

## CONTINUATION OF THE COLONIAL, POLITICAL, ECONOMIC, LEGAL AND OTHER SYSTEMS

Rashid Ahmad Khan

The arrival of Vasco da Gama on the West Coast of India in 1498 ushered in a revolutionary era in the history of South Asia. It ended forever the isolation of the region from other parts of the world, particularly the West, which had been in force for centuries due to the peculiar geographical features of the Indian Ocean. For the first time in the history of the Indian Ocean region a direct link was established with the West and the course of events in this part of the world was to be determined by the developments in the Atlantic.

The arrival of the Portuguese also paved the way for the establishment of British colonial rule in India which lasted for about two hundred years till the emergences of Pakistan and India as two independent countries in 1947. Between 1757 when the British won the Battle of Plassy to gain the control of Bengal and 1947 when the last British Viceroy left, the British colonialists laid the foundation of a rule in India, which was basically based on ruthless exploitation of human and material resources of India. For the sustenance of such a rule the British structured a political system whose economic, legal and other components strengthened its oligarchic character. For example, despite a shift towards decentralization and devolution of powers after 1857 the British preferred to maintain a highly centralized political system under a federal arrangement which allowed only marginal authority to the constituent units. The Government of India Act 1935 symbolized this system which although provided for a scheme for the financial, administrative and legislative relations between the Center and the provinces; yet, arming the Governor-General with vast discretionary powers and a clear priority of the former over the latter in legislative sphere. The purpose behind establishing such an order was to assure the protection of interests of the British

colonialism to the exclusion of interests of the vast majority of the Indian people.

The same theme underlay the economic and legal systems developed in India under the impact of British colonialism. Before the arrival of the British, there was no concept of private property in land. Rural life in ancient India was organized around village communities who had a common ownership of land under cultivation or use for other purposes. During the Moghul period the land belonged to the crown and the state recognized no hereditary right to the *Jagirs* granted by the kings to their subjects for their services to the court. The British, true to the spirit of mercantile imperialism, introduced private ownership in land, leading to the creation of hereditary feudal lords who still exercise a dominant influence in the political system of Pakistan. The British colonial rule also brought about a radical transformation of socio-economic life in India. Through a network of railroad communication system and building of seaports connected with hinterland, the British destroyed the self-sufficient economy of the village communities and made the countryside completely dependent upon the cities.

Through their industrial and agricultural policies, the British also created a rural-urban divide, which still permeates politics in Pakistan and India. Moreover, the external trade pattern established by the British, made India a complete appendage of metropolitan economy of England. We all know that before the arrival of European colonial powers, there was a flourishing regional trade in the Indian Ocean area. The Bay of Bengal and the Arabian Sea were great commercial highways through which India's trade with countries of Southeast Asia and, as far as, China in the East; and with the Persian Gulf and, beyond it, with the ports on the Mediterranean coast in the west; and Eastern African coast in the southwest, was carried on. The colonial powers, especially the British, destroyed this regional trade pattern and linked India with the West for trade and commercial purposes. This pattern has largely continued to-date, to the extent that intra-regional trade of South Asian countries is not more than 3 percent of their total trade. In case of Pakistan, for example, imports and exports to

SAARC countries constitute 2.5 percent of its total trade during 1996-97 period; whereas, during the same period, country's exports to and imports from developed countries have been 60.3 and 49.5 percent respectively.<sup>1</sup> The economic system developed in India during the colonial period impoverished the countryside, created wide gap between the rich and the poor and led to heavy dependence of India on the European and developed countries' markets. These features with all their implications for the independence and sovereignty of the South Asian countries continue to play an important role in determining the nature and direction of national development policies of these countries.

Similarly in order to perpetuate the interests of the colonial rule and those of the native groups coopted by the colonial administration for their collaborative role, the British designed a legal system, which heavily relied upon the use of coercive force for the maintenance of socio-economic *status quo*. Like other systems, the legal system developed by the British has also become outmoded and has proven its utter futility to cope with modern problem related to terrorism. Despite the fact that there are widespread demands for change in the old legal system and a number of attempts have also been made to bring about radical changes in this system, the colonial legal system still exists with all its ramifications. Rule of law and independence of judiciary are two concepts, which are counted among positive contributions made by the British colonialism in India. But it is a matter of common knowledge both in India and Pakistan; law favours the mighty and rich. So far as the ordinary people are concerned, they have no trust in the legal system because it seldom comes to their rescue. The "judicial activism" about which we have read and heard so much recently in Pakistan turned out be nothing but an attempt to blunt the increasing assertiveness of political forces released after long spells of suppressive Martial Law periods.

