

LEGISLATIVE AND SCIENTIFIC PROBLEMS IN LIGHT OF EIGHTEENTH AMENDMENT IN THE CONSTITUTION OF PAKISTAN

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ABSTRACT: *The paper notes the questions, aims, and effects of the major reforms in Pakistan's constitutional structure under the 18th amendment. The rehabilitation of the legislative structure laid down in the 1973 Constitution, the abolition of Competitive Legislative List (CLL), and the restriction of the President's executive powers were assured. The amendment ensured that 17 federal ministries were transferred to the regional level. The paper addresses topics affecting the Higher Education Commission (HEC), mining for oil and gas, substance regulations, conservation of the atmosphere, agriculture, the Welfare Fund for Workers (WWF), and the Old-Age Benefits Institution (EOBI). Employees from some agencies and ministries have expressed concern about problems that have not been resolved adequately. This paper further addresses the issues and proposes that letters and intent be practiced at both federal and regional levels to the Constitution of 1973. This paper also analyses several issues with the adoption of the 18th Amendment. This article uses the qualitative analysis approach.*

Keywords: Constitution, Legislature, Amendment, Democracy, HEC, Oil Gas Exploration, Environmental Pollution, and Agriculture.

INTRODUCTION

In Pakistan's political and constitutional past, since its independence, the democratic institutions have been a thorny issue. From 1947-1958, is the period of particular significance when a prolonged political instability, lack of leadership, and bad governance paved the way for military take over.

The early period of political turmoil is highlighted with the abrogation of the interim constitution by the head of state and the assassination of the prime minister. This political vacuum generated serious socio-economic, political, and constitutional issues that sucked in the army leadership to restore order in the country. In a state of famine, the USA came to our rescue to overcome the food scarcity. All cross-sections of the society heaved a sigh of relief and pinned hopes on martial law for a prosperous future. An innovated political setup came into being in an attempt to devolve powers at the grass-root level to basic democrats under the presidential form of government. Both wings of the country were reconstituted into one unit that nailed all exploitations based on provincialism and linguistic paradigm. In short, under the marshal-law regime for a decade, Pakistan emerged as an economic hub and a role model for other South Asian countries.

Successfully, the system delivered the best for self-reliance, so much so that the world referred to this period as the golden era of Pakistan.

It was, however, the 1965 war between India and Pakistan, an offshoot of the unresolved Kashmir issue, followed by the Tashkent Declaration that provided a springboard to disgruntled and corruption-skilled politicians (EBDOED) to exploit the situation to launch a massive movement against a presidential form of government with a success.

After the 1971 war, the political situation aggravated to favor India in its long-awaited plan to isolate our eastern wing; the plan that was proudly endorsed by the prime minister of India in his recent speech in Dhaka. The plans, consistent with the international conspiracy that culminated in the establishment of the electoral wing Bangladesh as an independent entity.

Worth mentioning next is the emergence of civilian leadership in the western wing lead by an ex-foreign minister of military regime with a mandate of socialism that miserably flopped at the end.

The only achievement during this era is the documentation of the 1973 constitution.

The impact of the policy of nationalization by the socialist regime in power seriously eroded what was achieved from 1957-1968. Five cold-blooded murders of some prominent political leaders (rightists) during five years created a panic that contributed to unrest and consequently served to muster public support by splinter groups to expedite massive movement against the leftist government.

Rigging the next elections added fuel to the fire to accelerate the movement. In a state of anarchy, once again, military leadership came to rescue the country out of the catastrophic situation with a mandate to hold fresh elections within ninety days, ultimately extended to the uncertain period for years with a manifesto claiming to align the system of governance to Islamic values, which crashed along with the plane crash of the president. The murder trial of the ex-prime minister often referred to as a judicial murder, is the salient feature of this regime.

However, the era that followed the demise of the military dictator is the most tragic as two groups of high profile corrupt leadership emerged plundering the sources of the country in trillions one after the other, confirmed by judicial activism.

The overambitious socialism leadership, after the dismemberment of Pakistan and the dissolution of one unit, nationalized all the productive enterprises in the country which within a short period proved to be a liability instead of assets. The short of infrastructure to handle the productive enclaves under socialism, the economy of the country was seriously injured. Messing around, the government resolved to a desperate attempt to resurrect our economic life, yet miserably failed.

What was achieved in 60s succumbed to institutionalized corruption, maladministration, and lack of infrastructure?

The third martial law was the outcome of the folie of civilian leadership to depose the supreme commander of the army in his absence while he was returning home from a foreign tour. that resulted in the 10 years of exile of the civilian leadership. Once again the military leadership groomed the political elite in the country to establish some democratic setup that sucked in out-of-job politicians vehemently. This time the military-cum-civilian form of

government, validated by the judiciary that sustained for about 10 years.

This 30 years period of unrest terminated when a new leadership emerged in 2018 with a mandate of accountability to recover the looted sources of this politically orphan country and emphasizing the improvement of law and order situation. Facing tough time by the remains of the previous corrupt lot of politicians is a big challenge to cope.

