

An Analysis of the Performance of the Council of Common Interest in Post-18th Amendment scenario in Pakistan (2010 to 2020)

Dr. Kamran Naseem¹ & Dr. Amna Mahmood² & Dr. Manzoor Ahmad Naazer³

Abstract

The institution of the Council of Common Interest (CCI) was established under Article 153 of the 1973 Constitution. The CCI formulates and regulates policies in relation to the subjects enumerated in the Federal Legislative List (FLL)-II. The 18th Amendment deleted the Concurrent Legislative List (CLL) and also increased the subjects of the FLL-II. The said amendment addressed the CCI and brought changes in its composition and functions. Under the 18th Amendment, the president's powers related to the CCI were curtailed and powers of the elected prime minister were enhanced. The prime minister is the chairman of the CCI under the amended Article 153-(2-A). The CCI has to meet once in ninety days under the 18th Amendment. This study evaluates the composition, functions, and working of the CCI in post-18th Amendment scenario (2010 to 2020). Adopting the constructivist paradigm of research, qualitative research methodology is utilized for this study. The amended Articles such as 153, 154 and 155 and the meetings of the CCI (2010 to 2020) have been analyzed. It is concluded that improvement has been found in the working of the CCI in post-18th Amendment scenario. Thirty-two meetings of the CCI were held in eleven years (from 2010 to 2020). Furthermore, it is suggested that the Federal Government should not take unilateral decisions in relation to matters highlighted in the FLL-II. The continuity in holding of the meetings of the CCI will strengthen the center-provincial relationship and certainly will be helpful in achieving the goal of a successful federation.

Keywords: Federalism, the Council of Common Interest, the Constitution of 1973, the 18th Amendment

¹ Assistant Professor and Head, Dept. of Political Science, Government Graduate Gordon College, Rawalpindi.

Email: kamrann43@gmail.com

² Professor, International Islamic University, Islamabad.

Email: amna.mahmood@iiu.edu.pk

³ Assistant Professor/Head, Dept. of Politics & International Relations, International Islamic University, Islamabad

Email: manzoor.ahmad@iiui.edu.pk

Introduction

According to Lawrence Ziring (1980) the Constitution of 1973 belongs to the people of Pakistan. The federal structure was maintained under Article 1 of the Constitution of Pakistan. The distribution of powers between provincial governments and the federal government was made in the Fourth Schedule of the 1973 Constitution. Two lists, namely the Concurrent Legislative List (CLL) and the Federal Legislative List (FLL) were incorporated in the Fourth Schedule of the Constitution. There were fifty-nine subjects in the FLL-I, eight in the FLL-II and forty-seven in the former CLL (The Constitution of 1973, Fourth Schedule).

The provinces had the powers to make laws on the remaining subjects. The Parliament and the provincial assemblies could make laws on the matters included in the CLL and the federal legislature had the upper hand in case of a conflict. The 1973 Constitution also provided articles regarding “two sets of governments and their relationship in administrative, legal and fiscal matters. Institutional arrangement was made for financial management, hydro-electric power, natural gas, supply of water from natural resources, sharing of revenue and inter-provincial implications”. The above-mentioned subjects were discussed and resolved in the National Economic Council (NEC), the National Finance Commission (NFC) and the CCI. The Constitution of 1973 was prepared by the directly elected representatives and it was expected that tax reforms would be introduced. There were twelve items in the FLL related to imposition of taxes. The taxation system was highly centralized (Shah, 1994). The 18th Amendment enhanced the role of the CCI through revision of Articles such as 153, 154 155 and 157. The present study evaluates its performance in the post-18th Amendment scenario (2010 to 2020).

