

(Volume.4, Issue.2 (2024))

Navigating Federalism: Constitutional Reforms and Inter-Provincial Dynamics in Pakistan

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### Abstract

This study explores the evolution of federalism in Pakistan through an analysis of constitutional reforms and their impact on inter-provincial dynamics. One objective of this study is to estimate the transformative effects of the 18th Amendment and subsequent amendments on power distribution between the federal government and provinces. Challenges such as centralization versus decentralization debates and conflicts over resource distribution are examined. The implications for the future of federalism in Pakistan are discussed, emphasizing the need for greater intergovernmental cooperation and inclusive governance. Recommendations for further research and policy implications underscore the importance of addressing capacity constraints and promoting equitable development across all provinces. Through a comprehensive analysis, this study may contribute to a deeper understanding of federalism in Pakistan and identify future efforts to navigate its complexities.

**Keywords:** federalism, constitutional reforms, inter-provincial dynamics, Pakistan, governance.

### Introduction

Pakistan's constitutional evolution has been a dynamic process shaped by historical, political, and societal factors. This article aims to explore the significance of federalism within Pakistan's governance framework against the backdrop of its constitutional developments. Understanding the intricacies of federalism in Pakistan is essential for comprehending the country's political structure, power dynamics, and intergovernmental relations. By delving into the historical context and contemporary implications, this article seeks to provide insights into the evolving nature of federalism in Pakistan. The constitutional developments in Pakistan have been influenced by a complex interplay of factors, including colonial legacies, post-independence challenges, and socio-political dynamics. The initial years after independence saw the formulation

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of various constitutional documents, such as the Government of India Act 1935, which served as the legal framework for governance in the newly created state. Subsequent developments, including the Objectives Resolution of 1949 and the adoption of the first Constitution in 1956, reflected the aspirations of the fledgling nation to establish a democratic and Islamic polity.

Federalism plays a crucial role in Pakistan's governance framework by delineating the distribution of powers and responsibilities between the central and provincial governments. The federal structure not only accommodates the diverse ethno-linguistic and cultural mosaic of Pakistan but also serves as a mechanism for addressing regional disparities and fostering national cohesion. Moreover, federalism provides a platform for accommodating the interests of various stakeholders, including ethnic minorities, in the decision-making process, thus enhancing the inclusivity and legitimacy of the political system. This article aims to critically analyze the evolving dynamics of federalism in Pakistan, with a focus on its historical foundations, institutional frameworks, and contemporary challenges. By examining key constitutional provisions, judicial interpretations, and empirical evidence, the article seeks to elucidate the strengths and weaknesses of Pakistan's federal system. Furthermore, the article endeavors to explore the implications of federalism for democracy, governance, and socio-economic development in Pakistan. Through a comprehensive review of relevant literature and empirical data, this article aims to contribute to scholarly debates on federalism, constitutionalism, and state-building in Pakistan.

## **II. The Evolution of Federalism in Pakistan**

In tracing the historical trajectory of federalism in Pakistan, it is imperative to recognize the complex interplay of political, social, and constitutional factors that have shaped its evolution. Following independence in 1947, Pakistan initially adopted a federal system of governance, reflecting the diverse ethno-linguistic and cultural composition of the newly formed state (Khan, 2020, p. 52). The first Constitution of Pakistan, enacted in 1956, established a federal structure with a bicameral legislature and a division of powers between the central and provincial governments (Malik, 2018, p. 75). However, the federal arrangement faced significant challenges due to centralizing tendencies and inter-provincial tensions, particularly in the context of linguistic and ethnic diversity (Shah, 2019, p. 82). The imposition of martial law and the

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suspension of democratic institutions further exacerbated these tensions, undermining the principles of federalism and decentralization (Khan, 2020, p. 56).

The 1973 Constitution of Pakistan marked a significant milestone in the evolution of federalism, reaffirming the federal structure while granting greater autonomy to the provinces (Malik, 2018, p. 78). The concurrent legislative powers granted to the provinces and the establishment of a Council of Common Interests (CCI) aimed to promote intergovernmental cooperation and address regional grievances (Shah, 2019, p. 86). Despite these constitutional provisions, federalism in Pakistan has been characterized by a persistent struggle for power between the central and provincial governments, often fueled by political instability and governance challenges (Khan, 2020, p. 60). The periodic interventions by the military and the judiciary have further complicated the dynamics of federalism, leading to tensions over the distribution of powers and resources (Malik, 2018, p. 82).

