

**THEORY AND PRACTICE OF FEDERALISM IN
PAKISTAN (1989-1999)**

Dissertation
Submitted to Jawaharlal Nehru University in Partial Fulfillment
of the Requirements for the Award of the Degree
Of

MASTER OF PHILOSOPHY

BHARAT RATNAM



South Asian Studies
Center for South, Central, South-East Asia & South-West Pacific
Studies (CSCSEASWPS)
School of International Studies
Jawaharlal Nehru University
New Delhi-110067
INDIA
2005



CENTRE FOR SOUTH, CENTRAL, SOUTH-EAST ASIA & SOUTH-WEST PACIFIC STUDIES
SCHOOL OF INTERNATIONAL STUDIES

JAWAHARLAL NEHRU UNIVERSITY

NEW DELHI – 110067

Phone : 26704350

Fax : 91-11-2616 5885

91-11-2619 8234

Dated: 29th July 2005

CERTIFICATION

Certified that dissertation entitled “**Theory and Practice of Federalism in Pakistan (1989-1999)**” has been submitted by me in partial fulfillment of the requirement for the award of the degree of **MASTER OF PHILOSOPHY** has not been previously submitted for any other degree or other universities and is my own work.


(Bharat Ratnam)

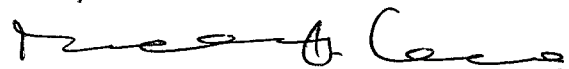
We recommend that this dissertation may be placed before the examiners for evaluation



Dr. Savita Pande
(Supervisor)

SUPERVISOR

Centre for South Central South East
Asian and South West Pacific Studies
School of International Studies
Jawaharlal Nehru University
New Delhi-110057



Prof. Mahendra P. Lama
(Chairperson)

CHAIRPERSON

Centre for South Central South East
Asian and South West Pacific Studies
School of International Studies
Jawaharlal Nehru University
New Delhi-110057

Dedicated
to
My Papaji & Mummyji

Contents

<i>Acknowledgement</i>	i
<i>Preface</i>	ii-iii
<i>Abbreviation</i>	iv
Chapter 1	
Introduction: Theory and Practice of federalism	1-17
Chapter 2	
Pakistan: Its Federal Structure and Characteristics	18-45
Chapter 3	
Theory and Practice of Federalism during Benazir Regime	46-80
Chapter 4	
Theory and Practice of Federalism during Nawaz Sharif Regime	81-116
Chapter 5	
Conclusion	117-124
Bibliography	125-135
Tables:	
Table 2.1	43
Table 3.1.....	48
Table 3.2.....	50
Table 3.3.....	51
Table 4.1.....	85
Table 4.2.....	87
Table 4.3.....	88
Table 4.4.....	89
Table 4.5.....	100
Table 4.6.....	106
Table 4.7.....	108

ACKNOWLEDGMENT

I feel privileged to be able to complete my study under the able supervision of Dr. Savita Pande. Her invaluable guidance, precious advice and cooperation remained with me as a beacon, while I was completing my study. She not only spent her valuable time in improving this work but also guided me to have an overall better understanding of the subject. I am greatly indebted to her for bearing with me and my mistakes.

I am also thankful to the entire faculty of South Asian Studies Division, School of International Studies, Jawaharlal Nehru University, specially mentioning Prof. S. D. Muni, Prof. C. Raja Mohan, Prof. M.P. Lama and Prof. Uma Singh, as they from time to time assisted me with their precious advice.

I would also like to thank Dhrubajyoti Bhattacharjee, Rakesh Kumar Meena and Naresh who provided me whole hearted support and helped me to collect information when I was not able to do so. My other friends Ashutosh, Arup, Arun, Shantesh, Shalendra, Amaresh, Deepak, Neike, Kamala Kant, Naushad, Pramod Ashwani, Aakash, Akshya, Surendera, Tili, Deva and lots more, stood by me, providing me with moral support and strength.

My due thanks to the staff and other members of the Jawaharlal Nehru University Central Library (New Delhi), IDSA Library (New Delhi), Nehru Memorial Library (New Delhi), South Asia Foundation Library (New Delhi) and for their cooperation in the collection of materials for this study.

And finally, I am grateful and indebted to my father and mother, who from my childhood has been a source of inspiration, and still remains so, and my brothers Bharat Samrat and P. Marshal sisters Maya and Daulat who provided me with courage and support all along. The one person who has suffered and made innumerable sacrifices, for me, is my wife, Veen.a. She has neggelacted her own interests to sustain me intellectually.

Bharat Ratnam
Bharat Ratnam

PREFACE

A system of federation in the governance of a state represents a systemic legalized relation of power sharing between the central administration and the federated administration. Federalism connotes a high degree of political evolution and paves the way to peaceful coexistence of units with diversified interest, economic, cultural linguistic, giving enough freedom to the units and yet maintaining national unity.

In south Asia Pakistan stands out to be such a federation, where due to the significant variations that exist within the state, the governing principles of federalism remained as the only viable option that was opened in front of the makers of the state of Pakistan. From the time Pakistan was created this governing principle though came under considerable strains and pull, has come out to be the most viable governing mechanism for the governing bodies of Pakistan. Though there are various federal aspects within a nation, that encompasses all sphere of activities that federated states as well as the central administration partakes, but this study will try to zero down on the political federalism that was existed between the federated states and the centre during the democratic regimes of Benazir Bhutto and Nawaz Sharif. As this period is characterized to be one of the most prime times for the federal nature of the state, the study has made an attempt to remain confine within the political spectrum than

delving into the entire federal system that worked within the states and central administration.

The first chapter of this study deals with the theories of federalism and its effective dealing and will try to find the relations between the two. The various dimensions and basic characteristics of federalism have been studied. The second chapter deals with the federal structure of Pakistan. The manner in which federalism emerged in Pakistan, constitutional provisions of its structures, characteristics, and operations will be analysed. The third and fourth chapter deals with the politics of federalism that was associated with Benazir's and Nawaz Sharif's relations with federal institutions like provinces president, and army. The last and the concluding chapter analyses the situation and the regional impact of federalism in Pakistan.

In this study I have tried honestly to put forward and undiluted expression of the whole truth about political aspects of federalism in Pakistan. The Pakistan of 1988-1999 was precariously balanced between her quest for orderly procedures of federal politic and the lingering arbitrariness of unitary system.

I have tried to restrict myself to merely reflecting the truth, though it is very difficult to eliminate own political predilections.

Abbreviation

ANP:	Awami National Party
BNP:	Baluchistan National Party
COAS:	Chief of Army Staff
FATA:	Federally Administered Territorial Alliance
FIA:	Federal Investigation Agency
IDA:	Islamic Democratic Alliance
IJI:	Islam-e-Jamhoori Ittehad
IMF:	International Monetary Fund
IRSA:	Indus River System Authority
ISI:	Inter Service Intelligence
JCSC:	Joint Chiefs of Staff Committee
JUI:	Jamait-ul-Ulema-e-Islam
JWP:	Jamhoor Watan Party
LFO:	Legal Framework Order
MMA:	Muttahida Majalis a Amal
MNA:	Member of National Assembly
MQM:	Muhajir Qaumi Movement Muttahida Quami Movement
MQM (A):	Muhajir Quami Movement (Altaf Husain)
MQM (H):	Muhajir Quami Movement (Haq Prost)
NPP:	National People's Party

NWFP:	North West Frontier Province
PAI:	Pakistan Awami Ittehad
PATA:	Pakistan Anti-Terrorism Act
PDA:	Pakistan Democratic Alliance
PDP:	Pakistan Democratic Party
PKMP:	Pakhtun-Khwah Milli Party
PMAI:	Pakistan Muslim Awami Ittehad
PML (J):	Pakistan Muslim League (Junejo)
PML (N):	Pakistan Muslim League (Nawaz Sharif)
PPP:	Pakistan People's Party
PSF:	Pakistan Student Federation
PWP:	People's Work Programme
SMP:	Sipah-e-Muhammad Pakistan
TNSM:	Tehrik-e-Nifaz-e-Sharat-e-Mohammadi
WAPDA:	Water and Power Development Authority
WHO:	World Health Organization

Chapter I

Introduction: Theory and Practice of Federalism

CHAPTER I

INTRODUCTION: THEORY AND PRACTICE OF FEDERALISM

A nation is a body of people, who possess some insight of a political sense of single identity, with a shared historical tradition, with major element of common culture and with a substantial proportion of them inhabiting in an identifiable geographical union. A nation is not only recognised by its geographical territory, the people living in it and its resources, but also by the political system that the nation is governed by. The nation is a result of a slow incessant integration of political groups and communities into larger and larger combinations.

New institutions and conceptions come into existence to meet the needs of each age. It can be said that each generation, if it is to live happily and harmoniously, or even to avoid acute suffering, must adapt to its present needs the social heritage which it received from the preceding generation. Man is a social intellectual being. So man has reacted, changed and moulded his surroundings according to his needs and has shown ingenuity by creating and inventing new mechanisms and methods of governance giving rise to new political systems.

Political systems can be categorised in terms of the methods by which the sovereignty of political powers is divided between the center and the units. On this basis when the powers of government are divided between central government and the federated provinces having a distinct and codified power sharing, such governmental structure is called a federal government and this type of system is called federalism.

If gone back in history, it can be seen that federalism is not a new phenomenon. Its prevalence is seen in the early world history. The great Roman Empire can be cited as one of the first testing grounds where the concept of federalism found shape. After that period, federalism has been thought of as a perfect political system having a distinct power ratio between the Center and the federated units. Even during the colonial period, federalism was seen as a solution to resolve the political problems in Asian and African colonies. After achieving independence, these nations, which have been previously ruled by colonial powers, found federalism to be a perfect governing mechanism to develop these newly found states internally. In the words of Sedgwick, “when we turn our gaze from the past to the future, an extension of federalism seems to us the most probable of the political prophecies relative to the form of government”.¹

The modern idea of federal government has been determined by the manner of governance in the United States of America.² Federalism became one of the main methods of power sharing between the center and the provinces especially after nations like the United States of America, Canada, Switzerland, India and much more adopted federalism in practice and successfully governing these nations decade after decade.

The word federalism has been derived from the Latin word “*foedus*” meaning pact or cooperation. It usually refers to legal and political structures that distribute powers territorially within a state.³

R.L. Watts, the first political scientist to use the concept of federal political system, defines the federal concepts as, “A compromise which is achieved between concurrent demands for union

¹ H Sedgwick, *The Development of European Polity* (Oxford: Oxford University Press, 1962), p. 134.

² KC Wheare, *Federal Government* (London: Oxford University Press, 1971), p. 1.

³ Andrew Heywood, *Politics* (New York: Palgrave, 2004), p. 161.

and for territorial diversity within a society, by the establishment of a single political system, within which general and regional governments are assigned co-ordinate authority such that neither level of government is legally or politically subordinate to the others".⁴ By this definition it can be easily understood that the basic features of the federalism is distribution of authority between center and units.

Federalism is more or less a political system where the power of governance is distributed amidst various power-centers providing significant autonomy, willfully coming together to form a distinct geopolitical entity.

According to Garner, "Federal government as contradistinguished from a unitary government is a system in which the totality of governmental power is divided and distributed by the national constitution, or the organic act of parliament creating it, between a central government and the government of individual states, or other territorial subdivision of which the federation is composed".⁵

A.K. Brohi, while explaining the concept of federalism has said that it is "a constitutional device by which a system of double government is made to operate in one and the same state".⁶

In the words of Robert Garran, federalism is "a form of government in which sovereignty of political power is divided between the central and local governments so that each of them within its own sphere is independent of the other".⁷ K.C. Wheare considers

⁴ RL Walts, *New Federations: Experiments in the Commonwealth* (London: Oxford, 1966), p. 13.

⁵ JW Garner, *Introduction to Political Science: A Treatise on the Origin, Nature, Functions and Organisation of the State* (New York: American Book, 1935), pp. 230-234.

⁶ AK Brohi, *Fundamental Law of Pakistan* (Karachi: Din Muhammad Press, 1958), p. 56.

⁷ Sir Robert Garran, "Report of the Royal Commission on the Australian Constitution", (1929), p. 230, as cited in Zulfikar Khalid Maluka, *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford, 1995), p. 29.

federalism as “The method of dividing powers so that the general (i.e., the Central) and regional (i.e., the provincial) governments are each, within a sphere, coordinate and independent”.⁸

A federation is a union of states or units. Explaining the inherent frictions that exist within the concept of federalism, G Evans and J Newnham have rightly explained, “It postulates as a tension or conflict that is very similar to the difference that exists between centripetal and centrifugal forces”.⁹ When some independent states agree to join hands to make or create a new state, this type of federation is an outcome of the result of centripetal forces. American and Australian pattern of federalism are the best examples of such federal structure. On the other hand, sometimes a unitary government can turn into a federal government due to the failure of the various elements that make the federal nature of a state. This type of federation is an outcome or result of centrifugal forces. In this type of federation, minimal autonomy can be provided to the federated provinces, so that they can cater to the specific needs of a province, keeping the major powers in the hands of the central administration. For example, India became federal by the constitution of 1935 with a view to give some powers to the provinces in handling internal matters.

CONSTITUTION AND CONSTITUTIONALISM

A.K. Brohi, called federalism “a constitutional device”, it means federalism is based on the structure of the constitution.¹⁰ A constitution constitutes the formal structure of the government, specifying the powers and institutions of central government, and the balance between central and other smaller levels of the government. According to one writer, “In modern era, a Constitution is required to

⁸ K.C. Wheare, n. 2, p. 10.

⁹ Graham Evans and Jeffery Newnham, *The Penguin Dictionary of International Relations* (New Delhi: Penguin, 1993), p. 169.

¹⁰ Brohi, n. 6, p. 56.

set limits on the arbitrary powers of levers of the state, to ensure the fundamental rights of the governed, and to ensure a smooth relationship between the two. Thus, a Constitution is generally thought to be a national manifesto, a statement of national ideas and aspirations, a fundamental law of the land, an abiding charter of the land, a social contract, and, above all, a written confession of the political faith of a state.”¹¹ Some writers define constitution in terms of legal document, as, according to Bryce, “constitution is a frame of society, organized through and by law; that is to say, one in which law has established permanent institutions with recognised functions and definite rights”.¹²

Constitutionalism is based on constitution. This is a modern phenomenon. According to Carl J. Friedrich, “Constitutionalism stands for the supremacy of law and not of individuals; it imbibes the principles of nationalism, democracy and limited government. It may be identified with the system of ‘divided power’.”¹³ Constitutionalism is not referred for a particular form of government, but it stands for a particular system, which has division of powers and some arrangements of checks and balances on the government. In the words of a political scientist Andrew Heywood, “Constitutionalism, in a narrow sense, is the practice of limited government ensured by the existence of a constitution. It is a set of political values and aspirations that reflect the desire to protect liberty through the establishment of internal and external checks on government power.”¹⁴ The western theory of constitutionalism stated that a constitution not only stipulates provisions to make various organs and powers of the government but also provide some sanctity to the norms of freedom, equality, justice and rights etc. The concept how to

¹¹ Z.K. Maluka, n.7, p. 18.

¹² James Brice quoted in Wolf - Phillips, ed., *Constitutions of Modern States: Selected Texts and Commentary* (New York: Frederick Apraeger, 1968), as cited in Zulfikar Khalid Maluka, n. 7, p. 19.

¹³ Carl J Friedrich, *Constitutional Government and Democracy* (Calcutta: Oxford and IBH, 1972), p.25.

¹⁴ Andrew Heywood, n. 3, p. 297.

create a "Constitutional State" that has a set of rules or an authoritative document, for the operation of the limited government.

The second theory of constitutionalism is the Marxist Theory. Constitution for the Marxist Leninists was more of a manifesto, a confession of faith, a statement of ideals; an element of governance that made excursions into political theory.¹⁵ This theory is based on the principles of a particular ideology of Marxism – Leninism. This theory desires "not to limit the powers of government but to make them so vast and comprehensive that the ideal of 'workers state' is realised and 'a new type of state' comes into being".¹⁶

In the developing countries, constitutionalism is in a primitive age. After Second World War the newborn countries of Asia and Africa have been experimenting with the imported constitutional arrangements adapted to the perceptions and needs of the state.

FEDERALISM AND DEVELOPING NATIONS

Federalism is a concept of governance which was propounded by Western theorists and as a concept found shape mostly during the mid-eighteenth and nineteenth centuries. In the eighteenth century, the newly independent American provinces – developed a new model, which adopted a type of governance where the provinces would not lose their autonomous status but still would be governed by a central authority. This type of government provides United States of America a status of a model federal nation in the modern world. In the contemporary world, nations like America and Switzerland apply federalism, to govern their nations on the basis of distinct socioeconomic and political lines, and in some way or the other have been able to maintain the balance between the theory and practice of federalism.

¹⁵ KC Wheare, *Modern Constitutions* (London: Oxford, 1956), p. 46.

¹⁶ AV Vyshinsky, *The Teachings of Lenin and Stalin on Proletarian Revolution And the State* (New Delhi: TASS, 1952), p. 76.

With the end of imperialist powers and the downfall of the colonial concept, new states emerged. To find some sort of stable and mature governmental structure, leaders of these newly independent nations took recourse to various western political systems. That was done by embedding that political culture or system in the newly made constitutions of the countries. By providing a constitutional framework, these political systems or structures found prominence and stability. Democracy and federalism remained as principle concepts that national leaders took recourse to as they were tried and tested in the political systems of the West.

These concepts remoulded themselves in these developing countries according to the nature of polity, the quality of human resources, and the amount of political awareness in the society and so on and so forth. As Wheare has pointed out, when he explained the need for constitutionalism in developing countries, as he said that “Must a government, of necessity, be too strong for the liberties of its own people or too weak to maintain its own existence”.¹⁷ Due to some of these reasons there remained a distinct gap between the nature of polity in developed countries, and the developing countries.

Federalism was adapted in developing countries especially due to the ethnic identity of groups, which covers various specific dimensions that create an identity of a group, which remains secure under the federal structure. As Where, in developed nations federalism found shape more due to the political character and the political awareness of the populace, which is grossly absent in the developing world. Mehrunnisa Ali, while describing the concept of federalism in the developing countries has said “Federalism is a device to unite diverse ethnic groups under one general government and various provincial governments and for reducing their various

¹⁷ KC Wheare, n. 15, p. 142.

conflicting pressures of unity and diversity".¹⁸ Federalism in developing countries is thus an outcome of the desire of the divergent groups to be united under one political unit, while retaining, at the same time, their specific distinct identity and independence.

The word federalism mainly tries to denote an organisational principle of a country's political system describing both vertical power-sharing in different levels of governance and at the same time, the integration of various territorial and socio-economic units, culturally and ethnically divergent groups under general government. Due to these reasons the study of federalism in a developing country, on the basis of theories propounded by western political theorists falls short of explaining the nature of polity in the developing world. Federalism in countries like Switzerland shows a distinct and clear power sharing amidst the *cantons*. But when the case of any developing country is taken, then a wide discrepancy will be noticed where there is a common tendency of one province dominating over the other provinces based on the domination of one ethnic identity over the others.

The federal nature that is present in the developing countries stands out clearly in the differences with that of the federal nature of the countries having federal system of governance in the West. According to western theorists a state to be federal, needs some basic pre-requisites. Countries had their own various problems and the necessity for injecting federalism to resolve their problems was dictated by various factors like environmental circumstances. In each country the reasons which promoted them to acquire federalism were all its own and were not necessarily applicable to any other country. Clearly, there is no particular set of circumstances which helps the growth of federalism everywhere. In political science, every political scientist has his own views to calculate the factors or pre requisites.

¹⁸ Mehrunnisa Ali, *Politics of Federalism in Pakistan* (Karachi: Royal Book, 1966), pp. 1-6.

Dicey suggests two basic pre-requisites in his book. According to him, "The two things must be present for the formation of a federation. There must be a strong desire to have a union as the basis of federation. The component unit of a federation must be inspired and bound together by a community of political, economic and agricultural interests".¹⁹

CHARACTERISTICS OF FEDERATED COUNTRIES

In general the first pre-requisite is that in a federal state the units must have a *geographical proximity*. If the units of the state are widely scattered, the desired union cannot very well materialise.²⁰

In the developing countries generally and in the case of Pakistan particularly, the concept of geographical proximity makes significant impact. The distance between East Pakistan and West Pakistan was one of the factors, which also contributed to the secessionist movement in East Pakistan.

Western theorists have given more stress on the authority of the creation of a common nationality making it a principle prerequisite for countries having federal system of governance. They gave impetus to this prerequisite as they thought that this prerequisite would mould the federated provinces into a single political unit. The country's physical features must be uniform, and there must be no natural barriers between one part and the other. The population forms natural barriers between one part and another. It constitutes one body politic. In conclusion, the geographical proximity of the territories of the provinces have always been most important, in fact an essential factor in the formation of a federation. But if the developing countries having successful federal structures of

¹⁹ AV Dicey, *Law of the Constitutions* (London: George Allen and Unwin, 1948), p. 140.

²⁰ Mehrunnisa Ali, n. 18, p. 10.

governance are analysed, it will be found that they are situated in varied topographical locations having multiple topographical barriers, land as well as water bodies dissecting the landmasses. They may pose some problems, but normally federal structures still function smoothly in such geographical terrains. Examples like that of West Pakistan and East Pakistan can be taken which functioned for more than two decades as a federated state. Even the topography of the province of Punjab and that of Balochistan or the North West Frontier Province (NWFP) are different and varied. But that has seldom made a significant impact on the federal character of the polity.

The next pre-requisite is a *necessity of a federal society*. A state becomes federal when it has a federal society. According to Mehrunnisa Ali, "A society becomes federal when it is composed of different ethnic, cultural and linguistic groups and where these groups are geographically concentrated".²¹ Stein Michael finds federal society as poly-ethnic and multi lingual in its make-up. He considers geographical grouping is the main cause of these diversities.²² But it must be remembered that countries cannot be segregated into watertight compartments and there is a constant flow or displacement of population from one region into another inside a nation. Especially in developing countries, people move to more developed areas from less developed areas. If, their distinct ethnic identities merge with the identity of the land that they have moved into, it creates no threat to the federal structure of the state, but if their identity clashed with the inhabitants, it leads to serious problems for federalism.

The other pre-requisite is *equal historical traditions and political institutions*. In the words of R.L. Watts, "Where federal institutions have been established, the units initially chosen as regions within the federation had previously been either separate colonies or

²¹ Mehrunnisa Ali, n.18, p. 7.

²² See Stein Michael, "Federal Political Systems and Federal Society", in J. Peter Meekison, ed, *Canadian Federation*, Toronto, 1968, as cited in Mehrunnisa Ali, n.18, p. 7.

protectorates, as in the developing nations like West Indies, Central Africa and some of the princely states in India and Pakistan or divisions of provincial and regional administration, as in the Indian and Pakistan provinces".²³ These historical traditions work as tags of union between the various units of a state that help in creating the amalgamation of identities into a single identity. It is essential for a federal nation that the pattern of governmental systems should be the same both at the national or regional level. However, in developing nations, there have been some differences, especially when finding same historical traditions within regions.

The next prerequisite is *equality among the units of federal nation*. Theoretically units, which are joining to form the federation, must be comparatively equal with regard to area and population; otherwise, there is every possibility of the exploitation of the weaker by the stronger. The weaker units will not join because of the danger of their being swallowed up by the stronger ones. As J.S. Mill says, "There should not be any one state so much more powerful than the rest as to be capable of vying in strength with many of them combined. If there be such a one, and only one, it will insist on being master of the joint deliberations; if there be two, they will be irresistible when they agree and whenever they differ everything will be decided by a struggle for ascendancy between the rivals".²⁴ In the views of Wheare, "There must be some sort of reasonable balance which will ensure that all the units can maintain their independence within the sphere allocated to them and that one can dominate the others. It must be the task of those who frame and work a federal government to see that no unit shall be too large and equally important, none too small."²⁵ But in reality, if Pakistan is taken into consideration, then it will be seen that though it functions as a

²³ RL Watts, n. 3, p. 84.

²⁴ JS Mill, *Considerations on Representative Government* (London: Oxford, 1860), pp. 60 – 72.

²⁵ KC Wheare, n. 2, pp. 35-52.

federation, there are gross inequalities between the provinces in regard to the area and the amount of population in the specific provinces. Even the largest of the provinces in Pakistan like that of Balochistan remain to be the weakest of the provinces, in terms of gross domestic product of the province as well as the share that it receives in the centre provincial allocation of funds. That keeps the federal character of the nation embedded more in governmental literature than in practice.

The next and most important pre-requisite is *centre-state coordination*. A federation is mainly based upon the relations between the centre and the units of state. A successful functioning of a federal system is based on a reasonable coordination between central and regional governments. It is also essential that some interlinked arrangements be devised so that the two governments remain connected with each other, in order to give it a cooperative, a persuasive and a flexible character. This prerequisite remains as important in developed countries as in developing countries.

The *written and rigid constitution* is also a pre-requisite of federalism. Every federation has a written constitution, which is rigid in nature and is stated to be the "*supreme law of the land*". After the decline of imperial powers in the Second World War, written constitutions in modern days are more or less rigid. From this constitution only, both the central and regional governments derive their power and authority. It is essential for both the governments to obey the constitutional rules in the true sense. If these governments go beyond their spheres that are illustrated in the constitution, they are bound to find resistance from the judiciary. In the words of Dicey, "The law of constitution must either be immutable or else capable of being changed only by some authority above and beyond the ordinary legislative bodies whether federal or state legislatures, existing under

the constitution".²⁶ According to K.C. Wheare, "the terms of agreement which distributes power between them must be binding upon these general and regional governments. This is a logical necessity, from the definition of federal government itself".²⁷

Normally in federal nations constitutions are not only guidelines but are basic means through which the relationship between the central authority and the provincial authorities are legitimised, they are extremely rigid in character and do not accommodate fast changes or transformations, even as amendment in the constitutions. This has been in the case of many a developed country having a federal polity. America has a constitution, which is more than three hundred years old but has gone through no basic change in its federal character, which also has been the case of Switzerland and other developed countries. But in the case of developing countries, due to significant political instability, the nature of governance and the governmental set-ups goes through significant transformations, making the role of the constitution more or less redundant. Especially in the case of Pakistan, there have been instances when the constitution has been amended in such a way that it itself turns into a mechanism creating fissures within the provinces, rather than creating a cohesion within the centre and the provinces.

Community of Interest also provides a cementing force for federal systems in the spheres of religion, race, language, culture etc. It stands on the principle of "unity in diversity". According to Dicey, "A federation is a political contrivance that reconciles national unity and power with the maintenance of state rights".²⁸ This also has been a true fact and prerequisite for developed as well as developing countries alike.

²⁶ AV Dicey, n.19, pp. 146-147.

²⁷ KC Wheare, n. 2, pp. 35-52,

²⁸ AV Dicey, n. 19, pp. 138-180.

According to Western theorists, the next pre-requisite of federalism is *division of powers between centre and regional governments*. This feature has attained primary importance in political systems having a federal political structure. According to Gettell, "In general, the principle is followed that affairs of common interests which require uniformity of regulation are placed under the control of the central government, while matters that are of local concerns, require different treatment in different sections of the country are left to the local units".²⁹ Dicey has mentioned about the distribution of powers as an essential feature of federalism. The object for which a federal state is formed, involves the division of authorities between the national and the provincial governments. The powers shouldered by the centre, in effect form many limitations upon the authority of the authorities of the separate provinces. However, it is not intended that the central government should have the opportunity of encroaching upon the rights retained by the states.³⁰

According to G.B. Adams, "In a federation both the federal government and the state governments derive their authority from the people and the fundamental constitution...neither of them being legally authorised within the meaning and purpose of the constitution to encroach upon the authority of the other or to destroy it by the force. For each is supreme within the sphere allotted to it".³¹ Generally, in a federal country, the subjects are divided into three parts called "Central list", "State list" and "Concurrent list." The contents of these lists are dependent on the circumstances in which the federation is to be created. Mainly matters of national importance are dealt in central list and the remaining in the state list. Generally, two methods are used in the distribution of powers between the center and provinces. First, those that are perfectly divided between

²⁹ RG Gettell, *Political Science* (Calcutta: World Press, 1950) p. 52.

