

Q Discuss the Federal Structure of 1973 Constitution of Pakistan after 18th Amendment. Why criticism on 18th 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 18th 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 18th amendment

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

13th amendment as
 a subord of 8th
 amendment 1997
 ↓
 Abolition of 58(2)(b)

Musharraf came in
 power 12th oct 2001
 ↓
 2002 → 17th amendment
 ↓
 A replica of 8th
 amendment

19th April 2010 → 18th
 amendment → abolition
 of 58(2)(b)

3. Federal structure of 1973 constitution after 18th amendment:

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

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

Before 18th amendment it was the part of constitution but after 18th amendment it was abolished.

Subjects under concurrent list were 47

division of subjects after abolition

Federal Government

(3)

Provinces

(44)

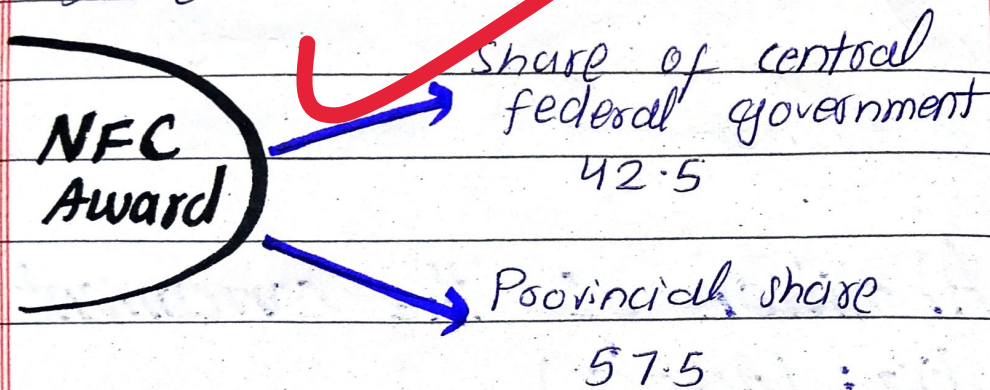
Reduction in

DAY: _____

DATE: _____

(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):

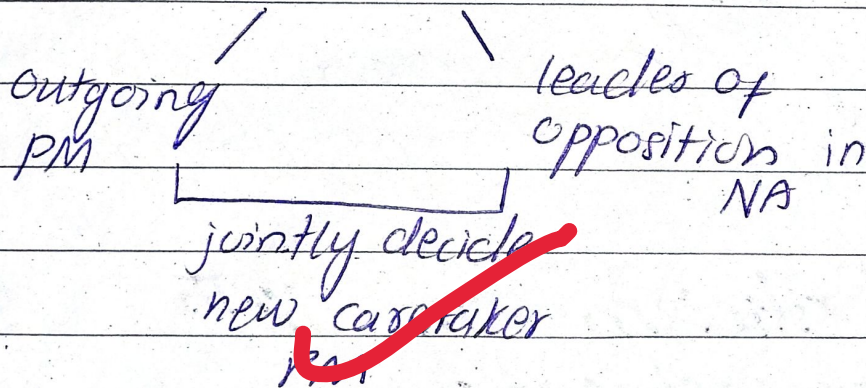
The Governors are appointed by the Prime-minister

before the 18th amendment
they were appointed by
the President of Pakistan.

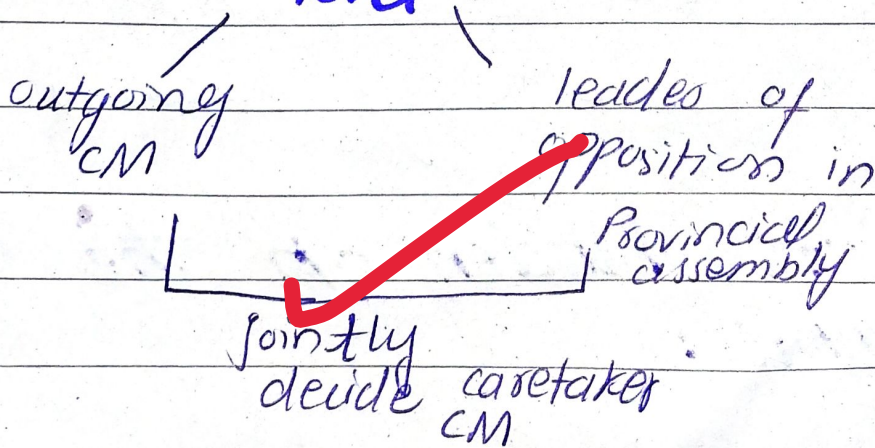
(e) Appointment of caretaker government in center and provinces.

After 18th 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.

Mention the articles amended as references against these arguments

(g) Sales' tax on services:

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

4 Criticism on 18th amendment:

Recently, 18th amendment is criticised due to following reasons

(a) Puts burden on the center:

As more power is given to the provinces under 18th amendment, their share in NFC Awards is 57.5 percent and center is given 10% share. That is why it

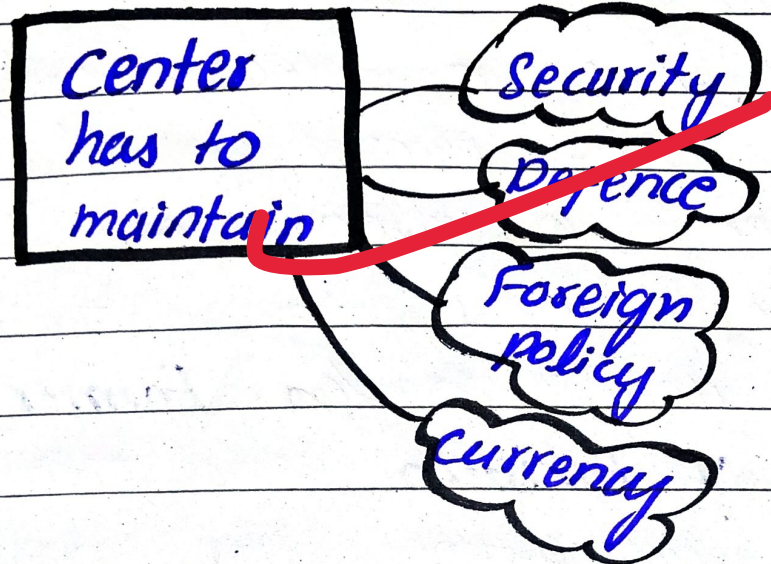
i) under burden. **Former PM of Pakistan** said that 18th amendment has made the center bankrupt.

(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 condition

of the country.

6 Conclusion:

The nature of federation and the center province relations have changed under 18th amendment and a rising criticism is being faced by 18th 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.