

Part - II

Section - A

Q No Q:

Ans: ① Introduction

The Federalism in Pakistan has evolved through a tough road. As, historically, the country was supposed to a strong Federation as envisaged by her forefathers. However, after the inception of the state everything changed and different constitutions of the country tried to confiscate the federating units' power till the arrival of 1973 Constitution and 18th amendment. The bumpy road of the evolution of federalism in Pakistan was also stoned by the weak political development in the country. Such as the persistent coups d'etat by the dictators and consistent popl's political instability.

② Concept of Federalism

Basically it is a form of state where the power is constitutionally devolved between the Center known as the Federal and the Units called as the Federating units. In normal Federalism the center ~~keeps~~ keeps the defence, international is or

foreign affairs and financial department in its domain.

History of Federalism in Pakistan

As mentioned above, Pakistan was envisaged by its creators as a strong federalism. However, after the death of its forefathers and institutional imbalance the dream of strong federalism changed into the weak federalism. The examples are illustrated below.

i) 1956 Constitution of Pakistan

Some major points regarding federalism

⇒ Limited authority to the provinces were given as there were

a- Three Lists

↳ Concurrent List

Federal List

Provincial List

b- Residual powers were given to the center

c- Unicameral Legislature

d- Presidential system

ii) 1962 Constitution of Pakistan

Some major provisions are given below

- ⇒ Limited authority
 - a- Two units
 - b- Unicameral
 - c- No Party System
 - d- Two/third majority for amendment
 - e- One list with residuary powers to units

