

Effects of 18th Amendment On the Relationship Between Khyber Pakhtunkhwa And Federal Government

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Abstract

Assessing the disputes between the federal government and the province of Khyber Pakhtunkhwa was the purpose of this study. Pakistan has failed to establish an adequate institutional arrangement as a result of the adoption of a centralized federal system, which has caused ethnic groups to become dissatisfied and uneasy. The following were the study's objectives: In what ways has the 18th Amendment altered the tense relationship between the federal government and Khyber Pakhtunkhwa? After the FATA merger in Khyber Pakhtunkhwa, how can Pakistan guarantee federal democracy? People felt alienated and deprived as a result of the unbalanced power structure between the provinces and the center, the unequal distribution of economic resources, and the widening trust deficit. In smaller provinces, this feeling of deprivation led to complaints. The East Wing of Pakistan separated as a result of the rejection of provincial autonomy and the absence of fiscal decentralization. Similarly, because of political and economic exploitation, the remaining portion remains susceptible to ethnic strife. Although it needs to be implemented completely, the 18th constitutional Amendment, which reinterprets the federal and provincial ties, was a positive step. A constitution will unavoidably be necessary for a federal democracy to succeed. In this vein, democracy is the term for a continuous process of growth; nothing CA Amendment,, Ed swiftly under a democratic government. To put it briefly, this study looked at how the post18th constitutional amendment affected the political and economic relations between Khyber Pakhtunkhwa and the center. In the end, this research produces significant findings regarding the issue.

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1. INTRODUCTION

Federalism is the type of governance that guarantees the safe separation of powers between the main government and its branches so that these two configurations of government can achieve common goals. Federalism is preferable for a diverse society with a vast territory because it ensures that the unifying entities have a great deal of authority . As a result, self-government protects and fosters ethnic. The renowned Minto-Morlay reforms of 1909, which were the outcome of the Muslim League's persistent demand for a separate electorate for Muslims in India, can be linked to the very early stages of the desire for federalism. Furthermore, calls for federalism led to the Lucknow Pact in 1916 and the subsequent Montgagu-Chelmsford Pact in 1919. In 1924, the Muslim League made its initial call for complete regional autonomy. Later, the well-known Quaid-i-Azam 14 points called for federalism, as well as the provinces to have the most autonomy and residual powers possible (Murtaza, 2012). The renowned Minto-Morlay reforms of 1909, which were the outcome of the Muslim League's persistent demand for a separate electorate for Muslims in India, can be linked to the very early stages of the desire for federalism. Furthermore, calls for federalism led to the Lucknow Pact in 1916 and the subsequent Montgagu-Chelmsford Pact in 1919. In 1924, the Muslim League made its initial call for complete regional autonomy. Later, Quaid-i-Azam's well-known . Additionally, Allama Muhammad Iqbal, the national writer of Pakistan, echoed the Muslim League's goal of establishing a government for the Muslim majority in the then-United India in his 1930 speech at Allahabad. He recommended during his visit that the regions of Punjab, Sindh, Balochistan, NWFP, and Kashmir be united into one or more independent states (Abdul Majid et al, 2014). Accordingly, the principles of federalism served as the foundation for the 1935. It suggested that the council was to be cognizant of the common governments' pastors. The law's powers were

increased (Burki, 2018). The Governor General was granted incalculable residual powers. At his whim, he could finance a Provincial Assembly or the Federal Legislative Chamber to coordinate on a matter not covered by the three records. The Government of India Act 1935, which eventually served as the foundational document, tended to consolidate power for the central government. In any case, it was not carried out in its entirety. The establishment of what is known as a "Association of India" was required by Area 5 of the Act of 1935, but it was rarely completed since the predetermined numbers of grand states were not given the chance to become the uniting elements of the anticipated Indian alliance. In this way, the Indian government continued to operate under the 1919 Act until 1947, when Pakistan and India had their chance to work together (Belokrenitsky & Moskalenko. In any case, it is necessary to look into why Pakistan has not been able to establish clear federalism despite its long-standing desire to do so. Researching the Pakistani constitution's historical context is crucial to understanding this. Decentralization of the nation's executive and political systems started in 2008 and is still going strong today. It marked a major advancement in the creation of a new and prosperous federation. Accordant to the country's constitution, which was ratified in 1973, the country's government operated under a parliamentary system, which has long been regarded as the most appropriate system of government for Pakistan's people. In contrast, two times before the 18th amendment was ratified, the spirit of the parliamentary system of the United States Constitution was distorted by the courts. During both instances, military dictators amended the constitution to retain the greatest amount of executive power in their own hands. General Zia was the primary author of the first amendment, which granted the president the authority to dissolve legislative assemblies temporarily. Zia was the one who proposed the 8th amendment, which was the first of its kind in the United States. It's important to remember that he served as President of the United States for several years before that appointment. As a result of the presidential special powers inserted into the constitution by the dictator, four consecutive democratic governments were forced to resign as a result of the political instability created by the dictator's presidential special powers in the years that followed. A large margin of victory was achieved by the PMLN in the 1997 election; as such, the party was able to amend the constitution as a single entity. The government began preparing to amend the constitution as soon as it was formed as a result of this

