



IMPLEMENTATION OF THE 18th CONSTITUTIONAL AMENDMENT

POSITION PAPERS ON SELECTED SUBJECTS:

CIVIL SERVICE

OIL AND GAS RESOURCES

COUNCIL OF COMMON INTERESTS

EDUCATION/CURRICULUM

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List of Abbreviations

ANP	Awami National Party
BNP	Balochistan National Party
BPS	Basic Pay Scale
Capital A&D Division	Capital Administration and Development Division
CCI	Council of Common Interests
CEO	Chief Executive Officer
CL	Concurrent List
CNG	Compressed Natural Gas
CPEC	China-Pakistan Economic Corridor
DGG	Director General, Gas
DGPC	Director General Petroleum Concessions
EFA	Education for All
FATA	Federally Administered Tribal Areas
FBR	Federal Board of Revenue
FG	Federal Government
FLL I/II	Federal Legislative Lists I and II
GB	Gilgit Baltistan
HEC	Higher Education Commission
ICT	Islamabad Capital Territory
ICT	Information Communication Technology
IG	Inspector General
IGR	Inter-government Relation
IJI	Islami Jamhoori Ittehad
IPC	Inter-Provincial Committee
IPEMC	Inter-Provincial Education Ministers Conference
IRSA	Indus River System Authority
KP	Khyber Pakhtunkhwa
LNG	Liquefied Natural Gas
LPG	Liquefied Petroleum Gas
MDGs	Millennium Development Goals
MMA	Muttahida Majlis-e-Amal
MP-1	Management Position-1
MPNR	Ministry of Petroleum and Natural Resources
NA	National Assembly
NCC	National Curriculum Council
NCGR	National Commission on Government Reforms
NCHD	National Commission for Human Development
NEC	National Economic Council
NES	National Executive Service
NFC	National Finance Commission
NISTE	National Institute of Science & Technical Education
NP	National Party
OGDCL	Oil and Gas Development Corporation
OGRA	Oil & Gas Regulatory Authority

PAS	Pakistan Administrative Services
PhD	Doctorate in Philosophy
PM	Prime Minister
PML (N)	Pakistan Muslim League (Nawaz)
PML (Q)	Pakistan Muslim League (Quaid)
PMS	Provincial Management Service
PPL	Pakistan Petroleum Limited
PPP	Pakistan Peoples' Party
PSDP	Public Sector Development Programme
PTDC	Pakistan Tourism Development Cooperation
PTI	Pakistan Tehreek-i-Insaf
RTE	Right to Education
SDGs	Sustainable Development Goals
TEVT	Technical Education and Vocational Training
UNESCO	United Nations Educational, Scientific and Cultural Organization
VC	Vice Chancellor
WAPDA	Water and Power Development Authority
WPIDC	West Pakistan Industrial Development Corporation

Foreword

The 18th Constitutional Amendment was unanimously passed by the parliament and notified in the Gazette of Pakistan on 20th April, 2010. This amendment introduced changes to about 36 percent of the 1973 Constitution of Pakistan: 102 out of 280 Articles of the constitution were amended, inserted, added, substituted or deleted. This landmark amendment has led to an exemplary shift from a heavily centralized to a predominantly decentralized federation.

In order to strengthen the bonds between federal and provinces, there is a strong need to address the issues by the higher concerned authorities in the country that emerged specially after the passage of 18th amendment. By managing the internal challenges like the inter-provincial disparities, tensions between the federal and federating units and by allowing the people of all provinces their due right, Pakistan could emerge as a viable and prosperous federation.

This publication emphasizes on selected subjects of Council of Common Interests, education, civil service of Pakistan and natural resources of oil and gas which is quite timely. I sincerely hope that the recommendations put forth will be able to open new arena of discussions regarding the post-18th amendment issues. However, the challenging phase of implementation must not bring hopelessness but rather a realization that different segments of society including bureaucracy, civil society, politicians etc. need to synergize their efforts towards the commonly shared vision of making Pakistan one of the greatest nation of the world.

Finally, I would like to compliment the authors; Zafarullah Khan & Muhammad Idrees Khawaja and PIDE & FES for putting the best of their efforts into this valuable publication. Hopefully, it will be great source of awareness and information for those concerned.

Senator, Mir Kabeer Ahmed Muhammad Shahi,
Chairman,
Senate Functional Committee on Devolution Process

16th January, 2017

Preface

There can be no question that finding efficient methods of governance is of vital importance to the progress of any nation. Models for good governance have evolved and changed over time, both due to learning by experience, and due to shifting configurations of power within the country as well as external influences. The 18th amendment is landmark legislation which received unanimous approval, and provides substantially greater autonomy to provinces. This book reports outcomes and recommendations of the joint PIDE-FES research project on improving governance in Pakistan following this seismic shift in the configurations of powers and responsibility.

The first report discusses some inconsistencies between the institutional structures of the federal and provincial civil services, and the desire for greater provincial autonomy expressed in the 18th amendment. The second report discusses confusions surrounding the ambiguities created by the 18th amendment mandated "joint and equal" sharing of natural resources between the provinces and the center. The third report discusses crucial governance issues related to the Council of Common Interests, which is the focal organization to resolve conflicts about sharing power and responsibilities between federal and provincial authorities. The fourth report discusses the murky scenario that has arisen in the educational sector after its de jure, but not de facto, devolution to the provinces. All of the reports provide thought-provoking discussions of problems with the existing scenario, and the steps that could be taken to resolve some of these problems.

Good planning requires simultaneous consideration of the broad perspective, the long term vision and goal, as well as detailed consideration of the immediate and short term problems which require attention. The journey of a thousand miles begins with a single step, but the thousand-mile distant goal must be considered by the traveler to ensure that the first step is being taken in the right direction. The distant goal towards which the devolution of power to the provinces represents a first step can be articulated very briefly as follows. Current governance structures are largely patterned after British colonial institutions, which were highly centralized and strongly hierarchical. There was a very good reason for this structure: it was designed to exploit native resources to the maximal amount, and to extract the maximum revenue for England. There could be no concept of devolution, empowerment of the people, or any representation of the wishes of the people within such a structure, because the colonial government is an adversarial structure, imposed by power upon an unwilling population, which works against the interests of the population as a whole. The Americans succeeded in carrying out a revolution and acquiring sovereignty to make their own decisions, and then made spectacular progress. Research carried out by Shahid Alam and some others shows that the progress of former colonies of England has been directly correlated to their ability and capacity to make sovereign decisions, to decide their own destinies.

Breaking free of the legacy of colonial and imperialist ways of thinking requires going beyond the provinces to devolve power to the living communities of people, which exist even below the district level. This has been recognized and many efforts have been made to implement this vision by granting power to the people in the past. Such efforts have been thwarted because they are in conflict with existing power configurations, and no one wants to yield power to lower levels of the current hierarchy. Ultimately, development is driven by empowered communities working together towards common goals which are maintained and fostered by higher level provincial and

federal structures. Reaching this vision requires taking small steps of the type studied and discussed in this report attached. I hope that this research will contribute, in a small but significant way, towards realizing the ideals and visions of the founders of the nation, Allama Iqbal and Mohammad Ali Jinnah.

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16th January, 2017



Provincialization of Civil Service in Pakistan

M. Idrees Khawaja

The essence of 18th amendment is provincial autonomy. What structure of civil service would be in accord with the essence of provincial autonomy? To answer this, we must know whether or not the present structure is in accord with provincial autonomy and if not, then why? The essence of the present structure is that there is a Central Civil Service and a Provincial Civil Service. Most of the senior positions i.e. Grade-20 (BPS-20) and above, including the prized posts like the Chief Secretary and Inspector General (IG) police in provinces are filled by the federal civil servants, though of course, with the consent of the political and bureaucratic provincial set ups. As of August 2016, out of the 40 slots of secretaries in KP, 17 were from Pakistan Administrative Services (PAS – federal civil service), 16 from PMS (Provincial Management Service – Provincial Civil Service) and 7 were vacant. Out of 36 deputy commissioners, 16 were from PAS and 10 from PMS. The federal government claims that PAS officers are being posted in the provinces as per the apportionment formula agreed upon in 1993. However, the question arises that is an apportionment formula needed in the first place?

Is the posting of federal civil servants in provinces is in accord with provincial autonomy? Perhaps not! Why? The following points make a case against posting of federal servants in the provinces:

1. It is a fundamental principle of management that a person/authority to be held accountable for accomplishment of a certain task must enjoy complete authority over the team assigned to accomplish it. It is the provincial political set-up that will be ultimately held accountable by the electorate by exercising their right to vote, for the functions under its jurisdiction of the provinces. Thus, it is difficult to understand that if the maintenance of law and order is responsibility of the provinces, then why a federal civil servant is posted as IG police in provinces. Perhaps, this is one of our colonial legacies whereby the center having extended a limited autonomy to the provinces wanted to keep a strict watch over the provinces. The need of keeping a watch over provinces having lost its significance, first with the independence of the country in 1947 and then with the enactment of the 18th amendment, the practice of posting federal civil servants in the provinces has perhaps lost its underlying rationale.
2. Though the federal civil servants are appointed in provinces with the consent of provincial authorities, still provincial authorities have a limited pool to choose from – only the officers that the federal government is willing to lend to provinces.

3. Federal civil servants, having an option to move back to the center, do not feel too hard pressed to go along with the wishes of the provincial authorities. If the political and bureaucratic set-ups are not on the same page this obviously adversely affects governance and implementation of the wishes of the electorate.
4. Posting of federal civil servants in provinces, may lead to a feeling of being ruled by outsiders, in the provinces, especially in smaller provinces. This was the essence of the protest of the provincial civil servants of Khyber Pakhtunkhwa when a couple of months back they locked horns with federal bureaucratic set-up of the province over allocation of large chunk of senior posts to the federal civil servants.
5. The center and provinces have at times faced a tussle over posting of senior bureaucrats, like chief secretary and IG police, with both the center and the province favouring their own names. Once around a decade ago chief secretary of province was called back to the center for failure to stop a political/public event that the center did not want to see being held while political setup at the helm in the province was not inclined to stop it. Very recently, the central government asked the chief secretary of a province to help stop a political procession emerging from the province. The provincial political setup viewed this as interference in provincial matters. Such instances make a case for complete provincialization of the civil bureaucracy i.e. the political set up of a province should enjoy complete authority over, hiring, postings, promotions and service structure etc. of the civil servants who serve in the province.

Is it possible that a province may recruit itself all the civil servants that it needs? What changes would be required in the structure of provincial and federal civil services to make

this effective? Currently, the federal government inducts more civil servants than is the requirement of the federal government itself, with the specific purpose that it has to lend civil servants to the provinces. The flip side of the coin is that provinces induct less than their requirement keeping in mind that the federal government is recruiting civil servants who will serve in the province. For a province to recruit all the civil servants that it needs, the provincial governments will have to increase the volume of their induction while the federal government will have to correspondingly decrease the induction volume.

Some people tend to prefer federal civil servants over provincial civil servants on ground of ability – it is believed that federal civil servants are more brilliant and have greater capacity. If this is true, given that majority of the federal civil servants are natives of one or the other province, the question is: why federal civil servants are more brilliant and why they enjoy greater capacity to perform? The answer has two dimensions – firstly; the career path that the two services offer and secondly; the difference in the difficulty level of the selection process into the two services. With all the senior and prized posts in the center as well as in the provinces reserved for the federal civil service, it is natural that the more brilliant will try to enter the federal civil service – the flip side is that provincial civil service will have to pick from the lot that either failed to enter the federal civil service or that did not apply for the federal civil service knowing about the little probability of their success. Secondly, the quality of the entry process, especially the written examination, into the two services varies widely, with the process for the federal civil service enjoying the capacity to select better candidates.

Looking at the two reasons for lower capacity level of the officers from provincial civil service it is not difficult to see that raising capacity of the officers in provincial civil service is not a tall order.

Capacity can be raised by the following two ways:

- a. One, by offering the senior and prized posts in the provinces to officers from provincial civil service – this will raise the quality of applicants – given the prospects of a better career path, the more brilliant will apply for entry into provincial civil service.
- b. Secondly, the process for entry into provincial civil service can be made exactly similar to the process for entry into federal civil service. Thus, first the prospects of a better career path will improve the quality of applicants into provincial civil service and then a difficult entry process will select the better ones, thereby addressing the capacity issue.

However, the prospects of a better career path and the difficulty level of the entry process are not the only determinants of capacity at the provincial level. The capacity of individuals also depends upon the level and quality of literacy in a province. If entry in provincial civil service of a province 'X' was to be restricted only to natives of that province, then a province lagging in literacy level or quality of education may end up sending not-so-good applicants for entry into provincial civil service. To resolve this issue, if the entry into a provincial civil service is based on open merit for all Pakistanis then the provincial civil service of a laggard province may be dominated by non-natives which could have adverse political repercussions. The solution then is to have a certain percentage of the provincial civil servants recruited on the basis of open merit from all over Pakistan and the remaining from amongst the natives of the province concerned. What should be the ratio of selection on open merit to natives is a question that needs to be settled through a national debate. To set the debate rolling a ratio of 50:50 can be proposed.

