

## CONSTITUTIONAL FRAMEWORK FOR FORMATION OF NEW PROVINCES IN PAKISTAN

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### 1. Introduction

Looking into the very concept of decentralization, history proves, this has been a popular concept, well applied by earlier civilizations. As early as 200 B.C., the Greeks found city-states as more democratically manageable and administratively effective. An example in the recent past is the breaking way of the states from the USSR. It is also a historical fact that Pakistan was created through constitutional and legal means. After Constitutions of 1956 and 1962, the Constitution of 1973 is the first Constitution of Pakistan made by a constituent assembly elected directly by the people based on adult franchise and all the political parties with membership in the Constituent Assembly voted for the Constitution, it could also be described as a unanimous Constitution.

The question of new provinces in Pakistan has ignited a political firestorm in the National Assembly over the last few months. However, coming to the fore for the first time since the issue broke out, Senator Raza Rabbani, the architect of the 18th Amendment, rubbished the idea of a 'debate' on the issue in the National Assembly – stating categorically that the exercise was unconstitutional because “it (the resolution) can only be brought before the National Assembly if passed by the provincial assembly with a two-thirds majority,” said Senator Raza Rabbani while addressing the media on Friday. So After current statement of Mr. Rabbani, it is crystal clear that any discussion in National assembly is unlawful and against the spirit of provincial autonomy?

However, the Pakistan People Party (PPP) and its allies parties in government want division of the Punjab province to achieve the political and social objectives. Resultantly the PPP launched the demand of Saraiki province either as a political reality or slogan for next election to divide the vote bank of other political parties by supporting the regional demand. There is no doubt that the movement of new provinces in Punjab for the restoration of Bahawalpur Province and creation of South Punjab has become popular at gross root level for which political parties are playing their cards to cash the vote bank in coming elections. Recently, the debate over the **creation of new provinces** has steamed up. Various political parties have supported the idea of new provinces. The MQM has even tabled a resolution in the parliament for the creation of the Hazara and Seraiki provinces by submitting the Bill of 20<sup>th</sup> Constitutional amendment that requires the creation/formation of new provinces by the simple majority of the parliament rather than existing constitutional procedure of 2/3 majority of Parliament and concerned Provincial Assembly. Obviously, the motives of the MQM are also clear to build the political pressure to rest of political parties and gain popularity in Hazara and Seraiki region as well as provide a easiest constitutional way for the creation or formation of further provinces in the country.

On the other hand, the princely state of Bahawalpur was founded in 1802 by Nawab Mohammad Bahawal Khan II. The city is large at over 451 kilometres long. Nawab Mohammad Bahawal Khan III signed a treaty with the British on 22 February 1833, guaranteeing the independence of the Nawab. The state acceded to Pakistan on 7 October 1947 when A'ala Hazrat Nawab Sir Sadiq Muhammad Khan Abbasi V decided to join Pakistan at the time of independence. The Bahawalpur state became a province of Pakistan in 1952 and was merged into the province of West Pakistan on 14 October 1955 as one-unit. When West Pakistan (one-unit) was divided into four provinces — Sindh, Balouchistan, NWFP recently KPK, and Punjab — Bahawalpur became a part of Punjab.

The state of Bahawalpur was the first to join Pakistan among the Independent Princely States of British India. The State of Bahawalpur acceded in result of an agreement between the Ruler of Bahawalpur and Fonder of Pakistan, the crux of which is that Bahawalpur will be a separate province and will continue as a separate unit of the federation. The consequence of which was that Bahawalpur became a Province continued so until the unconstitutional intervention of Ayub Khan and imposition of Martial rule in Pakistan. One unit was promulgated, joining all the provinces as a single unit of West Pakistan and East Pakistan. The issue ignited when one unit was lifted and Bahawalpur was made part of Punjab. The people of Bahawalpur did not agree to it and this was the reason the Pakistan Peoples Party lost the election of 1971 in Bahawalpur. Therefore, the voice of separate province of Bahawalpur is still alive.