CONSTITUTIONAL ACROBATICS

It has been a matter of grave concern that all military regimes were validated by the judiciary and popular public support.

General Zia amended the Constitution by introducing presidential decrees and Pro-Constitutional Ordinances (PCO) which, in contrast to Article 58 2(B), enabled the president, at his discretion, to substitute the first minister. The constitutional errors demotivated the democratic unity of the region, and lawmakers were discouraged, as shown by the Pakistan People's Party's boycotting of the 1985 party-free elections. The political dynamic had shifted from one hand to the other before the 1990s. In contrast, the 8th amendment was handicapped by former Prime Minister Nawaz Sharif and the 13th amendment was enacted in 1997.

The game was already unfinished; a revolution was soon implemented and the 8th Amendment, this time shadowing the 17th Amendment, which was made by General Musharraf, the president of Martial Law, was reinstated. Benazir Bhutto, former Prime Minister, was exiled and Nawaz Sharif, the former politician, jailed.

The whole situation in which recent constitutional amendments were repealed and promulgated has upset political parties such as the PPP and PML (N). Both parties signed the London Charter of Democracy in 2006, which promises not to assist the military in democratic operations, but to minimize the involvement of the State in the democracy by excluding military interference and support for thick or thin martial law systems. The vision of the Signing Charter was to reinforce the democratic order of the nation and eliminate tyrant fingerprints. Consequently, in 2008, the PPP swept the polls. For the first time in constitutional history, the 18th amendment was introduced and over 102 provisions changed. The key modifications were to allow provinces more power to regulate the subjects demanded, scrap 17th amendment reforms, and reformulate the 7th NFC award of the government. President Asif Zardari, creating legislative supremacy, first transferred his power to parliament in Pakistan's past. There was a major constitutional amendment in 2010, with regions autonomous and changed as Islamic Democratic Pakistan.

The 8th amendment was adopted and implemented within ten days. It was a transformer who posed a challenge to patriarchal rule and hegemony in areas such as Baluchistan. Provinces had, by way of the amendments that give each jurisdiction greater authority over health, education, curricula as well as autonomy over more than 1% of GDP, complaint that they did not get an equal share of their wealth. This issue was solved. This reform, known as "Pakistan's New Constitutional Software," solved the insoluble problem of the world and established a powerful federation.

BACKGROUND

On 14 August 1973, the 1973 Constitution was ratified. The two parliamentary groups voted for the Constitution which made it a text built on a majority. It was the first constitution of Pakistan, drawn up by a parliament that was immediately established. It created a parliamentary form of government in a federal state with four federal units and a few federal administrative areas. To guarantee that the basic structure accepted at the moment of existence is not changed, federal governments need a strict Constitution. The Constitution of 1973 was revised seven times within the first three years since its proclamation. The prime minister had specific authority, while the president had only ceremonial powers, under the present 1973 Constitution. The elected prime minister's powers were reduced by the Eighth (1985) and Seventeenth (2003) reforms in the military regimes of General Zia-ul-Haq and General Musharraf [2] respectively. In 1997, the 13 amendments to the Constitution reinstated the authority of the Prime Minister. The report abolished the most controversial rule of the Pakistani Constitution of 1973 which, counter to the spirit of the parliamentary form of government, granted the indirectly elected president the ability to disintegrate the explicitly elected national Assembly. It was nevertheless revoked within the Legal Framework of General Musharraf 2002, and the 17th amendment restored 58(2B).

These changes altered the political framework of Pakistan from a representative presidency to a hybrid one. The civil interlude between two military regimes between 1988 and 1999 was a period of national insecurity and successor elected administrations were expelled by the leaders using the 58th amendment (2B). As a consequence of civil instability, the fourth martial law was instituted in 1999. Gen Musharraf's long-standing military rule has brought into question the nature of Pakistan's democratic system. The general elections of the nation took place in 2008. Under the language of CoD, the newly-elected PPPP Administration, in particular by small provinces, was forced to restore the constitutional spirit of the Constitution of 1973. Thus, under the leadership of Asif Ali Zardari, the newly elected civil president, the newly elected parliament approved the eighteenth amendment[2] in April 2010. As the amendment was adopted, legislators showed the competence required for federal states to run. It was a massive constitutional amendment, which reviewed about one-third of the text. In the initial Constitution of 1973, the Constitution proposed 102 articles out of a total of 280[3].

This provision abolished the President's special privileges conferred by Amendments 8 and 17. The president may disband the national assembly until the Eighteenth Amendment was implemented. The legislative functions of the President were returned and the national assembly was dissolved. It may take up to 30 days for the President to approve the measure. The President has ten days to sign the bill, according to the provision. The governor of a province must be a native of that province in the post-eighteenth amending era. Five Federal Legislative List (FLL) topics I have been translated to the regional level and the Competitive Legislative List (CLL) has been eliminated. The chief electoral commissioner was appointed by the President before the transition. The Executive Power of the President was repealed and, as a consequence of the

reform, a new protocol was established. In the national assembly, the majority chief was asked to meet the Prime Minister. A five-year term has been assigned to the Chief Electoral Commissioner of Pakistan.

