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Q-1. Write short note on any two of the following cases;

State v Dosso (PLD 1958 SC (Pak) 533)

Introduction:

State v/s Dosso is a simple case of murder committed by a person named, Dosso in Balochistan. He was convicted under the tribal system of justice by Loya Jirga as enumerated in FCR(frontier crimes regulation); but his relatives approached to the Lahore high court which repealed the decision of Loya Jirga, later on, on the appeal of Federal Govt, Supreme court reversed the decision of Lahore High court. The case got prominence, because it indirectly questioned the legitimization of Martial law imposed by Iskandar Mirza on 7th oct, 1958.

Background:

A murder took place in the Lora lai district of Balochistan by a person named as Dosso. He was arrested and was handed over to the Council Of Elders (Loya Jirga).The Tribal authorities charged him under FCR, 1901.The relatives of Dosso upon this filed a writ petition in Lahore High court against the decision of Loya jirga.Lahore high court heard the case under the constitution of 1956, and held its verdict in favour of Dosso. Lahore high court also declared FCR as an unconstitutional. The Federal Govt filed appeal against this decision in SC of Pakistan.SC decided the case in favour of the federal govt.

Main Facts:

1) Arrest and Conviction of Dosso:

Dosso and other were convicted under Section 11 of FCR 1901, and handed over to Loya Jirga. The Jirga convicted Dosso.

2)Petition in Lahore High court against FCR:

The relatives of Dosso filed a petition against the proceedings of council of elders regarding Dosso case in Lahore High Court. They challenged the references and the convictions on the grounds that the relevant provision of the FCR were void being repugnant in the " Equity before Law" and the equal protection of Law" and the right to counsel embodied in Articles 5 and 7 of the 1956 Constitution.

3) Decision of Lahore High Court:

The High Court decided the case in favour of Dosso and declared FCR repugnant to 1956 constitution. Article 5 and 7 of which ensured the equality of all before the law. Thus Lahore High Court decided the proceedings of council of elders as null and void under FCR, 1901

MAIN POINTS OF THE JUDGMENT:

1) LEGALISATION OF 1958 Martial law

The judgment held that 1958 Martial law imposition is a kind of revolution (peaceful revolution) which is not resisted or opposed by the common people; this clearly defines that the people are happy with this change; thereafter this revolution or martial law is legal as long as it satisfies the common people.

2) Recognition of Laws order:

The Supreme Court held that the Laws (continuance in Force) order 1958 was the NEW LEGAL ORDER and the validity of laws and the correctness in the judicial decisions would be determined according to it.

3) Restoration of FCR:

The Supreme Court also held that as the 1956 constitution was abrogated therefore FCR 1901 was still in force in accordance with the laws (continuance in force) order, 1958.

4) The Decision Of LOYA JRGA Is Valid:

The court also made a reference to the decision of council of elders, that its decision is valid and up to the mark.

Maulvi Tamiz ud din Vs federation of state

INTRODUCTION :

Judiciary plays a very important role in the interpretation of the statutes and laws. The judiciary has an important role in the development of law. In Pakistan the superior courts gave judgements which became precedents. There have been a lot of important and leading cases in the history of Pakistan. Maulvi Tameez-ud-din vs federation is one of the important cases of the history of Pakistan.

BACKGROUND AND DETAILS OF THE CASE

Dissolution of the First Constituent Assembly of Pakistan: After dismissing the second Prime Minister Khwaja Nazimuddin's Government in April 1953, G.G. Ghulam Muhammad appointed Muhammad Ali Bogra as premier who was working as a diplomatic representative of Pakistan in USA and against all the norms of parliamentary practices, he himself appointed other ministers in the cabinet. Muhammad Ali Bogra was naturally apprehensive of the possible repetition of the Maulvi Tameez ud din case Vs federation of state

FACTS OF THE CASE.

- I). Dissolution of the constituent assembly.
- (ii). Governor general also dissolved cabinet in 1953.
- (iii). Reconstitution of the council of ministers.
- (iv). Action taken by the Maulvi Tameez-ud-din:
 - (a). Writ petition.
 - (b). Numbers of writs filed: i) writ of mandamus. ii) writ of quo warranto.

