



RESEARCH PAPER

Opportunities and Challenges for the Provinces after the Eighteenth Amendment

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ABSTRACT

Eighteenth amendment was the consensus among all the political parties to bring a comprehensive amendment in the constitution that would restore the originality of the 1973 constitution. It enhanced the provincial autonomy. The objective of this study is to investigate the opportunities and challenges being faced by the provinces after the Eighteenth amendment. The major opportunities for the provinces are the provincial autonomy in administrative, legal and finance. The major challenges are the threats to political and economic union of Pakistan in future and provision of inadequate resources to the provinces to meet their expenditures. After passing of several years, provinces have not been given autonomy in certain ministries. So, for a true federation, devolution of resources, financial and administrative powers from central to and then to the local governments is necessary. As for as methodology is concerned, it incorporates qualitative research design besides with inductive reasoning and interpretive approach. Secondary sources such as published books, journals, newspapers, etc. are also used in it.

KEYWORDS Amendment, Challenges, Constitution, Devolution, Opportunities, Power

Introduction

The promulgation of the Eighteenth Amendment is the land mark in the constitutional and political history of Pakistan. It discarded the Seventeenth amendment's provisions which were made by the military dictator, General Musharraf, in order to strengthen his rule by the strong central government. It further strengthened provincial autonomy which was envisaged in the 1973 constitution of Pakistan. Burki (2010) says that during the economic and political turmoil, all the political parties belonging to different colors and ideology gathered to reframe the 1973 constitution and wanted to formulate new social contract and social order. Therefore, it was consensus among all the political parties to change the system (Ibid).The credit of it goes to the Pakistan People's People particularly and the other political parties generally that supported this amendment in the parliament. The PPP government won majority in the general elections held in 2008. It succeeded to formulate coalitional government. Soon after assuming the charge of government, it announced to bring amendment in the constitution that would restore the original spirit of the 1973 constitution. 'The PPP government expressed its determination to restore the constitution in its original form' (Dawn, September, 8, 2008). Similarly, the members of the Upper House, Senate, unanimously demanded to scrap the seventeenth amendment brought by the Musharraf

(Dawn, 9 September 2008). So, motion was first started in the National Assembly on April 10, 2009 and later on in the Senate on April 29, 2009. The national assembly speaker constituted a special committee of the parliament consisting of 27 members on constitutional reforms and RazaRabbani was nominated as its chairman on June 25, 2009.

The special committee was renamed as a Parliamentary committee on constitutional Reforms. All the political parties had representation in it. It formulated its term of reference as: "The committee shall propose amendments to the constitution keeping in view the 17th amendment, charter of democracy and provincial autonomy to address the democratic and Islamic aspirations of the people of Pakistan (Report of the Parliamentary Committee). The committee asked the members to submit their proposals till August 10, 2009. After this, this committee prepared the 18th amendment bill and sent to the parliament where it had to pass by the two third majorities of the both houses. After getting passed by the parliament, it was sent to president for approval. President approved it on April 19, 2010 and hence it became the Eighteenth Amendment Act, 2010. According to Pildat (2015), this amendment, amended, codified, varied, substituted, added, omitted or deleted 97 articles of the constitution. However, the purpose of this study is to investigate the opportunities and challenges being faced by the provinces after the 18th amendment. No doubt, it granted provincial autonomy in terms of administration, legal and finance. Khan (14, 2014) says that the 18th amendment is considered as the 'New Constitutional Software of Pakistan' which amended half of the 34 articles and provided provincial autonomy. But there are also challenges for the provinces such risk for future political and economic union of Pakistan, inadequate resources to meet expenditure, uniform education system, issue of devolution of powers, etc.

