

(Q)

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

OUTLINE:

- 1) Introduction.
- 2) Federal Structure of 1973 Constitution of Pakistan after 18th Amendment.
- 3) Criticism on 18th Amendment.
- 4) Conclusion.

Introduction:

Pakistan has transitioned through a constitution which has been a mixture of dictatorship and democracy. Pakistan achieved a huge milestone by formulating its 1973 constitution under Zulfikar Ali Bhutto's regime. More importantly, in 2010, Pakistan took an unprecedented action

by bringing 18th Amendment to the constitution by which has give autonomy to provinces. However, there is criticism that the amendment itself does not prove to be beneficial in its complete essence.

2) FEDERAL STRUCTURE OF 1973 CONSTITUTION AFTER 18TH AMENDMENT:

a) Provincial Autonomy has been provided under the Amendment:

With comparison to other amendments like 8th Amendment and Seventeenth amendment, 18th Amendment has provided provincial autonomy. Provinces have the power to make their own decisions and implement them. They have been given around 45 subjects and 17 ministries as well.

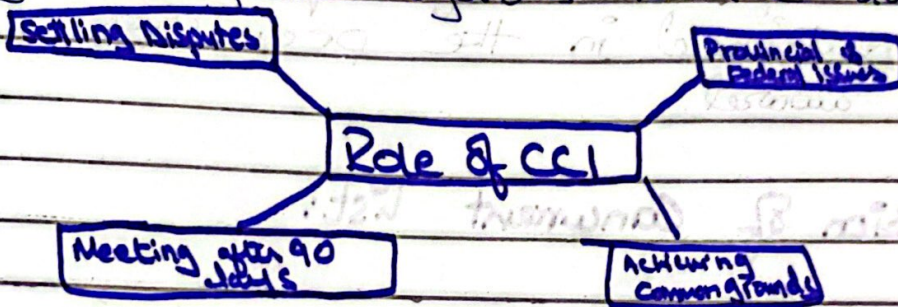
b) Power lies with the Prime Minister and not President:

After Seventeenth amendment, powers were transferred to the President, to dissolve the National Assembly and the President had power over the selection of Chief Justice, Election Commissioner etc. With 18th Amendment, P. M. has the power.

dissolve National Assembly and with the opposition, he has to choose the Election Commissioner.

c) Emergence of Council of Common Interest:

Under 18th Amendment, Council of Common Interest emerged. The sole purpose of this Council was to regulate the disputes among Provinces and federal government and it provides a platform for all the powers to get bring their agendas to the table.



d) Formation of a Judicial Council:

Under this change, the amendment brought judicial council. The sole purpose of Judicial Council was to elect a Judge, instead of leaving this responsibility under President (as mentioned in the 17th Amendment).

c) The Consecutive elected Prime Minister:

The most important change brought about by 18th Amendment was that the clause which restricted the PM from holding the office twice was omitted.

b) The National Finance Commission Award:

The National Finance Commission Award was to provide the population of the provinces of equal share as mentioned in the previous NFC award.

g) Omission of Concurrent list:

Under 18th Amendment, Concurrent list got omitted and only the federal list exists. However, the residual matters have been handed over to the Provinces.

3) CRITICISM ON 18TH AMENDMENT:

a) Can CCI Perfectly do its job?

After the 18th Amendment, there are concerns about CCI's operations. If there exists a dispute between provinces and federal government, CCI might not be

able to turn down the hot buttons.

b) Increased Provincial Autonomy:

Due to increased provincial autonomy and provinces taking a large share of the chunk for their population, the federal government has very less amount of budget left to fulfil its obligations. A concerned head of the State has said that since provinces take a large share of the pie, the federal government can only cover the defense expenditure. Hence, provincial autonomy restricts the federal government.

c) No Implementation Mechanism in 18th Amendment:

Unluckily, the 18th Amendment provides no implementation clause. For instance, the CCI has no implementation clause where the Federal government and provinces get to meet. Days go by and the meeting does not take place.

d) Some subjects must be provided to Federal list:

A few subjects must be handed over to the federal government for instance, a drug got recently approved by one of the provinces' ^{health department} which led to a large number of people getting ill. Therefore, after this incident, the Drug Regulatory Authority was created which was the job of federal government to take care of.

e) The Omission of Consecutive Reversion of Prime Minister Office clause:

Under the 18th amendment, the PM could ~~be~~ hold offices for two tenures as well (after elections). However, this omission can also increase dictatorial tendencies in the Prime Minister's leadership.

CONCLUSION:

Therefore, with merits, come along demerits. 18th Amendment is a cornerstone as it resumed democracy in the country and gives provinces autonomy to exhibit power in their areas. However, only time will decide how state Pakistan will extract beneficial factors from 18th Amendment to mitigate political instability and economic crisis in Pakistan.