

Amendment in the constitution of pakistan law constitutional administrative essay...

[Law](#)



Introduction:

The constitution of Pakistan 1973 has passed through many phases of amendments. It began when Mr. Zulfikar Ali Bhutto made a few amendments in the constitution but the constitution suffered from the bulldozing attack by General Zia-ul-Haq in the form of 8th Amendment. This amendment changed the entire character of the constitution and created a balance of power between president and prime minister as envisioned by Zia-ul-Haq. The constitution of Pakistan 1973 witnessed the amendments of shift of [power from PM to the president and from president back to the PM and again pendulum shift from PM to the president and this system continued by the amendment which restored the powers of parliament which restored back the power of parliament and PM. This proposed study is a critical analysis of constitutional amendment during 2012 – 12. This study will discuss the amendments as a gesture and an effort of democratization, the restoration of parliamentary democracy in the form as originally existed in the constitution of Pakistan's 1973.

Significance and Utility:

This study is expected to be significant for many reasons including: The amendments during the 2011 – 12 have restored back the parliamentary system in its original form as it was formulated in the constitution of Pakistan 1973 by the frames of the constitution. This study can be useful for all those researchers who are interested in the analysis of amendments in the constitution of Pakistan's 1973. Mr. Zardari led PPP government had been very active in legislation and making amendments in the constitution. This

study will dig out the constitutional amendment during the year 2011 – 12. This study will help to understand the exact criteria's of Government influenced by the constitutional amendment.

Hypothesis:

This study is proposed to be based on the hypothesis," The amendments in the constitution of Pakistan 1973 during the period 2011 – 12 have been contributive in the development of parliamentary democracy in Pakistan"

Limitations:

This study will be restricted to the amendments in the constitution of Pakistan 1973 during the years 2011 – 12. However the critical analysis of these amendments will be made in the back lash of the previous amendments and the working of PPP government beginning from 2008. This study will be limited to the amendments and their expected reonets objectives and expected influence and the change in government's power by their implementation neat are the future analysis.

Historical Background:

We construct our present on the ground of history especially constitutional history cannot be tanght in vacuum therefore historical background does play an important role in understanding the current scenario.

Independence of Pakistan:

Pakistan became an independent Muslim state on 14th August 1947.

Quaid-e-Azam-1st Governor General:

Quaid-e-Azam was the 1st Governor General of Pakistan and also was elected as the first president of the constitutional assembly on 11 August 1947. In his presidential address he clearly outlined the objectives and expected constitutional structure of Pakistan. He also try to eliminate the old bitterness between majority and minority communities on Pakistan, Muslim and Hindu and asked them to cooperate in with each other in well being of the country. He in his address affirms the religious right by saying:" you are free to go to your mosques or to any other places of worship in this state of Pakistan" In short, Jinnah visualize the new state as a modern, democratic state with sovergn rights resting with people themselves.

The objective resolution 7th March 1949:

This is considered to be the most significant step towards the creation of the constitution. It was related to the aims and objectives of the Pakistan's future constitution. Liaquat Ali Khan " 1st Prime Miniter of Pakistan" presented the objective resolution to the Pakistan's constitutional assembly. The objective resolution was started by officiating the sovereignty of Allah over the entire universe and the Islamic color of the objective resolution worried the Hindu members of the assembly through it. Objective resolution also laid importance on the principles of democracy freedom, equality, tolerance and social justice. Some Non Muslim members of constituent assembly, namely Bhupendra Kumar Datta, Prem Hari Barma etc proposed amendments in the objective resolution. The proposed amendments were put to vote of the constituent assembly and were rejected by the House by 10 against 21.

Basic principles committee and its report:

When objective resolution was passed to work on the principle laid by the objective resolution. It has 24 members. It prepared 1st draft constitution and was presented by Liaquat Ali Khan in 1950 but this draft was rejected and opposed by the East Pakistan mainly on the proposed distribution of the seats in the legislative body and declining Urdu as the National language etc. the report was This referred back to the constituent assembly. They invited proposals and suggestions from the public by January 1951 and the sub committee was appointed to examine the Liaquat Ali Khan was assassinated in 1951 and Khawaja Nazim ud-din become the prime minister of Pakistan. In 1952 the 2nd draft of the basic principle's committee was presented by Khawaja Nazim ud-din and was rejected like the first draft.

