

**18TH CONSTITUTIONAL AMENDMENT AND REJUVENATION OF PAKISTAN'S
PARLIAMENTARY SYSTEM: AN ANALYSIS**

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Abstract

This article is the critical analysis of the 18th amendment to a renewal of the parliamentary system. In Pakistan's Parliamentary history, the Eighteenth amendment considered an important milestone and it empowered parliament more than ever before. The 18th amendment of the constitution of Pakistan was passed by the parliament in 2010, from the last 37 years of the constitutional history; just the first decade of the 21st century was bringing the hope of development for Pakistan, which was to adopt the 18th amendment in the constitution. It eliminates the Presidential Powers unilaterally to dissolve or suspend the Parliament and revolves Pakistan from a semi-presidential system to the parliamentary form of government. The supremacy of Parliament, Judicial Commission, and an independent Election Commission has been reformed on an institutional basis. The eighteenth amendment presented a step forward that encompasses many missteps to creating an economic union and has reinforced an unfashionable model that is 'pot belly' (federalism of provinces), whereas another model is an 'Hourglass' (federalism of local government). These two models are more suitable according to the circumstances of Pakistan. The 18th amendment has reinstated the parliamentary and federal spirit and reinstated the parliamentary character of Pakistan's Constitution, which was subverted during military rules. The paper analyzes how the eighteenth amendment empowered parliament more than ever before and how better results have appeared with development. The paper also analyzes that after the constitution making in 1973 how the eighteenth amendment marks the 2nd twist towards democracy. The research work is analytical as well as descriptive in nature.

Keywords: Parliament, Eighteenth amendment, Potbelly, Hourglass, Constitution

Introduction

Parliament is undoubtedly the exclusive and unique people representative institution. The Parliament has been established on behalf of people to represent their voice and provide them opportunities for more participatory and open governance. However, the parliamentary system of government is running successfully in different countries. The Parliamentary system originated in Britain and later was adopted in several of its former colonies. It is the system of government for the constitutional expression of certain ideas on which society believed or based. It is the unique governmental system in which state citizens choose their representatives through regular elections for legislations. The legislation is the major and predominant function of parliament. Both Houses of Parliament, works together with full cooperation to carry out the basic work of legislation. Then it makes the necessary laws and takes certain decisions for the state. Though, it's considered the part and parcel of the Pakistani way of life.

Unfortunately, the Parliamentary history of Pakistan faced many militaries and civilian dictators that shaped many barriers in the evolution of the state's smooth parliamentary system. Due to the increasing political ambitions of military generals and the unbalanced institutional development, Pakistan collapsed the parliamentary system of democracy four times. However, like some other developing countries, Pakistan also faced weak political parties, prolonged military rule, and pro-democracy groups. However, from the last 37 years of the constitutional history, just the 1st decade of the 21st century was bringing hope for Pakistan by the adoption of the 18th amendment within the constitution of Pakistan (Fakhr-ul-Islam, 2017).

The 18th amendment is the greatest accomplishment and a wide ranging impact of the 13th Parliament of Pakistan at the provincial and federal levels. It enhanced the role of the parliamentary system and reinstated the parliamentary and federal spirit with significant consequences. Many undemocratic constitutional changes have been removed including the 17th amendment, which was inserted during the authoritarian regimes of both Zia-ul-Haq and Pervez Musharraf. The Supremacy of parliament was restored and more provincial autonomy was also provided to the provinces after eliminating the concurrent list as imagined in the Constitution of 1973. This amendment also put some restrictions on the personal discretions of the executive. This amendment bill was passed on 8th April 2010 by the National Assembly, and 292 votes were in favor and none were against. Senate passed the 18th amendment bill on 15th April 2010, and 90 votes were in the favor and none against. The eighteenth constitutional amendment has consisted of the 97 articles and 100 provisions of the constitution of Pakistan. Furthermore, both the Provincial Assemblies and parliament were strengthened by the 18th amendment. It also reinforced the fundamental rights of all the citizens and also minimized the personal discretion of the Executive. Under the 18th amendment, another important provision was to renaming the province NWFP, in the detection of ethnic identity and the new name is Khyber Pakhtunkhwa. Under the 18th amendment, in the constitution, many fundamental rights have been increased.

