



**Unfinished Agenda of Federalism in Pakistan:
An Analysis of Unimplemented Clauses of 18th Constitutional Amendment**

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Abstract:

The provincial autonomy remained the hallmark of constitutional reforms in Pakistan. Whenever there is an effort to undertake reforms of constitutional nature, it is highlighted by greater provincial autonomy. This state of affairs is due to the diverse nature of the country. In view of this, the National Assembly of Pakistan in 2010 passed a landmark document in the shape of the eighteenth constitutional amendment. This amendment is significant, it made an attempt to fulfill the long standing demand of the smaller provinces of the country for greater provincial autonomy. However, after thirteen years of the passage of this vital document, it is yet to be implemented in letter and spirit. This research aims to highlight those articles of the constitution which, though amended through the eighteenth amendment and guaranteeing greater autonomy to the federating units, yet, there is a question mark on true and complete implementation. Data and empirical evidence suggests that there are a number of articles of the constitution which are not enforced. In order to implement this momentous constitutional document, the study emphasizes on the role of the federal government.

Keywords: Amendments, Constitution, Articles, Provincial Autonomy, Democracy.

INTRODUCTION

Since the promulgation of the constitution of Pakistan 1973, no other amendment has received much attention in the realm of constitutional debates than the 18th amendment. The 18th amendment is credited for strengthening the roots of democracy and ensuring the greater provincial autonomy of the federating units. The demand of provincial autonomy has been an

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essential part of the country's politics even prior to the making of the country. It has been regarded as the cornerstone for the demand of Pakistan (Ahmad, 2020). The denial of provincial autonomy led to the partition of India and the same was reflected in all the fourteen points of the Pakistan Resolution, 1940. However, the failure to ensure aspirations of provincial autonomy realized in the said resolution further led to the existential consequences and culminated in the separation of East Pakistan (Khan, 2014). The constitution of 1973 recognized the longstanding demand of small Provinces to be empowered with greater autonomy and the 18th amendment, as a consequential modification to it, practically realized the notion of Pakistan as a federating country with autonomous units. After the separation of East Pakistan, the constitution was aimed at providing greater autonomy to the provinces in order to avert the domino effects of the saga of the liberation of East Pakistan in 1971. The touch stone for the determination of provincial autonomy is the number of legislative subjects falling in the ambits of its exclusive jurisdiction. The 1973 constitution contained three legislative lists: Federal legislative list, Provincial legislative list and concurrent legislative list. The then Prime Minister Zulfikar Ali Bhutto promised to abolish the concurrent list within ten years, however, the later political tumults and military regimes did not let the promise to be fulfilled (Zaman, et al., 2018). Nonetheless, after the restoration of Democracy in 2008, on 10 April 2010, the eighteenth amendment was passed to ensure the full realization of the provincial autonomy and to address the grievances of the small federating units. The eighteenth amendment transformed the supreme law of the land by tilting it towards real federal democracy where provinces were given access to their natural resources, acknowledged their right in terms of revenue generation and most importantly the chapter of concurrent list was also closed (Shah et al., 2021). Undoubtedly, the 18th amendment is credited as the landmark achievement towards autonomous provinces; however, the challenges emerge when it comes to its implementation in letter and spirit. Besides, the increased interference of the centre in the provincial subjects such as education -- on the pretext of Single National Curriculum and health amid the Covid-19 pandemic crisis. Also, with more agony the chairman of the then committee which was tasked with the drafting of this landmark document raised his concerns on the efforts of the pro-state elements in rolling back the eighteenth amendment.

Background of the Study

Pakistan is a diverse and multiethnic country and the cultural identity is rooted in its foundation. Despite the fact that the demand for independence was based on the notion of single Muslim nation, the founders of this country realized the importance of diversity and cultural identity. The Pakistan resolution in 1940 envisioned the new country where the provinces would be sovereign and autonomous. Similarly, the objective resolution also approved the idea of federal democracy with cultural identity which was enacted by the first constituent assembly in 1949 to define the areas of future constitution of the newly-born country. However, the idea of culturally identified autonomous units was bulldozed in 1955 by combining the four provinces of West Pakistan into a single unit in order to counter the effects of majoritarian supremacy of the East wing.

