

Course: PAK522 (Lecture 16)
Structure of State: Conceptual Framework

1. Definition of State (According to Laski)

The state is a "territorial community".

Within this community, certain agents (i.e., the government) exercise "sovereignty".

Sovereignty means there is no need to ask permission from any higher authority.

The orders issued become law and are binding on everyone within the jurisdiction.

The purpose of the state is to organize collective life, maintain order, provide justice, and carry out welfare work.

2. The 4 Essential Elements of the State (very imp for short pov)

(1) Population:

The people living in the state (citizens).

If the population is educated, skilled, and healthy, it is an asset.

If it is uneducated and unemployed, it becomes a burden.

Pakistan's young population can become an asset if it is developed properly.

(2) Territory:

A fixed geographical area (land, rivers, airspace, natural resources).

All state authority and laws operate within this territory.

Size does not matter (Russia is large, Vatican is small); importance comes from strategic and economic value.

(3) Government:

The institutional authority that formulates and enforces laws.

Its job is to maintain order, collect taxes, deliver services, and represent the state.

Pakistan has a Federal Parliamentary Democratic system (PM is the head of government).

(4) Sovereignty:

The supreme authority (above all else).

It has 2 dimensions:

Internal: Final legal authority over all individuals inside.

External: Independent relations with other states.

Pakistan is a complete state because it has all 4 of these. Somaliland is a de facto state because it has not gained external sovereignty.

3. Difference Between State and Government (Important) (imp for long pov)

The state is permanent, the government is temporary.

The state is a legal entity, the government is its working machinery.

The state is inclusive (population, territory, government, and sovereignty are all in it); the government is only one part of the state.

The state has supreme sovereignty (absolute); the government only uses authority on behalf of the state.

The government changes through elections or political processes, but the state always remains.

The state provides the overall framework; the government implements laws and runs day-to-day administration.

Example: Pakistan (state) vs. Government of Pakistan (current leadership).

4. The 3 Organs of the State (Their Functions) (very imp for short pov)

(1) Legislature (Parliament - Law Making):

Makes laws.

Is the representative of public interests.

Approves budgets and policies.

Holds the executive accountable through oversight and debate.

Pakistan has a bicameral system (2 houses): National Assembly (lower) and Senate (upper).

(2) Executive (Implementation - Administration):

Converts laws into practical action.

Runs day-to-day administration (police, civil services, departments).

Its work includes tax collection, budget preparation, development projects, emergency response, and national security.

In Pakistan, the Prime Minister is the head, and the Cabinet assists him/her.

It operates within constitutional limits and is accountable to the legislature and judiciary.

(3) Judiciary (Interpretation - Justice):

Interprets laws and delivers justice.

Resolves disputes (individual vs. individual, citizen vs. state, between institutions).

Safeguards constitutional rights.

In Pakistan, it is constitutionally independent (separate from the executive and legislature).

It has the power of judicial review (can declare any law unconstitutional if it violates the constitution).

Article 25: All citizens are equal before the law.

5. Separation vs. Concentration of Powers (USA vs. Pakistan)(imp for long pov)

(A) Separation of Powers (Montesquieu's theory):

The three organs (Legislature, Executive, Judiciary) should be independent of each other.

Purpose: Power should not be combined, otherwise liberty is destroyed and tyranny emerges.

Example USA (Presidential system):

President is elected separately (Executive).

Congress makes laws separately (Legislature).

Supreme Court interprets separately (Judiciary).

Advantage: Dictatorship cannot emerge.

Disadvantage: Deadlock can occur between branches.

(B) Concentration of Powers (Fusion - Parliamentary system):

The Executive and Legislature should work together, not remain isolated.

The Executive (PM/Cabinet) is part of the Legislature (Parliament) and is accountable to it.

Purpose: Harmony, efficiency, and quick decision-making.

Example UK and Pakistan:

In Pakistan, the PM and Cabinet are members of the National Assembly.

The President is the ceremonial head (constitutional head), while the PM is the real executive.

But a special point about Pakistan: Despite the Executive-Legislature fusion, the Judiciary is kept strictly independent to ensure the rule of law remains supreme.

6. Checks and Balances (Constitutional Mechanism)

This is a system in which state powers are distributed among the three organs.

Each organ can limit, supervise, and hold the other organs accountable.

Objectives:

To prevent the concentration of power (no single organ becomes too powerful).

To ensure accountability.

To maintain constitutional supremacy and the rule of law.

To bring transparency and responsible governance.

How does it work in Pakistan?

Parliament controls the executive (question hour, no-confidence motion).

The judiciary can strike down laws through judicial review if they are unconstitutional.

All institutions operate within constitutional limits.

Oversight bodies like the Election Commission and Auditor-General also perform checks.

7. Conclusion (Final Takeaway)

The structure of the state is a comprehensive constitutional and institutional framework.

It includes the 4 elements, the difference between state and government, the 3 organs, and the separation/concentration of powers.

The system of checks and balances ensures that no organ becomes over-powered.

Together, these elements provide effective governance, political stability, rule of law, and constitutional order in a modern state.

PAK522 LECTURE 17

Pakistan's Legislature

1. What is this Lecture About? (Micro Learning Outcomes)

In this lecture, we will learn:

What Legislature means and why it is important in Pakistan.

The roles of Parliament (National Assembly, Senate, President, and Prime Minister) according to the 1973 Constitution.

The powers and functions of the Legislature within the framework of the 1973 Constitution.

2. What is Legislature? (Introduction)

Legislature is also called Parliament or Majlis-e-Shoora.

It is the law-making and representative body. Its job is to bring the voice of the public to parliament and make laws for them.

Pakistan's Parliament is bicameral, meaning it has two houses (chambers): the National Assembly (Lower House) and the Senate (Upper House). The President is also a part of it.

3. Types of Legislature

There are two types of legislatures:

A. Unicameral Legislature:

Has only one house/chamber.

Found in smaller or unitary states (e.g., New Zealand, China).

Advantage: Cheaper and laws are made faster.

B. Bicameral Legislature:

Has two houses (Upper and Lower).

Examples: Pakistan (National Assembly + Senate) and the UK (Commons + Lords).

Advantages: Better representation, thorough review of laws, protection of smaller units.

Disadvantages: Delays in law-making, expensive, and possible disagreements between the two houses.

4. Pakistan's Parliament (Majlis-e-Shoora)

This is Pakistan's largest legislative institution.

According to the 1973 Constitution, it is bicameral.

It has three components:

President

National Assembly (Lower House)

Senate (Upper House)

5. President of Pakistan (At a Glance)

The President is the Head of State, but his role is mostly ceremonial. The real executive authority lies with the Prime Minister.

Qualification: Must be a Muslim, at least 45 years old, and qualified to become an MNA.

Election: Elected for a 5-year term by the Electoral College (MNAs, Senators, and Provincial Assembly members) under Article 41. Cannot serve more than two consecutive terms.

Removal (Impeachment): If the President violates the Constitution or commits misconduct, he can be impeached under Article 47. A resolution must be passed with a 2/3 majority in both houses.

Acting President: If the President is absent, the Chairman Senate becomes the Acting President. If he is unavailable, the Speaker of the National Assembly takes over.

Legislative Powers of the President:

Summon/Prorogue Parliament: Summon or adjourn Parliament on the PM's advice.

Assent to Bills: The President's signature is required for a bill to become law (Article 75).

Return Bill (Except Money Bill): If the President returns a bill for reconsideration and Parliament passes it again, the President must sign it.

Ordinance (Article 89): When Parliament is not in session, the President can issue ordinances (temporary laws).

6. Prime Minister of Pakistan (The Real Boss)

The PM is the Chief Executive. Real power lies with this office.

The PM is responsible to the National Assembly. If he loses confidence, he can be removed through a vote of no confidence.

Qualification: Muslim, Pakistani citizen, must be an MNA, and at least 25 years old.

Election: Elected by the National Assembly under Article 91 with a simple majority (more than 50% of members present).

Tenure: As long as he enjoys the confidence of the National Assembly.

Legislative Powers of the PM:

Sets the legislative agenda (law-making program).

Introduces government bills.

Plays a central role in budget approval.

Can advise the President to dissolve the National Assembly (Article 58(1)).

7. Qualifications for Voters and Members

Voter: Pakistani citizen, age 18+, valid CNIC, registered in the constituency.

MNA (National Assembly Member): Age 25+, registered voter, good character, not insolvent, and does not hold an "office of profit" under the government.

Senator: Age 30+.

8. National Assembly (Lower House - Voice of the People)

This is the Lower House and represents the population (the public).

Composition: Members come through direct elections. There are reserved seats for women and non-Muslims.

Term: 5 years (temporary house). It can be dissolved early.

Speaker/Dy. Speaker: Elected by members from among themselves.

Dissolution: The President can dissolve it on the PM's advice (Article 58(1)). The President no longer has discretionary power to dissolve it (58(2)(b) has been repealed).

Quorum: 1/4 of total members must be present to conduct proceedings.

9. Senate (Upper House - Voice of the Provinces)

This is a permanent house (never dissolved).

Its job is to give equal representation to all provinces, ensuring federal balance.

Composition: Members are indirectly elected (through Provincial Assemblies).

Chairman: Elected by senators from among themselves.

Feature: It is permanent, so it has no fixed term. One-third of its members retire every 3 years.

10. Seat Distribution (Table 17.1)

House	Punjab	Sindh	KPK	Balochistan	ICT	Women	Non-Muslims	Total
National Assembly	141	61	45	16	3	60	10	336
Senate	23	23	23	23	-	4	-	96

(Note: In the Senate, seats for women and non-Muslims are already included within the provincial seats.)

11. Powers and Functions of the Legislature

A. Legislation (Law-Making):

Making new laws, amending existing ones, and repealing outdated ones.

Bill (Draft Law): Can be a Government Bill (introduced by a minister) or a Private Member Bill (introduced by an MP).

Process:

First Reading: Bill is introduced.

Second Reading: Debate on the bill.

Committee Stage: Amendments are made.

Third Reading: Final vote.

President's Assent: After signing, it becomes law.

Majority: Ordinary bill = Simple majority (50% of present members). Constitutional Amendment = 2/3 majority of the total membership.

B. Financial Powers (Money Matters):

Budget (Annual Budget): Only the National Assembly passes it (Articles 80-83). The Senate can only give recommendations.

Approving the imposition, increase, or withdrawal of taxes.

C. Appointment of Judges:

The Legislature does not directly appoint judges.

