Preface: Religious and Ethnic Conflict in Pakistan

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Since the beginning of the “War on Terror”, Pakistan has been center stage in the international media for “talibanization,” “jihadists,” extremist religious violence, sectarian strife, and deep intolerance against non-Muslim minorities. Bleak prognoses about the country’s survival have fuelled this dominant narrative further. In the popular imagination, Pakistan is now the “world’s most dangerous place,”¹ and its “descent into chaos”² is imminent because of the unstoppable tide of Islamic extremism. The current, deeply polarized, debate on the legality and necessity of drone attacks is an example of how Pakistan’s future has come to be tied up with the problem of religious extremism and terrorism.

Undeniably, Pakistan has witnessed a surge in religious intolerance, violence and militancy in recent years.³ Though phenomena like suicide bombings and a direct and escalating confrontation with the Tehreek-e-Taliban (“TTP”) and various other terrorist outfits have emerged in the post-2001 period, many of the sources and triggers of the overall increase in religious extremism existed prior to the “war on terror.” For instance, there was a mushrooming of right-wing Islamist political parties from the mid 1980s onwards under General Zia-ul-Haq’s military dictatorship, many of which were ideologically inclined toward using violence as a political expedient.⁴ Almost simultaneously, there was an increase in sectarian hostilities, primarily between the two major Islamic sects of Sunnis and Shias.⁵ At the same time, instances of persecution of religious minorities, including Ahmadis, Christians and Hindus have not been uncommon in the past but have certainly intensified over the past decade.⁶

In this all-consuming image of Pakistan as the hub of religious extremism and conflict, it is easy to forget that religion is not the only, or indeed even the primary, form of identity that a.

¹ Ron Moreau, “Pakistan: The Most Dangerous?,” Newsweek, October 20, 2007. This controversial Newsweek article created furor in Pakistan. Moreau asserted that “[t]oday no other country on earth is arguably more dangerous than Pakistan. It has everything Osama bin Laden could ask for: political instability, a trusted network of radical Islamists, an abundance of angry young anti-Western recruits, secluded training areas, access to state-of-the-art electronic technology, regular air service to the West and security services that don't always do what they're supposed to do.”
large number of groups in Pakistan have voluntarily owned. Muhammad Ali Jinnah, the founder of Pakistan, and his political party, the All India Muslim League, used Islam as a political tool for claiming exclusive representation of the Muslims of India in the struggle for independence from British colonial rule in the 1940s. But far from being a theocratic state, Pakistan’s leadership at the time of its inception was overwhelmingly secular in its political and ideological outlook. Indeed, the main regions of British India that ceded to Pakistan at the time of partition in 1947 were in many ways autonomous and came together on the basis of common political interests, not on the basis of the common banner of Islam. The concept of Pakistan as an Islamic state and the imposition of an official-statist religious identity emerged later, and served to mask existing ethno-linguistic cleavages. Interestingly, some of the most visible contestations that Pakistan has encountered since independence are related to ethnic identity and ethno-national movements, such as the hostile secession of East Pakistan in 1971, massive military operations in the province of Balochistan to suppress nationalist-secessionist movements in the 1970s and again under General Musharraf in the 2000s, and the current ethno-politically motivated killing sprees in the largest city and commercial center of Karachi.

Of course, it is hardly flattering for a country’s image to argue that it is buffeted by not one, but two, equally grave, forms of conflict. Nevertheless, it is important for various reasons to check the generalizing tendency to frame religious identity as the most salient, and religious conflict as the most threatening to Pakistan’s security and survival. To begin with, political Islam in Pakistan is evidently a failure. Islamist political parties that have espoused and attempted to mobilize a religio-political identity have always been defeated at the polls. At the same time, politics in Pakistan is becoming increasingly ethnicized and regionalized, in that voting patterns and election results in recent elections follow localized ethnic groupings instead of nationally integrative political parties spread across different regions. Clearly, at least in the political/public arena in Pakistan, ethnic identities are much more salient. This means that, even though ethnicity-based politics may exacerbate conflict in certain conditions, it also has the potential of being a much more effective vehicle for political solutions and for channeling conflict in a non-violent direction. It is thus as important (if not more) to highlight, understand and explain the factors behind the ethnicization of politics and ethnic conflict in Pakistan as it is to dwell on the impact of religious extremism and intolerance on the country’s future.

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Region-based political groups in Pakistan have historically mobilized for political power largely around ethnic and linguistic identities. Since colonial times, there has been a history of political bargaining by groups in the Indian subcontinent along ethnic lines. From amongst the different ethnic groups that formed part of Pakistan at its inception, the Bengalis, Sindhis, Pakhtuns and Balochis were, at different moments in pre-partition India, known for their vociferous political agitation against the British colonizers. To varying extents, their political agitation in the late nineteenth and early twentieth centuries took the form of organized movements that called for British withdrawal from India on the one hand and territorial and political independence for these groups on the other. With the creation of Pakistan and the merging of these groups into a single polity, the groups’ demands for territorial independence transformed into agitation for regional political autonomy within the new nation-state. While these ethnic movements had their roots in colonial India in many ways, other group agitations for political autonomy emerged in the post-colonial environment, the most prominent example being the Bengali secessionist movement of the 1960s which climaxed in the political divorce between East and West Pakistan and the secession of the former into the new state of Bangladesh in December 1971.

There is a sizeable and growing corpus of scholarship on the twin phenomena of ethnonationalism and ethnic conflict in Pakistan. Underlying much of this positive analysis is the argument that the institutional imbalance that Pakistan inherited at the time of independence in the form of a “bureaucratic-military oligarchy” was responsible, in large part, for the hardening and persistence of ethnicity-based politics. For instance, leading sociologists and historians argue that the imposition of a dominant state ideology on a highly heterogeneous population stifled the development of political institutions and largely foreclosed participation in democratic processes. This contributed to mobilization for access to power through the medium of ethnic identity. In a variation on this theme, others contend that the primary determinant of

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12 Id.
15 East Bengal was formally referred to as East Pakistan after the enactment of the first indigenous constitution of Pakistan in 1956. This article uses the term “Bengalis” (instead of East Pakistanis) to highlight the distinct ethno-linguistic identity of the population in East Pakistan.
the episodic rise and decline of ethno-national movements was the quality of the interaction between the state elite (including democratic forces) and the ethnic elite. In this account, both the state and ethnic elite were dynamic entities. Thus, ethno-nationalism tended to decline in response to state policies that led to greater power-sharing arrangements, and vice versa. Still others propose that the disproportionately high representation of certain dominant ethnic groups in the civil bureaucracy and military fuelled a common perception that these central authorities were partisan ethnic actors, thus provoking ethnic reactions. More recently, political scientists have asserted that the efforts of the bureaucratic-military leadership to use coercive centralizing and homogenizing tactics to consciously counter ethnic plurality resulted in an ethnic backlash. In this view, state actors actively pursued policies of ethnic discrimination against non-dominant ethnic groups, forcing the latter to respond through an ethnic agenda. A similar view points to the possibility that ethnic divides were manufactured by the military for legitimizing its direct involvement in politics on the ground that military intervention was necessary for quelling internal ethnic conflicts.

It is interesting to note that even though most of this literature dwells on the political demands of ethnic groups for regional autonomy, it remains mute on the use of federal structures by the state to marginalize certain regional groups. This is despite the fact that ethnic conflict over regional autonomy has centered on the design and structure of federal power-sharing arrangements. In fact, experimentation with federal solutions to ethnic diversity and conflict has its roots in colonial times. Nevertheless, there is a curious disconnect between the two bodies of scholarly work: the one on ethnicity-based politics and ethnic conflict, and the other on federal politics and federal design. Only very recently have some political scientists begun to appreciate the many intersections between these two phenomena in Pakistan, and to demonstrate that ethnicization of politics (or the process of articulating economic and political contestations through ascriptive ethnic identities) and ethnic conflict are functions, amongst other things, of state policies that exclude certain ethnic groups from political participation by engineering and manipulating federal structures.

This article adopts a distinct approach based on federal design to explore linkages between “ethnic federations” that serve to accommodate longstanding political demands on the basis of identity recognition, and the homogenization of new groups around ethnic identity for political

See Ethno-National Movements.


visibility, competition and gain. Pakistan is a prominent example, as well as a highly fertile ground for the study, of this form of federalism. In general terms, an ethnic federation (also referred to interchangeably as “ethno-federation,” “multinational federation,” or “devolution federation”) uses a federal structure for accommodating the rights of ethnic groups to autonomous coexistence within the nation-state in ethnically plural societies. While there are multiple typologies of an ethnic federation depending on the historical and geographical context, this article focuses on a broad formulation proposed by Jozsef Juhasz which aptly captures the proposed nature of the federal structure in Pakistan under the Constitution of Pakistan, 1973 (“1973 Constitution”). Juhasz defines ethnic federations as countries “which are nationally and ethnically heterogeneous and work in a federal structure at least partially based on national and ethnic heterogeneity,” and further, “where integrative national political consciousness and a strong separate identity are simultaneously present.” Put another way, ethnic federations allow for the integration of dual identities and ideologies based on common citizenship and group distinctiveness in a single federal structure.

One of the endeavors of an ethnic federation is to re-orient ethnicity-based collective action into non-violent politics. Indeed, a number of ethnically heterogeneous countries have recently experimented with the ethnic federation model for diffusing ethnic conflict. However, the persistence of highly turbulent, violent, and sometimes secessionist ethnic conflict within sub-national units in Pakistan suggests that ethnic federalism has its limitations. Increasingly, it appears that ethnic federations, in certain conditions, are likely to worsen ethnic cleavages and exacerbate rather than defuse or contain ethnic conflict. This is sometimes known as the “minorities-within-minorities” problem. According to Schuck, this occurs when “a federating polity that organizes a sub-unit around a particular mode of ethnic representation and patronage may actually exacerbate existing intra-ethnic conflicts in that sub-unit, thus encouraging new and


26 Id. at 246.

27 Id. at 247.


more ardent minority claims for political recognition, greater autonomy, or even full independence.\textsuperscript{32} The Pakistani example shows that, quite apart from fuelling \textit{intra}-ethnic confrontation, ethnic federations tend to compel, deepen and reify \textit{inter}-group cleavages on the basis of ethnic identity, thus also aggravating \textit{inter}-ethnic conflict at the sub-national level.

As a vehicle for analysis of the minorities-within-minorities problem in Pakistan, this article presents a case study of the interface between the “Sindhis,” a “\textit{de jure} group” whose ethnically-based identity was formally recognized under the federal structure introduced by the 1973 Constitution, and the “Muhajirs,” a “minority group” that resides within the constitutionally demarcated territory of the \textit{de jure} group. The Sindhis are a predominantly agrarian population and consider themselves to be an indigenous group settled for centuries in the second most populous province of Sindh in southeast Pakistan. The Muhajirs – literally refugees or migrants – essentially were Muslim refugees from the Muslim-minority regions of Northern and Central India. At the time of partition of the Indian Subcontinent in 1947, they chose, or were compelled, to shift their domicile to Pakistan and settled in urban Sindh. Since the 1980s, the inter-ethnic conflict between Sindhis and Muhajirs (and more recently, other ethnic groups) has engulfed the largest urban industrial and commercial metropolis of Karachi in unrelenting turmoil and bloodshed. The Sindhi-Muhajir case study shows that the minorities-within-minorities problem can become highly intractable in situations where the minority migrant group like the Muhajirs has been historically dominant and in control of important political and economic resources at the expense of the majority “indigenous” ethnic group like the Sindhis. When these two kinds of groups are put in direct political competition through a federal structure that reverses the dominance of the minority group by granting the majority group a privileged \textit{de jure} status, there is a tendency toward the ethnicization of the minority group’s identity and deepening of inter-ethnic conflict.

The proposed view that an ethnic federation may significantly contribute to ethnic mobilization of minority groups like the Muhajirs that have been ethnically neutral in the past, is in marked opposition to the popular account that the ethnicity-based organization of the Muhajirs was perpetrated by military and intelligence agencies.\textsuperscript{33} It also questions the conventional scholarly opinion that Muhajir nationalist demands emerged in response to relative economic deprivation in the 1980s.\textsuperscript{34}

Part I of this article begins with setting out the conventional explanations for the ethnic mobilization of the Muhajirs in the context of the creation of an ethnicity-based Muhajir political party in the 1980s known as the Muhajir Qaumi Movement (Muhajir National Movement or “MQM”). It then articulates the main hypotheses for the alternative theoretical framework of “federal design” for studying the minorities-within-minorities problem in the case of the Sindhi-Muhajir conflict. Parts II and III periodize the Sindhi-Muhajir conflict into the pre-federalization (1935-1970) and federalization phases (1970-1973), respectively, providing a conceptual and genealogical framework for analyzing the minorities-within-minorities problem. This

\textsuperscript{32} \textit{Id.} at 203.
\textsuperscript{33} Proponents of this view from amongst political parties include the Jamaat-i-Islami (JI), the Pakistan People’s Party (PPP), and various Sindhi nationalist parties. See generally, Nadeem F. Paracha, “MQM: The Missing Link,” Smokers’ Corner, Dawn, October 23, 2011, available at \url{http://www.dawn.com/2011/10/23/smokers-corner-mqm-the-missing-link.html}.
periodization is highly relevant for identifying and explaining the historical impetus, political logic, and political constraints animating the design of the new federal republic. Specifically, Part II presents a historical survey of the territorial configuration of the major ethno-linguistic groups in pre-partition India and post-independence Pakistan prior to the secession of East Pakistan in 1971. It underscores the parallel political and socio-economic developments of the Sindhis and Muhajirs during this period. Based on this historical study, Part III critically examines the rationale behind the federal structure introduced in the early 1970s. In particular, it explains how the new federalism significantly differed from past configurations, as well as its implications for inter-ethnic relations within Sindh. The focus of Part III is on events between 1970 and 1973, culminating in the formal enactment of the 1973 Constitution. In light of the preceding analysis, Part IV presents a theoretical discussion on the historical and structural conditions that tend to exacerbate the minorities-within-minorities problem in ethnic federations. Part V provides a critical appraisal of the link between federalism and the management of inter-ethnic diversity in Pakistan today. Additionally, it briefly discusses the current federal framework and its implications for ethnicity-based politics and group conflict, especially the rights of minority groups in the provinces.

**Part I: Federal Design and Ethnic Conflict in Pakistan – A New Framework**

1. Conventional Explanations for the Ethnic Mobilization of the Muhajirs

   It is useful to begin with a genealogy of the Sindhi-Muhajir relationship and the relation of both groups with the center in order to contextualize the conventional explanations for the ethnic mobilization of the Muhajirs. The Sindhi-Muhajir conflict can be divided into five phases. In the first phase, 1947 to 1958, the Muhajirs (along with the Punjabis) comprised the dominant group in the central civil administration as well as the ruling elite, and the Sindhis were politically and economically marginalized both at the central and provincial levels. During the second phase, 1958 to 1969, the rise of the military as the dominant state institution undermined the position of the Muhajirs at the center, while the Sindhis lost further provincial autonomy, first under martial law and then under a military-imposed constitution. The third phase, 1970 to 1977, witnessed the introduction of a new consensus-based federal structure. This enhanced the relative political position of the Sindhis by granting Sindh a *de jure* nationalist identity along with provincial autonomy. The Muhajir population, on the other hand, became less visible in the center and the province, and was compelled to mobilize in response to Sindhi nationalism on the basis of a newly-articulated ethnic identity. Muhajir ethnic demands reached their apogee in the fourth phase, 1977 to 1988, with the formation of MQM, an ethnicity-based Muhajir political party. Simultaneously, Sindhi provincial autonomy declined under the military dictatorship of General Zia. In the fifth phase, 1988 onwards, Sindhi and Muhajir political parties have attempted uneasy and fragile, though in some ways propitious, political accommodations at the federal and provincial levels.35

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Along this historical continuum, the fourth phase is the most well-documented. It is during this phase that a Muhajir ethno-nationalist student pressure group called the All Pakistan Muhajir Students’ Organization (“APMSO”) emerged. APMSO was created in June 1978 to agitate against the differential effects of the policies of Zulfikar Ali Bhutto, the founder of the Pakistan People’s Party (“PPP”) and the first popularly elected head of state of Pakistan. Bhutto was an indigenous Sindhi from a feudal background, revered by Sindhis as a symbol of Sindhi nationalism. His political career was prematurely terminated by General Zia-ul-Haq’s military coup in 1977. Sindhis virulently opposed General Zia-ul-Haq’s martial law and the subsequent “judicial murder” of Bhutto, which they perceived to be an organized crime against the Sindhi community. On the other hand, for the Muhajirs, “General Zia-ul-Haq’s martial law came as a welcome stock-taking breather.”

Ostensibly, APMSO was born in this milieu as an organization articulating the interests of a constituency of Muhajir students in urban Sindh in response to growing Sindhi nationalism. In 1984, APMSO graduated from a student pressure group to a proper political party known as the MQM.

MQM originally represented the interests of the urban middle class Muhajirs, but within a few years rapidly extended its ethno-nationalist mandate to encompass a broader part of the Muhajir community. With its high degree of public mobilization in Karachi, Pakistan’s economic and industrial hub, the MQM electorally decimated the non-ethnic Islamist parties like the Jamaat-i-Islami (“JI”) and the Jamiat-ul-Ulema-e-Pakistan (“JUP,” also known as “Ahl-e-Sunnat”) that had hitherto claimed the bulk of popular Muhajir votes. MQM won its first electoral victory in 1987 in local body elections in urban Sindh. These victories were repeated in the general elections of 1988 and 1990. By 1991, MQM had established a virtual monopoly over political representation of the entire Muhajir community, and has since not only dominated the politics of urban Sindh but also made a visible impact in both provincial and national politics.

