



## DETERRENCE AND ADJUSTMENT IN FEDERALISM: A CASE STUDY OF PAKISTAN

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**Abstract-** It is distressing to note that the issue of federalism in Pakistan has been continued to be a point of debate even after seventy-five years of independence. The challenges of governance and political management have been complicated till the unresolved problems with federalism, generating tensions within the governmental system. This study deals with the historical context and few suggestions of federalism in Pakistan from pre-partition to modern times. As successive constitutional structures were set in situ to pander to ethnic and cultural diversity, the current study seeks to specify the complexities of federalist politics in Pakistan. It traces the history of central-provincial ties in the political, administrative, and other areas of public policy and addresses recent initiatives within the government. The 18th Constitutional Amendment of 2010 will also be analyzed as a milestone on the path to the establishment of federalism within the country. The key challenge came after the amendment and that is its implementation which faced so many challenges and problems i.e. the relationship between the central provinces management, regional issues, honest officials and economic or resource matters. In the end, there are some suggestions for its futuristic vision.

**Keywords:** Federalism, Centre-Province relationship, Pakistan, Constitution, Government, Act, Amendment, politics, distribution of power.

### I. INTRODUCTION

Federalism in Pakistan came from its founders, pre and post-partition constitutional documents, and also different speeches of Quaid-e-Azam gave evidence over it (Ahmed S. J., Federation in Pakistan: A constitutional Study, 1990). Being a Federal country along with a colonial legacy, it still has so many issues in achieving a stable form. Over the almost seven and half decades Pakistan with the federal government experienced a lot of political changes either pleasant or unpleasant. (Ahmed S. J., Historical Evolution of Federalism in Pakistan, 2014). Federalism is one of the government's most elegant structures built on the other hand to maintain local diversity in the same society for the dual necessity of organizing national unity for a common purpose. A successful federal system is needed strong combined powers rather than local diversities. Although the federal units use their constitutional powers within their constitutional limits, yet they are free in that powers and the center can not interfere in them. So, a balance of powers is also necessary. Pakistan has the all-important component of the federal system which makes it a success. Instead of all this, it experienced a very crucial political history because of the presence of several diversities on an ethnic, linguistic, regional and political basis. In Article 1 of the 1973 Constitution, it is stated that Pakistan is a Federal government with two lists of subjects (The Constitution of the Islamic Republic of Pakistan, Part V, Chapter 1: Distribution of Legislative Powers, 1973); federal and concurrent. There were two parts of the federal list with 59 and 8 items while the concurrent list had 47 items and all rest of the powers or subjects were given to the provinces. Now, the concurrent list of subjects was removed from the constitution after the 18th amendment, and 42 out of 47 objects were allocated to the provinces (The Gazette of Pakistan, extraordinary, part 1, 20th April 2010). The United States was the first country in the world to choose this form of government. and later, in the 19th century, so many other countries in the world followed federalism, For instance, Colombia, Venezuela, Argentina, and Brazil, etc. and the US constitution as a federal constitution had a very important role because it was used without interruption for a very long time. (Ahmed N., 2004)

#### **A Historical Perspective of Federalism in Pakistan (1857-1947)**

In federalism the national affairs of the state connected with the central government while the local affairs rest with the provincial government. Dicey gave his opinion in these words that a strategic ruse to reconcile national unity with the protection of state rights. All the powers are connected with the constitution. The origin of federalism is connected with the centripetal and centrifugal forces. The units came towards the federation because of their common economic and political interests. It is important to

have a proper and fully established political awareness and legalism for the process of continuation and progress, as well as a sense of collaboration between the center and its units. In short, the federal system will reach its true nature with the proper approval of the public. (Khalid, January, 2013)

### **Evolution of Federalism**

For the sake of the evolution of federalism in Pakistan, a study was needed from the colonial period of 1857 to the current constitution 1973. After partition, history divided into two phases; pre-federalization and post-federalization, the pre-federalization is between 1947-1970 and the second phase started in 1973. In pre-federalization, the centralization of authority and lack of strong federal structure was observed which resulted in the fall of Dhaka while the second phase was characterized as a strong federal system. Pakistan, since its emergence, faces so many constitutional and political hurdles and even today has so many ethnic, religious, and political divisions which have weakened the federal system in the country. For getting the true picture of issues of federalism, it is essential to have a birds-eye view of history (Khalid, January, 2013).

