

Constitutional Federalism and Legislative Competence: The Single National Curriculum after Pakistan's 18th Amendment

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Abstract: The introduction of Pakistan's Single National Curriculum (SNC) in 2020 has triggered a constitutional dispute after the 18th Amendment of the 1973 Constitution devolved education to the provinces. **This article examines** whether the federal government retains constitutional authority to prescribe a uniform curriculum. Existing scholarship has focused on policy debates but has not systematically analysed the SNC's constitutional foundation in light of post-Amendment jurisprudence. **The study employs** a doctrinal legal method. It analyses relevant constitutional provisions, including Article 25A (right to education), Article 140A (principles of local government), and Article 142 (legislative competence), together with Supreme Court decisions and intergovernmental coordination mechanisms. The analysis assesses the scope of federal authority and the limits of provincial autonomy in curriculum regulation. **The findings** show that the federal government may promote coordination and minimum standards. However, direct imposition of a uniform curriculum lacks a clear constitutional basis without structured provincial consent or constitutional amendment. The article clarifies the boundaries of legislative power in Pakistan's federal system and argues for a cooperative model of education governance that aligns national objectives with constitutional devolution.

Keywords: Single National Curriculum, 18th Amendment, Educational Federalism, Provincial Autonomy, Pakistan Constitution.

A. Introduction

The education system in Pakistan has long been marked by high fragmentation and inequality. By the time the country gained its independence in 1947, it was left with a colonial system that favoured elite English-speaking schools and left the majority to rely on understaffed Urdu-speaking government schools and madrasas. This political fragmentation (English-speaking private schools, state schools, and religious seminaries) increased socio-economic inequality and created parallel lines of citizenship with different worldviews, abilities, and opportunities. New regimes tried to reform, but none of them dealt with the fundamental problem of curricular differences until the proclamation of the Single National Curriculum (SNC) in 2020 (Sain et al., 2025).

The SNC was the flagship education program of the Pakistan Tehreek-e-Insaf (PTI) government led by Imran Khan as the prime minister. The SNC, introduced in March 2021 in Pre-I through V grades and gradually expanded, aims to have one curriculum across all public, private, and deeni madaris in Pakistan (with slight adaptations made to elite schools following the Cambridge stream). It has the stated objective of addressing educational disparity, promoting national cohesion, ensuring minimum standards of learning, and fulfilling the constitutional requirement of free and compulsory education as provided under Article 25A.

The constitutional framework changed with the enactment of the 18th Constitutional Amendment in 2010, which altered the legal and political landscape. This historic amendment replaced the Concurrent Legislative List, devolved 47 subjects such as education to the provinces, and gave the provinces more power under Articles 140A and 141. The curriculum, textbooks, and education standards were placed clearly under provincial territory. Prior studies have emphasized that after the 18th Amendment, efforts to centralize curriculum-making without provincial ownership may conflict with the federal structure of the Constitution (S. R. Khan, 2024).

The constitutional struggle around the SNC is much more than a legal technical issue; it goes to the core of the federal bargain of Pakistan. Existing scholarship has examined educational federalism in Pakistan largely through policy, fiscal, and administrative lenses. It has less provided a structured doctrinal analysis of legislative competence over curriculum after the 18th Amendment. The constitutional limits of federal standard-setting in a fully devolved framework therefore remain insufficiently clarified. This article addresses that gap by systematically examining the allocation of curriculum authority within the post-2010 constitutional architecture.

Comparative constitutional and federalism scholarship shows that designing national education standards within a federal system depends on clearly articulated constitutional competence and structured intergovernmental cooperation. In Canada and the United States, federal education policy is constrained by constitutional federalism, and subnational governments safeguard their authority over curriculum and standards (Vergari, 2010). Research in U.S. and comparative contexts further illustrates how federal education roles emerge through negotiated interaction rather than unilateral imposition (Wong & Sunderman, 2007; McGuinn, 2012). Cross-national work synthesising experiences from Australia, Canada, Germany, and other federations finds that successful education governance balances national goals with subnational autonomy through cooperative frameworks (Wong, Knüpling, & Kölling, 2018). These comparative insights underline the constitutional challenges in Pakistan's post-18th Amendment context, where the allocation of curriculum authority remains contested and institutional mechanisms for shared governance are underdeveloped.

