

**AN APPRAISAL OF POLITICAL CONSENSUS FOR
CONSTITUTIONAL AMENDMENT BY THE 13TH NATIONAL
ASSEMBLY OF PAKISTAN**

BY

IRAM HASSAN

REGISTRATION # 21020203001

M.Phil.

Department of History & Pakistan Studies



UNIVERSITY OF GUJRAT

Session 2021-23

Iram Hassan

M.Phil. in History

2021-23

**AN APPRAISAL OF POLITICAL CONSENSUS FOR
CONSTITUTIONAL AMENDMENT BY THE 13TH NATIONAL
ASSEMBLY OF PAKISTAN**

**A Thesis Submitted in Partial Fulfillment of the Requirements for the
Award of Degree of**

Master of Philosophy

In

History

BY

IRAM HASSAN

REGISTRATION # 21020203001

Department of History & Pakistan Studies



UNIVERSITY OF GUJRAT

Session 2021-23

ACKNOWLEDGEMENT

All praise to ALLAH ALMGHTY who gave me strength and ability to complete my thesis. I am really grateful to my Research Supervisor Mr. Mushtaque Ali Abbasi for his guidance and valuable suggestions. The research would not have been possible without the interest and guidance of my supervisor.

I am also very grateful to the Department of History & Pakistan Studies, University of Gujrat for providing me an opportunity to conduct a research work. I also pay gratitude to my respected teachers: Dr. Qurat Ul Ain Bashir, Dr. Muhammad Kashif Ali, and Dr. Ghulam Shabbir.

I am really thankful to all my teachers specially Toqeer Fatima, Hifza Shoukat (Head, Department of History, Government College for Women M.B. Din) for their encouragement.

I am thankful to my parents (Safdar Iqbal Ranjha, Azra Parveen) who gave me the opportunity to grow up. I express my appreciation to my brothers, Hassan Raza Ranjha and Ali Raza Ranjha for their cooperation during my tough days of research. Special appreciation to my dear sister Kiran Shahzadi for providing peaceful environment at home. Last but not the least, I am especially thankful to all my friends who guided me step by step including Arooj, Saman, Zaima, Muhammad Kashif, Zubair, Ehsan ul Haq, Mohsin Sattar and Usman Arif.

(Iram Hassan)

DEDICATION

To my beloved Parents for their love and affections and support to open my wings toward the new horizon of education, career, and destination of true life.

(Iram Hassan)

DECLARATION

I, Iram Hassan D/O Safdar Iqbal, Roll# 21011703-001, MPhil History Scholar, Department of History & Pakistan Studies, Faculty of Social Sciences, University of Gujrat, Punjab, Pakistan hereby solemnly declare that this thesis titled “**An Appraisal of Political Consensus for Constitutional Amendment by the 13th National Assembly of Pakistan**” is based on genuine work and has not yet been submitted or published elsewhere. Furthermore, I shall not use this thesis for obtaining my other degrees from this University or any other Institution.

I also understand that if evidence of plagiarism is found in this thesis at any stage, even after the award of the degree, the degree may be cancelled and revoked by the University.

(Iram Hassan)

It is certified that Ms. Iram Hassan D/O Safdar Iqbal, Roll # 21011703-001, MPhil History Scholar, Department of History & Pakistan Studies, Faculty of Social Sciences, University of Gujrat, Punjab, Pakistan, worked under my supervision and above stated declaration is true to the best of my knowledge.

Mr. Mushtaque Ali Abbasi (Research Supervisor)

Lecturer

Department of History & Pakistan Studies

University of Gujrat, Punjab, Pakistan

Email: mushtaque.abbasi@uog.edu.pk

Dated: _____

THESIS COMPLETION CERTIFICATE

It is certified that this thesis titled “**An Appraisal of Political Consensus for Constitutional Amendment by the 13th National Assembly of Pakistan**” submitted by Iram Hassan D/O Safdar Iqbal, Roll # 21011703-001, MPhil History Scholar, Department of History & Pakistan Studies, Faculty of Social Sciences, University of Gujrat, Punjab, Pakistan is evaluated and accepted for the award of degree “Master of Philosophy (M.Phil.)” in History by the following members of Thesis Viva Voce Examination Committee.

The evaluation report is available in the Directorate of Advance Studies and Research Board of the University.

External Examiner

Designation

Official Address

Email:

Mr. Mushtaque Ali Abbasi (Research Supervisor)

Lecturer

Department of History & Pakistan Studies

University of Gujrat, Punjab, Pakistan

Email: mushtaque.abbasi@uog.edu.pk

Dr. Muhammad Mushtaq (HoD)

Department of History & Pakistan Studies

University of Gujrat, Punjab, Pakistan

Email: muhammad.mushtaq@uog.edu.pk

Office Dispatch #

Dated: _____

CERTIFICATE OF PLAGIARISM

It is certified that M.Phil. Thesis titled “An Appraisal of Political Consensus for Constitutional Amendment by the 13th National Assembly of Pakistan” by Iram Hassan has been examined by us. We undertake the follows:

- a. Thesis has significant new work/knowledge as compared already published or are under consideration to be published elsewhere. No sentence, equation, diagram, table, paragraph, or section has been copied verbatim from previous work unless it is placed under quotation marks and duly referenced.
- b. The work presented is original and own work of the author (i.e. there is no plagiarism). No ideas, processes, results, or words of others have been presented as Author own work.
- c. There is no fabrication of data or results which have been compiled/analyzed.
- d. There is no falsification by manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- e. The thesis has been checked using TURNITIN (copy of originality report attached) and found within limits as per HEC plagiarism Policy and instructions issued from time to time.
- f. While generating the Turnitin report, nothing has been excluded from Abstract to Conclusion parts of the thesis.

Iram Hassan (Research Scholar)
Roll No. 21011703-001
Department of History & Pakistan Studies
University of Gujrat, Punjab, Pakistan

Mr. Mushtaque Ali Abbasi (Research Supervisor)
Lecturer
Department of History & Pakistan Studies
University of Gujrat, Punjab, Pakistan
Email: mushtaque.abbasi@uog.edu.pk

TABLE OF CONTENTS

CONTENTS	PAGE
LIST OF TABLES:	(ix)
LIST OF APPENDICES:	(x)
ABSTRACT:	01
CHAPTER 01: INTRODUCTION	02
1.1 Literature Review	04
1.2 The Plan of Work and Methodology	08
1.3 Objectives of the Study	09
1.4 Research Questions	09
1.5 Research Methodology	09
1.6 Expected Outcomes of the Research	09
CHAPTER 02: POLITICAL CONSENSUS FOR CONSTITUTIONALISM IN PAKISTAN: A HISTORICAL ANALYSIS	10
2.1 Introduction	10
2.2 Political Consensus for Constitutionalism in the Formative Phase of Pakistan...	12
2.3 Murree Agreement 1955	14
2.4 Ayub's Undemocratic Constitution and Political Reaction	15
2.5 Bhutto's Efforts for Constitutional Consensus and Tripartite Accord	16
2.6 Victimization of Democratic Rule under the 8 th Amendment	19
2.7 13 th Amendment and Abolition of 58-2 (b)	21
2.8 17 th Amendment in the Constitution of 1973 and Reaction of Political Parties	21
CHAPTER 03: PRE-18 TH AMENDMENT POLITICAL CONSIDERATION AND COMPROMISES.....	23
3.1 Introduction	23
3.2 Charter of Democracy: A Step towards the 18 th Amendment	23
3.3 Key Features of Charter of Democracy	24
3.4 Formation of Special Committee for Constitutional Reforms	27
3.5 Objectives of the PCCR	28
3.6 Charter of Democracy Features Discussed and Un-discussed under PCCR ...	28
CHAPTER 04: POLITICAL DELIBERATIONS OVER IMPORTANT CHANGES IN THE 1973 CONSTITUTION OF PAKISTAN	32
4.1 Introduction	32
4.2 Political Deliberations over Important Changes	33
4.3 The 18 th Amendment Restoration of 1973 Constitution	36

4.4 Key Features / Characteristics of the 18 th Amendment	38
4.4.1 Article 1	38
4.4.2 National Assembly Composition	38
4.4.3 Provincial Autonomy	38
4.4.4 Enhanced Role of Parliament	39
4.4.5 Caretaker Government	39
4.4.6 Election Commission	39
4.4.7 Article 91	39
4.4.8 Check for Dictatorship/ Article 6	40
4.4.9 Council of Common Interest	40
4.4.10 Fundamental Rights	41
4.4.11 Amended Article 29	41
4.4.12 Islamabad High Court	41
4.4.13 Appointments of Judges	41
4.4.14 The Power of Senate	41
CHAPTER 05: AN ANALYSIS OF THE CONSTITUTIONAL CHANGE THROUGH THE 13 TH NATIONAL ASSEMBLY	42
5.1 Introduction	42
5.2 Implementation Commission of the 18 th Amendment	42
5.3 Incomplete Devolution	43
5.4 Mainstreaming of FATA and Issues	43
5.5 Some Controversial Articles	43
5.5.1 Intra Political Party Elections / Article 17	43
5.5.2 Article 62 and 63 A	44
5.5.3 Article 175	44
5.6 Health and Education Sector	44
5.7 Role of CCI	46
5.8 Institutional Representation	46
5.9 Provincial Autonomy (Legislative, Administrative, fiscal)	47
5.10 Post 18 th Amendment Political Parties Stance / Response	49
5.10.1 Stance of PTI at 18th Amendment	49
5.10.2 MQM Stance at 18 th Amendment	50
5.11 Do We still Need to Revisit the 18 th Amendment	51
CHAPTER 06: CONCLUSION	52
REFERENCES	57
APPENDICES	63

LIST OF TABLES

CONTENTS	PAGE
Table-3.1 Party Position in the Election of 2008 (http://www.ecp.gov.pk)	25
Table-3.2 Political Parties Proportionate Representation (PCCR, Report 2010)...	27

LIST OF APPENDICES

CONTENTS	PAGE
APPENDIX-01: List of Abbreviations	63
APPENDIX-02: Turnitin Originality Report	65

ABSTRACT

Quaid-i-Azam Muhammad Ali Jinnah envisioned Pakistan as a democratic state. However, since its inception, the democratic system in Pakistan has faced numerous challenges. These challenges include: political discord, political immaturity, and the interference of unconstitutional forces in politics which have often derailed the functioning of the government. Unconstitutional regimes have repeatedly altered the constitutions undermining both the stability of constitutional rule and the perception of democracy in Pakistan. In 2006, political leaders recognized the need to strengthen the democratic system and took a significant step forward. Prominent political parties including PML (N) and PPP came together to sign the Charter of Democracy. This charter served as a guideline for political leadership encouraging them to rectify unconstitutional challenges to Pakistan's legal framework and to collaborate on improving the country's political, economic and administrative landscape. As a result of this collective effort, the democratically elected government of the 13th National Assembly following the 2008 General Elections established a constitutional committee with representation from all political parties. This committee was tasked with making necessary amendments, alterations, deletions, and omissions in the 1973 constitution to uphold the supremacy of the legal document and to strengthen democracy as a whole. The primary objective of this research is to investigate, analyze and address the root causes of political mistrust, the pre-2010 constitutional amendments, unconstitutional interference in the political, administrative and economic systems, and their respective impacts. Additionally, the study assessed the extent to which political consensus for constitutional change has streamlined democratic growth or if Pakistan continues to face democratic challenges. To achieve these objectives, the current study has significantly applied qualitative method to investigate, examine, and analyze cause and effect relations between the variables encountered throughout study. The qualitative method has been applied during the course of analyzing official reports and existing literature. The research will definitely provide a systematic pattern of analyzing, examining and investigating the political system to not only the future researcher but it may add the new contribution in the existing politico-constitutional literature available on Pakistan.

INTRODUCTION

The 18th Amendment holds immense significance in Pakistan's constitutional evolution, as it aimed to enhance democratic principles and reduce presidential powers, ultimately contributing to the country's democratic stability and political development. The 18th legal amendment marked a significant milestone in the history of Pakistan's constitutional development, reviving the spirit of parliamentary democracy enshrined in the 1973 constitution. This amendment, which introduced approximately thirty-six percent of amendments to the Constitution of Pakistan, resulted in significant changes, including the insertion, replacement, or amendment of 102 out of the total 280 articles in the constitution.

The Charter of Democracy (CoD), signed in London in May 2006, played a pivotal role in this amendment. It brought together the heads of two prominent political parties, Nawaz Sharif of the Pakistan Muslim League-Nawaz (PML-N) and Benazir Bhutto of the Pakistan People's Party (PPP), to unite against undemocratic forces. As both former Prime Ministers were in exile, the CoD was signed in London. Its key objectives included amending the 1973 constitution to restore it to its pre-October 12, 1999 status, addressing presidential powers, establishing a Federal Constitution Court, resolving provincial autonomy issues, strengthening the Senate, and enhancing minority representation.

Following the 2008 General Elections, the PPP formed a central-level coalition government with the PML-N. A special parliamentary committee for constitutional reforms was established under the guidance of Raza Rabbani. The committee operated transparently, discussing constitutional matters openly and making decisions based on competence rather than partisan considerations. It achieved consensus on various issues, resulting in the passage of the 18th amendment by both Houses of Parliament.

The 18th amendment brought significant changes to Pakistan's political landscape, aiming to strengthen democratic institutions and reduce presidential powers. This amendment was a critical step in the ongoing efforts to uphold democracy and ensure constitutional stability in Pakistan. The history of Pakistan's constitutions reflects periods of military rule and constitutional upheaval, with the 1973 Constitution representing a democratic ideal. However, this democratic spirit was often undermined by subsequent military regimes, resulting in amendments that curtailed democratic principles, such as the 8th and 17th Amendments of 1973. These changes expanded presidential powers and disrupted democratic processes.

It's important to note that the amendment process is an integral part of any democratic system, and no constitution is entirely inflexible. Article 51 of the 1973 Constitution defines the composition of Parliament, which includes the President, the National Assembly, and the Senate, responsible for making amendments through Articles 238 and 239. The 18th Amendment is just one of several changes to the constitutional amendment process in Pakistan's history. It sought to rebalance powers between the President and the Prime Minister, giving the latter greater authority. The 8th Amendment, for instance, expanded presidential powers, allowing recommendations to the Prime Minister on key matters. However, the 18th Amendment aimed to restore the balance in favor of the parliamentary system by curbing presidential authority.

In 2006, a significant milestone in Pakistan's political history was reached when the country's major political parties, namely the Pakistan Muslim League-Nawaz (PML-N) and the Pakistan People's Party (PPP), forged an agreement known as the Charter of Democracy (CoD). This pivotal agreement came at a time when the country was facing political challenges and a pressing need to reaffirm its commitment to democratic principles. The backdrop for this historic agreement was a series of events that had put Pakistan's democratic institutions in jeopardy. General Pervez Musharraf, then in power, had taken actions that raised concerns about the state of democracy in the country. He had pressured both Benazir Bhutto and Nawaz Sharif, leaders of the PPP and PML-N respectively, leading to their movements against his rule. The internal and external pressure eventually compelled Musharraf to allow Benazir Bhutto to return to Pakistan.

However, Musharraf's controversial tactics in securing his re-election as president in 2007 further strained the democratic fabric of the country. These undemocratic measures were met with condemnation, particularly from leftist parties and advocates for democracy. A significant turning point in the push for democratic reforms was the lawyers' movement, which gained momentum and became a decisive force against Musharraf's regime. Ultimately, the PPP emerged as the leading party in the general elections, securing the most seats and forming the government.

In response to the growing demand for constitutional reforms and the restoration of democratic norms, a committee was established under the leadership of Raza Rabbani. This committee's primary goal was to restore the original spirit of the 1973 constitution and address the pressing issues facing Pakistan. On April 20, 2010, a historic moment was realized when the Parliament of Pakistan passed the 18th Constitutional Amendment. This amendment breathed new life into Pakistan's democratic landscape, reaffirming principles of civilian supremacy, provincial autonomy, and federalism. It played a pivotal role in

strengthening democratic institutions and bringing about a renewed atmosphere of democracy in the country.

Even though democratically elected governments in Pakistan have faced challenges, including periods of military rule, the 18th Constitutional Amendment stood as a testament to the nation's commitment to democratic ideals. It symbolized the resilience of democracy in the face of adversity. During the PPP's government, efforts were made to institute additional democratic reforms in various institutions. However, the process of reform was hampered by the existing weaknesses within these institutions. President Zardari initiated a series of economic and political reforms in 2009, reflecting the government's commitment to strengthening democratic governance.

In this study, I will delve deeper into the role played by the 13th National Assembly's political consensus in driving constitutional reforms. By investigating and analyzing this critical period in Pakistan's political history, the dissertation aims to gain a comprehensive understanding of the factors that contributed to the advancement of democratic principles and reforms.

1.1 Literature Review

There is a plethora of literature on parliamentary democracy and constitutional issues in Pakistan. Scholars such as Waseem (2010), Khalid (2013), and Shah (2012) have extensively discussed the primary concerns and challenges faced by the federal government, especially in the context of the 18th Amendment and the struggle for democracy. Notable contributions from R.R (2013), Gaho (2022), Faisal (2013), and Fareed M. S. (2022) analyze the period of General Musharraf's military regime from 1999 to 2002, emphasizing his political reforms and the constitutional changes that consolidated his power. These studies collectively argue that military rulers have historically posed significant obstacles to the establishment of a stable democracy in Pakistan (Khan R. A., 2004).

On the other hand, some experts, as highlighted by Butt (2013) and Sial (2010), have criticized the 18th Amendment for its failure to address issues at the provincial level, particularly related to economic and educational matters. While the 18th Amendment did increase provincial autonomy, it failed to address governance and resource challenges at the local level, with the transfer of power to local bodies being a key concern. The 13th National Assembly holds a prominent place in Pakistan's political history, having played a pivotal role in restoring the 1973 constitution to its original form. During its five-year tenure from 2008 to 2013, this assembly passed the 18th, 19th, and 20th constitutional amendments, marking a significant achievement in legislation. These amendments addressed various issues, including reforms in the judiciary and the Election Commission. Additionally, the 13th National

Assembly tackled critical political, economic, and national security crises, such as the Kerry Logger Bill, the Baluchistan crisis, energy shortages, the Abbottabad operation, and other political matters (Bashir, Khan, Qasim, 2022).

