



Divergent Paths of Federalism: A Comparative Analysis of Pakistan and India's Constitutional and Political Evolution

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ABSTRACT

The development of federalism in Pakistan and India, though these countries have common historical origins, has been different, based on political, constitutional, and historical elements. The quasi-federalism of India, enshrined in its 1950 Constitution, grants high central power, but state freedom, although the central federal state can encroach through provisions such as Article 356. Conversely, military rule has destabilised the federalism of Pakistan, and the 1973 Constitution and the 18th Amendment of 2010 tried to decentralise authority. The fiscal form of federalism is also different: the Finance Commission of India and GST Council are in favor of mutual revenue sharing, whereas in Pakistan, the NFC Award cannot keep up with inequities between provinces, especially the dominance of Punjab. Ethno-regional conflicts within Pakistan, e.g., Baluchistan, threaten the federal security, but linguistic reorganisation of the state in India has coped with diversity much better. Although both countries are center-state conflict states, the federalism in India is more institutionalized compared to Pakistan, where it is usually persistently weakened by political instability. The comparison explains that democratic continuity in India enhances the strength of federalism, and the military intervention and centralized rule in Pakistan undermine federalism, despite the recent attempts to decentralize.

Introduction

Federalism is a form of government where the constitutional distribution of power is split between a central government and the regional governments (Xuanyu, 2023). Federalism in highly ethnically, linguistically, and culturally diverse countries such as Pakistan and India is crucial to national unity, but decentralized authority (Aslam, 2023). The two nations opted to use federal

systems following independence as a way to resolve the internal diversity, to encourage inclusive governance (Steytler, 2022). India is also termed as quasi-federal because of the high power that the central government holds (Abbasi, 2023), particularly in cases of emergency. Nevertheless, states have strong freedom and possess individual legislatures, governments, and courts (Sharma, 2023).

On the other hand, dictatorship by military leaders and centralization of power have severally disrupted the federalist system in Pakistan (Adeney & Boni, 2023). One of the most noticeable changes was the 18th Constitutional Amendment to restore provincial powers and decentralization. This work will make comparisons between the form, strengths, problems and opportunities of the federalism in both nations. It also explores the application of the concept of federalism, its efficiency in managing diversity, and how it can be more democratic, participatory and equitable in its governance. It is important to understand these systems as a way of reforming in the future and developing more robust federal institutions in South Asia.

Research Justification

Comparative analysis of federalism between Pakistan and India has both academic and policy implications, as both countries have a common history of colonization, but have assumed different political paths. Although both nations embraced the federal systems to embrace various ethnic, linguistic, and regional identities, the application has been vastly different, and it makes both nations an intriguing case study. The federal system in India, although tending towards centralization, has been robust because of the continuity of democracy, restructuring of linguistic states, and because of institutional checks such as the Finance Commission. Conversely, centralised governance, military interventions, and incessant inter-provincial imbalances have weakened the federalism of Pakistan despite reforms in the Constitution, such as the 18th Amendment.

The comparison of these differences can be used to determine how institutional design, political stability, and power-sharing mechanisms can influence federal governance. The study is especially applicable to the arguments of decentralization, conflict management, and fair development. The Indian situation can also inform us about the need to balance between unity and diversity, and the Pakistani situation can help us see how perilous weak federalism in polarized societies can be. Also, the fiscal federalism systems of both nations, the GST in India and the NFC Award in Pakistan, allow us to learn about the distribution of resources and the relations between the center-state and provinces.

This research can be used to reinforce the discussions on federalism in post-colonial states because it provides a perspective on the constitutional frameworks, political dynamics, and fiscal policies. It also enlightens policymakers on how to enhance decentralisation, regional grievances, and the sustainability of governance of multi-ethnic countries.

Research Objectives

1. To discuss the historical context of federalism in Pakistan and India
2. To highlight the theoretical context of federalism in Pakistan and India
3. To analyze the laws regarding federalism in Pakistan and India
4. To identify the key challenges regarding federalism in Pakistan and India
5. To explore the opportunities for federalism in Pakistan and India
6. To propose effective prevention and intervention strategies.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are listed.

Relevance: Researches that directly addressed the questions posed by this study are included.

Quality: Studies that meet a certain quality threshold (e.g., methodological rigour, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.

Recency: Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.

Language: Only studies published in English are included.