This study advances existing scholarship in three ways. First, it provides a focused doctrinal evaluation of the constitutional validity of the Single National Curriculum rather

than a general policy critique. Second, it distinguishes between permissible federal coordination and constitutionally impermissible imposition. Third, it situates the SNC dispute within broader debates on cooperative federalism and minimum national standards in devolved systems. In doing so, it clarifies the constitutional boundaries of education governance in Pakistan.

The analysis has direct implications for constitutional governance and education policy design. It clarifies how national equity objectives may be pursued without undermining provincial autonomy in a federal system. The study advances discussions in constitutional law and federal theory by examining the institutional limits of national standard-setting in a devolved system (Haider et al., 2025).

The initial consensus reflected in the Inter-Provincial Education Ministers' Conference was later followed by provincial withdrawals and opposition, raising questions about the legitimacy of the process. The central legal issue is whether the federal government possesses constitutional authority to prescribe a uniform curriculum in a domain expressly devolved to the provinces.

This study aims:

- a) To analyze the extent of provincial authority over curriculum, syllabus, and education standards after the abolition of the Concurrent Legislative List under the 18th Amendment.
- b) To examine the constitutional powers retained by the federal government in the domain of education, particularly those derived from Entries 38 and 39 of the Federal Legislative List and Article 25A.
- c) To evaluate the legal status and effectiveness of mutual consultation mechanisms, especially the decisions of the Inter-Provincial Education Ministers Conference, in light of Supreme Court jurisprudence on cooperative federalism.

The study addresses the following research questions:

- d) Does the 18th Amendment completely divest the federal government of its authority to plan or prescribe a national curriculum following the removal of education from the Concurrent Legislative List?
- e) Do any residual federal powers under the Constitution of 1973, particularly those in Entries 38 and 39 of Part I of the Federal Legislative List or Article 25A support the formulation of a Single National Curriculum?
- f) Does the process of obtaining provincial consent through the Inter-Provincial Education Ministers Conference meet the constitutional requirements of cooperative federalism as interpreted by the Supreme Court of Pakistan?

B. Literature Review

The academic sources related to the constitutional legitimacy of the Single National Curriculum (SNC) in Pakistan indicate a very complicated interaction between educational reform ambitions and the provisions made by the Constitution, especially in the areas of federalism and provincial autonomy. In 2020, the federal government implemented the SNC to standardize the education systems of public, private, and madrasa schools to achieve greater equity and foster national integration. However, the literature points out the difficulties of this initiative and relates them to broad historical centralization in education policy. Such uniformity efforts have been discussed in previous research as often conflicting with the decentralized structure created in 2010 by the 18th Amendment to the Constitution, which devolved education to the provinces. The review attempts to synthesize previous studies regarding the development of policies in education, the constitutional

foundations of federalism in education, and criticism of the SNC, which underpin discussions about its legitimacy (Latafat, 2024).

Evolution of Education Policies in Pakistan Post-18th Amendment

Previous studies trace the change in the education environment in Pakistan since the 18th Amendment, which acted as the turning point toward decentralization. Prior to this amendment, education was governed mainly by the Concurrent Legislative List, which allowed federal jurisdiction over education in addition to provincial contributions, as was previously reflected in national education policies of 1959–2009 that focused on centralized planning to overcome literacy gaps and maintain ideological administrative unity. These pre-amendment policies, including the National Education Policy of 1998–2010, have been observed by scholars to be based on uniform standards to encourage national identity, although at the cost of regional diversity, resulting in implementation failures in provinces with distinct socio-cultural backgrounds (Butt & Malik, 2024).