³⁰ AV Dicey, n.19, p. 147.

³¹ GB Adams, *The British Empire and a League of Peace* (London: Jonathan Cape, 1971) p. 75.

the centre and the provincial governments by enumerating them in the constitution, and secondly those responsibilities that have to be shouldered by both the central and provincial authorities.

There has also been a rise of three types of federal structures in the developing countries. They are centralised federalism, loose centralised federalism and bargaining federalism. Centralised federal states are those where the federal structure is more in words than in practice and the center always has the last say over the federated units. Loose centralised federated states are such political systems that though there is the strong presence and authority of the center, but the federated units also enjoy significant autonomy and independence in policy making. The last type is the bargaining federal structure where the authority of the center is extremely low and the provinces are able to take their decisions by themselves. The center plays its role only in matters of finance sharing and external defence in the state. Bargaining federal structure is practically a very rare phenomenon in the developing countries, and normally they are the admixtures of centralised and loose centralised federalism.

Proper segregation of powers between the center and provinces seems to be an easy proposition especially in theory, but in practice it remains to be an extremely difficult task for the government officials of the Center and the provinces in developed and developing nations. Still, due to the political stability and experience that the political structures in developed countries have, compartmentalising powers amongst Center and the province is possible. But in developing nations, this separation normally gives rise to various rifts between the Center and the various provinces in the state.

If the federal character of the developed countries is studied through the prism that the Western theorists have put up as prerequisites for having a federal structure in the political system, then quite a number of them won't be visible.

Especially in countries having federal polity in Asia and Latin America, federalism has acted more as a concept providing a distinct identity to various ethnic groups either on caste, identity, language, and religious bases. The federal structure in these countries also works hand in hand with concepts of nascent democracy, partial universal adult franchise giving rise to a severe identity crisis among various ethnic groups nurturing the minority-majority syndrome. In Switzerland, for instance, the people directly elect the head of the cantons; they also are directly answerable to the people for their actions and can be removed by the people according to their performance. This is, no doubt, a distant dream for any developing country having a power sharing between centre and provinces. Partial universal adult franchise is also one basic impediment for such political system, as elections never portray the will of the all citizens. Elections are normally based on economic and identity lines and their major drawback basically is due to the inherent clash of interests between various identities living in that geographical territory.

The majority minority syndrome is also particularly associated with political systems in countries like Pakistan (Punjabi identity vs. identity of people of the other provinces). The sharing of power remain on the basis of how the majority group tries to give a national character to their own identity overshadowing the identities of various other groups and races living in that specific geographical territory.

The important characteristic that signifies a federal nation is the amicable relationship between the federated states and the center. In developed states the center has provided major power sharing to the provinces rather than taking single-handed decisions. Provinces or federated states enjoy significant state of autonomy. The central machinery is more interested in providing security of a nation and a location of financial proposals for the betterment of the provincial administrators. This has been a rare picture in developing nations as the centers mostly have overtly and covertly exercised its central

authority to curb the power of the independent and the autonomous provinces to push them more under central leadership. From here only the terminology “quasi-federal and quasi-unitary” takes shape.

The developing states have evolved a federal nature of their own and are extremely region specific. As various elements play their integral part in making a federal polity successful, the Pakistani federal structure remains as the perfect ground to understand the nature of federal polities in developing states. As Daniel J. Elazara describes, “Federal system provides a mechanism which unite separate politics and diverse ethnic groups within an over-arching political system by distributing power among general and constituent governments in a manner designed to protect the existence and authority of both national and sub-national political systems, enabling all to share in the overall system’s decision-making and execution processes.”³² The numerous frictions that have arisen within the centre-provincial relations in Pakistan, is a clear indicator that there lies a significant shortfall in understanding the federal nature of developing polities. The following chapters will make an attempt to understand, on the basis of the federal system of Pakistan, federalism in developing states.

The following chapters will analyse the period of governance after the death of President or Military General Zia-Ul-Haq in 1988, till the next military takeover in Pakistan in 1999. In this tenure of ten years Pakistan was ruled by two political regime twice alternating each other; one headed by Benazir Bhutto and the other by Nawaz Sharif. Theoretically federalism in Pakistan is based on the 1973 Constitution, but in practice it faced many inherent problems that arose due to the politics of the then regimes in the Pakistani federal structure. The next forthcoming chapters will discuss the politics that revolved around federalism in these two specific regimes.

³² DJ Elazer, *American Federalism: A View from the States* (New York: Harper and Row, 1972), p. 2.

Chapter II

Pakistan: Its Federal Structure and Characteristics

CHAPTER II

PAKISTAN: ITS FEDERAL STRUCTURE AND CHARACTERISTICS

Soon after Pakistan's emergence, a major preoccupation of the Pakistani governing elite was to make efforts for finding a constitutional consensus. The provisional constitution of 1947 was called as the Pakistan Provisional Constitution Order of 1947. It referred Pakistan as a "Federation of Pakistan" making it a country having federalism from the very beginning.¹

Why did Pakistan adopt the system of federalism? This was primarily to make a balance or compatibility between the conflicting pressures for unity and diversity. The first pressure was historical. In the Indian sub-continent, the British government introduced a highly centralised federal system by the British India Council Act – 1935. The federal administrative structure of Pakistan's two wings, West Pakistan and East Pakistan, found its origin in this Act. However, it was inevitable for Pakistan to regulate this system without any big change.²

The second factor is geographical pressure. At the time of independence, geographical integration was the biggest problem for a newborn country like Pakistan. East Pakistan had an area of 55,126 miles, which was one seventh of the whole Pakistani geographical territory, but it had the majority of the population i.e. 61,000,000 people (1965 census). West Pakistan had an area of 310,403 square miles with a population of 51,400,000.³ This was the most worrying

¹ Mehrunnisa Ali, *Politics of Federalism in Pakistan*, (Karachi: Royal Book, 1996), p. 40.

² Ibid, pp. 10 – 11.

³ Ibid

issue for the leaders of Constituent Assembly of Pakistan. During the second round of debates in the Constituent Assembly, it became a primary concern as “East and West Pakistan, separated by a distance of more than a thousand miles...the language, the tradition, the culture, the custom, the dietary, the calendars, the standard time, practically everything, is different. There is in fact nothing common in the two wings; particularly in respect of those which are the sine-qua-non to form a nation”.⁴ In this condition it was inevitable for any Pakistani leader, to adopt a system of centralised federal system. “No form of government other than federalism seemed practicable in this type of geographical separation of East Pakistan and West Pakistan”.⁵

The third factor was ethnic and cultural diversity. It is a well-known fact that adjusting ethnic aspirations is always a difficult task of nation building for all the nations. Nations, which can be recognised as ethnically homogeneous are very few in number. According to Syed Farooq Hasnat, “In fact it was estimated in 1971 that out of 132 independent nations, merely 12 was ethnically homogeneous. It can be said that these nations, having ethnically homogeneous society represents only 9.1% of the total world polity”.⁶

Pakistan, also due to the presence of diverse ethnic identities having strong ethnic feelings, also faced tremendous hardships of nation building from its inception. The state of Pakistan has a heterogeneous society. The Pakistani society or population is divided into four big provinces mainly Punjab, Sindh, North West Frontier Province and Baluchistan. In these provinces there is the presence of various ethnic groups. Amongst the most prominent of them are the Punjabis in Punjab, Sindhis and the Mohajirs in Sindh, Balochis in Baluchistan and Pushtoons in the North West Frontier Province. To

⁴ C.A.P. (Constitution Assembly of Pakistan) *Second Debates*, Vol. 1, p. 1816, as cited in Mehrunnisa Ali, n. 1, pp. 10 – 12.

⁵ Mehrunnisa Ali, n. 1, p.10.

⁶ Syed Farooq Hasnat, “The System of Federation in Pakistan: Constitutional Provisions for Decentralisation”, in Verinder Grover, ed, *Encyclopedia of SAARC Nations*, Vol. 2, Pakistan, (New Delhi: Deep and Deep, 1997), p. 83.

deal with the pressures of unity and diversity, Pakistan adopted a system of federalism. According to Oliver C. Cox, "Presently it has been assumed that with the gradual passage of time, ethnic feelings grow stronger and if a political system fails to create a balanced political structure along with social mobilisation, it can become an agitation phenomenon. Such circumstances if not checked can lead to the disintegration of a political system".⁷

It can be said that to deal with the above-mentioned pressures, Pakistan produced a system of federalism. This system was best for Pakistan in the conditions and circumstances that existed in 1947.

Pakistan became a federal nation by the Provisional Constitution Order, 1947. This federation included (1) four provinces of East Bengal, Sindh, North West Frontier Province (2) Baluchistan (3) any other areas that might with the consent of the federation be included therein (4) the capital of the federation, Karachi and (5) such Indian states as might accede the federation.⁸ The federated provinces were created more on the basis of how the British provinces were divided into. Only in the case of Punjab, the province was dissected on the basis of the Radcliffe Line, which first created a clear dissection on the basis of religion (Hindus and Sikhs in East Punjab and joining India and Punjabi Muslims in West Punjab joining Pakistan; East Pakistan was also created following the same logic) and assisted in creating an international border between India and Pakistan. The Provisional Constitution of 1947 was based on the Government of India Act 1935 as Jinnah and the Muslim League supported it, when it was placed before the Congressional Committee by the British rulers before independence. According to G. W. Choudhary, "Under Section 8 of the Indian Independence Act 1947, the Government of

⁷ Oliver C Cox, *Caste, Class and Race: A Study in Social Dynamics* (New York: Monthly Review Press, 1959) as cited in Hasnat, n. 6, p. 83.

⁸ G. W. Choudhary, *Democracy of Pakistan*, (Dacca: Green Book, 1963), p. 221.

India Act 1935, became, with creation adaptations, the working Constitution of Pakistan".⁹

The Interim Constitution's Section 8 conferred two functions on the Constituent Assembly. First, it was to frame or make a written constitution for the country and second, it was to act as a federal legislature till the establishment of the new constitution.¹⁰ There were sixty-nine, later raised to seventy-nine members in the first Constituent Assembly; many of them were ministers or important leaders in State and provinces.¹¹ According to this constitution, the function of government of Pakistan was carried out by a cabinet, which was headed by the Prime Minister. This cabinet was collectively responsible to the constitution making assembly of the country. A Governor General (A Constitutional Head) was also established by the constitution. The powers and the subjects of the center and provinces were divided and defined by the constitution. This constitution granted provincial autonomy and supremacy to federal governments according to section 107, subsections 1, 2, and 3 of the Act.¹²

The idea of provincial autonomy was the shadow of the 1935 Act upon the Interim Constitution of 1947. This idea had been laid soon after the Mutiny of 1857, when the system of centralisation was found inappropriate and partial for the efficiency of administration. In British India, the Government of India Act 1919 first adopted the policy of decentralisation.¹³ This Act provided some sort of autonomy to the provinces regarding provincial matters.

According to the Interim Constitution, "The dominion of Pakistan consisted of the Governor's provinces of West Pakistan, Sindh, North West Frontier Province and East Bengal. Each province

⁹ G. W. Choudhary, *Constitutional Development of Pakistan* (London: Longman Group, 1996), p. 23.

¹⁰ Louis D. Hayes, *The Struggle for Legitimacy in Pakistan* (Vanguard: Lahore, 1986), p. 85.

¹¹ Ibid.

¹² Mehrunnisa Ali, n. 1, p. 41.

¹³ G. W. Choudhary, n. 8, p. 23.



TH-12301

had an elected legislative assembly and was normally governed by a cabinet of ministers responsible to the assembly".¹⁴ In this way each province of Pakistan had its own separate legislative body. This is the basic feature of the Pakistani federation. There were also some principal states in the federation, like Bahawalpur, Khairpur, Kalat, Makran, Kharan and Lasbela.¹⁵ By the Interim constitution, the provinces were autonomous in governing the provinces except in some state actions like that of defence, foreign relations and communications. These powers were granted to central government. The province named Baluchistan was governed by an agent of the Governor General. This state was governed by the aid provided by local nominated advisers. The border areas of North West Frontier Province were also governed by an agent of the Governor General. Karachi became the capital of the federation. The capital was governed by an administrator which was answerable to the minister of the Interior of the central government.

The Interim Constitution prepared a strong ground for a highly centralised federal society in Pakistan. The central government always had an upper hand on all the legislative, administrative and political spheres literally though it went totally against the spirit of the Interim Constitution. In real terms it would have been difficult to find the federal nature of the nation. For example, the Interim Constitution provided some legislative powers to the provinces like development of industries; regulations of mines and oilfields and mineral development.¹⁶ But the center had powers to make legislations on these subjects by proclaiming their importance in public sphere of the nation.¹⁷

¹⁴ Ibid, p. 221.

¹⁵ Ibid.

¹⁶ Government of India Act, 1935, [as modified up to 3rd August, 1955] (Karachi: Government of Pakistan Press) List 2, item 23 and 29, as cited in Mehrunnisa Ali, n. 1, p. 41.

¹⁷ Ibid, List 2, Item 34 and 36, as cited in Mehrunnisa Ali, n. 1, p. 41.

An amendment of Section 102 of the Government of India Act 1935 enhanced the emergency powers of the Governor General. Section 92(a) empowered the center to apply central rule in the provinces. Later the powers of the center were enhanced by several amendments like the Government of India Act (Amendment) Order 1948. By this amendment, the center instituted a central police force to deal with "certain offences committed in connection with matters concerning the central and provincial government".¹⁸ In 1952 alone, the center shifted the powers of preventive detention from the provincial to the concurrent list.¹⁹

In the financial sphere, the Interim Constitution classified the financial matters between the centre and provinces. It clearly explains that the major sources of revenue were handed over to the centre while the provinces were to retain the proceeds of the basic taxes levied by them. The financial power that was handed over to the center immediately was put into use by the central government. The Government of India Act-1935 or the Interim Constitution set up a limit of 50% of the export duty on jute that would be provided by the provincial governments to the central government. But this was changed by the Governor General and 62.5% of the export duty was fixed for the central sphere.²⁰

In the administrative arena, the Interim Constitution gave superiority to the central government, as Section 122 "made it obligatory on the federating units to exercise their authority to ensure respect for federal laws enforced in their respective province".²¹ Similarly Section 51 enumerated a post of Provincial Governor General, which was a good mechanism for federal or central control. This central dominance was enhanced later by several new

¹⁸ Government of India Act, 1935, no. 32, List 3, New Section 1(b), as cited in Mehrunnisa Ali, n.1, p. 42.

¹⁹ Ibid, List 3, IA, inserted by the Government of India Act, (second amendment) Act 1952, as cited in Mehrunnisa Ali, n. 1, p. 42.

²⁰ Mehrunnisa Ali, n. 1, p. 47.

²¹ Ibid, p. 53.

amendments and new laws. For example, the central government enacted a law in 1949 during Liaquat Ali's era named PRODA (The Public and Representative Offices Disqualification Act 1949), which was in force till 1954.²² This law worked as a political arm of the central government to have unequivocal control over the provincial political leaders. By using this provision, the central government from 1949-54, referred seven cases involving four former Chief Ministers of the provinces, to the judicial tribunal.²³

EMERGENCE OF THE FIRST CONSTITUTION OF PAKISTAN

CONSTITUTION MAKING PROCESS IN PAKISTAN AND THE

Soon after the inception of Pakistan the process of constitution making began. There were lots of challenges and complicated issues that served as major hindrances to the process of constitution making process like language controversy, ethnic strife, problems of migration, center provincial tussle and the problems of representation. Largely the Interim Constitution was also influenced by the constitution making process.

The first step in the constitution making process was the establishment of a Constitution Assembly of Pakistan, which would act as the normal Constituent Assembly. "The members of this Assembly were the indirectly elected members from the provinces and princely states, which were elected by a 14% franchise, based on property and education in the 1945-46 elections of British India".²⁴ The first session of this Constitution Assembly was held on August

²² The Public and Representative Offices Disqualification Act, 1919, called PRODA, was enacted in 1947, later repealed in 1954 by the Constituent Assembly of Pakistan. It was subtitled as an Act to provide for debarring from public life for a suitable period, of persons judicially found guilty of misconduct in any public office or representative capacity or in any matter relating thereto.

²³ In four cases disqualification was imposed on four provincial ministers, Mr. M.A. Khuhro (Sindh); Kazi Fazlullah (Sindh); Aga Ghulam Nabi Khan Pathan (Sindh); and Hamidul Haq Choudhary (East Bengal).

²⁴ Zulfikar Khalid Maluka, *The Myth of Constitutionalism in Pakistan* (New Delhi: Oxford, 1995), p. 119.

10, 1947. On the next day, this Assembly elected Jinnah as a President.²⁵ The members of this Assembly represented the total territory of Pakistan. The territorial distribution of the Constitutional Assembly of Pakistan was, East Pakistan – 44, Punjab – 22, Sindh – 5, NWFP – 3, Baluchistan – 1 and one member each to represent the Baluchistan States Union, Bahawalpur, Khairpur and the NWFP princely states.²⁶

The first step for constituting the major pillars of the Constitution was the formulation of the “Objective Resolution” which was passed by the Constitutional Assembly of Pakistan on March 7, 1949. It explained the aims and objectives of the constitution.²⁷ The second step was the Interim Report of the Basic Principal Committee. Premier Liaquat Ali Khan presented the interim report in 1950. Another major step of constitution making by the Constitutional Assembly was the Second Draft, presented in 1952, which was submitted by the then Premier Khawaja Nazimuddin and the Bogra Formula, which was suggested by the then Premier Mohammed Ali Bogra in 1953.

In 1954 a major setback in constitution making was the dismissal of the entire Constituent Assembly by the Governor General Gulam Mohammed.²⁸ On October 24, 1954, the Governor General issued a proclamation, “the Governor General having considered the political crisis with which the country is faced, has with deep regret come to the conclusion that constitutional machinery has broken down. He therefore has decided to declare a state of emergency throughout Pakistan. The Constituent Assembly as at present constituted has lost the confidence of the people and can no longer function. The ultimate authority vests in the people who will decide all

²⁵ Ibid, p. 119.

²⁶ Y.V. Gankovsky and V.N. Soskalenko, *The Three Constitutions of Pakistan* (Lahore: People's Publishing House, 1978), p. 15.

²⁷ C.A.P. Debates, Vol. 5, No. 5, March 7, 1949, p. 100, as cited in Mehrunnisa Ali, n. 1, p. 60.

²⁸ Mehrunnisa Ali, no. 1, p. 61.

issues including constitutional issues through their representatives to be elected; fresh elections will be held as early as possible".²⁹ On this ground a new Constituent Assembly of Pakistan was established by fresh elections held on May 28, 1955. This Assembly consisted of 80 members, and the first meeting of this Assembly was held on July 7, 1955 in Murree. The members of this Second Assembly were elected indirectly by the members of the provincial legislatures.

With the rising ethnic tension within the nation, the concept of federalism started fading out. It became difficult for the leadership to control the political disturbances within the nation. The main issue of the second constitution making assembly was to make a One Unit system in Pakistan, to deal with the issue of size of East Bengal. For this aim, "on September 20, 1955, the Assembly passed a bill, merging the former provinces of Sindh, Punjab, and the NWFP, the federal administered territory of Karachi, the former states of Baluchistan, Bahawalpur, and Khairpur, the former frontier states, and the Chief Commissioner's province of Baluchistan into a single province, West Pakistan".³⁰ The draft constitution was adopted or accepted on February 19, 1956, which was submitted by the second Constituent Assembly of Pakistan. Formally it came in force on March 23, 1956 after the approval of the then Governor General Iskander Mirza.

FEDERALISM IN THE 1956 CONSTITUTION

After nine years of deliberations, the Constituent Assembly was successful in framing a Constitution in 1956. This was a lengthy and a detailed constitution. It contained a Preamble, 234 Articles, 13 Parts and 6 Schedules.³¹

²⁹ See Dacca Law Reports, Supplementary Issue, Vol. 7, Dacca 1955, p.121, as cited in G. W. Choudhary, n. 8, p. 56.

³⁰ Zulfikar Khalid Maluka, n. 24, p. 143.

³¹ G. W. Choudhary, n. 8, p. 108.

The first Article of this constitution envisaged that "Pakistan shall be Federal Islamic Republic".³² The federal structure under this constitution was almost a repetition of the previous constitutions with some minor changes. It retained the same method of distribution of powers in the three lists Federal, Concurrent and Provincial between center and provinces. The basic elements of this constitution which reflect the federal character of the nation are described below.

According to the constitution, the three basic organs of the federal government were to be constituted out of the President, the Cabinet and the Unicameral National Assembly, having 300 direct elected members; 10 seats being reserved for women.³³ This constitution provided a post of the President. He was the head of the country. As mentioned under Article 37, the President would appoint the members of National Assembly as well as the Prime Minister of the nation.

This constitution distributed the powers of legislation between the center and provinces in three lists in the fifth schedule. The first list was the federal list. It contained 30 subjects like "foreign affairs, defence, currency, foreign and inter provincial trade and commerce, industries owned wholly or partially by the federal government, post and telegraph, mineral, oil and gas". The Central Government was authorised to make laws on the subjects of this list. The second list was the concurrent list. It contained 19 subjects like, "civil and criminal laws, scientific and industrial research, price control, economic and social planning, inter provincial migration and quarantine, trade unions and other matters of common interest". The Third List was the provincial list that contained 94 subjects like, "public order, administration of justice, police, land, agriculture, local

³² Zulfikar Khalid Maluka, n. 24, p. 146.

³³ Rafi Raja, *Pakistan in Perspective, 1947-1997* (Karachi: Oxford, 1997), p. 9.

government, education, public health and other subjects of local interest".³⁴

Besides the separate distribution of powers, the federal government or the central government had always an upper hand or priority over the provincial matters. The central government had power to announce any subject of provincial or concurrent list of federal concern. By this the federal government gained the power of legislation on those subjects. For example, by the 1956 constitution Railways was the subject of provincial list in Article 132, but parliament made a provision that until the transfer, Railways would remain under the federal control and parliament would have the power to legislate on it. The residual powers were announced as a matter of provincial concern so these powers were vested with the provincial authorities. Article 109 has enumerated that the provincial legislature had powers to make provisions or law on these powers with respect to any matter not enumerated in the three lists.³⁵

The constitution provided some arbitrary powers or emergency powers of governance of the provincial legislatures to the federal government; by proclamation of these provisions the Central Government gained powers to make laws for the provinces. Under Article 107 of the 1956 constitution, "the federal legislature could legislate, by a resolution, had authorised it to make laws in any matter enumerated in any of the three lists".³⁶ Article 108 "empowered the federal government to make laws for implementing any treaty or agreement or convention or a decision taken by an international body, even though it might deal with a matter enumerated in the provincial list or a matter not enumerated in any of the three Lists".³⁷ According to another provision in Section 191, provinces could be debarred from their authority if the president of the country, perceives "a threat to

³⁴ Mehrunnisa Ali, n. 1, p. 94 – 95.

³⁵ See Article 109 of the Constitution of Pakistan, 1956.

³⁶ Mehrunnisa Ali, n. 1, p. 97.

³⁷ Ibid, p. 97.

the security or economic life of Pakistan”.³⁸ According to Article 123, which armed the President of Pakistan, to take over the authority of provincial legislatures and proclaim a state of emergency if he became satisfied that the government of the province cannot carry on in accordance with the provisions of the constitution. This section also describes that the President might declare that the powers of the provincial legislature shall be exercisable by, or under the authority of parliament.³⁹ This Article was used for many times by the central government to either dismiss the provincial governments or making them totally powerless. For example, in East Pakistan, it was proclaimed in May 1956, March 1957 and September 1958.

Another Section 194 provided the emergency powers to the Center. Under this Article, the President could debar the powers of the provincial legislatures, if he thinks that there is a threat to the financial stability of credit of Pakistan.⁴⁰ This power of the President was beyond the jurisdiction of the courts. As Mehrunnisa Ali says, “proclamations of emergency under Article 191, 193 and 194 could not be challenged in the court of law”.⁴¹

In the administrative arena, the center dominated the provinces by Articles 125 and 126. This was done by citing the cause of protecting the province from “internal disturbance,” so as to ensure, “that the government of every province is carried on in accordance with the provisions of the constitution”.⁴²

The 1956 Constitution was more of a façade of a federal state and more or less the powers remained concentrated in the hands of the Central government.

³⁸ See Article 191 in the Constitution of Pakistan, 1956.

³⁹ Mehrunnisa Ali, n. 1, p. 97.

⁴⁰ See the Article 194 in the Constitution of Pakistan, 1956.

⁴¹ Mehrunnisa Ali, n. 1, p. 102.

⁴² Ibid, p. 111.

CONSTITUTION OF 1962

The manner in which the 1956 Constitution was used by the Central Governmental machinery to rule over the provincial governments totally failed to fulfill the desires of the people of Pakistan. The power sharing between the public officials and politicians proved to be a hopeless exercise. The friction that was created within the members of the Constituent Assembly and the Governor General, led to the dissolution of the first Constituent Assembly. The Second Constituent Assembly came up with a written document and initiated the idea of "One Unit".

As Lawrence Ziring has noted, "One Unit was a purely bureaucratic enterprise. It overrode Western Pakistan's multiethnic base and was aimed at depriving the provincial politicians of their significant influence. Moreover, in creating one administrative province from the original four, the civil military institution believed it could ease East West antagonism and hence nurture national unity. One Unit as policy therefore was little debated and was approved in record time".⁴³ Within this time there were significant changes of leaderships within the central government. First, Ghulam Mohammad, the then Governor General was removed, Chaudhuri Mohammad Ali was named as the country's new Prime Minister, who later was removed on grounds of incompetence, and Awami League leader H.S. Suhrawardy was chosen as the nation's Prime Minister. He wanted to reduce the friction between the provinces, but being a leader from East Pakistan, he succumbed to the pressures that were created on him from both the wings of Pakistan.

Iskander Mirza pointed out the then political situation that existed in the country when he said that " For the last two years, I have been watching with deepest anxiety the ruthless struggle for

⁴³ Lawrence Ziring, *Pakistan: At the Crosscurrent of History* (New Delhi: Manas, 2005), p. 71.

power, the corruption, the shameful exploitation of our simple, honest, patriotic and industrious masses, the lack of decorum, and the prostitution of Islam for political ends...these despicable political activities have led to a dictatorship of the lowest order; adventurers and exploiters have flourished to the detriment of the masses...some of our politicians have lately been talking of bloody revolution. Another type of adventurer among them thinks it fit to go to foreign countries and attempt direct alignment with them, which can only be described as high treason...The political adventurers, the smugglers, the black marketers, the hoarders, will be unhappy, and their activities will be severely restricted. As for the traitors, they better flee the country if they can, while the going is good".⁴⁴

There were many other causes for its failure like the corrupt politics among the politicians, the ambition of the Pakistani Army Generals, the uprising of the ethnic conflicts, disputes regarding the sharing of resources and power, made the 1956 constitution just only letters on a guide book that could be easily flouted. The bad experience that it brought along possibly might be one of the causes that there was very little popular reaction when President Iskander Mirza abrogated the Constitution. It was abrogated on the evening of October 1958. By a proclamation President Iskander Mirza dismissed the central and provincial governments, dissolved the central and provincial assemblies, abolished all political parties, proclaimed Martial Law, and appointed General Ayub Khan (Commander-in-Chief of the Army) as Chief Martial Law Administrator.⁴⁵ The mastermind of this peaceful transfer, Field Marshal Ayub Khan, assumed the office of President twenty days after the takeover.⁴⁶ General Ayub Khan set up a constitution commission to legitimise his regime, on February 17, 1960. The basic work of this constitution was, "to examine the

⁴⁴ *The Pakistan Times*, 8 October 1958, as cited by Zulfikar Khalid Maluka, n. 24, p. 172.

