



RESEARCH PAPER

The 18th Amendment: Revival of Pakistan as a Federal State

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ABSTRACT

The study which uses a qualitative research approach, seeks to answer the question of how Pakistan's 18th Amendment has helped the country's parliamentary democracy advance. The Islamic Republic of Pakistan's constitution, which was drafted in 1973, achieves a reasonable balance between central government authority and local government authority. In April 2010, the Senate and National Assembly of Pakistan approved the 18th amendment to the constitution of 1973, which was welcomed as a significant step in regaining the legitimacy of the document. The findings of this study demonstrate that the 18th Amendment is regarded as the reform package with the greatest significance in the annals of Pakistan's constitutional history. The study suggested that decentralization of powers under the 18th amendment can be a good example of provincial self-government, but there must be a clear balance sheet between the center and the provinces when it comes to the distribution of economic resources.

KEYWORDS 8th Amendment, 17th Amendment, 18th Amendment, Constitution, Asif Ali Zardari, Pervez Musharraf, Zial-Ul-Haq

Introduction

A nation's constitution is revered as a sacred text because it acts as both a social covenant between the government and the people of the nation as well as a "manual" for the administration that came before it to follow when exercising power. Societies are inherently dynamic, particularly in this period of rapid technological advancement. The constitution is updated gradually so that it does not become fragile and does not fail to appropriately reflect the people who live in that country. In this particular scenario, the Constitution of Pakistan provides a guarantee that there is opportunity for change and defines the legal process that must be followed in order to effect such a change. The Constitution of Pakistan mandates that a majority of two-thirds of the members of parliament in both chambers of parliament must approve of any bill that seeks to modify the Constitution (Adeney, 2012).

The federal nature of Pakistan suggests a division of powers between the federal and provincial governments. The constitution of the Islamic Republic of Pakistan was written in 1973, and it strikes a good middle ground between federal power and local control. The 18th amendment (Constitution Act, 2010) to Pakistan's 1973 constitution was adopted by the Senate and National Assembly in April 2010, and it was widely hailed as a major step toward restoring the constitution's credibility. This constitutional amendment has expanded the province's legislative authority by removing the concurrent legislature. Since there is no concurrent list, just one constitutional clause can be amended with a simple majority in Parliament

The 18th Amendment to Pakistan's Constitution greatly devolves power from the federal government. Second, it rolled back certain major modifications made by military authorities addressing critical matters like the authority of the President, thereby restoring the constitution's parliamentary nature. It changed the relationship between the legislature and the judiciary by delaying parliamentary control over the nomination of judges to the supreme court and high courts. As a last amendment, it removed the concurrent legislative list from the constitution and added considerable additional powers to the provinces (Kokab, 2012).

Historical Perspective of Federalism in Pakistan

Since Pakistan's newly independent state found it difficult to develop its own constitution due to a lack of resources, it adopted amendments to the Government of India Act of 1935 as its interim constitution after it gained independence in 1947. The Act, which set up a federal governance system with separate legislative powers for the federation and provinces, remained in effect for the first nine years. Federal List, Concurrent List, and Provincial List are the three sets of laws provided for in Sections 99 and 100 of the Act. There are a total of 59 items on the Federal List and 54 on the Provincial List (Ahmed, 2020).

It took the Constituent Assembly nine years to ratify the constitution from 1956. The 1956 Constitution established Pakistan's present form of government, a federal parliament. Article 43 of the Constitution established a unicameral legislature, and Article 44 capped the number of seats at 300. The 1956 constitution formalized the "One-Unit" system of having separate East and West halves of the country. There were exactly as many representatives from each party in the legislature, and ten of those representatives were reserved for women. The National Economic Council was formed by the constitution in 1956 and consists of three provincial ministries and four federal ministers. Although it was founded on federalism and democracy, the 1956 constitution only lasted a year until martial law was reinstated (Arshad, 2014).

