

FEDERALISM IN TRANSITION: EVALUATING PAKISTAN'S EIGHTEENTH AMENDMENT BETWEEN AUTONOMY AND GOVERNANCE CHALLENGES

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ABSTRACT

The Eighteenth Amendment, passed in 2010, represents the most far-reaching constitutional reforms in Pakistan since 1973. It abolished the Concurrent Legislative List, devolved numerous subjects and ministries to provinces, and curtailed presidential prerogatives, thereby redefining the legal framework of federal-provincial relations. This critical review synthesizes primary legal texts, implementation assessments, and peer-reviewed and policy literature to evaluate both the amendment's legal architecture and its governance outcomes. While the amendment reallocated formal authority to provinces and opened institutional pathways for cooperative federalism, its practical impact has been uneven. The provinces received expanded responsibilities without fully matched fiscal transfers, and administrative and legislative implementation gaps limited service-delivery improvements in several devolved sectors. The paper argues that legal devolution outpaced the transfer of resources and capacity, producing asymmetric outcomes across provinces and policy areas. Building on government documents, World Bank and UNDP evaluations, and Pakistan-based policy analyses, the review concludes with focused recommendations to strengthen the National Finance Commission process, harmonize residual competences, and institutionalize intergovernmental dispute-resolution mechanisms to make provincial autonomy operational.

Keywords: Federalism, Transition, Autonomy, Concurrent Legislative List, Presidential Prerogatives, Federal-Provincial Relations

INTRODUCTION

BACKGROUND OF THE STUDY

Pakistan's constitutional development has been characterized by an uneasy balance between central authority and provincial autonomy. The 1956 and 1962 constitutions, while formally federal, entrenched central dominance and left provinces with limited space for self-rule. This pattern was reinforced during subsequent authoritarian interventions, where presidential authority expanded and parliamentary sovereignty weakened. The Constitution of

1973 was enacted with the goal of creating a more equitable federal government (Azra Amir J. A., 2025). Although it sought to restore parliamentary federalism and provide stronger provincial representation, its promise was repeatedly undermined by political instability, military rule, and central encroachment on shared domains. These recurrent distortions produced lasting grievances, particularly among smaller provinces, and framed the enduring

tension that culminated in the constitutional reforms of the Eighteenth Amendment.

SIGNIFICANCE OF THE STUDY

The Eighteenth Amendment occupies a pivotal place in Pakistan's federal journey. Over a decade since its adoption, it continues to generate debate. The provinces may hold wider constitutional powers, yet questions endure over fiscal sharing, administrative readiness, and the balance between federal and provincial authority. Examining these issues is essential not only for judging the strength of Pakistan's democratic institutions but also for drawing lessons for other federations that experiment with devolution under fragile political circumstances. Its impact is especially visible in sensitive sectors such as education, health, and natural resources, areas that directly shape social welfare, economic progress, and political stability.

RESEARCH PROBLEM

Although the amendment promised a profound restructuring of the federation, its translation into practice has been uneven. Provinces inherited a larger set of functions, but the fiscal flows and institutional arrangements needed to support this transition often fell short. This disconnect between constitutional ambition and governance performance defines the central research problem, raising the questions of how, why, and to what extent the 18th Amendment has bridged, or failed to bridge, the gap between law and lived governance.

RESEARCH QUESTIONS

The research finds answers to the following questions:

1. To what extent did the 18th Amendment alter the federal structure in Pakistan?
2. How have fiscal, administrative, and political constraints shaped its implementation?
3. What lessons can be drawn for strengthening cooperative federalism in Pakistan?

METHODOLOGY AND SCOPE

This paper employs a critical literature review approach, synthesizing secondary sources

including constitutional texts, parliamentary debates, government reports, and evaluations by the World Bank, UNDP, and Pakistani think tanks such as PILDAT. The peer-reviewed scholarship provides theoretical grounding, while select press coverage informs recent developments. The scope is limited to the post-2010 federal-provincial relations, with emphasis on fiscal federalism, governance capacity, and political dynamics.

