

**CENTRE-PROVINCE RELATIONS IN PAKISTAN
(1988-1999)**



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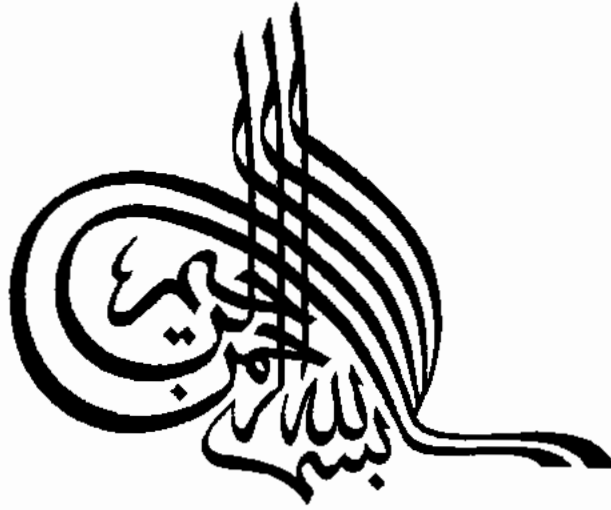
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A thesis, submitted in partial fulfillment of the requirements for the Degree of Doctor
of Philosophy in History at the Faculty of Social Sciences, International Islamic
University, Islamabad

**DEPARTMENT OF HISTORY & PAKISTAN STUDIES
FACULTY OF SOCIAL SCIENCES
INTERNATIONAL ISLAMIC UNIVERSITY
ISLAMABAD**

2020



*In the name of Allah,
the Most Beneficent,
the Most Merciful*

DEDICATED

To

My Praiseworthy Mother (Late)

&

My Honorable Father (Late)

DECLARATION

I, Nasreen Kosar, hereby declare that this dissertation has been written by me in its entirety on the basis of my research work under the sincere & heartfelt guidance of my supervisor- Assistant Professor Rafia Riaz (Doctor of Philosophy) at the Department of History & Pakistan Studies and Professor Amna Mahmood (Doctor of Philosophy) at the Department of Political Science and IR Faculty of Social Sciences, International Islamic University Islamabad. No portion of this Dissertation has been copied from any source. No portion of the research, presented in this Dissertation, has been submitted before for any degree or qualification in this or any other university or educational institution.



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FORWARDING SHEET

The Dissertation; titled "Centre-Province Relations in Pakistan (1988-1999)" put forward by Nasreen Kosar, Regd. No. 10-FSS/PHDHIS/F-12 in partial fulfillment for the award of the Degree of *Doctor of Philosophy (PhD)* in History, has been successfully completed under my guidance, care and supervision.

I am satisfied with the excellence of scholar's research work and she is now allowed to get this Dissertation submitted for the finishing point of go forward course of action so that she may be awarded the Degree of Doctor of Philosophy (Ph.D) in History as per modus operandi of International Islamic University, Islamabad.



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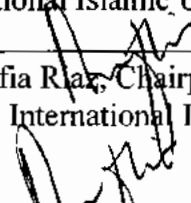
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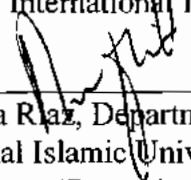
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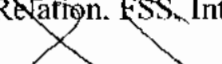
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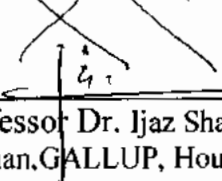
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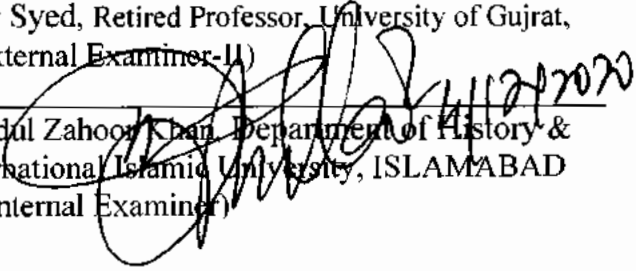
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ABSTRACT

The title of the current dissertation is, "Centre-Province Relations in Pakistan (1988-1999)". The present research aims at understanding the situation of Centre-Province relations in the specified historical era of Pakistan. The resilient relations between two centers of power are essential for the strength and stability of the any federation. Pakistan is a federal state and said relations in Pakistan could not receive trustworthy repute since the inception and it is a major problem as yet. The main objective of this study is to explore what have occurred in term of Centre-Province relations in Pakistan from 1988 to 1999 with a view to comprehend the more decisive factor responsible for conflicts between Centre and provinces. It must be noted that the proposed study era i.e., 1988 to 1999 has seen four political tenures and none of these could complete their constitutionally specified time period of five years owing to inharmonious Centre-Province relations. The present research argues political factors are more decisive rather than constitutional factors in creating conflicts between Centre and provinces in Pakistan. To explore the worth of this assumption, this study observed the Centre-Province relations fabricated under the Constitution of 1973 and also studied the situation of Centre-Province relations in actual political process underwent during 1988-1999. In order to have an in-depth analysis, this study encompasses legislative, administrative, financial and political aspects. Descriptive and analytical approaches have been applied in this study. The primary sources have been given the highest priority. The constitution and constitutional amendments, gazettes, economic surveys, explanatory memorandums of Budgets, election reports, declassified record of the meetings, reports of ministries, national assembly debates, debates of provincial assemblies, and contemporary newspapers have been considered as the most important source of information. The general format of the proposed research has reviewed all related secondary material including books, theses, newspapers and important periodicals of different research societies. It is a fact that there is no dearth of literature on constitutional development, political development and federalism in Pakistan. The political scholars have produced valuable work on politics of Pakistan in different periods, however a study investigating into the more decisive factor responsible for Centre-Province conflicts has not been made during the specified time i.e. from 1988 to 1999 and hence, proposed study tries to cover this gap. The current research would help to understand the weaknesses and strengths of Centre-Province relations during above mentioned era. Following the outcome of this research, the weak areas of the existing Centre-Province relations can be addressed. This study would bring to light the way Centre-Province relations have worked in Pakistan. It would help to understand the consequences of conflicts on Pakistan's politics. This study concludes that the relations between Centre and provinces are entwined with the conflicts and political factors are more responsible in doing so. This study finds that constitution should be implemented in true spirit and in time to avoid the conflicts. The constitutional provisions should be practiced to remove the conflicts instead of manipulating them for one's personal or party interest and ultimately deploying the conflicts between Centre and provinces. The findings of the current study are applicable to the current tussled scenario of Pakistan.

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Nothing would have been initiated and completed without the Will of Allah

Primarily my humblest praise be to Allah Almighty, The Omnipotent, The creator of all things and Peace be upon the Holy Prophet (S.A.W.W.), the greatest Human ever.

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Nasreen Kosar

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LIST OF ABBREVIATIONS

ADBP	Agriculture Development Bank of Pakistan
ANP	Awami National Party
BNA	Balochistan National Alliance
BNM	Balochistan National Movement
BNM-H	Balochistan National Movement (Hayee Group)
BNM-M	Balochistan National Movement (Mengal Group)
BNP	Balochistan National Party
CCI	Council of Common Interest
FCR	Federal Crime Regulation
FIA	Federal Investigation Agency
HPG	Haq Prasat Group
IJI	Islami Jamhoori Ittehad (Islamic Democratic Allaince)
IJM	Islami Jamhuri Mahaz (Islamic Democratic Fron)t
INDP.	Independent
IPCC	Inter-Provincial Coordination Committee
JAHP	Jamiat Ahl-e-Hadith Pakistan
JASP	Jamiat Ahl-e-Sunnat Pakistan
JUI-F	Jamiat-Ulema-e-Islam (Fazal-Ur-Rehman)
JUP-D	Jamiat-Ulema-e-Pakistan (Darkhasti Group)
JWP	Jamhuri Watan Party
KCF	Kazi Committee Formula
KP	Khyber Pakhtunkhwa
MNA	Member of National Assembly
MDM	Mutaheda Deeni Mahaz
MIP	Muslim Ittehad Party
MQM	Mutahida Quami Movement
NAPD	National Assembly of Pakistan Debates
NDFC	National Development Finance Corporation
NDP	National Democratic Party
NFC	National Finance Commission
NHA	National Highway Authority
NIRC	National Industrial Relation Commission
NML-M	National Muslim League (Muhasba Group)

NPP-K	National People's Party (Khar Group)
NPP-W	National Peoples Party (Workers Group)
OGDC	Oil and Gas Development Corporation
OSD	Official on Special Duty
PAI	Pakistan Awami Ittehad
PDA	Pakistan Democratic Alliance
PDP	Pakistan Democratic party
PIA	Pakistan International Airways
PIF	Pakistan Islamic Front
PMAIPK	Pakistan Milli Awami Ittehad (Pushtoonkhwa)
PMK	Pakistan Mazdoor Kissan
PML-F	Pakistan Muslim League (Forward Block)
PML-M	Pakistan Muslim League (Malik Qasim Group)
PNDA	Pakistan National Democratic Alliance
PNP	Pakistan National Party
PPI	Punjabi Pashtun Ittehad
PPP	Pakistan Peoples Party
PPP-S	Pakistan Peoples Party Shaheed Bhutto
PRODA	Public and Representative Office Disqualification Act
PTCL	Pakistan Telecommunication Company Limited
PTV	Pakistan Tele Vision
PWD	Public Works Department
RDFC	Rural Development Finance Corporation
SBC	Shaheed Bhutto Committee
SNA	Sindh National Allaince
TIIP	Tehreek-e-Inqalab-e-Islam Pakistan
TNFJ	Tehreek -e-Nafaz-e-Fiqah-e-Jafaria
UNA	United National Allaince
WAPDA	Water and Power Development Authority

INTRODUCTION

Relations between Centre and provinces have primary importance in any system of government, and these are the most vital element in federations.¹ The problems and issues of Centre and provinces influence the prosperity and sustainability of federations. Pakistan, a federation situated in South Asia is comprised of four provinces i.e. Punjab, Sindh, Khyber Pakhtunkhwa (KP) and Balochistan. It came into being in 1947 as a result of the struggle of Indian Muslims. The early government of Pakistan opted for federal system along with a central government and governments of its federating units in view of the vastness of provincial asymmetries. The federal system needs a constitution for smooth working of Centre and its federating units. The inherited asymmetries in natural structure of Pakistan were the source of creating hurdles for constitution makers which delayed the process of constitution forming in Pakistan. However, constitution-makers preferred to rely mainly on the Government of India Act 1935, which had tendencies of centralization. In the course of implementation of constitution, acute problems came to the surface, resulting in conflicted Centre-Province relations. While resilient relations between the Centre and provinces are essential for the strength and stability of any federation. Unfortunately, the Centre-Province relations in Pakistan have been skewed throughout her political history and mostly torn by the personal clashes and rivalries of political actors. From the very beginning, controversies and disputes have remained as an indispensable part of the Centre-Province relations in Pakistan. In early years, major distrust between the Centre and the provinces came on administrative issues, for instance, the

¹ M. Rashiduzzaman, *Pakistan: A study of Government and Politics* (Dacca: The University Press, 1967), 212.

rehabilitation of the refugees in Punjab² and the central government's decision to take Karachi under the federal control.³ The dominance of central authority over the provinces and its interference in provincial subjects was conceived as the cause of producing disharmony between the Centre and provinces. Since, dissolution of the provincial governments in Sindh, Punjab, and Khyber Pakhtunkhwa and dismissal of the Chief Ministers of these provinces were experienced in the first democratic period of Pakistan by using the section 92-A of the 1935 Act. Mohammad Ayub Khuhro and Pir Ilahi Bukhash's ministries in Sindh were dismissed.⁴ Similarly, Nawab Iftikhar Husain Mamdot ministry in Punjab was dismissed in 1949.⁵ The succeeding governments could not depart themselves from this legacy of intervention and there remained a continuous contention between the Centre and provinces during Ayub, Bhutto⁶ and Zia's period.

The subsequent years witnessed continuous see-saw between Centre and provinces. This study has particularly focused on era spanning from 1988 to 1999 in the history of Pakistan. The heritage of negligence of legislative responsibilities, malpractice of misusing constitutional powers for dislodging the governments of

²Lubna Kanwal, Azra Asghar Ali, and Massarrat Abid, "The Interim Constitution 1947: Centre-Province Relations and the Punjab 1947-1955," *Pakistan Journal of Social Sciences* 32, no. 1 (2012): 128.

³Ishtiaq Ahmed, *State, Nation and Ethnicity: In Contemporary South Asia* (London: Pinter, 1996), 191. Farhan Hanif Siddiqi, *The Politics of Ethnicity in Pakistan: The Baloch, Sindhi and Mohajir Ethnic Movements* (London: Routledge, 2012), 82.

⁴Khalid Mahmud Arif, *Working with Zia: Pakistan's Power Politics, 1977-1988* (Karachi: Oxford University Press, 1995), 7.

⁵Anwar H. Syed, "Factional Conflict in the Punjab Muslim League, 1947-149," *Polity* 22, no. 1 (Autumn 1989): 57, accessed January 12, 2017, <https://www.jstor.org/stable/3234846>.

⁶The Government of Zulfikar Ali Bhutto encouraged rival political forces to disrupt the NAP-JUI governments and dismissed the provincial Government of Baluchistan in 1973. Hayat Mohammed Khan Sherpao was a central minister and leader of the opposition in the Khyber Pakhtunkhwa (NWFP) Assembly. He did every thing for dislodging NAP-JUI ministry in KP as a central minister for water and power. Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2009) 260.

opponent parties in the provinces and financial disputes were persisted during 1988-1999. The interference in the administrative affairs of the provinces was also observed in this period as the central government removed some civil servants from Punjab and posted them as officers on special duty without any formal legislation while it was not the constitutional right of the Centre according to the administrative reforms of the seventies. "People's Works Program was conceived as erosion of provincial autonomy in a manner contrary to Article 97. Financial relations also remained disputed as the formation of NFC under the Article 160 was unnecessarily delayed. The CCI was established under the Article 153 to resolve the Centre-Province disputes but it remained an inactive body. These considerations develop an assumption that the history of Centre-Province relations stayed conflictual. There is dissimilarity of estimations among scholars and has much difference of views on what determines conflicts between Centre and provinces. Some scholars have stressed that the constitutional factors⁷ were responsible in creating conflicts, the protest is against the over centralization in substance owing to the division of powers.⁸ In this context the resentment was voiced by different provincial governments and those national assembly's members belonging to smaller provinces. The major demand made by opposition and smaller provinces was that they sought amendment in the constitution so as to secure the provincial autonomy. To this outcome, they proposed abolition of provisions which have eventuality of over centralization. It was not only the opposition parties ruling provincial governments who raised voices against the constitutional tendencies of over-centralization, but scholarly community has also taken perceptions on over-centralization, and growing importance of federation-Units relations in Pakistan. They covered wide area of constitutional provisions and

⁷ Division of powers, provisions for governing Centre -Province relations etc.

⁸ Emergency powers, fiscal powers, administrative powers, legislative powers etc.

suggested amendments in the constitution. For instance, they recommended repeal of a number of articles giving controlling powers to the Centre, omission of concurrent list and powers of the President and governors. They also have recommended amendments to secure financial position of the provinces. While others have maintained that it is due to the political factors⁹. They feel that there is nothing wrong with the constitution and problem lies in its practice or implementation. They have claimed that the role of the leadership is upper hand in spoiling the situation. This attitude is also described for India by an eminent Indian constitutional expert, Mr. Nani A. Palkhiwala as, “it is not the constitution which has failed but it is the chosen representatives who have failed the constitution.”¹⁰ Asfand Yar Wali, renowned politician from Pakistan also says, “The main problem of this country is that we just say but do not act. We just make constitution but we do not act upon that. The 90% causes of our problems are due to not acting upon the constitution.”¹¹

These different understandings highlight the complications of the problem and forced the researcher to choose this topic for research. “Research is to see what everybody has seen, and to think what nobody else has thought.”¹² The title of research specifies subject matter of this study relates to an examination of Centre-Province relations in Pakistan.

⁹ Political leadership, political parties etc.

¹⁰Janak Raj Jai, “A Personality of Multi-dimensions, “in *Nani Palkhivala a Role Model*, ed. Maj Gen Nilendra Kumar (New Delhi: Universal Law Publishing Company, 2009), 273.

¹¹ *National Assembly of Pakistan Debates: Official Reports*, session 11th, vol. I, no. 11, March 10, 1998, 1065.

¹² Albert Szent-Gyorgyi, accessed January 1, 2019, https://www.brainyquote.com/quotes/albert_szentgyorgyi_389956

Statement of the Problem

Smooth relations between Centre and Provinces are gravely needed for sustainability of federations; however, in the federation of Pakistan the relations between Centre and provinces largely remained conflictual and this was also the case in the period under study i.e. 1988-1999. The significance of the specific period is that this was a third democratic period of Pakistan and witnessed four elected governments. Therefore, this period provides a wide scope for analyzing the history of Centre-Province relations, factors of conflicts and consequences. The studies have been conducted to elaborate the Centre-Province relations in Pakistan; however, they have only focused on the weaknesses of the constitution in providing smooth working environment to the Centre and provinces and the period 1988-1999 does not feature heavily in these studies.

Besides, the available academic research on said problem is generally related to the regional studies (on Punjab, KP and Baluchistan). Number of books has been written on federalism but none of these studies has yet explored the role of political factors in creating conflicts between Centre and provinces. This study explores what has occurred in term of Centre-Province relations in Pakistan during 1988-1999. The basic problem of the researcher is to explore how Centre-Province relations came into conflict during this period. This study will try to find out that whether tug of war between Centre and provinces which was obvious in the selected period was either due to the inapt constitutional structure or the result of political factors. The current Constitution of Pakistan, formulated in 1973 lays down various provisions for governing the Centre-Province relations. According to the constitution, the powers are divided between the Centre and the provinces. However it is significant to find out whether this structure of the constitution is decisive in placing the conflicts between

Centre and the provinces in specific time and space or political factors are responsible for creating conflict.

Moreover, it will be equally vital to know how these factors have created conflicting relations between the Centre and provinces. The study will impartially find out whether the hindrance is created by political elites in the practice of the constitution or the provisions of governing Centre-Province relations are apt for the conflicts between Centre and provinces. The tension and tussle which is evident during the selected period according to one group of political analysts is due to the lack of political conciliation. While another group believes that there are constitutional loopholes in the constitutional division of powers, hence providing space to the rival politicians to malign each other by interpreting the constitution as it serves their respective interests. The present study with the help of available evidences argues that the non obligation and disrespect of the constitution, personal rivalries and ambitions of the political parties and leadership played a vital role in creating conflicts between Centre and provinces as they were responsible for enforcing constitution in its true spirit. However, they have manipulated and misinterpreted it for their personal motives. The study explores legislative, administrative, financial and political issues that created conflict between Centre and provinces and elaborates how political factors were decisive in creating conflicts as compared to constitutional factors.

Significance or Scope of the Study

The proposed research dissertation will make a substantial contribution to scholarship and will open new vistas of academic discourse. It will be a valuable addition in political and constitutional history of Pakistan. This study would help to understand

the nature of Centre-Province relations from 1988 to 1999. History of Centre-Province relations (1988-1999) would bring to light the factors behind the Centre-Province conflicts and the way Centre-Province relations worked in Pakistan.

Following the outcome of the study, the weak areas of the existing Centre-Province relations can be addressed. It would be helpful in improving the democratic system in Pakistan. There were many significant events of this period, and these have been thoroughly reviewed and highlighted in perspective of problem under study. The present study will also be an asset for future politicians and historians of Pakistan's study. By explaining the exercise of Centre-Province relations in Pakistan it is hoped that the present study will open the new avenues for further research on the subject.

Literature Review

Pakistan is a federal state and in federal system Centre-Province relations have great importance. It is an important point, during the initial period of Pakistan, numbers of political scholars and historians have produced worthy literature on constitutional history and politics of Pakistan but despite that Pakistan is a federal state, very little was written on federalism of Pakistan and Centre-Province relations in the early years.¹³ During subsequent years of Pakistan's history, one finds very few writings encompassing some scraps about the Centre-Province relations. These writings mostly deal with the federalism, constitution and politics of Pakistan, biographies and autobiographies of politicians. The Centre-Provinces relations do not feature heavily in these studies and none was written directly on Centre-Province relations despite area having focal significance.

¹³Most of these studies were published in academic journals. Initial writings on federalism of Pakistan are as: Khalid Bin Sayeed, "Federalism and Pakistan," *Far Eastern Survey* 23, no.9 (September 1954): 139-143, J. Raheem, "Outline for Federal Constitution of Pakistan," published in 1969, by Pakistan Peoples Party Press. Hafeez Malik, "The Emergence of Federal Pattern in Pakistan," In *Contemporary Problems of Pakistan*, 45-72, ed. J. Henry Korson (Leiden: E.J. Brill, 1974).

The available academic work directly carried out on Centre-Province relations is largely regional. These works have been analyzed separately on Punjab, KP, and Baluchistan and even in these regional studies, the period 1988-1999 did not cover entirely. The present work covers this gap and considers all the provinces during the period 1988-1999. An honest effort has been made to explore work of Pakistani historians and scholars so that one could have a comprehensive understanding of how they structure the case of Centre-Province relations in their studies. Following are the most relevant writings to the proposed topic. These writings are categorized into books, theses, and articles.

First category focuses on the books. The available books do not directly¹⁴ deal with the subject Centre-Province relations in Pakistan and these books followed many forms. The present research focused on two types i.e., the books on federalism and the books on political and constitutional history of Pakistan. In the first type, central theme is to explore the working of federalism and its spirit in the federal system of Pakistan. These books beheld the Centre-Province relations to observe the true spirit of federalism in different constitutional schemes practiced in Pakistan. Some representative books written by Pakistani scholars on federalism have been taken into account here.

The book, *Federalism in Pakistan: A Constitutional Study*, (1990),¹⁵ is written by an eminent scholar of Pakistan, Sayed Jaffar Ahmed who remained a director of Pakistan study Centre, University of Karachi. This book deals with the structure of federalism only in constitutional terms until 1990. The period i.e. 1988-1999 and

¹⁴ The literature deals directly to others subjects but provides certain information about Centre-Province relations.

¹⁵ Syed Jaffar Ahmed, *Federalism in Pakistan: A Constitutional Study* (Karachi: Pakistan Study Centre University of Karachi, 1990).

argument undertaken for present study is unstated. Jaffar Ahmed investigates the historical factors and forces that undermine the evolution of a viable federalism in Pakistan. He was of the view; the constitutional schemes that were introduced and practiced in Pakistan from 1947 to 1987 had weaknesses. He has focused on four main criteria i.e. supremacy of constitution, division of powers, judicial review and bicameralism. According to him constitutional division of power helps to preserve a balance in federal political system but in the case of Pakistan constitution failed to limit the authority of central government and the quantum of provincial autonomy. As a result Centre-Province conflicts threaten the political system.

Similarly, another book written by Syed Mujawer Hussain Shah entitled as, *Federalism in Pakistan: Theory and Practice*, (1994),¹⁶ directly focuses on the federalism and emphasizes on inducing the true spirit of federalism and concept of cooperative federalism in Pakistan. The book examined Constitutions of 1962 and 1973 under the federalism regarding legislative, administrative and financial aspects. This book deals with the aforementioned aspect of Centre-Province relations and leaves the reader clueless regarding the said issue in specific period. In addition this book does not cover the era 1988-1999 and stresses on the true structure of the constitution according to the theory of federalism.

Another work on federalism was produced by Mehrunnisa Ali, in *Politics of Federalism in Pakistan*, (1996).¹⁷ This book analyzes the federal concept, its evolution in the sub-continent and its British legacy, its origin and adoption in Pakistan. She attempted to highlight the federal system in Pakistan under the

¹⁶ Syed Mujawer Hussain Shah, *Federalism in Pakistan: Theory and Practice* (Islamabad: Chair on Quaid-i-Azam & Historical Movement, NIPS Quaid-e-Azam University, 1994).

¹⁷ Mehrunnisa Ali, *The Politics of Federalism in Pakistan* (Karachi: Royal Book Company, 1996).

Constitutions of 1956, 1962, and 1973. According to her, financial dependence of the provinces on the Centre and the central interference in the provinces resulted in disputes between Centre and the provinces. It is an analytical study and does not touch the period 1988-1999 as it covers the era up to 1988. The study focuses on the factors that give rise to regionalism producing federal disequilibrium.

The book, *Problems and Politics of Federalism in Pakistan*, (2006),¹⁸ is an edited work by Pervaiz Iqbal Cheema & Rasheed Ahmad Khan. It is a compilation of different articles. This book deals with different issues of politics and federalism in Pakistan. The main themes of this book are historical perspective of federalism, views from the provinces (Punjab, Sindh, KP and Balochistan) about the parameters of provincial autonomy, fiscal issues, centre-province and district government relations. This book is contained on general discussion and provides certain information about the Centre-Province relations but gives a bird's eye view about the centre-province relations during 1988-1999.

Muntzra Nazir was a scholar of political science and her book, *Federalism in Pakistan: Early Years*, 2008¹⁹ is a worthy work which analyses and evaluates the origin and evolution of federalism in Pakistan. This work deals with the events up to 1958 and accentuated the Centre-Province relations in early years of Pakistan. She outlined the division of power between Centre and provinces in the legislative, administrative and financial spectrums under the Interim Constitution of 1947 and the Constitution of 1956. She has observed the difference between theory and its implication in the early years of Pakistan. With reference to Centre-Province

¹⁸Pervaiz Iqbal Cheema and Rashid Ahmed Khan, eds. *Problems and Politics of Federalism in Pakistan* (Islamabad: Islamabad Policy Research Institute (IPRI) & Hanns Seidel Foundation, 2006).

¹⁹Muntzra Nazir, *Federalism in Pakistan: Early Years* (Lahore: Pakistan Study Centre, University of the Punjab Lahore, 2008).

relations, the focus of this book is narrow as it only deals with the federalism in the early period of Pakistan and Centre-Province relations gets nothing more than minor touches.

Akhtar Ali is another Pakistani scholar who also looked at the issue of federalism. His book *Pakistan's Development Challenges: Federalism, Security and Governance*, (2010),²⁰ explores the developmental challenges faced by Pakistan in the context of rising problems in the area of federal government and provincial autonomy in Pakistan. The book concentrates on issues in provincial autonomy, extraordinary issues of security in the wake of al-Qaida and Taliban led terrorism and its difficulties with neighboring India. The book offers detailed analysis of the issues and provides schemes of solutions and perceptions by utilizing analytical and comparative study of four countries. The author talks about the theory and examines the structure rather than practice of the constitution and he was of the view; Provincial grievances were due to dictatorial rule and constitutional defects.

Mian Raza Rabbani, a renowned politician and lawyer of Pakistan has given a worthy account on federalism of Pakistan. His work, *A Biography of Pakistani Federalism Unity in Diversity*, (2011)²¹ is another valuable work and as the name of the book indicates it does not directly deal with the Centre-Province relations but to the federalism. He provides detailed account about the concept of federalism, its historical perspective and the evolution of federalism in Pakistan. He gave an insight into the fiscal federalism and provincial autonomy. He discusses structures of the Constitutions of 1956, 1962 and 1973. The author also provides a study of the 18th

²⁰ Akhtar Ali, *Pakistan's Development Challenges: Federalism Security and Governance* (Karachi: Royal Book Company, 2010).

²¹ Mian Raza Rabbani, *A Biography of Pakistani Federalism Unity in Diversity* (Islamabad: Leo Books, 2011).

Amendment of Constitution of 1973 and centralized structure of the constitution perceived as the cause of contention between Centre and provinces. The author has thoroughly analyzed the structure of the constitution however; there is no discussion on practicing of constitution in the context of Centre-Province relations during 1988-99.

Asma Faiz's *Making Federation Work: Federalism in the Pakistan after the 18th Amendment* (2015)²² is an edited book comprised of collection of articles from various disciplines discussed under the theory of federalism and focuses mainly after the 18th amendment era. It is a good addition in the literature on federalism but the question of Centre-Province relations during 1988-1999 is clueless.

Mohammad Ozair and Irfan Khan are the younger Pakistani scholars in the field of federalism. Their work, *Federalism in Pakistan: Khyber Pakhtunkhwa and Balochistan; the Question of Provincial Autonomy after 18th Amendment*, (2017)²³ is a quest of the cases of provincial autonomy in Khyber Pakhtunkhwa and Balochistan after the 18th Amendment. This work gives a slight and minor touch to the Centre-Province relations rightly. The period, undertaken for this study has been overlooked but not completely and provides short insight about some facts. However, they argued unbalanced power structure caused conflicts between Centre and provinces.

Besides above mentioned books some valuable writings on federalism by foreigner writers' i.e. *Federalism and Ethnic Conflict Regulation in India and*

²²Asma Faiz, *Making Federation Works: Federalism in Pakistan after 18th Amendment* (Karachi: Oxford University Press, 2015).

²³ Mohammad Ozair and Irfan Khan, *Federalism in Pakistan: Khyber Pakhtunkhwa and Balochistan after 18th Amendment* (Islamabad: Iqbal International Institute for Research and Dialogue, International Islamic University, Islamabad, 2017).

Pakistan, (2007)²⁴ by Katharine Adeney, is a most important book. She identified different factors of Centre-Province conflicts in Pakistan, for instance, non recognition of group's rights, division of sources and divisible pool and religious politics. *Federalism in Asia*, (2007), is an edited book by Baogang He, Brian Ganagill and Takashi Inoguchi, which identified the federal design of Pakistan and federal reform as cause of conflict in the past and present respectively.²⁵ *Federalism in Asia: India, Pakistan and Malaysia*, (2010) by Harihar Bhattacharyya, gave the weightage to the historical, political, socio, economic and cultural factors.²⁶ *Federalism in South Asia*, (2014)²⁷ by Mahendra Prasad Singh and Veena Kukreja provides certain information about some areas of Centre-Province relations in Pakistan.

All of the above mentioned work focuses on the federalism and view the Centre-Province relations from the lens of federalism. The present study however has not used the framework of federalism. Instead, it has looked the relations of Centre-province from constitutional perspective and has explored the actual practices of political leadership on legislative, administrative, financial and political issues.

The second category that has been observed consisted on the books related with the politics. Likewise the above mentioned books, though, these books not directly deals with the Centre-Province relations but, one finds rare information about Centre-Province relations in the books dealing with political and constitutional

²⁴Katharine Adeney, *Federalism and Ethnic Conflict Regulation in India and Pakistan* (New York: Palgrave Macmillan,2007).

²⁵Baogang He, Brian Galligan, and Takashi Inoguchi, eds. *Federalism in Asia* (Cheltenham: Edward Elgar Publishing, 2007). 120.

²⁶Harihar Bhattacharyya, *Federalism in Asia: India, Pakistan and Malaysia* (New York: Routledge, 2010). 117. See for detail p.115-118.

²⁷Mahendra Prasad Singh and Veena Kukreja, *Federalism in South Asia* (New York: Routledge, 2014).

history, political parties, elections, various governments, biographies, and autobiographies of politicians. Some major books are following.

Lawrence Ziring's, *Pakistan in the Twentieth Century: A political History*, (1997)²⁸ is a good source of insight on the political history of Pakistan up to 1997. Though this book does not take up the Centre-Province relations but provides rare and certain political information about the era under taken for this study. Kalim Bahadur s' *Democracy in Pakistan: Crises and Conflicts*²⁹ is an account about the politics of Pakistan but it reveals biased informations regarding the political history of the Pakistan. However, its emphasis on the democracy during the period under study i.e. 1988-1999 assisted to understand the political situation in the said era.

Hamid Yusuf's *Pakistan: A Study of Political Developments, 1947-1997* (1999)³⁰, covers the first fifty years of political developments in Pakistan. According to him it is an era where tensions and hopes converge. The author provides a comprehensive knowledge regarding the nature of politics excluding last two years of proposed research era. He highlights the political events in descriptive and analytical way but account of Centre-Province relations is very brief, sketchy and only to reference. This is not a detailed account that can cover every aspect so there is a need to fill the existing gap.

²⁸ Lawrence Ziring, *Pakistan in the Twentieth Century* (New York: Oxford University Press, 1997).

²⁹ Kalim Bahadur, *Democracy in Pakistan: Crises and Conflicts* (New Delhi: Har Anand, 1998).

³⁰ Hamid Yusuf, *Pakistan: A Study of Political Development, 1947-1997* (Lahore: Sang-e-Meel Publications, 1999).

Benazir Bhutto: A Political Biography, (2000), by Muhammad Ali Shaikh,³¹ is about the life of Benazir Bhutto and also covers the political events and issues from 1988-1999 in sequence. This book reveals the political scenario of the period under study. It is a partial study. Such as it is boosts the political importance of Benazir Bhutto and gives the less regards to Nawaz Sharif. This book covers that era, in which, both leaders were staunch competitors to each other. It dose not deal directly with the Centre-Province relations however it provides useful insight in analyzing the conflicts of the period.

Hamid Khan`s, *A Constitutional and Political History of Pakistan*, (2001)³² is a political and constitutional study as revealed by its title. The author has developed a comprehensive account of the constitutional history and related political development in Pakistan included critical analyses of law judgment and political events. Though the author did not give special attention to the Centre-Province relations, yet this study provides help in developing the proposed research. It provides just scraps of information but present research will be an exclusive work on Centre-Province relations that is needed to remove the prevailing deficiency in the field of research.

Hassan Askari Rizvi s, *Military, State and Society in Pakistan* (2003),³³ is a study of civil military relations but provides comprehensive account about the certain political events of the period 1988-1999. Stephen P. Cohen`s *Idea of Pakistan* (2004)³⁴ deals with different aspects of Pakistan as army, politics, regionalism and separatism. Though provides bird`s eye view about Centre-Province relations but

³¹Muhammad Ali Shaikh, *Benazir Bhutto: A Political Biography* (Karachi: Oriental Publishing House, 2000).

³² Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001).

³³Hasan Askari Rizvi. *Military, State and Society in Pakistan*, (Lahore: Sang-e-Meel, 2003).

³⁴ Stephen P. Cohen, *The Idea of Pakistan* (Washington: Brookings Institution Press), 2004).

helpful in taking insight. Ian Talbot's *Pakistan: A Modern History*³⁵ is an unprecedented work having no equal in the political history of Pakistan. This book covers all the periods in the history of Pakistan up to 2008. It does not directly focus on the Centre-Province relations but provides advantageous understanding about the Centre-Province relations for the period 1988-1999. In the same token, Christophe Jaffrelot's *The Pakistan Paradox: Instability and Resilience*³⁶ not deals the Centre-Province relations with special reference but it is useful source of perception to understand the political culture of Pakistan during 1988-1999. Hassan Abbas's *Pakistan Drift into Extremism* discussed Centre-Province relations just for reference or as a minor question. Though, this work assists to understand the political situation of the country, it is insufficient to bridge the existing gap. Peter R. Blood in his book, *Pakistan: A Country Study* gave a detailed account about the politics of Pakistan and particularly of the period under study but Centre-Province political relations went untouched.

Aforesaid detail revealed that not a single book is written on the Centre-Province relations directly. As far as direct literature is concerned, however, there are some unpublished theses that deal with the topic Centre-Province relations directly.³⁷ Thus, after the observation of books the next category is consisted of unpublished theses. One such thesis entitled as *Centre-Province Relations: the Case of N.W.F.P 1988-1993* (1996)³⁸ by Mohammed Anwar Khan is a valuable research work conducted in the National Institute of Pakistan Study, Quaid-i-Azam University for

³⁵ Ian Talbot, *Pakistan: A Modern History* (London: Hurst & Company), 2009.

³⁶ Christophe Jaffrelot, *The Pakistan Paradox: Instability and Resilience* (Haryana: Random House India, 2015).

³⁷ The literature that straightly and openly deals with the Centre-Province relations.

³⁸ Khan, Muhammad Anwar, "Centre-Province Relations: The Case of N.W.F.P., 1988-1993" (M.Phil. Thesis, Quaid-i-Azam University, Islamabad, 1996).

the degree of M-Phil but this is a regional study on N.W.F.P. (KP). It covers the working of two provincial governments of KP 1988-1993 i.e., government of Aftab Ahmed Sherpao, 1988-1990 and government of Mir Afzal Khan, 1990-1993. This work covers the events up to 1993 in descriptive way instead of analytical and critical examination and is unable to give an exclusive account on the proposed period which provides a space and justification to the research undertaken. Najeebur Rehman's "Centre-Province Relations during Bhutto Era: A Case Study of Baluchistan," (2008)³⁹ is another significant study that deals with the Centre-Province relations. This study only covers the proceedings up to 1977 in case of Baluchistan in descriptive way. The main theme of the author roams around the regionalism. Another work "Centre-Province Relations in Pakistan during 1970-1977" (2008)⁴⁰ is by Qurat-ul-Ain Bashir. This study encompasses only two provinces; N.W.F.P. (KP) and Balochistan in political perspective and deal to the events until 1977 i.e., Zulfikar Ali Bhutto Period. The main theme of this study revolves around provincial autonomy, desire for power and leadership clashes.

Rafiq-ur-Rehman Baloch's "Centre-Balochistan Relations in Historical Perspective,"⁴¹ is a political history. He describes the political events of Pakistan but the case of Centre- Balochistan relations touched scarcely. Syed Fakhruddin Shah's, "Centre-Balochistan Relations in Historical Perspective," (2010)⁴² is another regional study on Balochistan. He looked at the Centre-Balochistan relations in historical

³⁹Najeebur Rehman, "Centre-Province Relations during Bhutto Era: A Case Study of Baluchistan" (M.Phil. Thesis, University of the Punjab, Lahore, 2008).

⁴⁰Qurat-ul-Ain Bashir, "Centre-Province Relations in Pakistan during 1970-1977" (M.Phil. Thesis, Quaid-i- Azam University, Islamabad, 2008).

⁴¹ Rafiq-ur-Rahman Baloch, "Centre-Province Relation in Pakistan: A Case Study of Balochistan, 1947-1999" (M-Phil Thesis, Quaid-i-Azam University, 2009).

⁴²Syed Fakhruddin Shah, "Centre-Balochistan Relations in Historical Perspective" (M.Phil. Thesis, Quaid-i- Azam University, Islamabad, 2010).

perspective from 1947 to 1999 and he considered that the underdevelopment, resource exploitation and sense of deprivation are the reasons for Centre-Balochistan conflicts. One more regional study is “Centre-Province Relations: a Case Study of Balochistan, 1970-99” (2015)⁴³ by Wali Mohammed Khan. He considered the economic and political deprivation as causes of conflicts between both centers of power. “Centre-Province Relations, 1988-1993: A Case Study of the Punjab” (2016)⁴⁴ by Tahir Bukhari, is a regional study also and only deals with the Punjab from 1988 to 1999. Bukhari perceived that the party based politics and improper implementation of federalism caused the conflicts. Abdul Basit Mujahid’s, “Province-Centre Relations in Pakistan: a Case Study of Balochistan (1972-1977)” (2018)⁴⁵ is another valuable regional study on Balochistan and covers the Z. A. Bhutto period. Mujahid was of the view, coalition governments, governor rule and military intervention sparked sour relationships between Centre and Balochistan.

Taking together, all above mentioned studies are regional political studies. These works do not cover the post-Zia period on the whole and each scholarship covers only one province i.e., KP, Punjab and Balochistan instead of collective study of all provinces. While, present research aims to observe the Centre-Province relations on the whole during post-Zia period, 1988-1999 by using descriptive, analytical and critical approaches.

Except from unpublished theses there are some published articles in journals which deal with the Centre-Province relations directly. But these studies just

⁴³Wali Mohammed Khan. “Centre-Province Relations: A Case Study of Balochistan, 1970-99” (M.Phil. Thesis, Quaid-i- Azam University, Islamabad, 2015).

⁴⁴Tahir Bukhari, “Centre-Province Relations, 1988-1993: A Case Study of the Punjab” (PhD. Diss., Quaid-i- Azam University, Islamabad, 2016).

⁴⁵Abdul Basit Mujahid, “Province-Centre Relations in Pakistan: A Case Study of Balochistan (1972-1977)” (PhD. Diss., Quaid-i-Azam University, Islamabad, 2018).

explained the theory in descriptive way instead of exploring the defects in implementation, for instance, "Centre-Province Relations in Pakistan under President Zia," (1988) is confined up to Zia Period and discussed the Centre-Province relations under the Islamic policy of Zia period. He apprehended that centralized nature of Zia period intensified the smaller provinces even after installing the civilian government of 1985. And, the second, smaller provinces did not appreciate Zia's Islamic policy as they considered it step for mounting the Punjabi domination.⁴⁶ Mansoor Akbar Kundi also talks about the federalism in Pakistan. He conceived that military played a prominent role in contributing the Centre-Provinces tussles, as he stated that, "A major factor accountable for the federal-unit issue in Pakistan is the growing role of Pakistan army has played in the country's politics."⁴⁷ This factor is not the purview of this study.

Lubna Kanwal's, "Interim Constitution 1947: Centre-Province Relations and the Punjab 1947-1955," (2012), is another scholarship and discussed the Centre-Punjab relations under the Interim Constitution, 1947. She argued that the use of Interim Constitution to maximize the central authority over the provinces created the distrust between Centre and provinces in the first seven parliamentary years of Pakistan.⁴⁸ Another effort by Kanwal is, "Centre-Province Relations under the

⁴⁶C.G.P. Rakisits, "Centre-Province Relations in Pakistan under President Zia," *Pacific Affair* 61, no. 1(Spring 1988): 78-97.

⁴⁷ Mansoor Akbar Kundi, "Federalism in Pakistan: Problems & Prospects," *Asian and African Studies* 11, no. 1 (February 2002): 42.

⁴⁸Lubna Kanwal, Azra Asgher Ali, and Massarrat Abid, "The Interim Constitution 1947: Centre-Province Relations and the Punjab 1947-1955," *Pakistan Journal of Social Sciences* 32, no. 1(2012): 123-135.

Constitution of 1973: the Role of Punjab during Zulfikar Ali Bhutto Era,” (2016).⁴⁹ She argued that the functioning of Constitution 1973 created the Centre-Province conflicts. This study does not cover the period undertaken for present study and is confined to Centre and Punjab relations during Bhutto period. Dr. Iram Khalid and Nusrat Hussain’s, “Financial Federalism in Pakistan: Implications for Centre-Province Relations,” (2018),⁵⁰ briefly explains the financial distribution constructed under the constitutional schemes implemented in Pakistan.

However, so far, no special study on Centre-Province relations has been made. Major question like, what has occurred in term of Centre-Province relations in Pakistan from 1988-99? If Centre-Province relations stayed conflictual, which factors were more decisive, either political or constitutional? These questions have not yet been explored which justify a gap for proposed study. Moreover, minor questions like; what is the importance of Centre-Province relations in any federation? what should be the nature of Centre-Province relations? how does the Centre-Province relations evolve? what is the nature of Centre-Province relations in Pakistan during 1947-1988? how legislative difficulties disturbed the Centre-Province relations in Pakistan during selected period? how the administrative issues affected the Centre-Province relations in Pakistan during 1988-1999? how financial problems created thorny relations between Centre and provinces in Pakistan during 1988-1999? how political matters complicated the relations between Centre and provinces in Pakistan during 1988-1999? and so on are needed to be explained objectively under a theoretical framework.

⁴⁹Lubna Kanwal, “Centre-Province Relations in Pakistan under the Constitution of 1973: The Role of Punjab during Zulfikar Ali Bhutto Era,” *Journal of Pakistan Historical Society* 64, no. 1 (2016): 41-56.

⁵⁰Dr. Iram Khalid and Nusrat Hussain, “Financial Federalism in Pakistan: Implications for Centre-Province Relations,” *Journal of Political Studies* 25, no.1 (2018): 33-54.

Conceptual Framework of the Study

The Centre-Province relations are mostly studied under the theory of federalism by implying different models as cooperative federalism, dual federalism, asymmetric federalism etc. But this study touched on the federalism in context of its recognition as a system of governance in Pakistan. This study without using the theory of federalism simply focuses on the two major issues. The first issue is; what is the situation of Centre-Province relations fabricated under the constitution? The second is; what was the situation of Centre-Province relations in actual political scenario and process? This study deals with the three sub questions to answer the first issue;

How the Centre-Province relations were fabricated in the provisions which settle the legislative relations?

How the Centre-Province relations were fabricated in the provisions which settle the administrative relations?

How the Centre-Province relations were fabricated in the provisions which settle the financial relations?

All the constitutions of Pakistan implemented from 1947 deal with the relations between the Centre and the provinces. This study focuses on the Constitution of Pakistan introduced in 1973. The Constitution of 1973 provides provisions to deal with the legislative, administrative and financial relations. The part-v of the Constitution of Pakistan 1973 deals with the legislative and administrative relations under the chapter-1 and chapter-2 respectively. The Part-vi deals with the finance under the Chapter-1. These parts of Constitution of 1973 would be analyzed to explore the answers of above mentioned three questions.

Nonetheless, it will be erroneous to think that the real nature of Centre-province relations is decided by only these parts. Thus, this study added other provisions of the constitution dealing with the Council of Common Interest,

complaints of interference with water supply, electricity, priority of requirement of natural gas, broad casting, powers of President and governors, emergency provisions, all Pakistan services, national language and fourth schedule. The depth analyses of these provisions enabled the researcher to find out the real relations i.e., fabricated in the constitution. To analyze the practical situation and to address the real objective of this study, the researcher evaluated practical situation created after implementation of these constitutional provisions and the kind of political scenario embodied up as the results of functioning of constitution by political elites.

Thus, the second exploration is related with the problem; what was the nature of Centre-Province relation in actual situation or political process? This problem is followed by the four sub questions;

What was the nature of legislative relations in actual situation or political process?

What was the nature of administrative relations in actual situation or political process?

What was the nature of financial relations in actual situation or political process?

What was the nature of political relations in actual situation or political process?

These questions have been studied empirically in a specific time, 1988-1999 to scrutinize more decisive factor in creating conflicts between Centre and Provinces. This research travels around the human action, such as flaws in the implementation of constitutional powers by political leaders have been studied. The issues of conflicts were identified thoroughly after deeply studying the primary documents and subsequently the role or action of political factors was evaluated in creating these conflicts. For instance, the issues were collected from the contemporary debates of

National Assembly, provincial assemblies and the newspapers. The main theme of this collection revolves around the conflicts. This collection was divided into legislative, administrative, financial and political aspects with an in-depth analysis of conflict revolving around each aspect. And, to search the factors of conflicts; role, action and reaction of political elites was observed. Under which delay in implementation of constitutional provisions related to Centre-province relations, ignorance and disrespect to the constitutional provisions and malpractices in using the constitution are the major points of observation. Besides, this study added the provincial asymmetries under the demand of consulting issue. Though, this study was not organized under a particular theory. But, I think, the way of collecting the data for present study is very near to the theory of practice.

Methodology

The researcher has combined descriptive and analytical approaches to organize the Centre-Province relations in Pakistan and has employed varied primary and secondary sources. The primary sources of the proposed topic have been given the highest priority. Moreover, the authenticity of the primary sources has been ensured carefully such as, the constitution and constitutional amendments, debates of national assembly, debates of provincial assemblies, economic survey, gazettes, explanatory memorandums of budgets, declassified record of the meetings, and newspapers of the studied period are considered as the most important source of information to collect the issues and events that determine the history of Centre-Province relations in Pakistan during 1988-1999. The general format of the proposed research is to review all related material including books, theses, newspapers and important periodicals of different research societies to find out the factors. The online sources have also been consulted to accomplish the requirement of the study.

The relevant facts that determine the nature of Centre-Province relations have been collected from the above mentioned sources and have been given an organized systematic classification in descriptive way by historical approach. That has further facilitated the researcher in developing a framework fabricated with a complementary approach; analytical to evaluate the Centre-Province relations in Pakistan, 1988-1999. Analytical approach has been used for assessing the factors of conflict relations, to evaluate the whole study and also applied to compare the more decisive factor of conflicts. The data has been arranged thematically in different chapters and chronological sequence also followed wherever, necessary. This framework proved helpful not only in organizing the Centre-Province relations but also to highlight the defective and faulty areas to counteract their effects.

Chapters Organization

The scope of the topic is very large. Therefore, it was necessary to select the areas of the focal importance. Research is initiated by an introduction of basic organization of the study. The argument of the theme is consisted of the five chapters. The study culminated at the end.

Chapter One: The first chapter, “Significance of Centre-Province Relations in Federations & Nature of Centre-Province Relations in Pakistan,” primarily gives a comprehensive account on the importance of Centre-Province relations and assesses that the stability, strength and survival of any federation linked with the harmony and stability in relations between federation and its federating units. Secondly, this chapter observed the nature of Centre-Province relations in Pakistan in the context of its evolution. This section gives theoretical grounds for the study and explores the background realities in case of Centre-Province relations at two levels

i.e., fabricated in constitution and developed in actual situation or political process to find out the form of nature before 1988-1999.

Chapter Two: The second chapter, "Examination of the Centre-Province Legislative Relations in Pakistan, 1988-1999," deals with the Centre-Province legislative relations at two levels i.e., fabricated in constitution and Centre-Province relations in actual situation and political process. The constitutional section accentuated the relations maintained under the provisions of Centre-Province legislative relations. In addition, special provisions related with legislative relations and fourth schedule of the constitution also taken into account. This chapter also debated the real situation of legislative relations during 1988-1999 which presented the view of Centre-Province clashes and were the result of delay in legislative obligations, rights of legislation and other miscellaneous issues.

Chapter Three: The third chapter, "Centre-Province Relations; Administrative Aspect, 1988-1999," discusses the administrative relations between Centre and provinces at two levels. The first is administrative Centre-Province relations fabricated in the constitution, evaluated the provisions of administrative relations, powers of President and governors and emergency powers. The second is about situation of administrative aspect during 1988-1999 and studies the disrespect and ignorance of constitutional obligations, dissolution of provincial ministries and replacement of Chief Ministers and other administrative issues. The whole issues have been assessed in the light of right or wrong practice of the constitution.

Chapter Four: The fourth chapter, "Centre-Province Relations: Financial Aspect, 1988-1999," also studies the financial relations at two points i.e., fabricated in constitution and occurred in the actual situation or political process. Primarily, assesses the constitutional provisions and takes into account the provisions of chapter deals with finance. This chapter also evaluates the Centre-Province financial relations during 1988-1999 and assesses the deferral and disrespect in constitutional obligations, conflicts over financial distribution and natural resources and other minor issues. The whole issues have been accentuated in the light of constitution.

Chapter Five: The fifth chapter, "Political Relations between Centre and Province, 1988-1999," deals with Centre-Province political relations under four governments operated in this period in sequence i.e. Benazir Bhutto's first tenure 1988-1999, Nawaz Sharif's first tenure 1990-1993, Benazir Bhutto's second tenure 1993-1996 and Nawaz Sharif's second tenure 1997-1999. This chapter also deals with the role of political elites in creating complications which proved harmful for Centre-Province relations. This chapter deals with this issue in the light of national assembly debates, 1988-1999.

Conclusion

Finally, the study has been concluded with a substantial summary, findings and suggestive comments.

CHAPTER-1

**SIGNIFICANCE OF CENTRE-PROVINCE RELATIONS
IN FEDERATIONS**

&

**NATURE OF CENTRE-PROVINCE RELATIONS IN
PAKISTAN: HISTORICAL OVERVIEW**

Introduction

This chapter revolves around the two main themes; one is the significance of the Centre-Province relations in federation and the second is nature of Centre-Province relations in Pakistan. There is a strong opinion among the scholars that resilient relations between Centre and provinces are essential for the strength and stability of any federation. None of the federations can survive without upholding the consensus between the two centers of powers, general and regional.¹ It is vital for the smooth working of the system. The absence of the resilient relations between Centre and provinces is fatal to federalism. To elaborate this fact, the statements of the scholarly community and the experiences of the world's federations have been thoroughly compiled in this chapter. The facts that surface from these consultations necessitate the importance of smooth Centre-Province relations in any federation.

The second part of this chapter assesses the nature of Centre-Province relations in Pakistan. In order to investigate the nature of Centre-Province relations, two elements are very essential. One is the basic structure of any federation and the other is the system of governance. There is a general agreement about the basic anatomy of Pakistan that the political, geographical, economic and demographic

¹By 'general and regional' I mean central and provincial governments.

asymmetries in Pakistan existed since its inception and the same inequity continued even after the secession of East Pakistan in 1971. In order to comprehend the nature of Centre-Province relations, it is vital to study the basic anatomy of the Pakistani nation. Thus, second part discusses the heterogeneity of Pakistani society and culture as well as investigates its regional variances and disparities. There is a strong opinion among the scholars, that the basic anatomy of nations has the pivotal role in shaping the form of governance system which pays much contribution in determining the nature of Centre-Province relations. The facts that emerge from these discussions necessitate the debate for a system of governance. Thus, system of governance has been highlighted in this section. The federal system for governance was adopted in Pakistan since 1947.

Here, a question arises, why did Pakistan need to adopt federal system? Thus, it is important to overview the logic for federal system of governance in Pakistan. Therefore, this section has also highlighted the role of inherited asymmetries of basic anatomy, an underlying reason for adopting the federal system of governance in Pakistan. Federal system refers to two tiers of government, i.e., central and provincial. In federal form of government, nature of Centre-Province evolves in the constitution and is implemented in actual process. Third section observes the nature of relation between Centre and provinces in historical background. In doing so, constitutional schemes adopted and discarded since independence, have been scrutinized and ground situation of relations have also been analyzed.

1.1 Importance of Centre-Province Relations in Federation

The relations between Centre and provinces hold primary importance and matter of permanent concern in the countries that are governed under federal system. The

phenomenon of Centre-Province relations is a common feature in federations. As Sharif al Mujahid stated, "the inherent tension ... is not something peculiar or particular to Pakistan, though. Indeed, it has indeed posed a traumatic problem to several federal polities in the world in recent decades, ending up in smoke and disarray."² The importance of Centre-Province relations in any federation is not abrupt nor is a sensitivity of twentieth century. The significance of relations between central and provincial governments has always been entwined with federalism. It is as deep-rooted as the federal movement itself. In the view of Daniel J. Elazar, "Federalism is designed to achieve some degree of political integration,"³ political integration is the integration of political entities⁴ which is compulsory for the existence or the life of the federal entity. The relation between these two entities, i.e., Centre and provinces, is not merely important for the smooth working, but also for the existence, political and democratic stability of federation. "Intergovernmental conflicts can lead to confrontation politics and result in deadlock."⁵ According to the Canadian encyclopedia, "Virtually all observers agree that a high degree of coordination between the 2[sic] orders of government is essential."⁶ Hence, Centre-Province relation is a realization and not an artificial phenomenon. Federations are created to cope with differences and diversity.⁷ To get this job done, consensual and

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² Sharif al Mujahid, "Finding Balance between Unity and Diversity: A Major Challenge to Democracy, Governance and National Unity," *Pakistan Vision* 13, no. 2 (2012): 14.

³ Daniel J. Elazar, *Exploring Federalism* (London: University of Alabama Press, 1987), 84.

⁴ In this study by 'political entities' means provinces, states and cantons and "federal entity" means Centre.

⁵ Mary Louise McAllister and Cynthia J. Alexander, *A Stake in the Future: Redefining the Canadian Mineral Industry* (Vancouver: UBS Press, 1997), 32.

⁶ Simeon Richard, *The Canadian Encyclopedia*, s.v., "Federal-Provincial Relations," accessed January 15, 2017, <https://www.thecanadianencyclopedia.ca/en/article/federal-provincial-relations>.

⁷ J. McGarry and B'O Leary, "Federation and Managing Nations," in *Multinational Federations*, eds. Michael Burgess and John Pinder (New York: Routledge, 2007), 182.

smooth relation between Centre and provinces is requisite. It is also necessary for the survival of federations. If, the relations would be complicated between two folds i.e. Centre and provinces then the stability of the federation would be in trouble.

Strengthening the Centre-Province relations is indispensable for preserving the unity of the country. In the absence of this element, a successful federation can never function and is threatened by conflicts. However practically, everywhere in most of the federations, the relations between Centre and provinces witness tension.⁸ Conflicts between Centre-Province relations have caused problems almost in all federations of the world in the form of demands of separation and break up of federations for the creation of a new state, discontentment, and dismemberment, collapse of political governments, enforcement of military rule and derail of democracy. If we see the historical perspective, German empires are an example in this case; the breakdown of consensus between German Empire and its constituent units⁹ subsidize the downfall of German empire. Iram Khalid, a scholar of federalism from Pakistan argues that, the case in point is not different from Pakistan that paved the way for the tragedy of East Pakistan.¹⁰ The pages from the Pakistan's history show that the fear of discontentment between Centre and in the eastern part of Pakistan was in circulation since the very early days of the establishment of Pakistan. This fear reached into reality and funded the lack of consensus between Centre and province and contributed towards the dismemberment of the federation with the

⁸K.C. Wheare, *Federal Governments* (London: Oxford University Press, 1953), 11.

⁹Eric Solsten, *Germany: A Country Study* (Washington: Federal Research Division, Library of Congress, 1996), xli.

¹⁰Iram Khalid, "Politics of Federalism in Pakistan: Problems and Prospects," *Journal of South Asian Studies* 28, no. 1 (January-June 2013): 200. See also, Ronald L. Watts, *Comparing Federal Systems in the 1990's* (Kingston: Queen's University Press, 1996), 103.

secession of eastern wing, now-a-days known as Bangladesh. It was not the end, after the secession of East Pakistan, the conflict between Centre and provinces continued particularly in the smaller provinces, Sindh, Khyber Pakhtunkhwa and Balochistan which predicted the sign of trouble for the unification of federation.¹¹

Besides Pakistan the same case was witnessed in India as reflected in the ongoing conflict with Kashmir, northern states, central and central-east, where India faces problems in governance.¹² The same situation was observed in Nigeria. Nigeria formerly consisted of three regions with the North accounting for over fifty percent of the population. Northern political and economic domination of the federation was a major cause of the breakdown of consensus between Centre and regions.¹³ Lack of consensus led the movement of secession more than one times in Nigeria such as Northern Nigeria first threatened to secede in 1950. Northern region again agitated for secession in 1953, and they were persistent to drift secession throughout the years even in the sixties, same was done by the western Nigeria during same time period.¹⁴ The secession of Biafra in 1967 and reintegration in the 1970 disturbed the situation of the country. That was the result of religious and political differences which caused trouble in central regional relations and led the movement of secession.

Since, national unity and political stability of any federation is linked with the resilient relations between Centre and provinces. Thus, growing mistrust between

¹¹ Stephen P. Cohen, *The Idea of Pakistan* (Washington: Brookings Institution Press, 2004), 201.

¹²Ryan D. Griffiths, *Age of Secession: The International and Domestic Determinants of State Birth* (New York: Cambridge University Press, 2016), 162-163, 183. See also, Sajjad Shaukat, "Separatist Movements in India," *Pakistan Observer*, September 18, 2017.

¹³Brian Smith, "Federal-State Relations in Nigeria," *African Affairs* 80, no. 320 (July 1981): 357 accessed January 24, 2017, <http://www.jstor.org/stable/721662>.

¹⁴Godfrey Mwakikagile, *Ethnic Politics in Kenya and Nigeria* (New York: Nova Science Publishers, 2001), 3- 4.

Centre and provinces not only weakens the relations of Centre and provinces but also opens up the path for movements of independence and secession and the dismemberment of the polity. Another case is of Malaysia, the secession of Singapore from the federation in 1965¹⁵ was the result of a serious discord between federation and Singapore about the ethnic relations. "Deep ideology underpinning the federal system," pressed for "non-communal, egalitarian system," was caused by the race insurgency in Singapore¹⁶ and paved the way for secession.

As mentioned before, the similar experience was faced by the federation of Pakistan in 1971 with the secession of eastern province of Pakistan. The East Pakistan became an independent state of Bangladesh.¹⁷ Though the secession did not bring complete collapse in the case of these federations but led to disintegration and shortened the size of federations. But in some circumstances, Centre-Province clash may lead a federation to collapse entirely, as occurred in Yugoslavia, the secession of Croatia and Slovenia, the independence of Bosnia, Herzegovinian and Macedonia, the separation of Serbia and Montenegro contributed the breakdown of federation of Yugoslavia. The situation of break down observed in United States of Soviet Russia (USSR) was also the result of failure of Centre-Province relations.¹⁸ Loss of stability

¹⁵Li-Ann Thio, "International Law and Secession in Asia and Pacific Regions." in *Secession: International Law Perspectives*, ed. Marcelo G. Kohen (New York: Cambridge University Press, 2006), 298.

¹⁶Robert Andrew Young, *The Secession of Quebec and the Future of Canada* (Kingston: McGill-Queen's University Press, 1998), 128.

¹⁷ Though discontentment and disillusionment was pertained in the relations between Centre and eastern wing of Pakistan but at the spot intervention of Indian Army fertilized the path for secession of East Pakistan. Syed Farooq Hasnat, *Pakistan* (Oxford: Praeger, 2011), 78.

¹⁸National Research Council, Division of Behavioral and Social Sciences and Education, Commission on Behavioral and Social Sciences and Education. Committee on International Conflict Resolution, *International Conflict Resolution: After the Cold War*, eds. Paul C. Stern and Daniel Druckman (Washington: National Academies Press, 2000), 523.

in relations between federal government and regional governments was reasons for secession, breakdown or entire collapse.

Apart from that, sometimes federations faced the secession movement and escaped from the secession. But the motion for secession caused the conflict and disturbance in many federations as observed in India; the secessionist movement in northeast and northwest India, the movement of secession in Punjab and Kashmir. Sikhs of Punjab wanted the secession from India to create their own state by the name of Khallistan.¹⁹ The state of Kashmir desired the secession from India for annexation with Pakistan.²⁰ Katharine Adeney argued that, India has remained “more conflict prone than Pakistan” but it was Pakistan which experienced secession in 1971.²¹ In the case of Spain the Basque and the Catalonia movements were wanted to secede from Spain.²²

Resilient Centre-Province relations are required not only for well-functioning of federalism but also for stable democracy. Daniel J. Elazar says, “Federalism has a strong predisposition toward democracy.”²³ In many federations Centre-Province conflicts were reflected as a cause of destruction of the democracy, for example, in the first democratic period of Pakistan Centre-Province conflicts caused the destruction of democracy and led to the military rule in 1958. Later democratic

¹⁹Jugdep S. Chima, *The Sikh Separatist Insurgency in India: Political Leadership and Ethno Nationalist Movements* (New Delhi: Sage Publications, 2010), 3- 4.

²⁰Anne Noronha Dos Santos, *Military Intervention and Secession in South Asia: The Cases of Bangladesh, Sri Lanka, Kashmir and Punjab* (London: Preager, 2007), 67, 73. India wanted to crush the Kashmiri secessionists which led an alliance between Pakistan and Kashmiri secessionists.

²¹Katherine Adeney, *Federalism and Ethnic Conflict Regulation in India and Pakistan* (New York: Palgrave Macmillan, 2007), 134. Harihar Bhattacharyya, *Federalism in Asia: India, Pakistan and Malaysia* (New York: Routledge, 2010), 2.

²²Fred M. Shelley, *Nation Shapes: The Story Behind the World's Borders* (Santa Barbra: ABC CLIO, 2013), 129.

²³ Daniel J. Elazar, *Federalism: Theory and Application* (Pretoria: Human Science Research Council, 1995), 13.

periods could not hold good opinion regarding Centre-Province relations as Lubna Kanwal stated, "The hegemonic role of Centre through the party politics affected the way of Centre-Province relations during the Zulfikar Ali Bhutto period."²⁴ Due to which once again military rule became the fate of the country in 1977. Thus of Centre-Province conflicts were one of the causes that paved the way for military rule more than one time in Pakistan which derailed the process of democracy. Likewise, Nigeria had faced the same experience of military rule more than one time. Nigeria was governed under the military rule from 1966 to 1979. Moreover, Nigeria underwent a new period of military rule from 1983 to 1999. Similarly Indonesia has been a heterogeneous society, facing a series of separatism and national disintegration movements. Turkey, Korea and states of Latin America: Argentine, Chile, Brazil and Peru, did not made a peaceful return to Centre-Province relations which led the decay of democracy and paved the way for military intervention there.²⁵

Thus it can easily be concluded that unsettled Centre-Province relations create conflicts that complicate the governance, development, and life of the federation. It may restrict the way of political development and can derail democracy, generate the anxieties and led the trouble for the strength, stability and unification of the federation. It is not beyond reason to say that harmonious and resilient nature of relations between Centre and provinces is crucial for any federation. Owing to the importance of the phenomena and regarding the demand of the study to cope with the nature of Centre-Province relations in Pakistan is crucial.

²⁴Lubna Kanwal, "Centre-Provinces Relations under the Constitution of 1973: The Role of Punjab during Zulfikar Ali Bhutto Era." *Journal of the Pakistan Historical Society* 64, no. 1(January 2016):43.

²⁵ Kees Koonings and Dirk Kruijt, "Military Politics and the Mission of Nation Building," in *Political Armies: The Military and Nation Building in the Age of Democracy*, eds. Kees Koonings and Dirk Kruijt (New York: St Martin Press, 2002), 10-12.

1.2 Nature of Centre-Province Relations in Pakistan

This section of the study has evaluated the nature of Centre-Province relations in Pakistan. In order to deal with the phenomena, it is pertinent to investigate that; how the nature of Centre-Province relations originate. There is a broad quantity about the meaning of word nature.²⁶ The present study connotes environment, situation or culture of relations by the word nature which can be harmonious or conflictual.

Nature of Centre-Province relations does not originate on its own; it evolves first from the natural structure or the physical structure of the country.²⁷ Natural structure refers to the country's geographic, demographic, socio-economic, cultural, and political structure or in other words, we can say that each aspect that exists naturally in the physical structure of the country contributes towards the overall natural structure of that country. Since, Watts stated, "Cultural, economic, social and political factors in combination have in all federations produced...variations in power and influence of different constituent units and, that these affect the degree of harmony or disunity within federal systems."²⁸ Thus, the nature of Centre-Province relations comes first from natural structure of the country that determines the system of governance. Later, it develops under the system of governance. Federal system of

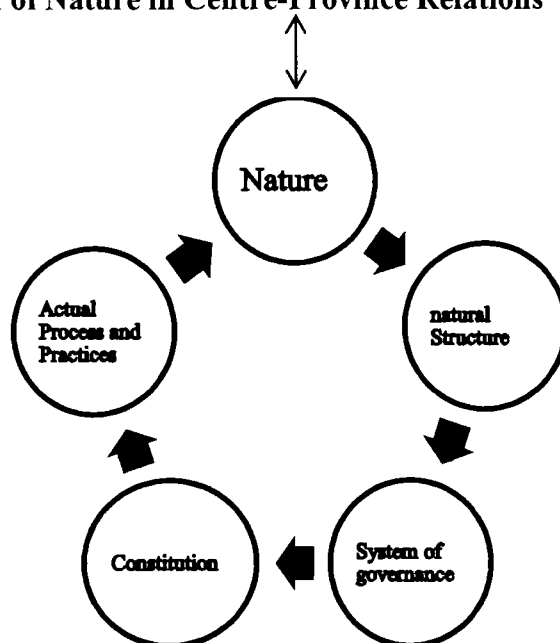
²⁶The word nature has its origin from the Greek word 'physis' which means essence, disposition. Physis translated in Latin word 'nasci' or natura that which equal to be born, to develop, to arise. Arthur O, Lovejoy describes 66 meaning of nature. Angelika Krebs, *The Ethics of Nature: A Map* (New York: de gruyter, 1999), 5. Dictionaries and encyclopedias define the meaning of nature in broad sense. For example, the oxford dictionary defines the word nature in three nouns; life, type and character. Life; trees, faunae, features, forces, the sea, mountains, in the broad sense may be describe as that part of the world which has not been formed by human being. The second is type; the type or character of something. The third is character; the characteristics of a person are born with. *Oxford Living Dictionary*, accessed December 1, 2018, <https://en.oxforddictionaries.com/>. Here is meaning of nature situation.

²⁷The physical and natural structure of the country has evaluated by considering the geography, economic, social and cultural and political structure of the country.

²⁸ Ronald L. Watts, "A Comparative Perspective on Asymmetry in Federations," *Asymmetry Series* 2005 (4),1-2, *Institute of Intergovernmental Relations, School of Policy Studies, Queens's University*, accessed October 12, 2016, www.queensu.ca/igr/working-papers/asymmetric-federalism-series.

governance determines the two levels of governments; Centre and Province. Constitution that is evolved on the basis of natural structure also holds the similar importance as it provides provisions to accommodate the Centre-Province authorities. The process of implementation or practice of these provisions by the political elites also plays great role in deciding the nature of Centre-Province relations. This circle has been shown by a figure 1.

Figure 1.1. Evolution of Nature in Centre-Province Relations



To examine the nature of Centre-Province relations in a specific society one has to gaze at the nature or structure of the country, system of governance, constitution and actual practices. The facts that emerge from the discussion necessitate viewing the natural structure of Pakistan and system of governance.

1.2.1 Natural Structure of Pakistan

As far as the natural structure of Pakistan is concerned, at the time of establishment in 1947, Pakistan was a “veritable maze of political entities,”²⁹ comprised of two wings; east and west. The eastern wing was comprised of the east chunk of previous province

²⁹Carl Von Vorys, *Political Development in Pakistan* (London: Oxford University Press, 1965), 91.

of Bengal and a small part of prior province of Assam. The situation was more complex in the western part of Pakistan. In the beginning, there were three provinces, Punjab, Sindh and North West Frontier Province (N.W.F.P.)³⁰ now Khyber Pakhtunkhwa (KP).³¹ Moreover, Balochistan was the Chief Commissioner's Province.³² The states of Balochistan; Kalat, Las Bela, Makran and Kharan, the states of Khyber Pakhtunkhwa; Dir, Swat, Amb, Chitral, Tribal Areas, princely states of Bahawalpur and Khairpur and the federal area of Karachi were the other part of Pakistan.

The year 1971 marked the secession of Bengal province and the eastern part of Pakistan declared itself as an independent state by the name of Bangladesh. Pakistan now consists of four provinces of western part, Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan along with the other above mentioned areas. Pakistan is inhabited by people who signify diverse culture, diverse language, diverse ethnic identity and diverse social customs.

1.2.1.1 Asymmetries between East and West Wings

As mentioned earlier Pakistan came into being as a union of two main disparate regions i.e. east and west separated by Indian Territory. Both wings were different from each other in each aspect of life except from the similarity of religion. Abu

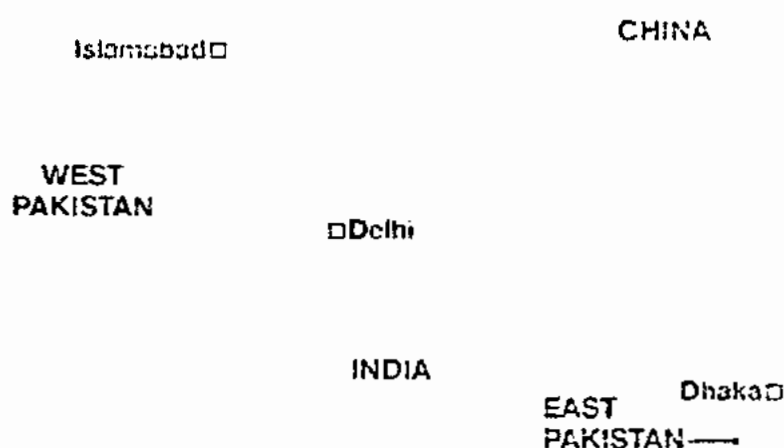
³⁰ The name of North West Frontier Province has been changed with Khyber Pakhtunkhwa in 2010 under the 18th Amendment of Constitution of 1973. After that Khyber Pakhtunkhwa (KP) will be used rather than N.W.F.P. in the whole study.

³¹“Amendment of Article 1 of the Constitution.—In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 1, in clause (2), in paragraph (a), for the word “Baluchistan” the word “Balochistan”, for the words “North West Frontier” the words “Khyber Pakhtunkhwa”, and for the word “Sind” the word “Sindh”, shall be substituted.” The Constitution (Eighteenth Amendment) Act, 2010, in *The Gazette of Pakistan (Extraordinary)*, Part-1, Clause 3, April 20, 2010, 268.

³²At that time Balochistan had not the status of province. It was governed by a chief commissioner and known as the chief commissioner's province. Balochistan succeeded the status of province in 1970 after the abolishment of one-unit.

Mansoor Ahmed, a member of the legislative assembly of Pakistan, had rightly stated that, “these two regions differ in all matters, excepting two things, namely, they have a common religion; and that we achieved our independence by a common struggle. These are the two points which are common to both the wings of Pakistan; with the exception of these two things every thing is different.”³³ Both regions were different from each other not only, geographically, ethnically, demographically and culturally but also parted from each other by a hostile region, India.³⁴ The distance between the two parts of country was almost 1000 miles.³⁵ The first main diversity was the non-contiguity between the two wings of Pakistan. The non-contiguity is revealed by the map given in figure 1.2.

Figure 1.2. Distance between East and West Pakistan



Source: this map is extracted from the Google images, accessed February 12, 2018.

³³*The Constitution Assembly of Pakistan Debate: Official Reports*, vol. 1, January 16, 1954, 1816, cited in Nazir, *Early Years*, 91.

³⁴Katharine Adeney, “Democracy and Federalism in Pakistan,” in *Federalism in Asia*, eds. Baogang He, Brian Galligan, and Takashi Inoguchi (Cheltenham: Edward Elgar, 2007), 102. Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (Dacca-2, University Press Limited, 1980), 3.

³⁵There is a difference among the scholars opinion about the distance between east and west wing of Pakistan. See for detail; Nazir, *Early Years*, 108, reference No. 5.

This was a unique structural separation of Pakistan. Farhan Hanif Siddiqi conceives that the regional contiguity is necessary for the strength of any federation as he stated, "Territorial contiguity is one of the central principles of nation state."³⁶

In addition, both wings of Pakistan had almost distinct geographies. The eastern wing contained smooth muddy plain, apart from Chittagong hill areas, while the western region was consisting of lofty mountains, gigantic steppes, arid deserts, rich valleys and large plains.³⁷

Geographical distinctions between two regions caused cultural diversity and both regions were different in ethnic and cultural compositions. The eastern part was culturally and linguistically homogeneous in that the all population was Bengali and they had only one language Bangla, all peoples of Bengal had the same pattern of living, dress, diet, social customs and structures except from Chakmas³⁸ and the people who had migrated from Bihar province of India.³⁹ While in the western part, the case was different. The western part was divided into different linguistic and cultural sections. The four provinces Punjab, Sindh, Khyber Pakhtunkhwa, and Balochistan had diverse cultures and the inhabitants of these provinces are known as Punjabi, Sindhi, Pathan, and Balochi respectively. Class distinction was also observed as another form of diversity between two regions; landlordism was not seen after

³⁶ Farhan Hanif Siddiqi, "The Failed Experiment with Federalism in Pakistan (1947-1970)," in *Defunct Federalism: Critical Perspective on Federal Failure*, eds. Magdalena Zolkos and Emilian Kavalski (England: Ashgate Publishing, 2008), 71.

³⁷ Nazir, *Early Years*, 81.

³⁸ Chakmas were the hill tribal people of Chittagong and they had different culture and language than Bengalis. Ninety eight percent peoples had belonged to the Bangla language and two percent were the Chakmas and Biharies. Chakmas and Biharies reflected ethnic and linguistic homogeneity.

³⁹ Nazir, *Early Years*, 82.

1950 in the Eastern part of Pakistan, while it stayed unbroken in West Pakistan.⁴⁰ The issue of economic disparities between two regions heightened over time. Like the other variances, both units of Pakistan were not equal in size, as the total area of Pakistan was 947,940 km² out of which East Pakistan covered the 147, 570, Km² that was 1/6 of the total area of Pakistan. The western part possessed eighty percent of the total size means western region was six times larger than East Pakistan. In the case of population both regions were different. According to the census of 1961, West Pakistan had a population of 33,704,000 and the East Pakistan was more populated as contained a population of 41,932,000. Thus, people lived in east in greater numbers than western part of the country.⁴¹ The disparities in size, demography and economy are shown in the table 1.1.

Table 1.1. Asymmetries between Eastern and Western regions in 1961

Regions	Area	Population	Economy
Eastern Region	15.1%	54.2%	39% 56, 08 In Lakhs Rs.
Western Region	84.9%	45.8%	61% 84, 41 In Lakhs Rs.

Sources: Government of Pakistan, *Economic Survey: 1961-62*, Economic Adviser to Ministry of Finance, Rawalpindi, 3, 135, 139.

1.2.1.2 Overview of Western Region

The western region is the current Pakistan and at the time of independence West Pakistan had three provinces i.e., Punjab, Sindh, and Khyber Pakhtunkhwa. Baluchistan did not have the status of province at that time and was ruled as a special administrative unit. The regional, ethnic and linguistic variance and differences in the

⁴⁰Nazir, *Early Years*, 82.

⁴¹ K.K. Aziz, *Party Politics in Pakistan 1947-1958* (Lahore: Sang-e-Meel Publications, 2007), 1.

term of socio-economic development, size of area and population was present among the different constituent units of western region of Pakistan. The different background, dissimilar cultures and languages, and diverse customs, ways and traditions in distinct provinces constitute the common stuff of western region (Present day Pakistan).⁴² Thus, there is a need of brief analysis of diversities in ethnic and cultural structure, socio-economic developments, size of area and population.

Punjab was the most populous and well developed province of Pakistan in addition to second largest in size after Balochistan. Punjab is a region of fertile land of five rivers, several mountain ranges, pothohar plateau and deserts. Punjab had its own distinct ethnic and linguistic culture. Punjabi traditions, language and culture hold dominance in western region. The people of Sindh have their own values as; strong language, culture and historical heritage. Sindhi people are described as matrimonial to their land, very sensitive of their distinguished culture and linguistic character. In case of Khyber Pakhtunkhwa, the Pathan occupies the dominate position in the socio-economic and political life of this province of Pakistan. They formed the ethnic tribal society and had their own culture and Pashto language, as well as very conscious about their cultural and ethnic distinction. Balochistan was not a fully fledged province, comprised of British Balochistan and large tribal regions, as well as the states of Makran, Kharan, Las Bella and Kalat. All these states merged in Balochistan and now Balochistan has the status of fully fledged province like other provinces. At the time of independence, it was the most diverse unit in culture and linguistic terms as the

⁴²Present day Pakistan consisted of four provinces Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan. The four federally administrative areas; Islamabad, Tribal Areas, Northern Areas and Kashmir are also the part of Pakistan but are not the part of this study and the present study cope with the composition of four provinces Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan because the scope of the study is to examine the Centre-Province relations without including federally administrated areas.

home of Baloch, Pashtun and Brahwi speaking peoples. Western region of Pakistan marked the heterogeneity in ethnic cultures and languages. The people of Punjab, Sindh, and Khyber Pakhtunkhwa had distinct ethnic cultures, languages and traditions. But the dividing walls of provinces were not on the basis of their cultural identities.⁴³ As Jaffar Ahmed says, “the boundaries of cultural and administrative units are not congruent to each other. None of the four provinces is exclusively the domain of ethnic group that gives the region its name.”⁴⁴ For instance, large number of Baloch and Pathan lives in Sindh and Punjab. Punjabi and Pathan also constitute a large part of Balochistan. In spite of it, they sustained their specific character and particular life style, values interests and social rites dearest to them.⁴⁵

Besides cultural and linguistic variance, asymmetries in territorial size had not been undone even after the secession of East Pakistan in 1971. At present the total area of Pakistan is 796,096 km² (according to the statistic given in the census 1998), out of which Baluchistan covers 347,190 km², Sindh covers 140,914 km², KP covers 74,521 km² and Punjab has an area of 205,345 km².⁴⁶ The statistic indicates that Baluchistan appears as the largest province of Pakistan, the next is Punjab, and the following are Sindh and Khyber Pakhtunkhwa respectively. Provincial asymmetries in size of area are revealed in figure 1.3.

⁴³ Iftikhar Haider Malik, *Culture and Customs of Pakistan* (London: Greenwood Press, 2006), 6-7.

⁴⁴ Ahmed, *A Constitutional Study*, 41.

⁴⁵ Lawrence Ziring, *Pakistan: The Enigma of Political Development* (Kent: Dawson, 1980), 136.

⁴⁶ Pakistan Bureau of Statistic, “table-1: area & population of administrative units by rural/urban: 1951-1998 Censuses,” accessed February 6, 2017, <http://www.pbs.gov.pk/content/area-population-administrative-units>.

Figure1.3. Provincial Variances in size of Area



Source: this map is extracted from the Google images, accessed February 12, 2018.

In the context of population disparities, after the separation of East Pakistan, Punjab remained the largest populated province of Pakistan and was home of, almost 55.6% of the country's total population, followed by the Sindh with 23%, Khyber Pakhtunkhwa accounting for 13.4% and Baluchistan with small population of about 5%.⁴⁷ So, more than half of the country's population i.e. almost 55% peoples lived in Punjab and the rest 45% in other three provinces.

The western region was also marked by socio-economic unequal statistics as well. Punjab had the leading economic revenue in Pakistan which generated sensitivity about the domination of Punjab among the other provinces as it contributed 57% to Pakistan gross domestic product, Sindh 27.5%, KP 8% and Baluchistan 3%.⁴⁸ These figures show considerable differences and disparities in the structural

⁴⁷ Government of Pakistan, *Supplementary Statistic Economic Survey: 1998-1999* (Islamabad: Finance Division, Economic Advisor's Wing, 1999), 253.

⁴⁸ "Economics and Extremism," *Dawn* (Karachi), January 5, 2010.

composition of Pakistan which made the plea for federalism to run this country. These differences have been shown in table 1.2.

Table 1.2. Asymmetries among the provinces

Provinces	Area	Population	Economy	Languages
Punjab	205,344	55.6%	57%	Punjabi, Sirayki
Sindh	140,914	23%	27%	Sindh, Urdu
KP	74,521	13.4%	8%	Pashto, Hindko
Balochistan	374,190	5%	3%	Pashto, Hindko, Brohi

Sources: Area and population statistic attained from *Supplementary Statistic: Economic Survey: 1998-1999*, 253. Linguistic statistic acquired from the, "Population, Socio-Economic and Development Profile of Pakistan," 2, accessed February 25, 2017 www.unreasonableinstitute.org/. Economic statistic achieved from "Economics and Extremism," *Dawn*, January 5, 2010.

The view that emerges from the debate is that Pakistan is composed of the various ethnic, racial and lingual diversities. An overview of the structure of Pakistan revealed the East and West part of Pakistan were totally distinct from each other except from the bond of religion and struggle for independence. Ethnic and linguistic homogeneity had been observed in eastern wing whereas it was vague in the western wing. The study about the natural structure of Pakistan also makes it clear that all the provinces of present Pakistan are not equal. No doubt these disparities or differences that exist in natural structure have an important and pivotal share in shaping the form of governance system. These diversities confirm that Pakistan is a heterogeneous society and federalism is the only mechanism to preserve unity in various entities so inter regional differences or structure of society viable for the implementation of federalism in Pakistan to bring unity among the diverse forces which shape the nature

of Centre-Province relations. To apprehend the nature of Centre-Province relations in Pakistan, now it is essential to understand the federal system of governance.

1.2.1.3 System of Governance: Federalism

A huge quantity of theoretical literature on the idea of the federalism is available that deals with this question.⁴⁹ That's why the theoretical analysis of the federalism is not exactly the purview of this study and the present research is not undertaking the detail of this feature. However, since Pakistan embraced federal system of governance and in the context of the nature of Centre-Province relations; an assessment of the federal system of government is indispensable. Hence, it seems important to add a few references to theoretical structure of federalism.

Scholarly community has not defined federalism in unanimous manner. Since, Graham Smith has rightly pointed out, "The term 'federalism' has been differing to subject meaning and applied to many different situational contexts."⁵⁰ Wilfried Swenden has also stated in the same manner, "Scholars have attributed different meaning to federalism."⁵¹ Another eminent scholar A.H. Birch has precisely stated that, "Federalism ... is a concept which has no fixed meaning; its meaning in any particular study defined by the students in a manner which is determined by the approach which he wishes to make this material."⁵² For the purpose of the present

⁴⁹Some important works on the idea of federalism: Jennifer Smith, *Federalism* (Canada: UBC Press, 2004). Elazar, *Federalism: Theory and Application*. Elazar, *Exploring Federalism*.

⁵⁰ Graham Smith, *Federalism: The Multiethnic Challenge* (New York: Routledge, 2014), 4.

⁵¹Wilfried Swenden, *Federalism and Regionalism in Western Europe: A Comparative and Thematic Analysis* (New York: Palgrave Macmillan, 2006), 6.

⁵² A.H. Birch, "Approaches to the Study of Federalism," *Political Studies* 14, no.1 (February 1966):15, accessed January 14, 2017, <http://sci-hub.cc/10.1111/j.1467-9248.1966.tb00386.x>.

study, we will define federalism as it comes to life in the federal states. Before defining federalism it is pertinent to observe why federalism is necessary.

1.2.1.4 Logic for Federalism

Since there is an absence of unification about the meaning and definition of federalism among the scholars, it is similarly true about the logic for federalism. Federalism has many varieties in its logic as federations are greatly different in their structure and their institutional design as well as consists of very large and very small countries, rich and poor, homogeneous and heterogeneous societies. The logic of federalism in each federation is different and varies from society to society. Primarily, this system was born out of necessity as utilized for military and economic purposes⁵³ and later to accommodate the culturally diverse characteristics.⁵⁴ Since, Australia was federated for the purpose of dealing with Japanese intimidation, and western European federalist struggle have been acquiring for the economic drive and the federation of Switzerland was evolved “based on excessive heterogeneity.”⁵⁵ The get-up-and-go of the federalism is to bring unity though coincidentally protective diversity.⁵⁶ Most of the federations in the world are heterogeneous except few such as Australia, Germany,⁵⁷ and United States of America.⁵⁸ As Livingstone has precisely

⁵³ Watts, *Comparing Federal Systems*, 2.

⁵⁴Ibid. Indonesia, India, Pakistan, Malaysia, United Arab Emirates, Libya, Ethiopia, Rhodesia, Nyasaland, Nigeria, Mali, Congo, Cameroon, Comoros, West Indies, Australia, Yugoslavia, Germany, Czechoslovakia, Brazil Venezuela and Argentine adopted the federal system to accommodate the multi-ethnic communities.

⁵⁵Jan-Eirik Lane, *Public Administration & Public Management: The Principal-Agent Perspective* (New York: Routledge, 2005) 117.

⁵⁶ Alexandra Funk. “Asymmetric Federalism: A Stabilizing or Destabilizing Factor in the Multinational Federation? A Comparative Study of Asymmetric Federalism in Canada and Spain.” (Master’s Thesis, Centre International Européenne, 2009-2010), 3, accessed September 27, 2016, [www. ie-ei/IE-EI/Ressources/file/memoires/2010/Funk.pdf](http://www.ie-ei/IE-EI/Ressources/file/memoires/2010/Funk.pdf).

⁵⁷ Germany is homogeneous linguistically but political and cultural diversities existed between East and West Germany.

described, every society is integrated in accordance with its own peculiar historical, cultural, political and other determinants.⁵⁹ Federalism is most suitable for heterogeneous societies and heterogeneous society is where there is diversity of people co-existing in the relation of culture, race, creed, language etc. Heterogeneity is the case of sharp cultural, linguistic and religious differences among the provinces and federalism is an endeavor to endorse cooperation in the social, political, economic and administrative fields as well as adjust diversity and maintain regional identities of the provinces. Hence, federal system of government is more apt for those societies which are heterogeneous in character. Tarlton stated as, "Concern for logical neatness has led, in writings on federalism, to the conclusion that the more diverse the elements within a political system, the better it is suited for federalism, and that the more homogeneous the political society the clearer the need for unitary forms."⁶⁰ Federalism collectively worked as a unifying force in heterogeneous societies and urge for unity. A large number of scholars have given their assent to this above described doctrine. Since, Anirudh Prasad from India has stated accurately, "federalism... works as unifying device in a multinational world."⁶¹ Stephen Orvis and Carol Ann Drogus also gave their weightage and they believe that federal system exists in heterogeneous societies as they stated "Federal system today exists in

⁵⁸ In United States black and Hispanic minorities are existed significantly but they do not have majority in a single state. See for detail, Watts, *Comparing Federal Systems*, 19, 22, 24.

⁵⁹ William S. Livingston, *Federalism and Constitutional Change* (Oxford: Clarendon, 1956), 2.

⁶⁰ Charles D. Tarlton, "Symmetry and Asymmetry as Elements of Federalism: A Theoretical Speculation," *The Journal of Politics* 27, no. 4 (November 1965): 871-872, accessed February 21, 2018. <http://about.jstor.org/terms> 111.68.97.170.

⁶¹ Anirudh Prasad, *Centre-State Relations in India: Constitutional Provisions Judicial Review Recent Trends* (New Delhi: Deep & Deep Publications, 1985), 636.

heterogeneous societies.”⁶² They also stated as “Russia enforced federalism to have the rule in great heterogeneous territory.”⁶³

Similarly, Farhan Hanif Siddiqi has stated, “A federation comes into existence to overcome differences; it therefore has to work out a compromise between the desire for union and the anxiety to safeguard the interest of the federating units.”⁶⁴ Syed Mujawar Husain Shah as argued that, “the federal system is more suitable for those societies which are heterogeneous in character.”⁶⁵ Most of the world’s polities heterogeneous in character have adopted the federal system of government. When the states of Asia and Africa sought their independence after the Second World War, they also adopted the values of federalism to rule the socio, cultural, regional ethnic and cultural diversities. India and Malaysia implemented federal system at the time of their freedom in order to safeguard the cultural and political characters of various groups and regions.⁶⁶ Russia is a huge heterogeneous federation with 89 regions documented constitutionally.⁶⁷ Moreover, heterogeneous federations such as Canada and Switzerland recognize the federal system to accommodate heterogeneity as Jan Erik says, “Switzerland harbors are pure type of dual federalism based on excessive heterogeneity.”⁶⁸ Nigeria and Comoros adopted federalism as a tool to set the cultural heterogeneity.⁶⁹ Jaffar Ahmed has stated as,

⁶²Stephen Orvis and Carol Ann Drogus, *Introducing Comparative Politics: Concepts and Cases in Context* (London: Sage, 2014), 308.

⁶³Ibid., 306.

⁶⁴ Siddiqi, “Failed Experiment with Federalism,” 72.

⁶⁵Shah, *Theory and Practice*, 5.

⁶⁶Nazir, *Early Years*, 19.

⁶⁷ Andreas Heinemann-Gruder, *Federalism Doomed? European Federalism between Integration and Separation* (New York: Berghahn Books, 2002), 30.

⁶⁸Lane, *Public Administration & Public Management*, 117.

Federalism has been adopted mostly bysuch countries are, more likely divers too, in their composition of population....the diversity spread over a wide territory necessitate a political system that is responsive to the specific needs of the each segment of the population. In case, these segments are spread over specific territory, there emerge regional units, which need to be harmonized with each other through legal and political arrangements. A federal system provides space for two levels of government that is the general government which operate over the whole country and the regional governments that govern the whole region.⁷⁰

1.2.1.5 Concept of Federalism

Federalism attempts to construct a political unification and a state of nation containing various provinces or regions on the basis of a reciprocally approved statutory and legal structure that define the relationships between Centre and provinces and distribution of power among the provinces or federating units.⁷¹ It is a system of governance that arranges the space for two levels of government. One of which is the central government which controls over the entire nation state and the next are the provincial governments that governs the respective regions. K. C. Wheare was a renowned scholar of federalism, and though seventy one years have elapsed since his first publication but his work is still conceived as one of the most authoritative work of federalism to date.⁷² For Wheare, federalism is a “method of dividing powers so that the general and regional governments are each, within a sphere, co-ordinate and independent.”⁷³ Like Wheare, Daniel J. Elazar recognizes federalism as a political system which is a specific method of distributing powers between two tiers of

⁶⁹Nazir, *Early Years*, 19.

