

# Historical Narration Of Federalism In Pakistan

Dr. Shamila Tabssum<sup>1</sup>, Dr. Ghulam Mustafa<sup>2</sup>, \*Dr. Uzma Niaz<sup>3</sup>, Dr. Sadaf Mahmood<sup>4</sup>,  
Dr. Muhammad Shabbir<sup>5</sup>

<sup>1</sup>PhD Political Science, Government College University Faisalabad, Punjab, Pakistan.

[shamailatabassum@gmail.com](mailto:shamailatabassum@gmail.com)

<sup>2</sup>Associate Professor, Department of International Relations, Government College University Faisalabad, Punjab, Pakistan. [ghulammustafa@gcuf.edu.pk](mailto:ghulammustafa@gcuf.edu.pk)

<sup>3</sup>Assistant Professor, Department of Sociology, The Women University Multan. [dr.uzmaniaz@wum.edu.pk](mailto:dr.uzmaniaz@wum.edu.pk)

<sup>4</sup>Associate Professor, Department of Sociology, The Women University Multan. [drsadaf.mahmood@wum.edu.pk](mailto:drsadaf.mahmood@wum.edu.pk)

<sup>5</sup>Associate Professor, Department of Sociology, Government College University Faisalabad, Punjab, Pakistan.

[drmsabbir@gcuf.edu.pk](mailto:drmsabbir@gcuf.edu.pk)

Correspondence: [dr.uzmaniaz@wum.edu.pk](mailto:dr.uzmaniaz@wum.edu.pk)

## Abstract

Federalism is a form of government in which powers are divided between the central government for the whole country and government for the parts of the country, better known as federal units. It's a common exiting form government and it is more suitable for those societies which are heterogeneous in character. Dicey said that acceptable distribution of powers between the centre and units is an essential feature of the federalism. Pakistan fulfill minimum requirement of federalism-e. a written constitution, division of powers with constitutional guarantees for provincial autonomy, two tiers of governments, institutional infrastructure for dealing with shared goals and participatory political process. Due to monopoly of centre numerous disputes emerged in the country but 18th amendment made in 2010, in which powers were devolved by giving political autonomy to the provinces of the country to mitigate the grievances of the smaller units. The purpose of this research is to narrate a historical evidence from Pakistan's federal history. Along with this, the article also sheds light on the implementation of 18th amendment and presents a complete comparative of 8<sup>th</sup> and 18th amendment.

**Keywords:** Federalism, Provincial Autonomy, Pakistan, Consociationalism, 18<sup>th</sup> Amendment

## Introduction

In this research, concept of federalism, its approaches, features of federalism, federalism with special reference to Pakistan, federalism and constitutional history, constituent amendments and especial emphasis on 18<sup>th</sup> amendment has been described. Furthermore, this research work also sketches out the importance of federalism as a suitable system for achieving national integration. The role of the central government as facilitator may overcome the stress among federating units and make it possible for the smooth process of national integration in the

country. This research, also focuses on federalism which is considered as the best system in this state to manage the state affairs. The role of central government has also been discussed along with the 18<sup>th</sup> amendment that emphasizes the autonomy of provinces, provides the sense of equality, and removes deprivation.

## Federalism

Word "Federalism" is originated from Latin word, "Foedus" meant by "Treaty, Pact and agreement". It is an organization where Sovereignty has been divided among Central

Government or associating divisions. It has been implemented in those states where people belong to various classes and ethnic communities. According to Professor Dicey, “a political contrivance intended to reconcile national unity and power with maintenance of state rights” (Dicey, 1973). In the light of Wheare, federalism is defined as: “A method of dividing power so that the general and regional governments are each within a sphere, coordinate and independent” (Wheare, 1963). “Federalism appears to be the political principle of the current era, a time that is marked simultaneously by globalization and localization” (Bhattacharyya, 2010).

“Federalism is a framework or system of government in which units of state jointly share political and economic powers, functions and resources in cooperative mode. But agents of ethnic diversity and pluralism attempt to get the people of units away from cooperation” (Tamuno, 1998). As per this system, the community of concerned state will have to obey the two kinds of rules: “Federal or Provincial”. All over the world, about twenty-eight states have been observing this system (Anderson 2008). Federalism, as a form of government, has two operational dimensions; political and economic (Nazir, 2008).

Federalism is an organization of government that is ideal for those countries in which assorted communities exist. It became beneficial for those states who have “Multi-lingual, Multi-Cultural and Multi-ethnic mass”. It takes significant value when in a country various or mixed fiscal, societal, ethnical and political factions have their own benefits. In these circumstances, Federalism is considered as a best system to administer a state (Dicey & Wade 1973). “Federalism is an invisible and amalgamated structure” (Greenstein & Polsby, (Eds.) 1975). If we observed globally, 1/3 states of the world have opted this system. “Canada, Switzerland, Mexico, Australia, Malaysia, USA,

Nigeria, Brazil or Pakistan etc.” It is significant to clarify here that some of these states did not opt this system in direct manner but they follow the rules of federalism, they delivered the powers to the provincial units. (Ali, 2010). “No government can deny the affairs of others” (Heywood, 1994).

The above discussion shows the views and picture of Federalism that has been shared by different thinkers, scholars and the structure and systems of Federalism. State’s constitution defines all the rules, regulations, norms, acts of any state which she’ll perform in the field of economics, law and management etc. Each Constitution is a superior law which determines the jurisdictions of central and regional governments. The governments up to a level exercise autonomy in legal, administrative and fiscal terms. Even after the demarcation of authority, the centre as well as units sustains the passion of influence and cooperation. The authorities and responsibilities of every sort of governments are mentioned in a written constitution which determines a legal structure between center and units and their relationship. Hence, federalism may be practiced in a better way when the distribution of resources is equally distributed among federating units.