Nazimuddin Government's dismissed:

The anti Ahmediya agitation and food shortages caused serious problems for Khawaja Nazimuddin government. Governor General Ghulam Muhammad on the pretext of bad management dismissed the Nazimuddind government and the Muhammad Ali Bograh was appointed as the next prime minister of Pakistan.

Muhammad Ali formula: Compromise formula 1953:

After becoming the 3rd prime minister of Pakistan Muhammad Ali started working on the constitution and was soon become successful in achieving a compromise on the issue of the representation between the two wings of Pakistan. This formula seemed to chance achieved the consent of the east

on west Pakistan. But few important incident put hindrance in implementation of this formula namely.

East Pakistan elections 1954:

Provincial elections on 8 to 11 March 1954, were held in east Pakistan and Judge to Front (an alliance of parties opposed to the Muslim league) won the election which led to the demand for central government to resignation and constituent assembly dissolution being misrepresentative any more.

PRODA Act (1949 – 1954):

In 1954 the public representatives disqualification Act was finished which displeased the Governor General Ghulam Muhammad leading to the dissolution of the constitutional assembly. It was not clearly said that the assembly in dissolved instead was declared that constituent assembly had "lost the confidence of the people and can no longer function"

Second constituent assembly 1955:

The need to develop a constitution making body was urgent. Though governor general Ghulam Muhammad wanted a "constitutional convention" to perform the duty but the federal court declared that the taste of framing a constitution had to be performed by a constitutional assembly. Ghulam Muhammad call a constitutional convention to meet on 10th May 1955. This convention was to be elected from the existing provincial assemblies.

One unit:

To solve the problem of distribution of seats between East and West Pakistan, an important step was taken on 30 September 1955 by merging the West Pakistan into one unit.

The Constitution of 1956:

On 23rd March 1956 the 1st constitution of Pakistan was implemented which was based on the pattern of the Government of India Act 1935. The 1st constitution of "Islamic Republic of Pakistan" comprised of 234 article was a detailed constitution.

The first martial law 1958:

The constitution framed and implemented after nine years of effort did not last longer than 2 and half years. 8 October 1958 first martial law was imposed by General Ayub Khan and abrogated the constitution.

Constitutional commission:

General Ayub Khan established the basic democracies system whose 8 thousand members elected him as the Pakistan's president with heavy majority general Ayub Khan after taking the oath appointed a constitutional ammission on 17th February 1960 under the presidency of chief justice Shahab uddin of supreme court. The commission was asked to examine the causes of the failure of the parliamentary government as well as to prepare on present a constitutional proposal. The commission, under chief justice Shahab uddin had done an admirable job of preparing a comprehensive report on 29th April 1961.

Constitution 1962:

The 1962 constitution was quite different from the recommendations of the commission. The constitution of 1962 was a presidential constitution and general Ayub Khan, being the president of Pakistan enjoys a central position.

2nd martial law 1969:

Ayub Khan handed over the power to army chief general Yahya as the conditions in the country get worse. General Yahya Khan had refused any personal interests and announced that he desire to establish conditions helpful to the formation of the constitutional government. The one unit of West Pakistan was also dissolve. On 1st January 1970 the unrestricted political activities were resumed. On 28th March 1970 Yahya Khan announced the legal framework order. General elections were held on December 1970 and Zulfiqar Ali Bhutto PPP in west and Sheikh Mujeeb ur Rehman in east Pakistan won the majority seats. The results showed the obvious possible contradiction in the National Assembly. Yahya Khan was hoping to bring two parties to agreement over general principles but his hopes failed. The conditions in East Pakistan became worked and six points of Mujeeb ur Rehman were like adding fuel to fire. 1971 India attacked on Pakistan and on 25th March 1971 Mujeeb ur REhman proclaiming east Pakistan to be a people's republic of Bangladesh. Fall of Dhaka left no justification for yahya to be in power and he had to hand over the power to the leader of PPP, Zulifiqar Ali Bhutto.