In recent years, there have been renewed efforts to strengthen federalism and address the grievances of marginalized regions through constitutional reforms and devolution of powers (Shah, 2019, p. 92). However, the implementation of these reforms remains a subject of debate, highlighting the ongoing challenges facing federalism in Pakistan. The historical overview of federalism in Pakistan underscores the complex and dynamic nature of its evolution, shaped by historical legacies, political dynamics, and constitutional developments. Despite the challenges and setbacks, federalism continues to be a defining feature of Pakistan's governance framework, reflecting the aspirations and complexities of its diverse population.

### **Key Constitutional Amendments**

In examining the key constitutional amendments that have shaped federal-provincial relations in Pakistan, it is essential to delve into the provisions of the 1973 Constitution and their subsequent impact on the dynamics between the central and provincial governments. The 1973 Constitution established a federal structure with provisions delineating the distribution of powers between the federal and provincial levels (Khan, 2020, p. 52). It granted significant autonomy to the provinces, particularly in areas such as education, health, and agriculture, through the Concurrent Legislative List and the creation of provincial assemblies (Malik, 2018, p. 78). Subsequent amendments to the Constitution have had varying impacts on federal-provincial dynamics. For example, the Eighth Amendment, introduced in 1985, centralized powers in the hands of the

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President, undermining the principles of federalism and decentralization (Shah, 2019, p. 86). This centralization of authority led to tensions between the central and provincial governments, as the provinces sought to assert their autonomy and protect their interests.

In contrast, the Eighteenth Amendment, passed in 2010, aimed to strengthen federalism and devolve powers to the provinces, reversing some of the centralizing measures introduced by previous amendments (Khan, 2020, p. 60). It abolished the Concurrent Legislative List, transferring additional powers to the provinces, and established a mechanism for greater provincial autonomy through the National Finance Commission (NFC) Award (Malik, 2018, p. 82). However, despite the intentions behind these amendments, their implementation has been marred by challenges and controversies. The uneven distribution of resources and the lack of capacity at the provincial level have hindered effective governance and service delivery (Shah, 2019, p. 92). Moreover, political tensions and competing interests between the central and provincial governments have often led to conflicts and disputes over the interpretation and implementation of constitutional provisions. The examination of key constitutional amendments highlights the evolving nature of federal-provincial relations in Pakistan. While the 1973 Constitution laid the groundwork for federalism, subsequent amendments have both strengthened and weakened the autonomy of the provinces. The impact of these amendments on governance, service delivery, and intergovernmental cooperation highlights the complexities of federal-provincial dynamics in Pakistan.

### **Challenges to federalism in Pakistan**

In analyzing the challenges to federalism in Pakistan, it is crucial to explore the ongoing debates between centralization and decentralization, as well as the conflicts arising from resource distribution and provincial autonomy. The centralization versus decentralization debates revolve around the balance of power between the federal and provincial governments, with proponents of centralization advocating for a strong central authority to maintain unity and coherence, while advocates of decentralization emphasize the importance of granting greater autonomy to the provinces to address local needs and preferences (Ahmad, 2017, p. 128). These debates have been central to discussions on constitutional reforms and the devolution of powers in Pakistan.

Conflicts over resource distribution and provincial autonomy are another significant challenge to federalism in Pakistan. The distribution of resources, particularly fiscal resources, has been a

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contentious issue, with provinces often feeling marginalized or disadvantaged in the allocation of funds (Raza, 2016, p. 342). The National Finance Commission (NFC) Award, which determines the distribution of financial resources between the federal and provincial governments, has been a subject of dispute, reflecting the competing interests and priorities of different regions.

These challenges to federalism in Pakistan have far-reaching implications for governance, democracy, and socio-economic development. Centralization undermines the principles of subsidiarity and local governance, limiting the ability of provinces to respond effectively to local needs and preferences. Moreover, conflicts over resource distribution can exacerbate inter-provincial tensions and undermine national cohesion, posing a threat to the stability and integrity of the state (Raza, 2016, p. 344).

Addressing these challenges requires a concerted effort to strengthen intergovernmental cooperation, promote dialogue and consensus-building, and ensure equitable resource distribution. Constitutional reforms, institutional mechanisms, and political will are essential to fostering a more inclusive and effective federal system that accommodates the diverse interests and aspirations of all stakeholders (Ahmad, 2017, p. 131). The complex dynamics shaping intergovernmental relations and governance need to be seen with extreme caution. Centralization debates and conflicts over resource distribution stress the need for a more balanced and responsive federal system that respects the autonomy and diversity of the provinces while promoting national unity and cohesion.

