

FEDERALISM IN PAKISTAN: PROBLEMS & PROSPECTS

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Relations between the federal-provinces have been a subject of political and constitutional debate since the establishment of Pakistan in 1947. Pakistan, which is divided into four provinces, has been dominated by Punjab, the largest of four provinces, by predominant membership in the bureaucracy and army. The other three units have shown their discontent over the allocation of powers between the federal government and the provinces and raised their voice for more autonomy and political safeguards. The praetorian character of Pakistan with the army ruling the country for most of the period has added to the problems of federalism.

INTRODUCTION

The adoption of a constitution is a momentous event in the life of a nation. A constitutional charter is a document of past struggles, achievements, issues, arguments and compromises which have been crystallized and purified. It is, at the same time, a practical machinery of government, a code of conduct for the statesmen of the present. It is also finally a symbol of hopes and aspirations to the entire nation it serves (Newmen 1980: 1).

The major principle of a Federal government is the division of powers between the central government and its constituent units, better called federal units. The adoption of the Federal system as a leading form of the government by the majority of nation-states is a witness to the fact that it is more appropriate for societies of a heterogeneous nature than the other forms of government such as the unitary state or confederation. A considerable number of nation-states are composed of different ethnic, cultural and linguistic groups, and if the diversity of these groups is not united by a viable political system, the integration of a state may be at stake.

A federal form of political system provides two divisible sets of subjects for the governance of a society. They are federal and state/provincial. There can be a third list of the subject, commonly known as concurrent, over which both federal and state governments can exercise power. Nonetheless, in the case of differences over the exercise of power, the right of the federal government pre-

vails. The two sets of governments under a federal system, however, derive their powers from a single source – the federal constitution (Scruton 1982: 170). The satisfactory functioning of a federal form of government, having emerged as a leading doctrine of politics and a successful mechanism of government to attain political unity between various social entities should spring from the constitutional foundations, and be duly safeguarded by an independent judicial system.

As a case-study of Pakistan, a heterogeneous society divided into a number of ethnic and linguistic groups, federalism was regarded as an important means to achieve political harmony in the country. From the partition of Pakistan to the present, the question of federalism has been involved as an essential debate in all the constitutional discussions. The issue of federalism emerged on the political scene as a leading demand from the very beginning, particularly by the small federal units in Pakistan as a device to safeguard their interests against the central government where Punjab, the province with the largest population, has a decisive majority in the National Assembly and federal bureaucracy. The small provinces demanded adequate constitutional changes in running their administrative and economic affairs (Shah 1994: 2).

This paper is an attempt to analyse the issues of federalism in Pakistan. The paper will focus on the major constitutional developments made so far for the promotion of federalism, the problems of federalism, and the major issues and adjustment.

THE PRE-PARTITION HISTORICAL BACKGROUND

Demands were made for the promotion of federalism by the Muslim League, founded in 1906 as a leading political party of the Indian Muslims, during all the constitutional debates in British India. It worked independently, and jointly with the Indian National Congress for the promotion of federation in India. The 1909 constitutional reforms, better known as the Minto-Morley Reforms, were based on the demands raised by the Muslim League for separate electorates for the Indian Muslims to protect their interests in the provinces where they were in the minority. This demand, at the embryonic stage, was a demand raised jointly for federalism in India.

A few years later, the joint mobilization of the All India Muslim League and the Congress for more seats for the Indians in the Central Legislature and separate electorates, resulted in the famous Lucknow Pact of 1916. The Declaration of the Montgagu-Chelmsford Reforms in 1919 was the result of the united demand by the two political groups for a federal system of government (Shah, 34). Although adequate measures were not taken by the British government in India for the fulfilment of the demands of the parties, seeds were sown for more provincial autonomy. Five years later, in the annual session of the All India Muslim League in May 1924, the League asked for broader provincial autonomy for the provinces. The Quaid-i-Azam proposed that constitutional arrangement be made for granting the residuary powers to the provinces by determining the excessive jurisdiction of the central government in the provinces (Pirzada 1986: 319) The

Quaid Azam's famous Fourteen Points, in response to the Nehru Report in 1928, reiterated the demand for federalism in British India for maximum autonomy and residuary powers for the provinces. He demanded the abolition of Dyarchy system in the provinces.

Allama Muhammad Iqbal's historical Address in 1930 at Allahabad echoed the Muslim League's aspiration for a federal system. A voice was raised that the territories of the Punjab, Sindh, Balochistan, NWFP and Kashmir should be unified into a separate/autonomous state(s).

