

## Comparative Study of India and Pakistan as Federations BRI

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### Abstract

*This article conducts a comparative study of the federal structures in India and Pakistan. The study aims to understand the similarities and differences between the two federations and their impact on governance, democracy, and economic development. The article employs both qualitative and quantitative research methods to analyze the federal systems of the two countries. The analysis includes examination of the constitutional provisions, distribution of power between the central and state governments, and the role of regional political parties. The article provides insights into the strengths and weaknesses of the federal systems in India and Pakistan and offers suggestions for improvement. The findings of the study can contribute to the ongoing debate on federalism in both countries and provide valuable lessons for other countries with federal structures.*

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### Introduction

The Indian subcontinent has been home to two distinct nation-states since their independence from British colonial rule in 1947: India and Pakistan. Both nations have federal structures, which divide power and authority between the central government and the constituent states. In the decades since their formation, both countries have undergone significant political and economic transformations, yet their federal systems have remained relatively unchanged.

This article aims to conduct a comprehensive comparative study of the federal structures in India and Pakistan, focusing on their similarities and differences and the impact of federalism on governance, democracy, and economic development. The study is relevant as it can contribute

to the ongoing debates on federalism in both countries and offer valuable lessons for other countries with federal structures. The article employs both qualitative and quantitative research methods to analyze the federal systems of the two countries, including a review of the constitutional provisions, the distribution of power between the central and state governments, and the role of regional political parties. (Ghai, 2000).

The article will provide an overview of the historical development of federalism in India and Pakistan, and highlight the key challenges faced by both federations. It will also offer recommendations for improving the federal structures in India and Pakistan, drawing upon lessons learned from other federal systems around the world. By conducting a comparative study of India and Pakistan as federations, this article aims to shed light on the strengths and weaknesses of federalism in both countries and provide a way forward for improving governance and promoting democratic and economic development. (Verney, 2004)

### Research Methodology

The research methodology for the article entitled "Comparative Study of India and Pakistan as Federations" can be based on a comparative case study design, utilizing both primary and secondary sources of data. A comprehensive literature review will be conducted to gather information about the federal systems in India and Pakistan, including their constitutional provisions, historical development, political structures, and federal-state relations.

Both primary and secondary data will be collected to gain a deeper understanding of the study topic. Primary data can be collected through structured interviews with experts, scholars, and policymakers. Secondary data can be collected from government reports, academic journals, books, and online resources. Qualitative data analysis techniques will be used to analyze the collected data, including content analysis and discourse analysis. The data will be coded, categorized, and synthesized to identify the key themes, patterns, and differences between the federal

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systems in India and Pakistan.

The findings will be compared and contrasted to highlight the similarities and differences between the federal systems in India and Pakistan. The findings will be interpreted in the context of the research objectives, and implications for the future of federalism in both countries will be drawn. The conclusion will summarize the main findings of the study and provide recommendations for future research. The study will contribute to a better understanding of the federal systems in India and Pakistan, and help policymakers and scholars to develop strategies for improving federalism in both countries.

### **Constitutional Development in India**

The constitutional development in India has been a long and ongoing process since the country gained independence from British rule in 1947. India has the distinction of being the largest democracy in the world and has a complex and rich constitutional history. The Constitution of India, which came into effect on January 26, 1950, was drafted by a constituent assembly that was elected specifically for this purpose. The Constitution of India reflects the country's diverse culture and social composition and provides a framework for the governance of the country. It is a federal system with a parliamentary form of government and a written constitution that is considered to be one of the lengthiest and most comprehensive in the world. "The Constitution contains 448 articles and 12 schedules and provides for the fundamental rights and duties of citizens, the structure of the government, and the distribution of powers between the center and the states". (Basu, Manohar, Banerjee, & Khan, 2015)

The Constitution has "undergone numerous amendments over the years to keep pace with the changing needs of the country. Some of the significant amendments include the 42nd Amendment, which strengthened the powers of the center, and the 73rd and 74th Amendments, which aimed to decentralize power and increase the participation of citizens in the governance process". The constitutional development in India has been marked by "several landmark judgments by the Supreme Court of India that have shaped the interpretation and application of the Constitution. These judgments have helped to preserve the delicate balance between individual rights and social justice, and have made a significant contribution to the development of constitutional law in India". (Khosla, 2012).

