



RESEARCH PAPER

Centre-Province Relations: A Historical Perspective

Dr. Farzana Arshad ¹ Muhammad Arif Khan ²

1. Assistant Professor, Department of History, GC University Lahore, Punjab, Pakistan
2. Lecturer, Department of Law, Hazara University, Mansehra, KP, Pakistan

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Corresponding

Author:
waqas.ahmed18
381@gmail.com

ABSTRACT

Pakistan has been a federal state since 1947 though it remained under question how effective the system was because the federating units repeatedly complained the overpowering of the Central authority over the provincial subjects. Since its inception to date, provinces keep on complaining that they have not been given the due shares, powers and autonomy as promised by Quaid-i-Azam, which he delivered before and after the attainment of complete independence. Even the East Pakistan got separation from the West Pakistan because the Bengalis believed that the East Pakistan did keep on exercising the provincial autonomy. Keeping in view the mistakes of the past, in the 1973 Constitution effort was made to introduce such a federal structure where greater provincial autonomy should be introduced. Therefore, this article attempts to understand the history of working of the federal system in Pakistan from 1947 to 2008 so that one can have an overview of the past experience of the federal system in Pakistan to know exactly how the two political parties, namely Pakistan People's Party and Pakistan Muslim League (N) responded and behaved to the federal system when they came into power in the centre and the Punjab in 2008.

Introduction

The history of Pakistani federalism is a legacy of the British colonial period. There are a number of challenges that the state of Pakistan has been facing since 1947. The problem of federalism is also one of the loud challenges that have remained a point of focus over the decades. There has always been a need to voice for the genuine, democratic and federal system, which could satisfy all the entities of the country. So far different schemes, mostly constitutional, for the purpose of satisfying the interest of the provinces have been introduced. However, most of these schemes have been failed. There are many reasons for why federal system has not been able to prove itself a successful and stable framework with regard to the satisfaction of the federating entities. As far as the history of federalism in British India is concerned, in India they introduced the devolution of powers from the

central level to the provinces although there was a unitary system in the mother country. In the later stages of colonialism, “a federal model was introduced in the government of India act 1935” (Malik, 2016). However, it was not a federal system in the real sense, as the 20th century was the witness of federal democratic states of the world.

After the war of independence in 1857, the British took strong administrative changes. India was gone into the direct custody of British crown. In the overhauling of the system the British realized that decentralization is important and is the solution for the administration and management difficulties. They appreciated the decentralization for the long, extended boundaries and diversified situation of the subcontinent. This gradual decentralization by the British, which was giving powers to the provinces (though slowly and gradually) led to the concept and a common demand of provincial autonomy. However, the centre enjoyed the position of ultimate authority in so many ways that British conception of actual federalism seem to be very confusing at time because being a colonial administrative setup, the centre and British government continued to exert their full control over provincial affairs (Nazir, 2008).

In the twentieth century it was not possible for the British to control the wide spread democratic ideas and the political consciousness because of the reason that India was not only turning a politically conscious place but also there were wide spread communal issues. In this regard historians have pointed out the policies of the British particularly the ‘the divide and rule’ which created that much gulf among the communities of India especially between the Hindus and the Muslims that it became beyond control for the ruling masters (Tharoor, 2017). Hence, the British government comprehended that the single realistic way out to the communal problems of India was the division of the country either into various executable subdivisions or to divide India into bigger sections altogether (Allana, 1968). After the 2nd world the British started wrapping up from the colonized world. The plan to transfer the power to two independent states took its final shape when the British parliament approved Indian independence act in July, 1947. (The Constitutional Journey., 2012). The Government of India Act 1935 came out as an interim constitution for newly formed states of India and Pakistan after the partition. This shows that principles which the British government introduced in India were federal, however it was a gradual process and they undertook different experiments while introducing various acts in a slow and gradual process.

After the creation of Pakistan as an independent sovereign state the federal model of government was adopted, however it was not a type of government that the US had. It was a federal government with minimum provincial autonomy and strong central government. However, during the pre-independence period, Muslim League was supporting the concept of provincial autonomy and therefore, Muslim League thought of federal system for the new state of Pakistan. Sayid Jaffar Ahmad

has quoted an interview of Muhammad Ali Jinnah in November, 1945 about federalism:

“The theory of Pakistan guarantees that the federal units of the national government would have all the autonomy that you will 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 defence and federal responsibilities”(Ahmad, 1987).