From 2010, the amendment repealed the Concurrent Legislative List and devolved education to the provinces, while Article 25A constitutionally entrenched the right to free and compulsory education. The literature reflects that this devolution empowered provinces to design curricula to meet local needs, which drove them to undertake diverse reforms. For instance, in the literature on Khyber Pakhtunkhwa and Sindh, there are reports of provincial efforts related to the localization of the curriculum and culturally and linguistically tailored teacher training in order to improve enrollment in underrepresented areas. Researchers note, however, that this fragmentation exacerbated inequities, as more developed provinces, such as Punjab, outpaced Balochistan, which lags in development and suffers from poor infrastructure (Shams & Lodhi, 2025).

Earlier studies portray this devolutionary trend as reversing in 2020 with the SNC's proposal for a unified curriculum across levels. Evolving studies indicate that the SNC was a by-product of global education growth, including standards-driven assessment, but incorporated the promotion of Islamic values and Pakistan's national integration. Previous studies on post-devolution educational reforms primarily underscored equity and opportunities, while cautioning against federal overreach and historically connecting the SNC with patterned central control policies, like the 1972 Education Policy, that preferred uniformity to provincial autonomy. Based on such studies, while the SNC attempts to address the historical curriculum urban-rural divide, it overlooks provincial dimensions and risks the gains of devolution (Ali et al., 2024).

Furthermore, studies on the implementation of post-18th Amendment policies over time reveal the complexities of autonomy within the provinces that center on higher education commissioning power vis-à-vis the federal government's encroachment through funding. These tensions are related to the SNC, since some scholars point to the same tensions at the school level, which may explain the provincial blockade, such as the initial resistance in Sindh, resulting from a fear of losing granular control. The literature indicates a clear consensus: while devolution, in principle, is a catalyst for positive change, the SNC's top-down strategy may, in effect, replicate the same pre-amendment inefficiencies, as illustrated by the harsh critiques of the unequal distribution of resources and the lack of sufficient training for teachers (Karim & Abbas, 2025).

Constitutional Framework and Federalism in Education

Analytical studies of the Constitution of Pakistan note that federalism is the main value, and the decentralization of education due to the 18th Amendment further emphasizes provincial autonomy. Previous studies have noted the 1973 Constitution and its subsequent 2010 amendments in the context of institutional federalism in Pakistan,

attempting to redress the historically inequitable distribution of power by flowing more authority down to the provinces in the domains of education, health, and local government. Such research suggests that this was a deliberate strategy to diminish ethnonationalism and promote redistributive growth, on par with comparable federations such as India and Canada, where sub-national jurisdictions have been given the power to manage education (Jamil et al., 2024).

In the context of the education sector, Article 25A is most commonly interpreted as a right, and the state is required to provide education in an accessible manner. However, previous studies have noted that the mechanisms of implementation, particularly the coordination (or lack thereof) between federal and provincial governments, are problematic. Post-amendment studies of governance focus on the role of the CCI in resolving intergovernmental disputes and, while appreciating the gaps, note particularly its lack of focus on matters pertaining to education. With respect to the SNC, scholars note potential violations of federalism principles, in that education is not among the enumerated subjects within the federal domain, and a legal paradox exists when a national standard is sought to be set absent provincial consent (Kakar, 2024).

Centralization trends in authoritarian regimes have historically undermined provincial rights. From the 1950s One Unit plan to recent reforms, the literature has chronicled such trends in Pakistan's federalism development. Even though they emphasize that federal acts cannot encroach upon provincial domains, some court reviews have sought to shield devolution, including interpretations of the 18th Amendment. Scholars suggest that the SNC's enforcement through directives constitutes federal overreach, similar to previous constitutional developments in Pakistan, particularly in fiscal federalism (Iftikhar et al., 2024).

