

Elaborate the importance of 18th Amendment in the constitutional history of Pakistan.

Outline

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1) Introduction:

The 18th Amendment Act was a landmark event in the history of Pakistan. It was an important step towards multi-order governance in Pakistan. On April 8, 2010 National Assembly passed the 18th Amendment Act later on signed by president of Pakistan on April 19, 2010. It striped federal government of its jurisdiction on Planning, urban development, Industry, agriculture, welfare and Social Security etc. It also amended 102 Articles and abolished 17 ministries including Health, Education, agriculture and Food. It also strengthen the intergovernmental organizations like Council of Common Interest and National Economic Council abolished the 47 subjects of concurrent list legacy of 1956 Constitution. Repeled ^{17th} ~~Eight~~ amendment that was the basis of establishment of quasi-Presidential system of Pakistan. Added some important fundamental right in the constitution. Article 10(A), Article 19 and 25(A). It provided a sort of judicial autonomy as well by keep the appointment



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of judges free from the influence of politics. Strengthen the local government system.

2) Historical overview: A long awaited demand

Demand for provincial autonomy has long been a topic of debate in Pakistan since its inception this demand increase during 1968-1971 with the abolishment of one unit and system of basic democracy. Constitution of Pakistan, 1973 added Fourth Schedule in the constitution with concurrent Federal list purpose was to have interim period of preparedness before the provinces could take over these powers. 1991 with National Finance Commission efforts were made to provide autonomy to the provinces but coup d'etat of 1999 reversed these efforts.

3) Importance of 18th Amendment in constitutional history of Pakistan

2006, Charter of Democracy signed by major political parties

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demand for the devolution of powers to provinces and strengthening National Finance Commission. In April 2009 Parliamentary Committee was given the task to draft 18th Amendment and it was passed by Senate on 15th April 2010. and President of Pakistan signed it 19th April 2010.

3(a) Provided few fundamental Human rights.

Article 10(a) provided the right to free trial.

Article 19 provided the right to Information

Article 25(A) provided the Provincial Jurisdiction to provide free education to the children between age of 5-16.

3(b) Repealment of 17th amendment and LFO

The Notorious 8th Amendment was repealed by the 13th Amendment by later on enacted again through 17th amendment. 8th Amendment, 58(2)b provided the right to the President

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to abolish national assembly if in his opinion federal government is no longer able to carry on its role.

18th Amendment repealed the 17th Amendment and Legal Framework order 2000 that suspended the 1973 constitution, the constitution was put in place as it was before October 1999.

3(c) Abolishment of Concurrent list

concurrent list had 47 subjects it was abolished and few subjects were added to Part II of Federal legislative list.

- 1) Electricity
- 2) legal, Health and other professions.

Article 142(a) provided that

Parliament will not longer legislate on the matters out of federal legislative list.

Article 142(b) provided that

Provinces are allowed to have concurrent jurisdiction on criminal

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matter in accordance with criminal law, proceedings and evidence available.

Article 142(c)

Provincial assembly shall and parliament (Majlis-e-Shura) shall not legislate on the subjects outside of the Federal list.

3(d) Administrative autonomy to the Provinces

Council of Common Interest

Council of common interest was established in 1956 but was not playing its role effectively 18th amendment destructed it.

Article 153-154, Structure of CCI.

Prime minister (Head of council)

Chief ministers (Each Province)

Three Federal ministers (Appointed by PM)

Permanent Secretariate (Article 154)

Council will have a meeting at least once every quarter.

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Both houses will provide final report of CJI to President.

Functions:- Decision making, monitoring contd responsibilities on the subject matter → Joint Federal Provinces Taxes.

Industrial Policy	Regulator authority
oversight on public debt	Natural gas
Economic coordination	oil, Mineral
Dispute management	Electricity
Railways	posts
Hazardous material	Legal, medical Professions
Standards in Education	census.
National Planning	Inter Provincial coordination.

