

Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions between 1956 and 2020

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General notes on coding:

The codes are intended to reflect the situation on 31 December of the given year.

The codes are intended to capture the actual extent of the constituent units' autonomy, rather than the formal allocation of competences, powers etc.

For the legislative score, the enactment of federal laws and decrees should be coded, not the constitutional amendment, unless the latter contained clauses that were 'self-executing'.

Institutional autonomy codes: please see each category from p. 3.

Policy autonomy codes: 1=exclusively central government; 2=almost exclusively central government; 3=predominantly central government; 4=equally central government and constituent units; 5= predominantly constituent units; 6=almost exclusively constituent units; 7=exclusively constituent units.

Fiscal codes: please see each category from pp. 94.

Two numbers separated by a dash indicate an asymmetry involving a range of codes, e.g., 3-5. This only occurs in I2 in 1975. In the dataset we have changed this score to 4 to aid replicability.

N/A (not applicable) indicates that there was no government activity at any level at that time point.

NDA (no data available) indicates that no data are available for that time point.

Confidence rating (= the degree to which we have confidence in the validity of our coding):
*low, **medium, ***high.

Politico Institutional Codes

I1 Constitutional autonomy [constauton]

Proposed scale measuring constituent units' autonomy in deciding their own constitutional set up. Aspects to be taken into account include a) existence and borders of the unit; b) system of government (e.g. parliamentary vs presidential); c) type of legislature (e.g. bicameral vs unicameral); d) electoral system; e) civil service

1=as for (2) plus no own civil service

2=as for (3) plus civil service organisation mandated by federal law

3=system of government, type of legislature and electoral system mandated by federal law

4=system of government or type of legislature and electoral system mandated by federal law

5=either system of government or type of legislature mandated by federal law

6=minor restrictions such as complying with a republican form of government

7=no restrictions

1956 ¹	2***
1957	2***
1958 ²	2***
1959	2***
1960	2***
1961	2***
1962 ³	2***
1963	2***
1964	2***
1965	2***
1966	2***
1967	2***
1968	2***
1969 ⁴	2***

¹ Under the Constitution of 1956 provinces had no right to change their constitutional set up. In addition, the civil service was regulated by Article 182(b), according to which appointments were to be made by the Governor of the Province, or such person as he may direct.

² Direct military rule introduced by General Ayub Khan. The two provincial governments (which were not autonomous under this regime) 'took action ... against provincial civil servants' similar to the punitive action taken at the Federal level (Rizvi 2000, 87). Provincial governors were appointed by, and were responsible to, the President.

³ Military president under General Ayub Khan. The 1962 constitution was introduced. Provincial governors were appointed by the center and they appointed cabinet members with the consent of the president (Rizvi 2000, 102).

⁴ Direct military rule imposed by Yayha Khan.

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1970	2***
1971	2***
1972 ⁵	2***
1973 ⁶	3***
1974	3***
1975	3***
1976	3***
1977 ⁷	2***
1978	2***
1979	2***
1980	2***
1981	2***
1982	2***
1983	2***
1984	2***
1985 ⁸	3***
1986	3***
1987	3***
1988 ⁹	3***
1989	3***
1990	3***

⁵ In the 1972 Interim Constitution, the Governor was an appointee of the President. Provinces had no right to change their constitutional set up. 'Appointments to a civil service of a Province, or to a civil post in connection with the affairs of a Province, shall be made by the Governor of the Province or a person authorized by the Governor' (Article 221). Provinces had a Provincial Public Services Commission 'to conduct tests and examinations for the selection of suitable persons for appointment to the civil services' (Article 229).

⁶ In the 1973 constitution Article 240 provided that 'the appointments to and the conditions of service of persons in the service of Pakistan shall be determined ... in the case of the services of a Province, and posts in connection with the affairs of a Province, by or under Act of the Provincial Assembly' (and the Parliament to do the same for the All-Pakistan Services). Article 242 provided that 'Parliament in relation to the affairs of the Federation, and the Provincial Assembly of a Province in relation to the affairs of the Province, may, by law, provide for the establishment and constitution of a Public Service Commission'. Therefore we see the central legislature pass the Civil Servants Act of 1973 and the provinces pass their own Civil Servant Acts (as well as other supplementary legislation).

⁷ Direct Military rule introduced by General Zia-ul-Haq. Chief Justices of the provincial High Courts 'were appointed acting Governors of the respective provinces as nominal heads of civilian administration' (Rizvi 2000, 165). In 1978 the governors of the four provinces passed Public Service Commission Ordinances.

⁸ Military president under Zia-ul-Haq and restoration of the 1973 constitution. Partyless elections held.

⁹ Civilian rule restored. Provincial legislation regulating the civil service resumed e.g. the Sindh Public Service Commission Act, 1989.

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1991	3***
1992	3***
1993	3***
1994	3***
1995	3***
1996	3***
1997	3***
1998	3***
1999 ¹⁰	2***
2000	2***
2001	2***
2002 ¹¹	3***
2003	3***
2004	3***
2005	3***
2006	3***
2007	3***
2008 ¹²	3***
2009	3***
2010 ¹³	3***
2011	3***
2012	3***
2013	3***
2014	3***
2015	3***
2016	3***
2017	3***
2018	3***
2019	3***
2020	3***
<i>No of code changes</i>	5
<i>Cumulative direction and magnitude</i>	+1

¹⁰ Direct military rule introduced by General Pervez Musharraf.

¹¹ Military president under General Musharraf. National and provincial elections were held, but these were tightly controlled.

¹² Civilian rule restored. Relatively free and fair elections were held for provincial assemblies, which produced civilian cabinets and chief ministers.

¹³ The 18th Amendment inserted a clause "The Chair of the Public Services Commission constituted in relation to affairs of a Province shall be appointed by the Governor on the advice of the Chief Minister." Sindh passed the Civil Servants Act, 2011 and the Civil Servants (Regularization of Adhoc appointments) (Amendment) Act, 2014.

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Justification for coding

None of Pakistan's constitutions give the provinces constitutional autonomy over their legislature, type of government or electoral system. Between 1956-1972 the civil service organisation is mandated by federal law. From 1973 onwards the provinces have the power to enact legislation regarding civil service appointments and conditions, and are therefore scored 3 from this point onwards, with the exception of periods of direct military rule when any legislation passed takes the form of an ordinance, issued by the Governor, an appointee of the President.

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I2 Provinces' institutional autonomy- range [instautonrange]

I2 Provinces' institutional autonomy – average [instautonavpop]

Year	Range	Averaged by pop weight
1956 ¹⁴	4***	4***
1957	4***	4***
1958 ¹⁵	1***	1***
1959	1***	1***
1960	1***	1***
1961	1***	1***
1962 ¹⁶	3***	3***
1963	3***	3***
1964	3***	3***
1965	3***	3***
1966	3***	3***
1967	3***	3***
1968	3***	3***
1969 ¹⁷	1***	1***
1970 ¹⁸	1***	1***
1971	5***	5***
1972 ¹⁹	5***	5***

¹⁴ The 1956 Constitution provided that the Governor of a province was appointed by the President. The Chief Minister of a province was appointed by the Governor as someone from the Provincial Assembly 'most likely to command the confidence of the majority of the members of the Provincial Assembly'. The duties of a Chief Minister were to 'aid and advise the Governor in the exercise of his functions'. The Chief Minister held office at the pleasure of the Governor but 'the Governor shall not exercise his powers under this clause unless he is satisfied that the Chief Minister does not command the confidence of the majority of the members of the Provincial Assembly'. However, under the emergency provisions, the President could issue a proclamation giving the center the right to make laws for a province, even if they were not on the Federal or the concurrent List. The President could also 'direct the Governor of a Province to assume on behalf of the President, all or any of the functions of the government of the Province...' .

¹⁵ Direct military rule introduced by General Ayub Khan. Provincial Assemblies abolished.

¹⁶ The 1962 Constitution provided that the Governor of a province be appointed by the President and that they could appoint members of the provincial assembly to be members of the Governor's Council of Ministers (with the President's consent). The President could issue a proclamation of emergency if the 'security or economic life of Pakistan is threatened by internal disturbances beyond the power of a Provincial Government to control' and issue

¹⁷ Direct military rule introduced by General Yahya Khan.

¹⁸ Elections were held at the end of 1970 but martial law was not lifted until 1972 because of the secessionist war.

¹⁹ In the Interim Constitution of 1972, the Governor was appointed by the President. The Chief Minister of a province was appointed by the Governor if he is satisfied 'he commands the confidence of the majority of the total number of members of the Assembly' The Council of Ministers were to 'aid and advise the Governor in the exercise of his functions' and the Governor 'shall act in accordance with the advice of the Council of Ministers'. The Chief Minister held office at the pleasure of the Governor but 'the Governor shall not remove

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1973 ²⁰	5***	5***
1974	5***	5***
1975 ²¹	3-5***	5***
1976 ²²	5***	5***
1977 ²³	1***	1***
1978	1***	1***
1979	1***	1***
1980	1***	1***
1981	1***	1***
1982	1***	1***
1983	1***	1***
1984	1***	1***
1985 ²⁴	4***	4***
1986	4***	4***
1987	4***	4***
1988 ²⁵	4***	4***
1989	4***	4***
1990	4***	4***
1991	4***	4***
1992	4***	4***
1993	4***	4***
1994 ²⁶	4***	4***
1995	4***	4***

a Chief Minister from office unless he is satisfied that the Chief Minister does not command the confidence of the majority of the total numbers of members of the Provincial Assembly’.

²⁰ In the 1973 Constitution, the Governor was appointed by the president. It provided that the ‘Chief Minister shall be elected by the votes of the majority of the total membership of the Provincial Assembly’ and would then be appointed by the governor (Art.131). The President could declare an emergency if there was an ‘internal disturbance beyond the power of a Provincial Government to control’ (Art. 232). In such cases the National Assembly had the power to make laws for a province and the governor could also assume all of the functions of the government of the province. If the President is satisfied that ‘the Government of the Province cannot be carried on in accordance with the provisions of the Constitution’ then the Governor could also assume the functions of the Government of the province (Article 234). The Chief Minister of Balochistan and its Assembly were dismissed between Feb and April 1973.

²¹ Chief Minister of NWFP dismissed (Feb-Mar 1975) and the Chief Minister of Balochistan dismissed (Dec 1975-Dec 1976). In the dataset to promote replicability we have changed this to a 4.

²² Balochistan under Governor’s rule for most of 1976.

²³ Direct military rule introduced by General Zia-ul-Haq.

²⁴ Restoration of the 1973 constitution (with amendments). The 8th Amendment to the Constitution provided that the President would appoint the Governor ‘in his discretion’ (Art.101). Article 105 provided that the ‘Governor shall act in accordance with the advice of the Cabinet, Chief Minister or appropriate Minister’ but also provided that ‘in respect of the following matters, the Governor shall, subject to the previous approval of the President, act in his discretion’ regarding the appointment of the Chief Minister, dismissal of the cabinet and dissolution of the provincial assembly’. Partyless elections were held.

²⁵ National and provincial elections held. Governor’s rule applied in Sindh June-August. Assembly dissolved in Balochistan 15 Dec.

²⁶ Governor’s rule applied in NWFP Feb-April.

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1996	4***	4***
1997	4***	4***
1998 ²⁷	4***	4***
1999 ²⁸	1***	1***
2000	1***	1***
2001	1***	1***
2002 ²⁹	4***	4***
2003	4***	4***
2004	4***	4***
2005	4***	4***
2006	4***	4***
2007	4***	4***
2008	4***	4***
2009 ³⁰	4***	4***
2010 ³¹	6***	6***
2011	6***	6***
2012	6***	6***
2013 ³²	6***	6***
2014	6***	6***
2015	6***	6***
2016	6***	6***
2017	6***	6***
2018	6***	6***
2019	6***	6***
2020	6***	6***
<i>No of code changes</i>	11	9
<i>Cumulative direction and magnitude</i>	+2	+2

²⁷ Governor's rule applied in Sindh in October.

²⁸ Direct military rule introduced by General Pervez Musharraf.

²⁹ Military President under General Pervez Musharraf and issuance of the Legal Framework Order, which provided that the Governor was appointed by the President at 'his discretion after consultation with the Prime Minister' (Art. 101). National and provincial legislatures were restored in 2002 and elections held.

³⁰ Governor's rule applied in Punjab Feb-Mar.

³¹ In the 18th Amendment, the Governor was to be appointed by the President on the *advice* of the Prime Minister (Art. 101). It required that the 'Governor shall act on, and in accordance with the advice of the Cabinet or the Chief Minister' (Art. 105). Although the Chief Minister held pleasure at the pleasure of the Governor, 'the Governor shall not exercise his powers under this clause unless he is satisfied that the Chief Minister does not command the confidence of the majority of the members of the Provincial Assembly, in which case he shall summon the Provincial Assembly and require the Chief Minister to obtain a vote of confidence from the Assembly' (Art. 130). Article 129 now provided that 'the executive authority of the Province shall be exercised in the name of the Governor by the Provincial Government, consisting of the Chief Minister and Provincial Ministers, which shall act through the Chief Minister'. Although the emergency powers of the President were retained, the Constitution was amended to provide that 'for imposition of emergency due to internal disturbances beyond the powers of a Provincial Government to control, a Resolution from the Provincial Assembly of that Province shall be required' (Art. 232).

³² Governor's rule applied in Balochistan Jan-Mar.

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Codes: 1=no legislature and centrally-appointed chief executive; 2=centrally-appointed legislature and centrally-appointed chief executive; 3=elected legislature and centrally-appointed chief executive; 4=elected legislature and dual chief executives with centrally-appointed one dominant; 5=elected legislature and dual chief executives with equal powers; 6=elected legislature and dual chief executives with elected one dominant; 7=elected legislature and elected (directly or via the assembly) chief executive

Justification for coding:

The Governor has always been centrally appointed and retains emergency powers which (s)he can exercise on behalf of the president. With the exception of the 1962 constitution, all constitutions have included an (indirectly elected) Chief Minister who initially only exercised the power to *advise* the governor. After the 18th Amendment this advice must be acted upon. The governor's power to dismiss a chief minister since 2010 has been curtailed by the requirement that the Chief Minister must have a chance to prove their majority in the provincial assembly beforehand. An emergency can only now be imposed if the provincial assembly passes a resolution to that effect.

I3 Central manipulation of provincial elections [centmanipelec]

1956 ³³	3***
1957	3***
1958 ³⁴	N/A
1959	N/A
1960	N/A
1961	N/A
1962 ³⁵	1***
1963	1***
1964	1***
1965	1***
1966	1***
1967	1***
1968	1***
1969 ³⁶	N/A
1970 ³⁷	5***
1971	5***
1972 ³⁸	5***
1973 ³⁹	5***
1974	5***
1975	5***
1976	5***
1977 ⁴⁰	N/A
1978	N/A
1979	N/A
1980	N/A
1981	N/A
1982	N/A
1983	N/A
1984	N/A

³³ No provincial elections were held after the adoption of the 1956 constitution until December 1970. However, previous elections between 1951-1954 would have been scored as 3.

³⁴ Direct military rule introduced by General Ayub Khan and abolition of the provincial assemblies.

³⁵ 1962 constitution introduced, providing for indirect partyless elections for the provincial and national assemblies.

³⁶ Direct military rule introduced by Yahya Khan and abolition of the national and provincial assemblies.

³⁷ In late 1970 provincial elections were held. Although they were held under martial law they were only marginally affected by central manipulation (Talbot 2009, 196-201).

³⁸ Interim constitution introduced. Provincial assemblies convened.

³⁹ 1973 constitution introduced. Election Commission comprised of an Election Commissioner (who is, or has been a Judge of the Supreme Court) and two judges of a High Court.

⁴⁰ Direct military rule introduced by General Zia-ul-Haq and abolition of the provincial assemblies.

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1985 ⁴¹	1***
1986	1***
1987	1***
1988 ⁴²	3***
1989	3***
1990 ⁴³	5***
1991	5***
1992	5***
1993	5***
1994	5***
1995	5***
1996	5***
1997	5***
1998	5***
1999 ⁴⁴	N/A
2000	N/A
2001	N/A
2002 ⁴⁵	3***
2003	3***
2004	3***
2005	3***
2006	3***
2007	3***
2008 ⁴⁶	5***
2009	5***
2010 ⁴⁷	5***
2011	5***

⁴¹ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). Partyless elections held for provincial assemblies.

⁴² Relatively free and fair elections were held, although the establishment backed Islami Jamhoori Ittehad (IJI) benefited from the requirement that voters use identity cards, and the incumbent caretaker Chief Ministers used public funds to finance its candidates' (Talbot 2009, 295).

⁴³ The 1990 elections were not without flaws, but international observers concluded that there was no evidence of systematic fraud on a 'national scale' (Talbot 2009, 314).

⁴⁴ Direct military rule introduced by General Pervez Musharraf.

⁴⁵ Military presidential regime under General Pervez Musharraf and issuance of the 'Legal Framework Order, 2002'. Under this order, the number of Election Commissioners was increased to five – the Chairman and four members, each of whom shall be a judge from each province appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

⁴⁶ 2008 elections were defined as relatively free and fair by the international community, despite some irregularities (Adeney 2009, 162). Stepping down of President Musharraf.

⁴⁷ The 18th Amendment changed the appointment process for the Chief Election Commissioner and members of the Electoral Commission. Unlike previously when they were appointed by the president 'in his discretion', there was now a requirement for a 12-person Parliamentary Committee to be formed – half nominated by the government and half by the opposition. 4 of its members should come from the Senate.

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2012	5***
2013	5***
2014	5***
2015	5***
2016	5***
2017	5***
2018 ⁴⁸	3***
2019	3***
2020	3***
<i>No of code changes</i>	8
<i>Cumulative direction and magnitude</i>	+2

Codes: 1=totally manipulated (electoral outcomes could not be said to represent the unit's preferences; 3=significantly manipulated (electoral outcomes were significantly affected by central manipulation); 5=somewhat manipulated (electoral outcomes were marginally affected by central manipulation); 7=not manipulated (electoral outcomes were unaffected by central manipulation); annual codes based on assessment of the latest election; if there is a directly-elected chief executive, two codes are provided, with the first relating to the chief executive election and the second relating to the legislature election.

Indicators:

1) *Electoral laws*: Did the electoral laws give the central government undue influence on the outcome of constituent-unit elections?

Aspects to consider:

- 1.1 Were electoral laws unfair to some parties and/or candidates?
- 1.2 Did electoral laws favour the party or parties ruling at the centre?

2) *Electoral procedures*: Did the electoral procedures give the central government undue influence on the outcome of constituent-unit elections?

Aspects to consider:

- 2.1 Were election officials fair?
- 2.2 Were elections conducted in accordance with the law?
- 2.3 Did the electoral authorities distribute unbiased information to citizens?
- 2.4 Did the electoral authorities allow public scrutiny of their performance?

3) *Electoral districting*: Did the boundaries of electoral districts give the central government undue influence on the outcome of constituent-unit elections?

Aspects to consider:

- 3.1 Did boundaries discriminate against some parties, candidates, and/or communities?

⁴⁸ The 2018 elections were marked by both pre and post electoral rigging in favour of the military's preferred party, the Pakistan Tehreek-e-Insaf (PTI).

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3.2 Did boundaries favour the party or parties ruling at the centre?

4) *Voter registration*: Did the practice of voter registration give the central government undue influence on the outcome of constituent-unit elections?

Aspects to consider:

4.1 Were some citizens not listed on the register?

4.2 Was the electoral register inaccurate?

4.3 Were some ineligible electors registered?

5) *Party and candidate registration*: Did the practice of party and candidate registration give the central government undue influence on the outcome of constituent-unit elections?

Aspects to consider:

5.1 Were some parties and/or candidates preventing from standing?

5.2 Did members of all groups – e.g. ethnic minority groups – have equal opportunities to stand for office?

6) *Campaign media*: Did media communications during the campaign give the central government undue influence on the outcome of constituent-unit elections?

Aspects to consider:

6.1 Did newspapers provide balanced election news?

6.2 Did TV broadcasts provide balanced election news?

6.3 Did all parties and/or candidates have fair access to political broadcasts and advertising?

7) *Campaign finance*: Did the financing of the campaign give the central government undue influence on the outcome of constituent-unit elections?

Aspects to consider:

7.1 Did all parties and/or candidates have equitable access to public subsidies?

7.2 Did all parties and/or candidates have equitable access to political donations?

7.3 Did all parties and/or candidates publish transparent financial accounts?

7.4 Were some central government resources improperly used for campaigning?

8) *Campaign conduct*: Did the conduct of campaigns give the central government undue influence on the outcome of constituent-unit elections?

Aspects to consider

8.1 Were some parties and/or candidates restricted from holding campaign rallies?

8.2 Were any candidates arrested, harassed, or subjected to violence?

9) *Voting process*: Did the voting process give the central government undue influence on the outcome of constituent-unit elections?

Aspects to consider:

9.1 Were some voters threatened with violence at the polls?

9.2 Were some fraudulent votes cast?

9.3 Were voters offered a genuine choice at the ballot box?

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10) *Vote count*: Did the vote count give the central government undue influence on the outcome of constituent-unit elections?

Aspects to consider:

- 10.1 Were ballot boxes secure?
- 10.2 Were results announced without undue delay?
- 10.3 Were votes counted fairly?
- 10.4 Were election monitors restricted?

11) *Post-election*: Did the election aftermath suggest that the central government had undue influence on the outcome of constituent-unit elections?

Aspects to consider:

- 11.1 Did some parties and/or candidates challenge the results?
- 11.2 Did the election outcome trigger peaceful protests?
- 11.3 Did the election outcome trigger violent protests?
- 11.4 Were any disputes resolved through legal channels?

Justification for coding:

Between 1956-1970 there were no direct provincial elections held. In 1970 relatively free and fair elections were held, but the period after saw the use of Governor's rule to dismiss several provincial governments. Under direct military rule provincial assemblies were abolished, and partyless elections were held in 1985. From 1988, elections were manipulated, to different degrees, before the assumption of power by General Musharraf. Elections held under his watch in 2002 were tightly controlled, but the elections held in 2008 and 2013, while imperfect, were freer and fairer. The 2010 18th Amendment introduced a more transparent and inclusive process for appointing members of the Election Commission. In 2018 the pendulum swung again in the direction of military control and interference.

Policy Codes

P1 Agriculture⁴⁹ [agricultleg] [agricultadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ⁵⁰	7***	5**
1957	7***	5**
1958 ⁵¹	1***	5**
1959 ⁵²	1***	5**
1960	1***	5**
1961	1***	5**
1962 ⁵³	7***	5**
1963	7***	5**
1964	7***	5**
1965	7***	5**
1966	7***	5**
1967	7***	5**
1968	7***	5**
1969 ⁵⁴	1***	5**

⁴⁹ Includes: subsidies and marketing; food standards; farm animal welfare; pest control; land ownership; crop regulation. Enactment of legislation coded under 'legislative'; actual running of e.g., subsidy programmes and food inspection coded under 'administrative'.

⁵⁰ Art. 106 (paragraph 14) of the 1956 Constitution includes in the provincial list 'Agriculture, including agricultural education and research; protection against pests and prevention of plant diseases'. In addition, Art 106 (paragraph 8) allocates 'Land, that is to say, rights in or over land; land tenures, including the relation of landlord and tenant, and the collection of rents; transfer, alienation and devolution of agricultural land; land improvement and agricultural loans; colonization.' to the provincial government. In addition, the Cattle Trespass Act, 1871; Cotton Transport Act, 1923; Sugar-Cane Act, 1934; Agricultural Produce (Grading and Marking) Act, 1937; Coconut Committee Act, 1944 almost invariably allocate to the Federal Government the the power to regulate the areas specified.

⁵¹ Direct military rule introduced by General Ayub Khan. Provincial legislation was passed, such as "The Punjab Agriculturalists' Loans Act, 1958", which gave the provincial government the power to make rules over the "loans to be made to owners and occupiers of arable land for the relief of distress, purchase of land, cattle and seed and other agricultural purposes".

⁵² Basic Democracies Order, 1959 promulgated on 27 October by General Ayub Khan. In the rural areas the structure had four tiers: Union, Tehsil/Thana, District and Division. In the urban areas there were instead two tiers: the Union Committees and the Municipal Committees (Ziring, 1965: 395). In terms of agricultural reforms under martial law, the Ayub regime appointed a Land Reforms Commission that reported directly to the President. On the administrative side, provincial legislation was passed in this area, such as the "The Punjab Agricultural Pests Ordinance, 1959" which gave the provincial government the power to regulate agricultural pests.

