

*Federalism in a Hybrid Regime:
The 18th Amendment in
Pakistan*

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Introduction

Pakistan faces a serious political crisis since the ‘hybrid’ partnership between the military under General Bajwa and Imran Khan’s Pakistan Tehreek-e-Insaf (PTI) fell apart in spectacular fashion in 2022. The 2024 elections, marred by widespread allegations of rigging and political engineering, both in the run-up to the election, and in the aftermath of the election, has done little to mitigate this crisis. The polity seeks a new political settlement while coping with a deep economic crisis. But any understanding of the history of Pakistan’s hybrid politics, analysis of the volatility of the last years, or informed consideration of the political settlement that may eventually emerge, is not possible without taking into account the ways in which Pakistan’s federal architecture structures, and is in turn structured by, Pakistan’s hybrid political order. Indeed, Pakistan’s federal architecture has been the pivot around which the country’s political and constitutional contestations have revolved.

The first blow to federalism in Pakistan came with the creation of ‘One Unit’ in 1955.¹ The purpose of One Unit was to dilute the importance of East Pakistan in the country’s federal architecture.² In this backdrop, Sheikh Mujib-ur-Rahman, the future founder of Bangladesh, articulated a ‘six-point formula’ in 1966, demanding a radical decentralization of power to give the eastern wing of the Pakistani state significantly greater autonomy in managing its political and socio-economic affairs. Seen as a threat to the federal civil-military bureaucracy’s monopoly over Pakistan’s politics and governance and to the cohesion of the young state, Ayub Khan’s military regime rejected the demands, but the rejected formula became the foundation of the movement that eventually championed the secession of East Pakistan and the founding of Bangladesh.³ The fears and apprehensions around demands for decentralization continue to linger within Pakistan’s federal civil and military bureaucracies, some political parties and sections of the intelligentsia. Therefore, when Pakistan’s elected parliament came to a consensus around decentralizing political power in Pakistan in the 18th constitutional amendment in 2010, the military reacted with similar consternation. General Bajwa, the recently departed Chief of Army Staff, stated, in unequivocal terms that the 18th Amendment was “more dangerous than [Mujib’s] six-point formula.” In fact, a core feature of what came to be known as the “Bajwa doctrine,” was the rollback and reversal of the 18th Amendment.⁴ Concerns about the political implications of the 18th Amendment had helped bring together the alliance between the military and the PTI in 2018 and the 18th Amendment will shape the future political settlement and hybrid governing system, impacting politics, policymaking and governance in the years to come.

There has been considerable debate over the impact of the 18th Amendment on governance, service delivery and ethnic politics in Pakistan. But there is no assessment of the implementation and impact of the 18th Amendment in the context of the ‘hybrid’ regime politics in which the amendment was passed, and which the amendment fundamentally and deliberately altered. Thus, this report seeks to address the following questions: i) *Since the passing of the 18th Amendment, how has the process of enhancing political, administrative and fiscal federalism in Pakistan shaped inter-governmental relations, and (ii) How has the 18th Amendment impacted governance and changed the nature and extent of hybridity in Pakistan’s political system?*

To address these questions, we draw on information from a variety of sources including constitutional law and jurisprudence, articles in the press, reports from different state and international institutions, academic literature and most importantly a range of interviews and focus group discussion we held over the past year in Pakistan.⁵ This research was conducted in 2022 and thus while our findings have implications for political developments after 2022, which we reflect on in our conclusion, the scope of our discussion is primarily linked to politics and policymaking until 2022. Drawing from our sources, we make the following set of arguments:

1. *Impact*: The process of political, administrative and fiscal federalism initiated by the 18th Amendment has shifted significant political and policymaking authority from the federal to the provincial capitals, enhancing the power of chief ministers and capacity of state bureaucracies in the provinces. This has addressed some of the core grievances of political elites in Pakistan's smaller provinces, and limited the tools through which the military, as a federal institution based in the center, could influence and control political and policy-making outcomes in the country.

2. *Institutionalization*: The institutionalization of the 18th Amendment varies across provinces and across policy areas. Where provincial political elites have built a strong consensus to consolidate the gains made from the 18th amendment, and pushed back against military and federal bureaucratic encroachment, we have seen the greatest advancement of provincial autonomy and self-rule. However, military and federal bureaucratic elites remain formally and informally aligned with institutions with jurisdiction in the provinces, that enable them to continue circumventing and undermining formal decentralization. These include the federal bureaucracy, the superior judiciary, and multiple unelected security and anti-corruption agencies that operate at different tiers of government. The extent to which these structures drive policymaking in different provinces and policy areas impacts the actual gains made in provincial autonomy.

3. *Variation*: In this report, we provide a detailed study of three devolved policy areas which vary in the extent to which decentralization has been institutionalized:

i) Fiscal Devolution - Entrenchment of Decentralization: Provincial political elites have successfully pushed back against federal civilian and military influence in matters of control over fiscal resources

ii) Policing - Conflict over Decentralization: Federal and provincial institutions engage in disputes over appointments, transfers and postings, and the military and other federal security institutions continue to have a significant role in provincial policing.

iii) Disaster Management - Rollback of Decentralization: The military and other federal institutions continuing to play a leading role in driving policymaking and operations, a role which increases with each major disaster.

This report is divided into five sections. Section 1 locates hybridity in federal contexts internationally, outlining how different balances of power between elected governments and their militaries play out with regards to decentralization in a federal setting. Section 2 describes the

historical tilt towards the military in the civil-military balance before the 18th amendment. Section 3 goes through the background and process of the passage of the 18th amendment and the way it deepened federalism in Pakistan. Section 04 traces the post-18th amendment outcomes across provinces and policy areas. This section also identifies areas where federal institutions have been effective in thwarting elements of decentralization provided in the 18th amendment. Section 05 identifies weaknesses in the framework of the 18th amendment which have limited the benefits expected from decentralization. In the concluding section, we provide a tentative assessment of the rather volatile situation in Pakistan vis-à-vis hybridity and decentralization at present, and provide policy recommendations.

1. Hybridity and Federalism

States like Thailand, Myanmar, Turkey, Chile, Iran and Pakistan have all qualified as tutelary hybrid regimes at different times.⁶ These states have all seen multi-party electoral competition but powerful militaries, monarchies, or religious authorities wield significant political authority.

We can distinguish between hybrid regimes based on the extent of tutelary interference, which in turn depends upon the distribution of political authority between elected and tutelary institutions, and the ability of tutelary powers to veto the choices and decisions of elected institutions.⁷ We further argue that, even within tutelary hybrid regimes, the extent of tutelary interference and control in the system can vary over time and across regions. Regional variation in tutelary interference in any state depends on how the presence and influence of tutelary institutions maps onto the distribution of political and policy-making authority across the state. Therefore, the nature and extent of decentralization in a political system has critical implications on hybrid governance in that state.

Decentralization is the process of shifting fiscal, policy, and political authority from the central government to subnational tiers.⁸ There are three types of decentralization. Administrative decentralization refers to the policies that transfer the administration and delivery of social services (such as education, health care, social welfare, housing, etc.) to subnational governments. Fiscal decentralization refers to those policies that increase the fiscal space or fiscal autonomy of sub-national governments. Political decentralization refers to a division of political authority among multiple levels of government in which each level is democratically elected and has independent decision-making power over at least one issue area.⁹ In most states, these different types of decentralization occur in combinations. The combination and sequencing of decentralization shapes the intergovernmental and inter-institutional balance of power, which has critical consequences for variation in political stability and policy outcomes.¹⁰

In hybrid regimes, the combination and sequencing of decentralization impacts the way in which tutelary institutions are embedded in, and intervene in, governance processes. In states where tutelary institutions are highly centralized and political and policymaking power is decentralized. This decentralized arrangement can provide a natural barrier to tutelary interference, and thus limits the hybridity of the political system. In studying the impact of decentralization within a hybrid regime, we need to consider how decentralization impacts “bureaucratic-vs.-electoral” incentives for public officials within the hybrid political order.¹¹

Based on this literature, it is useful to conceptualize Pakistan as a state which has been either authoritarian or hybrid at different times. Even when there is a democratic government, we observe hybridity as continuously varying in Pakistan, over time, across provinces and even across policy areas. This variation in hybridity depends upon i) the extent to which the military and federal bureaucratic institutions can exercise tutelary power, vetoing and constraining the choices and decisions of elected political institutions, and ii) the way in which the federal administrative, political, and fiscal structures of the state, constrain formal and informal tutelary interference, and thus shape incentives for public officials.

2. Hybrid Politics and Federalism in Pakistan

Since independence, the question of provincial autonomy and authority has remained the critical fault line in Pakistan's hybrid politics. In a nutshell, the irreconcilable conflict between a federal bureaucratic elite—both civil and military—that wished to sustain its monopoly over executive authority, and provincial political elites seeking either greater representation at the center or greater autonomy in the provinces, paved the way for Pakistan's first military dictatorship in the 1950s and arguably was an important contributor to the secession of East Pakistan and the formation of Bangladesh in 1971.¹² The decades leading up to secession revealed i) the popular anger and grievances generated by the efforts of federal state elites to centralize authority and undercut the provincial authority through military coups, centralized constitutional frameworks and state repression, and ii) the inability of an unrepresentative governing structure with authority centered in one province, to develop the willingness and capacity to address critical governance challenges across the federation. Thus, the questions of federal structure and regime structure are inextricably linked in Pakistan.