The Judicial Commission recommends names, and a Parliamentary Committee (MNAs/Senators) reviews and can confirm or reject the nomination.

D. Electoral Functions:

President: Elected by the Electoral College.

PM: Elected by the National Assembly.

Senate: Elected by Provincial Assemblies.

Reserved Seats: Filled through proportional representation (based on the number of seats a party wins).

E. Constitutional Amendment:

Amending the Constitution (Articles 238, 239).

Requirement: A 2/3 majority in both houses (NA + Senate).

If the amendment affects a province's boundaries or rights, a 2/3 majority of that province's Assembly is also required.

F. Accountability & Oversight (Checking the Executive):

The Executive (PM, Ministers) is accountable to Parliament.

Mechanisms:

Questions: MPs ask questions to ministers.

Debates: Discussions on national issues.

Committees: E.g., the Public Accounts Committee (PAC) audits government spending.

Vote of No Confidence: If the PM loses majority support, the NA can remove him (requires a simple majority of the total membership).

Example: In April 2022, Imran Khan was removed via a vote of no confidence, and Shehbaz Sharif became PM.

12. Provincial Legislature (Provincial Assemblies)

Each province has a unicameral (one house) Assembly.

Members (MPAs) are directly elected for a 5-year term.

The Governor (appointed by the President on the PM's advice) gives assent to provincial bills.

The Chief Minister is the leader of the majority party.

Seats in Provincial Assemblies (Table 17.2)

Province	Total seats	General Seats	Women	Non-Muslims
Punjab	371	297	66	8
Sindh	168	130	29	9
KPK	145	115	26	4
Balochistan	65	51	11	3

Functions: Make laws on provincial subjects like Education, Health, Agriculture, Police, and Local Government.

13. Role of the Opposition

Parties that are not in the majority form the opposition.

The Leader of the Opposition is its head (currently Omar Ayub Khan).

Duties:

Keep the government accountable.

Question government policies.

Raise public issues in parliament.

Participate in parliamentary committees.

14. Conclusion

The Legislature is the foundation of Pakistan's democracy.

The bicameral system (NA + Senate) ensures that both the public (population) and the provinces (federal units) are represented.

Without it, laws wouldn't be made, budgets wouldn't pass, and the executive wouldn't have any checks.

The Legislature protects democracy, citizens' rights, and the Rule of Law.

Lecture 18

The Executive in Pakistan

1. What is the Executive?

The Executive means the part of the government that implements laws and runs the country.

The Legislature (Parliament) makes the laws, the Executive puts those laws into action, and the Judiciary checks whether everything is in accordance with the Constitution.

2. The 4 Types of Executive

Nominal vs Real Executive:

Nominal is the one who is only the head in name and has no real power, like the President of Pakistan.

Real is the one who exercises actual power, like the Prime Minister of Pakistan.

Single vs Plural Executive:

In a Single Executive, power rests with one person, like the President of the USA.

In a Plural Executive, power is shared among several people, like in Switzerland.

Parliamentary vs Presidential Executive:

In a Parliamentary Executive, the Executive is formed from the Legislature and is accountable to it, like in Pakistan and the UK.

In a Presidential Executive, the Executive is separate from the Legislature, like in the USA.

Political vs Permanent Executive:

The Political Executive consists of elected leaders who make policies (e.g., PM, Ministers).

The Permanent Executive consists of civil servants (bureaucracy) who implement policies and do not change when the government changes.

3. Pakistan's Executive System (1973 Constitution)

Pakistan has a Parliamentary System.

Articles 41 to 100 of the Constitution deal with the Federal Executive.

Articles 129 to 140 deal with the Provincial Executive.

The Executive is divided into two parts:

Political Executive: President, PM, Federal Cabinet, Ministers of State, Advisers.

Permanent Executive: Federal Secretaries, Civil Servants, Administrative Officers, Government Departments.

4. The Executive's Relationship with the Legislature and Judiciary

With the Legislature:

The Executive implements the laws made by Parliament.

Ministers are often Members of Parliament.

Parliament monitors the Executive through question hours and committees.

With the Judiciary:

The Judiciary checks whether the Executive's actions are against the Constitution or not.

If the Executive oversteps its authority, the courts can cancel its actions (under Articles 199 and 184).

5. Structure of the Federal Executive

President of Pakistan:

Constitutional head with a largely ceremonial role.

Powers:

Appoints the Prime Minister (from the National Assembly majority).

Appoints Governors (on the PM's advice).

Appoints judges and key officials.

Gives assent to bills so they can become laws.

Can summon and dissolve the National Assembly (on the PM's advice).

Ceremonial duties:

Symbolic Head of State.

Accepts Letters of Credence from ambassadors.

Gives civil and military awards.

Emergency Powers:

During war or external threats.

During internal disturbances.

During a financial emergency.

Prime Minister of Pakistan:

Chief Executive with real power.

Powers:

Directs the federal government and its ministries.

Implements laws and policies.

Appoints federal ministers.

Makes national policies (economy, security, foreign affairs).

Represents Pakistan in international meetings.

The Prime Minister's Secretariat is the highest executive office, directly under the PM's control.

Federal Cabinet:

Made up of Cabinet Ministers (usually MPs), Ministers of State, and Advisors.

Roles:

Policy formulation.

Supervising implementation.

Coordination between federal and provincial governments.

Collective decision-making.

Federal Minister:

Political head of a ministry, makes policies, and supervises them.

Minister of State:

A junior minister who assists the Federal Minister.

6. Provincial Executive (4 Provinces)

Each province (Punjab, Sindh, KP, Balochistan) has its own executive.

Governor:

Constitutional head of the province with a ceremonial role.

Appointed by the President (on the PM's advice).

Gives assent to bills and summons the assembly.

Works on the Chief Minister's advice.

Chief Minister:

Head of government in the province and the real executive authority.

Elected by the Provincial Assembly.

Leads the Provincial Cabinet.

Implements policies and maintains law and order.

Provincial Cabinet:

Ministers who assist the Chief Minister.

Hold collective responsibility to the Provincial Assembly.

7. Civil Bureaucracy (The Permanent Executive)

The bureaucracy is the permanent administrative machinery that assists the executive in implementing policies.

Federal Secretariat:

The main administrative hub in Islamabad.

Headed by Federal Secretaries.

Policy formulation and implementation take place here.

Provincial Secretariat:

Punjab Secretariat is in Lahore, Sindh in Karachi, KP in Peshawar, and Balochistan in Quetta.

Key Officials (and their roles):

Cabinet Secretary: The senior-most civil servant at the federal level.

Chief Secretary: The senior-most civil servant and administrative head of a province.

Federal Secretary: Head of a federal ministry.

Secretary: Administrative head of a ministry or division.

Additional Secretary: Assists the Secretary and supervises major wings.

Joint Secretary: Heads a specific wing or subject area.

Deputy Secretary: Handles day-to-day administrative and policy matters.

Administrative Structure:

Ministry: The highest administrative unit (e.g., Ministry of Finance). Pakistan has over 35 federal ministries.

Division: A unit within a ministry for a specific area.

Attached Departments: Perform technical or regulatory functions (e.g., police, health services).

Autonomous Bodies: Have operational independence (e.g., HEC).

Semi-Autonomous Bodies: Have limited independence (e.g., PEMRA).

8. The Role of the Bureaucracy

Advises political leadership in making policies.

Provides technical advice, data, and expert recommendations.

Drafts policies, laws, and regulations.

Coordinates between ministries and departments.

Implements government policies through the administrative machinery.

Ensures continuity of governance, even if the government changes.

Monitors policy outcomes and reports progress.

Maintains coordination between federal and provincial governments.

9. Challenges and Reforms

Challenges:

Political interference affects appointments and transfers.

Inefficiency and corruption, such as red tape, delays, and misuse of resources.

A rigid structure makes innovation and responsiveness difficult.

Capacity gaps, such as a lack of training, technology, and resources, especially in remote areas.

Reforms:

Performance-based evaluation, i.e., assessing officers on results rather than tenure.

Digital governance, such as e-governance and automation, which reduces delays and increases transparency.

Civil service training, i.e., professional development programs.

Anti-corruption measures, such as strengthening NAB and conducting internal audits.

10. The Executive's Relationship with the Legislature

In Pakistan's parliamentary system, the relationship between the executive and the legislature is based on interdependence and accountability.

The PM and Cabinet are drawn from Parliament and are accountable to the National Assembly.

The Executive plays a dominant role in the legislative process, as most bills are initiated by the Executive.

This is called a fusion of powers (not a strict separation).

Parliament has control mechanisms, such as Question Hour, debates, and committees.

However, in practice, a strong executive with a party majority often dominates the legislature, making effective oversight difficult.

11. Summary (Conclusion)

The Executive is the central pillar of governance in Pakistan.

It implements laws, administers public affairs, and maintains state stability.

Within the parliamentary framework:

The President is the symbolic head (nominal executive).

The Prime Minister holds real power and leads the government.

The Cabinet handles policy-making and implementation.

The Bureaucracy provides continuity and expertise.

Together, they convert legislative decisions into practical administrative execution, ensuring coordination, accountability, and efficient governance.

Lecture # 19

The Judiciary in Pakistan

1. What is Judiciary?

This system is also called "Nizam-e-Adal" or "Adalati Nizam"

Simple meaning: Judiciary = "The system of giving justice" (which includes courts and judges).

2. Judiciary's 6 Main Functions

(Interpretation): If the meaning of a law is unclear, the court explains what the correct meaning is.

(Justice): Giving fair decisions in civil (property), criminal (theft/murder), and constitutional cases.

(Guardian): If any law goes against the Constitution, the court can cancel it (this is called Judicial Review).

(Fundamental Rights): If someone's basic rights (Articles 8-28) are taken away, citizens can go to court.

(Rule of Law): Whether you are a common citizen or the President, the same law applies to everyone.

(Disputes): Whether it's a fight between two people, two provinces, or the government vs. the public, the court settles it.

3. Supreme Court's 4 Powers

Original Jurisdiction (Article 184): The Supreme Court can directly hear some cases (like disputes between two provinces, or fundamental rights cases of public importance).

Appellate Jurisdiction (Article 185): Hearing appeals (going to a higher court) against decisions made by the High Courts.

Advisory Jurisdiction (Article 186): If the President faces any legal difficulty, the Supreme Court can give him legal advice.

Complete Justice (Article 187): The Supreme Court can pass any order it wants to ensure complete justice is done.