The Interim Constitution 1972:

Interim constitution on 21st April 1972 came into force.

Constitution of 1973:

A constitutional bill was moved by the government in the National assembly on 30 December 1972 which after discussion was accepted on 13 March 1973 by all parties.

Constitutional amendments 1973:

Constitution is considered to be the sacred document of the land yet a margin for amendment is left to deal with the changing political social circumstances. The constitution of 1973 also has to go through several changes sometimes amendments changed the complete structure of constitution. The constitution of 1973 was implement an 14th August 1973 by the ruling party PPP. Till date 20 amendments have become the part of this constitution. Though our main concern is 19th and 20th amendments will be important.

1st amendment: 1974:

The first amendment become the part of 1973's constitution noon after it was enforced. Under the first amendment following articles procedures were amment: Article 1 due to the recognition of east Pakistan as a separate independent state named Bangladesh. Article 17 related to the right of making an association was amended and few restrictions were imposed on making an association. The maximum period between the two sessions of parliament must not exceed 130 to 90 days. If chief justice require the judge of another court, the consent of the judge asked in required and the resident will approve it after consulting supreme court and high court's chief justice.

2nd amendment: 1974:

Under this amendment clause (3) was added to article 260 of the constitution explaining who is Muslim and as a conclusion of this definition Ahmedis were declared Non Muslims.

3rd amendment: 1975:

The 3rd amendment curtailed the rights of political detainees and as a result enhanced the power of the government. It amended the article 10 of the constitution. Third amendment extended the period of emergency proclaimed by the president and it also increased the power of president during emergency period.

4th amendment: 1975:

Act 51, National assembly was given the responsibility of conducting elections. Six special seats to minority were allocated. In the matter of stay of recovery the constitutional jurisdiction of high court was curtailed.

5th amendment 1976:

The judiciary powers were limited according to this amendment: For governor of a province it was made necessary to be the resident of that province. The judiciary to be separated from executive in 3 to 5 years. The high court judge, who does not accept his appointment in supreme court will be considered retired from his office. Supreme court and high court were not allowed to make any orders under the article 199, as before. Only under the article 175(2) supreme court will issue directions, orders and decrees.

Transfer of a judge of a high court to another high court can be made without even consulting the chief justice of Pakistan. Article 204 was amended and

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the power of the high court is punish a person for contempt against court was made subject to ordinary law.

6th amendment 1976:

In this amendment the term of the chief justice of supreme and high court were extended. Limitation on owning a property were put 100 acres of irrigate or 200 acres of unirrigated land. The land reforms introduced were never acted upon.

7th amendment 1977:

According to the law of parliament the referendum will be held to demonstrate the confidence in the prime minister. A referendum commission was set up.

8th amendment 1985:

Through a presidential order (RCO) the constitution was comprehensively amended. 65 articles were amended. Article 2A objective resolution 1949 was made effective/permanent part of 1973's constitution. Electoral college for presidential election was amended. As now comprises of 4 provincial assemblies and central National assembly and senate. President though supposed to act on the advice of the cabinet and prime minister but, can ask them to re consider the advice. The president was given power to dissolve the national assembly at his will, where he conclude that appeal to the electorate was necessary. On dissolving national assembly, the president could ask the prime minister to continue in office till his successor join the office. The women seats, reserved in national assembly were doubled from 10 to 20. The number of national assembly senate were raised to 237 and 87

