

POLITICS OF NEW PROVINCES IN PAKISTAN: PROSPECTS AND CHALLENGES

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Abstract

Pakistan despite being a federal state has not fully evolved the spirit of federalism. Demands for greater provincial autonomy and distribution of resources continue to raise their head and have been contentious issues between the center and provinces. The recent clamour for new provinces adds a new dimension to challenges already faced by the federation. Though both opponents and proponents of the demand have valid arguments in their support, the creation of new provinces is a complex issue. New provinces can only be created through constitutional means and national consensus.

Introduction

The constitution defines Pakistan as a federal state, a state where power is shared between the federal government and the federating units. Pakistan inherited the federal system from British India and has been practising it, at least in name, throughout its turbulent constitutional history. However, the true spirit of federalism could not be evolved. Mistrust exists between the centre and provinces and among provinces themselves over the distribution of resources. The current debate to create new provinces was sparked by government decision to rename the North West Frontier Province (NWFP) as Khyber Pakhtunkhwa (KP). This name has an ethnic connotation that the non-Pashtun population of the province opposes and wants a Hazara province of their own. The demand seems to have caught on and now major political parties, the media and social activists espouse or oppose it. The National Assembly passed a resolution in favour of a new province in South Punjab and also asked the Punjab Assembly to take necessary measures in that regard. The Punjab Assembly on its part added to that its own resolution to grant provincial status to the former princely state of Bahawalpur. Both the Pakistan Peoples Party (PPP) and the Pakistan Muslim League (N) have agreed

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to establish a national commission to demarcate the boundaries of the proposed provinces.

Why New Provinces?

The demand to have new provinces has been raised from time to time; sometimes on ethnic grounds, sometimes on the basis of distribution of resources and sometimes on socio-economic backwardness of the areas.

The Case for South Punjab

The case for South Punjab has been presented on socio-economic grounds. It is commendable that the proposed new province has been named as South Punjab and not as the Seraiki Province which has been the popular demand. The rationale for the decision is the dispersed demography of the Seraiki speaking population which is scattered over 23 districts, stretching from Mianwali, Bhakkar, and DG Khan, Multan and Bahawalpur in Punjab to DI Khan and some parts of Lakki Marwat in Khyber Pakhtunkhwa. The Seraiki province thus would have become another unmanageably big province and its economic deprivation issue blamed on Punjab's large size would have remained unsolved.

Whether the proposed administrative set up is going to solve the problems and hardships of the people of South Punjab is a question that needs knowledge about the socio-economic conditions of the region. According to a PILDAT Discussion Paper, South Punjab comprises around 48.5 per cent of the total area and 31.57 per cent of the population of the present province of Punjab.¹ It has three divisions subdivided into eleven districts. The allocation of funds through Annual Development Programme (ADP) was 17.76 per cent in 2006 that was increased to 29.02 per cent in 2010. The social indicators in education, health, labour and employment sector also present a poor picture: 43.11 per cent people live below the poverty line compared to 27.69 per cent in Punjab.² South Punjab has an agrarian economy and lacks Central Punjab's industrial and urban development. Its industry comprises small units and the agrarian economy is largely controlled by big landlords who have their ancestral seats in the parliament. They have occupied the highest executive posts but have done nothing for the development of the area. Will their priorities change in the new set up in which they will monopolize power?

¹ "Development Funds for South Punjab," *Discussion Paper*, based on the statistics of development funds allocated to South Punjab from 2003 to 2010, www.pildat.org/publications/publication/Democracy&LegStr/DevelopmentFundsforSouthPunjabDiscussionPaper241110.pdf (accessed on May 30, 2012).

² Ibid.

Restoration of Bahawalpur Province

It is noteworthy that the demand for granting provincial status to Bahawalpur is not based on linguistic, ethnic or cultural bases. The Bahawalpur division is the largest division of Punjab in terms of area as it comprises 18,000 square miles and according to 1998 census, its total population is 7.518 million, that is 10.3 per cent of the total population of the Punjab.³ Being a part of South Punjab, the majority of people do not support the demand for Seraiki province because they fear that by supporting the Seraiki Province they will be giving up their claim on Bahawalpur province. Muhammad Ali Durrani, a former minister, had also rejected the Seraiki province⁴ in favour of Bahawalpur's provincial status.

Bahawalpur, the largest of the states that joined Pakistan, was given the status of province by an agreement signed on April 30, 1951 between Government of Pakistan and the Ruler of Bahawalpur under Government of India Act 1935 regarding administrative and legislative matters.⁵ Under the agreement the Ruler of Bahawalpur agreed that central subjects (defence, communication and foreign affairs) listed under list one of Government of India Act 1935 were to be administered by the centre while the provincial matters would continue to be administered by the Bahawalpur province. Henceforth, the state was to be treated as a province but at the same time it was made clear that this pattern will not be applicable to other states that joined Pakistan.⁶

The provincial status of Bahawalpur ended with the formation of "One Unit." But it was not restored when One Unit was folded despite frequent demands by the people. Its merger with Punjab led to widespread protests. The movement for restoration of Bahawalpur Province was started but with the passage of time it lost its momentum, though not the people's sense of lack of political representation and economic deprivation.

