

# Constitution and State Structure of Pakistan

## 1. Structure of Government

The government of Pakistan is based on the **parliamentary system**, as defined in the **Constitution of 1973**. It consists of **three main branches**:

1. **Executive (President, Prime Minister, Cabinet)**
  2. **Legislature (Parliament: National Assembly & Senate)**
  3. **Judiciary (Supreme Court, High Courts, Lower Courts)**
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### A) Executive Branch

The **executive** is responsible for implementing laws and running the administration of the country. It includes:

#### 1. President of Pakistan (Head of State)

- The **President** is the **ceremonial head** of the state.
- Represents **national unity** and acts as the **Supreme Commander of the Armed Forces**.
- Elected by the **Electoral College** (Parliament + Provincial Assemblies) for a **5-year term**.
- Must be a **Muslim and at least 45 years old** (Article 41).
- Has the power to:
  - **Dissolve the National Assembly** (before the 18th Amendment, now requires Prime Minister's advice).
  - **Appoint Governors, Chief Justices, and Military Chiefs** on the advice of the Prime Minister.
  - **Issue ordinances** when Parliament is not in session.

#### 2. Prime Minister of Pakistan (Head of Government)

- The **real executive authority** in Pakistan.
- Elected by the **National Assembly**.
- Must be a **Muslim and at least 25 years old**.
- The **leader of the majority party** in the National Assembly.
- Responsibilities include:
  - **Running the government and making policies**.
  - **Appointing ministers and advisors**.
  - **Overseeing foreign relations and national security**.

#### 3. Federal Cabinet

- Consists of **ministers, state ministers, and advisors**.
  - Ministers head different **government departments** (e.g., Finance, Defense, Education).
  - Responsible for **implementing policies and making decisions**.
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## B) Legislature (Parliament)

The **legislative branch** makes laws and represents the **will of the people**. The Parliament of Pakistan consists of:

### 1. National Assembly (Lower House)

- **Elected by the people** for a **5-year term**.
- Has **342 members** (272 elected directly, 60 seats for women, 10 for minorities).
- **Powers of National Assembly:**
  - **Passes laws** and constitutional amendments.
  - **Controls the budget and finance** (Money Bill can only be introduced here).
  - **Elects the Prime Minister**.
  - Can **pass a vote of no confidence** against the Prime Minister.

### 2. Senate (Upper House)

- Represents the **federation of Pakistan** (equal representation for all provinces).
  - **Total 100 members**, elected for **6-year terms** (one-half retires every 3 years).
  - Members are **not directly elected** by the people but by **Provincial Assemblies and National Assembly**.
  - **Powers of the Senate:**
    - Can **pass laws (except Money Bills)**.
    - Provides **stability and continuity** in governance.
    - Reviews national policies and advises the government.
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## C) Judiciary

- The **judiciary** interprets laws and ensures **justice**.
- It acts as the **guardian of the Constitution** and protects **fundamental rights**.

### 1. Supreme Court of Pakistan

- The **highest judicial authority**.
- Consists of the **Chief Justice and other Justices** (appointed by the President).
- Powers include:
  - **Judicial Review** (can declare any law unconstitutional).
  - **Final court of appeal** for cases from lower courts.

- Handles disputes between **federal and provincial governments**.

## 2. High Courts

- There is **one High Court in each province** plus the **Islamabad High Court**.
- Hears **appeals from lower courts** and cases related to provincial matters.

## 3. District and Session Courts

- Handle **criminal and civil cases at the district level**.

## 4. Special Courts and Tribunals

- **Military courts, Anti-Terrorism Courts, NAB Courts, etc.**
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# 2. Distribution of Powers Between Federal and Provincial Governments

## Federal System in Pakistan

- Pakistan has a **federal structure**, meaning power is divided between the **central (federal) government** and the **provincial governments**.
- The **Constitution of 1973** outlines this division of power.

## Legislative Lists (Before the 18th Amendment):

1. **Federal Legislative List:**
  - Matters **only the central government** could control (e.g., Defense, Foreign Affairs, Currency, Atomic Energy).
2. **Concurrent List:**
  - **Both federal and provincial governments** could make laws on these matters (e.g., Education, Health, Labor).

## Federal Government Powers:

- Defense, Foreign Policy, Currency, Nuclear Power, Citizenship, Railways.

## Provincial Government Powers:

- Agriculture, Education, Health, Local Government, Law Enforcement.
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### 3. 18th Amendment and Its Impact on Federalism

#### What is the 18th Amendment?

- Passed in **2010**, the **18th Constitutional Amendment** brought major changes, making Pakistan a **stronger federal system** by giving **more autonomy to provinces**.
- It **abolished the Concurrent List**, giving **full control** to provinces over matters like **health, education, and local governance**.

#### Key Features of the 18th Amendment:

1. **Increased Provincial Autonomy:**
  - Provinces now have more power to **make laws and policies** in key areas.
  - Subjects like **education, health, and environment** are fully controlled by provinces.
2. **Abolition of the Concurrent List:**
  - The **Concurrent List** was removed, and **47 subjects** were transferred to provinces.
3. **Strengthening of Parliamentary System:**
  - The **Prime Minister's powers increased**, while the **President's powers were reduced**.
  - The **President cannot dissolve the National Assembly at will**.
4. **Judicial Reforms:**
  - The appointment of **judges was restructured** to reduce political influence.
5. **Renaming of NWFP to Khyber Pakhtunkhwa (KPK):**
  - Recognized the identity of **Pashtun people**.
6. **New NFC Award (National Finance Commission):**
  - Ensured **better financial distribution** of resources among provinces.

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#### Impact of the 18th Amendment on Federalism

- ✓ **More autonomy to provinces:** They can make independent policies.
  - ✓ **Stronger democracy:** The Prime Minister's role became more powerful.
  - ✓ **Better resource allocation:** Provinces get a greater share of **national revenue**.
  - ✓ **Less political interference:** The judiciary and election commission became more independent.
  - ⊗ **Challenges:** Some provinces still lack the capacity to handle newly devolved powers effectively.
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#### Conclusion

- The **Constitution of Pakistan** defines the structure of government and the **division of power** between federal and provincial levels.
- The **18th Amendment** was a historic step in making **Pakistan a true federation**, granting more **autonomy** to provinces and strengthening democracy.

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### Summary Table of Key Points

Aspect	Details
Government Structure	Executive (President, PM, Cabinet), Legislature (NA & Senate), Judiciary (SC, HC, Lower Courts).
Distribution of Powers	Federal: Defense, Foreign Policy; Provincial: Education, Health, Agriculture.
18th Amendment	Gave more power to provinces, removed the Concurrent List, strengthened democracy.
Impact of 18th Amendment	More provincial autonomy, stronger democracy, fair resource distribution.

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These **detailed and comprehensive notes** cover all key aspects of the **constitution and state structure** of Pakistan