Under the 1935 Government of India Act, based on the recommendations of the Simon Commission and the Round Table Conferences held in 1930 and 1931, the principles of federalism were adapted. There were three lists of powers: the Central, Provincial and the Concurrent. There was a separate division of Powers in case of the Centre and Provincial lists, however, under Concurrent list both the Centre and Provinces could exercise powers. The right of the Central Legislature, however, was to prevail in the case of a conflict over the use of powers. Under the 1935 Act, the Governor General was vested with a large number of powers. He could authorize at his discretion, either the Federal Legislative Council or a Provincial Assembly to enact on a subject not enumerated in the three lists. The Government of India Act 1935, later on to serve as an important constitutional document for both the dominions of British India, tended towards the centralization of powers in favour of the central government. But in fact the provisions of the act were not fully implemented. Section 5 of the Act of 1935, which provided for the setting up of what is called a "Federation of India", was never implemented, as "the requirement of the accession of a specified number of princely states" was not met. Thus, the central government in India continued to operate under the Act of 1919 till the powers were transferred in 1947 to India and Pakistan on independence (Baxter 1974:1145). The Constitutions of 1956 and 1962 contained the three lists of powers as federal, provincial and concurrent for legislation; actually provided in the 1935 Act.

CONSTITUTIONALISM VER FEDERALISM

The adoption of a Federal form of government was deemed indispensable for the establishment of Pakistan. Federalism and Provincial autonomy had been political catchwords from the very beginning of Pakistan. No other matter bred such a controversy in the constitutional debates as did the central-units relationship (Baxter, 1075). The principles of federalism, however, have been undermined since 1947. A large number of provincial leaders hoped, from the creation of the new nation, that the entrenched role of the central government would gradually decrease, but, to their dismay, it did not. The powers of the Central government were entrenched (Callard 1986:156). The constitutional crisis developed soon after the First Constituent Assembly started functioning and political differences were voiced over the issues of federalism. The balance of the federal structure, which was in favour of the Centre, as provided in the 1935 Act, was continued as an integral part of the new country's political system. The

central government was competent to allow the provinces a substantial measure of autonomy. The central government was capable of altering the interim constitution by all means (Callard, 176).

The Basic Principles Committee strongly recommended the adoption of the principles of federalism, nonetheless, they were mainly ignored. The 1956 Constitution provided a federal form of government, with a strong role for the central government. Under the One-Unit system adopted in 1954, Pakistan was divided into two zones: East and West Pakistan. Under the Parity Formula, the National Assembly comprised 310 members. 150 were elected by popular vote from each unit, and 10 seats were reserved for women to be elected indirectly. Legislative powers were divided into three lists: Federal (30 items), Provincial (94 items) and Concurrent (19). In the case of a clash of interests over legislation on the Concurrent list, the right of the central government prevailed. The political crisis and instability of the constitutional government during the two years of the existence of the 1956 constitution dimmed the credibility of a healthy centre-provinces relationship. The abrogation of the 1956 constitution by a military-cum-presidential coup in 1958, was a setback for federalism in Pakistan, particularly at the cost of a strained East-West Pakistan relationship. From 1958 to 1962, there was no constitution, and the political structure of the country was run under a crude unitary system where ultimate powers were vested in the hands of Ayub Khan and his like-minded generals.

The 1962 constitution, a brain-child of President Ayub Khan, was designed to seek legitimacy of rule under a political structure whose support largely came from the federal institutions: the army and civil bureaucracy. The recommendations of the Constitution Commission appointed by the Ayub Khan on 17 February, 1960 under the chairmanship of Justice Shahabuddin to probe the future of parliamentary government in Pakistan, were largely ignored. The commission had strongly recommended for the division of powers between the centre and provinces, however, they were ignored in the framing of the 1962 Constitution.

The 1962, constitution, like the 1956 constitution, contained three lists of legislative powers: Centre, Provinces and Concurrent. The Concurrent list of powers was to be exercised by the Centre and provinces. The constitution provided a strong role for the President, both as the head of the state and government. The One-Unit system was continued under the constitution. There was a one-house legislature known as the National Assembly. The National Assembly was elected for five years. According to article 20 of the constitution, the members of the National Assembly were elected on the parity formula, half from East and half from West Pakistan. The constitution defined only the Central List with 49 items, from which the federal legislature could legislate. The items mentioned in the Provincial and Concurrent list were not specified. The residual powers left to the provinces were a total deviation from the principles of federalism (Hussain 1972: 83).