Arguments given by the State.

The federation and the council of ministers gave arguments in respect of writs filed by Maulvi Tameez-ud-din.

- (I). Dissolution of constituent assembly was right.
- (ii). No writ jurisdiction of the chief court.
- iii). Invalidity of section 223-A.

Q – 2: Discuss the Al-Jehad Trust Case

The Executive control over the judicial appointments was not entirely welcomed by the Supreme Court and it passed a landmark judgment in 1996 in Al-Jehad trust case. The Supreme Court gave a new dimension to the constitutional provisions thereby limiting the executive role in judicial appointments.

This is a verdict given by the Supreme Court of Pakistan directing the Federation of Pakistan to accord the people of Pakistan their legal, constitutional and democratic rights. It is a detailed judgement on a petition filed by Al-Jehad Trust and 9 other petitioners.

"..It is, therefore respectfully prayed that the Fundamental Rights under the constitution of Pakistan Article 184(3) be enforced keeping view the declaration of Human Rights, the constitutional status of the people of Northern Areas be declared and being citizen of Pakistan be given full participation in the Federation of Pakistan. The litigant public is given the right to appeal, review revision before the Supreme Court of Pakistan. The Provincial Government status be given." The petition was filed because the people of Northern Areas considered themselves Pakistanis. Their only link to the State of Jammu and Kashmir is the forceful subjugation of the area by the Dogra ruler of Kashmir. "

The Supreme Court of Pakistan's ruling in Al-Jehad Trust vs. Federation of Pakistan & Others (All Pakistan Legal Decisions 1996 Supreme Court 324; the Al-Jehad case) is based on that ruling explicitly; in what circumstances and for what reasons became known only in 2004 when the memoirs of the former Chief justice of Pakistan, Ajmal Mian, who had sat on the Bench which decided the case with the then Chief Justice Sajjad Ali Shah, were published (Ajmal Mian; A Judge Speaks Out; Oxford University Press; Karachi). He revealed : "In May or June 1995, I was in Quetta during court sittings, when I received a telephone call from Justice Sajjad Ali Shah who told me that the Indian Supreme Court had handed down a judgment recently, interpreting the word 'consultation' used in the relevant articles of the Indian Constitution, relating to the appointments of the judges of the superior courts. He wanted to examine the question in some pending cases and needed my help. I told him that my services were available at all times to the Supreme Court for its betterment, and for advancing the cause of justice. The status of Pakistan's judiciary in July 1995, when the above constitutional petition was admitted, was not really commendable. There were seven ad hoc or acting judges working in the Supreme Court. The permanent Chief Justices of the High courts of Sindh and Lahore had been transferred to the Federal Shariat Court for a period of two years. Three out of the four High Courts in Pakistan had acting Chief Justices. There were a number of additional judges in all the High Courts. Sajjad Ali Shah took oath as Chief Justice of Pakistan on 5 June 1994, superseding three senior judges namely Justices Saad Saood Jan, Abdul

Q- 3. Write short note

Imposition of Martial Law 1958

The 1958 Pakistani coup d'état refers to the events between October 7, when the President of Pakistan Iskander Mirza abrogated the Constitution of Pakistan and declared martial law, and October 27, when Mirza himself was deposed by Gen. Ayub Khan, the Commander-in-Chief of the Pakistan Army.

On the night of 7 October 1958, the constitution was suspended by a Presidential proclamation. The ministers were dismissed; the legislatures dissolved and political parties were banned. The Commander in Chief of the Army, General Mohammad Ayub Khan, was appointed Chief Martial Law Administrator. The proclamation dwelt at length on the chaotic state of the country, lack of scruples on the part of parliamentary leaders, widespread corruption, irresponsible conduct of services and disorderly finances. Another announcement stated that the object of this 'take over' was to 'clear the messes' and prepare the country for more practicable form government. Three weeks experience of the new government showed, however, that Iskandar Mirza was still playing and trying to use the same weapons against his new colleagues that he had so successfully used against the politicians. He was made to vacate office on 27 October 1958 and the Chief Martial Law Administrator, Mohammad Ayub Khan, became the President of the country.