Along with this, the phenomenon of weak centralization has always been a contentious issue since the inception of Pakistan. Nonetheless, the debate culminated in a strong centralized authority when the first constitution of the country was enacted in 1956 (Shah, 2012). The idea of centralized federation was not a natural tendency in the country which imbued the movements for provincial

autonomy. The political history of the country proves that the idea of a strong center with the authoritarian attitude led the country to political tumults and polarization (Shah, et. al 2021). Hence, the denial of provincial autonomy led to the tendencies of alienation of ethnic groups and culminated in the separation of the Eastern wing. After the most unfortunate saga of the separation of Bengal, the leadership realized the importance of provincial autonomy and, to a great extent, granted a considerable amount of autonomy to the provinces in the constitution of 1973 with the promise to roll back the concurrent list within ten years.

However, the promises made in the 1973 constitution were far from being realized due to political crisis and the derailment of democracy in the country which hindered the progress made in the process of provincial autonomy. The successive military regimes proved fatal to the cause of provincial autonomy and led to the further centralization of the country (Abbasi, 2010). Nevertheless, in the process, the demand for provincial autonomy was consistently raised. The much-hyped debate regarding provincial autonomy reached new heights when parliamentary democracy was restored in 2008. The newly elected government of Pakistan People's Party constituted a parliamentary committee in the chairmanship of Raza Rabbani. And after a thorough debate, discussions, considerations, scrutiny of different papers and bills, the landmark document of 18th constitutional amendment was passed unanimously on 10th April 2010. It received the assent of the President on 17th April 2010.

THEORETICAL FRAMEWORK

The 18th amendment made in 2010 was an attempt made by the federation to transfer more powers to the federating units from the federation by abolishing the concurrent list. However, to date, the enforcement of the some of the provisos of the 18th amendment has remained a distant dream. The federal government is interfering in the workings that are falling specifically within the domain of the provinces. Thus, this landmark document has yet to bear its fruit since it is not enforced in letter and spirit. Resultantly, it has jeopardized the relations between the centre and the provinces. The current strained relations between the federal government and the Sindh government is a case in point.

It is premised that certain provisions of the 18th constitutional amendment have not been enforced as per the requirements of the constitutional document even after the passage of more than a decade since the amendment was first made. It certainly has dire effects on the relations between the center and the provinces. Ironically, some of the provinces are currently at loggerheads and are at tussle with the federal government over the non-enforcement of the amended articles. It will prove detrimental for the country if efforts are not made for the enforcement of the un-enforced provisos of 18th amendment -- it could lead to the repeating of the history of the 1971 saga.

RESEARCH METHODOLOGY

This research is exploratory in nature as it focuses on exploring and finding the provisions of the eighteenth constitutional amendment that are yet to be enforced. This research is qualitative. Since a qualitative research method deals with the use of investigating the events or data in a systematic way, therefore, it best suits the topic of the under-consideration research project. Moreover, the qualitative research method could be applied by examining and evaluating the data available on the eighteenth constitutional amendment by exploring and analyzing the available data on the topic.

PROVISIONS OF THE 18TH AMENDMENT WHICH ARE NOT ENFORCED YET

The 18th amendment is the most significant constitutional amendment in the entire history of Pakistan. The enactment of this amendment was appraised by all stakeholders. It was acknowledged by people from all walks of life for it is believed to have revived the true spirit of the original document of the 1973 Constitution. It received appreciation from every nook and corner of the country especially from the smaller provinces such as Balochistan and Khyber Pakhtunkhwa (KPK). These provinces considered the 18th amendment as the guarantor and protector of their rights over their resources. The representatives and the people of these small provinces were thrilled over the passage of the 18th amendment as they believed that from now on their rights would be protected from encroachments by the Constitution -- the supreme law of the land. Furthermore, the 18th amendment was considered as a beacon of hope for resolving the issues between the federal and the provinces.

Although the 18th amendment is deemed as a landmark document in the whole life of this country, however, to this day and date, its enforcement in letter and spirit has remained a distant dream. Those who celebrated the passage of this unprecedented amendment are now bemoaning as several important provisions of the amendment are yet to be enforced. This non-enforcement of certain provisions has led to the pre-18th amendment situations. Further, the vitality of this significant constitutional amendment has been undermined by the non-enforcement of some of the critical provisions. It has widened the gap between small provinces and the center as it has ignited the feelings of alienation in the residents of the smaller provinces of the country especially Balochistan. It certainly has dire effects on the relations between the center and the provinces.