II. Research Questions

- How the eighteenth amendment marks the 2nd twist towards democracy after the constitution making in 1973?
- How the eighteenth amendment empowered parliament more than ever before and how better results have appeared with development?

Review of Literature

There is a bundle of literary works available on the relevant topic in articles form and reports which are relevant about this topic but do not fulfill the whole requirements. Some of these are mentioned below:

Rana says in this article that since the Amendment, the decentralization of authority and responsibility presented a context in which different institutional actors combined their roles in a competitive space during the years. Hence, its implementation has been quite challenging in the face of the overt and covert opposition of the federal bureaucracy, which opposes any transfer of powers, authorities and resources. This article is a critical analysis of the 18th amendment and its implementation in order to understand the extent and nature of the transfer of authority.

Naseem & Mahmood writes 18th amendment was hailed across the country and considered a milestone in Pakistan's constitutional history as perhaps strengthening democracy and devolving power to lower tiers. It was considered that now people will be able to solve their problems on the doorstep. But after a gap of more than 8 years, problems remain and federal units are skeptical of the federal government's role. The paper is an analysis and critique of the political parties' role which played a significant role in the path of provincial autonomy and in the formation of the 18th Amendment (Naseem & Mahmood, 2018).

Arshad, F. tries to understand the work of the federation during the democratic regime in this article by the 18th amendment. He writes that in Pakistan, the working of federalism has been studied but the relationship between Punjab between 2008 and 2013 has been ignored by historians. Hence, in the literature of Pakistani history, this article seeks to fill this important gap (Arshad, 2018).

Javaid & Ahmed writes that the unanimous adoption of the 18th Amendment by historic consensus restored the Constitution of Pakistan to the original intention of a decentralized federation of provinces, which had been ignored in the 1956 (2 provinces) and 1973 (4 provinces) constitutions. This article highlights both the merits and demerits for good governance of the new constitutional order in Pakistan and takes a closer look at the provisions of this amendment (Javaid & Ahmed, 2017).

Shah, Z. discussed the constitution of Pakistan in this article he said that Pakistan's political history is characterized by two competitive tendencies of decentralization and centralization. The constitution of a country can be divided into three categories: a political document, a collection of traditions or a legal document. He writes that the constitutional system in the subcontinent as a whole is leaning towards a legal document. Therefore, it is argued by the critics that the constitution of Pakistan provided a legal solution to political issues that could be interpreted by successive governments in their own way. For example Religious parties point out that it does not follow Sharia, and secular groups find it even more Islamic, rulers have avoided it, and made convenient by military regimes(Shah Z. , 2017).

Rizwan, Arshad, & Waqar writes that in 2008, after the power transition from the military to civilian rule, it was necessary to restore the 1973 parliamentary constitution and to correct the democratic process or norms. Besides, ensuring provincial autonomy, strengthening the parliamentary democracy, ensuring solid socio-economic development of the state and independence of Election Commission and the judiciary was also part of the historic Charter of Democracy. Under the 18th Amendment, the writer discussed the efforts of the PPP central government to restore the parliamentary spirit of the Constitution (Rizwan, Arshad, & Waqar, 2014).

Adeney writes in this article that since independence, the federal structures of Pakistan have been the subject of controversy. He writes there have been long-standing demands for change, especially changes in the vertical and horizontal distribution of demands and resources, and the reorganization of the provinces along ethnic lines. The 18th Amendment to the Constitution of 2010, by consensus, introduced major changes to the federal system of Pakistan. The article analyzes the changes that have taken place, including the creation of an ethno-federal unit, a discussion of the maximum number of units, as well as the division of core groups (Adeney, 2012).

Shah, A. writes that the implementation of the 18th amendment has been a challenge in the face of the overt and covert opposition of the federal bureaucracy, which opposes characteristically any transfer of authorities and resources. This article is a critical analysis of the 18th amendment and takes a closer look at the constitutional provisions and besides, points out the pitfalls and potentials of the new constitutional provisions in Pakistan for the purpose of good governance (Shah A. , 2012).

