



Reimagining Federalism: Constitutional Challenges in Pakistan's Multi-Tier Governance System

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ABSTRACT

Federalism in Pakistan is both a constitutional framework and a contested political practice, shaped by historical centralization, amendments, and political bargaining. This study examines the constitutional and institutional challenges facing Pakistan's multi-tier governance, including ambiguities in legislative powers, fiscal imbalances from National Finance Commission arrangements, weak intergovernmental bodies like the Council of Common Interests, and the uneven integration of the former Federally Administered Tribal Areas into Khyber Pakhtunkhwa. Using a qualitative approach, the research analyses constitutional texts, policy documents, judicial rulings, and scholarly literature to identify gaps between legal provisions and practical implementation. Findings indicate that constitutional amendments alone cannot ensure effective federalism; sustainable governance requires fiscal equity, strong intergovernmental mechanisms, and a normative shift toward cooperative governance. The article concludes with legal, institutional, and policy recommendations to strengthen cooperative federalism, promote inclusive development, and enhance stability, emphasizing that Pakistan's federal structure must combine constitutional design with functional and equitable institutional practices.

Keywords: Constitutional accountability, Proportionality doctrine, Separation of powers, Fundamental rights protection, public interest litigation, Rule of law, Arbitrary state action, Judicial activism, Constitutional morality.

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INTRODUCTION

Federalism in Pakistan has long been a dynamic and contested framework of governance. Designed to balance national cohesion with provincial diversity, it has evolved through successive constitutional amendments, judicial interventions, and political negotiations. The 18th Constitutional Amendment of 2010 significantly expanded provincial autonomy by devolving legislative and administrative powers, while the 25th Amendment of 2018 integrated the former Federally Administered Tribal Areas into Khyber Pakhtunkhwa, altering Pakistan's territorial and institutional map. Despite these landmark reforms, Pakistan's federal system continues to face

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persistent challenges, including fiscal centralization, ambiguities in legislative competence, weak intergovernmental institutions, and uneven integration of newly merged territories. The purpose of this study is to critically examine these constitutional challenges and assess their impact on Pakistan's multi-tier governance system. Its scope encompasses constitutional provisions, fiscal arrangements, institutional performance, and political practices that collectively shape federal dynamics. The significance of this research lies in its contribution to understanding how Pakistan can transition from a conflict-prone model of federalism to a cooperative and sustainable system of governance. This article proceeds from the hypothesis that constitutional design alone cannot ensure functional federalism; rather, sustainable outcomes depend on fiscal equity, institutionalized cooperation, and political consensus (Khan & Ximei,, 2022, Osaghae, 2020). It asks two guiding research questions: (1) How do constitutional ambiguities and institutional weaknesses hinder cooperative federalism in Pakistan? (2) What reforms are necessary to reimagine federalism as a framework for stability, inclusion, and development?

The methodology adopted is qualitative, relying on textual analysis of constitutional provisions, policy documents, and judicial pronouncements, supplemented by secondary literature on federalism and governance. By mapping constitutional design against practice, the study identifies key gaps and offers normative and practical reforms. The anticipated outcome is a framework of recommendations aimed at clarifying competences, ensuring fiscal sustainability, strengthening intergovernmental institutions, and managing the integration of diverse territorial units. The article is organized as follows: Section two outlines the historical and constitutional background of federalism in Pakistan. Section three identifies and analyses the core constitutional challenges. Section four discusses the judicial role in adjudicating federal disputes. Section five provides case studies illustrating fiscal and territorial tensions. Section six presents a normative framework for reimagining federalism, while Section seven offers concrete legal and institutional reforms. Section eight evaluates political feasibility, and Section nine concludes with key findings and forward-looking recommendations. Federalism in Pakistan is not only a constitutional arrangement but also the lived architecture of political bargaining between the centre and provinces. The 18th Amendment (2010) transferred many subjects to the provinces, reshaping formal competencies; the 25th Amendment (2018) folded the former Federally Administered Tribal Areas FATA into Khyber Pakhtunkhwa, altering territorial governance. Yet persistent frictions fiscal disputes, overlapping competences, institutional underperformance e.g., Council of Common Interests, NFC processes, and uneven implementation of constitutional reforms continue to destabilize cooperative governance. To reimagine federalism, we must assess both the legal text and the lived institutional practices that implement it. This paper maps the constitutional challenges and proposes reforms anchored in legal clarity, fiscal equity, and strengthened intergovernmental institutions (Khan, et al., 2021, Husnain, 2021).

