

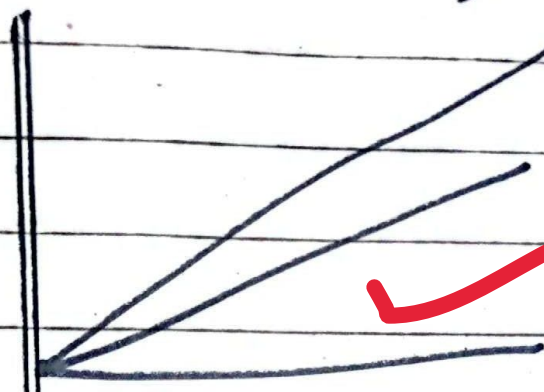
Qr. Make an comparative analysis of 1956 constitution and amended constitution of 1973.

### 01. Introduction

The constitutional history of Pakistan reflects its struggle to establish a stable democratic framework following independence in 1947. The 1956 Constitution was Pakistan's first formal constitution, adopted on March 23, 1956, transforming the country into an Islamic Republic. However, political instability led to its abrogation in 1958. The 1973 Constitution, adopted on August 14, 1973, emerged as a unifying document after years of political crises and secession of East Pakistan in 1971. This Constitution remains

the Supreme Law of Pakistan, albeit with amendments to address contemporary challenges.

## 02. Comparative Analysis Of 1956 Constitution And Amended Constitution Of 1973

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1. Historical Context
  2. Key features of Both Constitution
  3. Amendments And Evolution.

### 02.1 Historical Context

#### (a) 1956 Constitution

• **Background:** After independence, Pakistan operated under the Government of India Act 1935 as an interim constitution. The 1956 Constitution was an effort to formalize governance based on Islamic principles and democracy.

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**Challenges:** Political instability, lack of leadership consensus, and regional tensions weakened its implementation.

## (b) 1973 Constitution

**Background:** Following the disintegration of East Pakistan in 1971, there was an urgent need to create a more inclusive and durable constitution.

**Consensus Building:** It was unanimously passed by the National Assembly and reflected the aspirations of diverse ethnic and linguistic groups.

## 2.2 Key Features Of 1973 Constitution

Form of government

Religion and Islamic provision

Fundamental rights

Provincial authority

Judiciary and legal framework

Emergency Provisions

## (A) Form Of Government

• **1956 Constitution:** Parliamentary system with a unicameral legislature (National Assembly). Prime Minister as the head of state government and President as the ceremonial head of state.

• **1973 Constitution:** Parliamentary system with a bicameral legislature - National Assembly (lower house) and Senate (Upper house). It strengthened the role of Prime Minister, reducing the President's authority.

**Comparison:** The 1973 Constitution ensured greater provincial representation through the bicameral system, promoting federalism and decentralization.

## (B) Religion And Islamic Provisions

**1956 Constitution:** This constitution declared Pakistan as an Islamic Republic. It stated that no laws would be enacted

contrary to Islamic teachings.

**1973 constitution:** It reinforced Islamic principles, declaring Islam as the State Religion. It strengthened the Council of Islamic Ideology with advisory powers. Introduced Islamic provisions, such as laws against blasphemy and Zakat and Usher systems through later amendments.

**Comparison:** The 1973 Constitution maintained continuity with Islamic principles but provided mechanisms for enforcing Islamic practices more effectively.

### (c) Fundamental Rights

**1956 constitution:** This constitution guaranteed basic rights, including freedom of speech, religion and association. It provided safeguards against discrimination based on race, religion, or gender.

**1973 constitution:-** It expanded the scope of fundamental rights, ensuring

rights to education, equality, and fair trial. Incorporated economic and social rights with an emphasis on social justice.

**Comparison:** The 1973 Constitution provided a more comprehensive framework for fundamental rights, adapting to modern societal needs.

## (D) Provincial Autonomy

**1956 Constitution:** It established a centralized federal system. Limited provincial autonomy, leading to dissatisfaction among smaller provinces.

**1973 Constitution:** This constitution enhanced provincial autonomy, especially after the 18th Amendment (2008), which devolved powers to provinces. It strengthened the Council of Common Interests to resolve interprovincial disputes.

**Comparison:** The 1973 Constitution addressed provincial grievances more

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effectively than the centralized structure of the 1956 constitution.

## (e) Judiciary And Legal Framework

**1956 Constitution:** This constitution established an independent judiciary, though limited in its authority. It provided for a Supreme Court and High Courts at the provincial level.

**1973 constitution:** It strengthened judicial independence. Established a Federal Shariat Court to ensure laws conform to Islamic injunctions.

Mention the article numbers

as reference

**Comparison:** The 1973 constitution added mechanisms to enforce Islamic principles while maintaining judicial independence.

## (f) Emergency Provisions

**1956 constitution:** It allowed the President to declare an emergency and suspend fundamental rights.

**1973 constitution:** Similar provisions, but

subjected the President's actions to parliamentary oversight. Later amendments imposed checks to prevent authoritarian rule.

**Comparison:** The 1973 Constitution reduced the possibility of misuse of emergency powers as compared to the 1956 Constitution.

### 3. CONCLUSION

Both the 1956 Constitution and the 1973 Constitution played crucial roles in Pakistan's political and legal development. While the 1956 Constitution laid the foundation for Pakistan as an Islamic Republic, but its centralized structure and political instability led to its downfall. In contrast, the 1973 Constitution provided a more inclusive, democratic framework, ensuring greater provincial autonomy and judicial independence.