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The chequered history of Pakistan has witnessed many amendments in the constitution. While many of these amendments have had a positive impact on the political and legal landscape of the country, some had been carefully designed to consolidate or misuse the power. Some of the major amendments to the constitution are as under:

### Major Constitutional Amendments in Pakistan

a) Second Amendment:

Second Amendment came at a time when there was a major ongoing conflict between the Qadianis and the rest of the country's muslim population. As per the second Amendment the Qadianis were declared as



Non-Muslims.

b) Third Amendment:

The third amendment was introduced to deter any espionage and treason acts. This amendment extended the preventive detention for severe crimes such as treason or espionage.

c) Fourth Amendment

The Fourth Amendment was a step towards increasing the rights of minorities in the country. The amendment granted a greater number of seats to minorities in parliament.

d) Eighth Amendment

Eighth Amendment was introduced after



The chief of Army staff had declared martial law and conferred himself to the position of president. As per this amendment, the president of the country was ~~granted~~ granted extra powers, including the power to dismiss or dissolve the parliament.

### e) Eighteenth Amendment

Eighteenth Amendment is by far the most comprehensive set of amendments the country has seen. It came at a time when the country transitioned from a military rule (of Pervez Musharraf) to a democratic system. ~~the~~ People's Party had won the election and after the behest of Prime Minister a commission was formed which was headed by ~~the~~ Raza Rabbani. The commission was comprised of members of both



Treasury and Opposition benches. ~~18~~  
Eighteenth Amendment made several changes,  
Some of them are as under:

- Article 70; Abolition of Concurrent list
- Article 58; Stripped president of the power to dissolve Parliament
- Article 25-A; State is responsible for providing education to citizens b/w age 5 - 16.
- Article 91; two time limit on Prime Minister removed.
- Article 167(A); Provinces empowered to raise int & domestic loans, subject to NEC Approval.

### f) Nineteenth Amendment:

Rules and Regulations for the appointment of judges of Supreme Court were



changed. As per this amendment, the judicial parliamentary committee has to justify if they ~~have~~ rejected a nomination for Supreme Court judge. The Prime Minister was also included in the process.

~~7th~~

### 9) Twenty-fifth Amendment:

According to this amendment the Federally Administered Tribal Areas (FATA) were to be merged with the province Khyber Pakhtun Khwa.

Impacts of these Amendments  
on the country's legal and  
Political Framework

### a) No-compromise on Islamic Principles

The Second Amendment made it clear



that the country would not tolerate any faction, that did not believe in prophet <sup>peace</sup>, ~~as~~ to call itself muslims. This reinforced the notion that this country was created in the name of Allah, and no disrespect would go unpunished.

### b) Political victimisation

Though the third Amendment was seen as a measure to prevent treason and espionage activities, it was only later realized that these changes were made to subject rival politicians to political victimisation.

### c) Minorities will be Respected:

The fourth amendment was aimed to increase the representation of minorities. This was a big step towards accepting them as a part of society and inclu-



ding them in the legislative process so that their opinions and views on different matters are heard.

#### d) Eighth Amendment And the Powers of President

Zia-ul-Haq used the eighth amendment to consolidate his ~~power~~ powers. This later proved to be a crucial learning point for the legislatures, as later based on this experience, amendments were made to strip the president and governors of such power.

#### e) Eighteenth Amendment And the immense impact it had on Political and Legal Framework

Eighteenth Amendment had many impacts. It strengthened state-center relationships by providing states with more autonomy.



It ~~is~~ ensured that president could not dissolve parliament. It also prevented future military coups by declaring it an act of high treason, and by preventing courts from legalizing such acts [Article 6-2A]. It also reconstituted CCI, amended the process of appointing judges (175-A) and introduced Islamabad High Court (175). This ensured that judges were ~~not~~ appointed without biases, and held them accountable for impartial judgements and the acts of bribery.

f) Sovereignty of the state would not be compromised:

The 25 amendment and 17<sup>th</sup> amendment went a long way in purging terrorist elements. The merger of Fata was a step to ensure no region of the country would serve as a safe heaven for



terrorists. Nor will another group rule or ~~over~~ establish their control over any part of the country. The 17th Amendment extended the time period of Military courts which were used to expedite the ~~trial~~ <sup>trial</sup> process of terrorists and ensure they received ~~a~~ ~~sentences~~ ~~that~~ severe punishment.

### Conclusion

To sum up, the country has gone through many amendments. While some of these have been misused ~~and~~ to fester the democratic process, majority of the amendments have evolved the country into a better, well-functioning democracy. It is also noteworthy to mention that it takes time to improve, and although there will be many hurdles to come in ~~the face~~ ~~of~~ that may derail the Pakistan's course



## Federalism as enshrined in Constitution of 1973

### a) Bi-cameral Parliament:

As per the constitution of 1973, the parliament of Pakistan will consist of two houses: National Assembly, senate. While NA's composition is based upon the population of each province, the senate carries equal representation for all provinces. This ensures that the smaller provinces have a say in the laws passed.

### b) Concurrent Lists:

As per the constitution of 1973, the powers between center and province are divided as following:

i) Federal list: these subjects are to be controlled by the center.



- 2) Concurrent list: Both province and the center have control of these subjects.
- 3) Residuary: these subjects are to be controlled by the states.

Dividing powers between state and center is the essence of a federation, and the 1973 constitution clearly divides these powers.

### c) ~~Bar~~ on NFC share of provinces

After the 18<sup>th</sup> Amendment, ~~article~~ a bar was placed over the NFC share of provinces. This ensured that the share of provinces ~~is~~ is not lowered, and hence granted provinces financial independence.

~~d) Devolution of~~

d) Establishment of local govts (140)

This article made it mandatory



to establish local governments. It also made it compulsory for the provinces to devolve financial, administrative powers to the local governments.

e) Article 112 strips governors of the power to dissolve Provincial Assemblies

Governors are appointed by president and therefore act as agents of the center. Initially the governors had powers to dissolve provincial assemblies on the behest of president. This gave center a leverage over states. However, after 18<sup>th</sup> Amendment this power was withdrawn, hence strengthening the federal system of the country.



## How can center - Province Relations be improved

### a) A platform to resolve disputes :

Currently there is no platform where the provinces can express their aggrievances. ~~re~~ This hinders the cohesion in governance between center and states. So if a platform is established where the center and provincial governments can address such aggrievances, it would improve the ties.

### b) Grant more autonomy to provinces

The provinces have always blamed center of have too much authority over affairs that directly affect them. This has caused provinces to grow



resentful from the center. Hence if provinces are given more control and autonomy, it will improve the relations.

### c) Exclusive ownership of minerals and gas given to provinces:

In the wake of 18<sup>th</sup> Amendment, Provinces and center had joint ownership of minerals. However, this is a source of contention for provinces who argue that the minerals extracted from their land should be used ~~for~~<sup>on</sup> their people. Hence by giving provinces exclusive rights over their minerals, the ties can be improved.

### d) Increase in NFC share:

The provinces have long complained about the disproportionate dispense of



Date: \_\_\_\_\_

Funds skewed towards the center, Hence by granting them a larger share of funds, this problem can be resolved -