development. According to the 13th amendment to Pakistan's constitution, which was introduced by the country's elected parliament, the president's special powers to dissolve the national assembly were reduced. This constitutional amendment received unanimous support from all of the opposition parties and was passed by the legislature with no opposition votes. This was accomplished by repealing the provision of Article 58(2) (b) and, in its place, restoring the constitutional spirit of the parliamentary system of government to the United States Constitution. In October 1999, the military overthrew the democratic regime in Pakistan, putting an end to the country's turbulent political history. Because Pakistan's political history has been marked by upheavals, ups, and downs, the democratic regime had to be overthrown. When the dictator gained complete control over the country, it signaled the beginning of a new period of military dictatorship in the country. General Zia's reign was marked by the discovery of a news story on the same floor as before. The 17th Amendment to the Constitution was approved by the legislature in December 2003. It is effective immediately. As a result of this amendment, the Constitution has been significantly altered in significant ways. The majority of these increased the authority of the president and resulted in the repeal of the Thirteenth Amendment, which was the most significant. It reflects the fact that Pakistan was once again ruled by a dictatorial regime, and the constitution was once more amended to consolidate power into the hands of a single personality, that of the dictator, who served as president of Pakistan during this period. As opposed to being a parliamentary system, the constitution has been rewritten to be semi-presidential once more. Observe that the 17th amendment sought to strengthen the president's authority by granting him the unilateral power to dissolve assemblies, but it also prohibited the appointment of Prime Ministers and Chief Ministers for a third consecutive term. It was primarily intended to keep Pakistan's top leaders, especially Benazir Bhutto and Nawaz Sharif, out of the country for an extended period. All of Pakistan's dictators have had this mentality since 1958 when they seized control of the country's civilian structure and used it to their advantage. In 2008, democracy was re-established, and democratic forces have always held positions that are opposed to those held by dictators and autocratic leaders. The PPP government was drafting a constitutional amendment to address this issue and to clarify the ambiguities in the constitution that had been introduced by former president General Pervez Musharraf, according to a

government official. Obtaining full restoration of the 1973 constitution to its original spirit and meaning was the most important goal. PMLN, the main opposition party, was unwavering in its support for the government's efforts to deprive the President of his unilateral authority. Most of the world's most prestigious news organizations carried extensive coverage of the anticipated changes to the constitution. It took nearly two years of work and consultations with other political parties before a draught of the 18th amendment could be produced, and on April 8, 2010, it was unanimously approved by Pakistan's National Assembly. As a result of the amendment, an element of dictatorial semblance was removed from the constitution, and the supremacy of the parliament was guaranteed. By repealing the President's special powers to dissolve assemblies, including the National and Provincial Assemblies, the 18th Amendment established general powers to dissolve assemblies. The province of NWFP was renamed Khyber Pakhtun Khaw, which translates as Khyber Pakhtunkhwa people, after the people of Khyber Pakhtun origin. Moreover, the various violations of the constitution committed by military dictators over decades were removed from the statute book. After four years of pursuing a reconciliation policy, he applauded the unanimous approval of the most significant constitutional amendment since the country's original constitution was adopted in 1973, which he described as the result of the PPP-led coalition government's reconciliation policy. With this development, as well as with the restoration of parliamentary democracy in the country, the opposition party expressed its delight. According to Choudhry Nisar Ali Khan, leader of the opposition, Pakistan is in a "win-win situation." In the National Assembly, he declared that the country was in a "win-win situation." It was unquestionably one of the proudest moments in our nation's constitutional history when it was accomplished. An amendment to Pakistan's constitution that restricts the president's ability to exercise key powers of executive authority has been approved by a unanimous vote in the country's Lower House, according to media reports. The amendment was approved by the upper house as well. In separate messages, the leaders of the major political parties expressed their support for the 18th Amendment as well as their congratulations on the passage of the amendment. Nawaz Sharif specifically thanked President Asif Ali Zardari and PMLN leader Mian Nawaz Sharif, noting that both "...have made significant contributions to bringing about this transformation." Being successful in enacting constitutional amendments that