⁴⁵ Zulfikar Khalid Maluka, n. 24, p. 171.

⁴⁶ Rafi Raja, n. 33, p. 10.

progressive failure of parliament government of Pakistan, and to submit proposals for a democracy adaptable to changed circumstances and based on the Islamic Principles of Justice".⁴⁷ The commission submitted its report on May 1961. It gave its opinion that parliamentary system of government was not suitable for Pakistan; the presidential form of government was the best system for the country. The 1962 constitution was the brainchild of President Ayub.

The constitution came into force on March 1962. It contained a Preamble, 250 Articles, divided into 12 parts and 6 schedules, creating a Presidential form of government.⁴⁸ The philosophy that formed the base of this constitution was, "we have adopted the presidential system as it is simple to work, more akin to our genius and history, and less liable to lead to instability, a luxury that a developing country like ours cannot afford".⁴⁹

The constitutional commission designated a federal system of governance. But this constitution too had all the malice that probably the 1956 Constitution lacked. It was highly centralised in nature and also coloured it with religion. According to Article 1 of the constitution, "Pakistan shall be a Federal Republic to be known as Islamic Republic of Pakistan".⁵⁰ The Constitution continued the old arrangement for the National Assembly; 75 representatives of each wing were elected for the National Assembly.⁵¹ Another provision that was established was if the President were from one wing the speaker would be from second wing.⁵² The Constitution of 1962 gave birth to two distinct territories of governance; the Islamabad Capital Territory and the Dacca Capital Territory. When the distribution of powers is witnessed between the center and the provinces, it could be seen that

⁴⁷ Ibid, p. 11.

⁴⁸ Zulfikar Khalid Maluka, n. 24, p. 183.

⁴⁹ Keesing's contemporary Archives; 1962, 18857, as cited in Zulfikar Khalid Maluka, n. 24, p. 184.

⁵⁰ G. W. Choudhary, n. 8, p. 182.

⁵¹ Rafi Raja, n. 33, p. 11.

⁵² Zulfikar Khalid Maluka, n. 24, p. 184.

there were only one list of subjects of national character with residual authority vesting in the provincial legislature.

This constitution put the President of Pakistan above the legislature. Article 31 provided the president "the executive authority of the republic, to be exercised by him directly or through officers subordinate to him, in accordance with the constitution and the law".⁵³ The president had the executive authority fully under his powers. He had power to appoint the members of the council of ministers, who were not the members of the Assembly.⁵⁴ The President had the power to appoint a cabinet. The President was not the member of National Assembly.⁵⁵ Article 17 also made the President the supreme commander of the armed forces of Pakistan.⁵⁶ The President could dissolve the National Assembly at any time accorded in Article 23.⁵⁷

The Constitution of 1962 set 21 principles of policy. They were in regard to an Islamic way of life, national solidarity, fair treatment to minorities, promotion of the interest of backward people, opportunities to participate in national life, human conditions of work, spread of education, social security, and provision of basic needs and so on.⁵⁸ The 1962 constitution had number of federal provisions. It continued the two-unit arrangement for National Assembly.⁵⁹ The members of this assembly were elected by the 80,000 basic democrats, 75 members from each province were elected for this assembly.⁶⁰

⁵³ G. S. Bhargva, *Pakistan in Crisis* (Delhi: Vikas Publications, 1971), p. 80.

⁵⁴ Louis D. Hayes, n. 10, p. 98.

⁵⁵"The Constitutional Development of Pakistan", <http://banglapedia.search.com>, p. 8.

⁵⁶ G. S. Bhargva, n. 67, p. 81.

⁵⁷ Rafi Raja, n. 33, p. 12.

⁵⁸"The Constitutional Development of Pakistan", <http://banglapedia.search.com>, p. 8.

⁵⁹ Rafi Raja, n. 33, p. 11.

⁶⁰ Ibid, p.11.

There was a distribution of powers between the center and the province in the 1962 Constitution. This Constitution constituted two sets of government, the central and provincial.⁶¹ “The Third Schedule of the Constitution listed 49 Items on which the center can legislate.⁶² These subjects are “defence, industries, control and administration of cantonment areas, external affairs, immigration and emigration, trade and commerce between the provinces and with other countries, planning and economic co-ordination, currency, foreign exchange, banking, insurance, stock exchanges, navigation and shipping, airways and air services, telecommunications including broadcasting and television, minerals and natural gas, industries partly or wholly owned by the central government or a corporation established by it, census, central intelligence and preventive detention”.⁶³

This constitution however provided priority to the interests of the central government over provincial powers.⁶⁴ According to Article 131, “where the national interest of Pakistan required, the central legislature could make laws in respect of items not mentioned the central list”.⁶⁵ The center had powers to extend its authority in all matters of provincial subjects. Article 135 provides that “the executive authority of the central government extends to all matters with respect to which the central legislature has exclusive power to make laws under clause (1) of Article 131”.⁶⁶ This constitution entitled the federal government to give directions to the provincial government.

The 1962 Constitution constituted a unicameral legislature, known as the National Assembly of Pakistan having 156 members. In these members one half was to be elected from East Pakistan and the rest were elected from West Pakistan. Three seats were reserved for

⁶¹ “The Constitutional Development of Pakistan”, <http://banblapedia.search.com>, p. 8.

⁶² G. S. Bhargva, n. 62, p. 82.

⁶³ Ibid, p. 82.

⁶⁴ G. W. Choudhary, n. 9, p. 220.

⁶⁵ G. S. Bhargva, n. 67, p. 83.

⁶⁶ G. W. Choudhary, n. 9, p. 221.

women from each of the province.⁶⁷ The tenure of the National Assembly was fixed for five years. But it could be dissolved earlier than this period.⁶⁸

According to this Constitution, the provincial government was headed by a governor. He was appointed by the President in every province. He acted as a representative of the Central Government. The executive powers of a province were vested in the Governor.

After the promulgation of Ayub's constitution, a massive and long drawn agitation from almost every section of the population from both the wings got initiated. For the people, the 1962 Constitution was no less harmful than the 1956 Constitution. To confront these agitations Ayub did all his best, but in vain. So he stepped down in the favour of General Yahya Khan, the then Chief of Army Staff. Yahya Khan declared Martial Law on March 25, 1969 after holding the post of Chief Martial Law Administrator. He abrogated the Constitution of 1962 and dissolved the National Assembly, the provincial assemblies as well as the cabinet. After this, he appointed two Chief Administrators in the provinces and declared himself the President of the nation on March 31 1969. Yahya Khan pronounced on March 28, the same year, elections for National Assembly on one-man-one-vote basis will be held in 1970. For this goal he lifted the ban on the political activities on January 1 1970. He also pronounced a Legal Framework Order programme on March 30 the same year. The main features of this Legal Framework Order (LFO) are as follows.

According to this LFO, maximum authority was granted to the provinces.⁶⁹ By putting light on the federal powers it explains, "the federal government shall also have adequate powers, including legislature, administrative and financial powers to discharge its

⁶⁷"The Constitutional Development of Pakistan", <http://banglapedia.search.com>, p. 9.

⁶⁸ Ibid, p. 9.

⁶⁹ Rafi Raja, n. 33, p. 16.

responsibilities in relation to external and internal affairs and to preserve the independent and territorial integrity of the country”.⁷⁰ According to the LFO, the elections were based on Universal Adult Franchise. It also set some details of contents of the federal constitution like a preamble and Fundamental Principles of State Policy.⁷¹ This order proclaimed that the National Assembly would contain 313 members. Among these members 169 will be from East Pakistan and 144 members from West Pakistan. The sharing would be on the basis of population in the provinces. This LFO constituted 300 seats for the provincial assemblies.⁷²

According to this Legal Framework Order, elections were held on December 7 1970.⁷³ These elections were the first elections, which were held throughout the country on the basis of adult franchise and one-man-one-vote, since independence in the Pakistan’s political history.⁷⁴ In these elections nearly 57 million out of which 29 million was from East Pakistan and the rest were from West Pakistan voted. The Awami League Party won 167 seats out of 109 seats and emerged as a majority party in National Assembly.

On March 1, 1971, the President Yahya Khan announced postponement of the session of the National Assembly, which was scheduled for March 3, 1971.⁷⁵ This declaration became a major cause of provoking the agitations of free and independent Bangladesh. “This announcement sparked off the ‘War of Liberation’”.⁷⁶

⁷⁰ The legal frame work order, 1970 President’s Order no.2 of 1970, Gazette of Pakistan Extraordinary, Part III of 30 March 1970, with these two provisions contained in Article 20 Clauses (1) and (4) respectively also PLD 1970 Central Statutes, P.229, as cited in Rafi Raja, n. 33, p.16.

⁷¹ Rafi Raja, n. 33, p. 16.

⁷²“The Constitutional Development of Pakistan”, <http://banglapedia.search.com>, p. 9.

⁷³ Rafi Raja, n. 33, p.16

⁷⁴ Ibid, p. 16

⁷⁵“The Constitutional Development of Pakistan”, <http://banglapedia.search.com>, p. 9.

⁷⁶ Ibid, p. 9.

After, the crackdown of the Pakistani Army on March 25 1971, the elected members of the National Assembly and the Provincial Assembly of East Pakistan constituted themselves into a Constituent Assembly and adopted a legal instrument, the "Proclamation of Independence" on April 10 1971, which came in force on March 26.⁷⁷ After the war of 1971 and the surrender of Pakistani Army, Bangladesh became a Sovereign Republic.

After the defeat of Pakistan, a massive agitation or demonstrations shot out. These incidents forced General Yahya Khan to resign. Immediately after that Zulfikar Ali Bhutto became the Chief Martial Law Administrator. He was the first civilian who assumed that position.⁷⁸ Bhutto knew that in the then circumstances it was necessary to constitute a constitutional rule as soon as possible. So he made sincere efforts to discuss about the status and position of the main political parties. The Accord of the March 6, 1972, was the result of these efforts.⁷⁹ An Interim Constitution which was introduced on April 21, 1972 was the result of this Accord. This constitution was based on the Government of India Act 1935. This constitution is divided into twelve parts, 288 articles and seven schedules.⁸⁰ The remaining National Assembly members of West Pakistan, who were elected in 1970 elections on the basis of LFW now acted as the constituent Assembly of Pakistan. This assembly started working for making the third constitution of Pakistan within 25 years, on April 14, 1972.⁸¹

⁷⁷ "The Constitutional Development of Pakistan", <http://banglapedia.search.com>, p. 10.

⁷⁸ Rafi Raja, n. 33, p. 22.

⁷⁹ On March 6, 1972, an Accord was signed between NAP and JUI under the supervision of President Bhutto after an intense period of crisis which was the outcome of the contest of power between the PPP and NAP. Ibid, p. 23.

⁸⁰ Zulfikar Khalid Maluka, n. 24, p. 233.

⁸¹ Louis D. Hayes, n. 10, p. 103.

THE 1973 CONSTITUTION

The 1973 constitution came in force on the 26th Anniversary of the independence day of Pakistan on August 14, 1973. Having been elected as prime minister of Pakistan Bhutto declared, "The constitution ensured that our people will not again be subjected to the arbitrariness, the exploitation and the suppression which had turned the cherished Muslim green to an independent homeland into a long nightmare. The federal provision of this constitutions and the existence of a bi-cameral federal legislature are meant to allow the various reasons of Pakistan to play their full part in the nation's social political and economic life. The constitution embodies the principle of Islamic socialism in order that we can eradicate poverty and want from our land."⁸²

This constitution introduced a federal parliamentary system of government.⁸³ Article 1 of the Constitution described Pakistan as a federal Republic. Article 141-152 establishes the institution of the federal system of Pakistan.

Subject- mater of Federal and Provincial laws: ---

- (a) Parliament shall have exclusive power to make laws with respect to any matter in the Federal Legislative List.
- (b) Parliament and a provincial assembly also, shall have power to make laws with respect to any matter in the Concurrent Legislative List.
- (c) A Provincial Assembly shall, and Parliament shall not, have power to make laws respect to any matter not enumerated in either the Federal Legislative List of the Concurrent List.

⁸² Zulfikar Khalid Maluka, n. 24, p.242

⁸³ Ibid.

- (d) Parliament shall have exclusive power to make laws with respect to matters not enumerated in either the Lists for such areas in the federation as are not included in any province.⁸⁴

This Constitution contained 280 Articles dividing into 12 parts and 6 Schedules. According to Hamid Khan, "Part I dealt with the Republic and its territories and other introductory matters; Part II with fundamental rights and directive principles of policy; Part III with the Federation; Part IV with the provinces; Part V with relations between the federation and the provinces; Part VI with property, contracts and suits; Part VII with judicature; Part VIII with elections; Part IX with the Islamic provisions; Part X with emergency provisions; Part XI with amendment of Constitution; and Part XII with miscellaneous, temporary, and transitional provisions. Of the six schedules, the first one dealt with the laws constitutionally protected; the second with election of the president; the third with oaths and affirmations; the fourth with legislative lists; the fifth with powers of the Supreme Court and remuneration of judges; and the sixth with the laws altered, repealed, or amended without the previous sanction of the president."⁸⁵

Like previous Constitutions this Constitution also provides the fundamental rights of the citizens and it stated judiciary as a protector of these rights. According to Article 133, during the emergency President had power to suspend the enforcement of some of the fundamental rights. Hamid Khan briefly described some of the principle fundamental rights given by the constitution of 1973 as following.

- (a) All citizens are equal before the law and entitled to equal protection of Law. (Article 25)

⁸⁴ Subject- matter of Federal and Provincial laws, in Distribution of Legislative Powers, see <http://www.paksearch.com/Government/LAWS/CONSTITUTION/COPV.html>

⁸⁵ Hamid Khan, co Hamid Khan, *Constitutional and Political History of Pakistan* (New York: Oxford University Press, 2001), p. 487,

- (b) No person should be deprived of life or liberty saves in accordance with the law. (Article 9)
- (c) No person should be punished for an act, which was not punishable when it was committed. (Article 12)
- (d) There should be no discrimination on grounds of religion, race, caste, sex, or place of birth with regard to access to places of public entertainment, recreation, welfare, or utility. (Article 26)
- (e) Government jobs were opened for all the citizens of the country without any discrimination. (Article 27)
- (f) Every person was guaranteed a right to acquire, hold and dispose of property in any part of Pakistan subject to reasonable restrictions and public interest under the law.(Article 23)
- (g) All citizens were guaranteed (1) freedom of speech, expression, and press; (2) freedom of assemble peacefully; (3) freedom of association; and (4) the right to move freely throughout Pakistan and to reside in any part of the country. (Articles 15, 16, 17 and 19)

This Constitution established a parliamentary form of government with a federal structure having an independent judiciary. It also constituted some principle policies for the state.⁸⁶ This constitution made Islam the state religion of Pakistan for the first time in history. For establishing a federal nature, the constitution constituted the three basic organs of federal government, i.e. the executive, legislature and the judiciary.

Article 41, while describing the role of the President enumerated that “there shall be a President of Pakistan who shall be the head of

⁸⁶ Zulfikar Khalid Maluka, n. 24, p.242

state and shall represent the unity of the Republic”.⁸⁷ The President was the constitutional head of the country; he was bound to work according to the advice of the cabinet. According to Article 48 “in the exercise of his functions the President shall act in accordance with the advice of the cabinet or the Prime Minister”.⁸⁸ The President had power to appoint a cabinet and a Prime minister (who was the leader of majority party). In this way the powers of the President were curtailed. According to one member of National Assembly, “the President had less power than the Queen of England and none of her glory”.⁸⁹ As Maluka states, the president who symbolized the unity of the Republic, would be elected by a single majority at a joint sitting of the Parliament. No order of the President will be valid unless it was countersigned by the Prime Minister. The Prime Minister was required to keep the President informed on policy matters, international relations of Pakistan, and all legislative proposals.

For the first time, the clause of the spirit of the parliament was introduced in the Constitution. Article 50 provided that “there shall be a Majlis-e-Shoora (Parliament) of Pakistan, consisting of the president and two houses, known respectively as the National Assembly and the Senate”.⁹⁰ This assembly shall contain 200 Muslim members elected directly by the people on the basis of one-man-one-vote.⁹¹ The tenure of this parliament was five years unless sooner dissolved.⁹²

The second House of the Parliament was to consist of 63 members (Article-59).⁹³ In these members, “14 were elected by each

⁸⁷ Article 41, Constitution of Islamic Republic of Pakistan, 1973, Part 3, chap. 1.

⁸⁸ Article 48, Constitution of Islamic Republic of Pakistan, 1973, Part 3, chap. 1.

⁸⁹ Rafi Raja, n. 33, p. 27,

⁹⁰ Article 50, Constitution of Islamic Republic of Pakistan, 1973, Part 3, chap. 1.

⁹¹ Article 51, Constitution of Islamic Republic of Pakistan, 1973, Part 3, chap. 1.

⁹² Article 52, Constitution of Islamic Republic of Pakistan, 1973, Part 3, chap. 1.

⁹³ Zulfikar Khalid Maluka, n. 24, p. 243.

provincial Assembly; 5 were chosen by the members of the tribal areas serving in the National Assembly and 2 from the federal capital, who were chosen in a manner determined by the President".⁹⁴ Five shall be elected by the members of each Provincial Assembly to represent Ulema, technocrats and other professionals.⁹⁵ Election to fulfill the seats in the Senate allocated to each province shall be held in accordance with the system of proportional representation by means of the single transferable vote.

This constitution retained the structure of the provinces. It established four provinces Punjab, Sindh, NWFP and Baluchistan. Each province had their provincial Assembly. Every provincial assembly's size varied; "Baluchistan had 40, NWFP had 80, Punjab had 240 and Sindh had 100 members".⁹⁶ The Article 105 of the constitution constituted a Governor, which was appointed by then President. The Governor shall act on and in accordance with the advice of the Chief Minister and such advice shall be binding on him.

The 1973 constitution provided a large number of subjects in two lists – federal list and the Concurrent list. The federal list was divided into two parts.⁹⁷ The federal list I contains 67 subjects: "defence, currency and education, posts and telegraph migration and nationality, foreign exchange, federal public serving nuclear energy, maritime shipping, airways, import and export, insurance, stock exchange, State Bank of Pakistan, trading corporations, national planning, duties of custom and excise, estate duty, income tax and matters falling within the legislative competence of parliament".⁹⁸

⁹⁴ Louis D. Hayes, n. 10, p. 106.

⁹⁵ Article 59(1) d, Constitution of Islamic Republic of Pakistan, 1973, Part 3, chap 1.

⁹⁶ Louis D. Hayes, n. 10, p. 107.

⁹⁷ Rafi Raja, n. 33, p. 128.

⁹⁸ Fourth Schedule, (Article 70 [6]) Legislative Lists, Appendix I, V. Grover, n. 6, pp. 108 – 112.

The federal list II contains “railways, mineral oil and natural gas, development of industries, council of common interests.”⁹⁹

Table 2.1

Comparative Analysis of Lists

List of Subjects	1947 Constitution	1956 Constitution	1962 Constitution	1973 Constitution
Federal	63	30	94 (Only I List)	Part I: 59, Part II: 8
Provincial	54	94	--	--
Concurrent	--	19	--	47
Residual Powers	With Provinces	With Provinces	With Provinces	With Provinces

Source: Rafi Raza, *Pakistan in Perspective, 1947-1997* (Karachi: Oxford, 1997), p. 25

The above-mentioned table compares the legislative lists under various constitutional dispensations.

The second concurrent list was found in Article 70 (4), which contained 47 items like “criminal law and procedure, civil procedure, marriage and divorce, contracts, trusts, transfer of property, preventive detention, arms and ammunition, drugs and medicines, population planning and social welfare, unemployment insurances, electricity, newspapers, books and printing presses, ancient and

⁹⁹ Ibid, pp. 112 - 113.

historical monuments, legal and medical professions, Islamic education etc".¹⁰⁰

All the residual powers were vested in provincial authority. This constitution provided powers to constitute laws and provisions on the subjects not included in the federal and concurrent list (Article 142, c).¹⁰¹ The 1973 Constitution explained the relations on the distribution of legislative powers between the center and provinces in Article 141 to 144.¹⁰² The administrative relations were described in the Articles 145 to 152.¹⁰³

Under the Article 153, the constitution introduced a Council of Common Interest.¹⁰⁴ The rights of the provinces are safeguarded through this establishment. This Article constituted some responsibilities of this Council as following.

- (a) There shall be a Council of Common Interest, in this chapter referred to as the Council, to be appointed by the President
- (b) The members of the Council shall be: ---
 - (1) The Chief Minister of the provinces, and
 - (2) equal member of the members from the Federal Government to be nominated by the Prime Minister from time to time.

The Prime Minister if he is the member of the Council but, I at any time he is not a member, the President may nominate a Federal Minister who is a member of the Council to be its Chairman.

¹⁰⁰ Ibid, pp. 114 – 116.

¹⁰¹ Constitution of Islamic Republic of Pakistan, 1973.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Ibid, Part 5.

(c) The Council is responsible to Parliament.¹⁰⁵

The constitution provided the power to resolve any dispute over water resources involving the federal or any provincial Government to the provincial authorities (Article 155).¹⁰⁶

After going through a detailed discussion, it would seem that Pakistan was on the path of turning into one of the most perfect federated nation in the region. However, a variety of factors made the constitution difficult to operate; it became more of a rulebook that remained in the archives. The centralisation of politics gained more momentum especially from the mid 1970s and the redundancy of the constitution remained prominent throughout the constitutional history of Pakistan.

¹⁰⁵ Subject- mater of Federal and Provincial laws, in Distribution of Legislative Powers, see <http://www.paksearch.com/Government/LAWS/ CONSTITUTION/ COPV.html>

¹⁰⁶ Constitution of Islamic Republic of Pakistan, 1973

Chapter III

Theory and Practice of Federalism During Benazir Regime

Chapter III

THEORY AND PRACTICE OF FEDERALISM DURING BENAZIR REGIME

INTRODUCTION: ---

The year 1988 was very important in Pakistan's political history. This year was marked by the restoration of democracy and the end of a long military dictatorship. On August 17, 1988 General Zia-ul-Haq died in a plane accident.¹ This was the biggest jolt for the military because some of the most important generals in the military hierarchy also died in this accident. After initial squabbles within the armed forces for the top position for a very short span of time, it became clear that it would not be possible for the military to maintain the position that Zia had. Elections held brought forth a new leader in Pakistan, Benazir Bhutto, the daughter of late Prime Minister Z.A. Bhutto and the leader of the Pakistan People's Party (PPP). The IJI projected Nawaz Sharif as her opponent

Benazir's emergence on the political screen of Pakistan is not just a coincidence. Factors, which helped her image as a leader included her hereditary legacy, her prison experiences, and her father's assassination. Some other factors like her education in Harvard, Radcliff and Oxford, Zia-ul-Haq's policies of Islamisation and the electoral politics of that time groomed Benazir.

Benazir became the twelfth Prime Minister, the third Sindhi, but the first woman who acquired the post of Prime Minister in Pakistan.² It was the first time in a Muslim state that a woman got

¹Hasan-Askari Rizvi, "Civil Military Relations in Contemporary Pakistan," *Defence Journal*, July 1998, see <http://www.defencejournal.com/july98/civilmilitary2.htm>.

² *Ibid.*

selected democratically to run the affairs of the state. It was an eyesore for the Islamic radicals as well as the army, who felt that it was unmanly as well as unholy to be ruled by a woman. To justify her position, in her book "Daughter of East", Benazir wrote, "Muslim history was full of women who had taken a political role and performed every bit as successfully as men. Nothing in Islam discouraged them or me, from pursuing that course."³

It can be said that Benazir had the skills of leadership from the days she was a student. Benazir was elected as the president of Oxford Students Union in January 1977. During the Zia period, she spent almost five years in detention at various jails and ten months in solitary confinement in Pakistan. During these days she spent some of her time out of Pakistan in England. She was allowed to proceed abroad on medical grounds in January 1984, after spending nearly six and half years in jail. She went into exile in England for two years. The period of detention and exile ended on her return to Pakistan on April 10, 1986.⁴

After the death of Zia, Pakistani politics become a zero-sum game in which opposition denied ruling parties any legitimacy and governments used selective accountability to harass and intimidate their opponents.

1988 ELECTIONS: ---

Benazir contested the national elections of November 17, 1988, during a caretaker governmental regime. The manifesto that was issued by the Pakistan People's Party (PPP) during the 1988 general elections had an explicit shadow of the ideology formulated by

³ Benazir Bhutto, *Daughter of the East* (London: Hamish Hamilton, 1988), p. 31.

⁴ Saeed Shafqat, "Pakistan Under Benazir Bhutto," *Asian Survey*, vol. XXXVI, no. 7, July 1996, p.656.

Zulfikar Ali Bhutto. It wanted to establish an Islamic egalitarian socialistic democratic society. The manifesto clearly spelt out that unlike the unitary structure that was drawn by the military, the PPP would fight for complete devolution of powers, not only in the province of Sindh, but also in other three provinces. The manifesto clearly wanted to restore the 1973 Constitution by strengthening the constitutional framework of the Senate, the Council of Common Interest and the National Finance Commission. It also wanted to revise the quantum of economic distribution between the provinces on the basis of accepted norms that is on the basis of needs, tax mobilisation effort, population and rural-urban ratios. It also sought to abolish the concurrent legislative list, revising the Federal Legislative list. It also wanted to authorise the provincial public service commission to recruit according to pre-established shares and quotas of all appointments to the Federal Government and autonomous bodies. It also wanted to fund the local government by delegating the provincial governments to collect taxes. The Manifesto clearly spelt out that "We believe that only when political and social authority is transferred to the people, provincial autonomy will bear fruit, people will gain confidence and the Federation shall be strengthened."⁵

Table 3.1

Pakistan 1988 Legislative Election⁶ results: ---

Chamber	National Assembly
Date of Election	November 16, 1988
Type of Electoral System	Majority
Number of Seats Available	237 *
Length of Legislative Term	2 years

⁵Election Manifesto: 1988", *Pakistan Peoples Party Home Page*, The Official Website, see <http://www.ppp.org.pk/manifesto/1988.html>.

⁶Political Handbook of the World 1989, Binghamton, NY: CSA Publications, 1989 see <http://cdp.binghamton.edu/era/elections/pak88par.html>.

	Number of Seats	Percentage of Votes
Muslim Seats		
Pakistan People's Party (PPP)	92	-
Islam-e-Jamhoori Ittehad (IJI - Islamic Democratic Alliance)	55	-
Muhajir Qaumi Mahaz (MQM - Muhajir National Movement)	13	-
Jamiat-ul-Ulema-e-Islam (JUI - Assembly of Islamic Clergy)	8	-
Awami National Party (ANP)	3	-
Pakistan Awami Ittehad (PAI - Pakistan People's Alliance)	3	-
Baluchistan National Alliance (BNA)	2	-
National People's Party (NPP)	1	-
Pakistan Democratic Party (PDP)	1	-
Independents	27	-
Vacant	2 **	-
Non-Muslim Seats		
Pakistan People's Party (PPP)	10	-
Women Seats		
Pakistan People's Party (PPP)	12	-
Islam-e-Jamhoori Ittehad (IJI - Islamic Democratic Alliance)	5	-
Muhajir Qaumi Mahaz (MQM - Muhajir National Movement)	1	-
Jamiat-ul-Ulema-e-Islam (JUI - Assembly of Islamic Clergy)	1	-
Independent	1	-

- 217 seats (207 Muslim, 10 non-Muslim) were filled by direct election, with 20 reserved for women chosen by the elected members.
- ** Voting in 2 constituencies was deferred because of the death of the candidates.