### **Approaches of Federalism**

Following are the approaches of federalism:

#### **Dual Federalism**

#### **Cooperative Federalism**

##### **What is Dual Federalism**

In this mode, the constitution is drawn dual and autonomous stages of Government. There has been clear picture of liability of proposed regions.

##### **What is Cooperative Federalism**

In this system, several organs of Government have been considered as the organ of unitary Government system. Mechanism of this mode

has been collaboration among different stages of Government (Ariyo, 2003).

### **Expansion of Federalism**

This is in the nature of humans that they depend on one another and cannot live without this fact. When it is the matter of collective benefits, they connect themselves as: “Association, Community and Organization”. On some stages, they have given more supremacy to prominent them among the other communities of society. From this classification, Federalism initiated. Some thinkers stated that current federalism is the outcome of two reasons: “One is protection or second is Voluntary Bargains”, “The credibility and legitimacy of a federal arrangement appears to be based in the constitution which protects the autonomy of the units and presence of constitutional court” (Rodden 2004 & Ward 2009).

### **Federalism and Consociationalism**

“Interest of political scientists increased during the late 1950s and 1970s, around the concept of “Non-Majoritarian Democracy” which was either thought of as federalism as distinct from consociationalism or being part of the same streak of thinking which tries to stabilize states while accommodating minority interests” (Lijphart, 1985). There are the same characteristics among “Federal and Consociational Politics”. It comprises the same “Systemic Building of More Substantial Consensus” rather “Simple Majority System”. Under the consociational regime majority rules but the system is designed to generate broader consensus than possible in simple majority systems (Elazar, 1991).

Hence, it may be “Majoritarian and non-consociational” that leads federalism but little in assistance rather it is required. “Pakistan is an example of non-consociational federalism” (Adeney, 2009). On the other hand, it may be autocratic, as “Lebanon” is a specimen.

### **Federalism and Provincial Autonomy**

Regional supremacy did not mean division of entities from Central Government and suffered from ties among central government and province. Provincial Autonomy comprises on following parts:

- Political Autonomy
- Economic Autonomy

“In other words, it deals with the devolution of two-dimensional power, with complete control (autonomy) over necessary procedures and tools for execution of such power, from federation to the provinces under well-built and well defined devolution mechanism” (Ashraf, 2016).

### **Feature of Federalism**

Federalism has various aspects in respect of Fascial and Societal Assortments, worldwide. It depends on the circumstances of concerned state. Watts (2008), Dikshit (1971), Sarita (2009) and Wheare (1963) stated that feature and qualities of Federation may be observed in literature given below, in “USA, Switzerland or Canada”:

“The most significant feature of every federation is a two-fold sovereignty or the sharing of powers between the constituent unit(s) and the central government”. Watts (1998) and Elazar (1987) called “Constituent Unit(s) and the Central Government” as “Self-Rule or Shared Rule”.

There have been prominent written guidelines about division of authority that have been placed in Central Government and Federating Units”. Every government and unit facilitated by given authorities are defined in the constitution. Hence, division of authorities have been such a challenging task in all over the world because of federalism. Burgess (2006) illustrated that: “Since the written constitution represents the birth certificate of every federation, those aspects that establish its fundamental federal character

should not be unilaterally amended by just one order of government because that would render the other level of government subordinate to it”.

As Federalism is a complex political system with “Federal Government and Federating Units”. In this system central government faced various challenges, disputes and confrontations raised by provinces/units. “To avoid such clashes or overlapping of functions, every federation has an umpire in the form of courts, provision for referendum or an upper house of parliament” (Khan, 2014). “This umpire, if it is in the form of courts, has some very important functions such as impartial constitutional interpretations, revision of the constitution to changing circumstances, and the resolution of inter-governmental conflicts” (Watts, 1999).

This system is too convenient or participating while in contrast with other systems. There have been numerous features of federalism which are not mutually defined in same federalist states. To observe the systems of world, it is obvious that federalism lies in states who opt “Multi Parties System, two houses Legislature, Rule of Law, Feelings of Patience etc. These may be called the features of Federalism. Think tanks claimed that a state may be secure from “Dictatorship or Authoritarianism” that opt MPS. But Pakistan is such an example of this practice where MPS exists and also Federalism experienced. Similarly, many of states have “Unitary form of Government” with “Bicameral Legislature” or practiced Federalism. It is common observation that some of governments considered it as “Centralization of Powers and Resources”, on the other way, there are many of states have centralized powers and Unitary Form of government but practicing Federalism. Hence, centralization may be not a scale to measure that a state is federalist or not. Most of the states with federalism, i.e. “USA, Australia, Canada or Switzerland” have features of “Rule of Law and

Patience/Tolerance”. Both of these elements are assumed as the soul of True Federalism.

A significant feature of federalism which makes it prominent among other system, is its method of organizing the different ethnical, lingual and racial groups into a single streamline. It’s natural that humans live together, they need a society where they live happily but an important query is about their togetherness. Contemporary idea of federalism is too complicated or practical to sort the issues of human society. In the matter of federating unit, people from various ethnical and lingual factions are willing to distribute the authorities or burden into mutual division. Hence, it is a supreme system that deals with federal and units, in the same time. “The superiority of federalism over con-federal and unitary systems is clear from the fact that, under the former, unilateral and arbitrary repossession of power is not possible because of the entrenchment of ownership rights, while in the latter it is the other way around, and the possibility of unilateral repossession of powers cannot be ruled out” (Breton, 2000).