The Act of 1935 and the Constitution of 1956 were consolidated into a single document by Ayub Khan in March 1962. The new constitution established separate East and West wing assemblies and promised equality for all federal subjects in addition to changing the country's name from "Federal" to something else. In 1962, the Constitution narrowed the scope of federal legislation from 43 areas to just one. There is still some say for the provinces. The 1962 constitution was swiftly destroyed after the 1968 military coup took control. The first elections were then held, and Sheikh Mujibur Rehman was elected with more than two-thirds of the vote. However, political instability prevented his party from assuming sole control of the nation's government. As a result, East Pakistan declared its independence from Pakistan, and Zulfikar Ali Bhutto became dictator. The newly elected national legislature was tasked with writing a new constitution, which Zulfikar Ali Bhutto did in 1973 (Rana, 2020).

The federal status of the state was established in the constitution of 1973. The National Assembly, the Senate, and the Provincial Assembly of each province make up the bicameral legislature. The three tiers of government that existed at the time were federal, provincial, and municipal. There are now two lists: the Concurrent List and the Federal Legislative List. At the same time, democratically elected and military governments alike made changes to the constitution first enacted in 1973. Particularly important are the Eighth and Seventeenth Amendments, which were enacted during the administrations of Generals Zia-ul-Haq and Musharraf, respectively, and which expanded presidential power at the expense of the legislative and federal branches. But the 18th Amendment changed all that (Ali, 2015).

Federalism to Authoritarian: A two Dictators Regime

Zia-ul-Haq Regime

General Zia-ul-Haq, who ruled Pakistan as both army leader and dictator, was the only person who could bring an end to his rule. He instituted martial law and maintained his authority over Pakistan for a period of ten years. After taking office, Zia-ul-Haq established Pakistan as a federal state and reorganized its government. At first, Zia called off the elections that were scheduled for 1978, banned all political parties, imprisoned journalists, and suppressed publications. The "Restoration of Democracy" movement was able to hold sporadic demonstrations against the Zia dictatorship, but Zia was able to thwart their demands. After a certain amount of time has elapsed, everyone, including the "Superpower," begins to feel increased pressure to conduct elections. In 1984, Zia announced that elections will be held the following year in 1985. Zia made a commitment to abolish the state of martial law, but as a prerequisite, he imposed "The Eight Amendment." (Aziz, 2010).

In the first place, the Eighth Amendment changes Pakistan's parliamentary administration into a semi-presidential one. This is the most important change. The President now has a greater ability to select and remove the Prime Minister as a result of the Eighth Amendment, which also expanded the President's overall power. Article 58(2b), which gave the President the sole authority to decide whether or not to dissolve the National Assembly, is often regarded as the provision that has generated the most debate regarding the President's constitutionally granted powers (Ashraf, 2018).

Pervez Musharraf Regime

Pervez Musharraf was in charge of the military and the government from 1999 until 2008, during which time he reigned as a dictator. Pervez Musharraf placed Nawaz Sharif in prison and declared martial law during Nawaz Sharif's second tenure as Prime Minister of Pakistan. Nawaz was taken into custody for two different reasons: the first was the "Hijacking of Pervez Musharraf's Aircraft," and the second was Pakistan's loss in the Kargil battle. "The Militias" are currently in control of Pakistan's government following the toppling of Nawaz Sharif's administration. Under the banner of the LFO, the dictatorial administration of Pervez Musharraf staged elections in the year 2002. (Legal Framework Order). Initially, Pervez Musharraf announced the final LFO (17th amendment) package without the permission of the political parties; however, the political parties eventually pressured him to employ legal measures in order to implement the package. PML listened to them and complied with their request.(Q). In addition, on December 24, 2002, the ruling party and the opposition MMA (Mujtahid-Majlis-Amal) came to an understanding regarding the 17th amendment. The 17th Amendment, which also does away with pay increases for judges, is what creates the National Security Council and gives it its authority. After the 31st of December in 2004, General Pervez Musharraf will continue to serve as the head of the army staff; however, after that date, he will carry out his responsibilities in a civilian position. The president will select a chief of the army, the chief of the navy, and the chief of the air force. In addition to that, he will restore Article 58. (2b). In a word, this presidential administration operated under an authoritarian model (Khan, 2019).