#### **A) The Colonial Legacy**

Great Britain opted for a unitary system in their own country but they created the federal system in some of their colonies and the subcontinent was one of them. In the subcontinent, they divided the powers from the center to the provinces and the central colonial government worked as the federal government over the provinces but constitutionally the federal form of government was introduced through the act of 1935 but being a colonial government there was a lack of true spirit of federalism in the subcontinent and the main importance was given to the empire of Britain rather than the needs of the federal system. So, there was a huge difference between colonial federalism and an independent state having a federal system. The main aim of the governance was to rule the territory according to their interest rather than to attain the true spirit of federalism.

India was sub-continent with an area of 1,800.00 square miles at that time which was almost 20 times bigger than Britain. The differences based on ethnicity, culture, religion, and even geography were present. The subcontinent was divided into different areas i.e. plains, deserts, and hilly stations. Also, the country had a very long history of invasions too which made it a society of different races and cultures. It also experienced in sometimes integration and sometimes disintegration. Politically before the Mughals, there were so many different states or dynasties with dependent or independent natures and even at the time of partition, more than 500 self-ruled states existed in the subcontinent. (Nazir M. , 2008)

During the rule of the Mughals, the subcontinent was not only one central executive but also many other self-governed states were there. After their downfall, the British came and occupied the different areas. Moreover, after the war of independence of 1857, the whole subcontinent came under the East India company's rule. Under the Taj-e-Bartania, they directly governed some regions, while some areas were permitted to be ruled by their native rulers. Some agreements were concluded with the British government by these princely states and they do not have independent status while surrendering their external sovereignty to the government and maintaining their internal sovereignty. There were government agents in every princely state who advised them in policy making and even their size of equipment was also decided by the British government. In 1947, the subcontinent emerged in the form of two sovereign states; India and Pakistan. (Nazir M. , 2008)

#### **B) Rule of the East India Company**

United India has come under the control of the East India Company in 1857 which came for trade. In December 1599, a treaty was signed about overseas trade and in 1608, they sent their ships to India with some merchants. After getting trading rights from the Mughals emperor, they established their trading ports in India, which later strengthen with the army. With the one and half-century, they get strong rule over India with their strategic policies and armed forces. At first, they created 3 presidencies that were directly responsible to the governors and east India Company London. Under the East India Company, these presidencies were autonomous and they were left under his office after the establishment of the Governor General's office in the Act of 1773. A nominated executive council was there for his assistance which used legislative powers received by the Parliament of Britain. Within the time he was empowered with different bills and policies. These presidencies became more empowered with legislative and administrative powers and there were independent judiciaries too with interoperating law and constitutional law. Over time, the British parliament gave more powers to the provinces through legislation but instead of all that central government was not weak; all the financial affairs were rest with the center. So, the true spirit of federalism was not introduced or implemented. (Keith A. B., 1961)

#### **C) Centre-Province Relation under British Rule**

Over time the British government realized that better and good governance in a country having a society like a subcontinent only achieve through the devolution of powers. The British government abolished the British East India Company's control in 1857 after the War of Independence and in 1958, India was put

under the direct rule of the British Crown. So many books were written after the war on the causes of the revolt, and Sir Syed Ahmed Khan's "Causes of the Indian Revolt" was one of them, pointing out that the key reason behind the revolt of 1857 was the lack of representation of natives in the Indian legislative council and the divide between the British government and the natives. However gradually the government empowered the provinces with provincial autonomy and this process goes on from 1857-1947 but instead of all that due to the colonial system center was strong.

#### **D) Indian Council Act of 1861**

The most conflicting act of British India regarding centralization was the Indian Council Act 1861. There was the transformation of powers from the center to the units but in reality, the jurisdiction between both levels about powers was absent. Indian Council Act 1861 gave the powers of legislation to the presidencies and also allowed the province to make their councils for legislation under Lieutenant governor, so Punjab made its legislation 1862 while North-West Frontier Province got in 1886. As they get their legislations through the act but at the same time, there was a concurrent list according to which the central legislature can dismiss any law passed by the provincial legislation.

This act also gave strong administrative powers to the center over the provincial government. Another restriction was that the whole Indian administration was under the control and check and balance of the governor-general. To give provinces more powers Eight Services of administration were transferred to them in December 1870 i.e. health, education, police, civil buildings, and public empowerment. The expanse for these services would be collected through the provincial government (Keith A. B., 1961)

#### **E) Indian Council Act of 1892**

After the Indian Council Act 1862, the next step towards center province relationship was Indian Council Act 1892. Basically, in 1885, the first political party of the subcontinent was established, and to satisfy its demands the British government passed the Indian Council Act 1892. The act increased the size and elements of the councils for legislation and elective elements were also added to the council. For the election of these elements, an indirect form of elections has opted, Act of 1892 was an attempt to empower provinces. But in reality, no real change came because they just get the right of question regarding fiscal affairs and all powers again remained with the Governor General's Council.

