

Affirmative Action Policies in Pakistan

Mohammad Waseem

Abstract

Affirmative action policies pursued by successive governments in Pakistan were the product of a perceived need to improve the representation of backward regions in services. While these policies fell short of fulfilling the latter's aspirations, especially Bengalis and Sindhis, they generally frustrated the Urdu-speaking migrants from India (*mohajirs*) who had traditionally enjoyed a privileged status in the bureaucracy. The nation is divided on this issue, with the tribal area, Azad Kashmir, Northern Areas, Sindhis and the Baluch committed to preservation of the quota system, and the Punjab and *mohajirs* opposed to it. Incessant waves of migration into Sindh, especially Karachi, which changed the demographic realities, and the practice of issuing fake domicile certificates have destroyed the credibility of the affirmative action policies. The courts have ruled that the present quota system has already relapsed, 20 years after its promulgation in 1973. The Nawaz Sharif government (1997-) has adopted a passive policy in this regard. It fears a backlash from the underprivileged communities, especially Sindhis, if the quota system is removed. Given the constellation of powers ruling Pakistan, affirmative action policies are likely to be allowed to relapse informally.

In Pakistan policies of positive discrimination in favour of designated communities or regions have been in practice throughout the post-independence period. Successive governments have been pursuing the goal of closing the gap between various communities in terms of their access to educational institutions and representation in services. This practice has been followed at both federal and provincial levels. While reserved quotas were maintained for certain groups or regions, there were always tremors of protest -- occasionally rising to hysterical expressions -- against the quota system from the privileged groups and institutions which believed in merit. Over time, this issue became a hotbed of controversy. Especially during the 1980s, the demand for elimination of the quota system reached new heights in the southern part of the country, with its epicentre in urban Sindh. It was widely acknowledged that the Urdu-speaking migrants from India -- the *mohajirs*

- suffered due to implementation of the policy of reservation of seats in educational institutions and services, especially in Sindh. However, no government felt confident enough to do away with this system because of the fear of alienating Sindhis who were committed to the quota system. After the 1997 elections, when the new government of Nawaz Sharif won a massive mandate and formed a coalition government with the *mohajir* party MQM (Mohajir Qaumi Movement) the issue of quota came up again. The Nawaz Sharif government decided to take a bold decision and do away with quota once and for all. However, just as implementation of the quota system is problematic and in a majority of cases far from effective, the elimination of the quota too is very difficult. It might never be achieved in full due to sensitivities of smaller provinces and weaker communities. In the following paragraphs, the process of evolution of the policies of affirmative action in Pakistan, the pattern of scheduling of reservations and the peculiar characteristics of the quota system as it operated in the country will be discussed. The political consequences of policies of preference in terms of alienation of certain communities will also be analysed. We shall concentrate on the latest official move to finalise the quota system, and outline the extent to which the new policy can succeed in bringing down tension between ethnic communities. The question whether this policy can be implemented in letter and spirit without provoking adverse reactions from the erstwhile target groups of the quota system will also be discussed.

Four major aspects of affirmative action policies in Pakistan can be identified, beginning with policies of ethnic preference. This is different from the United States model which is based on racial compensatory advantages. Ethnicity is for Pakistan what race is for the US as far as policies of preference for under-privileged communities are concerned. Second, unlike the US where laws make a provision for positive discrimination in favour of the black community irrespective of its regional location, laws in Pakistan covering these policies are generally based on geographical regions represented by provinces and other administrative units, rather than on neatly defined ethnic groups. Thus, the intended beneficiaries of these policies often failed to get dividends while those from certain privileged minorities living in these areas got more than their due share in proportionate terms. Third, these policies have been selectively defined and implemented along sectoral lines, such as in the province of Sindh. Here, the purpose was to help the relatively underprivileged community of Sindhis which was typically represented by the rural sector. Fourth, the demographic strength of a community provided the actual basis for demands as well as policies of preference.

Thus Bengali, Baluch and Pakhtun communities demanded a quota for admission in educational institutions and jobs in the public sector according to the population of their respective provinces, that is East Pakistan (before 1971), Baluchistan and the North Western Frontier Province (NWFP). In the case of the Sindhis, the demand for quotas was based not only on their population in Pakistan but also on the ratio of Sindhi-speaking people in the province of Sindh. While the demand for affirmative action policies and their full implementation has been a fact of life throughout the history of Pakistan, the fierce opposition to these policies in the province of Sindh from the *mohajir* community in general and their representative party MQM in particular put these policies at the centre of a bitter controversy. In the 1980s and 1990s, policies of ethnic preference in Pakistan have occupied a central position on the national agenda.

The obvious context for adoption of affirmative action policies in Pakistan is characterised by the leading role of the public sector in providing employment and by the perceived inequality between various ethnic communities and regions in terms of educational achievements and representation in the higher bureaucracy. The fact that the state is the biggest employer in the country has made the issue of jobs a public issue of dire proportions. This is all the more significant because employment in the public sector has traditionally carried a great social value in terms of administrative power, social prestige and financial security in general. In 1947 Pakistan inherited a society whose constituent parts were grossly unequal in social, educational and economic terms with certain areas far better represented in high positions than others. The developmental activity in industrial, agricultural and educational fields in the post-independence period further expanded the margin of inequality between regions defined in terms of districts. In one study, Karachi scored 26.0147 on the scale of social development including education, health and water supply; while Lahore scored 15.8617, Hyderabad 4.8612, Peshawar 1.3097 and Jhang 0.6348.¹ The socio-economic inequality was compounded by the inter-provincial flow of resources such as in the form of workers' remittances. Thus, a 64.92% outflow of resources emanated from Sindh while 67.75% of inflow was enjoyed by Punjab.² In this way, a situation of gross inequality existed between people living in various districts and provinces who were therefore mobilised to demand compensatory policies. At the other end, migrants from India who were initially over-represented in the public sector were additionally provided a guaranteed quota in the services. This further aggravated the already skewed pattern of representation in the public services. The *mohajirs* who were only 3%

