



Parliament of Pakistan after the 18th Amendment: Institutional Transformation, Democratic Governance and Emerging Challenges

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ABSTRACT

This study examines the transformation of Parliament of Pakistan following the Eighteenth Constitutional Amendment of 2010, with particular emphasis on parliamentary supremacy, legislative autonomy, federalism, executive accountability, judicial relations, and democratic institutional development. Drawing on constitutional provisions and secondary scholarly and institutional sources, the study analyses how the amendment sought to reverse the centralizing tendencies associated with earlier constitutional interventions and restore the parliamentary character of the 1973 Constitution. The findings indicate that the removal of Article 58(2)(b), abolition of the Concurrent Legislative List, expansion of provincial autonomy, strengthening of parliamentary oversight, and reforms concerning judicial appointments and electoral institutions significantly altered the institutional balance between Parliament, the executive, and the provinces. The amendment also strengthened mechanisms of cooperative federalism through institutions such as the Council of Common Interests. However, implementation has remained constrained by political polarization, institutional capacity gaps, intergovernmental tensions, and limitations in parliamentary research and oversight. The study concludes that the Eighteenth Amendment represents a major civilian-led effort to consolidate parliamentary democracy and federalism, although its long-term effectiveness depends on sustained institutional capacity, constitutional adherence, and political commitment.

Introduction

Eighteenth amendment in the Constitution of 2010 marks the turning point in the history of Pakistan's constitution and politics. It was a multi-sector and multi-party parliamentary effort to rejuvenate the initial purpose of the Constitution of 1973 and to make it more institutional by those who had institutionalized it over the years by military and quasi presidential governments. The amendment essentially transferred the powers of the federation and the provinces, and made parliament more democratic. Among the scholars, the perception of the reform as a corrective measure to stop the centralizing tendency, particularly during General Zia-ul-Haq and General Pervez Musharraf is dominant. In this direction, the amendment was a conscious change from a semi-presidential to a true parliamentary system. (Newberg, 2002)

It was a historic event that led to the political accord that paved the way for the amendment. Pakistan's Constitutional history has never witnessed a participation of the major political parties to the extent they did here in the Parliamentary Committee on Constitutional Reforms (PCCR) to show ownership of the constitutional reforms for the first time. The Charter of Democracy of

2006 which stressed the return of parliamentary and provincial autonomy had a significant impact on this consensus. Thus, the Eighteenth Amendment was not just a legal modification; it was also a political agreement which required the unification of democracy and the balance of institutions. (Waseem, 2019)

In structure, the amendment has brought about a sweeping change in nearly all the organs of the state including Parliament, the Executive, the judiciary and the Election Commission. The most outstanding of its provisions was the abolition of the Concurrent Legislative List and the considerable extension of the authority of the provincial legislatures. The amendment also tightened the President's discretionary powers, particularly those contained in the Constitution (Article 58 (2) (b) of the Constitution) on the dissolution of the National Assembly, giving strength to the powers of elected representatives. All these reforms aimed to increase federalism, enhance democracy and minimize the risk of extra-constitutional involvement.

Overview of the 18th Amendment

Historical Background

Reading the passage of the Eighteenth Amendment in the context of the larger story of Pakistan's constitutional development that has seen alternating civilian and military rule. The various military governments that have succeeded since the promulgation of the 1973 Constitution have amended the constitution so that the president has more power than parliament. In 1980s (due to the General Zia's dictatorship) and 2000s (with the introduction of General Pervez's rule under General Pervez Musharraf, 17th Amendment 2003), a new era was introduced in the Parliamentary form of Constitution of Pakistan, under which the President had the power to dismiss the elected government. This resulted in a continuous institutional instability and a lessening of democratic continuity. (Rizvi, 1991)

During the late 2000s, there was a growing awareness among civil society parties in the political arena of the need to save the constitution for democracy. In addition, the lawyers' movement (2007-09), which rallied civil society against the interference of the executive branch in the judiciary, further bolstered calls for constitutional change and for the rule of law. The general elections of 2008 led to a civilian government, and the transition of democracy led to a constitutional change. In this context, setting up a Parliamentary Committee on Constitutional Reforms was launched to examine and suggest constitutional changes for the distortion in the Constitution.

