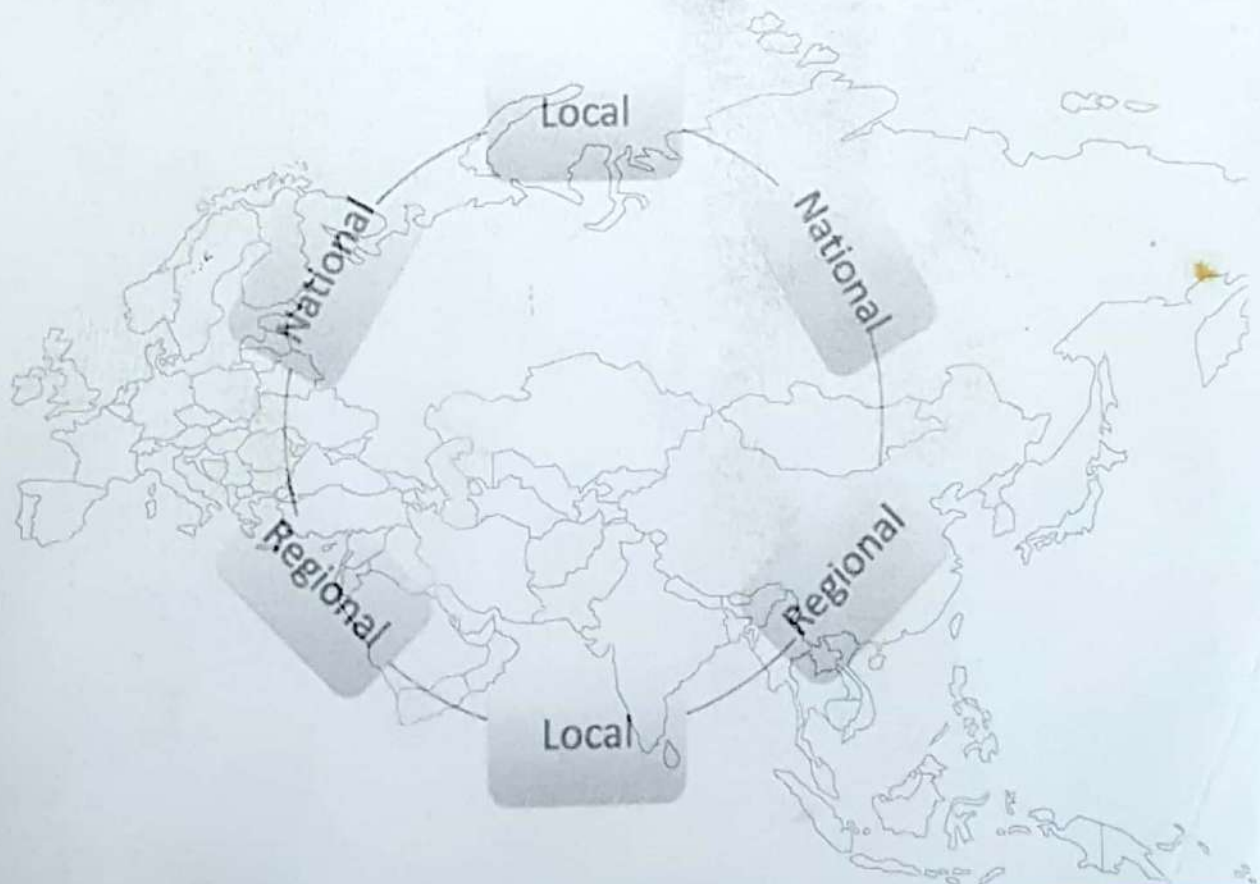


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FEDERALISM IN ASIA AND BEYOND

The Wildbad Kreuth Federalism Days 2012

Models, Best Practices and New Challenges



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Federalism, Ethnicity and Sub-National Identity in Pakistan

Sayed Wiqar Ali Shah

1 Introduction

I will be focusing on federalism⁵³, ethnicity and sub-national identities in Pakistan. To refurbish the 1973 Constitution, recently some major

⁵³ Federalism has been conceived by Raza Rabbani as a compact or agreement. 'In a federal form of government', according to him, 'different political units are bound together, with power distributed between the central government and the Provinces. Of all governmental systems, federalism is best suited to modern society. It ensures national unity while preserving the diversity and distinctiveness of provincial entities. Through sharing of power and resources, the responsibilities and benefits of democracy are made available to all'. He further stated that 'Federalism has thus far been poorly understood in Pakistan. It is a system that respects diversity, promotes pluralism, and balances national with state powers. Federal governments promote stronger institutions and better laws, and they re-

clauses were incorporated in the Constitution of Pakistan. This has been regarded as an appropriate step moving in the right direction to achieve stability in the political system and overall Pakistani society. However, despite proving it beneficial for the major ethnic communities in Pakistan, some quarters showed their indignation over its adoption and initiated a campaign for new provinces on ethnic and geographic basis. In the present research I will be providing details of the various experiences of federalism, the ethnic issues which are inter-related with the centre-province relations and also will discuss some of the sub-national movements and the role of their leaders who are unhappy over the passage of these constitutional amendments and try to sabotage it on various pretexts. For the convenience of the participants/readers I have divided my presentation into three sections. Firstly, I will provide a brief historical account of centre-province relations in Pakistan, of course within the context of federalism. I will critically analyse the factors responsible for the 'failure' of the centre to create harmony between the different federating units and its repercussions on the country. In the second part I will focus on the current situation in Pakistan where recently federalism was implemented in its true form and spirit giving importance to ethnic issues while taking into consideration the ground realities and the resurgence of sub-national identities. This has changed the whole scenario of the centre-province

sult in viable economies. In order to function properly, this form of governance relies upon checks and balances in administrative structures, as well as within the body politic', which he inter-twined with 'nurturing a truly democratic political culture'. Mian Raza Rabbani, *A Biography of Pakistani Federalism Unity In Diversity* (Islamabad, Leo Books, 2012), pp. 14-15.

relations and invited mixed reaction at various levels. In the present paper, I will also elaborate upon the latest centre-province relations with its far reaching positive impact upon the Pakistani society bringing it at par with other South Asian neighbours who are practicing it successfully since decades. In the third part I will be giving some recommendations which, if adopted, would recuperate the federalism in Pakistan thus bring stability to the political system in the country and will resolve the issues pertaining to sub-national identities in Pakistan.