The Sindhi-Muhajir polarization worsened dramatically with the emergence of the MQM,

36 Bhutto was convicted of a conspiracy to murder a political adversary in a controversial and politicized trial conducted under Zia’s tightly controlled martial law regime. Despite several international appeals for clemency and commutation of sentence, Bhutto was hanged in April 1979. Bhutto’s supporters and sympathizers refer to this gruesome episode as “judicial murder.” See, generally, Victoria Schofield, Bhutto, Trial and Execution, London: Cassell, 1979.

37 Arif Azad, “MQM and Growth of Ethnic Movements in Pakistan,” Economic and Political Weekly, 31:18, May 4, 1996, 1061, at 1062 [hereinafter Ethnic Movements in Pakistan]. Muhajirs were actively involved in anti-Bhutto agitation launched by the Pakistan National Alliance (“PNA”) just before the March 1977 general elections. The PNA was an alliance of nine opposition parties led by the JI, which had a strong Muhajir representation. Source.


39 For a succinct discussion of the rise of the MQM and its political development from the late 1980s to the mid-1990s, see Abbas Rashid and Farida Shaheed, “Pakistan: Ethno-Politics and Contending Elites,” United Nations Research Institute for Social Development (UNRISD), Discussion Paper No. 45, June 1993; and Rise of the MQM. For a more contemporary analysis, see Bilal Baloch, “The Role of Leadership and Rhetoric in Identity Politics: Muttahida Qaumi Movement (MQM), a Case Study,” Al Nakhlah, Online Journal on Southwest Asia and Islamic Civilization, Winter 2012.
leading to mounting violence in Sindh.\textsuperscript{43} At the same time, conflict escalated between the MQM and other economic ethnic migrants in Sindh.\textsuperscript{44} The intensifying ethnic violence finally brought the MQM into a hostile confrontation with the Pakistan army in 1992, also leading to a split within the MQM and the creation of a break-away faction known as MQM-Haqiqi (meaning “authentic”). The army operation, “Operation Cleanup,” was justified on the pretext of “cleansing” the city of “anti-social elements,” but primarily and heavily targeted the MQM.\textsuperscript{45} In late 1994, the army withdrew from Karachi and was replaced by paramilitary troops, but acts of violence continued in urban Sindh, further rupturing relations between the MQM and the center. During this time, the MQM put forward a demand for a separate province for the Muhajirs carved out of the urban areas in Sindh along with provincial autonomy.\textsuperscript{46} However, by July 1997, the MQM claimed to have transformed from an ethnicity-based political party to a national party, expanding its electoral appeal to non-Muhajir groups.\textsuperscript{47} Evidently, this has not resolved the problem of ethnic conflict in urban Sindh.

Some political groups as well as scholars have tried to explain away the creation of the MQM as a feat of political engineering by the military and intelligence services. They allege that General Zia-ul-Haq constructed and nurtured Muhajir ethno-nationalism as a counterpoise to his arch political rival Bhutto and the PPP, and to growing Sindhi nationalism in general. This claim primarily rests on the timing of MQM’s birth. The MQM was created only months after General Zia brutally crushed a PPP-sponsored anti-martial law movement in rural Sindh in 1983, known as the Movement for the Restoration of Democracy (“MRD”).\textsuperscript{48} The MRD charter demanded the establishment of a confederation where Sindhis would enjoy maximum autonomy.\textsuperscript{49} In reaction, General Zia’s military government ordered a major military offensive in Sindh that lasted almost six months.\textsuperscript{50} During this military operation, Muhajir areas remained quiet.\textsuperscript{51} Sindhis had, so to speak, “become a thorn in the flesh of the military government,” causing Zia to “cast around for potential political counterweights to neutralise rural Sind’s radical politicisation.”\textsuperscript{52}

This is a highly de-historicized explanation for the emergence of the MQM. Given that the Muhajirs had directly suffered the repercussions of the militarized state under General Ayub Khan in the 1960s, the assertion that MQM was the brainchild of the armed forces requires much

\textsuperscript{43} A series of violent attacks and backlashes took place between Sindhis and Muhajirs in the late 1980s. In September 1988, over two hundred Muhajirs were killed in Hyderabad when Sindhi nationalists opened fire in the city; in May 1990, a Muhajir demonstration was crushed by predominantly Sindhi police in Hyderabad, leading to the deaths of over sixty demonstrators; and soon thereafter, forty Sindhis were killed by MQM members. \textsuperscript{Source.}

\textsuperscript{44} Riots between Muhajirs and Pukthuns sparked by Pukthun transporters against Muhajir commuters and Pukthun-Afghan drug operations in 1985 left Karachi violently shaken. \textsuperscript{Source.}


\textsuperscript{46} See “MQM’s 15-point Charter of Demands,” The News (Karachi), January 12, 1995. \textsuperscript{See also, Karachi Crisis, at 1042-1043.}

\textsuperscript{47} The official nomenclature of the MQM was changed from Muhajir to Muttahida Qaumi Movement (United National Front) to signal the re-orientation of MQM’s political objectives and ideology. A detailed investigation of this political transformation can be found in Noman Baig, “From Mohallah to Mainstream: The MQM’s Transformation from an Ethnic to a Catch-All Party,” Master of Arts thesis, Department of Political Science, University of Victoria, 2008, available at \url{https://dspace.library.uvic.ca:8443/bitstream/1828/914/1/Thesis.pdf}.

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\textsuperscript{52} Ethnic Movements in Pakistan, at 1062.
more rigorous evidence. There is no gainsaying that to the extent that the interests of the Muhajir community and the military converged in respect of opposition to the PPP, the military’s policies may have created the space required by the MQM to penetrate the political milieu as a full-fledged political party.\(^53\) But to attribute a deeply complex historical phenomenon like Muhajir nationalism to the individual will of a military dictator is reductionist at best, and disingenuous at worst.

Most historians and political scientists offer an alternative explanation. They contend that group differentials in economic wealth, institutional underrepresentation, and diminished access to the center led to an acute sense of economic deprivation among middle class and lower middle class Muhajirs vis-à-vis the Sindhis during General Zia’s rule in the 1980s.\(^54\) They rely, amongst other things, on the changes in the ethnic quota system for recruitment in the Pakistani civil service and educational institutions to demonstrate that by the mid-1980s there was an overall proportional decrease in Muhajir representation in these institutions.\(^55\) They further argue that the volte-face in the Muhajir’s economic conditions compelled them to shed their ethnically neutral national “Pakistani” identity\(^56\) in favor of a “manufactured ethnicity” based on new political demands.\(^57\)

According to this account, the discontent among the Muhajirs was a case of actual, albeit relative, deprivation among the middle and lower middle classes, leading to political mobilization around a new ethno-linguistic identity.\(^58\) Indeed, the MQM’s Charter of Resolutions of 1988 (“1988 Charter”),\(^59\) which systematically articulated nationalist Muhajir demands for the

\(^{53}\) That the rise and electoral success of MQM may have partially been an “unintended consequence” of General Zia’s policies is a much more plausible view. See, e.g., Ethno-National Movements, at 281. However, this view neither fully explains the ethnic mobilization of the Muhajirs nor negates the main thesis of this article that the ethnicization of the Muhajir identity had its roots in the ethnic federation of the 1970s.

\(^{54}\) See, e.g., Rise of the MQM (arguing that a “majority of the Urdu-speaking Muhajirs see a wide gap between what they get and what they feel they are entitled to,” at 993); Karachi Crisis (arguing that “[the Muhajirs]’ economic and political sense of deprivation reached its peak during [the Zia years] and by the mid-1980s there was enough fertile ground to raise the slogan of “Mohajir nationalism”,” at 1033); and Mohammad Waseem, “Affirmative Action Policies in Pakistan,” Ethnic Studies Report, 15:2, July 1997, 223 [hereinafter Affirmative Action Policies].

\(^{55}\) Mohammad Waseem shows that by 1983 (a little more than a decade after the introduction of the ethnic quota system in Sindh in urban-rural sectoral terms), the Muhajir representation in the bureaucracy declined from 30.1% to 17.4% for all grades and 33.5% to 20.2% for senior grades (Affirmative Action Policies, at 234). Waseem argues that that the ethnic quota “greatly alienated mohajirs as it effectively closed the doors on many of them for entry into these institutions and services. This created a widespread feeling of despair among the mohajir youth who took to a militant form of nationalism…within a decade and a half of the extension of the quota system to the urban and rural sectors in Sindh.” Id. at 229.

\(^{56}\) See, e.g., Rise of the MQM (arguing that the “MQM’s claim that…muhajirs…constitute a fifth nationality in Pakistan was…a redefinition of political identity for a community that had previously shunned particularistic ethnicity in favor of a broader Muslim Pakistani identity,” at 990). See also Karachi Crisis (arguing that the MQM’s “demands for a new administrative setup and better socioeconomic status is totally contradictory to their [Muhajirs] previous 40 years of consistent opposition to the erosion of state power,” at 1036).

\(^{57}\) The claim that groups may articulate grievances over economic deprivation through mobilization of ethno-linguistic identities appears to be grounded in political science literature that compares federal and unitary systems in relation to material inequality and its effect on ethnic mobilization. For instance, Bakke and Wibbels make the point that “in a federation, the issue of inequality is likely to be politicized in a uniquely geographic manner,” leading to conflation between economic inequality and presumed ethnic grievances. Ultimately, conflicts over material inequality in federal systems tend to take on a powerful identity-based dimension and bring into sharp relief the organizational potential of ethnicity. Kristin M. Bakke and Erik Wibbels, “Federalism and Intrastate Struggles: The Role of Diversity and Disparity,” October 2006, at 7-8.

\(^{59}\) See The monthly Herald, Karachi, January 1988, at 85-86.
first time, appears to reflect this sense of deprivation, particularly vis-à-vis the Sindhis. Be that as it may, the argument of economic deprivation, though important in its own right, needs to be further nuanced as it falls short of adequately explaining why the new Muhajir identity was premised on ethnicity. Though the 1988 Charter was facially concerned with ethnic quota and language issues, it articulated the demands of the urban middle and lower middle classes that were most affected by preferential policies. At the same time, the MQM claimed to politically represent the Muhajir community as an ethnic whole, and electoral results 1988 onwards demonstrated a more or less homogenous Urdu-speaking urban electorate in support of the MQM in Sindh. What remains largely unexplained in this account is the mobilization of a, broadly speaking, cross-class ethno-cultural identity instead of a distinct Sindi urban middle class identity.

This article explains the ethno-centrism of minority groups like the Muhajirs in Pakistan from the perspective of the impact of the federal structure of the 1970s and the paramount role it played in introducing structural constraints in the avenues available to them for political mobilization and accommodation. It argues that the new federal dispensation introduced by the 1973 Constitution was an ethnic federation, which created de jure ethnic groups and provided constitutional protection to their ethnicity-based policies, necessitating inter-ethnic differentiation at the provincial level. This impeded the group mobilization of minority groups like the Muhajirs through ethnically neutral means. As a result, they were compelled to adopt an ethno-linguistic identity as an instrument for political empowerment. The following section takes a closer look at this “federal design” argument to explain the ethnic mobilization of the Muhajirs.


The central argument of this article is that the issue of minorities-within-minorities in Pakistan has a deep nexus with the set of historical events culminating in the new Federal Republic of the 1970s. The aggregation of various historical factors leading up to this period – including the political and economic dominance of certain groups in the first two decades of Pakistan’s creation, the lack of a viable federal structure before 1970, the rise of an ethno-nationalist movement in, and the secession of, East Pakistan in 1971 – provided the impetus for cementing a kind of federal structure that would serve to politically accommodate the spiraling ethno-national unrest during a crucial period of democratic transition. This new federal

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60 The 1988 Charter demanded recognition of Urdu as the official language of Sindh; recognition of the Muhajirs as the “fifth nationality” of Pakistan, commensurate with that of the Punjabis, Sindhis, Pakhtuns and Balochis; holding of a ‘fair’ national census (on the basis that the 1981 census underreported Karachi’s population and hence the size of the Muhajir community); abolition of ethnic quotas in favor of Sindhis, and implementation of a merit-based system of representation in the federal bureaucracy and educational institutions on the basis of population, or, failing that, an increase in the proportion of seats allocated to urban Sindh; repatriation of the Urdu-speaking group known as the Biharis (who opted to migrate to Pakistan at the time of the secession of Bengal in 1971) from Bangladesh to urban areas of Sindh; a grant of Sindh “domicile certificates” only to individuals resident in Sindh for twenty years, with the exception of repatriated Biharis; termination of interprovincial migration and return of Afghan refugees from urban Sindh to the Afghan border; and a greater share of provincial revenue for development of infrastructure and amenities in urban Sindh. Id.

61 There was a surge in regional movements in Pakistan in the early 1970s. These were highly influenced by the ethno-national movement in East Pakistan (Bengal) as well as the subsequent dismemberment of the region from the country. See Ethno-National Movements, at 113-119.
structure was proposed in 1970 by General Yahya Khan,62 incorporated in the interim constitution of 1972, and formalized by the 1973 Constitution. Founded on a consensus on the need for provincial autonomy, the new Federal Republic implicitly recognized the faulty constitutional design propounded by the previous constitutions of Pakistan in respect of the structure of center-province relations in general, and relations between ethnic groups in particular.63 The previous two constitutions, introduced in 1956 and 1962, respectively, had disbanded the administrative units of Punjab, Sindh, the North-West Frontier Province (“NWFP”) and Balochistan in the west wing and collapsed them into a single political unit, while retaining Bengal as a separate unit. This “One Unit” system in the west wing created considerable ethnic unrest, and eventually was abandoned and replaced by a “four-unit” system in the 1973 Constitution.64 Thus, the 1973 Constitution was in an important sense a federal contract among the leaders and elected representatives of the four main ethno-linguistic groups intended to equip these groups with enhanced political bargaining power vis-à-vis each other and the center. In other words, the 1973 Constitution provided for an ethnic federation.65 This article argues that, notwithstanding the objective of ethnic accommodation underpinning this federal contract, the new ethnic federation created a push towards ethnicizing minority identities and intensifying inter-ethnic conflict under certain historical and political conditions.

The Sindhi-Muhajir conflict instantiates the minorities-within-minorities phenomenon in the context of Pakistan’s federalization experiment. The province of Sindh provides an especially intriguing choice for studying the impact of the constitutional federal structure on provincial minority groups. Because of their critical role in the partition, the Muhajirs were historically over-represented in federal governmental institutions and services in Pakistan in contrast to the de jure groups. They were a minority in terms of numerical strength but not in terms of political, economic and social influence. The about-face in their status in the early 1970s provides a perspicuous illustration of the impact of the new ethnic federation on minority groups. Moreover, out of all the provinces of modern day Pakistan, Sindh’s ethnic and cultural identity is in many ways the most well-developed and cohesive: it extends back at least 1200 years and, unlike other provinces which were either partitioned or shared their cultural traits with physically contiguous areas, it is defined wholly within a geographical area which joined Pakistan in an intact form in 1947.66 In contrast, while the Muhajirs could claim to have a common or at least similar urban culture and language, they were otherwise of heterogeneous origin.67 For more than two decades, they projected themselves as “Pakistani nationals” and consistently rejected a parochial, regional identity. The coincidence of the Muhajirs’ claim to a distinct “nationality” with the creation of the new Federal Republic illustrates how federal design may both spur and influence ethnicity-based politics.

62 See infra 
63 See infra 
64 See infra 
65 Tahir Amin describes the new constitutional framework as engendering “a multi-national socialist community,” arguing that the “ethnic elites, also drawing upon the socialist tradition demanded the recognition of a nationality status with the ultimate right of secession.” Ethno-National Movements, at 11-12. 
66 Ethnic groups in NWFP (Pakhtuns) and Balochistan (Baloch) have historically extended beyond the borders of Pakistan into neighboring Iran and Afghanistan. See, e.g., Feroz Ahmed, “The National Question in Sindh,” Pakistan Forum, 2:12, Sept. 1972, 10, at 15 [hereinafter National Question in Sindh]. 
Sindh is also important from the perspective of the minorities-within-minorities problem for other reasons. By 1973, the federalization experiment was aborted in both the NWFP and Balochistan. By 1973, the federalization experiment was aborted in both the NWFP and Balochistan. Thus, arguably, the local majority ethnic groups in these regions (Pakhtuns in the NWFP and the Baloch in Balochistan) did not have any real opportunity to create a *de jure* identity despite notional assurances in the 1973 Constitution. This left behind Sindh as the only province (apart from the centralist-dominant province of Punjab) where the new federal arrangements were implemented and could be fully observed. In light of this “short-lived federalism” in the other provinces, it is both crucial and necessary to concentrate on Sindh in order to gain insights into the nexus between federal design and intra-provincial relations.

This article lays down a set of hypotheses on this nexus on the basis of the Sindhi-Muhajir case study. The overarching hypothesis is that the 1973 Constitution created, for the first time, *de jure* provincial autonomy and self-government for Pakistan’s four main provincial units in a manner that significantly enhanced the constitutional-political recognition of the ethno-linguistic groups to which the provinces were symbolically and historically related. As a result, the Sindhis in Sindh, the Pakhtuns in the NWFP and the Baloch in Balochistan were ostensibly granted greater visibility and leverage in the political process. This “*de jure*” argument is somewhat superfluous in the context of Punjab because of its historical hegemony over other regions of Pakistan.