⁷⁰Jaffar Ahmed, “Historical Evolution of Federalism in Pakistan,” Series of workshops on Consolidating Democratic Devolution in Pakistan, *Forum of Federations & Pakistan Institute of Legislative Development and Transparency* (January-March 2014): 8. accessed February 8, 2017, www.pildat.org/.../FPLGS/Historicalevolutionoffederalisminpakistan.pdf.

⁷¹Elazar, *Exploring Federalism*, 5-6.

⁷³ Wheare, *Federal Government*, 1.

government.⁷⁴ Carl Joachim Friedrich was one of the leading political scientists who believed that federalism was a course of federalizing that was, based on an amalgamation of assemblages which retain their identity.⁷⁵ “Federalism, as the term used in political science and legal scholarships, refers to a means of governing a polity that grants partial autonomy to geographically divided subdivisions of the polity.”⁷⁶ Muntzra Nazir was a renowned Pakistani scholar of federalism argues that, “Federalism strives to create a political union comprising diverse regions and people on the basis of a mutually agreed constitutional and legal framework that determines the relationship between federal authority and its constituent units.”⁷⁷

Thus the essential feature of federalism is the presence of two tiers of government within the same country, one for the whole country and the second for the regions. Both governments have independent powers within their spheres decided under the constitution. The relations between both levels of government claim harmonious nature for stability and strength of the federal country.

1.2.1.6 Federal System in Pakistan

The logic for the acceptance of federalism in Pakistan was a result of understanding amongst its leadership for accommodating heterogeneity or social, cultural or economic differences existing in its structure “within the political framework derived

⁷⁴Elazar, *Exploring Federalism*, 7.

⁷⁵Carl Joachim Friedrich, *Trends of Federalism: In Theory and Practice* (Westport: Praeger, 1968), 177.

⁷⁶Malcolm M. Feeley and Edward L. Rubin, *Federalism: Political Identity and Tragic Compromise* (Ann Arbor: University of Michigan Press, 2011), 12.

⁷⁷Muntzra Nazir, “The Problems and Issues of Federalism in Pakistan,” *Pakistan Vision*, 9, no.1 (2008):109.

from common religion and a long struggle for independence.”⁷⁸ The adoptions of federalism for new Muslim state was identified by the father of the nation Quaid-i-Azam Muhammad Ali Jinnah and the leader of the All India Muslim League. Pakistan is a heterogeneous society and in heterogeneous societies federalism seemed to be only device to accommodate the heterogeneous forces. In the words of Jaffar Ahmed, “Pakistan’s relationship with federalism is a matter of death and life.”⁷⁹ He describes four rationales for adopting federalism in Pakistan one of which is heterogeneity as he says, “the culture mosaic of Pakistan, and the diversities which it enjoyed demanded the political system....only in a federal form.”⁸⁰ Muntzra Nazir, an eminent scholar of federalism from Pakistan has rightly stated that, “the historical and geographical and diverse social and economic factors made the choice of federation inevitable for Pakistan.”⁸¹ Thus, in view of the variances existing among the provinces as pointed out in earlier section of this chapter, it was suggested to construct Pakistan as the federation or the federal system to govern it. Seeing this heterogeneity, the father of the nation Quaid Azam Muhammad Ali Jinnah had decided the system of federalism to govern Pakistan.

Thus, the system of governance in Pakistan is federative in nature. Pakistan historically tends towards federalism before its inception and it was evident by the statements of her founding father Quaid-i-Azam Muhammad Ali Jinnah. During the British period debate started on the federal form of constitution for India. All India

⁷⁸Nazir, *Early Years*, 78.

⁷⁹Jaffar Ahmed, “Pakistan’s Reformed Federalism: Progress and Obstacles in Sharing Responsibilities between Political Centre and Provinces,” in *Federalism in Asia and Europe the Wildbad Kreuth Federalism Days 2013*, ed. Hanns Buhler (Islamabad: Hanns-Seidel, 2015), 77.

⁸⁰*Ibid.*, 79.

⁸¹ Nazir, “Issues of Federalism,” 116.

Muslim League claimed the federal form of constitution for future of India in 1929.⁸² In November, 1945 Jinnah said; “The theory of Pakistan guarantees that the federal units of the national government would have all the autonomy that you will find in the constitutions of the United States of America, Canada, and Australia. But certain vital powers will remain vested in the central government such as monetary system, national defense and federal responsibilities.”⁸³ By the same token another statement delivered on 10th December 1945, reiterated the view of Jinnah about the governance system of new Muslim state. He held that, “our Pakistan Government will probably be a Federal Government.”⁸⁴ These statements sufficiently attest that Pakistan was confirmed by its creator as a federal state and federal system was to govern it. Federal system came into practice when Pakistan was established as a federal state in August 1947. Mindful about the logic of system of governance in Pakistan, the study will now try to explore the nature of Centre-Province relations.

1.2.1.7 Constitution

As mentioned above, regarding the classical definition, federalism is a procedure of dividing powers between two sets of governments, central and provincial. Thus according to this code, the peoples are the part of federal system, and they have to confess two fold sets of rules, the central rules and the provincial rules. The Centre and all the provinces derive their powers and rights from the constitution that specified the authorities for the central government and the provinces. The clear separation of powers between these two centers of supremacies is essential for the

⁸²G. Allana, *Pakistan Movement Historical Documents* (Karachi: Paradisa Subscription Agency, 1968), 70.

⁸³Jamiluddin Ahmad, ed. *Speeches and Statements of Quaid-i-Azam Mohammed Ali Jinnah*, II (Lahore, Shaikh Mohammad Ashraf, 1964), 232-233.

⁸⁴*Ibid.*, 263.

smooth working of relations between Centre and provinces. Owing to this, the constitution of the federation becomes the necessary key component because it signifies the agreement between central and provincial governments regarding legislative division of powers between Centre and provinces, administrative associations between the two Centre of power, demarcation of revenue between Centre and provinces, separation of legislative and political powers and for providing provisions for the settlement of intergovernmental as well as inter-regional disputes. Constitution personified the relationship between Centre and provinces. Thus, in the context of developing the nature of Centre-Province relations the constitution also holds a key position.

1.2.1.8 Actual Process and Political Practices

As mentioned above, constitutional structure plays a pivotal role in shaping the nature of Centre-Province relations. In addition, the actual process and political practice⁸⁵ of the constitution also play enormous role in shaping the nature of Centre-Province relations. The diversities existed in the natural structure of the country are instigated by the political elites who drain the strains in forming and the implementation of the constitution. If, the country is free from natural diversities then the Centre's influence is tiniest probably to control Centre-Provincial strains. Functioning in the order of heterogeneous societies, steady increases of central domain arouse the bitterness among the diverse regions as in Canada that marked a conflict between Centre and provinces. The harmony between natural and constitutional structures is indispensable for creating harmonious nature of relations between Centre and provinces. In case of non-collaboration between natural and constitutional framework, conflict would take

⁸⁵By 'actual process' I mean prevailing situation of the Centre-Province relations in specific time and space. By 'political practice' I mean implementation or practice of the constitutional provisions in a specific time and space by the political leadership i.e., the work and role of political leaders in the Centre-Province relations.

place in Centre-Province relations. Later implementation or practice of the constitution by political elites plays pivotal role in creating the harmony or conflicts between two centers of powers.

The reality emerging from the aforesaid debates is that the nature of Centre-Province relations can be determined at the first stage from the natural structure of the polity which evolves the governance system. Social, cultural and economic variances lead to the emergence of federal system of governance. The governance system is ensured and maintained through constitution and the actual practices reveal the levels of implementation of constitution. Thus the nature of Centre-Province relations at one point are explained theoretically in the constitution however it can be evaluated thoroughly by studying the actual practices as well. Thus along with studying the constitution, the present study will deeply analyze the actual practices in order to understand the nature of Centre-province relations in Pakistan. The study now explores the historical background of Centre-Province relations in Pakistan.

1.3 Theoretical Grounds in Background Perspective

Before going into the detail of the historical background of the nature of Centre-Province relations in Pakistan, it is necessary to mention that the problem of Centre-Province relations and adjusting the natural diversities is not only a problem specifically concerned with Pakistan. The tensions in Centre-Province or Centre-State relations in the federations are present everywhere in the world despite the arrangements of constitutional and legal structure. Now, it is pertinent to overview the historical background with the perspective of exploring the background of the hypothesis of the study that the Centre-Province relations stayed conflictual and political factors were more decisive in creating conflicts between Centre and

provinces during 1988-1999. To cope with the phenomena this section of the chapter has taken an overview of the nature of Centre-Province relations in Pakistan prior to 1988.

1.3.1 Nature of Constitutional Relations

The principle objective of this section is to address the question of constitutional nature of Centre-Province relations in historical background. In background perspective, the pre-partition historical background would not be the purview of this study.⁸⁶ The controversies over the issue of Centre-Province relations started from the very beginning in the history of Pakistan. According to Mansoor Akbar Kundi, "No other matter bred such a controversy in the constitutional debates as did the central-units relationship."⁸⁷ The two interim constitutions and three regular constitutions were operated in Pakistan. All these documents suggested federal system of government and provided provisions to settle the relations between Centre and provinces.

The first constitutional scheme operated in the nascent country was the Interim Constitution of Pakistan 1947.⁸⁸ In legislative sphere, Interim Constitution of 1947 provides three lists; central, provincial and concurrent. The federal list consisted of 59 subjects, provincial list comprised of 54 subjects and the concurrent list comprised of

⁸⁶The Centre-Province relations under the British period elaborated in detail by Muntzra Nazir, in *Early Years*, under the chapter-II, 49-66. Briefly, by Syed Mujawar Hussain Shah, *Federalism in Pakistan*, 31-38, and by Mehrunnisa Ali, *Politics of Federalism*, 25-31.

⁸⁷Mansoor Akbar Kundi, "Federalism in Pakistan: Problems & Prospects," *Asian and African Studies* 11, no.1 (February 2002): 39.

⁸⁸The government of India Act 1935, with certain amendments introduced as the Interim Constitution of Pakistan 1947.

36 subjects.⁸⁹ In case of conflict on the subjects listed in the concurrent list, central authority would prevail.⁹⁰ Similar to the Interim Constitution, in the Constitution of 1956, legislative powers were contained on three lists whereas the residuary powers went to the provinces.⁹¹ Yet the allocation of residual powers to the provinces⁹² and extension in the sphere of provincial subjects made it appropriate in front of the Government of India Act 1935. The second constitution was the Constitution of 1962. The Constitution 1962 enumerated the legislative powers in single list contained with 49 items under the third schedule.⁹³ The Constitution 1973 provides two legislative lists; federal and concurrent. The federal list contained the subjects whom the Centre had the right to legislate the second list provided the right for legislation to both; Centre and provinces. Like the previous schemes, in case of conflicts, the authority of the Centre would be supreme.⁹⁴ The Constitution 1973 consisted of two lists i.e., federal and concurrent. The federal list of subjects comprised of two parts, part-I was contained with 59 items⁹⁵ and the part-II with 8 subjects, out of the total 67. The Part-

⁸⁹Government of Pakistan, *Government of India Act, 1935, (Provisional Constitution) Order, 1947*(Karachi: Manager of Publications, 1948), Seventh Schedule, 114-124.

⁹⁰The Part-V of the *Interim Constitution of Pakistan* describes the legislative relations between Centre and Provinces under the Articles 99-109.

⁹¹ Government of Pakistan, *The Constitution of the Islamic Republic of Pakistan 1956* (Karachi: Ministry of Law, 1956), Fifth Schedule, Article 106.

⁹² *Constitution of Pakistan 1956*, Article 109.

⁹³Government of Pakistan, *The Constitution of the Islamic Republic of Pakistan 1962 with Appendices and Index* (Karachi: Ministry of Law and Parliamentary Affairs, 1968), 151-157.

⁹⁴Muntzra Nazir, "A Comparative Study of the Constitutions of Pakistan and India," *Pakistan Institute of Legislative Development and Transparency*, Briefing Paper, no 18 (August 2004): 10.

⁹⁵ Anwar Shah, "The 18th Constitutional Amendment: Glue or Solvent for Nation Building and Citizenship in Pakistan?" *The Lahore Journal of Economics* 17, Special Edition (September 2012): 387-424. The most important subjects were currency, foreign trade, defence, nuclear energy, mineral resources, foreign citizenship, policy, post and telegraph, education, banking, national highways, strategic roads and other federal duties and taxes were the part of first list and second list contained on the railways, oil and gas, development of major industries, Water and Power Development Authority, revenue resources, economic planning and coordination and inter-provincial trade. See also,

I contained items over which only the Parliament could legislate. The Federal and Provincial governments could legislate over the Concurrent List; however, in case of conflict between Centre and provinces on the implementation of power, the supremacy of central government would be held.⁹⁶ Besides, all the said schemes provided provisions to settle the Centre-Province legislative domains.

In contextual to administrative relations, the Part-VI of the Interim Constitution of 1947 refers to the administrative relations between Centre and provinces. In case of administrative relations, the domain of administrative powers of the Centre conceived as the cause of contention.⁹⁷ Similar to Interim Constitution of 1947, the Constitution of 1956 also provided provisions for settling the Centre-Province administrative relations under the Part-IV. Like the legislative relations, in administrative sphere Constitution of 1956 also decided the authority of the Centre and the provinces. The transfer of railway in provincial list conceived as good omen.⁹⁸ The Constitution of 1962 provided exclusive provisions for settling the relations between Centre and provinces under the Part-VI. The Article 135 describes the extent of Centre and the Article 136 enumerated the authority of provinces in administrative sphere.

In case of financial relations, the interim Constitution of 1947 constituted the provisions for settling the relations between Centre and provinces. These provisions were referred under the Chapter-1 of the Part-VII under which the central authority in financial matters had dominant position as the main sources of income were allocated

Government of Pakistan, *Constitution of Islamic Republic of Pakistan 1973*(Karachi: Manager of Publication, 2004), Fourth Schedule.

⁹⁶*Constitution of Pakistan 1973*, Article 143.

⁹⁷The Part-VI of the Interim Constitution of 1947 refers to the administrative relations under the Articles 122-135

⁹⁸*Constitution of Pakistan 1956*, Article 132.

to the Centre.⁹⁹ The process of amendments in the interim constitution further extended the authority of the Centre in financial subjects.¹⁰⁰ In case of financial relations, alike the Interim Constitution of 1947, the Constitution of 1956 also provided provisions for settling the relations between Centre and provinces. The Chapter-II of the Part-VI deals with the financial relations that which allocated all major sources of income to the Centre and provinces had succeeded fewer sources of income. However, National Finance Commission (later will be NFC) was set up to settle the issues of distribution of financial resources between Centre and provinces.¹⁰¹ It survived not more than two and half years and its practice did not receive good repute in maintaining the Centre-Province relations. Gulshan Majeed stated about NFC as, “It could not prove well to maintain healthy relationship between Centre and provinces because of its unstructured framework.”¹⁰²

Hostility between Centre and provinces arose on the basis of supreme powers allocated to the Centre. The constitution was conceived insufficient in maintaining the Centre-Province relations regarding the division of legislative, administrative and financial powers. As mentioned above, the Interim Constitution of 1947 and the Constitution of 1956 introduced three lists i.e., central, provincial and concurrent. Strength was given to the Centre by allocating all the major sources of income as the matters of oil, gas and minerals to the Centre. The trend remained constantly part of the following Constitution of 1962 with a single difference that the strength of the Centre went to a person. As Lubna Kanwal pinpointed in these words, “Unlimited

⁹⁹ Financial relations debated in the Part-VII, Chapter-1 of the Interim Constitution of 1947.

¹⁰⁰ Nazir, *Early Years*, 209.

¹⁰¹ *Constitution of Pakistan 1956*, Article 118.

¹⁰² Gulshan Majeed and Syed Muhammad Ammar Hamdani, “Issues and Adjustment in Pakistan’s Federation,” *Journal of Political Studies* 22, no. 2 (Winter 2015):621.

presidential powers in the matters of legislation, administration and finance with only federal list made the provinces subject to the will of Ayub Khan.”¹⁰³

The distribution of financial powers also provided a conflictual picture from the very days of inception. Under the Interim Constitution of 1947, the subject of high revenue stuffed under the control of Centre by reducing the shares of provinces that were allocated to them under the Act of 1935¹⁰⁴ on the advice of¹⁰⁵ Archibald Rowlands.¹⁰⁶ On his advice, the provincial subjects, like, income tax, sales tax and custom duties were given to the Centre, marked the deficit in provincial income except from Punjab. This position created the provincial resentment against the Centre especially from East Pakistan.¹⁰⁷ Provinces pressed for revision of financial arrangements. In 1951, Sir Jeremy Raisman was appointed by the central government to examine allocation of financial resources between Centre and provinces.¹⁰⁸ The Raisman Award in 1952 relatively acceptable to East Pakistan but could not mark the sufficient results. The East Pakistan also complained that the province deprived from

¹⁰³Lubna Kanwal, “The Role of Punjab in Pakistan’s Politics 1947-1988” (PhD. Diss., Bahauddin Zakariya University Multan, 2009), 263.

¹⁰⁴After independence, the government of Pakistan met with a serious financial situation. To solve the problem, the central government of Pakistan decided to stop sharing income tax with provinces in the interim. The central government took over the sales tax which had been the provincial subject. But provinces were allowed 50% collection of net proceed within their areas, condition to a certain at least for East Pakistan. Half the sale taxes takings of Karachi Area were shared among the provinces and other units of West Pakistan. The Estate Duty which had been the provincial subject of revenue under the Constitution of India Act 1935 was also centralized. Government of Pakistan, *Economic Survey: 1961-1962* (Rawalpindi: Economic Adviser to the Government of Pakistan, Ministry of Finance, 1962), 156.

¹⁰⁵Nazir, *Early Years*, 148.

¹⁰⁶In 1946, Archibald Rowlands was a finance member in the Executive Council of Viceroy in India. He was invited in Pakistan by the Quaid-i-Azam Mohammed Ali Jinnah for taking his advice in the settlement of financial matters. Hafeez Malik, *Soviet-Pakistan Relations and Post-Soviet Dynamics, 1947-92* (London: Macmillan Press, 1994), 38.

¹⁰⁷Nazir, *Early Years*, 148.

¹⁰⁸Riesman was remained finance member in the Executive Council of the Governor General of India. He was a British fiscal expert. He presented his financial enquiry report regarding the allocation of sources between Centre and provinces. The detail of his recommendations is existed in the; Pakistan, *Economic Survey: 1961-62*, 156.

its due share in revenue of jute.¹⁰⁹ The East Pakistan considered it in favor of the West Pakistan. On the other hand, the provinces of Punjab and Sindh demanded a share of the export duty on cotton.¹¹⁰ The Constitution of 1956, in large extent was similar to the Interim Constitution of 1947 except from two subjects that were returned to the province. Since, stamp duty and Estate and succession duties on agricultural land regained the status as provincial subject.¹¹¹ The NFC was also constituted under the Article 118¹¹² to settle the distribution of financial matters between Centre and provinces. In spite of these measures, the Centre-Province relations could not hold good opinion as East Pakistan demanded regional autonomy whereas the smaller province of West Pakistan claimed the breakup of one-unit. The Constitution of 1962 designed a scheme of financial relations and also constituted the NFC under the Article 144 to allocate and distribute the resources between Centre and province. But non-specific provision was included to specify the provincial representation in the NFC.¹¹³ In the absence of provincial representatives, its recommendations could not get legal value. The Constitution of 1973 provided a provision for the Centre-Province relation that will be discussed in chapter 4. However, Sindh, KP, and Balochistan, mainly the Balochistan and Sindh, have voiced protests on the allocation of economic powers under the National Financial Commission Award 1974. They have revealed harsh attitude to the dominance of Punjab in the Council of Coordination for Common Interests (CCI).¹¹⁴ CCI was formed under the Constitution

¹⁰⁹Ali, *Politics of Federalism*, 65-66.

¹¹⁰Kanwal, "The Role of Punjab," 119.

¹¹¹Ali, *Politics of Federalism*, 103.

¹¹²*Constitution of Pakistan 1956*, Article 118.

¹¹³Rabbani, *A Biography of Pakistani Federalism*, 65.

¹¹⁴Kundi, "Problems & Prospects," 46.

of 1973 for solving the problems and removing the Centre-Province disputes as well as to convince the differences of provinces over the distribution of funds or resources.¹¹⁵ Balochistan was against the NFC plan of allocating the share on the basis of population, while “Balochistan raised its demand that the allotment of funds on the basis of area may not be ruled out.”¹¹⁶

Besides, the distribution of legislative, administrative and financial powers raised one more question that was associated with constitutional relations; emergency powers and powers of governors. It was more difficult than aforementioned problem and polluted the situation of Centre-province relations. Moreover, significance of emergency powers and powers of governors cannot be ignored in the context of constitutional nature of Centre-Province relations. This segment remained the essential part of each constitutional scheme implemented in Pakistan and cause of contention between Centre and provinces in the background period of the study. The emergency provisions of the constitution empowered the Centre to enforce emergency in case of war, internal disturbance, and in case of constitutional and economic catastrophe.¹¹⁷ In the context of emergency provisions, Centre constituted its authority toward provincial governments. The emergency powers conceived as contrary to the provincial autonomy. Apart from the emergency powers, another dilemma that remained a cause of concern for the provinces against the Centre was powers of governors. The administrative powers of governor increased to govern the province in emergency. The provincial governor conceived as tool used by the Centre to interfere in the matters of provinces owing to the Articles 105 and 145 of the Constitution of

¹¹⁵*Constitution of Pakistan 1973*, Article 153.

¹¹⁶Kundi, “Problems & Prospects,” 47.

¹¹⁷See for detail *Constitution of Pakistan 1973*, Part X, Articles 232-237.

1973. The Article 105 bound the governor to act on the advice of the Chief Minister as well. Article 145 authorized the President to direct governors to discharge certain functions as his agent. "The President may direct the governor of any province as his agent, either generally or in particular matter."¹¹⁸ The removal of provincial ministries addressed as the result of these powers of central government.

The other everlasting constitutional issue which shapes the conflict nature of Centre-Province relations in background history was the representation in the legislative assembly between the two regions of Pakistan. The eastern region demanded the population base representation while western region wanted the territorial base representation and the reasons for these demands were self-evident. One-unit¹¹⁹ was created as a solution with the amalgamation of provinces of western region and equal representation was given to both the regions on the parity based formula.¹²⁰ The one-unit Scheme exercised under the Constitutions of 1956 and 1962. But instead of coping the problem, one-unit Scheme spaced a new controversy. Since the Centre faced strong opposition against the one-unit scheme in the smaller provinces like Sindh, KP and Balochistan.¹²¹ After the secession of 1971 and splitting of one-unit into provinces, there was no improvement in this context as demographic asymmetry existed in the natural structure. Punjab was the largest province

¹¹⁸Ibid., Article 105, 145. In the Interim Constitution, Section 51-5 deals with the powers of Provincial governor.

¹¹⁹ "The One Unit Scheme was the idea, ascendant briefly in the mid 1950s, that the provinces of the North West Frontier, the Punjab, Sindh, Baluchistan, and the Princely States and Frontier regions should be brought together into a united province of West Pakistan." Peter Lyon, *Conflict between India and Pakistan: An Encyclopedia Roots of Modern Conflict* (Oxford: ABC-CLIO, 2008), 129.

¹²⁰Rizwan Malik, *The Politics of One Unit, 1955-1958* (Lahore: Pakistan Study Centre, University of Punjab, 1988), 5.

¹²¹ Sheikh Asad Rahman, "A case Study on the Lack of Democracy and Socio Economic Development of Balochistan." in *strengthen Democracy in South Asia* (Lahore: Citizence Commission for Human Development, 2008), 386.

comprising of 55.66% population, Sindh 22.99 %, KP 13.41%, and Balochistan 4.96 % population of the total in 1998. After the secession of East Pakistan, population based representation was only apt to Punjab. The Constitution of 1973 divided the seats on the population basis under the Article 51-(5) which annoyed the small provinces particularly, KP, and Balochistan. This constitutional problem linked with the natural structure as the problem basically concerned with the demographical structure of the country. This demographic issue primarily caused the deadlock in legislation and later a drift in Centre-Province relations.

Summarizing the overall discussion, in the eyes of political scholars, historically centralization remained a main constitutional concern between Centre and provinces. It is common perception that the constitutional nature of Centre-Province relations in Pakistan is centralized as in India and Malaysia equally because Government of India Act 1935 adopted as a model constitution in these countries. Interim Constitution of 1947 documented as highly centralized nature of Centre-Province relations as the Centre had so strong a gripe on the legislative, administrative and economic aspects, that all provided for the strong Centre.¹²² Constitutional nature widely gained shape according to natural structure of the federation that gave hand to delay of constitutional journey of Pakistan as the first Constitution of Pakistan, appeared in 1956 took nine years to structure.¹²³ The constitution that developed after nine years was also conceived highly centralized in nature but less than previous. The nature of the Constitution of 1962 was also centralized as the constitution tabled the

¹²²Ali, *Politics of Federalism*, 40.

¹²³ The part six of the Constitution of 1956 describes the relations between Centre and provinces; contained on Article 105 to 132. The part six was consisted of four chapters. The first chapter regarding the legislative powers, contained on Articles 105 to 111, the second chapter detailed the financial provisions under the Articles 112 to 119, the third chapter that related to audit and accounts consisted of Articles 120 to 124 would not the preview of this study and the fourth chapter decided the administrative relations between the federation and the provinces under the Articles 125 to 132.

scheme of dividing the powers between Centre and provinces and kept all significant stuffs for the Centre in single list. The second Constitution of Pakistan was abrogated after seven years of its origin in 1969.

Afterward Legal Framework Order introduced by the second military government of Pakistan in 29th March 1970. Legal Framework Order culminated in the secession of eastern part of the country. The Interim Constitution of 1972, criticized by the scholars as most awful than thousand of martial laws due to the providing of unlimited powers to the President. The Centre-Province relations could not hold good opinion in the Interim Constitution of 1972. The Constitution of 1973 provides a better form in the context of shaping the constitutional nature of Centre-Province relations against the earlier two constitutional schemes. It formed institutions for creating harmonious relations. As Muntzra says, “the 1973 constitution although contains certain provisions which reflects the tendencies of centralisation, provides greater provincial autonomy as compared to the previous constitutions.”¹²⁴ Unstintingly, up to the selected period for this study constitution skewed towards centralization in the opinion of the scholars. As Lubna Kanwal says, “the constitution of 1973 provided structural arrangement for Centre-Province relations in Pakistan but could not change the centralized nature of power-mechanism.”¹²⁵ The Eighth Amendment in the Constitution of 1973, “gave greater power to the smaller provinces in the matter of decision making,”¹²⁶ and made the office of President stronger by

¹²⁴Nazir, “Issues of Federalism,” 121.

¹²⁵Kanwal, “Centre-Provinces Relations during Zulfikar Ali Bhutto Era,” 43.

¹²⁶Zubair Faisal Abbasi, *Federalism, Provincial Autonomy, and Conflicts* (Islamabad: Centre for Peace and Development Initiatives, 2010), 23.

giving him the right of dissolving the national assembly.¹²⁷ Centralization was conceived a cause of conflicts between Centre and provinces, the main contention that was employed by the centralization was the demand of provincial autonomy. As Muntzra says, “the establishment of highly centralized government did not allow provinces to have a real sense of participation or power-sharing in the federal system. This state of affairs produced demands for greater provincial autonomy.”¹²⁸ All provinces have agreed for counter to the dominating role that was given to the Centre under the Constitution of 1973 which polluted the air of relations between Centre and provinces. Though the 18th Amendment which marked the paradigm shift and brought a major change in the de jure nature of Centre-Province relations is not the purview of this thesis but it has been discussed under the conclusion of the study. This brief overview marked that the nature of Centre province relations constructed in constitutional structure stayed conflictual.

1.3.2 Nature of Relations in Actual Process and Political Practices

Perhaps the most far reaching yet often least appreciated dimensions of Centre-Province relations are its inherent commitment to political practices. Political practices have title character in shaping the harmonious or conflictual nature of relations between Centre and provinces. A nature that which based on the prerequisites or natural structure of the country as such geography, economy, demography, culture and politics termed as political nature.¹²⁹ The harmony in natural

¹²⁷The Constitution (Eighth Amendment) Act, 1985, in *The Gazette of Pakistan* (Extraordinary), Part-1, Clause 5, November 11, 1989.

¹²⁸Nazir, “Issues of Federalism,” 126.

¹²⁹Its explanation is that the differences in structural features when accentuated by the political elites to project their personal interest and sometimes for brightening their politics penetrated the conflict in the nature of Centre-Province relations.

structure is a must for stable and harmonious relations between Centre and provinces in any federation. To bring harmony in Centre-Province relations requires a measure for political harmony which cannot develop if asymmetries in the 'prerequisites' of federating units of the federation come to be everlasting structural features. Scholars have commented different arguments in this context. For instance, Jaffar Ahmed has precisely pinpointed that the socio political diversities impact over Centre-Province relations.¹³⁰ Jan Erk approves the significance of social factors as they cooperate with institutional components.¹³¹ He stated as, "Harmony and conflict has concerned with the values, beliefs, and interest natural in federation as Livingstone focuses on the "societal factors."¹³² The ingredients or preconditions of natural structure have dominant role in shaping the nature of Centre-Province relations. If the natural structure or de facto structure of the country would be symmetrical, the relations between Centre and provinces would be harmonious. The opinion extracted from the Tarlton's views specified that the more symmetrical federation will be more harmonious and unified as he stated, "if the system is highly asymmetrical in its components, then a harmonious federal system is unlikely to develop."¹³³ To scan the nature of Centre-Province political relations in a specific country it is must to underline the attitude of the political elites. They often accentuated their demands on the base of the natural variances of the country to project their political interest. To underline the hypotheses of the study a framework is designed to find out the issues in nature of political relations that structured the conflicts in the nature of Centre-

¹³⁰ Ahmed, *A Constitutional Study*, 42.

¹³¹ Jan Erk, *Explaining Federalism: State, Society and Congruence in Austria, Belgium, Canada, Germany, and Switzerland* (New York: Routledge, 2008), 4.

¹³² Ibid.

¹³³ Tarlton, "Symmetry and Asymmetry," 872-873.

Province relations under which some basic features of political relations are highlighted.

Pakistan had nurtured the structure from the British period. Mistrust, doubt, and conflicts between the Centre and provinces were aggravated in Pakistan from the very days of its inception. The first, important feature that which had the great influence in shaping the nature of Centre-Province relations was the geography of Pakistan. Geographic contiguity helps to develop a mutual consensus, and national unity which is difficult in non contiguity. Geographic contiguity facilitates the smooth working of Centre-Province relations. Absence of this geographic feature affected the relations between Centre and provinces in Pakistan. A gulf of 1000 miles distance between the Centre and eastern wing had halted the way of harmony in first period of its history. The long geographical distance contributed the lack of consensus and nature of differences between the two centers of powers. This feature of the country became the bone of contention between Centre and eastern wing when, “on the basis of geographical separation, the members from the east Bengal in the Legislative Assembly had consistently demanded for provincial autonomy.”¹³⁴ The issue of provincial autonomy almost faced to many federal countries. This issue complicated the situation due to disparities of natural structure. Political elites from western wing were in favour of the strong Centre on the base of geographic distance and other disparities. The eastern wing claimed provincial autonomy on grounds of same factor to unite country. The demand of provincial autonomy continuously affected the Centre-Province relations. Even after the separation of 1971; provincial autonomy became the constant demand of the provinces of Pakistan. Muntzra has rightly pointed out “The 1973 constitution attempt to solve the question of provincial autonomy and

¹³⁴ Ali, *Politics of Federalism*, 11.

it provided more powers to the provinces than the previous constitution,” yet the elected régimes from 1971- 1977 and 1985-1999 disrupted the “provincial autonomy and rights” decided in the constitution.¹³⁵ It is painful to note that even after seventy years of independence; Pakistan unfitted to cope with the problems of Centre-Province relations mainly due to disrupting the constitution.

Besides geographic distance, topography of the country is also important in this context. The structure of Pakistan was not free from topographical asymmetries. The both wings of Pakistan had fundamental differences in physical structure and the provinces of the west part also had the same question. These differences were revealed in the living styles, diet, dresses, and physique even in the nature of the masses which halted the way of consensus.¹³⁶ These asymmetries in some extent gave a way to political practitioners for tilting the disdain in regions against the Centre for their personal cause for example, in East Pakistan, against the central government of Karachi and after the secession in the smaller provinces, against the central government of Islamabad. This political attitude created the conflictual nature of Centre-Province relations.

Apart from this, Demographical condition of the country also gave birth to the nature of disputes over the legislative, administrative and financial relations. The issue of representation and division of power earlier between the east and western region and later among the four provinces of Pakistan remained the cause of concerns which created the conflicts between Centre and provinces. East Pakistan proposed a leading position on the basis of demographic majority and claimed the population base representation. The small provinces wanted the representation on the basis of

¹³⁵ Nazir, “Issues of Federalism,” 126.

¹³⁶ Nazir. *Early Years*, 82.

territory. Parity base representation also failed to stable the situation. Punjab, as the second largest in population before the secession of East Pakistan in 1971 and the largest after the separation of East Pakistan dose not want to loose its inherited significant position in the structure and administration of the country. The issue of representation tilted the ground for controversies which create the nature of conflicts between Centre and provinces. As Sajjad Akhtar says, “The province of Punjab roughly contains 50 percent of the population and the rest of 3 provinces, i.e., Sindh, North West Frontier Province (NWFP) and Baluchistan, the remaining 50 percent population, which has generated an inherent concentration in terms of political representation.”¹³⁷

The issue of representation in civil-military services was also created resentment in Centre-Province relations. The under representation of East Pakistan, Sindh and Balochistan was generated the imbalance in the institutions of great importance. To cope with the problem, in 1949, quota system was introduced by the government. This quota policy became the part of Constitution of 1956¹³⁸ and the Constitution of 1962.¹³⁹ Besides, the proportion in civil and military services lower than specified quota for the provinces also caused discontentment against the Centre in East Pakistan.¹⁴⁰ Even after the separation of eastern wing this issue of great importance remained unresolved. For instance, in 1983, Zia regime faced discontentment from the Sindh province which had several reasons one of them was regarding the lower representation of Sindh in civil-military services. Rakisits stated

¹³⁷Sajjad Akhtar, “Trends in Regional Inequalities in Pakistan: Evidence since 1998,” *The Lahore Journal of Economics*, Special Edition (September 2008): 205.

¹³⁸*Constitution of Pakistan 1956*, Article 17.

¹³⁹*Constitution of Pakistan 1962*, Article 240.

¹⁴⁰Jahan, *Bangladesh Politics*, 4-11.

truly, “Sindhi representation in the civil and the military services already low under Bhutto and further deteriorated after his ouster.”¹⁴¹ This was result of disrespect of the constitutional provisions by the political authorities.

On the other hand, the nature of Centre-Province relations develop in the ethnic, linguistic and cultural disparities under the federal society as exist in Canada; Nigeria, India and these disparities are also the part of Pakistan. West Pakistan was a land of diverse ethnic and cultural masses, they communicate in different languages as Punjabi, Sindh, Pashto and Ballochi are major languages.¹⁴² Thus Pakistan was a multilingual society and lingual phenomena had a great role in shaping the conflicts in the nature of Centre-Province relations. Language controversy started between Centre and eastern region of the country within the very days of its establishment. The case of Bengali language movement fired the dispute between Centre and province.¹⁴³ Bilingual policy of national language that which decided in 1954 failed to create harmonious relations between Centre and its eastern wing due to dissatisfaction of political elites. The situation was aggravated because of the personal tussles and interests of leadership. This was not the end, this movement also paved the way for Sindhi, Pashto, Ballochi and Sirayki movements in the next decades. Syed Mehmud-

¹⁴¹ Rakisits stated as, “For example, rural Sindh in the central administrative Secretariat was, according to the established quota, allowed to have 11.4 percent of the positions. However, their actual representation was substantially lower, with 5.0 percent in grades 16 to 22 and 3.7 percent in grades 20 to 22.” C. G. P. Rakisits, “Centre-Provinces Relations in Pakistan under President Zia: The Government's and the Opposition's Approaches,” *Pacific Affairs* 61, no. 1 (Spring 1988): 81, accessed September 30, 2017, <http://www.jstor.org/stable/2758073>.

¹⁴² See for detail of the language controversies and language movements in Pakistan; Alyssa Ayres. *Speaking Like a State: Language and Nationalism in Pakistan* (New York: Cambridge University Press, 2009). Michael Edward Brown and Sumit Ganguly, eds. *Fighting Words: Language Policy and Ethnic Relations in Asia* (London: The MIT Press, 2003). Mehtab Ali Shah, *The Foreign Policy of Pakistan: Ethnic Impacts on Diplomacy, 1971-1994*(London: I.B. Tauris, 1997).

¹⁴³Hakeem Arshad Qureshi, *The 1971 Indo-Pak War: A Soldier's Narrative* (Karachi: Oxford University Press, 2002), 13. Scott Gates and Kaushik Roy, *Unconventional Warfare in South Asia: Shadow Warriors and Counterinsurgency* (Farnham: Ashgate, 2014), 113. Mussarat Jabeen, Amir Ali Chandio and Zarina Qasim, “Language Controversy: Impacts on National Politics and Secession of East Pakistan,” *Journal of South Asian Studies* 25, no. 1(January-June 2010):100.

un-Nasir stated as, “language issue not only complicated and dead locked the constitution making but also had a great impact on current politics of Pakistan.”¹⁴⁴

Another problem which added the complication between Centre and provinces relations was the electoral system.¹⁴⁵ The East wing of Pakistan demanded the joint electorate system. It was the demand of Hindu leadership of the East Pakistan while, leadership of the West Pakistan demanded separate electorate.¹⁴⁶ This clash of elite’s opinion disturbed the situation of relations between Centre and provinces and delayed the process of constitution making. The clash was coped with accepting the separate electorate for the West Pakistan and joint electorate for East Pakistan in the session of legislative assembly in October 1956.¹⁴⁷ The system of joint electorate was adopted for the whole country in the Constitution of 1962 by the military government of Mohammed Ayub Khan.¹⁴⁸

Equally important interregional economical disparities as Russia, India and Canada are more conspicuous cases “Especially when conflicts arose, such as those between rich revenue generating regions and poor regions.”¹⁴⁹ Pakistan had not

¹⁴⁴Syed Mahmud-un-Nasir, *Constitutional History of Pakistan* (Lahore: Mansoor Book House, 1980), 45.

¹⁴⁵ Separate electorate was the demand of Muslim League that was accepted in 1909 by the British government of India and after the partition the Hindu minority of East Pakistan was against the separate electorate. The West Pakistan supported the system of separate electorate. To remove the controversy joint electorate system was decided for East Pakistan and separate electorate system for West Pakistan. It was unnatural and against not only the heritage of Pakistan but also for federalism as federalism is a system to maintain the due share of minorities and the Muslim league demanded the separate electorate to save the identity of the Muslim nation in India. The new state of Pakistan decided the separate electorate for saving the identity of the non Muslim community but by Bangla Hindu nation it was rejected in East Pakistan.

¹⁴⁶Rasul Bakhsh Rais, “Identity Politics and Minorities in Pakistan,” in *South Asia, the Spectre of Terrorism*, eds. P. R. Kumaraswamy and Ian Copland (New York: Routledge, 2009), 120.

¹⁴⁷ *National Assembly of Pakistan Parliamentary Debates: Official Reports*, session 2nd, Vol. II, no.4, October 11, 1956, 8-139.

¹⁴⁸Rais, “Identity Politic, 120.

¹⁴⁹ Lilia Shevtsova, “Russia Unconsolidated Democracy, Creeping Authoritarianism, or Unresolved Stagnation,” in *Beyond State Crisis? Post-Colonial Africa and Post-Soviet Eurasia in*

remained out of this case as regional economic disparities were the cause of contention between Centre and provinces. Financial complications grow into the crucial mandate of eastern part of Pakistan. So, economy is another type which shapes the conflict nature. Michael Burgess was of the view that a better-off province has the capitals and political pull to accommodate ability for upholding a firm amount of self-sufficiency in the federations.¹⁵⁰ One example is Canada and the same situation was in Pakistan as Bengali resisted the domination of western part in their economic life and feeling as they had been treated as the colony of the government of Rawalpindi, which led to the nature of conflicts between Centre and provinces. As Gulshan Majeed says “Economic disparities at a widened scale between two wings created a gulf, which could not be bridged up by the central ruling authority.”¹⁵¹ Economic variances cultivated the major discontentment in the provinces against the Centre. The NFC was constituted under the Constitution of 1956 to accommodate the revenue issues between Centre and provinces. But political authorities of the Centre did not give respect to this constitutional provision despite the serious demand for constituting the NFC by the members of National Assembly from the provinces.¹⁵² Hence, the provinces could not gain the powers constituted in the Constitution of 1956 which gave a set back to the Centre-Province relations. Afterward, during the military period economic gap was widened between two regions. It provided an opportunity to Sheikh Mujeeb-ur-Rehman in projecting his political interest. He presented the concept of separate economy for East Pakistan in his so-called six point

Comparative Perspective, eds. Mark Beissinger and M. Crawford Young (Washington: Woodrow Wilson, 2002), 235.

¹⁵⁰ Burgess, *Comparative Federalism*, 218.

¹⁵¹ Gulshan Majeed, “Problems of National Integration in Pakistan,” *Journal of Political Studies* 21, no.2 (Winter 2014): 75.

¹⁵² Ali, *Politics of Federalism*, 104-105, 109.

formula.¹⁵³ Since, he claimed the two separate currencies and separate accounts for two wings of Pakistan. He also demanded that the dealing of economic matters and tax collection should be provincial subject.¹⁵⁴ The central government of Pakistan did not accept his demand which resulted in a serious conflict.

Central government faced trouble in developing the consensus among the provinces on the distribution of the funds. All provinces had been supporting the procedure of their own advantage for allocating the share in “federal divisible pool.” Punjab wanted the allocation of funds on the population, Sindh in favour of revenue collection while KP and Balochistan demanded the allocation on the base of backwardness or poverty. Besides, provinces demanded the increase in their share from 37.5% to 50%. These issues promoted the nature of resentment and conflicts between Centre and provinces. KP called for increase in “net profit of hydro-power” generated in the province. The contentions caused between Centre and Balochistan on the issues of gas royalty, share in the services, and strong authority of the central government on the projects initiated in Balochistan for the development of the province.¹⁵⁵

Political elites were a central element in developing the nature of Centre-Province relations. Centre-Province resilience relations are based on more than just socio-economic, geographic, demographic and cultural differences to function of political elites. The federation required benefit elites for successful Centre-Province relations. As Sharif al Mujahid stated, “Apart from cultural, linguistic and

¹⁵³Ghulam Mustafa and Adil Nawaz, “The Separation of East Pakistan: Socio-Economic Factors,” *Asian Journal of Multidisciplinary Studies* 2, no.1 (January 2014): 47, accessed January 20, 2018, <http://www.ajms.co.in/sites/ajms2015/index.php/ajms/article/view/156/152>.

¹⁵⁴Gyasuddin Molla. *The Awami League: from Charismatic Leadership to Political Party.* in *Political Parties in South Asia*, eds. Subrata Kumar Mitra, Mike Enskat, and Clemens Spieb (Westport: Praeger, 2004), 219.

¹⁵⁵Nazir, “Issues of Federalism,” 122- 123.

socioeconomic factors, geographical discontinuity between East and West Pakistan should have prompted the leadership to work out a truly federal structure, enabling the two regions to develop along their own lines and providing opportunities for development and self sufficiency in each region. But they failed to learn from history.”¹⁵⁶ Since, the political elites not only play a pivotal role in the construction of constitution acceptable to all but its healthy implementation also depends on them. The defective working of the constitution caused controversies between two tiers of government. For example the railway was the central subject and transferred to the provinces under the Constitution of 1956 and it conceived as good omen but later it marked controversy between Centre and provinces. The provincial leaders claimed the transfer of railway but no action was taken by the central elites gave the respect to this constitutional provision. The railway remained under the central control which caused discontentment.¹⁵⁷ The personal interest and mutual controversies of the leadership also caused trouble to Centre-Province relations. The first dissent that troubled and weakened the strength of Centre-Province relations in nascent Pakistan appeared in KP, staunch opponent elite Abdul Ghaffar Khan who did not want the creation of Pakistan led the stunt of Pakhtunistan, an independent state of Pashtuns.¹⁵⁸ Mamdot-Daultana dissensions in Punjab, Ayub Khoro dissent with Centre on the rehabilitation of refuges in Sindh, Bhutto-Mujeeb dispute played a pivotal role in disrupting the political relations between Centre and provinces. Bhutto revealed feeling for a strong role of the central government which shaped dissatisfaction amongst the provinces such as Balochistan and KP with the Centre. As Muntzra says, “the attitude of the political actors mainly the federal level caused much trouble in the

¹⁵⁶Sharif al Mujahid, “Finding Balance between Unity and Diversity,” 19.

¹⁵⁷Ali, *Politics of Federalism*, 96.

¹⁵⁸ Ayres, *Speaking Like a State: Language and Nationalism*, 59.

Centre-Province relations in Pakistan.”¹⁵⁹ Waseem was of the view, “Political leadership from Centre and provinces failed to evolve consensus over rules of game or shared constitutional goals.”¹⁶⁰ Mutual controversies of leadership led to the destruction of Centre-Province relations and dissolution of the provincial ministries. The constitutional period of Zulfikar Ali Bhutto also manifest the strong authority of Centre which caused the bitterness with the Centre by the two provinces KP and Balochistan.¹⁶¹ Its constitution form 1988-1999 will be discussed in later chapters. Moreover political parties also play a key role in determining the nature of relations between two orders of government. The government of a single party must at both levels to “fill the gap between national and regional interests”¹⁶² and maintaining the harmonious relations between Centre and provinces. Since, the existence of provincial and ethnic based parties and the ebb and flow in the relations between central and provincial parties have vital importance in shaping the conflicts in the nature of Centre-Province relations. Political parties of Pakistan have dominant role in this sphere. In the case of Pakistan, the founding party Muslim League relapse its prestige in the provinces particularly in East Pakistan soon after the establishment of Pakistan. The regional and ethnic base parties emerged which caused the trouble in relations between Centre and provinces. Since, the Awami League of East Pakistan stood

¹⁵⁹Nazir, *Early Years*, 218.

¹⁶⁰Mohammad Waseem, “Political Development and Conflict Resolution in Pakistan,” *The Pakistan Development Review* 36, no. 4-11(Winter 1997): 722.

¹⁶¹Kundi, “Problems & Prospects,” 41. See also Samina Ahmed, “Centralization, Authoritarianism, and the Mismanagement of Ethnic Relations in Pakistan,” in *Government Policies and Ethnic Relations in Asia and the Pacific*, eds. Michael Edward Brown and Sumit Ganguly(London: The MTS Press,1997), 104.

¹⁶²Amna Mahmood, “Regional Political Parties: Challenge to Political Stability of Pakistan,” *Pakistan Vision*15, no. 2 (2014): 3.

against the policies of the central party.¹⁶³ The language controversy provided it a chance to be the champion of Bengali nation. The Awami League flared the controversy against the language policy of the Centre.¹⁶⁴ It left no stone unturned in heightening the disdain against the Centre in East Pakistan. It united the other regional parties and forged the United Front against the Centre. In the meanwhile, in 1954, the provincial election was held in East Pakistan which culminated in the total collapse of the Muslim League and success of regional parties in East Pakistan.¹⁶⁵ The Muslim League secured only 10 seats out of 309.¹⁶⁶ This situation led to a power tussle between central party and regional parties which enhanced the growth of Centre-Province tensions. The United Front in which Awami League had a prominent position succeeded to establish the government in East Pakistan. But a controversy started between the Centre and the new provincial government of East Pakistan.¹⁶⁷ This controversy led the removal of United Front Ministry central government of Muslim League dismissed the ministry and enforced the governor rule there.¹⁶⁸ In the West Pakistan, the Muslim League, party of the Centre and its provincial branches had dissensions and non-consensus over the issues of national importance. The controversy was noted on the separation of Karachi from Sindh, rehabilitation of refugees, one-unit scheme which led to the dismissal of provincial ministries from time to time. The general election of 1970 was too slow that no party had won

¹⁶³The progressive faction of the East Pakistan Muslim League was dissatisfied with the policies of the Centre. In June 1949, they formed East Pakistan Awami League.

¹⁶⁴Molla, *Awami League*, 217.

¹⁶⁵Pervaiz Iqbal Cheema, "The Muslim League: Decline of a National Party," in *Political Parties in South Asia*, eds. Subrata Kumar Mitra, Mike Enskat, and Clemenc Spieb (Westport: Praeger, 2004), 139.

¹⁶⁶Omer Noman, *Pakistan: Political and Economic History since 1947* (New York: Routledge, 2009), 14; Aziz, *Party Politics*, 16.

¹⁶⁷Aziz, *Party Politics*, 17-20.

¹⁶⁸Molla, *Awami League*, 218. Noman, *Pakistan*, 14.

significant and dominant representation in the Centre and the provinces. The Centre-Province relations were also effected during Zulfikar Ali Bhutto period due to the role of Centre through party politics. Bhutto enhanced the central authority in the provinces where his party (PPP) has little representation. Dispute emerged between the Centre and Balochistan and KP provinces. On the other hand, regional parties also had a starring role in adding the miseries for the Centre and in creating Centre-Province conflicts. Particularly, when, a central party could not hold its rule over all the provinces. Muslim League was the founder party of the Pakistan. It had lost the prestige in the East Pakistan within a short span after the establishment of Pakistan. The more troubled situation was noted after the Zia period during 1988-1999.

Conclusion

The crucial points of this chapter are two, the one is that: Is the relations between Centre and province important for the sustainability of any federation as entity? Through observing the facts, it becomes clear that Centre-Province relations are the matter of much importance for any federation. The stability, strength and life of the federation linked with the nature of Centre-Province relations. In the case of conflictual relations, federation could face the disturbance, secession, dismemberment, complete collapse and destruction of democracy. The 'relation' between Centre and provinces is most important segment and harmonious relations are obligatory for the stability and strength of the country and successful democracy.

The second point; what was the nature of Centre-Province relations in the federation of Pakistan? Pakistan has had been a highly heterogeneous society. The distinctive geography of Pakistan and provincial asymmetries pleaded for federal form of government. The constitution has key role in shaping the nature of Centre-

Province relations in federal system of government and afterward its implementation by political elites has a key role in determining the nature of Centre-Province relations.

The early decade of Pakistan was the years of disagreement between Centre and provinces. All constitutional schemes implemented in Pakistan provided provisions for settling the relations between Centre and provinces. The conflicts were on the division of legislative, administrative, and financial powers between Centre and provinces as supreme authority was given to the Centre. Moreover, the emergency powers and the powers of governors were also conceived as cause of contention. The representation in the legislative assembly was another problem and created the dissensions. The issue of representation was solved by the principle of parity with a unicameral parliament under the Constitutions of 1956 and 1962. The said question also gained strength during the formation of the Constitution of 1973.¹⁶⁹ The situation on the other side was not different in case of nature of relations in actual process and political process.

Provincial asymmetries i.e., Geographical distance, topographical variances, demographical and economic disparities were inflamed by the political elites in early period. Geographical remoteness started the clash between two regions on the issue of strong or weak Centre. East Pakistan's political elites claimed the provincial autonomy and weak Centre while the west wing was in the favour of strong Centre for strengthening the unity. This inter-regional opinion dissension turned into strong controversy which developed the discontentment in relations between Centre and

¹⁶⁹ Previously the political leadership of the provinces was resented on the parity base representation in the legislative assembly as their demand was the population base distribution of seat in the legislative assembly. That was also counted as a cause of secession of the East Pakistan by the scholars. Afterward, the population base formula was accepted in the constitution of 1973 that was also rejected by the smaller provinces. They offended on their less representation in the face of Punjab.

provinces. The issues of provincial representation in the legislative assembly and in the Civil-military services were also arose. Parity formula was rejected. Since, Mujeeb-ur-Rehman demanded the population based representation for East Pakistan and the smaller provinces Sindh, KP and Balochistan were against the population based representation and one-unit scheme. Language controversy was another problem. Constitutional step was taken to cope with the language issue by the application of bilingual formula but the controversy could not be removed. Electoral system also culminated the controversy between Centre and provinces. The political leadership of eastern region claimed the joint electoral system while the separate electoral system was the demand of western region. Financial disputes became more serious problem. These conflicts knotted with the leadership's conflicts and party's tussle. There was high tendency among the governing leadership of not obeying the constitution as NFC and CCI could not function properly, agreed provincial autonomy could not find grounds and frequent devolution of provincial governments. The absence of harmony and resilience in the attitude of the political actors, at provincial and central level caused great deficit to the Centre-Province relations in Pakistan.

The conclusion determines that the nature of Centre-Province relations stayed conflictual. Though, the Centre was held the upper hand in powers, and was resented the provinces but more conflicts were created by political elites through flaming the natural variances and defective implementation. To find out the most decisive factor in shaping conflictual relations between Centre and provinces is the further objective of the study. The study will explore the said objective in specific time 1988-1999 by considering the legislative, administrative, financial and political relations.

CHAPTER-2

EXAMINATION OF THE CENTRE-PROVINCE LEGISLATIVE RELATIONS IN PAKISTAN, 1988-1999

Introduction

First chapter confirmed that the importance of harmonious relations between Centre and provinces cannot be overruled for the stability and strength of any federation. After examining the natural structure of the country, chapter-1 argues that Pakistan is a heterogeneous society which is accountable for the implication of federal system of government in Pakistan. Federalism is conceived as a device to solve the inherited disparities in the natural structure of the country with a written constitution that decides the domains of central and provincial powers. Natural structure of the country plays a pivotal role in shaping the constitutional structure. The nature of Centre-Province relations flourished at two levels i.e. first in the construction of constitutional structure and second in practice or implementation of constitutional structure.

Taking together, an answer of the main problem i.e. what was the nature of Centre-Province relations in Pakistan?, has been obtained after the concise background analysis of both constitution and political practices, that supported the argument of the study. The argument claims that the Centre-Province relations stayed conflictual in Pakistan and political factors are more decisive in creating conflicts. In order to prove further the worth of this assumption, a specific era (1988-1999) was selected for taking the vast observation and study strived to demonstrate the legislative relations between Centre and provinces in Pakistan in this chapter.

As mentioned above, this study starts from examining the legislative aspects of the Centre-Province relations in Pakistan in a specific period. The whole discussion has been divided under the two major sections. In the first section, a historical overview of the gradual evolution of legislative relations before the adoption of the present constitution is also given and legislative structure ratified under the Constitution of Pakistan 1973 has been observed in depth. The Constitution of 1973 provides provisions for governing the Centre-Province legislative relations. The constitution also divides the legislative powers between Centre and provinces numbered in the fourth schedule of the Constitution of 1973. Besides, the constitution provides special provisions to resolve the conflict on legislative issues. This section has highlighted the provision of the constitution for governing the Centre-Province legislative relations, list of legislative powers that enumerated in the fourth schedule and special provisions itemized in the chapter three (part V), which is related with legislative relations. The term relation in constitutional provisions is applied for this section.

In the second section of the chapter, the actual legislative relations have been explored under the prevailing scenario in a specific period 1988-1999. In this discussion two types of conflicts between Centre and provinces have been explored. Firstly, that took place due to delaying of the legislative process. Secondly, clashes over the legislative rights between Centre and provinces have been observed in this section. Besides, discontentment which resulted between Centre and provinces in case of miscellaneous matters has also been noticed and accentuated in this section briefly. The whole analysis has been conducted with reference to the implementation or practice of the constitutional provisions. The term actual process and political practices is applied for this section.

2.1 Legislative Relations Fabricated in Constitution

For the strength and stability of the country or the smooth working of the federation, it is pertinent to develop the harmonious legislative relations between the Centre and the provinces. The constitutional schemes which were implemented in Pakistan since independence provided the provisions to handle the relations between two centers of powers. Constitutions also divide the legislative powers between Centre and provinces. A concise overview of these constitutional schemes in the context of the legislative relations is necessary prior to deep analysis of the Constitution of 1973. This discussion is given below.

2.1.1 Historical Overview

The first constitution that was operated in Pakistan was the Interim Constitution of 1947. The legislative relations structured under the interim constitution were not much different from that of the Government of India Act 1935. The Interim Constitution of 1947 allocated the legislative powers under three lists; federal, provincial and concurrent lists. The federal list provided the full power to Centre to legislate at its own. The provincial list made certain the rights of provinces for legislation and concurrent list held the competent entities i.e., the Centre and the provinces to legislate. The residuary powers were assigned to the governor general. The authority of the Centre was recognized to be decisive in the conflictual scenario between Centre and provinces regarding law.¹ The interim Constitution of 1947 remained in force until the new constitution was announced in 1956.

The status quo of the legislative relations between the Centre and the provinces in the Constitution of 1956 were not more distinctive from the Interim

¹ See for detail; Mehrunnisa Ali, *Politics of Federalism*, 40-45. Nazir, *Early Years*, 118. Kanwal, "Centre-Province Relations and the Punjab, 1947-1955," 125.

Constitution of 1947. Like the Interim Constitution, the Constitution of 1956 provided the provisions for maintaining the legislative relations.² This constitution also divided the legislative powers under the three lists i.e. federal, provincial and concurrent. The federal list consisted of thirty subjects, provincial list consisted of ninety four and concurrent list was at the bottom regarding the number of items as it consisted of only nineteen items.³ The Constitution of 1956 was assessed as more autonomous in the numbers of legislative powers given to the provinces. As Mehrunnisa Ali says, “the provincial list with its ninety four items gave an impression that the provinces were granted more autonomy in the management of their affairs.”⁴ Actually federal items were listed in sets as; nine central sources of taxes were brought together into one item while the provincial list was the division of one item into many subjects. It showed that the autonomy provided to the provinces under the Constitution of 1956 was limited. Thus the arrangement of the legislative powers between Centre and provinces under the Constitution of 1956 could not gain appreciation regarding the powers of provinces and remained under criticism from those who were opposing more powers for the Centre.

Besides the theory, the practice of the constitution is the matter of great importance for promoting the resilient relations between Centre and provinces. Since the constitution marks the domains of Centre and Provinces, it is vital for the Centre and provinces to legislate on the subjects mentioned in their lists respectively for promoting the smooth relations. The practice of the provisions of the Constitution of

² *Constitution of Pakistan, 1956*. The provisions for maintaining the legislative relations listed in the chapter one of the part six and Articles 105-111 dealt with the said subject.

³ Muhammad Mushtaq, “Managing Ethnic Diversity: The Pakistan Experience,” in *Democracy and Civil Society: In a Global Era*, eds. Scott Nicholas Romaniuk and Marguerite Marlin (New York: Routledge, 2016), 96.

⁴ Ali, *Politics of Federalism*, 95.

1956 regarding the Centre-Province legislative relations could not hold good opinion e.g., the subjects allocated to the provinces after some time went to the Centre or could not be transferred to the provinces. The conflicts detected on the issue of the transfer of railway. Since, railway was the central subject in the previous constitution and it was transferred to the provinces under the Article 132⁵ of the Constitution of 1956. This Article also decided that, it would remain under the central control until the formation of provisions for such transfer by central legislature. It created tension between Centre and provinces because despite the serious demand of the provinces, the central government was not ready to implement this constitutional provision which transferred the railway to the provinces.

Besides, in Constitution of 1956 the law and order was the subject listed in the provincial matters.⁶ In 1948, a police force established by the Centre was not abolished after the enforcement of Constitution of 1956 in spite of the demand of the provinces. That was the violation of the constitution as the law and order was the provincial subject in Constitution of 1956. Mehrunnisa stated that, “Despite repeated calls made by the provincial governments for the transfer of those subjects provided in the provincial list, the Centre, except giving assurances in that regard, did nothing concrete to implement the constitution.”⁷ The fact emerged from the discussion that the Centre did not give due respect to the constitutional provisions despite the call of provinces and hence created conflicts between two centers of powers.

⁵ “Parliament may by law provide for the transfer of the railways in each Province to the Government of the Province or to an authority constituted in the Province for that purpose, and for all conditions, reservation and other matters appertaining to the said law transfer; and until a transfer made by or under any such law takes effect railways shall remain within the purposes of the Government of the Federation, and Parliament shall, notwithstanding anything contained in Article 106, have exclusive power to make laws with respect there to.” *Constitution of Pakistan 1956*. Article 132-1.

⁶ Ali, *Politics of Federalism*, 96.

⁷ Ibid.

The Constitution of 1962 provided a different structure of legislative powers with the only one list containing forty nine subjects of matters to national significance and residuary powers allocated to the provinces.⁸ The Article 131 decided the authority of Centre in making the law for whole or any part of the country, in the context of any subject that was enlisted in the third schedule of the constitution.⁹ The third schedule was comprised of 49 items. Moreover, said Article enumerated more power to the Centre in making law for the matters of national importance regarding security, economy, financial strength, planning and coordination.¹⁰ Article 132 maintained that all residuary powers would be the provincial domain and provincial governments could make legislation for the whole or any part of the province on the subjects not part of the central list.¹¹

As mentioned earlier, the previous Constitution of 1956 allocated the control of railway and the residuary powers to the provinces but no legislation was taken to transfer the railway to the provinces which caused conflict. It was for the first time in the history of sub-continent when the Constitution of 1962 devolved the subject of railway to the provinces as “each provincial government administrated its own railway system.”¹² It was a good omen as the prestige was given to the constitutional provision which was necessary to maintain the harmonious relations. But eminent scholar, Ian Talbot says, “Important subjects of administration such as industry and

⁸ Rabbani, *A Biography of Pakistani Federalism*, 139.

⁹ *Constitution of Pakistan 1962*, Article 131.

¹⁰ Legislative powers enlisted under the third schedule of the constitution of 1962 have been given in the Appendix-4.

¹¹ *Constitution of Pakistan, 1962*, Article 132. Rabbani was of the view, residual powers were in the hands of provincial governors who appointed by the President and they could not do anything without the assent of the President. Rabbani, *A Biography of Pakistani Federalism*, 139.

¹² *Constitution of Pakistan 1962*, Article 132. Pakistan, *Economic Survey: 1961-62*, 107. Herbert Feldman, *From Crises to Crises: Pakistan 1962-1969* (London: Oxford University Press, 1970), 180.

railway were devolved to the two provinces, they were not under their exclusive jurisdiction as the Centre could intervene in the name of co-ordination and uniformity of policy.”¹³

The Constitution of 1962 was abolished in 1969 when Pakistan came under the military rule of General Yahya who introduced the Legal Frame Work Order. The provisions of Legal Frame Work Order decided maximum provincial autonomy but it did not provide the provincial list which defined the powers of Centre and provinces separately and it was counted as a mistake of Yahya Khan as Baz Mohammad says, “leaving the autonomy issue undecided provided a golden opportunity to Sheikh Mujeeb-ur-Rehman to raise suspicion against the government in western Pakistan that it was not sincere in its promises to transfer powers to the elected representatives of the people.”¹⁴ The Interim Constitution of 1972 almost similar to the Constitution of 1956 marked the line between central and provincial domains and listed the powers under the central, provincial and concurrent lists.

2.1.2 Centre-Province Legislative Relations and Constitution, 1973

Subject of fundamental constitutional document is of crucial importance in regulating the Centre-Province legislative relations in the country. Like the pervious constitutional schemes, the Constitution of 1973 provides provisions to deal with the legislative relations between Centre and provinces. The chapter one of the part five of the Constitution of 1973 classifies legislative relation between Centre and provinces. The provisions of legislative relations between Centre and provinces have been enumerated under the Articles 141- 144, the separation of powers listed under the

¹³ Talbot, *A Modern History*, 162.

¹⁴ Baz Muhammad, *Constitution Making in Pakistan 1947–1985*(Karachi: Royal Book Company, 1995), 57.

fourth schedule and special provisions contained in Chapter-3 of the part-V of which related to legislative relations has analyzed in this section of the chapter. The detail of these provisions is given below.

2.1.2.1 Provisions of Legislative Relations

As mentioned above, the Constitution of Pakistan 1973 provides provisions for maintaining the legislative relations between Centre and provinces. Primarily, this study discusses the legislative relations constructed under these provisions of the constitution. Since, the Article 141 of the constitution had decided the domains of legislation between central and provincial governments. The constitution specified the authority of the central government in making laws for the whole country or any part of the country and provincial assembly authorized to make legislation for the province or any part of the province. The Article 141 says, Parliament “may make laws for the whole or any part of Pakistan, and a Provincial Assembly may make laws for the province or any part thereof.”¹⁵

The next Article 142 of the Constitution of 1973 defined the powers of the central and the provincial legislatures for law-making, divided under the four subsections. The section (a) of the Article 142 decided the authority of the Centre for making law on the subjects listed under the federal list. Since, section (a) stated as, “Majlis-e-Shoora (Parliament) shall have exclusive power to make laws with respect to any matter in the Federal Legislative List.”¹⁶

Subject to the Article 142 (b) both central and provincial legislatures had power to make laws with respect to any matter in the concurrent list as clause (b) of Article 142 stated, “Majlis-e-Shoora (Parliament), and a Provincial Assembly also,

¹⁵ *Constitution of Pakistan 1973*, Article, 141.

¹⁶ *Ibid.*, Article, 142-(a).

shall have power to make laws with respect to any matter in the Concurrent Legislative List.”¹⁷

In case, the item is not listed in any of the two lists, it is conceived as a residuary subject and only the provincial assembly has power to make legislation on the residuary matters and Centre has not power of legislation on the residuary subjects. Since, clause (c) of the Article 142 specifies, “A Provincial Assembly shall, and Majlis-e-Shoora (Parliament) shall not, have power to make laws with respect to any matter not enumerated in either the Federal Legislative List or the Concurrent Legislative List.”¹⁸ The section (d) of the Article 142 decided the authority of the Centre for legislation with respect to each matter for the areas of the Pakistan neither included in the list of areas of the federation nor any province of Pakistan. Since, the clause (d) of the Article 142 elaborates as, “Majlis-e-Shoora (Parliament) shall have exclusive power to make laws with respect to matters not enumerated in either of the Lists for such areas in the Federation as are not included in any Province.”¹⁹

The Article 143 placed that in case of any conflict between Centre and provinces on an entry of the concurrent list the law of Centre should prevail and the law of the province remained ineffective. Thus the Article 143 decided the authority of Centre as competent if the law of the Centre and provinces came into conflict with each other on the matters listed under the concurrent list. As Article says,

If any provision of an Act of a Provincial Assembly is repugnant to any provision of an Act of Majlis-e-Shoora (Parliament) which Majlis-e-Shoora (Parliament) is competent to enact, or to any provision of any existing law with respect to any of the matters enumerated in the Concurrent Legislative List, then the Act of Majlis-e-Shoora (Parliament), whether passed before or after the Act of the Provincial Assembly, or, as the case may be, the existing

¹⁷ Ibid., Article 142-(b).

¹⁸ Ibid., Article 142-(c).

¹⁹ Ibid., Article 142(d).

law, shall prevail and the Act of the Provincial Assembly shall, to the extent of the repugnancy, be void.²⁰

Moreover, Article 144 regulated the authority of Centre in making law for one or two provinces in such a matter for which two or more provincial assemblies were applying, may it not be regulated in the fourth schedule but the assent of respected province is must. As Article 144 defined, "If two or more Provincial Assemblies pass resolutions to the effect that Majlis-e-Shoora (Parliament) may by law regulate any matter not enumerated in either List in the Fourth Schedule, it shall be lawful for Majlis-e-Shoora (Parliament) to pass an Act for regulating that matter accordingly, but any act so passed may, as respects any Province to which it applies, be amended or repealed by Act of the Assembly of that Province."²¹

The fact that emerged from the above details is as, the Constitution of Pakistan 1973 stated the authority of the central government in making laws for the whole country and provincial assembly authorized to make legislation for the whole province. The Centre has authority to make law for its respective lists. The separation of powers between central and provincial governments was numbered in two lists; federal and concurrent. Federal list contained the matters on which central government has authority of legislation and the second list narrates the concurrent subject on which central and provincial both governments have authorities to legislation. While in the case of conflict between two centers of powers, the authority of the central government would be supreme which is conceived as central ascendancy on the provinces. The residuary powers vested to the provinces while the Indian and Canadian constitutions vested the residuary powers to the Centre. Most of

²⁰ Ibid., Article 143.

²¹ Ibid., Article 144.

the scholars objected on the Article 143 of the Constitution 1973 which made the authority of the Centre supreme in case of conflict regarding any subject enumerated in concurrent list. The constitution also decided that the two or more provincial assemblies had the right of appeal to the Centre for regulating the matter not enumerated in both lists by an act. The respected provincial legislature had the right to repeal or amend the stated right through an act.

2.1.2.2 Division of Legislative Powers

The study secondly observed the separation of legislative powers. The fourth schedule of the Constitution 1973 specified the domains of legislation between Centre and provinces which of the two lists central and concurrent. The list of Centre further divided into two parts, part one and part two. Part one contains 59 entries and part two stands for eight items. The concurrent list was numbered with 47 items. The Constitution of 1973 provides more provincial autonomy than previous schemes and powers to the provinces for legislation on the subjects stated in the concurrent lists while in the vision of scholarly community the Constitution 1973 set a limited authority to the provinces for legislation as Muntzra says, "Both lists are so exhaustive that they left limited scope for provinces."²² The size of the legislative list marked the worth of Muntzra words. The lists of legislation are given in table 2.1.

Table 2.1. Lists of Centre-Province legislative powers, 1973

No	Federal List Part-I	Federal List Part-II	Concurrent List
1	Defence	Railways	Criminal law
2	Military, naval and air force	Mineral oil and natural gas	Criminal procedure
3	External affairs	Development of industries	Civil procedure
4	Nationality	Electricity	Evidence and oath
5	Migration	revenue resources	Marriage and divorce
6	Emigration	Inter-provincial matters	Save as regards agricultural land
7	Posts and telegraphs	Planning, economic coordination	Bankruptcy and insolvency
8	Currency	Council of Common Interests	Arbitration
9	Foreign exchange		Contracts

²² Muntzra, "Issues of Federalism," 119.

10	Public debt	Trusts and trustees
11	Federal Public Services	Transfer of property
12	Federal Pensions	Actionable wrongs
13	Federal Ombudsmen	Removal of prisoners
14	Administrative Courts	Preventive detention
15	Libraries, museums	Persons preventive detention
16	Federal agencies	Measures to combat offence
17	Education	Arms, firearms and ammunition
18	Nuclear energy	Explosives
19	Port quarantine	Opium, cultivation, manufacture
20	Maritime shipping, navigation	Drugs and medicines
21	Major ports (omitted)	Poisons and dangerous drugs
22	Aircraft and air navigation	Prevention contagious diseases
23	Lighthouses	treatment of the mentally ill
24	Carriage	Environmental pollution, ecology
25	Copyright	Population planning social welfare
26	Opium	Welfare of labor
27	Import and export	Trade unions; disputes
28	State Bank	setting up and carrying on of labor
29	Insurance	Boilers
30	Stock exchanges	mines, factories, oil- fields
31	Corporations	Unemployment insurance
32	International treaties (omitted)	Shipping and navigation inland
33	State lotteries (omitted)	Mechanically propelled vehicles
34	National highways	Electricity
35	Federal surveys	Newspapers, books, printing ...
36	Fishing and fisheries	Evacuee property
37	Works, lands and buildings	Ancient and historical monuments
38	Census (omitted)	Curriculum, syllabus, planning, .
39	weights and measures	Islamic education
40	jurisdiction of police (omitted)	Zakat
41	Elections	Cinematograph
42	Salaries, allowances, privileges	Tourism
43	Duties of customs	Legal, medical, other professions
44	Duties of exercise	Fees of the matters in this List
45	Duties succession (omitted)	Inquiries and statistics
46	Estate duty, (omitted)	Offences against laws
47	Taxes on income agricultural	Matters incidental or ancillary
48	Taxes on corporations	
49	Taxes on the sales, purchases	
50	Taxes on the capital	
51	Taxes oil, gas, minerals	
52	Taxes and duties on production	
53	Terminal taxes on goods	
54	Fees in the matter of this part	
55	Jurisdiction and powers	
56	Offences against laws	
57	Inquiries and statistics	
58	legislative competence	
59	Matters incidental or ancillary	

Source: The Constitution of Pakistan 1973, Fourth Schedule: Legislative Lists, the word (omitted) used for the subjects that have been omitted from the federal list part one under the 18th Amendment act, 2010 that is not the part of this study. Note; the font in table could not given in regular font size due to adjustment problem.

2.1.2.3 Special Provisions

Besides, there were the special provisions in the Constitution of 1973 which are mentioned in the chapter-3 of the part-V of the Constitution of 1973. Special

provisions are also important in regulating the relations between Centre and provinces. These provisions deal with Council of Common Interest, complaints as to interference with water supplies, National Economic Council, Electricity, priority of requirements of Natural Gas and Broadcasting and Telecasting.²³ From these subjects Council of Common Interest, and Broadcasting and Telecasting have been discussed under the circle of legislative relations.

As mentioned above, these special provisions provides the rules for different matters under which the most important is the decision for forming the organization inevitable to order the harmonize relations between the Centre and the provinces. Since, the Article 153-1 decided the establishment of the Council of Common Interests (CCI).²⁴ The Council of Common Interest consisted of the Chief Ministers of the provinces and equal members from the Centre by Prime Minister periodically. The Article 153-2 describes the nominees under subsections (a) and (b) as 153-2 stated as, “ The members of the Council shall be; (a) Chief Ministers of the Provinces, and (b) an equal numbers from the Federal Government nominated by the Prime Minister from time to time.”²⁵ The Article 153-3 stated as, “The Prime Minister, if he is a member of the Council, shall be the Chairman of the Council but, if at any time he is not a member, the President may nominate a Federal Minister who is a member of the Council to be its Chairman.”²⁶

²³ *Constitution of Pakistan 1973*, Articles 153-159.

²⁴ *Ibid.*, Article 153-1.

²⁵ *Ibid.*, Article 153-2-(a) and (b). After the 18th Amendment the structure of Article 153-2 as; The Council shall consist of- (a) the Prime Minister who shall be the Chairman of the Council; (b) the Chief Ministers of the Provinces; (c) three members from the Federal Government to be nominated by the Prime Minister from time to time. Now the council consisting of the Prime Minister as a chairman, Chief Ministers of the provinces and three nominees from federal ministers by the Prime Minister. Council is responsible to submit an annual report to the parliament under Article 153-4.

²⁶ *Ibid.*, Article 153-3. Under the 13th Amendment this section was omitted.

The Article 154 decided the functions of the Council of Common Interest and authorized it to regulate the subjects regarding the legislative powers numbered in the part-II of the federal list and is run in the lists. For example, the item 34 regarding the matter of electricity also numbered in the concurrent legislative list and turns into equally a federal along with a provincial subject. The Council had similar authority in relation to the affairs of the Federation. Since, 154-1 stated as, “The Council shall formulate and regulate policies in relation to matters in Part II of the Federal Legislative List and, in so far as it is in relation to the affairs of the Federation, the matter in entry 34 (electricity) in the Concurrent Legislative List, and shall exercise supervision and control over related institutions.”²⁷

Though, Article 157 discretely demarcated the area of central government in provinces on the subject of Electricity. As Part (1) of the said Article stated as, “the Federal Government may in any Province construct or cause to be constructed hydro-electric or thermal power installations or grid stations for the generation of electricity and lay or cause to be laid inter-Provincial transmission lines.”²⁸ The Article 159 maintained the issue of broadcasting and telecasting. The most important was the 159-1(a) which decided as, “The Federal Government shall not unreasonably refuse to entrust to a provincial Government such functions with respect to broadcasting and telecasting as may be necessary to enable that government—(a) to construct and use transmitters in the province.” The issue of constructing the TV center became the cause of discontent between Centre and a provincial government which would bring into light in the prevailing situation of relations during 1988-1999.

²⁷ Ibid., Article 154-1. This section is amended under 18th Amendment.

²⁸ Ibid., Article 157-1. the proviso is installed under the 18th Amendment which as; “Provided that the Federal Government shall, prior to taking a decision to construct or cause to be constructed, hydro-electric power stations in any Province, shall consult the Provincial Government concerned.”

The above debate revealed that the Constitution of 1973 agreeably outlined and moved to create equilibrium of legislative powers between Centre and provinces, “at least in theory.”²⁹ The Constitution of 1973 decided more provincial autonomy as the powers were allocated to the provinces as never given in the previous constitutions. Though, in situation of disagreement between Centre and provinces, particularly, the disagreement related to the matters listed in the concurrent list on which Centre and provinces both have powers of legislation the constitution provides the advantage to the Centre. The residuary powers were specified to the provinces.

The present study marked that the supreme authority of the Centre regarding Centre-Province legislative relations in Pakistan just revealed in the Article 143. The supreme authority of the Centre which was constructed under the Constitution of 1973 was not a cause of conflicts; conflicts were caused by the political actors who did not give the respect to the provisions of the constitution. For example, the Constitution of 1973 recommended more powers to the provinces than the previous constitution and the provinces were agreed on the autonomy that is given in the Constitution of 1973 reluctantly or willingly. The provinces resented when Zulfikar Ali Bhutto showed reluctance for giving the autonomy recommended in the constitution. To prove the worth of this statement, the situation in 1988-99 is being explored in the following pages.

2.2 Centre-Province Legislative Relations in Actual Process and Political Practices, 1988-99

In the post-Zia period no single party succeeded to make government (see for detail Chaper-5). Never in the prior history of Pakistan a situation that had emerged in this period. Clashes between PPP (Pakistan Peoples Party) and IJI (Islamic Jamhoori

²⁹ Hasnat, *Pakistan*, 73.

Ittehad) disturbed the situation of Centre-Province relations in each aspect and the situation was not different in case of legislative relations. So far as concerned the working of Centre-Province legislative relations during the 1988-1999 period mainly by the coalition party government effaced the Centre-Province legislative relations. Both parties used the legislative powers for their own purpose for keeping under the knees to each other. The violation of the provisions of the constitution, ill practice and ignorance of legislative measures was abundantly in practice which pitched the regrettable situation of Centre-Province relations. This situation necessitates an examination of the legislative issues and events that created the conflicts between Centre and provinces in this period. This section of the chapter will examine these issues and events under three categories; a) Conflict on deferral in the legislative responsibilities, b) Conflicts over Legislative-Rights, Conflicts over Legislative violation.

2.2.1 Deferral in the Legislative Obligations

Legislation is the process of making or enacting law. The federal system divides the legislative powers between Centre and provinces. Both are bound to obey their legislative responsibilities. During the period under study most of the cases observed required the immediate step of legislation to resolve the problems. But ignorance of legislative obligations caused conflicts between Centre and provinces. Deferral or delay in conducting legislative business and in most cases refusal to hold legislative business contributed in the clashes. Major issues observed in case of delay were; delay in conducting the meeting of Council of Common Interest, deferral in abolition of concurrent list, delay in extension of quota system, delay in holding the census, delay in implementing the Article 251, delay in renaming the province. The detailed discussion is expounded below.

2.2.1.1 Deferral in Convening the Council of Common Interest

One of the issues of conflict between the Centre and the provinces occurred during the period under study on not convening the meeting of Council of Common Interest as it was the undertaking of the Centre. The Constitution of 1973 decided the formation of Council of Common Interest (CCI) under the Article 153.³⁰ The Council of Common Interest is the institution of great importance as it was responsible to formulate and regulate the policies in relation to the subjects listed under legislative list-II of the federal subject. Moreover, the activation of the Council was also indispensable because in case of dispute between Centre and provinces on the matters listed under the Article 157, any of the two governments may move the motion in the Council of Common Interest for resolution of the dispute. It was the legislative authority of the Centre to convene its meetings. Since, Article 142 decided the central legislative powers under federal list and CCI was listed in the central list-II under the entry number 4. The situation was worse in background history as only three meetings were conducted in 14 years. The position is not different in the period selected for this study. Since the records of the meetings also revealed that in the period under study only 7 meetings were held in the 11 years from 1988 to 1999. The position of the CCI meetings in the said period has been shown in the table 2.2.

³⁰ *Constitution of Pakistan 1973*, Article, 153, clause (1). The Constitution decided the establishment of Council of Common Interests fixed by the President. The Council comprised of the Chief Ministers of the four Provinces and the same number of members from the central Government who are selected by the Prime Minister occasionally. The Prime Minister shall be the chairman of the Council. In case, the Prime Minister is not a member of the Council the President recommend a Federal Minister as a Chairman of the Council who is a member of the Council.

Table 2.2. Total meetings of the CCI, 1988-1999

No	Year	Ruling-Party
1	12 / 1 / 1991	IJI
2	21 / 3 / 1991	IJI
3	16 / 9 / 1991	IJI
4	12 / 9 / 1993	Caretaker
5	29 / 5 / 1997	PML-N
6	9 / 5 / 1998	PML-N
7	22 / 12 / 1998	PML-N

Source: the statistic collected from the ministry of Inter Provincial Coordination's CCI wing, <http://www.ipc.gov.pk>.³¹

The record of the meetings that shown in the table number 4 provide strength to this statement that there was no single meeting of the CCI out of seven was held in the PPP's governments. Constitutional provisions had been diluted and the right of the provinces usurped by not rewarding the obligation regarding CCI.³² The Punjab provincial government³³ and the government of Balochistan called for convening the meeting of CCI,³⁴ but Centre paid no heed to the voice of provincial governments, even no single meeting was held from 1988 to 1990 which provided a space to the Centre-Province clashes. This issue raised heated debates in the sessions of National Assembly during the first tenure of the PPP's government from 1988-1990.

This question was also raised by the President Ghulam Ishaq Khan during his address to the joint sitting of the parliament held on December 2, 1989. He mentioned

³¹ These numbers of meeting of the CCI is also confirmed by the CCI's cadre of high authority personally.

³² *Dawn* (Karachi), February 17, 2016. The establishment of CCI was also must because of the matters connected to the federal legislative list, Part-II, would be of no lawful effect if they had not been approved by the CCI.

³³ Nisar Osmani, "The Punjab Kaleidoscope," *Dawn* (Karachi), January 1, 1990.

³⁴ *Dawn* (Karachi), November 27, 1989.

that to stabilize and strengthen democracy in the country, relations between Centre and provinces should be strong and constitution has provided provisions to settle the relations between Centre and provinces. The constitution clearly separated the powers of the Centre and the provinces. He further stated that the framer of the constitution decided to institute the Council of Common Interest and National Finance Commission...the establishment of these institutions would be to advance the national wellbeing. We should not mortify the framers of the constitution by restricting the cadre working of these institutions.³⁵ Particularly, during the discussion on the address of the President Ghulam Ishaq Khan, the leaders of the opponent parties from the provinces left no effort to criticize the delay in convening the meeting of CCI. Ghulam Haider Wayn,³⁶ Nawabzada Nasrullha Khan,³⁷ Begum Abida Husain,³⁸ and many other names that were from Punjab are very prominent in this context.

The Council remained defunct body throughout the period which gave a place to the tussle of central and provincial governments. Statements of the leadership in the debates of the National Assembly also provide the proof that there was no CCI meeting held during 1988-1990 and the government of PPP failed to give respect to the provision of the constitution under which CCI was instituted. Since, Aftab Ahmed Daha, member of the National Assembly, stated in the session of National Assembly held on 31 December 1990,

We have the Council of Common Interests and the National Finance Commission in which the Centre and the Provinces can thrash out their differences, if any. And that again goes a step further that cooperation between the two is a must. The Provinces should be autonomous and the Centre should

³⁵ *National Assembly Debates*, 2nd Joint Sitting of Parliament, December 2, 1989, 6-7.

³⁶ *Ibid.*, session 7th, vol. V, no. 14, January 3, 1990, 937-938.

³⁷ *Ibid.*, 952.

³⁸ *Ibid.*, 978.

always look into their affairs by holding meetings again and again. I am afraid, in the last 20 months' period and the last session, not a single meeting took place.³⁹

Syed Fakhar Imam also stated as, "The Council of Common Interest under Article 153 has not been allowed to discharge the constitutional functions and exercise its power despite persistent demands of the Provinces."⁴⁰ Particularly, the governments of Punjab province and Balochistan called for holding the meeting of the Council of Common Interest again and again.⁴¹ Nawbzad Mohsin Ali, a member of Provincial Assembly of KP, also submitted his protest on the same issue.⁴² The governments of Punjab, and Balochistan had voiced problems over the distribution of water, issue of Kalabagh Dam,⁴³ electricity distribution, and royalty of gas.⁴⁴

As mentioned above, the subject of Council of Common Interest was enlisted in the federal list-II under the entry 4. It was the legislative authority of the Centre to convene the meeting of the Council of Common Interest. Moreover, the constitution

³⁹ Ibid., session 4th, vol. IV, no. 10, December 31, 1990, 1263.

⁴⁰ Ibid., session 4th, vol. IV, no. 11, January 1, 1991, 1379.

⁴¹ The government of the Punjab and Balochistan were the opponent of Central government. Both the Punjab and Balochistan demanded an immediate meeting of Council of Common Interest. The Centre was of the view the issues to be taken up by the Council of Common Interest should first be taken up at the level of the provincial co-ordination committee and only in the event of its failed, the CCI meeting should be convened. Osmani, "Punjab Kaleidoscope." The Punjab and Balochistan put the case in Supreme Court against the Centre to convene the meeting of CCI. The Centre counted that a written request required from the provinces to convene the meeting of CCI whereas the provincial governments demanded the meeting of CCI through statements which were published in different newspaper.

⁴² *Subbai Assembly Shamal Maghrabi Sarhadi Subba Mubahsat: Sarkari Report* [Provincial Assembly North West Frontier Province Debates: Official Reports], vol. VI, no.4, January 15, 1989, 15.

⁴³ *National Assembly Debates*, session 13th, vol. III, no. 11, June 24, 1998, 1622. The issue of Kalabagh Dam could be solved according to constitution but not do so. First, the agreement of the four provinces required for projecting the Kalabagh Dam could not be achieved. Three provinces, Sindh, KP and Balochistan passed unanimous resolution against the construction. The Centre was bound to solve the situation in constitutional way. This could be put in the CCI agenda. According to the Article 154 and 155 of the constitution of 1973, the Council of Common Interest had to take cognizance of this issue but it remained defunct body.

⁴⁴ These issues for example distribution of water, electricity among the provinces and gas were constitutionally settled and in case of any conflict relating these natural sources is subject to the CCI's review under the Articles 155-158 of the constitution of 1973.

provides the provision to set up the Council of Common interest as Article 153 clause (1) stated, “There shall be a Council of Common Interests, in this Chapter referred to as the Council, to be appointed by the President.”⁴⁵ But the President could act on the provision on the advice of the cabinet as Article 48 stated, “In the exercise of his functions, the President shall act on and in accordance with the advice of the Cabinet or the Prime Minister.”⁴⁶ Thus, the Centre was responsible to convene the meeting of CCI but the Prime Minister Benazir Bhutto did not give respect to this important provision and the situation aggravated.⁴⁷ Since, every member of the National Assembly and provincial assemblies read these words at the time of oath taking, “I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan.” But in practice they did not give respect to these words and conceived it just formalities, the outcome of which the conflicts. The case was not different in the period under review. The CCI was the institution of great importance as regarding its functions the CCI was authorized to legislate the matters listed under the federal list-II. As mentioned earlier, Article 154-1 stated, “The Council shall formulate and regulate policies in relation to matters in Part II of the Federal Legislative List and, in so far as it is in relation to the affairs of the Federation, the matter in entry 34 (electricity) in the Concurrent Legislative List, and shall exercise supervision and control over related institutions.”⁴⁸ The council was also authorized to make its

⁴⁵ *Constitution of Pakistan 1973*, Article 153-1.

⁴⁶ *Ibid.*, Article 48-1.

⁴⁷ *National Assembly Debates*, session 7th, vol. III, no. I, November 8, 1990, 9. The members of the national assembly and the provincial assemblies affirmed at the time of oath taking, they will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan but in reality they did not keep their words.

⁴⁸ *Constitution of Pakistan 1973*, Article 154-1. The two new clauses were inserted in the Article 154 under the 18th Amendment to improve the workability of the CCI. In the revised copy of constitution, the new clauses are numbered as 154-2 and 154-3. These clauses were inserted to ensure

decisions according to the majority opinion.⁴⁹ It was the ignorance of the legislative steps to not project the institution of such importance just to save their political interest. This attitude restricted the way of further legislation which should be made under the authority of the CCI.⁵⁰

The Article 154-4 stated, "Majlis-e-Shoora (Parliament) in joint sitting may from time to time by resolution issue directions through the Federal Government to the Council generally or in a particular matter to take action as Majlis-e-Shoora (Parliament) may deem just and proper and such directions shall be binding on the Council."⁵¹ This article was not practiced in the period under study. Moreover, the constitution specified that if the central or provincial governments are not satisfied with the decision of the CCI, both have a right to refer the problem to the joint meeting of the parliament for final decision. Since, the Article 154-5 stated that, "if the Federal Government or a provincial Government is dissatisfied with a decision of the Council, it may refer the matter to the Majlis-e-Shoora (Parliament) in a joint sitting, whose decision in this behalf shall be final."⁵² The Council is bound to remove the economic disparities among the provinces, and settle the dispute over water distribution, electricity and natural gas.⁵³ The Centre namely PPP government did not pay attention on the demand of Punjab provincial government for convening the CCI

the formation of the Council within thirty days of the Prime Minister taking oath of office, to establish the permanent secretariat of the council and to set the timeframe for its meetings.

⁴⁹Ibid., Article 154-2. The described clause is according to the old version of the constitution that I have used in this study due the requirement of this research work as this study deals the period before 18th Amendment.

⁵⁰ The meeting of CCI was also necessary to resolve the issues of Kalabagh dam, the problems of electricity, oil and gas and the issue of People's Works Programme.

⁵¹ *Constitution of Pakistan 1973*, Article 154-4. After the 18th Amendment, the sequence of sections of the Article 154 has been changed according to which the Article 154-4 now stand for 154-6.

⁵² Ibid., Article 154-5. After the 18th Amendment, the sequence of the sections of the Article 154 has been changed according to which the Article 154-5 now stand for 154-7.

⁵³ Hafeez Malik, "The Emergence of Federal Pattern in Pakistan," in *Contemporary Problems of Pakistan*, ed. J. Henry Korson (Leiden: E.J. Brill, 1974), 54.

meeting because it had no majority in the parliament i.e. both houses. Hamid Yusuf stated that, "it was feared that the PPP government might not be able to muster a majority in a joint sitting of the parliament."⁵⁴ Ch. Asad- Ur-Rahman, a member of National Assembly, stated in the same way, the government has not majority in the parliament that's why it violated the constitution.⁵⁵

The process of obligation of legislative responsibilities and implementation of the constitution remained unduly; the legislative assemblies did everything except from giving the prestige to its legislative duties.⁵⁶ In the previous period, the situation was even poorer, only three meetings of council had been held. On the whole, the fourth and periodically the first meeting of this period held in 1991, after 14th year's gap of its establishment council framed its rule of procedure in this meeting as from the inception of this institute Centre has not framed law and procedure for the functioning of the CCI. It's a thinking point; the institution of great importance which had the authority to solve the dispute between Centre and provinces in case of any matter listed under the Article 157 and also responsible for formulating the policies on the subjects listed under the second part of the federal legislative list was not constituted as a matter of priority.