In the context of tutelary hybrid regimes, the state's constitution is especially important. The constitution, as a blueprint for the distribution of authority between elected and unelected institutions, provides the framework based on which elected and unelected institutions will seek to compete for authority and policy-making space.¹³

The 1973 Constitution established Pakistan as a parliamentary democracy with executive power vested primarily in the office of the elected Prime Minister. The 1973 constitution consisted of a Federal List of subjects, over which the federal government had the exclusive right to legislate, and a Concurrent List of subjects, over which both the federal and provincial legislatures had the right to legislate. Article 143, however, provided that in case of inconsistency between an Act of Parliament and an Act of a Provincial Assembly, the act of parliament would prevail. All subjects that were not expressly enumerated in the Federal and Concurrent Lists were provincial subjects. However, the Federal and Concurrent lists were extensive, meaning that the number of subjects over which the provinces had independent authority was limited. Adeney and Boni have gone as far as to claim that the 1973 Constitution was more legislatively centralized than Ayub Khan's 1962 constitution in some policy areas.¹⁴ But the 1973 Constitution did establish institutions that enabled greater provincial representation in policymaking at the center, through the establishment of the Council of Common Interests, and the Senate, an upper house of parliament in which all provinces enjoyed equal representation.¹⁵

When General Zia ul Haq seized power in 1977, even these limited concessions provided in the 1973 Constitution were put in abeyance. In 1985, Zia restored the constitution, but gave the president and federally-selected governors the power to unilaterally dissolve national and provincial assemblies and the judiciary was given powers to disqualify elected political officeholders based on vague standards of morality and sagacity.¹⁶ These were new tools deployed by Pakistan's unelected federal state elites to constrain representative institutions and national and sub-national political parties in Pakistan's 'hybrid' political system.. In 2006, Benazir Bhutto and Nawaz Sharif, the exiled leaders of the Pakistan People's Party (PPP) and Pakistan Muslim League-Nawaz (PML-N) respectively signed the Charter of Democracy (CoD). The CoD was a political declaration to set aside inter-party differences for the good of Pakistan's democracy and restore civilian supremacy. The focus of the CoD was an agreement to limit the ability of the military to intervene, centralize and dominate politics in Pakistan. The most effective approach to achieving that, the CoD contended, was to empower federal representative institutions and devolve policymaking and governing authority to the provinces.

3. The 18th Amendment and its Impact

After General Musharraf's dictatorship ended in 2008, PPP formed a coalition government in the center in alliance with a number of regional parties, while PML-N was the leading opposition party in the center as well as the ruling party in Punjab. In 2009, the multi-party Parliamentary Committee for Constitutional Reform (PCCR) was formed with consensus.¹⁷

Based on the consensus in the CoD, the 18th Amendment amended 102 out of 280 constitutional articles, carrying out the most far-reaching decentralization of Pakistan's political system. Politically, the 18th Amendment virtually abolished the Concurrent List of the constitution bringing it down from 47 subjects to 3 subjects, giving exclusive authority to the elected governments of the provinces over a majority of legislative subjects.¹⁸ Administratively, with provincial governments in charge of policy and provincial bureaucracies serving under these governments, administrative decentralization was enhanced. Alongside the Amendment itself, the 7th National Finance Commission Award passed in 2010 increased the share of fiscal resources of the provinces in the distribution of revenue from 49% to 57.5%. The 18th Amendment locked in this redistribution by stating that in any future revision of this distribution, the provinces' share of the Award cannot be less than their share in the previous Award. Thus, the 18th Amendment addressed the long-standing demand of smaller provinces for greater self-rule, giving provinces exclusive responsibility for the legislation and execution of a broad range of policy subjects

The impact of the 18th Amendment has been significant in several domains. First, with policy-making authority and revenue control being devolved to the provinces, provincial chief ministers became among the most important stakeholders in Pakistan's political system. One senior politician explained, 'at this point the Chief Minister of Punjab has significantly more power and money than the Prime Minister.'¹⁹ This had a significant effect on the heated and violent debate over ethnic representation in Pakistan. Years of Punjabi dominance in federal bureaucratic and military institutions had led to smaller provinces feeling marginalized, under-represented and persecuted. The 18th Amendment provided a vital corrective to address at least some, if not all,

these grievances. In our focus group, participants explained that the biggest impact of the 18th Amendment was that the question of “ethnic competition now lies under the provincial domain, and anti-Punjab sentiments have been mitigated.”²⁰ While this is not to say that grievances with a Punjab-dominated center and a history of neglect do not persist, the extent of separatist political activity outside Balochistan has diminished. With the elevation of provincial capitals as the centers for politics and patronage, there was a concern that clashes between ethnic groups *within* provinces would grow, as elites from provincial minority ethnic groups grow more concerned about the capture of the provincial capital by the majority ethnic group in each province.²¹ However, while Sindh saw increased tension and conflict between the Sindhi majority and Muhajir minority in Sindh in the 2010s, in other parts of the country, this fear of inter-ethnic tensions within the province was not realized.

Second, the devolution of policymaking has, over time, significantly expanded the capacity of provincial governments to handle the work of policymaking and implementation. As per our focus group discussants, one of the concerns in the early years after the 18th Amendment, was that provincial governments simply did not have the capacity to handle the subjects being decentralized, and international organizations involved with different policy areas would find it much more challenging to work with a range of provincial stakeholders over relevant policy areas rather than a single federal ministry.²² Yet interviewees working with international agencies said they noticed a significant change in the capacity of provincial governments and the utility of working with them. As our focus group participants explained:

“Our experience is that provinces have really caught up... In the last five years, it has become very clear to the donors, including the UN agencies, that now the unit of development in Pakistan has to be provincial. For instance, UNDPs last five years’ program has been very focused on provinces. A lot of gains have been made in Punjab, and KP in developing the capacity to work with international organizations to deliver services. Sindh and Balochistan are behind, but there have been changes there as well. Provinces are doing their own work now of mobilizing resources, establishing relations with international donors, and working in partnerships with the private sector.”²³

The above observation goes to suggest that provincial capacity to develop and implement policies, and secure resources, in areas they have been granted self-rule has significantly increased, but this varies significantly from province to province.

Finally, and most importantly, the 18th Amendment significantly altered the arrangements through which hybridity in Pakistan’s political system was sustained. The military, as the most powerful federal institution, always exercised considerable tutelary influence over any government that came to power in the center. However, the 18th Amendment moved power away from the center, where the influence of the military establishment was greatest, to the provinces, where provincial political elites exercised considerably greater autonomy from the military, and where many of the tools and levers of tutelary influence crafted over decades by the military were simply not available.

In the provincial capitals, the presence of the military central command is less overwhelming. The majority of the provincial bureaucracy is appointed and posted by the provincial governments, and the provincial political elites have constructed enduring networks for the management and distribution of patronage that helped entrench their political presence in the

provinces.²⁴ With policymaking and legislative power shifting to these provincial capitals, the influence of the military over politics and policymaking was inevitably constrained. Through decentralization and the empowering of the provincial governments, the ability of federal governments to unilaterally dissolve provincial governments through federally-appointed governors was removed.²⁵ This was a key lever of control federal institutions had used over provincial politics in the past.

After 2010, Shah writes that the military maintained its internal and legal autonomy, control of military budgets, autonomy in relations with the executive and legislature, as well as control over foreign policy, defense policy and intelligence.²⁶ The military also used informal allies within the media and civil society and smaller parties to keep exerting pressure on elected governments. However, the ability of the military to influence politics and veto policies beyond foreign and defense policy was restricted compared to previous decades, and the elected federal and provincial governments of the time had significantly greater control over bureaucratic appointments, resources and policymaking. Mohsin and Mufti explain that the 18th Amendment enabled leading political parties to consolidate their power at the provincial level, as they were better able to manage bureaucratic recruitment and the distribution of resources and patronage that were crucial to maintaining the support of key constituencies.²⁷ As per our interviewees, the military's biggest grievances were that i) the 18th Amendment had substantially reduced the pool of revenue it was accustomed to, because of fiscal devolution, and ii) the military lost some of the influence it had maintained over important administrative appointments, transfers and postings.²⁸ There was, therefore, no doubt that the formal constitutional changes had altered the tutelary arrangements of Pakistan's hybrid governing structure.

4. Impediments to Decentralization and Variance Across Provinces and Policy Areas

Decentralization is hardly a "one-and-done" constitutional reform. The survival and flourishing of decentralization require institutional structures in the provinces that enable, entrench and productively apply the provincial authority established by the constitutional change. Given the sweeping nature of the changes made by the 18th Amendment, one question we asked some of our interviewees, involved with the debates over drafting the 18th Amendment, was: why did the military not try to stop it? The answer we got was that the military was only against some, and not all aspects of the decentralization plan, particularly fiscal decentralization and some aspects of administrative decentralization, and on these issues the military believed the 18th Amendment would never really be implemented.²⁹ The hybrid political and administrative structure within which the amendment was introduced was heavily tilted towards the center. As such, those opposed to the 18th Amendment assumed its implementation could be limited through these structures. The process of implementing and institutionalizing decentralization was therefore conditioned by the hybrid political and administrative structure within which it was introduced. In this section, we will assess the implementation and institutionalization of the 18th Amendment across provinces and policy areas as well as highlight the institutional impediments created by the federal structure.

4.1 Variation Across Provinces

Let us first consider the question of region. Foa finds that after decentralization, regions vary in their ability to implement and productively undertake enhanced administrative responsibilities after decentralization, depending upon the prior strength of i) the indigenous bureaucracy of the region, and ii) the regional identity upheld by an organized regional political elite.³⁰ These pre-existing conditions varied considerably across Pakistan's four provinces.

Historically, Balochistan, had the least developed indigenous administrative institutions. This is because of a factionalized elite and prior institutional presence of the military.³¹ Local state officials explained to us that members of the ruling government were largely subordinate to the military and the real center of power in Balochistan remained the military's Corps Commander in Balochistan.³²

In Khyber-Pakhtunkhwa (KP), the settled regions have relatively developed administrative institutions, benefitting in many ways from proximity to the federal capital. But in the regions of the formerly federally administered (FATA) and provincially administered tribal areas (PATA), state bureaucratic capacity is lower and militarization is higher.³³ KP had also had a long history of nationalist politics, and the Awami National Party's (ANP) demands for greater recognition were realized in the renaming of the province from North-Western Frontier Province to KP and the redistribution of fiscal resources.³⁴ But the 18th Amendment came in the context of the War on Terror, and Khyber-Pakhtunkhwa was perhaps the most effected province by the rise in terrorism since 2005 and by the consequent War on Terror. The ANP suffered the most at the hands of Taliban attacks, and the period of relentless attacks eventually cost ANP its support, while the military took a leading role in handling counterterrorism, policing and governance in the province. In this context therefore, the hybrid arrangement established during the War on Terror blunted the impact of developing provincial autonomy. As per our interviewees, the military continues to be embedded in the governance of the province and plays a decisive role in appointments, transfers and postings of key officers in the state administration.³⁵ Since 2013, the province has been ruled by the PTI, which, as a national party, was less wedded to promoting Pakhtun nationalism and, till 2022, enjoyed a close relationship with the military. However the PTI's provincial party did, on some issues, demonstrate some autonomy from the national political leadership, advocating for distinct provincial interests on questions of the distribution of revenue and resources.³⁶ Thus, in KP, the impact of decentralization has been limited.

