

Date: ___/___/20

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Q No 5:-

18th Amendment and its effect on the political scenario of Pakistan:

18th Amendment of the constitution of Pakistan was passed by the National Assembly of Pakistan on April 8, 2010, removing the power of the president of Pakistan to dissolve the parliament unilaterally, turning Pakistan from semi-presidential to a parliamentary republic. It also gave self-governing, legislative and financial autonomy to provincial authorities. Even though 18th amendment is considered as a historical change in the constitution of Pakistan as it removed many loopholes from the constitution, it has far-reaching effects on the

political situation of Pakistan and has become an enduring cause of political strain and tense civil military relations in Pakistan.

1. Major reforms in 18th Amendment:

The major changes brought forward by the 18th Amendment are as followed.

(i) Strengthening of the Parliamentary system of Pakistan:

18th amendment restored and improved the parliamentary form of government. The role of the senate was also enhanced to ensure equal representation.

(ii) Transformation of Centre-Province relations:

A large portion of 18th amendment dealt with federal-provincial relations and sought to

Strengthen the position of provinces in the federation of Pakistan through decentralization of Responsibilities and Authority.

- a) Changes to the Federal legislative list.
- b) Abolition of the Concurrent legislative list through Article 70.
- c) Strengthening Provinces with regards to Federation
- d) Enhanced share in the National Financial Commission (NFC) through Article 160 (A)

(iii) Creation of boundaries in civil-military relations.

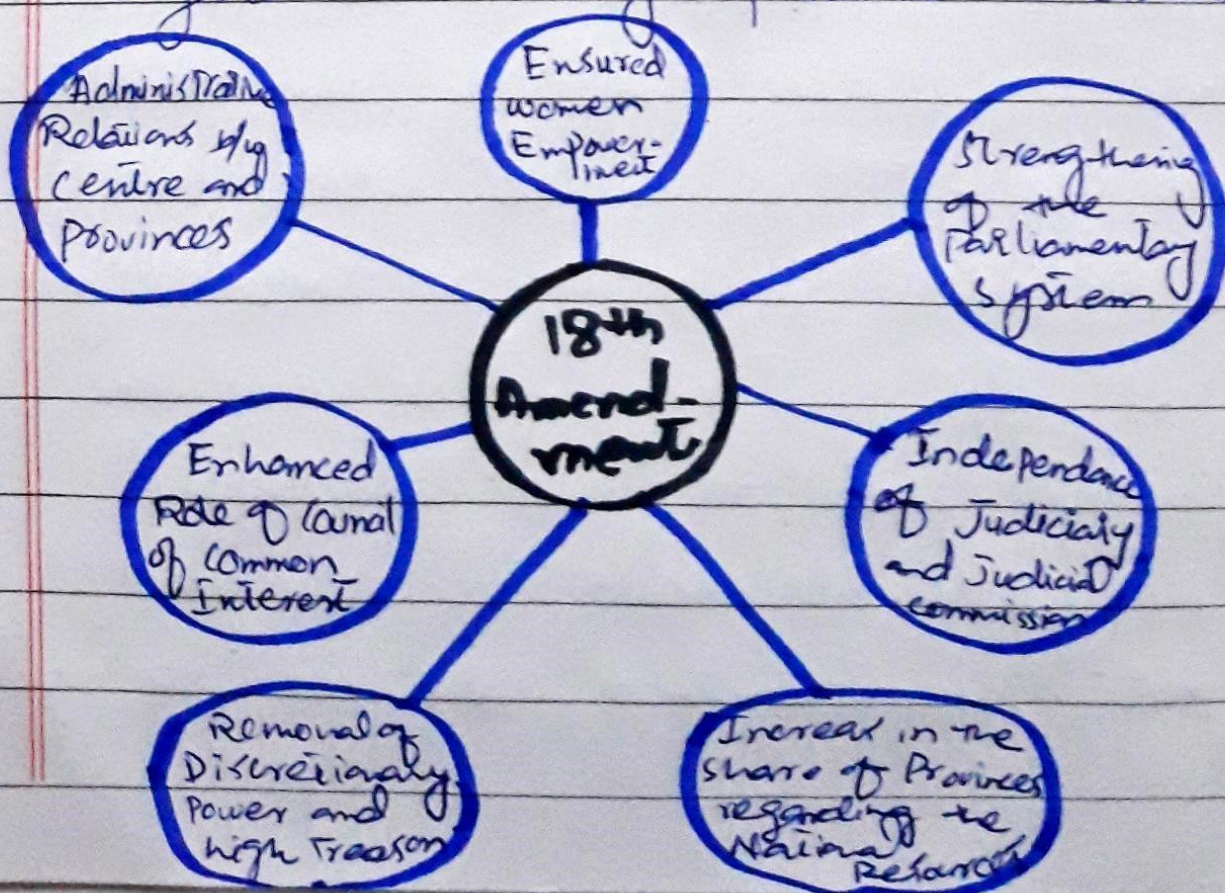
Article 6 of the constitution was amended to enhance the sphere of "high treason" to deter any future abrogation of constitution. Article 243 also removed the "Discretionary Power" of the armed forces of Pakistan.

