



18th Constitutional Amendment: Challenges and Controversies

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Abstract

The 18th Constitutional Amendment, enacted in Pakistan in 2010, is widely regarded as one of the most consequential reforms in the country's constitutional history. It aimed to restore the parliamentary character of the 1973 Constitution, reduce the concentration of authority in the presidency, and devolve powers to provinces in order to strengthen democratic governance and improve service delivery. While the amendment is celebrated for enhancing provincial autonomy and limiting unilateral presidential interventions, its implementation has generated a range of practical challenges and political controversies. A key research gap persists in systematically evaluating the operational difficulties that emerged after devolution, including administrative capacity constraints, fiscal imbalances, policy fragmentation across provinces, and contestations over jurisdiction between the federation and provinces. This study addresses that gap by analyzing the principal challenges faced during implementation and the controversies shaping perceptions of the amendment's impact on federalism. Guided by decentralization and federalism theories, the study conceptualizes the amendment as an institutional intervention whose outcomes depend on variables such as administrative capacity, financial resources, policy consistency, and federal-provincial coordination. Employing a qualitative methodology based on legal texts, policy documents, government reports, and academic literature, the study finds that the amendment strengthened democratic institutions and provincial authority, but its effectiveness has been constrained by uneven capacity across provinces, limited fiscal space relative to devolved responsibilities, weak coordination mechanisms, and recurring political disputes. The findings underscore the need for cooperative federalism mechanisms that balance provincial empowerment with national cohesion and minimum service standards.

Keywords

18th Amendment, Constitutional Reforms, Devolution, Federalism, Governance, Pakistan Politics, Provincial Autonomy, Public Policy Making.

Introduction

The 18th Constitutional Amendment, passed by Pakistan's Parliament in 2010, represents a defining moment in the evolution of Pakistan's democratic and federal structure. It was introduced after a long history of constitutional disruptions, military interventions, and repeated amendments that strengthened executive authority at the expense of parliament and provinces. Before 2010, Pakistan's federalism was often characterized by strong centralization. Key policy areas, administrative decision-making, and financial controls were largely exercised by the federal government, leaving provinces dependent on federal discretion and limiting their capacity to respond to region-specific needs. The amendment sought to correct this imbalance by devolving major subjects to provinces, strengthening parliamentary oversight, and curtailing presidential powers that had expanded under previous constitutional changes.

From the perspective of democratic consolidation, the 18th Amendment is often described as a consensus-based reform because it was passed with broad political support. This consensus was significant in Pakistan's political environment, where major reforms are frequently contested or reversed. Supporters argue that by shifting powers closer to citizens, decentralization can improve governance responsiveness, accountability, and policy effectiveness. Provinces, with greater authority over health, education, agriculture, and social welfare, could in theory design policies better suited to local needs. As a result, the amendment is frequently framed as a step toward strengthening representative governance and reducing authoritarian tendencies.

However, the amendment has also been accompanied by complex challenges in implementation. Transferring responsibilities is not only a legal process, but also an institutional one. Provinces require capable bureaucracies, regulatory structures, and financial resources to manage devolved responsibilities effectively. In practice, Pakistan's provinces vary widely in administrative capacity, revenue generation potential, and institutional maturity. These differences have shaped uneven outcomes of devolution. Moreover, devolution introduced new coordination demands: where a function was once handled centrally, it now requires harmonization across provinces, particularly in areas like curriculum standards, health regulation, and national planning frameworks.

Therefore, the 18th Amendment should not be assessed solely through its intentions or constitutional text, but also through how it has functioned in practice. The implementation experience raises important questions: Has provincial autonomy resulted in improved service delivery? Has devolution enhanced accountability and responsiveness, or created fragmentation? Has federalism become more inclusive and stable, or more contested? These questions are central to understanding the amendment's challenges and controversies.

Research Gap

Despite the landmark nature of the 18th Amendment, much of the earlier discussion in scholarship and media focused on its symbolic value, especially its role in limiting presidential authority and restoring the parliamentary system. While these themes remain important, fewer studies have examined the practical governance problems that emerged after devolution, particularly the day-to-day difficulties provinces faced in assuming new responsibilities. Existing work also tends to highlight broad political debates—such as whether the federation became weaker—without sufficiently exploring how administrative capacity, fiscal arrangements, and coordination mechanisms affected real governance outcomes.