of the population had as many as 21% of the jobs in the bureaucracy.³ While the province of Punjab and the *mohajir* community visibly dominated the civil bureaucracy, all other communities and provinces felt grossly marginalized. As the latter developed their respective nationalist movements, their meagre representation in the services emerged as a recurrent theme on their agenda in the form of demands for quotas. As opposed to this, when the *mohajir* nationalist movement emerged in the 1980s, it reflected the rampant frustration over the adverse effects of the implementation of the quota system on the *mohajir* youth. During the 15 years after 1973, when the quota system came into full operation in Sindh in sectoral terms, the *mohajir* representation in senior positions declined from 33.5% to 18.3%.⁴ The emergence of the *mohajir* nationalist party MQM was at least partially a result of the quota system with its perceived negative impact on *mohajirs* in terms of admission to educational institutions - especially professional colleges and universities and representation in the higher bureaucracy.

While the quota system reflected a generalized consciousness among people for a need for their proportionate representation in the services and while successive governments positively responded to this demand at least in a legal sense, the policy of recruitment to armed services was not allowed to be affected by these policies. The principle of merit rather than quota applied to the military. The idea was that national security demanded the best available talent and therefore it could not be sacrificed at the altar of political expediency. As a consequence, the colonial pattern of domination of Punjab in the army continues unabated even after half a century of independence. This has produced anti-Punjab feelings among non-Punjabis all around, especially as army generals have ruled Pakistan for no less than 24 years. The lack of any meaningful representation of Bengalis, Sindhis and the Baluch in the armed forces has led to regionalisation of the latter's image. This in turn shaped the demands of these communities along regional lines in opposition to the perceived domination of the state apparatus by Punjab.

The quota system in Pakistan was initially implemented as a temporary measure. It was meant to open up opportunities for the underdeveloped regions and communities in the short run so as to enable them to compete with the relatively developed regions and communities in the long term. That is why legal provisions concerning the quota system stipulated a specific time period after which it was supposed to be scrapped. However, in reality it has been given a new lease of life each time the stipulated period for enactment of laws about quota came to an end. Therefore, the quota system continued to be in place as a result of

extensions in the time specified for it many times over. The need for keeping merit as the final goal of public policy and the perceived requirement for at least partially appeasing the relatively better educated sections of the population ensured that a certain ratio was reserved for recruitment on the basis of merit. In this way, the principle of moving ahead to the goal of fully merit-based recruitment into services was symbolically accommodated within the predominantly quota-based policy of recruitment.

In Pakistan, three major quota systems have been in operation. The first system, introduced in September 1948, provided for a regional/provincial model of recruitment.

Region / Province	Quota %	Population %
East Bengal	42	56.75
(West) Punjab	24	28.00
Karachi	2	1.50
All other provinces and princely states of West Pakistan	17	13.75
Potential migrants from India	15	(9.80)
		(Included in the above)

It is instructive to see that East Bengal which accounted for 56.75% of the population of Pakistan got a share which was well below its demographic strength. Similarly, Karachi which had a population of around one million in 1951 actually got a share which was 50% more than its share in the national population. While a substantial portion of the federal bureaucracy located in Karachi belonged to the migrant group, the new policy guaranteed an additional 15% share in services for potential migrants from India. 'Local' elements were naturally restive over the specific provision for those Muslims in India who were planning to migrate to Pakistan. In the view of locals, this provision unduly favoured migrants considering their over-representation in services before independence. In due course, the provision for the quota of migrants was abolished, while a provision for introducing the principle of merit as the ultimate goal of official policy was brought in. Thus, a revised quota system was implemented in November 1949 along the following lines:

Category	Quota %
Merit	20
East Bengal	40

Punjab (including Bahawalpur)	23
Karachi	2
All other provinces and princely states	15

The provision for merit almost guaranteed jobs for candidates from either Punjab or the *mohajirs*. Therefore, the revised quota system changed little on the ground. It only redefined certain categories and rationalized the basis for categorisation of candidates in general. The quota for all areas other than East Bengal, Punjab and Karachi - which included Baluchistan, Sindh and the NWFP and various princely states ranging from Dir, Chitral and Swat to Khairpur, Kharan, Mekran and Lasbela - was internally undifferentiated, because it had no specific quota for individual regions or provinces. In the 1949 quota system, the share of East Bengal and non-Punjab areas of West Pakistan was slightly reduced by 2% in each case. This loss for the 'local' provinces actually represented a gain for migrants of both Punjabi and *mohajir* extraction who captured 20% of jobs put aside for recruitment on merit. Their acknowledged superior educational qualifications and skills almost guaranteed their inclusion in services under this provision.