THEORETICAL LINKAGES

Political science literature offers valuable conceptual tools for interpreting Pakistan's federal trajectory. William Riker's theory of federalism (1964) posits that federations are formed as bargains between central authorities and regional elites, with their endurance relying on the provision of mutual benefits and credible guarantees. The 18th Amendment in Pakistan reflects precisely such a bargain between the central government and the provinces. The provincial elites pressed for autonomy in exchange for their continued commitment to the federation, while the center maintained control over defense, foreign affairs, and currency.

Similarly, Ronald Watts' comparative framework on federalism (1999) draws a distinction between federations that prioritize self-rule and those that stress shared rule. Pakistan's constitutional reforms have leaned heavily toward self-rule, granting provinces greater autonomy. Yet, unlike Canada's cooperative arrangements or Germany's shared institutions, Pakistan has not developed robust mechanisms of shared rule that could mitigate the risks of fragmentation.

From a normative perspective, Elazar's notion of "federalism as covenant" (1987) emphasizes the significance of trust and partnership between different levels of government. Pakistan's ongoing climate of mistrust between the center and provinces highlights that constitutional amendments alone cannot secure federal stability; they must be reinforced through a sustained culture of cooperation, accountability, and mutual commitment.

HISTORICAL EVOLUTION OF FEDERALISM IN PAKISTAN (1947–2009) EARLY FEDERAL EXPERIMENTS (1947– 1971)

The formative decades of Pakistan's constitutional history were marked by repeated attempts to establish a workable federal system. The 1956 Constitution formally declared Pakistan a federation, yet in practice it reinforced central control. The subsequent 1962 Constitution, introduced by General Ayub Khan, replaced parliamentary federalism with a presidential model, concentrating extraordinary powers in the presidency. Provinces were left with minimal autonomy, and East Pakistan in particular perceived economic and political exclusion. The growing sense of marginalization in the eastern wing culminated in the secession of 1971 and the creation of Bangladesh, a watershed that exposed the dangers of excessive centralization.

THE 1973 CONSTITUTION AND ITS PROMISE

In the aftermath of partition and disintegration, the 1973 Constitution represented an effort to rebuild the federation on parliamentary lines. It created a bicameral legislature, strengthened provincial representation through the Senate, and distributed competences via Federal, Provincial, and Concurrent Legislative Lists. The arrangement sought to balance national unity with autonomy for provinces. Yet emergency provisions and the scope of the Concurrent List ensured that the federal government retained significant leverage, leaving the constitutional promise of balanced federalism contested from the outset.

DISTORTIONS UNDER AUTHORITARIANISM (1977–2007)

The military interventions of General Zia-ul-Haq and General Pervez Musharraf introduced constitutional changes that further tilted the federation toward central dominance. Zia's Eighth Amendment (1985) empowered the president to dissolve parliament, undermining parliamentary supremacy. Musharraf's Seventeenth Amendment (2003) consolidated presidential authority and reinforced federal control over fiscal and administrative spheres.

During these decades, the Concurrent List became the main instrument of central intervention, as federal law prevailed in areas of overlap, limiting the scope of provincial decision-making.

PRELUDE TO THE EIGHTEENTH AMENDMENT (2008–2009)

The restoration of civilian rule in 2008 revived demands for genuine federalism and for restoring the “true spirit” of the 1973 Constitution. The political consensus began to coalesce around reversing authoritarian distortions and addressing provincial grievances, particularly those voiced in Balochistan and Sindh. The Charter of Democracy (2006), signed between the Pakistan Peoples Party (PPP) and the Pakistan Muslim League-Nawaz (PML-N), provided the blueprint for reform. By 2010, momentum for a far-reaching constitutional revision had crystallized, setting the stage for the passage of the Eighteenth Amendment.