Literature Review

Hussain (2022) says that since it independence, Pakistan has been governed with controlled central government instead of actual federal government. Although objective resolution and the 1956 constitution envisaged federal form of government, yet Pakistan was ruled by the central government. The formulation of the four Western provinces into the One Unit, the 1962 constitution under the umbrella of Ayub Khan, and Zia and Musharraf regimes were the instances that showed the strong central governments that dominated the whole affairs of the nation. Author says that the 18th amendment has empowered the federating units and enshrined provincial autonomy. It abolished the concurrent legislative list. The federal government has squeezed to 27 ministries and 35 divisions. Remaining all ministries has been given to the provinces. Federal government has to retain the responsibilities of the international relations and coordination among the provinces .Moreover, Council of Common Interest and National Finance Commission are strengthened to resolve issues among the provinces and the central government.

Khan (2014) says that provincial autonomy is not the current issue rather it was the aspiration of the public since independence. Even Quaid-i-Azam demanded fourteen points for the provincial autonomy which would further safeguard the interests of the Muslims under federalism in United India. He says that East Pakistan debacle was also occurred when the provincial autonomy was denied to the people of the East Pakistan. He further says that 1973 constitution envisaged provincial autonomy, but the bitter civil-military relations and differences on the grounds of ethnicity, religion and sectarianism deterred true federalism in Pakistan. However, it was need to reframe the constitution on the lines of true federalism. Finally, all the political parties decided collectively to bring new political order while incorporating new amendment in the

constitution. Finally, 18th amendment was made in 2010. Author considered it as the "New Constitutional Software of Pakistan". He says that this amendment institutionalized and decentralized power from the president to the prime Minister and his cabinet to the parliament. The council of Common Interests and the National Finance Commission are strengthened to develop harmonious relationship between the federal government and the provinces and among the provinces through resolving the conflicting issues. He says that consulting provinces on the promulgation of emergency in the concerned province, empowering House of the Senate, financial and administrative decentralization further strengthened provincial autonomy.

Shah (2012) says that the 18th amendment has strengthened the provincial governments. It empowered the provinces in administrative and financial matters. The concurrent legislative list is abolished. Multiple ministries have been allocated to the provinces. Provinces have multiple opportunities such as they generate their own finance through capital value taxes on different things; administer their affairs such as education, health, agriculture minerals resources, etc. However, there are some challenges as well. Most of the ministries envisaged in the 18th amendment have not been given to the provincial governments. Provincial governments still have lack of adequate resources to meet their needs in terms of social services, education and health. They have still to look towards the central government for finance assistance. Moreover, he further says that small provinces like Baluchistan offer the central government to assist in governance as it has weak governance and inability to govern the provincial affairs.

Burki (2010) says that during the political and economic difficulties, all the political parties belonging to different background collectively decided to bring amendment in the 1973 constitution and develop a new political order and to change the political system. He further says that it has two main purposes. One is this to transfer to executive authority from the president to the Prime Minister and his cabinet and make them accountable to the parliament. The other objective of it was to give more administrative and financial autonomy to the provinces. He further says that the 18th amendment is a step forward to envisage fiscal and political decentralization in order to improve good governance. The mentioned above literature work highly supports this study. But there is a gap as well as it does not describe in detail the challenges being faced by the provinces after the 18th amendment.

Theoretical Understanding

The founding father of Pakistan, Qaid-i-Azam, wished to make Pakistan a federal state as he demanded federal structure of the United India in his Fourteen Points. In the objective resolution, it was envisaged that Pakistan would be a federal state. Even in the 1956 and 1973 constitutions of Pakistan, it was envisaged that Pakistan would be a federal state. Contrarily, it remained illusion. It is the 18th amendment that transforms Pakistan into a federal state though provinces have still reservation against the central government. Anyhow, Pakistan is a federal state. The theory I would like to situate here is "New Federalism". According to this theory, powers and responsibilities are decentralized from top to bottom, mean from the central government to the provincial governments and from the provincial to the local governments. It further reduces the regional and inter-provincial rivalries and address the secessionist tendency through the policies made by the central and the provincial governments collectively. India, Brazil and Pakistan are the states that fall relatively in this new federation. The 18th amendment has abolished the concurrent legislative list and dichotomy is made between the responsibility of the federation and the federating units. By this way, Pakistan has moved from the 'dual federalism model to the 'coordinate Authority Model'. The dual federal