One criticism against giving up the current

structure in favour of an exclusive provincial set up is the question of national integration. It is opined that posting of natives of one province in another through the federal civil service serves the cause of national integration and develops harmony among the provinces. The option of recruitment through open merit in a provincial civil service will take care of the national integration issues as well besides providing quality input for entry into the provincial civil service.

If civil service was to be developed on the lines advocated above i.e. federal government recruiting the civil servants for her own needs only and the provincial governments recruiting all the civil servants who have to serve in the province, then a question would arise; what to do with present work force which is more than the needs of the federal government and similarly how to handle the shortfall in immediate future at the provincial level?

The logical solution is to phase out the present structure only gradually, may be in a period of 10-15 years. Moreover, the federal government should forthwith stop making recruitment of civil servants beyond her requirement and correspondingly the provinces should step up the level of their recruitment.

It is worth mentioning here that National Commission on Government Reforms (NCGR) headed by Dr. Ishrat Hussain had recommended a three tier civil service: federal, provincial and district plus a National Executive Service (NES) to be drawn on merit, under a competitive process, from the three tiers of the government for senior positions in all tiers of the government. Thus, by allocating senior positions in the center as well as in the provinces to the proposed NES, the NCGR has also implicitly expressed its dissatisfaction with the posting of federal civil servants in the provinces, though the NCGR stops short of saying that the provinces should themselves recruit all the civil servants that it needs. It has to be noted that the report of the NCGR came out

in 2008 when the 18th amendment was not even envisaged.

General Reforms in Structure of Public Service/Civil Service

Though allowing the provinces to recruit themselves the civil servants that it needs is likely to yield better results in different dimensions discussed above, but still it is not a complete solution to the problem of inefficiency that ails the public sector including the civil service. While a full account of the changes required for improving the efficiency of the civil service is beyond the scope of this paper, certain key changes required in the structure of civil service as well as in public service are discussed below:

1. The present structure of the civil service is generalist in nature (a law graduate may land in ministry of petroleum). The Vision 2025, the Framework for Economic Growth (2010) as well as the National Commission on Government Reforms (NCGR) all recommend induction of professionals (technocrats) in civil service. The conditions attached to the choice of elective subjects for entry into civil service seem to ensure that generalist rather than subject specialists are inducted to civil service. Applicants have to choose subjects carrying 600 marks as elective subjects and these subjects are offered in seven groups. From some groups a candidate can choose subjects with a maximum of 200 marks (i.e. 1-2 subjects) and from other groups the candidates can choose only one subject of 100 marks. The result is that if an applicant opts for Physics he or she cannot opt for Geology. If a candidate opts for constitutional law he or she cannot opt for mercantile law and so on. Thus, specialization is discouraged. Secondly, no effort is made to relate the place of posting of a selectee with the subjects that he or she chose to be examined in. For example, a candidate electing to be examined in Chemistry,

Islamic History, Botany, Philosophy and Punjabi can opt to be posted in Federal Board of Revenue (FBR) and in fact get posted there if he or she has scored well in the entire entry process.

There might be a case of inducting technocrats in at least 9 federal ministries. These include Finance, Planning, Development & Reform, Water and Power, Science and Technology, National Food Security and Research, Law, Justice and Human Rights, Information Technology and Telecommunications, Information, Broadcasting & Heritage and Petroleum and Natural Resources. Subject based tests can be administered to candidates aspiring for induction in these ministries and the jobs can be made non-transferable.

2. The kind of near-absolute job security that the public service in Pakistan provides conspires against efficiency. If the maximum loss that a non-performing employee incurs is temporary suspension from service (under which the employee concerned continues to receive the salary with perks) then the incentive structure encourages sub-par performance or even non-performance. It is well established that an optimal mix of carrot and stick is required to get the best out of employees. The kind of job security available to public servants effectively takes away the deterrent of stick from the employer and this is the key difference between the managers of private and the public sector. Add to this the non-merit based promotion system and the immobility of public servants (from one job to another job) due lack of pension portability, and the problem gets compounded.

A debate is needed to devise a new procedure for dismissal of sub-par and non-performing public servants from service – a procedure that would meet the standards of justice for the employee while serving the long term interests of the employer. To

begin with, the superiors are required to pen down annually a very fair assessment of their subordinates – this is what is missing at present. Typically, bosses tend to record a rosier assessment of their subordinates. Such an assessment complicates dismissal or even denying promotion to sub-par performers.

The rosier assessment of subordinates by the superiors in public sector could be owed to:

- a. social pressures,
- b. the sub-par performance of the subordinate not causing personal harm to the superior concerned (the loss is of the organization concerned and not of the boss) and
- c. the fear of violent reaction from the subordinate

What is needed is to include, making fair assessment an element of career progression criterion of the superiors. Secondly, while the superiors in public sector need to enjoy more powers than they currently have over their subordinates but such powers can only be granted if it can be ensured that the superiors will not abuse their authority to unfairly treat a subordinate based on personal likes and dislikes. Clearly, the performance evaluation system of public servants is in need of a revamp. The bottom line is that while absolute job security conspires against efficiency of employees it cannot be easily done away with, given that at times the bosses tend to unfairly treat subordinates for personal reasons.

3. Wages in the public sector do not bear relevance to wages in the private sector. The relationship between public and private wages is also not close to the

relationship prevailing in some Asian countries. For instance, the ratios of public sector salaries to the private sector salaries in South Korea and Singapore are 0.50 and 0.82 respectively as compared with only 0.08 in Pakistan¹. The problem with various pay reforms undertaken historically is that these are based on the assumption that wages in public sector are low and need to be increased (Cyan, 2011) and the reforms are undertaken in the framework of Basic Pay Scales (BPS) 1-22. This framework ignores the fact that market wages for petroleum engineers, teachers and law graduates are not uniform across fields though all of them may be in BPS-17. To attract the best of talent, conditions conducive to introducing market based wages would have to be developed.

4. Transfers are so frequent in civil service that a secretary of a division/ministry may at times serve for even less than a year in a position. This obviously introduces policy instability and makes it difficult to monitor new initiatives introduced and fix responsibility for the goals are not achieved. Frequent transfers are again related to near absolute job security that our civil service provides. Being unable to fire a non-performing/recalcitrant employee; the bosses are left with little option but to secure the transfer of such an employee. The point is that only holistic reforms that tackle the issue of job security, ensuring merit based selection and reward process and transfers of employees together shall help improve civil/public service.
5. Yet another issue ailing civil/public service is grade compression. Public servants work in the framework of Basic Pay Scales (BPS 17-22), with officers being typically hired in BPS-17. Three things viz. pay, pension and promotions together form the compensation package of an employee. Given

¹ See for the details Rauch and Evans (2000)

absolute job security every public employee receives pay and pension – in public service even a suspended officer is getting paid salary. This leaves only the bait of ‘promotions’ that can motivate employees to perform. The question is how frequent are the promotions of employees and is the frequency high enough to keep employees motivated. With officers being inducted in BPS-17 they can earn five promotions during their entire career of may be 30-35 years, which means one promotion per six years. Is this enough? In practice, promotions in civil service might be quicker than an average of one promotion per six years. The result is that a person may earn grade-22 in early fifties with no chance of upward mobility in next 7-8 years.

The problem of grade compression is even more severe in public universities. Public universities generally do not have the post of BPS-22 – a professor could move up to BPS-21 at a maximum. BPS-22 being non-existent for teachers of public universities, a teacher can earn a maximum of four promotions, instead of five that civil servants can earn. Failure of public universities to attract better talent in faculty led to the introduction of the policy ‘up-gradation’ in public universities - the post of BPS-17 was upgraded to BPS-18, BPS-18 was upgraded to BPS-19 and so on. This eliminated BPS-17 from the five grade structure (BPS 17-21) (which allowed four promotions in the entire career of 30-35 years i.e. one promotion in seven years on average). Now officers i.e. lecturers in public universities are hired in BPS-18 rather than in BPS-17 and they can move only three scales (BPS-19, 20 and 21) up the ladder (not five scales as is the case in civil service). Later, another amendment was introduced in the service structure for teachers of public universities – PhDs are now inducted directly in BPS-19. With a service structure of BPS 18-21, the PhDs can move only two scales up the ladder –

BPS 20 and 21 – this means only two promotions during an entire career of around 30 years. Is this fine to keep motivated the teachers of public universities? To add to the complexity, people are now earning PhD at a younger age – even below 30 years of age. So, we would have persons aged 30 in BPS-19 who can move only two scales up in next 30 years. The eligibility criteria for promotion of teachers in public university are based on number of publications. The criterion is such that that a PhD, if he or she is regularly publishing, can earn the next two promotions in next 10 years or at the most 15 years. Thus, we would have PhDs aged 40-45 years who would be in BPS-21 with no possibility to move up the ladder for next 15-20 years. The question is how we may motivate teachers when they are 45 years old, are in highest scale (BPS-21) and there is no scale beyond BPS-21 in universities?

Clearly, in an effort to attract talent into the teaching field, while introducing across the board scale up-gradation in public universities, we did not account for the problem of grade compression. The second reason for grade compression in public universities is the near-absence of the post of BPS-21. This absence reflects policy inertia. In the past university professor were restrained to a maximum level of BPS-21 because the vice chancellors of the universities were in BPS-22, so the objective was to keep the professors one level below the Vice Chancellor concerned. However, now the Vice Chancellors are in MP-1 grade (a grade considered above BPS-22), their tenure is fixed and contractual. Therefore, the need to restrain professors at the level of BPS-21 has vanished. Perhaps, the biggest hurdle in the way of introduction of BPS-22 in universities is the university management and the faculty themselves. The posts in universities are created by their own governing bodies (Syndicate and Senate)

at which the university management and the faculty have a dominant presence. But perhaps no serious effort seems to have been made to put up a proposal for the introduction of BPS-22 in universities to the governing bodies let alone fight for it. Both the VCs and the faculty being used to seeing professors in BPS-21 are not comfortable with the idea of introducing BPS-22 in universities – the VCs may feel that as the post of a professor comes closer to the post of VC, the authority of the VC may be compromised. The faculty being used to seeing themselves below bureaucrats has difficulty assimilating the idea of bureaucrats and teachers being at par at least in terms of scale if not powers.

Conclusion

The posting of senior federal civil servants in provinces is against the fundamental principle of management that the person/authority to be held accountable for the discharge of certain functions should enjoy complete freedom to choose the team for carrying out these functions. Therefore, a mechanism needs to be developed to allow the provinces to hire all the civil servants that it needs. However, the performance of bureaucracy at the provincial level will not improve merely by allowing the provinces to recruit all the civil servants that it needs. Certain key changes in overall structure of public service as well as civil service are needed to improve performance of the bureaucracy.

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Oil and Gas Resources: Joint Ownership of Federal and Provincial Governments: Implementation of Article-172(3) of The Constitution of Pakistan

M. Idrees Khawaja

Under the 18th amendment, Article-172(3) was inserted in the constitution of Pakistan. The article states:

Subject to existing commitments and obligations, 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.

Before the enactment of 18th amendment, mineral oil and natural gas were federal subjects. Under the Article-172(3), the provinces are entitled to 50 percent of the ownership rights in oil and gas reserves in their respective jurisdictions which also means that provinces have the right to 50 percent of the income generated from these resources. Views of the federal government and the provinces differ regarding the interpretation of Article-172(3).

The federal government seems to be of the view that by equally sharing the revenues from oil and gas reserves located in provinces, with the province concerned it is already fully implementing the Article-172(3) of the constitution. The provinces on the other hand hold the view that besides an equal share in revenues, the Article-172(3) of the constitution requires that provinces and federal government

should have an equal say in all decisions; including award of exploration contracts with respect to oil and gas reserves located in their respective jurisdictions.

Balochistan, Sindh and Khyber Pakhtunkhwa being major oil and gas producing provinces are demanding the implementation of the Article-172(3) in letter and spirit. To be specific, Balochistan has demanded publicly that ministry of petroleum and natural resources be disbanded, a petroleum directorate be established to facilitate provinces and that the ownership of companies like OGDCL and PPL be transferred to provinces; proportionate to their share of production of oil and gas in the country. Sindh claims that it is an exclusive right of the province to grant exploration contracts of oil and gas. However, the federal government which is benefitting from 50 percent ownership of oil and gas fields under Article-172(3) disagrees with the stance taken by the provinces.