Future of FATA (Federally Administered Tribal Area)

The debate to revisit the status of existing provinces has renewed the concerns about the future of FATA, the federally administered tribal areas. The Khyber Pakhtunkhwa Assembly passed a unanimous resolution asking the Parliament to give representation to the people of FATA though within Khyber

³ Dr Umbreen Javaid, "Movement for Bahawalpur Province," *University of Punjab Journal*,

www.pu.edu.pk/images/journal/pols/Currentissue-pdf/Movement%20for%20Bahawalpur%20Province.pdf (accessed May 31, 2012).

⁴ "South Punjab: Bahawalpur Will Resist Seraiki Province," *Tribune*, April 17, 2012.

⁵ Dr Umbreen Javaid, "Movement for Bahawalpur Province."

⁶ Ibid.

Pakhtunkhwa Assembly and with the consent of the people of the region.⁷ The representatives of tribal areas convened Jirgas to make recommendations about the future of the tribal areas. Of the two Grand Jirgas held in May, the first Jirga organized by FATA Grand Alliance demanded that FATA be given the status of a separate province. The participants of the Jirga ruled out any possibility to merge FATA with Khyber Pakhtunkhwa as desired by the provincial government. The demands by the jirga included introducing the local government system, establishment of FATA Council (representing each tribal agency to administer FATA and oversee all matters that provincial cabinet does in provinces),⁸ and separate judicial system.⁹ The establishment of industrial zone, a new economic system and an end to drone attacks and military operations in the tribal areas were also part of the demands made by the Jirga.¹⁰

Given the unique status of FATA in the constitution of Pakistan, its future status has to be decided keeping in view many complex issues. Fata is part of the federation of Pakistan but has a different political and administrative structure that has been defined in Article 247 of the 1973 constitution according to which the governor of Khyber Pakhtunkhwa being a representative of the President administers FATA through political agents. Officers and staff are sent from Khyber Pakhtunkhwa to all tribal agencies of FATA.¹¹ Article 247 rules out any possibility of extending jurisdiction of the Parliament and the higher judiciary (Supreme Court or High Court) to FATA. Parliamentarians are elected from FATA but it has no provincial assembly or local body governing structure like other parts of the country. The proponents of FATA's merger into the province support their arguments on the basis that it already depends on Khyber Pakhtunkhwa for services and administration. They share a common Governor and the area has geographical proximity with Khyber Pakhtunkhwa which justifies merger.¹² These views have been challenged on grounds that having lived under different political and judicial systems for a long time it will be difficult for the people to adopt a new system or let the law of the land extended to the tribal area. Any change should be preceded by introduction of reforms and the empowerment of people. It should then be left to the people of the tribal area to decide their future as a separate province or merger with Khyber Pakhtunkhwa.

⁷ Mureeb Mohmand, "Move to Merge Fata with KP Assembly Castigated," *Express Tribune*, May 12, 2012, www.tribune.com.pk/story/377655/move-to-merge-fata-with-k-p-assembly/castigated/ (accessed June 5, 2012).

⁸ Ayaz Wazir, "Which System for Fata?," *News International*, June 5, 2012.

⁹ Javed Aziz Khan, "From Fata Front," *News International*, June 3, 2012.

¹⁰ Ibid.

¹¹ Ayaz Wazir, "Which System for Fata?," *News International*, June 5, 2012.

¹² Ibid.

The Case for Hazara Province

Renaming of NWFP as Khyber Pakhtunkhwa by the 18th Amendment triggered violent protests in Hazara Division demanding a separate Hazara province. The Hazara Division of Khyber Pakhtunkhwa consists of six districts: Haripur, Abbotabad, Mansehra, Battagram, Kohistan and since January 2011, Torgrah.¹³ The population of Hazara is not homogenous in terms of ethnicity, culture and language. The dominant language in Haripur, Abbotabad and Mansehra is Hindko, while people of Kohistan speak their own Kohistani language. The people of Battagram and Torgrah speak Pashto.¹⁴ Supporters claim that Hazara will be economically viable as the region is rich in minerals and natural resources. Tourism can be further developed in Hazara to generate revenues and more hydroelectric projects like the Khanpur Dam can be built to generate employment and royalty for the province. The Pashtun dominated districts of Hazara demand a separate division for themselves named as “Abaseen.” The representatives of these Pashto speaking areas defend their case on socio-economic grounds. Their claim is also based on the distance of their area from Abbottabad, the future provincial headquarter.