model remained in Pakistan till 2010. According to this model, the structure of the federal government was hierarchical among the federal, provincials and the local governments. Central government was the dominating factor in it. Whereas the coordinate authority model is concerned, provinces avail vital autonomy from the central government and the local government is just the tool of the provincial governments. Further, it empowers the provinces. It is close to the public and ensures their participation in the decision making process. It is more suitable to the countries like Pakistan having heterogeneous culture. It accommodates all the verities of the public belonging to different background. However, this theory relates with Pakistan but it does not complement this study. Pakistan has its unique geography, history, demography and politics. Federal and the provincial governments are controlled by the feudal lords, military and the corporate elite class. Other federating units' factors become insignificant in front of them.

Research Design, Research Questions and Hypothesis

The research design used in this study is qualitative research. Inductive reasoning with interpretive and explanatory approach is used in it. For the data collection, secondary sources such as published books, journals, newspapers, parliamentary reports, etc., are used in it. The question arises in this study are: - What are the opportunities for the provinces after the promulgation of the 18th amendment? What are the challenges being faced by the provinces after the 18th amendment? The hypothesis of the study is that the 18th amendment has increased provincial autonomy and provided provinces multiple opportunities but with some challenges.

Opportunities for the Provinces after the 18th Amendment

The provincial autonomy was the long awaited demand of the provinces. It was so important that even Jinnah demanded in his 14 point in the united India. In the objective resolution, it was decided that Pakistan would be a federal state where provinces would be given provincial autonomy. In reality, neither the 1956 constitution nor the 1962 constitution granted provincial autonomy to the provinces. The 1973 constitution, known as new social contract, granted provincial autonomy though the coming regimes either the civilian or the military did not allow provinces to act autonomously. However, the 18th amendment facilitated the way of provincial autonomy and granted many opportunities to them.

Financial Autonomy

The 18th amendment has empowered the provinces in terms of financial autonomy. It further institutionalized provincial autonomy and provided equal distribution of resources. The abolition of the concurrent legislative list empowered the provinces with financial decision making powers (Sherbaz and Khan). Many measures have been taken to strengthen provinces financially. The federal government will consult the provincial governments prior to build any hydro power project in the concerned province (Article 157, Constitution of Pakistan). The provincial share in the National Finance Commission will not be less than the share of the concerned province in the previous Award. Article 160 says that provincial and the federal finance ministers will monitor the execution of the NFC Award. Moreover, the concerned provincial governments will be able to collect the net proceeds of federal excise duty and federal royalty on oil and natural gas. Moreover, the federal and provincial governments jointly and equally monitor the oil and natural gas which reservoir is adjacent to territorial water or within the province. Pildat (2015) says that provinces are authorized to raise domestic or international loans on the security of the provincial consolidated fund under

the limitations prescribed by the National Finance Commission. It further increased the divisible tax pool. Burki (2010) says that the future awards given by the NFC cannot reduce the combined share of the provinces in the central divisible pool. Shah (2012) says that after the 18th amendment, the central government jurisdiction are limited to levy taxes on the sale of goods and on the capital value of the financial assets and the central government leave the responsibility for taxes on immovable property, estate and inheritance taxes, value added taxes on services, and zakat and ushr to the provinces. 'As the 18th amendment and the 7th NFC Award brought fundamental structural changes in the fiscal affairs of Pakistan, the federal government is no longer the driver of the fiscal policy; rather power and resources transferred to the provinces' (Hussain,2022). According to it, the federal government's share decreased to 42.5% and the provincials' share increased to 57.5%. By this way, provinces have gained financial autonomy by generating and utilizing their own resources.

