

Q: Discuss the Federal Structure of 1973 Constitution of Pakistan after 18th Amendment. Why Criticism on 18th Amendment Started Recently?

INTRODUCTION:

"The 18th Amendment was not merely a legal reform; it was a democratic declaration restoring the original Federal Spirit of 1973 Constitution."

(Senator Raza Rabbani)

The Constitution of 1973 laid the foundation of Pakistan's democratic and federal system, ensuring a division of powers between the Centre and the provinces. However, over the decades, the spirit of federalism was eroded by centralized

rule, military interventions, and Constitutional distortions most notably through Article 58 2(b) introduced by the 18th Amendment. The 18th Amendment, passed in 2010, sought to undo these distortions and restore parliamentary sovereignty and provincial autonomy. The evolution of federalism in Pakistan, particularly following the transformative 18th Amendment, highlights both the efforts to decentralize power and the growing criticism rooted in administrative inefficiencies, institutional imbalances, and challenges to national integration.

HISTORY:

The centralization of power in Pakistan began with the 18th Amendment introduced by the General Zia-ul Haq in

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1985, which added Article 58 2(b) to the Constitution. This article empowered the President to dissolve the National Assembly at his discretion, undermining Parliamentary Supremacy. It was first used by Zia to dismiss Prime Minister Muhammad Khan Junejo. Later, President Ghulam Ishaq Khan dismissed both Benazir Bhutto and Nawaz Sharif under the same provision. President Farooq Leghari also used it to remove Benazir Bhutto's government in 1996. In 1997, Nawaz Sharif repealed Article 58 2(b) through the 13th Amendment to restore Parliamentary Authority. However, General Pervez Musharraf revived it through the 17th Amendment in 2003.

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"We repealed Article 58(2)(b) to restore the sanctity of the vote and the Supremacy of Parliament".

(Nawaz Sharif on the (13th ~~18th~~ Amendment (1997)).

Finally, the 18th Amendment in 2010, under President Asif Ali Zardari abolished the Article 58(2)(b), marking a major step towards restoring parliamentary democracy and initiating a significant devolution of powers to the provinces.

FEDERAL STRUCTURE AFTER THE 18th AMENDMENT:

DEVOLUTION OF POWER:

The 18th Amendment marked a major shift in Pakistan's federal structure by abolishing

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the Concurrent Legislative List, which led to the transfer of 47 subjects including health, education, environment, and labor to the provinces. This devolution aimed to empower provincial governments with greater administrative and legislative authority. As part of this process, Eighteen federal ministries were handed over to the provinces, enabling them to directly manage key public services and development sectors in accordance with local needs and priorities.

"The real spirit of federalism lies in empowering provinces to decide their priorities."

(Mian Raza Rabbani,
Architect of the 18th
Amendment).

STRENGTHENING DEMOCRATIC RIGHTS:

The 18th Amendment also aimed to enhance democratic values by reinforcing individual rights and institutional transparency. It introduced several constitutional safeguards related to fundamental freedoms, fair legal processes, and access to education and information. These reforms were reflected through various constitutional provisions such as Articles 6, 10A, 19A, and 25A, which collectively strengthened the democratic framework and promoted citizen empowerment.

"The 18th Amendment has embedded human rights more deeply into the

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Constitutional Order Of Pakistan" (HRCP)

INSTITUTIONAL REFORMS:

The 18th Amendment also brought important institutional reforms to strengthen the federal framework. The role of Council Of Common Interests (CCI) was enhanced to ensure effective inter-provincial Coordination and resolve disputes between the federation and provinces.

Similarly, the National Finance Commission (NFC) was emphasized as a key mechanism for the ~~dispute~~ equitable distribution of financial resources, ensuring that all provinces derive a fair share in line with their needs and Contributions.

"The strengthening of the CCI was essential

to making federalism functional." (Dr. Ishrat

Hussain).

RECENT CRITICISM ON THE 18th AMENDMENT:

WEAKING OF THE CENTRE:

One of the major criticism of the 18th Amendment is that it excessively devolved powers to the provinces, thereby limiting the federal government's ability to enforce uniform national policies particularly in critical sectors such as health, education, and energy. This fragmentation of authority has made it difficult to develop and implement cohesive strategies across the country.

National Crises like the COVID-19 pandemic and the fight against terrorism have highlighted serious coordination gaps between the

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Centre and provinces, raising concerns about the state's overall governance capacity.

"We need a balance where national interest is not compromised in the name of provincial autonomy"

(Imran Khan, PM of Pakistan 2018-22).

THREAT TO NATIONAL INTEGRATION:

The devolution of powers under the 18th Amendment has also raised concerns about national integration. Policy divergence among provinces has resulted in inconsistent education systems and uneven development priorities, undermining efforts to maintain a cohesive national framework. The absence of a uniform unified curriculum

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and the emergence of varying health care policies across provinces have further questioned the coherence of the country's overall strategic direction, potentially weakening the sense of collective national identity.

"Too much provincial freedom without central cohesion risks fragmenting the federation."

(Amjad Shoaib, defense analyst).

ADMINISTRATIVE INEFFICIENCIES:

A significant challenge following the 18th Amendment has been the administrative unpreparedness of provincial governments to manage their newly devolved responsibilities. Many provinces lacked the institutional capacity and

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trained bureaucracy needed to effectively handle critical sectors. This has resulted in overlapping jurisdictions, poor planning, and weak service delivery mechanisms, ultimately hindering the intended benefits of decentralization and contributing to overall governance inefficiency.

POLITICAL EXPLOITATION:

Critics have also pointed to the 18th Amendment as a politically motivated reform rather than a purely democratic advancement. Instead of genuinely empowering the public, it is argued that the amendment weakened central accountability mechanisms while reinforcing the influence of provincial political elites. This has led to concerns that the spirit

of devolution was compromised by political objectives, undermining the goals of transparency, inclusivity, and balanced governance.

"Instead of empowering the people, the 18th Amendment has often empowered provincial dynasties."

(Mosharraf Zaidi, policy analyst)

CONCLUSION:

The 18th Amendment stands as a pivotal milestone in Pakistan's Constitutional journey, aimed at restoring the federal spirit envisioned in 1973. While it marked significant progress towards provincial autonomy and democratic deepening, its impact has been limited by the institutional shortcomings, weak

implementation frameworks, and
Coordination Challenges between
federal and provincial tiers.

The criticism it faces today
does not suggest a reversal
of devolution, but rather a
need for thoughtful recalibration.

Strengthening provincial capacities,
improving inter-governmental
Coordination through mechanisms
like the CCI, and introducing
effective accountability measures
to ensure that devolution
translates into inclusive governance.

"The future of
federalism in Pakistan
lies not in undoing
decentralization, but
in administering it
with clarity, cohesion,
and competence."

(International Crisis Group) (ICG)