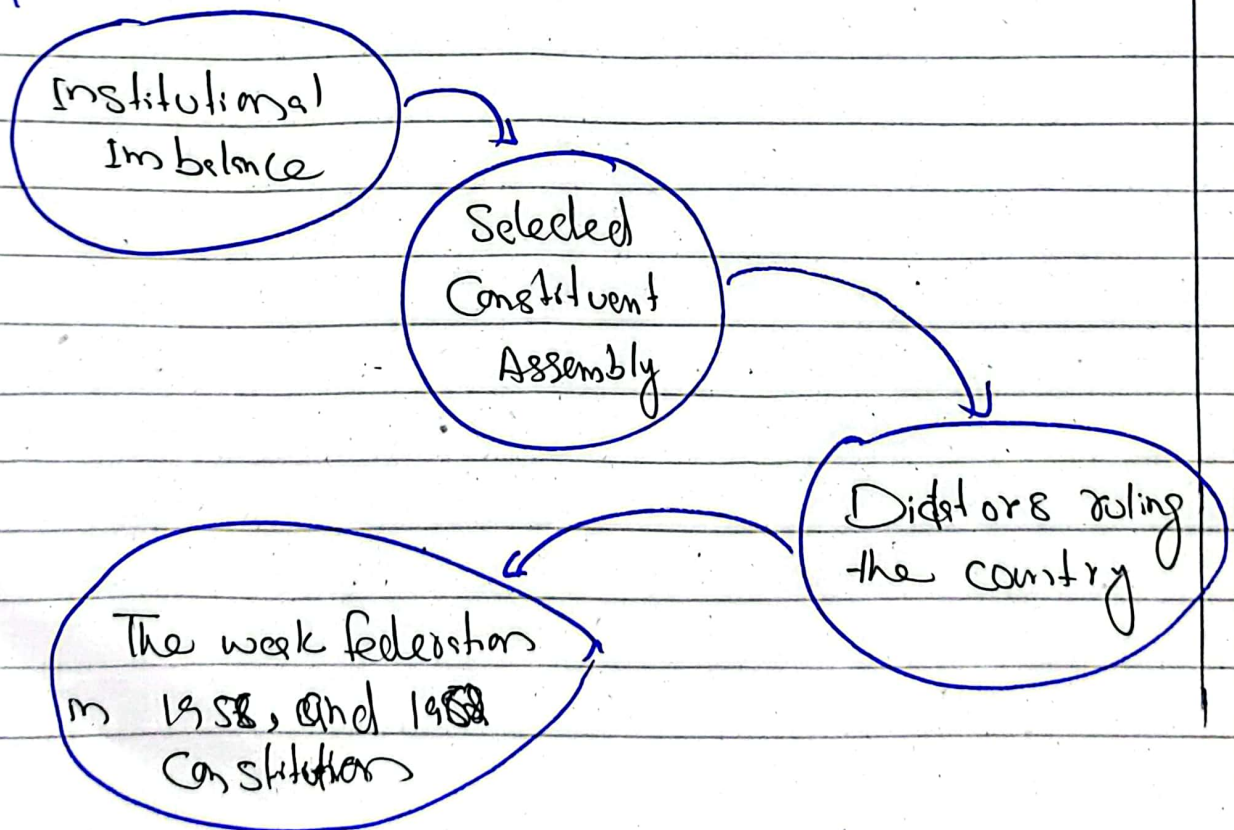
iii) 1973 Constitution of Pakistan

Some of major provisions are ment below

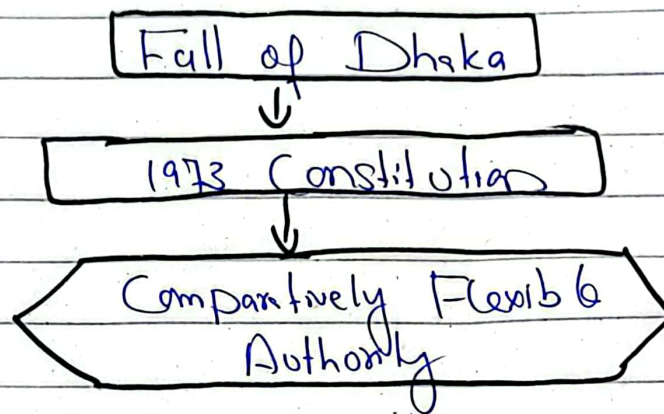
- a- Comparatively flexible authority to units
- b- Three Lists
- c- Residuary powers were given to the units
- d- Bicameral legislature
- e- Open Party Election

① Critical analysis of evolution of federalism in Pakistan and role of political developments in its evolution.

In the initial years of Pakistan, the country witnessed the grave institutional imbalance as the Judiciary approved the dissolution of the first constituent assembly. That imbalance resulted in the weak federalism in Pakistan, just before the second constituent assembly was not the elected one but the selected one. Moreover, the constant political instability played vital role in paving the way of dictators to capture the state through their coups. That also resulted in the weak federalism.



After the continuous political and constitutional upheaval the country witnessed the fall of Dhaka. After that the country came up with the moderate (federalism) supporting constitution.



Federalism after the 18th amendment in the 1973 constitution of Pakistan

As mentioned above the 18th amendment did not provide the strong federalism, however, one can say that Pakistan moved from the weak federalism to moderate federalism. Although the 18th amendment in the 1973 constitution of the country shifted Pakistan to moderate federalism to strong federalism. Some of the provisions are given below.

18th amendment in 1973 Constitution

Financial Autonomy

- i - Increased share of units to 54.5
- ii - Article 173 added, equal share of center and province in the resources
- iii - Province can take loan independently

Powers devolved

- i - Health
- ii - Education
- iii - Local Government Systems
- iv - Agriculture
- v - Industries

Lists

- i - Federal List
- ii - Provincial List
- iii - Abolition of Concurrent list
- iv - Strengthening of CCI

① Critical Analysis

The 18th amendment in the 1973 constitution of Pakistan make a stronger federalism than ever through the devolution of powers.

② Conclusion

Owing to the political instability and constitutional imbalance the country was indulged in the weaker federalism. However after some horrific event the country finally moved towards the weaker modern federalism. The 18th amendment the 1973 constitution finally made Pakistan a stronger federalism.

Section - B

Q No 4:

Ans: ① Introduction

There is no blinking the fact that the IMF's bailouts and conditionalities are a tool of developed countries to be used for exploitation of the developing countries. Moreover, in order to understand how these the institution works one must comprehend its mandate and its offered reforms. As