Inter-Governmental Coordination

After the 18th amendment, the long awaited issue of rivalries among the provinces has reduced. There was distrust among the provinces that the big province dominates and takes the share of the small provinces. Sherbaz and Khan (The Express Tribune, March 13, 2020) say that 18th amendment has lessened the inter-provincial inequalities and increased the representation of the interests of the marginalized ethnic groups. Punjab province was targeted but it reduced the Punjabi ethnicity. The 18th amendment resolves this issue by the agencies of Council of Common Interests and the National Finance Commission. It introduced land mark changes in the inter-governmental coordination due to the reassertion of two institutions of the federation such as the Council of Common Interest and the National Finance Commission which have equal representation of the provinces (Shah, 2012). Although Council of Common interest had already been working, the 18th amendment reinvigorated it. It comprises Prime Minister, four provincial chief ministers and three nominees of the federal government. Prime Minister is the chairman of it. It has been empowered in decision making, supervision, monitoring, and deal the Federal Legislative List part11, that covers the areas of oil, natural gas, minerals, railways industrial policy, electricity, regulatory authorities, planning and coordination, supervision and management of public debt, census, provincial police power, legal matters education and research interprovincial coordination and conflict resolution (Shah, 2012). Similarly, National Economic Council has been constituted to look after the national economic policies. Prime Minister is the chairman of it. Provinces have equal representations in it as each province has two members including the Chief Ministers of each province. It also has four other members appointed by the Prime Minister. This council must has to meet one in a six month. It resolves all the financial matters among the provinces and between the federal government and the provincial governments. In short, the 18th amendment has resolved the irritation between the federal and provincial governments. Federal government cannot interfere in the provincial matters. The strengthening of the Council of the Common Interest further strengthens the federal-provincial positive relationship.

Removal of Concurrent Legislative List

The 18th amendment omitted the concurrent legislative list. It gave the administrative and legislative responsibility to the federating units. " It devolved laws which govern marriage , contracts, the management of infectious and contagious diseases, labor, educational curriculum, environmental pollution, trade unions and forty other diverse areas to the province" (Cookman, 2010). The clear cur dichotomy has been made between the provincial assemblies and the parliament. It reassigned specific

responsibilities to the federal government which is guided by the Council of Common Interests. The other functions are allocated to the provincial governments. The provinces have received extra powers due to the abolition of the concurrent list (Burki, 2010). The federal government has given the responsibility of the planning, industry, agriculture and rural development and social services and welfare (Shah, 2012). Seventeen federal ministries including the food and agricultural, education and health were abolished. However, several ministries such as electricity, major ports, and census, legal, medical and other professions are added to the federal legislative list-II. Husain (2022) says that the central government has taken the right decision to transfer education, health, agriculture, labour, social welfare, population welfare and local government to the provincial governments.

Control on Education

The 18th amendment has given the control of education to the provinces. According to article 25A, provinces have to provide free and compulsory education to all the children who fall in the age of five to sixteen years (Pildat, 2015). This article further held responsibility on the provinces to provide free secondary school education to all the children. In this regard, provinces are given free hand to follow their own educational policies and syllabus. Burki (2010) says that the 18th amendment has put responsibility on the provinces to provide compulsory and free education for the children between the ages of five to sixteen years.

Control on Public Service

The 18th amendment allocated the public service responsibility to the provinces as the federal ministries were abolished. Both the policy determination and the delivery responsibility had been given to the provinces. Burki (2010) says that the 18th amendment empowered the provinces to take effective decentralization and provide public services which the provincial government has to take the responsibility. Moreover, Shah (2012) says that the provinces have significant role in the policy making and service delivery in all the economic and social services. Therefore, provinces are responsible to deliver social service. By this way, it will make the government accountable and responsible to the public (Shah, 2012). The social service responsibility granted to the provinces further increased the public participation in the public affairs and that is why it is more responsible and accountable to the public.

Devolutions of Power and Decentralization of Decision Making

It is also the opportunity for the provinces that they have granted the power to administer the affairs of the local government through the devolution of power. Local government has been restored. "The 18th amendment incorporated Article 140A which mandated that each province by law, must establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of local government" (Ahmad). No new local government system was taken. The Musharraf era's local government system was carried on with certain modifications. Burki (2010) says that the provisions of the local government envisaged by the 17th amendment of the Musharraf era's regarding to the devolution of power to local governments has been retained by the Election Commission to hold local government elections. Moreover, article 140-A has been made to set the standard for the provinces to establishment the local government bodies (Kahn, April 14, 2014). The 18th amendment has decentralized the decision making power to the provinces. Provinces have given jurisdiction to formulate and implement policies on the areas fall on the

provincial legislative list. "Decentralization of policy making as well as the implementation of the policies was some of the significant outcomes of the Eighteenth Amendment" (Burki, 2010). By this way, this amendment provided the provinces the opportunity to bring effective decentralization and enables it to provide services to the public.