The balance of power under the 1962 Constitution was heavily tilted in favour of the federal government. The jurisdiction of the federal legislature was entirely dominant over the provincial legislatures. The provincial Assemblies

had items of little importance to legislate. The political events following the proclamation of martial law in 1969, and the announcement of the first general elections in Pakistan by President Yahya Khan entailed the question of federalism in Pakistan. The Awami League's stunning election victory, securing 160 seats in East Pakistan, was fully supported by the Six Points formula of Mujeeb Rehman, actually devised in 1966 as the Awami League stunt for parity in administrative economic and development matters. It was tantamount to a Confederation rather than a quasi-federal government. According to it the important residuary powers were to be left only to the provinces, by giving the federal government only defence and foreign affairs.¹ The seeds of dissatisfaction and discontent actually sown during the constitutional debates/crisis (1947 to 1954), led to the civil war after Yahya Khan was forced to postpone the session of the National Assembly on March 1, 1971, to put pressure on Mujeeb for a compromise over his Six-Points. The die had been cast after troops rolled into the streets of East Pakistan, to tame the sporadic uprising against Islamabad. In fact, the image of a united country faded into disintegration over the Centre-provinces relationship of power distribution. The creation of Bangladesh on the world map was the ultimate result of the power distribution over the issues of the Federal-Units relationship.

The 1973 constitution contained a new power arrangement to redefine the principles of federalism under the term "Maximum Provincial Autonomy". The residuary powers were vested in the Provincial Assemblies (Safdar 1990: 213). The One Unit system abolished by Yahya Khan was followed by an ordinance which raised Balochistan to provincial status in 1970. For the first time, a bicameral legislature was elected. The Senate was elected for four years on a parity basis. The provinces were to elect 14 members each for four years. Half of the members retired after two years. The 1973 constitution contained two lists: Federal and Concurrent. The Federal list comprised two parts. Part I contained items over which only the Parliament could legislate. The Federal list contained 67 subjects. The Federal and Provincial governments could legislate over the Concurrent List; however, in case of conflict over the exercise of power, the central government's right prevailed (article 143).

The constitutional period of the Bhutto government was also marked by a strong role of the central government, resulting in discontent in two provinces, the NWFP and Balochistan. Even before the 1973 constitution could function, Z. A. Bhutto, under the Interim Constitution of 1972, as the interim President, dissolved the Balochistan coalition government of Attaullah Mengal on Febru-

¹ The Six Points defined in 1966 were (i) a federal form of government on the basis of the Lahore Resolution, (ii) federal powers over defence and foreign affairs only and residuary powers to be vested in the provinces; (iii) two separate freely convertible currencies or one currency with guarantees against the flight of capital from one province to another and a separate banking reserve; (iv) units to have power of taxation and revenue collection; (v) two separate accounts for the foreign exchange earnings of the two wings; (vi) a separate militia or para-military force for East Pakistan.

ary 15, 1973. He dismissed the NAP Governor of the province, and installed Nawab Bugti. Mr. Bugti tendered his resignation on November 11, 1973, but was asked to continue until January 3, 1974 (Kundi 1995, 255). In protest against the dissolution of the Balochistan government, the NAP-JUI coalition under Mufti Mahmood resigned in the NWFP. The later events, following the death of the senior provincial minister, Hayat Khan Sherpao, the NAP was banned in February 1975 and its leaders arrested under the charges of conspiracy against the state. They remained behind bars and were released after the July 1977 military coup. Political disruption in the two governments was a blow to federalism. The voice of opposition in the National Assembly was lowered.

The prospects for federalism were further dimmed after the military, under General Zia-ul-Haq, seized power and suspended the constitution for another 8 years. The power setup from 1977 to 1985 was crudely in the hands of a military junta which controlled the political structure in an almost unitary manner. A number of Presidential Orders, later on to be covered by the 8th Amendment in the 1973 Constitution, were proclaimed one after another to run the government.

The 8th Amendment was the first major amendment that General Zia-ul-Haq introduced to revive the 1973 constitution, by protecting a large number of the President's Orders and Ordinances issued between 1977 to 1985, during the period when the constitution was held in abeyance. The 8th Amendment did not change basically the federal nature of the constitution. However, it enhanced the legislative powers of the upper house: the Senate. The amendment increased the number of Senators of each province from 14 to 19, and the tenure of a Senator from four to six years. The powers of the Senate to amend the constitution were also increased. According to article 239 of the 1973 Constitution, before the amendment, initiation of an amendment bill was vested only in the National Assembly. Once passed by a two-thirds majority, the bill was to be presented in the Senate to pass it with a simple majority. After the amendment, it not only requires a two-thirds majority in the Senate, it can also be initiated in either house (Safdar 317). The requirement of a two-thirds majority in the Senate raised the legislative role of small provinces to stem any legislation against the interests of the province (Kundi 191). The two-thirds majority provision still remains.

