



**UNIVERSITY OF MANAGEMENT AND TECHNOLOGY
SCHOOL OF GOVERNANCE AND SOCIETY**

COURSE OUTLINE

**LW312 CONSTITUTIONAL DEVELOPMENT
IN PAKISTAN
PROGRAM: BS PUBLIC ADMINISTRATION**

LW312 CONSTITUTIONAL DEVELOPMENT IN PAKISTAN
BS Public Administration
FALL 2021

Resource Persons	Prof. <u>Rahat ul Ain</u> , Professor of Practice rahat.ain@umt.edu.pk Mobile Phone No: 03054440667
Credit Hours	3
Duration	One Semester
Counseling Time	Tuesday 3:00 pm Or by appointment.

Course Description

The course is designed with the aim to assess the intellectual capacities and learning abilities of the participants and measurably improve upon these as a first step. The course will facilitate understanding of major concepts, definitions, trends, and debates prevalent on the topic of Constitutional Development in Pakistan. Constitutional history of Pakistan has all the major components of constitutional systems of the established democracies as inherited from the British period. In case of Pakistan specifically, constitutional disruptions, strained civil and military relations, military coups, tensions between the judiciary and the executive, and ambiguities over the role of Islam in the state have marred the process of Constitutional development. The course will introduce the students to relevant concepts, debates and discussions of the topic.

Learning Objectives

- a) To develop critical thinking for understanding Constitutional development in Pakistan;
- b) To develop knowhow, methods, and processes for analysis of Constitutional Law;
- c) To enable to design, organize, and conduct surveys, interviews that involve the citizens;
- d) To develop understanding of the legal and constitutional structure of the state;
- e) To develop comprehension of the interconnectivity between the Constitutional provisions and political practice;
- f) To expose students, *inter alia*, to basic concepts of federalism, rule of law, separation of powers, social justice, and electoral process, etc.

Learning Methodology

The course will primarily depend on lecture-discussions (LDs). Efforts will be made to develop critical and analytical abilities of the participant students. A great deal has been written and published related to the issues of Constitutional Development in Pakistan. Recommended text and reference books have been selected for the basic facts and quality of analysis that they offer to the reader. Important chapters shall be identified and discussed.

Grade Evaluation Criteria

Overall, UMT policy shall be followed in awarding final grades. Following distribution of marks shall be observed for evaluation:

Marks Evaluation	Marks Percentage
Attendance, participation, spot test/ assignments	35 %
Mid Term Exam	25 %
Final Exam	40 %
Total	100 %

Recommended Text books

1. Constitution of Pakistan
2. *The Constitutional History of Pakistan—1947-2012*, Malik Muhammad Owais Khalid, 2012
3. *Constitutional History and Political Development*, Hamid Khan, 2005

Reference Books

Participants are advised to take notes during lectures as latest articles and papers relevant to the topics in the course outline shall be distributed/discussed. However, certain books have been recommended for reference and quality of analysis.

1. *Constitutional Development in Pakistan*, G.W. Chaudhary
2. *Constitution Making in Pakistan 1947-85*, Dr. Baz Muhammad
3. Allen Gledhill, *Pakistan: The Development of its Laws and Constitution*
4. “*Military, State and Society in Pakistan*” by Hasan Askari Rizvi, 2000.

Course Contents:

Week	Content / Area	Readings
1	Introduction. This session is meant to briefly introduce the course, highlight salient aspects of Constitutional Development, apprise the students of standard definitions, and determine parameters of inquiry. It will include assessment of existing level of understanding on the subject with a view to ascertain gaps between existing capacity and the desired learning outcomes. Besides, it will elicit students’ expectations from the course in order to adjust course contents, if need be.	To be identified in class
2	General Principles of Constitutional Law This session will introduce the students to the general principles of Constitutional Law	Alder, John, <i>General Principles of Constitutional and Administrative Law</i> , 4 th Edition, 2002, Palgrave Macmillan Law Masters, Chapter 1