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<sup>1</sup>Government of Pakistan; Finance Division, Economic Adviser's Wing, Pakistan Economic Survey 1996-97 (Islamabad, 1997) p. 179.

In this paper an attempt is being made to argue a case that while more than 50 years have passed since Pakistan achieved independence, Colonial legacy on the political, legal, economic and other system still persists. This legacy is the principal obstacle in the way of full realization of democratic rights and freedom of the people of Pakistan. Time and again, political forces representing the democratic aspirations of the people have clashed with the forces who represent this legacy, i.e. the establishment which groups civilian and military bureaucracy, judiciary and feudal lords. While arguing this case only those features of economic and legal systems would be briefly mentioned which are relevant to the nature and direction of change in the political process of Pakistan. The aim of the paper is also to arrive at the conclusion, after examining the political and constitutional process in Pakistan, that after the end of Cold War and growing trends towards globalization, the colonial legacy is losing ground while the democratic forces bearing the banner of political supremacy of the people are advancing in a slow but sure way.

When Pakistan started its independent national life in 1947, it adopted 1935 Act with certain modifications as an Interim Constitution. Among many features of the 1935 Act retained in the Interim Constitution of Pakistan was the federal structure. The federal structure of 1935 Act was based on provincial autonomy which was the product of a long constitutional development extending from 1860 to 1919. The process of decentralization and devolution of powers started after 1857 in response to the needs for efficiency and discipline. It received greater impetus with the start of twentieth century. With the intensification of nationalist struggle in India and demands for greater public participation, the area of provincial autonomy was further enlarged. Although 1935 Act invested the provinces for the first time with a separate legal authority; there was little change in the scope of their legislative authority. The Act distributed powers between the Centre and the provinces on the basis of three legislative lists --- the federal, the provincial and the concurrent. The subjects contained in federal list fell under the jurisdiction of the Federal Legislature, while the provincial legislatures were competent to legislate on the subjects

included in the provincial list; however, both were competent to deal with matters covered by the Concurrent List. The residuary powers were vested in the Governor-General. According to Section 104 of the Act, the Governor-General might, by public notification empower either the federal legislature or a provincial legislature to enact a law with respect to any matter not enumerated in any of the lists in the Seventh Schedule to the Act, including a law imposing a tax not mentioned in any such act.

Although the number of items in the Provincial List was increased under the 1935 Act, all the important matters like military forces, defence, external affairs, currency, ports, banks, insurance, import and export, custom duties, income tax, capital levies and corporation tax were kept outside the reach of the provinces. The Act also provided for the priority of the law passed by the Federal Legislature over the law passed by a provincial legislature on an item contained in the Concurrent List. The Federal Legislature had also the power to make laws for a province even in respect of matters in the Provincial List under a state of emergency, which the Governor-General had the authority to proclaim under Section 102, in case, in his opinion, a grave emergency existed "whereby the security of India was threatened whether by war or internal disturbances." This clause, as G.W. Chaudhary observes was a limitation on provincial autonomy.<sup>2</sup>

After independence, Section 102 of the original Act was successively amended by the Constituent Assembly of Pakistan in 1947, 1948, and 1950, leading to an enlargement of its scope. Thus, instead of increasing the quantum of provincial autonomy as compared to provided in the original 1935 Act, the Muslim League Government in Pakistan further restricted the area of provincial autonomy. This looked very strange and perplexing in view of the fact that the Muslim League before 1947 was all along championing the cause of the provinces by demanding greater powers for them as compared to the All India National Congress which stood for a stronger centre.

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<sup>2</sup> Chaudhary, G.W., *Constitutional Development in Pakistan* (London, Longman) p. 26.