PRAETORIAN RULE TYPE ROLE AND THE OCTOBER 1999 TAKE OVER

A major factor accountable for the federal-unit issue in Pakistan is the growing role the Pakistan army has played in the country's politics. In Eric Nordlinger's classification of praetorian role in a country's politics, the army in Pakistan has played a "rule type role" in country's politics (Nordlinger 1977: 22-23). Pakistan has been ruled as a praetorian state for nearly half of its existence.

The army's role in politics became evident soon after Gen. Ayub Khan was inducted into the civilian cabinet of Mohammad Ali in 1954 by the Governor General Ghulam Mohammad. The first martial law was proclaimed on Octo-

ber 7, 1958 when the 1956 Constitution was abrogated. Both the wording of the proclamation and statements by President Mirza and General Ayub Khan as Chief Martial Law Administrator made it clear that the President's action was supported by the army to avert "chaotic internal situation". The first speech Ayub Khan made to the nation on radio on October 8, 1958 said, "The government had taken over to avert further political chaos and national disintegration. He promised to hold elections by saying, "when the time comes your opinion will be freely asked," he added, but when that time will be, events alone can tell" (Kessing Archives, 1958: 1287) What happened next is aware of the fact that army had made its way into politics. The martial law remained entrenched until 1962 when Ayub Khan's government adopted its own constitution by ignoring all the suggestions of the Constitutional Commission of Justice Shahabuddin. In the wake of political disturbances and alienation among the masses Ayub Khan stepped down and handed over power to his C-in-C rather than the Speaker as defined in the 1962 Constitution. From 1958 to 1969 the army's role can be defined as that of ruler.

The army role in politics under Bhutto was of no significance. The Pakistan army, a disciplined force, built on professional lines, remained out of politics being confined to barracks. Bhutto did not rely on the army except in 1974 to curb the tribal uprisings in Marri-Bugti area. The Marri-Bugti uprising which was the ultimate result of political differences between the Centre and the Balochistan government resulted in a large scale guerrilla war. The crisis could be averted through political dialogue for which Mr. Bhutto was not ready. The crisis not only led the deployment of a huge army in the Marri area but induction of a large number of army officers into the civilian bureaucracy as Assistant Political Agents/Assistant Commissioners in different districts of Balochistan (subject to early promotion to the next grade). Bhutto however did not remain without looking in the direction of a praetorian support. He wanted the appointment of a Chief of Army Staff after the retirement of Tikka Khan with assured obedience. He picked 53 year old Zia-ul-Haq, a man who had already achieved four ranks within 8 years (1968-76) from armoured colonel to general, by superseding other three generals. His appointment to the office was due to the fact that Bhutto trusted Zia-ul-Haq as more obedient to him than a Punjabi or Pathan general – a mistake Nawaz Sharif repeated. A die had been cast for Bhutto and democratic process in Pakistan.

The July 1977 Martial Law made Pakistan a praetorian state. The first speech of Zia-ul-Haq assured the people that the army was acting as their "guardian" and justified the take over as a "displacement coup" which would restore the democratic order within a 100 days. A line from his TV speech telecast in the evening of July 5, 1977 is still vivid in my mind, "My sole aim is to organize free and fair elections which will be held in October. Soon after the polls power will be transferred to the elected representatives. I give solemn assurances that I will not deviate from this schedule." During the speech he added, "..... if there is another martial law there will be no Pakistan" (Dawn, July 6, 1977). Zia-ul-Haq seemed ambitious from the very beginning of the take

over. The coup he launched soon led to a 7 year rule-type role. He restored democracy but remained at the helm of affairs as the head of the state backed by praetorian support. He applied all tactics, primarily of his pseudo commitment to the promotion of Islamization, as ways to continue his rule until his death.

The 12 October take over by General Musarraf can be better justified as the continual of the praetorian role which begins as the moderators turn into the guardian and rule type role. The army took over power despite the fact that a civilian government was functioning as expected. Unlike the previous two coups there was less political chaos and instability. The world in large can hardly be convinced of the fact that a coup happened because there was a threat to General Musarraf's life after the plane was ordered to be diverted from its route.