The underlying reason for the dispute between the provinces and the federal government is owed to two reasons. One, because the word 'jointly' included in the Article-172(3) of the constitution has not been defined and two, no mechanism has been laid down in any document to implement the 'joint ownership' of the federal

government and a province over oil and gas resources.

The problems ensuing from non-resolution of the dispute over implementation of the Article- 172(3) is evident from the following:

1. In mid-2015, a constitutional petition was filed in the Supreme Court which reflected the displeasure of the government of Balochistan over the unilateral extension of the mining lease of natural gas in a block located in Balochistan by the federal government after its expiry by efflux of time. The government of Balochistan felt that unilateral extension by the federal government was against Article-172(3) of the constitution. The court while agreeing with the stance of Balochistan stopped short of passing an order after the federal government assured that the issue would be resolved by taking the province on board.
2. Reportedly, the exploration of oil and gas in 50 blocks allotted to national and international oil exploration companies in different provinces two years ago could not begin due to the absence of a consensus framework between the Federal Ministry of Petroleum and Natural Resources and the respective provinces.

The question now is that how the Article-172(3) of the constitution may be implemented and what legislative/procedural changes (if any) are required? Three measures are required to settle the dispute amicably and implement Article-172(3) of the constitution:

1. Interpret Article-172(3) of the constitution
2. Lay down a mechanism to operationalize 'joint ownership' of the federal government and any one of the provinces
3. Interpret what is meant by the phrase; 'subject to existing commitments and obligations' included in Article-172(3)

The above mentioned three issues are discussed below in detail:

1- Interpreting Article-172(3) of the constitution

To interpret an article of the constitution the right forum is the Supreme Court of Pakistan which enjoy powers under Article-184 of the constitution to settle disputes among governments, (including federal and provincial governments). The Article-184 (1) states:

The Supreme Court shall, to the exclusion of every other court, have the original jurisdiction in any dispute between two or more governments. (governments here refer to federal and provincial governments).

The provinces can jointly or severally invoke the jurisdiction of the Supreme Court to settle a dispute arising out of the different interpretations of the Article-172(3) by federal and provincial governments.

Though the authority to interpret the constitution rests with the Supreme Court of Pakistan but one can make an attempt to interpret 'joint ownership' based on its usage in common parlance. Suppose, that two brothers own a house jointly by way of inheritance. Let us further assume that the elder brother makes a deal to sell the house for Rs.10 million and offers to give Rs.5.0 million to the younger brother from the sale proceeds. The younger brother objects to the deal and says that if he were to make an attempt to sell the house, a price of Rs.11 million can be fetched. The question is; can it be legally left to either of the two brothers to negotiate the sale deal to the exclusion of the other or assent of both the brothers as to the sale price of the house is essential? Common sense suggests that as the sale price of the house will determine the individual shares of each of the two brothers, therefore, both the brothers must agree to the deal price.

The terms on which the exploration contracts are awarded to exploration companies determines the revenues from the contracts and therefore affects the revenue-share of the provinces.

The federal government only wants to share the revenues equally with the provinces concerned but is not willing to allow their say in other matters, like award of exploration contracts. The stand point of the federal government is akin to desire of the elder brother, in our example of jointly owned house – just as negotiating the sale price of the jointly owned house by either of the two brothers to the exclusion of the other does not make legal sense. Similarly, not allowing the provinces to have a say in the award of exploration contracts is difficult to assimilate.

Therefore, ideally, the federal government and the provincial government(s) concerned should jointly make all decision with respect to oil and gas reserves explored/to be explored in a province. This would also mean that policies regarding exploration of oil and gas, including the incentives to be given to woo the exploration companies shall have to be jointly framed and agreed upon.

2- Operationalizing joint ownership

If the federal government was to agree, through the intervention of the Supreme Court, or otherwise, that all decisions with respect to oil and gas reserves located in provinces be taken jointly, then the question is how to operationalize the joint ownership.

Almost all the functions that federal government performs through the ministry of petroleum and natural resources are performed at the federal Ministry of Petroleum and Natural Resources (MPNR) by the Director General Petroleum Concessions (DGPC) and Director General, Gas (DGG). A broad scheme regarding operationalizing the joint ownership can be conceived by looking at the functions of the DGPC and DGG.

Following are the main functions of the DGPC, MPNR:

- Grant of petroleum rights i.e. reconnaissance permits, exploration licenses, development and production leases
- Facilitation of exploration & production and services companies/activities
- Analysis of fiscal regimes relevant to oil and gas and recommend adequate policies keeping in view international best practices
- Promotion of petroleum exploration, negotiations with foreign and local exploration companies
- Management of petroleum exploration, development and production operations in accordance with international oil field practices, applicable rules and petroleum concession
- Ensuring realization of the government receipts (dividend, royalty, rents, application fees etc.) and compilation of investment data and management and scale of technical data

The main functions of the DG Gas, MPNR are as follows:

- Formulation of the government policies regarding Natural Gas, Liquefied Petroleum Gas (LPG), Liquefied Natural Gas (LNG), Compressed Natural Gas (CNG)
- Assessment and management of gas demand & supply
- Allocation of gas from new finds to gas utility companies
- Allocation of natural gas from different supply sources to various sectors
- Review and execution of gas price agreements with producers and gas sales agree-

ments between the producers and the government nominated buyer

- Assessment of consumers' gas prices based on the prescribed prices, determined by OGRA and making recommendations to the government for their fixation
- Budgeting and monitoring of receipts of Gas Development Surcharge
- Implementation of the president/PM directives including gas supply schemes of the parliamentarians
- Coordination with Ministry of Interior and Civil Armed Forces etc. on issues relating to safety/security of gas pipeline in the country
- Parliamentary business, i.e. senate/national assembly questions, standing committees meeting and ensure implementation of their recommendations

To implement Article-172(3) of the constitution, one option could be to establish a joint permanent body, may be on the pattern of Indus River System Authority (IRSA). The proposed body may be named 'Petroleum and Natural Resource Authority' which should comprise of the representatives of the federal and provincial governments to take decisions on matters of joint interest to the provinces and the federal government under Article-172(3). The proposed body with a professional CEO would also enjoy the executive authority to implement its decisions. The broad functions of the proposed body could be:

- Grant of petroleum rights i.e. reconnaissance permits, exploration licenses, development and production leases
- Facilitation of exploration & production and services companies/activities
- Analysis of fiscal regimes relevant to oil

and gas and recommend adequate policies keeping in view international best practices

- Promotion of petroleum exploration, negotiations with foreign and local exploration companies
- Management of petroleum exploration, development and production operations in accordance with international oil field practices, applicable rules and petroleum concession
- Ensuring realization of the government receipts (dividend, royalty, rents, application fees etc.) and compilation of investment data and management and scale of technical data.
- Matters related to sharing all sorts of receipts against reconnaissance permits
- Exploration licenses, development and production leases
- Review and execution of gas price agreements with producers and gas sales agreements between the producers and the government nominated buyer

To imagine the complexities of joint ownership, let us assume that award of exploration license in some area of Balochistan, for example, is on the agenda. Now, the question would arise whether:

- the representative of the federal government and representative of the concerned provincial government only should discuss and take a decision on the matter?

or

- the representatives of the rest of the three provinces should also participate in the decision making in the said matter?

There are pros and cons to include members from the provinces whose matter of interest

are not on the agenda. Being not directly interested in the agenda item the non-relevant members may take a stand based on political dynamics prevailing in the country then. But then there is an advantage as well of including non-relevant members: with two different political parties ruling at the center and in a particular province 'X', if the federal government tries to bring in political dynamics into the decision making, the inclusion of non-relevant members may dilute the impact of the relationship at the political level between the center and the province 'X'.

Yet another option to implement the joint ownership under Article-172(3) of the constitution could be to have a Provincial Petroleum and Natural Resource Authorities for each of the four provinces. Such provincial authorities would be jointly owned by the federal government and the province concerned and would take decisions of interest to the province concerned.

To sum up, the structure of the proposed joint body and framing its rules of business is something that calls for debate at different forums.

It is also important to understand that joint ownership, though a constitutional requirement is rather complex and difficult to implement. The problem becomes acute when we take into account the political dynamics of a province and center being ruled by different political parties. We feel that the objective for the short and medium term should be to implement the 172(3) in letter and spirit. However, the legislators and policy makers need to explore the possibility of exclusive provincial jurisdiction over this subject in the long run. One can imagine that the legislators might have explored the option of 100% provincial jurisdiction while framing the 18th amendment, but then might have given up in favour of joint ownership may be to curb reluctance of any one of the constituents. Besides, the fact that provincial expertise on the subject would take some time to develop, this might have played a role in settling for

joint ownership – the joint ownership would facilitate the spillover of expertise in negotiating exploration contracts etc. from the federal to provincial governments.

Various systems are used across countries for allocating the entire national revenues among the center and provinces. Pakistan gathers most of the revenue at the center and then distributes it through the award of the National Finance Commission (NFC). Relevant literature suggests that arrangements that allow the sub-national units (i.e. provinces/states and local tiers) to generate more own-source revenue and retain it are likely to yield greater aggregate national revenues because retention of revenues by the sub-nationals encourages them to put in greater effort to generate more.

What then impedes allowing such a revenue sharing arrangement in Pakistan? It is the low revenue generation capacity of the provinces like Balochistan and KP that impedes introduction of arrangement of the kind referred above. Balochistan and KP being relatively richer in oil and gas, their revenue generation capacity would increase considerably if the subject of oil and gas is completely devolved to the provinces in the long run – If Punjab and Sindh can be allowed to benefit from their endowment of land suitable for agriculture then why the other two provinces should not be allowed to reap full dividends of their land endowed with minerals? Exclusive ownership of provinces over oil and gas resources, would allow the country to opt for a superior arrangement of sharing national revenues then the present one under the deadlock prone NFC. It is worth mentioning here that in some developed countries, the ownership of oil, gas and minerals rests even with private individuals and ownership of the sub-nationals/provinces is common.

3- Interpreting 'subject to existing commitments and obligations

Some provinces have demanded the pro rata distribution of the assets/revenues of the

entities like Oil and Gas Development Corporation (OGDCL) and Pakistan Petroleum Limited (PPL) and also a share in revenue from exploration contracts in place before the enactment of 18th amendment. The federal government is not willing to accept this demand. The federal government's view, though correct on the face of it, is that Article-172(3) by including the phrase 'subject to existing commitments and obligations' does not require joint and equal ownership regarding the contracts signed or corporations established before the enactment of 18th amendment. However, one needs to look deeper to arrive at a conclusion.

A crucial principal of law is that to interpret the law one has to go beyond the written words and look into the intentions of the framers of the constitution. What could have been the intention of the framers of Article-172(3) while including the phrase 'subject to existing commitments and obligations' in the said article of the constitution?

There are two possibilities: One; as a lot of interests/investment of foreign companies is involved in the oil and gas sector, the intention of the framers of the Article-172(3) could have been to protect foreign interests in the contracts. Two; the intention could have been to protect interests/investment of the federal government in the contracts signed/entities established before the enactment of the 18th amendment.

Both things make the second explanation as being intention of the framers of the constitution being the underlying reason for including the phrase 'subject to existing commitments and obligations'.

Had the intention behind inclusion of the phrase 'subject to existing commitments and obligations' been to protect the interest/investment of the federal government, then such a phrase was warranted in almost all the articles that involved devolution under the 18th amendment. For example, the legislators would have devolved tourism to the provinces

but would have retained the PTDC hotels with the federal government which were developed using money of the federal government but these were not retained.

Secondly, the very idea of protecting investment of the federal government made before the enactment of the 18th amendment is naive. The question is protection from whom? Protect from natives of the provinces of Pakistan? All the investment that federal government undertakes comes from the taxpayers' money most of whom are based in the provinces – therefore, protecting investment from the very people who provided the money for the said investment does not make sense. Therefore, it is difficult to believe that this kind of protection was on the minds of the framers of the constitution while framing the Article-172(3) of the constitution.

Given the foregoing discussion, we can say that protection of the interests/investment of the foreigners was on the minds of the legislators while including the phrase; subject to existing commitments and obligations in Article-172(3). If this is correct then perhaps nothing prevents the federal government from sharing revenues of agreements in place before the enactment of the 18th amendment to the extent that such sharing will not damage foreign interests/investment. Either the attention of the Supreme Court of Pakistan should be drawn to this aspect or the court may take cognizance of the matter on its own.

Conclusion:

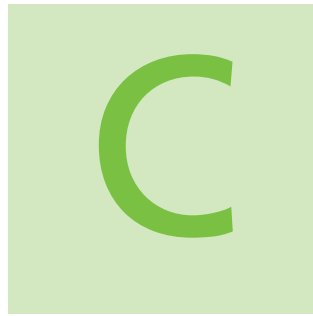
All reforms produce winners and losers and the would-be losers attempt to block reforms. The challenge then is; one; minimize would-be losers or their losses and two; overcome the de jure and de facto power of the would-be losers by using constitutional and political means.

