

Provincial Demands for Self-rule and Shared-rule under the 18th Amendment in Pakistan: An Assessment

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ABSTRACT

This study analyzes the development in the two basic concepts of federalism by Daniel Elazar: self-rule and shared rule in Pakistan, after the implementation of 18th amendment. These federal concepts would remain the main concern of the present study. This paper has analyzed the expansion as to what extent the 18th amendment has fulfilled the requirements of self-rule and shared rule in Pakistan. The two federal conceptions were the set parameters to approach the 18th constitutional amendment in Pakistan. This historical amendment has converted the entire federal political system to one decentralized and participatory. The federal system was highly centralized and less participatory before the amendment. It has redesigned and updated the entire federal set up. It is a provincial liability now to get an advantage of giving opportunities and enjoy proposed benefits set up by their historic demands by constitutional arrangements. It is recommended on the basis of the findings that federal and provincial authorities should keep the said changes and restore the real federal spirit of the constitution by exercising the proposed changes in the constitution on provincial demands by the federal government.

Keywords: *Federalism, Self-rule, Shared-rule, 18th Amendment, Participatory Federalism, Decentralization*

Introduction

Federalism is a constitutional arrangement used to manage ethnic diversity in multiethnic and multilingual states. It harmonizes the relationship between the federation and its component units. Dicey has defined federalism as a political device intended to bring together a nation and its diverse groups provided some constitutional rights. TakenaTamuno (1998) elaborated federalism, as a politically established government where subunits share power with cooperation. In a federal political set up diversity will maintain and organize with the consensus of all ethnic groups. Many political scholars considered federalism as a binding agent which may be the cause that assembles the scattered ethnic population in a state (Ario, 2003).

A federation can only emerge under some specific situations, like: common economic benefits and a fear of a stronger neighbor. The desire for unity comes from the groups. Being the part of a union, the groups consider their regional autonomy to be integral. Federalism, hence, is a sense of equality and autonomy, but with integrity. According to William Ricker, a constitution can be called federal if it has few prominent features of multilevel governments: democracy, rigid constitution, and bicameralism. The government at each level has autonomous territory.

The US is known as the first modern state which adopted the federal political system in the 18th Century (Ricker, 1964). The federal idea developed and proliferated after the Second World War. Nevertheless, many countries started implementing the federal features in the 20th Century. Consequently, at present approximately 28 states have adopted federal features and have an accommodation of 40% of the population.

In Sub-continent, all Indian groups were immersed in a colonial system, with in which, many constitutional reforms or Acts were brought under consideration by the British Monarchs, i.e. 1862,1893,1909,1919 and 1935. The British government had introduced federal features in several Acts. The allocation of power to the local community might have been restricted yet it was seemingly significant. The Acts offered by the British in India were not, however, acceptable to the Muslims. Resultantly, the struggle for their political rights persisted. The Muslims and the Hindus, both demanded provincial autonomy in the British India. Mr. Nehru, a Congress leader on his famous report in August of 1928 demanded a centralized system. Mr. Jinnah, conversely, demanded a federal political system in his Fourteen Points as were presented on March 28, 1929.

Hamid Khan (2012) pointed out in his faous book, that the series of Acts from 1858 to 1935, was in fact introduced by the British to satisfy the Indians and their demands for autonomy and their representation in political institutions. The deprivation of the natives, nevertheless, continued despite all efforts. The situation ended with the division of united India into two separate autonomous states: Pakistan and India in 1947. After the emergence of these autonomous or separate sovereign states, the India Act 1935 was implemented albeit with little significant changes having emerged in the newborn states of Pakistan and India. The constitutional process started in Pakistan with the formation of a constitutional reform committee that finalized few objectives in March 1949. The resolution was approved by the assembly and constitution-making process was initiated by the committee known as Constitutional Reform Committee (Khan, 2012, p.7).

