



**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**  
**SPRING 2022**

<b>Course Coordinator</b>	<b>Dr. Aisha Azhar</b>	<b>Email:</b>	<b>aisha.azhar@umt.edu.pk</b>
<b>Rooms No:</b>	<b>SGS offices 3<sup>rd</sup> Floor Library Building, UMT</b>		
<b>Office Hours:</b>	<b>Wednesday 11.00 – 4.00- Preferably through appointment</b>		

### **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.

### **Evaluation**

The course will be mainly delivered by lectures, encouraging student participation and discussion. Class participation is highly critical. It does not require mere presence in class, rather active participation in the ongoing discussions. Additionally, speaking for the sake of it does not contribute significantly, and valuable participation will be judged for making up of the class participation scores. Creativity and thinking “out of the box” will be highly encouraged and appreciated during the entire course. Research paper holds lots of significance. The details have been included in course outline, however, further details shall be conveyed in class. The individual component comprises of Mid-term and Final term exams, the format of which shall be conveyed well before in the classroom.

The break-up of the evaluation is as following:

Mid-Term: 20%

Final Term: 50%

Weekly Thematic Comprehensive Presentation = 10%

Weekly thematic presentation (for whole class every week)= 5%

Quizzes & Assignments= 10%

Class Participation & attendance: 5%

### **Class Activity/ Weekly presentation:**

For one selected week, each group would choose to present the topic listed in the course outline. The group would prepare the topic to the best of their efforts. This session is not designed as similar to the ones designed in my previous lectures where you would end up presenting a concept map and you would be awarded the class activity score. This time you would have to spend good amount of effort to prepare the class presentation.

Students would choose a week and they would present the following

1. Summary of the readings
2. Key highlights of the readings (in the form of statements). DO not generate paragraphs, just one liner statements, however, you are supposed to generate as many highlights as possible, because they readings are quite comprehensive
3. Key Facts (Facts related with the constitutional developments, amendments or other changes)
4. Comprehensive concept map
5. **Related Cases**
  - a. Present one good case from the readings
  - b. Present one good case from the real world of Pakistan. You may choose a case in the history or any other relevant case in current times that has used the constitutional developments made in the history.

## 6. Videos Presentations

- a. The group would use a brief video recording that must correspond with the cases highlighted or readings discussed in classes. Please do not use long videos
  - b. The group may also use a similar incident recording from a movie clip which may show a similar incident. Only decent movies should be used and selective time slots clips covering the law, constitution and court related parts.
7. Recency is valued and must be rewarded
  8. The presenting group would submit a complete report on this.
  9. There are no projects this time, hence weekly presentations must be taken seriously as they are graded quite heavily.

## ALL OTHER GROUPS

All other groups would ask one significant question to the group on the basis of which they would be marked good, average, bad. Three numbers would be allocated to this 3,2,1 respectively.

Remaining groups would submit a comprehensive concept map of the readings. (I can opt for individual concept maps too). This would again be credited and students/ groups would be awarded 3 numbers based on the quality of concept maps. No submission is graded as 0. Students absent from the class would not be given any number for that's days activity.

## Recommended Text books

1. The Constitution of Pakistan, A Contextual Analysis, Sadaf Aziz, 2018
2. *Constitutional History and Political Development*, Hamid Khan, 2017

## 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. *The Constitutional History of Pakistan—1947-2012*, Malik Muhammad Owais Khalid, 2012
2. *Constitutional Development in Pakistan*, G.W. Chaudhary
3. *Constitution Making in Pakistan 1947-85*, Dr. Baz Muhammad
4. Allen Gledhill, *Pakistan: The Development of its Laws and Constitution*
5. “*Military, State and Society in Pakistan*” by Hasan Askari Rizvi, 2000.