KEY PROVISIONS OF THE EIGHTEENTH AMENDMENT

The Eighteenth Amendment, passed unanimously by the Parliament of Pakistan on April 8, 2010, stands as the most extensive constitutional reform since the adoption of the 1973 Constitution. It introduced over 100 changes to the Constitution, many of which directly impacted the balance of power between the federation and the provinces. The reform was driven by the imperative to restore the federal spirit of 1973, curb authoritarian distortions, and devolve governance to lower tiers.

The key provisions of the Eighteenth Amendment are discussed in the following headings:

1. ABOLITION OF THE CONCURRENT LEGISLATIVE LIST

The most consequential reform was the abolition of the Concurrent List, which previously enabled both federal and provincial legislatures to legislate on 47 subjects, with federal law prevailing in conflicts. By removing this list, authority over areas such as health, education, and social welfare was transferred

exclusively to the provinces, enhancing their policy-making role (Abbas, 2023).

2. DEVOLUTION OF MINISTRIES AND SUBJECTS

Seventeen federal ministries, including environment, labor, youth, and women's development, were devolved to the provinces. An Implementation Commission supervised the phased transfer to ensure coordination and administrative continuity (Khan, Federalism and Eighteenth Amendment, 2012).

3. STRENGTHENING PARLIAMENTARY SUPREMACY

The amendment also curtailed presidential authority by removing Article 58(2)(b), which had empowered the president to dissolve the National Assembly. This restored executive authority to the Prime Minister and Cabinet, reinforcing Pakistan's parliamentary democracy (Sidra Akram, 2019).

4. JUDICIAL APPOINTMENTS AND INDEPENDENCE

A new framework for judicial appointments was introduced through the establishment of a Judicial Commission and a Parliamentary Committee, intended to make the process more transparent and reduce executive dominance (Mahmood, 2019).

5. RECONFIGURATION OF PROVINCIAL IDENTITY

The renaming of the North West Frontier Province to Khyber Pakhtunkhwa symbolically recognized ethnic identity and met long-standing demands of Pashtun nationalists (Farzana Arshad, 2018).

6. INSTITUTIONALIZING INTERGOVERNMENTAL COORDINATION

The Council of Common Interests (CCI) was strengthened, with mandatory quarterly meetings to mediate disputes and promote cooperative federalism between the center and provinces (Irfan Khan, 2020).

7. FISCAL PROVISIONS AND NFC AWARD

Although the amendment did not directly restructure the National Finance Commission

(NFC), it reaffirmed its constitutional role in revenue distribution. Coupled with the 7th NFC Award (2009), it marked a fiscal breakthrough by increasing provincial shares of federal revenues (Shah, 2012).

GOVERNANCE OUTCOMES AND EARLY IMPLEMENTATION (2010–2014)

The Eighteenth Amendment was hailed as a milestone in Pakistan's federal evolution, yet its first five years revealed mixed results in converting legal devolution into effective governance.

ADMINISTRATIVE TRANSITION AND CAPACITY CONSTRAINTS

Though the Concurrent List was abolished and seventeen ministries devolved, many provinces lacked the bureaucratic infrastructure to manage new functions. The departments in health and higher education, for instance, struggled with regulatory oversight and policy formulation and without the proportional investments in human resources or fiscal decentralization, the service delivery suffered (Khan, Federalism and 18th Amendment: Challenges and Opportunities for Transition Management in Pakistan, 2013).

FISCAL FEDERALISM AND RESOURCE DISTRIBUTION

Fiscal Federalism is the division of governmental responsibilities and financial relationships among levels of government, typically between the federal and subnational governments (Azra Amir J. A., 2025). With the 7th NFC Award (2009/2010), provincial shares in the divisible pool rose from 47.5 to 57.5 percent (Yousafzai, 2024). This expanded resources and revealed imbalances. Many provinces had limited own-revenue generation, while federal obligations constrained national programs.

