

Section - II

Q6 How far 18th amendment has altered the structure of existing federation in Pak. Critically evaluate.

Ans:

Introduction:

Pakistan's federal structures have been the subject of controversy since independence. Longstanding demands for change have been made, particularly changes to the vertical and horizontal division of resources and demands for a reorganization of provinces along ethno-linguistic lines.

The 18th Amendment of 2010 introduced major changes to the federal system, agreed by consensus. But these Although major changes have been made, they have not yet gone far enough. The diversity of Pakistan should be seen as a source of federal strength rather than as a weakness.

A nation's constitution is revered as a sacred text because it acts as both a social covenant between government and the people of the nation as well as a "manual" for the administration that came before it to follow when exercising power. The federal nature of Pakistan suggests a division of

power between the federal and provincial governments. The constitution of Islamic Republic of Pakistan was written in 1973, and strikes a middle ground between federal power and local control.

The 18th Amendment to Pakistan's 1973 constitution was adopted by the Senate and National Assembly in April 2010 and was hailed as a major step towards restoring constitutional credibility.

① Alteration of federal structure by 18th Amendment Resurgence of Parliamentary Democracy

The power structure of Pakistan has been restructured to reflect its status as a federal structure as a result of 18th Amendment, which was ratified in April 2010. To begin, the 18th amendment brought back the constitution's original parliamentary form of government. Second, it altered the connection existed between legislative branch and the judicial system. And last number three, it got rid of the concurrent list.

The Re-establishment of Parliament

There were 47 different items on the concurrent list which was the list of laws that may be passed by either of the federal or provincial governments. Political parties, notably nationalist parties hailing from smaller provinces, had on a regular basis pushed for the elimination of this list and transfer of all its contents to two respective provinces in the sake of greater decentralization. In 1973, as the constitution was being drafted, a decision was made to eliminate the list after a period of ten years. However, there was no agreement. The concurrent list is no longer in effect since 18th amendment was ratified. Hence, two subjects were moved to Part-II of the federal list, and one subject was moved to Part-I of list. Additionally, one subject was moved to Part II of the list. The remaining 44 subjects are immediately turned into residual subjects that are peculiar to the province.

(National Finance Commission)

Enhanced share in NFC national shares

Another important contribution of the 18th Amendment was to recognize provinces as rightful beneficiaries of their natural resources.

in collaboration with the Federal Government
as amendment in article 172 limited the
ownership of Federal Government to lands,
minerals and other things of value within
the continental shelf or underlying the
ocean beyond the territorial waters of
Pakistan.

Thus, lands, minerals, etc., that lay
within Pakistani territorial waters were left
for the provinces to explore, develop and
exploit. Furthermore, all new discoveries of
minerals, oil and natural gas within a
province or in territorial waters adjacent to
a province were to be owned jointly and
equally by the federal and the provincial
governments.

Enhanced share (in NFC) of Provinces:-

Another important institution created by
1973 constitution was the NFC, which
had provincial representation and was
responsible for resource distribution
between the Federal Government and
Provincial governments.

It strengthened

provincial position vis-a-vis the NFC by declaring that the share of a province in NFC will not be less than its share in the previous award (article 3A).

It also required the NFC to represent its report to both houses of Parliament and PA.

A new clause was added to article 161 so that net proceeds of federal

Conclusion.

18th amendment was a milestone in the constitutional history of Pakistan. It not only restored parliamentary character of the constitution by returning the functions and powers to PM and his cabinet that had been usurped by military presidents over the past four decades but also made important contribution in enhancing fundamental rights, strengthening institutions and specifying the procedure for the appointment of judges. Although the appointment of judges became controversial immediately after the passage of the Amendment and the procedure had to be partially modified in line with directions from Supreme Court, it was milestone in

setting, at least for the time being,
contentious issues of appointments to the
superior judiciary.

Section-I

Aristotle concept of state and governance
Aristotle concept of state and governance
is described as below.

