

Q 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?

### 1. Introduction:

The constitution of Pakistan which came into force on August 14, 1973 was amended a number of times. The impact on the federal structure due to 18<sup>th</sup> amendment was quite interesting. It has given provincial autonomy to provinces and has brought greater change in the federal structure of the constitution. However, recently this amendment is under huge criticism due to number of factors such as poor performance of the provinces and burden on the



center.

12. Overview: The evolution of 18<sup>th</sup> amendment

8<sup>th</sup> amendment by  
 general Zia-ul-Haq  
 ↓  
 presidential system 58(2)(b)

13<sup>th</sup> amendment as  
 a rebuttal of 8<sup>th</sup>  
 amendment 1997  
 ↓  
 Abolition of 58(2)(b)

Musharraf came in  
 power 12<sup>th</sup> Oct 2001  
 ↓  
 2002 → 17<sup>th</sup> amendment

↓  
 A replica of 8<sup>th</sup>  
 amendment

19<sup>th</sup> April 2010 → 18<sup>th</sup>  
 amendment → abolition  
 of 58(2)(b)

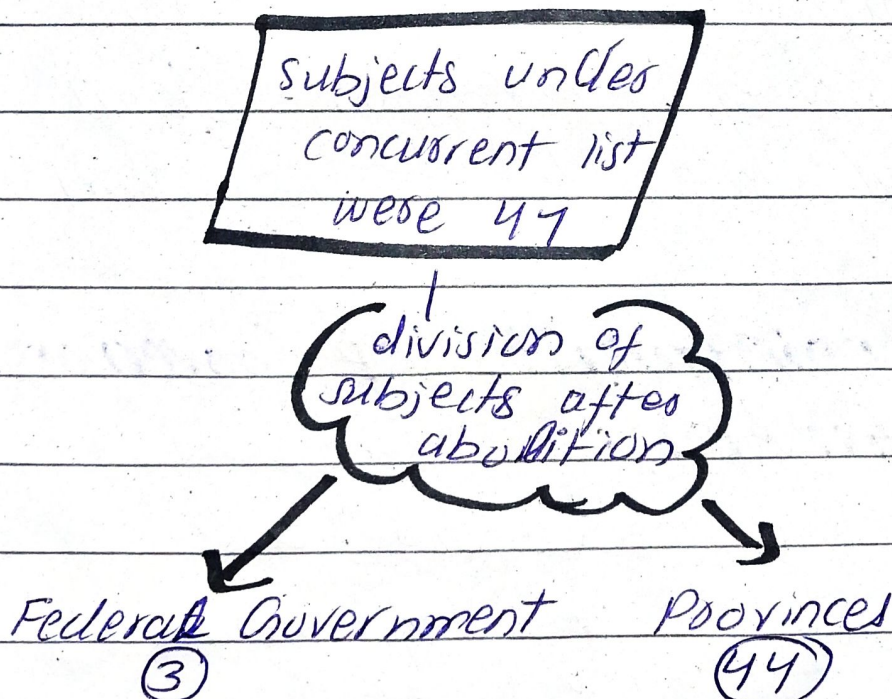


### 3. Federal structure of 1973 constitution after 18<sup>th</sup> amendment:

These are total 102 provisions of 18<sup>th</sup> amendment but the major that changed the federal structure of 1973 constitution are as under

#### (a) Abolition of the concurrent list: (Art- 70)

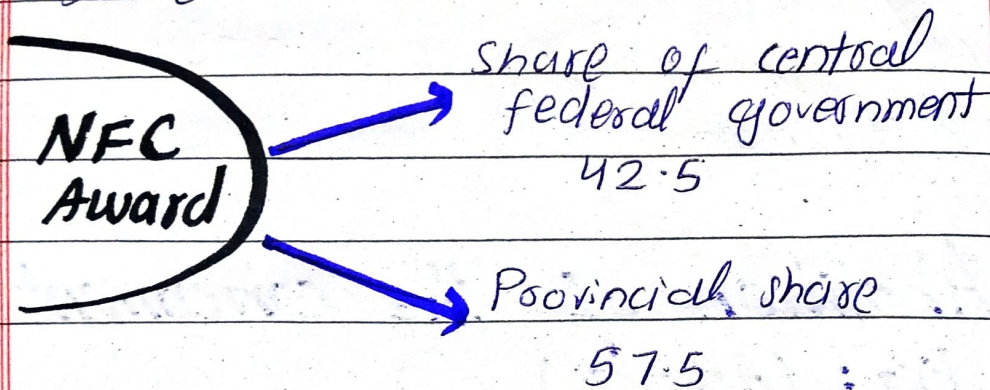
Before 18<sup>th</sup> amendment it was the part of constitution but after 18<sup>th</sup> amendment it was abolished.





## (b) Bar on NFC share of the provinces: (Art 160)

The share of the provinces was increased and there was put a bar on the reduction of this share



## (c) Provinces can take foreign loans: (Art -167)

Provinces can take the foreign loans but must with the consent of of Economic Council and can use these loans for the development.

## (d) Appointment of Governors: (Art -101):

The Governors are appointed by the Prime-minister

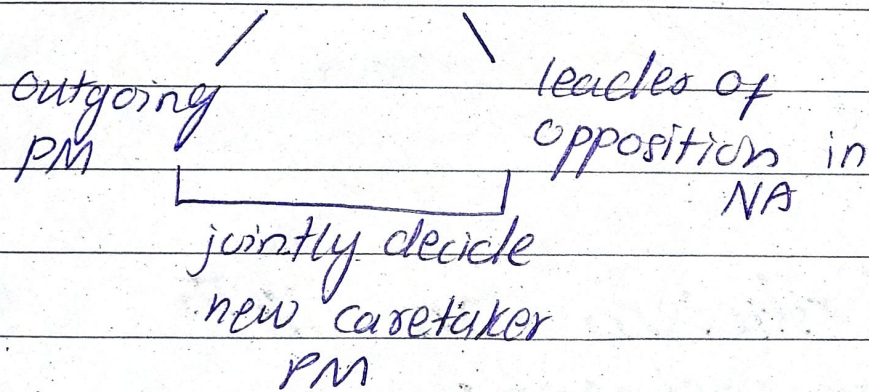


before the 18<sup>th</sup> amendment  
they were appointed by  
the President of Pakistan.

