

SOVEREIGNTY OF PARLIAMENT AS CONSTITUENT ASSEMBLY AND FRAMING THE CONSTITUTION OF 1973

This Paper analyses the process of making of the Constitution of Pakistan 1973. The two years of the working of the Assembly as Constituent Assembly have been discussed to examine the sovereignty of the Assembly. The sovereignty of any institution is mentioned as the power of that institution in making its decisions without any influence outside the institution. On the contrary, through the power of sovereignty the institution starts influencing other institutions of the state. The Assembly in its starting period from 1971 to 1973 remained much active as well as the most significant institution of the state of Pakistan that had just recovered from the shock of defeat in 1971.

In the early phase of Z.A Bhutto era that was also the initial period of the 5th National Assembly of Pakistan, which was elected in the elections of 1970, the National Assembly¹, at that time the Parliament of Pakistan comprising of the single house, enjoyed sovereignty both legally and politically to much extent as it was able to take innovative action in the sphere of public policy and institution building. It was the period for which the opinion of Muhammad Waseem can be accepted without any reservation. He opined that the Pakistan People's Party government remained the only example of a clear supremacy of Parliament over non-elected institutions, both *de facto* and *de jure*, throughout the history of Pakistan.² The task of the framing of the constitution, which the Parliamentarians completed within the Assembly or making compromise outside the Assembly, was not easy one. It was expected that after the separation of its

eastern part, “New” Pakistan should have no special difficulties or problems in framing a constitution. But, unlike Bangladesh Pakistan’s constitution making in 1972-73 was a complicated task and marked by several acute clashes between the government and the opposition parties both inside and outside the Assembly.³ the old and complicated issues faced by constitution makers in Pakistan were revived: the relationship between the state and religion, i.e. controversy over details of an “Islamic Constitution”; distribution of powers between the center and the provinces; the kind of executive suitable for Pakistan – all those old issues generated lengthy and heated debates in the country even after its dismemberment, when the unity in the truncated Pakistan was vital for its survival. The controversy over an “Islamic State”- an issue which has a lengthy record behind it-⁴ took a dramatic turn when the “secular oriented” Bengalis were no longer present in the Assembly and orthodox elements in the western part of the country, though defeated in the general elections of 1970, gathered together to put up a brave fight to preserve cherished Islamic values and traditions.⁵

The House reconvened to debate the draft Constitution in the third week of January. The opposition, who had boycotted the legislative proceeding due to the government’s treatment in form of removal of the Balochistan government or banning of the NAP,⁶ returned for the constitutional session, when many clauses were contested. The opposition (about 40 votes) could not gather enough PPP rebels to them to present any real challenge to the Government in voting terms. However they did not allow themselves to be steam-rolled by the PPP majority.⁷

The opposition realized that they could not continue the boycott of the Assembly session longer. In that case the government could do according to its own agenda and frame the constitution without the inclusion of the opposition in the process, thus taking whole credit of constitution making. Therefore despite having serious reservations, the opposition preferred to participate in the constitution making process instead of remaining outside of it. This automatically increased the status of the Parliament and also made the task of the Parliament easy to be completed.

The Assembly formed the constitution with autonomy and it was almost unanimous function of the Assembly that a constitution with the consent of both government and opposition came into existence. After the approval of the constitution the role of Assembly as an institution diminished because a rubber stamp was Bhutto's hand maid and he amended the constitution at his whims and caprices.⁸

The Constitution Bill was finally introduced in the NA by the Law Minister on 2 February 1973 where it was debated on 17 February. 'By the time the NA, acting as a Constituent Assembly, began clause by clause examination of the new permanent constitution. The majority party, the law minister said, was wide open for compromise on all points except the measure of provincial autonomy, and the division of power between the Federal and Provincial Governments. During the debate, the Government made a number of concessions to the opposition's views; for example, by dropping the clause providing that a motion of no confidence in the Government could only be passed by two thirds majority. Even so, the Bill seemed cretin of a rough passage; all the opposition parties, ranging from the profoundly radical National Awami Party to groups on the extreme Right banded together in the United Democratic Front and put down some 1600 amendments, obviously with the determination of obstructing the Bill until it should be modified to meet its large majority, to have forced the Bill through the National Assembly by sheer Wight of voting power but this was not President Bhutto's intention.