This was delayed due to the absence of a consensus on language and representation issues. It created ten years of deadlock. The second constitutional committee completed the given task on 23rd March 1956. The first constitution was introduced with three legislative lists, a unicameral legislature; Urdu and Bengali as official languages were the prominent features (Shah, 1994, p. 44). The constitution remained implemented for a short time of two years. It was abrogated in November 1958. Ayub Khan took over and imposed martial law after occupying the office of the president, with a promise of the restoration of democracy. He implemented the new constitution with federal set up in March 1962. Two legislative lists, unicameral legislature, and the powerful president were the

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prominent federal provisions. The federal system provoked an authoritative federal system in the country. The whole federal system was led by the president although with an uncanny resemblance to a unitary system (Rabbani, 2011).

By now, a demand for provincial autonomy had started in the country. Mujeeb-ur-Rehman presented his six-point formula for the resolution of East and West conflict and a unique version of the presidential elections was introduced in the country although unacceptable to the political leadership. For the longest part, the Ayub regime was stable, however, upon a close inspection, littered with innumerable troubles. Political parties stood against the president and put forward their voices against one unit (Rabbani, 2012, p. 23).

The anarchic situation forced Ayub Khan to hand over the charge of the state to another military commander Yahiya Khan. The new commander imposed martial law and dissolved assemblies' (Khan, 2012, p. 77). Yahiya Khan abrogated the 1962 constitution and repelled the one- unit system. He announced elections in October

1970. The historic election results were quite interesting as no political party was able to occupy a majority of seats in the country.

The problematic situation escalated and resulted in the separation of the Eastern part of the country on December 1971. After the failure in the East wing, Yahiya Khan resigned from his office and handed the government office over to Zulfiqar Ali Bhutto. The newly appointed president Bhutto introduced the third constitution and it was implemented in 1973. This constitution was then suspended on July 5th, 1977 by General Zia after the suspension of the Bhutto's government. The federal system, bicameral legislative assemblies, and separation of power were redesigned (Sabri, 2002, p. 27). The 8th constitutional amendment and Article 58 (2) b constitutionally empowered General Zia. The MRD started from the Sindh region for the retrieval of the democratic political system under the chairmanship of Benazir Bhutto and General Zia's long regime ended in 1988 after his demise.

Even after his passing, the 8th amendment in the Article 58 (2) part (b), introduced by Gen. Zia-ul-Haq were repeatedly imposed by different presidents in political history of Pakistan. Under this Article both Benazir and Nawaz Sharif lost their democratic governments in 1990, 1993, 1996 and 1999. In 1999, Martial Law was again imposed and General Musharraf took the presidential office and amended the constitution.

The 17th amendment modified the constitution that was not acceptable to the political parties, hence the political leaders decided to take a stand against this dictatorship for the restoration of democracy. Both the 8th and 17th amendments had simultaneously strengthened the President's office. These amendments were misused against representative governments (Khan, 2012, p. 498). Ex premiers Benazir Bhutto and Nawaz Sharif during their exile met in London and mutually agreed for democratic restoration in 2006. General elections 2008 were held and Pakistan People's Party claimed the majority in the center. After the assassination of Benazir Bhutto, Asif Ali Zardari was nominated as the president of the country through a legal process after the elections. An abolishment of 8th and 17th

amendment from the Constitution might have been the intention of the new elected president.

In April 2010, the PPP government with the consent of all political parties presented the 18th Constitutional amendment proposal in the parliament. On 19th April 2010, President Asif Ali Zardari approved the bill. It was no doubt a historic amendment because it had re-introduced the concept of a lax Federal government in the country (Rabbani, 2012, p. 13). This research article addresses the post amendment scenario of Pakistani federation with regard to two of the key federal concepts: self rule and participatory rule. This study serves as an investigation about the extent to which the proposed goals have been achieved in the post amendment political scenario of the nation regarding Provincial requirements of Federal concepts.

Self-rule and Shared-rule Demands

Daniel Elazar has defined federalism that based on two demands: self-rule, and shared rule. Federal countries adopt these features to accommodate their within-country ethnic diversity. In the 21st Century, modern nation-states face the problematic scenario of rising acts of acclaims from the regional groups for their identity preservation, right to self-rule, and ownership in the financial and natural resources of the countries. Since the modern federal states have more responsibilities to deal with i.e. global issues, hence the policy making is being shouldered by the regional units, resulting in the transfer of not only duties but power from the federal to regional. The Federal units have showed willingness in providing a participatory chance to its provinces in the key federal constitutional institutions.