Before discussing the historical background of the centre-province relations in Pakistan, let me clarify that it is difficult to comprehend that while discussing the federalism in South Asia, why the scholars are always comparing the European models of federalism with Pakistan. There are stark differences between the European models and the situations in Pakistan. There are no military dictatorships and frequent martial laws in Europe to disrupt the system as being witnessed in Pakistan. Moreover, the political leadership of Pakistan also played havoc with the democratic institutions thus blocking the true spirit of federalism in the country.

2 Historical Background

The All-India Muslim League struggled for the creation of Pakistan and achieved independence in August 1947. On assuming authority after the predicament of the Partition (August 1947) they showed their determination to rule Pakistan single-handedly and this created problems and dissent. The ethnic diversity in Pakistan was ignored. Pakistan was comprised of five distinct ethnic communities. They included the Bengalis (55%), the Punjabis (27%), Pashtoons (7%), Sindhis (6%), and Baloch (1.2%). Instead of considering this ethnic

diversity as strength for Pakistan it was taken otherwise. It was decided that a strong centre was necessary for this ethnically and geographically fragmented society. The Muslim League leadership tried to make it a 'one party state'. They believed in 'one nation, one religion, one country and one party'. The state and government, two different things, were intentionally mixed together. In their opinion, opposition to the government was tantamount to opposition to the state, which obviously was difficult to tolerate. They put forward the argument that various ethnic/provincial leaders opposed the creation of Pakistan. Now after independence, how could they be trusted to be true Pakistanis and how could power and responsibility be shared with them. On the contrary, the majority of the leaders who opposed Pakistan tried to persuade the League leadership to forget the past and concentrate on the future. They believed that what's gone is gone and tried to convince the people that for the betterment of Pakistan they should work together in peace and harmony and should trust each other. But no one paid any heed to these voices and the mutual relations remained strained for many years to come. When these leaders tried to form a genuine opposition to check the League hegemony in the country, they were not allowed to do that. The Leaguers opposed them to an extent that the opposition was not even allowed to form a single political party.

Fact is that a strong centre in a federation could only be tolerated if accompanied by democracy. In Pakistan, during the initial years, unfortunately the true spirit of democracy was missing; this created political vacuum which invited non-democratic forces who played their ugly role in destabilising the democratic institutions. Ignoring the ethnic issue further aggravated the already tense situation which alienated many ethnic communities who came out openly demanding their rights

from the centre. Instead of giving any attention to their demands, they were dubbed as traitors to the country and were accused of patronising the parochialism. The centre tried to enforce its 'Pakistaniat' upon the federating units but they resisted it with resilience and termed it as 'draconian measures' of the centre, aimed at sowing discord and dissent amongst various federating units of the country. They condemned all such measures of the centre and remained firm in demanding full provincial autonomy on the basis of the Lahore Resolution⁵⁴.

Some scholars regarded the death of M. A. Jinnah, the founder of the country, as a setback for the national unity. According to them, after his death provincialism made its headway. "Geographical, cultural and linguistic differences", opined Mehrunnisa Ali, "became dominant as was apparent from the constitutional controversies over the problems of language, representation and division of power."⁵⁵ Jinnah was also opposed to provincialism. He condemned it on many occasions and warned people that if they follow provincialism, it would surely play havoc with the unity of Pakistan. According to Jinnah, after their failure in preventing the establishment of Pakistan, its frustrated enemies

⁵⁴ The All-India Muslim League in its Lahore session, held on 22-24 March 1940, adopted the famous Pakistan Resolution which clearly stated that 'geographically contiguous units...should be so constituted with territorial readjustments' so that areas in which 'Muslims are numerically in a majority should be grouped to constitute into independent states in which the constituents units are autonomous and independent'. Ayesha Jalal (ed), *The Oxford Companion of Pakistani History* (Karachi, Oxford University Press, 2012), p. 308.

⁵⁵ Mehrunnisa Ali, *Politics of Federalism in Pakistan* (Karachi, Royal Book Company, 1996), p. 126.

“have now turned their attention to disrupt the State by creating a split amongst the Muslims of Pakistan. These attempts have taken the shape principally of encouraging provincialism.

As long as you do not throw off this poison in our body politics, you will never be able to weld yourself, mould yourself, galvanize yourself into a real true nation. What we want is not to talk about Bengali, Punjabi, Sindhi, Baluchi, Pathan and so on. They are of course units. But I ask you: have you forgotten the lesson that was taught to us thirteen hundred years ago? If I may point out, you are all outsiders here. Who were the original inhabitants of Bengal — not those who are now living. So what is the use of saying ‘we are Bengalis, or Sindhis, or Pathans, or Punjabis’. No we are Muslims.

Islam has taught us this, and I think you will agree with me that whatever else you may be and whatever you are, you are a Muslim. You belong to a Nation now; you have now carved out a territory, vast territory, it is all yours; it does not belong to a Punjabi, or a Sindhi, or a Pathan, or a Bengali; it is yours. You have got your Central Government where several units are represented. Therefore, if you want to build up yourself into a Nation, for God’s sake give up this provincialism. Provincialism has been one of the curses; and so is sectionalism — Shia, Sunni etc.”⁵⁶

Apart from many other grievances, including the distribution of a share in services, the provision of adequate jobs, the shifting of naval

⁵⁶ *Quaid-i-Azam Mohammad Ali Jinnah: Speeches and Statements 1947-48* (Islamabad, Directorate of Films & Publications, Ministry of Information & Broadcasting, Government of Pakistan, 1989), p. 181.

