

Post 18th Constitutional Amendment Politics of Ethno-Nationalism And Provincialism in Pakistan

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ABSTRACT

This paper mainly focuses on the rising politics of ethno-nationalism and provincialism in Pakistan even after the 18th Constitutional Amendment. The 18th Constitutional Amendment was incorporated into the Constitution of Pakistan-1973 in 2010. The main objective of the 18th Constitutional Amendment was to provide a constitutional response to the grievances of the comprising ethnic identities in the state. It restructured federalism with provincial autonomy that redefined center-provinces relations in Pakistan. The said amendment yet reinvigorated the politics of ethno-nationalism and provincialism in the state. This paper aims to investigate the question of provincial autonomy and ethno-nationalist politics in the post 18th Constitutional Amendment era. The difference between theory and practice with respect to the federal political system under the 18th Constitutional Amendment has given birth to sense of deprivation among ethnic identities of the country. Utilizing primary and secondary sources, the paper focuses on the persistence of socio-economic and political grievances of ethnic identities and provinces in the country. This research study while employing qualitative analytical approach examines the politics of ethno-nationalism and provincialism through the lenses of theory of federalism in the post 18th Constitutional federal set-up in Pakistan.



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1. Introduction

Pakistan is a multi-national, multi-cultural and multilingual state. Currently, Pakistan has diverse ethnicities i.e Baloch, Pashtoon, Punjabi, Siraiki and Sindhi. These very ethnicities have been struggling to uphold their separate identities and to proclaim their respective resources. Similarly, they also strive to claim their due share in the power realm of the state (Majeed, 2010). In Pakistan, the term nationalism is used interchangeably with national and ethnical perspectives. Pakistan came into being on the map of the world as the product of two nation-theory. The historical struggle for creation of Pakistan was based on nationalism respectively. That very nationalism was based on religious grounds. Nationalism is taken in double sense; either it may be a tool of uniting a nation or dividing a country (Hussain, 2009).

In this research study, nationalism is mainly concerned with voices of the inhabiting ethnicities within the federation of Pakistan. Almost all the comprising ethnicities of Pakistan have their own way towards nationalism. They uphold a historical political struggle in this aspect. Pakistan as a federal state consists of numerous nations like Baloch, Pashtoons, Punjabi, Siraiki and Shindi. All these ethnicities possess their respective ideologies and notions of nationalism with respect to their grievances and demands from the federation of Pakistan. Similarly, all the provinces still have grievances with the federal government. It is because of the high demand for provincial autonomy. They want powers to be devolved from the center to the provinces. For the purposes of addressing the grievances and fulfilling the demand for provincial autonomy, certain constitutional reform was essential (Faiz, 2016).

In this regard, 18th constitutional amendment was incorporated into the constitution of Pakistan 1973 in the year 2010 during Pakistan People's Party government at center. The 18th amendment abolished the concurrent list from the constitution. It introduced only two lists with respect to power over certain subject's i.e. federal legislative list and provincial legislative list. In

theory, the 18th amendment proved a ray of hope for all the provinces (Constitution, 1973). But in practices, it would take time to ensure the real devolution and decentralization of power for the purpose of federalism in its true sense in Pakistan. Each province has its own perception regarding the implementation of the 18th amendment particularly with respect to ensuring federalism in Pakistan (Gul, 2019). Due to the grievances and demands for decentralization of fiscal, legislative and administrative powers, all the provinces have been bearing certain nationalistic politics. The ethnic nationalism and provincialism might certainly be proved a headache for federalism in Pakistan (Zaman, 2018).

Likewise, a strong federation is based on harmonized relationship between the center and federating units or provinces. A strength of the central government lies in the roots of strong provinces. The strength of provinces needs decentralization of powers. The constitution of Pakistan 1973 is a federal constitution. A true federation is dependent on the process of democratization of political institution. Inversely, the delay in devolution and decentralization of power has been leading the population towards self-alienation and deprivation. The sense of deprivation and self-alienation have been paving ways for emergence of nationalism and provincialism. The politics of ethno-nationalism and provincialism will have an ostensible impact on the entire process of constitutional federalism in Pakistan (PILDAT, 2010).