As the 20<sup>th</sup> Century started more political awareness came in the subcontinent which forced the British government to empower the natives and gave them more representation in governance. The efforts of politicians were the primary cause of this perception, In 1885, the Indian National Congress was established and AIML came into being in 1905, these parties worked to protect the interests of the Indians. Even the Muslim League of India is calling for separate elections for Muslims in 1906. Another reason for the division of powers was the expansion of territory and the government gave powers at the provincial level for effective administration. The last reason was the recommendation of the commission who visited India in 1907 and submitted its reports in 1909 ([www.CFR.org](http://www.CFR.org)>Pakistan, n.d.).

#### **F) The government of India Act 1909**

The legislative bodies have become strong through this act. The number of additional members in the central legislative was increased from 16 to 60 and it was also decided that in these members the officials would not be more than 28. Five non-official members would be nominated by the Governor-General and 3 seats would be given to the different subjects of society. The provincial legislative assemblies were also expanded such as the maximum additional members for the large provinces would be 50 and for smaller provinces, it was 30.

As the government, India Act gave more representation in provincial legislative councils but in the regard of central-provincial relation, there was not enough stuff. The previous limitations enforced by the previous acts over provincial legislation and administration were not released.

WW1 was an important event regarding the self-recognition of the Indians as during this war Muslim League and congress increased their pressure on the government for political reforms. Even in 1916, both parties jointly signed a package called the Lakhnow Packet, requesting that the rest of the subjects be transferred to the provincial governments and provinces in their internal affairs, except for defense, foreign policy, customs, communications, railway, and tax of the princely states. Due to these demands, during 1917, the government released a statement that suggested new constitutional changes for India and finally resulted in the form of the Indian Act 1919.

#### **G) The Government of India Act 1919**

India Act 1919 passed for the progressive realization and responsible government with the parliament. In the center, the bicameral legislature was decided by the act with the names of the legislative assembly and the council of state. The representation in central as well as in provincial assemblies was increased. This act expanded the provincial powers and the center was granted the final powers of defense, foreign relations, currency, railway, telecommunications, and, about provincial affairs, the Governor-General was given the powers to determine whether or not the issue is related to the provinces.

The nature of the political system was not affected by this act, which strengthened provincial autonomy. The center willingly surrenders some of its power to the independence of provinces in the area of administration and legislation. "This stressed the distinction between the unitary government, even though it introduced diverse elements and a structure of diarchy," Sir George Dunbar said. It was a critical step toward the creation of an all-India federation. (Keith A. B., 1992) With all its good points this act did not satisfy the Indian political leader's demands and it was the time of a great political movement "Khilafat Movement", both congress and the Muslim league jointly worked during this movement even they started the non-co-operation movement with the British government. The situation became much intense and in 1927 a commission was sent by the British government to India but both major parties of the country boycotted this commission. The political parties were in favor of a proper federal system but congress in favor of a strong center while the Muslim league was with more provincial autonomy.

#### **H) Nehru Report 1928**

The congress leader Nehru presented a Report in 1928 which demanded a strong center and the Muslim League rejected this report because they think that it was not able to protect the rights of Muslim majority provinces. (Rehmani, 1996).

#### **I) Fourteen Points of Jinnah, 1929**

In 1928, the Quaid-e-Azam presented the Muslim perspective on the Nehru report at an all-party conference, and after that, he presents his 14 points in 1929 in which he demanded a federal setup with strong provincial autonomy (Rehmani, 1996).

#### **J) Allahabad Session of 1930**

In 1930 the All India Muslim League's yearly session was met in Allahabad under the presidency of Allama Muhammad Iqbal, where during his presidential speech he proposed an independent federation of provinces with a Muslim population of the north-west ([www.flickr.com/photos/pimu](http://www.flickr.com/photos/pimu), n.d.).

#### **K) Round Table Conferences (1930-32)**

In London, round table Conferences were held where once again the issue of the federation was discussed and they fevored a true spirit of feudalism in India. (Rehmani, 1996).