THE INTERGOVERNMENTAL COORDINATION THROUGH COUNCIL OF COMMON INTERESTS

The Council of Common Interests was re-energized by the amendment to facilitate dialogue between center and provinces. Yet, early years saw inconsistent meetings and political friction over energy allocation, higher

education, and natural resources. The lack of a political culture committed to cooperative federalism impeded steady progress.

SECTORAL EFFECTS: HEALTH AND EDUCATION

Provinces assumed control over curricula and health services following devolution. While Punjab implemented enrollment reforms and teacher recruitment, smaller provinces lagged due to institutional weaknesses and fragmented regulatory frameworks (Khan, Federalism and Eighteenth Amendment, 2012). National challenges, such as polio eradication and flood disaster responses, exposed gaps in coordination between provinces and the center.

POLITICAL OUTCOMES AND PROVINCIAL EMPOWERMENT

Constitutionally, the amendment affirmed provincial autonomy, boosted legitimacy of the provincial government and reduced separatist tensions, especially in Balochistan and KP (Khan, Federalism and Eighteenth Amendment, 2012). However, stronger provinces consolidated gains more readily than weaker ones, leading to uneven empowerment across the federation.

EMERGING CRITIQUES AND FEDERAL CONCERNS

By 2014, the devolution appeared to weaken the federation's ability to manage national crises. For example, during the 2010 floods, overlapping jurisdictions hindered relief efforts, prompting debate over the need to recalibrate federal authority in emergencies (Khan, Federalism and 18th Amendment: Challenges and Opportunities for Transition Management in Pakistan, 2013).

Overall, the early implementation phase demonstrated that legal devolution alone cannot ensure effective federalism. The capacity-building, political consensus, and intergovernmental trust were essential but often lacking.

LONG-TERM IMPLICATIONS AND DEBATES (2015 TO PRESENT)

From 2015 onward, the Eighteenth Amendment's legacy has been contested. It has strengthened provincial autonomy but exposed structural tensions in governance and federal coherence.

UNEVEN PROVINCIAL AUTONOMY CONSOLIDATION

Provinces like Punjab and Sindh have harnessed devolution in education, health, and local governance to drive development programs. However, research shows that in Khyber Pakhtunkhwa and Balochistan, the weaker institutional capacity and limited resources have constrained implementation (Alam, 2024).

DEBATES OVER NATIONAL COORDINATION AND REVISITING THE AMENDMENT

During the crises like COVID-19, the divergent provincial policies on lockdowns, health protocols and education highlighted coordination deficits. Some politicians and analysts have argued for revisiting certain provisions of the Amendment, but, the political resistance has remained strong. Any attempt to strike down the amendment- and that could only be through unconstitutional means-would be disastrous (Hussain, 2019).

FISCAL PRESSURE AND NFC ISSUES

Although provinces gained larger shares in federal revenues from the 7th NFC, but, the federal expenditure obligations continue to restrict federal flexibility. Provinces, meanwhile, report increasing service delivery burdens with insufficient revenue autonomy (Dr. Imtiaz Ahmad, 2025).

RISE OF IDENTITY POLITICS AND PROVINCIAL ASSERTION

The Amendment reinforced provincial identities, particularly in Sindh and KP, where provincial governments have pushed back on federal policies. Yet these assertions have amplified center-province tension, especially when political parties differ at federal and provincial levels (Professor Dr. Razia Musarratm, 2012).

ROLE OF THE CCI AND INSTITUTIONAL DYNAMICS

The Council of Common Interests has emerged as a key platform for resolving disputes over resources, energy and education policy. But qualitative analysis indicates that the Council of Common Interest meets frequently

yet remains vulnerable to political deadlock when parties differ across federal and provincial governments (Dr. Imtiaz Ahmad, 2025).

CRITICAL ANALYSIS

The governance outcomes of the Eighteenth Amendment show progress in autonomy but uneven translation into effective federalism. A critical interpretation requires moving beyond description to assess how these outcomes align with federal theory and comparative practice.

