as a civilian president.

In the elections of February 18, 2008, Pakistan People's Party and PML-N won a landslide victory and Syed Yusuf Raza Gilani of Pakistan People's Party was elected as Prime Minister of Pakistan. On August 18, 2008, the President General (retired) Pervez Musharraf resigned and Senate Chairman Mian Muhammad Soomro took the charge as acting president. On September 9, 2008, Asif Ali Zardari took oath as President of Pakistan. On June 22, 2012, after the disqualification of Yusuf Raza Gilani, Raja Pervez Ashraf took over the charge as new Prime Minister. The term of this assembly ended in 2013. General elections were held in May 2013 in which PML-N won and for the third time Mian Muhammad Nawaz Sharif became the Prime Minister. On September 9, 2013 Mamnoon Hussain was elected as President of Pakistan. In July 2017, after the disqualification of Nawaz Sharif, Shahid Khaqan Abbasi was elected as Prime Minister for the remaining term. General elections were held in July 2018, in which Pakistan Tehreek-e-Insaf emerged as the majority party and Imran Khan became Prime Minister of the country. After the success of the no-confidence motion

against Prime Minister Imran Khan in April 2022, Mian Muhammad Shahbaz Sharif was elected as the new Prime Minister of the country. Now the journey of democracy continues in the beloved country.

Role of Political Parties in Promoting of Democracy in Pakistan

Political parties are essential for the success of democracy and they play a key role in shaping public opinion. Political parties, through their platforms, media and press, inform the public about important national issues and announce their election manifestos and development programs. In this way, public get help to form their opinion in different matters. Through their votes they express their opinion in the elections. For example, for the liberation of Indian Muslims, the role of Muslim League in the formation of Pakistan was very important. The above mentioned duties of the political parties are sufficient to prove their need and importance. However, their summary is presented: -

Existence of political parties is unavoidable for a successful democratic system. Because political parties are life and soul of democracy. They nominate their candidates for elections. Democracy is dysfunctional without political parties. Political parties play basic role in protecting democracy from anarchy and sectarianism. Political parties create political understanding among the people. If people consider a government incompetent and dishonest, and want to replace it with an alternative government, their wish can be fulfilled through the opposition in the parliamentary system. Lowell says, the idea of a peoples' government without political parties is mere an allusion. Where the right to vote is vast, there political parties will certainly exist and the government will inevitably be in the hands of a party or parties that have the support of the majority of the people. Political parties set public opinion. Lowell writes about the importance of political parties, "The essential duty of political parties and the purpose of their existence is to organize public opinion for the decision of the people and offer solutions to their problems"

Salient Features of the Constitution of 1956

Pakistan had faced difficulties in drafting the constitution since its birth. Objectives Resolution was the first major step towards legislation. However, after great efforts, the first constitution of Pakistan was drafted in 1956 and was implemented on March 23, 1956. The main features of this constitution are as follows: -

1. The constitution of 1956 was drafted in written form. Pakistan was declared an Islamic republic. Federal parliamentary system of government was introduced in the country. The president must be Muslim, was declared.

-
2. In the constitution the sovereignty of Allah Almighty, the exercise of power through public representatives, the environment for living in accordance with the Holy Quran and Sunnah of Hazrat Muhammad ﷺ and the granting of complete religious freedom to minorities were declared.
 3. According to the Constitution, the Center will have a National Assembly with total 300 members. Half will be elected from East Pakistan and half from West Pakistan for five years. 10 seats will be for women 5 from East Pakistan and 5 from West Pakistan.
 4. It was mentioned in the constitution that the citizens will be provided full civic rights to lead a prosperous life and utilize their faculties.
 5. It was guaranteed that the judiciary would work independently, and security of service would be ensured for judges
 6. According to the constitution 1956, both Urdu and Bengali were declared as national languages.

Repeal of the Constitution

After untiring hard work and efforts of nine years, constitution of 1956 was approved but the particular circumstances of Pakistan, clashes among the politicians, undue interference of military and bureaucracy in democratic institutions and the lack of leadership, did not allow the constitution to remain longer. Constitution of 1956 lasted for two years and seven months, after this in October 1958, the Commander-in-Chief of Pakistan Army, General Muhammad Ayub Khan dismissed democratic government of the country and established a military government and took over all the powers. General Muhammad Ayub Khan repealed the constitution of 1956. He dissolved the Federal and all Provincial Assemblies and took over the office of President of Pakistan and Chief Martial Law Administrator.