Note: Decisions of the Supreme Court (Articles 189-190) are binding on all other courts and the executive. Everyone has to follow them.

4. Pakistan's 5 High Courts

Punjab → Lahore High Court

Sindh → Sindh High Court

KPK → Peshawar High Court

Balochistan → Balochistan High Court

Islamabad (ICT) → Islamabad High Court

Their job: These courts can issue writs (special orders) under Article 199 to enforce fundamental rights.

5. Subordinate Courts (Lower Courts)

District & Sessions Court: The biggest court in every district. The District Judge handles civil cases, while the Sessions Judge handles serious criminal cases (like murder/robbery).

Civil Courts: For smaller civil disputes (property, money, contracts). These have Senior Civil Judges and Civil Judges.

Magistrate Courts: For smaller criminal cases. There are Judicial Magistrates (under the High Court) and Executive Magistrates (under the provincial government). After the 18th Amendment, both were separated.

6. Special Courts

These are made for specific types of cases:

Anti-Terrorism Courts (ATC): For terrorism-related cases.

Accountability Courts: For corruption cases (under NAB).

Labour Courts: For disputes between employers and workers.

Banking Courts: For banking and financial disputes.

Family Courts: For marriage, divorce, and maintenance cases.

7. Challenges Facing the Judiciary (Problems)

Delay: Cases take years to finish.

Backlog (Too many pending cases): More than 56,000 cases are pending in the Supreme Court alone.

Need for Reforms: Courts need to become faster and more efficient.

Digitalization issues: E-filing and virtual hearings haven't reached all areas yet.

Judicial Independence: Judges must be protected from political pressure.

Political Interference: Sometimes there is a clash between the Judiciary, Executive, and Legislature (e.g., the 2007-2009 Lawyers' Movement).

8. Important Constitutional Amendments

18th Amendment (2010): Separated Judicial and Executive functions.

26th Amendment (2024): Created a Judicial Commission and Parliamentary Committee for appointing the Chief Justice.

27th Amendment (2025): Created the Federal Constitutional Court (FCCP).

9. Difference between FCCP and Supreme Court

Supreme Court: Previously, it heard everything (constitutional + appeals). Now, its main job is only appeals and general cases.

FCCP (The New Court): This court only handles constitutional matters (like disputes between provinces and the federation, fundamental rights, and interpretation of the Constitution). It was created in 2025 and became operational on 12 January 2026.

Important: The FCCP's decisions are also binding on the Supreme Court.

10. Top 5 MOST IMPORTANT Topicss

The 4 Jurisdictions of the Supreme Court (Original, Appellate, Advisory, Complete Justice) – memorize these.

What is the FCCP and why was it created? (Made in 2025, for constitutional cases, to reduce the backlog).

Meaning of Judicial Review (Courts check if any law violates the Constitution).

Challenges (Delay, Backlog, and Political Interference) – you write these in descriptive questions

LECTURE 20

Federalism and the Distribution of Powers

1. What is Federalism?

Federalism is a system in which powers are divided between two levels of government:

Central Government – for the whole country

Provincial Governments – for their own provinces

Both are independent in their own matters.

Easy meaning: "Do your own work + cooperate on national matters"

In easy wording:

Centre will handle: Defence, currency, foreign affairs

Provinces will handle: Education, health, agriculture, local issues

Purpose: "Unity in diversity" – one country, but everyone keeps their own identity.

2. 4 Key Features of a Federal System (Remember These)

Written Constitution – Powers must be clearly divided in writing

Constitution is Supreme – No one is above the constitution

Division of Powers – Work is divided between different levels

Independent Judiciary – To resolve disputes between centre and provinces

3. Three Theories

A. Subsidiarity Theory:

Work should be given to the lowest level of government

Only if they cannot do it, then the higher level should help

Benefit: People solve their own problems

B. Decentralization Theory:

Local government knows people's needs better, so it works better

But national matters (defence, foreign policy) should stay with the centre

C. Cooperative Federalism:

Centre and provinces should work together

They should coordinate with each other

4. Federal vs Unitary (Very Important Difference)

Federal System:

Constitution divides powers

Provinces cannot lose their powers

For large, diverse countries (Pakistan, America, India)

Unitary System:

All powers are with the centre

Centre can take back powers from provinces

For small, homogeneous countries (England, France, China)

5. Why Did Pakistan Adopt Federalism? (Important for Exams)

Reason: Every province in Pakistan is different – different language, different culture, different resources.

Short History:

1947 – Independence, but conflict over powers; first constitution came in 1956

1955 – One-Unit created (merged all provinces of West Pakistan) – failed

1970 – One-Unit abolished

1971 – East Pakistan separated (taught everyone that provinces need autonomy)

1973 – The current constitution, which has a federal system

What is written in the Constitution?

Article 1 – Pakistan is a Federal Republic

4 provinces: Punjab, Sindh, KP, Balochistan

Senate (Article 50) – Equal representation for every province (small provinces like Balochistan get the same voice as Punjab)

6. How Are Powers Divided? (Most Important Topic)

Three Lists:

A. Federal List (Only Centre can make laws):

Defence, Currency, Foreign affairs, Railway, Telecommunication

B. Provincial List (Only Provinces can make laws):

Health, Education, Agriculture, Local government, Culture

C. Concurrent List (Both could make laws – but abolished in 2010)

18th Amendment (2010) abolished this list

Most subjects were given to provinces

Now provinces have more powers

Residuary Powers (Remaining powers):

Whatever is not written in any list, provinces can do it – this increases autonomy

7. 3 Important Institutions for Federalism

1. Council of Common Interests (CCI)

Purpose: Centre and provinces discuss water, energy, and natural resources together

Members: Prime Minister (head), 4 Chief Ministers, 3 federal members

Benefit: Conflicts are resolved, everyone's opinion is included

2. National Finance Commission (NFC)

Purpose: Distribute revenue (money) between centre and provinces

7th NFC Award (2010): Previously money was distributed only by population, now poverty, area, and revenue generation are also included

Provincial share was increased

Note: A new award should come every 5 years, but it hasn't happened yet

3. Senate

Purpose: Give equal representation to every province (whether Punjab or Balochistan)

National Assembly is based on population, Senate balances this

Small provinces get their voice heard

8. 6 Problems of Federalism in Pakistan (Likely Exam Question)

Centre vs Province Conflicts – Tension remains, work gets stuck

Financial Issues – Provinces cannot generate their own money; they depend on NFC

Water and Resources Disputes – Water, gas, and minerals are not distributed equally; Kalabagh Dam is a big issue

Some Provinces Are Weak – Weak systems cause unequal development

Weak Local Government – Article 140-A says local elections should happen, but they don't happen properly

Lack of Coordination – Centre and provinces should talk to each other, but coordination is weak

9. Future of Federalism (Solutions)

What should be done?

Properly implement the 18th Amendment

Give powers to local governments (Article 140-A)

Let provinces generate their own revenue

Strengthen CCI and NFC

Distribute resources equally

Formula for success:

"Self-rule" (manage your own matters) + "Shared rule" (cooperate on national matters) – both are needed

10. Very Simple Conclusion (Remember This)

Federalism keeps Pakistan united even though everyone is different

1973 Constitution + 18th Amendment gave provinces more powers

Problems still exist: money, water, local government

Senate, CCI, and NFC are for coordination

If these institutions become strong, federalism will work better

Lecture 21: Fundamental Rights in Pakistan

What Will You Learn Today?

By the end of this lecture, you should be able to:

Understand what human rights and fundamental rights are

Explain Articles 8-28 of Pakistan's Constitution with simple examples

Understand how these rights are enforced and what happens during emergencies

What Are Human Rights?

Human rights are basic rights that belong to every person - no matter where they're from, what they believe, or who they are. These include the right to live freely, be treated equally, and live with dignity.

Important: After World War II, the United Nations created the Universal Declaration of Human Rights (UDHR) in 1948 to protect these rights worldwide.

Pakistan's 1973 Constitution includes many of these rights, combining international principles with Islamic values of justice and equality.

Simple Definitions

Harold Laski said: "Rights are conditions that help people become their best selves."

Jacques Maritain said: "Human rights come from human dignity - every person deserves respect just for being human."

Why Are Fundamental Rights Important?

1. Protecting Human Dignity

Every person has worth. Fundamental rights stop people from being treated badly, discriminated against, or exploited.

2. Protecting Personal Freedom

You should be able to speak, move, and think freely. Without this, people can be controlled and oppressed.

3. Ensuring Equality

Everyone should be treated the same under the law. No discrimination based on race, religion, gender, or status.

4. Limiting Government Power

The government can't do whatever it wants. Fundamental rights set boundaries on state authority.

5. Strengthening Democracy

People need freedom to speak, gather, and organize. This helps hold leaders accountable.

6. Promoting Justice

Rights ensure fair legal procedures. If rights are violated, citizens can go to court.

7. Helping People Grow

With rights, people can study, work, create, and improve themselves. This helps the whole country develop.

8. Protecting Minorities

Religious, linguistic, and ethnic minorities get protection from discrimination.

9. Protecting Religious Freedom

People can practice their religion freely. This promotes tolerance and peace.

10. Creating National Unity

When people feel secure and respected, society becomes more stable.

11. Encouraging Good Governance

Right to information and free press helps reduce corruption and keep officials accountable.

12. Meeting International Standards

Pakistan follows global human rights standards through its Constitution.

History of Fundamental Rights in Pakistan

1949 - Objectives Resolution: Laid the foundation for democracy, freedom, equality, and social justice based on Islamic principles.

1956 - First Constitution: Formally recognized fundamental rights like equality before law, freedom of speech, and protection of life and property.

1962 - Second Constitution: Continued and expanded some rights.

1973 - Current Constitution: The most comprehensive protection of rights under a parliamentary democratic system.

Now - Articles 8-28 in Part II of the Constitution guarantee these rights.

Articles 8-28 Explained Simply

Article 8: Laws Against Rights are Void

If any law goes against fundamental rights, that law is invalid.

Article 9: Right to Life and Liberty

No one can be killed or arrested without following the law. This includes the right to live with dignity - to eat, sleep, work, and move freely.

Example: If someone is arrested without a valid reason, it violates Article 9.

Article 10: Protection During Arrest

You must be told why you're being arrested

You must be brought before a magistrate within 24 hours

You have the right to meet a lawyer

Example: The police can't keep someone in custody without telling them the reason.

