**Fifty years of the constitution**

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The constitution of a country represents the hopes and aspirations of the nation and serves as a social contract between citizens and the state. Authored in the spirit of history, culture, political experiences and character of a populace, the constitution is the product of a design based on privileged political choices.

Once adopted, the constitution converts a regime to a republic and extends fundamental rights to the people. It also outlines jurisdiction and core competencies of the compositional units of the state.

In every polity, the constitution is regarded as a living and organic document that can be amended through due process to accommodate the ever-changing political, social and economic context in society. Besides protecting individual and collective rights and acting as the supreme arbiter in disputes between state organs, the constitution also mirrors the ideological hopes of the founding fathers and a rational analysis of the actuality of current times, all with a keen eye on the needs and requirements of the future.

Constitution-making is not an easy task, especially when the political system is precariously placed. Due to its chequered constitutional history, Pakistan took nine years after its independence in 1947 to present the first constitution in the constituent assembly. As developments took place, the first constitution was drafted and promulgated with effect from March 23, 1956. The country became the Islamic Republic of Pakistan, and its governor general Iskander Mirza became the first president of Pakistan.

The country’s first constituent assembly tried to draft the constitution in 1954, but it could not do so as the assembly was dissolved by the then governor-general Malik Ghulam Mohammad on October 24,1954. The 1956 constitution mandated a parliamentary form of government with all the executive powers vested in the prime minister with the president as the head of the state. However, in the absence of any law to monitor political parties, elected representatives frequently switched over to other parties at both the national and provincial levels. Floor-crossing was common, and the resultant political instability continued to intensify with no signs of improvement.

The 1956 constitution turned out to be short-lived; on October 7, 1958 Iskander Mirza imposed martial law, abrogated the constitution and dissolved the national and provincial assemblies. Ayub Khan who was initially appointed as the country’s first chief martial law administrator became the president on October 27, 1958.

In April 1960, the second constitution of the country was presented. It envisaged a federal state with a presidential form of government. This constitution also could not last more than seven years and. On March 23, 1969 martial law was imposed for the second time in the country. Yahya Khan forced Ayub Khan out of office and became president.

Under the legal framework order, the country’s first-ever general elections were held on December 7, 1970. And the first assembly was elected on the basis of adult franchise.

Soon after the election, due to grave political differences, riots erupted in East Pakistan. The tense situation remained resolved for months and finally led to the breakup of the country. Following the dismemberment of Pakistan, Yahya Khan handed over power to the PPP’s founder, Zulfikar Ali Bhutto, on December 20, 1971. When Bhutto assumed charge, the country was like a rudderless ship. Giving the country a constitution become Bhutto’s top-most priority. The National Assembly – whatever was left of it – held its first session on April 14, 1972 which was attended by 144 members from West Pakistan and two from former East Pakistan – Nurul Amin and Raja Tridev.

The National Assembly adopted an interim constitution on April 17, 1972 which provided for the presidential form of government. Under the interim constitution, the NA was not to be dissolved before August 14, 1973. The NA also adopted a resolution for preparation of a permanent constitution by August 1, 1972. Accordingly, a constitution committee headed by veteran politician Mian Mahmud Ali Kasuri and comprising 24 other members was constituted. At least four members subsequently resigned from the committee due to prior responsibilities.

The draft report of the constitution committee was signed by Abdul Hafeez Pirzada as its chairperson – he had replaced Kasuri – and other 23 members in Islamabad on December 30, 1972. Mian Mumtaz Muhammad Khan Daultana was the only member who had not signed the document as he was out of Pakistan. A number of members wrote notes of dissent; they had signed the report conditionally. The constitution committee held a total of 77 meetings (365 hours in total).

The draft constitution was presented in the NA on December 31, 1972 by Hafeez Pirzada. Debate and discussion on it commenced on February 17, 1973 and continued for 34 sittings. The 1973 constitution was passed on April 10, 1973, authenticated by president Zulfikar Ali Bhutto on April 12, 1973 and was enforced with effect from August 14, 1973.

Following the enforcement of the 1973 constitution, Zulfikar Ali Bhutto stepped down from the presidential seat and was elected as prime minister. The then NA speaker, Chaudhry Fazal Elahi was appointed as president. Over the years, the 1973 constitution has been amended 26 times including a couple of unsuccessful amendments which were not passed by both houses of parliament – the Senate and the National Assembly.

The third 1973 constitution has survived multiple crises over the years, but it is still the longest surviving constitution of the country. It has been suspended and held in abeyance at least twice by military dictators Gen Ziaul Haq and Gen Pervez Musharraf in its 50-year-long existence in the politically chequered history of Pakistan.

The year 2023 celebrates the golden jubilee year of the 1973 constitution. This requires – and demands – celebrations at various levels, especially on August 14, 2023 to mark its enforcement. It is rather strange and not understandable that even though the nation enthusiastically celebrates Independence Day on August 14 year after year, it somehow never mentions the enforcement of the longest surviving 1973 constitution. The constitution has to be respected, understood, implemented, honoured and enforced in every sphere of national life as it is an all-encompassing document and contains much more than what people generally believe.

Celebrations of the golden jubilee of the 1973 constitution will hopefully enable the maximum number of people inclu ding politicians to have a better understanding of the constitution, and get them to commit to implement its provisions sincerely and with dedication.

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