Among others, the valuable articles of the constitution which are not enforced to the fullest of its extent include: articles 154, 160, 161, and 172 (3). Also, the federal government is legislating on subjects which specifically fall within the mandate of the provinces after the 18th amendment. In other words, the federation is interfering in the business of the provinces. For example, after the enactment of the 18th amendment education and health were transferred to the provinces under the provincial legislative list. Ironically, recent developments show that the federal government is framing policies regarding both. The federal government has framed the policy of the Single National Curriculum (SNC) and is now asking/forcing provinces to adopt the same. Some of the provinces, primarily Sindh, are reluctant to adopt the SNC. Likewise, another subject on which Sindh is at loggerheads with the federal government is health amid the Covid-19. Sindh's quick response to impose lockdown after the emergence of the novel corona virus was widely criticized by the federal government and ministers. The ministers did so, on the pretext that it would prove detrimental to the economy of the country. They turned a blind to the constitutional document which prevented them from interfering in the health affairs of the provinces. Along with this, the tensions between the Sindh government and the federal government are also high on the ownership of some of the hospitals in Karachi. The federal government is demanding and/or seizing the ownership of the hospitals which the Sindh government is not only refusing but also lambasting the federation for undermining the 18th constitutional amendment. It has led to the strained relations between the centre and the province of Sindh.

Additionally, the provisions of the 18th amendment which are not enforced in its fullest extent until now can be summarized in detail as under:

Article 154

Article 154 of the 1973 Constitution pertains to the functions and rules of procedure of the Council of Common Interest (CCI). The CCI is a constitutional body founded with a mandate to resolve disputes of inter-provincial and province vs. federation nature and also prevent the marginalization of the smaller provinces. It was originally formed under the 1973 Constitution with the aim to bring harmony in relations between the centre and provinces (Zahid, 2013). Hence, it regulates the relations between the federation and the provinces. Moreover, the CCI was tasked to arbitrate and look into disputes of water and natural resources involving two or more provinces or a province and federal government. Whenever any province is in dispute with any other province or the federation it can bring the matter to the CCI which will try to resolve the dispute. If it fails, the matter will then be taken up in the joint session of the parliament for resolution. As such, the CCI holds immense importance in the realm of not only maintaining harmonious relations between and among the centre and provinces but also functions to resolve political and economic issues. Furthermore, the CCI was an effort to rectify the injustices that had been done with smaller provinces in the past. It was the result of the bitter experiences of one unit and the 1971 saga (Zahid, 2013). Notably, the CCI after the 18th amendment emerged as an important institution for planning and coordination.

Initially, the Council of Common Interests was under the Cabinet Division. Upon the passage of the 18th amendment it was placed under the Inter Provincial Coordination Division. Both the composition and functions of the CCI were altered in the 18th amendment. Its compositional structure is laid down in article 153. Besides, the concurrent legislative list was abolished after the 18th amendment and some of the subjects falling within the domain of the federal government were placed in the Federal Legislative List (Part II). The subjects in the said list deal with the interests of both the centre and the provinces. It includes mineral oil, natural gas, electricity, census, etc. and is now dealt with by the Council of Common Interest.

Arguably, one of the most significant functions of the CCI as enunciated in article 154 is their meeting. Prior to the 18th amendment, only 11 meetings of the important constitutional body -- CCI -- were held with large intervals and gaps in-between each meeting. After the 18th amendment it was made mandatory for the CCI to hold a meeting once in every ninety days at the least. However, when one looks into the history of the meetings of the CCI one would come to know that this important provision of the constitution has been violated on multiple occasions since 2010. To date, this provision which was incorporated in the Constitution by the 18th constitutional amendment has been violated 14 times. Literally, this significant provision has been violated at least once in each year since 2010. It has been violated in 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, and 2021. The last meeting of the CCI -- 48th -- held on September 6, 2021. Since then, no meeting of the CCI has been convened which is a clear violation of article 154 of the Constitution. Yet, no one pays any heed neither to the violation of the Constitution nor to such an indispensable provision which regulates the relations between the centre and the provinces. The failure to convene the meetings of CCI is a sheer violation of the constitution committed by successive governments since the restoration of democracy in the country and after the incorporation of this provision in the constitution through the 18th amendment. It, undoubtedly, has severe ramifications on the relations between the centre and the provinces.