While the success of constitutional means is difficult to predict the use of political means depend upon whether the devolution envis-

aged under the 18th constitutional amendment was willingly undertaken by all stakeholders to respect the will of the people at large or that they accepted the devolution in return for some other provisions of their interest included in the amendment. The gains, other than the devolution, that they expected from the 18th amendment, having already accrued, the motivation to implement the devolution part of the 18th amendment might have subsided.

Reference:

- Supreme Court of Pakistan (2013): Constitution Petition 45/2013



The Council of Common Interests (CCI): Understanding and Strengthening the Institutional Aspects

Zafarullah Khan

"The CCI is the "heart of the federation" in our democratic system. If the heart will not be allowed to function properly, then certainly the body will have to be put on a ventilator"

Senator Raza Rabbani, Chairman Senate of Pakistan, 17th May 2016

In the federal constitutional scheme of Pakistan, the Council of Common Interests (CCI) enjoys centrality. This institutional innovation of the 1973 constitution has been described as the 'heart of federation' (Raza Rabbani, 2016) in country's democratic system. The metaphor of heart entails that its proper functioning will define and determine the health of the federation.

Currently, the CCI (heart) is temporarily housed in the Ministry of Inter-Provincial Coordination whereas the constitutional command in Article-154(3) demands to have its own 'permanent secretariat.' The Rules (2010) of the CCI go one step further and call for proper representation of the federating units in it; according to the regional quotas. Regarding 'Rules of the CCI' the constitutional Article-154(5) says that 'until the parliament makes provision by law on this behalf, the council may make its rules of procedure.' Whereas, the parliament has yet to think about its role in this regard meanwhile, the council has already adopted its own Rules on

July 18, 2010.

Besides this, the constitution assigns two specific powers to the parliament vis-à-vis the CCI. First: the parliament in joint sitting may from time to time, by resolution, can issue directions through the federal government to the council generally or on any particular matter to take action which the parliament may deem just and proper and such directions shall be binding on the council. Secondly: if the federal government or a provincial government is dissatisfied with a decision of the council, it may refer the matter to parliament in a joint sitting whose decision in this respect shall be considered final. However, these provisions have never been used till yet.

The constitution makes it mandatory that the CCI 'shall meet at least once in ninety days.' Since its rejuvenation in the wake of the 18th constitutional amendment in 2010, the constitutional periodicity has not been adhered to. There were only 18 meetings from July 2010 till October 2016 instead of constitutionally envisaged 25 meetings. Research indicates that on an average the meetings of the CCI have been held after 115 days instead of constitutionally mandated 90 days. Prime minister as the chairman of the CCI may convene a meeting of the council upon the request of a province on any urgent

matter. Nonetheless, this constitutional provision has not been invoked since 2010.

The CCI is responsible for submitting its annual report to both houses of the parliament. The Senate of Pakistan and the National Assembly of Pakistan have to discuss the report in their respective chambers. As of October 2016, five annual reports of the CCI have been placed before the parliament. The last one was pertaining to year 2014-15. However, only the senate-the House of the Federation has discussed these reports; that too only after March 2015 under the leadership of its incumbent chairman, Senator Raza Rabbani.

Throughout 16 meetings held during July 2010 till March 2015, the CCI discussed 105 agenda items while only six summaries (5.71%) were moved by the provinces.

The situation narrated above is hardly inspiring and the inferences that could be drawn out of it include:

- (i) The CCI's significance in the federal architecture of Pakistan is less understood and not fully operationalized,
- (ii) The CCI will remain ineffective unless it has its own permanent secretariat with due representation of the federating units, and
- (iii) The provinces have yet to play 'proactive role' to use this institution by grasping its constitutional spirit and institutional space

This paper attempts to analyze the origin, working and evolution of the Council of Common Interests before and after the passage of the 18th constitutional amendment. The amendment introduced two major changes, that is; expansion in the scope of Federal Legislative List-part-II and revitalizing the composition of the CCI (Rabbani, 2010: 172). In the new scenario, the council has emerged as one of the most important

forums in the federal institutional framework. It is envisaged to become an effective dispute resolution, economic planning and development forum to further the cause of participatory federalism.

Historical Background

The constitution of Pakistan uses the term 'federal' 275 times and 'national' 202 times. Out of this, 169 times is about the National Assembly (NA) and the rest about the National Finance Commission (NFC), National Economic Council (NEC) and the national language etc., all with federalist connotations. The term 'center' or 'central' is virtually non-existent but the concept survives as a dominant ghost in the entire governance edifice.

In the scheme of Pakistani federalism, the CCI was created in 1973 to harmonize federal-provincial relations, and 'conform to the spirit of federalism' (Abdul Hafeez Pirzada, 1973). It was a new approach towards addressing federal-provincial issues after bitter experiences of the one-unit characterized by highly centralized decision making mechanisms and denial of provincial rights that resulted in the dismemberment of Pakistan in 1971. The Intent of Legislature is an important instrument to fully comprehend the rationale of the CCI (see Annex-1). Even after this tragic episode, the Pakistani federal experience had been characterized by continued conflicts and crisis between the federation and provinces for greater autonomy and control over natural resources. It is in this context that the 18th constitutional amendment tried to reform and restructure the CCI 'to promote a culture of participatory federalism' (Rabbani, 2010: 170).

Since its creation in 1973, the CCI had been a constitutional body that remained largely unutilized. Before it could be used to solve federal-provincial issues, General Zia put the constitution in abeyance in 1977 by imposing martial law, and in 1985 changed its federal spirit through the 8th amendment. In 1999,

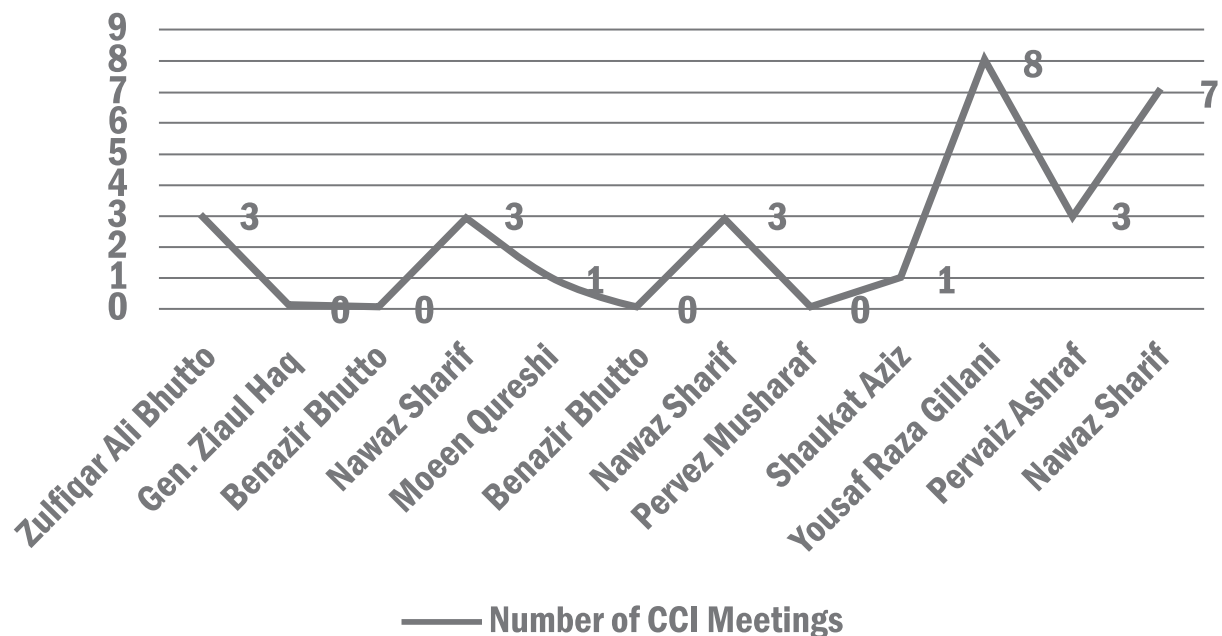
General Musharraf again put it in abeyance, and in 2003 vide the 17th amendment gave it a quasi-presidential form. Thus, in absence of constitutionality the CCI remained a dormant body.

During 37 years of CCI's existence from its inception in 1973 to 2010, it could only meet 11 times. The first three meetings were held during the Bhutto era, without framing rules for the council. On January 12, 1991, then prime minister Nawaz Sharif realized the efficacy of the forum and formulated its rules. The rules made it compulsory to have at least one annual meeting of the council. Nawaz Sharif convened three meetings of the council during his first stint in power (1991-1993) and another three in his second term (1997-1999). Through this forum, he was able to cobble up the Water Accord and established Indus River System Authority (IRSA). In 1993, one meeting of the council was held by the caretaker regime headed by

Moeen Qureshi and another in 2006 under Prime Minister Shaukat Aziz on the order of the Supreme Court to settle issues related to privatization of the Pakistan Steel Mill.

After the 18th amendment, the CCI has held 18 meetings till October 2016 and taken up dozens of issues of federal-provincial importance. This indicates the increasing, though not optimal, efficacy of the CCI and functionality of the notion of 'shared responsibilities'. The deeper analysis of typology of the meetings (see Annex-2) reveals that until 2010 if there was more than one non-coalition chief minister in the four federating units then the chances of meetings of the council were rare. The rules of the council adopted in 1991 required attendance of at least three chief ministers. Now the new rules framed and adopted in July 2010 have reduced this requirement to the presence of two chief ministers only.

Box 1: History of the number of CCI meetings (August 1973-October 2016)



CCI: A Platform for Inter-governmental Relations

The rationale of the CCI is anchored in the federal notion of inter-governmental relations. It is a distinct feature of 28 existing federations in the world that they have at least two or more tiers of constitutionally defined governments on same set of population and territory. For smooth functioning of each tier within their constitutionally defined competences, a substantial level of interaction and cooperation is of vital importance. The mechanisms for managing such coordination, communication and conflict resolution are varied. In federalism discourse, these methods are often described as 'Inter-Governmental Relations (IGR)' (Chattopadhyaya et al, 2010: p.3).

In Pakistan, an equivalent expression mentioned in the constitution is 'Inter-Provincial Coordination (IPC).' The Article-130 of 1956 constitution provided for Inter-Provincial Council. The 1962 constitution totally ignored the need for any such forum and refrained from the very use of the word 'federal.' The 'federalism phase' of the Pakistani politics led to drafting of 1973 constitution when the Council of Common Interests was created to 'conform to the spirit of federalism' (Waseem 2001; Jaffer 2011).

The creation of CCI along with the establishment of the Senate-the House of Federation was an important step in the direction of establishing Pakistan as a federation. The 1973 constitution also retained two other forums i.e. National Economic Council and National Finance Commission for fair distribution of resources in an effort to promote equitable development in the country.²

Part V and VI of the constitution, specifically Articles 141-174 deal with relation between federation and provinces. Out of these thirty-four articles, seventeen have been amended through the 18th amendment. The major amendments included: redefining legislative competence of the parliament and provincial assemblies after the abolition of the Concurrent List, mandatory consultation with the concerned provincial government prior to decision related to construction of hydro-electric power stations, protection to current provincial share and possibilities of increase only in future NFC awards, provincial power to raise domestic or international loans within the prescribed limits by the NEC and the provision for joint and equal ownership of natural resources like oil and gas (Rabbani 2012). Role of the parliament and respective provincial assemblies has been enhanced in case of imposition of emergency in the country or in any one or more provinces.

In the executive domain, Pakistan has had an Inter-Provincial Coordination Ministry since the 1970s. This ministry is presently serving as the temporary secretariat of the CCI. The provinces also have their own dedicated Inter-Provincial Coordination Ministries. The 18th amendment also incorporated a new entry in FLL-II i.e. "inter-provincial matters and coordination." In the judicial realm, the constitution has assigned the Supreme Court with an original jurisdiction in a dispute between any two or more governments with the power to pronounce declaratory judgments.³

Many of these constitutional, parliamentary, executive and judicial forums remained dormant and under-utilized due to the military interventions in 1977-1988 and

¹ Entry 13 of Federal legislative list-II in Fourth Schedule, The Constitution of the Islamic Republic of Pakistan 1973

² Both NEC and NFC were also part of the 1956 and 1962 Constitutions.

³ i The Erstwhile Concurrent list was a legislative list on which the federal and the provincial assemblies had the competence to legislate. If on any subject of the Concurrent list both the federal and the provincial legislatures had legislated the federal law enjoyed automatic paramountcy. In these schedules certain laws enacted during the martial laws had been given protection and amendments to these laws required prior approval of the president

³ Article 184 Original Jurisdiction of Supreme Court, The Constitution of the Islamic Republic of Pakistan 1973

1999-2008. Resultantly, the federal-provincial trust matrix deteriorated to the worst.