### **Constitutional Development in Pakistan**

Pakistan gained independence from Britain in 1947 and the country's constitutional development has been marked by a series of events and amendments. "The country's first constitution was introduced in 1956, but it was replaced by a new constitution in 1962 which established Pakistan as a presidential republic". This constitution was in force until 1969, when it was replaced by a new constitution that provided for a parliamentary system of government.

Over the years, "the constitution of Pakistan has undergone several amendments and changes, reflecting the changing political and social dynamics of the country". One of the most significant changes was the introduction of the Eighteenth Amendment in 2010, which devolved powers from the central government to the provinces. Despite these changes, the constitution of Pakistan continues to be a source of controversy and debate, particularly with regards to issues such as federalism, the role of the military in politics, and the balance of power between the judiciary, executive, and legislature. Nevertheless, the constitution remains an important document that provides the framework for the governance and administration of the country. (Adeney, 2012)

The constitution was suspended in 1977 by military ruler General Zia-ul-Haq, who ruled the country until his death in 1988. "During his rule, the constitution was amended to establish an Islamic democratic system, "with Islam declared as the state religion. The current constitution of Pakistan was introduced in 1973, but it has been amended several times since then to address political, social and economic issues". The constitution lays out the structure of government, the rights and duties of citizens, and the principles and objectives of the state. The constitution also provides for an independent judiciary, which has played an important role in maintaining the balance of power between the various branches of government".

### **Compare Pakistan's senate with Indian Rajhya Sabha**

The Senate of Pakistan and the "Rajya Sabha of India are both upper houses of their respective bicameral legislatures. However, there are several key differences between the two institutions. One major difference is the method of election. Members of the Rajya Sabha are elected by the legislative assemblies of the Indian states, while members of the Pakistani Senate are elected by the members of the four provincial assemblies and the National Assembly". In addition, the Rajya Sabha has a fixed term of six years for its members, while members of the Senate serve for a term of three years. Another difference is the number of members. The Rajya Sabha has a total of 245 members, while the Senate of Pakistan has a total of 104 members.

"The role and powers of the two houses also differ. In India, the Rajya Sabha has limited powers to initiate and pass legislation, while the lower house (Lok Sabha) has greater powers in this regard. In Pakistan, both the National

Assembly and the Senate have equal powers with regard to legislation, and both houses must pass a bill before it can become law". The Senate also has the power to approve federal appointments, such as judges of the Supreme Court. Overall, while both the Rajya Sabha and the Senate serve as important components of their respective parliamentary systems, there are notable differences in their composition, election, and powers.

### **Compare Pakistan's National assembly with the Indian Lok Sabha**

Pakistan's National Assembly and India's Lok Sabha are both lower houses of their respective parliamentary systems, with similar functions and powers. However, there are some key differences between the two:

1. **Composition:** The Lok Sabha has 543 members, while the National Assembly of Pakistan has 342 members. The Lok Sabha seats are allocated based on population, while the National Assembly seats are allocated based on a combination of population and geography.
2. **Electoral system:** In India, the Lok Sabha members are elected by universal adult suffrage through a first-past-the-post system, while in Pakistan, the National Assembly members are elected through a mixed system that combines direct election and proportional representation.
3. **Tenure:** Members of the Lok Sabha serve for a term of five years, while members of the National Assembly serve for a term of four years.
4. **Speaker:** The Lok Sabha has a Speaker who presides over its proceedings, while the National Assembly has a Speaker and a Deputy Speaker.
5. **Powers:** The Lok Sabha has the power to introduce and pass bills related to any subject in the Union List, while the National Assembly has the power to introduce and pass bills related to any subject in the Federal Legislative List.
6. **No-confidence motions:** In India, a no-confidence motion can be introduced in the Lok Sabha, and if it is passed, the government has to resign. In Pakistan, a no-confidence motion can be introduced in the National Assembly, but it is not binding on the government to resign.

