

## **A Glance at Federalism of Pakistan in perspective of Linguistic, Economic, Fiscal and Ethnic Dimensions**

**Dr. Syed Shahbaz Hussain, Dr. Ghulam Mustafa, Hafiz Ayaz Ul Qasmi and Muhammad Arslan**

### **Abstract**

Federalism is a form of state in which the component provinces and units under a political organization take part by sharing powers and functions through cooperative manners despite of having ethnic pluralism and cultural diversities. Federalism is considered to be wide range of institutional arrangements under the auspice of constitution to mitigate trust deficit and diversities to ensure political and social participation in acquiring national interests by maintaining political identities of distinct groups and units. A number of political scholars stated that the federal system of Pakistan remained under many martial laws imposed by various dictators or military men. They did not pay any attention for giving provincial autonomy to the federating units of the country without taking into account the participation of ethnic minorities. This structure of federalism was run by the military and civil bureaucracy for long since rather than democratic regimes. In addition, many time the constitutions of Pakistan such as 1956, 1962 and 1973 were abrogated and suspended during martial laws. Having hegemonic design of central government, plenty of time provincial governments were dissolved and emergencies were executed by intervening in the jurisdiction of provinces. This article analyzes the issues and conflicts emerged in the federal system of the country in the shape of distinct linguistic, economic, fiscal and ethnic dimensions by the monopoly of center. This article also sheds light on constitutional amendments done in various times till now.

**Keywords:** Federalism, Constitutions, Amendments, Provincial autonomy, Linguistic, Economic, Fiscal and Ethnic dimensions

### **Introduction**

The founding father of Pakistan Muhammad Ali Jinnah said addressing to the Muslim leaders that the essence of theory of Pakistan is to provide autonomy to all federating units of the country as done in America, Australia and Canada. But some special powers including defense, foreign affairs and system of monetary would remain under central government. Federalism is a state system in which powers are divided between federal governments considered for entire state and federating units consisted of various provinces. In the context of history, although Pakistan and India remained under British colonial system yet both states have had distinct experience of federalism. Different systems were implemented in the shape of presidential, parliamentary and martial laws in Pakistan in various periods to strengthen the powers

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of president or prime minister by making 8th, 13th, 17th amendments. Thus the 18th amendment was also made to empower the parliament again(Jillani, 2010). In the context of Mughals and British era the federal or administrative system was in special type. Although the Mughals established provincial system for administration yet it was not in a profound shape. But the federal system of British in subcontinent recognized as decentralized administration that was under vice-regal setup. In British system the provinces were considered as more formal parts of administration(Naseer, 2007)

In subcontinent the demand of federalism was done by majority parties of Muslims and Hindus like All India Muslim League and All Indian National Congress jointly to the British after Lucknow Pact in 1916. In united India the first constitutional reforms were made by the British government in 1909 with name of Minto-Morley reforms in response to the demand of Muslims for separate electorate. Thus, in 1919 Montagu-Chelmsford reforms came into place to fulfill the demand of major parties of subcontinent for getting share in central legislature. Despite making mentioned reforms, provincial autonomy was not given to Muslim majority areas although All India Muslim League presented such demand by a resolution of 1924. Later on Mr. Jinnah presented the demand for provincial autonomy in robust way through fourteen points that was response to Nehru Report(Kundi, 2002).

In this regard Allama Muhammad Iqbal articulated a profound federal vision and people's demand for political autonomy to provinces in his famous address of Allahabad in 1930 to make Muslim majority areas as autonomous states(K. B Sayeed, 2009). Similarly All India Muslim League presented its vision in its 27th annual session for provincial autonomy, minority rights and separate state through a renowned resolution known as Lahore Resolution in 1940. Under the garb of this resolution, Mr. Jinnah made a statement by giving his presidential address "Federating units of Pakistan would be autonomous and sovereign in which the rights of minorities would be protected and accomplished"(Mushtaq, 2009).

When British government could not gain fruitful results from Round Table Conferences they passed a profound Act of 1935 recognized as complete constitution to govern united India. In this act all recommendations of Simon Commission sent by British parliament to India in 1927 for making survey for constitutional reforms and round table conferences were incorporated. Under the clock of 1935 act the central government and governor general both were kept strong and empowered to run all affairs of state although central, provincial and concurrent lists were defined(Kundi, 2002). The act of 1935 was implemented in Pakistan with some reforms and modifications which more empowered federal government by ignoring the demands of ethno-national groups and federating units and created an imbalance between center and provinces that led to delay in formulating constitution(Adeney, 2009).

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### Federalism: Since 1947

Pakistan came into being as a federal state in which a number of ethno-national communities that speak different languages live. Due to numerous problems the first constitution of Pakistan was delayed. Many people who belonged to different cultures and languages like Mohajirs, Bengalis and Punjabis associated with powerful institutions including army and bureaucracy played indispensable role in the process of making constitution. Their percentage was beard under the following table that tells us how many officers belonging to mentioned languages and east and west wings of Pakistan were inducted in the wake of following percentage.

**Table 1**

*East West Representation in the Military Officers class 1955-56*

Sr.#	Service	East Pakistan	Percentage	West Pakistan	Percentage	Total
1	Army	14	1.50	894	98.50	908
2	Air Force	60	8.60	640	91.40	700
3	Navy	07	1.20	593	98.80	600

**Source:** (Adeney, 2009)

Thus like the population of different languages people and their quotas was kept in the Central Superior Services of Pakistan was presented under the table.