The 18th Amendment: Reclaiming Federalism

The spirit of the 18th amendment is anchored in the erstwhile unsettled issue of provincial autonomy. The founding fathers of Pakistan wanted the state to be organized on the principles of democracy and federalism as reflected in historical documents. The provinces were to be at the heart of these arrangements. The 18th amendment has provided a 'negotiated legislative revolution' opening up the space to convert Pakistan into a participatory federation (Interview with Raza Rabbani). The 18th amendment has changed more than 36% (102 Articles) content of the constitution. Through the amendment, the Sixth and Seventh Schedules were omitted and the Concurrent List from the Fourth Schedule was deleted along with some inclusions and exclusions in the Federal List (Part-I and Part-II).

These extensive constitutional reforms have brought about a paradigm shift in Pakistan's federal architecture and powers have duly been transferred from the federation to the provinces. In order to fully comprehend the post 18th amendment politics of federalism in Pakistan, these three pieces of the puzzle have to be put together; first, the 18th constitutional amendment, second there are specific recommendations for reform of the executive branch and thirdly there are Notes of Reiterations by political parties on issues for which they couldn't yield consensus. They have been documented as Notes of Reiteration and could be described as pending politics for posterity.

CCI - After the 18th Amendment

The performance of the post-18th amendment CCI could be analyzed through the lenses of institutional development, procedural reforms and the actual performance. The first step taken after the 18th amendment was formation of an Implementation Com-

mission on May 4, 2010 for transferring the ministries that fell under the erstwhile Concurrent List. It was followed by restructuring and operationalization of the CCI. In its first meeting on July 18, 2010 the council adopted its Rules of Procedure. Earlier it had taken eighteen years to formulate its rules. However, the commonality in both cases is that the rules are the product of the council instead of the parliament enacting them by law as desired by the Article-154 (5).

Now the prime minister (the chairman of the council) along with the provincial chief ministers are the permanent members of the CCI. In addition, three persons from the federal government are to be nominated by the prime minister. Traditionally, the federal government's representation has been one federal minister from each province other than that of the prime minister's own province. In this way, every province has two members in the council with similar or different party loyalties.

In 2013 for the first time, a situation arose that the minister of inter-provincial coordination - who hosted the CCI secretariat; belonged to the prime minister's own province i.e. Punjab and was not member of the council. In terms of participation with the exception of three meetings, the rest happened with full attendance of the chief ministers. Almost all meetings were of one-day duration. Nevertheless, the culture of pre-meeting informal get-together of the federal and provincial chief executives emanated positive messages of cementing federal ties in an atmosphere of cordiality.

According to the Article-154 (2), the council has to be constituted within thirty days of the prime minister taking oath of his/her office. This happened soon after the 2013 election. Before election, the caretaker government reconstituted the CCI and tried to convene its meeting on April 19, 2013 but the move was forcefully resisted in the senate with an argument that the interim set-up did not have the power to take decisions that would have

long-term consequences for the federal-provincial relations.

The council is supposed to have a permanent secretariat with representation of all the provinces on the basis of provincial and regional quotas. The idea of permanent secretariat first emerged in 1991; later in 2010 it is properly envisioned in the council's rules. Presently, the CCI has a temporary secretariat housed at the IPC ministry and appears to be under-staffed without ensuring adherence to provincial quotas. Presently, only six people are working at the CCI secretariat; four specifically for the matters related to CCI. It is an insufficient human resource to deal with 18 subjects (enlisted in the Part-II of the Federal Legislative List) under the preview of the CCI. The permanent secretariat with due representation of all the federating units and the federation will allow the council to maximize its potential besides maintaining its records properly and evolve its own institutional memory. The rules of procedure of the CCI envisage creation of standing committee(s) to look into assigned matters. As of today, only one such committee has been constituted on November 8, 2012 to provide inputs to the council on pending issues of devolution. Since its creation, it has held 6 meetings and for the last time it met on February 17, 2015.

The 18th amendment made it mandatory constitutional requirement that the council must meet at least once in ninety days. The recorded periodicity of the CCI meetings since 2010 reflects both positive and negative deviation from this clause during the last three years. During 2010-11 instead of constitutionally required four meetings, the council met for six times. In 2011-12 the council met only twice. During 2012-13 it had three meetings, during 2013-14 four, during 2014-15 only one, and during 2015-16 two. The year 2016-17 starting from July 1 is passing without any meeting.

The prime minister may also convene a meeting on the request of a province on an urgent matter. This enabling clause has not been

invoked during the last six years. The formal procedure to request for such meeting has not yet been structured. The decisions of the council are expressed in terms of the opinion of the majority. In a meeting of the council, four members form the quorum; provided that at least two chief ministers are present. However, a matter relating to a province cannot be discussed unless the chief minister of that province is present in the meeting.

As mentioned before too, that the parliament in a joint sitting may from time to time, by resolution, issue directions through the federal government to the council generally or on a particular matter to take action as it may deem just and proper. Such directions are binding on the council. Similarly, if the federal or a provincial government is dissatisfied with a decision of the council, it may refer the matter to the parliament in a joint sitting whose decision will be final. As of today, these constitutional options remain unexplored.

After the 18th amendment, the council is responsible to the parliament and is required to submit its annual report to both houses. On January 18, 2012 the senate discussed a privilege motion by Prof. Khurshid Ahmed who brought into notice the continued lack of presentation of the constitutional reports of CCI, NEC, principles of policy and the NFC as a breach of the privilege of the house and its members. After this, the said reports are regularly presented to the parliament. However, only the senate of Pakistan has started formally discussing them in 2015. The report also remained largely ignored in the media and the birth of this new tradition by and large went unnoticed.

In terms of the mandate from 1973 to 2010, the CCI had dealt with 10 subjects including railways, mineral oil and natural gas; liquids and substances declared by the federal law to be dangerously flammable and development of industries where development under federal control is declared by the federal law to be expedient in the public interest; institutions,

establishment bodies and corporations already administered or managed by the federal government including the Pakistan Water and Power Development Authority and the Pakistan Industrial Development Corporation; all undertakings, projects and schemes of such institutions, establishments, bodies and corporations, industries were owned fully or partially by the federation itself or by a corporation set up by federation. Electricity though was part of erstwhile concurrent list but was in the jurisdiction of the CCI. Complaints as to interference with water supplies were also in the domain of the Council.

Post 18th amendment, the council is mandated to formulate and regulate policies in relation to matters enumerated in Part-II of the Federal Legislative List and will exercise supervision and control over related institutions. These 22 subjects i.e. almost double of the original mandate, include electricity, major ports including their declaration and delimitation and powers of port authorities; all regulatory authorities established under a federal law; national planning and National Economic Coordination including planning and coordination of scientific and technological research; supervision and management of public debt; census; extension of the powers and jurisdiction of members of a police force belonging to any province or to any area in another province, but so as not to enable the police of a province to exercise powers and jurisdiction in another province without the consent of the government of that province; extension of the powers and jurisdiction of members of a police force belonging to any province to railway areas outside that province; legal, medical and other professions; standards in institutions for higher education and research, scientific and technical institutions; and inter-provincial matters and coordination. Resolution of disputes with respect to construction of a hydro-electric station in any province is also in the domain of the council.

The Contested Mandate of the CCI

The Council of Common Interests (CCI) is the

most important constitutional body for federal-provincial affairs/relations in Pakistan. Created in the constitution of 1973 (Article 153 and 154) and restructured in 2010 (18th constitutional amendment), the CCI is a powerful forum to plead cases pertaining to Federal Legislative List-Part II. However, sometimes it appears that the federal government is confused about the actual mandate of the CCI. The Article-154(1) says that the council shall formulate and regulate policies in relation to matters in Part-II of the Federal Legislative List and shall exercise supervision and control over related institutions.

On 29th April 2014, the federal secretary, ministry of law, justice and human rights put up a note to prime minister for interpretation of Article-154 of the constitution

‘This requires clear policy decision that what falls under the words ‘supervision’, ‘control’ and ‘policy making.’ On various occasions this issue has cropped up where this point was the moot point that what is the mandate of the CCI? Whether it shall give the policy framework or do the entire job enlisted in the said article of the constitution?

In terms of performance, after the passage of the 18th amendment, the council has held eighteen meetings since July 18, 2010, has deliberated vital issues and taken decisions on matters relating to the federation, with an active participation of the provinces. This inspires confidence in the efficacy of the strengthened institution to promote participatory federalism in Pakistan.

The Senate of Pakistan has discussed the CCI on various occasions. On February 12, 2016 the chairman gave ruling to respect the periodicity of the CCI meetings. On May 19, 2016 it adopted a unanimous resolution on the issues pertaining to the CCI which was jointly moved by Senator Raja Muhammad Zafar-ul-Haq as leader of the house and Senator Aitzaz Ahsan as leader of the opposition.

The resolution states that:

“The Senate of Pakistan, urges the federal government to:

- a) comply with the constitutional provisions concerning CCI especially regularly organizing the meetings, establishing its permanent secretariat and timely submission of its reports to the parliament covering all important aspects including status of implementation of decisions
- b) ensure holding of population census as soon as possible but well before the next general elections
- c) include the issue of construction of water reservoirs in the agenda of every meeting of the CCI

and further recommends that:

- d) the public debt management and its implications should be supervised at the forum of CCI
- e) CCI should play its positive role to impress upon the provinces to achieve the Sustainable Development Goals (SDGs) especially in the fields of climate change and education and to provide assistance to the federating units in making strategies towards achievement of SDGs
- f) Progress in CPEC should be included in the agenda of every meeting of CCI
- g) CCI should take up with the provinces on the issue of absorption of federal government employees of developed ministries after the 18th constitutional amendment
- h) CCI should monitor the distribution system of zakat in the country
- i) CCI should devise an accountability mechanism

Further, urges upon the chief ministers to rigorously attend the meetings of CCI and

highlight all the provincial issues, and

Reiterates that the final agenda of the meetings should be brought into the knowledge of parliament as well as the provincial assemblies before conduct of every meeting of the CCI

Moreover, the federal government resolves that the Council of Common Interests should equally safeguard the constitutional rights of all the provinces for which the senate of Pakistan, being the house of federation, could provide necessary support.

Conclusion and Recommendations

The developments after the 18th amendment have proved that that a new federal culture is emerging in Pakistan and the usefulness of the CCI as an inter-governmental forum is being established. One can claim that the future of Pakistani federalism will greatly depend on the effective functioning of the council. However, the critics fear that the council may become ‘a mini government’ in itself (Interview with S.M Zafar, 2011).

First of all, by looking at the initial momentum of the council and its decisions one can say that the provinces must make the best use of this constitutional forum to resolve lingering federal questions that fall in its jurisdiction. Creative interpretation of “Inter Provincial Matters and Coordination” can help evolve federal culture of voluntary cooperation. Presently, the numbers of issues brought to the CCI by the provinces are quite few. We have provincial residencies in Islamabad but they are nothing more than just elite guest houses. The provinces can consider converting them into their advocacy secretariats to negotiate with the federal government on regular basis.

Secondly, there is no representation of the federal capital Islamabad, Federally Administered Tribal Areas (FATA) and Gilgit-Baltistan (GB) in the council. At least one case about Islamabad's water share discussed in the council highlights the need for their due representation.

Thirdly, the civil service academy and the professional training institutes of bureaucracy must include the understanding of the mechanisms of the CCI in its courses so that they can complement the work of elected executive of the federation and the provinces.

Fourthly, the legislators must discuss and debate the council's reports to make sure that

accountability and transparency are exercised meaningfully.

Finally, the media should play its role in highlighting the growing successes of Pakistani federalism through more discussion and debates.

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Annex-1

Intent of the Legislature

Following is an excerpt from the debate in the National Assembly of Pakistan on the draft of 1973 constitution (Article-141) which explains the *Intent of the Legislature* to create CCI:

Mr. Speaker! Now, we being in consideration of the Articles in chapter V which relate to relation between the federation and provinces. Article-141-amendment standing in the name of Ch. Zahoor Illahi but not moved.

Mr. Speaker! I would like to know from the law minister whether he wants to say something about relations between the provinces and the center?

Abdul Hafeez Pirzada (Minister for Law and Parliamentary Affairs):

Sir, in this constitution a great effort has been made for the first time in the history of Pakistan to concede, as far as possible and without sacrificing the national interest, maximum provincial autonomy to the federating units, that is, the provinces. We have not merely paid lip-service to the concept of provincial autonomy. We have, in fact, surrendered or suggested or proposed in the constitution to surrender, from the federation to the provinces as many subjects as were possible without jeopardizing the federal structure of the government. Where it was not considered possible to surrender in favour of the federating units any subjects or legislative powers; innovations have been made to give greater participation to the provinces.