⁵³ 1962 Constitution introduced. Agriculture was allocated as a residual power to the provinces as it did not appear on the Central Legislative List. Examples of legislation enacted by the provinces at this time include the West Pakistan Seeds and Fruit Plants Ordinance, 1965, the West Pakistan Cotton Control Ordinance 1966,

⁵⁴ Direct Military Rule introduced by Yayha Khan. Introduction of the Agriculture Pesticides Ordinance of 1971.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

1970	1***	5**
1971 ⁵⁵	1***	5**
1972 ⁵⁶	5***	5**
1973 ⁵⁷	5***	5**
1974 ⁵⁸	5***	5**
1975	5***	5**
1976 ⁵⁹	5***	3**
1977 ⁶⁰	1***	3**
1978	1***	3**
1979	1***	3**
1980	1***	3**
1981	1***	3**
1982	1***	3**
1983	1***	3**
1984	1***	3**
1985 ⁶¹	5***	3**
1986	5***	3**
1987	5***	3**
1988	5***	3**
1989	5***	3**
1990	5***	3**
1991	5***	3**
1992	5***	3**
1993	5***	3**
1994	5***	3**

⁵⁵ Provincial legislation passed in 1971 included “The Agricultural Pesticides Ordinance, 1971” in Punjab.

⁵⁶ In the 1972 interim constitution, agriculture was allocated to the provincial legislative list.

⁵⁷ In the 1973 constitution agriculture was allocated to the provinces as a residual power not enumerated in the federal nor the concurrent list. However, the Ministry of Food and Agriculture was performing thirty-nine different functions and had twelve attached departments/organizations (Rana 2020, 72).

A series of ordinances and acts passed between 1973 and 1976 gave de facto powers to the federal government in several areas coded under ‘administrative’. These acts were as follows: Loans for Agricultural Purposes Act, 1973 (powers to Federal Government); Chemical Fertilizers (Development Surcharge) Act, 1973 (powers to federal government); Seed Act, 1976 (powers to Federal Government).

⁵⁸ “The Punjab Livestock, Dairy And Poultry Development Board Act, 1974” established the Livestock, Dairy and Poultry Development Board in the Punjab with the powers to establish, manage, control and run livestock, dairy, poultry and other allied projects in the public sector. Further Provincial legislation in this area included The Sindh Loans For Agricultural Purposes Act, 1974.

⁵⁹ The administrative score drops to 3 after the introduction of the Seed Act, 1976, which gave more powers to implement agricultural policy to the federal government. The “Land Reforms Act, 1977” established a federal and provincial land commission. The former had the power to coordinate the provincial land commissions, while the latter were tasked with the implementation of the Act. Provincial legislation included the Sindh Seed Corporation Act, 1976.

⁶⁰ Direct military rule introduced by General Zia-ul-Haq. Provincial legislation included The Sindh Abolition Of Land Revenue And Agriculture Income Tax Act, 1977.

⁶¹ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments).

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

1995	5***	3**
1996	5***	3**
1997	5***	3**
1998	5***	3**
1999 ⁶²	1***	3**
2000	1***	3**
2001	1***	3**
2002 ⁶³	5***	3**
2003	5***	3**
2004	5***	3**
2005	5***	3**
2006	5***	3**
2007 ⁶⁴	5***	3**
2008	5***	3**
2009	5***	3**
2010	5***	3**
2011 ⁶⁵	5***	4**
2012	5***	4**
2013	5***	4**
2014	5***	4**
2015	5***	4**
2016	5***	4**
2017	5***	4**
2018	5***	4**
2019	5***	4**

⁶² Direct military rule introduced by General Pervez Musharraf

⁶³ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

⁶⁴ Provincial legislation in this area included "The Khyber Pakhtunkhwa Agricultural And Livestock Produce Markets Act, 2007".

⁶⁵ As a result of the 18th Amendment, in April 2011 the Ministry of Livestock and Dairy Development was abolished and its functions devolved. In June 2011 the Ministry of Food and Agriculture was dissolved but de facto reconstituted in October of the same year as the Ministry of National Food Security and Research. 11 Functions previously in the purview of the Ministry were devolved to the provinces. Administratively, the implementation of the national procurement policy for wheat is a responsibility of provincial governments and PASSCO (Pakistan Agricultural Storage and Supplies Corporation).⁷ (Dorosh and Salam 2008: 75-76). For food standards, there is a dual, often overlapping legislation, between the Federal Government (in particular the Ministry of Science and Technology under which the Pakistan Standards and Quality Control Authority (PSQCA) operates) and the provincial governments, through the various Food Authorities established in different provinces of Pakistan (OICCI, 2017). With regards to food safety, pest control and food inspection the Provincial Government is largely responsible for these. The Department of Health (Provincial level) is responsible for food safety in retail/catering and processing establishments for the national market. The Department of Plant Protection (Provincial level) Plant pest disease surveillance; control on use and distribution of pesticides. Finally, the Livestock/Dairy Department (Provincial level) looks after meat dairy inspection at farm/ slaughterhouse/ dairy; poultry and eggs inspection at producer level. Provincial legislation included The Sindh Seed Corporation (Amendment) Act, 2011.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

2020	5***	4**
<i>No of code changes</i>	8	2
<i>Cumulative direction and magnitude</i>	-2	-1

Justification for coding:

The legislative score starts at 7 to reflect the inclusion of agriculture in the provincial list. It dropped to 1 between 1958 and 1961 during direct military rule, before increasing to 7 as the provinces retained control of agriculture as a residual power under the 1962 constitution, before dropping to 1 between 1969-71. The score goes up to 5 in 1972 and remained at 5 apart from during periods of direct military rule. Administratively, it starts at 5 and remains so until 1976 as the administration of agriculture came under the almost exclusive authority of the provincial governments (Muhammad 2013, 8). The score drops to 3 after the introduction of a series of acts centralising the running of the agricultural sector. The scoring changes in 2011 to 4 to reflect a slight increase in administrative functions following the passage of the 18th Amendment.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

P2 Citizenship and immigration⁶⁶ [citimmleg] [citimmadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ⁶⁷	1***	1***
1957	1***	1***
1958 ⁶⁸	1***	1***
1959	1***	1***
1960	1***	1***
1961	1***	1***
1962 ⁶⁹	1***	1***
1963	1***	1***
1964	1***	1***
1965	1***	1***
1966	1***	1***
1967	1***	1***
1968	1***	1***
1969 ⁷⁰	1***	1***
1970	1***	1***
1971	1***	1***
1972 ⁷¹	1***	1***
1973 ⁷²	1***	1***
1974	1***	1***
1975	1***	1***
1976	1***	1***
1977	1***	1***
1978	1***	1***
1979	1***	1***
1980	1***	1***
1981	1***	1***
1982	1***	1***

⁶⁶ Includes citizenship, naturalisation, and border control; does not include integration programmes. Enactment of legislation coded under 'legislative'; managing of e.g., naturalisation processes coded under 'administrative'.

⁶⁷ Citizenship is included in the Fifth Schedule, the Federal List in the 1956 Constitution. Other pre-1956 laws regulating citizenship and immigration were the Naturalization Act 1926. (NA 1926); the Pakistan citizenship Act 1951 (PCA 1951); and Pakistan citizenship Rules 1952 (PCR 1952).

⁶⁸ Direct military rule introduced by General Ayub Khan.

⁶⁹ Citizenship is included in the Third Schedule in the 1962 constitution - 'Matters with respect to which the central legislature has exclusive power to make laws'.

⁷⁰ Direct military rule introduced by General Yahya Khan

⁷¹ Nationality, Citizenship and Naturalisation were included in the Federal Legislative List in the interim constitution.

⁷² Nationality, Citizenship and Naturalisation were included in the Federal Legislative List in the Fourth Schedule of the 1973 constitution. Naturalisation procedures are channelled through the Directorate General of Immigration and Passports or Federal Government (i.e., Ministry of Interior). Border Control is under the National Database Registration Authority (NADRA), operating within the Ministry of Interior.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

1983	1***	1***
1984	1***	1***
1985	1***	1***
1986	1***	1***
1987	1***	1***
1988	1***	1***
1989	1***	1***
1990	1***	1***
1991	1***	1***
1992	1***	1***
1993	1***	1***
1994	1***	1***
1995	1***	1***
1996	1***	1***
1997	1***	1***
1998	1***	1***
1999	1***	1***
2000	1***	1***
2001	1***	1***
2002	1***	1***
2003	1***	1***
2004	1***	1***
2005	1***	1***
2006	1***	1***
2007	1***	1***
2008	1***	1***
2009	1***	1***
2010	1***	1***
2011	1***	1***
2012	1***	1***
2013	1***	1***
2014	1***	1***
2015	1***	1***
2016	1***	1***
2017	1***	1***
2018	1***	1***
2019	1***	1***
2020	1***	1***
<i>No of code changes</i>	<i>0</i>	<i>0</i>
<i>Cumulative direction and magnitude</i>	<i>0</i>	<i>0</i>

Justification for coding:

Citizenship and immigration have been constantly retained by the centre, throughout the 1956, 1962, 1972, and 1973 constitutions. As such, the scoring is 1 throughout the period under examination in the dataset.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

P3 Culture⁷³ [cultureleg] [cultureadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ⁷⁴	6***	7**
1957	6***	7**
1958 ⁷⁵	1***	7**
1959	1***	7**
1960	1***	7**
1961	1***	7**
1962 ⁷⁶	3***	3*
1963	3***	3*
1964	3***	3*
1965	3***	3*
1966	3***	3*
1967	3***	3*
1968	3***	3*
1969 ⁷⁷	1***	3*
1970	1***	3*
1971	1***	3*
1972 ⁷⁸	4***	4*
1973 ⁷⁹	4***	4*

⁷³ Includes cultural institutions, heritage, the arts, cultural funding and production. Enactment of legislation coded under 'legislative'; operating cultural institutions coded under 'administrative'.

⁷⁴ In the 1956 constitution, in the Fifth Schedule, 'Libraries, museums and ancient and historical monuments' as well as 'Theatres; cinemas; sports entertainments and amusements' and 'Sanctioning of cinematograph films for exhibition' were all allocated to the Provincial List. However, 'Ancient and historical monuments declared to be of national importance' (Fifth Schedule, Art. 106, Part II, paragraph 15) are allocated to the Concurrent list.

⁷⁵ Direct military rule introduced by General Ayub Khan.

⁷⁶ In the 1962 Constitution, 'Telecommunications, including broadcasting and television', 'National libraries and museums' and 'Ancient and historical monuments declared to be of national importance' were allocated to the Federal Government on the 'Matters with respect to which the central legislature has exclusive power to make laws'. The Pakistan Council for National Integration was established – a Federal Government Body (Maniruzzaman 1967).

⁷⁷ Direct martial law imposed by Yahya Khan.

⁷⁸ In the interim constitution of 1972, the Federal Government had responsibility for 'Libraries, museums, and similar institutions controlled or financed by the Federation' and Ancient and historical monuments, archaeological sites and remains'. 'Libraries, museums and other similar institutions controlled or financed by the province' were allocated to the provincial list as were 'theatres, dramatic performances and cinemas but not including the sanction of cinematograph films for exhibition'. The sanctioning of cinematograph films for exhibition were allocated to Part II of the concurrent list.

⁷⁹ Introduction of the 1973 Constitution under which the Federal Government is allocated in the Federal List 'Libraries, museums, and similar institutions controlled or financed by the Federation' whereas 'Ancient and historical monuments, archaeological sites and remains' and 'Production, censorship and exhibition of cinematograph films' were part of the Concurrent List. Pakistan National Council of the Arts Act, 1973. With this Act, the Government created the Pakistan National Council of the Arts (PNCA) to act as a coordinating body between the provincial and federal levels. The 1973 Act also encouraged the provinces of Pakistan to create their own councils of the arts, although the only province to do so was Punjab (Ahmed et al.,

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

1974	4***	4*
1975	4***	4*
1976	4***	4*
1977 ⁸⁰	1**	5*
1978 ⁸¹	1**	5*
1979	1**	5*
1980	1**	5*
1981	1**	5*
1982	1**	5*
1983	1**	5*
1984	1**	5*
1985 ⁸²	4**	4*
1986	4**	4*
1987	4**	4*
1988	4**	4*
1989	4**	4*
1990	4**	4*
1991	4**	4*
1992	4**	4*
1993	4**	4*
1994	4**	4*
1995	4**	4*
1996	4**	4*
1997	4**	4*
1998	4**	4*
1999 ⁸³	1***	4*
2000	1***	4*
2001	1***	4*

2001). Punjab Council of the Arts Act, 1975. As reported by Ahmed et al. (2001, 359) 'only the Lahore Council was operating and funding regular subsidized season of theatre and producing three to four plays annually'. Federal Law on the preservation of Pakistan's cultural heritage: Antiquities Act, 1975;

⁸⁰ Direct military rule introduced by General Zia-ul-Haq as well as The Motion Pictures Ordinance, 1979.

⁸¹ "Various cultural activities, art, music, dance, women's sports, women's participation in stage performances were discouraged. Women TV announcers and newscasters were ordered to cover their heads, and women were discouraged/excluded from various kinds of cultural programmes (i.e., folk dances) on the TV; film censorship was made stricter. A dress code was issued for women and government servants were advised to wear national dress." (Rizvi 2002, 172). The Motion Pictures Ordinance was issued in 1979 and the National College of Arts Ordinance was issued in 1985. The Punjab Governor issued the Motion Picture Ordinance of 1979 (although Punjab was the only province to do so).

⁸² Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). In 1993 the federal assembly passed the National Archives Act (administered by the federal government) and in 1994 it passed the National Fund for Cultural Heritage Act (administered by the federal government but jointly funded with the provincial governments).

⁸³ Direct military rule introduced by General Pervez Musharraf. Lahore Arts Council Ordinance 2002.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

2002 ⁸⁴	4*	4*
2003	4*	4*
2004 ⁸⁵	4*	4*
2005 ⁸⁶	4*	4*
2006	4*	4*
2007	4*	4*
2008	4*	4*
2009	4*	4*
2010 ⁸⁷	5**	4*
2011 ⁸⁸	5**	5*
2012	5**	5*
2013	5**	5*
2014	5**	5*
2015	5**	5*
2016	5**	5*
2017	5**	5*
2018	5**	5*
2019	5**	5*
2020	5**	5*
<i>No of code changes</i>	9	5
<i>Cumulative direction and magnitude</i>	-1	-2

Justification for coding:

The legislative score starts at 6 as most culture-related provisions were allocated to the provincial list. It then drops to 3 as the 1962 constitution centralised culture, before increasing to 4 in both the 1972 and 1973 constitutions. The scoring drops to 1 in periods of direct military rule. After the 18th Amendment the score increases to 5 as items on the concurrent list were transferred to the provinces. On the administrative side, the score starts at 7 to reflect the decentralised nature of culture management at the time. It drops to 3 following the centralisation under Ayub Khan, before increasing to 4 after the 1973 Constitution. It then reduces to 3 under Zia-ul-Haq's direct military rule before increasing again to 4 following the restoration of the 1973 constitution. In 2011 the Ministry of Culture

⁸⁴ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002". Provincial legislation passed in this area (by the provincial governor as the provincial assembly was dissolved), such as "The Lahore Arts Council Ordinance, 2002".

⁸⁵ The Punjab Institute of Language, Art and Culture Act, 2004.

⁸⁶ National Academy of Performing Arts (NAPA) inaugurated by Musharraf in 2005. State supported. Punjab theatre is provincially supported. In 2006 Musharraf eased the ban on the import of Indian films (Sahi and Magnier 2013).

⁸⁷ The 18th Amendment deleted the concurrent list and therefore 'Ancient and historical monuments, archaeological sites and remains' and the 'Production, censorship and exhibition of cinematograph films' came under the sole responsibility of the provinces.

⁸⁸ In 2011 the Ministry of Culture ceased to exist following the 18th amendment although some of its functions were retained within the Federal Government, in what is now named the 'National Heritage and Culture Division' (National Heritage and Culture Division n.d.). After the 18th Amendment Punjab set up its own Film Censor Board (Express Tribune 2022).

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ceased to exist and most of its functions were transferred to the provinces, so the score increases to 5.

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between 1956 and 2020**

P4 Currency and money supply⁸⁹ [currleg] [curradmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ⁹⁰	1***	1***
1957	1***	1***
1958 ⁹¹	1***	1***
1959	1***	1***
1960	1***	1***
1961	1***	1***
1962 ⁹²	1***	1***
1963	1***	1***
1964	1***	1***
1965	1***	1***
1966	1***	1***
1967	1***	1***
1968	1***	1***
1969 ⁹³	1***	1***
1970	1***	1***
1971	1***	1***
1972 ⁹⁴	1***	1***
1973 ⁹⁵	1***	1***
1974	1***	1***
1975	1***	1***
1976	1***	1***
1977 ⁹⁶	1***	1***
1978	1***	1***
1979	1***	1***
1980	1***	1***

⁸⁹ Includes printing and coining of money, and central banking. Enactment of legislation coded under 'legislative'; operating money-issuing banks coded under 'administrative'.

⁹⁰ Under the Pakistan Coinage Act, 1906 (III of 1906) the power to establish and abolish Mints, to decide over denominations, dimensions, designs, composition of coins, standard weight and remedy rests with the Federal Government. The 5th schedule of the 1956 Constitution includes in the Federal List "currency, coinage and legal tender" as well as the "State Bank of Pakistan". In addition, the State Bank of Pakistan Act, 1956 assigns central banking functions to the State Bank of Pakistan which is under control of the Federal Government.

⁹¹ Direct Military rule under General Ayub Khan.

⁹² The 3rd schedule of the 1956 Constitution includes in the Federal List "currency coinage and legal tender" as well as "central banking: State Bank of Pakistan".

⁹³ Direct military rule under General Yahya Khan.

⁹⁴ The 4th schedule of the 1972 interim constitution includes in the Federal List "currency coinage and legal tender" as well as "State Bank of Pakistan".

⁹⁵ The 4th schedule of the 1973 constitution includes in the Federal List "currency coinage and legal tender" as well as "State Bank of Pakistan".

⁹⁶ Direct Military rule under General Zia-ul-Haq.

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1981	1***	1***
1982	1***	1***
1983	1***	1***
1984	1***	1***
1985 ⁹⁷	1***	1***
1986	1***	1***
1987	1***	1***
1988	1***	1***
1989	1***	1***
1990	1***	1***
1991	1***	1***
1992	1***	1***
1993	1***	1***
1994	1***	1***
1995	1***	1***
1996	1***	1***
1997	1***	1***
1998	1***	1***
1999 ⁹⁸	1***	1***
2000	1***	1***
2001	1***	1***
2002 ⁹⁹	1***	1***
2003	1***	1***
2004	1***	1***
2005	1***	1***
2006	1***	1***
2007	1***	1***
2008	1***	1***
2009	1***	1***
2010 ¹⁰⁰	1***	1***
2011	1***	1***
2012	1***	1***
2013	1***	1***
2014	1***	1***
2015	1***	1***
2016	1***	1***
2017	1***	1***
2018	1***	1***

⁹⁷ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments).

⁹⁸ Direct military rule introduced by General Pervez Musharraf.

⁹⁹ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

¹⁰⁰ The introduction of the 18th Amendment has left the provisions of currency and monetary supply under the exclusive purview of the federal government.

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2019	1***	1***
2020	1***	1***
<i>No of code changes</i>	0	0
<i>Cumulative direction and magnitude</i>	0	0

Justification for coding:

The scoring for this area starts (and remains) at 1 in both the legislative and administrative areas, as it reflects the powers of the Federal Government vis-à-vis currency and monetary supply.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

P5 Defence¹⁰¹ [defleg] [defdmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ¹⁰²	1***	1***
1957	1***	1***
1958 ¹⁰³	1***	1***
1959	1***	1***
1960	1***	1***
1961	1***	1***
1962 ¹⁰⁴	1***	1***
1963	1***	1***
1964	1***	1***
1965	1***	1***
1966	1***	1***
1967	1***	1***
1968	1***	1***
1969 ¹⁰⁵	1***	1***
1970	1***	1***
1971	1***	1***
1972 ¹⁰⁶	1***	1***
1973 ¹⁰⁷	1***	1***
1974	1***	1***
1975	1***	1***
1976	1***	1***
1977 ¹⁰⁸	1***	1***
1978	1***	1***
1979	1***	1***
1980	1***	1***

¹⁰¹ Includes external military defence. Enactment of legislation coded under 'legislative'; operating armed force units coded under 'administrative'.

¹⁰² The 1956 Constitution, like the ensuing ones, allocated defence exclusively to the centre. This is also true in relation to Pakistan's paramilitary forces, also known as Civil Armed Forces (CAF). The latter include: Pakistan Rangers, Frontier Corps, Frontier Constabulary, Gilgit Baltistan Scouts, Pakistan Coast Guards. CAF are included in the budget of the Ministry of Interior (which also provides administrative support) but are de facto managed by the Pakistan Army (see also coding under 'Law Enforcement').

¹⁰³ Direct military rule introduced by General Ayub Khan.

¹⁰⁴ The 1962 constitution, like the previous one, contained three lists of legislative powers: Centre, Provinces and Concurrent. Defence was allocated to the Centre.

¹⁰⁵ Direct Military rule introduced by General Zia-ul-Haq.

¹⁰⁶ The 4th schedule of the 1972 interim constitution assigned defence to the Federal list.

¹⁰⁷ The 4th schedule of the 1973 constitution assigned defence to the Federal list.

¹⁰⁸ Direct Military rule introduced by General Zia-ul-Haq.

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1981	1***	1***
1982	1***	1***
1983	1***	1***
1984	1***	1***
1985 ¹⁰⁹	1***	1***
1986	1***	1***
1987	1***	1***
1988 ¹¹⁰	1***	1***
1989	1***	1***
1990	1***	1***
1991	1***	1***
1992	1***	1***
1993	1***	1***
1994	1***	1***
1995	1***	1***
1996	1***	1***
1997	1***	1***
1998	1***	1***
1999 ¹¹¹	1***	1***
2000	1***	1***
2001	1***	1***
2002 ¹¹²	1***	1***
2003	1***	1***
2004	1***	1***
2005	1***	1***
2006	1***	1***
2007	1***	1***
2008	1***	1***
2009	1***	1***
2010 ¹¹³	1***	1***
2011	1***	1***
2012	1***	1***
2013	1***	1***
2014	1***	1***
2015	1***	1***
2016	1***	1***
2017	1***	1***

¹⁰⁹ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments).

¹¹⁰ End of military rule.

¹¹¹ Direct military rule introduced by General Pervez Musharraf.

¹¹² Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

¹¹³ The 18th Amendment has left defence under the exclusive purview of the federal government.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
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2018	1***	1***
2019	1***	1***
2020	1***	1***
<i>No of code changes</i>	0	0
<i>Cumulative direction and magnitude</i>	0	0

Justification for coding:

The country's defence has constantly been centralised in Pakistan's federal system, hence the continuity in scoring this area as 1. The 1956, 1962, 1972 (interim), and 1973 constitutions all allocated defence exclusively to the central government.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

P6 Economic activity¹¹⁴ [ecactleg] [ecactadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ¹¹⁵	3***	4**
1957	3***	4**
1958 ¹¹⁶	1***	4**
1959	1***	4**
1960	1***	4**
1961	1***	4**
1962 ¹¹⁷	1***	4**
1963	1***	4**
1964	1***	4**
1965	1***	4**
1966	1***	4**
1967	1***	4**
1968	1***	4**
1969	1***	4**
1970	1***	4**
1971	1***	4**
1972 ¹¹⁸	4***	4**
1973 ¹¹⁹	4***	4**

¹¹⁴ Includes all economic activities other than those explicitly included in other categories (e.g., trade, market regulation, product regulation, economic planning, competition/antitrust authority, consumer protection, tourism). Enactment of legislation coded under 'legislative'; managing e.g., economic development programmes and territorial planning coded under 'administrative'.

¹¹⁵ In the 1956 Constitution economic planning was included in the Concurrent Legislative List (entry 9); international and between provinces trade was part of the Federal Legislative List (entry 4). In 1958 Punjab passed the Punjab Food Stuffs Control Act (before the imposition of direct military rule).

¹¹⁶ Direct military rule introduced by General Ayub Khan. 'Control of locally produced foodstuffs was left to the provincial or other local authorities, to be imposed as they thought fit in the light of the local situation (Feldman 1967, 45).

¹¹⁷ In the 1962 constitution the following were included in the Central List: Trade and commerce between the provinces and with other countries, national economic planning and national economic coordination, industries owned wholly or partly by the central government. In 1962 a Pakistan Industrial Development Corporation (PIDC) was set up, divided into two wings (for the two provinces), but was centrally controlled (chaired by an appointed governor) (Rizvi 2000, 93).

¹¹⁸ In the interim constitution of 1972, the Federal Legislative List featured the development of industries, national planning and national economic coordination as well as the import and export across customs frontiers, trade and commerce between the provinces and the standard of quality of goods to be exported out of Pakistan. The Provincial list featured trade and commerce within the province as well as the production, supply and distribution of goods. In 1972 provincial legislation was passed establishing boards to develop small industries in the provinces e.g. the Sind Small Industries and Handicrafts Development Corporation Act, 1972 and the NWFP Small Industries Development Board Act 1972.