The Constitution Commission, appointed in 1960, recorded its considered opinion that the breakdown of the Constitution of 1956 was caused by the absence of organized political parties in the country and the want of probity among the politicians as a class. The cabinet consisted of civilian as well as generals. The office of Prime Minister was abolished and Ayub Khan's cabinet began to function as a Presidential cabinet. In the courts set up by the new Government, military officers sat alongside of judges and magistrates to try anti-social offences. A rigorous system of price control was enforced. Hoarded stocks were brought out. Arrears of Government revenues and taxes flowed speedily into the treasury. National life was revitalized within a few days.

A general screening of all Government servants was ordered. This was necessary because the morale of public services had been destroyed by indiscriminate recruitment and rapid promotions. The administration was blamed for many sins of omission and commission, but inefficiency and corruption were the main charges. Services recorded of all state employed were examined carefully with the result that the name of 133 officers of class I, 221 officer of class II and I, 303 officials of class III were removed from the public payroll. None of the foregoing Governments could have

Q – 4: Discuss the Government of India Act 1935.

The Government of India Act was passed by the British Government in the year 1935. It was one of the lengthiest Acts at that time as it contained 321 sections and 10 schedules. Once the act was passed the government saw that it was too lengthy to be regulated with efficiency and thus, the government decided to divide it into two parts for the act to function in a proper manner:

1 - The Government of India Act, 1935 2-The Government of Burma Act,1935

The act gave new dimensions to the affairs of the country by the development of an All India Federation, Provisional autonomy and the removal of the dyarchy. It was also the last constitution of British India, before the country was divided, in 1947, into two parts-India and Pakistan. The act was implemented and formed from the sources like the Simon Commission Report, the three roundtable conferences etc. which were earlier declined by the government. The Act proposed various amendments in context to the act earlier framed in the year 1919.

3 June Plan

The 3 June 1947 Plan was also known as the Mountbatten Plan. The British government proposed a plan, announced on 3 June 1947, that included these principles:

1. Principle of the partition of British India was accepted by the British Government
2. Successor governments would be given dominion status
3. autonomy and sovereignty to both countries
4. can make their own constitution
5. Princely States were given the right to either join Pakistan or India
6. Provinces can become a separate nation other than Pakistan or India

Provisions

The Act's most important provisions were:

- Division of British India into the two new dominions of India and Pakistan, with effect from 15 August 1947.
- Partition of the provinces of Bengal and Punjab between the two new countries.
- Establishment of the office of Governor-General in each of the two new countries, as representatives of the Crown.
- Conferral of complete legislative authority upon the respective Constituent Assemblies of the two new countries.

- Termination of British suzerainty over the princely states, with effect from 15 August 1947. These states could decide to join either India or Pakistan. ^{[7][8]}
- Abolition of the use of the title "Emperor of India" by the British monarch (this was subsequently executed by King George VI by royal proclamation on 22 June 1948).

The Act also made provision for the division of joint property, etc. between the two new countries, including in particular the division of the armed forces.

Salient Features

Salient Features of the Government of India Act 1935 were as follows:

- Abolition of provincial dyarchy and introduction of dyarchy at centre.
- Abolition of Indian Council and introduction of an advisory body in its place.
- Provision for an All India Federation with British India territories and princely states.
- Elaborate safeguards and protective instruments for minorities.
- Supremacy of British Parliament.
- Increase in size of legislatures, extension of franchise, division of subjects into three lists and retention of communal electorate.
- Separation of Burma from India

Was it adequate as a constitution for Pakistan after independence in August 1947?

The State of Pakistan was created under the Independence Act of 1947, an Act of the UK Parliament, which partitioned British India into two independent dominions of India and Pakistan.

Pakistan has been governed by *multiple Constitutions* since its founding and has been under military rule for a significant portion of its turbulent political history. Pakistan's current parliamentary system of government was established pursuant to article 50 of the 1973 Constitution of Pakistan, which stipulates that "[t]here shall be a Majlis-e-Shoora (Parliament) of Pakistan consisting of the President and two Houses to be known respectively as the National Assembly and the Senate."