This pattern of recruitment into the services actually reflected the inflated share of persons belonging not to the core communities living in various provinces but to the migrant groups settled there. For example, among the successful candidates of the 1950 examination of the Central Superior Services (CSS), there were 14 migrants from India as opposed to 16 locals in East Bengal. The former accounted for 46.6 % even as they were less than 2 % in the population of that province. Similarly, there were 2 migrants and 2 locals in the NWFP, 5 migrants and 1 local in Sindh, and 6 migrants and no local in Karachi.⁵ In other words, the region-based quota system failed to serve the original purpose of bringing candidates from the underdeveloped communities on par with their competitors from the 'developed' communities. And yet, the regional approach to quotas was so deeply embedded in the imagination of policy makers that they continued to define quotas for various communities along administrative and geographical lines even after all the provinces, princely states and federally administered territories of West Pakistan were merged together as One Unit in 1955.

The 1956 Constitution extended the time span for application of the quota system by 15 years, up to March 1971. After the brief interregnum under Ayub's martial law government (1958-62), the 1962 Constitution provided a 10 year period for the quota system, which was

to end in 1972. Before the end of that period, a development of dire political consequence took place when Yahya's martial law government (1969-71) extended the quota system to urban and rural sectors within the province of Sindh. According to the new formula, the rural and urban population of that province was given 60% and 40% representation in both provincial and federal services respectively. In this way, the government sought to placate Sindhis who typically represented the rural population and who were grossly under-represented in higher education and services. The Urdu-speaking migrant community of *mohajirs* who were generally over-represented in these fields and who were closely identified with the urban sector started to feel the pinch of the new law after the Sindhi-dominated government of the Pakistan Peoples Party (PPP) came to power in the Centre as well as in the province of Sindh in December 1971. The formal provisions of law concerning ethnic preferential policies now acquired a new lease of life from the popular legitimacy of the PPP government based on a mass mandate. The new policy served Sindhis well inasmuch as it opened up doors for their entry into educational institutions and services despite their lack of performance in terms of quality on a competitive basis. This policy 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 under the leadership of Altaf Hussain within a decade and half of the extension of the quota system to the urban and rural sectors in Sindh.

The 1973 Constitution not only kept the quota system alive but also extended the period of its enactment by another 10 years. It provided for the accommodation of hundreds of thousands of people in Sindh who had come from Punjab and the NWFP and who had acquired a domicile on the basis of a residential status for three years in that province. This provided protection to a large number of people who had settled in Sindh during the One Unit period (1955-1970) and who had now become *bonafide* residents of the province. They were recruited into the services, especially the police, in large numbers. That was bound to hurt *mohajir* interests. Additionally, the 1973 Constitution had scaled down the provision of seats to be filled on merit from 20% to 10%. That meant that the *mohajirs* who generally filled these vacancies in Sindh on the basis of their higher educational qualifications were less privileged than before. The 1973 Constitution rescheduled the share of the constituent parts of post-Bangladesh Pakistan. Under the revised rules for prescribing ratios of merit and provincial/regional quotas following the new constitution,

various quotas were reserved for direct recruitment to posts filled on an all-Pakistan basis.⁶ The new commitment to giving proportionate representation to underprivileged communities was reflected through the provision that all provincial/regional quotas were 'to be worked out to the 1000th fraction'.⁷

Quota: The 1973 Constitution

Category	Quota %
Merit	10
Punjab	50
Sindh	19 (Rural 11.4, Urban 7.6)
NWFP	11.5
Baluchistan	3.5
Northern Areas and FATA	4
Azad Kashmir	2

It can be observed that the shares of Sindh, the NWFP and Baluchistan were neatly defined for the first time in history only in 1973. The new schedule for distribution of jobs included Northern Areas which did not have any representation in the National Assembly. There was a continuing dispute about whether the area belonged to Kashmir or not. Kashmiris often had irredentist links with the area because it was a part of Kashmir under the Dogra Raj. However, the area had been leased to the British government in India in 1936. After that it was administered independently of the state of Jammu and Kashmir. An attempt on the part of Delhi on the eve of partition in 1947 to win the area back for the new Indian dominion had failed. In the 1970s, it was recognised that the Northern Areas should be given a fixed ratio of jobs recruited on an all-Pakistan basis. However, for all other posts, the Northern Areas continued to be excluded from the purview of the provincial/regional quotas and applicants were generally required to be residents of the local region.⁸ The new schedule for quota also included the FATA (Federally Administered Tribal Area) where adult franchise had not yet been introduced and where the mainstream law of Pakistan did not apply. The state of Pakistan generally followed the British policy of keeping the traditional administration of these areas undisturbed in exchange for recognition of Pakistan's sovereignty over tribes. The Afghans had irredentist links with Pakhtun areas on this side of the border. Afghanistan persistently showed unwillingness to recognize the legitimacy of the Durand Line which, it alleged, had been drawn under duress by the British. Pakistan continued to follow a cautious policy about the FATA for fear of alienating the local people and thus pushing them to take sides with Afghanistan. Finally, the new schedule included Azad Kashmir which was technically not Pakistani territory because of the continuing dispute with India over Kashmir. The state of Pakistan showed sensitivity towards people of all these regions who were in one

way or another not fully absorbed in the mainstream social and political framework. The quota for jobs for these regions was meant to bring their elites into the national circuit in education and jobs and thus keep their perceived grievances from developing into hard political demands. In regional terms, this represented a slow but steady current of opportunities moving in the direction of the upcountry areas in terms of new jobs at the expense of the southern part of Pakistan, especially urban Sindh. It contributed to the emergence of a politically restive *mohajir* community in Karachi and other cities of that province.