In the case of Sindh, this article hypothesizes that the *de jure* recognition of the Sindhi ethnic group by the new federal structure led to the continuation of political and economic bargaining along ethnic lines and a further entrenchment of traditionally conspicuous ethnic identities and ethno-centered politics. In particular, it meant that the Sindhi ethnic group, which now had *de jure* powers of self-government, continued its interface with the Muhajirs through the medium of ethnic identity. The increased visibility and identity entrenchment for the Sindhis meant that other groups within the same province that did not conform to this *de jure* ethnic identity, including the Muhajirs, became relatively disenfranchised in the political process. Given that one of the consequences of the new federal structure was continued promotion of ethnic politics, the only effective route available to the Muhajirs for political mobilization was through an ethno-linguistic identity in their competition for visibility both at center and the province. In turn, the *de jure* Sindhi population responded to the Muhajirs through the medium of ethnic identity in its continued bargaining for political power and dominance. In essence, the article argues that the new federal structure, by legally elevating local majority ethnic groups to the detriment of local minority groups, and by recognizing political power along ethno-linguistic lines, gave rise in certain conditions to structural constraints that contributed to the construction of new ethno-linguistic identities among minority groups as vehicles for political mobilization.

The following Part II provides a historical backdrop to Sindhi-Muhajir relations in the context of Pakistan’s numerous pre and post-independence experiments with federal design.

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**Part II:** If Past is Prologue – Abortive Experiments with Federalization, the National Question & the Rise of Sub-Nationalism

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68 See, e.g., *Ethno-National Movements*, at 122-128.
69 Id.
This Part examines pre-partition events and events leading up to the new federal structure in post-partition Pakistan that were highly important in shaping the center-periphery relations in independent Pakistan as well as within the new federal structure of the 1970s. These events underscore four important themes that flow through the analysis: first, that Sindh was historically on the periphery of political power; second, that despite its peripheral status, Sindh had a politically conscious and mobilized ethno-linguistic identity that preceded Sindh’s adhesion to an independent Pakistan, and which was instrumental in defining the course of the Sindhi-Muhajir ethnic conflict; third, that the colonial state structure and policies in undivided India left an enduring imprint on state-building in Pakistan, thus enabling certain groups to establish and retain their stranglehold on political institutions and processes after independence; and fourth, that abortive experiments with federalization eventually culminated in a new federal structure in the 1970s that was qualitatively very different from the previous configurations in creating de jure ethnic groups.

1. Colonial India: Territorial Consolidation and the Beginnings of Provincial Autonomy

The British Crown assumed direct administration of India through the Government of India Act, 1858 (“1858 Act”) which formalized India’s status as a colony of the British government. By this time, the bulk of the geographical area that would become Pakistan in 1947 was firmly under British control, with the exception of Balochistan. Bengal, known at the time as the Bengal Presidency, was one of the earliest territories to pass under direct British rule in 1774. Sindh was next, conquered from the ruling Talpurs in 1843 and maintained as a separate state until 1847, when it was joined with the Bombay Presidency. The area comprising modern day Punjab and the NWFP was annexed by the British in 1849 after the defeat of the Sikhs in the Battle of Gujrat. Balochistan was a late addition to British India, only succumbing after a string of treaty negotiations in 1876, 1879 and 1891 with the region’s tribal leader, the Khan of Kalat.

The British consolidated the conquered regions into administrative divisions that coincided

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70 The 1858 Act enabled the British Crown to wrench administrative control of the Indian colony from the British East India Company. Under the 1858 Act, the Governor General retained his position as the chief administrator of British India but additionally became the representative of the British Crown in the British Indian Empire. Administrative divisions or provinces under the new law were coherently defined and placed under a governor, lieutenant-governor or chief commissioner. Governors were appointed by the British government to whom they were directly responsible, while lieutenant-governors and chief commissioners were appointed by and subordinate to the Governor General. After the 1858 Act, the title “Governor General” was used interchangeably with “Viceroy.”

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72 The NWFP was carved out of Punjab in 1901 and comprised the frontier districts north-west of the fertile Indus Valley plains. Unlike the Punjab, the NWFP region offered no economic and commercial interests to the British. By separating it from the Punjab, the objective was to create a buffer zone between British India and the warring tribes of Afghanistan and Russia. The tribal territory between the NWFP and Afghanistan (consisting of two-thirds of the province) was excluded from the settled districts. A political agent served as a liaison between the British government and the tribal chiefs in this tribal territory. See, generally, Bijan Omrani, “The Durand Line: History and Problems of the Afghan-Pakistan Border,” Asian Affairs, 40:2, 2009, 177.

73 See generally, Javed Haider Syed, “The British Advent in Balochistan,” Pakistan Journal of History and Culture, 28:2, 2007, 53. Balochistan was not granted provincial status during the colonial era. It continued to be governed directly by, first, a British political agent and, after 1947, a Pakistani chief commissioner, in accordance with treaty terms negotiated with the Khan of Kalat. It was finally granted the status of an autonomous province in 1970.
largely with their pre-conquest boundaries. Even where they incorporated changes in boundary definitions, these reflected political, economic or military interests. In the case of Sindh, for example, its temporary annexation with Bombay was premised on commercial grounds. On the other hand, in the case of the NWFP, physical and military considerations prevailed when the British restored the boundary between the NWFP and Punjab in 1901, which Sikh conquests in the early nineteenth century had removed as a way of consolidating the Sikh empire in the Punjab. Thus, the colonizers generally did not determine provincial borders on the basis of perceptions of ethnic homogeneity of the population within these borders.

Having said that, the role of the British in hardening existing ethnic and regional differences, especially in the five provinces that eventually comprised Pakistan, must not be underemphasized. These ethnic identities were reflected through different cultural and geographical markers, the most prominent of which was language. By patronizing the Punjabis, and to some extent, the Pakhtuns, and by treating the Bengalis, Sindhis and the Baloch as rustics, the British created a system of ethnic hierarchies through various colonial policies which effectively translated into social and economic disparities over time. Ethnic groups that were “selected as collaborators or channels for the transmission of government patronage” during the colonial era retained their privileged, and sometimes hegemonic, positions in the post-colonial environment.

In the early decades of the twentieth century, British policy was oriented towards a gradual piecemeal transfer of powers of self-government to the colonized population. By 1936, British India had eleven provincial divisions which formed the electoral units and political constituencies around which new political parties as well as movements for indigenous political power emerged. The year 1935 was an important constitutional milestone in British India in the evolution of provincial autonomy. The Government of India Act, 1935 (“1935 Act”) was the last pre-independence Constitution of India and the first to propose the establishment of a federal system with provincial autonomy as a prelude to a nominal dominion status. The federal provisions of


76 Racial and Ethnic Conflicts, at 589.

77 According to Edward S. Montagu, Secretary of State for India, British policy on devolution of power envisaged “the increasing association of Indians in every branch of administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire.” See BBC Radio 4 Empire, “India: Dominion or Not Dominion,” Episode 86, 12 June 2006, available at http://www.bbc.co.uk/radio4/history/empire/episodes/episode_86.shtml. See also Craig Baxter, “Construction-Making: The Development of Federalism in Pakistan,” Asian Survey, 14:12, December 1974, 1074, at 1075 [hereinafter Federalism in Pakistan]. Baxter makes two pertinent observations about Montagu’s declaration. First, in the early decades of the 1900’s, the British intention was to retain ultimate administrative control over India even after introducing some measure of provincial self-government, and second, the form of federal government envisaged for India by the British was not based on voluntary association but involved a powerful central government devolving power on subordinate federating units.

80 The genesis of the 1935 Act rests on almost eight decades of piecemeal constitutional developments and is traced back to the 1858 Act. The latter was followed by the Government of India Act, 1909 (Morley-Minto Reforms) which allowed the election of native Indians to various legislative councils in India for the first time. The Government of India Act, 1919 (Montagu-Chelmsford Reforms) established a complex system of dual government
the legislation could not be implemented because of non-accession of the specified minimum number of princely states in the British Indian Empire to the federation. As a result, the central government continued to exercise overriding powers through the Governor General. At the provincial level, the 1935 Act accomplished a number of significant changes, the most prominent of which was the introduction of a new system of “responsible government.” This new system entailed the full transfer of provincial portfolios to local Indian ministers who enjoyed the support of their respective provincial legislatures. Nevertheless, the discretionary “safeguards” vested in the British-appointed provincial governors to claim total administrative control of the provincial governments, not only in the event of a political breakdown but also in some conditions short of an emergency, did much to undermine provincial autonomy.

At the time of the introduction of the 1935 Act, three out of the five administrative divisions that were to become Pakistan – Bengal, Punjab and the NWFP – had their own provincial legislative assemblies that served as the loci of indigenous political representation. For various historical reasons, Sindh was granted a separate provincial status in 1936. Thus, unlike the other provinces, the Sindh provincial legislature only had a decade to function as a separate political and administrative entity before being subsumed into Pakistan. Nevertheless, the mobilization of a collective Sindhi political consciousness and the formation of a distinct Sindhi ethno-linguistic identity in colonial India long preceded the formation of the Sindh provincial legislature.

The political and socio-economic structure that evolved in Sindh, as well as its collective historical experience, was very unique. To begin, Sindh’s geographical location relegated it to a peripheral position in politics during pre-colonial Mughal rule. In the late eighteenth century, the Baloch tribe of the Talpurs wrested Sindh from the Mughals. The Talpurs became de facto landowners in the region and instituted a highly repressive feudal system. By the time the British conquered Sindh in 1843, “Sindh had developed into becoming more of a fiefdom of the local elite rather than a part of the central power.” Instead of displacing the power of the landed

at the provincial level referred to as “diarchy.” In this scheme, certain “nation-building” subjects such as education and agriculture were placed in the hands of Indian ministers, while other areas of governance such as finance and law and order were retained by the British-appointed provincial governors. From 1930 onwards, a series of Round Table Conferences and Committees followed, tasked with formulating a federal formula for India’s governance. The outcome was the 1935 Act. Source.

The inclusion of different legislative lists for the provinces attests to the fact that this was an attempt, at least in principle, to devolve political and legislative authority to the provinces. The 1935 Act provided for three different legislative lists: Federal, Provincial and Concurrent. The Federal list consisted of the important federal powers of defense, foreign affairs, banking and currency, income tax, and foreign trade. The Provincial list provided for legislation on more localized issues at the provincial level such as maintenance of law and order, public health, education, agriculture, land revenue, relief of poor, and unemployment. The Concurrent list consisted of subjects which both the federal government and provinces could legislate upon, with the proviso that the former would override the latter in case of a conflict. Source.

There was a broad consensus amongst most Indian political leaders that the 1935 Act was highly inadequate in preparing the ground for provincial autonomy. See source.

aristocracy in rural Sindh, the British annexed Sindh to the Bombay Presidency in 1847, enabling the affluent Hindu merchant community in Bombay to monopolize commerce and education in the region.92

In response to this economic threat, the indigenous petty traders of Sindh (both Muslims and Hindus) mobilized public opinion in favor of separating Sindh from the Bombay Presidency.93 By the early 1900s, this mobilization cohered around the Sindhi language as the salient marker of Sindhi identity.94 Interpreting the Sindhi Language Movement as a plea for re-establishing Sindh as a Muslim majority region, Muhammad Ali Jinnah – the founder and first Governor General of Pakistan – expressly demanded the separation of Sindh from the Bombay Presidency in his famous Fourteen Points in 1929.95 The result of this long Sindhi nationalistic struggle was the eventual separation of Sindh from Bombay, and the elevation of the region to a full province immediately after the 1935 Act. Thus, as a counterpoise to the historical legacy of marginalization from mainstream politics both in pre-colonial and colonial times, Sindh was distinctive in terms of a developed ethno-linguistic culture and a mobilized political identity. In many ways, the political marginalization and remoteness from centers of power on the one hand, and a deep sense of ethnic consciousness and indigenousness on the other, shaped the political experience of Sindhis and their conflict with the Muhajirs in the post-independence era.

2. Pakistan at Independence: The Paradox of “Unitary Federation” and the National Question

The partition of the Indian Subcontinent in 1947 offered a fresh opportunity for the development of a federal pact in newly independent Pakistan.96 At the same time, it also brought into sharp relief the “national question” concerning the “legitimate place of sub-national aspirations and demands within a larger concept of Pakistani nationhood.”97 The largely elitist and communal nature of politics of the All India Muslim League – the vanguard political party for the creation of Pakistan – and the fragile consensus in most of the Muslim majority provinces

95 For the first few years, Pakistan comprised of multiple “territories” with different administrative statuses based on their particular colonial governance structures: “Governors’ Provinces” of Bengal, Punjab, Sindh and the NWFP; “Commissioner’s Province” of Balochistan; Capital of the Federation (Karachi); several semi-autonomous “States,” including Bahawalpur in the Punjab, Khairpur in Sindh, Balochistan States Union in Balochistan (including Makran, Kharan, Las Bela and Kalat), and Amb, Chitral, Dir, and Swat in the NWFP; and “Tribal Areas” of Balochistan, Punjab and the NWFP. In the early 1950s, after their formal accession to Pakistan, Bahawalpur and Khairpur were also granted full provincial lines and held elections to the newly formed provincial assemblies. Source.
96 Hamza Alavi, “Nationhood and Nationalities in Pakistan,” Economic and Political Weekly, 24:27, July 1989, 1527, at 1527 [hereinafter Nationhood in Pakistan]. According to Alavi, Pakistani political history reveals a “dialectical opposition” between national unity based on a common religion and Islamic culture on the one hand, and sub-national diversity and ethnic demands on the other. See also Ethnicity and Ideology.
over joining Pakistan, deeply complicated the question of what constituted Pakistani nationhood.98 This and the following sections highlight the centrality of the “national question” to federal politics in Pakistan, as well as the struggle for provincial autonomy and its link to the evolution of Sindhi nationalism and Muhajir identity.

The newly independent states of Pakistan and India adopted the 1935 Act as their transitional constitution, to be replaced in time with indigenously framed constitutions.99 Thus, Pakistan inherited a federal form of government with limited provincial autonomy. The 1935 Act provided a working template along with functional provincial legislatures through which a further devolution of power could be formalized to the provinces. Important ideological blueprints for a federalized Pakistan also existed at the time. Jinnah and his political constituency had actively advocated a loose federation combined with substantial provincial autonomy for the Muslims of India on several occasions during the independence movement, notably in his historic Fourteen Points in 1929 and again in the Lahore Resolution of 1940 (“Lahore Resolution”).100

Despite Jinnah’s earlier opposition to the inadequacy of the federal structure advanced by the 1935 Act,101 and his proposals for greater provincial autonomy based on the Lahore Resolution, the embryonic Pakistani federation metastasized rapidly into a government “as powerful as the government of Great Britain, which is a unitary state.”102 The Governor General had capacious legislative powers as head of state and civil administration, including the powers to assent or withhold assent to legislative bills, unilaterally appoint or dismiss ministers, and declare emergencies at his sole discretion.103 In continuation of colonial-style administration, the Governor General also intervened in provincial governance.104 An indirectly elected unicameral

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100 There has been much contentious debate over the precise form of federation advocated in the Lahore Resolution. The relevant text of the Resolution reads as follows: “…no constitutional plan would be…acceptable to the Muslims unless it is designed on the following basic principles, viz., that geographically contiguous units are demarcated into regions which should be constituted, with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority as in the North Western and Eastern Zones of (British) India should be grouped to constitute ‘independent states’ in which the constituent units should be autonomous and sovereign.” Different political groups at different times have interpreted this landmark text as a Commonwealth of Muslim States, a loose federation or a confederation, and a federation with significant provincial autonomy. See, e.g., Shafique Ali Khan, The Lahore Resolution: Arguments For and Against (History of Criticism), Karachi: Royal Book Company, 1988.
101 At the time of the enactment of the 1935 Act, Jinnah condemned it as “devoid of all the basic and essential elements and fundamental requirements which are necessary to form a Federation.” Speeches and Writings of Jinnah, Jamil-ul-Din Ahmad, ed., Vol. 1, Lahore, 1968, at 9.
Constituent Assembly performed limited legislative functions at the level of the central government, and was additionally tasked with drafting a new constitution for the country. The influential senior cadre of the bureaucracy exploited the autocratic powers of the Governor General. The bureaucracy’s dominance over the political system was no coincidence. Because of the British officials’ reliance on a specialized and well-trained bureaucratic hierarchy for their extensive and complex administrative system, the bureaucracy was the most highly developed institution in British colonial India apart from the military. In colonial India, an indigenous Anglo-vernacular educated section of the urban middle class dominated the bureaucracy. The political leadership for anti-colonial and independence movements also arose from the same populace in later years. In the newly independent states, this urban class continued to command the state and government apparatuses in the absence of well-established representative institutions. A striking characteristic of the urban educated elite in Pakistan in 1947 was its sizeable concentration in one ethnic group, the Punjabis.

3. Influx of the Muhajirs

Within the first few years of independence, the high-ranking membership of the federal bureaucracy in Pakistan came to be shared by Muslim immigrants from the Muslim minority provinces in northern India. Muhajirs, as they were called, were well-educated as a demographic and linguistic group and had traditionally held important positions in the colonial civil

105 Pakistan’s first Constituent Assembly was composed of 80 members of the pre-partition Indian Constituent Assembly who represented the regions that ceded to Pakistan. The electoral college for subsequent Constituent Assemblies consisted of the provincial assemblies of Bengal, Punjab, Sindh and the NWFP. The Prime Minister was appointed by the Governor-General from among the members of the Constituent Assembly. Source.

106 Source. The most prominent political leaders and decision makers from 1947 to 1971 either belonged to the federal bureaucracy or the military. These include Ghulam Mohammad (Governor General, 1951-1955), Iskander Mirza (Governor General and President, 1955-1958), Chaudhri Muhammad Ali (Prime Minister, 1955-1956), and General Ayub Khan (Chief Martial Law Administrator and President, 1958-1969). Source.

