

Deadlock would have been dangerous

By Prof Ghafoor Ahmad

Prof. Pol.
Dawar
16.2.09

THE government-MMA agreement says that the previous age-limit will be maintained. The 17th amendment bill has restored articles 179 and 185 in the original shape, thus maintaining the ages as 65 and 62 respectively.

v) *Appointment of the chiefs of armed forces:* The LFO added sub-clause (3) to Article 243 of the Constitution which authorized the president to appoint in his discretion Chairman of the Joint Chiefs of Staff Committee and the three heads of the armed forces. The prime minister had no role to play. The government-MMA agreement amended sub-clause (3) of Article 243 by changing the words "President's discretion" into "in consultation with the prime minister. This binds the president to consult the prime minister while making such appointments.

vi) *Protection to law in Schedule (VI):* According to Article 268(2) of the Constitution, laws in the Sixth Schedule can neither be amended nor changed nor abrogated without the prior approval of the president. The Seventeenth Amendment Bill amended Article 268(2). Now the Local Government Ordinances (Balochistan, NWFP, Punjab, Sindh) at numbers 27 to 30 of the Schedule, and Police Order 2002 at number 35, will be taken out of the schedule after six years. After that period prior approval of the president will not be needed for any amendment sought.

vii) *Ratification of constitutional amendments, orders, etc.:* It was agreed between the government and the MMA that, following the procedure of the Eighth Amendment and as given in 270

seats in the National Assembly was raised from 237 to 342. That also included 60 seats for women and 10 for non-Muslims.

ii) Article 51(2)(B) was amended that made the voter's age 18 instead of 21.

iii) Amendment in article 59(i) raised the number of Senate seats from 87 to 100.

iv) Through an amendment in Article 106(i), the number of provincial seats was also raised. Accordingly, Balochistan is now having 65 against 43, NWFP 124 against 83, Punjab 371 from the original 248, and Sindh 168 instead of 109. Women seats in the new assemblies are: 11 Balochistan, 22 NWFP, 66 Punjab and 29 Sindh.

v) Article 106(2) was also amended through the LFO to raise the age of provincial voters from 18 to 21.

vi) The strength of the Election Commission's members was enhanced from three to five through an amendment in Article 218(2). Earlier, there were the Chief Election Commissioner and two judges of the high court as members. Now there are four members, one from each provincial high court. The member will be appointed by the president in consultation with the respective chief justice of the high court and the election

tion within seven days. The National Assembly will consider the Senate's recommendations. After having accepted the recommendations or not, the Assembly will then send the approved bill to the president.

iv) Article 101(i) says that the president, while appointing governors, was bound to seek the "advice" of the prime minister. The amendment changed "advice" to "consultation." This means the president will no more be bound to seek "advice" and will exercise his discretion in such appointments. This amendment (through the LFO) is such that efforts must be made to change it (back to the original form).

v) Article 140 now provides for a sub-clause (A). It says: "Every province will install a local government system by law and will devolve to the elected representatives (related) powers and responsibility in political, administrative and financial matters".

vi) Article 199(4-A) provided that a provisional order given by the high court will no more be effective after the given six months. The LFO added to it: "subject to the condition that the matter for which the provisional order was made is finally settled by that court within six months."

vii) In Article 203(c), the word "Pay" for the Chief Justice of the Federal Shariat Court has been changed to "Salary", which is more befitting to the position of the Chief Justice.

viii) Article 209(5) provided that: if a judge of the supreme court or high court is unable to perform his duties properly, due to either physical or mental condition, or if he is found involved in corruption, the president will direct the judicial council to investigate the matter. The

We should not overlook the fact how dangerous it could have been if the deadlock between the government and the opposition had not