Prospects and Challenges

Amendment of Constitutional Provisions

The creation of new provinces will not be an easy task. Apart from political and economic implications, constitutional amendments will also have to be made, as the constitutional mechanism to create new provinces under Article 239 requires an amendment bill originated in either house of parliament to be approved by two third majority of both the Houses. The consent of the Provincial Assembly is also compulsory for changing the status of any province. According to clause (4) of Article 239, “A bill to amend the constitution which would have the effect of altering the limits of a province shall not be presented to the president for assent unless it has been passed by Provincial Assembly of that province by the votes of not less than two thirds of its total membership.”¹⁵ The article makes it obligatory to get the approval of Provincial Assembly for any demarcation of provincial boundaries. These legal requirements would be difficult to meet in a coalition government.

¹³ Zia Ur Rehman, “The Politics of Hazara,” *Friday Times*, vol. XXIII, no. 52 (February 17-23, 2012): 6.

¹⁴ Ibid.

¹⁵ *The Constitution of the Islamic Republic of Pakistan 1973*.

Conflicts on Distribution of Resources

In the present structure, revenues are collected by the centre and redistributed among provinces. This redistribution has been a contentious issue among the federation and the federating units.¹⁶ Provinces in Pakistan have always been demanding greater political autonomy and larger share in resources and income. There has been disagreement over National Finance Commission Awards and river water distribution. The main reason for demanding new provinces has been the unequal distribution of developmental funds between metropolitan cities and remote areas of the provinces.¹⁷ To take a decision about new provinces the government has to come up with comprehensive recommendations to overcome technical, administrative and procedural impediments.

Economic Implications

The creation of new provinces will have impact on the economy as well. Proponents of new provinces believe that new provincial governments will have their own budgets and will be in a position to allocate more resources for under-developed areas that have been denied their due share. In this regard, it will be important to explore the economic potential of these areas. For example South Punjab as the major producer of cotton can have textile industries and Khyber Pakhtunkhwa can develop hydroelectric projects with its water resources. Yet the creation of new provinces is going to increase non development expenditure. It will burden the taxpayers and put strains on the already meager economy.

Rise of Ethnic and Linguistic Identities

It is commonly argued that provinces created on ethno-linguistic basis will do no harm. Scholars argue that the existing provinces have strong ethnic identities. Pakistan inherited the provinces as they were at the time of independence. Ever since, only Khyber Pakhtunkhwa has been renamed on ethnic basis and has enhanced the identity consciousness of the people of Hazara. It already has started a chain reaction motivating other ethnic groups to demand new units on linguistic or ethnic basis. Keeping pace with these developments, a movement for a Mohajir Province was started with wall chalking in Karachi and Hyderabad. It was intensified by demonstrations by

¹⁶ "National Finance Commission Awards in Pakistan: A historical Perspective," *PIDE*, www.pide.org.pk/pideweb/pdf/Working%20Paper/WorkingPaper-33.pdf (accessed June 11, 2012).

¹⁷ Fatima Ahmed, "Economic Impact of the Creation of New Provinces," *Pakistan Today*, August 30, 2011.

the leaders of the movement.¹⁸ This was followed by further demands for the division of Sindh, and creation of a South Sindh province. In response, a Sindh lovers rally was held on May 22, 2012 against the division of Sindh that came under fire and more than a dozen people were killed. Then a Sindh Solidarity Conference was convened on May 30, 2012 that was attended by mainstream and nationalist political parties and adopted a unanimous resolution against division of Sindh.¹⁹ Such movements that support the demarcation of new units on linguistic or ethnic basis have the potential to escalate into an ethnic clash that will ultimately weaken the state by promoting sub-nationalism.

Conclusion

The issue of new provinces has been taken up by political parties as a political stunt and lacks the people's will. It seems an agenda item for political point scoring while ignoring the underlying problems of the people. New provinces may not produce the desired results, but it may generate new problems as the real problem has been the centralization of power and for long provinces have been demanding greater provincial autonomy that has been denied to them and this demand has been a cause of friction between the centre and the provinces. The solution lies not in creating new provinces but to devolve power at local level, to give people access to justice at the door step and to provide them with social security.

The decision to create new provinces cannot be taken in haste; there is need to make a national commission, to develop studies, to achieve agreement on distribution of resources and most importantly to consider the aspirations of the people of the area who will constitute the new province. Holding of referendum will be the best option to know their opinion. The earlier mistake of renaming of Khyber Pakhtunkhwa without consulting the people of Hazara has to be avoided this time. The ultimate objective should be the strengthening of the federation. ■

¹⁸ Zulfqar Shah, "Battle Takes a New Turn," *News International*, June 3, 2012.

¹⁹ Ibid.