Additionally, controversies around inter-provincial disparities remain underexplored in many accounts. Provinces differ significantly in population size, economic bases, security challenges, geography, and institutional resources. Devolution can therefore deepen inequalities if wealthier provinces can implement reforms effectively while less developed provinces struggle with capacity and financing. This study contributes by providing a structured analysis of key implementation challenges and controversies through a federalism and decentralization lens.

Objectives

This study has two core objectives:

1. To analyze the major challenges faced by provincial and federal governments in implementing the 18th Constitutional Amendment.
2. To evaluate the controversies surrounding the amendment's impact on Pakistan's federal structure and democratic governance.

Research Questions

To achieve these objectives, the study investigates:

1. What are the major challenges faced by provincial and federal governments in executing the 18th Amendment?
2. How have political, administrative, and legal controversies influenced the amendment's outcomes and perceptions?

Theoretical Framework

This study is guided primarily by decentralization and federalism theories.

Decentralization Theory

Decentralization theory argues that shifting authority to sub-national units can improve governance by increasing responsiveness and accountability. Local or provincial governments are assumed to be

closer to citizens, enabling better identification of needs and improved policy customization. In ideal conditions, decentralization can:

- strengthen citizen participation,
- reduce bureaucratic delays caused by distant central offices,
- improve monitoring by local communities, and
- enable innovation in policy design.

However, decentralization theory also emphasizes that successful devolution depends on administrative capacity, fiscal resources, and institutional arrangements. Without adequate capacity and finance, devolution can produce weak outcomes, with provinces unable to deliver services effectively.

Federalism Theory

Federalism theory focuses on the distribution of power between the federation and provinces, emphasizing the balance required to maintain unity while allowing diversity. A functional federation requires:

- clear constitutional division of powers,
- mechanisms for resolving disputes,
- equitable fiscal arrangements, and
- cooperative institutions to coordinate policy where national standards are needed.

Thus, the theory of federalism helps evaluate whether the 18th Amendment strengthened cooperative federalism or intensified tensions between the center and the provinces.

Conceptual Framework

The conceptual framework treats the 18th Amendment as an institutional intervention aimed at enhancing provincial autonomy and democratic governance. Four major variables shape the effectiveness of this intervention:

1. **Administrative Capacity**
 - strength of provincial bureaucracies, staffing, technical expertise, and regulatory institutions.
2. **Financial Resources**
 - availability of funds and revenue streams to perform new responsibilities, along with fiscal discipline.
3. **Policy Consistency**
 - coherence and coordination of policy across provinces in sectors where national minimum standards matter.
4. **Federal-Provincial Coordination**
 - effectiveness of coordination institutions such as the Council of Common Interests (CCI) and dispute resolution mechanisms.

These variables influence key outcomes: service delivery performance, democratic accountability, political stability, and national cohesion.

Literature Review

Existing literature highlights the 18th Amendment as a critical shift toward provincial autonomy and parliamentary democracy. Scholars generally agree that provinces gained greater authority over social sectors and governance, while the presidency's discretionary powers were reduced. This aligns with broader debates in Pakistan about restoring constitutionalism and democratic norms.

At the same time, multiple scholars identify implementation challenges. A recurring theme is the mismatch between devolved responsibilities and administrative readiness. Provinces inherited new ministries and functions but often lacked trained personnel, effective monitoring systems, and policy planning capacity. In addition, fiscal disparities across provinces have shaped uneven outcomes. Provinces with stronger institutional and economic bases may adapt better, while provinces facing chronic underdevelopment struggle.

Another major theme is coordination. Devolution increased the need for intergovernmental coordination because issues like health regulation, higher education standards, environmental policy, and national development planning require shared frameworks. Literature has argued that the absence of robust coordination mechanisms can lead to fragmentation, duplication, and policy inconsistency across provinces. Tahir and Tahir's analysis of planning and economic coordination highlights that

national planning structures have not fully adapted to a post-devolution governance system, proposing stronger CCI-led coordination mechanisms.[1]

Comparative and contemporary studies also stress that devolution’s outcomes vary widely among provinces due to capacity and fiscal disparities. For example, the Pakistan Social Sciences Review article emphasizes that provinces gained autonomy, but challenges include inadequate resources and potential threats to political and economic union if coordination is weak.[2] Similarly, the Dialogue Social Science Review article notes the multidimensional impacts of the amendment while highlighting capacity and fiscal challenges and ongoing political contestations.[3]