A modern judicial committee structure was adopted to appoint judges in higher courts. A new High Court was formed in the federal capital of Islamabad. The authority of the Senate was expanded (upper house). By the 18th Amendment, the Federal cabinet is responsible to all chambers of parliament. The Constitution also introduced three more fundamental rights. To uphold liberty, Article 6 has been revised. Under the 18th amendment, the suspension in 1973 is sometimes referred to as high treason.

In addition to these important amendments to Pakistan's legislative system, the removal of CLL was a substantial improvement in the eighteenth amendment. The amendment guaranteed the move to the regional level of seventeen federal ministries. It was a sensible choice to address the demand for greater democracy in the provinces. However, since this transformation was not well conceived, it wasn't simple. In this paper, the implementation of the 18th amendment is discussed and the problems facing the Commission on Higher Education (C), oil and gas research, the substance regulation, the protection of the atmosphere, agriculture, the Workers' Wellbeing Fund (WWF) and the Old Age Profits Institution by their qualitative study method (EOB1). It also looks at the Commission's position in the fulfillment of its mandate.

GENERAL FRAMEWORK

The nation has authority and responsibility-sharing the central government and the state governments. All typical characteristics of federations include a formal constitution, two layers of administration, a stiff constitution, a bicameral parliament, and procedural rule. The terminology dual nationalism and dual citizenship are used for the form of the nationality of an individual. A person with nationality in more than one country is known to be a dual citizen. In certain jurisdictions, dual citizenship is not authorized. There are many nationality rules in the country.

For States with different populations and large geographical areas, federalism is the only option. The state constitutions have several similarities. These features include the division of power, judicial competence, a formal constitution, and two branches of government. On the other side, a federal state is separate [4]. The core framework of a federal state is determined by various considerations, such as culture, social and political circumstances [5]. The units enter an understanding of the creation and attainment of a federation. No D. Duchacek established ten federal criteria for evaluating countries declared or thought to be federal: Foreign Comprehensive Control, Surrender to the Federation of Supremacy, Center Independent Roles, Federal Constitution and Modification, Indestructible Autonomy, Restorative Powers, Geographical Parity across Units, two courageous groups He said that our concepts of federalism should not be too stringent, since every state has its collection of circumstances[6]. Students suggested some federalist theories, which are listed below.

Students including A. Spinelli, D. L. Elazar, K. C. Where, and M. Bargees supported the liberal school of thinking. They found that the Federation was the product of a need to

"be governed for at least some reason by one autonomous government"[7]. Moral values play an important role in forming a federation according to Elazar and Bargees [8]. According to Bargees, the creation of a federation was a political compromise[9]. Riker and David McKay promoted the realistic philosophy of federalism. They think that a federation will solve domestic problems. The union has gained ownership over their extensive territories by making scientific progress [10].

Dual federalism is another ideology that is based on the concept of dual sovereignty. According to this principle, central and unit governments perform their tasks independently, and all are co-equals[11]. Policy researchers including Grodzins, Clark, and Elazar rejected dual federalism. Grodzins invented 'layer-cake federalism' and 'marble-cake federalism.' He used the metaphor of "layer-cake federalism" to defend dual federalism. He argues that the central government and the governments of the federal units exert forces in their domains, like separate layers of a cake.

The first to use the term cooperative federalism in 1938[12] was Clark. During the Great Depression in the United States, even without the help of the countries, the federal government could not cope with the situation. But this was not sufficient, since the States and the central government overshadowed their roles and duties. The Federal Government and State Governments were required to cooperate more effectively than in the past because of urgent circumstances. In consequence, this cooperation ended the principle of dual federalism and the US moved on to cooperative federalism. In 1937, both the political and dual federal policy of the New Deal was decided by the United States Supreme Court [13].

Students such as Daniel J. Elazar, Jane Perry Clark, and Morton Grodzins have been challenging dual federalism. The key principle of mutual federalism is that the federal governments have shared responsibilities. Supporters of voluntary federalism are not in favor of total democracy. They agree that arbitrary powers cannot be used by the federal government to interfere in federal unit relations. In the federal government and the government of the federal units [14], the ideology of cooperative federalists encourages not just cooperative arrangements but also the practice of collaboration. The theoretical foundation of the thesis is the mutual federalism principle.

As previously stated, cooperative federalism believes in common commitments. The federal and provincial governments work together in Pakistan on the issues mentioned in FLL-II by the Council of Common Interest (CCD). Before the 18th amendment, eight topics were used in the FLL-II. After the amendment, the FLL-II currently has 18 subjects. The 18th Amendment has enhanced the Constitutional Ordinance [15]. The Eighteenth Amendment abrogated the CLL from the 1973 Constitution. The 18th Amendment also provides for such shared duties for federal and provincial governments.

