

**CRITICAL ANALYSIS OF AMENDMENT IN THE 1973
CONSTITUTION OF PAKISTAN
A THESIS SUBMITTED IN FULFILMENT OF THE
REQUIREMENT FOR THE DEGREE OF BS IN PAKISTAN
STUDY**



**SBUMITTED BY
SABA GUL
ENROLLMENT NO. PST-05(LEB)U/20
SUBMITTED TO
MISS AROUSA AMAN**

**DEPARTMENT OF HISTORY AND PAKISTAN STUDY
SHAHEED BENAZ R BHUTTO WOMEN UNIVERSITY PESHWAR
SESSION 2020 -2024**



SHAHEED BENAZIR BHUTTO WOMEN UNIVERSITY PESHAWAR

Discipline: History and Pakistan Studies

Email: history@sbbwu.edu.pk , dr.hamida@sbbwu.edu.pk

Phone No: 9224731

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Dr Hamida

Supervisor

In charge Department of History
And Pakistan Studies
and [dr.hamida@sbbwu.edu.pk]

Miss Arousa Aman
Department of History
Pakistan Studies

DEDICATION
TO MY PARENTS

ACKNOWLEDGMENT

First of all, I am very thankful to almighty Allah, who gave me strength to complete my task. I would like to thank my supervisor, Miss Arousa Aman for her guidance, stimulation and patience during my research work. She proved a great source of inspiration and encouragement for me. My special thanks go to my dear brother for his cooperation and help during my research. He proved a great source of relief for me while writing this thesis. Special thanks to all the teachers and staff in the department of History and Pakistan Studies, library and computer lab staff also deserve appreciation for their cooperation and facilitation. Last, but by no means least, I wish to thank my parents; my gratitude to them is beyond words.

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Abstract

The first constitution of Pakistan, which designed to create a parliamentary democracy, was adopted in 1956. However, the system was short-lived and dissolved in 1958 when first Martial law was imposed. The presidential system was established under the second constitution, which was presented in 1962 but later cancelled in 1969 due to various difficulties. The goal of the third and present constitution, which was adopted in 1973, was to give government a more permanent foundation. It protected basic freedoms for citizens and instituted a legislative system. Despite many changes, it continues to serve as the foundation of Pakistan's judicial system. This constitution has been through about twenty-five to twenty-six amendments over the years. This study examines the changes in detail to find out which ones were successful and which were not. It will take into account the unsuccessful changes as well as those that benefited the government, such as those that increased political stability. The objective is to know the impact and value of these changes on the nation.

Critical Analysis of Amendment in the 1973 Constitution on of Pakistan

Introduction:

Statement of the problem:

A constitution is a set of rules that outlines how a country, state, or political organization operates. It defines the branches of government, their power, functioning, and often outlines the rights of citizens. An amendment is an official change made to a law, contract, constitution, or other legal document, aiming to improve it. It can involve adding, removing or updating parts of the agreement in Law.

Pakistan is a federal parliamentary country. At the time of partition, Pakistan has adopted the 1935 Constitution as an interim to run the country. Pakistan's first constitution was adopted by the Constituent Assembly in 1956. But Martial law was imposed in 1958 and the constitution was abrogated. A new constitution was adopted in 1962. The National Assembly approved Pakistan's third constitution in April 1973; it was suspended in 1977. A freshly elected National Assembly revised the 1973 constitution by October 1985. Pakistan's 1973 constitution acknowledges and strikes a balance between the federation's power and the province's autonomy.¹

The main purpose of this research is to critically analyze the impact of amendment made to the 1973 constitution of Pakistan, the main focus is to assess the balance between preserving the constitution's integrity and adapting to evolving socio-political realities.¹

Significance and scope:

This research will help the reader to understand and analyze the Amendments to the 1973 Constitution of Pakistan. This will also help to understand the impacts of governance, legal structures, and social dynamics, informing future reforms, and ensuring the constitution's alignment with democratic principles and societal needs.

¹ Majeed, A critical analysis of the constitutions of Pakistan religious political party, 2021.

Research objective:

1. To critically analyze the history context and political dynamics that shaped the constitution-making process in Pakistan from 1947 to 1973.
2. To examine the impact of the 1973 constitution on Pakistan's political institutions, democratic governance and human rights.
3. To evaluate the effectiveness of Pakistan's current constitutional framework in promoting democratic values, protecting individual rights and addressing socio- political challenges areas for reform and improvement.

Literature Review:

There are plenty of books and articles available on this research topic. The first article titled 'The constitutional restraints in its making process in Pakistan': written by Saleem Shaheen². In this article the writer explains the 1935 Act, and Objective resolution, 1949, the history of independence Constitutional development, discussion of salient features of three constitution 1956, 1962 and 1973. The writer discusses a detailed of various constitutional amendment incorporated in the 1973 constitution. and discuss the 18 amendments and its effects Unlike the constitution of 1956 and 1962, the 1973 constitution of Pakistan has the distinction of being framed by genuinely elected representative However it passed through many ups and down so much so that thrice in its 26 years history (1973- 1999), it was suspended by military dictators: General Zia- ul-Haq and General Musharraf. Barring few changes incorporated by elected governments, the bulk of amendments were made by the two military rulers. However, the 18 Amendment, on the other hand, was an attempt at damage control that was put forth through the All-Party Parliamentary Committee.

The book titled, "Constitutional and Political history of Pakistan" by Hamid Khan, A useful book that carefully examines Pakistan's constitutional evolution from the beginning to the present³. The book offers a case-by-case account of Pakistan's constitution-making process together with all pertinent records. It places constitutional advances in the historical context of the social and political movements that influenced them. For example, writer book stresses political as well as constitutional history, providing a liberal humanitarian perspective on the

²Saleem Shaheen, Constitutional Restraints in its making process in Pakistan ,2021.

³ Hamid khan, Constitutional and political history of Pakistan, OXFORD university, 2009.

Difficulties legislators encounter and the responsibilities politicians, judges, officials, and generals play in putting the law into effect. This extensive resource is helpful for law, political science, and history students as well as for legal experts and ordinary readers who are curious about Pakistan's constitutional development.

The article titled "The Process of Constitution Making in Pakistan from 1947-1954: Historical and Political Perspective"⁴ by Ghulam Mustafa Gaho and Ahmed Hussain Shah Bukhari, examines the process of constitution-making in Pakistan during that period. The writer discusses the various issues that emerged after the establishment of Pakistan, the most significant of which was the determination of the future constitution. The India Act of 1935, with some modifications, was made the interim constitution and the country was governed by it until the 1956 constitution. The article highlights the following issue: Inadequate administrative system, Severe refugee problems, Lack of financial resources, Insufficient means of communication and transportation, Lack of national consensus

Research Methodology:

This research is based on quantitative method of research. Mostly primary and secondary sources have been consulted. The data is collected from different sources such as: Article, Books, journal, and research papers. It helps to understand critically analyze of amendments in the 1973 constitution of Pakistan.

There are three major chapters of this research with introduction and conclusion. The first chapter deals with Constitution making process 1947-1973, chapter two explained Amendments 1973, and Third chapter deals with Critical analysis of Amendments,

⁴ Ghulam Mustafa Gaho, Revesting the 18th Amendment in the 1973 Constitution of Pakistan, university of Peshawar, 2022.

Chapter: 1

Constitution Making Process 1947-1973

Pakistan was established on 14th August 1947 after getting independence from Great Britain. The Indian Independence Act 1947 allowed the two new states; India and Pakistan to partially modify the Government of India Act 1935, resulting in Pakistan being ruled under an amended version of the Act. Quaid-i-Azam Muhammad Ali Jinnah became the first Governor General and Quaid-i-Millat Liaquat Ali Khan became the first Prime Minister⁵.

The First Constituent Assembly of Pakistan

The first constituent Assembly was formulated in 1947 to work on the formation of a new constitution. Initially, the Constituent Assembly had 69 members, which was later raised to 79 and ten new members were added to the Constituent Assembly of the Dominion of Pakistan.⁶

Act of 1935

Pakistan gained independent from the British in 1947, and continued to be a British Dominion. According to Section 8 of the Indian Independence Act, 1947, Even though the Government of India Act, 1935, with some modifications, acted as Pakistan's working constitution under Section 8 of the Indian Independence Act, 1947, the country's free citizens still needed complete independence and a constitution written by their elected representatives. The Independence Act established the first Constituent Assembly. The Government of India Act granted the Constituent Assembly the authority and duties of the central legislature.

The First Constituent Assembly of Pakistan, created under the Indian Independence Act of 1947, had the dual role of serving as both the legislative body and the body responsible for drafting Pakistan's initial constitution. This task was complicated by several significant issues, including a massive influx of refugees, the Pakhtoonistan question, the Jammu and Kashmir dispute, and the allocation of assets with India, all of which delayed the constitution-making process considerably. Quaid-i- Azam Mohammad Ali Jinnah was elected president of the

⁵ Nasir Abbas ,Constitution crisis of Pakistan :A history study ,2023,13.

⁶ Saleem Shaheen,Constitutional Restraints in its making process in Pakistan ,2021,56.

Constituent Assembly on August 11, 1947. His leadership was pivotal in the early stages of the Assembly's work. However, his death in 1948 created a considerable leadership vacuum. Subsequently, Liaquat Ali Khan, Pakistan's first Prime Minister, assumed a crucial role in steering the Assembly through its early years. Under Liaquat Ali Khan's leadership, the Assembly adopted the Objectives Resolution in 1949. This resolution defined the goals and principles of the forthcoming constitution, emphasizing the sovereignty of God, the importance of Islamic principles, and the protection of fundamental rights. The Objectives Resolution was a significant milestone in Pakistan's constitutional history, laying the ideological groundwork for the country's legal system.

The adoption of the Objectives Resolution was met with strong opposition, particularly from Hindu members who objected to its Islamic elements. Despite this resistance, the resolution was approved on March 12, 1949. This event was a key step in the constitution-making process, though it also underscored the religious and ideological divisions within the Assembly. The process of drafting the constitution was protracted and fraught with political instability, leadership changes, and external pressures. The Assembly took nine years to complete the first constitution, a period marked by considerable political turmoil.