MAJOR ISSUES AND ADJUSTMENT

Dicey said that acceptable distribution of powers between the Centre and units is an essential feature of the federalism (Dicey 1973: 151) Federalism being a popular and practical form of government between the Centre and units is largely supported by an edge of the Centre over the units. No where in the world does federalism give the units an equal share in power distribution. The federal government may have maintained a supremacy of legislative powers over the units regarding issues of national importance, however, the units are allotted adequate powers under the system.

In Pakistan, the Centre has maintained a dominant role over the provinces right from the beginning. The dismissal of Khan Shaib Ministry in NWFP on 22 August 1947, M. A. Khuhro on April 20, 1948 in Sindh, Mamdoth's on January 25, 1949, and Fazal-ul-Haq's in 1954 in East Pakistan (under section 92-A of 1935 Act), despite the fact each government enjoyed a majority in its Assembly, was a reflection of the federal principles the country was created on. They were not only regarded as the undemocratic norms, but created a precedent which later on led the central government to restore their reserve powers to dismiss provincial ministries (Maluka 1995: 191).

Two factors are largely responsible for the strong role of the Centre in Pakistan. First, Pakistan has been run for a very long without any constitutional set-up during the period the political system was virtually turned into an unitary system. Second, if a constitutional setup remained, the balance of power has been overwhelmingly tilted in favour of the central government where Punjab has maintained a threshold. Punjab, as the largest province in population, has larger representation in the army and bureaucracy, the two important institutions of the state hierarchy.

Pakistan has faced the absence of a stable representative government and remained under a non-democratic and military rule for a longer period. Under such a political setup, the role of the Centre becomes overwhelming over the affairs of the units, and the principles of federalism are discouraged. There was no constitutional representation from 1947 to 1956, and later on, from 1977 to 1985. The Constitutional set up is again dormant after army took over power in

October 1999 by deposing Nawaz Sharif's government. The constitutional crisis which developed during the existence of first the Constituent Assembly, strengthened the role of federal institutions against the provinces. The government, based on the 1956 constitution was short lived and handicapped by political chaos. The failure of a constitutional government resulted in a military coup, the repercussions of which seriously undermined the future democratic setup. President Ayub ruled the country with the strong role of the army and bureaucracy from 1957 to 1969. The constitutional setup formed in 1962 strengthened the two institutions to support Ayub Khan's regime. The proclamation of martial law in 1969 and separation of East Pakistan in 1970, bore the enigma of political development even after a political settlement was reached for a representative government based on the 1973 constitution. The July 1977 military coup made the constitution to lie dormant for the next 8 years. When, with a non-party constitutional setup, it was revived, it represented a strong Centre where the President enjoyed a very strong role. The 8th Amendment allowed his office to exercise power, independent of any advice from the Prime Minister, to dissolve a government on the plea that it was incompatible with the constitutional government. The enjoying of the Presidential right to dissolve the Centre government (in 1988, 1990, 1993, 1996) under section 58-B ultimately dismissed all four provincial governments too, including the one which remained in opposition to the Centre (Shah, 63).²

Secondly, in all the constitutional frameworks of Pakistan, the concentration of powers tilted towards the Centre. In all the three constitutions, the federal list was "the richest in terms of the number of subjects and their importance" (Shah 163). The promise of provincial supremacy appeared like a dumb slogan when the actual distribution of powers began. In 1956 constitution, the important list of legislative powers was in the hands of the Centre. However, the distribution of powers between the Centre and provinces rested on the principles that the Centre had exclusive authority to make laws, while the provincial legislatures had the authority to make laws on all other matters. In 1962, the distribution of powers was heavily in favour of the Centre. A similar supremacy was established in the 1973 constitution. The Pakistani society, which is ethnically heterogeneous and socio-culturally complex, requires a federal system where provinces have a constitutional power structure to exercise legislative, financial and administrative powers. The Parity formula given in 1956 and 1962, bred hatred and frustration not only between the two wings of East and West Pakistan, but alienated the small provinces within the Western unit from the Centre, where the Punjab had a big share in the army and bureaucracy.