107 The prestigious Indian Civil Service was originally exclusively British, but gradually broadened its recruitment policy to include Indian candidates with a British classical education through a competitive, examination-based process in the latter half of the nineteenth century. The earliest Indian recruits were assigned to district level administrative functions, and later to the higher administrative levels of divisions and provinces. See Malti Sharma, Indianization of the Civil Services in British India, 1858-1935, London: Manak Publications, 2001.

108 Charles H. Kennedy, “Policies of Ethnic Preference in Pakistan,” Asian Survey, 24:6, June 1984, 688, at 690-691 [hereinafter Policies of Ethnic Preference]. Kennedy claims that in addition to ethnic diversity and unequal regional development, the “developmental gap” between bureaucratic and representative institutions was one of the main rationales for the adoption of policies of preference. In the virtual absence of institutions ensuring governmental responsiveness, the “denial of civilian bureaucratic office in Pakistan is functionally equivalent to the denial of political representation.” Id. at 691.

109 Alavi refers to this urban educated class as the “salariat” and asserts that it represents the dominant urban elite in most post-colonial societies with a predominantly agrarian production base. Alavi explains that the Punjabi concentration in Pakistan’s bureaucracy came about as a result of the patronage bestowed by the British on the Punjabis in return for their support to the British government in suppressing the First War of Independence in 1857, dubbed by the British as the “Indian Mutiny.” Punjabis were rewarded with land grants in new canal colonies in the province and were additionally offered educational opportunities that facilitated their eventual recruitment into the “salariat.” Alavi claims that it was this aspect of Punjabi dominance in the Pakistani “salariat” that distinguished it from India whose educated urban class was spread across different groups. See Nationhood in Pakistan, at 1528.
administration. Like the Punjabis they were financially and socially influential in comparison to other ethnic groupings in the new Pakistan. The migration patterns in the population census of 1951 show that of the more than 7 million refugees who migrated to Pakistan at partition, about 5 million settled in the Punjab, while more than one million settled in Karachi (0.61 million) and other urban areas of Sindh (0.5 million). Unlike the class of immigrants that came mainly from the Indian half of Punjab and shared the culture, language and ethnicity of the local population, the Muhajirs who settled in Sindh found themselves in an alien environment with no common language or cultural linkages with the local Sindhi, mostly rural, populace. The urban cities of Sindh had been the hub of the Hindu community since the British conquest of the province in the mid-nineteenth century. At the time of partition, almost one million Hindus migrated out of Sindh while approximately the same number of Muhajirs was re-settled in these areas, thus rapidly transforming the ethnic demography of the province. In particular, “Karachi overnight became a mohajir city.”

Though complications in the rehabilitation and resettlement process of the Muhajirs continued for some years after partition, they were widely perceived, from the outset, as a politically, socially and economically ascendant class along with the Punjabis because of their high literacy rate and entrepreneurial training and business background. The Muhajirs also displayed a tendency to propagate their urban Mughal culture as superior to the rustic and unsophisticated culture of the Sindhis. Their language, Urdu, which had become the symbol of the struggle for an independent Pakistan in pre-partition India, was at the center of this cultural chauvinism. Jinnah was highly cognizant of the Muhajirs’ instrumental role in the Pakistani independence movement, and in many ways, his centralized style of governance during the first year of Pakistan’s creation further strengthened the position of the Muhajirs.

4. **Entrenchment of Muhajir Dominance**

The first boon in favor of the Muhajirs came when Jinnah, in the name of national unity and

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111 The Muhajirs were not an economically homogeneous class, but compared to the Sindhis, represented a more advanced and urban capitalist culture which they had brought from the towns and cities of India. They had a large entrepreneurial class along with a well-trained working class. Further, the Muhajirs did not belong to a single ethnic group, but combined various groups with roots in the Indian provinces of Andhra Pradesh, Bihar, Gujarat, Bombay, Madhya Pradesh, Uttar Pradesh, and West Bengal. See generally, *Life After Partition*.

112 It is estimated that half of the civil administration officers who migrated to Pakistan in 1947 were Muhajirs. Similarly, a significant proportion of the early leadership of the Muslim League as well as the first cabinet of Pakistan came from the Muhajir community. See Tanvir Ahmad Tahir, *Political Dynamics of Sindh*, 1947-1977, Karachi: University of Karachi, 2010, at 146-147 [hereinafter *Political Dynamics of Sindh*]. By the early 1950s, the private sector, including commerce and industry, was also dominated by Muhajir capitalists. *Id.* at 189.


cohesion, decreed Urdu to be the sole national language of Pakistan.\textsuperscript{118} Scholars argue that the imposition of Urdu was particularly problematic and exigent for the Sindhis.\textsuperscript{119} Unlike other provinces where the percentage of Urdu speakers was very small, Sindh witnessed a high volume of Muhajir immigration. The new language policy was thus bound to advantage the Muhajirs at the expense of indigenous Sindhi speakers in cultural as well as economic and educational terms. Further, the imposition of Urdu had the effect of undermining the role of Sindhi as the only other language in Pakistan with the status of a “language of literacy,” and was perceived by Sindhis as a challenge to their deeply historical ethno-linguistic identity.\textsuperscript{120}

The ascendant status of the Muhajirs was reinforced when the capital city of Karachi was detached from Sindh and converted into a separate federal district in 1948.\textsuperscript{121} The Governor General’s decision to remove Karachi from Sindh’s provincial control not only occasioned significant loss of revenue to Sindh,\textsuperscript{122} but also triggered one of the earliest struggles after Pakistan’s for provincial autonomy in the post-independence era. Sindh’s indigenous Chief Minister, Muhammad Ali Khuhro, was dismissed from the Sindh Assembly despite enjoying majority support in his constituency for opposing this change.\textsuperscript{123} The founder of Sindhi nationalism, G. M. Syed, also openly asserted that Sindhis were victims of “Punjabi-Muhajir imperialism” and that the interests of the Sindhis were not served by a strong central government.\textsuperscript{124} With the Sindhi language abolished in Karachi’s federal offices, Sindhis were replaced with Urdu-speaking personnel.\textsuperscript{125} By 1958 the use of Sindhi was banned in university exams in educational institutions in Karachi, and “language became a major symbol of the sense of deprivation – cultural, educational, economic and political – to both Sindhi leaders and the emerging middle class intelligentsia.”\textsuperscript{126} The Muhajir elite implemented similar policies in other urban cities in Sindh. In the words of Akbar Zaidi, “[t]he creation of Karachi as the capital of Pakistan and its disarticulation from the administrative boundary of Sindh gave further impetus to refugee power, both real and perceived. Thus refugee identity was quickly concretised within

\textsuperscript{118} National Question in Sindh, at 10.
\textsuperscript{119} National Question in Sindh, at 14.
\textsuperscript{120} National Question in Sindh, at 14. Sindhi was retained as the official language of Sindh even after the British conquest of the province. When Sindh became a separate province in 1936, Sindhi was also adopted as the medium of instruction in government schools. This allowed a distinctive written literature to evolve around a nationalist Sindhi identity. Sindhi was also the dominant language in the province at the time of partition. See also Tariq Rahman, “Language, Politics and Power in Pakistan: The Case of Sindh and Sindhi,” Ethnic Studies Report, 17:1, January 1999, 21 [hereinafter Language in Sindh]. Rahman argues that in both Bengal and Sindh, the only two provinces in independent Pakistan where indigenous languages were the media of instruction in most public schools, “resistance against perceived domination by the centre came to be expressed primarily through linguistic and cultural symbols.” Id. at 26.
\textsuperscript{121} See Pakistan (Establishment of Federal Capital) Order, 1948. Karachi was an obvious choice for Pakistan’s capital city. It was the birthplace of Jinnah, an important commercial and industrial port city since colonial times, and the hub of post-independence infrastructural and industrial development. Source.
\textsuperscript{122} The central government’s “compensation” to Sindh for this loss of revenue, estimated at between 600 and 800 million rupees, was a mere six million rupees. See Nadeem Qasir, Pakistan Studies: An Investigation into the Political Economy 1948-1988, Karachi: Oxford University Press, 1991, at 24. Allegedly, even this meager amount was never paid up. See Political Dynamics of Sindh, at 183.
\textsuperscript{124} See Sindhi Language Movement, at 1010.
the new state and the refugees emerged as the ruling ethnic group within Pakistan.”

5. The One-Unit Plan: Demise of Provincial Autonomy

Amid the constitutional upheavals and nationalist reactions in West Pakistan in the 1950s, a deeper national crisis was brewing in East Pakistan, Pakistan’s largest and most physically isolated province. The Bengalis in East Pakistan comprised the largest indigenous and regionally discrete population in the new state (54%) and had been at the forefront of the freedom movement for Pakistan along with the Muhajirs. As a regional group, however, Bengalis were discriminated against in the upper levels of the bureaucracy and military, and had virtually no control of their industry and commerce.

In an early attempt to appease Bengali nationalism, the central government implemented a system of ethnic preferences or quotas for institutional representation in the officer level ranks of the federal bureaucracy. The first official federal quota of 1950 required 20% of the vacancies to be filled on merit on the basis of competitive Central Superior Services examinations, with the remaining 80% of the seats to be allocated as follows: 40% for East Pakistan (well below its demographic strength), 23% for Punjab, 15% collectively for Sindh, Balochistan, the NWFP, the Federally Administered Tribal Areas (“FATA”) and Kashmir, and 2% for Karachi. The quota system proved to be inadequate in politically and economically accommodating the Bengalis. Like the rest of Pakistan, the forced imposition of Urdu prompted a widespread language-based political movement in the region known as the Bengali Language Movement. Bengalis claimed that West Pakistan’s hegemony over their material and cultural resources was nothing short of “colonial exploitation.” Indeed, one of the reasons why the Punjabi-Muhajir bureaucratic leadership in West Pakistan resisted a federal structure with greater provincial autonomy was because East Pakistan – containing over half of Pakistan’s total population – was

128 Pakistan was not territorially contiguous at independence. Bengal, its largest province (both in terms of land mass and population), was situated on the eastern tip of the Indian subcontinent and was known as East Pakistan. The remaining four provinces were carved out of the northwestern boundary of British colonial India. The two ‘wings’ of the new country were physically separated by 1,600 kilometers of putatively hostile Indian territory.
130 The earliest federal quota system was in fact introduced in September 1948, but lacked provision for purely merit-based entry into the federal bureaucracy. It laid down a 15% quota for the category of “potential migrants from India” in addition to a 2% quota for Karachi. This stipulation was unduly favorable for the Muhajirs who were already overrepresented in the bureaucracy. To allay opposition to this scheme, however, the special category for migrants was abolished and replaced by the new category of “merit.” Ostensibly, this revision did not make the quota fairer in its distribution as the new provision for merit-based recruitment also guaranteed jobs for Punjabis and Muhajirs due to their higher educational qualifications. See Affirmative Action Policies, at 227-228.
131 Karachi, which had a population of about one million in 1951, obtained a share that was almost 50% more than its proportion in the national population. This obviously favored the already overrepresented Muhajirs at the expense of highly underrepresented indigenous Sindhis. See generally, Mussarat Jabeen, Amir Ali Chandio and Zarina Qasim, “Language Controversy: Impacts on National Politics and Secession of East Pakistan,” South Asian Studies, 25:1, January-June 2010, 99.
bound to dominate numerically in any federally structured electoral contest. With unabated unrest in East Pakistani, West Pakistani and Bengali elite orchestrated a bargain agreement that would forestall provincial autonomy within West Pakistan while at the same time offering representational parity to East Pakistan. The result was the “One-Unit” scheme or parity formula. This provided for the merger of all four regions in West Pakistan – Punjab, Sindh, the NWFP and Balochistan – into one politically homogenous unit to counterbalance East Pakistan’s numerical strength. In return, East Pakistan obtained two main constitutional guarantees: that the parity principle would extend to the distribution of personnel in the defense services and the central bureaucracy, and that Bengali would be accepted as a national language alongside Urdu.

Though the One Unit was primarily aimed at limiting the influence of East Pakistan, it additionally undermined the provincial autonomy of all the other ethnic groups vis-à-vis the dominant Muhajirs and Punjabis. Not only did parity mean lack of provincial autonomy and a major reorientation of provincial resources to national projects, but it also entrenched the hegemonic status quo of these dominant groups. Provincial units in West Pakistan rigorously resisted the erasure of provincial boundaries for the purposes of political representation. Not surprisingly, the only popular support for the One-Unit plan from within West Pakistan came from the Muhajirs and the Punjabis. Sindh, on the other hand, strongly opposed the loss of its provincial status and viewed the One-Unit scheme as “an attempt to establish Punjabi domination over the smaller provinces and negate their regional autonomy and ethnic identity.”

The Sindh Awami Mahaz (“SAM”) – the political party of the Sindhi nationalist G. M. Syed – was one of the leading opponents of the One Unit. The SAM was instrumental in forming a cross-regional “anti-One Unit Front” (including other parties from Sindh, the NWFP, Balochistan and Bahawalpur) to agitate against the dilution of provincial autonomy.

The One-Unit plan, having been formalized through compliant provincial assemblies and the new Constituent Assembly, was incorporated into the first formal indigenous constitution of the country, the Constitution of Pakistan, 1956 (“1956 Constitution”). The 1956 Constitution deceptively referred to Pakistan as a “federal republic.” In reality, it provided for a unicameral legislature known as the National Assembly which contained 300 seats divided equally between

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135 For further details on the events leading up to this agreement and its general reception, see Shireen M. Mazari, “Ethnicity and Political Process: The Pakistani Experience,” Institute of Strategic Studies, Islamabad, Conference Paper on ‘South and South East Asia in Perspective – 20th and 21st Centuries,’ Portugal, November 2002.

136 See Establishment of West Pakistan Act, 1955 (Gazette, 3rd October, 1955).

137 To appease the minority provinces of Sindh, the NWFP and Balochistan in West Pakistan, Punjab’s electoral representation was delimited to a 40% ceiling in the West Pakistan electorate (as opposed to its share of 56%). The other provinces enjoyed the remaining 60% in proportion to their population. The One Unit left intact federal quotas for jobs.

138 Sindhi Ethnic Nationalism, at 220. The Sindhi Chief Minister, Abdus Sattar Pirzada, was removed because of his open opposition against the parity formula. Pirzada’s replacement with a more pliant Chief Minister was instrumental in the acceptance of the parity formula by the Sindh Assembly.

140 The SAM was formed in 1953 with the recognition of “the de facto existence of separate nationalities” in Pakistan as its central ideology. Syed demanded full provincial autonomy and the re-merger of Karachi with Sindh, leaving only defence, foreign affairs and currency with the center. See R. Afzal, Political Parties in Pakistan 1947-1958, Islamabad, National Commission on Historical and Cultural Research, 1979, at 104.
West and East Pakistan in line with the parity formula. The new Constitution recognized both Urdu and Bengali as national languages, and extended the timeline for the application of the federal quota system, by fifteen years, to March 1971. Like the 1935 Act, it maintained three separate legislative lists: central, provincial and concurrent. It abolished the office of the Governor General and provided for a “parliamentary” form of government with some power-sharing arrangements between a President and Prime Minister. Still, the President retained excessive discretionary powers, including the unilateral power to both appoint and remove the Prime Minister.

However, because of a deepening political schism over the parity formula, President Iskander Mirza abrogated the 1956 Constitution, dissolved all provincial assemblies and imposed martial law in 1958. Within days of the martial law declaration, General Ayub Khan, the President’s self-appointed Chief Martial Law Administrator, staged a military coup, indicating that the policies of the bureaucratic elite had failed.

6. Militarization of Pakistan: Reversal of Center-Periphery Relations & Rising Ethno-Nationalism

As long as the Muhajirs could preserve their dominant position at the center, the establishment of a federal structure that granted provincial autonomy to Sindh was highly improbable. In the presence of a dominant Muhajir group, it is important, then, to ask how a new federal structure emerged in the 1970s that elevated the status of Sindhis to a de jure group with adverse repercussions for the Muhajirs. The answer to this lies in the second phase of Sindhi-Muhajir relations from 1958 to 1969. The imposition of the first martial law in 1958 and the subsequent military takeover of the central government through a coup triggered a reversal in center-periphery relations for the Muhajirs. A military government portended a shift in the locus of political power from the central bureaucracy – which was the source of early leadership in Pakistan – to the military. In ethnic terms, this translated into a shift from a Punjabi-Muhajir to an overwhelmingly Punjabi dominated center. Put another way, the institution of the central civil bureaucracy that had been the instrument of Muhajir ascendancy capitulated to the military whose ranks and officer corps were predominately occupied by the Punjabis.

Evidently, the policies of the military government favored Punjabi and Pakthun interests.

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145 Source.
146 See Art. 17(1) of the 1956 Constitution. The temporary remedial expedient thus assumed “the status of a statutory exception to the “nondiscrimination clause”,’’ Policies of Ethnic Preference, at 692. The range of quotas also steadily expanded in the early 1950s from the federal bureaucracy to the Federal Public Service Commission and departmental recruitment for posts in the central government. As originally designed, the quota applied to approximately one hundred vacancies a year. By 1971, the quota was in use for approximately 2,000 entry level positions in the federal government each year (an increase of over 2000% in 22 years). Id, at 692-693.
147 Source.
149 Id.
150 Id.
These policies were equally detrimental to the Sindhis and Muhajirs, but while the Sindhis viewed them as a continuation of past discriminatory policies, the reversal of center-periphery relations took on a new significance for the Muhajirs. Not only were they no longer the most privileged minority group, they were also threatened by the prospect of a consensus-based federal structure with a *de jure* status for Sindhis.