Parliamentary Democracy Resurges Under the Asif Ali Zardari Regime

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

The Reestablishment of Parliament

There were 47 different items on the Concurrent List, which was the list of laws that may be passed by either the federal or provincial government. Political parties, notably nationalist parties hailing from smaller provinces, had on a regular basis pushed for the elimination of this list and the transfer of all of its contents to the 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, formal or otherwise, that was documented in written form to this effect. The concurrent list is no longer in effect since the 18th amendment was ratified. As was previously mentioned, two subjects were moved to Part II of the federal list, and one subject was moved to Part I of the 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 (Khan, 2015).

Relationship between the Judiciary and the Legislative

The Judicial Commission is led by the Chief Justice of the Supreme Court, who also serves as the commission's chairman. There are seven other members. The eight-person parliamentary committee that has been appointed by the 18th amendment to accept ideas will have the authority to reject the nomination with a 75% majority vote if they want to do so. The United States Supreme Court heard oral arguments about an amendment that was proposed during this session. The case alleged that the amendment would politicize the judicial system. The amendment created two additional benches in the High Court in Islamabad, in addition to those already existing in KPK and Baluchistan (Qadri, 2021).

National Finance Commission (NFC)

The National Financial Council (NFC) is a prominent body that was founded by the Constitution in 1973. Its role is to serve as the instigator and to allocate resources between the federal and provincial governments. The National Financial Council (NFC) is comprised of representatives from each province. The participation of the provinces in the NFC is bolstered as a result of the 18th Amendment. (National Finance Commission). Article 160 (3) A of the 18th Amendment states that a province's share in an NFC award cannot be less than the share it had in the award that came before it. A new clause was added to article 161 by the federal government in order to ensure that the provinces in where the well heads are located receive all of the net earnings from the federal excise duty on oil that is collected at all well heads rather than the Federal Consolidated Fund. Up until this moment, the net profits from the natural gas excise levy had solely been distributed to the jurisdiction in question. Additionally, the sales tax on services was removed from the federal list and reclassified as a provincial tax after having previously been classified as a federal tax.

Removal of the Concurrent List

There were 47 different problems that were placed on the Concurrent List, which made it possible for the federal government as well as the provincial government to adopt laws. Political parties, particularly nationalist parties from smaller provinces, had regularly called for the removal of this list and the transfer of all of its contents to the provinces. The drafters of the constitution in 1973 concluded that the list should be eliminated after a period of ten years. However, neither an official nor an unofficial written agreement to this effect was ever reached. The concurrent list is eliminated as a result of the 18th amendment. As was just said, one subject was transferred to Part I of the list, while the other three subjects were moved to Part II of the list. The remaining 44 topics are instantly designated as "residual subjects," which are unique to each province (Parvez, 2021).

Other Changes

- NWFP was named as KPK (Khyber Pakhtunkhwa)

- The spelling of Baluchistan and Sind was altered to Baluchistan and Sindh, respectively.
- The prohibition against a third term as prime minister was lifted.

Characteristics of the 18th Amendment

A larger part for Parliament to play

It is significant that Pakistan's original legislative system was restored by the 18th Amendment. In addition to these other constitutional amendments, it granted the prime minister and parliament extensive presidential powers, such as the right to designate governors for the provinces, declare a national emergency, and dissolve legislatures (Shah, 2012).