The assassination of Liaquat Ali Khan in 1951 further destabilized the political environment, contributing to the delays. Despite these obstacles, the work of the First Constituent Assembly was foundational for Pakistan's constitutional development. The Assembly's efforts culminated in the drafting of the 1956 Constitution, which declared Pakistan an Islamic republic. However, the Assembly was dissolved in 1954 by Governor-General Ghulam Muhammad, who cited inefficiency and the failure to produce a constitution as reasons for its dissolution. The dissolution of the First Constituent Assembly was a controversial decision that highlighted the political instability of the era. It also underscored the challenges faced by the nascent state in establishing a stable and effective governance framework. Despite its dissolution, the Assembly's contributions were instrumental in shaping Pakistan's early constitutional and political landscape⁷.

⁷Prof. Dr. Riaz Ahmad, Pakistan's First Constituent Assembly's Efforts for the Making of Constitution 1947-1954, 2002, 4.

The Objectives Resolution:

The Objectives Resolution holds significant importance in Pakistan's constitutional history. On March 12, 1949, the first Constituent Assembly, led by Liaquat Ali Khan, approved it. In Pakistan's constitutional history, the Objectives Resolution stands out as a crucial and informative written content. It established the goals around which the nation's future constitution was to be founded and turned out to be the cornerstone of Pakistan's constitutional evolution. What mattered most was that it included the basic principles of both the Islamic and Western democratic political systems.

Liaquat Ali Khan introduced the Objective Resolution to the Constituent Assembly on March 7, 1949, and members of the opposition and treasury benches debated it for five days. On March 12, the resolution was finally approved.

Following were the main features of the Objective Resolution:

- Sovereignty belongs to Allah alone.
- The state will exercise its power and authority through the elected prescribed by Holy Quran and Sunnah.
- The principle of democracy freedom. Equality, tolerance and social justice as announced by Islam, shall fully observed.
- Muslims shall be enabled to order their lives in the individual and collective spheres, in accordance with the teachings and requirements of Islam, as set out in the Holy Quran and Sunnah.
- Pakistan shall be a federation.
- Fundamental rights of freedom, equality property, expression of opinion, belief, worship etc. shall be guaranteed.
- Judiciary shall be independent.⁸

Basic Principles Committee

Its independence in August 1947, Pakistan faced numerous challenges, including establishing a constitution. Initially, Pakistan adopted the Indian Act of 1935 as an interim constitution with some amendments. The First Constituent Assembly of Pakistan, formed in July 1947, was

⁸ Mustafa munair, The Objectives Resolution, February 23, 2015, 2.

Tasked with framing the constitution, but this task was secondary to other pressing issues. The assembly debated constitutional matters for only about 116 days over seven years, and progress was slow, particularly after the death of Quaid-e-Azam Muhammad Ali Jinnah. In 1949, the assembly passed the Objective Resolution, which laid the groundwork for the future constitution and led to the formation of the Basic Principal Committee (BPC) on March 12, 1949. This committee, consisting of 24 members, was responsible for drafting the constitution and appointed several sub-committees to address various issues. The BPC's first interim report, presented on September 28, 1950, proposed that the Objective Resolution be included as Directive Principles of State Policy and outlined a federal system with two parliamentary houses. However, it faced criticism for being incomplete and failing to address key issues such as the status of Urdu as the state language, leading to political unrest.

The second interim report, presented on December 22, 1952, under Prime Minister Khawaja Nazimuddin, made several revisions based on public feedback. It suggested that the Objective Resolution be part of the constitution's preamble and that no law could contradict Islamic principles. It proposed a federal system with a bicameral legislature and outlined the distribution of seats between East and West Pakistan. Despite these revisions, the report faced criticism for its parity principle, which many felt undermined the representation of East Pakistan's majority population. Additionally, the report was criticized for not addressing the state language issue and for its perceived lack of adherence to Islamic principles.⁹

Bogra's formula:

One of Muhammad Ali Bogra's first duties as prime minister of Pakistan was to get an agreement on a constitution that would serve the interests of the country. He worked very hard on this project, and six months after he took office, he developed a formula for the constitution. The Bogra Formula is the name given to the formula he provided to the Constituent Assembly on October 7, 1953.

⁹ Muhammad Rizwan, Manzoor Ahmad, Basic principles committee reports : An uneven joinery towards constitution in Pakistan, 2017, 6.

The major features of the formula were:

1. The federal legislative body would consist of two houses- the House of Units and the House of People. The House of Units would have a total of 50 members, distributed evenly among five regions: East Bengal, Punjab, NWFP (North-West Frontier Province), Sindh with Khairpur, and Baluchistan. Members of the House of Units would be chosen by the regional legislatures, not directly by the public. The Bogra Formula simplified West Pakistan's administrative divisions from nine to four.
2. The House of People was composed of a total of three hundred members, distributed among five units as follows:

EAST	165 members
Punjab	75 members
NWEP (North-west front er province)	13 members
Sindh	19 members
State of Khairpur	1 member
Baluchistan	3 members
Bahawalpur State	7 members

3. Both houses were to have equal power. A vote of confidence or no-confidence or election of head of the state could be passed only if a majority of two houses sitting jointly voted for it provided that the members voting for it including at least 30 percent of the member from East and West Pakistan.
4. In case of a difference of opinion between the two Houses, a joint session was to be called and the matter decided by a majority vote, provided that the majority included 30 percent of members from each wing. if this measure was not carried, the head of state could dissolve both the houses and order fresh elections, on the advice of ministry.¹⁰
- 5.

Second Constituent Assembly:

The Federal Court's decision in the Reference by the Governor-General paved the way for the establishment of the second Constituent Assembly. This ruling, rendered in the Yousaf Patel case, curtailed the efforts of Governor-General Ghulam Muhammad and his appointed cabinet to create a constitution through executive orders. On April 13, the Federal Court

¹⁰ <http://historypak.com>. 31-05-24.

unanimously affirmed that only a Constituent Assembly had the authority to draft the Constitution. In response, Ghulam Muhammad issued a proclamation two days later, convening a sixty-member Constituent Convention' to meet on May 10, 1955. This Convention, which was to be elected from the existing provincial assemblies, was given the task of replacing the first Constituent Assembly. the transition from Pakistan's first to second Constituent Assembly. It begins with the dissolution of the first Constituent Assembly in 1954, focusing on the significant role played by Governor- General Ghulam Muhammad. The authors explore the political maneuvering and reasons behind this dissolution, highlighting the complexities of the political landscape at the time.

The formation of the second Constituent Assembly presented numerous legal and political challenges. The paper details the process, including the establishment of electoral regulations and the framework for the new assembly's elections. These regulations were crucial for ensuring a fair and representative electoral process. The study further examines the electoral politics of the period, including the legislative measures and pre-election laws that facilitated the elections. It delves into the political dynamics between various regions, particularly East Pakistan, and addresses the demands for increased representation. These dynamics were pivotal in shaping the political landscape and addressing regional disparities. British archival records are utilized to provide an impartial and comprehensive account of the political developments. These records offer valuable external perspectives on Pakistan's internal political struggles, adding depth to the analysis. the impact of these events on Pakistan's political landscape. It discusses the implications for future governance and how the dissolution and formation of the assemblies influenced the country's political trajectory. Overall, this thorough examination offers a deep understanding of the political and legislative efforts during this critical period in Pakistan's history.¹¹

The First Constitution of Pakistan 1956:

The 1956 Constitution established the fundamental laws of Pakistan in March of that year. Following achieving independence, Pakistan ratified its first constitution. There were 234 items, 6 schedules, and 13 sections. The 1956 Constitution was thorough and detailed. Included were 234 articles organised into thirteen parts and six schedules. Under the Federal Legislature system, East Pakistan and West Pakistan were meant to be equal under the 1956

¹¹ Dr. Rizwan Ullah Kokab, Dr. Ali Shan Shah, Second Constituent Assembly of Pakistan: Politics for Dissolution of Former Assembly and Electoral Regulations for New Assembly, 2020.

Constitution. The Federal Legislature was supposed to operate, much like the British Parliament did. The power to influence provincial autonomy and act independently during emergencies was granted to the Federation. The 1956 Pakistani Constitution created the Federal Parliamentary form of administration, in which the Federal Parliamentary Legislature and the actual executive authority are together responsible to a cabinet. The cabinet was led by the prime minister. The National Assembly, the sole body of parliament designated by the Constitution, shall maintain equality between East Pakistan and West Pakistan. The members of Pakistan's Electoral College, which consists of the National Assembly and Provincial Assemblies, will now select Pakistan's President in lieu of the Governor General. Pakistan's Dominion was renamed the Islamic Republic of Pakistan by the 1956 Constitution.

President General (R) Iskander Mirza organised a coup on October 7, 1958. He overthrew the 1956 constitution, imposed military rule, and appointed General Muhammad Ayub Khan as the head of military control, with Aziz Ahmad serving as vice president and secretary general. However, three weeks later, President Iskander Mirza was removed from office by General Muhammad Ayub Khan, the Chairman of the Martial Law Regulation, who had been openly examining the authority of the public authorities prior to the imposition of military regulation. General Khan then expected the administration, thereby formalising the militarisation of Pakistan's political system. Establishing a Constitution Commission on February 17, 1960, was one of President and Chief Executive Officer of the Pakistani Martial Law Regulation Organisation, General Muhammad Ayub Khan's most important achievements.

This commission's aim was to provide recommendations about how the nation's political sociosphere and Islamic principles of equality may best support and mould the nation's vote-based system. On April 29, 1961, the Commission delivered its report to the relevant public authorities. On the basis of this study, a new Constitution was drafted and presented to the nation on April 1, 1962. This constitution was drafted just to approve the Martial Law Regulation Government of General Muhammad Ayub Khan, the President of Pakistan Armed Forces.¹²

¹²Saleem Shaheen, Constitutional restraints in its making process in Pakistan, Premier center, June, 2021, 56. as the primary legal framework for the Islamic Republic of Pakistan. General Muhammad

The Second Constitution of Pakistan 1962:

From June 8, 1962, until General Muhammad Yahya Khan, the then-president of Pakistan Armed Forces, declared military regulations on June 25, 1969, the 1962 Constitution served Ayub Khan, the president and head Marshall Regulation Executive of Pakistan, appointed a panel on February 17, 1960, to offer information about the country's future political structure. The panel, which was led by the former chief equity of Pakistan, Muhammad Shahabuddin, consisted of 10 members, five from each of East and West Pakistan who had resigned as judges, lawyers, businessmen, and property managers. On May 6, 1961, President General Muhammad Ayub received the report from the Constitution Commission, which he and his Bureau carefully reviewed. The Bureau finally approved the draft of the new constitution in January 1962. President General Muhammad Ayub Khan issued the proclamation on June 1, 1962, and it went into force on June 8 of that same year. There were three schedules and 250 articles in the Constitution divided into twelve parts. After 44 months, with the approval of this Constitution, military control came to an end.

