

Constitution

Definitions:

Oxford Dictionary
University:

"A body of fundamental principles according to which a state or organization is governed."

Marriam Webster dictionary:

"The basic principles and laws that determine the power and duties of government and guarantee certain rights to people in it"

From the above definitions "constitution" can simply be described as being a body of rules according to which a state is governed. It lays down a broader

framework of for governing a state by setting

out the administrative structure and distributing powers to its institutions.

For example, in Pakistan the prime minister is the chief executive of the ^{federation} authority. Why? Because

the constitution (Article 90) invests executive authority in him. The Parliament make laws because it has been so authorized by the constitution (Article 70).

Thus, it can be held that all the institutions of the state functions in accordance with the principles set forth by the constitution.

→ Functions of the constitution.

Constitution of a state may discharge variety of functions, varying from state

to state, but five basic functions are performed by the constitution of every democratic polity.

i- Declares the territorial structure of state.

The constitution defines which territories a state

comprise of? For example

In the Article 1, of the

constitution states that

Pakistan shall comprise of

Punjab, Sindh, Balochistan,

Khyber Pakhtunkhwa, Federal capital

territory and other areas

which may become part

of Pakistan in future.

This is the territorial

structure of Pakistan.

ii- Define Administrative organization of a state.

The administrative organization

is also defined by the Constitution. As described earlier, the authorities and institutions such as prime minister and his cabinet, chief ministers and their cabinets, parliament, provisional assemblies and courts functions in accordance with organizations and structures laid down by the constitution.

ii. **Regulates powers of the state institutions.**

The powers exercised by the state institutions are drawn from the constitution. However, these powers are not unbridled rather they are subject to limits and condition laid down by the constitution. **For example,** the parliament and provincial assemblies are

empowered to make laws (Article 142) but no law can be made in violation of Islamic injunctions (Article 227). Likewise, no law can be framed in violation of basic rights (Article 8). This implies that while investing powers to the institutions, the constitution also defines the conditions under which these powers are to be exercised.

iv- Define rights and liabilities of citizens.

It is the constitution which places responsibilities upon the citizens and confers rights upon them. In Article 5, it is obligatory upon every citizen to be loyal to the state. Article 8-28 defines fundamental rights of citizens such as right

to life, freedom of association,
freedom of speech etc.

v- Defines nature of relationship among
center and units.

A state is generally organized
into its administrative units, called
with different names in different
state, such as provinces in
Pakistan, states in India and USA,
cantons in Switzerland, Counties
in UK. The constitution defines
the nature of relationship
between center and units.

There are two models currently
prevailing across the globe in
terms of nature of
relationship among center
and units. One is called
Unitary model. and other is
called federal model.

• Unitary model.

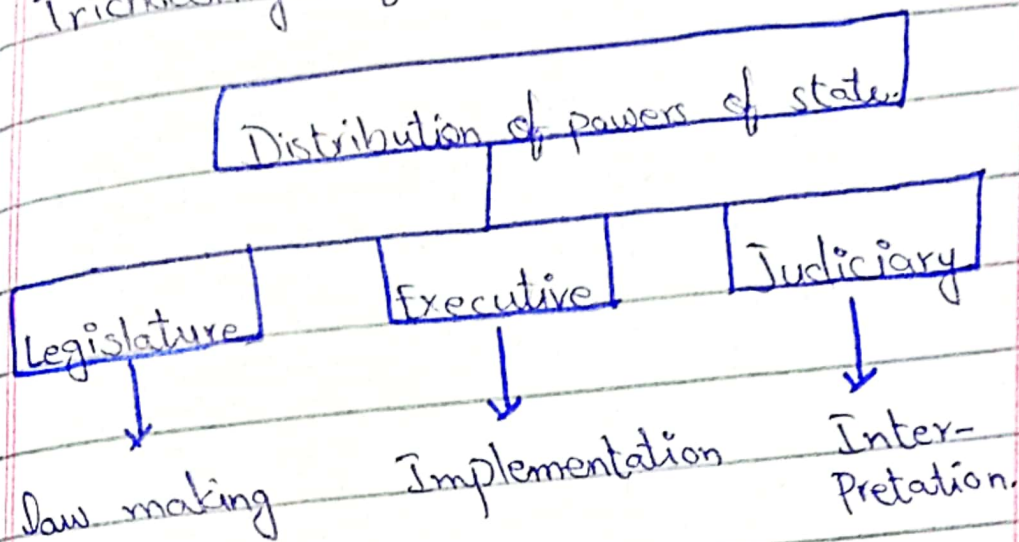
In unitary model the powers concentrates the center and units serve as subordinates. The center can, though, delegates the powers to units. Examples are France, Sri-Lanka, Bangladesh and Turkey.