In the area of financial relations, the extent of provincial autonomy was also further limited after 1947. The original Act of 1935 had allowed the centre to retain all the major sources of revenue; but there were certain taxes the net proceeds of which were to be shared with the provinces. These taxes were: (i) income tax (50 percent); (ii) jute export duty (62½ percent); central excise, salt duty and a few other items. After 1947 this arrangement was changed further in favour of the Centre, by suspending the policy of sharing the proceeds of some taxes with the provinces and abandoning the sharing of net proceeds of the income tax. Sales tax, which was in the provincial list, was taken away by the central government. This situation continued till 1952. When the financial position of the country improved, Pakistan began to conform more closely in respect of division of revenues between the Centre and the provinces to the general scheme imposed in the Government of India Act, 1935. But Centre's control over all the major sources of revenue and suspension of sharing the net proceeds of some of the taxes, like income tax and sales tax, led to dissatisfaction in the provinces. In East Pakistan, this dissatisfaction took the form of a province-wide agitation for extreme autonomy in legislative, administrative and financial spheres. It was largely this agitation, which forced the central government to revert back to the policy of sharing the net proceeds of income tax and handing over the sales tax to the provinces.<sup>3</sup>

The centralized character of the political system developed in India by the British was symbolized by almost unlimited powers of the Governor-General. This is why both congress and Muslim League targeted the Governor-General as a symbol of colonial authoritarianism. Under the original 1935 Act, the Governor-

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<sup>3</sup> In November 1950, all the major political parties held a Convention in Dacca (Dhaka). The Convention was held to protest against the constitutional proposals contained in the First Report of the Basic Principles Committee of Pakistan's Constituent Assembly. The proposals had drastically curtailed the area of provincial autonomy. While rejecting these proposals, the convention had demanded that only foreign affairs, currency and defence should be given to the Centre. (G. W. Chaudhary, *Ibid*) p.72.

General, as the representative of British Crown in India, was invested the final political authority, armed with discretionary powers and special responsibilities. The British had given vast powers to the Governor-General because they believed that a strong executive was necessary for the protection of their colonial interests in India. However, those discretionary powers and the special responsibilities were amended in the Indian Independence Act of 1947. Under Section 8(c) of the Independence Act of 1947, the powers of the Governor-General or any governor to act in his discretion or to exercise his individual judgement lapsed from August 15, 1947. The Governor-General was presumed to act on the advice of his Ministers. But yet under the Government of India Act 1935, as adopted in Pakistan, the Governor-General continued to enjoy wide and substantial powers. According to Section 7 of the Act, as adopted by the Pakistan (Provisional Constitution) Order, 1947, as amended up to April 1955, the executive authority of the Federation of Pakistan was to be exercised by the Governor-General, either directly or through officers subordinate to him. The Governor-General was to choose his own ministers and they were to hold their office during his pleasure (Section 10). The Council of Ministers was to aid and advise the Governor-General in the exercise of his function, but such an advice was not binding on the Governor-General (Section 9).

Since the Governor-General was not bound by the advice of the Council of Ministers and the ministers were to hold office during the pleasure of the Governor-General, the role of Governor-General was, as G.W. Chaudhary observes, "unlike that of a constitutional head". Pakistan, thus, even after attaining independence continued to be run under a vice-regal system. In addition to the powers relating to the appointment of Prime Minister and ministers, the Governor-General also retained the emergency powers provided in the original Government of India Act, 1935, under these emergency powers, the Centre could take up the functions of the provincial governments (Section 102). Similarly Section 92-A which was inserted by the Governor-General Order in 1947, empowered the Governor-General to suspend a provincial government and direct the "Governor of a

province to assume on behalf of the Governor-General all or any of the powers vested in or exercisable by any provincial body or authority.”

Thus, even after the removal of discretionary powers of the Governor-General and omission of the Ninth Schedule, the position of the Governor-General under the Provincial Constitution of Pakistan remained powerful.<sup>4</sup> Quaid-e-Azam Mohammad Ali Jinnah became the first Governor-General and, as G.W. Chaudhary has remarked, his acceptance of this position had great impact on the relationship between the Governor-General and the cabinet as well as with the legislature in the first year of Pakistan’s political career.<sup>5</sup> During this period Jinnah dominated the decision-making and policy formation process of the government --- a function which is normally the responsibility of prime minister under parliamentary form of government. In view of Jinnah’s contribution for the success of movement for Pakistan and his personality, neither the cabinet, nor the legislature nor the people of Pakistan challenged Jinnah’s conception of the Governor-Generalship; on the contrary it was greatly hailed and welcomed. Pakistan, as Allen MacGrath writes had a political Governor-General who controlled the Executive, the Cabinet and the Assembly.<sup>6</sup>

Although Jinnah was justified in exercising such an authority due to the exceptional circumstances in which Pakistan was placed immediately after independence, the expansion of political and constitutional role of the Governor-General had serious implications for the development of parliamentary democracy in Pakistan. Ambitious persons like Ghulam Mohammad were tempted to occupy the office of the Governor-General to wield almost unlimited powers. When Liaqat Ali Khan who served as

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<sup>4</sup>The Government of India Act, 1935 (with Indian Independence Act, 1947, as adopted in Pakistan by Constitutional Order, 1947, and amended upto April 1955 (Lahore, The All Pakistan Legal Decisions, 1955).