**Table 2**

*Ethnic representation in the Civil Service of Pakistan (CSP) 1961*

Sr.#	Mother Tongue	In Pakistan (%)	Quota (%)	In CSP (%)
1	Bengali	55.48	42	32
2	Punjabi	29.02	24	35
3	Sindhi	5.51	17	05
4	Pashtu	3.80	-	07
5	Baluchi	1.09	-	-
6	Urdu	3.65	17	21
7	Others	1.55	0	0

**Source:** (Adeney, 2009)

A renounce scholar Dr. Katharine Adeney is of the view that bureaucracy and military of Pakistan was not willing to accept such kind of constitution that gives autonomy to

the provinces and the other communities of Pakistan specially Bengalis (Adeney, 2009).

### **Federalism under the constitution of 1973**

After disintegration of Pakistan in 1971 the third constitution of Pakistan was formulated in 1973 by replacing the interim constitution of 1972. Like previous constitutions of Pakistan it was also federal in character. In this constitution bicameral legislature consisting of two houses called national assembly and senate was established. Senate was recognized as upper house having 60 seats and national assembly was the lower house comprising 200 seats. The federal system of Pakistan having four federating units they were given equal representation in senate while the seats of national assembly were occupied on the behalf of population (Khan, 2010). The constitution of 1973 was considered to be distinguished from the previous ones due to its bicameral legislation in which the upper house recognized as senate showed the equal representation of all provinces and it played very pivotal having checks and balances on the entire system of state. But unfortunately the issue of ethnic and linguistic representation of people was not readdressed with explicit Consociationalism. Due to this the federating unit of Pakistan called Punjab has absolute majority in the lower house of parliament although Urdu became the soul national language (Adeney, 2009).

Although the constitution of 1973 consisted of two lists by having federal form of structure such as federal and concurrent lists yet central list comprised on sixty seven subjects and other items were included in concurrent list that provided an opportunity to the legislatures of provinces to make their laws according to their subjects. If any dispute is emerged then the central government would be considered superior to provincial legislature in accordance with the 143 article giving perks and privileges to the federal government in the case of any dispute (Kundi & jhanger 2002). Under this constitution a Council of Common Interest was established to make strengthen federal system of the country, comprising upon eight members including Chief Ministers of all provinces and three other members nominated and headed by Prime Minister. The council was given exclusive jurisdiction to resolve the issue of water supply and distribution of natural resources as well as the council could formulate policies relating to railways, electricity oil and gas, and development in industrial sector (Khan, 2010).

The third constitution of Pakistan was enforced on August 14, 1973 by then the Prime Minister who was the founder father of Pakistan People's Party (PPP) Zulfikar Ali Bhutto. He was reckoned to be charismatic leader by his emphatic and bombastic style of speech. He made a speech on the occasion of enforcement of the constitution of 1973 by making a statement that the days of martial laws and military intervention in the politics of Pakistan were ended. But unfortunately under Bhutto Government the center was made stronger and created animosity in two federating units of the country

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by dissolving the government of Chief Minister of Baluchistan and National Awami Party's government declared as incapable to run the affairs of province as well. The government of Awami National Party was blamed that its existence was a great threat to the sovereignty and integrity of Pakistan. Along with this the central government made full tries to keep opposition parties in silence and behaved with them like a Bonaparte state (K B Sayeed, 1980) (Sayeed, 1980). Due to harsh attitude and policies of Bhutto's government towards other federating units of the country culminated in the martial law of general Zia-ul-Haq in 1977.

### **8th Amendment of 1973 Constitution**

The third martial law was imposed by General Zia Ul Haq in 1977 by suspending the third constitution of Pakistan. Under this military regime the constitution of 1973 remained in abeyance for a long period of time consisted of eight years. Under Zia government the country was run the system of unitary and a plenty of orders had been issued with the command of military man. All these orders were accomplished in the form of 8th amendment by restoring the constitution of 1973. This amendment was done with the presidential order recognized as revival of the constitution promulgated in 1985. Under the garb of this order 65 articles had been rectified, amended and modified (Khan, 2010). After making this amendment the office of president was more strengthened and empowered by giving a discretionary power to the president to dissolve national assembly.

Although the 8th amendment remained the federal structure of the country yet some changing had been done such as legislative powers were increased, the tenures members of national assembly was enhanced to six years and the seats of senate were increased from 14 to 19. The upper house of the parliament called senate had equal representation of all federating units and Federally Administered Tribal Areas (FATA). The upper house of the parliament was enlarged from 63 to 87 seats and five seats were reserved for technocrats. Thus like, the seats of women were also increased in the lower house called national assembly. The upper house the parliament was empowered for legislation with two third majorities (G. W Choudhury, 2005).

### **Thirteenth Amendment**

Thirteenth amendment was promulgated unanimously by the both houses of parliament in 1997 with two third majority. Actually this amendment was done to curtail the powers of president and grant more powers to the prime minister of the country by dissolving the article 58(2) b (Hamid, 2001).

Under the mentioned article president had some discretionary powers to dissolve the national and provincial assemblies without the consent of prime minister and his cabinet, to appoint the chief of all forces and chief justice of Pakistan. This amendment has some clauses in restoring and enhancing the women seats in the parliament as well as the powers of governors for dissolving the assemblies of

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provinces were also reduced by obtaining the article 112(2) b (Saleem, 1997). The proposed amendment was totally against the 8th amendment installed by a dictator knowing General Zia-Ul-Haq, having discretionary powers recognized as notorious provision 58(2) b.

