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# The Problems and Issues of Federalism in Pakistan

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## Abstract

*It is distressing to note that even after sixty years of independence, Pakistan continues to grapple with the problems of federalism. The unresolved issues of federalism have complicated the problems of governance and political management, building strains in the political process.*

*Federalism strives to create a political union comprising diverse regions and people on the basis of a mutually agreed constitutional and legal framework that determines the relationship between the federal authority and its constituent units. It is an attempt to accommodate divergent regional, ethnic and linguistic identities and interests in a political union. They recognize the advantages of becoming members of a bigger and federal state. Pakistan was established as a federal sovereign state in August 1947. Given Pakistan's ethnic, linguistic and cultural diversities federalism was the logical choice. However, despite a broad consensus on the need of creating a federal system, Pakistan faced serious problems in evolving a working federal system which could ensure unity in diversity and promote harmony and interdependence among different political entities in the state. The central government invoked Islam to counterbalance regional and parochial sentiments and emphasized unity based on Islamic principles. However, it did not establish participatory political system and failed to address the concerns of the provincial interests. The interim and the regular Pakistani constitutions (1956, 1962 and 1973) created strong centre, reinforcing the centralizing trends inherited from the pre-independence British Indian political arrangements.*

*The central government often disregarded the political sensitivities of the people of different provinces. It created a strong impression in the provinces that the central government did not tolerate dissent and wanted to rule the province with a firm hand.*

*Centralization was accompanied by non-participatory governance and political management. As a matter of fact, dictatorial and authoritarian political system negates the spirit of federalism, accentuate distrust and mutual fear. The repeated military intervention and periodic constitutional breakdown also undermined the role of provinces and reinforced centralization and non-democratic trends in Pakistan*

*Economic development is an important element of state-building. It can foster national unity when fruits of economic development are equitably distributed among different regions and classes of people in the country. Economic disparities to the disadvantage of smaller provinces and the poor people increased over the years. These disparities have now become the major grievances of the provinces against the centre. It is not surprising that the central government found it difficult to evolve a consensus among the provinces on the National Financial Commission Award which had been delayed by 4 years. Facing economic crunch, each province had been advocating a formula for distributing the funds in the federal divisible pool that serves its own interest. Certain other issues including NWFP's demand for its due share of the net profit of hydro-power generated in that province, and Balochistan's demand for increase in gas royalty need immediate attention. Another institution for inter-provincial coordination and conflict management is the Council of Common Interest which has not met for years.*

*The opposition to the construction of the Kalabagh Dam, various development projects, including the Gwader port, and the distribution of river water is caused mainly because of the lack of trust between three provinces and the federal government.*

*Given Pakistan's political history, regional and ethnic diversities, and a relatively developed regional consciousness and identity, federalism with autonomy to*

*the provinces remains the only viable option for addressing political, economic and administrative issues.*

The recent debate on the issues of federal politics in Pakistan is not a new phenomenon. In fact, it is the persistent feature of Pakistan politics. It is very distressing to note that even after sixty years of independence Pakistan continue to grapple with the problems of federalism. The unresolved issues of federalism have complicated the problems of governance and political management, building strains in the nation-building process. This paper is an attempt to analyze the current federal issues under 1973 constitution in the light of historical, constitutional and political experiences of Pakistan.

Federalism is a contrived system of political and economic management, which is created by a conscious decision to achieve shared political objectives. It aims at division of authority of state between a national government and the smaller administrative units. The federal scheme, generally speaking, seeks to evolve a measure of unity within a diversified socio-political and economic context by combining two seemingly conflicting trends - the desire to maintain identity and independent action and an urge for union and cooperation for achieving mutually agreed and shared objectives. This form of political organization is suited to communities where the territorially diversified pattern of values, interests and traditions can be accommodated in a constitutional and political framework in pursuance of common values, goals and interests.

All federations have some common features, though their finer details vary, depending upon their peculiar social and political circumstances and historical background.<sup>1</sup>

First and the foremost common feature of federalism is the simultaneous existence of two sets of government - federal or national and regional/constituent units. Each is autonomous and free to function within its defined field. They maintain a cooperative interaction with each other but guard their exclusive domains.