The Republic of Pakistan became the name of Pakistan. The government was given the framework of equality between East Pakistan and West Pakistan under the constitution. Each region would administer its own customary state. The constitution clearly outlined the responsibilities and powers of the central government and the regions. The Public Gathering was the name of the focus council's single residence. There were 157 participants at the public gathering. The constitution maintained the balance of power between the two branches. At least 80,000 Basic Democrats (BD Members), evenly split between the two provinces (40,000 from East Pakistan and 40,000 from West Pakistan), comprised the Electoral College. In accordance with the 1962 Constitution, if there were more than three contenders for the presidency, only three candidates would be eligible for election once the Speaker of the National Assembly called a joint meeting of the National and Provincial Assemblies; the other candidates would not be considered. If the incumbent president was a contender, there would be four candidates overall because this screening did not apply to those in office. The president served a five-year term as both the head of state and the chief executive, with exclusive authority over the nation's administration. He appointed and dismissed Ministers and Governors. He could enact ordinances and exercise his veto power over legislation passed by the National Assembly, which could only be overridden by two thirds of the members.

General Agha Mohammad Yahya Khan, the President of the Pakistan Armed Forces, imposed the second military rule on March 25, 1969, after Ayub Khan relinquished his

position as Speaker of the Public Gathering, as stipulated by the constitution, to the military President. General Yahya Khan granted popular demands after taking office, annulling Pakistan's one-unit system on July 1, 1970, and requesting broad judgements about the one-vote limit. Regardless, the collapse of a single entity did not result in the favourable consequences that may have occurred in the past.

In addition, rather than appeasing the Bengalis, General Yahya Khan attempted to appease the East Pakistanis by repealing the equality rule in the hopes that a more prominent offer within the group would restore their wounded ethnic provincial pride and ensure Pakistan's reliability. Instead, it exacerbated their rebellion as they believed the West Wing had politically suppressed them beginning about 1958, which led to the rise of anti-West Pakistan sentiment in East Pakistan. The public authority was not transferred to the Awami Association Races; in any event, the first significant decisions were made in December 1970. Public unity was destroyed as a result, and the division of East Pakistan was unavoidable. When Pakistan was divided into two States, it was a terrible period in its history. It was all caused by the nation's repeatedly enforcing military regulations as well as the growing maturity of lawmakers who repeatedly require assistance from General Central Command.

The Constitution of Pakistan 1973:

The supreme law of Pakistan is the Constitution of the Islamic Republic of Pakistan. With further assistance from the nation's resistance organisations, President Zulfikar Ali Bhutto's public authority draughted it. The Pakistani Parliament adopted it on August 14, 1973, after voting in favour of it on April 10, 1973. The political culture, structure, and regulations of Pakistan are intended to be governed by the Constitution. It sets apart the state, people and their primary rights, the state's holy laws and directives, as well as the safeguarded architecture and base of the institutions and the armed forces of the country.

The first three sections delineate the principles, hierarchy, and distinct authorities of the three branches of the public authority: a two-chambered legislature; a presidential branch led by the CEO of the State; and the highest level legal executive arm of government headed by the High Court. The Leader of Pakistan is designated by the Constitution as the official Head of State, tasked with addressing the unity of the state. The first six articles of the constitution establish Islam as the official state religion and the parliamentary republic form of government. The Constitution also contains provisions outlining how the general body of legislation aligns with the teachings of Islam found in the Quran and Sunnah. The Parliament is not allowed to enact laws that would be against the Constitution; even if the actual

Constitution were to be altered by a majority of 66% in each chamber of the bicameral Parliament, not like the previous reliable reports from 1956 and 1962. Over time, it has been updated and changed to reflect the most recent political developments and corrections. Despite being reaffirmed in 1973, Pakistan nonetheless celebrates the adoption of the constitution on 23 Walk, the day the main set was established in 1956, as Republic Day each year.

Although the constitution has undergone 26 amendments, 23 corrections have been made, and three have not been approved by the Parliament. The nation's renowned clergymen, legal experts, and experienced examiners worked together to draft a constitution they believed would take individual needs and desires into account.

Unlike previous attempts, there was no suggestion of additional rules for the exhibition. but rather for the "exclusive and clear purpose of revising the 1956 articles." Similarly, the program was designed to keep up with delicacy in commerce, money, issuing of advancements to league, and division of skills rather than being limited to religion, the demands of government, and the protection of the State. In the end, a bicameral parliament was established under the Constitution, with the Senate serving as the upper house and the Public Gathering as the lower house. Additionally, it established a parliamentary system of government with the State leader serving as the head of the Central Government; the selected Public Gathering really met people's needs.

Chapter: 2

Amendments in the Constitution of 1973:

The third Constitution of Pakistan was introduced in 1973. Implemented in 1974, the First Amendment to Pakistan's 1973 Constitution was a major legislative change in the history of the country. After East Pakistan seceded and Bangladesh was acknowledged as an independent nation, this change was required. It was a significant step towards bringing Pakistan's constitutional framework into line with its new geopolitical circumstances, not just a symbolic one. An in-depth analysis of the First Amendment that emphasizes its consequences for politics and the law. He contends that although addressing the reality of Bangladesh's independence was a primary goal of the amendment, it also revealed fundamental problems and weaknesses in Pakistan's constitutional framework. Removing all references to East Pakistan ensured that the constitution correctly reflected Pakistan's redrawn borders and political landscape, as well as being required by law.

The influence of the amendment on Pakistan's federal structure is further explored in the article. Dr. Ali investigates the effects of boundary redrawing on provincial representation in the National Assembly and Senate. According to him, the amendment sought to preserve national integrity and unity in the face of a changing political landscape by striking a balance between the interests of the various regions. Pakistan's foreign policy was significantly impacted by the First Amendment. Pakistan aimed to restore relations with its neighbor and stabilize the area by formally recognizing Bangladesh. The significance of the amendment in Pakistan's constitutional evolution and the role that diplomatic discussions and international pressure had in bringing it about. The First Amendment's double significance in tackling both domestic and international concerns is shown by Dr. Ali's perspective. It was a crucial step in revising the constitution to take into account the current political and geographic conditions in Pakistan.¹³

The statement that Ahmadis are not Muslims has important ramifications for the 1974 amendment to Pakistan's 1973 Constitution. This ruling still affects religious minorities across the country, which is rather serious. The political and historical circumstances leading up to the ratification of the Second Amendment. She points out that when demands from political parties and religious groups to define the religious status of Ahmadis grew,

¹³ Dr. Muhammad Ali, *The First Amendment to the Constitution of Pakistan: A Critical Analysis*, 1.

the amendment was created in response. The Second Amendment's legal and social effects were greatly impacted by the political pressure and religious fervor that surrounded its passage. Dr. Khan contends that by formally barring Ahmadis from the Muslim community, this amendment institutionalized discrimination based on religion. This legal exclusion has led to systemic discrimination against Ahmadis in a number of areas, like as employment, politics, and education, as well as widespread social exclusion. the amendment's wider effects on Pakistan's other religious minority. She draws attention to how the amendment created a legal precedent for later discriminatory legislation and regulations, which in turn promoted an atmosphere of intolerance and marginalization. The article illustrates the practical effects of the amendment with particular instances of violence and persecution against religious minorities. The Second Amendment's significance in institutionalizing discrimination and fostering an environment of intolerance and persecution is highlighted by Dr. Khan's analysis. In order to protect the rights of religious minorities and advance a more accepting and tolerant society, she is an advocate for immediate legislative and policy changes¹⁴.

Pakistan's 1973 Constitution was significantly altered when the Third Amendment was approved in 1975, extending the period of preventative detention. A thorough examination of the conditions leading up to this legislative reform may be found in Dr. Ahmed's research. Early in the 1970s, Pakistan had political upheaval and security concerns, which prompted the government to search for more effective means of maintaining peace. The government now has additional authority to imprison those who are thought to pose a threat to national security because to the legal ramifications of the Third Amendment, which increased the maximum term of preventative detention from three to six months. Despite the fact that the extension was meant to bolster national security, he notes that serious concerns over civil liberties and human rights were also raised. The proposed amendment raises grave concerns regarding its potential effects on the delicate balance between individual liberty and state security. Dr. Ahmed has drawn attention to potential misuse scenarios as well as the possible loss of due process rights.

¹⁴ Dr. Ayesha Khan, *The Second Amendment and Its Impact on Religious Minorities in Pakistan*, 1.

The essay also looks at how the courts responded to the Third Amendment, highlighting significant decisions that questioned the longer prison sentence. Using notable cases to illustrate the complexities of this legal issue, Dr. Ahmed discusses how the judiciary has repeatedly had to strike a balance between the government's duty to uphold constitutional rights and public safety. It also looks at how the Third Amendment affects social and political relations. According to Dr. Ahmed, the extended duration of detention fostered a climate of mistrust and dread. It adversely affected the public's perception of the government and its observance of democratic norms. This environment made the people less trusting of the judicial system and the rule of law. Dr. Ahmed is in favor of a sensible preventative detention plan that protects national security while upholding individual liberty and rights. He supports legislative changes that strengthen protections and monitoring in order to guarantee the preservation of civil liberties and end the abuse of preventive detention methods.¹⁵

The Fourth Amendment enacted in 1975, to the Pakistani Constitution 1973 brought about significant modifications with the goal of enhancing the participation of minorities and restricting the judiciary's power to grant bail under rules pertaining to preventive detention. This amendment's political and historical background is clarified by Dr. Malik's study. Pakistan was experiencing severe political turbulence and societal unrest in the early 1970s. The Fourth Amendment was enacted by the government as part of a larger plan to strengthen its authority and solve problems with minority representation. In Dr. Malik's study, the legal ramifications of the amendment are critically explored, with an emphasis on how it may affect judicial independence. The amendment undermined judicial independence and the judiciary's function as a check on executive power by limiting the judiciary's ability to issue bail in circumstances of preventative detention. According to Dr. Malik, this restriction violated people's rights and raised the possibility of abuse. The wider effects of the Fourth Amendment on Pakistan's legal system. According to Dr. Malik, the modification shifted the judiciary's and the executive branch's relative power balance in favor of the former. The rule of law was undermined by this change in the judiciary's ability to defend constitutional rights and freedoms.