1- Population

According to Aristotle, small population is best for his ideal state. whereas, large population will create governance crisis. Moreover, if population is large the people will not be able to meet and know each other. Therefore, population should be small enough that they may be able to meet in an open place and make policies for themselves.

2- Territory

He suggests a moderate size of territory for his ideal state. A too large territory will find it difficult to enforce the laws and too small will hardly defend itself.

3- Geographic location

So far as the location of the state is concerned, both military and commercial advantage must be considered.

The ideal state must not be landlocked state. It must have access to sea. If the state is situated near the sea, import and export will be improved.

and hence it will lead toward economic prosperity.

However, it should not be too close to the sea because it will be vulnerable to attack and naval personnel will be excluded from the body politics.

4. Education

He suggests state controlled education system. It must be common to all citizens. Education will develop the capacities and abilities of every individual. According to him, good system of education should be designed to produce good citizens.

5. Property

Unlike Plato, Aristotle was not against the possession of property.

6. Division of society

He says that two kinds of people generally inhabit the state, i.e., full citizens and slaves.

He has of the opinion that six distinct services must be performed in a society. The state: agriculture, art and crafts, defense, Religion and government. Slaves will perform 1st three functions.

and citizens will perform the ^{remaining} ~~rest~~ these.

Likewise among the ^{city's} the youngsters will perform defense duty, the middle age will perform administrative functions and the old will look after the religious affairs.

⑦ Constitution

He believes in constitution. According to him, a good constitution is one which can adjust itself with the changing circumstances. If such constitution is available there will be political stability in state.

Relevancy in present time

Aristotle favors blended political frameworks which finds some kind of harmony between the overabundances of popular government and the oppression of theocracy.

Constitutionalism is the main relevance

The American protected arrangement of balanced governance owes a lot of impacts of to the Aristotelian hypothesis both direct and indirect way.

Somewhat English American political scholars saw similarities inside Aristotle's political thoughts and the English constitution. The English constitution was not planned by political scholars

Rather, it rose out of a progression of political tradeoffs north of many years. However, it addressed a harmony among monarchy and Aristocracy and fixed a few components of the majority rules system. existence of law of nature

His concept of distributive justice is still a guiding principle to ensure the proper working of a state system. It unifies them all multiple diversities of a state under one rule of law. It guides a citizen of state to recognize their limits and act accordingly. Otherwise, the state will ~~had~~ treat them according to rule of law. Aristotle's politics is the guiding principles for it.

Individualism

what makes Aristotle significant is that he was the most powerful supporter of the view that one ought to be useful for the good of one's own, not for any other individual. The person, as free Aristotle's politics, can accomplish these characteristics just through the participation of and subjection to the state.

Aristotle on democracy

The concept of Aristotle democracy is a concept that is relevant more than other concepts. Aristotle has a kind of disdain for the concept of pure democracy. Aristotle on democracy viewed it as the most corruptible and exploitable.

Conclusion

Aristotle's Politics will always remain relevant because he forms the basis of philosophy and scientific methods to secure world political affairs. Aristotle's ~~philosophy~~ Most of the time Aristotle is being criticized for his view on slavery and women but no other pioneer philosopher makes contributions like him. Aristotle's most noteworthy effects can be found in the formation of a rational framework, set up many fields of sciences, and production of a way of thinking framework which fills it in as one of the establishment works of reasoning even right up 'til the present time.

Shah Waliullah (1703-1762)

Intro:- (Life)

Siraj-ud-Din Ahmad popularly known as Shah Waliullah was born on 21st Feb, 1703 in Maza Phalat near Delhi. In the 18th century, Islam in the sub-continent was menaced with menacing the problems.

Sectional conflict, low moral tone of the society, poor understanding of the Holy Quran and general ignorance of Holy Quran were just some of the issues which gave rise to fear of that political collapse can be accompanied by religious disintegration. This did not happen, rather an era of religious regeneration was inaugurated, which was due more than anything else to the activities of the one man, Shah Waliullah.