Punjab is the largest province and probably the province where the indigenous bureaucracy is the most well organized and developed, thanks to decades of historic privilege. Therefore, the provincial government has been best-positioned to use the new authority to acquire resources, build relations with international organizations and implement new policies.³⁷ However, the close historical ties between the ruling civil-military leadership at the center and in Punjab has usually meant that the appetite for asserting autonomy from, and clashing with, federal institutions has been limited. Between 2013 and 2022, the party in power at the center and the party in power in Punjab have been the same. Therefore, given the centralized and personalized structure of Pakistan's parties, provincial chief ministers would rarely challenge their own parties' national political leadership, if the national leadership expressed preferences on provincial issues. This varied, however, depending upon the personal status of the chief minister

within the ruling party. Thus, PML-N’s Chief Minister, Shahbaz Sharif, being the brother of Nawaz Sharif and one of the senior-most members of PML-N, could resist efforts from the center to revise the distribution of fiscal resources and could appoint and transfer bureaucratic offices without worrying about central interference, but PTI’s Chief Minister, Usman Buzdar, being in a far weaker position in his party, was unable to challenge the interventions of federal political and military institutions in the running of Punjab’s government.³⁸

Sindh had a more limited indigenous bureaucracy compared to Punjab and KP, but it had the clearest consensus among its political elites around entrenching the gains from the 18th Amendment. The PPP and the MQM, the two leading parties in Sindh, had both been at the forefront of the push for decentralization under the 18th Amendment and thus strongly favoured the empowerment of the provincial government in Sindh, although the MQM also strongly favoured the further decentralization of power to local bodies. From 2013 to 2022, the PPP, the party in power in Sindh has been in opposition at the center, and the PPP has worked to consolidate and entrench its power in the province. Federal governments have frequently tried to intervene in the PPP’s management of provincial affairs, and the military has sought to influence affairs in the province, particularly on the question of the governing of Karachi and security operations within the mega-city. But given the consensus within the PPP to hold on to the gains in provincial autonomy, we have seen the largest number of legal and political clashes between the Sindh government and federal institutions since the 18th Amendment.³⁹

Table 1: Provincial Variation in Institutionalization of Decentralization

Prior Capacity of Provincial Bureaucracy		Pro-Autonomy Consensus Among Mainstream Provincial Political Elites		
		Weak	Divided	Strong
High		Punjab	KP	
Low		Balochistan		Sindh

4.2. The Continuing Federal and Hybrid Imprint Post Devolution

4.2.1. Administrative Decentralization

The 18th Amendment decentralized a range of legislative subjects but left much of the pre-existing administrative structure unchanged. Pakistan’s federal civil service continues to staff the upper echelons of each province’s provincial bureaucracies. Thus, in each provincial bureaucracy, the top offices such as the Chief Secretary of the province, or the Inspector-General of the provincial police, or the Secretary for each of the major provincial departments, are all federal officers, posted from the federal civil service to these provincial offices. These leading

bureaucrats play a key role in shaping the implementation of provincial policies, and in the appointments, transfers and postings of provincial bureaucrats. Further, at the district level, most of the deputy and divisional commissioners are recruited from the federal bureaucracy. Thus, even after the 18th Amendment, these federal officers remain embedded within the governing structure of the provinces.

Those in favour of maintaining this system explained to us that it has two advantages. First, officers from the federal civil service enjoy more rigorous training and experience and thus bring this competence to the administration of the provinces.⁴⁰ Second, these officers act as a check on the danger of political capture of these bureaucracies by provincial governments.⁴¹ Decentralization empowers provincial governments to violate rules and norms for appointments, transfers and postings in order to fill these bureaucracies with loyalists, and use the promise of jobs in state bureaucracies to win votes. If the leading officers in these bureaucracies are loyalists of the ruling provincial parties, bureaucracies can be captured and turned into vehicles for expanding the power of provincial political parties at the expense of competent ruled-based administration. For those anxious about the dangers of political capture, officers selected from a federal service that is more removed from the provincial government, and appointed through an arrangement between both federal and provincial tiers of government, will be less susceptible to political pressure from the provincial government and thus can act as a check on the temptation to politically capture provincial state institutions.⁴²

However, those more critical of this system explained that the overlapping jurisdictions over administrative appointments meant that i) where the same political party is in power at both the center and the province, the national party leadership's choices frequently overrides those of the provincial party leadership, thus undermining the autonomy of the provincial leadership in these appointments, as we saw with PTI's government in Punjab from 2018-2022 and ii) where different parties are in power at the center and provinces, there are conflicts over high-level appointments, both in terms of who is posted to provincial bureaucracies and who is transferred out of these bureaucracies. The overlapping jurisdictions frequently complicate the incentive structure of bureaucrats over which authority is critically important in getting and holding such appointments. As an expert on Pakistan's bureaucracy explained,

A large section of our provincial bureaucracy still comes from the central PAS services, and they are seconded to the provincial government. They know that their future and wellbeing is dependent on the federal government, so in practical ways they are aligned with the federal government, day to day their instructions come from provincial government, but at the same time with the other eye they are looking to what the federal government wants. If there is an issue where the federal government has a strong view, and the provincial government has a different view, the CSS officer is probably going to be more impacted by what the federal government is thinking.⁴³

Thus, the system as it stands, invites conflict, undermines certainty, and complicates the actual establishment of provincial autonomy in the administration of provincial institutions and implementation of policy decisions. The presence of federal officers, and the role of federal governments in the appointment process, in provincial bureaucracies varies across different

bureaucracies for different policy areas. Thus, the extent of administrative decentralization varies across policy area.

4.2.2. Judicial Centralization

Over the past two decades, Pakistan's superior judiciary has expanded its jurisdiction to intervene in the affairs of the executive and legislative domain, to an extent unparalleled in Pakistan's history.⁴⁴ Through the aggressive judicialization of politics, courts have increasingly intervened in matters of governance and administration at both the federal and provincial level, and resolved disputes between federal and provincial tiers of government. Since the Lawyer's Movement in 2007 and the restoration of Chief Justice Iftikhar Chaudhry in 2009, judges actively pursued an agenda of judicial supremacy, taking on the role of the overseer of Pakistan's political order. There was an apparent alignment of interests between the military and the superior judiciary in weakening and delegitimizing elected governments, and the tacit support of the military was likely to have further emboldened judicial interventions.⁴⁵ Pakistan's superior judiciary is structurally centralized, but its jurisdiction is not limited by provincial boundaries. Thus, after 2010, while the military intervened less directly into politics and policymaking, the superior judiciary played a vital role in reasserting federal power over provincial governments. Institutionally, the superior judiciary was well-positioned to identify ambiguities in the constitutions and interpret them to limit the autonomy of provincial governments and advance the role of federal institutions in different areas of policy and administration. Given the evident disdain of judges for the patronage-based politics of the political parties consolidating power at the provincial level and their interest in advancing their own jurisdiction to regulate the actions of the politicians and the relations between the political and administrative institutions, most judges of the superior judiciary were inclined towards favoring the advancement of federal authority over the provinces.⁴⁶ One legal expert expressed concerns about a "centrist mindset in the Supreme Court."⁴⁷ He said, "these judges unfortunately grew under martial law...and they genuinely think there needs to be a strong approach towards handling the federation."⁴⁸ For instance, when discussing jurisprudence pertaining to clashes between the federal government and the government of Sindh, this interviewee explained,

Whenever it came to government of Sindh, the Sindh High Court and the Supreme Court had a default skepticism to curb Sindh government discretion. This is because most of the judges from Sindh came from Karachi with their personal biases regarding Pakistan People's Party and Asif Zardari...These judges are basically saying 'we know what you are really up to' and this leads them to oppose the PPP government there.⁴⁹

With the revival of military dominance after 2017, the military's interventions into the judiciary also grew, as many judges, apprehensive of the military and government's growing surveillance, grew less willing to confront federal state and political institutions.⁵⁰

Thus, thanks to a combination of judicialization of politics and governance, judicial distrust of provincial political elites, and increasing executive influence over the judiciary, federal state institutions could turn to the courts, especially the Supreme Court, whenever they wanted to constrain or undermine provincial governments and restrict provincial autonomy. A series of

important Supreme Court cases has played a critical role in incrementally enhancing federal powers over the provinces after the 18th Amendment.⁵¹ From ruling that subjects in the federal legislative list should be read in an ‘expansive’ manner, to establishing linkages between federal and provincial institutions in order to extend federal authority over provincial health care institutions, to reinterpreting policing as a concurrent subject rather than a provincial subject, the Supreme Court has played a significant role in limiting decentralization after the 18th Amendment.⁵² As one senior lawyer explained,

Through a series of cases, the courts have created new bases for federal legislative jurisdiction. The Supreme Court has created huge openings for federal legislation on anything that involves fundamental rights, or centers of excellence and federal properties and international treaties. All the federal government needs to do now is sign off on some international treaty and that will give the federal government legislative authority over the subject matter of that treaty generally.⁵³

Thus, through structuring provincial discretion, creating new justifications for federal interventions, and extending federal reach into devolved subjects, the superior judiciary was able to limit provincial autonomy on key subjects, and enhance the scope of federal and military interventions into these provincial policy areas and institutions.⁵⁴ The extent to which the courts judicialized policymaking and constrained provincial discretion varied across policy areas, and resistance to these constraints also varied across provinces.

4.2.3. Retention of Federal Ministries

Provincial autonomy was also circumvented through the retention of federal ministries for provincial subjects. One of the legislators involved with the implementation of the 18th amendment explained that after decentralization, “we had to meet each of the ministers for the federal ministries for the subject areas which had been devolved, and each would give reasons why their ministry should be retained.”⁵⁵ Each ministry came with a budget, patronage power, and other perks and privileges that politicians and bureaucrats did not wish to part with easily.

One senior bureaucrat explained that agriculture was devolved to the provinces, yet the Pakistan Agriculture Stores and Supply Corporation (PASSCO), a federal government department was retained by the Federal government, largely because 90% of PASSCO staff comes from the military, and this bureaucracy was a place where retired military officers found work.⁵⁶ Once a federal ministry was retained for a devolved subject, even to manage a narrow aspect of that subject, there was always a danger of ‘mission creep.’ The federal ministry would gradually assume new functions in service of its limited but expanding mission, often at the expense of provincial authority over that subject.⁵⁷ After the devolution of education to the provinces, the Ministry of Professional and Technical Training was established, and sections of the now devolved federal ministry of education were retained. Over time it was reorganized and renamed as the Ministry of Federal Education and Professional Training, and in the last three years it has taken on the work of centralizing curriculum development through the establishment of a Single national Curriculum for educational institutions across the country. Hence, retention of residual powers in federal ministries can lead to the expansion of federal authority over a devolved subject, often at the expense of provincial autonomy over that subject.