### **III. Inter-Provincial Dynamics: Historical Perspectives**

The interplay between provinces and the federal government in Pakistan has been shaped by a complex tapestry of historical, political, and socio-cultural factors. It would be interesting to overview the provincial diversity and dynamics, followed by an exploration of the historical interactions between provinces and the federal government. Pakistan is characterized by significant provincial diversity, with each province boasting its unique cultural, linguistic, and socio-economic identity. Punjab, the largest province in terms of population, is often considered the heartland of Pakistan and has historically wielded considerable political and economic influence (Ahmed, 2016, p. 82). Sindh, with its rich cultural heritage and economic significance, has played a crucial role in the country's history and development (Malik, 2018, p. 112). Balochistan, known for its vast natural resources and ethnic diversity, has grappled with issues of

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marginalization and political unrest (Khan, 2019, p. 45). Khyber Pakhtunkhwa, formerly known as the Northwest Frontier Province, is characterized by its rugged terrain, tribal traditions, and strategic significance in the context of regional security (Shah, 2017, p. 167).

The historical interplay between provinces and the federal government in Pakistan has been marked by tensions, negotiations, and occasional conflicts over power, resources, and representation. In the early years after independence, provincial autonomy was often overshadowed by centralizing tendencies, as successive governments sought to consolidate power at the federal level (Ahmed, 2016, p. 95). This centralization of authority led to grievances among provinces, particularly those with smaller populations and fewer resources, which felt marginalized in the decision-making process (Shah, 2017, p. 180).

Over time, efforts were made to address these grievances and accommodate provincial interests through constitutional reforms and institutional mechanisms. The 1973 Constitution, for instance, sought to strike a balance between federal and provincial powers by granting significant autonomy to the provinces while preserving the unity and integrity of the state (Malik, 2018, p. 125). However, the implementation of these provisions has been uneven, with provinces often vying for greater autonomy and control over resources (Khan, 2019, p. 60). Despite the challenges, provinces have played a vital role in shaping Pakistan's political landscape and governance framework. Provincial governments are responsible for key areas such as education, health, and agriculture, and have considerable influence over local development initiatives (Shah, 2017, p. 195). Moreover, provinces serve as important centers of cultural identity and heritage, contributing to the rich tapestry of Pakistan's national fabric.

The historical dynamics between provinces and the federal government in Pakistan reflect the complexities of governance in a diverse and multi-ethnic society. While provinces have historically grappled with issues of autonomy and representation, they continue to play a crucial role in shaping the country's political, economic, and socio-cultural landscape. Examination of past inter-provincial conflicts and resolutions sheds light on the intricate dynamics shaping provincial interactions in Pakistan. This section presents case studies of significant inter-provincial disputes and evaluates the impact of historical events on contemporary inter-provincial relations.

### Significant Inter-Provincial Disputes

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One notable inter-provincial conflict occurred between Punjab and Sindh over water resources, particularly the construction of dams and water distribution from the Indus River. The construction of large dams, such as the Mangla and Tarbela dams in Punjab, led to concerns among downstream provinces, including Sindh, regarding water scarcity and environmental degradation (Ahmed, 2016, p. 112). This dispute escalated into legal battles and political tensions between the two provinces, highlighting the complex interplay between economic development, environmental sustainability, and provincial interests.

Another significant inter-provincial conflict arose between Balochistan and the federal government over resource exploitation and political representation. Balochistan, with its vast natural resources, has long felt marginalized in terms of economic development and political representation (Khan, 2019, p. 75). This sense of deprivation fueled separatist movements and armed conflicts, exacerbating inter-provincial tensions and challenging the unity and integrity of the state.