#### **L) The Government of India Act 1935**

The Indian act of 1935 was British India's first constitution and, in this federation, there were provinces and princely states. There was another division in provinces, one the governor's provinces and the second the chief commissioner's provinces. There were 3 lists of powers in the constitution the concurrent, provincial, and federal list. In the federal list, there were 59 articles while in the provincial list 54 and the concurrent list there were 36 subjects. The federal list was further divided into reserved and transferred subjects.

The India act 1935 gave provinces an autonomous position and they were no longer dependent on the center as compared to the past. They were able to use their administrative and legislative powers on their own. (Nazir M., 2008).

Along with power distribution between center and provinces, this act gave more powers to the judiciary and after that judiciary can interpret the constitution too. Besides the mentioned features the act had some other characteristics. (Nazir M., 2008).

A.B. Keith stated about the Indian act 1935:

".....whether a federation founded on incoherence will function effectively in wholly circumstantial when it does, it will almost certainly be due to absolute disappointment of obligation and the declaration of the Governor General's power, supported by conservative members of Colonial India." (Keith A. B., 1992).

#### **M) The Lahore Resolution of 1940**

The act was condemned by India's political parties and rejected it, Nehru on the behalf of Congress called it "A New Character of Slavery" and congress rejected it because they were against the representation of princely states in the federal government and also against the special powers of the governors too. Muslim league rejected it because it did not save the Muslim majority in Punjab and Bengal.

After the provincial enactment, the election was held there and in 1937 congress got a majority in almost 7 provinces. Reginal Political parties took control of provinces with a Muslim majority and created the government (The Lahore Resolution: A Permanent Cleavage between Muslim's and Sikhs, n.d.). During these ministries, Muslims suffers a lot due to the discriminatory policies of congress against Muslims. The WWII gave hope for constitutional changes in the subcontinent as in 1942 Cripps Mission came in India for the sake of attaining co-operation from the Natives in all running situation Muslim League passed Lahore Resolution in March 1940 (Khan, 2007).

In Lahore, Resolution Muslims demanded a separate homeland for them and denied to accept all offers given by the British Government. As said by the Quaid-e-Azam;

Whether the units have residuary powers or the center in theory makes no difference. However, once the units recognize the new central government's foundation, it would eventually resolve into both central authority, out of necessity, as well as the units would be required to transfer more authority to the centre, which will also be able to keep all units as binding ties less than state councils, united regions, either feudatory governments under the central government. (Ahmed S. J., *Federalism in Pakistan: A Constitutional Study*, 1990).

After resolution 1940 within the time of 7 years in 1947 Pakistan came into being.

### **Federalism in Pakistan and Constitutional Evolution (1947-1973)**

#### **A) Independence Act of 1947**

Independence Act 1947 created two new states India and Pakistan. Under this act, the dominion legislature and constituent Assemblies were created. The India act 1935 was provided with the base for the India act 1947. This act gave superior hand to the federal government over the concurrent list in case of any conflict between center and province. The provincial autonomy was also not protected because the governor had more power who was the representative of the Governor-General. Hindus were in majority in the central legislature and Muslims were neglected. (Khalid, January, 2013).

The act was condemned by the Jinnah;

"It lacked all of the important and essential components and criteria that are needed to create a federal state."

Rather than relying on the Indian Act of 1947, which had been based on the 1935 Indian Act Jinnah as Governor-General gave the power to the assembly to amend it for the need of a new state. (Hamid, September 2010).

Finding people capable of governing themselves is simpler than finding people capable of governing others. Every man is the most competent and responsible assessor to his advantage. Lord Acton (Rabbani, 2000).

On the earth, every person and every citizen has the right to self-government. Thomas Jefferson (Mahmood, 2012).

So many problems came in the path of establishing a federal system in Pakistan, at the time of independence so many political leaders were in the fever of the same previous provincial autonomy. There so many other issues too like a weak political system, lack of administrative structure, refugee problems, etc.

#### **B) The Interim Constitution of 1947**

India act 1935 has opted as the interim constitution of Pakistan with 3 lists of subjects, the federal list consisted 59 while provincial and concurrent list deals respectively 54 and 36 subjects and in case of any conflict over concurrent list center will get superiority. If there is a situation of emergency the Federal assembly can even legislate over the provincial subjects too and if two or more provincial governments request the legislature for the legislation the assembly will make laws over the provincial subjects. With time different amendments were done by the legislative assembly regarding federalism. Through the amendment of 1953 center got powers over labour exchange and training establishment. The issues regarding preventive detention were transferred from the provinces to the concurrent list (Nazir M. , 2008).