The efforts of the committee were culminated in the passage of the Eighteenth Amendment by the parliament in April 2010 in an unprecedented political consensus in Pakistan. The amendment affected more than 100 articles of the Constitution, and was one of the greatest constitutional changes in the nation's history. The most important thing to note is that the reform's objectives were to restore the parliamentary norms and to strengthen the federal unity between the provinces, in addition to redistributing formal powers.

Salient Features of the 18th Amendment

It was the Eighteenth Constitutional Amendment which had introduced a wide-ranging restructuring of the entire constitutional system in Pakistan, one of the most far-reaching ones since the adoption of the 1973 Constitution. This principal goal of the amendment was to return to parliamentary democracy, improve federalism and the balance of the organs of state. The extent of its scope would be evident from the amendments it made to more than a hundred amendments to the Constitution, affecting almost every key institutional structure. The reform is seen as a conscious attempt of the civilian political leadership to undo the constitutional wrongs it wanted to correct in the long-term of military dictatorship. (Waseem, 2019)

The most remarkable aspect of the amendment was the reintroduction of the supremacy of Parliament by limiting the powers of the President. Prior to the reform, the President enjoyed the controversial Article 58(2) (b) which allowed him to dissolve elected governments, something that has been used numerous times. This was removed by the Eighteenth Amendment which brought back the Prime Minister and the cabinet as the main executive power to parliament. It was a significant shift from the half-presidential system of the past, and a more classic parliamentary system that was outlined in the original 1973 constitutional structure.

The change was also in the fact that Concurrent Legislative List was abolished, thus making a total change in the federal structure of Pakistan. The amendment fragmented aspects of society, such as education, health, culture and social welfare, to the provinces, thus enhancing their autonomy. The transfer was done to quell the grievances of the smaller provinces, which have been complaining of undue centralization of power in Islamabad for too long. The devolution, however, also brought in new administrative and capacity challenges for the provincial governments, and concerns about the effectiveness of implementation. (Khan, 2017)

The amendment also brought about much-needed judicial reforms to improve the transparency in selection of the superior court judges. It has also established the concept of Judicial Commission of Pakistan and a Parliamentary Committee to oversee judicial appointments, which has increased the participatory and accountability of the process. This process was seen as a move towards institutional balance by supporters, but it was seen as creating new tensions between judiciary and parliament from the critics. It was indeed a big institutional innovation in the history of the Constitution of Pakistan.

Further, the appointment of the Chief Election Commissioner and members of the commission were streamlined, while the Election Commission of Pakistan was extended and the working of many other important democratic institutions was improved under the Eighteenth Amendment.

The reform was to promote political neutrality and autonomy in electoral management. Furthermore, the amendment reinforced the notion of basic rights by introducing additional rights such as the right to education in article 25-A, which further expanded the constitutional rights provision on social welfare. These features, taken together, suggest that the amendment was not just a procedural one but of a transformative nature, and was designed to enhance democratic governance and federal balance in Pakistan. (Rizvi, 1991)

Objectives of the Amendment

The main goal of the Eighteenth Amendment was the reestablishment of the Parliamentary nature of the Constitution of 1973 and the overturning of the authoritarian changes made during the military governments. Over the last few decades there had been a trend towards making the political system gradually more presidential in Pakistan, making elected institutions less powerful. The amendment sought to ensure supremacy of the civil service and enhance the rule of law which reads that "all power shall come from and shall be held accountable to the parliament". The reform was therefore nothing else but re-establishment of democracy in that case.

A second great goal was the idea of real federalism, with actual provincial autonomy. Since the establishment of the federal structure in Pakistan, it was seen as centralized and was blamed for political alienation in smaller provinces. The purpose of the amendment was to bring about a more balanced federation by removing the Concurrent Legislative List and increase the powers of the provincial governments. This was also in line with the broader goal of national integration, which was viewed by the policy makers as a means of mending the grievances of provinces and enhances the legitimacy of the federal system.