respectively. The president was given time period of 30 days to ratify a bill passed by the parliament and can also ask the parliament to re consider the bill. The prime minister will be appointed by the president at his discretion from national assembly but prime minister must obtain the vote of confidence of majority member of national assembly. Federal ministers and minister of state were to be appointed by president on the advice of prime minister. Motion of vote of no confidence procedure was amended as for now requirement of giving the name of an alternative was omitted. Procedure of the amendment in the constitution will require the ratification of 2/3 majority of the central parliament and of absolute majority of provincial assemblies. If the amendment is related to altering the limit of the province than ratification of 2/3 majority of the relevant provincial assembly was made compulsory. Same power were given to governor of the provinces as were of president in the central government. 10 seats for minorities were reserved in national assembly and in provinces Balochistan, NWFP, the Punjab and Sindh were 3, 3, eight and 9 respectively. Separate electorates were given constitutional recognition for minorities. Qualification and disqualifications for the members of parliament were increased. Up to five advisors can be appointed by president to the prime minister. The president have the executive authority which can be exercised by himself or through officers subordinate to him. Supreme court was given the authority to transfer any case from one high court to any other high court. Under article 270 A validate all martial law regulation, orders and law framed during martial law regime. Under article 152 A, A national security counsel, comprises of

president, prime minister, the chairman of senate, the chairman of joint chief of staff committee and chiefs of 3 armed forces, was to be constituted.

9th amendment 1985:

A bill was passed related to the supremacy of the Quran and Sunnah by senate. This bill was mollified after the dissolution of national assembly in 1988 but was again passed by national assembly in a991.

10th amendment 1987:

Working days of parliament were again 130 days.

11th amendment 1991:

It was related to the resumption the women representation in national and provincial assemblies.

12th amendment 1991:

According to this amendment article 212B was added to the constitution. It was related to the establishment of special courts for trial of heinous offences(14 August 1991 to 14th August 1994)

13th amendment 1997:

This amendment was related to the omission of article 58(2)(b) of the constitution which gave discretionary powers to the president of Pakistan. 13th amendment again left president with only ceremonial powers.

14th amendment 1997:

This amendment added article 63-A to the constitution related to the problem of defection. Article 63A put an end to this problem.

15th amendment 1998:

Article 2B was added in the constitution according to which the Holy Quran and Sunnah of the Holy Prophet(PBUH) shall be the supreme law of Pakistan. Bill was in senate when Pervaiz Musharaf dissolved the parliament and the 15th amendment was made ineffective.

16th amendment 1999:

Quota system period was extended for more 20 years.

17th amendment 2003:

Under this amendment president's power to dissolve the national and provincial assemblies were made effective again national security council was created.

18th amendment 2010:

According to this amendment under article 6 any one responsible for dissolving the constitution will be considered eligible or punishment. The president discretionary powers of dissolving the national assembly were taken back and he was made bound (to act according) to the advice of the prime minister. No person can hold the office of prime minister more than twice. High court was established in Islamabad. Four minority seats were increased in senate. The method of election of judges was changed. Now a judicial commission comprises of 7 members and 8 members parliamentary committee will appoint the judges.

19th amendment 2011:

The method of appointment proposed in 18th amendment was challenged in supreme court. The supreme court announce its interim decree in 21st October 2011 and following suggestions were given to parliament: The number of senior judges must be increased from 2 to 4 in judicial commission and these members must be appointed by chief justice. A record of all the proceedings of parliamentary committee must be maintained. If $\frac{3}{4}$ members of parliamentary committee do not agree on any appointment, they will have to give a solid reason for their reluctance to the appointment. Judicial commission after considering all reason can stay intact to its decision. The last suggestion was rejected because it effects the supremacy of the parliament therefore it was agreed that on refusal of parliamentary committee with $\frac{3}{4}$ majority to any appointment will be considered rejected. Prime minister will inform the commission about the committee's decision. It was also decided that in case of dissolution of national assembly, decision will be made by a parliamentary committee comprises of 4 members. Detail of 19th amendment:

Amendment of article 81 of the constitution:

The words " and the Islamabad high court" were added in the paragraph (a) in sub paragraph (i). For paragraph (b), related to the financial matters taken care by Auditor General following shall be substituted including administrative expenses, payment to officers, servants of the supreme court and Islamabad high court, audit general department, chief election commission office and the national assembly.

