

Q Federal character of Pakistan's government is enshrined in its 1973 constitution. 18th constitutional amendment enhanced political and fiscal space for Pakistan's constituent units. Highlight key features of 18th constitutional amendment and explain its significance for the smaller provinces of Pakistan.

1- Int

2- 1973 const
over3- 18th
over

4- Key 18th

Significance
G-C.A
over

b/p

c/p

Answer 1-

Introduction

"18th amendment is an essence of 1973 constitution"
(- Raza Rabbani)

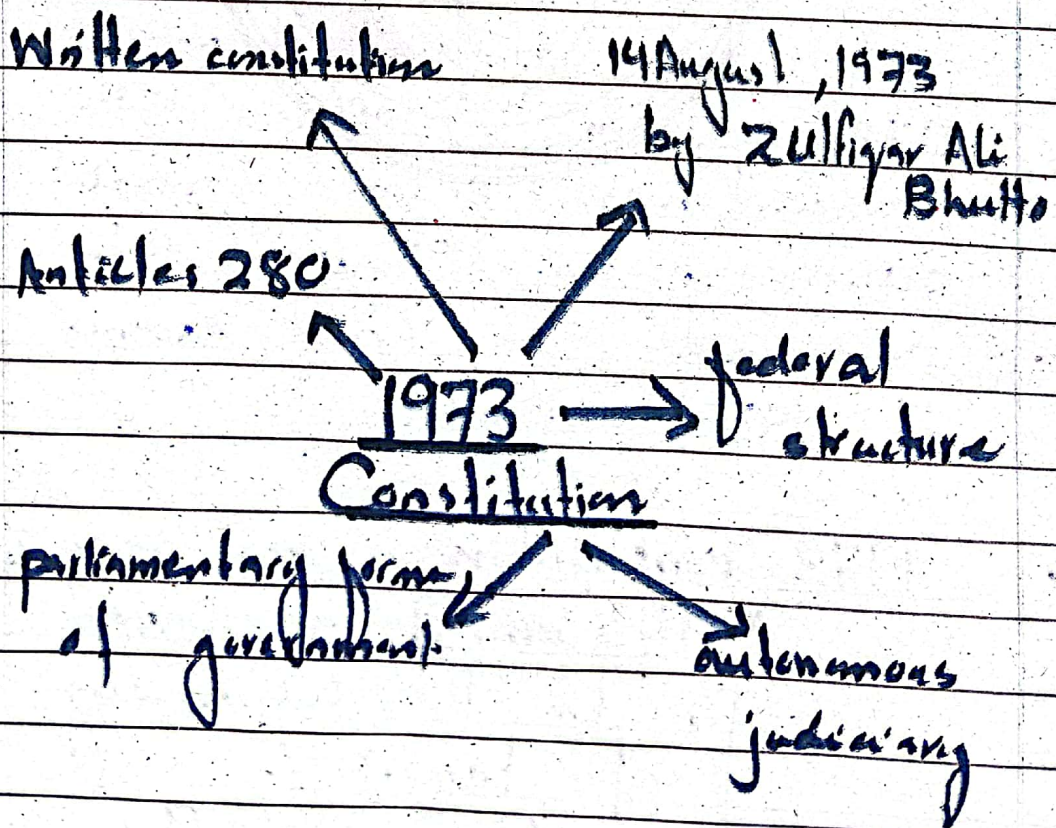
Pakistan is a federation form of government. Federal characteristics got their original shape in 1973 constitution. Moreover, 18th amendment ensured provincial supremacy, too. Therefore, 18th amendment is an essence of 1973 constitution.

2- 1973 constitution - an overview

"1973 constitution paved for for the supremacy of law."

(- Raza Rabbani)

1973 constitution was proposed by Zulfikar Ali Bhutto on August 14, 1973. It was a written constitution like 1956 and 1962 constitution, with articles 280. In 1973 constitution, parliamentary form of government was declared and it was a federal structure. Moreover, judiciary was autonomous. Thus, 1973 constitution was a magic for Pakistan as compared to 1956 and 1962 constitution.



3-

18th amendment 2010 - Status
of 1973 constitution

"18th Amendment
solved many conflicts
between center
and

provincial government."

(- Ishtiaq Hussain)

18th amendment 2010 changed
status of 1973 constitution. In fact,
18th amendment strengthened 1973
constitution including enhanced
supremacy of parliament, autonomous
judiciary and provincial autonomy.
Therefore, 18th amendment
put soul in 1973 constitution.

4- Key features of 18th amendment

Following are key

features:

a) Provincial autonomy granted
18th amendment
granted provincial autonomy.

Before 18th amendment, center had supreme powers. Fortunately, 18th amendment shared powers and granted provincial autonomy.

"18th amendment abrogated concurrent list and 36 subjects were given to provinces and 19 were given to center."

(- M. J. Akbar)

Therefore, 18th amendment granted provincial autonomy.

b) Restricted use of emergency
Moreover, 18th amendment restricted use of emergency. Before 18th amendment president had powers to impose emergency. Fortunately, 18th amendment restricted use of emergency.

"President will impose emergency in the center with PM consultation."

(- Article 232)

AND

"President will in case of emergency in provinces after approval of provincial assembly"

(- Article 234)

Thus, 18th amendment restricted use of emergency.

c) Improve center province relations

"18th amendment enhanced relations between center and province."

(- Roza Rebbani)

18th amendment improved center - provinces relations. In Council of Common Interest (CCI), premier will appoint CCI members through consultation of chief ministers of provinces. CCI members will be appointed with

consultation of 'CMTs.'"