The political leaders of Bahawalpur region claim that after disintegration of Pakistan and fall of one-unit the covenant of Quaid e Azam with Ameer of Bahawalpur has not been honoured. The movement for restoration of Bahawalpur province attained popularity during 1960-1980 wherein many political workers were died during the movement, however, the government of the time succeeded to curb the leaders of the movement through exercise of various modes wherein the demand of province at the gross root level was not addressed accordingly. Resultantly, the political leaders used to cash the emotions of people of Bahawalpur on different occasions on this issue. Recently, Mr. Muhammad Ali Durani (Ex-Senator) started again this movement through forum of “Mutehida Mahaz Bahawalpur” for restoration of Bahawalpur Province wherein a “Bahawalpur National Awami Party (BNAP)” was established under the leadership of Ameer of Bahawalpur, Nawab Sallah-ud-Din Abbasi, to fight for restoration of province of Bahawalpur through political means. It is pertinent to mention that the Senate Standing Committee

on States and Frontier Regions held on 19<sup>th</sup> and 20<sup>th</sup> May, 2011 at Bahawalpur strongly recommended the restoration of Bahawalpur Province. However, Mr. Muhammad Ali Durani and Nawab Sallah-ud-Din Abbasi mobilized the people of Bahawalpur through public meetings to put a pressure on major political and state actors for seeking their support to the restoration of province.

## 2. Comparative Analysis of Provincial structure of Different Countries

The creation of Provinces may be due to many reasons, it may be because of its size or it may be to recognize a faction. The formula for every country differs whereas formation of provinces on administrative reasons is a world-wide recognized formula in this regard. Before the creation of Pakistan, the Indian Sub-Continent had been under the rule of different rulers which belonged to different cultures and they applied their different formulas to retain control over this land. To move further first of all we have to look into history to analyze the philosophy behind formation of Provinces.

The most similar of the societies to Pakistan is the society of India, volatile at the same scale and multi-cultural at the same level. After the Independence from British rule, India abolished feudalism and proposed herself as a Democratic and Secular State, though it is still not secular. The idea of becoming the biggest democracy succeeded in recognizing all the factions present there. Pakistan went on a different path, it is no longer a taboo to talk that Pakistan became under the turbulence caused by military rule and as dictator has a specific motive to rule only so his policies are also limited to a specific class.

### a. India

At independence in 1947, British India had seventeen provinces, namely, Ajmer-Merwara-Kekri, Andaman and Nicobar Islands, Assam, Baluchistan, Bengal Province, Bihar, Bombay Province, Central Provinces and Berar, Coorg, Delhi Province, Madras Province, North-West Frontier Province, Panth-Piploda, Orissa, Punjab, Sind, United Provinces of Agra and Oudh. Upon the Partition of India into Union of India and Dominion of Pakistan, twelve provinces (Ajmer-Merwara-Kekri, Andaman and Nicobar Islands, Assam, Bihar, Bombay, Central Provinces and Berar, Coorg, Delhi, Madras, Panth-Piploda, Orissa, and the United Provinces) became provinces within India, three (Baluchistan, North-West Frontier, and Sind) within Pakistan, and two (Bengal and Punjab) were partitioned between India and Pakistan.

In 1950, the new Indian Constitution was adopted; redrawn states and union territories replaced the provinces in India. Pakistan retained its five provinces later reduced to four as Bengal became a separate state of Bangladesh. It is again a truth that both Pakistan and India were brought to encounter the language issue. Pakistan had a disturbance over making Urdu as a National language as Bengalis were unhappy over it. India managed this problem by making Provinces on lingual basis and as well as on administrative basis. But primarily the initial formula of Indian formation of provinces was on lingual basis. The province of Maharashtra was made where Marathi is spoken. Gujarat where Gujarati is spoken, Orissa where Orri is spoken, Tamil Nadu where Tamil is spoken, and Bengal was made primarily on lingual basis but later was divided into Assam and other states due to administrative reasons. Uttar Pradesh being a very large province was divided into two provinces due to administrative reasons.