<sup>5</sup> Chaudhary, op. Cit., p.31

<sup>6</sup> MacGrath, Allen, *The Destruction of Pakistan’s Democracy* (New York, Oxford University Press, 1996) p.41.



Prime Minister under Jinnah and Khawaja Nazamuddin, was assassinated in October 1951, Ghulam Mohammad became the Governor-General after persuading Khawaja Nazamuddin to vacate the office, because he (Ghulam Mohammad) realized that it was an office, which could fulfil his ambition. The game did not stop at Ghulam Mohammad who used the powerful office of the Governor-General to dismiss prime minister Khawaja Nazamuddin in 1953 and dissolved unconstitutionally the Constituent Assembly in the following year, it has been carried on through Iskinder Mirza, Zia-ul-Haque, Ghulam Ishaq to Farooq Leghari who used his discretionary powers and dismissed an elected prime minister Benazir Bhutto in November 1996 under Article 58-2(b) inserted by Zia-ul-Haque in the present (1973) Constitution of Pakistan.

The Constitution of 1956 had deprived the Head of the State -- President, many of the powers he enjoyed as Governor-General under the Provisional Constitution. The Constitution required the President to act in accordance with the advice of the cabinet. But still the President had a number of discretionary powers, the most important of which was to appoint from among the members of National Assembly a Prime Minister who in his opinion was most likely to command the confidence of the majority of the members of Assembly. In a situation where political parties are weak such discretionary power assumes great significance and becomes liable to be misused. During the debates on the draft constitution in the Second Constituent Assembly a suggestion was made that Prime Minister should be elected by the National Assembly so that the discretionary power assigned to the President was not misused. While making this suggestion an allusion was made to the fact that under Interim Constitution a Head of the State appointed somebody as Prime Minister who was not even a member of Parliament and who was flown from Washington without having any footing on the soil and planted "as our prime minister".<sup>7</sup> The suggestion, however, was not accepted. However, President Iskinder Mirza who enjoyed strong support from the army and bureaucracy was strongly criticized for misusing this discretionary

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<sup>7</sup> Chaudhary, op. cit., p.119.

power in choosing and sending home at his will the prime ministers of Pakistan during the period from March 1956 to October 1958. It was largely in view of the misuse of this discretionary power that the original 1973 Constitution provided for the election of the Prime Minister by the National Assembly. In yet another attempt to make the office of the Head of State more powerful once again, Pakistan's last Chief Martial Law administrator (1977 – 1985) reverted to the 1956 constitutional position and assigned to himself, on lifting Martial Law in 1985, the power to appoint Prime Minister from among the members of National Assembly till March 1990. It was under this provision that Benazir Bhutto during her first term (1988–90) was nominated as Prime Minister by President Ghulam Ishaq Khan (1988–1993). However, after 1990 all the Prime Ministers, including Benazir Bhutto who became Prime Minister for the second time (1993–1996), were elected by the National Assembly.

The concentration of powers in the office of the Head of State reached maximum level under the Presidential Government of Ayub Khan (1958–1969). Ayub Khan abrogated the 1956 Constitution and imposed Martial Law in October 1958. He continued to exercise dictatorial powers as Chief Martial Law Administrator till June 1962 when he enforced a constitution based on the presidential form of government. The unique feature of this constitution was that it vested the executive authority of the Republic in the President who was indirectly elected by a limited electorate of 80,000 members of Basic Democracies (Local Council Bodies). The provision of investing executive authority in President according to Article 31 of the 1962 Constitution clothed the President, as observed by Mr. Munir, a former chief Justice of Pakistan, with a legally absolute power.<sup>8</sup> Although 1962 Constitution, like the previous constitutions, declared Pakistan a federation, all the powers were concentrated in the centre. In Part VI of the Constitution powers between the Centre and the provinces were distributed. Unlike the 1935 Act and the