Literature Review

The 18th Amendment was ratified in April 2010 and the scholars wrote on it from different angles. Some of the few works are; Burki (2010), Adeney (2012), Shah (2012), Hussain (2012), Shahid (2015), Waseem (2015), Sethi (2015), Mirza (2018), Zaman (2018), Rana (2020), Rabbani (2012), Naseem and Mahmmod(2019) and Ahmed (2020). The aforementioned authors overviewed the 18th Amendment and from different angles. The significant research done on the CCI are mentioned below. Zahid wrote on “Institutional Analysis of the Council of Common Interest” under the collaborative project of Centre for Civic Education Pakistan and the UNDP. The author discussed on the historical perspective, formation, functions and working of the CCI in

pre- and post-18th Amendment scenario. He made a conclusion that “in the new scenario, the council has emerged as one of the most important forums in the federal institutional framework. It is expected to become an effective dispute resolution and economic planning and development forum to further the cause of participatory federalism” (Zahid, 2013). Irfan Khan and Bakhtiar Khan wrote an article entitled “Dispute Resolution Mechanism in Pakistan: Council of Common Interest after 18th Constitutional Amendment” and mainly focused on the role of the CCI with respect to dispute resolution mechanism. The authors concluded that the CCI successfully resolved some core issues between the federation and the provinces such as census, water distribution, regulatory authorities, royalty and the natural resources. They observed that “when it comes to constitutionalism there is still gap between theory and practice” (Khan and Khan, 2020). Awan wrote a technical report on “Council of Common Interest” and gave a slight touch to the NEC, the NFC and the CCI and mainly focused on the Inter Provincial Conference (IPC). He observed that the IPC was instituted under the Rules of Business 1973 and the researchers touched it too little. Zafarullah Khan wrote “Future of Pakistani Federalism: Case Study of the Council of Common Interest”. The author examined the CCI in historical context and the changes brought in its composition and functions under the 18th Amendment. Khan concluded that there is a need for federal mindset and “federalized institutions especially those that fall under the ambit of the FLL-II” (Khan, 2013). The aforementioned scholars have already discussed the CCI from different angles and the present study fills the gap in the literature of the CCI. This study is significant as it covers the eleven years (2010 to 2020) of the working of the CCI.

Theoretical Framework

According to the scholars of political science, federalism is the best choice for a heterogeneous society. In a federal state, the powers and functions are distributed between the central/federal government and the regional/unit governments. Some common characteristics can be found in any federal state such as supremacy of the constitution, a bicameral legislature, a constitution in a written form, a rigid constitution and supremacy of the judiciary. A federation is established by the component units through a consensus. There are different theories of federalism, and the scholars have opponent views.

Duchacek projected ten canons of federalism and examined that we must show leniency in explaining federalism (Duchacek, 1987). Riker opined that federalism should be established on the basis of some profound passions (Riker, 1964). The liberal school views that a federation is the outcome of an aspiration to “be under a single

independent government for some purposes at any rate”. Scholars such as Spinelli, Elazar, Wheare and Burgees belonged to liberal school (Wheare, 1964). The prominent figures of the realist theory of federalism were Riker and David Mckay. They observed that the state has the modus operandi to bring solutions to the internal problems. The revolution in the field of science and technology has made much easier for a state to control its vast area and population (Riker, 1964). The theory of dual federalism considers that the federal/central government and the unit governments have equal status. They (central and the units) perform their functions and responsibilities in an independent environment (Schutze, 2009).

The scholars such as Grodzins, Clark, and Elazar criticized the theory of dual federalism. The term ‘cooperative federalism’ was used by Clark in 1938. In a ‘cooperative federalism’, the central government and the units’ governments perform their responsibilities in a collaborative pattern. The said theory believes that complete independence of both levels (federal and unit) is not possible. The federal government cannot meddle in units’ matters unlawfully. The theory of cooperative federalism desires to establish a cooperative atmosphere among the governments within a state (Frenkel, 1986). In the contemporary times, the concept of cooperative federalism has got much importance. The federal and units’ governments collaborate in concurrent subjects in an aforementioned system. The central government is limited to defense, currency, and foreign affairs only (Ali, 2010). Pakistan is a federal state under the Constitution of 1973 and the central and the provincial governments carry out joint powers, enumerated in the FLL-II through the CCI. The theory of ‘cooperative federalism’ has been utilized for this research.