For the first time a bicameral legislature has been proposed. There has been some criticism against the senate. But there was consensus and it was agreed on 20th October that no executive or administrative or supervisory powers will be given to the senate. However, notwithstanding that consensus, wherever it was considered necessary, desirable and possible; the entire framework to concede administrative or supervisory powers to senate, the senate was given the power. As far as control over legislation in the federation is concerned, really the power has been given to senate in respect of subjects which are in the second part of the Federal Legislative List and also in the Concurrent Legislative List. There are only two lists, first List is the Federal Legislative List and over which the federation has the executive power to make laws, that is, federation through parliament, two houses of parliament and then is the Concurrent Legislative list in which both the federation and the provinces have the power to make laws in respect of those subjects which from part of the second half of the Federal Legislative List and also subject to their Concurrent List that is common to the provinces and the federation.

Senate can disagree with national assembly and in that eventually it is incumbent under the constitution to have a joint sitting of parliament and then majority of the members in the joint sitting present and voting shall decide whether that bill over which there has been difference of opinion between the two houses should become law or not become law. In accordance with the accepted concept of federal structure, all residuary powers have been given to the provinces, barest minimum which were considered to be necessary have been kept with the federation. I am very happy to say, sir, that on this very sensitive and important issue, this issue of division of powers between the federation and the provinces and extent of the executive and legislative

authority of the federation and of provinces which has haunted this country, which has been the greatest impediment in the way of this country from getting a permanent, conceivable, viable constitution has been resolved to the satisfaction of all sections and all schools of thought present inside this august house. This is the issue on which East Pakistan agitated. This is the issue on which final parting of the ways came. Even in this august house there were categorical admissions from members sitting across the floor that the issue of provincial autonomy, relationship between federation and provinces, has been reasonably and satisfactorily resolved. Not only that, but it is gratifying to note that the admissions which have been submitted to the president of Pakistan by the so-called United Democratic Front, even in those admissions we are grateful to note that the issue of provincial autonomy, division of powers between the federation and the provinces, has been admitted to have been reasonably and satisfactorily resolved. This is a great tribute to the head of the state who personally brought about resolution of this very serious and sensitive problem.

Those subjects which were not considered feasible to be handed over to the provinces in the national interest, in the interest of integrity and solidarity of Pakistan, a new formula has been evolved. That is, that under the constitution a new institution has been set up—institution of the Council of Common Interests. In this institution, under the constitution, equal representation has been given to the provinces of Pakistan. Each province is to be represented on this council by their chief ministers and representation equal to the total number of chief ministers has been given to the federal government also so that a permanent constitutional institution of the Council of Common Interests comprising the four chief ministers and four federal ministers shall be constantly functioning and this shall have the authority, the exclusive authority not only in the federal cabinet, but apart from outside the federal cabinet, it shall have the executive authority, over the subjects which form part which are mentioned in the second part of the Federal Legislative List and these are all important subjects like heavy industry, oil and gas development, railways, mineral oil and natural gas, liquid and substances declared by the federal law to be dangerously inflammable, development of industries, where development under federal control is declared to be federal law, expenditure in the public interest and so on and so forth, institutions like the WAPDA, WPIDC and like matters and electricity from the Concurrent List at No. 34. Now decisions shall be taken by the Council of Common Interests by majority of the members present. It shall have the power to frame its rules. This Council of Common Interests has also been given authority to adjudicate upon disputes arising out of the natural waters between the provinces and between provinces and federation and the appellate authority or the revision authority against the decision of the Council of Common Interests is not the federal cabinet, is not the National Assembly of Pakistan, but Parliament of Pakistan comprising the national assembly as well as the senate in joint sitting. The Council of Common Interests shall exercise control and supervision over the institutions which are federal or which are autonomous bodies controlled by the federal government dealing with such subjects like railways and oil and gas development heavy industries, SAPDA and WPIDC and so on and so forth. Only parliament shall have the power to issue, from time to time, directions to Council of Common Interests. In such a way, by this innovation, although it was not possible to hand over these subjects to the provinces because of contiguity and innumerable problems which have resulted by handing over subjects like railways to the provinces, every province has been given representation equal to that of the other province irrespective of the population of the province. This is truly and genuinely an innovation, an attempt to bring about provincial participation with equal status to every province irrespective of size of the province or the population of the province and then this institution under the constitution has not been subjected to the overall jurisdiction of the executive authority of the federation.

Sir, apart from this innovation, assurance has also been given to the provinces in respect of certain of their natural resources like gas, hydro-electric power, etc. In respect of gas, it has been stated that requirements of a province where the well-head of gas is located shall have priority in consideration over other provinces and demands of other provinces. We have gone further and said that all the revenues derived on account of royalty and excise levied on gas shall be paid over, without the royalty or the excise duty coming into the Federal Consolidated Fund, to the province where the well-head is situated.

Similarly, in respect of electricity generated through hydro-electric system we have provided that any profits from that shall be paid as a matter of right to the province where that hydro-electric station is situated. This will give a permanent revenue income to the province concerned and help in the task of its development.

We have also provided that in respect of electricity needed within a province the provincial governments shall be competent to set up their own power stations, lay down their own transmission lines decide their tariff and so on and so forth, and above all, and abuse which had resulted from centralization of WAPDA where people were not able to deal with the problems existing in their own provinces, we have said that provinces shall be entitled to receive electric supply in bulk for consumption and transmission within that province so that they can decide according to their priorities which are most objective in their judgment and meet the demands and needs of their provinces as they deem fit and proper. So, there has been tremendous amount of decentralization which will bring in maximum participation in such important affairs like electricity, hydro-electric power, railways, minerals, gas, mineral oil and heavy industries.

In heavy industries also I would like to explain why it has not been possible to hand over the subject of heavy industry to the provinces. It would be conceded straightaway that industry relating to defence has always been a federal subject but heavy industry which we contemplate as heavy industry is like the Machine Tool Factory and the Taxila Complex or the Steel Mill which we are trying to establish in Pakistan. If we are to provincialize heavy industry, may be that the province of Punjab it is only as a reference may be that the province of Punjab be able to put up its own steel plant or may be it is not; but mostly other provinces will not be able to put up economical and feasible steel mills and steel plants. Therefore, these have been left over and steel mills and other heavy industries have to be put up in accordance with the national requirements. Therefore, in this provision will be included only those industries which are beyond the resources of a single province and that is why that the subject of heavy industries has also been left in the federal. But nevertheless, we have taken in out of the authority of the federal executive and entrusted it to the Council of Common Interests. Decisions taken by the Council of Common Interests are binding on federal government and federal ministries have to implement those decisions subject to overall jurisdiction and control of the parliament in a joint sitting.

These are innovations which have been accepted by everyone and in this way the question of provincial autonomy and division of power between the federation and the provinces has been satisfactorily resolved. Therefore, I would say that this is a great achievement on the part of the constitution committee and before that in the accord which is the basis of the constitution committee.

Annex-2

History of CCI Meetings and Typology of Representation (1973-2016)

Meetings of CCI	Dates	Prime Ministers	Punjab	Sindh	Khyber-Pakhtunkhwa	Balochistan
1-3 rd	Aug. 7-9, 1975	Zulfiqar Ali Bhutto (PPP)	Nawab Sadiq Hussain Qureshi (PPP)	Ghulam Mustafa Jatoi (PPP)	Nasrullah Khattak (PPP)	Governor rule during first two meetings
	Dec. 27-28 1975					----- 3 rd meeting Sardar Mohammad Khan Barozai (PPP)
	Dec. 31, 1976					
4-6 th	Jan. 12, 1991	Mian Muhammad Nawaz Sharif (PML-N/IJI)	Ghulam Haider Wyne (PML-N/IJI)	Jam Sadiq Ali (Independent)	Mir Afzal Khan (IJI)	Taj Mohammad Jamali (IJI)
	March 21, 1991					
	Sept. 16, 1991					
7 th	Sept. 12, 1993	Moeen Qureshi (Caretaker)	Manzoor Elahi (Caretaker)	Syed Ali Madad Shah (Caretaker)	Muhammad Abbas (Caretaker)	Naseer Mengal (Caretaker)
8 th -10 th	May 29, 1997	Nawaz Sharif (PML-N)	Shahbaz Sharif (PML-N)	Liaquat Jatoi 10 th meeting Governor Rule	Sardar Mehtab Abbassi (PML-N)	Sardar Akhter Mengal (BNP) 8 th -9 th
	May 9, 1998					-----
	Dec. 22, 1998					---Jan Muhammad Jamali (PML-N) 10 th
11 th	Aug. 6, 2006	Shaukat Aziz (PML-Q)	Ch. Pervez Elahi (PML-Q)	Arbab Rahim (PML-Q)	Akram Khan Durrani (MMA)	Jam Yusuf (PML-Q)
12 th -19 th	April 28, 2011	Syed Yusuf Raza Gillani (PPP)	Shahbaz Sharif (PML-N)	Syed Qaim Ali Shah (PPP)	Ameer Haider Khan Hoti (ANP)	Nawab Aslam Raisani (PPP)
	Sept. 6 2010					
	Nov. 8 2010					
	Feb. 1 2011					Missed Feb. 9, 2012 meeting

	July 18, 2010					
	June 1, 2011					
	Aug. 27 2011					
	Feb.9 2012					
20 th -22 nd	Aug. 8, 2012	Raja Pervaiz Ashraf (PPP)	Shahbaz Sharif (PML-N) In 22 nd Meeting Rana Sanaullah	Syed Qaim Ali Shah (PPP)	Ameer Haider Khan Hoti (ANP)	Nawab Aslam Raisani (PPP) In 22 nd meeting Governor Zulfiqar Magsi
	Nov. 8, 2012					
	Jan. 23, 2013					
23 rd -24 th	July 23, 2013	Nawaz Sharif (PML-N)	Shahbaz Sharif (PML-N)	Syed Qaim Ali Shah (PPP)	Pervez Khattak (PTI)	Dr. Abdul Malik (NP)
	July 31, 2013					
25 th -26 th	Feb 10, 2014	Nawaz Sharif (PML-N)	Shahbaz Sharif (PML-N)	Syed Qaim Ali Shah (PPP)	Pervez Khattak (PTI)	Dr. Abdul Malik (NP)
	May 29, 2014					
27 th	March 18, 2015	Nawaz Sharif (PML-N)	Shahbaz Sharif (PML-N)	Syed Qaim Ali Shah (PPP)	Pervez Khattak (PTI)	Absent
28 th	February 29, 2016	Nawaz Sharif (PML-N)	Shahbaz Sharif (PML-N)	Syed Qaim Ali Shah (PPP)	Pervez Khattak (PTI)	Nawab Sanaullah Khan Zehri (PML-N)
29 th	March 25, 2016	Nawaz Sharif (PML-N)	Absent	Syed Qaim Ali Shah (PPP)	Pervez Khattak (PTI)	Nawab Sanaullah Khan Zehri (PML-N)



Devolution of Education and Curriculum: -A Critical Concern

Zafarullah Khan

*The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.
(Article-25A, Constitution of Pakistan)*

The devolution of education was a contested and contentious issue in 2010 when the historic 18th constitutional amendment was enacted. During the deliberations of the parliamentary committee on constitutional reforms that authored the 18th amendment, Pakistan Muslim League-Nawaz wrote a "Note of Reiteration" saying, "curriculum and syllabus should be the joint responsibility of the federal and provincial governments."

The Pakistan Muslim League (Quaid-i-Azam) went a step ahead and asked that the Concurrent List shall not be abolished as it was too early to take this quantum jump. The Concurrent List was a legislative list on which the federal and the provincial assemblies had competence to legislate. If on any subject of the Concurrent List both the federal and the provincial legislature/s legislated, then the federal law enjoyed automatic paramountcy. Education and curriculum were part of the Concurrent List; with its abolition they became residual subjects. In the constitutional scheme of Pakistan residual powers (what is not explicitly part of the Federal Legislative

List) resides with the provinces. The PML-Q wanted a gradual empowerment of the provinces and devolution in phases.

Whereas, the authors of the 18th amendment inserted a new Entry no. 12 in the Federal Legislative Part-II i.e. 'standards in institutions for higher education and research, scientific and technical institutions,' making it a shared responsibility of the federal and provincial governments through the Council of Common Interests. The assumption was that it will take care of federal standards and minimum benchmarks for quality of education.

Lots of hue and cry was made and protests were witnessed during the implementation of the 18th amendment, especially when the erstwhile federal ministry of education was devolved in April 2011. Within three months, a new camouflaged Education Ministry was recreated on July 30, 2011. Upon protest of smaller provinces especially the Sindh and Khyber Pakhtunkhwa, the ministry has been renamed at least four times. Today it exists as the Ministry of Federal Education and Professional Development. The ministry revived Inter-Provincial Education Ministers Conference (IPEMC) in 2013 and through this a National Curriculum Council has also been created on October 14, 2014.