By promulgating this amendment then the Prime Minister Nawaz Sharif made a statement that the amendment is going to revive the democratic rule presented by pioneers of Pakistan Qaid-E-Azam and Allama Muhammad Iqbal. Actually this amendment block the way for military and civil leadership to blockage the democratic system of the country as well as diminished the powers of president to become the head of all forces, governors and judicial system of the country. Furthermore the 13th amendment was seemed to resolve all sensitive issues relating to constitution through negotiations and consensus. This amendment embarked upon new phase of democratic mechanism and stability in political system(Ali, 1997).

**17th amendment under the constitution of 1973**

Unfortunately on 12th October 1999 the system of Pakistan was high jacked by General Pervaiz Musharif, imposing martial law. Under this martial law the certain parts of the constitution of 1973 were suspended and introduced a Legal Framework Order (LFO) to continue the affairs of the country. General Parveez Musharaf made a statement to mitigate interprovincial disharmony and strengthen the federation by delivering his speech on October 13, 1999. He announced a seven point agenda that would prove to be very fruitful for the federalism of the Pakistan.General parveez Musharf headed the whole system of the country as a military dictator with the permission of Supreme Court that declared him achieve executive of the country. In 2002Musharif held a referendum in which he became the president of Pakistan. On, 21, 2002 the second LFO had been promulgated to centralized the system of the state by establishing local government system although the LFO 2002 recognized as against the essence of constitution, provincial autonomy and parliamentary system of the state(Khan, 2010).

With the consciences of political and religious parties with the military regime the general election were held in February 2002 and 17th amendment was promulgated in 2003. Under this amendment the powers of president were increased by keeping the article 58 (2) b giving a discretionary power to president to dissolve the legislative assembly. Although the mentioned article gives a permission to president to dissolve assembly was abrogated in 13th amendment of the constitution made by Prime Minister of Pakistan Nawaz Sharif in his second tenure. Under this amendment the earlier federal character of the country was not altered but local government system was introduced to in cycle the provincial powers. Under Muasharf regime the general election were held in 2008 in which Pakistan People's Party came into power to established parliamentary system in the country. The majority party and other opposition parties made a pledge that the constitution of 1973 would be restored in its

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true letters and spirits under the clock of charter of democracy signed in 2006 in Landon between the leaders of Pakistan People’s Party(PPP) and Pakistan Muslim League Nawaz (PMLN)(Hasan-Askari, 1985).

### Gilgit- Baltistan : The 2009 Order

Under Zardari era the government of Pakistan People’s Party promulgated an order in September 2009 to empower Gilgit- Baltistan by giving the status of province. Under this order four major institutions were made such as Legislative Council, Election Commission, Public Service Commission and Auditor General to run the administrative and governmental system of this province in historic perspective this area was the part of Kashmir region and considered to be rich in natural resources. Furthermore the population of this region has been making demand for equal rights like the other federating units of Pakistan to fulfill their basic need and allocate the resources and opportunities. A democratic and consociational regime having participating federalism had to insure their participation in decision making and give them province- like status due to taking into account distinct cultures and languages. A numerous languages are spoken in Pakistan as mother tongue mentioned following table in accordance with the senses of 1998.

**Table 3**

*Pakistan by Mother Languages (1998)*

Sr.#	Linguistic Group	Pakistan	Punjab	Sindh	NWFP	Baluchistan
1	Urdu	7.8	4.50	21.10	0.80	1.6
2	Punjabi	3.5	75.2	7	1	2.9
3	Pashto	10.9	1.2	4.2	73	23
4	Sindhi	14.6	0.01	59.7	0	6.8
5	Balochi	3.5	0.07	2.1	0	5.8
6	Siraki	10.9	17.4	1	3.9	2.6
7	Others	4.80	0.9	4.9	20.4	5.1
8	Total	100	100	100	100	100
9	Population in Millions	127.5	73.6	30.4	17.7	5.7

**Source:** (Mushtaq, 2009)

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The politics of federalism in Pakistan has been in a turmoil situation because consociationalism and participatory federalism was ignored to make provinces of the country autonomous. The state found itself in the condition of disharmony and disorder where it had needed to be balance in distributing of resource, powers and economic development to run the country in prosperous way. In spite of safeguarding the interests and identities of federating units the country was overwhelmed by lopsidedness of resources, geographical 3wareas and population(Noman, 1988).

**Eighteenth Amendment**

To reinstate the constitution of 1973 18th amendment was passed under the premiership of Yousif Raza Gellani then the Prime Minister of Pakistan this amendment was passed with two third majorities in the national assembly and senate with the signature of then the president of Pakistan Asif Ali Zardari. This amendment was considered as a mile stone in the constitutional history of Pakistan because 102 articles were amended and altered. The discretionary power of president to dissolve the parliament was abolished under this amendment. It was seen in the entire history of Pakistan that the president of the country signed willingly to curtail his powers. This amendment gave provincial autonomy to the federating units of the country in the wake of their desires and it made Supreme Court more independent and powerful. It was mentioned that judges of Supreme Court would be appointed by the judicial commission made under 18th amendment. The president would not be allowed to impose emergency and to point chief election commission. Under this amendment the system of the system of state would be federal parliamentary in character, Prime Minister will be considered as Chief executive and the president of the country would be bounded to make consultancy with prime minister in any matter and he would be a symbolic head of the country. Furthermore, under 18th amendment the name of North Western Frontier Province was replaced with Khyber-Pakhtunkwa (KPK) while the other ethnic communities showed this satisfaction on this act by creating agitation especially Hindko- speaking people.