One can conclude that it was the established thought and vision of the leaders to go for the federal type of system in the newly established country and it can be said accurately here that the adoption of federal system in Pakistan was therefore, an effect of the insight primarily by its leadership (Pirzada, 1969-1970). However, the regional identities on the basis of provincial autonomy started becoming stronger with each passing year. Hence, the focus was on being Punjabi, Baluchi, Sindhi, Pathan and Bengali, that gradually increased the parochial and ethnic sentiments and created great difficulties in evolving a federal setup. There were strong and deep-rooted problems soon after independence, including administration in a chaotic and violent scenario and the mortal fear of India, a serious security threat. All the initial difficulties were making the task of federation harder after the making of Pakistan.

Pakistan unfortunately was not able to create a state structure with a framework of federation and participatory system. The situation was that Pakistan was engaged in two processes at the same time, the nation building and the state building. Nation building was to evolve a nation while dealing and accommodating with the sub national groups, similarly state building to create the infrastructure of the government with proper concentration of authority. The most important task was to make a proper setup of the central and provincial administration. It was a difficult task as there was a serious shortage of the trained people and officers to make the administration in running position. The economic situation too was in a sad situation. There was no major industrial unit, only very few banks came in the Pakistani side, but none of them was having its head office in Pakistan. Moreover, the serious issue of refugees and rehabilitation was an additional economic and administrative burden (Ahmad & Amjad, 1984).

- 1- Pakistani federation was based upon two separate territories from each other and there was 1000 miles Indian Territory between East and the West Pakistan. It was a unique kind of situation for a federation. It was also reality that these two parts of the country “were distinct in terms of culture, population and ethnic realities.”
- 2- In a federation the geographical link is very important and is acknowledged by the scholars even in the age of modern communication. It increases the space of state to work effectively in a federal setup. People living in the same region and connected areas gradually learn to accommodate in a connected setup. “Frequent contacts or similar physical environment help them to build up a common approach towards solving their common problems” (Rehman, 1968) The division

and the geographical space between the both of the parts of ...“Pakistan made the communication a difficult process....” (Rehman, 1968). And eventually affected the mutual understanding at public levels and consequently erupted misunderstanding. The only link between the two wings of the country was air travel, which was beyond the affordability of many.

- 3- So far as the physical features of both parts of the country are concerned, most of the parts of Bengal were flat planes other than Chittagong hills, separated by two rivers Brahmaputra and Ganges and their tributaries. Bengal was having a typical tropical weather conditions based on cold winter and wet summer, on the other hand West Pakistan was based upon areas of various contrasts, which include high mountain ranges, extended planes, deserts and fertile valleys (Buchheit, 1978). The differences in geography and climate can also be seen in the living style of the people, the dresses, lifestyle, food and housing.
- 4- Economic differences leave a stress and bad effects on the smooth working of federation. The Pakistani federalism has witnessed sharp economic disparities in both of the wings of the country. These economic differences were tilted towards the disadvantage of eastern wing. It is observed that the economists from the West Pakistan were of the view that Bengali backwardness in economic terms was due to colonial legacy and bad conditions of climate and weather (Ahmad K. S., 2011). They also present the economic situation of the initial years of the country from 1947-50 as a proof, indicating that the differences were not that much wide.
- 5- There were a domination and over representation of West Pakistan in civil and military bureaucracy. Precisely speaking this difference was a colonial legacy and is referred to the martial races theory. This theory favoured specific areas regarding the recruitment of military, north and north-western parts of the subcontinent are usually included in these areas. This imbalance was tilted towards Punjab and NWFP. It also gradually turned one of the deep grievances in the minds of political leadership and writers of East Pakistan.

There are some issues between central government and the provinces that have been faced by the federation of the country after its creation. It took nine years to draft and approve the constitution of Pakistan in 1956 because there had been stark differences between the East and West Pakistani leadership about the type and form of government and the composition of the cabinet. (Revisiting 1971: The Crow is White, Bangladesh is Pakistan, 2014) Thus, Pakistani leadership was unable to resolve the issues like the proportion of powers and adequate equitable division of powers between the two wings of the country. The issue to accommodate the dissent voices was another matter to be paid attention. With the passage of time the issues were becoming intense and the sense of being exploited in the eastern wing was increasing. The constitution of 1956 and 1962 was a one-man show; the indirect system of election and presidential form of government was not taken with any kind of appreciation in the public at large. One can see that the federal structure of the country was becoming weak with every passing day. The eleven years of General

Ayub Khan were described as an age of disparities and a time when gulf was increasing between both of the wings of the country. During these years the concept was a centralized power structure with a more strong federal government.