### A. Constitutional Procedure to Establish New State in India

The Indian constitution provides following procedure for the establishment of new state:-

**Art. 2.** Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

**Art. 3.** Parliament may by law—

- (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;
- (b) increase the area of any State;
- (c) diminish the area of any State;
- (d) alter the boundaries of any State;
- (e) alter the name of any State:

[Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries Name and territory of the Union. Admission or establishment of new States. Formation of new States and alteration of areas, boundaries or names of existing States. . . the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.]

[*Explanation I.*—In this article, in clauses (a) to (e), "State" includes a Union territory, but in the proviso, "State" does not include a Union territory.

[*Explanation II.*—The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory.]

## B. Newly Established States in India from 1947 to 2011

- i. 26.01.1950: The division of India was classified into parts such as nine formerly governed provinces were classified as Part-A; eight formerly native states or groups of states were classified as Part-B; ten formerly chief commissioners' provinces were classified as Part-C; and two other territories are classified as Part-D. However, the name of East Punjab state changed to Punjab (India) and Greater Rajasthan union became Rajasthan state.
- ii. 01.10.1953: Andhra Part A state split from Madras.
- iii. 01.11.1956: States Reorganization Act came into force and the distinction among Part A, B, and C states was abolished. States were reorganized largely on linguistic lines. Andhra Pradesh state formed by merging Andhra with part of Hyderabad. Bombay state formed by merging Kutch, Saurashtra union, and part of former Bombay state. Status of Delhi and Himachal Pradesh changed from states to union territories. Kerala state formed by merging most of Travancore-Cochin union and part of Madras. Laccadive, Minicoy, and Amindivi Islands union territory split from Madras. Madhya Pradesh state formed by merging Bhopal and Vindhya Pradesh union, all of Madhya Bharat union but one exclave, most of former Madhya Pradesh, and an exclave of Rajasthan. Madras state lost large areas to other states, but gained part of Travancore-Cochin union. Mysore state formed by merging Coorg and former Mysore states and parts of Bombay, Hyderabad, and Madras states. Punjab state formed by merging Patiala and East Punjab States Union and former Punjab. Rajasthan state gained Ajmer state and small parts of Bombay and Madhya Bharat union, and lost an exclave to Madhya Pradesh. 8,177 sq. km. transferred from Bihar state to West Bengal.
- iv. 01.12.1957: Naga Hills-Tuensang Area split from Assam as a centrally administered area.
- v. 01.05.1960: Bombay state split into Gujarat and Maharashtra by the Bombay Reorganization Act. Maharashtra also incorporated part of Madhya Pradesh and all that remained of Hyderabad state.
- vi. 01.11.1966: By virtue of the Punjab Reorganization Act, Punjab state split into a smaller Punjab state, a new Haryana state and Chandigarh union territory, and a section which merged with Himachal Pradesh. Chandigarh, formerly capital of Punjab, became joint capital of Punjab and Haryana states and its own union territory.
- vii. 20.01.1972: Arunachal Pradesh and Mizoram union territories split from Assam; capital of Assam moved from Shillong to Dispur. Before the split, Arunachal Pradesh had been the North East Frontier Agency, and Mizoram had been the Lushai Hills district. Status of Meghalaya changed from autonomous state to state,
- viii. 21.01.1972: Status of Manipur and Tripura changed from union territories to states.
- ix. **24.07.1985: By the Punjab Accord, Chandigarh union territory would eventually merge with Punjab state. This has not yet been carried out, but it remains a live issue.**
- x. 30.05.1987: Goa, Daman, and Diu union territory split into Goa state and Daman and Diu union territory.
- xi. 01.11.2000: Chhattisgarh state split from Madhya Pradesh (former FIPS code IN15), as provided by the Madhya Pradesh Reorganization Bill, which passed on 2000-07-31. Chhattisgarh comprises sixteen districts of Madhya Pradesh: Bastar, Bilaspur, Dantewada, Dhamtari, Durg, Janjgir, Jashpur, Kanker, Kawardha, Korba, Koriya, Mahasamund, Raigarh, Raipur, Rajnandgaon, and Surguja.
- xii. 09.11.2000: Uttaranchal state split from Uttar Pradesh (former FIPS code IN27), as provided by the Uttar Pradesh Reorganization Bill, which passed on 2000-08-01. Uttaranchal comprises thirteen districts of Uttar Pradesh: Almora, Bageshwar, Chamoli, Champawat, Dehradun, Haridwar, Nainital, Pauri Garhwal, Pithoragarh, Rudra Prayag, Tehri Garhwal, Udham Singh Nagar, and Uttarkashi.
- xiii. 15.11.2000: Jharkhand state split from Bihar (former FIPS code IN04), as provided by the Bihar Reorganization Bill, which passed on 2000-08-02. Jharkhand comprises eighteen districts of Bihar: Bokaro, Chatra, Deoghar, Dhanbad, Dumka, East Singhbhum, Garhwa, Giridih, Godda, Gumla, Hazaribagh, Koderma, Lohardaga, Pakur, Palamau, Ranchi, Sahibganj, and West Singhbhum. Ranchi, formerly the summer capital of Bihar, became the capital of Jharkhand.