**Nineteenth Amendment**

Parliamentary Committee on Constitutional Reforms Chairman Senator Raza Rabbani gave a report the draft of the nineteenth Amendment bill to join Supreme Court's proposals in the component of the arrangement of judges in the predominant courts in the National Assembly on 21st December, 2010. By altering Article 182 of the constitution, the nineteenth Amendment has pulled back forces from the main equity of Pakistan for the arrangement of specially appointed judges and exchanged them to the Judicial Council of Pakistan (JCP). Under the proposed charge, the president will now complete the arrangements on the suggestion of the JCP. The panel has additionally altered provision 2 of the Article 175-A and now under the proposed revision; four rather than two most senior judges will be designated in the JCP. Talking in the wake of introducing the report in the House, Rabbani said the board of



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trustees' consistent report reflected political development and reality of all parliamentarians and those having portrayal in the changes council. In draft the council proposed 26 revisions in six articles of the constitution including articles 81, 175, 175-A, 182, 213 and 246. By redressing a contradiction in the eighteenth Amendment, the established changes board of trustees made a correction in Article 246 of the constitution in the proposed charge through which the Tribal Areas, bordering Laki Marwat and Tank locale, have be proclaimed a piece of FATA. The panel likewise suggested that the in the past called High Court for the Islamabad Capital Territory be currently named the Islamabad High Court by presenting alterations in articles 81 and 175 (Khan Z. , 2010).

To expel the Supreme Court's fears on the fate of the Parliamentary Committee for Appointment of Judges on the off chance that the National Assembly was disintegrated, the established changes advisory group proposed an alteration in Article 175-A through which the parliamentary board of trustees containing congresspersons will bring choices as to arrangement of judges. The nineteenth Amendment Bill likewise proposed a change in Article 175-A which ties the parliamentary advisory group to legitimize its choice in the event that it dismisses any chosen one of the Judicial Commission for the arrangement of judges. By altering statement 13 of the Article 175-A, the advisory group incorporated the head administrator in the arrangement of judges. Under the nineteenth amendment draft charge, the parliamentary council should send the name of the chosen one affirmed by it or considered to have been affirmed to the executive who might forward it to the president. Prior, in the eighteenth Amendment, the leader had no part and the parliamentary board of trustees needed to forward the chosen people to the president.

The nineteenth Amendment charge additionally recommended that board of trustee's gatherings will be held in camera and a record of its procedures might be kept up. The parliamentary advisory group will be permitted examine and consider the direct of judges yet parliament would not be permitted to talk about the lead of judges. The paradigm for the portrayal of the commonplace bar chambers in the Judicial Commission for the choice of the central judges of high courts has likewise been clarified. The senior supporter of the common bar committee with 15 years of experience will be incorporated into the JC. In the nineteenth Amendment charge, the sacred changes board of trustees has additionally proposed revisions organization of legal commission for the arrangement of judges of the high court.

### **Twentieth Amendment**

Twentieth amendment was passed in the both houses knowing as national assembly and senate unanimously. It was also considered to be breakthrough in the constitutional history of Pakistan as it was accepted by all stakeholders. Under this amendment numerous articles were amended including 48, 214, 215, 216, 218, 219 and 224A as well as two schedules were also amended in the third constitution of the

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country (Sultana, 2011). This constitutional amendment was made to restore democratic mechanism comprising on negotiation, consensus and harmony as done by the eighteenth and nineteenth amendments. This amendment like previous mentioned one gave more autonomy to the provinces and made the more shareholders in the setup of legislation by strengthening federal system in the country.

The proposed amendment has installed process of care taker government for conductive fair election in coming year. Actually transparent elections would be held in the country in the responsibility of election commission. Therefore under this amendment election commission of Pakistan was made independent by changing the powers of chief election commissioner and the members of election commission. Before this amendment there was no any setup to strengthen the election commission and make the worth of care taker government in the sense of general election. The powers granted to the election commission in Pakistan are not match in the entire world. The election commission has powers to make a setup for government role to appoint and dismiss the members of election commission (Mohal, 2016).

Furthermore the proposed amendment made a new mechanism to choose care takers by giving a chance to the prime minister and leader of opposition party for making consensus and consultation about this matter. They must propose some names within three days in the front of national assembly. If they both fail to make consensus on said matter the process will be given to a committee consisting of eight members from both side. If committee fails to choose care taker then election commission of Pakistan will propose some names by sending them to the president under this amendment four members committee was established for following the same mechanism in choosing the judges of high courts and apex court. According to this amendment the prime minster and chief ministers of incumbent government would be in their offices till the new government would not be installed the another thing was mentioned in this amendment that political parties can select some names on reserving seats for women and minorities if the relating list is extended.

**Twenty- First Amendment**

Twenty-first Amendment in the Constitution of Pakistan was passed by both houses called the National Assembly and Senate of Pakistan on January 6, 2015 by getting the consent of the President on January 7, 2015. The Bill was generated for the correction of article 175 and the First Schedule of the Constitution. Furthermore, it has an independent nightfall provision, which makes the revisions terminate on January 7, 2017. The amendment was built up for rapid trial of military courts for terrorist activities by taking up arms against Pakistan, and acts for destabilizing the security of Pakistan. The tenure of these courts is two years. The amendment was made to alter the constitution came after the 2014 Peshawar school slaughter (Dawn T. , 2015).