The whole matter might be the result of the loopholes structured in the constitution. Since, the tenure of holding the meeting of the CCI was not decided in the constitution prior to the 18th Amendment. In respect to the 18th Amendment of the Constitution of 1973, the meeting of the Council of Common Interest should be held

⁵⁴ Yusuf, *A study of Political Development, 1947-1997*, 229.

⁵⁵ *National Assembly Debates*, session 7th, vol. V, no. 11. December 23, 1989. 734.

⁵⁶ *Ibid.*, Joint Sitting of Parliament, December 2, 1989, 4. The president Ghulam Ishaq Khan mentioned in his address that lot of ordinance presented in the parliament in one year, of which only six were passed and 36 still hanging for the deliberations of parliament.

after three months and Prime minister has the authority to convene the meeting on the call of a province to discuss the important and urgent matters. This subject was not mentioned in the constitution prior to the 18th Amendment. Hence, the two sub sections 2 and 3 were added in the Article 154 under the 18th Amendment to improve the workability of the Council. Since, the Article the 153-2 added for, "The Council shall be constituted within thirty days of the Prime Minister taking oath of office."⁵⁷ Article 154-3 added for, "The Council shall have a permanent Secretariat and shall meet at least once in ninety days: provided that Prime Minister may convene a meeting on the request of a province on an urgent matter."⁵⁸

However, unfortunately even after the promulgation of these two sections marked that none of these two provisions remained in practice from their inception. Since, the problem of calling the meetings of CCI according to prescribed time is still persisted and "the CCI dose not has a permanent secretariat still."⁵⁹ Its meetings still not conducted in time. According to Afrasiab Khattak, "The CCI meeting which has to be held within 90 days would some times be held after 200 days."⁶⁰ It showed the great difference between practice and the theory. The CCI was strong in the constitution but its practice remained weak. Thus there is a need to improve the practice rather than theory for improving the matters of Centre-Province relations as

⁵⁷ *Constitution of Pakistan 1973*, Article 154-2, 1973.

⁵⁸ *Ibid.*, Article 154-3. It is pertinent to mention that clause (2) and (3) were not the part of constitution prior to 18th Amendment. The meeting of the council could not hold properly in spite of the demand from provinces. To improve the situation 18th Amendment added the clauses above mentioned in the Article 154 but in vain. The council have not permanent secretariat yet now. The record of the meetings of CCI in the governments of Zardari, Nawaz Sharif and Imran Khan is clearly shows the difference between practice and theory.

⁵⁹ *Dawn* (Karachi), February 2, 2017.

⁶⁰ Afrasiab Khattak, "De Facto as De Jure," *The Nation* (Islamabad), August 17, 2017.

the government is still ignoring the practice of CCI.⁶¹ The ignorance of this important subject caused a conflict between the central government of PPP and provincial government of IJI in the first tenure of B.N. Bhutto. The attention was not paid on the implementation of the constitution. Thus the conflict on setting up the meeting of CCI between Centre and provinces was the result of ignoring to process the provisions of the constitution.

2.2.1.2 Deferral in Abolishment of Concurrent List

Beside the non legislation in case of the functioning of CCI, the other issue which caused discontentment between Centre and provinces was the abolition of the concurrent list. In federations the concurrent list is an area where both Centre and provinces have the right of legislation. Zulfikar Ali Bhutto who was the founding father of the Constitution of 1973 assented that the Concurrent list would be abolished after ten years to send off its authorities to the provinces. Rizwan stated as, "the abolishment of the concurrent list it was decided that the concurrent list of powers will be abolished after 10 years. But this decision has not seen the light of day so far."⁶² It was the task of central legislature but there was no legislation for the abolition of concurrent list during this period. Even after passing the 16 years concurrent list was not abolished. Primarily, after the enforcement of military rule in Pakistan, the Constitution of 1973 was suspended. This halted the steps of legislation about the abolition of the concurrent list. Latter, in the post Zia period, four elected governments were operated but the no legislation had for the abolition of concurrent

⁶¹ The situation is still demanding the improvement in practice of CCI even after passing the 18th Amendment as the government of Nawaz Sharif called only seven meetings of the CCI between July 2013 and March 2016, instead of the mandatory 14 meeting. With a gap of about nine months, the CCI met again in December 2016. Khaleeq Kiani, "Struggling Participatory Federalism" *Dawn* (Karachi), February 20, 2017.

⁶² Rizwan Asghar, "Anatomy of Balochistan Conflicts," *Dawn* (Karachi), May 25, 2009.

list during this period. After the establishment of democratic government in 1988, it was expected that the elected government would take the legislative steps for the abolition of the concurrent list. But during the whole period from 1988-99, no legislation was proceeded for the abolition of concurrent list in spite of intense demand from the provinces which created the malaise and discontentment in all the four provinces against the Centre on this issue. For instance, with the very days of establishment of the elected government demand for the abolition of the concurrent list was moved in the National Assembly from the provinces. Hakim Ali Zardari, a member of National Assembly from Sindh pointed out the issue and demanded the abolition of the concurrent list and claimed the provincial autonomy in the second session of National Assembly held on 17th December 1988.⁶³ Naveed Qammer, a member of National Assembly who also belonged from Sindh demanded the provincial autonomy and abolition of concurrent list in the session of National Assembly held on 31 December 1990. He stated as;

At the time when the Constitution was being framed, a sense was reached that the Concurrent List is only a temporary list and that it will be abolished after a certain stage. We have passed so many years since then and it is time that we sit down and genuinely talk about Provincial autonomy... I suggested that, as had been envisaged by the framers of the Constitution, the Concurrent List should now be abolished so that the Provinces have a control over their own destinies.⁶⁴

In the session of National Assembly held on 26th February, 1992, Mir Bizan Bizenjo, a member of National Assembly from Balochistan repeated the abolishment of concurrent list and also claimed the transfer of all these subjects listed in concurrent list to the provinces.⁶⁵ In the second government of this period 1990-93,

⁶³ *National Assembly Debates*, session 2nd, vol. II, no. 9, December 17, 1988, 456.

⁶⁴ *Ibid.*, session 4th, vol. IV, no. 10, December 31, 1990, 1196-1197, 1198-1199.

⁶⁵ *Ibid.*, session 11th, Vol. 1, no. 15, February 26, 1992, 1373.

the issue persisted. Hakim Ali Zardari claimed again the abolishment of Concurrent list in the session of national assembly held on 20th December 1993.⁶⁶

Apart from that the provinces Sindh, Balochistan and KP also got association for removing the concurrent list and restoration of autonomous provinces.⁶⁷ The Chief Minister of Balochistan, Nawab Akbar Bugti claimed the abolishment of concurrent list of 47 subjects so that these entire subjects could become the provincial subjects.⁶⁸ Balochistan revised the demand for the abolition of the concurrent list in the session of National Assembly held on 20th June, 1997. That was still hanging and no legislative step taken to abolish the concurrent list even after the passing of 24 years. According to the constitutional document, the prescribed tenure of dissolution was ten years and after ten years it was expected from four subjects that all matters would be transferred to the provinces.⁶⁹ In spite of constant demand of the provinces the Centre did nothing to give these legislative rights to the province. No legislative step was taken to abolish the concurrent list during the period under study. This delay created apprehensions and polluted the air of relations between Centre and provinces. It conceived the exploitation of provincial rights which triggered the gear towards the vehement demand of constitutional autonomy by the province of Punjab and Balochistan along with other provinces during the first period of PPP for 1988-1999.

Ignoring the abolition of concurrent list in specific time resulted in the other problem associated with the legislative relations between Centre and provinces. This issue remained a cause of discontentment in the provinces. Smaller provinces talk

⁶⁶ Ibid., session 6th, vol. VI, no. 3, December 20, 1993, 175-176.

⁶⁷ Ibid., session 6th, vol. VI, no. 5, December 22, 1993, 379.

⁶⁸ Sultan Ahmed, "Focus on Provincial Autonomy," *Dawn* (Karachi), April 21, 1989.

⁶⁹ *National Assembly Debates*, session 6th, vol. VI, no. 7, June 20, 1997, 923.

about the need for more legislative powers, and they believed that the powers decided in the Constitution of 1973 were not enough. They claimed the decrease of Centre's powers and increase in the powers of the provinces. This demand is known as the demand of provincial autonomy.⁷⁰ The demand of provincial autonomy was central to the problem of addressing the issues of Centre-Province relations in legislative aspects. Surmised issue led the two kinds of demands during the period under study and these demands caused conflict between Centre and provinces.

The first cause was related with the transfer of the legislative powers to the provinces that was decided in the Constitution of 1973 and the second was the demand for increasing the provincial autonomy, also decided earlier in the Constitution of 1973. Primarily the study takes into account those who were satisfied with the autonomy. They were resented on the ill practice of the constitution and they vehemently advocated that the provincial autonomy had been sufficiently theorized in the Constitution of 1973. Their perception was that the provincial autonomy that had been decided in the Constitution of 1973 is enough, if it was increased further, it would lead the disintegration of federation rather than solving the problems. Since, Ghulam Fareed Kathia, Member of National Assembly opposed the demand of more provincial autonomy from that was decided in 1973 constitution and declared it against the patriotism.⁷¹ Mohammed Aslam a member of National Assembly from Sindh also stressed on ensuring the practice of the provincial autonomy decided in the constitution. He stated as, "Provincial autonomy should be ensured according to the constitution."⁷² Wali Mohammed Khan also demanded the provincial autonomy and

⁷⁰ Anwar Syed, "The Issue of Provincial Autonomy," *Daily Times*, July 18, 2011.

⁷¹ *National Assembly Debates*, session 4th, vol. IV, no. 3, December 19, 1990, 390-391.

⁷² *Ibid.*, session 4th, vol. IV, no. 10, December 31, 1990, 1285.

rights of the provinces that had been decided in the constitution.⁷³ In their opinions, the main issue of conflict was the autonomy promised to provinces in the Constitution of 1973 had never been practically handed over to the provinces e.g. the concurrent list not dissolved in this decade in spite of strong demand from the provinces which created dissatisfaction and discontentment.

Secondly, a few members from the provinces of Sindh, KP and Balochistan claimed more provincial autonomy and demanded that except for the four subjects all residual subjects should be handed over to the provinces.⁷⁴ Sana Ullah Bloch member of national assembly from Balochistan advised the Centre to accept the claim of smaller provinces for provincial autonomy. He stated that the ignorance of provincial autonomy further generated disdains and distances between Centre and provinces.⁷⁵ Nawab Muhammad Akbar Khan Bugti from Balochistan also claimed more provincial autonomy in the session of National Assembly held on 2nd December 1997, he stated as, "I think the Government and this House need to pay immediate attention to those errors to correct them including Provincial autonomy which has been the demand of all the Provinces and particularly the smaller Provinces of Pakistan."⁷⁶ Maulana Mohammed Khan Sharani claimed that except for four departments namely currency, defence, foreign affairs and communications, all other subjects should be transferred to the provinces.⁷⁷ Haji Ghulam Ahmed Bilour critically protested for provincial autonomy in the session of National Assembly held on 10th June 1999. He stated that the attitude of the Centre created serious disturbance in the small provinces. Since, the

⁷³ Ibid., session 17, vol. VII, no. 9, June 15, 1999, 700.

⁷⁴ Ibid., session 7th, vol. VII, no. 5, June 5, 1991, 481.

⁷⁵ Ibid., session 7th, vol. VII, no. 9, August 25, 1997, 883.

⁷⁶ Ibid., session 9th, vol. IX, no.11, December 2, 1997, 643.

⁷⁷ Ibid., session 11th, vol. I. no. 7, March 4, 1998, 649.

Centre had promised the provincial package to the small province for bringing provincial autonomy but no legislative measures had been taken for this.⁷⁸ The case was suspended for long time and Centre did not take a legislative step to increase the powers of the provinces until the 18th Amendment.

2.2.1.3 Issue of Renaming the Province

The other issue which claimed the legislative measures was to rename the province. This issue created conflict between Centre and KP on the demand for conducting the legislative steps to rename the province. This demand was not new; it had started with the very days of the establishment of Pakistan and existed as an issue of conflict between Centre and KP before the 18th Amendment of the Constitution of 1973. At first, the slogan was voiced by Khan Abdul Ghaffar Khan and during the period under study, this demand from the province remained the issue of conflict between two centers of power.⁷⁹

This demand remained a continuous issue during debates in legislative assembly of Pakistan. A motion was moved in the KP Provincial Assembly on 29 November 1990, which demanded the legislation to rename the province.⁸⁰ The nationalist members of National Assembly from the province of KP strongly demanded legislation to rename the province. Some extracts from the debates of

⁷⁸ Ibid., session 17th, vol. VII, no. 6, June 10, 1999, 465.

⁷⁹ Pushtunistan means land of Pashtun and Afghan peoples. This name was given to the North West Frontier Province (NWFP) and Balochistan regions that which now the part of present Pakistan by afghan nationalist at that time the region was under the Persian empires. It became the part of Afghanistan in 1747 and later it ruled by Ranjeet Singh, a Sikh ruler and British government of India. In 1893, the British government was separated the area from the Afghanistan and created a province by the name of NWFP in 1901. After the partition, Pakistan faced the issue establishment of separate Pashtun state consisted of Afghanistan and Pakistan Pashto speaking areas. However, since 1990, to rename the province became the hot issue. A.Z. Hilali, *US-Pakistan Relationship: Soviet Invasion of Afghanistan* (New York: Routledge, 2017), 58.

⁸⁰ *Frontier Provincial Assembly Debates*, vol. IV, no. 2, November 29, 1990, 86. *Dawn* (Karachi), November 30, 1990.

National Assembly of Pakistan are quoted here that reveal the situation of the issue in the present period. For example, a member of National Assembly from KP, Mahmood Khan Achakzai, strictly demanded the replacement of NWFP with Pashtunistan in the session of National Assembly held on 16th May 1991. He stated as, such a system would not acceptable for us in which there would be the province of Balochistan for Baloch, would be the province of Sindh for Sindhi, would be the province of Punjab for Punjabi but why not be the Pashtunistan for Pashtuns.⁸¹ This demand was further supported by another member from KP, Ghulam Ahmed Bilour in the same session.⁸²

The most importantly members of the National Assembly from KP deliberately spoke the name of the province Pakhtunkhwa instead of NWFP in their speeches and statements during the sessions of National Assembly. Constitutionally, they could not speak so until the replacement of the name of the province was made by the constitutional amendment or taking the legislative measures.⁸³ The Speaker of National Assembly warned Ajmal Khan Khattak many times on speaking Pakhtunkhwa instead of NWFP but he was not ready to step back. This demand was further pleaded by the Ghulam Ahmed Bilour and Afzal Khan in the same session who stated as, “not only Ajmal Khattak or Aslam Khattak belonged to Pakhtunkhwa. We all Pashtuns are from there. I conceived that the name of the province NWFP was given to the province by the colonial power which eliminated after 14th August. Wherever Pashtuns live, it is called Pakhtunkhwa.”⁸⁴

⁸¹ *National Assembly Debates*, session 6th, vol. VI, no. 13, May 16, 1991, 1403.

⁸² *Ibid.*, 1424.

⁸³ *Ibid.*, session 6th, vol. VI, no.4, May 6, 1991, 404.

⁸⁴ *Ibid.*, session 6th, vol. VI, no. 13, May 16, 1991, 1424 .

However the issue to rename the province was continuously debated in the sessions of National Assembly during the whole period. Hakim Ali Zardari, renowned politician from Sindh also pleaded the demand of KP to rename the province. He criticized the previous government of Nawaz Sharif which had thumping majority for legislation but it did not pay ear on the voice of KP province and no legislation was practiced regarding the issue of Pashtuns.⁸⁵ After the removal of the Nawaz Government, the PPP came again in the government. The issue of pushtunistan was repeated by the Asfand Yar Wali, he stressed the need to rename the Province.⁸⁶ Hamid Khan Achakzai not only claimed to rename the province but also demanded the establishment of Pashtunistan contained on the Pashtun areas of KP and Balochistan.⁸⁷ He purely talked in the terms of Pashtun nationalism rather than Pakistani Nationalism. Asfand Yar Wali once again claimed to rename the province likewise the other provinces had been known by the ethnic name. He said that, if the name of Punjabi, Sindhi and the Balochi can become on the map of Pakistan why cannot come the name of Pashtun on the map of Pakistan. Haji Ghulam Ahmed Bilour also supported the Wali's demand in the same session.⁸⁸ The issue to rename the provinces debated in the almost each session of National Assembly. Asfand Yar Wali stated that, NWFP was not a name. The name of Pashtuns should be on the map of Pakistan. We are requesting for placing the name of our province on the atlas of Pakistan.⁸⁹ Haji Ghulam Ahmed repeated the words of Asfand Yar Wali in the session of National Assembly held on 12th March 1998. He was of the view that the name of

⁸⁵ Ibid., session 6th, vol. VI, no. 3, December 20, 1993,175-176.

⁸⁶ Ibid., session 10th, vol. IV, no. 9, June 14, 1994,1025.

⁸⁷ Ibid., session 21st, vol. VII, no. 11, December 17, 1995, 1410.

⁸⁸ Ibid., session 6th, vol. VI, no. 6, June 19, 1997, 701, 712.

⁸⁹ Ibid., session 7th, vol. VII, no.11, August 27, 1997, 1121.

three brothers existed on the map of Pakistan and the fourth brother also wanted to place its name on the map of Pakistan that was conceived as disloyalty. He used the word brother for the province and stated that we don't like the name that is given by the British to the province.⁹⁰

As mentioned earlier, this issue almost started with the establishment of the Pakistan. During the period of study, this problem got serious debates. The Provincial Assembly of KP passed many resolutions to replace the name of the province and stressed the central government to ponder on the issue. They demanded the legislation and constitutional amendment for renaming the province.⁹¹ In 1998 the dispute of renaming the province got a serious clash when Centre refused to give it a practical shape. That not only parted the ways of two allies namely PML-N and ANP but also provided concern in Centre-KP relations. The Centre argued that Hazara, Bannu and Malakand Divisions were not agreed to rename province.⁹² No legislative step was taken by all governments operating in this period to resolve the conflict. The demand was accepted in 2009 under the 18th Amendment of the Constitution of 1973.

2.2.1.4 The Issue of Quota System Extension for Services

The other issue which claimed the necessity of legislation in 1993 but the delay in legislation created bitterness between Centre and provinces was the extension of quota system for federal services.⁹³ The quota system for the services had been

⁹⁰Ibid., session 11th, vol. I, no. 13, March 12, 1998, 1289-1290.

⁹¹Ibid., session 7th, vol. I, no. 3, January 19, 1994, 269.

⁹² Ibid., session 13th, vol. III, no. 5, June 17, 1998, 559.

⁹³ The quota system was introduced in Pakistan in 1948 that was further reviewed in November 1949. The Constitution of Pakistan 1956 extended the tenure of quota system for 15 years under the Article 17. This provision continued in the Constitution of 1962 under the Article 8 up to 1972. The Constitution of 1973 also protected the already prevalent quota system. Abdul Wajid Rana, "Quota System in Pakistan," *The Express Tribune* (Editorial), November 9, 2017.

recommended in the Constitution of Pakistan 1973 to bring smaller provinces equal to the larger ones because of all provinces of Pakistan were not equal in educational standard. The Constitution of 1973 decided the tenure of 10 years that was replaced with 20 years in Zia government and that was going to lapse in 1993.⁹⁴ The federal public services and federal public service commission was enlisted in the federal legislative list-1 under the entry 11⁹⁵ and it was the obligation of the Centre to proceed legislative process regarding the said issue. The issue was aroused because the working was not done on paving the smoothness of merit system under the tenure of 20 years that was prescribed in the constitution. That should be initiated with the very days of its inception for the true working of the constitution. The standard of education was not improved in the smaller provinces despite passing the 25 years in the said period.⁹⁶ This obliviousness led to the demand for the extension of quota system for services. The other side Centre had not done an effort to take up the legislative measures for deciding the next policy for recruitment in central services before ending the tenure of quota system. The provinces had demanded the further extension of quota system for 20 years but an efficient reaction was not shown by the governments in the legislation to extend this formula.⁹⁷ In 1992 a committee was appointed to ponder on the issue of quota system. The committee recommended the further extension of quota system for 20 years but its report remained pending in the

⁹⁴ Syed Irfan Raza. "Cabinet Decides to Revise Quota System in Country," *Dawn* (Karachi), October 11, 2017.

⁹⁵ *Constitution of Pakistan 1973*, Fourth Schedule, Federal Legislative List-1, Entry 11.

⁹⁶ *National Assembly Debates*, session 8th, vol. VIII, no. 8, November 10, 1997, 1005-1006, 1008.

⁹⁷ Raza, "Revise Quota System."

Senate.⁹⁸ The successive governments did not take a worthy step in coming years on not having the 2/3 majority in the legislative assembly that was required for legislation.⁹⁹ In 1997, the large numbers of members from the smaller provinces claimed the extension of quota system for next twenty years that had been ended from 1993.¹⁰⁰ In 1998, Mir Hazar Khan Bijarani,¹⁰¹ Khursheed Ahmed Shah and others demanded the extension of quota system.¹⁰² However, after a long time in 1998, the resolution was passed unanimously in the National Assembly after heated debate on 30th June 1998.¹⁰³ Despite passing the resolution, legislative step was not taken till 1999. The smaller provinces declaring that the 1993-1999 was the period which created an imbalance in the apportionment of services.¹⁰⁴ Since, quota system was not in force for six years and central governments did not take legislative steps to extend it. That led the discontentment in the smaller provinces. However, on 27th July 1999 the meeting of National Assembly was held and 16th Amendment was passed under which the Article 27 was revised.¹⁰⁵ The tenure of quota system was extended from

⁹⁸ *National Assembly Debates*, session 13th, vol. III, no. 15, June 30, 1998, 2161. In the meanwhile, Federal Sharia`at Court declared the quota system unlawful as it repugnant with the Islam. This decision of Federal Sharia`at Court was challenged in the Supreme Court by the provincial governments.

⁹⁹ *Ibid.*, session 13th, vol. III, no. 10, June 23, 1998, 1290-1291.

¹⁰⁰ These members were Naveed Qammer, Asfand Yar Wali, Ghulam Ahmed Bilour, Mir Hazar Khan Bijarani, Syed Khurshid Ahmad Shah, Aftab Shahban Mirani, Mir Hasal Khan Bizenjo, Haji Baz Gul Afridi, Javed Ibrahim Piracha, Mr. Adnan Aurangzeb, Sahzada Mohiuddin, Babu Ghulam Hussain, Pir Aftab Hussain Shah Jilani, Mr. Ghaus Bukhash Khan Maher, Mr. Sanaullah Baloch and Dr. Fahmeeda Mirza. *Ibid.*, session 8th, vol. VIII, no. 9, November 11, 1997, 1060.

¹⁰¹ *Ibid.*, session 13th, vol. III, no. 10, June 23, 1998, 1290-1291.

¹⁰² *Ibid.*, 1293.

¹⁰³ *Ibid.*, session 13th, vol. III, no. 15, June 30, 1998, 2182.

¹⁰⁴ Raza, "Revise Quota System."

¹⁰⁵ *National Assembly Debates*, session 17th, vol. VII, no. 37, July 27, 1999, 3226-3247. The votes, 162 were in favour of the motion and four votes were against it. Therefore the motion was passed by the majority of not less than two third of the total participation of the Assembly and the Bill was passed.

20 to 40 years.¹⁰⁶ In later years the same problem was detected in 2013 when the above mentioned tenure was elapsed and it took four years for further decision of extension.

2.2.1.5 Issue of Delay in Holding Census

The other issue associated with the aspect of delay in taking the legislative measures is to hold the national census according to the constitution. The census is a constitutional prerequisite with respect to all aspects of Centre-province relations. Census is required for the true distribution of seats and representation of the provinces in the National Assembly and provincial assemblies, civil and armed services. It is also needed for the delineation of the electoral constituencies and distribution of sources and finance. The number of seats in the National Assembly, and so many other issues are also decided on the basis of the census.

The constitution proposed the national census should be after every ten years. Constitutionally, national census was listed in the central subjects as it was listed in the federal legislative list-1 under the entry number 38. The Centre was responsible to hold the national census in every ten years but the census was not conducted in Pakistan after 1981. According to the constitutional demand, the fourth census was due in 1991 but it was delayed until 1998.¹⁰⁷ This delay aggravated the Centre-Province differences. The census was postponed number of times during this period i.e. 1991-1998. Census that was planned in March 1994 was deferred, on the demand of a province to hold a fair and transparent census and decided on October 1994.¹⁰⁸

¹⁰⁶ In the Constitution of the Islamic Republic of Pakistan, in Article 27, in clause (1), in the first proviso for the word "twenty" the word "forty" shall be substituted and shall be deemed always to have been so substituted." The Constitution (Sixteenth Amendment) Act, 1999, in *The Gazette of Pakistan* (Extraordinary), Part-1, Clause 2, August 15, 1999.

¹⁰⁷ Fahim Zaman, "Delay Census," *Dawn* (Karachi), February 18, 2016.

¹⁰⁸ *National Assembly Debates*, session 10th, vol. IV, no. 7, June 12, 1994, 704.

But in October, 1994 the census was deferred again sine die or without fixing any date.¹⁰⁹

There was the need of consensus between Centre and provinces for holding the national census that remained out of scene during this period. Punjab was curious in the case of holding the due census and inquired the question to the Centre.¹¹⁰ As mentioned earlier, the major bottleneck in the whole issue was the lack of harmony and consensus of the provinces because they were very conscious or scared about the transparency of the census to be held. Apart from the NFC Award's allocations the other issue that was considered by the provinces was the allocation of the provincial seats for the National Assembly.

On the other side, Sindh resented the Centre for delaying the census. Sindh demanded the holding of new census in the province because many unofficial surveys hinted that Sindh had higher population than before. This increase in population was expected to increase Sindh representation in National Assembly and on other key posts as well as in the national wealth. Sindh blamed that the census was deliberately delayed by the Centre to cut its right shares in the representation in National Assembly and national finance. Rafique Ahmed Mahesar stated that the government is delaying the census to restrict their due representation in National Assembly as well as share from the NFC.¹¹¹ Another member of National Assembly from Sindh, Naveed Qammer, pointed out the delay to hold the national census in strict wording. He stated as, "if the People of Sindh have increased their population, then their share in the total national wealth must increase, their share in the total numbers of seats in

¹⁰⁹ Ibid., session 12th, vol. VI, no. 4, November 2, 1994, 428

¹¹⁰ Ibid., session 28th, vol. VII, no. 14, September 4, 1996, 1898.

¹¹¹ *Dawn* (Karachi), January 4, 1993.

National Assembly must increase; how long you can prevent that?.”¹¹² Sindh also raised question to carry out the census in the session of National Assembly held on 19th April 1995. The central government had only one answer for this delay; the Centre would fix a fresh date of population census in consultation with the provinces in due course of time.¹¹³

The members of National Assembly from Sindh stressed the Centre from time to time for conducting the census.¹¹⁴ Since, Babu Ghulam Husain from Sindh stated that, the population of smaller provinces particularly Sindh had increased due to inflow of population from upcountry to Sindh. But the central government conceived that these figures were wrong and squeezed the share of Sindh in NFC Award, their development funds, grants and they were being treated indiscriminately. He claimed that the census must be conducted in the present year.¹¹⁵ In Sindh, due to the rural-urban issue and bilingual problem, census was not conducted.

If we look at reasons underlying this census deferral, the major hurdle seems to come from the lack of provincial harmony. For example, Balochistan opposed census in the presences of Afghan refugees. Balochistan Provincial Pssembly demanded the exile of Afghan refugees from Balochistan before holding the national census.¹¹⁶ Samina Ahmed stated as, “Balochistan strongly opposed holding the long

¹¹² *National Assembly Debates*, session 12th, vol. II, no. 24, June 1, 1992, 3237.

¹¹³ *Ibid.*, session 16th, vol. II, no.1, April 19, 1995, 50.

¹¹⁴ *Ibid.*, session 5th, vol. V, no. 10, May 21, 1997, 941.

¹¹⁵ *Ibid.*, session 6th, vol. VI, no. 10, June 25, 1997, 1550.

¹¹⁶ Balochistan Subbai Assembly Ki Karwai: Sarkari Report [Balochistan Provincial Assembly Debates: Official Reports], session 4th, January 2, 1994, 61.

overdue national census until the Afghan refugees were repatriated from its territory.”¹¹⁷

If we look into this condition imposed by Balochistan for holding national census, there was the underlying apprehension of ethnic dominance. In Balochistan, there were three ethnic groups i.e. Pashtun, Baloch and Brahvi. Baloch and Brahvi joined their hands against the Pashtun because they disdained the dominance of Pashtuns in Balochistan. The joint alliance of Baloch and Brahvi apprehended that if the census would have been conducted in the presence of Afghan refugees, the number of Pashtun would rise up. That could raise their representation in the National Assembly and provincial assemblies. A Baloch member of the National Assembly, Mohammed Ayub Jattak, demanded the cancelation of identity cards issued to the Afghan refugees in Balochistan and declared it an effort into a turn the Baloch in minority.¹¹⁸

Baloch and Brahvi aggressively demanded the expulsion of Afghan refugees from Balochistan before the census. They refused to accept the presence of Afghan refugees in the province. The other side, Pashtun political parties opposed the demand and stood against the Baloch-Brahvi claim. They demanded to hold the census and also claimed the inclusion of all citizens of the province in the due or coming census. Hamid Khan Achakzai, Member of National Assembly from Balochistan, associated with PMAP was annoyed on the postponement of the census in November 1994.¹¹⁹ This ethnic tussle delayed the census many times. This problem of delaying the census was protested in the National Assembly. In the session of National Assembly

¹¹⁷ Ahmed, “Centralization Authoritarianism, and the Mismanagement,” 116.

¹¹⁸ *National Assembly Debates*, session 10th, vol. IV, no. 11, June 16, 1994, 1472.

¹¹⁹ *Ibid.*, session 13, vol. VII. No.4, November 24, 1994, 259.

held on 14th March, 1996, the question was raised once again.¹²⁰ In 1996, the central government tried to conduct the census but received serious resistance in the National Assembly and also at public level.

However, after the election of 1997, Akhtar Mengal became the Chief Minister of Balochistan. He provided his assurance to cooperate with the Centre in holding the census. He conducted an all party's conference to create consensus on the problem among all the groups. Nawaz Sharif was the Prime Minister at that time who also expressed his desire for solving the problem. But the issue of conducting the census could not meet success in 1997. Mir Hasil Khan Bazinejo stated in the session of National Assembly held on August 27, 1997 that they would not accept the results of census if conducted in the presence of Afghan refugee in Balochistan.¹²¹ Hence, in October 1997, the government postponed the due census again from October 1997 to March 1998.¹²² The small provinces also apprehended that increase in population of small provinces and decrease in the population of Punjab is restricting the central government from conducting the census.¹²³

The Census (Amendment) Bill was passed on 1st December 1997.¹²⁴ The steps taken to ensure fool-proof conduct of census were presented by the Centre in the session of National Assembly held on 4th December 1997.¹²⁵ At last, census was

¹²⁰ Ibid., session 23, vol. II, no.5, March 14, 1996, 682-685.

¹²¹ Ibid., session 7th, vol. VII, no.11, August 27, 1997, 1102. This bill was critically objected in the house as it was an increase in the public difficulties. This bill was an enhancement in the penalty if some one committed any kind of misconduct during the process of census. See also Census Ordinance, 1959 and Census (Amendment) Act 1997, *The Gazette of Pakistan (Extraordinary)*, Part-1, Clause 2, December 22, 1997.

¹²² *National Assembly Debates*, session 8th, vol. VIII, no.3, October 31, 1997,285.

¹²³ Ibid., session 9th, vol. IX, no.10, December 1, 1997. 576.

¹²⁴ Ibid., 570-592.

¹²⁵ Ibid., session 9th, vol. IX, no.12, December 4, 1997, 710.

conducted on 2nd March 1998.¹²⁶ As mentioned earlier, according to constitution, census should take place after ten years. The census 1998 was conducted after seventeen years. That was the clear neglect of the legislative obligations by the political authorities. But it was not the end, even to-date, the census conducted in 2017 instead of 2008 as it was constitutionally due in 2008. Another hereditary problem related with the census stemmed from the results of census. The results of almost all censuses that were conducted after the establishment of Pakistan received criticisms. The main issue had been the rigging and manipulation to give advantages to one or the other provinces.¹²⁷

The regrettable point was that since 1991, the issue of census was pending and the delay in conducting the census was criticized almost in each debate of national and provincial assemblies. But in 1998, when the census was conducted, the people who were critical on its delay became aggressive on holding the census.¹²⁸ The fears of decrease and increase in population of Baloch-Pashtun, Urban-Rural and Punjab-Smaller provinces set the stage for heated debates in National Assembly during the process of census.¹²⁹ Balochistan was claiming that the census should be conducted through Baloch-Pashtun joint commission that was not admitted by the Centre.¹³⁰

Moreover the results of fresh census of 2017 have been rejected by the Sindh Provincial Assembly on the grounds that the statistics of Sindh's population are not correct and less than the actual population. The Sindh government stated that it was

¹²⁶ Ibid., session 11th, vol. I, no. 5, March 2, 1998, 410.

¹²⁷ Ibid., 410-414, 431.

¹²⁸ Ibid., session 11th, vol. I, no. 7, March 4, 1998, 615-659. The discussion was remained continue also in the session of 5th March 1998.

¹²⁹ See for detail the *Debates of National Assembly* from 2nd March 1998 to 5th March 1998.

¹³⁰ Ibid., session 11th, vol. I, no. 13, March 12, 1998, 1274.

pre-planned by the Centre to reduce the share of Sindh in National Assembly. The PPP, MQM, PTI and Qaumi Watan Party (QWP) declared that the results of census were non-transparent.¹³¹ Collectively, surmised grievances revealed that delay in legislation for holding the census contributed to the tension in relations between Centre and provinces. This delay was the result of political defiance. Since, constitution prescribed the tenure of 10 years for conducting the census and census was enlisted in the federal-legislative list. Thus, it was the responsibility of the Centre to conduct the census in time but in the period under study, attitude of the provincial leadership became hurdle in holding the census within prescribed period.

2.2.1.6 Delay in Legislation about the Article 251

The Article 251 of the Constitution of 1973 deals with the national language which also created a tension between the Centre and the provinces. The Article claimed the enforcement of Urdu as an official language after passing fifteen years. The Article 251-1 says that, “The national language of Pakistan is Urdu and arrangements shall be made for its being used for official and other purposes within fifteen years from the commencing day.”¹³² The Article 251-2 further says that, “the English language may be used for official purposes until arrangements are made for its replacement by Urdu.”¹³³ According to the constitution, the English language should have been eliminated in 1988. But no legislative measure was taken by the legislative forces even after passing the twenty four years as the implementation of 251-1 was not made.¹³⁴ Because of the completion of constitutionally specified period in 1988 that is

¹³¹ *The News*, August 29, 2017.

¹³² *Constitution of Pakistan 1973*, Article 251-1.

¹³³ *Ibid.*, Article 251-2.

¹³⁴ *National Assembly Debates*, session 7th, vol. VII, no.11, August 27, 1997, 1128.

specified in the constitution to implement Urdu as an official language, resolution was moved in the National Assembly against this overlook of the legislative business in year 1997.¹³⁵ It became the source of conflict between Centre and provinces as a member of National Assembly, Maulana Mohammed Khan Sherani, from Balochistan declared it the violation of the constitution.¹³⁶ Urdu was a source of communication among the provinces that had their regional languages. Delay in the implementation of 251 reduced the space for national language and national sentiments in the provinces up to the level pertinent to unite the federation and federating units. This delay also grinded the situation which prompted the disdain against Urdu in the provinces and provided continuous increase to instigate the ground against it. Though, summarized grievance not flared up but disturbance remained.¹³⁷ Even in 2015, Supreme Court ordered the central and provincial governments to implement Urdu as official language.¹³⁸

2.2.2 Conflicts on Legislative Rights

Besides overlooking the legislative obligations and the delay in legislation, the duel over the legislative rights¹³⁹ between Centre and provinces also came into scene in many cases in the period under study. Regarding this the clashes took place in the cases of the establishment of the Bank of the Punjab, establishment of Punjab TV station, induction of People's Works Programme by the Centre, subject of zakat

¹³⁵ Ibid., session 8th, vol. VIII, no.9, November 11, 1997, 1073.

¹³⁶ Ibid., session 7th, vol. VII, no.11, August 27, 1997, 1128.

¹³⁷ See Amena Mohsin, "Language, Identity and the State in Bangladesh," in *Fighting Words: Language Policy and Ethnic Relations in Asia*, eds. Michael Edward Brown and Sumit Ganguly (London: The MIT Press, 2003), 76.

¹³⁸ *Dawn* (Karachi), July 11, 2015.

¹³⁹ I mean by 'Legislative Rights' who was truly deserves for legislation on the initiated subject i.e., Centre or provinces.

undertaken by the Centre, demand for transfer of workers welfare to the provinces, and the abolition of Octroi Tax. Both centers of power come into conflict to determine their right of legislation on the said issues. The detailed analysis regarding these issues is necessary to find out the answer of the problem.

2.2.2.1 Establishment of the Bank of the Punjab

This case took root when the central government denied loans to the politicians and supporters of IJI from banks under the legislation of central government.¹⁴⁰ In reaction government of IJI in the province of Punjab used its legislative powers and established the Punjab Provincial Bank by the name of The Bank of Punjab, under the Bank of Punjab Act, 1989. This act was presented in the Punjab Provincial Assembly on 1st July, approved by the governor of Punjab on 26th July and first published in the gazettes of Punjab on 30th July, 1989.¹⁴¹ Nawaz Sharif inaugurated the Bank of Punjab on November 15, 1989, by his personal investment that was almost one hundred million.¹⁴² Later in 1994 when Nawaz Sharif was in Centre, the Bank of Punjab succeeded the status of retail bank.¹⁴³

Though, it was the legislative right of the provinces under the entry 28 of the federal legislative list-1 enlisted in the fourth schedule of the constitution. The entry 28, that which authorized the state bank to control over the whole banking system and also revealed that the provinces has powers to carry on banking business within their own provincial confines. Since the constitution stated in the federal legislative

¹⁴⁰ Osmani, "Punjab Kaleidoscope."

¹⁴¹ *Official Report, The bank of Punjab Act, 1989 (Act XII of 1989)*, accessed August 5, 2017, <http://punjablaws.gov.pk/laws/375.html>.

¹⁴² Talbot, *Modern History*, 301.

¹⁴³ Anwer Sumra, "Bank of Punjab President Gets One-Year Extension," *The Express Tribune-Business*, September 27, 2013.

list-1 under item No 28 as, “State Bank of Pakistan; banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Province and carrying on business only within that Province.”¹⁴⁴

The state bank has the power to regulate, supervise and check the functioning of the bank. In spite of it, the Centre strongly opposed the establishment of the Bank of Punjab. The Centre did its best to restrict the formation of the Bank of Punjab and declared it unlawful without gaining the recognition of the State Bank of Pakistan.¹⁴⁵ Since the PPP was in the Centre and sat on the opposition benches in the government of Punjab. Thus when the bill of Punjab Bank was presented in the Punjab Provincial Assembly for the legal approval on 3rd July 1989, the members of Punjab Provincial assembly from PPP opposed the bill of the Bank of Punjab strictly as a party of opposition. The opposition declared it unconstitutional and treachery against the Centre.¹⁴⁶ While the other side the provincial government of Punjab conceived it as the interference of the Centre in the provincial matters of legislation.¹⁴⁷ The members of the National Assembly who had links with IJI from Punjab and other provinces denounced the resistance of the establishment of the Bank of Punjab and declared it

¹⁴⁴ *Constitution of Pakistan 1973*, Fourth Schedule, Federal Legislative list-1, Entry 28.

¹⁴⁵ Osmani, “Punjab Kaleidoscope.” The central government warned the Punjab that the risk of the prospective investors tangled in dealing with a provincial bank. Moreover, the provincial bank did not have the support and recognition from the State Bank of Pakistan. State Bank was constitutionally under the authority of the Centre as it was enlisted in federal legislative list.

¹⁴⁶ *Dawn* (Karachi), July 4, 1989.

¹⁴⁷ Osmani, “Punjab Kaleidoscope.” The Punjab provincial government dismissed the all objection of the central government and passed a bill for giving the legal approval to set up a provincial Bank of the Punjab. The issue got heated Debates in the outcome of passing the bill but the Punjab government was firmly determined with the establishment of the provincial bank. The Bank of Punjab was established in the last day of November at the face of strong resistance. Punjab government ordered the all departments and organizations that were under its control to assign their fund to the Bank of Punjab.

violation of the constitution.¹⁴⁸ As Mian Mohammad Usman, stated in the National Assembly, provinces have the constitutional right to establish the provincial bank but if we try to gain constitutional rights then considered traitor to us.¹⁴⁹ Thus it is evident clearly this conflict between Centre and Punjab was the outcome of political tussle rather than constitutional factor because constitution marked the boundaries of legislation each of the two. Both sides had the right of legislation under their domains marked in the constitution.

2.2.2.2` Dual over Establishment of Punjab TV Station

The other issue associated with the legislative rights which became the cause of conflict between Centre and provinces was the establishment of a television station. This clash took place when Punjab provincial government ruled by IJI, an opponent party of the central government decided to set up the Provincial T.V. station in Punjab. The Punjab provincial government's plan for its own television network was being seen as conflict with the Centre.¹⁵⁰ On 30th November 1989, the then Punjab provincial minister of revenue, Arshad Khan Lodhi, declared the programme of the Punjab provincial government to set up the television station.¹⁵¹ The Punjab argued that the Pakistan Television worked for the interest of the central government and projected the point of view of central government. Moreover, the Pakistan Television Centre was not projecting the point of view of the Punjab government in different

¹⁴⁸ As mentioned earlier Central government declared it unconstitutional action by the province against the Centre and Centre denied the recognition of the Punjab bank by the State Bank of Pakistan. It was an effort to restrict the establishment of Punjab bank but Centre could not do so because province has constitutional right to establish its own bank. The state bank just had the authority to control the functioning of the bank instead of establishment.

¹⁴⁹ *National Assembly Debates*, session 7th, vol. V, no. 8, December 23, 1989, 637.

¹⁵⁰ *Dawn* (Karachi), April 20, 1989.

¹⁵¹ *Dawn* (Karachi), December 1, 1989. See also, Talbot, *Modern History*, 301-302.

matters.¹⁵² On the other side, the act of the Punjab government to set up the T. V. station was strictly criticized and restricted by the central government.¹⁵³ Constitutionally, provincial government had the authority to do so but it was inevitable to get the consent of the Centre because broadcasting was the central subject. Since, all forms of communication like post office, telegraphs, telephones, wireless and broadcasting enlisted in the federal legislative list-1 under the entry number 7.¹⁵⁴

But according to the constitution it was also the legislative right of the provinces that they had the authority to establish their own T.V. Centre under the Article 159. Since, the Clause 159-1(a) of the said Article stated, “The Federal Government shall not unreasonably refuse to entrust to a Provincial Government such functions with respect to broadcasting and telecasting as may be necessary to enable that Government-(a) to construct and use transmitters in the Province.”¹⁵⁵ The Article 159-1 of the constitution allows any province to set up its own television and radio networks. Besides, Article 159-2 also says that, “it shall not be lawful for the Federal Government so to impose any conditions regulating the matter of broadcast or telecast by, or by authority of, the Provincial Government.”¹⁵⁶ However the Article 159-5 prescribes certain conditions with respect to security. Since, Article 159-5 says that, “Nothing in this Article shall be construed as restricting the powers of the Federal

¹⁵² *Dawn* (Karachi), January 11, 1990.

¹⁵³ The then Central Minister for Information and Broadcasting, Ahmed Saeed Awan, strictly denied the establishment of Punjab provincial TV station. He was of the view a provincial TV. Station held the potential of fragmentation of the nation, spread the disaffection and projected the provincial identity rather than integrity of the nation. *Dawn* (Karachi), January 11, 1990.

¹⁵⁴ *Constitution of Pakistan 1973*, Fourth Schedule, Federal Legislative List-1. entry -7.

¹⁵⁵ *Ibid.*, Article 159-1(a).

¹⁵⁶ *Constitution of Pakistan 1973*, Article 159-2.

Government under the Constitution for the prevention of any grave menace to the peace or tranquility of Pakistan or any part thereof."¹⁵⁷

The legislative right given under the Article 159-1 was availed by the province of Punjab when it announced the establishment of Punjab TV Centre in the face of Centre. The establishment of the Punjab provincial television station was strictly resisted by the central government. On January 10, 1990, Mr. Ahmed Saeed Awan, the Minister of State for Information and Broadcasting, expressed that the central government believed in strengthening national unity and integrity. He was of the view provincial T. V. station created the diversity, dissatisfaction against the Centre and projected the disintegration of the nation.¹⁵⁸ On this issue a serious clash came into scene between Centre and Punjab which was the result of competing race between the Centre and the provinces especially between Centre and the Punjab.

This conflict was caused by the political tussle of the two opponent parties. One had the rule in Centre and the other in the province of Punjab. Both wanted to damage and dislodge the ruling position of one another. In this case, both levels did not give care to their positions that is defined by the constitution under the Article 142. They dishonored the constitution and also used it for their political interest. This became a heated issue in the debates of the members of government and opposition of the National Assembly. Probably, to restrict the broad casting and telecasting of the provincial government by the Centre was the violation of the constitution that had been due to further there political interest. Since, the Centre assumed the responsibilities not to refuse any provincial government to use its legislative right of constructing and broadcasting transmitter in the provinces. Moreover, in case of

¹⁵⁷ Ibid., Article 159-5.

¹⁵⁸ *Dawn* (Karachi), January 11, 1990.

conflict relating to this issue it is to be settled by an arbitrator nominated by the chief justice of Pakistan.¹⁵⁹ The Punjab provincial government filed the case in the Supreme Court against the Centre on denying giving its legislative right of construction of T.V. station. The case was not decided until the dismissal of central government of PPP.¹⁶⁰

2.2.2.3 Dispute over People's Works Programme

Besides, another issue associated with the legislative rights between Centre and provinces took place on running the People's Works Programme by the central government. This programme was initiated by the central government of the PPP for the rural development under the Federal Ministry for Local Government and rural development, on March, 1989 and Rs. 2 billion were specified for this programme.¹⁶¹ This programme started for providing the basic services to the poor at the grass roots level, such as schools, health, drinking water, brick lined village streets and sanitation.¹⁶² The federal government which also provided the funding attempted to run this programme as a federal government's project. The conflict caused in case of the implementation of the People's Works Programme by the central government. The Article 142(b) allocated power to the Centre for legislation of the subjects listed in the concurrent list. The matter of Social welfare listed in the concurrent list in entry number 25 and the Centre launched a People's Works Programme, the purpose was to improve the local governments and rural areas.

¹⁵⁹ *Constitution of Pakistan 1973*, Article 159.

¹⁶⁰ Rahat Zubair Malik. "Politics of Alliances: A Case Study of Islami Jamhoori Itehad (IJI)" (PhD. Diss., University of Quaid-i-Azam, 2014), 292.

¹⁶¹ Government of Pakistan, *Economic Survey: 1989-90* (Islamabad: Finance Division, Economic Advisors' Wing), 120. Talbot, *Modern History*, 302. According to the reference of Talbot's *Modern History* the date of initiation of the People's Works Programme is 8th February 1989 whereas in *Economic Survey* is March 1989.

¹⁶² *National Assembly Debates*, session 7th, vol. V, no. 8, December 23, 1989, 617. Pakistan, *Economic Survey: 1989-1990*, 120.

Though, it was the matter of social welfare listed in the concurrent list and Article 142-(a) allowed the Centre for legislation about the subjects listed in the concurrent list. But, its induction through central government got bitter resistance as it was the programme of undertakings concerned with social development¹⁶³ which normally falls within the purview of the provincial government in the previous governments. As Ghulam Mustafa Jatoi member of the National Assembly from Sindh stated as, “It was started during the former Peoples Party Government and... there in that Government... that the funds for the People's Works Programme were given to the Provinces and the amount was disbursed through the recommendations of the elected representatives. Now, here what has happened is that the entire programme has been usurped by the Federal Government.”¹⁶⁴

All members from the opposition parties criticized the People's Works Programme during their discussion on the Presidential address in the joint sitting of the parliament. The cause of conflict was not the initiation of People's Works Programme. The conflicts were caused in case of implementation of this programme as this programme was launched by the central government rather than the provincial governments. Major (Retd) Aftab Ahmad Khan, a member of National Assembly, stated as, “People's Programme is a good programme, no doubt, but if it is channelized through the elected representatives and the Provinces.”¹⁶⁵ Ch. Mohammad Ashraf stated, we are not against the People's Works Programme, we are against the procedure of implementation, and the correct procedure of implementation

¹⁶³ Social development is recycled to improve different things for instance related with community-based schemes in the developed countries. It also move toward government policies regarding social aspect of development basically reducing poverty and literacy, access to health and education and provision of drinking water.

¹⁶⁴ *National Assembly Debates*, session 6th, vol. IV, no. 19, November 1, 1989, 1869.

¹⁶⁵ *Ibid.*, session 7th, vol. V, no. 17, January 8, 1990, 1062.

is that, this programme should be implemented through the provincial governments.¹⁶⁶ The People's Works Programme was mostly resented and restricted especially by those provinces wherein the non-PPP governments namely Punjab and Balochistan. The provincial governments decided to resist the implementation of the People's Works Programme on the grounds that it was an attack on the autonomy of the provincial governments.

The provincial governments of Punjab and Balochistan opposed the programme. Provincial governments criticized it as a plan to destabilize the non-PPP provincial governments. In these provinces this programme was conceived as the interference of the Centre in the provincial matters because they apprehended that the People's Works Programme is purely a provincial subject. Moreover, provinces declared it the encroachment of the provincial autonomy and the violation of the constitution. The programme mainly opposed by two provinces; Punjab and Balochistan.¹⁶⁷

Mian Nawaz Sharif did his best to stop the working of People's Works Programme in Punjab. He stated during his address to the PCS officers, we would do utmost to oppose the People's Works Programme.¹⁶⁸ Punjab was bent upon to oppose any move that is coming from the Centre. The Chief Minister of Balochistan Nawab Akbar Bugti also upheld the People's Works Programme as interference in provincial autonomy and sovereignty.¹⁶⁹ As Samina Ahmed stated, "Balochistan strongly criticized the Centre's interference in Balochistan's provincial

¹⁶⁶ Ibid., 1123.

¹⁶⁷ . M.H. Askari, "The Year 1989 in Retrospect," *Dawn* (Karachi), January 1, 1990.

¹⁶⁸ *National Assembly Debates*, session 7th, vol. V, no. 9, December 24, 1989, 666.

¹⁶⁹ Talbot, *Modern History*, 302.

affaires.”¹⁷⁰ Lamb also stated the issue as, “Bugti also declared his own war against Centre and refused to let the People’s Works Programme to operate, ordering gleefully his bureaucrats to seize the Federal Government Land-Rovers.”¹⁷¹ The People’s Works Programme coming into practice without taking the provinces into confidence also caused break up of PPP-ANP coalition in KP.¹⁷²

This conflict created critical scenes in villages. The administrators of People’s Works Programme sent the teams for building village roads and drains with bricks, and the local deputy commissioners sending bulldozers to destruct the structure and “arresting the workmen on charges of disturbing the public peace.”¹⁷³ As above mentioned, the critical issue was that, this programme implemented by the Centre rather than provincial governments or local bodies. Since, in the previous governments the Rural Development Programme of Ayub Khan, People’s Works Programme of Zulfikar Ali Bhutto and Five Point Programme of Muhammad Khan Junejo implemented through provincial and local governments.¹⁷⁴ That was the reason which gave a concern to the provinces. Ch. Amir Husain, a member of National Assembly who belonged from IJI suggested that the People’s Works Programme is a provincial subject and should be implemented according to the constitution by the provinces as well as with the consent of the provinces. He further stressed on need of

¹⁷⁰ Ahmed, “Centralization, Authoritarianism, and the Mismanagement,” 116-117.

¹⁷¹ Christina Lamb, *Waiting for Allah: Pakistan’s Struggle for Democracy* (New York: Viking, 1991), 116.

¹⁷² Mahendra Prasad Singh and Veena Kukreja, *Federalism in South Asia* (New Delhi: Routledge, 2014), 144.

¹⁷³ Mushahid Hussain and Akmal Hussain, *Pakistan: Problems of Governance* (New Delhi: Vanguard, 1993), 14.

¹⁷⁴ *National Assembly Debates*, session 7th, vol. V, no. 9, December 24, 1989, 678, 684.

consensus between Centre and provinces for the development.¹⁷⁵ The other reason to oppose this programme was that a single party did not rule at both levels central and provincial. Because this programme was opposed by those provinces where there were the non-PPP governments. For example, the Sindh government and the government of KP did not oppose the programme because Sindh and KP were under the rule of PPP (but in KP programme was rejected by ANP).

Opponent party's governments in the Centre and provinces engaged in creating problems for one another without giving importance to the constitution that was evident by the statements of the members of National Assembly. The prestige was not given to constitutional provisions that are revealed by the following statements. Qadir Bukhash Maila, a member of the National Assembly, belonged to PPP, stated, if constitution has to be violated for the development of the social structure then "ain majrooh hota ha to honay do (let it to violate)."¹⁷⁶ Syed Fakhar Imam from PML stated as, "the constitutional functions of the Provinces were frustrated in violation of Article 97 by having the People's Works Programme, a Programme which is really, in essence, of local Government, building small roads, having small things but because they did not have their Governments at the Provinces they were even willing to violate the letter and the spirit of the Constitution."¹⁷⁷ Both sides were interpreting the articles of the constitution for their own interest.¹⁷⁸

¹⁷⁵Ibid., session 7th, vol. V, no. 13, January 2, 1990, 874, 875.

¹⁷⁶ Ibid., session 7th, vol. V, no. 8, December 23, 1989, 622.

¹⁷⁷ Ibid., session 4th, vol. IV, no. 11, January 1, 1991, 1379.

¹⁷⁸ The difference also revealed by the statement of the Faisal Saleh Hayat, in *Dawn* (Karachi), December 16, 1988. Faisal Salah Hayat was the federal Minister for Commerce, Local Government and Rural Development at that time. Besides, also see the statements of the opposition leaders from the provinces in *National Assembly Debates*, session 7th, vol. V.

Actually, this was the programme of social welfare and social welfare was enlisted under the concurrent list. Constitutionally, both Centre and provinces were authorized to make legislation on the subjects enlisted under the concurrent list. And regarding this central government also has the authority to run this programme while provinces claimed that it is a provincial subject and should be run by the provincial governments and local bodies. Both sides persisted that the People's Works Programme was their subject.¹⁷⁹ This conflict would probably have not appeared, if, in case of conflict the authority of the Centre would be accepted. Since, it was the programme of social development and the subject of social welfare was enlisted in the concurrent list. The Centre and the provinces both had the right of legislation over the subjects enlisted in concurrent list under the Article 142, and in case of conflict, priority was to be given to the Centre under the Article 143. This constitutional authority of the Centre should be accepted by the provinces but they did not do so which resulted in the conflict. Besides, the concurrent list was not dissolved in prescribed tenure. It was agreed that the concurrent list must be abolished after ten years and it should be abolished in 1984 but this was the time when military was in government which suspended the Constitution of 1973. The Junejo government was established under the shadow of military rule in 1985. It restored the Constitution of 1973 with the addition of Eighth Amendment but did not abolish the concurrent list. Even, after the establishment of democratic government of PPP in 1988, and in the later years this constitutional responsibility was ignored. This ignorance also gave a space to the conflict on People's Works Programme. No step has been taken from any side to remove the conflicts between the Centre and the provinces on this programme.

¹⁷⁹ The Centre holds that, in fact, the constitution empowered the Centre to take any measures for the social and economic uplift of the peoples. As the former Chief Justice, Yaqub Ali stated in an interview, the constitution did not forbid the federal government to make arrangements for the supply of drinking water, education facilities and health care to the people. To sum up, the federal government cannot be accused any constitutional impropriety in proceeding to implement its welfare programme.

Thus, it is clearly apparent that this conflict was the aftermath of ignoring the respect of the constitutional provisions which not only affected the legislative relations between two tiers of government but also disturbed the political situation and way of democracy in Pakistan. This was also the result of personality conflicts of Benazir and Nawaz Sharif who were busy to dislodge the domains of each other. The same situation prevailed during 2013-2018 between central government of the Muslim League-N and the provincial government of Pakistan Tehrik-e-Insaf in KP.

2.2.3.4 Conflict over Subject of Zakat

Another issue associated with the legislative rights aroused on the subject of Zakat. The subject of Zakat was enlisted in the concurrent list under the entry number 40.¹⁸⁰ The system of Zakat brought into effect during Zia regime and the Zakat was the provincial subject in the Zia period. After establishing the government in 1988, the central government of PPP took the subject of Zakat under their own control. This issue got heated debates in the first period of the PPP to declare the Zakat as provincial subject and members of the National Assembly claimed that the Zakat and Usher should not be the part of finance bill. It was conceived as the encroachment of provincial autonomy.¹⁸¹ The issue of Zakat aroused again in 1994 as the subject of Zakat was taken under the control of Centre. In the second period of PPP, the central Zakat Council had taken apart under the provisions of Zakat and Usher Ordinance, 1980 as revised through the Finance Act, 1994.¹⁸² Maulana Abdul Ghafoor Haydri highlighted that the subject of Zakat was taken under the control of Centre that was previously run by provincial Zakat committees. He opposed the decision in the

¹⁸⁰ *Constitution of Pakistan 1973*, Fourth Schedule, Concurrent List, entry 40.

¹⁸¹ *National Assembly Debates*, session 4th, vol. IV, no. 10, December 31, 1990, 1285.

¹⁸² *Ibid.*, session 12th, Vol. VI, no. 4, November 2, 1994, 428, 438.

session of National Assembly held on June 15th, 1994.¹⁸³ That was conceived as injustice with the provinces. Since, Zakat was the provincial subject and had been taken back from the provinces.¹⁸⁴ That was perceived as the interference of the Centre in the provincial matters and got sturdy criticism.¹⁸⁵ The subject of Zakat also remained the provincial domain under the Constitution of 1956 and listed in the provincial list under the entry 64.¹⁸⁶ However, in 1997, Nawaz Sharif returned in government and the Zakat was transferred back to the provinces.¹⁸⁷ Thus, the policy of the system of Zakat was not similar in the whole period. The tussle between Centre and provinces on the subject of Zakat was also the result of not giving the respect to constitution. Since, the subject of Zakat listed in the concurrent list and both levels of government had the right of legislation on the subject of Zakat, the trust and consensus between two levels of government was necessary for using the legislative rights initiated in the concurrent subjects.¹⁸⁸

2.2.2.5 Conflict over Workers Welfare Funds

Moreover, Workers Participant Fund, Workers Welfare Fund and Old Age Benefit¹⁸⁹ were under the central government during the period under study. Constitutionally, these subjects were the part of concurrent list under the entry number 26 that which

¹⁸³ Ibid., session 10th, vol. IV, no. 10, June 15, 1994, 1202. See also Ibid., session 18th, vol. IV, no. 1, August 13, 1995, 41-42.

¹⁸⁴ Ibid., session 10th, vol. IV, no. 11, June 16, 1994, 1415.

¹⁸⁵ Ibid., session 10th, vol. IV, no. 12, June 22, 1994, 1617.

¹⁸⁶ Nazir, *Early Years*, 274.

¹⁸⁷ *National Assembly Debates*, session 5th, vol. V, no. 5, May 12, 1997, 485.

¹⁸⁸ This case was also resulted on not giving the prestige to the constitutional obligations as such the concurrent list was not dissolved in the accurate time suggested under the constitution.

¹⁸⁹ Old Age Benefit Act, 1968 enacted by Ayub Government whereas workers Welfare Fund Ordinance, 1971 and Old Age Benefit Act, 1976 enacted by the Zulfiqar Ali Bhutto' government for the welfare of the workers. Parvez Rahim, "Share in Profits," *Dawn* (Karachi), March 16, 2018.

was as, “Welfare of labour; conditions of labour, provident funds; employers’ liability and workmen’s compensation, health insurance including invalidity pension, old age pensions.”¹⁹⁰ Both levels of government had right on the concurrent matters and the said schemes were in the hand of Centre. The provinces claimed that the Old Age Benefit, Workers Welfare Fund and Workers Participant Fund should also not be the subject of Centre.¹⁹¹ The provinces had urged the Centre to hand over these schemes to the provinces. Waseem Ahmed, a member of the National Assembly claimed the transfer of these schemes to the provinces as he stated, “Old Age Benefit Fund, Workers Participation Fund, Workers Welfare Fund and other Scheme of Worker Welfare should be transferred under the control of provinces.”¹⁹² He repeated his demands again in the session of National Assembly during the discussion on the budget 1992.¹⁹³

2.2.2.6 Conflict over Octroi Tax

Octroi was a tax of 2.5 % imposed on all cargoes entered into city or town. In May 1999, the central government abolished the Octroi Tax and increased the General Sale Tax from 12.5 % to 15 %.¹⁹⁴ The decision of abolition the Octroi Tax in all the four provinces was taken in the meeting of Interprovincial Coordination Committee on May 3rd 1999. The provinces came into conflict on the issue of abolition of Octroi Tax, Export Tax or Zila Tax. The conflicts occurred when this tax was being taken from the provinces and given to the Centre because it was the prerogative of the

¹⁹⁰ *The Constitution of 1973*, Fourth Schedule, Concurrent List, entry 26.

¹⁹¹ *National Assembly Debates*, session 4th, vol. IV, no. 10, December 31, 1990, 1286.

¹⁹² *Ibid.*, session 7th, vol. VII, no. 9, June 10, 1991, 1357.

¹⁹³ *Ibid.*, session 12th, vol. II, no. 14, May 20, 1992, 1802-1803.

¹⁹⁴ Amir Yasin, “RCB Asks Punjab to Pay Back its Share of Octroi Tax,” *Dawn* (Karachi), January 11, 2018. Sales Tax (Amendment), Act, 1999, in *The Gazette of Pakistan* (Extraordinary), Part-I, Clause 2, March 31, 1999.

provinces and not the Centre. This was the provincial legislative duty to amend it or abolish but it was done by the central government that envisaged as the interference in the provincial legislative subject and got criticism in the debates of National Assembly. Since, Aftab Shahban Mirani stated as, "This is a prerogative of the provinces and not of the Centre. Why this prerogative is being taken from the provinces and given to the Centre? Why the Centre should be given this power to take these taxes and then dole out money to the provinces as a gift from the Centre."¹⁹⁵ Haji Ghulam Ahmed Bilour also submitted his protest against this action of the Centre and declared it the interference of the Centre in provincial subject. He was of the view it was the right of the provincial assemblies and chief ministers and not the right of the Centre.¹⁹⁶ The provinces also objected because this new system would reduce the actual income of the provinces. These taxes utilized to meet the expenditures of development at district level. It was the deficit for the provinces that this source of their income usurped by the Centre. For instance, according to "the official figures for 1998-99, the Octroi and other taxes from local bodies have been eight hundred crores but with this new system that the sales tax will be given on population basis then out of eight hundred crores Sindh will only get hardly 250 to 3000 crores."¹⁹⁷

The Sindh Province protested serious about the formula and aggregate of compensatory funds against of Octroi Tax that was given by the Centre and had succeeded the support of other provinces regarding issue. The issue was taken seriously by the members of Sindh, KP and Balochistan. Asfand Yar Wali also took it very seriously and furiously stated in the session of National Assembly held on 17 June 1999 as, "they cannot under any circumstance and would they got up and show

¹⁹⁵*National Assembly Debates*, session 17th, vol. VII, no. 10, June 16, 1999, 822.

¹⁹⁶ *Ibid.*, session 17th, vol. VII, no. 10, June 16, 1999, 836.

¹⁹⁷ *Ibid.*, 822.

the rules in the constitution how can they take away the right of the provincial, government to levy their own taxes.”¹⁹⁸ This action of the government was declared as the violation of the constitution and negation of devolution and provincial autonomy by Mir Hazar Khan Bijarani in the session of National Assembly held on 18th June 1999.¹⁹⁹ He referred the Article 32(c) that stated as “the state shall encourage local government institutions.”²⁰⁰ Instead of encouraging the local government institutions, these were being discouraged. On the other side, the said taxes were not listed in the both lists namely federal and concurrent and according to the Article 142 of the constitution, residual powers went to the provinces. Thus constitutionally it was the provincial matter and Centre violated the constitution by taking it from the provinces.²⁰¹

The abolition of Zila tax conceived as a new matter of conflict between Centre and provinces and instigation of intrigue against the federation.²⁰² The provinces met with great loss with the abolishment of Zila tax particularly Sindh got serious setback in income and faced the deficit of almost 20 billion yearly. The government promised to compensate the deficit of the provinces and announced the amount of 19 billion for compensation. But provinces did not rely on the promises since the Centre had already failed to give the shares of the provinces promised under the NFC and the announced amount was too little that could not compensate the provinces deficit as

¹⁹⁸ Ibid., session 17th, vol. VII, no. 11, June 17, 1999, 925.

¹⁹⁹ Ibid., session 17th, vol. VII, no. 12, June 18, 1999, 1026.

²⁰⁰ Ibid. See also Article 32 of the *Constitution of Pakistan 1973*.

²⁰¹ *National Assembly Debates*, session 17th, vol. VII, no. 12, June 18, 1999, 1026. See also *Constitution of Pakistan 1973*, Article 142.

²⁰² *National Assembly Debates*, session 17th, vol. VII, no. 12, June 18, 1999, 1046.

only one province Sindh earned the 20 billion yearly.²⁰³ I found the differences in the stated figure of income of Sindh. Azam Khan Hotti also criticized the abolition of Zila tax or Octroi system. He conceived it as the great concern of interference in the provincial matters of taking the provincial authority by the Centre.²⁰⁴ Whereas the Centre countered that this step was taken by the consensus of the provincial governments. Asfand Yar Wali rejected the stand of the Centre and stated that, “the right of taxation of the Provincial Assembly has been taken over. Now, that I feel it is going to have a very adverse effect. This is the constitutional right of Provincial Assemblies.”²⁰⁵ The then finance minister Ishaq Dar gave a detailed account regarding this in the session of National Assembly held on 23 June 1999. He stated as this step has taken after deep considerations for this matter was discussed with the provinces; Inter Provincial Coordination Committee and Executive Committee of NFC in which the Chief Ministers of three provinces and governor of Sindh participated. Hence, it was not the violation of the constitution.²⁰⁶

In the following years conflict came into scene on the distribution of funds to the provinces in lieu of Zila and Octroi Tax.²⁰⁷ Even Sindh persistently demanded the restoration of Octroi Tax, its restoration remained the part of PPP’s election manifesto 2008. But the central government of PPP and Punjab government of PML-N came into serious conflict on the issue.²⁰⁸

²⁰³ Ibid., session 17th, vol. VII, no. 14, June 21, 1999, 1134.

²⁰⁴ Ibid., 1221.

²⁰⁵ Ibid., 1299.

²⁰⁶ Ibid., session 17th, vol. VII, no. 16, June 23, 1999, 1629.

²⁰⁷ Intikhab Amir, “Transfer of Big Share to Punjab Questioned: Octroi, Zila Tax,” *Dawn* (Karachi), October 15, 2002.

²⁰⁸ “Sindh’s Case for Restoration of Octroi,” *Dawn* (Karachi), October 13, 2008.

2.2.2.7 Conflict over Stamp Duty

Another issue associated with the legislative rights emerged in 1997. The members from the small provinces particularly Sindh submitted their protest against Centre on ignoring the unconstitutional step of Punjab government. The Punjab government had levied stamp duty on all tickets that were issued in Punjab which came into effect from the July 1, 1997. This stamp duty was as; Domestic Flights Rs. 25 per ticket and International Flights Rs. 250 per ticket. The objection was that constitutionally stamp duty was the central subject and only Punjab exercised the duty as well as this right was not given to the other provinces. According to the constitution, this matter was listed in federal domain of legislation. The other provinces conceived it unconstitutional and claimed the stoppage of collection of this kind of duty under the government of Punjab.²⁰⁹ The Centre refused to take the matter and advised that the case should be filed in the court if the province had crossed its limitation. The Centre argued that judiciary was in a position to prevent it.²¹⁰

2.2.2.8 Conflict over Sindh Budget, 1998

The budget is the most significant piece of legislation and to pass the budget by legislative representatives is vital for the strength and stability of the democratic system. The other issue associated with the legislative relations is connected with the budget. This issue came into scene in 1999 which got serious set back between Centre and Sindh. Sindh was under the emergency rule during those days. The clash had taken place on not giving the right of presenting the budget to the Sindh legislature because the budget was presented by the Prime Minister's advisor in the press conference instead of legislative assembly.

²⁰⁹ *National Assembly Debates*, session 7th, vol. VII, no.9, August 25, 1997, 864-865.

²¹⁰ *Ibid.*, 867.

The Prime Minister issued a notification under the Article 93(1) on 17th June 1999, under which Syed Ghaus Ali Shah was appointed by the President on the advice of Prime Minister as advisor of the Prime Minister on Sindh affairs. Syed Ghaus Ali Shah presented the Budget of Sindh Province for the year 1998-1999 on 23rd June 1998 in a press conference. The Articles 120,122,123,124,125 had suspended abruptly on 23rd June, 1999 before presenting the budget. That step was conceived as the violation of the constitution by the Centre as it was not the constitutional right of the Centre to suspend the articles without discussing the matter in the parliament. It brought serious set back for the Centre as the leadership of the provinces stood against this decision of the Centre because only provincial assemblies had the right of presenting the budget. Even under the emergency rule that was enforced according to the Article 232, it was the function of provincial assembly to present the Budget. Thus press conference by the Centre was illegal.²¹¹ The motion was moved in the National Assembly against this act of the government by the members of National Assembly from the Sindh. But the discussion on the motion had been postponed more than one time by central government. That delay was protested by the movers as deliberate step of the government to restrict the discussion on the motion.²¹² The complication was that the governor rule was enforced in the province under 232 and the Centre had used the powers through governor to run the provincial affairs. Later, these powers were withdrawn by a notification and transferred to the advisor of the Prime Minister who would literally rule Sindh rather than governor.²¹³ As mentioned above the matter got serious debate and concerns on the presentation of budget by an advisor in press conference. Besides the National Assembly, the Sindh Assembly had also passed the

²¹¹ Ibid., session 17th, vol. VII, no. 17, June 24, 1999, 1726.

²¹² Ibid., session 17th, vol. VII, no. 24, July 5, 1999, 2402.

²¹³ Ibid., 2410.

two resolutions for condemning the unlegislated step imposed on the province by the Centre. First, was to condemn the step of presenting the budget in the press conference and the second resolution was passed for the restoration of suspended provisions of the constitution.

On the whole, after losing the support of MQM the Centre had lost its majority in the Sindh for forming its own party government. Instead of inviting the majority party for forming the government, the Centre did its best to keep out the majority party from forming the government and even used the Article 232 of the constitution for this purpose. Later, the enforcement of the Article 93 had same objections and passing the budget was tantamount to the exercise of the legislative part. Instead of restoring the elected legislative assembly for passing the budget, the Centre constrained its exercises on exploring the constitutional options for providing accuracy regarding actions taken by the Centre.²¹⁴

2.2.3 Miscellaneous Problems

Some matters were the cause of contentions from long time between Centre and provinces which were solved through legislation in this period. Despite of agreed legislation between Centre and provinces conflicts continued. In this context, one of the problems was the distribution of water among the provinces that led the anxieties and conflicts between Centre and provinces. During the first period of Nawaz Sharif, an agreement was settled among the four provinces. This agreement was conceived as a healthy step to remove the sixty-seven years old complications. This problem was deliberated through the CCI. The Council of Common Interest pondered over the issue on 12th January, 1991 and formed an Inter Provincial Committee on the

²¹⁴ Since, the Centre justified its authority for suspending the Articles 120,122,123,124,125 under the clause 4 of the Article 232.

Apportionment of the Indus Waters to the provinces.²¹⁵ Finally, CCI succeeded to settle the problem in the session held on 21 March 1991. The present Minister for finance presented the report of this agreement in the session of National Assembly on 1st April, 1990. According to this report, each province could act upon the new projects and plans under their agreed share.²¹⁶ Centre declared it good omen for resolving the future problems.²¹⁷ Though this accord was settled between the Centre and provincial governments but from the camps of provincial opposition could not revert in appreciation and met with the strong criticism. Since, in the session of National Assembly held on 15th June, 1991 Farooq Ahmed Leghari criticized the Water Accord and stated as, "I do not even call it an Accord. I call it one of the biggest disaccords that have occurred in the history of Pakistan."²¹⁸ In the same session another member of National Assembly from Sindh, Naveed Qammer also criticized the Water Accord and declared it was not acceptable for Sindh.²¹⁹ In the same token, dissatisfaction came into scene on 13th Amendment of the Constitution of 1973. After the restoration of democracy there was a call to amend the constitution for removing the 58-2(b), so that the parliamentary character of the constitution could be restored.²²⁰ The Senate passed the 13th Amendment on 1st April 1997.²²¹ Though, by

²¹⁵*National Assembly Debates*, session 5th, vol. V no.2, February 4, 1991, 28.

²¹⁶ *ibid.*, session 5th, vol. V, no. 29, April 1, 1991, 2516-2517.

²¹⁷ Finance Minister stated as, "The IJI Government after 70 years, has signed a Water Accord, it may not be a perfect Accord... No Accord is ever perfect, but an Accord according to the Constitution of 1973, this is the Accord, Sir, and it is an Accord which has the signature of the legally elected representatives of the 4 Provinces... it is an Accord which, tomorrow, will resolve the outstanding issues of Pakistan infrastructure, of its energy problems if we went to compete." *Ibid.*, session 7th, vol. VII, no. 9, June 10, 1991, 1322.

²¹⁸ *Ibid.*, session 7th, vol. VII, no.13, June 15, 1991, 2044.

²¹⁹ *Ibid.*, 2048.

²²⁰ The first PPP government of this period from 1988-90 failed to do that since it did not have two-third majority in the national assembly, required for the constitutional amendment. However, Nawaz Sharif succeeded to remove the provision 58-2(b) under the 13th Amendment. Rashid Ahmed

the 13th Amendment parliamentary character of the constitution was restored but the provinces did not show satisfactory reaction on the step of central government. The provinces declared it the step for strengthening the authority of peers of the realm. Besides, the legislative measure was introduced in the form of 14th Amendment to remove the horse trading. Though, 14th Amendment was an agreed legislative step but also criticized.²²² It is not beyond the truth that legislation like this was not flared up in live disputes but dissatisfaction remained. The other matter which gave concern to the provinces under the timeframe of the study was the strength of provinces in legislative institutions. The issue was the representation of the provinces in the selecting committees that were established for legislative amendments. The provinces demanded that at the time of passing any constitutional amendment, it should be obligatory that the selecting committees, established to make amendments must comprise of representatives from all provinces.²²³

Khan, "National Integration and Harmony," in *Issues of National Integration and Harmony in Pakistan*, ed. Arshi Saleem Hashmi (Islamabad: Peace and Conflict Study Department of NDU, 2014), 38. See also S.M. Zafar, "Constitutional Development in Pakistan, 1997-99," in *Pakistan 2000*, eds. Craig Baxter and Charles H. Kennedy (New York: Oxford University Press, 2001), 4-5.

²²¹ *National Assembly Debates*, session 4th, vol. IV, no. 4, April 1, 1997, 258-259. The 13th Amendment in the constitution eliminated the powers of the president that was given to the president under the Eighth Amendment, 1985. The 13th Amendment passed under the Nawaz Sharif Government that had the 2/3 majority in the Centre and faced no problem in combating it.

²²² *Ibid.*, session 7th, vol. VII, no.9, August 25, 1997, 890. The 14th Amendment in the constitution was installed to remove the horse trading and restricting the trend of turning the loyalties but it was violated by its own creators. In the Balochistan, the lines had drawn in the benches of Balochistan National Party and divided it into two parts. After succeeding the loyalties of its six members, at this stage movement of no confidence moved against the Chief Minister Akhtar Mengal and installed the Jan Mohammed Jamali as a Chief Minister. Thus, the 14th Amendment was shattered into pieces by the hands of its own creators after a little span of its creation.²²² *Ibid.*, session 14th, vol. IV, no. 11, September 9, 1998, 1164. They divided the Balochistan National Party for installing the person of their own as Chief Minister²²² *Ibid.*, 2395.

²²³ Since, Kanwar Naveed Jamil a member of national assembly from Sindh pointed out in the session of national assembly at the time of passing bill on, "The Suppressions of Terrorist Activities (Special Courtesy (Second Amendment) Bill", 1990 on 17th December 1990 as, "I have to submit that this Bill that we from referring to, relate specifically to the Province of Sindh and the law and order situation that has been prevailing over there for the last 5 years, and specifically to the interior of Sindh; and yet I find that the Select Committee to which this Ordinance has been referred just contains not a single 185) member who belongs to the interior of Sindh and there is only one member who hails

Conclusion

The crucial point of this chapter was to observe the legislative aspect of the Centre-Province relations. This aspect put forth under two objectives, one of which was to examine the legislative relations under the Constitution of 1973. The observation of constitutional legislative relations marked that, constitution provided provisions to maintain the legislative relations of which only the Article 143 conceived as cause of conflict because it gave a weightage to the Centre. Secondly, Constitution of 1973 divided the legislative powers between Centre and provinces; list of legislative powers reveals that the division of legislative powers enhanced the authority of the Centre. But it was agreed on the condition of devolution of concurrent list after ten years and residuary powers tilted in favour of the provinces. The constitution also provides special provisions under which the establishment of CCI was very important as it was an institute of regulating the policies regarding federal legislative list-II and tool of resolving the dispute between Centre and provinces in case of some issues e.g. water, oil, gas and electricity.

The second objective is to find out the situation of legislative relations in actual process and political practices. In doing so, the study observed the conflicts that took place on delaying the legislative process. The study marked that the legislative business was not carried out in proper time e.g. the legislation was not made to dissolve the concurrent list in prescribed time and not instituting the meeting of CCI regularly. The census was not conducted on the decided period. A serious effort was not made to take the legislative step for the solution of quota system and official

from Sindh. I would request the law Minister to at least incorporate some of the views of the members from Sindh also in this Select Committee so that, when the Bill is amended or when it goes before the House, it contains a consensus of views of all the Provinces of this country.”²²³ Ibid., session 4th, vol. IV, no. 1, December 17, 1990, 184-185.

language in tenure decided under the constitution. Ignorance and unnecessary delay of these issues aggravated the situation between Centre and provinces. Subsequently, conflicts came into scene in case of legislative rights. Constitution decided the domains of both centers of powers. In spite of it the conflicts were erected abundantly in this period (1988-1999) on different issues because both sides were not ready to give the respect to their constitutionally decided domains. The both center of powers were in motion to get-up the meaning of their own to the constitutional articles for proving their authority on the succeeding cases. In this case, the Bank of the Punjab was established by the Punjab government that was seriously restricted by the Centre but it could not do so. Since, the Punjab had the right to establish its own Bank. It refused the objections of the Centre and established its own Bank. In the same way the establishment of the Punjab TV Centre was also resisted by the Centre. Constitutionally province has the right to establish its own TV center but the consent of the Centre was must to do it. Moreover, initiation of People's Works Programme by the Centre was opposed by the provinces. It was a concurrent subject and Centre has constitutional right to initiate it. This programme was opposed by those provinces that ruled by the opposition parties, Punjab and Balochistan. Similar situation was detected in the case of Zakat as it was also the concurrent subject and taken by the central government which gave rise to a discord between Centre and provinces. In short, Workers Welfare Funds and the abolition of Octroi Tax also gave a great concern to the provinces. Moreover, the legislative steps that had taken during this period also could not satisfy the provinces. In this context, distribution of water among the provinces was settled through an accord but dissatisfaction remained. The 13th amendment alleged as a step merely to save the self-cause of the Centre. The 14th

amendment was to improve the political arena but ended in vain because its violation by its own creators.

The study concludes that delay and deferral in pertinent legislation led the discords and also paved the way for war of legislative rights between both levels of government. It also intensified the demand of provincial autonomy more than previous times. Since, duel over the concurrent subjects and demand of provincial autonomy was the result of delay in abolition of concurrent list and deferral in regulating the meetings of CCI as well. Secondly, conflicts detected with those provinces there were the governments of opponent parties or coalition governments. Fight over delay in legislation, concurrent subjects and dissatisfaction on legislative steps just done for destructing the governments of political opponents. Effort was ended to prolong the power or to revenge from the opponents.

This attempt suggested that the respect of the constitution that maintained under the provisions of legislative relations and harmony among the political entities is crucial not only for firm Centre-Province relations but also for the smooth working of the democracy.

CHAPTER-3

CENTRE-PROVINCE RELATIONS: ADMINISTRATIVE ASPECT, 1988-1999

Introduction

The previous chapter has tried to identify the legislative aspect of the Centre-Province relations in Pakistan which were shaped under the constitutional structure and political infrastructure, elaborated under the two main headings; legislative relations fabricated in constitution and legislative relations in actual process and political process respectively. The first section has illustrated the constitutional provisions of Centre-Province legislative relations and the second section has explained the Centre-Province legislative relations in the prevailing situation and political scenario during 1988-1999. This effort identified the conflicts in legislative relations between Centre and provinces and tried to make known the reasons behind this conflicting scenario.

The discussion of legislative aspect is intended for the study of administrative affairs. In other words, the administrative relations are in general linked with the legislative relations. Hence, afterwards to cope with the legislative relations the study of administrative relations was crucial to find out the answer of the problem of this study; what was the nature of Centre-Province relations in Pakistan during 1988-1999? If it stayed conflictual, which factors were more decisive in creating conflict either political or constitutional? The study of administrative relations is significant to check the accuracy of the assumption of the study.

Thus, the present chapter has taken up the study of Centre-Province administrative relations in Pakistan during 1988-1999 and the theme has been soundly

built under the two major headings; administrative relations fabricated in constitution and administrative relations in actual process and political process respectively. First section contained on an overview of historical background of administrative relations and deals in depth with the provisions decided in the Constitution of 1973 for maintaining the Centre-Province administrative relations. Moreover the other provisions of Constitution of 1973 which were conceived as cause of conflicts between Centre and provinces in administrative matters e.g. powers of President and governors and emergency powers have been brought into light. Second section observed the situation of Centre-Province administrative relations in three major headings i.e. disrespect and ignorance of constitutional obligations, dissolution of provincial ministries and replacement of Chief Ministers and miscellaneous issues of representation of provinces in administrative sphere. The detail is expounded below.

3.1 Administrative Relations Fabricated in Constitution

Stability and strength in administrative relations between Centre and provinces is indispensable as it was in legislative relations. The constitutional schemes operating in Pakistan from time to time decided two tiers of governments i.e. Central and provincial. Both centers of power i.e., Centre and provinces had their own administrations which were authorized with the administrative powers separately. These powers are allocated by constitutional schemes for maintaining the relations between Centre and provinces. This section expounded a detailed analysis of administrative relations fabricated in the Constitution of 1973 but before it a concise overview of historical background is required that is given below.

3.1.1 Historical Overview

Analysis of the historical background of the administrative relations shaped under the constitutional schemes that is being implemented in Pakistan provides a picture of conflicts in the sphere of administrative relations. Similar to the provisions of legislative relations, the interim Constitution of 1947 provided the provisions for maintaining the administrative relations between Centre and provinces of which only the Articles 122 and 126 ensured the central authority over the provinces.¹ The Article 122 bound the provinces to secure respect for the central laws that apply in the respective provinces. The said article also bound the Centre to take care of the interests of the respective province in the practice of its administrative authority.² The Centre has the authority to confer the powers to the provincial governments with their consent regarding to any subject in which the central authority extends.³ The Centre was responsible to protect the provinces in case of emergency and had the powers to handle such kind of situation.⁴ Provincial governors were conceived as another tool for managing the powerful central authority. Since, provincial governors worked as an agent of the governor general.⁵ In the views of political scholars, the provincial governors provide special control to the Centre over the provincial governments which decree the strength of the provinces for functioning proficiently in the political sphere.⁶

¹ *Provisional Constitution of Pakistan 1947.*

² *Ibid.*, Article 122.

³ *Ibid.*, Article 124.

⁴ *Ibid.*, Article 126.

⁵ *Ibid.*, Article 51.

⁶ Ali, *Politics of Federalism*, 55. Nazir, "Issues of Federalism," 121.

As far as in actual process Centre-Province administrative relations are concerned, during this period, first administrative clash came into scene with the provincial government of KP led by a leader Dr. Khan Sahib who was staunch follower of Congress and opponent of Muslim League and his ministry was dismissed by governor on the advice of Governor General by using the Article 51-5 of the Interim Constitution of 1947.⁷In this case the provincial government disobeyed the constitution as it did not give respect to Article 122 and 126.⁸ Iqtidar Cheema stated as, “Dr. Khan Sahib and his ministers would have been allowed to continue in office, but they refused to salute the Pakistani flag, and to take the new oath of loyalty to Pakistan and showed no sign of a change in their previous attitude of antagonism to Pakistan. Therefore, on August 22, 1947, the governor dismissed Dr. Khan Sahib’s Ministry on Sic[the] Quaid-i-Azam’s order.”⁹ The other cases of this period were

⁷At the age of establishment of Pakistan, “KP ministry was under the Dr. Khan Sahib who has a slight majority over Muslim league. British Government decided the referendum to take the verdict of the peoples of the province either they want to join Pakistan or not. The peoples gave clear mandate in the favour of Pakistan and it was expected that Dr. Khan Sahib would be resign from the ministry as he had announced that he would be resign if the verdict of peoples went against him. But he did not do so because congress wanted to keep him in ministry to de-stable the new born country.” Nazir, *Early Years*, 143

⁸ *Provisional Constitution of Pakistan 1947*, Articles 122-126.

⁹. “The Quaid-i-Azam had his eyes on every aspect of the structure of Pakistan, particularly the vulnerable parts. He was anxious to consolidate and strengthen the foundations of Pakistan even if it cost him his life. The affairs of the North West Frontier Province soon claimed the attention of the Quaid-i-Azam. In the N.W.F.P., Dr. Khan Sahib’s Congress ministry was still in office. The Quaid-i-Azam wanted the loyal cooperation of all citizens, regardless of political differences in the past, for the task of building up Pakistan. No one was to be victimized for having opposed the establishment of Pakistan. In keeping with this policy, Dr. Khan Sahib and his ministers would have been allowed to continue in office, but they refused to salute the Pakistani flag and to take the new oath of loyalty to Pakistan and showed no sign of a change in their previous attitude of antagonism to Pakistan. Therefore, on August 22, 1947, the governor dismissed Dr. Khan Sahib’s Ministry on the Quaid-i-Azam’s order.” Iqtidar Karamat Cheema, “Quaid-i-Azam and Provincial Affairs,” accessed May 16, 2017, <http://nazariapak.info/Quaid-e-Azam/Provincial-affairs.php>. This was the need for the stability of the nation and country and it was not done for gaining the personal interest, constitutionally it should be removed by the British when referendum vindicated in the favour of Muslim league.

dissolution of Khuhro ministry of Sindh in 1948, replacement of Chief Ministers of Punjab and KP in 1953¹⁰ and dismissal of East Pakistan Ministry in 1954.¹¹

The Constitution of 1956 provided the provisions for maintaining the Centre-Province administrative relations, listed in the chapter-4 of the part-VI. The Articles 125-132 dealt with the administrative relations.¹² The Constitution of 1956 in the context of administrative relations was not different from the previous interim constitutional scheme operating in Pakistan.¹³ The Constitution of 1956 also conceived as highly centralized due to compliance of provinces, and central interference in the provincial matters through civil servants.¹⁴ For instance, central authority over the administrative powers was specified under 125 and 126 Articles of the Constitution of 1956. These articles provided authority to the federal government for protecting the provinces in the case of internal disorder and also ensured compliance of provincial governments with the acts of the Centre.¹⁵ It gained strong opposition from East Pakistan's politicians; they conceived it as a tool in the hands of central government to interfere in the provincial matters and to make the provinces subordinate to the Centre.¹⁶ Dildar Ahmed, a member from East Pakistan, resented in these words, "power has been given to the Central Government and they can impose

¹⁰ Ali, *Politics of Federalism*, 55.

¹¹ Aziz, *Political Parties*, 17-20.

¹² *Constitution of Pakistan 1956*, Chapter-IV, Articles 125-132.

¹³ Hassan Zaheer, *The Separation of East Pakistan: the Rise and Realization of Bengali Muslim Nationalization* (Karachi: Oxford University Press, 1994), 40.

¹⁴ Ali, *Politics of Federalism*, 111, 114.

¹⁵ *Constitution of Pakistan 1956*, Article 125-126.

¹⁶ Ali, *Politics of Federalism*, 111. Zaheer, *Separation*, 40.

certain things on the province which are not at all necessary, nor desirable.”¹⁷ He further stated as “this has also been proved sufficiently that even in normal times without any emergency, at any time, the Central Government, if it desires so, can interfere with the internal administration of the province.”¹⁸ Furthermore, the powers of President were conceived as another source of central interference in the provincial subjects. The President had powers to appoint the members of the All Pakistan Civil Services and they could be placed and transferred by the President. Though to do so, President was bound to consult the governor of respective province¹⁹but it was objected by the east wing of Pakistan because the governments of provinces had little control over these officers.²⁰

The Interim Constitution of 1947 and Constitution of 1956 stated a comprehensive detail of provisions in the context of administrative Centre-Province relations while the 1962 constitution provided barely any administrative provisions.²¹ In 1962 constitution, the administrative powers of the central government prolonged in all subjects regarding to whom the central legislature had authority of legislation. The range of the administrative powers of the provinces was demarcated in all

¹⁷He claimed that the Central Government should not interfere unnecessarily in the affairs of the Provincial Governments. He had quote an instance, “Only one year before...on account of disturbances in East Bengal, section 92-A was applied there. *Constitution Assembly of Pakistan Debates: Official Reports*, session 1st, vol.1, no. 67, February 8, 1956, 2710.

¹⁸Ibid.

¹⁹*Constitution of Pakistan 1956*, Article 180, 181.

²⁰ *Constitution Assembly Debates*, session 1st, vol. 1, no. 68, February 9, 1956, 2776-2779.

²¹The Constitution of 1962 not divided the provisions for Centre-Provinces relations into separate chapters as separated in the previous constitutional schemes. Part-VI contained with the provisions of relations between the Centre and the provinces of which Articles 135 and 136 detailed the executive authority of the Centre and provinces.

subjects that were authorized to the provinces for legislation.²² The constitution gave strong hold to the President who was all-in-all in powers. He appointed the governors of the provinces and he was not bound to take consent and consultation by other governing bodies, affected by or relating to these appointments.²³ Alternatively, it provided space to raise tussle between the Centre and eastern wing of Pakistan. The members of the east wing of Pakistan were annoyed on the powers of the President and they tried to abate this power of the Centre.