Conversely, the regional federal units in various federations, regardless of any consideration to the developed or under developing status of the nations, are demanding more autonomy and representation in policymaking processes. In the changing scenario, the states are allowing them to work in health, education, environment, transportation, and energy sector. Nevertheless, this is considered as “too little to do” and the issue remains: “more autonomy with more representation”. The federal government and component units legislating mutually on political, fiscal and administrative affairs, is known as a ‘Shared rule’. The federal along with their regional authorities discuss policy matters on financial issues, natural resource distribution and human development agenda with dialogue for further legislation on such issues. All the federal states have made different constitutional arrangements according to their geography and intrastate circumstances. In case of Pakistan, the demand for political autonomy and participation in all governmental affairs has a longstanding history accentuated with the negligence of political and nonpolitical governments.

Self- rule Demand: Major Developments after 2010

The centralized political system, economic injustice, and prospects of prosperity were narrow and rigid in Pakistani Federalism and the demand for provincial autonomy rose by the federating units not long after the inception of the state. The abolishment of the concurrent legislative list (CLL), substantial share in natural and financial sources was the major demands by the federating units in different eras. The federation remained unsuccessful in settling the problematic provincial issues and grievances due to political instability and recurring successful attempts

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at disrupting the democratic governments in Pakistan. The Bengali nationalism culminated in the form of division of the country in 1971. This cessation had few grievances: for example, Jute income was considered as being spent on the development of Western Pakistan and the second grievance being: the Kashmir conflict.

The very significant agenda of foreign policy, military expenditures, and economic resources was also added in the grievances later on. This expanded the political sway of the parties from West Pakistan. This influence was later exploited in the form of military advancement over illegal charges. Baloch Nationalists also started movements and showed their reservations on oil, gas, and mineral resources. According to these nationalists, the Federal government occupied resources for their own selves alone. Nationalists also criticized the oil and gas royalty policies forced by the federal government.

The Saindak (Cu) mine case was one such case where the federal government had lost its finances in two decades. Reckodeq deposited resources worth 65 billion dollars to be completed in the next 30 years with an annual deposition of 2 billion dollars, however, in return, a royalty income of approximately 20 to 40 million dollars per year had to be repaid. Many countries rich with Natural resources of Latin America and Africa remain less developed. However, in the Pakistani context, Baluchistan is flourishing. Pakistan has taken steps to reap the benefits of the presence of minerals in the area of Balochistan. This has supported the growing National economy.

The demands of the provinces can be summarized in three domains: Economic, Legislative and Governance. The 18th amendment has managed to fulfill all three demands by abolishing the CLL and transferring 17 ministries from Federal government to its regional units. Many federal concerns such as oil, gas, estate duty, excise duty, and duties on the property were transferred to the provinces under the 18th amendment (Rabbani, 2011). After the 18th amendment, the provinces have attained more relative autonomy. The seventeen ministries handed over to the provinces came with governing and legislative powers. They have the authority to generate more funds for the human security and energy sector and can get foreign loans with some terms and conditions along with the negotiations of the federal government.

i. Article 38 - Social and Economic Salvation

It included a new paragraph (g) about the provincial quota in federal services. It also added the self-governing bodies. Corporations under the federal jurisdiction would be secure.

ii. Article 156 –NEC

The added amendments would ensure balanced development for equity.

iii. Article 161 – Natural Assets

The 18th amendment entails that the gas and oil royalties once received by the federal government remain no longer a federal liability and neither is it a Federal duty to receive them. They shall be paid to the province from where the said resource were collected (Zaheer, 2016).

iv. Article 167 – International Loan

A new clause, Clause -4, was added which allowed the provinces to apply for international loans.

v. Article 172 – Auditor General Reports

The amendment included a provision that minerals, oil, water and gas within the specific province shall be invested evenly in that province and the federal government.