Mussarat, R. discusses the possible effects of the 18th Amendment to Pakistan's law on the political and social situation in Pakistan. With the help of previous researchers, the author has proved that the role of parliament enhances by the 18th Amendment and serves as an obstacle to dictatorship (Mussarat, 2012).

Hussain examines in this article that how the 18th amendment rises various issues related to strengthening democracy, federation and institutions of Pakistan. In this article he examines the concerns, objectives, and effects of democracy, civil rights, provincial autonomy, the

power of parliament, political parties, the reduction of powers of the president, and less than all changes to the constitution in the domain of appointing judiciary and an election commission (Hussain, 2012).

Fakhr-ul-Islam looks at the concerns, objectives and effects of democracy, civil rights, political parties, reduction of powers of the president, provincial autonomy, power of parliament, and less than all changes made to the constitution in the domain of appointment of judiciary and election commission in this article. An overview of the controversies, arise out of the amendment after observing 18th amendment achievements (Fakhr-ul-Islam, The 18th Amendment in the 1973 Constitution, 2012).

Restoration of the Constitution of 1973

The 13th National Assembly passed the 18th amendment which is the greatest accomplishment to reclaim the parliamentary spirit of the constitution of 1973. In Pakistan's history, it was the first attempt that the parliament denied to the validating instruments of dictators and repealed the 17th constitutional amendment, Legal Framework Order and Chief Executive Orders by considering them unlawful and illegal. Through PCCR, it also amended Article 6 to deal with the issues of high treason and it was declared that the constitution suspension, its holding in abeyance or any such type of effort will be considered high treason. It has been also added by this amendment that the judicial legalized authority of the military coups would be stopped. However, in any court of law, such types of acts would not be validated and considered high treason. Article 6 was brought in the amendment so that in the future to discourage especially the military takeovers. However, this way eliminated the military role from the future politics and through Article 239 and Article 239 the parliamentary supremacy was brought in conformity. Though, it's obviously affirmed that no any bill would take an authority of law without any approval of parliament and an amendment may also be taken through parliamentary proceedings. While in the constitution Article 239(5) also talks about the parliament's preeminence, no question or objection would be raised in any ground or in any court on the amendment of the constitution of Pakistan. (Shah Z. , 2017)

18th Amendment: a Twist toward Democracy

Democracy has always remained intensely flawed in Pakistan due to lack of Constitutional frame working and electoral mandate, and continuous experiences of military and bureaucratic rule. Democracy faced the misuses of executive powers from 1972-77 and from 1988-99 faced the authority of the military behind the scene. So, it was appreciable that after a long period of dictatorship, in 2008 a civil government comes and completed his five-year tenure successfully, democracy faced the misuses of executive powers from 1972-77 and from 1988-99 faced the authority of the military behind the scene. So, it was appreciable that after a long period of dictatorship, in 2008 a civil government comes and completed his five-year tenure successfully (Baqal, 2010).

The Eighteenth amendment is the greatest accomplishment and a wide ranging impact of the thirteenth National Assembly of Pakistan. However, the Eighteenth amendment is the beginning epoch of democracy in Pakistan. It is the landmark achievement and irresistible connection with democracy, and loathing with the rule of dictatorship. In the future it paves the way for the rule of democracy and tried to block all such ways which were remained a hurdle in the past to smooth running of democracy. It revoked the Chief Executive Order 2002, legal framework order as well as 17th Amendment and declared that it's made with illegal authority. In the constitution, as the encroachment, all these laws have been observed by the military (Rizwan, Arshad, & Waqar, 2014). However, these laws repeal with this proclamation that in Pakistan's constitution there is no any place for dictatorship.

However, through 18th amendment it has been tried to obstruct the means of any type of mischief with constitution sanctity. In the same way, subversion and abrogation of the constitution will be added in the list of high treason (Rizwan, Arshad, & Waqar, 2014). Similarly, it's also added by this amendment that high treason types of activities would not be ignored in any court including high courts and supreme courts, and the coups collaborators would also be dealt in bad manners. Anyhow the formation of 18th amendment gives a chance for democracy to flourish in its real sense and it entails the capacity to resist and renegotiate relations of power and privilege (Shah, 2012).