headquarters to East Pakistan and a share in the armed forces of Pakistan, the Bengalis were particularly indignant over making Urdu as the State language in Pakistan. Keeping in view their population ratio and the rich heritage of their language, they demanded from M. A. Jinnah to declare Bengali as the official language of Pakistan. The Centre did not accept this demand and Jinnah during his official visit of East Pakistan in March 1948 made it clear that the "State Language of Pakistan is going to be Urdu and no other language." He further stated that "[w]ithout one State language, no nation can remain tied up solidly together and function."⁵⁷ Three days later he reiterated it again on the occasion of the Convocation at the Dhaka University that there would

"be only one *lingua franca* that is, the language for inter-communication between the various provinces of the State, and that language should be Urdu and cannot be any other. The State language, therefore, must obviously be Urdu, a language that has been nurtured by a hundred million Muslims of this sub-continent, a language understood throughout the length and breadth of Pakistan and above all, a language which, more than any other provincial language, embodies the best that is in Islamic culture and Muslim tradition and is nearest to the language used in other Islamic countries."⁵⁸

On the demand that both Bengali and Urdu should be the State Languages of Pakistan, he declared "[m]ake no mistake about it. There

⁵⁷ Speech at a public meeting at Dhaka on 21 March 1948, *ibid.* p.183.

⁵⁸ *Ibid.*, p.194.

can be only one State language, if the component parts of this State are to march forward in unison, and that language, in my opinion, can only be Urdu.”⁵⁹

The non-acceptance of the demand of the Bengalis to adopt Bengali as the official language in Pakistan led to further polarisation. Probably at this stage the majority people in East Pakistan felt themselves marginalised and alienated. The pestered Bengalis accused their fellow countrymen in West Pakistan of showing indifference and apathy towards them. They started devising other ways and means to achieve their objective and organised student community to press for the demand of recognition of Bengali as a State language and finally their abhorrence culminated in the gruesome language riots of February 1952, taking many lives at Dhaka University.⁶⁰ The language issue further aggravated the existing grievances of the Bengalis against West Pakistanis and it finally culminated in the dismemberment of Pakistan in December 1971.

3 ‘One Unit’ and its repercussions on Pakistan

Before analysing the various Constitutions of Pakistan and their addressing the issue of federalism in the country, let me very quickly elaborate upon ‘One Unit’ and its repercussions on Pakistan keeping in view its relevance to the Centre-Province relations. It caused a sense of

⁵⁹ Ibid.

⁶⁰ For further details see Tariq Rahman, *Language and Politics in Pakistan* (Karachi, Oxford University Press, 1997), pp. 77-102.

deprivation among the smaller provinces of Pakistan and they felt that to please the Punjab, they were denied their basic rights and were kept apart from the power sharing process. It created hatred against Lahore, the provincial capital, which was taken as a new symbol of dictatorship by the smaller provinces. The unity of Pakistan was torn asunder by enforcing it against the will of the smaller provinces.

'One Unit' was the popular phrase used to describe the proposed integration of all areas in the western wing into one province of West Pakistan. The roots of the 'One Unit' scheme were traced into the ill-founded fear of the Bengali domination, which did not have a wide margin of numerical majority, were economically weak, and without control over any important levers of the state power. The scheme was seriously taken up by the Governor-General Ghulam Mohammad, the Interior Minister and later acting Governor-General Iskander Mirza and the then Commander-in-Chief (C-in-C) of the Armed Forces, General Mohammad Ayub Khan. They implemented it with the co-operation of some politicians from Punjab, using 'draconian' measures against the resistance of a large number of politicians from the smaller provinces, particularly the North-West Frontier Province (N-WFP), renamed as Khyber-Pashtoonkhwa and Sindh, opening a dark chapter in the political history of Pakistan. Instead of achieving national integration, its avowed objectives, the scheme sowed the seeds of alienation and discord between the Punjab and the smaller provinces. The scheme, according to some political scientists, also contributed largely to the imposition of the first martial law in Pakistan because the president and the C-in-C were afraid of the resumption of the political process, particularly the general elections in Pakistan. In the wake of the elections they saw the restoration of the provincial autonomy, although on a very small scale,

but it did not fit into 'their' concept of the strong Centre, they wanted in Pakistan.

The tradition of the strong Centre established from the early years of Pakistan continued unabated and found its place in the three Constitutions of 1956, 1962 and 1973 respectively. According to Jaffar, "[t]he Constitutions of 1956 and 1962 did not reflect the desires of all regions while the Constitution of 1973, despite being accepted by a wide segment of national and regional leadership, failed to ensure provincial autonomy and promote national integration".⁶¹ As a result, Mehrunnisa opinioned, "regionalism flourished causing federal imbalance in subsequent years."⁶² The trend of more powers to the Centre was given a boost by the Ayub Khan Regime. He believed that "a strong centre and rapid economic development could hold together the two geographically distant and culturally diverse provinces."⁶³ However, the subsequent events proved the contrary. Despite his reliance upon the strong Centre, he did not succeed in redressing the grievances of the majority of the people in East Pakistan who expressed their solidarity with Shaikh Mujeeb ur Rehman's Six Points demanding full provincial autonomy from the Centre for the federal units. Mujeeb ur Rehman was arrested, accused of destabilising the country and sentenced in the Agartala Conspiracy Case. The arrest of Mujeeb saw a recrudescence of

⁶¹ Syed Jaffar Ahmad, *Federalism in Pakistan A Constitutional Study* (Karachi, Pakistan Study Centre, University of Karachi, 1990), p.42.

⁶² Mehrunnisa Ali, *Politics of Federalism in Pakistan*, p. 178.

⁶³ Ibid. p.131.

demonstrations against the Ayub Government which soon engulfed other parts of Pakistan and eventually resulted in Ayub's ouster from power.