Akram and Azhar (2022) assert that democracy, often considered the most effective and just political system in the modern world, has been hindered in Pakistan by military and civilian authoritarian regimes. Despite a democratic majority, military interference has consistently obstructed the progress of civilian governance. The article acknowledges the active roles of the PPP and opposition parties in the Parliament, particularly during their tenure from 2008 to 2013 when significant constitutional amendments, including the 18th, 19th, and 20th, were passed. These amendments addressed issues related to the courts and the Election Commission of Pakistan. Moreover, the Parliament effectively tackled political, economic, and national security challenges (Khan, 2022).

Sadaf Aziz sheds light on the constitutional issues in Pakistan, notably the undemocratic practices that persisted through various constitutional amendments. She points out that President Zia-ul-Haq's 8th Constitutional Amendment in 1985 granted the president authority under Article 58(2) b of the Constitution, allowing for the dissolution of assemblies in 1988, 1990, 1993, and 1996. This undemocratic system persisted until 1997 when the 13th constitutional amendment removed Article 58(2)(b), a collaborative effort between the ruling party and opposition parties (Aziz, 2017).

The article delves into the historical challenges faced by democracy in Pakistan and the need for political consensus, cooperation, and pro-democracy sentiment to consolidate democratic governance in the country (Saeed, 2022).

Another key aspect discussed is the purpose of the 18th Amendment, which aimed to enhance provincial autonomy and reduce the temptation for military involvement in politics (Shah, 2012).

Additionally, Gaho B. S. (2022) examines the role of the opposition benches in the 13th Parliamentary year, emphasizing their cooperation with the government to restore the 1973 constitution and eliminate undemocratic elements.

The effectiveness of the 18th Amendment, especially at the local level, is explored, along with the challenges and conflicts between provincial and federal governments (Riaz Khan Cheema, 2020).

Mahmood (2017) highlights the undemocratic forces in Pakistani politics and their involvement in government formation and overthrow. The article also discusses the shift from a parliamentary to a presidential system.

Various reports, including those from PILDAT, FAFEN, and the Gazette of Pakistan, provide detailed information on the legislative and constitutional landscape in Pakistan, including the impact of the 13th National Assembly and the 18th Amendment.

Finally, Kamran's book (2008) offers a comprehensive political history of Pakistan, analyzing the failure of democracy and the role of bureaucratic and undemocratic forces in politics, with a critical examination of religious political parties' positions.

The report by Fruman (2011) sheds light on the extensive socio-economic and political turmoil within the country. Fruman provides a comprehensive account of Pakistan's modern history, delving into the dynamics of political parties, the judiciary, and the military, while also addressing constitutional challenges and their practical implementation. Additionally, the report explores the structure of political parties in Pakistan, offering a concise history of major parties. Notably, it underscores the pivotal factors that allowed political parties to seize opportunities between 2007 and 2008, ultimately paving the way for democratic consolidation and the acquisition of political power. Moreover, the report offers a critical analysis of the strengths and weaknesses in the implementation of the Charter of Democracy (COD). In 2006, the PML-N and PPP entered into a historic agreement known as the Charter of Democracy, which played a crucial role in advancing the cause of democracy in Pakistan. The report extensively examines the COD, its clauses, main features, and the practical aspects of its implementation (Mahar, Malik, Bakhtiar, 2021).

Nizami's work focuses on the intricate interplay between undemocratic forces and politicians in Pakistan. It provides a detailed exposition of Pakistan's historical journey, with a particular emphasis on the judiciary, which has frequently played a contentious role in shaping constitutional decisions. The book critically analyzes the involvement of the establishment in politics since the inception of Pakistan, highlighting how undemocratic values were fostered. Additionally, it addresses how both the military and politicians, through various conspiracies, have eroded democratic principles, resulting in political, democratic, and economic crises. The book also scrutinizes how dictators manipulated the constitution for their own gains (Nizami, 2006). Mufti Shafqat Siddiqui's book delves into the performance of political parties, with a focus on the period between 2008 and 2013 when Pakistan witnessed the only parliament to complete its full 5-year constitutional term. It observes the transformation of Pakistan's political landscape, transitioning from a two-party system to a multi-party system

after the 2018 elections, where PTI emerged as a prominent political force (Mufti Shafqat Siddiqui, 2020).

Furthermore, the book by Hamid (2016) and Warraich (2006) provides an in-depth exploration of Pakistan's judicial history, offering insights into the character of judges and their roles within the legal framework. The text meticulously examines various legal cases involving politicians and dictators, shedding light on the intricate relationship between the judiciary and undemocratic forces, which have exerted undue pressure on the judicial system. While a plethora of articles, journals, books, and newspapers have addressed the features of the 18th Amendment, political transitions, and the strengthening of parliamentary democracy in Pakistan, they often fall short in providing a comprehensive understanding of the underlying political consensus. Instead, they primarily focus on documenting major events related to the 18th Amendment without delving into the nuances of the political consensus that underpins these developments.

1.2 The Plan of Work and Methodology

The present research used descriptive and analytical method for completion of research work. I have used qualitative method of research. I have made division the chapters of my thesis as following:

Chapter-1: Introduction

The introduction provides an overview of the research and its context. It sets the stage by introducing the subject matter, highlighting its significance, and explaining why it merits scholarly inquiry. This section also offers a glimpse into the broader academic landscape within which the research is situated.

Chapter-2: Political Consensus for Constitutionalism in Pakistan: A Historical Analysis

The chapter concludes by summarizing the key historical developments that have contributed to Pakistan's constitutional history. It also serves as a bridge to subsequent chapters that delve deeper into specific constitutional periods, amendments, and challenges. By providing a detailed historical context, this chapter enriches the reader's understanding of the complex and dynamic nature of Pakistan's constitutional history. It lays the foundation for a comprehensive exploration of the nation's constitutional journey in subsequent sections of the thesis.

Chapter-3: Pre-18th Amendment Political Consideration and Compromises

This chapter is dedicated to examining the critical political developments that transpired following the signing of the Charter of Democracy, the pivotal 2008 elections, and the performance of the Special Parliamentary Committee for Constitutional Reforms. These

events are of paramount importance in shaping the political landscape of Pakistan and the trajectory of its constitutional reforms. By elucidating the political dynamics and deliberations of this crucial period, this chapter enriches the reader's understanding of the complex interplay between politics and constitutional reforms in Pakistan. It underscores the pivotal role of these events in shaping the nation's democratic institutions and governance framework.

Chapter-4: Political Deliberations over Important Changes in the 1973 Constitution of Pakistan

This chapter is dedicated to a thorough examination of the political consensus achieved in the 13th National Assembly regarding the 18th constitutional amendment. Additionally, it sheds light on the key characteristics and provisions of the 18th amendment, which had a profound impact on Pakistan's constitutional and political landscape. It also delves into the intricacies of the political consensus that emerged within the 13th National Assembly concerning the 18th amendment. It explores the collaborative efforts and negotiations between various political parties and stakeholders to reach an agreement on this significant constitutional reform. This consensus-building process is essential to understand the broader context of the 18th amendment's adoption.

Chapter-5: An Analysis of the Constitutional Change through the Thirteenth National Assembly

This chapter deals with a comprehensive exploration of the impacts of the 18th amendment to the constitution of Pakistan, as well as the challenges encountered during its implementation. The 18th amendment represents a pivotal moment in Pakistan's constitutional history, and understanding its consequences and difficulties in execution is crucial for a nuanced assessment of its significance. chapter delves into how the 18th amendment substantially increased provincial autonomy by devolving a range of powers and responsibilities to the provinces. It discusses the positive effects of this decentralization on local governance, policy-making, and service delivery.

Chapter-6: Conclusion

This chapter deals with the critical analysis and conclusion.

1.3 Objectives of the Study

The aim of this study to investigate, find out and examine causes of political mistrust, pre-2010 constitutional changes, unconstitutional interference in the politico-administrative and economic system, and the impacts respectively. The study will also analyze political

consensus for constitutional change during the 13th National Assembly and its impact for strengthening of democracy. This study will try to address the fundamental question: whether the political consensus constitutional change have had streamline democratic growth or still Pakistan facing democratic challenges.

1.4 Research Questions

1. Why political consensus for constitutional change during the 13th National Assembly was inevitable?
2. What were the main characteristics of the political consensus for constitutional change during the 13th National Assembly?
3. What was the character of governing and opposition parties in making the constitutional change during the 13th National Assembly?
4. Did political consensus for constitutional change play a role in the restoration of democracy in Pakistan?
5. What prospects are needed to make a country viable democratic State?
6. What are still challenges in the way of the implementation of the 18th Constitutional Amendment?

1.5 Research Methodology

This research study will consist of primary and secondary materials, including books, research articles, journals, magazines, newspapers and online publication. Primary data is available in the National Assembly of Pakistan, National Archives of Pakistan, National Documentation Wing, Cabinet Division, Islamabad etc. The current study will significantly apply both qualitative and quantitative methods to investigate, examine and analyze cause and effect relations between the variables encountered throughout study. The quantitative method will be applied during the course of interviews, whereas, the qualitative method will be engaged by analyzing existing literature.

1.6 Expected Outcomes of the Research

The research will provide a systematic pattern of analyzing, examining and investigating the political system to not only the future researcher but it will add the new contribution, and open new horizons in the existing politico-constitutional literature available on Pakistan.

**POLITICAL CONSENSUS FOR CONSTITUTIONALISM IN PAKISTAN: A
HISTORICAL ANALYSIS**

2.1 Introduction

Prior to the partition of India, the political landscape was characterized by discord among mainstream political parties, including the Indian National Congress (founded in 1885) and the All-India Muslim League (established in 1906). The Muslim leadership, notably figures like Sir Syed Ahmad Khan, cautioned Muslims against the Congress's perceived indifference to their concerns. The contentious issue of the partition of Bengal in 1905, as highlighted by Khan H. in 2017, deepened the mistrust between the two communities, leading Indian Muslims to seek a political platform to safeguard their politico-constitutional rights. (Khan H. , 2017)

Consequently, the All-India Muslim League was founded in 1906, advocating for the constitutional provision of separate electorates for Indian Muslims. While the British government incorporated this demand into the Minto-Morley Reforms of 1909, it faced criticism from various quarters in India. This criticism exacerbated the divide between the Hindu and Muslim communities.

However, Muhammad Ali Jinnah, upon joining the All-India Muslim League, sought to bridge this gap by facilitating a meeting between the Congress and the All-India Muslim League in Lucknow in 1916. This meeting resulted in the signing of the Lucknow Pact, where consensus was reached between the two parties to support the politico-constitutional rights of both communities. (Mehmood, 2002) This political consensus compelled the British government of India to heed the Indians' demand for self-rule.

Consequently, the Government of India Act, 1919 introduced a diarchy system, dividing subjects into reserved and transferred categories to be administered by the British government at the Center and by local ministries in the provinces, as discussed by Anthony, Mustafa, and Patras in 2022. The Act also established two chambers for the Indian legislature: The Central Legislative Assembly and the Council of States. However, these constitutional and political arrangements failed to satisfy the majority of Indian communities (Rizwan & Hassan, 2020).

Religio-political factors further eroded political consensus, especially regarding the issue of separate electorates. The Congress insisted on a joint electorate system, viewing separate electorates as a hindrance to improving Hindu-Muslim relations. Muhammad Ali Jinnah, a prominent leader of Indian Muslims, was willing to withdraw the demand for separate

electorates if the Congress agreed to provide safeguards for Muslim demands, as concluded at the Muslim Conference in Delhi in 1927 (Mehmood, 2002).

Subsequently, the Simon Commission of 1927 and the Indian political leadership's response to it posed a collective challenge to mainstream political parties: to forge a constitutional consensus and devise a constitutional framework for India. This challenge held the potential to bridge the divide between the two rival communities, Hindus and Muslims. However, the inflexible stance of the Nehru Report towards Muslim demands thwarted the possibility of Hindu-Muslim unity and constitutional consensus. In 1928, the Nehru Report of 1928 marked a departure from previous commitments and consensus, as jointly presented and agreed upon. The report disregarded the politico-constitutional rights of Muslims and widened the rift between the two communities. Jinnah aptly described it as 'the parting of ways' (Mehmood, 2002).

The failure of the Simon Commission, the trust deficit between Indians and British Raj, and inter-community mistrust necessitated the organization of the Round Table Conference (RTC) from 1930 to 1932. The RTC aimed to deliberate on constitutional reforms and find solutions to communal issues. However, despite these deliberations, little progress was made, with the main outcome being the Indian Act of 1935. The Government of India Act of 1935 was a significant effort by the British government to grant greater self-governance to Indian communities. However, the struggle for alliances, coalitions, and political-constitutional consensus proved futile. The 1937 elections and their outcomes, as well as the Congress Ministries, exacerbated the situation and solidified an idea expressed by Muhammad Ali Jinnah in 1940,

The Hindus and Muslims belong to two different religious philosophies, social customs and literature(s). They neither intermarry nor interdine together, and indeed they belonged to two different civilizations which are based mainly on conflicting ideas and conceptions. Their aspects on life, and of life, are different. It is quite clear that Hindus and Mussalmans derive their aspirations from different sources of history. They have different epics, their heroes are different, and they have different episode(s). Very often the hero of one is a foe of the other, and likewise their victories and defeats overlap.
(Asif, 2016)

The demand of the All-India Muslim League (AIML) for a separate homeland and the Quit India Movement spearheaded by the Indian National Congress exerted immense pressure on the British government. In response to these escalating demands and widespread unrest, the British government felt compelled to consider constitutional reforms as a means of

appeasement. Despite their efforts, these endeavors failed to yield a satisfactory resolution. As tensions continued to mount, the British government eventually made the momentous decision to partition India into two separate dominions: India and Pakistan. The partition of India, which took place in 1947, remains etched in history as a period marred by profound human suffering and calamity on both sides, India and Pakistan. The circumstances surrounding this partition presented the leaders of the newly established Pakistan with a unique opportunity and challenge: to devise politico-constitutional and administrative strategies that would garner national consensus and pave the way for the development of a nascent nation.

This critical juncture in history, as explored by Mehmood in 2002, set the stage for Pakistan's leaders to grapple with the complex task of nation-building. The process involved not only the formulation of a constitution but also the establishment of administrative structures, governance frameworks, and policies that would shape the trajectory of the newly created country. It was a period marked by both immense challenges and tremendous possibilities. The leaders of Pakistan faced the formidable task of forging a cohesive identity for the nation, reconciling diverse linguistic, cultural, and regional differences, and charting a path towards stability and prosperity. This period of transition demanded visionary leadership, careful deliberation, and a commitment to democratic principles. It was a time when the nation's foundational values and constitutional framework would be crafted, and the course of Pakistan's political and constitutional history would be charted for generations to come.

In the chapter that follow, I will delve into the multifaceted journey of Pakistan's political and constitutional evolution, exploring the key milestones, challenges, and achievements that have shaped the nation's governance, identity, and democratic institutions.

2.2 Political Consensus for Constitutionalism in the Formative Phase of Pakistan

In democratic nations, the pursuit of political consensus and constitutional means is often regarded as the key to resolving myriad challenges. Pakistan, in its quest to establish a stable government and a viable constitution, faced numerous formidable obstacles. One of the most profound challenges was the struggle to attain political consensus in crafting the nation's inaugural constitution. The stark absence of consensus between the eastern and western regions of the country on a range of critical issues, including the nature of the state (Islamic vs. secular), the choice of a national language, the form of government (parliamentary vs. presidential), parliamentary representation for the eastern and western wings, fiscal resource sharing, and the autonomy of provinces as envisaged in the Lahore Resolution of 1940, left Pakistan without a constitution for nearly a decade, plunging the nation into a perpetual state of political turmoil and instability (Bokhari, 2000).

This tumultuous period also witnessed national integration efforts characterized by stringent policies and autocratic schemes, including the dissolution of Khwaja Nazimuddin's Ministry in 1953, the dissolution of the Constituent Assembly in 1954, and the One Unit scheme implemented in 1955. Tragically, these measures ultimately paved the way for martial law to be imposed in the country just two years after the promulgation of the 1956 legal document of Pakistan. Within the first Constituent Assembly of Pakistan, a diverse array of political parties representing a spectrum of ideologies and viewpoints were in deliberation. Regrettably, this diversity led to deep ideological and political divisions that impeded progress in framing the nation's constitution. The reports of the Basic Principles Committee (BPC) were met with rejection by the constituent assembly, further exacerbating differences and creating a political vacuum that was exploited by the alliance of civil-military bureaucracy and politico-religious elites (Muhammad Rizwan, Manzoor Ahmad, Usha Rehman, 2017).

The initial report of the BPC in 1950 proposed a federal setup for Pakistan and the inclusion of the Objectives Resolution in the future constitution. However, this report faced criticism from political parties in the eastern wing, who were concerned about potential marginalization by the western wing's political leadership. Additionally, East Bengal demanded the inclusion of Bengali as a national language and sought adequate representation in parliament based on its population. The failure of the first BPC report prompted the Constituent Assembly to present a second and final report in 1952, which recommended equal representation for both wings in the parliament. However, this recommendation was met with resistance from Punjabi political elites in the western wing, who feared its implications (Muhammad Rizwan, Manzoor Ahmad, Usha Rehman, 2017).

The opposition to the second report in Punjab led to a suspension of negotiations by the Constituent Assembly, resulting in a looming constitutional deadlock of national significance. National unity was at risk, and the process of constitution-making took center stage in the midst of this challenge (Parveen, 2000). In response to the interim report of the BPC, Bengali Communist Activists and the Awami Muslim League initiated a nationwide campaign and established the Central Committee of Democratic Federation (CCDF). The CCDF's primary goal was to advocate for provincial autonomy in East Pakistan (Kokab, 2000).

