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Test: PAK Affairs (2)

QNo1: Discuss the significance of major constitutional amendments in Pakistan's political history. How have these amendments shaped the country's legal and political framework?

Introduction:

The political history of Pakistan was weak and fragile with respect to democratic process since its inception. Pakistan's first constitution was formed after nine years of its independence and which was abrogated just after two years in 1958. After that Pakistan's second constitution was formed in 1962 and it was also abrogated in 1969. The following constitution is of 1973. The 1973 constitution was not abrogated but constitutional amendments were added in it. There are 34 amendments in the 1973 constitution. The 8th and 18th constitutional amendment then shaped the country's legal and political framework.

Significance of major Constitutional Amendments:

1: 8th Amendment:

In the political history of Pakistan 8th amendment was enforced by General Zia-ul-Haq in 18/1985.

General Zia-ul-Haq was military dictator and wanted vested power in presidential domain. So, in order to topple down PM Junjo Khan he drafted and later enforced 8th amendment. The 8th amendment changed Pakistan's parliamentary form of government to presidential form of government. The 8th amendment granted power to president to dismiss the elected prime minister's government. These presidential powers are added inserted into Article 58 with section 2b.

Due to 8th amendment, the three governments (1988, 1990, 1993) were dismissed. In 1988 General Zia-ul-Haq used this amendment against PM Junjo Khan. Similarly in 1990 Gulam Ishaq Khan used presidential power under 18th amendment and dismissed Benazir Bhutto's government. And in 1993 Nawaz Sharif's government was also dismissed by Gulam

where under this amendment. So, amendment made the Prime Minister highly vulnerable.

The 8th amendment was among the causes of political instability in the country. Due to this, democratic process halted and lack of continuation of policies occurred.

2: 13th Amendment:

The 8th amendment created disorder in political system. So, in 1997, government of Nawaz Sharif passed 13th amendment in the constitution. This amendment stripped the president of Pakistan of his reserve power to dissolve the National Assembly. With the enforcing of 13th amendment, Pakistan's system of government was shifted from presidential to parliamentary democratic system. The amendment removed Article 58(2)(b) of the constitution.

Significance of 13th Amendment:

The significance of 13th amendment is that it strengthened democracy by removing section 2(b) from article 58, of the constitution which gave the president the maximum power. Another significance of 13th amendment

is that it ended political instability and shifted country towards parliamentary form of government as prescribed mentioned in 1973 constitution.

3: 14th Amendment:

The 14th amendment was passed in 1997 under Nawaz Sharif government. According to 14th amendment the party members can not switch their party to make coalition government. Moreover the amendment subjected members of parliament to very strict party discipline. Party leaders received unlimited power to dismiss any of their legislators from parliament if they spoke or voted against their party.

Significance of 14th amendment:

The significance of 14th amendment is that it increases prime minister's power and enhanced Muslim League's power so that to remain in power. The 14th amendment is also against democracy as party leaders were bound to remain in a party and they can not go against their party even though the decisions of party are wrong. Another important feature of 14th amendment is the prevention of prime ministers from being dismissed by a

no confidence vote. This feature is also undemocratic. Hence 14th amendment imposed restrictions on party leaders.

4. 17th Amendment:

The 17th amendment was passed in December 2003 under regime of Pervez Musharraf. The amendment made many changes to Pakistan's constitution. General Pervez Musharraf introduced Legal Framework Order (LFO) which established the system of democratic local governments. Similarly 17th amendment gave president the authority to dissolve the National Assembly but the power to do so is made subject to an approval or veto by the Supreme Court of Pakistan. Similarly it gave power to Governor to dissolve a provincial Assembly.

Significance of 17th Amendment:

The significance of 17th amendment is that the democratic local governments was established through which power was vested to grass root level to ensure democracy. On the other hand like 8th amendment it vested powers of president and governor to dissolve national and provincial assemblies respectively. Through

This amendment again Pakistan's Political System Shifted from Parliamentary to Presidential.

5:- 18th Amendment:

The 18th amendment to the constitution of the Islamic Republic of Pakistan, a landmark event in constitutional history of Pakistan, was passed 19 April 2010. Through the 18th amendment the Concurrent Legislative list was abolished and provincial autonomy was restored by giving maximum powers to provinces.

Moreover according to 18th amendment there is addition of subjects in part II of the Federal Legislative list. The 18th amendment withdrew powers of president and governor to dissolve national and provincial assemblies.

Moreover it empowered provinces by allotting them subjects of health, education and many others. According to 18th amendment provinces are empowered to raise international loans and equal ownership of gas and mineral resources with federal government.

Similarly the amendment transferred sales tax to provinces. Moreover 18th amendment also contain provisions related to democracy like right to

education, Article 25-A; right to
trial, Article 10-A and right to fair
information, Article 19-A.

Significance of 18th Amendment:

18th amendment is significant because it ensures democracy by maximising provincial autonomy. Similarly it transforms parliametary form of government by ending presidential powers. Moreover it enhanced democracy by adding educational rights, fair trial right and information right.

Conclusion:

In a nutshell, the major constitutional amendments of 1973 constitution are 13th, 14th, 17th, 18th and 8th. These amendments change shaped legal and political framework of country. Like 17th and 18th amendment ensures democracy by adding local governments and enhancing provincial autonomy. Similarly on the other hand some amendments haulted democracy like 8th and 14th amendment which enhancing presidential and PM powers respectively.