Second, a federation maintains a written constitution, which embodies the principle of federal relationships between these two sets of government. The written document defines and determines the terms and conditions of the federation and divides power between the federal level and its constituent units. As the formula for division of powers as well as the framework of relationship is

a part of the constitution, these cannot be changed except by amending the constitution, which is always a difficult process.

Thirdly, the division of powers and functions is on territorial basis. Each territorial unit is assigned powers and rights through the constitution. However, there is no ideal or precise formula for the distribution of powers. Every political system has to evolve consensus on the details of distribution of power. It requires revision from time to time and it institutionalizes if it functions in its letter and spirit over some time.

Fourth important requirement of a federal system is non-centralization of powers. It calls for the diffusion of powers in the polity, guaranteed by the constitution. In a federation, both central and units' governments derive their powers directly from the constitution and these powers cannot be taken away by either of them through an executive order or ordinary law making.

The fifth common feature of federalism is the existence of an independent judiciary, which has the last word in the interpretation of the constitution and adjudicates the disputes on the exercise of powers by the constituent units or the federal government.

Federalism is an attempt in heterogeneous societies to promote cooperation and coordination in the social, political, economic and administrative fields as well as respect and accommodate diversity and regional identities of the constituent units. The comparative study of various federal schemes shows that different federations were created for different reasons, caused by the peculiar history, problems, and political context of each case.

There are certain factors which facilitate the smooth working of federalism.<sup>2</sup> These are:

- (a) the units must share a sense of community.
- (b) There should be no sharp inequalities in size, population and resources.
- (d)) equitable sharing of economic resources.
- (e) Geographic contiguity
- (f) Democratic form of government and Greater decentralization.

- 1 The units desiring to federate must share a spirit of community. Each of them should be willing to shoulder their responsibilities and make sacrifices in the cause of the whole. This spirit of community could only be produced, when the units to be federated share some common bonds, such as ethnic, linguistic, cultural, and historical or, some shared political goals. At the same time, there must be a desire to retain their individual regional character and some measure of independence as to abhor the idea of a unitary state.
- 2 Heterogeneity is one of the reasons that states opt for federalism. But the sharp inequalities in size, population and resources create strains in a federal polity. It helps, if there are no sharp disparities in a federation and no single unit is powerful to dominate others. If there are more than one powerful units, a struggle for ascendancy can develop in policy matters, thus making federalism difficult to function.
- 3 The economic interaction amongst various units as well as between the center and units facilitates federalism, but it should be a relationship of interdependence rather than dependence.
- 4 An adequate distribution of economic resources and fruits of economic development especially in the social sector also helps to promote federalism. Mere allotment of wide area of freedom in the financial field serves no purpose. Issue that is important is a fair distribution of fruits of economic development in actual practice. The absence of the elements of adequacy in the financial relationships among the units as well as the center develop sharp economic disparities that cause a feeling of neglect, which taken to extreme is described as exploitation. These tendencies should be adequately taken care of by the constitution.

- 5 Geographic contiguity continues to be important factor to enhance the capacity to work a federal system, despite modern means of communication and transportation. It helps to develop a sense of community by making it easy to interact, travel and develop economic ties. National unity is difficult to achieve where people are too far apart.
  
- 6 Federalism requires a democratic form of government. Dictatorial and authoritarian systems negate the spirit of federalism, accentuate distrust and mutual fear. Participatory and democratic system has greater flexibility to respond to the needs and aspirations of the people and it can accommodate the diversity. K.C. Wheare aptly remarked that "for autocracy or dictatorship, either in general government or in regional government, seems certain, sooner or later, to destroy the equality of state and that independence which the government must enjoy, each in its own sphere."<sup>3</sup> In a democratic and decentralized political system, federalism multiplies the chances of participation in politics on the part of the citizens. It promotes the consensus in political discussions and allows one group defeated at one level to try another. Madison, who understood this fact, argued that a federal order sought the greater opportunities for all relative interests to be heard. According to one writer, the division of political powers between national and regional government multiplies the opportunities, not only for citizen but for political parties also, encouraging the diverse political activities.<sup>4</sup>