Article 11: No Slavery or Forced Labor

Slavery is completely banned. Forced labor is also banned, except:

Compulsory service for public purposes (like military service)

Work from prisoners as punishment

Example: Children working in factories against their will is against this article.

Articles 12-13: No Double Jeopardy

You cannot be tried or punished twice for the same crime. This is called "double jeopardy."

Example: If a court says you're innocent, you can't be tried again for the same crime.

Article 14: Right to Dignity and Privacy

Everyone must be treated with respect. No torture, humiliation, or inhuman treatment. Your home is private.

Example: Police can't search your house without a valid warrant.

Article 15: Freedom of Movement

Every citizen can:

Move anywhere in Pakistan

Live anywhere in Pakistan

Leave and return

Example: The government can't stop you from moving from Karachi to Lahore.

Article 16: Freedom of Assembly

Citizens can gather peacefully for meetings and protests.

Example: People can hold a peaceful protest, but it can't become violent.

Article 17: Freedom of Association

Citizens can form groups, unions, societies, and political parties.

Example: Workers can form a labor union to protect their rights.

Article 18: Freedom of Trade, Business, and Profession

Everyone can choose any lawful profession or business.

Example: You can open a shop or become a doctor (as long as you meet requirements).

Article 19: Freedom of Speech

Every citizen can express their views freely. This includes freedom of the press.

Limitations: You can't:

Speak against someone falsely (defamation)

Spread hate or violence

Say things that harm national security

Example: Newspapers can report news, but can't print lies that hurt someone's reputation.

Article 19A: Right to Information

Citizens can get information from government offices.

Example: You can ask the government for documents about public projects.

Article 20: Freedom of Religion

Everyone can follow, practice, and promote their religion freely.

Example: Muslims, Christians, Hindus, and others can all practice their faith.

Article 21: No Religious Taxation

No one can be forced to pay taxes to support another religion.

Example: A Hindu can't be forced to pay taxes for a mosque.

Article 22: Protection in Education

No student can be forced to receive religious education from another faith.

Example: A Christian student can't be forced to study the Quran.

Article 23: Right to Property

Every citizen can buy, own, and possess property.

Example: You can buy land or a house (within the law).

Article 24: Protection of Property

Property can't be taken without legal reason. If taken for public use (like building a road), fair compensation must be paid.

Example: The government can buy your land for a highway, but must pay you fairly.

Article 25: Equality of Citizens

All citizens are equal before the law. No discrimination based on race, religion, gender, etc.

Example: A woman can get the same job as a man based on merit.

Article 25A: Right to Education

The state must provide free education for children aged 5 to 16.

Example: Every child has the right to go to school for free.

Article 26: Equal Access to Public Places

All citizens can use public places like parks, libraries, and public facilities.

Example: No one can be stopped from entering a public park because of their religion.

Article 27: Equality in Government Jobs

Everyone has equal opportunity for government jobs. Selection must be based on merit.

Example: A job can't be given just because of family connections.

Article 28: Preserve Language and Culture

Citizens can preserve their language, culture, and heritage.

Example: People in Sindh can speak Sindhi and celebrate their cultural festivals.

How Are These Rights Enforced?

Courts Protect Rights:

High Courts (Article 199): Can issue orders (writs) to protect rights:

Habeas Corpus: "Produce the body" - court orders release of someone unlawfully detained

Mandamus: Orders a public official to do their duty

Prohibition: Stops lower courts from acting beyond their authority

Certiorari: Reviews decisions of lower courts

Quo Warranto: Questions a person's right to hold public office

Supreme Court (Article 184(3)): Can directly take action on important matters involving fundamental rights.

Other Institutions:

Federal Ombudsman

National Commission for Human Rights (NCHR)

Provincial human rights bodies

What Happens During Emergencies?

During serious threats like war or major disorder, the President can declare an emergency under Articles 232, 233, or 234.

What Happens:

Some fundamental rights may be temporarily restricted

This is to protect national security and public order

Important Safeguards:

The suspension is not absolute

It needs parliamentary approval

Core principles of justice and dignity can't be completely removed

Example: During war time, freedom of movement might be restricted for security reasons.

Summary

Human rights are universal rights all people have

Fundamental rights in Pakistan (Articles 8-28) protect life, liberty, equality, religion, education, and property

These rights come from international principles AND Islamic values

Courts enforce these rights through writs and judicial review

During emergencies, some rights may be temporarily restricted

Protecting rights is essential for democracy, justice, and national unity

Key Points to Remember

Fundamental rights protect citizens from state abuse

Everyone is equal before the law

You have freedom of speech, movement, religion, and association

You can't be arrested without reason

Everyone deserves dignity and respect

Courts are the guardians of these rights

Even during emergencies, basic rights can't be completely taken away

Lecture 22 – Civil aur Political Rights

Step 1: Purpose of this Lecture (MLOs)

After reading this lecture, you will be able to:

Identify the Civil and Political rights given in the 1973 Constitution in simple words.

Understand the importance of these rights and the protection given to them by the Constitution.

Know the role of the Courts (Judiciary) in protecting these rights.

Step 2: Introduction

In the previous lecture, we discussed "Fundamental Rights," which protect people from cruelty and the arbitrary actions of the government.

In this lecture, we will study two types of rights:

Civil Rights – These protect a person's life, liberty, and dignity.

Political Rights – These allow people to take part in the country's governance and democratic activities.

Step 3: Difference between Civil and Political Rights

Civil Rights: These protect every person from injustice, discrimination, and oppression by the government. They are related to a person's personal freedom and dignity, whether they take part in politics or not.

Political Rights: These give people the right to vote, contest elections, hold gatherings, and express their opinions so they can play a role in forming national policies.

Step 4: Civil Rights – As per the 1973 Constitution

(A) Right to Life and Liberty (Article 9):

This means no person can be deprived of their life or liberty, except according to the law (for example, if someone breaks the law, the police can arrest them). The Supreme Court has said that "life" does not just mean breathing, but also includes the right to live with dignity and in a healthy environment.

(B) Safeguards against Arrest and Detention (Article 10):

If someone is arrested:

It is necessary to tell them why they are being arrested.

They must be given the chance to hire a lawyer.

They must be produced before a magistrate within a fixed time.

(All of this is to ensure that the police or government do not humiliate or unjustly detain anyone).

(C) Right to a Fair Trial and Due Process (Article 10A):

Every person has the right that their case be heard by an independent and impartial court, and they must be given a full opportunity to present their defense. This ensures that no one is wrongly punished.

(D) Inviolability of Human Dignity (Article 14):

The dignity of every person and the privacy of their home cannot be violated. This means no one can be tortured, and authorities cannot enter a home and harass anyone without valid reason.

(E) Freedom of Movement (Article 15):

Every citizen has the right to go anywhere in Pakistan, live anywhere, and work anywhere. (However, if there is a security issue in a specific area, restrictions can be placed).

(F) Freedom of Religion (Articles 20, 21, 22):

Every citizen can follow their own religion, practice it, and spread it to others (preach).

No one can be forced to pay taxes for the support of a religion other than their own.

In schools or colleges, no student can be forced to receive religious education or take part in religious activities of a faith other than their own.

(G) Right to Property (Article 24):

Every citizen can buy, sell, and own property. If the government takes someone's property for public use, it must pay full and fair compensation to the owner.

(H) Equality Before Law (Articles 25, 26, 27):

All citizens are equal in the eyes of the law. No one can be stopped from going to school, getting a job, or visiting public places (like parks or roads) unfairly.

No one can be discriminated against in government jobs based on religion, race, caste, or gender.

(I) Right to Culture (Article 28):

Any group of citizens with a distinct language, script, or culture has the right to preserve, promote, and develop their own cultural identity.

Step 5: Importance of these Civil Rights

These rights protect individuals from the arbitrary actions of the government, allow them to live with dignity, and ensure that the country is governed by the Rule of Law.

Step 6: Political Rights – As per the 1973 Constitution

(A) Freedom of Assembly (Article 16):

People have the right to hold peaceful meetings, rallies, and demonstrations without weapons to convey their message to the government. (However, these can be restricted in the interest of public order and security).

(B) Freedom of Association and Right to Form Political Parties (Article 17):

People can form unions, societies, and political parties. This allows them to collectively raise their voices and contest elections.

(C) Freedom of Speech and Expression (Article 19):

Every citizen can express their opinion freely. This means they can speak their mind through newspapers, TV, or speeches. (However, restrictions can be imposed if someone speaks against the country's integrity, public order, or insults religious beliefs).

(D) Right to Information (Article 19A):

People have the right to obtain information from government institutions. This increases transparency in the government and helps reduce corruption.

(E) Right to Vote:

Every adult citizen has the right to vote. Through this, people choose their favorite representative.

(F) Right to Contest Elections:

Any eligible citizen can contest elections and become a Member of Parliament (MP). Articles 62 and 63 of the Constitution lay down the qualifications and disqualifications for this.

(G) Right to Peaceful Protest:

People can peacefully protest to highlight their problems and demand solutions from the government.

(H) Right to Petition:

Citizens can submit complaints, requests, or petitions to government authorities to get their issues resolved.

Step 7: Importance of these Political Rights

These rights allow people to take part in governance, raise their voice, and hold the government accountable. They strengthen democracy in the country.

Step 8: Important Case Laws – Explained Simply

(A) Shehla Zia Case (PLD 1994 SC 693):

Residents of Islamabad filed a petition in the Supreme Court against WAPDA for installing high-voltage transmission towers near their homes, which could cause illness.

Court's Decision: The Supreme Court ruled that "Life" (Article 9) does not just mean breathing, but also means living in a healthy and safe environment. If WAPDA's towers could cause harm, it goes against the Right to Life. This case broadly defined the scope of the Right to Life.

(B) Benazir Bhutto Case (PLD 1988 SC 416):

Benazir Bhutto challenged the government in court for restricting her political activities.

Court's Decision: The Supreme Court said that the Constitution gives every citizen the right to form political parties, contest elections, and express their political opinions. If the government puts unreasonable restrictions on political activities, it violates fundamental rights. This decision strongly reinforced democratic rights in Pakistan.

Step 9: Conclusion

Civil rights protect a person's life, dignity, and freedom, while political rights give them the opportunity to take part in the country's governance. The 1973 Constitution provides a complete framework for protecting both sets of rights, and the Supreme Court acts as their guardian through its landmark decisions. Together, both types of rights ensure that justice, democracy, and the Rule of Law are upheld in the country.