Let me take a pause here: above, I have argued that the military alone should not be made responsible for acting against democratic processes and that civilians/politicians also should be castigated for their playing a negative role in the whole scenario. Mehrunnisa also supports this view and argues that the Z. A. Bhutto regime (1971-1977) favoured central ascendancy and executive despotism. The author, however, appreciates the role of politicians in furthering a consensus document in the shape of 1973 Constitution, wherein the future relations between Centre and the provinces were given a new look. The residuary powers were granted to the provinces. To move further towards more provincial autonomy it was also decided that there would be an equitable sharing of resources between the Centre and provinces, an act appreciated by many. Despite high hopes from many quarters the fact remained that it lacked a mechanism for guarantees against the federal violations. Still the centralist trend of strengthening the executive against the other State institutions was seen. As was evident from the later years, the Prime Minister's office became the most powerful office in the country and the president was reduced to a rubber stamp, a fact also confirmed by other political scientists. According to Mehrunnisa, the

“Prime Minister's ascendancy vis-a-vis the President and the National Assembly was ensured by the Prime Minister's power of countersigning the latter's orders and by the limitations imposed on the Assembly's power of vote of no confidence against the cabinet. Not content with the constitutional provisions and his Party's majority in the Assembly, Bhutto consolidated his hold by amendments to the Constitution, thereby further impairing the position of the Assembly and the

Judiciary. The amendments restraining the power of Judiciary, continuation of emergency, retention of the Defence of Pakistan Rules and a number of ordinances curtailing civil liberty and freedom, and the power to dissolve political parties, all speak of his authoritarian style. Being an elected leader with a considerable majority in the Assembly, Bhutto could have survived without resorting to much harsh measures if he had tolerated the voice of dissent. Like Ayub Khan, he too believed that political stability and national unity could be achieved by a strong Centre.”⁶⁴

For this reason the Centre was given a free hand in the interference of provincial matters and the “provisions concerning regional autonomy were violated, evaded or not fully implemented in the latter.”⁶⁵ Interestingly, the same document (i.e. the 1973 Constitution) has been amended in the recent past and provisions regarding the provincial autonomy being implemented in its true spirit thus bringing a positive change in the Centre-province relations which will be further discussed later on.

4 Pashtoonistan Issue

While taking into consideration the ethnic issues in Pakistan which are closely linked with the federalism, one must not forget that the Pashtoons as a major ethnic community are divided into three⁶⁶ main

⁶⁴ Mehrunnisa, *Politics of Federalism in Pakistan*, p. 132

⁶⁵ *Ibid.* p. 134

⁶⁶ In November 1893 the Durand Agreement was signed between the British India and Afghanistan. By this agreement, the spheres of influence were determined between British India and Afghanistan. Giving no heed to the national interest,

divisions. Around ten million Pashtoos live in Afghanistan, about eight million Pashtoos live in the settled areas of Khyber-Pashtoonkhwa and Balochistan, more than two millions in Karachi, and about four millions are the permanent residents of Federally Administered Tribal Areas (FATA). Their vital national, economic, cultural and political interests are inter-woven to the extent that it has become proverbial that peace and tranquillity of Kabul is linked with the stability in Peshawar. These people are knitted together by their common language Pashto. In addition to the same language, they are having the same religion and shared the same customs throughout the long period of history.

Keeping in view certain limitations of time and space I will not indulge myself further in discussion over their glorious past but will elaborate upon the second half of the twentieth century, when they were confronted with the major ethnic issues which posed a direct threat to their 'distinct' identity in Pakistan and which is relevant to our present discussion on ethnicity and sub-national identity in Pakistan.

Pashtoonistan has been variously described by different people relative to their respective political agenda: as an independent sovereign state, a province of Afghanistan or an autonomous province within Pakistan.

integrity or oneness of the Pashtoos they were divided into three separate political and national entities. One became part of the British Indian Empire, one was kept under the Amir of Afghanistan and the third part was declared as 'Yaghistan' or no-man land which eventually became the independent tribal territory. The line separating these parts is known as the Durand Line. Since then it has received the de facto recognition as an international frontier between Pakistan and Afghanistan.

Only the last one gives the real truth. Although no one can predict when the real objective of the Pashtoons will be fulfilled and their dream of an autonomous province within Pakistan having full provincial autonomy be realised, at least the major demand of re-naming the province as Pashtoonkhwa and the education to the children in their own language, Pashto, has been granted with the implementation of the 18th Amendment to the Federal Constitution recently. The two other definitions of Pashtoonistan (i.e. Azad Pashtoonistan and Pashtoonistan as a province within Afghanistan) seem totally absurd and irrelevant. No one gave any serious consideration to these two options. As a social scientist, after careful analysis of the historical data and facts, and going into the whole imbroglio, I can say with pertinacity that the Afghan authorities exploited the sentiments of the Pashtoons on both sides of the Durand Line on this issue and were not sincere in its actual implementation. To put extra pressure on Pakistan, which aligned itself with the USA during the Cold War era (1950s and 1960s), against the Soviet Union, they orchestrated their support for Azad Pashtoonistan. Even then the territorial boundaries of the so-called independent Pashtoon state were not clearly demarcated. No one knew exactly whether the intended free Pashtoon state would include the areas inhabited by Pashtoons in Pakistan plus the tribal areas or additionally the Pashtoon belt of Afghanistan.

As is evident from the many speeches and statements of the Pashtoon nationalist leaders, none of them talked about secession from Pakistan. They have been insisting from the very beginning that they should be

given equal rights because they wanted to live at par with the other people living in Pakistan.⁶⁷ It is a pity that they were branded as traitors and were accused of being friends of India and Afghanistan who wanted to destabilise Pakistan. The demands of full provincial autonomy and their democratic rights of self-determination, the development of their culture and language and their demand for the removal of disparity were linked with their previous record of opposing the creation of Pakistan. They were time and again dubbed as disruptionists and disloyal to Pakistan. The centrifugal forces at centre remained alert of the 'nefarious designs' of the provincial leaders and missed no opportunity to suppress the demands of provincial autonomy on various pretexts. For decades Pakistan was under martial law regimes, which were least interested in granting provincial autonomy to the federating units.