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<sup>8</sup> Munir, M., *Constitution of the Islamic Republic of Pakistan* (Lahore, All Pakistan Legal Decisions, 1965) p. 250.

constitution of 1956, the distribution of legislative powers between the Central Legislature and the Provincial Legislatures was based on the principle of only one, i.e. Federal List enumerating the items over which the Central Legislature had the exclusive authority to enact laws, while Provincial Legislatures had the authority to legislate in respect of all other matters. But the distribution of powers, remarks Justice Munir, was qualified in favour of the Centre in so many respects that as a matter of constitutional law and political science it was impossible to describe the Constitution (of 1962) as federal.<sup>9</sup>

The popular mass movement which started in 1968 against Ayub Khan's autocratic system rejected his Presidential Constitution and put forward demands for restoring parliamentary form of government and enlarged area of provincial autonomy. These demands were incorporated in the 1973 Constitution which made the Prime Minister the Chief Executive of the Federation (Article 90). Under clause(3) of the same Article, the Prime Minister and the Federal Ministers were made collectively responsible to the National Assembly, thus, establishing political supremacy of the people through a directly elected Assembly. The Constitution also enlarged the area of provincial autonomy inserting Special Provisions on council of Common Interests and Article 161 which entitled the provinces to receive net proceeds of the federal duty of Excise and royalty on natural gas (clause 1) and net profits earned by the Federal Government from the bulk generation of power at a hydro-electric station situated in that province (clause 2). This system based on the supremacy of the people and genuine federalism was subverted by the authoritarian forces of Martial Law in 1977. The Martial Law period (1977-85) not only ended parliamentary democracy, it also set up, practically, a Unitarian system in which chief Martial Law Administrator wielded all the powers.

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<sup>9</sup> *Ibid*, p. 448. Commenting on the federal character of the 1962 Constitution, Justice Munir opines that the system set under the 1962 Constitution "was not a form of Federation but a decentralized Unitarian Government." *Ibid*, p.70.

A survey of the last 50 years of Pakistan's political history would reveal that there has been a constant struggle between the forces representing colonial legacy and popular forces championing the cause of democracy and decentralization. The forces representing the colonial legacy, *i.e.* bureaucracy have always tried to concentrate all the powers in the hands of the Centre, particularly head of the state, be he a Governor-General or President, and curtail the limits of provincial autonomy. A centralized political system best serves the interests of bureaucracy and negates the principles of democracy. This is why the bureaucratic elements have always been comfortable with authoritarian regimes like that of Ayub Khan and General Zia-ul-Haque.

The centralized political system has not only caused a setback to democracy in Pakistan, it has also damaged federation and was, therefore, ultimately responsible for the break up of the country in 1971. The political history of Pakistan shows that the parliamentary democracy and genuine federalism are inextricably linked with each other. During the debates on the future constitution of Pakistan in the First constituent Assembly a few members belonging to the ruling Muslim League party had recommended unitary form of the state and a presidential (*Khilafat*) form of government for Pakistan, on the plea that these systems were nearer to Islam. Their views were opposed by those elements who believed that only parliamentary democracy could guarantee genuine federalism and liberal democratic culture. Thus, the 1956 Constitution which provided more provincial autonomy as compared to the Government of India Act, 1935, was also a parliamentary Constitution. Despite the fact that Objectives Resolution was made a preamble, the 1956 constitution guaranteed the supremacy of the Parliament and rejected Ulema's demand for establishing the supremacy of the *Shariat*.

Under the 1962 Constitution, Pakistan ceased to be a federal state because it replaced parliamentary form of government with a presidential form of government. Ayub Khan set up a highly centralized political system which made the provinces completely