The new quota system did not provide a separate share for Karachi. That city was no more a separate administrative entity and had become the capital of the province of Sindh after the dissolution of the One Unit in 1970. The *mohajir* nationalist elements represented by the MQM maintain that the population of Karachi has grown from one million in 1951 to an estimated twelve million in the 1990s which would require a massive increase in the quota for that city. The MQM leadership condemned what it considered a grossly unfair quota of a mere 2% for Karachi instead of one that should be many times higher. It mobilized the *mohajir* community on this issue and thus made political capital out of it. However, it is generally not realized that there is actually no more a separate quota for Karachi or any other city of Pakistan. Instead, what is really at stake for the *mohajirs* is their representation in the provincial and federal services at the level of Sindh. In recent years, certain *mohajir* activist elements have abandoned their outright opposition to the quota system and have accepted the logic of proportionate representation in education and employment. They now demand that their share should be fixed according to their increased ratio in the population of Sindh and Karachi. They claim that the 60:40 ratio of rural-urban population in the province of Sindh which had provided the basis for the provincial quota system had now changed to 40:60 in twenty years because of successive waves of migration into urban Sindh from the upcountry provinces of Punjab and the NWFP, from interior Sindh and from the neighbouring countries such as Iran, Iraq, Sri Lanka, Bangladesh and Afghanistan. The premier *mohajir* party, the MQM, has demanded a new quota according to the latest population figures and claimed that the results of the censuses held in 1972 and 1982 were grossly tampered with in order to bring down the number of *mohajirs*.⁹ It demanded that a new census should be held as soon as possible and a new schedule for quota should be provided on the basis of findings of that census. Unfortunately, when a preliminary effort in this direction was made in the form of a household census in 1992, both *mohajirs* and Sindhis allegedly returned grossly inflated numbers.

Successive governments in Pakistan have failed to hold a census ever since 1982. The Benazir Bhutto government (1993-96) constantly balked over the issue of holding a census. The current Nawaz Sharif government announced that a census be held in October 1997 but then postponed it for six months. As long as actual figures for urban and rural sectors in Sindh are not known, no change in the current structure of the quota system can be visualized. The problem was compounded by the fact that hundreds of thousands of *mohajirs* lived in small cities and towns outside the three main cities of Karachi, Hyderabad and Sukkar which were together designated as urban areas for the purposes of quota. Therefore, they were unable to use the urban quota and were effectively disenfranchised for employment purposes. A large number of Sindhis who lived in the three '*mohajir* cities' managed to get a share in the rural quota.

In this context, the relevance of the wide abuse of domicile certificates for appointment of jobs against provincial/regional quota needs to be mentioned. During the first decade after partition many of those who migrated from India were able to enter the civil service, thus shutting out local candidates from their due share in these services. Often they made declarations that they had resided for over a year in such provinces as Sindh, East Bengal and the NWFP where competitive conditions were easier. Later, they generally did not have any connection with their domiciled province. In 1956, the government of Pakistan tried to check recruitment of migrant candidates 'on spurious grounds' by requiring them to provide 'proof of three years' residence/education in the Province against whose quota they claimed to be considered.¹⁰ However, the condition of a stay of three years was deemed to have been satisfied in various cases such as foreign education, parents' domicile in the province, parents' residence outside the province due to 'exigencies of service' and so on.¹¹ This allowed a wide abuse of the provision for domicile by migrant candidates even after the official move. Two decades later, when the quota system based on a regional and a sectoral basis had been already implemented in Sindh, the abuse of domicile by new migrants from Punjab and the NWFP turned tables against the *mohajirs*. The practice of getting and using certificates of domicile in Sindh for entry into the services by residents of other provinces emerged as an explosive political issue. The provision for a three years stay in the province for the purpose of domicile was misused to scandalous proportions, especially by the upcountry migrants. This made the political situation potentially volatile. The requirement of belonging to the region pushed the potential candidates for jobs from outside the region to getting fake domicile certificates showing that they were local

inhabitants. The fact that the higher bureaucracy was recruited on an all-Pakistan basis and Punjab got the lion's share in the administrative hierarchy meant that Punjabi civil servants, especially police officials, could be easily approached for providing the 'service' of issuing fake certificates to Punjabi immigrants into Karachi. This has led to the MQM's demand for a requirement of stay in the area for 20 years along with the family as a prerequisite for issuing a domicile certificate.¹² In this way, policies of ethnic preference combined with the relatively lax conditions for getting a local domicile involving all kinds of corrupt practices created an explosive situation as far as representation of *mohajirs* in the services was concerned. It is instructive to see that between 1973 and 1983 all ethnic groups identified with their respective provinces increased their representation in the services with the only exception of the *mohajirs* whose share declined from 30.1% to 17.4% for all grades and from 33.5% to 20.2% for senior grades.¹³ As the following table shows, this trend continued during the years except that the share of Punjabis in senior grades grew even higher.

Pakistan : Ethnic Representation in Federal Bureaucracy, 1973 – 86

Ethnic Group	1973		1983		1986	
	All	Senior	All	Senior	All	Senior
Punjabi	49.3	53.5	54.9	55.8	55.3	57.7
Pathan	10.5	7.0	13.4	11.6	12.6	12.1
Sindhi	3.1	2.7	5.4	5.1	7.2	6.7
<i>Mohajir</i>	30.1	33.5	17.4	20.2	18.2	18.3
NA	2.6	1.3	3.6	3.4	1.4	1.5
AJK	1.8	0.5	1.9	0.9	1.7	0.7
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: Charles H. Kennedy, 'Managing Ethnic Conflict : The Case of Pakistan', *Regional Politics and Policy*, Spring 1993, no 1, p 138.