Article 160

The National finance commission (NFC) is a significant achievement under the watershed 18th amendment. Its institution is deemed as the most effective factor to lessen friction between center and units. It is a body which decides the distribution of financial resources between the center and provinces. Its primary role includes the determination of the chunk of revenue collected through taxes to be included in the divisible pool. It has been formulated in a way which takes into consideration several factors upon which the revenue is distributed between center and its units. In the prevailing NFC award formula, the population is given weightage of 82 per cent, poverty and backwardness 10.3 per cent, revenue generation 5 per cent, inverse population density 2.7 per cent. (Burki, 2010). Based on these criteria, Under the 7th NFC Award, the net share of Punjab is 51.74pc, Sindh (25.21pc), KP (16.42pc) and Balochistan receives (9.09pc). Notably, before the NFC award 2009, the divisible pool was purely based on the criterion of population which overwhelmingly favored the Pakistan's most populous province, the Punjab and greatly ignored small provinces i.e. Balochistan, KPK, etc.

Despite its utmost importance, unfortunately, it has been undermined persistently which is clearly repugnant to the spirit of constitution. Under the article 160(1) of the constitution 1973, NFC is to be established for not more than five years. After its expiry, a fresh NFC is to be constituted under the said article. However, after the institution of 7th NFC award in 2009, the later governments have failed to form a new NFC award since its expiration in 2014. The 7th NFC award is retained till this very moment which undermines the importance of the said award and spirit of the constitution. On the one hand, it is the constitutional obligation of the federal government to formulate a new NFC award. On the other hand, after the merger of Federally Administered Tribal Areas (FATA) into Khyber Pakhtunkhwa, it is the need of hour to bring new financial awards. Moreover, the distribution of financial resources involves various factors, mentioned above, such as population, poverty, revenue generation etc. which varies with the passage of time that is why change in these variables inevitably affects the quotas of the units. For instance, if there has been substantial alleviation in poverty in Punjab and an increase in Balochistan, then, the former will get proportionately less fiscal resources based on the criterion of poverty as compared to the latter. Similarly, any change in the rest of criteria would affect the quotas of the concerned provinces. In the light of these facts, center's adamancy to bring a new NFC award is the blatant violation of 18th amendment.

Article 161

According to article 161 of constitution the net proceeds of Federal Excise Duty (FED) and royalty on oils and natural gas belong solely to the particular province where the wellhead of respective natural resource is located. The FED on oil, which belongs to the concerned province, is not collected on oils though having been a constitutional requirement under article 161. The small provinces i.e. Sindh, Khyber Pakhtunkhwa and Balochistan, which have an overwhelming chunk of gas and oil production, are not given their dues. The KPK Assembly passed a resolution on June 1, 2021, which demanded that the federal government pay federal excise duty on oil to the province. (Ashfaq, 2021). According to the member of KP assembly, Faisal karim Kundi, the federal government owes some Rs 200 billion to the KP government in this regard. Similarly, the chief Minister of Sindh, Murad Ali Shah, in a letter to the Finance Minister of Pakistan, Dr. Hafeez Shaikh

demanding the levy of FED on oils and gas, and pay the received revenue to the province as specified in the constitution under article 161. (The News, 2019) The federal Government unwillingness to pay the arrears of the provinces creates huge financial deficits for provinces and, thereby, is a clear violation of the supreme law of the land.

Article 172 (3)

Prior to the enactment of the 18th amendment both natural gas and mineral oil were subjects under the federal legislative list. However, the 18th amendment inserted article 172 (3) in the constitution which stipulates that mineral oil and natural gas found in a province or in the territorial waters adjacent to such province shall vest equally and jointly in the government of that province and the federal government. The provinces are also entitled to half of the royalties or revenue generated from such natural gas and oil. Now, when it comes to the enforcement of the said article in letter and spirit, the federal government claims that it has been enforced. Nonetheless, the provinces which produce the largest amount of oil and gas such as KP, Balochistan and Sindh are of the view that the said provision of the constitution has been neglected.

