

Constitutional Amendments in Pakistan

1. Procedure for Amending the Constitution of Pakistan

What is a Constitutional Amendment?

A constitutional amendment is a **formal change or addition** to the **Constitution of Pakistan (1973)**. Amendments allow the constitution to **adapt to new political, social, and economic circumstances** while maintaining its foundational principles.

Who Can Amend the Constitution?

- The **Parliament of Pakistan** (National Assembly + Senate) is responsible for amending the Constitution.
- Amendments require approval through a **specific legal process** as defined in **Article 238-239** of the Constitution.

Steps in the Amendment Process (Article 238-239):

Step 1: Proposal of an Amendment Bill

- The amendment bill can be introduced in either the **National Assembly** or the **Senate**.
- It can be proposed by a **member of Parliament or the government**.

Step 2: Approval by Parliament

- The bill must be **approved by a two-thirds majority** in both:
 1. **National Assembly** (Lower House).
 2. **Senate** (Upper House).

Step 3: Presidential Assent

- After passing both houses, the bill is sent to the **President of Pakistan** for approval.
- The **President cannot reject the amendment** and must sign it.

Step 4: Special Cases (Provincial Consent)

- If an amendment **affects provincial matters**, it must be **approved by a majority of the provincial assemblies** before becoming law.

Significance of the Amendment Process

- ✓ Ensures the Constitution remains **dynamic and adaptable**.
 - ✓ Prevents **frequent and unnecessary changes**.
 - ✓ Requires **broad national consensus** to protect democratic values.
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2. Notable Constitutional Amendments and Their Implications

Since 1973, Pakistan has passed **more than 25 constitutional amendments**. Some of the most important amendments are discussed below:

1st Amendment (1974) – Inclusion of Foreign Policy & Citizenship Rules

- **Impact:** Defined **Pakistan's foreign relations**, including agreements with international organizations.
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2nd Amendment (1974) – Declaration of Ahmadis as Non-Muslims

- **Impact:** Amended **Article 260** to define Ahmadis as **non-Muslims** in Pakistan.
-

3rd Amendment (1975) – Extension of Preventive Detention

- **Impact:** Increased the government's power to **detain individuals without trial** for security reasons.
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8th Amendment (1985) – Increased Presidential Powers

- **Impact:** Gave the **President the power to dissolve the National Assembly** (Article 58(2)(b)).
 - **Led to:** Political instability as several governments were dismissed by the President.
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10th Amendment (1987) – Adjusted Assembly Sessions

- **Impact:** Reduced the gap between **two parliamentary sessions** from 160 to **130 days**.
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12th Amendment (1991) – Speedy Trial Courts

- **Impact:** Created **Special Courts** for fast trials of serious offenses.
 - **Criticism:** These courts were often seen as unfair and biased.
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13th Amendment (1997) – Reduction of Presidential Powers

- **Impact:** **Removed** the President's power to **dissolve the National Assembly**.
 - **Result:** Strengthened **Parliament and Prime Minister's position**.
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14th Amendment (1997) – Party Discipline & Disqualification of MPs

- **Impact:** MPs could be **disqualified for voting against their party**.
 - **Criticism:** Weakened **independent decision-making** in Parliament.
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17th Amendment (2003) – Revival of Presidential Powers

- **Impact:** **Restored Article 58(2)(b)**, allowing the President to dissolve Parliament.
 - **Criticism:** Strengthened **military-backed governments** (under Gen. Musharraf).
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18th Amendment (2010) – Strengthening Parliamentary Democracy

- ✓ **Abolished Article 58(2)(b)** (President **can no longer dissolve Parliament**).
- ✓ **Transferred many powers to provinces** (abolished the Concurrent List).
- ✓ Strengthened **judicial independence** in the appointment of judges.
- ✓ Gave **Khyber Pakhtunkhwa (KPK)** its current name.

Impact:

- **Most significant amendment in Pakistan's history.**
 - **Strengthened democracy and provincial autonomy.**
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19th Amendment (2010) – Judicial Appointments Reform

- **Impact:** Changed the process of appointing **judges** to reduce political influence.
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20th Amendment (2012) – Independent Election Commission

- **Impact:** Established an **independent Election Commission of Pakistan (ECP)** for fair elections.
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21st Amendment (2015) – Military Courts for Terrorism Cases

- **Impact:** Allowed **military courts** to try terrorists for two years.
 - **Reason:** Response to the **APS Peshawar attack (2014)**.
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25th Amendment (2018) – Merger of FATA with Khyber Pakhtunkhwa

- **Impact:** Federally Administered Tribal Areas (**FATA**) merged with **KPK**, giving its residents full constitutional rights.
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3. Conclusion

- Amendments ensure the **Constitution evolves** with time.
 - The **18th Amendment** was the most significant, as it **strengthened democracy and provincial autonomy**.
 - Some amendments **expanded executive power**, while others **enhanced citizen rights**.
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Summary Table of Notable Amendments

Amendment	Key Change	Impact
1st (1974)	Defined foreign relations	Strengthened diplomatic framework
2nd (1974)	Declared Ahmadis non-Muslims	Affected religious minorities
8th (1985)	Gave President power to dissolve Parliament	Led to political instability

Amendment	Key Change	Impact
13th (1997)	Removed President's power to dissolve Parliament	Strengthened parliamentary democracy
17th (2003)	Restored President's power to dissolve Parliament	Strengthened military-backed rule
18th (2010)	Increased provincial autonomy, removed Presidential power	Strengthened democracy
21st (2015)	Military courts for terrorism cases	Response to terrorism (APS attack)
25th (2018)	Merged FATA with KPK	Gave tribal areas full constitutional rights

These notes provide a **comprehensive and detailed** understanding of **Constitutional Amendments in Pakistan**.