Number of political scholars stated that “Federalism” is autonomous in nature or vibrant and unique in qualities, the system has power to solve the matters of distribution of authority or depict the centralization among various units:” (Kymlicka & Amdeny).

### **Federalism with reference to Pakistan (History)**

“Federalism is a form of government in which powers are divided between the central government for the whole country and governments for parts of the country, better known as federal units” (Kundi, 2002). Here is a summary of federalism with reference to Pakistan. At the time of independence, Pakistan and India opted for the same political norms, culture but both states had their own proficiencies for federalism. “Pakistan, emerging out of the

colonial apparatus with Muslim League and other parties demanding federal structures fiddled with the Presidential to Parliamentary to Martial Laws and a hybrid-like system between Presidential and Parliamentary hence eventually tilting the balance of power in favor of the President with 8<sup>th</sup> and 17<sup>th</sup> amendments in the constitution of 1973” (Naseer, 2007).

Britishers established a specific kind of Federalism in Indo-Pak. “The Decentralized administration was working under the vice regal system. The Mughals also had the provincial system in place albeit not as strict administrative set ups. The British Raj made provinces more formal units of administrative design” (Sayeed, 2009). From the start, Muslims wanted their separate identity when “Muslim League” and “All India Muslim Congress” combined demand for this. Actually, “Minto Morley Reforms 1909” and “Montagu Chelmsford Reforms 1919” showed the feelings of Muslims for separate identity. But this demand did not fulfill in true manner. “The demand for federalism and provincial autonomy was later made more politically robust under the famous 14 points by Quaid-e-Azam which were in response to the

Nehru Report” (Kundi & Jahangir 2002). Afterward, Allama Muhammad Iqbal also illustrates the same point in very clear way, in his address in “Allahabad in 1930”. All of these facts became the purpose that “Muslim league passed a historical resolution in 1940 at Lahore in its’ annual session and maintained that the federating units of Pakistan would be autonomous and sovereign” (Mushtaq, 2009).

An important element is necessary to discussed that number of ideas of Federalism, which were adopt in “Government of Indian Act 1935”. But in Part five of act, that talked about the “Federation of India” has not applied. Hence, according to the principles the central or provincial legislation has not clear and Governor facilitated with more authorities” (Qureshi, 2009).

### **Narration about East and West Pakistan after partition**

Before narration of further there is need of detail of division of population after partition. Following table shows the population distribution in EP and WP:

**Table No. 1 Population dissimilarities in East and West Pakistan**

	Total population (millions)		Density of population (Person /sq miles)		Expansion (%)		Level of education (%)	
	1951	1961	1951	1961	1951	1961	1951	1961
<b>EP</b>	41.9	50.8	701	922	4.3	5.2	21.1	21.5
<b>WP</b>	33.7	42.9	109	138	17.8	22.5	16.4	16.3

Source: Jahan, R. (1972). Pakistan: Failure in National Integration. New York: Columbia University Press. pp.9-11.

**Table No. 2 Local languages in East and West Pakistan (% wise)**

Language	East Pakistan		West Pakistan		Pakistan	
	1951	1961	1951	1961	1951	1961
<b>Bengali</b>	98.16	98.42	0.02	0.11	56.40	55.48
<b>Punjabi</b>	0.02	0.02	67.08	66.39	28.55	29.02

<b>Pashtu</b>	----	0.01	8.16	8.47	3.48	3.70
<b>Sindhi</b>	0.01	0.01	12.85	12.59	5.47	5.51
<b>Urdu</b>	0.64	0.61	7.05	7.57	3.37	3.65
<b>English</b>	0.01	0.01	0.03	0.04	0.02	0.02
<b>Balochi</b>	----	----	3.04	2.49	1.29	1.09

Source: Jahan, R. (1972). *Pakistan: Failure in National Integration*. New York: Columbia University Press. p.12.

### **Constitutional History of Pakistan and Federalism**

After 1947, the constituent assembly tried its level best to present the new constitution of Pakistan but due to the death of Quaid-e-Azam and assassination of Liaquat Ali Khan the process became slow. However, after great struggle of 09 years this assembly presented the constitution in 1956. Here is a brief look of constitutional development and federalism and their relationship with each other:

#### **Constitution of 1956 and Federalism**

When the constitution of 1956 presented in assembly, there were discrepancies and clashes, i.e. "Language and Representation". There was a resemblance with "India Act 1935" "which had been a significant move towards federal system during the Raj" (Choudhury,1959). In this constitution, the authority of central government became more squeezed having 30 articles (61 previously), provinces have 94 articles while "Concurrent List" consisted on 19 articles. The Central Government has its dominance in the field of fiscal, defense, progress and synchronization with provinces. In 1958, Ayub Khan dissolved the "Legislative Assembly" and army took up the charge. This drastic change made the ties colder among East and West Pakistan or left a bad impression on federalism. "However, in 1962 a new constitution based on "Basic Democracies" while retaining the One Unit was created" (Talbot, 2009).

