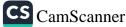
Pak Affairs 2020 Q - Discuss the Federal Structure of 1973 Constitution of Pakistan angler 18th Amendment. Why criticism on 18th Amendment started recently? Answer 1- Introduction Pakistan was envisioned liberal democratic Jederation in Pakistan Resolution 1940. However, this aspiration of Phistan public was fultilled with promulgation of the constitution of 1973. The martial laws of 1977 and 1999 and subsequent amendments greatly obliterated the federal structure of the country by making the centre stronger and provinces weaker To meet the aspirations of people, eightenth (180 amendment was passed to sestore the 173 constitution in its true democratic, federal and Farliamentary pirit Besides many other changes, 18th amendment greatly changed the federal structure of Pakistan Recently, it is also in focus of criticism for weakening the political administrative and financial control of the certie. The transformation of federal structure after the 18th



amendment and the critique on the 18th amendment are discussed as. under in following lines. 2-Federal Structure of Pakistan after the 18th CAmendment The 18th amendment charged the federal structure of Takistan such that it empowered the federating units - provinces - in political administrative and financial domains upto greater extent. i- Administrative Empowerment of Provinces 18th amendment abolished the concussent list devolving seventeen (7) ministailes and 47 subjects to the provinces. Thus it empowered poinces in multiple fields like health, education, envisonment, law and order and sevenue collection, etc ii-Political Empowerment of Provinces 18th amendement ensured political



Give the reference of article numbers amended empowerment of the provinces. The dissolution of provincial assemblies was made conditional to be unanimous sesolution of Parliment Similarly, the Council of common Interests (CCT) was enpowered politically, administratively and financially AR The inter-provincial issues were to be decided by CCI. unanimously. Similarly local governments in every province the mandatory as per Article 140 (A). Therefore, 18th amendement grants greater political empowerment to the provinces and public as well. Highlight the references iii - Financial Empowerment of Provinces On one hand, 18th amendment granted powers to the provinces to collect various taxes temselves while on other hand, it increased the shave of the princes to 57.5% and decreased the share & the f centre to 42.5% of the Zederal divisible pool. Moreover, it also stipulated that



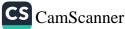
the share of the provinces cannot be reduced granted through National Finance Comission (NFC) Awayd in the next award Thus, it ensured the non-varying legitimate financial share & the provinces iv-Mistellameous changes altering Jederal structure through the 18th amendement 18th amendment custailed various powers of the President empowering the Prime eninister at the centre while it also custailed the powers of Governor at provinces and thus, empowered the Chief Minister Similarly, the sole of the President was made advisory in the appointment of various key posts. Moreover, for financial and political devolution to the lowest tier, province findance comission and local governments were made mandatory Add more arguments in this patt



3- Criticism on 18th Amendment EAS criticism is deemed as the soul in democracy; Therefore, 18th amendment is also criticized by certain quarters on following grounds i-Declined Control of the Centre over provinces One of the major criticism made on the 18th amendment is the declined control of the centre over province by the excessive empowerment of the provinces changing federation into a loose confedration. The centre has lost its control over provinces in following ways; a - Loosening of Administrative Control According to many critics, the centre has lost the administrative control over the provinces in many key domains; in which the centre can pexform in better way then provinces and also the centre's intraventional is generally sequised for example, in education sector only the centre can devise uniform and single cursicalum and palicy. However the centre has lost its mandate in



many important sectors like education after the 18th amendment. 6- Loosening Financial Control Critics also claim that centre has also last financial control over the provinces after the 18th amendment of the centre has the only Federal Body of & Revenue (FBR) to collect sevenue while provinces have many agencies for collection & raxes in different domains but still provinces get major share & the Federal Divisible Pool (FDP). Thus provinces enjoy the financial freedom and perks but did not collaborate with the centre in bearing defense expenditure managing finances for disaster management and repayment & debt services c- Loosening Political Control over Provinces SAnother reason but forward by the critics of 18th amendment i the declined political control of the centre over provinces In some instances, the centre is left with no option to sesolve political



deadlock due to sesolution put Josvanded by the the provincial assemblies Similarly, The decisions are made unanimously in council & common interests (CCI) and thefore, the prospical thick ministers can block any decision taken is by the centre. Therefore, 18th amendment is esiticityed for loosening political control of the centre over provinces ii- Administratieve Burden on the Provinces Provinces especially Baluchistan and Khyber Pakhtun lack capacity to administer the subjects transferred to them after the 28th amendment. Therefore, neither centre is left with mandate to interene in certain sectors nor provinces dave the required capacity to govern better in those sectors Similarly, the transfer & the staff & the devolved subjects have also added Justher financial burden on the provinces iii-Provinces desire extended autonomy but do not realize their responsibility Provinces have got wider autonomy



and still seek further powers. However, They savely focus is enhancing their capacity to gain more financia independence by gathering own finances and perform better by improving governance themselves therefore, if the certie has not been broadering its tax network and enhance tax to GDP satio, the provinces are also neither Jocusing to broaden the net of taxes falling within their domain nor they are widening their sources of local income. Thus, provinces have more focus on seeking accommy than caving and shaving the headings argument by iv- Criticism on Miscellaneous Disues Tised after the 18th Amendment Another major criticism made on the 18th amendment is the complex operating method of the council & Common Interests (CCI) It is envisioned on the constitution to Call the meeting of CI after every go days but savely the meeting is held or decision is made due to complex mechanism. A leading lawyer



S.M. Zagar (Late) Called CCI as the government within government due to its exordinary financial and administrative autonomy. Similarly, as jest Article 140(A), local government is mandatory but neither election is held in time nor the elected ones are granted their due pinancial and administrative duthonity which erodes the original spisit of the 12th amendment. to devolve pour to the lowest ties. Due to provincial incapacity, 22 million children are out of school which undermines The constitutional obligation of free education to every citizen envisioned in the Article 25(A) Last but not the least lifting ban on the election of Prime Minister, doing away with condition of at aparty election through 18th amendment are considered detrimental to democracy by curbing the way of emergency of new leadership and promoting dynastic politics Keep the description of a single heading brief and increase the number of



Short answer. A 20 marks qs should have 4- Canchastasubheadings 18th amendment largely altered the federal structure of 1973 constitution of Pakistan through a number of constitutional charges However, it is being criticized by many circles For over-empowerment of the provinces and eroding the control of the centre over the provinces Thus, dialogue and debate can better address the saised esiticism but both the centre inners need to enhance and prove their governance structure to realize the desired aims envisioned in the 18th amendment. Work on the structure of the answer. Improve the description and the no of arguments Improve the paper presentation and the references part

