

Challenges To Federalism: An Empirical Study of Pakistan*Shah Nawaz Mangi¹, Dr. Adnan Malik², Dr. Bahadur Ali Soomro³**¹Department of Political Science, University of Sindh, Jamshoro-Pakistan**²University of Karachi, Sindh-Pakistan**³Far East and South East Asia, Area study centre, University of Sindh-Jamshoro***ABSTRACT:**

Pakistan is one of the few states in Asia which are following federal form of government since birth. But the parallel fact is, after celebrating more than seventeen years of independence, federalism in its true meaning could not be developed in the country. Diversified history of the state highlights that unlawful step of the political leaders and deep state actors, developed distrust among the federal units. Due to the over centralization, smaller units have been deprived of their rights and powers. Therefore, current study is a qualitative effort to figure out the factors those are weakening federalism in Pakistan. On the basis of secondary data, study finds that there are two-fold reasons; on the one hand, over centralization and unequal treatment and on the other side, regionalism, provincialism, feudalism and corruption are weakening the federal set-up and enhancing distrust among the units. Provincialism in place of federalism is hazardous for the development of the nation. Therefore, national development or stability is correlated with strong federalism which is not possible without provincial autonomy and equality. Realistic autonomy of the units may play fundamental role to invigorate federalism in Pakistan.

Keywords: Federalism, Provincialism, Challenges, Pakistan**Introduction :**

According to Khalid, (2013) the problem of federalism in Pakistan emerged with the birth of the country. He argue that merger of independent states into Pakistan was one of the major reasons because those states were based on undemocratic forms like autocracy or oligarchy [1]. Due to their undemocratic past these units have less experience of federal set-up. Thus, similar to democracy, various steps to strengthen federal structure of the state seems abortive in Pakistan [2]. The legislative struggle of more than seventy years to develop effectual and workable federal set-up between center and province failed to establish federalism which the people dreamed of [3]. Additionally, the unsettled problem of federalism has created serious issues of governance and negatively affected the process of nation development. It is due to this problem, regionalism and provincialism has risen to its height [4]. Besides, the level of distrust between central and constitutional units has also been increased because of the weak federalism [5]. Therefore, present study is an attempt to find out the major obstacles in the way of true federalism in Pakistan by reviewing political and legislative history of the country. In addition, the study aims to determine the usefulness of 18th amendment for the rectification of damage done previously. Will democratic government of the country be able to treat every constitutional unit on equality basis after 18th amendment? Finally, major challenges and threats to the federalism will be analyzed.

Brief Constitutional History Of Federalism In Pakistan:

During British rule, Khyber Pakhtun Khwah (KPK) and Baluchistan were controlled by the central government intending to use these territories as a defense shield against Afghan or Iranian invasion. Baluchistan struggled for its provincial status even after independence. On the other side, Punjab was facilitated by various legislatives such as; Punjab Alienation of Land Act 1900 [6]. Through this act, alienation of agricultural land was declared legal within the landlord class. Therefore, the land owner class remained with the government instead of political parties. Thus, feudalism got roots in the society. It is one of the coercive trends which weaken not only federalism but democracy as well [7]. Except settled areas of

KPK such as; Kohat etc, Mardan and Hazara, entire province was controlled by political agents. The bi-axal rule by British never let federal norms be successful in KPK, alike other provinces [8]. Although, Sindh remained under the control of Bombay residency since 1843 A.D but it never experienced federal norms even after 1936 A.D, the year it was separated. The problem emerged soon after the first legislative assembly was constituted after partition. Federalism in Pakistan continued according to the Government of India Act 1935 with slightly changes, which empowered center. Recommendations of Basic Principal Committee (BPC) regarding federalism were ignored by the then authorities [9]. Meanwhile, constitution of 1956 of Pakistan was implemented which provide strong role of federal government. Geographical distance between Western and Eastern wings of the country complicated the power sharing process which ultimately fragile federalism [10]. Furthermore, creation of “One Unit” was worst than this. On the one hand, Bengali nationalism was increased and on the other side, smaller provinces were deprived of their political and legal rights [11]. During the time of one unit (1955-1970) provincialism increased in place of federalism. For the first time in the history of Pakistan, general elections were held in 1970 but the results were not accepted practically. The undemocratic behavior of the authorities at that time resulted in the division of the country. Political disorder, chaos and undirected leadership invited Zulfikar Ali Bhutto to take the command of remaining Pakistan [12]. It is so surprising that before conducting general elections in the country, two constitutions were abrogated and two Martial laws were implemented. Finally, third constitution was implemented in August 1973. Federal form of the government was introduced with bicameral legislature for the first time in the country. With the implementation of this constitution Baluchistan was given the status of province.