5 The 18th Amendment of April 19, 2010

The 1973 Constitution came into effect on the August 14, 1973. The Constitution is federal and parliamentary in character. The preamble of the 1973 Constitution states:

"[T]he territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous

⁶⁷ Mohammad Said Khan quotes famous Pashto poet and nationalist leader Abdul Akbar Khan Akbar's words that we want 'the reflection of the Pukhtoon entity in the country's constitution, the province where we live to be named Pukhtoonistan (the land of the Pukhtoons) and good education for our children in our language Pushto.' Mohammad Said Khan, *The Voice of the Pukhtoons* (Lahore, Ferozsons Limited, 1972), pp. 18-19.

with such boundaries and limitations on their powers and authority as may be prescribed.”⁶⁸

It became a consensus document and despite certain reservations, the leaders of even the opposition political parties supported it. The emergency provision, in the Constitution, however, gave Z. A. Bhutto an upper hand. Bhutto, in spite of his being a charismatic leader, was as much a ‘centralizer’ as previous Pakistani rulers. He misused his authority, exploited the emergency powers against his political opponents. National Awami Party (NAP), which represented the aspirations of the people of Balochistan and the former N-WFP became the main target of his high-handedness. The leaders of the party were accused of preaching secessionism. The NAP provincial Government of Balochistan, was dismissed on flimsy charges and their demand of more provincial autonomy was interpreted as destabilising Pakistan. As a protest the NAP and Jamiat ul Ulama coalition Government of the Frontier also resigned and this triggered off another political crisis in Pakistan. To suppress the resistance movement, termed as ‘insurgency’ by the Centre, army was sent to Balochistan, one of the most backward areas of Pakistan. The army, which had been severely weekend in the aftermath of the 1971 crisis, once again was placed at the central stage, to the chagrin of many, this time by a ‘populist’ civilian ruler. The conflict in Balochistan where the army was sent further alienated the Baloch who suffered enormously during the next few years. According to a careful observation it has been estimated that “it was not a war aimed

⁶⁸ Rabbani, A Biography of Pakistani Federalism, p. 95.

to create a separatist Baluchi state, it was merely an attempt to hold the centre to a commitment on federalism.”⁶⁹

Further discussion upon these amendments are out of the purview of the present research. Therefore, I will restrain myself to the relevant clauses of 18th Amendment of the 1973 Constitution. The constitution was many times amended by both Parliament and military dictators and its true spirit has been changed/perverted. The latest amendment (i.e. the 18th Amendment) is an effort to “cleanse the supreme national legislative instrument of the distortions and unlawful conversion of a parliamentary form of government into a quasi presidential one and that, too, by concentrating maximum power and discretion in a few constitutional offices.”⁷⁰ Major changes were made in the Constitution under the 18th Amendment. The concurrent legislative list was discarded. Eighteen Federal Ministries have been deleted from the federal list and handed over into provincial control. The provinces, following the true spirit of a genuine federalism, have been empowered to control and benefit from their own resources (i.e. hydro-electric power, thermal power, natural gas, oil and minerals).⁷¹ In the following, I will confine myself to its relevance to ethnicity and sub-national identities in Pakistan.

One of the most remarkable achievements of the 18th Amendment, besides the granting of provincial autonomy is the renaming of the

⁶⁹ Katharine Adeney, ‘Democracy and federalism in Pakistan’, in Baogang He, Brian Galligan and Takashi Inoguchi (eds), *Federalism in Asia* (Cheltenham, Edward Elgar Publishing Limited, 2007), p. 114.

⁷⁰ Rabbani, *A Biography of Pakistani Federalism*, p. 137.

⁷¹ For full details see Rabbani, *ibid.* pp. 137-276.

North-West Frontier Province as Khyber-Pakhtunkhwa. As discussed earlier, the Pashtoon nationalist perspicuously demanded the grant of full provincial autonomy to the federating units within Pakistan. Instead of conceding their demand, they were labelled as 'fifth column', recreants and traitors to the country, who, on the behest of India and Afghanistan wanted to create discord and disharmony amongst the people of Pakistan. The authorities at the Centre missed no opportunity to tarnish their image in Pakistan. Even their role in the freedom movement of South Asia against colonialism was intentionally not included in the history/curriculum books, written immediately after the creation of Pakistan. Their ordeal did not end here: they were incarcerated and imprisoned. The Muslim League leaders, both at the centre and provincial levels, abhorred them, and tried their utmost best to prove their alleged secret links with the enemies of Pakistan. Since they were portrayed as enemies of Pakistan, their suppression was considered to be a sacred duty of the Pakistani authorities. However, despite this pungent attitude and poisonous propaganda, leaders from the smaller provinces in Pakistan remained adamant in their demand of full provincial autonomy.

In the N-WFP, a new demand was added to the previous list: re-naming of the province. The main argument for the change of name was that after 1947 all the five provinces of the then Pakistan were frontier provinces, bordering various countries. After the dismemberment of Pakistan in December 1971 the situation remained the same. The name N-WFP in itself, the Frontier nationalists argued, does not represent the true aspirations of the people who live here nor does it explain the ethnic identity of the local population. In their polemics, they simply termed it as geographical name given by the colonial masters in 1901

when it was genuinely a Frontier province. It was then the North-West Frontier Province of the British Empire. But after gaining independence the Pakistani authorities still stuck to the old colonial legacy. The other three provinces in today's Pakistan, they further argued, clearly represent the people and nationalities of the local population (i.e. the Punjabis live in the Punjab, Sindhis in Sindh and Baloch in Balochistan). But then why the Pashtoons were denied a name identical with their ethnic composition? Why was the government not taking interest in changing the old geographical name of the Pashtoon region? In the present Pakistan, they stated, all are frontier provinces. The Pashtoon area is bordering Afghanistan, the Punjab and Sindh are sharing their borders with India, Balochistan is sharing its border even with two countries, Afghanistan and Iran. So if one province is known as the North-West, the others should be called North-East or South-West in the same way. Otherwise, they demanded, give the Pashtoons their true identity in Pakistan. Since the word 'Pashtoonistan' was negatively used by the successive regimes in Pakistan to persecute the nationalists, and was linked with the riddles of Pak-Afghan relations, the Frontier people demanded that their province should be re-named as Pashtoonkhwa, a historical name of the region. While democratic forces in Pakistan supported the idea of renaming the province to dispel the impressions of being harsh towards the smaller provinces, it became an eye sore to many in the establishment. To sabotage the very idea moved by the Awami National Party, it was time and again argued by these people that names do not matter. Will it enable the jobless to get their employment? Will the poor people get their earning and sufficient livelihood if the ANP demand of renaming the province fulfilled? The anti-Pashtoon lobby unleashed their opposition and reminded the Pakistanis of the previous record of the fore-fathers of the ANP leadership who opposed the