were necessary for restoring the PPP's parliamentary position and the true spirit of the 1973 constitution was a source of pride for the party's leadership. The leadership of the Pakistan Peoples Party (PPP) was ecstatic about this constitutional development, which they attributed to the political wisdom of the party's leaders, including Asif Ali Zardari and Yousaf Raza Galani, among other individuals. Restoration of Zulfikar Ali Bhutto's constitution to its original form has finally been achieved. As a result of the PPP's broad-based reconciliation and its alliance with the PLMQ, the PPP, and the PMLN, which had previously been the country's two most powerful political parties, ruling at both the federal and provincial levels, have become estranged. During April 2011, the PPP and PLMQ systems became more aligned with one another, and a power-sharing formula was established at the federal level to balance the two systems' respective powers. Because of their discussions, the Pakistan Muslim League Quaid has agreed to participate in a proposed national government as a result of a meeting held on Saturday, April 23, 2011, between a delegation from the Pakistan People Party and the leadership of the Pakistan Muslim League Quaid.

1.1. Statement of the Problem

The United States and India, which have each had a complicated but highly functional federal system in their states, are the most successful and forward-thinking examples of federal democracy. Pakistan is one of the twenty-five states with a federal system of government. However, Pakistan's history of federalism has been far more erratic than that of other federal governments. In the past, Pakistan's military rule was the primary issue. But since democracy has been firmly established in the nation over the past ten years, it is crucial to examine the dynamics of federalism and Khyber Pakhtunkhwa against the backdrop of Pakistan's slow democratic transformation.

1.2. Research Questions

1. How has the tense relationship between Khyber Pakhtunkhwa and the federal government changed as a result of the 18th Amendment?
2. How can Pakistani federal democracy be maintained in the wake of Khyber Pakhtunkhwa FATA merger?

1.3. Research Objectives

1. To analyze how the 18th Amendment's modifications strengthened the tense relationship between Pakistan's federal government and Khyber Pakhtunkhwa?
2. To determine how Pakistan's federal democracy may be maintained following the FATA merger in Khyber Pakhtunkhwa?

1.4. Significance of the Study

Pakistan is a nuclear power and the second largest state in South Asia. It has been a significant state for superpowers since the beginning. A key ally of the United States in the fight against terrorism, Pakistan is now also a key partner of China, the rising power, in the China-Pakistan Economic Corridor (CPEC). Pakistan is a significant state in South Asia due to its geopolitical importance. Therefore, for Pakistan to hold a respectable place in the society of states, a functional federal democratic system of governance is absolutely essential. The current study is important in a number of ways. To start, it will help you understand the function of Pakistan's federal democracy. Second, it will assist us in comprehending the function of the center in regard to provincial relations, namely in Khyber Pakhtunkhwa, in the framework of the 18th Amendment in particular and the Pakistani constitution in general. Thirdly, it would assist in investigating the areas of federalism that have undergone reform in order to address the challenge of provincial autonomy for the seamless operation of federalism and the potential effects of the 18th Amendment on Pakistan's federal democracy.

1.5. Theoretical Framework

The theory of federalism would be used to look into the study's main questions. The theory of federalism would be most appropriate to comprehend the challenging relationships between KPK and the center, as Pakistan has always asserted its status as a federal state. Federalism is basically a compromise between two opposing political authorities. Michal Berger (2006) analyzes federalism as a trade-off between two constraints, quoting Freeman. The ruling force elites have never weakened their forces to decentralize responsibilities and self-rule to smaller regions like KP, so if something were to happen in Pakistan, the federal framework would supposedly

function. The main focus of this investigation is the strained relationship between the Center and KP following the 18th-century change. Fiscal federalism has taken care of the remaining portion. Monetary federalism refers to the uniting units' request for independent financial administration. The German-born American academic Richard Musgrave developed the fiscal federalism theory in 1959. The Theory of Public Finance by Richard Musgrave examines how governments allocate resources and respond to societal demands. According to Musgrave, the federal government can handle financial matters, provide stability to neighboring nations, and distribute resources fairly. our theory is appropriate for our investigation, which focuses on the post-18th Amendment.