3(e) National Economic Council

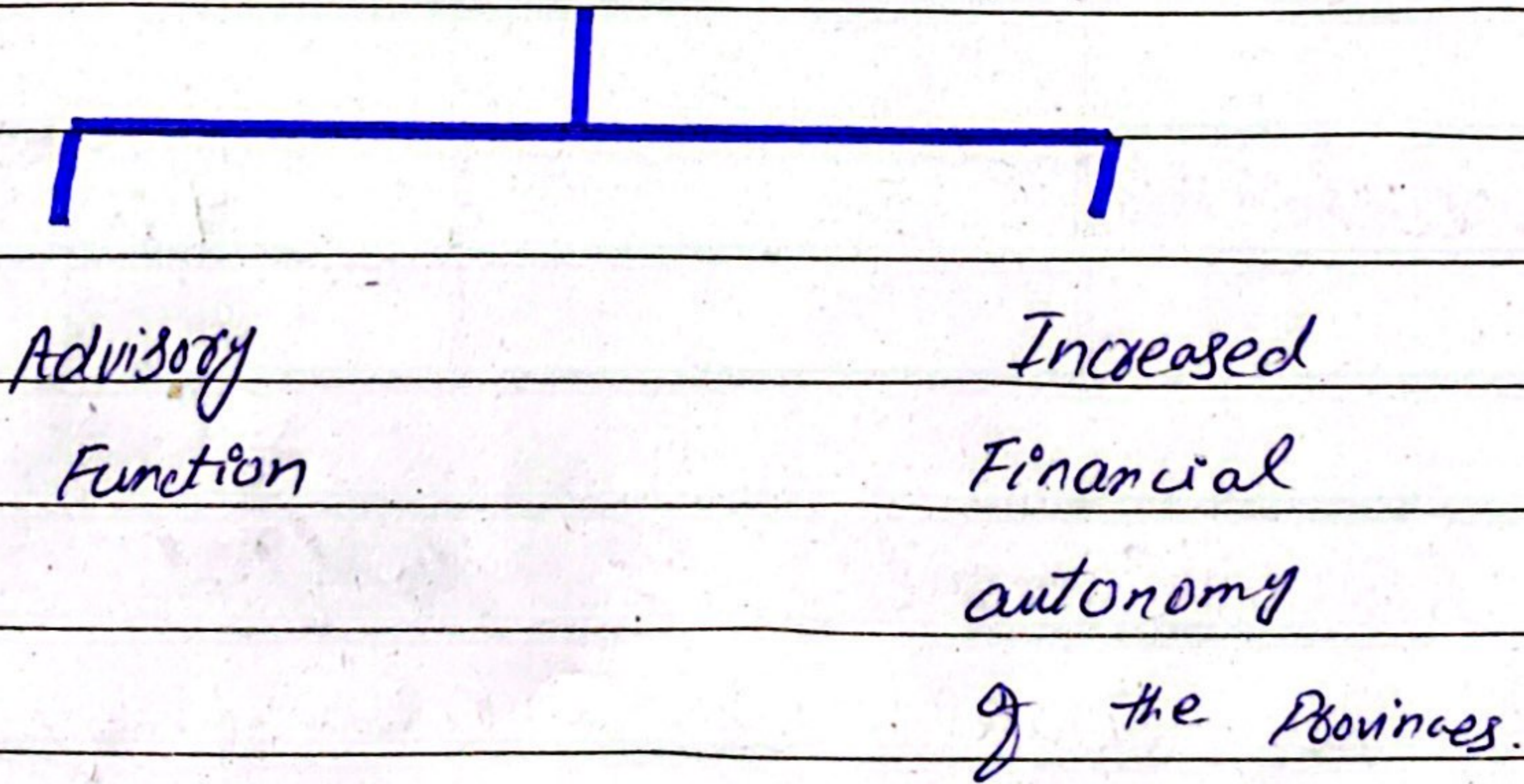
It has the function of an oversight body over National Economy Policy. It increase

representation of the provinces.

Article 156

Structure of National Economic Council	Prime minister (Head)
	Four Federal Ministers
	CM from Each Province
	Ministers (Four) From each Province appointed by Chief ministers of provinces.

3(f) National Finance Commission



According to Article 160 of the constitution.

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The National Financial Award
disputed among the Provinces
should not be less than the
Previous Award.

Provinces share also increased.

The royalty collected by the
Federal government on oil and
gas shall be given to the
Provinces.

	Before	After
Punjab	57.5%	57.7%
Sindh	23%	24%
KPK	13%	14%
Balochistan	5%	9%

4) Appointment of Judges

Judges would be appointed by
Judicial Commission with oversight
of parliament.

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5) Local government (140) → Article

Local government will have elections within 120 days of the ^{end of} term.

Provinces shall not look for another administration modal other than local government.

Conclusion