Salient Features of the Constitution of 1962

President General Muhammad Ayub Khan made a constitutional commission to draft a new constitution for the country. The Commission presented its recommendations to the President in 1961. The President, after making arbitrary amendments in these recommendations, drafted a new constitution for Pakistan which came into force on June 8, 1962.

- (i) The Constitution of 1962 was drafted in writing. It consisted of 250 articles.
- (ii) The Constitution of 1962 was federal in nature. It gave equal representation to the both parts of Pakistan i.e. the total number of members in the Federal Assembly will be 156 half from West and half from East Pakistan including 6 women, 3 from West and 3 from East Pakistan.

-
- (iii) Under the Constitution of 1962, Presidential form of government was established in the country. The President will be elected by an Electoral College for a term of five years. The Electoral College will consist of 120,000 members, half from West and half from East Pakistan.
 - (iv) Various Islamic provisions were incorporated in the constitution, e.g sovereignty of Allah Almighty, and exercise of power through the elected representatives of the people. Pakistan was named as an Islamic Republic of Pakistan, and it was made compulsory for head of the state to be a Muslim.
 - (v) The judiciary will be independent, consisting of the Supreme Court and the High Courts. The judges will be appointed by the President of Pakistan. The age limit for retirement of Supreme Court judges will be 65 years and the retirement age for High Court judges will be 62 years.
 - (vi) The people were given many rights to lead peaceful and prosperous life and utilization of their faculties. These were known as fundamental rights of the citizens.
 - (vii) In the Constitution 1962, both Urdu and Bengali were declared as national languages of Pakistan.

Repeal of the Constitution 1962

President General Muhammad Ayub Khan ruled for almost 10 years. During his tenure many reforms were implemented and the country made great progress in industrial field. The people started a strong movement against dictatorial government of General Muhammad Ayub Khan and the circumstances were out of control of the government. According to the constitution, President of Pakistan had all the powers. In view of these circumstances, martial law was once again imposed in the country. On March 25, 1969, General Agha Muhammad Yahya Khan took over the government and repealed the constitution of 1962.

Reasons and Impacts of Separation of East Pakistan

Events

Pakistan's first general elections were held in 1970, in which Mujeeb-ur-Rehman's Awami League in East Pakistan and Zulfikar Ali Bhutto's Pakistan People's Party in West Pakistan won a landslide victory. Lust for power, mutual animosity of the politicians and desire of General Yahya Khan to remain in power added to the sense of deprivation among the people of East Pakistan which finally in December 1971 became the cause of separation of East Pakistan and a new country Bangladesh was established on the world map.

Pakistan had to face many problems since the day of independence. One of the major problem was that Pakistan consisted of two parts namely East Pakistan and

West Pakistan and there was no direct land communication between these two parts. Secondly, West Pakistan consisted of four provinces, while East Pakistan consisted of only one province. But according to the population it was in majority. The languages of these two parts were also different. Besides this, they had different views about life.

When General Muhammad Yahya Khan took over the government in 1969, he announced that general elections would be held in the country and a majority party would form the government. The first general elections in the country were held on December 7, 1970. In the result of these elections, Sheikh Mujeeb-ur-Rehman's Awami League won a landslide victory from East Pakistan but it could not get any seat from West Pakistan. Same situation was of political parties in West Pakistan. Pakistan People's Party achieved significant success in West Pakistan but had no representative in East Pakistan.

After the elections, the power game took a new form. Sheikh Mujeeb-ur-Rehman announced formation of the government on the basis of his six-point manifesto while PPP strongly opposed it. General Muhammad Yahya Khan's lust for power made matters worse. Meanwhile, Sheikh Mujeeb-ur-Rehman announced a non-cooperation movement in state affairs. Murder, non-cooperation, refusal to pay taxes, strikes, boycotts of courts and non-attendance of employees became common practice.

To control the situation, General Tika Khan was appointed Governor of East Pakistan but it did not improve. Meanwhile, Sheikh Mujeeb-ur-Rehman established a parallel government. Analyzing election results and the atmosphere of public support, Sheikh Mujeeb-ur-Rehman refused to cooperate without the approval of six points. With the full support and assistance of India, he announced tougher conditions in his six points.