Data Completeness: Previous studies must provide sufficient data on outcomes of interest for practical synthesis; this is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Literature Review

Federalism in India and Pakistan has received a lot of scholarly attention as researchers have studied their constitutional systems (Bhutani & Mishra, 2022). Their politics and challenges (Nandan, 2022). Federalism in India has been termed as quasi-federal in that it is more centralizing in nature (Muzaffar, 2022). It has been argued that the federal structure of India was developed to ensure that there was a balance between unity and diversity, particularly after the reorganisation of languages in 1956 as was proposed by other scholars like Chandio et al. (2024). However, it is noted in commentary that the abuse of Article 356 and pre-eminence of the Centre on the fiscal front has once more brought fiscal federalism to a complex (GST was introduced in 2017 (Adeney & Boni, 2023). Discussions about the problem of cooperative or competitive federalism.

Conversely, federalism in Pakistan has been characterized by instability and centralization (Sharma, 2023). Blames military interventions and the hegemony of Punjab that caused ethno-regional tension in Sindh, Balochistan, and Khyber Pakhtunkhwa (Abbasi, 2023). The implementation of the 18th Amendment (2010) was a major initiative towards decentralization (Steytler, 2022). But it is still controversial research by indicates how this kind of weak democratic institutions has sabotaged federalism, and criticism on how unequal allocation of resources under the NFC Award. Comparative studies) point toward the fact that the democratic strength of India has empowered federalism, and the authoritarian past of Pakistan undermined it. But both countries have problems (Aslam, 2023). India is dealing with regional demands (e.g., Kashmir, Northeast), and Pakistan is coping with provincial demands (e.g., Baloch insurgency) (Xuanyu, 2023).

Historical Context of Federalism in Pakistan and India

The history of federalism in India and Pakistan is entrenched in the colonialism of British rule (Adeney & Boni, 2023). The Government of India Act of 1935 introduced the foundations of a federal system by dividing powers between the central state and the provincial governments at independence in the year 1947 (Steytler, 2022). India continued with this structure, restructuring it under its Constitution of 1950, a constitution which acknowledged a strong central government but allowed the provincial governments to enjoy much autonomy (Aslam, 2023).

On the other hand, Pakistan began with the same structure (Nandan, 2022), but it could not allow a long time (Sharma, 2023) because of its geographical separation (East and West Pakistan) and ethnicity, which led to tension in granting autonomy to the provincial governments (Xuanyu, 2023). Federalism in Pakistan occurred under the conditions of political instability and military intervention (Chandio et al., 2024). The One Unit Scheme (1955) was an effort at administrative unification of West Pakistan but weakened federal principles and spawned resentment, especially in East Pakistan (Muzaffar, 2022). Led to its secession in 1971, the 1973 Constitution was an effort to restore federal balance, but centralising tendencies have increased, especially under strong national governments (Abbasi, 2023).

Theoretical Context of Federalism in Pakistan and India

Theoretically, federalism is developed to support pluralism by separating the authority of the central and regional governments, allowing unity and regionalism. It is based on liberal democratic ideas, which try to avoid too much centralisation of power, yet national coherence is preserved. Indian and Pakistani constitutions were both inspired by the colonial experience and the necessity to cope with diversity, and they adopted federal principles after becoming independent.

Federalism in India has been termed as quasi-federal, in which the Constitution grants a strong center and at the same time a linguistic and cultural diversity by granting autonomy to states. The reorganization of states along linguistic lines and the like is an example of cooperative federalism. Conversely, the history of federalism in Pakistan has been characterized by the failure of central dominance and poor provincial autonomy. Although with the 18th Amendment in 2010, the powers of provinces were improved, challenges of implementation still exist. Therefore, both countries have adopted federalism in order to deal with diversity, but India has institutionalized a more pragmatic form, and Pakistan is still struggling with the center-province conflict that has historical, political, and ethnic roots.

Laws Regarding Federalism in Pakistan

Article 1 - Constitution of Pakistan (1973): Proclaims Pakistan a federal republic, and puts in place the federation and its units (provinces and territories).

Article 142 - Legislative Powers: Separates legislative power between the federation and provinces. It establishes exclusive powers of each and common competencies prior to the 18th Amendment.

18th Constitutional Amendment (2010): One of the most significant reforms was this one, which not only removed the Concurrent Legislative List but also allowed the provinces to have more control over such areas as education, health, and environment.