Apart from 50 percent stakes and other royalties that a province has in the extraction of oil and gas, according to the article 158 of the constitution the people of a province where natural gas is found has the first right on such gas. According to the constitution of Pakistan, the residents of such a province shall have precedence over others. Yet, these provisions of the Constitution are bitterly ignored and violated. As the natural gas of Balochistan found in Sui has reached the far-flung areas of other provinces, but most parts of Balochistan are still without gas even in this age and time. The gas of Balochistan has reached Sialkot -- located on the western border with India --, but has yet to reach to the most inhibited parts of Balochistan such as Pishin, Killa Abdullah, Chaman, Jhal Magsi, Dera Bugti, Panjgur, Kharan, Turbat, etc. Almost 59 percent of Balochistan is without gas, a fact that was revealed by the Ministry of Petroleum and Natural Resources in the Senate (The Express Tribune, 2014). Only 14 out of 35 districts of Balochistan have natural gas (Shohaz, 2019). Disturbingly, only 25 out of 81 towns in Balochistan have and/or use gas (The Express Tribune, 2014). Dera Bugti, the district of Sui, is not supplied with gas till this day. Even more disturbingly, Sui, which is only four miles away from the gas mining area, is faring without gas. Further, the natural gas in Sui was discovered in 1952. But, Quetta, the capital and biggest city of the province of Balochistan, received gas in 1984 for the first time. That too, analysts argue, was supplied because of the presence of the cantonment area in Quetta. Notably, in 2017, Balochistan contributed 22.7 percent of gas but it consumed only 5.81 percent (Shohaz, 2019).

After Balochistan, KP is the most deprived province from gas. 24 out of 64 Tehsil Headquarters (THQs) have supply of natural gas. Besides, Sindh is the largest producer of natural gas. It produces 69 percent gas but its consumption is only 45 percent (The Express Tribune, 2014). In Sindh, 21 Tehsil Headquarters (THQs) are without gas out of a total of 121. On the other hand, Punjab produces only 4 per cent of gas; nevertheless, it consumes 43 per cent of the total of gas. Out of its 135 Tehsil Headquarters (THQs), gas is supplied to 114 (The Express Tribune, 2014). These startling facts are of urban areas only. The situation in rural areas is far worse (The Express Tribune, 2014).

Along with this, Balochistan receives a meager amount in royalties from the federal government. The natural gas of Balochistan costs only 63 cents per one million British thermal unit (MMBtu). This amount goes into the pocket of the federal government, and Balochistan receives only 12.5 percent royalty for the gas that it produces and supplies. In all, Balochistan produces gas worth \$1.4 billion annually. Still, it receives only \$116 million in royalties. Contrary to this, if Pakistan imports gas from Iran, the cheapest and nearest source, it will cost Pakistan \$7 per MMBtu at the least. As such, these facts suggest the gross violation of an important provision of the constitution which regulates the balance between the federation and the federating units.

Education

The subject of education before 2010 fell within the federal legislative list. The federal government had the powers to frame policies and legislate questions involving education. After the enactment of the 18th amendment the subject of education was transferred to provinces. The provincial assemblies were empowered to legislate on any subject related to education. The 18th amendment recognized provinces' rights to formulate policies, syllabus, curriculum, and standards of education. The transfer of the subject of education was both criticized and not accepted with heart by certain quarters of the society. Among others, the Ministry of Education played the leading role in this case. A campaign was started soon after the enactment of the 18th amendment where the transfer of education to provinces was criticized on the pretext that the provinces do not have the resources and the capacity to deal with such a crucial subject -- education. It was also argued that the power to formulate syllabus shall remain with the federal government (Siddiqui, 2010). This argument was made on the basis that if every province is left with making its own education syllabi it will put the ideology of Pakistan at risk. The transfer was also criticized for it will not be able to maintain quality and standard in education. Besides, it was criticized as it will weaken the federation.