## C. Commission for the creation of New States in India

In the absence of unanimity among the then central leadership on provincial division on linguistic consideration, reorganisation of states was kept in abeyance for some time. However, Sriramalu, a prominent Congress leader from Telugu speaking region of the then Madras Province went on fast unto death from October 19, 1952 demanding a separate state for Telugu speaking people. Large scale violence that followed his death after 56 days of fasting on December 15, 1952, compelled the Government to announce the creation of the first state on linguistic consideration and Andhra Pradesh was formally created on October 1, 1953. This opened a flood gate of demands for creation of new states and the Government finally appointed a **State**

**Reorganisation Commission (SRC) in 1953** with Justice Fazl Ali as Chairman and Hriday Nath Kunzru and K.M.Pannikar as members. By and large the SRC recommended creation of states taking into consideration the preservation of the unity and security of the nation, linguistic and cultural affinity of the people and financial, economic and administrative viability. On the basis of its report and under the States Reorganisation Act, 14 states - including Andhra Pradesh, which was a merger of the Andhra and Hyderabad states - and six union territories were created in 1956.

**D. Indian Government Established the State Reorganisation Commission 1953 and Parliamentary Commission 1965 for the Establishment of new States**

On 25 December 1953, the Indian government set up a commission under the chairmanship of Syed Fiazal Ali for suggesting the reorganization of states according to language and culture. The proponents of 'Panjabi Suba' and Haryana both appeared before the Commission to press their case. But the Commission in its wisdom did not approve of the division or reorganization of Panjab. This decision of the commission caused great despondency in the region.

Punjab government tried to find a solution to this increasingly difficult problem by suggesting the division of the state into Panjabi speaking and Hindi speaking areas. Accordingly, in April, 1956 the Indian government declared Punjab to be a dual-language state and divided it into 'Panjabi Area' and 'Hindi Area'. Both Hindi and Punjabi were declared its official language. The Hindi Area this time included the districts of Hissar, Rohtak, Karnal, Gurgaon, Mahendergarh, Shimla, Kangra, Kohistan and the tehsils of Ambala, Jagadhari, Naraingarh, Jind and Narwana. But in 1957, due to certain actions of Pratap Singh Kairon, the then Chief Minister of Panjab, this solution too failed.

