

The Paradox of Centralized Federalism of Pakistan: Problem and Prospectus

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Abstract

Federalism is a system of government in which competency and power of governance belong to center and provinces. Federalism considered being appropriate to a cohesive political society in order to create mutual co-operation and harmony in the administrative, political, and socio-economic spheres. However, federalism endows with a fragile balance between the squabbles demands between the center and provinces. This article begins with an analysis of centralized federalism historically and goes on to examine the conceptual paradigms of federalism in Pakistan. This article discusses the different patterns of Pakistani federal reactions formed over time in the form of various political factors. The article highlights the reasons for the failure to develop an organic federal covenant in Pakistan as well as highlights how the federal form of government has worked in the context of the constitution of 1973. The article concluded by presenting the way forward for federalism and offers some key suggestions and recommendations for strengthening federalism in Pakistan.

Keywords: Federalism, governance, Pakistan, problems and prospectus, Paradigms, Provincial Autonomy, State building, 18th amendment

INTRODUCTION

Asia is the most different continent ethnically in the world. Several states in Asia are characterized by a number of incredibly primeval social and civilizing assortments, whether based on verbal communication, belief, ethnic (native) communities, province, or other racial marker, other than comparative absence of sufficient institutional mechanism for the following somewhere to live of such assortment in the political systems of Asia has predestined that racial tension and the ensuing conflict have remained as ever-growing challenge to political unity and governance in

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many countries of Asia (Ahmed & Faiz, 2016). The federation, as a compound policy involving both shared-rule for some general purposes and self-rule (region-based) for some other specific purposes in ethnically diverse societies, is increasingly taken to be the modular political association in this post-Cold War, post-Soviet, and globalizing era. With growing awareness of the manifold weaknesses of the nation-state as a centralized political institution monopolizing all loyalties and seeking to engulf all identities, the idea of the federation has been attracting renewed attention from scholars, opinion-makers and political élites and rulers (Khalid, 2013). Today, many leaders of ethnic movements demand federalization of the existing political structure as an important political step towards identity recognition and autonomy, and political unity (Waseem, 2010 & 2013).

The term “federalism” refers to as the distribution of power constitutionally between two or more levels of government at state, provincial or national levels. It shares sovereignty between the federal authority and its constituent units (Nazir, 2018). Usually, federalism is a characteristic of multiethnic states. Hence, the most striking aspect of the federal form of government is that at the national and state levels, governments operate within their respective jurisdictions, with considerable independence from each other (Ghosh, 2020). Federalism endeavors to make a political association involving different areas and individuals based on a commonly concurred protected and lawful structure that decides the connection between the government authority and the constituent units. Along these lines, it viewed as reasonable for heterogeneous political social orders to create participation and coordination (Kundi, 2002). It is an endeavor to oblige dissimilar, territorial, ethnic, and etymological characters and interests in the political association. The idea depicts the protected agreement to build up the arrangement of administration in a state (Rauf, 2020). The agreement shows a social and lawful assent of various sections, political gatherings, ideological groups and the political elites of a general public who wants to living by concurring of bordering regions and geological units (Khan, Rehmat, & Malik, 2013).

Hence, two set of laws i.e provincial and federal are followed by the people of a particular country according to this formula of governance. Federal laws maintain a uniform and coherent physical decency while state laws focus on the local issues of the people with the power to focus on them (Adeney, 2012). The federalism ranges from the most central to the most autonomous regional states. However, in the modern representative democratic system, federalism has assured that minority rights will not be violated, and mechanism of powers devolution envisaged a change

in the way to done, which gives more autonomy to their states (Baxter, 1974). Due to these virtues of the federal system, it is gaining more acceptances in the regions of divided political and multi-ethnic and multicultural societies (Burgess, 2006). The states have various undertones to keep up the modalities of federalism. Today, there are at least 28 countries that operate in the style of the federal government including USA, Switzerland, Spain, South Africa, Russia, Pakistan, Nigeria, Nepal, Mexico, Malaysia, India, Germany, Canada and Australia etc. (Shahid, 2015).

RESEARCH QUESTIONS

RQ1: How the federal form of government has worked in the context of the Constitution of 1973?