• Federal model.

In federal model, the powers are distributed among the center and units and both of them functions within their given domains. For example, Pakistan is a federation wherein subjects are distributed among federation and federating units.

→ Power distribution amongst the organs of the state.

• Under the principle of Trichotomy of power.



The distribution of powers.

	legislature	Executive	Judiciary.
Federal level	Majlis-e-Shoora (Article 50)	PM and Federal Minister (Article 90)	Supreme court of Pakistan (Article 176)
Provincial level.	Provincial Assemblies (Article 106)	CM and Cabinets (Article 129)	High Courts (Article 192)

"Legislature of Pakistan"

Legislative Organs comprises of Parliament and Provincial assembly.

→ **Majlis-e-Shoora.**

Parliament is Bi-Cameral i.e. comprises of two houses.

The upper house is called Senate while the lower house is called national assembly.

President is also part of Majlis-e-shoora. (Article 50).

National Assembly.

(The Lower House).

National assembly of Pakistan is currently comprise of **336** members. The seats are distributed on the basis of population in following manners.

Area	G. Seats	Women	Non-Muslims	Total
Balochistan	16	4		20
KPK	45	10		55
Punjab	141	32		173
Sindh	61	14		75
Federal capital	3	-		3
			10	10
Total.	266	60	10	336

Out of 336 seats, 266 are directly elected on the basis of universal adult franchise.

60 seats are reserved for women and 10 seats for non-muslims. The elections on both categories of reserved seats are held through

"proportionate representation" to its share in general elections.

The seats of women are divided amongst the provinces whereas for non-muslims

the entire country is considered as one constituency. The term of National assembly is five years. Minimum age limit to contest the elections of National assembly is 25 years.

Senate: The upper house.

Senate is also known as federating unit. The federating units have equal representation in Senate (each province have 23 equal seats). Four seats are meant for federal capital.

The distribution of seats in Senate is illustrated below.

Provinces.	G. Seats	Ulema	women	Non-Muslims.	Total
Balochistan	14	4	4	1	23
KPK	14	4	4	1	23
Punjab	14	4	4	1	23
Sindh	14	4	4	1	23
Federal capital	2	1	1		4

The term of Senate is 6 years while half of the members retire after every three years. Elections of Senate is held under "single transferable vote" model. Senate is a continuous institution because it is not meant to be dissolved.

Powers of Senate and NA.

Both the houses have been invested with the equal legislative powers that is to say that a bill is required to be passed by both the houses. However, some extra powers have been given to national assembly instead of Senate which are given below.

- Power to elect or remove the Prime minister.

Under Article 91, Prime-minister, who is also the

Leader of the house in NA is only elected by national assembly while Senate have no role in it. PM can also be removed by national assembly through no-confidence vote under Article 95 of the constitution.

- Power to pass money bill.

Money bill, a proposed law which deals with taxes, is passed by national assembly under article 93 of the constitution. Though the money bill passed by national assembly is sent to Senate but it is not voted upon there. However, Senate can make recommendations which are not binded upon national assembly. Hence it can be said that the

power to pass money bill
is an exclusive propogative prerogative.
on national assembly
under Article 93 of the
constitution.

• Authorization of annual budget.

The annual budget of
the federations, except the
expenditures charged on the
federal consolidation fund, is
approved by the national
assembly instead of Senate.
(Article 81).