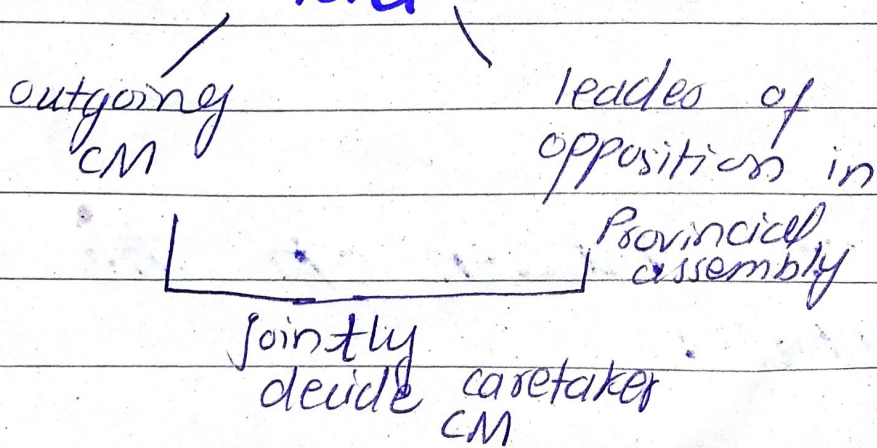
### (e) Appointment of caretaker government in center and provinces.

After 18<sup>th</sup> amendment  
the caretaker government question  
that was under discussion  
for a long time was  
solved.

#### At central level



#### At Provincial level





## (f) Resolution of emergency in province:

The resolution of emergency must be passed by the provincial assembly of that province. After that the emergency is imposed.

## (g) Sales' tax on services:

The sales tax on services go under the authority of provinces and they are given autonomy under 18<sup>th</sup> amendment.

## 4 Criticism on 18<sup>th</sup> amendment:

Recently, 18<sup>th</sup> amendment is criticised due to following reasons

### (a) Puts burden on the center:



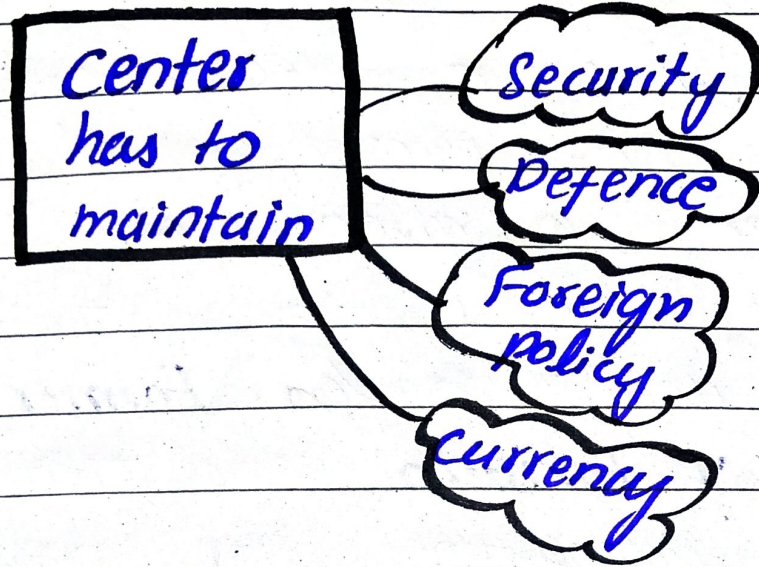
As more power is given to the provinces under 18<sup>th</sup> amendment, their share in NFC Awards is 57.5 percent and center is given less share. That is why it is under burden. **Former PM of Pakistan** said that 18<sup>th</sup> amendment has made the center bankrupt.

**(b) Less cooperation by the provinces with the center:**

Center has many concerns over the cooperation of the provinces. Center has to take care of the vast subjects but provinces do not cooperate and are not at all willing to give some of their share to the center to



carry out the projects  
like CPEC



(c) Potential conflict over standards in each provinces:

As different provinces maintain their own standards according to their policies so for the business men it becomes headache to carry out their business in different provinces.



(d) **Unsatisfactory performance by the provinces:**

The performance of the provinces over the subjects that are authorized to them is also not satisfactory. For instance, in 2012 in Sindh, many people died due to sub-standard medicines and it was the responsibility of the Sindh province as the Drug Regulatory Authority was under provincial subject.

(e) **No implementation mechanism devised for**

For the better performance of federation under 18th amendment provinces and center are asked to setup a strong local government



system under Art-140 of the constitution. However, it is not implemented.

(f) Not effective role performed by Council of Common Interests (CCI):

As CCI has given the task to improve the relations between the provinces and between the center and the provinces and to resolve the disputes. However, its performance is not good.

## 5. Critical Analysis:

No doubt, there are many differences between the center and provinces but if these differences increase it will further deteriorate the political and economic conditions



of the country.

## 6 Conclusion:

The nature of federation and the center province relations have changed under 18<sup>th</sup> amendment and a rising criticism is being faced by 18<sup>th</sup> amendment as it has given much more power to province.

However, if the provinces improve their infrastructure and build their capacity as well as cooperate with the center, the country will be developed.

---