First, the amendment clearly reconfigured the legal structure of Pakistan's federation. Abolishing the Concurrent List and devolving ministries shifted the balance decisively toward provincial primacy. Yet, as Riker's theory of federal bargains suggests that the legal frameworks endure only when both the central and provincial actors perceive mutual benefits and credible guarantees. The uneven implementation of devolved functions and persistent fiscal stress indicate that Pakistan's bargain remains fragile and contested.

Second, the fiscal dimension demonstrates the core challenge of decentralization. While provinces gained resources through the NFC Award, their limited revenue-raising powers and continued dependence on federal transfers have produced structural asymmetries. In Watts' terms, Pakistan has leaned heavily toward self-rule, but without the shared-rule institutions that could mitigate fiscal and administrative imbalances.

Third, administrative and regulatory fragmentation illustrates the risks of devolution without adequate capacity. Provincial governments often lacked the bureaucratic depth to absorb new responsibilities, producing inconsistent outcomes across health, education, and disaster response. Here, Elazar's covenantal view of federalism is instructive such as without a culture of trust and cooperation, the legal reforms cannot generate durable federal practices.

Finally, intergovernmental institutions such as the CCI and NFC, though strengthened in principle, have struggled to mature into depoliticized arenas of coordination. Comparative experiences show that Germany's Bundesrat and Canada's equalization mechanisms institutionalize bargaining and equity, preventing disputes from escalating.

Pakistan's forums, by contrast, remain vulnerable to partisan conflict and weak enforcement.

Taken together, the evidence shows that the Eighteenth Amendment significantly advanced provincial autonomy but did not embed the cooperative institutions or fiscal mechanisms necessary for stable federalism. Its achievements are therefore real but incomplete. It created the legal promise of federal balance but left the practical realization dependent on political will, institutional innovation, and capacity building.

SYNTHESIS: DID THE 18TH AMENDMENT STRENGTHEN OR WEAKEN FEDERALISM?

The evidence suggests a nuanced outcome. The 18th Amendment constitutionally strengthened federalism by abolishing the Concurrent List, enhancing provincial authority, and symbolizing a decisive shift toward autonomy. It provided provinces with legal primacy over key sectors and institutionalized forums such as the NFC and CCI (Abbas, 2023). Yet, practical governance outcomes remain uneven and the culture of good governance seems bleak and dismal (Shaukat, 2021). The structural challenges such as, misaligned fiscal rules, weak administrative capacity, and politicized intergovernmental relations have constrained effective federalism. In essence, the amendment fortified the legal framework of federalism but did not resolve the operational mechanics of governance, leaving its success conditional on fiscal reforms, institutional strengthening, and cooperative political culture (Shah, 2012).

COMPARATIVE PERSPECTIVES ON FEDERALISM AND THE 18TH AMENDMENT

The experience of Pakistan's Eighteenth Amendment gains sharper clarity when viewed against the institutional practices of other federations. Comparisons with India, Germany, and Canada illustrate alternative models of balancing autonomy and cohesion, and highlight both the achievements and the limitations of Pakistan's reform.

INDIA: QUASI-FEDERAL CENTRALIZATION

India's federal framework, despite its constitutional label, has consistently preserved strong central powers. The Union government dominates through an expansive Union List and extensive use of fiscal transfers. This ensures coherence in areas such as education and health, even when state governments enjoy formal autonomy (Radhamani, 2025). Pakistan's 18th Amendment took the opposite path by abolishing the Concurrent List and devolving authority to the provinces. Yet, unlike India's centralized fiscal machinery, Pakistan lacks the capacity to maintain national coherence and producing fragmented outcomes. The lesson is that the centralization in India sustains policy uniformity, whereas Pakistan's decentralization risks incoherence without provincial capacity building.