Comment:

This part of the amendment is related to the high court and the financial matter which the audit general will have to taken care.

Amendment of article 175 of the constitution:

Explanation unless the context otherwise requires, the words " high court" where ever occurring in the constitution shall include " Islamabad high court"

Comment:

The Islamabad high court was established under the 18th amendment of the constitution. There fore in the articles related to high courts the " Islamabad high court" added to make all rules of high court implemented to this court as well.

Amendment of article 175A of the constitution:

In article 175A In clause (2) In paragraph (ii) for the word " two" the word " four" shall be substituted and In paragraph (iii) for the word " two" occurring for the first time, the word " four" shall be substituted.

Comment:

Article is about judicial commission of Pakistan for the appointment of the judges of supreme court, high court and federal shariat court. Though this amendment the number of senior judges was increased from two to four.(b) In clause 5: For paragraph (iv), the following shall be substituted. (iv) an advocate having not less than 15 years practice in the High court to be nominated by the concerned Bar council for a term of two years and For the proviso the following shall be substituted. The chief Justice of the high court

the most senior judge mentioned in paragraph (ii) shall not be member of the commission. It further provided that if chief justice of high court is not available, the substitute shall be former chief justice or former judge of that court whom the chief justice of Pakistan will nominate with the consultation of the four senior judges of the commission mentioned in paragraph (ii) of clause (2).

Comment:

This part is related to the competency or requirement of a person to be judge of high court. It included that an advocate with 15 years experience can be judge of high court. And (ii) was related to the substitute of chief justice of high court and the four senior judges were to be consulted for the substitution by the chief justice of Pakistan.(c) in clause (6), in the first proviso, after the word " the" occurring for the first time, the words " chief justice and the" shall be inserted.(d) in clause (9), for the full stop at the end a colon shall be substituted and the following proviso shall be added. In case the National Assembly is dissolved, parliamentary committee's total membership shall consist of the members from the senate only mentioned in paragraph (i) and the provisions of this Article shall, mutatis mantandis apply.

Comment:

When National Assembly will be dissolved its members will no more be included in parliamentary committee and it will comprise only of four senate members.(e) in clause (12):(i) for the proviso the following shall be substituted, " provided that the committee, for reason to be recorded, may

not confirm the nomination by $\frac{3}{4}$ majority of its total member ship within the sad period.(ii) After this substituted provision, following shall be added," in case a nomination is not confirmed the committee shall forward its decision along with the recorded reason through prime minister to the commission." When a nomination is not confirmed the commission shall send another nomination.

Comment:

This part of the amendment of the judges in which the commission will send the nominations to the committee which it can reject with $\frac{3}{4}$ majorities with a recorded reason and through prime minister its decision will be conveyed to the commission then commission will send its further nominations for the ratification of the committee.(f) for clause (13), the following shall be substituted. The committee⁴ shall send the name of the confirmed nominee or those nominee deemed to have been confirmed to the prime minister who shall forward it to the president for appointment.

Comment:

When committee will confirm the name of nominees send by the commission those names will be forwarded to the president by the prime minister.(g) clause (15) shall be renumbered as clause (17) and after the existing clause (14), the following new clauses shall be inserted."(15) to maintain the record of the meeting, it shall be held in cameras"(16) the provisions of the articles 68 shall not apply to the proceedings of the committee⁴.

Comment:

This part of the amendment was about maintain the record of the meeting and it was added that article 68 which is related to the discussion in parliament will not be applied here according to which no discussion related to the conduct of the judges shall take place in parliament.

Amendment of article 182 of the constitution:

In this article after the word " Pakistan" the commas, words figure and letter in consultation with the judicial commission as provided in clause (2) of article 175A shall be inserted.

Comment:

Article 182 is related to the appointment of adhoc judges by adding clause (2) of article 175A, the same condition are made applicable to these appointment as are to other judges of Supreme Court, high counter federal shariat court.