These highly centralized federal policies were not getting response and also not participatory for the people of Pakistan at large. The 'new ideas' in terms of introducing the Basic Democracy system could not prove itself as satisfying force to the growing trends among the people. The basic democracy system was the first step towards a decentralization of powers but it could not get its desired results. The paramount power was that of a military dictator, the policies were not designed to facilitate the civil structure and devaluate the powers to the federating units. It resulted from the failure to accommodate Bengali demands for greater autonomy, which the West Pakistan establishment treated as illegitimate (Talbot, 2015).

There were disparities existing between the two wings of Pakistan on the way of state building and nation building and also one can see huge diversities in the western region, which created problems in the political scenario, governance and management. The administrative situation of the western region was three provinces (Punjab, NWFP and Sindh) special administrative unit Baluchistan, princely states and the tribal areas. The article 145 deals with the powers of the president to give directions to the governor to perform certain duties and functions as an agent of the federal government.

1. "Notwithstanding anything contained in the Constitution, the Federal Government may, with the consent of the Government of a Province, entrust either conditionally or unconditionally to that Government, or to its officers, functions in relation to any matter to which the executive authority of the Federation extends."(The constitution of Pakistan, Part 5, Article, 148).
2. "An Act of the Parliament may, notwithstanding that it relates to a matter with respect to which a Provincial Assembly has no power to make laws, confer powers and impose duties upon a province or officers and authorities thereof."(The constitution of Pakistan, Part 5, Article, 148).
3. "Where by virtue of this Article powers and duties have been conferred or imposed upon a Province or officers or authorities thereof, there shall be paid by the Federation to the Province such sum as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of Pakistan, in respect of any extra costs of administration incurred by the Province in connection with the exercise of those powers or the discharge of those duties".(The constitution of Pakistan, Part 5, Article, 1947).

The article 147 of the constitution deals with the powers of the provinces to entrust some of the matters to the federation:

The Article 148 deals with the obligation of the provinces and the federation. According to its constitution "the executive authority of every province shall be so exercised as to secure compliance with federal laws which apply in that province" (The constitution of Pakistan, Part 5, Article, 148).

Punjab and Federalism

If we see the history of federalism around the globe, we find that the difference of population, the development and the economic resources, distrust among the federating units, have negative effect on the working of federalism. The study of Pakistani federalism indicates domination of the Punjab over rest of federating units in terms of human resources, civil and military bureaucratic structure, education, and industry. This stature is not positive in the working of federation and has caused serious resentment in the rest of federating units of the country. At the time of partition, the migration of non-Muslim traders, skilled people and businessmen did not affect the economy of the province of the Punjab as it affected badly in the other provinces. The province of the Punjab has been advanced in the field of education therefore modern education has created Punjabi middle class, which has eventually filled the vacant space by the departing Hindus and Sikhs. In this situation Punjabi people have taken the best positions at the province and centre level and spread their influence in the other province too. Pakistani political structure has remained weak historically therefore the bureaucracy of the country is very strong and has great influence in the policymaking. The strong bureaucracy has allocated most of the resources towards Punjab.

In this atmosphere apprehension of the developing provinces was increased against the centre and the Punjab. The concept of Punjabi elite has emerged over the years. The small provinces think that they have been ignored, intentionally kept underdeveloped and have not been given access in the policy/decision making at the centre and the provincial level by the so called Punjabi elite. "The issue of Punjabi domination had developed into a major theme in the politics of the smaller provinces and their interaction with the central governments." (Garewal, 1985). This situation caused imbalance and has threatened the real working of federalism in Pakistan.

Then, gradually it was observed that the above mentioned common factors started giving altogether a different meaning for the two wings of the country. The common religion Islam though remained a common slogan or a symbol of making rallies for national unity. And also the federation used Islam as a symbol of unity on various issues; however the situation in East Pakistan was different. There was a large number of Hindus in East Pakistan around 22% of population, so it was a shift or new stance and position of the leadership of East Pakistan who was socially tilted towards Hindus and started reviewing the role of Islam in the country. It is observed that they become hesitate to focus Islam as a symbol of national unity. It was no more a solution for constitutional and political problems of the country. According to them over involvement of religion, Islam would disassociate a reasonable number

of societies and will develop a sense of deprivation among the Non-Muslims and Hindus. In this situation the writers, intellectuals and leaders emphasised upon the ethnic and linguistic identity of the people, which they shared commonly in East Pakistan (Marshall, 1959).

