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Provincial Autonomy After the 18th Amendment: Promise vs Practice

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ABSTRACT

The 18th Constitutional Amendment 2010 was termed a watershed moment in the development of the federal structure of Pakistan and aimed at correcting the long-standing federal-provincial imbalance by devising a considerable amount of the legislative, administrative and financial powers into the provinces. The article critically examines the possibilities and achievements of provincial autonomy in the post amendment period, based on an analysis of constitutional provisions, the results of implementation and the problems encountered. It focuses on achievements such as the abolition of the Concurrent List, the greater resource transfers under the 7th National Finance Commission Award, and more powers for provinces in key areas like education, local government and health. The study reveals, however, that there are still a lot of loopholes because of the continued dominance, party polarization, institutional deficiencies, economic constraints, security challenges in conflict zones, and judicial penetration. Using the experiences of selected case studies in the four provinces of Punjab, Sindh, KP and Balochistan, the analysis highlights the disparities in performance across the provinces and the intricate relationship between formal reforms and realities. The results indicate that the amendment helped further the process of cooperative federalism, however, structural and political constraints remain a problem. Finally, policy recommendations are provided to make decentralized governance more effective and efficient in Pakistan to maximize its benefits.

Keywords: 18th Amendment, Provincial Autonomy, Federalism, Devolution, Fiscal Federalism, Centre-Province Relations.

Introduction

The 18th Constitutional Amendment 2010 was not only a pivotal and a turning point in Pakistan's constitutional history but also a step towards true federalism for a long time under the central rule. It was passed by the parliamentary majority without precedent after the return of democratic governance and has granted the provinces extensive powers of legislation, administration and finances, while limiting the term of life of assemblies, and lessened the power of the President to dissolve parliaments. It revived certain institutions such as the Council of Common Interests which encouraged a cooperative approach to decision-making and strengthened the provinces' authority in areas such as local government, health, education and agriculture. This reform was intended to restore the federalism spirit that was first introduced in the constitutions of 1956 and 1973 and overcome the general provincial discontent with resource control and political marginalisation, suffered by the provinces (Shah, 2012). This was a resurgence against authoritarianism in Pakistan which had been prevalent for decades and on a national level it was an attempt to design a more

inclusive and resilient federation which would be able to accommodate the vast ethnic, cultural and regional diversity of Pakistan.

Structural imbalance, frequent conflict and tensions are historical issues in relations between the centre and the provinces of Pakistan since its inception in 1947 when the country was created at the time of its independence. Successive national security and colonial administrative objectives continued to interfere with the successive governments, all of which tended to favour the central government over the autonomy and aspirations of the provinces. This centralist attitude worsened the political turbulence, economic inequality and finally led to the devastating split between East Pakistan in 1971. Corruption among the authorities and frequent military incursions created an extremely hierarchical federal structure, with systematic discrimination against the smaller provinces of the nation in the allocation of resources and in their involvement in the national policy-making process. The power dynamics of the past have created enduring and growing calls for real autonomy that became politically significant now only during the democratic opportunities of the late 2000s (Arshad, 2019). In the 1970s, the Constitution of 1973 had pledged a more even balance of power between the federal and provincial governments, but such a shift to a more federal government of Canada was not achieved until there were wider political changes that provided momentum.

Although the 18th Amendment has a great constitutional vision and there was a lot of enthusiasm in the beginning, it has been fifteen years since its adoption and has exposed an alarming and chronic disconnect between the lofty ideals of the Constitution and its implementation. This amendment was successful in expanding the provincial legislative powers and improving fiscal transfers via the 7th National Finance Commission Award, however the institutional capacities, overlapping jurisdictions, financial dependencies and federal-state interventions are formidable challenges in devolved subjects, where the federal government intervenes in an irregular manner. The governance outcomes are not uniform across sectors and regions in provinces, thereby highlighting the weaknesses of the decentralization in a hybrid political system. Given the mixed outcomes of provincial autonomy in the field of service delivery and political empowerment, entrenched institutional opposition, and the nature of hybrid regime, the capacity of provincial autonomy has been significantly limited (Kureshi et al., 2024). It is a study of enormous importance in the process of breaking down the promise/practice gap in this seminal reform. These implementation gaps need to be studied in detail to enhance the federal machinery to ensure effective democratic governance, regional development, and sustainable national unity in Pakistan.