CONCEPTUAL AND THEORETICAL FRAMEWORK

This study is grounded in the theoretical traditions of cooperative federalism, multilevel governance, and constitutionalism, which together provide the analytical tools to assess Pakistan's evolving federal structure. Cooperative federalism highlights the need for shared rule and coordinated decision-making across federal, provincial, and local tiers, while multilevel

governance explains how authority is dispersed and negotiated among diverse institutional actors. Constitutionalism offers a normative lens to evaluate how constitutional provisions, amendments, and judicial interpretations shape the distribution and exercise of power. By integrating these perspectives, the framework conceptualizes federalism not merely as a constitutional arrangement but as an interactive system where legal norms, political practices, and institutional capacities intersect. This approach enables a systematic examination of Pakistan's legislative ambiguities, fiscal asymmetries, and intergovernmental coordination challenges, situating them within broader debates on power-sharing, state restructuring, and effective governance.

RESEARCH METHODOLOGY

This study employs a qualitative research methodology, drawing on doctrinal, descriptive, and interpretive approaches to examine constitutional and institutional challenges within Pakistan's federal system. Primary sources—including the Constitution of Pakistan, constitutional amendments, judicial decisions, parliamentary debates, and official policy documents—form the core dataset for analysing the legal architecture of federalism. These are supplemented by secondary sources such as scholarly articles, books, reports, and commentary to contextualize the political and historical dynamics shaping federal–provincial relations. The analysis follows a thematic approach, identifying patterns related to legislative competence, fiscal federalism, intergovernmental coordination, and administrative integration. By triangulating legal texts, institutional practices, and academic debate, the methodology ensures a comprehensive understanding of the gaps between constitutional design and practical implementation, enabling evidence-based conclusions and policy recommendations.

HISTORICAL AND CONSTITUTIONAL BACKGROUND

The trajectory of federalism in Pakistan reflects a continuous struggle between centralization and provincial autonomy. At independence in 1947, Pakistan inherited a colonial administrative framework designed for unitary control rather than participatory federalism. The early years were marked by constitutional uncertainty, as the Objectives Resolution of 1949 articulated a vision of democracy and federalism but provided limited institutional clarity. The 1956 Constitution formally established Pakistan as a federal republic, yet the strong dominance of the centre, frequent use of emergency powers, and weak provincial representation diluted genuine autonomy. The 1962 Constitution, introduced under military rule, further entrenched central authority, sidelining provincial voices and aggravating regional discontent. The secession of East Pakistan in 1971 underscored the dangers of over-centralization and the failure to accommodate diverse political and economic aspirations within a federal structure. The 1973 Constitution responded by embedding federalism more firmly, creating bicameralism through the Senate, and enumerating federal and concurrent legislative lists to delineate powers. However, repeated episodes of martial law and constitutional suspensions eroded the federal balance, as emergency provisions allowed the central government to override provincial autonomy. The 18th Amendment of 2010 marked a watershed, devolving over a dozen subjects to the provinces, abolishing the Concurrent List, and strengthening the Council of Common Interests CCI as a forum for intergovernmental coordination. This reform was hailed as a corrective to decades of central dominance. Yet in practice, many provinces struggled with administrative capacity, and fiscal

arrangements through the NFC remained contentious. The 25th Amendment of 2018, which merged the Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa, represented another significant shift, requiring integration of legal systems, administrative frameworks, and fiscal entitlements for a historically marginalized region (Khan & Jilani, 2023, Splyska, 2023).