2. Research Questions

1. What are the post 18th amendment enduring grievances of the provinces with center that promote provincialism and ethno-nationalism?
2. What are the main causes of rising politics of ethno-nationalism and provincialism and how far its impact on Pakistan after 18th amendment?

3. Review of Related Literature

Various studies by different academicians, political experts and scholars have revealed a diverse approach towards understanding the very

features and characteristics of the federal form of government. Due to diverse demographics and geographies, the form and type of governance changes time to time and place to place. An ethnically diverse state needs federalism to ensure autonomy to the concerned communities. Federalism intends to maintain the notion of unity in diversity. It is the only mechanism through which diverse people can get together in a political system withholding their respective identities but for one cause (Chandio, 2013).

Accordingly, federalism is not merely an idea but a movement, mechanism and a form of state organizing. A federal state or a federation is an organized state and represent an institutional union. Federalism provides a notion of superior state with distinct legislative, executive and judicial powers. Federalism promote a consensus of national laws which are based on the constitution of the land (Bataveljić, 2012).

Similarly, it has been mentioned in Article 1 of the constitution of Pakistan 1973 that Pakistan shall be a federal republic. It shows that constitutionally the political system of Pakistan has been declared as federalism (Constitution, 1973). With the 18th constitutional amendment, the powers have been devolved to the province to ensure the true spirit of federalism in Pakistan. Through the 18th constitutional amendment the concurrent list has been abolished. Most of the residuary powers have been invested in provinces through the said amendment. Although, through the 18th constitutional amendment, powers have been devolved to the provinces to ensure the very essence of federalism but yet it could not be implemented in reality (Tahir, 2012).

Likewise, in historical context, Pakistan is comprised of numerous nations i.e Baloch, Sindhi, Pashtoons, Siriaki and Punjabi. Though there are many other small communities on religious and lingual basis. All these ethnic groups possess separate identities in terms of language, race and history. They seem reluctant to compromise over their respective language and history. Within the federal system of Pakistan, they want to uphold their respective distinctive identities. In the

current political scenario, the ethno-nationalism is on rise in the federal structure of Pakistan (Laif, 2008).

Moreover, due to the delay in the process of implementation of the 18th constitutional amendment, the concerned provinces under the federation of Pakistan have been raising voices against reluctance of federal government towards devolution. At federal level, various forces want to maintain the powers with. They are reluctant to devolve powers to the provinces (Hussain D. K., 2013).

4. Theoretical Framework

Federal as a theory has been taken for the said research topic. It is because that Pakistan is constitutionally a federal state. The term federalism has originally been derived from a Latin word “foedus” which basically means a pact, covenant or an agreement (Heywood, 2000). The Latin word “foedus” itself has been derived from another Latin word “fides” that refers to trust (Lépine, 2012). Though, in contemporary political arena, the term federalism has not been defined as universally agreed. It lacks an agreed definition universally. Beyond the ambiguity in defining the term federalism properly, it still shows the richness in itself and its significance in the contemporary political discourses well as in global politics (Elazar, 1991). It can be stated that federalism is actually the practical process of combining distinguished and separate elements or identities having shared-rule and regional self-rule with respect to elimination and arrangement of tension between them. Actually, it is founded on the conception and notions of value and validity of linking unity as well as diversity. Federalism is the solely political order that puts up diverse political communities together within a union. It promotes and strives to conserve the distinctive qualities and characteristics of the concerned diverse identities within a whole_ that is sovereign political entity. It is dealt both as normative and descriptive in the contemporary political order and discourse (Watts, 1999).

5. Research Methodology

Qualitative research methodology has been adopted for the exploration of the concerned issues under the topic. It is because that qualitative research methodology emphasizes on the notions, ideas, opinions and perceptions of experts and scholars. Regarding the collection of data for this research study, both primary and secondary sources have been utilized. Both primary and secondary data have been utilized for making deductions regarding the relevant issues under the topic. The primary data is based on the official documents of the Federal Republic of Pakistan i.e. NFC awards record, constitutional history, constitutional amendments as well as opinion and views of the experts based on interviews. Likewise, the secondary data has been based on the books, scholarly research articles, periodicals, newspaper reports, research journals, internet materials and encyclopedias regarding the concerned topic and sub-topics. Likewise, descriptive research design has been followed to cover the theme of the topic. The collected data through primary and secondary sources have been analyzed under the perspectives and prism of theory of federalism by using deductive method in order to reach to a concise and unambiguous conclusion.