#### **Constitution of 1962 and Federalism**

"Ayub Khan was able to get support for continuation of his rule from the military and civil bureaucracy. Being over-developed federal institutional designs" (Alavi, 1972). Both instates delivered complete favor. Sayeed termed this structure as "British Viceregal System of 1940s" (Sayeed 1967). Ayub Khan overlooked the suggestions of Basic Principles Committee (BPC) as he intended to establish "Autonomous Central Government" because local people demanded for. In the constitution of 1962, organization of Federal Government consisted on "Central, Provincial or concurrent Lists", having one house for "National Assembly" the tenure which would be for five years and which were consisted on the associates of East and West Pakistan. The idea of "Balance of Power" became a dream and no practical work on legislation was done.

In 1969, General Yahya Khan abolished the "One Unit", People's expectation for elections have been unexpected. Awami League (AL) got majority in East Pakistan. Main administrative body initiated "Operation Searchlight", for the settlement of the issues in East Pakistan. Very uncertain condition occurred when there was the suspending of transfer of power to AL. Casualties of Bengalis, emergence of migrants, occurrences of clashes, suspension of East Pakistan and creation of Bangladesh was the outcome of this delay. An expression of a strong Federalism having federating divisions became a dream.

#### **Elections' of 1970**

Here is the brief look of the elections of 1970. These remain unforgettable in the history of Pakistan and provinces particularly focusing Balochistan:

It has been finalized that elections would be conducted in first week of October, but Yahya Khan postponed it up to December, abolished all

sanctions political deeds. Here, he launched the legal rule/law “Legal Framework Order (LFO) on 13<sup>th</sup> March 1970 (Ziring, 1980). In this order, illustration of liabilities of NA and PA were properly defined as per record of “Census of 1960”.

**Table No. 3 Seats for National Assembly (NA)**

East Pakistan	Punjab	Sindh	Balochistan	NWFP	Ethnic groups
162	82	27	04	18	07
<b>Women Participation</b>					
East Pakistan	Punjab	Sindh	Balochistan	NWFP	Ethnic groups
7	3	1	1	1	0
<b>Total</b>					
169	85	28	05	19	07

**For Provincial Assembly (PA)**

East Pakistan	Punjab	Sindh	Balochistan	NWFP	Ethnic groups
300	180	60	20	40	0
<b>Women Participation</b>					
East Pakistan	Punjab	Sindh	Balochistan	NWFP	Ethnic groups
10	06	02	01	02	0
<b>Total</b>					
310	186	62	21	42	0

Source: Kardar, A. H. (1988). Pakistan's Soldiers of Fortune

**Table No. 4 Seats for Balochistan in Elections of 1970**

Following is the detail of 04 seats of Balochistan against the elections of 1970s for NA:

Name of Political Parties	ML	JI	PMQ	PPP	Council ML	PDP	JUI	JUI NAP (Wali group)	Total
Seats	1	2	4	1	2	1	4	3	18

Source: Election Commission, Report on General Elections Pakistan 1970-1971, Islamabad: Government of Pakistan, Vol. I, pp.204-5.

“The election campaign of NAP in Balochistan was under the control of Attaullah Mengal, Khai Bakhsh Marri and Ghaus Bakhsh Bizenjo. Everyone was working at local level. The personality behind the curtain was Nawab Akbar Bhughti who was a steering force and worked more than all” (Awan, 1985). Nawab Bhughti’s efforts were for his brother “Ahmad Nawaz Bhughti, Mir Chhakkar Dombki (his son-in-law)”, both were the candidate of PA (Awan, 1985). At the same time, Dr. Abdul Hayee Baloch has also the party ticket holder of NAP. In these elections, “PPP and NAP did not conflict with each other” (Bhughti, 1995).

“Mir Ahmad Yar Khan joined Muslim League Qayum and his two sons contested elections only because their opponents were contesting” (Mazari & Mazari 1999). Two seats

of PA won Ghaus Bakhsh Bizenjo by crushing Agha Mohi-ud-Din and Dr. Abdul Hayee to Asghar Yahya Khan and 3<sup>rd</sup> seat of NAP got Khayr Bakhsh Marri. “He participated in elections from Quetta Sibi constituency and defeated the candidate of the Muslim League Mir Taj Muhammad Jamali” (Bugti 2003). 4th applicant Maulvi Abdul Haq (JUI) defeated Abdul Samad Achkzai, Yahya Bakhtiyar or Noroz Khan Jomezai. In these elections, PPP did not win and Baloch community refused ML. Baloch community got a chance to elect their representatives from Balochistan. “In the province of Balochistan, PPP contested elections on one National and six Provincial Assembly seats. Even the security amount of all candidates of PPP was confiscated” (Jones, 2003).

#### Table No.5 Elected Parties of Elections of 1970

Here is a look on the elected Parties in the elections of 1970s:

Total	PPP	PML Q	PML COU N	PML COU V	JUI	JI	JI	NAP	Other parties	Independent
20	--	02	--	--	03	--	--	08	01	06
Vote	1.9 %	15.0%	2.6%	--	11.0%	--	2.1%	19.8%	1.4%	46.2%

Source: Election Commission, Report on General Elections Pakistan 1970-1971, Islamabad: Government of Pakistan, Vol. I, pp.219.