The Legal Frame Work Order (LFO) introduced by General Yahya Khan, decided that all powers including administrative would be divided between Centre and provinces with a maximum autonomy to the provinces. Furthermore, the central government would have sufficient powers including administrative to cope with internal and external affairs and to secure the independence and unanimity of the country.²⁴

A concise historical analysis of the study reveals conflicts in the administrative relations between Centre and provinces in the previous period and also indicates a tilt in support of the Centre. In the views of scholars, such as Sharif al Mujahid, “the basis for the Pakistani constitutional edifice in the formative years was tilted towards a centralized structure.”²⁵ Mehrunnisa says, “Central dominance in the administrative sphere was ensured by number of provisions enumerated in adopted

²² Hamid Khan, “The Division of Functions amongst Federal, Provincial and Local Governments under the Constitution,” accessed April 12, 2017, <http://www.pildat.org/events/03-07-16/appendixE.pdf>.

²³Zaheer, *Separation*, 80.

²⁴Scott Nicholas Romaniuk and Marguerite Marlin, eds. *Democracy and Civil Society: In a Global Era* (New York, Routledge, 2016), 96.

²⁵Sharif al Mujahid, “Finding Balance between Unity and Diversity,” 19. Also see for detail; Nazir, “Issues of Federalism,” 110. Christopher Jaffrelot, *Pakistan: Nationalism Without A Nation* (New Delhi: Manohar Publishers, 2002), 31.

Act.”²⁶ Centralization is not only the case of Pakistan but also a more or less in every federation as “identified centralization as a major trend in recent years”²⁷ by the forum of federations in a conference on centralization and federalism held in Bern, Switzerland (2017).²⁸ The centralization inflicts the Centre-Province relations if constitution not implemented in its true meaning.²⁹

3.1.2 Centre-Province Administrative Relations, Constitution 1973

The stability of any federation is entwined with the smooth and harmonious functioning of relations between Centre and provinces of which administrative relations have great significance. As discussed earlier, in Pakistan, administrative structure was federative and consisted of two tiers of government; Centre and provinces. The Centre consisted of President, Prime Minister and Parliament whereas provincial administrative body comprised of Governor, Chief Minister and Provincial Assembly. The settlement of the administrative powers between Centre and provinces is one of the complicated issues. The Constitution of 1973 arranged provisions for the adjustment of Centre-Province administrative relations and decided the powers of administrative authorities at both levels. For achieving the true understanding of the administrative relations between Centre and provinces in the context of constitutional aspects, it is imperative to study these provisions of the Constitution of 1973 that were shaped for maintaining harmony in administrative relations between Centre and

²⁶ By ‘Act’ mean interim constitution of 1947. Ali, *Politics of Federalism*, 53.

²⁷ Forum of Federations. “Centralization and Federalism” Bern, Switzerland” (March 2015), accessed May 21, 2017, <http://www.forumfed.org/events/centralization-and-federalism/>.

²⁸ The question of central ascendancy in the administrative relations provided grounds to the unending Debates that would not be discussed here because it was not the purview of this study. However, we could not leave it thoroughly as a constitutional factor.

²⁹ The central authority was used against the rival as Mehrunnisa stated, Public and Representative Office Disqualification Act (PRODA) were used as weapon to remove the political rivals instead of disqualifying the incompetent representatives. Ali, *Politics of Federalism*, 54.

provinces. This section is aimed to study the Centre-Province administrative relations under the provisions of administrative relations and the powers of the administrative authorities namely the powers of President and governors. The provisions of administrative relations, powers of President and governors and emergency powers are debated below.

3.1.2.1 Provisions for Administrative Relations

The Centre-Province administrative relations shaped under the Constitution of 1973 in the framework of administrative aspects are no more different from that decided in the constitutional schemes previously experienced in Pakistan. The provisions in the context of administrative relations between the Centre and the provinces have been listed in the second chapter of the part-V of the Constitution of 1973. The Articles 145-152 of constitution deal with the provisions of administrative relations which have been discussed here.

The Article 145 decided the administrative powers of the President. According to these administrative powers, the President has the authority to order the governor of any province to function as his agent as the Article 145-1 stated, "The President may direct the Governor of any Province to discharge as his Agent, either generally or in any particular matter, such functions relating to such areas in the Federation which are not included in any Province as may be specified in the direction."³⁰ In this case the governor would be exempted from the functions for which he was responsible under the Article 105 as Article 145-2 stated, "The provisions of Article 105 shall not apply to the discharge by the Governor of his functions under clause (1)."³¹

³⁰*Constitution of Pakistan 1973*, Article 145-1.

³¹*Ibid.*, 145-2. Article 105 discusses the powers of governors.

In the next article, constitution decided that the matters over which Centre has powers to legislate are not inevitable to govern by Centre itself. Since, Centre can assign the authority of administration over any of these subjects to the provinces with the assent of the concerning province conditionally or unconditionally as Article 146-1 stated, “Notwithstanding anything contained in the Constitution, the Federal Government may, with the consent of the Government of a Province, entrust either conditionally or unconditionally to that Government, or to its officers, functions in relation to any matter to which the executive authority of the Federation extends.”³²

Moreover, the Centre was authorized constitutionally to advise powers and impose duties to the provincial governments and officers respectively for which provinces has no authority of legislation that stated under the Article 146-2as, “An Act of [Majlis-e-Shoora (Parliament)] may, notwithstanding that it relates to a matter with respect to which a Provincial Assembly has no power to make laws, confer powers and impose duties upon a province or officers and authorities thereof.”³³ In this case, the Centre will be bound to pay amount to the provinces, agreed or not agreed by two centers of powers or determined by appointee of Chief Justice to bear the expenditure by the provinces relating to discharge of the duties as stated under the Article146-3 which stated as;

Whereby virtue of this Article powers and duties have been conferred or imposed upon a Province or officers or authorities thereof, there shall be paid by the Federation to the Province such sum as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of Pakistan, in respect of any extra costs of administration incurred by the Province in connection with the exercise of those powers or the discharge of those duties.³⁴

³²Ibid., Article 146.

³³Ibid., Article 146- 2.

³⁴Ibid., Article146-3.

Likewise the Article 146-1 which gave authority to the Centre to assign the function to the provinces, the constitution also gave equal right or authority to the provinces to assign function to the Centre under the Article 147, as stated that, “Notwithstanding anything contained in the Constitution, the Government of a Province may, with the consent of the Federal Government, entrust, either conditionally or unconditionally, to the Federal Government, or to its officers, functions in relation to any matter to which the executive authority of the Province extends.”³⁵

For the strength and stability of the country, consistent peace and order is pertinent. Moreover, for maintaining peace and order in the country, stability in the Centre-Province administrative relations is indispensable. Hence the Centre and provinces were responsible for preserving the peace and order in the country. To bring stability in Centre-Province administrative relations, the Constitution of 1973 detailed the responsibilities of the Centre and provinces under the Article 148. According to Article 148, the provincial governments are advised to function powers in such a way as to make certain compliance with Acts of Centre in important subjects such as Article 148-1 stated the compliance of the provinces as, “The executive authority of every Province shall be so exercised as to secure compliance with Federal laws which apply in that Province.”³⁶

Likewise, constitutionally the Centre was also advised to keep in mind the interests of provinces in exercising its administrative powers in any province as the Article 148-2 stated, “Without prejudice to any other provision of this Chapter, in the

³⁵Ibid., Article 147.

³⁶Ibid., Article 148-1.

exercise of the executive authority of the Federation in any Province, regard shall be given to the interests of that Province.”³⁷

The Centre has authority to function over provincial administration in the case of emergency. The constitution decided that law and order was mainly concerned with the provincial government but if the provincial government proved insufficient to maintain requisite safety to the people, Centre could intrude on the cause of preserving rules and regulations. Since, Article 148-3 describes that, “It shall be the duty of the Federation to protect every Province against external aggression and internal disturbances and to ensure that the Government of every Province is carried on in accordance with the provisions of the Constitution.”³⁸

The constitution provides instructions to the provinces for not influencing the administrative authority of the Centre. The Article 149 directed the provinces for exercising their administrative powers without obstructing or influencing the administrative authority of the Centre. Since, the Article 149-1 stated, “The executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose.”³⁹ The constitution further increases the authority of the Centre by giving it power to direct the provinces under the 149-2 as, “The executive authority of the Federation shall also extend to the giving of directions to a Province as to the carrying into execution

³⁷Ibid., Article 148-2.

³⁸Ibid., Article , 148-3.

³⁹Ibid., Article 149-1.

therein of any Federal law which relates to a matter specified in the Concurrent Legislative List and authorizes the giving of such directions.”⁴⁰

The Article 149-3 authorized the Centre for directing to a province in the means of communication such as, “The executive authority of the Federation shall also extend to the giving of directions to a Province as to the construction and maintenance of means of communication declared in the direction to be of national or strategic importance.”⁴¹ Furthermore, the Centre is in authority for keeping up peace and order in the economic life of the country.

Thus the Centre has administrative powers to direct the provinces in serious threat to the peace and economy of the country which has been detailed in the Article 149-4 that stated as, “The executive authority of the Federation shall also extend to the giving of directions to a Province as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquility or economic life of Pakistan or any part thereof.”⁴²

There are empowers in the constitution which provide full faith and credit to the public acts, records and judicial proceedings of every province in the whole country, stated under the Article 150 as, “Full faith and credit shall be given throughout Pakistan to public acts and records, and judicial proceedings of every Province.”⁴³

⁴⁰Ibid., Article 149-2. This clause was deal with matters regarding concurrent list that was dissolved under the 18th Amendment and the clause (2) of Article 149 was omitted. The Constitution (Eighteenth Amendment) Act, 2010, in *The Gazette of Pakistan* (extraordinary), Part-1, Clause 53, April 20, 2010.

⁴¹*Constitution of Pakistan 1973*, Article, 149-3.

⁴²Ibid., Article 149-4.

⁴³Ibid, Article 150.

Furthermore constitution decided the authorities of Centre and provinces relating to inter-provincial trade in the Article 151. The Article 151-1 detailed that the trade, commerce and intercourse among the provinces would be free as said that, "Subject to clause (2), trade, commerce and intercourse throughout Pakistan shall be free."⁴⁴ The constitution authorized the Centre to make restrictions on the freedom of above mentioned under the 151-2 which stated as, "[Majlis-e-Shoora (Parliament)] may by law impose such restrictions on the freedom of trade, commerce or intercourse between one Province and another or within any part of Pakistan as may be required in the public interest."⁴⁵ The Article 151-3 imposed the restrictions on provincial authority under the sub sections (a) and (b). Since the 151-3(a) stated as, "A Provincial Assembly or a Provincial Government shall not have power to make any law, or take any executive action, prohibiting or restricting the entry into, or the export from, the Province of goods of any class or description."⁴⁶ The Article 151-3(b) also stated that the province have no powers to, "impose a tax which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced, discriminates in favour of the former goods or which, in the case of goods manufactured or produced outside the Province discriminates between goods manufactured or produced in any area in Pakistan and similar goods manufactured or produced in any other area in Pakistan."⁴⁷

The provinces were authorized to impose restriction on certain matters of public interest but the consent of President is required to do so. Since, the Article 151-4 stated, "An Act of a Provincial Assembly which imposes any reasonable restriction

⁴⁴Ibid., Article 151-1.

⁴⁵Ibid., Article 151-2).

⁴⁶Ibid., Article 151-3-(a).

⁴⁷Ibid., Article 151-3- (b).

in the interest of public health, public order or morality, or for the purpose of protecting animals or plants from disease or preventing or alleviating any serious shortage in the Province of an essential commodity shall not, if it was made with the consent of the President, be invalid.”⁴⁸ The Constitution of 1973 also provides provision for acquiring land situated in a province for the subjects which Centre has power of legislation and itemized in the Article 152 which said as;

The Federation may, if it deems necessary to acquire any land situate in a Province for any purpose connected with a matter with respect to which [Majlis-e-Shoora (Parliament)] has power to make laws, require the Province to acquire the land on behalf, and at the expense, of the Federation or, if the land belongs to the Province, to transfer it to the Federation on such terms as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of Pakistan.⁴⁹

To sum up, Constitution of 1973 provides administrative provisions to maintain the administrative relations between Centre and provinces. The provisions governing the administrative relations between the Centre and the provinces were almost identical to those proposed in the earlier schemes, like the President’s power to appoint the governor, equal powers of Centre and provinces under the articles 146-147. The constitution authorized the Centre to intervene in provincial administration on cause of failing to maintain required measures. Furthermore, the provinces are bound to make compliance to the Centre in certain matters and Centre was also permitted to direct the provinces. Described provisions have revealed that the administrative authority of the Centre was greater than the provinces.

3.1.2.2 Powers of President and Governors

The President and governors have also vital role in determining the nature of administrative relations between Centre and provinces. The administration is

⁴⁸Ibid., Article 151-4.

⁴⁹Ibid., Article, 152.

contained on two levels as one is the central and the second is provincial. At the central level the role of President and at the provincial level the role of governors has got the sturdy position in the administrative authorities of the country. Thus, to observe the constitutional provisions that decided the powers of both authorities which are repugnant regarding Centre-Province administrative relations are essential because the powers of President and Governors were conceived as cause of conflict.

Primarily, President has significant position in the context of administrative Centre-Province relations. He has the powers to appoint the governors under the Article 101. Since, the Article 101-1 stated as, "There shall be a Governor for each Province, who shall be appointed by the President after consultation with the Prime Minister."⁵⁰ The governors can hold the office with the pleasure of President even his salary, allowances and privileges are decided by the President. The Article 101-3 specified as, "the Governor shall hold office during the pleasure of the President and shall be entitled to such salary, allowances and privileges as the President may determine."⁵¹ The Article 145 also decided the powers of President which has been discussed above under the provisions of Centre-Province administrative relations.

Apart from the powers of President, the powers of governors under the Articles 105 and 112 are also considered as cause of conflict. The Article 105 gives the strength to the authority of the provinces as the governor could perform his function on the advice of Chief Minister. The article stated, "Subject to the Constitution, in the performance of his functions, the Governor shall act on and in

⁵⁰ *Constitution of Pakistan 1973*, Article 101-1. The situation was almost not different under the constitution of 1956, the governors were also appointed by the President and he could hold his office with the pleasure of President. *Constitution of Pakistan, 1956*, Article 70. See also; Abul A'La Maududi, *The Islamic Law & Constitution* (Lahore: Islamic Books, 1980), 371.

⁵¹ *Constitution of Pakistan 1973*, Article, 101-3.

accordance with the advice of the Cabinet, or the Chief Minister.”⁵² But in the case of Article 145 which authorized the President to order the governor for discharging as his agent; he shall not bind for it according to the clause -2 of the stated article.⁵³

Furthermore, Article 112-1 of the Constitution of Pakistan authorized the governor of any province to dissolve the legislative assembly of the province on the advice of Chief Minister. As the Article said, “The Governor shall dissolve the Provincial Assembly if so advised by the Chief Minister; and the Provincial Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Chief Minister has so advised.”⁵⁴ This article shows the strength of provincial administration because it gave the weight to the advice of the Chief Minister of the province. The Article 112-2(a) authorized the governor to dissolve the Assembly by gaining the assent of President stated as, “The Governor may also dissolve the Provincial Assembly in his discretion, but subject to the previous approval of the President.”⁵⁵ Article 112-2 (b) was omitted under the 13th Amendment act 1997.⁵⁶ The Article 112-3 stated as, “The Governor shall hold office during the

⁵²Ibid., Article 105.

⁵³Ibid., Article 145.

⁵⁴Ibid., Article 112-1.

⁵⁵Ibid., Article 112-2(a) stated, “The Governor may also dissolve the Provincial Assembly in his discretion, but subject to the previous approval of the President, where, in his opinion:-

- (a) a vote of no-confidence having been passed against the Chief Minister. no other member of the Provincial Assemble is likely to command the confidence of the majority of the members of the Provincial Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the Provincial Assembly summoned for the purpose; or
- (b) a situation has arisen in which the Government of the Province cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.”

⁵⁶The Constitution (Thirteenth Amendment). Act 1997, in *The Gazette of Pakistan* (Extraordinary), Part-I, Clause 3, April 4, 1997. The omitted clause restored through 17th Amendment in the constitution of 1973 in these words “The Governor in case of dissolution of the Provisional Assembly under paragraph (b) of clause (2) shall within fifteen days of the dissolution refer the matter to the Supreme Court with the previous approval of the President and the Supreme Court shall decide the reference within thirty days whose decision shall be final.” The Constitution (Seventeenth

pleasure of the President and shall be entitled to such salary, allowances and privileges as the President may determine.”⁵⁷

Constitutionally, the President was bound to appoint the governors after consulting with the Prime Minister but President Farooq Ahmad Khan Leghari appointed his friend Shahid Hamid as the Governor of Punjab against the aspirations of the Prime Minister Nawaz Sharif who had overwhelming majority in the Parliament.⁵⁸ This act of the President annoyed the Prime Minister and his colleagues. Consequently, he decided to make amendment in the constitution for eliminating the powers of the President. The motion was moved for the 13th Amendment in the session of National Assembly held on 1st April 1997 and passed immediately in the same session.⁵⁹ The act of the National Assembly received the assent of President on 3rd April, 1997 and published for the general information on 4th April, 1997. In the 13th Amendment the word, “after consulted with the Prime Minister” replaced with the words, “on the advice of the Prime Minister.”⁶⁰ This amendment did not change status in the authority of the Centre or Provinces but changed the status of power between Prime Minister and President as it limited the power of the President for appointing the governors.

The appointment of governor by the President and hold of his office with his pleasure has remained conflicting issue which articulated under the Article 101.⁶¹

Amendment), Act 2003, in *The Gazette of Pakistan* (Extraordinary), Part I, Clause 3, December 31, 2003.

⁵⁷ *Constitution of Pakistan 1973*, Article 101-3.

⁵⁸ Najam Sethi, *The Friday Time* (Editorial), November 24-04 December, 1997.

⁵⁹ See for detail, *National Assembly Debates*, session 4th, vol. IV, no. 4, April 1, 1997, 260-279.

⁶⁰ The Constitution (Thirteenth Amendment), Act 1997.

⁶¹ *Constitution of Pakistan 1973*, Article 101.

Article 101 is conceived as a tool to the Centre for the interference into provincial matters, as appointment of governors and their fate is knotted with the pleasure and displeasure of the President. Muntzra Nazir stated as, “the centre can exercise considerable control over administrative machinery of the province through ...the provincial governor is appointed by the President and is responsible to him.”⁶² In practice, this article is not as destructive as it is conceived. This is merely priorities of interest i.e. personal interest when overcome national interest make such issue critical and not constitutional clause itself. It is crucial to mention that the Indian⁶³ and Canadian constitutions articulated same modes.⁶⁴

3.1.2.3 Emergency Powers

Another constitutional feature which is conceived as cause of tension between Centre and provinces in the context of administrative relations is the emergency powers that was not only the part of the Constitution of 1973 but also featured in every constitutional scheme of Pakistan. The purpose of these powers is to defend all provinces in the case of external violence and internal disorder. These powers have been illustrated in the part X under the Articles 232-237 of the constitution. The Centre has authority to enforce emergency in case of external aggression and internal disturbance. As the Article 232 stated, “If the President is satisfied that a grave emergency exists in which the security of Pakistan, or any part thereof, is threatened by war or external aggression, or by internal disturbance beyond the power of a

⁶²Nazir, “Issues of Federalism,” 120.

⁶³*The Constitution of India*, The chapter-II, “The Executive,” Articles 155-156. accessed June 2, 2017, <http://www.constitution.org/cons/india/p06.html#a>.

⁶⁴*Constitution of Canada 1867 (revised 2011)*, Article 58-59, accessed April 18, 2016, https://www.constituteproject.org/constitution/Canada_2011?lang=en.

Provincial Government to control, he may issue a Proclamation of Emergency.”⁶⁵ The Article 233 empowered the Centre to suspend the fundamental right during the emergency.

The Article 234 authorizes the Centre to order public statement if the constitutional machinery failed in the province. Since, Article 234 says, “If the President, on receipt of a report from the Governor of a Province’ or otherwise is satisfied that a situation has arisen in which the Government of the Province cannot be carried on in accordance with the provisions of the Constitution” the President may himself assume the powers or direct the governors to take the charge of the provincial government on behalf of the President. The Article 235 debates about the proclamation in case of financial emergency in the province.⁶⁶ Besides, the Article 236 ensures that the legitimacy of any proclamation issued under the emergency powers “shall not be called in question in any court.”⁶⁷ The Article 237 authorized the Centre to make any law to indemnify the federal and provincial servants or any other person in case their performance in restoring peace and order in any area of Pakistan.⁶⁸

Summing up, the Constitution of 1973 constituted the provisions for administrative relations to uphold the harmony between both centers of power. Besides, in case of internal and external troubles constitution also authorized the powers to the President and provincial governors to cope with the situation. The whole matter revealed the sturdy position of the Centre. An analysis of the

⁶⁵The 18th Amendment inserted that, before taking the emergency action by the President a resolution from the respective province or the approval from the both houses of the parliament required.

⁶⁶*Constitution of Pakistan 1973*, Article 235.

⁶⁷*Ibid.*, Article 236.

⁶⁸ *Ibid.*, Article 237.

administrative relations between Centre and provinces in actual process and political practices is required to find out the nature of Centre-Province relations in Pakistan and the decisive factors which had a pivotal role in creating conflicts. To meet with the phenomena the situation of administrative relation between Centre and provinces has been reviewed, in a specific period from 1988 to 1999.

3.2 Administrative Relations in Actual Process and Political Practices during 1988-1999

Period (1988-1999) was the period of revitalization of democracy in Pakistan but the facts and figure of democracy are wounded by many aspects. One of these aspects is the situation of administrative relation between Centre and provinces. During this Period (1988-1999), the state of affairs relating to Centre-Province relations in the context of administrative aspects failed to produce a worthy repute. The interference in each other matters by central and provincial governments stayed there. Provinces faced governor rule and the abolishment of the ministries by central government as well as replacement of favorable governments was practiced. Muhammad Mushtaq stated precisely, "In the post-Zia period (1988-1999), central intervention in provincial matters remained intact. Various provinces observed governor rule and the replacement of favorable ministries by central authority."⁶⁹ Two major parties had ruled twice during this period. Both governments did their best to distort the provincial governments for installing their own handpicks. To do so, the constitutional provisions that constituted for smooth working were violated, breached and ignored frequently. The powers of authorities were used for political and personal gains. In attempt, conflicts between Centre and provinces started during this period with the very days of the establishment of the first government of the period under

⁶⁹Mohammed Mushtaq, "Managing Ethnic Diversity," 100.

study. For the aim of studying administrative Centre-Province relations, the issues and events that prevailed in the actual process and political practices have been keenly observed. This section has analyzed the Centre-Province administrative disputes through observing the practice of administrative powers cohesive in the Constitution of 1973. The analysis has been divided under three subsections i.e. disrespect and ignorance to the administrative obligations, dissolution of provincial assemblies and replacement of Chief Ministers and miscellaneous issues of representation of provinces in central administration. Detail is expounded below.

3.2.1 Disrespect and Ignorance to the Administrative Obligations

The conflicts in Centre-Province relations in the context of administrative relations were little contributed by constitutional factors while mostly contributed by political influences in this period. Osmani also stated as, “The conflict had been deep rooted, apparently based on a clash of personalities rather than on principles.”⁷⁰ Since, the constitution of 1973 provides the provisions for the administrative relations between Centre and provinces which were not implemented in letter and spirit during this period, due respect was not given to these provisions and constitution was openly ignored for the personal and political gains. The implementation of these constitutional provisions remained derogatory because of its use for personal interest by the political authorities. This was the clear disrespect, and ignorance of administrative provisions that constituted for the smooth working of relations between Centre and provinces.

The disrespect of Article 148 by the political authorities at both levels for political and personal gains was clearly marked during this period which had softened the way for Centre-Province conflicts. The Article 148-1-2 bound both governments

⁷⁰Osmani, “Punjab Kaleidoscope.”

to give respect to the constitutional obligations of each other but both levels of governments committed the disregard due to personal and political rivalry. Particularly, this situation was faced by the provinces governed by the opponent parties⁷¹ and sometimes by the internal party clashes.⁷² The purpose was only to derail the Government of rival party or opponent group. On the other side, the Article 148-2-3 bound the central government to give the prestige to constitutional authorities of provincial governments and to protect every province against the external aggression and internal disturbance to ensure that the working of provincial governments is going on according to the constitution. Since, Article 148-3 stated as, "It shall be the duty of the federation to protect every province against external aggression and internal disturbances to ensure that the Government of every Province is carried on in accordance with the provisions of the Constitution."⁷³ The regrettable aspect which was sighted was the disrespect of this article because the central governments of this period were trying to destabilize the provincial governments of opponent parties instead of protecting as it was responsible under the said clause of the constitution. To understand the depth of phenomena, major cases of disrespect and ignorance of the administrative provisions of the Constitution of 1973 during this period is discussed in the succeeding lines.

⁷¹Since, during the 1988-1990, the Centre was engaged to disrupt the governments of opponent parties in Punjab and Balochistan. The other side both provincial governments were busy to create disturbance for the Centre. Punjab did its best to derail the coalition government of central party in KP.

⁷²For example, the dismemberment of the Pakistan Muslim League into two groups led the dual over the rule of Punjab.

⁷³ *Constitution of Pakistan 1973*, Article 148 -3.

3.2.1.1 Disregard to the Constitution

In 1988 the party of the Centre failed to succeed government in the Punjab province, this led towards an administrative conflict between Centre and province over the rule of Punjab.⁷⁴ As Hamid Yusuf stated, “a PPP government in the Punjab was also considered essential for the stability of the PPP government in the Centre.”⁷⁵ The first seed of conflict was sown between Centre and Punjab when central government tried to restrict the oath-taking ceremony of the Chief Minister of Punjab.⁷⁶ This was the first case of disregard of Article 148 as the Centre was bound to protect the interest of the provinces under this article. These conflicts were reflected in the debates made by the members of the different provinces in the National Assembly of Pakistan, as observed in the session of National Assembly of Pakistan held on 7th December 1988. A privileged motion was moved on the basis of news published in Daily Jasarat against the Prime Minister which marked an intrigue of the Centre towards the coming Chief Minister of Punjab.⁷⁷ In the same session Sheikh Rasheed Ahmed, Syeda Abida Hussain and Ghulam Haider Wayen, members of the National Assembly from the Punjab, moved a similar privilege motion for the observation of the statement that the Prime Minister had “alleged that there was a selective rigging in the

⁷⁴Osmani, “Punjab Kaleidoscope.”

⁷⁵Yusuf, *A Study of Political Development*, 228.

⁷⁶*Daily Jasarat* (Lahore), December 4, 1988.

⁷⁷Motion moved by Mrs. Amira Ehsan. She was aggressive from the news published in Daily Jasarat, dated 4th December, 1988, “to the effect that, the election of Main Nawaz Sharif as Leader of the House by the Punjab Assembly, the Prime Minister designate contacted the Governor of Punjab through her trusted person and asked him to postpone oath taking ceremony of the Chief Minister. She stated that, the alleged effort on the part of Prime Minister is violation of the Constitution and has constituted breach of privilege.” *National Assembly Debates*, session 2nd, vol. II, no. 2, December 7, 1988, 48-49.

province of Punjab.”⁷⁸ These privileged motions in the National Assembly marked a sign of conflict between Centre and province of Punjab. Later, the appointment of officers, movement of no-confidence against the Chief Minister of Punjab for distracting the provincial government⁷⁹ was the further disregard of the constitution. In retaliation, Punjab government adopted the policy of confrontation against the Centre. The provincial government of Punjab was persistent to oppose the policies of the Centre instead of compliance. Thus the Provincial government also committed the violation of 148-1. The reason behind these initial administrative issues was not constitutional but it was the result of disrespect of the constitution pursued by political parties and their leaderships. In this context, an analysis of some other cases i.e. OSD’s appointment, transfer of civil servants, President’s powers and situation of Sindh is given below.

3.2.1.2 The Issue of OSD’s Appointment

Under the same government, discontentment between Centre and provinces occurred, when Centre removed some high-ranking civil servants from their original duties and appointed them on special duties without posting. The central governments feared that these civil servants would use their power to support the provincial governments of the opponent parties. This case was termed as the case of Officials on Special Duties (OSD’s).⁸⁰ Almost 80% OSD’s were from only the province of Punjab⁸¹ and 20%

⁷⁸Ibid., session 2nd, vol. II, no. 2, December 7, 1988, 49-50. M.H. Askari, “The Issue of Centre-Unit Ties,” *Dawn* (Karachi), December 18, 1988. Askari, “The Year 1989 in Retrospect.”

⁷⁹The Centre tried to dislodge the Chief Minister of Punjab by moving a motion of no-confidence against him. In retaliation provincial government also tried to de-stable the central government through the same action as movement of no-confidence was experienced against the Centre, both centers of power were failed in this fight but Centre-Province relations disturbed. Saeed Shafqat, “Pakistan under Benazir Bhutto,” *Asian Survey*, 36, no.7 (July 2018): 665. Both contributed the disregard to the administrative provisions.

⁸⁰The OSD’s was the abbreviation of Officials on Special Duty. Someone who know the term OSD’s first time, think that OSD was an officer who appointed for doing something of special

from the other provinces. Since, 48 officers were appointed as OSD's from December 1988 to October 1989, out of which 37 were just from the Punjab. Actually, the appointment of the civil servants as OSD's was used as a tool to sideline the civil servants who were not the supporters of the ruling party in the period under study. This developed a concern for the province of Punjab. Although, Article 240 of the Constitution of 1973 authorized the Centre for this action but the administrative power of the Centre regarding this action was eliminated under the administrative reforms during Zulfikar Ali Bhutto period.⁸² Hence, at that time Centre had no authority to do this act. Hamid Yusuf stated as, "The central government realized that while it could recall its officers it could not enforce their posts in the provinces. The concepts of listed posts reserved for the central government officers had disappeared with the administrative reforms introduced by the Bhutto government in the seventies."⁸³ The Punjab Government reacted against the decision of Centre and filled the vacant posts through the officers of the provincial civil services. Province wise statistic shows in the Table 3.1.

importance. Actually, it was the punishment to taking away the civil officer from his desk if he failed to fulfill his specific duty. It is the worst transfer order given to a civil servant. It implies the officer has no portfolio, no office, and he relinquishes his post to remain at home till further notice. Maryam Tanwir and Shailaja Fennell, "Pakistani Bureaucracy and Political Neutrality: A Mutually Exclusive Phenomenon?" *The Pakistan Development Review* 49, no. 3 (Autumn 2010): 253. It was used as a tool to keep aside the civil servants who were not the supporters of the ruling party in the period under study.

⁸¹*National Assembly Debates*, session 6th, vol. IV, no. 17, October 26, 1989, 1762-1765.

⁸²The PPP Government appointed an Administrative Reforms Committee in 1972, under the chairmanship of Mr. Khurshid Hasan Mir, a Member of the Federal Cabinet. The Committee's major contribution was to abolish the reservation of key posts in Federal and Provincial Governments for the members of Civil Service of Pakistan (CSP) cadre and the replacement of the CSP cadre by a District Management Group (DMG) and the Secretariat Group, in which all occupational Groups would be represented. A unified service structure with different occupational Groups, introduction of national pay scales in Grades 1-22 and removal of constitutional guarantees for civil servants, were some of the deep-rooted reforms implemented in 1973 by the Bhutto Government. Government of Pakistan, *Report of the National Commission for Government Reforms on Reforming the Government in Pakistan* (Islamabad: National Commission for Government Reforms Prime Minister's Secretariat, 2008), 26.

⁸³Yusuf, *A Study of Political Development*, 229.

Table 3.1. Province wise breakup of O.S.D.'s (1988-1989)

N	Punjab	Sindh	KP	Balochistan
0				
1	Muhammad Yousuf	Munzoor-ul-Hasan	Abdul Qadir Haye	Saeed Shafqat Khan
2	K.U. Faruqi	Shakil Ahmed	Zab Khan	Sikandar Hayat Jamali
3	Khan Tariq Hamid	Sohail Ahmad Durrani	Iqbal Ahmed	
4	Mazhar Rafi	Shujaat Hussain		
5	Shaukat Ali.	Syed Javed Raza		
6	Abdul Ghafoor Mirza	F.A. Rabbani		
7	Abdul Haq			
8	A.Z. Faruqi			
9	Khalid Hawed			
10	Shahid Aziz Siddiqui			
11	Maqbool Ahmad			
12	Nisar Ahmed Cheema			
13	Abdul Qayyum			
14	Muhammad Amin			
15	S.A. Nizami			
16	Mahbub Ahmad			
17	M. Ayub			
18	A.A. Nasim			
19	Muhammad Rafiq Haider			
20	Saadatullah Khan			
21	Ather Sultan			
22	Iftikhar Ahmad Khan			
23	Sikandar Hayat Shaheen			
24	Muhammad Athar			
25	Nawaz Ahmad Shaikh			
26	Mian Muhammad Amin			
27	Muhammad Raffat Pasha			
28	Mansoor-ul-Haq Malik			
29	Hasan Jafar			
30	Imtiaz Masrur			
31	M. Riaz Malik			
32	M. Azam Mirza			
33	Tasneem Noorani			
34	Irshad Ahmed			
35	Shafqat Mehmood			
36	Riaz Ahmed Sipra			
37	Zulfiqar Ali Qureshi			

Source: National Assembly of Pakistan Debates, Session 6th, volume IV, and No. 17. October 26, 1989, 1762-1764.

It is evident from these statistics that the 37 OSD's belonged to Punjab, 6 to Sindh, 3 to KP, 2 were from Balochistan and remaining 1 was from Azad Jammu & Kashmir. The large numbers of OSD's were only from Punjab which gave clear cut perception to the government of Punjab, the central government deliberately wanted

to create administrative problems in Punjab to sabotage the Punjab provincial government. This decision of the central government created conflict between Centre and Punjab. This action of the central government was against its constitutional obligations. Since, it was bound to respect the provincial interest and also was responsible to protect the provinces in case of internal disturbance or external aggression under Article 148 while the said action of the Centre revealed its attempt to create administrative problem for provincial government of Punjab.

3.2.1.3 Transfer of Civil Servants

Moreover the decision of the central government particularly to transfer the five senior officers employed of the Punjab provincial government to Islamabad was the great cause of conflict. These five officers were I.G. Police, S.P. Police, Information Secretary, Additional Chief Secretary and Chief Secretary of the Punjab.⁸⁴ Primarily, Punjab Government annoyed and critically resisted to accept the decision of the Centre.⁸⁵ However later it accepted the central government's transfer orders for four of the five officers. In the case of the chief secretary of the Punjab provincial government, Mr. Anwer Zahid, the central government's decision to remove him from the Punjab and transfer to Islamabad was critically resisted by Nawaz Sharif, who was Chief Minister of Punjab at that time and leader of the then opposition. The resistance of the Punjab in obeying the order of transfers of civil servants was also the result of political tussle. This case was associated with the administrative relations between the Centre and the province and demonstrated a dramatic form of conflict. Under the Article 240, the Centre had the authority on the all Pakistan services which means

⁸⁴Mushahid and Akmal, *Problems of Governance*, 14.

⁸⁵*Dawn* (Karachi), December 23, 1988. Waseem, *Politics and the State*, 455.

services common to the Centre and the provinces.⁸⁶ Constitutionally Centre had the authority to appoint, promote, and transfer the civil servants common to the Centre and provinces.⁸⁷ Though, these transfers were for political gains but legally province was bound to compliance with the act of the Centre and the Centre was also bound to protect the provincial interest under the Article 148. Both centers of power perpetrated the disrespect of the constitution objective just to erect problems for each other.

3.2.1.4 President's Powers

The most important office that is conceived as the pillar in the administrative structure of the federation of Pakistan is the office of President. The role of President in the administrative relations had great significance. Since the Constitution of 1973 provides him the powers over many administrative matters. The member of National Assembly of Pakistan from Sindh, Mr. Naveed Qammer stated as,

The President, according to our Constitution, is a symbol of the Federation and the federal system of Government in Pakistan. For us, sir, the elected members from the smaller Provinces and our constituents, our rights and the defence of our rights lies in the federal system. The whole concept of the Federation is the protection of the rights of the smaller States or Provinces. And so for us, the office of the President holds more value symbolically.⁸⁸

Unfortunately, this administrative office could not play healthy role in creating sound administrative relations during this period. Since, the voice was raised during those days that the President who was constitutionally a defender of the constitution, instead of defending and implementing the constitution in true spirit was himself sabotaging the constitution. Since, the President Ghulam Ishaq Khan fueled the fire

⁸⁶*Constitution of Pakistan 1973*, Article 240.

⁸⁷*Ibid.*, Article 240.

⁸⁸*National Assembly Debates*, session 4th, vol. IV, no. 10, December 31, 1990, 1190.

between Centre and Punjab rather than eliminating the animosity (discussed in detail under the chapter of political relations). He used his administrative powers that authorized him under the constitution for displacement of the governments of rival groups. Since, President Farooq Leghari was the nominee of the Prime Minister and powers of President under the Article 234 were practiced on 25 February 1994 (detail is given in the same chapter under the Pir Sabir Shah case)⁸⁹ whereas emergency powers were ignored to handle the situation of law and order in Sindh. Thus, the office of the President, unfortunately, failed to workout the stable and harmonious relations between Centre and provinces. The emergency powers to the President allocated for settling the disorder in the country was disrespected by using it for political purposes instead to follow constitutional spirit during selected period. It was conceived that the office of great importance was indulged in intensifying the controversies rather than removing the tensions which increased the confusion that already existed between Centre and provinces. The situation of Sindh detailed in below.

3.2.1.5 Ignorance of Emergency Powers in Situation of Sindh

During period under study i.e. 1988-1990, another issue of ignorance of constitutional obligations was related to the province of Sindh where ethnic conflicts between Sindhi and non-Sindhi resulted in troubled situation of law and order.⁹⁰ In spite of it, an adjournment motion was moved in the 6th session of the National Assembly, on 24th September of 1989, the central government pledged that it was a provincial

⁸⁹*Dawn* (Karachi), February 26, 1994.

⁹⁰“Hope Alternates with Disappointments,” *Dawn* (Karachi), January 1, 1990.

matter.⁹¹ Though, to maintain law and order was a provincial subject but according to the constitution, it was the duty of the central government to protect the provinces against the external aggression and internal disturbance as the Article 148-3 of the Constitution of 1973 stated, "It shall be the duty of the Federation to protect every Province against external aggression and internal disturbance."⁹² Besides, emergency powers of the President also authorized the Centre to tackle this situation in case failing the provincial government.⁹³ The opposition in the house of National Assembly demanded the safety steps from the central government to handle the situation in Sindh province but the central government did not do so.⁹⁴ The army operation under the Article 147 was activated instead of enforcing the emergency powers. Because, there was PPP's government in Sindh and Centre as well and PPP did not want to dissolve its own party government. The coming government of Nawaz Sharif also faced the critical situation of law and order in Sindh. He also used the

⁹¹ *National Assembly Debates*, session 6th, vol. IV, no. 3, September 19, 1989. The situation of Sindh province got a serious set back in the case of law and order. But the Central government proved inefficient to control the situation and maintaining the law and order situation. The opposition demanded the governor rule and enforcement of emergency powers to control the situation of law and order in Sindh. The central government did not take notice and paid no attention on the voice of opposition. Though, the President noted and suggested the Central government to call a round table conference to settle the situation but the Central government rejected on the account of provincial matter. The question arises why the government hesitated to use emergency powers and enforce the governor rule according to the constitution. It is unquestionable, Sindh at that time was governed by PPP, which was also ruling party in the Centre and the central government did not want to destabilize the government of their own party. If the same situation would have been faced by the provinces which were under the control of opponent parties for instance the Punjab and Balochistan, the action of the central government would have been different. The crucial point is that, the unfair use and implementation of the constitution for political and personal interest provided a cause of concern to the provinces of non PPP governments. In this period, the problem was not the constitutional while the problem was of the lust for power in all provinces as the party interest and personal interest prevailed over the national interest. To save one party and one organization, politicians set aside the interest of a province, country and nation. The situation of conflict between Centre and provinces was generated by the non implementation and misuse of the constitution.

⁹² *Constitution of Pakistan 1973*, Article 148-3.

⁹³ *Ibid.*, Article 232.

⁹⁴ See for detail, *National Assembly Debates*, session 6th, vol. IV, no. 5, September 24, 1989, 645-659.

Article 147 to tackle the situation of law and order in Sindh.⁹⁵ In the future years, situation was not different and same case revised in the second tenure of PPP and army operation was enforced there.⁹⁶ Moreover, during the second tenure of Nawaz Sharif, governor rule was enforced in Sindh but without dissolving provincial assembly and later budget was presented in the press conference by the advisor of Prime Minister (this situation has been discussed in detail in the previous chapter). The whole matter revealed that both leaders avoided enforcing the emergency in Sindh to save their provincial government but they did it in those provinces where opposition parties succeeded the rule despite of balanced situation of law and order there. It is clearly evident that emergency powers were implemented where it was not necessary while ignored there implementation of emergency powers was necessary.

3.2.2 Race for Power Gaining: Dissolution of Provincial Governments and Replacement of Chief Ministers

Race for power gaining was in vogue in this period and in this crazy trend constitution was openly misused for self interest. This game of power gaining spaced the conflicts between central and provincial governments and created a set back to the administrative relations between Centre and provinces. These conflicts resulted in the dissolution of provincial ministries, enforcement of governor rule and replacement of favorite persons. Though it is not a new phenomenon in the history of Pakistan but the period 1988-99 is very prominent in such occurrences. This section has expounded an analysis of major cases that took place in this period i.e. dissolution of Balochistan assembly, duel for power in Punjab, Pir Sabir Shah case in KP, Manzoor Wattoo case in Punjab and case of Mengal ministry in Balochistan. Detail is given below.

⁹⁵M.H. Askari, "Pitfalls in Military Operation," *Dawn* (Karachi), June 3, 1992.

⁹⁶*Dawn* (Karachi), March 12, 1994.

3.2.2.1 Dissolution of Balochistan Ministry, 1988

Malpractice of constitution surfaced initially during the first government of Benazir Bhutto in 1988, few days after taking the charge of Prime Minister. It was quite clear in the election of 1988 that the political situation in Balochistan was complex. Since, no single political party could get constitutionally needed majority in provincial assembly and was not in the position to hold the government in the province.⁹⁷ Mir Zafarullah Khan Jamali was appointed as the Chief Minister of Balochistan. Here it needs to clarify that, Mir Zafarullah Khan Jamali was from the IJI and was appointed as the caretaker Chief Minister of Balochistan. After taking the charge, Benazir Bhutto allowed him to continue his office as the Chief Minister of Balochistan.⁹⁸ He had little majority to hold this office and was elected on the vote of casting by Speaker. The 42 members were present for casting their vote to elect the Chief Minister, and Jamali succeeded to gain 21 votes in favor and 21 votes against him. He secured 22 votes by the casting of Speaker. A member of opposition Manzoor Ahmed moved a motion in the session of National Assembly held on the 11th December, 1988 in which he alleged rigging in this in-house election of Chief Minister.⁹⁹ Only after two weeks of holding the office of Chief Minister, Provincial Assembly of Balochistan was dissolved by the governor on the advice of Chief Minister under the Article 112-1.¹⁰⁰ It was said that Jamali was anxious about his

⁹⁷Jamiat Ulma-e-Islam (FR) remained successful than others as it succeeded to gain 11 seats in the house of forty. Balochistan National Alliance (BNA) remained the second highest with the 10 seats; Islami Jamhoori Itihad (IJI) won 8 seats, Peoples Party of Pakistan (PPP) stayed with only 4 seats, and minor political parties and independents successive to the lasting 7 seats. Shaikh Aziz, "Leaf from the History: Politics and Lies," *Dawn* (Sunday Magazine), August 7, 2016.

⁹⁸ Aziz, "Politics and Lies."

⁹⁹*National Assembly Debates*, session 2nd, vol. II, no. 4, December 11, 1988, 106.

¹⁰⁰Saleem Shahid, "The Man from Rojhan: Mir Zafarullah Khan Jamali," *Dawn* (Karachi), November 21, 2002.

weak position as he could lose his designation in the case of motion of no-confidence at any time. Thus he used his constitutional authority under the Article 112 to save his office of Chief Minister and ordered the governor to dissolve the provincial assembly.¹⁰¹ Constitutionally, he could not do so as it was done prior to obtaining the vote of confidence.¹⁰² The crucial point was that, Chief Minister advised the dissolution of assembly without giving any solid reason and justification of dissolution.¹⁰³ He just argued that none of the parliamentary groups had majority in the provincial assembly and was the basis of his recommendations. But if this was the reason then the use of Article 112-1 was wrong. Since, in this case Governor could dissolve the assembly on his own discretion with the approval of President under the Article 112-2.

This action of Chief Minister was challenged in the Balochistan High Court on the basis that the Chief Minister had no position in advising the governor to dissolve the assembly.¹⁰⁴ Continuing that he could not get majority and he did not obtain the vote of confidence, hence he did not have constitutional power to advise the governor for the dissolution of provincial assembly. Since, the said article explained that, "Reference in this Article to 'Chief Minister' shall not be construed to include reference to a Chief Minister against whom a notice of a resolution for a vote of no-

¹⁰¹*Dawn* (Karachi), December 16, 1988. Nawab Akbar Bugti stated that, Mir Zafrulla Khan Jamali was illegally and unconstitutionally installed as Chief Minister of Balochistan and he had compromise with Centre. He further stated that his intention was to hold the fresh elections so as to get Centre's men elected in sufficient numbers through manipulation and convert Balochistan into PPP controlled province. *Dawn* (Karachi), December 18, 1988.

¹⁰²Makhdoom Ali Khan, "Constitutionality of Dissolution," *Dawn* (Karachi), December 23, 1988.

¹⁰³*Daily Jang* (Rawalpindi), 17th December, 1988. *National Assembly Debates*, session 2nd, vol. II, no. 12, December 20, 1988, 824.

¹⁰⁴*Dawn* (Karachi), January 27, 1988.

confidence has been given in the Provincial Assembly but has not been voted upon or against whom a resolution for a vote of no-confidence has been passed.”¹⁰⁵

The question arises, when Chief Minister advised the governor to dissolve the provincial assembly, whether the motion of no-confidence against him was moved or not. At that time, the no-confidence motion was not moved in provincial assembly just was planned by opposition. However, at back stage, according to the statement of Sheikh Rashid Ahmed, a vote of no confidence was moved against the Chief Minister and an agreement had been reached between JUI and BNA; this made Chief Minister anxious about his office.¹⁰⁶ This decision was taken on the advice of Chief Minister under the Article 112-1 instead of governor on his own discretion with the approval of President as the Article 112-2 stated,

The Governor may also dissolve the Provincial Assembly in his discretion, but subject to previous approval by the President, where a vote of no-confidence having been passed against the Chief Minister, no other member of the Provincial Assembly commands the confidence of the majority of the members of the Provincial Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the Provincial Assembly summoned for the purpose.

There were many arguments traced out about the dissolution of the provincial assembly to find out which factor was behind this clash which occurred after a few days of the establishment of third phase of the democratic period of Pakistan. This malpractice of constitution was immensely criticized in the National Assembly sessions. The National Assembly of Pakistan met on 15th December 1988; Nawabzada Nasrullah Khan reacted against the dissolution of Balochistan assembly. He declared it as murder of a democratic institution, and an elected assembly to save the office of controversial Chief Minister. He further stated it as a harmful tradition for the future

¹⁰⁵ *Constitution of Pakistan 1973*, Article 112, Explanation.

¹⁰⁶ *National Assembly Debates*, session 2nd, vol. II, no. 8, December 15, 1988, 331.

of the democracy.¹⁰⁷ The National Assembly of Pakistan again met on the 17th December 1988, Sardar Ali Khan stated about the dissolution of the Balochistan Assembly, he said, “The Constitution is very clear. The Governors are empowered to dissolve the Assembly when or if the Chief Minister so advises. The Federal Government has no hand in it.”¹⁰⁸ Sheikh Aziz also wrote in *Dawn* on August 7, 2016, “Sharif did not want Bhutto to form the government in Balochistan, he disapproved this move and asked the governor, Gen (Retired) Musa Khan, to dissolve the provincial assembly under Article 112.”¹⁰⁹ Nawaz Sharif was the head of IJI and he used him as a tool to gain his purpose. Basically, Article 112 that confirm the solid character of provinces in administrative authority was disrupted to meet the political interests by the Chief Minister. Thus, the constitution was misused to maintain the political interest. This was not only the misuse of Article 112 but also the violation of Article 148.

However, the Balochistan High Court issued a verdict against the decision of Chief Minister and restored the Balochistan Provincial Assembly by holding that the Chief Minister could not advise the governor for dissolving the assembly until gain the vote of confidence in the presence of assembly quorum.

If we gaze at Pakistan’s history, a similar violation was done before by the Zulfikar Ali Bhutto, who was the founder of Constitution of 1973 as he abolished the provincial government of Balochistan in February, 1973. It also led to the resignation of provincial government of KP as a protest. The crucial point is that the Balochistan

¹⁰⁷ *Ibid.*, session 2nd, vol. II, no. 8, December 15, 1988, 331. Chief Minister of Punjab, Tikka Khan, and nominee of central government held that the dissolution of Balochistan Assembly is not unconstitutional. *Dawn* (Karachi), December 18, 1988.

¹⁰⁸ *National Assembly Debates*, session 2nd, vol. II, no. 8, December 15, 1988, 331.

¹⁰⁹ Aziz, “Politics and Lies.”

had succeeded a status of complete province in 1970 and the first provincial elected government of Balochistan came into end after surviving a short period of ten months while the successive ministry of Balochistan which came into end in 1988 remained in office for hardly two weeks. In both of these cases, the factor behind the conflict between Centre and the province of Balochistan was recognized as political rather than constitutional. In the view of Mushtaq Ahmed, "The development that brought about the dissolution of the Assembly was not the result of a conflict of principles but a clash of personalities."¹¹⁰

3.2.2.2 Duel for Power in Punjab, 1993

The removal of Balochistan Provincial Assembly in 1988 was not the end, as the practice to destabilize the elected provincial governments of opponent parties' were continuously exercised during this period. The next practice in the same manner was sighted in the Punjab during the first tenure of Nawaz Sharif when he came into power after the restoration of his government on 26th May 1993.

In 1990 with the establishment of Nawaz government at both levels i.e. Centre and Punjab, it was expected that relations between Centre-Punjab would be sound and smooth but it went beyond expectations. Since, Ghulam Haider Wajni, a man of great trust for central ruling party was appointed as the Chief Minister of Punjab. In his presence, Centre-Punjab administrations faced no problem. The tensions between President and Prime Minister fragmented the ranks of PML that flared up with Junejo's death. Mohammed Khan Junejo died on 18th March 1993. After his death, Junejo group, who was the pro-President, joined under the leadership of Hamid Nasir Chatta against Nawaz Sharif. The clash between Centre and Punjab was generated

¹¹⁰Mushtaq Ahmed, "Balochistan-Storm in Tea Cup." *Dawn* (Karachi), December 27, 1989.

with the dissolution of Nawaz government on 18th April 1993 under the Article 58- 2 (b).¹¹¹ It paved the ground for the duel over the rule of Punjab.

Since, after the removal of Nawaz Sharif from the Centre, Junejo group succeeded to remove Ghulam Haider Wayne from the office of Chief Minister of Punjab by a move of no-confidence. Ghulam Haider Wayn was very close to Nawaz Sharif now succeeded by Mian Manzoor Ahmed Wattoo. In the meanwhile, Nawaz government was restored in Centre on 26th May 1993 by the decision of Supreme Court. Immediately after restoration, Nawaz Sharif girded up to remove the government of his rival group from Punjab province. He moved a motion of no confidence against Manzoor Ahmed Wattoo. Wattoo used the Article 112 to save his office and advised the governor to dissolve the Provincial Assembly of Punjab. The Governor, Altaf Husain, who was pro-President, acted upon the advice of Chief Minister and dissolved the Punjab Assembly on 29th May 1993.¹¹² The case against the dissolution of Punjab Assembly was filed in the Punjab High Court and Court restored Punjab Assembly on June 28th 1993. But dispute did not end by the decision of the judiciary as within no time, Manzoor Ahmed Wattoo again used Article 112 to escape himself from the vote of no-confidence. And Provincial Assembly of Punjab was dissolved again on the advice of Chief Minister by the governor after a short while of its restoration.¹¹³

¹¹¹The 8th Amendment of the Constitution introduced by General Mohammed Zia-ul-Haq in 1985 changed the nature of the constitution and gives a strong hold to the office of the President. As conceived by the scholar, Article 58 empowered the President to dissolve the National Assembly, and strengthen the powers of the Centre. Though, the administrative structure of the constitution not altered, it improved the status of "smaller provinces in the matters of decision making."¹¹¹ Abbasi, *Provincial Autonomy, and Conflicts*, 23. The 13th Amendment of the constitution omitted the Article 58-2(b). Pakistan is not sole in the case of the centralization among the countries which had federal system for governing. The working of federal system in India occupies a central position in this case.

¹¹²*Dawn* (Karachi), May 30, 1993.

¹¹³*Dawn* (Karachi), June 29, 1993.

Now Nawaz Sharif wanted to use the powers of President under the Article 101 as he wanted to replace the governor Altaf Husain with his reliable person Mian Muhammad Azhar. He could not succeed because President refused to do so. He played another trick to take the Punjab under his control. He moved a motion on 28th June 1993 abruptly in the session of National Assembly for calling the joint sitting session of the parliament that was accepted.¹¹⁴ The joint session was held on 29th June 1993 and resolution was moved to take the control of Punjab under the federal government. The resolution was passed in the face of strong opposition from the opponent camps.

The resolution paved the way for Nawaz Sharif government in Punjab. The resolution called on the President to remove the Governor and Chief Minister of the Punjab in compliance with the Article 234-1 and authorized Mian Muhammad Azhar to take the administrative control of the province. Then restoration of provincial assembly and vote of confidence would take place and in case of failing to do so, new Chief Minister would be appointed.

Due to personal rivalry between President and Nawaz Sharif, it was apprehended that the President would not act upon the resolution and he would not issue the proclamation. Thus, PML-N decided to set aside President and adopted another illegal way and issued the Presidential proclamation at midnight 29-30 of June without President's approval and consent. Nawaz Sharif appointed Mian Muhammad Azhar as Administrator of the Punjab and simultaneously, the Chief Secretary and I.G. Police of Punjab had appointed based on political interests. This was the clear violation and misuse of the constitution. The situation was not going to be unwatched by the ousted group i.e. PML-J. PML-J approached the President and

¹¹⁴*National Assembly Debates*, session 18th, vol. III, no. 12, June 28, 1993, 1285.

army. PML-J also supported the PPPs' threat of long march which set the stage for the removal of both¹¹⁵ and this Centre-Punjab tussle over rule of Punjab tooth and nail resulted for the second time in the coffin of democracy in this period. Derbyshire pointed out as, "Sharif had created a crisis in Punjab through imposing federal government rule over the province."¹¹⁶

Summing up, the provisions of the constitution for maintaining the smooth administrative relations were misused and violated as the motions of no-confidence moved to oust the rival group under Article 136. Similarly, the Article 148-4 and Article 149-3 were violated by de-stabilizing the provincial government. The provinces also violated 148-1 and 149-1 by not complying with the constitutional authority of the Centre. The malpractice of the Article 112 for personal interest was another example. The wish of practicing the emergency power of President for the removal of Chief Minister and Governor who belonged from opponent camp was clear abuse of the constitution. The worst illegality was to issue the Presidential proclamation without his knowledge and approval and appointment of the Administrator of Punjab, where even the office of Administrator is not decided in the constitution. The violation, malpractice of constitution and illegalities were done by central and provincial government of Punjab to take the rule of Punjab which not only polluted the air of Centre-Punjab administrative relations but also paved the way to derail the process of democracy.

¹¹⁵ Rizvi, *Military, State and Society*, 215-216.

¹¹⁶J. Danis Derbyshire and Ian Derbyshire, eds. *Encyclopedia of World Political Systems*, 1 (New York: M.E. Sharpe, 2000), 241.

3.2.2.3 Pir Sabir Shah Case in Khyber Pakhtunkhwa, 1995

In 1994, a matter of great concern with the Centre-Province administrative relations came into public as the central government was interfering with the internal affairs of the provincial government of KP. In accordance with the provisions of the constitution, it was the obligation of the Centre to avoid the unconstitutional interference into provincial matter. This behavior of the central government caused great anxiety in province and the conflicts erected between Centre and KP. This case of clash between Centre and KP depicted as Sabir Shah Case in history.

A coalition government of IJI and Awami National Party (ANP) in KP was formed after the election of 1993 with the support of independents. Pir Sabir Shah was appointed as the Chief Minister of the province on 20th October 1993. Sabir Shah was elected with heavy majority against the nominee of central government that was Aftab Ahmed Sherpao. It was very challenging to bear the rule of opponent parties in province by the central government. As Hamid Khan stated, "The coalition government of PML and the ANP under Sabir Shah was a thorn for PPP. PPP tried to destabilize it by constitutional subterfuge."¹¹⁷ This situation created a space for Centre-KP conflicts. This controversy led to the abuse of constitutional powers. It was the constitutional duty of central government to provide protection to the provincial government for smooth running according to the provision of the constitution. The Centre, instead of giving its compliance to the Article 148, tried to explore other constitutional ways and means to destabilize the government of opponent parties in KP. Since, the efforts were made to reduce the majority of Sabir Shah by hostage his supporters. Hamid Khan stated that, "the PPP had to overcome the obstacle of the

¹¹⁷ Khan, *Constitutional and Political History*, 428.

majority in the coalition and somehow reducing it to minority.”¹¹⁸ The motion of no confidence was moved against Sabir Shah on February 3, 1994¹¹⁹ after reducing his majority through legal and illegal means.

The tense situation between Centre and KP remained under discussion in newspapers and in the sessions of National Assembly which marked that the central government was busy to change the loyalties of the Muslim League Nawaz members but they had not the right to do this under the Article 8 (b).¹²⁰ This unconstitutional step of the Centre led to uproar and was seriously taken up by ANP.¹²¹

The leadership of ANP strongly warned the Centre to abstain itself from such unconstitutional steps. Even a resolution was moved in the session of National Assembly held on 6th, February, 1994 against the attitude of central government. The motion, “Discussion on the Political Situation of the Country, Conditions Prevailing in the NWFP (KP)” continuously deliberated in the series of sessions of National Assembly held during February 6, 1994 to February 17, 1994.¹²² In this motion, the ANP accused the central government to make hostage the MPA’s aimed at reducing the majority of Sabir Shah in the house of provincial assembly. Syed Iftikhar Hussain Gilani had requested to the Centre to keep itself away from the interference in

¹¹⁸Ibid.

¹¹⁹*Dawn* (Karachi), February 4, 1994.

¹²⁰Article 8 (b) stated that, “if a member of the House...defect and withdraws himself from the he shall, from the date of such defection or withdrawal, be disqualified from being a member of the House for the unexpired period of his term as’ such member, unless he has been re-elected at a bye-election held after his disqualification. The Political Parties (Amendment) Act, 1985, in *The Gazette of Pakistan* (Extraordinary), Part I, Clause 3, December 24, 1985, 419.

¹²¹See for a detailed discussion on the situation of KP among the leaders of the house and the leaders of the opposition under “Discussion on the Political Situation of the Country with Reference to Conditions Prevailing in N.W.F.P. (KP),” in *National Assembly Debates*, session 8th, vol. II .no. 1, February 16, 1994, 11-26. Ibid., session 8th, vol. II .no. 2, February 17, 1994, 84-111.

¹²²Ibid., session 7th, vol.1, no. 13, February 6, 1994, 1599-1657. See also, Ibid., session 8th, vol. II, no. 1, February 16, 1994, 11-26, 33-88. Ibid., session 8th, vol. II, no. 2, February 17, 1994, 84-106, 108-111, 112-141, 142-144, 152-153.

provincial matters.¹²³ The provincial government of KP and the leadership of ANP-IJI that was also the coalition partner argued that they had not opposed the movement of no confidence as it was the legal process in democracy under the Article 137 of the Constitution of 1973. They said, they had protested about the hostage of members and they depicted it as horse trading.

In counter, the Centre accused Pir Sabir Shah of being responsible for this situation. Federal minister, Syed Iqbal Haider alleged that, “The Chief Minister (of KP Pir Sabir Shah) is not in a position to keep under control his Cabinet members that’s why he had lost majority.”¹²⁴ The Centre argued that, Sabir Shah had promised portfolios of their own to those independent members who entered with him in coalition government. These portfolios assured them as long as the term of National Assembly. But later he could not keep his words. The ANP was returned empty handed in the case of portfolios and it stayed away from the cabinet in spite of its majority which gave it the sense of inferiority. Thus ANP pressurized Sabir Shah to take back the portfolios from the independents as its members wanted to enter in the cabinet. Sabir Shah came under the pressure of ANP and he took back the portfolios from the independents under compulsion. Consequently the independent members resigned and joined Aftab Ahmed Sherpao and it was not conceived as horse-trading.¹²⁵

As far as the horse-trading is concerned, it was proved by the statement of Aftab Ahmed Sherpao, who declared that “a member from PML has changed his

¹²³Ibid., session 7th, vol. 1, no. 13, February 6, 1994, 1606.

¹²⁴Ibid., session 8th, vol. II, no. 1, February 16, 1994, 18.

¹²⁵Ibid., session 7th, vol. 1, no. 13, February 6, 1994, 1613.

loyalties.”¹²⁶ This statement revealed the practice of horse trading in this period. This practice was illegal and violation of the constitution as the member who changed his allegiance stayed disqualified on the grounds of defection.¹²⁷ Actually, Political Parties’ Act 1962 was still on the statute book under the Article 63A of the Constitution of 1973. According to section 8(b), clause-1 of Political Parties Act, 1962, if the member of the house, “withdraw himself from the political party he shall, from the date of such defection or withdrawal, be disqualified being the member of the house for the unexpired period of his term as such member, unless he has been re-elected at a by-election held after his disqualification”.¹²⁸ The Centre had not paid the prestige to these constitutional provisions and developed the custom of purchasing the loyalties of the members from other parties aimed at establishing their own rule. This custom created the situation of conflicts which disturbed the administration at both levels.

Both sides i.e. the Centre and the KP government alleged each other in same manner for spoiling the situation. However, whatever the truth was it was evident that through other relevant sources and also by the analysis of related documents, the Centre deliberately induced discontentment in the province. The deliberations in the sessions of National Assembly could not move ahead except from fighting of words and failed in bringing about a positive solution for the prevailing situation. The Centre was eager to set its own rule in KP and it did so without giving respect to constitutional provisions that decided the domains of Centre and provinces. It also had not paid heed on these adjournment motions and warnings which had been moved and conveyed by the ANP-IJI leadership. Since, the Centre was firm on the policy of

¹²⁶ Ibid., session 8th, vol. II, no. 2, February 17, 1994, 90.

¹²⁷ *Constitution of Pakistan 1973*, Article 63-A.

¹²⁸ The Political Parties (Amendment) Act, 1985.

“neem zmma otle Zamma,”¹²⁹ (Jo kuch ha mera ha) whatever there is, is mine). The Centre did its best to make its dream true and the method of horse trading was also in exercise to reduce the majority of Sabir Shah into a minority.¹³⁰ The Centre had not learnt to live with each other from Pakistan’s history and also ignored the hue and cry of ANP members. After softening the ground for its rule and weakening the position of Sabir Shah the Centre organized the vote of no confidence against Sabir Shah on 23 February, 1994 but it could not get success as the speaker of the provincial assembly disqualified two of its members.¹³¹ The fighting erupted between the opposition and government members and session of the Assembly was adjourned till March 31, 1994.¹³²

Then Centre practiced another constitutional tool after the failure of no confidence move. The Centre charged and commented that Sabir Shah Government had failed to maintain the situation of law and order in frontier province. The central government decided to use the President’s emergency powers. Emergency powers had grave importance and were essential to save the strength and stability of the federal country. The framer of the constitution thought them necessary to provide the Centre with sufficient powers for coping with the situation of internal and external aggression. These powers are a distinctive feature of the Constitution of Pakistan and grant the authority to the Centre to deal with the strange state of affairs. The constitution allocates these powers to the President. Emergency powers strictly have

¹²⁹It is a Pashto saying (Pashto is a regional language of KP).

¹³⁰The Centre interfered in the provincial government of KP and removed the ministry of Sabir Shah to set its own rule has proved by given sources; Khan, *Constitutional and Political History*, 428-430. Najam Sethi, “Benazir’s faux Pas,” *The Friday Times (Editorial)*, March 31, 1994.

¹³¹ *National Assembly Debates*. “Discussion on Political Development in NWFP (KP),” session 9th, vol. III, no. 12, April 24, 1994, 1507-1667.

¹³²*Dawn* (Karachi), February 24, 1994. See also *National Assembly Debates*, session 9th, vol. III, no. 1, April 6, 1994, 55.

been criticized by the scholarly community due to abuse of these powers by the name of emergency and constitutional disorder. To my best understanding, during the period under study there is no conflict seen in case provisions of constitution but defect lies in the use of these provisions. These provisions provide alternative to smoothly administer emergency situations rather than creating emergency situations by political rivalry. Since, President Farooq Leghari was the nominee of the Prime Minister and powers of President under the Article 234 were practiced on 25 February 1994,¹³³ through which Pir Sabir Shah and his cabinet was removed from their office and governor rule was enforced in the province. The Governor Khurshid Ali Khan had taken the charge of the provincial government for two months.¹³⁴

The conflict did not end as Pir Sabir Shah filed the case in Supreme Court against the unconstitutional removal of his ministry.¹³⁵ The other side both members Akhtar Husain and Shad Khan filed the case against the Speaker in the High Court.¹³⁶ The Court ordered the Governor not to call the meeting of provincial assembly until a particular decision about two members is finalized by the election commission. But the governor called the session of provincial assembly before the decision of election commission on 24th April 1994 for vote of no confidence. The vote of no confidence was conducted and those two defectives members Shad Mohammed Khan and Akhtar Husain also casted their vote. Constitutionally they had not the right to cast their vote

¹³³ *Dawn* (Karachi), February 26, 1994.

¹³⁴ *The News* (Islamabad), February 26, 1994. *United Press International*, February 25, 1994, accessed December 7, 2017, <https://www.upi.com/Archives>. Research Directorate, Immigration and Refugee Board, Canada, *Chronology of Events January 1994 to February 1995 (Supplementary to the Country Review)* (Canada: Immigration and Refugees Board of Canada, 1995), accessed December 7, 2017, <http://www.refworld.org/docid/3ae6a83da.html>.

¹³⁵ See also the verdict of the Supreme Court in PLD 1994 SC 738.

¹³⁶ *National Assembly Debates*, session 9th, vol. III, no. 12, April 24, 1994, 1524.

until the decision of election commission.¹³⁷ That was unconstitutional, and was counted illegal by the opposition. In response the Centre accused, the Speaker and the then Chief Minister of KP Pir Sabir Shah as violating the constitution.¹³⁸

However, in this political combat between Centre and KP, the central government of PPP moved ahead. The Centre succeeded to install its own government in the province and established the coalition government with PML in KP. Aftab Ahmed Sherpao was elected as the Chief Minister of province. This proved that the concerns of ANP and PML-N were not wrong as not only Pir Sabir Shah had lost his office who was the nominee of PML-N; the ANP was also ousted from the treasury benches.

Both sides tried to justify themselves by the constitutional provisions. The Centre justified this interference by the Article 149-4 of the constitution which provided the authority to the Centre to interfere in the province to protect against the external aggression and internal disturbance.¹³⁹ That was more violation of the constitution rather than previous. Since, to destabilize the provincial government through hostage and horse trading was the violation of Article 148-3. The Section 8-B of Political Parties Act 1962 was also breached that was *intra vires* at that time as it was consistent with the Article 63(2).¹⁴⁰ While after creating the situation for disability of the government, the implementation of 234 to set its own rule in the desired provinces stayed second more brutal practice. While the Centre justified the proclamation as the lawlessness, unconstitutional and undemocratic act of the Speaker

¹³⁷Ibid., 1509- 1510.

¹³⁸Ibid., 1994, 1523.

¹³⁹*Constitution of Pakistan 1973*, Article 149-4.

¹⁴⁰ The Peshawar High Court, Peshawar, [Judicial Department]. Writ Petition No.958-A/2015, 17-18, accessed December 13, 2017, https://peshawarhighcourt.gov.pk/PHCCMS_judgments/W.P-958-of-2015-Sardar-Sher-Bahadar-Vs-Govt.pdf.

and the then Chief Minister Sabir Shah compelled the President to discharge his responsibilities by issuing the enforcement of Article 234.¹⁴¹ Third, the constitution was not followed in the restoration of the members. And these vague practices of the constitutional provision can be seen in the case of the Pir Sabir Shah's removal. Consequently, this situation of administrative relations between Centre and province deteriorated which manifested dislodge of democracy in this period.

3.2.2.4 ManzoorAhmed Wattoo Case in Punjab, 1995

Pir Sabir Shah Case was not the last practice and 234 was implemented second time during the tenure of the same government of PPP in 1995. Since, in 1995, the same tradition reiterated in the province of Punjab, as PPP succeeded to form the government in Punjab with the help of PML-J on the condition that the Chief Minister would be from the PML-J though it had only eighteen seats out of 240 in the house. It was the bitter pill for the PPP but it was needed to swallow to keep the PML (N) out of the power in Punjab. The conflict resulted from political factors between Centre and Punjab when the central government of PPP decided to replace Wattoo by the member of its own party as Wattoo belonged from PML-J. The same style operated in Punjab that was applied in KP to pack Sabir Shah. As Hamid Khan stated, "it was going to be a repeat performance of what was done in the NWFP for the removal of Sabir Shah."¹⁴² The constitutional machinery was brought into motion and report was attained by the governor under the Article 234 and ordered the governor to take the charge of the provincial government of Punjab. The governor acted upon the advice of the President and preceded the control of the government of Punjab on order of the

¹⁴¹ *National Assembly Debates*, session 9th, vol. III, no. 12, April 24, 1994, 1523.

¹⁴² Khan, *Constitutional and Political History*, 432.

President.¹⁴³ Governor urged the Wattoo for the vote of confidence but he did not attend the session and the speaker reported to the governor that Wattoo failed to take the vote of confidence. As a result, he was removed from the office of the Chief Minister. But all this proved useless because Centre failed to install its own party representative as Chief Minister of Punjab because Hamid Nasir Chatha¹⁴⁴ denied accepting a PPP member as a Chief Minister of the Punjab. He pressed the Centre to appoint Sardar Arif Nakai, another member who belonged from PML-J as the Chief Minister of Punjab. Wattoo was removed from the office of Chief Minister by using the powers of President. Centre tried to remove the hold of other parties in the provinces such as the disturbing partners from the Punjab and the staunch rivals in the KP. In both cases emergency power of President stated in the Article 234 of the constitution were used by the Centre. But Centre could not succeed and failed to do so in spite of all the course-plotting and horse-trading.

Thus the discussion concludes that the conflict was resulted due to political factors rather than constitutional. As mentioned above, on September 5, 1995, the Provincial Assembly of Punjab was suspended and governor rule was enforced in Punjab. But crucial point is that, there were no constitutional crises in Punjab and there was no need of the application of Article 234 there. Constitutionally, in this case there was need to move motion of no confidence under the Articles 130-7 or 136. Hence, the imposition of Article 234 of constitution was made for vested interest and for the removal of Manzoor Wattoo from the office of Chief Minister. The case of Manzoor Wattoo was not different from the case of Sabir Shah and violation and manipulation of constitution as described in detail above for Sabir Shah Case. The

¹⁴³*Dawn* (Karachi), September 6, 1995. *Daily Jasarat* (Lahore), September 6 1995. *The News* (Lahore), September 6, 1995. *National Assembly Debates*, session 19th, vol. I, no.1, September 13, 1995, 78.

¹⁴⁴ Hamid Nasir Chatha was a leader of PML-J group.

President, Prime Minister and parliament were the cementing forces of the federation. They were playing with the constitution. It was interference and attack of the Centre on its federating units and the most ill practice of the constitution to destabilize the administration of a province. The circumstances in which Article 234 is needed to implement constitutionally were tried to create and constitutional provisions were misused. The abuse of constitutional powers consequences not only created conflicts between Centre and provinces but also puts a stigma on democracy.¹⁴⁵ Ironically, the situation of law and order for which Article 234 was meant were worse in Sindh and Balochistan however it was not applied there as there was the government of the same party which was ruling in the Centre.

There was no defect in Article 234 as it was needful to control the external and internal aggression in the hours of need. The emergency powers of the President were crucial for the stability and strength of the country. Since, Peter Hogg is an eminent scholar of law from Canada considered that, a formal head of government that has certain powers are vital for the functioning of a government.¹⁴⁶ Many currently prevalent federal constitutions advise such powers as Indian constitution provides emergency provisions under the Articles 352-360.¹⁴⁷ Though, the emergency powers needed to cope with the hours of troubles are pertinent for the stability of the country but the abuse of these powers in the part of administrative relations between Centre

¹⁴⁵The Centre was justified that administrative machinery of the Punjab failed to emulate its constitutional obligations and duties which compelled the President and central government to take this step for saving the parliamentary system in the province of Punjab. Whereas situation of law and orders much worse in Sindh than Punjab and KP as well as in 1988 in Balochistan but why not 234 applied there. Because of there was the Chief Minister and government of their own party rather than opponent party. They never ever think about to remove it may be whatever the situation prevailed there. It was the tragic point of this time the party of the Centre wanted to install its own administration in all provinces. For this constitution used as tool that was the worst and this ail practice of the constitution created conflicts and derailed the situation of Centre-Province administrative relation.

¹⁴⁶Peter Hogg, *Constitutional Law of Canada* (Toronto: Carswell, 1999), 253.

¹⁴⁷*Constitution of India*, Part-xviii, Articles 352-360.

and provinces for political gaining is thought provoking. The leverage or motive behind its practice should be pure from any kind of personal or party interest and should be focused for the national interest.¹⁴⁸

3.2.2.5 Mengal Ministry of Balochistan, 1998

The same situation was again faced in Balochistan assembly during the second government of Nawaz Sharif. In the general elections of 1997, Balochistan National Party (BNP) got nine seats of provincial assembly and three seats of National Assembly. Subsequently, Nawaz Sharif who was elected as the Prime Minister of Pakistan, second time in this term, endorsed the Baluchistan National Party to form the provincial government. Akhtar Mengal, who was the son of Ataulah Mengal, was elected as the Chief Minister of Balochistan. He formed the government with the coalition of Jamhoori Watan Party (JWP) led by Akbar Khan Bugti (late). Bugti was a nationalist leader. Shortly after the establishment of the provincial government, clashes appeared between BNP and JWP. Though, Akhtar remained in power. After a year, a conflict between central government and the government of Balochistan came into scene at the eve of nuclear test. Akhtar Mengal opposed the Centre in using the Balochistan land for nuclear test and Centre sidestepped the provincial government and arranged nuclear test in Chaghi.¹⁴⁹ The central government sensed insult on the objection of Chief Minister of Balochistan on not taking into confidence before

¹⁴⁸If we look at international level, it is pertinent to mention here that same situation is evident in other countries like India. The same case regarding the dissolution of provincial assemblies identified in India after the elections of 1977 and 1980. Since, the Janata government dismissed nine provincial governments run by congress on the argument they had lost the faith of the people. After 1980 elections the congress government dismissed nine provincial ministries ruled by Janata Party on the same argument. It was evident that both parties were indulged in the abuse of constitutional powers. S.K. Khana, *Contemporary Politics in India* (New Delhi: Discovery Publishing House, 1999), 35.

¹⁴⁹ Hasan Askari Rizvi, "Pakistan's Nuclear Test," *Asian Survey*, 41, n. 6 (November-December 2001):951.

consuming the “soil” of Baluchistan for the experience of nuclear explosions in May, 1998.

Though, according to the constitution the Centre could acquire the land of any province under the Article 152, the objection not only came from the provincial government of Balochistan but also the people of Balochistan resented this. For example, at the time of the preparations of the nuclear explosions the young Baloch generation was offended and as a protest they hijacked a plane¹⁵⁰ and revealed the emotional hostility of the people of Baluchistan for the policies of the Centre.

On the other side, Centre was successful in splitting BNP. Consequently, the government of Akhtar Mengal underwent a major set back when six members of provincial assembly who belonged from his party separated from him. They alleged he rigged the party elections. The facts revealed that, Akhtar found the situation out of hands and he resigned from the office of the Chief Minister in 1998 on the cause of not been included in the decision of nuclear test ordered on May 28, 1998.¹⁵¹ Consequently, Nawaz Sharif succeeded to establish the provincial government of his own party in Balochistan. Therefore, he justified this stance on grounds of Mengal’s inability to keep in hand his party members and that the split occurred inside his party, enforcing him to take the verdict. Jan Muhammad Jamali, who belonged from the Nawaz group of the Pakistan Muslim League, was endorsed as the Chief Minister of Balochistan on 13th August 1998.¹⁵²

¹⁵⁰Maqbool Ahmed, “The Mysterious Case of Land Acquisition in Balochistan,” *Herald*, September 2018.

¹⁵¹Jaffrelot, *Pakistan: Nationalism without a Nation*, 30-31. Jaffrelot was of the view, Mengal criticized the Centre for its unjustifiable share of the royalties generated by the gas of Balochistan and he was also criticized the decision of the National Finance Commission which led the discord between Centre and Balochistan.

¹⁵² *Balochistan Assembly Debates*, session 11th, August 13, 1998, 7. Unrepresented Nation and Peoples Organization, “Balochistan: BNP-M Leader Takes Oath in Balochistan Assembly,” August 28.

In fact, it was the violation of 14th Amendment of 1973 Constitution of Pakistan. The 14th Amendment in the constitution was installed to remove the horse trading and restricting the trend of turning the loyalties¹⁵³ but it was violated by its own creators.¹⁵⁴ In Balochistan, loyalties of 6 members of Balochistan National Party were changed and divided it into two parts. After purchasing the loyalties of its six members, movement of no confidence was moved against Akhtar Mengal and Jan Mohammed Jamali was installed as a Chief Minister. Thus, the 14th Amendment was broken into pieces in the hands of its own creators after a little span of creation in date 4th July 1997.¹⁵⁵ The Centre divided the Balochistan National Party for installing the person of their choice as Chief Minister¹⁵⁶ and it was the clear cut violation of 14th Amendment as horse trading was continued in the provinces. Besides, it was also the violation of Article 148 as the Centre provided the grounds for creating instability in provincial administration instead of strengthening the stability.

The clash that occurred between Centre and the provincial government of Balochistan provided grounds to the study with that the both governments were hostile on political basis although the constitution declared the position of both sides clearly. They set aside the constitution and played political tricks. As Article 97 stated

2013, accessed December 11, 2017, <http://unpo.org/article/16322>,. See also, Rahmatullah Yusufzai, "The Case against Mengal," *The News*, September 9, 2007.

¹⁵³The Constitution (Fourteenth Amendment) Act, 1997, in *The Gazette of Pakistan*, (Extraordinary), Part-I, Clause 2, July 4, 1997.

¹⁵⁴Noticeable point is that, the political parties have a long tradition of violating constitution and reconciliation in the history of Pakistan and this is what observed before the election of 2013. In 2013, when PML-N required the cooperation of Akhtar Mangle for upcoming elections, Mian Shahbaz Sharif met with Akhtar Mengal in his residency and admitted that the removal of Akhtar Mangle Ministry by Nawaz Sharif in 1998 was a mistake for which Nawaz Sharif the then Prime Minister regretted. Saleem Shahid, "Removal of Mangle Government Was a Mistake: Shahbaz," *Dawn* (Karachi), April 11, 2013. This statement clarified that the Centre had reduced the majority of Mangle for dislodging him from the office of Chief Minister and it was the clear violation of the 14th Amendment.

¹⁵⁵ *National Assembly Debates*, session 14th, vol. IV, no. 11, September 9, 1998, 1164.

¹⁵⁶*Ibid.*, session 14th, vol. IV, no. 11, September 30, 1998, 2395.

the range of administrative authority of the Centre in these words, “Subject to the Constitution, the executive authority of the Federation shall extend to the matters with respect to which [Majlis-e-Shoora (Parliament)]¹⁵⁷ has power to make laws, including exercise of rights, authority and jurisdiction in and in relation to areas outside Pakistan.” The said article further advised to save the authority of constitutional powers of the provinces as, “that the said authority shall not, save as expressly provided in the Constitution or in any law made by [Majlis-e-Shoora (Parliament)], extend in any Province to a matter with respect to which the Provincial Assembly has also power to make laws.”¹⁵⁸

If we ponder upon another point of view, constitutional deficiency is repugnant in creating clash here because of the constitution is silent in providing the clear advice about the use of soil of any province for the experiment of nuclear weapons. In order to run smooth and harmonious administrative Centre-Province relations, the provisions made to meet with all form of contingencies to escape from the clash between Centre and provinces in administrative sphere. On the other hand, Centre also has authority over the armed forces¹⁵⁹ and nuclear test was for the defense purpose of the country which claimed the compliance of the province. If the policy of consensus followed at both levels, no repugnance would have occurred.

Summing up, from the constitutional point of view, centralization in constitution became the base of Constitution of Pakistan from the formative phase. As Sharif al Mujahid described, “The basis for the Pakistani constitutional edifice in the

¹⁵⁷The 8th Amendment 1985 substituted that [Majlis-e-Shoora (Parliament)] whenever word parliament occurred in the provisions of the constitution.

¹⁵⁸*Constitution of Pakistan 1973*, Article 97.

¹⁵⁹*Ibid.*, Article 245.

formative years, was tilted towards a centralized structure.”¹⁶⁰ The Constitution of 1973 also authorized the Centre extensive powers. That should be mandatory for the defense and strength of the country.¹⁶¹ During the period under study these provisions were misused. Sometimes the use of these provisions as a tool against the provincial government for vested interest created conflicts, especially for those provinces that were run by the opponent party of the central government.

3.2.3 Issues of Representation of Provinces in Central Administration

The representation of the provinces in various administrative spheres also remained a serious discord between Centre and provinces. The said issue was also debated by the smaller provinces during period under study. The provinces were conscious of their share in major states’ offices, National Assembly and proper share in services. Detail regarding the mentioned issues is described below.

3.2.3.1 Representation in Key Administrative Offices

One of the key issues regarding the administrative Centre-Province relations in this period was associated with the distribution of key posts like President, Prime Minister and other key designations of Judicial, armed and civil services. In this context, the primary conflict was generated between east and west wings of Pakistan. The solution to remove this conflict was decided in Mohammed Ali Bogra’s formula, declaring that if the President would be from one wing then the Prime Minister would be from

¹⁶⁰ Mujahid, “Finding Balance between Unity and Diversity,” 19.

¹⁶¹ Central authority conceived as cause of conflict. But to my best understanding purpose behind its practice caused the conflicts. Since, that the provincial governments sometimes faced the problems in maintaining law and order and proved unsuccessful to discharge their duties sufficiently. Then Centre was authorized for taking the charge of province and accountable for the peace and order in the province. In case of its misuse for personal interest who would be responsible for conflicts; constitution or wrong users? During the specify time and space for present study, provisions that decided the sturdy role of the Centre and provinces in administrative relations were used to job the development of political wellbeing rather than for accurate purpose.

the other wing.¹⁶² But this item was altered when the formula was assumed by the Constitutional Assembly.¹⁶³

During the period selected for the current study, the issue of key posts was also a cause of contention. The provinces objected that all the top slot posts of government were mostly recruited from the Punjab. Objection of Sindh province was raised in the National Assembly session held on December 30, 1990. Since, a member of the National Assembly from the province of Sindh, Jam Saifullah Khan Dharejo, stated aggressively in the sessions of National Assembly as;

I again have to say very regretfully that in the Federal Government, we do not have the Sindhi or Ballochi on the higher posts; for example, like President, Prime Minister. The National Assembly Speaker, Chairman Senate. We do not have representation in the three armed forces i.e. Air Force, Navy and Army. And we do not have a member in the Supreme Court... Besides these top level posts, even in the Province of Sindh, in the High Court we have 21 Judges, and Out of 21 judges there are only seven Sindhi Judges and the rest are non-Sindhis. We do not have an IG who is Sindhi. We do not have Sindhi Chief Secretary...I think, there is not fair with the people of Sindh and I think this thing is creating more resentment and distrust and chaos among the people of Sindh.¹⁶⁴

Syed Khursheed Ahmed Shah criticized that the posts of high ranks in each department belonged from Punjab which created the sense of deprivation among the peoples of smaller provinces. Mir Hazar Khan Bijarani also endorsed the statement of Khursheed Ahmed Shah.¹⁶⁵ Aftab Shahban Mirani also raised the question of little representation of Sindh in the list of key posts in the session of National Assembly held on 12th March 1998. He stated as, "I want to ask from this Government what crime has Sind committed? All the top slots in the Government have gone to people

¹⁶²Aziz, *Party Politics*, 51.

¹⁶³Khan, *Constitutional and Political History*, 73.

¹⁶⁴*National Assembly Debates*, session 4th, vol. IV, no.9, December 30, 1990. 1091.

¹⁶⁵*Ibid.*, session 11th, vol. I, no. 3, February 26, 1998. 209.

from outside Sind and mostly from Punjab.”¹⁶⁶ He presented a long list of key posts in which Sindh remained unrepresentative.¹⁶⁷ Ian Talbot also pointed out as, “The evidence for this charge was cited in terms of Punjabi domination of major State offices, including those of the Prime Minister, President and Senate Chairman.”¹⁶⁸ Similarly, the numbers of federal secretaries also provided a source of discontentment as the total numbers were 36 out of which, 29 from Punjab, 4 from Sindh, 3 from KP and none from Balochistan.¹⁶⁹ In the different autonomous and semi autonomous bodies, the numbers of chief executives were 223 out of which only 2 from Balochistan while the decided quota for Balochistan was 5.3, this imbalance gave a cause of concern.¹⁷⁰

Sindh government demanded adequate representation of all the provinces in decision making on matters relating to autonomous corporation and organization.¹⁷¹ The same claim was put forth by Balochistan and also claimed the elimination of

¹⁶⁶Ibid., session 11th, vol. I, no. 13, March 12, 1998, 1273.

¹⁶⁷Ibid. The Attorney General, Chairman Islamic Ideological Council, Chief Justice Federal Shariat Court, Wafaqi Mohtasib, Chief Ehtisab Commissioner, Chairman NARC, Chairman Income Tax Tribunal, Chairman Federal Services Tribunal, Chairman Federal Public Service Commission, Chief Election Commissioner, Secretary Election Commission, Auditor General of Pakistan, Chairman PIA, Chairman Steel Mills, Chairman National Shipping Corporation, Chairman KPT, Chairman Port Qasim, Managing Director OGDC, Rector Islamic University, Chairman Insurance Corporation, Chairman Pakistan Television Corporation, Chairman Pakistan Broadcasting Corporation, Chairman Pakistan Tourism Corporation, Chairman Railway Board, Chairman Cement Corporation, Chairman Zakat Foundation, Chairman Ehtisaab Cell, Chairman Privatization Corporation, Chairman Agricultural Development Bank, Chairman Pakistan! Investment Corporation, Chairman Export Promotion Bureau, Chairman Rice Corporation, Chairman Trading Corporation, Chairman Liquidity Commission, Chairman Urdu Language Authority, Chairman WAPDA, MD Petroleum.

¹⁶⁸ Ian Talbot, “The Punjabization of Pakistan: Myth or Reality?” in *Pakistan: Nationalism Without a Nation?* ed. Christophe Jaffrelot (New Delhi: Manohar Publishers, 2002), 52.

¹⁶⁹ *National Assembly Debates*, session 13th, vol. VII, no. 1, May 31, 1999, 44.

¹⁷⁰Ibid., session 17th, vol. VII, no. 13, June 19, 1999, 1101.

¹⁷¹*Dawn* (Karachi), January 7, 1993.

discrimination and extortion, faced by Balochistan from fifty years.¹⁷² Shakeel Ahmed criticized the Centre for the discretion of Balochistan as it had no representation in the institutions of policy making. For example in the institutions that had great importance in policy making likewise, O.G.D.C, NHA, PTCL and PIA; Balochistan had no representation.¹⁷³ Haji Walli Mohammed Khan stated as, if we see today, President, Prime Minister, Chief Justice, and Chief of Army Staff even all members of NIRC¹⁷⁴ are merely from the province of Punjab and none of them from Sindh, KP and Balochistan.¹⁷⁵ The province wise position of some important key offices is shown in the table 3.2.

Table 3.2. Province wise facts of some key offices during 1988-1999

Offices	Punjab	Sindh	Balochistan	KP	Total
Presidents	1	-	1	2	4
Prime Ministers	1	1	-		2
Speakers	2	1	-	1	4
Chairmen's Senate	1	-	-	-	1
Chiefs of Air staff	1	1	-	2	4
Chiefs of Navel Staff	1	3	-	-	4
Chiefs of Army Staff	3	1	-	-	4
Chief Justices of Pakistan	3	4	-	-	7
Total	13	9	1	4	28

Sources: the figures are estimated after observing the biographical notes personally by the researcher.

¹⁷²Mir Nabi Bakhsh Zehri claimed the withdrawal of Ghulam Ishaq Khan from the post of President in the favour of candidate from Balochistan. He stated as, "no person from his province had been installed to the august offices of the President or the Prime Minister of Pakistan. This situation has resulted in a sense of deprivation." *Dawn* (Karachi), January 25, 1993.

¹⁷³*National Assembly Debates*, session 13th, vol. III, no. 6, June 18, 1998, 730-731.

¹⁷⁴NIRC stand for (National Industrial Relation Commission).

¹⁷⁵*National Assembly Debates*, session 13th, vol. III, no. 10, June 23, 1998, 1292.

In the period under study, four governments were elected. From 1988 to 1990, the President was from the KP and Prime minister was from Sindh. From 1990 to 1993, President was from the KP and Prime Minister was from Punjab. It is pertinent to mention here he was the first Prime Minister in the history of Pakistan who belonged from Punjab. From 1993 to 1996, President was from Balochistan¹⁷⁶ and Prime Minister was from Sindh. The problem was that the fair recognition was observed from 1997 to 1999 when the Prime Minister and President both were from Punjab, evoking great concern to other provinces. Three provinces girded up against the Punjabi Prime Minister and its one third majority. It is very important point in reality that this was the first historic and democratic period in which the Prime Minister and President were from the Punjab. In the previous history of Pakistan the office of Prime Minister and the president remained in Sindh, and KP. But Punjab always welcomed.

3.2.3.2 Representation of Provinces in the National Assembly

Another hereditary problem related to the administrative relations between Centre and provinces which perhaps has increased the grievances between Centre and provinces is representation of the provinces in the pivotal administrative body of the country namely National Assembly. As Katharine Adeney says, “The three smaller provinces begrudge the fact that Punjab has the majority of seats in the NA” (National Assembly).¹⁷⁷

¹⁷⁶In this period, Farooq Ahmed Leghari was the first man from Balochistan who appointed President of Pakistan in 1993.

¹⁷⁷Kathrin Adeney, “A Step towards Inclusive Federalism in Pakistan? The Politics of the 18th Amendment,” *Publius*, 42, no. 4(2012): 543, accessed January 27, 2019, <https://www.researchgate.net/publication/262084809>.