¹¹⁹ In the 1973 constitution the following items were included in the Central List: Import and export across customs frontiers as deemed by the Federal Government, inter-provincial trade and commerce, trade and commerce with foreign countries; standard of quality of goods to be exported out of Pakistan, corporations (unless owned by a province), national planning and national economic coordination including planning and coordination of scientific and technological research. Examples of federal legislation passed in this area

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1974	4***	4**
1975	4***	4**
1976	4***	4**
1977 ¹²⁰	1***	4**
1978	1***	4**
1979	1***	4**
1980	1***	4**
1981	1***	4**
1982	1***	4**
1983	1***	4**
1984	1***	4**
1985 ¹²¹	4***	4**
1986	4***	4**
1987	4***	4**
1988	4***	4**
1989	4***	4**
1990	4***	4**
1991	4***	4**
1992	4***	4**
1993	4***	4**
1994	4***	4**
1995	4***	4**
1996	4***	4**
1997	4***	4**
1998	4***	4**
1999 ¹²²	1***	4**
2000	1***	4**

was the 1977 Price Control and Prevention of Profiteering and Hoarding Act. Part II of the FLL includes the development of industries (items on Part II were subject to discussion among the Council of Common Interests). The Concurrent List only includes Tourism but areas such as trade and commerce within the province and the production, supply and distribution of goods were allocated to the provinces under residual powers. Therefore, there was some provincial legislation e.g. Punjab's Small Industries Corporation Act, 1973, Balochistan's Price Control and Prevention of Profiteering and Hoarding Act, 1977, Sindh's Small Industries Corporation (Amendment) Act, 1989, and the NWFP Consumer Protection Act of 1997. The 1973 Constitution created a National Economic Council with the role of advising federal and provincial governments about the formulation of economic and financial policies. Its membership was left at the discretion of the President provided at least one member from each province was represented. On the administrative side, territorial planning was a provincial subject, but the federal government was 'the prime actor in urban policies through its Five-Year Plans, its financing of development and as the primary conduit of foreign aid, as well as' possessing the power to override provinces (Qadeer 1996: 445). In addition, 'policy-making for the Housing and Settlement sector, even though constitutionally a provincial subject' was largely a federal activity (Qadeer 1996, 446).

¹²⁰ Direct Military rule introduced by General Zia-ul-Haq.

¹²¹ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). Federal Legislation passed during this period includes the Islamabad Consumers Protection Act, 1995 and the Heavy Industries Board Act, 1997.

¹²² Direct military rule introduced by General Pervez Musharraf.

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2001	1***	4**
2002 ¹²³	4***	4**
2003	4***	4**
2004	4***	4**
2005	4***	4**
2006	4***	4**
2007	4***	4**
2008	4***	4**
2009	4***	4**
2010 ¹²⁴	4**	4**
2011	4**	4**
2012	4**	4**
2013	4**	4**
2014	4**	4**
2015	4**	4**
2016	4**	4**
2017	4**	4**
2018	4**	4**
2019	4**	4**
2020	4**	4**
<i>No of code changes</i>	6	0
<i>Cumulative direction and magnitude</i>	+1	0

Justification for coding:

The coding is 3 (legislative) and 4 (administrative) in the 1956 constitution to reflect the fact that economic planning was included in the CLL. The legislative code drops to 1 under the 1962 constitution as power was concentrated in the centre on this issue. It rises to 4 after the 1972 constitution. Although national economic planning was under federal control, provinces had control of trade and commerce within their provinces and passed legislation on this. Although provinces are now better represented on the National Economic Council (NEC) and tourism has been devolved to the provinces under the 18th

¹²³ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

¹²⁴ The 18th Amendment tilted the balance of power on the NEC more in favour of the provinces by mandating that each province would have two members each, including the chief ministers from each province. There would be four federal members appointed by the Prime Minister. The Competition Ordinance, 2007 then transformed into the Competition Act, 2010. Chapter III, Art. 12(3) of the Act establishes the 'administratively and functionally independent' Competition Commission of Pakistan. Legislation passed by the centre includes the Special Economic Zones Act 2012 and the Trade Development Authority of Pakistan Act in 2013. Provincial legislation in this area includes that from the Khyber Pakhtunkhwa assembly, the Board and Investment and Trade Act, 2015 and the Taking over of the Industrial Estate or Economic Zones Act, 2016. Tourism was a subject in the CLL (entry 42) in the 1973 Constitution but moved to provincial control after the 18th Amendment. The Ministry of Tourism was devolved to the provincial level in 2011 (Express Tribune 2011) and legislation passed in this area includes the Sindh Travel Agencies Act, 2011, the Sindh Tourist Guides Act, 2011 and the Khyber Pakhtunkhwa Tourism Act of 2019.

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Amendment we cannot increase the score to 'predominantly constituent units.' The code for administrative autonomy remains at 4 throughout.

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P7 Education – pre-tertiary¹²⁵ [edpretertleg] [edpretertadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ¹²⁶	7***	7***
1957	7***	7***
1958 ¹²⁷	1***	7***
1959	1***	7***
1960	1***	7***
1961	1***	7***
1962 ¹²⁸	7***	7***
1963	7***	7***
1964	7***	7***
1965	7***	7***
1966	7***	7***
1967	7***	7***
1968	7***	7***
1969 ¹²⁹	1***	7***
1970	1***	7***
1971	1***	7***
1972 ¹³⁰	7***	7***
1973 ¹³¹	3***	5***

¹²⁵ Includes pre-school, primary, and secondary schooling. Power to enact legislation coded under 'legislative'; all aspects of operating schools coded under 'administrative'.

¹²⁶ In the 1956 Constitution, education was assigned to the exclusive legislative domain of the provinces.

¹²⁷ Direct military rule introduced by General Ayub Khan. A Curriculum Committee was formed that reflected the President's interests in revising the national curriculum (Feldman 1967, 98). In 1960 the West Pakistan Educational and Training Institutions Ordinance was issued, but administered at the provincial level.

¹²⁸ The 1962 Constitution, rather than having separate lists, included a single list of subjects on which the central legislature had executive power. Out of the 49 items mentioned in this list, education was not included, hence it was delegated to the provincial governments. In 1962 the Ayub government devolved the responsibility to run primary and middle schools to the provinces (Jones and Jones 1978, 587) although there is no primary legislation in this area.

¹²⁹ Direct martial law imposed by Yahya Khan. In 1970, the West Pakistan governor issued the Punjab Private Colleges (Management and Control) Ordinance. *Before* the adoption of the 1972 constitution, the Chief Martial Law Administrator issued the Privately Managed Schools and Colleges (Taking Over) Regulation, 1972 and the federal government issued the Workers' Children (Education) Ordinance, 1972. Both were to be administered by the provinces.

¹³⁰ In the 1972 interim constitution 'education' was allocated to the provincial legislative list. 'Islamic education' was assigned to the concurrent legislative list. The Sindh assembly passed the West Pakistan Primary Education and Local Councils High Schools (Sind Amendment) Act, 1972.

¹³¹ In the 1973 Constitution, subjects relating to pre tertiary education were allocated to the concurrent list, which included education policy, planning, curriculum, syllabus, standards of education and Islamic Education. The key roles performed by the Ministry of Education were defined by the Rules of Business 1973 and covered: curriculum, syllabus, planning, policy, centres of excellence, standard of education. Federal control over curriculum development was ensured through the creation of the Federal Bureau of Curriculum (established through the Federal Supervision of Curricula, Textbooks and Standards Act 1976). The latter Act also gave, under section 3, the federal government the final say over textbooks, although the

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1974	3***	5***
1975	3***	5***
1976	3***	5***
1977 ¹³²	1***	5***
1978	1***	5***
1979 ¹³³	1***	5***
1980	1***	5***
1981	1***	5***
1982	1***	5***
1983	1***	5***
1984	1***	5***
1985 ¹³⁴	3***	5***
1986	3***	5***
1987	3***	5***
1988	3***	5***
1989	3***	5***
1990	3***	5***
1991	3***	5***
1992	3***	5***
1993	3***	5***
1994	3***	5***
1995	3***	5***
1996	3***	5***
1997	3***	5***
1998	3***	5***
1999 ¹³⁵	1***	5***
2000 ¹³⁶	1***	5***
2001 ¹³⁷	1***	5***

initial stages of textbook development were performed by the provincial governments through the Provincial Textbook Boards.

¹³² Direct military rule introduced by General Zia-ul-Haq. During the Islamization of Pakistan's education sector under the Zia regime, courses and syllabuses of schools and colleges were revised to place greater emphasis on Islamic principles and teachings and Ideology of Pakistan (Rizvi 2000, 172).

¹³³ The Zia regime revived local government through provincial ordinances in 1979. Local councils had the responsibility for the running of schools (ICG 2004, 4).

¹³⁴ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). Provincial legislation in this period includes the Sindh Boards of Intermediate and Secondary Education (Amendment) Act, 1995.

¹³⁵ Direct military rule introduced by General Pervez Musharraf

¹³⁶ Introduction of the Local Government Ordinance 2001, which devolved responsibilities to the district level. In addition to the LGO, each province passed its own Local Government Ordinance. Importantly, the first schedule across all provincial LGOs included the devolution of boys schools, girls schools, technical education and special education.

¹³⁷ The LGO devolved Provincial line departments (including education) to the district level, and new departments, including literacy, were created (ICG 2004, 15). Under the Local Government Ordinance 2001, Districts are responsible for all primary (classes 1–5), secondary (classes 6–10), and higher secondary education (classes 11–12) and can recruit both primary and secondary school teachers up to

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2002 ¹³⁸	3***	5***
2003	3***	5***
2004	3***	5***
2005	3***	5***
2006	3***	5***
2007	3***	5***
2008	3***	5***
2009	3***	5***
2010 ¹³⁹	5***	5***
2011 ¹⁴⁰	5***	6***
2012	5***	6***
2013	5***	6***
2014	5***	6***
2015	5***	6***
2016	5***	6***
2017	5***	6***
2018	5***	6***
2019	5***	6***
2020	5***	6***
<i>No of code changes</i>	10	2
<i>Cumulative direction and magnitude</i>	-2	-1

Justification for coding:

The legislative scoring starts at 7 and remains constant (apart from periods of direct military rule) until 1973 to reflect the inclusion of pre-tertiary education in the provincial list of the 1956 and 1972 constitutions and its omission from the Central List in the 1962 Constitution (even if no federal or provincial legislation was passed in this period in this area). It drops to 3 in the 1973 constitution as areas relevant to pre-tertiary education were moved to the concurrent list and it remains there (with the exception of periods of

BPS 16. Authority over staffing –hiring, firing, and transfers– for Basic Pay Scales (BPS) 17 and above remains with provincial governments. Thus, even though district governments had the legal and institutional authority to provide education services, their ability to effectively manage service provision in the sector was constrained by the provinces’ administrative control over district staff (Nayyar-Stone et al 2006, 18).

¹³⁸ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

¹³⁹ The 18th Amendment devolves education to the provinces. Some key roles, previously in the Concurrent List under the 1973 Constitution, were devolved to the provinces, including: policy, planning, curriculum, syllabus, standards of education, centres of excellence, Islamic education.

¹⁴⁰ The Ministry of Education was abolished in 2011 and its functions devolved to the provinces because of the 18th amendment. In 2012 following the ruling of the Supreme Court that ‘the Federal Government could not absolve itself from the responsibility of providing Education to its citizens’ (Ministry of Federal Education and Professional Training n.d.) the Ministry of Professional and Technical Training was renamed as the Ministry of Education and Training in 2012 and approved by the Council of Common Interests in November 2012. A minor piece of legislation was passed in 2017 by the federal legislature, the Federal Board of Intermediate and Secondary Education (Amendment) Act, 2017. Examples of provincial legislation include the Punjab Free and Compulsory Education Act, 2014 and the Punjab Curriculum and Textbook Board Act, 2015, both administered by the province.

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direct military rule) until the passing of the 18th Amendment when the score increases to 5. Administratively, more powers were with the provinces. The coding starts at 7 and remains there until the 1973 constitution, when it reduces to 5. It increases to 6 with the passage of the 18th Amendment and the devolution of the Ministry of Education to the provinces.

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P8 Education – tertiary¹⁴¹ [edtertleg] [edtertadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ¹⁴²	7***	7*
1957	7***	7*
1958 ¹⁴³	1***	7*
1959 ¹⁴⁴	1***	7*
1960	1***	7*
1961	1***	7*
1962 ¹⁴⁵	7***	7*
1963	7***	7*
1964	7***	7*
1965	7***	7*
1966	7***	7*
1967	7***	7*
1968	7***	7*
1969 ¹⁴⁶	1***	7*
1970 ¹⁴⁷	1***	7*
1971	1***	7*
1972 ¹⁴⁸	7***	7*
1973 ¹⁴⁹	4***	5***

¹⁴¹ Includes universities, colleges, and other institutions of tertiary education. Enactment of legislation coded under 'legislative'; operating institutions of tertiary education coded under 'administrative'.

¹⁴² The 1956 Constitution placed Education in the provincial list (Fifth Schedule, Art. 106, Provincial List, paragraph 20).

¹⁴³ Direct military rule introduced by General Ayub Khan.

¹⁴⁴ A Federal Curriculum Committee was introduced that mandated, among other things, the extension of Bachelor's Degree from two to three years (Feldman 1968, 98).

¹⁴⁵ Introduction of the 1962 Constitution. The 1962 Constitution, rather than having separate lists, included a single list of subjects on which the central legislature had executive power. Out of the 49 items mentioned in this list, education was not included, hence it was delegated to the provincial governments.

¹⁴⁶ Direct martial law imposed by Yahya Khan.

¹⁴⁷ A new education policy was announced in 1969, emphasising students' participation in academic affairs, institutional autonomy and academic freedom for universities, allocation of more resources for scientific, technical and agricultural education (Rizvi 2000, 123).

¹⁴⁸ In the 1972 interim constitution 'education, including universities' was allocated to the provincial legislative list. The Sindh assembly passed the University of Sind Act.

¹⁴⁹ Introduction of the 1973 Constitution. Education was included in the concurrent and federal legislative lists. Allocated to the FLL were 'Federal agencies ... for professional or technical training, or for the promotion of special studies' and 'Education as respects Pakistani students in foreign countries and foreign students in Pakistan'. The CLL included curriculum, syllabus, planning, policy centres of excellence, standards of education and Islamic education. In 1973 the central legislature passed the Quaid-e-Azam University Act, while Punjab passed the University of the Punjab Act. Under the latter Act, the Board of Studies was 'to advise the Authorities on all academic matters connected with instruction, publication, research and examination in the subject or subjects concerned; to propose curricula and syllabi for all degree, diploma and certificate courses in the subject or subjects concerned'. The Provincial Government was the administering authority.

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1974	4***	5***
1975	4***	5***
1976	4***	5***
1977 ¹⁵⁰	1***	5***
1978	1***	5***
1979	1***	5***
1980	1***	5***
1981	1***	5***
1982	1***	5***
1983	1***	5***
1984	1***	5***
1985 ¹⁵¹	4***	5***
1986	4***	5***
1987	4***	5***
1988	4***	5***
1989	4***	5***
1990	4***	5***
1991	4***	5***
1992	4***	5***
1993	4***	5***
1994	4***	5***
1995	4***	5***
1996	4***	5***
1997	4***	5***
1998	4***	5***
1999 ¹⁵²	1***	5***
2000	1***	5***
2001	1***	5***
2002 ¹⁵³	4***	3***
2003	4***	3***

¹⁵⁰ Direct military rule introduced by General Zia-ul-Haq.

¹⁵¹ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). Both the federation and the provinces passed legislation in this area e.g. the federal legislature passed the National University of Science and Technology (NUST) Act, 1997 and the National Defense University Act (NDU), 2011. In 1997 Sindh passed the Universities Laws (Amendment) Act.

¹⁵² Direct military rule introduced by General Pervez Musharraf

¹⁵³ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002". Higher Education Commission Ordinance 2002. Of particular interest for the analysis presented here are Art. 5 which defines the procedure for appointing the person and Art. 10 which defines the powers and functions of the commission. In terms of the chairperson, they are appointed by the Prime Minister (or by Chief Executive) who also acts as the Controlling authority as per art. 3. In terms of powers, the HEC has the prerogative of formulating policies, guiding principles and priorities for higher education (art. 10 (a)). Finally, art. 14 (2) determines that it is the Federal Government which should provide funds to the Commission.

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between 1956 and 2020**

2004	4***	3***
2005	4***	3***
2006	4***	3***
2007	4***	3***
2008	4***	3***
2009	4***	3***
2010	4***	3***
2011 ¹⁵⁴	4***	3***
2012 ¹⁵⁵	4***	4***
2013	4***	4***
2014	4***	4***
2015	4***	4***
2016	4***	4***
2017	4***	4***
2018	4***	4***
2019	4***	4***
2020	4***	4***
<i>No of code changes</i>	9	3
<i>Cumulative direction and magnitude</i>	-3	-3

Justification for coding:

The legislative score starts at 7 and remains constant until 1973 (apart from periods of direct military rule) to reflect the inclusion of education in the provincial list in the 1956, and 1972 Constitutions (and its non-inclusion on the central list in the 1962 constitution). The score dropped to 4 in 1973 as education was moved to the FLL and to the CLL. The score does not change after 2010 as higher education is included in Part II of the FLL. In terms of administration, the scores are similar, starting at 7 and dropping to 5 in 1973. The score then drops to 3 in 2002 as a result of the Higher Education Commission Ordinance, before returning to 4 following the 18th Amendment and the devolution of some administrative functions to the provincial governments.

¹⁵⁴ The Ministry of Education was abolished in 2011 but it was de facto reconstituted as the Ministry of Education and Training that same year. According to Rana (2020, 75) “the new Ministry is almost as large as its predecessor, as only four departments/organizations have been devolved”.

¹⁵⁵ In 2012 following the ruling of the Supreme Court that ‘the Federal Government could not absolve itself from the responsibility of providing Education to its citizens’ (Ministry of Federal Education and Professional Training n.d.) the Ministry of Professional and Technical Training was renamed as the Ministry of Education and Training in 2012 and approved by the Council of Common Interests in November 2012. The provinces have continued to pass legislation in this area e.g. the Sindh Higher Education Commission Act, 2013 and the Sindh Universities Laws (Amendment) Act, 2013, and the Punjab Higher Education Commission Act, 2014.

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between 1956 and 2020**

P9 Elections and voting¹⁵⁶ [elecvtotleg] [elecvtotadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ¹⁵⁷	1***	4***
1957	1***	4***
1958 ¹⁵⁸	1***	N/A
1959	1***	N/A
1960	1***	N/A
1961	1***	N/A
1962 ¹⁵⁹	1***	4***
1963	1***	4***
1964	1***	4***
1965	1***	4***
1966	1***	4***
1967	1***	4***
1968	1***	4***
1969 ¹⁶⁰	1***	N/A
1970 ¹⁶¹	1***	4***
1971	1***	N/A
1972 ¹⁶²	1***	4***
1973 ¹⁶³	1***	4***

¹⁵⁶ Includes voting rights, electoral rules, and party regulation. Power to enact legislation coded under 'legislative'; managing the electoral register and running elections coded under 'administrative'.

¹⁵⁷ The 1956 constitution allocates 'Elections to the National Assembly, to the Provincial Assemblies and to the office of President; the Election Commission to the Federal Legislative List. The Chair of the Election Commission, and the other commissioners are appointed by the president. Art. 139 provides that 'it shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Election Commission in the discharge of its functions it shall be the duty of the Federal Government and of each Provincial Government to make available to the Commission such staff as may be necessary for the discharge of its functions'.

¹⁵⁸ Direct military rule introduced by General Ayub Khan. Elections during this period to the Basic Democracies were organised by provincial electoral commissioners (Friedman 1960, 119).

¹⁵⁹ Introduction of the 1962 Constitution under which the Elections to the office of President, to the National Assembly and to the Provincial Assemblies: the Chief Election Commissioner and Election Commissions were allocated to the Centre. The Election Commissioners were appointed by the president, and the constitution laid out in some detail the electoral college and the constituencies, in contrast to the 1956 constitution.

¹⁶⁰ Direct military rule imposed by Yahya Khan.

¹⁶¹ Introduction of the Legal Framework Order, 1970, setting out the provisions under which elections would be held, the principles of a future constitution and the timing of framing the constitution.

¹⁶² In the interim 1972 constitution, the Election Commissioner would be appointed by the President. Art. 242 provided that it "shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Commissioner and any Election Commission in the discharge of his or its functions".

¹⁶³ Introduction of the 1973 Constitution under which Elections to the office of President, to the National Assembly, the Senate and to the Provincial Assemblies: the Chief Election Commissioner and Election

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1974	1***	4***
1975	1***	4***
1976 ¹⁶⁴	1***	4***
1977 ¹⁶⁵	1***	N/A
1978	1***	N/A
1979	1***	N/A
1980	1***	N/A
1981	1***	N/A
1982	1***	N/A
1983	1***	N/A
1984	1***	N/A
1985 ¹⁶⁶	1***	4***
1986	1***	4***
1987	1***	4***
1988	1***	4***
1989	1***	4***
1990	1***	4***
1991	1***	4***
1992	1***	4***
1993	1***	4***
1994	1***	4***
1995	1***	4***
1996	1***	4***
1997	1***	4***
1998	1***	4***
1999 ¹⁶⁷	1***	N/A
2000	1***	N/A
2001	1***	N/A
2002 ¹⁶⁸	1***	4***

Commissions were allocated to the Centre. Provisions relating to the Election Commission were the same as in the 1972 constitution. The federal legislature passed the Delimitation of Constituencies Act, 1974, under which 'each Provincial Government shall assist the Commission in the performance of its functions and for this purpose the Commission may issue such directions as it may consider necessary.'

¹⁶⁴ The Representation of People Act, 1976; The Representation of the People (Conduct of Election) Rules, 1977.

¹⁶⁵ Direct military rule introduced by General Zia-ul-Haq.

¹⁶⁶ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). The Chief Election Commissioner was now appointed by the president 'at his discretion'.

¹⁶⁷ Direct military rule introduced by General Pervez Musharraf

¹⁶⁸ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002". Election Commission Order, 2002; The conduct of general elections order, 2002; The allocation of Symbols order, 2002; Political Parties Rule, 2002; Code Of Conduct For Political Parties And Contesting Candidates For General Elections, 2002. Under this order, the number of Election Commissioners was increased to five – the Chairman and four members, each of whom shall be a judge from each province appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

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2003	1***	4***
2004	1***	4***
2005	1***	4***
2006	1***	4***
2007	1***	4***
2008	1***	4***
2009	1***	4***
2010 ¹⁶⁹	1***	4***
2011	1***	4***
2012	1***	4***
2013	1***	4***
2014	1***	4***
2015	1***	4***
2016	1***	4***
2017	1***	4***
2018	1***	4***
2019	1***	4***
2020	1***	4***
<i>No of code changes</i>	<i>0</i>	<i>0</i>
<i>Cumulative direction and magnitude</i>	<i>0</i>	<i>0</i>

Justification for coding:

The legislative score for elections and voting starts and remains at 1 as elections and the electoral commission were allocated to the Federal Legislative List. This remained the case in all constitutions and was not changed in the 18th Amendment. Administratively, the Election Commission of Pakistan is responsible for elections but provinces are mandated to provide assistance in this area, hence the scoring of 4. In periods when elections were suspended then no administration took place, and we code as N/A.

¹⁶⁹ The 18th Amendment changed the appointment process for the Chief Election Commissioner and members of the Electoral Commission. Unlike previously when they were appointed by the president 'in his discretion', there is now a requirement for a 12 person Parliamentary Committee to be formed – half nominated by the government and half by the opposition. 4 of its members should come from the Senate.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

P10 Employment relations¹⁷⁰ [emplrelleg] [emplreladmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ¹⁷¹	3**	3*
1957	3**	3*
1958 ¹⁷²	1**	2*
1959 ¹⁷³	1**	2*
1960	1**	2*
1961	1**	2*
1962 ¹⁷⁴	5**	4**
1963	5**	4**
1964	5**	4**
1965	5**	4**
1966	5**	4**
1967	5**	4**
1968	5**	4**
1969 ¹⁷⁵	1**	4**
1970	1**	4**
1971	1**	4**
1972 ¹⁷⁶	4**	4**

¹⁷⁰ Includes contractual employer-employee relations and occupational health & safety regulation. Power to enact legislation coded under 'legislative'; running job offices, negotiating wage agreements, inspecting workplaces coded under 'administrative'.