During this formative phase, the absence of consensus on politico-constitutional matters shattered the dream of Pakistan's founder and visionary leader, Muhammad Ali Jinnah. Jinnah had envisioned Pakistan as a democratic state embodying the principles of Islam. He once declared, "I do not know what the final form of the constitution will be, but I am sure that it will be democratic in nature and embody the essential principles of Islam" (Afridi, 2020). Unfortunately, neither the Islamic ideology was fully integrated into Pakistan's political and

constitutional framework, nor was a robust democratic state nurtured since its inception. The first Constituent Assembly was marked by discord between opposition parties like the PNC and the ruling party, Pakistan Muslim League (PML), on a multitude of issues mentioned earlier. Both ruling and opposition parties were hesitant to engage in meaningful political discourse to resolve these differences. Much of this hesitancy stemmed from the fact that many members of ruling parties held multiple official positions and were frequently absent from assembly sessions.

However, the Bogra formula of 1953 proposed inclusive recommendations to address the constitutional deadlock and achieve parity and general consensus between the two wings of the country in the Upper House, despite unequal representation in the Lower House (Muhammad Rizwan, Manzoor Ahmad, Usha Rehman, 2017). This formula introduced the concept of equality between the two wings—East and West—of Pakistan, which found broad public acceptance (Muhammad Rizwan, Manzoor Ahmad, Usha Rehman, 2017). The Bogra formula held the promise of promoting national unity, cooperation, and ending provincial animosities. However, critics contended that it was overly complex and challenging to translate into constitutional provisions. Just as the formulation of a constitution based on the Bogra formula seemed within reach, the situation took a turn for the worse. In 1954, general elections were held in East Pakistan, where only ten members of the Muslim League were successful. This electoral outcome made it abundantly clear that the Muslim League, the dominant party in the legislature, had rapidly lost the confidence of the people. (Mehmood, 2007)

Furthermore, the Pakistan Muslim League struggled to reformulate and redevelop its political agenda to address the social and economic needs of the populace. The pursuit of a policy advocating one nation, one party, and one language in the name of state interest and solidarity had detrimental consequences for the democratization process. Factionalism, regionalism, and opportunism became prominent features of politics during this period. Although the Juktu Front emerged as the victor in the 1954 elections, its unity crumbled due to power struggles among its constituent party leaders (Kanwal, 2017). Concurrently, the Murree Agreement was seen as a last-ditch effort to resolve politico-constitutional deadlocks, leading to a consensus under its provisions.

2.3 Murree Agreement 1955

The political landscape of the time saw major mainstream political parties, including the Awami League (AL), the Pakistan Muslim League (PML), and the Jugtu Front (JF), come together in an attempt to address three critical issues: the constitutional deadlock, the issue of parity in representation, and the One Unit scheme. This collective effort resulted in the

signing of the "Murree Agreement of 1955." The agreement was reached with key conditions, as detailed by Kokab:

Provincial Sovereignty for East Pakistan: Recognizing the importance of provincial autonomy for East Pakistan.

Equality in Representation and Job Sharing: Ensuring equality in representation and job allocation across various sectors, including industry, trade, the military, and finance, among others.

Joint Electorate: Embracing the concept of a joint electorate, where all citizens would participate in the same electoral process.

Language Equality: Recognizing both Urdu and Bengali as the official languages of Pakistan (Kokab, 2000).

The Murree Accord of 1955 marked a significant breakthrough in the process of formulating Pakistan's first legal document in 1956. The initial draft of this document was presented in the Constituent Assembly on January 9, 1956, and it received approval on February 29, 1956. Subsequently, on March 2, 1956, the proposal was submitted to the Governor-General for endorsement, leading to the official enforcement of the legal document on March 23, 1956, which declared Pakistan as an Islamic Republic. However, despite the constitutional provisions, the political tensions that had simmered throughout these years were not entirely resolved. (Mehmood, 2007) Discontent, suspicion, and bitterness persisted between East and West Pakistan for nearly a decade as they grappled with questions of power and authority within the Parliament. Additionally, the unconstitutional methods employed to abrogate the first constitution of Pakistan further exacerbated the divide between the two parts of the country and fueled ethnic animosities, particularly against Punjabis in general and the military in particular (Bhutto, 1971).

The Murree Agreement and the subsequent promulgation of the 1956 legal document represented significant milestones in Pakistan's constitutional history, yet they also underscored the complex and deeply rooted challenges that the nation faced in its journey toward political and social cohesion.

2.4 Ayub's Undemocratic Constitution and Political Reaction

The abrogation of the 1956 legal document and the imposition of military rule under Ayub Khan marked a pivotal juncture in Pakistan's political history. Ayub Khan not only assumed the role of the Chief Martial Law Administrator but also wielded the authority to enact decrees, including the Elective Bodies (Disqualification) Order, 1959, and the Peoples' Office (Disqualification) Order, 1959. These ordinances had profound consequences: they disrupted the nascent political system and stifled dissent against Ayub Khan's policies, which were primarily aimed at consolidating his political legitimacy and increasing his power within Pakistan.

Amidst the sweeping changes introduced by Ayub Khan's regime, a significant development was the establishment of a constitutional commission in 1960, under the guidance of Justice Shahab-u-din, tasked with drafting a new constitution for Pakistan. This commission embarked on its work, albeit without seeking the input of the general public, as a questionnaire circulated to gauge public opinion did not lead to the endorsement of the constitutional draft (Newman, 1962). Furthermore, the drafting of the 1962 constitution was primarily conducted by a select group appointed by Ayub Khan, and even their independent viewpoints were disregarded. To review the recommendations of the constitutional committee, two sub-committees were also formed. However, the consensus over the 1962 constitution was ignored, particularly in the uni-cameral legislative assembly that emerged after the 1962 Basic Democrats elections. All proceedings related to the formulation of the 1962 constitution were shrouded in secrecy, culminating in its imposition in Pakistan.

The 1962 legal document of Pakistan was essentially a constitution dominated by a single individual, effectively sidelining political opposition and precluding their involvement in state affairs. The opposition, represented by the National Democratic Front, vehemently protested this constitution because it imposed a complete ban on their political activities. Their collective objective was to restore genuine parliamentary democracy in Pakistan and establish a democratic constitution for the nation (Idrees, 2017).

To challenge the authoritarian regime, opposition parties formed alliances, including the united Opposition Parties and the Democratic Action Committee. Their ultimate aim was to remove the dictator from power. However, it wasn't until 1969 that their efforts bore fruit when Commander-in-Chief Yahya Khan declared Martial Law in Pakistan on March 25, 1969. This marked the abolition of the 1962 dictatorial Constitution, paving the way for Pakistan's first general elections in 1970. From the period of independence to the separation of East Pakistan, Pakistan grappled with political disunity, a lack of constitutional consensus,

and the control of apolitical and unconstitutional elites. These circumstances eventually led to a period of disintegration in the country (Idrees, 2017).

2.5 Bhutto's Efforts for Constitutional Consensus and Tripartite Accord

The people of Pakistan underwent a tumultuous journey marked by the abrogation of two significant legal documents within a relatively short span of twenty-two years. This period of upheaval began with elections conducted under the Legal Framework Order (LFO) introduced by General Yahya Khan, who served as the Chief Martial Law Administrator. The aftermath of the 1970 elections witnessed a messy transition of power and authority to civilian governance, setting in motion a series of events that would shape the destiny of Pakistan. The consequences of this transition were far-reaching and profound. The political landscape of East Pakistan became a hotbed of unrest, culminating in the military operation known as Operation Search Light and the India-Pakistan War of 1971, ultimately leading to the birth of Bangladesh as an independent nation. Zulfikar Ali Bhutto was held accountable for the disintegration of Pakistan, with a complex web of factors contributing to this historic event.

The roots of this crisis can be traced back to the 1962 constitution, which lacked consensus and effectively concentrated power in a single individual, Ayub Khan. Ayub's policies, particularly his disregard for the concerns of East Pakistan and the marginalization of communities other than Punjabis and Muhajirs in West Pakistan, fueled a growing sense of separatism in the country. Recognizing the need for change, Bhutto, upon assuming power, embarked on a mission to provide Pakistan with a constitution built on consensus. However, the path toward a permanent constitution was fraught with challenges. To address the immediate need for governance, the Parliament approved the 1972 interim constitution, drawing from the Indian Independence Act of 1947 and the Indian Act of 1935. This interim constitution aimed to manage the affairs of the state during this turbulent period. Yet, contentious issues persisted, including the distribution of authority between the federal and provincial levels and the choice of a parliamentary or presidential system of government.

At the provincial level, ambitions for maximum powers were high, reflecting a longstanding demand for provincial autonomy. While the Pakistan People's Party (PPP) held governments in Punjab and Sindh, Baluchistan and NWFP (KPK) were governed by the National Awami Party (NAP) and Jamiat-ul-Ulema-e-Islam (JUI), respectively. The major political parties, including the National Awami Party (NAP), Pakistan People's Party (PPP), and Jamiat-ul-Ulema-e-Islam (JUI), displayed a strong commitment to resolving constitutional deadlocks through political consensus and negotiations. In this context, the Tripartite Accord, signed on March 6, 1973, among these major political players, was a significant milestone. Bhutto's

adept political maneuvering instilled confidence in the opposition parties regarding the 1973 Constitution. (Idrees, 2017)

Based on the Tripartite Agreement, Bhutto made key appointments, such as Arbab Sikandar Khalil as the Governor of NWFP and Governor of Baluchistan. This move paved the way for NAP-led governments to take shape in these provinces. Furthermore, the NAP-JUI alliance not only supported the continuation of martial law until August 14, 1972, but also expressed confidence in Bhutto's presidency. (Amna, Abdul Qadir Mushtaq, Abdul Majid Khan, Rana Syed Shoaib Iqbal, 2004)

On April 17, 1972, a parliamentary committee was established to undertake the critical task of drafting the new constitution. Mian Mahmood Ali Kasuri initially served as its Chairman, with 24 other members representing various political parties, including the PPP, NAP, Jam'iyat 'Ulama-i-Pakistan (JUP), Jamiat-ul-Ulema-e-Islam (JUI), and Qayyum Muslim League (QML). The committee's objective was to present a draft constitution for review by the latter half of June 1972. However, due to disagreements with the government, Mahmood Ali Kasuri resigned as Chairman on October 9, 1972, and was succeeded by Abdul Hafeez Pirzada. (Malik, 2020) Religious parties such as Jamaat-e-Islami, Jam'iyat 'Ulama-i-Pakistan (JUP), and Jamiat-ul-Ulema-e-Islam (JUI) played a constructive role in the National Assembly to forge a consensus on the draft constitution. While they did insist on a timeline for the Council of Islamic Ideology reports, these parties mainly maintained their earlier positions of opposition, contending that the draft did not align with Islamic provisions. (Raza, 2000)

Regrettably, the process of political consensus encountered a significant setback when Bhutto dismissed the governors of NWFP on February 15, 1973. Additionally, the non-PPP provincial government in Baluchistan was disbanded due to the prevailing law and order situation in the province. In reaction to these dismissals, the government of NWFP also tendered its resignation. These events marked a notable setback in the efforts to maintain political harmony. (Malik, 2020) In response to these political developments, opposition parties, including the National Awami Party (NAP), Jam'iyat 'Ulama-i-Pakistan (JUP), Jamiat-ul-Ulema-e-Islam (JUI), Qayyum Muslim League (QML), Khaksar Tehrik (KT), and Pakistan Democratic Party (PDP), formed an alliance known as the United Democratic Front (UDF) in February 1973. As a protest against the opposition benches' refusal to support even a single amendment that would have Islamized Pakistan's future constitution, the UDF leadership decided to abstain from the upcoming National Assembly session. (Ahmed G. , 1991)

In March 1973, the UDF leadership planned a procession in Rawalpindi, which tragically resulted in a brutal crackdown by the authorities. Numerous people were injured, and over a dozen, including children and the elderly, lost their lives. The UDF's decision to stay away from the NA session underscored the deep divisions and challenges that persisted in achieving a consensus on the constitution. However, in the face of adversity, Bhutto extended an invitation to the opposition in April 1973, emphasizing the importance of national unity and integration. As negotiations progressed, the UDF decided to attend the meeting when Bhutto agreed to incorporate some changes into the draft constitution during the final round of negotiations. Ultimately, on April 10, 1973, members of the opposition made the historic decision to support the draft constitution, leading to its promulgation on August 14, 1973. This momentous occasion marked the culmination of a painstaking journey to create a consensus-driven constitution for Pakistan. (Idrees, 2017)

The 1973 Constitution addressed critical issues, including the recognition of Islam as the state religion, power-sharing arrangements between the federal government and provinces, and the delineation of roles for the president and prime minister. To mitigate concerns about the potential dominance of Punjab, the constitution introduced a bicameral legislature with the Senate ensuring equitable provincial representation, while seats in the Parliament were allocated based on population. Under the charismatic leadership of Zulfikar Ali Bhutto, the 1973 Constitution was crafted through the collective efforts of the entire political spectrum, reaffirming the nation's commitment to establishing a robust parliamentary democracy. This achievement rekindled hope for a united, democratic, and prosperous future for Pakistan, anchored in its rich Islamic identity and cultural heritage.

In the historical context of Pakistan's constitutional evolution, the period surrounding the formulation of the 1973 Constitution stands out as a crucial juncture. It reflects the nation's collective effort to shape its destiny and establish a democratic framework rooted in its unique identity and aspirations. At the time, the opposition, represented by prominent figures like Maulana Abdul Hakim and Maulana Ghulam Ghous Hazarvi of the JUI, fervently advocated for the incorporation of Islamic provisions into the constitution. They argued that Pakistan's Constitution needed to reflect the Islamic values and beliefs cherished by the public. It was a demand resonating with many, and the opposition had presented a comprehensive set of revisions to Zulfikar Ali Bhutto's government, who was at that time a head of the government. (Pakistan T. G., March 26, 1973)

However, the Bhutto government initially rejected the opposition's proposed revisions, citing incompatibility with the existing constitutional framework. This initial deadlock reflected the challenges of bridging ideological divides during this pivotal constitutional process.

Nonetheless, Bhutto recognized the significance of national unity and integration, prompting him to extend an olive branch to the opposition on April 2, 1973. He invited them to participate in the Assembly session scheduled for April 7, showing willingness to accommodate some of their demands. Initially, the United Democratic Front (UDF), representing the opposition, chose to abstain from the meeting. However, they later decided to attend when Bhutto agreed to make some changes to the draft legal document during the final rounds of negotiations. This diplomatic breakthrough signaled a step towards consensus-building. (Ahmed G. , 1991)

The journey was not without its tribulations. The opposition faced physical abuse and political harassment as they pursued their objectives, resorting to protests, strikes, and even boycotting House proceedings. However, on April 10, 1973, when the draft was slated for presentation in parliament, the opposition members made a significant decision. They chose to vote in favor of the legal document, signaling a willingness to find common ground and move forward. (Pakistan G. o., April 10, 1973) This historic document, known as the "Legal Document of the Islamic Republic of Pakistan 1973," was promulgated on August 14, 1973, symbolizing a political consensus achieved through intense negotiations and compromise.

The 1973 Constitution primarily revolved around three critical issues: the role of Islam, power-sharing between the federal government and the provinces, and the distribution of responsibilities between the president and the prime minister. To address concerns about potential provincial dominance by Punjab, a bicameral legislature was introduced. The Senate ensured balanced representation for all provinces, while the allocation of seats in the Parliament was based on population size. Furthermore, the constitution officially declared Islam as the state religion of Pakistan, recognizing its profound influence on the nation's identity and culture.

Zulfikar Ali Bhutto played a pivotal role in this constitutional journey, transitioning from President to Prime Minister. This transformation sought to address the smaller provinces' apprehensions and enhance the nation's parliamentary democracy. The consensus reached during the drafting of the constitution was a remarkable achievement, reigniting hope for a brighter democratic future. However, Pakistan's democratic journey has witnessed challenges, including military coups and judicial interventions that have disrupted the balance of powers and weakened adherence to the constitutional framework. Despite these challenges, the 1973 Constitution embodies the nation's enduring commitment to parliamentary governance and provides a roadmap for a more stable and representative government. (Bokhari, 2000)

Pakistan's journey to establish a parliamentary democracy through the 1973 Constitution reflects the resilience of its democratic traditions. The constitution, the product of intense

negotiations and political consensus, remains a beacon of hope for a nation seeking to navigate its democratic course amidst challenging circumstances. While challenges persist, the separation of powers and adherence to constitutional principles offer the promise of a robust and stable parliamentary democracy in Pakistan's future. (Hashmi, 2018)

2.6 Victimization of Democratic Rule under the 8th Amendment

Pakistan's political history since its independence has indeed been marked by a complex interplay between democratic and authoritarian rule, often influenced by a variety of factors. The country has struggled to maintain a continuous democratic system, facing significant challenges along the way. Here, we delve deeper into the key factors and events that have shaped Pakistan's political landscape. Undemocratic Forces and Agencies: Pakistan has seen periods of rule by undemocratic forces and intelligence agencies. These elements have often played a behind-the-scenes role in influencing political developments, sometimes undermining elected governments.

Historically, Pakistan's judiciary has at times been seen as accommodating to military and authoritarian rulers. This has posed challenges to the sustenance of democratic governance. Political parties in Pakistan have often been characterized by personal connections rather than strong ideological foundations. This fragility has made them susceptible to external pressures and internal divisions. The military has played a significant role in Pakistan's politics, at times prioritizing its own interests over democratic principles. Military coups have interrupted civilian rule on multiple occasions. The presence and influence of religious parties in Pakistan's political landscape have added complexity to the country's democratic processes. These parties have sometimes aligned with undemocratic forces. Western nations, particularly the United States, have at times supported regime changes and dictatorships in Pakistan for strategic reasons. This external support has influenced the country's political dynamics.