From the literature, Pakistan appears to be the only country where federalism and education have been studied together, particularly in relation to Australia, where frameworks for decentralization have collaborated. The literature on arbitration and legal reforms in Pakistan suggests that, in contrast to the ethos of cooperative federalism, provincial inputs in the SNC process post-amendment were minimal. This scholarly caution implies that, without the necessary constitutional alignment, such curricula may be subject to judicial review, potentially warranting interventions by the Supreme Court, akin to cases of environmental and fiscal devolution (Jaffrelot et al., 2024).

Critiques of the Single National Curriculum

Previous studies have criticized the SNC with regard to constitutional validity, equity, and cultural pluralism. Critics say that even though the SNC aims to mitigate educational inequities, some research indicates mean effectiveness scores of approximately 3.8, which are indicative of a lack of equitable educational access, thus widening educational gaps as it fails to consider regional disparity. Research focusing on implementation obstacles in Balochistan encapsulates infrastructure and training deficits, which are attributed to violations of provincial autonomy, indicating a lack of SNC-implemented policies. Previous studies cite the SNC's homogeneous content as lacking linguistic representation, resulting in a violation of Article 28, which pertains to cultural preservation (Syed, 2024).

Additional studies have focused on so-called ideological bias; the studies suggest that the SNC disproportionately emphasizes the teaching of the Islamic faith and national unity, which is suggested to be discriminatory toward minority populations. Research regarding the faiths of Christians and other minority groups establishes the discriminatory and marginalized position of non-Muslim students in the abridged religious curriculum, contrary to Article 22, which aims to protect and preserve students of minority faiths from

the imposition of religious education. This is consistent with extensive literature evaluating curriculum reforms, whereby previous national policies have been criticized for fostering assimilation and neglecting pluralism, which perpetuated social inequities in a multi-ethnic society (Syed & Shah, 2025).

Furthermore, resistance at the provincial level is a consistent pattern. Research on Sindh and Khyber Pakhtunkhwa details resistance to the SNC regarding the phenomenon of federal overreach after the 18th Amendment. The SNC is seen to violate international law-imbued parental rights, including the choice in the education one's child receives, thereby questioning its validity. Comparative critiques liken the SNC to failed endeavors of attaining uniformity in other jurisdictions and point to the likelihood of it sustaining inequitable power relations and centralizing authority, thus eliminating or diminishing democracy.

Adding an SNC exemplification study further reveals SNC impracticality related to teachers' unpreparedness, resource scantiness, and shortcomings attributed in previous studies to unconstitutional deficiencies and provincial consultation deficits. Generally, the SNC is characterized in the literature as a phenomenon imbued with goodwill and constitutional shortcomings that can be more disuniting than uniting (M. M. Khan, 2024).

Research Gap

Although the SNC has generated extensive policy debate, its constitutional validity after the 18th Amendment has not been examined through a structured legislative competence analysis. Existing scholarship discusses provincial autonomy and Article 25A but does not systematically assess the doctrinal allocation of authority over curriculum within the post-devolution constitutional framework. In particular, the relationship between federal coordination powers and exclusive provincial legislative competence remains insufficiently clarified. This study addresses that specific constitutional gap through a focused doctrinal examination of post-18th Amendment federalism.

C. Method

This study employs a doctrinal legal method to examine the constitutionality of the Single National Curriculum (SNC). The analysis proceeds in three stages: (1) textual examination of relevant constitutional provisions; (2) jurisprudential interpretation of Supreme Court and High Court decisions; and (3) legislative competence analysis to determine the allocation of authority between the federation and the provinces after the 18th Amendment. This structured approach allows systematic evaluation of constitutional validity within Pakistan's federal framework.

Research Design

The study adopts a doctrinal and analytical research design grounded in constitutional interpretation. The doctrinal design distinguishes between textual interpretation of constitutional language, judicial construction of federal principles, and application of competence doctrines such as the distribution of legislative powers and the effect of the abolished Concurrent Legislative List. Each source is analysed to determine whether the federal government retains authority to prescribe curriculum standards.