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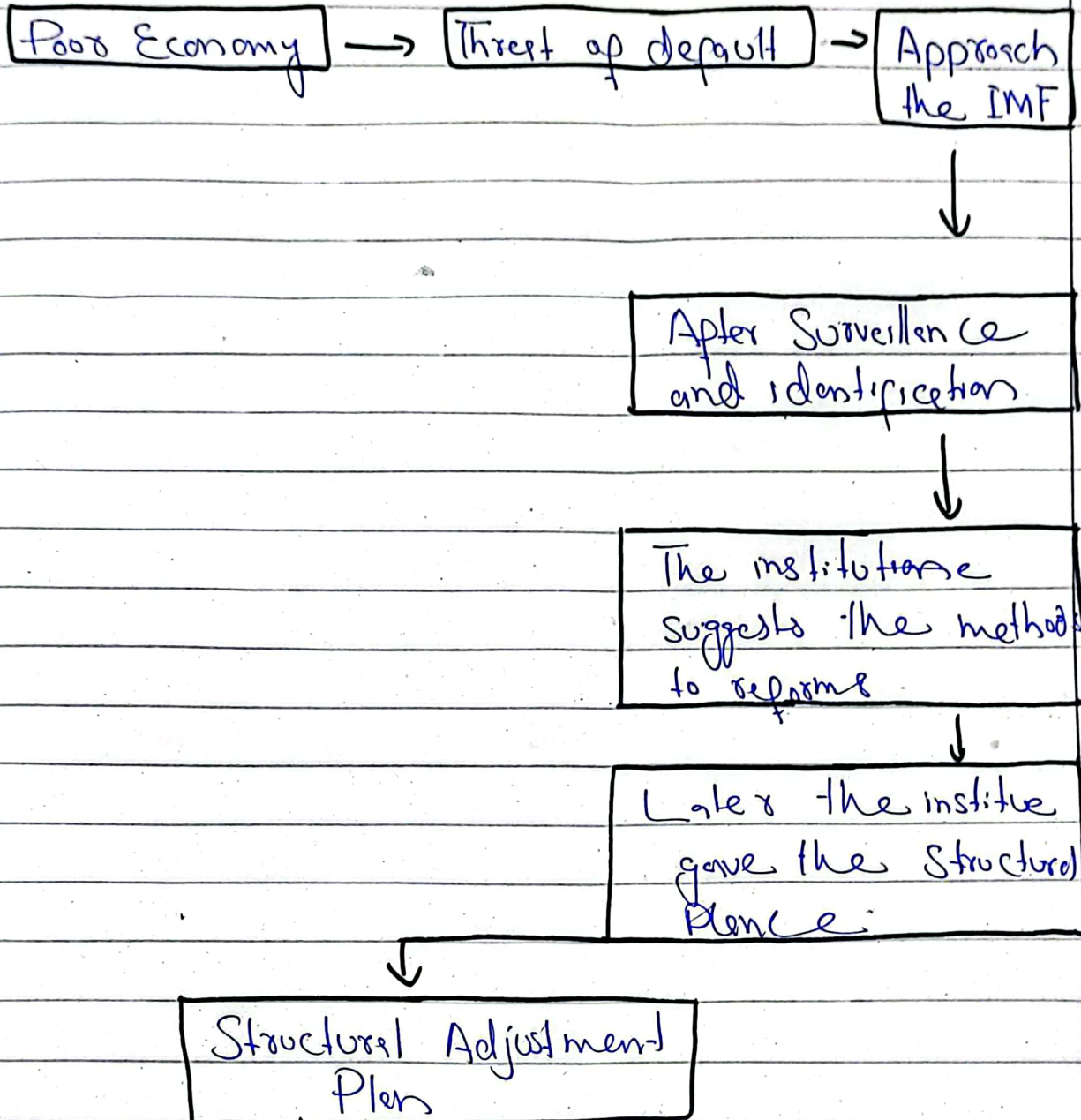
For example these countries emphasise the developing countries to trade with the developing countries with tariff tax, custom and tariff exemption. Not only that, the devaluation of currency, economic liberalisation are also the methods of exploitation.

IMF and its mandate

International Monetary Fund, it was established at the Bretton Wood Conference in order to help the war-ridden countries affected by due to World War II. The mandate and function of IMF is given below.

- i- Identification of Issues in Economy
- ii- Suggestions to reform the economy
- iii Surveillance after reforms
- iv. Giving the Structure / Adjustment Plans.

