

## **The Interim Constitution 1947: Centre-Province Relations and the Punjab 1947-1955**

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### **Abstract**

*The functioning of Interim Constitution of Pakistan 1947, largely determined the nature of centre-province relations in the early years of independence. The way in which the provisions of the Interim Constitution were operationalized to maintain the central ascendancy in the legislative, administrative and financial sphere, developed a sense of disequilibrium in the equation of power-sharing between federation and its units. This disequilibrium is considered to maintain the hegemonic role of Punjab in the policy formulation and implementation levels. The prevailing sense was the attachment of centralization of authority with the Punjab. This article will evaluate the nature and functioning of the aspects of centre-province relations, and provincial autonomy from 1947 to 1955 to determine the place of Punjab under the Interim Constitution 1947 in the state structure of Pakistan.*

**Keywords:** Federalism; the Interim Constitution of Pakistan; Centre-Province Relations; Punjab

### **I. Introduction**

The recent studies on Pakistan have presented institutional imbalances and incoherence as the major challenge to the federation of Pakistan (Zaidi, 2011). The internal fabric of this problem has been associated with the concept of federalism and the constitutional functioning of this concept in Pakistan. Some political activists and scholars are of the view that the functioning of constitutional structure of the federation has failed to develop a sense of political equilibrium among the constituent units and that the Punjab has been dominating the functioning of federation in terms of policy formulation and implementation level. In the formation of this opinion, the functioning of the Interim Constitution of 1947, until the promulgation of Constitution of 1956, has a fundamental place (Saif, 2010). The purpose of this paper is to analyze the functioning of federal terms of the Interim Constitution in this context. For that the paper focuses on the analysis of conceptual construct of federalism and its structural form in the Interim Constitution of Pakistan 1947. The theoretical formation is co-related with the

administrative policy of the state. Conclusions are drawn through a comparison of constitutional terms and its administrative functioning.

## **II. Theoretical Frame-work**

The theoretical frame-work of this paper is constructed on the concept of federalism. Federalism is a wide and varied concept of state-structure and functioning of administration. It has no fix-meaning, therefore, has been used in very flexible meaning. The basic question of federalism is the arrangement of sharing of sovereignty, within a state, between the institutions and functionaries of centre and the province (Wilson, 1986, 49). For, in Roger Hilsman's words, 'the powers and functions of the government are divided by a constitution between the central government and sub-units (Hilsman, 1979,52). Explaining the nature and necessity of this division of power, K. C. Wheare is of the view that this method of dividing powers is important so that 'the general and regional governments are 'each' within a sphere, coordinate and independent' (Wheare,1063, 10). The purpose of this system is to reconcile the cultural, linguistic, ethnic and geographical differences among the inhabitants of the state (Wheare, 1963,36). In this sense federalism is seen as a 'technique for political integration'.

Explaining the working of federalism in the American constitution James Q. Wilson explains that in this system of division of powers, 'on some matters the national government is supreme and on other the states [provinces in case of Pakistan] are supreme'( Wilson,1986,49). However, the groups of communities' desire 'to be united and not to be unitary' become central in this system. A proper balance of power, developing a sort of interdependence rather than dependence between centre and the provinces becomes an essential instrument for the consolidation of the desire to be united. The working and functioning of constitutional arrangements of the federation is another issue of political debate all over the world. The functioning of the federal system has developed grievances of the provinces/states with the centre and most of the challenges of federalism are emerging out of this problem. Constructed on this theoretical ground, the paper evolves around the concept of constitutional division of powers between centre and the provinces in Pakistan. For, it concentrates on the early period of the constitutional history of Pakistan under the Interim Constitution 1947-1956 which is supposed to be providing foundation to the later constitutional and administrative system and it's functioning.