Thereafter, in order to overcome these fears, the incumbent federal government after assuming power in 2018 started working on formulating a Single National Curriculum (SNC). Last year, it was successful in putting its idea into action and framed a SNC. The SNC was developed by the National Curriculum Committee (NCC), an Islamabad based committee (Razzaque, 2022). Under it, all public and private schools and seminaries will follow a single syllabus (Najam, 2021). Once formulated, the federal government asked the provinces to implement the SNC. Punjab was the first to adhere with the idea of the federal government. The government of KP followed suit, while Balochistan committed to adopt the SNC within a year. However, when it came to Sindh province where opposition of the incumbent government in the federal capital rules, it declined the center's offer to implement the SNC altogether. Since the subject of education is the prerogative of provinces, the federal government cannot coerce the Sindh government to implement the SNC as it would amount to the violation of the 18th amendment. Yet, it used different means and tactics to put the Sindh province into subservience, and force it to adhere with the policy of the SNC (Razzaque, 2022).

The million-dollar question at this stage is whether the asking and/or forcing to implement the SNC is a violation of the constitution or more specifically is against the spirit of the 18th amendment or not? There are two views pertaining to this issue. On the one hand, the effort of the federal government in framing the SNC and, thereafter, asking the provinces to implement it could be termed as a violation of the constitution as the formulation of policy, syllabi, curriculum, standard of education, etc. falls within the domain of the provincial government after the enactment of the

18th amendment. Any interference on the part of the federal government actually amounts to the violation of the constitution. While a more rational approach suggests that since the role of the federal government is that of an elder brother, the formulation of the SNC is just a policy guideline to the provinces from the federal government. In this matter, the role of the federal government is nothing but that of a facilitator. Hence, it is no way a violation of the constitution.

Health

The abolition of the concurrent list under 18th amendment caused the health sector to come under the purview of provinces. In this backdrop, the federal health ministry was abolished in 2011. In the process, many functions were transferred to the provinces. However, it was revived back in 2013 for considering the national importance of health and regulating some functions falling in the federal jurisdiction. This new move halted devolution of powers and functions and started interference in functions which come under the exclusive domain of provinces. After the adoption of the 18th amendment, the center only transferred one-fifth of its functions which is clearly against the spirit of the 18th amendment (Buriro, 2020).

The ongoing pandemic of Covid-19, early in its emergence, imbued a new tussle between the center and provinces. When the pandemic was in its early stage of spreading, the Sindh government asserted the need for a lockdown in February 2020. However, the federal government opposed it (Syed & Tariq-Ali, 2021). From there a political rift over the difference of approaches towards covid-19 intensified. When the provincial government did not succumb to federal directions and acted independently on the point that health was a provincial government under 18th amendment, the federal government went a step further by taking the charge of three hospitals running under the control of provincial government. Jinnah Postgraduate Medical Center (JPMC), National Institute of Cardiovascular Diseases (NICVD) and National Institute of Child Health (NICH) were handed over to the provincial government by the center in 2011 after the adoption of 18th amendment. Federal government took back the charge of these hospitals which is a clear violation of the 18th amendment.

Ramifications of the Non-Enforcement of Certain Provisions of 18th Amendment

The ramifications of the non-enforcement of certain provisions of the 18th amendment are manifold. Generally speaking, it has led to a tussle between the provinces particularly small provinces i.e. Balochistan, KPK, etc. and the federation. It has widened the gap between the two. It has resulted in furthering the already existent trust deficit between the federation and the federating units.

Into the bargain, the deprivation of natural gas to the people of Balochistan has created feelings of alienation in them. They, as per the Constitution, believe that they should have the first right on their natural resources be that, gas, minerals, coal, etc. Constitutionally, they are entitled to the equal shares of ownership of the natural resources with the federal government. But, when they are ignored in the provision of such basic services, they feel abandoned in their own land. Such feelings of abandonment then lead to the feelings of alienation which are undoubtedly existent among a large segment of the people of Balochistan. Likewise, Sindh also believes that instead of playing the required role of an elder brother, the federal government is in fact encroaching their resources.

In such scenarios, some of the factions in these federating units realize that the federation is actually dishonoring the most important document. They hold a perception that the centre is undermining the significant document which binds the provinces and the federation together.

Moreover, the non-enforcement also sometimes leads the federal government and the provinces to court. In 2015, the Balochistan government knocked the door of the court for not taking it into confidence when the federal government unilaterally extended a mining lease of the extraction of oil. The court after deliberating on the matter agreed with the stance of the Balochistan government. Nevertheless, it stopped short of passing an order in favor of the Balochistan government after the federal government assured it of resolving the dispute by taking the provincial government on board.