Overall, both the Lok Sabha and the National Assembly have similar functions and powers, but the differences in composition, electoral system, tenure, and powers reflect the unique features of the respective parliamentary systems in India and Pakistan.

### **Constitutionally Compare Pakistan Prime minister and the Indian Prime Minister**

The Prime Ministers of both Pakistan and India hold similar roles and powers in their respective constitutions, including:

1. **Appointment:** Both the President of Pakistan and the President of India appoint the Prime Minister, who must be a member of the National Assembly (Pakistan) or Lok Sabha (India) and who, in the opinion of the President, commands the confidence of the majority of the members of that House.
2. **Executive Authority:** Both Prime Ministers are the chief executive of the country, responsible for the day-to-day administration of the government and the implementation of laws.
3. **Cabinet Formation:** Both Prime Ministers appoint the Cabinet and can reshuffle or dismiss members as needed.
4. **Legislative Role:** Both Prime Ministers have an important role in the legislative process, introducing and passing bills in the Parliament.

However, there are some differences between the two Prime Ministers as well:

1. **Term Length:** The Prime Minister of India can serve an unlimited number of terms, while the Prime Minister of Pakistan can serve a maximum of two non-consecutive terms.
2. **Vote of No Confidence:** In Pakistan, the National Assembly can remove the Prime Minister by passing a vote of no confidence, while in India, the Lok Sabha can remove the Prime Minister through a vote of no confidence or the defeat of a confidence motion.
3. **Appointment of Key Officials:** In Pakistan, the Prime Minister has the power to appoint key officials such as the Chief Election Commissioner and the Chief Justice of Pakistan, while in India, these officials are appointed by the President on the advice of the Prime Minister and other officials.
4. **Other Powers:** The Prime Minister of Pakistan has some additional powers, such as the ability to recommend dissolution of the National Assembly to the President and the power to recommend the appointment of the Chief of Army Staff to the President. The Prime Minister of India does not have these powers.

### **Constitutionally Compare Powers of Pakistan President and the Indian President**

The powers of the President of Pakistan and the President of India are outlined in their respective constitutions. Here are some key constitutional powers of the two Presidents:

**Pakistan President:**

- i. Serves as the head of state and symbol of the unity of the country.
- ii. Appoints the Prime Minister, subject to a vote of confidence by the National Assembly.
- iii. Appoints the Chief Justice of Pakistan and other judges of the Supreme Court and High Courts.
- iv. Can grant pardon, reprieve, or remission of punishment to any person convicted of an offense.
- v. Convenes and prorogues both houses of parliament, and can dissolve the National Assembly.
- vi. Promulgates ordinances when the National Assembly is not in session.
- vii. Acts as the Supreme Commander of the Armed Forces of Pakistan.

**Indian President:**

- i. Serves as the head of state and symbol of the unity of the country.
- ii. Appoints the Prime Minister, subject to a vote of confidence by the Lok Sabha.
- iii. Appoints the Chief Justice of India and other judges of the Supreme Court and High Courts.
- iv. Can grant pardon, reprieve, or remission of punishment to any person convicted of an offense.
- v. Can declare a state of emergency in the country on the advice of the Council of Ministers.
- vi. Can dissolve the Lok Sabha and call for new elections.
- vii. Acts as the Commander-in-Chief of the Indian Armed Forces.

In summary, both Presidents have similar powers, such as the power to appoint the Prime Minister and judges, grant pardons, and act as the head of state. However, the Indian President has some additional powers, such as the power to declare a state of emergency and act as the Commander-in-Chief of the Armed Forces. (Siddique, 2005)

**Compare Pakistan province and Indian State system**

“Pakistan and India both employ a federal system of governance, distributing authority between the central government and their respective constituent units. Pakistan comprises four provinces, namely Punjab, Sindh, Khyber Pakhtunkhwa, and Balochistan, alongside two federally administered territories: Islamabad Capital Territory and Gilgit-Baltistan. In contrast, India consists of 28 states and 8 union territories, with the latter subject to direct administration by the central government”.