One notable example of authoritarian rule was General Zia-ul-Haq's military coup in July 1977. Unlike previous dictators who revoked the constitution, General Zia postponed it and introduced Provisional Constitutional Orders (PCO) and Revival of the Constitution Order (RCO) to consolidate his power within the existing legal framework. (Mushtaq, 2015)

The Eighth Amendment, passed on December 30, 1985, during General Zia's regime, granted the president the authority to dismiss the assembly under Article 58 (2) (b). This amendment significantly expanded the president's powers, allowing for the dismissal of elected governments, either after a vote of no confidence against the prime minister or when the government could not function according to constitutional provisions. Critically, actions taken

by the president under this authority were shielded from legal challenge. (The Gazette of Pakistan, extra ordinary part 1 5th may, 1985)

The Eighth Amendment fundamentally altered Pakistan's political structure from a parliamentary democracy to a semi-presidential one, concentrating power in the presidency. This change had significant consequences, as it enabled the dismissal of multiple democratically elected governments in less than a decade. Between 1988 and 1996, President Ishaq Khan regularly used Article 58 2(b) and the Eighth Amendment to dissolve the lower house of parliament. Prime Ministers like Benazir Bhutto and Mohammad Nawaz Sharif saw their governments dismissed through this provision, often amid allegations of corruption or nepotism. President Ishaq Khan justified his use of Article 58 2(b) by claiming it was necessary to remove corrupt governments that had lost public trust. This provision led to frequent changes in government, eroding political stability. In the end, the use and abuse of Article 58 2(b) and the Eighth Amendment reflected the challenges faced by Pakistan in maintaining democratic continuity and stability amid competing interests, including those of the military, political parties, and external actors. These events are a testament to the complex nature of Pakistan's political journey. (Mehmood, 2007)

2.7 13th Amendment and Abolition of 58-2 (b)

The events surrounding the 13th constitutional amendment in Pakistan in 1997 were a significant turning point in the country's political history. They marked a concerted effort to restore and strengthen parliamentary democracy by undoing the damage caused by the controversial Article 58(2)(b) of the 8th Amendment, which had granted the President considerable powers to dissolve the National Assembly and make key appointments. In 1997, the Pakistan Muslim League (PML-N) came to power with a majority, and during their second tenure (1996-1999), they recognized the need for political consensus to bring back parliamentary democracy. The PML-N, led by Prime Minister Nawaz Sharif, worked with the opposition to initiate the 13th constitutional amendment. This amendment effectively repealed Article 58(2)(b) of the 8th Amendment, which had been widely criticized for its detrimental impact on democratic governance. (Khan H, 2017)

Key changes brought about by the 13th Amendment included:

Repeal of Article 58(2)(b): The most significant change was the removal of Article 58(2)(b), which had empowered the President to dissolve the National Assembly and make important appointments. This provision had been a source of political instability and was seen as a tool to dismiss elected governments.

Consultation with the Prime Minister: The amendment required the President to consult with the Prime Minister before making any decisions in line with parliamentary practice. This consultation process reinstated the principle of elected representatives having a say in crucial matters.

Provincial Assemblies: Similar powers of dissolution for Provincial Assemblies, as outlined in Article 112(2)(b), were also removed. This aimed to ensure consistency between the federal and provincial levels of government.

Appointment of the Governor-General: The President's power to appoint the Governor-General was revised. While previously, the President could make this appointment after consulting the Prime Minister, the 13th Amendment made it clear that the President had to act on the Prime Minister's advice. This made the Prime Minister's recommendation binding on the President.

Appointment of the Chief of Armed Staff: The amendment also removed the President's discretionary power to appoint the Chief of Army Staff, which was a significant change in the military's role in civilian governance. This change aimed to reduce the influence of the military in political matters.

The 13th Amendment effectively returned the President to a ceremonial role with limited powers, in line with the original intent of the 1973 Constitution. It was a reflection of the consensus among political parties and legal professionals that Article 58(2)(b) had been detrimental to the democratic process in Pakistan. This amendment represented a significant step towards strengthening democracy and ending the era of dictatorships and political instability. It demonstrated the commitment of Pakistan's political leadership to safeguarding the democratic principles enshrined in the constitution and ensuring that elected representatives had the authority to govern effectively. (Khan H, 2017)

2.7 17th Amendment in the Constitution of 1973 and Reaction of Political Parties

The period following General Pervez Musharraf's military coup in October 1999 marked a significant setback for Pakistan's democratic transition. The democratically elected government led by the Pakistan Muslim League-Nawaz (PML-N) was ousted, and Musharraf assumed power. During his rule, Musharraf introduced the seventeenth constitutional amendment, which aimed to reverse some of the key changes brought about by the thirteenth constitutional amendment, thereby increasing the President's discretionary powers. The seventeenth constitutional amendment made various alterations to Pakistan's legal document, with a particular focus on the office of the President. These changes were seen by many as a step back from the progress made in restoring parliamentary democracy through the thirteenth

amendment. The amendment was met with resistance from political parties, as it was perceived as undermining the democratic principles that had been reestablished.

In response to the unacceptable amendments introduced by the seventeenth amendment, political leaders, including those from the PML-N and Pakistan People's Party (PPP), stood up against the Musharraf dictatorship and worked together to restore democracy. This marked a pivotal moment in Pakistan's political landscape. The All Parties Democratic Movement (APDM) played a crucial role during this period. It was a political alliance established in 2007, consisting of various opposition parties that came together to challenge Musharraf's rule and push for democratic reforms. The APDM sought to unite opposition forces under a common agenda of restoring democracy and holding free and fair elections.

Another significant political alliance during this time was the All Parties Democratic Alliance (APDA), led by Nawabzada Nasurullah Khan. The APDA included fifteen different political parties, including the PML-N and PPP. Its primary objective was to develop a comprehensive political strategy for the reestablishment of functional parliamentary institutions and the restoration of democracy in Pakistan. Under the umbrella of these alliances, massive public rallies and protests were organized, with political leaders and activists voicing their determination to remove Musharraf from power and uphold democratic principles. (Fruman, 2011) These movements gained momentum, and the opposition leaders, including Benazir Bhutto and Nawaz Sharif, worked together to draft the Charter of Democracy (COD) in 2006.

The COD was a significant document that outlined the principles and commitments of the democratic forces in Pakistan. It emphasized the need for free and fair elections, an independent judiciary, and a strong parliament, among other democratic reforms. The cooperation between Bhutto and Sharif in drafting this document marked a historic moment of unity among Pakistan's democratic leaders. In summary, following Musharraf's military coup in 1999, Pakistan experienced a turbulent period with reversals in democratic progress through constitutional amendments. However, opposition alliances like the APDM and APDA, along with efforts to draft the COD, demonstrated the resilience of Pakistan's democratic forces in their quest to restore democracy and uphold democratic principles in the face of authoritarian rule.

**PRE-18TH AMENDMENT POLITICAL CONSIDERATIONS AND
COMPROMISES**

3.1 Introduction

The Charter of Democracy (CoD) holds a significant place in Pakistan's political history, often regarded as the third important document after the Pakistan Resolution of 1940 and the 1973 Constitution. This historic document played a pivotal role in building consensus among various political parties and furthering the cause of parliamentary democracy in Pakistan. At the All Parties Conference (APC), approximately fifteen political parties came together to lend their support to the CoD, demonstrating their commitment to restoring and strengthening parliamentary democracy in Pakistan (Khan & Alam, 2010). The CoD was a testament to the unity of mainstream political parties in the face of the challenges that Pakistan's democratic system had encountered.

One of the primary objectives of the CoD was the abolition of the 17th constitutional amendments, which aimed to restore the original structure of the 1973 Constitution. Additionally, the CoD emphasized the need to grant more autonomy to the provinces within the framework of this charter. This broadened agenda went beyond the Charter itself and addressed numerous other contentious issues (Waseem, 2010). After coming into power in 2008, the Pakistan People's Party (PPP) formed a committee in 2009 to implement the CoD. The Parliamentary Committee on Constitutional Reforms (PCCR) played a crucial role in this process, with various prominent political parties, including regional ones, actively participating in the legislative discussions. The proceedings of the committee were kept confidential, reflecting the seriousness and sensitivity of the issues at hand. While there were some reservations, retaliations, and disagreements during the committee's deliberations, a report summarizing their efforts was published in 2010.

The significance of the CoD becomes even more evident when we consider the context in which it was formulated. The 1973 Constitution had been subject to amendments by military dictators who prioritized their own interests. The 8th and 17th amendments, in particular, had a profound impact on Pakistan's democratic institutions, making the country less democratic. The CoD emerged as a response to the tumultuous politics of the 1990s, during which the Pakistan Muslim League-Nawaz (PML-N) and PPP, despite their differences and rivalry, chose to pursue a politics of accommodation and reconciliation. This change in approach paved the way for shared understanding and appeasement, culminating in the signing of the CoD in 2006 (Khan & Alam, 2010).

Following the signing of the CoD, mainstream political parties collectively committed to upholding Pakistan's democratic traditions and avoiding involvement in military and political interventions. The CoD aimed to strengthen democracy, purify the constitution from the remnants of previous dictatorships, and consolidate democratic values in the nation (Shah, 2012). In essence, the Charter of Democracy represents a significant step towards safeguarding and advancing democratic principles in Pakistan. It reflects the resilience and commitment of political leaders to ensure that democracy prevails in the face of various challenges and adversities in the country's political landscape.

3.2 Key Features of Charter of Democracy

The Charter of Democracy (CoD) is a monumental document comprising four main components, each of which played a vital role in reshaping Pakistan's political landscape. These components are the Code of Conduct, Constitutional modifications, provisions related to civil-military relations, and the conduct of free and fair elections. Together, they articulated the imperative shift from military-led restricted democracy to normative democratic dominance in Pakistan.

The CoD consisted of 36 key points, highlighting crucial areas of focus for the restoration and strengthening of parliamentary democracy in Pakistan. Some of these points included:

- Appointment of the Chief Justice.
- Merger of FATA with KPK.
- Abolishing the authority of the President to dismiss the National Assembly.
- Ensuring representation of minorities in the Senate.
- Issuing a new NFC (National Finance Commission) award and abolishing the concurrent list.
- Establishing a National Democracy Commission.
- Creation of Constitutional Courts.
- Ensuring fair and free elections.
- Establishing a Truth and Reconciliation Commission (Dawn, May 16, 2006).

Upon the endorsement of the CoD, Pakistan's political leadership embarked on a collective mission to achieve the overarching goal of restoring parliamentary democracy in the country. They found common ground in their opposition to the government of Pervez Musharraf, who was then in power. The opposition parties came together under the banner of the Alliance for Restoration of Democracy (ARD) and organized massive public rallies. The political elite expressed their determination to remove Musharraf from power. The CoD provided a

unifying platform for all political parties to stand against military dictatorship (Dawn, August 23, 2006).

The opportunity for the parties to initiate their anti-Musharraf movement arose on March 9, 2007, when Musharraf demanded the resignation of Iftikhar Muhammad Chaudhry, the Chief Justice of the Supreme Court of Pakistan. Chaudhry's refusal to step down ignited widespread opposition that transcended partisan differences, focusing on the sovereignty of the judiciary. Political parties swiftly joined the movement and framed their quest for the restoration of democracy within the context of institutional supremacy. The return of both Nawaz Sharif and Benazir Bhutto from exile added momentum to the movement. The opposition faced a hostile response from the government, but the lawyers' movement ultimately proved to be the tipping point that led to Musharraf's departure (Fruman, 2011).

Since 2008, Pakistani politics has been influenced by the principles outlined in the CoD, resulting in positive outcomes for democratic development in the country. There is a widespread understanding among political parties regarding the importance of preserving the democratic structure. Embracing the spirit of the CoD, these parties are collectively working towards achieving the vision of a sustainable and responsive democracy in Pakistan. The Pakistan Peoples' Party (PPP) participated in elections as the Pakistan Peoples' Party Parliamentary (PPPP) and emerged as the dominant party, securing 119 out of 342 seats in the National Assembly. This marked a significant shift in the national political landscape. The election of Asif Ali Zardari and Musharraf's departure were pivotal events that strengthened democratic political progress. These actions dismantled undemocratic forces on one hand and led to the election of a civilian President on the other. The opposition supported him as a President committed to democracy, fostering political consensus against the dictatorial regime and promoting a democratic process for the selection of the President (Zikria, Ahmad, & Qasim, 2019).

Table-3.1: Party Position in the Election of 2008 (<http://www.ecp.gov.pk>)

Name of the Party	NA	Baluchistan	KPK	Punjab	Sindh
Islami National Party	12	4	48	0	2
Baluchistan National Party	1	7	0	0	0
Independents	18	12	11	4	0
Mutahida Qaumi Movement	7	10	14	2	0
National Party	0	1	0	0	0
National People Party	1	0	0	0	3
Pakistan Muslim League (F)	5	0	0	3	8

Pakistan Muslim League (N)	91	0	9	171	0
Pakistan Muslim League (Q)	54	19	6	84	9
Pakistan People Party (S)	1	0	6	0	0
Pakistan People's Party	24	12	30	107	93

3.3 Formation of Special Committee for Constitutional Reforms

Following the 2008 elections, the Pakistan Muslim League-Nawaz (PML-N) exerted pressure on the Pakistan People's Party (PPP) to adhere to the principles outlined in the Charter of Democracy (CoD). Simultaneously, the PPP was determined to realize its manifesto, which emphasized consensus, commitment, and dedicated efforts towards achieving provincial autonomy. On March 9, 2008, the PPP and PML-N entered into the Murree agreement, a significant step towards the restoration of receptive and admired political consensus and democracy in Pakistan. This agreement marked a time when the democratic structure witnessed the extension of politics of reconciliation and accommodation between the two parties. Both parties acknowledged the election results and were committed to forming a coalition government (Dawn, March 10, 2008).

Under the Murree agreement, the PML-N expressed its determination to join the alliance government at the federal level, with a focus on working for the restoration of the dismissed judges. Meanwhile, the PPP decided to join the provincial ministry in Punjab. The agreement also included a commitment to offering complete support to the PPP's chosen candidate for the position of Prime Minister. Additionally, the political entities reached an understanding that the Speaker and Deputy Speaker positions in both the Central and Punjab Assemblies would be allocated to PML-N and PPP, respectively (Dawn, March 10, 2008). As a result of the Murree agreement, the PPP established a coalition government alongside the PML-N and the Awami National Party (ANP). However, the PML-N exited the coalition government after five months and transitioned into a prominent opposition party. Other significant opposition factions included the Muttahida Qaumi Movement (MQM), the Jamiat-e-Ulama-e-Islam Fazal Rehman group (JUI-F), and the Pakistan Muslim League (PML). MQM displayed a penchant for frequently shifting its stance between the opposition and treasury benches, while PML-Q similarly joined the government in April 2011 (Adil M. &., 2020).

Chaudhry Nisar Ali Khan from the PML-N held the position of opposition leader during this government's tenure. The PPP administration, which governed from 2008 to 2013, achieved substantial legislative accomplishments throughout its tenure. Of particular significance was the 18th constitutional amendment, which brought new life to the 1973 constitution. Additionally, the nineteenth and twentieth amendments marked noteworthy advancements achieved under the PPP's leadership. It's important to note that opposition parties played a

notable and influential role in shaping these legal developments. They actively presented alternatives to the government's proposals for implementing these legal amendments (Adil M. &, 2020).

The thirteenth National Assembly marked a new era of democracy in Pakistan, but it was also characterized by periods of uncertainty and long-term political instability. One defining feature of this phase was the power struggle between the executive and the judiciary. When President Asif Ali Zardari assumed office in 2008, he did not immediately reinstate the dismissed higher judiciary. This was only made possible due to massive mobilization by lawyers and opposition parties. Nonetheless, the seeds of this power struggle began to grow into political instability, forming the backdrop for the functioning and completion of the thirteenth National Assembly (FAFEN, 2014).

Notably, the 13th National Assembly was the only one to complete its 5-year constitutional term under Article 52. This assembly holds great importance for its legislative achievements during the period from 2008 to 2013. A total of 135 bills were passed by the National Assembly of Pakistan during the PPP's tenure, with 61 laws being amended. Such a high number of bills passed was a significant achievement, with the 18th constitutional amendment being a notable highlight. All political parties within the Parliament showed political consensus on national issues during this period (FAFEN, 2014).

The Constitutional Amendment Committee formed by the PPP government under the leadership of Yousaf Raza Gilani included representatives from a wide spectrum of political parties in Pakistan. These parties represented various regions and constituencies, and the committee aimed to ensure broad-based participation in the process of amending the constitution. The committee, comprising a total of 26 members, had the following parties represented:

- Pakistan Muslim League-Nawaz (PML-N)
- Pakistan Muslim League-Quaid (PML-Q)
- Muttahida Qaumi Movement (MQM)
- Awami National Party (ANP)
- Jamiat-e-Ulama-e-Islam Fazal Rehman group (JUI-F)
- Baluchistan National Party (BNP)
- Jamaat-e-Islami (JI)
- National Party (NP)
- PPP-S (Pakistan People's Party - Shaheed Bhutto)
- National People's Party

- Pakhtunkhwa Milli Awami Party (PKMAP)
- Jamhuri Watan Party

It's worth noting that this composition reflects the effort to accommodate a diverse range of political voices and regional interests in the constitutional amendment process (Zaman & Subhan, 2018).

Following the election of a PPP-led coalition government in 2008, there was a deliberate effort to allocate a proportionate number of seats to smaller, often regionalist parties on the committee. This approach aimed to ensure that the voices and concerns of smaller parties, representing various regions and constituencies, were adequately represented in the process of modifying the constitution. This inclusive approach was intended to promote a sense of equity and cooperation among political parties and to address the specific needs and interests of different regions within Pakistan (Adeney & Boni, 2022).