On 2 March 1973 the main opposition parties grouped together in Islamabad to form the United Democratic Front (UDF) under Pir Pagaro's leadership. The united Democratic Front finally reduced their demands to eleven major points; including a demand the after the passage of the Constitution Act, a caretaker government should be installed, and elections should be held within the ensuring six months.⁹

The draft Constitution comprises 278 Articles and has six Schedules. The Committee held 48 sittings, total 175

working hours, spreading over a period of 38 working days in all. The averaged attendance throughout the sittings was 18 out of 25 members.¹⁰

In its deliberation, the Committee made every endeavor to arrive at agreed conclusions, and differences of opinion were resolved as far as possible in an atmosphere of free and open debate.¹¹ Dr. Mubashir Hasan, Ghulam Mustafa Khar, Meraj Khalid and Mumtaz Ali Bhutto who were appointed to Committee by the National Assembly resigned from membership of the Committee during its final session of account of their other responsibilities connected with their Government offices. Ghous Bakhsh Bizanjo also resigned his membership during the last session of the Committee. Malik Mohammad Jafar, Chaudhri Jahangir Ali, Chaudhri Barkatullah Malik Sikander Khan and Mrs. Jennifer Jehanzebe Qazi Musa were appointed as members in their place.¹²

In preparing the draft of the permanent Constitution for Pakistan, the members of the Committee took full cognizance of the realities and objective conditions in Pakistan. They kept their pledge with God and man in proposing such a Basic Law for Pakistan 'which would not only help create a progressive and egalitarian society but would also provide effective deterrent against exploitation in all form. The Basic Law if accepted and adopted by the National Assembly will open all possible avenues of progress and prosperity.'¹³

Even so certain opposition parties later felt that the draft did not tally with the lines agreed on October 1972¹⁴ or in some cases it appeared as if they even regretted what they had agreed to at that time and when the draft was presented to the House on 31 December, 1972, it had attached to it a number of substantial Notes of Dissent by the opposition members of the Committee.¹⁵ Prior to the introduction of the Draft Constitution as a Bill on 2 February 1973, the opposition parties in the Assembly resolved that they would 'resist all efforts to pass an un-Islamic, undemocratic, non-Parliamentary, and non-federal Constitution, and that if their legitimate amendments were not accepted, they would have no choice except to go to the nation'. However,

when the National Assembly opened debate on the Constitutional Bill on 17 February, the ruling PPP seemed willing to seek the co-operation of the opposition Parliamentary groups 'in rectifying whatever mistakes might have crept into the draft'.¹⁶

The debate on the draft in the Assembly continued spasmodically from January to April 1973, during which time the opposition parties formed themselves, for greater leverage, into the United Democratic Front (UDF) on March 13, 1973.¹⁷

By March the Assembly had proceeded to the clause-by-clause second reading of the Bill. The UDF, unable by normal methods to stop the passage of articles to which they took exception, walked out of the Assembly on 23 March, 1973 and said they would not return until their minimum demands, which comprised 11 substantial amendments to the Bill, were met. The main differences of opinion turned on the provisions relating to fundamental rights, the powers of the Prime Minister, the Courts and the Senate, the continuation of the State of Emergency and the holding of fresh elections.¹⁸ Thus most of the matters were discussed out of the Parliament.

There were certain problems in the functions of the Parliament. The debate of the Constitution continued in a desultory fashion since 17 February 1973. This first reading produced a crop of very lengthy, repetitive and often irrelevant speeches from both sides of the house, the PPP extolling, the opposition denigrating the draft Constitution, and little being done to prepare the way for some sort of constructive consensus or compromise.¹⁹ Notwithstanding the development on the constitution making continued.

The second reading of the draft Constitution got off to a bad start on 9 March, 1973 with two walk-outs by the opposition and the whole session taken up with just one article, article 2, which states that Islam shall be the state religion. Before debating Article 2 however, there was an hour's long argument over the decision taken to leave discussion of the preamble and Article 1 towards the end of the debate. The question of whether

to postpone discussion on Article 1 was put to the vote and carried by 89 votes to 19. At this the opposition walked out. While they were out (for about five minutes) the House proceeded to article 2 and rapidly dispensed with 9 of the opposition's 12 amendments. The opposition returned and protested bitterly at this cavalier treatment of their amendments, but to no avail. Their three remaining amendments, which sought to bring all laws into conformity with the injunctions of the Quran and Sunnah, were also rejected, after considerable discussion, all by large government majorities; this episode produced the sight of the avowedly secular NAP backing to the hilt the demands of the right wing religious parties.²⁰