In the starting years, the main issue was the distribution of powers in East and West Pakistan. Because East Bengal being one Unit had more population while in West Pakistan there was less population but with 4 Units, so representation was a big issue that either it would be on the population basis or the equal basis. In 1954 for the solution of this issue, a formula was presented by the Choudary Muhammad Ali on the parity basis by the name of One Unit which was implemented in 1955 with the emergence of 4 west Pakistan's province in one Unit and this mega province was a unit in both 1956 and 1962's constitutions (Ahmed R. , *The Endemic Crisis of Federalism*, September, 2010) the one unit was abolished in 1970 and Baluchistan attain the status of the province first time (Somroo, 2006).

In 1956 first constitution of Pakistan was created by the Second Constituent Assembly.

#### **C) Constitution 1956 and Federalism**

To deal with challenges the first constitution of Pakistan was promulgated in 1956 with the federal form of government and most of its clauses were taken from the interim constitution of 1947. The powers were divided in the formula of two lists 30 items were rest with the center and 94 with provinces.

#### **D) Federation and the constitution of 1962**

Unfortunately, the constitution of 1956 did not achieve the definite possibility of functioning and the country shifted from an acceptable democratic system to martial law. Without a constitutional approach, the powers were now concentrated in the possession of one individual. In reality, the 1962 constitution became a constitutionally presidential form. The president's office was strengthened by constitutional measures. Ayub Khan worked to strengthen his autocratic rule and he had no intention

of introducing parliamentary democracy. His created constitution brought the federal system under article 1, which relates the call of the nation. The preamble specifically explains the relationship between the federal government and the constitution's policies.

The constitution of 1962 tilted in favor of a powerful center with 2 lists of the subject federal list with forty-nine items and a concurrent list. According to this constitution, the presidential office got a central position as there were a unicameral legislature and absence of check and balance. As the alike center, governors, on behalf of the president, become more powerful in the provinces. Consequently, Ayub Khan faced public protest against his autocratic rule, and the constitution was abolished. So, the centralized rule, extended over a decade, ended with the end of this regime. While the federalism continued, under Article 1 with another military rule, until 1971 when the fall of Dhaka taken place. (Khalid, January, 2013). There were so many reasons behind the tragedy of East Pakistan but the issue of provincial autonomy is the important one.

#### **E) The Constitution of 1973 and federalism**

Pakistan has a very tumultuous history of the federal system. As in federalism different units became one state under central administration. In the case of Pakistan, several issues and challenges have been triggered within the nation's consolidation and survival by the problem and existence of federalism. When Ayub Khan abruptly resigned and Yahya Khan seized power as Military Ruler, they introduced and issued several orders that were concentrated on the state's unity and reconciliation.

He dismissed the structure of One unit and re-established the former administration in West Pakistan's provinces and states. The 1970 West Pakistan dissolution approved Baluchistan, with its Bloch states, an impartial province. After the elections, it became a hard decision to form a central government because the leading political parties, PPP and the Awami League could not win even one seat in opposite wing i.e Bengal and West Wing. This was largely responsible for the division of the basic principle of administration from both borders. Mujeeb-ur-Rehman turned into a major determining factor of East Pakistan history throughout the 1970s. The six points given by the MujeeburRehman demanded a weak center limited to the subjects of defense, foreign relations and this became the reason the way of the strong federal government. With the call for separation from West Pakistan, the administration of East Pakistan sharply criticised the influential center's stance. East Pakistan's crisis was a foregone conclusion due to an unequal division of power and properties, as well as problems with units inside the center. The repressive and unsacrificial actions of West Pakistan's politicians fueled separatist feelings. So, since East Pakistan's wounds were bent but bleeding, the 1973 constitution is the outcome of many sacrifices. In the 1973 constitution, new arrangements were adopted to bring back federalism under the framework of absolute provincial autonomy (Jhangir, 2002).

#### **Structural Flaws of Federalism: A Case Study of Pakistan**

It is a wanton fact that Pakistan has continually struggled with the problems of federalism even after 70 years since independence. Federalism's ongoing challenges have complicated the problems of creating a sustained and smooth democratic system for government and political governance. It might be said that Pakistan met the challenges of federalism with its emergence in 1947. Smaller provinces were weakened by an early decision to centralize powers because of their demands for entering the new realm, increased provincial autonomy, and distribution of authority. Pakistan should pursue more transformative constitutional changes to resolve these current crises, restricting the center's powers in the subject of foreign relations, foreign exchange, and various inner provincial subjects. Pakistan will take an important step towards sizeable democracy, interactive federalism, and permanent political stability through creating the stability of power between the political and executive bodies, among the center and Units. The matter of provincial autonomy began many decades earlier than the division of Pakistan (Nazir M. , June 2008).

