

Q: Discuss the Federal structure of 1973 Constitution of Pakistan after 18th Amendment. Why criticism on 18th Amendment started recently?

INTRODUCTION

A Federal state is one in which the Supreme Powers in the State are distributed by the Constitution between a Central government and Governments of the federating units, making each government supreme within its own sphere of power. As distinguished from a unitary government, a federation is dual government, with two sets of governments each of which exercise supreme and original authority within its sphere of power as defined by the Constitution. According to Hamilton, a federation is an association of states forming a new one.

Federal Structure after 18th amendment

Following are the changes take place in federal structure after 18 amendment

- i: Creation boundaries in Civil-military relation to stop interference of Army
- a: Amendment in Article 6 of the Constitution To enhance the sphere of definition

high treason' to delay any future
Any person who abrogates
or attempts or conspires
to abrogate subverts the
Constitution by use of force
or show of force or by
other unconstitutional means
shall be guilty of high
treason"

(Article 6, 1973 Constitution)

It is significant for the political
stability and efficient work of
federal system.

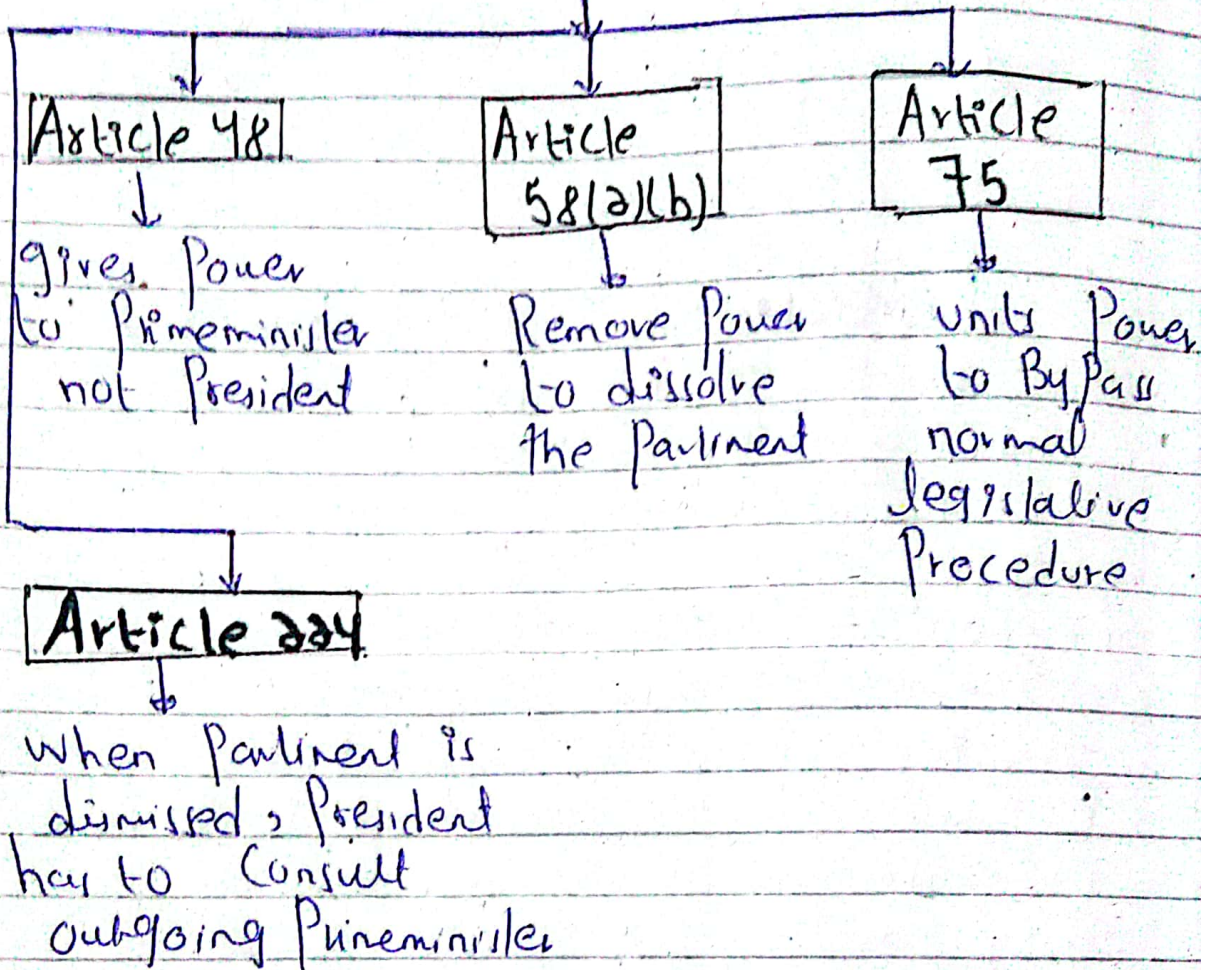
ii: Abolish Concurrent list of transform Centre-Province relations:

The Concurrent list, which enumerates
the matters concerning which both
Parliament and a State legislature
may make laws, was abolished.
So, all subjects are transferred to
the Provincial legislature. This also
enhanced the administrative autonomy
of Province. Therefore, the power
of region increased compared to
that of federal government.

iii: limited Presidential Powers:

Various articles in the 16th amendment
reduced the power of President to
strengthen federalism.