Nature and Data Sources

Both primary and secondary legal sources are used for data collection. Primary sources include the Constitution of Pakistan 1973 (particularly Articles 25A, 140A, 141-144, and Part II of the Federal Legislative List), the Eighteenth Amendment Act 2010, the Arbitration Act 1940, the Recognition and Enforcement (Arbitration Agreements and

Foreign Arbitral Awards) Act 2011, along with official SNC policy documents, federal and provincial notifications, and all relevant judgments of the Supreme Court and the High Courts. Scholarly articles, books, parliamentary debates, reports of the Council of Common Interests (CCI), and National Curriculum Council minutes are considered secondary sources, which have been extensively utilized in previous constitutional analyses of educational federalism. Constitutional provisions were analysed using principles of textual and structural interpretation, while judicial decisions were examined for ratio decidendi relevant to federal distribution of powers.

Sampling Technique and Selection Criteria

A purposive and criterion-based sampling method is used. Approximately 60–70 major legal texts were selected, including: (i) all Supreme Court and High Court decisions issued since 2010 that have interpreted educational federalism or Article 25A; (ii) leading cases on provincial autonomy and the abolished Concurrent Legislative List; (iii) official SNC documents and inter-provincial agreements; and (iv) CCI decisions dealing with curriculum issues. This selective design is based on methodologies used in previous research on constitutional validity, ensuring that only authoritative and precedent-setting materials are analyzed closely (Shaheen & Mahmood, 2024).

The data were collected entirely through desk and archival research. Official repositories (Pakistan Code, Supreme Court website, provincial law departments), legal databases (Pakistan Lawsite, PLD Publishers), and government portals were searched systematically. Constitutional provisions, ratios, legislative history, and policy justifications were recorded using structured data extraction templates, which allowed traceability and replicability of results, as suggested by earlier doctrinal researchers (Ali et al., 2025). Selection focused on decisions and documents directly addressing federalism, devolution, Article 25A, and curriculum-related competence to ensure doctrinal relevance. Materials lacking precedential or interpretative significance were excluded.

Data Analysis Methods

The material gathered was analyzed in multi-layered doctrinal and critical terms: (a) Textual and historical analysis of constitutional provisions and debates on the 18th Amendment; (b) Precedential analysis of judicial interpretation regarding the federal-provincial division of powers; (c) Competence analysis to determine whether education (including curriculum-making) falls within federal, provincial, or shared domains after 2010; (d) Proportionality and reasonableness review of the SNC measures in light of Articles 8 and 2. Trends of centralization and devolution were identified through thematic synthesis (Hanif, 2025).

As the study relies exclusively on publicly available legal and policy documents, it does not involve human participants. All sources are properly cited, and the research complies with standards of academic integrity applicable to doctrinal legal scholarship. The study was conducted in accordance with the provisions of academic integrity and institutional ethics relevant to doctrinal legal research.

D. Analysis And Discussion

The single question in the analysis of the doctrinal issues of the Single National Curriculum (SNC) indicates the existence of serious constitutional contradictions, especially when federal educational programs are to be reconciled with the devolved model after the 18th Amendment. This passage examines the SNC's implications for provincial autonomy, or the SNC's possible violations of provincial autonomy, specifically in relation to the legal conception of national integration, via the enforcement of constitutional law,

judicial pronouncements, and policy documents. Compared to prior doctrinal literature, which dealt with the issue of federal intrusion into devolved matters, the SNC, as a phenomenon, documents prevailing intrusions of a centralized nature that are detrimental to the federal spirit of the Constitution.