### **Constraints of Federalism in Pakistan**

Pakistan was established as a federal democratic state in August, 1947 and the federal model as envisaged in the Government of India Act, 1935 was adopted with certain changes. The federal system in Pakistan, however, was not the result of voluntary efforts on the part of federating units because these

component units did not enjoy a sovereign status; these were already a part of an evolving federal model. In this way, this was different from the usual federal experiences where the constitute units after evolving consensus move towards federation.

The Muslim League (the founder political party of Pakistan) supported the provincial autonomy and federalism in the pre independence period as a vehicle for protection and advancement of Muslim interest in the British India. Later, when the Muslim League demanded the establishment of a separate homeland for the Muslims of South Asia, it envisaged the federal system for the new state. While contemplating a federal polity, it talked about autonomy for the constituent units. Later, in November, 1945, in an interview, Quaid-i-Azam Muhammad Ali Jinnah reaffirmed his views on federalism and explained: "the theory of Pakistan guarantees that federal units of the National Government would have all the autonomy that you will find in the constitution of the United States of America, Canada, and Australia. But certain vital powers will remain vested in the Central Government such as monetary system, national defense and federal responsibilities"<sup>5</sup>.

The adoption of federal system in Pakistan was, therefore, an outcome of the decision on the part of its leadership. In addition to these factors the choice and nature of federation was determined by Pakistan's colonial heritage. The Government of India Act 1935, which formally introduced the federal system with a strong central government in British India, provided the basis of federalism in Pakistan after independence. Thus, the existence of a highly centralized federal system was the product of its colonial history, which continued in the post independence period. Pakistan experienced different constitutional arrangements (Parliamentary and Presidential) but it retained federalism throughout its constitutional history. All of its constitutions (1956, 1962 & 1973) have federal order. However, despite a broad consensus on the need of creating a federal system, Pakistan faced serious problems in actually evolving a federal model, which could ensure unity in diversity and promote greater harmony and interdependence amongst the constituent units. As the nationalist euphoria that marked the last phase of independence movement dissipated, regional and ethnic identities began to surface which demanded their recognition and accommodation in the constitutional and political arrangements. The emphasis on being Sindhi, Baluch, Pathan, Punjabi and Bengali increased in the political discourse and regional and parochial sentiments became political currency,

complicating the task evolving the federal political arrangements. The spirit of federalism, for all practical purposes, was compromised. There were certain factors which influenced the formation and functioning of the federal system in Pakistan.

#### Geographical non contiguity:

The dictates of geography, especially the physical separation of the two wings (East Pakistan & West Pakistan) where made it imperative to adopt a federal system, it also posed serious problems in evolving a viable working federation. The geographical separation of two wings made interwing communication very difficult, which consequently limited the opportunities of mutual interchange, both at government and public levels, which in turn caused mistrust and suspicion. The poor and difficult transportation and communication between the two wings, not only made it difficult to develop mutual relevance; it also adversely affected political and economic activities, trade, movement of labor, contributing to socio-economic disparities.

#### Diversities

The socio cultural, ethnic and linguistic diversities also made the choice of federation inevitable for Pakistan. However, sharp diversities in respect of size of their territory, topographical conditions, population and ethnic and cultural composition between the two wings of Pakistan, placed serious limitations on the capacity of state to function as a federal union. These economic disparities to the disadvantage of the eastern part accentuated over time. These became the major East Pakistani complaints against West Pakistan and undermined partnership and cooperation between the two wings. This adversely affected the working of federalism.

The under-representation of East Pakistan in military and civil services was another contentious issue. The leaders from the eastern wing demanded their share in these services on the basis of their population. These issues were coupled with a host of other problems relating to the constitution making that built strain on federalism in Pakistan, eventually, breaking the federation in 1971 when East Pakistan separating from the federation became an independent state of Bengla Desh.