Pakistan is a country of bicameral parliament or Majlis-e-Shoora; including Senate or upper house and National Assembly or lower house. The seats in the National Assembly of Pakistan's bicameral parliament are distributed amongst the four provinces on the criteria of population. This case also remained the issue and cause of contention between the Centre and provinces during the period of current study as it was in the very early days of the establishment of Pakistan. The population was the main criteria for distribution of seats of National Assembly among the provinces which implied that less populated provinces will have less representation in the National Assembly. The provinces of Pakistan have huge differences in population and hence issue of representation of the provinces in the National Assembly delayed the process of constitution making in Pakistan in the early history of Pakistan. However the Constitution of 1973 solved the problem by constituting bicameral parliament. Equal representation was given to the provinces in the upper house of parliament or Senate and in the lower house namely National Assembly, representation was allocated on the basis of population to bring equality. The constitution decided 217 total seats in lower or upper house out of which 10 were reserved for the non-Muslim community and 207 for Muslims. Muslims' seats were divided among the provinces on the basis of population. Province-wise position of representation in the National Assembly has been shown in the table 3.3.

Table 3. 3. Seats of National Assembly with provincial breakup

Total	Federal + FATA	Punjab	Sindh	KP	Balochistan
207	1+8=9	115	46	26	11

Source: Report on the General Elections of Pakistan 1990, Volume-I, P.8, Election Commission of Pakistan Islamabad. The reserved seats of women and minority are not included.

Where Constitution of 1973 could bring harmony among provinces by providing equal seats in upper house, it failed to do so in lower house due to hereditary demographic asymmetries in its structure. During period under study i.e.1988-1999, the issue of representation of the provinces in the National Assembly also caused contentions between Centre and provinces. The fear of dominance of the larger province i.e. Punjab over the smaller provinces remained the part of Pakistan's history and has been marked in the period under study. The members from the smaller provinces revealed their sentiments in their statement and speeches during the sessions of National Assembly. Since, Haji Ghulam Ahmad Bilour, a member of National Assembly from KP in the first Benazir Bhutto's government stated in the session of National Assembly held on 12 December 1989, "we are total twenty seven members in the National Assembly from the province of N.W.F.P. (KP)... if we talk for our rights, than twenty seven hands will rise up from one side and two hundred and ten from the opposite side, than what would be met us, dust or nothing."¹⁷⁸ Another statement provided authenticity to this issue as the member of the National Assembly from Balochistan voiced the issue in the session of National Assembly held on 31 December 1990 in the same lines. He criticized the low representation of Balochistan in the National Assembly which he conceived as the cause of deprivation of Balochistan from its due rights. He stated as, "we are only eleven members in the National Assembly from Balochistan and that is the reason of deprivation of Balochistan rights. We have only one ministry that is not beneficial from Baluchistan's perspective."¹⁷⁹ The small provinces as Sindh, KP and Balochistan had bitter feelings on the population base formula for representation in the National Assembly. Asfand Yar Wali member of National Assembly from KP also pointed out

¹⁷⁸ *National Assembly Debates*, session 7th, vol. V, no. 7, December 12, 1989, 548.

¹⁷⁹ *Ibid.*, session 4th, vol. IV, no. 10, December 31, 1990, 1228.

the representation of Balochistan. He criticized the less representation of Balochistan in the National Assembly of Pakistan. He declared it as the deprivation of the peoples of Balochistan with those only eleven members from Balochistan had been seated in the lower house.¹⁸⁰ Maulana Mohammed Khan Sharani suggested that the representation of the provinces in the National Assembly should be equal for all units.¹⁸¹

The problem of representation of the Provinces in the National Assembly is still a controversial issue between Centre and provinces. This issue of representation in the National Assembly remained unsolved even after passing the 18th Amendment as criteria of distribution of National Assembly seats was still based on population. Since, present day Provincial Assembly of Balochistan passed a resolution against their less representation in National Assembly and Abdul Raheem Ziaratwal said, “The numbers Balochistan MNA’s in the National Assembly is equal to salt in the flour.”¹⁸² The concluding point is that the provinces are not ready to accept and not complying with the constitution. Since, Article 51-3 of constitution has already decided the formula to remove the dissension which states as, “The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published”.¹⁸³ The unequal numbers of the provinces compensated in the upper house through allocating the equal numbers of seats to the

¹⁸⁰Ibid., session 9th, vol. III, no, 9, April 19, 1994, 1168.

¹⁸¹Ibid., session 11th, vol. I. no. 7, March 4, 1998, 648.

¹⁸²*Pakistan Observer*, March 26, 2018, 3.

¹⁸³*Constitution of Pakistan 1973*, Article 51-3. It is pertinent mention here after the 18th Amendment Article 151-5 exists for this provision rather than 51-3.

all provinces under the Article 59-1.¹⁸⁴ There is a need to develop compliance with the constitutional provisions otherwise mental dissatisfaction would be extended that is harmful for mutual consensus and national integrity.

3.2.3.3 The Issue of Proper Share in Services

Another issue that is inherently associated with the administrative issues was the issue of proper share in services. Since, share allocated to the provinces on the base of populations was not manifested equal numbers for all provinces. Small provinces instead of understanding the constitutional demarcation engorged on their inferior numbers in federal services. Secondly, smaller provinces grieved because the share provided to the provinces was insufficiently less than the allocated share.¹⁸⁵ They also alleged that some provinces gained more than their allocated share while others were relegated.¹⁸⁶ The allocated share of the Provinces was as; Merit 10%, Punjab 50%, Sindh 19 %, ¹⁸⁷ KP 11.5%, and Balochistan 3.5%.¹⁸⁸

The issue of proper share in services was a congenital problem between Centre and Provinces. The small provinces resented with the Centre as their proper share in services was not given to them throughout the history of Pakistan. The status of the presented period i.e. 1988-1999 was as unsatisfactory as earlier. There were two main factors; primarily, population as Punjab and Sindh were densely populated and KP and Balochistan were sparsely populated. Particularly Balochistan has huge land area but little population. Secondly, there was greater educational development and

¹⁸⁴Ibid., Article 59-1.

¹⁸⁵*National Assembly Debates*, session 13th, vol. VII, no. 14, December 18, 1994, 1183.

¹⁸⁶ Ibid., 1181-1187.

¹⁸⁷The share of Sindh further divided in urban and rural areas as Sindh urban 7.6% and Sindh rural 11.4%.

¹⁸⁸ *National Assembly Debates*, session 13th, vol. VII, no. 14, December 18, 1994, 1186.

institutions in other provinces than Balochistan. Hence, the majority of the people recruited from other provinces.¹⁸⁹ This gave a cause of concern to the provinces particularly to Balochistan. An example from the selected period is quoted here that has been taken from the debates of National Assembly in 1994. Mahmood Khan Achakzai aggressively protested against the less representation of three provinces i.e. Sindh, KP and Balochistan in the Ministry of Communication. The numbers under grade 20-21 is expounded below in table 3.4.

Table 3.4. Province wise facts in Ministry of Communication, 1994

Grade 20					Grade 21				
Total	Punjab	Sindh	KP	Balochistan	Total	Punjab	Sindh	KP	Balochistan
29	23	2	2	2	6	4	1	1	-

Source: National Assembly of Pakistan Debates, session 13, vol. III, no. 14, December 18, 1994, 1181.

Moreover, provincial representation in the recruitments of financial institutions in 1995 was also protested. The provinces raised the question in the session of National Assembly held on February 9, 1995 on their less recruitment in the “National Bank of Pakistan, State Bank of Pakistan, Habib Bank, N.D.F.C., R.D.F.C. and A.D.B.P. in the year of 1994.”¹⁹⁰ Since, Balochistan, Sindh and KP presented the objection that their numbers were less from their due share. A member of the National Assembly stated that, only two or three persons were recruited from Balochistan out of almost five or four hundreds numbers¹⁹¹ and he asked the reason. In response Centre argued as, Balochistan is a less populated area and there was not

¹⁸⁹ Constitutionally it was the responsibility of the central government to enable the peoples of all areas of Pakistan to participate fully in all forms of activities including employment in the services of Pakistan as Article 37-f. stated, “State shall— (f) enable the people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan.”

¹⁹⁰ *National Assembly Debates, session 15th, vol. I, no. 18, February 9, 1995, 2045-2046.*

¹⁹¹ *Ibid., 2046.*

financial activity. For instance, the then Minister of State for Finance, Makhdoom Shahabuddin stated as,

Balochistan is a very sparsely populated area Sir. There is a huge land but there is very little population over there. That has to be borne in mind also. Secondly, Sir, all these financial institutions you look at them, I would like to read out, National Bank of Pakistan, State Bank of Pakistan, Habib Bank Limited, National Development Finance Corporation, RDFC and ADBP and all that Sir there are so many financial institutions, Sir in other provinces. There is greater financial activity, i.e. Sind and Punjab Sir hence the majority of the people are recruited from Sind and Punjab, Sir. That is the reason why there are fewer financial institutions in Baluchistan.¹⁹²

The provinces denied to accept the presented reason of fewer business activities in Balochistan and insisted upon to follow the quota that was specified for the province. Mahmood Khan Achakzai also pointed out, 148 candidates recruited for National Bank of Pakistan but not one of them from Balochistan. He demanded candidates of Balochistan should adjust in other provinces i.e. KP, Sindh and Punjab in case not having bank in Balochistan.¹⁹³ Balochistan was not alone, since Sindh also had the same reservations. For example, Sindh objected on the recruitment number of Sindhis in the National Bank of Pakistan in the year of 1994.¹⁹⁴

The case of improper share of provinces in the central services further exemplified to accentuate the gravity of the conflict. Mahmood Khan Achakzai stated in the session of National Assembly held on 13 September 1995, only one seat was allocated to Balochistan out of five hundred officers of grade 16 to 17. Saad Ullah

¹⁹² Ibid.

¹⁹³ Ibid., 2047. The issue always raised by the nationalist leaders of KP, Balochistan and Sindh. They talked in biased way instead the way of national consensus and harmonious elegance. It was seemed by their comments they wanted to aggravate the situation deliberately. They were accurate in claiming their rights, its true, it was their natural and constitutional right but infusing of secessionist sentiments decreased the height of their grace in all manners.

¹⁹⁴ Ibid., 2048.

Zamri was the only person from Balochistan who was recruited.¹⁹⁵ In 1995, the strength of the employees in steel mill was 21924 of which 270 were from the Balochistan. This proportion was protested by Balochistan as it was less than its accurate share that was almost 1000 according to the ratio of population.¹⁹⁶ Similarly, the proportion of KP in official group was also criticized and compared with the proportion of Sindh that was 12034 and 14000 respectively. The Centre tried to satisfy the provinces but in vain.¹⁹⁷

Another observing point was that, though the share of small provinces was less than the major provinces but the numbers of unemployed were more in the provinces that had greater shares in services. For instance, according to a report presented by the Ghulam Akbar Lasi in the session of National Assembly, not a single doctor was unemployed in Balochistan while the numbers of unemployed in KP and Sindh were, 1124 and 5000 respectively. The figures from Punjab were not presented in this report. Mahmood Khan Achakzai declared that it was wrong that not a single doctor was unemployed in Balochistan and insisted that the province was also facing problem of unemployment.¹⁹⁸ Mohammed Ayub Jattak also affirmed it wrong and said that Balochistan is deprived from its due share in services and it had faced the issue of unemployment.¹⁹⁹ Another case was observed due to less representation of Balochistan. The list of high officials of PTV was presented in the National Assembly on 19th May 1996. This list consisted of 105 out of which only two from Balochistan.

¹⁹⁵Ibid., session 19th, vol. V, no. 1, September 13, 1995, 31.

¹⁹⁶ Ibid., session 21st, vol. VII, no. 2, December 4, 1995, 175-176.

¹⁹⁷Ibid., 176.

¹⁹⁸Ibid., session 21st, vol. VII, no. 9, December 13, 1995, 1001-1002, 1004-1016.

¹⁹⁹Ibid., 1126.

²⁰⁰ The numbers in the high official of PTV was also protested by the Balochistan.²⁰¹ Balochistan declared it unjust and violation of provincial share. Maulana Abduraheem and Asfand Yar Wali submitted their protest against this discrepancy of provincial quota in the session of National Assembly held on 19th May 1996.²⁰² Balochistan also voiced against its figures in police of Islamabad in 1996 as Balochistan marked only 13 out of 7323. This recruitment was criticized as the violation of the ratio that had been prescribed in the Constitution of 1973.²⁰³ In 1997, Sindh protested against its share in the services of PTCL, and compared its share with the Punjab and inquired about this difference as well as the fewer representation of Sindh particularly criticized the rural figures that were 35 only.²⁰⁴ These figures have been given in the table 3.5.

Table 3.5. Province wise facts in PTCL headquarters, Islamabad

Total	Punjab	U+R =Sindh	KP	Balochistan
1227	869	89+35=124	224	10

Source: the National Assembly of Pakistan Debates: Official Reports, Session 5th, Volume V, No, 7, May 14th, 1997, 651. The figures of FATA and AJK not included and contained on grad 21 to grad 1.

Sindh submitted its protest against the given figures as they were less from its due share in all means and ways of distribution. As according to population factor, it

²⁰⁰Since, according to the antecedents numbers of high officials presented in the house, 11 officials were from KP, 16 from Sindh and remaining 75 from Punjab while the Balochistan had only 2 high officials in PTV. These figures extracted by the researcher from the list given in Ibid., session 26th, vol. V, no. 11, May 19, 1996, 1272-1279. it is pertinent to mention that list of high officials of PTV started from the Page no. 1272 which revealed two high officials from Balochistan whereas Maulana Abduraheem stated that not a single high official in PTV from Balochistan. See on the page number 1280.

²⁰¹ Ibid., 1280, 1282.

²⁰²Ibid.

²⁰³Ibid., session 28th, vol. VII, no. 17, September 9, 1996, 2403-2404.

²⁰⁴Ibid., session 5th, vol. V, no. 7, May 14, 1997, 651.

was on the second number that was not revealed by the given figures in said services.²⁰⁵ Similarly Balochistan also protested against the figures given to it. These were only 10 seats out of 1227 that was not accorded to its specific percentage. The specific share of Balochistan was 5.3 that ignored and the right of Balochistan was violated.²⁰⁶ Besides, the province wise numbers in Federal Investigation Agency (FIA) were contrary to the formula. The province wise numbers marked that the provinces could not succeed in gaining their constitutional rights. These are shown in the table 3.6.

Table 3.6. Numbers in Federal Investigation Agency with provincial breakup

Grade	Punjab	Sindh	KP	Balochistan	Total
22	01	-	-	-	01
21	02	-	-	-	02
20	04	-	-	-	04
19	02	01	-	01	04
18	11	03	02	-	16
17	13	02	02	-	17
16	15	02	02	-	19
Total	48	08	06	01	64
Below to Sixteen Grade					
15	17	-	01	-	18
14	06	01	01	-	08
12	11	-	-	-	11
11	16	-	01	-	17
09	04	-	-	-	04
07	54	01	04	-	59
05	53	02	08	01	64
Total	161	04	15	01	181
Grand Total	209	12	21	02	245

Source: National Assembly of Pakistan Debates: Official Reports, Session 5th, Volume V, No. 8, May 15th, 1997, 755. The figures of FATA and capital area were excluded that were 3 of FATA and 77 of the Islamabad and collectively 314.

These statistics revealed great proportional difference. The distribution formula was that up to grade 16 from the top were selected by Public Service

²⁰⁵Ibid., 661.

²⁰⁶Ibid., 662.

Commission while up to grade 16 from bottom were based on population. But the given figures revealed unfairness. Since, in the lower grade jobs, Balochistan had less than one percent while its due share was 3.05% and Sindh had less than 3% that was also against its due share. The situation was not different in the case of KP. The small provinces criticized the numbers given to Punjab and declared it injustice with other provinces. The provinces gravely blamed the Centre for preferring Punjab.²⁰⁷

Another case was assumed in the jobs of Public Works Department (PWD). The representation of provinces was as, the total seats were 276 and only 219 candidates were recruited, out of which 164 from Punjab, 9 from Sindh, 36 from KP and none from Balochistan. Sindh and Balochistan submitted their protest regarding their representation in PWD which was not according to decided quota. Balochistan claimed representation according to the prescribed quota that was 3.5, whereas the Centre countered that the recruitment was made according to the quota but the people from Sindh and Balochistan transferred themselves to their provinces while the provinces refuted to accept this logic.²⁰⁸ A Minister from Balochistan government also stated that the proper share of Balochistan in the services was not being given to it. Since, Balochistan constitutionally had 5% share in the services but it was gaining only 2%.²⁰⁹

Above all, both leaders, Benazir Bhutto and Nawaz Sharif benefited from their respective provinces in their tenures of Prime Minister Ships. This was not healthy and fair tradition and it was violation of the constitution, ending up in discontentment in other provinces. Since, Constitution of 1973 assumes equality of all citizens and

²⁰⁷Ibid., session 5th, vol. V, no. 8, May 15, 1997, 756-759.

²⁰⁸Ibid., session 11th, vol. I, no. 3, February 26, 1998, 140-143.

²⁰⁹Ibid., session 13th, vol. III, no. 10, June 23, 1998, 1289.

provides safeguards against discrimination in services under the Article 27. It was the constitutional responsibility of the government to provide the rights of provinces according to decided formula. The misuse of constitution caused the discontentment. On the other side, controversial issues were always raised by the nationalist leaders of KP, Balochistan and Sindh. They talked in biased way instead the way of national consensus and harmonious elegance.

It is important to note that a new paragraph (g) was added in Article 38 under 18th Amendment which stated as, “the State shall ensure that the shares of the Provinces in all Federal services, including autonomous bodies and corporations established by, or under the control of, the Federal Government, shall be secured and any omission in the allocation of the shares of the provinces in the past shall be rectified.”²¹⁰ But the fight for proper prescribed share of the provinces in the services of central and autonomous bodies is continuous as yet.²¹¹

Conclusion

The central point of this chapter was to explore the administrative aspect of Centre-province relations. The observation of constitutional administrative relations marked that, Constitution of 1973 provides provisions for maintaining the administrative relations between Centre and provinces, e. g. power of President to appoint the provincial governors, the delegation of central powers to the provinces in certain cases, to entrust provincial powers to the Centre through its consent, the central and provincial responsibilities or obligations, directions to the provinces in certain matters and the rests. Secondly, an effort is made to observe the powers of

²¹⁰*Constitution of Pakistan, 1973*, Article 38-(g). This new paragraph became the part of constitution under the 18th Amendment, 2010.

²¹¹See for present situation, Amir Waseem, Senate Panel to Take up Non-Observance of Provincial Job Quotas,” *Dawn* (Karachi), February 4, 2019.

President and governors regarding the said issue which revealed the central authority to appoint the provincial governors and his compliance to the Centre. Moreover, provincial governor had power to dissolve the provincial assembly but with the consent of President or on the advice of Chief Minister of the province. Emergency powers of the President authorize the Centre to take the control of province in case failing the constitutional machinery there. Above all, the real purpose of these provisions was to stable the Centre-Province relations. Assist and direct the provinces in the hours of need, internal and external trouble. It is fact, these provisions reputed as source of dispute between Centre and provinces, and, tool in the hand of Centre to interfere in the provincial matters, due to unfair use.

Study noticed that the administrative business was not carried out in constitutional way i.e. disrespect and ignorance was given to the constitutional obligations for personal interest. Since, Centre tried to create disturbance in the provincial governments instead of removing the disturbance which was initially detected in case of restricting the oath-taking of the Chief Minister of the Punjab. The provisions were frequently violated and practiced for disturbing the governments of provinces instead of protecting. Since, during 1988-99 provincial ministries were dissolved, favorite ministers were installed and governor rule was needlessly enforced more than one time that was the result of political adversary. The powers of President and governors were practiced illegally merely to disturb the governments of opponent groups in the provinces. Moreover, constitutional provisions were ignored which could be use to solve the other issues of conflicts. Provincial asymmetries were instigating to get personal benefits. The practice of the constitution by political authorities for personal gains had paved the ground for conflicts. Taking together, political factors were on upper hand in creating conflicts. Thus, there is need to use

the constitution in its true meaning in the country rather than blaming the constitution defective. To follow the constitution in letter and spirit is essential for maintaining harmonious relations between Centre and provinces as it is important for political stability, unity and integration in the country that has remained largely invisible during Pakistan's history.

CHAPTER-4

CENTRE-PROVINCE RELATIONS: FINANCIAL ASPECT, 1988-1999

Introduction

The theme of previous chapter was constructed on the administrative aspect of the Centre-Province relations in Pakistan. The chapter identified that the nature of Centre-Province relations in the context of administrative aspect stayed conflictual and also determined that constitutional nature was less responsible for creating conflict than political process. Since, the constitution provided provisions to restrict administrative conflict between Centre and provinces and ensured the smooth working of administrative system. It also provided provisions to cope with internal disturbance, constitutional disorder and external aggression. But the political factors were the bone of contention in the implementation of constitutional structure regarding the administrative Centre-Province relations. The chapter concluded that political conflicts caused the abuse of constitutional powers which disturbed the Centre-Province administrative relations.

It is a fact that if the legislative and administrative relations between Centre and provinces are to be kept up, there must be sound financial relations. According to the outcome of the study, like the legislative and administrative relations, the financial relations between the Centre and the provinces have become a sensitive issue during this period. These disturbed financial relations not only shackled the situation of country but also the life of the peoples. Sheikh Rashid Ahmed stated in session of National Assembly on 26th December 1990, because of the Centre-Province conflicts,

no policy was formed to facilitate the common man.¹ Thus, one of the most important problems regarding the Centre-Province relations is connected with finance, as finance is a prerequisite of the country.

This chapter particularly concentrates on the financial aspect which has a very wide impact in Centre-Province relations. The chapter has two major sections; one is financial relations fabricated in constitution and the second is Centre-Province financial relations in actual process and political process. The first section begins with a brief overview of background history of Centre-Province financial relations and afterwards the financial Centre-Province relations ratified under the Constitution of 1973 has been observed in depth. The Constitution of 1973 provides wide range of provisions to maintain the financial relation between Centre and provinces under Part-VI consisted of three chapters i.e., finance, property and contracts and suits. This section discussed the selected provisions of chapter-1 which debated on finance. The term financial relation fabricated in constitution is applied for this section.

The second section of the chapter focuses on the situation prevailing in the selected period, i.e., the situation of financial disputes has been explored during 1988-99 in this section. This part has observed the practice of the constitutional provisions related with financial relations in selected era. The same part also has brought into light the tensions and tussles that ultimately created conflicts between Centre and Provinces regarding the financial aspect.

4.1 Centre-Province Financial Relations Fabricated in the Constitution

It is very hard to create a workable scheme for Centre-Province financial relations due to the problem of balance of powers between Centre and provinces and asymmetric

¹ *National Assembly Debates*, session 4th, vol. IV, no. 7, December 26, 1990, 840.

situation of resources and demographical problems among the provinces. These facts almost conceived as essential part of each federation. The Constitution of Pakistan 1973 provides provisions for dealing with the relations between Centre and provinces in the context of financial aspect. This section deals with some important provision of Constitution of 1973 which fabricated to deal with the financial matters between Centre and Provinces but prior to it, it is pertinent to put an insight on the historical background.

4.1.1 Historical Overview

Historically, prior to the Constitution of 1973, all constitutional schemes that operated in Pakistan provides provisions for settling the financial matters between Centre and provinces. Chapter-1 of the Part VII in the Interim Constitution of Pakistan 1947 deals with financial aspect.² Constitution of 1956 also provides provisions for governing the Centre-Province relations amicably. Chapter-2 in the part-vi of the Constitution of 1956 deals with financial aspect.³ Similarly, Constitution of 1962 also arranges the provisions for settling the financial issues between Centre and provinces. These provisions were consisted of the Articles 140-145.⁴ Distribution of revenue remained major cause of contention and said constitutions provided institutions for amicable distribution of revenue and resolving the disputes. At the time of establishment, nascent government of Pakistan faced financial difficulties. To cope with the problem, Centre decided to discontinue the sharing of revenue with the provinces. The sales tax and estate duty which had been provincial subject previously were centralized

² *Government of India Act, 1935 (Provisional Constitution) Order, 1947.*

³ *Constitution of Pakistan 1956.*

⁴ *Constitution of Pakistan 1962, Articles 140-145.*

temporarily through the consent of the provinces.⁵ But later, it was extended which gave a set back to the provinces, particularly to the East Pakistan and they pressed the Centre for new financial arrangements.⁶ Nurul Amin, Chief Minister of East Pakistan stated aggressively as, "Provinces are faced with deficits in East Bengal: it is four crores, five crores every year. This deficit is not due to maladministration of the Provinces but it is due to the fact that on the one hand Provinces are deprived of their various sources of income and on the other hand they are not receiving the proper attention from the Centre. Now, Sir, this policy of strangulation of the Provinces must go."⁷ Riesman Commission was instituted under the Interim Constitution in 1951.⁸ Riesman Commission suggested the changes to ensure equitable distribution between Centre and provinces. These recommendations were accepted at both levels⁹ which remained unchanged until the introduction of one-unit scheme in 1955.¹⁰ Afterward the establishment of one-unit the share of income tax was allocated to the east and west wing of Pakistan in the ratio of 45% and 55% respectively. The central excise duties on tea, tobacco and betel nuts were also divided between two wings in the same proportion. This situation remained unchanged until the enforcement of new

⁵ Pakistan, *Economic Survey: 1961-1962*, 156.

⁶ Pakistan, *Economic Survey: 1961-1962*, 156. Ali, *Politics of Federalism*, 47. Nazir, *Early Years*, 151.

⁷ *Constituent Assembly (Legislature) of Pakistan Debates: Official Reports*, session 8th, vol. 1, no. 2, March 21, 1951, 54.

⁸ Pakistan, *Economic Survey: 1961-1962*, 156.

⁹ The recommendations were as; the 50% of the net proceed of the income tax was distributed among the federating units of Pakistan. The ratio of distribution was , East Pakistan 45%, Punjab 27 %, Sindh 12%, KP 8%, Bahawalpur 4% and Balochistan 4% (Bahawalpur and Balochistan were not provinces). Besides sale tax was remained central subject but provinces were allowed to receive "half of the net collection in their areas." Moreover, East Pakistan was allowed 62.5% of the basic jute duty and 10% of any additional duty. The subvention for KP was also raised from 100 lakhs to 125 lakhs. ⁹ Ibid., 156-157.

¹⁰ Ibid., 157.

Constitution of 1956.¹¹ The Constitution of 1956 allocated all major sources of revenue to the Centre and fewer to the provinces which aggrieved the provinces.¹² The Constitution of 1956 also made certain the establishment of the NFC under Article 118¹³, but it was not set up despite the serious provincial demand.¹⁴ The situation of Centre-Province relations remained unsatisfactory. To remedy the situation, Zaheer Committee was appointed in May 1961 which recommended the establishment of finance commission and it was constituted prior to the enforcement of the Constitution of 1962 on 19th December 1961.¹⁵ Commission was constitutionally recognized in the Constitution of 1962 under the Article 144 to settle the disputes on financial matters between Centre and provinces.¹⁶ The Commission introduced new recommendations under which the taxes and duties collected by the Centre were divided as: income tax 50%, sales tax 60%, excise duties on tea, tobacco and betel nuts 60% and export duties on jute and cotton given to the provinces. The distribution among the provinces was made 70% on the population bases and 30% on the incident base.¹⁷ In 1970, the share between the Centre and the provinces was revised on the ratio of 20:80. However, one-unit was disbanded but the ratio between East and West Pakistan remained unchanged, and the share of West Pakistan was divided among the Punjab, Sindh, KP and Balochistan. After the separation of East

¹¹ Ibid.

¹² Ali, *Politics of Federalism*, 103. The list of distribution under the constitution of 1956 is given in the appendices.

¹³ *Constitution of Pakistan 1956*, Article 118.

¹⁴ Ali, *Politics of Federalism*, 105, 109. The Commission was instituted in 1958 but prior it could present any recommendations, the constitution of 1956 was abrogated and national finance commission was also dissolved. Pakistan, *Economic Survey: 1961-1962*, 157-158.

¹⁵ Pakistan, *Economic Survey: 1961-1962*, 157-158.

¹⁶ *Constitution of Pakistan 1962*, Article 144.

¹⁷ Pakistan, *Economic Survey: 1961-1962*, 158-159.

Pakistan, the Constitution of 1973 was instituted under which the ratio between Centre and provinces remained same as prior. Distribution among the provinces was recommended on the population basis that remained same until the period under study.

Summing up, an important requirement for the smooth working of Centre-Province financial relations is the distribution of financial sources and revenue. Prior to 1988, Raisman Commission 1951 and eight NFC Awards had been announced since 1947, in the years 1958, 1961, 1962, 1964, 1970, 1974, 1979 and 1985. In case of recommendations, collectively, five NFC Awards succeeded to announce recommendations whereas the last two awards failed.¹⁸ However, Centre-Province financial relations stayed conflictual even after losing East Pakistan. Asymmetries in the natural structure of the country as, in area, population, economy caused differences that were further flamed by political elite instead of reducing the disparities and creating mutual consensus.

4.1.2 Centre-Province Financial Relations under Constitution, 1973

The first chapter of the Part-VI of Constitution of 1973 deals with the financial aspects which are further divided into two sections. The first section contained the provisions distribution of revenue between Centre and provinces under the Articles 160-163. The second part consists of miscellaneous financial provisions under the Articles 164-165A. This is a very vast subject and this study deals in detail with the Articles 160-163 under the part-1. It is pertinent to mention that the Articles 164-

¹⁸ Last three commissions i.e., 1974, 1979 and 1985 were constituted under the constitution of 1973 of which only one succeeded to finalize its recommendation. Government of Pakistan, *Report of the National Finance Commission 2009*, (Islamabad: National Finance Commission Secretariat, December 30, 2009), 1-2, accessed June 19, 2017, http://www.finance.gov.pk/nfc/reportofthenfc_2009.pdf. Government of Pakistan, *Economic Survey: 1990-1991*(Islamabad: Finance Division, Economic Advisor's Wing, 1991), 26.

165A would be discussed concisely in this study. Moreover, the other provisions of constitution which conceived as cause of conflicts between Centre and provinces in financial matters have been brought into light in this section. The detail of these provisions has been given below;

The constitution provides provisions for the formation of National Finance Commission. The Article 160 stands for the establishment of NFC which authorized the president of Pakistan to form the NFC for five years within six months since the day of commencement. It consists of federal finance minister and provincial finance ministers. As the article stated, "Within six months of the commencing day and thereafter at intervals not exceeding five years, the President shall constitute a National Finance Commission consisting of the Minister of Finance of the Federal Government, the Ministers of Finance of the Provincial Governments, and such other persons as may be appointed by the President after consultation with the Governors of the Provinces."¹⁹

After the establishment of the NFC under Article 160-1, Constitution of 1973 further decided the duties of the NFC. Commission was responsible to make recommendations to the president for the distribution of net proceeds, grants-in-aids, borrowing powers and other matters. Since, Article 160-2 stated as, "It shall be the duty of the National Finance Commission to make recommendations to the President as to under the:

- a) the distribution between the Federation and the Provinces of the net proceeds of the taxes mentioned in clause (3)."²⁰

¹⁹ *Constitution of Pakistan 1973*, Article 160-1. Pre independence period, Niemeyer Award (under the 1935 Act) was followed to distribute the resources between federal and provincial governments. After the independence, Sir Jeremy Riesman was assigned to formulate a feasible revenue sharing formula between federation and federating units of the country. National Finance Commission was set up under Article 144 of the 1962 constitution.

²⁰ *Constitution of Pakistan 1973*, Article 160-2- (a). The detail of taxes is given in the below under clause three of the same Article.

- b) the making of grants-in-aid by the Federal Government to the Provincial Governments;
- c) the exercise by the Federal Government and the Provincial Governments of the borrowing powers conferred by the Constitution; and
- d) any other matter relating to finance referred to the Commission by the President.”²¹

The Article 160-3 of the Constitution of 1973 authorized the Centre for raising the following taxes referred in 160-2(a) as Article 160-3 stated, “The taxes referred to in paragraph (a) of clause (2) are the following taxes raised under the authority of Majlis-e-Shoora (Parliament), namely:-

- i) Taxes on income²²
- ii) Taxes on the sales and purchases²³
- iii) Export duties on cotton²⁴
- iv) Such duties of excise as may be specified by the President
- v) Such other taxes as may be specified by the President.²⁵

The President was also responsible to specify the recommendations of NFC referred in Article 160-2(a) by order as soon as after receiving from the NFC as Article 160-4 stated,

As soon as may be after receiving the recommendations of the National Finance Commission, the President shall, by Order, specify, in accordance with the recommendations of the Commission under paragraph (a) of clause (2), the share of the net proceeds of the taxes mentioned in clause (3) which is to be allocated to each Province, and that share shall be paid to the Government of the Province concerned, and, notwithstanding the provision of Article 78 shall not form part of the Federal Consolidated Fund.²⁶

²¹ *Ibid.*, Article 160-2.

²² including corporation tax, but not including taxes on income consisting of remuneration paid out of the Federal Consolidated Fund;

²³ On goods imported, exported, produced, manufactured or consumed.

²⁴ And such other export duties as may be specified by the President

²⁵ *Constitution of Pakistan 1973*, Article, 160-3. It is important to mention here 160-3 A and 160-3-(B) were not the part of Article 160-3 during the period under study and installed by 18th Amendment. Thus, these two provisions are not the part of this study.

²⁶ *Ibid.*, Article 160-4.

Moreover, the constitution decided the recommendation of the NFC shall be put before the Parliament namely National Assembly and Senate as well as provincial assemblies as Article 160-5 stated, “The recommendations of the National Finance Commission, together with an explanatory memorandum as to the action taken thereon, shall be laid before both Houses and the Provincial Assemblies.”²⁷

The President was authorized constitutionally to modify the law related with the distribution of revenue between Centre and provinces but before his order under 160-4 as 160-6 stated, “At any time before an Order under clause (4) is made, the President may, by Order, make such amendments or modifications in the law relating to the distribution of revenues between the Federal Government and the Provincial Governments as he may deem necessary or expedient.”²⁸

The President had also the authority to order the grants-in-aid from federal consolidated fund to the provinces that were necessary for assistance as Article 160-7 stated, “The President may, by Order, make grants-in-aid of the revenues of the Provinces in need of assistance and such grants shall be charged upon the Federal Consolidated Fund.”²⁹ Thus the Article 160 not only decided the establishment of NFC but also determined the duties of NFC and President.

The Constitution of 1973 also decided under the Article 161-1, “the net proceeds of the Federal duty of excise on natural gas levied at, well-head and collected by the Federal Government, and of the royalty collected by the Federal Government, shall not form part of the Federal Consolidated Fund and shall be paid to

²⁷ Ibid., Article 160-5.

²⁸ Ibid., Article 160-6.

²⁹ Ibid., Article 160-7.

the Province in which the well-head of natural gas is situated.”³⁰ As well as Clause 161-2 of the said article also decided that, “The net profits earned by the Federal Government, or any undertaking established or administered by the Federal Government from the bulk generation of power at a hydro-electric station shall be paid to the Province in which the hydro-electric station is situated.”³¹ The constitution specify the prior approval of President necessary to moving taxation bills in which provinces could be interested as Article 162 stated,

No Bill or amendment which imposes or varies a tax or duty the whole or part of the net proceeds whereof is assigned to any Province, or which varies the meaning of the expression “agricultural income” as defined for the purposes of the enactments relating to income-tax, as defined for the purposes of the enactments relating to income-tax, or which affects the principles on which under any of the foregoing provisions of this Chapter moneys are or may be distributable to Provinces, shall be introduced or moved in the National Assembly except with the previous sanction of the President.³²

The constitution decided that the provincial assembly could impose the taxes in the context of professions but under the limits fixed by parliament by acts as stated in the Article 163, “A Provincial Assembly may by Act impose taxes, not exceeding such limits as may from time to time be fixed by Act of Majlis-e-Shoora (Parliament), on persons engaged in professions, trades, callings or employments, and no such Act of the Assembly shall be regarded as imposing a tax on income.”³³

The Constitution of 1973 also articulated miscellaneous financial provisions under the part-IVs’ chapter-finance. Though, these provisions are beside the point but an insight is crucial. Concisely, Article 164 determines the central and provincial authority about to grants out of consolidated funds.³⁴ Article 165 decides the

³⁰ Ibid., Article, 161-1.

³² Ibid., Article 162.

³³ Ibid., Article 163.

³⁴ Ibid., Article 164.

“exemption of certain public property from tax,”³⁵ and Article 165-A defines the powers of Centre “to impose tax on the income of certain corporations.”³⁶ The Constitution of 1973 also provides provisions to cope with the problems of financial emergency which can be announced by the President under his emergency powers stated in the Article 235. This article stated that if the situation of financial stability is threatened, the executive authority of the Centre shall be competent “to give directions to a province to observe such principles of financial propriety as may be specified in the direction.”³⁷

To sum up, the Constitution of 1973 recommended the establishment of the National Finance Commission. NFC was the institution of great importance as it was responsible to make recommendations about the distribution of net proceeds on taxes and duties listed in clause-3 between Centre and provinces. The NFC was also responsible for making recommendation regarding grants-in-aids by Centre to provinces and exercise by the central and the provincial governments of the borrowing powers decided by the constitution. The constitution recommended the straight transfer of royalty to the provinces. Constitution also decided that the net profit on hydro electricity be paid to those provinces where hydro-electricity stations are situated. Thus the Constitution of Pakistan provides provision to cope with the concerns of Centre-Province financial relations.

After concluding the constitutional analysis, substantial analysis of the financial relations between Centre and provinces is required in actual process and political practices to find out the nature of Centre-Province relations in Pakistan and

³⁵ Ibid., Article 165.

³⁶ Ibid., Article 165-A.

³⁷ Ibid., Article 235-1.

the identification of decisive factors which had a pivotal role in creating conflicts. To cope with these phenomena, the situation of financial relations between Centre and provinces has been reviewed, in a specific period from 1988 to 1999.

4.2 Centre-Province Financial Relations in Actual Process and Political Practices

Likewise the legislative and administrative Centre-Province relations, financial relations could not produce healthy, stable and harmonious picture. The history of stated relations between Centre and provinces were full of frictions since the very early days of Pakistan. Same situation prevailed during the period 1988-99. Since, after few days of the establishment of PPP's government on 30th November, 1988, Ihtasham ul Haque wrote in *Dawn*, "according to informed sources, the financial relations between the federation and the provinces have become a sensitive issue."³⁸ The small provinces were dissatisfied with the financial policies of the central government. It was also revealed by the statement of Mohammad Ajmal Khattak, a member of National Assembly from the province of KP. He stated as, "The continuous process of unequal financial and economical planning has kept the small provinces backward and deprived them, to such extent, that they are considered themselves as financial slaves."³⁹ The case of financial relations hardly takes place according to the provisions of the constitution during the period 1988-1999. As Harihar Bhattacharyya says, "the Centre-Province relations, very bitter and full of frictions, are hardly intelligible within the formal terms of the constitutional provisions."⁴⁰ Clashes regarding the Centre-Province financial relations were detected

³⁸ Ihtasham ul Haque, "Recommendation for New Government: NFC Proposes Write-off of Loans Given to Provinces," *Dawn -Economic and Business Review* (Karachi), November 30, 1988.

³⁹ *National Assembly Debates*, session, 11th, vol.1, no. 10, February 19, 1992, 1005.

⁴⁰ Bhattacharyya, *Federalism in Asia*, 117.

on not giving the prestige to the constitutional provisions. Since, it was revealed in the deferral in constitutional obligations which stipulated the unending disputes, e.g. disputes over the distribution of financial sources and natural sources. This study accentuated the debate under three major headings; deferral and disrespect in constitutional obligations, conflicts over financial distribution and Natural resources and minor miscellaneous issues. The detail is illustrated below.

4.2.1 Deferral and Disrespect in Constitutional Obligations

Most of the cases observed that had required the immediate implementation of the constitutional provisions for the smooth working of financial relations during the period under study. But ignorance of constitutional obligations caused conflicts between Centre and provinces. Deferral or delay in conducting constitutional business and in most cases refusal to holding constitutional business created the conflicts. Major issues were observed in case of delay in conducting the business of NFC and meetings of CCI. These were the institutions of great importance constituted under the Constitution of 1973 to encounter the problems of financial distribution between Centre and Provinces and among the provinces. The detailed discussion is expounded below.

4.2.1.1 Deferral in Establishment of NFC within Six Month

The NFC was an important institution for settling the financial relations between Centre and provinces. The Constitution of 1973 provides provision for the establishment of NFC for maintaining the financial matters between Centre and Provinces. But during the period being studied i.e. 1988-1999; these provisions were not implemented regularly and caused conflicts between Centre and Provinces. For

example, the Article 160-1 of the Constitution of 1973 stands for the establishment of NFC within six months from the commencing day by the President.

The PPP succeeded the rule in December 1988 and remained in power until August 1990. With the *dawn* of new democratic era, it was the constitutional obligation of the Centre to buckle down the establishment of NFC within six months without slacking off. The NFC was not constructed according to the provisions of the constitution within six months of the commencing day by the President. In this context, the practice of the constitution provided a filthy picture. Since, it was the matter of national importance and central government was responsible to constitute the NFC but central government failed in fulfilling its duty, delay in establishment of National Financial Commission created the Centre-Provincial conflicts.

The Punjab provincial government demanded the establishment of NFC in keeping with the constitutional responsibility of the Centre. The central government was not heedful towards the voice of Punjab provincial government for the establishment of NFC. As Hamid Yusuf stated, "The central government did not constitute a National Finance Commission which would have made the distribution of revenue mandatory in accordance with the NFC Award."⁴¹ Due to this, the situation had begrudged between Centre and provinces. Since, Ghulam Mustafa Jattoi, a member of the National Assembly and leader of opposition stated in the session of National Assembly on 6th December 1989, "It is clearly evident via not to convene the National Finance Commission by the Government that the government did not want to govern the country in constitutional way. ...by dint of which, the situation of tug of war has generated between Centre and provinces and among the provinces."⁴² These

⁴¹ Yusuf, *A Study of Political Development*, 229.

⁴² *National Assembly Debates*, session 7th, vol. V, no 3, December 6, 1989, 330.

remarks revealed clearly that conflict arose between Centre and provinces by ignoring the implementation of constitution. Because it was the constitutional requirement to consult the NFC comprised of representatives of all provinces. Thus, delay in discharging the constitutionally assigned responsibilities caused conflict between Centre and provinces which clearly revealed that these conflicts were the cast of political factors rather than constitutional factors. Since, in this period disputes between Centre and provinces were mostly the result of disputes between two leading parties and leaders. Whereas constitution clearly marked under Article 161-1, "Within six months of the commencing day and thereafter at intervals not exceeding five years, the President shall constitute a National Finance commission consisting of the Minister of Finance of the Federal Government, the Ministers of Finance of the Provincial Governments, and such other persons as may be appointed by the President after consultation with the Governors of the Provinces."⁴³ The detail about the regular interval of five years is illustrated below.

4.2.1.2 Deferral in Regular Interval of Five Years

The other issue was the establishment of NFC on the regular interval. As mentioned earlier, Article 160-1 of the Constitution of 1973 decided the establishment of NFC within six months of the commencing day and thereafter the interval was not extended more than five years. The period under study could not mark a satisfactory debate about this. Since, the 4th NFC was not appointed on the regular interval. The previous NFC was appointed in 1985 and its expiry date was July 1990. Though, a commission was appointed in 1990 but its working was affected due to the elimination of central and provincial governments and it remained inconclusive. The commission

⁴³ *Constitution of Pakistan 1973*, Article 161-1.

reconstituted on the ground work of previous democratic government by the next government of IJI in April 1991 after the interval of six years as mentioned above previous commission was appointed in July 25, 1985.⁴⁴ In addition, in the coming years, the central government failed to establish the NFC on the regular interval that should be mandatory after five years. Since, the 5th NFC was not appointed on the regular interval; the regular date of appointment of the 5th Commission was the 25th July 1995 and it was extended up till the 10th December, 1996 and hence caused great concern among provinces. The deferral in constitutional process caused distrust and conflicts between Centre and provinces.⁴⁵ Mir Zafarullah Khan Jamali from Balochistan criticized the non-announcement of NFC rigorously in the session of National Assembly in 1996 and he stated as,

Establishment of NFC award was also a constitutional requirement. It had been discussed amongst the Chief Minister but they had not did [sic] anything except from discussion. The Prime Minister Benazir had not concerned with the NFC award. It was the four Finance Ministers and four selected members from the four provinces and the President, it was a vertical practice of the time that if the four provinces and the Centre not agreed on NFC award, the President was authorized to carry on the previous NFC award. Because of the no announcement of the NFC award, there had been a bycott[sic] in the KP Assembly. The Balochistan Assembly also had been voiced and stated it that, "if the NFC award is not awarded, they cannot frame their budget and if they might take the extreme step of reigning from the assembly ex-block." Balochistan Assembly moved a unanimous resolution from the opposition and the treasury benches in which there are plenty of parties involved. They keeping in view how could they give up the rights of the provinces?⁴⁶

Balochistan called a press conference to pressurize the Centre for the organization of due NFC Award or the extension of the previous. The province argued

⁴⁴ Pakistan, *Economic Survey: 1990-91*, 26. Pakistan, *Report of National Finance Commission 2009*, 2.

⁴⁵ Asfand Yar Wali stated as, "The NFC award expires on the 29th of June. Now how do the government, how do you expect the Provinces to balance their budgets unless they know as to what they are going to get out of the NFC awards. Let some one from the government get up and respond to this. It is a very serious issue as far as the provinces are concerned." He claimed the new NFC award or extension in the previous. *National Assembly Debates*, session 27th, vol. VI, no. 6, June 16, 1996, 621.

⁴⁶ *Ibid.*, 623.

that budget was always based on NFC and it could not get its due share without the establishment of NFC.⁴⁷ But the NFC did not finalize its recommendations till 15th September 1996.⁴⁸ The scholarly community was also of the view that NFC should be constituted on regular intervals. As Muntzra stated, “The commission is to be reconstituted by the central government after regular intervals.”⁴⁹ She stated on the next pages in her analysis, “National Finance Commission (NFC) don’t work on regular basis; it also gives provinces a cause of concern.”⁵⁰ The finding of the study revealed that the practice of the constitution was affected by the political scenario prevailed in the period.

4.2.1.3 Recommendations of the NFC

The constitution authorized the Commission “to make recommendations, among other matters, as to the distribution between the Federation and the Provinces of the net proceeds of certain taxes.”⁵¹ Moreover, after a few days after the establishment of this democratic era of Pakistan, on 18th December 1988, Sabihuddin Ghausi, wrote in *Dawn*, “Federal Financial Commission has finalized its recommendations.”⁵² He further stated that, “the Commission which has finalized its recommendations was third under the 1973 Constitution.”⁵³ The further study of this document clearly revealed that the third NFC prepared its recommendations after holding nine

⁴⁷ Ibid., session 27th, vol.VI, no.8, June 18, 1996, 935.

⁴⁸ Ibid., session 28th, vol. VII, no. 20, September 15, 1996, 2740.

⁴⁹ Nazir, “Issues of Federalism,” 120.

⁵⁰ Ibid., 122-123. The situation to not institute the National Finance Commission on regular intervals is still existed even after passing the 18th Amendment.

⁵¹ Pakistan, *Report of National Finance Commission 2009*, Annex II, 47.

⁵² M. Sabihuddin Ghusi, “National Finance Commission Proposal Finalized: Basis of Distribution Retained,” *Dawn-Economic and Business Review* (Karachi), December 18, 1988.

⁵³ Ibid.

meetings. The final meeting was proposed for getting the approval of provincial ministers on 27th October 1988 but Acting Government did not respond and meeting was postponed without any formal announcement and elected government 1988-1990 remained on the same lines as it had not constituted the NFC earlier.

After a long wait, fourth NFC was appointed on 23 July 1990, but it proved short lived and inconclusive because after a few days of its establishment on 6th August 1990 the government of Benazir Bhutto was abolished by the President under the clause (2) section (b) of the Article 58.⁵⁴ The newly elected government of Nawaz Sharif reconstituted the NFC which submitted its recommendation on 9th April 1991.⁵⁵ These recommendations came into effect from 1st July 1991.⁵⁶ Thus the recommendations that were presented by the 4th NFC in 1991 were made public and were implemented. Though, the Centre delayed the establishment of commission which perhaps was the result of political clashes and party tussle between Centre and the provincial government of the opposite parties but the commission succeeded to give its recommendations after a long time. Because the NFC 1979 and 1985⁵⁷ constituted during the Zia regime did not meet with success in making recommendations, the recommendations of NFC 1974 remained in practice during this period.

The 5th NFC award was appointed on 10th December 1996 instead of the mandate of 23rd July 1995 by the Acting Government that was installed after the

⁵⁴ Senate of Pakistan, "Rulings of the Chair (1986-1997)," vol. II, 252.

⁵⁵ Pakistan, *Report of National Finance Commission 2009*, 9.

⁵⁶ *Ibid.*, 47.

⁵⁷ The National Finance Commission 1985 met nine times in three years but could not finalize its recommendations. This was mainly contributed due to the internal as well as external political instability. Thus the third NFC award 1985 as of its previous 1979 award also failed to produce any fruits. The resource distribution from divisible pools remains same as of 1974 up to 1990.

dissolution of PPP's second Government.⁵⁸ The said commission submitted its recommendations on February 13th 1997⁵⁹ which came into practice on July 1st 1997.⁶⁰ As Mahendra Prasad Singh and Veena Kukreja stated that, "the Finance Commission has a chequered history, with many instances of either meeting or not meeting and not achieving a consensus view during the past decade only 1991 and 1997 NFC recommendations were made public and implemented."⁶¹ It was the credit of this period that the NFC 1991 succeeded to give recommendations after sixteen years and later 5th NFC 1997 succeeded to do so. But this little bit success was like a small cumin seed in the mouth of camel namely too small amount for large need. Though, it was unanimously agreed by the provinces in caretaker government but, subsequently, the new government of Nawaz Sharif was come and then that consensus was melted. Every province was saying we are not part of this Award as it was instituted by the caretakers instead of the representatives elected by the peoples.⁶²

Since, these recommendations, absolutely proved unsuccessful, to satisfy all the provinces. Sindh was not satisfied with the conditions of 4th NFC 1991 and

⁵⁸ The previous award was effective from 1st July, 1991 and under the Constitution the award is to be given every five years, so, the next award was due on 1st July, 1996. The previous Government has set up a Commission, but it failed to reach a consensus. Therefore, the award was overdue by December, and therefore, the caretaker Government decided to build on the work already done and they were able to achieve a consensus and then announced this award. *National Assembly Debates*, session 4th, vol. IV, no. 1, March 27, 1997, 5..

⁵⁹ Government of Pakistan, *Economic Survey: 1996-1997* (Islamabad: Finance Division, Economic Adviser's Wing, 1997), 42.

⁶⁰ Pakistan, *Report of National Finance Commission 2009*, Annex IV, 50.

⁶¹ Singh and Kukreja, *Federalism*, 84.

⁶² Though, this NFC award was approved by consensus and it has been agreed upon by caretaker government but, subsequently, the new Government of Nawaz Sharif was come and then that consensus was finished and every Province was saying, we are not part of that consensus. *National Assembly Debates*, session 5th, vol. V, no. 5, May 12, 1997, 550. The same issue was observed in the session of National Assembly on 20th May 1997. It revealed that the provinces showed their apprehensions on the 5th NFC and refused to accept its recommendations. *Ibid.*, session 5th, vol. V, no. 10, May 21, 1997, 950.

demanded its revision.⁶³ The three provinces namely Sindh, KP and Balochistan had not accepted the recommendations of 5th NFC Award and claimed its revision as it was constituted by caretaker government.⁶⁴ Since, Mir Hasil Khan Bazinejo, member of National Assembly from Balochistan, rejected the NFC award as it was constituted by caretaker government. He claimed the establishment of new Award because of that all the four provinces; Punjab, Sindh, KP and Balochistan had rejected it.⁶⁵ Mir Zafarullah Khan Jamali was the only person from Balochistan who appreciated the Award.⁶⁶ Members from the province of Sindh also had not a good opinion on the 5th NFC. Syed Khurshid Ali Shah claimed the reconsideration of NFC Award as it had not passed by an elected government.⁶⁷ Syed Naveed Qammer stated as, "The whole concept of this last NFC Award, is against the constitution and against the concept of the Federation, because it is mitigated against the provinces to the extent that today Sir, at least two of the provinces, do not know there will they pay the salary bills from in the next financial year."⁶⁸ The Sindh cabinet held its session in the second week of the June 1998 and seriously criticized the NFC Award.⁶⁹ Asfand Yar Wali from KP also stated in the session of National Assembly held on June 23 1998, that the peoples

⁶³ The Province of Sindh had recorded dis-satisfaction over the NFC Award 1997 and claimed to reconsider the award. *Ibid.*, session 4th, vol. IV, no. 1, March 27, 1997, 3.

⁶⁴ *Ibid.*, session 12th, vol. II, no. 6, April 27, 1998, 402. *Dawn* (Karachi), February 17, 2003.

⁶⁵ *Ibid.*, session 6th, vol. VI, no. 6, June 19, 1997, 693.

⁶⁶ Mir Zafarullah Khan Jamali stated that, "in this NFC minority provinces Balochistan and frontier benefited first time in 47 years of Pakistan that was not digesting by Punjab and Sindh. That's why they claimed the revision of NFC. The president implemented the NFC contained on the Finance Ministers of four Provinces with other four unofficial members. Mahmood Qureshi was the Finance Minister of Punjab, Liaquat Jatoi was the Finance Minister of Sindh, Mr. Raisani was the Finance Minister of Balochistan, and Nawabzada Mohsin was the Finance Minister of KP who prepared the Award." *Ibid.*, session 10th, vol. IV, no. 11, June 16, 1994, 1416.

⁶⁷ *Ibid.*, session 6th, vol. VI, no. 7, June 20, 1997, 1008.

⁶⁸ *Ibid.*, session 13th, vol. III, no. 8, June 20, 1998, 1062-1063.

⁶⁹ *Ibid.*, session 13th, vol. III, no. 10, June 23, 1998, 1366.

of three provinces are shouting over the NFC Award.⁷⁰ Sardar Abduraheem Mandokheel submitted the protest in the floor of Balochistan Provincial Assembly and declared that this NFC Award not acceptable.⁷¹ Consensus between Centre and provinces on the recommendations of NFC is pertinent as the revenue distribution connected with the recommendations of NFC. Described situation was the result of deferral in constitutional obligations by the elected government. It was the responsibility of the central government to establish the NFC in prescribed time. Though, in 1996, the elected government of the period appointed sub committees of NFC to create consensus but it was too late. It ought to do this prior to recommended time so that NFC could prepare its recommendations under constitutionally prescribed time.⁷²

4.2.1.4 Deferral in Instituting the CCI

The meetings of the CCI were pertinent because CCI had the function to settle the disputing matters between Centre and provinces. Since, Ihtasham stated, “The job of the NFC should only be to receive the complaints from the provinces and if it believes that matters referred to it need time consuming negotiations, it should pass it on to CCI, Council of Common Interest would be on a better position to decide any issue arising between the provinces in the process of evolving consensus.”⁷³ The issue of

⁷⁰ Ibid., 1367.

⁷¹ *Balochistan Assembly Debates*, session 3rd, February 23, 1997, 6.

⁷² The government of Muhammad Khan Junejo was initiated steps to workout the recommendations of the NFC Awards on 25th July 1985 initially after taking the charge of government on 23rd March 1985. The commission was met nine times in the period of three years. The 10th meeting was due on October 26, 1988 to finalize the recommendations. But process was undermined because of the political instability as Junejo government was dismissed in May 1988. Government of Pakistan, *Report of National the Finance Commission 1990* (Islamabad: National Finance Commission Secretariat, April 1991), 15.

⁷³ *Dawn* (Karachi), November 30, 1988. Detail about the establishment of CCI according to the constitutional provisions has given in the previous chapter regarding legislative relations.

net profit on hydro-electric projects, surcharge on gas and royalty demanded the meeting of Council of Common Interest. For instance, KP demanded that the profit of hydro-electricity should be given with retrospective effect that was still under the consideration of CCI. The other side, "Punjab over the issue believes that unless the profits are worked out by the Council of Common Interest, no further headway could be made."⁷⁴ These issues necessitate the meeting of CCI that was critically demanded by the provinces as it was not conducted since long time and only three meetings of CCI were held before 1991 from 1973. (See for detail Chapter-2). This deferral in constitutional process set the stage for Centre-Province conflicts on issues concerning financial distribution, natural resources and other matters in future. Detail of these issues is expounded below.

4.2.2 Conflicts over Financial Distribution and Natural Sources

The Constitution of 1973 provides provisions for revenue distribution between Centre and provinces. There are three major sources of revenue i.e. taxes, borrowing (not part of this study) and natural sources. The income of these sources distributed under the divisible pool, grants-in-aids, development funds, royalty on natural gas and oil, net profit on hydro-electric power. The constitution was quiet clear on the Centre-Province rights over these resources but unsuccessful in removing the conflict and creating smooth financial relations because of its non-implementation, ill practice and violation. This section deals with the two types of issues; issues of financial distribution and issues of natural resources. The important relevant disputes with financial distribution and natural resources have been discussed below.

⁷⁴ Ibid.

4.2.2.1 Distribution of Finance

Financial resources have utmost importance in the revenue distribution. Speaking on the importance of the allocation of financial resources Ronald L. Watts says, “The allocation of financial resources to each order of the government within a federation is important for two reasons: first, these sources enable or constrain governments in the exercise of their constitutionally assigned legislative and executive responsibilities; second, taxing power and expenditure are themselves important instrument for affecting and regulating the economy.”⁷⁵ The thorny issue and problem of the Centre-Province financial relations is distribution of resources. Since, allocation of these resources between Centre and provinces caused constant constrains.

This is not only the problem of Pakistan but also the case of almost all countries governed by federal system of governance. The Centre faced the opposition from the provinces in the context of distribution of sources throughout the history. Rafique Afzal, an imminent historian stated as, “The distribution of ...financial resources had been a source of Centre-Province conflict since 1948.”⁷⁶ The distribution of resources between Centre and provinces is a bone of conflicts. Another scholar Prasad stated as, “The bone of contention is constituted by the...allocation of sources of financial resources.”⁷⁷ Likewise, other constitutional schemes operated in Pakistan, Constitution of 1973 instituted NFC to bring harmony in the distribution of sources between Centre and provinces. As Mustafa stated, “The NFC is supposed to provide the framework for amicable distribution of resources

⁷⁵ Watts, *Comparing Federal System*, 39.

⁷⁶ Rafique Afzal, *Pakistan: History and Politics 1947-1971* (Karachi: Oxford University Press, 2001), 108.

⁷⁷ Kedar Nath Prasad, *Development of India's Financial System* (New Delhi: Sarup & Sons, 2001), 223.

between the federal and the provincial governments for the joint goal of development and prosperity.”⁷⁸

In background perspective, the first NFC Award 1974 decided fewer taxes for divisible pool as income tax, sale taxes and excise duties. The second NFC Award 1979 and the third NFC Award 1986 remained unable in presenting recommendations due to non-consensus and removal of government in 1988. The central government constituted the 4th NFC Award in 1991 that was the first NFC of the period undertaken for study. Taxes on income, sales and purchases, export duties on cotton, excise duties on tobacco and tobacco manufactures and sugar remained the criteria of commission.⁷⁹ Though excise duties on tobacco and tobacco manufactures and sugar were not the part of earlier awards, it was an important addition but the provinces have hard feelings for not quite clear accepting their demand that sales taxes should be given to the provinces.⁸⁰ The provincial demands on excise duty as well as profit from cotton and rice were not accepted.⁸¹ Besides, provinces also demanded the inclusion of custom in the provincial subjects. The duty on custom continuously remained in the hands of Centre⁸² which also caused provincial resentment. This demand of the provinces was accepted in the next NFC that was orderly the 5th NFC and customs duty became the part of divisible pool. But later, abolishment of Octroi Tax (discussed in detail in second chapter) was also resented by the provinces. The allocations of two NFC Awards are shown under table 4.1.

⁷⁸ Iftikhar Ahmed, Usman Mustafa and Mahmood Khalid, “National Finance Commission Awards in Pakistan: A Historical Perspective.” *Pakistan Institute of Development Economics, Working Papers*, no, 33, (2007), Abstract.

⁷⁹ Pakistan, *Report of National Finance Commission 2009*, 47.

⁸⁰ Pakistan, *Report of National Finance Commission 1990*, 23.

⁸¹ Ibid.

⁸² Iftikhar Ahmed, “National Finance Commission: Historical Perspective,” 6.

Table 4.1. Distribution of resources 1988-1999

NFC 3 rd 1974	NFC 4 th 1991	NFC 5 th 1997
i. Taxes on income ii. Taxes on sales and purchases. iii. Export duties on cotton.	i. Taxes on income; ii. Taxes on sales and purchases; iii. Export duties on cotton; iv. Excise duties on tobacco and tobacco manufactures; v. Excise duty on sugar.	i. Taxes on income; ii. Wealth tax; iii. Capital value tax; iv. Taxes on sales and purchases; v. Export duties on cotton; vi. Customs duties vii. Federal excise duties excluding the excise duty on gas charged at well-head; and viii. Any other tax which may be levied by the Federal Government.

Sources: Government of Pakistan: Finance Division, Report of the First National Finance Commission of Pakistan 1975, 9. Report of the National Finance Commission of Pakistan 2009, Government of Pakistan: National Finance Commission, 30 December 2009, 47, 51.

Though this enhancement made an increase in the provincial share but could not eliminate the dissensions between Centre and provinces. For instance, income coming from said sources formed the divisible pool which was distributed between Centre and provinces and among the provinces. Distribution of revenue was divided by two ways; (i) Formula-based (ii) funds and grants-in-aids. Revenue distribution also caused dissensions and the most common cause for that was the revenue distribution formula which decided the ratio of revenue for Centre and provinces.

4.2.2.2 Revenue Distribution Formula

Thus, the question which posed a serious threat for the Centre-Province financial relations and conceived as the source of conflict between Centre and provinces was the formula of distribution of revenue. Zubair Faisal Abassi stated, "The distribution

of resources amongst the federal and provincial government has been a thorny issue with a number of issues raised on the formula of resource distribution.”⁸³ As mentioned earlier, during 1988-1999 two NFC Awards were constituted. The distribution formula was formulated by these two NFC Awards into vertical (between Centre and provinces) and horizontal (among the Provinces) divisions. Centre collected revenue largely and distributed vertically between Centre and provinces and horizontally among the Provinces.⁸⁴ Primarily, vertical formula is bringing into light.

Vertical Formula: Historically, the first NFC Award was presented in 1974 that vertically decided the ratio 20:80 for Centre and provinces respectively. Next two awards 1979 and 1985 could not project the recommendations and ratio remained same in theory for further years even in the fourth NFC Award 1991. According to NFC Award 1991, 80% was gone to the provinces and 20% to the Centre.⁸⁵ Whereas in the 5th NFC Award 1997, 37.5% was distributed in the provinces and 62.5 was given to the Centre.⁸⁶ Provinces objected on the vertical formula for the distribution of divisible pool between Centre and provinces that was recommended in the 5th Award. The ratio of the distribution of the revenue between Centre and provinces that was given under the 1997 NFC Award was rejected by the provinces. Since the ratio in the NFC 1991 was 20:80 whereas in the 1997 it was 62.5:37.5 which marked deficit in provincial share. Provinces claimed the revision of NFC Award 1997 as it

⁸³ Abbasi, *Provincial Autonomy and Conflicts*, 38-39.

⁸⁴ Usman Mustafa, “Fiscal Federalism in Pakistan: The 7th National Finance Commission Award and its Implications,” *Pakistan Institute of Development Economics, Islamabad*, Working Paper, no. 73 (2011), 3.

⁸⁵ Pakistan, *Report of National Finance Commission 1990*, 28. Pakistan, *Economic Survey: 1990-1991*, 26.

⁸⁶ *National Assembly Debates*, session 6th, vol. VI, no. 4, June 17, 1997, 349. Government of Pakistan, *Report of National Finance Commission 1996* (Islamabad: National Finance Commission Secretariat, 1997), 22. Pakistan, *Economic Survey: 1996-1997*, 42.

was constituted by the acting government rather than elected government of peoples and also demanded the ratio of 20:80 for vertical distribution.⁸⁷ Prior to the announcement of the 5th NFC, a sub committee of NFC presented a 20 point document of consensus under which provinces claimed increase in provincial share and committee proposed the ratio of 15:85.⁸⁸ Mr. Iftikhar Khan Mohamand, the then Finance Minister of KP and a member of NFCs' sub committee stated as, "major demand of the provinces from the federal government, to reduce federal share in the divisible pool to 15 percent as against present 20 percent,"⁸⁹ But instead of accepting the demand of the provinces it was reduced from previous share. Hence, the revision of the 5th NFC Award was demanded for the satisfaction of provinces that remained invisible. Mir Hazar Khan Bijarani criticized the 5th NFC Award in the session of National Assembly held on 17th June, 1997. He stated that all small provinces were not satisfied with the NFC Award 1997 because this award was prepared by a caretaker government. The mandate of caretaker government was to organize elections and watch the day to day working of the government. He further stated that, 80% share in the divisible pool was aggregated for provinces under 1991 NFC Award whereas in the present award 37.5 % was allocated for provinces and 62.5% for Centre. He claimed to review the NFC Award 1997.⁹⁰ However, in the later years, provinces continuously claimed the reimplementation of 80% share for provinces in

⁸⁷ *National Assembly Debates*, session 7th, vol. VII, no.9, August 25, 1997,884.

⁸⁸ Sabihuddin Ghausi, "Resource Distribution Still Hurdle: Consensus Document on NFC Presented," *Dawn* (Karachi), May 7, 1996.

⁸⁹ Ahmed Hassan, "NFC Award to Give Historic Boost to Provinces' Resources," *Dawn* (Karachi), May 9, 1996.

⁹⁰ *National Assembly Debates*, session 6th, vol. VI, no. 4, June 17, 1997, 348-349.

vertical distribution. Since, Haji Adeel⁹¹ (late), in an interview with Business Recorder in 2008, stated as, “The share for the provinces must be increased to 80 percent of the divisible pool.”⁹²

Horizontal Formula: The situation of horizontal distribution was much adverse. This discontentment and conflict was the cast of demographical factor as the population was sole factor in horizontal distribution. Less populated provinces stubbornly demanded the multiple factor formula in the face of sole factor formula for horizontal revenue distribution. The Prime Minister Benazir Bhutto accepted the demand of smaller provinces in the face of Punjab to address the problems of smaller provinces. This stance resented Punjab province and caused a serious conflict between Centre and Punjab.⁹³ Ghulam Haider Wayne, an eminent politician from Punjab and member of the National Assembly from the opposition stated that the central government is developing policies to create financial difficulties for the provinces of non-PPP governments. The Government should avoid this because it would create disunity and would not solve the problems.⁹⁴ However, NFC 1991 also failed in creating consensus among the provinces for the modification in the horizontal formula of revenue sharing despite the great concern revealed by the provinces. The main anxiety was the population based distribution and as usual population remained the only component or indicator for revenue sharing standards in the NFC Award 1991.⁹⁵

⁹¹ Haji Adeel was a politician from Khyber Pakhtunkhwa. He was elected thrice as a member of KP Assembly i.e. in 1990, 1993 and 1997. He served as a finance Minister in KP in 1993 and as a deputy speaker in the KP Assembly, 1997-1999. *The Nation*, November 19, 2016.

⁹² Haji Adeel, Interview Published in *Business Recorder*, by Staff Reporter, July 23, 2008, accessed July 28, 2017, fp.brecorder.com/2008/07/20080723774621/.

⁹³ *Dawn* (Karachi), June 17, 1996.

⁹⁴ *National Assembly Debates*, session 7th, vol. V, no. 13, January 3, 1989, 938.

⁹⁵ Pakistan, *Report of the National Finance Commission 1990*, 26.

As President Order No.1 of 1991 stated, “the sum assigned to the provincial governments under Article 3 shall be distributed among the provinces on the basis of their respective population...”⁹⁶ which gave cause of contention to the KP and Balochistan. A. S. Yousfi wrote in *Dawn* as, “NWFP (KP) miserably failed to obtain an award based on the extent of the backwardness and, what they so loudly called, neglect in the sphere of development spreading over several decades.”⁹⁷ Balochistan left no stone unturned to blame the central government from depriving the province from its due share in revenue. For example, Balochistan due to its less population and geographical features could not meet its requirement in case of the population based formula. Balochistan declared that if the funds would be allocated according to the proportion of population and not equal to other provinces, Balochistan could never ever gain development.⁹⁸ Dr. Mohammed Yasseen Baloch expressed his views in the session of National Assembly during the discussion on budget in 1994. He pointed out that though the amount specified for Balochistan on the population basis was more than previous times but was not enough for meeting the basic necessities of Balochistan peoples.⁹⁹ Balochistan and NWFP provinces were less populous than Sindh and Punjab who picked up the big share from the divisible pool. Mahmood Khan Achakzai, member of National Assembly from Balochistan refused to accept the population based distribution of revenue in the session of National Assembly held on 18th August 1995. He suggested a four factor formula; based on population, area,

⁹⁶ Pakistan, *Report of National Finance Commission 2009*, 49.

⁹⁷ A. S. Yousafi, “NFC Award: is the NWFP a Beneficiary,” *Economic and Business Review*, *Dawn* (Karachi), May 11, 1191.

⁹⁸ *National Assembly Debates*, session 10th, vol. IV, no. 8, June 13, 1994, 856.

⁹⁹ *Ibid.*, session 10th, vol. IV, no. 11, June 16, 1994, 1366.

income and backwardness.¹⁰⁰ The situation was not changed in the coming years. Centre remained unsuccessful in creating consensus among the four provinces regarding horizontal distribution formula of revenue in the 5th Award of NFC of 1997.¹⁰¹ Single indicator formula got serious opposition and Balochistan showed grave resistance on the financial share given to them.¹⁰² Sana Ullah Bloch stated, “I assure, Balochistan cannot progress till the day of judgments if funds will be granted to Balochistan on the basis of population.” He stressed on taking the issue of Balochistan seriously and claimed the funds for Balochistan on the basis of area.¹⁰³ An eminent member of National Assembly from Sindh rejected the method of distribution of revenue decided in the NFC Award 1997. He stated that according to the constitution taxes was the provincial subject that should be collected and used by the provinces and the federal taxes should be collected and used by the central government. He opposed the tax collection by the Centre, its deposit into a pool as well as prescribed formula for distribution among the provinces and Centre.¹⁰⁴

In later years, “the Sindh Assembly had rejected the existing award and demanded institution of a new National Finance Commission to give a fresh award,

¹⁰⁰ Ibid., session 17th, vol. III, no. 10, June 19, 1995, 1141.

¹⁰¹ The NFC held its second meeting in January 16, 1997, the distribution formula get serious Debates in this meeting. The Sindh claimed the horizontal distribution according to the incidence of tax collection. Punjab stressed on the population base formula while KP and Balochistan claimed the distribution of sources on the base of backwardness and area. Pakistan, *Report of National Finance Commission 1996*, 14.

¹⁰² *National Assembly Debates*, session 27th, vol. VI, no. 10, June 20, 1996, 1330.

¹⁰³ Ibid., session 7th, vol. VII, no.9, August 25, 1997, 884. Mir Mohammad Akram Baloch, member of Provincial Assembly of Balochistan, claimed to remove the population base formula for horizontal distribution. *Balochistan Assembly Debates*, session 6th, June 26, 1994, 47. Mir Jan Mohammad Jamali, member of Provincial Assembly of Balochistan. also criticized the population base formula in the session of Balochistan Assembly. Ibid, session 3rd, February 23, 1997, 12. See also ibid, 17.

¹⁰⁴ *National Assembly Debates*, session 13th, vol. III, no. 8, June 20, 1998, 1062.

based on revenue-generation and not on the basis of population.”¹⁰⁵ These statements revealed the resistance of smaller provinces against the division of share among the provinces on population basis. Sindh, KP and Balochistan demanded allocation of ninety percent funds from the divisible pool on the population basis and residual ten percent on the basis of provincial income and backwardness.¹⁰⁶ Muntzra stated the question as;

Each province had been advocating a formula for distributing the funds in the federal divisible pool that serves its interests. Punjab wanted to retain the formula that provided the division of resources on the basis of population, Sindh advocated the criteria of revenue collection, and Balochistan and NWFP emphasized special circumstances and backwardness of the area as the criteria for the distribution. They insisted on a multi-factor formula for the NFC Award but the provinces and the federal government had not been able to agree on its details.¹⁰⁷

The percentage of provincial share decided in the 4th and 5th NFC during 1988-99 is given in the table 4.2.

Table 4.2. Ratio of horizontal and vertical distribution 1988-1999

		Horizontal				Vertical
NFC Award	Year	Punjab	Sindh	KP	Balochistan	Centre-Provinces
4 th	1991	57.88%	23.28%	13.54%	5.30%	20:80
5 th	1997	57.88%	23.28%	13.54%	5.30%	62.5:37.5

Sources: President Order No. 1 of 1991 & President Order No. 1 of 1997 in *Report of National Finance Commission 2009*, 47-48, 51.

¹⁰⁵ *Dawn* (Karachi), February 16, 2003.

¹⁰⁶ *Dawn* (Karachi), April 20, 1996. See also; Syed Fazl-e-Haider, “Balochistan’s Proposals for Sharing Tax Revenue,” *Dawn* (Karachi), February 23, 2009. “KARACHI: Is PA Resolution on NFC Violative of Constitution?” *Dawn* (Karachi), February 16, 2003.

¹⁰⁷ Nazir, “Issues of Federalism,” 122. See also, Syed Farooq Hasnat, *Global Security Watch - Pakistan* (California: Praeger, 2011), 97-98. *Dawn* (Karachi), “Reducing Disharmony through New NFC Award,” February 17, 2003. Saqib Sherani, “Political Economy of NFC,” *Dawn* (Karachi), May 15, 2015. Since in 1960’s, Punjab was getting around 60 per cent, Sindh was getting around 24 per cent, NWFP was getting around 12 per cent while Balochistan is getting around four per cent from the federal divisible pool. *Dawn* (Karachi), August 31, 2009.

The same figures in both NFC awards show that the criteria of horizontal distribution of revenue from divisible pool among the provinces remained same during this period and vertical distribution was amended in later award. The criteria of horizontal distribution was also unaltered in the 6th NFC Award due to the population based formula and non-holding of the census in due time. However, Punjab compromised on four factors formula based on populations, backwardness, revenue and inverse density population for horizontal distribution of resources among the provinces under 7th NFC Award, 2009.¹⁰⁸ Though, Criteria was reformed under 7th NFC Award but proved unsuccessful in stabilizing the situation. The provinces wanted a rise in their own shares, while the Centre explored for methods to recoup the funds already given under the previous award instead of giving prestige to the constitution.

Above discussion marked that the case of revenue formula between Centre and provinces could not resolve during 1988-1999 which caused conflicts between Centre and provinces. The political factors remained more significant in flaming the said circumstances rather than constitutional factors. Since, asymmetries in geographical and demographical structure of provinces, flamed by disputes of political parties and political leaders contributed a pivotal role in creating lack of consensus regarding revenue distribution formula.

4.2.2.3 Asymmetry between Allocation and Disbursement

The other problem associated with the financial relations is related with the proper transfer of the allocated shares. As mentioned earlier, two NFC Awards were held in this period. Apart from the allocation formula improper disbursement of allocated

¹⁰⁸ *Dawn* (Karachi), August 17, 2009. "NFC Decides Criteria for Horizontal Resource distribution," *The Nation*, November 20, 2009.

shares, development funds and grants in aid also remained as issues of conflict between the central and provincial authorities. Thus it is significant to analyze the transfer of shares in divisible pool

Divisible Pool: The problem of proper transfer of allocated amount in divisible pool to the provinces also caused conflicts between Centre and provinces. As mentioned earlier, population based distribution formula was resented by the provinces. Besides, the improper disbursement of this allocation to the provinces, it got criticism by the member of National Assembly from different provinces during the whole period under study. For instance, Rafique Ahmed Mahesar, member of National Assembly from Sindh, stated, "We do not accept the 23 % share. Primarily, we do not accept the twenty third percent. Secondly, this allocated 23 percent share not given to us totally, we want transfer of allocated 23 percent share to Sindh totally."¹⁰⁹ Pir Aftab Hussain Shah Jilani stated that the Province of Sindh was promised to be disbursed Rs. 3.00 billion in the first one and a half month of fiscal year 1997-98 out of Federal Divisible Pool, but only Rs. 0.730 billion have been released, so far, against the promised Rs. 3.00 billion in the first one and a half month."¹¹⁰ It is pertinent to mention that sometimes conflict was caused due to ambiguity of facts. For example, in the session of National Assembly held on March 11th, 1996, Zafarullah Khan Jamali came into conflict with the Finance Minister Makhdoom Shahabuddin on transferring less percentage of Baluchistan's share. Since, due to inaccurate knowledge Jamali claimed that the actual figures of the Balochistan's share were 5.37 and 0.7 were not transferred to Balochistan. He was

¹⁰⁹ *National Assembly Debates*, session, 12th, vol. II, no. 12, May 18, 1992, 1599.

¹¹⁰ *Ibid.*, session 8, vol. VIII, no.3, October 31, 1997, 295.

very aggressive and challenged the finance minister.¹¹¹ After comparing some other documents i.e. economic survey¹¹² and NFC report,¹¹³ it becomes clear that the figures presented by the finance minister were correct and the specified share of Balochistan was 5.30. Another situation was identified in the session of National Assembly on 11th, March 1996 when Finance Minister presented the figures of disbursement of divisible pool for the year 1995-1996. A member of Provincial Assembly from KP, Abbas Shah enquired about the frontier government sufferance as it had given less than its due share according to prescribed formula. He stated as, "according to the figure the Minister has given in 1995-96 ..., the total amount comes out is 116.68. According to the given formula of 13.54, Frontier Government has been given three billion less than the amount which is according to the formula, it should have been 16.31 billion where as they have given us 13.84 billion. Will the Minister tells us why the Frontier Government suffers"¹¹⁴ The finance minister disagreed with him and was not ready to accept the accusation of the honorable member.¹¹⁵ He stated as, "the Frontier Province does not stand to suffer, accorded to our policy I very humbly disagree with the honourable member, the amount due to Frontier was certainly paid and it is not 16 point something, it is 13.84 billion. I disagree with the honourable member."¹¹⁶ Asfand Yar Wali also supported Abbas Shah that the given figures of disbursement do not corroborate with the prescribed percentage. Besides, the increase in the percentage of Sindh was also resented by the member for KP as

¹¹¹ Ibid., session 23rd, vol. II, no.2, March 11, 1996, 127.

¹¹² Pakistan, *Economic Survey: 1990-1991*, 26.

¹¹³ Pakistan, *Report of National finance Commission 2009*, 48, 51.

¹¹⁴ *National Assembly Debates*, session 23rd, vol. II, no.2, March 11, 1996, 128-129.

¹¹⁵ Ibid., 129.

¹¹⁶ Ibid.

they conceived that KP was suffering due to increase of share given to Sindh.¹¹⁷ This situation complicated the process of truth or accuracy. The estimated share of the provinces in divisible pool during the years 1988-1999 shows in the table 4.3.

Table 4.3. Year wise allocation and release of divisible pool 1989-1999

Year	Price in Millions				
	Allocation	Revised	Actual	Short	Excess
1988-89	18134.3	23931.2		-	5796.9
1989-90	26403.8	30878.7		-	4474.9
1990-91	34217.5	33792.4		425.1	-
1991-92	59163.2	57986.3		1176.9	-
1992-93	64853.9	65087.4	Actual disbursement not available	-	233.5
1993-94	<u>71900.994</u>	81602.823		-	9701.829
1994-95	94201.651	97726.697		-	3525.046
1995-96	<u>116701.689</u>	121309.977		-	4608.288
1996-97	133183.368	131555.597		1627.771	-
1997-98	124180.397	118350.140		5830.257	-
1998-99	134963.854	121504.098		13459.756	-
Total	877904.653	883725.332		22519.784	28340.463

Sources: The figures extracted from the Explanatory Memorandums of Federal Budgets Reports Government of Pakistan Finance Division, Islamabad from 1988 to 1999 and year wise estimated by the researcher personally.¹¹⁸

Collectively, the figures in the table reveal the excess of divisible pool given to the provinces instead of dearth. However, what was the real anecdote would be detected after the declassification of actual figures.

¹¹⁷ Ibid.

¹¹⁸ The researcher has visited the Finance Ministry of Pakistan Islamabad for the search of actual figures and met to the honorable Deputy Secretary (Provincial Finance) Abdul Malik Balghari in the department of Finance Division. He told that actual figures would not be available and revised figures from the budget reports can be consider actual as these figures are near to actual figures.

Development Funds: Improper release of development funds also was the issue. It stayed a regular drill that the assigned development funds to the provinces in the Federal Budget had by no means paid out entirely in any given financial year and there was a deficit of at minimum fifty percent or more with the assertion that the provinces could not make use of the funds delivered by the Centre. The Chief Minister of Sindh, Syed Muzaffar Husain Shah led the delegation in the National Economic Council held on 5th May 1992. He also raised the issue for short fall in availability of funds e.g., the Centre allocated 2.50 billion for Tammeeer-e- Sindh programme for the year 1991-1992 out of which only 838 million were given.¹¹⁹ The KP province had also made the same demand. The meeting was held in the Provincial Assembly of KP for analyzing the budget 1992-1993 on 25th May 1992. In this session members of opposition debated against the deprivation of due share of KP. Mr. Sherpao stated, "NWFP was being deprived from its due share in development...most vital projects in the province remained unfunded."¹²⁰ Mohammad Ayub Jattak from Balochistan stated that the allocation of development funds for Balochistan has been cited in the newspapers and assemblies but there was actually no allocation. He claimed that the income of their natural resources should spend for the development of their province.¹²¹ Mahmood Khan Achakzai stated in the session of National Assembly held on February 9th, 1995, that the gas stoves of all Pakistan are burning by the Gas of Balochistan but they are not given their due shares.¹²²

¹¹⁹ Sabihuddin Ghausi, "Sindh Suffers for Delay in Census," *Dawn, Economic and Business Review*, January 30, 1993.

¹²⁰ *Dawn* (Karachi), May 26th, 1992.

¹²¹ *National Assembly Debates*, session 10th, vol. IV, no. 11, June 16, 1994, 1471.

¹²² *Ibid.*, session 15th, vol. I, no. 8, February 9, 1995, 2046-2047.

It is pertinent to mention here, during the government of Mohammed Khan Junejo, the development funds of 50, 00000 were allocated for the first time to each MNA under the five point programme. These funds were disbursed properly to each member of each area in this period. After that, Benazir Bhutto and Nawaz Sharif came. They initiated People’s Works and ‘Tameer-e-Watan’ programs respectively. They gave the prescribed funds only to their own party members and members of National Assembly from opposition were ignored. This dishonest attitude disturbed the situation. The members from the provinces who were deprived from the funds staged their protest in both periods against their respective governments and claimed their due share of development funds. For example, Hamid Khan Achakzai, Asfand Yar Wali, Burjees Tahir and others voiced against this unfair action in the session of National Assembly held on 29th August 1996.¹²³

Grants in aid: The other problem was associated with the issue of grants in aid. The Constitution of 1973 decided the grants in aid for the provinces under the Article 161-7 which stated as, “The President may, by Order, make grants-in-aid of the revenues of the Provinces in need of assistance and such grants shall be charged upon the Federal Consolidated Fund.”¹²⁴ Both NFC, instituted during 1988-99 recommended the grants in aid to the provinces. The figures are given in the table 4.4.

Table 4.4. Allocation of grants in aid Price in Millions

NFC	Collectively		Provincial Breakup			
	Allocation	Tenure	Punjab	Sindh	KP	Balochistan
1991	2000	3, only Sindh-5	1000	700	200	100
1997	8000	5 years	-	-	3310	4080

Sources: Report of National Finance Commission 2009, “President Order No. 1. 1991 and President Order No. 1, 1997,” 48, 51.

¹²³ Ibid., session 28th, vol. VII, no. 10, August 29, 1996, 1270-1278.

¹²⁴ *Constitution of Pakistan 1973*, Article 161-7.

The Provinces were aggressive with the Centre on not giving the promised aid according to NFC e.g., the 4th NFC Award allocated 200 million rupees for KP which was reduced to 180 million by the Centre. This act of the central government was protested in the provincial assembly on 25th May 1992 by Mr. Sherpao who stated as, "The federal government had reduced the promised 200 million rupees to 180 million this year."¹²⁵ Iftikhar Husain Gilani questioned on not giving the special grant to the two provinces KP and Balochistan in the Budget 1996-1997.¹²⁶ The Finance Minister of Balochistan Provincial Assembly, Iftikhar Muhammad stated that, "we are being given stepmotherly treatment."¹²⁷ Dr. Hamid Khan Achakzai stated as, Balochistan is being treated as stepmotherly and our due shares are not been given to us.¹²⁸ The 5th NFC Award allocated grants in aid only for the provinces Balochistan and KP due to their backwardness and Punjab and Sindh were elapsd in this right. This system of Grants in aid prescribed under the 5th NFC Award was opposed by the members of the National Assembly, particularly members from Sindh. Syed Naveed Qammer declared that the grant in aid is like a begging which put them in the position of beggars.¹²⁹ Syed Khursheed Ahmed, warned the Centre about its effects as it could create discontentment against the Centre in other provinces like Punjab and Sindh as this right was not given to them. He declared it as the tool of threat for the provinces in the hand of Centre that should be removed by the consensus of four provinces.¹³⁰

¹²⁵ *Dawn* (Karachi), May 26, 1992. Also see in North West Frontier Province Provincial Assembly Debates: Official Report, May 25, 1992, 51-52. This report was hand written and session no. and other required in formation for reference not available.

¹²⁶ *National Assembly Debates*, session 27th, vol. VI no. 10, June 20, 1996, 1303-1304.

¹²⁷ *Ibid.*, 1303.

¹²⁸ *Ibid.*, session 28th, vol. VII no. 9, August 28, 1996, 1068.

¹²⁹ *Ibid.*, session 13th, Vol. III, no. 8, June 20, 1998, 1063.

¹³⁰ *Ibid.*, 1085.

4.2.3. Issues of Natural Resources

Apart from above mentioned problems, other issues associated with Centre-Province financial relations were the concerns and problems related with regional or natural resources. In this context, the first noticed problem of the period was control over the regional or natural resources that led to other problems i.e. royalty on natural gas and crude oil, royalty price difference among provinces, issues of net profit on electricity, Centre-Province duel over privatization, provision of natural sources in home provinces and Balochistan demand for its proper share in electricity. The detailed analysis of these issues is expounded below.

4.2.3.1 Control over Regional Sources

Centre and provinces came into conflict to make their authority strong on the control of regional resources. The sources of the provinces were being used to meet the needs of the Centre that gave a concern to regional economic autonomy. Samina Ahmed stated, "The myth of regional economic autonomy was maintained, for example, while the resources of the provincial government's were used to meet the needs of central government."¹³¹ Rasul Bakhsh Rais also conceived that the lack of provincial control over the regional resources developed contentions between Centre and provinces.¹³² The concern was that the Constitution of 1973 decided the central control over the natural resources as Article 172-2 stated, "All lands, minerals and other things of value within the continental shelf or underlying the ocean within the

¹³¹ Ahmed, "Centralization, Authoritarianism, and the Mismanagement," 113.

¹³² Rasul Bakhsh Rais, "The Balochistan Package; Redefining Federalism in Pakistan," *Forum of Federation Project in Pakistan is Funded by the Germany*, Working Paper, n.d., accessed October 29, 2017, www.civiceducation.org/wp-content/uploads/2010/08/Balochistan-Package-paper.doc.

territorial waters of Pakistan shall vest in the Federal Government.”¹³³ The provinces wanted that the resources existing in the provinces should be in the control of the provinces where these resources are situated. Particularly, Sindh, Balochistan and KP gave utmost concern to this matter and were aggressive on this issue with the Centre. The members of the National Assembly from the provinces raised this issue during their speeches and statements.

Since, a member of the National Assembly from Balochistan, Haji Ghulam Ahmed Bilour demanded the right of provinces on the natural resources during his speech in the session of National Assembly. He stated as, “Provincial [natural] resources of all the provinces should be in their own control.”¹³⁴ Another prominent politician from Balochistan, the then President of Pakistan National Party, Mir Ghaus Bakhsh Bizenjo, also demanded complete control over all the natural resources by the provinces.¹³⁵ Christina Lamb stated that, “Balochistan had always harboured grudging feelings that its resources were always exploited by the rest of the country.”¹³⁶ This demand of the provinces particularly from KP and Balochistan gained great concern in this period and ownership of natural resources could not become the constitutional right of the provinces. Sardar Atta-Ullah Mengal stated as, “The leadership of small provinces will carry on the struggle to become the owner of their resources so that

¹³³ *Constitution of Pakistan 1973*, Article 172-2.

¹³⁴ *National Assembly Debates*, session 7th, vol. V, no 7, December 12, 1989, 548. He further repeated his demand in the session held on 16th May 1991. P.1427. Even in the 18th Amendment mandated that natural resources such as oil, gas and other minerals will have joint ownership of both the federal government and the provincial governments; there has been strong criticism from the provinces on the federal government for not respecting this provision. The joint ownership of natural resources would provide provincial governments with another much-needed avenue for revenue generation.

¹³⁵ *Dawn* (Karachi), December 13, 1988.

¹³⁶ Lamb, *Waiting for Allah*, 116.

these can be utilized for the betterment of the indigenous peoples.”¹³⁷ Mahmood Khan Achakzai stated that the integrity of this country was based on giving the control of natural resources to Pathan, Sindhi and Balochi in their own regions.¹³⁸ Abdul Mateen Khan stated that the resources of backward provinces benefitted the Centre and provinces are deprived from their income, in the session of National Assembly held on March 10th 1998.¹³⁹

Asfand Yar Wali became very aggressive after parting ways with PML-N in 1998 (see next chapter for detailed account). He criticized the control of the central government on the natural resources. He stated that the cess of tobacco was almost 15 to 18 billion in a year that is equal to the whole budget of KP for one year but out of which; a single penny was not handed over to KP. He claimed all the sources of provinces should be in their own hand. Syed Naveed Qammer referred this issue and claimed the control of the provinces over their resources in these words, “These are resources that belong to the provinces, these are resources where collection should be done by the provinces and they should run their own affairs according to the way, they do the collection.”¹⁴⁰ Haji Ghulam Ahmed Bilour claimed the control of natural resources for provinces in the session of National Assembly held on 10th June 1999. He stated that during the British period, electricity, minerals, forestry and many other resources were the provincial subjects but not today. He further stated that cotton, rice and wheat were under the control of Punjab while the control on tobacco was not

¹³⁷ *Dawn* (Karachi), September 3, 1999, quoted in Shaheen Sardar Ali and Javaid Rehman, *Indigenous Peoples and Ethnic Minorities of Pakistan: Constitutional and Legal Perspective* (Oxford: Curzon, 2001), 75.

¹³⁸ *National Assembly Debates*, session 10th, vol. IV, no. 11, June 16, 1994, 1383.

¹³⁹ *Ibid.*, session 11th, vol. I, no. 11, March 10, 1998, 1055.