¹⁷¹ The 1956 constitution assigned to the Concurrent List (Part II), relations between employers and employees, trade unions, industrial and labour disputes, welfare of labour including conditions of work etc. The Constitution provides that 'the executive authority of the Federation shall extend to the giving of such directions to a Province ... as to the carrying into execution in the Province of any Act of Parliament which relates to a matter enumerated in Part II of the Concurrent List' (Article 126 2c). Keddie (1957) only lists Central Government action and laws in these areas. In addition, the ILO Labour inspection convention 1953 committed Pakistan to place labour inspection under 'the supervision and control of a central [federal] authority' and the ILO 'suggested CSP officers should be trained according to the methods followed by the Administrative Staff College of the United Kingdom' (Waseem 1994, 200). These were civil servants at the centre, not provincial ones.

¹⁷² Direct military rule introduced by General Ayub Khan

¹⁷³ Ayub Khan scrapped the Industrial Disputes Act and replaced it with the Industrial Disputes Ordinance (Ali 2005, 86). Khalil (2018, 39) notes that there was a lack of 'adequate machinery for their implementation'.

¹⁷⁴ Introduction of the 1962 Constitution. Employment laws were not included in the Third Schedule to the constitution, setting out the items on which the Central Legislature had the power to make laws. In West Pakistan, an ordinance was issued in 1967 to amend the Industrial Disputes Ordinance. This was the Industrial Disputes (West Pakistan Amendment) Ordinance of 1967. In 1968 the West Pakistan Assembly passed the Companies Profits (Workers Participation) Act,

¹⁷⁵ Direct martial law imposed by Yahya Khan. The Industrial Relations Ordinance 1969 was introduced by the centre under Nur Khan. In this legislation, many workers were deemed essential workers and thus denied the right to belong to a trade union (Qureshi 2016). In addition, military courts tried many union leaders (Ali 2005, 88).

¹⁷⁶ In the 1972 interim constitution, items included in the Federal Legislative List included 'the setting up and carrying on of labour exchanges, employment information bureaus and training establishments; regulation of labour and safety in mines and oilfields. Items on the Concurrent List, Part II included the

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1973 ¹⁷⁷	4**	4**
1974	4**	4**
1975	4**	4**
1976	4**	4**
1977 ¹⁷⁸	1**	4**
1978	1**	4**
1979	1**	4**
1980	1**	4**
1981	1**	4**
1982	1**	4**
1983	1**	4**
1984	1**	4**
1985 ¹⁷⁹	4**	4**
1986	4**	4**
1987	4**	4**
1988	4**	4**
1989	4**	4**
1990	4**	4**
1991	4**	4**
1992	4**	4**
1993	4**	4**
1994	4**	4**
1995	4**	4**
1996	4**	4**
1997	4**	4**
1998	4**	4**
1999 ¹⁸⁰	1**	4**
2000	1**	4**
2001	1**	4**
2002 ¹⁸¹	4**	4**

welfare of labour, unemployment insurance and trade unions' In 1972 Bhutto announced 'another ambitious new industrial relations policy' (Khalil 2018, 39). Ali notes that with the rising militancy, the provincial and central government responded by gradually taking a firmer stand on the labor issue' (2005, 90). Discussion of the Sind labour minister, governor and chief minister getting involved in Karachi strikes.

¹⁷⁷ 1973 constitution introduced. Many items related to employment relations including the welfare of labour, conditions of labour, trade unions, industrial and labour disputes and the setting up of labour exchanges were on the Concurrent List. All regulatory authorities established under a Federal Law was on the FLL.

¹⁷⁸ Direct military rule introduced by General Zia-ul-Haq.

¹⁷⁹ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). In 1992 the federal legislature passed the Bonded Labour System (Abolition) Act.

¹⁸⁰ Direct military rule introduced by General Pervez Musharraf.

¹⁸¹ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002". New labour policy introduced, resulting in the Industrial Relations Ordinance. "For better provision of need-based vocational training, decentralization of vocational training to provinces and restructuring of the National Training Bureau was a major policy initiative. The promotion of public-private sector

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2003	4**	4**
2004	4**	4**
2005	4**	4**
2006	4**	4**
2007	4**	4**
2008	4**	4**
2009	4**	4**
2010 ¹⁸²	5***	4**
2011 ¹⁸³	5***	5***
2012	5***	5***
2013	5***	5***
2014	5***	5***
2015	5***	5***
2016	5***	5***
2017	5***	5***
2018	5***	5***
2019	5***	5***
2020	5***	5***
<i>No of code changes</i>	9	3
<i>Cumulative direction and magnitude</i>	+2	+2

Justification for coding:

The score for legislation starts at 3. Although the 1956 Constitution placed employment relations on the Concurrent List there was no provincial legislation in this area. It drops to 1 under Ayub Khan's direct military rule but increases to 5 under the 1962 constitution as provinces had residual powers in this area. Under Yahya Khan's direct military rule, it returned to 1. From 1972 the score increases to 4 (other than under Zia and Musharraf's direct military rule) because of the allocation of items in this area to the Concurrent List. The score increases to 6 because of the 18th Amendment in 2010. Administratively, the code starts at 3 as the ILO Labour inspection convention of 1953 committed Pakistan to

cooperation through employer-led skill development councils in all the provinces was also supported and encouraged" (Khalil 2018, 42).

¹⁸² 18th Amendment to the 1973 Constitution. Items relating to employment relations previously on the concurrent list were allocated to the provinces although 'all regulatory authorities established under a Federal Law' remained on the FLL.

¹⁸³ Seventh labour policy announced. As Khalil (2018, 46) notes, 'labour has become a provincial matter, with the responsibility for legislating as well as administering labour laws transferred to the provincial governments.' After devolution 'provincial governments have had to address a wide range of complex issues, including the enactment of laws that complies both with the national constitution and the international commitments/ ILO's Labour Standards. Each of the provinces has enacted the Industrial Relations Acts for registration and promotion of unions in their geographical ambit. In addition to the Industrial Relations Act, in 2019 Punjab passed the Punjab Minimum Wages Act and Sind passed the Sindh Companies Profits (Workers Participation) Act, 2015.. However, even after the 18th Amendment there has been federal legislation in this area e.g. the Federal Industrial Relations Act of 2012 and the Sacked Employees (Re-instatement) Act of 2010.

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place labour inspection under 'the supervision and control of a central [federal] authority'. The code increased to 4 in 1962 with the change of constitution and the acquisition of residual powers by the provinces. Unlike with legislative scores, the score does not change with the imposition of direct military rule. The only increase occurs in 2011 because of the changes introduced by the 18th Amendment. However, the Federal Government retains some administrative control e.g., through the National Industrial Relations Commission.

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P11 Environmental protection¹⁸⁴ [envprotleg] [envprotadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ¹⁸⁵	7*	7*
1957	7*	7*
1958 ¹⁸⁶	1***	7***
1959	1***	7***
1960	1***	7***
1961	1***	7***
1962 ¹⁸⁷	7***	7***
1963	7***	7***
1964	7***	7***
1965	7***	7***
1966	7***	7***
1967	7***	7***
1968	7***	7***
1969 ¹⁸⁸	1***	7***
1970	1***	7***
1971	1***	7***
1972 ¹⁸⁹	6***	7***
1973 ¹⁹⁰	4***	4***

¹⁸⁴ Includes any government activity directed primarily at protecting the environment. Enactment of legislation coded under 'legislative'; running environmental protection agencies coded under 'administrative'.

¹⁸⁵ The 1956 Constitution allocates water, forests, protection of wild animals and birds to the Provincial Legislative List. Malik argues that 'despite such subjects being expressly provided within the provincial domain, the provincial legislature failed to legislate on such subjects in the context of environmental protection and conservation' (n.d. 55). However, some legislation was passed e.g., the West Pakistan Water and Power Development Act of 1958. We have coded it as a 7 because of the formal allocation of powers to the provinces.

¹⁸⁶ Direct military rule introduced by General Ayub Khan. Under his tenure ordinances related to environmental protection were promulgated either by him or his personally appointed provincial governors, e.g., the West Pakistan Fisheries Ordinance 1961, the West Pakistan Wildlife Protection Ordinance 1962, the East Pakistan Society for the prevention of cruelty to animals ordinance 1962 all of which were administered at the provincial level.

¹⁸⁷ The topics allocated to the provinces in the 1956 constitution were not mentioned in the 1962 constitution and as residual subjects were allocated to the provinces e.g., in 1964 the West Pakistan Firewood and Charcoal (Restriction) Act 1964 and the West Pakistan Fisheries Rules 1965 were passed.

¹⁸⁸ Direct martial law imposed by Yahya Khan.

¹⁸⁹ In the 1972 interim constitution, Fishing and fisheries beyond territorial waters were allocated to the Federal Government, but most items were allocated to the provinces including water, forests, fisheries and protection of wild birds and wild animals. The prevention of cruelty to animals was allocated to the Concurrent List Part I. Examples of provincial legislation in this area include the Sind Wildlife Protection (Amendment) Act of 1972.

¹⁹⁰ In the 1973 constitution environmental pollution and ecology were allocated to the Concurrent List. The legislation introduced during the pre-Zia years was a mixture of federal and provincial (FAO n.d.). As Faruquee makes clear, there is a high degree of overlap in the administration of this policy area between the

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1974	4***	4***
1975	4***	4***
1976	4***	4***
1977 ¹⁹¹	1***	4***
1978	1***	4***
1979	1***	4***
1980	1***	4***
1981	1***	4***
1982	1***	4***
1983 ¹⁹²	1***	4***
1984	1***	4***
1985 ¹⁹³	4**	4***
1986	4**	4***
1987	4**	4***
1988	4**	4***
1989	4**	4***
1990	4**	4***
1991	4**	4***
1992 ¹⁹⁴	4**	4***
1993	4**	4***
1994	4**	4***
1995	4**	4***
1996	4**	4***
1997 ¹⁹⁵	4**	4***
1998	4**	4***
1999 ¹⁹⁶	1***	4***

Federal and the Provincial governments (1996, 50). Provincial legislation in this area includes the Sindh Wildlife Protection (Amendment) Acts of 1990 and 1994, and the Sindh Fisheries (Amendment) Act 2003.

¹⁹¹ Direct military rule introduced by General Zia-ul-Haq. Provincial Ordinances passed included the Khyber Pakhtunkhwa Forest Development Corporation Ordinance, 1980.

¹⁹² 'The Pakistan Environmental Protection Ordinance, 1983, constitute[d] the first attempt to create a framework environmental law for the country' (Hassan and Hassan 2009, 383) The Pakistan Environmental Protection Council was chaired by the President, the Minister for the Environment was the vice chair and the governors of the four provinces were also members.

¹⁹³ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). As in the pre-Zia period, the legislation enacted in this area was a mixture of federal and provincial, as was its administration.

¹⁹⁴ The Central Government prepared a National Conservation Strategy. Environmental cells in the national and provincial planning departments were created as a result (Faruqee and Kemal 1996, 485).

¹⁹⁵ Pakistan Environmental Protection Act, 1997. The Pakistan Environmental Protection Council was created with the Prime Minister as the chair, the federal minister for the environment as vicechair, provincial Chief ministers and their provincial ministers of environment as members. This council was tasked 'with approving comprehensive national environmental policies and ensuring their implementation within the framework of a national conservation strategy as may be approved by the federal government from time to time' (Hassan and Hassan 2009, 386). Pakistan's Environmental Protection Agency had the power to delegate to the provincial EPAs (Hassan 2009, 386).

¹⁹⁶ Direct military rule introduced by General Pervez Musharraf.

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2000	1***	4***
2001	1***	4***
2002 ¹⁹⁷	4**	4***
2003	4**	4***
2004	4**	4***
2005	4**	4***
2006	4**	4***
2007	4**	4***
2008	4**	4***
2009	4**	4***
2010	5***	4***
2011 ¹⁹⁸	5***	5***
2012 ¹⁹⁹	5***	5***
2013	5***	5***
2014 ²⁰⁰	5***	5***
2015	5***	5***
2016	5***	5***
2017	5***	5***
2018	5***	5***
2019	5***	5***
2020	5***	5***
<i>No of code changes</i>	10	2
<i>Cumulative direction and magnitude</i>	-2	-2

Justification for coding:

The score starts at 7 to reflect the inclusion of environmental protection items in the provincial list. It changes to 1 during periods of direct military rule, but is coded at 7 between 1962 and 1968 as environmental protection items were allocated to the provinces. The score drops again with martial law by Yahya Khan, but increases to 6 in the 1972 interim constitution as most items were allocated to the provinces. The score drops to 4 in 1973 as environmental pollution and ecology were allocated to the Concurrent List. Following the 18th Amendment the score increases to 5. Administratively

¹⁹⁷ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002". In 2008 the Sindh assembly passed the Sindh Wildlife Protection (Amendment) Act.

¹⁹⁸ The Ministry of Environment was abolished and its responsibilities devolved to the provinces. A Ministry of Climate Change was established at the Federal Level to manage the specific issue of climate change, particularly 'policy, legislation, plans, strategies and programs' (Khan et al 2013, 9) although provincial departments (forest, irrigation and environmental protection) have a role to play in its implementation. The Pakistan Climate Act of 2017 clearly allocates responsibility for that particular Act's administration to the Federal Government, although the Pakistan Climate Change Council established in that Act includes the Chief Minister from each province as well as the Prime Minister. The Council's powers were to 'co-ordinate and supervise enforcement of the provisions of this Act; ... coordinate, supervise and guide mainstreaming of climate change concerns into decision making by Federal and Provincial Government's ministries'. In 2011 the Sindh assembly passed the Sindh Fisheries (Amendment) Act.

¹⁹⁹ Punjab and Balochistan passed environmental protection legislation.

²⁰⁰ Sindh and Khyber Pakhtunkhwa passed environmental protection legislation.

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we code as 7 until the introduction of the 1973 constitution as even central ordinances were administered by the provincial governments. The score drops to 4 to reflect the existence of joint federal and provincial administration of this area after 1973. The score increased to 5 following the abolition of the Ministry of Environment in 2011.

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P12 External affairs²⁰¹ [extaffleg] [extaffadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ²⁰²	1***	1***
1957	1***	1***
1958 ²⁰³	1***	1***
1959	1***	1***
1960	1***	1***
1961	1***	1***
1962 ²⁰⁴	1***	1***
1963	1***	1***
1964	1***	1***
1965	1***	1***
1966	1***	1***
1967	1***	1***
1968	1***	1***
1969 ²⁰⁵	1***	1***
1970	1***	1***
1971	1***	1***
1972 ²⁰⁶	1***	1***
1973 ²⁰⁷	1***	1***
1974	1***	1***
1975	1***	1***
1976	1***	1***
1977 ²⁰⁸	1***	1***
1978	1***	1***
1979	1***	1***
1980	1***	1***
1981	1***	1***
1982	1***	1***
1983	1***	1***
1984	1***	1***

²⁰¹ Includes treaties, war and peace, diplomatic and para-diplomatic activities, participation in international organisations. Power to conclude treaties and compacts coded under 'legislative'; running diplomatic and para-diplomatic offices coded under 'administrative'.

²⁰² Art 106 (par. 2) of the 1956 Constitution gives to the Federal government the exclusive authority over the country's external affairs.

²⁰³ Direct military rule introduced by General Ayub Khan.

²⁰⁴ Art 131 (par. 2) of the 1962 Constitution gives exclusive power to the central government in relation to external affairs.

²⁰⁵ Imposition of martial law by Yahya Khan.

²⁰⁶ The fourth schedule of the 1972 interim constitution allocates external affairs to the federal list.

²⁰⁷ Fourth Schedule, Part I par. 3 of the 1973 Constitution equally allocates external affairs to the central government.

²⁰⁸ Direct military rule introduced by General Zia-ul-Haq.

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1985 ²⁰⁹	1***	1***
1986	1***	1***
1987	1***	1***
1988 ²¹⁰	1***	1***
1989	1***	1***
1990	1***	1***
1991	1***	1***
1992	1***	1***
1993	1***	1***
1994	1***	1***
1995	1***	1***
1996	1***	1***
1997	1***	1***
1998	1***	1***
1999 ²¹¹	1***	1***
2000	1***	1***
2001	1***	1***
2002 ²¹²	1***	1***
2003	1***	1***
2004	1***	1***
2005	1***	1***
2006	1***	1***
2007	1***	1***
2008	1***	1***
2009	1***	1***
2010 ²¹³	1***	1***
2011	1***	1***
2012	1***	1***
2013	1***	1***
2014	1***	1***
2015	1***	1***
2016	1***	1***
2017	1***	1***
2018	1***	1***
2019	1***	1***
2020	1***	1***
<i>No of code changes</i>	<i>0</i>	<i>0</i>

²⁰⁹ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments).

²¹⁰ End of military rule.

²¹¹ Direct military rule introduced by General Pervez Musharraf.

²¹² Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

²¹³ Passage of the 18th Amendment. No changes to the area of external affairs, still allocated to the central government.

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<i>Cumulative direction and magnitude</i>	<i>0</i>	<i>0</i>
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Justification for coding

The 1956, 1962, 1972 and 1973 Constitutions include external affairs in the exclusive authority granted to the federal government. No significant changes were made throughout Pakistan's history to this area, hence the continuity in the scoring. In coding this area, attention was also paid to the possibility for the different provinces of Pakistan to have offices in foreign countries. No evidence related to this aspect was found.

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P13 Finance and securities²¹⁴ [finsecleg] [finsecadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ²¹⁵	3***	4***
1957	3***	4***
1958 ²¹⁶	1***	4***
1959	1***	4***
1960	1***	4***
1961	1***	4***
1962 ²¹⁷	2***	4***
1963	2***	4***
1964	2***	4***
1965	2***	4***
1966	2***	4***
1967	2***	4***
1968	2***	4***
1969 ²¹⁸	1***	4***
1970	1***	4***
1971	1***	4***
1972 ²¹⁹	3***	4***

²¹⁴ Includes banks and other borrowing and lending institutions, insurance companies, capital markets and securities. Enactment of legislation coded under 'legislative'; running public-sector banks and insurance companies, bankruptcy offices, and market regulation agencies coded under 'administrative'.

²¹⁵ In the 1956 Constitution the following are allocated to the Federal List: currency, coinage and legal tender, State Bank of Pakistan, Public Debt of the Federation, Stock Exchanges and futures markets and insurance and corporations (as long as they are not confined to one province). Banking, insurance and corporations, stock exchanges and futures markets feature on the Concurrent List if they are within one province only. Currency, coinage and legal tender are allocated to the State Bank of Pakistan Act, 1956, over which the Central Government had control. Insolvency is regulated in Pakistan by the Provincial Insolvency Act 1920, which stipulates that District Courts have jurisdiction under the Act. Federal legislation in this area included the International Finance Corporation Act, 1956.

²¹⁶ Direct military rule introduced by General Ayub Khan.

²¹⁷ 1962 Constitution. Items related to Finance and Securities are all allocated to the Central Legislative List in items 7-13 (unless they are confined to only one province). In the Banking Companies Ordinance of 1962, the Federal Government has the power to 'make rules to provide for all matters' (Article 92). However, the High Courts of the provinces had powers to wind up banking companies (Article 49 and 50). Other Federal Laws passed at this time included the Investment Corporation of Pakistan Ordinance, 1966

²¹⁸ Imposition of martial law by Yahya Khan. Introduction of the Monopolies and Restrictive Trade Practices (Control and Prevention) Ordinance 1970. Authority could make recommendations to the Central or to Provincial Governments.

²¹⁹ In the 1972 interim constitution, the Federal Government had power over corporations, including banking, insurance and financial corporations (although not corporations owned or controlled by a province), the law of insurance, the State Bank of Pakistan and stock exchanges and futures markets not confined to one province. The provincial list included the incorporation, regulation and winding up of corporations (as long as not included in the federal list). Federal Legislation passed in this area included the Companies (appointment of Trustees) Act.

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1973 ²²⁰	3***	4***
1974 ²²¹	2***	3**
1975	2***	3**
1976	2***	3**
1977 ²²²	1***	3**
1978 ²²³	1***	3**
1979	1***	3**
1980	1***	3**
1981 ²²⁴	1***	3**
1982	1***	3**
1983	1***	3**
1984 ²²⁵	1***	3**
1985 ²²⁶	2***	3**
1986	2***	3**
1987	2***	3**
1988	2***	3**
1989 ²²⁷	3***	4**
1990	3***	4**
1991	3***	4**

²²⁰ The FLL in the 1973 Constitution assigns to the Federal Government the power over the State Bank of Pakistan, as well as “banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Province and carrying on business only within that Province” (FLL, Part I (28)). In terms of insurance, the federal government has power over the law of insurance, “except as respects insurance undertaken by a Province, and the regulation of the conduct of insurance business, except as respects business undertaken by a Province;” (FLL, Part 1, 29); and “Government insurance, except so far as undertaken by a Province by virtue of any matter within the legislative competence of the Provincial Assembly” (FLL, Part I, 29). The Loans for Agriculture, Commercial and Industrial Purposes Act of 1973 was passed by the federal assembly but was administered by the provinces.

²²¹ Banks Nationalization Act, 1974. ‘The Federal Government assumed exclusive right of ownership, management and control of all banks. A total of 14 banks that existed at that time were nationalized under the act. A Banking Council was also set up to make policy recommendations to the Federal Government to direct banking activities; formulate policy guidelines; outline performance criteria and assessment; analyze and appraise financial statements and undertake reorganization of banks.’

²²² Direct military rule introduced by General Zia-ul-Haq.

²²³ Banking Companies (Recovery of Loans) Ordinance of 1978 under which introduced special courts for recovering bank loans, were established by, and judges appointed to, the Federal Government. The power of High Courts to try these matters was removed.

²²⁴ An interest-free banking system, described as a Profit and Loss Sharing (PLS) system, was initiated in January 1981.

²²⁵ Companies Ordinance, 1984 and Statutory Regulatory Orders (SROs). During this year, in June, 12 modes of interest-free finance were offered, and by mid-1985, all Pakistani banks switched to PLS banking and other modes of interest-free finance.

²²⁶ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments).

²²⁷ Process of liberalization began, allowing investment banks to operate in the private sector (Khan and Aftab 1994, 582). Bank of Punjab set up in 1989 by the provincial assembly of Punjab, followed by the Bank of Khyber, set up by the provincial assembly of North West Frontier Province in 1991.

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1992 ²²⁸	3***	4**
1993	3***	4**
1994	3***	4**
1995	3***	4**
1996	3***	4**
1997 ²²⁹	3***	4**
1998	3***	4**
1999 ²³⁰	1***	4**
2000	1***	4**
2001 ²³¹	1***	3**
2002 ²³²	3***	3**
2003	3***	3**
2004	3***	3**
2005	3***	3**
2006	3***	3**
2007	3***	3**
2008	3***	3**
2009	3***	3**
2010	3***	3**
2011	3***	3**
2012 ²³³	3***	3**
2013	3***	3**
2014	3***	3**
2015	3***	3**
2016 ²³⁴	3***	4**

²²⁸ Federal Legislation included the Protection of Economic Reforms Act, 1992 - under which the Federal Government had the power to make laws. Sindh Bank Act, 1995.

²²⁹ Under the Banking Companies (Recovery of Loans, Advances, Credits and Finances) Act 1997, the right of the High Courts to try cases exceeding 30 million rupees was restored. The Federal Government retained the power to establish Banking Courts and appoint judges (after consultation with the Chief Justice of the province in which the banking court was to be situated).

²³⁰ Direct military rule introduced by General Pervez Musharraf. In 2000 the Corporate Industrial Restructuring Corporation Ordinance was passed.

²³¹ The Financial Institutions (Recovery of Finances) Ordinance, 2001 introduced, removing the requirement for the Federal Government to consult with the Chief Justice of the province in which the Banking Court is established in appointing the judge of the special court.

²³² Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

²³³ Federal legislation passed included the Stock Exchanges (Corporatisation, Demutualization and Integration) Act, 2012.

²³⁴ The Financial Institutions (Recovery of Finances) (Amendment) Act, 2016 reintroduced the requirement for the judge of the special banking court to be appointed in consultation with the Chief Justice of the province in which the special court would be located and also added that "A Judge of a Banking Court shall submit to the Chief Justice of the High Court of the Province in which the Banking Court is established, reports on a quarterly basis regarding the number of cases filed, heard and disposed of by the Banking Court during each relevant quarterly period." The Corporate Restructuring Companies Act of 2016 made similar provisions for High Court action.

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2017	3***	4**
2018 ²³⁵	3***	4**
2019	3***	4**
2020	3***	4**
<i>No of code changes</i>	<i>10</i>	<i>4</i>
<i>Cumulative direction and magnitude</i>	<i>0</i>	<i>0</i>

Justification for coding:

The legislative score starts at 3 as the Federal Government had the sole power to legislate on these matters (unless they were within one province only, when the powers were – nominally - jointly held). Under Ayub Khan’s direct military rule, the score centralises to 1 but returns to 2 under the 1962 constitution. It centralises again under the military rule of Yahya Khan but rises to 3 from 1972 as provincial powers were more clearly specified. The nationalisation of the banks in 1974 reduces the score to 2. The score decreases to 1 under the military regime of Zia-ul-Haq, and returns to 2 in 1985. In 1989 the score increases to 3 to reflect the liberalisation of the banking system. The score remains at 3 other than the interregnum for the military rule of Musharraf. Administratively, the score starts at 4 to reflect the fact that items confined to one province only were excluded from Federal control. The score decreases to 3 after the nationalisation of the banks in 1974 but increases to 4 again after the liberalisation of the banking system in 1989.