Pakistan is taken into consideration as a failed state in the arena perspective, and no one will trust it to be reliable. The crisis of non-secular extremism-controlled Khyber Pakhtunkhwa and throughout the state that truly visible the capability of general establishments; the nation could not protect its citizens for a long time regardless of spending the first-rate percentage of public defense resources. The scenario in Baluchistan is so uncomfortable that the relevant authorities are unable to fame the national anthem. Even that protests of Karachi against deprivation moves, target killing, terrorist attacks within the various components of the provinces was the order of the day in the last couple of years. The extreme increase in hunger and growing poverty has robbed ordinary citizens of their basic right to live their lives under their desires (Nazir M. , June 2008). Additionally, the energy crisis has impacted the country's management. Via the following points, systemic problems of Pakistani federalism can be expressed (Nazir M. , June 2008)

#### **A) Division of India and Provincial Autonomy**

While over 70 years ago, India's dividing issue was nevertheless a critical topic of argument among academia and in general parts of the separated subcontinent's societies. Numerous experienced

intellectuals have attempted the identification of the causes and complexities in the Indian division of 1947. Regardless of the fact as India at some point in history was in no way a united country, the division was entirely focused on the two-nation Theory putting down the rules of non-secular and socialist disparities among circumstantial facts. Some researchers stressed that the rejection of provincial autonomy and more stress of the unitary government rather than the federal is another vital reason for the partition of India. This arrangement was not perfect for the provinces of the Muslim majority and the issues of conflict sheltered British colonization, the Congress party's relative strength, and the Politics of Muslim communists misused and manipulated. A movement that led to the emergence of independent countries became the result of the unequal division of power.

### **B) United India: Religious Dispute**

Some scholars stressed that the history of the subcontinent's partition was not only based on the religious conflict between the Muslims and the Hindus. It is a reality that not only the Muslim leadership and the AIML, Indian National Congress, and British colonial authorities have both manipulated religion badly. All the three factors that led to the rise of a country in the South Asian region and endless communist politics in the area are equally responsible for partition. According to K.K Aziz, a research scholar, While religion has diminished most of its influence in 20th-century secularism, this had created the 2 controversial countries of the post-Wat era, Pakistan and Israel.

The "Two Nation Theory" was completely created on the dogmatic, economic and constitutional base instead of the theological dispute between Hindus and Muslims. If we go through the overall phase and history of such disputes of conflict between the All-India Muslim League (AIML), the Indian National Congress (INC), and the British colonials, the challenges that were discussed for legal and political negotiation were not religious. (Aziz, 2005).

### **C) Pakistan's Social Cohesion Gaps**

Pakistan has struggled to establish internal social cohesion, so exclusionary trends are growing steadily. Over the years, inter-provincial and regional inequalities have also grown, with strong gaps emerging between urban and rural classifications. On multiple levels in the country, Social exclusion has evolved, probably as a result of the class, baradari (blood relatives), caste, race, inherited occupational groupings, property rights, or sex. There are few opportunities for vulnerable communities to practice human rights. And there is a rise in statistics for social exclusion. The failure of the state concept and its position in Pakistan has been underlined by a community of educated groups.

Those who researched the idea of the collapse of the state in Pakistan, as well as its history in the early 20th century, are Stephen P. Cohen, Rodnet W. Jones, L.P Goodson as well as M.Lgnatieff. They also studied the state-society relationship and considered the obvious harm to social stability in Pakistan, using widely accessible factual data and perceptions of the prevalent trans- and socio-political circumstances in this South Asian area to examine and establish an understanding of these issues. The failure of Pakistan in creating a federal framework might be referred to as a "collapsed society," constructed on several linked variables that are comprehended below. (Ahmed R. , The Endemic Crisis of Federation in Pakistan , September 2010)

### **Federalism's Unusual Crisis in Pakistan**

A phenomenon of the 21st century and its progressivism is the complete breakdown of conventional systems of social organization. However, Pakistan still retains some of its conventional and outdated frameworks for dispute resolution that are particularly oblivious of the culture and implementation of social norms, but those norms do not conform with the culture and society of Pakistan. There are, hence, particular causes for the collapse of federalism in the society of Pakistan.