¹⁴⁰ *Ibid.*, session 13th, vol. III no. 8, June 20, 1998, 1163.

given to KP.¹⁴¹ And even after the 18th Amendment, natural resources have joint ownership of both central and provincial governments.¹⁴² This issue is still up in the air and still was conceived as cause of contention in Centre-Province financial relations. The major issues were linked with royalty on natural gas, crude oil and net profit on hydro electricity.

4.2.3.2 Royalty on Natural Gas and Crude oil

Another problem connected with Natural resources was the issue of royalty. It was considered as exploitation of natural resources of provinces by the Centre. This issue was also termed as the issue of 'Straight Transfer'. The issue of royalty either of the Gas & Oil or electricity had become a cause of contention in this period. The provinces blamed the Centre for the exploitation of natural resources and demanded for the straight transfer of royalty to the provinces.-KP and Balochistan charged the Centre for paying non-reasonable royalties to the provinces from the natural resources, particularly, for the oil and gas. The provinces demanded that the royalty collected by the central government should not form the part of the consolidated fund of the central government. It should be paid to the provinces from where the natural resources were extracted as decided in the constitution. Since the Article 161 of the Constitution of 1973 decided that,

(a) the net proceeds of the Federal duty of excise on natural gas levied at well-head and collected by the Federal Government and of the royalty collected by the Federal Government, shall not form part of the Federal Consolidated Fund and shall be paid to the Province in which the well-head of natural gas is situated;

¹⁴¹ Ibid., session 17th, vol. VII, no. 6, June 10, 1999, 465-466.

¹⁴² The 18th Amendment added clause 3 in Article 172 under which joint ownership was accepted instead of complete control which stated as. "Subject to the existing commitments and obligations, mineral oil and natural gas within the Province or the territorial waters adjacent thereto shall vest jointly and equally in that Province and the Federal Government." Constitution of Pakistan 1973, Article 172-3.

(b) the net proceeds of the Federal duty of excise on oil levied at well-head and collected by the Federal Government, shall not form part of the Federal Consolidated Fund and shall be paid to the Province in which the well-head of oil is situated.¹⁴³

Important point is that, these provisions of constitution were not implemented from the inception day to the period of study. It was almost fourteen years period. Maulana Mohammed Khan Sherani stated that the Article 161 decided straight transfer of the royalty to the relevant province but it was not implemented properly.¹⁴⁴ This delay caused concerns between Centre and provinces. In the first period of Benazir Bhutto, Nawab Akbar Bugti was the Chief Minister of Balochistan. He claimed the royalty of the gas generated from his area but PPP government refused to accept his demand which intensified the conflict between Centre and Balochistan.¹⁴⁵ The members of National Assembly from Balochistan also demanded the royalty of gas that was decided in the Constitution of 1973 in the session of National Assembly on 27th December 1990.¹⁴⁶ The provinces could not succeed in gaining their old demand and constitutional right up to the 1990. This case was deliberated by the central government in 1991 to remove the dissensions. However, first time provinces succeeded to get their constitutional right during the period under study regarding the straight transfer of the royalty of natural resources to the provinces. Since, the Centre agreed to the payment of net profits according to constitution straight to the concerned provinces from excise duty on crude oil, Gas Development Surcharge (GDS) and the net hydel profit under the President Order No. 1 issued on 22nd April 1991. The Presidential order No. 1-5 stated as, "Each of the provinces shall be paid in each financial year as a share in the net proceeds of the total royalties on crude oil an

¹⁴³ Ibid., Article, 161.

¹⁴⁴ *National Assembly Debates*, session 7th, vol. VII, no.11, August 27, 1997, 1129.

¹⁴⁵ Lamb, *Waiting for Allah*, 116.

¹⁴⁶ *National Assembly Debates*, session 4th, vol. IV, no. 8, December 27, 1990, 978.

amount which bears to the total net proceeds the same proportion as the production of crude oil in the Province in that year bears to the total production of crude oil.”¹⁴⁷ The Presidential order No. 1-6 stated as, Each of Provinces shall be paid in each financial year as a share in the net proceeds of surcharge on natural gas an amount which bears to the total net proceeds the same proportion as the well-head production of natural gas in the province in that year bears to the total well-head production of natural gas.”¹⁴⁸ The promulgation of constitutional provisions could not eliminate the conflicts. Provinces had some further reservations. This led towards other financial conflicts between Centre and provinces on price asymmetry and getting less share/amount from prescribed amount due to improper implementation.

4.2.3.3 Royalty Price Differences among Provinces

The case i.e. difference of royalty price among the provinces was raised by Balochistan. Balochistan complained that Centre had not disbursed the right share of the royalty of natural resources generating in Balochistan compared to other provinces. For instance; the Sui gas was generated in the Balochistan and amount of royalty based on the price fixed by the Centre was one thousand on one cubic feet. The price that was fixed by the Centre for Balochistan was less than other provinces. The Centre fixed Rs. 9.50 on 1000 cubic feet for the natural gas, generated in Balochistan. Whereas, Rs. 57. 65 were fixed on the same volume for the natural gas, generated in other provinces. This difference of price made Balochistan aggressive in their approach. The session of Balochistan Provincial Assembly held on 17th June 1991, member of provincial assembly from Makran demanded a rise in price of the

¹⁴⁷ Pakistan, *Report of the National Finance Commission 2009*, 47-48.

¹⁴⁸ Ibid.

natural gas from Balochistan.¹⁴⁹ That was also pointed out by Dr. Yasseen Baloch in the National Assembly during his speech on budget in June 1994. He demanded the right of Balochistan equal to the other provinces.¹⁵⁰ Another member from Balochistan, Haji Gul Mohammed Doomer derived the attention of government on the same issue in same session. He spoke against the discrepancy regarding royalty as paid on the Sui gas to Balochistan several fold lower than being paid to Sindh and Punjab.¹⁵¹ The issue could not meet with success and did not go ahead for solution except from discussion. This pertinent issue was seriously debated in the session of National Assembly held on 5th December 1997. Maulana Mohammed Khan Sharani questioned the reason of difference from other provinces. He claimed to bring the sale price of Balochistan gas equal to other provinces i.e. Sindh and Punjab. He also stressed for removing this discrimination.¹⁵²

Balochistan submitted its objection time to time for removing the asymmetrical difference in prices of gas among different provinces. In 1998, this price was as; the Centre fixed Rs. 22 of one thousand cubic feet for the gas generated in Balochistan whereas the Rs. 100 was fixed for the gas generated in other provinces. Shakeel Ahmed declared it serious unfairness with the Balochistan, in the session of National Assembly on 18th June 1998 and stressed to remove this discrimination as well as bring Balochistan equal to other provinces.¹⁵³

¹⁴⁹ *Dawn* (Karachi), June 18 1991. Mian Abdul Bari, Member of provincial assembly of Balochistan also claimed that the Gas price of Balochistan should be equal to other Provinces as he stated, the price of Balochistan Gas is 5 rupee per square foot while for the Sindh is 22 rupees per square. *Balochistan Assembly Debates*, session 5th, June 17, 1991. *Ibid.*, session 2nd, October 20, 1993, 14.

¹⁵⁰ *National Assembly Debates*, session 10th, vol. IV, no. 11, June 16, 1994, 1367.

¹⁵¹ *Ibid.*, 1491.

¹⁵² *Ibid.*, session 9th, vol. IX, no.13, December 5, 1997, 845. see also *Balochistan Assembly Debates*, session 3rd, February 23, 1997, 30.

¹⁵³ *National Assembly Debates*, session 13th, vol. III, no. 6, June 18, 1998, 731.

4.2.3.4 Conflict over Getting Fewer Shares than Prescribed

Furthermore, the case of improper release of royalty had got serious debates in the sessions of National Assembly. The provincial governments, particularly Sindh, Balochistan and KP always claimed proper release of royalty recommended for them. Specified amount of royalty was not fully paid to the province of Sindh. Syed Shafqat Husain Mazari, a member of National Assembly from the Sindh Province raised the point in the session of National Assembly held on June 16th, 1994.¹⁵⁴ In the same session, Motti Ram Malani also claimed the disbursement of royalty. He pointed out that the royalty on Oil and Gas was not fully disbursed to the Sindh and he claimed its proper disbursement for Sindh.¹⁵⁵ Similarly, Balochistan also had the same issue and the problem of the improper disbursement of royalty was faced by this province. The royalty on Sui Gas was not paid to Baluchistan according to the constitution and the representative claimed their proper share and rights.¹⁵⁶ The Chief Minister of Balochistan talked about the disbursement of gas development surcharge from 1967-1991.¹⁵⁷ Balochistan reiterated their difficulties regarding the straight transfer of royalty in the session of National Assembly held on 5th December 1997 and a serious debate was held between central and provincial representatives. Shakil Ahmed Khan and Maulana Mohammed Khan Sharani referred the Article 161 of the constitution which proclaimed the straight transfer of royalty to the province in which the well head of natural gas is situated. They aggressively claimed the straight transfer of royalty that was not made according to the constitution. Whereas the Centre had rejected the objection of the Balochistan government and countered that the income

¹⁵⁴ Ibid., session 10th, vol. IV, no. 11, June 16, 1994. 1460.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid., 1491. See also *Balochistan Assembly Debates*, session 6th, June 26, 1994, 26.

¹⁵⁷ *National Assembly Debates*, session 27th, vol. VI, no. 9, June 19, 1996, 1162-1163.

went to the province after charging the mini amount of expenditures or service charges that was 2% only.¹⁵⁸ The central and provincial authorities did not agree with the statements of each other. Mr. Shakeel Ahmed Khan had refused to accept the statement that had been made by the central authority. He accused the Centre of not paying a penny of the royalty on gas and gas development surcharge from last three months. He further stated that in the previous years, 1/4th due share of Balochistan was not paid by the Centre earned from the Gas of Balochistan. For instance, during the fiscal year of 1996-1997, the Centre collected 7 billion and 16 crore whereas only 2 billion and 33 crore were given to Balochistan, that was against the Article 161 of the constitution. The other side i.e. Centre rejected the said accusations and declared it wrong and incorrect statistic.¹⁵⁹ Abdul Mateen Khan, member of National Assembly from KP, stated as, the federal government had a commitment with the provincial government of KP on the royalty of electricity, but the disbursement of the royalty was not proper.¹⁶⁰ Water and Power Development Authority (later on referred to as WAPDA) had not paid the sixteen billion of royalty to KP.¹⁶¹ Pir Aftab Husain Shah Gilani stated in the session of National Assembly held on 17th June 1999 that the voice is coming from all sides that the allocation decided by the NFC was not given to the provinces fully.¹⁶² Sahzada Mohiuddin also stated that the two billion of royalty yet not handed over to KP should be given to it so that the province could run the

¹⁵⁸ Ibid., session 9th, vol. IX, no.13, December 5, 1997, 840-849. It is pertinent to mention that the problems of Balochistan related to finance discussed on the calling attention notice in the session of National Assembly held on 5th December 1997. The issue of straight transfer of royalty, non-payment of special grant/subvention gas development surcharge, excise duty to the Province of Balochistan had passed under the considerations.

¹⁵⁹ Ibid., session 9, vol. IX, no.13, December, 1997, 840-841.

¹⁶⁰ Ibid., session 7th, vol. I, no. 3, January 19, 1994. 270.

¹⁶¹ Ibid., session 27th, vol. no. no. 11, June 22, 1996, 1405.

¹⁶² Ibid., session 17th, vol. VII, no. 11, June 17, 1999, 955.

development programme with spirit.¹⁶³ The situation 1994-1995 is shown in the table 4.5 with provincial breakup.

Table 4.5. Royalty on natural gas and crude oil 1994-1995 Price in Million

Provinces	Royalty on Natural Gas	Royalty on Crude Oil
Punjab	178.963	461.542
Sindh	431.182	550.833
Balochistan	602.494	—
Khyber Pakhtunkhwa	—	—
Total	1212.639	1012.375

Source: this table is obtained from National Assembly of Pakistan Debates: Official Reports, Session 17th, Volume-III, No. 13, June 22nd, 1995, 1604.

It is pertinent to mention here that according to the figures obtained from National Assembly debates, during 1994-1995 royalty on natural gas and crude oil was paid to the Punjab, Sindh and Balochistan. Net Profit on power generation was for KP that is not figured in the above table. The issue of royalty or net profit on electricity in the selected period is expounded below.

4.2.3.5 Issues of Net Profit on Electricity

The Article 161-2 of the Constitution of 1973 decided that the net profit of hydro electricity “paid to the province in which hydro electric station is situated.”¹⁶⁴ But this constitutional right of the provinces was admitted after a long time. Delay in implementation caused conflicts between Centre and provinces. The distribution of net profit from hydro electricity was admitted under the Presidential order No. 3 on 2nd June 1991 which stated as, “The net profits from the bulk generation of power at a

¹⁶³Ibid., session 17th, vol. VII, no. 12, June 18, 1999, 1054.

¹⁶⁴ *Constitution of Pakistan 1973*, Article 161-2.

hydro-electric station located in the Provinces shall be paid by the concerned undertaking established or administered by the Federal Government (i.e. Water and Power Development Authority) to the Provinces,”¹⁶⁵ the said order guaranteed that the Centre pay the above mentioned net profit to the provinces regularly.¹⁶⁶ CCI decided that the net profit would be paid to the concerned province after deducting the operating expenses.¹⁶⁷ Likewise, Presidential Order No. 1, Presidential Order No. 3 failed to remove the contentions. Regarding that, the main controversy was noticed between Centre and KP; since KP did not succeed to gain net profit from hydro electricity properly during the whole period.

The issue of net profit was of two types; first was concerned with payment of net profit, the second was related with the surcharge. Primarily, payment of net from hydro electricity would come under the discussion. According to the constitution, the net profit received by the Centre or any enterprise would be recognized or managed by the central government from bulk production of a hydro electric station, “shall be paid to the province in which hydro electric station is situated.”¹⁶⁸ Until 1986, not any progress was seen in the term of constitutional provisions. In the government of Mohammed Khan Junejo, in 1986, a committee was established by the NFC to find out procedure or methodology to estimate net profit from the bulk production of Hydro stations. A.G.N. Qazi was appointed as the chairman of this committee. The recommendations of this committee were renowned as Qazi Committee Formula

¹⁶⁵ Pakistan, *Report of National Finance Commission 2009*, 49.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*, 50.

¹⁶⁸ *Constitution of Pakistan 1973*, Article 161-2.

(later on referred to as KCF).¹⁶⁹ In January, 1991, the CCI was constituted, CCI accepted the recommendations of KCF for estimating the previous and upcoming profits.¹⁷⁰ That was enforced from July 1, 1991 under the President order No 3, which specifies that the net profit from the bulk production of power at Hydro electric station located in the provinces shall be paid by the WAPDA to the provinces after deducting the operating expenses. But WAPDA showed incompetency to compensate the net profit according to said formula as its all sorts of operating expenses were not accounted for against the revenues for the calculation of net profit. Hence, being guarantor of payment, Centre implemented a tentative amount of Rs. 6000 million for the year of 1991-92 to pay to the KP whereas the Centre was receiving Rs. 9000 million.

Consequently, in 1991, KP succeeded to gain Rs. 5.99 billion as net profit from royalty on hydropower. But later the Centre stopped the net profit by giving some excuses that led the conflict between Centre and province of KP. Asfand Yar Wali aggressively criticized the Centre during his speech in the session of National Assembly held on April 19th, 1994, on not getting the royalty of electricity to the KP that was promised in the agreement. He demanded the due share of royalty, agreed with the KP.¹⁷¹ Pir Mohammad Khan moved an adjournment motion about the issue

¹⁶⁹ Aftab Ghulam Nabi Kazi was a bureaucrat and the then Deputy Chairman of Planning Commission. Committee was constituted headed by him to evolve a methodology for calculating the net hydro profits for payments to the provinces according to Article 161-2 of the constitution of 1973 in respect of hydro electric power stations located therein. Committee met six times during 1986-1987 and succeeded to workout a formula.

¹⁷⁰ Proceedings Arbitral Tribunal 2005, "Hydel Profit," 13, accessed June 27, 2018, www.kpkep.gov.pk/documents/Hydel%20Profit.pdf. See also, Khaleeq Kiani, "Is Annulment of AGN Kazi formula on the cards?" *Dawn* (Karachi), November 13, 2006.

¹⁷¹ *National Assembly Debates*, session 9th, vol. III, no. 9, April 19, 1994, 1169.

in the session of KP Provincial Assembly.¹⁷² The KP demanded the net profit decided in the constitution.¹⁷³ Asfand Yar Wali stated as, “The main income of our province is net profit and royalty that we get from electricity which according to information we are not getting and because of that on-going expenditure we cannot bear out.”¹⁷⁴ Asfand Yar Wali, reiterated his demand in the session of National Assembly held on 19th June 1997. He stated that the budget of the province was almost based on the payment that WAPDA made to the provinces. WAPDA had not paid Rs. fourteen billions of KP and it would be impossible for the province to conduct the business of budget without fourteen billion rupees. He claimed that the transfer of the royalty should be made to the KP like being paid to other provinces and it should be automatically transferred from the national consolidated fund to the provincial consolidated fund.¹⁷⁵

He repeated same problem in the session of National Assembly held on 27th August 1997. He spoke bluntly and stated that the province was dying with hunger but WAPDA was not going to pay the net profit of eighteen billion rupees.¹⁷⁶ It is pertinent to mention that, detail given in the debates of National Assembly about the hydro profit payments made to the KP from 1994-1997 is shown in the table 4.6.

¹⁷² North West Frontier Province Provincial Assembly Debates: Official Report, vol. VI, no. 2, October 17, 1994, 45.

¹⁷³ *National Assembly Debates*, session 21, vol. VII, no. 2, December 4, 1995, 238.

¹⁷⁴ *Ibid.*, session 28th, vol. VII, no. 9, August 28, 1996, 1069.

¹⁷⁵ *Ibid.*, session 6th, vol. VI, no. 6, June 19, 1997, 698.

¹⁷⁶ *Ibid.*, session 7th, vol. III, no. 11, August 27, 1997, 1120.

Table 4.6. Hydel profit payable to KP as per Qazi Committee Formula and actual payments made to the KP in three years

Year	Total Payment to KP	Net Profit Payable to KP	Short/Excess
1994-1995	6,500	5,954,50	545.50
1995-1996	6,000	5,779,10	220.90
1996-1997	6,000	4,830,70	1,169.90
Total	18,500	16,563,70	1,936.03

Source: The National Assembly of Pakistan Debates: Official Reports, session 14th, vol. IV, no. 25, October 1, 1998, 2484.

The figures shown in the table marked that KP was getting more than its due share. Whereas, statements of the members of National Assembly revealed that KP was not getting its due share. Since, Syed Naveed Qammer stated as, “in the case of NWFP, there is, long standing dispute with WAPDA regarding the payment of net profits. Now, if that is not settled amicably and every year an issue is made out of it, it will become another Kalabagh Dam.”¹⁷⁷ Naseem Ur Rehman also claimed the payment of the net profit of electricity and cess of tobacco to the province.¹⁷⁸ The Chief Minister of KP, Sardar Mahtab Ahmed Khan also claimed the amount of net profit that was not paid as yet by WAPDA.¹⁷⁹ This gave concerns between Centre and province of KP as the Chief Minister complained the shortfall of 4 billion in the decided royalty. The development and budget of the province was dependent on that amount.¹⁸⁰ The Provincial Assembly of KP protested unanimously on 29th June

¹⁷⁷ Ibid., session 13th, vol. III, no. 8, June 20, 1998, 1063.

¹⁷⁸ Ibid., session 11th, vol. I, no. 13, March 12, 1998, 1267.

¹⁷⁹ Ibid., session 17th, vol. VII, no. 11, June 17, 1999, 926.

¹⁸⁰ Ibid., session 17th, vol. VII, no. 14, June 21, 1999, 1222.

1999.¹⁸¹ In the session of National Assembly held on 16th July 1999, Gohar Ayub Khan, then Minister for Water and Power, presented a report about details of payment of hydel profit to KP. Detail is expounded below in table 4.7.

Table 4.7. Detail of payments of hydel profit to KP, 1991-1999

Years	As A.G. P. Works	Payment to KP by WAPDA/GOP
1991-1992	6,719.7	6,000.0
1992-1993	7,294.8	5,680.0
1993-1994	5,998.1	5,482.0
1994-1995	5,954.5	6,500.0
1995-1996	5,779.1	6,000.0
1996-1997	4,830.1	6,000.0
1997-1998	5,720.4	6,000.0
1998-1999	4,731.0	6,000.0
Total	47,027.7	47,662.0

Source: National Assembly of Pakistan Debates, session 17th, Vol. no. 30, July 16, 1999, 2777.

Above table revealed that more than its estimated share of hydel net profit was paid to KP during 1991-1999. Despite of it conflict between Centre and KP could not be resolved. There were two main reasons, first, KP claimed the backdate arrears. Second, these figures estimated by the Auditor General of Pakistan (A.G.P.). Whereas, KP demanded the disbursement of hydel net profit estimated under KCF or AGN Formula.¹⁸² The year wise figures of net profit of KP during 1988-1999, according to KCF are given in table 4.8.

¹⁸¹ Ibid., session 17th, vol. VII, no. 21, June 30, 1999, 2190.

¹⁸² From the year 1991-1992, successive governments of the KP province are struggling still for calculation as per the KCM or KCF.

Table 4.8. Figures of net profit (1988-1999) provided by KP

Financial Year	Amount due according to KCF	Received	Balance
1991-1992	7,850,00	5,999,87	1,852,13
1992-1993	9,848,00	5,680,00	4,168,00
1993-1994	10,288,00	5,482,00	4,806,00
1994-1995	13,550,00	6,500,00	7,050,00
1995-1996	22,497,00	6,000,00	16,497,00
1996-1997	21,366,00	6,000,00	15,366,00
1997-1998	26,600,00	6,000,00	20,600,00
1998-1999	36249,00	6,000,00	30,259,00

Source: Figures are based on the application of KP for claiming arrears of net profit of Electricity, presented to the Arbitral Tribunal, instituted on October 31, 2005. The figures collected from the proceedings of the said Arbitral Tribunal, accessed January 3, 2018, <http://www.kpkep.gov.pk/documents/Hydel%20Profit.pdf>.

The dispute is yet persisted due to provincial claim for the backdate dues. In short, the Constitution of 1973 admitted the exclusive right of the provinces on their natural resources and in case of central control, rewarding them through their right of the entire net profit. But this constitutional obligation was ignored from almost one and half decade i.e. 15 years which led the issue of backdated arrears that is still up in the air. The continued deferral in functioning and implementation of the CCI decisions and non-fulfillment of constitutional requirements during 1988-1999, not only deprived the province of its rights but also set a stage for Centre-Province conflicts.

Surcharge and Additional charges: Second issue associated with net profit that gave concerns to Centre-Province relations. This was the issue of surcharge and additional surcharges imposed by WAPDA on price of electricity during 1991,

1993 and later increase made in its price from time to time.¹⁸³ Particularly, KP resented the Centre on the issue of surcharge. Primarily this issue was pointed out by Aftab Ahmed Khan Sherpao in the session of KP Provincial Assembly in 1992.¹⁸⁴ Subsequently, the issue was raised after the announcement of budget for the year 1995-96. In the budget specified for 1995-1996, the basic price of electricity was not increased while the price of surcharge was increased. Consequently, reduction occurred in the net profit of the province and augmented the profit of Centre. Since, the price of cape head production was not increased in this budget and only the price of surcharge increased and net profit was paid to the province on the cape head production of electricity and the amount of surcharge on electricity not counted in the net profit. Hence, it led to the decrease in the amount of net profit being paid to the province and increased the amount of Centre.¹⁸⁵ Asfand Yar Wali, raised the issue in the session of National Assembly held on 20th June 1995. He stated that the right of the province crushed and he felt it as a direct violation as the price of the surcharge was not counted in the net profit that was paid to the province.¹⁸⁶ The issue provided a ground to KP for objection and the query was filed in the National Assembly to trace out the reason behind it. Asfand Yar Wali protested in the session of National Assembly held on September 15, 1996. He stated, "this is a very sensitive issue for us." He demanded the increase in basic price of electricity. He further stated that, if basic price will be increased, it will be increase in the royalty which paid to my province. He warned the Centre on increasing the surcharge and additional charges instead of basic price of electricity and stated, these charges "then not taken into

¹⁸³ Proceedings Arbitral Tribunal 2005, "Hydel Profit," 20.

¹⁸⁴ *North West Frontier Province Assembly Debates*, hand written, May 25, 1992, 44.

¹⁸⁵ *National Assembly Debates*, session 17th, vol. III, no. 8, June 17, 1995, 682.

¹⁸⁶ *Ibid.*, session 17th, vol. III, no.11, June 20, 1995, 1225-1226.

consideration, when they are deducting to our royalties or our net profits to be paid to my province.”¹⁸⁷ The issue remained as it was in the coming years. In 1998, the budget for 1998-1999 was announced. The Centre increased the 12% rates of electricity but like the previous years increased the surcharge and additional charges instead of increasing the basic price of electricity. This action of the Centre was objected to by KP as surcharges and additional charges could not become the part of net profit. It increased the income of Centre rather than province. The province demanded the increase in basic price of electricity rather than surcharge and additional charges. Asfand Yar Wali revised his same demand in same words and without a difference of single word in the session of National Assembly held on 10th March 1998. He further stated that the Centre wanted to deceive them and it is an open violation of the constitution.¹⁸⁸ He did not stop his protest and submitted again in the sessions of National Assembly held on 20th June 1998. He repeated his previous words, “net profit calculated on the basic price of electricity, instead of raising the basic price of electricity, which will then convert into the net profits of my province, they raised the surcharge, additional surcharge, super surcharge it is not the basic price. That is a way of violating the constitution.”¹⁸⁹ Likewise the payment of net profit issue of payment of surcharge to provinces continuously caused debates. Mr. Abdul Mateen Khan also raised the question about the said issue and inquired its reasons. Gohar Ayub Khan, the then Minister for Water and Power countered as, “Surcharge is not payable to the province, at it does not constitute the basis for calculation of profits. As per constitutional provisions; under Article 161(2) “Net

¹⁸⁷ Ibid., session 28th, vol. VII, no. 20, September 15, 1996, 2738-2739.

¹⁸⁸ Ibid., session 11th, vol. I, no. 11, March 10, 1998, 1065-1066.

¹⁸⁹ Ibid., session 13, vol. III, no. 8, June 20, 1998, 1080-1081.

profits earned by WAPDA from the bulk supply of power from a hydel power station is to be paid to the province in which the hydel power station is located". This profit is worked out according to the Qazi Committee Formula approved by CCI."¹⁹⁰ Whereas, the KCF was quiet about surcharge and additional charges as said items were not then levied by WAPDA in 1991, primarily, implemented in Nawaz Sharif Government in 1991 and 1993. There was the need to implement the constitution in letter and spirit to protect the rights of the provinces where the resources were situated. This dispute was the result of non-fulfillment of the constitutional obligations almost from the 15 years. Constitutionally, CCI was responsible for settling the ancillary issue of electricity that was initially not instituted according to constitution regularly and latterly not functioned in true spirit.

4.2.3.6 Centre-Province Duel over Privatization

Privatization is related to financial sphere and it also created dissensions in the Centre-Province relations. After coming into the power in 1988, in the short span of four or five months, Benazir government undertook the study of privatization and selection of project suitable for privatization. Fourteen projects were selected for privatization. Succeeding government of Mr. Nawaz Sharif also pursued the policy of privatization.¹⁹¹ Here, two major issues have been discussed relating to privatization; privatization of Sui Southern Gas Company and WAPDA. Discussion is expounded below.

Sui Northern Gas Company and Sales of PPL's Shares: Primarily, Benazir Bhutto decided to privatize the Sui Southern Gas Company but this plan was

¹⁹⁰ Ibid., session 14, vol. IV. no. 25, October 1, 1998, 2493.

¹⁹¹ *Dawn* (Editorial), "Privatization and Politics.", June 6, 1991.

not met with success and dropped. However, further working on the issue of privatization of Sui Northern and Sui Southern was not seen because the decision was postponed for one or two years.¹⁹² Another discontentment was related with Centre-Province financial relations observed between Centre and Balochistan in this period. Centre decided the privatization of PPL (Pakistan Petroleum Limited). But before taking this decision it was the constitutional duty of the Centre to take the provincial government into confidence but it did not do so. This action of the government was protested by the provincial government of Balochistan and a motion was also moved in the Provincial Assembly of Balochistan against the sale of petroleum shares. The Centre also faced criticism in the session of National Assembly on the issue as it was the provincial subject and the step of government conceived as the encroachment of the provincial assembly.¹⁹³ Samina Ahmed also pointed out that the provincial government of Balochistan disliked the sale of government's shares in Pakistan petroleum. Hence, it opposed the sale because the sale of PPL shares caused the deprivation of Balochistan of its major source of income, the "development surcharge on national gas."¹⁹⁴ The leaders of Balochistan criticized the central government in the same manner of Bengali leaders who declared that the West Pakistan considered the East Pakistan as its colony. Similarly, the Chief Minister of Balochistan stated that the Centre considered the Balochistan as its colony. He also criticized the central government for misuse of the resources of Balochistan from the previous twenty four years.¹⁹⁵ The reality was that, in 1996, government decided to sale 61% shares. This

¹⁹² *National Assembly Debates*, session 11th, vol. I, no. 2, February 25, 1998, 45-46.

¹⁹³ *National Assembly Debates*, session 25th, vol. IV, no. 2, April 16, 1996, 261, 266.

¹⁹⁴ Ahmed, "Centralization, Authoritarianism, and the Mismanagement," 117. See also, *The Nation* (Karachi), June 3, 1996. *The News* (Karachi), June 14, 1996. *Dawn* (Karachi), June 14, 1996.

¹⁹⁵ *National Assembly Debates*, session 27th, vol. VI, no. 9, June 19, 1996, 1168.

policy was adopted during first periods of Benazir and in 1992, Nawaz Sharif. It was taken as the step of privatization of the PPL. Hence, the issue on sale of the Pakistan Petroleum Limited (PPL) shares got serious resistance from Balochistan. The shares of PPL were utilized to operate, manage and run the gas field and almost owned by the gas development corporation. The sale or privatization of PPL could deprive Balochistan from the surcharge on national gas that was its major source of income. This gave a grave concern to the Balochistan. The issue was brought in the house for discussion in which government assured that the shares of OGDC running and managing the gas field would not be sold.¹⁹⁶ In the meanwhile, the Centre had issued the NOC without taking into confidence the provincial government of Balochistan and this step of the government further spoiled the situation. At this moment, the provincial government of Balochistan was itself willing to purchase the shares that the Centre wanted to sale to another group. It had passed a resolution and stressed on the Centre for the solution of this issue.¹⁹⁷ Sana Ullah Bloch also stressed on the Centre that the shares of Balochistan should be sold to Balochistan as Balochistan produced 64% gas of the country. He revealed the apprehensions of blocking the gas of Balochistan and increasing the rates if the shares were sold to the private company.¹⁹⁸ Constitutionally, during the said period, minerals were under the central authority which was stated in the Article 172-2. Authoritative body could privatize with the approval of the CCI. It is clearly evident that the resentment on the said issue resulted due to the non-compliance of the constitution. The CCI did not conduct according to the constitution that had great functioning in policy making and handling the situation between Centre and provinces on above discussed issues.

¹⁹⁶ Ibid., session 26th, vol. V, no. 15, May 23, 1996, 1798.

¹⁹⁷ Ibid., session 27th, vol. VI, no. 8, June 18, 1996, 967.

¹⁹⁸ Ibid., session 13th, vol. III, no. 6, June 18, 1998, 725.

Privatization of WAPDA: Nawaz Sharif was very keen in adopting the policy of privatization. Privatization was the acrimonious debate in those days which led a contention between Centre and KP. The Centre and KP came into conflict over the privatization of power station. The Chief Minister of KP Mir Afzal Khan had opposed the privatization of WAPDA. In 1990, a unanimous resolution was passed in the Provincial Assembly of KP. The government of the Centre was turned down during this and new government also intended to continue the policy of previous regime. This decision of the Centre was protested again by the KP government in December 1993, the Provincial Assembly of KP passed the resolution against it.¹⁹⁹ But in April 1994, the Centre moved a bill for privatization of WAPDA in the Session of National Assembly. This bill was moved in the absence of the opposition. The opposition was boycotting the proceedings of the house as a protest against the removal of Sabir Shah at that time. The bill was accepted unopposed and moved to the Senate for further process.²⁰⁰ The members of the National Assembly from KP protested against it in the session of National Assembly.²⁰¹ The new central government argued in response that before taking the decision the provincial government would be taken into confidence.²⁰²

In the debates of National Assembly, representatives from the provinces pressurized the Centre in bringing consensus of the provinces on the issue of

¹⁹⁹ *National Assembly Debates*, session 10th, vol. IV, no. 7, June 12, 1994, 679-680. The issue also reiterated in *Ibid.*, session 10th, vol. IV no. 9, June 14, 1994, 1024.

²⁰⁰ *Ibid.*, session 9th, vol. III, no. 15, April 27, 1994, 1837.

²⁰¹ *Ibid.*, session 10th, vol. IV, no. 7, June 12, 1994, 679-680. The issue also reiterated in *Ibid.*, session 10th, vol. IV, no. 9, June 14, 1994, 1024.

²⁰² *Ibid.*, session 10th, vol. IV, June 12, 1994, 680.

privatization of WAPDA.²⁰³ In 1995, the Centre had decided to implement the privatization of WAPDA. The decision was protested by ANP and reminded the Centre that provincial assembly had passed the unanimous resolution against the privatization of WAPDA.²⁰⁴ Asfand Yar Wali resented on the policy of Centre and claimed that, “let our money, let the net profits of my province be transferred direct from the federal consolidated fund to the provincial consolidated fund, then I would not have any objection on the privatization of WAPDA.”²⁰⁵ In the light of constitution, WAPDA was listed in Part-II of the federal legislative list while electricity was the subject listed in concurrent list. Constitutionally, Centre was bound to refer this matter to the CCI before taking the decision to privatize the authority. As the Article 154(1) of the Constitution of 1973 stated as, “The Council shall formulate and regulate policies in relation to matters in Part II of the Federal Legislative List and, in so far as it is in relation to the affairs of the Federation, the matter in entry 34 (electricity) in the Concurrent Legislative List, and shall exercise supervision and control over related institutions.”²⁰⁶ Besides, the headquarters of grid station was transferred in Rawalpindi from KP which was also objected by the province.²⁰⁷ The province had drawn attention of the central government on this issue because the transition of Grid Directorate Project from KP to Rawalpindi caused great harm to KP.²⁰⁸

²⁰³ Ibid., session 10th, vol. IV, no.11, June 16, 1994, 1505-1506.

²⁰⁴ Ibid., session 17th, vol. III, no.8, June 17, 1995, 661-662.

²⁰⁵ Ibid., session 17th, vol. III, no.11, June 20, 1995, 1225-1226.

²⁰⁶ *Constitution of Pakistan 1973*, Article 154-1.

²⁰⁷ *National Assembly Debates*, session 7th, vol. VII, no.14, September 1, 1997, 1497.

²⁰⁸ Ibid., session 7th, vol. VII, no.16, September 3, 1997, 1664.

4.2.3.7 Conflict over Supply of Natural Resources to Home Provinces (Resource Generated Provinces)

Another question that was associated with the financial resources and claimed constitutional obligation was the supply of natural resources in the provinces where the well heads was situated. The gas, oil and electricity were the resources of Balochistan, Sindh and KP. But these provinces always had the issue that the peoples of these provinces were deprived from the facility of their own resources. This issue also got serious debate during the period under study.

Primarily, the issue of gas is taken under consideration. Constitutionally, Article 158 clearly marked that, “the province which had the well-head of natural gas is situated shall have precedence over other part of Pakistan in meeting the requirements from the well head, subject to the commitments and obligations as on the commencing day.”²⁰⁹ Balochistan, where the well head of natural gas was situated complained that people of this province were deprived from the facility of their own resource. Since, natural gas is provided almost in a large area of the country and used as fuel in houses and for factories which led the prosperity and development in these areas. The government had not adopted satisfactory measures to benefit Balochistan from its own resource. It generated a critical situation between Centre and Balochistan. Yunas Samad stated pointed as, “Baloch antagonism with Centre was heightened by the fact that exploitation of the natural resources, such as Sui natural gas, failed to benefit the local population. Discovered in the 1950s’, Sui is the heart of gas in Balochistan; overall 38 percent of the country’s gas production comes from

²⁰⁹ *Constitution of Pakistan 1973*, Article 158.

Balochistan. However, in term of distribution, only 6 per cent of Balochistan has to access and it is not available to Sibi, the closest town to the Sui gas field.”²¹⁰

Balochistan declared it as encroachment of the constitutional right of their people and cause of their poverty which gave them the sense of deprivation. It was voiced vociferously and frequently in the sessions of National Assembly and repeated continuously in the National Assembly debates during 1988-1999. The statements related to issue are given below to understand the complication of the problem. Since, Maulana Muhammad Khan Sharani demanded the supply of gas to Balochistan in the Session of Nation Assembly held on 26th February, 1992. He declared it as the violation of constitution and injustice with the province of Balochistan.²¹¹ Mir Nabi Bukhash Khoso, another member of National Assembly from Balochistan raised the same question in the session of National Assembly held on May 25, 1992. He complained that the well head of gas is located in Sui Balochistan but this facility is not provided to the peoples of this area. He declared it as negligence of the rights of Balochistan.²¹²

Balochistan Assembly passed a resolution presented by Mian Abdul Bari which claimed to fulfill the requirement of gas in Balochistan.²¹³ Hamid Khan Achakzai, member of National Assembly from Balochistan also pointed out the non availability of gas in home province and stated that the rights of the smaller provinces particularly Balochistan should be protected. He declared it as the responsibility of the

²¹⁰Yunas Samad, “Understanding the Insurgency of Balochistan,” in *State and Nation-Building in Pakistan: Beyond Islam and Security*, eds. Roger D. Long et al., (New York: Routledge, 2016), 127.

²¹¹ *National Assembly Debates*, session 11th, vol. I, no. 15, February 26, 1992, p.1371.

²¹² *Ibid.*, session 12th, vol. II, no. 18, May 25, 1992, p.2385.

²¹³ *Balochistan Assembly Debates*, session 4th, January 27, 1994, 65.

central government to protect the right of smaller provinces.²¹⁴ Mahmood Khan Achakzai stated that “as the gas reservoirs were discovered at Sui in 1960. We are happy, at the distance of thousands miles, factories are working and hearths are burning in the homes but unfortunately, in Balochistan, as yet, gas is not provided properly even to the whole Quetta city.”²¹⁵ Dr. Hamid Achakzai reiterated his claim continuously in the sessions of National Assembly during the whole period. In the session of National Assembly held on April 7, 1994 he repeated his demand about the gas for Balochistan, he stated that in the whole province, gas is available only in Quetta city for fuel whereas gas is available in Sindh, Punjab i.e. Lahore and Karachi. Its means that gas was their resource but utilized in other provinces like Sindh and Punjab. He further stated that Balochistan is getting just one percent of the total production of gas. He also stated that the gas is utilizing to run the industries of other provinces but industries are not established in the Balochistan by the Centre.²¹⁶ The issue of supply of the Sui gas to Kalat was also put formerly to the Prime Minister, Benazir Bhutto. She responded as, thirty five crores is needed for providing the supply of gas to Kalat and according to the proportion of population it is not their right.²¹⁷ At the same time Prime Minister Benazir Bhutto promised the supply of gas in different areas of Punjab as Gujrat, Faisalabad, and Sheikhpura districts during her tours. That was seriously taken by Balochistan and it claimed the supply of gas for Zob, Chamen, Pashin, Luralai, and Sibi.²¹⁸ This demand was not pushed in cold storage and reiterated persistently. Achakzai expressed that your factories are

²¹⁴ *National Assembly Debates*, session 7th, vol. I, no. 4, January 20, 1994, 401.

²¹⁵ *Ibid.*, session 7th, vol. I, no. 9, January 27, 1994, 949.

²¹⁶ *Ibid.*, session 9th, vol. III, no. 2, April 7, 1994, 263.

²¹⁷ *Ibid.*, session 10th, vol. IV, no. 10, June 15, 1994, 1204.

²¹⁸ *Ibid.*, session 10th, vol. IV, no. 15, June 26, 1994, 2239-2240.

functioning on Sui gas and your stoves or hearths are burning at the distance of one thousand miles but the poor Balochi are using dried grass as fuel.²¹⁹ Hamid Khan Achakzai and Mahmood Khan Achakzai furiously repeated the demand for share in Sui gas in their each debate in the National Assembly during this period. Hamid Khan stated in the debate of National Assembly held on 31st October 1995, the resources should be provided to the consumers where the well head of these resources located.²²⁰ He also had submitted same objections in same words during the discussion on budget in the session of National Assembly held on June 19th, 1996.²²¹ Maulana Abdul Ghafoor Haydri also recorded his protest over the issue.²²²

The discontentment regarding the issue was expressed bluntly in the whole period. In the session of National Assembly on 27th August 1997, Mualana Mohammed Khan Sherani stated precisely that the non-implementation of Articles, 151 and 158 was a clear violation of the constitution. These articles give priority to that province wherever the resources are situated.²²³ Sanah Ullah Baloch also registered his complaint on the issue of gas supply to Balochistan. He stated that the gas of Balochistan fulfilled 46% requirement of the whole country while on the other hand the backward and cold areas of Balochistan were deprived from this facility.²²⁴

²¹⁹ Ibid., session 17th, vol. III, no. 13, June 22, 1995, 1645.

²²⁰ Ibid., session 20th, vol. VI, no. 1, October 31, 1995, 88.

²²¹ Ibid., session 27th, vol. VI, no. 9, June 19, 1996, 1166.

²²² He stated aggressively in the session of National Assembly on 20th June, 1996, The Gas generated in the Balochistan cope with the 60% necessity of Pakistan. He got enraged on the statement of minister who promised the gas for Swat. He protested on not providing the gas to Kalat that was near to Sui rather than Swat. He stated that he is not against the supply of gas to Swat. But it is the violation of constitutional right of Balochistan as the resource of Balochistan not available to its peoples. Ibid., session 27th, vol. VI, no. 10, June 20, 1996, 1374.

²²³ *National Assembly Debates*, session 4th, vol. VII, no. 11, August 27, 1997, 1128. See also *Balochistan Assembly Debates*, session 3rd, February 23, 1997, 30.

²²⁴ *National Assembly Debates*, session 13th, vol. III, no. 6, June 18, 1998, 723.

Sindh also raised the same question. Since, the member of the National Assembly from Sindh, Naveed Qammer criticized in the session of National Assembly held on December 31, 1990. He stated as, “the Province of Sindh, which is producing most of the oil of this country and has been brought us to a point where at least one-third of our total requirements is being fulfilled from domestic production, there the local people are not benefitting from the huge resources that we have.”²²⁵

Similarly, province of KP was resentful in this context. KP produced a large amount of electricity but almost half of the people from the province i.e. Hazara district and tribal areas were not benefited. They declared it as the “Charagh tale andhera”²²⁶ (means darkness under light).²²⁷ The provinces claimed that the priority should be given to the provinces where the head of these sources were. During the whole period this demand of the provinces was repeated continuously.²²⁸ Qazi Fazal Allah was a member of National Assembly from Swabi district of KP in 1994. He reiterated the same demand in the session of National Assembly held on January 16, 1994. He argued that they sacrificed their cultivated area for projecting the Tarbella Dam that caused financial dearth in the region but the people of this area were still deprived from the facility of electricity.²²⁹ The issue was also aroused in the session of National Assembly on 13th June, 1994, that the Centre gained the profit of nine hundred crores rupees of which six hundred crores were given to KP. But the villages of that area were not electrified which electrified the whole country and benefitted to

²²⁵ Ibid., session 7th, vol. IV, 10, December 31, 1990, 1199.

²²⁶ It is an Urdu proverb.

²²⁷ *National Assembly Debates*, session 7th, vol. VII, no. 13, June 15, 1991, 2050.

²²⁸ Ibid., session 11th, vol. I, no. 4, February 11, 1992, 507-518.

²²⁹ Ibid., session 11th, vol. I, no.1, January 16, 1994, 94.

the Centre.²³⁰ Mahmood Khan Achakzai, a member of National Assembly from Balochistan supported the cause of KP. He was of the view; KP generated the electricity two times more than its need but half population of the province was deprived from the facility of electricity. The Centre had vindicated that the royalty of billions rupees paid to the provinces on generating the Hydel power. Centre also rejected that the electrification was less than their proportional share and justified that the provinces were proportionately getting the due share whatever was required for them.²³¹ The conflict remained as it is during the whole period. Dr. Hamid Khan Achakzai reiterated the question in the session of National Assembly on 23 June 1996 and stated as, the province was deprived from the facility of electricity that generated half of the total production of electricity in the country.²³² The provinces depicted that the central government was responsible for their deprivation and instead of solving the problem by using the amount from their own share and creating consensus. These sentiments developed the sense of deprivation among the smaller provinces which led rifts between Centre and provinces. The prestige was not there for the constitutional provisions regarding to given the priority to the requirements of the provinces where the sources existed. It was protested in the National Assembly and provinces claimed the implementation of the constitution in its true spirit. Maulana Mohammad Khan Sherani demanded the enforcement of rules and regulations of the constitution to create the consensus and harmony in the federation.²³³ There was need to promulgate the constitution with truth, justice and honesty. However, the Centre took a notice and

²³⁰ Ibid., session 10th, vol. IV, no. 8, June 13, 1994, 853-854.

²³¹ Ibid., session 16th, vol. II, no. 2, April 20, 1995, 164-165.

²³² Ibid., session 27th, vol. VI, no. 12, June 23, 1996, 1670.

²³³ Ibid., session 7th, vol. VII, no. 2, August 13, 1997, 86.

initiated deliberations on the issue instead of giving reward to the previous provisions from 1996. And, therefore, the bill to provide for the regulation of generation, transmission and distribution of electricity was taken into consideration on 17th November 1997 in the National Assembly.²³⁴ Consequently, NEPRA (National Electric Power Regulatory Authority) was established to regulate the electric supply in Pakistan. But the conflicts could not settle down because NEPRA was the Central Regulating Authority. Whereas, the Article 157 of the Constitution of 1973, provided the authority to the provinces to generate, transmit, regulate and distribute electricity internally.²³⁵ But it was not translated in NEPRA Act 1997; it gave a concern to the province as the problem of the province was not properly addressed.²³⁶ Malik Lal Khan stressed on addressing the problem and claimed for facilitating the peoples of his area according to the provisions of the constitution. He stated that “his constituency is a little Sharjah which are producing oil and gas but the peoples of the area are not facilitated.”²³⁷ In short, disrespect of constitutional obligations placed the Centre-Province controversies. In the vision of Naseer Memon, “If the constitutional right of the provinces is respected no one will resort to issue menacing statements.”²³⁸

²³⁴ Ibid., session 9th, vol. IX, no. 1, November 17, 1997, 38.

²³⁵ Ibid., 39-40.

²³⁶ However, recently, on 9th May 2017, the Centre and provinces had reached on consensus regarding the controversial issue on NEPRA act 1997. And, therefore, this right was given to the provinces. Mushtaq Ghumman, “Controversial Amendments to Nepra law: Centre, Provinces Reach Agreement,” *Business Recorder*, MAY 10th, 2017, accessed January 17th, 2018. <https://fp.brecorder.com/2017/05/20170510177528/>.

²³⁷ *National Assembly Debates*, session 13th, vol. III, no. 6, June 18, 1998, 774.

²³⁸ Naseer Memon, “Politics of Resources,” *The News on Sunday (TNS)* (Lahore), April 30, 2017.

4.2.3.8 Balochistan's Fight for Electricity

The other problem also related with the financial relations was the particular case of Balochistan province. Balochistan was aggressive with the Centre on not fulfilling its needs of electricity essential for agriculture and industry. The 80% agriculture of Balochistan depends on electricity. With respect to land area, Balochistan was the largest province of Pakistan. Balochistan alleged that the electricity provided to the whole province of Balochistan was less than that given to the one city of Punjab and Sindh i.e. Gujranwala and Sukkur respectively. But the necessity of Balochistan was more than other provinces due to its geographical features. Balochistan raised the question that the number of villages prescribed for electrification was less than other provinces. For instance, in the year 1995, only five villages of Balochistan were prescribed for electrification. Balochistan objected on prescribing less number for Balochistan.²³⁹ But the more serious issue was the provision of the due share of electricity.

Balochistan was of the view, that its due share of electricity on the basis of population was not given to it properly and exploited. Since, Pakistan was generating at that time 11500 megawatt in which the given share of Balochistan was just 200 megawatt. According to the population the share of Balochistan was 3.5, ending up to four to five hundred megawatt. Hamid Khan Achakzai left no occasion in criticizing the Centre and voiced the issue vocally in the sessions of National Assembly time to time.²⁴⁰ He stressed to fulfill the requirement of electricity in Balochistan to develop agriculture in the province in the session of National Assembly on 17th December

²³⁹ *National Assembly Debates*, session 15th, vol. I, no. 8, January 25, 1995, 1009-1010.

²⁴⁰ *Ibid.*, session 15th, vol. I, no. 21, February 15, 1995, 2445.

1995.²⁴¹ The leaders of nationalist parties like Mehmud Achakzai, Hamid Achakzai, Asfand Yar Wali, Naveed Qammer or opposition of majority parties raised the question. Sana Ullah Baloch raised the objection on the issue of requirement of electricity for Balochistan, he stated that according to the statistic, the total amount of the electricity generated in the country had 14770 Megawatt whereas only 200 or 250 megawatt had been given to Balochistan which was many times less than its constitutional share. He had claimed 500(MW) for Balochistan²⁴² The issue of the constitutional share of electricity for Balochistan, was raised continuously in the National Assembly during the whole period undertaken for study which showed the deep concern of the issue. The other issue was on the rate and arrears of electricity. Balochistan had gained electricity on the rate equal to other province but its investment was more than other provinces because of its geological structure.

For instance, if the Punjab and Sindh had invested 5 rupees for the earning of 500 rupees, Balochistan had invested 100 rupees rather than 5 rupees and earned 400 rupees rather than 500 rupees. In Punjab and Sindh the water level was in the range of 100, 150 and 200 feet depth while in Balochistan it was more than 500 feet. There land was barren and scarcity of electricity and load shedding deputed the financial problems. The development of industry and agriculture stayed on zero in Balochistan and equal to none.²⁴³ Consequently, Balochistan stayed in the list of defaulters which caused the dissent with Centre on arrears of electricity. The issue was not new and existed between Centre and Balochistan from the long period. The Chief Minister of Balochistan claimed that the arrears of Balochistan should be let off. Balochistan also

²⁴¹ Ibid., session 21st, vol. VII, no. 11, December 17, 1995, 1414-1415.

²⁴² Ibid., session 11th, vol. I, no. 3, February 26, 1998, 129.

²⁴³ Ibid., session 9th, vol. III, no. 2, April 7, 1994, 264. See also Ibid., session 9th, vol. III, no. 3, April 10, 1994, 294.

demanded that the rate of electricity should be less than other provinces as Balochistan could not pay the same rates which other provinces were paying.²⁴⁴ The members of National Assembly from Balochistan also agitated in the house for written off the arrears of Balochistan. Mehmud Khan Achakzai submitted his protest and argued that “the farmers of Balochistan cannot afford to pay. If they pay the arrears of WAPDA I think they will not be able to feed their kids.”²⁴⁵ The Centre tried to give concessions to Balochistan but the problem of recovery existed there as the people were not regular in bill payment. This derailed the financial position of WAPDA and WAPDA was embroiled in financial crises. Hence, at this stage WAPDA could not let off the arrears to that extent.²⁴⁶ In April 1996, the issue got grave concern when the WAPDA disconnected the multiple feeders in Balochistan for defaulters of arrears. This disconnection of thermal power feeders caused great anxiety in the public and spheres of provincial government. Since, WAPDA was the central subject and Chief Minister of Balochistan tried to contact the Centre to solve the issue. The issue was also presented in National Assembly by Dr. Hamid Khan Achakzai and Mir Zafarullah Khan Jamali on 7th April 1996.²⁴⁷ The question got serious debate among the members from Balochistan and minister of water and power, Ghulam Mustafa Khar, on 8th April, 1996. They criticized the Centre for taking this action on not paying the arrears and declared it cruelty against the Balochistan and its peoples. They declared this act worst than Africa where the apartheid type of law was enforced. The peoples of Balochistan also organized processions as protests and declared it injustice with Balochistan. The Centre rejected

²⁴⁴ Ibid., session 9th, vol. III, no. 3, April 10, 1994, 384.

²⁴⁵ Ibid., session 17th, vol. III, no. 8, June 17, 1995, 681.

²⁴⁶ Ibid., 680-681.

²⁴⁷ Ibid., session 24th, vol. III, no. 8 April 7, 1996, 995-996.

the blames. The Centre countered that, it had always dealt with Balochistan on priority basis unlike other provinces and also understood the grievances of the Balochistan people.²⁴⁸ On the notification of Balochistan, a meeting was called on 31st March 1996 to find out the solution but later postponed without conclusion. The difference was observed in the statements of both sides. Balochistan argued that the Centre claimed the arrears of electricity for last fifteen years which was a cause of disconnection of the feeders in Balochistan.²⁴⁹ Whereas the Centre argued that it had just demanded the payment of current bills of electricity and due to non payment of the current bills, the feeders of defaulters were disconnected.²⁵⁰

4.2.4 Minor Miscellaneous Issues

Apart from this, the Centre and the provinces came into conflict on petty matters and minor issues during this period from 1988 to 1999. Since, the Centre halted the funding of those provinces that were under the rule of opponent parties. A member of the National Assembly, Sahibzada Fateh Ullah stated, the Centre and provinces resented on petty matters, the Centre should be broad minded but it was not so, even, the funds were halted of the provincial governments of opponent parties.²⁵¹ This unconstitutional and illegal attitude, contained by the sentiments of hostility hinders the improvement of relations between Centre and provinces.

Besides, the matter of providing the fertilizers according to the specific quota allocated to the provinces gave a great set back to the financial relations. Particularly, the Punjab government gave much hue and cry to this issue. Both governments stayed

²⁴⁸ Ibid., session 24th, vol. III, no. 9, April 8, 1996, 1153-1159.

²⁴⁹ Ibid., session 27th, vol. VI, no. 9, June 19, 1996, 1162-1163.

²⁵⁰ Ibid., 1170.

²⁵¹ Ibid., session 7th, vol. V, no. 8, December 23, 1989, 595.

determined to blame one another. The provincial government of Punjab denounced the Centre for decreasing its due share in fertilizer. The Centre argued that the fertilizer provided to the Punjab was more than its due share as its due share was 67% while the given share was 68.8%.²⁵² Both sides created controversy over the issue. This conflict was the result of party tussle and leadership clashes.

The other issue which furnished complications between Centre and province was also related with the financial aspect. The issue had arisen on the campaign of central government against the cultivation of opium that was their cash crop and source of income of local people. This issue not only created problems in financial relations but also set a stage for conflicts in political relations just after enunciation. The Malakand, Buner and Dir were famous for the cultivation of opium. The central government of PPP undertook an operation against the cultivation of opium and promised the substitute source of income to the affected peoples. But it was not done as promised, except from the Buner development project. The tenure of project was completed in January 1993 but 45 funds were remaining. The province demanded the extension in Buner development project and complete transfer of remaining funds.²⁵³ This action of the central government hailed as an effort to destabilize the provincial government constituted of opponent parties.

Above-mentioned situation led towards the demand of financial provincial autonomy. Liaquat Baloch demanded the transfer of financial powers to the provinces that was decided in the Constitution of 1973 in the Session of National Assembly held on 3rd April 1991. The provinces claimed genuine financial autonomy and a genuine system where each of the provinces should be made independent, and there should be

²⁵² Ibid., session 7th, vol. V, no. 2, December 5, 1989, 283.

²⁵³ Ibid., session 7th, vol. I, no. 3, January 19, 1994, 270.

devolution of power. Syed Naveed Qammer stated as, let the province “handle their own affairs, they may do it well or they may do it badly, that is their affair.”²⁵⁴ Asfand Yar Wali also stated as, “Unless and until you have strong federating units, you cannot have a strong Pakistan.”²⁵⁵ Haji Wali Mohammed also claimed the autonomy for the provinces that was prescribed in the constitution and criticized the non implementation of the constitution.²⁵⁶

Conclusion

The study deeply analyzed the provisions of Centre-Province financial relations, incorporated in the Constitution of 1973. NFC was established to settle the financial matters. It had great importance as it was responsible to make recommendations about distribution of net proceeds of taxes, grants-in-aids, borrowing and financial matters referred by president. The constitution decided that the royalty on gas and oil collected by the Centre would be paid to the provinces where the wellhead of these resources was situated. The net profit on hydro electricity collected by Centre or any authorized organization would be paid to the provinces where the well head situated but after deducting the services charges that were fixed by the CCI. The constitution also provides special provisions to regulate the relations between Centre and provinces under which the establishment of CCI was very important as it was an institute of regulating the policies regarding federal legislative list-II and tool of resolving the dispute between Centre and provinces in case of some issues e.g. water, oil, gas and electricity.

²⁵⁴ Ibid., session 13th, vol. III, no. 8, June 20, 1998, 1060.

²⁵⁵ Ibid., 1081.

²⁵⁶ Ibid., 1103-1104.

In prescribed timeframe of the study financial business was not carried out in proper time e.g. delay in establishment of NFC within six months even proper attention was not paid to establish the NFC on regular intervals. NFC was responsible for providing the recommendations to settle the distribution of revenue and removing the disputes between Centre and provinces. This delay led to the issue of recommendations which was resented by the provinces. This deferral heightened the predated conflicts over finance distribution and natural resources between Centre and provinces. CCI was not operated properly since its inception and also failed to meet properly in this period. The main area of tension was detected as distribution of revenue and resources. Distribution of central collected revenue and its proper disbursement remained complicated issues. The discontentment was also obvious in issues related with natural or regional resources, e.g. control over natural resources, royalty on oil and gas, net profit on electricity, supply of natural resources in resource generating provinces etc. Like Centre, provinces also did not give the prestige to the constitution as smaller provinces rejected the population base formula even constitution compensated their deficiencies through grants in aids and development funds. Demographic, geographic and economic asymmetries were the other hurdle which inflamed by provincial elites. Punjab's domination in population and in other fields was the root cause of concern for other provinces like Balochistan and KP.

However, the said dissensions between Centre and provinces remained as it is even after the 18th Amendment. Respect of the constitution is vital. There is a need of consensus otherwise constitutional amendments would be worthless and each policy would prove unable to settle matters.

CHAPTER-5

POLITICAL RELATIONS BETWEEN CENTRE AND PROVINCES, 1988-1999

Introduction

Since, it has been mentioned in the previous chapters that the major objective of the study is to find out the factors that were most decisive in creating conflict either political or constitutional. The legislative, administrative and financial relations have been studied in the previous chapters. The conclusive point of these chapters marked that the political factors are more decisive in creating conflicts. Since, the political factor has been conceived as the key reason of conflict in Centre-Province relations during the period undertaken in current study; therefore, there is a need to authenticate this point.

This Chapter discusses the matters between Centre and provinces relating to political relations. Harihar Bhattacharyyah has identified as, "The Centre-Province relation in Pakistan remained deeply conflictual."¹ He further stated that, "Politically Speaking, Centre-Province relations in Pakistan had been very troubled."² Centre-Province political conflicts greatly created the malaise and discontentment which undermined the process of democracy. The political relations in the period 1988-1999 revealed rivalry between Benazir Bhutto and Nawaz Sharif. Both leaders were determined to reduce the authority of each other. For the smooth working of Centre-Province political relations the attitude of tolerance and consensus was essential which was not seen in the attitude of the leadership during this period. It was hard for

¹ Bhattacharyya, *Federalism in Asia*, 116.

² Ibid.

the Centre to accept the government of opponents in the provinces and rival provincial governments were committed to create problems for the Centre. Power struggle set the stage for conflicts between Centre and provinces which led to the removal of the central and provincial governments, consequently, disabling the democracy.

This chapter has been divided into two major sections. The first is; "Situation of Centre-Province Political Relations in Actual Process" and second is; "Negligence of Political Obligations and Constitutional Responsibilities." The first section has observed the situation of Centre-Province political relations in the first period of Benazir Bhutto and also took into consideration the first period of Nawaz Sharif. The same section has explored the second period of Benazir Bhutto and the second period of Nawaz Sharif. The second major section of this chapter is focused on the negligence of political and constitutional obligations. This section has analyzed the role of different rivalries in creating political conflicts which are result from not giving respect to constitutional responsibilities and neglect of political obligations. In this context, this section will see that: how President-Prime minister's rivalries, Benazir Bhutto-Nawaz Sharif rivalries, election mandate, the rite of horse trading and the role of independent candidates had created the conflicts between Centre and provinces.

5.1 Centre-Province Political Relation in Actual Process

This section observed the Centre-Province relations from 1988 to 1999. But before organizing the study of Centre-Province political relations during 1988-1999, an overview of historical background is crucial.

5.1.1 Historical Overview

The issue of Centre-Province political relations is not new and not the production of the third democratic period. It began from the very first day of the establishment of Pakistan. Firstly, it came on the surface with the conflicts of leadership in the first democratic period of Pakistan. The results of these conflicts came into light in the emergence of regional political parties which set the stage to create conflicts in political relations between Centre and provinces. As mentioned above political relations between Centre and provinces remained dormant since the inception of Pakistan.

The first clash occurred between Centre and KP after a few days of the establishment of Pakistan. This clash was the result of leadership and party's tussle. The leaders from KP who belonged to the Congress party were against Muslim League and its leadership. They did not want the establishment of Pakistan. They did not only oppose the establishment of Pakistan but also tried to destabilize it.³ This led to a serious political clash between Centre and KP. Harihar Bhattacharyya depicted wrongly and declared that historical factor created Centre-Province clashes. According to him, historical factor was "that the state was created, which also entailed

³ The Provincial Ministry of Khyber Pakhtunkhwa was the first which dismissed by the Centre in 1947. Though, the ministry had the majority of thirty three members in the House of fifty. But the leader of the house Dr. Khan Sahib was the staunch follower of the Congress who did not accept the Pakistan and want to promote the antagonistic sentiments against the new born country. Quaid-i-Azam wanted the faithful collaboration of all provinces and elimination of previous political differences, for undertaking to construct and to build up the Pakistan. Quaid-i-Azam was also wanted the cooperation of those persons who opposed the establishment of Pakistan. In staying with this policy, Dr. Khan Sahib and his cabinet would have been permitted to continue in office, but they denied to salute the flag of Pakistan and to take the oath of loyalty to Pakistan and revealed no change in their previous feelings of antagonism to Pakistan. Consequently, on August 22, 1947, the governor general ordered to dismiss the Dr. Khan Sahib's ministry. See for detail: Mohammad Saleem, "Quaid-e-Azam as First Governor General of Pakistan: Some Interesting and Important Events," *The Nation*, September 11, 2015. See also, Ali and Rehman, *Indigenous Peoples and Ethnic Minorities of Pakistan*), 83.

forcible annexation of some provinces which were unwilling to join Pakistan.”⁴ This was the result of biased feelings. Actually, peoples of those provinces were willing to join Pakistan but the political leaders of those provinces were unwilling such as Bacha Khan. He was from the Congress and he did not support the cause of Pakistan. He had political clashes with Jinnah and both leaders had different views. Later he created the problems for Centre as he did not take new oath and his ministers refused to respect the Pakistani flag by not attending its hoisting ceremony.⁵ After that a conflict appeared between Sindh and Centre on the separation of Karachi. The decision of the Centre to take Karachi under the control of central government annoyed Sindh.⁶ The provincial government of Sindh opposed the decision of the central government and also moved a resolution in Sindh Provincial Assembly against the decision of the central government.⁷ Besides, the rehabilitation of refugees in Sindh created dissensions between Centre and Sindh.⁸ The controversy among the leaders like Mian Iftikharuddin, Shaukat Hayat, Mamdot, Daultana, Mian Abdul Bari, and Feroz Khan Noon not only affected the provincial politics but also set the stage for Centre-Punjab conflicts. The movement against Mudie⁹ and Tehrik-e-Khatm-e-

⁴ Bhattacharyya, *Federalism in Asia*, 116.

⁵ Aziz, *Party Politics in Pakistan*, 1. Lord Birdwood, *India and Pakistan: A Continent Decides* (New York: Fredrik A. Preager, 1954), 35.

⁶ Sara Ansari, “Identity Politics and Nation-Building,” in *Pakistan: A Case of Sindhi Nationalism*, 101-117, in *State and Nation-Building in Pakistan: Beyond Islam and Security*, eds. Roger D. Long et al., (London: Routledge, 2016), 108.

⁷ Muhammad Mushtaq, “Managing Ethnic Diversity, 99.

⁸ Talbot, *Modern History*, 108. Ilyas Chattha, “The Impact of Redistribution of Partition’s Evacuee Property on the Patterns of Land Ownership and Powers in Pakistani Punjab in 1950’s,” in *State and Nation-Building in Pakistan: Beyond Islam and Security*, eds. Roger D. Long et al., (New York: Routledge, 2016), 24. See also, Sara Ansari, “Identity Politics,” 101-117, in *Ibid.*, 108.

⁹ After removing the provincial government of Muslim league by the Centre due to leadership conflicts Sir Francis Mudie was appointed as the governor of Punjab. The leadership of Punjab i.e., Mamdot and Daultana set aside their dissensions and joined against the British governor and started a movement for his removal which renowned as anti Mudie Movement.

Nabuwat in Punjab revealed the Centre-Punjab clash in the first democratic period.¹⁰ The lure for power increased the tussle between leaders eastern and western regions of Pakistan resulted in political disorder which culminated in the separation of the east part of the country. After a short period, resuming the office of the Prime Minister, Zulfikar Ali Bhutto faced the tension in Balochistan and KP. He dismissed the Balochistan ministry in February 1973. The ministry of Khyber Pakhtunkhwa resigned from the office for protesting to oppose the action of central government against the Balochistan Ministry.¹¹ Moreover, political relations between Centre and in the provinces of Sindh and Punjab were not satisfactory despite Centre had an overwhelming majority in these provinces. Personal clashes of leadership remained a cause of conflict in Sindh.¹² Chief Ministers and Governors of Punjab were replaced more than one time during this period.¹³ This turmoil was not caused by constitutional defect; it was cultivated on political grounds. Mushtaq Ahmed has stated, "The Provinces had, therefore, no ground for complaints on constitutional score. It is in the realm of politics that the cause for resentment arose."¹⁴ Afterward, Centre gave the primary importance to the religion in the arena of Centre-province relations by

¹⁰ Aziz, *Party Politics*, 5, 8. Particularly Mamdot-Daultana Controversy created the trouble in Centre-Punjab relations which led the enforcement of governor rule in Punjab in 1949. Centre also faced problem in the form of Anti-Mudie Movement on the appointment of British Governor in Punjab. However, the replacement of governor could not remove the controversies' as lust for power was the sole reason of these controversies. In later years, Anti Ahmaddiyya Movement was instigated by Daultan in Punjab against the Centre as Khwaja Nazimuddin was not a cup of tea for him.

¹¹M. K. Akbar, *Pakistan: Jinnah to Sharif* (New Delhi: Mittal Publications, 1997), 61. Khan, *Constitutional and Political History*, 259-261. Talbot, *Modern History*, 216.

¹² Talbot, *Modern History*, 219. Jam Sadiq Ali's cold relation with Rasul Bakhsh Talpur was created difficulties for the Centre in Sindh.

¹³ Surendra Nath Kaushik, *Pakistan under Bhutto's Leadership* (New Delhi: Uppal Publishing House, 1985), 143-151. Personal rivalries of Ghulam Mustafa Khar and Hanif Ramay posed a serious threat to Centre-Punjab relations. Both were dispelled from the offices of Chief Minister and the Governor respectively as they were not ready to accept each other. But after the dispel both together in a party Pagaro Muslim League and started a move, the name of which was 'Save Punjab Movement' against the Centre. The conflicts were the result of leadership differences and clashes. The Centre also faced rivalry of the political leaders and MNA's who belonged from Punjab.

¹⁴Mushtaq Ahmad, *Pakistan at the Crossroads* (Karachi: Royal Book Company, 1985), 43.

pushing the regional identities into second grade. Centre faced the political unrest in Sindh in 1983 and in case of Movement of Rehabilitation of Democracy (MRD) in other provinces.¹⁵ The situation of political relations during third democratic period is observed below.

5.1.2 Centre-Province Political Relations, 1988-99

The period from 1988-1999 was the period of restoration of democracy in Pakistan after long military period consisting of eleven years. This period is very different from other military and civilian periods in the history of Pakistan. It was third democratic period and witnessed four elected governments and their abolishment one after the other. Two young leaders came to rule in the country one after another. Both leaders enjoyed power twice during this period. As Stephen P. Cohen stated, “from 1988-1999, Benazir and Nawaz Sharif alternated in office during a decade of imperfect democracy.”¹⁶

Benazir Bhutto the leader of Pakistan Peoples Party succeeded to establish her governments in 1988-1990 and 1993-1996. Nawaz Sharif the leader of Islami Jamhoori Ittehad (IJI)¹⁷ remained in power during 1990-1993 and 1997-1999. Hence, it is evident that by the installment of four elected governments in eleven years and their abolishment one after the other, democracy could not hold good repute in this period. With the emergence of two young leaders Benazir Bhutto and Nawaz Sharif, it

¹⁵ C. G. P. Rakisits, “Centre-Province Relations in Pakistan under President Zia: The Government's and the Opposition's Approaches,” *Pacific Affairs* 61, no. 1 (spring, 1988): 80.

¹⁶ Stephen P. Cohen, “Pakistan Arrival and Departure,” in *The Future of Pakistan*, ed. Stephen P. Cohen (Washington: Brooking Institution Press, 2011), 2.

¹⁷ Islami Jamhuri Ittehad or Islamic Democratic Alliance was forged against the PPP by the collaboration of many political parties. In this alliance, the Nawaz Sharif Muslim League and Junejo Muslim League as well as eleven other parties joined their hands to keep out the PPP from the rule. The other eleven parties were; the National Peoples Party, the JI, the JUI (Darkhasti Group), Nizam-e-Mustafa, Hizb-e-Jihad, Jamiat Ahl-e-Hadith, Jamiat-e-Mashaikh and independent group led by the farmer speaker of the National Assembly, Fakhar Imam.

was expected that the era of confrontation would be eliminated and replaced with the spirit of genuine democracy but it could not prove true due to the role of politicians. Mir Bizan Bizenjo, a politician from Balochistan stated accurately, “Army and bureaucracy accuses for failing the democracy, I conceive that the third big character is we politicians.”¹⁸ After passing eleven years of civilian rule, the observers stated that, “the eleven years period of civilian rule was a period of great disappointment for the peoples of Pakistan.”¹⁹ The grievances in the way of political process caused much trouble for democracy in the country. The historians and political scholars describe different reasons and one of which is the Centre-Province relations. Since, Talbot has pointed out two dominant features of Pakistan’s politics in Modern History, one of which is, “the uneasy relations between Centre and Provinces.”²⁰ The smooth and harmonious Centre-Province political relations are vital for the stable democracy and working of political process. The history of Centre-Province relations in the context of political relations stayed conflictual in this period. Talbot further stated that “the failure to consolidate the democracy in Pakistan during 1988-99 was the result of zero-sum game approach to the politics of the two leading parties.”²¹ Thus the Centre-Province political conflicts were the outcome of the tussle of the two leading parties and their leaders. Besides, the results of elections also set the stage for conflicts.

The hypothetical statement of the present study of Centre-Province political relations also submitted that the situation of political relations between Centre and

¹⁸ *National Assembly Debates*, session 11th, vol. I, no. 15, February 26, 1992, 1373.

¹⁹ Khawar Mumtaz, Yameema Mitha, and Bilquis Tahira, *Pakistan: Tradition and Change* (UK and Ireland: Oxfam, 2003), 60.

²⁰ Talbot, *Modern History*, 298.

²¹ Roger D. Long et al., *State and Nation-Building in Pakistan: Beyond Islam and Security* (New York: Routledge, 2016), 8.

provinces stayed conflictual. To prove the hypothesis and find out the true answer of the question, the current study has been conducted. It will be difficult to reach out concrete results regarding Centre-Province political relations during 1988-99, if we do not examine separately the said relations in different governments operating during this period.

5.1.2.1 First Benazir Period (1988-1990)

It has been mentioned repetitively that the Centre-Province political relations set a stage for grievances during this period. The crucial point which gave great set back to the political relations in this period was the results of elections. The eighth general elections were held in Pakistan on 16 November 1988.²² In the elections November 1988 no single party had a sole majority to establish the government in the Centre and all the provinces. However, PPP was the major party in the National Assembly with 94 seats and succeeded to form government in the Centre with the coalition of MQM.²³ Though, PPP was the only party to have a noteworthy success in all four provinces but it had insufficient majority to establish its sole rule in all provinces. The PPP had a sole majority in Sindh²⁴ but MQM was the coalition partner there and in KP, PPP established a coalition government with the support of ANP.²⁵ IJI succeeded to form the government in Punjab. In Balochistan, a weak coalition government was formed and it survived only just 12 days. Since, it was installed on 3rd December

²² National Assembly of Pakistan, "Parliamentary History of Pakistan," accessed 18 January 2018, <http://www.na.gov.pk/en/content.php?id=75>

²³ *Dawn* (Karachi), December 3, 1988.

²⁴ The PPP was the majority Party which was in the position to form government in Sindh alone as it had 67 seats in the house of 100.

²⁵ *Dawn* (Karachi), December 3, 1988.

1988²⁶ and was removed on 15th December 1988.²⁷ This situation paved the way for conflicts concerning the Centre-Province political relations particularly with the provinces where the governments of opponent parties were working. Province wise detail is illustrated below.

Punjab: Throughout the first government of Benazir Bhutto, Centre's relations with Punjab took a serious turn. The Centre-Punjab political conflicts and clashes not only damaged the relations between Centre and provinces but also injured the structure of democracy. IJI succeeded to form the government in Punjab under the leadership of Nawaz Sharif.²⁸ The PPP was the second major party in the house of Punjab. The party position in the Punjab Provincial Assembly is shown in the table 5.1.

Table 5.1. Elections 1988 and party position in Punjab

Total	Contested	IJI	PPP	PDM	PAI	NPP-K	JUI-F	INDP.
240	240	108	93	2	2	1	1	33

Source: The statistic collected by; Report of the General Election of Pakistan 1988, Vol. I, Islamabad: Election Commission of Pakistan, n.d., 200.

Benazir Bhutto was in Centre and her opponent in the Punjab which rooted political rivalry between Centre and Punjab. Regrettably, both leaders turned to personal attacks, politics of accusation took place. Consequently, the central government and the Punjab Provincial government indulged in bitter political conflicts during 1988-1990 which adversely affected the Centre-Punjab political relations. Ziring states, "Benazir had made a personal, not a wise choice and by her

²⁶ *Dawn* (Karachi), December 4, 1988.

²⁷ *National Assembly Debates*, session 2nd, vol. II, no. 8, December 15, 1988, 330-331.

²⁸ *Dawn* (Karachi), December 2, 1988.

actions she unnecessarily placed herself on a collision course with her principal rival in the country's pivotal province."²⁹ She accused rigging in the election of Punjab³⁰ and branded Nawaz Sharif as G.M. Syed of Punjab in her first formal press conference.³¹ These remarks set the stage for acrimonious relations with Punjab. Moreover, the PPP was the second major party in Punjab Provincial Assembly. The PPP members in the Provincial Assembly of Punjab had staged a walkout against the election of Nawaz Sharif as Chief Minister of Punjab on 30th January 1989 and vacated the house. The political tussle also came into scene when the leaders of opposition in the National Assembly blamed the Prime Minister Benazir Bhutto for restricting the process of oath taking of Nawaz Sharif as a Chief Minister of Punjab.³² The movement of no-confidence against Chief Minister and Speaker of Punjab³³ Assembly and transfer of federal official without consulting the Chief Minister added fuel on fire.³⁴

On the other side, Punjab did not positively contribute to the Centre that was pertinent to establish harmonious relations between the Centre and provinces for the

²⁹ Ziring, *Twentieth Century*, 512. According to Gohar Ayub, "Benazir did everything to damage Nawaz Sharif's family business: filing tax cases, investigating possible electricity theft in their industries, ordering state own banks to withdraw their loans to the Sharif's family, stopping the provisions of railway bogies, to block the transport of scrape and iron bars to their steel industries." Gohar Ayub Khan, *Glimpses into the Corridors of Power* (New York: Oxford University Press, 2007), 207. This personal tussle resulted Centre-Punjab relations got great concern.

³⁰Privileged motion was moved in the session of National Assembly by the IJI members from Punjab against the statement of the Prime Minister. National Assembly Debates, session 2nd, vol. V, no. 4, December 7, 1989, 50. Askari, "The Year 1989 in Retrospect."

³¹Inayatullah, *Pakistan's Politics: A Personal View* (Lahore: Ferozsonz, 1993), 2; Ziring, *Twentieth Century*, 511; Anas Malik, *Political Survival in Pakistan: Beyond Ideology* (New York: Routledge, 2011), 158; M. H. Askari, "The Issues of Centre-Unit Ties," *Dawn*(Karachi), December 23, 1988. Askari, "The Year 1989 in Retrospect."

³²*National Assembly Debates*, session 7th, vol. V, no. 4, December 7, 1989, 49.

³³*Dawn* (Karachi), March 13, 1989. *Dawn* (Karachi), March 14, 1989. Ghulam Haider Wayn stated that, the Central Government of PPP has the hands in the movement of no-confidence to unseat the Nawaz Sharif. *Dawn* (Karachi), March 11, 1989.

³⁴ Shaikh, *Benazir Bhutto*, 133. *Dawn* (Karachi), April 13, 1989.

stability and strength of the federation. Unfortunately, during 1988-1990, the Centre-Punjab conflicts decreased the authentic spirit of Centre-Province relations necessary for the stability and strength of democracy. The Chief Minister of Punjab was not ready to admit the authority of the Centre. Benazir visited Lahore soon after taking the charge as a Prime Minister in late December 1988, but the Chief Minister of Punjab showed reluctance to give her protocol as the Prime Minister.³⁵ Revenge politics came into forefront rather than the politics of reconciliation. The Centre got bitter criticism on its policies from the Punjab for instance; on the release of prisoners, the nuclear programme and the policy on Afghan Mujahidin as the Centre did not recognize the Mujahid in government earlier.³⁶ The Punjab Chief Minister also raised the issue of price hike in essential commodities and held the Centre responsible for this.³⁷ There was also dispute on the scarcity in the fertilizer quota allocated for Punjab.³⁸ The Pakistan T.V. was not projecting the Punjab's point of view in various issues on the instruction of central government.³⁹ They denounced the People's Works Programme as an effort of the central government to undermine the provincial autonomy. They voiced the slogan of, "Jag Punjabi Jag Teri Pugri pe lag gia Dagh (Awaken O Punjabi your honour is at stake)."⁴⁰ Besides, the policies of the Centre regarding relations with India, Wuller Barrage, transfer of officials were also criticized by the Punjab province intensively which deteriorated Centre-Punjab

³⁵ Shaikh, *Benazir Bhutto*. 134. *Dawn* (Karachi), December 29 1988. Kimie Sekine, "Benazir Bhutto: Her Political Struggle in Pakistan." (Masters Thesis, University of Massachusetts Amherst, 1992), 38, accessed May 5, 2018, <https://scholarworks.umass.edu/theses>.

³⁶ *Dawn* (Karachi), April 25, 1989.

³⁷ *Dawn* (Karachi), April 21, 1989.

³⁸ *National Assembly Debates*, session 7th, vol. V, no. 2, December 5, 1989, 283.

³⁹ Talbot, *Modern History*; 302. See also Malik, *Political Survival in Pakistan*, 158.

⁴⁰ *National Assembly Debates*, session 10th, vol. X, no. 1, December 29, 1997, 13.

relations.⁴¹ This had been done to mount pressure on the Centre instead of constitutional deliberations. Nawaz Sharif also geared up the Sirayki Qaumi Movement and revived the Sirayki Suba Movement to undermine the stability of the Centre in May 1989. The movement called for the establishment of new province which would consist of Bahawalpur, Multan, Dera Ghazi Khan, Dera Ismail Khan and Jhang.⁴² In historical preview, this movement was not new and 'Sirayki Suba Mahaz' had been formed after the dissolution of One Unit in 1970. It revived to give a serious threat to the Centre in the previous government of PPP⁴³ and the purpose in both periods was to de stabilize the Centre.

Moreover, the Punjab government of IJI targeted the Centre for neglecting the law and order situation in Sindh. Another issue also arose when the Punjab government opposed the People's Works Programme and in response the central government restricted the supply of railway wagons. The railway did not provide wagons to the Ittefaq group of industry owned by Nawaz Sharif, a political opponent of the central government. The issue turned into a political conflict between Punjab and Centre. The issue was brought for discussion in the National Assembly, by the opposition members from Punjab; a privileges motion was moved in the National Assembly's session held on 21st September 1989. The case was related to the Ittefaq foundry got heated debates and the central government was accused of attempting to financially destroy Nawaz Sharif. The words of motion were;

M.V. Joredan carrying scrap for Ittefaq Foundries reached Karachi Port on 14th June, 1989 and the Railways refused to provide rolling staff. The decision

⁴¹Iqbal Haidari, "Political out Look 1990," *Economic Review*, January 1, 1990, n. p., accessed July 26, 2018, <https://www.thefreelibrary.com/Political+outlook+1990.-a08833787>.

⁴²Talbot, *Modern History*, 302. See also Lawrence Ziring, "Pakistan in 1989: The Politics of Stalemate," *Asian Survey* 30, no. 2 (February, 1990): 130.

⁴³ Kaushik, *Bhutto's Leadership*, 150.

was ordered by the Federal Government with malafide intention to harm financially the Ittefaq Group of Industries owned by Mian Nawaz Sharif's family who is their main political opponent. Ship is still lying idle 'incurring a loss of billions of rupees to the state, Ittefaq and host of related industries.⁴⁴

The tussle between Centre and Punjab intensified and both governments the Centre and the Punjab were attempting to de-rule each other by a vote of no confidence but the efforts from both sides could not succeed. Earlier in 1989, the Centre moved a motion against the Chief Minister of Punjab to oust him from the rule but failed in this attempt. In response, the same attempt was made against the Centre under the leadership of Chief Minister of Punjab and met the same consequences on the 1st November 1989.⁴⁵ The main cause of political conflicts between Centre and the province of Punjab was that Benazir desired the control of Punjab and Nawaz Sharif desired to dislodge the PPP from the Centre which created unpleasant relations between them.

Thus, the issues related to political relations that enhanced the conflicts between Centre and a province was the result of personal rivalry. Both the leaders girded up against one another and were not ready to give the prestige to the electoral mandate of each other. Justice (Retd) Yaqub was of the view, "The Pakistan Muslim League which is the component party of the IJI, wanted to set up its own government in Centre, and now that it had failed to achieve its objective, it developed difference against the PPP from the very first day."⁴⁶ M. H. Askari wrote in *Dawn* on 9th December 1989 while finding the reasons behind the tensions between Centre and Punjab argued that it was "the result of the IJI's reluctance to reconcile itself to a

⁴⁴*National Assembly Debates*, session 6th, vol. IV, no. 4, September 21, 1989, 501-502.

⁴⁵*Ibid.*, session 6th, vol. IV, no. 19, November 1, 1989, 1886. *Dawn* (Karachi), December 2, 1989.

⁴⁶*Dawn* (Karachi), April 26, 1989.

secondary role in national affairs,”⁴⁷ Stemming from the scholarly opinion both leaders wanted to relegate each other from their seats which produced tensions in Centre-Province relations. Ziring stated that, these resembled the confrontations between Liaquat Ali Khan and Punjab’s Mian Mumtaz Ahmed Khan Daultana.⁴⁸ It is pertinent to mention here that it is incorrect. Since, Liaquat Ali Khan and Daultana both belonged to the same party Muslim League. Both leaders had no personal rivalry like Benazir and Nawaz Sharif. Prime Minister Liaquat Ali Khan was aggrieved due to personal fight between Mamdot and Daultana. Liaquat Ali Khan did not want to grab the rule of Punjab because there was government of his own party. The first clash that was noted between Centre and Punjab was Mian Iftikharuddin clash which resulted in his resignation from the Ministry of Refugees Rehabilitation⁴⁹ and later his expulsion from Muslim league.⁵⁰ Mamdot could not hold well with Liaquat Ali Khan due to his controversy with Daultana and he left the Muslim League.⁵¹ At that time mutual tussle of Panjabi leadership created the problems for Centre. The conflicts between Centre and Punjab leadership exhausted the dynamisms of the central and provincial governments.

Sindh: It is a general perception of the political elites and scholars that the lack of power of PPP in the Punjab caused the problems for Centre-Punjab relations. But in Sindh, PPP was the Majority party but the Centre also faced problems in Sindh. To find out the truth of political relations in Sindh, the party situation in election 1988

⁴⁷M. H. Askari, “Hurdles in Way of PPP Regime,” *Dawn* (Karachi), December 9, 1989.

⁴⁸Ziring, *Twentieth Century*, 513.

⁴⁹Talbot, *Modern History*, 122.

⁵⁰Ali Raza, “Mian Iftikhar-ud-Din and the Movement for Pakistan,” in *Muslims against the Muslim League: Critiques of the Idea of Pakistan*, ed. Ali Usman Qasim and Megan Eaton Robb (New York: Cambridge University Press, 2017), 184.

⁵¹ Aziz, *Party Politics*, 3, 95.

must be analyzed. The PPP and MQM succeeded in both National Assembly and Provincial Assembly of Sindh. The party position in Sindh Provincial Assembly has been indicated in the table 5.2.

Table 5.2. Elections 1988 and party position in Sindh

Total	Contested	PPP	IJI	PPI	INDP.
100	100	67	1	1	31

Source: The statistic collected by; Report of the General Election of Pakistan 1988, Vol.-I, Islamabad: Election Commission of Pakistan, n.d.p.201. It's necessary to mention here that the MQM candidates had not contested election on party ticket while as independent. The voters had known by the MQM contesters and they cast their vote in favour of MQM.

Though, PPP got majority in the election of National Assembly and in Sindh but it needed the support from other parties to form the government in Centre and in the other provincial assemblies. PPP succeeded in making a conditional alliance with MQM to form the Government in Centre and Sindh. The main conditions were to accept the Pakistanis stranded in Bangladesh and repatriate them as Pakistanis; to fix the Sindhi and Muhajirs quota in civil services. Later, this conditional support proved fateful in creating political trouble for the Centre in Sindh. The Centre got sour in Sindh Provincial Assembly when Centre could not encounter the demands of MQM which had been settled between PPP and MQM for gaining MQM support in National Assembly.⁵² The MQM members joined the IJI speakers when a motion was moved in the National Assembly by the IJI for the law and order situation in Sindh.⁵³ The coalition with the MQM in Sindh Provincial Assembly set the grounds for difficulties for the Centre although there was the government of the PPP. In August 1989 MQM

⁵²Brown and Ganguly, *Asia and the Pacific*, 112. See for detail also; Talbot, *Modern History*, 304.

⁵³Maya Chadda, *Building Democracy in South Asia: India, Nepal, Pakistan* (London: Lynne Rienner Publishers, 2000), 101.

had formally terminated its coalition with the PPP, charging that the Centre had been unsuccessful in keeping its promises. The separation of 14 central members and three provincial cabinet ministers of MQM from PPP set trouble for Centre in the Provincial Assembly of Sindh. The breaking of alliance further shattered the situation of law and order due to ethnic conflicts in Sindh. It created problems for central government of Benazir Bhutto during this period. This turmoil was geared by Nawaz Sharif who rushed to Sindh to strengthen him and weaken his rival there. He tried to improve his position in other provinces as he reached Karachi on 31st March 1989 to lead the rally against the bloodshed, violence and for restoring the law and order in Sindh.⁵⁴ He contacted MQM and tried to forge a new alliance there.⁵⁵ Punjab stood with MQM on Bihari issue whereas nationalist Sindhi were against the repatriation of Biharies in Sindh.⁵⁶ Thus political rivalry between two leaders not only disturbed the Centre-Punjab political relations but also polluted the situation between Centre and other provinces. In February 1990, the situation of law and order in Sindh became more serious.⁵⁷ Chief Minister of Sindh, Qaim Ali Shah was replaced by the Centre with Aftab Shahban Mirani as he failed to control the situation of law and order in Sindh.⁵⁸ This decision was not protested and considered as the direction of party head instead of interference unlike the provinces where opponent parties formed the provincial governments. Hence, Centre faced problems in Sindh due to its coalition partner.

⁵⁴ *Dawn* (Karachi), April 1, 1989.

⁵⁵ *Dawn* (Karachi), November 5, 1989.

⁵⁶ The MQM demanded the repatriation from Bangladesh to Pakistan of 250,000 Biharies this demand was rejected by the PPP.

⁵⁷ *Dawn* (Karachi), February 10, 1990.

⁵⁸ *Dawn* (Karachi), February 26, 1990.

Khyber Pakhtunkhwa (KP): The situation of Centre-KP political relations was also not easy. The results of 1988 election revealed the complex situation in KP because not a single party had won majority seats in the provincial assembly which was required for forming the government in the province. Both major parties i.e. PPP and IJI were struggling to find ally for the establishment of their government. IJI remained first, PPP remained second, ANP was third, and 16 seats went to the independents. The party position is shown in the table 5.3.

Table 5.3. Elections 1988 and party position in KP

Total	Contested	PPP	IJI	ANP	JUI-F	INDP.
80	79	20	28	13	2	16

Source: The statistic collected by; Report on the General Elections 1988, Vol. I, Islamabad: Election Commission of Pakistan, n.d., 202.

This was a great loss for the Centre because the Centre wanted the rule in provinces with its own Party. On the other hand, the opponents also wanted to establish their rule. PPP succeeded to form the government in KP with the support of ANP.⁵⁹ But this coalition was short lived and soon after the formation conflicts occurred between them and coalition collapsed when Wali Khan decided to join hands with IJI. There were two main causes of disagreement between two parties. One was appointment of the governor; the ANP-PPP agreed that the Chief Minister would come from PPP and the Governor from the ANP.⁶⁰ Aftab Ahmed Khan Sherpao was elected as the Chief Minister of KP by succeeding 51 votes.⁶¹ Amir Gulistan Janjua

⁵⁹Benazir Bhutto reached an agreement with ANP chief Wali Khan according to which the provincial government would be led by PPP, while the governorship would go to the ANP. *Dawn* (Karachi), December 2 1988. But, Aftab Ahmad Sherpao was elected as NWFP Chief Minister, while Amir Gulistan Janjua was appointed as governor. Aziz, "Politics and Lies."

⁶⁰ Shah, *The Foreign Policy of Pakistan*, 174.

