

# *The Constitutional and Political Dimensions of Eighth Amendment*

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## **Introduction**

Pakistan has a unique constitutional experience as it has witnessed frequent and drastic changes in the constitution in the form of three successive constitutions and a host of provisional constitution set-ups. Therefore, Pakistan has kept on oscillating between presidential and parliamentary forms of government. The result has been instability and unpredictability in relationship between the democratic institutions and a powerful civil-military bureaucracy.<sup>1</sup> Very often, constitutions were used as an instrument for the pursuance of vested interests by regimes through manoeuvring or amending these to suit their short-term objectives. Judiciary, more often than not, did not help in restraining the authoritarian rulers. In this sense, they exposed itself to the charge that it did not quite succeed in its role as custodians of the fundamental law of the land.<sup>2</sup>

The first Constitution of 1956 envisaged a parliamentary form of government. But some of its grave contradictions led to its failure. The Constitution of 1962 conceptualised a presidential form of government but its dictatorial tinge virtually played havoc with

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1. Hassan Abbas, *Poleaxe or Politics of Eighth Amendment* (Lahore: Watandost, 1997), 7.

2. *Ibid.*, 7.