Thus, Pakistan's federalism is the product of layered constitutional experiments: an initial overcentralized design, partial correction through the 1973 Constitution, erosion during authoritarian regimes, and recent attempts at devolution through the 18th and 25th Amendments. These historical shifts illustrate both the resilience of federal aspirations and the persistent structural tensions that continue to challenge Pakistan's multi-tier governance system. Pakistan's federal design reflects historical legacies: the colonial administrative inheritance, repeated periods of centralized military rule, and later democratic adjustments. The 18th Amendment sought to reverse centralizing tendencies introduced during authoritarian rule, expanding provincial autonomy by devolving subjects and reconfiguring federal institutions. Yet devolution has often remained uneven in practice because fiscal powers and revenue instruments did not always follow functions in a way that allowed provinces to discharge new responsibilities effectively. The 25th Amendment's merger of FATA into Khyber Pakhtunkhwa represented a major territorial and constitutional change, demanding intense legal and administrative integration. Scholars and policy analysts have emphasised that while these amendments shifted the formal balance of power, implementation gaps and institutional bottlenecks persist (Khan, et al., 2022, Fallon ,2022)

CORE CONSTITUTIONAL CHALLENGES

Ambiguity and Overlap in Legislative and Executive Competences

One of the enduring challenges in Pakistan's federal architecture is the lack of clarity in the distribution of legislative and executive powers between the federation and the provinces. While the 1973 Constitution delineates subjects through the Federal Legislative List (Part I and II) and the now-abolished Concurrent List, in practice the division of competences has generated overlaps and conflicts. The 18th Amendment removed the Concurrent List, theoretically devolving residual powers to the provinces. Yet several cross-cutting policy domains such as environment, energy, health, higher education, and disaster management remain areas of shared responsibility, creating legal uncertainty and administrative contestation. This ambiguity is particularly visible in sectors like energy regulation, where the Constitution assigns both federal and provincial roles. Provincial governments claim authority over natural resources within their territories, while the federal government asserts its powers under subjects such as inter-provincial matters, major industries, and national policy. Similarly, in public health, federal intervention during pandemics has clashed with provincial jurisdiction over hospitals and health services, exposing gaps in constitutional design. The CCI, envisioned as the principal intergovernmental forum to resolve such disputes, has not always functioned effectively. Irregular meetings, lack of follow-up on decisions, and absence of a professional secretariat undermine its capacity to settle jurisdictional overlaps. As a result, political bargaining often replaces legal clarity, and litigation before superior courts become the default mechanism for resolving competence disputes. This judicialization of federal conflicts has produced important constitutional jurisprudence but has also risked turning courts into substitutes for political dialogue (Khan, et al., 2022, Dougan, 2024).

The persistence of overlapping competences suggests that constitutional text alone is insufficient to manage the complexity of modern governance. Without harmonizing legislation, model laws, and cooperative regulatory frameworks, the federation and provinces will continue to experience friction in areas where responsibilities intersect. Although the Constitution lists federal, provincial and concurrent subjects, real-world policymaking often produces overlap. Concurrent lists and cross-cutting policy areas e.g., environment, health emergencies, counterterrorism create jurisdictional ambiguity and political contestation. The constitutional text provides dispute-resolution mechanisms e.g., Council of Common Interests CCI, but their effectiveness depends on regular meetings, political will and procedural clarity (Abdelrehim et al., 2021, Holbrook, 2024).

