

Chapter 3: Constitutional Development in the Islamic Republic of Pakistan

Detailed Theoretical Analysis, Objective Resolutions, and Constitutional Evolutions (1947 to Present)

The Objectives Resolution (March 12, 1949)



Sovereignty of Allah

Sovereignty over entire universe belongs to Almighty Allah alone, exercised by the state as a sacred trust.



Islamic Principles

Principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed.



Minority Rights

Adequate provision shall be made for minorities to freely profess and practice their religions and develop their cultures.

The Three Major Constitutions of Pakistan

March 23, 1956

First Constitution

Islamic Republic of Pakistan;
Parliamentary form; Unicameral
legislature; Parity between East & West
Pakistan.

June 8, 1962

Second Constitution

Presidential system under Field Marshal
Ayub Khan; Basic Democracies system;
Indirect elections.

August 14, 1973

Third Constitution

Current federal parliamentary system;
Bicameral legislature (Senate & National
Assembly); unanimous consensus.

Salient Features of the 1973 Constitution (Part I)

Parliamentary System

Prime Minister is the chief executive with real executive powers; President acts as the constitutional head of state.

Bicameral Legislature

Majlis-e-Shoora consists of two houses: National Assembly (lower house) and Senate (upper house ensuring provincial equality).

Federal System

Division of legislative powers between federal center and provinces via Federal Legislative List and Concurrent List.

Salient Features of the 1973 Constitution (Part II)

Fundamental Rights

Guarantees freedom of speech, movement, assembly, profession, and equality before law for all citizens without discrimination.

Independent Judiciary

Supreme Court and High Courts endowed with judicial review powers and administrative separation from executive organs.

Islamic Provisions

Islam declared state religion; President and PM must be Muslims; Council of Islamic Ideology established to align laws with Quran & Sunnah.

Organs of the State under the 1973 Constitution



Legislature

Majlis-e-Shoora (Parliament)

Role: Law Making



Executive

Prime Minister & Cabinet

Role: Policy Implementation



Judiciary

Supreme Court & High Courts

Role: Justice & Interpretation

Key Constitutional Amendments

8th Amendment (1985)

Article 58(2)(b)

Empowered President to dissolve National Assembly and dismiss elected Prime Minister.

17th Amendment (2003)

Legal Framework Order

Retained presidential powers under military administration with supreme judicial validation.

18th Amendment (2010)

Parliamentary Supremacy

Repealed 58(2)(b), restored 1973 parliamentary spirit, devolved subjects to provinces via NFC.



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