Literature Review

The trends of federalism and provincial autonomy in Pakistan have been a long and complex conflict between strong tendencies towards centralization and a constant demand for meaningful provincial autonomy. Before the Constitution of 1973, both the 1956 and 1962 constitutions were much centralised with processes that often ignored the regions, and which had a direct link to widespread unhappiness and eventually the tragic disintegration of the nation in 1971. The 1973 Constitution marked a significant paradigm change with the inclusion of a federal structure based on a parliamentary system along with specific provincial rights and protections. But central authority remained undisturbed through a series of military interventions, and the regular declaration of emergency powers that in reality weakened provincial authority considerably. Since 1973, developments have continually revealed critical weaknesses in the political decision making process of sharing and sharing of resources with equity. Over time, these structural weaknesses accrued and momentum was

created for significant constitutional changes. In response to these grievances, sweeping reforms have been enacted under the 18th Constitutional Amendment in 2010 (Adeney, 2023).

As the 18th Amendment has been the subject of scholarly studies, its lofty transformative goals remain prominent while its many gaps and limitations are often discussed. One of the earliest and most thorough assessments is by Shah 2012. It paves the way for the actual shift to a multi-level governance system, which is mainly through the elimination of the concurrent list and the devolution of significant legislative and administrative powers directly to the provinces (Shah, 2012). More recent research has detailed the successes and ongoing challenges in the reform process on this key foundation. Kureshi 2024 explores the concept of federalism in the context of the hybrid political regime of Pakistan. The analysis convincingly suggests that despite a significant transfer of policymaking power to the provinces, the entrenched political interests, coupled with deep institutional weaknesses, have led to very unequal results between various regions and sectors. Ali 2023 also examines the opportunities and challenges of the provinces in the post amendment period. This book highlights the deep and persistent chasm between high ideals and hard reality that remains to this day between constitutional ideals and lived reality. As a whole, these academic works clearly locate the 18th Amendment as a pivotal though an incomplete step towards the long federal road to be traveled by Pakistan (Kureshi, 2024; Ali, 2023).

Fiscal federalism, legislative autonomy and administrative devolution are present in the current academic debate on the subject and play a central and influential role in this debate. The essence of the 7th National Finance Commission Award was rather similar to that of the 18th amendment to the constitution and gave rise to a substantial rise in provincial shares in the national divisible pool. This adjustment was for efficiency in handling responsibilities transferred to provinces in various aspects including health education, essential infrastructure and others. The fiscal reforms are discussed in some depth by Khalid 2018. The research acknowledges great progress in the vertical distribution of resources, but it also puts powerful warnings in the face of insoluble horizontal imbalances between the four provinces which still exist. The central control, in many aspects of policy that had resulted in lesser legislative autonomy was also taken off the table to a great extent. The new powers that provinces have are not working well because the people in charge at the provincial level do not have the ability to use these powers correctly. This is a problem. In his book, Jaffrelot 2024 talks about the federal structure that was created because of the amendments. He explains things in a detailed way and it is really interesting. The study shows that provinces are getting better at making laws. They are having a lot of trouble providing services to people. One of the reasons for this is that there are many bureaucratic challenges. Also there are issues with institutions and provinces having overlapping jobs. These are challenges. People are still talking about these issues. They are having very lively discussions. They think it is very important to make decisions, about policies, including financial ones so that provinces can have powers without hurting the country. Jaffrelot 2024 and Khalid 2018 are two people who have written about this. The new powers of provinces are still being talked about. It is a very important topic. Provinces having powers is a deal and people want to make sure it works well.

