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Pakistan's First Constitution: The 1956 Milestone

Introduction

The Constitution of 1956 was the first constitution of Pakistan, adopted on **March 23, 1956**, officially transforming the country from a dominion to an **Islamic Republic**. It replaced the **Government of India Act, 1935**, which had been serving as the interim constitutional framework since independence in 1947. The Constitution was abrogated on **October 7, 1958**, by President **Iskander Mirza**, leading to the imposition of martial law.

Salient Features of the 1956 Constitution

1. Written and Rigid Constitution:

- The Constitution was a **written** document consisting of **234 articles** divided into **13 parts** and **6 schedules**.
- It was a **rigid** constitution, meaning that amendments required a complex legislative process.

2. Islamic Republic of Pakistan:

- The Constitution declared Pakistan as the **Islamic Republic of Pakistan**.
- It aimed to ensure that no law was repugnant to **Islamic teachings**.
- The **Objectives Resolution (1949)** was included as a **preamble**, outlining Pakistan's ideology.

3. Parliamentary System:

- Pakistan adopted a **parliamentary form of government**.
- The **President** was the head of state, while the **Prime Minister** was the head of government.
- The Prime Minister had **executive powers** and was accountable to the National Assembly.

4. **Bicameral Legislature:**

- The Parliament consisted of two houses:
 - **National Assembly** (lower house)
 - **Senate** (upper house)
- The National Assembly was directly elected, whereas the Senate was indirectly elected.

5. **Unicameral Legislature:** *(Modified in the final draft)*

- Later, it was decided that the legislature would be **unicameral** (only **one National Assembly** instead of a bicameral system).
- This decision aimed to ease representation between **East and West Pakistan**.

6. **Equal Representation for East and West Pakistan:**

- The Constitution gave **both East and West Pakistan equal representation** in the National Assembly despite population differences.
- This was an effort to maintain unity but created dissatisfaction in East Pakistan.

7. **Presidency and Executive Powers:**

- The **President was elected** by the National and Provincial Assemblies for a **five-year term**.
- The President could **appoint and dismiss the Prime Minister**.
- The President also had the power to **dissolve the National Assembly**, which weakened the parliamentary nature of the system.

8. **Independence of Judiciary:**

- The Supreme Court was established as the **highest judicial authority**.
- The judiciary was granted independence in theory, but in practice, the executive had considerable influence.

9. Fundamental Rights:

- The Constitution guaranteed **fundamental rights** such as:
 - Freedom of speech
 - Freedom of religion
 - Equality before the law
 - Protection of life, liberty, and property
- However, these rights were subject to reasonable restrictions.

10. Islamic Provisions:

- The state religion was **Islam**.
- The President was required to be a **Muslim**.
- No law could be passed that was **against the principles of Islam**.
- An **Advisory Council of Islamic Ideology** was established to ensure Islamic laws were implemented.

11. Language Issue:

- The Constitution recognized **Urdu and Bengali** as **national languages**.
- This was an attempt to address linguistic tensions, particularly with East Pakistan.

12. Provincial Structure:

- Pakistan had a **federal structure**, with powers divided between the **central government** and the **provinces**.
- However, the **central government retained strong control** over provincial matters.

13. Emergency Provisions:

- The **President could declare an emergency** in case of war, internal disturbances, or economic instability.
- During an emergency, fundamental rights could be suspended, and the powers of the central government were significantly enhanced.

Weaknesses of the Constitution

1. Strong Executive Powers:

- The President had excessive powers, including the ability to dismiss the Prime Minister and dissolve the National Assembly.

2. Parliamentary System in Name Only:

- While it was a parliamentary system, the **President's authority overshadowed the Prime Minister**, making it more of a hybrid system.

3. Failure to Address Provincial Concerns:

- The **parity principle** (equal representation for East and West Pakistan) was controversial as East Pakistan had a larger population.
- This created resentment in **East Pakistan**, contributing to future political instability.

4. Ambiguity in Islamic Provisions:

- While the Constitution aimed to establish an Islamic system, it lacked clear guidelines on implementing Islamic laws, leading to confusion.

5. Lack of Political Stability:

- The Constitution did not provide strong mechanisms to ensure stable governance, leading to frequent political turmoil.

Abrogation of the 1956 Constitution

- On **October 7, 1958**, **President Iskander Mirza abrogated** the Constitution and imposed **martial law**.
- General **Ayub Khan** took over as Chief Martial Law Administrator (CMLA) and later removed Iskander Mirza from power.
- The abrogation marked the **end of democratic governance** and the **beginning of military rule in Pakistan**.
- In **1962**, a new constitution was introduced by Ayub Khan, replacing the parliamentary system with a **presidential system**.

Conclusion

The **Constitution of 1956** was an important milestone in Pakistan's constitutional history. It was the **first attempt** to create a legal framework suited to Pakistan's unique political, religious, and cultural context. However, due to **political instability, executive dominance, and lack of provincial harmony**, the Constitution could not last long. Its failure highlighted the need for a more balanced and stable governance structure, leading to future constitutional developments.