creation of Pakistan and now once again wanted to destabilise it. But the nationalist in the Frontier province under the umbrella of the ANP who championed the cause of the re-naming of the province remained adamant to their demand and showed their resilience in getting a proper identity for themselves. Interestingly, this time apart from others, the Pakistan Muslim League (Nawaz Group) also indicated that they will not oppose the Bill. The provincial leadership took a sigh of relief on learning that Nawaz Sharif will lend his support because previously, in 1997, this became the major reason for the 'parting of ways' when they were coalition partners for a brief period. Since the last general elections (2008) the ANP was in a commanding position in the Provincial Legislature and the fifth largest party in the National Assembly. It mustered support for the re-naming of the province and was ready to place it for approval of the Parliament and President after its passage in the provincial assembly. However, after the passage of the resolution of re-naming the province in the Provincial Legislature, when it was ready for further action, Nawaz Sharif demanded the insertion of his favourite name for the province. The ANP leadership and the Frontier nationalist were shocked to learn that at the eleventh hour Nawaz Sharif, the leader of one of the biggest parties in Pakistan with a sizable number of legislators in the National Assembly, wanted to insert his option. As a coalition partner, the Pakistan People's Party, now in power, pledged their full support on the re-naming issue. Negotiations started which eventually resulted agreeing to one of the three suggested names (i.e. Pakhtunkhwa, Afghania and Abasin). The ANP leadership tried to develop consensus on Pashtoonkhwa, the historical name for the region. Eventually, a consensus has been formed on Khyber-Pakhtunkhwa. Nawaz Sharif insisted on the prefix of Khyber, to the surprise of many. Till day it remains a mystery why he insisted upon the

prefix of 'Khyber' because the famous Khyber Pass is also located in the Pashtoon region. Some suggests that probably he wanted to satisfy his electorates in Hazara who criticised him of bowing to the demands of ANP. After developing consensus on the new name, Khyber-Pakhtunkhwa, the ANP legislators moved the resolution to the National Assembly. There, it was adopted on March 31, 2010. After its passage in the National Assembly, it was sent to the Upper House, the Senate for approval which gave its formal approval on 15 April 2010 and after the final accent of the President of Pakistan, the former 'North-West Frontier Province' became 'Khyber-Pakhtoonkhwa'.

6 Sooba Hazara Movement

The Pashtoons generally were overwhelmed and exuberant because of the re-naming of the province as Khyber-Pakhtunkhwa because the long cherished desire of getting an identity similar to the other ethnic communities of Pakistan living in other province being fulfilled causing a feeling of confidence because they had been recognised officially as having their particular ethnic identity. Some local leaders in Hazara vehemently opposed the re-naming of the province as Khyber-Pakhtunkhwa. Haider Zaman, former City Nazim of Abbottabad allured and organised people in the name of *Sooba* Hazara. A call of general strike was called on April 12, 2010. The mob showed their indignation on the re-naming of the province and demanded *Sooba* Hazara, a separate province for the people of Hazara. The refractory mob, the majority being pettish and young people, became violent and out of control. They moved towards a police station, obviously for ransacking it. To avoid being overpowered by the violent mob the police fired at the mob and killed seven people. This triggered more agitation for *Sooba*

Hazara. Before further discussion on the details of the Hazara movement and its leadership, it is pertinent to note the basis of their demands.

Hazara was the only cis-Indus district included in the North-West Frontier Province at the time of its formation as a separate province in 1901. It was argued by the British authorities that ethnic consideration was taken heed of before taking this decision. Apart from the Pashtoons, the other ethnic communities of Hazara are the Awans, Gujars, Jats, Tanaolis, Mughals and Dalazak. Besides Pashto, Hindko is the other main language spoken in Hazara. Interestingly many Pashtoon tribes like the Swatis are bi-lingual. During the last phase of the colonial rule, the majority of the people in Hazara, unlike other inhabitants of the province supported the policies of the All-India Muslim League and the demand of Pakistan. The Muslim League always found Hazara at the centre of League politics in the N-WFP. With Pakistan's independence, the people of Hazara were seen almost in every field of life. In 1976, Hazara was made a Division, comprised of the important towns of Haripur, Abbottabad, Mansehra, and Kohistan. Later on Battagram and Torghar were also added to the Hazara division. Important industrial and other income generating units in Hazara include the Tarbela Dam (a very big water reservoir with a huge capacity of power generation), the Hattar Industrial Area, the TIP (Telephone Industry of Pakistan), the Karakoram Highway (linking Pakistan with China) and the Pakistan Military Academy, Kakul. Out of a total of 24 districts of Pakhtunkhwa, six are in Hazara (namely Haripur, Abbottabad, Mansehra, Battagram, Torghar and Kohistan). The Hindko-speaking population dominates Abbottabad, Haripur and Mansehra while Battagram, Torghar and Kohistan are Pashtoon dominated areas.