In addition to the inter-wing (East and West Pakistan) differences, the regional, ethnic, and linguistic and socio-economic diversities within the remaining Pakistan caused problems in evolving and managing federalism after the break up federation in 1971. A peculiar feature of Pakistan is that the Punjab is the most populous province and has more population than all other provinces and administrative units in Pakistan taken together. The Punjab is also well represented in civil and military services, giving a cause of complaint to other provinces.

Now Pakistan is consisted of four provinces-Sindh, Baluchistan, N.W.F.P. and Punjab, federal capital area and federally administered areas. These provinces are different from each other in respect of historical and socio-economic conditions.<sup>6</sup>

Before the independence of Pakistan Sindh was included in the Bombay province until 1935, when it was made a separate province with Karachi as its capital. The Sindhi language and the people have a strong cultural and historical heritage. Sindh people described as wedded to their land, very conscious of their distinct culture and linguistic identity.

Before the partition of India, Hindus dominated the economy, especially trade and industry. They also dominated the rural areas as feudals. The Muslims were under represented in these sectors, services and education. Even after independence, feudalism continued as an important feature of Sindh's political and economic landscape. These landlords provided political leadership to the province and resisted any change that threatened their predominance.

The induction of a large number of refugees after the establishment of Pakistan created a host of problems and socio-economic strains. These refugees mainly came from urban areas, invested heavily in business and industrial sector. Consequently, almost all the business and industrial activities passed into the hands of the refugee community. Later, some Punjabi businessmen entered in the field. The Sindhis who were already poorly represented in these professions were further pushed back, giving them a cause of grievance. These divergences adversely affected the process of national integration.

At the time of independence, Baluchistan was the most diverse unit in cultural and linguistic terms. Baluch community commanded majority in Kharan, Makran, Sibi and Chagi districts, whereas Pushtun constituted a majority in Quetta, Pishin, Zohb and Lora Lai districts. Apart from them, Brawhi speaking people also

make a considerable proportion to the province's total population. On the whole, it is a tribal society, dominated by Sardar (the tribal chief); people are generally 'submerged in the heroic person of their Sardar'.

It is the least developed area of Pakistan. The mainstay of the people is agriculture and has very limited base of industry. The region greatly suffers from the lack of adequate infra-structure facilities, even the necessities of life, like clean drinking water, are not easily available.

The strategic location of the NWFP province gives it a significant place in the subcontinent both during the British period and after the establishment of Pakistan. It remained a part of the Punjab under the British rule until 1901. The Pathan communities dominates the social, political and economic life of the province. They form the ascended ethnic tribal society, however, unlike Baluch tribalism; the Pathan tribalism is distinct due to its strong individualism. Unlike Baluch people, Pathans are not inclined to accept authoritarian leadership in their tribal system. Basically, they are 'free spirited' people.<sup>7</sup>

Punjab is the most populous and developed province of the country. Due to its large Muslim majority and strategic position, Quaid-i-Azam Muhammad Ali Jinnah called it the 'corner stone' of Pakistan. At the time of partition, it inherited a relatively developed formal educational system. It possessed a large stock of trained skilled manpower. Some traditional skills such as black smiths, masons, potters, tanners etc. were easily available and developed to an appreciable extent.

The province had originally agricultural rural society. However, it emerged as a major army recruiting area from 1875 onwards. This factor gave a boost to the economy of the province. Irrigation, canal system and means of communication developed rapidly. On the eve of partition, the Punjab was the most developed province of Pakistan. The Punjabis dominated the armed forces and civil services and continue to dominate these services even after the independence. The situation continues to be the same even after fifty nine years of independence, a clear edge of the Punjab over other provinces in respect of education, industry, human resources, end representation in civil and military services, caused resentment among other provinces, which adversely affected the working of federation.

The smaller provinces feel that they are deliberately kept underdeveloped and are not allowed an access to decision-making

both at provincial and central level by the Punjabi elite. The issue of Punjabi domination developed into a major theme in the politics of the smaller provinces and their interaction with the central governments.<sup>8</sup> It caused a dis-equilibrium, which in turn threatened the viability of the federation.