“The election results reflected the ugly political reality which portrayed the polarized electorate based on regional frame work” (Ahmed 1982). Hence, AL became the major party not only in EP but also in entire state while in WP PPP became the party which got maximum votes. Furthermore, in Punjab and Sindh PPP, in Balochistan NAP have maximum votes. AL went for elections on the reason of “Six Point Agenda” from EP. At the same time, PPP did not take interest in regional supremacy but in increasing the powers of federal government. JUI or NAP promoted AL and this party had maximal

authority in NWFP or Balochistan (Ahmed, 1982). On 11<sup>th</sup> February 1971, “Nawab Akbar Bhughti” stated that “6 points of AL carries great worth for small provinces”. Here, it is significant to elucidate that in NWFP or Balochistan’s two political parties were in favor of six points and remaining parties of WP were backed up PPP (Malik, 1975).

It was declared after the elections of 1970 that were three dimensions of authoritative circle: in Punjab or Sindh (PPP), in NWFP or Balochistan (NAP, JUI) and in EP, (AL) was in power. On the other hand, 4<sup>th</sup> absolute power in



the headship of Gen. Yahya was the power of armed force. But Yahya Khan was unable to decide the transfer of the power after these elections. This matter became more complex because of various suggestions for constitution. So, the “Power Show” began in “Mujeeb-ur-Rehman, Zulfikar Ali Bhutto or Gen. Yahya Khan”. Another interesting factor was that no one among these three was ready to transfer the authority. Resultantly, EP separated from WP on 16<sup>th</sup> December 1971. “General Niazi formally laid down his arms before Indian Army Chief Jujit Singh Arrora along with 93,000 troops. It was a black day for Pakistan whereas Indians celebrated the day” (Ziring, 2005).

Afterwards, because of the disintegration of Pakistan, Yahya Khan faced criticism from military and WP, hence, he found no way to escape (Ziring 1975). He transferred the charge to “Zulfikar Ali Bhutto” and he become the president of Pakistan. From 20<sup>th</sup> December 1971, a new chapter in the history of Pakistan began since the arrival of Zulfikar Ali Bhutto. The interesting thing was that Bhutto took the charge from Chief Martial Law Administrator (CMLA). There was the accurate way of “Oath Taking Ceremony” with all coddle formalities (Dawn 1971). In the light of Lawrence Ziring, “to no one surprised it was Bhutto who called upon to pick up the pieces of our shattered nation” (Ziring, 1980).

As Balochistan remained an area where tribalism and sardari system launched from its first day, so Britishers did not make such alterations in this complicated system. They remained deprived from advance technology. It has been a misfortune that all administrators did not go forward for any progress. Even government started such schemes in which Baloch nationalists and their leaders were under arrest, resultantly local people opposed. In this reaction, central administrative body, initiated an armed action for them. All of this remained unsolved as the Balochs were not in favor of any

self-ruled state rather in favor of regional supremacy.

### **Constitution of 1973 and Federalism**

In 1971, there was separation among two wings (East & West Pakistan) and the constitution of 1973 was introduced to switch the short-termed constitution of 1971. “Although this issue had been prevailing on the national arena since Pakistan got independence and it remained getting worsen till the time, Bangladesh came into being in 1971” (Sisson & Rose, 1991). “However, the 1973 Constitution predominantly followed the previous Constitutions on 1956 and 1962 to the extent that in many instances the language used in many Articles was also retained”. As earlier constitution, it has also been carrying Federal System and two houses legislature, “Upper House and Lower House” named “Senate (60 seats) and National Assembly (NA) (200 seats)” respectively. Four provinces of Pakistan have been participated equally in upper house and lower houses seats distributed on the bases of masses. This constitution carried worth because it focused on the rights of all provinces, especially Balochistan also depicted its presence in Senate (Khan, 2010).

The issue of “Language and Ethnicity” remained unsolved. As Urdu was declared as the National Language. Furthermore, Federal organism was referred as state system of “two Lists; one federal and the other concurrent. In the upper house or Senate, each federating unit contributed 14 members for four years term Balochistan was given status of province in 1970 while half of them retired after two years. The Federal List having 67 subjects was for the federal government while the Concurrent List provided opportunity for the provincial legislature to draft laws on the subjects. However, in the case of a dispute, according to the Article 143, the rights of the central government must be supreme and prevail” (Kundi and Jahangir, 2002).

“Council of Common Interest (CCI)” has been established to support federalism. This council’s members have been nominated by (President) and Chief Ministers (CM) of four provinces along with some associates of central government. CCI had authority to interfere into the matters and natural resources, hence it was also thought that this council would look into issues regarding, “Oil, gas, electricity, industry, railway etc.” On 14<sup>th</sup> August 1973, when the constitution was officially imposed, the then PM Zulfikar Ali Bhutto addressed the nation and ensured them that all the uncertainty and clashes from state would be abolished. Constitution was functioned but with the supremacy of federal government and there was found feelings of mistrust in Baloch and Pashtun community, as two days passed, Chief Minister (CM) of Balochistan was under arrest. Moreover, it was also announced that NAP is incompetent to run the affairs of province on North West Frontier Province (NWFP) and was involved in unlawful and terrorist activities against state (Khan, 2010).

“The ethnic rising also took place in Balochistan where the government was suspended. In the retribution, the government in NWFP resigned from the assembly” (Jalal, 2000). With all this situation, central government went to snub the Opposition Parties and dealt them as “Bonapartist State” (Sayeed, 1980). Federal state moves towards the critical situation. “Military operation was carried out in both the mentioned provinces to counter the elements of nationalism. In the history of Pakistan, another military coup took place in 1977 and suspended the constitution for eight years. During the time period of these eight years, all the political structures were controlled in unitary manner. During the strengthening period of federalism, the avoided communities became ethnic identity. Ethnic groups represent majority communities in provinces, such as Sindhi in Sindh, disenfranchised minority groups. The federal project consolidated the Sindhi identity and

within a decade and a half created a Mohajir ethnic identity” (Waseem, 2011).