dependent upon the Centre. The control of the centre over the provinces could only be ensured through a system based on a presidential form of Government. The opposition political parties who had supported the sister of the Quaid-i-Azam, Mohtrama Fatima Jinnah, had originally demanded the restoration of 1956 Constitution, which provided for parliamentary form of government. They had also opposed Ayub Khan's system of Basic Democracies and indirect elections. But they had not included the enlargement of provincial autonomy as one of their demands while launching movement against Ayub Khan's under Combined Opposition Parties (COP) and Democratic Action Committee (DAC). But the mass movement of 1969-70, which was joined by industrial workers, students, professional groups like lawyers, teachers, other government employees and shopkeepers made the increase in the quantum of provincial autonomy as the principal demand of their protest movement. It clearly shows that whenever masses had a chance to express their feelings, they have given their verdict in favour of parliamentary democracy and greater provincial autonomy. Similar were the demands of Movement for Restoration of Democracy (MRD) which was launched in 1981 against the Martial Law of General Zia-ul-Haque. The MRD grouped all the major political parties of Pakistan including Pakistan Peoples Party, who demanded restoration of 1973 Constitution, end to Martial Law and election within 90 days. It also issued a charter of demands for greater provincial autonomy, suggesting that the Centre should retain only four subjects, namely defence, foreign affairs, currency and communication, while other subjects should be handed over to the provinces.

MRD could not mount a countrywide agitation against General Zia-ul-Haque, but in Sind the Movement created quite an important impact. It could not force General Zia to accede to its demands, but it definitely contributed towards finally ending the Martial Law and civilization of Zia regime in 1985.

A combination of domestic and external factors forced General Zia to lift Martial Law in 1985 and allow elections on non-party basis for the National Assembly. But before formally ending

the Martial Law, General Zia got the Assembly approve a package of amendments, popularly known as Eighth Amendment which put serious limitations on Assembly's ability to function as a sovereign body. The most important of the provisions added to the original Constitution through Eighth Amendment was Article 58-2(b), which gave the President power to dissolve the assemblies in his own discretion. There were other matters as well, in respect of which President's discretionary powers were increased. Zia-ul-Haque, thus, revived the concept of a powerful head of the state to act, in continuation of the colonial tradition, as bulwark against popular political forces. Behind this bulwark the entrenched powers of civil and military bureaucracy further consolidated their position to prevent the democratic process from reaching its logical conclusion, the political supremacy of the people.

It is not only in the political arena that colonial legacy vie with democratic forces for supremacy, in the economic realm the struggle is even more intense and visible. The British had kept India as a source of cheap raw materials and paid scant attention to industrialization; but Pakistan was even less industrialized than India. The post-independence political leadership did not pay sufficient attention to the tasks of economic development. The First Five-Year Plan was commissioned in 1955. The Plan did not receive formal approval of the Government till 1957. The country, which enjoyed surplus in food as late as 1952, moved to suffer a continuous and critical food shortage in almost every subsequent year.<sup>10</sup> Writing about Pakistan's economic performance in early years, Gunnar Myrdal observes:

Towards the end of first decade of independence there was an all round decline in food production. The rate of growth of industrial production was slowing down, not least because of inadequate supplies of spare parts or raw materials. At about the same time, Pakistan experienced its largest balance of payments deficit. These symptoms of creeping economic paralysis, together with disaffection in the east wing, failure to initiate any effective

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<sup>10</sup> Myrdal, Gunnar, *Asian Drama: An Inquiry into the Poverty of Nations*, Volume I (Penguin Books, 1968) p.322.

land reforms in the west wing, pressure of inflation, distrust of the new industrial class, and rampant corruption, produced a general demoralization in public affairs, and an even deeper mistrust of the professional politicians. It was in these conditions that the army and General Ayub Khan took over in October 1958 and imposed Martial Law.<sup>11</sup>

The situation has not changed much after four decades. Despite impressive achievements in the industrial and agricultural sectors, the economy of Pakistan is still in precarious condition. Pakistan's economy is still heavily dependent upon agriculture which, according to *Pakistan Economic Survey: 1996-97*, constitutes 24 percent of Gross Domestic Product, accounts for half of employed labour force and is the largest source of foreign exchange earnings.<sup>12</sup> In spite of the larger sphere of the agriculture, gross disparities in income and social indicators exist between the rural and urban areas, Pakistan's Economic Survey admits lower standard of living for rural population compared to its urban counterpart. This fact is attributed to its poor possession of productive assets, high under-employment and lack of socio-physical infrastructure.<sup>13</sup> In education, especially in female education, with literacy rate of 38.9 percent (50 percent male and 27 percent female), Pakistan still lags behind many countries of the world. In the area of trade Pakistan has been suffering from an imbalance for most of the years. We have been having a trade deficit in almost all years except for the three years, *i.e.* 1947-48, 1950-51 and 1972-73.

