

Q Describe the federal structure of 1973 constitution of Pakistan after 18th Amendment. Why criticism on 18th Amendment started recently?

Answer 1-

Introduction

"1973 constitution is the rigid constitution of Pakistan."

(- Reza Rishmi)

Pakistan is a federation. In fact, constitutional framework took time, but, 1973 constitution is a skeleton body. Moreover, 18th amendment put soul in 1973 constitution. However, certain criticisms are started on the 18th amendments.

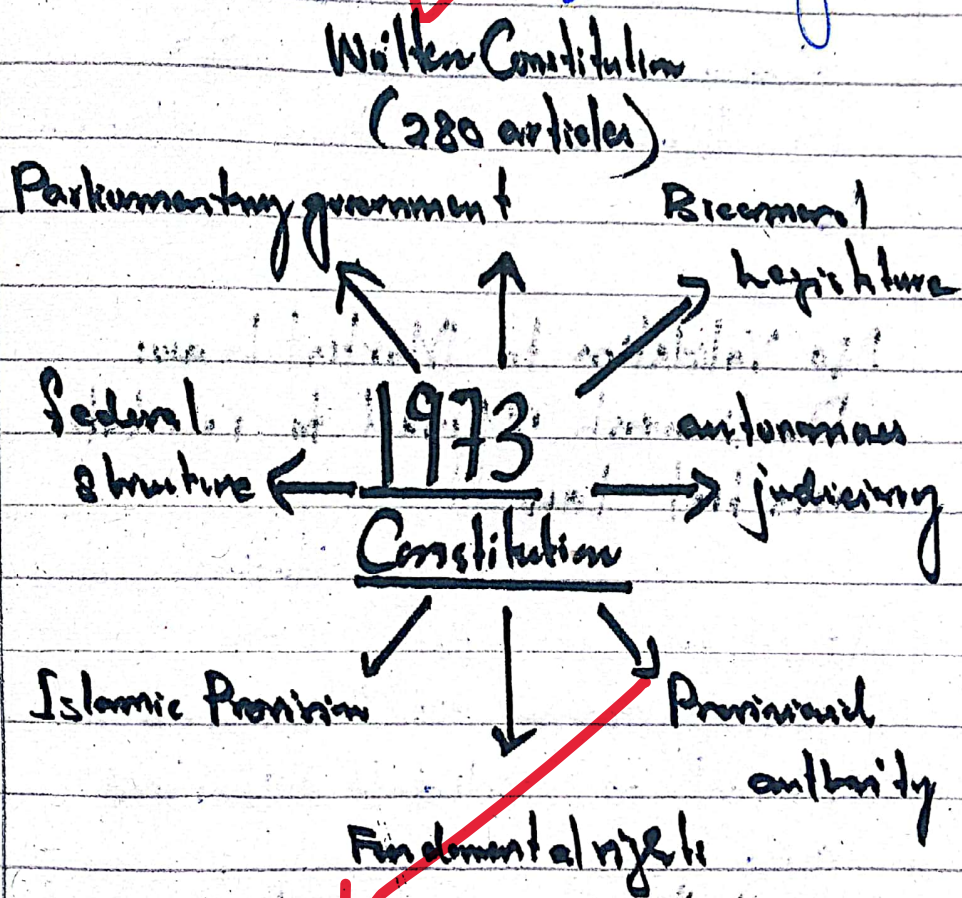
2- 1973 constitution: an overview

"The 1973 constitution

is a rigid body of Pakistan."

(- Faisal Bari)

1973 constitution was given by Zulfikar Ali Bhutto on August 14, 1973. In fact, it was a written constitution with certain favourable features



(- Constitutional history of Pakistan)

3- Federal Structure of 1973 constitution: the 18th amendment.

The 18th Amendment

changed the federal
nature of 1973
constitution.

(- Razvi Rehani)

The 18th amendment
changed the structure of 1973
constitution in the following
way:

9) No Validation to Martial Law:
Parliament refused to revalidate
martial law.

1973 constitution got
rigidity by the 18th
amendment as parliament
refused to validate Martial
law.

" Any body against
constitution will
be rebel and

high treason case

will be dealt."

(- Article: 06, 1973
constitution)

Therefore, 18th amendment
abrogated Martial Law authority.

b)

The 18th Amendment restricted
use of emergency

~~Emergency provisions~~
will be followed after
consultation with parliament and
provincial Assembly.

" Use of emergency in
federal territory

will be approved
by the national
assembly."

(- Article 232)

- and -

" Emergency in provinces
will be done after
approval of the

provincial assembly."

(Article = 234)

Therefore, emergency provisions
were restricted.

c)

Enhanced supremacy of parliament

Moreover, supremacy of parliament was enhanced.

"As per constitutionally, article 58(2)(b) - was suspended to enhance supremacy of parliament."

impact on federal structure?

(- Roza Rebbani)

Therefore, parliament supremacy was ensured.

d) Provincial Autonomy granted in the 18th amendment of 1973 constitution.

Further, provincial autonomy was granted. In fact, powers were given to provinces to deal provincial matters.

"18th Amendment suspended concurrent list and 86 subjects were given to provinces."

(- Roza Rebbani)

add multiple subpoints under this.

also add the reference of the respective amended articles.

Therefore provincial autonomy was increased.

c) Equal Share of Resources: the National Finance Commission (NFC)

"Public Fund will be equally divided between

~~provinces on certain policies."~~

(- Article - 160)

Furthermore, 18th amendment gave a formula of resource share. According to article 160- NFC share will be divided equally. Therefore, harmony led to provinces.

d) The 18th Amendment: Paved way for independence of judiciary

"Judiciary got sovereignty away from

politicians."

(Makulu bodhi)

Moreover, 18th amendment paved way for independence of judiciary. Judiciary Commission of nine impartial members was granted. Hence, judiciary got sovereignty in its process.

g) The 18th amendment: Enhancement of role of Senate.

"Senate got role in affairs of the national assembly."

(-Purze Roshni)

Moreover, role of senate was enhanced. In fact, approval of senate on bill was regarded mandatory except budget.

"According to article

173 - Senate on a bill on budgeting.

(- Article 173)

Therefore, role of senate was increased.

How 18th amendment changed federal structure of 1973 constitution?

No space for Martial law

Restriction to emergency

Supremacy of parliament

Provincial Autonomy

Reserve Share

Supremacy of Judiciary

Role of Senate

4- Criticism on 18th Amendment

Criticism on 18th amendment has begun recently

as follows:

a) Abuse of centralized authority of provinces.

The 18th Amendment paved way for devolution of powers.

(Rizvi & Kishore)

The 18th amendment - shared powers with provinces. In fact, provinces autonomy was agreed.

Centralized authority led to center

provinces disharmony.

(Faisal Bari)

Unfortunately, due to politicizing, abuse of provincial autonomy is prevalent. Hence, 18th amendment is criticized.

b) Weak local government: consequence of the 18th amendment. Moreover, the 18th

gave power to provinces to
rule provincial territory.
Unfortunately lack of coordination
led to weak local government.

"provincial autonomy
led flows in policy
making to strengthen
local departments."

(M. A. Jinnah)

Therefore, the 18th amendment
is criticized on the functioning
of local government.

5.

Conclusion

1973 constitution is the
first ever brick-home
of Pakistan.

(Shriek Hussain)

1973 constitution is rigid
and federal character based
constitution. However, the 18th
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of federal character of 1973
constitution. Therefore, 1973
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✓ (Malekha Koolii)

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