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Parliament accepted the 21st Constitutional Amendment Bill as well as The Pakistan Army (Amendment) Bill, 2015 by unanimously by 247 Members of National Assembly. Thus the Senate also voted for the laws meant to set up intrinsically secured military courts to attempt nonmilitary personnel psychological warfare suspects. This bill was about military courts attempting to combat terrorism and the persons who involve in heinous crimes relating to killing innocent Pakistanis. This day was reckoned to be an essential day for Pakistan when the country is united under one umbrella that the terrorists and their activities will be taken out from the roots. The credit goes to all the political parties' heads and their parliamentary agents for going to boards and sharing their contemplations and counsel on this exceedingly vital bill. This bill was made with the assistance of everybody's regular intention therefore the PM made a statement that this bill conquers the most recent 60 years of turmoil which ought to have finished years back, he said. The PM said additionally, communicating a propitiatory way to deal with political parties that did not vote for the bill in the National Assembly.

The political parties that were indifference from this law, they will be considered the abettors of those terrorist groups attacking and claiming Pakistan's sovereignty. We comprehended their perspective and attempted our best to address their reservations and their perspective was additionally obliged. In this manner in the event that they couldn't vote in favor of it at the National Assembly I would encourage them to vote in favor of it in the Senate, he said. The arrangements of the Act might stay in drive for a time of two years from the date of its beginning. The established correction charge was required to be passed by 66% of the aggregate members in both the 342-situate National Assembly and the 104-situate Senate; notwithstanding, for change in the Army Act, a straightforward lion's share was required. The two bills, the Constitution (Twenty-first Amendment) Bill and the Pakistan Army (Amendment) were relied upon to have been passed a day before yet voting was conceded after the administration missed the mark concerning the required 66% larger part 228 individuals for the section of the alterations (Secreriat, 2015).

### **Twenty Second Amendment**

The 22nd protected Amendment includes technique to be received for the arrangement of Chief Election Commissioner (CEC) and individuals from the Election Commission of Pakistan (ECP). The change depends on the proposals of the Parliamentary Committee on Electoral Reforms with respect to the capability and different essentials for the CEC and the individuals from the ECP. As per the correction, a resigned judge of the Supreme Court, a senior official or a technocrat would be eligible for arrangement as the Chief Election Commissioner. A resigned judge of any high court will likewise be qualified for the workplace. The Prime Minister and the Leader of the Opposition if neglect to concur over a competitor, they could dispatch their suggestions independently to the parliamentary board of trustees,

which would have the last say in the issue. Every region would have one part in the Election Commission and two individuals from the ECP will stand resigned following over two years, while the other two would resign after the following more than two years.

The National Assembly on Thursday consistently passed the 22nd Amendment in the Constitution of Pakistan. The bill expects to revise the method for the arrangement, capabilities and different requirements for the main decision official and individuals from the Election Commission of Pakistan (ECP). The revision likewise sets the most extreme age constrain for the administrator and individuals at 68 and 65 years, separately (Wasim, 2016).

Each region will be spoken to in the Election Commission as one part each will originate from each area. Beforehand, every one of the individuals from the Commission resigned around the same time, after the 22nd alteration the EC will work around the year. Amid the 5 years term two individuals will resign following 2.5 years and the other two will resign following 5 years. For the primary term, the Commission will attract parts to pick the two individuals to resign following 2.5 years (Desk, 2016).

### **Twenty Third Amendment**

In 2017, National Assembly of Pakistan corrected the Constitution of Pakistan for 23rd time. Through this revision Assembly made the military courts for the trial of fear based oppressors. In 2015, National Assembly passed the 21st Amendment and made the military courts for the time of 2 years. The twenty-first amendment was done in 2015 for establishing military courts for speedy trails of those people who involve in terrorist activities and making threat to security of the country. Such military courts' tenure was kept for two years. The time of two years was terminated on sixth January 2017 subsequently this 23rd Amendment was passed to re-build up the military courts for assist two years till sixth January 2019. Toward the finish of this period every one of the alterations will be expelled naturally (Rabbani, 2016).

Because of unprecedented circumstance and conditions the military courts are set up to speed up the transfer of specific offenses related with psychological oppression, pursuing of war or uprising against Pakistan and to keep the demonstrations of debilitating the security of Pakistan by any fear based oppressor gathering. The revision additionally expressed that the said psychological militant gatherings including any such fear based oppressor battling while at the same time abusing the name of religion or order, caught or to be caught in battle with the Armed Forces. Essentially this revision changes the Article 175 of Constitution of Pakistan 1973 (Naseer, 2017).

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### Federalism in perspective of distinct Dimensions

A number of political scholars stated that the federal system of Pakistan remained under many martial laws imposed by various dictators or military men. They did not pay any attention for giving provincial autonomy to the federating units of the country without taking into account the participation of ethnic minorities. This structure of federalism was run by the military and civil bureaucracy for long since rather than democratic regimes. In addition, many time the constitutions of Pakistan such as 1956, 1962 and 1973 were abrogated and suspended during martial laws. Heaving hegemonic design of central government, plenty of time provincial governments were dissolved and emergencies were executed by intervening in the jurisdiction of provinces. The examples of such intervention were found in civil democratic regimes, Benazir Bhutto dismissed the assembly of Baluchistan led by the chief minister of Baluchistan Mir zafarullah khan Jamali in 1988 thus like Khyber Pakhtunkhwa assembly that was under Pir Sabir Shah dissolved in 1994 by People's Party. Similarly Punjabi domination created ethno-disharmony and turmoil in provinces (waseem1997). Further examples of central government intervention in the provinces of Pakistan are showed by following table