Articles in 18th amendment that limited powers of President to strengthen federalism



iv: Enhanced role of Prime Minister

18th amendment also greatly enhanced the authority of Parliament and the Prime Minister.

• Article 101

To appoint the Governors of Provinces the President must take advice of Prime Minister

• Article 243

Regarding the appointment of military service chiefs, Prime Minister must be consulted.

✓: Increase in the Share of Provinces regarding the national resource

Another significant contribution of 18th amendment was recognizing provinces as rightful beneficiaries of their natural resources in association with the federal government.

• Amendment in Article 173

It limited the federal Government authority over the land, the minerals etc. which was given to provinces to explore, develop and exploit.

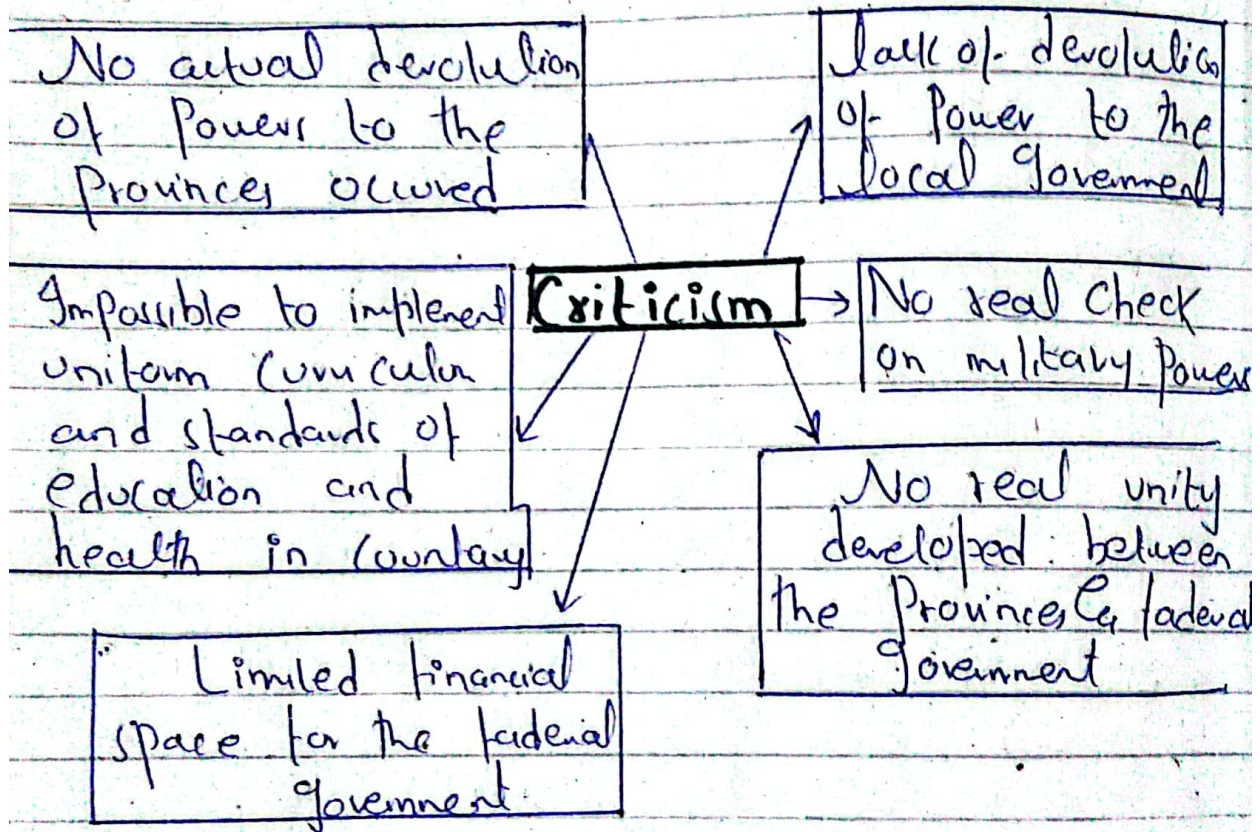
• Amendment in Article 161:

A new clause was added in it so that the net proceeds of federal issue duty on oil charges went entirely to the provinces rather than forming part of federal consolidated fund.

Criticism on 18th amendment

Although, it has tried to strengthen the country's federal structure by imparting more powers and authority to the provinces. But the devolution

resulting from 18th amendment become a nightmare for the provinces to face a sudden pressure of work without adequate capacity and resource to handle or manage the challenges successfully



Conclusion:

It is clear that the 18th amendment was a milestone in the constitution history of Pakistan. It restored constitutional parliamentary character and significantly strengthened various institutions. But the need of the time is to implement the amendment in letter and spirit.

to strengthen the federalism and create
unity in diversity.