In this election, PPP emerged as a majority party in the National Assembly. It acquired 37.4% of the total vote cast having 92 seats out of 204.⁷ The second largest party IJI won 30.16 per cent of the total votes that accounted for 55 seats in the Assembly.

1993 ELECTIONS: ---

The manifesto that was struck in the general elections during the 1990 General Elections, made it clear that it was totally against the untimely dissolution of the PPP government. It had no stress on the centre-province relations, unlike the 1988 manifesto. The 1993 manifesto wanted to strengthen the politics of pluralism by giving more power to the local governing bodies, finding the solution of the provincial problems by the devolution of authority, making democracy more inclusive and institutions autonomous.⁸ The elections were held on October 6, 1993 and the results of 201 constituencies were officially declared on the next day.⁹

Table 3.2

The results of the General Elections of 1993 are as follows: ----

	PPP	PML (N)	PML (J)	PIF	ANP	JWP	PKMAP	IJ M	Others	Inde p.	Tota l
Punjab	47	52	6	-	-	-	-	-	2	5	112
Sindh	33	10	-	1	-	-	-	-	1	1	46
Baloch istan	1	1	-	-	-	2	3	2	2	1	12
NWFP	5	9	-	2	3	-	-	2	2	1	24

⁷ Shahid Javed Burki, *Pakistan: The Continuing Search For Nationhood* (Boulder and Lahore: Westview and Pak Book, 1998), p.99.

⁸ "Election Manifesto: 1993", *Pakistan Peoples Party Home Page*, The Official Website, see <http://www.ppp.org.pk/manifesto/1993.html>.

⁹ Hamid Khan, *Constitutional and Political History of Pakistan*, (New York: Oxford University Press, 2001), p. 767.

Source: Hamid Khan, Constitutional and Political History of Pakistan (New York: Oxford University Press, 2001), p. 816, and Human Rights Commission of Pakistan, The Election Database, see <http://www.hrcpelectoralwatch.org/past.cfm>

Seven seats in the Federally Administered Tribal Areas went to the independents. In these elections it was noted that there was a very low out turn of voters for National Assembly. According to Hamid Khan, "The overall percentage of voters was only 40.54 per cent."¹⁰ Though PPP got more seats than PML (N), it did not have popular vote. According to Hamid Khan, "The number of votes taken by the PPP were 7,563,909(38.1%of the total votes cast) against 7,890,676(39.7% of the total votes cast) taken by PML (N). Nawaz thus claimed that his party had won a popular vote."¹¹

In the provincial elections, held on October 9, 1993 once again PPP and PML (N) emerged as the principal parties.

Table 3.3

The results of the elections for the provincial assemblies of 1993

are as follows: ---

	PPP	PML(N)	PML(J)	ANP	BNM(H)	BNM(M)	MQM(H)	PIF	IJM	OTHER	IND.	Total
Punjab	94	106	18	-	-	-	-	2	-	3	17	240
Sindh	56	8	-	-	-	-	27	-	-	3	5	99
Balochistan	3	6	-	1	4	2	-	-	3	12	9	40
NWFP	22	15	4	21	-	-	-	4	1	2	11	80
TOTAL	175	135	22	22	4	2	27	6	4	20	42	459

¹⁰ Ibid.

¹¹ Ibid. p. 768.

Source: Hamid Khan, *Constitutional and Political History of Pakistan* (New York: Oxford Univ. Press, 2001), p. 816, and Human Rights Commission of Pakistan, *The Election Database*, see <http://www.hrcpelectoralwatch.org/past.cfm>

Though PPP emerged as the largest party, it could not get a resounding victory. This made problems for Benazir Bhutto to acquire power in the centre. During elections, President, the acting Government and the state controlled media did not take a neutral stand. They all wanted to prevent PPP from winning the elections. According to Saeed Shafqat, "the IJI also orchestrated a smear campaign against Bhutto."¹²

The outcome of 1988 elections made it difficult for the President and the state controlled agencies, to exclude Benazir from forming the government. The President called Benazir to form the government, delaying it by fourteen days. Benazir assumed her office on December 2, 1988. To assume this position Benazir made a compromise with General Beg and President Ishaq Khan. The shadow of this compromise was seen in her little tenure. She made three concessions towards the military. First, she had to support acting President Ishaq Khan (a Zia loyalist) for a five year term, which enjoyed the support of the military. Secondly, Benazir had to retain Lt. General Yaqub Ali Khan (Zia's foreign Minister) as the foreign minister to ensure the continuity in Pakistan's Afghan Policy. Yaqub had been elected on the IJI ticket. She also promised not to interfere in the internal affairs of the military and not to make unilateral reductions in defence expenditures and service conditions. After becoming the Prime Minister, Benazir, retained a central position in Pakistani politics for almost a decade (1986-96), whether she was in power or out of power.

¹² During the campaign, IJI leaders not only used slanderous language against Benazir and Nusrat Bhutto but also distributed handbills with obscene language and pictures of the Bhutto women. As cited in Saeed Shafqat, n.4, p.659.

FEDERAL GOVERNMENT'S RELATIONS WITH SINDH:

In the general elections of 1988 Pakistan People's Party (PPP) did not get a majority in National Assembly although it got 93 seats and emerged as the single largest party. The other Sindh based party Muttahida Quami Movement (MQM) secured 13 National Assembly seats. In these circumstances Benazir led PPP formed alliances with other political parties like MQM and independents.¹³

In Sindh two parties emerged victorious, first was PPP with 67 out of 100 general seats and second was MQM with 26 general seats. Both parties came closer to form governments at provincial and federal level.¹⁴ To this end both the parties signed an agreement on December 2, 1988 labelled "December Declaration." Benazir and Altaf Hussain signed this accord. This accord affirmed that, "the MQM pledges its principled support to PPP in the formation of the Federal Government and the vote of confidence in Mrs Benazir Bhutto as the Prime Minister of Pakistan, and the PPP pledges to associate MQM in the formation of PPP's government both at the provincial and federal levels, posts and portfolios will be awarded at the discretion of Prime Minister."¹⁵ As Ian Talbot has mentioned that, "the bitter rivalry between the MQM and IJI, going back to their turf was in Karachi in the early 1980s, ensured however that Altaf Hussain looked first to a political agreement with the PPP rather than to Nawaz Sharif's IJI in the wake of the October elections, which confirmed the PPP as the predominant party of the Sindhi community...on December 2, the PPP and MQM signed the Karachi Declaration which both sides called "a charter of peace, love and rights" designed to "reunite the rural and

¹³ Hamid Khan, n. 9, p. 711.

¹⁴ *Pakistan- The First Government of Benazir Bhutto*, Pakistan Table of Contents, US Library of Congress as cited in <http://www.countrystudies.US/Pakistan.com>.

¹⁵ "Text of PPP-MQM Declaration", *Viewpoint*, VOL.XIV, December 8, 1988, pp.22-30, as cited in Surendra Singh, *Politics of Regionalism in Pakistan : A Study of Sindh Province* (New Delhi: Kalinga, 2003), p.122.

urban populations of Sindh” as the destiny of Pakistan rests on a united and unstratified society.”¹⁶

The accord pledged to protect and safeguard the interests of all the people of Sindh, regardless of language, religion or origin of birth, as well as to stamp out violence and to support the rule of law. According to Farhat Haq, “the first 14 provisions of this accord or agreement were devoted to general statements supporting a democratic system; protecting political rights of all oppressed people restore the ‘soul of federalism’ and so on.”¹⁷ PPP formed government with no difficulty on federal and provincial level. According to Hamid Khan, “Qaim Ali Shah, a nominee of PPP, was easily elected as the Chief Minister of Sindh.”¹⁸

Despite this, the relations between PPP and MQM were strained from its very beginning. According to Shahid Javed Burki, “The agreement – short-lived, as it turned out – was an effort to achieve peace and cooperation between the indigenous population and the Mohajirs in Benazir's troubled home province.”¹⁹ The main conflicting point was the ethnic communities of Sindh. Both parties represented one ethnic community. PPP represents Sindhi speaking mostly rural population and MQM represents the other rival group, Urdu-speaking Mohajirs. The relations between both parties became strained in March 1989, when both parties issued statements and counter-statements. MQM issued a statement expressing dissatisfaction over the implementation of the Karachi Declaration. According to this statement, the MQM expressed the following grievances.

¹⁶ Ian Talbot, *Pakistan: A Modern History* (New Delhi: Oxford University Press, 1988), pp. 303-304.

¹⁷ Farhat Haq, “Rise of the MQM in Pakistan: Politics of Ethnic Mobilisation,” *Asian Survey*, vol. XXXV, n. 11, November 1995, p-998.

¹⁸ Hamid Khan, n.9, p. 711.

¹⁹ Shahid Javed Burki, n. 7, p.99.

1. When the accord was signed it was promised that a joint committee would be set up, to examine the implementation of the accord. This committee had not been set up till yet.
2. The ban on the recruitment of employees in the governmental departments and institutions would be strictly applied on Municipal Bodies.
3. Appointments in the local bodies would be consulted by the MQM ministers.
4. According to the accord MQM did not get television time.²⁰

These grievances widened the rift between the two parties. On March 25th, 1989, MQM, MNAs staged a walk out from the National Assembly blaming upon PPP upon the issue of widespread damage to the property in Karachi on March 21.²¹ Not only MQM but PPP also was not entirely called blameless. In Sindh the MQM ministers were never taken into confidence. They were not invited in the policy-making meetings of Assembly. In the words of Surendra Singh, "the MQM, MNAs were not taken in the central cabinet although Benazir had formed the biggest ministry in Pakistan's history."²²

The law and order situation in Sindh was the most challenging affair for Federal Government as Ian Talbot has pointed out, "the beginning of March 1989 saw and escalation of unexplained shooting incidents in Karachi. On March 10, a pedestrian was killed and scores were injured by shooting from speeding cars in the Gulshan-I-Iqbal, Quaidabad and Nazimabad Mohajir localities of the cities. The following week similar attacks by masked men led to 10 deaths in the Malir and Khorapar colonies. Altaf Hussein, in a speech at Landi on Pakistan day (23March), maintained that the killings design to spark

²⁰ "PPP-MQM Rift Widens," *Viewpoint*, vol. XIV, April 6, 1989, p. 9, as cited in Surendra Singh, n. 15, p. 123.

²¹ Surendra Singh, n. 15, p-124.

²² "PPP-MQM Rupture," *Viewpoint*, VOL.XIV, No.38, May 11, 1989, p. 9, as cited in Surendra Singh, n. 15, p. 123.

off riots. He also claimed that conspiracies were being hatched against the MQM by elements that feared that MQM might unite all oppressed classes in the country and challenge their system of exploitation. MQM speakers joined IJI in condemning the deteriorating law and order situation in Karachi during and adjournment notion in the National Assembly, although three MQM ministers, Mohammad Juwaid Akhtar (health), Syed Altaf Hussein Kazmi (local government) and Shamsul Afreen (public health), remained in the Sindh cabinet."²³ When there were significant resentment within the government about the manner in which law and order was tried to be restored, Benazir said that, "The tree of martial law does not let anything grow in its shade. It will take some more time for this situation to change."²⁴ But this was not enough to convince the Pakistani masses to find sympathy with the PPP's constant failure in governing the nation properly.

The failure of the PPP to share power and spoils with its coalition partners, caused for the alienation, including the withdrawal of the MQM from the government. The MQM ministers resigned from the cabinet on May 1, 1989 on the issue of house arrest of Altaf Hussain.²⁵ Due to this withdrawal, Benazir narrowly survived a no-confidence motion in the National Assembly in October 1989.

The federal government's problems were further escalated when the end of accord created tension in Karachi and Hyderabad. In the words of Farhat Haq, "the formal end of the alliance ignited new tensions in Karachi and Hyderabad. In April 1990, a former president of the Pakistani Student Federation (a PPP student wing) was shot and died six days later. The same week Altaf Hussain started a "fast unto death" to protest the government's anti Mohajirs policies."²⁶ To

²³ Ian Talbot, n. 16, pp. 304-305.

²⁴ "We must work Hand in Hand: Benazir", *The Dawn*, May 17, 1989

²⁵ Surendra Singh, n. 15, p-124.

²⁶ Farhat Haq, n. 17, p-999.

protest against PPP, the MQM directed a strike in Karachi in February 1990, which escalated into rioting that virtually paralysed the city. The strike had been called to protest the alleged abduction of MQM supporters by PPP. Over 130 people killed in this violence, which spread from Hyderabad to Karachi. This violence pushed Benazir to call in the army to restore law and order.²⁷

One important element, which became a cause of political friction, was “Jiye Sindh” movement of GM Syed. This movement antagonised two ethnic groups Sindhi and Mohajirs from each other. According to KL Kamal, “GM Syed, the veteran Sindhi nationalist leader, who led Jiye Sindhi movement, had always demanded a separate ‘Sindhu Desh.’ He gave a call to his followers to unite against Mohajirs and the PPP. He felt that the present conditions were favourable for the separation of Sindh from Pakistan. On October 1, 1989, his followers burnt the Pakistan’s National Flag in Sukkar airport and hoisted ‘Sindhu Desh Flag’ over the building of the airport.”²⁸ This incident not only embarrassed the government but also MQM. Altaf Hussain warned Syed that the MQM would never allow any Sindhu Desh to emerge as long as even one Mohajir was alive.²⁹ This movement caused a split between PPP’s two important wings, Punjabi and Sindhi.

Another incident, which tarnished Benazir’s image within the Sindhi community as well as within the armed forces, is the Pucca Qila incident, which took place in May 1990. In the words of Syed Saeed Shafqat, “Pucca Qila is an old settlement in Hyderabad whose inhabitants are predominantly from the Muhajir community... From the Sindhi perspective, Mohajirs had unleashed terror on Sindhis, while the Mohajirs claimed that the Sindhi government and police had

²⁷ “Pakistan- The First Government of Benazir Bhutto,” *Pakistan Table of Contents*, US Library of Congress as cited in <http://www.countrystudies.US/Pakistan.com>.

²⁸ The Dawn, October 1, 1989, as cited by KL Kamal and Prabha Arun, *Pakistan: Democracy At The Crossroads* (New Delhi: Yuvraj, 1990), p. 141.

²⁹ *The Nation*, September 18, 1989, as cited by KL Kamal and Prabha Arun, n. 27, p. 141.

terrorised unarmed Mohajir children and women.”³⁰ The army Chief General Aslam Beg was at that period out of the nation on a tour abroad. The provincial police had established that the area was a den of terrorist with cache of illegal weapons. The Benazir government ordered the Corps Commander to take actions against these terrorists. The ISI quickly involved against government’s decision, and helped the rival group of state police and corps. There was a significant death toll in the region due to the armed actions but there was a major rift between the government forces as it was said that the army rangers and the ISI were providing protection to the culprits.³¹ It was a major insult to the Benazir Government, as later the armed forces rehabilitated those who were affected by the violence. When later General Aslam Beg went to the region, he was given a hero’s welcome and his actions were appreciated, with slogans of “impose martial law, remove Benazir Bhutto.” The Pucca Qila incident sealed the fate between the armed forces and the Prime Minister and they became instrumental in removing the prime minister from the helm of affairs.

During the elections of October 1993, Benazir Bhutto office was in a much stronger position than in 1988. According to Ian Talbot, “her position in the National Assembly was bolstered by control of the most important province, Punjab.”³² In Sindh, PPP acquired 56 seats and the second party MQM secured 27 seats.³³ According to Surendra Singh, “again the MQM supported Benazir Bhutto in her bid for premiership, and also voted for the election of Farooq Leghari, a PPP candidate for the country’s presidency. In Sindh PPP formed the government and Syed Abdullah Shah was elected Chief Minister. After achieving power the federal government withdrew army from Karachi and other towns of Sindh and restored rangers after it failed to restore

³⁰ Saeed Shafqat, “Pakistan Under Benazir Bhutto,” *Asian Survey*, vol. XXXVI, n. 7, July 1996, p.662.

³¹ Interviews taken by Shafqat in Hyderabad, as cited in Saeed Shafqat, n. 30, p.662.

³² Ian Talbot, n. 16, pp- 304-305.

³³ Surendra Singh, n. 15, p-134.

lasting peace in its 29 months operations.”³⁴ It was hoped that rangers would soften the hardness of the Operation Clean-Up. But all in vain, rangers launched ruthless operation of mass arrests, siege of Mohajirs localities, and at random killings of alleged terrorist in order to root out what the government call “the MQM terrorist.”³⁵

After these developments the PPP government tried to influence MQM. For that motive another round of negotiations were launched. But the MQM didn't agree with the PPP and the negotiations came to an end with harsh statements. Another factor, which was the main cause for this failure were the deeds of both parties, like MQM's protest on April 1994 at the Teen Hatti Bridge, dividing central and eastern Karachi.³⁶ The Sindh Chief Minister Abdullah Shah declared that, “his government was not prepared to negotiate with a terrorist like Altaf Hussian while Hussian accused Benazir Bhutto of being a fundamentalist at heart.”³⁷

Failure of these negotiations resulted in large scale violence in Sindh. As Farhat Haq describes, “violence in urban Sindh has taken a more ominous turn since April 1994, with 62 policemen and 500 civilians killed, most of them targeted and not the result of ethnic rioting.”³⁸ Benazir in an interview while countering criticism when asked about her party's failure in the promotion of federalism in Pakistan and especially in Sindh said that, “the PPP is a Federalist Party supporting a federal structure of the state. The pro-establishment parties like to argue that the PPP plays the Sindh card. They do this as offensive defense for their policy of marginalising the smaller provinces in the key decision making apparatus. The nationalists in the province are wary of the PPP because its strong

³⁴ John Pike, *State Terrorism or Rule through Terror 1988-1999*, (Webmaster: October 25, 1999). See <http://www.fas.org/irp/world>. p.1.

³⁵ Ibid.

³⁶ Ian Talbot, n. 16, p- 342.

³⁷ *Newsline*, March 1995, p- 56. As cited in Farhat Haq, n. 17, p- 1002.

³⁸ Farhat Haq, n. 17, p. 1003.

and popular base foiled their attempts to gain power on the basis of regionalism.”³⁹

Such types of violence and political instability created tensions in centre-state relations. These types of tensions are not good for a healthy federation. In Benazir regime relations between centre and Sindhi government were not called cordial relations. Violence and conflicts between various power groups create lots of tensions for Federal Government. Not only the state of Sindh, but the Federal Government was also responsible for this unrest. It should be the primary responsibility of the contemporary Federal Government to alleviate the sense of alienation among the small ethnic groups of provinces, particularly in Sindh. It must be essential for the Federal Government, while negotiating with ethnic groups of Sindh to make some senses to garner greater acceptance of their rule. But any concession can only be viable if it contains a pragmatic and realistic approach in dealing with the grievances of the people of Sindh rather than by a piecemeal approach.

FEDERAL GOVERNMENT’S RELATIONS WITH PUNJAB: ---

In the 1988 elections, this brought Benazir into power; her party won the largest number of seats in the National Assembly but controlled only one of the four provinces. Punjab, the most populous province, with over half of Pakistan’s population, came under control of the opposition IJI and of its leader, Nawaz Sharif, who was the only major political figure from the Zia era to survive the re-emergence of the PPP. Nawaz Sharif’s party had major political clout in Punjab that made him extremely powerful as an opposition. As Hamid Khan described, “the situation in Punjab was the most difficult for the PPP. Despite winning more seats in the Punjab in the National Assembly as against the IJI (52 to 45), the situation reversed in the Provincial

³⁹ “Cool Benazir Grilled by a Hard line Sindhi Web Site”, *Sindh Today*, London, *South Asia Tribune*, Web Newspaper for Investigative Reporting, Issue No 40, May 04 - 10, 2003, see http://www.satribune.com/archives/may04_10_03/P1_bb.htm

Assembly. The IJI got 108 seats as against 94 seats won by the PPP. With the help of most of the independents (32 in numbers), the IJI was able to form government in the Punjab with Nawaz Sharif as the Chief Minister. The PPP did everything within its power to prevent this from occurrence, but failed. The IJI had support from the president and the establishment who were interested in keeping benefit in check by having government of the opposition installed in Punjab.”⁴⁰

This was the first time in Pakistan’s electoral history that a party, which could not form a government in Punjab, was in power at central level. Benazir would have needed to manoeuvre successfully between a powerful president and the military elite and to reach a political condition with Nawaz Sharif. Instead, she perused a course of confrontation, including successful efforts to overthrow him in the provincial assembly. As Saeed Shafqat cited, “the attitude of Nawaz Sharif as chief minister was certainly confrontational, but Benazir also did little promote the politics of accommodation and her inability to control or seek consolidation with the Punjabi leadership further weakened her position.”⁴¹ The Pakistani politics had two predominant features, first was the absence of accomodationist attitude and the second was the uneasy relationship between the centre and the provinces. These features were also seen in the Benazir regime. The cold war between centre and Punjab sapped much of the energy of Benazir Bhutto’s government.

Nawaz was called a Zia man, took cudgels to dethrone his political rival Benazir from power. He painted her as anti-Punjabi. Benazir also blamed him for the failure of PPP in Punjab during the general election of 1988. She held him responsible for Sindh riots and labelled IJI as anti-democratic. These types of blaming each other soon led to extreme political instability.

⁴⁰ Hamid Khan, n. 9, p. 711.

⁴¹ Saeed Shafqat, n. 30, p.664.

The pre poll-confrontation started as early as December 7, 1988, when the president of Punjab PPP, Farooq Leghari led an opposition walkout from the assembly when the chief minister of Punjab, Nawaz Sharif was going to present the supplementary budget for 1987-88.⁴²

Benazir accused IJI and the opposition forces that there was a preconceived plan to dethrone her. After assuming the office of Prime Minister, her very first declaration she made was, "the vow 'not to let Punjab slip' into the hands of 'separatists' who sided with the "authoritarian system." "The actual battle," she said, "is not between the centre and the province; it is between democracy and to dictatorship."⁴³

The confrontation between the PPP and the IJI was shifted on the other side like appointments of federal representatives in provinces. These appointments boiled the question of provincial autonomy. The rival provincial governments thought that these appointments were part of conspiracy of federal government to dislodge their provincial autonomy. Benazir appointed Tikka Khan as the governor of Punjab, which was not acceptable to Nawaz Sharif. In his views the federal executives would be appointed after consultation with him. According to Ian Talbot, "the Federal Governments appointments of general Tikka Khan as Punjab governor helped inflame passions, as did the refusal to accede to the request to call a meeting of the Council of Common Interest⁴⁴ to resolve financial issues between the centre and the provinces."⁴⁵ This council had powers to cover many federal issues. It was composed of four federal ministers and four Chief Ministers. The PPP was controlling two out of

⁴² *Dawn Overseas Weekly*, Week ending, December 21, 1988. As cited in Ian Talbot, n. 16, p. 299.

⁴³ *The Frontier Post*, December 9, 1988, As cited by KL Kamal and Prabha Arun, n. 27, p. 141.

⁴⁴ Benazir Bhutto refused to convene the CCI following deadlock at the May 23, 1989, National Economic Council, maintaining that there was no constitutional link between them.

⁴⁵ Ian Talbot, n. 16, p. 299.

four provinces. Benazir had feared that the Council might go against her Government's interests.

The Federal Government kept the confrontation at boiling point by the appointment of Chief Secretary of Punjab, which was also resented by Nawaz. The Punjab Chief Minister threatened to send all the federal government officials back to centre. In the words Ian Talbot, "he refused send back senior government official recall to Islamabad by the Federal Government."⁴⁶ On April 13th, 1989, *The Dawn* published a speech in which confrontational views from the centre were given by the four officers, whom were supposed as Punjab Government's supporters by the Federal government. According to them, "the federal government employees in the province were a unifying factor and we should not be pushed to a point, where we are left with no alternative but to return all of them to the centre."⁴⁷

The use of bureaucracy by the PPP and the IJI was most conspicuous. Nawaz Sharif refused to accept some transfers done by Federal Government. In reaction, the Federal Government issued a statement that the Punjab government worked against the very roots of federalism. In the repercussion of these transfers, the Nawaz-led Punjab government tried to arrest Mohammad Hussein Azad, special assistant to the Prime Minister through the DSP of Punjab.⁴⁸

In January 1989 Federal Government ordered Federal Investigation Agency (FIA), to investigate the cases of fraud, mal-practices and misuse of federal funds in the provinces. The PPP's general secretary, Qaiyum Nizam, informed that FIA was investigating the cases of defaulter in Punjab. The FIA conducted a raid on some houses and industries of much closed linked personals of Nawaz

⁴⁶ Ibid.

⁴⁷ *The Dawn*, April 13, 1989, as cited by KL Kamal and Prabha Arun, n. 27, p. 145.

⁴⁸ KL Kamal and Prabha Arun, n. 27, p. 144.

Sharif to hit back the federal government Nawaz Sharif to arrest three enforcement officers to Punjab police on September 1989.⁴⁹

The use of rival governmental institutions by both PPP and IJI was also boiled the confrontations. At the preceding weeks of by-elections, Punjab was administered by two parallel administrations. At the same time the PPP-led Federal Government planned to implement the programme of WAPDA.⁵⁰ According to Talat Asalm, a journalist, "ambitious (electrification) plans were announced by roving federal ministers even in areas where the provisions of the services was impractical, or, as in the case of the labyrinthine maze of narrow a streets in Lahore's walled city, a potential fire hazard."⁵¹ In reaction of this scheme, Nawaz introduced a road building schemes. The use of rival institutions was seen more dangerous on the polling day by-elections between the police and federally controlled rangers.⁵²

The PPP's Punjab wing introduced two no-confidence motions against Nawaz's government. Nawaz Sharif considered this as a declaration of war. As Saeed Shafqat describes, "PPP stalwarts in the Punjab sought to dislodge the Chief Minister through various means, and thus started in Pakistan a politics of no confidence motions in which the PPP tried to remove Nawaz Sharif by passing a no-confidence motion against him, while the IJI under his leadership attempted the same move against Benazir Bhutto in the National Assembly. Both failed but in the process the centre-province confrontation intensified, tarnishing Bhutto's image and weakening her government's ability to evolve meaningful relations with the provinces."⁵³

⁴⁹ *Herald*, 20, No. 10, (October 1989), p.78, as cited in Ian Talbot, n. 16, p. 299.

⁵⁰ Water and Power Development Association (WAPDA) was set up in 1958, to maintain and implement irrigation schemes to generate and distribute electricity. It rapidly became the largest employer in the public sector. As cited in KL Kamal and Prabha Arun, n. 27, p. 144

⁵¹ Talat Aslam, "Punjab: Clash of the Titans" *Herald*, 20, No. 2, (February, 1989) p. 48.

⁵² Ian Talbot, n. 16, p. 299.

⁵³ Saeed Shafqat, *Civil- Military Relations in Pakistan: From Zulfikar Ali Bhutto to Benazir Bhutto*, (Colorado and Lahore: West view and Pak Book, 1997) p. 232.

