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Q) Discuss the federal structure of 1973 constitution of Pakistan after 18th amendment. Why criticism on 18th amendment started recently

Introduction:-

In the realm of the Constitutional governance, the 18th amendment to the 1973 Constitution of Pakistan stands as a pivotal moment in the nation's history.

Enacted in 2010, this Amendment redefined the federal structure of Pakistan, ushering in a new era of provincial autonomy and devolution of power. It significantly reshaped the distribution of authority between the federal government and the provinces, aiming to strengthen democracy and address regional disparities.

Federal Structure of 1973
Constitution after 18th Amendment

1) Eliminate the Power of President

of Dissolving National Assembly:-

According to Article 58-2b of Constitution of Pakistan, The power of President was eliminate of dissolving the National assembly. The power of dissolve assemblies given under 17th amendment. Now, there is no power of dissolve assemblies to president and governor.

2) Seats allocates for Non-Muslim in the Senate:-

According to Article 59A of the Constitution of Pakistan, 4 seat from each provinces allocated for minorities in the senate of Pakistan.

3) Parliament and Provincial assemblies have power of legislation:-

According to Article 70 of Constitution of Pakistan, Both parliament and provincances ~~be~~ could legislate in the 49 subjects.

4) Ordinance extension:-

According to the Article 89, the President of Pakistan issued ordinance at federal level for the 90 to 120 days. Before 18th Amendment ordinance could be extended for unlimited period.

4) Limit of Two terms for the Prime minister eliminated:-

The 18th amendment abolished the limit of two term of prime minister of Pakistan.

5) Size of Cabinet:-

According to the Article 92, the size of ~~Gov~~ cabinet cannot increased 49 members.

6) Appointment of Governor transfer d to PM:-

According to Article 101, the President of Pakistan could appointment of Governor ~~with~~ with the consultation of Prime minister of Pakistan.

7) Reduction in Provincial share of NFC Award:-

According to Article 160(3A), the Provincial share in NFC Award reduce from previous award.

8) Establishment of High Courts:-

According to Article 175(1) the high court of Islamabad were established.

9) Powers of appointment of Services chiefs transferred to PM:-

According to Article 243, The president of Pakistan appoint Services chiefs with advice of Prime minister of Pakistan.

10) Appointment of Judges:-

According to Article 175, the chief justice head supreme court with other judges, attorney general and law minister are the members. Every high court have their own chief justice and other judges.

Criticism on 18th Amendment

1) Many Subjects can better managed at federal level rather than provinces:-

There are large criticism in the 18th amendment. Many subjects can be better managed at federal level. For example, in 2012 many patient died through use of substandard medicine. Substandard medicine approved by Sindh health department because drug regulation is provincial subject. But after that federal government established Drug Regulatory Authority of Pakistan (DRAP) under the article 144 of Constitution.

2) No Implementation on Provisions of 18th amendment:-

There are many provisions of 18th amendment remain unimplemented. For example, Article 25(A) ensure the right of education but millions of childrens out of school.

3) Low fiscal space with the Federation:-

The biggest criticism on the 18th amendment create financial problems for federal. The resources shifted to provinces.

Conclusion:-

In a conclusion the 18th Amendment to the 1973 Constitution of Pakistan remains a significant milestone in the nation's constitutional history. The recent surge in criticism reflects evolving political dynamic and underscore the ongoing need for constructive dialogue and reforms to ensure that Pakistan's federal structure remain resilient.