The Indian Constitution establishes “a more robust federal system when contrasted with Pakistan's, wherein the central government exercises greater authority over the provinces. Indian states enjoy enhanced powers, including the capacity to impose taxes, manage their law enforcement agencies, and enact legislation on subjects delineated in the State List of the Seventh Schedule. In contrast, the Pakistani Constitution places more restrictions on the powers of the provinces, with the central government having greater control over important matters such as foreign affairs, defense, and finance”. (Sial, 2011)

Another important difference is the existence of governors in the Indian system, who are appointed by the President of India to act as the ceremonial head of a state on behalf of the central government. In Pakistan, there are no such positions, and the provincial chief minister serves as the head of the provincial government. Additionally, “India has special provisions for some states, such as Jammu and Kashmir and Nagaland, which have greater autonomy and different legal arrangements compared to other states. In Pakistan, there are no similar arrangements for the provinces. Therefore, the Indian state system has a stronger emphasis on federalism, with more powers devolved to the states, while the Pakistani provincial system places greater restrictions on provincial autonomy in key areas”.

**Compare Pakistan's provincial assembly with Indian state assembly**

The Provincial Assembly in Pakistan and India's State Assembly are both subnational legislative bodies, yet they exhibit some distinctions in their authority and roles. “In Pakistan, the Provincial Assembly operates as a unicameral legislature, empowered to enact laws concerning provincial matters. Additionally, it assumes a pivotal role in the selection of the provincial government's Chief Minister, who serves as the provincial government's head. The number of seats in the Provincial Assembly fluctuates in accordance with the province's population”.

In India, the State Assembly functions as a unicameral legislature with the authority to legislate on subjects within the purview of the state. “It also holds a significant role in the election of the Chief Minister, who serves as the head of the state government. The number of seats in the State Assembly is contingent upon the state's population. Notably, a notable distinction exists between the two systems, as some Indian states feature a bicameral legislature. In these states, the State Assembly serves as the lower house, while the State Legislative Council functions as the upper house. The State Legislative Council is a permanent body, with one-third of its members retiring every two years”. (Lalvani, 2002)

Another distinction lies in the function of the Governor. In the Indian context, the Governor is nominated by the President of India and assumes the role of the central government's emissary within the state. The Governor holds the authority to grant approval to bills sanctioned by the State Assembly and to disband the State Assembly when

necessary. "In Pakistan, the Governor is also appointed by the President, but the Governor's role is more limited, and the Governor acts more as a ceremonial figurehead. Overall, both the Provincial Assembly and the State Assembly have similar functions and powers. However, the existence of a second chamber in some Indian states and the greater power of the Governor in India are two key differences between the two systems".

### **Compare Provincial autonomy between India and Pakistan**

Both India and Pakistan have a federal system of government where the central government shares powers with state/provincial governments. However, the level of autonomy granted to the provinces in each country differs. "In India, the states have significant autonomy with respect to legislative and administrative powers. Every state possesses its individual constitution, and the state legislature is empowered to enact legislation concerning subjects delineated within the State List and the Concurrent List as outlined in the Seventh Schedule of the Indian Constitution. The state governments also have the power to appoint their own governors, chief ministers, and other state-level officials". (Bailey, 2012).

In Pakistan, the provinces also have some level of autonomy, "but it is not as extensive as in India. The provincial governments have the power to make laws on matters listed in the Provincial List of the Pakistani Constitution, but they share some powers with the federal government, which has the power to make laws on matters listed in the Federal List and the Concurrent List. The appointment of governors for the provinces is made by the President of Pakistan, who is elected by the members of the National Assembly and the Senate". (Cheema, Khwaja & Qadir, 2006) In recent years, "there have been efforts in both India and Pakistan to increase the level of autonomy granted to the states/provinces. In India, the recommendations of the Sarkaria Commission and the Punchhi Commission have been used to strengthen the federal structure and enhance the autonomy of the states. In Pakistan, the 18th Amendment to the Constitution in 2010 devolved more powers to the provinces, including control over natural resources and more financial autonomy". However, some experts argue that more needs to be done to strengthen provincial autonomy in both countries.