Fiscal Federalism: Mismatch of Functions and Resources

Fiscal federalism in Pakistan remains one of the most contested aspects of its multi-tier governance system. While the 18th Amendment devolved a broad set of functions to the provinces, corresponding fiscal authority and resource-generation capacity did not always follow. Provinces gained responsibility for critical sectors such as health, education, agriculture, and local infrastructure, yet the bulk of revenue-raising instruments particularly customs duties, sales tax on goods, and income tax remain with the federation. This asymmetry has created a persistent vertical imbalance, where provincial governments are dependent on federally collected revenues to discharge their devolved functions. The principal mechanism for fiscal redistribution, the NFC Award, is constitutionally mandated to allocate resources between the centre and provinces. While the 7th NFC Award of 2010 introduced a relatively more equitable formula by incorporating multiple criteria (population, poverty, revenue effort, and area), population continues to dominate the distribution weightage. Provinces with higher development deficits but lower populations, such as Baluchistan, have expressed concerns that current allocations do not sufficiently address disparities. Moreover, repeated delays in convening NFC negotiations and finalizing awards have undermined fiscal predictability and planning. Another dimension of imbalance is horizontal inequity among provinces. Wealthier provinces, with stronger revenue bases and administrative capacity, can leverage federal transfers more effectively, while resource-poor provinces remain dependent on discretionary grants and political bargaining. This has deepened perceptions of fiscal injustice and widened inter-provincial trust deficits (Khan, et al., 2020, Agrawal, et al., 2024).

The mismatch between functions and resources also manifests in unfunded mandates. For instance, while provinces now bear primary responsibility for health and education, federal ministries often continue to design or fund parallel programs, creating duplication and inefficiency. Similarly, disaster management and climate resilience demand coordinated financing, but fragmented jurisdiction leads to gaps in resource mobilization. Without reforming fiscal arrangements, the promise of devolution risks remaining hollow. A sustainable fiscal federalism model requires: (a) a predictable and transparent NFC process, (b) incentives for provincial revenue mobilization, (c) incorporation of multidimensional equity criteria in transfers, and (d) joint fiscal instruments for shared challenges such as climate change and public health. Only by aligning revenue authority with devolved functions can Pakistan achieve a balanced and cooperative federal system. Fiscal capacity is the backbone of effective devolution. Since the 18th Amendment, provinces received many functions without commensurate, stable revenue streams

or clear conditionality rules. The NFC Awards are constitutionally mandated to allocate net tax proceeds between federation and provinces, yet the political economy of NFC negotiations and heavy reliance on population as a distribution criterion has generated perverse incentives and disputes over equity and development outcomes. Recent policymaking activity (including the constitution of a new NFC body) underscores how central fiscal instruments remain politically charged and institutionally fraught (Kahn & Wu, 2020, Zhang, et al., 2024).

Weakness of Intergovernmental

Intergovernmental institutions are the backbone of cooperative federalism, designed to mediate disputes, harmonize policies, and ensure coordination between the federation and the provinces. In Pakistan, however, these institutions remain structurally weak and functionally underutilized, undermining the effectiveness of devolution. The most prominent of these is the CCI, constitutionally mandated under Article 153 of the 1973 Constitution to resolve inter-provincial and federal–provincial matters, particularly those enumerated in Part II of the Federal Legislative List. While the 18th Amendment strengthened the CCI by requiring it to meet at least once every ninety days, in practice meetings are irregular, agendas are often politically driven, and implementation of decisions is inconsistent. The absence of a permanent, professional secretariat further diminishes its ability to provide continuity, technical expertise, and follow-up. Similarly, the National Economic Council (NEC) and the Council of Common Ministers (later replaced by ad hoc forums) have struggled to emerge as effective venues for economic planning and coordination. The NEC, intended to guide national development policy with provincial input, often functions more as a federal instrument than as a genuine intergovernmental platform, reflecting the imbalance of political and fiscal power (Khan, 2024, Darshini, et al., 2024).