3) Understanding the Structural Adjustment Plan of IMF and the process



The SAP includes

- i- Devaluation of Currency
- ii- Liberalization of trade
- iii- Privatization of SMEs

- iv- Reduction in the subsidies
- v- Low budget for the development projects
- vi- Standardized prices with international commodities

4) Consequences of the Structural Adjustment Plans by IMF

- i- By devaluation of the ~~eco~~ currency the country would face severe inflation. As faced by Pakistan in July 2023. (Economic Survey of Pakistan 2022-23)
- ii- The liberalization of the trade would increase the influx of imported goods in the country. This results in the current account deficit.
- iii- Privatization of state owned enterprises would increase the capitalists hegemony and the common masses would suffer in the hands of the capitalists.
- iv- Low budget for the developmental

v- projects would never grow the country's youth educationally, economically and socially

vi Equal prices of the commodities of the with the international goods increase the competition in the market as the local products are unable to compete in the market.

⑤ Summary: how the IMF bailout and conditions are the tool of exploitation for developing countries

Condition	Development	Exploitation
i Devalue currency		✓
ii Low subsidies		✓
iii Privatization		✓
iv Liberalization		✓
v- Low budget for development -til projects		✓

Therefore, it is appropriate to mention that the IMF's bailout and conditions are the tool of exploitation for the developing countries.

⑤ Conclusion

By analysing through different angles, by reviewing its mandate, the criteria for the bailout and the conditions of the structural adjustment plan, one can write that the IMF's whole purpose is to exploit the developing countries.

Q No 6

Ans: ① Introduction

The concept and power of the judicial review is deep implanted in the idea of the separation of powers by Montesquieu. Whereas, one can see that due to judicial review the essence of the democracy is alive. If ~~there~~ there is no concept of judicial review the other institutions would interpret the law as per their wishes. However, letting the judiciary prehend in the judicial review it would politicize the judiciary and would

kill the theme of separation of power and democracy. This having power of judicial review with the checks is as important as the elections in democracy.

② What is Judicial Review

It is ~~the~~ an exercise of the power of ~~the~~ Judiciary, where the judge of the Supreme Court ~~has~~ interprets the constitution of the country and checks that the laws and the process in a country are passed and done within the constitutional limits.