¹⁵ Dr. Imran Ahmed, Preventive Detention and the Third Amendment: A Legal Perspective ,1,2.

The Fourth Amendment's effect on minority representation. By granting reserved seats, the amendment sought to increase minority representation in the Senate and National Assembly. Although this was a positive step towards more inclusivity, Dr. Malik argues that these developments were overshadowed by the concurrent reduction of judicial authority, which made it more difficult for the court to adequately defend the rights of minorities. The Fourth Amendment's judicial response is reviewed in this article, along with an analysis of key court decisions that challenged its protections. According to Dr. Malik, the judiciary has had difficulty balancing the amendment's restrictions with its independence. The article offers a thorough analysis of seminal rulings, highlighting the difficulties the judiciary faces in navigating this intricate legal landscape. This paper provides a comprehensive and analytical analysis of the Fourth Amendment and its consequences for Pakistani judicial autonomy. In order to guarantee that the judiciary can successfully defend constitutional rights and the rule of law, she supports reforms that would restore the proper balance of power between the executive and the judiciary. Dr. Malik urges a review of the amendment's contents in order to protect individual liberties and strengthen judicial independence.¹⁶

With the passage of the Fifth Amendment Act on April 6, 1979, the Fourth Schedule of the Constitution underwent major modifications with the addition of a new Paragraph 18. This clause affirmed the legality of any additions, changes, replacements, and deletions made to the constitution by any Martial Law Authority between August 15, 1975, and April 9, 1979. As a result, there was no basis for contesting these modifications in any court, tribunal, or authority. The legitimization of Chief Justice Abu Sadat Mohammad Sayem's presidency from November 6, 1975, to 1977, and the legitimization of Khandakar Mustique Ahmad's presidency from August 15, 1975, to November 6, 1975, were among the principal elements safeguarded by this amendment, according to Litton (2010). The amendment also recognized Major General Ziaur Rahman's positions as Chief Martial Law Administrator from November 7, 1976, to June 1978, as well as his presidency from that point on. The amendment also contained an indemnification clause that, in effect, granted impunity to those guilty for the murders of Sheikh Mujibur Rahman and his family as well as other associated crimes, barring any legal objections to the killings. Furthermore, the one-party system that had

¹⁶ Dr. Sara Malik, *Judicial Independence and the Fourth Amendment*, 1.

been in place before was replaced by the multiparty system thanks to the Fifth Amendment. The constitutional clauses pertaining to socialism and secularism were also eliminated.

The amendment approved measures that significantly modified the fundamental ideas of the Constitution and subjected it to martial law orders. This happened during the time of martial law that followed Bangabandhu Sheikh Mujibur Rahman's killing, which resulted in the establishment of religion-based politics, the destruction of the secular nature of the Constitution, and disruptions to the fundamental tenets of state policy. Furthermore, it gave political rights to those opposing the Liberation War and war criminals, and during Ziaur Rahman's administration, Bangladeshi nationalism took the role of Bengali nationalism. A 2005 decision by the High Court stated that the Republic's sovereignty was threatened by the Fifth Amendment. The People's Republic of Bangladesh is a unitary, autonomous, and sovereign republic, according to Article 1 of the Constitution. Mustafa Kamal, the former chief justice, wrote "Bangladesh Constitution: Trends and Issues," "outlined how Article 1 upholds Bangladesh's republican system of governance and sets it apart from colonies or dependencies. Any other form of government, such a monarchy or a dictatorship, runs counter to this republican nature. The fundamental structures of the Constitution, such as its supremacy, democracy, republican government, unitary state, separation of powers, independence of the judiciary, and fundamental rights, are immutable by amendments, Justice Shahabuddin Ahmed further emphasized. The people are the ones with sovereignty. In addition, the amendment ended the prosecution of war criminals and encouraged their political rehabilitation by repealing the Bangladesh Collaborators (Special Tribunal) Order 1972, which had been established to handle war crimes."¹⁷

The Sixth Amendment analysis conducted by Dr. Nadia Hussain delves into the rationale and implications behind the changes implemented to the retirement age of Pakistani judges. Under Prime Minister Zulfikar Ali Bhutto's leadership, the modification was put into effect on December 22, 1976. As a result, the retirement age for Supreme Court Chief Justices was set at 65 and for High Court justices at 62. Judges were also allowed to complete their five-year term if they reached retirement age before it ended.

¹⁷ Dr. M. Abul Kashem Mozumder* and Dr. Md. Sharul Mashreque, *Contemporary Politics in Bangladesh: From Fifth Amendment to Fifteenth Amendment*, 3.

Several key points are emphasized by Dr. Hussain: In order to ensure judges may serve without undue influence or pressure, the amendment supported judicial independence. By permitting judges to fulfil their mandates and thereby guarantee their ongoing contribution, the legislation preserved continuity and stability in the judiciary. This modification was made as a part of a larger set of judicial changes meant to strengthen Pakistan's legal system and demonstrate the government's dedication to raising the system's efficacy and efficiency. The political climate at the day also had an impact on the revision, as the government attempted to strike a balance between the necessity for judicial independence and the selection of reputable and experienced justices. Dr. Hussain's study provides a clear understanding of the significance of the Sixth Amendment in relation to Pakistan's political and legal landscape.¹⁸

Discussions between Bhutto, his allies, and the PNA leadership started in early May 1977, primarily in Sihala, near Rawalpindi. The PNA leaders offered a comprehensive counter offer in response to Bhutto's offer of negotiations and a resolution. The PNA demanded the release of all political prisoners, the dissolution of special courts and tribunals, the rapid removal of martial law, emergency measures, and Section 144 of the Code of Criminal Procedure. In addition, they asked that press restrictions be lifted, that concurrent general elections be called within thirty days of the dissolution of the National and Provincial Assemblies, and that the assemblies be dissolved within seven days of an agreement. In order to ensure free and fair elections, they also demanded that a new Chief Election Commissioner be appointed, that a new Election Commission be established by mutual consent, and that important appointments be changed. The PNA backed down from their initial demand that Bhutto resign, showing that they were prepared to compromise. If the PNA truly wanted a meaningful conversation,

Bhutto asked them to drop calls for more protests and think about lowering their demands. He proposed that several of his ministers go to Sihala to have initial talks with the PNA head. Furthermore, Saudi Arabia made an effort to act as a mediator between the PPP and the PNA. In a meeting with PNA Chief Mufti Mahmood in Sihala on May 12, Bhutto expressed hope for a settlement.

¹⁸Dr. Nadia Hussain, Retirement Age of Judges and the Sixth Amendment,4.

Talks were temporarily put on hold, nevertheless, as the PNA's news release from that same day reiterated their adherence to their main objectives. Later, Bhutto told the National Assembly that the two months of dialogue attempts had been decisively rejected by the opposition. He issued a warning, pointing out that the possibility of foreign meddling and serious domestic problems made conducting new elections under the current circumstances potentially dangerous. Now that he was a major player in the opposition's campaign, he suggested holding a referendum to settle the dispute. He proposed that a temporary constitutional amendment be passed by a joint session of Parliament in order to allow this. As a result, on May 16, 1977, the Seventh Amendment to the Constitution was ratified.¹⁹

The Eighth Amendment. The amendment, which came into effect in 1985, was a reaction to the political unrest and instability that characterized Pakistan's 1970s and early 1980s. Its main goal was to give the President a great deal of authority in order to allay worries about the Prime Minister's office holding too much power. With the passage of the Eighth Amendment, the President gained significant new powers, such as the ability to name military leaders, dissolve the National Assembly, and fire the Prime Minister. This was meant to establish a mechanism for stability amid political crises and prevent an undue concentration of power by introducing a check on the Prime Minister's authority. Nevertheless, these increased presidential powers have unexpected implications. The amendment exacerbated political scheming and volatility rather than stabilizing the political system. Presidents regularly took advantage of their newly acquired authority to oust elected politicians and shape governments, which usually made political unrest and instability worse. The Eighth Amendment's influence on Pakistan's political climate was demonstrated by its invocation. Presidents, for instance, utilized the amendment to meddle in political matters, changing the nature of government and influencing elections. The thesis analyses how these acts impacted democratic governance and added to the current discussions concerning the President and Prime Minister's relative powers. The Eighth Amendment's impact on Pakistan's power dynamics, its consequences for democratic governance, and the ongoing discussion on the proper allocation of powers within the government have all been thoroughly examined. It offers a sophisticated perspective on the ways in which constitutional modifications might influence political stability and governing frameworks.²⁰

¹⁹ Hamid khan, Constitutional and political history of Pakistan, OXFORD university, 2009, 313.

²⁰ Kausar Parveen, Eight amendment, Quaid-i-Azam University, Islamabad, 1999.

In 1985, Pakistan's Minister of Justice and Parliamentary Affairs, Wasim Sajjad, submitted the 9th Amendment to the Constitution with the goal of establishing Sharia law as the supreme law of the land. This modification attempted to fortify the position of Islamic values inside the legal system by modifying Articles 2, 203B, and 203D. In order to ensure that all legislation would adhere to Islamic principles, the primary objective was to publicly establish Sharia as the supreme law inside the nation's legal system. By stressing the implementation of Sharia, the amendment sought to maintain the position of Islam as the acknowledged official religion in Article 2. The Federal Shariat Court, which adjudicates cases pertaining to Islamic law, is scheduled to expand its powers and jurisdiction. This is covered in Article 203B. Enhancing the court's capacity to assess legislation to ascertain if it complies with Sharia law is the aim of the change to Article 203D, which addresses the Federal Shariat Court's duties and authority.