2. LITERATURE REVIEW

The case that Pakistan's democracy-based system has failed and that, in reality, popular administration was never introduced in this country. The main problem with creating a true government state is that the people never developed a sense of investment in the administration. In his article "Patterns in Regional Inequalities in Pakistan," Sajjad (1998) makes the case that sporadic research and documenting of the scope and character of local and intra-local disparities are necessary for the progress of a spatially balanced and sustainable turn of events. These intercessions may take the form of increased financial asset transfers or even financial incentives for the private sector to further its objectives in underperforming areas. This paper's examination of the differences in use and non-utilization between local and intra-local areas is a basic attempt to examine their current situation. Punjab has the largest population, and as a result, they control the three territories in terms of asset distribution, which is seen as the smaller areas in contrast to Punjab. The smaller areas accuse the main legislature of denying them privileges and demand greater financial decentralization. This research uses Pakistani monetary federalism as a tool of contextual analysis. He argues that Pakistan adopted the British tradition of wealth circulation after gaining independence, which the smaller regions claimed was biased. According to him, monetary decentralization is a tool for enabling local organizations and for authoritatively sharing the burden of the central government's tasks. Only when provinces are strong and autonomous will the federal form of government become more approachable for the populace, claim Hussain and Rana (A Comparison of Fiscal Effort by Provincial Governments in Pakistan,

2010). The federal government of Pakistan should utilize local government resources to further strengthen the federation. According to this method, the only tool that can provide many of the fundamental needs and services that residents need is the one that is closest to the public. People are therefore only satisfied with a federation in democracies when the federal polity recognizes and promotes local governments and federating units as essential components of the political system. Chadda (2000) offers an explanation in her book *Building Democracy in South Asia: India, Nepal, and Pakistan*. According to Chadda, every debate about democratization needs to be predicated on a strategy for negotiating its course through the obstacles of state consolidation, national reconciliation, and divergent views on individual and collective rights. She analyzed four improvement plans in that specific context: the nonconformist conflicts in Punjab and the upper east; the circumstances brought about by changes in the status of legislative issues; the end of the Congress Party's dominance in India; the political and ideological struggle over Kashmir in both India and Pakistan; the repeated excuses of elected governments in Pakistan; and the Restoration of Democracy development that resulted in a sacred government in Nepal. She discovered the underlying goals and justification of these political events in order to identify system targets, needs, capabilities, and responses to various challenges. She also makes arguments on the President vs. Executive: Pakistan's democratization. The five excusals are emphasized in popular observations and scholarly discussions, which argue that nothing has changed in Pakistan and that any improvements that have occurred would not have been sufficient to curtail the military's influence over political matters. Waseem looks at Pakistan's majority rule government's verifiable problems and argues that the country's vote-based system has rendered authenticity work irrelevant while support work is still widely disregarded. From the declaration of Ahamadiyas as non-Muslim and Pakistan as the new rent of life to strict powers by Pervez Musharraf, Sudhir Kumar Singh's *Human Rights in Pakistan: From Zulfikar Ali Bhutto to Musharaff* provides a methodical and incisive account of the significant number of advancements in Pakistani legislative issues. The shaky vote-based system collapsed with these progressive political advancements, and human rights became a secondary concern. The author goes on to explain that the Talibanization of Pakistani society has been reinforced by the close military-mullah relationship. The Zia legacy and the connection between military rule and