The weakness of intergovernmental institutions results in several consequences. First, political bargaining replaces structured dialogue, leading to ad hoc settlements rather than sustainable policy frameworks. Second, judicialization of disputes becomes the default mechanism for resolving conflicts, which risks politicizing the courts and bypassing cooperative negotiation. Third, the lack of strong institutions undermines trust between centre and provinces, particularly in contentious areas such as energy, natural resources, and revenue-sharing. Effective federalism requires not just constitutional provisions but also robust institutional mechanisms with clear mandates, professional staffing, and enforcement capacity. Strengthening the CCI through a permanent secretariat, mandating transparent publication of decisions, and empowering intergovernmental technical committees could enhance its credibility. Likewise, revitalizing the NEC as a genuine collaborative forum for economic policy would foster greater provincial ownership of national development strategies. The fragility of Pakistan's intergovernmental institutions perpetuates conflict and inefficiency. Unless these forums are institutionalized as reliable mechanisms of cooperation, the federal system will continue to rely on political expediency rather than structured governance. Institutions designed to manage centre–province relations the CCI, inter-provincial councils, and administrative forums suffer from irregular convening, unclear mandates, and poor enforcement capacity. Without predictable, transparent intergovernmental forums, political bargaining fills the vacuum, producing ad hoc, unstable arrangements (Hussain, et al., 2023, Umar & Jongur, 2024).

JUDICIAL ROLE AND CONSTITUTIONAL ADJUDICATION

The judiciary in Pakistan has historically played a pivotal role in shaping the contours of federalism, particularly where constitutional ambiguities or intergovernmental disputes arise. While courts are not designed as primary arenas for political negotiation, they often become the ultimate arbiters when intergovernmental mechanisms fail or when the scope of legislative competence is contested. Under the 1973 Constitution, the Supreme Court has original jurisdiction in disputes between governments (Article 184(1)), while the High Courts may review provincial and local governance issues under their writ jurisdiction. In practice, this has meant that courts frequently adjudicate conflicts over the division of powers, fiscal authority, and the interpretation of constitutional amendments. Several landmark cases illustrate this trend. In matters relating to natural resources and energy regulation, the judiciary has clarified the competing claims of provinces and the federation, often affirming that natural resources within provincial territories must be managed with due recognition of provincial rights, though subject to federal coordination. Similarly, disputes concerning higher education and the scope of the Higher Education Commission HEC after the 18th Amendment have repeatedly drawn the courts into interpreting the limits of provincial autonomy vis-à-vis federal oversight. While judicial intervention can provide necessary constitutional clarity, it is not without risks (Gul, et al., 2025, Taylor, 2023).

First, reliance on courts to resolve inherently political disputes risks judicializing federalism, thereby transferring bargaining processes into adversarial legal contests. Second, courts may issue rulings that lack effective enforcement mechanisms, especially where compliance depends on sustained intergovernmental cooperation. Third, over-judicialization risks politicizing the judiciary itself, as provinces and the centre increasingly approach courts as arenas for political leverage rather than last-resort legal recourse. A balanced judicial role is therefore critical. Courts must protect constitutional guarantees of autonomy and equity while recognizing that federalism thrives on negotiation, compromise, and institutional cooperation. Ideally, judicial adjudication should reinforce not replace intergovernmental forums such as the CCI and the National Finance Commission (NFC). By interpreting constitutional provisions in ways that encourage dialogue, uphold fairness, and limit overreach, the judiciary can act as a stabilizing force without displacing the political processes that sustain federalism. Courts have frequently been drawn into federal disputes from questions about distribution of legislative competence to review of executive actions affecting provinces. Judicialization of political disputes can clarify constitutional meanings but also risks overstressing courts into political settlement roles better suited to intergovernmental negotiation. Judgments that interpret the distribution of powers or enforce federal obligations must be cognizant of institutional capacities to implement rulings, lest judicial pronouncements create compliance dilemmas and deepen conflict (Ahmed, et al., 2025, Gul, et al., 2025).