The opposition's response on these reverses was to issue a press statement the next day claiming that the Constitution which the government was "bulldozing through the House" would destroy any remaining chances of national integrity; and castigated the Government for its refusal, both to define the territories of Pakistan, and to make the declaration on Islam really effective.²¹

The process in passage of Article (2A) on 13 March 1973, however, marked the work done by the Parliament collectively. The Government proposed and passed a new Article, laying down that Islamic socialism, which reflected the concepts of *Musawat-e-Mohammadi* (equality as preached by the Prophet) would be the basis of the nation's economy. Sheikh Rashid, the Food Minister, proposed first that 'Socialism' should be the basis of the economy. The addition of the word 'Islamic' was proposed by a PPP backbencher, and Kausar Niazi, the Minister for Information evidently sensing that a large number of PPP MNSs were still to be satisfied, introduced the '*Musawat-e-Mohammadi*' phrase. The new Article (2A) was then passed by a large majority.²²

The Articles 3 and 4 were passed again by overwhelming majorities; but the opposition are said to have tabled 300 amendments on the first 40 Articles, so thing are not going to go very quickly. However, the Government mood appeared confident and it seemed unlikely that they would allow

the oppositions harassment to prevent the passage of the Constitution on schedule.²³

The achievement of the government, particularly of Bhutto himself and his Minister for law and Parliamentary Affairs, Abdul Hafeez Pirzada, in getting the new Constitution drawn up and accepted first by representatives of all political parties and then almost unanimously by the Assembly, all in less than a year, was by any standards a considerable one.²⁴

The opposition's cooperation for the strength of the Parliament cannot be ignored because they continued the support for the institution of Parliament in formation of the constitution despite when the Parliament was busy in the formation of the constitution the government was doing some works without the consent of the Parliament but the Parliament could function smoothly. A presidential ordinance of 8 March 1973 amended the Interim constitution so that Central and Provincial Ministers who were not, respectively, MNAs were able to retain their posts until 14 August 1973, instead of 21 April 1973 as was originally stated in Articles 63 and 104 of the interim Constitution. This meant that Central Ministers J A Rahim and Sherpao had a further four months lease of life. Aziz Ahmad, Mahmud Ali and Akbar Khan were not MNA, but they were Ministers of State and thus not threatened by the original time-bar.²⁵ These were extra Parliament functions.

On 8 March 1973 Mian Mumtaz Mohammad Khan Daultana, MNA and Pakistan's Ambassador to UK, appealed to all political parties including his own party to facilitate the passage and adoption of the Draft Constitution at an early date. According to him the draft was more Islamic than the "1956 Constitution as it had declared Islam as the state religion" and "is more stringent in its Islamic clauses"²⁶

The constitution represented a consensus on three matters; the role of Islam in politics, the sharing of power between the federal government and the federating provinces, and the division of responsibility between the president and the prime minister.²⁷

The formation of the Constitution may be called one of the most brilliant successes of the Parliament besides all disputes and controversies. On 24th July 1973 during the visit of UK Bhutto said that Pakistan has established institutions of government which assure the stabilization of its political life; it has evolved a federal constitution, with the nation's unanimous support, which solves the problem of the autonomy of the constituent units and at the same time safeguards national solidarity; it has staged an economic recovery much more rapid and confident than that of any nation ravaged by war.²⁸

That time representative institution comparatively strong for that Bhutto obtained a mandate from Parliament just before leaving Pakistan to UK tour, to accord de jure recognition to Bangladesh at the appropriate time.²⁹

The desire of Bhutto for the adoption of constitution by the Parliament unanimously increased the possibilities of the strength of the Parliament. There was one member of the Assembly, however a *maulana*, who wanted money in lieu of his vote. The amount was settled and Bhutto described the scene to Mubasher Hasan how, when the fellow came to the President House to collect the money, Bhutto threw the packet of notes on the floor in front of him and ordered him to pick it up. There the man was, moving over the carpet on all fours, picking a bundle from here and a bundle from there.³⁰

The activities in the corridors of the Assembly House during the days of Constitution making as well as on the day of adoption of the Constitution marked that it was Parliament, and not any other institution, that was in focus. Every member of the Assembly became significant when the opinion of the opposition was included through the efforts of the ruling party and the leader of ruling party for end of the boycott of the opposition.