Table-3.2: Political Parties Proportionate Representation (PCCR, Report 2010)

Sr#	Member	Party	Sr#	Member	Party
1	Senator Raza Rabbani	PPPP	14	Senator Afrasiab Khatak	ANP
2	Raja Parvez Ashraf MNA	PPPP	15	Senator Haji Muhammad Adeel	ANP
3	Syed Naveed Qamar	PPPP	16	Maulana Fazal-ur Rehman MNA	JUI-F
4	Senator Babar Awan	PPPP	17	Senator Rehmatullah Kakar	JUI-F
5	Senator Nawabzada Mir Haji Lashkari Raissani	PPPP	18	Senator Retired Abdul Razzaq A .Thahim	PML-F
6	Senator Ishaq Dar	PML-N	19	Senator Mir Israr Ullah Khan Zahri	PNP-A
7	Sardar Mehtab Ahmed Khan	PML-N	20	Senator Khursheed Ahmed	JIP
8	CH. Ahsan Iqbal MNA	PML-N	21	Senator Dr. Abdul Malik	NP
9	Senator Waseem Sajid Opposition Leader	PML-Q	22	Aftab Ahmed Khan Sherpao	PPP-S
10	Senator S.M Zafar	PML-Q	23	Ghulam Murtaza Jatoi MNA	NPP
11	Hamayun Saifullah Khan	PML-Q	24	Senator Abdul Rahim Khan Mandokhel	PKMA P
12	Dr. Muhammad Farooq Sattar MNA	MQM	25	Senator Shahid Hassan Bugti	JWP

The Constitutional Amendment Committee operated with a commitment to transparency, openness, and impartiality in its proceedings. Several important principles and practices were established to ensure the effective functioning of the committee:

Confidentiality: The committee conducted all of its activities behind closed doors, and it was agreed that no press releases would be issued about its performance without the committee's prior approval. This commitment to confidentiality allowed members to engage in candid and honest discussions about constitutional matters.

Open and Honest Discussion: Members of the committee were encouraged to engage in open, free, and honest discussions about constitutional issues. This atmosphere of openness aimed to foster a productive dialogue where decisions were made based on merit rather than party affiliation.

Unanimous Decisions: The committee made an effort to reach unanimous decisions on the constitutional amendments it considered. This consensus-based approach ensured that decisions reflected the collective agreement of all committee members, reinforcing the sense of cooperation and unity.

"Note of Reiteration": In cases where a party or parties were unable to change their stated position on a particular matter, they had the option to submit a "Note of Reiteration." This note allowed them to restate their position without challenging the committee's decision. This mechanism helped maintain the overall consensus while accommodating varying viewpoints.

Throughout its deliberations, the Constitutional Amendment Committee upheld these principles, facilitating a constructive and inclusive process for amending the constitution (PCCR, Report 2010).

3.4 Objectives of PCCR

- Provincial autonomy
- Improving merits
- Good governance
- independence of judiciary
- Transparency
- reduction of individual discretion
- Strengthening of fundamental rights

- Increasing of the legislative body and the provincial assemblies
- Strengthening the institution (Hamid S. , 2010)(PCCR, Report 2010)

3.5 Charter of Democracy features discussed and un-discussed under PCCR

The Charter of Democracy (CoD) served as a significant blueprint for political reforms in Pakistan and laid out a comprehensive agenda for constitutional and democratic changes. While the CoD was initially prepared by the Pakistan People's Party (PPP) and the Pakistan Muslim League-Nawaz (PML-N), its implementation involved the participation of 17 political parties in the Parliamentary Committee for Constitutional Reforms (PCCR). PCCR, Report 2010)

Senator Mian Raza Rabbani of the PPP was chosen as the Chairman of the PCCR in June 2009 through a selection process by its members. The PCCR dedicated a significant amount of time, totaling 385 hours, to its deliberations. It also actively received 982 public proposals, covering a wide range of topics, from the public, demonstrating its commitment to an inclusive and comprehensive approach to constitutional reform. The CoD's first and most significant project was the constitutional amendment. It aimed to restore parliamentary democracy in Pakistan and introduced various reforms, including accountability measures for military and judicial officials. (PCCR, Report 2010)

In a historic move, the Parliament rejected the validation of instruments introduced by dictators, such as the Legal Framework Order (LFO) of 2002 and the seventeenth constitutional amendment, deeming them illegal and unlawful. The PCCR made an important amendment to Article 6, dealing with 'high treason.' It expanded the definition of high treason to include measures such as suspending the constitution or holding it in abeyance, and stipulated that such actions would not be validated by any court. The CoD committed to empowering the Northern Areas, leading to the promulgation of the Gilgit Baltistan empowerment and self-governance order in 2009. This change gave the region distinct identity and addressed its governance issues. It also discussed and implemented the merger of the Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa (KPK), a significant step toward mainstreaming and providing better governance to the region. Its commitment to limiting the term of the Prime Minister to two tenures was implemented through the 18th constitutional amendment, removing the restriction on two terms and making the cabinet jointly answerable to the Senate and the National Assembly. (PCCR, Report 2010)

The CoD aimed to enhance the Senate's power to give representation to minorities. This was discussed and implemented through the PCCR. The CoD called for the abolishment of the Concurrent List in the Constitution, and this recommendation was discussed and implemented by the committee. Additionally, a new National Finance Commission (NFC) award was

announced. While the CoD proposed the abolishment of all special courts, including accountability courts, (Dawn, May 16, 2006) the PCCR did not reach a consensus on abolishing National Accountability Bureau (NAB) courts.

The CoD envisioned the establishment of a Truth and Reconciliation Commission to address various issues, including the Kargil crisis and the removal of elected governments since 1996. However, no progress was made in establishing such a commission. It called for the establishment of a National Democracy Commission to promote democratic culture and assist political parties in capacity building. (Dawn, May 16, 2006). However, this aspect was not pursued by the committee. It proposed the creation of a Federal Constitutional Court with equal representation from all federating units to address legal challenges. This proposal was not considered by the PCCR.

Budget Oversight: The CoD committed to placing the defense budget before the lower house for discussion and endorsement, but this matter was not discussed in the committee. While the implementation of the CoD through the PCCR achieved significant constitutional reforms, some aspects of the CoD were not fully realized due to challenges and differences among political parties. Nonetheless, the CoD and its implementation played a crucial role in advancing democratic principles and reforms in Pakistan. (Mahar. Malik. Bakhtiar, 2021)

Provincial autonomy has long been a contentious issue in Pakistan's political landscape, dating back to the country's inception. The Charter of Democracy (CoD) emerged as a historic attempt to address and resolve this dispute by fostering harmony among political stakeholders. This comprehensive document played a pivotal role in settling disputes between the federal government and the provinces regarding the distribution of power and revenue. The CoD's objectives were far-reaching, aiming to create a framework for equitable governance and power-sharing among various stakeholders. However, while the subsequent 18th Amendment to the Constitution marked significant progress in achieving these objectives, it did not fully realize the entire CoD agenda. Here are some notable areas where the 18th Amendment did not align with the CoD:

One of the key commitments outlined in the CoD was the establishment of a Federal Constitutional Court. This institution was intended to address legal challenges with equal representation from all federating units. Unfortunately, this aspect of the CoD remained unimplemented. The CoD envisioned the merger of the Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa (KP). While this move aimed to mainstream FATA and provide better governance, it was not fully realized through the 18th Amendment. The CoD proposed the creation of an Independent Accountability Board (IASB) to replace the National

Accountability Bureau (NAB). This was intended to enhance transparency and accountability, but it was not implemented through the 18th Amendment. (Mahar. Malik. Bakhtiar, 2021)

Some critics contended that the 18th Amendment did not transfer the accountability of key institutions like the Inter-Services Intelligence (ISI) and the Ministry of Interior (MI) to civilian authorities. Ensuring civilian oversight of these agencies was an important aspect of the CoD. The CoD called for the establishment of an Independent Election Commission to ensure free and fair elections. While progress was made in this regard through separate legislation, some critics argued that it should have been explicitly included in the 18th Amendment. CoD aimed to ensure the autonomy of judges and the establishment of a Commission for Accountability. These aspects were not incorporated into the 18th Amendment. Another area where the 18th Amendment did not align with the CoD was the absence of provisions for a third-tier system of governance at the regional level. (Waseem, 2010)

Despite these disparities between the CoD's vision and the 18th Amendment's provisions, it is important to recognize the significant progress that was achieved. The amendment led to substantial constitutional reforms and a shift towards greater provincial autonomy and democracy. The process of passing the 18th Amendment was marked by collaboration among various political parties. It underwent thorough legislative scrutiny, moving through both houses of Parliament and receiving presidential approval. The President's role in transferring authority to the Parliament and the Prime Minister was a notable step toward strengthening democratic governance in Pakistan.

**POLITICAL DELIBERATIONS OVER IMPORTANT CHANGES IN THE
1973 CONSTITUTION OF PAKISTAN**

4.1 Introduction

During its five-year tenure, the leadership of the Pakistan People's Party (PPP) embarked on a mission to restore the country's constitution to its intended form. This period witnessed significant constitutional changes, including the eighteenth, nineteenth, and twentieth amendments, which aimed to bring the constitution back to its original spirit. The focus of the thirteenth National Assembly (2008-2013) was primarily on enacting legislation that catered to the social, economic, and political interests of the general population. Several factors motivated these constitutional changes, including the desire to garner support from smaller political parties, foster harmony among political parties, and implement the 7th NFC Award.

The passage of the eighteenth amendment showcased an unusual display of unity among national and provincial political leadership. This unity, both among political parties and with regionalist parties, played a pivotal role in the introduction of this significant constitutional amendment. (Adeney & Boni, 2022) Notably, one of the most crucial aspects of this amendment was the transfer of executive power from the President to the Prime Minister. The amendment repealed Article 58 2(b), which had granted the President extraordinary powers, including the ability to dissolve the National Assembly and appoint the three Service Chiefs and Provincial Governors. (Jetly, 2010) This constitutional change marked a milestone in Pakistan's history, as it was the first broadly agreed-upon document since the formulation of the 1973 constitution. It was a crucial step towards granting the provinces uncompromised provincial autonomy, fulfilling a long-standing demand of provincial governments in Pakistan. (PCCR Report, 2010)

The process of passing the eighteenth amendment involved multiple steps and approvals. In April 2010, the bill was introduced in the upper house and received significant support, with ninety votes in favor. Subsequently, it was passed by the National Assembly on April 8, 2010, and then by the Senate on April 15, 2010. President Asif Ali Zardari played a pivotal role in facilitating this process by signing the amendment into law on April 19, 2010. . (Khan H. , 2017) The eighteenth amendment brought substantial changes to the 1973 constitution, affecting approximately thirty-six percent of its articles. A total of one hundred and two out of two hundred and eighty articles were either inserted, substituted, added, or amended as part of this comprehensive constitutional overhaul. This amendment played a crucial role in restoring

the parliamentary character of Pakistan's constitution, aligning it more closely with its original intent. (Shah, Shah, & Shah, 2021)

4.2 Political Deliberations over Important Changes

The passage of the 18th amendment in the legal document of Pakistan was a collective effort involving both the governing party and the opposition, marking a significant moment in Pakistan's political landscape. The opposition, particularly the Pakistan Muslim League-Nawaz (PML-N), played an essential role in the functioning and eventual passage of this constitutional amendment. Ahsan Iqbal from the main opposition party, PML-N, emphasized that the 18th amendment was not just a legal change but also a statement of the people of Pakistan against undemocratic forces. He viewed it as a new public consensus and a sign of political harmony within the country. (Pakistan T. G., 2010, April 06)

However, there were differing views within the opposition. Bahadur Ahmed Khan of PML argued that while the 18th amendment granted greater provincial autonomy, it needed a suitable mechanism to ensure equal sharing of resources among provinces to avoid future uncertainties. (Pakistan T. G., 2010, April 06)

One notable change introduced by the 18th amendment was the alteration of the name of the North-West Frontier Province (NWFP) to Khyber Pakhtunkhwa (KPK). This name change was a point of contention, with PML strongly opposing it, while other opposition parties supported it. Ultimately, the change was approved. The amendment also led to the deletion of Article 17(4), which dealt with the election of political parties. This deletion faced strong criticism from most opposition parties, who argued that it would encourage undemocratic forces within political parties. (Pakistan, 2010, April 07) However, the government and major opposition parties supported the deletion. In the end, the 18th amendment made substantial changes to Pakistan's constitution, granting greater provincial autonomy and reflecting a consensus among political parties. It showcased the collaborative efforts of both the government and the opposition in shaping the country's constitutional landscape.

4.3 The 18th Amendment Restoration of 1973 Constitution

The passage of the 18th amendment in the legal document of Pakistan was a collective effort involving both the governing party and the opposition, marking a significant moment in Pakistan's political landscape. The opposition, particularly the Pakistan Muslim League-Nawaz (PML-N), played an essential role in the functioning and eventual passage of this constitutional amendment.

Smaller voices within the opposition also raised various pending issues that remained unresolved in the Parliamentary Committee on Constitutional Reforms (PCCR). For instance,

the National Party of Baluchistan proposed that only four departments (currency, defense, communication, and foreign affairs) should remain under the federal government's jurisdiction, with all other departments shifting to the provinces. However, this amendment was rejected by the committee. Similarly, the Jamiat-e-Ulema-e-Islam-Fazl (JUI-F) argued that only the four mentioned departments should stay with the federal government to ensure complete provincial autonomy. However, these alternatives proposed by the opposition were not adopted by the ruling coalition. Despite the differences, the opposition, including parties like the Awami National Party (ANP), Muttahida Qaumi Movement (MQM), and Jamaat-e-Islami (JI), played a constructive role in the process. ANP pushed for a rotational basis for the presidential election, starting from the smaller provinces, while MQM advocated for reserved seats in federal and provincial assemblies for overseas Pakistanis. (PCCR, Report 2010)

One notable change introduced by the 18th amendment was the alteration of the name of the North-West Frontier Province (NWFP) to Khyber Pakhtunkhwa (KPK). This name change was a point of contention, with PML strongly opposing it, while other opposition parties supported it. Ultimately, the change was approved. The amendment also led to the deletion of Article 17(4), which dealt with the election of political parties. This deletion faced strong criticism from most opposition parties, who argued that it would encourage undemocratic forces within political parties. However, the government and major opposition parties supported the deletion. In the end, the 18th amendment made substantial changes to Pakistan's constitution, granting greater provincial autonomy and reflecting a consensus among political parties. It showcased the collaborative efforts of both the government and the opposition in shaping the country's constitutional landscape. (Pakistan T. G., 2010, April 08)

4.4 KEY FEATURES OF 18TH AMANDMENT

4.4.1 Article 1

Article one of the legal documents was altered and changed into decided to acknowledge the call NWFP as KPK. The spelling of 2 other provinces had been also changed, Sindh into Sindh and Baluchistan into Baluchistan. (The Gazette of Pakistan, extra ordinary part,1 20th April, 2010)

4.4.2 National Assembly

The article 51 of the constitution became modified below the 18th amendment the subsequent changes have been brought within the legal document in recognize of NAP, s composition. There might be 300 and 42 seats for the NAP, s and seats for female and minority additionally reserved. The circumstances for NAP's member could be:

He must be citizen of Pakistan.

Candidate has to be 25 years' antique.

His name needs to be performing on the electoral roll.

He must no longer be declaring mentally disturbed with the aid of any court. (The Gazette of Pakistan, extra ordinary part,1 20th April, 2010)

4.4.3 Provincial Autonomy

Farooq Sattar, the MQM's parliamentary leader, emphasized that while the eighteenth amendment was a significant step towards provincial autonomy, it did not represent complete provincial autonomy. He argued that true provincial autonomy would only be achieved when all aspects of governance and fiscal autonomy were transferred to the provinces. Sattar proposed the establishment of an Interprovincial Executive Council (IEC) that would be responsible for overseeing matters related to national highways, communication, ports, and corporations. This proposal aimed to further decentralize authority and empower the provinces in these critical areas. (Pakistan T. G., 2010, April 06)

Furthermore, Sattar highlighted the importance of fiscal autonomy in achieving real provincial autonomy. He suggested that taxes like the sales tax on goods and central excise duty should be transferred to the provinces. This transfer of fiscal powers would enable provinces to have more control over their financial resources and decision-making, aligning with the goal of genuine provincial autonomy. Farooq Sattar's remarks underscored the need for a comprehensive approach to provincial autonomy in Pakistan, including both governance and fiscal aspects. The establishment of the Interprovincial Executive Council and the transfer of fiscal powers were seen as crucial steps towards achieving this goal. (Pakistan T. G., 2010, April 06)

4.4.4 Enhanced role of Parliament

The eighteenth amendment restored Pakistan's proper parliamentary system, transferring significant presidential authorities to the prime minister and the legislature. Presidential powers to dissolve assemblies, select provincial governors, and declare a national emergency were curtailed, giving more authority to the prime minister and Parliament. This change aimed to reinforce the parliamentary system and reduce presidential influence. (Ali & Azhar, 2012)

4.4.5 Caretaker Government

Prior to the eighteenth amendment, the president had considerable influence over the nomination of the caretaker government, which oversaw elections. The amendment shifted this authority to a more consultative process. Under the new rules, the president, in consultation with the outgoing prime minister and the opposition leader, appoints the caretaker prime minister. The caretaker prime minister then suggests the remaining cabinet

members. This change was introduced to ensure the integrity and fairness of elections by preventing manipulation and promoting a peaceful transfer of power. (Rizwan, Arshad, & Waqar, 2014)

4.4.6 Election Commission

The eighteenth amendment introduced a new method for appointing members of the Election Commission of Pakistan (ECP). The prime minister, in consultation with the leader of the opposition in the National Assembly, nominates three candidates for the ECP. The legislative committee ratifies these nominations. A portion of ECP members is also appointed by the Speaker of the National Assembly, ensuring a more balanced and collaborative process. This change aimed to make the appointment of ECP members more transparent and accountable, reducing political influence. (Hussain & Kokab, 2012)

4.4.7 Article 91

Substituted Article 91 removed the restriction of two terms for the office of the prime minister. The cabinet's accountability was expanded to both the Senate and the National Assembly, not just the National Assembly, as was the case before. These changes aimed to provide more flexibility for prime ministers and strengthen parliamentary oversight. (Khan H., Constitutional and Political History of Pakistan, 2017)

Under substituted Article 91, restriction of two terms for the office of the prime Minister was removed. The cabinet was held to be jointly answerable to the senate and the NAP (not to the National Assembly alone as was the case before). (Khan H. , Constitutional and Political History of Pakisan, 2017)

4.4.8 Check for Dictatorship/ Article 6

Article 6 of the Constitution was expanded to include the act of "collaborating" for suspending the constitution as "high treason. Judges were restricted in their ability to uphold such conduct, emphasizing the protection of democracy against dictators. (Ali & Azhar, 2012)

4.4.9 Council of Common Interest

The eighteenth amendment abolished the CCI, meeting the long-standing demand of marginalized provinces. Most of its subjects were transferred to the provinces. The mandate of the CCI was strengthened to facilitate inter-provincial coordination, and its role was enhanced through the inclusion of nine new items in the federal legislative list II. The CCI's meeting frequency was made mandatory, and a secretariat was established in Islamabad to improve its functioning. The policy control over reservoirs and natural water sources was granted to the council, ensuring provincial involvement in hydroelectric projects. (Shah, Shah, & Shah, 2021)

Overall, the eighteenth amendment played a crucial role in strengthening Pakistan's democratic institutions, empowering Parliament, and reducing presidential authority, contributing to a more balanced and accountable political system.