RQ2: What are the reasons for the failure to develop an organic federal covenant in Pakistan?

REVIEW OF LITERATURE

Tariq, Malik, & Qumber analyzed in his work that since the formation of Pakistan in 1947, relations between the federation and the provinces have been the subject of constitutional and political debate. The bureaucracy and the other three military units have expressed dissatisfaction with the division of power between the provinces and the federal government and called for political reservations and more autonomy (Tariq, Malik, & Qumber, 2018). Kundi explained in his work that the Pakistan's Praetorian character has ruled the country for most of the time with the military, which has exacerbated federalism (Kundi, 2002).

Nazir stated in his article focuses on Pakistan's politics of federalism. There are numerous variations i.e demographic, economic and geographical that requires specialized management tools. As identity, economy and security were the general objectives of all units (Nazir, 2018). Khalid stated that in case of Pakistan the federal system was the mainly appropriate answer to these demands and problems. Along with the conceptual analysis, the current research work scrutinized the history and legitimate progress or constitutional development of Pakistan in terms of federalism (Khalid, 2013).

Ahmed & Faiz analyzed that as a result of the 18th Amendment, the federation is on the verge of a major change in Pakistan. This amendment creates an aspect of loose federalism related to the Pakistani federal model. He analyzed federalism features of the United States and the Pakistan in a comparative or proportional context after the 18th Amendment. The study concludes that

democracy and constitutional transition take part in a key job in accelerating the federalism balanced (Ahmed & Faiz, 2016).

Adeney writes that since independence the federal structure of Pakistan have been in conflict. There have been long-standing demands for change, especially changes in the horizontal and the vertical distribution of demands and resources for the provinces reorganization along ethnic lines (Khattak, 2016). Shahid described in his work that the 18th Amendment introduced key modifications by consensus to the federal system. He further analyzes the changes that have taken place, discusses the creation of the division of core groups, ethno-federal units as well as the debate over the maximum number of units (Shahid, 2015). Adeney examines that although major changes have been made via 18th Amendment in Pakistan, but they have not gone far enough. Hence, Pakistan's diversity should be perceived as a cause of strength and potency of federalism rather than weakness (Adeney, 2012).

FEDERALISM: IN THE CONTEXT OF THE CONSTITUTION OF 1973

There are three constitutions in Pakistan, all retained federation. Although their details are different, but there are two common features i.e domination of the centre and centralization. However, the secession of East Pakistan gave rise to a new thinking about federalism as Punjab now dominates as a province with 58% of the total population and small provinces are bound to limit the majority of one province (Shahid, 2015). Parliament, however, provides the current constitution of 1973 with two lists of articles, one relating to federal matters over which the central government has the power to legislate. The 2nd relates to cohesive matters which cannot be legislated by the provincial and central legislatures, but in the event of a dispute, the supremacy of the central legislature remains (Lakoff, 1996).

Hence, for a National Assembly the constitution 1973 provided with preponderance in Punjab and the Senate, with 19 members in all four provinces, three for Islamabad and eight for FATA (Siddiqi, 2008). This ostensible demo coercive role of the upper house has the possible to balance the majority in the national assembly. Though, in the Senate the effects of better depiction of smaller provinces have been counterbalance via the disproportionate policy extent of both houses. Besides, over money bills the upper house has no control. After passing through the National Assembly, after ignoring the second House, the national budget can be sent to the President

for approval (Kukreja, 2012). The membership of the National Assembly, based on Musharraf's 2002 legal framework order was enlarged to 342, and with 272 elected members directly, 10 reserved for minorities and 60 seats for women, and 22 with the size of the Senate has been increased to 100, 4 for Islamabad and 8 for FATA. It has to be presented in the Senate, if not passed by this House (Pakistan: A Political History, 2018).