It is essential to have comparative perspectives with other well-established federations to offer analytical depth and additional contextual understanding to the Pakistan-specific federal experience. India has a unique federalism scheme of balancing tremendous cultural and regional diversity with strong central institutions which is amply demonstrated in

practice. It is challenged at the same time with parallel and recurring challenges in decentralized service delivery and implementation. Canada provides very relevant lessons about effective cooperative federalism, backed by strong fiscal equalization mechanisms to deal with substantial regional differences. Nigeria offers grim lessons in ethnic tensions over resources and familiar challenges in applying this principle of fair revenue distribution. Watts 2008 provides important cross-contextual perspectives based on international “experiences.” These frameworks clearly illustrate how effective intergovernmental coordination mechanisms are able to be integrated alongside meaningful provincial autonomy and how this is achieved in mature and stable federations. Despite this, gaps in the literature remain and are significant, notably with respect to the lack of longitudinal studies on implementation issues in the real world (Watts, 2008). There is also lack of attention to provincial capacity building strategies, and the sustainability of devolution processes in the face of repeated political change and political instability. It is important to address these remarkable omissions in research to make a meaningful contribution towards advancing academic knowledge and policy ideas to improve real and effective federalism in Pakistan.

Research Objectives

- To examine the major provisions of the 18th Amendment related to provincial autonomy
- To assess the extent of implementation of these provisions in practice.
- To identify the gap between constitutional promises and actual outcomes.
- To analyze political, administrative, and financial challenges hindering effective provincial autonomy.
- To propose recommendations for strengthening genuine federalism in Pakistan.

Research Questions

- What were the key promises of provincial autonomy enshrined in the 18th Amendment?
- To what extent have these promises been translated into practice across different sectors?
- What are the major structural, political, and institutional barriers affecting implementation?
- How has the 18th Amendment impacted centre-province relations in Pakistan?
- What lessons can be drawn for future constitutional and governance reforms?

Methodology

The present study is qualitative, exploratory and analytical in nature which is a critical research in nature to understand the divide between the promise and practice of provincial autonomy in Pakistan after 18th Constitutional Amendment. The qualitative approach enables an in-depth understanding of the complex political, administrative and institutional dynamics, and the exploratory nature helps to identify the nuances in implementation issues by province. An analytical lens is used to objectively assess the constitutional provisions and outcomes. The sources of data for this study were primary and secondary sources. Primary data collection involved engaging semi-structured interviews with key stakeholders such as provincial and federal politicians, senior bureaucrats, constitutional experts and representatives from think tanks and civil society groups. The interviews were valuable in terms of learning about the 'ground realities' and experiences of governance. Secondary data were obtained from official sources including reports of the National Finance Commission Awards, reports of the Council of Common Interests, the Ministry of Inter-Provincial Co-ordination, annual provincial budgets, parliamentary debates and constitutional texts. The

study uses the analytical tools of the Promise versus Practice approach with gap analysis to measure the level of devolution in legislative, fiscal, and administrative areas. This framework allows for a systematic comparison of the intended goals of the amendment and how it is actually implemented, even though it acknowledges structural, political, and capacity-related barriers, but also keeps the analysis analytical and objective. The research is focused on the period 2010-2025 to ensure that all developments after the amendment are covered.

The 18th Amendment and Promises of Provincial Autonomy

The 18th Amendment of the Constitution 2010 marked a turning point in the evolution of the federation in Pakistan, and put a decisive end to the over-centralized federation and granted true freedom to the provinces. What made it so pivotal was the fact that it did away with the Concurrent Legislative List which allowed federal government to dominate 47 critical subjects. The change in this respect shifted the exclusive jurisdiction of the provinces to key sectors like education, health, agriculture, environment and local government, which had not been significantly altered since the 1973 Constitution, thereby redefining the centre-province relations. To complement this legislative revolution was the revitalization of the 7th National Finance Commission Award, which shifted significantly the amount of the divisible pool to the provinces, to 57.5 per cent, and the betterment of the rights of provinces over natural resources, such as the generation of hydroelectric power and the mineral wealth. The amendment also empowered the Council of Common Interests by holding quarterly meetings and giving it the authority to effectively resolve inter-governmental disputes and thus, turn it into a functional forum and body for cooperative decision-making. These wide-ranging reforms reflected a constitutional commitment to address historical imbalances that had caused grievances in the region and to meet the longstanding demands from smaller provinces, for increased autonomy and control over their own development paths (Shah, 2012).