**Table 4**

*Central Government's Intervention in Federating Units*

Sr.#	Year	Descriptions
1	1947	Congress ministry in NWFP had 'the support of 33 members out of 50'.But it was replaced by a Muslim League ministry.
2	1947	Sindh Assembly opposed the decision of Central Government to take Karachi out of the control of Sindh and passed a resolution unanimously. The Chief Minister of Sindh had to pay for this resolution and he was dis-missed soon.
3	1948	Inclusion of Kalat state into Pakistan.
4	1955	One-unit Scheme (amalgamation of provinces and states into the Province of West Pakistan).
5	1962-69	Ayub's Presidential period (Federal system operated like British Vice regal system of 1930s).
6	1970-71	Military action in East Pakistan and its separation.
7	1972-73	End of tripartite accord and dissolution of Balochistan government. NWFP government resigned
8	1977-88	Constitutional amendments by Military Regime undermined the parliamentary and Federal nature of the constitution.
9	1988-93	Dissolution of provincial assemblies ( 1988, 1990, 1993).
10	1994	Governor Rule in NWFP and installation of favourable government.).
11	1995	Governor rule in Punjab and installation of new government.
12	2002	17th Amendment has undermined the federal character of the state.

**Source:** (Mushtaq, 2009)

The provident scholars are of the view that consociational mechanism and participatory federalism would insure negotiation and consensus to resolve any conflict at any level. By establishing such kind of mechanism a space can be generated for Baluchistan's peoples who are becoming the part of non-state actors groups by making them the political, social and economic structure of the country. Along with this without taking into account and establishing mentioned mechanism democracy as alone would not be able to mitigate imbalances emerged in the system of governance in Pakistan (Adeney, 2009). The issues of identity and conflicts emerged in the federal system of the country have distinct linguistic, economic, fiscal and ethnic dimensions elaborated in following ways.

### **Linguistic Dimensions**

Pakistan has heterogeneous society in which a number of lingual diversities are found and a number of languages spoken considered of 59 in figures. In this sense state must provide then their identity to strengthen cultural unity. But in the federal system of Pakistan did not make much space for this diversity to enhance their social capital. To strengthen national integration on the behalf of religio-ideological hegemonic design all linguistic diversities were ignored and undermined. By peeping through the pages of history the statement of founding father of nation Quid-e-Azam made in 1948 can easily be found in which he stated that Bengali would be provincial language of east wing of the country and Urdu would remain national language in all administrative and political circles of east and west Pakistan. It was argued that Bengali language has Davanagari script was not considered as Islamic language. The controversy in language was created in the all organs of the state when Urdu lingua franca tried to make of the country. On this act the political party of east Pakistan known as Awami League got very much hostile and created swear agitation with the support of other parties ended at the seizing the fat of Urdu in east Pakistan. Similarly the conflict of identity and language emerged in the soil of Sindh as well (Afzal, 2001).

Since inception the state has been in the favor of English and Urdu rather than the other languages found in the country in distinct areas of the country. In current situation the both languages are dominant in every sectors of the country either they are private and public. In this regard the inequalities and injustices are prevailing in the entire country. The issues of ethnic identities and languages have become grave challenges to the state by dividing the entire society in distinct classes. In the society the language is considered the status of classes bifurcated into two major groups the people who speak English reckoned to be powerful and rest of other people having low status in front of cultural mirrors. In current scenario the people of small provinces like Sindhis, pushtons and blotches are eliminated and deprived for their languages while the Punjabis are related to English and Urdu culture. An acclaimed scholar and researcher Dr. Tariq Rehman made question by giving a statement that why we are killing indigenous languages advertently and knowingly in establishing

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English as dominance in character. In his other article he is of the view as we are rich in languages. Let us treat them as cultural assets and not Li-abilities. As it is, the forces of globalization and modernity are killing the languages of the world at a very fast pace. Let us, at least, change our languages policy so as to add English and Urdu to our repertoire of linguistic skills without destroying our mother-tongues, our authentic selves, our culture and identity.

In accordance with the mentioned quote that gives a base for strengthen federation by providing a convocational manner to eradicate identity and cultural conflicts. The federation would be strengthens if minorities are given their rights to present culture and language by making them heritage of the country.

### **Economic dimensions**

The history is witnessed of regional disparity in economic sense that created political disequilibrium and mistrust among the federating units and central government of Pakistan. The government investment in eastern and western regions remained different in the decades of 50s and 60s. The government investment in the mentioned area was almost double in western wing rather than eastern one. Along with this due much investment in western part the per capita gross domestic product (GDP) had been increased with faster rate than the GDP of East Pakistan. Such kind of economic inequalities dread the country to succession culminated in the establishment of Bangladesh in 1971 by weakening legitimacy of state. A point was raised all economic resources had been given to the socio-political groups by military regime(Sayyed, 1995).

**Table 5**

*Per Capita GDP in East and West Pakistan (at 1959/60 constant prices)*

<b>Sr.#</b>	<b>Year</b>	<b>Per Capita GDP(East)</b>	<b>Per Capita GDP(West)</b>	<b>West-East disparity ratio</b>
1	1956-60	269	355	1.32
2	1969-70	314	504	1.61

**Source:** (Ahmed and Amjad, 1984)

Behind these economic disparities a plenty of riots and unrest emerged in both wings of Pakistan. The mechanism of economic development of government initial decades has been very apathetic creating in equality in ethno linguistic groups.