(iv) Strengthening of key institutions:

18th Amendment strengthened many key institutions like Auditor General of Pakistan and Election Commission of Pakistan to ensure democracy.

(v) Enhanced role of Parliament and limits on Presidential Powers:

18th Amendment greatly enhanced the authority of the Parliament and prime minister and limits the Presidential powers by making it binding on the President to consult the Prime Minister in regards to many federal decisions.



2. Criticism on 18th Amendment:

The 18th Amendment altered about a third of Pakistan's constitution, and it had been proven to be quite controversial.

A few amended articles remain under constant criticism till now.

(i) Devolution of power and provincial capacity:

The major concern regarding the 18th Amendment was the issue of the devolution of power, whether this Amendment would devolve too much power and resources away from the centre. There were also some apprehensions about the capacity of the Provincial Government, which neither had the legal and institutional infrastructure nor the human resources to

effectively perform various functions assigned to it.

ii) Lack of Devolution of Power to the Local Governments.

Even though 15th amendment require the devolution of power from provincial government to local government, the task has remained unfulfilled. Similarly, the 18th Amendment did not clarify the administrative and financial authorities delegated to the local government, so no devolution of power to the grass root level occurred.

iii) Power to Political Party leader:

18th Amendment delegates too much power to the party leaders of Political parties. The removal and appointment of Prime Minister is done by the leader of the

ruling party. The prime minister would be tormented by the party leaders' authority to recall members or go against the party line.

Even during the amendment process, the importance of the few party leaders in comparison to other members of the party and parliament could be seen.

(iv) Limited Financial Space for the Federal Government:

Critics of the 13th Amendment assert that transferring a large part of fiscal resources to the provinces confined the federal government's financial space responsible for defence expenditure and debt servicing, constituting the bigger portion of the budget.

Article 160(3)A, which reduced the federal revenue generation,

has left the center with considerably low budget to run its normal and optimal functioning

(v) Lack of strength of unity due to weak centre:

One argument put forward is that the administrative and financial autonomy granted to the provinces under the Article 142, which reduced the control of the centre on the provinces consequently making the centre weaker, has paved the way for a confederal structure, thus no real unity developed between the provinces and the federal government.

(vi) Concurrent list abolishment:

The abolishment of the concurrent list and handing over almost 47 subjects to provinces is not considered very wise by

many critics because the provinces are incapable of dealing with the increased responsibility. Due to this, the respective departments for education, environment, drugs, crime, population, and national projects got hit badly.

3. Cause of Political and Economic Strain:

The few articles of the 18th Amendment that has been criticized are also considered the enduring cause of political and economic strain in Pakistan. Due to the strict amendments but no real check of armed forces' powers, the civil-military relations are constantly under strain resulting in the tense political situation.

The power of political party leaders is a cause of multiple issues in the parliament that is hindering the political development of Pakistan. Devolution of power has remain a cause of conflict among the provincial government and general population as power has not been devolved to grass root level thus causing the dissatisfaction of the local population. The reduction of financial and political authority of federation has arose various economic problems in the country due to mismanagement of resources by the provinces and lack of resources for federation. All these issues has been combined into a consistent political and economic strain in Pakistan that is has

become a major hurdle in the future development of the country.

4. Conclusion:

In short, there are indeed some flaws left in the 18th amendment that are the dark patches in the constitution. In the an history of Pakistan, though 18th amendment was a major milestone, further strengthening of the constitution and proper implementation might be required to ensure optimal working of both federal and provincial government and solving the real political issues of Pakistan. Nevertheless, the 18th Amendment stands as a watershed moment, a pivotal shift toward decentralisation and promise of empowering provinces.