Saeed Shafqat is of the view that parliamentary and federal politics remained 'peripheral' during the working of Interim Constitution (Shafqat, 1997, 25) 'in practice the focus of power had shuttled to the bureaucratic and military institutions' (Laporte, 1975, 49). That is why, for Mydral, the politics pursued in the early year of Pakistan was 'thoroughly inimical to the social change and national consolidation' (Mydral, 1969, 315). Same sort of observation appears to be extended by Lawrence Ziring. He is of the view that 'in official parlance, Pakistan emerged as a parliamentary entity, but in reality it was virtual administrative state, less a representative expression and more the recrudescence of a familiar but plat-able, if not benign authoritarianism' (Ziring, 1997, 99). The adapted authoritarian structure of Interim Constitution and its functioning after 1947, caused tension and apprehension between centre and the provinces, especially in the circumstances when provinces envisaged to secure autonomy in federal structure of Pakistan. The adapted constitution could not nourish the democratic and parliamentary federal structure. The policies and practices persuaded by the centre encouraged

centripetal forces during the formative years of Pakistan, which further restricted the capacity of the provinces in state machinery (Choudhury, 1969, 29). This disequilibrium in the equation of power sharing made the provinces conscious to determine a role to exploit the state resources. With this consciousness, Punjab the second largest province before the separation of East Pakistan having 24.9 % of total population has been accused for centralization of authority.

In this context, paper focuses on the theme that the Interim Constitution had a 'strong tendency towards centralization' and the functioning of this structure practically undermined the authority of the provinces. Therefore, the view of the paramount authority of the Punjab appears not to be disseminating an appropriate understanding of federal structure of Pakistan under the Interim Constitution 1947.

### **III. The Federal Structure of Interim Constitution of Pakistan 1947**

The Constituent Assembly of Pakistan adopted the Government of India Act 1935 with certain modifications as Interim Constitution of Pakistan 1947, until the new constitution was to be enforced. The Government of India Act 1935 introduced a federal form of state administration in India. The adopted Act did not fulfill the demand of All India Muslim League, which was of a maximum autonomy for the provinces within the context of British India. Rather this Act had granted an overwhelming authority to the central imperial administration than to the provinces or elected representatives of the central government (Ahmed, 2011, 21).

The Interim Constitution established the federation of Pakistan which included the four provinces, East Bengal, West Punjab, Sind and North- West Frontier Province (now Khyber Pakhtunkhwa), Baluchistan [not a full province]; any other areas that might with the consent of the federation be included therein; Karachi as the capital of federation and such Indian states as might accede to the federation of Pakistan. The Interim Constitution 1947 divided the legislative powers into federal, provincial and concurrent lists. The federal and provincial lists belonged exclusively to the competence of central and provincial legislature and government, respectively. As for as the concurrent list was concerned both centre and provinces had the authority to legislate on the subjects. However, in case of conflict between federation and the provinces, federal authority had to prevail in matters related to the concurrent list. Residuary powers were vested in the office of the Governor- General of Pakistan (Nazir, 2008, 118). Among the 59 subjects included in the federal list, were foreign affairs, defense, currency, foreign and inter-provincial trade, commerce, post and telegraph, census, banking, import and export, income tax, custom duties and corporation tax. The provincial concerns of the Interim Constitution were primarily limited to public welfare and law and order. Provincial list included 54 items such as public order, administration of justice, police, prisons, provincial public services, local government, public health, education, communications, water supply, irrigation, agriculture, land and land tenures, production, trade and commerce within the province, fisheries etc. To cope with the financial liabilities of law and order and public welfare, the provinces were given access to a number of financial heads such as land revenue, taxes on agricultural income, tax on mineral rights, taxes on professions luxuries and entertainments, stamps on certain documents and tolls. It evolved primarily around the agriculture which was not a fixed or relied upon source of income. Simultaneously, minerals need a struggle for explorations and excavations. Practically, provinces were dependent of the centre for the fulfillment of their financial