Another aim was to achieve the balance of the three branches of government. The amendment was aimed at redressing the power imbalance amongst the parliament, the executive and the justice sector, as well as establishing new mechanisms of accountability and oversight. That is, the new judicial appointment system was designed to be not only to de-Executivise the judiciary, but also to bring the Parliament into play. Similarly, the empowerment of the Election Commission was meant to increase the credibility of the entire election and continuity of democratic processes. The reforms were part of a larger constitutional concept of "checks and balances".

18th Amendment and Parliament of Pakistan

The 18th amendment of the Constitution gave a new status to the Parliament of Pakistan which was centralized in the Constitution. Prior to the amendment, Parliament had been compromised by multiple military interruptions and the constitutional twists – and the balance had been skewed in the favour of the Presidency. This was the objective of the reform of 2010 that sought to reinvigorate the function of the elected representatives and to make the principle of parliamentary sovereignty more powerful. As a result, the National Assembly and the Senate made structural and operational improvements in its legislative and oversight roles.

Finally, the amendment was to merge the democratic process as not to interrupt the political process outside of the provisions of the Constitution. Structural weaknesses in civilian institutions had been revealed due to Pakistan's experience of frequent military interventions. The amendment eliminated constitutional elements that had previously allowed the executive branch of government to have too much power, in order to establish firmer democratic safeguards. It is subject to divergent views among scholars to see the success of these goals in the long run but in this regard, it is unanimously accepted that the Eighteenth Amendment was the most serious civilian led endeavor to institutionalize the parliamentary democracy in Pakistan's recent history. (Khan, 2017)

On the structural level, the amendment confirmed the supremacy of the parliament as the lawmaking body and further enhanced the parliament's control of the executive. The reform had removed the President's one and only power to dissolve the National Assembly, which had led to more stability and less uncertainty in the executive branch. The development was important in the frame of Pakistan's political landscape, with elected governments being toppled frequently, and thus, threatening the continuity of democracy. Thus, the amendment helped to make the tenure of the Parliament more predictable and a measure of institutional maturity in Parliament. In addition, the amendment added some new elements to the Parliament's committee system that would further strengthen its oversight function and also increase the accountability of the executive to elected representatives. There was an increasing role for parliamentary committees in holding the government to account, on budget, policy implementation. This greater role for committees has been recognized as being a good feature of efficient parliaments and an important tool in holding government to account. But, even after these formal enhancements, there are doubts about the actual utility of parliamentary oversight in the changing political scenario of Pakistan.

Changes in Powers and Functions

One of the most important gains of the Eighteenth Amendment was the return of many of the powers that were originally spelled out in the 1973 Constitution to the National Assembly. Most importantly, with the repeal of Article 58(2)(b), the Assembly could operate up to the end of the term without the risk of early dissolution. This institutional safeguard enhanced the confidence of legislators and reduced the executive authority in the lower house.

Legislatively, the Assembly's powers expanded as a result of the expanded federal restructuring after the Concurrent Legislative List was phased out. Many subjects were devolved to the provinces, and thus, the priorities and focus of the Assembly shifted to the federal policy areas of defence, foreign affairs and macroeconomic management. This diminished the authority of the Federal legislation, but increased the Assembly's focus on the basic functions of the nation, and their role as the centre for constitutional amendments, financial legislation and accountability of the executive.

The amendment also gave the Assembly greater powers to hold the Executive to account. The Prime Minister and the federal cabinet continued to be collectively responsible to the National Assembly as per classic parliamentary tenets. This enhanced the parliamentary mechanism of questions, debates and motions of accountability. But the writers note that much political will, party discipline and democracy in the parliament is needed to implement these tools. (Rizvi, 1991)

Overall, the National Assembly following the 18th Amendment has more constitutional protections than ever before, and the powers that they wield are more functional. But, the formal empowerment and performance has yet to influence the scholarly debate on the development of Parliament in Pakistan.

Legislative Autonomy

The most noticeable strengthening of the autonomy of the legislative body, the National Assembly, is the result of the Eighteenth Amendment to the Constitution. The reforms have reduced the discretionary powers of the president, and increased the accountability of the cabinet to parliament, thereby reducing the opportunities for extra-parliamentary manipulation of the process. This autonomy is regarded to be so fundamental for the development of parliamentary democracy in Pakistan.