Research Questions

This study endeavors to search out the answers to the following questions.

1. What was the composition and role of the CCI under the 1973 Constitution in pre-18th Amendment Scenario?
2. What changes were brought under the 18th Amendment related to the CCI such as Article 153, 154, 155 and 157?
3. How many meetings of the CCI were held in pre-18th Amendment Scenario (1973 to 2010)?
4. What was the performance of the CCI in post-18th Amendment scenario (2010 to 2020)?
5. Did the successive federal and provincial governments (2010 to 2020) act upon the amended Articles of the Constitution of 1973 with respect to the CCI?

Research Methodology

The political scientists use various philosophical models to explain ‘the occurrence and implications of political phenomena’. Under the constructivist philosophical paradigm, different research methods include, such as “narrative study, case study, descriptive study, phenomenological study, grounded theory and ethnographic study” (Adom, Yeboah and Ankrah, 2016). The constructivist paradigm of research is utilized for this study. The amended Articles such as 153, 154 and 155 and the meetings of the CCI (2010 to 2020) have also been analyzed. The conclusion of this study is based on the thorough examination of the above-mentioned articles and meetings of the CCI in post-18th Amendment scenario.

Intergovernmental Relations in Pre-18th Amendment Scenario

The Inter Provincial Coordination Committee (IPCC) played an active role before the ratification of the 18th Amendment. The meetings of the IPCC were larger in number as compared to the CCI from 1973 to 2010. However, more than thirty meetings of the IPCC were held during this period. The Inter-Provincial Coordination (IPC) Ministry was the smallest ministry in terms of its budget and size in pre-18th Amendment scenario. According to Yearbook, 2008-2009, an amount of rupees 18.719 million was allocated to the IPC Division and it had just forty-two sanctioned employees. Not a single “semi-autonomous/ autonomous body, attached department and organization” was under the control of the IPC Division. The IPC was given the status of full-fledged ministry in November 2008, but it remained inactive in political and administrative spheres (Awan, 2020).

Under Article 153 of the 1973 Constitution, the CCI was instituted, and it contained the following provisions. The president had the power to constitute the CCI and there was an equal membership of the provinces and the federation. The provincial chief ministers were members of the CCI. The prime minister had the discretionary power to nominate the members of the federal government in the CCI. Under Clause 3 of Article 153, “the prime minister was a member and the chairman of the council but, if at any time he was not a member, the president might nominate a federal minister who was a member of the council as its chairman” (The Constitution of Islamic Republic of Pakistan, Article 153). The CCI’s rules of procedure and functions were mentioned under Article 154. Under Clause (1) of the said article, the CCI enjoyed the powers to devise and monitor policies enumerated in the FLL-II and matters related to the federation and electricity (entry 34 of the CLL). The rules of business of the CCI’s were mentioned under Article 90 and 99 (The Constitution of Islamic Republic of Pakistan and also see Zahid, 2013).

The 18th Amendment 2010

Pakistan's two former prime ministers, late Benazir Bhutto and Nawaz Sharif signed an agreement, known as the Charter of Democracy (CoD) in London in May 2006. The main agenda of the CoD was restoration of the Constitution of 1973 in pre-12th October 1999 position, including the revival of true parliamentary system, removal of the discretionary powers of the president and the governor, empowerment of the provinces and announcement of the NFC etc. Pakistan's ninth general elections were held in 2008 and the Pakistan People's Party (PPP) and the Pakistan Muslim League Nawaz (PML-N) formed a coalition government at the federal level. The SPCCR was instituted under the headship of Senator Raza Rabbani (Naseem and Amna, 2019). The SPCCR took ample time, thoroughly studied the 1973 Constitution, and designed a proposed draft of the amendment. The 18th Amendment was passed by the Parliament (the National Assembly and the Senate of Pakistan) with a clear margin. The President Asif Ali Zardari gave the assent to the Amendment Bill on 19th April 2010 (*Daily Times*, April 20, 2010). The 18th Amendment reexamined and overhauled the Constitution of 1973 as one hundred and two articles out of total two hundred and eighty articles were addressed.