4.2.3. Federal Security and Accountability Institutions

Specialized federal institutions created for internal security and surveillance do not restrict their operations to any specific tiers of government. As we discuss in detail in section 4.3.2, these institutions frequently have formal and informal links to the military.

In the years following the passage of the 18th Amendment, Pakistan's War on Terror became a national priority, and the military took a leading role in this war that was focused on countering the threat from Tehreek-e-Taliban Pakistan (TTP). After the horrific attack on the Army Public School in 2014, an operation of unprecedented scope and size was launched. For this purpose, the military demanded more powers and autonomy to carry out the operation, which the PML-N led legislature readily granted. This included military-dominated apex committees determining security policies in the different provinces, and military-led security and policing operations. For example, the military's paramilitary organization, the Rangers, took the lead in policing responsibilities in the city, sharing and often superseding the authority of the civilian police and provincial government.⁵⁸ Thus, by 2014, the military was able to bypass the 18th Amendment's restrictions on institutional mechanisms for influencing provincial governments and provincial bureaucracies through several new bodies that emerged as part of the institutional architecture created for fighting the war on terror, including apex committees, paramilitary operations and military courts.

Over time, this network of War on Terror institutions saw its mission expand, and targets shift from securing cities and territories from TTP, to ending political violence and even combating political corruption.⁵⁹ This 'mission creep' was especially evident in Sindh, where the Ranger's mission to eliminate the Taliban then morphed into an operation to crack down on the Muttahida Qaumi Movement (MQM), an ethnic party that dominated Karachi politics but had recently fallen out with the military.⁶⁰ The Ranger's mission even expanded to targeting political corruption in Sindh. As one interviewee explained, the PPP's former federal minister, Asim Hussain's arrest under anti-terrorism laws illustrated how the federal anti-terrorism infrastructure was being used to target and undermine political parties in Sindh.⁶¹ Thus, through the War on Terror and its mission, which grew from combating Islamist terrorism to guaranteeing urban security to combating financial corruption, the legitimacy of, and institutional tools for, the military's engagement in provincial governance.

This encroachment became most apparent with the growing role of the National Accountability Bureau (NAB). From 2017 onwards, the military leadership, allied with like-minded judges in the Supreme Court and the populist PTI, focused on using anti-corruption rhetoric and prosecutions to delegitimize and weaken the PPP and PML-N, and install a government aligned with its agenda of creating a centralized, militarized and depoliticized regime structure.⁶² NAB became crucial for securing this advancement of hybridity in Pakistan's political system.

NAB could inquire into and investigate any suspected offence which the chairman of NAB believes, could be, on reasonable grounds, an offence of corruption and corrupt practices. NAB's jurisdiction could extend to any public officials at the federal and provincial level.⁶³ NAB and its

campaign of selective accountability ensured the arrest of many politicians and bureaucrats, and the threat of NAB proceedings was used to keep other politicians and bureaucrats in line with the military's and the PTI leadership's interests during this period.⁶⁴ Between 2017 and 2022, as per its official records, NAB had started nearly 450 inquiries against 210 leaders of opposition political parties, while only 48 inquiries were initiated against the Members of the PTI, which was allied with the military at the time.⁶⁵ This also compromised governance and policymaking as state officials were simply too apprehensive of taking any initiative without protection for fear of NAB proceedings. As a senior expert explained, "NAB was very high-handed so even if there was no personal benefit from the way you may have done while in office, that was used against you, so bureaucrats stopped making any decisions."⁶⁶

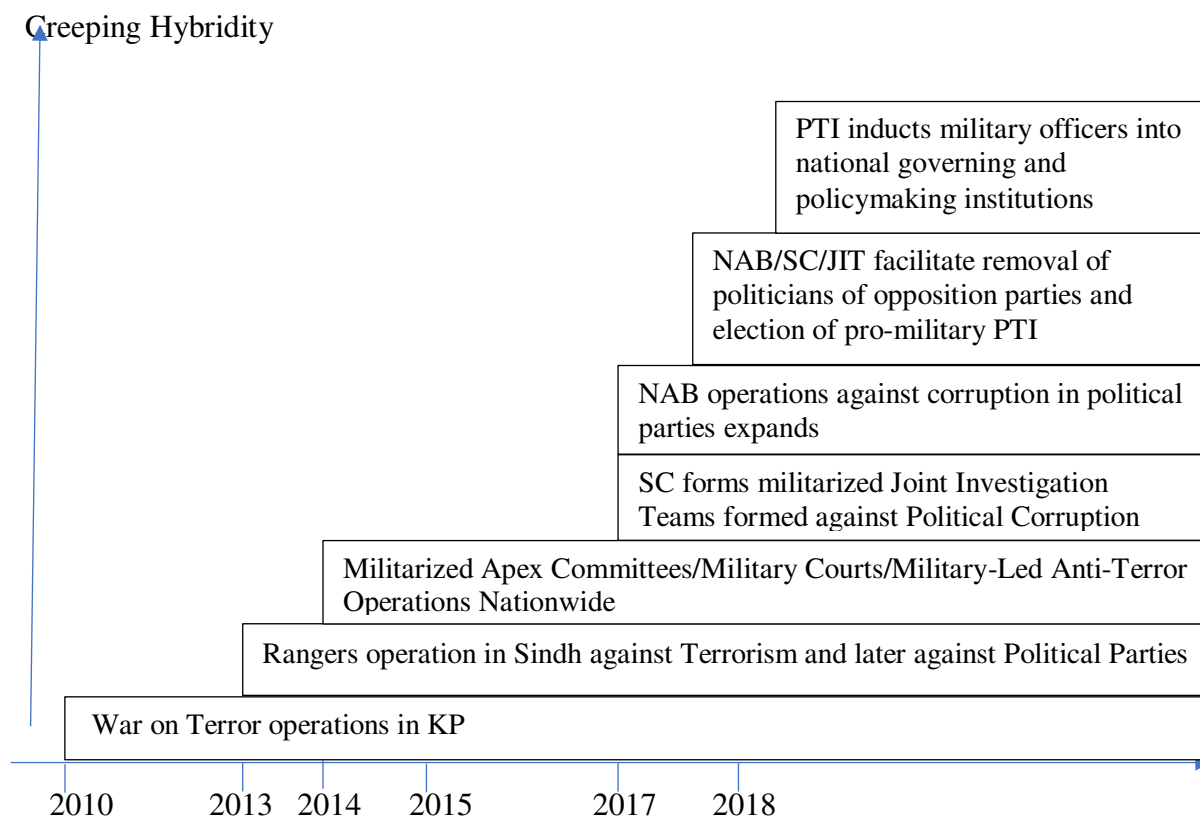
By 2020, the Supreme Court also grew increasingly worried about the way in which NAB abused its powers to further the military's centralizing agenda, holding that,

"Rather than doing any good to the country or our body politic and cleansing the fountainheads of governance, these laws and the manner in which they were enforced, caused further degeneration and created chaos, since the same were framed and applied with an oblique motive of arm twisting and pressurizing political opponents into submission."⁶⁷

One of the primary motivations for establishing this new hybrid regime structure was the military's interest in rolling back the 18th Amendment, and centralizing political authority once again. Once in power at the center, members of the PTI openly criticized decentralization, and initiated action to review the provincial distribution of resources and homogenize school curricula across provinces.⁶⁸ Even though formal changes to the 18th Amendment were not carried out, informally power was centralized, as the military's influence and control grew across a range of policy areas both at the federal and provincial levels. Through the growing web of anti-corruption judgments, indictments and arrests, traditional political parties were weakened, the pro-military PTI was kept in power, and the military's tutelary role in the political system increased significantly, with military officers integrated into policy-making bodies for different governance areas.

To conclude, federal anti-terrorism and anti-corruption institutions became vehicles for the military to informally circumvent the 18th Amendment, and interfere in policymaking and governance across the federal and provincial tiers of government. The greater the engagement in and scrutiny of these institutions in any specific policy area, the less institutionalized decentralization was, and informally these encroachments increased substantially between 2017 and 2022. Thus, as the military steadily expanded its political and policymaking control through the interventions of these institutions, hybridity expanded in Pakistan's governing system, leaving political elites with fewer options to resist and defy military encroachment in political and policymaking matters, especially between 2018 and 2022. Figure 1 summarizes the timeline of the expanding hybridity in the political system, generated through these security and anti-corruption institutions and operations.

Figure 1: Continuum of Hybridity in Pakistan



4.3. Variation Across Policy Areas

In this section, we provide a detailed study of fiscal federalism, policing and disaster management, to demonstrate how the implementation and institutionalization of decentralization varies across policy areas and how the varied involvement of the four institutional structures described above.

4.3.1. Fiscal Federalism

The 18th Amendment entrenched decentralization in the collection, management and distribution of fiscal resources, and this decentralization has been institutionalized in spite of strong resistance from the military. The 7th National Finance Commission (NFC) Award of 2010 was a radical departure from the past in deepening fiscal federalism in Pakistan. It increased the share of provinces (with all federal taxes included in the divisible pool) from 46% to 58.5%. Moreover, the General Sales Tax (GST) on Services, hitherto collected by the federal government, was devolved to the provinces. Article 160 (3a) through the 18th Amendment mandated that the

vertical share established by the 7th NFC award cannot be reduced in subsequent awards. Not only did the vertical share increase, but for the first time, fiscal equalization across provinces was explicitly addressed in the Award. We argue here that both formal incorporation of this revised vertical share, and consensus and coordination between provincial elites has enabled the entrenchment and productive application of provincial authority in this policy area.

The reduced availability of fiscal resources at the center became a significant bone of contention between the military, which relied on federal fiscal resources, and provincial political elites.

The most common critique of centrists regarding the 7th NFC award was that the provinces did not have the capacity to absorb the resources coming their way and fulfill the fiscal functions assigned to them under the 18th Amendment.⁶⁹ Over the years, however, the provinces have enhanced their capacity for fiscal revenue efforts. For instance, devolution of the GST on services was seen as a critical test of the province's capacity for tax collection. With Sindh taking the lead immediately in 2011, by 2015 all provinces were collecting the GST on services themselves. Tax collection on this particular revenue assignment saw a marked increase across all provinces. Whereas federal government's average annual growth in sales taxes on goods between 2010 and 2022 has been 14.1%, that of the provinces on GST on services has been 23%. It is also important to note that mainly because of the GST on services, the provincial governments attained the target for revenue collection given in the 7th NFC by 2016, whereas the Federal government has not kept its side of the bargain.