²³⁵ The Federal Corporate Rehabilitation Act also included provisions for High Court action.

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P14 Health care²³⁶ [healthleg][[healthadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ²³⁷	7***	7***
1957	7***	7***
1958 ²³⁸	1***	7***
1959	1***	7***
1960	1***	7***
1961	1***	7***
1962 ²³⁹	7***	7***
1963	7***	7***
1964	7***	7***
1965	7***	7***
1966	7***	7***
1967	7***	7***
1968	7***	7***
1969 ²⁴⁰	1***	7***
1970	1***	7***
1971	1***	7***
1972 ²⁴¹	7***	7***
1973 ²⁴²	4**	6**
1974	4**	6**
1975	4**	6**
1976 ²⁴³	4**	6**

²³⁶ Includes primary health care, health care institutions, and public health. Enactment of legislation coded under 'legislative'; running hospitals and other health care institutions coded under 'administrative'.

²³⁷ The 1956 Constitution mentioned 'public health and sanitation; hospitals and dispensaries' in the provincial list (par. 26).

²³⁸ Direct military rule introduced by General Ayub Khan

²³⁹ Introduction of the 1962 Constitution. Health care was left among the residual powers of the provinces, as it was not listed in the Third Schedule which specified the exclusive powers of the centre.

²⁴⁰ Direct martial law imposed by Yahya Khan.

²⁴¹ In the 1972 interim constitution, the provinces were allocated responsibility over public health and sanitation, hospitals and dispensaries.

²⁴² In the 1973 Constitution Health is placed in the CLL. The health-related entries here were: Entry 20 'Drugs and medicines', 21 Poisons and dangerous drugs, 22 Prevention of the extension from one province to another, of infectious or contagious diseases or pests affecting men, animals or plants, 23 Mental illness and mental retardation, including places for the reception or treatment of the mentally ill and mentally retarded, 24 Environmental pollution and ecology, 25 Population planning, 43 Legal, medical and other professions. As Rana (2020) notes, (entries 20–23) in the CLL enabled the Federal Government to extend its role in those areas, hence the score from 7 to 6. For a detailed assessment of the functions performed at the Federal Level by the Ministry of Health pre-18th Amendment, see Nishtar (n.d.).

²⁴³ Drugs Act, 1976. Chapter 5 (articles 43 and 44) detailed that powers conferred by the act to both the federal and provincial governments, with the latter entitled to setting up laboratories to analyse drugs, regulating the sale of drugs, among others.

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1977 ²⁴⁴	1***	6**
1978	1***	6**
1979	1***	6**
1980 ²⁴⁵	1***	6**
1981	1***	6**
1982	1***	6**
1983	1***	6**
1984	1***	6**
1985 ²⁴⁶	4**	6**
1986	4**	6**
1987	4**	6**
1988	4**	6**
1989	4**	6**
1990	4**	6**
1991	4**	6**
1992	4**	6**
1993	4**	6**
1994	4**	6**
1995	4**	6**
1996	4**	6**
1997	4**	6**
1998	4**	6**
1999 ²⁴⁷	1***	6**
2000	1***	6**
2001 ²⁴⁸	1***	6**
2002 ²⁴⁹	4***	6***
2003	4***	6***
2004	4***	6***

²⁴⁴ Direct military rule introduced by General Zia-ul-Haq. The Zia regime revived local government through provincial ordinances in 1979. Local councils had the responsibility to manage small-scale health activities, like water supply, sanitation maintenance and management of hospitals (ICG 2004).

²⁴⁵ With the "The National Institute Of Health Ordinance, 1980", the Federal Government established the National Institute of Health, headed by the Minister of Health.

²⁴⁶ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). Provincial legislation included "The Punjab Health Foundation Act, 1992" and "The Sindh Health Foundation Act, 1991".

²⁴⁷ Direct military rule introduced by General Pervez Musharraf.

²⁴⁸ With the passage of the Local Government Ordinance in 2001, health was almost entirely devolved to the District Governments, with the exception of the large teaching hospitals which remained under the provincial government. Provincial Departments of Health continued to be responsible for overall policy-making and regulation while operational decisions about service provision were devolved and deconcentrated. Further evidence of the de facto decentralisation in the post-2001 framework is provided by surveys conducted between 2006 and 2009 in several districts of Pakistan which reported "higher levels of de facto decision space in 2009 compared to 2006/2007" (Bossert et al 2015, page).

²⁴⁹ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

2005	4***	6***
2006	4***	6***
2007	4***	6***
2008	4***	6***
2009	4***	6***
2010 ²⁵⁰	3***	6***
2011	3***	6***
2012	3***	6***
2013	3***	6***
2014	3***	6***
2015	3***	6***
2016	3***	6***
2017	3***	6***
2018 ²⁵¹	3***	6***
2019	3***	6***
2020 ²⁵²	2***	3***
<i>No of code changes</i>	11	2
<i>Cumulative direction and magnitude</i>	-5	-4

Justification for coding:

The coding starts at 7 since the 1956 and 1962 Constitutions included health in the provincial list. The score drops between 1958-1961 and 1969-1971 to reflect the introduction of direct military rule. It returns to 7 in 1972 as health was included in the provincial list. With the 1973 constitution, health is included in the concurrent list, hence the legislative scoring drops to 4. The scoring remains constant (apart from the 1977-1984 and 1999-2001 periods when it drops to 1 because of direct military rule) until 2010 when the score drops to 3 to reflect the allocation of health to the federal list. In 2020, the scoring drops from 3 to 2 in the legislative area because even though restrictive measures

²⁵⁰ The 18th Amendment to the Constitution has made several changes to the health-related provisions in the Pakistani Constitution. The most important one for our purposes is that the entry: "Legal, medical and other professions" has been shifted from the CLL to Part II of the FLL. This enables human resource regulation and related professional issues of health workforce to be dealt with subject to formulation and regulation of policies by the CCI as well as supervision and control of related institutions (such as, for instance, the Pakistan Medical and Dental Council) by the CCI (Nishtar, n/d, 7). In addition, the Ministry of Health was the overarching federal entity with oversight over Pakistani health policies until 2010 and the Ministry was abolished in June 2011 (though re-instituted in 2013 as the Ministry of National Health Services, Regulation and Coordination), and health care policies were devolved to provincial health departments (Callaway, 2011). Finally, as Rana notes, "the inclusion in the Federal List Part II of regulatory authorities established under federal law, planning and coordination of scientific and technical research, and legal, medical and other professions, also enhanced provincial responsibility, as these subjects were now under the shared responsibility of the federation and provinces" (2020, 76).

²⁵¹ In 2018 the Federal Government passed the The Health Services Academy (Restructuring) Act, 2018, which restructured the Health Service Academy, whose members were the President of Pakistan and federal-level politicians.

²⁵² The Supreme Court's intervention during the pandemic was in the direction of a unified national response to COVID-19. Although measures were adopted by the provinces, these were largely dictated by the federal government.

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were adopted at the provincial level, they were shaped by the Federal Government (under the centralising pressure from the Supreme Court). Administratively it starts at 7, and drops to 6 in 1973 as a result of the ability of the government to extend its powers into some areas (see footnote 242). It remains at 6 even after the 18th Amendment before dropping to 3 in 2020 because of Covid.

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P15 Language²⁵³ [langleg] [langadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ²⁵⁴	3***	1***
1957	3***	1***
1958 ²⁵⁵	1***	1***
1959	1***	1***
1960	1***	1***
1961	1***	1***
1962 ²⁵⁶	1***	1***
1963	1***	1***
1964	1***	1***
1965	1***	1***
1966	1***	1***
1967	1***	1***
1968	1***	1***
1969	1***	1***
1970	1***	1***
1971	1***	1***
1972 ²⁵⁷	4***	4***
1973 ²⁵⁸	4***	4***
1974	4***	4***
1975	4***	4***
1976	4***	4***
1977 ²⁵⁹	1***	4***

²⁵³ Includes official languages, languages of education, language promotion and development. Enactment of legislation coded under 'legislative'; running language promotion programme and compliance agencies coded under 'administrative'.

²⁵⁴ The 1956 constitution recognised both Urdu and Bengali as official languages and provinces could determine whether to replace English with either of these state languages (but language was not a power granted to them on the provincial list). Governmental institutions meant to carry out integrative language policies were the Central Boards for the Development of Urdu and Bengali, the Pakistan Writers Guild, the Linguistic Research Group of Pakistan, and the Pakistan Council for National Integration (Rahman, 2003: 99).

²⁵⁵ Direct military rule introduced by General Ayub Khan. Provincial Assemblies abolished.

²⁵⁶ Introduction of the 1962 Constitution. Urdu and Bengali recognised as national languages but no mention of the provinces' rights as in the 1956 constitution.

²⁵⁷ In the 1972 interim constitution, in addition to Bengali and Urdu being recognised as national languages, 'the provincial legislature may by law prescribe measures for the teaching, promotion and use of a Provincial language in addition to a national language'. In 1972 the Sindh Assembly passed the Sind (Teaching, Promotion and Use of Sindhi Languages) Act.

²⁵⁸ Art. 251 1973 Constitution stated that (1) 'The National language of Pakistan is Urdu' and (3) 'Without prejudice to the status of the National language, a Provincial Assembly may by law prescribe measures for the teaching, promotion and use of a Provincial language in addition to the National language'. As Adeney noted, the 1973 constitution also marked a significant shift in language policy. Urdu became the sole national language, but provincial languages were now permitted (2009: 91).

²⁵⁹ Direct military rule introduced by General Zia-ul-Haq. Provincial assemblies abolished.

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1978	1***	4***
1979 ²⁶⁰	1***	3***
1980	1***	3***
1981	1***	3***
1982	1***	3***
1983	1***	3***
1984	1***	3***
1985 ²⁶¹	4***	4***
1986	4***	4***
1987	4***	4***
1988	4***	4***
1989	4***	4***
1990	4***	4***
1991	4***	4***
1992	4***	4***
1993	4***	4***
1994	4***	4***
1995	4***	4***
1996	4***	4***
1997	4***	4***
1998	4***	4***
1999 ²⁶²	1***	4***
2000	1***	4***
2001	1***	4***
2002 ²⁶³	4***	4***
2003	4***	4***
2004	4***	4***
2005	4***	4***
2006	4***	4***
2007	4***	4***
2008	4***	4***
2009	4***	4***
2010	4***	4***
2011	4***	4***
2012 ²⁶⁴	4***	4***

²⁶⁰ Establishment of the Federal “National Language Authority” to promote the use of Urdu as the national language.

²⁶¹ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). In 1990 the Sind Assembly passed the Sindh Teaching Promotion and Use of Sindhi Language (Amendment) Act.

²⁶² Direct military rule introduced by General Pervez Musharraf

²⁶³ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

²⁶⁴ The National Language Authority was renamed the National Language Promotion Department. Khyber Pakhtunkhwa passed the Promotion of Regional Languages Authority Act, 2012.

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2013	4***	4***
2014	4***	4***
2015	4***	4***
2016	4***	4***
2017	4***	4***
2018	4***	4***
2019	4***	4***
2020	4***	4***
<i>No of code changes</i>	6	3
<i>Cumulative direction and magnitude</i>	+1	+3

Justification for coding:

The legislative score starts at 2 to reflect the inclusion of Urdu and Bengali as official languages in the 1956 constitution but the right of the provinces to decide to replace English with one of these. After the declaration of martial law in 1958 the legislative score drops to 1 following the abolition of the provincial assemblies. Even after their restoration, the score remains at 1 as the 1962 constitution did not grant any autonomy over language. The score increases to 4 in 1972 in the interim constitution as provinces are given the right to use a provincial language. It stays at this level following the adoption of the 1973 constitution and the right of provinces to choose their own language. The administrative score was 1 in 1956 given that language promotion agencies were run by the central government. This increases to 4 to reflect the provisions of the 1972 and 1973 Constitution but reduces to 3 in 1979 after the creation of the National Language Authority. With the restoration of the provincial assemblies, it increases to 4 again in 1985.

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between 1956 and 2020**

P16 Law – civil²⁶⁵ [civlawleg] [civlawadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ²⁶⁶	4***	4**
1957	4***	4**
1958 ²⁶⁷	1***	2***
1959 ²⁶⁸	1***	2***
1960	1***	2***
1961 ²⁶⁹	1***	2***
1962 ²⁷⁰	3***	2***
1963	3***	2***
1964	3***	2***
1965	3***	2***
1966	3***	2***
1967	3***	2***
1968	3***	2***
1969 ²⁷¹	1***	2***
1970	1***	2***

²⁶⁵ Includes law applying to the regulation of disputes between persons (e.g., contract law, tort law, marriage law). Enactment of legal codes coded under 'legislative'; running civil courts, appointing judges etc. coded under 'administrative'.

²⁶⁶ Civil Law was allocated to Part 1 of the Concurrent List in the 1956 Constitution. The Federation was allocated the constitution, organisation, jurisdiction and powers of the Supreme Court whereas the provinces were allocated the administration of justice, constitution and organisation of all courts, except the Supreme Court. Justices of the Supreme Court were appointed by the President, High Court judges were appointed by the President after consultation with the Chief Justice of Pakistan, the Governor of the province and the Chief Justice of the High Court of the province.

²⁶⁷ Direct military rule was introduced by Ayub Khan and martial law courts were introduced (Braibanti 1967, 432). Martial law orders could not be questioned but orders issued under them could be.

²⁶⁸ At the local, not the provincial level, the powers of the Union Councils were enhanced to enable them to deal with petty cases and the jirga system was introduced in some parts of the country (Rizvi 2000, 87).

²⁶⁹ In 1961 Ayub Khan passed the Muslim Family Laws Ordinance 'to give effect to certain recommendations of the Commission on Marriage and Family Laws' (Ahmed 1993, 39).

²⁷⁰ The 1962 constitution provided that 'Subject to this Constitution and the law, the Supreme Court may, with the approval of the President, make Rules regulating the practice and procedure of the Court' and 'Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Pakistan'. Judges of the High Courts were to be appointed by the President after consultation with the Supreme Court Chief Justice and the Governor of the province. President could dismiss judges. The Central List included reference to the power to make laws concerning the Supreme Court and the 'service and execution outside a province of the processes and the judgements, decrees, orders and sentencing of courts and of other authorities and tribunals of the Province and the recognition outside a Province of the laws, records and judicial proceedings of the Province.' It also included 'Offences against laws... enumerated in this Schedule'. Although, civil law was not specifically named on the Central List and therefore fell under provincial jurisdiction, the central legislature passed the Muslim Personal Law (Shariat) Application Act 1962 and the Family Courts Act in 1964. The West Pakistan legislature passed the West Pakistan Family Courts Act, 1964.

²⁷¹ Direct martial law imposed by Yahya Khan.

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1971	1***	2***
1972 ²⁷²	4***	3***
1973 ²⁷³	4***	3**
1974	4***	3**
1975	4***	3**
1976	4***	3**
1977 ²⁷⁴	1***	1***
1978	1***	1***
1979	1***	1***
1980 ²⁷⁵	1***	1***
1981	1***	1***
1982	1***	1***
1983	1***	1***
1984	1***	1***
1985 ²⁷⁶	3***	2**
1986	3***	2**
1987	3***	2**
1988	3***	2**
1989	3***	2**
1990	3***	2**

²⁷² In the interim 1972 constitution the 'Jurisdiction and powers of all courts, except the Supreme Court (and) the enlargement of the jurisdiction of the Supreme Court' and 'Administrative Courts' were assigned to the Centre'. The 'Jurisdiction and powers of all courts except the Supreme Court with respect to any of the matters in this List' was assigned to the provinces. Civil procedure, marriage and divorce, wills etc, trusts and trustees, contracts etc were allocated to the Concurrent Legislative List. Judges of High Courts were appointed by the President (after consultation with the Chief Justice and Governor of the province).

²⁷³ As with the 1972 interim constitution, the jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters on this list and the enlargement of the Supreme Court's jurisdiction was allocated to the Centre. The 1973 Constitution included in the CLL (entries 3 to 6) 'civil procedure, including the law of limitation and all matters included in the Code of Civil Procedure on the commencing day', 'Evidence and oath; recognition of laws, public acts and records and judicial proceedings', 'Marriage and divorce; infants and minors; adoption', 'Wills, intestacy and succession, save as regards agricultural land'. The only civil law item the National Assembly passed legislation on was the Dowry and Bridal Gifts (Restriction) Act 1976. Punjab passed a Act on Muslim Family Laws in 1975, and the NWFP assembly passed the Prohibition of Dancing Act 1974. Judges of High Courts were appointed by the President (after consultation with the Chief Justice and Governor of the province).

²⁷⁴ Direct military rule introduced by General Zia-ul-Haq in addition to several central orders e.g. the Prohibition (Enforcement of Hudood) Order 1979; Offence of Qazf (Enforcement of Hudood) Order 1979; Execution of Punishment of Whipping Ordinance, 1979 (Kumar 2007).

²⁷⁵ Establishment of the Federal Shariat Court. In May Zia's presidential order circumscribed the powers of the High Courts relating to the effect of any Martial Law Regulation or Order and 'any judgement or sentence passed by a Military court of Tribunal.' It also banned them from making orders relating to matters which the jurisdiction extended (Gustafson & Richter.1981 169). As Gustafson and Richter note, '[i]n view of the continual extension of the jurisdiction of the military courts to quite ordinary matters, as well as the importance of Martial Law Regulation 33 in dealing with political activity, the civil courts seem to have been reduced to near impotence.' In 1981 the Sindh Civil Courts (Amendment) Ordinance was passed.

²⁷⁶ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). The legislative score is more centralised than in 1973 to reflect the introduction of the Federal Shariat Court.

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1991	3***	2**
1992	3***	2**
1993	3***	2**
1994 ²⁷⁷	3***	2**
1995	3***	2**
1996	3***	2**
1997 ²⁷⁸	3***	2**
1998	3***	2**
1999 ²⁷⁹	1***	2**
2000	1***	2**
2001	1***	2**
2002 ²⁸⁰	3***	2**
2003	3***	2**
2004	3***	2**
2005	3***	2**
2006 ²⁸¹	3***	2**
2007	3***	2**
2008	3***	2**
2009	3***	2**
2010 ²⁸²	4***	6***
2011	4***	6***
2012	4***	6***
2013	4***	6***
2014	4***	6***
2015	4***	6***
2016	4***	6***
2017	4***	6***
2018	4***	6***
2019	4***	6***
2020	4***	6***
<i>No of code changes</i>	9	5
<i>Cumulative direction and magnitude</i>	0	+2

Justification for coding:

Legislative coding starts at 4 to reflect that, in the 1956 Constitution, Civil Law was a subject included in the Concurrent Legislative List. In periods of direct military rule it

²⁷⁷ An example of provincial legislation was the Sindh Civil Courts (Amendment) Act, 1994.

²⁷⁸ In 1997 the National Assembly passed the Supreme Court (number of judges) Act.

²⁷⁹ Direct military rule introduced by General Pervez Musharraf.

²⁸⁰ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

²⁸¹ Protection of Women Act passed, amending the Zina Ordinance which criminalised sex outside marriage.

²⁸² An example of provincial legislation was the Sindh Civil Courts (Amendment) Act, 2010.

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scores at 1. Under the 1962 constitution it scores 3. Although civil law was a residuary power, and therefore assigned to the provinces, the centre passed legislation in this area. In the 1972 constitution the score returns to 4, and civil law is assigned to the Concurrent List, as it is in the 1973 constitution. Zia's introduction of the Federal Shariat Court in 1980 means that when direct military rule ended in 1985, the score was more centralised at 3 (as the Federal Shariat Court has jurisdiction over matters on the Federal List and in the provinces). After the abolition of the Concurrent List in 2010, civil law again comes under the residuary power of the provinces, but because of the continued existence of the Federal Shariat Court, it can be scored no higher than 4. Administratively the appointment of judges starts at 4, reducing to 2 under Ayub Khan's tenure because of Presidential involvement in the appointment of High Court judges. From 1972 onwards this increased to 3, because of provisions assigning the jurisdiction and power of High Courts to the provinces. After the creation of the Federal Shariat Court this decreased to 2. After the 18th Amendment, changes to the composition of the Judicial Commission of Pakistan increased the code to 6.

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P17 Law - criminal²⁸³ [crimlawleg] [crimlawadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ²⁸⁴	4**	5**
1957	4**	5**
1958 ²⁸⁵	1***	4**
1959	1***	4**
1960	1***	4**
1961	1***	4**
1962 ²⁸⁶	4**	4**
1963	4**	4**
1964	4**	4**
1965	4**	4**
1966	4**	4**
1967	4**	4**
1968	4**	4**
1969 ²⁸⁷	1**	4**
1970	1**	4**
1971	1**	4**

²⁸³ Includes law defining and prescribing punishment for crimes. Enactment of legal codes coded under 'legislative'; running criminal courts and appointing judges coded under 'administrative'.

²⁸⁴ The scoring is 4 for both legislative and administrative. Criminal Law was allocated to part I of the Concurrent List. The Federation was allocated the constitution, organisation, jurisdiction and powers of the Supreme Court whereas the provinces were allocated the administration of justice, constitution and organisation of all courts, except the Supreme Court. In 1958, before direct military rule, the central legislature passed the Pakistan Criminal Law (Amendment) Act.

²⁸⁵ Direct military rule introduced by General Ayub Khan. Martial law courts were introduced (Braibanti 1967, 432). Martial law orders could not be questioned but orders issued under them could be. At the local, not the provincial level, the powers of the Union Councils were enhanced to enable them to deal with petty cases and the jirga system was introduced in some parts of the country (Rizvi, 2000: 87). The Public Order (Meetings) Ordinance was passed in 1958 and the Punjab Maintenance of Public Order Ordinance was passed in 1960.

²⁸⁶ The 1962 constitution provided that 'Subject to this Constitution and the law, the Supreme Court may, with the approval of the President, make Rules regulating the practice and procedure of the Court' and 'Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Pakistan'. Judges of the High Courts were to be appointed by the President after consultation with the Supreme Court Chief Justice and the Governor of the province. President could dismiss judges. The Central List included reference to the power to make laws concerning the Supreme Court and the 'service and execution outside a province of the processes and the judgements, decrees, orders and sentencing of courts and of other authorities and tribunals of the Province and the recognition outside a Province of the laws, records and judicial proceedings of the Province.' It also included 'Offences against laws... enumerated in this Schedule'. Although criminal law was not specifically named on the Central List and therefore fell under provincial jurisdiction, defence of Pakistan Rules were used by both the centre and the provinces to create security ordinances (Feldman 1972, 221, 224, 239). An example of provincial legislation in this area was the Code of Criminal Procedure (West Pakistan Amendment) Act, 1963 and the Penal Code (West Pakistan Amendment) Act, 1964.

²⁸⁷ Direct martial law imposed by Yahya Khan.

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1972 ²⁸⁸	4**	4**
1973 ²⁸⁹	3***	4**
1974	3***	4**
1975	3***	4**
1976	3***	4**
1977 ²⁹⁰	1***	4***
1978 ²⁹¹	1***	4***
1979	1***	4***
1980 ²⁹²	1***	3***
1981	1***	3***
1982	1***	3***
1983	1***	3***
1984	1***	3***

²⁸⁸ In the interim 1972 constitution the 'Jurisdiction and powers of all courts, except the Supreme Court (and) the enlargement of the jurisdiction of the Supreme Court' and 'Administrative Courts' were assigned to the Centre'. The 'Jurisdiction and powers of all courts except the Supreme Court with respect to any of the matters in this List' was assigned to the provinces, as was 'Public order ... the administration of justice, constitution and organization of all courts, except the Supreme Court'.....' and 'Offences against laws with respect to any of the matters in this List, jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List'. Criminal law and criminal procedure were allocated to the Concurrent Legislative List. Judges of High Courts were appointed by the President after consultation with the Chief Justice and Governor of the province.