### **Impact of Historical Events on Contemporary Inter-Provincial Relations**

Historical events have left a lasting imprint on contemporary inter-provincial relations, shaping perceptions, grievances, and cooperation mechanisms. The scars of past conflicts, such as the Balochistan insurgency and the water disputes between Punjab and Sindh, continue to influence provincial dynamics and governance structures (Malik, 2018, p. 145). These historical legacies contribute to mistrust, resentment, and competition among provinces, hindering efforts to foster inter-provincial cooperation and solidarity. Moreover, the centralization of power and resources by successive federal governments has intensified inter-provincial disparities and grievances, fueling sentiments of injustice and discrimination (Shah, 2017, p. 210). Provinces with smaller populations and fewer resources, such as Balochistan and Khyber Pakhtunkhwa, feel marginalized in the national political arena, leading to tensions and demands for greater autonomy and representation. However, despite these challenges, there have been instances of inter-provincial cooperation and conflict resolution. The establishment of forums such as the Council of Common Interests (CCI) and the National Finance Commission (NFC) has provided platforms for provinces to negotiate and resolve disputes over resource distribution and policy formulation (Ahmed, 2016, p. 130). Additionally, initiatives aimed at promoting regional connectivity and economic integration, such as the China-Pakistan Economic Corridor (CPEC),

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have the potential to foster mutual cooperation and prosperity among provinces. The examination of past inter-provincial conflicts and resolutions highlights the complexities and challenges inherent in provincial interactions in Pakistan. Historical events continue to shape contemporary inter-provincial relations, influencing perceptions, grievances, and cooperation mechanisms. While conflicts persist, there are opportunities for provinces to overcome differences and work towards shared goals through dialogue, negotiation, and cooperation.

#### **IV. Constitutional Reforms and Power Distribution**

Constitutional reforms have played a pivotal role in shaping power distribution and federal-provincial dynamics in Pakistan. Among these reforms, the 18th Amendment stands out as a landmark development with significant implications for federalism. Enacted in 2010, the 18th Amendment brought about sweeping changes to Pakistan's constitutional landscape, particularly in terms of devolving power from the federal government to the provinces (Government of Pakistan, 2010, pp. 1-10).

The 18th Amendment aimed to strengthen provincial autonomy and enhance the role of the provinces in decision-making processes. It transferred several subjects from the Concurrent Legislative List to the Exclusive Legislative List, thereby granting provinces greater legislative authority over key areas such as health, education, and agriculture. Additionally, the amendment abolished the concurrent legislative jurisdiction of the federal and provincial governments, further delineating the spheres of authority between them (Government of Pakistan, 2010, pp. 1-10). The implications of the 18th Amendment for federalism were profound. It marked a significant shift towards decentralization, empowering provinces to exercise greater control over their affairs and resources. However, while the amendment was lauded for its intent to address provincial grievances and promote equitable development, its implementation faced challenges.

Subsequent amendments and legislative measures have further shaped power dynamics in Pakistan's federal system. These amendments, while building upon the principles of the 18th Amendment, have also introduced new complexities and tensions. For example, debates have emerged regarding the distribution of financial resources between the federal and provincial governments, with concerns raised over the adequacy of fiscal transfers and revenue-sharing mechanisms (Malik, 2013, pp. 275-297). In evaluating the effectiveness of constitutional reforms in addressing provincial grievances, it is essential to consider their impact on governance, service



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delivery, and socio-economic development. While the 18th Amendment represented a significant step towards devolution and provincial empowerment, its full potential has yet to be realized. Challenges such as capacity constraints, administrative bottlenecks, and inter-provincial disparities continue to impede the effective implementation of devolved powers (Qureshi, 2015, pp. 301-323). Furthermore, a comparative analysis with other federal systems provides valuable insights into the strengths and weaknesses of Pakistan's federal structure. By examining the experiences of countries with similar federal arrangements, policymakers can identify best practices and lessons learned for improving governance and intergovernmental relations (Khan, 2017, pp. 123-145). Overall, constitutional reforms have been instrumental in reshaping power distribution and federal-provincial dynamics in Pakistan. While the 18th Amendment and subsequent amendments have laid the groundwork for greater provincial autonomy, sustained efforts are needed to address challenges and ensure the effective functioning of the federal system. Through continued dialogue, collaboration, and reform, Pakistan can navigate its federalism journey towards greater inclusivity, accountability, and development.

#### **V. Provincial Autonomy and Inclusive Governance**

Provincial autonomy and inclusive governance are integral components of Pakistan's governance framework, with implications for regional development and democratic participation. This section explores the conceptualization of provincial autonomy, its role in fostering inclusive governance, and the relationship between provincial autonomy and regional development.

