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Q Pakistan federal system after the 18th amendment and criticism recently started on it?

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1 INTRODUCTION :

18th amendment of the Constitution of Pakistan was passed by National Assembly on 8th April 2010. It was approved by the Senate on 15th April 2010 and became a part of Pakistan Constitution on 19th April 2010.

This amendment devolve ~~extend~~ more ~~the~~ power and autonomy to the provinces, particular in areas like education, health and social welfare. It also altered the distribution of resources between federal and provinces.

2 FEDERAL SYSTEM OF PAKISTAN UNDER 1973 CONSTITUTION :

On 10th April 1973 the Constitution was passed by National Assembly. This constitution is called the Constitution of Islamic Republic of Pakistan 1973. It was announce on 14th August 1973. Before 1973 constitution the country had a unicameral system of legislative. Under 1973 constitution Pakistan adopted bicameral system at the center called "The Parliament"

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composing the President, the National Assembly and The Senate. Under the 1973 Constitution the National Assembly is elected for five years term.

3 CHANGES BROUGHT IN FEDERAL SYSTEM THROUGH 18th AMENDMENT :

Following are some points which brought changes in federal system.

a TRANSFER POWER TO PROVINCES FROM FEDERAL :

18th amendment devolved significant power to the provinces, particularly in areas such as education, Health, agriculture, and social welfare. This devolution aimed to empower provincial government to make decisions and implement policies that are more responsive to local needs.

b REMOVAL OF CONCURRENT LIST :

The concurrent list, which contains subject on which both the federal and provincial government can legislate, was revised to give more legislative powers to

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the provinces. This allow provinces to pass laws on wider range of subject without federal intervention.

c RESTRICTION OF THE SIZE OF CABINET :

In 18th amendmet the size of the cabinet is ~~fixed~~ was fixed to 11% of the total membership of the parliament.

d FINANCIAL EMPOWERMENT OF PROVINCES :

Following amendment are made to empower provinces more financially.

i SHARE OF PROVINCES IN NFC AWARD :

The 18th amendment led to a revision of the NFC award formula which determines the distribution of financial resources between the federal government and the provinces. The mandate of the NFC has been provided in Article 160 which state that the share of a province in any award of NFC would not be less than the share of that province as compared to previous award.

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ii JOINT AND EQUAL DISTRIBUTION OF GAS AND MINERAL OIL :

In 18th amendment it is revised that there will be joint and equal distribution of gas and mineral oil by central and concerned provinces.

iii PROVINCES ARE EMPOWERED TO RAISED FUNDS INTERNATIONALLY :

In 18th amendment it is revised that provinces can raised funds from international institutes or country for their development purpose. Example KPK government took loan from "The Asian Development Bank" for making BRT.

iv SALES TAX ON SERVICES :

The 18th amendment granted more authority to ~~they~~^{provinces} and to collect taxes on various subjects within their jurisdiction. Before 18th amendment sales tax on services was with federal but after 18th amendment it is given to provinces.

4 CRITICISM ON 18th AMENDMENT :

Following are the criticism on 18th amendment

a LOSS OF FEDERAL AUTHORITY OVER PROVINCES :

After 18th amendment federal government has lost their authority over provinces because power was devolved to the provinces.

b LACK OF IMPLEMENTATION :

No mechanism frame for implementing of the provision of 18th amendment. There are many article which are not implemented. Some of them are Article 25A, 140-A, and 153 etc

c LOW FISCAL SPACE IN FEDERATION :

The reallocation of resources to provinces has led to concern about fiscal imbalance between the federal government and the provinces. Critics argue that the federal government may face challenges due to ~~low~~ ^{low} fiscal space.

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d DISPUTE OVER TRANSFER OF INSTITUTIONS

Dispute over transfer of institutions are taking place because there are some areas that can be better managed by federal government instead of provincial government. Such as disaster management, Higher education, Drugs management etc.

5 CONCLUSION :

In conclusion, the 18th amendment aimed to strengthen democracy and empower provinces. But there are ongoing criticism regarding lack of implementation, low fiscal space and dispute over transfer of institutions in Pakistan.