

⇒ Basic Principles Committee :-

The Basic Principles Committee had twenty four members who were not required to be members of the Constituent Assembly. It set up three sub-committees :-

- i) Sub-committee on federal and provincial constitutions and distribution of powers;
- ii) Sub-committee on franchise;
- iii) Sub-committee for judiciary

The Basic Principle Committee also set up a Special committee for "Talimat-i-Islamia". The first draft constitution, as prepared by Basic Principle Committee, was presented to the country by Liaquat Ali Khan in 1950. Its silent features were:

* Preamble of the Constitution :-

The objective resolution was to be incorporated in the constitution as a directive principle of state policy and was not to prejudice of the incorporation of fundamental rights in the constitution.

* Terms for ^{the head} House of State :-

There was to be a head of state, to be elected for five years by a joint session of both the Houses of central

legislature. He was not to be a member of either House and, if so, he had to cease to be a member after his election. A person could not be elected head of state for more than two full terms.

* Prime Minister election:-

The Head of the state was to appoint as Prime Minister a member of the Central legislature who commanded the confidence of both houses of the central legislature jointly. Ministers were to be appointed on the advice of the Prime Minister.

* Central legislature:-

The Central legislature was to consist of two houses:

- The house of units representing the legislature of the units.
- The house of people elected by the people.

* Head of Province:-

There was to be a head of the Province for each province to be appointed by the head of the state and was to hold office during the latter's pleasure.

* Head of Provincial Government:-

The head of

The province was to appoint as Chief Minister a member who commanded a majority in the provincial legislature. Other Ministers were to be appointed on the advice of Chief Minister.

* One House of Legislature:-

There was to be

one house of legislature in each province elected by the people for a period of five years. It could be dissolved on the advice of the Chief Minister.

* Issuance of Ordinance:-

The head of the state

and the head of the provinces were given powers to promulgate ordinance during the period when the legislature concerned was not in session.

* National Language:-

Urdu was to be a national language of the state.

* Analysis:-

The reaction to the first draft constitution was most unfavourable in East Pakistan. The main point of criticism related to the quantum of representation in the proposed central legislature. All the units were

given an equal number of seats in the upper house. East Pakistan, where a majority of country's population lived, had equal representation with each of four provinces in West Pakistan thus reducing the representation of the majority of the population in Pakistan to one-fifth. East Pakistan also did not favour the idea of Urdu being the only state language.

⇒ Report of Basic Principles Committee, 1952

The Second draft of the Constituent Assembly was presented by the Prime Minister Nazimuddin on 22 December 1952.

The salient features of the Report:-

* Preamble of the Constitution:-

The Objective Resolution was adopted as a preamble to the proposed ~~Constitution~~ Constitution.

* Qualification for Head of State:-

The head of the state was required to be a Muslim and to be elected for a term of five years at a joint sitting of the both the houses of the federal legislature. The head of state could not hold office ~~consequently~~ consecutively for more than two full terms.

* Appointment of Prime Minister:-

The prime minister was to be appointed by the head of the state who also appointed the other ministers on the advice of the prime minister.

* Federal legislature:- The proposed federal legislature under the second draft comprised two houses of parliament:

a) House of Units:- The House of Units was consist of 120 members.

b) House of People:- The House of The people was to consist of 400 members, of whom 200 were to be directly elected from east Bengal, and 200 from west Pakistan directly represented by the people -

* Seats allocated to other Communities in HOP:-

Seats

were to be allocated to the Communities in the House of the ~~the~~ people. 47 Seats were allocated to the other communities in east Pakistan. In West Pakistan 2 Seats out of 90 were allocated in Punjab. There was no Seats reserved for NWFP. In Sindh out of 30 seats 13 seats were allocated to other Communities. In federal area Karachi out of 11 seats only 1 seat were reserved for other Communities.

* Each provinces:-

For each of the provinces,

States, capital of federation (Karachi) and
tribal area. The word "Unit" was used.

* Chief Minister of Units :-

The chief minister
of each unit was to be appointed by the Head
of the unit and other Ministers were to be
appointed on the advice of the chief Ministers.

* Unicameral legislature :-

For each unit, there
was to be a unicameral legislature composed
of members chosen by direct election. The
number of members of the legislature of
the units was vary between 75 and 350.

* Appointment of Chief Justice :-

The judiciary
was to be headed by the Supreme Court of
Pakistan consisting of a chief justice and two to
six other judges. The chief justice was to be
appointed by the head of state and other
judges were to be appointed by the head of the
state after taking into consideration the
~~made~~ recommendation to make by the chief
justice. The qualification for appointment as
judge of the Supreme court was to five years as
a judge of High court or Barrister or Advocate
of twelve years standing. The decision of the

Supreme court were to be final on all authorities.

* Appointment of judges of High court:-

There was

to be a High court for each of the unit of East Bengal, The Punjab, Sindh and the NWFP. Every judge of a High court was to be appointed by the head of the state on the recommendation of the chief justice of the Supreme court.

* Analysis:-

An analysis of the second draft and the main objection to it reveal that while some of the objection, as in the case of the first draft, were inspired by a deliberate intention to create a constitutional deadlock, there were obvious defects in the new proposals. They may be summarized as follows:-

* Majority of East Pakistan:-

The draft did

not acknowledge in a democratic way the fact that East Bengal had a majority of the total population of the country.

* Lower house and upper house:-

All money bills

were originated by the lower house. House of

unit have a authority to reconsider the legislature so upper House was given identical authority.

• Conflict between two houses:-

There was no gap to settle the conflict between the two houses. There was no provision of joint session of both houses for the settlement of conflict.

⇒ The Muhammad Ali Bogra Formula:-

The Second draft of The Basic Principle Committee, which was presented by Prime Minister Nazimuddin in 1952, came under severe criticisms especially from the Punjab. On the dismissal of Nazimuddin's government, Muhammad Ali Bogra was appointed Prime Minister who regarded it as one of his principal tasks to overcome the constitutional deadlock:

His formula, known as the "Muhammad Ali Formula", was presented to The Constituent Assembly on 7 October 1953 and adopted by it on 6 October 1954.

The "Muhammad Ali Formula" was as follows:-

• Federal legislature:-

The federal legislature should be composed of two Houses, the House of Units and House of People. The total strength of the House of Unit would be fifty, to be equally divided among the five units.

1- East Bengal 2- Punjab 3) NWFP & Tribal area 4) Sindh & Khairpur 5) Balochistan,

Balochistan the State Union, Capital of Federation (Karachi) and the state of Bahawalpur.

• House of Units:-

The distribution of seats among

The following "units" which consisted of more than one province or state:

• Provincial Assembly:-

The House of Units would be elected indirectly by the legislature of the units, and where there was no legislature, the system of election was to be determined by an act of the federal legislature.

• House of People:-

The house of the people was to have a strength of three hundred to be divided among the five units.

* Equal powers:-

Equal powers were to be extended to both Houses. There was provision for a joint session of the two houses for the election of the head of the state and for disposal votes of confidence.

* Difference of ~~Powers~~ Opinion:-

In a case of a difference of opinion between the two houses, a joint session of the two houses would be called and the measure might then be passed by a majority votes.