feudalism have created Pakistan an ideal setting for despotism based on fear. Upsetting the growth of human rights has been greatly prompted by the nullification of majority rule establishments, the maintainability of military culture, asset scarcity, and the miserable or lethargic work of the legal executive. According to Muntazra (2007), Pakistan has not succeeded in creating a federal system that is participatory and in which each federating unit has a substantial role. Instead, Pakistan has countered the ethno-linguistic feelings coming from the regions with religious ones. In "Managing Ethnic Diversity and Federalism in Pakistan," Mushtaq (2009) suggests that political centralization is the real cause of the provinces' sense of depravity or estrangement. He claims that compared to political centralization, legislative or fiscal centralization has not been a significant issue. In "Politics of Federalism in Pakistan: Problems and Prospects," According to Khalid (2009), Pakistan's attempts to advance federalism have been hampered by a variety of issues. Examples include the national language, the electoral system, the federal representation of provinces, and the separation of powers between the federal and provincial governments. All of the aforementioned problems have hindered the growth of federalism in Pakistan, in addition to the fact that the provinces that currently comprise Pakistan, especially KPK and Baluchistan, were never exposed to federal or democratic ideals because they were British colonies. According to UNDP (Strengthening Participatory Federalism and Decentralization, 2010), some political and economic aspects of the devolution process in Pakistan's 1973 constitution remain unresolved even after the 18th amendment, and it will undoubtedly take some time for them to stabilize, as has been the case in other states implementing extensive constitutional reforms. This is primarily true with regard to (i) the necessity of establishing appropriate management mechanisms between the federal and provincial governments, (ii) resolving issues with sectoral governance at the provincial level, (iii) the creation of local governments, and (iv) making sure that both the federal and provincial governments are adhering to the constitution's provisions. According to Bhatti (Indicators of Inclusive Growth in Pakistan, 2010), the 18th amendment was a significant event in the country's constitutional history in April 2010 because it restored the balance of power between the head of state and parliament and increased provinces' confidence in the federation by guaranteeing more autonomy than ever before. While the 18th amendment undoubtedly opened up new avenues for

provincial advancement, putting the amended constitutional provisions into practice is not always simple. To achieve the intended outcomes of the 18th amendment to the Pakistani constitution of 1973, a simple fiscal devolution mechanism is required. According to the Institute of Public Policy's fourth annual report (State of the economy: Devolution in Pakistan, 2011), poverty is rising in Pakistan as a result of the federation's effective control over the distribution of wealth and resources, which causes the provinces' income to decline. Since Pakistan's commerce has been declining over the past ten years, this further reduced production efficiency, which prevented Pakistan from benefiting from the global economy. This is because of federation-provinces rift. Therefore at this moment devolution of authority to sub-national units in Pakistan is a positive step to get itself into a stable political and economic arena. However, the weak fiscal devolution mechanism is the biggest obstacle to power devolution to the provinces. Federalism is essentially the result or product of incentives provided by federations to federating units (provinces) through institutional bargaining and assurances, according to Rodden (2004) in *Comparative Federalism and Decentralization: On Meaning and Measurement*. Brazil, Germany, and the United States of America are examples of powerful federations in this sense since they have more institutional bargaining power between federations and units. requested due to their poor federalism. These federations are largely seen as less credible by federating units due to their capacity to overthrow provincial governments alongside the center. For example, Balochistan has been fearful of the center since the governor rule was implemented since it caused a lack of trust between the federation and Balochistan. However, it should be noted that conflicts of interest among the provinces also force the federation to periodically encounter unnecessary issues. While smaller provinces ask for representation plans based on their territorial portion in the federation, larger provinces want to exploit the population factor to get larger shares in the income sharing process. In addition to affecting the federation's decision-making process, this conflict of interest among. Protecting interests, particularly when social groups are separated along ethnic lines, may make it more difficult for tight federal governments to find solutions. This is particularly true under democratic systems that are based on the majority. With this feature, Pakistan will undoubtedly enter a new realm where federalism and consociationalism can be compared and contrasted.

3. Research Methodology

Because of the need to be more specific, the qualitative research method was employed in this research work. It was necessary to use a combination of primary and secondary source material to gather the information needed for this research work. This combination has proven to be extremely effective in the field. Primarily source materials in this collection include the 1973 Constitution, as well as the text of the Eighteenth and Twenty-first Constitutional Amendments, National Football League Award transcripts, and a variety of other official documents and statements from various government agencies. Additional secondary source materials, such as newspaper clippings and other secondary source materials, are also included in the collection. To give you an idea of what this type of material can look like, some examples of secondary source materials to consider are periodicals and reports, dictionary entries, newspapers, and internet-based material, to name a few examples of what this type of material can look like. It is extensively referenced throughout the dissertation to gain a comprehensive understanding of the constitutional amendments contained in the 18th and 20th amendments, respectively, to the United States Constitution. Primary and secondary sources are used to support this assertion.