Enhancement in the Functions of the Provinces after Implementation of the 18th Amendment

The central government has the jurisdiction on the subjects enumerated in the FLL-I. Some subjects of the FLL-I such as "entry 21 (major ports), entry 33 (state lotteries), entry 38 (census), entry 40 (powers of a member of police force), entry 45 (duties in respect of succession to property) and entry 46 (estate duty in respect of property)" were deleted from FLL-I under the 18th Amendment. The subjects enumerated in the FLL-II, fall under the preview of the CCI. The said list was also revised, and role of the provinces was enhanced. Four items namely, "major ports, census, extension of the powers and jurisdiction of members of a provincial police force to other provinces and national planning and economic coordination were transferred from FLL-I to FLL-II. Four new items namely, all regulatory authorities established under federal law, supervision and management of public debt, standards in institutions of higher education as well as research, scientific and technical institutions, and inter-provincial coordination were added to FLL-II. Two items of the former CLL namely, electricity and legal, medical and other professions were also shifted to FLL-II" (The Constitution of Islamic Republic of Pakistan, Fourth Schedule).

Under amended Article 157, “it is obligatory for the federal government to consult the concerned provincial government before construction of hydroelectric power stations in the province”. The CCI has the jurisdiction to resolve the disputes. The role of the CCI was also enhanced under amended Article 153 and 154. According to revised Article 172, “the natural resources of a province are jointly and equally owned by the federal government and the concerned provincial government”. According to the revised Article 160-(3-A), “the share of a province in NFC Award will not be less than its share in the previous Award”. The provinces have a significant role in the functioning of matters of the federation of Pakistan in the post 18th Amendment scenario (Rana, 2020). The said amendment ensured provincial autonomy in a true spirit and strengthened the federation of Pakistan.

The CCI in Post 18th Amendment Scenario

The relationship between the federal government and the regional/state governments plays a key role in defining the nature of a federal state. The 18th Amendment addressed the relationship between the provinces and the federation and strengthened the system of cooperative federalism. Under the Constitution of 1973, the institutions such as the NEC, the NFC and the CCI play a significant role in the achievement of cooperation between the federal and the provincial governments. The NEC and the NFC were also addressed under the 18th Amendment (The Eighteenth Amendment Act, Article 156 and 160). The said amendment deleted the CLL from the Constitution of 1973 and some of its subjects were transferred to the FLL-II (the domain of the CCI). The role of the CCI has become much significant in post-18th Amendment scenario. The provinces negotiate with the federation at the platform of the CCI. The aforesaid amendment brought improvements in the composition and performance of the CCI (Ahmad, 2011).

The said amendment revised Article 153, 154 and 155. The amended Article 153 stated that “

- 1) there shall be a Council of Common Interests, in this Chapter referred to as the Council, to be appointed by the President.
- 2) The Council shall consist of –
 - a) the Prime Minister who shall be the Chairman of the Council.
 - b) the Chief Ministers of the Provinces; and
 - c) three members from the Federal Government to be nominated by the Prime Minister from time to time.
- 3) [Omitted]
- 4) The Council shall be responsible to the Parliament and shall submit an Annual Report to both Houses of the Parliament” (The 18th Amendment Act, 2010).

The functions and rules of procedures of the CCI were also addressed under the 18th Amendment. Article 154 stated that “

- 1- 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.
- 2- The Council shall be constituted within thirty days of the Prime Minister taking oath of office.
- 3- The Council shall have a permanent Secretariat and shall meet at least once in ninety days. The Prime Minister may also convene an emergency meeting if requested by the province to discuss an urgent matter.
- 4- The decisions of the Council shall be expressed in terms of the opinion of the majority.
- 5- Until the Parliament makes provision by law in this behalf, the Council may make its own Rules of Procedure.
- 6- the Parliament in joint sitting may from time to time by resolution issue directions through the Federal Government to the Council generally or in a particular matter to take action as the Parliament may deem just and proper and such directions shall be binding on the Council.
- 7- If the Federal Government 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 in this behalf shall be final” (The 18th Amendment Act, 2010).

