

(Section - A)

Q. No. 1

Evolution of Federalism:

Pakistan has witnessed three constitutions in its constitutional history. All these constitutions were federal in nature. These constitutions were promulgated in 1956, 1962 and 1973 respectively. In federalism the powers are divided between centre and the federating units. The administration of the country is run by cooperation between two centre and federating units. Sometimes, these perform well due to proper coordination and cooperation while sometimes, a huge challenge arises in front of both. So, in federalism it is necessary to ensure proper working through coordination between centre and federating units.

Now, the evolution of federalism is discussed one by one by keeping in mind the provisions of 1956, 1962 & 1973.

1956, 1st Constitution:

The 1st constitution of 1956 of Pakistan was federal. In this constitution, the powers were divided between centre and provinces or federating units according to the subjects related to federal, Provincial and concurrent list. In 1956 constitution, Centre was made powerful by giving more subjects to the centre. Some important subjects were defence, foreign policy and decisions on war or peace.

The provinces were allowed to legislate on the subjects given to them. The provinces can make legislation on the subjects of health, education, transport (railway, roads, airports etc). All the provinces were independent to make decisions and policies related to these subjects which were under their jurisdiction.

A concurrent list was consist of those subject on which both centre and federating units can legislate. These were in common. In the case of any issue between centre and provinces related to the legislation or powers of any subject, the decision of centre will gain dominance.

By analyzing all the powers and subjects under the jurisdiction of centre and provinces, it has come to know that centre was powerful in comparison of federating units.

2nd Constitution 1962

The constitution of 1962 was the second constitution of Pakistan which was promulgated by General Muhammad Ayub Khan. This constitution was also federal in nature in which powers were distributed between centre and provinces or

federating units. In this constitution, again there were three lists on which the respective federating unit and centre can legislate. Again more subjects were given to the centre and the distribution of resources was also made by centre. The share of revenue for centre was also high. So, the federalism evolved in the same way as was made in the first constitution of Pakistan.

Constitution of 1973:

The constitution of 1973 is considered as the "supreme law of the land". This was promulgated in 8 August 1973. In this constitution the powers were divided between centre and provinces or federating units because it was also federal in nature. The provinces were made autonomous in their jurisdiction. They were also

autonomous in making any legislation in the forms of policies within their jurisdiction.

In the constitution of 1973, the subjects of centre were defence, foreign policy, decisions on war or peace and military. Provinces were given the subjects of health, education, railway transport etc.

A concurrent list was also present on which both centre and federating units can make their jurisdiction.

18th Amendment

18th Amendment was passed in 2010. In this amendment the provinces were given more powers than centre. After this amendment more powers were transferred to the provinces. Such as education firstly was the subject of centre then it was transferred to the provinces. Moreover Drug regulation was given to the

the provinces by the federating units cannot handle it. So, the provinces handed over this subject to the centre. The centre's share in the National finance commission was also reduced. The share of centre is only 42.1. Such devolution of power makes centre weak in comparison of provinces. The provinces were made autonomous which can be detrimental for the centre.

Conclusion:

Pakistan's structure of government has remained federal in nature throughout its constitutional history but after the 18th amendment, some important amendments have been made in the constitution of 1973. 18th amendment makes provinces or federating units stronger than centre by handing over more subjects to the provinces.