- On the 21st day after the general election, the National Assembly is required to convene for the first time, assuming that the president has not summoned a special
- session earlier. The Senate now has a total of 100 working days instead of the previous 90, and the number of days required to make a recommendation on a spending measure has increased from seven to fourteen. In addition, the total number of senators has climbed to 104 when the Senate made history by assigning for the first time ever four seats to religious majorities.
- In place of the president, Parliament will now have the authority to call for and organize referendums. The joint session of parliament will make a decision regarding the continuation of the referendum. The president is expected to fulfill the role of head of state and keep themselves apprised of advancements in legislation in addition to all significant issues that arise on the national and international levels. The parliament was granted the authority to change any and all laws, and schedules 6 and 7 were removed from the document.
- The provisions of Articles 62 and 63 that regulate a member's eligibility and ineligibility for election to the legislature have been revised in a number of different ways. These provisions determine whether or not a member is eligible to run for election to the legislature. Within the first ninety days after the term of the current legislature has ended, elections will be held. The choosing of the judges was yet another contentious subject. The strategy that has been selected to accomplish this objective is one in which judges will be appointed by a committee comprised of political leaders from both the administration and the opposition, on the basis of recommendations made by a judicial commission that is independent and free from bias.

Identity: The amendment renames the former NWFP as Khyber Pakhtunkhwa in order to put an end to the long-running debate about the identification of its majority population.

Social Sectors: The amendment also made the following changes to the social sector-related themes in Pakistan.

In the Constitution that was written in 1973, the province of Education was included. Higher education, policy creation and planning, the development of curricula, the formulation of centers of excellence, Islamic education, and the maintenance of educational standards were all responsibilities that fell under the scope of the center. The 18th Amendment brought about the desired change in the situation. It is now solely the responsibility of the federal government to provide money for particular research projects,

establish organizations and institutes whose primary mission is research, and provide technical and professional education. (Entry 16 of the Federal Legislative List, Part I). Additionally, "Education with reference to Pakistani students studying abroad and foreign students studying in Pakistan" falls under the purview of this organization. (Entry 17 of the Federal Legislative List, Part I). In contrast, the section of the Federal Legislative List known as Part II that deals with "Standards in Institutions for Higher Education and Research, Scientific and Technological Institutions" has been updated to reflect recent changes. (Entry 12). Despite increased educational requirements and programs that facilitate the exchange of students from other countries, the responsibility for education has been handed over fully to the provinces. The Economic Affairs Division, the Standards for Higher Education Committee, and the CCI all have the potential to carry out the student exchange role. Now, the diverse education policies of the provinces may reflect the social diversity of the country more properly.

Primary education is already under the jurisdiction of the provinces. However, the inclusion of the new Article 25A, which is titled "Right to Education," stipulates that it is the responsibility of the state to provide education as a fundamental right for all of its inhabitants and that failing to do so would constitute a violation of that right. The first sentence of this article states that "the State shall provide free and compulsory education to all children aged five to sixteen in such manner as may be provided by law." This provision applies to all children in the state. This law must be passed by provincial legislatures in a time frame of no more than two and a half years, as required by the Constitution.

In accordance with the constitution that was in place at the time, the ministry of health was also considered to be part of the provinces. However, throughout the course of time and as a consequence of the activities of powerful administrations, the influence of the center in this ministry has also expanded. As a direct consequence of the 18th Amendment, three significant shifts have taken place. The first difficulty is that narcotics and other medical issues, including potentially fatal and hazardous substances, are being shipped to various provinces. Second, it is now the responsibility of each province to "prevent the transmission from one province to another of infectious or contagious diseases or pests affecting man, animals, or plants." This obligation was previously held by the federal government. Another topic that is currently addressed by provincial legislation is "Mental illness and mental retardation, including locations for the reception or treatment of the mentally ill and mentally retarded." The regulation of the medical professions is now the final item on the Federal List, Part II. In the event that the 18th Amendment were to be put into practice in its entirety, the federal ministry of health would be eliminated.

The Federal Ministry of Population Welfare oversaw this development effort while it was being carried out. The only thing the federal government did for the provinces in relation to this ministry was provide them money for development; other than that, each province ran its own independent Population Welfare Department. As a result of the 18th amendment, the ministry in charge of health had to move to one of the provinces, and this ministry was required to do the same. The provinces are now entirely responsible for administering any and all programs related to population growth.

