

Introduction

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Pakistan has a troubled constitutional history since its inception as a nation state. In the beginning it adopted Government of India Act 1935 as interim constitution with some amendments. The first Constituent Assembly took a long time to frame constitution and only succeeded to define the direction of the constitution by passing the Objective Resolution in 1949. The first constitutional crisis arose in 1954 when the Governor General dissolved the Constituent Assembly because of his disagreement to the proposed constitution. Therefore, first constitution of Pakistan, developed in 1956, was abrogated after two years by the first President of Pakistan, Major-General Sikander Mirza. He dissolved the national and provincial legislatures and imposed Martial Law in October 1958, appointed General Ayub Khan as the Chief Martial Law Administrator. The military dictator framed a new constitution in 1962, authoritative in nature with presidential system of government. Indeed, few nations have gone through political and constitutional trials like Pakistan in such a short period of time. This phenomenon of repeated interventions and experimentation with Pakistani constitutional vicissitudes contributed to a recurrent pattern of crisis that hugely affected the credibility of central state institutions like the parliament. The role of Pakistan parliament in terms of smooth constitutional development cannot be termed exemplary. However, despite many obstacles, it was able to frame a constitution for the country in 1973. This was Pakistan's first constitution, developed and framed by mutual consensus and understanding, which provided a sound foundation for a parliamentary system in terms of conferring more powers and authority to the parliament. But this new constitution was substantially modified

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following the military coup of General Zia-ul-Haq in 1977, who changed the entire political dynamics as well as the original character of the constitution. However, the amendments in the direction of altering its nature were already underway during Z.A. Bhutto era.

The civilian governments after Zia could not work for strengthening the political institutions due to lack of political parties democratic spirit and constant military interference along with the use of Article 58 (2) (b) to dissolve the government usually on the bases of corruption and mis-management. The struggle of lawyers, parliamentarians, academicians and media during Musharraf era resulted in bringing awareness and enlightenment among the masses, especially the educated middle class of the country, which paved the way for 18th Constitutional Amendment.

The 18th Amendment, introduced by the Pakistan Peoples Party in 2010, has changed the power politics of the country at least in theory. It reduced the power of the centre and devolved numerous responsibilities to the provincial governments thereby reinstating the federal vision of the original 1973 constitution. The general elections held in May 2013 brought Pakistan Muslim League (N) into power with high expectations. However, economic worries, price hike, unemployment along with election irregularities marred its popularity. As a result political parties such as Pakistan Tehreek-i-Insaf and Pakistan Awami Tehreek got the opportunity to demand electoral reforms in the country and staged the longest ever sit-in in the country's history. This unique protest movement for the establishment of electoral reforms, social equality and social justice can lead to a new discussion on the constitution and its amendments.

The Department of History, University of Peshawar, in collaboration with Hanns Seidel Foundation Pakistan, organized a conference on the '1973 Constitution of Pakistan and its Amendments: Theory and Practice' on May 26-27, 2015. Out of around 50 scholars, papers of 12 were accepted on issues covering different aspects of the constitution – from the nature of constitution itself to core-periphery relationship. The present issue of *Pakistan Perspectives* contains 10 papers from the conference presentations which were accepted after blind peer review. Husnul Amin's 'Politics of Counter-terrorism and the 21st Constitutional Amendment in Pakistan' traces and problematizes the ongoing counterterrorism discourse in Pakistan in relation to liberty-security paradoxes. Using Agamben's state of exceptionalism, his paper raises the question how certain kinds of issues are securitized while others are left out. Hina Khan's article 'Chosen by the People: Articles 62, 63 and the Issue of Qualification and Disqualification of Public

Representatives’ analyze the history of the qualification for public offices and debates whether some selective body should have the right to define qualification for the public representatives or that the decision should be made on the collective consciousness of the electors. Syed Waqar Ali Shah’s ‘1973 Constitution and the Conflict between Secular and Islamic Forces’, suggests that both the said forces claim welfare of the masses but when it comes to actual services, both groups fail to accommodate each other. This conflict is very visible and repeatedly exhibited in case of 1973 constitution of Pakistan where a deadlock situation often occurs. There is a need to development respect and rational approach to resolve the issue. Abdul Rauf’s ‘1973 Constitution: A Thwarted Compromise between “Islamists” and “Modernists”’ focuses on the issue of struggle between the Islamists and modernists. The author asserts that the Islamists over powered the modernists over the years and after a certain time no modernist was able to have any say in the constitutional issues. Muhammad Ali’s ‘Decentralized Governance Initiatives in Pakistan: Post 18th Amendment Perspective’ suggests that decentralization helps in economic growth and strengthening institutions though much work is needed to be done in this direction. Kishwer Khan’s ‘Post 18th Amendment Scenario of Higher Education: A Case Study of Sindh’ focuses on the education sector in the aftermath of 18th Amendment. She suggests that decentralization has not been practiced while centralization at provincial level has increased. Sajjad Ahmad’s ‘Core-Periphery Relationship: The Post-1973 State of Pakistan and Nationalism in Gilgit-Baltistan’ states that in the aftermath of the 18th Amendment transfer of powers by the centre to the provinces has started. However, G-B is still largely governed by the Federal Ministry of Kashmir and Gilgit-Baltistan and the civil servants appointed by the centre. He attempts to analyze why the Governance Order of 2009 and 18th Amendment have so far failed to transfer administrative and financial powers to the local administration and what are the possible ways to deal with the nationalist demands in the current political context. Sumaira Shafiq’s ‘18th Amendment and the Constitutional Structure of Azad Kashmir’ focuses on the constitutional structure of Kashmir and its relation with Pakistan. She asserts that the 18th Amendment provides no provincial and financial autonomy to the region. Azad Kashmir is neither a province of Pakistan nor a defined territory of Pakistan in the constitution of Pakistan. The impact of this amendment on Azad Kashmir cannot be seen unless the status of Azad Kashmir is defined in the constitution of Pakistan. Imrana Begum in her paper, ‘The 18th Constitutional Amendment: A Case Study of FATA’, suggests that depriving FATA from its due rights would increase the gulf between

state and society which would affect the smooth running of the federation itself. Akhtar Hussain Sandhu's article 'Saraiki Suba Movement in the Punjab: Viability in Focus' asserts that the pre-partition politics which revolved around religion was shifted to language and culture in the post-partition era. Problems of rule of law and weak infrastructure motivated the groups to raise voice for their rights and ultimately for new province. He suggests that prosperity and unity can be assured through better governance.