Apart from the revenue effort, fiscal devolution is judged on the benchmark of social development as jurisdictionally these sectors operate at the provincial level. Allocations for both education increased from 1.88% to 2.1% of GDP and for health from .56% to 0.92% of GDP in the decade post devolution compared to the decade preceding it. Although, outcomes have varied across provinces, the aggregate data show improvements in both education and health. There have been improvements in school enrollment rates across provinces, especially in female education. In health, both infant and maternal mortality have witnessed substantial improvements and the number of women giving birth in the presence of trained medical practitioners have doubled in the last decade.⁷⁰

Efforts to reverse the NFC award started soon after the passage of the 18th Amendment. During the 9th and 10th NFC – the federal governments of both PML (N) and PTI, backed by the military, attempted to convince the provinces to voluntarily concede a part of their shares to the Federal Government on various pretexts. During the PTI government (2018-2022), informal pressure from federal civil and military officers, was brought to bear on provincial governments as well as individual members of the NFC.⁷¹ Through this period, criticisms of the NFC award were most vocal and pressures for formally and informally revising the award were most persistent.

These efforts have so far been unsuccessful for two reasons. Because of the insertion of Article 160 (3a) through the 18th amendment, there were no formal channels to reverse the 7th NFC formula by the Federal government.

However, beyond the formal obstacles, informal pressures to revise the deepening of fiscal federalism received strong pushback from all four provinces, including Punjab.⁷² So far, this resistance has been created by the provincial level political and bureaucratic elites that have brought to bear their organizational, political and financial influence to resist the rolling back of gains made through the 7th NFC. Provincial political elites hold the reigns of executive and legislative power at the provincial level and have been direct beneficiaries of the increase in the flow of funds to the province. They can wield effective resistance by coordinating to block pro-centrist legislation through the Senate. They also have the capacity to mobilize around symbols of ethno-nationalism against federal attempts to undermine provincial autonomy.

The second tier of provincial elites that has been a beneficiary of deepening fiscal federalism is the provincial bureaucracy. The provincial bureaucracy, known as the PCS bureaucrats, have the strength of numbers even if not the level of influence that the PAS bureaucrat does. These bureaucrats have been beneficiaries of the increase in the size of the provincial budgets and their expanded influence because of functional devolution through the 18th amendment. They consist of the teachers, health department officials, revenue and irrigation officials, etc. They are also the first point of the interface of the state with citizens. Their career prospects are also linked with the provincial executive and the provincial legislature. As such, their organizational capacity and ability to create a coalition with the provincial political elite can have a significant impact on any resistance that the provincial politicians wish to launch. This group also includes retired provincial bureaucrats who are recipients of generous pensions from the provincial government. Thus, there is a cross-institutional coalition in the provincial governments which resists efforts to rollback fiscal decentralization and has the institutional and organizational tools to do so.

Having said this, efforts to either co-opt or compel provincial political elites to concede some fiscal resources to federal institutions have proven successful. Since 2015, the IMF has demanded that provinces voluntarily revert their surpluses to the Federal government. While provinces nominally agreed to this demand, they devised tacit arrangements with the federal government to circumvent this condition. However, for the first time in July 2022, the IMF has asked the provinces to sign an agreement that binds them to revert Rs. 750 Billion (1% of GDP) to the federal government. As Pakistan's fiscal situation deteriorates, there has been a de facto pushback of sorts that has been agreed upon by the IMF and the provincial governments in the form of taxation on petroleum through the Petroleum Levy (which is a purely federal tax) rather than through the General Sales Tax (GST) on good, which is shared with the provinces. The sheer enormity of the present economic crisis has meant that the provinces have not explicitly contested these pushbacks. Second, several development projects across provinces have been contracted out to military run entities, such as the Frontier Works Organization (FWO) and the National Logistics Cell (NLC). Moreover, through Public-Private Partnership policies adopted by provinces, important management and consulting contracts are given to military subsidiaries. This implies that some level of rent-sharing from incremental resources coming to provinces from the federal government is ploughed back informally to organizations and individuals linked to the military

4.3.2. Policing

The impact of the 18th amendment in the policy area of policing and law and order has been limited and contested. Unlike the institutionalization of fiscal devolution, decentralization in policing has been the subject of subversion, and inter-governmental conflict due to the complicated constitutional status of the police and the military's continued formal and informal encroachment into different sections of Pakistan's pluralized policing landscape.

Policing had neither been on the federal nor concurrent lists before the 18th amendment. This ostensibly meant that, as a residual subject, policing had been and remained a provincial subject. However, three subjects remained on the otherwise-abolished concurrent list: criminal law, criminal procedure, and evidence; all closely related to matters of policing. Thus, the absence of any mention of policing as a subject in the constitution, but the retention of criminal law and procedure as subjects on which both federal and provincial legislatures could legislate (Article 142(b)), has created ambiguity regarding the constitutional status of policing. Following the 18th amendment, each province opted to enact its own version of legislation on police governance and administration. Each province sought to establish laws governing policing that aligned with their political interest, and looking to manage the process of appointing, transferring and posting police officers without interference from federal political and military elites.⁷³

In 2016, the federal government of PMLN, the Sindh government of PPP, and the judiciary were at loggerheads over the tenure and posting of Inspector-General Khawaja. The IG pushed for greater autonomy from the provincial government. He strengthened linkages with key federal institutions, including the federal government and the military, making the PPP increasingly insecure about its command. The PPP thus strived to "squeeze" IG Khawaja out, but Khawaja and his supporters contested his transfer in court, arguing that policing was a concurrent subject, not a provincial one, and therefore the provincial government's authority to create new laws and discretion to transfer and post police officer's was constrained.⁷⁴ The high court supported PPP's provincial autonomy over police legislation and governance, but sought to provide structure to the government's discretion in managing the provincial police force, particularly on the question of the appointment and removal of Inspector-Generals. The Supreme Court, however, held that "policing" fell broadly within the field of "criminal law" and was therefore a concurrent subject, a matter on which the Sindh government could not legislate independently. Lawyers involved with the case said this federally-inclined Supreme Court was perhaps influenced in its decision by the argument that giving complete provincial control over the Sindh Police to the provincial government could result in greater autonomy for provinces over broader policing and security arrangements in which federal institutions (e.g. the military and judiciary) are key stakeholders. As one lawyer involved in these proceedings explained:

The Chief Justice was told that if the Court made policing a completely provincial subject, then they would have to get rid of NAB, FIA, and the anti-terrorism apparatus in Pakistan, which are all federal policing mechanisms. This freaked the bench out.⁷⁵

In closing its statements, the Court held that "further reasons" for this judgement would follow, but a detailed order was never produced. In theory, the judiciary paved the way for a more autonomous police chief in Sindh, but less provincial autonomy for Sindh government, and lingering confusion over the constitutional status of the "police."

Policing in Pakistan is delivered through several key actors. Beyond the main police force, there are several specialized police units, such as Counter-Terrorism Departments (CTDs) and Anti-

Terrorism Forces (in KP and Punjab) that were established in 2015 to further the implementation of Pakistan's primary counterterrorism policy, the National Action Plan. Such specialized units have been empowered over the years and work closely with civilian and military intelligence services, becoming one of the channels for relational interlinkages between civilian and military/intelligence institutions. Additionally, policing is also conducted by paramilitary forces. These include, the Pakistan Rangers (in Sindh and Punjab), the Frontier Corps (Khyber-Pakhtunkhwa and Balochistan), and the Levies (Balochistan and KP). Our interlocutors have noted, that where paramilitary forces are deployed under the command of the armed forces, their "de facto power is said to be greater than their de jure power", indicating a sustained encroachment of the military into domestic policing through paramilitary units.⁷⁶

Other platforms through which we see such civil-military command overlap is through the creation of Joint Investigation Teams (JITs) that investigate individual cases of serious crimes, as well as the so-called "apex committees". Apex committees were created at the provincial levels to oversee the implementation of counterterrorism and national security policies. Although they are provincially organized, these are hybrid bodies that include senior provincial bureaucrats and police officials, as well as the leadership of paramilitary forces, army corps, and the Inter-Services Intelligence agency. Performances of anti-terrorism forces, and security and intelligence-based operations have often been overseen by apex committees.⁷⁷

Provincial political elites have been wary of the kind of power exercised by hybrid apex committees, seeing as "threats" to provincial autonomy in Sindh. As one PPP politician explained:

Aren't apex committees an example of federal interference in provincial offices? These committees were initially positive; there was good coordination between police, the Rangers, and the federal government. Then, members of the PPP began to be picked up on terrorism charges, which created friction between the Sindh and federal government. In 2018, Imran Khan sought help from the army and ISI, and the military establishment told us to 'go easy' on him. It was during this hybrid regime that bureaucrats and officers stopped working because the regime started using the National Accountability Bureau against them [on corruption allegations]. As a bureaucrat and police officer, you now had to consider the encroachment of the NAB facilitated by the hybrid regime, the intelligence reports the regime had on you, and the province-center tussles taking place, in the middle of which officers would not know whether to please the federal government through which they were appointed, or the provincial government to whom they reported.⁷⁸

In other provinces as well, tussles over the impact of federal civilian and military interventions into the management of provincial policing institutions has been evident. During PTI's rule, (2018-2022), the Punjab Police saw intense political tussles over the administration of police command, as the military-backed federal government sought to produce a loyal Punjab administration after ending years of dominance by the Pakistan Muslim League-Nawaz (PML-N) in that province. This was evident most starkly in the removal of a former Inspector General of Police, Muhammad Tahir. Tahir's removal and replacement came despite resistance put forth by Imran Khan's trusted officer, former IG Nasir Durrani, Khan's insistence on removing Tahir and

appointing loyalist police chiefs led to a fall-out between Durrani and Khan, with the former resigning as chief of Punjab police reform committee.⁷⁹ Under the PTI regime, at least seven provincial IGs were changed.

Since 2018, Punjab has also seen the military's influence over the police increase. In addition to reliance upon paramilitary forces, Punjab's policing also relies on regional-level and district-level joint intelligence committees (JICs). As per respondents, provincial JICs work under provincial bureaucrats and also include the provincial police chief, but members of CTD, Military Intelligence, Inter-Services Intelligence, and Special Branch are also represented. These provincial and district JICs oversee policing and law-and-order-related issues, enabling bureaucrats to oversee policing in Punjab, but also enabling the influence of the military. As one police officer told us, *“Army’s influence over the police is increasing. Rangers are now permanently in Punjab. They get extra allowances from the Punjab government. But they intervene as and when they like. Policing is becoming increasingly militarized.”*⁸⁰

The nexus between bureaucrats and military in the provinces can be witnessed through the informal ways in which the military influences police postings.