Table 1

Subjects of the Federal Legislative List Part II under the 18th Amendment

S. No.	Subjects
1.	Railways.
2.	Mineral oil and natural gas; liquids and substances declared by Federal law to be dangerously inflammable.
3.	Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest; institutions, establishments, bodies and corporations administered or managed by the Federal Government immediately before the commencing day, 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, projects and undertakings owned wholly or partially by the Federation or by a corporation set up by the Federation.

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4. Electricity.
 5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.
 6. All regulatory authorities established under a federal law.
 7. National planning and national economic coordination including planning and coordination of scientific and technological research.
 8. Supervision and management of public debt
 9. Census
 10. Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province, but not so as to enable the police of one 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 a police force belonging to any Province to railway areas outside that Province.
 11. Legal, medical and other professions.
 12. Standards in institutions for higher education and research, scientific and technical institutions.
 13. Inter-provincial matters and co-ordination.
 14. Council of Common Interests.
 15. Fees in respect of any of the matters in this Part but not including fees taken in any court.
 16. Offences against laws with respect to any of the matters in this Part.
 17. Inquiries and statistics for the purposes of any of the matters in this Part.
 18. Matters incidental or ancillary to any matter enumerated in this Part.

Source: <http://www.pakistani.org/pakistan/constitution/schedules/schedule4.html>

The said amendment envisaged an effectual role of the provinces in the decision-making process at the central level. The main responsibilities of the CCI are economic planning and development and dispute settlement. Under revised Article 153, the CCI submits its report to the Senate and the National Assembly each year. Article 155 treats “complaints as to interference with water supplies”. It states “(1) If the interests of a Province, the Federal Capital or the Federally Administered Tribal Areas,

or any of the inhabitants thereof, in water from any natural source of supply or reservoir have been or are likely to be affected prejudicially by- (a) any executive act or legislation taken or passed or proposed to be taken or passed, or (b) the failure of any authority to exercise any of its powers with respect to the use and distribution or control of water from that source, the Federal Government or the Provincial Government concerned may make a complaint in writing to Council” (see Article 155). The CCI has the jurisdiction to make its judgments on complaints (see Clause 2 of Article 155). Under revised Article 155, “no proceeding shall lie before any court at the instance of any party to a matter which is or has been in issue before the council...” (The Eighteenth Amendment Act, Article 155-6).

There is equal membership of the provinces and the federal government in the CCI. The prime minister is the chairman of the CCI according to the revised Article 153. Under the 18th Amendment, the President’s role has been lessened. It is the discretion of the prime minister to nominate three federal ministers from time to time. The meeting of the CCI can also be summoned on the provincial government’s request. The platform of the CCI gives the opportunity to the federal and provincial governments to devise joint policies (Rabbani, 2012).

Table 2
Meetings of the CCI in Pre-18th Amendment Scenario

Serial Number	Meeting’s Date
1 st Meeting	August 7 - 9, 1975
2 nd Meeting	December 27-28, 1975
3 rd Meeting	December 31, 1976
4 th Meeting	January 12, 1991
5 th Meeting	March 21, 1991
6 th Meeting	September 16, 1991
7 th Meeting	September 12, 1993
8 th Meeting	May 29, 1997
9 th Meeting	May 9, 1998
10 th Meeting	December 22, 1998
11 th Meeting	August 6, 2006

Source:

http://www.ipc.gov.pk/SiteImage/Misc/files/CCI/Brief%20on%20CCI%20%5BUpdated%202021_6_2021.pdf (pp. 2-3).