Besides, residence powers have been given to the provinces. Both lists are so wide that they leave a partial extent for the provinces. Administrative and managerial relations between the provinces and the center tend to be centralized (He, Galligan, & Inoguchi, 2007). The constitution 1973 endow with that law and order is the key task of the provincial governments, other than if the center finds out that the provincial government is failing to make available the requisite protection to the public, it can arbitrate under the alleged reason of preserve law and order (Mumtaz, 2016). In addition, the provincial government has the power to ensure that members of parliament comply in certain matters, the center has the right to direct the provincial government and it is leap to respect that directive. In case of emergency, the center can take full control of the provincial administration (Aziz, 2018). But, otherwise, even, through the Pakistan Central Superior Services, the Center can gain significant control over the administrative and managerial machinery of the province, which is dependable for its proceedings at the hub or Center (Nazir, 2018). In addition, the president appointed the provincial governor and is responsible for it. Following the passage of the Seventeenth Amendment, the post of Governor has been consolidated, giving him the power to disband the Provincial Assembly, subject to a High Court decision (Ahmed & Faiz, 2016).

In the Constitution there are provisions which endow with for the establishment of special institutions for the interaction and management of relations between the provinces and Center. For example, for the establishment of a CCI there are provisions consisting of an equal number of members and Chief Ministers nominated via the Prime Minister (Singh & Kukreja, 2014). The council has to originate policies on other parts of the list such as industrial development, gas and oil, minerals, railways etc. It is entitled by the council to consider all clashes relating to any provincial law on irrigation issues and distribution of water assets (Rid, 2019). Also, the center is more influential than the province in the financial sector. Indeed, the provincial government relies heavily on the center for its development projects. Without the active support of the center no any province can function. The distribution of subjects in the constitution is such that the Center has all

the imperative possessions inside its influence. The constitution permits to the center to collect and levy all key taxes (Bhattacharyya, 2020). That is, income from natural gas, oil, mineral, agriculture etc, and duties on excise, exports and customs. For the provinces the core source of income is land revenue and taxes on agricultural luxuries and income.

The constitution also provides for the establishment of a finance commission to distribute resources to the center and the provinces and to provincial governments to fix grants for aid. The central government has been constituted the commission after regular intervals. Consequently NFC Awards of the 1997-98, 14% funds roughly distributed on the basis of collection i.e profit on hydropower, gas surcharge, royalty on gas and excise duty while approximately 82% of the funds from the distributed pool are released on population basis.

REASONS FOR THE FAILURE TO DEVELOP AN ORGANIC FEDERAL COVENANT IN PAKISTAN

The nature of federalism or center-province relationship has always remained a dispute that has existed since the formation of Pakistan and it has faced various difficult issues facing the state of Pakistan. Some of these are the formation of the One Unit, language issue, the removal of various provincial governments at the behest of the federal government, special emphasis on promoting democracy at the grassroots level of military governments, and so on (Nazir, 2018). These are some basic reasons behind the failure to develop an organic federal convenient in Pakistan and some have remained the same till now, the detail is under following:

- **Growing Role of Army:** A major factor which remains responsible between the provinces and center is the growing role of the military in Pakistan. In Pakistani politics, the military played a “role-type role” and ruled for almost half of its existence.
- **Issues of National Language:** In Pakistan, the provinces did not have to be reorganized on language basis. In the political discourse, the emphasis was on being Punjabi, Bengali, Pashto, Balochi and Sindhi, and parochial and regional sentiments became the political currency that shaped the federal political system (Mushtaq, 2009).
- **Geographical Non-Contiguity:** While the geographical order, especially the physical split-up of the two wings (West and East), has made it necessary to espouse a federal system, there have been serious difficulties in developing a feasible working federation (Khalid,

2013). Geographical segregation made communication very difficult, limiting opportunities for interaction between the government and the public, leading to suspicion and mistrust. Difficult and bad communication and transportation between the two parts not only made it difficult to reconcile but also affected adversely the economic and political activity, labor movement, trade and participation in socio-economic inequality (Nazir, 2018).