²⁸⁹ Art. 142 (b) of the 1973 Constitution reads: 'Majlis-e-Shoora (Parliament) and a Provincial Assembly shall have power to make laws with respect to criminal law, criminal procedure and evidence.' The Federal Legislative List includes the jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters on the list and the enlargement of the jurisdiction of the Supreme Court. Entry 1 of the CLL mentions 'Criminal law, including all matters included in the Pakistan Penal Code on the commencing day, but excluding offences against laws with respect to any of the matters specified in the Federal Legislative List and excluding the use of naval, military and air forces in aid of civil power'. Acts passed by the National Assembly included Supreme Court and High Court (Extension of Jurisdiction to certain Tribal Areas) Act, 1973, The Criminal Law (Amendment) Act 1973, the Code of Criminal Procedure (Amendment) Act 1973, The removal of Accused Persons Act 1973, The High Treason (Punishment) Act 1973, The Prevention of Anti-National Activities Act 1974, The Criminal Procedure (Amendment) Act 1974, The Pakistan Criminal Law Amendment Act (Amendment) Act 1974, The Criminal Law (Special Provisions) Amendment Act 1974, The Suppression of Terrorist Activities (Special Courts) Act 1975, The Preventive Detention Laws (Amendment) Act 1975, The Code of Criminal Procedure (Amendment) Act 1975, The Suppression of Terrorist Activities (Special Courts)(Amendment) Act 1975, The Criminal Law (Amendment) Act 1975, plus many more (National Assembly of Pakistan n.d.). Noorani concludes that 'political prisoners have little legal redress because of constitutional amendments precluding judicial review, the establishment of special courts and tribunals, and the intimidation of the Bar and the Bench (1977, 1016).

²⁹⁰ In October 1977 the Supreme Court ruled that 'Zia was entitled to perform all except a few of the legislative functions provided by the 1973 Constitution' (Tate 1993, 322). Special and summary military courts were established to deal with the cases under martial law regulations and orders and had the power to impose various punishments including the death sentence, life imprisonment, confiscation of property, fines and imprisonment for various terms, and lashing (Rizvi, 2000: 165). In 1979 Zia passed the Law Commission Ordinance.

²⁹¹ Establishment of 'military courts to try any offense under the law currently in force (Tate 1993, 323).

²⁹² Establishment of Federal Shariat Court. Supreme Court Rules, 1980 enacted by Zia.

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1985 ²⁹³	3***	3***
1986	3***	3***
1987	3***	3***
1988	3***	3***
1989	3***	3***
1990	3***	3***
1991	3***	3***
1992	3***	3***
1993	3***	3***
1994	3***	3***
1995	3***	3***
1996	3***	3***
1997	3***	3***
1998	3***	3***
1999 ²⁹⁴	1***	3***
2000	1***	3***
2001	1***	3***
2002 ²⁹⁵	3***	3***
2003	3***	3***
2004	3***	3***
2005	3***	3***
2006	3***	3***
2007 ²⁹⁶	3***	3***
2008	3***	3***
2009	3***	3***
2010	4***	6***
2011 ²⁹⁷	4***	6***
2012	4***	6***
2013	4***	6***
2014	4***	6***
2015	4***	6***
2016	4***	6***
2017 ²⁹⁸	4***	6***

²⁹³ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). The legislative score is more centralised than in 1973 to reflect the introduction of the Federal Shariat Court.

²⁹⁴ Direct military rule introduced by General Pervez Musharraf.

²⁹⁵ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

²⁹⁶ An example of provincial legislation in this area was the Punjab Judicial Academy Act, 2007.

²⁹⁷ Examples of Sindh's provincial legislation were the Sindh Criminal Prosecution Service (Amendment) Act, 2011 and the Domestic Violence (Prevention and Protection) Act, 2013

²⁹⁸ Although criminal law falls under the residuary power of the provinces, in 2017 and again in 2018, the center passed Criminal Laws (Amendment) Acts. In 2018 Punjab passed the Punjab Criminal Prosecution Service Inspectorate Act, 2018.

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2018	4***	6***
2019	4***	6***
2020	4***	6***
<i>No of code changes</i>	<i>10</i>	<i>3</i>
<i>Cumulative direction and magnitude</i>	<i>0</i>	<i>+1</i>

Justification for coding:

Legislative coding starts at 4 to reflect that, in the 1956 Constitution onwards, Criminal Law is a subject included in the Concurrent Legislative List. Under the 1962 constitution it scores 4. Although criminal law was a residuary power assigned to the provinces, the centre passed legislation in this area. After direct military rule 1969-1971, the score returns to 4 as criminal law is assigned to the Concurrent List. The introduction of the Federal Shariat Court in 1980 means that when direct military rule ended in 1985, the score was more centralised at 3. After the abolition of the Concurrent List in 2010, criminal law is the residuary power of the provinces, but because of the continued existence of the Federal Shariat Court and the centre passing legislation in this area, it can be scored no higher than 4. Administratively the scoring starts at 5, but decreases to 4 in 1958 because of the introduction of martial law courts. It remains there because of the centralising provisions of the 1962 constitution. After the Federal Shariat Court this decreases to 3. After the 18th Amendment changes to the composition of the Judicial Commission of Pakistan increases the score to 6.

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P18 Law enforcement²⁹⁹ [lawenfrleg] [lawenfradmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ³⁰⁰	5***	3***
1957	5***	3***
1958 ³⁰¹	1***	3***
1959	1***	3***
1960	1***	3***
1961	1***	3***
1962 ³⁰²	5***	3***
1963	5***	3***
1964	5***	3***
1965	5***	3***
1966	5***	3***
1967	5***	3***
1968	5***	3***
1969 ³⁰³	1***	3***
1970	1***	3***
1971	1***	3***
1972 ³⁰⁴	5***	3***

²⁹⁹ Includes policing, law enforcement, and investigation. Legal framework governing the establishment and operation of police forces and other law enforcement agencies coded under 'legislative'; running police forces and prisons coded under 'administrative'.

³⁰⁰ In the 1956 constitution, Public Order and the Police were allocated to the provincial list, as were preventative detention and prisons. 'Central intelligence and investigating organization, preventive detention for reasons connected with defence, foreign affairs, or the security of Pakistan' was allocated to the Federal Legislative List. In addition to Inter-Services Intelligence and the Intelligence Bureau, several federal security agencies existed including the Pakistan Railways Police, Frontier Constabulary, Northern Areas Scouts, Rangers and Frontier Corps. Of these, only the Pakistan Railways Police were mentioned in the constitution, as being under provincial control. The Police Service of Pakistan (PSP) was also a federal service 'recruited through the Federal Public Service Commission' who provide a majority of senior officers to the provinces (Abbas 2011, 5). Until 2002 the legal framework under which Pakistan's police forces operated was the 1861 Police Act.

³⁰¹ Direct military rule introduced by General Ayub Khan. Ordinances passed included the Public Order (Meetings) Ordinance 1958 and the Disturbed Areas (Special Powers) Ordinance of 1962.

³⁰² The 1962 constitution allocated 'Central intelligence and investigating organisations' to the Central List. Police, public order, detention and prisons were not included on the Central List, therefore were nominally allocated to the provinces. As with the 1956 constitution, other federal law enforcement agencies existed that were not mentioned in the constitution.

³⁰³ Direct martial law imposed by Yahya Khan.

³⁰⁴ In the interim 1972 constitution, the Federal Government was allocated power over the central intelligence bureau and preventive detention for 'reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof.' It was also given the power to extend the powers and jurisdiction of member of a police force to another province but only with the consent of the provincial government. Provinces controlled the police, prisons and public order (although the latter excluded 'the use of naval, military or air forces in aid of the civil power'). Railway police were allocated to the provincial list.

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1973 ³⁰⁵	4***	3***
1974	4***	3***
1975 ³⁰⁶	4***	3***
1976 ³⁰⁷	4***	3***
1977 ³⁰⁸	1***	3***
1978	1***	3***
1979	1***	3***
1980	1***	3***
1981	1***	3***
1982	1***	3***
1983	1***	3***
1984	1***	3***
1985 ³⁰⁹	4***	3***
1986	4***	3***
1987	4***	3***
1988	4***	3***
1989	4***	3***
1990	4***	3***
1991	4***	3***
1992	4***	3***
1993	4***	3***
1994	4***	3***
1995	4***	3***
1996	4***	3***
1997	4***	3***
1998	4***	3***
1999 ³¹⁰	1***	3***
2000	1***	3***

³⁰⁵ In the 1973 constitution, the Federal Government was again allocated power over the Federal Intelligence Bureau, preventive detention for 'reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof.' The Federal Government had the power to extend the powers and jurisdiction of member of a police force to another province but only with the consent of the provincial government. Preventive detention for the maintenance of public order, the removal of prisoners from one province to another, persons subjected to preventive detention under Federal Authority, measures to combat certain offences committed in connection with matters concerning the Federal and Provincial Governments and the establishment of a police force for that purpose were allocated to the concurrent list. Example of legislation passed by the National Assembly included the National Guards Act 1973, the Prevention of Anti-National Activities Act, 1974, Federal Investigation Agency Act (FIA), 1974 and the Airports Security Force Act, 1975.

³⁰⁶ The Federal Investigation Agency was founded.

³⁰⁷ The Airport Security Force, a federal agency, was founded.

³⁰⁸ Direct military rule introduced by General Zia-ul-Haq. The National Police Bureau, a federal agency, was founded.

³⁰⁹ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments). In 1996 the Sindh assembly passed the Police (Sindh Amendment) Act.

³¹⁰ Direct military rule introduced by General Pervez Musharraf. National Accountability Bureau established.

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2001	1***	3***
2002 ³¹¹	4***	4***
2003	4***	4***
2004	4***	4***
2005	4***	4***
2006	4***	4***
2007	4***	4***
2008	4***	4***
2009	4***	4***
2010 ³¹²	4***	4***
2011	4***	4***
2012	4***	4***
2013 ³¹³	4***	4***
2014	4***	4***
2015	4***	4***
2016	4***	4***
2017	4***	4***
2018	4***	4***
2019	4***	4***
2020	4***	4***
<i>No of code changes</i>	9	1
<i>Cumulative direction and magnitude</i>	-1	+1

Justification for coding:

The 1956 Constitution allocated intelligence agencies to the Federal List but police, prisons and preventive detention to the Provincial List, thus scoring 5. Under Ayub Khan and Yahya Khan's direct military rule this moved to a 1, returning to 5 under the 1962 and

³¹¹ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002". The 2002 Police Order was introduced, replacing the colonial era law. The district level operational control of police was passed onto the office of nazim (elected mayor) – something that was strongly opposed by the bureaucracy. However, Faiz argues that 'in practice, not much has changed in the control, administration and performance of police in Pakistan' (2016, 106). The Punjab police formally adhere to Police Order 2002, but it has been only partially implemented. A draft 2011 police law would reinstate elements from the 1861 Police Act. In 2011, the Sindh provincial assembly repealed the 2002 police order, replacing it with the 1861 Police Act. In KPK, some elements of the 2002 order were implemented, but there was no formal repeal of the 1861 act. Finally, Balochistan's 2011 Police Act is effectively a carbon copy of the 1861 police law.

³¹² Under the 18th Amendment, the Federal Government retained the powers over the 'Federal Intelligence Bureau; preventive detention for reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof', Part II of the list mentioned the 'extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province' (with consent of the provincial government). Police and prisons are the residual powers of the provinces.

The Sixth Schedule was removed from the constitution, which covered laws that could not be altered, repealed or amended without the previous sanction of the president. The 2002 Police Order was one such law. However, because of the ongoing insurgency operations, little has changed.

³¹³ The National Counter Terrorism Authority was 'reorganized as [a] federal authority' (NACTA n.d.) leading towards 'an unfortunate tilt towards centralization' (Faiz 2016, 111). National Counter Terrorism Authority Act, 2013.

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1972 constitutions respectively. The 1973 Constitution placed 'preventive detention' and the 'establishment of a police force' under the CLL hence why the score drops from 5 to 4. Although under the 18th Amendment police, prisons and preventive detention (unless connected with defence, external affairs or the security of Pakistan) were removed from the concurrent list and automatically allocated to the provinces, the increase in internal terrorism and the creation of NACTA mean that in practice, little change has occurred. Administratively, the coding of the administrative part was at 3 between independence and 2001 since policing in Pakistan was controlled by a top-down ethos in which the centre's appointees called the shots at the local level. This was partly modified by the introduction of the Police Order 2002, hence the code increases from 3 to 4, but because it was unevenly implemented, it cannot be scored higher.

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P19 Media³¹⁴ [medialeg] [mediaadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ³¹⁵	4***	4***
1957	4***	4***
1958 ³¹⁶	1***	2**
1959	1***	2**
1960	1***	2**
1961	1***	2**
1962 ³¹⁷	1***	2**
1963 ³¹⁸	1***	2**
1964	1***	2**
1965	1***	2**
1966	1***	2**
1967	1***	2**
1968	1***	2**
1969	1***	2**
1970	1***	2**
1971	1***	2**
1972 ³¹⁹	1***	2**
1973 ³²⁰	2***	2**
1974	2***	2**
1975	2***	2**
1976	2***	2**

³¹⁴ Includes mass media of communication: newspapers, radio, television, and internet. Enactment of legislation coded under 'legislative'; running public service broadcasting and media licensing agencies coded under 'administrative'.

³¹⁵ In the 1956 Constitution, the media, including newspapers, books and printed publications; printing presses were allocated to part I of the Concurrent List.

³¹⁶ Direct military rule introduced by General Ayub Khan. Media was included in the Military Ordinance – Regulation 4.

³¹⁷ The 1962 Constitution allocated broadcasting and television to the federal government.

³¹⁸ Under General Ayub Khan, Pakistan passed the Press and Publication Ordinance (PPO) in 1963, granting to the federal government the power to confiscate newspapers, close news providers and arrest journalists. The PPO 1963 was “the prime instrument used to ensure that the press substantially reflects the regime's policies” (William 1978, 55). As Mezzera and Sial (2010, 25) noted, in addition to the PPO, a number of laws were introduced into the Pakistan Penal Code, all of them “prescribing punishments for communication activities that were deemed to be harmful for the state”. Overall, with the 1963 PPO “in practice control is firmly in the hands of the Martial Law regime through the Zonal (Provincial) Martial Law Administrators” (William 1978, 55). For this reason, the score is at 1, to reflect the de facto allocation of powers to the central government.

³¹⁹ The 1972 interim constitution included “newspapers, books and printing presses” in the CLL.

³²⁰ The 1973 Constitution included “newspapers, books and printing presses” in the CLL. The Federal Legislature passed the Pakistan Broadcasting Corporation Act 1973, which gave it the power to make rules for the whole of Pakistan.

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1977 ³²¹	1***	2**
1978	1***	2**
1979	1***	2**
1980	1***	2**
1981	1***	2**
1982	1***	2**
1983	1***	2**
1984	1***	2**
1985	1***	2**
1986 ³²²	2***	3***
1987	2***	3***
1988	2***	3***
1989	2***	3***
1990	2***	3***
1991	2***	3***
1992	2***	3***
1993	2***	3***
1994	2***	3***
1995 ³²³	2***	2**
1996	2***	2**
1997	2***	2**
1998	2***	2**
1999 ³²⁴	1***	2**
2000	1***	2**
2001	1***	2**
2002 ³²⁵	3***	3***
2003	3***	3***
2004	3***	3***
2005	3***	3***
2006	3***	3***

³²¹ Direct military rule introduced by General Zia-ul-Haq. During the Zia era, media censorship was underpinned by a series of Martial Law Regulations (such as MLR 4 and MLR 48) which significantly curtailed freedom of expression. Hence the scoring of 1, before the RPPO was introduced in 1986.

³²² PPO 1963 was repealed and replaced by the Registration of Printing Press and Publications (RPPO) Ordinance in 1986. The latter gave District Magistrates the power to issue clearance to the person trying to establish a press, hence the rise in the administrative score to 3.

³²³ The 1986 RPPO became a serial ordinance and was renewed every four months. The ordinance finally lapsed in 1995, thereby reviving the 1963 PPO (Dawn 2002). No provincial legislation was passed in this area in this period.

³²⁴ Direct military rule introduced by General Pervez Musharraf

³²⁵ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002". Under General Pervez Musharraf, a number of media related laws were passed. These included 'Press, Newspapers, News Agencies and Book Registration Ordinance 2002', 'Press Council of Pakistan ordinance, 2002', 'Defamation ordinance', 'Freedom of Information Ordinance', 'PEMRA Ordinance'. The latter is of particular relevance in terms of centre-provincial management of the media as PEMRA is the central authority tasked with issuing media licenses (Section 19(2) PEMRA Ordinance).

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2007	3***	3***
2008	3***	3***
2009	3***	3***
2010 ³²⁶	6***	3***
2011	6***	3***
2012	6***	3***
2013	6***	3***
2014	6***	3***
2015	6***	3***
2016 ³²⁷	5***	3***
2017	5***	3***
2018 ³²⁸	5***	3***
2019	5***	3***
2020	5***	3***
<i>No of code changes</i>	8	4
<i>Cumulative direction and magnitude</i>	+1	-1

Justification for coding:

The score starts at 4 for both the legislative coding, as the 1956 Constitution placed media in the CLL. The score drops to 1 under the direct military rule of Ayub Khan, and his 1962 constitution, only rising to 2 in 1973 because of the addition of media to the Concurrent List. Under the direct military rule of Zia-ul-Haq the code falls again to 1, increasing to 2 after the Registration of Printing Press and Publications Ordinance (RPPO) in 1986 until 1999 when Musharraf assumed direct military power. After the media ordinances passed under his tenure it rises again to 3, and it increases to 6 after the passing of the 18th Amendment as media is allocated to the provinces and legislation has begun to be passed in this area. It drops again in 2016 to reflect the introduction of the PECA, which restricted the right of freedom of expression. Administratively, the code starts at 4 in 1956 but falls to 2 under the rule of Ayub Khan. It is only after the RPPO in 1986 that the score rises to 3, but it decreases again after its demise. It rises to 3 after Musharraf's ordinances and it remains constant even after the introduction of the 18th Amendment as Musharraf's era ordinances were still in place.

³²⁶ Under the 18th Amendment media was allocated to the provinces and legislation has been passed in this area e.g the Sindh Motion Pictures Act of 2012 and the Press, Newspapers, News Agencies and Books Registration Act, 2013 (of Khyber Pakhtunkhwa). PEMRA is still passing regulations e.g. the Television Broadcast Station Operation Regulations, 2012 and the Radio Broadcast Station Operations Regulation 2012.

³²⁷ The Prevention of Electronic Crimes Act (PECA) was passed in 2016. Pakistan Telecommunications Authority was given powers 'to block or remove online content, thereby restricting the right to freedom of expression' (Khan 2019,121). In 2017, pressure on social media increased such that the 'then-Minister for Interior, Chaudhry Nisar, threatened to shut down social media platforms if they refused to comply' (to remove content said to be blasphemous) (Aziz 2018). In addition, a 'list of 200 Facebook pages and Twitter accounts was put together by the FIA's counter-terrorism wing, comprising those allegedly engaged in propaganda against the armed forces and state institutions'.

³²⁸ As highlighted by the Council of Pakistan Newspaper Editors (2019, 4), federal government advertising is being used 'as tool to restrict media freedom.'

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P20 Natural resources³²⁹ [natresleg] [natresadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ³³⁰	3**	4**
1957	3**	4**
1958 ³³¹	1**	4**
1959	1**	4**
1960	1**	4**
1961	1**	4**
1962 ³³²	2**	4**
1963	2**	4**
1964	2**	4**
1965	2**	4**
1966	2**	4**
1967 ³³³	2**	4**
1968	2**	4**
1969 ³³⁴	1**	4**
1970	1**	4**
1971	1**	4**

³²⁹ Includes exploitation of natural resources. Enactment of legislation coded under 'legislative'; running licensing agencies and public sector energy companies coded under 'administrative'. Try as much as possible to distinguish between the protection of the environment (coded under P11) and the exploitation of natural resources, coded here.

³³⁰ The Regulation of Mines and Oil-Fields and Mineral Development [(Government Control)] Act, 1948 heavily centralises this field by conferring the federal government the powers to grant or renew an exploration or prospecting license, a mining lease or other mining concession; to decide on the circumstances under which renewal of a licence, lease or concession as aforesaid may be refused, or any such license, lease or concession whether granted or renewed may be revoked; the determination of the rates at which royalties, rents and taxes shall be paid by licensees, lessees and grantees of mining concessions; the refinement of ores and mineral oils; the control of production, storage and distribution of minerals and mineral oils; the fixation of the prices at which minerals and mineral oils may be bought or sold. Art. 106 (par. 15) of the FLL of the 1956 Constitution assigns 'Mineral oil and natural gas' to the federal government, as well as taxes on them. 'Iron, steel, coal and mineral products, except mineral oil and natural gas' were on part II of the Concurrent List. The 'regulation of mines and mineral development, subject to Federal List and Concurrent List' were assigned to the provinces as were 'taxes on mineral rights', subject to the Federal List and 'to any limitations imposed by Parliament by law relating to mineral development'. The Federal government had de facto most powers in this sector, but in 1958 the West Pakistan provincial legislature passed the West Pakistan Mineral Development Corporation Act.

³³¹ Direct military rule introduced by Ayub Khan.

³³² In the 1962 constitution, mineral oil and natural gas are included in the exclusive powers of the centre, as were the 'taxes on mineral oil, natural gas'. De facto power rested with the federal government.

³³³ The Excise Duty On Minerals (Labour Welfare) Act, 1967, gave the federal government the powers to introduce financing measures for promoting the welfare of labour employed in the mining industry. In 1967 was also introduced the "Natural Gas (Development Surcharge) Ordinance, 1967", which stated that every company should pay to the Federal Government a development surcharge.

³³⁴ Direct military rule introduced by Yahya Khan.

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1972 ³³⁵	3**	4**
1973 ³³⁶	3**	4**
1974	3**	4**
1975 ³³⁷	3**	4**
1976	3**	4**
1977 ³³⁸	1**	4**
1978	1**	4**
1979	1**	4**
1980	1**	4**
1981	1**	4**
1982	1**	4**
1983	1**	4**
1984	1**	4**
1985 ³³⁹	3**	4**
1986	3**	4**
1987	3**	4**
1988 ³⁴⁰	3**	4**
1989	3**	4**
1990	3**	4**
1991	3**	4**
1992	3**	4**
1993	3**	4**
1994 ³⁴¹	3**	4**
1995	3**	4**
1996	3**	4**
1997	3**	4**
1998	3**	4**
1999 ³⁴²	1**	4**

³³⁵ The 1972 interim constitution allocates mineral oil and natural gas to the central government as well as taxes on mineral oil, natural gas'. Provinces were allocated the regulation of mines and minerals, subject to the provisions of List 1 as well as taxes on mineral rights, subject to the provisions of List 1.

³³⁶ The 1973 constitution allocates taxes on mineral oil and natural gas to the central government. Mineral oil and natural gas were allocated to Part II of the Federal Legislative List. The regulation of mines and minerals were not mentioned, and therefore fell under the residual powers of the provinces.

³³⁷ In 1975 Punjab passed the Mineral Development Corporation Act. This provided that "The Corporation shall draw up schemes, with objects confined to the Province of the Punjab, for the development, surveying, prospecting, exploring, mining, processing, industrial exploitation and purchase and sale of minerals including their import and export and for the improvement of communications, water supply, power and such other ancillary matters as may be conducive to the attainment of these purposes in the areas selected by the Corporation for any such development and submit the same to Government for approval."

³³⁸ Direct military rule introduced by General Zia-ul-Haq.

³³⁹ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments).

³⁴⁰ In 1988 Sindh passed the Industrial and Mineral Development Corporation Act.

³⁴¹ In 1994 Sindh passed the Sindh Coal Authority (Amendment) Act.

³⁴² Direct military rule introduced by General Pervez Musharraf.

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2000 ³⁴³	1**	4**
2001	1**	4**
2002 ³⁴⁴	3**	4**
2003	3**	4**
2004	3**	4**
2005	3**	4**
2006	3**	4**
2007	3**	4**
2008	3**	4**
2009	3**	4**
2010 ³⁴⁵	3**	4**
2011	3**	4**
2012	3**	4**
2013	3**	4**
2014	3**	4**
2015	3**	4**
2016	3**	4**
2017	3**	4**
2018	3**	4**
2019	3**	4**
2020	3**	4**
<i>No of code changes</i>	8	0
<i>Cumulative direction and magnitude</i>	0	0

³⁴³ Pakistan Fish Inspection and Quality Control Act, 1997 gave the federal marine fisheries department the power to set quality standards, inspection procedures, processes related to packaging, storage etc. of fisheries.

³⁴⁴ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002". "The Oil and Gas Regulatory Authority Ordinance, 2002" was introduced to set up the regulatory authority. While the ordinance mentions that the Authority is independent, its members and chairman are government appointed.

³⁴⁵ Although the amendment provided for 'equal rights' over natural resources between the center and the provinces, the center, as of the time of writing, has failed to implement the provisions of Article 172 (3) (Rabbani 2018). Revised Art. 172 now states that "mineral oil and natural gas within the Province or the territorial waters adjacent thereto shall vest jointly and equally in that Province and the Federal Government". In addition, revised Art. 157 made it compulsory for the government to consult the provinces before undertaking hydel projects. However, in some areas the government still has the upper hand. As a World Bank study noted, in the oil sector the jurisdiction for petroleum exploration, production, development, control and regulation is exercised by the federal government through the Policy Wing of the Ministry of Petroleum & Natural Resources (Ahmed 2010, 9) In this context, it is important to highlight that in fiscal terms, all benefits from petroleum production in the form of federal excise duty, royalty and the gas development surcharge are supposed to be transferred straight to the provinces (Ahmed 2010, 9). In addition, as Article 172 (3) stipulates joint regulatory control, this requires 'necessitating amendments to the subordinate legislation' which has not happened (Shah 2019).