Via the Eighteenth Amendment[16], the number of topics protected by FLL-II was extended. Article 172, as updated, recognizes that natural resources have been shared under control [17]. The NFC agrees to allocate money between the provinces and the federal government to maintain transparency. The NFC consists of federal and provincial governments[18]. delegates are represented. Within the 18th Amendment, the FLL-I was transferred to the FLL-II

by the National Economic Council (NEC). Under this amendment[20], the Federal Parliament and the provincial assembly concerned must be entitled to impose an emergency. The above explanations show that the Central Government and provincial governments, under the 18th Amendment, co-operate and practice joint functions, with features that characterize federalism.

ESTABLISHMENT OF A COMMITTEE FOR IMPLEMENTATION

The "Implementation Commission" was established on 4 May 2010 and the eighteenth Amendment was adopted by the legislature, which took a range of steps in the direction of its position. The Makeup of the National Economic Council was revealed on 26 May 2010. The Provincial government's business rules have been amended to facilitate their performance of the tasks assigned. The Commission was working to maintain compliance with the constitutional provisions regulating all parliamentary houses' schedules. Fresh codes of practice have been published by the Council of Shared Interest. The Federal Council of Revenue (FBR) was also advised by the Commission not to prepare a tax scheme on any matter not protected by the FLL or former CLL. The Committee closely reviewed every clause of the eighteenth amendment. The provisions needed for intervention were also forwarded to the different agencies. This study detailed all the measures taken for implementation that has been forwarded to the Prime Minister, the Chancellor, the National Assembly Leader, the President of the Senate, the four provincial legislatures, and the head secretaries of the four provinces. Following the Eighteenth Amendment, the Commission directed the devolved division/ministries not to decide whether to appoint or promote employees. The commission allowed only necessary recruiting. The Premier chaired a Council of Common Interest conference on 18 July 2010. (CCI). The Prime Minister was informed by the Committee about the ratification of the 18th Amendment. In addition to the study on the transfer period, all transferred ministries and divisions were ordered to prepare a succinct statement. The establishment division was recommended to study the post-transitional consequences of the deputy ministries/divisions (particularly employees). At the conference with federal secretaries on 20 May 2010, the chairman of the Implementation Committee. Details and proposals to implement the Eighteenth Amendment was included by the Federal Secretaries. The Rules of Practice of the Implementing Committee were authorized by the CCI on 18 July 2010.

The transfer procedure was purely scientific. A team of lawyers was created and sub-committees were formed by the board. The primary goal was to recommend properties and employee complaints and amend the laws of the department/division. It also examined the institutional, cost-effective, and legal facets of transfer. The commission set up federal departments and divisions whose tasks had to be transferred partially or fully to the provinces. Article 70 of the FLL still permits Parliament to adopt legislation on matters referred to in the FLL (4). Notably, though, the operations of certain government departments were not covered by the CLL and FLL. The Competition Regulations for the II schedule have been reviewed. To examine the financial affairs of the ministries/divisions transferred to the provinces, a Committee was formed on

July 7, 2010, under the Chairmanship of the Deputy Chairman of the Implementation Committee, Ishaq Dar. Ishaq Dar subsequently renounced, however, and his dissertation could not be completed. The Commission has conducted ongoing discussions with the Ministers and secretaries in question whose offices would be transferred to the provinces partly or entirely. The Commission received reports on its arrangements from the provincial Chief Secretaries.

The commission organized different teams to visit and evaluate the procedures for carrying out the duties of the deputy ministries. The Implementation Committee convened four times under the chairmanship of the Prime Minister. By 30 June 2011, the Commission had promised to finalize the transfer process[21].

RECOMMENDATIONS OF THE IMPLEMENTATION COMMISSION

The implementing committee recommended that responsibilities be translated smoothly from transferred federal ministries into provinces. The committee proposed the abolition of the first level of 5 federal government departments, namely Zakat and Usher, Special Initiatives, Youth, People's Welfare, and Local Government. It also proposes transferring regional subjects to the provinces and other federal ministers/divisions allocating residual roles[22].

The Commission proposed that five second-level federal ministries, including tourism, special education, animals, education, and culture, be eliminated. As a part of the 18th amendment, all of the responsibilities of the Central Ports and Transport Ministries have been eliminated. The Capital Management & Development Division (CADD) was formed on 31 March 2011 on the advice of the Commission to administer the affairs of the deputy ministries. The Committee proposed that seven federal ministries including female growth, climate, recreation, work, minority affairs, health, and food should be abolished at the third stage [23]. The federal cabinet adopted the decision of the Commission on December 1 2010 to close at the first stage the five federal ministries. The second phase of the dissolution of five ministries was adopted by the Federal Cabinet on 3 March 2011. On the third level of the elimination of seven ministries was authorized by the cabinet on 28 June 2011. The Eighteenth Amendment removed seventeen federal ministries and transferred their obligations to the Provinces. The federal government has reassigned employees from seventeen ministries. The Development Committee had 68 sessions. The commission finished work on the allocation of time[24].