- **Difficult and Poor Communication and Transportation between the two wings:** Development of Mutual relevance became difficult between the two wings by dint of poor transportation and difficult communication. It made both wings to reconcile. It also had a negative effect on trade, economic and political activities, labor movement and participation in socio-economic inequality and severely limited the state's ability to function as a federal union (Abbasi, 2010).
- **Social, Linguistic, Ethnic and Cultural Diversities:** Social, linguistic, ethnic and cultural diversities also made the choice of federation unavoidable for the country. Hence, the sharp diversity between the two regions of Pakistan in terms of size, population, topographical conditions, cultural and ethnic composition of their territories severely limited the state ability to function as a federal union. Besides, to inter-ministerial (West and East Pakistan) differences, social, linguistic, ethnic, cultural and regional diversity within the rest of Pakistan created difficulties in the evolution and administration of the federation after its dissolution in 1971. So, a peculiar function about Pakistan is that Punjab as the heavily populated province of Pakistan is well represented in the military and civil, which has given other provinces a reason to complain.
- **Province Punjab:** Punjab is the utmost developed and populous province. That's why, Quaid-e-Azam give it the status of Pakistan's "cornerstone" due to its strategic position and large Muslim majority. It inherited relatively a well-developed formal education system at the time of partition. It has a large pool of trained skilled and accomplished manpower. Some traditional skills such as tanners, potters, mason, black smith etc. were readily available and were admired to an extent. The province actually had agrarian rural societies. However, since 1875 it has emerged as a major recruiting area of army (Khattak, 2016). This factor boosted the economy of this province. Means of communication canal systems and irrigations are also rapidly developing in the province. Hence, in Pakistan Punjab was the mainly developed and urbanized province at the time of partition. Because the Punjabi's

was dominant before the independence in the civil services and armed forces, and even after independence they continuously remained dominant in these services (Khan M. S., 2014). Forty-eight years after independence, the situation remains the same, with Punjab clearly outnumbering other provinces in terms of final representation in military and civil services, human resources, industry and education which has angered other provinces and affected adversely the functioning of the federation. It is felt by the smaller provinces that they have been deliberately left behind and underdeveloped via the Punjabi elite and are not permitted decision-making access at the central and provincial levels (Nazir, 2018). That's why Punjabi ascendancy issue emerged as an important topic in the smaller provinces politics and their interactions with the central government. This created instability, which threatened the functioning of the federation. Smaller provinces felt that the Punjabi elite not allowed them to access decision making at the central and provincial levels and they have been kept deliberately underdeveloped (Raja & Hussain, 2015). However, the Punjabi dominated issue settled a major theme in the small provinces politics which produced instability and disequilibrium and threatened the functioning of the federation (Rehman, 2020).

- **Economic Disparities:** The economic downturn or disparities that are growing over time with the loss of the eastern part and became the East Pakistan's biggest grievances against West Pakistan and damaged the cooperation and partnership between the two sides. It badly pretentious the work of the federation (Burki, 2010).

Current issues behind the failure to develop an organic federal convenient in Pakistan, the detail is under following:

- **Dominating Role of Centre:** The Pakistani constitution of 1973 assigned the dominant role to the Centre while all the provinces have complained it and demanded that the concurrent list should be revised which was promised at that time of the adoption of the Constitution of 1973. They further expressed apprehension over the violation of the provisions and spirit of the constitution by means of the Center (Singh S. , 2017). They emphasized that the federal government often interfered in the domains, which are specified to the provinces under the constitution. Currently, for example, the central government often intervenes in the local government system and field of education, which are provincial subjects primarily and in this regard the central government is given very petite task, but in

these areas the Centre is so active and has left no space for the government of provinces to function autonomously. Besides, constitutional bodies such as NFC and CCI do not operate on a permanent basis. This is also a cause for concern for the provinces. The CCI has not met for years. Besides, the NFC Award ended in June 2002, but discussions on the issue did not begin until September 2003 (Saeed, Qayyum, Ahmad, & Ata, 2013).