Many researchers stated that the reason behind social and economic disparities in the country as unequal distribution of resources and the allocation of such resources has

been under prejudice manner. Such kind of inequalities is recognized as horizontal inequalities(Stewart, 2000). Agitations and ethnic violent emerging in the country are the result of economic disparities and divergences in economic growth. Similarly violent conflicts facing the country from last ten years in North-Western areas and southern Punjab are also the result of economic and political disparities(Abbasi, 2009). Thus like in federally administrated tribal areas the situation of development is very low which creating extremist activities and religio-ethnic violence as well as the economic progress in khyber- pakhtunkhwah (than NWFP) remained under low progress in character as has happened in the rest of country(Malik, 2009).

**Table 6**

*Selected Development Indicators for Pakistan, NWFP and FATA (1998)*

<b>Sr.#</b>	<b>Indicator</b>	<b>Pakistan</b>	<b>NWFP</b>	<b>FATA</b>
1	Literacy Ratio ( Both Sex,%)	43.92	35.41	17.42
2	Male Literacy Ratio (%)	54.81	51.39	29.51
3	Female Literacy Ratio( %)	32.02	18.82	03
4	Population Per Doctor	1226	4916	7670
5	Population per bed in health institutions	1341	1594	2179
6	Roads (per sq km)	0.26	0.13	0.17

**Source:** (Malik, 2009)

In southern Punjab due to economic disparities the violent conflict and poverty increased. In increasing poverty social and political deprivation played very indispensable role in the formation political violence.

**Table 6**

*Riots in East and West Pakistan*

<b>Sr.#</b>	<b>Year</b>	<b>East Pakistan</b>	<b>West Pakistan</b>
1	1958	1356	4550
2	1959	913	3232
3	1960	1114	4499
4	1961	1681	4777
5	1962	609	4792
6	1963	758	5182
7	1964	1986	5723
8	1965	995	2656
9	1966	967	6135

**Source:** (Noman, 1988)



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### **Fiscal dimension**

This dimension is considered very important to integrate or disintegrate the federating units and strengthen federalism as well under this dimension financial resources are distributed in the basis of equal share among the provinces and central government. In initial years the smaller provinces of the country had some reservation on the formulas of distribution of resources (Kundi, 2002). An economic expert Sir Jeremy Raisan presented a formula to allocate the revenue between central government and provinces in which he suggested that fifty percent of income tax must be distributed among the provinces and forty five percent should be for East Pakistan and rest of the other part of revenue to be distributed in smaller areas. The sales tax should be remaining under central administration. But unfortunately the mentioned formula of distribution of revenue was not executed in Pakistan in its true letters and spirits. In the sense of distribution of resources, East Pakistan had been kept under-funded and West Pakistan was given maximum revenue for its expenditure and security as 18 crore rupees allocated for east wing and 480 crore for west one (G W Choudhury, 2005).

Although one unit system was established in 1955 under which the four provinces of west wing were accomplished in one unit yet the financial commission awards of 1961 and 1964 formulated on the basis of their administrative divisions. All kinds of taxes such as income tax, sales tax, excise duty and export duty were kept under the divisible pool. Like 1961 the share of both wings, the share of east and west Pakistan given with the percentage of 46 and 54 of 1964 was reminded unchucked. After demolishing one unit, national finance committee proposed that the east Pakistan will be given 54% share and the share of west Pakistan convicted of 46% would be divided in four units. The four units of east Pakistan comprised upon Punjab, Sindh, NWFP and Baluchistan will be allocated the share in the percentage of 56.50%, 23.50%, 15.50% and 4.50%. By taking into account of population of four regions of West Pakistan, under National Finance Commission (NFC) award of 1974 Punjab was given 60.35% and the share of other smaller regions was kept with the ratio of 22.50% for Sindh, 13.39% for NWFP and 3.86% for Baluchistan (Kundi, 2002). Thus like, the distribution of funds was done by taking into account of population rather than development and poverty. Although the federation of Pakistan was devolved on the footsteps of major federation of the world yet in the sense of juxtaposition with India it needs to be decentralized (Mushtaq, 2009). In accounting to the report of 1981 census the resources were allocated to the federating units of the country with the ratio of 57.97% for Punjab, 23.34% to Sindh and NWFP and Baluchistan were given with the ratio of 13.39% and 5.30%. Further explanation of National Finance Commission Award was given under following table.

**Table 7**

*Resource Distribution under Various NFC Awards (in percent)*

Sr.#	Year	Federation and provinces distribution	Distribution among Provinces			
			Punjab	Sindh	NWFP	Balochistan
1	1947	20:80	60.25	22.5	13.39	3.86
2	1979	20:80	50.97	50.97	13.39	5.3
3	1985	Interim Award	-	-	-	-
4	1990		57.87	23.29	13.54	5.3
5	1996	62.5:37.5	57.88	23.38	13.54	5.3
6	2000	Interim Award	-	-	-	-
-	2006	55:45	57.36	23.71	13.82	5.11
7	2009	44:56	51.74	24.55	14.62	9.09

**Source:** State Bank of Pakistan – First Quarterly Report 2010

Due to political instability the award was not announced in 1985, the previous allocation of resources remained same till 1998. Similarly the percentage of provincial shares and all taxes included in divisible pool remained unchanged till 2002. TO mitigate the thorny issue created on the distribution of resources between central government and provinces, the smaller units were given more shares under the revenue formula of 7th NFC in 2009. The distribution of resources under 7th NFC was illustrated in following table.