3	<p>An Overview of the Constitution of Pakistan</p> <p>This LD will review the brief history and the essential features of the 1973 Constitution of Pakistan</p>	<p>PILDAT Paper 17: Overview of the Constitution of Pakistan, 2014</p>
4	<p>National Perspective, Constitutional Law vs. Politics.</p>	<p>Waseem, Mohammad, “Constitutionalism in Pakistan: The Changing Patterns of Dyarchy?” Sage Journals, 2016</p>
5	<p>Basic Concepts—Federalism and the 1973 Constitution.</p>	<p>“Historical Evolution of Federalism in Pakistan,” by Dr. Syed Jaffar Ahmad, PILDAT Discussion Paper, 2014</p>
6	<p>Basic Concepts—Rule of Law and the 1973 Constitution: This LD will help students learn the meaning, nature and scope of the Rule of Law.</p>	<p>Constitution of Pakistan, Article 7-40 (Fundamental Rights and Principles of Policy) Alder, John, <i>General Principles of Constitutional and Administrative Law</i>, 4th Edition, 2002, Palgrave Macmillan Law Masters, Chapter 5</p>
7	<p>Basic Concepts—Separation of Powers. This LD will focus on which way the Separation of Powers shapes the balance of legislative, judicial, and executive and powers in Pakistan</p>	<p>Sultana, Tasneem, Montesquieu’s Doctrine of Separation of Powers: A Case Study of Pakistan, <i>Journal of European Studies</i>, 2011</p>
8	<p>A Review of the 1973 Constitution of Pakistan: This LD will also examine how the Constitution of Pakistan provides a Social Contract within the socio-political and cultural framework of the country</p>	<p>Khan, Hamid, <i>Constitutional and Political History of Pakistan</i>, Chapter 22. “The Constitution of 1973.”</p>
9	<p>Mid Term Exam</p>	

10	<p>Islam and the Constitutional Law. The LD will provide the students an opportunity to understand how these variables interact with each other.</p>	<p>Pakistan: An Islamic State or a State for Muslims? A Critical Appraisal of Islam's Role in Pakistan, by Muqarrab Akbar, Pakistan Journal of Islamic Research Vol 15, 2015</p>
11	<p>Research Paper/Assignment Presentations/In-Class Written Assignment</p>	<p>Student-centered Activity</p>
12	<p>Social Justice System and the Constitutional Law</p> <p>This LD will explore how various provisions of the 1973 Constitution of Pakistan facilitate, or fall short of facilitating, social justice in the country</p>	<p>Sial, Abdul Quddoos, "Implications of Assorted Constitutional Principles on Administration of Justice in Pakistan," <i>Pakistan Journal of Social Sciences (PJSS)</i> Vol. 31, No. 2 (December 2011), pp. 227-239</p>
13	<p>Constitutional Reforms: This LD will examine possible ways in which the 1973 Constitution of Pakistan can be reviewed and reformed.</p>	<p>Sial, Abdul Quddoos, "Constitutional Reforms: Search for an Alternative Paradigm," <i>Pakistan Journal of Social Sciences (PJSS)</i>, Vol. 30, No. 1 (September 2010), pp. 57-70</p>
14	<p>Electoral System and the Constitution</p>	<ol style="list-style-type: none"> 1. Lars-Gunnar Wigemark and Marc-André Franche, Electoral Reforms in Pakistan: Perspectives and Opportunities, UNDP Pakistan, Dec 15, 2014. 2. Implementing Biometric Voting System In Pakistan: An Analytical Review by Asma Shakir Khawaja and Hasan Jamal, JRSP, Vol. 53, No. 2, July-December, 2016
15	<p>Hamid Khan's Assessment</p>	<p>Chapter from <i>Constitutional History</i></p>

		<i>and Political Development</i> , Hamid Khan, 2005
16	Final Exam	

Academic Integrity Policy

Academic integrity is the central value of an academic community. It is expected that graduate students will neither engage in nor facilitate cheating (using or attempting to use unauthorized materials, information, or study aids), fabrication (falsification or invention of any information or citation), or plagiarism (representing the words or ideas of others as one's own) in their academic work.

The Academic Integrity Policy contains strict sanctions, including expulsion, for all forms of academic dishonesty. Students found guilty of violating other UMT norms, such as engaging in moral and ethical misconduct, or in actions that are harmful to others or threaten the orderliness and wellbeing of the campus, are subject to equally strict sanctions in accordance with these norms and UMT regulations.

Make-up Exams and Late Assignments: There will be no make-up exams, unless there is a valid (documented) reason for not taking the scheduled exams, and prior arrangements have been made with the instructor. The instructor may deduct marks late submission of assignment.
