

Q. No 2

Critically analyze the main provisions of 18th Amendment in the context of Centre-Province relations.

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1. Introduction:

Dr. Saeed Shafiq ascribes 18th amendment "A New Constitutional Software of Pakistan." Undoubtedly, it was a new constitutional software that brought numerous provisions in the context of center and units. The provisions were change of the name NWFP into KP, power was reduced of President and governors to dissolve assemblies, President lost power elect governors, and local government made compulsory. Also, but on the reduction of provinces share, allowed provinces to access international loan, given ownership of gas and minerals to provinces, ended the concurrent list. Besides, the tax on services and sales to provinces so on and so forth. Thus, "18th Amendment was comprehensive restructuring of Constitution to improve the governance on federal and provincial level"

(Senator Razu Rabbani)

2. main provisions of 18th Amendment in the context of center-provinces:

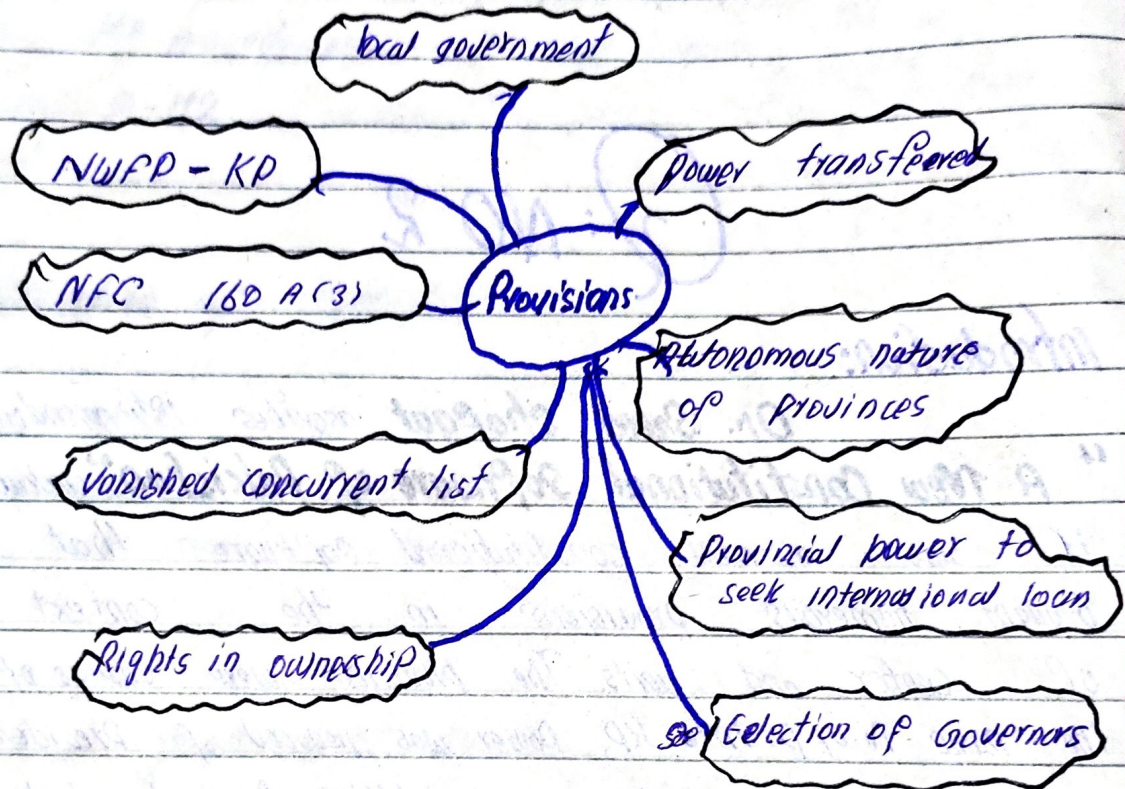


Figure 0.1 Provisions of 18th Amendment

1. Bar on reduction of provinces share:

The 18th Amendment under A-160 (3) Projected NFC Award. NFC aimed to distribute natural resources or funds among center and provinces. Thus, it was agreed that no reduction will be in the share of provinces in the future under the 18th Amendment.

2. Granted ownership to provinces of resources:

Under the 18th Amendment, it was agreed with provinces that gas and mineral ownership will shared with provinces. Interestingly, before the 18th Amendment, it was under federal control.

3. Tax on services and Sales shifted to units:

The 18th Amendment in the constitution enabled the provinces to collect tax on services and sales. This changed is ensured in the federal list to given to provinces.

4. Change of the names of provinces:

The 18th Amendment fulfilled the standing demands of Pashtoon brothers to change NWFP into Khyber Pakhtunkhwa. Under the A-1, the federal spent 5 billion Pakistani Rupees to change the name of NWFP. Also, changed Sindh into Sindh and Baluchistan into Baluchistan.

5. Withdrawal of power from President:

8th Amendment under Zia-ul-Haq given power to President to dissolve national assembly. The 18th Amendment A-58 took the power from the President.

6. withdrawal of power from governors:

The governors were having the power to dissolve the provincial assemblies. The 18th Amendment took the power from governors under A-112.

7. Selection of governors:

The 18th Amendment withdrew the power from President to select the governors under A-101. Thus, granted this chance to Prime Minister to select the governors.

8. local government system:

The 18th Amendment ensured the establishment of local government systems in the provinces. Thus, it helped the provinces will be autonomous.

9. Vanished the Concurrent list:

Concurrent list was the subject of both Federal and Provincial units. Thus, it was vanished so as to create clarity among provinces and Federal.

10. **Able to access international loans:**

The 18th Amendment allowed the provinces under A-167 to seek international loans. This has given chance to the provinces to be autonomous. Thus, 18th Amendment empowered the provinces fully.

3. **Conclusion:**

In nutshell, the 18th Amendment has not only brought changes in the relation of center - provinces but also protected the existence of democratic system for the future. Hence, "Constitution cannot protect us unless we protect constitution."

(Thames Sowell)