The amendment transferred few enlisted subjects of FLL- I (where control is strictly exercised by the federal government) to Part- II (where CCI would advise) including: electricity, major ports, population census, national plans and national monetary coordination, medical and other professions, standards in higher education institutes, research, and scientific. Other than some jurisdictions from CLL and FLL-I those transferred to FLL-11. The CLL was abolished and the provinces got the authority over a few matters of sales tax on services, duties in progression to property, and estate duties in a property back to themselves.

2: Shared -rule Demand and Major Developments after the 18th Amendment The demand for participatory arrangements by the federal authorities along with the self-rule demand remained problematic. It had badly ruptured the federal constitutional arrangements and created a dissatisfactory situation and raised grievances in the country. The shared rule demands enhanced by taking some major steps like NEC, CCI, NFC and Enhanced Role of Senate of Pakistan.

I. National Economic Council(NEC): An Assessment

The 18th Constitutional Amendment to the 1973 Constitution has brought significant changes to the democratic governance system in Pakistan. Some changes were also brought in the National Economic Council (NEC). Three more clauses were added in the NEC about the affairs of NEC in Article, 156. These clauses now “enable provinces to demand the NEC meetings, decide the frequency of and quorum for NEC meetings. It also enables the provinces to lay down the requirement to submit a report once in a year to the parliament.

- The president shall establish an NEC which shall comprise of the Federal and Provincial members. The Prime Minister would be the head of the NEC. The provincial CMs and a member of all federating units for the four members will be selected / Nominated by the Prime Minister.

- The NEC shall be responsible for monitoring the whole economic situation in the country. It can advise the governments to make plans that are interconnected with the financial, social and economic policies. The NEC will ensure regional equity under Chapter 2 of Part-II while finalizing any policy plan (Zahid, 2013).

- The chairman will call the meeting of NEC or on a request made by 50% of the CCI members.

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- The NEC will meet twice per year.
 - The NEC meetings quorum shall be 50% of its total membership.
6. The CCI shall present its annual report to parliament. It would be accountable to parliament (Abbassi, 2014).

II. The NFC Awards: Post 18th Amendment Announcements

The Amendment under discussion has introduced major and significant changes in the entire governance process under the constitutional protection. It also has deep impact on intergovernmental fiscal transfer. According to the present constitution, the Federal government had authority under the FLL-4th schedule, Article 70(4) to levy a sales tax.

Article 142 (c) of the constitution allows provincial assemblies to constitute laws on a matter not listed in the FLL. The sales of services completely fall under the provincial governments' jurisdiction. The Amendment explicitly legitimizes provinces to impose sales tax on services as mentioned in the FLL (Sabir, 2014). The sales tax on services is now a provincial duty (Choudhry, 2013). The Amendment 2010 also deleted duties regarding "sequence to property" and Estate duty from the FLL in the spirit to guarantee that tax on the property is only a provincial subject.

The 18th constitutional amendment obliterated the CLL, formerly a part of the 1973 constitution. The CLL that comprised of forty-seven items was now abolished and few matters were transferred to the provinces. However, certain concerns, such as electricity, legal, medical issues and standards in higher education are a part of the FLL Part- II. Few major issues are also delegated under the Amendment like education, population arrangement, health, labor, pollution, and ecology. Prior to the Amendment, these matters were a part of CLL and both federal and provincial governments could play their part in the delivery and financing of these services. However after April 2010, the federal government started a gradual transfer of responsibilities to all provincial governments (Khan, 2011).

- Fiscal powers
- Decentralization in practices

A valuable change brought to Article 160 concerned the constitutional provisions for the NEC stating that provincial share in next NFC shall decrease then a given share to the provinces in the earlier Award. The 18th Amendment specifies that the 8th NFC Award cannot lessen the share of provinces from present 57.5 % of the dividable pool (Sabir, 2014).

The foreign loan facility to the provinces was formerly routed through the Federal Government Economic Affairs Division. There have been concerns about unwieldy measures involved in the sanctioning of these loans. The federal government charges higher interest rates. The 18th Amendment provides the facility to the provinces to borrow foreign loans. Article 167 (4) states, that the provinces can utilize any local or international financial assistance. It is also

guarantees the Provincial Consolidated Fund remains checked by the limits. The subject to such settings would be specified by the NEC.