**Table 8**

*Revenue Sharing Formula for Seventh NFC (2009) (in percent)*

Sr.#	Indicator	Share of provinces in terms of indicator				
		Weight	Punjab	Sindh	NWFP	Balochistan
1	Population Share (SBPestimates)	82	57.36	23.71	13.82	5.11
2	Poverty / backwardness	10.3	23.16	23.41	28.82	25.61
3	Revenue Generation/collection	5	44	50	5	1
4	Inverse population density(SBP)	2.7	4.34	7.21	6.54	81.92
5	Total Share	100	51.74	24.55	14.62	9.09

**Source:** Statistical Bureau of Pakistan – First Quarterly Report 2010

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The 7th NFC award was considered to be fruitful rather than the previous award because in which the poverty was given weightage to illuminate it and a new formula was adopted to make the share of provinces in resources. Under 7th NFC award the resources were allocated in the ratio of: Punjab 51.74%, Sindh 24.55%, Khyber-Pakhtunkhwa 14.62% and Baluchistan 9.09% as well as NWFP would be given 1% extra resource. Province of Baluchistan would be given 83 billion rupees from the indivisible pool. Thus like, due to generation and collection of revenue Sindh will be given 6 billion rupees by the federal government. In this regard the 7th finance commission award was seemed to be better for the allocation of federal fiscal arrangement in which the divisible pool was enhanced in the sense of provincial share aggrandized from 46% to 56% the public sector development program was also be funded to enhance provincial exchequer by giving more funds to the smaller province.

The issue of distribution of resources was the result of mistrust and lack of consensus made it to be the bone of contention between center and provinces. Due to non-serious effort to readdress the issue of distribution of resources the country had to face severe consequences because fiscal decentralization was not done under many NFC award. In addition, due to remaining of unequally in the share of resources the bigger province in the sense of population got control over many resources (Ahmed, 2007). It was argued that the following factors are considered to be the linchpin to create fiscal injustices in distributing resources. These are elaborated with the name of backwardness and gulf in development, distribution of inverse income in the disparity of rural and urban income, endowment of natural resources, collection and generation of revenue, density of population enhancement of poverty and non-serious formula to transfer the shares. Though it is a blinking fact that the distribution of resources and shares of smaller provinces like Baluchistan and KPK were remained unchanged therefore trust deficits and disharmony has been creating in the country.

### **Ethnic dimensions**

Pakistan has been making effort to strengthen democracy and federal system in the country but it had had military and civil democratic regimes. The both government have been trying to establish the country as federal republic by making distinct laws and policies. Pakistani society is recognized to be heterogeneous one because a number of communities are lived by having different cultures and languages. Therefore the participatory federalism and Consociationalism are suitable to address ethno-linguistic problems and give the rights of all communities. In Pakistan the majority idea system remained under the garb of civil and military regimes created ethno national issues and demographic tensions. Both mentioned regimes didn't pay serious attention to curtail the grievances prevailing in ethnic fabrics and minimize the Punjabi domination. Furthermore since inception the country has been facing ethno national issues and struggling to make coherence between national and ethno national

sentiments. A plenty of issues were mobilized due to monopoly of one identity, lack of democratic setup and absence of rule of law(Waseem, 1997).

In this regard many arguments given by the researcher present that the emergence of Bengali nationalism, separatist movements in Pashtuns, the sentiments of Sindhi regionalism, Bloch ethno nationalism and mahajirs movements were the results of mentioned deficiencies existing in government system. Similarly, such kind of movements is emerging in southern Punjab claiming Siraikistan and Bahawalpur province in current scenario (mushtaq 2009). In addition, the current ethnic violence and incidence reported in hazard region is a grave threat to ethnic harmony and integration of provinces. In this regard following table is very important to know sub national protests emerged from 1947 to 2006 and ethno national issues have been facing by the federation of Pakistan.

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**Table 9**  
*Some Instances of Substantial Protests (1947- 2006)*

Sr.#	Time	Group	Location	Description
1	1947-48	Baloch	Kalat and surroundings	First Baloch insurgency of Abdul Karim Khan against forcible annexation of Balochistan into Pakistan.
2	1947-48	Pashtun	NWFP	Reaction to dismissal of Dr Khan's nationalist government.
3	1958-63	Baloch	Baloch countryside	Resistance against one unit scheme, distant identity. Resistance against one unit scheme, Afghan irredentist movement. But at the same time Dr Khan accepted the offer of central government and became Chief Minister of West Pakistan.
4	1960s	Pashtun	NWFP	Baloch insurgency against central government on the dismissal of nationalist
5	1973-77	Baloch	Baloch tribal areas	Baloch insurgency against central government on the dismissal of nationalist regime. This war involved more than 80,000 Pakistani troops and some 55,000 Baloch guerrillas. The insurgency ended after the over throw of Bhutto by Zia ulHaq
6	1973-74	Pashtun	NWFP	Resignation of elected government as a protest central governments interference in provincial matters of Balochistan and NWFP
7	1980s	Sindhis	Rural Sindh	Movement for the restoration of Democracy
8	1990s	Muhajirs	Urban Sindh	Killing in Karachi
9	2002-Onward	Baloch	Baloch countryside	Baloch resistance movement: a response to marginalisation, demands for distributive Justice.

**Source:** (Mushtaq, 2009)

To mitigate all kinds of federal, provincial, ethno national issues, Pakistan has to pay full attention by changing its political social and economic arena. The country has to rearrange its institutional structures to make laws and execute them. In this regard the country will have to involve all ethnic groups so that their participation can be insured in political and economic sectors by assimilating their cultures.

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