needs. The Concurrent list also did not equip the provinces with any substantial source of income as well. It contained rights of legislation regarding criminal law, criminal and civil procedures, marriages and divorce, wills and succession, transfer of property, trusts, contracts, medical and other professions, factories, news papers, labours, trade unions and electricity (Choudhury,1969,25). The fiscal and constitutional status of the provinces made them subject to the central authority. The quantum of power sharing between the centre and provinces under the Interim Constitution clearly indicate the limited position of provinces in the legislative, administrative and financial sphere of the state. Moreover, the Governor- General was empowered to amend the constitution until 1949 and thereafter, the acts of the Constituent Assembly continued to restrict the authority of the provincial governments in the state structure. The tendency to centralize the state authority was strengthened through the series of amendments in the Indian Act 1935. Almost forty-four amendments were made to the Interim Constitution until 1954, to maintain ascendancy of central administration in the state affairs. The establishment of Central Police Service in 1948 under the Amendment Order 1948, the transfer of provincial subject of 'prevent detention' to the Concurrent list in 1952 and exclusive control of centre over labour exchange and training establishment in 1953, were the amendments which critically weakened the provincial authority in the process of decision making for the state (Ali,1996,118) .

The emergency powers gave exclusive control of provincial administration in the hands of central authorities and minimized the ability of the provinces to work efficiently in the political arena. Quaid-i-Azam Mohammad Ali Jinnah declared state of emergency under Section102 of the Interim Constitution of Pakistan on 27 August1947, on the ground that the economic conditions of Pakistan were threatened by the heavy migration from India and also because Sind was reluctant to accept migrants. Political issues were resolved through imposing emergency. With the proclamation of emergency, federal legislature was empowered to make laws regarding the provincial list as well as exclude any provision of the provincial list which could be in conflict with such federal laws. This centralization of authority, contrarily to the federal system of government, converted the state administration into a unitary form of government, where units became dependant to the central government. Although such federal acts were to be operative for not more than six months and were to be non-operative after the six months from the date of proclamation of emergency, practically, the period keeping such clauses operative was extended in 1948 and in 1950 respectively to keep within limits the role of provinces in the state politics.

#### **IV. The Punjab and the Functioning of Federal Structure 1947-54**

Whether the role of Punjab in the constitutional structure of Pakistan was exploitive to the centre and other provinces of the federation can be analyzed by studying the functioning of federal structure under Interim Constitution of 1947. Focus on some of the key administrative issues in relation to the functioning of the Interim Constitution before the establishment of One Unit; provide some good examples to conclude the place of Punjab. As such issues can provide evidence of the relationship between constitutional frame work of centre-province relations and its functioning in the federation of Pakistan. Among such issues refugees and rehabilitation problem, political administration of the province and management of provincial finances has been taken as of considerable importance.

## V. Refugees and Rehabilitation Problem and the Punjab

The division of Punjab was an important clause of the partition of British India plan 1947. However, it did not entail any idea of mass-scale displacement of population, migration or demographic shift. But the outbreak of communal riots led to the beginning of one of the largest migration in human history, pregnant with the miseries of billions of people and murder of millions of people. In this process approximately 7.25 million refugees migrated from India in between 1947-1951 and contributed 10 percent of the population of Pakistan. It was only the province of West Punjab who bore the burden of refugees immediately; other provinces were reluctant to provide space to refugees (Chaudhri, 1967, 262).

The government of Punjab spending as much as 50 to 70 million rupees per annum on food for refugees envisaged a vital role in the policy-formation and implementation process for the settlement and rehabilitation of the refugees (Sayeed, 2001, 266). One leading government news paper, *Pakistan Times* analyzed the role of Punjab in its editorial on 23<sup>rd</sup> June 1949:

When Liberation came it was the Punjab that collapsed to its bosom the gigantic mass of destitute and miserable humanity represented by refugees. It was the Punjab again along with N-WFP that was called upon to share with the Azad Warriors the dire and prolonged travail of the Kashmir struggle. And our bill of national duties is as full and crowded today as it was yesterday. In the rehabilitation of the refugees, in the defense and food and commerce and organizational task that await us in the coming days to win Kashmir the role ordained for the West Punjab continues to be vital and overwhelmingly pregnant. In view of all, the people rightly expected that their national leadership in the province, their national leadership and party would conduct themselves in a manner merited by our past and demanded by our present.