In 1959 General Ayub Khan shifted the seat of national government from Karachi to Rawalpindi (and later Islamabad) in northern Punjab.\textsuperscript{154} This meant that Karachi, the geographical nucleus of Muhajir dominance, could no longer claim the advantages of an independent federal administrative unit and would have to depend on the Sindhi provincial government for its political representation and revenue allocation. At the same time, Ayub Khan adopted aggressive economic policies that concentrated industrialization and economic development activities in Karachi. Although Muhajirs benefited from these policies, they increasingly came into competition with a sizeable population of domestic migrants from Punjab and the NWFP.\textsuperscript{155} The political schism between Muhajirs and the military government became evident in the December 1964 presidential elections, in which Muhajir communities demonstrated support for Ayub Khan’s contender, Fatima Jinnah (Jinnah’s sister). This divide resulted in the first group-based riots in Karachi between the Muhajirs and the migrant Pakhtun population.\textsuperscript{156}

However, the reversal of Muhajir dominance must not be overemphasized. The Muhajirs retained a disproportionate share in the civil bureaucracy throughout the 1960s and continued to dominate the entrepreneurial and industrial sectors.\textsuperscript{157} Moreover, other groups suffered equally, if not more, under the military government. Ayub Khan’s martial law, which lasted almost four years, and the new political structure he designed, constituted further setbacks to provincial autonomy institutionalized by the One Unit scheme. The second constitutional document of Pakistan, the Constitution of Pakistan, 1962 (“1962 Constitution”), was Ayub’s brainchild and was designed to seek legitimacy of rule under a political structure whose support largely came from the civil bureaucracy and military.\textsuperscript{158} The 1962 Constitution abolished the office of the Prime Minister and reverted to a centralized system, with the President as both head of state and head of government.\textsuperscript{159} The President had the power to veto legislation, to appoint and dismiss a non-parliamentary Cabinet at his discretion, to unilaterally dissolve parliament, and to declare and enforce emergencies.\textsuperscript{160} While the 1962 Constitution retained the One Unit configuration,\textsuperscript{161} it omitted the reference to a federation or a federal republic and effectively curtailed the possibility of a federal system by enabling the President to appoint provincial governors for

\begin{footnotesize}
\begin{enumerate}
\item[154] \textit{See Ethnic Conflict in Sindh}, at 15-16.
\item[155] \textit{Estimates show that in the late 1950s and early 1960s, Muhajirs controlled over half of Pakistan’s industrial assets, and comprised more than two-thirds of the worker population in the industrial sector in Karachi. Overall, the Muhajirs comprised over 70% of small-scale and over 80% of large-scale industrial entrepreneurs of Karachi. \textit{See Political Dynamics of Sindh}, at 452. Muhajirs also emerged as the largest class of executive officers in new public corporations where the basis for recruitment was not so rigid and regionally defined through ethnic quotas. \textit{See Affirmative Action Policies}, at 235.}
\item[157] \textit{Ayub Khan’s government was officially described as a Presidential Cabinet without a Prime Minister. \textit{See Gazette of Pakistan Extraordinary (Karachi), Oct 29, 1958, 2135.}
\item[160] \textit{However, the total membership of the unicameral National Assembly was reduced from 300 under the 1956 Constitution to 156 under the 1962 Constitution, divided equally between West and East Pakistan. \textit{Source}.}
\end{enumerate}
\end{footnotesize}
direct control of provincial cabinets.\textsuperscript{162} Added to this was the fact that the provincial legislative list was completely displaced by a “concurrent” legislative list controlled by the center.\textsuperscript{163} The new Constitution thus bore “all the hallmarks of a Constitution devised by the Executive, to be imposed through the Executive, and for the Executive.”\textsuperscript{164}

In West Pakistan, the discontent over the One Unit and Ayub Khan’s authoritarian style of governance manifested in the growth of ethno-nationalist sentiment, the hardening of regional ethno-linguistic identities, and the resurgence of various regional political parties and movements.\textsuperscript{165} In Sindh, in particular, Ayub Khan’s government attempted to completely suppress the use of Sindhi.\textsuperscript{166} Urdu replaced Sindhi as the medium of instruction and competitive examinations; the Sindhi Department at the University of Karachi was abolished; and Sindhi primary schools in Karachi were converted into Urdu-medium schools.\textsuperscript{167} In late 1966, a group of indigenous Sindhi students staged demonstrations in support of the Vice Chancellor of the University of Sindh in Hyderabad who had proposed Sindhi as a medium of instruction and examination at the university level.\textsuperscript{168} In March 1967, the police brutally disbanded one such student demonstration at the University of Sindh on orders from an Urdu-speaking commissioner of the Hyderabad Division.\textsuperscript{169} Several students were killed, while many were arrested, providing Sindhi nationalism an effective symbol of resistance against the military government.\textsuperscript{170}

Rural Sindh also faced the specter of large swathes of barrage land being allocated by Ayub Khan to his Punjabi and Pakhtun constituencies in the military and civilian bureaucracy to the detriment of local peasants.\textsuperscript{171} It is estimated that well over one million acres out of a total of two and a half million acres of barrage-irrigated land was given over to “defense personnel” and other settlers, many of whom became absentee landlords.\textsuperscript{172}

Increasing economic disparity and lack of opportunity for direct political participation in East Pakistan also led to rising Bengali ethno-nationalism. In 1966, the leader of the Bengali Awami League party put forward a “Six Point Plan.” It emphasized rejection of the One Unit, put forward a “two-economy thesis” between West and East Pakistan, and demanded the implementation of a new confederal structure of government.\textsuperscript{173} The Six Point Plan thus ran directly counter to Ayub Khan’s policy of greater national integration and suppression of ethno-linguistic cleavages. Only a year later, in December 1967, Zulfikar Ali Bhutto, a scion of an influential Sindhi feudal family, formed the Pakistan People’s Party (“PPP”) to give political


\textsuperscript{163} Prominent examples include the Siraiki Language Movement in West Punjab (see Saiqa Imtiaz Asif, “Siraiki Language and Ethnic Identity,” Journal of Research (Faculty of Languages and Islamic Studies), Vol. 7, 2005, 9); the Baloch National Movement (see Frederic Grare, “Pakistan: The Resurgence of Baluch Nationalism,” Carnegie Papers, No. 65, January 2006); the Sindhudesh Movement established in 1967 by G. M. Syed for the creation of a Sindhi state (source); and the Bengali secessionist movement led by Mujib-ur-Rahman’s Awami League in East Pakistan (source).

\textsuperscript{164} See generally, Language Controversy in Sindh; and Language in Sindh.

\textsuperscript{165} See Political Dynamics of Sindh, at 462-467.

\textsuperscript{166} See Ethno-National Movements, at 86.

\textsuperscript{167} See Ethnic Conflict in Sindh, at 16.
direction to the country-wide pro-democracy agitation against Ayub Khan. Bhutto merged the leftist radicalism of the 1960s with his agenda of “Islamic socialism” through his anti-imperial rhetoric and populist appeal. By 1969, he had established a strong base of political support in the Punjab and rural Sindh. The same year an ailing Ayub Khan was forced to resign following nationwide rioting against his regime’s perceived corruption, ineffective and discriminatory economic policies, and Pakistan’s ill-advised involvement in the 1965 war with India.

**Part III:** The Ethnic Federation of the 1970s and the Ethnicization of Politics in Sindh

1. Dissolution of One Unit & the Question of Karachi’s Merger with Sindh

General Yahya Khan succeeded Ayub Khan as the President, and abrogated the 1962 Constitution and declared martial law in March 1969. He announced that he would restore democracy as soon as conditions normalized. At the beginning of 1970, despite the continuation of martial law, Yahya Khan lifted the bar against political activities and allowed political parties to campaign for the general election scheduled for later that same year. The debate over the form of federation and the fate of the One Unit dominated the political atmosphere. In Sindh, this debate was heavily animated by the question of whether Karachi and the larger Sindh province should merge. The Sindhi nationalist position on this question was by and large in favor of merging Karachi with Sindh, but the Muhajir leadership was split over two possible options. The National Students Federation ("NSF") – an organization that dominated student politics in Karachi – wanted to give Karachi the status of an autonomous province. On the other hand, the prominent Muhajir politician Z. H. Lari wanted merger on the condition that a separate electorate for urban Muhajir constituencies existed for both the national and Sindh provincial assemblies. It appears that a significant section of the Muhajirs supported the second option, fearing that under a federalized democratic set-up, a separate Karachi province would leave other Muhajir-majority urban areas in Sindh completely vulnerable to Sindhi nationalists. Demanding a federally controlled status for Karachi would also risk exposing Karachi to the vicissitudes of the Punjabi-Pakhtun dominated center.

Realizing that dissolving the One Unit may strategically take the steam out of nationalist agendas, Yahya Khan laid out the general framework for the future constitution in March 1970. The “basic principle” of the new constitution was that Pakistan was to be a federal republic with “maximum provincial autonomy”:

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179 See generally, Political Dynamics of Sindh, at 556-559.
180 Id.
181 Id.
182 Id.
183 Id.
“The basic principle of the new Constitution is that it must be a true federal one in which powers including legislative, administrative and financial shall be so distributed between the Federal Government and the provinces that the provinces shall have maximum autonomy, that is to say, maximum legislative, administrative and financial powers, and the Federal Government shall have adequate powers including legislative, administrative and financial powers to discharge its responsibilities in relation to external and internal affairs and to preserve the independence and territorial integrity of the Country.”\(^\text{184}\)

Three months later, on July 1, 1970, the One Unit was dissolved, and with it the parity of political representation between West and East Pakistan.\(^\text{185}\) In place of the province of West Pakistan, four new provinces were constituted: Punjab, Sindh (including Karachi), the NWFP and Balochistan (which was raised for the first time to full provincial status by merging the administrative divisions of Quetta and Kalat).\(^\text{186}\) With the breakup of the One Unit, the structure that had mediated political conflict between the economically dominant but numerically weak Muhajirs and numerically dominant but economically weak Sindhis vanished overnight. Without a separate electorate in place, the Muhajirs found themselves politically vulnerable to the capture of the Sindh Assembly by Sindhi nationalists. At the same time, the Sindhis found themselves to be almost entirely absent from representation in the government services.

2. Pakistan’s First Free and Fair Elections of 1970 & Ethno-Nationalist Agendas

Yahya Khan’s Legal Framework Order (“LFO”) served as the interim constitution for conducting the first general election.\(^\text{187}\) It reiterated his commitment to holding elections on the principle of “maximum provincial autonomy.”\(^\text{188}\) Importantly, the LFO laid down “fundamental principles of the constitution” on the basis of which the new constitution was to be drafted.\(^\text{189}\) First and foremost, Pakistan was to be a “federal republic” in which all the newly formed provinces and territories were to be “so united in a federation that the independence, the


\(^{185}\) Province of West Pakistan (Dissolution) Order, 1970. See Gazette of Pakistan, Extraordinary, 30\(^\text{th}\) March 1970, President’s Order No. 1 of 1970.

\(^{186}\) Source. These provinces were not entirely congruent with the pre-One Unit status. For instance, the state of Bahawalpur was merged into Punjab, while the state of Khairpur was merged into Sindh. Additionally, the new territorial arrangement also included the Islamabad Capital Territory and the Centrally Administered Tribal Areas (also known as “FATA”). Source. Legal Framework Order, 1970, available at [http://www.profile-bengal.com/0330_70_legal_framework_1970.htm](http://www.profile-bengal.com/0330_70_legal_framework_1970.htm).

\(^{187}\) Paragraph 20(d) of the LFO repeated verbatim Yahya’s earlier pronouncement regarding the federal nature of the new constitution. On the basis of the population census of 1961, a total of 300 seats in the National Assembly were divided in proportion to their relative regional populations: East Pakistan: 162, Punjab: 82, Sindh: 27, NWFP: 18, Balochistan: 4, and FATA: 7 (See Schedule 1, LFO). Similarly, 600 seats in the provincial legislatures were divided as follows: East Pakistan: 300, Punjab: 180, Sindh: 60, NWFP: 40, and Balochistan: 20 (See Schedule 2, LFO).
territorial integrity and the national solidarity of Pakistan are ensured and that the unity of the federation is not in any manner impaired.” 190 Second, the “Islamic ideology” which was the “basis for the creation of Pakistan” was to be “preserved.” 191 Third, the “fundamental principles of democracy” were to be ensured through “direct and free periodical elections to the federal and the provincial legislatures on the basis of population and adult franchise.” 192 Fourth, the “fundamental rights of the citizens” were to be guaranteed, and the independence of the judiciary was to be secured both generally and in terms of the enforcement of the fundamental rights. 193 Finally, apart from provincial autonomy, the new constitution was to ensure equality in the following terms: that the “people of all areas in Pakistan shall be enabled to participate fully in all forms of national activities” and that, within a specified period, “economic and all other disparities between the Provinces and between different areas in a Province are removed by the adoption of statutory and other measures.” 194

Clearly, by “maximum provincial autonomy” Yahya Khan did not mean a confederation. In fact, the emphasis on the “unity of the federation” was a signal to nationalist parties to dilute extreme positions on the question of the federal structure, and at the same time to avoid erosion of the center’s power as much as possible. 195 In addition, the LFO imposed a time limit of one hundred and twenty days for framing the new constitution, and made the latter subject to authentication by the President. 196 These procedural safeguards meant that the final constitutional settlement would have to accommodate the military’s interest in preserving the center.

The results of the general election reflected the deep ethno-nationalist divisions that had come to dominate the Pakistani polity. Because of the polarization of the political spectrum between centralist and regionalist parties, one important characteristic of the electoral contest was that no one party won a national majority across the East-West divide. 197 The electoral results in East Pakistan also demonstrated a fairly homogenous voter base, while the remaining four western provinces as a whole were much more fragmented. 198 Further, all parties espousing a right-wing, anti-socialist or centralist agenda, whether in terms of maintaining the One Unit policy or generally resisting provincial autonomy, were decimated in favor of those supporting some level of regional autonomy along with economic reforms loosely defined as “socialist.” 199 In the former category were parties like the Council Muslim League (“CML”), Quaid-e-Azam Muslim League (“QML”), Pakistan Democratic Party (“PDP”), and Jamat-i-Islami (“JI”), which mostly drew their support from the landlord and capitalist classes of Punjab, Sindh and the NWFP. 200 In the latter category of winners were the Awami League of Sheikh Mujibur Rahman in East Pakistan (“AL”); and the Pakistan People’s Party of Zulfikar Ali Bhutto (“PPP”) as well as the National Awami Party (“NAP”) in the West wing. 201 The NAP was an amalgamation of ethno-regional parties headed by the Pakhtun leader Khan Abdul Wali Khan and his Baloch

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190 Art. 20 of the LFO.
191 Id.
192 Id.
193 Id.
194 Id.
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Source. The only exception was the JI whose vociferous anti-socialist and pro-One Unit rhetoric made them moderately popular only with the lower middle classes in Karachi and some urban areas in Punjab. Source.
colleague Ghaus Bakhsh Bizenjo.\textsuperscript{202} The most ardent and consistent supporters of provincial autonomy were the AL in the East and the NAP in the West. Both parties strongly advocated a loose federal or confederal structure, with only foreign affairs and defense (with some ambiguity on the question of a common currency) vesting in the center.\textsuperscript{203} The PPP also argued in favor of provincial autonomy, but its multifaceted mandate had a broader appeal across provinces, classes as well as vocational groups.\textsuperscript{204} Moreover, the PPP was not as regionalist in its approach as the AL or the NAP, and preferred a more balanced division of powers between the center and the provinces. Nevertheless, all three parties bent towards provincial autonomy, a leftist economic agenda including nationalization of banks and industries, and a relatively secular ideological framework.\textsuperscript{205}

In a persuasive demonstration of Bengali dissatisfaction with the West Pakistani regime, Mujib-ur-Rahman’s ethno-nationalist AL won all but two of the East Pakistan seats in the constituent National Assembly, thus gaining a firm majority in the central government without even winning a single seat in West Pakistan.\textsuperscript{206} Compared to AL’s landslide victory, the PPP came in a poor second nationally but managed an electoral majority in the West, gaining the bulk of its support from the Punjab and rural Sindh (including the strongholds of Sindhi nationalism, namely, Thatta, Dadu, Tharparkar, Larkana, Khairpur, and Nawabshah).\textsuperscript{207} Electoral results in the provincial legislatures of East Pakistan, Punjab and Sindh also followed a similar pattern, which meant that the PPP would effectively dominate the Punjab and Sindh Assemblies in the West.\textsuperscript{208} In the NWFP and Balochistan, the NAP gained a plurality victory and formed coalition governments with the JUI.\textsuperscript{209}

As for the Muhajir stronghold of Karachi, the electoral result told a story that was “totally out of tune with the radical mood of the rest of the country.”\textsuperscript{210} Out of the seven National Assembly seats from Karachi, five went to right-wing candidates (including JI and JUP), and only two went to the PPP.\textsuperscript{211} Similarly, in the Sindh Assembly election, the JUP dominated the Urdu-speaking urban areas of Karachi, Hyderabad and Sukkur.\textsuperscript{212} However, overall, from among a total of sixty-two members in the Sindh Assembly, only eleven represented the Muhajir electorate.\textsuperscript{213}

\textsuperscript{202} The NAP was formed in 1957 for the purpose of creating a single opposition platform to the One Unit. The NAP originally fused several regional parties from both West and East Pakistan, but split into two factions in 1968, with the West Pakistan faction known as the “Wali Khan” group. Source.
\textsuperscript{203} The PPP’s electoral base in the Punjab consisted mainly of industrialists, urban professionals, middle class youth, workers and peasants. In contrast, in Sindh the PPP was supported largely by prominent landlords, while also benefiting from the traditional hold of the landlords over the peasants. See, e.g., Feroz Ahmed, “Has the People’s Rule Arrived? – II,” Pakistan Forum, 2:6, Mar. 1972, 4, at 5.
\textsuperscript{210} Id. at 12.
\textsuperscript{211} The commentator claims that the “right wing gain in Karachi…can be attributed to the identity crisis of urdu speaking Muhajirs who were exploited by Mullahs in the name of religion and an imaginary Sindhi threat.” Id.
\textsuperscript{212} For specific data on provincial assembly elections, see “Elections,” Pakistan Forum, 1:3, Feb.-Mar. 1971, 10.
\textsuperscript{213} See Political Dynamics of Sindh, at 631.
3. Awami League’s Six Point Plan & the Secession of East Pakistan

The AL’s colossal victory in East Pakistan promised it a clear majority in the central government as well as complete control over the constitution-making process. Quite apart from the fact that this in itself was a troubling factor for the West Pakistani leaders as well as for the military regime, there was another more immediate issue that made the possibility of transfer of power to East Pakistan inimical to the West wing’s interests. The AL’s political mandate was based on the Six Point Plan of regional autonomy in a federated Pakistan first proposed in 1966.\(^{214}\) The Six Point Plan was very openly at odds with General Yahya Khan’s concept of a federal republic in the LFO. Within the LFO framework, there was an inherent tension between the concepts of “maximum provincial autonomy” and the “unity of the federation.” The deliberately overbroad terminology that reserved power to the center to “preserve territorial integrity” provided an avenue to the center to supersede provincial autonomy on vague grounds. In contrast, the Six Point Plan unambiguously demanded a confederation, with only defense and foreign affairs (defined narrowly as excluding foreign trade and aid) in the administrative and legislative portfolio of the federal government.\(^{215}\) Additionally, while the LFO made general references to removing disparities between different regions of Pakistan, the Plan laid down concrete principles for achieving economic equality between East Pakistan and the center, as well as East Pakistan and West Pakistan.\(^{216}\) These principles included the introduction of two separate but freely convertible currencies for the two wings, or one currency with two separate reserve banks and separate fiscal and monetary policies, to prevent the inter-wing flight of capital; and the complete relocation of the power of taxation and revenue collection from the federal government solely to the federating units.\(^{217}\) Finally, the Six Point Plan demanded a separate militia or paramilitary force for East Pakistan’s defense,\(^{218}\) a condition that, arguably, directly contradicted the LFO’s paramount concerns with “national solidarity.”