In the aftermath of 1989 both the parties IJI and PPP issued some rival statements that caused a great rift between them. On the evening of September 11, 1989, IJI organised a rally at Lahore's historic Mochi Gate. In this rally IJI leaders made rough statements and launched blistering attacks on the Federal Government and Benazir Bhutto. According to one statement delivered by IJI leaders in the rally, "latter was declared to be the enemy of Pakistan, seeking to establish Indian hegemony but its days were numbered; we will hold (then) accountable and dump the Bhutto's, remains in the Arabians Sea."⁵⁴

Benazir tried her best to put limitations over the business interests of Ittefaq Group of Industries own by Nawaz Sharif and his family. The politically motivated tussle between Punjab and Centre created a major political unrest. On November 15, 1989, Nawaz Sharif inaugurated the Bank of Punjab with its owned paid-up capital of rupees 100 million.⁵⁵ Within two months seven branches of this bank had been opened in Punjab.

Nawaz Sharif planned to establish a Pakistan television for state interest. This plan antagonised the Federal Government. On November 30, the Punjab revenue minister, Arshad Khan Lodhi, "announced plans for setting up a provincial television station because Pakistan television was under instruction of the federal government, it was not projecting Punjab's point of view on various issues."⁵⁶

In the second regime of Benazir, Shahbaz Sharif elected Mian Manzur Wattoo of the PML (J) Chief Minister of Punjab with 131 votes

⁵⁴ *Herald*, 20, No. 10, (October, 1989), p. 78; As cited in Ian Talbot, n. 16, p. 299.

⁵⁵ The PPP opposition had vigorously opposed the bank of Punjab bill in the assembly on July 3 1989 declaring it constitutional and 'treason against the federation,' *Dawn* overseas weekly, weekending, July 19, 1989. The bank was in fact set up under item 28 of the federal legislative list given in the fourth schedule of the constitution, which allows the provinces to establish corporations owned or control by them provided they only do business within their own geographical boundaries. As cited in KL Kamal and Prabha Arun, n. 27, p. 144.

⁵⁶ *The Dawn*, December 1, 1989, as cited in Ian Talbot, n. 16, p. 299.

against 105 polls.⁵⁷ In the Punjab Assembly, Wattoo had only 18 seats. To keep the PML (N) out of power, Benazir tried all her best and entered into a coalition with PML (J). This was not a long-term coalition. Differences arose and ultimately, Benazir sacked Wattoo from his position. He was dismissed, when he failed to obtain a vote of confidence in assembly.

The Benazir-led Federal Government wanted a PPP candidate to be the Chief Minister but failed to do so. According to Hamid Khan, "the PPP felt short of the requisite majority in the provincial assembly and had to depend upon the support of the PML (J) in order to form government. The PML (J), which had tested power for two years, was not ready for anything less than Chief Minister. After making several offers Benazir had to succumb to the demands of PML (J) and conceded to her junior coalition partner. Agreement was reached on appointing a weak and pliable person, Sardar Mohammad Arif Nakai on the post of Chief Minister. Under the agreement a PPP nominee was appointed senior minister, sharing several of the powers of the Chief Minister particularly those pertaining to administration. Nakai was only too happy to become the Chief Minister, even if only in name."⁵⁸

The confrontation between PML's Nawaz Sharif and PPP's Benazir Bhutto did not end in this period also. After a year of returning to power, the Benazir led federal government tried to make boundaries over Nawaz Sharif by organising cases of fraud, mal-practices, corruption, and misuse of federal funds. According to Saeed Shafqat, "by December 1995, some 140 cases had been filed against Nawaz Sharif and his family in the courts, and Sheikh Rashid Ahmad, a vocal PML (N) MNA from Rawalpindi, was put under detention."⁵⁹

⁵⁷ Hamid Khan, n. 9, p. 773.

⁵⁸ Ibid, p. 780.

⁵⁹ Saeed Shafqat, n. 53, p- 232.

During the autumn of 1994 this rift “intensified between Benazir Bhutto’s government and the main PML (N) opposition party. Its “train march” from Karachi to Peshawar was followed by a general strike on September 20, and a “wheel jam” strike on October, 11. Despite the support from the Chambers of Commerce and Industry, who had their own grievances following the introduction of a new general sales tax, the “Oust Bhutto” campaign rapidly ran out of steam. The conflict next shifted literally to the floor of the National Assembly. On November 14, the occasion of the presidential address to the joint session of parliament, verbal insults and the unfurling of opposition banners gave physical assaults and intimidation. The rowdiness stemmed from the earlier arrest of Nawaz Sharif’s elderly father, Mian Mohammad Sharif, on fraud charges. Nevertheless, from the end of 1994 onwards Nawaz Sharif, perhaps because of the growing number of legal cases he faced culminating in a treason charge, displayed a marked reluctance to make a fresh attempt to use street power to topple his rival.”⁶⁰

These tense relations of Benazir led federal government and Punjab creates a vital political unrest and instability. In the two regimes of Benazir administration, the economic performance remains poor, and inefficient. These bitter relations caused uncertainty and threatened to pose a danger to the national integrity.

FEDERAL GOVERNMENT’S RELATION WITH BALOCHISTAN: --

In the aftermath of 1988 general elections, like other provinces Balochistan was also became the playground of coalition politics. This province had 40 provincial assembly seats, in which JUI (FR) got 11 seats, Balochistan National Alliance (BNA) got 10 seats, 8 seats went to IJI, 4 went to PPP, and the remaining seats went to minor political parties and independents.⁶¹ In those situations, when the two major

⁶⁰ Ian Talbot, n. 16, p. 339.

⁶¹ Hamid Khan, n.9, p. 715.

parties JUI (FR) and IJI had great rivalries between them, government formation was a vital exercise. After the efforts JUI (FR) set up a government from the support of BNA, PMAI and some independents with a thin majority. Mir Zafarullah Khan Jamali became Chief Minister of Balochistan. This government was in a vulnerable position due to fear of defeat in the no-confidence motion. So, on December 15, 1988, the Chief Minister advised the Governor to dissolve the assembly. This dissolution was challenged in the High court of Balochistan. After the decision of court Mohammed Akbar Bugti, the leader of BNP became chief minister of Balochistan. Bugti had so many grievances with the centre government. He joined hands with the IJI leader Nawaz Sharif to destabilise the PPP government. He shared his main grievance against the PPP government and put resentment to the Government's People's Work Programme (PWP) with the support of Nawaz. Bugti felt that this is a strategy of PPP to reduce the prestige of his provincial government. He demanded that funds should be handed over to Provincial Government.⁶²

The programme was a prestigious one for the PPP. Benazir did not want to do away with the programme. According to Kamal, "Benazir was firm that the government would not give up the PWP programme. The Punjab and Balochistan were equally firm that they should not allow this programme in their provinces. This issue was challenged in Lahore High Court by IJI. In Quetta, the Chief Minister issued a statement that the provincial government servants should not co-operate in conducting the People's Programme. Bugti also inaugurated a separate upliftment programme in Quetta. Thus a confrontation of a smaller scale (compare to the centre-Punjab one) began to emerge between the centre and the Balochistan government."⁶³

⁶² KL Kamal and Prabha Arun, n. 27, p. 147.

⁶³ Ibid. p.148.

These tensions mounted in October 1989. On October 7, when Bugti announced in a press conference, that centre government was planning to dismiss his government. On the same day, a resolution was resolved in the Balochistan Assembly that the province should be made autonomous and the centre should have a hold only on defence, foreign office, finance and communication.⁶⁴ Benazir made it clear that it would not be possible to do so.

In the second regime of Benazir Nawaz Zulfiqar Magsi became Chief Minister of Balochistan with the support of PML (N) and ANP.⁶⁵

FEDERAL GOVERNMENT'S RELATION WITH NORTH WEST FRONTIER PROVINCE (NWFP): ---

After the General elections of 1988, the situation in NWFP was not easy. No one political party was able to form government in the province. In the words of Hamid Khan, "out of 80 general seats, the IJI had won the highest number of seats, 28, followed by the PPP which won 22, and the ANP which won 13 seats. As many as 15 independents had been elected."⁶⁶ In this situation, any major party had chance to make government with a coalition. In these circumstances Benazir approached Wali Khan (the head of ANP), to form a coalition with PPP. After the acceptance of Wali Khan, PPP and ANP formed government with some independents.

A PPP nominee named Aftab Sherpao became Chief Minister of NWFP. Like other provinces, here also the relations of coalition members did not remain cordial. After some bickering, the ANP withdrew from the coalition and the government. Sherpao remained Chief Minister with a thin majority holding some independents and by making some split in the opposition.⁶⁷

⁶⁴ Ibid. 150.

⁶⁵ *The News*, October 1993, As cited in Hamid Khan, n.9, p.773.

⁶⁶ Hamid Khan, n. 9, p.715.

⁶⁷ Ibid. 716.

Benazir did not get enough seats, the opposition party of National Assembly PML (N) constituted an alliance with ANP, which did well and won 36 seats in the provincial assembly. A PML (N) nominee named Pir Sabir Shah was elected as Chief Minister of NWFP.⁶⁸ This appointment was a throne in the flesh of Federal Government. The federal government wanted to dislodge the provincial government. Ultimately Benazir, found a constitutional solution to accomplish this. She found that the emergency power of the president as the best weapon, which would fulfil her wishes. According to Lawrence Ziring, "on 25th February 1994, the president issued a proclamation under article 234 of the constitution directing the governor to assume the function of the government of NWFP."⁶⁹

The NWFP also faced the ups and downs of ethnic, sectarian and coalition politics of the country. There was also the growth of religious extremism internally in the provinces of Pakistan during Benazir's regime. As Talbot has discussed, "the defeat of the religious parties in the 1993 elections was followed by an upsurge of militancy and sectarianism."⁷⁰ "Rival Sunni and Shia students fought each other with AK-47s in the Parachinar High School in the remote Kurram valley on September 10, 1996, sparking a week-long orgy of violence in the Upper Kurram Agency in which at the most conservative estimate, 100 people were killed and scores more were wounded."⁷¹ As Talbot has pointed out, "Earlier in November 1994, the Pakistan government faced an armed Islamic insurrection in the Malakand region of NWFP. Black-turbaned Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM) followers of Maulana Sufi Muhammad led this. The TNSM had been founded in June 1989, but first came to prominence on May 11, 1994, when its followers blocked the Malakand Pass as part of its campaign for the replacement of civil law

⁶⁸ Ibid., p.773.

⁶⁹ Lawrence Ziring, *Pakistan in the Twentieth Century: A Political History* (Karachi: Oxford University Press, 1997), pp. 556-557.

⁷⁰ Ian Talbot, n. 16, p.339.

⁷¹ Amir Ziqqa, Tribes and Tribulations, *News line*, October 1996, pp. 71 – 75.

by the shariat. However, the legal vacuum created by the Supreme Court's declaration that the PATA regulation for the Malakand Division was null and void persisted".⁷² He explained that, "early in November, the TNSM stepped up its efforts for the enforcement of the Shariat. Roads were blocked for five days and TNSM activists took government officials hostage and occupied the Saidu Sharif airport. Amid evidence that Afghan militants sponsored by the drug barons from the tribal belt had infiltrated the movement, the Government took firm repressive action, calling on the services of the Frontier Corps at the same time as announcing the enforcement of the Shariat. Nevertheless, the deep scars caused by the agitation remained, and after a dispute over the refusal of an activist in Matta to pay "un-Islamic" land revenue tax, the TNSM resumed its campaign on June 18, 1995. The Government's "carrot-and-stic" approach, including the arrest of Maulana Sufi Muhammad, took the steam out of the agitation, although the poverty and underdevelopment of the region which had fuelled the unrest remained".⁷³ On October 1994, there was a heavily armed rally by Allama Raza Naqvi Sipah-e-Muhammad Pakistan (SMP) at the Minar-e-Pakistan. The next month its workers attacked the offices of the Islamabad newspaper, the Pakistan Observer, because of its alleged links with the hated rival Sunni SSP...In the increasingly anarchic city of Karachi, the SMP and the SSP fought pitched gun-battles. An assault on the Masjid-e-Akbar on December 7, 1994, left eight dead including the city chief of the militant SSP".⁷⁴ As sectarian clashes also occurred in the Jhang district of Punjab, "Major-General Muhammad Azhad Minhas and Colonel Inayatullah Khan plotted a coup attempt, which was to be accompanied by the declaration of Pakistan as a Sunni Islamic state. The conspirators along with some other junior officers had secured

⁷² Ian Talbot, n. 16, p. 340.

⁷³ Ibid.

⁷⁴ *News line*, March 1995, p. 24.

weapons from the tribal areas and planned to storm a commander's meeting on September 30."⁷⁵

As Talbot has mentioned, "the conspiracy did not appear to have wide support within the army and was significantly uncovered shortly before the retirement of the Chief of Army Staff General Abdul Waheed, who had established a reputation for non-intervention and professionalism. In keeping with this, he refused the government's entreaties to extend his tenure on completing his term and handed over to General Jehangir Karamat in January".⁷⁶

FEDERAL GOVERNMENT'S RELATION WITH PRESIDENT: -

The moment Benazir became the Prime Minister; she came into direct conflict with the President as well as the Armed forces. The issue was who had the authority, the president or the prime minister, to appoint the chief of the services and the chairman of the Joint Chiefs of Staff Committee (JCSC) As Shafqat has pointed out, "Admiral Sirohi was to retire as chairman in November 1991 upon completion of his three year term. The president took the position that the constitution, as amended under General Zia in 1985, gave him the right under Article 243(c) "to appoint in his discretion, the chairman, Joint Chief of Staff Committee" and the three services chiefs. The Prime Minister asserted her authority by referring to the executive order of Prime Minister Z.A. Bhutto in the 1970s, fixing the three-year tenure of services chiefs but not to the JCSC. Relying on the executive order and the Army Act, Benazir Bhutto claimed that she had the power to retire the chairman of the JCSC because the term of that office was not fixed. The argument acquired the overtones of a constitutional crisis, but in view of the Eighth Amendment, these powers were held by the President and the Prime Minister had to retreat from her position. Nevertheless, her assertion of authority had

⁷⁵ *Herald*, Annual Issue, January, 1996, p. 89.

⁷⁶ Ian Talbot, n. 16, p. 341.

antagonised the President and the military”.⁷⁷ This incident in her period came to be known as the Sirohi affair.

The relationship between Benazir and President Leghari soured considerably even during her second tenure. After the death of Murtaza Bhutto, brother of the Prime Minister, “Ghinwa Bhutto, Murtaza’s Lebanese-born second wife, filed a petition in the Sindh High Court accusing senior police and intelligence officials of murdering her husband. An emotional Benazir Bhutto claimed that her brother was murdered in a conspiracy aimed at eliminating the Bhutto family, and widened the breach between herself and President Leghari by appearing to implicate him.”⁷⁸

Rauf Klasra has mentioned that, “Aftab Ahmed Khan Sherpao (who remained chief minister of the NWFP twice and played an important role in the making and breaking of governments) believed that the combination of Leghari as president and Benazir as prime minister was quite wrong and it was obvious that both could not work together in these capacities. Because, Sherpao said, one was a feudal Balooch Sardar (Leghari) while other (Benazir) was the daughter of a big leader with an ego of a Sindhi feudal...Sherpao said the then army chief Jahangir Karamat had a dinner with Farooq Leghari in the presidency, the night Murtaza Bhutto was murdered in Karachi. This fuelled the speculation in the Benazir camp that a conspiracy was hatched in the presidency to eliminate Murtaza. That was why Benazir had implicated Leghari in murder of Murtaza although she could not dare to name General JK.”⁷⁹

Klasra went on saying that after the death of Murtaza Bhutto, “Sherpao arranged a meeting between Benazir and Leghari in the presidential palace. The meeting started in a very tense environment

⁷⁷ Saeed Shafqat, n. 30, pp. 661 – 662.

⁷⁸ Ian Talbot, n. 16, p. 338.

⁷⁹ Rauf Klasra, “Nawaz wanted Benazir to become deputy PM: Sherpao”, *Islamabad News*, Tuesday September 09, 2003, The News, Internet Edition, see <http://www.jang.com.pk/thenews/sep2003-daily/09-09-2003/metro/i1.htm>.

as both Leghari and Benazir started shouting at each other in the presence of Sherpao. The TV crew took footage of those tense moments when Farooq Leghari and Benazir were exchanging hot words. The crew was again called to take fresh footage of both the leaders with artificial smiles on their faces to give a message that everything was all right between the prime minister and the president...Sherpao also recalls another meeting in the presidency on the issue of judges case in which Khawaja Tariq Rahim, Ahmed Saeed Awan, Shahid Hamid represented the president camp. While the then law minister, the law secretary and Sherpao represented Benazir. This meeting ended after both the sides passed sarcastic remarks against each other.⁸⁰

“It is said that one night Benazir Bhutto called Sherpao in Peshawar and asked him to proceed to Islamabad. She wanted to meet Leghari along with Sherpao. But before he could leave for Islamabad, Benazir called him again around 12 midnight on November 5, 1996, to break the news that Leghari had dissolved the assembly.”⁸¹

Finally, on August 6, 1990, President Ghulam Ishaq Khan dismissed the Benazir government, dissolved the National Assembly as well as the Sindh and North-West Frontier Province provincial assemblies, and appointed a caretaker government headed by Ghulam Mustafa Jatoi, the leader of the Combined Opposition Parties in the National Assembly. In accordance with the constitution, the President scheduled national and provincial elections for October 1990. “It is clear that Leghari acted in agreement with the Army, which immediately occupied the airports, and guarded the TV and radio

⁸⁰ Ibid.

⁸¹ Ibid.

stations. Troops moved into the capital Islamabad in the early hours to guard key installations, but stayed off the streets.”⁸²

Ishaq Khan said his actions were justified because of corruption, incompetence, and inaction; the release of convicted criminals under the guise of freeing political prisoners; a failure to maintain law and order in Sindh; and the use of official government machinery to promote partisan interests.⁸³ The corruption charges that were leveled against her and her government made the forthcoming governments unearth more than \$100 million in foreign bank accounts and properties that amounted to many more million dollars. Starting from a cache of Bhutto family documents bought for \$1 million from a shadowy intermediary, the investigators have detailed a pattern of secret payments by foreign companies that sought business favors during Bhutto's two terms as Pakistan's prime minister.⁸⁴

FEDERAL GOVERNMENT'S RELATION WITH ARMY: ---

Governance in Pakistan is a unique balancing act between the military and the civilian government. In Pakistan in the 1989-99 periods, politics became power play of “*troika*” which contains the three main power points of Pakistani politics, first, is Army or Army Chief, second is President, and the third is the civilian government.⁸⁵

The components of *troika* met from time to time. The military officials or Chief of Army Staff also held meetings separately with the other components of *troika*, President and Prime Minister (the head of civilian government). One more institution in the Army gained prominence during this period and that is the Corps Commander. They held meetings to decide on future governmental policies along

⁸² “Constitutional coup in Pakistan”, Socialist Appeal Editorial Board, London, November 5, 1996, see <http://www.marxist.com/Asia/Pakistancoup.html>.

⁸³ Rauf Klasra, n. 79.

⁸⁴ “Bhutto Clan Leaves Trail of Corruption in Pakistan”, *The New York Times*, January 9, 1998.

⁸⁵ Hasan-Askari Rizvi, n. 1, p. 293.

with the governmental decision making bodies, consisting of the army's top brass officers including the Army Chief.⁸⁶

Benazir, from the beginning, tactically came to terms with the military by giving it an important say in everything that matters to it – the defense expenditure, the conduct of foreign policy and autonomy in its own affairs.⁸⁷

There are some factors, which provoked the Army to play a direct role in Pakistani politics. According to Hasan Askari Rizvi, “the first factor is the societal factor and especially conflict or cohesion in the polity and political and economic management by the government.” Second the military's internal dynamics, organisational resources and attributes, which made Army over-ambitious. Third, the military has some professional interests. According to Rizvi, “the military has some professional and corporate interests, the socio economic background and orientations of the officers, internal cohesion discipline and professionalism”, which push it to interfere in civilian politics? The fourth factor is the primary deed of Army to escape the country from internal and external pressures.⁸⁸ Once the tradition of direct military intervention in politics is established, the top brass are disinclined to surrender all the powers and privileges they enjoyed during the years of military rule.

Mere constitutional provisions cannot be of much help in preventing the military from taking power in its hands.⁸⁹ In the last years of Zia regime, the military had changed its strategy. It shaped itself to share power with civilian governments, not to transfer the power. “Soon after the death of General Zia, the top leaders of the

⁸⁶ Ibid.

⁸⁷ Rasual B.Rais, “Pakistan in 1988: From Command to Conciliation Politics”, *Asian Survey*, vol. XXIX, No.2, (February, 1989), pp. 199-206.

⁸⁸ Hasan-Askari Rizvi, *Military State and Society in Pakistan* (London: Macmillian Press, 2000), p. 190.

⁸⁹ *Overview of the Constitution of Pakistan*, Pakistan Institute of Legislative Development And Transparency – PILDAT, August 2004, Lahore, in collaboration with U.S. Agency for International Development (USAID), see www.pildat.org, p. 17.

three services, came to a meeting and decided to ask Ghulam Ishaq Khan, the then Chairman of the Senate to assume the post of President. The Vice Chief of Army Staff, General Mirza Aslam Beg, was formally appointed on the vacant post of the Army Chief. The Army Commanders set up five policy priorities for the acting President.⁹⁰

1. The upholding of the glory of Islam.
2. Continuation of the policies of the Zia era.
3. Rule of law and justice.
4. Support to the then current Afghan Policy.
5. Restoration of democracy.⁹¹

General Beg announced that “he supports constitutionalism and the democratic process”, and added that “the military ‘had no lust for power’ and that its sole objective was the preservation of the ‘security and integrity of the nation’”.⁹² General Beg gave many statements in support of democracy and ensured that after free and fair elections, the military would transfer its power in the hands of the elected representatives. The acting President Ishaq Khan also expressed the same views.

Benazir herself publicly lauded the military’s role in civilian politics many times. In her own words, “realistically speaking, given the present situation, it would be very difficult for any government to survive without the critical backing of the Armed Forces”.⁹³ In the beginning, the relations between Benazir’s government and the military started with cordiality but after the passage of little time these relations became bitter mainly due to her government’s political and economic mismanagement and the attempts to interfere in the

⁹⁰ Hasan-Askari Rizvi, n.88, p.203.

⁹¹ Ibid.

⁹² General Beg’s Address to the Army Officers, *Nation*, August, 26, 1988.

⁹³ Hasan-Askari Rizvi, n. 1, p. 203.

military's internal and service affairs. After assuming the power Benazir set her first major objective to liberate herself from the shadow of Military. For achieving this objective, she would have to bring the armed forces in her control by making changes in the top of military structure. In the words of Burki, "She made a number of efforts to subject the armed forces to her control."⁹⁴

The first dispute arose, when Benazir transferred Inter Service Intelligence (ISI) Chief Lt. General Hamid Gul in May 1989 as a Commander of the Strike Corps in Multan. General Gul was considered as a key strategist of Afghan War during Zia's years. Benazir also set up a committee to review the role and relationship of ISI and other Intelligence agencies in the civilian government setup in February 1989. These initiatives of Benazir were based on her strong suspicions that these agencies were involved in the undermining her government. To capture the intelligence agencies Benazir appointed a retired Army General Shamsur Rahman Kallu as the Chief of ISI.⁹⁵

The moment she became the Prime Minister, Benazir came into direct conflict with the President as well as the Armed forces. The issue was: who had the authority, the president or the prime minister, to appoint the chief of the services and the chairman of the Joint Chiefs of Staff Committee (JCSC)? As Shafqat has pointed out, "Admiral Sirohi was to retire as chairman in November 1991 upon completion of his three year term. The president took the position that the constitution, as amended under General Zia in 1985, gave him the right under Article 243(c) "to appoint in his discretion, the chairman, Joint Chief of Staff Committee" and the three service chiefs. The prime minister asserted her authority by referring to the executive order of Prime Minister Z.A. Bhutto in the 1970s, fixing the three-year tenure of service chiefs but not to the JCSC. Relying on the executive order and the Army Act, Benazir Bhutto claimed that she had the power to

⁹⁴ Shahid Javed Burki, n.7, p. 100.

⁹⁵ Saeed Shafqat, n.4, p.661.

retire the chairman of the JCSC because the term of that office was not fixed. The argument acquired the overtones of a constitutional crisis, but in view of the Eighth Amendment, these powers were held by the President and the Prime Minister had to retreat from her position. Nevertheless, her assertion of authority had antagonised the President and the military".⁹⁶ This incident in her period came to be known as the Sirohi affair

CONCLUSION: ---

Benazir's period of governance was called as a centralist, which treated with provinces as mere administrative units and paints the "autonomous" as "traitors", working against the solidarity of the state itself. The federal government ignored regional political aspirations, sentiments, cultural ethos, linguistics, and social traits

Marry Anne Weaver has pointed out some of the reasons for the failure of federalism in the Benazir's regime, "presided over a sliding economy, a deteriorating security situation, a growing communal threat, a confrontation between democracy and the Army and dangerous diplomatic drift. She was harassed by an energetic opposition, led from the Punjab by Nawaz Sharif; she was destabilised by violence in her home province of Sindh; and she faced with the growing hostility of both the Army and the Muslim clerics. Above and beyond this, she laid her administration open to the charge of corruption. Among the worst offenders, according to the President and the Generals, were her flamboyant, controversial husband and her father-in-law."⁹⁷

In principal it was essential to make a balance between the powers of centre and the provinces. In Benazir's regime this balance was not seen. The centre-state confrontation in her period introduced the actual issue of federalism to political and personal interests. The

⁹⁶ Saeed Shafqat, n. 30, pp. 661 – 662.

⁹⁷ Mary Anne Weaver, *Pakistan: In the Shadow of Jihad and Afghanistan* (New Delhi: Viking, 2002), p.192.

parties (the Muslim League, Jammat-i-Islami etc.) who used to dub the autonomists as “traitors” and ‘anti-Islami’, and who never called authoritarian in nature emerged as the advocates and protectors of federalism, especially in the state of Punjab. These parties always exploited the religious sentiments of the people in order to contain the adherents off democracy and federalism in the country. Benazir’s regime failed to introduce any positive moves towards the implementation of federal rules in practice and restore constitutional democracy. The bitter tussle between centre and province fostered political corruption of the worst kind in Pakistan.

A long list of charges and official mis-conduct of constitutional norms can be summarised by which the federal nature of country was badly bruised. The first, main cause was confrontation with the federating units or provinces in general and the Punjab in particular. Benazir faced a strong opposition from Punjab government led by Nawaz Sharif, thus impeding the constitutional framework of the federation. Second, she launched the People’s Work Programme without any acceptance of provincial governments. Third, she issued derogatory statements against the Senate and belittling, its constitutional role in the parliament. Fourth, Benazir’s failure to convene meetings of the Council of Common Interests and National Finance Commission. Fifth, the major causes of failure of federalism in Pakistan were a massive severe disturbance are the provinces in general and are Sindh particular.

In summary the federal nature of country was badly bruised creating more ethnic tensions, rioting, secessionist tendencies as well as religious extremism, ‘a period that scarred Pakistan’s polity badly.’