A working balance between the diversifying and unifying forces is a pre-requisite for the smooth functioning of a federation. In Pakistan, the maintenance of such a balance proved an uphill task. The diversifying forces (as discussed earlier) asserted greater pressure on the system, weakening the hold of unifying forces i.e. common religion. This factor provided the basis of the federation of Pakistan, but it began to lose its appeal for the people, as the euphoria of struggle for independence dissipated and created suspicion and distrust amongst the leaders of various provinces. Such distrust is very much pronounced in smaller provinces which has negative implications for the working of federalism in Pakistan.

### Federal Order under 1973 Constitution

Pakistan has had three constitutions, all of them retained federalism, though their details vary but two common features are: centralization and domination of the centre.

The present 1973 constitution provides two lists of subjects, one deals with federal affairs on which the federal government has the authority to legislate; the second relates to the concurrent affairs on which both the central and the provincial legislatures can legislate, however the supremacy of central legislation is maintained in case of conflict. The residuary powers are given to the provinces. Both lists are so exhaustive that they left limited scope for provinces.

The administrative relations between the centre and provinces show the tendency towards centralization. The constitution provides that law and order is the primary responsibility of provincial government but if the centre finds that the provincial government fails to provide required security to the people, it can intervene on the pretext of maintaining law and order. Moreover, the provincial government is obliged to exercise authority in such a way as to ensure compliance with Acts of Parliament in certain matters, the centre is entitled to direct the provincial government and it is bound to honor the directives. The centre could exercise absolute authority over provincial administration in times of emergency. But, even,

otherwise, the centre can exercise considerable control over administrative machinery of the province through Pakistan Central Superior Services, who are responsible for their actions to the centre. Moreover the provincial governor is appointed by the President and is responsible to him. The position of the governor has been strengthened after the passage of 17<sup>th</sup> amendment which gives him the power to dissolve the provincial assembly, subject to the adjudication of the High Court. There are provisions in the constitution which provide for the establishment of certain institutions meant to coordinate and regulate the relations between the centre and the provinces. For instance, there is the provision for the establishment of the Council of Common Interests (CCI) consisting of Chief Ministers and equal number of members nominated by the Prime Minister. The council is to formulate policies regarding the matters enumerated in the second part of the list such as railways, minerals, oil and gas, industrial development etc. The council is entitled to consider all disputes relating to the allocation of water resources; any provincial law concerning the irrigation issues.

### Financial Relations

In the financial field too, the centre is more powerful than the province. In-fact the provincial government is heavily dependent on the centre for their development plans. No province can function without an active support of the centre. Division of subjects contained in the constitution is such that centre has all the important sources of revenues under its jurisdiction. The constitution allows the centre to levy and collect all important taxes i.e. income other than agriculture, mineral, oil and natural gas etc, and duties on customs, exports and excise. The principal source of income for provinces is land revenues and tax on agricultural income and luxuries etc. The constitution also incorporates the provision to set-up the finance commission for allocating the resources to provinces and centre and fixing the grants in aid to provincial governments. The commission is to be reconstituted by the central government after regular intervals.<sup>9</sup> As a result of 1997-98 NFC award ,about 82 % funds from the divisible pool are distributed on the basis of population and roughly 14 % are funds are shared on the basis of collection i.e excise duty and royalty on gas, surcharge on gas, profit on hydroelectricity.<sup>10</sup>

## Current Federal Issues

Under the 1973 constitution Pakistan, federation fulfilled the minimum criteria of Federalism as it provides for distribution of powers between the national government and provincial governments; there is a specific procedure for the amendment in the constitution, constitutional institutions to deal with federal issues, constitutional provisions for democratic and participatory institutions and processes. The 1973 constitution although contains certain provisions which reflects the tendencies of centralization, provides greater provincial autonomy as compared to the previous constitutions. Above all there is consensus on continuance of federalism. However, the major problem lies with operational aspect of the federalism in Pakistan. There are strong trends among the ruling elites of not to respect the constitution, very often the federal spirit of the constitution is compromised. Currently under the fourth military rule, the central government plays a dominating role in all the fields, creating mistrust and suspicion between the centre and provinces. The absence of truly democratic and participatory institutions also cause the mistrust among the provinces. The federation is currently facing serious issues and challenges.