The 18th Amendment was ratified on 19th April 2010 during the prime minister ship of Syed Yousaf Raza Gillani. The CCI was reinstated thrice by Gillani's (05th August 2009, 4th March 2010 and 21st November 2011). In post-18th Amendment scenario, eight meetings of the CCI were held during Gillani's tenure. The last meeting of the CCI was not held within ninety days and was delayed for sixty-seven days (see table 3). The total fifty-eight agenda items were discussed in those eight meetings. On 19th June 2012, Gillani was disqualified by the Apex Court of Pakistan. The NA elected Raja Pervez Ashraf as the Prime Minister and he took oath of the office on 22nd June 2012. Under amended Article 154-2, the CCI was reinstated within thirty days of Ashraf's oath taking. All the three meetings of the CCI were held within ninety days during the prime minister ship of Ashraf. Under the prime minister ship of Ashraf, three meetings of the CCI were held that contained sixteen agenda items. On 16th March 2013, the NA completed its tenure of five years and was dissolved. On 25th March 2013, Mir Hazar Khan Khoso took oath of the office as caretaker Prime Minister. The CCI was not reinstated during the caretaker government of Khoso.

Table 3

The CCI's Meetings in Post-18th Amendment Scenario (2010 to 2020)

S. No.	Date of Meeting	Agenda Items, Discussed
12 th Meeting	July 18, 2010	07
13 th Meeting	September 6, 2010	10
14 th Meeting	November 8, 2010	06
15 th Meeting	February 1, 2011	04
16 th Meeting	April 28, 2011	09
17 th Meeting	June 1, 2011	08
18 th Meeting	August 27, 2011	07
19 th Meeting	February 9, 2012,	07
20 th Meeting	August 8, 2012,	03
21 st Meeting	November 8, 2012,	10
22 nd Meeting	January 23, 2013	03

23 rd Meeting	July 23, 2013	03
24 th Meeting	July 31, 2013,	05
25 th Meeting	February 10, 2014,	12
26 th Meeting	May 29, 2014,	08
27 th Meeting	March 18, 2015	01
28 th Meeting	February 29, 2016	17
29 th Meeting	March 25, 2016	02
30 th Meeting	December 16, 2016,	05
31 st Meeting	May 2, 2017	09
32 nd Meeting	August 25, 2017,	06
33 rd Meeting	November 13, 2017	01
34 th Meeting	November 24, 2017	10
35 th Meeting	February 26, 2018,	11
36 th Meeting	March 27, 2018,	05
37 th Meeting	April 24, 2018	02
38 th Meeting	May 27, 2018	02
39 th Meeting	September 24, 2018	07
40 th Meeting	November 19, 2018,	02
41 st Meeting	December 23, 2019	16
42 nd Meeting	August 6, 2020	09
43 rd Meeting	November 11, 2020	04

Source: Annual Reports of the CCI, available at the official page of the Ministry of Inter-Provincial Coordination.
<http://ipc.gov.pk/Detail/NzRkMTVkJZTAAtNzU4Zi00OTJjLWI3MzgtZTU0NTdmYzcyYWl4>
also see,
http://www.ipc.gov.pk/SiteImage/Misc/files/CCI/Brief%20on%20CCI%20%5BUpdated%20%2021_6_2021.pdf. (p. 3) agenda.

General elections were held in the country on 11th May 2013 and Muhammad Nawaz Sharif became the Prime Minister of Pakistan on 5th June 2013. The CCI was reinstated within thirty days of his oath taking. The total nine meetings of the CCI were held during the tenure of Sharif. It is pertinent to mention that only three meetings were held within ninety days and six were held delayed from the prescribed time mentioned under Article 154-3. The maximum delay between the 27th and 28th meeting of the CCI was two hundred and fifty days (see table 3). Sixty-one agenda items were discussed in nine meetings of the CCI during the prime minister ship of Sharif. On 28th July 2018, Sharif was disqualified by the Supreme Court of Pakistan and Shahid Khaqan Abbasi became the Prime Minister on 1st August 2017. The CCI was reinstated within thirty days of oath taking of Abbasi. During his tenure, all the seven meetings of the CCI were held within the interval of ninety days and thirty-seven agenda items were discussed. The NA completed its tenure of five years and was dissolved on 31st May 2018. Nasir-ul-Mulk took the oath of caretaker Prime Minister on 1st June 2018. The CCI was not reinstated during the caretaker government of Mulk. On 25th July 2018, general elections were held, and Imran Khan was elected as the Prime Minister on 18th August 2018. The CCI was reinstated within thirty days of oath taking of Khan. He chaired five meetings of the CCI from 24th September 2018 to 11th November 2020 and 38 agenda items were discussed. Two meetings of the CCI were held within ninety days and three were held delayed from the prescribed time mentioned under Article 154-3. The maximum delay of two hundred and nine days was seen between the 40th and 41st meeting of the CCI (see table 3). This study evaluates the performance of the CCI from 2010 to 2020. The meetings of the CCI which were held after the year 2020 are not discussed in this study.