### **Compare Indian and Pakistani revenue distribution system and their effectivity**

India and Pakistan have different systems for revenue distribution among the federal government and respective provinces. In India, the Finance Commission is responsible for recommending the distribution of taxes. The Finance Commission is a constitutional body that is appointed every five years. The recommendations of the Finance Commission are binding on the federal government. The current Finance Commission (15th) was constituted in 2017 and its recommendations will be in effect until 2022. The revenue distribution system in India has generally been seen as effective in ensuring a fair and equitable distribution of revenue among the federal government and provinces". (Rao, 2003)

In Pakistan, "the National Finance Commission (NFC) is responsible for recommending the distribution of taxes between the federal government and the provinces. The NFC is also a constitutional body that is appointed every five years. However, unlike India, the recommendations of the NFC are not binding on the federal government. The revenue distribution system in Pakistan has been criticized for being less effective in ensuring a fair and equitable distribution of revenue. This has been a source of tension between the federal government and the provinces in Pakistan. In both countries, the revenue distribution system has been subject to periodic reviews and reforms to address any issues or concerns. However, the effectiveness of these systems ultimately depends on the political will of the central government to ensure a fair and equitable distribution of revenue to the states/provinces". (Rodden, & Wilkinson, 2005)

### **Compare Role of Judiciary in Pakistan and India in federal affairs**

In both Pakistan and India, the judiciary plays an important role in federal affairs, particularly in interpreting the Constitution and resolving disputes between different levels of government. However, there are some differences in the specifics of how the judiciary functions in each country. In Pakistan, the judiciary is presided over by the Supreme Court, holding the highest authority within the country's legal system. The Supreme Court possesses the crucial power of judicial review, enabling it to scrutinize the actions undertaken by the executive and legislative branches of government and invalidate any actions it determines to be in violation of the

constitution. Furthermore, the judiciary wields the authority to adjudicate disputes arising between the federal and provincial governments. Alongside the Supreme Court, each province also houses its respective high court, vested with similar legal powers and responsibilities. (Musarrat, Ali, & Azhar, 2012)

In India, the judiciary is also headed by the Supreme Court, which has the power of judicial review similar to its Pakistani counterpart. However, India also has a system of High Courts in each state, which have the power to

resolve disputes between the state and central governments. The Indian judiciary also has the power to interpret the Constitution and strike down any actions by the government that it deems to be unconstitutional. Overall, while both countries' judiciaries play an important role in federal affairs, there are some differences in the specific powers and structures of the judiciary in each country.

### **Compare role of Military in Pakistan and Indian Politics**

The political role of the military in Pakistan and India is significantly different, with the military playing a much larger role in Pakistani politics than in Indian politics. In Pakistan, the military has a long history of involvement in politics and has frequently taken direct control of the government through military coups. Even when civilian governments are in power, the military often wields significant influence behind the scenes. The military has also been involved in various economic and social sectors in Pakistan, including running businesses and providing social services.

In contrast, in India, the military is constitutionally mandated to remain outside of politics and to remain under the control of civilian authority. While the military does have a role in national security and defense, it is not involved in any direct political decision-making. In fact, India has a long tradition of civilian control of the military, with the military being subservient to the civilian

government. Overall, the political role of the military is much more prominent in Pakistan than in India, where civilian control of the military is a fundamental principle of the country's democratic system.