### **A) Bigotry and Religious Militancy**

In recent years, religious militancy has risen tremendously in Pakistan. In 2009 alone, there were 2,586 registered radical, insurgent, and sectarian incidents that killed 3,021 people and wounded 7,334. The ideological war that grew during the period of Zia, because of the diplomatic and armed relief of Pakistan or its allied forces, is being taken over by militant outfits in Pakistan. TTP, Lashkar-e-Jhangvi, Lashkar-e-Taiba, Sipah-e-Sahaba, and other insurgent and religious groups have targeted military and civil communities in Punjab, Sindh, and the Khyber-Pakhtunkhwa border region. Religious militancy became the core cause of the decline of federalism in Pakistan as Each group wanted to impose its own Islam. They also threaten to disrupt the country's political structure. No one can listen to other people's opinions. Through power, everyone wanted to build its supremacy.

Instead of Islam, they showed more priority to the interests of them, since Islam stands as a peace-loving faith, as the killing of one individual in Islam declared to be the killing of humanity. But in Pakistan, sadly, in the name of Islam, innocent men, women, even children are blasted. In true meaning, those who murdered others aren't human beings. Besides, through an organization such as the "Al-Huda," the teaching of traditional ideals and the growth of middle-class Islamism has reduced the point of acceptance

of social order, which may be the fusion of diversity. Sectarianism and hatred towards other minority religions, as well as of fellow sects, have risen throughout the nation. Attacks on ethnic communities in tandem, such as the followers of Christianity, Sikhism, and *Qadiyani*, have also increased deprived of major social uproar, defining Pakistan's rising prejudice and violence (Ahmed R. , The Endemic Crisis of Federation in Pakistan , September 2010)

**B) Discriminatory citizens' rights**

There are few advantages of citizenship for inhabitants of the Federally Administered Tribal Area (FATA), Provincially Administered Trina Area (PATA), Azad Jammu, and Kashmir (AJK), Gilgit-Baltistan (GB), Baluchistan, southern Punjab, and even in places where Non-Muslim groups have inhabited. Basic services such as FATA, GB, and such areas are not available in the region. There is a great deal of disparity between the amenities of developed-area residents and those who reside in undeveloped areas. Thus, the unequal benefits to people in Pakistan have also caused problems of federalism. (Ahmed R. , The Endemic Crisis of Federalism, September, 2010).

**C) Local Identifications of the citizens**

Three-quarters of Pakistan's youngsters identify as Muslims first and second Pakistanis second. Merely 14% of Pakistanis consider themselves to be the country's primary citizens. Based on their linguistic and ethnic identity, Pakistan's people have been split. To connect their identities with the areas where they lived and along with psychological security and social priority instead of the federal government, the state has failed to provide equal services to people. Nowadays, are we asking some person who you are? He would respond that there were a few people who replied that they were Pakistani, that he was Sindhi, Balochi, or Punjabi. The loyalty of the people is commanded by various sectarian, racial, and caste institutions and organizations, even the life of Pakistanis more than the state of Pakistan or the state's name. (Ahmed R. , The Endemic Crisis of Federalism, September, 2010).

**D) 'Political Culture' Alienation**

The poor link with manipulating has caused the common citizen, elector, or representative to feel disconnected from the forum as a result of political activity as well as power, according to a system known as 'state control' and its general gap between both the field of public debate and the area of direct executive authority. The mentioned qualitative factors will act as an appropriate illustration of Pakistan's structural failure affected by an ineffective and unfair federal contort. The worse condition thus becomes fundamental to the structural maintenance of the Pakistani government and civil society at different tiers. (Ahmed R. , The Endemic Crisis of Federalism, September, 2010).

## II. CONCLUSION

Pakistan at the time of formation had a heterogeneous society split into many ethnic, linguistic, and socio-cultural complexities. Federalism was then considered a critical framework within the state for comfortable constitutional agreement. To establish strong federalism, it followed a long-term journey that started from 1947 to 2010 till the 18<sup>th</sup> amendment but if we look back to the pre-partition era, we find a link between the constitutional history of Pakistan with British India. Since the creation of the country, a conflict between the provinces and the center has been observed. The connection is still an obstacle in solving national matters such as the NFC Award, power distribution, provincial autonomy, water distribution, construction of dam, and so on.