- **Economic Disparities:** The most important element of the nation and state building is no doubt the economic development. Hence, equal distribution of the fruits of economic development in the country among the different classes and regions of the people can strengthen the national unity. On the other hand, privatization of state-owned enterprises, private investment and the free trade policies especially under military rule, resulted the wealth was concentration in the hands of a few in Pakistan. Over the years, the economic woes of poor people and small provinces have increased (Akber, 2013). These differences now have become the biggest complaints against the Center by the provinces. Not surprisingly, that it is difficult to find for the Centre to forge a consensus among the provinces on NFC Award, which was deferred by four years. Each province has been supporting a formula for funds allocation in a pool of federal divisible facing with economic downturn or crunch that serves its interests (Ashraf & Shahzad, 2018). Punjab demanded on the basis of population to maintain the formula for allocating resources, Sindh wanted preference on the revenue collection criteria, while NWFP and Balochistan emphasized as criteria for distribution because of backwardness and special conditions of the region. They also asserted for the NFC award on the multi-factor formula but the federal and provincial governments could not agree on the details (Nazir, 2018).
- **Military Cantonments:** Military cantonments and its constructions is another controversial issue in the areas of Gawader, Kohlu and Dera Bugti. Some elements in the province observed it as a step towards consolidating the hold of army on the province. However, a resolution passed by the Balochistan Assembly in September 2003 against the cantonment's construction. While, in the province the center appears to be committed to setting up cantonments.
- **Water Disputes:** Other provinces active accused that Punjab denied their due share of waters of rivers in this regard, while an allegation which Punjab has vehemently denied. The two governments have been embroiled in a bitter feud that has strained relations. The

construction of reservoirs, including the Kala Bagh Dam, is another aspect of this problem (Shah, 2012). However, the dam construction has the support of the Punjab while other provinces are adjacent to it for various reasons. So, a resolution passed further by their respective assemblies against the construction of the dam. Sindh and Balochistan also opposed further construction of greater that canal. The unresolved water crisis has caused great bitterness in the smaller provinces. Hence, the various political elements exploited their demands and the federal government is considered a supporter of Punjab.

- **Distribution of Resources:** In addition, the provinces want to get 50% of their share from the distribution pool instead of 37%. The federal government denied and offered 42.7%, which caused bitterness and delays in the provinces. However, President Musharraf announced himself the Sixth Finance Commission Award in January 2006 without calling the NFC. He asserted that under the constitution he had the clout to do so. Although the provinces did not go up against his statement, it shows the attractiveness of the situation. Hence, Population was maintained as the primary criterion for resources allocation, which supported Punjab and the provincial share has been increased from 37.5 per cent to 45.33 per cent according to the award with the promise of a one per cent annual increase in the provincial share to reach 50 per cent in five years. In addition, it has also promised by the central government to provide additional assistance and grants to the small provinces backward regions. A four-year delay in the award drained provincial resources, which strengthened the provincial government's resistance. So, we can say the whole story demonstrates the dearth of trust between the Centre and provinces and the provinces as well that compromise the federal spirit. Hence, these particular concerns including demand of Balochistan for an increase in gas royalties (Rana, 2020). Demand of NWFP for its split of the net profit engendered by hydropower in the province, and demanded as well that its share should be increased in the net profit as electricity prices have skyrocketed in the last several years. Besides, a dispute rose at the ranged from 342 to 345 billion between the federal and provincial authority WAPDA over the balance of the provincial government's net shares. As a gas producer Balochistan entitled to receive excise duty and gas royalties. An increment was also demanded by the Provincial elements in the Gas Development Surcharge, and alleging that the calculation of these resources had harmed the province (Ali & Musarrat, 2020).

- **Formation of various Developmental Projects:** Another mainly lack of trust between federal and provinces governments is opposition to construct assorted developmental like projects such as the coastal highway, Gawader port, Saindak project and mineral extraction project. The provinces have a very diminutive say in the management and initiation of these projects because the federal government firmly controlling, managing and planning all of these projects. Hence, suspicions rose in the provinces due to firm control by the federal government over managing these projects. Regarding the intentions of the federal government, it emphasized that it was primarily in the interest of the Center and would not benefit the people coming from other provinces, especially Punjab and the people of the other provinces. Furthermore, another cause for concern among the people is that these projects will facilitate the transportation and communication from the federal authorities to the province, and they believe that it is an effort by this whole scheme to convert the local population into a minority with the influx of foreigners.
- **NFC and CCI:** Another cause of concern for the provinces is that the NFC and CCI do not operate on a permanent basis. In addition, the CCI has not met for years for a conflict management and inter-provincial coordination body. So we can say these issues pose serious challenges for the smooth relations between Centre and its units.