On March 23, 1971, Sheikh Mujeeb-ur-Rahman hoisted the Bangladeshi flag at his house. In these circumstances, the arrest of Sheikh Mujeeb-ur-Rehman made the situation worse. Anarchy reached its climax. India was supporting Awami League completely and was sending its thugs to East Pakistan who along with Mukti Bahini activists were killing Pakistani soldiers and patriotic civilians. Thousands of East Pakistanis started migration to India. Under the pretext of helping the refugees, India attacked East Pakistan.

Owing to disconnection of land communication and non-cooperation of local people, immediate and effective action could not be taken in East Pakistan and our forces were forced to surrender. Finally, India succeeded in its objective and a country named Bangladesh appeared on the world map on 16th December 1971. A brief overview of the reasons of the separation of East Pakistan can be taken from the following factors: -

(i) Incompetent National Leadership

After the death of Quaid-e-Azam رحمه الله عليه there was no leader in the country on whom all Pakistanis could have consensus. Lack of leadership enhanced the sense of deprivation among the people of East Pakistan. Six points of the president of Awami League Sheikh Mujeeb-ur-Rehman also strengthened separatist tendencies.

(ii) Influences of Hindus

In East Pakistan, trade and government jobs were dominated by the Hindus and under a special scheme, they were stirring up a sense of separatism among the people. The education sector in East Pakistan was completely under the control of the Hindus. They prepared Bengalis against Pakistan and aroused their emotions.

(iii) Economic Backwardness

East Pakistan was economically a backward region. No government had taken significant steps to address the economic backwardness of this region. Thus, the sense of deprivation among Bengalis increased.

(iv) Language Problem

Although the language issue was resolved in the constitutions of 1956 and 1962 yet a feeling of deprivation with regard to language, had arisen among the people of East Pakistan, which could not be eradicated despite these measures.

(v) India's Undue Interference

India's undue interference in the affairs of East Pakistan also worsened the situation. Apart from training and assisting Mukti Bahini's workers, India also sponsored separatist tendencies.

(vi) General Elections 1970

The general elections 1970 gave a new twist to the situation and after the complete victory of Awami League in East Pakistan, people started thinking in a new way.

Impacts

The separation of East Pakistan proved a severe blow to the nation. The morale of the government, army and people fell down and clouds of despair hovered upon them. The separation of East Pakistan weakened Pakistan's economy and caused irreparable damage to national unity and solidarity. In these circumstances, an active leadership was desperately needed that would end people's frustration and instill in them a desire to live.

After the formation of Bangladesh, General Yahya Khan handed over the power of remainder (West) Pakistan to the head of Pakistan People's Party Zulfikar Ali Bhutto, because this party had won majority in West Pakistan in elections 1970. Thus Zulfikar Ali Bhutto became the first civil martial law administrator in the history of Pakistan. To run the country, an interim constitution was drafted in 1972. A committee of 25 members of the newly elected National Assembly was constituted for future constitution, comprising representatives of all the political parties who had

representation in National Assembly.

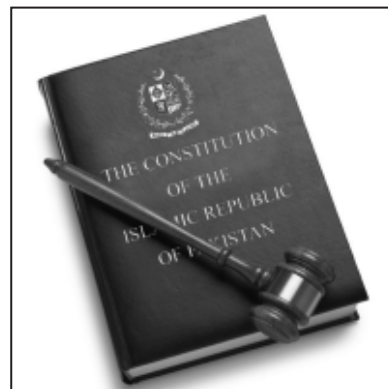
On 31st December 1972 , this committee presented its recommendations in draft form to the National Assembly. After a detailed review of these recommendations and constitutional draft, National Assembly approved it on April 10, 1973.

Pakistan's first unified constitution, which had the support of all political parties, was enacted on August 14, 1973, and is still implemented in the country with various amendments and changes.