Once again, with a characteristic coup de theater, Bhutto conjured a last minute rabbit from his remarkable hat. It was apparent on 9 April 1973 that moves were going on to bring the opposition back for the adoption of the constitution. Negotiations

continued on the morning of 10 April 1973, in the National Assembly lobbies, when first Pirzada and then Bhutto himself met opposition leaders. Meanwhile in the Assembly, which had met at 10 am, members were marking time with inconsequential speeches. At about 1.00 pm Pirzada announced that the opposition had called off its boycott, and at 1.20 pm the opposition members entered the chamber.³¹

The amendments which were presented by the opposition were included and the Constitution was made a document on which a consensus existed. Pirzada moved the seven amendments which, ostensibly, had led to the opposition's return. Following this, Pirzada and Bhutto made their speeches and the Constitution Bill was put to the vote and carried by 125 'ayes' and 3 abstentions (Mahmood Ali Kasuri, Ahmad Raza Kasuri, (PPP rebels) and Shah Ahmad Noorani (JUP)).³²

In his speech Zulfiqar Ali Bhutto said that one lesson of politics he had learnt was that one should avoid 'points of no return'. To this end he had kept the door open for the opposition, right up until 11.30 that morning, when he had agreed to have discussions with the opposition leaders.³³ He denied the opposition claim that he wished to be a dictator and pointed out that the final verdict on this would lie with the people. On the constitution issue, he said that the opposition argument that all federating units must individually agree to the constitution did not hold good in the case of units within a state. However, he appealed to the opposition, now that they had returned, to give a unanimous constitution to Pakistan. He was not prepared to give any commitment about lifting the Emergency Regulation. After the POWs return, he said, would be the time to consider this. After the adoption of the Bill, the house was adjourned *sine die*. There were emotional scenes as members, for both sides including Wali Khan and Pirzada, embraced each other.³⁴

It seemed strange that the opposition should have been lured back by these seemingly not very consequential amendments. Possibly they realized that Bhutto had maneuvered public opinion against them, and were content with the amendments as a face-saving device. Possibly also more had

been promised in private. Ghafoor Ahmed, the opposition spokesman, said, for instance, that the Government had promised to cease its attacks on oppositions leaders in the news media. Could there also be some understanding with the NAP/JUI about the administrations in NWFP and Balochistan.³⁵

The third reading of the Constitution Bill began on 9th April, 1973 in the absence of the opposition. The Federal Minister of Law and Parliamentary Affairs, made an appeal to the opposition for a last effort to reach a settlement with the majority party. As a result of discussions which took place outside the Assembly, the UDF leaders agreed to meet President Bhutto. This meeting proved a turning point; the President agreed to accept all the UDF's eleven points if the opposition returned to the Assembly. The compromise necessitated the amendment of seven articles which had already been adopted.

It was never in doubt that president Bhutto would be able to pass the constitution with the support of the large majority which he commanded in the National Assembly. But it was very uncertain that he would be able to gain the assent of the opposition parties. They had contested nearly every clause of the constitution in its passage through the Assembly, until they decided to boycott the proceedings altogether just over three weeks ago.³⁶ They maintained this boycott right up to the last minute. But the amendments which were introduced as a result of the talks between the opposition and the Government satisfied enough of their demands to enable them to return to the Assembly and take part in the almost unanimous vote in favor of the constitution.

The opposition's boycott was ended³⁷ on 10 April 1973 and the NA finally adopted Constitutional Bill without a dissenting vote, though not unanimously.³⁸ In a House of 144 members, the constitution was approved by 125 votes out of 128 present and voting.³⁹ On that occasion the Law Minister moved a motion: "that this Assembly resolves that steps be taken to enable Members of the Constituent Assembly to sign the Constitution of the Islamic Republic of Pakistan for the purpose of its being deposited in the National Museum."⁴⁰

Afterwards the ceremony of the putting signatures on the historical document of the Constitution took place. In that ceremony 137 members put their signatures on the original document of the Constitution. Eight members of the Assembly who did not take part in the voting also put their signatures on the passage of the Constitution. This fact proved that there was less controversies in the passage of the Constitution. However eight members remained aloof from the document in respect of putting signatures. They were Ali Ahmad Talpur, Abdul Hameed Jatoi, Abdul Khaliq, Mahmood Ali Kasuri, Ahmad Raza Kasuri, Makhdoom Noor Muhammad, Nawab Khair Bux Mari and Abdul Hayee Baloch.⁴¹