Zulfikar Ali Bhutto was of the view that the Six Point Plan was a formula for Pakistan’s disintegration, arguing that a “federation” between two virtually sovereign states in respect of only two matters of common interest, “even if it manages to survive foreign aggression or intervention, would rapidly go asunder.”\(^{219}\) The essential condition of a federation, he contended, was “a real national unity cemented by the authority of the Federal Government” which could only be built “on the basis of identity in respect of the economic system and the fundamental laws.”\(^{220}\) Moreover, Bhutto reasoned that the AL’s absolute majority in the new Constituent Assembly did not entitle it to draft a constitution by itself as it equally impacted the two wings of the country, and asserted that the subject of a new constitution required an open discussion amongst a wider net of stakeholders followed by a reference to the “people of Pakistan” for a

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\(^{214}\) When the Six Point Plan was first publicized by the AL in 1966, Ayub Khan sent Mujib-ur-Rahman to jail. He was released in February 1969. Source.

\(^{215}\) See “6-points,” Pakistan Forum, 1:4, Apr.-May 1971, 8 [hereinafter The Six Points].

\(^{216}\)

\(^{217}\)

\(^{218}\)


\(^{220}\) Id.
final decision.\textsuperscript{221} Sheikh Mujib-ur-Rahman, on the other hand, used the AL’s overwhelming mandate to insist upon framing the new constitution on the basis of the Six Point Plan without input from any other political party.\textsuperscript{222}

The political deadlock between General Yahya Khan, Bhutto and Mujib-ur-Rahman culminated in a massive military operation in March 1971 by the Pakistan army in East Pakistan to quell Bengali resistance.\textsuperscript{223} The debacle ended in the dismemberment of Pakistan, and the creation of Bangladesh in December 1971.\textsuperscript{224}

4. A Second Chance at Federalization: From Official Nationalism to Multi-Nationalism

In the post-secession era, the hardening of ethno-linguistic identities created a politically charged environment that generally demanded an inclusive state-building process that would allow for accommodation of ethnic claims while safeguarding national unity. As Bhutto’s rejection of the Six Point Plan demonstrated, the formulation of the new constitution necessitated a consensus of the representatives of all the provinces of Pakistan. The imposition of a constitution by the majority party alone was politically unviable and likely to lead to greater ethnic unrest and secessionist threats. With AL out of the picture, consensus-building for the new constitution revolved around two political parties – the PPP and the NAP – and the three main political actors representing these parties – the Sindhi leader Bhutto, the Pakhtun leader Khan Abdul Wali Khan, and the Baloch leader Ghaus Bakhsh Bizenjo.\textsuperscript{225}

The political ideologies of these parties and actors significantly influenced the future federal ethos. Out of all these ideologies, Bhutto’s was the hardest to reconcile. In the 1950s, Bhutto had opposed the One Unit plan, which in his opinion was certain to “augment disintegration,” and had instead argued in favor of regional sovereignty and autonomy within a federal Pakistan. As a spokesperson for his own province Sindh he espoused “equitable distribution of political power” among all the federating units.\textsuperscript{226} Yet, in 1958 he joined Ayub Khan’s government – first the martial law regime and later the Presidential cabinet system which retained the One Unit – and remained Ayub’s close advisor for almost a decade.\textsuperscript{227} Responding to East Pakistan’s secession, Bhutto claimed:

“The tragedy of Pakistan lies in the fact that although federalism is

\textsuperscript{221} Id.
\textsuperscript{222} Id.
\textsuperscript{223} For events leading up to this “Operation Searchlight,” as well as the role of India and the rebel force “Mukti Bahini” in the secession of East Pakistan, see generally, Richard Sisson and Leo E. Rose, War and Secession: Pakistan, India, and the Creation of Bangladesh, New Delhi: Vistara Publications, 1990; and Siddiq Salik, Witness to Surrender, Karachi: Oxford University Press, 1998.

\textsuperscript{224} The NAP formed a coalition government in the NWFP with the JUI. But the JUI’s role and input was considerably overshadowed by the other two parties on the question of federalism. On the other hand, it seems that the JUI was successful in extracting compromises particularly from the PPP on the Islamic provisions in the new Constitution. For a discussion of the negotiated settlement on this point, see Fazlur Rahman, “Islam and the New Constitution of Pakistan,” in Contemporary Problems of Pakistan, J. Henry Korson (ed.), The Netherlands: Brill Archive, 1974, 30 [hereinafter \textit{Contemporary Problems of Pakistan}].


\textsuperscript{227}
most appropriate for our conditions, for the last twenty-three years Pakistan has been...a federation in name only. In practice, it has remained a quasi-unitary State...The spirit of federalism and the rules of co-existence were sacrificed at the altar of ambition. In the name of a “strong center” the powers of the provinces were weakened to the point of being extinguished.»

But while Bhutto castigated the “quasi-unitary State” for the loss of East Pakistan, he justified his own rejection of Bengali demands for federalism in his initial address to the National Assembly in the following terms: “People’s Party rejected the Six Points...it was indeed a unique constitutional proposal...We, too, stood for maximum provincial autonomy, but at the same time desired a viable center.”

Similar contradictions abounded in the identity of Bhutto’s party, the PPP. The PPP had effectively abstracted from G. M. Syed and his Sindhi nationalist movement the articulation of Sindhi grievances. It had, what Jaffrelot calls, a “complex dual identity”: “on the one hand it presented itself as a national party, on the other it was perceived as the spokesman for a particular community, the rural Sindhis.” Thus, it was defined as much by an ethno-nationalist agenda as the Sindhi nationalist movement or the NAP despite its appeal as a federal party.

The NAP championed an ethno-nationalist agenda very similar to the AL’s Six Point Plan. It advocated a confederative system with “complete provincial autonomy,” leaving defence, foreign affairs and currency with the center. In the constitutional negotiations that followed the secession of East Pakistan, the NAP grounded this proposal in a “multinationality thesis.” The multinationality thesis was an attempt to reconstruct the idea of Pakistan as a coalition of four distinct ethno-linguistic nationalities: Punjabis, Sindhis, Pakhtuns and the Baloch. Some scholars aver that NAP’s articulation of “multinationalism” reflected a sense of cultural and linguistic self-preservation. However, others suggest that it was also an effective political strategy on the part of the NAP to justify parity with the PPP in the constitution-making process. Indeed, the NAP’s vanguard, Wali Khan, analogized the NAP’s claim to being an equal partner of the PPP in the constitutional consensus, to PPP’s rejection of the AL’s claim to an exclusive mandate to formulate a new constitution before the secession.

“I can only throw back at his [Bhutto’s] face his own argument which he had advanced against Sheikh Mujibur Rahman that

228 Great Tragedy, at 5-6.
229 Bhutto’s inaugural address to the National Assembly, April 14, 1972, cited from Federalism in Pakistan, at 1079.
231 See Ethno-National Movements, at 94.
233 Scholars of the time also described Pakistan in terms of four nationalities. See, e.g., National Question in Sindh, at 10-11 (asserting that “[b]y all historically accepted definitions the present day Pakistan is a multi-national state with four major nations, i.e. the Punjabi, the Pashtun, the Sindhi and the Balochi nationalities”). See also, Yu. V. Gankovsky, Peoples of Pakistan: An Ethnic History, Lahore: People’s Publishing House, 1964 (tr. Igor Gavrilov).
although he was in an overall majority at the Center he, because of his majority being confined to one province which had an absolute majority, didn’t have the right to rule over the other provinces. I am going to confront him with the same argument because he has an absolute majority in the province of Punjab which is 65% of the population of whatever is left of Pakistan. That does not entitle him to rule over the other provinces or to brag that the great majority of the people are behind him. He seems to forget very conveniently that in Baluchistan he has not got a single member either in the Provincial or the National Assembly. He also very conveniently forgets that it was in the Frontier province where Mr. Bhutto himself lost an election.”

Whatever political and strategic motives underlay the multinationalist agenda of the NAP, it had several important repercussions that became evident both in the interim constitutional accords of 1972 and the 1973 Constitution. The accommodation of the NAP ideology meant, at the very least, a federal constitution that granted *de jure* recognition to the four main nationalities of Pakistan along with provincial autonomy. A spectrum of claims existed regarding the nature of the federal structure, ranging from a center with overriding powers for the preservation of Pakistan’s “territorial integrity” and “national solidarity” (as in Yahya Khan’s LFO), to a kind of a coordinate system with a common economic system controlled by the center (as in Bhutto’s formulation), to a loose federation or confederation in which the center had a limited portfolio of defense, foreign affairs and currency but was otherwise subordinate to the federating states (as in NAP’s proposal). Nevertheless, there was no gainsaying that the constitution would have to incorporate some consensus-based articulation of provincial autonomy in the aftermath of widespread dissent against the One Unit plan. In addition, the monopolization of the constitution-making process by ethno-nationalists left little room for the representation of minority groups that did not belong to the four *de jure* identities under the multinationality thesis or those like the Muhajirs who lacked a historical claim to a regional identity.

5. Multi-Nationalism in the Context of the Secession of East Pakistan

The characterization of the new federal republic in the 1970s as an ethnic federalism defined by the concept of “four nationalities” or “multi-nationalism” is highly important to understanding ethnicity-based politics in contemporary Pakistan. However, it is equally important to qualify the ethnic nature of the 1973 Constitution to the extent that it was tempered by East Pakistan’s succession. Quite apart from encouraging ethno-national movements, the secession put the ruling elite on guard against further disintegration of the country. This tension between multi-nationalism and centralization serves to explain fundamental contradictions in Bhutto’s ideology arising from the duality of the PPP’s political role.

One of the earliest reflections of this tension was Bhutto’s decision in January 1972 to continue martial law and delay the convening of the provincial assemblies for the purpose of

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consolidating the center’s authority. Through a Tripartite Accord signed in March 1972, the PPP finally conceded the NAP-JUI’s demand for lifting martial law and convening the elected assemblies in April 1972, and passing an interim constitution prior to finalizing a new constitution.238 The Interim Constitution of 1972 (“Interim Constitution”) contained several important principles that were carried forward into the 1973 Constitution.239 The Interim Constitution reflected another important contradiction between the impetus for multinationalism and reinforcement of central authority. It defined Pakistan’s status as a “federation” in which the “Provinces would be autonomous with such limitations on their powers and authority as might be prescribed.”240 The inclusion of “limitations” on provincial autonomy evidently diluted the notion of “complete provincial autonomy” proposed by the NAP.

The Interim Constitution was followed by an “All Parties Accord” in October 1972 that contained a constitutional consensus on several matters between the PPP and the NAP-JUI, but also exposed ideological fault lines on two major issues. The first of these concerned the powers of the President vis-à-vis the Prime Minister, and the second turned on the quantum of regional autonomy to be granted to the four federating units.241 After a series of negotiated compromises, the constitution committee presented a draft report providing for a federal parliamentary system with a bicameral legislature.242 But before the new constitution could be passed, Bhutto dismissed the provincial government of the NAP-JUI in Balochistan in February 1973 on the pretext of tribal unrest in the region.243 The NAP-JUI government in the NWFP resigned in protest.244 The National Assembly passed the 1973 Constitution in the midst of this political crisis in April 1973. A military operation followed in May 1973 to allegedly quell a Baloch insurgency,245 and several NAP leaders were arrested on the occasion of the formal promulgation of the new Constitution on August 14, 1973.246 On the same day, Bhutto took oath as the first Prime Minister of Pakistan under the new Constitution. Ultimately, though the 1973 Constitution reflected a political consensus on the multinational concept of provincial autonomy, its federal nature did not fully materialize in the 1970s due to various political constraints, including the Bhutto government’s centralizing tendency as it was forced to accommodate Punjabi interests to sustain its support.

But even as Bhutto favored a strong, centralized government, in his alter ego as a Sindhi nationalist, he found ways to implement provincial autonomy in his Sindhi constituency. It appears that Bhutto’s policy of simultaneously monopolizing power at the center and shoring up Sindhi autonomy was not inherently contradictory. Neither was his interest in supporting

240 Preamble of the Interim Constitution.
243 A civil war ravaged Balochistan for four years and resulted in the death of almost 6,000 civilians and 3,000 military personnel, while an estimated 2,500 Balochis crossed over into Afghanistan. Source.
244 Despite the fact that the NAP leaders and their ideologies were in large part encapsulated in the consensus reflected in the 1973 Constitution, Bhutto banned the NAP in 1975 on the pretext that it was promoting secessionist tendencies in the NWFP and Balochistan. Source. The Bhutto government contended that the NAP’s theory of four nationalities was subversive of Pakistani sovereignty and unity. The Supreme Court affirmed the declaration of the government. See Pakistan v. Abdul Wali Khan, PLD 1976 SC 57.
provincial autonomy in Sindh purely ideological. At least partially, the PPP’s policies were motivated by a desire to politicize ethnic identities in order to undercut opposition to the party’s status as a national political player and its rule at the center. Provincial autonomy in Sindh provided the PPP with an instrument to fulfill the twin objectives of centralizing power and appeasing its Sindhi constituencies.  

Bhutto ensured that Sindh had enhanced autonomy in at least two areas that had the effect of countering Muhajir dominance: language and education policy, and policies concerning provincial ethnic quotas. As to the former, the Interim Constitution declared that “a Provincial Legislature may by law prescribe measures for the teaching, promotion and use of a Provincial language in addition to a national language.” This put in the hands of the Sindh Assembly the decision to completely displace Urdu in favor of Sindhi in educational and other enterprises. In respect of ethnic quotas, the PPP’s majority in the federal government enabled Bhutto to effectively determine the terms of and control national policy regarding ethnic quotas at the federal level in favor of the Sindhis. Attached closely to this federal power was legislative power granted to the provincial governments to set their own quotas for provincial jobs, and to provincial governments and local authorities to prescribe “in relation to any class of service under that Government or authority conditions as to residence in the Province prior to appointment under that Government or authority.” This provided the Sindh legislature the discretion to set conditions of residence or domicile to facilitate the recruitment of indigenous and other Sindhis settled in rural Sindh. The Interim Constitution was also speckled with references to the improvement of “backward classes” through affirmative action policies.