Salient Features of the Constitution of 1973

The features of the constitution 1973 are as follows: -

1. The Constitution of 1973 is in written form which consists of 280 articles
2. The Objectives Resolution was included in the preamble of the constitution.
3. The country's name will be Islamic Republic of Pakistan.
4. Official religion of the country will be Islam and it has been declared mandatory for the President and the Prime Minister to be Muslims.
5. The definition of a Muslim was included in the constitution and the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name) were declared as non-Muslims.
6. Under the constitution of 1973, a federal parliamentary system of government was established in the country.
7. Under the constitution of 1973, two bicameral legislatures were established which were named as the National Assembly and the Senate. Total members of the National Assembly will be 342 of which 60 will be women and 10 non-Muslims. Total members of the senate will be 104, including 17 women and 4 non-Muslims, 22 from each province, 8 from FATA and 4 from the Federal Capital.
8. An independent judiciary was fully guaranteed under the Constitution.
9. It has been cleared that all citizens are equal before the law.



Learn More!

The 24th amendment took place in 2017. Due to which the number of the members of National Assembly will decrease from 342 to 336 after the census. And due to the 25th amendment the number of the members of the Senate will decrease from 104 to 96 in 2024. After the merger of FATA with Khyber Pakhtunkhwa, its eight members will be abolished.

-
10. Fundamental rights of the citizens are guaranteed.
 11. Under the Constitution of 1973, Urdu was declared as the national language of Pakistan.

Federal Structure under the Constitution of 1973

1. President of Pakistan

The head of the country is President of Pakistan who is elected by the members of Parliament and provincial assemblies for a period of five years. The President of Pakistan acts upon the advice of the Prime Minister, approves or returns bills passed by Parliament and may issue ordinance. The President appoints Pakistani ambassadors and receives nomination papers from foreign ambassadors. In case of any internal or external menace to the country, he can also declare a state of emergency.



Parliament House, Islamabad

2. Prime Minister

Prime Minister is the head of federal government. National Assembly elects him by majority votes and he can hold his office as long as his majority remains in the National Assembly. Federal Cabinet assists the Prime Minister whose members are selected by the Prime Minister from the Parliament. Prime Minister and his cabinet are answerable to the Parliament for all their performance. Prime Minister has all the administrative powers. He has powers over legislation, budgeting and defence matters.

3. Federal Cabinet

The federal cabinet consists of Prime Minister and ministers who run all the affairs of the federal government. The federal cabinet has two kinds of ministers, federal

ministers and the ministers of state who hold the office till the prime minister is pleased.

a. Federal Minister

Federal minister is the political head of ministry who acts as a liaison between the ministry and the Prime Minister and represents his ministry in the Parliament and answers the questions regarding his ministry.

b. Minister of State

A ministry has one or two divisions. Minister of State is the political head of the division who acts as the liaison between his division and the Prime Minister. He represents his division in the Parliament and answers the questions raised about it.

4. Secretary

Administrative head of the ministry is secretary who is a grade 22 employee of the Federal Government. He assists the federal minister in formulating policy and carrying out the affairs of government. He sends his proposals to the Prime Minister through his minister which he publishes after approval. The Secretary not only formulates the policy but also implements it. He also supervises divisions, attached departments, subordinate offices and autonomous and semi-autonomous bodies.

5. Additional Secretary

Administrative head of the division is additional secretary who is a grade 21 employee of the Federal Government. He assists the Minister of State in making policy and other decisions. He forwards his proposals to the Prime Minister through his Minister of State or the minister concerned, which he publishes after approval. He performs the same duties in his division as secretary performs in his ministry. When the additional secretary acts as subordinate to the Secretary, he does what the Secretary commands and sends his suggestions to minister through the secretary.

6. Joint Secretary

Joint secretary is a grade 20 officer of the Federal Government and is junior to additional secretary. He ranks third in the ministry and second in the division. He assists the additional secretary and after receiving the orders he forwards them downwards. Similarly, he receives reports from downward and forwards it to higher authorities. He is the in-charge of his wing and is responsible for all its affairs.

7. Deputy Secretary

Deputy Secretary is a grade 19 officer of the Federal Government. Usually, he is in-charge of his branch. He receives every order from higher authorities and forwards it to section officer. He receives report from the section officer and forwards it to higher authorities. He assists in implementing decisions and supervises other employees in his branch.

8. Section Officer

Section Officer is a grade 17 or 18 officer of the Federal Government and is in-charge of his section. He handles the day-to-day affairs of his section, implements orders from higher authorities and supervises other employees in his section.

