

Q No. 03 Define and critically analyse the provisions of 18th amendment.

01. Introduction:

The 18th amendment is a landmark initiative to promote governance mechanism in the country. As many as 102 changes were made in the constitution. These amendments are well-received by the majority. However, there are also certain criticisms such as low fiscal space with federation and loss of federal authority over provinces.

02. Understanding the 18th amendment:

The 18th amendment was signed by the president of Pakistan on April 19, 2010. This amendment changed the legal status and governance pattern of the provinces. In this way, the concurrent list was abolished and its 99 percent subjects were

transferred to the provinces.
By this, provinces became
more powerful and they
got more autonomy.

03. Major provisions of the 18th amendment;

There were above
100 changes in the constitution,
however, major ones are
highlighted below;

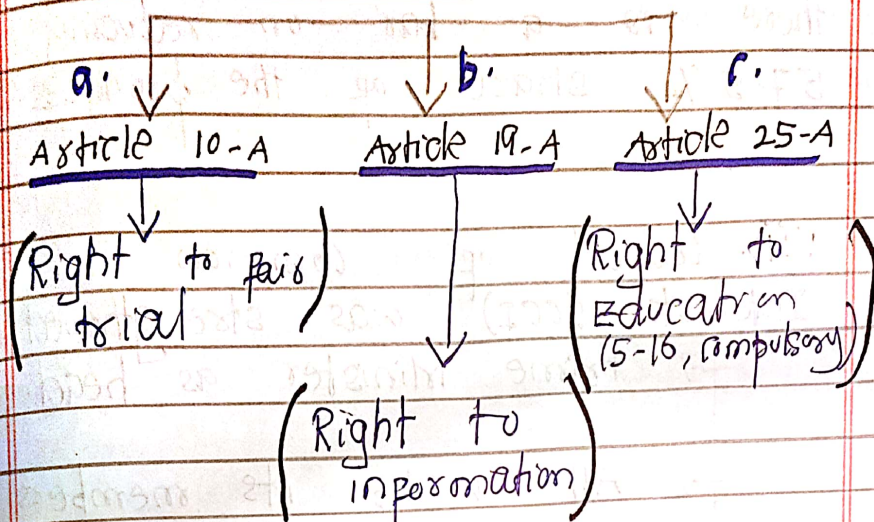
i. Under Article 01, the
name of NWFP was changed
into KPK. Similarly, spellings
of Sind and Balochistan
were changed as Sindh
and Baluchistan.

ii. Definition of high
treason under Article 06
was expanded to avoid the
constitutional crisis

High treason

- Holding constitution in
abeyance
- Abrogation of the
constitution
- Suspension of the
constitution

iii. Three more civil rights were introduced



iv. Withdrawal of prime minister two terms to free. Under the 17th amendment, terms of P.M. were set as two. However, the 18th amendment withdrew this condition.

v. Condition of holding intra-party elections abolished. In 17th amendment, it was necessary for a political party to conduct intra-party elections. But the 18th amendment abolished this requirement.

vi. National Finance Commission Award (NFC) was reconstituted. Under the 18th amendment, there is a bar on reducing 57.5% share of the provinces.

vii. Council of Common Interests (CCI) was strengthened.

→ Prime Minister as head.

→ All C.M.s its members

→ Meeting in 90 days (at least)

viii. Institutionalization of the key constitutional appointments

→ Judicial appointments by two forms: Parliamentary Committee and the Judicial Commission of Pakistan.

→ ECP appointments by a joint parliamentary committee

→ Appointment of caretaker government through committee.

ix. Power of president to dissolve National Assembly was smashed under Article 58(2)(b). Similarly, power of governors to dissolve provincial assemblies was dissolved/withdrawn.

x. Right of collecting the services taxes was transferred to the provinces.

04. Critical analysis of the 18th amendment:

(a) The 18th amendment was well-received by the majority due to following welcoming changes.

i. Promotion of good governance and democratic values. For instance, change in Article 06 would strip extra constitutional measures.

ii. Introduction of three more basic rights under Articles 10-A, 19-A and 25-A would empower the citizens.

iii. Institutionalization of the major appointments would avoid a possible constitutional crisis in the future.

iv. Reconstruction of NPC and CCI would enhance good relations between center and provinces.

v. Amendment of Article 58(2)(b) for discouraging president to dissolve National Assembly would bring political stability.

(b)

The 18th amendment has also raised certain concerns in public owing to the following implications

i. The 18th amendment has left low fiscal space with the federation.

ii. The 18th amendment has caused the loss of federal authority in majority of the cases.

iii. Withholding the condition of intra-party elections would enhance dynastic politics.

iv. Doing away with the condition of two terms of P.M. would deprive deserving people from taking leadership role.

05. Conclusion:

To recapitulate, the 18th amendment is a blend of landmark changes. It has invited mix of welcoming and discouraging notes. Overall, the 18th amendment is an attempt to improve governance if its provisions are implemented with due spirit. Without practical steps, it would be a mere change in the documents.