Informally, the military can influence where police officers are posted and transferred. For example, if an ISI sector commander, or a brigadier, is sitting with the chief minister of Punjab, he can tell the minister to put XYZ police officer. Why would the Chief Minister resist? He would also have an interest in maintaining links with the ISI.⁸¹

Another journalist in Peshawar echoed our findings from Sindh and Punjab in telling us that “apex committees in KP play a critical role in transfers and postings of police officers”⁸².

Thus, because of constitutional ambiguities, a federalist judiciary and the hybrid and pluralized provision of policing in Pakistan, decentralization is largely circumvented and federal civil and military stakeholders continue to intervene both in the development of policing policies and operations, and the management of policing bureaucracies. However, these encroachments and subversions have not gone uncontested, given the conflicts over appointments and promotions, resignations, and litigation, indicating that decentralization of policing remains under-institutionalized but a centralized monopoly over policing is also strongly contested.

4.3.3. Disaster Management

The impact of the 18th amendment in the policy area of disaster management, has been minimal. Unlike the institutionalization of fiscal decentralization, or the contestation over administrative decentralization in policing, there has been minimal institutionalization of decentralization in disaster management, as both federal and provincial political elites have continued to rely on a proliferation of ad-hoc and highly militarized institutions to coordinate and manage disaster responses across the country.

In the three decades between 1971 and 2005, 27 federal and provincial departments were directly or indirectly working in disaster management but when it came to actual disaster response, the military was the primary actor. For instance, during monsoon season, different organizations

such as the Meteorological Department, the Federal Flood Commission, the Flood Forecasting division, the Pakistan Army and Provincial Relief Departments would annually commit to knowledge sharing regarding the situation at hand.⁸³ However, when flooding actually occurred, ‘this coordination didn’t bring forth any results.’⁸⁴ Even ostensibly private organizations involved in disaster management were highly militarized. For example, the Federal Work Organization (FWO) could bid for projects in the open market and its CEO is by default a serving military Lieutenant General (FWO, 1966). Under General Musharraf, the FWO became the preferred project manager in times of disasters and other private entities were discouraged from participating in these projects.⁸⁵ Additionally, according to a respondent from the Ministry of Planning, “Disaster Management was also a very low priority area for the political elite of Pakistan, leaving little room for provincial intervention due to budgetary and capacity restrictions by the federal government, and the federal government successively making disaster management increasingly centralized”.⁸⁶ Thus, Pakistan had a long history of military dominance in the area of disaster management and response.

In the aftermath of the disastrous earthquake in 2005, Pakistan attempted to establish a more comprehensive and coordinated approach to disaster management. Under the National Disaster Management Act, a federal level disaster management commission (NDMC) was set up. The National Disaster Management Authority (NDMA) was established as the operating arm of the NDMC for disaster risk management at the national level. Along with the Disaster Management Act, the National Disaster Risk Management Framework was developed by the NDMA in 2007. The NDRMF is a guideline for disaster risk management at national, provincial, and district levels. It is also mandated to support provincial authorities with assistance to develop their disaster management plans. In times of emergencies or disasters, the NDMA is responsible to coordinate and facilitate a reaction

After the 18th Amendment, the provincialized infrastructure for the management of disasters was meant to be enhanced. As a follow-up to the 18th amendment, the National Disaster Management Act included the devolving of the powers to the provincial disaster management authorities (PDMAs). The 18th amendment to the constitution now gave powers to the provinces to handle disaster management on their own as stand-alone entities funded by the provincial government. The Disaster Management Act 2010 delineated the setting up of Provincial Disaster Management Authorities for each province.

In describing the distribution of authority between the center and the provinces, an expert explained that, ‘The NDMA served as an advisory body only as per the request of provinces’ and they ‘cannot direct PDMAs.’⁸⁷ Another expert explained, the ‘NDMA and PDMAs have very overlapping functions...but the NDMA will only be engaged if the PDMA asks it to.’⁸⁸ Thus, a new decentralized framework for disaster management was established and the civilian governments in provinces were given a level of autonomy in crafting their own policies for disaster management. While the 18th amendment gave the provinces greater autonomy, however, the District Disaster Management Authorities (DDMAs) have been marginalized and robbed of the autonomy they were also meant to exercise.

The new decentralized arrangement did have some impact on the military’s dominance of disaster management and enabled new private partners to work with provincial governments in

this sector. A Senior Officer at an NGO commented, “Due to the devolving of responsibilities to provinces, many NGOs had to then coordinate with provincial authorities such as the PDMA for disaster relief and management instead of the central NDMA. This made it faster for NGOs to support the government in times of disaster as previous coordination with NDMA took a lot of time as it was slower to respond”. Secondly, “Army involvement in state affairs was also reduced after devolution as now their presence was restricted to provinces with security issues such as KPK and Baluchistan, this really helped NGOs in getting No Objection Certificates (NOCs) for their projects much quicker particularly in Sindh.”⁸⁹

However, the flooding disaster of 2010 revealed capacity and coordination challenges for the new disaster management framework. According to Senior Officers at the PDMA Punjab, there was confusion over fiscal arrangements for inter-provincial resource distribution.⁹⁰ Additionally, donors and other stakeholders did not know which agency to go to both at the provincial and federal levels, which delayed decision-making on allocation of resources. This proliferation of new ad-hoc national institutions became a common feature of disaster management in Pakistan, often at the expense of institutionalizing the relationship between the NDMAs and PDMAs and resolving the capacity and coordination challenges at the provincial level.

When the COVID pandemic hit Pakistan, initially provinces developed their own relief packages; Punjab allocated PKR 10 billion for cash grants and PKR18 billion in tax relief, Sindh allocated PKD 1.5 billion for a cash and ration distribution campaign.⁹¹ KPK declared an emergency, mobilized social distancing measures and made data of active COVID cases available to the public. Sindh announced a full lockdown and other provinces followed suit with partial lockdowns, later evolving into complete lockdowns.⁹²

However, in April 2020, then Prime Minister Imran Khan bypassed the Council of Common Interests (CCI) and legislature to set up another institution that included civilian and military leadership to coordinate Pandemic Response – the National Command and Operations Centre (NCOC).⁹³ The NCOC consisted of a large number of military officers in leading roles ensuring the military, including members of the Inter-Services Intelligence (ISI). Data collection, coordination, tracking and tracing, and quarantine protocols all were to be conducted through NCOC using ISI’s surveillance systems.⁹⁴ While the NDMA is tasked as the ‘Lead Operational Agency’ for coordinating pandemic response between the provinces through the respective PDMAs, the NCOC became the central unified national action against COVID-19 and the NDMA was tasked to take the lead with procurement of hospital equipment and utilizing the various corps headquarters of the armed forces.⁹⁵ This new arrangement ensured the military played an outsized role in managing the response and coordinating the decisions taken across the different provinces in response to this health care emergency.

Beyond the NCOC, the Supreme Court also aimed to restrict provincial discretion and ensure uniformity in the response to the pandemic. The Chief Justice took suo moto notice (acting on its own initiative without a petitioner) on the question of the state’s response to the pandemic, and sought to micro-manage the response to COVID, often without regard for the technical competence needed to craft a response, or the jurisdictional autonomy each province had in working out its own approach to the pandemic. The Chief Justice strongly emphasized uniform

lockdown policies across the country, ordering the Sindh government to defer to the federal Ministry of Health’s decision regarding the province’s shopping malls.⁹⁶

While the NCOG played a positive role in ensuring data sharing across provinces and managing a relatively coordinated response to the pandemic, it is less clear that these centralized responses required the intervention and leading involvement of the military or the judiciary to be successful.

Since 2010, decentralization and demilitarization in disaster management has been minimal. Even with the formal creation and empowerment of PDMAs, the political leadership has continued to rely on new national disaster response institutions that seem to appear whenever a disaster occurs. Even in the most recent floods in 2022, the government established a new National Flood Response And Coordination Centre (NFRCC), which has representatives from the federal and provincial governments, as well as armed forces. The NFRCC was mandated to coordinate flood relief efforts during rescue, relief and rehabilitation stages. Perhaps the reason for this reliance on ad-hoc, centralized and militarized disaster responses is that, in the years between disasters, civilian governments have not invested adequate resources – both financial and human in the PDMAs. As a result, when disaster strikes, governments are quick to return to the previously established repertoires of disaster management: centralized institutional coordination and military intervention.

The foregoing discussion is summed up in Table 2 below. Since the 18th Amendment was enacted, fiscal federalism is most entrenched, although the unstable macro economic situation has forced the provinces to concede resources to the centre. The case of policing illustrates the imperfections in the 18th Amendment legislative process that has created legal ambiguities with regard to jurisdictional status of policing. Moreover, historical path dependence and extraneous factors in the form of the war on terror created further constestations when in came to effectively decentralizing the police. Disaster management is the least devolved in our sample of policy areas, mainly because of the lack of interest hitherto demonstrated by the provinces.

Table 2: Institutionalization of Decentralization

Fiscal Federalism	Federalized Policing	Federalized Disaster Management
Entrenched Decentralization	Contested and Compromised Decentralization	Rollback of Decentralization

5. Limitations in Framework of Decentralization

While the 18th Amendment was a far-reaching effort at decentralization in Pakistan, the discussion of the institutionalization of decentralization across provinces and policy areas highlights that certain features of the framework for decentralization may need further fine-tuning to provide for more clarity in the institutionalization of decentralization. This refinement

pertains to the organization of relations between the centre and the provinces, between autonomous provinces and the management of political and administrative affairs within the provinces.

5.1. Inter-provincial coordination

Pakistan's constitution establishes meaningful devolution of power to the provinces. However, to enable this outcome the federation also needs institutions where the provinces can coordinate between themselves, work together with the center where necessary, and collectively pushback against the center's encroachments where needed. For this purpose, the Constitution has created requisite institutions in the form of the Council for Common Interests (CCI) and a National Economic Council (NEC). The CCI was intended to serve as a forum to seek provincial input in the conduct of federal responsibilities, and under the 18th Amendment the CCI is meant to be the primary decision-making body for a wide range of federal legislative subjects.⁹⁷ It is also meant to be a venue for resolving inter-provincial disputes as well as disputes between the center and the provinces. The NEC is also a constitutional body with oversight responsibility on national economic policies and to coordinator public sector development plans. The 18th Amendment tilted the balance of power on this council in favor of provinces by increasing provincial representation.