6. Significance of the Study

Pakistan, being a state of diverse ethnicities, has been facing certain issues since inception. This study will provide enough background knowledge of the concerned issues. It will help in formulation of proper policies at state level. The 18th constitutional amendment will be realized as a source of strength of the federation of Pakistan. It will help in finding and pointing out drawbacks and fault lines in the process of devolution of power. It will provide a roadmap for analysis regarding the existing problems and challenges to the federation of Pakistan.

7. The 18th Constitutional Amendment

The imposition of emergency and suspension of the Constitution by General Pervez Musharraf had created a political chaos in the country. In early 2000s, the quest for constitutional reforms had

also gained a momentum in political sphere of Pakistan (Hayat, 2023). Ultimately, the leadership of the then premier political parties PPP and PML-N; Benazir Bhutto and Mian Muhammad Nawaz Sharif came together to sign a thirty-six (36) points charter (Hayat, 2023). It is known as "Charter of Democracy". As per the points agreed in the CoD, during his address to the joint session on March 28, 2009, the President of Pakistan Asif Ali Zardari asked the speaker of the NA to constitute a committee to propose reforms in the Constitution of Pakistan-1973 (Zafar, 2019). The Committee for Constitutional Reforms was established by a resolution on June 23, 2009 (Zafar, 2019).

The Special Parliamentary Committee for Constitutional Reforms (SPCCR) was already in consideration in this regard (Waseem, 2010). The SPCCR was established under the chairmanship of Senator Raza Rabbani by the federal government. It was comprised of members from both the NA and the Senate of Pakistan. It was comprised of total twenty-seven (27) members in which representation was provided to all the political parties in the Parliament as shown in table 1.1 (Waseem, 2010). The Committee met almost seventy-seven (77) times to revise all 280 Articles of the Constitution of Pakistan-1973 (Ahmed, 2020).

After due deliberation, almost 102 Articles of the Constitution were either amended or substituted or something added accordingly (Ahmed, 2020). The draft of the bill of the 18th Constitutional Amendment prepared under the chairmanship of the Senator Raza Rabbani by SPCCR was signed by SPCCR on March 31, 2010 (Islam, 2013). It was passed by the National Assembly of Pakistan on April 08, 2010 and by the Senate of Pakistan on April 15, 2010 respectively. It was signed by the President of Pakistan Asif Ali Zardari on April 19, 2010 as a final assent for incorporation it into the Constitution of Pakistan-1973. It has been widely proclaimed as a milestone in the constitutional and political history of Pakistan (Mujahid, 2012). The 18th Constitutional Amendment has distributed the powers, authority, jurisdiction and

resources through constitutional provisions to ensure federalism in Pakistan.

Table 1.1: *Representation of Political Parties in the SPCCR*

Serial No.	Political Party	Members
1.	PPP	05
2.	PML-N	03
3.	PML-Q	03
4.	MQM	02
5.	ANP	02
6.	JUI-F	02
7.	BNP	01
8.	JIP	01
9.	NP	01
10.	PPP-S	01
11.	NPP	01
12.	PkMAP	01
13.	JWP	01
14.	Independent and others	03
15.	Total	27

Source: (Hamid, 2010)

8. Grievances of the Provinces Against Federation of Pakistan

Theoretically, the provinces have been given constitutional rights, jurisdiction and authority but practically, due to political upheavals, the provinces have been deprived of their constitutional rights, power and authority by the federal government. Actually, the inefficient, inequitable and unjust distribution of socio-economic, political and financial resources have given birth to grievances. Due to which the already oppressed strata of the state have been alienated. It has further galvanized heat among the ethnic groups and provinces that might turn these grievances into ethnic violence (Khan, 2020). In Pakistan, each province has different ethnic groups and identities. Each province has been holding its particular and unique grievances either against the federal government or other provinces in the country. The marginalization of ethnic groups and provinces has been transformed into

grievances (Khan, 2020). In this regard, fiscal, administrative, governance, security and certain political grievances have been widening gap between the central and provincial governments (Adeney, 2007).