The conceptualization of provincial autonomy in Pakistan revolves around the idea of empowering provincial governments to make decisions and enact policies that are tailored to the specific needs and aspirations of their respective regions. Provincial autonomy encompasses a range of powers, including legislative authority, fiscal autonomy, and administrative independence. It is grounded in the principles of decentralization and subsidiarity, aiming to devolve authority from the central government to the provinces in order to promote effective governance and local accountability (Khalid, 2018, pp. 45-67). Provincial autonomy plays a crucial role in fostering inclusive governance by allowing for greater representation and participation of diverse stakeholders in the decision-making process. By decentralizing power to the provincial level, autonomy enables provincial governments to better respond to the needs and preferences of local communities, including marginalized groups and minorities. Moreover, provincial autonomy

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facilitates bottom-up approaches to governance, encouraging grassroots participation and enhancing the responsiveness of government institutions to the needs of the people (Raza, 2016, pp. 89-104).

## **Provincial Autonomy and Regional Development**

### **1. Case Studies**

Several provinces in Pakistan have leveraged their autonomy to pursue development initiatives tailored to their specific socio-economic context. For instance, the Khyber Pakhtunkhwa (KP) government has implemented various reforms aimed at improving education, healthcare, and infrastructure in the province. Through initiatives such as the Education Emergency Plan and the Health Sector Reform Strategy, KP has sought to address longstanding challenges and promote inclusive development (Ali, 2020, pp. 120-135).

Similarly, the Punjab government has undertaken measures to promote economic growth and enhance the quality of life for its residents. Initiatives such as the Punjab Growth Strategy and the Punjab Spatial Strategy aim to stimulate investment, create employment opportunities, and improve urban planning and infrastructure. By prioritizing local development needs and harnessing provincial resources, Punjab has made significant strides in advancing regional development (Khan, 2019, pp. 210-225).

### **2. Challenges**

Despite the potential benefits of provincial autonomy, its effective implementation faces various challenges. One such challenge is the issue of capacity constraints, particularly in less-developed provinces where institutional capacity may be limited. Additionally, intergovernmental conflicts and coordination issues can hinder the smooth functioning of decentralized governance structures. Moreover, fiscal constraints and resource disparities between provinces pose challenges to equitable development and the provision of essential services (Hussain, 2017, pp. 345-360).

Provincial autonomy can play a crucial role in fostering inclusive governance and promoting regional development in Pakistan. By empowering provincial governments to make decisions and implement policies that reflect local needs and priorities, autonomy contributes to greater democratic participation, accountability, and responsiveness. However, challenges such as capacity constraints and intergovernmental conflicts underscore the need for continued efforts to

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strengthen the institutional framework for decentralized governance and ensure equitable development across all provinces.

## **VI. Conclusion**

From the inception of the 1973 Constitution to the transformative effects of the 18th Amendment, constitutional developments have shaped the distribution of power between the federal government and the provinces. We have analyzed the challenges and opportunities associated with these reforms, including debates over centralization versus decentralization and conflicts over resource distribution. Looking ahead, the implications of these constitutional developments for the future of federalism in Pakistan are profound. While the 18th Amendment represented a significant step towards greater provincial autonomy, its full potential has yet to be realized. The effectiveness of devolved powers in addressing provincial grievances and promoting inclusive governance remains contingent upon overcoming challenges such as capacity constraints, administrative bottlenecks, and inter-provincial disparities. Furthermore, the sustainability of federalism in Pakistan hinges on fostering greater intergovernmental cooperation, strengthening institutional frameworks, and ensuring equitable development across all provinces.

To advance our understanding of federalism in Pakistan and inform future policy decisions, further research is needed on several fronts. First, empirical studies examining the implementation and impact of constitutional reforms on governance, service delivery, and socio-economic development at the provincial level would provide valuable insights into the effectiveness of devolutionary measures. Second, comparative analyses with other federal systems can offer lessons learned and best practices for improving intergovernmental relations and promoting inclusive governance. Third, the theory and practice difference, in the absence of any strong governing system, may also be looked into carefully. The way devolution term is quoted for efficiency may not be practical in the ground conditions and may lead to further complicate and aggravate departmental and institutional efficiency. Additionally, policy implications arising from these findings should be carefully considered by policymakers to address the challenges and opportunities associated with federalism in Pakistan.

Constitutional reforms have reshaped the dynamics of federalism in Pakistan, with implications for governance, democracy, and regional development. By critically examining the key findings, implications, and recommendations outlined in this article, policymakers and stakeholders can

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work towards strengthening federalism and fostering inclusive governance for the betterment of all provinces in Pakistan.

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