The intent of the 18th Amendment was to ensure these bodies played a key role in decision-making, thus giving the provinces greater voice and sites to engage with each other on questions of common interest. However, ultimately control of both these institutions was left largely under the steering of the Prime Minister's office and the Prime Ministers have largely taken limited interest in convening these institutions and making active use of them for inter-provincial consultation and coordination. There was no incentive to do so, when the Prime Minister could instead issue orders directly from his office without being concerned about the process of consultation and consensus-building demanded by the CCI and NEC. To emphasize this point, a senior expert we spoke to explained, "You did not even make a permanent secretariat for the CCI until last year (2021), and the NEC is supposed to have two meetings annually, but it has never met more than once a year."⁹⁸ Thus, in spite of these attempts at institutionalizing devolution, the incentive structure remains skewed so long as the power of convening the CCI and the NEC remains with the federal government. Going forward, collective action on the part of provinces to wrest the power of convening these forums and perhaps also broadening their mandate to remove the rough edges on decentralization.

5.2. Intra-Provincial Devolution

The 18th Amendment also alluded to devolution of power to elected local governments. However, ruling political parties have been reluctant to devolve powers to local bodies, seeing devolution as a threat to the patronage systems that the provincial political leadership controls and thorough which it manages party cadres, co-opts elites, and wins votes and elections. Indeed, this was the purpose for which successive military dictatorships used devolution to local governments, which is why some of the reluctance to devolve is understandable. But without devolution to local bodies, not only are these parties limiting the development, deepening and

entrenchment of their own parties at the grassroots level, but they are also creating governance challenges within the provinces.⁹⁹ Several experts in our focus groups and interviews said that without devolution to local bodies, the process of decentralization will remain incomplete.¹⁰⁰ They also extolled the virtues of a more responsive system of government, as local governments would be more accessible and attentive to the particular needs of the communities they represent.¹⁰¹ However, without devolution, crucial decision-making happened largely through the chief minister's office, as provincial legislators spent more of their time dealing with local affairs in their constituencies rather than actually carrying out the work of legislation and oversight required by the provincial legislatures. As one expert put it to us,

The problem is your provincial legislators are doing the work of local governments, and so they are wasting time on local service delivery issues when they can focus on policy, law making legislation etc. So therefore the system has gotten distorted. I have seen this practically, that if you see that at any given time there is always an issue of quorum in the assemblies. Where are these legislators? They are not sleeping at home, they are hardworking, but they are going to police stations, magistrates' offices, doing work in their *ilaaqas*. This work should not be the legislators primary role but 80% of their work goes into this, so if local governments are introduced then all the work goes to the right people, and legislator will work better focused on their main role.”¹⁰²

However, the political incentives for decentralization remain limited for two reasons. First, as long as political parties rely on entrenching their power through patronage systems that are organized at the provincial level, they will be hesitant to support reforms that disrupt this system. Second, even when political parties are willing to support devolution, experts we spoke to explained that the bureaucracy is reluctant to support the creation of empowered and elected local bodies, as these bodies take power away from the district and sub-district bureaucrats.¹⁰³ Thus, resistance to further devolution emanates from both political and bureaucratic elites, but the issues created by the absence of further devolution need to be addressed.

The framework for decentralization must move in the direction of developing of inter-provincial institutions and intra-provincial devolution of power, in order to ensure that the vision of the 18th Amendment to create a decentralized, democratic and demilitarized government can be meaningfully realized.

Conclusion

The framework of hybrid politics in Pakistan cannot be understood without considering how federalism shapes the dynamics between civilian and military stakeholders in the political system, and impacts the military's ability to direct political, administrative and policy-making processes in different policy areas and at different tiers of government. The 18th Amendment reoriented the interaction between Pakistan's horizontal and vertical distribution of power, significantly impacting the incentives and behavior of politicians, the bureaucrats and the judiciary. As this report shows, the impact of decentralization on hybrid governance across policy areas and provinces varies, depending on the extent to which decentralization is institutionalized. When mainstream political elites – both provincial and national - do not

establish a consensus to resist federal encroachment, and military-aligned centralizing institutions, including the superior judiciary, the federal bureaucracy, and anti-corruption and security agencies, play a prominent role in directing policymaking and constraining political authority, decentralization is undermined and military encroachment adapts and persists. Variation in consensus-building and federal interventions helps explain why Sindh has been able to assert its autonomy but Balochistan has not, and why fiscal decentralization is entrenched, but decentralization and demilitarization in policing and disaster management is contested and subverted. These dynamics of federalized hybrid governance will play a crucial role in shaping the trajectory of hybrid politics in the coming years.

By April 2022, the efforts to build a centralized, militarized and durable hegemony over Pakistan's political system fell apart, as the two pillars of this endeavor, the military leadership and the PTI, fell out with each other. Having lost power due to the military's new posture of ostensible 'neutrality' in the confrontation between PTI and the opposition coalition PDM, Imran Khan kept criticizing this 'neutrality' of the army on the pretext that the military's neutrality is tantamount to providing political space for 'corrupt' politicians to rule the country again. While Khan's protestation viz the army once again supporting him did not bear fruit, the judiciary did manage to occupy some hybrid space.¹⁰⁴ Hybridity, it appeared at the time, seemed to be taking a new, more civilian posture in the country.

The events of May 9, 2023, however, explicitly brought the military back in the front center of politics in Pakistan. However, with its guns arrayed against Imran Khan and the PTI, this round of hybridity is 180 degrees opposite to what Khan would have sought. Dubbed by some as the 'great reset', military interference was now geared to revert politics back to the pre-2017 status quo, aligning with the two older mainstream parties - the PML N and PPP. The military, supported first by a temporary coalition government of the PPP and PML-N, and then by a handpicked caretaker cabinet, oversaw a campaign of targeted repression that utilized many of the tactics honed over the previous decade and a half of hybrid governance in the smaller provinces, to dismantle PTI at the center, and politically isolate Khan. The extended tenure of the caretaker government that was established a few months after the events of May 9th and ran the country till after the elections of February 8th, 2024, saw the most direct and unconstrained period of military management of the political system since 2008 when Musharraf was deposed from power. During the tenure of the caretaker cabinet, a series of measures were taken to immunize the military from criticism, enhance the prosecution of anti-military dissent, and secure the military's own steering role in economic policymaking and other sectors of government. Unsurprisingly, during this period of enhanced military management of the political system, discussions regarding the need for amending the 18th amendment resumed, with the caretaker Prime Minister arguing that the amendment needed some improvements, and members of the cabinet discussing revising the national finance commission award.¹⁰⁵ This was once again a reminder of the abiding interest of the military to use any opportunity to centralize the governing order of the state.

The February 2024 elections did little to mitigate the political crisis the country has been mired in since 2022. The credibility of the electoral exercise, in light of the overt efforts to place insurmountable barriers in the way of Khan and PTI's electoral campaign, has been widely disputed by domestic and international observers. The results have generated a fragmented

political landscape, with different parties forming governments in KP, Sindh and Punjab, and a divided parliament at the center where the only prospect is a weak minority government, held together by military support. But while the center is divided, the leading political parties have each gotten stronger mandates from the provinces, and these will shape the formation of, and bargaining over, the hybrid political settlement within each of the provinces, as well as the contestation between the weak militarized center and increasingly politically consolidated provinces. Thus, while an inordinate amount of attention is being paid to the future governing arrangement at the center, it is through empowering the provincial governments, where, once again political parties have demonstrated their resilience and entrenchment, that any effort can be made to bring some civil-military symmetry to the hybrid political order and a more politically inclusive and broadly accommodating political order can be established.

To conclude, therefore, entrenching and deepening federalism based on the 18th amendment is critical to any effort to reduce military ingress in the country's politics. It is thus imperative that all mainstream parties, including the PTI, endorse federalism as a central component of reducing the hybrid foot print in Pakistan's politics.

End Notes

¹ The One Unit merged the provinces of Sindh, Punjab and North-West Frontier (Now Khyber Pakhtunkhwa) into a consolidated province of West Pakistan. As such the state consisted of two provinces – East and West Pakistan. Along with the One Unit, the policy of ‘parity’ across the two provinces was also introduced to dilute the population majority of East Pakistan. See; Waseem (2022, pp 302-305).

² Waseem, M. 2022.

³ Ayesha Jalal, *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective* (New York: Cambridge University Press, 2009).

⁴ Suhail Warraich, “The Bajwa Doctrine: From Chauvinism to Realism,” *The News*, March 18, 2018.

⁵ The interviews and focus group discussions are anonymized for this report, and thus each interviewee is simply referenced by a single Letter referring to their occupation (L for lawyer, P for politician, J for journalist, E for policy expert, B for bureaucrat, for police officer, C for civil society organization member, and a randomly chosen number between 0 and 20.), and each quote from a focus group discussion is referenced by “Focus Group Discussion” and a number between 1 and 4, depending upon which of the four focus group discussions the quote is taken from.

⁶ Marco Bunte, “Ruling but Not Governing: Tutelary Regimes and the Case of Myanmar,” *Governance and Opposition* 57, no. 2 (2022): 336–52; Tom Ginsburg, “Constitutional Afterlife: The Continuing Impact of Thailand’s Postpolitical Constitution,” *International Journal of Constitutional Law* 7, no. 1 (2009): 83–105; Koray Caliskan, “Explaining the End of Military Tutelary Regime and the July 15 Coup Attempt in Turkey,” *Journal of Cultural Economy* 10, no. 1 (2017): 97–111; Rhoda Rabkin, “The Aylwin Government and ‘Tutelary’ Democracy: A Concept in Search of a Case,” *Journal of Interamerican Studies and World Affairs* 34, no. 4 (1992): 119–94.

⁷ Leah Gilbert and Payam Mohseni, “Beyond Authoritarianism: The Conceptualization of Hybrid Regimes,” *Studies in Comparative International Development* 46 (2011): 270–97; Katherine Adeney, “How to Understand Pakistan’s Hybrid Regime: The Importance of a Multidimensional Continuum,” *Democratization* 24, no. 1 (2015): 119–37.

⁸ Jonathan Rodden, “Comparative Federalism and Decentralization: On Meaning and Measurement,” *Comparative Politics* 36, no. 4 (2004): 481–500.

⁹ Tullia Falletti, “Varieties of Authoritarianism: The Organization of the Military State and Its Effect on Federalism in Argentina and Brazil,” *Studies in Comparative International Development* 46, no. 2 (2011): 137–62; Dawn Brancati, “Democratic Authoritarianism: Origins and Effects,” *Annual Review of Political Science* 17 (2014): 313–26.

¹⁰ Ibid.