6. The New Ethnic Federalism: Nuts & Bolts

The 1973 Constitution reflected, for the first time, an ethnic federal structure based on symmetrical provincial autonomy to all four provinces of Pakistan. The new federal structure provided provincial demands greater political visibility at the level of the federal government by

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247 See Ethno-National Movements, at 128-137.
248 See art. 267(2) of the Interim Constitution read with paragraphs 16 and 53 of List II of the Provincial Legislative List. Art. 267(1) retained both Urdu and Bengali as the national languages. After Pakistan’s formal recognition of Bangladesh, Bengali was dropped from this provision (art. 251(3) of the 1973 Constitution). Art. 25 additionally provided: “[a]ny section of citizens having a distinct language, script, or culture shall have the right to preserve the same.” Ostensibly, this was meant to allay the fears of minority linguistic groups.
249 Art. 24(1) of the Interim Constitution provided that “for a period not exceeding ten years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan.” See also paragraph 8 of the Federal Legislative List.
250 See paragraph 6 of List II of the Provincial Legislative List, Interim Constitution.
251 Art. 24(2) of the Interim Constitution.
252 Examples include art. 19(4) (declaring that “[n]othing…shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens”), art. 34 (stating that “[s]pecial care should be taken to promote the educational and economic interests of people of backward classes or in backward areas”) and art. 36 (providing that the “people of different areas and classes, through education, training, industrial development and other methods, should be enabled to participate fully in all forms of national activities, including employment in the service of Pakistan”).
253 Note, however, that in addition to the four provinces, the 1973 Constitution created two special political units: the “Islamabad Capital Territory” (or the “Federal Capital”) and the “Federally Administered Tribal Areas” (FATA). See art. 1(2) of the 1973 Constitution.
introducing a bicameral legislature, in which the National Assembly (lower house) was based on proportional representation and the Senate (upper house) was based on the principle of equality of representation among the provinces.\textsuperscript{254} Various new provisions attempted to institutionalize consultative mechanisms between the federal and provincial governments. For instance, the Council of Common Interests (“CCI”), consisting of provincial chief ministers and an equal number of ministers of the federal government nominated by the Prime Minister, was intended to facilitate center-province dialogue on matters affecting provincial policymaking.\textsuperscript{255} Similarly, a National Finance Commission (“NFC”), consisting of federal and provincial ministers, was established to advise on matters of revenue between the federation and the provinces.\textsuperscript{256}

At the provincial level, the 1973 Constitution lay down a pre-determined number of seats in each of the four provincial assemblies on the basis of population ratio.\textsuperscript{257} The division of legislative power between the federal and provincial governments was structured, as before, through two different legislative lists: a federal legislative list and a concurrent legislative list on which both the federal and provincial governments were entitled to legislate, with the caveat that federal law would prevail in case of a conflict.\textsuperscript{258} All residuary powers not expressly laid down belonged exclusively to the provincial legislatures.\textsuperscript{259} Ironically, the ambit of federal powers vis-à-vis provincial powers in the 1973 Constitution was wider than in the previous constitutions, even including the 1935 Act. Thus, the actual subjects that the provincial governments could legislate on were comparatively fewer than in the past.\textsuperscript{260} In tandem with other constitutional provisions, this translated in practice to a strong central government that consistently interfered with and eroded provincial autonomy.

Nonetheless, from the vantage point of Sindhi nationalism, the new federal structure created sufficient \textit{de jure} representation to allow Sindhis to politically dominate Sindh. This was possible because of a confluence of two factors. The first was the fact that both the Interim Constitution and the 1973 Constitution expressly granted provincial legislatures powers over provincial language, education and affirmative action policies. The second factor was that a Sindhi political figure occupied the seat of the federal government at the same time that the federal structure was

\textsuperscript{254}The National Assembly initially consisted of 200 members and each province was allocated seats on the basis of the population reported in the last preceding officially published census (art. 51). The Senate had 63 members, of which 14 were elected from each province, 5 from FATA, and 2 from the Federal Capital of Islamabad, but lacked significant powers and any effective role in the passage of money bills and the budget (art. 59).

\textsuperscript{255}Examples of these matters include railways, industrial development, and use, distribution and revenue collection in respect of natural gas and minerals (art. 153 read with Part II of the Legislative List).

\textsuperscript{256}Some of the important functions of the NFC include distribution between federation and provinces of tax proceeds, grants-in-aid by federal government to provincial governments, exercise by federal and provincial governments of borrowing powers conferred by the Constitution, and any other matter relating to finance referred to the NFC by the President. \textit{Source}.

\textsuperscript{257}The distribution of seats for provincial assemblies was as follows: Punjab, 240; Sindh, 100; NWFP, 80; and Balochistan, 40 (art. 106).

\textsuperscript{258}Art. 142 of the 1973 Constitution.

\textsuperscript{260}See, e.g., Syed Jaffar Ahmed “Overview of the Constitution of Pakistan,” Pakistan Institute of Legislative Development and Transparency (PILDAT), Briefing Paper No. 17, August 2004. Ahmed outlines five criteria against which the federal character of a constitution can be evaluated: (a) division of legislative power; (b) nature of the federal legislature; (c) role of the judiciary; (d) role of the federating units in the process of constitutional amendment; and (e) nature of emergency provisions and their impact on legislative and executive functions of the federating units. According to Ahmed, the 1973 Constitution falls short of creating a viable federation on the basis of almost all these criteria. Importantly, he asserts that the distribution of legislative power between the provincial and federal legislatures is highly skewed in favor of a centralized government, and that provincial autonomy is further undermined by broad presidential powers to issue proclamations of emergency in the provinces. \textit{Id. at ___}. 
put in place. This had significant implications for the course of the Sindhi-Muhajir conflict. It allowed the federal government, dominated by the PPP, to formulate national policies with a view to improving the provincial status of the Sindhis. The fact that the provinces had limited legislative autonomy further bolstered the federal government’s capacity for legislating on matters that significantly impacted both inter-provincial and intra-provincial relations, as well as relations between the center and the provinces.

7. *De jure* Sindhis and Minority Muhajirs: Rise of a New Ethno-Nationalist Identity

Between 1972 and 1973, the PPP government announced plans for and implemented a number of measures that Muhajirs perceived as tools of ethnical subjugation. Though, arguably, Bhutto was operating under larger ideological influences of the time, including socialism and a centrally planned economy, some of these measures did indeed have the effect of enhancing the position of the Sindhis vis-à-vis the Muhajirs. One of these measures was the reintroduction of the federal ethnic quota system (initially allowed in 1949) under the Interim Constitution. The new quota system scaled down the proportion of seats to be filled on merit from 20% to 10%, and neatly defined separate shares for the four provinces according to the following formula: Punjab 50%, Sindh 19%, NWFP 11.5%, and Balochistan 3.5% (additionally, Northern Areas and FATA had 4%, while Azad Kashmir had 2%).

This new quota system did not provide for a separate share for Karachi. Instead, the revised scheme bifurcated Sindh along urban-rural lines by providing separate quotas for urban Sindh (Karachi, Hyderabad and Sukkur) and rural Sindh. Urban Sindh received 40% of the quota’s share (i.e. 7.6% of the total seats for a population of 6.8%) while rural Sindh received 60% (i.e. 11.4% of the total seats for a population of 13.8%).

In Sindh, provincial recruitment also followed the federal designation of “rural” and “urban.” Shortly after the reintroduction of the quota system, the Sindh Assembly passed an ordinance laying down strict rules for the definition of a “rural Sindhi” to curb bogus domiciles.

Simultaneously, the PPP government announced the nationalization of numerous private industries, including banking, insurance, heavy engineering and iron and steel, natural resource extraction, chemicals, rice, cotton, textiles, cement, automobiles and public utilities as part of its “Islamic socialist” agenda. Nationalization of the education sector followed, which aimed to restructure primary through graduate and professional school programs to enable the provincial

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261 These figures corresponded roughly to the relative populations of the provinces at the time: Punjab 55.5%, Sindh 20.6%, NWFP 12.3%, and Balochistan 3%. Source.

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263 The Sindh Permanent Residence Certificate Rules, 1972 provided for the thorough scrutiny of domicile credentials. Later, the 1973 Constitution also provided for the accommodation of a large population of interprovincial migrants into Sindh during Ayub Khan’s time, mainly from Punjab and the NWFP, who had acquired a domicile on the basis of a residential status of three years in the province. This provision was “misused to scandalous proportions, especially by the upcountry migrants.” See *Affirmative Action Policies*, at 233. The MQM demand in the 1980’s for a requirement of residence in urban Sindh for at least twenty years along with the family as a prerequisite for issuing a domicile certificate under the quota system can be traced back to this time. Source.

governments to assume control of all budget, personnel, administrative and academic matters. Most universities were to be nationalized and subjected to provincial government regulation within two years from October 1972.\textsuperscript{266} Interestingly, the application of the quota system to admission in educational institutions was unique to Sindh, and was to be undertaken on the basis of the rural-urban configuration.\textsuperscript{267}

Prima facie Bhutto’s nationalization policies were not necessarily targeted at improving the economic status of the Sindhis vis-à-vis Muhajirs, especially given the fact that the objective of the nationalization project was to take over the management of various corporations and institutions without necessarily disturbing their ownership.\textsuperscript{268} Nevertheless, some aspects of these policies served to create ethnic differentiation between Sindhis and Muhajirs. For instance, the new ethnic quotas based on the urban-rural divide in Sindh came to be applied to nationalized private sector industries as well as educational institutions, thus greatly increasing the vocational and educational opportunities available to rural Sindhis at the expense of the urban population. This disparate impact was reinforced by the fact that nationalization of industry inevitably affected the largest industrial concerns which were disproportionately owned and managed by Karachi-based Muhajir entrepreneurs.\textsuperscript{269}

Likewise, Bhutto’s reforms of the civil bureaucracy also contributed to minimizing as much as possible the disproportionate influence of the Muhajirs in the administrative set-up. Bhutto purged the civil services of about 1,300 members in early March 1972 through dismissals and premature retirements. It is estimated that well over 500 of these members belonged to the province of Sindh (largely Muhajirs).\textsuperscript{270} At the same time, between 1973 and 1977, almost 5,500 new appointments were made through a new system of lateral entry that enabled the government to induct its own candidates into the bureaucracy.\textsuperscript{271} In 1974, Mumtaz Ali Bhutto – the Chief Minister of Sindh – is even reported to have stated that he had “ordered that all new appointments in railways, telecommunications and National Shipping Corporation should be made from among Sindhis so that the provincial quota hitherto ignored was fully met.”\textsuperscript{272}

While most of these policies were gradually implemented, the most immediate and visible ethnic contestation between the Sindhis and Muhajirs centered on the question of language. Agitation over this issue had been building up since 1969 as part of the debate surrounding education policy in Sindh. While Sindhi nationalist groups demanded the recognition of Sindhi as a medium of educational instruction, sections of the Muhajir intelligentsia reasserted the status of Urdu as central to the ideology of Pakistan.\textsuperscript{273} Various Muhajir groups, including student leaders, attempted to galvanize public opinion in Urdu-speaking communities against the adoption of the Sindhi language.\textsuperscript{274} The language-based group divide escalated soon after the elections when the Board of Intermediate and Secondary Education resolved to introduce Sindhi as its official language, though without undermining Urdu’s position as the national language.

\textsuperscript{266} The university ordinances were approved by the respective provincial assemblies in September 1972. See J. Henry Korson, “Bhutto’s Educational Reform,” in \textit{Contemporary Problems of Pakistan}, at 119 for a comprehensive discussion of Bhutto’s education policies.

\textsuperscript{267} See \textit{Political Dynamics of Sindh}, at 637.


\textsuperscript{269} \textit{Political Dynamics of Sindh}, at 667.
Protests by Muhajir groups against this measure quickly degenerated into violent Sindhi-Muhajir clashes. While the language controversy continued, the larger inter-party politics between the PPP and the NAP-JUI threatened to add fuel to the fire. In May 1972, soon after the passage of the Interim Constitution, the newly autonomous NAP-JUI governments in the NWFP and Balochistan adopted Urdu as the official language of those provinces in order to, amongst other things, isolate the PPP government in Sindh over the language issue. However, instead of pushing the Sindh government into a defensive corner, this measure only served to further polarize the agitation, with Mumtaz Ali Bhutto openly declaring in June 1972 that he would fulfill his election promise to elevate the status of the Sindhi language to its pre-One Unit eminence and that if he “had ten lives, all those” would be sacrificed “over the name of Sind.”

On July 7, 1972, the Sindh Assembly, dominated by Sindhi-speaking members of the PPP, passed a language bill (“Language Bill”) declaring Sindhi to be the provincial language of Sindh. During the passage of the Language Bill in the Sindh Assembly, the “house was divided completely on ethnic lines,” as only Urdu-speaking representatives of the Muhajir electorate (eleven in number) opposed the Bill. These representatives apprehended that the Language Bill was sufficiently vague and open-ended to allow for the suppression and eventual exclusion of Urdu from government services and educational institutions in Sindh. In the immediate aftermath of a protest walkout by the Urdu-speaking members, Sindhi-Muhajir riots broke out in Muhajir-dominated urban areas of Sindh, leading to an army operation and curfews in Karachi and Hyderabad. The scale of violence was unprecedented, as the riots “spread from city to city and village to village like a prairie fire.” The immediate trigger for the riots was the Language Bill, but “the question was really one of power in Sind, and language was the apparent bone of contention.”

It appears that the language controversy was an accumulated reaction to the several pro-Sindhi and anti-Muhajir policies announced by Bhutto earlier the same year.

In the immediate aftermath of the language riots, the PPP government was pressed into negotiating a settlement with the Muhajir representatives according to which Muhajirs were granted a twelve-year reprieve from the Sindhi language requirement for recruitment into the civil service and other government jobs. As part of this compromise solution, Urdu-speaking representatives demanded: that Karachi would be granted the status of a separate Muhajir province or “Mahajaristan” bolstered by Urdu-speaking Bihari migrants from Bangladesh; that the office of the Governor of Sindh would be handed over to a Muhajir; that Muhajirs would be allocated additional seats in the provincial government; and that the existing preponderance

275 Id. at 570-572, 605-612.
277 Cited from Sindhi Language Movement, at 1013.
278 The Sindh (Teaching, Promotion and Use of Sindhi Language) Bill, 1972.
279 Political Dynamics of Sindh, at 677.
280 Id. at 678.
284 Indian Muslim Refugees, at 199.
286 See Sindh’s Concept of Pakistan.
of the Muhajirs in the federal and provincial civil services would not be reversed through preferential quotas that favored Sindhis. Violence subsided only after this formula for Sindhi-Muhajir reconciliation was accepted by the government.

Both the PPP and the Urdu-speaking members of the Sindh Assembly from JI and JUP negotiated the language issue through a distinctly ethno-nationalist vernacular. With the displacement of “official nationalism” by “multinationalism,” the Muhajirs could not stake their claims either through a neutral Pakistani national identity or on the basis of class oppression in the presence of cross-class concerns over cultural, linguistic and political dominance. In this context, the assertion of political autonomy by the Muhajir constituency through an ethno-linguistic identity was not only an attempt at group differentiation from the Sindhis for the purposes of preserving group dominance, but a way of claiming a *de jure* identity culturally at par with the other “four nationalities.”

But some questions still remain. What were the real motivations behind the language riots? Did they signify a deeply felt collective consciousness of a new group-based identity or were they the result of the political machinations of a few? Did the Muhajir demands for a moratorium on the implementation of the Language Bill and a separate province on the basis of a distinct Muhajir nationality emerge from a consensus across the Muhajir community? Put another way, how genuinely group-based and socially-inclusive was the articulation of a distinct ethno-linguistic nationality by the Muhajir political representatives? The existing literature on the language riots points to three main narratives on the nature and motivations behind the emergence of Muhajir nationalism. The first of these is the “Muhajir communalism” narrative propounded by the Sindhi nationalist G. M. Syed. According to Syed the language riots were “master-minded” and led by the JI and JUP representatives in the Sindh Assembly who encouraged communalism amongst the Muhajirs and incited “deliberate acts of provocation by organized bands of Muhajir hoodlums.” At the same time, the Sindhi nationalists castigated Bhutto and the PPP government of conspiring with the “Muhajir-Punjabi” bloc to suppress the rights of the Sindhis through the “intellectual imperialism of Urdu.” The second narrative is the “leftist-socialist” perspective of Feroz Ahmed, which asserts that the so-called “Urdu movement” that came about in reaction to the Language Bill was planned, financed and executed by a wide variety of interests in order to create a pretext for military intervention in politics. The third perspective of “political party competition” as put forward by Tanvir Tahir contends that Urdu-speaking NAP members, who had lost elections to JI candidates in Muhajir dominated constituencies in urban Sindh in 1970, latched on to the opportunity created by the language riots to win political favor with the Muhajirs. For instance, the first organized effort to declare the

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288 Id.
289 In the words of Nawab Muzaffar Khan, a Muhajir autonomist, “[i]f the anti-Pakistan elements were allowed to continue their campaign of four nationalities, then the Mohajirs would be within their rights to press the demand of fifth nationality for themselves – and they would assert their right, come what may.” See *Political Dynamics of Sindh*, at 697.
290 Id.
291 Id.
292 Feroz Ahmed, “The Politics of Language Riots,” Pakistan Forum, 2:12, Sep. 1972, 2. These interests allegedly included Karachi-based monopoly capitalists who were opposed to the PPP’s policy of nationalization; bureaucrats-turned-landlords who had usurped Hari land but which land was now vulnerable to compulsory acquisition by the government under PPP’s land reform policies; various right-wing parties aligned closely with the Punjabi establishment; educational enterprises whose institutions were under threat from nationalization policies that did not offer any compensation; and anti-PPP press barons. Id.
293 See *Political Dynamics of Sindh*. 
Muhajirs the “fifth nationality” came only two days after the riots from the “Urdu Qaumi Council” formed by the General Secretary of the NAP, Mahmud-ul-Haq Usmani. Tahir concedes, however, that this was not the sole voice for Muhajir nationalism. Similar demands came from the NSF, which had argued for an autonomous Karachi province even at the time of the 1970 elections, as well as other smaller groups over the course of the next few years.

Though conflicting at some levels, these three narratives of the makeup of Muhajir nationalism following the language riots – Muhajir communalism, capitalistic exploitation, and political party competition – are by no means mutually exclusive. In fact, they all reinforce the larger point that the “multinational” nature of the new federal politics created opportunities and pressures for the ethnicization of group identity for political mobilization. Since the new federation was an ethnic federation, group visibility in the corridors of political power and representation for the Muhajirs depended on the construction of an ethnic identity that engaged with and made claims on the political institutional structures through the newly embedded ethno-nationalist patois. Whether the construction of this identity originated through an internal consensus of the Muhajir community or more particularly through influential political actors claiming to represent the community at large, or whether it first emerged as a byproduct of or in collaboration with forces and interests external to the Muhajir community, is not of instrumental consequence. What is crucial is that a multinational federal design generates and reinforces the necessary pressure and space for ethnicity-based politics. An “ethnic” Muhajir identity was already well mobilized in the 1970s along both linguistic and urban-rural lines in response to ethnic federalism. This brought along with it claims not only for a territorially defined ethnic identity from certain quarters, but also a recognition that if the Muhajirs were to partake of the new federal politics, they would have to galvanize their efforts through a political party that represented their transforming needs and that could compete with other parties that seemed largely to be cut across ethnic and regional lines. Many years later, the MQM provided a political organizational structure for this already mobilized identity, incidentally only months before the revival of the 1973 Constitution by General Zia-ul-Haq in the mid-1980s.

