

1/1/20

Qno: 8 Despite the enactment of 18th Amendment in the Constitution of Pakistan 1973, the question of political devolution is as yet largely unresolved.

Discuss.

ANSWER

① INTRODUCTION:

One of the successes in the constitutional development of Pakistan has been the passage of 18th Amendment under "Article 238" of the Constitution of Pakistan.

It was unanimously passed and 102 articles were changed for the first time in the constitutional history of Pakistan. Dr.

Piruz Rabbani was heading the Parliamentary committee in 2010 that was tasked with

it. Under this, provincial autonomy has been enhanced along with fostering

fundamental rights of citizens. The country

has seen three consecutive democratically elected parliaments complete their five years in office.

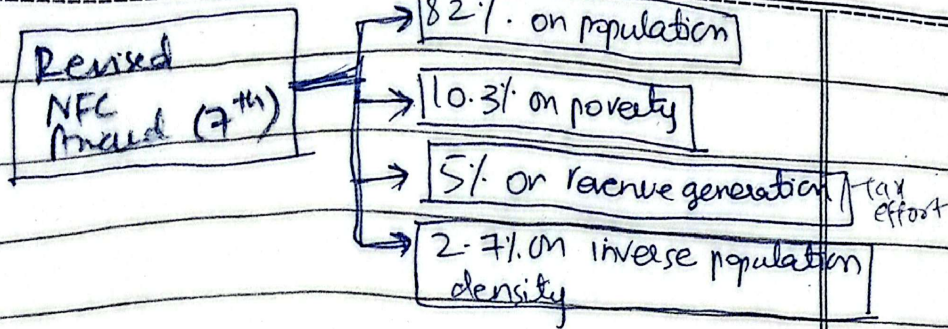
② Unimplemented 18th Amendment

The 18th Amendment was not just a legal reform but an ideological and political success. It was the culmination of struggle launched by Baccus Khan. The foundation for fair distribution of resources was laid for the underdeveloped regions. However, several attempts have been made to weaken its spirit by restricting provincial autonomy.

(a) Reduced NFC Transfers

In the FY2025 federal budget and the provincial budget, tribal districts were ignored altogether. The 7th NFC increased the share of fiscal resources to the provinces to 57%. However, in spirit, their fiscal underfunding has reduced the provincial capacity to provide services at the grassroots.

"NFC board (7th) in 2010 was revised before the 18th Amendment?" — Mairi Tarad.



(ii) Weak Implementation of Article 140-A

The weak local government empowerment has created a province-heavy governance. Due to fear of power dilution, the provincial elites hardly desire powers to the local governments, be it administrative, fiscal, and legislative. Thus, the ideal of a grass-roots governance has remained elusive so far.

(iii) Policy Confusion due to Overlapping Ministries

The 18th Amendment was passed unanimously with a broad-based consensus to harmonize centre-province functions for

an efficient, decentralized governance.
⁴⁷
Various ministries, despite being
devolved to provinces, are still run by
federal bodies. For instance, health
and education sectors are funded by both
centre and provinces dually. While provinces
have education and health ministries, key
regulatory and policy levers (HE in
Higher education or NIH in health) remain
federal.

c "Despite services taxation being a
provincial subject, federal authorities
impose service tax under FED (Federal
Excise Duty)." — Khuram Hussain

(IV) Decapacitated Provinces

Provinces are burdened with additional
responsibilities post-18th Amendment.
However, they do not have the capacity
to undertake them. Finding constraints,

1.1.80
Capacity-building obstacles, and weak
taxing capacity have put a
hurdle in their real autonomy.

4 Build provincial capacity in
agro-tax, services, GST and
local collection" — Tahir Amin (Business
Recorder).

(V) Stagnant CCI/NEC

^{after}
Even the passage of 18th Amendment,
the inter-provincial and centre-provincial
functions have remained siloed.
Council of common Interests and
National Economic Council are
stagnant and have not worked
for inter-provincial and centre-province
coordination in critical areas.

(VI) Monopoly of Federal Authorities

Some federal bodies are adamant
on encroaching the provincial rights of

of spending and tax collection.
FBR still insists to collect GST on
services despite it being a provincial
service. The monopoly of federal
civil servants over provincial tax
collection has stained provincial
autonomy.

(vii) No Incentives for Provincial Tax Efforts

Provincial authorities have not been
incentivized under the 18th Amendment
to increase their revenue collection efforts.

In the revised 7th NFC Award, the
share of revenue generation is 5%.

It should be at least increased to
10% to institutionalize tax efforts of
the provinces.

(viii) Dormant Coordination Bodies

Under the 18th Amendment, coordination
bodies such as CCI Council of common

Interstate and National Economic Council) were introduced to resolve inter-governmental disputes and bridge policy gaps. However, the federal and provincial efforts stay siloed. Decisions taken by federal authorities are not conveyed to provincial governments.

(IX) Historical Biases against Provinces

From single-unit scheme in 1955 which erased provincial identities to federal overreach in all affairs of the country, provinces had been exploited to retain lion's share of royalties and customs revenue. This has created a distrust in provincial government against the federal authorities. "Sindh's ports, Balochistan's minerals and KP's hydropower, federal authorities have benefited the most from it."

(X) Militarized Federalism

Pakistan spent 33 years under direct military rule during which provincial assemblies were suspended and governors appointed by the Centre. The "Centre-first" mindset still lingers on in today's politicians and civil servants alike. This top-heavy governance has eroded the provincial confidence gradually.

"Pakistan is a federal structure in letter, but it has been unable to evolve that federal spirit." — Mahmood Lodhi
(Beyond the Crisis: Pakistan)

③ Conclusion

Thus, it could be concluded at the end that 18th Amendment is an unfinished agenda of 1973 Constitution. Its collective implementation hinges on its collective ownership by all tiers of government (Federal, provincial, local). Thus, the political devolution to provinces is a necessary yet uninitiated step that can push the country towards further democratic reforms.