Table 4

Composition and Meetings of the CCI from 2010 to 2010

Name of Elected Prime Minister	Oath-Taking Date	(i) Date of Reconstitution of the CCI	(ii) (within Thirty Days of Oath-Taking) Yes OR Not	Number of CCI Meetings in Ninety Days	Number of CCI Meetings after Ninety Days	Total Number of Meetings held during the Tenure	Number of Agendas in Total	Total Members of the CCI (Article 153-2)	Province (P) Federal (F)
Syed Yousaf Raza Gillani	25-03-2008	05-08-2009		07	01	25-03-2008 to 19-06-2012	58	P: 04 F: 04	
		04-03-2010				M:08		Total: 08	

21-11-2011							
Raja Pervez Ashraf	22-06-2012	13-07-2012	03	NIL	22-06-2012 to	16	P: 04
		Yes			16-03-2013		F: 04
					M: 03		Total: 08
Muhammad Nawaz Sharif	05-06-2013	27-06-2013	03	06	05-06-2013 to	61	P: 04
		Yes			18-07-2017		F: 04
					M: 09		Total: 08
Shahid Khaqan Abbasi	01-08-2017	17-08-2017	07	NIL	01-08-2017 to	37	P: 04
		Yes			31-05-2018		F: 04
					M: 07		Total: 08
Imran Khan	18-08-2018	31-08-2018	02	03	18-08-2018 to		P: 04
		Yes			31-12-2020		F: 04
					M: 05		Total: 08

Source:

<http://ipc.gov.pk/Detail/NzRkMTVkZTAzU4Zi00OTJjLWI3MzgtZTU0NTdmYzcyYWI4>
and <http://www.na.gov.pk/en/primeministers.php>

Achievements of the CCI

The noteworthy achievements of the CCI in pre-18th Amendment scenario were: “the Water Accord of 1991; Privatization of Utilities and other State-Owned Entities (1993, 1997 and 2006) and National Water Resources Development Programme (1991 & 1998)”. From the year 2010 to 2020, thirty-two meetings of the CCI were held. The significant decisions taken by the CCI between the aforesaid period are mentioned here: “Approval of Rules of Procedure of Council of Common Interests, 2010; National consensus for construction of Diamer Basha Dam Project; Rehabilitation of Flood Affected Areas; Financing for the Organizations/Projects transferred to the Provinces; Tight Gas (Exploration & Production) Policy, 2011; Privatization of Power Sector Entities; Clarification of Article 157 of the Constitution lifting bar on provinces regarding power generation Private Power and Infrastructure Board (PPIB) Bill, 2010; Policy Guidelines for Power Generation through Small Independent Power Projects (SIPPs) below 50 MW Capacity; Approval of Securities & Exchange Commission of Pakistan Bill and Special Economic Zones Bill, 2011; Regulation and Distribution of