Issues with the 8th NFC:

The 7th NFC fiscal plan successfully resolved many imperative issues that were associated with intergovernmental monetary affairs. However, that was represented before 2010. Meanwhile, the 8th NFC fiscal sketch decided matters which were related to the expenses of delegated functions.

A recent development suggested in the 8th NFC was the federal government's commitment to the IMF on the budget deficit of the four provinces. The Pakistani government signed a memorandum on economic and financial policies for 2013/14–2015/16 with the IMF. Upon CCI investigation, it was exposed that the federal government after discussion with provinces, had determined that provinces would be granted the minimum rate of return amount of surplus at the latest T-bills rate, to be kept for three months. After this verdict, the federal government distributed 3.865 billion rupees from 2013 to 2014 as an incentive, among provincial surplus. The KP and Balochistan were chiefly benefited from this decision. This decision also clarified the growing budget surpluses at provincial levels (Khan, 2011).

Resultantly, this helped in minimizing the total budget deficit in the country. This turned out to be in direct contrast to the spirit of the 7th NFC Award which had aimed to increase the level of development spending at the provincial level. It was obvious that the federal government was trying to enhance current and development expenditure instead of curtailing the Federal budget deficit. Under the 18th Amendment, the financial implications for the provinces include,

- Wage bills
- Pension liabilities
- Maintenance costs

Several undergoing projects associated with devolved ministries or subjects, transferred to the Federal units (Sabir, 2014). However, the issue of financial support remained unresolved. Hence, the provinces could not continue the execution of these projects. A CCI meeting, held on April 28, 2011, publicized the following decisions:

- The federal government will keep on funding higher education till the next NFC Award due in 2014-15.
- The federal government will continue to support in the health and population sectors.
- Provinces shall continue to support all projects, either functional or ongoing, with in their territory; except those being executed under the directives of the President and Prime Minister.

The total cost of these projects devolved to the provinces, was around 108 billion rupees. The profit on these projects, not to be collected until June 2011, was 40 billion rupees; comprising of a throw forward of Rs 68 billion. The provinces had an option to continue these projects according to their own set priorities (Khan, 2011).

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A study of provincial development projects of 2011-12 and 2012-13 determined that most of the projects initiated in the provinces of KP, Punjab, and Balochistan were sustained. These development projects incorporated into their respective ADPs. The total cost of those projects that were stopped amounted to 20 billion rupees (Khan, 2011). An amount of 3 billion had already been expended on these projects, leading to a bleak economic scenario. In the province of Sindh, however, the devolved projects did not appear to have been included in the ADP as regular schemes.

Encouragement of Federal governmental units in accumulating taxes within their jurisdiction is a prime fiscal issue in Pakistan. Stimulation of economic growth might require a sole focus on developmental expenditures rather than contemporary expenses. The official estimate of provincial GDP is not available. The index below comprises of the following steps:

- The revenue receipts provincial proportion to its total income expenses deducted for a base year as well as for the mentioned period.
- A relative proportion of all Federal units is computed by dividing province-wise value with the aggregated value of all provinces.
- The relative ratio of the reference year is used to calculate the performance of attribution in the fiscal discipline regarding other provinces.

For the 8th NFC agenda preparation, some of the policies were taken from the 7th NFC award. The Article 161 part (2) of the constitution elaborated that the Central government would earn a profit from hydroelectric stations and shall, in return, pay back to the province in which the said hydroelectric station is located. (Sabir, 2014). Under this constitutional provision, the Federal government paid profits on hydroelectricity to Khyber Pakhtunkhwa. The profit from the hydroelectricity is ad- hoc and remains static at the amount of Rs6 billion on an annual basis.

The KPK government had objected to this ad- hoc calculation and instead demanded a settlement. The 7th NFC Award accepted the KPK's claims of 100 billion rupees and decided to pay these dues in the form of four installments with 25 billion rupees per installment. As per the orders of the 7th NFC Award, the Federal government paid this amount annually.

8th and 9th NFC Awards: An overview

The 7th NFC plan expired on June 30, and the Federal government had formally sent a summary for its expansion onto the next financial year in order to provide a legal cover to the provincial shares as were decided in the federal budget for 2015-16. The provinces had been well informed about their fixed shares for the coming year in the Federal budget and was approved by the Parliament. The provinces had made their budget based on the previous 7th NFC award.