Chapter IV

Theory and Practice of Federalism During Nawaz Sharif Regime

CHAPTER IV

THEORY AND PRACTICE OF FEDERALISM DURING NAWAZ SHARIF REGIME

INTRODUCTION: ---

After General Zia's death and restoration of democracy, Nawaz Sharif became the second prime minister in the post Cold War democratic period of Pakistan, who acquired power. He represented the new generation of post independence Pakistan and belonged to a group which, during General Zia-ul- Haq's regime expanded their connections with the government, building their links; expressing themselves in political and business groups. The common practice of these groups was to acquire significant clout in the political sphere, which included the leaders supported by Zia and his coterie; and within the Army itself. Many leaders of the contemporary Pakistan were associated with this group. As Saeed Shafqat says, "this leadership was groomed in the process of power sharing".¹

In a manner Nawaz Sharif was a better administrator than Benazir. He in the initial years managed both the President as well as the Army Chief, steering the nation from political crisis. He entered Pakistani politics during the years of the Zia regime; keeping close relations with the top brass of the Army. Hasan – Askari Rizvi has described that, "Nawaz Sharif became Prime Minister in the first week of November 1990 with the abundant goodwill of the President and the top brass of the military. Groomed during General Zia's martial law period, he won the appreciation and support of senior

¹ Saeed Shafqat, *Civil – Military Relations in Pakistan: From Zulfikar Ali Bhutto to Benazir Bhutto* (Boulder and Lahore: Westview Press and Pak Book Corporation, 1997), p. 236.

commanders because of his defiant posture towards the Benazir government".² In 1990 general elections, the coalition named Islamic Democratic Alliance (IDA), which was headed by Islamic Jamhooriat Ittihad (IJI), doubled its representation in the National Assembly. The leader of this coalition, the former Chief Minister of Punjab, Mian Nawaz Sharif was elected as Prime Minister on November 6, 1990. As Hamid Khan has pointed out, "Commanding an overwhelming mandate, Nawaz Sharif, President of the IJI, was elected Prime Minister with 153 votes".³

In achieving the highest post in government, there were some factors, which helped Nawaz Sharif. First, he had some experience of working in the government as he had been in the Punjab government since 1981 as a finance minister and as a chief minister. As Saeed Shafqat has mentioned, "he had been associated with the Punjab government since 1981, as minister of finance and later as chief minister. Consequently, he was not only familiar with how the government worked but also had considerable goodwill among the senior echelons of civil and military bureaucracy".⁴

Second, Nawaz Sharif's social base was from the urban Punjabi business class. He broke the supremacy or monopoly of the land-owning feudals or former bureaucrats. Third, Sharif maintained a good relationship with the military and the President from his early age in politics. As Veena Kukreja has said, "Sharif had the overriding merit of having an excellent rapport with the two mighty pillars of the ruling establishment, President Ishaq Khan,

² Hasan-Askari Rizvi, *Military, State and Society in Pakistan*, (London: Macmillan Press Ltd, 2000) p. 210.

³ Hamid Khan, *Constitutional and Political History of Pakistan* (New York: Oxford University Press, 2001), p. 738

⁴ Saeed Shafqat, n. 1, p. 236

with his discretionary constitutional powers, and the army, indisputably, the final arbiter of things in Pakistan".⁵

Sharif, "Groomed during Zia's martial law, had won the appreciation of the senior commanders, thanks to his defiant posture towards the first Bhutto government".⁶ He maintained cordial relations with military leaders and did not reprimand the Army Chief, General Beg, for publicly opposing the government's pro-US policy during the 1991 Gulf War. A supporter of strong military deterrence, Sharif continued to allocate considerable resources to the military. And he left the military personnel's various perks and privileges alone.⁷

GENERAL ELECTIONS OF 1990: ---

"Elections" says, Charles W Kennedy, "select leaders and policies in accordance with the general will of the electorate; they socialise citizens to political participation and reinforce public support for representative institutions and officials; they strengthen political parties as linkages between people and the government; and they are mechanism for peaceful change".⁸

⁵ Veena Kukreja, "Politics in Pakistan: Nawaz Sharif at the Helm", *Strategic Analysis*, Vol. XXX, No. 6, September 1991, p. 665

⁶ Nawaz Sharif was appointed to the Punjab provincial cabinet during Martial Law. In 1985, he was appointed Chief Minister of the province and remained so after the IJI won provincial elections in the Punjab in 1988. In the early 1980s, the martial law government returned his family's industrial concern Ittefaq Industries, which had been nationalized by the elder Bhutto government in 1972.

⁷ Hasan-Askari Rizvi, "Civil Military Relations in Contemporary Pakistan", *Defence Journal*, July 1998, see <http://www.defencejournal.com/july98/civilmilitary2.htm>.

⁸ William L Richter, "The 1990 General Elections in Pakistan", in Charles H Kennedy, (ed.), *Pakistan 1992* (Oxford and Karachi: Westview and Pak Book Corporation, 1993), p. 20.

In the case of Pakistan, its experiences with elections were unfortunately less ideal. The 1990 General Elections were held under the supervision of the three members of the Election Commission in October 1990. These elections were dominated by the two coalitions of the Pakistan Democratic Alliance (PDA) and Islamic Democratic Alliance (IDA). The IDA was formed by IJI (including Nawaz Sharif's PML) and other small parties. On the other hand, PDA was formed by the PPP headed by Benazir Bhutto, Asghar Khan's Tehrik-i-Istiqlal and other small parties.⁹ The third major party in this election was Muhajir Quami Movement (MQM). Its electoral bases were limited to Karachi and Hyderabad, especially in the urban centers. 1990 elections were constituted for both the National Assembly and Provincial Assemblies.

The outcomes of the elections were providing a sound mandate to the IJI led coalition. As Hamid Khan has assessed the result of the 1990 elections as, "The Islamic Jamhooriat Ittihad won 105 seats in the National Assembly. The Pakistan Democratic Alliance, which also included PPP, captured only 45 seats. The MQM (Haq Prost) and Awami National Party headed by Wali Khan, who lost his one seat in the election, got fifteen and six seats, respectively. Of the remaining seats, three went to JUP (Noorani), two each to Jamhoori Watan Party and Pakistan National Party, and one to Pakhtoon-Khwah Milli Party".¹⁰ The main two parties got somewhat similar votes in these elections, but they had a wide difference in the acquired seats. According to William L Richter, "The IJI got 37.16% votes and the PPP got 36.38% votes, while the difference seat wise was much more".¹¹

⁹ William L Richter, n. 8, p. 28.

¹⁰ Hamid Khan, n. 3, p. 734

¹¹ William L Richter, n. 8, p. 37

The picture of the 1990 General Elections

Table 4.1

	IJI	PDA	MQM	JUI	ANP	PNP	JUP(N)	PKMAP	JWP	Independent	Total
NWFP	8	5	-	4	6	-	-	-	-	3	26
FATA	-	-	-	-	-	-	-	-	-	8	8
FCT	1	-	-	-	-	-	-	-	-	-	1
Punjab	91	14	-	-	-	-	3	-	-	6	114
Sindh	3	24	15	-	-	-	-	-	-	4	46
Balochistan	2	2	-	2	-	2	-	1	2	-	11
Total	105	45	15	6	6	2	3	1	2	21	206

Source: NDI, *The October, 1990 Elections in Pakistan*, p. 196 (as cited by Willam Richter p. 38).

After the elections, Benazir Bhutto claimed that this election had been rigged on a massive scale with the objective of defeating PDA and swearing an IJI government.¹² Another allegation, as her in the White Papers, was that the caretaker government played an active role to make a ground for defeating the PDA by the misuse of public servants and funds and the misuse of government facilities.¹³

Nawaz Sharif's cabinet initially included 18 ministers: nine from Punjab, two from the Islamabad Capital Territory, six from

¹² Lawrence Ziring, *Pakistan: At The Crosscurrents of History* (Lahore: Vanguard, 2004), p. 218

¹³ Hamid Khan, n. 3, p. 735

Sindh, and one from Balochistan. His cabinet was later expanded to include representation from the North-West Frontier Province.¹⁴

There were many reasons behind the defeat of the PDA in the elections. One more factor, which was responsible for the IJI's resound victory was the performance rather all performance of PPP during its 20 months rule. It did not inspire confidence in the voters, so they switched their loyalties to the IJI. A lack of election strategy was also the cause of defeat of PDA.

GENERAL ELECTIONS OF 1997: ---

Benazir's misadventure with the President and the Army turned advantageous for Nawaz Sharif, that in the forthcoming elections, his position of prime Ministership was secure. As Ziring has pointed out, "Nawaz won a significant majority in the National Assembly and did well in all the provincial legislatures. The PPP, to almost no one's surprise was trounced, losing in every area of the country, including Benazir's own Sindh province. Nawaz Sharif's party was credited with receiving two-thirds of the total vote, and the PPP lost the average it had accrued in previous elections. In the space of two years, Pakistan had gone from what had appeared to be a balanced two party system, to something like a one-party dominant state".¹⁵

¹⁴ "Nawaz Sharif", *Pakistan, Country Studies*, see <http://www.country-studies.com/pakistan/nawaz-sharif.html>.

¹⁵ Lawrence Ziring, n. 12, p. 244

The Results of the General Elections of 1997

Table 4.2

	PPP	PML (N)	HPG	ANP	BNP	JUI (F)	JWP	NPP	MQM	Independent	Total
National Assembly	18	137	-	10	3	2	2	1	12	21	206
Punjab	2	212	-	-	-	-	-	-	-	5	112
Sindh	36	15	28	-	-	-	-	-	-	1	46
Balochistan	1	5	-	-	-	6	3	2	-	1	12
NWFP	4	31	-	28	3	2	-	-	-	1	24

Source: Hamid Khan, *Constitutional and Political History of Pakistan* (New York: Oxford Univ. Press, 2001), p. 816, and Human Rights Commission of Pakistan, The Election Database, see <http://www.hrcpelectoralwatch.org/past.cfm>

FEDERAL GOVERNMENT'S RELATIONS WITH SINDH:

Sindh is the third largest province of Pakistan, received its name from 'Sindhu', which derived from the name of a river 'Indus.' The literal meaning of Sindhu is a large collection of water or an ocean. This name was given it by "Aryas". Sindh is the industrial centre of Pakistan. The province had the largest urbanised population of Pakistan. As Iftikhar Malik, described in his table.¹⁶

¹⁶ Iftikhar H Malik, *State and Civil Society in Pakistan: Politics of Authority, Ideology and Ethnicity* (New York: St. Martin's Press, 1997), p. 202.

Ethnic Percentage of Sindh, 1981.

Table 4.3

	Total	Urban	Rural
Muhajireen	24.1	54.4	2.2
Sindhis	55.7	20.0	81.5
Punjabis	10.6	14.0	8.2
Pashtuns	3.6	7.9	0.5
Baluchis	6.0	3.7	7.6

Source: Adopted from Iftikhar H Malik, *State and Civil Society in Pakistan: Politics of Authority, Ideology and Ethnicity* (New York: St. Martin's Press, Inc., 1997), p. 202.

According to this table Sindh has approximately 60 per cent Sindhi population and 25 per cent of the population is constituted by Mohajir population. The demographic situation in Sindh, according to the 1951 census, which showed the Mohajirs at 57 per cent in Karachi, 66.08 per cent in Hyderabad, 54.08 per cent in Sukkur, 68.42 per cent in Mirpurkhas and 35.39 per cent in Larkana.¹⁷ In Pakistan these ethnic groups stand second and fourth after Punjabis in their population. As S. Ahmed described in the table.¹⁸

¹⁷ Tariq Rahman, "Language and Politics in a Pakistan Province: The Sindh Language Movement," *Asian Survey*, California, Vol. XXXV, November 1995, p. 1008.

¹⁸ S. Ahmed, *Centralisation, Authoritarianism and the Mismanagement of Ethnic Relations in Pakistan*, in M. E. Brown and S. Ganguly (ed.), *Government Politics and Ethnic Relations in Asia and the Pacific* (Cambridge, Mass: MIT Press, 1997), p. 88, as cited in Christophe Jaffrelot (ed.), *Pakistan: Nationalism Without A Nation?* (New Delhi: Manohar Publishers, 2000), p. 48.

The Ethno-Linguistic Groups of Pakistan (as estimated in 1996).

Table 4.4

Communities	Number	%
Punjabis	7,36,40,000	56
Sindhis	2,23,55,000	17
Pathans	2,10,40,000	16
Mohajirs	78,90,000	6
Baluch	39,45,000	3
Other	26,30,000	2
Total	13,15,00,000	100

Source: S Ahamed, *Centralisation, Authoritarianism and the Mismanagement of Ethnic Relations in Pakistan*, in M E Brown and S Ganguly (ed.), *Government Politics and Ethnic Relations in Asia and the Pacific* (Cambridge, Mass: MIT Press, 1997), p. 88, as cited in Christophe Jaffrelot (ed.), *Pakistan: Nationalism Without A Nation?* (New Delhi: Manohar Publishers, 2000), p. 48.

In the General Elections of November 1990 Nawaz Sharif led IDA rode a wave of anti-PPP expression all the way to Islamabad.¹⁹ He enjoyed an overwhelming majority in the National Assembly with total control over Punjab. In the words of Veena Kukreja, "the Zia porteges were back, in triumph, under the banner of IDA (Islamic Democratic Alliances), winning a clear majority. Above all, Sharif had the overriding merit of having an excellent rapport with the two mighty pillars of the ruling establishment, President Ishaq Khan, with his discretionary constitutional powers, and the Army,

¹⁹ Lawrence Ziring n.12, p. 529.

indisputably the final arbitrary of things in Pakistan.”²⁰ Besides this, Nawaz faced a lot of turmoil in the provinces which were led by ethnic, sectarian and corrupt politics. He witnessed a continuing decline in stature quite rapidly. In his time ethnic violence escalated, policy-making at the centre and local levels became confused.²¹

In Sindh, the situations were very confrontable for the IJI-led IDA alliance. After the elections of 1988 Benazir led PDA (Peoples Democratic Alliance) got 24 out of 46 seats in National Assembly. This alliance lost its majority in Sindh Provincial Assembly. According to Hamid Khan, “it could win 48 seats out of 100 provincial seats. The MQM won 28 seats, and 18 seats went to the independents. With the aid, assistance, and abetment of Ishaq Khan coupled with the maneuvering and manipulation of Jam Sadiq Ali, the PDA was rendered in a minority despite being the largest party in the assembly.”²² After the elections MQM leader Altaf Hussain called on a meeting in Rawalpindi on November 7, 1990, and congratulated him for his victory.

Nawaz Sharif, to consolidate his power went to various extremes to create a mass base within the various provinces. As Ziring has noted, Nawaz “declared his government would embrace all who shared the IJI philosophy and wished to work toward reconciliation and national renewal. Nawaz Sharif reached out to fundamentalists, to ethnic-based organisations, and to members of the minority communities, insisting that they all could find a home in his coalition”.²³ Just to ensure that the power of the PPP, who had

²⁰ Veena Kukereja, *Contemporary Pakistan: Political Processes, Conflicts and Crises* (New Delhi: Sage Publications, 2003), p. 236.

²¹ Mushaid Hussain, “Important Gains for Pakistani Democracy,” *The Times of India*, November 9, 1990, p. 6.

²² Hamid Khan, n. 3, p. 739.

²³ Lawrence Ziring, n.12, pp. 218 – 219.

the mass base, especially in the provinces of Sindh and in some parts of Balochistan and even in the NWFP, came into the hands of the IDA, under the banner of the PML (N). As Kukreja has pointed out that the alliance between the MQM and the ANP was mostly to create a rural support base in Sindh, the home province of the PPP.²⁴

The MQM joined hands with Jam Sadiq Ali. Altaf Hussain proposed Jam's name for Chief Minister. Jam Sadiq Ali was elected as a Chief Minister of Sindh by the support of MQM. In the coalition government, MQM had 8 ministers and 6 advisors out of 18 ministers and 12 advisors.²⁵ MQM had some weaknesses due to them it couldn't emerge as a wide national party. According to Teesta Ghosh, "the weakness of MQM is that it has not been able to penetrate the rural scene and so cannot form a government on its own. Power sharing with other parties has not worked. The dynamics of Sindhi and Mohajir conflict is that it's rising aspirations having pitted against the established ethnic nationality of the Sindhis."²⁶ Ethnic violence in Sindh had reached the proportions of a civil war during Benazir Regime. This violence remained continuous in the Nawaz Sharif regime also. After some time Nawaz Sharif also repeated the policies of Benazir regime to suppress the violence in the province. Instead of resolving the grievances of Mohajirs, he tried to suppress them by force, due to this policy, a civil war like situation has erupted in Karachi. The Army launched

²⁴ Veena Kukreja, *Contemporary Pakistan: Political Processes, Conflicts and Crises* (London: Sage Publication, 2003), p. 238.

²⁵ Surendra Singh, *Politics of Regionalism in Pakistan: A Study of Sindh Province* (New Delhi: Kalinga Publications, 2003), p.130.

²⁶ Teesta Ghosh, "Ethnic Conflict in Sindh and Its Impact on Pakistan", in Rajat Ganguly and Ian Mac duff, (ed), *Ethnic Conflict and Secession in South and South East Asia, Causes, Dynamics, Solutions*, (New Delhi, Thousand Oaklands and London: Sage Publications, 2003), pp.107-109.

Operation Clean Up on June 19, 1992 to eliminate anti-state activists, dacoits and terrorists.

First, this operation was launched in the rural areas of Sindh. This operation gained support by both the governments at provincial and federal level. Due to this operation the federal and provincial governments were happy because rural Sindh was the stronghold of the PPP, which was the common rival or enemy of both governments and thus their adversaries faced the brunt of the security operations.²⁷ But soon the situations changed, the Military realised the political implications of its operation, so it extended her operations to the urban areas of Sindh, like the main cities as Karachi, Hyderabad. It caused a direct confrontation between the Army and the MQM activists. This operation breaks MQM into two fractions MQM (A) and MQM (H). In the words of Veena Kukreja, "Operation Clean Up drove many MQM leaders and workers underground and allowed a splinter group, the MQM (Haqiqi), to claim to be the real MQM. The Army tried to get rid of Altaf Hussian by patronising the Haqiqi faction and enabled MQM (H) to start a turf battle against MQM (A), forcing most top leaders and activists into hiding. By the end of 1994, the Haqiqi faction had become discredited as a puppet of Army."²⁸

In June 1992, when the Army under General Asif Nawaz Janjua started "Operation Clean Up" in Sindh, it struck at the very roots of PML (N) and MQM (A) alliance.²⁹ The expansion of the operation in the urban areas of Sindh caused much embarrassment for the government because the MQM (A) was its ally at both provincial and federal level. MQM (A) wanted the federal government

²⁷ Hasan-Askari Rizvi, n. 2, p. 211.

²⁸ Veena Kukreja, n. 24, p. 238

²⁹ Saeed Shafqat, n. 1, p. 237.

to stop the operations, but the Prime Minister never did this. This caused a great difference between Nawaz and MQM (A). Some members of federal government also criticised this, Choudhary Nisar Ali Khan, a federal minister made some ill-advised statements that, "the operation violated the government's initial understanding with the Army."³⁰

In June 1992 the MQM broke away from the coalition government of Nawaz Sharif. In the words of Farhat Haq, "the MQM's break with IJI also came in June 1992, and the military operation effectively ended the "parliamentary phase" of MQM's coalition strategies. The party boycotted the 1993 National Assembly elections although it did participate in the Sindh Assembly elections."³¹

The MQM (A) subsequently changed its strategies. Now it pursued two types of strategies. First, it changed its name Muttahida Quami Movement (United National Movement). Second, its actions became more radical and more militant. Altaf Hussain accused Army for Mohajir Genocide and compared the situation in urban Sindh to those in Bosnia and "Indian Occupied Kashmir."³²

The ethnic strife between Sindhis and Mohajirs also create tensions for Federal Government. As Heyder stated, "The souring of relations between Mohajirs and Sindhis were caused by three factors. First, was the political role of the bureaucrats. Second, a feeling of frustration among the people of Sindh, caused by the inefficient operation of the "One Unit" system. Third, an unfair role

³⁰ Hasan-Askari Rizvi, n. 2, p. 212.

³¹ Farhat Haq, "Rise of The MQM in Pakistan: Politics of Ethnic Mobilization," *Asian Survey*, Vol. XXXV, No.11, November 1995, p.1001.

³² See Altaf Hussain's Interview in *Herald*, May 1994, p.39, as cited in Farhat Haq, n. 31, p.1001

played by some public officials, political leaders as well as others, Mohajirs and Sindhis.”³³

In one another statement Altaf Hussain blamed that both Benazir Bhutto and Nawaz Sharif saying, “Since the army was against the Muhajirs no political leaders, either Ms. Bhutto or Mr. Sharif dare sympathise with them.” He stated that the injustice could be removed to some extent if the Muhajirs were given separate province.³⁴

In this period Nawaz faced massive confrontation from the opposition mainly with Benazir led coalition PDA. In November, 1992 Benazir organised a long march in Islamabad, followed by a train march to dislodge Nawaz Sharif. In the next year, she sided with the president Ishaq Khan forgetting that he earlier dismissed her government to sworn Nawaz government. She promised Ishaq Khan that if she became Prime Minister she would support his bid for a second term of office.³⁵

The minister of religion affairs in the Nawaz government used the word ‘Kafir’ for Benazir Bhutto and the Prime Ministers principal Sindhi ally called her a ‘terrorist.’³⁶ The husband of Benazir Bhutto, Asif Ali Zardari, was charged on May 12, 1991 with the murder of political opponents. Benazir was charged for misuse of federal funds. According to Lord Geffered, a member of the UK parliamentary human rights group, who had attended the earlier proceedings

³³ Afak Hayder, *The Mohajirs in Sindh: A Critical Essay*, in J. Henry Korson, (ed.), *Contemporary Problems of Pakistan*, Published in Cooperation with The American Institute of Pakistan Studies, Boulder, San- Fransisco, (Oxford Westview Press, Pak Book: Lahore, Islamabad, Karachi, 1993), p. 6-7.

³⁴ The Hindustan Times, New Delhi, December 18, 1994, as cited in Mohammad Arif, *Sindh in the Midst of Crisis*, *Strategic Analysis*, February 2000, Vol. XXIII, No. 11, also see <http://www.cianet.org>.

³⁵ Ian Talbot, *Pakistan: A modern History* (New Delhi: Oxford University Press, 1998), p.321.

³⁶ Ibid.

against her in October 1990, "the charges had been brought for political motives; the proceedings were 'misconceived and partisan' and seemed to 'compromise the judiciary.'³⁷ In other words all the charges were based on political interests and the nature of judiciary was also seen biased.

Another incident related to Veena Hayat brought the confrontations to the extreme. Ian Talbot has described the incident as, "at around 7.30 pm on November 27, 1991, five masked men broke into the Karachi residence of Veena Hayat, a close friend of Benazir Bhutto and the daughter of veteran Muslim League Sardar Shaukat Hayat. She subsequently brought a charge of gang rape and claimed that the men had been sent by Irfamullah Marvat, the son-in-law of president Gulam Ishaq Khan and advisor on home affairs to the then Sindh Chief Minister Jam Sadiq Ali. Much to the embarrassment of the president, the PPP and the other opposition parties led by Nawabzada Nasrullah Khan 'politicised' the event in rallies across the country. The children wielded placards with emotive slogan "it could be your daughter next." On December 12, the police baton-charged female protestors on Aiwan-i-Sadr road in Karachi and eight women required hospital treatment.³⁸ In this period the chief minister of Sindh Jam Sadiq Ali tried her best to counter ethnic violence, dacoits, terrorists and criminal lawlessness. But in much of the interior of Sindh was under control of the dacoits. These types of serious situations posed the greatest threat to Nawaz Sharif's first regime.

In 1997, Nawaz Sharif came to power with a massive mandate with the support of his allies. The largest ever majority in the

³⁷"Arrest of Political Opponents in Sindh Province," Amnesty International Pakistan: August 1990, to early 1992 (London: 1992).

³⁸ *Dawn*, December 13, 1991, as cited in Ian Talbot, n.37, p.322.

country's political history winning two-thirds majority in the National Assembly, PML formed the governments with its allies in three of the four provinces. The main opposition party PPP led by Benazir Bhutto suffered a humiliating defeat in national assembly and four provinces. In the words of Anwar H Syed, "the PPP headed by Bhutto, was wiped out everywhere except in Sindh. Of the 207 Muslim seats in the National Assembly, it won only 19, all except one from Sindh. In the provincial assemblies, it won 36 out of 109 seats in Sindh, one out of 40 in Baluchistan, four out of 83 in NWFP, and three out of 248 in Punjab. The party appeared to have lost its national character and become a regional political entity based in Sindh, Bhutto's home province."³⁹

In the 1997 elections, the PPP emerged as the largest party in the Sindh and MQM was placed in second with 28 seats. In these situations, the MQM signed an agreement with the PML (N). This accord forced Muslim League's way to power and the PPP was prevented from forming the government. According to the agreement, the MQM had agreed to support the PML government in Islamabad and even allowed PML with bare sixteen out of 109 seats in assembly to form government with the help of 28 members of its own. In this way, the MQM became a major component of the coalition government, with 50% of ministerial post.⁴⁰

In the shadow of this agreement, well-planned conspiracy against the PPP was pursued. Its leaders and the workers were thrown into prison and their political activities were banned. Charges of violence were labelled against their peaceful protest

³⁹ Anwar H. Syed, "Pakistan in 1997: Nawaz Sharif's Second Chance to Govern," *Asian Survey*, Vol. XXXVIII, No. 2, February 1998, also see Zahid Hussain's report in *Newsline* (Karachi Monthly, February 1997), pp. 31-37.

⁴⁰ John Dad Khan, *Pakistan Leadership Challenges* (Karachi: Oxford University Press, 1999), pp. 3-7

gatherings. The ex-federal ministers and provincial ministers, the members of parliament, the members of the assembly and women workers all had to bear the brunt of state violence. The PML (N) and MQM had so many differences on several issues but their common enemy or hatred of the PPP had brought them together to keep "Benazir out of power." Soon these relations did not remain cordial. According to Veena Kukreja's comments, "the relationship between MQM and PML (N) soon ran into difficulties. The MQM periodically organised protest marches and strikes in order to put pressure on the government for the implementation of agreement of cooperation that they had signed in February 1997. The MQM complained that its representatives were excluded from the policy making on important provincial affairs."⁴¹

In August 1997, MQM members of provincial assembly and National Assembly resigned and demanded an investigation by the United Nations into the killing of its workers by state security agencies. The PML (N) government managed to woo the MQM back, but all actions were in vain. Under the shadow of these grievances a vicious circle came into operation, where the federal government could not stop the growing violence due to the bloody fight between the MQM sections, MQM (A) and MQM (H). Violence in Urban Sindh has taken a more ominous turn, 62 policemen and 500 civilians were killed, most of them targeted and not the result of ethnic rioting. Shia-Sunni sectarian violence caused several hundreds more deaths, and some former MQM (A) and MQM (H) activists have become associated within these terrorist activities in Karachi.⁴²

⁴¹ Veena Kukreja, n. 24, p. 254.

⁴² Farahat Haq, n. 31, p. 1003.

Despite these grievances or violence the ruling party pursued a policy of "Governor Raj" and dismissed the elected government of Sindh on October 30 and imposed a massive security operation in the province. Nawaz accused MQM of engineering the assassination of Hakim Mohammad Said, a widely respected figure and former governor of Sindh. He declared, "if the accused persons are not handed over to us in three days, there will be a parting of ways because there can be no compromise on the maintenance of peace. Law and order is different and politics is different. We cannot sacrifice peace and security for the sake of political expediency."⁴³

The federal government launched operation "Peace Offensive" to restore normalcy in Karachi. This operation was based on eight major principles. These were introduced by the federal government.⁴⁴

1. The number of the rangers deployed in Karachi is to be doubled and they have been equipped with modern weapons.
2. The officers of law enforcing agencies that were sidelined by the previous government are being sent back to Karachi on their previous post.
3. All the closed files murder and violence creating activities have been immediately opened.
4. The officers who were favorites of previous ruling coalition are being sidelined.

⁴³ Public Opinion Trands, Pakistan, Vol. XXVI, November 14, 1998, p. 3587, as cited in Surendra Singh, n. 25, p.148.