The ruling PPP was felt miraculously lucky to get unanimous authentication of the Constitution. It was the fifth to be drafted, the third to be adopted with no opposing vote and with the support of all but three of the members of the opposition group.⁴²

The question why the opposition cooperated with the government in constitution making while there was unfavourable treatment on behalf of the government has been answered by explanations of different opposition leaders. Dr. Abdul Hayee Baloch has opined that the quality of the constitution is owed to the participation of the opposition. If opposition did not contribute positive and vibrant part in formulation of the constitution it would remain a controversial document.⁴³ UDF issued a statement that bore the details of the constitutional amendments proposed by the opposition. They also made those amendments public which were not adopted by the Assembly. On that occasion the opposition declared that they signed over the constitution to save the country from civil war.⁴⁴

Two days later, on 12 April 1973 the Constitution was authenticated by the President. Bhutto was keen that the constitution should carry a broad political consensus. But his concern for a stable executive was also conceded. Through this constitution Bhutto was so powerful and a vote of no-confidence against the Prime Minister was virtually made impossible for ten

years in view of the conditions which were required to be satisfied before it could be moved.⁴⁵

On August 14, at the anniversary of Pakistan's independence, the Constitution took effect. Bhutto stepped down to become Prime Minister and the Speaker of the National Assembly Choudhury Fazal Ellahi was elected President of Pakistan. In this way, Pakistan gave up the presidential system introduced by Ayub Khan and reverted to the Parliamentary tradition in which the entire sub-continent had been educated by the British example.⁴⁶

In enacting this constitution, the NA reverted to the position as it was under the 1956 Constitution; namely, the pattern was both Federal and Parliamentary.⁴⁷ In many respects, the adoption of the new Constitution marks a turning point in the history of Pakistan. For the first time, a Constitution has been created by the elected representatives of the people, closely in touch with public opinion. It is claimed that the 1973 constitution resolved all long standing issues in Pakistan especially those between the provinces and the centre but this proved chimerical.⁴⁸ By comparison, the constitution of 1973 had the distinction of having been framed by the elected representatives of the people. It was based on the consensus and provided for adult franchise as the basis of election, and set up a federation consisting of all the provinces.⁴⁹

The elected representatives of the people solved the very difficult and sensitive issues of autonomy for provinces, as also the issue of a presidential or parliamentary system of government. It also reflected the sense of responsibility that the parliamentary opposition in the National Assembly showed in solving the hitherto intractable problem of framing a constitution for Pakistan. The opposition therefore accepted many of Bhutto's proposals, including the assumption by the federal government of powers not normally associated with parliamentary democracy.⁵⁰

The adoption of the new Constitution became the occasion for nationwide celebration. April 12th and 13th were observed as public holidays; and Pakistani Missions abroad

remained closed on those days. Official workers throughout the country received two days paid holiday. In the course of the national rejoicing President Bhutto visited Lahore and Karachi laid a wreath on the *mazar* Iqbal and *mazar* of the Quaid-i-Azam.⁵¹

The most impressive piece of the Assembly's performance made Bhutto to express pride and take credit as it would have been his personal achievement. Bhutto's biographer Stanley Wolpert pen down this achievement as "Zulfi fondly hoped that his most impressive political achievement to date would long outlive his own tenure in high office, ten more years seeming to him at this time perhaps all that remained for his enjoyment."⁵² The claim of Bhutto was not without substance. The endorsement of Bhutto's claim does not lessen the place of the achievement of the Parliament. It on the other hand strengthens the view that Bhutto empowered the Assembly in order to form and adopt the Constitution and that support to the Parliament made it possible for Bhutto that he could take the credit of what the Assembly did.

The 1973 Constitution was adopted with the compromises of all the political parties in the National Assembly. Undoubtedly, no constitutional document could be described as perfect. It was a product of compromises amongst various political parties and forces present within the constitution making body.⁵³

Though pro-opposition and independent *Nawa-i-Waqt* criticized some of the clauses of the Constitution yet it as well as other newspapers which praised the adoption of the Constitution did not deny the superiority of the Parliament that it gained with the adoption. The leader of *Nawa-i-Waqt* said some of the clauses of the Constitution smacked of despotism. It spoke of mass arrests of political opponents, and took strong exception to the week-long celebrations and two holidays "at a time when more work was the need of the hour".⁵⁴