Council of Common Interests (Articles 153-154): An entity in the Constitution that settles intergovernmental conflicts and collaborates between the federal and provincial governments.

Article 160 National Finance Commission: This guarantees fairness in the distribution of the financial resources between the federal government and provinces.

Laws Regarding Federalism in India

Article 1 - Constitution of India (1950): It defines India as a Union of States, and is a legal statement to the fact that it is a federation.

Seventh Schedule: separates the powers into Union, State, and Concurrent Lists and shares the legislative power between them.

Article 356 - President Rule: gives federal intervention in states when the Constitution is in a state of breakdown, which has been seen as a controversial aspect of Indian federalism.

States Reorganization Act (1956): Reorganized states on linguistic grounds, enhancing the federal structure of India.

S.R. Bommai v. Union of India (1994): A Supreme Court decision restricting the abuse of Article 356 and strengthening federal principles.

Challenges for Federalism in Pakistan and India

Federalism in India: Problems. The federal system of India is also constitutionally strong, but the increasing central dominance in Indian society weakens it. State authority has occasionally been compromised by the wide powers of the Union government, including the use of Article 356 to declare President's Rule. The problem of fiscal federalism, and particularly post-implementation of the goods and services tax (GST), has constrained the financial autonomy of states. The existence of tensions between the center and the states is contributed to by political centralization, hegemony of the national parties, and inequality between the regions.

The Federalism problems in Pakistan: The federal arrangement of Pakistan has a number of challenges that do not permit actual provincial autonomy. The high number of military interventions has concentrated power in the federal government at the expense of provincial involvement in decision-making. The disparate resource allocation, with Punjab receiving more resources than the smaller provinces such as Baluchistan and Sindh, has led to political unrest and tendencies to seek more autonomy. The ethnic and language grouping also makes the unity more difficult, and the conflicts caused by the sharing of resources like water and natural gas still make the inter-provincial relations worse. Moreover, the potential to have ineffective federalism in Pakistan is the relative lack of institutional capacity and the monetary reliance of provinces on the central government. Nevertheless, India has still been able to deal with its diversity using democratic processes, but the necessity to use cooperative federalism is still imperative.

Opportunities for Federalism in Pakistan and India

Conflict Management: Federal systems offer non-violent arenas (such as CCI in Pakistan or the Inter-State Council in India) to solve center-province/state conflicts.

Decentralized Policy making: The two nations enjoy the advantage of localized government, particularly in areas such as education, health, and agriculture.

Enhanced Democracy: Power-sharing facilitates accountability, transparency, and citizen involvement in government at various levels.

Flexible Governance: Federalism permits different regions to coexist within one country, and to structure governance according to local conditions.

Greater efficiency: better service design and execution can be made by provinces/ states, so that it can be more efficient.

Healthy Intergovernmental Competition: There is a tendency for states/provinces to compete in investment attraction and better governance, which drives national development.

Linguistic and Cultural Representation (India): The reorganization of states based on linguistic elements in India has decreased the separatists' inclination towards the country as well as enhanced the inclusion of the citizens.

Post-18th Amendment Progress (Pakistan): The 18th Amendment allowed the provinces of Pakistan to assume responsibilities of major duties and paved the way to innovation and accountability.

Political Inclusion: Federalism also provides room for minority and regional groups to be involved in governance, which leads to social harmony.

Regional Autonomy: Federalism enables the provinces/ states to decide according to their unique cultural, social, and economic requirements.

Discussion

Federalism in Pakistan and India is the manifestation of their efforts to deal with a multifaceted social, linguistic, and regional diversity in a single political structure. Although the two nations have embraced federalism in their constitutions, the experiences have been very different. India has grown to have a rather stable and adaptive system of cooperative federalism, which is facilitated by robust institutions, judicial interpretation, and regional autonomy. Pakistan, on the other hand, has been affected by central domination and unequal implementation, though the 18th Constitutional Amendment has seen a serious move towards devolution. Inequality in the allocation of resources, political interference, and poor intergovernmental coordination are some of the challenges that are continuing in both systems. But, federalism too does present enormous possibilities--enhancing inclusive administration, service delivery, and managing regional tensions. The failure or success of federalism in both situations is finally driven by the political desire to embrace the principles of the Constitution, to strengthen the institutions, and to encourage actual power-sharing between the center and subnational units.