4.4.10 Fundamental Rights

According to article 112, provincial chief ministers are also in charge in the absence of provincial assemblies. Two additional articles are included in order to uphold democratic standards. "Right to information" and "freedom of speech" are protected under article 19-A. Article 25-A is also introduced in order to protect children's fundamental rights by providing them with free, high-quality education. Article 10A was added which provides for fair trial and due process in criminal trials or determination of civil rights and obligations.

4.4.11 Amended Article 29

For the first time Article 29 phrase "National Assembly" and 2nd time the word "senate" was constitutionally used. (The Gazette of Pakistan, extra ordinary part,1 20th April, 2010)

4.4.12 Islamabad High Court

In this text the name for "High Court Docket" for Islamabad changed into modified with the aid of the call "High Court for Islamabad Territory". (The Gazette of Pakistan, extra ordinary part,1 20th April, 2010) Its judges shall be installed from all provinces and the Islamabad Capital Territory.

4.4.13 Appointments of Judges

The proposal seeks to enhance the independence of the judicial system by Article 175, which proposes a more apparent appointment process. For instance, the Chief Justice would head a judicial commission to appoint potential judges to the apex court, high court and federal shariat court, and a parliamentary committee composed of members of the Senate and National Assembly would make the final decision on appointments.(Jetly, 2010)

4.4.14 The Power of senate

Under the amended Article 59, subsequent replacements have been introduced in the legal document. Report on performance of principles of coverage represented before the legislature yearly. When the legislature is in proceeding, president cannot proclaim the Ordinance. To provide recommendations at the finance bill. The range of days has been extended from 7 days to 14. The Prime Minister and his cabinet may be jointly accountable before the legislature and the NAP. The number of members in the Senate has been increased from one hundred to one hundred and four. The number of non-Muslims in the Senate has also been enlarged from 4 to 5. The number of mandatory running days for participants in the senate has been enlarged from 90 days to 110. Women members would be selected through the provincial meeting members. (Hamid S. 2010)

**AN ANALYSIS OF THE CONSTITUTIONAL CHANGE THROUGH THE
13TH NATIONAL ASSEMBLY**

5.1 Introduction

The 18th Amendment to the Constitution of Pakistan marked a significant milestone in the country's political history. It was hailed as a major development package aimed at strengthening democracy and devolving power to the provinces. However, as you rightly pointed out, its implementation faced several challenges and criticisms. Here are some key points regarding the 18th Amendment's impact and challenges:

The 18th Amendment was unique in that it received broad support from all major political parties in the 13th National Assembly of Pakistan. This consensus reflected a commitment to strengthen democratic institutions and address longstanding issues related to power distribution. Despite its initial promise, the 18th Amendment did not fully meet all of its intended objectives. Some of the key unfulfilled goals included the establishment of a Federal Constitutional Court, the merger of the Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa (KP), the creation of an Independent Accountability Commission to replace the National Accountability Bureau (NAB), and the transfer of accountability of certain security agencies to civilian authorities.

Critics of the Amendment argued that it did not go far enough in creating an autonomous Election Commission, ensuring an independent judiciary, establishing a robust Commission for Accountability, or implementing a third-tier system of governance at the local level. These perceived shortcomings raised concerns about the Amendment's ability to deliver on its promises. Implementation of the 18th Amendment faced several obstacles. Opposition from various quarters, including political rivals and powerful interest groups, posed challenges to the effective execution of the Amendment's provisions. There were concerns that vested interests would try to obstruct its implementation. (Waseem, 2010)

One of the significant challenges post-Amendment was ensuring the equitable distribution of resources among provinces. Devolving powers to the provinces also meant allocating resources fairly. Achieving this balance while addressing historical imbalances was a complex task. Another challenge was how the provinces would exercise their newfound powers. Transitioning from a more centralized system to a decentralized one required capacity-building, administrative reforms, and coordination among provincial governments. The 18th Amendment remained a topic of debate and discussion in Pakistan's political

landscape. Its impact and effectiveness continued to be evaluated, and there were calls for further reforms and improvements in its implementation.

In summary, while the 18th Amendment represented a significant step towards strengthening democracy and devolving power to the provinces in Pakistan, it faced challenges and criticisms related to its implementation and unfulfilled objectives. The ongoing debate surrounding the Amendment reflected the complexities of Pakistan's political landscape and the need for continued efforts to address these challenges. (Shah, Shah, & Shah, 2021)

5.2 Implementation Commission of 18th Amendment

The process of devolution initiated by the 18th Amendment in Pakistan was a significant step in transferring powers and responsibilities from the federal government to provincial governments. However, as you mentioned, there were challenges and issues associated with this devolution process. Here are some key points regarding the devolution process and its challenges: To oversee the implementation of the devolution process, the government established the Implementation Commission for Constitutional Reforms (ICCR). This commission, chaired by the Chairperson of the Special Parliamentary Committee on Constitutional Reforms (SPCCR), was tasked with ensuring the smooth transition of federal departments and sub-divisions to provincial governments. (Waseem, 2010)

The devolution process involved the transfer of 18 federal departments and sub-divisions across various policy domains to provincial governments. These domains included health, education, agriculture, rural development, local government, social welfare, and more. While the devolution process was initiated, the progress and readiness of provincial governments to assume their new responsibilities varied. Some provinces were better prepared and moved more swiftly in taking over these functions, while others faced challenges in terms of capacity and resources. Critics of the devolution process argued that it was incomplete because certain central entities, such as the Workers Welfare Fund, Employees Old-Age Benefits Institution, and Zakat Fund, were not transferred to provincial jurisdiction. These entities represented significant financial resources that could have been beneficial to provincial governments. (Seidle & Khan, 2012)

The issue of resource allocation was a significant concern during the devolution process. Provincial governments sought control over resources and financial matters to effectively manage the functions and responsibilities transferred to them. The equitable distribution of resources among provinces was a complex issue. The implementation of devolution also highlighted variations among provinces in terms of their readiness, administrative capacity, and policies. Some provinces were able to make smoother transitions, while others faced

administrative and operational challenges. The question of complete devolution and resource allocation remained a subject of ongoing debate and discussion in Pakistan's political landscape. It reflected the complexities of balancing power and resources between the federal and provincial governments.

The devolution process initiated by the 18th Amendment was a significant step in transferring powers and responsibilities to provincial governments in Pakistan. However, challenges related to incomplete devolution, resource allocation, and interprovincial variations underscored the complexities of this transition. The ongoing debate around these issues reflected the need for continued efforts to address the challenges of devolution and strengthen the federal and provincial structures. (Seidle & Khan, 2012)

5.3 Mainstreaming of FATA and Issues

The merger of the Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa (KP) was a significant development that aimed to bring FATA into the national mainstream and provide it with better governance, infrastructure, and socioeconomic opportunities. However, this merger posed several challenges and considerations. The merger of FATA with KP required a substantial investment in financial resources. This investment was needed to build infrastructure, establish formal justice systems, law enforcement mechanisms, civil administration, and various other services that were previously lacking in the region.

Complete integration of FATA into KP was recognized as a long and complex process. It involved not only administrative changes but also efforts to address the historical and developmental disparities that existed in FATA. The 9th National Finance Commission (NFC) Award, which determines the distribution of financial resources between the federal government and provinces, did not fully account for the fiscal implications of the FATA merger. (Mahar, Malik, Bakhtiar, 2021) This meant that KP, with its limited own-source revenue base, faced challenges in funding the development and socioeconomic uplift required by the merged region. The appointment of Governors for different provinces remained under the purview of the federal government. This centralized approach to Governor appointments was seen by some as a legacy of colonial-era practices, where colonial powers would appoint Governors from outside the region to rule over South Asian nations. This central appointment authority could lead to a sense of inferiority within the provinces. (Gaho, 2022)

In essence, while the merger of FATA with KP was a positive step toward integration and development, it also highlighted the need for careful planning, resource allocation, and administrative adjustments to ensure a smooth transition and to address the socioeconomic challenges in the merged region. Additionally, concerns about central appointments of

Governors reflected broader discussions about the distribution of power between the federal government and provinces in Pakistan's governance structure.

5.4 Some Controversial Articles

There were some controversial articles in the 18th amendment

5.5.1 Intra Political Party Elections / Article 17

An intra-party election is a crucial instrument to judge the reputation and vision of a central party leadership and to arrange and manage the party affairs on a regular basis. But article 17 was amended and intra-party elections are not essential now. It was said that the Political Parties Act 1962 has already such provision. (Zaman & Subhan, 2018) The critics disagree that intra-party elections to choose the head or party president encourage traditional politics. Hence, there's a need for their abolition

5.5.2 Article 62 and 63A

In Article sixty-two and sixty-three concerning to qualification and disqualifications for election to the provincial assemblies and the NAP, there are a few negative impact. Previously a member not qualified if he had been convicted for offence involving moral turpitude or giving fake proof. This has been removed. On the negative side, time limits for the disqualifications 5 years from date of release in case of jail term, five years from dismissal from public service. (Hamid, 2010) Article 63A No member can raise voice against the party decision and vote against party. It shows that no democracy in political parties.

5.5.3 Article 175

The judiciary's empowerment, particularly in relation to the passage of the 18th Amendment, faced some challenges and debates. Soon after the passage of the 18th Amendment, there were constitutional petitions filed against it in the Supreme Court. These petitions raised questions about the legal validity of certain provisions of the modification. In response to concerns about judicial appointments and the potential for the judiciary to undo some of the changes brought by the 18th Amendment, the government introduced the 19th Amendment. This amendment addressed the powers of appointment of judges. It aimed to clarify and strengthen the procedure for appointing judges to the superior courts, including the Supreme Court.

The 18th Amendment introduced new provisions to Article six of the legal document, which deal with high treason. Under these provisions, individuals could be tried for high treason if they were found to have abrogated, suspended, put on hold, or annulled the Constitution. This was seen as a way to safeguard the Constitution and prevent undemocratic actions. There were debates and legal proceedings related to former President Pervez Musharraf's actions, including his coup in 2007. (Zaman & Subhan, 2018) While he was sentenced to death by a

special court for his role in subverting the Constitution, the implementation of this sentence faced challenges and has not been carried out. Another significant amendment related to Article 142, which made it more difficult for the central government to control the provinces. This amendment was viewed by some as a move toward a more decentralized system and was criticized by others who saw it as weakening the central authority.

These legal and constitutional developments created discussions about the balance of power between the federal government and the provinces and the role of the judiciary in upholding the Constitution. The debates also highlighted the challenges of implementing and enforcing certain provisions of the Constitution, particularly in cases involving high-profile individuals like former President Musharraf.

5.5 Health and Education sector

The eighteenth amendment brought significant changes to the governance of healthcare and education in Pakistan, although it also introduced certain challenges. Healthcare Governance: The amendment abolished the Council of Common Interests (CCI) and transferred health legislation and implementation to the provinces. While this decentralization aimed to empower provinces, it led to debates and issues regarding the control of healthcare facilities. Some hospitals in Lahore and Karachi were returned to the central government through judicial intervention. The ongoing disputes over hospital control may disrupt healthcare delivery and create a fragile public health environment. (Siddiqui, 15 February 2019)

To address these challenges and opportunities, there is a need for improved governance systems at the provincial level. This includes administrative reorganization for effective stewardship functions, strengthening governance structures for program implementation, and allocating increased funding for national healthcare plans and disease monitoring. The eighteenth amendment also impacted higher education, as Punjab and Sindh sought to establish their own higher education commissions, potentially leading to the abolition of the Federal Higher Education Commission (HEC). This issue was referred to the Supreme Court for resolution. Article 25A mandates free education for all children between the ages of five and sixteen, with the aim of increasing literacy rates. However, there are still millions of children out of school, highlighting the need for greater efforts to achieve this goal. (Paasch & Dayo, 2018)

The amendment granted provinces control over curricula, syllabi, policies, and values in education. While this was a significant development, there were opposing views, with concerns about the provinces' capacity to handle the educational challenges. Some argued that the federal government should regain control over subjects related to citizens' basic needs.

The abolition of the Concurrent List through the eighteenth amendment sparked a debate. Some economists suggested that subjects related to basic citizen needs should return to the federal government, while others believed that the central government still possessed legislative powers, allowing it to override provincial legislation. The eighteenth amendment brought about substantial changes in healthcare and education governance in Pakistan, but it also raised governance challenges at the provincial level. Effective governance reforms, improved stewardship, and addressing issues such as out-of-school children are essential to realizing the full potential of these amendments. Additionally, the debate over federal and provincial powers continues to shape the implementation of these changes. (Dawn, October 11, 2010)

5.6 Role of CCI

In the post-eighteenth legal change, the main disagreement resolution body between the provinces and center provinces i.e., CCI has a leading role to play but lack of political determination is the main difficulty to carry out the legal obligations on the part of the political leadership and bureaucrats, because it has been noted that politicians and some bureaucrats are creating obstacles in the way of devolution and decentralization procedure. These sentiments could be found in the formation of devolved ministries on the central level. (Khan & Khan, 2020) Similarly, a permanent secretariat of the Council of Common Interest has not been created.

5.7 Institutional Representation

Critics argue that the armed forces should undergo significant changes to become a truly national organization with equal representation from all provinces and minority groups. Currently, there is a perceived imbalance with overrepresentation from specific regions like Punjab and KPK. To address this, advocates for change call for equal representation from all provinces. (Khan H. , 2017) Some critics view the changes brought about by the eighteenth amendment as largely superficial. They contend that while certain powers were devolved to the provinces, the most critical subjects remain under federal control. For example, institutions such as the army and civil services continue to operate at the federal level, retaining their power and authority. To achieve genuine provincial autonomy, these institutions should be decentralized and transferred to provincial control.

Opponents of the eighteenth amendment claim that the increased provincial autonomy has led to financial challenges. They argue that this shift in fiscal responsibilities could potentially threaten democracy if the armed forces intervene due to financial instability. Critics also point out that the eighteenth amendment did not grant sufficient powers to the Senate, which serves as a representative body for the provinces. (Gaho, 2022) They criticize the provision allowing

party leaders to remove members of the National and Provincial Assemblies, as this could stifle genuine dissent within political parties. Additionally, the promise of commencing money bills in the legislature, as outlined in the eighteenth amendment, remains unfulfilled.(Zaman & Subhan, 2018)

5.8 Provincial Autonomy (Legislative, Administrative, fiscal)

The Eighteenth Amendment resulted in the closure of 17 ministries, the dissolution of 174 functions, and the discontinuation of 116 organizations. In December 2010, five ministries were dissolved (Local Government; Population Welfare; Youth; Zakat; Special Education), while five ministries were transferred to provinces (Education; Culture; Livestock; Social Welfare; Tourism). Subsequently, in July 2014, seven ministries were dissolved (Food; Agriculture; Health; Environment; Sports; Minorities; Women Development) (Aziz, 2021). However, it soon became evident that certain functions, such as climate change, health, and human rights, had significant international implications and couldn't be solely managed by the provinces. Additionally, functions like food security and overseas Pakistanis necessitated effective coordination at the federal level.

This situation called for a comprehensive review of the responsibilities and roles of all tiers of government - central, regional, and local - in delivering public services. However, the amendment primarily focused on devolving subjects from the central government to the provinces, without addressing the rationalization of the former's central functions or the latter's regional functions. It also overlooked the role of local governments and beyond-local-government entities in public service delivery (Shah, 2012). Regarding fiscal autonomy, the (NFC) plays a crucial task in the allocation of income and resources among the Federation and the Provinces. The NFC, as mandated by Article 160, ensures that a province's share in any NFC Award will not be less than its share in the previous award. Both the central and regional finance ministries oversee the implementation of the Award and submit reports to the lower house and the Provincial Assembly biannually. This constitutional arrangement keeps both the federal government and the provinces informed about the implementation of the Award, although it has posed challenges regarding provincial shares (Majeed, Qureshi, & Qayum, 2021).

The Eighteenth Amendment has yielded several positive and far-reaching effects on Pakistan's parliamentary history. One significant outcome is the shift in power dynamics between the center and provinces, with provinces gaining more legislative authority, as evident in the amendment to Article 142 (Gaho, 2022). However, as the implementation of these reforms faced challenges, some critics began to view the amendment as overly ambitious, raising concerns about its long-term consequences (Aziz, 2021). There are also

notable legislative gaps and delays in addressing crucial issues, including anticorruption measures, access to information, electoral reform, and the mainstreaming of FATA (Federally Administered Tribal Areas). While these matters have been on the reform agenda for years, parliamentary consensus took longer than expected, and legislation was passed only recently in the final parliamentary year of 2017-18 (Paasch & Dayo, 2018).

The Eighteenth Amendment did not address the demand from smaller provinces to grant regional languages like Pashto, Baluchi, Sindhi, and Punjabi the status of national languages in Pakistan (Khan H., 2017). Another argument is that given Pakistan's security challenges, it remains challenging for the central government to achieve consensus on important political and national issues. Additionally, provinces may still look to the central government in the event of national disasters or natural calamities (Gaho, 2022).

5.9 Post 18th Amendment Political Parties Stance / Response

5.10.1 Stance of PTI at 18th Amendment

The Imran Khan's remarks may have been the first time he has expressed his views publicly during the initial leg of his journey to Sindh, a province in which the ruling Pakistan People's Party has declared that it will not tolerate any challenge to the 18th Amendment from the PTI-led government in power.