Structure of Provincial Governments

Organization and procedure of Provincial Government is similar to that of the Federal Government. At provincial level, there are provincial secretariat, attached offices, subordinate offices and other autonomous and semi-autonomous bodies. The method of their working is almost similar to that of the federal government. Provincial governments have authorities over education, health, agriculture, industry, provincial taxes, transportation and many other affairs. Details of the organization of provincial government are as follows:-

1. Provincial Governor

Governor is the constitutional head of the province nominated by the president. Governor can continue in the office till the pleasure of the president. He summons the session of the provincial assembly, addresses it and dissolves it on the advice of the Chief Minister. He runs the administration of the province with the consultation of the Chief Minister. He issues ordinances if they are needed.

2. Chief Minister

The chief minister is the administrative head of the province. He is elected by the concerned provincial assembly by a majority vote and can continue in the office till the majority in provincial assembly concerned. Chief Secretary assists the Chief Minister. The Chief Minister controls the administration of the province through the Chief Secretary and improves its functioning. He is also head of his cabinet, which is constituted by his own will. He is responsible for law and order of the province. Being the leader of the provincial assembly, he controls it fully and can supervise the legislation.

3. Cabinet

There is a provincial cabinet in each province whose members are nominated by the Chief Minister. Every minister is the head of his respective department. He informs the Chief Minister about the policies and working of the department and being a political head of the department, he is accountable before the Chief Minister. He answers the questions raised regarding his department in the assembly.

4. Chief Secretary

The chief secretary is an administrative head of the province. He is the most senior member of bureaucracy. He is secretary of the provincial cabinet and is responsible for the implementation of its decisions. Chief Secretary is the chairman of the

committee of all secretaries and reviews the working and gives directions to them off and on. Chief Secretary remains aware of all kinds of activities and is authorized to get any information from any department and to take action in any particular matter. The secretary of each department is the subordinate of the Chief Secretary and accountable to him for his performance.

5. Secretary

The secretary is an administrative head of the respective department. He is an officer of grade 20. He works as a special assistant to minister of his department and advises him in policy making and provides information about the performance of department. The secretary supervises his department and ensures the implementation of programs and policies of the government. The secretary has many assistants for fulfillment of his duties.

6. Additional Secretary

The additional secretary assists the secretary. He is responsible for the performance of his wing. He is a grade 19 officer. He usually receives orders from the secretary and forwards to lower formation. Similarly he receives reports from subordinate offices and submits to the secretary. He supervises the subordinate of his department. He performs all those duties which are assigned by the secretary. Usually, he is not involved in decision making.

7. Deputy Secretary

The Deputy Secretary is the head of his branch. He is an 18 or 19 grade officer. He is an employee of federal or provincial government. He does not participate in departmental decisions rather he receives orders from above and forwards to the section officer for implementation.

8. Section Officer

The section officer is 17 or 18 grade employee of federal or provincial government. He is the head of his section. He implements the orders of secretary or additional secretary. He reports to deputy secretary in all matters of the section.

Role of Judiciary in Pakistan under the Constitution of 1973

The third most important department of government is judiciary. The attainment of justice is the most important need and natural desire of human. An empowered and independent judiciary is the guarantor and protector of the fundamental rights of citizens. Supreme Court is the apex court of the country which supervises the entire judicial system of the country. The High Courts of the provinces are subordinate to it. District and local courts function under the supervision of these High Courts. Judiciary performs the following functions:-

i. Provision of Justice

Because of independent judiciary, no government can violate the law of the state. The public protect their fundamental rights through judiciary. Judiciary is the guarantor and guardian of the fundamental rights of the people. The foremost duty of judiciary is to provide justice. The courts have authority to punish the culprits or acquit the innocent after a thorough review of the cases. The higher courts of the country also hear appeals against the decisions of their lower courts. In this way, they review their decisions and give their final verdict.



Supreme Court of Pakistan, Islamabad

ii. Interpretation of Law and Constitution

When the law is not directly applicable in a case, the judiciary decides by interpreting the relevant law. In this way, the judges set such precedents which remain before the judges deciding later cases and are considered as the law of the state.