Province	Fiscal Issues	Administrative Capacity	Political Challenges
Sindh	Underfunded, capacity deficits	Better infrastructure uneven policies	Coordination gaps, local issues
Punjab	Better infrastructure uneven policies	Uneven policies	Coordination gaps, local issues
Khyber Pakhtunkhwa	Better s.ptspass, stages	Coordination gaps, local issues	Severem: shortages, instability
Balochistan	Severe resource shortages	Severe resource shortages	Instability, duplications

Table 1: Comparative Analysis of Provincial Challenges Post-18th Amendment

Research Methodology

This research adopts a **qualitative methodology**. Data is derived from:

- constitutional and legal texts (including the amendment provisions),
- policy documents and official reports,
- scholarly literature on Pakistan’s federalism and decentralization,
- reputable media and analytical sources discussing post-18th Amendment governance.

A qualitative approach is appropriate because the study aims to interpret governance structures, political disputes, and institutional arrangements. Rather than measuring a single numerical outcome, the research seeks to identify patterns of implementation challenges and controversies, and to explain how institutional variables shape outcomes.

Findings

The analysis identifies several major findings relevant to both implementation challenges and political controversies.

1. Provincial Autonomy Strengthened, but Uneven Implementation

The 18th Amendment strengthened provincial legislative and administrative authority by devolving major subjects. This shift enabled provinces to design policies suited to local needs. However, autonomy did not translate uniformly into effective governance. Differences in institutional strength and policy capacity led to uneven implementation.

In provinces where bureaucratic systems were better developed and administrative systems more stable, devolution created opportunities to innovate. In provinces with weaker institutions, devolution created a heavier burden, with departments struggling to absorb new responsibilities. This unevenness contributed to the perception that devolution benefited some regions more than others, raising equity concerns in the federation.

2. Administrative and Human Resource Constraints

A major implementation barrier has been **capacity limitations**. Devolution required:

- creation or expansion of provincial ministries,
- redesign of regulatory frameworks,

- training of officials for new functions,
- strengthened monitoring, data, and evaluation systems.

In practice, provinces often lacked technical expertise in policy planning, budgeting, procurement, regulation, and performance monitoring. Capacity gaps were especially visible in education administration, public health regulation, and sectoral planning. The result was that, although provinces legally held authority, they could not always translate that authority into improved outcomes.

3. Fiscal Constraints and the “Responsibility–Resource Gap.”

Devolution significantly increased provincial responsibilities. However, provinces often faced fiscal stress. Even where provincial transfers increased through fiscal arrangements, provinces remained heavily dependent on federal transfers and struggled to raise sufficient own-source revenues.

Fiscal constraints affected service delivery. Devolved sectors such as health and education require sustained spending, infrastructure investments, and staffing. Where finances were constrained, provinces faced difficulties expanding services or maintaining quality. Studies note that inadequate resources and uneven fiscal ability can threaten the long-term success of provincial autonomy.[\[2\]](#)

4. Policy Fragmentation and Service Delivery Variations

One of the most debated consequences of devolution has been **policy fragmentation**. When provinces manage key sectors independently:

- policies may diverge,
- standards may vary,
- coordination may weaken.

This can be beneficial when innovation is encouraged. However, in sectors requiring national minimum standards—such as curriculum coherence, disease surveillance, higher education accreditation, and environmental regulation—fragmentation can create gaps and inconsistencies.

This has contributed to unequal service delivery across provinces. Citizens’ access to quality education or healthcare can increasingly depend on province-level capacity and funding, raising questions about fairness and equality in a federation.

5. Coordination Challenges and Weak Cooperative Federalism

Devolution increased the importance of coordination bodies like the **Council of Common Interests (CCI)**. In principle, these institutions should resolve disputes, coordinate policies, and maintain national cohesion. In practice, coordination has often been reactive rather than proactive.

The planning and coordination literature argues that Pakistan’s economic planning institutions have not been fully restructured to match the post-devolution governance model. Tahir and Tahir propose that stronger CCI-centered coordination is needed to align planning with the spirit of the amended Constitution.[\[1\]](#)

6. Political Controversies and Contestation over Federal Power

Beyond administrative and fiscal issues, the amendment remains politically contested. Critics argue that:

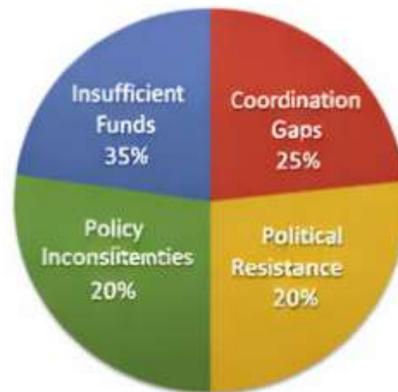
- devolution weakened the federation’s ability to enforce national priorities,
- provinces gained autonomy without adequate accountability structures,
- political motivations influenced the amendment’s design, especially in curtailing presidential powers.

