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**Discuss the federal structure of 1973 constitution of Pakistan after 18<sup>th</sup> Amendment, why criticism on 18<sup>th</sup> amendment started recently?**

# Q NO 1

## 1. Introduction:

Pakistan has experienced different constitutional developments since its inception. The 18th Amendment is one of the best developments in the constitutional history of Pakistan. According to Hamid Khan, an author of "The Constitutional and Political History of Pakistan" the federal structure of Pakistan after the 18th Amendment remained on the following features. Division of power, distribution of resources, executive, bicameral nature of the country, parliamentary system and Council of common interests. Recently, the criticism started on the 18th Amendment due to provincial autonomy, security matters, fiscal strains of federal, political disputes and health and education down fall of provinces. In short, the federal structure of Pakistan is the provision of numerous developments in the constitution.

## 2. Overview of the Constitutional history:

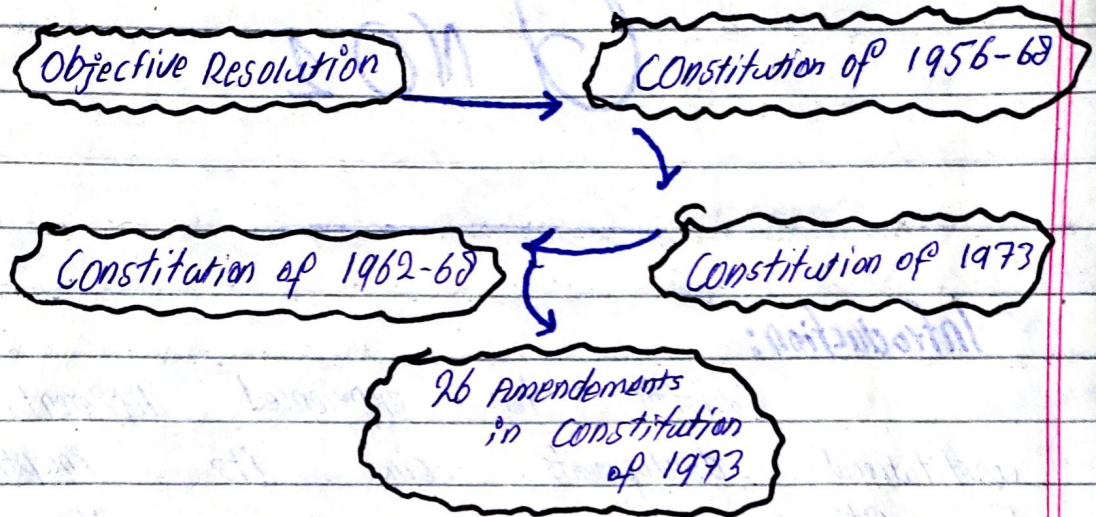


Figure 0.1 Constitutional history of Pakistan

## 3. The Federal Structure of Pakistan after 18th Amendment

### 1. Division of power between center and provinces:

The 18th Amendment brought enormous division of power. According to A-141-144 of the Constitution 1973. There are two lists through which the power is divided known as Concurrent list

#### Federal

- Defence
- Foreign Affairs
- Currency
- Nuclear

#### Provinces

- Education
- Health
- Police
- Disaster sector

## 2. Power distribution among institutions:

Federal structure also became equally distributing power. According to A-50 The Parliamentary system gives power to P.M., Legislature and Judiciary.

## 3. Division resources between Federal and Provinces:

Currently, the federal structure is following the conduct based on division of resources. According to A-160 of the Constitution 1973 resources are being distributed between Federal and Provinces under NFC Award.

## 4. Parliamentary form of government structure:

The federal structure is associated with the parliamentary system. A-50 of Constitution 1973 has influenced the current parliamentary system.

## 5. Council of Common Interests:

The 18<sup>th</sup> Amendment has promoted the Council of Common Interest currently in the structure. All the stakeholders take decision in the interest of all rather than one authority.

## 4. Criticisms on 18th Amendment:

### 1. Criticism on provincial autonomy:

**Critics:** Critics argue that the responsibility under the R-141-144 given to provinces is ~~use~~ not suitable. According to critics the provinces have failed to achieve or manage their responsibilities properly. According to critics the education, health and disaster sectors are more vulnerable than federal.

**Supporters:** Supporters says it will take time to manage such problems so there is nothing wrong with the 18th Amendment.

### 2. Federal authorities stance on the 18th Amendment:

The federal authorities say federal has been facing debt, defence expenditure and currency issue. The federal should be given equal resources or share under NFC Award, so, they criticise the 18th Amendment.

### 3. Political disputes over issue:

Provincial political parties have been pushing the agenda of

blaming Federal for not providing proper security to the masses under the 18th Amendment. The Federal is failed to provide security to the masses against terrorism.

#### 4. Health and Education concerns:

Critics have raised the issue of lack of cooperation. The critics say Federal has not assisted the provinces in the disasters. The health and education sectors have spoiled without the co-operation of Federal.

#### 5. Dispute over resources:

The critics say that the 18th Amendment has never respected the rights of backward areas like Baluchistan. There exists poverty, fight over resources so on and so forth.

#### 5. Critical analysis:

The issue does not exist in the 18th Amendment. The issue exists in lack of implementation of the amendment. The provinces and Federal have to impose the 18th Amendment fully rather than criticism. The 18th Amendment is one

of the best developments in  
the constitution of the country.

“18th Amendment is a new Constitutional  
Software of Pakistan”

(Saeed Saif-ur-Rahman)

## 6. Conclusion:

In short, the 18th amendment  
is one of the best aspects to  
boost the progress of the country. The federal  
structure which is an example of  
democracy should be valued for the  
better regulation of the democratic system  
in Pakistan. Hence, the current federal  
structure and the 18th amendment are  
best examples of democracy.

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