Chief Minister of Sindh demanded from the Prime Minister, an extension in the 7th NFC Award for the next three months in order to guarantee the finalizing of the 9th NFC Award, not to be introduced until Sept, 30th. The reconstituted 9th NFC had conducted its first meeting and the committees required time to complete their planning and negotiations. It is a constitutional requirement to expand the

previous award for a distribution of divisible pool taxes until consent is attained for the new award. (Sabir, 2014)

The present 7th NFC Award has provided financial autonomy to the provinces and strengthened them via an increased ratio of the shares in the divisible pool. It rose from 50 % to 56% in the fiscal year of 2010-11 and 57.5% from 2011-12 and onwards. The 8th NFC was presented on July 21, 2010, however, no awards were announced. The 9th NFC constituted on April 24, 2015, held its first meeting on April 28, 2015. It was decided to formulate four working groups for thematic studies and suggestions were submitted to the commission. The decision entailed 7th NFC to be kept active until the announcement of 9th NFC Award. The provincial share in the divisible pool was announced in the next Federal budget for the period of 2015-16 (Khan, 2011).

In the first meeting of the 9th NFC that was held in Islamabad on April, the provinces collectively demanded an increased share in divisible pool. The Federal government accepted on the following conditions:

- War on terror
- Natural disasters (flood, Earthquake, etc)
- Requirements of special areas (AJK, GB, and FATA)

Balochistan expressed certain reservations regarding the 9th NFC on the basis of negligence towards the increased population ratio while distributing taxes among the Federating units. Meanwhile, the most populated province of the country: Punjab, had made it very clear that it should not be expected to give more sacrifices as it had made in the 7th NFC Award (Khan, 2011). After the 18th constitutional amendment in the constitution, it can be said that the CCI is now very much functional regarding matters of titanic importance such as energy, research, higher education, hydroelectric issues, census, railways, oil, gas, ports, water, industry, intra-provincial and federal-inter-provincial issues and all other matters listed in federal legislative list part -11 (Zahid, 2013).

The provinces have equal rights as the federal government, in the composition of the CCI. The Federating units are now empowered to make or participate in policy making processes. The council is free to choose discussion matters and in the decision-making processes. No other forum is authorized to work on the issues listed under the jurisdiction of CCI. The CCI remains the loftiest platform where consensus can be made and important matters discussed and resolved without harming others' interests (Abbasi, 2014).

The Punjab is the only federal unit that has established a "Planning and Development Board". Sindh, Balochistan, and KPk also later established their own respective planning and development departments. The transfer of the power to the subjects under this amendment has swamped provinces with vital and central issues of: education, environment, women's affairs, youth, tourism, and health.

3: The NEC Role

The main focus of the amendment was to charge the provinces with greater responsibilities in the planning and development sectors. That was required in order to guarantee a proper investment in human resources. The provincial fiscal

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position strengthened under the amendment. The provinces now have a right to apply for domestic and foreign loans by the prior consent of the NEC. The provinces are now capacitated to collect the entire revenue increase through an excise duty on natural resources. In the coming years, the NEC will not be empowered enough to inaugurate awards that can reduce the combined share of the provinces in the Central Divisible Pool. This entails that the amount allocated to the provinces in 7th NFC Award has already been fixed. They do however, have a liability to change the share percentage allocated them. Collection of duties and taxes on multiple services is now a provincial duty. Similarly the control over natural resources on the part of the provinces has been improved. They are also given a right to collect levy taxes on several services (Khan, 2011).

Enhanced role of Senate as Shared-rule Platform under 18th Amendment:

The democratic institutions in Pakistan like Senate and National Assembly empowered by the 18th amendment. It was indeed a remarkable achievement and contribution of making Pakistan a true federal state. The amendment has given a power to both houses about referendum about the primer of the country through a joint decision prior to the amendment both houses were restricted for the practice of the referendum.