The federal issues fall under two categories: general which share all the provinces and Specific issues, related to particular provinces.<sup>11</sup>

All provinces have complaints against the dominating role assigned to the centre by the 1973 constitution, all of them demand the revision of the concurrent list, which according to the certain persons associated with the making of the constitution was promised to be abandoned by the Bhutto regime at the time of approval of the 1973 constitution. Moreover, they also voiced their concern against the violating of the spirit and provisions of the constitution by the centre; they asserted that the central government frequently intervened in the domain given to the provinces under the constitution. For example, presently, centre frequently interferes in the field of education and local government's system which are essentially a provincial subject. The central government is given a very little role in this regard but it has been so actively involved in these areas that it leaves little room for the provincial government to act independently. In addition, the constitutional institutions like the Council of common interests and National Finance Commission (NFC) don't work on regular basis; it also gives provinces a cause

of concern. National Finance Commission Award expired in June 2002 but the talks on the issue could not be started before September 2003. The Council of common interests did not meet for years.

Economic development is an important element of state and nation building. It can foster national unity when fruits of economic development are equitably distributed among the different regions and classes of people in the country. In Pakistan, the policies of free enterprise, private investment and privatization of state enterprises, especially under the military regime, resulted in concentration of wealth in the hands of few people.

Economic disparities to the disadvantage of smaller provinces and the poor people increased over the years. These disparities have now become the major grievances of the provinces against the centre. It is not surprising that the central government is finding it difficult to evolve a consensus among the provinces on the National Financial Commission Award which had been delayed by four years. Facing economic crunch, each province had been advocating a formula for distributing the funds in the federal divisible pool that serves its interests. Punjab wanted to retain the formula that provided the division of resources on the basis of population, Sindh advocated the criteria of revenue collection, and Balochistan and NWFP emphasized special circumstances and backwardness of the area as the criteria for the distribution. They insisted on a multi-factor formula for the NFC Award but the provinces and the federal government had not been able to agree on its details.

Moreover, provinces wanted raise in their share from divisible pool from 37.5% to 50%. The federal government did not agree and offered 42.7 %, causing delay and bitterness among provinces.<sup>12</sup> Finally, in January 2006 President Muharrar himself announced the 6<sup>th</sup> finance commission award, without convening the National Finance Commission. He claimed that he had the authority to do so under the constitution. The provinces though did not contest his statement but it reflects the gravity of situation. According to the award, provincial share was increased from 37.5% to 45.33% with the promise of one % yearly increase in the provincial share so that it reached 50% in 5 years. The population was retained as the main criteria for the division of resources, which favored the Punjab. Nevertheless, the central government promised to give additional grants and aid to the backward areas of smaller provinces. The delay in the Award for 4 years exhausted the provincial resources which sapped the strength of provincial government to resistance.

However, the whole story shows the lack of trust among the provinces and the centre and provinces themselves which compromised the federal spirit.

The specific issues include NWFP's demand for its due share of the net profit of hydro-power generated in that province, and Balochistan's demand for increase in gas royalty. The NWFP government demanded that its share in the net profit must be increased because the electricity prices have been increased tremendously over the years. There was conflict between the Province and the federal authority WAPDA (Water and Power Development Authority) over arrears of net share of the provincial govt. which ranged from Rs 342 to 345 billion. The five members tribunal under the chairmanship of Mian Ajmal a former Chief Justice of Pakistan to settle the issue. It was decided in Oct 2006 that WAPDA should pay Rs 110.4 billion to the province on account of the net hydro-profit of Tarbela Dam and other hydro-resources of the province. But it did not satisfy different elements in the province; they criticized the provincial government for compromising the provincial interests. The provincial government under the pressure is weighing the prospects of challenging the decision.