The expanding role of the committees also helped to increase the independence of legislators. National Assembly standing committees increased in visibility in the review of bills, scrutiny of public expenditure and policy oversight. Theoretically this was to bring Pakistan's parliamentary system closer to the Westminster parliamentary tradition. But empirical evidence shows that

there is still considerable variation in the effectiveness of the committees with respect to political polarization and institutional capacity.

Another crucial aspect of legislative autonomy is financial control. The National Assembly has the sole power to review money bills and the federal budget, which is one of the best parliamentary oversight tools. The Eighteenth Amendment was hoped to make it easier to hold government to account for public spending due to parliamentary supremacy. Though there have been strides in the budget process and committee reviews, critics say fiscal controls still are lacking in the areas of party discipline and technical knowledge.

Federalism and Provincial Autonomy

The Eighteenth Amendment was an extremely important amendment as it shifted the power from the federal government to the provincial government and also decentralized and gave more autonomy to the provinces. In this respect one of the most important changes in the Constitution was the elimination of the Concurrent Legislative List, which had previously given both the federal and provincial governments the power to make laws on a large number of matters. This amendment eliminated this list and placed almost 47 subjects such as education, health, culture and social welfare under provincial jurisdiction, thereby increasing the number of areas in which the provinces could make laws and take decisions. This change represented a new paradigm of federal system in Pakistan towards a more decentralized and participatory governance system. (Constitution of Pakistan, 1973)

The enhancement of provincial autonomy had been closely related with the political demands of the smaller provinces for more decentralization of power that had raised concerns about excessive centralization of power in Islamabad in the history. Centralization of power on resources and policy making is a constant grievance of provinces such as Baluchistan and Sindh for economic inequality and political alienation. The Eighteenth Amendment addressed these concerns by giving more power to the provinces in their internal affairs, thereby improving the federal compact and promoting a sense of statehood inclusion.

Another necessary part of the federal restructuring was incrimination of fiscal federalism through National Finance Commission (NFC) Award. The principles of the NFC Award of 2009 were reaffirmed in the context of the system of provincial autonomy, although this award came before the formal adoption of the amendment. The new formula for distributing resources adopted several factors like population, poverty, generating revenue and inverse population density to make the allocation of financial resources in the provinces more equitable. This was significant since it enabled provinces to effectively carry out their new responsibilities. (Siddiqi, 2007)

The amendment also breathed new life into institutional mechanisms to coordinate relations between the center and the provinces, especially the Council of Common Interests (CCI), in addition to fiscal decentralization. The CCI became a constitutional entity with the aim of settling interprovincial disputes and harmonizing policies on issues of national importance, like energy, water and natural resources. This was intended to institutionalize "cooperative federalism" and minimize political clashes between the federation and the provinces by calling for regular meetings and giving more weight to the federal government.

Each of these has experienced its own difficulties, though, with devolution introducing a number of administrative and governance issues. Many provincial authorities were not initially institutionalized, technically competent and had financial management systems to handle newly-devolved functions effectively. This resulted in certain elements of the policy not having been fully implemented, including in education and in health services which were not fully equal across the regions. The shift also demonstrated the lack of coordination between the Federal level and the Provincial level for which more effective mechanisms are required. (Government of Pakistan, 2010)

Moreover, the effects of provincial autonomy on national unity are an academic issue in debate. Advocates have credited decentralization with boosting democracy and lessening of regional grievances, but critics have cast doubt on how effective it has been in some instances as a result of policy fragmentation and a decline in national integration. The differing levels of governance capacity of provinces also have led to differences in development outcomes, posing questions about the sustainability of the federal model. But the Eighteenth Amendment has been a historic step towards a new definition of the federal system of power in Pakistan.

