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(POLITICAL SCIENCE)

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Q. Despite the enactment of 18th amendment in the constitution of Pakistan 1973, the question of political devolution is as yet largely unresolved. Discuss. (20 marks)

Ans

(1)

INTRODUCTION

The 18th amendment in the constitution history of Pakistan was a step to strengthen provincial autonomy and to reduce the military regimes in the country, along with the maintaining federal system of the country. It was beneficial to provide political devolution through many ways. But there were several hindrances in its way to provide political devolution. Therefore, the continuous longstanding obstacles should be addressed through a holistic and progressive strategy to observe the significance of 18th amendment.

2)

DEFINING DEVOLUTION

"Devolution is a type of decentralization in which transfer of power and responsibility from central government to sub-national levels take place."

The contemporary examples of devolution include

- i) Scottish parliament
- ii) Local government system in United Kingdom

3)

BACKGROUND OF 18th AMENDMENT

18th amendment as passed in the year 2010 is an important constitutional development in the constitutional and political history of Pakistan.

Dr Muhammad Hamidullah in his book The constitutional and political

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history of Pakistan entails that it provided ways to decrease the centralized military regimes in the country, to strengthen provincial power, and it aligns with the federalism provided by the 1973 constitution to the country.

4) 18TH AMENDMENT IN THE CONSTITUTION OF PAKISTAN AND POLITICAL DEVOLUTION

4.1) Key Provisions Of The 18th Amendment that Provide Political Devolution

- (i) 18th amendment ensures fiscal provincial autonomy; The 7th NFC National Finance Commission Award (2010), as is linked with 18th amendment, enhanced the provincial share in the federal revenues. Thus 18th amendment provides significant fiscal provincial autonomy.

7th NFC Award allocates federal revenues to provinces on the basis of

Population the province has
Poverty the province owes
Backwardness in the province

Revenue collection provided by the province.

(ii) 18th amendment increased provincial representation; 18th amendment enhanced the provincial ~~pre~~ representation in the legislature and decision-making bodies.

(iii) Abolition of Concurrent Legislative list by 18th amendment led to exclusive powers of provinces in certain matters; 18th amendment abolished concurrent legislative list. This resulted in providing provinces exclusive jurisdiction of legislature and policy-making on matters such as education, health, local government, and many more.

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4.2) Persistent Challenges In The Manifestation Of 18th Amendment

- (i) Fiscal Centralization; Despite the fact that the 7th NFC Award has increased the fiscal share of the provinces, the federal government has not provided appropriate resources to the provinces.
- (ii) Inadequate Administrative and Functional autonomy; The administrative powers of provinces such as education as given by 18th amendment has been interfered by the center several times.
- (iii) Weak Local Government System; The provincial governments are reluctant of transferring the legal powers to the local government levels is the challenge to 18th amendment as well.
- (iv) Inter provincial coordination challenges; The persistent and continuous conflicts

and tensions between the provinces on resource allocation is another obstacle in the way of 18th amendment. For example, the ongoing water conflict particularly regarding construction of canals on Indus river between Sindh and Punjab has underscored the significance of 18th amendment.

4.3) Further measures to release the significance and importance of 18th amendment to ensure the Political Devolution

As the challenges persists, there is the need to resolve them to release realize the importance of 18th amendment in real sense to ensure political devolution.

These ways way include

- Ensuring Center Provincial co-ordination

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- Providing inter-provincial harmony
- Strengthening the fiscal capacity of provinces
- Strengthening local government system.

5)

CONCLUSION

In a nut shell, the 18th amendment is very necessary and important constitutional step to ensure provincial autonomy in the current federal setup of the country. Following its objective, it has provided political devolution. However, the challenges are there as well which must be addressed through a comprehensive approach to ~~realize~~ realize the scope of the 18th amendment in ensuring good governance through political devolution.