Pakistan's federal legislative branch consists of the President, the National Assembly as the lower house, and the Senate as the upper house. The National Assembly and Senate constitute Pakistan's bicameral Parliament.

Q 5: Delayed the framing of the Constitution in Pakistan till the year 1956?

On August 14th, 1947, Pakistan was carved out on the map of the world for the Muslims of India in order so that they could live in peace and harmony, according to the principles of Islam, free to pursue all spiritual and worldly endeavours in a homeland of their own. Though full of hope and nationalistic fervour; the people of Pakistan were unable to fully realize the dream of their own personalized utopian state because of a variety of devastating crises plaguing the newly born state. From the problems of the refugees to the crippling water and food shortage to the failing health of the father of the nation and serious lack of capable political leaders at the helm of the state, the resultant is the ominous delay in constitution' making caused serious issues that were to plague Pakistan for the year to come. The lack of consensus between the two wings of the state in all matters ranging from the relationship between Islam and the state to the issue of selecting the national language causes Pakistan to be without constitution for nearly nine years and in a state of perpetual political chaos and instability! Two constitutions and numerous heads of state later, in 1973 a constitution was formulated that had been the product of a democratically elected legislature. However, it failed to create balance of power between the various branches of government and especially the balance between the powers of the army and the government.

Lack of Leadership

Lack of Leadership played its role in the failure of the constitution of 1956. For Lack of Leadership, Pakistan never found its way to development of its parliamentary system. So, parliamentary system under first constitution of Pakistan failed.

Lack of Political Training

There was lack of political training in the country. Many political parties made without any political goal. Their fight against another for gain power. So, under these circumstances, development of parliamentary system under this constitution failed.

Unicameralism

The constitution of 1956 was introduced unicameral legislature. Through unicameral legislature create many problems for Pakistan and the result martial law was imposed in country.

Delay in Elections

Every political party try to gain power and no one was interested for elections. So, these circumstances, elections were delayed and such delay caused failure of parliamentary system under first constitution of Pakistan 1956.

Non Existence of Economic Equality

Non existence of economic equality in the country was a cause of failure of constitution. Constitution of 1956 described some principles for economic development of country, yet nepotism and feudalism checked the constitution from implementing those principles. Finally, parliamentary system under this constitution failed.

Lack of State Parliamentary System

Constitution of 1956 provided those principles which never proved convenient for development of parliamentary system. In this way, parliamentary system failed to develop under first constitution of Pakistan.

Role of President

After enforcement of constitution of 1956, role of President remained very authoritative. His undue interference with political parties and ministers kept Pakistan away from constitutional development, and consequently, parliamentary system under this constitution failed.

Role of Army and Bureaucracy

The intervention of the army which played havoc with democratic process. Bureaucracy played a very important role for the failure of the constitution 1956.

Lack of Education

Unfortunately, the people were not well educated and the people were easily influenced by the demagogues. This lack of education also led to the failure of the constitution.

One Unit

All the provinces of West Pakistan was jointed together and made into one unit. It was thought that it would eliminate the prejudices among the Pakistanis but is proved to be a failure and its also led to the failure.

Q – 6: Syed Zafer Ali Shah’s Case (PLD 2000 SC 869)

After that fourth military coup, the intelligentsia of Pakistan again started looking towards the Supreme Court of Pakistan for remedy. In the first week of March 2000, the Chief Justice of the Supreme Court, Justice Irshad Hassan Khan asked the then Attorney General, Aziz A. Munshi, to provide a list of those suspended parliamentarians against whom corruption cases were initiated by the National Accountability Bureau (NAB). The CJ also asked him to place the recent report of the State Bank on the court's record. He had also observed that when the politicians are in power, they try to become dictators but when they are out of power, they become champions of the rule of law.