Federalism and the 18th Amendment's Impact on Education

The 18th Amendment fundamentally transformed Pakistan's federal landscape by eliminating the Concurrent Legislative List and making education a provincial subject, which, pursuant to Article 140A, empowers the provinces to legislate on education, curricula, and standards. Previous studies on constitutional reforms within a provincial context have almost uniformly illustrated that such devolution aspired to rectify historical injustices, securing for the provinces the ability to tailor education to prevailing linguistic, cultural, and socioeconomic circumstances, as exhibited in the curriculum reforms in Sindh and Khyber Pakhtunkhwa. However, the SNC, which has been federal since 2020, doctrinally interprets intrusion to mean uniform application across all tiers and streams of education, including public, private, and madrasa schools, applying the same standard countrywide.

The analysis of Articles 141-144 pertaining to federal and provincial powers indicates that while the federation continues to articulate the parameters of vertical integration in higher education and cross-border engagements, K-12 curricula reside within provincial residuary powers. Prior studies regarding post-amendment regulations have characterized similar federal policies as contravening cooperative federalism, arguing that institutions such as the Council of Common Interests (CCI) are underutilized in achieving minimal consensus. In the case of the SNC, there is no substantive provincial contribution to the process of curriculum development, albeit it included some engagement with the CCI. This replicates critiques in previous research concerning centralized policies that extended regional inequalities. This unilateral policy imposition is likely to contravene the amendment's objectives of fostering inclusive growth and, in all likelihood, will cause development-deficient provinces such as Balochistan to fall further below the national average.

Judicial Precedents and Validity Assessment

Judicial reviews best describe the constitutional position of the SNC. Case law on the 18th Amendment and *Mustaqeem Muslim vs. Government of Pakistan* focuses on provincial issues concerning devolved subjects, including matters raised by the Pakistan Muslim League (N). Prior legal writing has argued, on the basis of the proportionality of federal measures affecting essential rights, that the SNC may be legally challenged under Article 25A of the Constitution of Pakistan, which places obligations on the state and, therefore, requires provincial decision-making authority over devolved subjects.

The 2022 Lahore High Court directive and the 2025 Supreme Court ruling allowing the sale of SNC textbooks exemplify emerging judicial trends that outline possible acceptance of uniformity for the sake of practicality. These developments extend studies evaluating courts' restraint in intervening in executive education policy, this time through the lens of the SNC and environmental devolution cases, where federal action was limited to instances of constitutional violations. The 2025 government-province decision asserting that provincial reservations are legally unfounded illustrates the lack of clarity concerning the interpretation of Article 25A and federal-provincial relations. Thus, federal directives are viewed as subordinate. However, upcoming petitions, such as those challenging the formation of the National Curriculum Council, reflect a judicial reluctance to invalidate

policies in the absence of clear constitutional violations, which may set the stage for greater centralization in the future.

Implications for Equity, Pluralism, and Reforms

Concerns surrounding standardization and the SNC present challenges related to equity and cultural pluralism, particularly with respect to minorities. Drawing on the literature on curricular bias, the SNC's emphasis on Islamic studies and national cohesion may conflict with Article 22 and religious education protections, potentially alienating non-Muslim students, as observed in assimilationist pre-amendment curricula. Critiques of human rights and education, as well as critiques of the SNC, indicate that such uniformity is likely to reinforce inequities, whereby private unaided schools advance while government schools in politically and economically weak areas deteriorate due to poorly trained teachers and inadequate teaching and learning resources.

Reform pathways inspired by comparative federalism studies of India and Canada suggest hybrid models that encase selective provincial curriculum freedoms within a federal framework. For the SNC to be perceived as legitimate, the incorporation of optional modules via the CCI could help address gaps identified in implementation studies. In the short run, however, this would require political restraint on centralization to preserve devolution and improve local conditions. Although the SNC appears to attempt to realize the equity vision of Article 25A, this effort will remain superficial in the absence of deeper provincial integration, which may ultimately undermine the equity, constitutional, and judicial prospects of the SNC in achieving national cohesion while maintaining a balanced federal exercise of provincial powers.

E. Findings

The conceptual and analytical analysis of the Single National Curriculum (SNC) yields consistent doctrinal indications that align with earlier analyses of post-18th Amendment federalism in Pakistan. These results show that although the SNC operates with legitimate aims of equity and national integration, there are significant constitutional concerns in its present structure and implementation mechanism.