This article has argued that prior to the secession of East Pakistan constitutional settlements were largely concerned with containing the numerical majority of the Bengalis. After December 1971, the focus shifted from a muted federal arrangement between East and West Pakistan to power-sharing between the four provinces within Pakistan. Hence, inter-province and intra-province relations assumed new prominence in the constitutional settlement of the 1970s. The introduction of a new structure of sub-national autonomy had the effect of elevating Sindhis as a de jure ethnic group, resulting in the disenfranchisement of the Muhajir group at the sub-national level, and in turn, prompting a reactionary mobilization of a distinct Muhajir ethnic identity in response to the federalization process. The new federal institutional structure advanced a territorially defined form of government carved along indigenously articulated ethnic boundaries, thus enabling the indigenous Sindhi majority to wrest control over provincial resources and policies from the minority Muhajirs. Till such time that the Muhajirs were the dominant group in a pre-federalized setting, they did not contemplate any major threat or serious challenge to their political, economic and social status, whether from their “non-indigenous” status vis-à-vis the Sindhis, or from their numerical inferiority. Hence, up until 1971, Muhajir demands were “conspicuous by their absence” because Muhajirs constituted part of the core of the nation state.

294 Id. at 696-697.
295 Id.
296 Karachi Crisis, at 1038.
and their interests were “indistinguishable from the interests of the national elite.”

In the 1970s, however, federalization pushed these hitherto immaterial demographic factors to the forefront of Sindhi-Muhajir relations. In the following Part IV, the article turns to theoretical insights gleaned from the Sindhi-Muhajir conflict.

**Part IV: Theoretical Insights on Minorities-within-Minorities in Ethnic Federations**

Set within a historical paradigm of federalization, the Sindhi-Muhajir example generates a number of interesting observations about the role of ethnic federalism in creating a minorities-within-minorities problem and its impact on the course of group conflict at the intra-provincial level. Importantly, it shows that the likelihood of the occurrence and intensity of the minorities-within-minorities problem are contingent upon a number of factors. Scholars like Schuck have identified five such factors: the geographical distribution of minority groups, the pace of federalization, whether federal power-sharing arrangements are introduced through voluntary association or by imposition, the nature and salience of social and political cleavages and identities, and the extent to which systemic forces reinforce existing cleavages.

Generalizing from the Sindhi-Muhajir example, some of these factors seem to have little relevance to ethnicity-based conflict between a local majority and a local minority in an ethnic federation. The pace of federalization and the modalities of power-sharing arrangements, for instance, do not appear to be salient factors in such situations, though they may have foremost significance in center-periphery conflicts in federal systems.

The Sindhi-Muhajir conflict illustrates that the most important factor in exacerbating the minorities-within-minorities problem is the nature and evolution of cleavages between groups, as is the manner in which these cleavages interface with ethnicity-based federal structures. Both geographical and lingual cleavages can be highly potent. The geographical discreteness of minority groups seems to contribute significantly to group conflict where it is characterized by an urban-rural divide, which has the effect of creating and reifying preferential access to resources in favor of one of these areas to the exclusion or detriment of the rest of the population.

Similarly, since language is a convenient marker of communal identity and an instrument of group mobilization, the dominant status of a language often translates into greater access to political and economic advantage. In the case of the minority Muhajirs, their territorial urban concentration encouraged insularity from the very beginning and entrenched a number of cleavages vis-à-vis the Sindhis, including linguistic differentiation and occupational segregation. The reinforcement of these cleavages through the policies of the ruling elite in favor of the Muhajirs in the pre-federalization phase encouraged a binary relationship of dominance and backwardness between the Muhajirs and the Sindhis.

Donald Horowitz’s analysis of ethnic groups in conflict is helpful in understanding this

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297 *Politics of Ethnicity in Sindh*, at 943-944.
298 *Citizenship in Federal Systems*, at 212-213.
299 The isolation of the Muhajirs in the urban cities of Sindh and their resistance to assimilation into mainstream Sindhi culture translated into an almost 20% decline in the number of Sindhi speaking people in Sindh (Karachi included). *National Question in Sindh*, at 11.
dynamic of group dominance and backwardness in post-partition Pakistan. Horowitz highlights the role of relative backwardness and the claim to indigenousness in delineating the course of group conflict in post-colonial societies. He claims that a group’s geographical location vis-à-vis the colonial center largely determines that group’s level of economic development and modernization in the future. This differential distribution of colonial opportunities translates into economic backwardness for some groups. Especially where the colonial administrative apparatus is built on a “substructure of ethnic government,” economic disparities created by “locational influences” are bound to be interpreted through the medium of ethnicity, thus fostering ethnic conflict between backward groups and other more advanced groups. Horowitz further suggests that where economic backwardness conjoins with a group claim of legitimacy on the basis of indigenousness, the ensuing conflict is likely to be centered on demands for ethnic preferences in employment, education and business. Backward, indigenous groups often make “immoderate” claims to preferential treatment while at the same time advocating political exclusion for their immigrant, advanced counterparts. In turn, the latter justify their privileged position on the principles of equality and merit. While this is useful as a broad framework for identifying the colonial roots of ethnic conflict in post-colonial states, it does not offer reasons for the ethnicization of the identity of historically dominant and ethnically-neutral groups like the Muhajirs (in Horowitz’s terms, the “advanced” groups). In other words, as a general theory of ethnic conflict, it does not aim to explain inter-ethnic conflict in federal systems, or under what conditions such conflict becomes unusually intractable.

Amy Chua’s positive theory of “market dominant minorities” provides an alternative way for examining the behavior of ethnic groups in post-colonial states. Chua’s thesis concerns the post-War world of globalization in which free market democracy disproportionately empowers an ethnic minority, typically perceived to be a non-indigenous group, at the expense of indigenous majorities. Chua’s chief claim is that the concentration of wealth in minority groups creates a vicious downward spiral of poverty among disempowered indigenous majorities, leading to ethnic hatred against the affluent minority groups. In Chua’s account, ethnic conflict is not merely a symptom of economic backwardness but reflects group antagonism against the disproportionate accumulation of wealth and control over resources by a numerically weaker group that is perceived to be an ethnic “outsider.” Thus, Chua asserts that empowering the poor or disenfranchised majorities of the world is not an adequate solution to conflict in such situations because “‘ethnicity’ is a fluid, artificial and dangerously manipulable concept.”

In this atmosphere, Chua suggests that the dominant group is likely to invoke a posture of ethnic neutrality and appeal to broader principles of ideology, nationalism and meritocracy in an attempt to justify and maintain its political, social and economic advantage. In contrast, the

300 Horowitz, Ethnic Groups in Conflict, at 149-156.
301 Id. at 213-215.
303 Id. at ____.
304 Id. at ____.
305 Id. at ____.
306 Id. at ____.
dominated group is likely to challenge the position of the dominant group through an ethnic backlash against the policies and institutional structures that strengthen the status of the dominant group at the expense of the dominated group. In Chua’s scheme, the institutional structure that fuels this ethnic backlash is the market, which is viewed as the instrument of dominance.

This dialectic is very well reflected in the Sindhi-Muhajir paradigm. Although it is important to emphasize that Chua explains ethnic conflict in terms of the twin processes of globalization and democratization and is not directly concerned with sub-national minorities in a federal structure, there are interesting similarities between the dominant minorities that Chua studies and the relations between the Muhajirs and Sindhis during the first decade of Pakistan. In both cases, the relative dominance of the minority group is a contributory factor in generating inter-ethnic conflict. The Muhajirs were the dominant players in terms of access to and participation in civil administration and other public and private employment. This institutional dominance effectively translated into dominance over the state apparatus, economic revenue, employment, national resources, and national policy. For as long as the Muhajirs were in a dominant position, they portrayed themselves as Pakistani nationalists united by the bonds of Islam and the national language. Alavi, a Pakistani sociologist, refers to this tendency of the Muhajirs to articulate their identity in ethnically neutral national terms as “official nationalism” or the promotion of “a national identity that is not spontaneously generated from below, but is imposed from above by those at the heart of the power structure in the country, in reaction to powerful sub-national movements that evoke a far more powerful popular response.” As a counterpoise to the “official nationalism” of the Muhajirs, Sindhis portrayed themselves as an indigenous ethnic group with a self-consciously and territorially well-defined ethno-linguistic identity, while viewing Muhajirs as a non-indigenous immigrant group. Through this moral claim to indigenousness, Sindhi nationalists sought to challenge the disproportionate representation of Muhajirs in the civil bureaucracy, as well as the displacement of the indigenous Sindhi language by Urdu. The perceived instruments of Muhajir dominance – the state administration and the Urdu language – thus became the targets of a Sindhi backlash that demanded the political neutralization of the latter.

Chua’s theory is also relevant in explaining the lack of a popular democratic consensus over the federal structure in Pakistan. According to Chua, until the minority group is able to maintain its market dominant position, the structural and distributive mechanisms of free market democracy continue to benefit the dominant group at the expense of the dominated majority. In other words, in the presence of a market dominant minority, putative democratic institutions and processes are highly exclusionary and limited in terms of scope, accessibility and participation. In the Sindhi-Muhajir context, facts demonstrate an analogous trend. Certain politicians and special committees appointed to draft a new constitution attempted to formulate a decentralized

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form of government that would secure provincial autonomy. But the ruling bureaucratic elite, mostly composed of Muhajirs and Punjabis, was highly resistant to a federal structure that would grant substantial *de jure* political autonomy to majority ethnic groups to the detriment of their own *de facto* political and economic power.\(^{317}\) For the Muhajirs, federalism was a zero-sum game, as it was likely to empower the indigenous Sindhi population at the expense of the Muhajir community because of their numerical inferiority and lack of a popular political base in Sindh or in Pakistan as a whole.\(^{318}\)

Once again, however, Chua does not directly address the particular problem of ethnic conflict resulting from the ethnicization of dominant minorities. Like Horowitz, she is concerned instead with group conflict between a backward, indigenous majority and a dominant non-indigenous minority in a post-colonial setting, but not necessarily correlated with an ethnic federation. Admittedly, in the early pre-federalization phase of Pakistan’s history, the two underlying roots of group conflict that both Horowitz and Chua point to – namely, the historical dominance of the minority group vis-à-vis the backward majority group, and the latter’s moral claim to an indigenous identity – were of pivotal importance in shaping the Sindhi-Muhajir conflict. But the main theoretical insights of the present study begin where the theoretical frameworks of Horowitz and Chua conclude. It adds to these frameworks on ethnic conflict in the context of a federalized structure based on ethnically articulated identities. The study contends that when the sub-national backward majority and local dominant minority are put in direct political competition through a federal structure that reverses the dominance of the minority group by granting the majority group a privileged *de jure* status, there is a tendency toward the ethnicization of the minority group’s identity and deepening of inter-ethnic conflict.

### Part V: Ethnicity-Based Politics & the Status of Minorities in Pakistan

The political mobilization of the Muhajirs around ethnic identity was successful due to various factors, including a historical status of dominance and privilege, a national language reinforcing this status, and the largest city as well as industrial and business hub of Pakistan as a territorial asset. Other intra-provincial minority groups may be less successful, or not at all, in mobilizing through a cohesive ethnic identity vis-à-vis their corresponding *de jure* groups. Only in the recent past, various minority groups have put forward demands for new provinces on the basis of a distinct ethno-linguistic identity. For instance, the Seraiki-speaking population is clamoring for a separate “Seraiki” province (situated in southern Punjab).\(^{319}\) Similarly, the Hindko-speaking people are pressing for a separate “Hazara” province (situated in eastern Khyber Pakhtunkhwa).\(^{320}\) Unless these ethnicity-based political contestations are channeled through proper political processes, Pakistan is likely to witness increasing ethnicity-based group conflict in the future because of further reinforcement of the multinational federal design through the Eighteenth Constitutional Amendment to the 1973 Constitution (“Eighteenth Amendment”)

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in 2010. The Eighteenth Amendment introduced more than a hundred amendments to the 1973 Constitution in response to a widespread political consensus on multiple issues. One of the consequences of this constitutional amendment is that provinces now have greater autonomy in terms of both legislative and financial powers unlike the original Constitution. The question naturally arises, does the 1973 Constitution, after the Eighteenth Amendment, offer any safeguards by way of protecting the interests of local minority groups in the provinces? From a human rights perspective, this is one of the most important concerns in the newly resuscitated and strengthened ethnic federation.

Insofar as representation of minorities in the federal bureaucracy is concerned, the 1973 Constitution enables the federal government to redress the “under-representation of any class or area in the service of Pakistan…in such manner as may be determined by an Act of Parliament.” Ostensibly, this allows the federal government to recognize hitherto marginalized minorities on the basis, broadly, of any “class” or “area,” thus reserving to itself the power to compensate for or counteract the dominant influence of de jure groups’ constitutional privileges. Under the federal legislative list, the federal government may additionally alter electoral laws in the provinces. Once again, this enables the federal government to make electoral processes more fair and just for minority groups and thereby to enhance their political representation through any number of devices, such as delimitation of electoral districts, separate electorates, reservations, and proportional representation. The 1973 Constitution also protects the right of “any section of citizens having a distinct language, script or culture” to “preserve and promote the same and subject to law, establish institutions for that purpose.” But this right is thoroughly circumscribed by the power available to provincial assemblies (and hence de jure groups) to “prescribe measures for the teaching, promotion and use of a provincial language in addition to the national language.” Thus, it appears that except for the discretionary choice available to the federal government to come to the aid of ethno-linguistic minorities in relation to representation in the federal bureaucracy, and the benevolence of de jure groups in the provinces to create political space for such minorities to promote their ethno-linguistic cultures and demands, the 1973 Constitution even after the Eighteenth Amendment essentially remains mute and ineffective on the issue of intra-provincial inter-ethnic conflict and the status of minority rights.

In these circumstances, the institution most likely to intervene on behalf of minority groups is the Supreme Court of Pakistan, as the Eighteenth Amendment preserves its centralized authority within the federation, both in its appellate and original jurisdictions. Though it still remains to be seen how the centralized apex Court will balance constitutional rights with provincial autonomy, one way in which the Supreme Court could indirectly elevate the status of minority groups is through the enforcement of the new “right to education” by interpreting and applying it purposively in conjunction with other Fundamental Rights.

\[\text{321 For the full text of the 18th Amendment, see http://www.pakistani.org/pakistan/constitution/amendments/18amendment.html.}\]


\[\text{323 Id.}\]

\[\text{324 Art. 27(1) of the 1973 Constitution (emphasis added).}\]

\[\text{325 Art. 28 of the 1973 Constitution.}\]

\[\text{326 Art. 251(3) of the 1973 Constitution.}\]

\[\text{327 The “right to education” under article 25-A of the 1973 Constitution states that the “State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by}\]

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But indirect reliance on the Supreme Court to achieve meaningful progress on minority rights cannot be a viable solution to what is a significant and widespread political issue in the Pakistani federation. Quite apart from the possibility of a general accommodation by the provincial governments of the interests of minority groups, one important “political solution” to intra-provincial inter-ethnic conflict lies in the constitutional amendment mechanism of the 1973 Constitution. This mandates that any proposed constitutional amendment that “would have the effect of altering the limits of a Province” must be “passed by the Provincial Assembly of that Province by the votes of not less than two-thirds of its total membership.”329 In other words, the 1973 Constitution provides an opening for a consensus-based creation of further provinces. To the political cynic, a peaceful constitutional consensus on such a highly charged issue may seem like a remote prospect. Nevertheless, there are already encouraging signs of the federation’s political maturation in this respect.

Ethnicity-based political contestations in Pakistan have not only increased in recent months but have also captured the imagination of a broad spectrum of political parties. For instance, in May 2012, the rival parties of the PPP and the Pakistan Muslim League (N) (PML-N) unanimously passed resolutions in the Punjab Assembly in favor of carving out two southern provinces in the Punjab in order to undercut each other’s vote banks in the province – a Janoobi (“south”) Punjab Province (based on the Seraiki Movement) and a Bahawalpur Province (based on the restoration of the original Bahawalpur province as it existed prior to the One Unit).330 In October the same year, the PPP-dominated Sindh Assembly passed the Sindh People’s Local Government Act, 2012 (SPLGA) in order to set up a dual local government system to curry favor with the MQM while at the same time effectively creating a PPP electorate in urban Sindh. The widespread agitation against this move by Sindhi nationalist parties led to its quick repeal. The repeal, in turn, prompted the MQM to quit the PPP-led coalition government in protest. Clearly, these are all indications of an emergent political will to develop a discourse on minority rights and the resolution of inter-group conflict as an electoral issue. But, so far, this political will evidently rests on narrow and self-interested agendas. For ethnicity-based conflict to be alleviated in any meaningful way, contestations over the rights of intra-provincial ethnic minorities must be channeled through political processes based on a broader cross-party consensus (similar to the Eighteenth Amendment). Nonetheless, it appears that, with PML-N back in power with a clear majority in both the federal and Punjab provincial governments in the latest general election of May 2013, combined with the crushing defeat of the PPP, political support for creation of new provinces, strengthening of local government, and other forms of recognition of minorities-within-minorities are likely to remain on the backburner for the foreseeable future.

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329 Art. 239(4) of the 1973 Constitution.