⁶¹ North West Frontier Province Assembly Debates, special session. December 20, 1988, 2.

was appointed as the governor of KP on 16 June 1988.⁶² But conflict occurred when ANP suggested the name of Abdul Khaliq Khan as the governor of the province. But it met serious opposition from the Centre as the President did not agree to appoint him as governor⁶³ hence parting the ways of PPP from ANP. The second was the policy regarding Afghanistan as the ANP was Pro-Soviet whereas Centre was pro-America.⁶⁴ The ANP also opposed the decision of the Centre to restrict the cultivation of poppy in KP without providing substitute source of income to the aggrieved persons.⁶⁵ However, Centre succeeded to stabilize KP government with the cooperation of members from the IJI who left their alliance from the IJI and joined their hands with PPP. On the other side, pitch was prepared for IJI-ANP alliance on the decision of Centre to crackdown against the drug trading in KP that was run by the influential people of KP.⁶⁶ The Chief Minister of Punjab already kept an eye on the situation rushed towards the KP for forging alliance there. Shaikh Aziz stated correctly, "This left the NWFP (KP) open to Sharif who was desirous of making

⁶² *Dawn* (Karachi), 17 June 1988.

⁶³ Ghulam Ishaq Khan decided to continue the tenure of Gulistan Janjua as Governor of KP and did not accept the nominee of ANP who was Abdul Khaliq due to previous repute of the ANP.

⁶⁴ Shah, *The Foreign Policy of Pakistan*, 174. Shaikh, *Benazir Bhutto*, 164.

⁶⁵ *Frontier Provincial Assembly Debates*, vol. V, no.5, January 16, 1989, 34.

⁶⁶It was the time when United States was negotiating with the government of Pakistan on three major issues. The major issues were relevant to nuclear programme of Pakistan and trade of narcotics. The United States demanded the continuing cooperation on stopping the nuclear programme, "and also claimed a crackdown on the narcotics trade which was being run from KP. It was also demanded that drugs smugglers be handed over to the US or be tried in Pakistan. Benazir Bhutto's forthcoming scheduled visit to the US was only weeks away and she wanted to complete a few tasks before her visit. She ordered Aitzaz Ahsan, the federal interior minister, to undertake an operation against drug trafficking being run by some influential people in KP. The arrest of some of these powerful people during the operation infuriated the drug barons. Despite attempts made by the ANP leadership to justify the operation, it bitterly failed. Finally, on April 27, 1989, the enraged ANP leadership withdrew its cabinet members, bringing an end to the PPP-ANP coalition." Aziz, "Politics and Lies." Shaikh, *Benazir Bhutto*, 165.

inroads there.”⁶⁷ The ANP-IJI alliance was forged that was continued in the later governments of this period for almost ten years. The ties of political parties and leaders stiffened the smooth working of Centre-KP political relations. ANP-IJI alliance made the relations between Centre and KP more troubled. Abdul Latif Afridi stated as, the only purpose of arriving into alliance was to pull apart the PPP government in KP. Nawaz Sharif girded up against Sherpao to remove him from the office of Chief Minister but did not succeed. In the prevailing situation harmonious relations were impossible because energies were being utilized for saving and dislodging the governments of and opponents rather than for reaching out a consensus.

Balochistan: The situation was more challenging in Balochistan. The main set back was the process to form the provincial government. Power struggle plagued the Centre-Province political relations in Balochistan province. Political turmoil started there that was the outcome of elections results. The election results were as; JUI-F was first, IJI succeeded was second, PPP succeeded three seats. The remaining seven seats went to the smaller parties and independents. The Party position has also been shown in the table 5.4.

Table 5.4. Elections 1988 and party position in Balochistan

Total	Contested	PMAIPK	JUI-F	BNA	IJI	PPP	WP	PNP	INDP.
40	39	1	10	6	9	3	1	2	7

Source: The statistic collected by; Report on the General Elections 1988, Vol. I, Islamabad: Election Commission of Pakistan, n.d., 202-203.

Present figures reveal a critical situation in the province of Balochistan as thirty two seats out of forty were divided among eight parties, seven seats went to independents and remaining one was uncontested. Constitutionally, JUI-F had the

⁶⁷Aziz, “Politics and Lies.”

right to form the coalition government as a majority party but a coalition government of IJI, PPP and independents was installed and Mir Zafarullah Khan Jamali was retained as Chief Minister who was belonged to IJI.⁶⁸ The selection of Chief Minister created problems between Centre and Balochistan. The appointment of Jamali was protested vastly in the Balochistan Assembly and outside.⁶⁹ The situation became more aggravated when the Provincial Assembly of Balochistan was dissolved by the Chief Minister of Balochistan on 15th December 1988 on the advice of the Chief Minister by the governor. The two leading parties i.e. PPP and IJI were opponent to each other. The central government was blamed for this unconstitutional act whereas the Centre put the blame on IJI for the reason that both the Chief Minister Jamali and governor were from IJI.⁷⁰ Nawab Akbar Khan Bugti and other members from Balochistan came into forefront against the dissolution of Balochistan Assembly.⁷¹ The agitation movements and processions were arranged in Balochistan to call for the restoration of the assembly. The case was filed in the court.⁷² The central government

⁶⁸ *Dawn* (Karachi), December 2, 1988. It is pertinent to mention that Mir Zafrullah Khan Jamali was the acting Chief Minister of Balochistan then and he was elected again as a Chief Minister of Balochistan after the election 1988.

⁶⁹ *Dawn* (Karachi), December 16, 1988. *Balochistan Assembly Debates*, session 4th, February 5, 1989, 4-5.

⁷⁰ This case discussed in detail in the chapter of administrative relations. However the dissolution of Balochistan Provincial Assembly debated in the National Assembly of Pakistan on 15th December, 1988 and Punjab Provincial Assembly on 17th December, 1988. The IJI members tried to implicate Centre in this matter while the PPP members tried to not only refute this assertion but also alleged that it was the Chief Minister and governor both of them affiliated or nominated by the IJI who were the responsible for the dissolution of the provincial assembly. See also *Shaikh, Benazir Bhutto*, 131-132.

⁷¹ See for detail, *Dawn* (Karachi), December 16, 1988. *Dawn* (Karachi), December 18, 1988.

⁷² *Balochistan Assembly Debates*, session 4th, February 5, 1989, 4-5. Nawab Akbar Bugti stated in the session of Balochistan assembly, the election of the Chief Minister Balochistan was unconstitutional. We protested against this in this house but this house did not pay heed to our voice. Afterward people were on the roads to protest against this discrimination. In the meanwhile Balochistan Assembly was dissolved by the Chief Minister and we filed the case in High Court. The High court gave historical verdict according to constitution and assembly was restored. We are happy and we have not any dissention with the Centre now. But later he could not keep up his words and he was joined hands.

did its best to resolve the problem through discussion and meetings with Balochistan elite held in Islamabad but in vain until the decision of the court. After deep study of the literature and documents, binary opinion was detected regarding the dissolution of Balochistan assembly. One of them was that the central government was involved in the dissolution of Balochistan assembly because it wanted to install its own party men in Balochistan Provincial Assembly by holding the by-election. Christina Lamb believed that General Mohammed Musa Governor of Balochistan was an old man and he had no courage to remove Balochistan assembly without the order of Benazir Bhutto. She also pointed out the dinner of Governor Musa with Benazir Bhutto in previous night of dissolution. Lamb stated, "Bhutto pleaded innocence, but Musa,⁷³ it was pointed out, was an extremely old man, who had even as young general never dared moved a tank without orders and now would not so much as blow his nose without her say-so. Moreover, the previous night she had had dinner with him-surely he would have mentioned such an immense decision"⁷⁴ The second was that Nawaz Sharif had ordered the governor for dissolving the Provincial Assembly of Balochistan as he did not want the formation of the PPP government in the Centre and therefore eager to defame the Centre and he was behind the dissolution of Balochistan assembly.⁷⁵ The question, who ordered Musa, remained unanswered. However, after the dissolution of Baluchistan Provincial Assembly an acting government was set up on 22nd December, 1988. The acting government remained in work until the High Court's decision in which the action of the Chief Minister was declared

⁷³General (Retired) Mohammed Musa was the governor of Balochistan at that time.

⁷⁴ Lamb, *Waiting for Allah*, 115. See also, *National Assembly Debates*, session 2nd, vol. II, no. 8, December 15, 1988, 338.

⁷⁵ Aitzaz Ahsan was of the view, Governor and the Chief Minister of Balochistan both from the IJI and not was from the central government of the PPP that's why it was not done by the Centre. *National Assembly Debates*, session 2nd, vol. II, no. 8, December 15, 1988. 355.

unconstitutional. Nawab Akbar Khan Bugti was appointed as the new Chief Minister of Baluchistan on 5th February 1989.⁷⁶ But the problems of relations between Centre and Balochistan became more turbulent instead of repairing with the replacement of the Chief Minister. Lamb stated that, “the new Chief Minister, Nawab Bugti, was angered that he had not been given the job initially, and by what he called ‘that woman’s attitude.’”⁷⁷ Since, the Chief Minister Nawab Akbar Khan Bugti had personal clashes with the PPP. Bugti impeded with the Centre on the appointment of governor of Balochistan. He did not approve three names suggested by the Centre which also caused conflict.⁷⁸ M. B. Naqvi stated as, “Instead of shrill declamation, the CM, without dramatising simply asks what is wrong with octogenarian Mohammad Musa.”⁷⁹ He also restricted to carry on the central government’s People’s Works Programme in the province and announced an “accelerated socio-economic development programme, involving an expenditure of 225 million for Balochistan.”⁸⁰ Thus under his rule Balochistan could not hold well with the Centre. He tried to destabilize the rule in the Centre by joining hands with other opponents i.e., Punjab government. To sum up, conflicts were resulted from the political rivalry and not giving the respect to the constitution.

The overall view reveals that the political relations between the Centre and the provinces remained conflictual throughout the whole period of Benazir Bhutto 1988-1990. Particularly relations between the Centre and the provincial governments of

⁷⁶*Balochistan Assembly Debates*, session 4th, February 5, 1989, 4.

⁷⁷ Lamb, *Waiting for Allah*, 116. The sentence ‘Woman’s attitude’ used by Akbar Bugti and in the views of Akbar Bugti was the attitude of Benazir Bhutto.

⁷⁸ *Dawn* (Karachi), Editorial, April 19, 1989.

⁷⁹ M. B. Naqvi, “Quetta Dimensions of the Row,” *Dawn* (Karachi), April 19, 1989.

⁸⁰ *Dawn* (Karachi), April 24, 1989.

Punjab and Balochistan got serious setback in this period. Nawaz-Benazir rivalry caused conflicts in the political relations between the Centre and the Punjab. The situation was not hopeful in KP, caused by fragile coalitions. The home province of Benazir Bhutto Sindh experienced violence which was increased after the breakup with MQM. Thus the conflicts were the result of political factors rather than constitutional.

5.1.2.2 First Tenure of Nawaz Government 1990-1993

After the removal of Benazir government elections were held again in October 1990. The PPP made an election alliance known as Pakistan Democratic Alliance (PDA). IJI and PDA were in front in the election 1990 under the leaderships of Nawaz Sharif and Benazir. IJI succeeded to gain 105 seats. The PPP succeeded to get 46 seats in the National Assembly. Nawaz Sharif was elected as a Prime Minister on November 6, 1990 by securing 153 votes in the house of National Assembly.⁸¹ Benazir stayed as the leader of the opposition in the National Assembly. In the provinces, the IJI was successful in establishing government in Punjab and the other three provinces. Namely, the IJI under the leadership of Nawaz Sharif succeeded to establish the government in Centre and all the four provinces of Pakistan.⁸² Samina Ahmed stated as, "IJI won the rigged election, forming not just the central government but also all provincial governments."⁸³ Syed Pervaiz Ali Shah, member of National Assembly also stated, now not only in the Centre but also in the provinces is a government of IJI or their allies.⁸⁴ The Centre succeeded to establish its own rule in the provinces. The

⁸¹*National Assembly Debates*, session 6th, vol. II. no. I, November 6, 1990, 21.

⁸²Ziring, *Twentieth Century*, 539-530. Hasan Askri Rizvi, "A Narrative of Pakistan's Nine Elections: 1970-2008," in *The First 10 General Elections of Pakistan* (Islamabad: PILDAT, 2013), 22.

⁸³ Ahmed, "Centralization, Authoritarianism, and the Mismanagement," 113.

⁸⁴*National Assembly Debates*, session 4th, vol. IV, no. 7, December 26, 1990, 870.

situation of Centre-Province political relations improved as compared to the previous period. Since, Stanley J. Tambiah stated as, “The ever present tension between the federal and provincial administrations, which was a constant feature of Bhutto regime, was not so apparent during the Sharif era, despite differences on various issues.”⁸⁵ The following pages present the province-wise detail of the era of Nawaz Sharif 1990-1993.

Punjab: The position of IJI was dominant in the house, with the success of 214 seats out of 240 in the Punjab provincial elections 1990. While the PDA was badly defeated as it could get only 10 seats. The party position in the election 1990 has been shown in the table 5.5.

Table 5.5. Elections 1990 and party position in Punjab

Total	Contested	IJI	PDA	PDP	INDP.
240	240	214	10	2	14

Source: The statistic collected from; Report on the General Elections 1990, Vol. II, Islamabad: Election commission of Pakistan, 1991, 269-285.

The central government of IJI succeeded in establishing its government with irresistible majority in the Punjab. Ghulam Haider Wayn was appointed as the Chief Minister of Punjab.⁸⁶ He was a staunch supporter of Nawaz Sharif and therefore there were high expectations of smooth relations between Centre and Punjab. These expectations were demolished by mutual dissensions of Muslim League. Though Nawaz Sharif succeeded to gain power in Punjab but Punjab stood against him when the clashes occurred in the inner core of his party on the issue of second tenure of

⁸⁵Stanley J. Tambiah, *Leveling Crowds: Ethnonationalist Conflicts and Collective Violence in South Asia* (London: University of California Press, 1996), 206.

⁸⁶ *Dawn* (Karachi), November 9, 1990.

Ghulam Ishaq Khan.⁸⁷ During this period, he faced the dismissal of his government on 18th April 1993.⁸⁸ Immediately after the dissolution of the central government, two important events took place. One was the formation of PML-N and PML-J under the leadership of Nawaz Sharif and Hamid Nasir Chatha respectively. The second was the removal of Ghulam Haider Wayne from the office of the Chief Minister by the no confidence movement.⁸⁹ He was succeeded by Mian Manzoor Ahmed Wattoo and he belonged to the Junejo group. In the Meanwhile, on 26th May 1993, Nawaz Sharif government was restored.⁹⁰ After the restoration, a serious clash occurred between the Centre and the Punjab when Centre decided to oust the Manzoor Wattoo.⁹¹ On 29th June 1993, in the joint sitting, Nawaz Sharif succeeded in getting the consent of National Assembly for taking the Punjab under the control of central government.⁹² (Check in Chapter -3) The Punjab disobeyed the decision of the central government and declared it against the provincial autonomy. The central government arranged the rangers (federal parliamentary force) to take over the Punjab which could not be carried out due to intervention of the Army. Meanwhile, the resolution was passed

⁸⁷“Some of the key federal ministers including Elahi Bux Soomro, Ejaz-ul-Haq and Ghulam Dastagir Khan are strongly advocating for giving second term to President Ghulam Ishaq Khan. Three Chief Ministers belonging to small provinces of NWFP, Sindh and Balochistan have come out in strong and open support for Ghulam Ishaq Khan causing ripples within IJI inner core.” Iqbal Haidari, “A New Controversy,” *Economic Review*, February 1, 1993, n. p., accessed July 26, 2018, <https://www.thefreelibrary.com/A+new+controversy.-a013886582>.

⁸⁸ *Dawn* (Karachi), April 19, 1993.

⁸⁹ *Dawn* (Karachi), April 26, 1993.

⁹⁰ *Dawn* (Karachi), May 27, 1993.

⁹¹ Rizvi, *Military, State and Society*, 215-216.

⁹² *National Assembly Debates*, session 18th, vol. III, no. 11, June 27, 1993, 1186-1193. The discussion in the pages from 1186 to 1196 in the said session of the national assembly revealed that the Centre purchased the loyalties of MPA's from Punjab to move the motion of no-confidence against the Punjab's Chief Minister. *Ibid.*, session 18th, vol. III, no. 12, June 28, 1993, 1291-1295. The said Debates revealed the dissolution of Punjab Provincial Assembly by the governor on the advice of Chief Minister but it was restored by Lahore high court. see also; Hamid Khan, *Constitutional and Political History*, 421-422, Rafi Raza, *Pakistan in Perspective 1947-1997* (Karachi: Oxford University Press, 1997), 48. However a long duel over the rule of Punjab came into scene which gave great set back to the Centre-Punjab relations the purpose just power gaining or saving rule. See for detail chapter-3.

against the Centre in All Parties Conference by the provinces of Punjab and KP. Both the provinces demanded the dissolution of central government and also stressed on the President for announcing fresh general elections in the country.⁹³ This Centre-Punjab controversy culminated with the resignations of the Prime Minister and President.⁹⁴ Thus Centre-Province conflicts were the result of political tussle and wrong use of constitution which destabilized the political process and path of democracy.

Sindh: The situation of Sindh was different from the Punjab, as the majority party of the Centre and stalwart of the Punjab IJI succeeded to secure only 6 seats but it is revealed better than the previous elections in 1988 when it had returned empty handed from Sindh. MQM had won 28 seats and independents got 19 seats. The majority party of the Sindh was PDA with 46 seats in the house of hundred but it could not form a government there. Though IJI, the successive party in the Centre succeeded to put away the PPP from establishing the government and formed the coalition government but it had the status of junior partners in Sindh. The party position reveals in the table 5.6.

Table 5.6. Elections 1990 and party position in Sindh

Total	Contested	HPG(MQM)	IJI	PDA	SNA	IND
100	100	28	6	46	1	19

Source: The statistic collected by; Report on the General Elections 1990, Vol. II, Islamabad: Election Commission of Pakistan, 1991.361-378.

Jam Sadiq Ali formed the government in Sindh⁹⁵ with the help of MQM and independents.⁹⁶ He served as an advisor to Benazir Bhutto during her first tenure and

⁹³“History Sharif Al Mujahid (revised by Ian Talbot and John McGuirey),” in *The Far East and Australasia 2003*, edit. 34, ed. Eur (London: Europa Publications, 2002), 1169.

⁹⁴ *Dawn* (Karachi), July 19, 1993. Khan, *Constitutional and Political History*, 423. Pete Heiden, *Pakistan* (Minnesota: ABDO Publishing Company, 2012), 60.

later he resigned from PPP due to differences.⁹⁷ He was installed as an active Chief Minister of Sindh after the dissolution of Benazir government under the patronage of the President.⁹⁸ Raja Anwar stated as, “The President was more than aware of Jam’s talents and decided to teach Benazir a lesson.”⁹⁹ After the election, he was elected as the Chief Minister and the opposition conceived Jam installed as the Chief Minister to keep PPP out of power. Ghani Eirabi, wrote in *Dawn*, “the IJI wanting to keep its political rival, the PPP, out of power in Sindh.”¹⁰⁰ Unfortunately this process was the result of lure for power which contributed tensions for Sindhi majority. Mr. Aftab Shahban Mirani stated as, “the despotic ruler was sent to Sindh with only one objective and the objective was to, see that the Pakistan Peoples Party is shattered, Pakistan Peoples Party is battered, Pakistan Peoples Party is lattered [sic] and Pakistan Peoples Party is scattered.”¹⁰¹ Jam Saifullah Khan Dhareio stated as, “the situation got worst especially when Jam Sadiq Ali was imposed on Sindh against the wishes of the people.”¹⁰²

⁹⁵*Sindh Assembly Business: Tenure 1990-1993*, Summary of Proceedings, accessed December 3, 2018, http://www.pas.gov.pk/index.php/business/ssn_smry/en/22/99.

⁹⁶ Jam Sadiq had no party. He had the support only one independent candidate but he was the Chief Minister of the Sindh and was commanding over the 65 members in the house of 109. Mushtaq Ahmad, *Nawaz Sharif: Politics of Business*, (Karachi: Royal Book Company, 2001), 98.

⁹⁷Raja Anwar, *The Terrorist Prince: The Life and Death of Murtaza Bhutto* (London: Verso, 1997), 200. Ishtiaq Ahmed, *State, Nation and Ethnicity: In Contemporary South Asia* (London: Pinter, 1996), 205. *The New York Times*, March 7, 1992, accessed November 10, 2017, www.nytimes.com/1992/03/07/obituaries/jam-sadiq-ali-a-bhutto-foe-57.htm.

⁹⁸Najam Sethi, “Walking into Trap,” *Friday Times*, May 28, 1992.

⁹⁹ Anwar, *Terrorist Prince*, 200.

¹⁰⁰Ghani Eirabi, “Sindh Time-Bomb Ticks Away,” *Dawn* (Karachi), June 5, 1991.

¹⁰¹*National Assembly Debates*, session 12th, vol. II, no. 17, May 24, 1992, 2145.

¹⁰²*Ibid.*, session 12th, vol. II, no. 20, May 26, 1992, 2671.

PPP was the majority Party but deprived from its right of government in Sindh. This was the unconstitutional interference of the Centre in the political matters of Sindh Province which aggravated the Centre-Province relations. On the other hand, members of the National Assembly from Sindh opposed the policies of social development of the central government. For instance, Aftab Shahban Mirani a member of the National Assembly from Sindh, opposed the motorway project of the central government during the session of National Assembly held on 26th February, 1992. He branded the Nawaz Sharif as “Sher Shah Suri”.¹⁰³ However, Jam Sadiq Ali died on March 5, 1992 and Syed Muzaffar Hussain Shah became the Chief Minister of Sindh on 6th March, 1992.¹⁰⁴ Both the Chief Ministers Jam Sadiq Ali and Syed Muzaffar Hussain Shah were not elected as the IJI candidate. Moreover, after the death of Jam Sadiq Ali, Syed Muzaffar Hussain Shah was not elected according to the constitution by the Provincial Assembly of Sindh.¹⁰⁵ The political interference in the provincial matters by the Centre to keep out the PPP from power in Sindh was unconstitutional and continued even after the death of Jam Sadiq Ali. Not only the President was involved in controlling the provincial political matters and ruling the provincial government of Sindh but also the ministers from the Centre were interfering in the provincial matters. Jam Saifullah Khan Dharejo, a member of National Assembly from the Sindh pointed to the central interference in the political matters of the Sindh in the session of National Assembly held on 21st May, 1992. He stated as, “We deplore the act when four Ministers went there and they threatened the members of parliament that either they work for Muzaffar Ali Shah or else face the

¹⁰³Ibid., session 11th, vol.1, no. 15, February 26, 1992, 1411.

¹⁰⁴*Sindh Assembly Business: Tenure 1990-1993*, Summary of Proceedings. Ahmad, Politics of Business, 108. *Dawn* (Karachi), March 6, 1992.

¹⁰⁵ Iqbal Haidari, “Sindh under Siege,” *Economic Review*, May 1, 1992, accessed December 3, 2017, <https://www.thefreelibrary.com/Sindh+under+siege.-a012720203>.

consequences of dissolution of the Assembly. This is blatant intervention in the provincial matters of Sindh, this is against the Constitution.”¹⁰⁶ The Centre paid its full intention to get its own government in Sindh.

The Centre-Sindh political relations were also troubled by the situation of law and order which created anxieties for the Centre. Rizvi stated as, “The handling of the law and order situation in Sindh caused strains in their relations.”¹⁰⁷ Centre failed to cope with the situation of the law and order in Sindh. Special discussions were held in the session of the National Assembly on the situation of law and order in Sindh and to find out the solution of the problem. But during the whole National Assembly’s discussions, the political leadership did not do anything except from mudslinging. Besides, the already existing secessionist sentiments also fueled and created trouble for the Centre. The statement of G.M. Syed aggravated the situation in which Mr. G.M. Syed, the Chief of Jeay Sindh Tehrik, demanded for the independence of Sindh, Balochistan and Pakhtunistan on Friday, the 17th January, 1992 in a public meeting at Nishtar Park, Karachi. The Armed forces were called to manage the situation and an operation started on 28th May 1992 in rural Sindh. The army operation was further extended to the urban areas of Sindh which annoyed MQM and also caused problem for Centre as MQM was its coalition partner. MQM wanted the Centre to discontinue the army operation in the urban areas but the Centre could not do so.¹⁰⁸ The MQM relinquished with the Centre in June 1992, its members resigned from the National

¹⁰⁶*National Assembly Debates*, session 12th, vol. II, no. 15, May 21, 1992, 1990.

¹⁰⁷Rizvi, *Military, State and Society*, 210.

¹⁰⁸*Ibid.*, 207. Mohammad Waseem, “The MQM of Pakistan: Between Political Party and Ethnic Movement,” in *Political Parties in South Asia*, eds. Subrata Kumar Mitra, Mike Enskat, and Clemens Spiess (London: Praeger, 2004), 182. Abbas, *Pakistan Drift into Extremism*, 147.

and provincial assemblies.¹⁰⁹ Centre also could not hold well with its coalition partner MQM on the repatriation of Biharies and quota system in Sindh.¹¹⁰ In the last days of Nawaz Government, a political turmoil occurred between the President and the Prime Minister. The Chief Minister of Sindh supported the President.

Khyber Pakhtunkhwa: The IJI formed the government in KP with the support of ANP. Both parties had 33 and 23 seats respectively in the house of eighty. PDA was in very poor position as it succeeded only 6 seats and 16 seats were won by independent candidates. In the first term of the Nawaz government, the KP province was ruled by the central party with the support of ANP. The party position is shown in the table 5.7.

Table 5.7. Elections 1990 and party position in KP

Total	Contested	IJI	ANP	PDA	JUI-F	IND
80	80	33	23	6	2	16

Source: The statistic collected by; Report on the General Elections 1990, Vol. II, Islamabad: Election Commission of Pakistan, 1991, 437-453.

Mir Afzal Khan was elected as the Chief Minister of KP on 8th November 1990.¹¹¹ The Centre succeeded in forming the government in KP which reduced the chances of the Centre-Province political conflict to some extent. But the demand for replacing the name of the province soured the political situation between the Centre and the province many times during this period. Pashtun leaders claimed that the name of the province NWFP was given by the British should be replaced by the name

¹⁰⁹Moonis Ahmar, "Ethnicity and State Power in Pakistan: the Karachi Crises." in Race and Ethnicity, Solidarity and Communities, ed. Harry Goulbourne (London: Routledge, 2001), 233-234.

¹¹⁰Chadda, *Building Democracy*, 101.

¹¹¹ *Dawn* (Karachi), November 9, 1990.

of Pakhtunkhwa which would reflect their historical tradition and culture.¹¹² Occasionally, motions were moved in the Provincial Assembly of KP for this purpose by the coalition partners of the IJI and rejected by the lobby of the central government.¹¹³ This conflict was the result of two political factors rather than constitutional. First, central government hesitated to accept the demand as it was conceived that this demand may be the offshoot of Pakhtunistan stunt. The second was that the non-Pashtun community was opposed to the ethnic name of the province. The other conflict in the context of political relations between the Centre and the KP resulted from antagonism between Prime Minister and Chief Minister of KP Mir Afzal Khan. Motorway project was the reason of this rivalry. Nawaz Sharif was eager to construct Lahore-Islamabad and Islamabad-Peshawar motorway.¹¹⁴ The Chief Minister of KP, Mir Afzal Khan did not appreciate the motorway project of the Centre and he opposed Nawaz Sharif on the Peshawar motorway project which created the political discontentment between the Centre and the KP province. Since, Gohar Ayub Khan stated as, "Mir Afzal Khan did not quite see eye-to-eye with Nawaz Sharif on the project and opposed the motorway project."¹¹⁵ It was not the end this deal to antagonism further developed the conflicts between Centre and province. Both centers of power put their nose in the matters of each other. The situation was complicated further, when a motion was moved in the KP Provincial Assembly to upgrade Haripur from tehsil to district. The motion was rejected by the provincial assembly while on the other side the central government ordered the provincial government to accept the

¹¹²*National Assembly Debates*, session 11th, vol.1, No. 10, February 19, 1992, 995.

¹¹³*Dawn* (Karachi), November 26, 1990. *Dawn* (Karachi), November 30, 1990.

¹¹⁴*National Assembly Debates*, session 12th, vol. 11, no. 10, May 19, 1992, 1353.

¹¹⁵ Khan, *Corridors of Power*, 228. See also *Dawn* (Karachi), May 21, 1993. *Dawn* (Karachi), May 22, 1993.

demand and upgraded the status of Haripur from tehsil to district through a notification. The political situation worsened between the Centre and KP due to the dissents of Prime Minister and Chief Minister.

By the same token, the Centre funded the villages of KP for electrification but the Chief Minister Mir Afzal Khan restricted the use of these funds for the electrification in Haripur. On the other hand, the Centre used the funds for the electrification in Haripur without considering the Chief Minister of the province. Haripur was the native village of Gohar Ayub Khan, who was the speaker of National Assembly at that time. This was the result of differences between Gohar Ayub and Mir Afzal Khan.¹¹⁶ As already discussed, the other political conflict between Centre and KP was on the name of the province. The central government policy of privatization of WAPDA further geared the controversy that was opposed by the government benches and also by the opposition benches and a resolution was passed unanimously in the KP Provincial Assembly.¹¹⁷ The Chief Minister of KP, Mir Afzal Khan gave a letter to the President against Nawaz Sharif as Centre ignored the decisions of the CCI regarding privatization and provincial grants.¹¹⁸ This Centre-KP controversy benefited the opposition leader Benazir who was in a hurry to remove Nawaz from the Centre. She contacted Mir Afzal Khan and promised him either of the two offices, the governor of the province or the chairman of Senate if she would come to power.¹¹⁹ This attitude proved harmful and widened the existing gulf between the Centre and the KP.

¹¹⁶Khan, *Corridors of Power*, 227-228.

¹¹⁷*National Assembly Debates*, session 6th, vol. VI, no. 5, December 22, 1993. 330. See also *Dawn* (Karachi), January 2, 1993. *Dawn* (Karachi), January 4, 1993. *Dawn* (Karachi), January 9, 1993.

¹¹⁸Najam Sethi, "Nawaz Sharif's Days are numbered," *The Friday Times*, April 8, 1993.

¹¹⁹Najam Sethi, "Punjab Pot Pouri," *The Friday Times*, July 20, 1995.

Balochistan: In the first term of Nawaz Sharif, 1990-1993, primarily the Centre got into difficult situation in Baluchistan on the issue of the establishment of the government in the province. The delay convening the session of provincial assembly got serious criticism by the political groups. The problem was hereditary since no single party got the majority required to form government. The problem of the Centre was to establish the government in the province by its hand picks which delayed the process of forming the government in Balochistan. The party position in 1990 elections is shown in the table 5.8.

Table 5.8. Elections 1990 and party position in Balochistan

Total	Contested	JWP	IJI	JUI-F	PNP	PDA	PKMAP	BNM	IND.
40	40	10	7	6	5	2	3	2	5

Source: The statistic collected by; Report on the General Elections 1990, Vol. II, Islamabad: Election Commission of Pakistan 1991, 491-519.

The party position revealed that the JWP was the first under the leadership of previous Chief Minister of Balochistan, Nawab Mohammed Akbar Bugti who was willing to a establish coalition with the central government of IJI but he had been relegated as leader of the opposition. The central government established the coalition government with the support of different political parties such as JUI-F, PNP, Pakhtunkhwa and some independents. Mir Taj Mohammed Jamali was elected as the Chief Minister of Balochistan.¹²⁰ The relations between Centre and Balochistan were stable and the coalition government of Balochistan was doing well and all the parties of coalition government collaborated with one another.¹²¹ Though, Jamiat Ulma-e-Islam (JUI) parted its way from IJI on 12th May 1991 but it continued being part of

¹²⁰*Dawn* (Karachi), November 17, 1990.

¹²¹*Dawn* (Karachi), June 15, 1991. *Dawn*, June 17, 1991.

the coalition in the government of Balochistan.¹²² The President-Prime Minister clashes also deteriorated the Centre-Balochistan relations. In October 1992, Zulfiqar Ali Magasi group revolted against Chief Minister Taj Muhammad Jamali and at that time, Jamali was protected by the Centre. Later, he switched his loyalties with Chatha Group and resigned from the Muslim League. On April 18th 1993, he dismissed two of his ministers, Saeed Ahmed Hashmi and Jaffar Khan Mandokhel for siding with Nawaz Sharif in his tussle against President. This action reduced his support badly in the cabinet and he was replaced by the Zulfiqar Ali Magasi.¹²³ These personal clashes afflicted the Centre-Province relations.

In short, Nawaz Sharif did not face that confrontation from the provinces as faced by Benazir but his relations with the provinces were not cordial. He had his own governments in all provinces as coalitions governments worked out with his own allies. The rifts here detected in case of power struggle was among the leading personalities. The Prime Minister-President differences led the clashes in the inner core of Muslim League which damaged the political process between Centre and provinces. The central government of Nawaz Sharif was also criticized for depriving the smaller provinces from their due rights and shares and the central government just focused on the Punjab. This Centre-Province political turmoil derailed the process of democracy.

5.1.2.3 The Second Term of Benazir, 1993-1996

The situation of 1973 was revised after twenty years in 1993 in the context of forming the governments in the Centre and provinces. Since, in 1993, PPP succeeded the rule in Centre with the provincial governments of Punjab and Sindh and opposition parties

¹²²*Dawn*(Karachi), May 13, 1991.

¹²³*Dawn* (Karachi), May 21, 1993.

had governments in KP and Balochistan. Though, in the second term PPP remained successful in forming the government in the province of Punjab, Sindh and later in the KP. But the situation of the Centre-Province political relations met no success as it did previously because of sturdy opposition. The tussle between government benches and opposition benches diluted the political relations between Centre and provinces. Here, it is pertinent to mention that the role of government benches and opposition did not produce a healthy picture during 1988-1999. Instead of, undertaking the policies of government in consideration, the opposition was engaged in lodging and dislodging the central and provincial governments. The Centre also was adopted the same way. This trend crucially damaged the political relations between two centers of power. There was a difference, PPP failed in both the periods in establishing its own governments in all provinces while its rival IJI succeeded to establish its own governments at both the levels. The party position in the provincial assemblies was crucial factor in deteriorating the situation of Centre-Province political relations. The province wise situation of Centre-Province political relations in the second tenure of Benazir Bhutto and the third elected government of this period, i.e., 1993-1996 have been described here.

Punjab: The prominent problem of the central governments of this period was the establishment of their rule in the provinces. This power hunger caused space for conflicts between the Centre and provinces. This greediness vociferously affected the political relations between Centre and provinces. As mentioned earlier rivalry between PPP and its rival PML-N to rule the Punjab was the prominent issue of this period. In 1993, the central party, PPP succeeded to establish its rule in the province of Punjab but not alone. The 1993 election resulted in the PML-N as the majority party and PPP as the second in Punjab. The party position is shown in the table 5.9.

Table 5.9. Elections 1993 and party position in Punjab

Total	Contested	PPP	PML-N	PML-J	MDM	NDA	PIF	INDP.
240	240	94	106	18	1	2	2	17

Source: The statistic collected by; Reports on General Elections 1993, Vol. I, Islamabad: Election Commission of Pakistan, 331-332.

These results made it necessary for the party of the Centre to gain support of another party to establish its own government in the Punjab. The PPP succeeded to gain the support of PML-J to keep out the PML-N from forming the government in Punjab. Though the Centre succeeded in establishing its own rule in Punjab but the party position in the election 1993 initiated the political conflicts between the Centre and the province of Punjab as usual while the situation was different from the first period of its rule.

In first period, the Centre had faced the strong opposition from the Punjab. In this period, the Punjab faced opposition from Centre when Centre decided to replace the Chief Minister. Mian Manzoor Ahmed Wattoo was elected as the Chief Minister of Punjab who belonged to PML-J. The central government could not tolerate a man of another party in the office of high status and great importance, particularly, the party which had strength of only eighteen members in the provincial assembly. The central government started to explore grounds for replacing Wattoo with its own man. The provincial assembly was suspended and the Governor Rule was enforced in Punjab on September 5th, 1995.¹²⁴ This intention of the central government contributed stiffness between Centre and Punjab which harmed the political process and stability of democracy. Muzaffar Hashmi stated as, "Step taken by the Federal Government pushed the Province into the crisis and created doubts in the democratic

¹²⁴*The News*, September 6, 1995. *National Assembly Debates*, session 19th, vol. V, no. 1, September 13, 1995, 77.

process.”¹²⁵ The effort of the Centre was not successful as Wattoo was replaced with Arif Nikkei, another member of PML-J instead of a man from the PPP. Wattoo was received and embraced by the PML-N with an open heart and arms. Wattoo filed the case in court against his unconstitutional repeal and succeeded in the case. However, in spite of success he remained unsuccessful due to the political situation of the country. He was restored as the Chief Minister on 3rd November 1996 and the same day, he faced a no-confidence move.¹²⁶ Horse trading was practiced to keep him away from office.¹²⁷ Meanwhile, the central government was dissolved by the President on 5th November, 1996. Wattoo found that the political air turned against him so he decided to resign from the office of the Chief Minister for holding the new elections. The central government used unfair means for giving strength to its rule in Punjab. But these unfair means countered the great loss for the Centre-Province political relations which undermined the political process of the whole country and damaged the process of democracy in Pakistan.

Sindh: Though PPP was majority Party but needed the support of another party to form the government in Centre. The PPP succeeded to rule in the Centre with its allies PML-J and independents.¹²⁸ The situation of Sindh province was different. PPP was the majority party in the provincial house of Sindh. PPP had won 57 seats in

¹²⁵*National Assembly Debates*, session 19th, vol. V, no. 1, September 13, 1995, 78.

¹²⁶ *Ibid.*, session 28th, vol. IX. no. 1, November 3, 1996, 5. See for detail, Khan, *Constitutional and Political History*, 432-233.

¹²⁷*National Assembly Debates*, session 28th, vol. IX. no. 1, November 3, 1996, 7-8. This tradition had been started from 1974, when first time, the four members of KP namely, Arbab Jahangir Khan, Wali Mohammed Khan, Zarin Khan and Akram Khan were traded to remove the government of Mufti Mehmud. And the tradition repeated many times in this period. *Ibid.*, 10-11.

¹²⁸ Moosi Raza, Iqbal Haidari and Imrana Saleem, “People’s Verdict,” *Economic Review*, October 1, 1993, n. p., accessed January 5, 2018, <https://www.thefreelibrary.com/People%27s+verdict.-a014915509>.

the house of 100.¹²⁹ The second majority party was MQM with 26 seats. The party position is given in the table 5.10.

Table 5.10. Elections 1993 and party position in Sindh

Total	Contested	PPP	PML-N	MQM	NPP	SBC	INDP.
100	100	57	8	26	2	1	6

Source: The statistic collected by; Reports on General Elections 1993, Vol. I, Islamabad: Election Commission of Pakistan, n.d., 332-334.

The party position given in the above table clearly reveals the majority of PPP in Sindh. PPP formed government in Sindh alone as it had 57 seats in the house of 100 and Abdulla Shah was taken as the Chief Minister of Sindh on 20th October 1993.¹³⁰ Dr. Mohammad Farooq Sattar was also elected as the leader of the opposition on 20th October 1993.¹³¹ Thus, Centre succeeded to establish the government in Sindh province. In spite of the majority of the central party in the Sindh, Centre-Sindh political relations were marked by conflicts. But it is pertinent to mention that, Centre faced no clash with the provincial government of Sindh during 1993-1996 because of the government of same party was in the Centre and Sindh. The Centre faced political resistance of MQM in Sindh.¹³² This was not a new battle and was continued from the previous government. In 1994 the situation of law and order in Sindh was worsened bitterly. The Centre blamed the MQM for being an agent of India which promoted the

¹²⁹ It is pertinent to mention that, in Sindh the general election of provincial assemblies` 1993 conducted for 99 seats and PPP secured 56. Later, the remaining one seat won by PPP which increased its numbers 56 to 57.

¹³⁰ *Dawn*(Karachi) , October 21, 1993.

¹³¹ *Ibid.*

¹³² . Moosi Raza, Iqbal Haidari and Imrana Saleem, "People`s Verdict," *Economic Review*, October 1, 1993, accessed January 5, 2018, <https://www.thefreelibrary.com/People%27s+verdict.-a014915509>. The MQM was not participated in the National Assembly elections 1993. but after feeling it mistake, it decided to participate in Sindh Provincial Assembly elections 1993 and succeeded to get 27 seats in Sindh. MQM was demanded the re-election for National Assembly in Sindh which was not accepted. This was the first disgruntle between Centre and MQM in Sindh.

Indian sentiments in the province.¹³³ The long stay of the army in Sindh was annoying to many.¹³⁴ The situation was also instigated by Nawaz Sharif to step down the government in Centre.¹³⁵ In August 1994, Centre extended the army stay in Sindh until restoration of law and order in Karachi led to more violence.¹³⁶ But despite the presence of Army disorder continued.¹³⁷ President Farooq Leghari showed concern about the prevailing situation. However, Chief Minister of Sindh Abdullah Shah announced for withdrawing the army operation until December 31, 1994 but in vain.¹³⁸ Prime Minister Benazir Bhutto directly dealt with the MQM. The situation was improved for a tiny spell.¹³⁹ But it was short lived. The situation of law and order in Sindh became problematic for the Centre. Negotiation was started between the Centre and MQM to solve the problem. MQM was presented 18 points. The MQM demanded a separate province for their community but Centre refuted.¹⁴⁰ In counter, Centre presented 21 points which considered as charge sheet against MQM. Ajmal Dehlvi (leader of MQM negotiator team) denied accepting the charge MQM was an

¹³³ *National Assembly Debates*, session 7th, vol. I, no. 4, January 20, 1994, 327-328.

¹³⁴ Iqbal Haidari, "Opposition in Disarray," *Economic Review*, May 1, 1994, accessed July 27, 2018, <https://www.thefreelibrary.com/Opposition+in+disarray.-a015611871>.

¹³⁵ Moosi Raza, "Confrontation Strategy," *Economic Review*, August 1, 1994, accessed January 5, 2018 <https://www.thefreelibrary.com/Confrontation+strategy.-a016382914>.

¹³⁶ Moosi Raza, "Operation Clean-up," *Economic Review*, October 1, 1994, accessed January 5, 2018, <https://www.thefreelibrary.com/Operation+clean-up.-a016531488>.

¹³⁷ Moosi Raza, "Oh Peace of Karachi," *Economic Review*, November 1, 1994, accessed January 7, 2018, <https://www.thefreelibrary.com/O%27h!+Peace+of+Karachi+come+back.-a016348587>.

¹³⁸ Moosi Raza, "Oh Peace of Karachi," *Economic Review*, November 1, 1994, accessed January 7, 2018, <https://www.thefreelibrary.com/O%27h!+Peace+of+Karachi+come+back.-a016348587>.

¹³⁹ Moosi Raza, "Unending Crisis," *Economic Review*, December 1, 1994, accessed January 5, 2018, <https://www.thefreelibrary.com/Unending+crisis.-a016656404>.

¹⁴⁰ Moosi Raza, "Government-MQM Talks a Non-Starter," *Economic Review*, July 1, 1995, accessed January 5, 2018, <https://www.thefreelibrary.com/Government-MQM+talks+a+non-starter.-a017415857>.

Indian agent.¹⁴¹ Despite lot of meetings, the situation of law and order could not resolve. The central and provincial government failed to handle the situation in Sindh. Centre faced resistance and trouble by the opposition in Sindh.¹⁴² Besides the Centre-MQM conflict, another problem which caused concerns for Centre was the revival of old slogans for the establishment of Sindhu Desh. In those days , G.M. Syed (founder of Sindhu Desh movement,) was in the last days of his life. The central government decided to let the problems die out on their own. Since, it was feared that other issues already existing in law and order situation would be aggravated.¹⁴³ These problems were faced to PPP's central government in Sindh. The conflicts were the result of political parties and leadership clashes instead of constitutional factor.

The question arises that why the emergency rule was not applied in Sindh to cope with prevailing situation of law and order that was enforced in KP. Even in Sindh the situation was more serious than it was in KP and Balochistan. The Centre was constitutionally responsible for interfering into the provincial government to maintain law and order in case of failure of the provincial authority. To cope with the situation in Sindh, central government ordered an army operation instead of governor rule because there was the government of its own party and in case of the governor rule or emergency rule, Centre's own party government could be ended.

Khyber Pakhtunkhwa: The situation of Centre-Province political relations during the second term of PPP from 1993 to 1996 in KP was not satisfactory; it got

¹⁴¹ Moosi, "Government-MQM Talks a Non-Starter."

¹⁴² *National Assembly Debates*, session 13th, vol. VII, no. 7, December 6, 1994, 557-581. See Also Ibid., no. 8, December 8, 1994, 688-697. Ibid., no.9, December 11, 1994, 776-828, 831-838. Ibid., no. 10, December 12, 1994, 894-924. Ibid., no. 11, December 13, 1994, 953-958, 990-998.

¹⁴³ Ibid., session 15th, vol. I, no. 6, January 23, 1995, 846-847. The Sindhu Desh slogans chanted on the birth anniversary of G.M. Syed who was the man of 92 years at this stage. The situation of Sindh already had a great concern. So, Government decided that the man was allowed to die a natural death. That would be better rather than making a martyr out of him. Taking him to task at this stage would not be interest in the country.

into political conflicts over the issue of the closure of motorway project, renaming of the province, Afghan policy and power struggle. The PPP was the majority party and ANP was the second while PML-N was-third. The party position is shown in the table 5.11.

Table 5.11. Elections 1993 and party position in KP

Total	Contested	PPP	PML-N	PML-J	PIF	MDM	IJM	ANP	INDP.
80	80	22	15	4	4	1	1	21	12

Source: The statistic collected by; Reports on General Elections 1993, Volume-I, Islamabad: Election Commission of Pakistan, n. d., 334-335.

Though PPP was in the majority however it could not succeed in establishing its own rule in the province which paved the ground for Centre-KP political conflict and as usual, it remained the main cause of conflict in this period. The central government of PPP could not form the government in KP. The traditional rival of PPP, PML-N formed the government with the support of ANP and others. Pir Sabir Shah from the PML-N was elected as the Chief Minister of the province. The coalition ministry of PML-N and ANP in KP was like a bitter pill for the PPPs' government in the Centre. Their first clash was on the closure of Islamabad-Peshawar motorway project. The construction of Islamabad-Peshawar motorway was projected by the previous government of Nawaz Sharif. Mir Afzal Khan, the Chief Minister and the provincial government of KP opposed the project but the Centre refused to step back. The PPP's government decided to abandon the Islamabad-Peshawar motorway project. Now the closure of the project was opposed by the provincial government of KP. The province took it as a deliberate step of the Centre to deprive the peoples of KP from this facility.¹⁴⁴ It was debated seriously in the National Assembly of

¹⁴⁴Ibid., session 6th. vol. VI, no. 6, December 23, 1993, 459.

Pakistan.¹⁴⁵ The deeper analysis revealed that the personalities tussle caused the opposition or support of the motorway project that turned into political conflict between Centre and KP. Since, Islamabad-Peshawar motorway projected by the previous government of IJI and then this decision of the central government opposed by provincial government of KP which was the result of hard relations between Prime Minister Nawaz Sharif and Chief Minister of KP, Mir Afzal Khan. The next government of PPP decided to abandon this project and at this time the decision of the central government also got opposition from the province of KP instead of supporting it as it was their previous demand. The construction of Islamabad-Peshawar motorway was seriously claimed by the provincial government of KP and members of National Assembly from the KP.¹⁴⁶ This became a political controversy between Centre and KP.

The renaming of the province was another issue between Centre and KP. Similarly to previous governments, the issue to rename the province was also raised during the governments of Pir Sabir Shah. The demand to rename the province became the part and parcel in the statements of the members of National Assembly from the province of KP. They criticized the central government to not ponder on their issue.¹⁴⁷ The Chief Minister Sabir Shah also opposed the policy of the central government to close the Afghanistan border.¹⁴⁸ This increased the already existed aggressiveness. Since, the Centre wanted to replace the KP government with its own rule and it started to look for the ways and means to remove the coalition government

¹⁴⁵Ibid., session 6th, vol. VI, no. 8, December 27, 1993, 669.

¹⁴⁶Ibid., session 7th, vol. I, no. 3, January 19, 1994, 269.

¹⁴⁷Ibid.

¹⁴⁸Iqbal Haidari. "Politics of Confrontation," *Economic Review*, February 1, 1994, accessed July 28, 2018, <https://www.thefreelibrary.com/Politics+of+confrontation.-a016109742>.

of PML-N and ANP. This effort of the Centre was realized by ANP leadership and it came under criticism in the sessions of National Assembly.¹⁴⁹ Syed Iftikhar Hussain Gilani, member of National Assembly criticized and warned the Centre on this act as well as advised that the government should be governed according to the spirit and demands of federalism. He stated as, "I warn the Government... any destabilization of any provincial government in this country by the machinations of the Federal Government will hit at the root of the federating units."¹⁵⁰ Another member of National Assembly, Asfand Yar Wali, also criticized the intentions of Centre and he advised the Centre not try to repeat the mistake of 1974-1975.¹⁵¹ As mentioned earlier, in the previous period 1972-1973 the situation was the same.

In the said period PPP succeeded to form the government in the Centre and the two provinces Punjab and Sindh while in the other two provinces KP and Balochistan, there was the government of opposition parties. The central government of Zulfikar Ali Bhutto managed the establishment of its rule in Balochistan which also resulted in the resignation of KP Provincial Assembly as a protest. The same situation was occurred in this period that was realized by leadership of the small provinces. They warned the Centre but in vain. The Centre's attitude was deaf and dumb on their warnings and without giving weight to their voices, same practice was revised. It was not the first attempt of this period because earlier in 1988 the Provincial Assembly of

¹⁴⁹It is pertinent to mention that, in the first term of PPP 1988-1999 ANP was the coalition partner of PPP but later it got disassociation from the PPP.

¹⁵⁰*National Assembly Debates*, session 6th, vol. VI, no. 1, December 16, 1993, 43. Syed Iftikhar Hussain Gilani also reiterated his jeopardies about the aims of the central government to de stable the government of KP, in the seventh session of National Assembly held on February 1, 1994. He mentioned that, "it is a matter of great concern which require very serious and conscience deliberations of this house." He further stated that, as I have mentioned earlier the Centre wanted to de stable the provincial government of KP, unfortunately the process to de stabilize the governments of two provinces has started. He also stated that, Centre is busy in horse trading activities to get its aim. He warned the Central government this action of the Centre would be de stable the entire country. *Ibid.*, session 7th, vol. I, no. 11, February 1, 1994, 1282. See also, Haidari, "Politics of Confrontation."

¹⁵¹*National Assembly Debates*, session 6th, vol. VI, no. 5, December 22, 1993, 331-332.

Balochistan and later the Provincial Assembly of Punjab in 1993 faced the same situation. Unequivocally, a pitch was prepared by the Centre and instigated a conspiracy against the KP to remove the provincial government of Pir Sabir Shah who was the Chief Minister of KP and nominee of PML-N.¹⁵² That polluted the political air and created a conflict between the Centre and the province. The central government succeeded in finding the constitutional means for removing the government of non-Centre party from the province. In 1994 the coalition government of PPP was installed under the leadership of Aftab Ahmed Khan Sherpao (for detail see Sabir Shah Case in Chapter-3).

Balochistan: The PPP government could not muster support for forming the government in Balochistan. The election 1993 resulted with the more hanging mandate in Balochistan. The party position shown in the table clearly reveals that no single party was in a position to form the government. The total of 40 seats was divided among the 11 parties and independents. Independents candidates were in majority with 9 seats. The second highest party was PML-N with six seats. Though PPP succeeded to establish its rule in Centre but in Balochistan it had only 3 seats. The party position can be seen in the table 5.12.

Table 5.12. Elections 1993 and party position in Balochistan

Total	Contested	PPP	PML-N	IJM	BNM-M	ANP	PKMAP	INDP.	MDM	Others	JWP	BNM-H
40	40	3	6	3	2	1	4	9	1	2	4	5

Source: The statistic collected by; Reports on General Elections 1993, Vol. I, Islamabad: Election Commission of Pakistan, 335-336.

Balochistan elections 1993 held the Balochistan non-political party as no single party was in position to establish its rule. The coalition government of

¹⁵²Haidari, "Politics of Confrontation."

independents and small political parties was installed. Nawab Zulfiqar Ali Magasi, an independent, elected as Chief Minister and he led the coalition government of Balochistan.¹⁵³ This coalition government was formulated by the support of PML-N and consisted of PML-N, PKMAP, BNP-H, MDM, ANP and independent. The PPP having only three seats was not included in this coalition government of Balochistan. In this situation, political relations between two centers of powers seemed very difficult. Particularly, when, the opponent party of the Centre succeeded to establish its coalition government in the province of Balochistan. The speeches and the statements of the political leaders revealed that after dislodging the government of KP, the Centre continuously tried to weaken the government of Balochistan for owning authority there. Since, Hafiz Mohammed Taque pointed out the situation in the session of National Assembly held on 23 January, 1995. He stated that the elected government of KP eliminated through falsification and now the same struggle was being continued in Balochistan.¹⁵⁴ This created the complication and difficulties in the political relations between Centre and Balochistan.

Most of all, Manzoor Wattoo case in Punjab and Sabir Shah Case in KP were examples in the second term of Benazir Bhutto that revealed the pattern of Centre-Province relations. The Centre wanted to hold its party men in these provinces. This was resulted due to non consensus and not giving due prestige to the constitutionally elected representatives. Thus consensus and prestige to constitution is crucial for harmonious relations between Centre and provinces.

¹⁵³ *Balochistan Assembly Debates*, session 2nd, October 20, 1993, 4.

¹⁵⁴ *National Assembly Debates*, session 15th, vol. I, no. 7, January 23, 1995, 894.

5.1.2.4 Second Term of Nawaz Sharif, 1997-1999

The second tenure of Nawaz Sharif started with the unprecedented electoral mandate not only in the National Assembly but also in the provincial assemblies. Since, the success of Nawaz Sharif in Sindh, KP and Balochistan as well as victory in Punjab was unparalleled. He succeeded in forming the government in the Centre and Punjab without support of any party. In Sindh, he formed the government with the support of MQM, in KP with the help of ANP and in Balochistan a coalition government consisting of many parties was established and Akhtar Mengal was appointed as the Chief Minister. The national media and the international media as well as the scholarly community declared a birth of new majority, with a weighty mandate and it was prophesized that, with this heavy historic mandate it would be a period of great stability. Since, the Punjab, most powerful and largest province of the country was run by the younger brother of the Prime Minister Nawaz Sharif and the other provinces were run by the friend allies and party members, thus it was expected to have smooth Centre-Province relations in this period. However within a year the allies in the provinces developed differences against the central government¹⁵⁵ which spoiled the relations between Centre and provinces. The Centre-Province political relations with provincial break up as following.

Punjab: The result of Punjab elections 1997 marked the sweeping success of PML-N. Since, PML-N got 210 out of 238 contested seats. The independents were the second highest with 21 seats. The PPP was in very poor position as it could gain only

¹⁵⁵ *National Assembly Debates*, session 17, vol. VII, no. 14, June 21, 1999, 1241-1242. Shortage of wheat and flour in the small provinces created a discontentment. Moreover, the difference in rate of wheat and tractor among the Punjab and other three provinces was instigated by the regional leadership which created dissensions in the three provinces and the Centre.

three seats in Punjab. The party position in the province revealed the weighty success of Nawaz Sharif shown under the table 5.13.

Table 5.13 Elections 1997 and party position in Punjab

Total	Contested	PML-N	PPP	PML-J	PDP	MIP	IND.
240	238	210	3	2	1	1	21

Source: The statistic collected by; Reports on General Elections 1997, Vol. I, Islamabad: Election Commission of Pakistan. n. d., 191.

As mentioned earlier many times, duel over the Punjab rule remained a main cause of conflict between Centre and Punjab. But this was a period when the central government and the Punjab government were in the hand of single family. Since Mian Nawaz Sharif became the Prime Minister and his younger brother Mian Shahbaz Sharif Chief Minister of the Punjab. Therefore, the chance of political grievances between Centre and Punjab were minimized. The political relations between the Centre and Punjab stayed smooth and healthy. This was the first time in this period and it was the only province in this period which held stable relations with the Centre. The case of Punjab in this period clearly revealed that the political conflict between Centre and provinces was the result of lust to hold the rule at both levels of government. Moreover the conflict was rooted in political differences and rivalries. From 1997-1999 was the period in which the three provinces girded up against the Punjabi Prime Minister and his brother's government in Punjab.

Sindh: Despite two third majorities in the National Assembly, PML-N needed an ally to form government in Sindh and to keep PPP out. In Sindh, according to the party position, PPP was the majority party with 34 four seats and Haq Parast Group (political wing of MQM in 1997) was the second with 30 seats. PML-N had only 15 seats. Party position is displayed in the table 5.14.

Table 5.14. Elections 1997 and party position in Sindh

Total	Contested	PPP	PML-N	PPP-S	HPG	UNA	NPP	NPP-W	INDP.
100	99+1=100	34	15	1	30	1	3	1	15

Source: The statistic collected by; Reports on General Elections 1997, Vol. I, Islamabad: Election Commission of Pakistan. n.d., 192.

The central government of PML-N formed the government in Centre with 62% majority. In the Sindh PPP was the majority party with 34 seats. It had the right to form the government in Sindh but it sat in the opposition benches.¹⁵⁶ Liaquat Ali Jatoi was elected as the Chief Minister of Sindh on 22nd February 1997.¹⁵⁷ He was from PML-N and had only 15 members while its allies HPG (political wing of MQM) had 30 seats. However, the Centre succeeded to hold its rule with the support of MQM in Sindh. Nawaz Sharif, successfully negotiated an accord with MQM. It was expected that Centre-Sindh conflicts would end but they did not. This conditional association could not prolong. Political relations between Centre and Sindh province turned sour when the central government failed to manage relations with its coalition partner. The MQM separated itself from the central government of Muslim League protesting that the central government failed to keep their promises. Since, PML-N had an accord with MQM in 1997 that was not prompted. The game of Centre-Province political relations revolved around the association or disassociation with the coalition partners. The MQM was ally of the Centre in Sindh Provincial Assembly who had more seats than central party. Centre could not form the government in Sindh for a day without the help of MQM. Thus, the central government did not want to disassociate from its coalition partner because removal of the MQM support

¹⁵⁶ Mohammad Zahirul Haque, "Sindh Government of Liaquat Jatoi." *Economic Review*, February 1, 1997, n. p., accessed January 27, 2018, <https://www.thefreelibrary.com/Sindh+government+of+Liaquat+Jatoi.-a019446415>.

¹⁵⁷ *Dawn* (Karachi), February 23, 1997.

threatened the rule of Muslim League in Sindh. However rifts between Centre and MQM were temporarily bridged by conducting a meeting between Ch. Nisar (then political advisor of Muslim League and Petroleum Minister) and Altaf Hussain in London. Both leaders issued a joint statement, "alliance would continue."¹⁵⁸ The accord was revised between Centre and MQM¹⁵⁹ but this proved short lived. MQM was parted its ways again from PML-N soon. MQM announced its relinquish with PML-N on 14th August 1998.¹⁶⁰ Shuja'at Husain, the then Interior Minister, stated in the National Assembly on 3rd September 1998 that he would request them for cooperation and taking back their resignations.¹⁶¹ Chief Minister of Sindh Liaquat Ali Jatoi also did his best to unit the both partners.¹⁶² The coalition partner had refused to associate with the Centre and Kunwer Khalid Yunus blamed that the Interior Minister was responsible for distorting the coalition.¹⁶³ This resulted in ending the coalition in Sindh. This situation occurred between Sindh and Centre more than one time. The central government faced grievances in Sindh and did its best to stabilize the coalition but in vain. The Muslim league and MQM coalition came to an end with the murder of Hakeem Saeed and the governor rule was enforced on 30th October 1998.¹⁶⁴ This was the historical alliance of almost nine years between two parties that came to an

¹⁵⁸ Moosi Raza, "Controversy over LB Poles and IPPs," *Economic Review*, April 1, 1998, accessed January 7, 2018, <https://www.thefreelibrary.com/Controversy+over+LB+polls+and+IPPs.-a020792297>.

¹⁵⁹ *Dawn* (Karachi), April 1998.

¹⁶⁰ *Dawn* (Karachi), August 16, 1998.

¹⁶¹ *National Assembly Debates*, session 14, vol. IV, no. 7, September 3, 1998, 727.

¹⁶² *Dawn* (Karachi), September 15, 1998.

¹⁶³ *National Assembly Debates*, session 14, vol. IV, no. 7, September 3, 1998, 729.

¹⁶⁴ *Dawn* (Karachi), October 31, 1998. Safdar Mahmood, *Pakistan: Political Roots and Developments 1947-1999* (Karachi: Oxford University Press, 2000), 400.

end in 1998.¹⁶⁵ The enforcement of the governor rule and establishment of the military courts got serious disdain against the Centre.¹⁶⁶ It was objected that the situation was the same in Punjab but governor rule was not enforced here because of the government of Nawaz Sharif's brother.¹⁶⁷ The situation remained tense between the Centre and the province as the governor rule was enforced there without dissolving or suspending the assembly.¹⁶⁸ The members from Sindh suspected that the Centre was losing its rule in Sindh. It feared the formation of PPP's government in Sindh. The governor rule was enforced there to restrict the establishment of PPP's government. It was declared as an unconstitutional step.¹⁶⁹ Since, Asfand Yar Wali stated as, "The day the alliance "between the PML (N) and the MQM broke, your Government there, could not survive. You did not dismiss your own Government; you stopped someone else from forming the Government in that province."¹⁷⁰ Another game was played during budget session when governor rule was lifted and an advisor was appointed by the President on the advice of the Prime Minister that was conceived as the remote control of the Centre to run the Sindh affairs. In the presence of provincial assembly the budget for the year 1999-2000 was presented by the advisor in the press conference instead of the provincial assembly. This complicated the relations between Centre and Sindh that derailed the political stability and the process of democracy.¹⁷¹ Conflicts were laid there when the patched majority

¹⁶⁵ *National Assembly Debates*, session 15th, vol. V, no. 3, December 29, 1998, 274, 288-289.

¹⁶⁶ *Ibid.*, 274.

¹⁶⁷ *Ibid.*, 293.

¹⁶⁸ *Ibid.*, session 15th, vol. V, no. 5, December 31, 1998, 518.

¹⁶⁹ *Ibid.*, session 17th, vol. VII, no. 14, June 21, 1999, 1244.

¹⁷⁰ *Ibid.*, session 17th, vol. VII, no. 17, June 24, 1999, 1802.

¹⁷¹ *Ibid.*, session 17th, vol. VII, no. 24, July 5, 1999, 2406.

government was installed there instead of inviting the largest majority party to form the government. It was the right of the largest party to make government that was denied. Even without dissolving the provincial assembly, governor rule was enforced there.

Khyber Pakhtunkhwa: The result of election 1997, once again paved the way for PML-ANP coalition government in KP. The PML-N stayed in majority with 32 seats and ANP was second with 28 seats. The PPP was defeated ruthlessly and secured only four seats in KP. The party position is shown in the following table 5.15.

Table 5.15. Elections 1997 and party position in KP

Total	Contested	PML-N	ANP	PPP	JUI-F	PML-J	1NDP.
80	78	32	28	4	1	2	11

Source: The statistic collected by; Reports on General Elections 1997, Vol. I, Islamabad: Election Commission of Pakistan. n.d.,193.

The central government formed the government in KP with the support of its long-term coalition party i.e. ANP. At this stage the circumstances of KP predicted hope for good relationship between Centre and KP. As mentioned earlier, this coalition started in 1989 with the breakup of PPP-ANP alliance. But in the second term of Nawaz Sharif this long-term relations turned into antagonistic relations and led to a conflict between Centre and KP. The ANP relinquished from the PML-N and sat at the benches of opposition in February 1998.¹⁷² The issue of conflict was not new. It was the old demand of ANP to change the name of the province. The coalition partner of the central government in KP wanted to rename the province. The ANP suggested the new name of KP, Pakhtunkhwa. This remained the voice of members of

¹⁷²Ibid., session 11, vol. I, no. 5, March 2, 1998, 427.

National Assembly belonging to KP. Political relations between Centre and the province of KP deteriorated when ANP's demand to replace the name of NWFP with Pakhtunkhwa was turned down by the central government of Nawaz Sharif¹⁷³ as the Nawaz government had promised its ally in KP that they would accept this demand. The Nawaz government could not keep its words which initiated a conflict between the Centre and the province.¹⁷⁴ According to Haji Ghulam Ahmed Bilour, the accord between PML-N and ANP settled at the house of Wali Khan and in his presence Nawaz Sharif promised to rename the province.¹⁷⁵ The ANP also relinquished support of the Muslim League. The same thing occurred that had happened before in the previous government of PPP as the government benches blamed Sabir Shah for giving the portfolios to the independents and later on taking back which created disturbance in the province. Hence, the ANP not only sat on the benches of opposition at the Centre but also parted the ways in the province. Besides, another issue between the Centre and the province was the shortage of flour and wheat in the province and the difference in the price of the wheat flour in the Punjab and other provinces. This issue got serious criticism in each debate of the National Assembly during the whole period.¹⁷⁶ These circumstances curtailed the opportunity of Centre-KP harmonious relations.

¹⁷³ Christophe Jaffrelot, *Pakistan: Nationalism without a Nation*, 27. See also, Charistophe Jafferolt, *A History of Pakistan and its Origins* (London: Anthem Press, 2008), 33. Kathrin Adeney also stated as, "The ANP political party of NWFP went into alliance with Nawaz Sharif after the 1997 elections on the promise of the creation of a homogeneous Pashto state within Pakistan. It withdrew its support after this demand was not conceded." Katharine Adeney, "Regionalism, Identity and Reconciliation: Federalism in India and Pakistan," Paper for the *Political Studies Association-UK 50th Annual Conference* April 10-13, 2000, London, accessed March 24, 2018, 18, <https://www.researchgate.net/publication/228425534>.

¹⁷⁴ *National Assembly Debates*, session 11th, vol. I, no. 8, March 5, 1998, 754-758, 771.

¹⁷⁵ *Ibid.*, session 14th, vol. IV, no. 6, September 2, 1998, 613.

¹⁷⁶ *Ibid.*, session 15, vol. V, no. 5, December 31, 1998, 449-505.

Balochistan: The election results of Balochistan Provincial Assembly provided a complicated and vivid picture. This multicolored party position was not the good omen for limiting power tussles and the conflict situation. Balochistan National Party was the majority party with 9 seats in the house of forty and the JUI-F was the second with seven seats. The PML-N stayed with four and PPP was relapsed critically as it had only one seat. Party position is shown in the following table 5.16.

Table 5.16. Elections 1997 and party position in Balochistan

Total	Contested	PPP	BNP	JUI-F	BNM	PML-N	PKMAP	JWP	PML-J	INDP.
40	40	1	9	7	2	4	2	6	1	8

Source: The statistic collected by; Reports on General Elections 1997, Vol. I, Islamabad: Election Commission of Pakistan, n. d., 194.

The election results confirmed the upcoming situation of political relations between Centre and provinces. The coalition government was formed under the leadership of Akhtar Mengal in Balochistan and he was appointed Chief Minister of Balochistan on 22nd February 1997.¹⁷⁷ In this period, primarily, Nawaz Sharif had developed better relations with the Akhtar Mengal. But in the later, central government could not hold satisfactory political associations with the government of Balochistan. Serious clashes followed on different issues including the use of Balochistan land for the nuclear test as the nuclear tests were to be conducted at Chaghi district of Balochistan. Balochistan government conceived that the nuclear experiment in Balochistan was the mutilation of its land. Consequently, the Chief Minister faced a movement of no-confidence.¹⁷⁸ The Pakistan Muslim League moved

¹⁷⁷ *Balochistan Assembly Debates*, session 3rd, February 23, 1997, 4.

¹⁷⁸ *National Assembly Debates*, session 13th, vol. III, no. 4, June 16, 1998, 366, 375-376.

a no-confidence motion on 15th June 1998 against Balochistan Chief Minister Sardar Mohammad Akhtar Mengal.¹⁷⁹ The emergency was enforced in Balochistan which was also objected by the provincial government of Balochistan. Azam Khan Hotti expressed his views regarding the nuclear experiment and the situation of its aftermath in the session of National Assembly held on 17th June, 1998.¹⁸⁰ Though motion of no confidence against Akhtar Mengal was taken back on 20th June 1998,¹⁸¹ but this clash led to the resignation of Akhtar Mengal from the office of Chief Minister. The Chief Minister of Balochistan resigned from his office as a protest on 29th July 1998¹⁸² and Jan Mohammed Jamali took the charge as the Chief Minister on 13th August 1998.¹⁸³ The interference in Balochistan government created new difficulties as increase in the cabinet numbers. The cabinet of Balochistan went on 24 members out of 40 critically objected.¹⁸⁴ This increase was the result of promised portfolios for gaining the support against Mengal. Besides, due to nuclear experiment the people of Balochistan was suffering from diseases and their crops were affected but instead of taking the steps to compensate their deficit,¹⁸⁵ the removal of Mengal took place. Second issue though was related with the finances but it also led to political disharmony. The issue was associated with the royalty of the gas and the sale

¹⁷⁹*Balochistan Assembly debates*, session 9th, June 15, 1998, 7.

¹⁸⁰*National Assembly Debates*, session 13th, vol. III, no. 5, June 17, 1998, 495.

¹⁸¹ *Balochistan Assembly debates*, session 9th, June 20, 1998, 11.

¹⁸²*Dawn* (Karachi), October 30, 1998. Jaffrelot, *Nationalism without a Nation*, 30-31. Rafiullah Kakar, "The Baloch Question after the Eighteenth Amendment," in *Pakistan's Democratic Transition: Change and Persistence*, eds. Ishtiaq Ahmad and Adnan Rafiq (New York: Routledge, 2017), 173.

¹⁸³ *Balochistan Assembly Debates*, session 11th, August 13, 1998, 4.

¹⁸⁴*National Assembly Debates*, session 14th, vol. IV, no. 6, September 2, 1998, 612.

¹⁸⁵*Ibid.*, session 17th, vol. VII, no. 10, June 16, 1999, 843.

of PPL shares which led to the conflict between Centre and Balochistan.¹⁸⁶ Besides, the shortage of wheat and flour in the provinces also created malaise as the case came into discussion in the National Assembly on 16th June 1999 on the calling attention notice.¹⁸⁷

In short, four governments were operated in this period and the situation of Centre-Province relations was not cordial which polluted the air of politics and disabled the democracy. Country faced the military rule once again in October 1999. Lust of power reduced the value of leadership as the leadership had privileged role in deteriorating the situation of Centre-Province relations.

5.2 Political Obligations and Constitutional Responsibilities Disregarded

Above discussion highlights conflicts in the Centre-Province political relations. This situation happened due to neglecting the political obligations and constitutional responsibilities. Political elites were entwined in personal relations and conflicts instead of caring for the national interest. In the next section, an insight is given on the political engagements, rivalries and disrespect of the constitution.

5.2.1 An Insight on Rivalries of Leadership

Centre-Province relations cannot succeed if the political leaders do not adopt the policy of tolerance and consensus towards their rivals, particularly, in case, no single party succeeded to mark absolute majority at both levels of government i.e. Centre and in the provinces. Unfortunately the leadership of the country did not show tolerance towards each other in the period under discussion. The Centre was not ready

¹⁸⁶ *Balochistan Assembly debates*, session 8th, May 9, 1998, 49-70.

¹⁸⁷ *National Assembly Debates*, session 17th, vol. VII, no. 10, June 16, 1999, 846-851.

to accept the government of opponent parties in the provinces. The opposition leaders who succeeded to form governments in provinces were also reluctant to accept the authority of the central government. Leadership and party conflicts were more prominent in creating gulf between the Centre and the provinces. The President and the Prime Minister tussle, Nawaz Sharif and Benazir tussle were the main cause of conflicts. Since Lamb stated, Sharif wanted to “dump the Bhutto’s remains in Arabian Sea.”¹⁸⁸ Same was the case for Benazir who was not ready to accept the political weightage of Nawaz Sharif. The President-Prime Minister rivalry and Benazir-Nawaz disputes remained most important.

5.2.1.1 Presidents-Prime Ministers Rivalry

This was the period in which conflicts of two leading authorities of the Centre i.e., President and Prime minister seriously created trouble to Centre-Province relations. Both honorable authorities plunged with each other on different matters of power and in effort to create difficulties to each other badly affected the relations between Centre and Provinces. The decisions of President Ghulam Ishaq Khan had created the Centre-Province dissensions. The Centre had established its government in KP with conditional support of ANP as governor would be from the ANP. But the nominee of ANP, Abdul Khaliq was not accepted by the President which created clash between Centre and its allies in KP. Centre not only lost the support of its allies in KP but also a pitch for conflicts was prepared between Centre and KP province. The controversy on the division of power between the President and the Prime Minister and over the appointment of Judges was the legacy of conflicts between Benazir and the President Ghulam Ishaq Khan. The Benazir Government opposed the Eighth Amendment 1985 and wanted to remove it but she could not do so because she did not have the required

¹⁸⁸Lamb, *Waiting for Allah*, 99.

majority in the house.¹⁸⁹ Though, she could not remove the amendment but this provoked opposition of the President Ghulam Ishaq Khan. The President instigated the provinces against the central government of PPP in retaliation. In this attempt, he did not hesitate to misuse the constitution. Zulfiqar Khalid Maluka stated as, “Indulging in constitutional impropriety and conduct unbecoming, he missed no chance to malign the Benazir government. He prevented its political rivals from effecting compromise or harmony with the Centre.”¹⁹⁰ He had fully supported the provinces Punjab and Balochistan against Centre. These conflicts afflicted the grounds of Centre-Province political relations. Maluku further stated, “By openly impeding the policies and programmes of PPP government, Ishaq Khan adopted the colonial policy of ‘divide and rule’. He thus played a princely part in aggravating Centre-Province relations in the country.”¹⁹¹ Christina Lamb stated that, Benazir “complained of his frequent meetings with opposition figures and refusal to meet her ministers.”¹⁹² The President indulged into encourage Punjab for creating rivalry against the Centre as Maluku stated, “Ghulam Ishaq Khan out-rightly encourage the Chief Minister of the Punjab to challenge the authority of the federal government.”¹⁹³ Altaf Gohar was also of the view that the President had made an alliance with Nawaz Sharif.¹⁹⁴ Hamid Khan also stated that, “the IJI had support from the President and the establishment who was interested in keeping Benazir in check by having a

¹⁸⁹ Khan, “National Integration and Harmony,” 38.

¹⁹⁰ZulfiKar Khalid Maluka, *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995), 279.

¹⁹¹Ibid. see also Khan, Faqir, Fakhrul Islam and Shahid Hassan Rizvi, “Revival of Democracy in Pakistan 1988-1999,” *Pakistan Journal of Social Sciences* 35, no. 1 (2015), 203.

¹⁹²Lamb, *Waiting for Allah*, 116.

¹⁹³Maluka, *Myth of Constitutionalism*, 279.

¹⁹⁴*The Muslim*, June 25, 1993.

government of the opposition installed in the Punjab.”¹⁹⁵ Hamid Khan further stated that, “Ishaq was obviously supporting Nawaz Sharif in his opposition to Benazir and was making life difficult for her.”¹⁹⁶ Thus, during 1988-1990, the prolonged conflict between Benazir and Nawaz further flamed by the President Ghulam Ishaq Khan as he supported Nawaz against Benazir instead of removing their differences and triggered the unending Centre-Punjab controversy. According to some other sources, President Ghulam Ishaq Khan was also involved in creating problem for the central government in Sindh Province. Since, he had played a role to settle an accord between the IJI and MQM.¹⁹⁷ This accord created a challenging situation for the Centre both in Punjab and Sindh. Naveed Qammer, a member of the National Assembly from Sindh stated as, “the office of the President, perhaps, in a way, is even more important than that of the Chief Executive because it is the President who symbolizes us and who is supposed to represent us at a place where brute majority can override us, it is most unfortunate for this country and for the people of the smaller Provinces that such an esteemed office has been dragged into controversy.”¹⁹⁸ The President Ghulam Ishaq Khan was also involved in distorting PPP-ANP accord in KP as he did not approve the nominee of ANP as governor of KP.¹⁹⁹ The President also incited Akbar Khan Bugti against the Centre.²⁰⁰ Bugti became the Chief Minister of Balochistan after the removal of Mir Zafarullah Khan Jamali. He had a personal rivalry with PPP. He was also instigated by the President against the Centre which led to destruction of political

¹⁹⁵Khan, *Constitutional and Political History*, 399.

¹⁹⁶*Ibid.*, 401.

¹⁹⁷ Talbot, *Modern History*, 307.

¹⁹⁸ *National Assembly Debates*, session 4th, vol. IV, no. 10, December 31, 1990, 1190.

¹⁹⁹Kimie Sekine, “Benazir Bhutto,” 53-54.

²⁰⁰Maluka, *Myth of Constitutionalism*, 279.

relations between the Centre and the provincial government of Balochistan. The purpose behind this was just the personal interest for power. Finally Benazir government was dissolved on August 6, 1990.²⁰¹

The second government of this period was installed under the leadership of Nawaz Sharif. Nawaz government was the result of President Ghulam Ishaq Khan's support. Initially, the relations between Prime Minister Nawaz Sharif and President Ghulam Ishaq Khan were smooth.²⁰² The President Ghulam Ishaq Khan did his best to keep away Benazir from establishing her rule in Sindh despite having majority there for installing Nawaz government in Sindh. Ardeshir Cowasjee exposed it accurately, "Jam, was a politician, and a skillfully dangerous one at that, well trained as one of Zulfiqar Ali Bhutto's henchmen. His services were sought in 1990 by President Ghulam Ishaq Khan. He was brought back from self-exile in London to be the Chief Minister of the province of Sindh with the mandate to keep out of power the party of Benazir Bhutto."²⁰³ But later Nawaz government developed cold relations with the President Ghulam Ishaq Khan on the adopted policies. Moreover, issue of the appointment of the Chief of Army staff and the issue of the second tenure of President piloted a war between them. Some prominent ministers from the Centre such as Ijaz-ul-Haq, Ghulam Dastgir Khan and Ilahi Bukhash Soomro wanted to give second tenure to President Ghulam Ishaq Khan but Nawaz Sharif was undecided. The fight between President and Prime minister badly effected the Centre-Province relations. Nawaz government faced problems by smaller provinces on the issue of increasing the tenure of the President. This also led to a conflict between Centre and three

²⁰¹Khan, *Constitutional and Political*, 402.

²⁰² David Philip. "Ghulam the Grim: Requiem for a Despot," *Economic and Political*, December 21, 1996. 3297, accessed July 8, 2019, <https://www.jstor.org/stable/4404904>.

²⁰³Ardeshir Cowasjee. "Old Friends Remembered". *Dawn* (Karachi), November 25, 2007.

provinces because the Chief Ministers of three provinces KP, Sindh and Baluchistan became the staunch supporters of the President.²⁰⁴ It was also stated that Chief Minister of KP, Mir Afzal Khan was also instigated by the President for not accepting the privatization of WAPDA which spoiled the relations between Centre and KP.²⁰⁵ The President Ghulam Ishaq Khan dissolved the Nawaz Sharif government on 18th April 1993. Umbreen Javaid stated as, “President was in a fear to his success and commanding flow, he saw Sharif as a danger to his presidency.”²⁰⁶ The case was filed in the Supreme Court against the action of the President. Nawaz Sharif had won the case and Nawaz government was restored on 26th May 1993.²⁰⁷ But in the meanwhile, President succeeded to instigate the provinces against the Centre which led to a tug of war between Centre and Provinces. Umbreen Javaid stated as, “Mr. President managed to disintegrate IJI in the National Assembly as well as in the provincial assemblies and made Sharif government very hard to stand and deliver.”²⁰⁸ Since, after a few days of consolidating the vote of confidence, political scenario was flung into chaos which resulted in the dissolution of the President’s supportive provincial assemblies of Punjab and KP.²⁰⁹ For instance, in the presence of Wayne executive in Punjab, Centre-Punjab relations could not be distorted. He was replaced by the man Mian Manzoor Ahmed Wattoo who was not acceptable for Nawaz which led to a tug of war between Centre and Punjab for power. The Chief Minister’s

²⁰⁴Haidari, “New Controversy.”

²⁰⁵Zahid Husain, “The Army Changes Guards,” *Newsline*, January 1993, 82.

²⁰⁶Umbreen Javaid and Amir Latif, “Historical Analysis of Successive Governments in Pakistan: A History of First Six Decades,” *Journal of political Studies*, vol-18, no. 1(June 2017):223.

²⁰⁷*Dawn* (Karachi), May 27, 1993. Nawaz got vote of Confidence.

²⁰⁸Javaid and Latif, “Historical Analysis,”223. See also, Mahmood, *Political Roots and Developments*, 394.

²⁰⁹“History Sharif Al Mujahid (revised by Ian Talbot and John Mc Guirey),” 1169.

replacement created the gulf of conflicts between Centre and Punjab. And all this was done under the patronage of President. These personality clashes seriously polluted the air of Centre-Punjab relations. After the Punjab, Mir Afzal Khan, Chief Minister of KP, who has special associations with President, was also instigated by the President for creating problem for the central government of Nawaz Sharif. Mir Afzal Khan Chief Minister of KP advised the Governor Gulistan Janjua to dissolve the assembly who followed the advice and dissolved the Provincial Assembly of KP. Thus tense relationship between Prime Minister and President grew the tension between Centre and provinces. The constitutional powers were used to create instability in the provinces instead of removing the disturbance. This was not the end as in the next period; Benazir also faced the same situation again. She appointed Farooq Leghari who was the man of her trust but she was also removed from her office by President Leghari. Finally these powers of the President to dissolve the assemblies were curtailed by passing the 13th Amendment. Sharif succeeded to gain 2/3 majority in the house during his second term that was required for constitutional amendment which helped him to solve the problem of 58-2(b) that removed by 13th Amendment.²¹⁰ In short, personality's tussles also hailed the Centre-Province conflicts.

5.2.1.2 Nawaz Sharif and Benazir Rivalry

The other important issue which created space for the Centre-Province political conflicts during this period was the rivalry of the two eminent leaders. Benazir Bhutto and Nawaz Sharif remained irreconcilable political opponents during 1988-1999 and their rivalry was the major factor which set the stage for Centre-Province political conflicts during this period. The willfully aggressive speeches, allegations and

²¹⁰Javaid and Latif. "Historical Analysis," 224.

demands for overthrowing the government were habitually practiced in this period. The opponents issued appeals for road blocking, shutter downs, wheel-jam strikes and marches for removing the governments of the opponent in Centre. In return, the central government responded by arresting, ruthless baton, charging and registering the cases against the opposition leaders for restricting the protests. Even they disregarded morality in using the word for each other. Aziz Ahmed portrayed accurately in these words, "Nawaz Sharif's blood pressure went up, or as he graphically put it once, "My blood starts boiling when I hear Benazir's name." He was paid back in the same coin by Benazir."²¹¹

This rivalry was connected with a background in the opinion of scholars. The well-being of Sharif family was centered on Ittefaq Foundry that was nationalized by Zulfiqar Ali Bhutto. This was the first cause which instigated Nawaz against the PPP.²¹² On the other hand Nawaz was conceived as the protégé of Zia-ul-Haq as he held the office of Punjab Finance Minister and later Chief Minister of Punjab under the Zia-ul-Haq. Thus, he became a challenge for PPP as he was supported by the Zia-ul-Haq. It has been stated by many scholars that their enmity was the result of the differences of family backgrounds; one was from the feudal and the other was from the business-oriented family. However, whatever the cause, this enmity became a concern for the development of healthy Centre-Province relations. Since, Maluka stated, "failing to generate any positive moves towards the cause of federalism and constitutional democracy in the country, the Centre-Province confrontation fostered political corruption of the worse kind in Pakistan."²¹³ Both leaders were not ready for giving the prestige to electoral mandate of each other which was unconstitutional

²¹¹ Aziz-Ud-Din Ahmad, "PPP-PML (N) Relations," *Business Recorder*, January 1, 2010.

²¹² Cohen, *Idea of Pakistan*, 146. Malik, *Political Survival*, 158.

²¹³ Maluka, *Myth of Constitutionalism*, 280.

behavior. Lt.-Gen. Jahan Dad Khan stated as, “Benazir Bhutto and, Nawaz Sharif did not allow the provincial governments to work smoothly, particularly in those provinces in which their party was not in power. At the same time, they ignored the rights allowed to them under the constitution. This has inevitably created uneasy relations between the Centre and the provinces and, in extreme cases led to confrontation.”²¹⁴ Ashraf Abbasi, Deputy Speaker of National Assembly 1988-1990, also was of the view, leadership should follow the constitution instead of make the issues personal.²¹⁵ Thus personal rivalry of both leaders gave great concern to Centre-Province political relations.²¹⁶

5.2.1.3 An Insight on Electoral Mandate

In Pakistan, since 1953 no single party succeeded the whole and sole mandate in elections. For instance, in the first decade, Pakistan Muslim League had lost its sole rule in all the four provinces after the provincial elections. The same situation occurred after the general elections 1970. The circumstances became serious when two leading leaders and parties were not ready to give respect to the mandate of each other which led the secession of East Pakistan and Centre- Province clashes in West Pakistan.

²¹⁴ Lt. –Gen. Jahan Dad Khan, *Pakistan Leadership Challenges* (New York: Oxford University Press, 1999), 305.

²¹⁵ Ashraf Abbasi (Deputy Speaker of National Assembly during 1988-1990) stated as, “In politics there are some personal interests as well. There are differences between the Punjab PPP and IJI, led by Mr. Nawaz Sharif. But Chief Ministers should behave like Chief Ministers, within the framework of constitution and similarly the Prime Minister. Chief Ministers cannot take away the rights of Prime Minister or President. There should be healthy difference of opinion. If the constitutional path is followed I do not see difficulty in smooth running. One should not be personal.” Ashraf Abbasi, Interview, By Moosi Raza , in *Economic Review*, January 1, 1990, accessed January 27, 2018, <https://www.thefreelibrary.com/Democracy+on+trial.-a08833797>.

²¹⁶ Waseem stated as, “The Punjab-based IJI government under Nawaz Sharif grew in strength not as a provincial force against the Centre but as a base for opposition to the Benazir. Mohammad Waseem, “Governing Punjab by Proxy,” *Dawn* (Karachi), December 12, 1990.

The period 1988-1999 witnessed four general elections and four elected governments. The other cause which created conflicts between the Centre and the provinces in the context of political relations was divided mandate. The divided mandate means that no party succeeded to get the clear majority in the four elections held in this period. The divided electoral mandate remained the hallmark of this period and as usual paved the way for Centre-Province conflict similar to first and second democratic period of Pakistan. Both leading parties were indulged in the revenge politics and the politics of confrontation. As stated by Ishtiaq Ahmed, "The situation was further compounded when two mainstream parties, the PPP and PML-N, willingly choose to play a politics of confrontation."²¹⁷ If they had respected the mandate of each other rather than the politics of confrontation and revenge politics, the Centre-Province political relations would have worked smoothly. Javed Hashmi stated truly in the session of National Assembly on 19th December 1990, when every ruler went ahead from his mandate then reaction started, and on the basis of this reaction, integrities divided which cause discontentment in the provinces.²¹⁸ This discontentment led to the clash between Centre and provinces. This situation prevailed in the whole period from 1988-1999. Both leaders Benazir Bhutto and Nawaz Sharif were not ready to give respect to each other's electoral mandate. They followed the way of their predecessors and could not part themselves from the wish to rule all the provinces. In this attempt they were engaged in dislodging the rule of the opponents in Centre and provinces. For instance, in the election 1988, the public of Punjab and Balochistan had not given mandate to the PPP that it needed for the establishment of its government in these provinces. Similarly, IJI failed to gain the

²¹⁷Ishtiaq Ahmed, "Pakistan's Third Democratic Transition," in *Pakistan's Democratic Transition: Change and Persistence*, eds. Ishtiaq Ahmad and Adnan Rafiq (New York: Routledge, 2017)24.

²¹⁸*National Assembly Debates*, session 4th, vol. IV, no. 3, December19, 1990. 427

mandate for establishing its rule in Centre. The divided mandate during 1988-1999 is shown in the table 5.17

Table 5.17. Divided electoral mandate, 1988-1997

Year	Centre	Punjab	Sind	KP	Balochistan
1988	PPP	IJI	PPP	PPP-ANP-Ind.	coalition
1990	IJI	IJI	IJI-MQM	IJI-ANP	coalition
1993	PPP	PPP-PML-J	PPP	PML-N-ANP	coalition
1997	PML-N	PML-N	PML-N-MQM	PML-N- ANP	coalition

Source: detected by researcher personally after observing various national and provincial assemblies proceedings. Balochistan coalition was contained on more than two parties.

The electoral mandate that is mentioned in the above table clearly reveals the hanging mandate in the three first elections held in this period. Two leading parties were engaged in establishing their rule. Coalition government that came into existence contained more than one or two parties in the Centre and the provinces. Balochistan had more than two party's coalition in the four elected governments. Dissolution of provincial assemblies, replacement of the chief ministers occurred more than once. Particularly the cases of disabling the government of Pir Sabir Shah in KP, Ghulam Haider Wayne and Manzoor Ahmed Wattoo in Punjab got set back. This situation had not gone unwatched or unnoticed even notice by the political bodies and put in the sessions of National Assembly of Pakistan to find out the solution in the second period of Benazir Bhutto after the election 1993. It had realized that the defect exist in the election system which necessitated reconsideration and reviewing of the election system. The proportionate representation was suggested at the place of direct representation. The proposal for introducing the proportional representation was put forth for discussion in the sessions of National Assembly of Pakistan held on

February 1st, 1994²¹⁹ and also continued in the session held on April 12th, 1994.²²⁰ This issue was further discussed in the session of National Assembly on 19th April 1994.²²¹ These discussions could not be concluded and it was conceived that the system of proportional representation was not a panacea for all ills that prevailed in the political system of Pakistan. The situation of second period of Nawaz Sharif was different as he succeeded to establish government in Centre and Punjab with heavy mandate as well as in other three provinces with the allies. Despite of prominent majority he had lost the support of his allies within a year. Since, ANP, BNP, JWP and MQM had parted from the alliance²²² which reduced the majority of the Centre in three provinces where it did not have sole mandate. These three provinces i.e. Sindh, KP, and Balochistan blamed the Centre for protecting the cause of Punjab and ignorance of other provinces in the sessions of National Assembly. This position wounded the situation of political relations between Centre and provinces.

5.2.1.4 An Insight on Power Seeking

It has been a regular practice of all the rulers to hold their power in all the provinces. Javaid Hashmi stated, it is a natural desire of every ruler to establish his own government in whole country whether the people gave him mandate or not.²²³ This lust for power gravely deteriorated the relations between Centre and provinces. They crossed the limits of their constitutional position and electoral mandate to make true their dreams of whole and sole rule in all provinces which generates discontentment

²¹⁹Ibid., session 7th, vol. I, no. 11, February 1, 1994, 1307-1328.

²²⁰Ibid., session 9th, vol. III, no. 5, April 12, 1994, 550-576.

²²¹Ibid., 1138-1198.

²²²Ibid., session 14th, vol. IV, no. 11, September 9, 1998, 1156.