Struggle for Power:

An insatiable desire to have more powers started a kind of race between President and Prime Minister of the country soon after the demise of Zulfikar Ali Bhutto. Therefore, several presidential orders were issued during Zia era [13]. In this way, to revitalize the original soul of the constitution, 8th amendment was done. To curtail the president’s power, 13th amendment was passed during Nawaz Sharif’s government. By doing so, prime minister tried to restrict the president to act on the advice of prime minister which is according to the original soul of the constitution. The civilian’s dream to have democratic government with all constitutional powers was unfulfilled through the imposition of fourth Martial Law in 1999. Pervez Musharraf introduced legal framework order (LFO) 2002 to revive 8th amendment. By doing so, federal character of the state was falsified brutally because of the centralization’s clauses of the order [14].

Revitalization Of Federalism Through 18th Amendment :

As a representative of public, prime minister enjoys actual powers in a parliamentary democracy and president is apparent head of the state. Unfortunately, earlier amendments in the constitution of Pakistan favored president of the country by ignoring parliamentary and federal norms. In 2010, Asif Ali Zardari the then president of the country, willingly assent the 18th amendment in the constitution and restore it in the original form [2]. With this amendment, emergency in the federal units cannot be imposed by the president unilaterally. Similarly, he cannot appoint chief election commissioner and Supreme Court judges on his behalf. This was the land mark in the legislative history of the country because it enhances not only federalism but independence of the judiciary as well.

Factors Affecting Federalism In Pakistan :

Literature of the domain suggests that federalism has been affected by two aspects of the factors. Firstly, throughout the first decade, country was run without any constitution. Thus, unitary system replaced federal, virtually. Secondly, political and self interest remained close to the developer of the constitution. Therefore, center was given more importance throughout the constitutional history. Besides, a large part of the history has been ruled by military and the remaining part was ruled through controlled democracy. Therefore, country lacks genuine democratic leadership or representation. In these circumstances, center remained dominant which badly discouraged federalism in the country. Furthermore, following factors are playing vital role for a weak federalism.

A.Socio-Political and Socio-Economic Elision :

More than seven decades have been passed but federalism in its true sense is so far absent in Pakistan. There are two kinds of feeling about the country; one, the feeling of elite and bureaucratic class and the second,

feeling of lower and rural people. Both of these feelings are entirely different from one another. Peoples of the earlier group feel that they are born to rule and they know how to rule [15]. Thus, they are privileged with the access to the economic as well as political powers. On the other side, people of the rural and lower class are suffering economically, politically and socially. At different time of period, elections were conducted in the country but freedom in its true sense and transparency remain absent [16]. Additionally, society is badly marginalized ethnically and religiously. It produces separation complaints that forced people to commit violence. It is clearly in Pakistan, where elision is based on class, caste, region and language. Take tribal areas and Baluchistan for example, where elision is one of the fundamental factors that drive citizens to insurgency [17]. Likewise, a racial and religious exclusion is causing violence in Karachi, Hazara and South Punjab. Interestingly, the research highlights that there is no fitting to the individual social conditions and nationalism, the high-level, elite and distrusted ruler is the main reason for Pakistan's frangibility. Similarly, various forms of elision in rural areas of Sindh hinder the participation in political activities and thus violate the moral norms of society and democracy.

B. Political Role Of Military :

Pakistan army is one of the largest, well-trained and well-equipped armies of the world. It is the only Muslim army having nuclear weapons. It enjoys highest degree of public trust than any other institution in the country. Immediately after the creation of Pakistan, it became strongest institution, safeguarding the state, geographically and ideologically. Pakistan inherent untrained bureaucracy that contributed to the process of military induction into administrative matters which ultimately lead the institution to interfere in political and policy matters [18]. War with India soon after the creation and continue external threats justified military involvement in security related issues. Additionally, frequent dismissals of the civilian governments after the assassination of first Prime Minister Liaquat Ali Khan in 1951 worsen the image of politicians among public [19]. Contrary, army appeared as well-organized and disciplined institution that boosted its positive images among the civilians. Summarily, underdeveloped and corrupt political system strengthen army' political role. This ultimately weakens civilian control over national affairs [20]. More than half of age, country has been ruled by military directly and the remaining was ruled indirectly. Country has never seen independent government throughout its history that weakens the strength of parliament. It is universally accepted that a weak parliament cannot guarantee strong federalism. The soil of Pakistan is still not fertile for democracy but politicians cannot be declared as only responsible.