A few years later, the situation on the ground changed further. Punjab now enjoyed a share in services which was more than its designated share in the quota. The *mohajirs'* margin of over-representation came down from three times their designated share to only a fraction above that. Sindhis represented the other side of the same coin as they moved up from a mere trickledown to a figure approximating their quota.

Regional Representation in Officer Grades: 1993

Region	Ratio of Jobs (%)	Quota (%)
Punjab	62.36	50.0
Sindh (Urban)	9.51	7.5
Sindh (Rural)	7.63	11.4
NWFP	12.41	11.5
Baluchistan	3.01	3.5
NA/FATA	3.69	4.0
AJK	1.29	2.0

Source: Establishment Division, Federal Secretariat, Government of Pakistan, Islamabad, Civil Servants (BPS 1 to BPS 22), Regional/Provincial Representation: as on 1 January 1993.

Initially *mohajir* officers occupied the highest positions in the bureaucracy. Under Ayub, many of these officers made a horizontal move to become executive heads of the emergent public corporations where the recruitment basis was not necessarily as rigid and as regionally defined as in the mainstream bureaucracy. Here, the situation was different both in a negative sense in terms of patronage and nepotism and in a positive sense in terms of merit. Thus, *mohajir* representation in the officer grades in the autonomous/semi-autonomous bodies and public corporations of the federal government was far higher than in the civil bureaucracy.

Representation in Autonomous Bodies/Public Corporations : 1993

Province	Number	Percentage	Prescribed Quota
Punjab	25,772	49.94	50.0
Sindh (Urban)	13,815	26.77	7.6
Sindh (Rural)	4,213	8.16	11.4
NWFP	5,249	10.17	11.5
Baluchistan	1,255	2.43	3.5
NA	-	-	-
FATA	638	1.24	4.0
AJK	664	1.29	2.0

Source: Establishment Division, Government of Pakistan, Islamabad, Statement showing Number of Employees, Province and Grade-

wise, in BPS 17 and above working in the Autonomous/Semi-Autonomous Bodies/Corporations of the Federal Government, 1 January 1993

The regional/provincial quota, implemented under the pressure of politicians from provinces other than Punjab, was applied only to vacancies filled by direct recruitment at entry point. It was not applicable to promotion or even transfer of government servants to posts in equivalent grades either on deputation or otherwise on secondment.¹⁴ This means that even though recruitment into services on the quota basis may benefit candidates from the underdeveloped regions in the long run, the dominant power in the short run remains in the hands of the deeply entrenched bureaucratic elements from traditionally privileged communities of Punjabis and *mohajirs* who can exercise their authority to screen out the former from powerful positions. While politicians operating on the floor of the parliament have generally supported policies of regional balance, the bureaucracy has continued to exercise its authority in favour of the previously dominant ethnic communities in the self-serving framework of merit. Sometimes political governments in provinces other than Punjab showed keenness to recommend the appointment of 'suitable candidates' if and when candidates with the required qualifications domiciled in those provinces were not available.¹⁵ In Baluchistan, a special cell was established in the Services and General Administration Department (S & GAD) for finding employment for 'the large number of simple BAs/MAs being jobless in the province'.¹⁶ It was also recommended that selection teams should visit various divisional headquarters so that a fair chance could be given to all the districts of Baluchistan.¹⁷ Similarly, it was acknowledged that there existed a sense of deprivation among the residents of the Bahawalpur Division and instructions were issued to give preference to that division of Punjab in the matter of recruitment to the services in order to compensate for its under-representation in the administrative apparatus of the country. Thus, once the principle of preferential recruitment was accepted, the quota system tended to move from the regional/provincial level downwards to sectors, divisions and districts. Apart from this vertical pattern of expansion of quota, one can also observe a horizontal pattern inasmuch as this principle was extended to autonomous and semi-autonomous bodies including public corporations, banks and insurance companies.

An offshoot of these affirmative action policies was the provision for relaxation of rules relating to age, qualification and experience for

candidates from the underdeveloped regions. This happened as elected governments were installed in the federal and provincial capitals in the 1970s and again after martial law was lifted in 1985.¹⁸ Democracy in the post-military state of Pakistan has shown a tilt in favour of a dyarchical pattern of authority, formally represented by a parliament but informally and selectively operated by extra-parliamentary forces. Macro-level policies of national interest remained the preserve of the military-bureaucratic establishment, especially those relating to security, finance and foreign policy. Parliamentary politics increasingly operated in a non-issue and non-policy framework. In this situation, politics was based on patronage whereby local, regional and provincial politicians were able to get certain conditions for entry into the services relaxed for their co-ethnics. The upper age limit in the case of tribal candidates was relaxed by three years in 1968. The 'recognized tribes' for this purpose in (W) Pakistan were residents of Quetta and Kalat divisions of Baluchistan, Lasbela district and Nasirabad sub-division of Khairpur division in Sindh as well as parts of the FATA, the D G Khan district in Punjab and Hazara district in the NWFP.¹⁹ Later in 1984, the upper age limit was relaxed for the whole of Baluchistan, rural Sindh, the FATA and the Northern Areas.²⁰ This was an obvious response to the 1983 MRD (Movement for Restoration of Democracy) agitation which had taken an aggressive, indeed even violent turn in Sindh. The *mohajir* community which was electorally weak as a minority in Sindh and was thus unable to form a government or play a crucial role in maintaining a government in power failed to keep its relatively strong position in the services from constantly declining. Provincial governments reflecting the ethnic sentiment of their respective core constituencies occasionally tried to shut the door on migrants by requiring that candidates should state the place of birth of their fathers on the application forms. A notification of the federal government in 1978 declared that no candidate was to be asked this question.²¹ However, in the following years, the MQM was able to use these cases to mobilize its constituency on the issue of alleged discrimination against the *mohajirs*. Throughout the Bhutto period (1971-1977), *mohajirs* felt alienated from the government because of the sector-based quota system which discriminated against them. However, as opposed to the *mohajirs'* expectations, Zia ul Huq arbitrarily extended the ten year period for the quota system provided by the 1973 Constitution by another ten years. Not surprisingly, the MQM effectively mobilized *mohajirs* on the issue of adverse effects of preferential policies. Literacy rates for Pakistan in general and Karachi, the premier *mohajir* city, in 1981 were 23.3% and 55% respectively. That meant a greater demand for jobs