The 18th Amendment gives them jurisdiction over the following concerns, in addition to those that the provinces were previously responsible for handling: human resources and labor. There are a variety of topics that are discussed, including industrial and labor issues, trade unions, provident funds, the obligations of employers, labor regulations, and safety precautions in factories, mines, and oil fields. In addition to liability and workers' compensation, further topics include health insurance for the elderly, pensions, and health insurance for workers. It is not necessary to have a Federal Ministry. As a result of the total decentralization of the Ministry of Labor, individual provinces now have the authority to formulate their own regulations and determine their own minimum wages. Organizations and institutions such as the Workers Welfare Fund (WWF) and the Employees Old Age

Benefits Institution (EOBI), both of which have been recognized as issues at the provincial level, have the enhancement of labor and human resources as their primary objective.

Relationship to Democracy

The universal affection for democratic rule and the abhorrence of authoritarian totalitarianism is the most significant achievement brought about by the Eighteenth Amendment. The amendment works to thwart any and all previous efforts to weaken the democratic system and paves the way for democratic government in the foreseeable future. Senator Rabbani, who served as the initiative's pilot, announced that he believed it to be the beginning of the democratic period in the country. It declares that the Chief Executive's Orders of 2002 and the Legal Framework Order of 2002 were made without the requisite legal power, and it repeals both of those orders as a result of this declaration. In addition to this, it renders the 17th Amendment, which was ratified during the administration of General Musharraf, invalid. At the absolute least, the repeal of these laws serves as a proclamation that dictatorship does not have a place in Pakistan's constitutional framework. It has been established that all of these laws violated the constitution when they were enacted while the military was in charge of the country. Due to the need to purify at least the pages of the constitution, if not its effects, from the additions and revisions made by the army authority, articles with the same impact have either been re-written or re-phrased with minor changes. These articles include 51, 59, and 62 (Musarrat, Ali, & Azhar, 2012).

In order to protect the constitutional order from being compromised in any way, the following actions have been included on the list of high treason offenses: suspending or putting the constitution into abeyance, abrogating it, or subverting it in any other way. Two expressions that have lately been added are "suspension" and "holding in abeyance." These are terms that were used in announcements made at the time of the military takeovers in 1979 and 1999. By include these clauses in the law, an effort has been made to preclude any conceivable means of extracting a concession from the written law in order to support the validity of military takeover. For the second time, the provision that those who conspired with those who carried out the coup will be punished in the same way as the perpetrators themselves has been written into the document in order to discourage behaviors that could endanger the constitution. In addition, it was ruled that neither the Supreme Court nor the High Court would ever uphold such high treason as a legitimate criminal offense (Musarrat, Ali, & Azhar, 2012).

Since the time of Ayyub, those in charge of the military have had the option to proclaim a state of emergency at their disposal as a useful tool. In order to forestall the need for any action of this kind, the process of declaring a state of emergency has been made more difficult. Instead of taking place in a single session, which would be the more expedient option, the authorization of the declaration of an emergency will now have to be approved by both chambers of Parliament individually. In the event that the President chooses to declare a state of emergency (Musarrat, Ali, & Azhar, 2012).

Compensation for the Provinces and Other Underprivileged Groups

In addition, the Eighteenth Amendments assert that they will compensate the disadvantaged and oppressed classes and regions of Pakistan, which is still another achievement. It was a successful attempt to rectify the underrepresentation of any class or region in Pakistan's armed forces. Legal and practical safeguards were developed in order to avoid these policies from being interpreted as discrimination against any other group or area. These might be of assistance to the less fortunate communities and classes if they are protected by the constitution. The inclusion of a subclause in Article 38 has made it possible to safeguard the proportion of all federal services that is allocated to each province. Additionally, the Constitution ensures that any past mistakes in the provision of federal services will be rectified in the future.