SCENARIO AFTER THE EIGHTEENTH AMENDMENT

The Eighteenth Amendment backers provided for fair governance and balance of influence in intergovernmental affairs. The administration and leaders have been found not to have several tasks for the provinces. They reasoned that there was little talent, no expertise, and no desire for the provinces to meet such a challenging task. 25 After transferring ministries to the provinces, the federal government created concurrent ministries in the middle. The former Senate President, RazaRabbani, criticized the PPP administration for setting up new federal Ministries, arguing that after the 18th Amendment it was wrong. He said that a 'fresh competing list' was prepared by the Federal Government and that the federal unity was

dangerous[26]. Any of the issues arising since the 18th amendment situation are covered in the following pages.

The 18th amendment initially calls on colonies to make international loans. On the other side, the federal government is still to legislate. Secondly, 17 federal ministries have been dissolved as a part of the reform. The provinces now retain the jurisdiction of the departed ministries. Deceased ministry employees are assigned by the federal government to other federal departments or the regional level. Since they were not governmental, these jobs were confronted with several problems after their retirement. Developed ministry employees created a sense of dread. Some also sent written petitions with the federal administration. Thirdly, there is skepticism in the mandate to regulate the functions transferred under the 18th Amendment. The CCI was responsible for the regulation of the topics transferred under Entry 6 of the FLL Part II. The Sindh High Court revoked the notices of the Pakistan Standard Quality Control Agency (PSQCA) that it was under provincial jurisdiction. The abilities of the Pakistan Drug Regulatory Authority have become equally unclear as concerns have occurred in the past. The Supreme Court tested the legality of the above-mentioned authority[27].

Legislative questions, the most important example of which was higher education, is another source of discord between the government and the provinces. On the other side, liabilities and assets caused controversy. The federal government has failed to establish federal focus agencies to help donor organizations negotiate directly with provinces. Contributions and external collaboration have also diminished.

The power to determine provincial parity is not provided to the federal government under this clause.

This may only interfere if a resolution was adopted by the provincial assembly requesting the federal government for this by Article 147. As a consequence, in the next National Finance Commission (NFC) Prize, the above authority of the Federal Government would be key. In a federal economy, the Federal Government has a vital position to play in placing the federal units in a collective economic enterprise and in offering those encouragements. The Council of Common Interest should take effective decision-making about the boundary delimitation between the areas of jurisdiction of the provincial governments and the federal government (CCD).

THE FEDERAL GOVERNMENT'S REGULATORY AUTHORITY DECISION

On 19 December 2016 Prime Minister Nawaz Sharif decided to hand over administrative scrutiny to the appropriate federal ministries of the five major regulatory agencies. The federal government has explained that the institutional power of regulatory authorities is passed to the ministries concerned, but that the regulators will maintain their regulator. However, the judgment of the Prime Minister was slammed by the PPP, the national opposition party's strongest party (2013-2018) in the National Assembly.

The Chief Minister of Sindh, Murad Ali Shah, also criticizes the decision of the prime minister, arguing that under Article 154(1) the CCI permanent secretariat has powers for the supervision of regulatory authorities; (2). [3]. He noted that it authorizes the CCI to oversee and develop policies for these authorities and called on the Prime Minister to convene a meeting of the CCI to review

the matter and to propose the rejection of the notice. The functioning Senate Devolution Committee declared that the freedom of the regulatory authority should be guaranteed and that a resolution of the Federal Government violated the Constitution of 1973. The Federal Government's judgment was rejected by Ali Irfan and Jahangir Tareen, senior PTI chief, at the Lahore Superior Court, and the Court abolished the notification, stating that "the CCI must have requested the permission of the Prime Minister before issuing the notification"[28].

ISSUES IN OIL AND GAS EXPLORATION

Oil and gas give society a multitude of benefits. It supplies a range of industries with electricity. For the Federation of Pakistan, the allocation of natural resources among the provinces was a key problem. Article 158 of the Constitution of 1973 deals with natural capital. It says:

The province where the natural gas well-head is situated has precedence in fulfilling the demands of that well-head over other areas of Pakistan, according to the responsibilities and obligations at the start of the day[29].

In the last decade, the consumption per user has grown. Sui Southern Gas Pipeline Limited (SSGPL) saw a 6-percent improvement with a 5-percent increase in Sui Northern Pipeline Limited (SNGPL). Deregulation of prices may help ease the crisis. Article 172 concerns the awarding of concessions for oil and gas production. However, the word "just and unambiguous." The federal natural resources ministry originally granted licenses. The provinces asked for a chance to engage in this mechanism by referring to the approval by the Constitution of the shared control of gas and oil. the above-described process. In the planning and pricing of gas and oil [30], the federal government must recognize the provinces' right to construction.

Article 172 grants administrative power to provinces that produce oil and gas and 50% ownership, in their respective areas, of minerals, gas, and oil (3).

On the other side, the federal and regional governments interpret the article in different respects. Sindh argued that it's a constitutional right for the Province to issue exploration licenses to oil and gas firms. In 2013, the permit to explore gas and oil in 50 blocks throughout the five provinces was given to international and country oil exploration undertakings[31]. Disagreement on this problem led to a struggle between the provinces and the federal government and stopped the process of oil and gas discovery. The federal government has rallied with the provinces, as foreign oil and gas exploration firms have lost interest in investing in the country due to this issue, which has become a major hindrance to the exploration of oil and gas resources in Pakistan.