for the latter. However, quotas for the two provinces were 19% and 50% respectively.²² These quotas were based on the census figures which were themselves obsolete. Within Sindh, the official policy of positive discrimination in favour of Sindhis according to the 60:40 ratio for rural and urban sectors, combined with the increasing number of the domiciled upcountry migrants eating into the urban quota to produce a high level of accumulated anger in the *mohajir* youth.

The political wisdom of implementing the quota system in the past, at least in terms of placating Sindhis, was increasingly questioned by the articulate sections of the population. The political cost of keeping the quota system in terms of alienation of *mohajirs* was considered damaging for political stability. The MQM effectively de-legitimized the quota system at least in the way that it was implemented in Sindh even as it was considered politically difficult for a government to roll back the quota system.

Various other forms of reservations in the services operated which were less controversial and were therefore not on the agenda of political parties. For example, it was required that one percent of the total number of jobs should be reserved for disabled persons.²³ Similarly, the upper age limit was relaxed in the case of released/retired officers/personnel of the Pakistan armed forces upto a maximum of 10 years for both ex-cadre gazetted posts and non-gazetted civil posts filled outside the competitive examination.²⁴ In certain other cases where admission into the pensionable service of the state without the sanction of the head of department was not allowed after the age of 25, employment in civil capacities of reservists and pensioners of the Pakistan army was permissible.²⁵ In this way, early retirement from service in the armed forces was considered a valid ground for providing preferential treatment to the affected people in their search for alternative jobs. Under Zia ul Haq, at least 10% of jobs in both public and private sectors were reserved for the personnel from the armed services.

The quota system operated in educational institutions along regional as well as other lines. For example, the University of Arid Agriculture reserved seats along the following lines: rain-fed districts (bypassing canal irrigated districts of central and southern Punjab); provincial quotas for provinces of Sindh, Baluchistan and NWFP to be nominated by their respective governments; the district of Islamabad; and FATA, Azad Kashmir and Northern Areas, to be nominated by its director agriculture, Azad Kashmir government and the director education Gilgit respectively; sports quota; children of agricultural graduates; self-finance scheme whereby students paid a heavy fee and

thus 'bought' their way into the university; foreign students; Pakistan army; Pakistan air force; children of the university employees; and vice chancellor's quota.²⁶ Similarly, the University of Agriculture, Faisalabad provided quotas for admissions for the following categories: sports quota; district quota; employees quota; graduates' children quota; co-curricular quota; and children of overseas Pakistanis/minority communities.²⁷ Federal universities such as Quaid-i-Azam University (QAU) Islamabad and Allama Iqbal Open University (AIOU) Islamabad followed the same schedule for reservation of seats which operated in the job sector, ranging from 50% for Punjab to 2% for Azad Kashmir, along with sectoral quotas for Sindh. The QAU experienced a keen competition among students from all over Pakistan with the possible exception of Baluchistan. However, AIOU was unable to recruit students from Sindh, especially Karachi, as well as from Baluchistan. Attracting enrollment in Sindh was probably a case of a need for better publicity. In Baluchistan, both cultural attitudes to modern education and lack of a comprehensive communication network went against the popularity of AIOU.²⁸ Here, the quota lacked a support mechanism which would have led to intended results in remote areas.

The quota system as defined along ethnic lines did not operate in universities and colleges within Punjab, the NWFP and Baluchistan. However, Sindh represented a special case. Here, an urban-rural quota reflected a *mohajir*-Sindhi dichotomy and therefore created a high level of tension between the two communities. It is not surprising that students belonging to these communities emerged in leadership positions in their respective nationalist movements. The *mohajir* political party, the MQM was established by the founder-leaders of a student organisation APMSO (All Pakistan *Mohajir* Student Organisation), led by Altaf Hussain in both cases. In the case of the Sindhi nationalist movement, students provided the cadre and core constituency of G M Syed's Jiye Sindh Mohaz and later formed a breakaway faction of that party. A heightened sense of alienation prevailed on both sides of the ethnic divide. *Mohajir* students with better grades were denied admission to Karachi University, NED University of Engineering and various other educational institutions, while Sindhi students with lower grades were able to enter on the strength of rural quota. However, the Sindhi student community remained on the margins of the large student body in Karachi and often failed to compete with its compatriots from the rival community during the period spent in colleges or universities. This further created a sense of alienation among Sindhis.