Jinnah said that the concept of Pakistan ensures that the federal form of the national government has all of the sovereignty found in the constitutions of the United States, Canada, and Australia. However, some essential forces such as the Monetary system, National security, and Federal responsibility will remain in the hands of the federal government. (M.A. Jinnah November 1945).

From the interim constitution of 1947 which was amended India act 1935 to 1956' constitution, 1962 and 1973 constitution federal system faced so many changes. Democracy cannot flourish without continuity, uneven distribution of powers between provinces and the federal government created so many issues and also a hurdle in the path of a strong democracy. In this chapter, there is a detailed study of federalism in Pakistan its historical and constitutional background from pre-partition to post-partition, and also an impact and relationship of the federal system with the 18<sup>th</sup> amendment of the constitution of 1973.

## REFERENCES:

1. (n.d.). Retrieved august 8, 2017, from [www.CFR.org>Pakistan](http://www.CFR.org>Pakistan): [http:// www.CFR.org>Pakistan](http://www.CFR.org>Pakistan).
2. Ahmed, N. ( 2004). *Constitution of Pakistan and People's Rights*. Islamabad: Centre for Democratic Governance.



3. Ahmed, R. (September 2010). The Endemic Crisis of Federation in Pakistan .*The Lahore Journal of Economics*.
4. Ahmed, R. (September, 2010). The Endemic Crisis of Federalism. *The Lahore Journal of Economics*, no.1.
5. Ahmed, S. J. (1990). *Federalism in Pakistan: A Constitutional Study* . Karachi: Pakistan study center, University of Karachi.
6. Ahmed, S. J. (1990). *Federation in Pakistan: A constitutional Study*. Karachi: University of Karachi:Pakistan Study Centre.
7. Ahmed, S. J. (2014). *Historical Evolution of Federalism in Pakistan*. Karachi: PILDAT, Discussion Paper.
8. Aziz, K. k. (2005). *The Making of Pakistan: A Study in Nationalism*. Lahore: Sang-e-Meel.
9. *federalism*. (n.d.). Retrieved may 13, 2018, from <http://www.merriam-webster.com/dictionary/federalism>
10. Hamid, R. (September 2010). The Endemic Crisis of Federalism in Pakistan. *The Lahore Journal of Economics*, no2.
11. Jhangir, M. A. (2002). Federalism in Pakistan: Issues and Adjustment. *Asian affairs*.
12. Keith, A. B. (1961). *A Constitutional History of India 1600-1935*. Allahabad: Hlcycon press.
13. Keith, A. B. (1992). *Speeches and Documents on Indian Policy*. London: HumperyMilford : Oxford University Press.
14. Khalid, I. (January, 2013). Politics of Federalism in Pakistan: Problems and Prospects. *A Research Journal on South Asian Studies*, Vol.28, no.1.
15. Khan, H. (2007). *Constitutional and political History of Pakistan*. Karachi: oxford University press.
16. Mahmood, S. ( 2012). *The History of America from the pre-Colonial times to the World War Second*.Dehli: ICFAI University Press.
17. Nazir, M. (2008). *Federalism in Pakistan: Early Years(1947-1958)*. Lahore: Pakistan Study Centre.
18. Nazir, M. (June 2008). The Problems and Issues of Federalism in Pakistan. *Pakistan Study Centre*, vol.9, no.1.
19. Rabbani, M. R. (2000). *A Biography of Pakistani Federalism Unity in Diversity*. Lahore: M/S Shikat Printing press.
20. Rehmani, I. (1996). *Pakistan sy Pakistan Tak*. Lahore: Maqbool Academy.
21. Somroo, P. B. (2006). NawabMushtaq Ahmed Gurmani's Role in the Politics of Pakistan. *JPS*, vol.3, no.1.
22. The Constitution of the Islamic Republic of Pakistan, Part V, Chapter 1: Distribution of Legislative Powers. (1973). Islamabad: The National Assembly of Pakistan .
23. (20th April 2010). *The Gazette of Pakistan, extraordinary, part 1* . Islamabad: Senate Secretariat .
24. *The Lahore Resolution: A Permanent Cleavage between Muslim's and Sikhs*. (n.d.). Retrieved feb 14, 2018, from <http://www.hec.goc.pk/Chapters/1293S-2>
25. [www.flickr.com/photos/pimu](http://www.flickr.com/photos/pimu). (n.d.). Retrieved February 12, 2018, from <https://www.flickr.com/photos/pimu/2197064829/>