Education Remains a Provincial Subject after the 18th Amendment

In agreement with previous post-2010 constitutional reviews, the study concludes that the abolition of the Concurrent Legislative List under the 18th Amendment placed the entire area of curriculum, syllabus, planning, policy, centers of excellence, and standards of education under the sole competence of the provinces. The present Federal Legislative List of Part I and Part II does not contain any entry that can be extended to school-level curriculum formulation. This result confirms the inferences of previous studies, which held the view that any federal initiative to prescribe a binding national curriculum for Grades I-XII appears difficult to reconcile with residuary provincial authority pursuant to Article 142(c) in conjunction with Article 141.

Article 25A

Another common motif in previous research was the vague definition of the scope of Article 25A (right to free and compulsory education). The current study concludes that although Article 25A imposes some positive obligations on the state (federal and provincial governments together), it does not reinstate education into the federal legislative agenda. The federal government may provide non-binding guidelines, funding, or coordination through the Council of Common Interests (CCI), but it does not appear to authorise the imposition of a mandatory school curriculum on provincial public schools, private

institutions, or madrassas by unilateral action without a new constitutional amendment or genuine inter-provincial consensus as notified by the CCI. This conclusion complements and reinforces the stance adopted in earlier doctrinal studies that Article 25A is a binding right, rather than a backdoor centralizing mechanism.

Past scholarship has repeatedly distinguished between (a) higher education and research standards (federal domain) and (b) school education (provincial domain). The discussion demonstrates that the extension of the SNC to primary and secondary levels exceeds the federal domain, which focuses on standards in institutions of higher education. Efforts to legitimize the SNC via international treaties (e.g., SDG-4 obligations) or Islamic regulations (Article 31) face substantial constitutional limitations, since treaties cannot override the internal division of powers unless incorporated into law within a specific legislative domain.

Lack of Meaningful Provincial Consent

Despite federal claims of CCI approval, the research results, in line with previous criticisms of intergovernmental relations in Pakistan, indicate that the established consensus was superficial and procedural. Provincial notifications and minutes show that Sindh and Balochistan raised objections and sought more consultation, but the federal cabinet proceeded unilaterally. This trend mirrors past studies on fiscal and natural-resource federalism, where federal dominance in the CCI consistently undermined genuine cooperative federalism.

The current analysis finds that, for the most part, recent judicial decisions from the years 2022 through 2025 have either dismissed claims on the basis of technicalities and/or left matters to the discretion of the executive on the basis of policy, adhering to the principle of judicial self-restraint reflected in precedent decisions on the issues of education and devolution. Nonetheless, no court has gone beyond the boundary of deciding on the substantive question of the competence of the legislature. The Supreme Court in 2025, in a narrowly framed decision, permitted the delivery of textbooks and provided some interim relief but avoided answering the question of the constitutionality of the textbooks. The decision reflects the same judicial restraint noted in previous studies, where courts appear to avoid direct challenges to the majoritarian foundation of the federal structure unless a clear constitutional breach is demonstrated.

Adverse Implications for Cultural and Linguistic Rights

Building upon the existing studies on the rights of minorities, the current study concludes that the SNC's compulsion is in tension with Articles that protect the rights of communities and provinces to preserve distinct cultures and languages (28, 251). The limited threshold for the use of provincial languages as the medium of instruction, up to the end of the fifth grade, does not eliminate the direct provincial dominance of the controlling framework of content, textbooks, and examinations. This is consistent with studies that have identified a centralized curriculum as a structure that has historically contributed to the dominance of a protagonist, majoritarian view, to the detriment of a federating unit.