The Senate's successful passage of the measure suggests that certain political groups favour it. But the measure was never signed into law because the National Assembly was dissolved soon after. The timing of this amendment was crucial since it took place in Pakistan during a turbulent political era when there was disagreement regarding the place of Islam in the democratic system. The drive for Sharia law was a component of a larger, from the late 1970s, campaign to Islamise many facets of society and government.

Some groups calling for a more robust Islamic framework supported the proposal, while others expressed worries about how it might affect the nation's secularism and legal plurality. Many of these concerns remained unsolved as a result of the amendment's inability to be enacted, which continued to feed discussions about Pakistan's constitutional democracy and its balance with Islamic law. All things considered, the 9th Amendment represents a significant turning point in the history of the country's constitution, illustrating the continuous conflict between opposing ideologies over the place of religion in the state.²¹

Articles 54 and 61, which control when the National Assembly and Senate meet, were amended in 1987 with the introduction of the 10th Amendment. The greatest amount of time that may pass between parliamentary sessions was 160 days before this modification. This protracted lapse frequently hampered the legislative process, delaying the resolution of crucial problems and the meeting of public requirements.

²¹Wasim Sajjad, 9th amendments (1985), 13.

The 10th Amendment's main objective was to increase the number of legislative sessions in order to foster a more responsive and dynamic government. A more flexible legislative climate was the goal of the legislation, which lowered the maximum time between sessions to 130 days. This shift was especially important since it might have a direct influence on the nation's numerous social, economic, and political issues if legislation was passed on time.

The amendment's creator, Zain Sheikh, saw the value of maintaining the legislative branch's activity and involvement. It was the intention of the interval decrease to both increase the number of sessions and stimulate more legislator involvement. Better conversations, speedier consideration of new legislation, and quicker reactions to constituent concerns would all be made possible by more frequent meetings. This amendment was intended to promote a responsible culture among elected officials. If sessions were held more frequently, representatives would be under more pressure to provide quality work and address issues that are significant to their constituents. This amendment was a part of a bigger endeavor to promote governance and guarantee that the legislative process better represented the needs of the public. The 10th Amendment's passage in 1987 was largely responsible for the efficiency and responsiveness of legislation. Its purpose was to shorten the intervals between sessions in order to establish a more effective legislative framework. This would encourage timely discussions and choices on important matters, ultimately strengthening the country's democracy²².

The 11th Amendment of 1989 reinstated 20 reserved seats, all of which were meant only for women, with the goal of enhancing women's representation in Pakistan's National Assembly. The idea for this initiative came about as more people saw how little representation women have traditionally had in legislative bodies and how much more they ought to be involved in politics. Senators Muhammad Ali Khan, Dr. Noor Jehan Panezai, and Syed Faseih Iqbal, who supported women's rights and aimed to increase their influence in politics, presented the amendment. In an effort to foster a more welcoming atmosphere that would support women's participation in national decision-making processes, the idea represented a larger drive for gender equality inside the political system.

²² Zain Sheikh, 10th Amendment (1987),3.

The amendment suffered a serious blow when the administration opted to rescind the measure, despite the initial support for it. At that point, the senators decided to withdraw the amendment after officials gave them assurances that a law like to this would be submitted soon. Women's rights activists expressed alarm about this pullout because it demonstrated how difficult it is to maintain a commitment to gender representation in politics.²³

The Afghan war, Pakistan's crime rate increased, and the Nawaz government attempted to address this problem by enacting legal reforms. The Twelfth Amendment to the Constitution, which was passed in July 1991 and intended to create Special Courts for the quick trial of major crimes, was one important step in the process. The Constitution now has Article 212B thanks to this change. The Federal Government was able to establish Special Courts under Article 212B in order to treat extremely serious and shocking crimes. The goal of these courts, whose judges were eligible for appointments to the High Court, was to expedite the legal system. The federal government could establish several Special Courts and specify the boundaries of each court's competence.

The amendment established Supreme Advocate Courts to hear cases involving Special Court rulings. Two judges from the High Court and a Supreme Court judge were to preside over each Supreme Appellate Court. The number and jurisdiction of these appellate courts were set by the federal government. The amendment mandated that matters be decided by Special Courts and Supreme Appellate Courts in a thirty-day period. Crucially, aside from what is permitted by the applicable statutes, no other court may contest the rulings or penalties of these Special and Appellate Courts. There were further provisions in the Twelfth Amendment regarding the rise of Supreme Court and High Court justices' pay. But Article 212B was only meant to be a short-term solution, and it was set to expire in July 1994. It established a separate legal system, with the Supreme Court and Special Courts functioning independently of the High Courts and Supreme Court, the latter of which has a special place in this hierarchy.²⁴

²³ Noor Jehan Panezai, 11th Amendment (1989), 1.

²⁴ Hamid khan, constitutional and political history of Pakistan ,2009,415.

President Leghari gained a great deal of power after the general elections, toppled Benazir Bhutto's government, and installed a new one. Leghari's position was unstable, nonetheless, because of Nawaz Sharif's commanding parliamentary majority. Using his massive majority, Nawaz Sharif quickly curtailed the president's authority, and the Constitution (Thirteenth Amendment) Act, 1997 was approved on April 4, 1997. This amendment was proposed, sped up through the customary channels, and passed. Notably, it deleted the ability of provincial governors to dissolve provincial assemblies as well as Article 58(2)(b), which gave the President the right to dissolve the National Assembly.

Furthermore, the Prime Minister's advice became legally enforceable when the President's authority to choose governors was relegated from "after consultation with" the PM to "on the advice of" the PM. Additionally, the amendment limited the President's authority to designate military leaders. The fact that earlier presidential powers had toppled many elected governments led to widespread support for the Thirteenth Amendment. Its swift passage, nevertheless, sparked questions about its validity. In line with the 1973 original Constitution, the Thirteenth Amendment essentially undid the reforms made by the Eighth Amendment, restoring the President to a primarily ceremonial position. It is odd that the Eighth Amendment was not amended to abolish the President's authority to choose the Chief Election Commissioner, especially since the Supreme Court had only recently affirmed the amendment.²⁵

The fall of Ghulam Haider Wyne's administration in Punjab in 1993 through defections and Benazir Bhutto's near escape from a no-confidence vote in 1989 thanks to the influence of opposition members demonstrate how serious a problem political defections and horse trading had become in Pakistan. Similarly, Sabir Shah's NWFP administration fell in 1994 as a result of Sherpao's defection. In retaliation, on July 3, 1997, Nawaz Sharif presented the Constitution (Fourteenth Amendment) Act, 1997 in Parliament with a two-thirds majority. The goal of this amendment was to deal with the defection issue. Similar to the Thirteenth Amendment, it was rammed through Parliament with minimal regulations and was approved unanimously in spite of objections from the opposition.

²⁵ Hamid khan, constitutional and political history of Pakistan ,2009,451.

Article 63-A, which was created by the Fourteenth Amendment, gave party leaders the authority to punish or banish members who defected or voted against the party line. A party disciplinary committee made a judgement, which was then appealed to the party chairman, whose ultimate decision was definitive and could not be contested in court. The party's choice would be upheld by the Chief Election Commissioner. Despite having the intention of preventing defections, the amendment had the opposite effect, strengthening the position of party leaders and turning legislative members into docile party loyalists. This strategy severely restricted dissent in the parliament by stifling democratic discussion and accountability.²⁶

On August 28, 1998, the Pakistani National Assembly received the 15th Amendment Bill, which was overwhelmingly approved on October 9, 1998. The proposed measure aims to incorporate multiple essential tenets within the Constitution, acknowledging the significance of Islam in Pakistan's governance. The amendment reaffirmed Islam's status as Pakistan's official state religion, underscoring its fundamental place in the nation's judicial and cultural systems.

In addition, it aimed to confirm the resolution's tenets as fundamental components of the constitutional framework and further incorporate the objectives resolution into the text of the constitution. The statement that only Allah has sovereign authority over the cosmos was the alteration. This notion emphasized that all authority in Pakistan must be viewed as a sacred trust that Allah has granted. According to the bill, the nation's representatives must wield this power within the bounds of divine authority. The amendment further said that it is the state's duty to assist Muslims in Pakistan in structuring their lives in accordance with Islamic precepts and directives. This involved making certain that matters concerning the individual and the group are in line with Islamic principles.

A social structure based on the principles of "Amr bil Maroof wa Nahi anil Munkar," or enjoining what is right and prohibiting what is evil, must be established by Muslims, according to the bill. This idea sought to direct the social structure towards moral and ethical norms as define by Islam.²⁷

²⁶ Hamid khan, constitutional and political history of Pakistan ,2009,452.

²⁷ sultan Mahmood, Islamization and constitutional amendments in Pakistan; case study of 15th amendments Bill,2018.

religion, caste, sex, place of birth, or place of residence in public services. First, a ten- year exemption was made in order to establish a reservation system that would ensure that people from under-represented groups or areas would have sufficient representation. In order to meet the needs of populations that had previously fallen behind because of a lack of educational opportunities, affirmative action was implemented. The Eighth Amendment eventually increased the original ten-year term to twenty years. Notwithstanding this expansion, succeeding administrations have mainly fallen short in putting important plans into action to improve impoverished areas or increase citizens' access to education. For the past fifty years, the government has not given social services like healthcare and education the attention or money they require. The primary ten-year term was subsequently extended to twenty years by the Eighth Amendment. Despite this growth, subsequent governments have mostly failed to implement critical programs aimed at enhancing the quality of life in underprivileged communities or expanding residents' access to education. For the past fifty years, the government has not given social services like health care and schooling the attention or money they require. Political sensitive has persisted in the quota dispute, particularly with regard to smaller provinces and impoverished regions inside larger provinces. The Sixteenth Amendment was passed in order to address this divisive issue. It updated Article 27 and prolonged the quota system for twenty more years, extending the deadline to August 2013.²⁸