The changes in structure have provided the provinces with absolute autonomy in legislations, administration and finances, unprecedented in the constitutional history of Pakistan. Legally, the provinces also enjoyed autonomy in making laws, without the fear of over-ambition from the government as with the concurrent system of government. This allowed for experimentation and innovation of policies at the local level. The restructuring of functions and staff of the division and ministry along with their transfers helped to bring the design and implementation of policies closer to the people, thus reducing the time lag in project approvals and delivery of services at Islamabad-based bureaucracy. In the financial realm the ample provision of resources, together with the new powers to raise revenue for services and to borrow within and beyond the borders, was aimed at reducing the longstanding reliance on federal funds which had left provinces financially at the mercy of the federal government. All these were aimed at changing the perception of governance from a top-down, centralized Pakistan to a system of coordinated authority, co-sovereignty and mutual respect between the centre and the federating units. The reform was greeted with laudatory response as a true and comprehensive attempt to incorporate the one country's deep ethnic, linguistic and regional diversity not only in the framework of the Constitution but also to create a platform for responsive and equitable governance that can address the needs of the country irrespective of its geographical location (Ali, 2023; Ishfaq, 2018).

The promises made by the 18th Amendment were lofty and sweeping, and embodied the hopes and aspirations of a long history of provincial underrepresentation. In addition to the immediate shift of constitutional and fiscal powers to the provinces, it was envisaged that better provincial autonomy would lead to better governance because of allowing differential

decision making, to improve the service delivery in key social sectors, especially health and education, and to strengthen national unity by redressing deep-seated grievances in Balochistan and Khyber Pakhtunkhwa (Zaman, 2018). The amendment sought to create a lasting trust relationship between the centre and provinces, by establishing powerful institutions like the empowered Council of Common Interests, and constitutionally protected fiscal transfers, which could not be negotiated by the executive branch and that reduced the recurring conflicts over resources and jurisdiction that had marked previous decades. This anticipated change had tremendous potential to increase the democratic consolidation by moving decision-making closer to the people, invigorate healthy competition among the provinces that would allow them to reward good governance, and make the political system more resilient and inclusive that would enable it to address Pakistan's multifaceted challenges of the 21st century more efficiently, legitimately and publically owned (Kureshi, 2023). It was a vision of a truly federal state in Pakistan in which the vision of all provinces to develop themselves by their own priorities within a stable federal framework was realized.

Implementation and Practice of Provincial Autonomy

The 18th Constitutional Amendment had provided some significant legislative devolution and administrative devolution but had exacerbated some serious gaps in practice. The provinces have also been given powers to make laws and regulations on 47 subjects which were earlier in the Concurrent List, which gives them powers to make special laws and rules to manage the transferred ministries in their own way. This change enabled greater responsiveness to local needs in Khyber Pakhtunkhwa as the education reforms became more visible in the province with an increased enrolment drive, as well as with the curriculum changes aligning with the regional priorities. Despite this, however, implementation was not uniform because of capacity constraints, the resistance of entrenched, "old school" type bureaucracies, and a lack of readiness in response to the quick transfer of responsibility. The challenges of integrating transferred staff and creating effective administrative systems, and maintaining continuity in services, were faced by many provinces, causing delays in policy implementation and short-term service interruptions. The amendment did push the principles of federalism that resulted in a shift of power, but it had not had a significant impact on overall governance quality and efficiency due to the continuation of persistent institutional weakness and differential readiness of the provinces (Shah, 2012; Ishfaq, 2018).