VI. Working and Establishment of PCCR

Under the 18th amendment, the consideration of PCCR has played a herculean role to renew the parliamentary supremacy with the consensus of stakeholders and all political actors in the constitution of Pakistan. After the general election of 2008 and the formation of the government, a committee was constituted to propose an amendment. A resolution was passed in Assembly to form the committee (Rizwan, Arshad, & Waqar, 2014). The speaker has established the committee (PCCR) with all stakeholders' accommodation in the National Assembly. After the formation of PCCR procedures and its rules, it proposed 102 amendments with 77 meetings under the chairmanship of Raza Rabaani. The 18th amendment is also one of them which have accomplished the parliamentary democracy and civilian rule. However, for the revival of democracy and parliamentary sovereignty, the 18th amendment bill was approved on 8th April 2010 with 342/292 votes in the National Assembly (Seidle, 2012). Unlike previous Pakistan's history, the opposition played a much positive and constructive role for the maintenance of true democracy in its original spirit (Rizwan, Arshad, & Waqar, 2014).

Renewal of the Parliamentary System

Dicey (a famous political scientist) presents the term sovereignty of parliament. According to Dicey parliament has the authority to make any law or to unmake or whatsoever. This definition provides a basis to Westminster parliamentary system of government which is adopted in the world by many other states. However, the supremacy of parliament has been returned in Pakistan by the 18th amendment. Though, the 18th Amendment annulled the 8th and 17th amendments where was empowered more to the

president to dissolve the parliament on his own will (Javaid & Ahmed, 2017). There is no any doubt that mainly these exploitations of the 8th and 17th amendments have been used in Pakistan to disrupt the process of democratic development. Therefore, it is narrated in the original text of the 1973s constitution that the president of Pakistan will perform his ceremonial duties as the head of state and he/she will be restricted to take any step with the advice of prime minister again. Currently, the 18th amendment declared clearly that the president of Pakistan can abolish the parliament just with the will of the prime minister and will perform his ceremonial duties according to the parliamentary norms (Arshad, 2018).

Under the 18th amendment, the reconsideration of PCCR has played a herculean role to renew the parliamentary supremacy with the consensus of stakeholders and all political actors in the constitution of Pakistan. In the same way, as it reveals in the history of Pakistan's politics that the dictators have been legalized their policies and rules ever through illegal and unlawful referendums. But, with the 18th Amendment promulgation, now the president would hold a referendum with approval of parliament (Rizwan, Arshad, & Waqar, 2014). Likewise, under Article 75, the powers of the president were also reduced more, where reduced the time limit of presidential assent of a bill from 30 days to 10. This step was taken to make sure the timely legislation and to avert the excessive delay from the president. The 18th amendment had made it compulsory for the president that he would appoint the governors with the advice of the prime minister, so that to bring the provincial governments according to the parliamentary norms. However, the governors should be the permanent resident as well as the registered voter of that concerned province. In the same way, under Article 105 the governors are also bound to act with CM advice, which makes sure for the provinces a true parliamentary spirit (Fakhr-ul-Islam, 2012). Under article 90 the Prime Minister (being a Chief Executive) with his Cabinet will perform managerial authority with president name (Seidle, 2012). According to article 92, were also reconsidered the total strength of the members of the Prime minister cabinet, and in the parliament have fixed its strength at 11% of the total membership. After reshaping article 106 by PCCR the total number of seats for minorities and women have been also increased in the parliament. Similarly, working days of provincial assemblies were also improved from 70 to 100 with some additional duties such as ministries devolution. The 18th amendment authorized the party parliamentary leader to de-seat any member of parliament if during parliamentary proceeding he/she does not do respect to the party policies. In the parliamentary system, every Member of Parliament is bound to follow the party discipline (Adeney, 2012). However, the 18th amendment has brought intuitive and insightful changes being a milestone in the institutions of inter-governmental coordination, and further modified the following institutions of federal level:

- Prevailing Role of CCI: The prevailing build of the CCI (Council of Common Interests) has been reinforced to accomplish the amplified accountabilities under provisions of article 153 with the favor of Prime Minister. But along with Chief Ministers (CMs) of all four provinces and three State Ministers must undertake their tasks within 30 days of Prime Minister's Oath to the office. In-order to upsurge the

influence of CCI, some subjects from absent Simultaneous List and few from Part-I of the Central Parliamentary List have been relocated to Part-2, in lieu of shared errands of the Central Government(Mazhar, 2016). After the passage of the 18th Amendment, Federal List part-II came under the dominion of CCI counting electricity and major ports. The council shall be in direction with the parliament with respect to its doings and shall submit its yearly report to the both National Assembly and Senate. The CCI has been commended with its role of administration, decision making and tasks over the Central Parliamentary List Part 2. CCI as the legitimate organ would play its due role as a real forum for differences resolution and economic growth of the state (PILDAT, 2010).

- **Reconsideration of NEC (National Economic Council):** The PCCR also reread NEC whose authority will be to give good endorsements to the government with respect to improve the economic circumstances of the state. It really efficient NEC and encompassed the CMs of all the associating units and their contenders as its associates. Prime Minister, on the other side, was given the power and obligation to recommend four other members for smooth institutional working. The Council is mandatory to submit a yearly report to the Senate and National Assembly and it shall endure responsible and accountable to the Parliament.
- **Reconsideration of National Finance Commission:** Under the eighteenth amendment, another most important change is the reconsideration of the functions of NFC. The first NFC award was enacted in 1974. President constitutes the NFC which consists of the Federal Government Ministry of Finance and the provincial government Finance Ministers. Seventh NFC award was signed between the central government and the Finance Ministers of the four provinces (Tahir, 2015). The signing was a spectator by the Yousuf Raza Gilani who was the prime minister at that time, Chief Minister of Punjab Mr. Shahbaz Sharif, CM of Sindh Qaim Ali Shah, CM of Balochistan Aslam Raisani, and Khyber Pakhtoon Khawa Chief Minister Ameer Haider Hoti. However, NFC award has strengthened more the financial self-sufficiency of the provinces by escalating their share in taxes 50 to 56% during the fiscal year of 2010-2011, and 57.5% in the fiscal year of 2011 to 2012 (Hasan, Hanif, & Khan, 2009). According to this commission, national revenue will be distributed between the Centre and Provinces(Nazir, 2010). Now, the NFC will not decrease the share of the provinces that are allocated by the earlier commission to provinces. The provincial governments have a guarantee on the safety measures about consolidated funds of provinces and have also been given much authority to elevate the international and domestic loans with the endorsement of NEC (Ahmed, 2017).

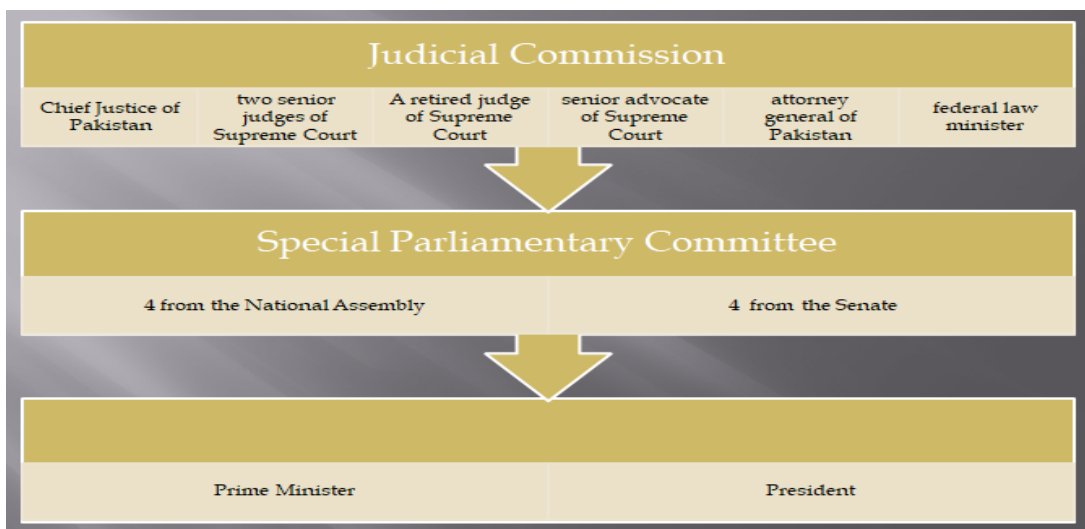
Role of Senate under the Participatory Federalism