The Chief Justice Irshad Hasan Khan, issued these orders when the advocate Zafar Ali Shah and Chaudhry Farooq claimed that there was no charge against their client. It was prayed before the apex court that:

In Seyed Zafar Ali Shah and others v. General Pervez Musharraf

The Court legalized the Provisional Constitutional Order of 1999, whereby General Pervez Musharraf proclaimed emergency and the Oath Order¹⁸. The Court, however, limited the scope of the regime, required to conduct the elections within three years. In this case, the Court addressed various legal and constitutional issues:

- 1) The country was facing a situation where the military intervention became inevitable and was justified on the basis of necessity doctrine, which is recognized not only in Islam but also in other religions, and the same has also been recognized by prominent international jurists such as Hugo Grotius, Chitty, and De Smith.
- 2) The Federal Government provided sufficient material in support of the military intervention through extra constitutional arrangements, which were relevant and admissible for justification of military intervention.
- 3) All the executive actions, which were indispensably taken for running the state’s affairs and public welfare, were declared valid.

Q – 7: Begum Nusrat Bhutto vs. Chief of Army Staff & Federation of Pakistan

After independence of Pakistan, Pakistan is weak political institution, powerful Army, several military coups and infamous Article 58(2)(b) of Constitution of Pakistan 1973. Due to these factors, the constitution development was stop in Pakistan. Judiciary plays a important role in the interpretation of statutes and laws. These have been a lot of important and leading case in the History of Pakistan. Begum Nusrat Bhutto vs Chief of Army Staff and Federation of Pakistan case in one of them.

General Mohammad Zia-ul-Haq declared Martial Law throughout the country, and took over as the Chief Martial Law Administrator (CMLA). The 1973 Constitution was suspended (not abrogated). Federal and Provincial Cabinets, National and Provincial Assemblies were dissolved. The Prime Minister, Cabinet Members and the leading opposition leaders were arrested and placed under "Protective custody". The President was allowed to continue as the titular head of state and the Chief Justices of Provincial High Courts were appointed acting Governors of their respective provinces. (Hassan Askari Rizvi. *The Military & Politics in Pakistan 1947-86*, Lahore, Progressive Publishers. The petition stated that Mr. Zulfiqar Ali Bhutto and the ten other leaders of the Pakistan People's Party were arrested in the early hours of the 17th of September, 1977 and detained in various prisons in the four Provinces of Pakistan. It is stated that on the evening of the 17th of September, 1977, the Chief of the Army Staff made a public statement, in which he levelled highly unfair and incorrect allegations against the Pakistan People's Party Government and the detents by way of explaining away their arrest and detention. He also indicated his intention of placing the detenus before Military Courts or Tribunals for trial so as to enforce the principle of public accountability. The petition avers that this action had been taken against the detents in a mala fide manner, with the ulterior purpose of preventing the Pakistan People's Party from effectively participating in the forthcoming elections which were scheduled to be held during the month of October, 1977.

FACTS

i. Allegation of Official Interference with Elections of 1977

Opposition parties alleged that there was official interference with elections of 1977 in favour of ruling party of Prime Minister Zulfiqar Ali Bhutto.

ii. Anti Bhutto Movement

Opposition parties never accepted results of elections of 1977. Therefore, they started anti-Bhutto movement.

iii. Military Coup

Prime Minister Zulfiqar Ali Bhutto's dialogues with opposition leaders failed to stop military interference, and eventually General Zia-ul-Haq dismissed his government through military coup and imposed martial law.

iv. Arrest of Zulfiqar Ali Bhutto

With imposition of martial law, Zulfiqar Ali Bhutto was arrested.

v. Release of Zulfiqar Ali Bhutto

After some days, military government released Zulfiqar Ali Bhutto.

vi. Re-arrest of Zulfiqar Ali Bhutto

After his release, Zulfiqar Ali Bhutto started public campaign, and this campaign eventually caused not only his re-arrest, but also arrest of his colleagues.

vii. Institution of Case

Against re-arrest of Zulfiqar Ali Bhutto, Begum Nusrat Bhutto filed this case against Chief of Army Staff.

Decision of the Supreme Court

Following are the decision of the Supreme Court

It is clear that objection is only in the nature of technicality. The Chief of Army Staff is also CMLA and the objection could be rectified by adding words CMLA to the description of respondents as stated in petition.

ii) Kelsen's Theory

The theory of revolution legality can have no application to situation where the breach of legal continuity is admitted to be of purely temporary nature and for specified limited purpose. It will be inappropriate to seek to apply Kelsen's theory to such transient and limited change in legal continuity of country thus giving rise to unwarranted consequences of far reaching character not intended by those responsible for temporary change.