Some opposition politicians, such as Ghanwa Bhutto, chair of the PPP-SB, believed that the 18th Amendment did not guarantee the rights of the provinces. However, too many measures have been adopted in the 18th Amendment that give the provinces the opportunity to prosper and keep their rights protected. This is despite the fact that some opposition politicians, such as Bhutto, believed that the 18th Amendment did not guarantee the rights of the provinces. (Dawn, 2010, April 5). In order to find a solution to the problem that exists between the provinces, the Council of Common Interest (CCI) will be given a secretariat that is permanent and will be required to have meetings at least once every thirty days. In addition, in the case that an urgent dispute or conflict arises between the provinces, the Prime Minister would have the ability to summon a meeting of the CCI upon the request of any one of the provinces. The CCI has been granted permission to function as an arbitrator in order to handle any conflicts that may arise between the federal government and regional governments about electricity. In a manner analogous to this, the responsibility of ensuring "balanced development and regional equity" has been delegated to the National Economic Council. (NEC). In order for the NEC to continue functioning, it is now required to hold meetings at least twice a year. In order for either the CCI or the NEC to continue functioning, they are required to deliver annual reports to the House.

The 18th Amendment has made it easier for the federal government to regulate the resources that are provided by the provinces. Because of the addition of a new phrase to subsection (1) of section 157, the federal government is now obliged to consult with the appropriate provincial government before making a decision about the construction of a hydroelectric power plant in any province.

In a similar vein, the incorporation of Article 160 (1) acknowledges the provinces' claim to a portion of the oil duty's net revenue. (b). After having been collected by the federal government, the tax revenue will now be distributed to the provinces. This obligation, like the tax on gasoline, will not be accounted for in the Federal Consolidated Fund when it is created. In addition, the constitution was changed to include the choices that were made during the 8th National Freedom Committee Award, which gave the provinces, and particularly Baluchistan, greater access to resources. In a manner analogous to this, the provincial legislatures of the provinces must now give their approval within a period of sixty days before any subject-related activities are delegated to the federal government.

The provinces currently have a greater degree of political autonomy than they had in the past. Any province's governor must be a resident and registered voter of that province and cannot come from another province. The necessity of a decision by the relevant provincial parliament for the declaration of an emergency in a province has also reduced the influence of the Federation and strengthened the power of the provinces.

Two provinces' names that were misspelled in article 1 of the Pakistani Constitution have been changed. Also, Khyber Pakhtunkhwa has replaced the moniker Northwest Frontier Province. Khyber Pakhtunkhwa was renamed, and Baluchistan and Sindh's spellings were rectified as part of an effort to appease the local political factions in the provinces by recognizing their ethnic identity. As a result, the ongoing demand of many ethnic communities for acknowledgement of their identity has been granted.

Similar to the compensations for the provinces and regional groups, support for the Amendment came from smaller classes like minorities. The number of Senate seats has been increased by four, including the reserved seats for non-Muslims, in order to provide representation for non-Muslims in the Senate. For the first time in Pakistan, one senator from each province will represent non-Muslims when the next Senate election is held following the passage of the 18th Amendment.

Parties to Elections and Members of Public Office

Concerns have been voiced in relation to a proposed amendment to the constitution that would address the eligibility of politicians following a conviction. According to the addendum, a person will be considered qualified when a period of five years has passed since the time of their sentence. Once more, individuals who have been terminated from their jobs, demoted, or pushed into retirement will be eligible after five and three years, respectively. It would appear that these measures were inserted in order to provide relief for politicians who had been condemned under military rule; rather, they will act as a permanent sanctuary for individuals who have been found guilty of corruption, dishonesty, and undermining Pakistani ideology. They will become eligible to run for office again when a period of five years has passed.