Lecture 23

Responsibilities of Citizens in the Constitution of Pakistan

What This Lecture Covers (MLOs)

By the end of this lecture, you should be able to:

Know what responsibilities Pakistani citizens have and their role in democracy

Understand what the 1973 Constitution says about loyalty to the state and obeying laws

Explain important civic duties like voting, public participation, and accountability

Part 1: Understanding Rights vs. Duties

What are Rights?

Rights are the freedoms and protections the state gives to citizens. Examples:

Right to life

Freedom of speech

Freedom of religion

Right to education

Right to vote

What are Duties/Responsibilities?

Duties are what citizens must do for the state and society. Examples:

Obey the Constitution and laws

Pay taxes

Respect others' rights

Protect public property

Vote and participate in democracy

The Link between Rights and Duties

Rights and duties go hand in hand

You can't have one without the other

Example: You have freedom of speech, but you must use it responsibly

Example: You get state services, so you must pay taxes

Part 2: What is Citizenship?

Historical Background

Citizenship started in Ancient Greece (especially Athens)

Citizens were expected to participate in public affairs

This idea became the foundation of modern democracy

What Citizenship Means Today

It's the relationship between a person and the state

The state gives protection → citizens give loyalty

Both sides have obligations

Key Elements of Citizenship:

Legal and political bond with the state

Rights AND responsibilities

Active participation in public life

Supporting and defending the nation

Part 3: Main Responsibilities under the 1973 Constitution

Responsibility 1: Loyalty to the State

Found in Article 5 of the Constitution

What this means:

Every citizen must be loyal to Pakistan

Must obey the Constitution and law

This is a basic duty (not optional)

Wherever you are, you must follow the Constitution

What loyalty includes:

Safeguarding national sovereignty

Respecting state institutions

Promoting national unity

Responsibility 2: Democratic Participation

Supported by Article 17 (freedom of association)

What citizens can do?

Vote in elections

Join political parties

Express political opinions

Engage in public affairs

Why it matters:

Helps make government decisions reflect people's wishes

Holds public officials accountable

Strengthens democracy

Responsibility 3: Paying Taxes

Why pay taxes:

Government gets money to provide services

Services include: education, healthcare, security, roads, and welfare.

Benefits:

Contributes to national development

Supports public institutions

Ensures fair distribution of resources

Legal basis:

Article 5 requires obedience to law

Tax payment is a legal obligation

Responsibility 4: Community Welfare Activities

What citizens can do?

Volunteer for charities

Join local development projects

Help vulnerable people

Promote awareness on social issues

Constitutional support:

Articles 37 and 38 emphasize social justice

Citizens should help achieve social and economic development

Responsibility 5: Digital Citizenship

What this means:

Using internet, social media, and technology responsibly

This is a 21st-century responsibility

Constitutional guidance:

Article 19: Freedom of speech

Article 19A: Right to information

Article 14: Protection of dignity and privacy

What responsible digital citizens do?

Verify information before sharing

Avoid spreading misinformation

Don't engage in cyberbullying

Protect personal data

Respect intellectual property

Follow cyber laws

Use digital platforms for positive purposes (education, awareness, civic engagement)

Part 4: Why Civic Participation Matters

1. Strengthens Democracy

Makes political processes more representative

Promotes transparency

Makes government more accountable

Supported by Articles 17, 19, 19A

2. Builds Public Trust

People trust government when they can participate

Transparency increases confidence

Citizens and government cooperate better

3. Encourages Responsible Governance

Citizens monitor government performance

Can identify problems and demand solutions

Helps reduce corruption

Uses freedom of speech and right to information

4. Promotes Social Cohesion

Brings people from different backgrounds together

Reduces social divisions

Strengthens national unity

Supported by Article 25 (equality and non-discrimination)

5. Contributes to National Development

Citizens help improve education, healthcare, infrastructure

Complements government efforts

Supported by Articles 37 and 38

Part 5: Why These Responsibilities Matter Today

Current Challenges in Pakistan:

Political polarization

Spread of misinformation

Intolerance

Tax evasion

Why Citizens' Responsibilities Are Still Important:

Help strengthen institutions

Promote political stability

Uphold democratic values

Maintain national unity

Ensure rule of law

Article 5 Is Especially Relevant Today:

Citizens must reject unconstitutional actions

Support constitutional supremacy

Promote constitutional awareness

Hold officials accountable lawfully.

Final Conclusion

Responsible citizenship is the foundation of a stable, democratic Pakistan.

A democracy cannot work without active citizens who:

Know their rights AND duties

Follow the Constitution

Obey laws

Participate in public life

Engage constructively in society

When citizens fulfill these responsibilities, they help build:

Strong institutions

A just society

National unity

Good governance

Long-term prosperity

Remember: Citizenship is not just about getting rights. It's also about giving back to your country and community.

Lecture 24

The Principles of Policy

Part One: Introduction

In this lecture, we will understand the "Principles of Policy" written in the Constitution of Pakistan (1973).

First, understand the difference between these two things:

Fundamental Rights

These are given to ordinary citizens.

If someone violates these rights, citizens can go to court and claim their rights.

Principles of Policy

These are given to the government.

These tell the government what it should do to make society better.

If the government does not follow these, ordinary citizens cannot go to court.

This means these principles only show the way, they do not give commands.

These Principles are written in the Constitution from Article 29 to 40.

Part Two: Five Characteristics of These Principles

These Principles have 5 important characteristics. Remember them:

1. They show the way, they do not force

They tell the government how it should think and work.

They are not immediately mandatory. They are a long-term vision.

2. Courts cannot enforce them

If the government does not follow them, no one can go to court.

This is only the government's own responsibility; no one can force them.

3. They tell the government to take action

Fundamental Rights are for stopping the government (for example, do not commit injustice).

But these Principles are for making the government work (for example, build schools, build hospitals, and help families).

4. They depend on the country's money and resources

Pakistan is not a rich country. So all this work cannot be done all at once.

As the country gets more money and power, this work will keep happening. It will happen step by step.

5. They include both Islam and helping people (Welfare)

These Principles have Islamic teachings (Quran and Sunnah).

Along with that, they also have the welfare of the people.

This means Pakistan should be a country that follows Islam and also takes care of its people.

Part 3 ARTICLE 29 – 40

First Step: Foundation of the Principles of Policy (Article 29)

In this article, it is written that every person doing government work (whether he is a Minister or an Officer) should do his work while keeping these Principles in mind.

But this work will depend on the country's resources (money and capacity). If there is no money, the work will happen slowly.

And the government has to give a Report every year about how much work it has done.

Second Step: Courts Cannot Interfere (Article 30)

In this article, it is clearly stated that if the government does not follow these Principles, no one can file a case in court.

This means these are only advice, not commands.

Third Step: Islamic Way of Life (Article 31)

The government will create such conditions that people can live their lives according to the Quran and Sunnah.

For this, it will teach Islamiyat and Arabic language in schools, and it will properly run Zakat, Ushr, and Auqaf.

Fourth Step: Local Government (Article 32)

The government will create local bodies in villages and cities.

In these bodies, it will give special place to farmers, workers, and women, so that their voice can be heard.

Fifth Step: Avoid Fighting Among Ourselves (Article 33)

Pakistan has different provinces, languages, and tribes.

The government will stop fighting based on race, sect, and province.

Everyone has to live as one nation (Pakistan).

Sixth Step: Bring Women Forward (Article 34)

The government will take steps to ensure full participation of women in every field (jobs, politics, police, army).

For this, reserved seats for women have been kept in parliament, and they have been given opportunities in jobs.

Seventh Step: Family, Mother and Child (Article 35)

The government will protect marriage, family, mother and child.

It will give healthcare and maternity leave to mothers.

It will give education to children and protect them from child labour and abuse.

Eighth Step: Care for Non-Muslims (Minorities) (Article 36)

The government will protect the rights of Christians, Hindus, Sikhs, and others living in Pakistan.

They will also be given a share in government jobs. Everyone will be treated equally.

Ninth Step: Remove Evils and Provide Education (Article 37)

This is a very long article. In this, the government is told to:

Help backward areas and weak sections of society.

Eliminate illiteracy and arrange free education.

Spread good technical and college education.

Give cheap and speedy justice to people.

And stop evils like: prostitution, gambling, drugs, obscenity, and alcohol (except in some special cases).

Tenth Step: Food, Clothes and Shelter for Everyone (Article 38)

In this article, the government is told to:

Reduce inflation and poverty. Do not let wealth gather in the hands of a few people.

Maintain justice between owners and workers, and between landlords and farmers.

Create employment opportunities.

Give food, clothes, shelter, medicine and education to those who cannot work (elderly, sick).

Reduce the difference in income and remove interest (Riba) from the economic system.

Eleventh Step: Opportunity for All Provinces in the Army (Article 39)

The government will make such arrangements that people from every province of Pakistan (Sindh, Punjab, KPK, Balochistan) can join the Army.

The Army should be the representative of all of Pakistan, not just one province.

Twelfth Step: Friendship with the Muslim World (Article 40)

Pakistan's foreign policy will be to maintain brotherhood with Muslim countries.

Help Asia, Africa and Latin America.

Bring peace in the world and solve problems through dialogue, not war, with any country.

If you want to remember this, think of it in this sequence:

- (29) Who has to follow it?
- (30) Courts cannot be approached.
- (31) Islamic way of life.
- (32) Local government in villages and cities.
- (33) Stay away from prejudice.
- (34) Give equal rights to women.
- (35) Protect the family.
- (36) Non-Muslims are also equal.
- (37) Provide education and remove evils.
- (38) Provide food, clothes, and shelter.
- (39) Bring people from all provinces into the Army.
- (40) Make friends with the world.

Note: In all these tasks, the biggest problem is money (resources) and political will. Still, this is the roadmap to make Pakistan a better and just country.

Lecture 25

Contemporary Human Rights Issues in Pakistan

Part 1: Today's Lecture Objectives (MLOs)

In this lecture, we will learn these 3 things:

What are the major human rights issues in Pakistan today?

How do the Constitution and various institutions protect these rights?

What role do the courts (Judiciary) and other institutions play in this process?

Part 2: Introduction (Connection to Previous Lecture)

In the previous lecture, we studied the "Principles of Policy" that are part of the Constitution.

These principles guide the government on how to promote social justice, equality, and welfare.

Now, in this lecture, we will talk about the real issues that exist in Pakistan today, and we will see how these issues are being addressed.

Part 3: Minority Rights

What is this about?

