

Q  
Write the Federal structure of the 1973 constitution of Pakistan after 18th amendment. Why the criticism on the 18th amendment started recently?

Introduction:

The 18th amendment is the result of the continuous political bounness and military intervention in the country.

Military take over the control of the country as Musharaf imposed 17th amendment

In the constitution in 1973. 2003. Pakistan has diverse culture in different provinces therefore it needs the federal form of govt. E. Pakistan has lost its east wings due to the centralized form of govt.

Federal Form of

govt in 18th amendment

⇒ Lack of late military intervention:

Military cannot

intervene the civilian govt. If anyone try

1-1-305  
to abeyance or abrogation of the constitution  
he will commit high treason. No SC  
and HC can validate. Art 6 give strength  
to the constitution.

## Parliamentary Form of govt:

18th amendment  
strengthen the parliamentary form of govt.

Art 90 = PM is the head of the govt cabinet  
and he runs its govt with cabinet  
according to article 91 the cabinet  
retains the responsibility of its member

## Empowered senate.

18th amendment empowered in various  
aspects.

## Di-Elimination of presidential authority

18th amendment  
removes the presidential autonomy in  
the country. Ordinance cannot implement  
in the country if the both houses are  
in session.

→ selection of ECP:

Both houses undertake  
participate in the selection of ECP

## Parliamentary Council and National Economic Commission:

Through the parliamentary council and NCEC the senate became more powerful. 18th amendment remove the art 58(2)(B) in which president can dissolve assembly

## PM authority:

PM become more powerful as according to article 232 the president can dissolve the national assembly with the consultation of the PM. and according to article 234 president can dissolve Assembly with the consultation of PM and government.

## Provincial autonomy:

18th amendment gives autonomy to the provinces. The removal of concurrent list strengthen the provinces.

## NFC Award:

NFC award enhances the economic strength of the provinces.

Provinces has now 57% of the budget.  
Through this award provinces becomes  
more prosperous. Balochistan can take  
advantage <sup>from</sup> of this budget or award.

Role of CCI:

CCI creates coherence  
between federal govt and provincial  
govt. Article 153, 154, 155 enhances  
the power of CCI.

Strengthen Democracy:

18th amendment  
enhances the strength of democracy.

The 18th amendment  
may contribute well to  
the country's remaining on  
the path of democracy.  
(Zahid Hussain)

Criticism on the 18th  
amendment

There are various reasons which  
become the cause of criticism.  
Critics supports their arguments with  
the basic reason. Firstly, this amendmen-

1-1-20

proves helpful in bettering and strengthening the position of the constitution and strengthen the civilian govt. There are various defects in this which critics show:

① Lack of devolution of power to local govt: The provincial govt does not give the power to the local govt. The local govt can't play their role at various local matters. If we want to make the country in better condition then the provincial govt <sup>will have to</sup> give the power at grass root level.

### New NFC Award!

According to Art 160(3A) the provinces will have more share in finance rather than before. The federal part will remain more deprive from finance.

More

Federal expenses and less Federal budget:

The federal govt has to pay debt and federal consolidated fund is not sufficient for the expenses. The federal govt has also the responsibility of defence expenses. New NFC Award will less the finance which will create hindrances for the completion of expenses.

No real check on military:

Federal govt cannot hold check on military power on the budget. They have very limited power over military budget.

Indirect rule of federal govt over

provinces: The <sup>new</sup> federal ministry

was introduced in 2011 which has more functional powers rather than provinces. According to Sage publications, out of 301 powers/functions the federal have 207 functions and the <sup>remaining</sup> rest for provinces.

## Failure of CCI:

The main role of CCI is to create harmony between provincial govt and Federal govt but it cannot perform its function. It fails to resolve the issue of

Kala Bagh Dam:

## Problems in Policy implementation:

The provincial autonomy raises the problems in <sup>Policy</sup> provincial implementation. As Federal govt imposed the policy of One curriculum on education. The Sindh govt deny to implement the policy of one education one nation policy.

He said that provinces have the authority about their education system.

## Conclusion:

18th amendment has brought provincial autonomy. It resolves the provinces issues. The provinces can resolve their issue themselves but the Federal govt

has become weak. The national integration, policy implementation and the finance has to face problems due to provincial autonomy. The more comprehensive amendment will resolve the problems.