But contrary to such expectation of the Punjab, centre had intention to lead the whole process of refugees' rehabilitation exclusively through the use of federal authority in the province. A new Ministry for Refugees and Rehabilitation was formed at the centre as well as in the Punjab in September 1947 to deal with the refugee problem. For the functioning of the ministries, Pakistan Refugee Commission was set up at centre and Punjab Refugee Council was established to coordinate between the activities of the federal government and provincial government. Although Nawab Iftikhar Hussain Mamdot, Chief Minister of Punjab, was the incharge of administration and allotment of evacuee property, the actual task of evacuation, providing food and settlement of refugees was mostly under the control of two British officers, E. D. V. Moss, the Chief of Pakistan Refugee Commission and Brigadier F. F. Stevens, representative of central government (Sayeed, 2001, 267). In spite of the fact that federal government was widely expecting best possible cooperation from the Punjab, the role of the provincial government was restricted in this crucial matter which created a problem of lack of coordination and trust between the centre and the province (WPLAD, vol. 1/3, 1948, p.292).

The first major expression of distrust between the centre and the Punjab came in the form the statement of Raja Ghazanfar Ali Khan, Federal Minister for Refugees. Addressing the Legislative Assembly in March 1948, Khan was of the opinion that 'if the West Punjab had the vision and courage to introduce the radical changes in the existing economic set up of the province, the refugee problem would have been

satisfactorily resolved'. The whole tone of the statement suggested a sacrifice from Punjab to accomplish the task of rehabilitation of refugees without providing any space in the decision making process. It was an indication of the commencement of hostility and suspicion between centre and the Punjab at policy making level on the issues concerning refugees.

Mian Iftikharuddin as Minister for Refugees and Rehabilitation in the Punjab devised a plan of rehabilitating the refugees. He proposed a major cut in the landlords' share of the agricultural products, heavy taxation on private income above a reasonable level, nationalization of all major industries and a generally more equitable dispensation of national wealth. The proposed plan of Mian Iftikharuddin was turndown by the Constituent Assembly of Pakistan, dominated by the landlords. Mian Iftikharuddin was accused being communist and his plan of land reforms was considered against the Islamic believes. In this craftsmanship, feeling himself unable to implement any policy for the rehabilitation of refugees, Mian Iftikharuddin resigned as the Minister for Refugees and Rehabilitation of Punjab just two months after the appointment (Malik, 1971, 58-59).

As far as the working of Pakistan Refugee Council was concerned, being under the direct control of the federal government, the government of Punjab was not consulted even on those issues which were constitutionally under the direct jurisdiction of provincial government. Six times increase in the tax on the transfer of land, collection of *Quaid -i-Azam* Relief Fund for Refugees through civil bureaucracy, extension of period of the *Muhajir Fund Cess* and appointment of the old Unionist in the Advisory Committee of the Council were the example of the supremacy of centre on the government of Punjab (WPAD, vol. 1/4, 242-243). Through these administrative tactics, the role of Punjab in decision-making process was restricted and same was done in the process of implementation of decisions of the federal government.

The federal government made important decisions regarding the settlement of refugees without taking into account the wishes/desires of the Provincial Ministers of the Punjab. Sirdar Shaukat Hyat Khan, Revenue Minister of the Punjab proposed the appointment of Ahsanuddin, an Indian Civil Service Officer, who was serving as the Secretary to the Chief Minister, to the administrative post of Deputy Commissioner of Lyallpur (now Faisalabad) District to expedite the rehabilitation process. The proposal met strong resistance from the Governor of Punjab, Sir Francis Mudie. In this power conflict, federal government, especially Prime Minister Liaquat Ali Khan supported the Governor and weakened the status of representative institution in the Punjab. Resultantly, Financial Commissioner and Deputy Commissioner of the district having important place in the process of rehabilitation were appointed amongst the migrant officers or from amongst the British officials to develop an exclusive control on the administration of the refugees in the province and restricted the domain of provincial government (Khan, p.202). In this perspective, the statement of Raja Said Akbar Khan, in the Legislative Assembly reflects what the place was assigned to the Punjab in this process. He stated that 'Punjabi could not be blamed by the member of the Assembly and any class of the world for the extended difficulties in the process of rehabilitations of the refugees' (WPLAD, Vol. 1/4, 148).