Supporters respond that centralization historically contributed to authoritarianism and regional alienation, and that devolution is necessary for democratic inclusion. These debates reflect deeper political tensions in Pakistan regarding the ideal balance between a strong center and empowered provinces.

Findings

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Figure 1: Resource Allocation Issues After 18th Amendment



Discussion

The findings reinforce a critical insight from decentralization and federalism theories: **devolution is not only a legal transfer of authority, but a transformation of institutions, incentives, and coordination requirements.** The 18th Amendment strengthened provincial autonomy, but provinces' ability to use autonomy effectively depends heavily on their capacity and finances. Without capacity building, autonomy can produce uneven outcomes. Without coordination, policy fragmentation can weaken national coherence.

Decentralization Benefits vs. Capacity Risks

Decentralization theory predicts improved responsiveness, but only if sub-national governments have the competence to deliver services. The Pakistan case demonstrates that legal powers alone do not guarantee better governance. Provinces may inherit responsibility without having systems for planning, regulation, and performance monitoring. This produces uneven service outcomes and weak accountability.

Federalism and National Cohesion

Federalism theory emphasizes unity alongside diversity. Pakistan's challenges show that devolution requires cooperative federalism: institutions where provinces and the federation jointly set national frameworks while preserving provincial discretion. When coordination is weak, disputes intensify, and policy inconsistencies grow.

Illustrative Sectoral Examples

In education, provinces may pursue distinct reforms, but differences in administrative strength can produce varied outcomes. Provinces with stronger bureaucratic structures may implement policies faster and monitor performance more effectively. Provinces with limited capacity may struggle with standardization, training, and evaluation. Similar dynamics apply to public health governance and regulatory areas.

Policy Implications and Future Directions

Based on the analysis, several policy implications emerge:

1. Capacity Building as a Core Requirement

Provincial governments require:

- training in policy design, budgeting, procurement, and monitoring,
- stronger provincial public service institutions,
- better data systems for decision-making.

Capacity building is not an optional add-on; it is central to realizing devolution's objectives.

2. Fiscal Reforms and Strengthened Equity Mechanisms

Fiscal arrangements must match responsibilities. This includes:

- strengthening revenue-sharing mechanisms,
- improving provincial fiscal discipline,
- designing equity-focused transfers to reduce inter-provincial disparities.

Without fiscal fairness, devolution can deepen inequality rather than reduce it.

3. Strengthening the Council of Common Interests and Coordination Structures

Pakistan requires stronger cooperative federalism. Reforms could include:

- more regular and transparent CCI functioning,
- dedicated technical secretariats,
- shared frameworks for sectors where national standards are essential.

The planning literature strongly supports making coordination more institutionalized and less ad hoc.^[1]

4. Monitoring and Evaluation

A robust monitoring framework can:

- track provincial performance in devolved sectors,
- identify capacity and finance gaps,
- guide adaptive reforms.

Monitoring should not undermine autonomy, but rather support evidence-based improvements and accountability.

Future Research Directions

Future studies could focus on:

- sector-specific impacts such as health governance, education quality, and environmental regulation,
- longitudinal comparisons of service delivery across provinces,
- comparative analysis with other federations that experienced major decentralization reforms.

Conclusion

The 18th Constitutional Amendment is a landmark reform that reshaped Pakistan's constitutional order by strengthening parliamentary democracy and enhancing provincial autonomy. It restored balance by reducing excessive presidential authority and devolving significant powers to provinces. However, its implementation has faced substantial challenges and controversies. Administrative capacity constraints, fiscal pressures, and uneven institutional readiness have produced disparities in policy performance across provinces. Weak coordination mechanisms have also contributed to fragmentation and intergovernmental disputes, raising concerns about national cohesion and consistent service standards.

Overall, the amendment's long-term success depends on strengthening cooperative federalism. This includes building provincial administrative capacity, ensuring equitable fiscal arrangements, improving intergovernmental coordination through bodies like the CCI, and adopting monitoring systems that support accountability without undermining autonomy. By addressing these challenges, Pakistan can better realize the amendment's democratic promise and build a federal system that combines provincial empowerment with national unity.

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