⁴⁴Public Opinion Trands, Pakistan, Vol. XXVI, November 14, 1998, p. 3631, as cited in Surendra Singh, n. 25, p.150.

5. After examining the results of operation the article 245 of the constitution will be invoked.
6. Cellular phone and paging services would certainly be suspended if they helped terrorists in Karachi and Hyderabad.
7. A round of talks will be open with the saner elements of MQM, who want to play a role in politics.
8. The federal government would keep vigil on the performance of the Governor, who is in charge of the operation.

The MQM leaders accused federal government that leaders and workers of MQM were tortured by police and federal security agencies. To acquire peace in the province federal government introduced special military courts. These courts had the power to award that punishment to the terrorists, decoits, and anti-state activists. It is the first time in the parliamentary history of Pakistan that a civilian government established military courts. These are considered extra judicial measures.⁴⁵

The military measures reduced the number of murders in Karachi which was biased. The opposition and human rights groups accused that this measures was biased and under the pressure the federal government. The supreme court of Pakistan ruled on February 17, 1999 that these special military courts were unconstitutional.⁴⁶ Due to these ups and downs, Karachi, once the industrial and commercial capital of Pakistan, was ruined as a city and stated as a city of murder.

⁴⁵ Public Opinion Trands, Pakistan, Vol. XXVI, December 9, 1998, p. 3932, as cited in Surendra Singh, n. 25, p.150.

⁴⁶ *Muttahida Quami Movement (MQM)*, see [www. Fas.org](http://www.Fas.org)

Murders in Karachi from January 1 to September 30, 1998.

Table. 4.5

Month	Murders
January	69
February	67
March	74
April	81
May	113
June	175
July	62
August	113
September	101
Total	861

Sources: Government of Pakistan, Interior Ministry, herald, December, 1998, p32, as cited in Mohammad Arif, Sindh in the Midst of Crisis, Strategic Analysis, February 2000, Vol. XXIII, No.11, p.6.

In the shadow of growing repression of the federal government MQM Quaid Altaf Hussein issued an appeal to the other small parties and ethnic groups of Sindh to protect their province hegemony. He stated that there is a great urgency for a broader understanding between the Sindhis and the Mohajirs to safeguard the interest of the province. He alleged that during the last 50 years the Punjabi ruling class have continued with divide and rule game to serve their power interest.

NAWAZ SHARIF LED FEDERAL GOVERNMENT'S RELATIONS WITH NORTH WEST FRONTIER PROVINCE (NWFP): ---

NWFP was also an important province of Pakistan. It touches the borders of two Muslims countries: Iran and Afghanistan. In the general elections of 1990, the coalition led by IJI won 32 seats followed by 21 ANP, its ally out of 80 seats. According to Hamid Khan, "IJI formed government in NWFP in coalition with ANP. Mia Mohammad Afzal acquired the seat of Chief Minister. This government was dissolved by the Governor on the advice of the Chief Minister. The Chief Minister had threat that his government could be dissolved by a no-confidence motion."⁴⁷

NWFP is a home of an ethnic group named Pathan, also called Pakhtuns, Pashtuns, Pustuns and Pakhtoons. This group has large population around twenty millions in Pakistan.⁴⁸ According to the 1981 census this ethnic group constituted 68.3% of the total population of the province, in which the population of Pakhtuns of Federally Administered Territories (FATA) was not included.⁴⁹ In the words of Ian Talbot, "while the Pakhtuns predominated in the surrounding tribal areas, they were in a minority in the British province. The non-Pashtun formed 55% of the total population, Hindus and Sikhs 8% and Pakhtuns 37%. Non Pustun Muslim predominated in Hazara, and the Dera Ismail Khan districts, while in Peshawar Kohat and Bannu, Pakhtuns formed a clear majority."⁵⁰

⁴⁷ Hamid Khan, n. 3, p. 739.

⁴⁸ S Ahamed, *Centralisation, Authoritarianism and the Mismanagement of Ethnic Relations in Pakistan*, in M E Brown and S Ganguly (ed.), *Government Politics and Ethnic Relations in Asia and the Pacific* (Cambridge, Mass: MIT Press, 1997), p. 88, as cited in Christophe Jaffrelot (ed.), *Pakistan: Nationalism Without A Nation?* (New Delhi: Monohar Publishers, 2000), p. 48.

⁴⁹ Feroz Ahamed, *Ethnicity and Politics in Pakistan* (Karachi: Oxford University Press, 1998), p.190.

⁵⁰ Ian Talbot, n. 37, p. 81.

In the elections of 1997 the major political party of NWFP, ANP sided with the IDA. This coalition won the elections. Mahtab Abbasi became the chief minister of the province.⁵¹ Illegal arms trade and drug trafficking in NWFP caused a headache for the federal government. Keeping arms and taking drugs has been a tradition in the tribal groups of NWFP. The federal government tried all his best to implement the "Punjab Opium Smoking Act of 1923." But due to the pressures of traditions of tribal groups, federal government failed in its actions.

Another problem of refugees occurred due to the Pakistan's policy to support Taliban in neighbouring country Afghanistan. The idea of independent Pakhtunistan also creates problems for federal government. The origin of this old idea lies in the nostalgic associations of Pathans with the empire of Ahmad Shah Durrani. The continued negligence of the province by federal leadership gave further legitimacy to the movement for ethnic assertions. The ANP put strong pressures upon Nawaz Sharif to change the name of province to "Pakhtoonkhawa". In the words of Kaushik, "the ANP which stood mainly for the Pakhtoon autonomy exerted strong pressure on the Prime Minister for remaining of the NWFP as 'Pakhtoonkhawa.' Prime minister sharif followed the same negative approach of which predecessors towards genuine demand of the Pakhtoons. In such a situation the ANP had no alternative other than withdrawal of support from the rulling PML (N)."⁵²

Relations and coalitions in parties of Pakistan were always not based on common ideology, but they were based on their political

⁵¹ Hamid Khan, n. 3, p. 817.

⁵² Surendra Nath Kaushik, *The Sharif Regime and The Military Takeover*, in Ramakant, S.N.Kaushikand Shashi Upadhyaya, (ed.), *Contemporary Pakistan: Trends and Issues Vol-II* (New Delhi: Kalinga Publications, 2001), p. 281.

interest. For example after the elections of 1997 ANP formed coalition again with PML (N). According to Hamid Khan, "in the NWFP, a coalition government of the PML (N) and the ANP was formed, headed by Mahatb Abbasi of the PML (N). Abbasi became the Chief Minister of NWFP.⁵³

In this period the people of NWFP were angry with the all pervasive Punjabi dominance. The Sharif brothers Nawaz Sharif and Shahbaz Sharif, the Chief Minister of Punjab more symbolised this dominance in this period, also ANP alleged that Sharif and his associates had backed out of an earlier commitment for this change.⁵⁴

FEDERAL GOVERNMENT'S RELATIONS WITH BALOCHISTAN: ---

Balochistan is the largest province of Pakistan, but it contains the smallest percentage of the total population of Pakistan. This province is a neglected province, in the spheres of politics, military, irrigation etc. As Siraj-Ul-Hasan described, "the neglected province of Balochistan (equally by both the civilian and military establishments) may be poorest by development indicators but it is extremely rich, probably richest, in resources, of the not-shown and follow area of 2.9 million acres, only 700,000 acres are irrigated. The total road length accounts for 6,544 miles of which 885 miles are of high grade and 5,659 miles of low grades."⁵⁵

In 1990 the PML (N) coalition IDA formed another coalition with three other parties of Balochistan including Balochistan National Alliance (BNA) and Jamhoor Watan Party (JWP). The

⁵³ Hamid Khan, n. 3, p. 817.

⁵⁴ Veena Kukreja, n. 24, p. 254.

⁵⁵ Siraj-Ul-Hasan, "Baloochistan: From Obscurity to Limelight," <http://www.dawn.com / 2002/04 /15/ebr14.html>.

province saw a fierce strife between the two biggest ethnic groups Balooch and Phatans on October 1992, when twelve new wards were included in the Quetta municipal Corporation. Pathans dubbed the decisions as faulty because according to them it was meant to outnumber Pathan councilors against Baluch to ensure the election of a Baluch mayor.⁵⁶

A basic reason of these strifes was the end of old alignment between both ethnic groups, which was formed during Z. A. Bhutto period. According to Shireen M Mazari, "the Baluch leaders, who had taken up arms against the Z. A. Bhutto regime, were also brought back into the main stream national parties have increased their support in the province. The old alignment between the Baluchs and Pushtuns also ended as a result of the influx of Afghan refugees into Baluchistan."⁵⁷

In summary Baluchi nationalism got a special boost in the last years of 1990. Radical leaders having strong Baluchi sentiments were protesting against the moves of federal government in the province.

FEDERAL GOVERNMENT'S RELATIONS WITH PUNJAB: ---

In the elections of 1990 the IJI coalition swept the polls in Punjab. It won 211 seats out of 240 general seats. Having resounding majority, the IJI formed government and elected Ghulam Haider Wyne as chief minister. These situations remained same in 1997 elections. IJI repeated its history of 1990 election. It won 212 seats out of 240 general seats and there was no opposition worth the name in Punjab. According Hamid Khan, "it was expected that the

⁵⁶ Ibid.

⁵⁷ Shireen M. Mazari, *Ethnicity and political Process: The Pakistan Experience*, see http://www.issi.org.pk/strategic_studies_htm/2003/no_3/artical/1

chief ministership of Punjab would go to Pervez Elahi who had been so promised in 1993, after the reinstatement of the Nawaz government by the Supreme Court of Pakistan. Nawaz and his family had second thoughts about offering the Punjab government to the Chaudharies of Gujarat. They had better experience with Wattoo in 1993 and decided not to risk Punjab at any cost. So it was decided to keep the chief ministership within the family and Shabaz Sharif, the brother of Nawaz, was chosen for this post. Pervez Elahi was offered the office of speaker of the provincial assembly of Punjab as compensation.”⁵⁸

During the time of Nawaz Sharif, Pakistan became more centralised than federal. This sort of centralizations of power in the hands of Nawaz created rifts in the administration. He saw to it that Punjabis occupied all the important position in the administration which may be in the bureaucracy or the army. Its support for the Kalabagh Dam also created major tensions in the province of Sindh. This sort of efforts to ‘punjabise’ the nation, created major features in the political, social and federal fabric of the nation. The ruling style of Nawaz was called an authoritarian , which antagonised not only the governments and people of other provinces but also the masses of Punjab also. According to Kaushik, “interestingly a large section of people in Punjab were also getting annoyed with the authoritarian policies of the Nawaz’s regime. It is alleged that, “Sharif is not doing any good for the Punjab state as his paramount concern seems to protect the interest of the Sharif clan.”⁵⁹

In Punjab province it was said that Nawaz Sharif and Shahbaz Sharif only safeguard the interests of the Central Punjab and represented ‘Lahorites’ Both were accused by the Punjabi people

⁵⁸ Haamid Khan, n. 3, p. 817

⁵⁹ Surendra Nath Kaushik, n. 52, p. 282.

that they were responsible for projecting an image of Punjab as 'criminal' before the other smaller provinces of Pakistan.⁶⁰ Punjab faced a great violence during Nawaz regime by various reasons. In comparison to Karachi, Lahore, the hometown of prime minister had the highest murder rate in the country.

Murders in Karachi and Lahore from January 1 to September 30, 1998

Table-4.6

Month	Murders in Karachi	Murders in Lahore
January	69	143
February	67	97
March	74	123
April	81	122
May	113	177
June	175	132
July	62	225
August	113	112
September	101	99
October	861	1230

Sources: Government of Pakistan, Interior Ministry, Herald, December, 1998, p32, as cited in Mohammad Arif, "Sindh in the Midst of Crisis," *Strategic Analysis*, February 2000, Vol. XXIII, No.11, p.6.

**THE WATER ACCORD 1991: A SERIOUS ISSUE OF INTER STATE
CONFLICT: ---**

Water is one of the most precious natural resource and it is essential for sustainable economic development. It will be naive to state that all rural poverty problems could be solved through improving access to water alone. Poverty is an outcome of complex

⁶⁰ Ibid.

interactions of different actions and policies. For sustainable use of water and to address poverty alleviation issues, water resources need to be managed properly. Pakistan is an agricultural country. Agriculture serves as an engine of economic growth, an irrigation led technological changes are the key drivers behind productivity enhancement in agriculture sector. Through proper management, water is made available as per requirements.

Pakistan underwent a one and half decade long crisis related to irrigations supplies and hydropower generations before reaching consensus. Load shedding and irregular agriculture produce was the most measurable problem for Pakistan. An inter provincial agreement became essential to solve the long standing dispute of canal water usage shares in the river supplies and surplus flows of in the form of floods.

After independence no stable and coherent, mechanism for equitable, proportional distributions among the provinces on the basis of periodic reserves was instituted in Pakistan. The first effort to constitute a regular authority came in 1990s. According to Hassan Mansoor, "apportionment of the water of the Indus river system between the provinces" agreement was signed on March 21, 1991. Under the terms of this agreement, the Indus River System Authority (IRSA) was established in 1993."⁶¹

This accord was signed in Karachi at a meeting of the chief ministers of the four provinces along with several provincial representatives. This accord was a unique demonstration of mutual cooperation and National spirit, resolved the long outstanding disputes.

⁶¹Hasan Mansoor, "Water Wars: Sindh's Struggle For Control of The Indus," *Himal*, 15/7, July 2002, p. 32.

The account allocates the following share to provinces.

Table 4.7

Province	Kharif (MAF)	Rabi (MAF)	Total (MAF)
Punjab	37.07	18.87	55.94
Sindh	33.94	14.82	48.76
NWFP (a)	3.48	2.3	5.78
(b) Civil Canals	1.80	1.2	3.00
Balochistan	2.85	1.02	3.87
Total	77.34	37.01	114.35
**	1.8	1.2	3
* Including already sanctioned Urban and Industrial uses for Metropolitan Karachi.			
** Ungauged Civil Canals above the rim stations.			

Source: ---The Water Accord, see in www.pakissan.com/pk

Earlier the IRSA stopped distribution of water according 1991 accord. In the words of Rauf Klasra, "earlier the IRSA had stopped distribution of water on the basis of 1991 accord and introduced new formula based on 'historical uses' in 1994."⁶² But soon Sindh started demanding the distribution of water resources on the basis of 1991 accord but Punjab refused this demand. The dispute arose over interpretation of clause 14 (a-b) of the agreement concerning

⁶² Rauf Klasra, "CMs Agree on 1991 Accord, Big Dams", see www.jang.com.pk/thenews/jul.2004-daily/21-07-2001.

the system wise allocations and used for the period of 1977-88, which would form the guideline to develop the future regulation pattern.

The clauses read as following: ---

- (a) The system-wise allocation will be worked out separately, on ten daily bases and will be attached with this agreement as part and parcel of it.
- (b) The record of actual average system uses for the period 1977-82 would form the guide line for developing a future regulation pattern. These ten daily uses would be adjusted pro-rata to correspond to indicate seasonal allocations of different canal system and would form the basis for sharing shortages and surpluses on all Pakistan bases.

After the 1994 water crisis both Punjab and Sindh have been twisting for their own interest. Currently Punjab and sindh are facing 40% and 50% short supply respectively in their share of water.⁶³ Sindh accused Punjab for profligate use of water by Punjab. Sindh had traditionally two complaints against Punjab- one that in the dry season, when Sindh needs water, Punjab doesn't release enough down stream; and during floods, when Sindh doesn't need water, Punjab flusters out surplus down stream.⁶⁴

Kalabagh dam was also a disputed matter between provinces. According Altaf Hussein, "this water crisis and deprivation 'has been carefully masterminded to subjugate the people of sindh into submitting to the conspiracy of building the Kalabagh dam... when

⁶³ "A Nation Divided Over Water," The Media Programme, Institute of Policy Studies, <http://www.ips.org.pk/mediaprogram/articals2000/water.htm>.

⁶⁴ Hasan Mansoor, n. 67, p.33.

the leaving beings and crops of Sindh will face devastation due to lack of water, only than the establishment of Pulliab would propose facilitation of water to sindh on the conditions that those opposing the construction of Kalabagh Dam shall agree to its construction.”⁶⁵The NWFP and Baluchistan also protest against the government’s unilateral decision in June to revive, Kalabagh hydro-electric dam project.⁶⁶

FEDERAL GOVERNMENT’S RELATIONS WITH ARMY: ---

According to Mushahid Hussain and Akram Hussain, there are three facts, which testify the past intimacy between Army and Nawaz Sharif, “First, he started his political career during the martial law as finance minister in Punjab and never opposed the Army rule in Pakistan or the then martial law. Second, he forged the IJI for the 1988 elections with the help of the Army. Third, in his 20-month battle with Benazir Bhutto when she was in office, the Army supported him”⁶⁷

Nawaz affirmed that he would not legitimise or formalise the CDNS. Although the Pakistan Army commanders still insisted their role should be written into the constitution, they were relatively contented to leave the issue suspended.⁶⁸

The task of taking on the Prime Minister therefore fell to the Chief of Armed Staff (COAS), General Jehangir Karamat. In an unusual display of candors, Karamat made a number of public

⁶⁵ Altaf Hussain, Sindh deprived of its water for Opposing Kalabagh Dam, Seminar over Telephone From London At The Khursheed Memorial Hall, Karachi, 15 April 2001, see www.mqm.org,

⁶⁶ Veena Kukreja, n. 24, p. 254.

⁶⁷ Mushahid Hussain and Akram Hussain, “Pakistan, Problems of Governance”, Center for Policy Research, (New Delhi: Konark, 1993), pp. 103-104 as cited in Rakesh Gupta, *State in India, Pakistan, Russia and Central Asia* (New Delhi: Kalpaz, 2004), p. 120.

⁶⁸ Lawrence Ziring, n. 12, pp. 244 - 245.

statements about his personal concerns. Indicating that the Nawaz Sharif government has exposed the nation to problems, that threatened its very existence, the General expressed the opinion that only the Armed forces were in position to organize as an alternative".⁶⁹

However, such an opposition from the COAS became unbearable for the Prime Minister. He within a very short span of time saw to it, that Keramat resigned from the position of the COAS. Nawaz handpicked, General Pervez Musharraf, an officer from a lower rank, as he thought that such an action will keep Musharraf subservient to Nawaz and his position.

With the initiation of the Kargil War, there was a severe friction that ensued between the Prime Minister and the Armed Forces.⁷⁰ The manner in which Nawaz Sharif ordered the withdrawal of troops from the Line of Control and the area of the Kashmir zone of conflict after being reprimanded by the US administration, angered the armed personnel against the Nawaz administration as they felt that it was a deliberate attempt by the civilian government to undermine the Army's professional and corporate interests. Nawaz continuously shuffled the Army Generals due to the threat perception of being ousted by the strong Army. Musharraf's displeasure of Sharif's government policies was clear during the Lahore trip of the then Indian Prime Minister.⁷¹

⁶⁹Ibid, pp. 249

⁷⁰ For details see Paper presented by Bruce Riedel titled "American Diplomacy and the 1999 Kargil Summit" prepared for the *Center for the Advanced Study of India at the University of Pennsylvania*, in the Blair House, Washington. Its excerpts were published in *The Indian Express* titled "July 4, 1999: Clinton, Nawaz, Vajpayee and a N-war" on 17 May 2002 and hosted on the Ministry of External Affairs Home Page, Government of India, see <http://meaindia.nic.in>

⁷¹ Neither of the three Service Chiefs were present, breaking the protocol, during the arrival of the Indian Prime Minister in Lahore.

Sharif dismissed Musharraf, when the latter was on a visit to Sri Lanka, and appointed Lt. Gen. Khawaja Ziauddin Butt, the then Director General of the Inter Services Intelligence (ISI), who was junior to several other senior commanders, as the COAS.⁷² Musharraf came back that evening and in a dubious manner staged a coup against the Prime Minister. He later blamed that the Prime Minister made a blatant attempt to kill the General by not allowing his aircraft to land, in the way putting at threat the lives of those present in the aircraft. Later Sharif was charged on treason and attempt of murder, and banished from the nation.

FEDERAL GOVERNMENT'S RELATIONS WITH PRESIDENT: ---

The relationship between the Prime Minister and the President had been cordial initially. However, with the passage of time, various cracks and fissures erupted between their relations. The cracks became visible, especially, when Nawaz attacked the President in April 17, 1993, alleging that he was actively encouraging intrigues and conspiracies to destabilise the government. Nawaz vowed not to resign, not to advise the dissolution of the National Assembly, and not to take any dictation from the President...the President dissolved the National Assembly and dismissed the Prime Minister on April 18, 1993.

It must be understood that the relations of the President and the Prime Minister took a severe blow due to the Eighth Amendment, which rather turned the President more redundant than ever, taking away the most coveted executive power of dismissing the National Assembly by the President. Ishaq Khan went

⁷² Hasan-Askari Rizvi, "Pakistan in 1999: Back to Square One", *Asian Survey*, Vol. XL, No. 1, January - February 2000, pp. 210 - 211.

on record to state that it was his duty to defend every Article of the Constitution and he would prevent any subversion to it.⁷³

There was also one more cause that added colors onto rift between the Prime Minister and the President. The widow of the late General Asif Nawaz claimed that her husband was poisoned and appeared to accuse Nawaz for the deed. Forced to respond to the accusation, the Prime Minister convened a three-man judicial commission which was mandated to examine the charges and to receive expert testimony as to the cause of the Generals' death.⁷⁴ However, this commission got political colors with the influence that Benazir and Ishaq Khan started putting in. Before the commission could come out with the findings, Ishaq Khan dismissed Nawaz Sharif.

In reference to the federated provinces, the President justified his action of dissolving the National Assembly and dismissing the Prime Minister, that:

1. Most of the federating provinces were vociferously protesting the attitude and predominance of the federal government;
2. Complaints were being received from all the provinces about the functioning of the National Finance Commission;
3. Nawaz Sharif interfered personally and gave orders in small matters thus paralyzing the administrative machinery, which had practically destroyed the chain of command.⁷⁵

⁷³ Aabha Dixit, "Focus on Pakistan's Army", *The Times of India*, April 24, 1993.

⁷⁴ Lawrence Ziring, *Pakistan in the Twentieth Century: A Political History* (Karachi: Oxford University Press, 1999), p. 541 .

⁷⁵ Hamid Khan, n. 3, pp. 752 - 753.

There was significant highhandedness from the Prime Ministers Office in relation of the selection of Chief Justices in the High Court and the Supreme Court. It even remained a bone of contention between the President and the Prime Minister, where the former practically found that he had practically no power in the selection of the candidate for the abovementioned posts. He was just there to appoint the candidates chosen by Nawaz.

CONCLUSION: ---

During the times of Nawaz Sharif, Pakistan became more centralised than federal. Nawaz had practically little faith on the provincial governors and administrators and was suspicious about the manner in which they wanted to earn some bit of autonomy from the centralised leadership under Nawaz. Though, in the initial stage, he tried to maintain a balance between the central leadership and the provincial administrators. However, soon with the fear psychosis that prevailed in him as he felt that there was a conspiracy brewing between the President, Army, provincial governors and the main opposition leader, to dismiss his government from power, he in a rash decision, single-handedly took over the reigns of power of the government as well as the provinces, angering all the other central and provincial administrators.

Nawaz Sharif, was a better administrator than Benazir. During his times, corruption was very high especially spreading to the lowest echelons of political power and administration. But he deftly controlled the Army leaders and being a Punjabi, it was possible for him to persuade the different decision makers to fall in line with his decisions, either by taking them in confidence or by coercion. Still during his administration, the entire federal character of the nation lost its nature, as it gained more of a unitary character.

The freedoms of the provincial administrators were practically curbed, putting Nawaz's decisions on the forefront.

During his tenures, he was able to curb the violence that took place in the provinces, especially in Sindh, leaving out some stray untoward incidents. There was significant violence in Karachi by various violent groups that started from mid 1998. But Nawaz Sharif brought in the army as well as set up special military courts to try alleged terrorists and criminals, which went with the amendments that he brought through.

Most of the opposition politicians including Benazir Bhutto and the MQM (Muttahida Qaumi Movement) leader, Altaf Hussain, have condemned the move, and have described it as an attempt to undermine democracy. But the action has been welcomed by several government politicians who believe this is the only way to solve Karachi's chronic law and order problem. Karachi has been the Achilles heel of successive Pakistani Governments.⁷⁶

The Twelfth Amendment to the Constitution remained as an example for decreasing the amount of violence that could have been done constitutionally. Nawaz still believed more on coercive methods rather than on cooperative ones in shooing away violence. Any one or any political party who threatened Nawaz's stability was removed from the political platform either being detained or by conviction. Only those political parties, who were in his close political coterie, enjoyed unlimited privileges and freedom. This in a way especially angered the President, during his first tenure of governance and later the army, during his second tenure of governance.

⁷⁶ Zaffar Abbas, "Nawaz Sharif gets tough", *World: South Asia Analysis*: Saturday, November 21, 1998, British Broadcasting Corporation, see http://news.bbc.co.uk/1/hi/world/south_asia/219098.stm

Nevertheless, there were instances where the government created some chances of creating some cohesion within the provinces and even within the region. Efforts were made to strengthen the industries with the help of private sector. Projects like Ghazi Brotha and Gawadar Miniport were initiated. Land was distributed among landless peasants in Sindh. His most important contribution was making considerable economic policies of initiating the process of liberalisation despite American sanctions on Pakistan through the Pressler Amendment.⁷⁷

More reasons can be cited where the relations between the center and the provinces took severe economic and social jolts due to the actions of the Nawaz governance. As he started his political career from Punjab, he had his own knack for the welfare of the province, how unequal it may be in relation to other provinces in Pakistan. During his tenure as Chief Minister of the Punjab from March 7, 1985 to August 6, 1980 he allotted 1111 plots in various developments schemes of LDA and 2027 plots in different schemes of the Housing and Physical Planning Department of the Punjab.⁷⁸ In the Johar Town Scheme of the LDA, he allotted sixty-six one – kanal plots against the chief minister's discretionary quota of twenty-one-kanal plots. There was also various other cases like the "Yellow Cab" scheme where more than 750 million US dollars was poured into it. For a political than economic cause it provided employment to a few at a price that was very high.⁷⁹ Due to such discrepancies, it became rather easy for the President to dismiss the Nawaz government and install a caretaker government.

⁷⁷ "Biography of Mian Nawaz Sharif", Home Page, *Pakistan Muslim League (Nawaz)*, France, see <http://www.pmlfrance.com/profile.php>

⁷⁸ Hamid Khan, n. 3, pp. 764 – 765.

⁷⁹ Ibid.

Chapter V

Conclusion

CHAPTER V

CONCLUSION

The dynamic nature of human society is generally responsible for changing institutional development the world over. Federalism is based on the theory of two governments each supreme in its own sphere, which has been modified in practice in federations. Firstly the very concept of the functions of the state has changed in modern times. Secondly, science has unfolded the secrets of nature and opened many gateways of new ideas and new methods to live. Thirdly, the international commitments of the nations, whether they were federal or unitary have immeasurably increased. Fourthly, the problem self existence and the urge for social welfare are sufficiently compelling forces in federations to give the central governments the necessary power to satisfy the needs of their citizens. And finally the establishment of international organization likes the IMF, WHO, FAO, and World Bank are milestone on the road to a world community.

The study of federalism should be of primary concern to any study of political science. Federalism in history has served as a structural principle of foremost importance, whenever small political units had to give away, for their common interest, to a process of forming larger communities, or when they were confronted with the eminent extension of centralised status at their borderlines. It can be said that the dialectical process of federalising and centralising forces represents one of the basic elements of historical development. In modern political structure federalism appears as an instrument corresponding best to the unavoidable needs of international political coordination. Each of the new federations has combined its particular variations of these institutions into its own unique blend of pragmatic federal government.