A member of parliament who leaves their political party for a variety of reasons, including voting for or against a Constitutional Amendment that goes against their party's position, may be barred from further participation in the legislative process. In addition, due to the fact that leaders of political parties and leaders of parliamentary parties in the chambers of parliament can be different from one another, the declaration of defection from the party is delivered to the Head of the Political Party rather than the Head of the Parliamentary Party. This bill has reinforced the position of party leaders outside of parliament, despite the fact that it won't go into effect until after the next round of general elections. This law has the potential to deter floor crossing while simultaneously fostering party culture and enhancing the grip that political party leaders have over their parties. If the party elections are held on a consistent basis and in an equitable manner, these rules have the potential to foster a constructive political culture in the nation. However, a significant number of critics have cast doubt on the intentions of the lawmakers. It has been pointed out that the decision to do away with the necessity of holding internal party elections was made for the sole purpose of assuaging the concerns of the leaders of the political parties at the present time.

As a direct result of the change, the heads of the political party leaders now have a significant number of responsibilities. In point of fact, it has moved the ability to remove the Prime Minister from the President and given it to the leader of the party that holds a majority. The ability that the party chiefs have to recall any members who veer from the party line will be a source of frustration for both the prime minister and the head of the opposition. This will be a problem for both of them. Even during the process of enacting an amendment, it was possible to detect the importance of a small number of party leaders in relation to party members and members of parliament. This was the case even though there were a large number of party members and members of parliament. In order to establish the amendment, the labor required of lawmakers was significantly less than what was required of the few members of the parliamentary committee who had been nominated. Every politician was required to vote in favor of whatever the party leadership had determined, regardless of whether they supported or disagreed with the decision.

People's Issues

The notion that the 18th amendment did not provide remedies to the problems that people were facing has resulted in severe criticism of the amendment. Ghanwa Bhutto has stated that her party will only support modifications if they guarantee public power over the government entities responsible for collecting taxes and maintaining order. (Dawn, April 5, 2010) A handful of smaller parties that had limited or no representation in the Parliament rejected the enthusiasm of the larger parties for the alteration. These parties believed that the issue was merely a constitutional one that structured the rewards for the politicians and not for the general population. It was suggested that the change was done only for the purpose of making it possible for the PML-N leader to run for a third term as prime minister.

Conclusion

After gaining its independence, Pakistan faced several challenges, the most significant of which was the formulation of its constitution. This took place after nine years of nonstop fighting. After the previous constitution of Pakistan was declared unconstitutional by the country's military government, a new constitution was drafted and implemented. Constitution of 1962, which was likewise abolished by the dictatorial military regime. The new constitution that was enacted in 1973 included a number of key amendments, including the eighth, the seventeenth, and the eighteenth. Given that federalism connotes either the devolution of power or the equal distribution of power, Zia-Ul-Haq and Musharraf's 8th and 17th amendments were diametrically opposed to democratic principles and the framework of the federal government. Instead, they gave the president absolute power, which effectively elevated him to the role of dictator. In the annals of Pakistan's constitutional history, the 18th Amendment is widely acknowledged as the reform package that holds the most significance. The 18th Amendment, which encourages the sovereignty of individual provinces, serves as the primary underpinning for the power structure. It does so while simultaneously restoring Pakistan's parliamentary democracy and bolstering the federal framework and constitutional institutions.

Recommendations

1. The effectiveness of the 18th Amendment's future prospects will be based on the level of service delivery and governance, which is regrettably not excellent at all. Unfortunately, the 18th Amendment has been largely disregarded, so the government should place more emphasis on institutional reforms than on proposals to roll it back in any way because of this. Instead, the government should focus on the 18th Amendment's implementation.
2. It is hoped that the adoption of the 18th Amendment in its true spirit would result in the restructuring and modernization of the institutions because, in the end, it is tied to the long-term stability of any policy decision, whether it relates to the economy or some other subject.
3. Decentralization of powers under the 18th amendment can be a good example of provincial self-government; nevertheless, critics of the amendment say that raising the responsibility without providing monetary resources to the provincial governments would not be sufficient. This will merely add further responsibilities to the already-pressurized development budgets of the provinces. Regarding the distribution of economic resources, there must be a crystal-clear balance sheet between the center and the provinces.

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