As soon as the time passed, the stance of both of the wings of federation could not remain the same, especially among the leadership of both of the wings. East and West Pakistan could not remain on one page regarding security issues, particularly the defence issues and Kashmir. The military and bureaucracy, federal government mostly dominated by Punjab has entirely different stance over it. They thought that the defence of East is only possible if the defence of West Pakistan is strong (Afzal, 1976).

However, this idea of strong defence of East Pakistan depended upon the strong defence of West Pakistan had never got an acceptance from the East Pakistanis. The leadership of East Pakistan was taking it as a matter and an attempt to keep Bengal dependent on Punjab and West Pakistan. This thought in the leadership of East was strengthened because of the disparities between both of the wings in the military services. Some writers even in the initial years of the establishment of Pakistan were of the view that this federation is unnatural. For example Lord Bird Wood said "it would not be unnatural, if one day the Eastern limb of Pakistan decided to cut itself drift from the control from Karachi" (Mahmood, 1979).

A comprehensive look in to the matters also reveal the fact that the death of M. Jinnah soon after one year of the establishment of the country was a huge loss, as he was a charismatic and unifying force for all the communities of Pakistan, who were distinct from each other on cultural, linguistic and ethnic terms. In the history of Pakistan movement many times the leadership of Muhammad Ali Jinnah resolved the differences among the Muslim community, so it was a huge vacuum that his death had created. The leadership after Jinnah could not show the flexibility and political wisdom, which was the need for the unity of the country.

In the first two decades of the history of the country, the establishment of Pakistan was in favour of strengthening the state as a federal one. There were hazards like cultural, ethnic, and linguistic and the concept of a smooth federal system was just a dream in the minds of policy makers. The socio-cultural ... "diversities among the regions play important role in the domain of politics. They exert direct impact over centre-province or inter-provincial relations and on the process of state building, at large" (Ahmad, 1987)p,11. In 1969 G. W. Chaudhury has rightly said, "Pakistan has become a laboratory for constitutional experiments." (Chaudhury, 1969) By 1969 the country has in fact experienced three constitutions, the act of 1935, which was adopted ... "as an interim constitution from 1947 to 1956, the constitution of 1956" (Chaudhury, 1969), which was implemented in the country for two years.

The third constitution was the constitution of 1962 introduced by General Ayub Khan. New experiments were also done on the way of constitution making, like the interim constitution of 1972 and finally the constitution of 1973 (Ahmad, 1987). P,43 So, Pakistan has remained in the constitutional crises till 1973. The constitution of 1973 was very close to political culture and aspirations of the people of Pakistan. All the legal developments and the constitutional agendas prior to 1973 were unable to bring the stability for a proper functional federal state. The tragedy of Bengal was so deep in the mind of the nation and it portrayed overall a very gloom picture in the national scenario. It was a problem of federation that constitutional issues regarding division of powers were not solved, the unlimited delay in the constitution, the role of military bureaucratic oligarchy, declared responsible in the drift between East and West Pakistan. The making of national consensus constitution was the main development of the era of Zulfikar Ali Bhutto. The constitution of 1973 was suspended and then was promulgated again with a special 8th amendment during the eleven years dictatorship of General Zia.

In the long history and the turbulent struggle of constitution making, one can find that the federation and the federal structure were the main factors. Including the constitution of 1973, all the constitutions were trying to approach the problem of federalism in different ways. "Providing different institutional structures and accommodating the federal principle in varying degrees. Some of these approaches completely failed to take into full account the conditions of the country while others lacked viability. Therefore, it is important here to see, when and at what level, the federal principle was included in the schemes of different constitutions and what the weaknesses they carried in the constitutional formulas were and how these weaknesses were responsible for the troubles and the future crises. If we see the constitution and its federal character, one is supposed to be keen to see ..."the nature of the division of powers between the federal and the federating units while keeping in view the three basic features of federalism: (1) distribution of powers, among bodies with limited and co-ordinated authority; (2) supremacy of the constitution; and (3) the authority of the courts to act as interpreters of the constitution." (Dicey, 1973). Here we can add the bicameral legislature as the fourth characteristic of federalism, in which the upper house reflect the principal of equality of the federating units and the lower house reflect the democracy (Ahmad, 1987). P, 43 It is therefore, in the light of these basic characteristic of a federal constitutional state, we can compare the federation of Pakistan and the various constitutions introduced in its history.