Historically, the education policy and planning, curriculum and higher education had been the provincial subjects in the Government of India Act 1935, the constitution of 1956 and the constitution of 1962. Despite the fact that education was a provincial subject, there was a federal minister for education at the centre/federal level. In the constitution of 1973, all this was brought on the Concurrent Legislative List. The 18th amendment abolished the Concurrent List and the subject with the exception of standards in higher education (new entry) became residual (that constitutionally resides with the provinces).

The 18th constitutional amendment acknowledged the Right to Education in Article 25-A which states that, "The state shall provide

free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law." Article-7 of the constitution defines 'the state' as federal government, the parliament, a provincial government, a provincial assembly and such local or other authorities in Pakistan as are by law empowered to impose any tax or cess. In the light of this definition, one can say that provision of 'free and compulsory education to all children' is the responsibility of all the three tiers of governance.

What was actually devolved?

In April 2011, the Federal Education Ministry was devolved. Following are the charts to explain what has really changed afterwards

Chart-1: Devolution of Ministry of Education according to the notification of the Implementation Commission

Education Division		
No.	Pre-18 th Amendment	Post-18 th Amendment (assigned to)
1.	(i) National Book Foundation (ii) Urdu Science Board and (iii) Urdu Dictionary Board	These organizations shall stand merged in National Language Authority, under the administrative control of the cabinet division
2.	External examination and equivalence of degrees and diplomas	Commission for standards for Higher Education under cabinet Division
3.	National language and other languages used for official purposes including medium of instruction"—Re-worded as "National and other languages used for official purposes"	Cabinet Division
4.	Education in the Capital of the Federation	Capital A&D division
5.	Financial assistance to educationists and Men of Letters and their bereaved families	Pakistan Academy of Letters under Cabinet Division
6.	Pride of Performance Award in "Academic fields"	Cabinet Division
7.	National libraries (Islamabad)	Capital A&D Division
8.	Boy scouts and girl guides; youth activities and movements	Pakistan Sports Board
9.	Welfare of Pakistani students abroad and foreign students in Pakistan	Ministry of Foreign Affairs

10.	Relationship / coordination with UNESCO and participation in its activities; liaison with other international agencies organizations in educational programmes	Economic Affairs Division
11.	International exchange of students and teachers	Inter-Provincial Coordination Division
12.	Foreign studies and training, international assistance in the field of education	Inter-Provincial Coordination Division
13.	Administrative control of the Federal Colleges of Arts and Design	Inter-Provincial Coordination Division
14.	Selection of scholars against Pakistan chairs abroad by the special selection board	Cabinet Division
Offices / Organizations		
15.	Federal Directorate of Education (FDE), Islamabad	Capital A&D Division
16.	Department of libraries	Capital A&D Division
17.	Federal College of Education, Islamabad	Capital A&D Division
18.	Academy of Educational Planning and Management, Islamabad	Capital A&D Division
19.	F.G. Polytechnic Institute for Women, Islamabad	Capital A&D Division
20.	National Institute of Science & Technical Education, Islamabad	Capital A&D Division
21.	Federal Board of Intermediate and Secondary Education, Islamabad	Capital A&D Division
22.	National Education Assessment Centre, Islamabad	Capital A&D Division
23.	National Education Equipment Centre, Lahore	Punjab Government
24.	Pakistan Academy of Letters, Islamabad	Cabinet Division
25.	National Museum of Science and Technology, Lahore	Punjab Government
26.	Inter Board Committee of Chairmen, Islamabad	Inter Provincial Coordination Division
27.	Dawood College of Engineering and Technology, Karachi	Sindh Government
28.	Pakistan National Commission for UNESCO, Islamabad	Economic Affairs Division
29.	Sindh Madressah, Karachi	Sindh Government
30.	National College of Arts, Lahore and Rawalpindi	IPC Division
31.	(i) Pakistan chairs abroad (ii) Centers of excellence (iii) Area study centers (iv) Pakistan study centers (v) Shaikh Zayed Islamic Centers	Cabinet Division and Respective universities
32.	Private Education Institutions Regulatory Authority	Capital A&D Division

The devolution notification says that the functions of the abolished ministries/divisions referred above and not mentioned in the above table, shall stand devolved to the provinces. In order to make complete sense of

devolution one has to look at the devolution according to Rules of Business, 1973 as well. The following devolved or deleted functions are not specifically mentioned in the devolution notification:

Chart-2: Devolution of Ministry of Education according to the Rules of Business, 1973

No.	Functions according to the Rules of Business, 1973	Devolved/Deleted/Reallocated
1.	Development and coordination of national policies, plans and programs in education, development of curricula and textbooks National Book Foundation	Devolved except National Book Foundation which shall be merged with National Language Authority
2.	International aspect of development and planning of education	Deleted
3.	Copyrights	Deleted
4.	External examination and equivalence of degrees and diplomas	Commission for standards for higher education under Cabinet Division
5.	Development of instructional technology: promotion and coordination of educational research	Devolved
6.	National language and other languages used for official purposes including medium of instruction	Entry re-worded as national and other languages used for official purposes to the Cabinet Division
7.	National education institutions and organizations and grants-in-aid to them, excluding administrative control of law colleges, National Educational Council	Deleted
8.	Education in the Capital of the Federation and the State	Assigned to new Division for ICT, Word "State "to be deleted
9.	Financial assistance to educationists and men of letters and their bereaved families	Deleted Functions to be performed by Pakistan Academy of Letters under Cabinet Division
10.	Pride of performance awards in academic fields	Assigned to Cabinet Division
11.	National libraries (Islamabad)	Assigned to the new Division for ICT
12.	National Services Corps; military training for students	Deleted
13.	Boy scouts and girl guides; youth activities and movements	Assigned to Pakistan Sports Board
14.	Welfare of Pakistani students abroad and foreign students in Pakistan	Entry to be assigned to Ministry of Foreign Affairs
15.	Relationship with UNESCO and participation in its activities; liaison with other international agencies and organizations in educational programs	Assigned to Economic Affairs Division

16.	International exchange of students and teachers	Assigned to IPC Division
17	Foreign studies, trainings and international assistance in the field of education	Assigned to IPC Division
18.	Promotion of special studies designed to identify problems of national integrity and of measures best calculated to protect the mainsprings of ideological inspiration and develop national cohesion	Deleted
19.	Administrative control of the Federal Colleges of Arts and Design	Assigned to IPC Division
20	Administrative control of Islamic Research Institute	Deleted
21.	Selection of scholars against Pakistan chairs abroad by the Special Selection Board constituted in the Education Division	Assigned to Cabinet Division
22.	Integrate plans proposals and programs proposed or prepared or adopted by the higher education sector	Deleted

The devolution process also identified new reporting responsibilities on international obligations:

No.	Subject/issue	Reporting responsibility
1	Education and adherence to international commitments	Shared responsibility of Economic Affairs division, Ministry of Inter-Provincial Coordination and Ministry of Foreign Affairs

Careful reading of the devolution related documents/notifications related to the erstwhile federal ministry of education reveals that in terms of institutions and mandates very little was actually devolved to the provinces rather was dispersed here and there at the federal level. With the exception of the newly created National Curriculum Council and reluctance to devolve the Higher Education Commission (HEC) after creating a specific commission only for standards in the higher education, the new Ministry of Federal Education and Professional Training in Islamabad has not usurped anything from the provinces.

The 18th Amendment and its Implementation in the Field of Education

The historic 18th constitutional amendment was unanimously passed by the parliament and notified in the Gazette of Pakistan on

April 20, 2010. This amendment introduced changes to about 36 % of the 1973 Constitution of Pakistan: 102 out of 280 articles of the constitution were amended, inserted, added, substituted or deleted. The 18th amendment has re-demarcated the jurisdictions of Pakistan's multi-level governance at the federal, inter-provincial and provincial levels. Subsequently, the legislative and executive authorities of the federal and provincial governments have been delimited by assigning the exclusivity of 53 subjects to the federal government, 18 subjects to the Council of Common Interests (CCI) and all residual subjects to the provincial governments.

Implementation of the 18th amendment required substantial changes in the existing legal, regulatory and policy frameworks on devolved and shared subjects. About 48 federal laws were identified which needed

amendments to reflect the intent of the 18th amendment. In spite of lapse of six years, some issues related to social sector still remain unsettled because of the lack of political will, policy disconnects and the absence of evidence-based strategies hampering the pace and process of transition management.

With the devolution of higher education, Sindh and Punjab have established their respective provincial higher education commissions, while the federal HEC and the federal law ministry terms them “unconstitutional.” The CCI in its meeting in March 2015 established a task force to resolve the issue between federal and provincial HECs. But as of today, the committee could not present its recommendations.

In pursuance of clause-9 of the Article 270-AA, the federal government constituted an implementation commission to review existing laws in the light of 18th constitutional amendment. Many meetings of the 10 members of the implementation commission were held to decide the powers and functions of federal HEC as given under the HEC Ordinance-2002. Subsequently, in the CCI meeting held on 28th April, 2011, it was decided that “a limited extent body would continue to work as commission for ensuring standards in institutions of higher education in the light of Entry no. 12 of Part-II of Federal Legislative List I.e. “Standard in Institutions of Higher Education and Research, Scientific and Technical Institutions.”

Six years down the lane, the HEC Ordinance-2002 has not been amended and

substituted yet by the envisaged “Commission for Standard in Institutions of Higher Education” as per Entry no. 12 of the Federal Legislative List-(Part-II). However, keeping in view the 18th constitutional amendment, the appointment of vice chancellors and other administrative functions of the universities have already been transferred from the governors (representative of the federal government) to the chief ministers in Punjab, Sindh and Khyber Pakhtunkhwa. Correspondingly, amendments have been made in the respective universities acts in Punjab, Khyber Pakhtunkhwa and Sindh.

The Sindh and the Punjab also created their own provincial Higher Education Commissions in 2013 and 2014 respectively. However, the federal HEC continues to dispute the legitimacy of their creation. This is happening because of the yet-to-be settled issue of financing higher education in the country. In a meeting of the Council of Common Interests (CCI) in June 2011, the federal government agreed to pick-up the tap pending next National Finance Commission (NFC) award that was due in July 2015.

The 18th constitutional amendment recognized free and compulsory education till 16 years of age (up to matriculation) as a justiciable fundamental right while the subject has been devolved to the federating units. Constitutionally, the four federating units and the federal territories were bound to legislate on Right to Education (RTE) in pursuance of Article 25-A of the constitution.

Following chart portrays the current legislative scape after the 18th amendment:

Legislative developments after the 18th Amendment:

No.	Federating unit	Right to Education (Article-25 A)	Curriculum	Higher Education
1	Punjab	The Punjab Free and Compulsory Education Act, 2014 enacted on November 10, 2014	The Punjab Curriculum and Textbook Board Act 2015, enacted on February 26, 2015	The Punjab Higher Education Commission Act 2014
2	Sindh	The Right of Children to Free and Compulsory Education Bill 2013 for Sindh enacted on March 6, 2013	The Sindh School Education Standards and Curriculum Act, 2014 passed on 10th December, 2014	<i>The Sindh Higher Education Commission Act, 2013</i>
3	Khyber-Pakhtunkhwa	Pending	Khyber Pakhtunkhwa Supervision of Curricula, Textbooks and Maintenance of Standards of Education Act, 2011 (April 26, 2011)	Nil
4	Balochistan	The Balochistan Compulsory Education Act 2014 officially passed on February 6, 2014	Nil	Nil
5	Federal Areas	The Right to Free and Compulsory Education Act 2012 for Islamabad Capital Territory (ICT), enacted on December 19, 2012. and Extended to FATA in August 2013	On Jan. 14, 2016 "Capital Curriculum and Textbook Wing" for Islamabad Capital Territory (ICT) was established under Capital Administration and Development Division, (CA&DD)	Higher Education Standards Commission-pending
6	Federal Government		Inter Provincial Education Ministers' Conference (IPEMC) National Curriculum Council [Sindh is only observer). RS 100 million allocated PSDP (Formed in Muzaffarabad, Azad Jammu Kashmir) on October 14, 2014	

Even after passage of 6 years, talking about the implementation of democratic devolution of education on the ground is inadequate when the key phase of legislative progress seems hardly inspiring. More shockingly in provinces where the laws have been passed, the operationalizing rules are missing. The executive branch is empowered to frame rules

to provide for the mechanisms to implement the laws passed by the legislature. Therefore, the Right to Education remains a distant dream and more than 25 million children are out of school in the country (see reference-1). Nevertheless, one positive development has been an incremental increase of up to 20% to 23% in the budget on school education. Also,

campaigns for enrollments in all provinces have been quite encouraging.