GERMANY: SHARED FEDERALISM

Germany offers a model of "executive federalism" where Lander implement most policies but operate within a tightly coordinated federal framework. Through the Bundesrat, provincial executives directly shape federal legislation, ensuring that cooperation is institutionalized (Niedobitek, 2018). By contrast, Pakistan's Senate, though equal in provincial representation, does not serve as an institutionalized forum for executive bargaining. The lesson is that the Germany transforms intergovernmental disputes into structured negotiation, but, Pakistan's institutions lack comparable mechanisms and leaving the conflict more vulnerable to politicization.

CANADA: COOPERATIVE FEDERALISM

The Canada sustains cohesion through constitutionally entrenched equalization payments and routine intergovernmental negotiations and mechanisms that narrow disparities between wealthy and poorer provinces (McAllister, 2010). Pakistan's National Finance Commission, though vital, operates on population-based formulas and periodic bargaining rather than predictable equity-based redistribution. The lesson is that the Canada institutionalizes fairness through fiscal equalization, but, Pakistan depends on ad

hoc negotiations that often reinforce provincial grievances.

SYNTHESIS

These comparisons underline that federalism is not merely a matter of constitutional design but of institutionalized practice. India demonstrates the stabilizing effects of central capacity, Germany highlights the benefits of shared institutions, and Canada exemplifies the role of fiscal equalization. The Eighteenth Amendment in Pakistan succeeded in deepening autonomy without complementary institutions for coordination and redistribution. Furthermore, the federalism remains vulnerable to fragmentation.

THE POLICY RECOMMENDATIONS

The Eighteenth Amendment's promise of stronger federalism will remain incomplete without reforms that address its structural weaknesses. For that purpose, the following broad directions are crucial and warrant immediate attention and implementation.

1. The provincial capacity must be systematically strengthened. The transfer of authority outpaced the institutional readiness of provinces, producing uneven governance outcomes in education, health, and regulatory oversight. Building professional bureaucracies, improving provincial public service commissions, and fostering knowledge exchange across provinces are essential for enabling devolved functions to translate into service delivery (Khan, Federalism and 18th Amendment: Challenges and Opportunities for Transition Management in Pakistan, 2013).
2. The fiscal federalism requires recalibration. While the NFC Award expanded provincial shares, it also reduced federal flexibility and entrenched dependence on transfers. A sustainable balance demands both stronger provincial revenue mobilization and periodic revision of fiscal formulas. Without such reforms, fiscal asymmetries will continue to limit the amendment's transformative potential (Shah, 2012).
3. The intergovernmental coordination must be institutionalized. The Council of Common Interests and NFC, though strengthened in principle, remain politicized and under-resourced. To function as genuine engines of

cooperative federalism, these bodies require regularized meetings, neutral secretariats, and enforceable outcomes. Lessons from comparative federations demonstrate that durable federalism depends as much on institutionalized bargaining as on constitutional design (Mahmood, 2019).

Taken together, these reforms would consolidate the Eighteenth Amendment's legal achievement into an enduring practice of federal governance to move Pakistan closer to a federalism that balances autonomy with cohesion.

CONCLUSION

This article has shown that the Eighteenth Amendment represented a decisive legal reconfiguration of Pakistan's federal structure, abolishing the Concurrent List, expanding provincial authority, and reaffirming parliamentary primacy. Yet the translation of these reforms into effective governance has been uneven. Fiscal rigidities, limited provincial capacity, and politicized intergovernmental relations have constrained the amendment's transformative potential.

The study contributes to the broader literature on federalism by highlighting Pakistan as a case where constitutional design strongly favored autonomy, but without equally robust mechanisms of cooperative or shared rule. In comparative perspective, this underscores that decentralization alone is insufficient and the durable federalism depends on institutionalized bargaining, fiscal equalization, and a political culture of intergovernmental trust.

Furthermore, the future research should probe more deeply into provincial-level variations, the evolving role of the judiciary in shaping federal relations, and the design of fiscal equalization formulas that could balance autonomy with equity. These inquiries would not only clarify the long-term trajectory of Pakistan's federalism but also enrich comparative debates on how federations in fragile political environments can reconcile diversity with cohesion.

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