Following the 18th amendment, the situation in this area was much more stagnant. The bidding scheduled for June 2010 has been deferred. The Government of Canada has declared the postponement by more than two years of oil strategy 2012. In March 2013 the bidding phase started, but could only end in March 2014. Bidding did not meet the laws and laws, which led to the bidding being carried out by no other international exploration firms. Petroleum Limited (PPL) and Oil and Gas Development Company Limited Pakistan were granted the new blocks (OGDCL). International mining companies such as the British Petroleum Company of the United Kingdom, and the Broken Hill Company of Australia left Pakistan[32]. As part of the 2012 petroleum reform, provincial participation

has been extended. Real enforcement of the 18th Amendment will enhance regional involvement and improved administration of the gas and oil industry can help resolve the issue. One source of confusion in the gas and oil sector was a misinterpretation of and a lack of appreciation of the 18th Amendment. The following measures are intended to boost the gas and petroleum sectors.

- Establish an organization "governed by corporate rules."
- The term 'resident' implies a fair share of royalty holders, not redistribution to provinces to administrative and legislative powers;
- Foreign companies can be drawn to oil and gas discovery.

THE COMMISSION ON HIGHER EDUCATION

An effort was made to assume the HEC's positions in a post-eighteenth amendment situation. The HEC challenged the status quo to the Supreme Court. The court held that the Constitution applies to "HEC Ordinance 2002." It will remain in force until the Parliament amends the Ordinance. The subject was debated at the website of the CCI. The CCI decided to cooperate with the CCI and to develop educational systems together through the regional governments and federal governments. The CCI will help to resolve the issue. The Provincial Assembly of Sindh passed the Act of the PPP on the last day of PPP administration (2008-2013). The PTI government in KPK (2008-13) established a working group to investigate this problem. The PMLN (2013-2018) ruling party agreed that the HEC should be the federal dominant power. The governor selected the university vice-chancellors until the eighteenth amendment. As a part of the change, the regional Chief Minister is also empowered to choose the Vice-Chancellor.

Under the 18th amendment, the Central Ministry of Education was dissolved and its functions transferred to the provinces. HECs have been established in Sindh and Punjab at the provincial level. The ministry of federal law and central HEC opposed the establishment of regional HECs, stating that the 1973 Constitution was being violated. A conference was conducted in March 2015 by the CCI and a workgroup on conflicts was formed[34]. The Pakistan Commission for Human Rights declared in 2017 that the nation had a "serious crisis"[35] in higher education. Any apprehensions of the central HEC can be found in universities in Balochistan [36]. The regional and federal HECs have mutual jurisdiction.

REGULATION OF DRUGS

The 18th amendment removed the 1973 Constitution from the CLL. The former CLL subjects fall under the authority of the provinces under this clause. Included in the CLL are the following prescription entries.

Entry nineteen: Opium, as well as culture and development, are concerned. There is number 20 on the catalog of medicines and drugs.

Poisons and harmful medicines[37] (Transmission 21)

The regulatory authorities were included in FLL II under the eighteenth amendment. The Drugs Act of 1976 places the medication works until this provision within the jurisdiction of the Federal Ministry of Health. Around 70 patients were killed by low-quality medications in January 2012 at the Punjab Cardiology Institute (PIC). The Supreme Court ruled that the Drugs Regulatory Authority was created. Pakistan's Drugs Regulatory Act was enacted for enforcement on 13 November 2013.

SECURITY OF THE ENVIRONMENT

The provinces had absolute competence in the field of the environment under previous Constitutions (1956, 1962). The National Assembly (federal legislature) was given the power to legislate with other countries and with international organizations on the implementation of the Treaties. The environment was contained in the CLL under the 1973 Constitution[39] (entry no. 24). The subject of the former CLL "environmental emissions and environmental protection" (entry no. 24) has been transferred to regional levels. However, several environmental governance challenges remained. The country also has to implement existing environmental laws and fulfill its foreign treaty commitments.

An important concern is the establishment and application, in areas such as water and air quality, liquid and toxic waste, of National Environmental and Quality Standards (NEQS). The EPC, the government department, has the power to develop NEQS until the eighteenth amendment. Both NEQS province and the EPC there is a lack of consistency. Some NGOs objected to the transfer of the Ministry of Environment to the provincial level (NGOs). As explanations were cited, the incompetence and lack of preparation by the provinces. The federal government formed a new climate change minister in the post-eighth amendment scenario. However, the ministry listed above should carry out nominal regulatory functions. In upholding new environmental legislation, provinces can take a leading position. On the other side, the Federal EPC is empowered to develop and supervise the NEQS. The Department of the Environment can be strengthened at the regional level.