Q -8: How many amendments have been made in the constitution

In the Constitution of Pakistan, there is twenty six amendments have been made but twenty three was not passed, and 9th, 11th and 15th amendments was not passed, they just a proposal.

- 1- Redefined the boundaries of Pakistan and removed references to East Pakistan.
- 2- Defined a Muslim and declared the status of Ahmadis as minority and 'non-Muslim'.
- 3- Extended the period of preventive detention.
- 4- Decreed additional seats for minorities, it also deprived courts of the power to grant bail to any person detained under any preventive detention.
- 5- Widened the scope of restriction on the High Courts.
- 6- Provided that Chief Justice of Supreme Court will be retired at the age of 65 and High Court judges at age 62.
- 7- Enables the Prime Minister to obtain a vote of confidence of the people of Pakistan.
- 8- Changed Pakistan's government from a Parliamentary system to a Semi-presidential system by giving the President a number of additional powers.
- 9- Bill to impose Shariah law as the supreme law of land. The bill was passed by Senate but could never be passed by National Assembly owing to the latter's dissolution.
- 10- Fixed the interval period between sessions of the National Assembly to not exceed 130 days.
- 11- Revision of the reserved seats for women in the National and the provincial assemblies. The bill was withdrawn in 1992.
- 12- Created Speedy Trial Court for 3 years.
- 13- Stripped the President of Pakistan of his reserve power to dissolve the National Assembly of Pakistan, and thereby triggering new elections and dismissing the Prime Minister.
- 14- Allowed members of parliament to be dismissed if they defect.
- 15- Bill to impose Shariah law as supreme law of land. Was never passed.
- 16- Increased the term appointed for quota system as per 1973 Constitution from 20 to 40 years.
- 17- Made changes dealing with the office of the President and the reversal of the effects of the Thirteenth Amendment.
- 18- Removed the power of President of Pakistan to dissolve the Parliament unilaterally.
- 19- Provided for the appointment of the Judges of the Supreme Court of Pakistan and made amendments in the number of members of the parliamentary committee for the appointment of Chief Electoral Officers at Election Commission of Pakistan.
- 20- For Free and Fair Elections
- 21- For Speedy Trial Military Courts to deal with terrorism.

- 22- ECP powers deputed to Chief Election Commissioner
- 23- The 23rd Amendment was passed to re-establish the military courts for further two years till 6 January 2019. In 2015, National Assembly passed the 21st Amendment and created the military courts for the period of 2 years. The period of two years was expired on 6 January 2017 hence this 23rd Amendment was passed to re-establish the military courts for further two years till 6 January 2019. At the end of this period all the amendments will be expired/removed automatically.
- 24- Reallocation of National Assembly seats among federating units and allowing election authorities to update boundaries of constituencies based on provisional results of 2017 Census of Pakistan.
- 25- Merges Federally Administered Tribal Areas with Khyber Pakhtunkhwa.
- 26- The seats of tribal districts in the National Assembly of Pakistan will be retained at 12 while their seats in the Khyber Pakhtunkhwa Assembly have been increased to 24 from 16.

Brief details of any three amendments.

18th Amendment

The Eighteenth Amendment of the Constitution of Pakistan was passed by the National Assembly of Pakistan on April 8, 2010, removing the power of the President of Pakistan to dissolve the Parliament unilaterally, turning Pakistan from a semi-presidential to a parliamentary republic, and renaming North-West Frontier Province to Khyber Pakhtunkhwa. The package was intended to counter the sweeping powers amassed by the presidency under former presidents General Pervez Musharraf and General Muhammad Zia-ul-Haq and to ease political instability in Pakistan. The bill reversed many infringements on the Constitution of Pakistan over several decades by its military rulers. The amendment bill was passed by the Senate of Pakistan on April 15, 2010 and it became an act of parliament when President Asif Ali Zardari put his signature on the bill on April 19, 2010. It was the first time in Pakistan's history that a president relinquished a significant part of his powers willingly and transferred them to parliament and the office of the prime minister.

