

## The Constitution of 1973

After taking control of the government in 1971, Z.A. Bhutto started work on a democratic constitution for the country. On 17th April 1972 the National Assembly constituted a committee to prepare a draft constitution. The Committee worked hard and prepared the draft of the constitution which was presented to the leaders of all parliamentary leaders on 20th October 1972. All the leaders signed the draft. After that it was discussed and debated in the National Assembly which gave its approval on 10th April 1973. The President gave his assent on 12th April 1973. Finally the Senate approved the constitution in August 1973. Consequently the constitution was enforced in the country on 14th August 1973. According to the Constitution of 1973 Mr. Z.A. Bhutto took over as the tenth Prime Minister and Mr. Fazl-e-Elahi was sworn in as the President of Pakistan.

### Salient Features of 1973 Constitution

The Constitution of 1973 is strikingly different from the earlier Constitution of 1956 and 1962. It has the following salient features.

#### 1. Written Constitution

Like the previous constitutions of 1956 and 1962 the Constitution of 1973 is a written document. It is very comprehensive and consists of twelve parts consisting of 280 articles.

#### 2. Introductory and the Objectives Resolution

It commences with an introductory which states that Islam shall be the state religion. The principles and provisions set out in the Objectives Resolution have been made a substantive part of the constitution.

#### 3. Islamic System

The inclusion of Islamic Provisions has given the 1973 Constitution an unprecedented Islamic character. It ensures an Islamic system in the country.

#### 4. Rigid Constitution

It is a rigid constitution. No Government can change it at will. It is not easy to make amendments in it. Two-third majority of both the Houses is required for this purpose.

#### 5. Federal System

The Constitution of 1973 has introduced a Federal system in the country. The federation of Pakistan consists of a Central Government and four Provincial Governments. The Federal Government is headed by a President elected by members of Majlis-e-Shoora (Parliament)

#### 6. Parliamentary form of Government

The 1973 Constitution proposes a Parliamentary form of Government in the country. Prime Minister is the head of the Parliamentary system. He is leader of the Majlis-e-Shoora (Parliamentary). He is elected on direct adult franchise basis. The Prime Minister selects a cabinet of central ministers from the members of Parliament which conducts the affairs of the country. According to 1973 Constitution the Prime Minister enjoys wide powers.

## 7. Bicameral Legislature

The Constitution provides for the establishment of a bicameral legislature in Pakistan. The Majlis-e-Shoora (Parliament) consists of two Houses named Senate and National Assembly. The Senate or the Upper House consists of 63 members (the 8th Amendment has raised this number to 87). The National Assembly consists of 200 members (Now this number has been raised to 207). The Majlis-e-Shoora enjoys wide powers of legislature.

## 8. Direct Method of Election

The Constitution of 1973 gives a direct method of election. The members of the National Assembly, the Provincial Assemblies are directly elected by the people.

## 9. Fundamental Rights

The 1973 Constitution ensures the following fundamental rights to the citizens of Pakistan.

Security of person

Safeguard against unlawful arrest and detention

Prohibition of slavery and forced labor

Freedom of movement

Freedom of assembly

Freedom of association

Freedom of business

Freedom of speech

Freedom of profess religion

Right to hold property

Equality before law

Right to preserve language, script and culture

Safeguard against discrimination in services.

## 10. Principles of Policy

The Constitution of 1973 has set the following principles of policy:

Local electoral bodies will be set up for solving local problems.

The parochial and other prejudices shall be discouraged.

The women shall be given full representation in all spheres of national life.

Social justice shall be promoted.

Bonds with Muslim world shall be strengthened.

## 11. Independence of Judiciary

The Constitution of 1973 stresses upon the establishment of an independent judiciary. Full job security has been provided. The judges are appointed by the President. They cannot be removed from service before the end of their term except on the recommendation of the Supreme Judicial Council. In addition the Judges are paid respectable salaries.

## 12. National Language

The 1973 Constitution has declared Urdu as the national language of Pakistan. However English has been retained as the official language for 15 years. Similarly regional languages have been provided full protection.

### 13. Single Citizenship

The Constitution of 1973 has established the principles of single citizenship. According to this principle the rights and duties of the citizens are determined by the Federal Constitution only. Thus the people throughout Pakistan are citizens of Pakistan.

### 14. Rule of Law

The 1973 Constitution establishes rule of law in Pakistan. According to rule of law no person can be deprived of his fundamental rights. All the citizens of Pakistan are equal before law.

### 15. High Treason

According to the Constitution of 1973 the act of unconstitutional abrogation of the Constitution has been declared as an act of High Treason.

### 16. Referendum

The Constitution of 1973 has authorized the President to hold Referendum on any national issue. Similarly the Prime Minister can ask the President to hold referendum on any important national issue