C. Wide Spreading Corruption :

Except few, every institution of the country is performing poorly because of corruption. It is not a serious problem in itself but the legitimacy that allow political leaders, media industry, businessmen, bureaucracy and various other institutions to be involve in corrupt activities. The trend to accept corruption as a social norm has been challenged by several institutions but could not bring fruitful results. This is the misfortune of the country that one of the parliamentarians in parliament demanded his "right" to be permitted for corruption because everyone else is corrupt.

With the passage of time new trends and methods of corruption has been introduced but the most dangerous among all is the declaration of state' bankruptcy after obtaining a large amount in the form of loan from international institutions and various friend countries. Public has to pay the damages of these borrowed money in the form of economic recessions, fluctuations and inflation. Malfeasance is so common in the country that public psyche is accepting it as a social and economic norm.

D. Linguistic Problems :

There is a rich lingual diversity in the country. About six major and fifty-nine regional languages are being spoken, even today. The cultural diversity throughout the globe provides a useful source that strengthens and unites the state but in Pakistan, this diversity has never been used for national integration. This was the Urdu-Bengali controversy that separated Eastern and Western wings of the country in 1971. Regardless of past experiences, government favors Urdu and English at every forum. These have become the languages of government, media, private and education sector. However, majority of the population feels comfortable to use their regional languages in their daily routine. Therefore, society has been divided on the basis of language, for example; English is being spoken by the upper or dominant class and those who use regional languages are considered to be middle or lower class. Urdu, the language of minority has defeated the languages of majority such as; Punjabi, Sindhi, Balochi and Pashtu. It is also interesting that Urdu has never

remained the language of rural areas since her beginning. Being an agricultural state, most of the population is living in the rural areas which are unable to even speak in it. Urdu has been resisted by Sindhi, Baloch and Pashtun because it eliminated their regional languages but on the other hand, Punjabi has succumbed the dominance of Urdu. On the other side, Siraikis are demanding a separate province, where they can live according to the culture of their own. Due to the slaughtering of regional languages and culture these ethnic groups mistrust federalism which is not equally treating every unit of the state.

E. Ethnic Problems :

Alike rest of the world, Pakistan is an ethnically plural state. Due to the plural nature, ethnic as well as demographic tensions are common in the country. Effective measures to manage the grievances that cause tension and sabotage nation building process have never been taken by the elected institutions. Whenever these types of tensions took place in the state, army operation seems the only option on which our leaders rely most instead of political and permanent solution. This was one of the factors behind fall of Dhaka [21] South Punjab, Sindh and Baluchistan are the unfortunate areas where these clashes are evident. The people of these areas are simply demanding their legal and genuine rights. Equal treatment, opportunities and distribution of resources are the major grievances of the people of these areas. After spending seven decades of independence and losing a waste territorial area our leaders should have to realize the importance of ethnic issues.

Conclusion And Suggestions :

It is hard to conclude that Pakistan is still struggling to overcome the same challenges which she faced at the time of creation. Throughout the universe, federalism is popular because it strives to unite the various units, regions and ethnical groups by creating a mutually agreed principles, laws and regulations. Over time, it develops if its units, regions and people show their desire to grow an atmosphere to work together for the betterment of nation. Fortunately, every federal unit in Pakistan is agreed what is described in the constitution but the bone of contention is its proper implementation. For the consolidation of federalism, it requires to own every language, cultural identity and accommodate every unit on the basis of equality. The center have not only ignored its smaller provinces but violated the universal principle of federalism. It failed to address the grievances of the smaller units particularly; South Punjab, Baluchistan and Sindh. The foundation of federalism is the constitution which can be followed as a politico-social contract. Therefore, in this contract, center is not the single entity that decides each and everything but its units are also important for the fulfillment of this contract. In Pakistan it can be fulfilled if;

- The grievances of the smaller provinces should be addressed politically.
- Regional languages such as; Punjabi, Sindhi, Balouchi, Pashtu and Siraiki should be recognized as national languages along with Urdu.
- National matters should be solved in the parliament through national consensus rather than outside the parliament.
- Political role of various institutions should be reduced to zero degree.
- Judiciary must have to concentrate on the judicial matters.
- There should be two or more than two political parties that represent entire federal units.

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