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Justification for coding:

The coding starts at 3 for legislative autonomy but reduces to 1 between 1958-1961 in the period of direct military rule. Under the 1962 constitution there was little provincial legislation in this area, so we code it 2. It rises to 3 in the 1972 constitution and remains constant thereafter (except in periods of direct military rule) to reflect the centralised nature of this area in the Pakistani federal system. Although the 18th Amendment in 2010 allocated equal rights of ownership over natural resources to the federation and the provinces, no provisions have been put in place to implement this. Administratively, all constitutions either provided that the provinces had the power to regulate mines and minerals, or the provinces possessed residuary powers in this area.

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P21 Social welfare³⁴⁶ [socwelfleg] [socwelfadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ³⁴⁷	4***	4***
1957	4***	4***
1958 ³⁴⁸	1***	4***
1959	1***	4***
1960	1***	4***
1961	1***	4***
1962 ³⁴⁹	7***	4***
1963	7***	4***
1964	7***	4***
1965	7***	4***
1966	7***	4***
1967 ³⁵⁰	7***	4***
1968	7***	4***
1969 ³⁵¹	1***	4***
1970	1***	4***
1971	1***	4***
1972 ³⁵²	4***	4***
1973 ³⁵³	4***	4***

³⁴⁶ All efforts by the government to provide assistance to individuals other than health care, which is coded separately (see P14). Enactment of legislation coded under 'legislative'; managing service provision coded under 'administrative'.

³⁴⁷ In the 1956 Constitution, 5th Schedule, Art. 106, CLL Part II (entries 5 and 9) regulate 'social insurance', 'social security' and 'social planning'. "National and Provincial Councils of Social Welfare were created by the government early in 1956 to make grants- in-aid to, and confer with, voluntary agencies" (Carlson 1960, 92).

³⁴⁸ Direct military rule introduced by General Ayub Khan. West Pakistan Maternity Benefit Ordinance, 1958 was introduced, according to which every employed woman was entitled to 12 weeks of paid maternity leave. At the federal level, *before* the introduction of the 1962 constitution the Employees' Social Insurance Ordinance was issued.

³⁴⁹ In the 1962 Constitution, social welfare is not mentioned in the Fourth Schedule, and it is a residual power of the provinces, hence the scoring of 7. In 1965 the Provincial Employees, Social Security (Amendment) Ordinance was issued by the West Pakistan provincial governor.

³⁵⁰ Beginning of the Employees Social Security Institutions (ESSI). The latter provides some benefits, including: sickness benefit, maternity benefit, iddat benefit (for widows), death grants, injury benefit, disablement gratuity, disablement pension, rehabilitation benefit. ESSI are provincially administered (Jamal 2010: 8).

³⁵¹ Direct martial law imposed by Yahya Khan.

³⁵² In the interim 1972 constitution the provinces were allocated: relief of the poor and unemployment; charities and charitable institutions (including religious ones). Welfare of labour and unemployment insurance were instead in the CLL hence the score of 4.

³⁵³ The 1973 Constitution includes 'population planning and social welfare (entry 25) of the CLL. The Government of Pakistan had promulgated the Employees' Old-age Pensions Ordinance in 1972. However, this was never implemented. Later on, in 1976, this was substituted with an Act of parliament, called Employees' Old-Age Benefits Act, 1976. This social insurance system was started to achieve the objective

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1974	4***	4***
1975	4***	4***
1976 ³⁵⁴	4***	4***
1977 ³⁵⁵	1***	4***
1978	1***	4***
1979	1***	4***
1980 ³⁵⁶	1***	4***
1981	1***	4***
1982	1***	4***
1983 ³⁵⁷	1***	4***
1984	1***	4***
1985 ³⁵⁸	4***	4***
1986	4***	4***
1987	4***	4***
1988	4***	4***
1989	4***	4***
1990	4***	4***
1991	4***	4***
1992 ³⁵⁹	4***	5***
1993	4***	5***
1994	4***	5***
1995	4***	5***
1996	4***	5***
1997	4***	5***
1998	4***	5***

of article 38 (c) of the Constitution. "Different federal ministries, provincial departments and autonomous bodies are responsible for executing the above mentioned social protection programs in Pakistan" (Hassan 2015, 204). Micro finance schemes, income support etc.

³⁵⁴ A federal scheme, the Employees Old Age Benefits Institution (EOBI) was introduced in 1976 to provide old age benefits, old age grants and survivor's pensions (Hassan 2015, 202).

³⁵⁵ Direct military rule introduced by General Zia-ul-Haq.

³⁵⁶ Zakat and Ushr Ordinance, 1980, benefits are provided to the poor Muslim citizens of Pakistan. The Zakat system works as follows: 'An autonomous Central Zakat Council administers the Central Zakat Fund maintained by the State Bank of Pakistan. This council is supported by the Zakat and Ushr wing of the Ministry of Religious Affairs. The Provincial Zakat Councils regulate disbursement in the provinces and are further responsible for disbursing funds to each District Zakat Committee in the province' (Toor and Nasar 2004, 90). In 1981 the Punjab governor issued the Disabled Persons (Employment and Rehabilitation) Ordinance.

³⁵⁷ "The Transfer of Population Welfare Programme (Field Activities) Ordinance, 1983" transferred the field activities of the Population Welfare Programme under the Population Welfare Division to the Provincial Governments.

³⁵⁸ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments).

³⁵⁹ Pakistan Baitul Mal Act, 1992 extending assistance to all the citizens of Pakistan irrespective of their religion. The program is financed from the grants of the federal government. However, it also receives small grants from the central Zakat fund, provincial government, national organizations, NGOs, international agencies and voluntary private donations.

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between 1956 and 2020**

1999 ³⁶⁰	1***	5***
2000	1***	5***
2001	1***	5***
2002 ³⁶¹	4***	5***
2003	4***	5***
2004	4***	5***
2005	4***	5***
2006	4***	5***
2007 ³⁶²	4***	5***
2008	4***	5***
2009	4***	5***
2010 ³⁶³	6***	5***
2011 ³⁶⁴	6***	6***
2012	6***	6***
2013	6***	6***
2014	6***	6***
2015	6***	6***
2016	6***	6***
2017	6***	6***
2018	6***	6***
2019	6***	6***
2020	6***	6***
<i>No of code changes</i>	9	2
<i>Cumulative direction and magnitude</i>	+2	+2

Justification for coding:

The legislative score starts at 4 as social welfare was included in the CLL in the 1956 constitution. It drops to 1 between 1958 and 1961 as a result of direct military rule. It then goes up to 7 as in the 1962 Constitution social welfare was left to the provinces. The score drops again to 1 between 1969 and 1971 after another imposition of direct military rule, before going up to 4 between 1972 and 2010, with the exception of the 1977-1984 period in which Pakistan was under direct military rule. The score goes up to 6 in 2010

³⁶⁰ Direct military rule introduced by General Pervez Musharraf.

³⁶¹ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

³⁶² Being inter-sectoral and inter-provincial, coordination problems will require high level policy decisions and effective monitoring. Oversight of Cabinet Committee on Social Sectors recommended with Centre of Poverty Reduction/Planning Commission as focal institution and technical secretariat for Social Protection Policy implementation. Cabinet Committee on Social Sectors to meet regularly to monitor social sector policies, programs and projects. Source: Social Protection Strategy to Reach the Poor and Vulnerable, Planning Commission June 2007 (Hassan, 2015, 204).

³⁶³ 18th Amendment abolished CLL and 'population planning and social welfare is allocated to the provinces as a residual power.

³⁶⁴ With the abolition of the Ministry of Zakat and Usher and of the Ministry of Population Welfare, provinces have a dominant role in policy making and service delivery (Shah, 2010). In 2016 the Sindh assembly passed the Sindh Senior Citizens Welfare Act.

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as, after the 18th Amendment. The administrative score is at 4 between 1956 and 1991 to reflect that some of the social security programmes were implemented by the provinces. The score then goes up to 5 between 1992 and 2010 as a result of increased powers in service delivery to both provinces and local governments. After the 18th Amendment, provinces have an even greater role in policy making and service delivery hence why the score goes up to 6.

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
between 1956 and 2020**

P22 Transport³⁶⁵ [transpleg] [transpadmin]

	<i>Legislative</i>	<i>Administrative</i>
1956 ³⁶⁶	3**	4**
1957	3**	4**
1958 ³⁶⁷	1**	4**
1959 ³⁶⁸	1**	4**
1960	1**	4**
1961	1**	4**
1962 ³⁶⁹	3***	4**
1963	3***	4**
1964	3***	4**
1965 ³⁷⁰	3***	4**
1966	3***	4**
1967	3***	4**
1968	3***	4**
1969 ³⁷¹	1**	4**
1970	1**	4**
1971	1**	4**

³⁶⁵ All efforts by the government to provide assistance to individuals other than health care, which is coded separately (see P14). Enactment of legislation coded under 'legislative'; managing service provision coded under 'administrative'.

³⁶⁶ 1956 Constitution, Fifth Schedule, art. 106 FLL includes: 11. Navigation and shipping, including coastal shipping (but excluding coastal shipping confined to one Province); airways; aerodromes; aircraft and air navigation, and all matters connected therewith; lighthouses and other provisions for the safety of shipping and aircraft. 12. Major ports, that is to say, the declaration and delimitation of such ports and the constitution and powers of port authorities therein; fishing and fisheries outside territorial waters. In the Provincial list: 28. Railways. 29. Communications not specified in the Federal List; roads, bridges, ferries and other means of communication, minor railways; tramways; ropeway; inland waterways and traffic thereon. 30. Shipping and navigation on tidal waters. 31. Coastal shipping confined to ports within one Province.

³⁶⁷ Direct military rule introduced by General Ayub Khan.

³⁶⁸ The Punjab Transport Board was established in 1951, with the aim to provide efficient, adequate, economical, and coordinated public transport services in the province. Similarly, the Karachi Road Transport Corporation (KRTC) was created in 1959 to run bus-based urban public transport in Karachi (Imran 2009, 61).

³⁶⁹ The Third Schedule of the 1962 Constitution included as exclusive powers of the centre: Navigation and Shipping; air navigation and aircraft; lighthouses; declaration and delimitation of major ports. Railways were not specified under the centre's purview, hence the scoring of 3.

³⁷⁰ The Provincial Motor Vehicles Ordinance, 1965 established the Provincial Transport Authority and the Regional Transport Authority. The former had the powers to (Chapter IV, 46.6): to co-ordinate and regulate the activities and policies of the Regional Transport Authorities; to issue permits for vehicles playing within the limits of more than two regions; to settle all disputes and decide all matters on which differences of opinion arise between the Regional Transport Authorities. Despite delegating some administrative powers to the provinces, both Provincial and Regional authorities were composed "of such number of official and non-official members as Government may think fit to appoint" (Chapter IV, 46.2), hence the score of 4.

³⁷¹ Direct martial law imposed by Yahya Khan.

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1972 ³⁷²	1***	4**
1973 ³⁷³	3***	4**
1974	3***	4**
1975	3***	4**
1976	3***	4**
1977 ³⁷⁴	1***	4**
1978	1***	4**
1979	1***	4**
1980	1***	4**
1981	1***	4**
1982	1***	4**
1983	1***	4**
1984	1***	4**
1985 ³⁷⁵	3***	4**
1986	3***	4**
1987	3***	4**
1988	3***	4**
1989	3***	4**
1990	3***	4**
1991	3***	4**
1992	3***	4**
1993	3***	4**
1994	3***	4**
1995	3***	4**
1996	3***	4**
1997	3***	4**
1998	3***	4**
1999 ³⁷⁶	1***	4**
2000	1***	4**
2001	1***	4**
2002 ³⁷⁷	3**	4**

³⁷² In the interim 1972 constitution, the FLL includes all the areas of the 1962 Constitution, plus railways hence the scoring at 1.

³⁷³ The 1973 Constitution places in the FLL, Part I (20): Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction; (22). Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes; (23) Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft; (24) Carriage of passengers and goods by sea or by air. Part II of the legislative list includes railways.

³⁷⁴ Direct military rule introduced by General Zia-ul-Haq. In 1977, the Punjab Road Transport Corporation (PRTC) and Punjab Urban Transport Corporation (PUTC) were established in the province of Punjab (Imran, 2009). PUTC was also responsible to provide bus stands; develop amenities; purchase, manufacture, maintain, and repair buses; and provide other related services in urban areas.

³⁷⁵ Military President under General Zia-ul-Haq and restoration of the 1973 Constitution (with amendments).

³⁷⁶ Direct military rule introduced by General Pervez Musharraf.

³⁷⁷ Military President under General Pervez Musharraf and issuance of "The Legal Framework Order, 2002".

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
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2003	3**	4**
2004	3**	4**
2005	3**	4**
2006	3**	4**
2007	3**	4**
2008	3**	4**
2009	3**	4**
2010 ³⁷⁸	4**	5**
2011	4**	5**
2012	4**	5**
2013	4**	5**
2014	4**	5**
2015	4**	5**
2016	4**	5**
2017	4**	5**
2018 ³⁷⁹	4**	5**
2019	4**	5**
2020	4**	5**
<i>No of code changes</i>	9	1
<i>Cumulative direction and magnitude</i>	+1	+1

Justification for coding:

The legislative coding starts at three and remains constant until 2010 (with the exception of the periods in which direct military rule was introduced and in the 1972 interim constitution) as transport was primarily allocated to the centre, though with some residual powers left to the provinces. The score moves up to 4 to reflect the fact that ports have been included in the CLL after the 18th Amendment in 2010. The administrative score starts at 4 since most local services, including urban transport, link Roads, Intra-Urban Roads, Street Lighting were devolved to the provincial/local level, as exemplified by the establishment of the Punjab Road Transport Corporation (PRTC) and Punjab Urban Transport Corporation (PUTC). With a greater role of the provinces in the management of ports and in managing port authorities with the 18th Amendment, the score rises to 5.

³⁷⁸ 18th Amendment to the 1973 Constitution.

³⁷⁹ National Transport Policy of Pakistan 2018. It provides the general policy guidelines on: Road transport, Rail transport, Air transport, Maritime transport, Pipelines, Inland Waterway transport, Urban transport, Multimodal logistics.

Fiscal Codes

**F1 Proportion of own-source revenues out of total revenues [ownsourcepak]
[ownsourceep] [ownsourcewp] [ownsourcepunj] [ownsourcesind]
[ownsourcekp] [ownsourcebal]**

	ALL	EP	WP	Punjab	Sind	NWFP/KP	Balochistan
1956 ³⁸⁰	4	3	5				
1957 ³⁸¹	4	3	5				
1958 ³⁸²	4	4	5				
1959 ³⁸³	3	3	4				
1960 ³⁸⁴	3	3	3				
1961 ³⁸⁵	3	3	3				
1962 ³⁸⁶	2	2	3				
1963 ³⁸⁷	2	2	3				
1964 ³⁸⁸	3	2	3				
1965 ³⁸⁹	2	2	2				

³⁸⁰ Pakistan 51.5% (East Pakistan 35.6%/West Pakistan 65.3%). The 1956 constitution allocated to the Federal Government "Duties of customs (including export duties, duties of excise (including duties on salt, but excluding alcoholic liquor, opium and other narcotics), corporation taxes and taxes on income other than agricultural income; estate and succession duties in respect of property other than agricultural land; taxes on the capital value of assets exclusive of agricultural land; taxes on sales and purchases; terminal taxes on goods or passengers carried by sea or air; taxes on their fares and freights; taxes on mineral oil and natural gas". The Provinces were allocated "taxes on agricultural income and on the capital value of agricultural land... duties in respect of succession of agricultural land, stamp duty... estate duty ... taxes on land and buildings... taxes on mineral rights, subject to Federal List, duties of exercise on the following goods manufactured or produced in the Province (alcoholic liquors, opium etc, medical and toilet preparations) ... taxes on the entry of goods into a local area for consumption... taxes on the consumption or sale of electricity ... on advertisements ... on the sale and purchase of newspapers ... on goods and passengers carried by road or on inland waterways... on animals and boats, tolls, taxes on professions... capitation taxes ... taxes on luxuries... terminal taxes".

³⁸¹ Pakistan 53.8% (East Pakistan 40.2%/West Pakistan 65.8%).

³⁸² Pakistan 56.5% (East Pakistan 47.2%/West Pakistan 66.6%).

³⁸³ Pakistan 44.0% (East Pakistan 41.6%/West Pakistan 45.1%).

³⁸⁴ Pakistan 38.4% (East Pakistan 32.7%/West Pakistan 41.4%).

³⁸⁵ Pakistan 37.8% (East Pakistan 36.7%/West Pakistan 38.4%).

³⁸⁶ Pakistan 29.1% (East Pakistan 25.1%/West Pakistan 32.0%). The 1962 constitution allocated to the Federal Government "Duties of customs (including export duties)... duties of excise (including duties on salt, but not including duties on alcoholic liquor, opium or other narcotics)..., corporation taxes and taxes on income other than agricultural income... estate and succession duties... taxes on the capital value of assets not including taxes or capitals gains on immovable property ... taxes on sales and purchases... terminal taxes on goods or passengers carried by sea or air; taxes on their fares and freights... taxes on mineral oil, natural gas and minerals for use in the generation of nuclear energy".

³⁸⁷ Pakistan 28.5% (East Pakistan 26.4%/West Pakistan 30.6%).

³⁸⁸ Pakistan 31.4% (East Pakistan 20.8%/West Pakistan 37.9%).

³⁸⁹ Pakistan 24.8% (East Pakistan 19.7%/West Pakistan 28.1%).

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1966 ³⁹⁰	2	2	2				
1967 ³⁹¹	2	2	2				
1968 ³⁹²	2	1	2				
1969 ³⁹³	2	1	3				
1970 ³⁹⁴	2	1	3				
1971 ³⁹⁵	2			NDA	NDA	NDA	NDA
1972 ³⁹⁶	2			3	2	1	1
1973 ³⁹⁷	1			2	1	1	1
1974 ³⁹⁸	1			3	1	1	1
1975 ³⁹⁹	1			2	2	1	1
1976 ⁴⁰⁰	1			2	2	1	1
1977 ⁴⁰¹	2			2	2	1	1
1978 ⁴⁰²	2			2	2	1	1
1979	NDA			NDA	NDA	NDA	NDA
1980 ⁴⁰³	2			2	3	2	1
1981 ⁴⁰⁴	2			3	3	1	4

³⁹⁰ Pakistan 24.3% (East Pakistan 19.2%/West Pakistan 27.8%).

³⁹¹ Pakistan 20.4% (East Pakistan 17.9%/West Pakistan 22.2%).

³⁹² Pakistan 19.6% (East Pakistan 13.7%/West Pakistan 23.8%).

³⁹³ Provinces 22.1% (East Pakistan 11.8%/West Pakistan 30.3%).

³⁹⁴ Provinces 19.2% (East Pakistan 4.1%/West Pakistan 34.9%).

³⁹⁵ Provinces 19.7% (East Pakistan 11.2%/West Pakistan 27.7%). In 1971 East Pakistan seceded from Pakistan. In 1970 the One Unit Plan was abolished and four provinces of West Pakistan were created, amalgamating the Princely States. Data in the 1970-1 PES still reports data as for East and West Pakistan.

³⁹⁶ Provinces 25.2% (Punjab 30.6%/Sindh 19.6%/NWFP 14.1%/ Balochistan 13.7%).

³⁹⁷ Provinces 13.6% (Punjab 17.0%/Sindh 11.6%/NWFP 7.9%/ Balochistan 2.5%). The 1973 constitution allocated to the Federal Government, "Duties of customs, including export duties... duties of excise, including duties on salt, but not including duties on alcoholic liquor, opium or other narcotics... duties in respect of succession to property, estate duty in respect of property, taxes on income other than agricultural income ... taxes on corporations ... taxes on sales and purchases .. taxes on the capital value of the assets, not including taxes on capital gains on immovable property...taxes on mineral oil, natural gas and minerals for use in the generation of nuclear energy ... taxes and duties on the production capacity of any plant terminal taxes on goods or passengers carried by sea or air; taxes on their fares and freights...". On the contrary, provincial government revenue jurisdictions include many taxes but mostly low yielding, such as property tax. Except luxurious goods like motor cars that continue to be charged at higher tariff rates., transfer of property tax, land revenue, agriculture income tax, capital gains tax, profession trade and callings tax, stamp duty (Wasti 2013).

³⁹⁸ Provinces 12.8% (Punjab 17.0%/Sindh 11.2%/NWFP 6.0%/ Balochistan 1.9%).

³⁹⁹ Provinces 14.5% (Punjab 16.0%/Sindh 18.7%/NWFP 6.9%/ Balochistan 2.6%).

⁴⁰⁰ Provinces 14.1% (Punjab 15.5%/Sindh 18.2%/NWFP 7.2%/ Balochistan 1.4%).

⁴⁰¹ Provinces 15.7% (Punjab 16.3%/Sindh 22.1%/NWFP 8.6%/ Balochistan 3.4%).

⁴⁰² Provinces 15.3% (Punjab 16.6%/Sindh 20.9%/NWFP 6.2%/ Balochistan 2.2%).

⁴⁰³ Provinces 26.0% (Punjab 28.3%/Sindh 34.1%/NWFP 17.3%/ Balochistan 5.6%). Numbers on Balochistan have been double checked. It may be explained by reduced sources of provincial revenue following the secessionist war in Balochistan.

⁴⁰⁴ Provinces 28.6% (Punjab 33.0%/Sindh 36.5%/NWFP 14.7%/ Balochistan 47.6%).

**Federalism in Pakistan. Dataset coding institutional, policy and fiscal dimensions
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1982 ⁴⁰⁵	3		3	3	2	3
1983 ⁴⁰⁶	2		2	2	1	3
1984 ⁴⁰⁷	2		2	2	1	4
1985	NDA		NDA	NDA	NDA	NDA
1986	NDA		NDA	NDA	NDA	NDA
1987	NDA		NDA	NDA	NDA	NDA
1988	NDA		NDA	NDA	NDA	NDA
1989	NDA		NDA	NDA	NDA	NDA
1990 ⁴⁰⁸	2		2	2	2	1
1991 ⁴⁰⁹	2		2	2	1	1
1992 ⁴¹⁰	2		2	2	1	1
1993 ⁴¹¹	2		2	2	1	1
1994 ⁴¹²	1		2	1	1	1
1995 ⁴¹³	1		2	2	1	1
1996 ⁴¹⁴	2		2	2	1	1
1997 ⁴¹⁵	2		2	2	1	1
1998 ⁴¹⁶	2		2	2	1	1
1999 ⁴¹⁷	2		2	2	2	1
2000 ⁴¹⁸	1		2	2	1	1
2001 ⁴¹⁹	2		2	2	2	1
2002 ⁴²⁰	2		2	1	2	1
2003 ⁴²¹	2		2	1	1	1
2004 ⁴²²	2		2	2	1	1
2005 ⁴²³	2		2	2	1	1
2006 ⁴²⁴	2		NDA	NDA	NDA	NDA

⁴⁰⁵ Provinces 31.8% (Punjab 34.7%/Sindh 33.3%/NWFP 16.6%/ Balochistan 31.3%).

⁴⁰⁶ Provinces 27.8% (Punjab 29.2%/Sindh 27.5%/NWFP 15.2%/ Balochistan 39.2%).

⁴⁰⁷ Provinces 27.2% (Punjab 27.6%/Sindh 28.2%/NWFP 13.6%/ Balochistan 46.8%).

⁴⁰⁸ Provinces 27.2% (Punjab 16.2%/Sindh 25.6%/NWFP 19.8%/ Balochistan 11.1%).

⁴⁰⁹ Provinces 17.3% (Punjab 22.5%/Sindh 18.2%/NWFP 9.2%/ Balochistan 2.9%).

⁴¹⁰ Provinces 17% (Punjab 22.5%/Sindh 16.5%/NWFP 9.5%/ Balochistan 4.3%).

⁴¹¹ Provinces 15.5% (Punjab 19.4%/Sindh 15.4%/NWFP 9.5%/ Balochistan 4.9%).

⁴¹² Provinces 14.5% (Punjab 18.2%/Sindh 14.1%/NWFP 9.0%/ Balochistan 4.8%).

⁴¹³ Provinces 13.4% (Punjab 15.9%/Sindh 16.0%/NWFP 10.1%/ Balochistan 4.7%).

⁴¹⁴ Provinces 15.3% (Punjab 17.1%/Sindh 17.9%/NWFP 10.8%/ Balochistan 4.4%).

⁴¹⁵ Provinces 17.6% (Punjab 22.1%/Sindh 19.0%/NWFP 10.3%/ Balochistan 4.5%).