The system of preferential policies on the basis of regional quotas was challenged not only from the political platform of the MQM reflecting an ethnic perspective but also from strictly legal and Islamic points of view. Initially, the Federal Shariat Court held, *vide* judgement dated 14 June 1989 that the quota system could not be challenged in view of Article 203-B(C) of the 1973 Constitution which had taken the Constitution as well as Muslim personal law out of the jurisdiction of the Court. However, later the Federal Shariat Court declared *vide* judgement of 23 April 1992 that the Establishment Division Office memorandum dated 31 August 1973 which had provided provincial quotas under rule 14 of Civil Servants (Appointment, Promotion and Transfer) Rules was repugnant to the injunctions of Quran and Sunnah.²⁹ In 1994, the Lahore High Court Bench at Rawalpindi also declared that in addition to being repugnant to Islam, the memorandum in question had any way lapsed after the expiry of a period of 20 years on 15 August 1993 as provided in the Constitution. The court decided that continuation with the quota system after this date was unconstitutional, illegal and without any lawful authority.³⁰ On 22 October 1997, the Lahore High Court stayed the holding of the CSS (Central Superior Services) scheduled for 15 November on a plea that admission forms issued to the CSS candidates specified the provision for various quotas violated Article 27 of the Constitution. The quota system enshrined in the 1973 Constitution had ended after 20 years in 1993. Article 27(1) of the Constitution declared that 'no citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the grounds only of race, religion, caste, sex, residence or place of birth'.³¹ All this meant that the mainstream legal and judicial opinion in Pakistan in the late 1990s moved fast in favour of elimination of the quota system. The political opinion in Baluchistan, the NWFP and rural Sindh continued to show reservations about this line of thinking.

During the MQM movement in the decade following its first electoral victory in the 1987 local bodies elections, the issue of quotas has been at the heart of a bitter controversy. The Punjab-based public opinion and power structure which had initially adjusted to the idea of a policy of reserved seats due to the demands of other provinces, now increasingly felt that the efficacy of this policy had run out and its cost had become politically unbearable. However, national governments which were elected in 1988 and 1990, 1993 and 1997 have been in one way or another dependent on the support of smaller provinces and thus shied away from alienating them only to appease the MQM. During the 1997 elections, the MQM put pressure on its ally the PML (Pakistan Muslim League) to do

away with quotas after it came to power, in exchange for its continued support. The PML obtained a massive mandate in the 1997 elections when it won 134 out of 204 seats and 45.88% of the polled votes. Its arch rival the PPP sank to a mere 18 seats and 21.80% votes at the national level. In the crucial province of Sindh, the PPP was not able to win a majority. The MQM got 26 as opposed to the PML's 15 and the PPP's 34 seats. The dependence of the PML on the MQM for establishing a coalition government in Karachi was acute. All this paved the way for taking a step towards eliminating quotas which was the cornerstone of the MQM's electoral agenda. While elected representatives from the NWFP and from amongst Sindhis in Sindh continued to protest against their meagre representation in services on the floor of the parliament as well as out in the press, the new government found it politically expedient to remove a thorn on its side in the form of the quotas in the educational institutions.

The critical move in the direction of removing the quota system was taken by the caretaker government of Mairaj Khalid in January 1997. This government was ideally placed in a position where it could take a controversial decision because it was not dependent on keeping members of parliament on its side in the event of a showdown. The cabinet decided on the recommendations of a task force reviewing discretionary powers vested in the ministries/divisions that admissions to educational institutions should be regularized. This meant: no quotas; selection to be on the basis of committee decisions and not on an individual basis; and no quotas for defence services.³² Prime Minister Nawaz Sharif ordered that all federal and provincial discretionary quotas for jobs, allotment of plots, admissions to schools/colleges, and grant of scholarships should be abolished forthwith.³³ There was confusion about whether the discretionary quotas listed to be eliminated included provincial/regional/district quotas as well, whether foreign and self-financing students fell under that category, and whether any or all of these categories were 'quotas' or 'reservations' to be continued or discontinued.³⁴ A spirit of caution prevailed in the corridors of power on these and related issues in order to avoid a new spurt of confusion as opinion on the question of quota continued to be deeply divided.

It is unlikely that the debate about affirmative action policies will disappear from public fora in the near future. First, too many vested interests ranging from university employees and teachers to various designated underprivileged communities and regions have a stake in

maintaining the quota system. The government may like to take the sting out of the new policy measure by offering some *ad hoc* appointments to these groups or slowing down the process of implementation of this policy or being selective in categorising certain quotas which would not be abolished. Secondly, a great deal of tension is rooted in the parallel problem of issuance of domicile certificates which provide the legal basis of defining provincial/regional quotas. This involves a huge task of streamlining administration at the service-giving end and making the whole process of issuing domicile certificates fully transparent. Thirdly, in the context of Karachi, the government needs to concentrate on the roots of inter-ethnic tension in terms of incessant waves of migration from the upcountry which puts enormous pressure on employment opportunities, civic amenities and housing schemes in general. The holding of a census to determine the demographic, professional and locational aspect of life in urban Sindh in particular and Pakistan in general is imperative under the circumstances. Only after reality on the ground is fully grasped, can policies dealing with reservations of seats in educational institutions and services be clearly formulated.

Finally, the quota system in Pakistan based on affirmative action policies is inherently problematic. On the one hand, the principle of liberal democracy as enshrined in the Constitution demanded that there should be no discrimination between citizens. On the other hand, provisions for preferential policies do not neatly fall in line with the spirit of liberalism nor with the cause of national integration. And yet, communities and groups which have not been able to move ahead in terms of education and recruitment in services in the past would be permanently disadvantaged if there was open competition based on merit. Migration from the upcountry areas as well as from Afghanistan and other neighbouring countries needs to be controlled and interests of the local population should be safeguarded against rude competition from non-locals. In this context, the fraudulent ways of getting domicile certificates and claiming jobs on that basis should be stopped.