Role of Parliament after the 18th Amendment

The Eighteenth Amendment had a profound impact on the role of parliament in Pakistan, as it revived the Parliament as the central player in the constitution and also gave the legislative powers to the Parliament. The Amendment changed this as prior to the Amendment; parliament was subjected to the Executive's power very often, particularly during the military rule. The post amendment system, however, once again gave parliament the status of supreme law making power and allowed it to have more control on the national development process. This transformation was crucial to make sure that Democratic governance in Pakistan is based on representative institutions instead of central government. (Mehboob, 2014)

An important success of the amendment was the enhanced effectiveness of parliamentary legislation. Executive power was removed and parliament was given more autonomy in initiating, debating and passing legislation. The legislative processes and policy making was more active with members of Senate and National Assembly and this resulted in an inclusive and participatory policy making process. This change also prompted political parties to take the parliamentary debate seriously and thus enhanced democratic norms and practices in the parliamentary arena.

The parliament's increased role was most significantly in the sphere of its supervision over the executive branch. The parliamentary committees were more active and influential in the examination of government policies, expenditure and administration, in particular. Standing committees were given a role in examining bills in detail and summoning officials, and in holding ministries to account for their performance. It was an important step towards establishing checks and balances in the system of politics in Pakistan.

The amendment also helped to enhance accountability mechanisms in Parliament. The transparency of the legislative process and better media attention to the work of parliament boosted citizens' awareness on legislative work. This transparency added an additional pressure for elected officials as to how well they managed and what they did right. Furthermore, there was growing engagement with opposition parties in Parliament, allowing them to question and challenge the Government and contribute to debate. (Ali, 2012)

Parliament was also given significant strengthening powers in the roles of key national appointments and legislation and oversight. Parliamentary committees' involvement in various committees like appointments to the courts and in electing the members of the Election Commission further enhanced the institutional relevance of parliament in governance. This system of participation helped to ensure that decisions of vital importance for the State were not taken exclusively by one of its arms, which helped to achieve institutional balance and promote the legitimacy of the State.

While these are positive developments, there remain some challenges for increasing parliament's mandate. Despite Parliament members' attendance, lack of Parliament members and research support are still affecting the effectiveness of Parliament. Additionally, the type of party leadership can reduce the chances for the legislators to take their own decisions, and this can result in poorer parliamentary discussion. However, the Eighteenth Amendment has certainly added more legitimacy to parliament in institutional terms, hence more influence and voice in the political system of Pakistan. (IDEA, 2013)

Parliament Relations

No doubt that the Eighteenth Amendment changed the nature of the political system of Pakistan as the parliamentary style of the political system was restored once again. Initially, the executive (particularly the Presidency) was strong, and the role of parliament was weak. This imbalance was corrected in the constitutional changes of 2010, which make it clear that the authority of the executive depends on the legislative and that it is accountable to it. This alteration revived the doctrine of parliamentary sovereignty, which was an integral part of the democratic system of Pakistan.

One of the essential elements of this restructuring was the considerable decrease in the powers of the President and the subsequent growth of the position of the Prime Minister. The President became an almost ceremonial figure and the real executive power in the hands of the Prime Minister and the federal cabinet. This change had the effect of collective executive decision making and subjecting these decisions to parliamentary scrutiny. This resulted in the direct accountability of the Prime Minister to the National Assembly, thus further strengthening the democratic norms and institutional accountability.

The amendment also strengthened the means for the parliament to hold the executive to account. The use of Parliamentary debates, question hour and adjournment motions were made more effective. Members of parliament had more chance to sit with ministers to question them, to ask them for explanation and to give them influence. This enhanced linkage between the executive and the legislature helped to make the system of governance more transparent and responsive.

The role of the cabinet as a whole decision-making body is also an important aspect of relations between the executive and the parliament following the amendment. The principle of collective responsibility of cabinet members means that they are all responsible to the parliament for government actions and policies. This not only helps ensure unity in the executive, but also helps to make parliamentary oversight of governance stronger. The cabinet system thus serves as a crucial link between the executive and the legislative branches, it co-ordinates and makes the executive more accountable. (National Assembly Secretariat, 2015)

Institutional changes, however, are not the only issues that will influence the interaction between the executive and the parliament in Pakistan, as practical matters are also likely to play a role. There is a lack of meaningful debate in Parliament as a result of polarization and high party discipline. When the ruling party or coalition is strong, in many instances, gaining legislative approval becomes a formality. This can undermine parliamentary control, and pose questions on the quality of democratic governance.