In Pakistan, Muslims are in the majority, but Hindus, Christians, Sikhs, Parsis, Baha'is, and Kalash also live here. The Constitution gives them religious freedom.

What problems do they face?

Religious Discrimination: They are treated differently in education, jobs, and housing.

Political Representation: They have reserved seats, but because their numbers are small, their voice does not have a strong impact on major decisions.

Security Concerns: Sometimes, their places of worship and community members are attacked.

Social Inclusion: To include them fully in society, we need tolerance and interfaith harmony.

Part 4: Women's Rights

Things have improved somewhat over the last 20 years, but problems still remain:

Gender-Based Violence: Domestic abuse, workplace harassment, forced marriages, honour crimes, and sexual violence.

Educational Barriers: There is a big gap between urban and rural areas. Poverty, cultural practices, and early marriages prevent girls from completing their education.

Economic Inequality: Women get fewer job opportunities, face wage discrimination, and are underrepresented in leadership positions.

Healthcare Challenges: Medical facilities and maternal healthcare are especially poor in rural areas.

Part 5: Child Rights

Children are the most vulnerable part of society.

Child Labour: Despite laws, children work in factories, fields, and homes.

Access to Education: Millions of children cannot go to school due to poverty, lack of infrastructure, and inequality.

Child Abuse and Exploitation: Physical abuse, trafficking, begging, and online exploitation.

Early and Forced Marriages: In some areas, child marriage still happens, which harms their health and education.

Part 6: Labour Rights

Every worker has the right to fair wages, safe work, and protection from exploitation.

Problems:

Most workers are in the informal sector (they have no contracts, social security, or legal protection).

Bonded labour still exists (working to pay off a debt).

Safety standards in many industries are not good.

Women's participation in the workforce is very low.

Part 7: Freedom of Expression

This is the foundation of democracy.

Article 19 guarantees this freedom (speech, press, and expression).

However, there are restrictions for: national security, public order, morality, the glory of Islam, and the integrity of the State.

Challenges:

Journalists face threats, legal pressure, and censorship.

Fake news, hate speech, and online harassment are increasing on social media.

The government has to maintain a balance: give freedom while stopping misuse.

Part 8: Digital Rights and Privacy

Technology has created new problems:

Data Privacy: People want their personal information to stay safe.

Cyber Harassment: Women, children, and journalists face online bullying, identity theft, and stalking.

The government must stop cybercrime and extremist content, but at the same time, it should not restrict legitimate expression.

Part 9: Rights of Persons with Disabilities

Every person has the right to education, jobs, healthcare, and equal participation in society.

Pakistan has made laws, but people with disabilities still face problems in education, transport, and public buildings.

For inclusivity, we need accessible buildings, assistive technologies, and vocational training.

Part 10: Environmental and Climate Justice

Protecting the environment has now become a human rights issue. Clean air, water, and a pollution-free environment are essential.

Pakistan is facing floods, droughts, heatwaves, and water scarcity due to climate change.

Industrial pollution, deforestation, and urbanization are making these problems worse.

Therefore, protecting the environment means protecting human rights.

Part 11: Constitutional Protection – Role of Institutions

Pakistan's Constitution is the supreme law. It gives Fundamental Rights such as:

Right to life, liberty, human dignity, equality, and religious freedom.

Key point: If any law goes against these Fundamental Rights, it can be struck down.

Part 12: Government Measures

The government has taken several steps:

Reserved seats for women and minorities.

Important Laws:

Protection Against Harassment of Women at the Workplace Act (2010, amended in 2022).

Anti-Rape Act 2021.

Scholarships and welfare schemes.

Protection of worship places for minorities and promotion of interfaith harmony.

But the challenge is: Proper implementation of these laws and creating public awareness is still needed.

Part 13: Role of Judiciary (Courts)

Courts are the strongest protectors of human rights.

Through Judicial Review, they check government actions.

Through Suo Motu and constitutional petitions, they help citizens.

Courts have given important decisions in favour of minorities, women, workers, and freedom of expression.

That is why the judiciary is called the "Guardian of the Constitution."

Part 14: Human Rights Commission of Pakistan (HRCP) – NGO

This is an independent, non-governmental organization established in 1986.

Its work:

Monitoring: Recording human rights violations across the country and publishing reports.

Awareness: Educating people through seminars, conferences, and workshops.

Bridge: It acts as a link between citizens, the government, and the international community.

Its reports are used by policymakers and journalists.

Part 15: Other Important Institutions

National Commission for Human Rights (NCHR): Investigates violations and advises the government.

National Commission on Status of Women (NCSW): Works on laws and policies for women.

National Commission for Minorities: Monitors religious harmony and minority rights.

Federal Ombudsman (Wafaqi Mohtasib): Gives citizens relief against maladministration in government departments.

Part 16: Case Study 1 – Minority Rights (PLD 2014 SC 699)

What happened? Attacks were carried out on the Christian community and their places of worship.

Supreme Court's Decision:

Minorities are equal citizens.

The Court ordered the government to:

Establish a National Council for Minorities.

Create a special police force to protect places of worship.

Stop hate speech and intolerance.

Promote religious harmony through educational policies.

Importance: This landmark judgment strengthened equality and religious freedom.

Part 17: Case Study 2 – Women's Harassment at Workplace

What happened? Harassment of women at their workplaces was a major issue.

The Law: An Act was passed in 2010, and it was further amended in 2022.

What does this law require?

Every organization must form an inquiry committee.

Employers must adopt a Code of Conduct.

Employers must provide a safe working environment.

Role of Courts: Courts helped enforce this law and gave decisions in favour of women under Articles 25 and 34 of the Constitution.

Part 18: Conclusion

Human rights are the foundation of constitutional democracy.

The Constitution guarantees a lot, but there are challenges in implementation.

Pakistan has responded to these challenges through:

Constitutional provisions

Legislative reforms

Judicial oversight

Institutions (HRCP, NCHR, NCSW, etc.)

Landmark judgments

Shared responsibility: We need effective governance, an independent judiciary, accountable institutions, informed citizens, and active civil society.

The ultimate goal: Every citizen should receive dignity, equality, justice, and freedom – in true letter and spirit.

Lecture 26

Constitutional Amendments: Procedure and Process

Part 1: Introduction to Constitutional Amendments

What is it?

A constitutional amendment means making a change, addition, or removal in the Constitution through a legal process. Think of it like updating the rules of a game.

Why is it necessary?

Times change, and new problems arise.

If the Constitution cannot be changed, it becomes outdated.

If it is too easy to change, it loses its value; if it is too difficult, the system can break down.

Pakistan has struck a balance through its 1973 Constitution.

Two types of constitutions:

Rigid - Difficult to change (e.g., Pakistan's 1973 Constitution).

Flexible - Easy to change (e.g., the British constitution).

Part 2: The Complete Amendment Process (Article 239) - 8 Steps

Article 239 explains the entire procedure. These are the 8 steps:

Introduction of the Bill - Any member of Parliament can introduce an amendment bill in either the National Assembly or the Senate.

Provincial Approval (if needed) - If the bill changes the powers or rights of the provinces, it must be passed by at least 2 out of the 4 provincial assemblies.

Only Parliament's Approval (if not a provincial matter) - If the provinces are not affected, only Parliament's approval is required.

Two-Thirds (2/3) Majority - The bill needs a 2/3 majority of the total membership of each house (224 votes in the National Assembly, 67 votes in the Senate).

Both Houses Must Agree - The bill must pass with a 2/3 majority in both the National Assembly and the Senate.

If There is Disagreement - If both houses do not agree, a joint session is held, where a 2/3 majority is also required.

Presidential Assent - The bill goes to the President, who will sign it. He cannot refuse, and he has no veto power.

Becomes Law - Once the President signs it, it is published in the official gazette and becomes part of the Constitution.

Part 3: The Role of Parliament and the President

Parliament (The most important):

National Assembly - Represents the public (directly elected).

Senate - Represents the provinces and regions.

Both houses must agree with a 2/3 majority. If the ruling party has a 2/3 majority, it can pass an amendment.

The President:

His role is mainly ceremonial, especially after the 18th Amendment.

He signs the bill.

Remember: He cannot block a constitutional amendment or send it back (unlike the presidential veto in the United States).

If he delays, the bill is automatically considered to have been given assent.

Part 4: Limitations on Amendments

Parliament's power is not unlimited. These are the restrictions:

Special procedure - An amendment cannot be passed without a 2/3 majority.

Federal structure - The rights of the provinces cannot be taken away without their approval.

Islamic identity - The Islamic character of the Constitution (Article 2-A) cannot be removed.

Judicial oversight - If the procedure is flawed, the Supreme Court can review and potentially strike down the amendment (even though the Basic Structure Doctrine is not fully adopted, the courts can still review it).

Part 5: Important Amendments in Pakistan and Conclusion

So far, 27 amendments have been made to the 1973 Constitution.

Three important amendments:

8th Amendment (1985) - Passed during Zia-ul-Haq's era. It gave the President the power to dismiss Parliament (this was a negative change).

17th Amendment (2003) - Passed during Musharraf's era. It restored powers to the President.

18th Amendment (2010) - The most important and best amendment. It abolished the 8th Amendment, took away the President's sweeping powers, devolved more powers to the provinces, and strengthened democracy.

Final Conclusion:

Amendments allow the Constitution to adapt with the times.

The process is written in Article 239.

A 2/3 majority, provincial approval (when needed), and the President's formal assent are required.

Certain fundamental features (Islam, federalism, and democracy) cannot be changed.

It is important to understand whether amendments are being made for the right reasons or merely for political gain.

Lecture 27: Executive Power and Constitutional Engineering **(8th, 13th and 17th Amendments)**

Part 1: Micro Learning Outcomes (MLOs)

After reading this lecture, you will be able to:

Define constitutional engineering.

Identify the 8th, 13th, and 17th Amendments.

Explain how Article 58(2)(b) changed executive power in Pakistan.

Compare the objectives and effects of these three amendments.

Part 2: Introduction - The Beginning of the Story

Pakistan's 1973 Constitution was based on a Parliamentary System. In this system:

The Prime Minister holds the real executive power (he runs the government).

The President is only a ceremonial head (ribbon cutting and hosting ambassadors).

The Parliament is supreme.

However, this balance was disturbed many times. **Three amendments are very important in this story:**

Eighth Amendment (1985)

Thirteenth Amendment (1997)

Seventeenth Amendment (2003)

These amendments either gave excessive power to the President or took power away from him and returned it to Parliament. This process is called "Constitutional Engineering."