In 1998, Nawaz Sharif, the prime minister, chose Pervez Musharraf to be the chief of staff of the army because he was seen to be manageable and would not pose a challenge to Sharif's political power. But Pakistan's political landscape quickly became more precarious. By October 1999, Musharraf took advantage of the unrest to stage a bloodless coup and impose martial law in an effort to strengthen his position and justify his ascent to power. He acted swiftly to put the Seventeenth Amendment into effect in order to handle any legal challenges to his authority. This modification followed General Zia-ul-Haq's earlier strategy in that it sought to legitimize his acts during the martial law regime and his overall rise to power. Article 63(A) of the Constitution, which had previously shielded the prime minister against removal by a vote of no confidence, was attempted to be interpreted differently. In addition, the Thirteenth Amendment's

²⁸Hamid Khan, constitutional and political history of Pakistan, OXFORD university, 2009

limitations on presidential authority were to be lifted by the Seventeenth Amendment. Among other things, this involved restoring the president's power to name governors in accordance with Article 101(1). Additionally, it brought back into the Constitution Articles 58(2)(b) and 112(2)(b). Although Musharraf did not use these particular articles during his presidency, they were kept in place to guarantee a centralized command structure inside the government and to reinforce his authority over the political system.²⁹

The political downfall of former President Pervez Musharraf, legislators were faced with basic problems regarding the underlying ideals and constitutional structure of the Pakistani state. The framers of the 18th Amendment prioritized amendments that would expand the scope of basic rights, protect the independence of the court, minimize individual discretion, strengthen the federal government and provincial legislatures, and promote good governance. Pakistan's 18th Amendment altered the Constitution by almost one-third. The revisions had symbolic significance in addition to being essential legally. The significant constitutional revision is still divisive, though. The greatest persistent disagreement around the Amendment has been over the concept of devolution. After leaving Pakistan in November 2008, former President Pervez Musharraf left the country's constitution in a mess. As the nation's fourth military dictator, he drastically altered Pakistan's 1973 Constitution in his pursuit of total control. Musharraf consolidated authority in the hands of the government's executive branch, undermined the Parliament, and controlled the courts. He attempted to legitimize his prior legal maneuvers, gain control over state institutions, weaken provincial legislatures, and enable his domination in domestic politics by passing the 17th Amendment in 2003 and the Legal Framework Order in 2002. Article 58 2(b) of the Constitution, which gave the president the authority to dissolve the National Assembly at his discretion, was reinstated by Musharraf. Although his local government reforms were intended to bring about centralization, they also promised devolution. The height of the US-led war on terror occurred during his administration, and Pakistan's political and civil liberties were subsequently eroded. Human rights violations, the brutal suppression of the Baloch nationalist movement, and the disappearance of dissidents and political opponents were all associated with his reign. Pakistan was left broken and

²⁹ Furqan Mohammed, *Exploring Power Politics and Constitutional Subversion in Pakistan: A Political and Constitutional Assessment of Instability in Pakistan*, 2010.

divided by Musharraf. Legislators were faced with important problems regarding the state's fundamental ideals and constitutional structure following his political downfall. During a joint session of Parliament on September 20, 2008, President Asif Ali Zardari asked for the creation of an all-party committee to study Article 58 and the 17th Amendment.³⁰

The Eighteenth Amendment's system for choosing judges for Pakistan's higher courts was found wanting, therefore the Nineteenth Amendment was proposed to fix it. The Supreme Court of Pakistan has directed Parliament to modify the prerequisites for judicial nominations, emphasising that the Chief Justice ought to have the last word when choosing judges. The Parliamentary Committee on Constitutional Reforms passed the Nineteenth Amendment, which proposed altering many sections of the 1973 Constitution. The attorney general, the federal law minister, three serving judges, one retired judge, and a representative of the Pakistan Bar Council were added to the Judicial Commission's membership by the change. The parliamentary committee tasked with choosing the Chief Election Commissioner was extended to twelve members, and protocols for managing the Islamabad High Court's finances and administration were delineated. Raza Rabbani presented the bill to the National Assembly, where it was approved by a two-thirds majority. Though no official opposition amendments were made, opposition from the PML, especially from Kashmala Tariq, proposed that the change should also expedite the process for forming additional provinces. The PML (N), which saw the amendment as a major improvement in the judge appointment procedure, applauded it. Concerns over curriculum development, drug registration, and financial autonomy for provinces were raised by other opposition members. All opposition parties finally backed the 19th Amendment in spite of these objections. The process for overseeing the finances and administration of the Islamabad High Court was outlined, and the legislative committee responsible for selecting the Chief Election Commissioner was expanded to include twelve members. The law was approved by the National Assembly with a two-thirds majority after being submitted by Raza Rabbani. The opposition PML, particularly Kashmala Tariq, suggested that the modification should also hasten the formation of new provinces, even though no formal opposition changes were offered. The PML (N) praised the

³⁰ Imran Ahmed, *The 18th Amendment: Historical Developments and Debates in Pakistan*, 2020, 2.

amendment, viewing it as a significant improvement to the process for appointing judges. Other opposition members voiced concerns about financial autonomy for provinces, drug registration, and curriculum development. Despite these arguments, all opposition parties ultimately supported the 19th Amendment.³¹

Aiming to provide a more transparent caretaker arrangement for elections, the 20th Amendment was enacted by the Pakistani Parliament in February 2012, reflecting persistent tensions between the court and the administration. According to this proposal, an eight-member committee would be constituted to make nominations if the prime minister and leader of the opposition could not agree on the caretaker appointments. In the event that a consensus failed, caretakers would be appointed by the Election Commission of Pakistan (ECP), which would increase its power and lessen direct government control over these appointments. Enhancing the openness of the political and electoral processes was the aim of the 19th and 20th Amendments. But opposition from various factions and political manipulation prevented them from having the desired effect. After Imran Khan's party made headlines by contesting the 2013 election results, there were protests. Strict anti-terrorism measures were required following the deadly attack on the Army Public School in Peshawar in 2014, and this led to the approval of the 21st Amendment in January 2015. This legislation, which was a crucial reaction to worries about national security, established quick trial tribunals for offences connected to terrorism.

The Pakistan People's Party (PPP) was among those who first opposed the reform, although it ultimately gained substantial support in Parliament. But it was criticized for perhaps compromising democratic values by permitting military control and eschewing established legal procedures. A number of lawmakers expressed concern over the 21st Amendment's wide definition of terrorism and its clauses superseding previous legislation, since they saw it as a step towards a secular state and the loss of legislative authority. Critics contended that the 19th and 21st Amendments compromised Pakistan's democratic government and were surrenders to non-political influences. In conclusion, these modifications demonstrate the difficulties and complexity of negotiating a politically divided environment and underscore Pakistan's continuous battle to strike a balance between security requirements and democratic government.³²

³¹ Muhammad Adil, Constitutional Amendments in PPP's Government (2008-2013): Role of the Parliamentary Opposition, 2020, 2.

³² Dr Naazir Mahmood, The 20th and 21th Amendments, 2023, 1.

The terrorist attack on Pakistan's Army Public School (APS) in Peshawar resulted in two major losses for the country's security. The school directly affected military presence and activities in the area, firstly because it was managed and overseen by the Armed Forces. Second, the children represented the next generation of Pakistani leaders who would be responsible for maintaining the integrity, security, and unity of their nation. The horrific incident made the nation see that one of the primary reasons for the continuous threat of terrorism was the criminal justice system's incapacity to sufficiently deter such crimes.

In response, the National Action Plan (NAP) was created by the government to remedy the shortcomings in the criminal justice system. Establishing military courts was a crucial part of this plan, since it sped up the handling of a lot of terrorism-related cases that were backlogged before the police, Anti-Terrorism Courts (ATCs), and higher judiciary because of writ petitions and appeals. Though political support for military courts was generally muted, there was agreement on their necessity. In the meantime, these courts received special support from the judiciary and legal community to handle terrorism-related cases. Notwithstanding considerable criticism of the military courts from human rights organizations, political and religious organizations, and the legal profession due to possible prejudices based on sect or religion, The "Pakistan Army (Amendment) Act 2015" and the "Constitution (21st Amendment) Act 2015" were successfully passed by the government.

The President signed these measures into law on January 7, 2015, and they accurately represented the gravity and urgency of the threat posed by terrorists. The unprecedented threat that armed groups with religious or sectarian reasons represent to Pakistan's security and integrity, as well as the participation of both domestic and foreign players in assisting these groups, were highlighted in the preambles of both acts.³³

The Pakistani parliament is now debating the 22nd amendment to the constitution, which aims to alter the requirements and selection procedure for members of the Election Commission. Concerns regarding the independence and impartiality of the Commission were raised in the wake of the 2013 elections, which prompted this move. Case-implications for national security of Pakistan 2017. In its proposal for ensuring a fair voting process, the Parliamentary Committee on voting Reform emphasized that any amendments to the Constitution must be carefully considered and debated. Although it makes sense to create a new Commission before the present one ends, there are questions about openness because

³³ Zafar Iqbal, supreme court judgment in 21th constitution amendments and Pakistan army(amended) act 2015Case-implications for national security of Pakistan.

there hasn't been any public debate of the modification. Only superior court judges are now eligible to serve on the Commission, which opponents claim leads to an unhealthy overlap between the electoral and judicial domains. The amendment aims to address previous appointment issues by expanding the pool of applicants to include technocrats and seasoned bureaucrats. Another significant modification is doubling the Commission's tenure to five years, with alternating retirement dates to ensure continuity as in the Senate.