Formulation of Caretaker Government

Provinces are authorized to formulate their care taker government on the expiry of the existing government. The Governor of the concerned province will appoint the caretaker chief minister with the consultation of the outgoing chief minister and the leader of the opposition in the provincial assembly. The care taker cabinet of the province will be nominated by the care taker chief minister with the consultation of the Governor.

Proclamation of Emergency

The 18th amendment has granted the power to declare emergency in the province on account of internal disturbance. If the situation demands for emergency, the concerned provincial assembly passes the resolution and then sends to the parliament for final decision of the declaration of emergency. After the approval of the parliament, President can declare emergency in that province. Khan (April 14, 2014) says that it increased the provincial say in the promulgation of emergency as federal government cannot impose emergency without its consent.

Strength the Senate

For the strengthening of the provincial autonomy, the empowerment of the senate is necessary. Senate represents the provinces. In the 18th amendment, the strength and powers of this house has been increased. Its members were increase to 104 having equal representation of all the provinces. Prime Minister and Cabinet are equally responsible to the both houses, i.e. the National Assembly and the Senate. Burki (2010) says that even president cannot issue ordinance when senate is in session. Its working days have been increased to 110 days and 14 days for the discussion of the budget bill. Moreover, the annual report of the government on the execution of the policies is to be placed before the both houses of the legislature (Burki, 2010). Hence, 'the allocation of equal proportion of seats in the senate to each province the senate was designed to act as a counter majoritarian instrument' (Article 59, 1973 constitution). Moreover, cabinet is also responsible to the both the National Assembly and the Senate. Rana (2020) says, 'Senate has been given equal representation in the parliamentary committees for the appointment of the judges and both the government party and the opposition had to nominate two members from each House'. Moreover, it further strengthened senate that each bill to be presented in each house separately. Similarly, if president declares emergency, then it will also to be presented separately in the Senate within 10 days of proclamation. National Economic council is made equally responsible to the Senate and the National Assembly.

Challenges to the Provinces after the 18th Amendment

Although provinces availed many opportunities, yet provinces have to face several challenges as well.

Inadequate Resources to Meet Social Sector Needs

The 18th amendment has given the financial autonomy to the provinces. They have multiple revenue generating sources. But there are many social responsibilities and liabilities on the provincial as well. Almost the entire social services for the public are the responsibility of the federating units. Provinces should have adequate money to meet the expenditure of this social sector requirement. Therefore, after having several revenue generating resources, still provinces have shortage of money to meet the social sector expenditure. The limited decentralization of taxing power imposes fiscal liability on the provinces. Provinces have to get assistance of the federal government. Federal government assists them on their requests. Burki (2010) says that it is test for the provinces whether they provide services to the majority of the people living in poverty. Though this amendment accumulated the administrative power in the hands of the provinces to deliver social services, yet they have failed to deliver public services due to their inefficiency. Husain (2022) says that the Pildat conducted a survey regarding the quality of governance and found result that only 10 out of 27 respondents were satisfied.

Devolution of Power

The 18th amendment has empowered the provinces through devolution of power. This opportunity has been converted into challenge for the provinces. It is challenge for the provinces how to devolve the powers further at the lower level. The local government has become the major challenge. After lapsing many years of the 18th amendment, local government elections has not been held by the successive governments. Khan (April 14, 2014) says that the reality is that the members of the National Assembly and the Provincial assemblies are allergic and hence do not want actual local government system because most of the financial powers go in the hands of the local governments. Therefore, the true benefits of the provincial autonomy are not being materialized until the local government is restored. "The issue is that the devolution of power and resources from provincial governments to local governments as stipulated by the insertion of Article 140A remains unfulfilled" Farooqui (2020). Shah (2012) says that it has ignored the contribution of the local government and the public service delivery. Owing to the lack of devolution of power, the entire responsibility concentrated in the provinces. Provinces cannot pay proper heed to provide service to the public.