Contentious Issues

Inter Provincial Education Ministers' Conference (IPEMC): In countries like Canada where there is no formal federal ministry of education such platforms bring in federal cohesion. In Pakistan, the IPEMC was revived in 2013. The IPEMC is held every three months to discuss policy agenda regarding education in the country. On October 14, 2014 the National Curriculum Council (NCC) was established at this forum to develop national quality standards and framework for national curriculum. The federal claim is that the NCC has only an advisory (non-binding) role while the provinces are working collectively for the betterment of education and federal government was there only to help and facilitate. The IPEMC is also looking after the revision of National Education Policy-2009, devise a National Strategy of Education for the use of ICT (Information Communication Technology), draft policy of TEVT (Technical Education and Vocational Training), and realize the Sustainable Development Goals (SDGs). The federal government has allocated PKR. 100 million for the NCC (National Curriculum Council) along with allocation of an official building in the federal capital.

Higher Education Commission: Prior to the 18th amendment in the constitution, Entry no.38 in the Concurrent List contained the following subjects: "Curriculum, Syllabus, Planning, Policy, Centers of Excellence and Standards of Education." After the 18th constitutional amendment, the Concurrent List containing the above entry was abolished. The subjects mentioned in Entry no. 38 of the Concurrent Legislative List also stood abolished and have not been reproduced in Federal Legislative Lists-I and II. According to this important constitutional amendment without any ambiguity, the provincial assembly is competent to legislate on the subjects in the provincial domain.

Meanwhile, a new Entry no. 12 of FLL-II has been inserted i.e. "Standards in Institutions for Higher Education and Research, Scientific and Technical Institutions," which gives limited role to the Council of Common Interests to harmonize standards in higher education in the country. This role cannot be extended to include the regulation of policy and planning in the higher education institutions. As for matters mentioned in FLL-II, the CCI is authorized to formulate, regulate, supervise and control over related institutions and not the federal government wide Article-154 of the constitution. According to Article-153, the CCI has equal representation of all the provinces.

It is worth recalling that number of meetings of the implementation commission (working under the Inter-Provincial Coordination Division) were held to decide the power and functions of Higher Education Commission as given under the HEC Ordinance-2002. Subsequently, in the CCI meeting held on 28th April, 2011, it was decided that a limited extent body would continue only to work as commission for standards in institutions of higher education in the light of Entry no. 12 of Part-II of Federal Legislative List i.e. Standard in Institutions of Higher Education and Research, Scientific and Technical Institutions. During this meeting of the CCI, the chairman of implementation commission (constituted under Article-270-AA) clarified ambiguity on the question of devolution of the HEC and stated that the implementation commission in the light of the 18th constitutional amendment had decided to devolve the HEC. Upon the request of provincial governments, it was also decided that the financing of provincial universities and population welfare would be the responsibility of federal government till the next NFC Award. After the end of current NFC award the provincial governments would have to undertake financial responsibilities of the provincial universities (mostly recurring budget) which are already under the administrative control of the provincial governments.

In order to address the challenges of the higher education sector at the provincial level in a more effective way and realizing the importance of higher education for socio-economic development, the Punjab and Sindh governments established their own functional higher education commissions.

Therefore, time has arrived to amend/replace the HEC Ordinance-2002 in consultation with the provincial governments and to constitute a limited extent body that to be named as "Commission for Standards in Higher Education & Research, Scientific and Technical Institutions". This would be in line with the spirit of the judgment of honorable Supreme Court dated 12.04.2011.

However, the federal HEC claims that as per HEC Ordinance-2002 (section 10 (h) and 10(t), it is providing funds for research and development programs across the country to promote research and industrial linkages. Around 3000 research projects of the eminent researchers are being funded by the HEC which will hamper badly if funds are transferred to the provinces. Secondly, the HEC provides travel grants, seminars and conferences grants to boost research activities in the country besides providing around PKR 1000 million to fund digital libraries at campuses to facilitate access to all types of research and text books all over the world without paying any cost. The HEC also provides funds to public sector universities/institutes/degree awarding institutes to pay salaries and day to day expense without any discrimination under approved funding formula which is based on student's enrollment and research activities.

The HEC fears that if the funds are shifted to provinces, the research work in universities will be halted and uniformity in education will be hampered.

Way Forward

While the devolution of education has given birth to new conflicts between the federal and the provincial governments, it will be

prudent to evolve new mechanisms to address the complex situation. To begin with, **Firstly**, we have to respect the constitution and hold the hands of the provinces to do well in the field of education. There can't be two opinions that education is a nation building enterprise and it has been devolved to the provinces of Pakistan and not to the provinces of any other country. Historically, education was a provincial subject in the Indian Act of 1935, the constitution of 1956 and the constitution of 1962. So time has arrived to trust the provinces and evolve democratic federal culture of communication and cooperation to make Pakistani dream work through effective provision of quality education.

Two new mechanisms embedded in the constitution through the 18th constitutional amendment for 'inter provincial coordination' and 'standards in higher education' provide for new avenues of cooperation and collaboration between the federal and the provincial governments through the Council of Common Interests. It will be unfair to re-federalize education without giving the provinces a chance to exhibit their talent and commitment to improve education in their respective domains.

Secondly, instead of usurping the provincial competences we can opt for the constitutional path that offers mechanisms of cooperation in Articles 144, 146 and 147 according to which provinces can voluntarily entrust some functions to the federation and vice versa.

Thirdly, the education from 6-16 years of age for every child has been acknowledged as a justiciable fundamental right (Article 25-A) in the 18th constitutional amendment and in the constitutional scheme of Pakistan each and every tier of the government is supposed to work and devote ample resources to realize this constitutionally guaranteed 'fundamental rights.' The Supreme Court of Pakistan has already adjudicated in June 2011 in this regard in a case about the devolution of National Commission for Human Development (NCHD). This verdict conveys that even if

education has been devolved the federal government is not absolved of its roles and responsibilities to work for bestowing the fruits of this fundamental right.

Finally, time has arrived to end the blame game and lack of trust among various tiers of the governance and realize that all tiers work

on taxpayer's expenses to offer the citizens a better deal in this case i.e. good quality education.

Reference:

1- <http://www.alifailaan.pk>

Annex-1

Relevant Constitution Clauses: Education after 18th Amendment:

Insertion of new Article in the constitution. In the constitution, after Article 25, the following new Article shall be inserted, namely: -

"25-A. Right to education. -The state shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law."

Existing articles with implications for education:

Article: 22. Safeguards as to educational institutions in respect of religion, etc.

(1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(3) Subject to law:

(a) no religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination; and

(b) no citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

(4) Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens.

Article: 31. Islamic way of life

(1) Steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Quran and Sunnah.

(2) The state shall endeavor, as respects the Muslims of Pakistan:

(a) to make the teaching of the Holy Quran and Islamiyat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Holy Quran;

(b) to promote unity and the observance of the Islamic moral standards; and

(c) to secure the proper organization of zakat, [ushr,] auqaf and mosques

Principle of Policy:

Article: 37. Promotion of social justice and eradication of social evils

The State shall:

- (a) promote, with special care, the educational and economic interests of backward classes or areas;
- (b) remove illiteracy and provide free and compulsory secondary education within minimum possible period;
- (c) make technical and professional education generally available and higher education equally accessible to all on the basis of merit;
- (d) ensure inexpensive and expeditious justice;
- (e) make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;
- (f) enable the people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan;
- (g) prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisements;
- (h) prevent the consumption of alcoholic liquor otherwise than for medicinal and, in the case of non-Muslims, religious purposes; and
- (i) decentralize the Government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public.

Article 38. Promotion of social and economic well-being of the people

The state shall:

- (a) secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;
- (b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;
- (c) provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;

(d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;

(e) reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan; and

(f) eliminate riba as early as possible

251. National language

(1) The national language of Pakistan is Urdu, and arrangements shall be made for its being used for official and other purposes within fifteen years from the commencing day.

(2) Subject to clause (1), the English language may be used for official purposes until arrangements are made for its replacement by Urdu.

(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

Remain part of the Federal Legislative List-Part-1

- Item 3: In external affairs; the implementation of treaties and agreements, including educational and cultural pacts and agreements with other countries.
- Item 10 Public debt (Part-11 item: 8 Supervision and management of public debt (ALSO JOINT)
- Item 15: Libraries, museums, and similar institutions controlled or financed by the Federation.
- Item 16 federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.
- Item 17 education as respects Pakistani students in foreign countries and foreign students in Pakistan

Federal Legislative List Part-II

Item 6 All regulatory authorities established under a federal law

Item 7 National planning and national economic coordination including planning and coordination of scientific and technological research.

Item 12 Standards in institutions for higher education and research, scientific and technical institutions

Item 13 Inter-provincial matter and coordination

Omitted from Concurrent Legislative List:

Item 38 (curriculum, syllabus, planning, policy, centers of excellence and standards of education.

Item 39 Islamic education

Sixth schedule: (omitted)

(Laws previously not to be altered, repealed or amended without the previous sanction of the President)

Entry 16. The privately Managed Schools and Colleges (taking over) Regulation, 1972

Seventh schedule: (omitted)

(Laws to be amended in the manner provided for amendment of the Constitution)

Entry 6 (The Aga Khan University Order 1983, The National College of Textile Engineering Order-1983)

Entry 7 & 8 (The Lahore University of Management Sciences Order 1985, The International Islamic University Ordinance 1985)

Mandate of Education Federal Ministry

- Development and coordination of national policies, plans and programs in education, development of curricula
- International aspect of development and planning of education

Annex-2

Ministry of Federal Education and Professional Training

Ministry of Professional and Technical Training was established in July 2011 in the wake of 18th amendment. Some of the departments/organizations previously under Ministry of Labour and Manpower and Ministry of Education were placed under this ministry. The Supreme Court of Pakistan in its judgment dated 25th November, 2011 directed that in view of insertion of Article 25-A in the constitution, the federal government cannot absolve itself from the responsibility of providing education to its citizens. In the light of Supreme Court's judgment, a summary was moved to prime minister of Pakistan that was pleased to approve the renaming of ministry as "Ministry of Education and Training" which was duly notified by the cabinet division on 24th July, 2012. Subsequently, the Council of Common Interests (CCI) in its meeting held on 8th November, 2012 endorsed the renaming of ministry and approved its functioning with the subjects already assigned to it.

On reorganization of federal secretariat, the ministry was renamed as Ministry of Education, Trainings and Standards in Higher Education vide Cabinet Division's notification No. 4-8/2013-Min-I dated: 07th June, 2013. After the hue and cry raised by the provinces at the CCI, it was renamed as Ministry of Federal Education and Professional Training.

Vision

"Making Pakistan a developed and prosperous country by creating equitable opportunities of education in sync with demand driven training to its populace"

Mission Statement

"Endeavour to create conducive environment to promote education and provide technical and vocational training to the manpower in consonance with indigenous needs of socio-economic development leading to transform Pakistan from developing to a developed nation"

Functions

- To devise policies, plans and programs for ensuring mass education and integrated professional, vocational and technical training in sync with national needs and international requirements
- To supervise /oversee the implementation of National Education Policy -2009
- To make proposals for legislation, rules and code of conduct for official business concerning education, professional training and skill development
- To formulate proposals/ recommendations for increased public expenditure on education, professional development and vocational & technical training
- To nominate/recommend eminent persons for national awards in the fields of education, professional and technical training
- To coordinate with other ministries/ organizations for optimal utilization of professionals and trained manpower
- To liaise with International donors and organizations in the field of education and trainings.
- To develop, coordinate and regulate curricula, schedules, institutes and examination/certification bodies for the relevant trainings

- To coordinate efforts to achieve education related MDGs and Education-For-All (EFA) targets
- To make arrangements for effective utilization of youth bulge by imparting vocational and technical training and to administer and regulate the affairs of the attached departments, sub-ordinate offices and autonomous organization

About the authors

Zafarullah Khan possesses a rich experience spread over three decades in the fields of journalism, parliamentary democracy, civic education, constitutionalism and human rights. He was awarded M.Sc. Media and Communications from London School of Economics & Political Science, UK where his areas of specialization included political communication, media for effective citizenship and cyber sociology.

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Pakistan Institute of Development Economics (PIDE) was established at Karachi in 1957 and in 1964 accorded the status of an autonomous research organization by the Government of Pakistan. It is devoted to theoretical and empirical research in development economics in general and on Pakistan-related economic issues in particular. In addition to providing a firm academic basis to economic policy-making, its research also provides a window through which the outside world can view the nature and direction of economic research in Pakistan. In November 2006, PIDE was granted the degree awarding status. The institute is now engaged in providing affordable quality education of world class standard along with a truly stimulating learning environment.