

(2)

## Test #02

— 1 — 1 — 02

### Question #01

Significance of major constitutional amendments in Pakistan's political history, role of amendments in shaping the country's legal and political framework

### INTRODUCTION

The constitution of Pakistan enacted in 1956, based on the principles of parity between East and West Pakistan. In less than three years this constitution was abrogated and new constitution was introduced in 1962 by General Ayub Khan. But this was not the last, in 1973 a new constitution has been introduced. Till now, almost 25 amendments have been formed according to different eras and leaders. The 2nd amendment was related to 'Ahmadis' status, 8th was related to 'president power' and recent 25th is related to FATA merger. All these amendments help in shaping the legal and political framework.

# Overview of major constitutional amendments in Pakistan's political history

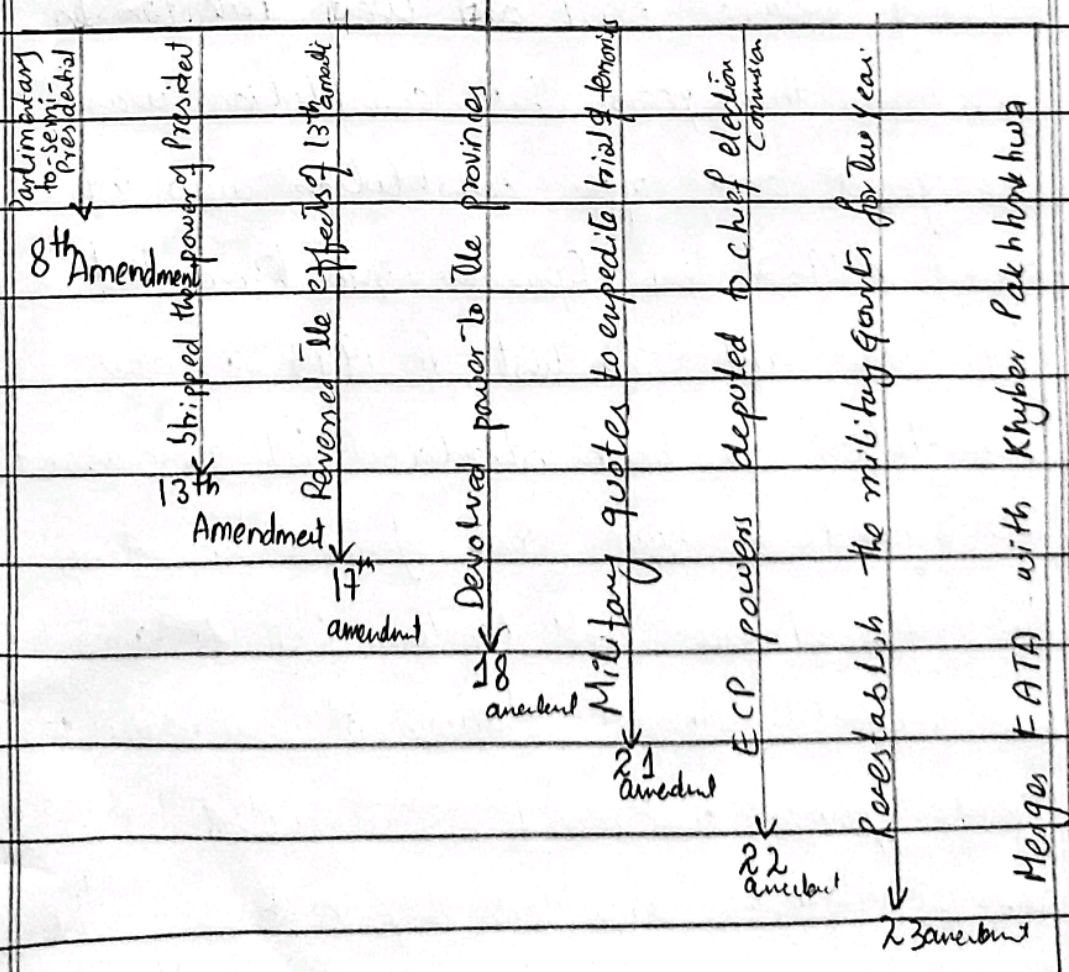
## Constitutions of Pakistan

1956

1962

1973

## Major Amendments in Constitution



# Significance of major constitutional amendments in Pakistan's political history

(1)

18th Amendment implies the strengthening of democracy

18th Amendment devolved power to the provinces, giving them more autonomy and control over their resources. This shift in power help in strengthening the democracy where people can place their choices according to their will.

(2)

Protection of fundamental rights

Constitutional amendments have expanded and protected the fundamental rights, such as freedom of speech, religion and assembly. These amendments help in safeguarding individuals' liberties and in creating an inclusive society.

(3)

### Autonomy given to provinces; Devolution of Power

The devolution of power has been introduced, so that the decentralization may work. In this way, provinces can play better role in the strengthening of their economy.

(4)

### Electoral reforms as suggested in 22nd amendment

Several amendments have focused on electoral reforms, aiming to enhance the fairness and transparency of the electoral process. These reforms have helped strengthen the democratic system by ensuring free and fair election.