8.1. Grievances of Provinces over Fiscal Federalism

The constitutional division of governmental functions with respect to financial relations, matters and issues between the federal and provincial authorities in an organized manner is termed as fiscal federalism. In a federal political entity, fiscal federalism is essential for ensuring the autonomy of the concerned federating units (Hussain, 2018). Likewise, Pakistan as a federal state has constitutional provisions regarding fiscal decentralization to ensure federalism in the country. In this regard, there is a National Finance Commission (NFC) that allocates or awards the total revenues and resources as collected in a fiscal

year between federal and provincial governments is termed as NFC Award. It formulates the techniques and methods for distribution of resources (Sabir, 2010). Article 160 of the Constitution highlights the formulation of NFC. The NFC Award is usually revised for five years in order to ensure just and equitable distribution of financial resources between federal and provincial governments. The 18th Constitutional Amendment has renovated fiscal federalism and restructured the fiscal relations between the central and provincial governments (Ali, 2024). The seventh (7th) NFC Award-2009 was implemented in 2010. It enhanced the share of provinces from 47.5% to 57.5 % in the divisible

pool. It also modified the criterion of population as the sole factor for division of resources between the federal and provincial governments. Other factors such as poverty, development and revenue have also been included as shown in table 1.2. Similarly, article 160 (1) of the constitution of Pakistan-1973 strictly observes that NFC to be reconstituted every five (05) years in order to maintain justices in sharing of resources. Since that it has been ignored by the federal government (Iqbal, 2025). Yet, it could not be convened to reconstitute the NFC Award. Provinces like Balochistan, Khyber Pakhtunkhwa and Sindh persistently provoke the delay in the NFC Award.

Table 1.2: *Factors Taken in Consideration in NFC Award-2009/10*

Indicators	NFC 1974 to 2010	NFC 2009/10
Population	100 %	82%
Poverty/Backwardness	-----	10.3 %
Revenue Collection/Generation	-----	05%
Inverse Population Density	-----	2.7%

Source: (Hussain, 2018) and (Sabir, 2010)

In addition, the shares of Punjab, Sindh and Khyber Pakhtunkhwa have been slightly reduced by inclusion of other factors in the distribution mechanism while the shares of Balochistan have been enhanced in the divisible pool under the NFC Award-2009 as shown in the table 1.3. (Mustafa, 2011). Except Punjab other provinces still possess reservations on the NFC-Award-2009. They even proclaim the delay in the NFC Award by the federal government as their deprivation from the development and financial autonomy. Even after the 18th constitutional Amendment, the provinces are widely dependent on the federal government with respect to financial affairs. The provincial governments of Sindh, Balochistan and Khyber Pakhtunkhwa raise their voices for their deprivation from their due share in the NFC Award by the federal government of the country. The provincial governments consider it a blow to the fiscal federalism and deviation from the provision of the constitution. In turn, it paves the way for the politics of ethno-nationalism and provincialism in Pakistan.

Table 1.3: *Provincial Shares in Percentage in the Divisible Pool under NFC Award-2009*

Share of Provinces in the Divisible Pool in the NFC Award-2009 in Percentage and Its Impact			
S. No	Provinces	Share in Divisible Pool	Impacts ±
1.	Punjab	51.74 %	1.27 % Reduction
2.	Sindh	24.55 %	0.39 % Reduction
3.	Khyber Pakhtunkhwa	14.62 %	0.26 % Reduction
4.	Balochistan	9.09 %	1.82 % Addition

Source: (Mustafa, 2011)

8.2. Grievances of Provinces over Administrative Federalism

The historical precedence, ethnic diversity as well as the founder's vision have been taken as the most significant rationale behind federalism in Pakistan (Tahir, 2023). Administrative federalism has not been taken into account during the 18th Constitutional Amendment directly to determine the administrative domains for both federal and provincial governments. In technical sense, administrative federalism has been ignored to be clearly determined in the 18th Constitutional Amendment. But the subjects which have been devolved to the provinces provide administrative authority to provinces as per the provisions of the Constitution of Pakistan-1973. In practice, administrative federalism basically transforms motives and aspiration of the federal polity into policy outcomes. In this regard, it is one of the determining features of the federation. It is concerned with executive powers with autonomy of a federating unit. It takes devolution of authority to the provincial governments with respect to policymaking and policy implementation. Administrative federalism empowers the provincial governments to enact laws regarding the devolved subjects while utilizing own mechanism, means and resources (Abdullah, 2022).