In addition, the capacity and experience of parliamentarians can also have an impact on the effectiveness of executive accountability. Legislators can be limited in their ability to critically analyze executive decision making due to a lack of research support and policy analysis tools. It highlights the importance of institutional transformation which will strengthen the capacity of the parliamentary institutions, including the parliamentarians, such as through improving the research functions of parliament and creating capacity among parliamentarians. Despite all these challenges, the Eighteenth Amendment has established a good constitutional order between the Executive and the Parliamentary bodies in Pakistan. (Yusuf, 2010)

Judicial Reforms and Parliamentary Role

The reform in the judiciary in Pakistan as made in the 18th amendment in the constitution was vast and it had altered the relationship of judges with parliament in Pakistan. Among the changes which occurred was the reorganization of the process of judicial appointments by the appointment of Parliamentary Committee and introduction of Judicial Commission of Pakistan. This new mechanism was supposed to be clear and participatory, with the involvement of the judiciary and the Parliament in the selection of judges. The reform was designed to promote institutional balance, as in the past, it was more likely to be the executive that had a stronger influence on judicial appointments. (Supreme Court of Pakistan, 2010)

The establishment of the Judicial Commission was an attempt to make parliament function more orderly and efficiently, and to aid in maintaining judicial independence. It was headed by high-ranking judges, along with some legal professionals and members of the legal community that were tasked with providing recommendations to the government on judicial appointments. These recommendations were then presented to a Parliamentary Committee which had the authority to accept or reject nominations. This two-tiered system was intended to provide checks and balances, and to prevent any one body from having control over the appointment process.

The role of Parliament in appointments to the judiciary was strengthened, but did also raise questions of Parliament's role in the judiciary. Some critics have called for a review of the appointments of judges by parliament to be political and compromise upon judicial independence. But supporters insisted there would be no democratic accountability and transparency without parliamentary oversight. This tension is indicative of the general problem of independence and accountability in constitutional governance. (Jillani, 2013)

The Eighteenth Amendment was also to affect the general relationship between Parliament and the Judiciary. In the period of post amendment, the judiciary is an assertive body in particular in judicial review and PIL. This activism further enhanced the safeguard of fundamental rights, but at the same time it sometimes resulted in conflicts with the institutions of the legislature, particularly in the case of an encroachment on legislative sovereignty.

The strengthening of constitutionalism and the principle of the rule of law was also a key element in judicial reform. The amendment helped to bring a balance in the governance structure by changing the role of institutions and restricting the interference of the executive and other institutions. The Parliamentary role as a representative institution in judicial process was institutionalised as a means of upholding constitutional values. This was a "merging of functions" which was intended to create a system where the various functions of government could operate cohesively and in harmony while maintaining independence. (Kennedy, 2012)

Even with these changes there are still issues to address in reaching a balance between parliament and the judiciary. The issues of judicial appointments and constitutional interpretations as well as judicial review are still affecting institutional interaction in Pakistan. They must respect each other and the constitution is one of the factors of success in the reform system. The Eighteenth amendment is nonetheless a significant move towards the creation of a more transparent and accountable system of judiciary in a democratic structure in Pakistan.

Strengthening of Democratic Institutions

The Eighteenth amendment of the Constitution has been instrumental in improving the independence, transparency and effectiveness of the democratic institutions in Pakistan. One of the most significant reforms in this regard was that of the Election Commission of Pakistan (ECP) focusing on impartial and credible electoral process. The amendment added a more consultative process for the selection of Chief Election Commissioner and commissioners which included the Prime Minister and the Leader of the Opposition. The main reason for the change was to reduce the executive influence and create consensus amongst the two sides on electoral governance. (ECP, 2014)

The Electoral Commission was beefed up to improve citizens' confidence in the electoral process. Part of the reforms under the Eighteenth Amendment was to strengthen institutional capacity of ECP to run fair and transparent elections. The commission had been given greater autonomy in its administration and finance, and greater autonomy from government influence. In a political environment, where the legitimacy of elections has been in question, these measures were especially crucial.