(- Article 153, 154, 155)

Therefore relations between center and provinces improved.

d) Paved way for independence of judiciary

18th amendment paved way for independence of judiciary. Before 18th amendment, president and premier were appointing, but after 18th amendment 9 members judicial committee was formed. Hence, 18th amendment paved way for independence of judiciary.

e) Restore parliamentary form of government.

Further, 18th amendment restored parliamentary form of government. Powers were divided between center and provinces legally.

"There will be supreme
power in center in
federal territory"

(- Article 90)

-AND-

"There will be supreme
authority of provinces
in federal units"

(- Article 105)

Hence, 18th amendment restored
parliamentary form of government.

f) The National Finance Commission
(NFC)

"NFC share will be
divided between center
and provinces with
respective formula"

(- Article 160)

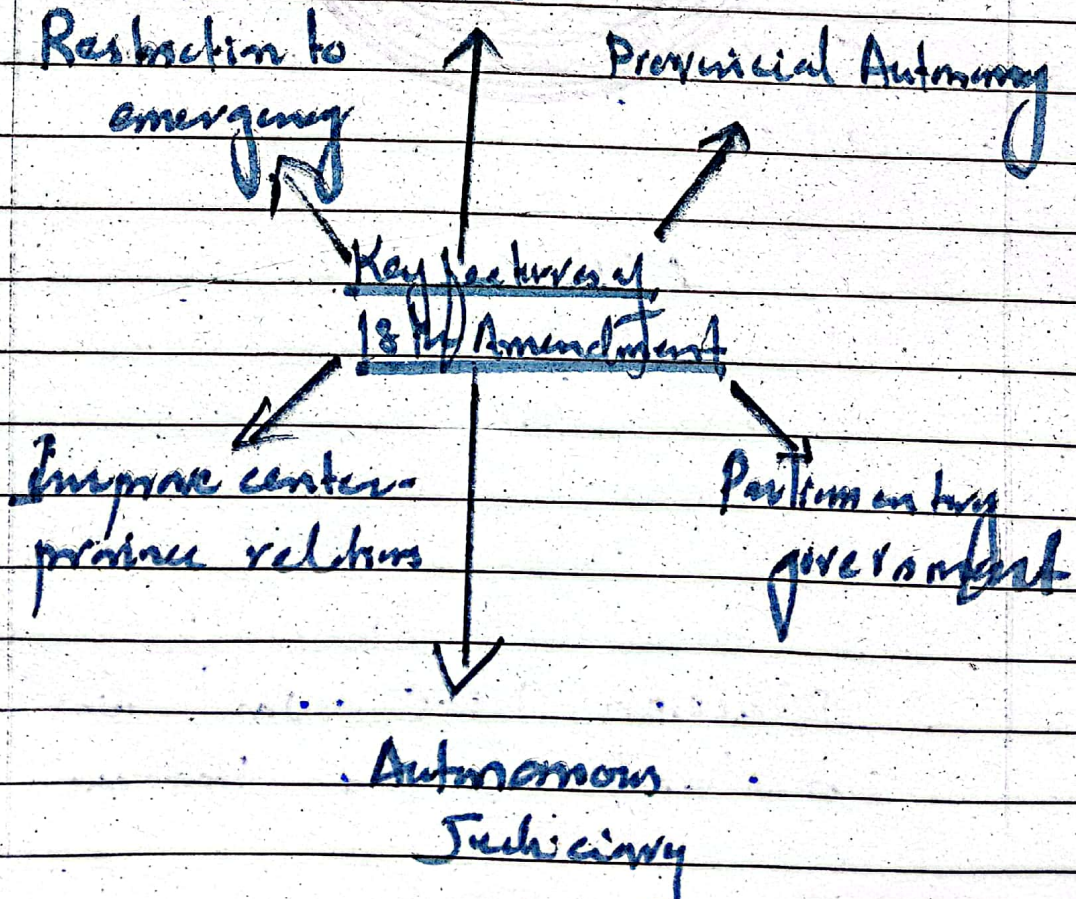
Moreover, NFC award was
declared share between

center and provinces with respective formula.

NFC Share

population	82.2pc
poverty and backwardness	10.3pc
resource generation	4.1pc

Thus, 18th amendment declared NFC formula



5-

18th amendment significance
for smaller provinces of
Pakistan

"18th amendment
removed grievances of
provinces."

(- Riz, Rabbani)

18th amendment removed
grievances of smaller provinces of
Pakistan. In fact, 18th amend-
ment gave autonomy to
provinces including right to
NFC share, right to emergency
use, right to rule, autonomous
status etc. Hence, 18th
amendment improved status
of provinces.

Provinces authority

Right to NFC share

Right to rule

Autonomy

Right to emergency

6-

Critical Analysis

"18th amendment
broke power of center."

(- M. Leela Reddy)

18th amendment enhanced
supremacy of provinces. But
unfortunately it made obstacles
for central government.

"Share of center
is decreased in
the 18th amendment."

(NFC Award, Article 160)

Moreover, it made a
challenge to the national
curriculum, centralized provincial
authority, made weak
local administration.

7-

Conclusion

"18th amendment
made 1973 constitution
rigid."

(- Faizal Bori)

18th amendment is an
essence of 1973 constitution.
In fact, 18th amendment
removed provincial grievances
and enhanced their supremacy.
Therefore, 18th amendment
is a soul of 1973
constitution.