### **Constitutional Amendments (A narration from 8<sup>th</sup> amendment)**

It has been defined in the constitution of 1973, “Parliamentary Form of Government” to be imposed in Pakistan. Following the Britishers two houses legislature set up. It was decided that federalism would be implemented in state but a misfortune was that center held 90% of whole finance, following the Indian Act 1935. Same division of resources was defined in constitution of 1973, here “Council of Common Interest (CCI)” did not functioned properly. Then, there was the need to make some amendment in constitution (Hanif & Khan, 2012).

In 8<sup>th</sup> amendment, the nature of constitution changed as it played pivotal role in the history of Pakistan. When 8<sup>th</sup> amendment was implemented, the proper planning was behind it. Basic purpose was to make powerful to President to dismiss the assemblies or PM should have the authority to transfer its power to governors. In this amendment, President has the authority to ask PM and any member who won elections of assembly. The system suffered badly because of the rights of President provided by 8<sup>th</sup> amendment. An interesting act was done by 13<sup>th</sup> amendment and role of Parliamentary system changed. In 1997, PM Nawaz Sharif restored the constitution. In 13<sup>th</sup> amendment President’s authority decreased and it bonded him to follow the PM. Incline of authority moved to “Executive”. After this amendment, military collapsed the civilian government and imposed ML in country. “Legal Framework Order (LFO) 2002” was introduced to revise the 8<sup>th</sup> amendment. President again came into authority and gained rights to nominate “Chairman Joint Chief of Staff Committee (CJCS) and Services Chiefs or Governors of provinces” and has the right to dismiss the NA. Recommendations of PM were needed but President was not bond to obey.

“The eleven orders and ordinances promulgated by Pervaiz Musharraf also got legal protection through LFO” (Saeed, Mushtaq, & Latif 2019). These 11 points included in 6<sup>th</sup> schedule of constitution. An important point has been included that no-one (for PM ship) would be elected more than two times, this was made especially for “Nawaz Sharif and Benazir Bhutto”. Once again President-ship emerged as a strong and authoritative manner.

On 31<sup>st</sup> December 2003, 17<sup>th</sup> amendment was presented in the period of General Pervaiz Mushraf. Supreme Court (SC) was also the part of the elections of assembly. These points destroyed the dignity of federalism. Due to this, parliament met great harm as it went under the Executive. To sum up, 8<sup>th</sup> and 17<sup>th</sup> amendment changed the sphere of Federalism and Parliament, while 18<sup>th</sup> amendment removed the unnecessary additions and reinstated the real picture of constitution. Here are few modifications of this amendment (Waseem 2010):

- “Revived the parliamentary and federal nature of the constitution.
- Removed the amendments inserted by dictatorial regimes of General Zia-ul-Haq and General Pervaiz Musharraf.
- Enhanced provincial autonomy through devolution of power. Removed Concurrent List and transfer of residuary powers to the provinces.
- Widened the sphere of definition of “high treason”. Accordingly, suspension or keeping the constitution in abeyance or such attempt would be considered “high treason”. Further, it has been elaborated that even the SC lacked authority to validate such act.
- While removing article 62 and 63, some codes of conduct have been enacted with regard to qualification and disqualification for the elections of national and provincial legislatures.
- Strengthened the office of Election Commission by enhancing his tenure from three to five years. Inclusion of both treasury and opposition members in the process of appointment of Chief Election Commission (CEC) improved its credibility. Fixed the numbers of ministers including ministers of state to 11% of the total number of MPs. In case of a provincial assembly, it can’t exceed 15 or 11% of the total members. Established a new High Court in Islamabad which would be manned with judges from all provinces and the Islamabad territory. As per Article 140-A, election to local bodies would be held under the surveillance of Election Commission of Pakistan (ECP).
- Increased the scope of Council of Common Interests. With the primary objective to protect interest of both sides, the Council comprised representatives both from center and the units. It enjoyed an advisory role in the review and suggestion of economic condition, distribution of national revenues and formulation of policies and plans. National Finance Commission (NFC) would act as a protector of units’ share in national revenue. This share cannot be lesser than given to a unit in the previous NFC award.
- Presidential power to conduct referendum and to dissolve assemblies was done away with. Powers of President were transferred to the elected House of the people of Pakistan thereby giving supremacy to the parliament.
- Unlike the previous scheme, the power to legislate on Concurrent List was exclusively been transferred to provincial assemblies.
- The Caretaker Prime Minister was to be appointed with the consultation of both

leader of opposition. Family of Caretaker Prime Minister won't run for election".

### **Successes and Problems of Nation Building (Post 18<sup>th</sup> Amendment)**

This amendment launched the productivity or makes a proper form of constitution for Pakistan's prosperity. When it was concerned about the optimistic effects, significant aspect was the pleasant relationship between "Center and Province". It supported the federal organs. Article 142, has been changed and Concurrent List excluded it or it was referred to federating units. Appointment of "Provincial Governors" remained same but condition was imposed that he should be the local of that province. To build the hydro-power planet, it became necessary to negotiate the concerned province. CCI became active to strengthen the ties between central government and provinces. Responsibility of NFC became more active, the Political System became more strong, abolition of article 58 (2) b. Assignment time of assemblies became 100 days instead of 70. Elections of local bodies will be monitored by ECP. It would be important to get approval of NA and relevant (Provincial) assembly if there has been need of "Emergency". Parliament became more strong. Previously, parliament could not pass any law consisting of 6 or 7 agendas, hence, this amendment abolished this condition or changes might be made excluded the authorization of president. According to article 59, non-Muslims will participate in elections of assemblies (Sattar, 2012).