The 18th amendment is aimed at providing due diligence to each unit of the state. In other words, it particularly protects the rights of small provinces which, as a result, provide equal opportunities and financial resources to these small provinces to prosper and come in the line of progress with other provinces on the same footings. It provides for the equal development of all regions of the country. However, when these constitutional rights are denied, they remain far behind the developed units of the country which creates a sense of discrepancy of haves and have-nots. The non-enforcement of these provisions defeats the notion of progress of the whole nation and the provinces with fewer resources remain far behind other provinces in the race of progress.

Recommendations

For the country to implement the 18th amendment in letter and spirit, it is high time which demands that the following measures and steps be taken:

- The federal government needs to set up a federal commission. The commission shall have equal representation from all provinces. It shall be tasked to first find out provisions of the 18th amendment which are not enforced to the fullest of its extent. Once it finds such provisions, it then shall find out feasible ways of implementing those provisions.
- The federal government needs to trust the provinces for what was transferred to the provinces under the 18th amendment (Siddiqui, 2010). Efforts are needed on the part of the federation to reduce or extinguish the trust deficit that largely is responsible for the spoiled relations between the centre and the provinces. Also, conventional wisdom suggests that the federal government has to have a firm belief on the competence, capability, integrity and patriotism of the provinces.
- The federal government needs to play the role of an elder brother. As such, it needs to hold the provinces together. Once it does so, it will then be able to bring the federation and provinces together for a greater and prolonged cooperation in all walks of life.
- The federation has to realize the fact that diversity is strength rather than considering it an element which could potentially harm or weaken the unity of the country. It should also realize that diversity is in no way a threat to the ideology of Pakistan.
- A strong federation is the best government system for a country like Pakistan because of its heterogeneous nature. The federal authorities need to come out of the centralist mindset. The proponents of the strong center largely belong to the nondemocratic lobby of the state. As a matter of fact, and in the military or hybrid regimes the provinces were denied their autonomy.

The democratic forces of the country have always supported the notion of strong federation as a suitable system for the country. The promulgation of 18th amendment is a great achievement of pro-democratic elements which constitutionally protect the rights of small ethnicities in the country. A strong democracy can ensure the full implementation of the provisions of the constitution. That is why a strong democracy can afford the full implementation of the 18th amendment.

CONCLUSION

Pakistan is a heterogeneous nation which is home to different ethnicities. In such societies, for the sound functioning of the state, the reins of power are shared by each nation. The political history of the country also reveals that a more shared-form of government is more suitable for the smooth running of the country where each nation has a fair and equitable say in the affairs of the state. Since the inception of Pakistan, the center had been stronger and the provincial autonomy was denied in the country. However, efforts for autonomy of provinces were also in full swing throughout the history of the country. These efforts paid off in the shape of securing provincial autonomy through the enactment of 18th amendment to the constitution of Pakistan. The amendment, though not a final dot to the notion of absolute provincial autonomy, nonetheless, to a greater extent, enshrined the cherished rights of small provinces. Its adoption has theoretically strengthened the autonomy of provinces by devolving more powers to the provinces. Notably, its implementation, though partial, has mitigated dichotomy between the center and its units. Hence, it has strengthened the federation of Pakistan. However, the problem arises when it comes to the full implementation of this landmark document. The document is not implemented in letter and spirit which is the need of the hour. The violation of above-mentioned provisions clearly shows that there remains much to fully implement the landmark document. The failure to implement these provisions has not only lessened the potential advantages of the document but also cause sense of alienation between the relations of center and units. This defeats the cherished purpose of the document. Moreover, it also undermines the cherished notion of constitutional supremacy. The federal government needs to implement the provisions identified above to get the potential advantages of the document. For this the federal stakeholders need to realize the importance of diversity and relinquish its centralist approach. The authorities must implement these provisions on war footings and complete the process of devolution of powers to the provincial governments. Finally, the implementation of the watershed document, the 18th amendment, in letter and spirit will not only sort out the major concerns of small provinces but also strengthen the roots of democracy by ensuring constitutional supremacy in the country.

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