

Q. No-1

1. Introduction:

After the inception, Pakistan's constitutional process went into deep freeze. It took around * nine years to constitute a new constitution in 1956. However, soon, in 1958, it was abrogated by Iskander Mirza. 1962 Constitution faced the same fate in 1969. Then came the constitution of 1973.

Nevertheless, there are many amendments (upto 25) which have been taken place in 1973's constitution.

There are some amendments including 18th, 25th, which have paramount importance in country's political history. Similarly, these amendments have also helped shape the country's legal and political framework.

2. Significance of major constitutional amendments

Ⓐ Eighth Amendment:

This amendment was introduced by General Zia-ul-Haq,

In 1985. This amendment gave much power to the president to dissolve assemblies. ~~Howe~~. This is considered completely opposite to 18th amendment, however, at that time for the consolidation of the country, it was necessary.

18th amendment:

It was enforced on 19th April 2010, under the leadership of Asif Ali Zardari. It has much significance in Pakistan's political history. As this amendment abolished the extra powers of president to dissolve the assemblies. Moreover, Article 6 was amended for the sustenance of democracy. Similarly, it is the amendment which put Pakistan on that democratic track on which Quaid-i-Azam wanted. Because it gave provincial autonomy and residuary powers to the provinces.

25th amendment

25th amendment was put forward in 2018. It is considered

important as it merged the FATA (Federally Administered Tribal Areas) with KPK (Khyber Pakhtunkhwa), aligning it with mainstream political and legal structure.

(B) Constitutional amendments in shaping country's legal and political framework:

Constitutional amendments helped in shaping the legal and political framework of Pakistan. Here are some main points which will shed light on it.

(i) Limiting the presidential powers:

18th amendment put a full stop on extra use of presidential powers by the president, and governors. It limited the president from using its powers to dismiss prime minister or dissolve the national assembly.

(ii) Balance between executive and legislature:

The amendment led to bridge the gap between executive and legislature. Hence, balanced

the executive with legislature

(iii) Promotion of democracy:

Another importance of these amendments is that it led to flourishing democracy in letter and spirit.

(iv) Devolution of powers

These amendments ensured provincial autonomy, and residuary powers to provinces, hence, ~~led~~ to devolution of powers.

(v) Deciding a governance structure:

These amendments not only promoted democracy, and ensured devolution of power, but these also decided the future governance structure of the state. As 18th amendment shifted the constitution and governance structure from presidential to parliamentary form of governance.

4. Conclusion:

Around 25 amendments

have been introduced in the 1973 Constitution. Some of which are of vital importance which proved quite worthy in shaping the legal and political frame-work of the country.

Q. 2

1. Introduction:

It took around 81 years for Quaid-1-Azam's dream to come true. His dream was to ~~achieve~~ make Pakistan a federal structure, whereas provinces shall have provincial autonomy and residuary powers also vested with provinces. This spirit of Federalism was enshrined in 1973 Constitution. It aims at ensuring balanced and representative system of governance between the Centre and provinces. For ~~set~~ effective governance, smooth relations between Centre and provinces play a vital role. To ensure such cooperation between the duo, several measures are essential.

2. 1973 Constitution - Spirit

of Federalism:-

No doubt the Constitution of 1973 possesses the spirit of Federalism. Here are some main points which prove its Federal Structure.

(i) provincial autonomy:

1973 Constitution provided provincial autonomy to its federating units, and granted them to manage their own affairs of certain topics.

(ii) protection of provincial rights

1973 Constitution safeguarded to protect the rights and interests of provinces. For example president cannot dissolve the provincial assemblies without the advice of provincial governor.

(iii) Introduction of Concurrent List:

This list includes various subjects on which both federal and province can legislate. It allows for coordination between the centre and provinces.

(iv) Provincial list:

Another example for spirit of Federalism is that it transferred

Some of the legislative powers to provinces, For instance education, law and order etc.

(1) Residuary powers

These are the powers which are part of neither Federal list nor provincial list.

At any period of time, if a new subject comes, it will be under provincial domain.

3. Measures for Cordial relations between Centre and province.

For good governance, relations between the Centre and provinces must be in good terms. For that following measures can be followed.

(i) Empowering the provincial governments.

As the provinces have provincial autonomy, this is the responsibility of the Centre to ensure the provinces with empowerment. Therefore, they can legislate, execute and run their province in a better way.

(ii) Securing their rights.

The federal must safeguard the due rights of provinces in various matters of concern so that a strong bond may establish between them.

(iii) Resource distribution on justly basis:-

Resources should be distributed on just and equality. For that National Finance Commission (NFC) must be revisited.

(iv) Resolution of disputes:

If there is any dispute between the federal and provincial structures, they must be resolved. For instance, the sentiments of Sindh and Balochistan must be heard in parliaments.

(v) Conclusion:

The constitution of 1973 truly testifies the spirit of federalism as it provided provincial autonomy to its provinces. It led to bridge the gap between centre and provinces. For having harmony and peace, the due must have better relations. For that empowering the provinces, safeguarding their rights, and distributing the resources on justly and fairly bases may prove beneficial.