After the tragic incident of April 12, 2010, the stalwarts of the Pakistan Muslim League (Quaid e Azam Group) supported Haider Zaman in championing the cause of *Sooba* Hazara. Other leaders who joined the protests – which by now were not only confined to Abbottabad but spread to Manshera and the adjoining areas – included Sardar Mohammad Yousaf, Sardar Shah Jahan, Gohar Ayub, Sardar Mohammad Yaqub and Ali Asghar Khan. The provincial government did not use further force to disperse the demonstrators in the hope that with the passage of time the sentiments of the agitators would cool down. They made it clear that while no one would be allowed to take the law in their own hands and to play havoc with the lives and property of innocent citizens, the people of Hazara have the right to peacefully struggle for *Sooba* Hazara. The provincial leadership of the ANP gave their own example by stating that they struggled peacefully, presented their case in a perspicuous manner for more than sixty years and eventually succeeded in getting their desired goal (i.e. re-naming the province as Pakhtunkhwa). They promised that the authorities will definitely give a sympathetic hearing to their legitimate demand, if made. They admonished the leaders of *Sooba* Hazara that they should not mislead the people and disturb the law and order situation and that they should rather muster support first in the provincial assembly and after its passage in the provincial assembly follow up with further necessary action. If the people of Hazara do not want to live in Pakhtunkhwa, they stated, it is their legitimate right to opt for their separate entity but only by following the democratic way. They conveyed a clear message to the leadership of *Sooba* Hazara that since the local authorities are already engaged and are struggling hard against the menace of fundamentalism and militancy posed by the presence of a large number of Taliban, al Qaida and their supporters in the region, they would not afford a surge

in violent protests at any cost. Therefore, the leadership in Hazara should follow altruism and not disturb the already volatile situation any further. To contain the movement to the Hindko-speaking areas of Hazara, on June 18, 2011, on 'popular public demand', the provincial government announced the formation of Abasin Division consisting of Battagram, Kohistan and Torghar districts. This was a severe setback to the *Sooba* Hazara movement because the population of the new division demanded that they should not be treated as part/supporters of the *Sooba* Hazara movement. They expressed their confidence and satisfaction with the present provincial setup, and showed their solidarity with the rest of the population of Pakhtunkhwa. Soon cracks appeared in the leadership at the top level and the leaders recriminated Haider Zaman of his solo flight for his own popularity and political gains without caring for his friends and well wishers. The proponents of the movement showed their resentment the way Haider Zaman was leading the people of Hazara. Probably disturbed by the latest developments when his leadership was challenged by other stake-holders of the Hazara movement, Zaman approached Muhajir Qaumi Movement (MQM) for their support. MQM immediately responded to the call of Haider Zaman and demanded the division of Pashtoonkhwa according to the wishes of Haider Zaman. Altaf Hussain, the leader of MQM gave statements in support of *Sooba* Hazara. On his directives, on January 2, 2012, the MQM legislators submitted a motion/resolution for the 20th Constitutional Amendment demanding the creation of *Sooba* Hazara. Haider Zaman appreciated the endeavours of the MQM and termed it as

a 'patriotic party'.⁷² For political observers MQM did this for two reasons: firstly, to settle scores with the ANP who has challenges the MQM hold in Karachi and penetrated into its spheres of influence and which has been now understood as a potential threat to the MQM hegemony in Karachi; and secondly, the MQM wanted to win over the sympathies of Hazarwals, who constitute a sizable number of the population in Karachi.

With respect to the support for *Sooba* Hazara under the leadership of Haider Zaman and his associates, their movements are unlikely to succeed in the near future. There are no prospects for the division of Pakhtunkhwa on these lines because out of a total of twenty four districts, only three are desirous of getting out of Pakhtunkhwa and are demanding their own identity. The number of their legislators in the provincial assembly is not sufficient to change or approve a resolution in the House without the support of other legislators. This requires a sound home work and definitely needs both time and patience which unfortunately is missing with the present leadership of the *Sooba* Hazara.

7 Seraiki Sooba Movement

In the Seraiki *Sooba* movement, Seraiki language plays a significant role. It has been taken as a symbol of a separate identity. Interestingly,

⁷² "I used to treat MQM as anti-State Party in the past", remarked Haider Zaman, "but when it stood by the people of Hazara over the Hazara Province demand, I changed my mind. Now, I consider MQM a patriotic party" (*Dawn*, Islamabad, November 16, 2012).

the main emphasis is upon a revival of culture which has been chosen as a unifying factor. The Seraikis are indignant over the poor treatment meted out to Seraiki language which was not given due recognition it deserved and unfortunately relegated to the status of a dialect of the Punjabi language. Since the 1960s leaders of the movement are creating awareness on the ethno-linguistic lines and are focusing on the Seraiki identity. The leaders are playing with the sentiments of a local population of more than 27 million spread out over 12 districts,⁷³ referring to accounts of alleged exploitation of South Punjab. Their case in point is the diversion of all developmental projects and funds to Central Punjab. The leadership at Lahore particularly has been portrayed as real villains because, according to Seraiki leaders, they feel satisfaction in the persecution of innocent people of South Punjab.

Recently the demand for a separate identity of the Seraikis got momentum. The recent leadership of the Pakistan Peoples Party (PPP) has been accused of playing with the sentiments of the people on this issue. Yusuf Raza Gilani, the former Prime Minister of Pakistan, is championing the cause of a Seraiki *Sooba*. He is pleading for Multan to be the future capital of a Seraiki province. However, a parallel campaign started to declare Bahawalpur as the capital of Seraiki province. On public demand, the Seraiki Commission, headed by Senator Farhatullah Babur, was formed, though not recognised by the Punjab Government, the major stake-holder in the matter. The Pakistan Muslim League

⁷³ The districts are: Bahawalnagar, Bahawalpur, Bhakkar, D G Khan, Jhang, Khanewal, Lyyah, Lodhran, Multan, Muzaffargarh, Rahim Yar Khan, Rajanpur and Vehari.

(Nawaz) leadership has made it clear that they are opposed to the division of the Punjab on a linguistic and ethnic basis. However, they showed their willingness for the division of Punjab on an administrative basis. They are also pretty sure that the division of the Punjab in this way is not possible because before the presentation of a bill for the creation of new provinces in the Parliament, a two-third majority is required, which in this particular case will surely oppose the division. Unless the PML (N) supports the Bill there is no question that it would get through the Punjab assembly. The Muslim League leaders regarded it as a political gimmick of the PPP to befool the people of South Punjab and get their support in the forthcoming general elections. The PML (N) showed their resolve that they would oppose all such bills in the legislature because they are opposed to the division of the province on the PPP behest. The local leaders who were propagating/advocating the Seraiki cause for decades like Taj Mohammad Langah etc went into the background because now the issue has been taken by the major political parties and surely will be used as an electioneering symbol in the forthcoming general elections.