The failure of this solution accelerated the demand for separate states in both the regions. In 1960 Master Tara Singh launched a 'Morcha' to press for his demand of 'Panjabi Suba'. He was promptly arrested on the orders of Punjab CM, P. S. Kairon. On the arrest of Master Tara Singh, Sant Fateh Singh took over the leadership of the agitation. Because Sant Fateh Singh was a secular person and well connected with the masses, he became more popular. He went on a 'Fast unto death' to force the government to accept their demand for the 'Panjabi Suba'. More than 57,000 people went to jail in this 'Satyagrah'. Both the Indian and Panjab government were shaken by this agitation. The wily Panjab Chief Minister Kairon then played his trump card and released Master Tara Singh from jail. Master Tara Singh was greatly disturbed by the increasing popularity of Sant Fateh Singh. He took the leadership of the agitation back from Sant Fateh Singh and persuaded him to break his fast. The he himself decided to go on a 'fast unto death', but broke the fast after 48 days. This caused Master Tara Singh to loose his popularity and Sant Fateh Singh became the leader of the Panjab people especially the Sikhs. Meanwhile discontent keep on simmering in the people of Haryana region for a separate state.

In 1965, Sant Fateh Singh again decided to go on a fast on 10 August 1965 to press for the demand of the 'Panjabi Suba'. He further threatened self-immolation if the demand was not accepted in 25 days. The Hindus of the Panjabi Area opposed the demand for the division of the state fearing that they would be in a minority in the new state. The local press, which was also controlled by the Hindus, too joined in and openly opposed the division. The people of Haryana region, except for RSS and Jan Sangh followers, supported the demand for the division of Panjab into Hindi speaking and Panjabi speaking states.

Finally bowing to the growing pressure from the people of both the regions, the Indian government announced the setting up of a parliamentary committee for reorganization of Panjab on 23 September 1965. This committee was headed by Sardar Hukam Singh. Meanwhile in October, all the legislatures belonging to the Haryana region got together and discussed the issue of the new state. On 17 October 1965, in a big meeting in Rohtak, three important resolutions were passed.

India created its first province on linguistic grounds. Telugu-speaking Andhra Pradesh came to existence in 1952. Under this precedence, a number of new states emerged on the Indian map in 1956. The process continued; India now has nearly two dozen states, while it inherited a single digit tally at the time of independence. Cultural commonalities should be duly considered while forming the provinces; however such elements should not be the sole criteria. Administrative and financial viability should be the underwriting *raison d'être* within which intrinsic cultural values may be adjusted. Linguistics would figure out again and again in the debates and there should be no obstructions in their way as some of the provinces may eventually emerge on this account provided they meet the remaining criteria as well.

**E. The Seats of Upper House of Indian Parliament/Council of States as per Indian Constitution**

**Article 80.** (1) The Council of States] shall consist of—

(a) twelve members to be nominated by the President in accordance with the provisions of clause

(3); and (b) not more than two hundred and thirty-eight representatives of the States 3[and of the Union territories.]

**(2) The allocation of seats in the Council of States to be filled by representatives of the States [and of the Union territories] shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.**

(3) The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:-

Literature, science, art and social service.

(4) The representatives of each State in the Council of States shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.

(5) The representatives of the 5[Union territories] in the Council of States shall be chosen in such manner as Parliament may by law prescribe.

#### FOURTH SCHEDULE

##### Allocation of seats in the Council of States

To each State or Union territory specified in the first column of the following table, there shall be allotted the number of seats specified in the second column thereof opposite to that State or that Union territory, as the case may be:

TABLE

1. Andhra Pradesh .....	18
2. Assam .....	7
3. Bihar .....	2
4. Jharkhand .....	6
5. Goa .....	1
6. Gujarat .....	11
7. Haryana .....	5
8. Kerala .....	9
9. Madhya Pradesh .....	8
10. Chhattisgarh .....	5
11. Tamil Nadu] .....	11
12. Maharashtra .....	19
13. Karnataka .....	12
14. Orissa .....	10
15. Punjab .....	14
16. Rajasthan .....	10
17. Uttar Pradesh .....	2
18. Uttarakhand.. ..	3
19. West Bengal .....	16
20. Jammu and Kashmir .....	4
21. Nagaland .....	1
22. Himachal Pradesh .....	3
23. Manipur .....	1
24. Tripura .....	1
25. Meghalaya .....	1
26. Sikkim .....	1
27. Mizoram .....	1
28. Arunachal Pradesh .....	1
29. Delhi .....	3
30. Puducherry .....	1

##### b. United States

The United States is another example of unification of multi-cultural factions. They have assimilated so finely that now no one can differentiate that they are a consequence of many factions. The states of USA were initially unified as a confederation but later became a federation. The federation was a result of covenants and federation recognized the States, their identity and their right to legislate and even after 300 years the federation of USA is intact. The formula there we see is the recognition of covenant on which the states joined and continuation of that recognition.

However, the Article IV of the United States Constitution provides for the creation of new states of the Union, requiring that any such creation be approved by the legislature of the affected state(s), as well as the United States Congress. Since the adoption of the U.S. Constitution, four states have been created from parts of an existing state: Maine (from Massachusetts), West Virginia (from Virginia), Kentucky (also from Virginia), and Vermont (from New York) — though New York's claim to Vermont was weak, as it was asked for its consent and Vermont was essentially an independent republic until 1791. In the case of West

Virginia, it formed itself as the legitimate government of Virginia within the Union, then essentially gave itself permission to leave Virginia in order to avoid annexation by the Confederacy.

Congress may admit new states on an equal footing with existing ones; this last happened in 1959 with the admission of Alaska and Hawaii. The Constitution is silent on the question of whether states have the power to leave unilaterally, or secede from, the Union, but the Supreme Court has ruled secession to be unconstitutional, a position driven in part by the outcome of the American Civil War.

### c. *Australia*

Australia achieved independent Sovereign Nation status after World War I, under the Statute of Westminster. This formalised the Balfour Declaration of 1926, a report resulting from the 1926 Imperial Conference of British Empire leaders in London, which defined Dominions of the British empire in the following way

*They are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.*

However, Australia did not ratify the Statute of Westminster until 1942. According to historian Frank Crowley, this was because Australians had little interest in redefining their relationship with Britain until the crisis of World War Two.

The Australia Act 1986 removed any remaining links between the British Parliament and the Australian states.

From 1 February 1927 until 12 June 1931, the Northern Territory was divided up as North Australia and Central Australia at latitude 20°S. New South Wales has had one further territory surrendered, namely Jervis Bay Territory comprising 6,677 hectares, in 1915. The external territories were added: Norfolk Island (1914); Ashmore Island, Cartier Islands (1931); the Australian Antarctic Territory transferred from Britain (1933); Heard Island, McDonald Islands, and Macquarie Island transferred to Australia from Britain (1947).

The Federal Capital Territory (FCT) was formed from New South Wales in 1911 to provide a location for the proposed new federal capital of Canberra (Melbourne was the seat of government from 1901 to 1927). The FCT was renamed the Australian Capital Territory (ACT) in 1938. The Northern Territory was transferred from the control of the South Australian government to the Commonwealth in 1911.

The case of Australia is also near to USA. Australian units are also a result of covenant and have been given greater autonomy than any other federal system. The formula in Australia to maintain units is once again the recognition of all the factions.

### 3. Legal Procedure to Form New Province in Constitution of Pakistan 1973

Creation of a Province requires Amendment in the Constitution, but in case of province, the amendment has to be passed from that particular provincial assembly whose boundaries will be altered. The Article 239 of the Constitution of Pakistan 1973 gives force to it.