The role of the Senate has assumed some economic role under the 17th amendment. However, it was not preserved at equality with the national assembly. After the

18th amendment, the powers of the president with respect to the declaration of regulations were linked with national assembly and the senate. The premier can broadcast orders when both houses of senate and the national assembly are not in session. Under the constitution of 1973, initially constituents were related to the National Assembly. Now assembly has achieved its position as a highest legislative institution in its place of working legislation by presidential ordinances. The senate has been also provided the due role in different legislative committees and the government was reserved answerable to national assembly and senate on the spirit of parliamentary federalism. The powers of the president for the burden of predicament situations were subjected to the approval of each house. In the case of provinces, a determination of the provincial assembly of the apprehensive province shall be compulsory. The CCI, NEC and auditor general's reports shall be accessible specifically in the national assembly and senate for approval. With the increment of four seats of minority's the total pursuit of the senate was improved to 104, while the working days of the house from 90 to 110 days were also increased (Rizwan, Arshad, & Waqar, 2014).

Judicial Appointments

The power of the president regarding the appointment of judges was balanced with parliament. The judicial commission consisted of the federal law minister, attorney general of Pakistan, senior advocate of Supreme Court, retired judges of Supreme Court, two senior judges of Supreme Court, and Chief Justice of Pakistan. The 18th amendment established the judicial commission shall forward the names to the special parliamentary committee, and the committee will be comprised of 8 members, four from each house. The names confirmed by the committee will move to the president for the approval of the judges (Mussarat, 2012).



Provincial Autonomy

Supremacy or sovereignty of parliament was restored and provincial autonomy was also provided by this amendment as imagined in the 1973 constitution. The 18th amendment enhanced the powers of provincial assemblies regarding legislation by deleting the 4th schedule from the constitution and guaranteed more powers and control to the provincial governments above legislation and budgets (Nuri, 2014). This amendment also gives the consultative role to the provinces regarding any hydro-electric construction wrote in the particularly relevant provinces. Two new clauses (3A) regarding administration and implementation of the NFC award were added to the constitution in Article 160. Article 161 ensured that the province having oil and gas reserves shall be its beneficiary. The 18th amendment has greatly enhanced the political stability within marginalized provinces of Pakistan. Such as, Baluchistan is heavily or profoundly indulged in mainstream politics. However, it can be said that the provincial assemblies became more strengthened or empowered than ever before in true spirit with reducing the federal powers by the 18th amendment (Katharine Adeney, 2012).