8 Recommendations

Before concluding my paper, I would like to put forward some recommendations which I deem essential for the successful and smooth functioning of federalism in Pakistan:

- To clearly state the limits of authority of the federal government and the degree of provincial autonomy to avoid complications in the future.
- Some mechanism should be worked out to check the 'high-handedness' of federal government, if any, on provincial autonomy. The failure of such a mechanism in the past has given dictatorial powers to the

Centre which exploited its authority and threatened the smooth functioning of provincial government.

- Not to disturb the present allocation of seats in the Senate of Pakistan; bicameralism should continue in its present state.
- To give financial powers to the Senate which currently does not have any.
- To help continue the democratic process and to resist un-constitutional moves in this regard.
- To educate the people (through various channels) to demand and struggle for their rights in a constitutional way and not to resort to violence and disrupt the smooth functioning of the government by organising violent protest rallies etc. Pakistan is currently facing huge security problems – including the resurgence of militancy – and before this background the attention of the government should not be diverted from concentrated efforts to end the insurgency in the region.
- To implement political reforms in the Federally Administered Tribal Areas in their real shape and not to bow down to the pressure of the few corrupt, so-called representatives of the tribal people.
- To merge the FATA with the respective districts of Pashtoonkhwa.
- Equitable distribution of economic resources between the Centre and provinces should be made.
- The divergent ethnic groups should be educated about co-existence and tolerance, essential for the smooth running of federalism.
- To protect the 18th Amendment from being rolled back because recently concerns were shown by some parliamentarians that ‘invisible forces’ are out to sabotage the efforts of the democratic loving people of Pakistan and are busy in disrupting the whole gains of the 18th Amendment.
- To give special attention to the problems of Balochistan; to prefer dialogue and negotiations over using force and draconian authority in the violence hit province of Pakistan. A political solution of the whole scenario should be worked out by expressing confidence upon political

leadership and political parties, irrespective of certain reservation about the ability of these politicians to deliver.

9 Conclusion

Federalism requires the distribution of authority between central, provincial and regional governments. In Pakistan, unfortunately, a genuine spirit behind federalism was missing for decades which eventually resulted in hatred against the strong Centre and the smaller units (i.e. the provinces). A strong Centre in a federation could be tolerated only if it is accompanied by a genuine democracy. The ethnic diversity in Pakistan was ignored and no one bothered to consider this diversity as a strength and not a weakness in Pakistan. It was contented that a strong centre is necessary for an ethnically and geographically fragmented society: Hence followed a negative attitude of League leaders towards the provincial leadership.

The strong-Centre phenomenon eventually led to the downfall of Muslim League in East Pakistan where it was reduced to a non-entity in provincial politics. The strong-Centre tendencies further paved the way for martial laws and non-democratic governments. It is a pity that the Constitutions of 1956, 1962 and 1973 pleaded for a strong Centre, although in the 1973 Constitution, smaller provinces were given representation equal to the bigger provinces (in the Senate) but without financial powers. Z. A. Bhutto, the first elected Prime Minister of Pakistan, who took pride in the presentation of a consensus document also believed in a strong Centre. This caused ruptures between the Centre and the provinces who demanded provincial autonomy based on the historic Lahore Resolution (1940), wherein autonomy was

guaranteed to all federating units of Pakistan, irrespective of their ethnic composition.

Divergent political views were not tolerated by Z. A. Bhutto, who dismissed the provincial assembly of Balochistan on an 'alleged conspiracy' against Pakistan, resultantly the provincial government in the N-WFP, led by the same party (i.e. the National Awami Party), resigned in protest. The movement for the granting of provincial autonomy was termed as secession movement and was regarded as 'insurgency' against Pakistan. Military was utilised to crush the opposition voices emerging from the smaller provinces on various pretexts. This was a serious setback to the true spirit of federalism and at the same time 'unleashing' forces against the process of democratization. Bhutto paid the price: his government was dismissed and he himself was assassinated.

Once against the brutal forces at the Centre played havoc with both the federal and the other democratic institutions. This added to the sense of deprivation among the smaller provinces who were struggling hard to achieve provincial autonomy. As noted, their voices were silenced by accusing them of being proponents of Azad Pashtoonistan, Sindhu Desh and Greater Balochistan. In the general elections of 2008, the people's representatives formed governments at various levels, both at Centre and in the provinces. To 'recompense' the democratic forces and institutions, the long outstanding demand of full provincial autonomy to the federating units was reconsidered. Hence followed the passage of the 18th Amendment which gave more confidence to smaller provinces who started considering themselves as partners and shareholders in the country. To provide more impetus to the demands for provincial

autonomy, the much discussed demand of the Frontier nationalists was granted and their province was re-named as Khyber-Pakhtunkhwa.

One of the immediate effects of the re-naming of N-WFP as Khyber-Pakhtunkhwa was the demand for the creation of Hazara province but there seems to be a long way to achieve this goal. In the Punjab, the Seraiki movement based upon ethno-linguistic basis, got a boost with the passage of 18th Amendment. Interestingly, the ruling PPP and its incumbent Prime Minister showed his whole-hearted support to the new Seraiki province while the PML (N) has opposed the division of Punjab on these lines and expressed their resolve to tackle it in the provincial legislature whenever it comes for approval. In the wake of the current scenario, when the general elections are fast approaching and surely will be a catalyst for change, the creation of Seraiki *Sooba* will be a test for the major political forces in Pakistan. The PPP has shown its determination for the creation of Seraiki *Sooba* while the PML (N) is opposing it at all levels. Which group will succeed in the end is a matter of time but some recent statements of the parliamentarians involved in the framing of the 18th Amendment show apprehensions that undemocratic forces want to roll it back, which really is a matter of great concern. The need of the hour is to protect the 18th Amendment and not to succumb to the un-constitutional politics of *dharnas*, recently witnessed in Islamabad, thus helping the democratic processes to continue, which is essential for the smooth running of federalism.

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