The 7th National Finance Commission Award (NFC Award) was a significant development in fiscal federalism, increasing the provincial allocation of the divisible pool from 42.5% to 57.5%, with the intention of improving the distribution of resources and strengthening provincial capacity in order to make them more self-reliant. This was done to alleviate vertical disparities and to create a more self-reliant and predictable devolved funding mechanism for devolved responsibilities. Punjab and Sindh showed improvement in fiscal space which allowed them to increase development expenditure in infrastructure and social sectors, and some progress on increasing public investment. However, few provinces had the capacity to generate own source revenue or to use transfers effectively, leaving them with persistent under spending and reliance on transfers. Balochistan in particular had severe difficulties in implementing the additional allocations into meaningful results because of its institutional mechanisms' limitations, infrastructure gaps and governance constraints. Overall, the award has enhanced financial autonomy in theory, and it showed the role of financial sustainability in the long run and malfunctioning in expenditure management of federalization units in terms of revenue mobilization expenditures (Ahmad, 2024; Mustafa, 2011).

The performance of intergovernmental institutions like the Council of Common Interests, the National Economic Council and the Inter Provincial Coordination Committee was mixed and they have had significant roles in the post amendment practice. The Council of Common Interests began to function more actively in a regular basis and were engaged in discussions over coordination of natural resources policy and constitutional issues, bringing to the fore the usefulness of this forum as a forum of cooperative federalism. It has been able to address at various levels some of the most prominent issues such as hydra profits census and water distribution methods, with success. But meetings were often delayed, political differences created poor follow-through on decisions and there was no follow through on enforcement mechanisms (Khan, 2022). The National Economic Council and Inter Provincial Coordination Committee also played an important role in coordination on economic planning and inter provincial issues, but faced difficulties in enforcing, particularly regarding the incorporation of differences in provincial interests and priorities into the national plans. These bodies highlighted the potential of collaborative governance, but also identified important shortcomings in meaningful and credible accountability for action and a quality of separation from partisan forces (Syed, 2020).

Case studies from key sectors and provincial differences show the complicated reality of autonomy in practice, over 10 years of implementation. In education and health, the provinces took full ownership which resulted in significant innovations in education in Punjab, including public-private partnership models, and health in certain parts of the province through targeted interventions, while literacy rates and immunization coverage improved slowly in Sindh due to weak governance. Local government systems experienced some revival and partially became more decentralized, but with a tendency towards recentralization at the provincial level. There has been improvement in natural resources management in terms of revenue sharing from gas oil and minerals, but law and order remains plagued by persistent federal provincial tensions, especially in conflict affected areas (Jamal, 2021; Nishtar, 2013). There was very wide diversity across the provinces in performance, with Punjab making better use of its resources and administration to provide relatively good service delivery while the other provinces suffered from chronic governance and corruption problems with the exception of Khyber Pakhtunkhwa which was at once a mixed bag but had also seen some progress in the social sectors, and Balochistan was severely limited by security threats, geographic challenges and capacity constraints. The differences indicate that the amendment opened up great potential but that the actual outcomes were very much influenced by the political will, institutional maturity and context of each province.

Challenges and the Gap between Promise and Practice

The federalization of control over the provinces via federal institutions, the bureaucracy and the military has severely affected provincial autonomy as guaranteed by the 18th Constitutional Amendment. Although the formal power has devolved, the Federal government has still a significant influence over certain areas via indirect channels like making of bureaucratic appointments and control of resources (Waseem, 2019). This is leading to a situation in which provinces are de facto subject to constraints on their autonomy by centralized structures. In this regard, the security apparatus remains dominant in a significant manner in the field of law and order, particularly in sensitive areas, which diminishes the autonomy of the provinces in policy formulation and their decision-making powers. This is an example of a central control that has endured over the course of more than 15 years since the amendment, and highlights the difference between a cooperative federalism envisioned in the constitution and one that is de facto hierarchical (Begum, 2025). Genuinely empowered

provincial governments have not yet emerged because of the continuing claims of the federal government by virtue of “national interest” or administrative necessity.