¹¹ Jean-Paul Faguet, “Decentralization and Governance,” *World Development* 53 (2014): 2–13.

¹² Ayesha Jalal, *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective* (New York: Cambridge University Press, 2009).

¹³ Melissa Crouch, “Pre-Emptive Constitution Making: Authoritarian Constitutionalism and the Military in Myanmar,” *Law and Society Review* 54, no. 2 (2020): 487–515.

¹⁴ Katherine Adeney and Filippo Boni, “Federalism and Regime Change: De/Centralization in Pakistan - 1956-2020,” *Regional and Federal Studies*, 2022, <https://doi.org/10.1080/13597566.2022.2126456>.

¹⁵ Mariam Mufti and Sameen Mohsin, “Political Parties and Decentralization in Pakistan,” *Publius: The Journal of Federalism* 52, no. 2 (2022): 201–24.

¹⁶ “Disqualification of Membership of Majlis-e-Shoora,” Pub. L. No. Article 63, Constitution of Pakistan (1973).

¹⁷ Interview P-10.

¹⁸ “18th Amendment, Constitution of Pakistan 1973” (2010).

¹⁹ Interview P-10

²⁰ Focus Group 1

²¹ Maryam Khan, “Ethnic Federalism in Pakistan: Federal Design, Construction of Ethno-Linguistic Identity and Group Conflict,” *Harvard Journal of Racial and Ethnic Justice* 30 (2014): 77; Mohammad Waseem, *Political Conflict in Pakistan* (London: Hurst and Co., 2022).

²² Focus Group 1

²³ Focus Group 1.

²⁴ Hassan Javid, “Winning ‘friends’ and Influencing ‘People’: Democratic Consolidation and Authoritarianism in Punjab,” *Commonwealth and Comparative Politics* 58, no. 1 (2020): 139–59.

²⁵ Muhammad Ahsan Raza, “Decentralization Experience in Pakistan: The 18th Constitutional Amendment,” *Asian Journal of Management Cases* 17, no. 1 (2020): 61–84.

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- ²⁶ Aqil Shah, “Constraining Consolidation: Military, Politics and Democracy in Pakistan (2007-2013),” *Democratization* 21, no. 6 (2014): 1007–33.
- ²⁷ Mariam Mufti and Sameen Mohsin, “Political Parties and Decentralization in Pakistan,” *Publius: The Journal of Federalism* 52, no. 2 (2022): 201–24.
- ²⁸ Interview L-5.
- ²⁹ Interview L-9.
- ³⁰ Roberto Foa, “Decentralization, Historical State Capacity and Public Good Provision in Post-Soviet Russia,” *World Development* 152 (2022).
- ³¹ Sheikh Salman, “Balochistan and the 18th Amendment: The Civil-Military Roots of Separatism and Regime Militarization in Pakistan,” *Asian Affairs: An American Review* 54, no. 4 (2024): 619–46; Rafiullah Kakar, “School Development in Post-18th Amendment Balochistan: A Political Economy Perspective,” *Pakistan Development Review* 62, no. 4 (492 467AD): 2023.
- ³² Interview B-5; Interview C-4.
- ³³ Haris Gazdar, Yasser Kureshi, and Asad Sayeed. “The Rise of Jihadi Militancy in Pakistan’s Tribal Areas.” In *Civil Wars in South Asia: Sovereignty, State, Development*, eds. Aparna Sundar and Nandini Sundar. New Delhi: Sage (2014).
- ³⁴ Interview P-9
- ³⁵ Interview J-2; Interview P-9.
- ³⁶ Interview J-2.
- ³⁷ Focus Group 1
- ³⁸ Asad you can probably cite yourself here, regarding your knowledge of the NFC negotiations between Dar and Shahbaz?
- ³⁹ Interview L-7.
- ⁴⁰ Interview P-8
- ⁴¹ Carlos Gervasoni, *Hybrid Regimes within Democracies: Fiscal Federalism and Subnational Rentier States* (Cambridge: Cambridge University Press, 2018).
- ⁴² Interview B-5.
- ⁴³ Interview P-8.
- ⁴⁴ Maryam Khan, “Genesis and Evolution of Public Interest Litigation in the Supreme Court of Pakistan: Toward a Dynamic Theory of Judicialization,” *Temple Journal of International and Comparative Law* 28 (2015); Yasser Kureshi, *Seeking Supremacy: The Pursuit of Judicial Power in Pakistan* (Cambridge: Cambridge University Press, 2022).
- ⁴⁵ Mohammad Waseem, “Judging Democracy in Pakistan: Conflict between the Executive and Judiciary,” *Contemporary South Asia* 20, no. 1 (2012): 19–31; Yasser Kureshi, *Seeking Supremacy: The Pursuit of Judicial Power in Pakistan* (Cambridge: Cambridge University Press, 2022).
- ⁴⁶ Moeen Cheema, *Courting Constitutionalism* (Cambridge: Cambridge University Press, 2021).
- ⁴⁷ Interview L-5.
- ⁴⁸ Ibid.
- ⁴⁹ Ibid.
- ⁵⁰ Yasser Kureshi, *Seeking Supremacy: The Pursuit of Judicial Power in Pakistan* (Cambridge: Cambridge University Press, 2022).
- ⁵¹ Government of Sindh v. Nadeem Rizvi, 2020 SCMR 1.
- ⁵² Hasnaat Malik, “18th Amendment Already Dented by SC Verdicts: Experts,” *Express Tribune*, April 28, 2010.
- ⁵³ Interview L-4,
- ⁵⁴ Sui Southern Gas v. Federation of Pakistan, 2018 PLC(CS) 846; Government of Sindh v. Nadeem Rizvi, 2020 SCMR 1.
- ⁵⁵ Interview P-8.
- ⁵⁶ Interview B-8.
- ⁵⁷ Interview P-4.
- ⁵⁸ Zoha Waseem, *Insecure Guardians: Enforcement, Encounters and Everyday Policing in Postcolonial Karachi* (London: Hurst and Co., 2022).
- ⁵⁹ Ibid.
- ⁶⁰ Mehreen Zahra-Malik, “Pakistan Military’s Move on Karachi Seen as Part of ‘Creeping Coup.’,” Reuters, April 27, 2015, <https://www.reuters.com/article/cnews-us-pakistan-karachi-insight-idCAKBN0NH0WK20150427>.
- ⁶¹ Interview B-8.

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- ⁶² Rochana Bajpai and Yasser Kureshi, “Mechanisms of Democratic Authoritarianism: De-Centring the Executive in South Asia and Beyond,” *Democratization*, 2022.
- ⁶³ “National Accountability Ordinance” (1999).
- ⁶⁴ Mubasher Bukhari, “A Brief History of Accountability,” *The News*, July 17, 2022.
- ⁶⁵ Zahid Gishkori, “NAB Probed Bigwigs among 250 MPs since 2017,” *The News*, December 24, 2021.
- ⁶⁶ Interview E-7.
- ⁶⁷ Khwaja Salman Rafique v. National Accountability Bureau; Civil Petitions No.2243-L and 2986-L of 2019.
- ⁶⁸ Imran Ayub, “18th Amendment Needs to Be ‘Reviewed’: Khan,” *Dawn*, June 18, 2020.
- ⁶⁹ Husain, 2012, Sherani, 2011.
- ⁷⁰ Data compiled by authors from Pakistan Demographic and Health Survey (various issues), Pakistan Maternal Mortality Survey (2019), Pakistan Integrated Household Survey (various issues) and Ministry of Finance, Fiscal Operations (various issues).
- ⁷¹ As member from Sindh on the NFC (2019-present), the author has himself experienced these pressures.
- ⁷² Information provided in Interview C2.
- ⁷³ Mohammad Ali Babakhel, “Police Laws in between Repeals and Revivals,” *Express Tribune*, August 17, 2020.
- ⁷⁴ Hasnaat Malik, “SC Declares ‘police’ to Be a Concurrent Legislative Subject,” *Express Tribune*, January 31, 2019.
- ⁷⁵ Interview L-2.
- ⁷⁶ Interview L-1; Focus Group Discussion 3.
- ⁷⁷ “Apex Committees Formed in All Provinces to Implement NAP,” *Express Tribune*, January 3, 2015.
- ⁷⁸ Interview, P-11.
- ⁷⁹ Asif Chaudhry and Iftikhar Khan, “Government Removes Punjab IG, Police Reforms Head ‘Resigns,’” *Dawn*, October 10, 2018.
- ⁸⁰ Interview, O-6.
- ⁸¹ Interview, O-1.
- ⁸² Interview, J-5.
- ⁸³ Interview, D-3.
- ⁸⁴ Interview, D-2 and D-5.
- ⁸⁵ Siddiq, 2007.
- ⁸⁶ Interview, D-1.
- ⁸⁷ Interview, E-22.
- ⁸⁸ Interview, E-25.
- ⁸⁹ Interview, D-8.
- ⁹⁰ Interview B-27.
- ⁹¹ Brohi, 2020; IMF, 2020
- ⁹² Interview, D-4.
- ⁹³ Brohi, 2020.
- ⁹⁴ Brohi, 2020.
- ⁹⁵ Tabadlab, 2021.
- ⁹⁶ Suo moto action regarding combating the pandemic of corona virus, 2020 SCMR 1006.
- ⁹⁷ Kamran Naseem, Amna Mahmood, and Manzoor Ahmed Naazer, “An Analysis of the Performance of the Council of Common Interest in Post-18th Amendment Scenario in Pakistan,” *Journal of Research in Social Sciences* 10, no. 1 (2022): 1–18.
- ⁹⁸ Interview E-8.
- ⁹⁹ Interview E-3
- ¹⁰⁰ Focus group 1; Interview E3; Interview E-7.
- ¹⁰¹ Focus Group 1.
- ¹⁰² Interview E-8.
- ¹⁰³ Interview E-11.
- ¹⁰⁴ The judiciary muddied the waters initially through its judgment on Article 163 (a), which according to a dissenting judge as well as many other legal experts amounted to a virtual re-writing of the constitution. This judgment helped the PTI to regain the government in Punjab. Subsequently, numerous judgments by the courts appeared to protect PTI and particularly Imran Khan.
- ¹⁰⁵ Mubarak Zeb Khan, “Caretaker Govt Official Wants NFC Formula Revisited,” *Dawn*, November 21, 2023 ; “Change in the 18th Amendment?,” *Interview with Caretaker PM Anwar Ul Haq Kakar* (Dawn News, December 2023), https://www.youtube.com/watch?v=MX4dn31_CUc.