²²³Ibid., session 4th, vol. IV, no. 3, December 19, 1990, 427.

between the Centre and the Provinces. This violation of constitution was a regular practice in the period under study and a cause of conflict in Centre-Province political relations. For instance, Benazir Bhutto did not have the mandate to form government in Balochistan and Punjab in her first tenure. She used unconstitutional means and ways to fulfill her desire of gaining power in these two provinces. Similarly, this drill was practiced by other governments of the period. However, the two leading parties came into serious conflict for removing each other during 1988-1999. Both leaders and their parties did their best to override each other and establish their rule on both levels of government. In this effort, a series to de-stable the government of rivals for setting their power started. The central government of PPP at the initial stage of its establishment made an unsuccessful effort in Balochistan and Punjab. The Punjab government of IJI tried to weaken its rule in KP and Sindh. This lust for power deteriorated the situation of Centre-Province political relations. Muhammad Hanif Ramay an ex-Chief Minister of Punjab came up to resolve the situation with a unique suggestion. He suggested that the Centre-Punjab “conflict might be resolved by forming national governments both in the Centre and in the Punjab with no opposition in the two houses.”²²⁴

In historical perspective, in the first democratic period, the government of one party existed at both level; the Centre and the provinces but conflicts occurred between Centre and provinces.²²⁵ If we observe the second democratic period PPP was succeeded to form government in the Centre and in the Punjab and Sindh but conflicts prevailed between Centre and Punjab. Hanif Rammay and Ghulam Mustaffa Khar were the two stalwarts of Bhutto, when they were removed from the power they

²²⁴Talbot, *Modern History*, 303. *Dawn* (Karachi), October 13, 1989.

²²⁵According to Waseem at that time conflicts were the result of mistrust between the leaders belongs from minority and majority provinces. See for detail, Waseem, “Development and Conflict,” 720.

left the party and started the 'Save Punjab' movement against the Centre.²²⁶ All this was the result of dissensions that accrued among the members of the said parties for seeking power in central and provincial governments. However, in the third democratic period Benazir and Nawaz Sharif conflicted to ensure supremacy of power on each other which gave a serious setback to the Centre-Province relations. They revived an old tradition floor crossing or horse trading for strengthening their power.

To disable the government of opposition parties at both levels namely the Centre and the provinces horse trading and floor crossing²²⁷ became the part and parcel of this period. This tradition was not new and almost practiced by each civilian government of Pakistan but the prominence of the period was that the ratio of its practice was more than the previous periods. Since, according to the rules of policies, the central government was responsible for removing the disturbance in the provincial governments. During the period under study this rule was not only ignored but also violated. As mentioned earlier four elected government were operated in this period. Whenever the opposition parties succeeded to establish their governments in the provinces the central government did its best to disable the governments of opposition parties in those provinces and not avoid from horse trading for saving their power. The provincial governments of opposition parties also tried to destabilize the Centre in the same way. The suspension of the provincial assemblies and movements of no confidence only meant to create majority through horse trading. Even after the passing of the 14th Amendment the situation could not be resolved.²²⁸ Zadi stated as, "Before the fourteenth amendment was passed, it was widely believed that the major

²²⁶See for detail, Kaushik, *Bhutto's Leadership*, 143-151.

²²⁷Horse trading is a term used for purchasing the loyalties of Member of National Assembly or provincial assemblies and Floor crossing for shifting the loyalties one party to another.

²²⁸*National Assembly Debates*, session 11th, vol. I, no. 8, March 5, 1998, 752.

cause of floor-crossing was absence of relevant constitutional provisions. However, subsequent events have dispelled this notion.”²²⁹

The 14th Amendment was a step to stop horse trading and floor crossing. The 14th Amendment was unanimously agreed by the entire parliament and not a single political body as well as not a solitary unit had conflicted on accepting the 14th Amendment.²³⁰ But the 14th Amendment was violated by its own initiators primarily for dislodging Akhtar Mengal in Balochistan. Horse trading or floor crossing could not be eliminated as revealed by the statement of Asfand Yar Wali, after parting the ways from PML-N; he stated as, “the Chief Minister is trying to buy my MPA’s.”²³¹ Not only in KP but also in Sindh the situation was not different. After losing the support of MQM this tradition was practiced through the chief advisor appointed on the advice of Prime Minister. According to Asfand Yar Wali, the Chief Advisor of the Prime Minister promised the majority government of Nawaz Sharif in Sindh within three months as he succeeded in getting the loyalties of fifty members from PPP, MQM and other parties.²³²

Some Independents frequently seek to ally with the victor to receive advantage. Independent were the members who participated as the independent candidates in the four elections that were conducted in this period succeeded their seats. The figures of independents during 1988-1999 are shown in the table 5.18.

²²⁹*Dawn* (Karachi), March 11, 2011.

²³⁰*National Assembly Debates*, session 11th, vol. I, no. 8, March 5, 1998, 752. Craig Baxter and Charles H. Kennedy, eds. *Pakistan 2000* (Karachi: Oxford University Press, 2001), 5.

²³¹*National Assembly Debates*, session 11th, vol. I, no. 11, March 10, 1998, 1070.

²³²*Ibid.*, session 17th, vol. VII, no. 27, July 9, 1999, 2610.

Table 5.18. Numbers of independent elected members 1988-1997 elections with provincial breakup

Year	Punjab	Sindh	KP	Balochistan
1988	33	31	16	7
1990	14	19	16	5
1993	17	6	12	5
1997	21	15	11	8

Source: these figures obtained from the various Election Commission Reports, 1988-1997, Government of Pakistan.

These leaders were not consistent in their political characters. They were described as the government makers and the tool in the hand of power seekers. They were like a ball in the hands of two players and had a crucial role in forming the provincial governments. They had changed the size of minority into majority and majority into minority. This situation was observed many times in this period which led the disaster of provincial assemblies particularly in the provinces of Balochistan and KP. In 1998, ANP abandoned PML-N on not accepting the demand of Pakhtunistan. The PML-N was successful in winning the support of independents, without which its government could collapse in KP. Five of them were appeased by giving positions in provincial cabinet of KP.²³³ This reveals that power seekers were indulged in unethical traditions of horse trading and floor crossing for strengthening their power and weakening their opponents.

The presented period provided the totally opposite picture of what could be achieved through the amicable attitude of the political bodies. No constitution would bring harmony and stability, if the attitude of the leadership would not change. There was also the need of creditability among the successive parties to run the harmonious

²³³Ibid., session 11th, vol. I, no. 8, March 5, 1998, 753.

relations between Centre and provinces. There should be trust among the leaders and feeling should be developed for national interest rather than personal gaining. In this context the leader could play a pivotal role but they did not do so throughout the years.

Conclusion

Four governments operated in eleven years under the leadership of Benazir Bhutto and Nawaz Sharif respectively and none could complete its constitutional tenure. The situation was not different in the provinces. Centre-Punjab controversy, detected in first three governments, i.e., from 1988 to 1997 except from the last tenure of Nawaz Sharif. The situation of Sindh also remained dormant, complicated further due to bad situation of the law and order as well as weak coalition. The Centre-KP political relations almost had the same tale. The ANP relinquished more than one time with its central partners and Nawaz-Afzal tussle get serious debate. The Centre also faced problems in Balochistan as Balochistan assembly was contained on the coalition of more than two or three parties. During the whole period the political relations between the Centre and the provinces were uncertain due to leadership clashes. Dissolving the provincial assemblies without giving a prestige to the constitutional or electoral mandate, taking over the assemblies, lust for power and horse trading was frequently seen in this period.

Above all, conflicts were the outcome of political factors in this period. Leadership and party conflicts are more prominent to create gulf between the Centre and the provinces. President and Prime Minister tussle, Nawaz Sharif and Benazir tussle were the main cause of conflicts. Unfortunately, both leaders, Benazir Bhutto and Nawaz Sharif left no stone unturned to convert the political relations between

Centre and provinces into personal hostility. This attitude of both the leaders created the grounds for conflicts between Centre and provinces. These conflicts not only effected the situation of political relations between Centre and provinces but also damaged the political practice on the whole and derailed the process of democracy. If both leaders had shown consensus and acted on the policy of 'live and let live' instead of 'whatever is, is my' than situation may have been different. But they had not shown sweet cologne for each other. Both leaders used the constitution for dislodging their opponents, and the President also showed the same characteristics. President instigated the Centre-Province conflicts for his presidential tenure which proved harmful for political process and stability of democracy. Leadership of the period paid no heed on this need of the time and failed to set a healthy tradition in case of Centre-Province Political relations.

Thus, there was the need of honest, sincere and devoted leadership who hold the national interest as dearest rather than personal interest at both levels. Implementation of the constitution in true spirit is indispensable. There was the need of better relationship between Centre and provinces and mutual trust as well as to restore the national sentiments for removing disharmony between Centre and provinces which is imperative for the strength and stability of the country. For the stable political relations sincere leadership is the useful instrument.

CONCLUSION

The crucial questions of this study are that: what was the nature of Centre-Province relations in Pakistan during 1988-99? If Centre-Province relations stayed conflictual which factors either political or constitutional were more decisive in creating conflicts? In order to accurately answer of these points, the present study started with throwing the light on the importance of harmonious relations between Centre and provinces and exemplified it with the experiences of the worlds' federations. In this context, federations in Nigeria, Pakistan, Indonesia, Yugoslavia, India, Malaysia, Russia, and some others have been observed. Through observing the facts, it became clear that Centre-Province relations are the matter of much importance for any federation. The stability, strength and life of the federation are linked with the nature of Centre-Province relations. In the case of conflicted relations, federation could face the disturbance, secession, dismemberment, complete collapse and destruction of democracy. In order to answer the question of nature of Centre-Province relations in federation of Pakistan, the study deeply observed this phenomenon primarily by examining the natural structure of Pakistan. After observing the facts, it became clear; Pakistan is a highly heterogeneous society. The distinctive geography of Pakistan initially consisted of two wings. Both wings were separated from each other by sixteen hundred kilometers and had differences in size of area, population and wealth. Moreover, same divisional differences existed among the four provinces of West Pakistan which made the plea for federal form of government in Pakistan. Federal system is based on two tiers of government i.e. Centre and provinces.

The constitution has key role in shaping the nature of Centre-Province relations in federal system of government and afterwards implementation of constitution by political elites has a key role in determining the nature of Centre-

Province relations. All constitutional schemes that were implemented in Pakistan provided provisions for settling the relations between Centre and provinces. The study found that the relations of Centre-Province in Pakistan during 1947-1988 were conflictual. The conflicts were observed on the division of legislative, administrative, and financial powers between Centre and provinces as supreme authority was given to the Centre. Moreover, the emergency powers and the powers of governors were also conceived as causes of contention. The issue of representation was solved by the principle of parity with a unicameral parliament under the Constitutions of 1956 and 1962. The said question also gained length during the formation of the Constitution of 1973. The Constitution of 1973 decided the population-base formula and bicameral parliament for accommodating the issue of the representation.¹ Although it did not fully address the grievances of various units, still much of the demands were accepted. Moreover the constitution also provided much needed provincial autonomy to some extent in theory. However the conflictual relations between Centre and provinces persisted.

The problem thus was found in the practice of the constitution. The clashes and differences in actual political process in fact became one of the major causes of conflicts between Centre and provinces, although to some extent geographical distance, topographical variances, demographical and economic asymmetries also occasionally led to conflicts between Centre and provinces.

Situation of the Centre-Province relations during 1988-1999 was studied in the legislative, administrative, financial and political aspects separately. In legislative

¹ Previously the political leadership of the provinces was resented on the parity base representation in the legislative assembly as their demand was the population base distribution of seat in the legislative assembly. That was also counted as a cause of secession of the East Pakistan by the scholars. Afterward, the population base formula was accepted in the constitution of 1973 that was also rejected by the smaller provinces. They offended on their less representation in the face of Punjab. The issue of representation made the Centre-Province relations problematic.

aspect, the absence of consensus between Centre and provinces and among the different provinces marked the delay in constitution making during the first democratic period and the later disrespect of the constitution by politicians caused conflict in background history. The constitutional schemes implemented in Pakistan contained the provisions which tried to maintain legislative relations. These constitutional schemes got criticism on deciding less legislative authority for the provinces and sometimes on restricting the transfer of power to provinces e.g. railway was not transferred to the provinces. After the background history, the specific period i.e.1988-1999 has been studied. The study deeply analyzed the provisions of Centre-Province legislative relations, incorporated in the Constitution of 1973, list of legislative powers and special provisions in case of legislative relation. The observation of constitutional legislative relations marked that, firstly, constitution provided provisions to maintain the legislative relations; of which only the Article 143 was conceived as cause of conflict because it gave weightage to the Centre. Secondly, Constitution of 1973 divided the legislative powers between Centre and Provinces. List of legislative powers were also analyzed which revealed that the division of legislative powers enhanced the authority of the Centre. But it agreed on the condition of devolution of concurrent list after ten years and residuary powers tilted in favour of the provinces. The constitution also provided special provisions to regulate the relations between Centre and provinces under which the establishment of Council of Common Interest (CCI) was very important as it was an institution for regulating the policies regarding federal legislative list-II and tool of resolving the dispute between Centre and provinces in case of some issues e.g. water, oil, gas and electricity. The situation of legislative relations in actual process and political practices marked that the legislative business was not carried out within proper time e.g. the legislation was

not made to dissolve the concurrent list in constitutionally prescribed time and did not conduct the meeting of CCI regularly. The census was not conducted according to the decided period. A serious effort was not made to take the legislative step for the solution of quota system and official language in tenure was decided under the constitution. This was the legislative business and constitutional responsibility of the Centre, however, ignorance and unnecessary delay of these issues aggravated the situation between Centre and provinces. Subsequently, conflicts came into scene in case of legislative rights. Since, the constitution decided the domains of both centers of powers. In spite of this, the conflicts were erupted abundantly in this period (1988-1999) on different issues because both sides were not ready to give respect to their constitutionally decided domains. Both centers of powers were active to give the meaning of their own to the constitutional articles for proving their authority on the succeeding cases. In this case, the Bank of the Punjab was established by the Punjab government that was seriously restricted by the Centre, though it could not do so. Since, the Punjab had the right to establish its own Bank. It refused the objections of the Centre and established its own Bank. In the same token the establishment of the Punjab TV Centre was also resisted by the Centre. Constitutionally, province has the right to establish its own TV center but the consent of the Centre was mandatory to do it. This discord ended with the removal of central government. Moreover, initiation of People's Works Programme by the Centre was opposed by the provinces. It was a concurrent subject and had constitutional right to initiate it. This programme was opposed by those provinces that were ruled by the opposition parties. Its implementation was restricted by the Provinces, Punjab and Balochistan. Actually the provinces were not against the programme but against its implementation by the Centre as in the previous governments this kind of programme was launched by

provinces. Similar situation was detected in the case of Zakat as it was also the concurrent subject and remained the provincial matter in previous governments. It was taken up by the central government, resulting in discord between Centre and provinces. In short, workers welfare funds and the abolition of Octroi Tax also was a matter of great concern for the provinces and they conceived it against the provincial autonomy. Moreover, the legislative steps that were taken during this period also could not satisfy the provinces. In this context, a long lasting dispute on the distribution of water among the provinces was settled through an accord but dissatisfaction remained there. Purpose behind the 13th Amendment alleged as a step that was taken merely to save the self-cause of the Centre. The 14th Amendment was made to improve the political arena but ended in vain because its violation was initiated by its own creators.

In this study, administrative aspect of Centre-Province relations was examined starting with an overview of the history of administrative aspects in Pakistan. By observing the background, it became clear that former constitutional schemes got serious criticism on dominant control of the Centre through administrative powers e.g. powers of the Centre in case of external aggression and internal disturbance, appointment of the provincial governors, and central authority over civil services appointments, emergency powers and so on. After all, in-depth study initiated to analyze the administrative relations unified under the Constitution of 1973. The provisions of Centre-Province administrative relations, power of President and governors and emergency powers were studied. The analysis of administrative provisions marked that, Constitution of 1973 provided provisions for maintaining the administrative relations between Centre and provinces, e. g. power of President to appoint the provincial governors, the delegation of central powers to the provinces in

certain cases, to entrust provincial powers to the Centre through its consent, the central and provincial responsibilities or obligations, directions to the provinces in certain matters and the rest. Above all, Articles 145, 148 and 149 were conceived as a cause of contention between Centre and provinces because these articles provided chance to the Centre for interfering into the provincial matters. An effort was also made to observe the powers of President and governors regarding the said issue which revealed the central authority to appoint the provincial governors and his compliance to the Centre. Moreover, provincial governor had power to dissolve the provincial assembly but with the consent of President or on the advice of Chief Minister of the province. In the same token, emergency powers of the President were studied. These powers authorized the Centre to take the control of province in case of failure of the administrative machinery. The situation of administrative relations in actual process and political practices revealed that the administrative business was not carried out in constitutional way i.e. disrespect and ignorance was given to the constitutional obligations for personal interests. Since, Centre tried to create disturbance in the provincial governments instead of removing the disturbance which was initially detected in cases of restricting the oath-taking of the Chief Minister of Punjab. Afterward, appointments of OSD's and transfer of Civil Servant, misuse of Presidential powers and situation of law and order in Sindh were the cases of same series. Furthermore, constitutional provisions were used to dissolve the provincial governments and replacements of the Chief Ministers. This situation was observed in the cases of; dissolution of Balochistan ministry under Article 112 in 1988, clash over the rule of Punjab in 1993, Pir Sabir Shah Case in KP in 1995, Mian Manzoor Ahmed Wattoo's replacement with Arif Nakai as Chief Minister in Punjab during 1995 and replacement of Akhtar Mengal with Jamali as Chief Minister in Balochistan during

1998. Moreover, long-standing problems of representation of the provinces in the key administrative offices, National Assembly's seats and central services were also explored in the timeframe of the present study. Said issues complicated the relations between Centre and Provinces, particularly Balochistan was more aggressive on its less representation than the other two provinces. The next vital point of this study was to observe the financial aspect of the Centre-Province relations. Similar to above mentioned aspects, constitutional schemes implemented in Pakistan also contained the provisions to maintain financial relations. These constitutional schemes got serious criticism on deciding less financial share of the provinces e.g. reduction of provincial sources under Interim Constitution of 1947. Sometimes provinces resented the Centre on restricting the transfer of financial share. The absence of consensus between Centre and provinces and among the different provinces on revenue distribution formula and the later disrespect of the constitution by politician caused conflict e.g. NFC was established under Constitution of 1956 but its implementation remained unseen. The study deeply analyzed the Centre-Province financial relations, incorporated in the Constitution of 1973. The observation marked that, constitution provided provisions to maintain the financial relations. NFC was established to settle the financial matters. It had great importance as it was responsible to make recommendations about distribution of net proceeds of taxes, grants-in-aids, borrowing and financial matters referred by President. The constitution decided that the royalty on gas and oil collected by the Centre would be paid to the provinces where the wellhead of these resources situated. The net profit on hydro electricity collected by Centre or any authorized organization would be paid to the provinces after deducting the services charges that fixed by the Council of Common Interest. The constitution also provided special provisions to regulate the relations between

Centre and provinces under which the establishment of CCI was very important as it was an institution for regulating the policies regarding federal legislative list-II and tool of resolving the dispute between Centre and provinces in case of some issues of natural resources e.g. water, oil, gas and electricity. But, the situation of financial relations in actual process and political practices marked that financial business was not carried out in proper time according to the constitution e.g. delay in establishment of NFC within six months even proper attention was not paid to establish the NFC on regular intervals. This delay led the deferrals in NFC's recommendations which the provinces resented as recommendations by NFC had great importance for the provinces. CCI also failed to meet properly in this period. This deferral heightened the pre-existing conflicts over finance distribution and natural resources between Centre and provinces. Distribution of central collected revenue and its proper disbursement remained complicated issues. The discontentment was also obvious in issues related with natural or regional resources, e.g. control over natural resources, royalty on oil and gas, net profit on electricity, supply of natural resources in resource generating provinces etc. This discontentment was stemmed by improper implementation of the constitution.

The succeeding crucial point of the study was Centre-Provincial political relations. Four governments were operated in eleven years i.e. 1988-1999 under the leadership of two leaders; Benazir Bhutto and Nawaz Sharif respectively and none of them could complete their constitutional tenure. The situation was not different in the provinces. Centre-Punjab controversy was detected in first three governments i.e., from 1988 to 1997 except from the last tenure of Nawaz Sharif. The situation of Sindh also remained dormant and complicated further due to bad situation of the law and order as well as weak coalition. The Centre-KP political relations almost had the same

tale. The ANP relinquished more than one time with its central partners and Nawaz-Afzal tussle was a serious debate. The Centre also faced problems in Balochistan as Balochistan assembly consisted on the coalition of more than two or three parties. During the whole period the political relations between the Centre and the provinces were uncertain due to leadership clashes. Dissolving the provincial assemblies without giving prestige to the constitutional or electoral mandate, taking over the assemblies, lust for power and horse trading was frequently seen in this period. The issue of Kalabagh Dam became a political sore and was debated more than any other issue. This political setup gave great set back to the Centre-Province relations.

Taking into account the whole discussion, one can definitely conclude that the Centre-Province relations during 1988-1999 failed in depicting a healthy scene. After analyzing the Centre-Province legislative, administrative, financial and political relations in background and particular timeframe, one can conclude some certain points that are;

- The relation between Centre and provinces was most important issue. The harmonious relations were indispensable between Centre and provinces for the stability and strength of the country and successful democracy but that were not a successful tale during 1988-1999.
- Constitution provides provisions to settle the relations between two centers of power. These provisions were not implemented properly in regular time and in true spirit.
- Conflicts emerged in legislative, administrative, financial and political aspects on deferral, disrespect, negligence and violation of constitutional obligations and political responsibilities.
- The practice of the constitution for vested gains and priority of personal desires over national interest by political authorities had prepared the pitch for conflicts.
- The dynamic of political rivalries i.e., Benazir-Nawaz and Prime Minister-President rivalries not only spoiled the political air of the country but also polluted the atmosphere of Centre-Province relations. Political rivals were interfering into the matters of each other instead of adopting the way of

harmony. They had defied the electoral mandate of each other and kept the Centre-Province relations on the thin ice.

- Taking together, political factors were on upper hand in creating conflicts between Centre and provinces. The Centre-Province disputes proved harmful for political process and way of democracy in Pakistan.

In detail, these conflicts knotted with the personal interest of the leadership and the result of parties tussle. The constitutional arrangements are important without giving distinction to any region but the proper and honest implementation of the constitution is must and has crucial importance in maintaining the resilient nature of Centre-Province relations. There is a high tendency among the governing leadership not to obey or respect the constitution. Delay and deferral in pertinent legislation led the discords between Centre and provinces and also paved the way for war of legislative rights between the two levels of government. It also intensified the demand of provincial autonomy more than previous times. Since, duel over the concurrent subjects and demand of provincial autonomy was the result of delay in abolition of concurrent list and deferral in regulating the meetings of CCI as well.

Conflicts detected with provinces were the governments of opponent parties or coalition governments. It revealed that, in the period under study, fight over delay in legislation, concurrent subjects and dissatisfaction on legislative steps were merely done for displacing or destroying the governments of political opponents. Effort was ended to prolong the power or to take revenge from the opponents instead of bringing harmony on the disputed issues between Centre and provinces. Since, during 1988-99 provincial ministries were dissolved, favorite ministers were installed and governor rule was needlessly enforced more than one time that was the result of political adversary which had an important role in dismantling the administrative relations. For example, Article 112 which confirms the solid character of provinces in administrative authority to settle the disharmony in administrative powers between

Centre and provinces was practiced more than one time for gaining personal benefit. The powers of President were practiced illegally merely to disturb the governments of opponent groups in the provinces. Moreover, constitutional provisions were ignored for solving the other issues of conflicts. Articles 148 and 149 ratified the solid authority of the Centre to protect the provinces in the hours of need but in the timeframe of the study these provisions were applied to disturb the political opponents. The frequent devolution of provincial governments was noted and was the result of non-consensus among the central and provincial elites. The practice of the constitution and constitutional provisions were not followed honestly during the whole period. The bicameral parliament articulated to solve the issue of representation but small provinces continuously noised on their less representation in the lower house instead of giving prestige to constitutional provisions. The absence of harmonious and resilience in the attitude of the political actors, at provincial and central level caused great deficit to the Centre-Province administrative relations in Pakistan.

Even in the financial matters, rarely the central spirit of the constitution finds the middle ground. From the outset, NFC could not function properly and constitutionally agreed financial autonomy could not find grounds in reality which generated the feelings of central dominance as well as created mistrust between Centre and provinces.² If NFC was not instituted properly, recommendations proposed by NFC were not taken and implemented seriously by the central government and simultaneously these were not obeyed by the provincial leaders, there seems a problem in actual practice rather than the provisions of constitution.

² The distribution of revenue and resources remained the main area of tension. It is a general perception that it was due to constitutional defects but here is a need an argument. The constitution provides provisions for the establishment of NFC and CCI which are responsible for providing the recommendations to settle the distribution of revenue and removing the disputes between Centre and provinces respectively but these institutions were not operated properly since their inception.

Similarly, royalty on gas and oil and net profit on electricity was not transferred to the provinces in constitutionally prescribed time. Hence political factor seems more significant in creating conflict rather than constitutional factors. The constitution was not implemented in letter and spirit by the political bodies. This improper implementation of the constitution played an important role in raising the issue of centralization and provincial autonomy by regional leadership. Similar to Centre, provinces also did not give prestige to the constitution, for instance, smaller provinces rejected the population base formula for distribution of revenue even constitution compensated their deficiencies through grants in aids and development funds. Despite demographic, geographic and economic asymmetries instigated by Provincial leadership, Punjab's domination in population and in other fields was the root cause of concern for other provinces like Balochistan and KP.

Leadership and party conflicts were more prominent to create gulf between the Centre and the provinces. President and Prime Minister tussle, Nawaz Sharif and Benazir tussle were the main cause of conflicts. Unfortunately, both leaders, Benazir Bhutto and Nawaz Sharif left no stone unturned to convert the political relations between Centre and provinces into personal hostility. This attitude of both the leaders created the grounds for conflicts between Centre and provinces. These conflicts not only effected the situation of political relations between Centre and provinces but also damaged the political practice on the whole and derailed the process of democracy. If both leaders had shown consensus and acted on the policy of 'live and let live' instead of 'whatever is, is my' than situation may have been different. But they had not shown sweet cologne for each other. Both leaders used the constitution for dislodging their opponents, and the President also showed the same characteristics. President

instigated the Centre-Province conflicts for increasing and securing his presidential tenure which proved harmful for political process and stability of democracy.

Most of the scholars have traced the solution to settle the Centre-Province conflicts by division of the province of Punjab into two to three provinces. As Katharine Adeney suggested, "The division of the Punjab into three or more provinces would enable more creative solutions with regard to resource allocation and representation and reduce the perceptions of dominance which also poisons the relationships between provinces."³ She further says, "It is easier to say but is difficult to do."⁴ Syed Zafar Ali Shah, member of National Assembly also suggested the establishment of more provinces.⁵ In this case if we give a sight to the countries around the world, we find many cases that followed the idea of dividing the country into more provinces but failed in gaining the objective. For example, "Nigeria, and India" are the countries that reorganized their countries in new regional boundaries.⁶ Moreover, in the high opinion of scholars, centralization is the cause of complicated Centre-Province relations in Pakistan. Thus, Raza Rabbani, ex chairman and the member of senate coined the solution of Centre-Province disputes in decentralization and he played an important role in introducing the 18th Amendment but the situation is unresolved still. Even in the present government of Imran Khan the air of new controversies between Centre and provinces is the result of political factors as the

³ Adeney, "Federalism in Pakistan," 119-20.

⁴ Ibid., 120.

⁵ *National Assembly Debates*, session 6th, vol. no. 11, May 14, 1991.

⁶ Watts, *Comparing Federalism*, 103.

relations soured with those provinces that governed by opponent allies led coalition i.e. Sindh and Balochistan.⁷

This attempt suggested that the implementation of the constitution in letter and spirit was essential for maintaining harmonious relations between Centre and provinces as it was important for political stability, unity and integration in the country. Harmony among the political elites is crucial not only for firm Centre-Province relations but also for the smooth working of the democracy. The political leaders must support national interests and keeping in view the importance of national and provincial assemblies in policy making, these administrative bodies must be occupied by tolerant and prudent leaders. The tolerant and farsighted politicians are expected to develop flexibility and consensus, urgently needed to resolve many national crises, which Pakistan has been facing from time to time. Constitutional amendments would remain fruitless if the political leaders are stubborn with the policy of “zero tolerance” for personal interest. Since the dissensions between Centre and provinces remained as it is even after passing the 18th Amendment. Though, the 18th Amendment has brought major changes to balance the powers between Centre and provinces. The most important step was abolition of concurrent list but it was too late due to which given autonomy was not considered enough as yet and now demand of greater autonomy is voiced by the provinces. The 18th Amendment also enhanced the credibility of the CCI by deciding the establishment of its secretariat and timeframe of three months for holding its meetings regularly. But this amendment remained fruitless because of improper implementation as each government failed to conduct CCI meeting according to 18th Amendment mandate. Provinces succeeded the 50% control over their natural resources under this amendment and it was hoped

⁷ *Dawn* (Editorial), “Centre-Province Ties,” February 6, 2019.

conflict would be ended. But it did not happen so as provinces claimed full control over their natural resources. Because the process of implementation is slow e.g., the head offices of those corporations, having control over gas and oil resources were not transferred to provinces. Even after the 10 years, implementation of the 18th Amendment is incomplete. To sum up, 18th Amendment was unable to remove the conflicts between Centre and provinces due to implementation defects. Thus there is a need to respect the constitution and to develop the consensus and trust between Centre and provinces and among the provinces. That can only be possible by honest, sincere, careful and devoted leadership who hold the national interest as dearest rather than personal interest at both levels. The findings of the current study are applicable to the current tussled scenario of Pakistan

APPENDICES

APPENDIX: I

CENTRE-PROVINCES RELATIONS UNDER CONSTITUTION 1956

Part 6: Relations between the Federation and the Provinces

Chapter 1: Legislative Powers

Article 105

Subject to the provisions of the Constitution, Parliament may make laws, including laws having extra-territorial operation, for the whole or any part of Pakistan, and a Provincial Legislature may make laws for the Province or any part thereof.

Article 106

(1) Notwithstanding anything in the two next succeeding clauses, Parliament shall have exclusive power to make laws with respect to any of the matters enumerated in the Federal List.

(2) Notwithstanding anything in clause (3), Parliament, and subject to clause (1) a Provincial Legislature also, shall have power to make laws with respect to any of the matters enumerated in the Concurrent List.

(3) Subject to clauses (1) and (2), a Provincial Legislature shall have exclusive power to make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial List.

(4) Parliament shall have power to make laws with respect to matters enumerated in the Provincial List, except for a Province or any part thereof.

Article 107

If it appears to the Provincial Assemblies to be desirable that any of the matters enumerated in the Provincial List, or any matter not enumerated in any list in the Fifth Schedule should be regulated in the Provinces by Act of Parliament and if resolutions to that effect are passed by the Provincial Assemblies, it shall be lawful for Parliament to pass an Act regulating that matter accordingly, but any Act so passed may, as respects any Province, be amended or repealed by an Act of the Legislature of that Province.

Article 108

Parliament shall have power to make laws for the whole or any part of Pakistan for implementing any treaty agreement or convention between Pakistan and any other country, or any decision taken at any international body, notwithstanding that it deals

with a matter enumerated in the Provincial List or a matter not enumerated in any list in the Fifth Schedule:

Provided that no law under this Article shall be enacted except after consultation with the Governor of the Province to which the law is to be applied.

Article 109

Subject to the provisions of Articles 107 and 108, the Provincial Legislature shall have exclusive power to make the laws with respect to any matter not enumerated in any list in the Fifth Schedule, including any law imposing tax not mentioned in any such list; and the executive authority of the Province shall extend to the administration of any law so made.

Article 110

(1) If any provision of an Act of a Provincial legislature is repugnant to any provision of an Act of Parliament, which Parliament is competent to enact, or to any provision of any existing law with respect to any of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the Act of Parliament, whether passed before or after the Act of the Provincial Legislature, or, as the case may be, the existing law, shall prevail and the Act of the Provincial Legislature shall, to the extent of the repugnancy, be void.

(2) Where an Act of a Provincial Legislature with respect to any of the matters in the Concurrent List contains any provision repugnant to the provisions of an earlier Act of Parliament or an existing law with respect to that matter, then, if the Act of the Provincial Legislature, having been reserved for the consideration of the President, has received his assent, the Act of the Provincial Legislature shall prevail in the Province concerned, but nevertheless Parliament may at any time enact any law with respect to the same matter, amending or repealing the law so made by the Provincial Legislature.

Article 111

(1) Where under any provision of the Constitution the previous recommendation of the President or of a Governor is required to the introduction of a Bill or the moving of an amendment, the making of the recommendation shall not preclude him from exercising subsequently in regard to the Bill in question any powers conferred on him by the Constitution with respect to the withholding of assent to, or the returning or reservation of, Bills.

(2) No Act of Parliament or a Provincial Legislature, and no provision in any such Act, shall be invalid by reason only that some previous recommendation was not made, if assent to that Act was given -

(a) Where the previous recommendation required was that of the Governor, either by the Governor, or by the President; and

(b) Where the previous recommendation required was that of the President, by the President.

Chapter 2: Financial Provisions

Article 112

(1) The Government of a Province shall not be liable to taxation under any Act of Parliament in respect of land or buildings situated in Pakistan, or income accruing, arising or received in Pakistan:

Provided that where a trade or business of any kind is carried on by or on behalf of the Government or a Province outside that Province, nothing in this Article shall exempt that Government from any Federal taxation in respect of that trade or business, or any operation connected there with, or any income arising in connection therewith, or any property occupied for the purposes thereof.

(2) Property vested in the Federal Government shall, save in so far as an Act of Parliament may otherwise provide, be exempted from all taxes imposed by, or by any authority within, a Province.

(3) Nothing in this Article shall prevent the imposition of fees for services rendered.

Article 113

Save in so far as Parliament may by law otherwise provide, no Act of a Provincial Legislature shall impose or authorize the imposition of a tax upon the consumption or sale of electricity which is consumed by the Federal Government, and any Act a Provincial Legislature imposing or authorizing the imposition of a tax on the sale of electricity shall secure that the price of electricity sold to the Federal Government for consumption by that Government shall be less by the amount of the tax than the price charged to other consumers of a substantial quantity of electricity.

Article 114

Parliament may by law make grants in aid of the revenues of a Province which may be in need of assistance.

Article 115

The executive authority of the Federation shall extend to borrowing upon the security of the Federal Consolidated Fund within such limits, if any, as may be determined by Act of Parliament, and to the giving of guarantees within such limits, if any, as may be so determined.

Article 116

(1) Subject to the provisions of this Article the executive authority of a Province shall extend to borrowing upon the security of the Provincial Consolidated Fund within such limits, if any, as may be determined by Act of the Provincial Legislature, and to the giving of guarantees within such limits, if any, as may be so determined.

(2) The Federal Government may, subject to such conditions, if any, as it may think fit to impose, make loans to, or, so long as any limits determined under the last preceding Article are not exceeded, give guarantees in respect of loans raised by, a Province and any sums required for the purpose of making loans to a Province shall be charged on the Federal Consolidated Fund.

(3) A Province may not without the consent of the Federal Government borrow outside Pakistan, nor without the like consent raise any loan if there is still outstanding any part of a loan made to the Province by the Federal Government or in respect of which a guarantee has been given by the Federal Government.

(4) A consent under this Article may be granted subject to such conditions, if any, as the Federal Government may think fit to impose, but no such consent shall be unreasonably withheld, nor shall the Federal Government refuse, if sufficient cause is shown, to make a loan to, or to give a guarantee in respect of a loan raised by, a Province, or seek to impose in respect of any of the matters aforesaid any condition which is unreasonable; and, if any dispute arises whether a refusal of consent, or a refusal to make a loan or to give a guarantee, or any condition insisted upon, is or is not justifiable, the dispute shall be settled in accordance with the procedure prescribed in Article 129.

Article 117

(1) Notwithstanding anything contained in Article 106, no Provincial law relating to taxes for the benefit of a Province or of a municipality, district board, local board, or other local authority therein in respect of professions, callings or employments shall be invalid on the ground that it relates to a tax on income.

(2) The total amount payable in respect of any one person to a Province or to anyone municipality, district board, local board or other local authority in the Province by way of taxes on professions, trades, callings and employments shall not exceed fifty rupees per annum.

(3) The fact that a Provincial Legislature has power to make laws as aforesaid with respect to taxes on professions, trades, callings and employments shall not be construed as limiting, in relation to professions, trades, callings and employments, the generality of the entry in the Federal List relating to taxes on income.

Article 118

(1) As soon as may be after the Constitution Day, and thereafter at intervals not exceeding five years, the President shall constitute a National Finance Commission consisting of the Minister of Finance of the Federal Government, the Ministers of Finance of the Provincial Governments, and such other persons as may be appointed by the President after consultation with the Governors of the Provinces.

(2) It shall be the duty of the National Finance Commission to make recommendations to the President as to -

(a) the distribution between the Federation and the Provinces of the net proceeds of the taxes mentioned in clause (3);

(b) the making of grants-in-aid by the Federal Government to the Governments of the Provinces;

(c) the exercise by the Federal Government and Provincial Governments of the borrowing powers conferred by the Constitution; and

(d) any other matter relating to finance referred to the Commission by the President.
Explanation. - In this Article "net proceeds" means, in relation to any tax, the proceeds thereof reduced by the cost of collection.

(3) The taxes referred to in paragraph (a) of clause (2) are following taxes raised under the authority of Parliament namely:

(a) export duty on jute and cotton, and any other specified export duty;

(b) taxes on income other than corporation tax;

(c) specified duties of Federal excise;

(d) taxes on sales and purchases; and

(e) any other specified tax.

(4) As soon as may be after receiving the recommendations of the National Finance Commission, the President shall by Order specify, in accordance with the recommendations of the Commission under sub-clause (a) of clause (2), the share of the net proceeds of the taxes mentioned in clause (3) which is to be allocated to each Province, and that share shall be paid to the Government of the Province concerned, and shall not form part of the Federal Consolidated Fund.

(5) The recommendations of the National Finance Commission, together with an explanatory memorandum as to the action taken thereon, shall be laid before the National Assembly and the Provincial Assemblies.

Article 119

No Provincial Legislature or Provincial Government shall have power-

(a) to pass any law, or take any executive action, prohibiting or restricting the entry into, or export from, the Province of goods of any class or description; or

(b) to impose any taxes, cesses, tolls or dues which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced, discriminate in favour of the former, or which, in the case of goods manufactured or produced outside the Province, discriminate between goods manufactured or produced in any locality and similar goods produced in any other locality: Provided that no Act of a Provincial Legislature which imposes any reasonable restriction in the interest of public health, public order or morality shall be invalid under this Article if it is otherwise valid under the Constitution; but any Bill for this purpose passed by the

Provincial Assembly shall be reserved for the assent of the President, and shall not become law unless the President assents hereto.

Chapter 3: Audit and Accounts (not part of study)

Article 120

(1) there shall be a Comptroller and Auditor-General of Pakistan, who shall be appointed by the President.

(2) The terms and conditions of service and the term of office of the Comptroller and Auditor-General shall be determined by Act of Parliament, and until so determined, by rules made by the President.

Article 121

(1) A person who has held office as Comptroller and Auditor-General shall not be eligible for further appointment in the service of Pakistan.

(2) The Comptroller and Auditor-General shall not be removed from office before the expiration of the term of his office except on the like grounds and in the like manner as a judge of a High Court.

Article 122

The Comptroller and Auditor-General shall perform such duties and exercise such powers, in relation to the expenditure and accounts of the Federation and of the Provinces, as may be provided by Act of Parliament.

Article 123

The accounts of the Federation and of the Provinces shall be kept in such form as the Comptroller and Auditor-General may, with the approval of the President, prescribe.

Article 124

The reports of the Comptroller and Auditor-General accounts of the Federation shall be submitted to the President, who shall cause them to be laid before the National Assembly, and his reports relating to the accounts of a Province shall be submitted to the Governor, who shall cause them to be laid before the Provincial Assembly.

Chapter 4: Administrative Relations between the Federation and the Provinces

Article 125

It shall be the duty of the Federal Government to protect each Province against external aggression and internal disturbance, and to ensure, subject to the provisions of Part XI, that the Government of every Province is carried on in accordance with the provisions of the Constitution.

Article 126

(1) The executive authority of every Province shall be so exercised-

(a) as to ensure compliance with Acts of Parliament and existing laws which apply to that Province, and

(b) as not to impede or prejudice the exercise of the executive authority of the Federation.

(2) The executive authority of the Federation shall extend to the giving such directions to a Province as may appear to the Federal Government to be necessary for the purposes of clause (1), and the said authority shall also extend to the giving of directions to a Province -

(a) as to the construction and maintenance of means of communication declared in such direction to be of national or military importance;

(b) as to the measures to be taken for the protection of railways within the Province;

(c) as to the manner in which the executive authority of the Province is to be exercised for the purpose of preventing any grave menace to the peace or tranquility or economic life of Pakistan, or any part thereof; and

(d) as to the carrying into execution in the Province of any Act of Parliament which relates to a matter enumerated in Part II of the Concurrent List and authorizes the giving of such directions.

(3) Where in carrying out any direction given to a Province under sub-clauses (a) and (b) of clause (2), costs have been incurred in excess of those which would have been incurred by the Provincial Government in the discharge of the normal duties of that Government if such directions has not been given, there shall be paid by the Federal Government to the Provincial Government such sums as may be agreed, or in default of agreement, as may be determined in accordance with the procedure prescribed in Article 129.

Article 127

(1) Notwithstanding anything in the Constitution, the President may, with the consent of a Provincial Government, entrust either conditionally or unconditionally to that Government, or to any officer thereof, functions in relation to any matter to which the executive authority of the Federation extends.

(2) An Act of Parliament may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has not the power to make laws, confer powers and impose duties, or authorize the conferment of powers and the imposition of duties, upon a Province or officers authorities thereof.

(3) Where by virtue of this Article powers and duties have been conferred or imposed upon a Province, or officers or authorities thereof, there shall be paid by the Federal Government to the Provincial Government such sums as may be agreed, or, in default of agreement, as may be determined in accordance with the procedure prescribed in Article 129, in respect of any extra costs incurred by the Provincial Government in connection with the exercise of those powers and duties.

Article 128

The Federal Government may, if it deems it necessary to acquire any land situate in a Province for any purpose connected with a matter with respect to which Parliament has power to make laws, require the Provincial Government to acquire the land on behalf, and at the expense of the Federal Government or, if the land belongs to the Province, to transfer it to the Federal Government on such terms as may be agreed or, in default of agreement, as may be determined in accordance with the procedure prescribed in Article 129.

Article 129

(1) Any dispute between the Federal Government and one or both Provincial Governments, or between the two Provincial Governments, which under the law of the Constitution is not within the jurisdiction of the Supreme Court, may be referred by any of the Governments involved in the dispute to the Chief Justice of Pakistan, who shall appoint a tribunal to settle the dispute.

(2) Subject to the provisions of any Act of Parliament, the practice and procedure of any such tribunal, including the fees to be charged and the award of costs, shall be determined by rules made by the Supreme Court and approved by the President.

(3) The report of the tribunal shall be forwarded to the Chief Justice, who shall determine whether the purpose for which the tribunal was appointed has been carried out, and shall return the report to the tribunal for re-consideration if he is of opinion that the purpose has not been carried out; and when the report is in order the Chief Justice shall forward the report to the president who shall make such order as may be necessary to give effect to the report.

(4) Effect shall be given in a Province to any order made under this Article by the President, and any Act of the Provincial Legislature which is repugnant to the order shall, to the extent of the repugnancy, be void.

(5) An order by the President under this Article may be varied by the President in accordance with an agreement made by the parties concerned.

Article 130

If at any time it appears to the President that the public interest would be served by the establishment of an Inter-Provincial Council charged with the duty of -

(a) investigating and discussing subjects in which the Provinces, or the Federation and one or both of the Provinces, have a common interest; or

(b) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject; the President may, with the consent of the Governors of the Provinces, establish such a Council and define the nature of the duties to be performed by it, and its organization and procedure.

Article 131

(1) Notwithstanding anything in the Constitution it shall be competent to the Provincial Government to construct and use transmitters with respect to broadcasting in the Province. Provided that when a Provincial Government constructs and uses transmitters in the Province, it shall be entitled to a part of the net proceeds of the fees received by the Federal Government in respect of the use of any receiving apparatus in the Province, in such proportion as may be agreed, or, in default of agreement, as may be determined in accordance with the procedure prescribed in Article 129.

(2) An Act of Parliament with respect to broadcasting shall be as to secure that effect can be given to the foregoing provisions of this Article.

(3) Nothing in this Article shall be construed as restricting the powers conferred on the President by the Constitution for the prevention of any grave menace to the peace or tranquility of Pakistan or any part thereof.

Article 132

(1) Parliament may by law provide for the transfer of the railways in each Province to the Government of the Province or to an authority constituted in the Province for that purpose, and for all conditions, reservation and other matters appertaining to the said law transfer; and until a transfer made by or under any such law takes effect railways shall remain within the purposes of the Government of the Federation, and Parliament shall, notwithstanding anything contained in Article 106, have exclusive power to make laws with respect thereto.

(2) Notwithstanding anything contained in Article 196, a Provincial Legislature shall not have power to make any law affecting any provisions of a law made under clause

(1) Fifth Schedule

The Fifth Schedule consisted of the federal, concurrent and provincial lists under Article 106, delimiting the areas of legislation between the federal and the provincial governments and areas common to both. The inclusion of "criminal and nomadic tribes" in the provincial list (Item 7) seems today an oddity belonging to the attitudes
of that

APPENDIX: II

CENTRE-PROVINCES RELATIONS UNDER CONSTITUTION 1962

Part 6: Relations between the Centre and the Provinces

Article 131

(1) The Central Legislature shall have exclusive power to make laws (moulding laws having extra-territorial operation) for the whole or any part of Pakistan with respect to any matter enumerated in the Third Schedule.

(2) Where the national interest of Pakistan in relation to-

(a) the security of Pakistan, including the economic and financial stability of Pakistan;

(b) planning or co-ordination; or

(c) the achievement of uniformity in respect of any matter in different parts of Pakistan;

so requires, the Central Legislature shall have power to make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan with respect to any matter not enumerated in the Third Schedule.

(3) If-

(a) it appears to the Assembly of a Province to be desirable that a matter not enumerated in the Third Schedule should be regulated in the Province by an Act of the Central Legislature; and

(b) a resolution to that effect is passed by the Provincial Assembly, the Central Legislature shall have power to make laws having effect in the Province with respect to that matter, but any law made in pursuance of this power may be amended or repealed by an Act of the Provincial Legislature.

(4) The Central Legislature shall have power (but not exclusive power) to make laws for the Islamabad Capital Territory and the Dacca Capital Territory with respect to any matter not enumerated in the Third Schedule.

(5) The Central Legislature shall have power to make laws for any part of Pakistan not forming part of a Province with respect to any matter.

Article 132

A Provincial Legislature shall have power to make laws for the Province, or any part of the Province, with respect to any matter other than a matter enumerated in the Third Schedule.

Article 133

(1) The responsibility of deciding whether a legislature has power under this Constitution to make a law is that of the legislature itself.

(2) The validity of a law shall not be called in question on the ground that the legislature by which it was made had no power to make the law.

(3) Nothing in clause (1) or clause (2) shall be construed to have the effect of taking away, limiting to restricting the power of a High Court exercisable by it under paragraph (c) of clause (2) of Article 98.)

Article 134

When a Provincial Law is inconsistent with a Central Law, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Article 135

The Executive authority of the Republic extends-

(a) to all matters with respect to which the Central Legislature has exclusive power to make laws under clause (1) of Article 131;

(b) where a law made by the Central Legislature in pursuance of clause (2), clause (3) or clause (4) of Article 131 provides that the law shall be administered by the Central Government-to the execution of that law; and

(c) in relation to a part of Pakistan not forming part of a Province-to all matters.

Article 136

(1) Subject to clause (2) of this Article, the executive authority of a Province extends to all matters with authority of pro-respect to which the Legislature of the Province has power to make laws.

(2) The executive authority of a Province does not extend to the execution of a law made by the Central legislature to which paragraph (b) of Article 135 applies.

Article 137

(1) The Central Government shall not, in respect of its property or income, be liable to taxation under any provincial Law, and, the subject to clause (2) of this Article, a Provincial Government shall not, in respect of its property or income, be liable to taxation under a Central Law or under a Provincial Law of the other Province.

(2) If a trade or business of any kind is carried on by or on behalf of the Government of a Province outside that Province, that Government may, in respect of any property used in connection with that trade or business or any income arising from that trade or business, be taxed under a Central Law or under a Provincial Law of the other Province.

(3) Nothing in this Article shall prevent the imposition of fees for services rendered.

Article 138

The Central Legislature may by law make grants in aid of the revenues of a Provincial Government that may be in need of assistance.

Article 139

The executive authority of the Central Government extends to borrowing upon the security of the Central Consolidated Fund within such limits, if any, as may be determined by Act of the Central Legislature, and to the giving of guarantees within such limits, if any, as may be so determined.

Article 140

(1) Subject to the provisions of this Article, the executive authority of a Province extends to borrowing upon the security of the Provincial Consolidated Fund within such limits, if any, as may be determined by Act of the Provincial Legislature, and to the giving of guarantees within such limits, if any, as may be so determined.

(2) A Provincial Government shall not, without the consent of the Central Government-

(a) borrow outside Pakistan; or

(b) raise any loan at a time when there is outstanding any part of-

(i) a loan made to the Province concerned by the Central Government; or

(ii) any other loan raised by the Province in respect of which a guarantee has been given by the Central Government.

(3) The Central Government may, subject to such conditions, if any, as it may think fit to impose, make loans to a Provincial Government and, within such limits as may be fixed by Act of the Central Legislature, give guarantees in respect of loans raised by a Provincial Government, and any sums required for the purpose of making loans to a Provincial Government shall be charged upon the Central Consolidated Fund.

(4) A consent under this Article may be granted subject to such conditions, if any, as the Central Government may think fit to impose, but no such consent shall be unreasonably withheld, nor shall the Central Government refuse, if sufficient cause is shown, to make a loan to, or to give a guarantee in respect of a loan raised by, a Provincial Government, or seek to impose in respect of any of the matters aforesaid any condition that is unreasonable, and if any dispute arises whether a refusal of consent, or a refusal to make a loan or to give a guarantee, or any condition insisted upon, is or is not justifiable, the dispute shall be referred to the National Assembly for consideration.

Article 141

A Provincial Law may impose taxes, not exceeding such limits as may from time to time be fixed by Act of the Central Legislature, on persons callings or employments, and no such Provincial Law shall be regarded as imposing a tax on income.

Article 142

(1) Subject to clause (2) of this Article, the Legislature of a Province shall not have power-

(a) to make any law prohibiting or restricting the entry into, or the export from, the Province of any goods; or

(b) to impose a tax which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced, discriminates in favour of the former goods or which, in the case of goods manufactured or produced outside the Province, discriminates between goods manufactured or produced in any locality in Pakistan and similar goods produced in any other locality in Pakistan.

(2) No Provincial Law which imposes any reasonable restriction in the interest of public health, public order or morality or for the purpose of protecting animals or plants from disease or preventing or alleviating any serious shortage in the Province of an essential commodity shall, if it was made with consent of the President, be invalid by reason of this Article.

Article 143

(1) Notwithstanding anything in this Constitution, the President may, with the consent of a Provincial Government, entrust either conditionally or unconditionally to that Government, or to any officer or authority of that Government, functions in relation to any matter to which the executive authority of the Republic extends.

(2) An Act of the Central Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties, or authorize the conferment of powers and the imposition of duties, upon a Provincial Government or officers or authorities of a Provincial Government.

(3) Where, by virtue of this Article, functions have been entrusted or powers and duties have been conferred or imposed upon, a Provincial Government or officers or authorities of a Provincial Government, there shall be paid by the Central Government to the Provincial Government such sums as may be agreed (or if there is no agreement, as may be determined by Act of the Central Legislature) in respect of any extra costs incurred by the Provincial Government in connection with the performance of those functions, the exercise of those powers or the discharge of those duties.

Article 144

(1) The President may, from time to time, constitute a National Finance Commission for the purposes of clause (4) of this Article.

(2) The President shall constitute a National Finance Commission for the purposes of clause (6) of this Article not later than fifteen months before the expiration of each period specified by the National Economic Council under clause (5) of Article 145 (in this Article referred to as a "Plan period").

(3) A National Finance Commission shall consist of the Ministers in charge of the portfolios of Finance in the Central and the Provincial Governments and such other persons as, after consultation with the Governors of the Provinces, the President may appoint.

(4) A National Finance Commission constituted for the purposes of this clause shall make recommendations to the President with respect to-

(a) the distribution between the Central Government and the Provincial Governments of the proceeds (after deducting the cost of their collection) of the following taxes :-

(i) Taxes on income, including corporation tax, but not including taxes on income consisting of remuneration paid out of the Central Consolidated Fund :

(ii) Taxes on sales and purchases :-

(iii) Export duty on jute and cotton, and such other export duties as may be specified by the President;

(iv) Such duties of excise imposed under a Central Law as may be specified by the President:

(v) Such other taxes as may be specified by the President;

(b) the making of grants-in-aid by the Central Government to the Provincial Governments;

(c) the exercise by the Central Government and the Provincial Governments of the borrowing powers conferred by this Constitution; and

(d) any other matter relating to finance referred to the Commission by the President.

(5) As soon as is practicable after receiving the recommendations of the Commission referred to in clause (4) of this Article, the President shall, after considering the recommendations, specify by Order the share of the proceeds of the taxes referred to in paragraph (a) of clause (4) of this Article which is to be allocated to each Provincial Government, and that share shall be paid to the Government of the Province concerned, and notwithstanding Article 37, shall not form part of the Central Consolidated Fund.

(6) A National Finance Commission constituted for the purposes of this clause shall submit to the President, not later than six months before the expiration of the plan period during which it is constituted-

(a) a report on the progress made during that period in advancing the object referred to in clause (4) or Article 145; and

(b) recommendations as to the manner in which that object should be achieved in the next succeeding plan period.

(7) The President shall furnish a copy of the report and the recommendations submitted to him under clause (6) of this Article to the National Economic Council, which shall take those recommendations into account in formulating its plans.

(8) Any recommendations of a National Finance Commission furnished to the President shall, together with an explanatory memorandum as to the action taken on them, be laid before the National Assembly and before each of the Provincial Assemblies.

(9) The same Commission may be constituted for the purposes of clause (4) and clause (6) of this Article.

Article 145

(1) As soon as is practicable after the commencing day, the President shall constitute a Council, to be known as the National Economic Council.

(2) The Council shall consist of such persons as are appointed to the Council by the President, who shall be members of the Council during the pleasure of the President.

(3) The Council shall, from time to time, and whenever so directed by the President, review the overall economic position of Pakistan, formulate plans with respect to financial, commercial and economic policies and the economic development of Pakistan and inform the Central and the Provincial Governments of those plans.

(4) A primary object of the Council in formulating the plans referred to in clause (3) of this Article shall be to ensure that disparities between the Provinces, and between different areas within a Province, in relation to incomes per capita, are removed and that the resources of Pakistan (including resources in foreign exchange) are used and allocated in such manner as to achieve that object in the shortest possible time, and it shall be the duty of each Government to make the utmost endeavour to achieve that object.

(5) The plans formulated by the Council in pursuance of clause (3) of this Article in relation to the economic development of Pakistan shall be formulated with respect to periods specified by the Council.

(6) The Council may, from time to time, appoint such committees or bodies of experts as it considers necessary to assist it in the performance of its functions.

(7) Nothing in this Article shall affect the exercise of the executive authority of the Central Government or of a Provincial Government.

(8) The Council shall submit every year to the National Assembly a report on the results obtained and the progress made in the achievement of the object referred to in clause (4) of this Article, and a copy of the report shall also be laid before each Provincial Assembly.

Article 146

(1) Any property that has no rightful owner, shall, if located in a Province, vest in the Government of that Province, and in every other case, in the Central Government.

(2) All lands, minerals and other things of value underlying the ocean within the territorial waters of Pakistan shall vest in the Central Government.

APPENDIX-III

LIST OF LEGISLATIVE RIGHTS UNDER CONSTITUTION OF 1956

Fifth Schedule

Article 106

Federal List

1. Defence of Pakistan and of every part thereof, and all acts and measures connected therewith.

The Naval, Military and Air Forces of the Federation and any other armed forces raised or maintained by the Government of the Federation; armed forces which are not forces of the Federation but are attached to or operating with any of the armed forces of the Federation; any other armed forces of the Federation, including civil armed forces. Naval, Military and Air Force Works. Industries connected with defence; nuclear energy and mineral resources necessary for its production. Delimitation of cantonment areas; local self-government in cantonment areas;

constitution, powers and functions, within such areas, of cantonment authorities; control of house accommodation (including control of rents) in such areas. Manufacture of arms, firearms, ammunition and explosives.

2. Foreign affairs, including all matters which bring Pakistan into relation with any foreign country.

Diplomatic, consular and trade representation.

International organizations; participation in international bodies and implementing of decisions made thereat.

War and peace; making and implementation of treaties, conventions, declarations and other agreements with foreign countries.

Foreign and extra-territorial jurisdiction; offence against the laws of nations; Admiralty jurisdiction; piracy and offences committed on the high seas and in the air.

Admission into and emigration and expulsion from Pakistan; extradition; passports; visas, permits and other such certificates; pilgrimages to places outside Pakistan, and by persons from outside Pakistan to places inside Pakistan; quarantine, including hospitals connected therewith; seamen's and marine hospitals.

3. Citizenship, naturalization and aliens.

4. Trade and commerce between the provinces, and with foreign countries import and export across customs frontiers.

5. Currency, coinage and legal tender; foreign exchange and negotiable instruments; State Bank of Pakistan; banking (excluding co-operative banking) with objects and business not confined to one Province.
6. Public debt of the Federation, and the borrowing of money on the security of the Federal Consolidated Fund; foreign loans.
7. Stock exchanges and future markets with objects and business not confined to one Province.
8. Insurance and corporations, that is to say, incorporation, regulation and winding-up of corporations, whether trading or not (but not including co-operative societies or universities, or municipal and local bodies), with objects and business not confined to one Province.
9. Copyright, patents, designs and inventions; trade and merchandise marks; standards of quality for goods to be exported out of Pakistan.
10. Establishment of standards of weight and measure.
11. Navigation and shipping, including coastal shipping (but excluding coastal shipping confined to one Province); airways; aerodromes; aircraft and air navigation, and all matters connected therewith; lighthouses and other provisions for the safety of shipping and aircraft.
12. Major ports, that is to say, the declaration and delimitation of such ports and the constitution and powers of port authorities therein; fishing and fisheries outside territorial waters.
13. Posts and all forms of telecommunications, including broadcasting and television; Post Office Savings Bank.
14. Industries, owned wholly or partially by the Federation, or by a corporation set up by the Federation.
15. Mineral oil and natural gas.
16. The constitution, organization, jurisdiction and powers of the Supreme Court (including contempt of such Court) and the fees taken therein; persons entitled to practice before the Supreme Court.
17. Elections to the National Assembly, to the Provincial Assemblies and to the office of President; the Election Commission.
18. Central intelligence and investigating organization; preventive detention for reasons connected with defence, foreign affairs, or the security of Pakistan; persons subjected to such detention.
19. Census; the survey of Pakistan; the Geological Surveys of Pakistan; Meteorological organizations.
20. Property of the Federation situated in any Province and the revenue therefrom.

21. Federal agencies and Federal institutions for the promotion of special studies and special research; libraries and museums financed by the federation.
22. Federal Services, and the Federal Public Service Commission; Federal Pensions.
23. Remuneration of the President, Ministers, Ministers of State and Deputy Ministers of the Federal Government, Members, Speaker and Deputy Speaker of the National Assembly remuneration of Comptroller and Auditor-General, Attorney General and the Governors of Provinces.
24. Privileges and immunities of the President and Governors.
25. Powers, privileges and immunities of the National Assembly and of the members and the committees thereof, enforcement of attendance of persons for giving evidence or producing documents before committees of the National Assembly.
26. Duties of customs (including export duties); duties of excise (including duties on salt, but excluding alcoholic liquor, opium and other narcotics), corporation taxes and taxes on income other than agricultural income; estate and succession duties in respect of property other than agricultural land; taxes on the capital value of assets exclusive of agricultural land; taxes on sales and purchases; terminal taxes on goods or passengers carried by sea or air; taxes on their fares and freights; taxes on mineral oil and natural gas.
27. Fees in respect of any of the matters in this List, excluding fees taken in courts.
28. Inquiries and statistics for the purpose of any of the matters in this List.
29. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; offences against laws with respect to any of the matters in this List.
30. All matters which under the Constitution are within the legislative competence of Parliament, and matters incidental thereto.

Concurrent List

PART I

1. Civil and Criminal law, including the law of evidence and procedure, limitation, marriage and divorce, minors and infants; adoption, joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the Constitution Day subject to their personal law; wills, intestacy, succession, and transfer of property (excluding succession to and transfer of agricultural land); registration of deeds and documents; arbitration; contract; partnership; agency; bankruptcy and insolvency; actionable wrongs; legal and medical professions contempt of court; trusts and official trustees.
2. Scientific and industrial research.
3. Poisons and dangerous drugs.
4. News papers, books and printed publications; printing presses.

PART II

5. Relations between employers and employees; trade unions; industrial and labour disputes; welfare of labour including conditions of work; provident fund; employers' liability; workmen's compensation; invalidity and old age pensions and maternity benefits; vocational and technical training of labour; social security and social insurance.
6. Measures to combat corruption.
7. Price control.
8. Relief and rehabilitation of refugees; custody, management and disposal of evacuee property.
9. Economic and social planning.
10. Commercial and industrial monopolies, combines and trusts.
11. Inter-provincial migration and quarantine.
12. Iron, steel, coal and mineral products, except mineral oil and natural gas.
13. Banking, insurance and corporations, subject to Federal List.
14. Stock exchanges and future markets, subject to Federal List.
15. Ancient and historical monuments declared to be of national importance.
16. Arms, firearms, ammunition and explosives, subject to Federal List.
17. Inquiries and statistic', for the purpose of any of the matters in this List.
18. Fees in respect of any of the matters in this List.
19. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; offences against laws with respect to any of the matters in this List.

Provincial List

1. Public order (but not including the use of naval, military or air forces, or any other armed forces of the Federation in aid of the civil power).
2. Administration of justice; constitution and organization of all except the Supreme Court; procedure in Rent and Revenue courts; fees taken in all courts, except the Supreme Court.
3. Police, including Armed Police, Railway and Village Police.
4. Extension of the powers and jurisdiction of members of a Police force belonging to any province to any area outside that province.
5. Preventive detention for reasons connected with the maintenance of public order; persons subjected to such detention.

6. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other provinces for the use of prisons and other institutions.
7. Removal from one province to another province of prisoners; vagrancy; criminal and nomadic tribes.
8. Land, that is to say, rights in or over land; land tenures, including the relation of landlord and tenant, and the collection of rents; transfer, alienation and devolution of agricultural land; land improvement and agricultural loans; colonization.
9. The incorporation, regulation, and winding-up of corporations, subject to Federal List; unincorporated trading; literary, scientific, religious and other societies and associations; co-operative societies.
10. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights and alienation or revenues.
11. Courts of Wards.
12. Works, lands and buildings vested in or in the possession of the Province.
13. Compulsory acquisition or requisitioning of property.
14. Agriculture, including agricultural education and research; protection against pests and prevention of plant diseases.
15. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.
16. Preservation, protection and improvement of stock, and prevention of animal diseases; veterinary training and practice.
17. Pounds and the prevention of cattle trespass.
18. Prevention of the extension from one Province to another of infectious or contagious diseases.
19. Water, including water supplies, irrigation and canals, drainage and embankments, water storage and water power; flood control.
20. Education, including Universities, technical education and professional training.
21. Libraries, museums and ancient and historical monuments.
22. Botanical, zoological and anthropological surveys.
23. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.
24. Theatres; cinemas; sports; entertainments and amusements.

25. Sanctioning of cinematograph films for exhibition.
26. Public health and sanitation; hospitals and dispensaries.
27. Registration of births and deaths.
28. Railways.
29. Communications not specified in the Federal List; roads, bridges, ferries and other means of communication, minor railways; tramways; ropeway; inland waterways and traffic thereon.
30. Shipping and navigation on tidal waters.
31. Coastal shipping confined to ports within one Province.
32. Vehicles, including mechanically-propelled vehicles.
33. Ports, subject to entry No. 12 in Federal List.
34. Burials and burial grounds; cremations and cremation grounds.
35. Relief of the disabled and unemployed
36. Pilgrimages, subject to Federal List.
37. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.
38. Cultivation, manufacture and sale of opium.
39. Industries.
40. Factories and boilers.
41. Regulation of mines and mineral development, subject to Federal List and Concurrent List.
42. Trade and commerce within the Province.
43. Production, manufacture, supply and distribution of goods.
44. Markets and fairs.
45. Weights and measures, except establishment of standards.
46. Manufacture, supply and distribution of salt.
47. Money-lending and money-lenders; relief of indebtedness.
48. Forests.
49. Protection of wild animals and birds.
50. Prevention of cruelty to animals.
51. Adulteration of food-stuffs and other goods.
52. Lotteries.
53. Betting and gambling.

54. Fisheries.
55. Treasure trove.
56. Electricity.
57. Gas and gas work.
58. Professions.
59. Inns and inn-keepers.
60. Provincial Public Services; Provincial Public Service Commission.
61. Provincial pensions.
62. Public debt of the Province.
63. Administrator-General.
64. Zakat
65. Charities and charitable institutions; charitable and religious endowments.
66. Lunacy and mental deficiency including places for reception or treatment of lunatics and mental deficient.
67. Salaries and allowances of members, the Speaker and the Deputy Speaker of the Provincial Assembly; salaries and allowances of Ministers of the Provincial Government, and the Advocate General.
68. Powers, privileges and immunities of the Provincial Assembly and of the members and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Provincial Assembly.
69. Waqfs and mosques.
70. Orphanages and poorhouses.
71. Taxes on agricultural income and on the capital value of agricultural land.
72. Duties in respect of succession to agricultural land.
73. Stamp duty, including stamp duty on negotiable instruments and insurance policies.
74. Estate duty in respect of agricultural land.
75. Taxes on lands and buildings.
76. Taxes on mineral rights, subject to Federal List and to any limitations imposed by Parliament by law relating to mineral development.
77. Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in Pakistan-
 - (a) alcoholic liquors for human consumption;

- (b) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs;
- (c) medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.

- 78. Taxes on the entry of goods into a local area for consumption, use or sale therein.
- 79. Taxes on the consumption or sale of electricity.
- 80. Taxes on advertisements.
- 81. Taxes on the sale or purchase of newspapers.
- 82. Taxes on goods and passengers carried by road or on inland waterways.
- 83. Taxes on vehicles, whether mechanically-propelled or not, suitable for use on a road; on boats, launches and steamers on inland waters; on tram-cars.
- 84. Taxes on animals and boats.
- 85. Tolls
- 86. Taxes on professions, trades, callings and employments.
- 87. Capitation taxes.
- 88. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.
- 89. Terminal taxes on goods or passengers carried by railway.
- 90. Rates of stamp duty in respect of documents other than those specified in the provisions of Federal List with regard to rates of stamp duty.
- 91. Offences against laws with respect to any of the matters in this List.
- 92. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.
- 93. Fees in respect of any of the matters in this List, but not including fees taken in any court.
- 94. Inquiries and statistics for the purpose of any of the matters in this List.

APPENDIX: IV
LIST OF LEGISLATIVE POWERS UNDER
CONSTITUTION OF 1962

Third Schedule

Article 131

Matters with respect to which the Central legislature has exclusive power to make laws.

1. Defence of Pakistan and of each part of Pakistan, including
 - (a) The Defence services of Pakistan any other armed forces(including civilian armed forces) raised or maintained by the central government of Pakistan and any other armed forces attached to or operating with any of the armed forces of Pakistan;
 - (b) Military, naval and air force work;
 - (c) Industries connected with defense;
 - (d) The manufacture of arms, firearms, ammunition and explosives; and
 - (e) Cantonment areas, including
 - (i) The delimitation of such areas;
 - (ii) Local self-government in such areas, the constitution of local authorities for such areas and the functions and powers of such authorities; and
 - (iii) The control of housing accommodation (including control of rents) in such areas.
2. External Affairs, including
 - (a) relations and dealing of all kinds with other countries;
 - (b) international organization's and bodies, and the implementation of their decisions;
 - (c) the making and implementation of treaties, conventions and agreements with other countries;
 - (d) diplomatic, consular, trade and other representation in other countries;
 - (e) the declaration of war upon, and the making of peace with any foreign country;
 - (f) offences against the laws of nations; and
 - (g) Foreign and extra-territorial jurisdiction, Admiralty jurisdiction and piracy and offences committed on the high seas and in the air.
3. Admission of persons into, and departure of persons from, Pakistan, including
 - (a) Immigration and emigration;
 - (b) Passport, visas, permits for entry and exit and other such certificates;
 - (c) Extradition and expulsion from Pakistan;
 - (d) Pilgrimages to and from Pakistan;
 - (e) Quarantine, including hospitals connected there with; and

- (f) Seamen's and marine hospitals.
- 4. Citizenship, naturalization and aliens.
- 5. Trade and commerce between the Provinces and with other countries, including
 - (a) Import and export across customs frontiers; and
 - (b) Standards of quality of goods to be exported out of Pakistan.
- 6. National economic planning and national economic co-ordination.
- 7. Currency, coinage and legal tender.
- 8. Foreign exchange and negotiable instruments.
- 9. (a) Central banking: State Bank of Pakistan.
(c) Other banking (not including cooperative banking) with objects and business not confined to one province.
- 10. Public dept. of the Centre, including
 - (a) The borrowing of money on the security of the Central Consolidated Fund; and
 - (b) Foreign loans.
- 11. Stock exchanges and futures markets with objects and business not confined to one Province.
- 12. Insurance.
- 13. Incorporation regulation and winding – up of corporations, whether trading corporation or not (but not including co-operative societies, universities or municipal or local bodies), with objects and business not confined to one Province.
- 14. Copyright, patents, designs, inventions, trade marks and merchandise marks.
- 15. Navigation and shipping (including coastal shipping but not including shipping confined to one Province).
- 16. Air navigation and aircraft, including
 - (a) Airways and air services; and
 - (b) Aerodromes.
- 17. Light houses and other provisions for safety of shipping and aircraft.
- 18. Declaration and delimitation of major ports and the constitution and powers of port authorities in such ports.
- 19. Standards of weights and measure
- 20. Posts, including Post Office Saving Bank.
- 21. Telecommunications, including broadcasting and television.
- 22. Fishing and fisheries outside territorial waters.
- 23. Nuclear energy, including
 - (a) Mineral resources necessary for the generation of nuclear energy;
 - (b) The production of nuclear fuels and the generation and use of nuclear energy; and
 - (c) Ionizing radiations.
- 24. Mineral oil and natural gas.
- 25. Industries owned wholly or partly by the central government or by a corporation set up by the Centre.

26. Property of the Centre, wherever situated, and the revenue from such property.
27. Survey of Pakistan, including geological surveys.
28. Metrology and meteorological observation.
29. National libraries and museums.
30. Central agencies and central institution for the promotion of special studies and special research.
31. Ancient and historical monuments declared to be of national importance.
32. Census.
33. Central intelligence and investigating organizations.
34. Preventive detention for reasons connected with defence, external affairs or the security of Pakistan, and persons subjected to such detention.
35. Elections to the office of President, to the National Assembly and to the Provincial Assemblies: the Chief Election Commissioner and Election Commissions.
36. Remuneration of the Speaker, Deputy Speakers and other members of the National Assembly.
37. Powers, privileges and immunities of the National Assembly and of members and committees of the National Assembly, including the enforcement of attendance of persons for giving evidence or producing document before committees of the National Assembly.
38. Supreme Court, including___
 - (a) The constitution, organization, jurisdiction and powers of the supreme court;
 - (b) Fees to be taken in that court; and
 - (c) Persons entitled to practice before that court.
39. The service and execution outside a Province of the processes and the judgments, decrees, orders and sentences of courts, and of other authorities and tribunals, of the Province, and the recognition outside a Province of the laws, records and judicial proceedings of the Province.
40. Central Public Service Commission, All-Pakistan Services and services and posts connected with the affairs of the Centre.
41. Tourism.
42. Relief and rehabilitation of refugees: evacuee property.
43. Duties and taxes, as follows:
 - (a) Duties of customs (including export duties);
 - (b) Duties of excise (including duties on salt, but not including duties on alcoholic liquor, opium or other narcotics);
 - (c) Corporation taxes and taxes on income other than agricultural income;
 - (d) Estate and succession duties;
 - (e) Taxes on the capital value of assets, not including taxes on capital gains on immovable property;
 - (f) Taxes on sales and purchases;
 - (g) Terminal taxes on goods or passengers carried by sea or air, and taxes on their fares and freights;

- (h) Taxes on mineral oil, natural gas and minerals for use the generation of nuclear energy and
 - (i) Taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in items (b),(c) and (f) of this entry, or in lieu of any one or more of them.
44. Fees in respect of any of the matters enumerated in this schedule, excluding fees taken in Courts (other than in the Supreme Court).
 45. Inquiries and statistics for the purposes of any of the matters enumerated in this Schedule.
 46. Jurisdiction and powers of courts with respect to any of the matters enumerated in this Schedule.
 47. Offences against laws with respect to any of the matters enumerated in this Schedule.
 48. Matters which under this constitution are within the legislative competence of the Central Legislature or relate to the Centre.
 49. Matters incidental or ancillary to any matter enumerated in this Schedule.

APPENDIX V

LEGISLATIVE LISTS UNDER THE CONSTITUTION 1973, PRIOR TO 18TH AMENDMENT

FOURTH SCHEDULE

[Article 70 (4)]

Federal Legislative List

PART I

1. The defence of the Federation or any part thereof in peace or war; the military, naval and air forces of the Federation and any other armed forces raised or maintained by the Federation; any armed forces which are not forces of the Federation but are attached to or operating with any of the Armed Forces of the Federation including civil armed forces; Federal Intelligence Bureau; preventive detention for reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof; persons subjected to such detention; industries declared by Federal law to be necessary for the purpose of defence or for the prosecution of war.
2. Military, naval and air force work; local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas, and the delimitation of such areas.
3. External affairs; the implementing of treaties and agreements, including educational and cultural pacts and agreements, with other countries; extradition, including the surrender of criminals and accused persons to Governments outside Pakistan.
4. Nationality, citizenship and naturalisation.
5. Migration from or into, or settlement in, a Province or the Federal Capital.
6. Admission into, and emigration and expulsion from, Pakistan, including in relation thereto the regulation of the movements in Pakistan of persons not domiciled in Pakistan, pilgrimages to places beyond Pakistan
7. Posts and telegraphs, including telephones, wireless, broadcasting and other like forms of communications; Post Office Saving Bank.
8. Currency, coinage and legal tender.
9. Foreign exchange; cheques, bills of exchange, promissory notes and other like instruments.

10. Public debt of the Federation, including the borrowing of money on the security of the Federal Consolidated Fund; foreign loans and foreign aid.
11. Federal Public Services and Federal Public Service Commission.
12. Federal pensions, that is to say, pension's payable by the Federation or out of the Federal Consolidated Fund.
13. Federal Ombudsmen.
14. Administrative Courts and Tribunals for Federal subject.
15. Libraries, museums, and similar institutions controlled or financed by the Federation.
16. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.
17. Education as respects Pakistani students in foreign countries and foreign students in
Pakistan.
18. Nuclear energy, including__
 - (a) mineral resources necessary for the generation of nuclear energy;
 - (b) the production of nuclear fuels and the generation and use of nuclear energy; and
 - (c) Ionizing radiations.
19. Port quarantine, seamen's and marine hospitals and hospitals connected with port quarantine.
20. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
21. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.
22. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.
23. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.
24. Carriage of passengers' and goods by sea or by air.
25. Copyright, inventions, designs, trademarks and merchandise marks.
26. Opium so far as regards sale for export.
27. Import and export across customs frontiers as defined by the Federal Government, inter-provincial trade and commerce, trade and commerce with foreign countries; standard of quality of goods to be exported out of Pakistan.
28. State Bank of Pakistan; banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Province and carrying on business only within that Province.
29. The law of insurance, except as respects insurance undertaken by a Province, and the regulation of the conduct of insurance business, except as respects business

undertaken by a Province; Government insurance, except so far as undertaken by a Province by virtue of any matter within the legislative competence of the Provincial Assembly.

30. Stock exchanges and futures markets with objects and business not confined to one Province.
31. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Province and carrying on business only within that Province, or co-operative societies, and of corporations, whether trading or not, with objects not confined to a Province, but not including universities.
32. National planning and national economic coordination including planning and coordination of scientific and technological research.
33. State lotteries.
34. National highways and strategic roads.
35. Federal surveys including geological surveys and Federal meteorological organisations.
36. Fishing and fisheries beyond territorial waters.
37. Work, lands and buildings vested in, or in the possession of Government for the purposes of the Federation (not being military, naval or air for work), but, as regards properly situate in a Province, subject always to Provincial legislation, save in so far as Federal law otherwise provides.
38. Census.
39. Establishment of standards of weights and measures.
40. Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in another Province without the consent of the Government of that Province; extension of the powers and jurisdiction of members of police force belonging to any Province to railway areas outside that Province.
41. Elections to the office President, to the National Assembly, the Senate and the Provincial Assemblies; Chief Election Commissioner and Election Commissions.
42. The salaries, allowances and privileges of the President, Speaker and Deputy Speaker of the National Assembly, Chairman and Deputy Chairman of the Senate, Prime Minister, Federal Ministers, Ministers of State, the salaries, allowances and privileges of the members of the Senate and the National Assembly; and the punishment of persons who refuse to give evidence or produce documents before committees thereof.
43. Duties of customs, including export duties.
44. Duties of excise, including duties on salt, but not including duties on alcoholic liquors, opium and other narcotics.
45. Duties in respect of succession to property.

46. Estate duty in respect of property.
47. Taxes on income other than agricultural income.
48. Taxes on corporations.
- 1[49. Taxes on the sales and purchases of goods imported, exported, produced, manufactured or consumed.]¹
50. Taxes on the capital value of the assets, not including taxes on capital gains on immovable property.
51. Taxes on mineral oil, natural gas and minerals for use in generation of nuclear energy.
52. Taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 44, 47, 48 and 49 or in lieu of any one or more of them.
53. Terminal taxes on goods, or passengers carried by railway, sea or air; taxes on their fares and freights.
54. Fees in respect of any of the matters in this Part, but not including fees taken in any court.
55. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List and, to such extent as is expressly authorised by or under the Constitution, the enlargement of the jurisdiction of the Supreme Court, and the conferring thereon of supplemental powers.]
56. Offences against laws with respect to any of the matters in this Part.
57. Inquiries and statistics for the purposes of any of the matters in this Part.
58. Matters which under the Constitution are within the legislative competence of 1 [Majlis-e-Shoora (Parliament)] or relate to the Federation.
59. Matters incidental or ancillary to any matter enumerated in this Part.

PART II

1. Railways.
2. Mineral oil and natural gas; liquids and substances declared by Federal law to be dangerously inflammable.
3. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest; institutions, establishment bodies and corporations administered or managed by the Federal Government immediately before the commencing day, including [Pakistan Water and Power Development Authority and the Pakistan Industrial Development Corporation]; all undertakings, projects and schemes of such institutions, establishments, bodies

¹ Subs, by the Constitution (Fifth Amdt.) Act, 1976(62 of 1976),s 19 for the original entry 49(w.e.f. the 13th September,1976).

and corporations, industries, projects and undertakings owned wholly or partially by the Federation or by a corporation set up by the Federation.

4. Council of Common Interests.
5. Fees in respect of any of the matters in this Part but not including fees taken in any court.]
6. Offences against laws with respect to any of the matters in this Part.
7. Inquiries and statistics for the purposes of any of the matters in this Part.
8. Matters incidental or ancillary to any matter enumerated in this Part.²

Concurrent Legislative List

1. Criminal law, including all matters included in the Pakistan Penal Code on the commencing day, but excluding offences against laws with respect to any of the matters specified in the Federal Legislative List and excluding the use of naval, military and air forces in aid of civil power.
2. Criminal procedure, including all matters included in the Code of Criminal Procedure, on the commencing day.
3. Civil procedure, including the law of limitation and all matters included in the Code of Civil Procedure on the commencing day; the recovery in a Province or the Federal Capital of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising, outside that Province.
4. Evidence and oath; recognition of laws, public acts and records and judicial proceedings.
5. Marriage and divorce, infants and minors; adoption.
6. Wills, intestacy and succession, save as regards agricultural land.
7. Bankruptcy and insolvency, administrators-general and official trustees.
8. Arbitration.
9. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.
10. Trust and trustees.
11. Transfer of property other than agricultural land, registration of deeds and documents.
12. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in the Federal Legislative List.
13. Removal of prisoners and accused persons from one Province to another Province.
14. Preventive detention for reasons connected with the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention.
15. Persons subjected to preventive detention under Federal authority.
16. Measures to combat certain offences committed in connection with matters concerning the Federal and Provincial Government and the establishment of a police force for that purpose.
17. Arms, fire-arms and ammunition.
18. Explosives.

² Subs. by the Constitution (Fifth Amdt.) Act, 1976 (62 of 1976), s. 19, for "West Pakistan Water and Power Development Authority and the West Pakistan Industrial Development Corporation" (w.e.f. the 13th September, 1976).

- 19 Opium, so far as regards cultivation and manufacture.
20. Drugs and medicines.
21. Poisons and dangerous drugs.
22. Prevention of the extension from one Province to another of infectious or contagious diseases or pests affecting men, animals or plants.
23. Mental illness and mental retardation, including places for the reception or treatment of the mentally ill and mentally retarded.
24. Environmental pollution and ecology.
25. Population planning and social welfare.
26. Welfare of labour; conditions of labour, provident funds; employers' liability and workmen's compensation, health insurance including invalidity pension, old age pensions.
27. Trade unions; industrial and labour disputes.
28. The setting up and carrying on of labour exchanges, employment information bureaus and training establishments.
29. Boilers.
30. Regulation of labour and safety in mines, factories and oil-fields.

31. Unemployment insurance.
32. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on inland waterways.
33. Mechanically propelled vehicles.
34. Electricity.
35. Newspapers, books and printing presses.
36. Evacuee property.
37. Ancient and historical monuments, archaeological sites and remains.
38. Curriculum, syllabus, planning, policy, centers of excellence and standards of education.
39. Islamic education.
40. Zakat.
- 1[41. Production, censorship and exhibition of cinematograph films.]
42. Tourism.
43. Legal, medical and other professions.³
- 1[43A Auqaf.]
44. Fees in respect of any of the matters in this List, but not including fees taken in any court.
45. Inquiries and statistics for the purpose of any of the matters in this List.
46. Offences against laws with respect to any of the matters in this List; jurisdiction and powers of all courts except the Supreme Court, with respect to any of the matters in this List.
47. Matters incidental or ancillary to any matter enumerated in this List.

³ Subs. by the Constitution (Fifth Amdt.) Act, 1976 (62 of 1976)s 19, for the original entry 41 (w.e.f. the 13th September, 1976).

APPENDIX-VI

Centre-MQM' Conditions for Agreement

Government's 21 points

1. The Altaf Group shall publicly renounce violence. No calls will be given for strikes, arson, damage to public and private property. The leader of the Altaf Group will ask his workers to surrender weapons at police stations.
2. Altaf Group will ask its workers involved in violent acts to surrender themselves before the police authorities. In exchange the government will consider appropriate concessions.
3. That the Altaf Group will give up its policy of ethnic cleansing. It will stop targeted killings of Punjabis, Pathans, Sindhis, Balochis and will desist from killing Mohajirs opposed to it.
4. Altaf Group will accept pluralistic democratic system and work within it. For this it will tolerate and accommodate dissent from Haqiqis, Jamaat-e-Islami, Jamiat-e-Ulema Pakistan, PPP and PPI.
5. That the Altaf Group will stop targeted killings of LEA, GOP plus GOS employees.
6. That the Altaf Group will surrender the gang leaders and its members (names will be provided in due course).
7. That Altaf Group will wind up its training camps in India and recall Javed Langra and others who have been stationed there.
8. That Altaf Group will agree that all those facing charges of heinous crimes and allegations of sniper firing will have to face proceedings in trial courts.
9. That Altaf Group will not extend political support to any person or group wanted for murder e.g. as they did in case of Aslam Sabzwari, a wanted criminal with head money of Rs. 15 lacs.
10. That Altaf Group will disassociate from its demand for division of Sindh which is tantamount to division of Pakistan or any other scheme that seeks to alter the territories of Pakistan as defined in Article 1 of the Constitution of Pakistan.
11. That the Altaf Group shall publicly denounce as a principle of policy the atrocities and gross violations of Human Rights committed by the Indian occupation forces in the state of Jammu and Kashmir.

The following amongst other measures, steps and actions shall be taken in furtherance of the above objectives:

- a. The Altaf Group shall forthwith desist from drawing any parallel between Karachi which is part of Pakistan and occupied Jammu and Kashmir which is an internationally recognised dispute.

- b. The Altaf Group shall immediately stop all its efforts at international forums and internally to shift the attention of the international community from the atrocities committed by the Indian troops in occupied Jammu and Kashmir.
12. The Altaf Group shall publicly stop its policy of press censorship under threat of coercion and desist from, either directly or indirectly, interfering, coercing or intimidating the press e.g. can be given if so desired.
13. That the Altaf Group shall abandon its policy of ethnic cleaning under which it has sought to turn homogenous Karachi into a mono-ethnic city.
14. That the Altaf Group shall withdraw its slogan "who is disloyal to quaid deserves death".
15. The MQM (Altaf Group) shall not exploit, discredit or dishonour women by using them or incidents relating to them for the purpose of inflaming passions e.g. as in case of Farzana where medical experts opined rape had not taken place.
16. The Altaf Group shall publicly withdraw its call "sell TV, VCR and purchase Kalashnikov".
17. The Altaf Group pay a mutually agreed compensatory amount according to Islamic principle of Qisas & Diyet in a fund to be created for the welfare of the families of all those persons belonging to the law enforcing agencies, victims of sniper firing and members of opposing political parties who have been made victims of targeted killings by the terrorists belonging to Altaf Group's militant faction.
18. The Altaf Group shall immediately stop its malicious campaign to internationally defame and malign the State of Pakistan, its national institutions and its elected government e.g. distortion of Prime Minister's speech at Kasur (Give them a copy of speech).
19. Altaf Group will not call Mohajirs opposing them "Ghaddars".
20. Altaf Group will welcome the Karachi Package.
21. Workers of Altaf Group will close its torture chambers, stop receiving Bhatta from shopkeepers and give up extortion of businessmen.

MQM's 18 Points

1. 'Operation Clean-Up' directed against the Mohajirs be discontinued forthwith. All military and para-military forces be withdrawn from the civilian areas.
2. Mohajir representation in the national and provincial assemblies and the Senate is well below their actual population. To ensure proportionate representation of the Mohajirs, the overdue census be conducted under an impartial authority. The electoral boundaries in Sindh province be revised.
3. Mohajirs constitute about 50 per cent of Sindh's population but their share in the federal and the provincial services is negligible. The urban quota in federal and provincial services needs to be enhanced from 7.6 per cent to 9.5 per cent and from 40 per cent to 50 per cent respectively on the strength of their population.

The factual position is that the representation of Mohajirs in the federal and provincial services is only one per cent and 15 per cent, respectively. To meet this deficiency of 8.5 per cent at the federal level and 35 per cent at the provincial level, special

recruitment for induction of Mohajirs' be made on emergency basis and due share of Mohajirs in the services be maintained.

4. The spirit of democracy demands that all sections of population are represented in the government. Therefore, the position of the governor and the chief minister of Sindh be shared in rotation by the Mohajirs and the Sindhis.

5. The urban areas of Sindh should receive proportionate share of federal and provincial funds for development.

6. All arbitrary administrative actions taken to suppress and subjugate the Mohajirs during the last two years be reversed.

This particularly refers to the bifurcation of Hyderabad Municipal Corporation, the creation of Malir District and of Lyari Development Authority.

7. The repatriation of stranded Pakistanis from Bangladesh to Pakistan be carried out without further delay.

8. Karachi Metropolitan Corporation, Hyderabad Municipal Corporation and other municipal bodies be made autonomous to govern their affairs freely. Similarly, till elections for the local bodies are held the arbitrarily superseded elected local bodies be restored forthwith.

9. All employees' arbitrarily sacked or removed from federal and provincial and semi-government services since June 1992 and those sacked from the Pakistan Steel be reinstated.

10. During the last two year thousands of MQM workers, leaders and elected representative were killed, kidnapped, arrested, tortured and maimed. Their properties were looted or burnt under the state patronage. Suitable compensation be given to all those who suffered.

11. Billions of rupees extorted by the personnel of the law enforcement agencies, particularly FIT (Field Investigation Team - an intelligence wing of the Army) and police as bribes from the innocent Mohajirs be recovered and returned to the victims. During raids household, valuables and jewellery were looted by the personal of the law enforcement agencies. The culprits involved be taken to task through inquiry by an independent commission and losses be indemnified.

12. Large number of Mohajirs were murdered in the custody of Army, other law enforcement agencies and by their sponsored terrorist group 'Haqiqi'.

The latest example of Mohajir genocide is the cold blooded murder of five young men in Sukkur by the law enforcement agencies. A commission of Supreme Court and High Court judges be constituted to investigate these heinous crimes with the power to punish the culprits.

13. All cases instituted or reopened against the MQM leaders, members of the Senate and the assemblies, workers and sympathisers are false, fabricated and politically motivated. These cases be withdrawn unconditionally.

14. Representation of Mohajirs in Sindh Police is negligible; therefore, recruitment of the Mohajirs in Sindh Police be made on emergency basis to make it proportionate according to their population ratio.

15. Educational institutions in the interior of Sindh have been made inaccessible for the Mohajir students, due to violence and armed attacks in those campuses. At the

same time, the Mohajir students are being denied admission in professional educational institutions in the urban areas mainly because of fake domicile and permanent residence certificates. These malpractices need to be stopped.

16. Massacre of Mohajirs has continued from time to time in Sindh, the southern province of Pakistan. Thousands of Mohajir men, women and children have been killed and injured, while women treated degradingly. Large number of houses have been looted and set ablaze. A high-level commission of Supreme Court and High Court judges be constituted to identify those responsible for massacre so that culprits may be punished.

17. MQM leaders, elected members and workers, who are in various jails of Sindh, are in fact political prisoners and should be given "B" class as envisaged in the jail manual.

18. Constitutional and democratic right of MQM's freely participating in the political activities are being usurped, due to the high-handedness and machination of the government and the law enforcement agencies.

Central office of MQM known as "Nine-Zero" has been raided over 50 times during the on-going 'operation clean-up,' properties and equipment worth over Rs. 30 million have been looted and destroyed. All telephone/fax/mobile phones of the MQM central office have been disconnected by the government.

Political victimization be stopped against the MQM, undeclared ban be lifted, MQM be allowed to participate fully and freely in the political activities, its telephone lines be restored and full compensation be paid for the loss of properties and equipment.⁴

⁴ **Source:** Raza, Moosi. "Government-MQM Talks a Non-Starter." *Economic Review*, July 1, 1995. Accessed January 5, 2018. <https://www.thefreelibrary.com/Government-MQM+talks+a+non-starter.-a017415857>.

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