Part 3: What is Constitutional Engineering?

Definition: Using constitutional amendments to deliberately redesign the political system to benefit the current rulers.

Purpose: Not to improve governance, but to weaken opponents and consolidate one's own power.

In Pakistan: Both military governments and elected governments have changed the constitution for their own benefit at different times.

Damage: This destroys public trust in the constitution and makes the system unstable.

Part 4: The 1973 Constitution (Original Design)

Created by: Zulfikar Ali Bhutto.

System: Federal Parliamentary Republic.

Role of PM: Head of Government (controls all policy, civil administration, and cabinet).

Role of President: Head of State (ceremonial, no real power).

This constitution is considered the most democratic constitution in Pakistan's history.

Part 5: The Eighth Amendment (1985) - Zia-ul-Haq's Control

Background:

In 1977, General Zia-ul-Haq imposed martial law and removed Bhutto.

In 1985, Zia wanted to show a facade of civilian politics, but he wanted to keep real power with himself.

Major Change - Article 58(2)(b):

This article gave the President the authority to dissolve the National Assembly.

"In his judgment" – this was the most dangerous phrase. It meant:

The President did not need permission from any court or Parliament.

The President could dismiss the PM and the government on his own whim.

This transformed Pakistan from a Parliamentary system into a Quasi-Presidential system.

Practical Use (1988-1996):

This article was used 4 times:

August 1990: President Ghulam Ishaq Khan dismissed Benazir Bhutto's first government.

April 1993: President Ghulam Ishaq Khan dismissed Nawaz Sharif's first government.

November 1996: President Farooq Leghari dismissed Benazir Bhutto's second government.

(One more was used in 1988, but these three are the major ones mentioned; the lecture mentions a total of 4).

Effects on Governance:

Every PM lived under the constant fear of dismissal.

Long-term policies could not be made.

Civil servants became cautious (they didn't know who would come next year).

Foreign investors lost confidence.

Ordinary citizens could not get education, health, or economic stability.

Part 6: The Thirteenth Amendment (1997) - Nawaz Sharif's Revenge

Background:

In the 1997 elections, Nawaz Sharif got a two-thirds majority (he could amend the constitution alone).

Nawaz Sharif himself had been a victim of Article 58(2)(b) in 1993, so he wanted to abolish this clause.

Major Changes:

Article 58(2)(b) was completely deleted.

The President returned to a ceremonial role.

Power was returned to the Prime Minister and Parliament.

Some other presidential powers from the 8th Amendment (like control over key appointments) were also removed.

Significance:

This amendment was passed with remarkable speed.

Opposition parties also supported it (because everyone had suffered from this clause).

This was a rare example of political consensus in Pakistan's history.

It restored the original parliamentary spirit of the 1973 Constitution.

Part 7: The Seventeenth Amendment (2003) - Musharraf's Era

Background:

October 1999: General Pervez Musharraf overthrew Nawaz Sharif's government in a coup.

Musharraf made himself President in 2001.

Elections were held in 2002.

Musharraf issued the Legal Framework Order (LFO) 2002, which brought back Article 58(2)(b).

Major Changes (17th Amendment - December 2003):

Article 58(2)(b) was restored.

Musharraf's LFO was given constitutional validity.

A National Security Council was created (giving military chiefs a formal constitutional role).

Most controversial: Musharraf was allowed to remain both President and Army Chief (which was against the 1973 Constitution).

Impact:

Elected PMs (Zafarullah Jamali and Shaukat Aziz) remained subordinate figures.

Real executive power stayed with Musharraf (President + Army Chief).

Like the 8th Amendment, this was called "civilian clothing to military rule" (a way to make military rule look democratic).

Part 8: The Overall Pattern of These Amendments (The Cycle)

If we look at all three amendments, a clear cycle emerges:

8th Amendment (1985): The Military (Zia) gave more power to the President (added Article 58-2-B).

13th Amendment (1997): The Elected government (Nawaz) took power from the President and gave it to Parliament (deleted 58-2-B).

17th Amendment (2003): The Military (Musharraf) gave power back to the President (restored 58-2-B).

Damage of this Cycle:

The constitution was never stable.

Everyone (politicians, military, courts, citizens) started seeing the constitution as a political tool, not a permanent framework.

Democratic institutions remained weak.

Part 9: Final Resolution - The Eighteenth Amendment (2010)

Passed: April 2010.

Who did it: President Asif Ali Zardari with the consensus of all political parties.

Key Change: Article 58(2)(b) was permanently deleted.

Result:

Since 2010, no President has dismissed any PM.

Multiple peaceful democratic transitions have taken place (this is a huge achievement for Pakistan).

The 8th and 17th amendments (imposed under pressure) did not last, but the 18th (built on consensus) proved durable.

Part 10: Important Lessons (Points to Impress the Examiner)

A constitution is only as strong as its political culture. No matter how good the rules are, if people misuse them, nothing can be done.

Constitutional engineering weakens the entire political system, not just the opponents. It destroys public trust.

Lasting change requires genuine consensus. The 18th Amendment (consensus) worked, but the 8th and 17th (imposed) did not.

Every generation must protect the constitution from short-term political manipulation.

Part 11: Top 5 Important Questions for VU Papers (Solved Points)

Q1: What was Article 58(2)(b)?

It gave the President the authority to dissolve the National Assembly.

The phrase "in his judgment" meant the President did not have to answer to anyone.

It was used 4 times between 1988-96.

It turned the parliamentary system into a quasi-presidential one.

Q2: What is the difference between the 8th and 13th Amendments?

8th (1985): Gave power to the President (added Article 58-2-B).

13th (1997): Took power from the President (deleted Article 58-2-B).

Q3: What is the difference between the 13th and 17th Amendments?

13th (1997): Restored the parliamentary system (PM became powerful).

17th (2003): Made the President powerful again (restored 58-2-B) and allowed the Army Chief to remain President.

Q4: Why was constitutional engineering harmful for Pakistan?

Governments could not complete their terms.

Long-term planning became difficult.

Foreign investment was negatively affected.

Public trust was destroyed.

Military rule got constitutional cover.

Q5: Compare the 8th, 13th, and 17th Amendments.

8th (Zia): Gave power to the President (Quasi-Presidential).

13th (Nawaz): Ended the President's power (Parliamentary).

17th (Musharraf): Restored the President's power and allowed the Army Chief to become President.

Lecture 28

The 18th Amendment: Parliamentary Supremacy and Federalism

1. What Will We Learn in This Lecture?

Why did the 18th Amendment come?

What are its main features?

Why did it make Parliament (National Assembly) so powerful?

What benefits did it give to the provinces?

What problems came up when trying to implement it?

2. What is the 18th Amendment? (Introduction)

It came in 2010.

It is the most important constitutional amendment in Pakistan's history.

It brought back the original spirit of the 1973 Constitution.

It reduced the President's powers and gave power back to the Prime Minister and Parliament.

It gave more powers to the provinces.

3. What Happened Before the 18th Amendment? (Background)

The 1973 Constitution:

It made Pakistan a "Parliamentary Republic."

This means the Prime Minister is the most powerful, and the President is only a symbolic head.

Then came military rule and other amendments:

1985 (8th Amendment): The President was given the power to dissolve the National Assembly (Article 58-2B). This reduced the Prime Minister's power.

1997 (13th Amendment): Nawaz Sharif removed this presidential power.

2003 (17th Amendment): Musharraf gave this power back to the President again.

People and politicians became tired of this. Then in 2006:

Benazir Bhutto and Nawaz Sharif together signed the "Charter of Democracy."

In this charter, they said: "We want the original 1973 Constitution, the President's powers should be reduced, and provinces should get more authority."

In 2008, elections were held. The people formed a democratic government. A committee called PCCR was formed under the leadership of Raza Rabbani. This committee worked with all political parties and prepared the draft. In 2010, the 18th Amendment was passed.

4. Why Did the 18th Amendment Come? (Major Factors)

To make Parliament powerful: So that the elected Prime Minister and Parliament run the country, not the President.

To reverse military-era changes: To remove all amendments made by military dictators (like the 8th and 17th Amendments).

To give autonomy to provinces: To allow Punjab, Sindh, KPK, and Balochistan to solve their own problems.

To fulfill the Charter of Democracy: To complete the promises made in 2006.

To strengthen institutions: To make the Election Commission, Judiciary, and Council of Common Interests (CCI) stronger.

Political consensus: For the first time, such a big amendment was passed with the agreement of all political parties, which is why it can last longer.

5. How Did the 18th Amendment Create Parliamentary Supremacy? (Giving Power to Parliament)

A. It Ended the President's Powers

Article 58-2B (which allowed the President to dissolve the Assembly) was completely removed.

Now the President can only act on the advice of the Prime Minister.

The President is now only a constitutional head, not an active ruler.

B. The Prime Minister and Cabinet Got Their Power Back

Now the Prime Minister is the chief executive.

He is the head of the Cabinet and makes all major policy decisions.

The Cabinet works under collective responsibility, meaning if one minister makes a mistake, the whole Cabinet is responsible.

C. Parliament's Role Increased

Now no major law, budget, or amendment can be passed without Parliament's approval.

MPs (Members of Parliament) can now ask questions to ministers, hold debates, and keep a check on the government.

D. Parliamentary Committees Got Power

Committees (like Standing Committees) now monitor the work of ministries.

These committees check government spending (budget).

This brings transparency.

E. Changes in Judicial Appointments

A Judicial Commission was formed to recommend judges for appointment.

After that, a Parliamentary Committee reviews that recommendation.

This reduced the executive's (government's) influence on the judiciary and made judge appointments more transparent.

F. Strengthening the Election Commission (ECP)

Now the Chief Election Commissioner is appointed by the Prime Minister and the Leader of the Opposition together.

This made the Election Commission more neutral (independent) .

G. Strengthening the Council of Common Interests (CCI)

The CCI is a forum where the federation and provinces discuss matters.

The 18th Amendment made it mandatory for the CCI to hold regular meetings so that federal-provincial disputes can be resolved.

6. How Did the 18th Amendment Strengthen Federalism (Provincial Powers)?

A. The Biggest Change: Abolition of the "Concurrent List"

Previously, there were 3 lists: Federal List, Provincial List, and Concurrent List.

The subjects on the Concurrent List (like Education and Health) could be legislated upon by both the Centre and the Provinces. The Centre usually dominated.