“I have no reservations regarding the 18th Amendment, nor am I opposed to it. However, a number of elements have been incorporated into that reform in a haste, and it is necessary to review and rectify those elements”. There are a number of deficiencies in the 18th Amendment that are not practical. (Ayub, June 18, 2020)

In support of his claim, he highlighted a number of areas of governance which had become problematic following the passage of the eighteenth change, and the Centre was unable to address the issues in these areas. The Prime Minister referred to the environment, drugs, and food standardization sectors, where the provinces were implementing their regulations under their various policies, thus creating impediments to the smooth functioning of these areas. (Ayub, June 18, 2020)

However, the Imran Khan did not stop there. He went on to criticize the NFC Award, which has been in place for more than half a century, questioning its efficiency and effectiveness. He said the NFC Award was not achieving its purpose, which was to control the financial imbalance and at the same time manage the provinces' financial resources to meet the liabilities while reducing the horizontal fiscal imbalance. (Ayub, June 18, 2020)

The debate about the 18th Amendment reveals a chasm between the advocates of a strong center and the advocates of a federal system. The fears that the landmark amendment will be overturned or amended in its entirety may be overblown, but they are not entirely unjustified. The establishment and some political groups, are beginning to believe that the amendment weakened the state and was a major cause of the nation's financial difficulties.

Politically, the debate has intensified over the past year, particularly after the PTI led government assumed power. The Pakistan People's Party and opposition parties allege a plot to reintroduce a unitary regime that would limit the sovereignty of federating units and impose a presidential system.(Hussain, February 6 , 2019)

Imran Khan said that the eighteenth change has made chief Ministers into 'dictators' and expressed his wish to review some aspects of the amendment. Interestingly, Khan's party PTI is considered one of the largest beneficiaries. During the 2018 general election, PTI highlighted its presentation in Khyber Pakhtunkhwa as a benchmark that it wanted to replicate across Pakistan. This performance could only be achieved due to the powers given to the KPK government under the 18th amendment.(Mirza & Fatima, 2020)

On the other hand, when the PTI was out of power, it had called for the eighteenth amendment to be implemented in its entirety and called for devolution of powers to provinces. Other parties, on the other hand, claimed that the 18th Amendment empowered the federation of Pakistan by eliminating the perception that it was a 'garrison state'. It is worth noting that 18th Amendment turned out to be a 'hopeful point of unity' thus providing a glimmer of hope for the continuity of democracy in the country and is considered one of the greatest legal accomplishments since the 1973 Constitution. (Mirza & Fatima, 2020)

5.10.2 MQM Stance at 18th Amendment

The MQM-Pakistan wanted a new constitutional amendment to actually empower local governments, but the Sindh government refused to give any powers to the local governments.

The senior representative of the MQM-P, Amir Khan, said that the Sindh government of the PPP maintained all the powers in the framework of the eighteenth change. He called for a new constitutional amendment to revise the 18th Amendment and to empower local bodies in a 'real way'.

The Muttahida Qaumi Movement-Pakistan (MQM-P) Sindh Assembly Parliamentary Leader Kanwar Naveed Jameel demanded that Prime Minister Imran Khan should intervene in the affairs of the province and hold the Sindh government responsible for the exploitation of authorities under article one hundred forty nine.(Sabih, August 1, 2019)

5.10 Do We Still Need to Revisit the 18th Amendment?

There is ongoing discussion in certain political circles about revisiting the 18th amendment. While the amendment successfully devolved powers to the provinces, challenges related to resources and capacity-building have become apparent. Establishing a formal mechanism for the effective devolution of power to the provinces is a pressing need. The impact of the 18th amendment remains a subject of debate. Some argue that further refinements may be necessary to ensure the smooth functioning of the devolved system while maintaining national cohesion. In essence, the 18th amendment has significantly transformed the political landscape of Pakistan by redistributing powers and responsibilities among different levels of government. The long-term effects and implications of these changes will continue to unfold over time.

Following the 18th amendment, the departments of health and education were transferred to provincial governments. However, the central government retains responsibility for all national agreements related to health and education, particularly those involving international parties. To effectively carry forward sustainable development programs and cooperate with international entities, there is a crucial need for cooperation and coordination between the central and provincial governments. Capacity-building initiatives are also vital in this context. Certain articles within the 18th amendment may require revision, such as Article 62, 63A, and 17, among others. Developing a proper mechanism for the implementation of the 18th amendment is essential. However, several challenges have been observed in effectively implementing certain provisions, including issues related to coordination between federal and provincial governments, resource allocation, and capacity-building. Ongoing efforts aim to enhance the implementation mechanism and address these challenges.

CONCLUSION

In democratic countries worldwide, solutions to problems are typically reached through political consensus and mutual planning. This consensus is essential for the formulation and implementation of constitutions, as it involves agreements among various political factions, stakeholders, and citizens regarding the fundamental principles and structures governing a nation. However, Pakistan faced significant challenges in achieving political consensus during its early years, particularly in the constitution-making process. Upon gaining independence in 1947, Pakistan was tasked with creating a constitution to establish a framework for governance and set the principles by which the nation would be governed after breaking free from British rule. The Government of India Act of 1935 was provisionally adopted with necessary modifications as an interim constitution. Pakistan encountered various difficulties in forming a stable government and establishing a constitutional order.

One of the major challenges was the absence of political consensus, particularly between the eastern and western parts of the country, on critical issues such as the nature of the state (Islamic vs. secular), the national language, the form of government (parliamentary vs. presidential), representation in parliament, fiscal resource sharing, provincial autonomy, and more. The Constitution of 1956 was created by mainstream political parties, including the Pakistan Muslim League (PML), the Awami League (AL), and the United Front (UF), which signed the Murree Agreement Accord in 1955. Similarly, the Constitution of 1973 was passed through political consensus, with a tripartite accord signed by the National Awami Party, Jamaat-e-Islami (JI), and the Pakistan People's Party (PPP). However, smaller and regionalist parties were largely excluded from the process, raising concerns about their representation.

The 18th Amendment marked a significant departure from this trend by involving both major and smaller political parties, including the PML-N, PML-Q, MQM, ANP, JUI-F, NP, BNP, JI, PPP-S, Jamhuri Watan Party, National People's Party, PKMAP, and others. This amendment addressed various issues through mutual negotiations and achieved political consensus, demonstrating a more inclusive approach. Subsequent to the 8th Amendment and the 17th Amendment, which introduced changes to the Constitution that were unacceptable to the political establishment, political activists and opposition parties mobilized to resist what they perceived as a form of tyranny. They aimed to renew and strengthen democracy in Pakistan.

In 2000, Nawabzada Nasirullah Khan established the Alliance for the Restoration of Democracy (ARD), an alliance comprising fifteen political parties, including prominent ones

like the PML-N and PPP. The ARD's primary objective was to chart a clear political roadmap for the revival of effective parliamentary institutions and democracy, with a focus on ending military rule. Under the banner of the ARD, the united opposition organized significant public gatherings, expressing their determination to remove General Pervez Musharraf from power. In 2006, the Charter of Democracy (CoD) was signed between the Pakistan Muslim League-N and Pakistan People's Party (PPP). The CoD aimed to restore parliamentary democracy genuinely. This agreement laid the foundation for the 18th Amendment. Following the endorsement of the CoD, Pakistan's political leadership worked towards the overarching goal of reviving parliamentary democracy. They rallied against the Musharraf government's undemocratic tactics and condemned the presidential elections.

Upon coming to power in 2008, the PPP formed a committee in 2009 to implement the Charter of Democracy. The Parliamentary Committee for Constitutional Reform (PCCR) included representatives from prominent political groups and regional parties. During its deliberations, the committee devoted extensive time to negotiations and received numerous public proposals. These proposals covered various topics, including matters related to provincial autonomy. The committee operated confidentially, refraining from issuing press releases about its proceedings to encourage open, free, and honest discussions on constitutional issues. Committee decisions were reached unanimously, and parties that could not alter their positions in specific cases agreed not to object to the committee's decisions. This led to the submission of 11 "Notes of Reiteration."

The PCCR aimed to propose constitutional amendments in line with the seventeenth amendment, the Charter of Democracy, and Provincial Autonomy principles. This effort sought to align with both Islamic principles and the democratic aspirations of Pakistani citizens. Although the PCCR made significant progress, the fact that the deliberations were kept confidential had some adverse consequences. The limited debate in parliament and the senate, spanning just three days, raised concerns. If major and smaller parties had openly discussed their perspectives on the constitutional changes and addressed concerns, there might have been less need for discussions about revising the amendment.

The passage of the 18th Amendment to Pakistan's constitution marked a significant moment in the country's political history. At the time of its adoption in 2010, there was a broad and notable political consensus among various political parties and stakeholders in Pakistan. The primary objective of this constitutional amendment was to strengthen democratic institutions, enhance provincial autonomy, and remove certain undemocratic provisions that had been inserted into the constitution during periods of military rule. The achievement of this political consensus was the result of extensive negotiations and discussions among political parties,

ultimately representing a significant step toward fortifying institutions and promoting parliamentary democracy in Pakistan.

The role of the opposition parties within the Pakistani Parliament was instrumental in the formulation of the 18th Amendment. All opposition parties actively participated in the drafting process, proposing alternative amendments to the constitutional changes introduced by the government. While they collaborated with the government to exclude some amendments from the final draft, the opposition also put forward their own suggested amendments. They engaged in debates in the National Assembly and raised reservations about certain clauses. It's important to note that the majority of the opposition's proposed amendments were not accepted by the government.

The 18th Amendment was part of a broader context of democratic transition in Pakistan, which included significant factors such as the lawyers' movement, public demands for democracy, and international pressure. These elements played crucial roles in the restoration of democracy in Pakistan alongside the constitutional reforms introduced by the 18th Amendment. Pakistan has faced periods of military rule and political instability in its history. The consensus that surrounded the 18th Amendment reflected a shared interest in consolidating democracy and strengthening democratic institutions. The amendment addressed various problems and distortions that had developed over the years. It's important to recognize that the political consensus achieved during the 13th National Assembly of Pakistan for the 18th Amendment was not necessarily predetermined but rather the product of unique political and historical circumstances at that time.

The 18th Amendment brought about significant constitutional reforms in Pakistan when it was adopted in 2010. These reforms aimed to consolidate democracy, increase provincial autonomy, and rectify certain inequities within the country's political system. The amendment empowered institutions rather than individuals, strengthening entities such as the Election Commission of Pakistan, Parliament, and the Supreme Court. Additionally, it enhanced provincial autonomy, increased the provinces' share in the next National Finance Commission (NFC) award, abolished the Concurrent Legislative List (CLL), and transferred ministries to the provinces. Moreover, it curtailed the powers of the president and reinforced the parliamentary system. The amendment also addressed linguistic and identity issues by renaming the province of NWFP as KPK. It emphasized basic rights, including education, health, and the right to a fair trial. The 18th Amendment sought to promote uniformity in education and curriculum across the country to prevent biases and prejudices.

While the 18th Amendment was celebrated as a significant step toward democratic consolidation in Pakistan, it also introduced challenges and disputes related to fiscal

federalism, resource allocation, and the division of powers between the central and provincial levels. The amendment's implementation faced difficulties, particularly regarding resource allocation, and an Implementation Commission was established to address these issues. Some ministries were transferred to provinces, but certain departments remained under central government control. Critics argued that important ministries remained with the central government while less vital departments were devolved to the provinces. The 18th Amendment played a pivotal role in reshaping Pakistan's political landscape, promoting democracy, and enhancing provincial autonomy. However, its full implementation and interpretation continue to be subjects of ongoing discussion and legal debate in the country's political arena.

To ensure the full and effective implementation of the 18th Amendment and strengthen parliamentary democracy in Pakistan, it is crucial for the country's main political leaders and stakeholders to engage in a process of political consensus and cooperation.

The political parties can organize a national dialogue or conference that brings together leaders from all major political parties, civil society organizations, and other relevant stakeholders. This dialogue should focus on building consensus on key issues related to the 18th Amendment and the broader democratic framework. They can encourage a comprehensive review of the 18th Amendment to identify any ambiguities, gaps, or areas that require further refinement. This review process should involve legal experts, constitutional scholars, and representatives from different political parties. They can utilize parliamentary committees, where members from various political parties participate, to facilitate discussions, debates, and the formulation of recommendations related to the implementation of the 18th modification.

They can engage the public in the discussion and decision-making process by conducting town hall meetings, public consultations, and opinion surveys to gauge the views and preferences of citizens regarding constitutional reforms and the implementation of the 18th Amendment. Establishing mechanisms for constitutional oversight to ensure that constitutional amendments, including the 18th Amendment, are effectively implemented and that any disputes or issues are addressed through a constitutional and legal framework. By engaging in a collaborative and inclusive process, Pakistan's political leaders and stakeholders can work together to restore and strengthen the 1973 legal document, promoting true parliamentary democracy and enhancing the country's democratic institutions. More importantly by fostering a spirit of national reconciliation, where political leaders from different backgrounds come together to resolve political differences and work toward shared goals.

REFERENCES

- Akram, Azhar. (2022). Critical Analysis of the Parliamentary Democracy: Challenges and Strengths in Pakistan (2002-2018). *Political Horizons* .
- Bashir, Khan, Qasim. (2022). An Analysis of the Role of 13th National Assembly (2008-2013) in the Constitutional and Political Development of Pakistan. *Pakistan Languages and Humanities Review* .
- Mahar, Malik, Bakhtiar. (2021). *Charter of Democracy and Beyond: The Way Forward for Institutional Reforms*. Islamabad: Fredrich Ebert Stiftung.
- The National Assembly of Pakistan Debates. (2010, December 22). Islamabad: N.A Pakistan.
- Adeney, K., & Boni, F. (2022). Federalism and regime change: De/centralization in Pakistan – 1956–2020. *Regional & Federal Studies, DOI* .
- Adil, M. &. (2020). Constitutional Amendments in PPP’s Government (2008-2013): Role of the Parliamentary Opposition. *Global Legal Studies Review* .
- Afridi, H. N. (2020). *A Study of 18th Constitutional Amandment in Pakistan Challanges and Implications*. Lahore: Ph.d Desrertation University of the Punjab.
- Ahmed, G. (1991). *Phir Martial Law Aa Gia*. Lahore: Jang Publishers.
- Ahmed, R. (2002). Pakisan’s First Constituent Assembly’s Efforts for the Making of Constitution 1947-1954. *Pakistan Journal of History & Culture* .
- Ali, G. (2014). *The Role of Pakistan Muslim League (N) as an Opposition in the National Assembly of Pakistan (2008-2013)*. *Mpill Thesis* Bahawalpur: Islamic University of Bahawalpur.
- Ali, G., & Azhar, M. S. (2012). 18th Amendment and its Impacts on Pakistan’s Politics. *Journal of Sociological Research* .
- Amna, Abdul Qadir Mushtaq, Abdul Majid Khan, Rana Syed Shoaib Iqbal. (2004). Bhutto Opposition Relationship during the Constitution Making Process of Constitution Of 1972 . *Pakistan Vision Vol. 20 No. 1* .
- Anthony, N., Mustafa, G., & Patras, S. (2022). National Unity and Cohesion in Pakistan: A Critical Assessment of the Constitution 1973. *Journal of South Asian Studies* , pp. 309 – 322.
- Asif, M. A. (2016). *A Book of Conquest: The Chachnama and Muslim Origins in South Asia*. London: Harward University Press.
- Ayub, I. (June 18,2020). 18th Amendment needs to be ‘reviewed’: PM. *Dawn* .
- Aziz, S. (2021). *Revisiting Eighteenth Amendment and the NFC Awards*. Islamabad: PILDAT.
- Aziz, S. (2017). What events led to the 18th Amendment of the Constitution? *Melbourne Forum* .
- Bhutto, Z. A. (1971). *The Great Tragedy*. Karachi: Karachi Vision Publishers Ltd.

- Bokhari, A. M. (2000). The Constitution of Pakistan Issues: Challenges and Options. *Journal of Political Studies* , 11.
- Butt. (2013). The constitution of the Islamic republic of Pakistan. *Pakistan Law House* .
- Cohen, S. P. (2004). *The Idea of Pakistan*. Brookings Institution Press.
- Dawn. (10 March 2008).
- Dawn. (October 11, 2010). 18th Amendment and education.
- Dawn. (August 23,2006). No Confidence move against PM .
- Dawn. (May 16, 2006). Text of the Charter of Democracy.
- Election Commission of Pakistan*. (2008). Retrieved April 27, 2023, from : <http://www.ecp.com>
- Fafen. (2014). *Performance of the 13th National Assembly (2008-2013)*. Islamabad: Free and Fair Election Network.
- Fareed, M. S. (2022). The Enigma of 18th Constitutional Amendment: Challenges and Opportunities to the Federation of Pakistan. *Journal of Peace Development and Communication* .
- Fruman, S. (2011). *Will the Long March to Democracy in Pakistan Finally Succeed?* Washington: United State Institute of Peace.
- Gaho, B. S. (2022). Revising the 18th Amendment in the 1973 Constitution of Pakistan Debate over Central province power. *pjsr* .
- Gaho, G. M., Shah Bukhari, A. H., & Shah, S. A.-u.-M. (2000). The Process of Constitution Making in Pakistan from 1947-1954: Historical and Political Perspective. *The Government: Research Journal of Political Science Vol. IV* .
- Hamid, K. (2016). *History of Judiciary in Pakistan*. Karachi: Oxford University Press.
- Hamid, S. (2010). *Impact of 18th Constitutional Amendment on Federation-Provinces relations*. Islamabad: PILDAT.
- Hanif, K., & Zahra, S. F. (2021). Article 58(2B) and its impacts on the Democratic Governments of Pakistan. *Bi-Annual Research Journal* , 104-105.
- Hashmi, R. S. (2018). Parliamentary Democracy and the Issue of Institutional Jurisdiction in South Asia (The Case of Pakistan). *Journal of Political Studies* , 133-146.
- Hashmi, R. S. (2022). Patterns of Governance in Pakistan: A Shift from Democratization to Consolidated Democracy. *Journal of Development and Social Sciences* .
- Hussain, M., & Kokab, R. U. (2012). Eighteenth Amendment in the Constitution of Pakistan: Success and Controversies. *Asian Social Science* , 81-87.
- Hussain, Z. (February 6 , 2019). Debating 18th Amendment. *Dawn* .
- Idrees, M. (2017). *Dynamics of The Role of Opposition in Constitution Making of Pakistan (1972-1977): A Historical Analysis*. Phd Thesis Islamabad: International Islamic University.