## **VI. Political Administration of the Punjab**

Political administration of the province is another variable which can help understand the position and place of Punjab in the federation of Pakistan. Several provisions of the Interim Constitution of Pakistan 1947 guaranteed the authority of the federal government in the administration of the provinces. Under Section 122, administrative machinery was to function in a manner as to ensure respect by federal laws. Similarly Section 124 further increased the scope of the centre in the administrative structure that 'the federal government might confer powers and impose duties on provinces or their officers, though it relates to subject matter of the legislations, might be beyond the provincial control.' Under Section 126(2) the centre was authorized to issue directions to provinces regarding the administration of federal laws, with respect to subjects specified in the concurrent list. Practically, these provisions became instrumental to cease the political role of provinces in the state apparatus.

In the same context, maintenance of law and order was a provincial subject but central government remained quite assertive through civil administration in the provinces. The Report of the Court of Inquiry on the Punjab Disturbances of 1953 regarding *Anti-Ahmediya Movement*, clearly pointed out the direct central link with civil administration of West Punjab, who send fortnightly reports to the central government regarding law and order situation and about the activities of Mian Mumtaz Khan Daultana, the Chief Minister of Punjab.

The Public and Representative Offices (Disqualification) Act, 1949 (PRODA) empowered the Governor-General to debar ministers, members of central and provincial legislatures and parliamentary secretaries from public life for a maximum period of ten years, if found guilty of corruption, maladministration or any abuse of official positions. The centre used this Act as a tool to sideline those politicians from the political scene who were challenging the authority of the centre through the demand of provincial autonomy. Under PRODA cases were filed against Mamdot and Daultana, and were referred to the tribunals established under the Act. However, Mamdot was not found guilty of any misconduct or misuse of power. On the other hand, proceedings against Daultana were never completed (The Gazette of Pakistan, 1953).

Section 51 of the Interim Constitution of Pakistan was most important instrument to influence the provincial politics through the Governor. Under Section 51 Governor in his relations with the provincial cabinet, had to act as the agent of centre and had to follow the instructions of central government in respect to choosing, summoning and dismissing the provincial ministers. However, no Punjabi was appointed the Governor of Punjab until the appointment of Mushtaq Ahmed Khan Gurmani, in November 1954. First Governor of Punjab after independence was Sir Francis Mudie (1947-1949) who was a British and among the Governors appointed after Mudie, Sardar Adur Rab Nishtar (1949-1951) belonged to North-West Frontier Province, Ibrahim Ismail Chundrigar (1951-53) was a migrant merchant, Mian Aminuddin (1953-1954) was a migrant civil servant and H. I. Rahimtoola (1954-November 1954) was a migrant lawyer.

These Governors of the provinces used the emergency powers delegated by the centre very regularly. During the first seven years after independence, ten provincial Chief Ministers were dismissed and the Governor Rule was proclaimed in the provinces. Through this mechanism the Governor carried out the instructions of the central

government to fulfill the desire of centre in the provincial politics. The dismissal of N-WFP government on August 22, 1947 under Section 51(5) was the first example to assert central domination over the provincial government. Subsequently, centre exercised this provision boldly in the Punjab, Sind and East Bengal to diminish the status of provincial government in the political arena.

Nawab Iftikhar Hussain of Mamdot, the Muslim League party leader in the Punjab assembly formed the first ministry in the Punjab. Mamdot was conservative in political outlook and could resist the central command in Punjab affairs. The Governor, Francis Mudie had reservation about Mamdot. In this scenario, Mian Muhammad Mumtaz Khan Daultana (Finance Minister) was a suitable choice to serve the interest of the centre in state structure. Mamdot had differences with Daultana long before partition. Quaid-i-Azam Muhammad Ali Jinnah tried to reconcile Mamdot and Daultana for political stability in the Punjab but not succeeded in his life time. Consequently, Daultana and Hyat resigned from the ministries on May 27, 1948. This fragile environment of factional strife in the cabinet of Punjab provided ample opportunities to the centre to interfere in the selection of candidates for the new cabinet of the Chief Minister of Punjab. The federal government forced Mamdot to include Daultana, Firoz Khan Noon, Begum Jahan Ara Shah Nawaz, Mian Nasrullah and Abdul Hamid Dasti in the new Cabinet of Punjab to manipulate political situation for its own ends. Mamdot declined to accept any direction from the centre. He had intention to take Faiz Muhammad, Fazal Elahi and Muhammad Hussain to strengthen his position in the power structure (Dawn, May 28, 1948).