Furthermore, the modification strengthens the Commission's independence from the Supreme Court by permitting the most senior member to serve as chairman until a permanent commissioner is selected. Even with these advancements, there are still important problems. A two-party system may be reinforced by the significant influence of the opposition and house leaders in selecting Commission members, which might restrict the representation of other political parties. As seen by past elections where comparable arrangements were abused, this dynamic runs the danger of marginalizing other views during the voting process. In the end, a wider, more inclusive procedure should be used to choose Commission members in order to prevent conflicts of interest and provide a really unbiased electoral supervision body.³⁴

It was within the administration's power to pass the "Pakistan Army (Amendment) Act 2015" and the "Constitution (21st Amendment) Act 2015". The President duly noted the gravity and immediacy of the terrorist danger when he signed these measures into law on January 7, 2015. The preambles of both acts emphasised the unprecedented threat that armed groups motivated by religion or sectarian grievances pose to Pakistan's security and integrity, as well as the involvement of both domestic and foreign actors in providing support to these groups. Concerns of the distribution of power between civilian and military authorities were raised by the expansion of military tribunals, which brought attention to the continued reliance on military establishments to uphold law and order. The reforms were criticised for potentially weakening human liberties and the judiciary's independence, even though its main goals were to speed up the legal system and make it more transparent and accountable. Concerns were also expressed regarding the military's growing sway over civilian affairs and how this would impact democracy. The writers talk about the 23rd Amendment's possible long-term advantages, like a stronger and more independent court, enhanced public confidence in the legal system and establishing a standard for upcoming

³⁴ Dr Shahbaz Ahmad Cheema, 22th Amendment of the constitution 1973: A Mixed blessing, may 2016,1.

constitutional and legal changes intended to enhance governance and safeguard the rights of individuals. They stress the necessity of constant changes and watchfulness to guarantee the preservation of the political system and the defence of citizens' rights. The significance of ongoing efforts to fortify the legal system and guarantee its independence from military control is highlighted in the paper's conclusion.³⁵

Dr. Naazir Mahmood discusses how the 24th Amendment to the Pakistani Constitution, which allowed the erstwhile Federally Administered Tribal Areas (FATA) to combine into Khyber Pakhtunkhwa (KP), signifies a dramatic change in the government of these areas. Adopted in May 2018, this amendment sought to bring FATA into line with Pakistan's administrative and constitutional structure, therefore addressing decades of neglect and advancing equality in governance. The amendment erased the unique status that had frequently resulted in political and economic marginalization and legally combined FATA and KP, allowing the area to benefit from provincial laws and administrative institutions. Voting rights in provincial elections were extended to FATA residents, boosting their political representation and guaranteeing their concerns were heard in the provincial assembly. Furthermore, the change made the newly combined territories subject to the authority of the Pakistani Constitution and other laws, which made it easier to construct local government institutions and enhance service delivery. In order to improve their access to justice and strengthen their legal rights, residents were also given access to the court system. Through greater investment in infrastructure, health care, and education, the merger aims to bring FATA out of years of underdevelopment and foster development in the area. Even with these well-intentioned efforts, there are still big problems. In order to guarantee people's active engagement, local government mechanisms must be built.

The effective implementation of legislation and governance structures has been sluggish. Cultural sensitivity is essential because incorporating tribal communities into the mainstream political system necessitates striking a balance between contemporary governing methods and customary systems. Furthermore, the regions' continued security worries are brought on by the existence of militant organizations, which might obstruct efforts to build stable administration and promote development. In Pakistan's constitutional history, the 24th Amendment is a significant step that demonstrates a dedication to equity and diversity in government. To ensure that the advantages of the merger reach the grassroots level for long-

³⁵ Dr. Muhammad Mumtaz Ali Khan, analysis of twenty third amendment of Islamic republic of Pakistan; impact and prospects.

term stability and growth, however, successful execution, local participation, and resolving socio-economic difficulties are necessary for the success of these reforms.³⁶

The merger was the result of a protracted procedure rather than a decision made suddenly. Nawaz Sharif, the prime minister of Pakistan at the time, established the Committee on FATA Reforms in November 2015 with the intention of formulating detailed recommendations for the political unification of the tribal regions (Committee on FATA Reforms, 2016). The committee's report, which stressed the necessity of dealing with the terrorist organisations operating in these territories, stated that the war had killed 60,000 lives and cost the state \$118 billion between 2001 and 2016 (Committee on FATA Reforms, 2016). The Committee emphasized the need for swift implementation of its major reform proposal for FATA. They specifically suggested measures in six key areas and a five-year transition period: Land settlement, legislative changes, socioeconomic development, local government elections, law enforcement agency capacity building, and rehabilitation and reconstruction.

The goal of the proposed constitutional change, which was outlined in the Twenty-Fifth change Act of 2018, was to provide the residents of the formerly federally governed tribal territories the same rights as those of the province of Khyber Pakhtunkhwa by integrating them with it. Surprisingly, the measure moved along quickly; the process took less than two weeks, with the original merger proposals being approved on May 18 and the change being ratified by the president on May 30. There was no consensus among the tribal areas themselves, despite the political intention to unite FATA with the rest of Pakistan. 74% of respondents to a 2017 research on governance improvements in the area said they were in favor of the merger (I. Khan, 2017). Tribal leaders, however, argued before the Supreme Court that the committee's recommendations were illegal (S. Khan, 2017). There was no official consultation or local voter vote prior to the merger's completion. There was no formal referendum, despite local support being shown by the 2017 research. Tribal elders continued to voice opposition to the union even after it was completed, calling for its cancellation as recently as March 2023 (Afridi, 2023). They maintained that there was insufficient participation of the local community in the decision-making process. The next section will look at the merger's implications and effects as well as the opposition and criticism that it received.³⁷

³⁶By Dr Naazir Mahmood, The 24th and 25th amendments, April 17, 2023

³⁷ Mona Hadi, The Implication of Pakistan's 25th Amendment on Conflict and Human Security: A Case Study of the Newly Merged Tribal Districts, 2023.

The 26th Constitutional Bill, sponsored by private member Mohsin Dawar, was recently passed by the National Assembly. It enhances the representation of former tribal territories from six to twelve members in the National Assembly and from 16 to 24 seats in the provincial assembly. This is significant since it is the first time a private member's constitutional measure has been accepted, demonstrating an unexpected alliance between government and opposition members in an otherwise split legislature. This modification comes after the passage of the 25th Constitutional Bill in May of last year, which sought to guarantee participation in the provincial parliament, expand judicial jurisdiction, and include tribal regions within the province. Both legislations were approved quickly, which sparked questions about their lack of openness and public discourse. Without any public review beforehand, the National Security Committee approved the 25th Bill, which led to a quick legislative procedure that has drawn criticism for its unusual rapidity in a matter of days. In addition, the president signed the FATA Interim Administration Regulation 2018 on the day of the 25th Bill's passage.

This regulation has drawn criticism for possibly maintaining military rule in the area. There are concerns that delayed civilian control may result from this regulation, which is in place until a full merger. Concerns are now growing as the July 2 elections, which were initially planned, may be delayed for up to a year because of the 26th Bill's need for new delimitation. Opponents contend that by delaying the election, incumbent lawmakers stand to gain the most as they would be spared from competition and have more time to plan. The ultimate objective is full integration and local representatives' empowerment; nevertheless, the delay may impede the process of demilitarization and civilian government in tribal regions, indicating more fundamental problems. Particularly in light of the ongoing conflicts with organizations like the PTM, this situation has raised doubts about the real motivations behind the postponement.³⁸

³⁸ Farhatullah Babar, Understanding the 26th Amendment Bill, 2019, 1.

Chapter: 3

Critical Analysis of Amendments of 1973 Constitution

The Seventh Amendment to the Pakistani Constitution, which was ratified in May 1977, and the referendum that followed provide insight into a number of important political issues of the day. The failure of negotiations between the Pakistan National Alliance (PNA) and Zulfikar Ali Bhutto's administration gave rise to the referendum idea. A number of significant demands had been made by the PNA, such as the dissolution of the Provincial and National Assemblies and the dismissal of important individuals like the Chief Election Commissioner. Bhutto looked for a different way to resolve the issue since he was hesitant to completely answer these requests. The Seventh Amendment was a strategic move by Bhutto to gain direct public support through a referendum, sidestepping a potentially adversarial parliamentary vote. This change was a departure from the traditional parliamentary system, where a Prime Minister's legitimacy is derived from legislative confidence rather than direct public endorsement. By introducing a referendum, Bhutto aimed to solidify his position but at the cost of altering the parliamentary framework, blending elements of a presidential system into Pakistan's parliamentary democracy. This change has far-reaching effects. The legislature's trust is normally the source of the prime minister's authority in a parliamentary democracy. The act of bypassing Parliament for a public referendum sparked debate on the function and authority of the legislature. The distinction between the legislative and presidential systems was muddled, which can have an impact on Pakistan's democratic foundation. the amendment had contentious legal consequences. It curtailed the High Courts' ability to review matters involving the armed forces under Article 245, limiting judicial oversight and granting potentially unchecked power to the executive and military. Although ongoing High Court cases were preserved, this restriction raised alarms about the balance of power and the safeguarding of fundamental rights.

The referendum proposal was never put into action, which indicates several underlying problems. Politically, the referendum might have seemed impractical in the tense and polarized environment. Legally and administratively, the lack of a law to establish a Referendum Commission highlighted the difficulties in implementing such an unprecedented measure. This failure to enact the referendum illustrates broader challenges in resolving political disputes through unconventional approaches. Ultimately, the Seventh Amendment and the abandoned referendum proposal had lasting effects on Pakistani politics.

The amendment's deviation from traditional parliamentary norms and its eventual non-implementation underscored the difficulties in managing political crises effectively. This episode highlights ongoing issues in Pakistani politics, such as the tension between parliamentary and executive powers, the role of the judiciary, and the challenges of finding genuine political resolution in a divided political landscape.³⁹

in 1985, the Eighth Amendment to the Pakistani Constitution was a reaction to the political instability and turmoil that had afflicted Pakistan in the 1970s and early 1980s. By greatly increasing the President's power, the amendment sought to allay worries about the disproportionate concentration of power in the Prime Minister's office. Its major goals were to provide a check on the Prime Minister's authority and a system for preserving political stability in times of emergency.

The President was given significant additional authority via the Eighth Amendment, which included the capacity to dissolve the National Assembly, name military chiefs, and remove the Prime Minister. By preventing any one office from holding excessive authority, these steps were meant to establish a system of checks and balances that would support stability in the face of political unrest.

However, the President's expanded authority has a number of unforeseen repercussions. The Eighth Amendment frequently made political intrigue and instability worse rather than better. Presidents regularly used their newfound authority to meddle in political affairs, which included manipulating government structures and removing elected individuals. This abuse of the presidency's power encouraged political instability and turmoil by permitting frequent changes in administration and tampering with election results to undermine democratic procedures.

The Eighth Amendment had a significant effect on Pakistan's political landscape. It made it possible for presidents to actively engage in political manoeuvres that impacted the distribution of power between the legislative and executive departments. The meddling changed the character of governance, resulting in instability and frequent interruptions. The way the amendment was used to shape political dynamics is indicative of its legacy; it frequently led to a lack of continuity and heightened friction within the political system.