## PART XI

### Amendment of Constitution

#### 238. Amendment of Constitution

Subject to this Part, the Constitution may be amended by Act of [Majlis-e-Shoora (Parliament)].

#### 239. Constitution Amendment Bill

(1) A Bill to amend the Constitution may originate in either House and, when the Bill has been passed by the votes of not less than two-thirds of the total membership of the House, it shall be transmitted to the other House.

(2) If the Bill is passed without amendment by the votes of not less than two-thirds of the total membership of the House to which it is transmitted under clause (1), it shall, subject to the provisions of clause (4), be presented to the President for assent.

(3) If the Bill is passed with amendment by the votes of not less than two-thirds of the total membership of the House to which it is transmitted under clause (1), it shall be reconsidered by the House in which it had originated, and if the Bill as amended by the former House is passed by the latter by the votes of not less than two-thirds of its total membership it shall, subject to the provisions of clause (4), be presented to the President for assent.

(4) A Bill to amend the Constitution which would have the effect of altering the limits of a Province shall not be presented to the President for assent unless it has been passed by the Provincial Assembly of that Province by the votes of not less than two-thirds of its total membership.

(5) No amendment of the Constitution shall be called in question in any court on any ground whatsoever.

(6) For the removal of doubt, it is hereby declared that there is no limitation whatever on the power of the Majlis-e-Shoora (Parliament) to amend any of the provisions of the Constitution.

#### 4. Reasons of Making New Provinces

New provinces can be created only through a constitutional amendment, which must be passed by two-thirds majorities of both houses of parliament, and a constitution amendment bill that can alter the limits of a province cannot be presented to the president for assent unless it has been passed by not less than two-thirds of the total membership of that province. Therefore, whether it is possible constitutionally to have new provinces, and if it is so then the question is how? This area of constitutionality is not the sole domain of concern; there are equally other fields, e.g. establishing an administrative set up for the new provinces and distribution of resources among all provinces including new ones.

##### a. *Welfare of the People*

New provinces are created for various reasons. Primary among them is the administrative reason that a province has become so large, in terms of population, that adequate provision of public services to the people is not possible without carving out smaller units. However, in reality, political considerations often overshadow the reasonable administrative and welfare reasons and create further complications. In our current debate over new provinces, let us remember that the creation of newer units obviously has a political dimension but the primary consideration must be the welfare of the people.

##### b. *Administrative and Governance Issues*

Contrary to popular belief, provinces are created within countries fairly often. In most cases new provinces are created to improve and simplify public management and governance. In a lot of cases they are carved out of existing provinces to reduce ethnic tensions between communities and in certain cases they are created to satisfy the demands of the local population.

##### c. *Recognition*

It is the only thirst which every personality (in its literal and technical meaning) has in whole of this universe. Whenever this recognition, is challenged a dispute occurs and that may lead to long eras of chaos and disrupts. To get recognized is a right which has long been recognized by every religion and now by every civilization and law. There are many political systems at present in this world. Federal system of government is one of them, the meaning of *federalism*, as a political movement, and of what constitutes a 'federalist', varies with country and historical context. Movements associated with the establishment or development of federations can be either centralizing or decentralizing. The case of Pakistan is folded in multi-lingual and multi-ethnic factions, present all around the Sub-continent.

The current debate centres around two regions: the Seraiki area in southern Punjab and the Haraza region on the Frontier. The main impetus behind these movements is that of language. The Hazarewal speak Hindko and are mostly non-Pakhtun, while southern Punjab speaks Seraiki. Aside from these linguistic differences, we need to recall how both these areas became a part of their current provinces. Therefore, the language is another cause of making new provinces.

A great example of this is **India and Nigeria**: in both cases, the governments have created new provinces as and when the need has arisen. Since 2000, India has created at least six new provinces mostly for better administration and satisfying public demands. The local government in India has improved drastically in part for the smaller administrative units and it has also helped curb the once troublesome threat of multiple insurgencies by local communities against the government.