Educational Challenge

Although the 18th amendment gave the educational responsibility to the provinces, yet it has become challenge to the provinces. They do not have enough resources to meet the educational expenditures. Burki (2010) says that this is enormous implications for the resource scared provinces to spend much on it as several provinces spend merely under two percent. Sources are short to accommodate of 22 million out of school children and improvement of physical facilities of the existing schools (Hussain). It is because most of the amount is spent on the salaries of the employees. The major challenge is to provide uniform education across the country. This needs the strong coordination and harmony among the provinces. But provinces lack this coordination. Each province has its educational set up. Each has its own syllabus. It will further increase the cleavage among the already fabricated and polarized society. It will further pose threat to the integration of the federation. Even the provincial governments do not have made necessary legislation and institutional frameworks for their respective areas of jurisdiction (Rana, 2020). Likewise, there is confusion whether the Higher Education will fall in the jurisdiction in the provincial governments or in the federal governments. Provinces are claiming to dissolve it to them.

Prevailing of Federal Laws on the Provincial Laws

The 18th amendment has abolished the concurrent legislative list. Provincial assemblies have been empowered to legislate on the subjects. But if the subjects are the same and fall in the domain of the parliament and the provincial assemblies, then federal parliament will prevail on the provincial laws. By this way, provincial autonomy can be curtailed. Federal government still intervenes in the provincial matters. Husain (2022) says that though the federal government transferred several ministry to the provincial governments, yet it attained and retained the attach departments and autonomous bodies with it.

Challenge of Natural Resources Ownership

Common ownership of the nation of the natural resources is important for the political and economic unity. The benefits accrue from it to be used across the country without discrimination. The 18th amendment gives the right of ownership of the natural resources to the provinces. It will develop potential for "Dutch disease" such as interprovincial conflict. Pakistan has already been suffering with this issue of interprovincial rivalries on the issue of sharing of natural resources. Moreover, both the central and the provincial governments on the one side and the provinces themselves compete over the natural resources. Each one claims more share. This struggle will result in conflicting relations ship among the federating units.

Dependency on the Central Government

Although the 18th amendment has abolished the concurrent legislative list and given many ministries to the provinces, still provinces are relying on the central government for financial assistance. They do not have resources to meet their expenditures. Hamid (2010) says, "The 18th amendment altered the distribution of resources for the provinces to meet the financial burden of the new transferred responsibilities and reconfigured the inter-provincial revenue distribution formula which now takes into account the levels of property and inverse population density of the province". Burki (2010) says that if they rely on the central government for assistance, then the autonomy promised by the amendment will remain illusory.

Risk for the Future of Political and Economic Union

The negative aspect of the 18th amendment is that the extreme and absolute demand for provincial autonomy may lead to the conflicts among the provinces and between the central and provincial governments. Their clash will be occurred on the distribution of resources. According to Shah (2012), "the centrifugal tendencies unleashed by the Eighteenth Amendment may create threat for the future of political and economic union in Pakistan". Moreover, it is also risk for the economic union of Pakistan because the 18th amendment has failed to institutionalized any restrictions on barriers to factor and goods mobility across the country (Shah, 2012). Moreover, Pakistan has heterogeneous culture due to division on ethnic, religious and linguistic lines; the provincial autonomy granted in the 18th amendment may pose threats to the political union of Pakistan. So, empowering more of the provinces may pose the risk of succession.

Challenge of Good Governance and Law and Order Situation

The 18th amendment provided the multi order governance. It requires visionary leadership, positive role of the political parties, and profession and efficient bureaucracy that work for the betterment of the public. Whereas the case of the federating units of the Pakistan is concerned, there is no visionary leadership, political parties work for their vested interests and the bureaucracy is the most corrupt and inefficient. It leads towards the bad governance which emanates corruption, nepotism, aggrandizement of power, fragile law and order situation and the failure in the delivery of the public services. Pakistan has imbalanced federating units. There are already tussle between the federal-provincial governments on the one hand and among the provinces on the other side. The Council of Common Interest also has failed to resolve the issues. This harmonious relationship among the provinces and between the federal and provincial governments leads to deteriorated law and order situation as the case of terrorism and the law and order situation in Sind.