The power of the president to dissolve the Parliament was enacted by the Eighth Amendment to the Constitution of Pakistan during the presidency of Gen. Muhammad Zia-ul-Haq, before it was removed by then-prime minister Nawaz Sharif during his second term by the Thirteenth Amendment. It was finally restored during the presidency of Gen. Pervez Musharraf by the Seventeenth Amendment. This bill is the first bill since 1973 to decrease the powers of the president.

Back then, this amounted to the only democratically elected parliament to fully complete its tenure in the history of Pakistan from 2003–2008, albeit under Musharraf. The second complete parliamentary term was completed by the PPP led government from 2008–2013 which had in fact passed the 18th Amendment. However, this 2008–2013 term is often touted to be the first complete democratic change of power without a military president or a coup de etat in Pakistan.

Impact

292 of the 342 members of the National Assembly, the lower house of Parliament, voted in favour of the amendment. The amendment turns the President into a ceremonial head of state and transfers power to the Prime Minister, and removes the limit on a Prime Minister serving more than two terms, opening the way for Nawaz Sharif to run again. The North-West Frontier Province is renamed Khyber Pakhtunkhwa, in accordance with the wishes of its Pashtun-majority population. Among other changes, courts will no longer be able to endorse suspensions of the constitution, a judicial commission will appoint judges, and the president will no longer be able to appoint the head of the Election Commission. The bill also enhances provincial autonomy. The President will no longer be able to declare emergency rule in any province unilaterally.

Devolved Ministries

The following ministries were devolved at federal level and were given to the provinces.[8]

According to 18th Amendment:

1. Ministry of Education became Ministry of Federal Education and Professional Training
2. Ministry of Archaeology and Culture became Ministry of Culture
3. Ministry of environment became Ministry of Climate Change
4. Ministry of health became Ministry of National Health Services, Regulation and Coordination
5. Ministry of special initiatives abolished at federal level.
6. Ministry of labour and manpower became Ministry of Overseas Pakistanis & Human Resource Development
7. Ministry of local government and rural development abolished at federal level.
8. Ministry of minorities' affairs merged with the Ministry of Religious Affairs
9. Ministry of population welfare abolished at federal level.
10. Ministry of social welfare and special education abolished at federal level.
11. Ministry of sports became Pakistan Sports Board at federal level and given to provinces.
12. Ministry of tourism's powers given to Pakistan Tourism Development Corporation
13. Ministry of women development abolished at federal level.
14. Ministry of youth affairs abolished at federal level.
15. Ministry of Zakat and Ushr abolished at federal level given to provinces.

20th Amendment

The National Assembly has unanimously passed the 20th Constitutional Amendment. It was a historic day as the democratic government achieved another milestone by proposing and approving the 20th amendment with the consensus of all the stakeholders. The passage of the 20th Constitutional Amendment has strengthened democracy. A precedent has been set for all to follow. The PPP government has continued its tradition of following a policy of reconciliation as 18th and 19th amendments were also passed by the parliament with full consensus. The unanimous passage of 18th, 19th and 20th amendments has restored a genuine parliamentary system in the country and has ensured more autonomy to provinces. 247 members from both the government and opposition benches in the lower house voted for the amended version of the bill. No members present in the house voted against it.

The amendment has set down a process to install a caretaker set-up and hold free and fair elections in the future. Through this PPP government has ensured free, fair and transparent elections in the country for future generations and an independent Election Commission. It is democratic government's credit that from now on there will not be any imported caretaker prime minister in this country. Even a minor role for appointing the caretaker prime minister to hold general elections has been eliminated by the 20th Constitutional Amendment.

The Parliament has given the Election Commission of Pakistan such powers which have no parallel in the world. The 20th Constitutional Amendment Bill 2012 has given the ECP sweeping powers by minimizing the government's direct role in the appointment and removal of its members. Under the new mechanism of choosing caretakers, as envisaged by the amendment, both the prime minister and the leader of the opposition in the National Assembly would hold a 'consultation' on the matter. The process of finalizing names must be completed within three days of the assembly being dissolved. In case the premier and the opposition leader fail to agree, an eight-member committee comprising four members from both sides will come up with its suggestions. If this panel also fails to agree, the ECP will then be empowered to send names to the president.