4. Analysis of Khyber Pakhtunkhwa Relationship with Federal Government

An analysis of the 18th Amendment's text arranged according to the three pillars of the state is provided below in order to comprehend these modifications. The amendment's core modifications have affected practically every pillar of the state, particularly the legislative, executive, and judicial branches, and have broadened the range of constitutionally protected significant rights. The political and economic ties and administrative capacities of the government province (KPK) have been re-envisioned in the revision. Through the Parliament, everyday meetings, and government debates like those held by the National Economic Council

(NEC) and the Council of Common Interests (CCI), it has also put out a novel concept of institutional force.

4.1 Legislation after 18th Amendment

According to the sacred plan, Pakistan's vote-based objectives should be centered on the Parliament and common congregations. A nation's Constitution is drafted and upheld by the Constituent Assembly. As the forerunner of the Constitution, Parliament guarantees and authorizes its incomparability after appropriation, with the possibility to amend it through the proper process. Pakistan is a government republic with delegated parliamentary organizations, according to the 1973 Constitution. The Objectives Resolution, which was received in March 1949, also acknowledges that the chosen representatives of the people will exercise specified ways. In light of this, the 18th Amendment to the Constitution presents an opportunity to transform Pakistan into a "real helpful league" with a strengthened parliamentary role in managing state and governmental operations with equitable and balanced governance. Through a modified Council of Common Interests (CCI), the amendment has introduced the concept of "shared obligations" for issues listed on the Federal Legislative List II. The two Houses of Parliament must receive the CCI's annual report, which it is now able to do. In order to manage state and governmental activities with equitable and balanced governance, a real helpful league with an enhanced parliamentary role is needed. Through a modified Council of Common Interests (CCI), the amendment has introduced the concept of "shared obligations" for issues listed on the Federal Legislative List II. The two Houses of Parliament must receive the CCI's annual report, which it is now able to do. The Parliament may also occasionally hold a joint session to discuss general or particular issues as the Parliament deems just and suitable. This can be done by sending goal issue bearings to the Council through the Federal Government. These parliamentary headers will serve as the official ones used by the Council. Furthermore, in a joint session, Parliament may be consulted if the Federal Government or a Provincial Government disagrees with a Council decision; their ruling will be final for the purposes of this discussion.

The National Economic Council (NEC), which has been revamped, has been given the authority to audit the nation's general conditions and to encourage the federal government and local

governments to provide detailed plans pertaining to financial, business, social, and economic strategies. It should ensure a reasonable course of events and provincial value, aside from distinct directives. The NEC should submit its annual report to both Houses of Parliament after being reminded to do so. The annual report on the application of the Principles of Policy will also be presented to the Senate and National Assembly following the 18th Amendment. The regions are also expected to offer their own reports to conclude. These two crucial religious assemblies provide new avenues for government cooperation and engagement through their expanded roles and orders. Additionally, Parliament has been demoted a position in the selection of Supreme Court and high court judges by the 18th Amendment. Parliament also makes preparations for the Chief Election Commissioner and regular members of the Pakistani Election Commission. The concept of guardian governments at the administrative and common levels throughout times of political decision-making was portrayed in the 18th Amendment. The role of Parliament and common congregations was later further clarified and specifically described in this way by the twentieth amendment. Moreover, the 18th Amendment, which depicted the concept of guardian governments at the administrative and common levels during political decision periods, further refined and explicitly characterized the role of Parliament and common congregations in this way. The 18th Amendment also relegated Parliament a job in the arrangement of judges of both the Supreme Court and the high courts, and Parliament also makes arrangements for the Chief Election Commissioner and ordinary people from the Election Commission of Pakistan.

Additionally, in the event of a crisis or other discomfort in the country or at least one territory, the role of Parliament and the independent Provincial Assembly has been enhanced. The Constitution has a wide range of articles that make the Pakistani Parliament and public assemblies true repositories of power.

4.2. The Judiciary

The job of the summit legal executive vs the summit legal executive has always been highly contentious. The courts have supported disruptions of the majority rules system by citing a "teaching of need" since the dissolution of the main Constituent Assembly in 1955 (Federation of Pakistan versus Maulvi Tamizuddin, PLD 1955 Federal Court 240) until General Pervez Musharraf's final military intervention in 1999 (Zafar Ali Shah versus General Pervez Musharraf, PLD 2000 SC 869). In the absence of the constitution, the appointed authorities had to swear allegiance to Provisional Constitutional Orders (PCO) and authenticate the usurpers in uniform.