Zakat; Co-financing of Citizens' Damage Compensation Programme-II; Public Debt Management and Supervision Policy; Financing for the Population Welfare Programme; National Science, Technology & Innovation Policy (2012); Petroleum, Exploration and Production Policy 2012; Financial Autonomy of Indus River System Authority; Approval of National Mineral Policy – 2012; Equitable Distribution of Electricity; Regularization of Lady Health Workers etc. National Energy (Power) Policy, 2013-2018; Inter-Provincial Transfers and Fiscal Discipline; Privatization of Lakhra Power Generation Company Limited - LPGCL (GENCO - IV); Mechanism for at source deduction of outstanding power sector payables of Provinces; Power Sector Reforms i.e. Privatization of Distribution Companies; Sixth Population and Housing Census; Public Debt Management & Supervision Policy; Framework for Eleventh Five Year Plan (2013-18); Power Generation Policy, 2015; National Forest Policy, 2015; Settlement of Net Hydel Profit Issue between WAPDA & Government of Punjab; Formulation of National Flood Protection Plan – IV (2015-2025); National Water Policy and Water Charter” (Annual Report of the CCI, 2017-2018. pp 77-78).

The Federal Government's Decision about Regulatory Authorities

On 19th December 2016, Prime Minister Nawaz Sharif decided to hand over the administrative control of the five key regulatory authorities “namely: National Electric Power Authority (NEPRA); Pakistan Telecommunication Authority (PTA); Frequency Allocation Board (FAB); Oil and Gas Regulatory Authority (OGRA) and Public Procurement Regulatory Authority (PPRA) to the concerned federal ministries”. The federal government claimed that only administrative control of the mentioned regulatory authorities was assigned to the concerning ministries. The opposition political parties criticized the said decision (Naseem and Mahmood, 2019). The Lahore High Court reversed the decision of the prime minister on the said regulatory authorities. The said court gave the judgment that the prime minister should have taken approval of the CCI (Judgments Approved, 2017). The federal government should not repeat unconstitutional practices in future.

Conclusion

The scholars of political science recommend federalism for a heterogeneous society. Federalism remained present under all the constitutions of Pakistan. The Constitution of 1973 was a consensus-based and was prepared by the directly elected public representatives. The distribution of powers between provincial governments and the federal government was made in the Fourth Schedule of the 1973 Constitution. Two lists: namely the CLL and the FLL were included in the Fourth Schedule. Under Article 153 of the said constitution, the CCI was instituted, and the president had the power to

nominate members of the CCI. The provincial chief ministers were members of the CCI and there was an equal representation of the federation as well. The subjects enumerated in the FLL-II fall under the preview of the CCI.

The 18th Amendment 2010 also addressed the CCI and enhanced role of the provinces. The Fourth Schedule of the 1973 Constitution was revised and items of the FLL-II were increased. The role of the provinces was made more effective in the decision-making process at the federal level. The main responsibilities of the CCI are economic planning and development and dispute settlement. Under amended Article 157, the federal government has to consult the concerned provincial government before construction of hydroelectric power stations in the province. The CCI has been empowered to resolve the disputes related to the said issue. The role of the CCI was also enhanced under amended Article 153 and 154. The natural resources of a province are jointly and equally owned by the federal government and the concerned provincial government under Article 172 in post-18th Amendment scenario. The said amendment ensured provincial autonomy in a true spirit, and it has certainly strengthened the federation of Pakistan.

The role of the prime minister has been increased under the 18th Amendment. The prime minister enjoys the discretionary power to nominate three federal ministers from time to time. He also has the power to summon the meeting of the CCI on the provincial government's request. In the post-18th Amendment scenario, the CCI has a comprehensive control on devising and regulating the policies on the subjects enumerated in the FLL-II. Under Article 154-3 the CCI "shall meet at least once in ninety days". The details of the meetings of the CCI in post-18th Amendment scenario have already been discussed above. Thirty-two meetings of the CCI were held from the year 2010 to 2020. The significant decisions taken by the CCI between the aforesaid periods were mentioned in this study. The federal government should implement Article 154-III of the 1973 Constitution in letter and spirit.

The true utilization of the forum of the CCI will certainly strengthen the federation of Pakistan and enhance the trust of the provinces upon the federal government.

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