It is said that the spirit of the Pakistan Resolution of 1940, on the basis of which Pakistan was established, is ignored. The Pakistan Resolution stood for

² At the time of dissolution of Benazir's government in 1990 by President Ghulam Ishaq Khan, the provincial governments in Balochistan and Punjab were in opposition to PPP government at Center. It was similar in the case of Balochistan in 1996.

loose federation. The demand has been raised by the Pakistan Oppressed National Movement or PONM, a political forum comprising 28 small and big ethno-nationalist groups and parties from Balochistan, NWFP, and Sindh, which vowed to protect their provincial rights and economy. It was established in 1998. It had a three-point manifesto. i. The establishment of a loose federation of autonomous and sovereign Punjabi-Sindhi, Baloch, Pakthoon, Sarieki population; ii. That each of these be labeled as states in the spirit of the 1940 Resolution; iii. That the federation be vested with the powers its constituent elements conferred on it by mutual agreement and consent.

A bane of the federal-provinces relationship has been the dissatisfaction shown over the financial arrangements between the Centre and provinces. From the beginning of the Raisman Award in 1951 to the National Finance Commission Award, 1990, the provinces have shown reservation over the distribution of pooled taxes and income from the national resources. The debate was renewed in 1997, and it was decided that by September 1998 a joint committee of the inter-provincial governments and the centre was to coordinate the issue, but the blast of the bomb put the issue aside. The central government is believed to have predominated over the provinces in financial matters (Anwar 1967:93). The trends bred dissatisfaction among the small provinces of the NWFP, Balochistan, and Sindh over the allotment of funds, as compared to the resources that the provinces generated. Regarding a better financial relationship between them, more bilateral and collective discussions are needed between the Centre and provinces for the assessment of provincial resources and the funds allotted for development. Keeping in view the development requirements of small provinces, funds may not be allotted only on a population basis, but also on the basis of land needing development.

Good federalism based on healthy distribution of Centre-units power relationship is tailored to the desires and needs of a country's geo-political and socio-cultural conditions. The Centre-provinces relationship are based on cooperative federalism. However, in a number of polities, the principles of federalism are marred by heterogeneity, lack of national integration, absence of a viable party system, and narrow provincialism. Pakistan is no exception to this fact. It is a country in which constituent units are marked by cultural, linguistic, and historical differences. There has been a lack of a viable two-party system at the national level and the provincial level. The provinces of the NWFP and Balochistan have gradually failed to form coalition-free governments in the past. A number of political parties exist at the regional level whose support comes on ethnic and nationalist grounds. Some political parties try to gain popularity by raising criticism against the Centre for the allotment of inadequate administrative and financial share. Since 1990 three provinces of Pakistan, Sindh, NWFP, and Balochistan, particularly the last two, have expressed grievances over the distribution of financial resources from the pool under National Finance Commission Award (NFC). They have shown bitter resistance to the dominant role of Punjab in the Council of Coordination for Common Interests (CCI). Against the NFC formula that pool had to be divided on the basis of population,

Balochistan raised its demand that the allotment of funds on the basis of area may not be ruled out. The CCI is established under the 1973 Constitution to assure the differences of provinces over the distribution of funds or resources. The agreement reached in the NFC Award 1993 has not been implemented due to the change in governments and financial crisis the country was faced with.

Two of the provinces: Sindh and Balochistan have been the scene of ethnic rivalry and lawlessness due to a biased and pseudo nationalist politics. In Sindh, the issuance of the Armed Forces Ordinance (AFO) of 1998 was marked by bitter resistance. The Ordinance was issued without the request of the Sindh government by invoking Article 245 for army assistance in the province. The suspension of the provincial government and the AFO was a clear violation of the demarcation of legislative powers of the federation and the provinces, given in chapter 1 of Part V, read with clause 1 of the Concurrent Legislative List and Article 232 did not provide a detour to bypass the Concurrent Legislative List (Shah, 169). The invoking of Articles 245 and 147 was criticized by the leadership of Balochistan and NWFP. Thus a lingering demand was once again given voice that the 1973 Constitution be suitably amended in the light of their recommendations with a view to making it more democratic and adjustable to the demands of small provinces. It is also demanded that the constitutional provisions be adopted to divide the country into a number of small provinces on a geographical and ethnic/tribal bases.

CONCLUSION

Federalism in Pakistan has been a catchword since 1947. The principles of true federalism, which served as the corner stone for the creation of Pakistan in the Lahore Resolution of 1940, have not been promoted to establish a healthy federal state. The role of the central government and federal agencies have dominated the affairs of units under both constitutional governments and military regimes. The distribution of powers between the central and units was a major issue between the East and West Pakistan controversy. The constitutional framework in the country since 1947 has placed the balance of power predominantly in the favour of the Centre. The control of the Centre over the legislative, economic and administrative powers has bred discontent among the small provinces of Pakistan. The rise of nationalist and ethnic based political parties at the provincial level has been fanning the flames of provincialism.

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