Balochistan is entitled to have the gas royalty and excise duty on the gas produced in the province. The provincial elements demanded an increase in the GDS (Gas Development Surcharge), they also accused that the method of calculation of these resources worked to the disadvantage of the province. Another contentious issue is the under representation of province in the federal civil and military services. The federal cabinet in January 2007 decided to raise the share of Balochistan in the services (from 3% to 6%); however, the details are still unavailable.

The opposition to the construction of the various development projects, including the Gawader port, the coastal highway and the mineral extraction project, Siandak project is caused mainly because of the lack of trust between the province and the federal government. All of these projects are planned, managed and controlled by the federal government, the provincial government has very little say in the initiation and management of these projects, the firm control of the federal government over the management of these projects raised the doubts in the province about the intentions of the federal government. They asserted that these are basically in the interests of the centre and the people coming from other provinces especially from the Punjab and the

natives of province would not be benefited from them. Moreover, these projects would facilitate the communication and movement of federal authorities to the province, which is another cause of concern among the people as they perceived the whole scheme as an effort to turn the local population into the minority by the influx of the outsiders.

Another controversial issue is the construction of the military cantonments in the areas of Dera Bugti, Kohlu and Gawader. Certain elements in the province perceived it as the move to strengthen the army's hold over the province. In September, 2003 the Balochistan assembly passed a resolution against the construction of the cantonments. However, the centre seemed to be determined to establish the cantonments in the province.

Another issue that has caused much concern in the province is about the reports of disappearance of political activists in the province and in other areas of the country. It is alleged that intelligence agencies picked them up and kept in detention without following any legal procedure. Various human rights groups and press representatives raised this issue at different forums.

In addition to these issues between the centre and the Balochistan, there is a conflict between the Sindh and Balochistan, regarding Balochistan's claim that Sindh owes Rs 9 billion on account of the Hub Dam water royalty. Balochistan government also claimed that Sindh owes Rs 23 billion for using its share of water from there Pat Feder and Khirthar canals. In December, 2006, a committee was established consisting of members drawn from both governments to make recommendation for the resolution of issue.

These issues cannot be resolved without making considerate and persistent efforts on the part of the centre because the situation in Balochistan is becoming increasingly complex. There is a sense of grave alienation among the Baloch people. It demands more understanding and sympathetic attitude from the central authorities, but the federal government views the problem in the law and order context and applied force against the Baloch elements who challenged the state authority, disrupting government's policies and plans, since December 2004. They viewed these elements "a few" trouble-makers who were the opponents of development in the province and wanted to maintain the *status quo* to safeguard their vested interests. The federal authorities strongly asserted that there were only three tribal chiefs who were against federal policies. However, certain analysts maintained that alienation among the



Balochistan was wide spread and most of the alienated people did not owe their allegiance to these tribes. There are many who resented the autocratic behavior of tribal leaders but at the same time they also resented the dominating role of federal authorities in the provincial affairs, they perceived the current mega projects initiated by the central government as the “colonization of the Balochistan”. In these circumstances, the killing of Sardar Akbar Bugti (a political activist) in military operation conducted by the federal authorities and arrest of the Sardar Mengal (political activist), increased opposition in the province against the federal policies.

Another conflict pertaining to the distribution water resources among provinces is the shortage of water accentuates the problem. Sindh has been very active in this regard, it accused that it had been denied its due share of river waters by the Punjab, a charge that has been vehemently denied by the Punjab. Both governments have been engaged in bitter conflict which strained their relations. The construction of new water reservoirs including the Kalabagh Dam (KBD) is another aspect of this problem. Punjab supported the construction of the Dam whereas other provinces are against the construction for different reasons. Their respective assemblies passed the resolution against the construction of this Dam. The construction of greater Thal canal was also opposed by Sindh and Balochistan.

The unresolved water crisis caused much bitterness among the provinces in smaller provinces; the federal government is viewed as the supporter of the Punjab. It has been exploited by various political elements against the Musharraf regime.

