

The Thirteenth Amendment:

It was an amendment in the Constitution of Pakistan, adopted by the Parliament of Pakistan; Prime Minister Mian Nawaz Sharif. It stripped the President of Pakistan of his reserve power to dissolve the National Assembly, and thereby triggering new elections and dismissing the Prime Minister. The Constitutional Amendment was supported by both the government and the opposition, and was thus passed unanimously. With the enforcing of this amendment, Pakistan's system of government was shifted from Semi-presidential system to Parliamentary democratic republic system. The amendment removed Article 58(2)(b) of the Constitution, which gave the President the power to:

dissolve the National Assembly in his discretion where, in his opinion ... a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.

In Pakistan, once legislators are elected to national or provincial assemblies, the people cannot recall them before the end of their five-year terms. In the past, this has contributed to a sense of immunity on the part of members of the ruling party, and to a public perception of rampant corruption among leading politicians in 1997, Pakistan received the second-worst score in the world on Transparency International's Corruption Perceptions Index.

A few months later, the Fourteenth Amendment was passed, which subjected Members of Parliament to very strict party discipline by giving party leaders unlimited power to dismiss legislators who failed to vote as directed. This virtually eliminated any chance of a Prime Minister of being thrown out of office by a motion of no confidence. The amendments removed nearly all institutional checks and balances on the Prime Minister's power, by effectively removing the legal remedies by which he could be dismissed.

The National Assembly unanimously adopted the Constitution Bill, the Thirteenth Amendment,

in April 1997 by a two-third majority. The Thirteenth Amendment was put before the National Assembly on April 1, empowering the Prime Minister to repeal 58(2) b, and advise the President on the appointments of three forces' chiefs, the J. C. S. C. Chairman and the Governors. Thus the discretionary power to appoint the chiefs of the armed forces was taken away from the President. In the proposed Amendment Bill, clauses to restore the women parliamentary seats and to convert the Ordinance into an act of the Parliament were also incorporated. The power of the Governor to dissolve the Provincial Assemblies under Article 112(2) b was also done away with. Through the Thirteenth Amendment the controversial Eighth Amendment was repealed and thereby the President was divested of many discretionary power in order to restore the supremacy of the Parliament. The infamous Eight Amendment had been inserted in the Constitution in 1985, by the non-party based Parliament, when General Zia-ul-Haq was the Chief Martial Law Administrator and President of Pakistan. Its most notorious and troublesome provision, 58(2) b, had empowered the President to sack the Prime Minister and his Cabinet and dissolve the National Assembly. The provision had since been used by three successive Presidents since 1985, and four Prime Ministers, along with their Cabinets and the National Assemblies, had been dismissed. Having announced the Thirteenth Amendment, Nawaz Sharif said that it had been introduced to revive the democratic concept, as envisaged by the Quaid-i-Azam and Allama Iqbal. Although it seemed that a complicated and sensitive constitutional issue was solved in an amicable way through consensus, and it was anticipated that through the Thirteenth Amendment a new era of democratic freedom and political stability would start, all the hopes dashed to the ground when once again the democratic process was demolished all of a sudden. A military coup not only sacked Nawaz Sharif and his Cabinet, but also dissolved the National Assembly and the Provincial Assemblies.

The 14th Amendment in the Constitution of Pakistan;

The **Fourteenth Amendment to the Constitution of Pakistan** was an amendment to the Constitution of Pakistan passed in 1997, during the government of Prime Minister Nawaz Sharif, leader of the Pakistan Muslim League party. It subjected Members of Parliament to very strict party discipline. Party leaders received unlimited power to dismiss any of their legislators from Parliament if they spoke or voted against their party.

Since Nawaz' party had an overwhelming majority in Parliament, the Fourteenth Amendment effectively prevented the Prime Minister from being dismissed by a *no confidence* vote. A few months earlier, the Thirteenth Amendment took away the President's reserve power to remove a Prime Minister by dissolving Parliament and calling new elections. The amendments removed nearly all checks and balances on the Prime Minister's power; since there was virtually no way he could be legally dismissed.

In Pakistan, once legislators are elected to national or provincial assemblies, there is no way for the people to recall them before the end of their five-year terms. In the past, this has contributed to a sense of immunity on the part of members of the ruling party, and to rampant corruption among leading politicians. The Fourteenth Amendment increased this perception, and contributed to the overwhelming popular support for General Pervez Musharraf's coup in 1999. The Supreme Court subsequently validated the coup on the grounds that the Thirteenth and Fourteenth amendments created a situation for which there was no constitutional remedy.