Amendment of article 213 of the constitution:

In the article 213, in clause (213): For the 2nd proviso, the following shall be substituted namely added that the parliamentary committee shall be comprises 12 members and 1/3 from them shall be from the senate andIn the third proviso, for the word " parliamentary committee shall comprises" the words " total membership of the parliamentary committee shall consist of" shall be substituted.

Comment:

In this part the membership of parliamentary committee was further explained and the 1/3 representation of senate was made compulsory.

Amendment of article 246 of the constitution: In paragraph (a), sub paragraph (ii) and (iv) shall be omitted. In paragraph © after sub paragraph (iii) the following new sub paragraph shall be inserted namely. Tribal areas adjoin lakki marwat district andAfter sub paragraph (iv) this paragraph shall be inserted namely. Tribal areas adjoin tank district.

Comment:

This part is related to the geographical criteria of Pakistan and few areas were included in federal administered tribal areas and few were excluded.

20th amendment 2012:

According to 20th amendment following changes were introduced.

Article 48:

20th amendment proposed that in the article 48 in clause (5) in paragraph (b) after the word " cabinet" the words, commas, figures and letter in accordance with the provisions of article 224 shall be added.

Comment:

Article 48 is related to the appointment of a care taker cabinet and article 224 elaborates the procedure of electing the members for different designations.. it was made clear through this amendment that care taker cabinet or provincial cabinet will be appointed on the advice of care taker prime minister or chief minister.

Article 214:

Article 214 was amended as follows: After the word "commissioner" the word "and a member" must be added. In clause (i) the words "or a member" shall be added after the word "commissioner". Same amendments were proposed of adding the words as the case may be a member. (d) in clause (3), a member be added after the word "commissioner".

Comment:

This amendment is related to the term of office of the commissioner and members added as the same rule is applied to them.

Amendment in article 216:

As in the article 215 the word and the members was included after the word commissioner. Article 216 forbids the commission to hold the office of profit with 20th amendment same prohibition was made applicable to the member as well.

Article 218:

In this article in clause (3) the words "constituted in relation to an elections" omitted.

Comment:

Article 218 is related to the election commission and its duties through this amendment the criteria of election was made clear for election commission.

Article 219:

This article is related to the duties of the commissioners. The paragraph (e) was amended and it was included that the members of the commission are

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first appointed in accordance with the provision of paragraph (B) of the clause (2) of article 218 pursuant to the constitution act 2010 (18th amendment) and enter upon their office, the commissioner shall remain charged with the duties given in paragraph (a), (b) and (c) of the article.

Comment:

Till the selection of the next members the previous members continued their duties as given or assigned to them according to act 218.

Act 224:

The article 224 of the constitution was amended as follow: In clause (1A) The word " appointed" shall replace the word " selected". After the amended proviso following new proviso shall be added. Provided that if a case taken prime minister or chief minister is not agreed upon by the prime minister and chief minister and their respective leader of the opposition than the provisions of article 224 A shall be followed and In the 2nd proviso, the word " also" shall be substituted for the word " further" In clause (6) full stop shall be substituted by a colon and after that following proviso shall be added." Provided that if at any time the party list is exhausted, the concerned political party may submit a name for any vacancy which may occur there after.

Comment:

Article 224 is related to the appointment of care taker government before election. Through this amendment the appointment of the care taker personal is made clear to avoid any disagreement as the final authority is given to the president and governors to appoint a care taker PM and CM

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respectively. In the 2nd part it is allowed to enter a name in the party list latter if needed.

New article 224 A:

In 20th amendment a new article was added.

224A resolution by committee or election commission:

In the outgoing national assembly if the prime minister and opposition leader disagree on any person to be appointed as the care taker prime minister, with in 3 days of the dissolution of the national assembly than an eight member committee will be formed immediately by the speaker of national assembly, whom the PM and opposition leader will forward two nominees. This eight member committee will be comprises of members of outgoing national assembly or senate or both, having equal representation from the treasury and the opposition to be nominated by the prime minister and the leader of th opposition respectively. Same procedure will be followed by provincial assemblies, in the case of disagreement on a person nominated as CM. The committee formed in clause (1) or (2) shall, within three days of the referred of the matter, finalize the name of care taker PM or care taker CM, as the case may be further provided that if committee will be unable to do the job within the given time (aforesaid period), the names of the nominees shall be referred to the election commission of Pakistan for final decision within 2 days. The occupant prime minister and the occupant chief minister, till the appointment of the care taker prime minister and care taker CM, as the case may be shall continue to hold office. Not with standing any thing contained in clause (1) and (2), if opposition members are less than 5 in

parliament and less than 4 in provincial assembly, than all of them shall the members of the committee mentioned in clause (1) and (2) and the committee shall be considered to be duly (agreeably) constituted.

Comment:

The clause 224 A is added through 20th amendment in the constitution which is related to the selection of care taker PM or care taker CM, as the case may be. The addition of this clause is a best possible effort to avoid any disagreement on the person to be appointed as care taker PM or CM by present PM, CM or opposition leaders respectively.

Amendment of the second schedule to the constitution:

In paragraph 1 The word " election commission of Pakistan" shall substitute the word " chief election commissioner" The word " chief election commissioner" shall substitute after the word " and" occurring for the second time. The words " election commissioner of Pakistan" shall substituted the words " chief election commissioner" in paragraph 2 and 22.

Comment:

The second schedule [article 41(3)] is related to the president's election according to this amendment the responsibility of electing the president is given to the election commission of Pakistan and chief election commissioner shall be the returning officer. The presiding officers shall be appointed by election commission of Pakistan preside the meeting of Majlis-e-Shoor or the provincial assemblies.

Amendment of the third schedule to the constitution:

In the third schedule in the oath prescribed for the chief election commission: The words OR A MEMBER OF THE ELECTION COMMISSIONER OF PAKISTAN shall be added after the word " COMMISSIONER" The words and commas " or, as the case may be, member of the election commission of Pakistan" shall be added after the word, " commissioner:

Comment:

This amendment is related to the oath of chief election commission and the members of the election commissioner to take the same oath as added in 20th amendment.

Conclusion:

Pakistan as a new born state had to face many hindrances in the making of a common code of law to regulate the political and social structure of this land. The diversity of culture was a problem on one hand and absence of a central political leadership was a problem on the other hand. After 9 years of independence the first constitution was implemented for the very same reasons the constitution could not work successfully for more than two years and on October 1958 the first martial law was implemented and in 1962 a new constitution with experimental principles was implemented that also lasted not more than a decade. In 1973 the ZA Bhutto successfully implemented the 1973 constitution with the consent of all parties. The constitution of 1973 was passed by the consent of all the parties by the amendments of the constitution keep on changing it from a democratic to

dictatorial moods 8th amendment, during Zia ul Haq era, changed the originally proposed political structure of Pakistan and 13th amendment during Nawaz Sharif era, brought it back to the original form yet 17th amendment was made the part of constitution during Musharaf era, favored the ruling elites. After the end of Musharaf's regime Pakistan people's party, once again took the reign of the government in their hands after winning the majority's support. The amendments which were proposed and made part of the constitution were of democratic nature. 18th amendment was related to the independence of judiciary and 19th and 20th amendment had contributed to the development of parliamentary democracy. As in 19th amendment a judicial commission is formed for the appointment of the judges to enhance the independence of judiciary. In the 20th amendment by adding a new article 224 A in the constitution make parliamentary authorize to nominate the care taker prime minister. Amendments though sometimes necessary, must not be used as a tool to shape the constitution according to the will of the ruling party. Instead these should be according to the need and demand of the political and social structure of any country. It is the time to make our political system strong by implementing the constitution as it was visualized by the framers. So that the parliamentary democracy be promoted in our country. As is described in the statement of objectives and reason, by Moula Bakhsh Chandio (minister of law, justice and parliamentary affairs) that 20th amendment is made the part of the constitution according to the direction of supreme court of Pakistan, to constitute the election commission and to due independence to the election commission to provide

the interim cabinets. There fore these amendments are considered to be contributive in the development of parliamentary democracy in Pakistan.