On the other hand, there were a few problems. Some institutes faced hurdles. Power of Con-current list accorded to provinces. The past practice was that the authorities were under the provinces and now transformation shifted to provinces. Twenty institutes or hundred independent institutions went toward province to make them authoritative. To fulfill the decisions of this amendment, there was a need for an

appropriate hard work, dedication from both center and provinces. Competent management will come up with the country and secure the uncertain circumstances, responsible governance will lead the state and create harmony between center as provinces. There was an introduced planned fiscal rule. NFC Award would have applied to control the economics of state. This amendment supported the federalism and boasted the nationalism. As several fiscal, geographical, demographical situations, all provinces carry same worth and importance. All have same goals, interests to provide benefits to local people.

### **Brief Summary of Consequences of 18<sup>th</sup> Amendment**

It was time of Z. Ali Bhutto when decision was made that con-current list of constitution would be abolished but this decision did not come true. Then, the presenter of 18<sup>th</sup> amendment decided for this task so that there would be more facilitates to the provinces especially Balochistan. So, Article 142 was altered and concurrent list shifted to federating units. In this amendment, provinces were ensured for provision of their rights and sorted their matters. Having this amendment, there was an initiative to remove the dispossession in federating units especially "Balochistan". Selection of Governor would be from concerned province having his vote in that province. If there is need to initiate "Hydro-Power Projects", federal government will take consent of that province.

If there is any issue of peace keeping, and matter will be put into "Council of Common Interest (CCI)" "National Finance Commission (NFC)" will play its role more effectively then past. In case of imposition of "Emergency" federal body will take permission of the house of that federating unit. Past practice was that President or Governor may dismiss the both houses (National and Provincial Assemblies) without consent of PM to use the power of

“Article 58 (2) B or 112 (2) B”. Observing the decision of the amendment, “Senate or Provincial Assemblies” will join their offices within “90-110 or 70-100 days”. Election Commission of Pakistan (ECP) will follow the Article 140 (A), to conduct true and unconcealed elections in country. “Parliament was strengthened by transferring the powers of the president to refer to an important issue for a referendum to prime minister under article 48” (Musarrat, Ali & Azhar, 2012).

Division of seats in Senate (Upper House) became 104 instead of 100 for minorities in every federal unit so that the minorities would considered themselves as equal to majority. The same house imposed the condition for Money Bill, it can hold 14 days from 07 days for more authentic decisions. Preferences of President would be abolished to amend Article 91, that PM will elect from Parliament and PM. PM will nominate the four members for “CCI and Chairman Federal Public Service Commission (FPSC) in place of President. Judicial system became more autonomous then past. President will nominate “Chief Justice of Supreme Court (CJSC) among senior Judges. Following the Article 25 (A), free education will be provide upto 16 years of age to increase the education level. This amendment focus was on higher education so that Pakistan will be in the list of top ranked universities of the world. The above mentioned detail highlights the concept of NI, its characteristics, nation, integration and nationhood. In the chapter, theories of national integration and its implementation was also discussed. Federalism is considered as a best system to administered the issues of provinces and center, in this context, the chapter highlight that how federalism became an ideal system for the country like Pakistan to solve the matter of national integration, equal distribution of resources, dilemma of proper representation in governmental affairs etc. Constitutional

amendments solve various issues among center and province, division of administrative rights, clarity about the complicated matters about the law and so on. Importance of 18<sup>th</sup> amendment regarding the distribution of resources and other affairs of provinces has also discussed in the chapter. Moreover, how constituent amendments, especially 18<sup>th</sup> amendment resolve the issue of national integration.

### **Conclusion and Recommendation**

To sum up the discussion, following are few suggestions to make the system strong and will brings stability in Pakistan:

- There must be planned policies to enhance the division of resources among federating units.
- Planned polices should be initiated so that minor provinces would be able to keep its position strong.
- Boost up the performance of CCI, NFC to bring clear and positive aspects of their origin and relationship among federal government and federating units may be pleasant.
- There is requirement to launch such social system that would not biased and original in formula of consultation.
- When there are clashes between federal government and federating units, they must solve through proper channel and minimum interference of foreign states.
- Reduce “Anti-State Actors” from Pakistan.
- Division of natural resources and revenue must be equally divided among federating units

Lastly, it is obvious that to sort the deprivation and dispossession of less developed provinces, they must be included into the mainstream of nation. They must

facilitate with all those services that are being provided to other provinces. There must be proper education, health facilities, resources sharing and geographically strengthen position. Sardari System should be respected but kept them into their boundaries, solve the matter of displaced persons of Balochistan, to take significant measures to stop the separation of ethnic factors, federal government should take responsibility to obey the norms, traditions and values of not only Balochistan but remaining provinces as these provinces are prominent due to their traditional heritage and values, withdrawal of military from the province and peace keeping process would be established.