NORMATIVE FRAMEWORK FOR REIMAGINING FEDERALISM

A reimagined federalism for Pakistan must move beyond the literal text of the Constitution to embrace principles that make governance both functional and inclusive. The normative

foundation of such a system should rest on three interlinked values: subsidiarity, equity, and cooperation. Together, these values provide the legal and philosophical grounding for a resilient multi-tier governance system. The principle of subsidiarity requires that functions be carried out at the lowest level of government capable of performing them effectively. In Pakistan, this implies not only allocating subjects to provinces but also clarifying residual powers and shielding them from creeping centralization. Areas such as health, environment, and education illustrate the problem of jurisdictional ambiguity. A normative commitment to subsidiarity would mean enacting harmonizing legislation, develop model laws, and create cooperative arrangements that minimize friction and allow provinces to exercise genuine autonomy. Equity is equally essential to a viable federal system. Federalism cannot flourish when responsibilities are devolved without adequate financial resources. Resource distribution must therefore move beyond population-based transfers and incorporate multidimensional indicators such as poverty levels, geographic disadvantages, and revenue effort. Fiscal sustainability also requires that provinces be incentivized to strengthen their own revenue bases while benefiting from transparent, predictable, and fairly negotiated intergovernmental transfers. By linking fiscal justice with fairness and responsibility, the federation can ensure that devolution is meaningful and not an unfunded mandate. cooperation and predictability are the glue that holds federalism together. Pakistan's intergovernmental institutions such as the CCI and the NFC must evolve into genuine platforms of structured negotiation rather than ad hoc bargaining arenas. Their effectiveness depends on transparency, professional secretariats, regular meetings, and enforceable follow-up mechanisms. A cooperative ethos embedded in these institutions can reduce the reliance on courts and political brinkmanship to resolve disputes, fostering instead a culture of dialogue and compromise (Malik, et al., 2025, Obasun, 2024).

Clarify Competences with Enabling Legislation

One of the persistent weaknesses of Pakistan's federal structure is the lack of clarity in legislative and executive competences, particularly in policy domains where federal and provincial interests overlap. The 18th Amendment devolved several subjects to the provinces, but the absence of detailed enabling laws has left significant grey areas in implementation. As a result, disputes frequently arise in sectors such as higher education, energy regulation, environmental protection, and health, where both the federation and the provinces claim authority. To address these ambiguities, Parliament and the provincial assemblies should enact enabling legislation that clearly defines the scope of responsibilities, the standards of coordination, and the mechanisms for shared governance. Such legislation can take the form of model laws or framework statutes that set minimum benchmarks while leaving provinces the flexibility to adapt rules according to their local contexts. For example, a federal framework law on environmental protection could establish national standards for air and water quality, while provinces would be empowered to enforce and expand those standards in line with local needs. Enabling legislation can also establish joint regulatory bodies or coordination mechanisms where competences naturally intersect. In energy, for instance, provinces could manage resource extraction within their territories, while a federal-provincial regulatory framework could govern inter-provincial transmission and national energy security. Similarly, in higher education, a balance can be struck by empowering provinces to regulate institutions while a federal coordinating body ensures compliance with nationally

recognized standards. By clarifying competences through legislation rather than leaving disputes to political bargaining or judicial interpretation, Pakistan can minimize conflict, strengthen cooperative governance, and enhance administrative efficiency. A proactive legislative approach would not only respect provincial autonomy but also ensure that areas of shared interest are managed through transparent, predictable, and cooperative frameworks (Ahmed, et al., 2025, Anantharaman, 2025).