Mamdot's efforts for defense procurement and more equitable share of financial resources for the provinces were considered as a potent form of Punjabi chauvinistic threat by the centre. To diffuse/ diminish political pressure of Punjab, the centre exploited competing factions of the Muslim League to harness the energies of the politicians of the Punjab (Jalal, 1991, 81). Daultana enjoyed the patronage of the Muhajir dominated Muslim League Party at the centre who helped him in his selection as the president of the Punjab Muslim League in November 1948. It paved the way to dislodge Mamdot as well as change the party composition in favour of the central government (Dawn, June 13, 1948). Punjab Muslim League supported by the Prime Minister Liaquat Ali Khan and Governor Francis Mudie, demanded the dissolution of Mamdot Ministry in Punjab (Mudie, June 1, 1949). In this complex political situation Governor- General Khawaja Nazimuddin intervened and advised Mudie that 'not to encourage Noon to take Mamdot's place', with a view that Mamdot had a great support in the assembly and intriguing within the cabinet will mean chaos in Punjab as already prevailed in Sind. A Ministry without public support could increase administrative interference and create bad effects on the officials (Mudie, Oct. 20, 1949). But Mudie continued with his political intrigues against Mamdot and dissolved the Mamdot Ministry and Punjab Assembly on the charges of misuse of positions as premiere, maladministration and misappropriation of public fund on 24 January 1949, on the advice of Prime Minister Liaquat Ali Khan. Governor Rule was established under Section 92-A of the Interim Constitution of Pakistan which continued until April 1951 (Aziz, 1976, 5).

Under Governor Rule Punjab was deprived of an effective voice in the state structure. Competing factions, supported by the central government, within the Punjab government, provided the centre an opportunity for a strong and dominant role against

the provincial autonomy and self reliance of Punjab. Central government had already played a manipulative role in the Punjab Muslim League Party election 1949. Resultantly, no Punjabi was elected to any office in the National Assembly. Old Unionist were promoted and were assigned the government offices to fill the vacated posts of the West Punjab Legislative Assembly to safeguard the interests of central government in the Assembly.

In the elections of Provincial Assembly in 1951, Daultana became assertive to secure the leadership of Muslim League Parliamentary Party in the Punjab Assembly with the blessing of central government of Muslim League. However, as Daultana posed challenges to the central government during *Anti-Ahmediya Movement 1953*, he was forced by the central government to resign (Aziz, 1976, 11). The next choice of centre for the office of the Chief Minister of Punjab was Firoz Khan Noon. To serve the interests of the centre, under the pressure put by the central government, Noon supported the One Unit scheme, inspite of his suspicions about the motives of central leadership working behind the execution of One Unit scheme. (Aziz, 1976, 27-28). (One Unit was established on 14 October 1955 to integrate the Punjab, N-WFP, Sind and the Chief Commissioner's province of Baluchistan and Karachi and the State of Bahawalpur and Khairpur and the Baluchistan States Union into one province of West Pakistan. This was done against the wishes of the provinces on the central command). He continued to resist the central government and Muslim League in their free exercise of power to nominate the representatives from the Punjab for the Constituent Assembly of Pakistan. Therefore, Noon lost his place as a trustworthy servant of the centre and was removed from the office of the Chief Minister of Punjab 'in public interest' on May 21, 1955 and Sardar Abdul Hamid Dasti, a nominee of Daultana was appointed Chief Minister of Punjab (Noon, 1966, 245)

