

Q) 18th Amendment has essentially altered the nature of federation in Pakistan; where the strong center is facing the challenges from autonomous provinces. This has become an enduring cause of political strain in Pakistan. Discuss.

1) Introduction: 18th Amendment a landmark in Pakistan's constitutional development

The 18th Amendment is a landmark in the constitutional development of Pakistan, solidifying the vital pillars of democracy and also brevring future military coups. The Amendment was also hailed for allocating powers disproportionately skewed towards the provinces, for it was believed to improve local governance and center-province relations. However, in recent times, it has courted much criticism and controversy for the exact reason it was once extolled, i.e., decentralization of powers.

2) Provisions in 18th Amendment that altered the nature of federation in Pakistan:

2.1) Article 70; Abolition of concurrent list:

The constitutions of 1973 originally
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contained two lists to distribute the powers between center and provinces, with federal list enumerating the subjects solely to be governed by state, and concurrent list listing the subjects influenced by both, the center and the provinces. Remaining powers were to be given to provinces. However, the 18th Amendment abolished the concurrent list devolving 44 of the 47 shared subjects to provinces.

2.2) Article 160: Bar on reduction in Provincial Share of NFC Awards

NFC Awards refers to the division of financial resources between the center and the provinces. NFC awards have been altered throughout Pakistan's chequered history, sometimes reducing the funds to be given to provinces. The 18th Amendment, however, in a bid to dispel resentment harboured against the center, put a bar on the reduction of provincial share.

2.3) Article 172: Joint ownership of Gas and Minerals

Article 172 clause 3 of the 18th Amendment gives ownership of gas and minerals, which were previously controlled by the center, to center as well as the province where the minerals are situated or extracted from.

2.4) Article 112: Power to dissolve Provincial Assembly:

Previously, the power to dissolve Provincial Assembly was vested in the governor. Given that governors were directly appointed by the president and were considered the representatives of center, this gave power to the center to dissolve provincial assembly. However, after the 18th Amendment, this power was stripped.

2.5) Article 167: Provinces were given the power to raise loan.

Article 167 endows the provinces with the prerogative to raise domestic

and international loans. Albeit the loans were subject to NEC's approval, it was a crucial step towards empowering the provinces.

2.6) Article 91: limit of two terms for Prime Minister lifted

Under the presidency of Musharraf, Public Office Order, 2002 ~~was~~ were introduced which a bar of the same candidate to run for the office of Prime Minister. However, Article 91 was enacted which repealed the limit.

3) How the center is facing challenges from Autonomous Provinces:

3.1) Lack of cohesion due to political motives:

With the provinces growing autonomous the cohesion of governance has taken a hit. Political ~~to~~ motives triumph over national interests. Many of the center's ~~are~~ policies are viewed as politically motivated, which creates

a constant conflict between the two. A glimpse of this perpetual feud was witnessed during the covid epoch, when Ehsaas program was launched to dispense financial aid to the vulnerable sections of the community. However, the sindh government saw this move as a political stunt hindered the progress of this program in the province. Later the dispensation of funds was only made possible under a different name.

3:2) Larger share in NFC has reduced the dependency of provinces on the center:

Larger allocation of funds have made the federating provinces self sustainable. Previously, provinces had to maintain cordial ties with the center to seek financial assistance since their limited funds were not adequate. However, with such financial freedom provinces do not have to rely on center which serves as provides an impetus to defy the federal govt.

3.3) Bar on Provincial share of NFC Awards ensure perpetual freedom:

Setting a bar on reduction of in Provincial shares ensures their perpetual financial freedom. If there wasn't a bar placed, this would've given center a leverage over provinces.

3.4) Abolition of concurrent lists:

The abolition of concurrent lists have landed a massive blow to center-Province relations. The subjects of concurrent lists fell under the jurisdiction of both center and province. Not only did it prevent provinces to acquire more power but also served as a basis for center-province cooperation in these matters. With the abolition of this list, there are less ~~matters~~ matters that require the attention of both, eliminating the need to work better.

3.5) Joint ownership of minerals can lead to disputes

with both the center and the province, which contains the minerals, sharing ownership, the relations can only get worse. The two can engage in endless strifes over how the resources needs to be distributed. Such resistance can erode the authority of the center, leading to problems.

3.6) Power to dissolve Provincial assemblies stripped from the center:

The power to dissolve provincial governments was crucial for center to maintain its influence. With this prerogative intact, provinces had to obey the instructions of the center, for they knew the fate of their governance hung in the balance. With this power taken away, provinces have grown & more autonomous, leading to fierce resistance to the center's policies.

3.7) Lack of new leadership after Article 91:

While this might not impact the relations directly, it does have an

in direct effect. The enactment of Article 91 contributed to the country's dynastic politics. It keeps new leadership from emerging and consolidates powers in the hands of a few. This implies that personal vendettas are entertained and prospects of cohesive governance remain bleak, straining the political landscape of the country.

4) Conclusion:

There remains no ambivalence that the 18th amendment has impacted the center province relations. Although devolution of power is essential for better governance and creating harmonious relations, too much powers concentrated in provinces can prove counter productive. It is high time to revisit the Amendment and make appropriate changes that preserves provincial autonomy while also establishing the center's authority.