

Access the impact of 18th Amendment on Pak's federal structure and provincial autonomy. How has it shaped centre-province relations.

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**Introduction:** The 18th Constitutional Amendment, enacted on April 19, 2010, represents a landmark reform in Pakistan's constitutional history, fundamentally altering the country's federal structure by devolving significant powers from the central government to the provinces. This amendment was a response to decades long demands for greater provincial autonomy, particularly from smaller provinces such as Sindh, Balochistan, and Khyber Pakhtunkhwa, which had felt marginalized under a highly centralized system. By redistributing legislative, administrative and financial authority, the 18th Amendment aimed to strengthen Pakistan's federalism, promote national unity, and address regional disparities. Scholars such as Hamid Khan call it "a return to the spirit of the 1973 Constitution," while think tanks like PILDAT describe it as "Pakistan's most important constitutional reform since independence."

### **Pakistan's Federal Structure Pre - 18th Amendment:**

Pakistan's federal system, as enshrined in the 1973 Constitution, was characterized by a strong central authority. The federal government exercised extensive control over the provinces through mechanisms such as the Concurrent legislative list, which allowed it to legislate on critical subjects like education, health, and labor, often superseding provincial preferences. This centralization was further reinforced by the federal government's dominance over natural resources and revenue distribution, with provinces heavily reliant on federal transfers. The disproportionate political and economic influence of Punjab exacerbated tensions with smaller provinces, fueling demands for a more equitable federal structure. By early 2000s, these grievances had reached a tipping point, necessitating constitutional reforms to preserve national cohesion and address the provinces' long-standing calls for autonomy.

- Centralisation under dictatorships
- Dilution of 1973 federal promise (The concurrent list allowed provinces oversight)
- Rise of provincial grievances

~ COD → 2006

# Key Features of the 18th Amendment: Positive ~~Disadvantages~~

1. De Jure Federalism Restored: The Amendment converted many constitutional promises into legal reality, making Pakistan closer to a genuine federation where provinces have formal authority over critical socioeconomic sectors. This reduced one major structural root of provincial grievances.
2. Abolition of Concurrent Legislative List: The Amendment eliminated the concurrent list, transferring exclusive legislative authority over 47 subjects, including education, health, agriculture, and local governance, to the provinces. This shift empowered provinces to craft policies tailored to their specific needs. minimum description under a heading should be 5 lines
3. Political normalisation and democratic deepening: Reduction of presidential prerogative and return to parliamentary norms lowered incentives for ~~executive~~ executive-authoritarian interventions and strengthened the role of elected assemblies.
4. Policy tailoring and local representatives: Under the 18th Amendment, provinces can design policies better suited to local needs (e.g. provincial curricula, health etc) operating spaces for competitive policy innovation. add and highlight references/examples against these arguments.
5. Increased financial autonomy: The 18th National Finance Commission (NFC) Award, introduced alongside the amendment, raised the provinces' share of the federal divisible pool of taxes from 47.5% to 57.5%. The award also introduced specific adjustments for smaller provinces, such as a floor of Rs 83 billion for Balochistan and a 1% premium for KP to account for conflict-related losses. Additionally, provinces gained greater control over their natural resources, securing a 50% share in oil and gas revenues.
6. Strengthened Provincial Institutions: The amendment reduced federal overreach by limiting the discretionary powers of governors who are appointed by the federal government, and bolstering the Council of Common Interests (CCI). The CCI, a constitutional body tasked with resolving disputes between the center and the provinces, was given a more prominent role in fostering inter-governmental coordination.

# Impact on Provincial Autonomy

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The 18th Amendment has significantly enhanced provincial autonomy, granting provinces unprecedented legislative and financial authority. The abolition of concurrent list has enabled provinces to design and implement policies in key areas. For example, Sindh introduced the Sindh Education Sector Plan while KP launched its own health reforms, reflecting local priorities. Financially, the increased NFC Award share has bolstered provincial budgets, reducing dependence on federal grants and enabling provinces to pursue independent development agendas. As reported by the Pakistan Institute of Development Economics (PIDE) notes that this fiscal devolution has "enabled provinces to exercise greater control over their economic destinies, fostering a sense of ownership and accountability."