## **VII. Management of Provincial Finances**

Under the Interim Constitution, federal Government had upper hand in regard to the provincial resources. The collection of financial resources or taxes and levies was to be managed by the central government. Therefore, the distribution of financial resources was highly in favour of the centre. Other than the management of fiscal and monetary issues, national currency, foreign exchange and international trade, all major resources were under the control of the central government. Moreover, the decision to waive the right of revenue share of the provinces due to increased defense expenditure and mass migrations into Pakistan, strengthened the position of central government and minimized the authority of the provincial government. Sales tax, income tax and custom duties were taken over from the provincial government by the central government temporarily in 1948 for two years to meet the exigencies of the time. The period was extended in 1950 for two more years. Later, this arrangement was made permanent in favor of centre under the government of India (amended) Act 1952. The administration and allocation of certain taxes by the centre made Punjab subject to the will of centre to complete the development projects of the province. This centralized financial setup, practically resulted in the concentration of big business facilities and industrial activities to the business community of the federal capital in Karachi, which became a permanent socio-political and economic phenomena in Pakistan. Daultana criticized this concentration of wealth and development in the federal capital as a centre of 'Tata's and Birlas' (Dawn, Nov. 10, 1952). This development deprived Punjab of its share in the industrial and commercial development. Punjab had faced the burden of refugees as well as the

territorial conflict and the policy of concentration of wealth and industry in the federal capital which was taken as another sort of deprivation or sacrifice on the part of the Punjab. Punjab was the major contributor to resources and its share to economy was doubled against its ratio of population as compared to other provinces (Callard, 1968, 176).

Industry was a provincial subject under the 1935 Act, however, it was transferred to the concurrent list under Industrial Act XIII in 1948. Later, it became provincial subject under the Constitution of 1956. Punjab and N-WFP supported this decision of the central government in public interest, while Sind wanted the centre's jurisdiction confined to planning and coordination and the East Bengal strongly opposed the whole move (CALD, vol.1/6, 1949, 627-629).

Provinces resented continuous encroachment of the centre over the provincial financial resources. To reallocate the revenue sources between the provinces and the centre, Raisman Award 1951 recommended 50 percent of income tax revenue for the provinces. East Bengal had to avail 62.50 percent of net proceeds on jute, 10 percent of any additional duty however; the existing limit of share of 35 million was waived. Sales tax was not returned to the provinces and was left under the jurisdiction of central government. Punjab and Sind had demanded a share of the export duty on collection as equal to the jute. The recommended ratio of 50 percent of the net proceeds of income tax to the provinces as follows: (Raisman, 1952)

East Bengal	45
Punjab	27
Sind	12
NWFP	8
Balochistan	4
Other areas	4

This division was not as equal to the share contributed by the Punjab in the Grand Domestic Produces.

### **VIII. Conclusion**

The functioning of the Interim Constitution can be considered as a period of great significance in the foundation and development of centre-province relations in Pakistan. It was during this period that the interests of the centre were protected at the cost of provincial autonomy and an example for the future function of federal system was set in motion. The provincial governments could not function properly and were either prorogued or dissolved by the centre. After the creation of Pakistan it was necessary for the centre to recognize the realities of social, cultural, ethnic and linguistic diversity of the provinces and regions constituting Pakistan which has been considered a prerequisite of a federation. But it did not happen in the true sense. The authority of the centre in provincial sphere was expanded to a maximum subordination of provinces to the centre instead of contracting it with a sense of independence. This policy led to a grave distrust in the centre-province relations, which is evident in the role of the Punjab during the early years of the formation of Pakistan.

Punjab seems to have been struggling for its constitutional role in policy making and implementation against the restriction and encroachment over the provincial authority posed and done by the central authority. A close study of these selected issues reveals the strong hold of the centre on the role of the Punjab and failure of the Punjab to use its constitutional rights and authority and to influence the policy and functions of the state administration. Punjab appears to be unable to get its constitutional role in the state administration. The question of the exploitation of federal powers as well as resources of the other provinces seems hypothetical without having any empirical evidence.

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