In Pakistan's 1997 federal Environmental Protection Law (PEPA) any provision of other legislation that conflicted with PEPA 1997, as PEPA 1997 had an overriding effect, was nullified. Since the PEPA 1997 had a federal statute. So that's not the case now. Both the federal rules are also bypassing laws that work at the regional level on environmental conservation.

Before the adoption of the 18th Amendment, PEPA 1997 restricted all operations and practices that were able to affect the climate. This included concerns such as nuclear power that only the federal government would control. That's not real either. While some topics to be controlled by environment regulations are exclusively monitored by the federal government, they are not protected by the regulation anymore.

Provincial jurisdictions face the task of developing their environmental policies. But, as the analysis of this study would show, this isn't just a problem. A vast amount of highly important topics need to be resolved before any provincial regulatory activity begins.

Agriculture

The Federal Ministry of Agriculture and Food has done extraordinarily well in terms of national food welfare. The Minister of Agriculture and Food Cereals was responsible for strategy, implementation of policies, and economic cooperation. Under the 18th Amendment, the ministry was transferred to the regional level. On the other side, the federal government set up a new ministry of food protection. The Department establishes funding thresholds and provides regulatory and assessment resources [40]. It may be impossible to transfer the power to set the prices of crops to the regional level. Disagreement will lead to disagreements and promote smuggling through the setting

of the same crop support prices in various provinces. The CCI forum may be used to fix popular crop support prices to tackle this issue.

OLD-AGE BENEFITS INSTITUTION (OABI) AND WORKERS WELFARE FUND (WWF).

It was for Pakistan as a whole and was covered by segment (1). 100 million rupees have been given by the federal government. The provisions of Article 4 of the WWF Ordinance 1971[41] provide that any industrial establishment with a total income of 5 lakh rupees or more will contribute to the fund for that year a total of 2% of its total income for the Government." A governing body according to section was also established (7). The Chairman is responsible for the duties of the federal secretary of the ministry involved. Representatives from both provinces are in the executive board[42]. Item 26 of the old CLL dealt with social welfare functions for workers (Item No. 26, 31).

Item No. 26: healthcare, conditions of employment, provision, employer and employees' compensation, health care, including disability invalidity and old-age pensions (The Constitution of 1973).

Under the 18th Amendment, the functions referred to above were assigned to the provinces.

The federal government signed the BOB Act in 1976. The principal objective was to comply with the provisions of Article 38(c) of the Constitution of 1973. 'Social welfare by compulsory social insurance (OSI) or other means [43] shall be provided for all individuals serving in Pakistan' or otherwise' (C). (Constitution of 1973) The Federal Government appoints the EOBI Chairman and the expected annual revenue of 30 trillion rupees is produced by EOBI. Per year, the annual benefits total approximately 800 million rupees. Under the 18th amendment, the Labor Ministry was transferred to the provinces. Article 142 grants provinces the authority to legislate and create new welfare bodies (C). WWF and EOBI funds can be transferred to provinces, leading to a major financial commitment and the issue of subsidies within the provinces. A critical condition can occur if a person working in a province returns to his home province after his service has been completed. With EOBI, the federal government will simply hand the WWF to the provinces. This would bring on the same success for all the provinces. The EOBI faces serious challenges and it is the primary duty of the federal government to perform its vital role. The EOBI has not been able to raise the monthly pension for the retiring employee to 6500 rupees since April 2015[44]. It also seems that the entire survival of the institution is at risk.

The Prime Minister chaired a CCI conference on 24 September 2018. The Council established an EOBI and F-related task force. It created a special committee and task force for implementing the policies of all federal regulatory authorities and maintaining a uniform quality of food in Pakistan. The Council has stressed that federal and regional coordination would enhance the standard of education and assist in the introduction of a single education framework. The HEC was instructed to prepare suggestions on this topic. The Council considered and referred the recommendations of the petroleum section to the Economic Coordination Committee[45] for an amendment to petroleum policy in 2012. The Prime Minister was also Chairman, on March 11, 2019, of an investment package

for exploratory firms to organize a conference with the Federal Oil Ministry. At its next conference, the Ministry of Oil will submit a revised oil policy to the CCI.

CONCLUSIONS

In the 18th amendment, 102 clauses of the Constitution of 1973 were stated. The revocation of the CLL and the modification of Articles 157 and 172 have preserved the roots of the legislative structure, reinforced the status of elected authorities, and satisfied a longstanding desire for regional autonomy. Both parliamentary political groups backed the Eighteenth Amendment with overwhelming enthusiasm.

However, concerns remain regarding the adoption of the 18th Amendment. The federal and provincial governments are negotiating on a settlement deal. The federal oil ministry and the provinces disagree with the interpretation of Article 172 (3). This has hindered Pakistan's gas and petroleum exploration. In breaking the deadlock, the resolution of this issue might be useful. Modification of the HEC Act is also needed at the federal level. The Federal and Regional governments shall decide at the earliest opportunity on the redistribution of higher education forces and funding. Under the Eighteenth Amendment, all labor responsibilities were transferred to the provinces. The EOBI future is yet to be decided by the CCI. The Government of Canada also needs to decide whether or not to reimburse the provinces for the funds received under the WWF.