The most serious problem is presented by external debt liability. According to *Pakistan Economic Survey: 1996-97*, the disbursed and outstanding debts (medium and Long-term) in the year (1956-97) was estimated at \$23,016 million compared with \$22,275 million of 1995-96 which indicated a growth of 3.3 percent. As a percent of GDP it rose from 34.44 percent in 1995-96 to 35.85 percent in 1996-97. Likewise the debt service payments in

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<sup>11</sup> Ibid, p.323.

<sup>12</sup> Pakistan Economic Survey, op. Cit., p.9.

<sup>13</sup> Ibid, p. 7.

1996-97 were projected to increase by 8.10 percent to \$2,309 million against \$2,136 million in 1995-96. It may be around 3.60 percent of GDP in 1996-97 against 3.30 percent in 1995-96. Liability to disbursed and outstanding debt during 1990-91 to 1996-97 grew at an average annual rate of 6.28 percent and payments on debt servicing at an average annual rate of 9.47 percent.<sup>14</sup>

From growing trade deficit and mounting debt burden it can very easily be inferred that Pakistan like other developing countries is still a victim of old system of colonial relationships. Colonialism in the old form has been replaced by a new set of relationships which bind the poor with the rich countries based on loans with high interest rates and trade with extremely unfavorable terms for the former. On national level, the vast majority of the people continue to be without basic needs like health, education, sanitation and clean drinking water. Despite the substantial economic growth that has taken place during the last four decades, poverty remains widespread. According to Dr. Mahbub-ul-Haque, this is the result of "powerful inter-locking of feudal-industrial interests, which preempt most of the gains of development."<sup>15</sup> Take, for example, the countries of South Asia. The region has 22 percent of world's population yet its share of global real income is meager 6 percent. The region has a massive share of the world's total illiterate population (46%) --- over twice as high as its share of the world's total population. Pakistan's position in terms of gap between economic performance and human development is one of the most unfavorable among a large number of countries. As Dr. Mahbub-ul-Haque observes:

There are few countries in the world which show a larger gap between their performance on economic growth and human development than does Pakistan. In economic terms, Pakistan's real per capita income is about 75 percent higher than India's. Yet

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<sup>14</sup> *Ibid*, p.87

<sup>15</sup> Mahbub-ul-Haque, *Human Development in South Asia* (Karachi, Oxford University Press, 1997) p.37.



Pakistan lags behind India in adult literacy and most other social indicators. The comparison is even more stark with Sri Lanka which is comparable to Pakistan in terms of per capita income. Pakistan's adult literacy rate is 36 percent as compared to 90 percent in Sri Lanka, and its average life expectancy is ten years lower than Sri Lanka on the Human Development Index (according to the ranking in the *Human development Report 1996*), even though the difference in their per capita income ranks is only 22. In other words, the difference between the human development ranks of Pakistan and Sri Lanka is twice as high as the difference in their income ranks, showing how poorly Pakistan translated its income into an improvement in the lives of its people. Overall, Pakistan's real income per capita increased by 231 percent during the period 1970 to 1993, which was by far the highest rate of growth in South Asia. Unfortunately Pakistan's social progress during this period does not correspond to such an increase in economic prosperity.<sup>16</sup>

Dr. Mahbub-ul-Haque attributes this state of affairs to a number of factors: prominent among them, according to him, are: a very skewed income distribution; the absence of any meaningful land reforms; non-existence of income tax on agricultural incomes; an overwhelming reliance of fiscal policy on indirect rather than direct taxes; the heavy burden of defence and debt servicing on limited budgetary resources, political domination by a rentier class that pre-empts the patronage of the state in its own favour and a very corrupt ruling elite.<sup>17</sup> All these factors are the product of the pattern of socio-economic relations which colonialism during its long rule fostered to serve its own interests and those of few who were co-opted for their collaborationist role in keeping the people of their region suppressed:

The leading group in this regard is that of feudal lords who even after 50 years and a series of half-hearted, land reforms in 1959, 1972 and 1977, continue to dominate political process to the detriment of interests of the vast majority of the people. The

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<sup>16</sup> *Ibid*, pp. 37, 38.