He belongs to religious family

Education:-

He was educated at Madrasa-i-Rahimiya^h by his father Shah Abdul Rahim. After finishing his education, he went for pilgrimage and highest studies to Saudi Arabia. At this time, Muslims in India were divided into Hanfi, Sunni,

Shia, Sufi and Mullah sects.

While in Hijaz, he decided to launch a campaign to popularize Islamic values amongst the Muslims & present the Islam in a rational manner.

His contributions represent the first brilliant attempt to rethink the entire system of Islam in a spirit of scientific objectivity.

Ref - book from Noa

Political Reforms:-

Apart from imparting religious education to Muslims, Shah Waliullah also provided leadership to Muslims in the political field.

He came out with great wisdom & foresight to create a political awakening in the Muslims of India.

Struggle Against Anarchy

The rise of the Marhallas and Sikhs posed severe problems to the Muslim rulers. Mughal rulers were no more in a position to withhold the supremacy of Muslim rule, which was gravely jeopardized by the

emergence of the Sikhs, Marhattas and other non-Muslim forces. Shah Wali Ullah came up to tackle his precarious situation. In the middle of 18th century, Marhattas had become a great political power. They were threatening to occupy the crown of Delhi. At this critical juncture Shah Wali Ullah in order to check their advance prepared Najib-ud-Daula (Chief) & Shuja ud-Din (Nawab of Oudh) for Jihad.

Steps to check the Marhattas

However, the Muslim chiefs could not face Marhattas effectively. Their resources were inadequate to crush the Marhatta's power. Hence, he wrote a letter to Ahmed Shah Abdali, King of Afghanistan requesting him to save the Muslims from the highhandedness of Marhattas. Consequently, in the 3rd battle of Panipat, ^{in 1762} Ahmed Shah Abdali inflicted a crushing defeat on the Marhattas. The victory of Ahmed Shah Abdali at Panipat blasted the Marhatta's power & paved the way for the revival of Islam in India.

Efforts for muslim Unity

He advised the muslims to be united for the sake of muslim society. And keep in mind the Islamic teachings of brotherhood. He taught them to work for the betterment of humanity and follow Islam's instructions regarding Non-muslims. He was a great advocate of human rights, especially of Non-Muslims.

Two-Nation Theory

Shah Waliullah was a staunch supporter of the Two Nation theory. He played a vital role in making muslims a strong nation based on their culture, history & heritage. His teaching proved helpful & saved muslims culture from the amalgamation of Hindu customs.

Religious Reforms:-

Shah Waliullah immediately set himself to the sacred task of spiritual consolidation of muslim society. He prepared a few students and taught them about Islamic learning branches. They were entrusted with the job of imparting knowledge to others.

Islamic Practices

He persuaded the muslims to strictly follow in the footsteps of the Holy Prophet (P. B. U. H). He introduced the basic principles of Islam to the people. He advocated Quranic education for the welfare and benefit of the muslims & asked them to abandon un-Islamic trends and practices. He urged the people to lead a simple life and avoid involvement in the world's luxuries. He initiated tabiq (Integration) of the muslim society on the verge of destruction. By adopting the method of tabiq, he introduced liberal elements & thus brought elasticity to the understanding of Islam.

Ijtihad :-

He adopted a balanced approach & understanding of religious matters. He thoroughly studied all schools of thought & expressed what was right & just in a gentle & sophisticated way without hurting anyone. To a more significant extent, he removed misunderstandings b/w Shia's & Sunnis and, in this way, provided a spiritual basis for national solidarity and harmony. He presented Islam more rationally to make it acceptable to a more significant no. of people. He stated I was informed through Ilham (inspiration) that I would have to undertake this responsibility. The time has come when every injunction of the Sharia & the general instruction of Islam should be rationally represented to the world.

Jihad :-

He contacted rulers & impressed them to enforce Islamic laws. He also

urged them to mould their lives according to the Islamic way. He educated the muslim soldiers on the importance of Jihad and asked them to go for Jihad to glorify Islam.

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