### References

1. Adeney, K. (2009). The Limitations of Non-consociational Federalism: The Example of Pakistan. *Ethnopolitics*, 8(1), 87-106.
2. Ahmed, M. (1982). *Contemporary Pakistan: Politics, Economy, and Society*. Karachi: Royal Book Company.p.11
3. Ali, A. (2010). *Pakistan's Development Challenges: Federalism, Security and Governance*. Karachi: Royal Book Company.
4. Alavi, H. (1972). The State in Post-Colonial Societies, Pakistan and Bangladesh. *New Left Review*, (74), 59.
5. Ariyo, A. (2003). Theories of federalism. In Ad-Hoc Expert Group Meeting (pp. 7-9).
6. Ashraf, M. I. (2016). *Federalism and Provincial Autonomy: Political and Economic Dimensions Under the Constitution of Pakistan 1973*. (Doctoral dissertation, International Islamic University Islamabad)
7. Bhattacharyya, H. (2010). *Federalism in Asia: India, Pakistan and Malaysia*. London: Routledge University Press.
8. Breton, A. (2000). Federalism and Decentralization: Ownership Rights and the Superiority of Federalism. *Publius: The Journal of Federalism*, 30(2), 1-16.
9. Bugti, A. A. (1995). *Balochistan, Siyasi Culture aur Qabaili Nizam*. Lahore: Fiction House. p.120.
10. Choudhury, G. W. (1959). *Constitutional Development in Pakistan*. London: New York, Issued in co-operation with the Institute of Pacific Relations by the Pakistan Branch of Longmans, Green.
11. Dicey, A. V., & Wade, E. C. S. (1973). *Introduction to the Study of the Law of the Constitution* (Vol. 10). London: Macmillan Press Ltd. p. 143.
12. Elazar, D. J. (1987). *Exploring Federalism*. USA: The University of Alabama Press.
13. Greenstein, F. I., & Polsby, N. W. (Eds.). (1975). *Handbook of Political Science* (Vol. 3). USA: Addison Wesley Publishing Company.
14. Heywood, A. (1994). *Political Theory: An Introduction*. New York: Palgrave, Macmillan. p.113.
15. Jahan, R. (1972). *Pakistan: Failure in National Integration*. New York: Columbia University Press. pp.9-11.
16. Jalal, A. (2000). *Self and Sovereignty: Individual and Community in South Asian Islam Since 1850*. London: Routledge.
17. Jones, P. E. (2003). *The Pakistan People's Party: Rise to Power*. USA: Oxford University Press, USA.p.312.
18. Khan, G. (2014). *Politics of Nationalism, Federalism, and Separatism: The Case of Balochistan in Pakistan* (Doctoral dissertation, University of Westminster).

19. Khan, H. (2010). *Constitutional and Political History of Pakistan*. Karachi: Oxford University Press.
20. Kundi, M. A., & Jahangir, A. M. (2002). Federalism in Pakistan: Issues and Adjustment. *Asian Affairs*, 23-36
21. Lijphart, A. (1985). Non-majoritarian Democracy: A Comparison of Federal and Consociational Theories. *Publius: The Journal of Federalism*, 15(2), 3-15.
22. Malik, H. (1975). Problems of Regionalism in Pakistan. *Pakistan in Transition*. Islamabad: University of Islamabad Press. pp.60-132.
23. Musarrat, R., Ali, G., & Azhar, M. S. (2012). 18th Amendment and its Impacts on Pakistan's Politics. *Journal of Sociological Research*, 3(1), 1
24. Mushtaq, M. (2009). Managing Ethnic Diversity and Federalism in Pakistan. *European Journal of Scientific Research*, 33(2), 279-294.
25. Naseer, S., & Kathmandu, N. (2007). Federalism and Constitutional Development in Pakistan. *Lahore School of Economics, Pakistan*.
26. Nazir, M. (2008). The Problems and Issues of Federalism in Pakistan. *Journal of Pakistan Vision*, 9(1), 109-128.
27. Qureshi, I. H. (2009). *The Struggle for Pakistan*. Karachi: University of Karachi.
28. Rodden, J. (2004). Comparative Federalism and Decentralization: On Meaning And Measurement. *Comparative Politics*, 36(4), 481-500.
29. Sattar, B. (2012). 18th Constitutional Amendment & Need for Passage of the 19th Constitutional Amendment. *Eighteenth Amendment Revisited*.
30. Sayeed, K. B. (2009). *Pakistan: The Formative Phase 1857– 1948*. Karachi: Oxford University Press.
31. Sisson, R., & Rose, L. E. (1991). *War and Secession: Pakistan, India, and the Creation of Bangladesh*. Berkeley: University of California Press.
32. Talbot, I. (2009). *Pakistan: A Modern History*. New Dehli: Foundation Books.
33. Tamuno, T. N. (1998). *Nigerian Federalism in Historical Perspective*. Federalism and Political Restructuring in Nigeria. Ibadan: Spectrum. p. 157.
34. Ward, A., & Ward, L. (2009). *The Ashgate Research Companion to Federalism*. London: Routledge Press.
35. Waseem, M. (2011). Pakistan: A Majority-Constraining Federalism. *India Quarterly*, 67(3), 213-228. Retrieved on 26, 2020, from <http://www.jstor.org/stable/45073024>
36. Watts, R. L. (1999). *The Spending Power in Federal Systems: A Comparative Study*. Kingston, Ont.: Institute of Intergovernmental Relations, Queen's University.
37. Wheare, K.C. (1963). *Federal Government*. London: Oxford University Press. p.10.
38. Ziring, L. (1980). *Pakistan, The Enigma of Political Development*. Folkestone Kent: Dawson & Sons.
39. Ziring, L. (2005). *Pakistan in the Twentieth Century: A Political History*. Karachi: Oxford University Press. p.369.