
Briefly explain the Federal Structure of Pakistan as enunciated by the Constitution of 1973. Also discuss the changes brought about by the 8th Amendment in Pakistan's federal Scheme. Explain.

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Question attempted in 40 min.

Q NO. 1

1. Introduction:

Harid Khan ascribes in one of his most prominent books "The Constitutional and Political history of Pakistan." "A federal structure of government provides better distribution of power." The same is the case with the federal system of governance. Pakistan is a federal system under the Constitution of 1973. It has the division of powers, bicameral legislature, provincial autonomy, council of common interests, NFC for distribution and parliamentary system. Moreover, in the rule of Gen. Zia ul Haq numerous changes brought in the federal system of Pakistan under the 8th Amendment. Such as shift of power to President, changes in the judiciary and constitution, appointment and dismissing of prime minister, weaken the autonomy of provinces and influenced the provincial assemblies.

2. Federal Structure of Pakistan under the Constitution of 1973:

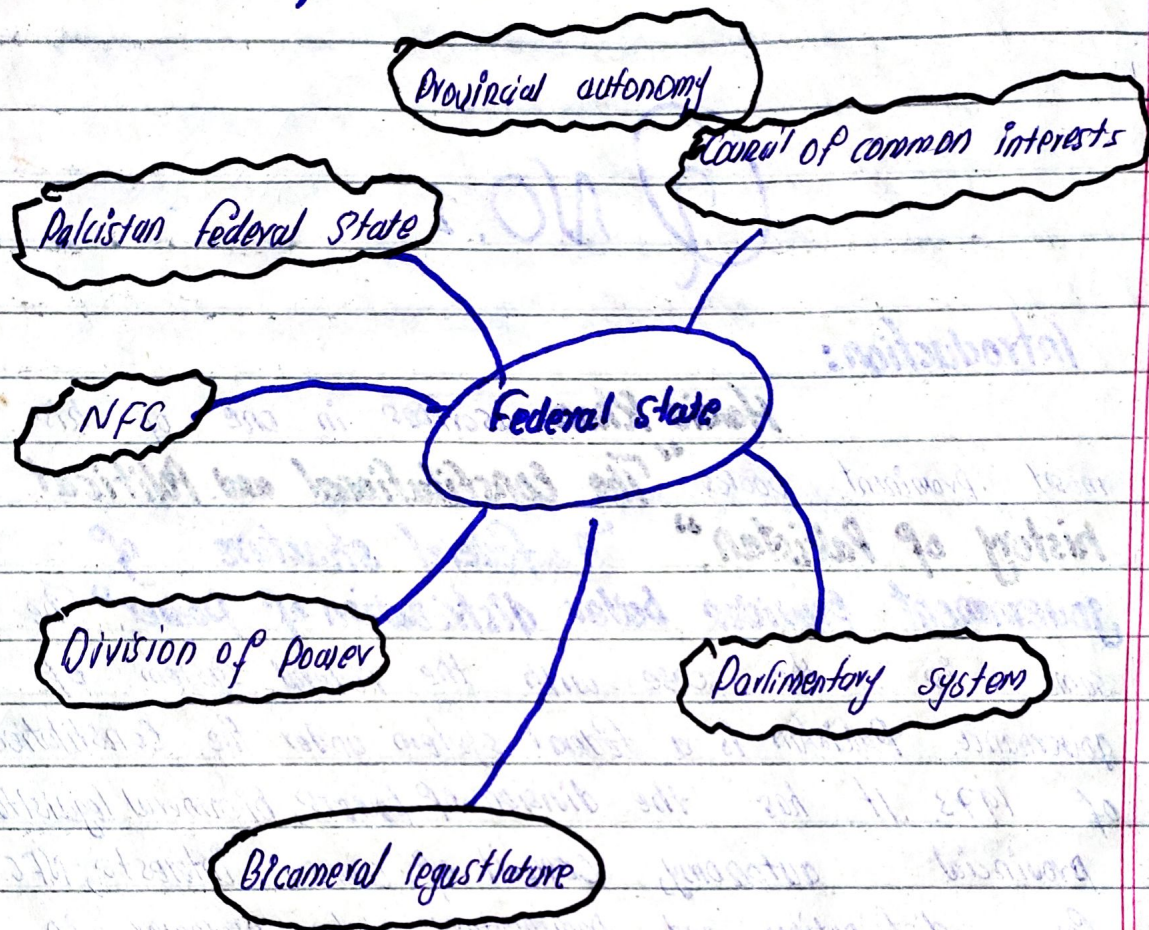


Figure 0.1 Federal structure of Pakistan under the Constitution of 1973

1. Pakistan as a federal state:

Article 1 of the Constitution of 1973 ascribes the federal nature of Pakistan. Moreover, Pakistan's federal shares power between provinces and center. Thus, it is a federal in nature.

2. Parliamentary form of government:

The Constitution of 1973 describes the Federal System under Article 50-A that Federal of Pakistan should have parliamentary form of government. In the current system the president is the head of the country. On the other hand, p.m is the head of government.

3. Council of common interests

The Federal structure of Pakistan has Council of common interests. The aim is to resolve conflicts among provinces. Conflicts can be on natural resources and funds.

4. Power divisions:

The Federal structure of Pakistan ensures power distribution between provinces and center through two lists.

- i. Federal list that contains foreign affairs, defense, currency and nuclear. Federal list is the subject matter of Federal government.
- ii. Provincial list that contains education, health and agriculture to be the matter of provinces.

5. NFC Award for distribution of resources:

NFC was signed under Federal and provinces in 2009. This aims to distribute natural resources equally among provinces and Federal. Therefore, it is one of the best aspects of Federal structure of Pakistan.

3. Changes brought in the Federal Structure under 8th Amendment:

8th Amendment passed in 11 Nov, 1985 under the Zia ul Haq power and brought numerous changes in the Federal structure:

1. Shift Power to President:

Parliamentary form of government changed into semi-presidential system. The article 52 of the constitution empowered President to dissolve assembly, appoint armed forces chiefs, governors and PM.

2. Changes in Judiciary:

The President carried out the validation of all laws and validated the martial under the constitution.

3. Dismissing Prime minister:

under the 8th Amendment, the president gained power to dismiss the prime minister along with governors. This became direct change in the country's federal system.

4. weaken the autonomy of provinces:

The 8th Amendment weakens the autonomy of provinces due to the centralization of president power. Thus, it impacted the nature of federal governance.

5. influenced the provincial assemblies:

under 8th Amendment the president gained the power to influence the provincial assemblies due to veto. Therefore, it became direct change in the federal system.

4. Conclusion:

In short, the federal system is the provision of numerous downs and ups. Therefore, it delivers the best governance currently to the country like worldwide nations.