The 18th Amendment completely abolished the Concurrent List and transferred almost all of its subjects to the provinces.

B. Which Subjects Were Transferred to Provinces? (Devolved Subjects)

Education (schools, colleges, syllabus)

Health (hospitals, treatment)

Culture

Environment (climate, cleanliness)

Labour (workers' rights)

Social Welfare (helping the poor)

Tourism

Local Government (city councils, district governments)

Now provinces can make their own policies on these matters.

Example: Punjab can make its own syllabus, and Sindh can make a different one.

C. Provincial Autonomy Increased

Provinces can now plan their own development projects.

They depend less on the federal government.

They got the freedom to solve their own financial and administrative problems.

D. Provincial Rights over Natural Resources

Now the provinces are consulted more on the benefits of resources like oil, gas, and minerals.

This builds trust among the provinces and helps them cooperate better with the centre.

E. Fiscal Federalism (Distribution of Money)

The National Finance Commission (NFC) was made more important.

The NFC decides how much money the centre gives to the provinces.

Since provinces now have more responsibilities in education and health, they should get more money.

This amendment emphasized this point.

7. What Problems Came After the 18th Amendment? (Challenges)

Administrative Capacity of Provinces: Big subjects like education and health were given to provinces, but some provinces did not have trained staff and proper infrastructure.

Financial Problems: Provinces did not have enough money to handle so many new responsibilities. Budget management became difficult.

Coordination Issues: Now every province has its own education system and health policy. This has created differences in standards. One province has a good system, another has a poor one.

Coordination between Centre and Provinces became difficult, especially in issues like COVID or disaster management.

8. Final Conclusion

The 18th Amendment (2010) gave new life to Pakistan's constitution.

It ended the President's dictatorship and established Parliamentary supremacy.

It gave so much power to the provinces that Pakistan's system changed from centralized to decentralize.

There are still some problems in properly implementing it (like money and staff), but this amendment is still one of Pakistan's best constitutional reforms.

Its success depends on whether the federation and provinces work together.

Lecture 29

Judicial, Security, Territorial and Armed Forces Reforms (19th, 21st, 25th and 27th Amendments)

Part 1: 19th Amendment (2011) The Judicial Appointment Process

Background (Why was it introduced?)

After the 18th Amendment, a new procedure for appointing judges was introduced, involving both the Judicial Commission and the Parliamentary Committee.

Some people felt that in this new method, Parliament's influence would increase too much, and judges would not be able to work independently (meaning judicial independence would be at risk).

The Supreme Court reviewed this matter and suggested that Parliament make the process slightly clearer and more transparent.

Therefore, Parliament passed the 19th Amendment in 2011 to improve the appointment procedure.

What changed (Key Changes)?

The Judicial Commission was strengthened - This is the body that suggests names for judges. It includes senior judges, lawyers, and government representatives. Now it became even more effective.

The role of the Parliamentary Committee was clarified - Previously, this committee could reject a judge without giving any reason. Now, if they reject a judge, they have to provide a written reason. This stopped them from rejecting judges arbitrarily.

Judicial independence was protected - Now no single person (like the President) can appoint a judge on their own. Everything must go through a proper process.

Why was this important?

The process of becoming a judge became more transparent.

A better balance was created between the courts and Parliament.

This increased the public's trust in the judicial system.

It showed that if there is a constitutional issue, it can be solved through dialogue rather than conflict.

Part 2: 21st Amendment (2015) Terrorism and Military Courts

Background (Why was it introduced?)

Pakistan was facing a very high level of terrorism. Attacks were happening on civilians, schools, mosques, and security forces.

On 16 December 2014, the Army Public School (APS) in Peshawar was attacked, in which more than 140 people were martyred, mostly children. This was a huge tragedy.

After this attack, all political parties came together and created the National Action Plan (NAP). One important recommendation in this plan was to set up temporary military courts for terrorism cases.

Therefore, the 21st Amendment was passed in 2015.

What changed (Key Changes)?

Military courts received constitutional protection - This meant these courts became legally valid under the Constitution.

It was only for 2 years - This was not permanent. It was only an emergency measure for the time of the crisis. Normal civilian courts would always remain the main justice system.

It was part of the National Action Plan - This was just one part. Other tasks included improving intelligence, shutting down extremist groups, and strengthening the police.

It had support from everyone - After the APS attack, the government and the opposition passed this together, which showed national unity.

Why was this important?

It showed that Parliament can take quick action in emergencies.

It created a debate about how to balance security and rights.

Supporters said it was necessary for speedy justice during the crisis.

Critics said there was a risk to due process and fair trials.

This experience taught the lesson that civilian courts and police need to be strengthened further for the future.

Part 3: 25th Amendment (2018) - Merger of FATA into KP

Background (Why was it introduced?)

Before 2018, FATA (Federally Administered Tribal Areas) had a separate constitutional status. It was governed under a colonial-era law called the Frontier Crimes Regulation (FCR).

In this system, the Political Agent had a lot of power. People could not go to the Supreme Court or High Court. They did not get the basic constitutional rights that other Pakistanis have (like equality and freedom of speech).

For many years, there was a demand to bring FATA into Pakistan's normal system.

After many consultations and debates, Parliament passed the 25th Amendment in May 2018 and merged FATA into Khyber Pakhtunkhwa (KP).

What changed (Key Changes)?

FATA's separate status was ended - It now became a part of KP province.

The FCR (old colonial law) was abolished - Now Pakistan's normal legal system applies here.

Constitutional rights were extended - Now people here also got equality, protection of life, freedom of movement, and freedom of expression.

The Supreme Court and High Court's jurisdiction was extended - Now people here can also go to courts to protect their rights.

Political representation was given - Now these people can vote in the KP Assembly and even become members.

Administrative integration - Government departments like education, health, and police extended their services to this area.

Why was this important?

This was a historic reform. The colonial-era system was finally ended.

The rule of law was strengthened because normal courts now apply here.

Democracy was expanded - people got representation.

Now every Pakistani has the same constitutional status, regardless of which area they live in (equal citizenship).

National integration happened - meaning all areas started to feel like one united part of Pakistan.

Part 4: 27th Amendment (2024) - Army Chiefs' Appointment Process

Background (Why was it introduced?)

Previously, the Constitution did not clearly state how long the Army Chief, Navy Chief, Air Chief, and Chairman Joint Chiefs could serve, or if their tenure could be extended.

This issue was causing ongoing legal and political debates.

The government wanted a clear constitutional framework to remove uncertainty and keep the institutions stable.

Therefore, the 27th Amendment was brought in 2024.

What changed (Key Changes)?

Service Chiefs were specifically mentioned in the Constitution - Now the Army Chief, Navy Chief, Air Chief, and Chairman Joint Chiefs are explicitly mentioned in the Constitution. This made their status clear.

The appointment procedure was clarified - The Prime Minister will give advice, and the President will make the formal appointment. This maintains civilian supremacy (control by the elected government).

Tenure and Extension rules were clarified - The Prime Minister can recommend extensions or reappointments, but the Constitution now also specifies the maximum limit.

Retirement and Age limits - Parliament was given the authority to regulate retirement rules and age limits through legislation if needed.

Why was this important?

There is no ambiguity anymore - all the rules are clear.

The role of civilian authority (the elected Prime Minister) has been strengthened.

Uncertainty regarding army leadership has ended, which is good for institutional stability.

Parliament showed that it can solve such important matters through legislation.

Final Recap (Conclusion)

Together, these four amendments greatly improved Pakistan's system:

19th (2011): Made the appointment of judges transparent and balanced.

21st (2015): Created military courts for 2 years during the terrorism crisis.

25th (2018): Merged FATA into KP and gave full constitutional rights to the people there.

27th (2024): Clarified the rules for the appointment and tenure of Army Chiefs in the constitution.

All of this shows that Pakistan's Constitution can change with time and can face new challenges (judicial, security, territorial, and military)!

Lecture 30

Course Overview and Reflection

Part 1: Course First Half (Pakistan's Ideology and Creation)

At the very start of the course, we learned what Ideology is and why it is important for any nation.

Then we studied why Muslims declined in the subcontinent and how Sir Syed Ahmad Khan awakened them.

After that, the Muslim League was formed, Iqbal and Jinnah gave their leadership, and the Lahore Resolution was passed in 1940.

Finally, after all these efforts, Pakistan came into being in 1947. Women and young people also worked very hard in this struggle.

(Simple meaning: First part taught us WHY and HOW Pakistan was created!)

Part 2: Course Second Half (Pakistan's Constitution and System)

In the second part of the course, we learned about the importance of the Constitution.

First came the Objectives Resolution in 1949, then the Constitutions of 1956, 1962, and finally the 1973 Constitution (which is still in effect today).

According to this Constitution, there are three things: the Executive (Government), the Legislature (Parliament), and the Judiciary (Courts). Each has its own job.

We also learned that Pakistan has a Federal System (Center and provinces), and the 18th Amendment gave more powers to the provinces.

In addition, we studied Fundamental Rights (basic rights) and Human Rights (rights of women, children, and minorities).

And finally, we studied the 8th, 13th, 17th, 18th, 19th, 21st, 25th, and 27th Amendments.

(Simple meaning: Second part taught us the Constitution system and the amendments made to it!)

Part 3: What Does This Mean in Today's World?

The topics we studied (like democracy, justice, and provincial rights) are all still very important in Pakistan today.

Nowadays, new issues are emerging, like Digital Governance (online systems), Climate Change (weather changes), and AI (artificial intelligence).

To solve these new problems, we need new laws and strong institutions.

The simplest message of this course is: The Constitution is not just a bookish thing; it is useful in practical life too.

(Simple meaning: This taught us why these topics are still relevant in our daily lives!)

Part 4: The Future and Our Responsibility

In the future, Pakistan will need to strengthen its democratic institutions, speed up court systems, and protect digital rights.

The Constitution should keep evolving with time, but its core values (democracy, justice, equality) must always be protected.

This course taught us that Ideology and Constitution are deeply connected. Ideology created Pakistan, and the Constitution runs it.

It is our responsibility to become responsible citizens, respect the Constitution, and protect our rights.

(Simple meaning: This teaches us what to do in the future and what our duty is!)

Final Words (Just Remember This Much)

The Constitution is not just a piece of paper; it is Pakistan's entire system and the protector of our rights.

If we understand the Constitution, we can become good citizens.

We hope this course has helped you understand Pakistan's past, present, and future!

Best of luck!