The eighteenth amendment altered the mechanism of judicial appointments for the dominant legal executive in order to completely eradicate such abuses. According to a recently inserted Article 175-A, the Parliamentary Committee on Judicial Arrangements is currently given a single name for every chance by the multi-partner Judicial Commission of Pakistan, which is led by the Chief Justice. The Federal Law Minister, the Attorney General, one former chief equity or justice, the four most senior Supreme Court adjudicators, and a member chosen by the Pakistan Bar Council for Supreme Court arrangements are all included in this advisory body.

. The Chief Justice of the particular High Court, the highest ranking official of that High Court, the Provincial Law Minister, and a selected member of the relevant Bar Council are also included in the Commission's arrangements to a High Court. The article has distinct requirements for arrangements in the Federal Shariat Court and the Islamabad High Court, which were established by the 18th Amendment. Within fourteen days, the Parliamentary Committee, which has eight members with equal representation from the Senate and the National Assembly and 50% representation from resistance groups, affirms the chosen people by the majority of its members. It has the authority to reject the assignment with documented justifications if three-fourths of the members do not agree. Following the 18th Amendment's passage, 21 applicants tested this article and many others. On October 21, 2010, the Supreme Court's 17-member full seat, upon a brief request, returned Article 175-A to Parliament for revision. In order to resolve any institutional conflicts, the Parliament addressed the Supreme Court's concerns and approved the nineteenth constitutional amendment in December 2010. It's interesting to note that this item was the first to go into effect on November 6, 2010, the same month the Parliamentary

Committee for Judicial Appointments (PCJA) became utilitarian and the Judicial Commission gained its principles. Since then, the new approach has been used for all arrangements in the current legal executive. As of right now, the Supreme Court has overturned every decision made by the PCJA that rejected the recommendations made by the Judicial Commission. In addition, the process of selecting judges has become somewhat more democratic. Article 6 of the 18th Amendment also has several new requirements that make it a sign of high conspiracy to disrupt, suspend, put on pause, or invalidate the Constitution. It has also been declared a high conspiracy to aid, abet, or collaborate in such a demonstration. The aforementioned article specifically requests that the Supreme Court and a High Court reject a high conspiracy demonstration. In keeping with this, the 18th Amendment places the role of the legal executive at the forefront of the Constitution's protections. On July 30, 2009, the Supreme Court declared that General Pervez Musharraf's second overthrow on November 3, 2007, which had previously been expelled, was illegal and that it would provide protections against future military interventions. These developments inspire hope for Pakistan's eventual just fate, but they must pass the litmus test because the country has experienced at least four military overthrows in its 65-year history. Additionally important is the role of the superior legal executive, which is to explain the first location of the Supreme Court and assign it the responsibility of articulating decisive decisions in any debate between at least two governments, as well as to fill in the gaps left by Pakistani federalism as outlined in Article 184 of the Constitution.

4.3. The Executive

The leader is in charge of the strategy plan and the effort to make strategy decisions, as stated in the Government of Pakistan's 1973 Rules of Business. According to the idea of a partition of intensity, the president of the state must respect his or her power and duty to oversee day-to-day operations and state structure. In addition to supporting the president overseeing a division or service, the secretary also implements approved plans via a team of government workers. The Prime Minister, who will be chosen from the National Assembly, will serve as the league's chief executive officer, according to the 18th Amendment, which reinstated the original aim of the drafters of the 1973 Constitution.