In more simple words, the control of administrative posts regarding the subjects rendered to provinces under the 18th Constitutional Amendment has been given to provinces but yet the central government is reluctant to abandon the domination over administrative structure. The absence of clear and effective division of responsibility in administrative structure erodes the essence of federalism in Pakistan (Hussain, 2024). Theoretically, Article 240 (b) of the Constitution of Pakistan-1973 has conferred authority to provincial government to regulate the provincial posts through provincial laws and Acts. In practice, the federal government usually appoints federal employs on provincial posts as against the essence of administrative federalism. It is perceived as unconstitutional and illegal as per the

provisions of the Constitution of Pakistan-1973. For instance, the post of Chief Secretary is one of the highest bureaucratic and executive authority in a province. In theory, the post of Chief Secretary needs to be dealt with by the provincial government as per the provision of the Constitution. But in practice, Chief Secretary in all provinces is appointed by the federal government from among the federal employees (Wazir, 2024).

By this way, the entire administrative structure at provincial level is dominated by the federal employs. It creates issues in the chain of command, policy implementation and efficient service delivery in provinces. Even the CCI (Council of Common Interest) as a constitutional body has never heed any attention towards resolving issues concerning administrative federalism in the country after the passage of the 18th Constitutional Amendment (Wazir, 2024). Likewise, provincial Accountant General (AG) and Auditor General are appointed by the federal government in all provinces. By this way, the provincial finance falls under the command of the federal employs. The share rendered to provinces under the NFC-Award is controlled and regulated by federal employs (Wazir, 2024).

9. Politics of Ethno-Nationalism and Provincialism in Pakistan

Due to the existence of diverse communities in terms of language, ethnicity and even religion on both sides, federalism has been chosen as the best system for governance in both the states (Waseem, 1994). The urge for maintaining identity of a respective ethnic group with specific territorial occupation and constitutional autonomy can only be materialized in a federal polity. In Pakistan unlike India, there had been a lack of efficient administrative structure and constitutional mechanism to address issues concerning ethnic division (Adeney, 2007). Since the inception of Pakistan in August 1947, the elites of the country have devised a mechanism to regulate state institutions in their own way and favour within the framework of federalism (Adeney, 2007).

Pakistan has taken together an ethnically diverse society since independence. After partition, the distinctive ethnic identities of Baloch, Punjabi, Bengali, Pashtuns, Seraiki and Sindhi became part of Pakistan. Before partition, the aforementioned ethnic identities challenged suppression of the British Raj in Indian subcontinent, time and again, usually for protection of their respective political interests. Finally, it compelled the British Raj to leave Indian subcontinent.

Likewise, Pakistan was transformed into 'one unit' soon after the independence by the contemporary political elites. It sparked agitation among regional identities in order to highlight their respective grievances and to claim their due shares in the realm of power and resources of the state through provincial autonomy. Since independence, the relations between the federal and provincial governments along with ethnic lines have been the core concerns of politics in Pakistan. For instance, frequent military operations in KP and Balochistan as well as ethno-nationalist movements across the country have made a room for politics of ethno-nationalism and provincialism in Pakistan (Khan, 2014).

10. Discussion and Analysis

The federal model that has been imposed in Pakistan has yet to work efficiently to ensure unity in diversity. The grievances of federating units in terms of fiscal, administrative and political matters even after the 18th Constitutional Amendment bear an ostensible impact over center-provinces relationship. The persistence of grievances even after the 18th Constitutional Amendment is a significant question of deliberation for the nation.

