

## Book Review

**Syed Mujawar Hussain Shah**, *Federalism in Pakistan-Theory and Practice*, Chair on Quaid-i-Azam & Freedom Movement, National Institute of Pakistan Studies, Quaid-i-Azam University, Islamabad, 1944, p.xv+157. Price: Rs. 150/-.

In pursuance of An Act of Pakistan Legislature, National Institute of Pakistan Studies was established at Quaid-i-Azam University in 1983 to promote appreciation of Pakistan's social structure and lingual-cultural mosaic and thereby contribute to national integration. Demonstrating the importance of Pakistan Studies, it was also decide to establish a Chair on Quaid-i-Azam & Freedom Movement within the Institute. The first publication from the Chair is appropriately concerned with the issue vital for national integration namely the issue of federalism.

The study under review has been conducted by Syed Mujawar Hussain Shah, a Research Fellow of the Chair. Mr. Shah holds Master degrees in History and Political Science and an M.Phil in History and is a candidate for Ph.D. on the topic "Religion and Politics in Pakistan (1972-88)". He is also the author of a book titled 'Sardar Abdur Rab Nishtar — A Political Biography' published in 1985.

As the title indicates, the book is a study of federalism in Pakistan which also takes into account the theoretical writings on the subject. In this connection the author has endavoured to bring out the federal thinking on the ancient Greeks onward and has rightly emphasised the importance of United States of America as the first modern federal state. The author comments on various approaches to the study of federalism and says that they have tended to emphasise demarcation between pow-



ers/functions of the central government and powers/functions of governments in the federating units. That is, there has been an emphasis on possible conflict between the two tiers of government. The author abstracts and then elaborates on the new concept of Cooperative Federalism which several other theorists have also come to regard as a better explanation of the phenomenon of the Federalism. The Cooperative Federalism emphasises area of cooperation between the two tiers of government, thus facilitating a minimization of centrifugal tendencies and maximization of national integration.

After the second Chapter, framework of Cooperative Federalism runs through the author's analysis of federal practices in Pakistan, especially those set down in the 1962 constitution and more elaborated in the 1973 constitution.

In the second Chapter the author traces the development of federal structure going back to the British rule in the Indo-Pak subcontinent in which Muslims favoured provincial autonomy as against centralization of power till they resolved in 1940 to have a separate country. In the new country-Pakistan, they came to adopt federal system because of lingual-cultural diversity on the one hand and the need to live together for preservation of common religion and national defence against Hindu enmity, on the other.

Chapter 3 deals with the distribution of legislative powers in Pakistan. Discussing the various patterns followed in different constitutions, the author concludes that the spirit behind the distribution of legislative powers is that both the governments could function smoothly and that one does not interfere in the matters of the other, except for certain common purposes i.e., where national interest and security of the country are involved. Chapter 4 deals with the vital aspect of a federal polity which usually has a written constitution namely the independence of the judiciary. All constitutional schemes of Pakistan did recognize the importance of judiciary and the judiciary has usually come up to the expectations of the nation. The author does suggest rightly that the judges who are posted to superior posts should be afforded an opportunity to serve there for longer periods than is now usually done. He is of the



opinion that in that way they would be able to serve the country in a better manner.

The Chapter 5 — Administrative & Financial Relations — the author enumerates the various modes whereby the constitution-makers have endeavoured to create a system of cooperation in the executive field between the centre and the provinces. Such modes include the appointment of the Governor in the provinces by the President mainly to ensure harmonious and cooperative relations between the two governments. The author takes this measure to be in accordance with the general scheme of cooperative federalism. The other major mode is the inter-governmental delegation of the administrative power, making it possible for a province to exercise administrative or executive power over a central subject. The centre in this connection is enabled to delegate its functions, by mutual consent and the author notes "the delegation of executive powers to the provinces by the central government is an indication of the trend towards cooperation in administrative and executive fields" (p.107).

The Chapter sixth is a more detailed treatment of the centre-province financial relations in Pakistan. The author traces the history of such relations highlighting the various awards namely the Raismen Award of 1951 (to satisfy East Pakistan), and the National Financial Commission Awards of 1962, 1964, 1971, 1974 and the more recent one of 1990. By his study of taxing power, distribution of tax receipts, inter-governmental tax immunities, tax sharing etc., the author comes to the conclusion that although the centre seems to retain its supremacy over the finances of the country, "the tendency of cooperation also seems to be developing" (p.129). However, Cooperative Federalism in financial matters can be further strengthened by regular and frequent meetings of the National Finance Commission.

In the concluding chapter the author discusses the problems and prospects of federalism in Pakistan. He seems to be quite correct in his assessment that "the multi-party system has created problems with its local, regional and even personal splinters and one man's show, and failed to solve the national problems" (p.147). The author also notes that the parliamentary



democracy has not been allowed to work for long. Probably an important reason for shorter lives of parliamentary governments is the phenomenon of personalism even in the otherwise constitutional framework, as the author has pointed out. Indeed if we take Centre-province relationship to be amenable, as the author holds, to influences from political parties, interest groups, public opinion, and administrative practices, then moral education of individuals composing the society is as important as reforms in constitutional mechanism. The conclusion of the book then seems to be that the leadership should show total honesty in their public life.

The Chair and the author must be congratulated upon the production of an instructive book.

**Sarfraz Hussain Ansari**