The 18th amendment abolished the Agriculture Ministry. A national agriculture emergency policy was adopted by the Federal Government on 18 March 2019. The federal and regional governments would work closely to achieve better outcomes in the agricultural sector. The 18th Amendment abrogated the Health Ministry. Since the above amendment had been passed, numerous problems emerged at the provincial level in the healthcare field. Provincial governments have willingly given up power to resolve these issues, whereas the Drug Control Authority has been formed through the collective consent of all stakeholders. The topic of "environmental degradation and biodiversity" was often referred to the provinces under the 18th Amendment. After the amendment, a new Ministry of Climate Change was set up by the federal government. The conclusion is that regions can take the lead in the implementation of current legislation on the climate.

For the federation to work efficiently, topics identified in FLL-II must be identified at the CCI forum and unilateral decisions should be avoided by the federal government. The CCI would use its conflict settlement modus operandi to encourage and resolve the concerns discussed in this paper. Provinces should explore experiences of dedicated roles. In addition, by creating the CCI Secretariat and conducting monthly CCI meetings, the federal government shall guarantee the compliance of Article 154-III of the 1973 Constitution. The federal government should withdraw from intervening on issues assigned to the provinces and instead concentrate on serving as a "coordinating agency," to ensure effective implementation of the 18th Amendment. Pakistan is seen as a growing federation and as a transitional democracy with dental problems. It has also faced many national integration barriers. The global consensus was met with the need for greater power in the provinces by the 18th amendment. The

period is now, as this reform envisions, to preserve the true spirit of regional autonomy.

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4. The variations can be seen in different federations. Federal states can implement a presidential or parliamentary system. The nature of federalism in any state may vary over time. Pakistan was a federal state according to the Constitution of 1956 with parliamentary democracy. Although the status of a federal state was maintained in the 1962 Constitution yet the presidential system was introduced instead of the parliamentary system. Both the mentioned Constitutions retained unicameral legislature. In contrast, the 1973 Constitution maintains the bicameral legislature. The 18th amendment brought significant changes like federalism in Pakistan.
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15. All issues concerning the federation are discussed in the council. The prime minister is to be chaired the CCI. It consists of four chief ministers and three members nominated by the federal government. The council must meet at least once every quarter. The council has been given the power concerning supervision, decision making, monitoring, and control over the FLL-II. It contains conflict resolution; norms in education and research; regulation of the medical, legal, and other professions; regulation of public debts; provincial police powers beyond provincial boundaries; census; federal regulatory authorities; fiscal coordination and national planning; industrial policy; electricity; railways; minerals, oil and natural gas; harmful materials and major ports (Constitution of the Islamic Republic of Pakistan 1973).
16. Four items; national economic coordination and national planning, census, major ports and extension of powers and authority of provincial police force to the railway and other provinces have been transferred from Part-I of the FLL to Part-II (shared responsibility). The items in the CLL have been delegated to the Provinces. Two items, medical, legal and other professions and electricity have been shifted to FLL-11 (Constitution of the Islamic Republic of Pakistan 1973, Fourth Schedule). Article 157 has been amended in two aspects. Firstly, the Federal Government shall consult the concerned Provincial Government before the construction of a hydroelectric power station in that Province. Secondly, if any dispute arises between the Federal Government and the Provincial Government and, the issue shall be solved by the CCI (Constitution of the Islamic Republic of Pakistan 1973, Article 157).
17. Article 172 addresses ownership. According to the Eighteenth Amendment, a new section (3) has been inserted. It states that the natural gas and mineral oil within the boundary of the province or the territorial waters in its adjacent area shall vest commonly and equally in that province and the federal government (Constitution of the Islamic Republic of Pakistan 1973, Article 172).
18. According to the Eighteenth amendment, two new Sections 3 (A) and 3(B) have been added in Article 160. According to Clause 3 (A), the share of the province shall not be less than the one allocated to the provinces in the former Award (Constitution of the Islamic Republic of Pakistan 1973, Article 160).
19. **The council reviews the overall economic condition of the country and advises the federal government and the provincial governments, formulate plans in respect of financial, commercial, social and economic policies.** The prime minister is head of the council. The composition of the council has been revised under the 18th Constitutional Amendment. There are two members including the chief ministers from each province and four members from the federal government, appointed by the prime minister. The council has to meet after every six months. According to Article 156 (5), the council will have to submit its annual report to both houses of the parliament (Constitution of the Islamic Republic of Pakistan 1973, Article 156). Now, the subject of national planning is performed jointly by the federal government and the provinces (Constitution of the Islamic Republic of Pakistan 1973, Fourth Schedule, FLL-II, Entry 7).
20. It is the constitutional prerequisite that the concerned provincial assembly must pass a resolution if the circumstances are beyond the control of the provincial government. In case, the president declares an emergency by himself, the matter will be put before both the houses of the parliament. Then both the houses will have to decide within ten days (Constitution of the Islamic Republic of Pakistan 1973, Article 232).
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