Devolution Plan, a US led Global Arrangement

The Global Perspective

The World Bank report of May 1999-2000, entering the 21st century, tells the story of decentralization and the devolution plan of General Pervaiz Musharaff. The report says that ...“Pakistan a new nation has a politically disturb history.”(World Bank, Entering the 21st Century, World Development Report 1999-2000, 2000). That is also in connection with the post-world war 2 concept of development and the “creation of a highly centralized political fiscal system”(Dicey, 1973) nomic performance, poverty and social structure. The report says that Pakistan is now going to pursue the policy of decentralization. The report also indicates that it will be a fast track timetable and bold terms of reforms in terms of change in the “political and bureaucratic landscape of Pakistan.”(World Bank, Entering the 21st Century, World Development Report 1999-2000, 2000). P, 2 According to the initiators, the policy was very sound and if this fiscal centralization is going to be implementing, the “system has the potential to become strong and deliver its services for Pakistani people.” There is certainly a reality that Pakistan is a federal state and there was a strong pressure for the true spirit of federation and provincial autonomy. However, Pakistani leaders and dictators including Pervaiz Musharaff have taken more pressure of international community than the local realities. This report of World Bank also indicate that Pakistani society is bold enough and “there is a good reason to believe, it will succeed if the central government keeps its commitment to initiative and is willing to come with (and can secure the cooperation of) provincial and local officials in its implementation.”(World Bank, Entering the 21st Century, World Development Report 1999-2000, 2000).

The change in Pakistani federalism is been witnessed through the 18th amendment in 2010. These changes are regarding the devolution of powers and transfer of powers, particularly administrative, political and financial. It can be clearly called that the 18th amendment is enriched with provincial autonomy. The 18th amendment was further refined by the 19th amendment. It has led to the process of transformation of the subjects from the federation to the provinces (though there have been controversies and also the process remained slow). After the 18th amendment the situation is that none among the institutions, the people and indeed not even the politicians, especially from the Punjab were aware about the direction of ...“transfer of power from federation to the provinces.”(Revisiting 1971: The Crow is White, Bangladesh is Pakistan, 2014)

It is important to note that some scholars and political scientist keep a view that the structure of the federation of Pakistan has failed to develop a sense of equality among the units of federation. ...“and that Punjab has been dominating the functioning of federation in terms of policy formulation and implementation level.”(Kanwal & Others, 2012) To explore the role of the Punjab in the political system and political culture of Pakistan and to find out whether it was exploitative to the federation and other federating units, it is to study the constitutions and the function of federal structure. In the history of Pakistan it was important for the

federation to consider and recognize the local realities, particularly ethnic, cultural linguistic and social diversities of the federating units and other regions. We can conclude the place of the Punjab not only through the constitutional framework but also after making a deep observation of the military bureaucratic oligarchy.

Conclusion

As has been discussed above that the system of federation provides unity in diversity and it is considered more reasonable in accommodating different regional identities, ethnic groups and communities. Federal setup accommodate Socio-cultural situation in a shared political framework. Anyhow, it is also observed that distrust among the federating units, due to various reasons, negatively affects the working of federalism. Since its inception in 1947 Pakistan has applied federal structure because it inherited and adopted, after necessary modifications, the Government of India Act 1935, which enshrined the federal system of government. The first constitution was made after nine years in 1956 because the federating units, particularly East Pakistan had reservation about the parliamentary democracy, which offered the concept of two houses. A compromise was arrived and concept of one unit was incorporated in the constitution of 1956 which gave equal representation to the units. However, soon the 1956 constitution was suspended by General Muhammad Ayub Khan who took over the charge of government as a military dictator.

He introduced the new *constitution in 1962*, which provided a Presidential form of Government; it brought about drastic changes in the genuine concept of federalism and overwhelming powers were vested in the centre. That led to sense of depreciation in the East Pakistanis and as a result caused a breakup of the East Pakistan from Pakistan. Therefore, keeping in view the mistakes of the past, in the 1973 Constitution effort was made to introduce such federal structure where greater provincial autonomy was granted to the federating units. The prime objective of the constitution of 1973 was that the federal structure should work more effectively to produce constructive fruits for provinces and the centre. Thus the constitution was enshrined with the principles of democracy, parliamentary system of government and greater provincial autonomy.

However during the two marshal law regimes, *Zia ulHaq era (1977-1988, and General Musharraf era (1999-2008)* the provinces felt their powers have been reduced and centre has usurped their powers like Ayub did in the 1960s. These two regimes weakened the federal system in Pakistan therefore in COD both PPP and PML-N decided not only to restore 1973 constitution in its true spirit but also to grant more autonomy, if necessary, to provinces to their address their grievances. Therefore after the restoration of the democracy in 2008, both PPP and PML-N showed determination to make Pakistan a truly federal state where provincial autonomy would be a hallmark of the federal structure.

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