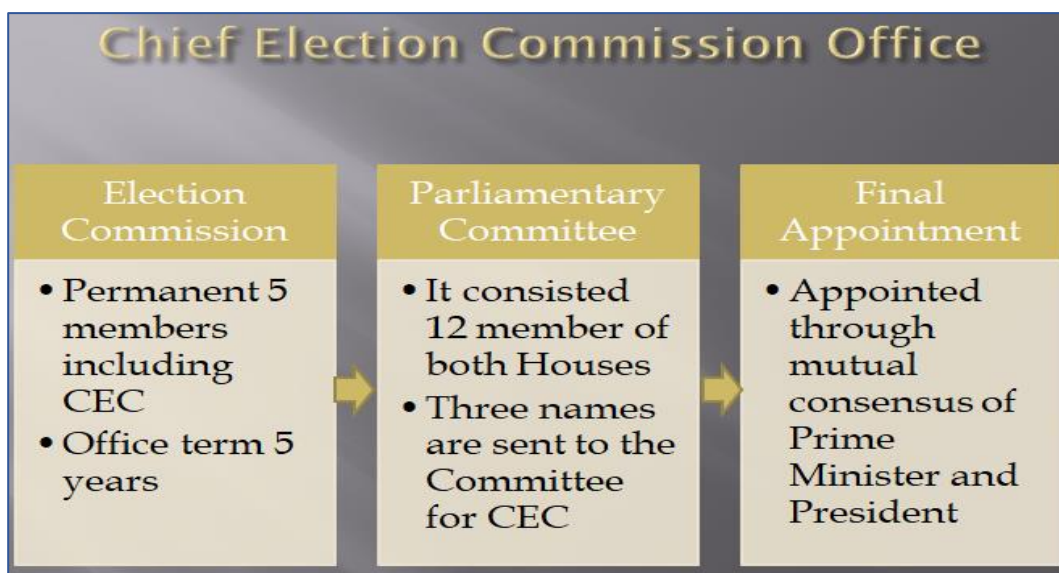
Powers of President

According to the 18th amendment presidential powers were curtailed and the executive powers of the state were transferred to the prime minister or federal government from the president. Though under article 48, the president works in accordance with federal cabinet and PM, but he was given the strict time restrictions (Naseem & Mahmood, 2018). However, article 58(2b) which was empowered the president of Pakistan to suspend the parliament. After the formation of the 18th amendment, it has been deleted. Now the president can do so but only with the suggestion of Pakistan's prime minister but he will have to establish the new caretaker government with the consent of prime minister and the opposition leader and will have to announce the new date of elections within 90 days of dissolution. Under the 18th amendment, the NEC and CCI will not be the jurisdiction of the president and in this way, the Prime minister of Pakistan will be the mandatory chairman of the CCI. The powers of the president regarding appointments of Attorney General, Chief Election Commission, Chief of all army forces, and PPSC chairman were curtailed and the president was bounded to do appointments as per the advice of the prime minister rather than his own judgment as it was before. Similarly, according to the 18th amendment, the president of Pakistan will appoint governors on the consent of the prime minister. The power of the president to hold the referendum was also grabbed on the national issues and vested to the prime minister through parliamentary approval. Under the 18th amendment, 35 laws in 6 schedules have been prepared upon to amended, repealed and altered by the removal of 268 (2) clause, under which that was prohibited. Following were the laws that were opened for amendments by the 18th amendment:

- a. NAB Act 1999
- b. The local government ordinance 2002
- c. Commission Order, 2002
- d. Political Parties Order, 2002

Election Commission

The election commission is also considerably empowered by the 18th amendment in the constitution of Pakistan which is another stupendous innovation. There are 5 permanent members of the EC of Pakistan including CEC. This commission will have been authorized to conduct fair elections in Pakistan and to deal with all related affairs. The 18th amendment has increased the CEC (Chief Election Commissioner) office term from 3 to 5 years and its appointment will be carried out through the mutual consensus of opposition leader and Prime minister in the parliament (Hussain, 2012). For this purpose, three names will be forward to the parliamentary committees. The parliamentary committee will validate anyone and have been appointed as a CEC. Through this amendment smooth transfers of power have been guaranteed in Pakistan by the way of a vote in and vote out (Hussain, 2012).



Comparative Analysis: Nature of 18th amendment before and after

The 18th amendment restored gradually the true spirit of Parliament and it became the most superior law making institution. Here's a brief analysis about the nature of parliament before and after 18th amendment.