- Iqbal, H., Shahzad, M. N., Ali, U., Aslam, S., & Asif, M. (2023, Vol. 7,). No Confidence Politics In Pakistan: A Historical Analysis. *Journal of Positive School Psychology* .
- Jetly, R. (2010). Restoring Parliamentary Democracy in Pakistan. *Institute of South Asian Studies* .
- Kamran, T. (2008). *Democracy and Government in Pakistan*. Lahore: South Asia Printer.
- Kanwal, L. (2017). Political Development in Pakistan: Continuity and Change During Zardari Period. *Journal of the Research Society of Pakistan* .
- Khalid, I. (2013). Politics of Fedalism in Pakistan: Problems & Prospects. *South Asia Journal* .
- Khan, A. A., & Alam, M. (2010). Charter of Democracy: A Good Omen for the Democratization in Pakistan. *Pakistan Vision Vol. 17 No. 2* .
- Khan, A. Z. (2011). The Role of Opposition in the Interim Constitution-1972 of the Islamic Republic of Pakistan. *Journal of Applied Environmental and Biological Sciences* .
- Khan, H. (2017). *Constitutional and Political History of Pakisan*. Karachi: Oxford University Press.
- Khan, H. (2001). *Constitutional and Political History of Pakistan*. Karachi: Oxford University Press.
- Khan, I., & Khan, B. (2020). Dispute Resolution Mechanism in Pakistan: An Analyses of Council of Common Interest After 18th Constitutional Amendment. *Pakistan Journal of Humanities & Social Sciences Research* .
- Khan, R. A. (2004). Political Restructuring and Transition to Democracy in Pakistan: 1999-2002. *IPRI Journal* .
- Khan, S. A. (n.d.). Situation Analysis of Health Care System of Pakistan: Post 18 Amendments. *Dadabhoy Institute of Higher Education, Pakistan* .
- Kokab, R. U. (2000). Constitution Making in Pakistan and East Bengal's demand for Provincial Autonomy (1947-58). *Pakistan Vision Vol. 12 No 2* .
- Mahar, N., Malik, T., & Bakhtiar, U. (2021). *Charter of Democracy and Beyond The Way Forward for Institutional Reforms*. Islamabad : Friedrich Ebert Stiftung.
- Mahmood, S. (2017). Role of Military in Politics and Federal Dilemma in Pakistan: 1999-2008. *Journal of Political Studies* .
- Majeed, G. A., Qureshi, M. I., & Qayum, S. (2021). Impact of the Eighteenth Constitutional Amendment on Provincial Autonomy. *Pakistan Journal of Humanities & Social Sciences Research* .
- Malik, R. Z. (2020). Parliamentary System and Framing of the 1973 Constitution: Contest between Government and Opposition inside the National Assembly. *Pakistan Perspectives* , 30-31.
- Mehmood, S. (2007). *Ain e Pakistan (1973)*. Lahore: Jahangir Printers.

- Mehmood, S. (2002). *Pakistan Roots & Development 1947-1999*. Karachi: Oxford University Press.
- Mirza, M. N., & Fatima, S. (2020). Eighteenth Constitutional Amendment and Democratic Consolidation in Pakistan: Sub-systemic and Normative Institutionalisation. *Pakistan Journal of History and Culture, Vol. XLI, No. 2* .
- Mufti. Shafqat. Siddiqui. (2020). *Pakistan,s Political Parties: Surviving between Dictatorship and Democracy*. Washington: Georgetown University Press.
- Muhammad Ibrahim. Razia Mussarat. (2015). Electoral Politics: A Case Study of Pakistan (1947-1985). *Journal of Public Administration and Governance* .
- Muhammad Rizwan, Manzoor Ahmad ,Usha Rehman. (2017). Basic Principles Committee Reports: An Uneven Journey towards Constitutionalism in Pakistan. *GLSR* .
- Musarrat, R., Ali, G., & Azhar, M. S. (2012). 18th Amendment and its Impacts on Pakistan's Politics. *Journal of Sociological Research* , 7.
- Mushtaq, A. Q. (2015). *Politics of Opposition in Pakistan (1977-88)*.Phd Thesis Lahore: Government College University, Lahore.
- Newman, K. J. (1962). The Constitutional Evolution of Pakistan. *Oxford University Press*.
- Nizami, Q. (2006). *Gernail Aur Sayasatdan Tareekh Ki Adalat Mein*. Lahore: Jahngir Press.
- Paasch, R., & Dayo, A. (2018). *Decade of Democracy in Pakistan (2008 - 2018)*. Friedrich-Ebert-Stiftung ,The Research Initiative.
- Pakistan, G. o. (April 10, 1973). N.A Constitution-Making Debates, Official Report, 2455-56. *National Assembly Debates* , 2455-56.
- Pakistan, G. o. (1,16,October 1985). *The National Assembly of Pakistan Debates*. Karachi: Maneger Publication.
- Pakistan, T. G. (March 26, 1973). NA Constitution-Making Debates, Official Report, Volume II, No. 27 1904-05. *National Assembly of Pakistan* .
- Pakistan, T. G. (2010, April 07). *The National Assembly of Pakistan Debates* . XXI (2). 3rd Parliamentary year, 21st session. Islamabad: N.A Pakistan.
- Pakistan, T. G. (2010, April 06). *The National Assembly of Pakistan Debates*. XXI (1). 3rd Parliamentary year, 21st session. Islamabad: N.A Pakistan.
- Pakistan, T. G. (2010, April 08). *The National Assembly Pakistan*. XXI (3). 3rd Parliamentary year, 21st session. Islamabad: N.A Pakistan.
- Pakistan, T. G. (10th April, 2022). *Voting on No Confidence Resolution Against the Prime Minister*. Islamabad: National Assembly of Pakistan.
- Pardesi, Y. Y. (2000). An Analysis of the Constitutional Crisis in Pakistan (1958-1969). *The Dialogue* , 18.
- Parveen, K. (2000). The Role of Opposition in Constitution Making: Debate on the Objectives Resolution. *Pakistan Vision vol.11* .

- PCCR. (Report 2010). *Special Committee of the Parliament on the Constitutional Reforms*. Islamabad: N.A Secretariat.
- PILDAT. (January 1, 2023). *State of Democracy in Pakistan, 2022; a depressing year for Democracy*. PILDAT.
- R.R, N. (2013). *A Political or Depoliticized Pakistan, Youth and Politics*. Karachi: Jinnah Institute of Research and Review.
- Rais, R. B. (2014). *Emerging National Consensus*. / *Institute of Strategic Studies Islamabad* .
- Raza, R. (2000). *Zulfiqar Ali Bhutto and Pakistan 1967-1977*. Karachi: Oxford University Press.
- Re: ruling by the Deputy Speaker of the National Assembly under Article 5 of the Constitution qua voting on No confidence Motion against the Prime Minister of Pakistan, Suo Moto Case No.1 of 2022 (Supreme Court of Pakistan Islamabad April 7, 2022).
- Riaz. Khan. Cheema . (2020). Revisiting the Eighteenth Constitutional Amendment: Obscurities and Prospects. *Pakistan Social Sciences Review* .
- Rizvi, H. A. (2009). *The Military and Politics in Pakistan 1947-1997*. Lahore: Sang-e-Meel.
- Rizwan, M., & Hassan, M. (2020). Constitutional Development in British India:1935-47. *Journal of Historical Studies* , 23-35.
- Rizwan, M., Arshad, M., & Waqar, M. (2014). Revitalization of Parliamentary Democracy in Pakistan under 18th Amendmen. *Journal Of Humanities And Social Science* .Volume 19 .
- Sabih, M. (August 1, 2019). PPP keeps all powers under garb of 18th amendment: MQM-P. *Nawai Waqat* .
- Saeed, R. (2022). Patterns of Governance in Pakistan: A Shift from Democratization to Consolidated Democracy. *Journal of Development and Social Sciences* .
- Sajida , Imran , Waseem. (2018). National Plan for Devolution of Power under 18th Amendment: Challenges for Government in the New Pakistan . *Global Social Sciences Review* .
- Seidle, L., & Khan, Z. (2012). *Federalism and Eighteenth Amendment: Challenges and Opportunities for Transition Management in Pakistan*. Islamabad: United Nations Development Programme Pakistan.
- Shah, A. .. (2012). The 18th Constitutional Amendment: Glue or Solvent for Nation Building and Citizenship in Pakistan? *The Lahore Journal of Economics* .
- Shah, S. A., Shah, H., & Shah, S. A. (2021). The Eighteenth Amendment and its Impact on Functionability of Provinces. *Journal of Social Sciences* , Vol.15, No.1, 67-80.
- Sial. (2010). Constitutional Reforms: Search for an Alternative Paradigm. *Pakistan Journal of Social Science* .
- Siddiqui, H. U. (15 February 2019). Amendment's side effects. *Dawn* .

- (2023). *State of Democracy in Pakistan, 2022;a Depressing year for Democracy*. PILDAT.
- Syed, F. Z., Mubariz, S., & Shah, N. J. (2020). Provincial Demands for Self-rule and Shared-rule under the 18th Amendment in Pakistan: An Assessment. *Journal of Politics and International Studies* , pp.149– 163 ,Vol. 6, No. 1,.
- (1985). *The Gazette of Pakistan, extra ordinary part 1 5th may*. Karachi: Manager of Publications.
- (2010). *The Gazette of Pakistan, extra ordinary part,1 20th April*. Isalambad: Secretariat.
- Waseem, M. (2015). Constitutionalism and Extra-Constitutionalism in Pakistan. In M. Tushne, & M. Khosla, *Unstable constitutionalism Law and Politics in South Asia* (pp. 135-36). New York: Cambridge University Press.
- Waseem, M. (2010). *Federalism in Pakistan*. Montreal: Queenis University Press.
- Waseem, M. (2010). *Federalism in Pakistan*. LUMS.
- Wrraich, S. (2006). *Ghaddar Kon? Nawaz Sharif ki kahani un ki zubani*. Lahore: Sagar Publishers.
- Zaman, A., & Subhan, F. (2018). 18th Amendment & Provincial Autonomy: Challenges for Political Parties. *Bi-Annual Research Journal* .
- Zikria, G., Ahmad, K., & Qasim, G. (2019). Democratic Political Development: A Case Study of Pakistan 2008- 2013. *Pakistan Social Sciences Review* .

APPENDIX-01

Abbreviations Used in the Thesis

Sr #	Item	Abbreviations
1	Awami National Party	ANP
2	Alliance for the Restoration of Democracy	ARD
3	Awami Muslim League	AML
4	Awami League	AL
5	Basic Principles Committee	BPC
6	Baluchistan Awami Party	BAP
7	Constituent Assembly of Pakistan	CAP
8	Charter of Democracy	COD
9	Council of Common Interest	CCI
10	Convention Muslim League	Con. ML
11	Council Muslim League	Cou. ML
12	Elective Bodies Disqualification Ordinance	EBDO
13	Federally Administered Tribal Areas	FATA
14	Grand Democratic Alliance	GDA
15	Jam'iyat 'Ulama-i-Pakistan	JUP
16	Jamhoori Watan Party	JWP
17	Jam'iyat-i-Ulama-i-Islam	JUI
18	Jamat e Islami Fazal Ur Rehman	JUIF
19	Jamat e Islami	JI
20	Legal Frame of Order	LFO
21	Movement for Restoration of Democracy	MRD
22	Muthida Qaumi Movement	MQM
23	Muthida Majlse Amal	MMA
24	Muthida Qaumi Movement Pakistan	MQMP
25	Member of National Assembly	MNA

26	Northern Western Federal Provinces	NWFP
27	National Assembly of Pakistan	NAP
28	National Awami Party	NAP
29	National Finance Commission	NFC
30	National Economic Council	NEC
31	Pakistan People's Party	PPP
32	Pakistan Muslim League Nawaz	PML-N
33	Pakistan National Congress	PNC
34	Pakistan Tehreek-i-Insaf	PTI
35	Parliamentary Committee for Constitutional Reforms	PCCR
36	Pakistan Muslim League Quiad-e-Azam	PMLQ
37	Prisoners of War	POWs
38	United Democratic Front	UDF

TURNITIN ORIGINAL REPORT

AN APPRAISAL OF POLITICAL CONSENSUS FOR
CONSTITUTIONAL AMENDMENT BY THE 13TH NATIONAL
ASSEMBLY OF PAKISTAN

ORIGINALITY REPORT

13% SIMILARITY INDEX	11% INTERNET SOURCES	5% PUBLICATIONS	6% STUDENT PAPERS
--------------------------------	--------------------------------	---------------------------	-----------------------------

PRIMARY SOURCES

1	Submitted to Higher Education Commission Pakistan Student Paper	4%
2	eprints.soas.ac.uk Internet Source	1%
3	ebin.pub Internet Source	1%
4	www.uob.edu.pk Internet Source	<1%
5	pr.r.hec.gov.pk Internet Source	<1%
6	pure.uva.nl Internet Source	<1%
7	www.pakistanchristianpost.com Internet Source	<1%
8	www.iosrjournals.org Internet Source	<1%

9	journals.wumardan.edu.pk Internet Source	<1 %
10	jang.com.pk Internet Source	<1 %
11	centrelines.com.pk Internet Source	<1 %
12	glsrjournal.com Internet Source	<1 %
13	Waseem, M.. "Pakistan: A Majority-Constraining Federalism", <i>India Quarterly A Journal of International Affairs</i> , 2011. Publication	<1 %
14	go.gale.com Internet Source	<1 %
15	pu.edu.pk Internet Source	<1 %
16	www.eods.eu Internet Source	<1 %
17	Katharine Adeney, Filippo Boni. "Federalism and regime change: De/centralization in Pakistan – 1956–2020", <i>Regional & Federal Studies</i> , 2022 Publication	<1 %
18	www.na.gov.pk Internet Source	<1 %

19	en.wikipedia.org Internet Source	<1 %
20	"The Forum of Federations Handbook of Federal Countries 2020", Springer Science and Business Media LLC, 2020 Publication	<1 %
21	www.thefreelibrary.com Internet Source	<1 %
22	shs.hal.science Internet Source	<1 %
23	ia904606.us.archive.org Internet Source	<1 %
24	Manzoor Ahmed. "The Dynamics of (Ethno)Nationalism and Federalism in Postcolonial Balochistan, Pakistan", Journal of Asian and African Studies, 2020 Publication	<1 %
25	Richard Sisson, Leo E. Rose. "War and Secession", University of California Press, 1990 Publication	<1 %
26	Submitted to University of Westminster Student Paper	<1 %
27	dr.ntu.edu.sg Internet Source	<1 %

28	"Federalism and Decentralization in Health Care", University of Toronto Press Inc. (UTPress), 2018 Publication	<1%
29	www.democracy-reporting.org Internet Source	<1%
30	www.brecorder.com Internet Source	<1%
31	www.eurasiareview.com Internet Source	<1%
32	www.thenews.com.pk Internet Source	<1%
33	web.uob.edu.pk Internet Source	<1%
34	kids.britannica.com Internet Source	<1%
35	wikimili.com Internet Source	<1%
36	sro.sussex.ac.uk Internet Source	<1%
37	www.pljlawsite.com Internet Source	<1%
38	www.nytimes.com Internet Source	<1%

39	idsa.in Internet Source	<1 %
40	www.files.ethz.ch Internet Source	<1 %
41	Submitted to National University of Singapore Student Paper	<1 %
42	fp.brecorder.com Internet Source	<1 %
43	Submitted to Australian National University Student Paper	<1 %
44	flex.flinders.edu.au Internet Source	<1 %
45	jinnah-institute.org Internet Source	<1 %
46	pjhc.nihcr.edu.pk Internet Source	<1 %
47	www.dawn.com Internet Source	<1 %
48	journals.cambridge.org Internet Source	<1 %
49	nation.com.pk Internet Source	<1 %
50	pakpips.com Internet Source	<1 %

51	www.kas.de Internet Source	<1%
52	www.state.gov Internet Source	<1%
53	asiatimes.com Internet Source	<1%
54	newslinemagazine.com Internet Source	<1%
55	theshillongtimes.com Internet Source	<1%
56	tribune.com.pk Internet Source	<1%
57	www.psp-ltd.com Internet Source	<1%
58	www.studymode.com Internet Source	<1%
59	"Benazir Bhutto Assassination", Acts of War and Terror, 2008 Publication	<1%
60	Bidanda M. Chengappa. "Pakistan's fourth military takeover", Strategic Analysis, 1999 Publication	<1%
61	beta.dawn.com Internet Source	<1%

62	dailytimes.com.pk Internet Source	<1 %
63	dissenter-rationalist.blogspot.com Internet Source	<1 %
64	na.gov.pk Internet Source	<1 %
65	pressemblem.ch Internet Source	<1 %
66	wumardan.edu.pk Internet Source	<1 %
67	www.congress.gov Internet Source	<1 %
68	www.ecoi.net Internet Source	<1 %
69	www.iuj.ac.jp Internet Source	<1 %
70	www.languageinindia.com Internet Source	<1 %
71	Ignas Kalpokas, Julija Kalpokienė. "Intelligent and Autonomous: Transforming Values in the Face of Technology", Brill, 2023 Publication	<1 %
72	Samina Yasmeen. "Islamisation and democratisation in Pakistan: Implications for	<1 %

women and religious minorities", South Asia:
Journal of South Asian Studies, 1999

Publication

73

Yunas Samad. "Elections and democratic
transition in Pakistan: one step forward and
two steps backwards", Commonwealth &
Comparative Politics, 2017

Publication

<1%

Exclude quotes Off

Exclude matches Off

Exclude bibliography Off