



ISLAMIC REPUBLIC OF PAKISTAN BRIEF INTRODUCTION

The Islamic Republic of Pakistan is a federation and is governed under the Constitution of 1973 which provides for a Federal Parliamentary form of Government. In defining provincial autonomy, the 1973 Constitution, especially after passage of the 18th amendment to the Constitution in 2010, is more explicitly in favor of the federating units than the previous Constitutions of 1956 and 1962.

The 18th Amendment (2010) to the Constitution of the Islamic Republic of Pakistan represents a major change in the balance of political, legislative and administrative powers and distribution of fiscal authority and resources between the federal and provincial governments in the favor of the latter. Hence, it requires wide-ranging changes in structures and processes in the realm of governance, development planning and implementation, institutional development and capacity building.

The President, who is Head of State, is elected to a five year term by an electoral college drawn from the National Parliament and Provincial Assemblies. According to Article 50 of the Constitution, the National Assembly, the Senate and the President together make up a body known as the Majlis e Shoora (Parliament). The government is headed by the Prime Minister who is selected by the National Assembly. The National Assembly has 342 members, 272 elected by popular vote with 60 seats reserved for women and 10 for minorities, all serve five year terms. The 100 members of the Senate are indirectly elected by the provincial assemblies and representatives of the federally administered territories in the National Assembly and they serve six year terms. Administratively, the country is divided into four provinces and two territories. Each province has its own legislative assembly, whose members are elected by direct popular vote, a provincial Governor appointed by the President and a Chief Minister elected by the respective Legislative Assembly.

The Judiciary includes the Supreme Court, provincial High Courts, District & Sessions Courts, Civil and Magistrate courts exercising civil and criminal jurisdiction. The Supreme Court of Pakistan has original, appellate, and advisory jurisdiction. The Chief Justice of the Supreme Court is appointed by the President; the other Supreme Court judges are appointed by the President after consultation with the Chief Justice. Under the 1973 Constitution, all the four provinces (Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan) have High Courts. After the passage of the 18th Constitutional Amendment in April 2010, a new High Court has been established in the Federal Capital, Islamabad. High Courts have original and appellate jurisdiction. In addition to the High Courts, there are Special Courts and Tribunals to deal with specific types of cases. Appeals from special courts and Tribunals go to the High Courts.

There is also a Federal Shariat Court of Pakistan which is empowered to examine and determine whether the laws of the country comply with the body of Islamic laws known as the Shari'a. It consists of 8 Muslim judges appointed by the President of Pakistan after consulting the Chief Justice of the Supreme Court, from amongst the serving or retired judges of the Supreme Court or a High Court or from amongst persons possessing the qualifications to be

appointed judge of a High Court. Of the 8 judges, 3 are required to be Ulema who are well versed in Islamic law.

The office of Mohtasib (Ombudsman) adds another signpost to the grandeur of the judicial system. The Office of Wafaqi Mohtasib (Federal Ombudsman) was established in Pakistan in 1983, one of the first countries in South Asia to have an Ombudsman on the Swedish model. Subsequently, five additional Ombudsmen have been appointed, one in each province as well as in Azad Kashmir and three single mandate Ombudsmen have also been appointed for Federal Taxation, Banking and Insurance and three to investigate complaints of harassment against women in the workplace, one federal and two provincial, in Sindh and the Punjab.

Appointed by the President, the Ombudsman enjoys Constitutional protection and cannot be removed from office except when misconduct is established against him/her in trial before the Supreme Judicial Council. All Ombudsmen hold office for four years; the term cannot be extended or renewed. The landmark Federal Ombudsmen Institutional Reforms Act, 2013 guarantees financial autonomy to all Ombudsmen, uniform conditions of employment as regards remuneration, perquisites and tenure and invests them with power to hold in Contempt those who defy the authority of the Ombudsman and fail to implement his recommendations or disparage the office in any way, to grant interim relief in suspected cases of hardship resulting from maladministration, to initiate 'own motion intervention' and to award suitable compensation for damages suffered as a result of maladministration.

The Federation is administered through the Civil Service of Pakistan, selected through a competitive examination conducted by the Federal Public Service Commission, which is the permanent bureaucracy of the Government of Pakistan. The civil servants are the permanent officials of the government, occupying a pivotal position in civil society. The provincial governments have their own civil service recruited through the respective Provincial Public Service Commissions.