The constitution of the country clearly defines the powers of the central and provincial governments in federal government system. If both the governments have any dispute over the division of powers, the apex court of the country has authority to decide and the decision is considered final.

iii. Consultative Functions

Sometimes, to clarify some important legal points, head of the state has to seek advice from the apex court, then he takes necessary actions in the light of this advice. Though administration is not bound to the advice of judiciary, yet it usually does not ignore it.

iv. Judicial Review

Supreme Court has authority to review laws passed by the legislature in the states where written constitution is implemented. If it is brought to the notice of the Supreme Court that the law passed by the legislature is unconstitutional, then it

reviews the law. If the law is found against the constitution of the country, it can be declared null and void. This process is called judicial review. The apex courts of the United States and many other countries have such authority.

Fundamental Rights under the Constitution of 1973

The Constitution of Pakistan 1973 gives all the basic rights to the citizens. Further restriction has been imposed that the government cannot make any law to deprive the fundamental rights. The rights given to the citizens of Pakistan are as follows:-

1. No citizen cannot be deprived of life
2. No citizen can be arrested without telling the reason. He must be presented to the court of a magistrate within 24 hours after his arrest.
3. No citizen is punished for his previous crime.
4. No citizen is punished twice, for a crime.
5. Every citizen has the liberty of movement in Pakistan.
6. Every citizen has the right of peaceful assembly.
7. Every citizen has the right to form association or union.
8. Every individual has the liberty to adopt any trade, business or profession.
9. All citizens have the freedom of expression.
10. Every citizen has right to preach his religion.
11. Every citizen has the liberty to purchase property.
12. No citizen can be deprived of having property in his name.
13. All citizens are equal in the eye of law irrespective of religion, colour, race and sex. All have the equal status in the society.
14. Every citizen has liberty not to be treated discriminately in respect of employment.
15. Every citizen has the right to be protected with regard to language and culture.

Islamic Provisions under the Constitution of 1973

1. Sovereignty of Allah Almighty

The constitution reiterates that sovereignty of the whole world belongs to Allah Almighty. The public representatives will exercise the powers within the limits as a sacred trust of Allah Almighty.

2. Definition of Muslim

For the first time, the definition of a Muslim was included in the constitution of 1973. A person who does believe in Oneness of Allah Almighty, the absolute finality of Nabuwat (Prophethood) of Hazrat Muhammad ﷺ the day of judgment and the books of Allah Almighty, is a Muslim.

3. Name of Country

According to constitution of 1973, the country's name will be Islamic Republic of

Pakistan that represents Pakistan as an Islamic welfare state.

4. President and Prime Minister must be a Muslim

According to constitution of 1973, the president and prime minister of Pakistan will be Muslims.

5. Official Religion and Islamic Teachings

Islam was declared as an official religion of Pakistan in constitution of 1973. It was cleared in the constitution that the legal framework of the country would be in accordance with the basic principles of Islam. According to the constitution, the government is bound to take important measures for religious teaching for the Muslims.

6. Islamic Values

It was also clarified that the basic values of Islam i.e., democracy, justice, tolerance, liberty and equality must be implemented in the country.

7. Teaching of Arabic Language and Printing of the Holy Quran

Teaching of Arabic will be compulsory in schools from sixth to eighth grade and printing of the Holy Quran will be error free.

8. Abolition of Interest

The government will abolish the interest and economy of the country will be free from interest.

9. Zakat and Ushr System

The constitution made it clear that the Islamic system of Zakat and Usher will be implemented for the Muslims.

10. Relations with Islamic Countries

It is promised in the constitution that necessary actions will be taken to establish important relations with Islamic countries to bring them closer.

11. Establishment of Council of Islamic Ideology

Islamic Ideology Council will be formed for the establishment of Islamic society which will change the laws as per the Islamic teachings. It will guide the legislatures to make the law in accordance with Islamic teachings.

12. Protection of the Rights of Minorities

The constitution guarantees for providing full protection and rights to all minorities living in Pakistan.

Important Constitutional Amendments

1. The first amendment was made in May 1974 in which Bangladesh was recognized. Besides demarcating the boundaries of the four provinces, FATA was declared a part of Pakistan.
2. Second amendment was made in September 1974 in which the definition of Muslim was stated and the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name) were declared as non-Muslims.