The Council of Common Interests (CCI) is one important institution that was also reinforced as a result of the amendment that will have an important role in the federal government/Provincial relations. This amendment made the CCI more effective and accountable by ensuring regular meetings of the CCI and its reporting to parliament each year. The CCI institutionalized the interaction between the federation and provinces, making the CCI platform a major platform for natural resources, energy and economic planning issues. This was a very important step towards cooperative federalism in Pakistan. (Shah, 2014)

In addition to the CCI, a new body for economic coordination and planning, the National Economic Council (NEC) was strengthened. The NEC was a body of both federal and provincial representation which set development policies and ensured a balance of economic development between regions. Improvements to these institutions are indicative of a process of decentralization of governance and of a growing active role of stakeholders. This is a participatory one which is required to address regional disparities and inclusive development.

The 18th Amendment also expanded the scope of fundamental rights, further strengthening the democracy system at the societal level. The promulgation of Article 25-A of the right to education is an important stride towards social justice and human development. The amendment ensured that the state had to deliver its citizens essential services and enhance the standards of their living by making these rights "constitutional." It is a right-based approach as part of the current governance system of a democracy. (Constitution of Pakistan, 1973)

While these improvements have been made, democratic institutions still have problems that need to be addressed such as political interference, resource limitations and lack of governance capacity. An important framework, constitutional amendments have been but implementation, along with political will, is key to success. Institutions need to undertake regular measures like capacity building, legal adjustments or public accountability measures to improve their performance. The Eighteenth Amendment is however a milestone in the democratic journey of Pakistan that has given a boost to the role and performance of the important institutions.

Challenges after the 18th Amendment

The Eighteenth Amendment as a transformative measure has faced a number of problems with regard to its implementation and effectiveness. The most significant issue has been the gap between the people's rights, as drafted in the constitution, and as practiced. The amendment provided a blueprint for decentralization and democracy, but not always as intended, the decentralization of power and responsibility. The implementation process has been slow, however, because of bureaucratic resistance, lack of coordination and institutional inertia that limit the realization of the goals of the amendment.

The issue that emerged after the amendment is the lack of administrative and financial resources of the provincial governments. Following the transfer of significant parts of responsibility such as education and health, the provinces were then expected to assume greater responsibilities. However, in many provinces, there was a lack of infrastructure, competent staff and governance mechanism to effectively respond to these functions. This has resulted in unequal provision of services across regions and in the case of decentralization in the ineffectiveness in improving public welfare. (Yusuf, 2012)

Another basic issue is the ongoing tensions between the federal and provincial governments and the apparent lack of attention to federal harmony in the Constitution. Intergovernmental relations continue to be a problem area in terms of the allocation of resources, management of natural resources and policy decision making. The federal government has been less than willing to completely surrender control of some industries, resulting in controversy with provincial governments. These tensions bring to the fore the complexity of moving from a central to a decentralized governance system. (Haider, 2014)

Political instability and governance problems have also held up the Eighteenth Amendment. There has been a lack of institutional continuity, frequent changing of government and political polarization, which have all made it difficult to implement policies consistently. Further, the high level of political elite and party dominance can also constrain the effectiveness of democratic institutions, and make constitutional change less effective than it might be. This is an indication of the importance of political stability with regard to the effectiveness of institutional transformations.

The amendment has been faulted with interprovincial policy dispersion too. Giving provinces more autonomy has also led to the establishment of their own policies in some areas which has resulted in discrepancies and lack of coordination at the national level. For instance, different curricula in education and health policies have resulted in differences in service delivery and quality. The introduction of decentralization implies flexibility can be introduced at the regional level, but also that effective coordination processes need to be put in place at the national level in order to ensure national cohesion.