The Challenge of Implementation of 18th Amendment

Although 18th amendment has empowered the provinces in manifold, yet the challenge is the implementation of it. Central government is still beholding the key provincial ministries. There are two main reasons behind it. Rana (2020) says that it is due to two reasons: One; the federal government is not willing to loss control on the human, physical and fiscal resources, second; the provincial governments do not have potential, capacity, legal and institutional structure and the human resources to effectively carry the evolved ministries. That is why; the Baluchistan government allows the federal government to carry its affairs that already run by federal government.

Conclusion

The 18th amendment has land mark significance in the political and the constitutional history of the Pakistan. It was the long awaited demand of the people and the federating units of Pakistan. The military intervention in politics, weak leadership, political instability, and heterogeneous culture due to the ethnic, religious, and sectarian polarization strengthened the central government over the provincial governments. Though the objective resolution, 1956, 1962 and 1973 constitution's provision talked about the provincial autonomy, yet it remained absent due to the unchecked domination of the central government. The worst central government domination has been witnessed during the military regimes. They molded the constitution according to their whims. They retained the power of the article of the 58(2) (b) with themselves. The 8th amendment lay down by Zia-ul-Haque and the 17th amendment brought by Pervaiz Musharraf was the instances of it. This article empowered them to dissolve the provincial and national assemblies. Thus, after this amalgamation in the 1973 constitution, it had become necessary to purify the originality of the 1973 constitution and empower the provinces. All the political parties came to conclusion that a comprehensive change had required to bring new political order. Finally, the 18th amendment was brought in the 1973 constitution in April 2010. All the political parties unanimously approved it. The provinces are empowered in their financial and administrative matters. The powers of the central government have been curtailed. Many ministries have been transferred from the central government to the provincial governments. The abolition of the concurrent legislative list is the mile stone in this regard. Now provinces can generate their own resources and finance, administer their affairs, and make laws on the provincial legislative list. President declares emergency with the consultation of the relevant province. Senate powers and strength is increased that will further increase provincial autonomy. The role of the Council of Common Interest and the National Finance Commission is crucial for ensuring provincial autonomy. Contrarily, Provinces have to

confront with multiple challenges such as the shortage of finance and funds to deliver social services. Provinces have failed to ensure good governance. There is fragile condition of law and order in the several provinces. The risk for political and economic unity is also challenge. Though concurrent legislative list has been abolished, federal government still dominates in most of the laws related to the provinces. To ensure true devolution of powers to the lower tier is also challenge for the provinces. Last but not the least; the biggest challenge is the true implementation of the 18th amendment as federal government is still dominating the provincial affairs. However, beyond all the pros and cons, the 18th amendment is considered as Magna Carta in the constitutional history of Pakistan as it is a step towards the restoration of real federalism in Pakistan.

Recommendations

In order to further reform the multi order governance of the provinces, following recommendations may be helpful to address the challenges.

- To conduct a comprehensive overview of the financial and administrative delegation of power to the provinces and check whether provinces can address the challenge of service delivery with this autonomy.
- For making more effective provincial affairs, civil service should be reformed and to make them specialized and held them responsible regarding their functions.
- To devolve resources, powers and responsibilities from the provincial governments to the District governments for providing social services to the public.
- For effective provision of public service, service should be provided at the district, Thana and Union Council Level.
- To set up and empower the intergovernmental structures in order to make and watch the policies.
- The administrative, financial, natural resources and human resources powers are to be delegated at the lower tier of the hierarchy.
- Local governments are central to the effective governance, therefore it is necessary to rethink the contribution of the local government in the domains of public service delivery, local economic development and administration of local issues at local level
- Last but not the least, strict accountability is necessary to curb corruption and held accountable to each at each level.

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