-
3. The Fifth Amendment was made in September 1976 in which tenure of Chief Justice of the Supreme Court was fixed for 5 years and tenure of Chief Justice of the High Court was fixed for 4 years. High court judges could be mutually transferred.
 4. The Eighth Amendment was made in November 1985, in which the President of Pakistan was given authority of dissolving National Assembly and the Government. The President was also given authority to appoint the chiefs of Army, Navy and Air Force. The tenure of senators was fixed for six years.
 5. The Thirteenth Amendment was approved in April 1997, in which powers of the president to dismiss government and dissolve assemblies were withdrawn. The president will appoint the chiefs of Army, Navy and Air Force with the consultation of the Prime Minister.
 6. The Fourteenth Amendment was made in July 1997, in which Defection clause (Article 63-A) was incorporated. Under this amendment changing party (Floor Crossing) was banned for members of the assembly.
 7. The Seventeenth Amendment was made in December 2003, in which the President was again given the authority of dissolving National Assembly and the Government but within 15 days, the President must send reference to the Supreme Court.
 8. The Eighteenth Amendment was approved in April 2010, in which powers of the President of Pakistan to dismiss government and dissolve assemblies were withdrawn. For appointments on the higher posts, he was bound to the advice of the prime minister. NWFP was named as "Khyber Pakhtunkhwa".
 9. The 20th Amendment was made in February 2012 in which caretaker Prime Minister will be appointed with the mutual consultation of sitting Prime Minister and opposition leader.
 10. The 22nd Amendment was made in June 2016 in which powers of Chief Election Commissioner were decided.
 11. The 24th Amendment was made in 2017, in which according to the census, members of the National Assembly were reduced 342 to 336.
 12. The 25th amendment was made in May 2018 in which FATA (Federally Administered Tribal Areas) was annexed to Khyber Pakhtunkhwa.

Questions

1. Mark (✓) the correct one of the four answers given below.

- i. Constitution of 1956 remained in force in the country:
(a) Two years (b) Two and a half years (c) Three years (d) Four years
- ii. After the formation of Bangladesh, General Muhammad Yahya Khan handed over power in (West) Pakistan to:
(a) Fazal Elahi Chaudhry (b) Z. A. Bhutto
(c) Feroz Khan Noon (d) Chaudhry Zahoor Elahi

-
- iii. Dismissed the government of Ms. Benazir Bhutto in August 1990:
(a) Ghulam Ishaq Khan (b) Farooq Ahmad Leghari
(c) Balkh Sher Mazari (d) Wasim Sajjad
 - iv. To run the system of the country, an interim constitution was drafted in 1972 and for the future constitution, a committee consisting of the newly elected members of the National Assembly was formed:
(a)10 (b)15 (c)20 (d)25
 - v. The year when the first general elections were held in the country:
(a) 1964 (b) 1968 (c)1970 (d)1972
 - vi. Constitution of 1973 was enforced on:
(a) 11-August (b) 12-August (c) 13-August (d) 14-August
 - vii. Administrative head of federal ministry is:
(a) Minister (b) Secretary (c) Additional Secretary (d) Joint Secretary
 - viii. Head of the provincial government is:
(a) President (b) Governor (c) Chief Minister (d) Speaker
 - ix. Constitutional Amendment defines Muslim:
(a) Second (b) Fifth (c) Eighteenth (d) Eight
 - x. Constitutional amendment in which NWFP was named as Khyber Pakhtunkhwa:
(a) Fourteenth (b) Eighteenth (c) Twentieth (d) Twenty second

2. Write short answers.

- i. Define Muslim according to Constitution of 1973.
- ii. What is meant by "sovereignty" of Allah Almighty?
- iii. What is meant by judicial review?
- iv. Explain the reason of repealing the constitution of 1962.
- v. When and who repealed the constitution of 1956?
- vi. State the status of Governor under the Constitution of 1973.
- vii. When and who fired the government of Muhammad Khan Junejo?
- viii. Describe the duties of Council of Islamic Ideology.

3. Give answers in detail.

- i. Explain the role of political parties in developing democracy in Pakistan.
- ii. Describe the reasons and impacts of separation of East Pakistan.
- iii. Explain salient features of constitution of 1973.
- iv. Elaborate the role of judiciary in Pakistan under constitution of 1973.
- v. Write down the features of Constitution of 1956 and 1962.
- vi. Review the Islamic provisions of Constitution of 1973.
- vii. State the structure of the Federal Government under the Constitution 1973.

Activities

- i. Arrange a speech competition on the evolution of democracy in Pakistan.
- ii. Write down the Islamic provisions given in the constitution of Pakistan on a chart and hang it in the class room.