Comparative Perspective

Comparative federal systems provide useful reference points for evaluating national curriculum reforms. In India, national education standards operate within a constitutionally recognized concurrent framework that permits both Union and State legislative action. In Canada and Australia, national curriculum initiatives function through intergovernmental agreements rather than unilateral federal mandates. These

arrangements preserve provincial or state autonomy through negotiated consent mechanisms rather than unilateral federal imposition. Pakistan's SNC differs in that education was fully devolved after the 18th Amendment, and no concurrent framework presently exists.

Supreme Court jurisprudence on post-18th Amendment federalism affirms the principle of provincial autonomy and requires strict interpretation of legislative competence in matters removed from the Concurrent Legislative List. However, the Court has not directly adjudicated the constitutional validity of the Single National Curriculum. The conclusions drawn in this study therefore extend established federal principles to the specific context of curriculum regulation. They represent an application of binding doctrine rather than a restatement of an existing ruling on the SNC.

The analysis indicates that the Single National Curriculum, in its current compulsory and centrally determined form, rests on a contested constitutional foundation under the 1973 Constitution as amended by the 18th Amendment. Although the policy goal of reducing educational inequality is noble and partially justifiable under Article 25A, the mechanism adopted raises serious concerns regarding compatibility with the federal structure and provincial autonomy. Sustainable reform would require institutional mechanisms consistent with the constitutional distribution of powers. One option would be a constitutional amendment restoring limited concurrent authority over minimum curriculum standards. Another would involve developing a national standards framework through the Council of Common Interests, grounded in formal intergovernmental consent and provincial participation. Such approaches would better align national objectives with the post-devolution constitutional structure.

F. Conclusion

This study has examined the constitutional validity of the Single National Curriculum (SNC) within Pakistan's post-18th Amendment federal framework. The analysis demonstrates that the mandatory and centrally driven design of the SNC rests on a contested constitutional foundation. The abolition of the Concurrent Legislative List in 2010 was a deliberate reconfiguration of the federal compact. It transferred authority over curriculum, syllabus, and school education standards to the provinces. This transfer was neither incidental nor symbolic. It reflected a conscious constitutional choice in favour of provincial autonomy.

While the objective of educational equality underlying the SNC is normatively attractive, constitutional legitimacy depends on means as much as ends. Article 25A creates a shared obligation to ensure access to education, but it does not revive federal legislative competence over devolved subjects. The present structure of the SNC therefore raises concerns regarding consistency with the federal balance entrenched by the 18th Amendment. Limited intergovernmental consensus and provincial dissent further weaken claims of cooperative federalism.

Judicial responses to date have been cautious and deferential. Courts have largely avoided ruling on the core question of legislative competence. This restraint has left the constitutional controversy unresolved. As challenges mature, the unresolved tension between national standardisation and provincial authority is likely to require substantive judicial clarification.

The findings contribute to constitutional federalism by clarifying the doctrinal boundaries between federal coordination and federal legislative competence in a fully devolved framework. The analysis demonstrates that post-18th Amendment federalism in Pakistan is structured around exclusive provincial authority in education, subject only to limited coordinating mechanisms. This distinction refines understanding of cooperative

federalism in Pakistan by separating political collaboration from constitutionally binding competence.

The solution does not lie in abandoning harmonisation altogether. Comparative federal practice suggests that minimum national standards may coexist with provincial diversity when developed through institutionalised consent. Pakistan's constitutional framework, particularly the Council of Common Interests, provides mechanisms for negotiated coordination. A restructured national standards framework grounded in provincial participation would more closely reflect the logic of the post-18th Amendment federal arrangement.

Future research may examine how courts interpret cooperative federalism in forthcoming litigation concerning the SNC. Empirical analysis of intergovernmental negotiations within the Council of Common Interests could also clarify the practical operation of constitutional coordination mechanisms. Comparative studies of post-devolution education governance in other federations would further illuminate institutional design options.

Absent such reform or a formal constitutional amendment, the SNC remains exposed to constitutional challenge. Durable educational reform within Pakistan's federal order depends on institutionalised negotiation and constitutionally grounded cooperation between federal and provincial governments.

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