

QUESTION NO: 1:
Discuss significance offramework!

INTRODUCTION:

Major constitutional amendments in Pakistan's political history have shaped country's legal and political framework as required. They often addressed key issues, altering the power dynamics.

Introduction of eighth amendment in 1985 moved the country towards Presidential form of government. The amendments were made according to the political scenarios developed. These amendments were often used to validate the mandate of non-democratic forces. Eighteenth amendment restored the parliamentary form of government further strengthening the federation. These amendment played significant role in the political history of Pakistan.

Major Constitutional Amendments in Pakistan's political history:

Many amendments to the constitution of Pakistan have been made till date. Most significant were the following:

-) The Eighth Amendment -
-) The Thirteenth Amendment -
-) The Seventeenth Amendment -
-) The Eighteenth Amendment -
-) Twenty-fifth Amendment -

8 th Amendment	13 th Amendment	17 th Amendment
•) Validated the amendments made by Gen. Ziaul-haq.	•) Stripped the President's power to dissolve the National Assembly of Pakistan.	•) Reversal of the effects of 13 th Amendment.
•) Shift towards semi-Presidential system.	•) Triggered new elections.	•) Change in Presidential powers.
•) Additional powers to the President.		

Eighteenth Amendment's Major Provisions:

-) Strengthening democracy:
The 18th Amendment abrogated article 58(2)(b), curtailing the reserved Presidential power to dissolve national assembly. The 18th Amendment repealed the 17th Amendment which gave extra power to President.
-) Enhanced role of Senate:
 - ↳ Review of money bill extended to 14 days and power to make suggestions.
 - ↳ Cabinet members responsible to Senate and National Assembly.
 - ↳ Involvement in Judicial Commission and ECP.
 - ↳ ~~Review~~ Review of reports by CCI & NEC and principles of policy.
-) Provincial autonomy.
-) Improved province-center relations.
-) Removal of discretionary powers.
-) Restoration of Parliamentary form of

government.

SIGNIFICANCE OF MAJOR CONSTITUTIONAL AMMENDMENTS:

→ Determination of form of government:

The major constitutional ammendments usually determined the form of government. Presidential form of government as validated by eighth and seventeenth ammendment gave reseere powers to the President. Under these ammendments, Pakistan was unfortunately under the undemocratic interventions.

The eighteenth ammendment played significant role in Pakistan's political history by restoring the Paelliamentry and democratic form of government.

→ legislation regarding local governments:

The constitutional ammendments paved way for the establishment of local governments. The legislation was

firmly endorsed by article 140(A) & inculcated through 18th Amendment. The establishment of local governments was a significant event in the political history of Pakistan.

VALIDATION OF ISLAMIC IDEOLOGY:

The second amendment of the constitution of Pakistan clearly defined Muslims and labelled Ahmadis as non-Muslims and a minority.

This amendment holds a significant place in the Islamic identity of the state.

PROVINCIAL AUTONOMY:

Various amendments of the constitution focused on the authority of provinces.

These amendments were made to authorize the center - province balance.

The 18th Amendment provided autonomy to the provinces in true sense. The abrogation of Article 112(2)(b) that

allowed the President to dissolve provincial assemblies. Now the dissolution of provincial assembly requires the vote of the provincial assembly itself.

STRENGTHENING DEMOCRACY:

The amendments more precisely after the rule of non-democratic forces was over, focused on strengthening democracy. The 18th Amendment, strengthened the democratic process by shifting towards Parliamentary form of government and stripping President of the reserve powers.

DISCRETIONARY POWER REMOVAL:

The discretionary powers vested in single person such as President, were mostly removed in the recent constitutional amendments. The power of President to appoint officials such as chief election commissioner,

Chairman FPSC no more reserved with the choice of President.

INCREASED CENTER - PROVINCE RELATIONS:

The recent and major constitutional amendment increased the center - province relation by enhancing the role of CCI - Council of Common Interests was announced to be headed by Prime Minister. The Federal legislative List Part 2 was summoned as shared responsibility. Similarly the allocation of NFC Awards was adjusted. 57.5% of the NFC awards was decided for provinces while 42.5% for the Federal government.