In this regard, Pakistan needs to ensure proper implementation of the constitutional provisions not merely to address the grievance of provinces and concerned ethnic identities but to strengthen the federal polity as well. The deliberate delay in the implementation of the 18th Constitutional Amendment may lead to aggravate the politics of ethno-nationalism and provincialism in the country that weakens the roots of the polity. The domination of administrative structure by the

central government can only be mitigated through proper implementation of the constitutional provisions in Pakistan. It would help in addressing the grievances of provinces against federation.

Pakistan has been divided into a federal capital and four provinces for administrative purposes. Administrative division is essential for governing a diverse ethnic society and vast territory to meet the needs and demands of modern-days as well as for tackling numerous socio-economic and political challenges. Administrative division of Pakistan provides three tiers of governing mechanism as per the provisions of the Constitution of Pakistan-1973 i.e. federal, provincial and local government(s). For smooth administration of the state affairs, there is a dire need of cooperation, coordination and balance with respect to subjects and authority within all tiers of the government.

11. Recommendations

1. The division and distribution of authority with determined responsibility and accountability is essential for the efficient service delivery through constitutional provisions in Pakistan.
2. The 18th Constitutional Amendment needs to be implemented for the sake of mitigation of sense of alienation and deprivation of all concerned ethnic identities i.e. Pashtoon, Sindhi, Punjabi, Balochi and Seraiki.
3. The deliberate delay in the NFC-Award has caused imbalance relationship between the federal and provincial governments. The federal government is constitutionally bound to renew the NFC-Award every five years as per the essence of Article 160 of the Constitution of Pakistan-1973. The federal government must ensure the transfer of NFC shares to the concerned provinces accordingly.
4. The central government must surrender the key administrative positions like Chief Secretary (CS), Inspector General of Police (IGP) and other District Administrative positions to provinces to overcome the administrative disturbance. It will ensure efficient service delivery in all provinces as well

as eliminate the politics of ethno-nationalism and provincialism in the country.

5. The ethno-nationalist political parties across the country must be given space in the national politics to eradicate the sense of deprivation in order to strengthen the federation as per the provisions of the 18th Constitutional Amendment.

12. Conclusion

It is crystal clear that Pakistan is a multi-ethnic, multi-lingual and multi-cultural state. The creation of Pakistan was meant to provide the right of self-rule to all concerned identities. Since inception, there has been a perpetual struggle for establishment of a true federal political system in Pakistan. The grievances of provincial and ethnic identities were tackled in the 18th Constitutional Amendment in 2010. The 18th Constitutional Amendment redefined the relationship between central and provincial governments in the country. It abolished the concurrent legislative list completely by defining the subjects and domain of authority between the federal and provincial governments. The 18th Constitutional Amendment was meant to eradicate the grievances of Pashtoons, Punjabi, Sindhi, Baloch and Siraiiki belt in the country. Theoretically, the 18th Constitutional Amendment has addressed fiscal, administrative and political grievances of the all aforementioned ethnic identities. Practically, a persistent delay in the implementation process of the 18th Constitutional Amendment and

reluctance of the federal government in devolution process has been observed. Due to the gap between theory and practice, the politics of ethno-nationalism and provincialism is on rise. The nationalist political parties instigate the sense of deprivation and alienation in masses for seeking a room for themselves in the federal government. The politics of ethno-nationalism and provincialism paves the way for weakening the very foundation of the federal polity. In this regard, the federal government has to observe strictly the provisions of the Constitution of Pakistan-1973 to ensure administrative, fiscal and political federalism. Administrative and fiscal federalism as per the essence of the 18th Constitutional Amendment are essential for smooth and efficient service delivery. Likewise, Socio-economic and political balance of the mentioned ethnic identities and provinces is crucial for unity in diversity. It is possible through implementation of the 18th Constitutional Amendment in letter and spirit to avoid galvanization of politics of ethno-nationalism and provincialism in the country. Similarly, provincial diversity with respect to demography, ethnicity, resources and political parties can only be united in a federal polity through Constitutional means of division of power and authority. It has been laid down by the 18th Constitutional Amendment in 2010. It is the best time for its proper implementation to get rid-off the politics of ethno-nationalism and provincialism to strengthen the federation.

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