Reform NFC Processes: From Politics to Formula + Stabilizers

The NFC is central to Pakistan's fiscal federalism, yet its processes remain overly politicized and vulnerable to deadlock. Constitutionally mandated to convene every five years, NFC negotiations are frequently delayed, often due to political disagreements between the federation and provinces or among provinces themselves. This unpredictability undermines fiscal planning, leaves provinces dependent on interim arrangements, and erodes trust in the redistributive system. A sustainable reform strategy requires moving the NFC beyond a cycle of political bargaining to a more rules-based, formula-driven process. First, the criteria for horizontal distribution must be broadened and embedded in statute. While the 7th NFC Award introduced multidimensional indicators such as poverty, area, and revenue effort alongside population, population still dominates the formula. A reformed approach should stabilize weightages by law, ensuring provinces have predictability in allocations while reducing scope for ad hoc renegotiation. Second, the NFC process should incorporate fiscal stabilizers that automatically adjust to economic fluctuations. For example, revenue-sharing formulas could include built-in mechanisms to buffer provinces against shocks such as global commodity price changes, natural disasters, or pandemics. Stabilizers would reduce the need for discretionary federal grants, strengthening provincial financial autonomy and resilience. Third, transparency and institutionalization are essential. An independent NFC Secretariat, supported by technical experts and mandated to publish reports on fiscal performance, could depoliticize negotiations and ensure evidence-based outcomes. Regularized data sharing on revenues, expenditures, and development needs would further enhance trust between governments. Reforming the NFC in this way would not only reduce political conflict but also create a fairer and more predictable fiscal framework. By embedding clear formulas and stabilizers into the system, Pakistan could transform the NFC from a forum of political contestation into a mechanism of cooperative equity a cornerstone of reimagined federalism (Gul, et al., 2025, Mujeeb, 2025).

Transitional Justice and Legal Harmonization for Merged Areas

The merger of the FATA into Khyber Pakhtunkhwa KP through the 25th Constitutional Amendment in 2018 marked a historic step toward mainstreaming a region long excluded from Pakistan's constitutional order. Yet, the transition has revealed complex challenges of governance, justice, and fiscal integration. For decades, FATA was governed by the colonial-era Frontier Crimes Regulation (FCR), which denied residents access to fundamental rights, modern judicial remedies, and representative institutions. Its repeal created an immediate legal vacuum that has not been fully addressed, exposing the difficulties of extending provincial and federal systems to areas with distinct historical and socio-political contexts. Transitional justice in the merged areas

requires more than the abolition of the FCR; it demands a systematic process of legal harmonization, capacity building, and rights protection. Extending the jurisdiction of superior courts and regular policing has been a crucial step, but the uneven rollout of judicial infrastructure and shortage of trained personnel has slowed progress. Local communities, accustomed to jirga-based dispute resolution, often find the formal system unfamiliar and inaccessible. A hybrid approach that recognizes traditional mechanisms within constitutional safeguards could bridge this gap during the transitional phase (Ahmed, et al., 2025, Arnold, et al., 2022).

Fiscal and administrative integration poses parallel difficulties. While the NFC has earmarked resources for the merged districts, delays in release of funds, lack of institutional capacity, and overlapping mandates between federal and provincial authorities have undermined development goals. Without predictable financing and coordinated planning, the promise of socioeconomic uplift in the merged areas risks remaining unfulfilled. Legal harmonization is also essential to ensuring that laws applied in KP are uniformly extended to the merged districts, avoiding a patchwork of inconsistent regulations. Clear timelines, model laws, and transitional frameworks should guide this process, accompanied by community consultations to build legitimacy. Importantly, transitional justice must include accountability for past injustices, guarantees of non-recurrence, and mechanisms for meaningful political participation, so that residents of the merged areas experience integration not as external imposition but as empowerment. The success of the 25th Amendment depends not only on constitutional formalities but also on the practical realization of rights, access to justice, and equitable development. By adopting a phased but inclusive approach to legal harmonization and transitional justice, Pakistan can transform the merger into a model of federal integration that balances historical legacies with contemporary constitutional values (Khan, 2024, Mujeeb, 2025).

POLITICAL FEASIBILITY AND IMPLEMENTATION PATHWAYS

Reimagining federalism in Pakistan is not simply a constitutional or legal exercise; it is fundamentally a question of political will and institutional capacity. Many of the proposed reforms clarifying competences, reforming the NFC, strengthening intergovernmental institutions, and ensuring transitional justice in merged areas require broad political consensus among diverse stakeholders. Yet Pakistan's political history has been marked by deep mistrust between the federation and provinces, intermittent authoritarian interventions, and a tendency to centralize authority during crises. These legacies make reform both urgent and difficult. The political feasibility of federal reforms depends on creating coalitions of support that cut across party lines and provincial boundaries. For instance, fiscal reforms such as revising NFC criteria will only gain traction if they are framed not as a zero-sum redistribution but as a strategy for national cohesion and sustainable growth. Similarly, strengthening the CCI will require provinces to view it not as a federal tool but as a genuine forum for protecting their autonomy. Building trust, therefore, demands procedural guarantees regular meetings, transparent agendas, and enforceable decisions that reassure provinces of fair treatment (Khan, et al., 2021, Ali, et al., 2025).