Before 18 th Amendment	After 18 th Amendment
Democracy has always remained intensely flawed in Pakistan	The 18 th amendment is the beginning epoch of parliamentary democracy in Pakistan
Semi- Presidential	Parliamentary Republic
Supremacy of Parliament disturbed	Supremacy of parliament returned
8 th and 17 th amendment worked fully fledged	8 th and 17 th amendment annulled
Working days of the provincial assemblies were 70	Working days of the provincial assemblies were increased from 70 to 100
President was powerful	Presidential powers were reduced
President can appoint the governors with his own will	President was bound to act with Prime Minister advice
Under Article 58 (2b) president can dissolve the parliament	Article 58 (2b) deleted
President have to establish new caretaker government	He can do but with the consent of Prime Minister and opposition leader
The NEC and CCI were within the jurisdiction of the president	The NEC and CCI will not be the jurisdiction of the president
The power of the president to hold the referendum	The power of the president to hold the referendum were grabbed
The Chief Election Commissioner office was 3 years	Chief Election Commissioner office term was increased from 3 to 5 years
President can appoint the CEC with his own will.	Its appointment will be carried out through the mutual consensus of the Prime minister and opposition leader
Concurrent list was included	deleted the concurrent list
president have powers regarding the appointment of judges	power of the president regarding the appointment of judges was balanced with parliament
President have the Power for the imposition of emergency	Power of the imposition of emergency by the President was interlinked to permission from both Houses
Under the 18 th amendment, the NEC&CCI were within the jurisdiction of the President	Prime minister of Pakistan will be the mandatory chairman of the NEC and CCI

Source: (Shah A., 2012, Adil Zaman, 2

Conclusion

The Eighteenth amendment is the greatest accomplishment and a bravest step toward strengthening the parliamentary system which ensured the supremacy of parliament in Pakistan's history. In the previous history, Pakistan's parliamentary system has always suffered upheavals and as a political system could not be evolved. However, the thirteenth National assembly has successfully reinstated the parliamentary system in its original spirit with the consent of whole political parties. The 18th amendment had great importance in the parliamentary history of Pakistan as 1st time the powers of the dictator were curtailed. All the unlawful orders and ordinances under the 17th amendment were repealed. This amendment blocked the way of future military interventions in the politics of Pakistan and made it clear that no one can change the constitution without the consent of the parliament. The 18th amendment restored gradually the 'newly elected democratic government' in its true federal-parliamentary spirit and parliament became the most superior law making institution. The government was made accountable to both the houses and the senate was also given some functions in different parliamentary committees. The power of the imposition of emergency by the president was interlinked to permission from both houses. After the 18th amendment presidential powers regarding promulgation of ordinances were made dependent on the Senate and National Assembly. It has vested the powers of the president to the parliament and Prime minister. Though, it truncated the powers of the president as well as deleted the article 58(2b) with respect to the assemblies' dissolution. However, the powers of the major appointments and to dissolve the assembly are now subject to the prime minister's advice as per the parliamentary government's affairs. However, the 18th amendment has more empowered the parliament in the form of parliamentary committees by the provisions. In the parliamentary committees, the opposition role has been also acknowledged for the conduct of smooth parliamentary business. The consensus development on the appointment of the caretaker government, judges and chief election commission was a clear symbol of ripeness from the political parties who have learned tyrannical sufferings. The 18th amendment has also revisited the relations between center and province to ensure federalism on a participatory basis. Furthermore, another sign of parliamentary strength is the renewal of NFC, CCI, and provincial autonomy which are headed by the prime minister. However, the main purpose of all these provisions meant to ensure the supremacy of parliament and to formulate the prime minister as the real chief executive of the country. The 18th Amendment restored the position of parliament because during the dictatorship regimes it was used just like a rubber stamp. Though, parliamentary committee's role for the appointments of caretaker prime minister, judges, and Chief Election Commissioner is the immense step that strengthened the parliament's role. Moreover, it is required to submit the reports of NFC, CCI, and NEC before the parliament. These reports can be submitted to both houses of parliament and in this way it also improved the role of the senate. However, the senate became more strengthened with his inclusion membership within the parliamentary committees. The 18th amendment has been dealt at the center comprehensively with the matter of "balance of power" and for the Pakistan it has set the direction on the track of the

federal democratic parliamentary system which is essential sustainable norms of democracy. For Pakistan future, Mr. Raza Rabaani (senator) and the framers of the 18th amendment have presented a balanced and stable and secure parliamentary democratic system. However, for a stable and strong parliamentary system, almost all the major ingredients were revitalized by the 18th amendment in our constitutional and political set-up. The formation of 18ththe amendment showed a positive sign of change in Pakistan. It has been formed the implementation commission so there is a need to coordinated and cooperated for its implementation truly. Finally, there should be allowed for the political process to evolve with the vibrant development of society in well-matching with the parliamentary system.

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