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NOTABLE AMENDMENTS IN THE CONSTITUTION OF 1973 & THEIR IMPLICATIONS



INTRODUCTION

- The 1973 Constitution of Pakistan is a dynamic document that has undergone over two dozen amendments to address the country's evolving political, legal, and institutional needs.
- These amendments reflect both democratic transitions and authoritarian interventions, each leaving a significant impact on Pakistan's governance structure, federalism, civil liberties, and balance of powers.



THE PURPOSE OF CONSTITUTIONAL AMENDMENTS

- **Adaptation to changing realities:**
 - Example: Terrorism, Provincial Demands, Climate Change, etc.
- **Correcting structural flaws:**
 - Example: the balance between the judiciary and the executive
- **Institutional strengthening or weakening**



MAJOR CONSTITUTIONAL AMENDMENTS: CASE STUDIES AND IMPLICATIONS

- **8th Amendment (1985)**
 - **Context:**
 - It was passed under General Zia-ul-Haq's military regime on 09 December 1985.
 - **Key Provisions:**
 - It legalized all presidential orders from 1977 to 1985
 - **Article 58(2)(b):**
 - It gave the President the power to dissolve the National Assembly.
 - **Implications:**
 - It shifted Pakistan from a parliamentary to a semi-presidential system (presidential powers were vastly increased, reducing the autonomy of the parliamentary structure).
 - It led to political instability in the 1990s (assemblies dismissed in 1988, 1990, 1993, 1996)
 - **Case Study:**
 - **Benazir Bhutto (1990) and Nawaz Sharif (1993)** were dismissed by the President using Article 58(2)(b)



13TH AMENDM ENT (1997)

- **Context:**

- It was passed during Nawaz Sharif's second term on 25 April 1997.

- **Key Provisions:**

- It repealed Article 58(2)(b)
- The President became ceremonial
- The Prime Minister became the sole executive authority

- **Implications:**

- It restored parliamentary supremacy



17TH AMENDMENT (2003)

- **Context:**
 - It was passed under General Pervez Musharraf on December 21, 2003
- **Key Provisions:**
 - It reintroduced Article 58(2)(b)
 - It recognized Musharraf's rule and the Legal Framework Order (LFO)
 - **LFO:** It increased the power of the President and legitimized his dual role as Army Chief and President
- **Implications:**
 - It undermined democratic institutions
 - It increased the institutionalized military's role in politics
- **Case Study:**
 - It strengthened Musharraf's control over parliament and the judiciary during his rule (1999–2008)



18TH AMENDMENT (2010)

- **Context:**
 - It was passed by the Civilian government led by PPP on 08 April 2010.
- **Key Provisions:**
 - It removed Article 58(2)(b) permanently.
 - It shifted powers from the President to the Parliament and the Prime Minister
 - It recognized provinces as autonomous entities (federalism strengthened)
 - It abolished the Concurrent Legislative List (47 Subjects).
 - It reformed the Judicial Council and ensured judicial independence
- **Implications:**
 - It was the most comprehensive democratic reform since 1973
 - It strengthened provincial autonomy
 - It institutionalized civilian supremacy
- **Case Study:**
 - Provinces gained control over health, education, and natural resources etc...



21ST AMENDM ENT (2015)

- **Context:**
 - It was passed after the 2014 APS (Army Public School) attack in Peshawar on January 07, 2015.
- **Key Provisions:**
 - It set up special military courts to try terrorism-related offenses for 2 years
- **Implications:**
 - It was criticized for undermining the civilian judiciary and due process
 - It was seen as a temporary but necessary response to terrorism
- **Case Study:**
 - It used to swiftly try and convict terrorists in the post-APS tragedy
 - This expired in 2017.



CONCLUSION

- The amendments to Pakistan's Constitution have served as **mirrors of political transitions**, some regressive, legitimizing authoritarian rule; others progressive, expanding democratic space.
- Understanding these amendments is essential for grasping the **power dynamics** and **institutional evolution** of the state.



RECOMMEN DED READINGS

- **Hamid Khan:** *Constitutional and Political History of Pakistan*
- **Zafarullah Khan:** *Amending the Constitution: Pakistan's Evolving Journey*
- **PLD (Pakistan Law Digest):** Judicial commentary on key amendments
- **Text of the Constitution of Pakistan (1973):** Updated version including all amendments





Thank you for your time and attention!

Hopefully, I will see you in the next class. Until then, take care, & have a great day!