The Constitution that was passed by the Parliament received applause from all corners of the country. Almost all

newspapers were full of praise over this brilliant venture of the elected representatives of Pakistan. All English and Urdu Newspapers on 11 April splashed stories about the adoption of the constitution by the National Assembly, as a result of “dramatic last-minute consensus”. Highlights included welcome statements by opposition leaders like Wali Khan of NAP and others who agreed to end their boycott of the Assembly after the ruling party had agreed to incorporate more of their amendments to the constitutions.⁵⁵

The treatment of Bhutto with the opposition in the last stage of passage of the Constitution was also admired by some of the newspapers. *Jang* and *Taameer* editorially congratulated the people of Pakistan on “auspicious occasion” and prayed for stability and prosperity. Both praised the consensus on the constitution. *Jang* said a constitution must be regarded as a sacrosanct guide to the conduct of national affairs it praised Bhutto’s foresightedness, with particular reference to the way in which he had kept the door open for a rapprochement with the opposition.⁵⁶ The treatment of the government with opposition and their common effort to take the credit for the venture mentioned the standard of the Parliament that was raised to the heights.

The adoption of the Constitution was also considered a feather not only in the cap of the government but also in the caps of all political forces of the country. *Taameer* expressed views similar to those of *Jang*, saying the event was success for all political parties and leaders. “The whole world has seen that a staggering, stumbling Pakistan has managed to come to stay after having faced heavy odds”, it added.⁵⁷

Jamhoor, a pro-opposition paper that objected to celebrations to mark the passage of the constitution also accepted that the adoption of the Constitution was a great success for the ruling party. In this background paper’s appraisal for the role of opposition on writing that the opposition’s role in having some democratic amendments incorporated could never be forgotten was understandable.⁵⁸ But the praise of the ruling party by a pro-

opposition paper marked the collective admiration for the work of the Parliament.

Another independent newspaper *the Sun* praised the Parliament in unequivocal terms. The heading of its leader “O Joy” itself expressed the satisfaction and pleasure that the paper experienced at the time of the adoption of the Constitution. The satisfaction over the performance of the Parliament was described in the word that “for us it’s a matter of no ordinary satisfaction that the elected representatives have honored their mandate . . . no doubt there will be problems and transitory difficulties. But they who have succeeded in giving the country the Constitution can be counted upon to work it and also the improve it”. . . “As for Mr. Bhutto, it is a personal triumph” it added.⁵⁹

Nurul Ameen, the vice President of the country who virtually belonged to East Pakistan, the part of the country that separated its other part just two years ago, admired the country in the context of the separatism. He pointed out that the adoption of the Constitution had made distinct the chances of the division of country in more parts. He stressed that if the Assembly would not be able to form the Constitution there were dangers for the separation of remaining units but the Assembly in fact lessened those dangers in advance.⁶⁰

Conclusion:

As far as the sovereignty of the Assembly during the period discussed above is concerned it is easy to conclude that the Assembly proved a sovereign body at least during these fateful years of the life of Pakistan as well as that of the Assembly. What the majority of the members of the Assembly desired, the Assembly was able to do according to those desires. Even aspirations of the opposition were respected to a large extent. Assembly was a success in the real terms as it determined the fate of all of the institutions of the state of Pakistan in the Constitution that the Assembly produced. It was Assembly that gave the constitutional recognition to all the institutions of the state including the executive, Army, judiciary and even the state itself derived its sovereignty from

the sovereignty of the Assembly when the latter formed and adopted the Constitution. The Assembly, while determining the role of other institutions, also determined its own role as well as that of future legislatures of Pakistan.

The ‘sovereignty’ of the institution – where the institution functions without any interfering influence of external forces and factors – of the Parliament could be observed in the first two years of the Assembly’s performance as the Constituent Assembly of Pakistan. During these times the Assembly proved sovereign in all respects. External conditions and internal ‘complexity’ as well as ‘differentiation’ both helped the Parliament in practicing and enjoying the ‘sovereignty’.

Here the Constituent Assembly, that was also providing the country the legal legitimacy and political support just after its breakup, was also laying foundation stones for the institutions of newly emerged Pakistan. The future Pakistan, thus, was to claim that it was reestablished through the Constitution that was framed by the duly elected representatives of the people of Pakistan – namely the Parliament.

Key Words: Pakistan, Parliament, Constitution, Sovereignty, legislature

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