AMMENDMENTS SHAPING LEGAL AND POLITICAL FRAMEWORK:

These major constitutional amendments resulted in shaping the legal and

political framework of Pakistan -

↳ REVIVAL OF PARLIAMENTARY FORM OF GOVERNMENT:

The revival of parliamentary form of government pointing towards the shift towards democratic system. Looking at the history of Pakistan it can be summarized that:

8th Amendment → Validated the Semi-Presidential form of government.

This validation shaped the political history of Pakistan as under the undemocratic rule, Pakistan shifted towards the Presidential form of government.

CONCLUSION:

It can be concluded that the constitutional amendments played significant role in shaping Pakistan's political history. As few major amendments

validated the use of discretionary powers and Presidential system while other amendments including 18th Amendment restored the democratic system of governance in Pakistan -

QUESTION NO: 2:-

INTRODUCTION:

The Constitution of 1973 inculcated the spirit of Federalism, as it proposed the division of power.

The division of responsibilities between central and provincial assemblies is major indication of Federalism. The Constitution of 1973 endorsed a balanced and cooperative relationship between different levels of government as well as center and provincial assemblies.

MAJOR PROVISIONS OF 1973 CONSTITUTION : INDUCING FEDERALISM:

Federalism refers to the division of power different factions and sense of cooperation and shared responsibility.

FEDERAL STRUCTURE OF STATE:

The Constitution of 1973 established the formation of a Federal state, having Parliamentary form of government.

DISTRIBUTION OF POWERS:

The Constitution of 1973 clearly defines the distribution of powers between Federal government and its provinces. This clear mention suggests the spirit of Federalism.

LIMITED ROLE OF PRESIDENT:

The role of President according to the constitution is ceremonial.

The President signs bills and laws made by the Parliament after debate. The abolition of discretionary reserved powers of President points towards the distribution of power.

JUDICIAL SYSTEM:-

The Constitution of 1973 instructs the establishment of independent judiciary including the Supreme Court and High Courts, with the power of judicial review.

PROVINCIAL AUTONOMY:

Moreover the constitution of 1973 recognizes provincial autonomy within the Federal government.

This indicates that the latest constitution bears the spirit of Federalism and distribution of power among different factions.

MEASURES FOR THE BETTERMENT OF CENTER - PROVINCE RELATIONS:

The betterment of center-province relations has been under discussion for many years. The eighteenth amendment empowered provinces by granting more percentage of the NFC Awards. Some of the measurements for improving center province relations are:

→ ESTABLISHMENT OF EFFECTIVE LOCAL GOVERNMENT SYSTEM:

The establishment of local governments will be a step towards better management of resources hence, the full implication of laws will ensure the establishment of local governments in the true sense. The financial autonomy of local governments must be ensured for the betterment

of the state of Pakistan.

~~DEVELOPMENT~~ DEVELOPMENT OF CONSENSUS:

Development of consensus between the state and different provinces has to be the top priority of federal government. The lack of consensus on major issues of provinces and deadlock between the center and provinces hinders the betterment of their relationship.

MEETING OF COUNCIL OF COMMON INTERESTS:

The constitution of Pakistan made it mandatory for CCI committee meeting to meet once in 90 days. But the implementation of this amendment to constitution is seldom visualized. The meeting and successful negotiations are important for the settlement of issues.

REALLOCATION of NFC Awards:

NFC Awards were allocated last time in 2010. Uptill now the same allocation is distribution of NFC is being followed. There is an immediate need for renewal of NFC Awards to mitigate the grievances.

EFFECTIVE CHECKS FOR CORRUPTION:

There is an immediate need for development of effective system for checking corruption in provinces as well as center.

This will end the blame game between the federal and provincial governments. Corruption needs to be eradicated for maximum benefit of all.

END OF DEADLOCK ON ALL MATTERS:

On many issue of provinces deadlock has been observed which needs to end to ensure the improved relations between center and provinces.

EFFECTIVE NEGOTIATIONS AND SOLUTIONS:

There is an immediate need for dialogue and negotiations with the provincial representative to work out their grievance and allot them their deserving role in profit.

STRICT IMPLEMENTATION OF EXISTING RULES AND REGULATIONS:

Strict implementation of existing percentage of NFC set for all provinces and other rules must be ensured in order to improve the relations between center and provinces.

Formulation of new rules after negotiations will be a way forward.

ACCOUNTABILITY AND TRANSPARENCY:

The system of accountability must be improved and the distance between the center and province must be

reduced for effective communication and problem solving.

→ Conclusion -