(5)

## Addressing National Security Concerns in 21st Amendment

After the incident of 2014 'APS attack' amendant 21st have been introduced to address the issues like terrorism.

Amendments play a crucial role in shaping Pakistan's legal framework as:

(1)

Amendments help in updating and modernizing laws

Amendments allow for the revision and updating the existing laws to keep pace with changing societal needs, advancements in technology and evolving legal standards.

(2)

Protecting the fundamental rights by clarifying ambiguities

Amendments can strengthen the protection of fundamental rights by expanding their scope, clarifying ambiguities and addressing the gaps in legal framework.

(3)

Enhancement of <sup>protection of</sup> various legal aspects

Amendments can introduce new legal protections for various aspects such as women's rights, minority rights, labor rights and environmental protections.

(4)

Promotion of judicial independence

Different amendments introduced to enhance the role of judiciary.

(5)

Amendments can address legal loopholes

Amendments are often introduced to address legal loopholes or shortcomings in existing laws. They can help close gaps in the legal system.

Amendments play vital role in shaping political framework as:

(1)

Constitutional Evolution with the help of amendments

Amendments allow for the evolution and adaptation of the constitution to reflect the changing needs and aspirations of the people.

(2)

Power distribution among different branches of government

Amendments often aim to distribute

power more equitably among different branches of the government such as executive, legislative and judicial branches.

(3)

Electoral Reforms through amendments to ensure fair elections

Amendments related to the electoral processes and systems can help ensure free and fair election, enhancing the democratic process.

(4)

Devolution of Powers to focus on the provinces program

Some amendments focus on devolving power to lower levels of government, such as provincial or local bodies.



(3)

— / — / — : 00

(5)

Institutional Reforms to enhance the transparency and efficiency

Amendments may introduce institutional reforms aimed at enhancing the efficiency, transparency and accountability of the political institutions. These reforms can help build stronger and more effective governance structures.

## CONCLUSION

Constitution acts as a legal handbook on which a country works. Pakistan's constitution have many ups and downs but it still play a major role in shaping its history. The flaring parliamentary situation in 1962 is get back to its shape in 1973, the reforms in NAP after 2014 incident all these shows the importance of constitution. As said by George Washington:

"The constitution is the guide which I never will abandon"

— 1 — 1 — 6/11

## Question #2

Explain the spirit of federalism as enshrined in the 1973 constitution. Measures which are required for the smooth functioning of relations between centre and the provinces.

### Prologue

Pakistan has inherited federal form of government from the colonial rule. The constitution of 1973 also provides for the establishment of federation in the country. Federation supports unity in diversity. Federation nourishes and gets stronger when it is allowed to work in accordance with constitutional provisions. But, ironically, Pakistan remains a centralized federation and this distangle the relations of centre and province. The smooth functioning depends upon the implications of 18th amendment to ensure the smooth relation of centre and provinces.

— 1 — 1 — 65

# Spirit of Federalism as enshrined in 1973 constitution

## Federalism in Pakistan's constitution

Federalism means that power is divided between the central government and the provincial governments. The constitution recognizes and respects the autonomy and authority of the provinces within the framework of a united and federal Pakistan.

## Spirit of Federalism

The spirit of federalism promotes a system where each province has its own legislative and executive powers to govern and make decisions on matters that directly affect its people. The spirit of federalism promotes cooperation, coordination, and mutual respect between central and provinces.

# Challenges to Pakistan's federation

↓  
Ethnic  
entity in  
increasing  
hated

↓  
Dominancy of  
Centre

↓  
Constitutional  
Crisis

↓  
Reservation  
over the  
distribution  
of pooled  
taxes and  
income

↓  
Heridity  
form of  
political  
leadership

↓  
Political  
difference  
among provinces

↓  
Mistrust between  
centre and  
Provinces.

'Federation' a cornerstone in the  
constitution of Pakistan is facing  
several above challenges which has to  
be addressed to smooth the relations of  
[unclear] of provinces.

(4)

— / — / — 05

## Centre and Province Relations

Pakistan's centre province relations changed over time until the 18th amendment to the constitution of Pakistan. It is a struggle that has achieved overall results in the shape of Provincial autonomy and the federalism. As determined by the forefathers, Pakistan's constitution is based on federalism.

The derogation of articles 58(2)(b) and 112(2)(b) is one of the prime reasons that Pakistan is a true federation.

By scrapping these articles, the powers are transferred to the respective assemblies.

— 1 — 1 — 6/5

Measures that are required for  
the smooth functioning of  
relations b/w centre and provinces

(1)

Proper application of 18th  
amendment

The proper application, and  
the development of National  
Finance Award (NFA) 2010, has  
been given to the provinces  
- to reduce the strain.

(2)

Reduce the disparity by balancing  
the resources

The long term concept of favouring  
the one province over the  
other has also been  
minimized.

(3)

Ethnic identity is used to promote peace

The ethnic culture and different ethnic identities should be used to promote the peace among the provinces

## **CONCLUSION**

Federation in Pakistan has been a catchword since 1947. The strain relations have been minimized by proper applying the 18th amendments and reduce the hatred among provinces. In this way, the mistrust reduces, and true spirit of federation can be promoted.