Much research has been done on how the Eighth Amendment has shaped Pakistan's power structure and how it affects democratic government. It draws attention to the

³⁹ Hamid khan, Constitutional and political history of Pakistan ,2009.

complexity of constitutional changes and how they could affect systems of governance and political stability. The amendment serves as an example of how modifications to a government's power structure may have a significant impact on how a democracy operates and how authority is distributed. While the Eighth Amendment was intended to promote stability and address concerns about the concentration of power, its actual application sometimes had the opposite effect. It highlights the complex link between political stability and constitutional provisions, demonstrating how amendments to the constitution may affect democratic governance and modify the balance of power. The complicated legacy of the amendment and its impact on Pakistan's political environment are still being reflected in the continuing disputes about the relative powers of the President and Prime Minister.⁴⁰

The general elections, President Leghari gained significant authority and acted decisively to reshape the political environment. He showed his aggressiveness by toppling Benazir Bhutto's government and putting in place his own. In addition, Leghari named a close ally to the Punjab governorship, a decision that belied Nawaz Sharif's protests and exposed his misjudgement about his own political susceptibility. Leghari held a strong position, but Nawaz Sharif was able to contest and eventually weaken Leghari's influence because of his two-thirds majority in Parliament. Nawaz Sharif used his commanding parliamentary majority to pass the Constitution (Thirteenth Amendment) Act on April 4, 1997, in reaction to Leghari's forceful actions. With lenient processes for amending the constitution, this change was rammed through Parliament in a matter of minutes.

The elimination of Article 58(2)(b), which had given the President the power to dissolve the National Assembly, was the biggest modification. The elimination of this power and the governors' ability to dissolve provincial assemblies greatly diminished the President's power. The appointment procedure for military commanders and governors was likewise modified by the Thirteenth Amendment. The revision modified the President's previous practice of appointing these appointments "after consultation with" the Prime Minister to "on the advice of" the PM, therefore binding the PM's recommendations. This change substantially reduced the President's influence over important appointments and gave the Prime Minister more authority inside the executive branch.

⁴⁰ Kausar Parveen, *Eight amendment*, Quaid-i-Azam University, Islamabad, 1999, 1.

The assumption that the Eighth change's discretionary powers had resulted in considerable political instability elected governments being repeatedly overthrown before their mandates were out led to widespread support for the change. Though it was successful in depriving the President of significant powers, the expeditious and late-night ratification of the Thirteenth Amendment created doubts about its validity. The haste at which it passed indicated a conscious effort to avert possible involvement from the President, the armed forces, or the legal system. Although the Thirteenth Amendment succeeded in reducing the President to a ceremonial position, it did not abolish any of his rights, including the right to choose the Chief Election Commissioner.

The Eighth Amendment, which had just been affirmed by the Supreme Court, was practically repealed in a matter of months, thus this omission brought some irony to light. The problems in fully resolving the issues connected to executive and legislative authorities, as well as the persistent conflicts within Pakistan's political system, were highlighted by this selective approach. The major parties' willingness to resolve the disturbances produced by the prior discretionary presidential powers culminated in the Thirteenth Amendment, which signified a dramatic shift in the balance of power between the President and the Parliament. The process by which it was implemented and the limited scope of the modifications, however, highlighted Pakistan's political and constitutional framework's complexity and ongoing difficulties.⁴¹

The passing away of former President Pervez Musharraf signalled a turning point in Pakistan's political and constitutional development. When Musharraf resigned in November 2008, the country's constitutional order was in shambles. Musharraf had been Pakistan's fourth military ruler. During his reign, a number of constitutional manipulations were carried out with the intention of weakening the Parliament, controlling the courts, and concentrating power within the executive branch.

Under Musharraf's leadership, the 1973 Constitution underwent substantial modifications with the enactment of the 17th Amendment in 2003 and the Legal Framework Order in 2002. The purpose of these adjustments was to strengthen his position of power, reduce the influence of provincial assemblies, and consolidate power within the federal government. Interestingly, he brought back Article 58(2)(b) of the Constitution, which gave the President the authority to dissolve the National Assembly at his discretion. This clause

⁴¹ Hamid khan, constitutional and political history of Pakistan ,2009,451.

was designed to strengthen his power to shape political decisions and preserve his hold on power. Despite appearing to be intended to decentralise authority, Musharraf's local government reforms ironically resulted in a rise in centralisation. Disregard for civil rights and democratic standards was a defining feature of his reign. Severe breaches of human rights also occurred during this time, including as the dismantling of the Baloch nationalist movement, the vanishing of political dissidents, and the diminution of civil liberties. Pakistan became more divided and politically unstable as a result of these measures.

Following Musharraf's resignation, Pakistani lawmakers turned their attention to resolving the constitutional problems that had surfaced during his presidency. The goal of the 18th Amendment, which was proposed as a thorough revision of Pakistan's Constitution, was to address several issues brought about by Musharraf's revisions. The objectives of the 18th Amendment were to guarantee judicial independence, diminish discretionary powers, and bolster the federal government and provincial assemblies. It also aimed to advance good governance and the expansion of fundamental rights.

The 18th Amendment is still a divisive topic, though. The idea of devolution has been a major topic of discussion. There has been ongoing debate on the amendment's efficacy and potential effects on the federal government, despite the fact that its goals were to strengthen provincial autonomy and combat the centralization of power.

In response to these worries, President Asif Ali Zardari called for the creation of an all-party committee to examine Article 58 and the 17th Amendment on September 20, 2008. In order to restore balance and make sure that the Constitution more accurately represented Pakistan's federal principles and democratic values, this movement set out to reevaluate and perhaps amend the constitutional amendments put in place during Musharraf's administration.

The political consequences from Musharraf's government caused Pakistan's constitution to be significantly reevaluated. A key response to the centralisation and constitutional distortions brought about by his administration was the 18th Amendment. The amendment has spurred ongoing discussions regarding devolution and the ideal distribution of power within Pakistan's federal system, notwithstanding its symbolic and legal significance.⁴²

⁴²Imran Ahmed The 18th Amendment: Historical Developments and Debates in Pakistan, 2020

Conclusion:

The history of Pakistan's constitution shows a process of political alteration and change. The first constitution was adopted in 1956, but abrogated when martial law was established in 1958, just two years later. The second constitution, which was enacted in 1962 after a four-year break, was similarly short lived. It was repealed in 1969. The basis of Pakistan's legal system has always been the country's third constitution, which was adopted in 1973.

Later Martial law dictators including Zia-ul-Haq (1978-1988) and Pervez Musharraf (1999-2007) attempted, to break down its constitution but in unsuccessfully. The 1973 constitution has been through around 26 improvements throughout the years, each of which has attempted to address a different issue facing the country. Notable among these are; 7th, 8th, 13th, and 18th amendments., the 7th amendment which analysis the power given to the presidents which helped in centralization of authority ,8th amendment shows the dismissing of national assembly to reinforcing and military influence over civilian governance, though this constitution were manipulated to serve for those in power rather than democratic.

The 13th and 18th amendments recognized the need for political farmwork by decentralizing the power and enhancing provincial autonomy. 18th amendment also restored the supremacy of the parliament, illustrating a shift towards balance distribution of authority.

Some amendments have significantly helped the government and the state, especially those that improved the balance of power between the three main branches: the legislative, executive, and judiciary. For example, the 18th Amendment is significant because it provided the provinces greater autonomy and authority. The majority of power was held by the federal government before to this amendment, which frequently prompted dispute between the federal government and the provinces. The 18th Amendment gave provinces additional autonomy over internal issues including as health and education, allowing them to better meet the needs of their communities.

Additionally, by increasing representation for different areas, this shift has improved people's sense of inclusion in the democratic process. As a result of local governments' ability to address the particular issues of their communities, Pakistan's political landscape developed more stable. Overall, the 18th Amendment helped to build a fairer system where different levels of government could work together more successfully.

On the other hand, some amendments are seen as problematic because they gave too much power to the executive branch (the president and the government) and reduced the independence of the judiciary (the courts). Two examples of this are the 7th and 8th

Amendments. The president might now more easily dissolve the Parliament and increasing his ability to meddle in the legislative process. This diminished the function of elected officials and the government's system of checks and balances. The 8th Amendment further enhanced presidential power by allowing the president to dismiss the National Assembly and install military chiefs, which undermined democratic administration. These modifications are frequently criticized for weakening democratic norms and making it more difficult for the administration to answer to the people.

The history of Pakistan's constitution reflects a turbulent journey characterized by political instability and the struggle for democratic governance. The initial attempts at constitutional development, starting with the 1956 Constitution, faced quick interruptions due to military interventions, highlighting the weakness of democratic institutions in the face of authoritarian rule.

The 1973 Constitution has emerged as a cornerstone of Pakistan's legal framework, undergoing numerous amendments that both sought to address the country's pressing issues and reflect the changing political landscape. The amendments, particularly the 7th, 8th, 13th, and 18th, illustrate the tension between centralization and decentralization of power. While earlier amendments (7th and 8th) facilitated the concentration of authority in the executive branch, leading to diminished democratic accountability, later amendments (13th and 18th) aimed to restore provincial autonomy and reinforce parliamentary supremacy, thus promoting a more balanced distribution of power.

The 18th Amendment stands out as a pivotal development in Pakistan's constitutional history. By enhancing provincial autonomy and empowering local governments, it not only addressed regional disparities but also fostered a sense of inclusion among diverse communities. This decentralization allowed for more responsive governance, addressing local needs more effectively.

Conversely, the problematic nature of earlier amendments cannot be overlooked. The excessive concentration of power in the hands of the executive, particularly during periods of military influence, undermined democratic norms and eroded public trust in governance. The ability of the president to dissolve parliament and influence legislative processes weakened the system of checks and balances essential for a healthy democracy.

In conclusion, while Pakistan's constitutional history showcases a struggle for democratic governance and the pursuit of a more equitable political system, the balance between central authority and provincial autonomy remains a critical challenge. Future constitutional reforms must prioritize the protection of democratic institutions and ensure

that power is distributed in a manner that fosters accountability, representation, and responsiveness to the needs of the populace. The trajectory of Pakistan's constitution serves as a reminder of the importance of safeguarding democratic processes in the face of political pressures and challenges.

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