**COURSE CONTENTS:**

<b>Week</b>	<b>Content / Area</b>	<b>Readings</b>
1	<b>Introduction.</b> 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.	Course Outline. Read carefully
2	<b>General Principles of Constitutional Law</b> 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 <sup>th</sup> Edition, 2002, Palgrave Macmillan Law Masters, Chapter 1
3	<b>An Overview of the Constitution of Pakistan</b> State Building and Constitution Making	Chapter 2 from the Constitution of Pakistan: A Contextual Perspective, Sadaf Aziz, 2018  Chapters 10, 12, 16, 17, 19 and 22 from <i>Constitutional and Political History of Pakistan</i> , Hamid Khan, 2017
4	<b>Representative Government</b>	Chapter 3 from the Constitution of Pakistan: A Contextual Perspective, Sadaf Aziz, 2018  Chapters 22, 24 and 25 from <i>Constitutional and Political History of Pakistan</i> , Hamid Khan, 2017
5	<b>Executive Government</b>	Chapter 4 from the Constitution of Pakistan: A Contextual Perspective, Sadaf Aziz, 2018  Chapters 20, 29, 36, and 39 from <i>Constitutional and Political History of Pakistan</i> , Hamid Khan, 2017
6	<b>Rule of Law and the Constitution:</b> This LD will help students learn the meaning, nature and scope of the Rule of Law.	Constitution of Pakistan, Article 7-40 (Fundamental Rights and Principles of Policy)  Alder, John, <i>General Principles of Constitutional and Administrative Law</i> , 4 <sup>th</sup> Edition, 2002, Palgrave Macmillan Law Masters, Chapter 5
7	<b>Human Rights: Equality and Liberty</b>	Chapter 7 from the Constitution of Pakistan: A Contextual Perspective, Sadaf Aziz, 2018  Chapter 22 from <i>Constitutional and Political History of Pakistan</i> , Hamid Khan, 2017
8	<b>Mid term Exam</b>	
9	<b>Islam and the Constitutional Law.</b> The LD will provide the students an opportunity to understand how these variables interact with each other.	Chapter 8 from the Constitution of Pakistan: A Contextual Perspective, Sadaf Aziz, 2018  Chapters 25, 26, 27 and 28 from <i>Constitutional and Political History of Pakistan</i> , Hamid Khan,

		2017  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
10	<b>Federalism and the Constitution</b>	Chapter 6 from the Constitution of Pakistan: A Contextual Perspective, Sadaf Aziz, 2018  Chapters 34 and 36 from Constitutional and Political History of Pakistan, Hamid Khan, 2017
11	<b>Social Justice System and the Constitutional Law</b>  This LD will explore how various provisions of the 1973 Constitution of Pakistan facilitate, or fall short of facilitating, social justice in the country	Sial, Abdul Quddoos, "Implications of Assorted Constitutional Principles on Administration of Justice in Pakistan," <i>Pakistan Journal of Social Sciences (PJSS) Vol. 31, No. 2</i> (December 2011), pp. 227-239
12	<b>Constitutional Reforms:</b> This LD will examine possible ways in which the 1973 Constitution of Pakistan can be reviewed and reformed.	Sial, Abdul Quddoos, "Constitutional Reforms: Search for an Alternative Paradigm," <i>Pakistan Journal of Social Sciences (PJSS), Vol. 30, No. 1</i> (September 2010), pp. 57-70  Chapter 23 from Constitutional and Political History of Pakistan, Hamid Khan, 2017
13	<b>Electoral System and the Constitution</b>	Lars-Gunnar Wigemark and Marc-André Franche, Electoral Reforms in Pakistan: Perspectives and Opportunities, UNDP Pakistan, Dec 15, 2014. <a href="https://reliefweb.int/report/pakistan/electoral-reforms-pakistan-perspectives-and-opportunities">https://reliefweb.int/report/pakistan/electoral-reforms-pakistan-perspectives-and-opportunities</a>  Implementing Biometric Voting System In Pakistan: An Analytical Review by Asma Shakir Khawaja and Hasan Jamal, JRSP, Vol. 53, No. 2, July-December, 2016
14	<b>Judiciary and the constitution</b>	Chapter 5 from the Constitution of Pakistan: A Contextual Perspective, Sadaf Aziz, 2018  Chapters 40, 41 and 42 from Constitutional and Political History of Pakistan, Hamid Khan, 2017
15	<b>Final Exam</b>	

### **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.

**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.

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