The implementation gap has also been further widened due to political factors such as extreme party politics and dynastic politics and mismatched politics between the centre and provinces. Absence of coordination when federal and provincial governments are controlled by different parties can result in delays in the implementation of policies and intergovernmental conflicts. Patronage networks in some of the provinces have been a greater priority than institutional development, and have undermined the capacity of provincial administrations to effectively perform their new responsibilities. Such dynamics have frequently led to selective implementation, politically-minded provinces being treated better and resources allocated more to them than to others, while facing bureaucratic and political opposition. The idea of minimizing tension between the Centre and the Provinces of Pakistan has not been fully achieved so far as the actual power and resources distribution among the federation has been concerned because political contestations still play a role in the process of power distribution (Zaman, 2018; Durrani, 2024). This has contributed to the lack of confidence between various levels of government and hindered long-term planning on the provincial level.

Economic and financial difficulties, institutional limitations and weaknesses at the provincial level, and capacity issues have all affected the effective exercising of autonomy. The smaller provinces did not have the necessary administrative structures, human resources, and technical know-how to take on devolved functions and functions of local government seamlessly in the immediate aftermath of the amendment. These structural weaknesses have been entrenched and have impeded progress towards self-reliant provincial governance. These challenges have been exacerbated by fiscal pressures created by new responsibilities in areas like health, education, and agriculture and have not always been accompanied by the corresponding revenue generation capacity or efficient spending management. As a result, the available resources have been underutilized and federal aid remains essential, despite various National Finance Commission Awards that have increased the shares allocated to states. The impact of these shortfalls on service delivery has left public expectations of better governance unfulfilled and has brought into sharp relief the urgent need for better provincial institutions and administrative reforms (Ali, 2023; Raza, 2026).

The security issues in Balochistan and Khyber Pakhtunkhwa and the overlapping jurisdiction of the courts have added another layer of complexity to the process of achieving provincial autonomy. The continued instability and insurgency limit the role of the provinces in security-related issues, while federal institutions and military led bodies continue to dominate these issues. Constitutional interpretations have at times helped to define the limits of the Constitution, but have sometimes interfered with the relationship between centre and provinces, resulting in long legal battles and delayed implementation (Kureshi, 2023). The overlapping of authorities and the unclear responsibility distribution has created an institutional uncertainty and has delayed the development of real federalism. In summary, the 18th Amendment was a bold and transformative plan to restructure the state, but many structural, political and security issues have dampened the transformative impact of this amendment in Pakistan (Mazhar, 2016). To achieve the potential of the amendment will take continued political will, institutional development and a genuine desire to devolve power from the centre.

Conclusion

In the context of Pakistan's Democratic journey towards true federalism the 18th Constitutional amendment of 2010 was a significant yet incomplete measure. It had the power to remove the Concurrent List and increase the fiscal transfers through the 7th National Finance Commission Award; it had the ability to give legislative and administrative autonomy, but it still had a long way to go. The provinces have indeed become more empowered in making policy decisions and having more resources at their disposal; and in relatively good performing provinces like Punjab and Khyber Pakhtunkhwa, some improvement in local policymaking, particularly in education and health, has been seen. Yet, the potential for devolution has been undermined by continued central control via the influence of the bureaucracy, the security apparatus and by the selective political alignment. The provincial level implementation is also a reflection of institutional weaknesses and capacity constraints and variations in economic conditions. The mixed performance in the provinces indicates that the amendment seems to have enhanced the federal system in theory but the structural, political and security challenges are still a hurdle to the transformation and smaller provinces like Balochistan still feel marginalized.

The final resolution of this longstanding yawning divide will require brave and persistent reforms in the future. Some of these are necessary steps, like better and targeted provincial institutional capacity building via training and resource provision, effective Council of Common Interests as a dispute resolution mechanism, with binding implementation mechanisms, and depoliticization of relationships with the bureaucracy and security bodies. Problems of overlapping jurisdiction and future capacity development to generate provincial revenue should be addressed in the future constitutional changes. Its realization or otherwise and the effectiveness of the 18th amendment as a whole will be judged by the words of the Constitution as well as how far it reaches in achieving these namely responsive governance, equitable development and national cohesion most importantly. To make a vision of provincial autonomy a reality, political will, institutional growth and a newfound dedication to the principles of cooperative federalism that recognizes Pakistan's diversity and enhances unity is required. The amendment becomes an effective stepping stone to a more democratic, inclusive and resilient federation.

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