The Council of Common Interest an institution for inter-provincial coordination and conflict management has not met for years.<sup>13</sup> These issues pose serious challenges to the federation of Pakistan.

## Conclusion

The historical and geographical and diverse social and economic factors made the choice of federation inevitable for Pakistan; the federation established in 1947 at the time of independence met with the minimum requirements of the federation. However, the politics of federalism showed that the spirit of federalism was for all practical purposes compromised. The center always had a dominating position as compared to the provinces. The establishment of highly centralized government did not allow provinces to have a real sense of participation or power-sharing in the federal system. This state of affairs produced demands for greater provincial autonomy as well as a system of safeguards for its protection.

The trend towards centralization does not hurt federalism much if it is consensual and democratic. In the case of Pakistan these attributes did not exist. Centralization was accompanied with authoritarian and non-participatory political and economic management. Neither free elections were held regularly nor the central government respected democratic norms. Such a non-representative and dictatorial management of affairs increased resentment in the provinces that wanted political, administrative and financial autonomy. Most complained that even the autonomy allocated to them in the constitution was not being given to them. The repeated military interventions and periodic constitutional breakdown also undermined the role of provinces and reinforced centralization and non-democratic trends in Pakistan. The 1973 Constitution attempt to address the question of provincial autonomy and it provided more powers to the provinces than the previous constitution. However, the civilian governments (1971-1977&1985-1999) often violated the spirit of provincial autonomy and rights given in the Constitution. The imposition of martial laws (in July 1977 & October 1999) and suspension of the constitution shifted the total control of the state and government to the Army command which accentuated the problem.

The central government most often exploited Islam to counterbalance regional and parochial sentiments and emphasized unity based on Islamic principles. However, it did not establish participatory political system and failed to address the concerns of the provincial interests. The central government also took the advantage of weak and divided political forces by manipulating them to its advantage. It never had problem in winning over a

section of local and provincial leaders to apply pressure on those leaders who refused to fall in line with the central government.

Given Pakistan's political history, regional and ethnic diversities, and a relatively developed regional consciousness and identity, federalism with autonomy to the provinces remains the only viable option for addressing political, economic and administrative issues. There is a need to move in the direction of democracy, fair and free elections, decentralization and provincial autonomy. To conclude, autonomous and strong provinces mean a strong Pakistan.

## Notes and References

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- 2 *Ibid*
- 3 See for details, K. C. Wheare, *Federal Government*, (London: Oxford University Press, 1953) pp 45-46.
- 4 Carl J. Friedrich, *Constitutional Government and Democracy*, (Oxford: Oxford University Press, 1950) p 208.
- 5 Sayid Jaffar Ahmad, *Federalism in Pakistan - A Constitutional Study*, (Karachi: Pakistan Study Centre, University of Karachi, 1970) pp. 32-33.
- 6 For details of ethnic, cultural and socio economic differences between the provinces see Adeel Khan, *Politics of identity , ethno nationalism and the state in Pakistan*, (New Delhi: sage Publications,2005); Shaheen Sardar Ali & Javaid Rehman, *Indegenous Peoples and Ethnic Minorities of Pakistan - constitutional and legal perspective*, (Surrey : Curzon press, 2001)
- 7 S. Akhtar Zaidi, *Regional Imbalance and National Integration in Pakistan*, (Lahore: Vanguard Press, 1992), p. 245.
- 8 Christophe Jaffrelot (ed) , *Nation, Nationalism and the State*, (Lahore : Vanguard books, 2005 ) pp 51- 62
- 9 For the Distribution of Powers under 1973 Constitution, see the 4<sup>th</sup> schedule of the constitution
- 10 *Dawn*, Pakistan, Internet edition, January 12,1997
- 11 For details see Hasan Askari Rizvi, “*Dynamics of federalism in Pakistan - Current challenges and future directions*, briefing paper No31, Islamabad: Pakistan Institute of Legislative Development & Transparency, December-2006.
- 12 *Ibid*
- 13 *Ibid*