Making an assessment of the entire study remains a daunting task as the state of Pakistan remains one of the most politically unstable states in the South Asian region. The leaders themselves, after every change of governance, found Pakistan in a more despicable political and economic state. However, the major brunt of these inconsistencies of leadership was born by the provinces.

Various colours were added to such misgovernances. The ethnic, religious, language, economic and racial dimension were added on to such misgovernances, which created more rifts within the various ethnic groups residing in the territory of Pakistan. The process of *punjabisation* made the process of federalism more of a farce of the 1973 constitution; provincial governments being suspended and dismissed according to the whims and fancies of the central leadership. The rift between the various decision makers within the central leadership also made significant impact on central provincial relations.

Federalism has been the most potent in political developments during the last 175 years in the modern world. It was conceived as a device to coordinate the activities of different levels of government by statutory division of their functions and powers. If the federal character of Pakistan is seen in the spectrum of that of what has been defined by Western theorists, then Pakistan's federal character can be easily falsified. But undeniably, there exists a strong federal base in Pakistan's polity even within the strong unitary pattern of governance.

Keeping the constitutional provisions aside, which have been discussed in previous chapters, there are prominent federal natures that are visible in Pakistan. The regional aspirations that has been alive for the last six decades after the birth of Pakistan, has given rise to numerous clashes within the provincial communities against the central leadership's dictates in the civilian sphere as well as in the

incessant demands of autonomy that has been placed by the regional governments in front of the central leadership. These demands and aspirations has sustained the federal character of the nation, how nascent it might be, as various leaderships, in various forms, from time to time, to create their political legitimacy and consensus, gave significant space for meeting such regional demands. With the rising political and economic demands that have been brought forward by the provincial leaderships, it remains clear that there has been a general rise of political awareness of the provinces about their federal character of the provinces.

But there remain major challenges in front of the Pakistani federal character as major obstacles.

The first such challenge is the deficit of constitutionalism in the governing pattern of Pakistan. The constitution remained and still remains to be a flexible guideline that can be changed according to the nature of leadership at the centre. Even the federal character during Ayub Khan was sacrificed by the One Unit Plan, which was later restored by Bhutto. In the last six decades there has been the formulation of three constitutions, the last constitution having major changes that remoulded the entire spirit of the 1973 Constitution. In the Western federal nations, such changes and remoulding of the Constitution has been more of a rare phenomenon.

Federalism is based on a mutually consented decision of power sharing between the provinces and the center giving ample space or autonomy to the provinces decreasing the influence of the center over them. Especially, in nations as diverse as Pakistan, federalism remains to be extremely important due to the presence of various diverse races, having strong ethno-linguistic, religious and geographic identities, distributed throughout the four major provinces. Any sort of suppressive or interventionist legislation, henceforth, gives rise to strong provincial outbursts. Pakistani federal nature has been

checquered by the suppression of such outbursts either through constitutional or extra-constitutional means. But such suppression has led to the strengthening of the federal mindset of the provinces, as there has taken birth of demands for more autonomy, which sometimes has even got secessionist colour.

The two democratic regimes of Benazir Bhutto and Nawaz Sharif, similarly, as described in the previous chapters, show the manner in which the federal nature of Pakistan grew amidst confusions, chaos, misgovernance and frequent changes of leadership. Pakistan has been able to develop a pattern of centralised federalism, where the center has always maintained the last say in central provincial relations.

If judged according to the definitions and characteristics provided by the Western theorists for a federal state, Pakistan seems to fail in practically every aspect. But, if seen closely, a different federal nature will be visible, which remains ingrained within Pakistan's polity.

At the beginning of this study it was examined a number of views about the federal principle. It was suggested that the fundamental and differentiating characteristics of a federal political system is the co-ordinate status of the governments exercising The first chapter has tried to lay a foundation of federalism as a concept that has been accepted as a means of governance by various states. In some states, like that of Switzerland and Canada, the concept has found its true shape as has been deduced by the Western theorists. The manner in which the concept has taken a different shape in developing nations has also been discussed.

In the second chapter there is a brief history of the federal nature of Pakistan, till the period of study. The origins of federalism, which had its roots even before the creation of Pakistan, the growth of constitutionalism, the nature of the federal character that was

thought about during the initial years, and the evolution of the federal character of the state with the passage of time, has been discussed. In this chapter it was concerned with considering to what degree the federalism in Pakistan have embodied and what degree the country may be describe as federal.

In the third and fourth chapter, lies the soul of the study, where it discusses the manner in which the federal character of the country was evolved during the two democratic periods of governance of Benazir Bhutto and Nawaz Sharif. Benazir Bhutto faced various obstacles due to the overt punjabisation process, the role of the other decision makers, like that of the President and the Army, the role of the provincial governments and the amount of autonomy that they enjoyed has been discussed. It has been a strange phenomenon that Benazir, though belonging to the province of Sindh, failed to resist the strong majority minority syndrome that she herself became a part of. Though in the initial stages she made attempts of giving more powers and provincial share to Sindh, but within a very short span of time, she buckled to the various pressures that were created from within the society, especially from that of the Punjabi presidents and army chiefs. Many other deeds like implementing the People's Work Programme without consulting with provinces and sending federal security forces to complete her interests, creates a lot of ethnic upsurge secessionist tendencies, militancy and terrorist activities, which damaged the soul of federalism of the country.

During the period of governance of Nawaz Sharif, there were significant agreements that were behind major resource sharing between the provinces as well as the centre and the provinces. He also made major constitutional changes of making the position of the Prime Minister secure from the extra constitutional powers that were enjoyed by the President on the insistence of the defence forces, which acted as a check valve on the powers of the Prime Minister. In his period the political structure of Pakistan seemed more centralised

than federal. It can be concluded that the pattern of rule of Nawaz Sharif was authoritarian. He had very little faith upon the provincial governors, governments and governments. He was suspicious on their demand of autonomy from central leadership. In his administration the freedom of the provincial governments and administrators were curbed, by putting his decisions on the forefront, by which the entire federal character of the nation lost its luster, as it gained more of a unitary character

There were some similarities during both the leaders' period of governances. The analysis of legislative, financial and administrative relations between the centre and the units indicate that the function of these relations was highly centralised in both these regimes. The provinces were subordinated to, rather than coordinate with, the central government

Both the leaders supported the Islamic groups from playing an active role in politics in the provincial elections as well as in the general elections. The MMA's coming to power in NWFP, the establishment of Shariah as the provincial law, and their role in supporting the central leadership, has been of significant importance on the path of Islamising the provinces as well as the central political character. This province also remains to be a victim of unequal power sharing of the center. This province also has born the major brunt of the refugee crisis resulting from the Afghanistan crisis, bringing in a different dimension to the character of the province. The various criminal activities, like drug and small arms trafficking, that grew due to the economic scarcity, also created severe tensions between the central and provincial leaderships. NWFP also turned into a haven for religious extremists as well as terrorist groups, which remained as a cause of concern for the central leadership. The rise of the Taliban in Afghanistan also brought in major changes in the political character of the province, bringing forth a major religious fervour to the politics of the province.

In Sindh, especially during Benazir's period of governance, there has been the significant rise of power of the MQM under Altaf Hussain. The power equation that was formulated between the PPP and the MQM broke in between creating major fissures in the political character of the province bringing forth major ethnic clashes between the ethnic communities in the province. The Pucca Qila incident remains as a major blur on the central provincial relations of Pakistan. Sindh has been the most violence ridden province in that country, the clashes that have been mostly due to the unjustified power and resource sharing between the ethnic groups in the province and the center. Both the leaders took the assistance of the Mohajirs in creating their governments, but due to various political misgivings, each time such coalitions broke apart.

The politics of Balochistan also got a different dimension during the periods of governance of these two leaders. The coalition that was made by Benazir also had some major Balochi political parties during the formation of government in 1988. But due to the political immaturity of both the central as well as the provincial leadership, such coalition broke apart, as the center failed to fulfill the dreams and aspirations of the provincial leadership, and the provincial leadership did not foresee the challenges that the state of Pakistan stood in front of. Both of them, due to such misunderstandings parted ways, taking up support from each other. The center also failed to control the growing ethnic tensions between the Balochis and the Pathans that remained scattered throughout the nineties. The major rift between the Pashtun refugees and the indigenous Balochis, the prominence of these refugees in the government Censuses, created a sense of misgiving amidst the local populace about the central as well as the provincial leaderships. The natural gas reserves in Sui and the manner in which the central leadership mismanaged with the provincial resources remained as issues of conflict between the central and the provincial leaderships.

The picture that has been portrayed does not at all show a successful federal character of the nation. But there has been a positive trend as the political leaderships in the provinces has become aware about the unequal power and resource sharing and has been able to successfully bring out major changes for the development of the provinces.

With the changing political dimensions of Pakistan, there has been a major rise of the powers of the provinces, having the dictates of the central leadership looming over the provincial governments. Though the last say still remains in the hands of the center, the regional governments have been able to squeeze out major governmental provisions for themselves. Federalism seems to be in a nascent state in Pakistan.

BIBLIOGRAPHY

Primary Sources: ---

The Government of India Act, 1935, in <http://banglapedia.search.com.bd/HT/C>

The Constitution of Pakistan, 1956 in www.pakissan.com

The Constitution of The Islamic Republic of Pakistan, 1962 in <http://www.paksearch.com/Government/CONSTITUTIONS/COPV> /LAWS/

The Interim Constitution, Government of Pakistan, 1972. in <http://www.paksearch.com/Government/CONSTITUTIONS/COPV> /LAWS/

The Constitution of the Islamic Republic of Pakistan, 1973. Lahore: All Pakistan legal studies.

Pakistan Today, Government of Pakistan, Islamabad.

Pakistan - 1995, Government of Pakistan, Islamabad.

Secondary Sources: ---

Abbas, Bin Kameruddin, *The Constitution of Pakistan*, (Lahore: All Pakistan Legal Decisions, 1958).

Ahamed, F, *Ethnicity and Politics in Pakistan* (Karachi: Oxford University Press, 1998).

Ahmed, Mushtaq, *Before and After Independence*, (Karachi: Royal Book, 1989).

-----, *Government and Politics of Pakistan* (Karachi: Pakistan Publishing House, 1959).

-----, *Politics in Crisis* (Karachi: Oxford University Press, 1987).

- , *Pakistan at the Crossroads*, (Karachi: Royal Book, 1993).
- Akbar, M. K., *Pakistan from Jinnah to Sharif* (New Delhi: Mittal Publications, 1997).
- , *Pakistan Today*, (New Delhi: Mittal Publications, 1998).
- Akhund, Iqbal, *Trial and Error: The Advent and Eclipse of Benazir Bhutto* (Karachi, Oxford University Press, 2000).
- Ali, Mehrunnisa, (ed.) *Readings in Pakistan Foreign Policy- 1971- 1998* (Oxford: Oxford University Press, 2001).
- , *Politics of Federalism in Pakistan*, (Karachi: Royal Book, 1996),
- Amin, Tahir, *Ethno- Nationalist Movements of Pakistan* (Islamabad: Institute for Policy Studies, 1993).
- Bahadur, Kalim and Uma Singh, (ed.), *Pakistan: Transition to Democracy* (New Delhi: Patriot Publishers, 1989).
- Bahadur, Kalim, *Democracy in Pakistan: Crisis and Conflicts* (New Delhi: Har-Anand, 1988).
- Banuazizi, A. and Weiner M, (ed.), *The State, Religion and Ethnic Politics: Pakistan, Iran and Afghanistan* (Lahore: Vanguard, 1987).
- Baxter, Craig and Kennedy, (ed.), *Pakistan 2000*, (Oxford University Press, 2000).
- Bhardwaj, K.K, *Pakistan's March to Democracy and Liberalism* (New Delhi: Anmol Publishers, 1996).
- Bhargva, G. S, *Pakistan in Crisis*, (Vikas Publications: Delhi, 1971),
- Bhutto, Benazir, *Daughter of the East*, (London, Hamish Hamilton, 1988).
- , *Daughter of Destiny* (New York: Simon and Schustery, 1989).
- Bondurant, Joan, *Regionalism versus Provincialism* (Berkley: University of California, 1958).

Brown, E. Michael and Ganguly Sumit, (ed.), *Government, Politics Ethnic and Relations in Asia and Pacific* (Cambridge: MIT Press, 1997).

Burki, Shahid Javed, *Pakistan: The Continuing Search for Nationhood* (Boulder and Lahore: Westview and Pak Book, 1998),

-----, *Pakistan: Fifty Years of Nationhood*, (Karachi: Westview Press, 1999).

Chengappa, Bidanda M., *Pakistan: Islamization, Army and Foreign Policy*, (New Delhi: APH Publishers, 2004).

Chitkara, MG, *Benazir: A Profile*, (New Delhi: APH Publishers, 1996).

-----, *Human Rights in Pakistan*, (New Delhi: APH Publishers, 1997).

Choudhary, G. W, *Democracy of Pakistan*, (Dacca: Green Book, 1963).

-----, *Constitutional Development in Pakistan* (Dacca: Longman Group, 1969).

-----, *Pakistan: Transition from Civilian to Military Rule*, (Dhaka: Scorpion, 1988).

Cloughley, Brian, *The Pakistan Army: War and Insurrections* (Karachi: Oxford University Press, 1999).

Cohen, Stephen P, *The Pakistan Army* (Berkeley, University of California Press, 1984).

Collard Keith B, *Pakistan: A Political System of Pakistan* (Boston: Houghton Mifflin, 1967).

-----, *Political Forces in Pakistan* (New York: Institute of Pacific Relations, 1959).

-----, *Pakistan: A Political Study* (London: Allen and Unwin, 1959).

Collins, Larry and Lapierre Dominique, *Freedom at Midnight* (New Delhi: Vikas Publishing House, 1976).

Cox, Oliver C, *Caste, Class and Race: A Study in Social Dynamics* (New York: Monthly Review Press, 1959)

Datta, S.K. and Sharma Rajeev, *Pakistan: From Jinnah to Jihad*, (New Delhi, UBSPD, 2002)

Dharamdasani, MD, *Benazir's Pakistan*, (Varanasi: Shalimar, 1989).

Gankovsky, Y.V, and V.N.Soskalenko, *The Three Constitutions of Pakistan* (Lahore: People's Publishing House, 1978).

Gauhar, Altaf, *Ayub Khan – Pakistan's First Military Ruler* (Lahore, Sang-e-Meel Publishers, 1994)

Grover, Verinder, (ed.), *Encyclopaedia of SAARC Nations*, Vol. 2, Pakistan, (New Delhi: Deep and Deep, 1997).

Gupta, Rakesh, *State in India, Pakistan, Russia and Central Asia*, (New Delhi, Kalpaz Publications, 2004)

Hamid Khan, *Constitutional and Political History of Pakistan*, (New York: Oxford University Press, 2001)

Hayes, Louis D, *The Struggle for Legitimacy in Pakistan* (Vanguard: Lahore, 1986), p. 85

Huntington, Samuel P., *Political Order in Changing Societies* (New Haven, Yale University Press, 1968).

Husain, Mushahid and Hussain Akmal, *Pakistan: Problems of Governance* (Lahore: Vanguard Books, 1993).

Jaffrelot, Christophe (ed.), *Pakistan: Nationalism without a Nation?* (Manohar Publishers, Centre de Sciences Humaine and Zed Books Limited, New Delhi and London, 2002).

Jetly, Nancy, *Regional Security in South Asia: A Case Study of Pakistan* (New Delhi: Sage Publications, 1999).

Kamal, K.L, and Arun Prabha, *Pakistan: Democracy at the Crossroads* (New Delhi: Yuraj Publishers, 1990).

Kennedy, C.H, *Bureaucracy in Pakistan* (Karachi: Oxford University Press, 1987).

Khan, Mohammad Asghar, *Generals in Politics* (New Delhi: Vikas Publishers, 1983).

Khan, Ayub Mohammad, *Friends Not Masters: A Political Autobiography* (New York: Oxford University Press, 1967).

Khan, John Dad, *Pakistan Leadership Challenges* (Karachi: Oxford University Press, 1999),

Korejo, M.S, G.M. Syed: *An Analysis of his Political Perspectives* (Karachi: Oxford University Press, 2000).

Kukreja, Veena, *Civil – Military Relations in South Asia* (Delhi: Sage Publications, 1991).

-----, *Contemporary Pakistan: Political Processes, Conflicts and Crises* (New Delhi: Sage Publications, 2003).

-----, *Military Intervention in Politics: A Case Study of Pakistan* (New Delhi: NBO Publishers, 1985).

Low, David A, *The Political Inheritance of Pakistan* (New York: St. Martin's Press, 1991).

Maluka, Zulfikar Khalid, *The Myth of Constitutionalism in Pakistan* (New Delhi: Oxford, 1995)

McMahon, Robert J, *The Cold War on the Periphery – The United States, India and Pakistan* (New York, Columbia University Press, 1994)

Malik, H. Iftikhar, *State and Civil Society in Pakistan: Politics of Authority, Ideology and Ethnicity* (Oxford: St. Anthony's College, 1997).

Mahmood, Safdar, *Pakistan: Political Roots and Development 1947-1999* (Karachi: Oxford University Press, 2002).

Mohammad, Munir, *Constitution of the Islamic Republic of Pakistan* (Lahore: Vanguard Books, 1975).

Nayak, Pandav (ed.) *Pakistan Society and Politics: South Asian Study Series, 6* (New Delhi: South Asian Publishers Private Limited, 1984).

Nayyar, KK, (ed.), *Pakistan at the Crossroads* (New Delhi: Rupa and Company, 2003).

Noman, O, *Pakistan- Political and Economic History since 1947* (London: Kegan Paul, 1993).

Pande Savita, *Politics of Ethnic and Religious Minorities in Pakistan* (New Delhi: Shipra Publications, 2005),

Phadnis, Urmila, *Ethnicity and Nation-Building in South Asia* (New Delhi: Sage Publications, 1990).

Rahman, Tariq, *Language and Politics in Pakistan* (Karachi: Oxford University Press, 1998).

Ramakant, Kaushik S.N. and Upadhayaya Shashi, *Contemporary Pakistan: Trends and Issues* (New Delhi: Kalinga, 2001).

Raza, Rafi (ed.), *Pakistan in Perspective-1947-1997* (Karachi: Oxford University Press, 1997).

Rizvi, Hasan Askari, *Pakistan and the Geo Strategic Environment: A Study of Foreign Policy* (St. Martin's Press, 1993).

-----, *Military, State and Society in Pakistan* (London: Macmillan Press Limited, 2000).

-----, (ed.), *International Politics and Foreign Policy: A Reader in Research and Theory* (New York and London: The Free Press and Collier-Macmillan Ltd, 1969).

-----, *The Military and Politics in Pakistan, 1947-86* (Lahore: Progressive Publishers, 1986).

Samad, Y, *A nation in Turmoil: Nationalism and Ethnicity in Pakistan, 1937-1958* (New Delhi: Sage, 1995).

Sayeed, Khalid B, *Politics in Pakistan: The Nature and Direction of Change* (New York: Praeger, 1980).

Shafqat, Saeed, *Civil Military Relations in Pakistan: From Zulfikar Ali Bhutto to Benazir Bhutto* (Oxford and Lahore: West View Press and Pak Book Corporation, 1997).

-----, *Political System of Pakistan and Public Policy* (Lahore: Progressive Publishers, 1989).

Singh, G. and Talbot Ian, (ed.), *Punjabi Identity: Continuity and Change* (New Delhi: Manohar, 1996).

Surendra Singh, *Politics of Regionalism in Pakistan: A Study of Sindh Province* (New Delhi: Kalinga, 2003)

Syed, Jaffer Ahmed, *Federalism in Pakistan: A Constitutional Study* (Karachi: Pakistan Study Centre, 1990).

Talbot, Ian, *Pakistan: A Modern History* (New Delhi, Oxford University Press, 1998).

-----, *India and Pakistan*, (Arnold Publishers, London, 2000).

Tirmazi, Syed AI, *Profiles of Intelligence* (Lahore: Combined Printers, 1995).

Waseem, Mohammad, *Politics and State in Pakistan* (Islamabad: National Institute of Historical and Cultural research, 1994).

Weaver, Mary Anne, *Pakistan: In the Shadow of Jihad and Afghanistan* (Farrar, Strauss & Giroux, New York, 2002).

Yousaf, Mohammad and Adkin Mark, *The Bear Trap* (Lahore: Jhang Publishers, 1992).

Ziring, Lawrence, *Pakistan in the Twentieth Century: A Political History*, (Karachi, Oxford University Press, 1999).

-----, *Pakistan: At the Crosscurrent of History* (New Delhi: Manas, 2005).

Articles: ---

Arif, Mohammad, "Sindh in the Midst of Crisis", *Strategic Analysis*, Vol. XXIII, No. 11, February, 2000.

Askari, MH, 'The Change in ISI and its Implications', *Defence Journal*, vol. 15, no. 8, 1989.

Ahmad, Samina, "Pakistan at Fifty: A Tenuous Democracy", *Current History*, Vol. 96, No. 614, December, 1997.

Ahmed, Rashid, "Pakistan: Trouble Ahead, Trouble Behind", *Current History*, Vol. 95, No. 600, April, 1996.

Baxter, Craig, "Constitution- Making: The Development of Federalism in Pakistan", *Asian Survey*, Vol. XIV, No. 12, December, 1974.

Burki, Shahid Javed, "Pakistan's Cautious Democratic Course", *Current History*, March, 1992.

Chengappa, Bidanda, M., "The ISI Role in Pakistan's Politics", *Strategic Analysis*, (IDSA, New Delhi, February 2000), Vol. XXIII, No. 11.

Cohen, Stephen Phillip, 'The Nation and the State of Pakistan', *The Washington Quarterly*, Vol. 25, No. 3.

Daruwalla, K.N., "Pakistan: State, Polity and the ISI", *Journal of the United Service Institution of India*, (New Delhi), Vol. CXXX, No. 539, January - March 2000.

Dix, Robert H, "History of Democracy Revisited", *Comparative Politics*, Vol. XXVI, No. 10, October, 1986.

Elazar, Danial J, "Federalism", *International Encyclopaedia of Social Sciences*", Vol. V.

Faweett, Louise, "Exploring Regional Domains: A Comparative History of Regionalism", *International Affairs*, Vol. 80, No. 3, 2004.

Haidar, Ejaz, 'Religiosity and Military Ethos-1', *The Friday Times*, Vol. XIV, No. 43, December 20-26, 2002.

Haq, Farahat, "Rise of MQM in Pakistan: Politics of Ethnic Mobilisation", *Asian Survey* (Berkey), vol. 35, no. 11, November 1995.

Hussain, A, "Ethnicity, National Identity and Praetorianism: The Case of Pakistan", *Asian Survey*, Vol. 16, no. 10, October, 1976.

Kumar, Sumit, "Sharif Vs Musharraf: The Future of Democracy in Pakistan", *Strategic Analysis*, Vol. XXIV, No. 10, January, 2001,

Lodhi, Maleeha and Hussain Zahid, "Pakistan's Invisible Government", *Newsline*, October 1992

Monshipouri and Amjad Samuel, "Development and Democracy in Pakistan: Tenuous or Plausible Nexus?", *Asian Survey*, Vol. XXXV, No. 11, November, 1995.

Mansoor, Hasan, "Water Wars: Sindh's Struggle for Control of the Indus", *Himal*, 15/7, July, 2002.

Niazi, M A, 'Army's Role as Political Decision-Maker', *Nation*, 17 January, 1990.

Rahman, Tariq, "Language and Politics in A Pakistani Province: The Sindhi Language Movement", *Asian Survey*, Vol. XXXV, No. 11, November, 1995.

Rais, Rasul B, "Pakistan in 1988: From Command to Conciliation Politics", *Asian Survey*, Vol. XXIX, No. 2, February, 1989.

Raman, B, "Pakistan's Inter-Services Intelligence", *Journal of the United Services Institution of India*, Vol. CXXXI, No. 545, New Delhi, July - September 2001.

-----, "General Pervez Musharraf, Nawaz Sharif and the Kargil Conflict", *SAPRA India Article*, 2 May 1999.

Razvi, Hasan Askari, "Pakistan in 1999: Back to Square One", *Asian Survey*, Vol. XL, No. 1, January/ February, 2000.

-----, "The Civilisation of Military Role in Pakistan", *Asian Survey*, Vol. XXVI, No. 10, October, 1986.

Safqat, Saeed, "Pakistan under Benazir Bhutto", *Asian Survey*, Vol. XXXVI, No. 7, July, 1996.

Rehman, AR, 'The ISI Affair', *Defence Journal*, Vol. 15, No. 8, 1989.

Singh Jasjit, "The Army in the Power Structure of Pakistan", *Strategic Analysis*, New Delhi, Vol. XVIII, No. 7, October, 1995.

Singh, Uma, "Internal Violence in Pakistan", *International Studies*, Vol. XXXV, No. 2, April- June, 1995.

Sreedhar, "Pakistan: Benazir's Dismissal to Elections", *Strategic Analysis*, April, 1997.

Syed, Anwar H, "Pakistan in 1997: Nawaz Sharif's Second Chance to Govern", *Asian Survey*, Vol. XXXVIII, No. 2, February, 1998.

"Text of PPP-MQM Declaration", *Viewpoint*, VOL.XIV, December 8, 1988,

Vicziany, Marika, "Pakistan - the question of the righteous military?" *Monash Newslines: Humanities*, (Monash University, 15 April 2004).

Waseem, Mohammed, "Causes of Democratic Downslide", *Economic and Political Weekly*, Special Article (Mumbai, November 2-9, 2002).

Zaidi, S. Akbar, "Religious Minorities in Pakistan Today", *Journal of Contemporary Asia*, Vol. XVIII, No. 4, 1988.

Ziring, Lawrence, "Benazir Bhutto: A Political Portrait", *Asian Affairs: An American Review*, 18:3 (Fall 1991).

-----, "Policy Dilemmas and Pakistan's Nationality Problem: The Legacy of Zia-ul-Haq", *Asian Survey*, Vol. XXVIII, No. 8, August, 1988.

Web Pages: ---

<http://www.infopak.gov.pk>.

<http://www.pakistan-embassy.com>

<http://www.hinduonnet.com>

<http://web.mit.edu>

<http://www.foreignaffairs.org>

<http://www.southasiafoundation.org>

<http://www.banglapedia.search.com>.

<http://www.marxist.com>

<http://www.satribune.com>

<http://www.mqm.org>

<http://www.amnesty.org>

<http://idsa-india.org>

<http://www.nation.com.net>

<http://www.cidm.umd.edu.com>

<http://www.dawn.com>

<http://www.paksearch.com>

<http://www.vakilno1.com>

<http://www.geocities.com>

<http://www.pakissan.com>

<http://www.blueear.com>

<http://www.sindh.ws>

<http://www.angelfire.com>
<http://www.countrystudies.us/pakistan>
<http://www.mongabay.com>
<http://www.ghazali.net.com>
<http://www.issi.org.pk.com>
<http://www.ciaonet.org.com>
<http://www.jang.com>
<http://www.ips.org.pk.com>
<http://www.pakistanlink.com>
<http://www.fas.org.com>
<http://www.fas.org>
<http://www.satribune.com>
<http://www.dailytimes.com>
<http://www.defencejournal.com>
<http://www.ppp.org.pk>
<http://cdp.binghamton.edu>
<http://www.yespakistan.com>

NEWSPAPERS

The Pakistan Times
Nation
Dawn
The New York Times
Newslines
Herald
The Times of India
The Frontier Post
The News