His or her group (like the Cabinet) is composed of the top five counselors and is drawn from the Senate (at least 25 percent) and the National Gathering (at least 75 percent). Article 41 of the constitution establishes that the President of Pakistan is Head of State and refers to the unity of the Republic, while Article 50 grants him the right to participate in Parliament. When there was no Parliament between 1977 and 1985 and between 1999 and 2002 (including during the military regimes), the presidents in uniform took over as CEOs. The Prime Minister, who will be chosen from the National Assembly, will serve as the league's chief executive officer, according to the 18th Amendment, which reinstated the original aim of the drafters of the 1973 Constitution. His or her group (like the Cabinet) is composed of the top five counselors and is drawn from the Senate (at least 25 percent) and the National Gathering (at least 75 percent). These administrations are determined by the Constitution and are enrolled by the Federal Public Service Commission and the ordinary open assistance commission. With a small premium of a fixed roof of 15 pastors for two smaller areas, specifically Balochistan and Khyber-Pakhtunkhwa, the 18th Amendment set the size of the Cabinet following the 2013 political decision at a maximum of 11 percent of the total participation of the Parliament and the individual commonplace gatherings. As a result, the revision also designates the principal priests as the territorial leaders. The Parliamentary Committee on Constitutional Reforms acknowledged its responsibility in this regard and suggested that the organization and the regions will require a distinct set of competencies for post-eighteenth Amendment federalism to work. It recommended that "the degree and modalities for dispersion of work between the Federal Public Service Commission, Provincial Public Service Commissions, and the separate administrations be revised and the administrations revamped as to guarantee commonplace self-sufficiency and great administration, taking into account a significant devolution of forces and duties to the Provinces in the established changes bundle." As part of this shift, it is also suggested that the administrations be sufficiently indigenous.

4.4. 18th Amendment in the Constitution of Pakistan 1973

The 18th amendment addressed a number of additional issues, including the reappointment of the Province of the Northwest Frontier (NWFP), even though its main goal was to restore Pakistan's

constitutional parliamentary nature. It is advisable to classify various amending provisions into one of the following five categories: (a) reinstating Parliamentary government forms; (b) fortifying important government entities; (c) appointing judges; (d) federal-provincial connections; and (e) other arrangements. The restoration of the parliamentary system of government is presently in progress. The President received a number of important responsibilities as a result of the 17th Amendment, which also greatly increased his power in his interactions with the executive arm of government and Parliament. As previously stipulated in the 1973 Constitution, this meant that the President was no longer able to act as the "head of state." The 17th amendment was totally removed as a result of the 18th amendment, and the different Legal Framework Orders from 2002 were ruled to be illegal and unconstitutional. The President's power has been subject to certain limitations, including: Take, for instance, Article 90, which states that the Chairman may use his or her authority personally or through the subordinate officers under their supervision, before the modification.

Additionally, the modified Article clearly and definitely declares that the Prime Minister will be named the Federation's Chief Executive Officer and that the Federal Government will exercise executive authority on the Federation's behalf. The federal government should be in charge of creating business regulations if there isn't an executive branch that is required under the constitution. Following the elections, the President will no longer be able to call a special session of the National Assembly or, if he so chooses, name a member of the National Assembly as Prime Minister who he believes would have the support of the majority of Assembly voters.

According to current procedures, the Assembly must meet and choose a Premier, who will then be named Prime Minister by the US President 21 days after the elections are over. In a similar vein, last year's modification to Article 232 restricts the President's power to declare a provincial emergency. The modified Article states that the Provincial Legislature must pass a resolution to that effect before a declaration of emergency can be issued. Within 10 days of the President's action, the proclamation must be sent to the Parliament for approval by each House of Parliament if the President is compelled to act at his discretion. In order to ensure that the Senate plays an important role in protecting the rights of the provinces against undue interference by the federal government, the wording of Article 58 has also been changed, and the infamous 2(B) provision

has been removed, which allows the President to dissolve the national assembly if the government is unable to function in accordance with constitutional provisions. If no agreement is reached, the declaration will become ineffective for another two months after it is promulgated. However, under Article 233, fundamental rights may still be suspended during an emergency, but any such order must be presented to each House of Parliament separately. The President has the right to be updated on all developments, both domestic and foreign, that could affect the United States. The President retains the right to be informed of all domestic and international events that may have an impact on the United States, including those that may have an impact on the President's family, and to respond appropriately. The President has reserved the right to stay up to date on all foreign developments that could affect the United States, including those that could affect his or her family.

4.5. Recommendations

In the light of above discussion, following recommendations are made.

- 1 .As 18th amendment is a positive effort for restoring the government form of Parliament, so it may be implemented in letter and spirit.
- 2.As by implementation of this amendment, real democracy will be restored so it may be implemented.
3. As this amendment will give due autonomy to provinces which will establish positive relationship between federal government and provinces so it may be implemented.
4. As this amendment will ensure federal democracy in Pakistan in the wake of post-FATA merger in Khyber Pakhtunkhwa so it may be implemented.

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