Implementation pathways must also be incremental and sequenced. Immediate reforms could include establishing permanent secretariats for the CCI and NFC, enacting framework laws to clarify overlapping competences, and piloting fiscal stabilizers within the existing NFC formula. Medium-term measures could involve institutionalizing independent technical bodies to support intergovernmental decision-making, gradually expanding provincial revenue authority, and harmonizing legal frameworks in

the merged districts of Khyber Pakhtunkhwa. Long-term success will depend on cultivating a culture of cooperative federalism, where negotiation replaces litigation as the default mode of conflict resolution. Civil society, academia, and the judiciary can play supportive roles in shaping these pathways. Civil society advocacy can press for inclusion and transparency, research institutions can provide technical expertise, and the judiciary, by exercising restraint, can encourage political dialogue over adversarial litigation. International examples, such as South Africa's intergovernmental relations framework or India's Finance Commission reforms, can also provide valuable lessons for sequencing change. Ultimately, the political feasibility of reimagining federalism hinges on recasting it as a shared project of national stability rather than a contest of power. By framing reforms as instruments of economic justice, equitable development, and democratic deepening, Pakistan's leaders can mobilize the consensus necessary to transform constitutional aspirations into institutional realities (KHAN, et al., 2021, Bhatti & Alqama, 2025).

CONCLUSION

The constitutional promise of federalism in Pakistan remains incomplete without clarity of competences, fair fiscal arrangements, and robust intergovernmental institutions. The 18th and 25th Amendments signalled historic progress toward devolution and integration, yet their implementation has exposed persistent gaps. Ambiguity in legislative authority, mismatched fiscal functions and resources, weak coordination forums, and the unfinished project of transitional justice in the merged areas continue to hinder the effectiveness of multi-tier governance. This article has argued that reimagining federalism requires a normative framework built on subsidiarity, equity, and cooperation. Practical reforms such as enabling legislation to clarify competences, restructuring the NFC with transparent formulas and stabilizers, strengthening the Council of Common Interests through institutional support, and adopting phased transitional strategies for newly merged districts can transform federalism from a contested compromise into a functional partnership. The judiciary, meanwhile, must safeguard constitutional boundaries without displacing political negotiation. For policymakers, the research underscores that federalism is not a zero-sum contest between centre and provinces but a shared project of stability, equity, and democratic inclusion. For scholars, it opens avenues for further inquiry into comparative models of fiscal decentralization, the design of intergovernmental dispute-resolution mechanisms, and the socio-political impacts of legal harmonization in post-merger contexts. In moving forward, Pakistan must shift its focus from constitutional form to constitutional practice. By aligning authority with responsibility, embedding cooperation in institutions, and ensuring justice for marginalized regions,

The federation can evolve into a system that strengthens democracy, fosters trust, and enhances resilience in the face of economic, political, and security challenges. Pakistan's constitutional architecture has been repeatedly rewritten to recalibrate centre–province relations. Yet formal change must be matched by institutional strengthening, fiscal realism and political reforms that create predictable, cooperative mechanisms for governance. Reimagining federalism requires shifting from episodic political bargaining to an institutionalized culture of intergovernmental cooperation anchored in legal clarity, transparent fiscal rules, and professional technical support. The policy prescriptions proposed here are pragmatic steps toward a federal

system that is equitable, resilient, and capable of delivering public goods while respecting the diversity of Pakistan's federating units.

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