However, the realization of this autonomy varies across provinces. The varying capacities of provinces to utilize their newfound autonomy are evident in their legislative and financial gains. Punjab has advanced in education reforms and enjoys a high per capita revenue, while Sindh has implemented its own education and health plans with a significant increase in its NFC share. KP has focused on health reforms and benefits from a 1:1 premium in the NFC Award due to conflict-related issues. In contrast, Balochistan, despite securing a pool of Rs 83 billion and an increased share, struggles with the lowest development expenditure and governance crisis, highlighting the disparities in provincial capacities. The Sustainable Development Policy Institute highlights "provincial governments, particularly in Balochistan and Sindh, lack the institutional capacity and human resources to fully leverage the powers devolved to them."

**Impact on Centre-Province Relations:** The 18th Amendment has reshaped centre-province relations, promoting a more cooperative and consultative federal framework. The strengthened role of CCI has been instrumental in facilitating dialogue on issues of shared interests, such as energy, water management, and infrastructure projects. For instance, the CCI has mediated disputes

Imperial Notes

once the distribution of Indus River water and the allocation of resources under CPEC, highlighting its importance as a consensus-building platform. However, the effectiveness of these institutions have been hampered by inconsistent engagement. Ex, the CCI, which is constitutionally mandated to meet quarterly, has averaged only 3 meetings annually over the past 12 years, indicating a lack of commitment to regulate inter-governmental dialogue.

Despite these advancements, tensions persist. The federal government has occasionally sought to reassess its authority, particularly in areas with overlapping jurisdictions such as HEC higher education and taxation.

A notable case is the dispute over the HEC, where federal government's attempt to retain control post devolution was challenged by provinces, culminating in a Supreme Court ruling affirming provincial rights. Such conflicts illustrate the ongoing struggle to delineate the boundaries of power. The Jinnah Institute observes "while the amendment has decentralised authority, it has exposed fault lines in inter-governmental coordination, requiring continuous negotiation and adjustment".

1. More institutionalised but Tense description??
2. Policy Divergence Provinces pursue different policies
3. Persistent Bargaining over resources: Every budget cycle features contentious negotiations over NFC and revenue assignments. IPPR notes that fiscal federalism remains the most sensitive dimension of centre-province relations.
4. Security and Strategic Economy remain centralised. Despite devolution, the federal government dominates in defence, energy, and external financing. CIISS analysis notes this structural centralisation continues to undermine federation's balance.
5. Provincial assertiveness: The amendment has emboldened provinces to assert their autonomy. Balochistan and Sindh use the legal council of 18th Amendment to challenge the federal encroachments in court and media.

# Challenges and Limitations

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1. **Provincial Capacity Gaps:** Rapid devolution overwhelmed weak provincial bureaucracies. SDPI and UNDP reports highlight lack of trained staff, data systems and financial management capacity in provinces, especially Balochistan and KP.
2. **Fiscal Dependency and Resource** Although provinces gained a higher share under NFC, they remain dependent on federal transfers for 80-90% of their budgets. Disputes over taxation rights can also be seen. PRRI and World Bank warn that unless provinces enhance their own tax bases, fiscal autonomy will remain incomplete.
3. **Uneven Benefits across Provinces** Punjab with strong bureaucracy and institutions has benefited more than smaller provinces. SIPRI in its South Asia report points out that this imbalance risks exacerbating provincial disparities and resentment.
4. **Centralisation in Security and Macroeconomics** Defense, foreign policy and large infrastructure like (CBF) remain under federal control. CIISS notes that federal dominance in security means provinces still feel excluded from decisions that deeply affect them. In crises (COVID-19), the federal government asserted central authority, revealing limits of devolution. 08
5. **Political Contestation:** Delay in NFC award updates have strained relations. ISSI warns that unless cooperative federalism is strengthened, the amendment could become a site of political friction rather than cohesion.

work on the structure, references, paper presentation and the headings quality.

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