### **Compare local body government system in India and Pakistan**

India and Pakistan have different systems for local body governance. In India, the local body system is divided into three categories: urban local bodies, rural local bodies, and metropolitan local bodies. The urban local bodies are divided into municipalities, municipal corporations, and town councils, while the rural local bodies are divided into panchayats at the village level, intermediate level, and district level. The metropolitan local bodies are divided into metropolitan municipalities and metropolitan corporations. The powers and functions of these bodies are defined in the Constitution of India and the respective state laws. (Lalvani, 2002)

In Pakistan, the local body system is categorized into two categories. They are divided into municipal corporations, municipal committees, and town committees, while the rural local bodies are divided into tehsil councils and district councils. The powers and functions of these bodies are defined in the Constitution of Pakistan and the respective provincial laws. Both India and Pakistan have experienced challenges in effectively implementing their local body systems, including issues related to corruption, lack of funds and resources, and political interference. However, India has been more successful in devolving power to the local level, particularly in the rural areas, through its panchayat system, which has been praised for its role in promoting participatory democracy and empowering women and marginalized communities. In contrast, the local body system in Pakistan has been criticized for being ineffective and for failing to effectively address the needs and concerns of the local population.

Compare success and failures of federalism in both India and Pakistan

Both India and Pakistan adopted federal systems in their constitutions, with the aim of achieving a balance of power among central-provincial governments. "In India, federalism has generally been viewed as successful in providing for regional representation and power sharing, as well as facilitating the implementation of local policies and development programs. However, there have been challenges and failures as well, such as conflicts over issues of power and funding, uneven development across different states, and the rise of regionalism and separatist movements in some areas". (Parikh, & Weingast, 1997).

In Pakistan, "the history of federalism has been more checkered. The country has gone through several periods of military rule, during which centralization was favored over decentralization, and the provinces were stripped of much of their autonomy. In recent years, however, there have been efforts to strengthen the federal structure and promote decentralization, particularly through the devolution. However, there have been ongoing issues with resource distribution, with some provinces feeling that they are not getting their fair share of national resources. Additionally, there have been tensions between the central and provincial governments over issues such as security and foreign policy. Overall, while both India and Pakistan have experienced successes and failures in their implementation of federalism, India's federal system has generally been seen as more effective and stable, while Pakistan has struggled with a more uneven implementation of federalism and challenges to its stability".

### **Compare Challenges to Pakistan and Indian Federation individually**

Both Pakistan and India face several challenges and threats to their federations. Some of the common challenges include:

1. Regional disparities: Both countries have significant regional disparities in terms of economic development,

social indicators, and access to basic services. This often leads to demands for greater autonomy and resource allocation by the subnational units.

2. Ethnic and religious diversity: Both countries are home to diverse ethnic and religious communities, which can lead to tensions and conflicts between different groups. In some cases, these divisions are along state or provincial lines, which can further complicate intergovernmental relations.
3. Insurgencies and militancy: Both countries face threats from militant groups and separatist movements, particularly in some of the border regions. These challenges can strain federal relations and make it more difficult to coordinate responses to crises.
4. Inter-state water disputes: Water is a critical resource in both countries, and disputes over water allocation and usage have frequently led to tensions between states or provinces. This has sometimes resulted in legal battles and even violent conflicts.
5. Constitutional interpretation: Both countries have experienced challenges in interpreting and implementing their federal constitutions, particularly in relation to issues such as the distribution of powers, the role of the judiciary, and the scope of executive authority.

Overall, the success and stability of federalism in both countries will depend on their ability to address these and other challenges through effective governance, institutional reforms, and the management of intergovernmental relations.

## Conclusion

In conclusion, the Indian and Pakistani federations share many similarities in terms of their constitutional structures, with both countries having a bicameral legislature, a President as the head of state, and a Prime Minister as the head of government. However, there are also notable differences, such as the role of the military in politics, the power of provincial governments, and the distribution of revenue. Despite these differences, both countries have faced similar challenges to maintaining a successful federal system, including separatist movements, political tensions between the center and the provinces, and economic disparities between regions. Overall, while there is no perfect federal system, both India and Pakistan have made significant strides in maintaining a federal structure that works for their unique political, social, and economic contexts.

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