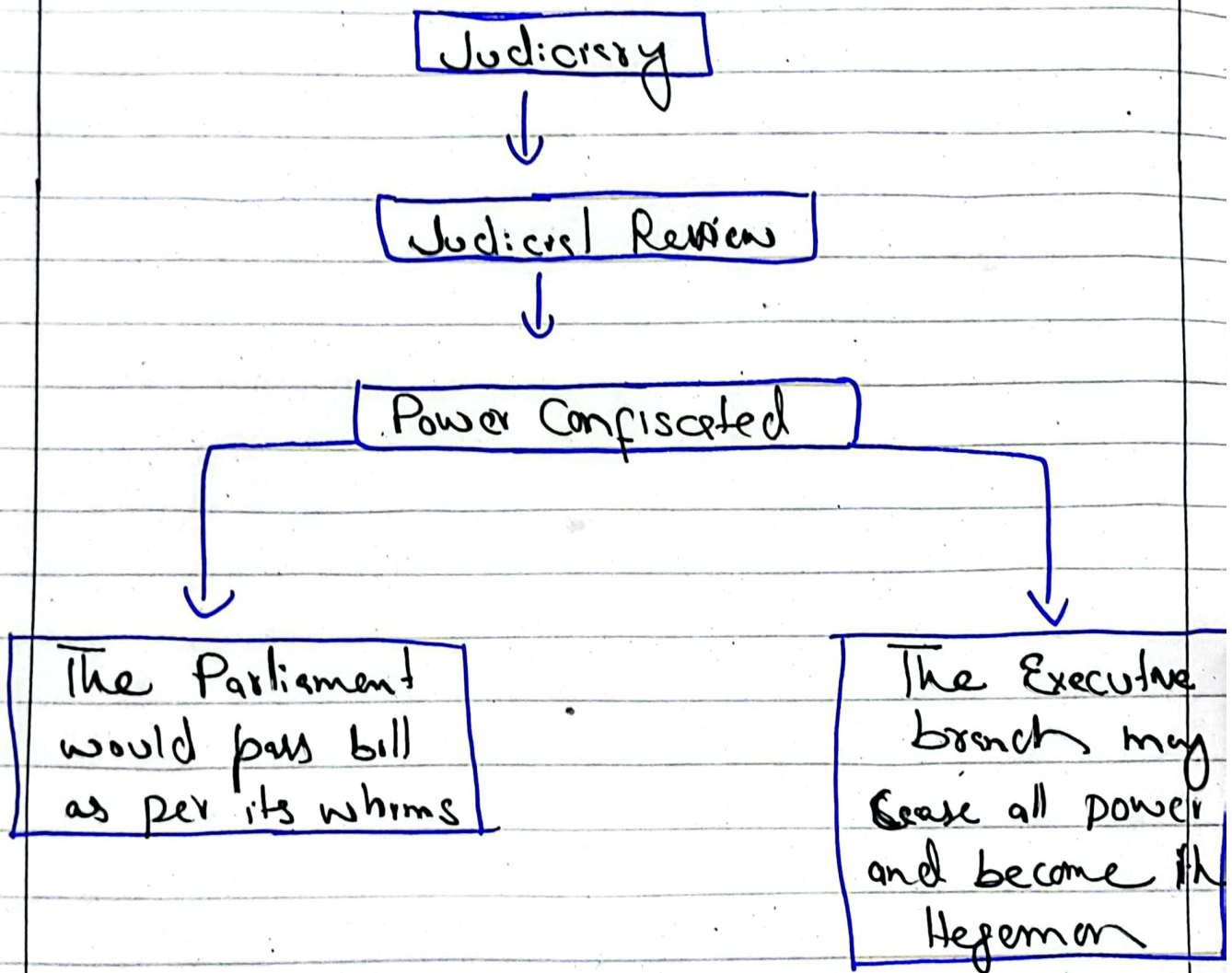
③ Importance of Judicial review

Judicial review is important just because it keeps the check on the Parliament and the executive branch. Through the judicial review the Judiciary branch ensures the laws and bill are passed as per the constitution and the executive branch is working within its allocated work. The importance of judicial review can be seen through the following example, as the Judiciary branch of Pakistan issued an order to the

Election Commission of Pakistan ensure the By-elections of Punjab and KPK are held within time.

Q) What'll happen if the power of Judiciary for judicial review is confiscated?

It can be understood through following example



1) What happens when the Judiciary's power is increased and unchecked

It can be understood by these words.

"Absolute Power Corrupts Absolutely"

There are many speculations regarding that question and some of them are mentioned below

i - Threat to the independence of Judiciary

ii - Politicised Judiciary

iii - Unchecked Judiciary may cause imbalance in the institutions

iv - Changing or interpretation of Constitution as per the whims of Judge.

For example, in the initial years of the USA the Judges interpreted the constitution as per the wish of President. The famous case of Merphy.

⑥ Judicial Review in the light of recently promulgated Practice and Procedure Act, 2023

Before understanding that one must have overlook the political situation of Pakistan.

Excessive Political Polarization

Unimaginable institutional crisis

Unprecedented Judicial Activism

Unseen Political Rivalry

Owing to these conditions the parliament of Pakistan wanted to limit the power of the judiciary in the areas of Judicial Activism and Judicial review.

1- Two School of thoughts

Accor. Regarding the recently promulgated practice and procedure act ~~are~~ there are two school of thoughts, and they have also politicised it.

First School of thought	Second school of thought
This school believes that the act is the need of time as it would bring the institutional balance of power back.	This school of thought believes that, it is holistically against the philosophy of separation of power. It would ultimately increase the power of other institutions.

2) Conclusion

Judicial review is an essential element of the separation of powers. As it keeps checks on two other institutions. Moreover excessive power to Judiciary is also harmful yet the merge power is also not recommended; therefore, the powers should be balanced. Moreover, due to political uncertainty the masses has also

the procedure and practice act of 2008.

Q NOS

ANS: ① Introduction

There are multiple factors that are still becoming the hurdle in the political devolution of powers and provincial autonomy. That obstacles are causing the anti-center feelings and some of them are unwillingness of the political leaders to implement the 18th amendment completely. Not only that, the financial and economic security of the center also causes trouble in the way of provincial autonomy. Above all, the threat of the national disintegration held the center to empower the units. That reason are continuously causing the anti-center feeling, Moreover, things can be solved if the proper decisions are taken at time.