<sup>17</sup> *Ibid*, p. 38.

successive land reforms have failed to break big land-holdings. According to the Federal Land Commission of Pakistan, only 1.8 million hectares (or less than 8 percent of the country's cultivated area) has been resumed so far, of which 1.4 million hectares have been distributed to 288,000 beneficiaries. Many large landowners managed to keep their holdings within an extended joint family framework and have given up only some marginal, least productive and swampy lands. The fatal flaw in these land reforms has been that the ruling class itself owned most of the land and it was not prepared to commit *hara kiri* by implementing any effective land reforms. Land ownerships still remain highly concentrated; over half of the total farmland is in the form of 50 acres or more.

The owners of these large land farms wield considerable influence in politics and dominate Pakistan's political culture. Their influence in electoral politics is especially decisive. For example, when during the first term (1990-1993) the government of Prime Minister Mian Nawaz Sharif made an attempt to impose an agricultural income tax through legislation in the provincial assemblies, he was frustrated by strong opposition from the provincial legislators, particularly Punjab where MPAs from feudal dominated southern part constituted the majority. In 1993 elections which were held after Nawaz Sharif was forced to quit over a row with President Ghulam Ishaq Khan, southern Punjab's swing to Pakistan Peoples Party enabled Benazir Bhutto to become prime minister for the second time (1993-96) and capture Punjab --- the largest province of the country --- in alliance with a break-away faction of Pakistan Muslim League. After regaining power in February 1997 elections, the government of Prime Minister Nawaz Sharif imposed Agricultural Income Tax, but its rate has been kept so low that it constitutes a very small portion of revenue income collection.

## Conclusion

Even after 50 years of its independent political life Pakistan's political, economic, legal, social and other systems are overshadowed by colonial legacy. The main reason responsible for

lingering colonial legacy are: weak political forces and institutional instability caused by frequent breakdowns of the democratic political process and imposition of Martial Laws. Under the impact of colonial legacy, Pakistan's political system exhibits a strong tendency towards centralization and concentration of authority in few hands. Despite the fact that there has been a progressive enlargement of the area of provincial autonomy from 1947 to 1973, legislative, administrative and financial relations between the Centre and the provinces show heavy bias in favour of those forces whose interests are linked with strong Centre and limited area of provincial autonomy. These forces have not allowed a fair distribution of resources among all the four federating units and even prevent implementation of the provisions on provincial autonomy. This is evident from the persistent complaints from the smaller provinces that Centre has not released their share of funds, causing financial crisis in these provinces. Under the Constitution, the Province of Balochistan has been given a share in the proceeds from income from gas; while NWFP is entitled to get income from hydroelectric generation. Both these provinces, however, have serious complaints against the Centre for denying them their share of income from gas and electricity. The arbitrary and repeated dismissal of assemblies under (now omitted) Article 58-2(b) of the constitution also demonstrated the authoritarian trends of the political system of Pakistan. This lethal provision of the constitution was used four times (1988, 1990, 1993 and 1996) in eight years against the elected representative institutions. Each time, not only the National Assembly and the Federal Government but all the four provincial legislatures and provincial governments were also dismissed.

However, democratic transition and growing trends towards globalization hold bright prospects for greater decentralization and devolution of power which will ultimately dismantle the vestiges of colonialism. Pakistan's political history of the last 50 years shows that the main thrust of democratization process has been in the direction of decentralization and greater provincial autonomy. In fact democracy in Pakistan has been suppressed through frequent military interventions also to thwart the movement

towards decentralization and provincial autonomy. This is why whenever there has been a movement for the restoration of democracy, it has invariably and inevitably been linked with demands for decentralization and greater provincial autonomy. As the process of democratization surges ahead, the political system of Pakistan will become more decentralized and the area of provincial autonomy would be further enlarged.

The growing trends towards globalization is also bringing about a radical transformation in the outlook of power elite on all the major domestic and foreign policy issues, and causing re-adjustment of relationship between various components of Pakistan's political system. The end of the Cold War, disintegration of the former Soviet Union and globalization has forced the nations to re-define their national priorities and put greater emphasis on economic development and trade expansion than on the military build up. These changes have strengthened the process of democratic transition, which though may be faced with many hurdles and in some cases has suffered setbacks, has become irreversible. In Pakistan's case, the success of parliamentary democracy against the onslaught of authoritarian forces who wanted to re-assert the primacy of head of the state over an elected and representative parliament, is a clear illustration of strength and confidence of popular democratic forces in the back drop of democratization and globalization.