Finally, the viability of the reforms generated by the Eighteenth Amendment will depend on the evolution of institutional practice and political involvement that are to follow. However, if properly monitored, evaluation, with the amendment in place, reform mechanisms can be compromised if not properly set up. To tackle these challenges, intergovernmental coordination needs to be strengthened, capacity at the provincial level needs to be strengthened, and there needs to be a culture of accountability. The overall effect of the amendment is a first step towards democratic governance, even though it is not perfect, but it will depend on the implementation for it to achieve its desired results. (International Crisis Group, 2012)

Comparative Analysis: Pre and Post 18th Amendment

In order to better understand the Eighteenth Amendment, a comparison between constitutional and political system of Pakistan before and after the amendment is necessary. Before the amendment, the overall governance system of Pakistan displayed prominent semi-presidential elements, especially because of the constitutional aberrations caused by the military governments. The Eighth Amendment under Gen. Zia's regime and Seventeenth Amendment under Gen. Pervez's regime were very powerful on behalf of strengthening the executive branch of government by giving it the right to dissolve the National Assembly and to remove elected governments. This concentration of power was detrimental to the strength of Parliament and contributed to political turmoil.

The pre-Eighteenth Amendment Constitution, on the other hand, returned to the Constitution its parliamentary nature, and granted the Prime Minister and the cabinet executive power. The removal of Article 58(2) (b) eliminated the discretionary power of the President to dissolve parliament reducing the risk of the arbitrary removal of governments. This transition has also helped in maintaining political continuity, which has been an unprecedented phenomenon in the political history of Pakistan since 2010.

The other key distinction between the pre- and post-amendment includes that of the structure of federalism. Before the amendment the Concurrent Legislative List allowed the Federal Government to have a tight grip on policy areas, giving the provinces less autonomy. Under the centralized model, at times, there were complaints from some provinces (particularly smaller ones) regarding their lesser role in decision-making. After the amendment, the Concurrent List was eliminated, as this brought about a major redistribution of powers to the Provinces and altered the power balance in the Federation. (ECP, 2013)

Since the amendment, there have also been significant changes in the status of parliament. In the pre-amendment era, parliament rarely exercised any significant powers over decisions that were to be made, and had little means to keep the government to account. Legislative activity was often dominated by presidential control and military force. But, during the post-amendment period, parliament is more active and assertive, taking a more active role in law-making, oversight and representation.

In addition, there are major variations in judicial dynamics between the two periods. The amendment had a negative effect on the judiciary because the executive in the past, particularly the military, had a strong hold on the judiciary. But the post-amendment system has witnessed a more independent, more assertive judiciary which actively intervenes in the interpretation of the Constitution and has safeguarded fundamental rights. This has helped to further strengthen the rule of law, but also introduced new debates with respect to judicial activism and institutional liminality. (Mufti et al., 2020)

The difference between pre- and post-Eighteenth Amendment periods shows that a definite move towards democratic governance, parliamentary supremacy and federal balance occurred. The constitutional structures have been significantly improved, but there are implementation challenges in the form of implementation, institutional capacity and political culture. This means that the amendment has defined a set of cornerstones for consolidating democracy but it remains to be seen whether this can be achieved without further institutional development and political commitment.

Conclusion

The analysis demonstrates that the Eighteenth Amendment constituted a significant constitutional and political effort to strengthen Parliament and restore the parliamentary character of Pakistan's 1973 Constitution. By curtailing presidential discretion under Article 58(2)(b), enhancing the authority of elected institutions, abolishing the Concurrent Legislative List, and expanding provincial autonomy, the amendment substantially reshaped the relationship between Parliament, the executive, and the provinces. It also strengthened parliamentary oversight, electoral institutions, and mechanisms of intergovernmental coordination, particularly through the Council of Common Interests. These reforms contributed to a more balanced constitutional framework and reduced several institutional distortions created during previous periods of centralized and military-dominated governance.

Nevertheless, constitutional empowerment has not automatically translated into effective institutional performance. Political polarization, strong party control, limited parliamentary research capacity, administrative weaknesses at the provincial level, and continuing federal-provincial tensions have constrained the full implementation of the amendment. The relationship between Parliament and the judiciary has also generated debates concerning institutional boundaries, judicial independence, and parliamentary authority. Therefore, the Eighteenth Amendment should be understood not as a complete solution to Pakistan's democratic and federal challenges, but as an important constitutional foundation. Its long-term success requires political consensus, effective parliamentary oversight, stronger institutional capacity, cooperative federalism, and consistent respect for constitutional principles.

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