18th Amendment in a Nut shell

① Devolution of Powers

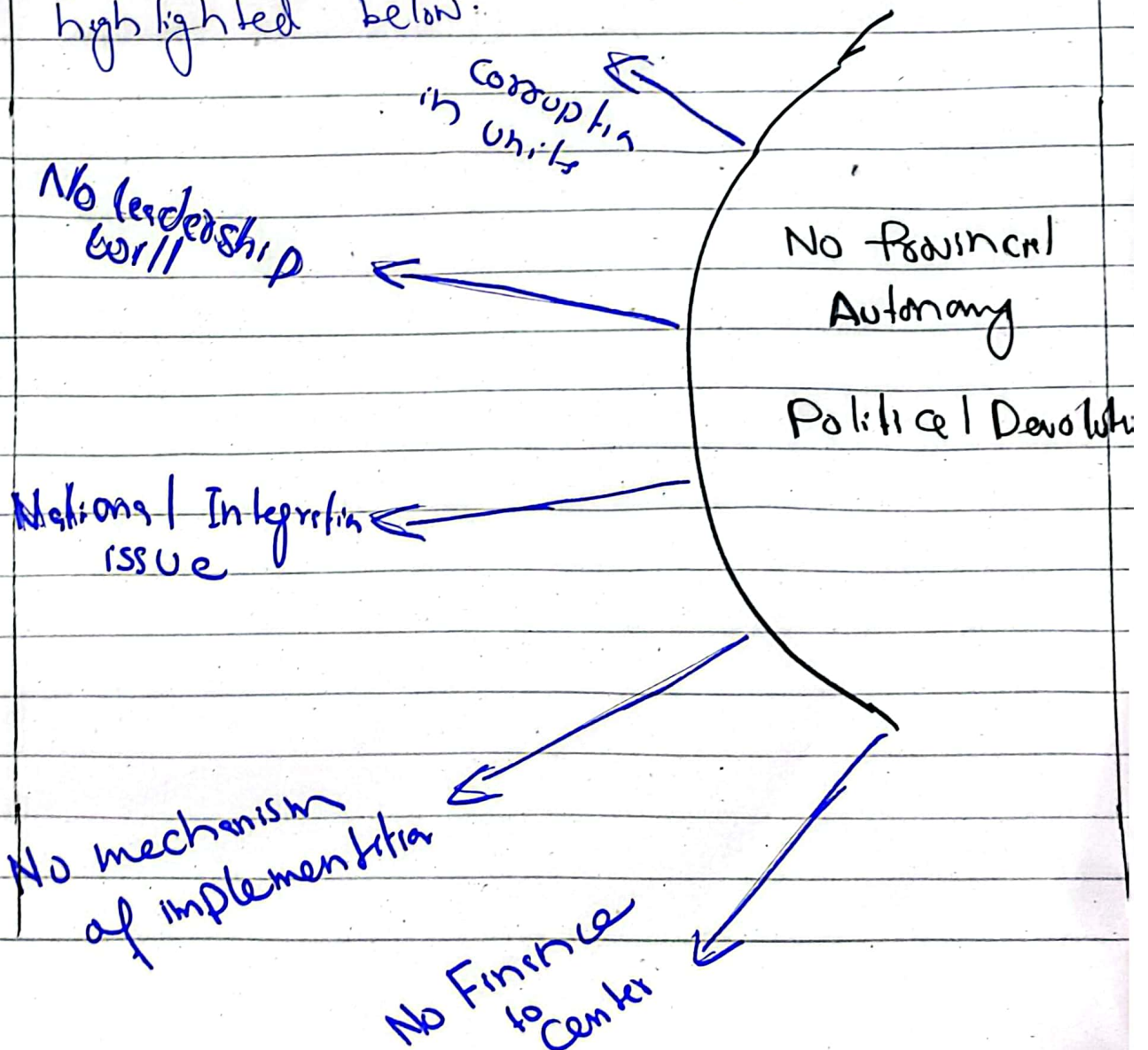
② Financial Autonomy or

increased role in
finance

② Abolition of Concurrent list

3) Why there are still the question of political devolution and the provisions of provincial autonomy

There are multiple reasons of that question, however some of them are highlighted below:



④ How to implement the 18th amendment completely in order to remove the anti-center feelings of provinces

i- Devise the mechanism

ii- Return the department of Education of Center

iii- Increase the financial budget through provinces' influx

⑤ Conclusion

Owing to multiple reasons the 18th amendment has not been implemented by reforming and adding new clause in the amendment the center-province relations can be resolved.