⁴¹⁶ Provinces 16.9% (Punjab 20.7%/Sindh 18.9%/NWFP 10.7%/ Balochistan 4.5%).

⁴¹⁷ Provinces 17.9% (Punjab 19.6%/Sindh 18.0%/NWFP 16.0%/ Balochistan 8.7%).

⁴¹⁸ Provinces 13.8% (Punjab 16.0%/Sindh 27.0%/NWFP 11.0%/ Balochistan 5.1%).

⁴¹⁹ Provinces 18.2% (Punjab 18.7%/Sindh 16.8%/NWFP 29.5%/ Balochistan 4.7%).

⁴²⁰ Provinces 16.1% (Punjab 16.7%/Sindh 14.1%/NWFP 24.6%/ Balochistan 5.5%).

⁴²¹ Provinces 16.9% (Punjab 22.1%/Sindh 14.2%/NWFP 9.4%/ Balochistan 5.2%).

⁴²² Provinces 17.7% (Punjab 23.3%/Sindh 15.6%/NWFP 8.2%/ Balochistan 5.3%).

⁴²³ Provinces 15.5% (Punjab 19.4%/Sindh 15.4%/NWFP 9.5%/ Balochistan 4.9%).

⁴²⁴ Provinces 19.7%.

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2007 ⁴²⁵	2			2	2	1	1
2008	NDA			NDA	NDA	NDA	NDA
2009 ⁴²⁶	1			2	2	1	1
2010 ⁴²⁷	1			1	1	1	1
2011 ⁴²⁸	2			1	3	1	1
2012 ⁴²⁹	2			2	3	2	1
2013 ⁴³⁰	2			2	3	2	1
2014 ⁴³¹	2			2	3	2	1
2015 ⁴³²	2			2	2	2	1
2016 ⁴³³	2			2	2	2	1
2017 ⁴³⁴	2			2	2	2	1
2018 ⁴³⁵	2			2	2	1	1
2019 ⁴³⁶	2			2	3	1	1
2020 ⁴³⁷	2			2	3	1	2
<i>No of code changes</i>	14	4	4	7	12	12	5
<i>Cumulative direction and magnitude</i>	-2	-1	-2	-1	+1	0	+1

Codes: 1=0-14%; 2=15-29%; 3=30-44%; 4=45-59%; 5=60-74%; 6=75-89%; 7=90-100%

Justification for coding:

⁴²⁵ Provinces 18.0% (Punjab 23.9%/Sindh 15.9%/NWFP 6.9%/ Balochistan 6.6%).

⁴²⁶ Provinces 14.4% (Punjab 17.4%/Sindh 16.5%/NWFP 6.4%/ Balochistan 3.6%).

⁴²⁷ Provinces 10.5% (Punjab 12.5%/Sindh 13.5%/Khyber Pakhtunkhwa 4.3%/ Balochistan 3.7%). The 18th Amendment changed Article 161 of the 1973 constitution and provided that "the net proceeds of the Federal duty of excise on natural gas levied at well-head and collected by the Federal Government and of the royalty collected by the Federal Government, shall not form part of the Federal Consolidated Fund and shall be paid to the Province in which the well-head of natural gas is situated ... the net proceeds of the Federal duty of excise on oil levied at well-head and collected by the Federal Government, shall not form part of the Federal Consolidated Fund and shall be paid to the Province in which the well-head of oil is situated".

⁴²⁸ Provinces 17.9% (Punjab 12.3%/Sindh 31%/Khyber Pakhtunkhwa 10.7%/ Balochistan 14.5%).

⁴²⁹ Provinces 21.2% (Punjab 17.8%/Sindh 33.1%/Khyber Pakhtunkhwa 16.0%/ Balochistan 10.2%).

⁴³⁰ Provinces 20.5% (Punjab 15.9%/Sindh 32.3%/Khyber Pakhtunkhwa 19.5%/ Balochistan 11.3%).

⁴³¹ Provinces 27.3% (Punjab 15.9%/Sindh 32.8%/Khyber Pakhtunkhwa 15.8%/ Balochistan 11.2%).

⁴³² Provinces 20.5% (Punjab 16.7%/Sindh 29.2%/Khyber Pakhtunkhwa 20.9%/ Balochistan 11.8%).

⁴³³ Provinces 19.3% (Punjab 15.5%/Sindh 28.2%/Khyber Pakhtunkhwa 17.9%/ Balochistan 14.6%).

⁴³⁴ Provinces 19.3% (Punjab 16.7%/Sindh 27.6%/Khyber Pakhtunkhwa 18.4%/ Balochistan 9.7%).

⁴³⁵ Provinces 20.5% (Punjab 21.2%/Sindh 27.7%/Khyber Pakhtunkhwa 10.9%/ Balochistan 9.3%).

⁴³⁶ Provinces 20.5% (Punjab 17.0%/Sindh 34.0%/Khyber Pakhtunkhwa 13.4%/ Balochistan 10.9%).

⁴³⁷ Provinces 20.9% (Punjab 17.1%/Sindh 33.4%/Khyber Pakhtunkhwa 11.4%/ Balochistan 18.6%).

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The Pakistan Economic Surveys vary in their method of reporting since independence. They vary according to the headings listed, and therefore the ease with which the income can be identified as being provincial or federal. For some years separate provincial accounts are not reported. Data have been taken mainly from the annual Pakistan Economic Surveys published after 1961. Data before that have been calculated from the Federal Bureau of Statistics (1988) volume. Between 1956 and 1978 provincial income has been calculated from the receipts of Irrigation, Electricity, Civil Works, Land Revenue, Stamps, Railway, Civil Administration and Extraordinary items. Between 1980-1981 provincial income is calculated from provincial tax receipts, income from property, receipts from civil administration and 'other'. Between 1982-1984 provincial income is calculated from provincial tax, property taxes, general administration, law and order, community services and economic services. Between 1985-1990 no separate provincial budgets are reported. Between 1990-2020 provincial income is calculated from adding together provincial taxes and non-Tax revenue. What these scores do not reflect is the increase in financial transfers from the centre to the provinces because of the 7th National Finance Commission (NFC) and the changes made after the 18th Amendment. Changed by the 18th Amendment, Article 160 3A provided that 'the share of the Provinces in each Award of National Finance Commission shall not be less than the share given to the Provinces in the previous Award'. This provision was significant (and is highly contentious in Pakistan) because the 7th NFC *increased* the share of the divisible pool allocated to the provincial governments from 45 per cent under the previous award to 57.5 per cent.

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F2 Restrictions on own-source revenues⁴³⁸ [restrictown]

1956 ⁴³⁹	2*
1957	2*
1958 ⁴⁴⁰	1*
1959	1*
1960	1*
1961	1*
1962 ⁴⁴¹	2*
1963	2*
1964	2*
1965	2*
1966	2*
1967	2*
1968	2*
1969	2*
1970	2*
1971	2*
1972	2*
1973 ⁴⁴²	2*
1974	2*
1975	2*
1976	2*
1977 ⁴⁴³	1*
1978	1*
1979	1*
1980	1*
1981	1*
1982	1*
1983	1*
1984	1*
1985 ⁴⁴⁴	2*
1986	2*
1987	2*
1988	2*
1989	2*
1990	2*

⁴³⁸ Includes all restrictions on provinces' ability to use fiscal instruments to raise revenue.

⁴³⁹ See notes in F1 for the constitutional allocation of revenue in the 1956 constitution.

⁴⁴⁰ Direct military rule introduced by Ayub Khan. Provincial governments abolished.

⁴⁴¹ See notes in F1 for the constitutional allocation of revenue in the 1962 constitution.

⁴⁴² See notes in F1 for the constitutional allocation of revenue in the 1973 constitution.

⁴⁴³ Direct military rule introduced by Zia-ul-Haq. Provincial governments abolished.

⁴⁴⁴ Military president under Zia-ul-Haq and restoration of the 1973 constitution (with amendments).

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1991	2*
1992	2*
1993	2*
1994	2*
1995	2*
1996	2*
1997	2*
1998	2*
1999 ⁴⁴⁵	1*
2000	1*
2001	1*
2002 ⁴⁴⁶	2*
2003	2*
2004	2*
2005	2*
2006	2*
2007	2*
2008	2*
2009	2*
2010 ⁴⁴⁷	4*
2011	4*
2012	4*
2013	4*
2014	4*
2015	4*
2016	4*
2017	4*
2018	4*
2019	4*
2020	4*
<i>No of code changes</i>	7
<i>Cumulative direction and magnitude</i>	+2

Codes: 1=very high; 2=high; 3=quite high; 4=medium; 5=quite low; 6=low; 7=very low

⁴⁴⁵ Direct military rule introduced by General Musharraf and abolition of the provincial assemblies and civilian governments.

⁴⁴⁶ Military President under General Musharraf. After the introduction of the LGO 2001, the property tax was transferred to local government.

⁴⁴⁷ The 18th Amendment has expanded the tax domain of provinces to include a dynamic and buoyant tax base—sales tax on services (Shah 2012: 18). The latest National Finance Commission (NFC) award increased the provincial share in federal tax revenues from 45 percent to 57.5 percent (Cevik 2016).

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Justification for coding:

Most of the largest sources of revenues were under the almost exclusive purview of the federal government, hence why the score is 2 from 1956 through to the early 2000s.

The Local Government Ordinance, 2001 (which gave the property tax to local governments) and, more substantively, the 18th Amendment in 2010, provided for a greater decentralization of the fiscal system (for instance by expanding the tax domain of provinces to include a dynamic and buoyant tax base—sales tax on services (Shah 2012, 18) and this is reflected in change from 2 to 4.

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F3 Proportion of federal conditional transfers out of total revenues
[condtranspak] [condtransep] [condtranswp] [condtranspunj] [condtranssind]
[condtranskp] [condtransbal]

	ALL	EP	WP	Punjab	Sind	NWFP/KP	Balochistan
1956 ⁴⁴⁸	7	7	7				
1957 ⁴⁴⁹	7	7	7				
1958 ⁴⁵⁰	7	7	7				
1959 ⁴⁵¹	7	7	7				
1960 ⁴⁵²	7	7	7				
1961 ⁴⁵³	6	7	6				
1962 ⁴⁵⁴	6	7	6				
1963 ⁴⁵⁵	6	7	6				
1964 ⁴⁵⁶	6	7	6				
1965 ⁴⁵⁷	7	7	6				
1966 ⁴⁵⁸	7	7	7				
1967 ⁴⁵⁹	7	7	ND A				
1968 ⁴⁶⁰	7	7	7				
1969 ⁴⁶¹	7	7	7				
1970 ⁴⁶²	7	7	7				
1971 ⁴⁶³	7	7	7	7	7	7	6

⁴⁴⁸ Provinces 7.8% (East Pakistan 1.5%/West Pakistan 11%). Data 1956-1967 come from Economic Survey of Pakistan (1966-67, 86) which tabulates 1956-1967. The figures for conditional transfers are calculated from the 'grants in Aid from the Central Govt' line in the provincial income accounts. For East Pakistan there is also a line on Foreign Aid/Grants from CG which has also been included.

⁴⁴⁹ Provinces 4.6% (East Pakistan 2.3%/West Pakistan 5.7%).

⁴⁵⁰ Provinces 4.2% (East Pakistan 2.1%/West Pakistan 5.6%).

⁴⁵¹ Provinces 2.9% (East Pakistan 0.8%/West Pakistan 3.9%).

⁴⁵² Provinces 4.5% (East Pakistan 7.3%/West Pakistan 2.8%).

⁴⁵³ Provinces 17.3% (East Pakistan 9.5%/West Pakistan 22.3%).

⁴⁵⁴ Provinces 13.4% (East Pakistan 8.4%/West Pakistan 16.5%).

⁴⁵⁵ Provinces 11.3% (East Pakistan 7.4%/West Pakistan 13.9%).

⁴⁵⁶ Provinces 11.7% (East Pakistan 9.9%/West Pakistan 13.0%).

⁴⁵⁷ Provinces 9.3% (East Pakistan 2.8%/West Pakistan 13.5%).

⁴⁵⁸ Provinces 7.4% (East Pakistan 4.9%/West Pakistan 9.2%).

⁴⁵⁹ East Pakistan 7.7%.

⁴⁶⁰ Provinces 7.7% (East Pakistan 7.8%/West Pakistan 7.6%). Economic Survey of Pakistan 1968-69.

⁴⁶¹ Provinces 6.5% (East Pakistan 5.9%/West Pakistan 7.0%). Economic Survey of Pakistan 1969-70.

⁴⁶² Provinces 5.0% (East Pakistan 6.2%/West Pakistan 3.8%). Economic Survey of Pakistan 1970-71.

⁴⁶³ Provinces 2.5% (Punjab 0.8%/ Sind 0.8%/ NWFP 10.1%/ Balochistan 13.6%).

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1972 ⁴⁶⁴	6		6	6	6	7
1973 ⁴⁶⁵	6		6	6	6	7
1974 ⁴⁶⁶	6		6	6	6	7
1975 ⁴⁶⁷	6		6	6	6	7
1976 ⁴⁶⁸	6		6	6	6	6
1977 ⁴⁶⁹	6		6	6	6	6
1978 ⁴⁷⁰	6		6	6	6	6
1979	6		6	6	6	6
1980 ⁴⁷¹	6		6	6	6	6
1981 ⁴⁷²	6		6	6	7	6
1982 ⁴⁷³	6		6	6	7	6
1983 ⁴⁷⁴	6		6	6	7	6
1984	6		6	6	7	6
1985	6		6	6	7	6
1986	6		6	6	7	6
1987	6		6	6	7	6
1988	6		6	6	7	6
1989	6		6	6	7	6
1990	6		6	6	7	6
1991	6		6	6	7	6
1992	7		7	7	7	7
1993	7		7	7	7	7
1994	7		7	7	7	7
1995	7		7	7	7	7
1996	7		7	7	7	7
1997	7		7	7	7	7
1998	7		7	7	7	7
1999	7		7	7	7	7
2000	7		7	7	7	7
2001	7		7	7	7	7
2002	7		7	7	7	7
2003	7		7	7	7	7

⁴⁶⁴ Provinces 11.2% (Punjab 10.1%/ Sindh 9.3%/ NWFP 14.6%/ Balochistan 29.5%). All data between 1972-2009 are taken from the ranges in Wasti (2013 107, 109).

⁴⁶⁵ Provinces 14.5% (Punjab 3.3%/ Sindh 16.6%/ NWFP 25.6%/ Balochistan 70.9%).

⁴⁶⁶ Provinces 16.4% (Punjab 9.0%/ Sindh 16.7%/ NWFP 38.2%/ Balochistan 26.7%).

⁴⁶⁷ Provinces 12.6% (Punjab 7.6%/ Sindh 9.2%/ NWFP 30.7%/ Balochistan 26.3%).

⁴⁶⁸ Provinces 15.7% (Punjab 8.2%/ Sindh 5.7%/ NWFP 43.9%/ Balochistan 37.5%).

⁴⁶⁹ Provinces 26.5% (Punjab 18.7%/ Sindh 19.9%/ NWFP 52.0%/ Balochistan 45.5%).

⁴⁷⁰ Provinces 30.8% (Punjab 20.8%/ Sindh 23.9%/ NWFP 85.3%/ Balochistan 46.0%).

⁴⁷¹ Provinces 15.1% (Punjab 14.6%/ Sindh 15.1%/ NWFP 18.3%/ Balochistan 12.5%).

⁴⁷² Provinces 9.0% (Punjab 7.1%/ Sindh 9.6%/ NWFP 10.9%/ Balochistan 14.8%).

⁴⁷³ Provinces 6.6% (Punjab 7.2%/ Sindh 4.1%/ NWFP 3.6%/ Balochistan 13.6%).

⁴⁷⁴ Provinces 1.6% (Punjab 0.8%/ Sindh 0.5%/ NWFP 0.4%/ Balochistan 9.4%).

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2004	7			7	7	7	7
2005	7			7	7	7	7
2006	7			7	7	7	7
2007	7			7	7	7	6
2008	7			7	7	7	6
2009	7			7	7	7	6
2010 ⁴⁷⁵	7			7	7	NDA	NDA
2011 ⁴⁷⁶	7			7	7	7	NDA
2012 ⁴⁷⁷	7			7	6	NDA	NDA
2013 ⁴⁷⁸	7			7	7	6	NDA
2014 ⁴⁷⁹	7			7	7	7	6
2015 ⁴⁸⁰	7			7	7	7	6
2016 ⁴⁸¹	7			7	7	6	7
2017 ⁴⁸²	7			7	7	7	7
2018 ⁴⁸³	7			7	7	6	7
2019 ⁴⁸⁴	7			7	7	6	7
2020 ⁴⁸⁵	7			7	7	6	7
No of code changes	4	0	2	2	4	7	5
Cumulative direction and magnitude	0	0	0	0	0	-1	+1

Codes: 1=86-100%; 2=71-85%; 3=56-70%; 4=41-55%; 5=26-40%; 6=11-25%; 7=0-10%

Justification for coding:

Between 1956-1967 the figures for conditional transfers are calculated from the 'Grants in Aid from the Central Govt plus Foreign Aid' line in the provincial income accounts. From 1973-2009 data are adapted from Wasti (2013, 86) in his 'Development Grant' line. As he says "Federal development grant (GD) is provided to finance provincial annual development program and specific purpose projects and/or for performing agency

⁴⁷⁵ Punjab 2.0%/ Sindh 2.1%. Data from 2010 onwards are calculated from the four provinces' individual finance website, either from their budget summaries or from their white papers.

⁴⁷⁶ Punjab 2.1%/ Sindh 7.6%/ Khyber Pakhtunkhwa 6.5%.

⁴⁷⁷ Punjab 1.1%/ Sindh 10.1%.

⁴⁷⁸ Punjab 4.9%/ Sindh 8.5%/ Khyber Pakhtunkhwa 10.8%.

⁴⁷⁹ Punjab 6.0%/ Sindh 7.9%/ Khyber Pakhtunkhwa 9.8%/ Balochistan 10.6%.

⁴⁸⁰ Punjab 5.0%/ Sindh 4.1%/ Khyber Pakhtunkhwa 5.5%/ Balochistan 11.8%.

⁴⁸¹ Punjab 10.1%/ Sindh 5.5%/ Khyber Pakhtunkhwa 6.5%/ Balochistan 4.8%.

⁴⁸² Punjab 8.1%/ Sindh 3.8%/ Khyber Pakhtunkhwa 8.5%/ Balochistan 2.0%.

⁴⁸³ Punjab 8.8%/ Sindh 2.6%/ Khyber Pakhtunkhwa 11.4%/ Balochistan 5.3%.

⁴⁸⁴ Punjab 2.1%/ Sindh 3.9%/ Khyber Pakhtunkhwa 23.8%/ Balochistan 9.0%. From 2019, there is separate Federal allocation and foreign project assistance for the development of the 'Merged areas', the former FATA, now merged within Khyber Pakhtunkhwa.

⁴⁸⁵ Punjab 2.9%/ Sindh 5.8%/ Khyber Pakhtunkhwa 24.5%/ Balochistan 8.4%.

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functions. These grants were allocated year to year and being funded from federal consolidated fund. All GD are characterized as conditional.” Between 2009-2020 data are adapted from the Pakistan Economic Survey annual reports and the annual provincial Budget White Papers, calculated from ‘Total revenue’ and Federal PDSP and Foreign Projects Assistance. These data are not totally comparable as the reporting varies between the provinces.

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F4 Degree of conditionality (for conditional grants only)⁴⁸⁶ [degcondit]

1956	1**
1957	1**
1958	1**
1959	1**
1960	1**
1961	1**
1962	1**
1963	1**
1964	1**
1965	1**
1966	1**
1967	1**
1968	1**
1969	1**
1970	1**
1971	1**
1972	1**
1973	1**
1974	1**
1975	1**
1976	1**
1977	1**
1978	1**
1979	1**
1980	1**
1981	1**
1982	1**
1983	1**
1984	1**
1985	1**
1986	1**
1987	1**
1988	1**
1989	1**
1990	1**
1991	1**

⁴⁸⁶ The fourth sub-dimension concerns the scope and stringency of the conditions attached to the central government's grants. Wide-ranging or highly stringent conditions constrain more than limited or loose ones. Hence, the more limited their scope and/or the lower their stringency, the more autonomous a constituent unit is in allocating the funds it receives from the central government. We call this sub-dimension "degree of conditionality."

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1992	1**
1993	1**
1994	1**
1995	1**
1996	1**
1997	1**
1998	1**
1999	1**
2000	1**
2001	1**
2002	1**
2003	1**
2004	1**
2005	1**
2006	1**
2007	1**
2008	1**
2009	1**
2010	1**
2011	1**
2012	1**
2013	1**
2014	1**
2015	1**
2016	1**
2017	1**
2018	1**
2019	1**
2020	1**
<i>No of code changes</i>	0
<i>Cumulative direction and magnitude</i>	0

Codes: 1=very high; 2=high; 3=quite high; 4=medium; 5=quite low; 6=low; 7=very low

Justification for coding:

The provincial white papers note that the PDSP funding (federal grants) simply 'passes' through the provincial budget on the way to the projects. Foreign aid is also tied to particular projects.

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F5 public sector borrowing autonomy [borrauton]

1956 ⁴⁸⁷	2***
1957	2***
1958 ⁴⁸⁸	1***
1959	1***
1960	1***
1961	1***
1962 ⁴⁸⁹	2***
1963	2***
1964	2***
1965	2***
1966	2***
1967	2***
1968	2***
1969 ⁴⁹⁰	1***
1970	1***
1971	1***
1972 ⁴⁹¹	2***
1973 ⁴⁹²	2***
1974	2***
1975	2***
1976	2***
1977 ⁴⁹³	1***
1978	1***
1979	1***
1980	1***
1981	1***
1982	1***

⁴⁸⁷ The 1956 constitution provides that 'the executive authority of a Province shall extend to borrowing upon the security of the Provincial Consolidated Fund within such limits, if any, as may be determined by Ac of the Provincial Legislature' (Art. 116(1)). However Article 116(3) Constitution states that "A Province may not without the consent of the Federal Government borrow outside Pakistan, nor without the like consent raise any loan if there is still outstanding any part of a loan made to the Province by the Federal Government or in respect of which a guarantee has been given by the Federal Government."

⁴⁸⁸ Direct military rule imposed by General Ayub Khan. provincial assemblies and elected governments removed.

⁴⁸⁹ The 1962 constitution provides that the provinces can borrow 'upon the security of the Provincial Consolidated Fund' but also that provinces cannot borrow outside Pakistan without the consent of the Federal Government.

⁴⁹⁰ Direct military rule imposed by General Yahya Khan.

⁴⁹¹ The 1972 constitution had identical provisions to the 1956 and 1962 constitutions.

⁴⁹² The 1973 constitution had identical provisions to the 1956 and 1962 constitutions.

⁴⁹³ Direct military rule imposed by General Zia-ul-Haq

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1983	1***
1984	1***
1985 ⁴⁹⁴	2***
1986	2***
1987	2***
1988 ⁴⁹⁵	2***
1989	2***
1990	2***
1991	2***
1992	2***
1993	2***
1994	2***
1995	2***
1996	2***
1997	2***
1998	2***
1999 ⁴⁹⁶	1***
2000	1***
2001	1***
2002 ⁴⁹⁷	2***
2003	2***
2004	2***
2005	2***
2006	2***
2007	2***
2008	2***
2009	2***
2010 ⁴⁹⁸	4***
2011	4***
2012	4***
2013	4***
2014	4***
2015	4***
2016	4***
2017	4***
2018	4***
2019	4***

⁴⁹⁴ Military president under Zia-ul-Haq and restoration of the 1973 constitution (with amendments).

⁴⁹⁵ Party elections permitted again.

⁴⁹⁶ Direct Military Rule introduced by General Musharraf.

⁴⁹⁷ Military president under General Musharraf.

⁴⁹⁸ The 18th Amendment provided that 'A Province may raise domestic or international loan, or give guarantees on the security of the Provincial Consolidated Fund within such limits and subject to such conditions as may be specified by the National Economic Council' Art. 167(4). The

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2020	4***
<i>No of code changes</i>	9
<i>Cumulative direction and magnitude</i>	+2

Codes: 1=very low; 2=low; 3=quite low; 4=medium; 5=quite high; 6=high; 7=very high

Justification for coding:

The score is 2 between 1956 and 2010 (other than in periods of direct military rule) since provincial governments could borrow externally only with the consent of the federal government (and provinces' foreign borrowing was also routed through the federal government). '95 percent of total provincial debt is reported to be borrowing from or guaranteed by the federal govt, the provinces cannot make independent borrowing decisions in practice. (IMF 2001, 46). After the 18th Amendment, the provinces have the right to borrow within limits set by the National Economic Council, a constitutional body including representatives from the federal and provincial governments and the score then rises to 4.

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