These issues cannot be determined without the constant efforts and consideration of the Center otherwise the situation between the Center and the provinces increasingly becoming more and more complicated as in Balochistan. Besides, these issues demand more sympathetic attitude and understanding by the authorities of the central government (Khan G. A., 2014).

PRINCIPLES TO STRENGTHEN FEDERALISM IN PAKISTAN

Moreover, federalism operates under certain principles. These are following:

- Two-fold sovereignty or powers allocation or sharing between the federal/central government and its constituent units;
- a rigid and supreme constitution which unilaterally can't be amended;
- powers allocation means under the constitution of Pakistan each governmental section performs delegated powers in the spheres of execution and legislation constitutionally

- allocation of genuine autonomy or distribution of real sovereignty in which the constitution ensures real sovereignty for both levels of government and ensures distribution of revenue resources for each other as well
- An umpire who could have evaded a confrontation between the constitutional governments and the central authority.

Hence, federalism paves the way to the separatism, conflicts and ethno nationalism when it deviates from its basic tenets. The emergence of separatism, conflicts, and ethnic-nationalist type movements are associated with democratic structures, regional identity based groups, attitudes, policies, composition and structures of the polity as well. If the federation creates structural imbalances in its demographic structure, it is unlikely that the majority or small-skilled groups will focus on central institutions e.g development projects, the armed forces, parliament, and small policy-making groups at home and abroad. However, it will leave behind in return smaller identity groups will realize that they are dispossessed of opportunities equally in the structure of the state.

CONCLUSION

Federation entails a democratic or self-governing form of government. Dictatorship and dictatorial system negates the mutual fear, emphasize suspect, distrust and spirit of federalism. Democratic and Participatory are more flexible in responding to people's needs and aspirations and can accommodate diversity. In a decentralized and democratic political system, the federation increases the chances of citizens participating in politics and promotes consensus in political debates. The division of political power between the regional and national governments multiplies the opportunities for diverse political activities, not only for political parties but also for citizens. A balance of work between diverse, cohesive and integrated forces is essential for the smooth functioning of a federation. Hence, such balance maintenance proved to be a difficult task in Pakistan. So, as discussed earlier, these diverse forces put more and more pressure on the system, and undermining the unity of the united forces such as the common religion. This element of common religion provided in Pakistan the foundation of the federation, but its appeal start on to misplace to the people rapidly, as the struggle for independence and self-government was ended by enthusiasm and created distrust and suspicion among the various leaders of the provinces. Such mistrust or doubts are very much pronounced in small provinces that have a negative impact in Pakistan on the functioning of federalism. However, it is argues by experts that the biggest reason

for these concerns is that the Pakistan's form of state structure is federal but the substance is unitary. Hence, Pakistan has a federal form of government constitutionally but in nature the thinking of bureaucrats, governmental structure with its direction is unitary that represents the colonial heritage. So, the provinces have claimed true provincial autonomy, independence in decision-making and permanent share in resources. While, trained centralist bureaucratic structures of state in colonial traditions opposed such demands from provinces which caused the above revealed troubles.

RECOMMENDATIONS

The units should share the spirit of community. Each of them must be willing to make sacrifices and fulfill their responsibilities for the whole cause. This spirit of society can only be created if the units are shared with the federation in common historical, cultural, linguistic, political, and some ethnic goals. Simultaneously, they must be willing to retain some measure of independence and some individual territorial character. Besides, economic interaction facilitates the federation between the units and the center as well as amongst various units, but rather than dependence, it should be a relationship of mutual domination or interdependence. Proper distribution of fruits of economic development and economic resources helps to endorse federalism, especially in the social sphere. The key issue is the fair distribution in practice of the fruits of economic growth. The absence of competent elements in the financial relations between the center and the units creates sharp economic disparities which creates a sense of abandon, which is termed as exploitation. The Constitution should take proper care of these tendencies. Despite modern media and means of transportation, geographical coherence remains an important factor in enhancing the ability to operate in the federal system. It assists to create a sense of community via facilitating economic interaction, travel and development. Hence, where people are far away, it is difficult to achieve unity at national level is difficult this matter must be resolved by adequate planning's.

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