Conclusion

Federalism in Pakistan and India is a mechanism that helps to control diversity and decentralizing power. India has established a fairly stable and responsive federal system, with constitutional protection, judicial control, and efficient intergovernmental mechanisms. Conversely, central domination, political instability, and disproportionate adoption of devolution have posed challenges to federalism in Pakistan. But the 18th Amendment represented a great move towards greater provincial autonomy. In the case of both countries, federalism is successful because of

mutual respect between the central and regional governments, equitable distribution of resources, and devotion to the principles of democracy and inclusive governments.

Recommendations

1. Cherish cultural and linguistic diversity by providing a constitutional safeguard to regional Identities and governance that are inclusive.
2. Develop provincial/state governance capacity by training and decentralization of the bureaucracy, as well as reforms of administration.
3. Ensure equitable and unbiased allocation of funds and resources, particularly by institutions such as the NFC in Pakistan and the Finance Commission in India.
4. Enhance intergovernmental coordination, like the Council of Common Interests (Pakistan) and the Inter-State Council (India), to settle controversies and enable collaboration.
5. Facilitate grassroots involvement through empowering the local governments and engaging the citizens in policy-making.
6. Guarantee judicial independence so that the courts are able to impartially adjudicate on the conflicts between the center and provinces/states.
7. Make sure that the federal and provincial state governments actually devolve their powers as provided in their constitutions.
8. Restrict central government intrusion in provincial or state politics, particularly in the making and breaking of local governments.
9. Raise awareness on federal rights and responsibilities among people so that they can be encouraged to participate in civic activities and hold governments accountable.
10. Transfer social sectors completely, such as education and health, to provincial/ state control in order to have context-specific solutions.

Research Limitations

There are a number of limitations in this research. To begin with, it is based on secondary data, i.e., academic literature, policy documents, and legal texts, which do not necessarily comply with recent political or administrative processes in Pakistan and India. Second, the study does not include empirical fieldwork, i.e., interviews with policymakers, law experts, or local government officials, which would have served to complement it and provide some real-world insights.

Third, due to the comparative type of the research, one might make generalizations that fail to capture the complexities in the region or variations within a country. Also, there was a lack of access to the current provincial or state-level data to analyses the fiscal and administrative implementation of federal policies. Finally, the inability to communicate in the same language and access to the credible sources provided by the local governments influenced the completeness of some case studies. Further studies should include primary data and regional studies to have a more in-depth understanding.

Research Implications

Comparative Analysis: Can be used in future studies to make comparisons of other federal systems on global policy learning.

Capacity Building: Shows the necessity of training on a provincial/state level, both administrative and technical.

Constitutional Interpretation: Emphasizes the role of legal clarity in relations between the center-state and provinces, and stimulates more specific constitutional designs.

Conflict Management: Recommends federal tools for solving ethnic, language, and regional tensions amicably.

Decentralized Governance: Strengthens the provincial and state governments in meeting the needs of the locals effectively.

Democratic Participation: Promotes the policy of giving the regional voices and minority groups more political space.

Fiscal Federalism: Focuses on better revenue-sharing mechanisms and equal distribution of funds to have balanced development in the country.

Future Legislation: Alerts the creation of future amendments or legislation to strengthen federalism and feasible its implementation.

Institutional 3. Strengthening: Reaffirms the necessity of enhancing intergovernmental organizations such as the CCI in Pakistan and the Inter-State Council in India.

Policy Development: Policy developers can be informed by the findings of the strengths and weaknesses in the federal structures and make reforms in governance.

Future Research Directions

Empirical Fieldwork: Interview policymakers, localities government, and civil society to experience firsthand the federal government.

Fiscal Federalism: The study on revenue allocating models, financial freedom, and budgeting between the center and the subnational.

Intergovernmental Relations: Determine the interaction and competition of the two governments of the two countries at the different levels.

Judicial Role: Find out the problem of the balance of power between central/regional governments as a result of the judicial decisions and constitutional amendments

Minority and Regional Viewpoints: Consult the minority and the distant localities to look at federal inclusiveness.

Mismatches of Policy Implementation: Overcome local impediments to Federal laws and reforms.

Provincial/State Case Studies: Compare a different province in Pakistan or state in India to have an alternative conception of how federalism is functioning in other regional locations.

Service Delivery Analysis: Study on the effect of the federal structures on education, the provision of healthcare, and infrastructure at the provincial or state level.

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