The present has restricted to pass the bill within 10 days while it was 30 days in practice before 18th amendment. Parliament also authorized by allocating an authority that after emergency declaration by the president in country, it will be necessary to bring the matter in parliament for legislation for further approval. Besides these such powers, parliament has also have a major role in the appointment of judges and chairman election commission of Pakistan.

After implementation of 18th amendment the President bound to submit report on principles of policy before the both houses of parliament, before this practice the president was supposed to present a report to the lower chamber only. The working days of senate increased from 90 days to 110 days for making it more progressive. The supremacy, authority, influence and jurisdiction of the democratic institutions of state have been tried to enhanced after the 18th amendment, that has truly helped to strengthen the institutions for good governance and services delivery to its citizens.

The amendment is no doubt an effective step towards “participatory decentralized federalism” in a country that was once plagued by mere insignificant changes in the constitution. The 18th amendment, in this context, has been a harbinger to major historic decisions through which, the center-province good relationships would change the entire Federation of Pakistan. The provinces are given, in a nutshell, autonomy in: executive, legislative, administrative and fiscal affairs.

This was intended to enhance cooperation among the provinces leading to a strengthened spirit of the nation. The policies, programs, and planning about service delivery in the social sector has been handed over to the provinces. The Federal Planning Commission is no longer authorized to make any plans on development projects without the prior consent of the Provincial Planning Commissions and NEC.

Conclusion:

The dogmatic foray did not allow democracy to flourish in Pakistan. The 18th amendment served as a decisive tool that would help in strengthening democracy in the country. The amendment under discussion has provided a way to conduct Local Government elections. The local governments are now a subject matter of Provincial governments that will fortify the democratic system at the foundation level in the country. The amendment being analyzed in this paper has plenty contributed in devolving of numerous subjects, institutions, and institutional responsibilities to be handed over to provincial governments. The provincial authorities are now expected to improve their faculties and capabilities to keep their autonomy via the responsibilities allotted to through this democratic decentralization. This devolution plan of 2011 faced two major problems:

- The provinces were operating under a highly centralized bureaucratic system and lacking accountability at the grass-root level.
- The provinces needed to modernize their technical and political competency in order to adeptly exercise their new powers and functions.

The governance process has three tiers in the country which remains the basis of economic equity in Pakistan i.e. federation, provinces and local districts. The process of fiscal equalization started at the federal level with the announcement of the 7th NFC Award. Significant improvements could only be attained by placing provincial and district economic commissions under provincial jurisdictions. The provinces ought to introduce a revised fiscal formula that may subsequently repeal the structure of inequity at regional, district, tehsil and union council levels. The 18th constitutional amendment introduced a structural re-engineering at the provincial-level in five key areas:

- Legislative improvement
- Institutional re-ordering
- Redirecting planning and programming
- New fiscal scenario
- Optimizing the provincial autonomy through sensible engagement with the shared farm duties forums, i.e. CCI, NEC, and NFC.

The amendment has re-established the relationship between the federation and its units. Generally, the impact of the 18th amendment on self and shared imperative can be analyzed in three categories.

- The transfer of the power, authority, and re-allocation of multiple subjects and liabilities with some notable issues that remains unresolved for example non-transfer of assets and institutions. These concerns need to be addressed on top priority. The role of the Senate special committee about devolution is imperative. The IPC as the secretariat of the CCI performed well in distributions and maintenance. It should come with a clarification of the fears being expressed by the provinces. The CCI and the NEC role is significant. The decentralized process has a few growing problems.

- It requires extensive insight and interest among all stakeholders to understand the real spirit of the amendment. It is also important to understand constitutional institutions and planning and law reform agendas. For this purpose,

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training programs for the civil servants about to assume these responsibilities shall be arranged. The citizens, civil society, academia, and media shall be devised to comprehend the amendment. They should also play a catalyzing role to enhance interpretations.

- In order to achieve the foundation mark of good governance and completion of a lay man's expectations, a well-designed framework was required for the absolute expression of 18th amendment. A practical provincial role necessitates the conversion of the political system into a participatory federation. The provinces must comprehend and utilize the new federal institutional shift. The provinces should also channel devolution spirit down to the grass root levels of: districts, tehsil, and union Councils for the improvement of service delivery to the masses.

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