Mohammad Waseem is Quaid-i-Azam Fellow, St. Anthony's College, Oxford, UK.

Notes

1. Aisha Ghaus, *et al*, *Social Development Ranking of Districts of Pakistan*, Research Report, Social Policy and Development Centre, Karachi, 1996, pp 10-11.
This study of ranking of districts in the country used 11 indicators of social development, 6 belonging to education, 4 to health and 1 to water supply. It computed the Weighted Factor Score (WFS) of each district using factor loading of principal components. It also compared this score with the Z-score of each indicator.
2. Akbar Zaidi, "The Economic Bases of the National Question in Pakistan: An Indication", in Akbar Zaidi (ed), *Regional Imbalances and the National Question in Pakistan*, Lahore, Vanguard, 1992, p 12.
3. Mohammad Waseem, *Politics and the State in Pakistan*, Islamabad, 1994, p 109.
4. Charles H Kennedy, "Managing Ethnic Conflict: The Case of Pakistan", *Regional Politics and Policy*, Vol 3, No 1, Spring 1993, pp 138-39.
5. Mohammad Waseem, *op.cit.*, Table 4, p 108.
6. O. M. No. 8/9/72 TRV, dated 31 August 1973 (S1. no. 27), Establishment Division, Government of Pakistan, Islamabad.
7. O. M. No. 9/7/80 - A, III, dated 23 September 1980, (S1. no. 28).
8. O. M. No. 4/1/83-R. 2, dated 24 July 1983, Establishment Division.
9. MQM, Constitutional Petition in the Supreme Court of Pakistan, Part 1, 1994, pp 4-5.
10. O. M. No. 2/2/67 - DV, dated 26 August 1968, Annexure 1 (Copy of the Establishment Division O. M. No. 25/113/54-SE 1 dated 4 January 1956).
11. *Ibid.*, Annexures 1 and II (Copy of Establishment Division O. M. No 1/12/56-R, dated 14 February 1958).
12. *The Journey of Life*, (Urdu), (Autobiographical account of Altaf Hussain), Lahore, Jang Publishers, 1988, pp 102, 107.

13. Charles H Kennedy, *op.cit.*,p 132.
14. O. M. No. F. 8/5/73 - TRV, dated 28 November 1973, Establishment Division.
15. Establishment Secretary's d o letter No 4/3/78 - RII, dated 7 August 1978.
16. O. M. No. 4/381 - R. 2, dated 6 January 1982.
17. Establishment Secretary's d o letter (7 August 1978).
18. Cabinet Secretary's d o letter No 8/10/75 - WC, dated 8 April 1975.
19. O. M. No. 2/6/66 - DV, dated 23 July 1968, Schedule 'A' (West Pakistan).
20. O. M. No. 4/9/83 - R. 2, dated 2 February 1984, Establishment Division.
21. O. M. No. 2/5/77/WC/R - IX, dated 11 January 1978.
22. See for a discussion of regional imbalances, Akbar Zaidi, *op.cit.*, pp 109-118.
23. Disabled persons (Employment and Rehabilitation) Ordinance 1981 (SI. No. 40 A), Islamabad. Government of Pakistan.
24. O. M. No. 5 (1) 2/65 - D.V. dated 10 March 1966.
25. Establishment Division, d.o. No. D. 1690/74 - DV, dated 25 January 1975.
26. Registrar University of Arid Agriculture, Rawalpindi to Dr G A Miana, University Grants Commission, Islamabad No. UAAR/1038, 26 April 1997.
27. Deputy Registrar (SR) University of Agriculture, Faisalabad to Deputy Director (Academic - 1), University Grants Commission, Islamabad, No. SR/- 1/19 (i)/95 - 96/3052, 5 July 1997.
28. *Allama Iqbal Open University, The First Ten Years*,Islamabad, 1986, p 48.

29. Writ Petition, Mohammed Kamran Khan vs Secretary Establishment and Federal Public Service Commission Islamabad in the Lahore High Court Bench at Rawalpindi, No. 21109/94, lit 3, para J.
30. *Ibid.*, paras K, N.
31. *Dawn*, 23 October 1997.
32. Cabinet decision on Recommendations of the Task Force on the Review of Discretionary Powers vested in the Ministries/Divisions, Government of Pakistan, Islamabad, case No. 63/5/97, dated 22 January 1997.
33. Prime Minister's Secretariat, Islamabad, No. F 1 - 1/SAPM dated 28 February 1997.
34. Director Acad-1, University Grants Commission Islamabad to Ministry of Education, Islamabad, 7 May 1997; and Deputy Registrar (Academic) NED University of Engineering and Technology, Karachi to the Director Academics, University Grants Commission, Islamabad 14 June 1997.

ACRONYMS

AIOU	Allama Iqbal Open University
AJK	Azad Jammu and Kashmir
APMSO	All Pakistan <i>Mohajir</i> Students Organisation
BPS	Basic Pay Scales
CSS	Central Superior Services
D. G. KHAN	Dera Ghazi Khan
FATA	Federally Administered Tribal Area
MQM	<i>Mohajir</i> Qaumi Movement
MRD	Movement for Restoration of Democracy
NA	Northern Areas
NWFP	North Western Frontier Province
PML	Pakistan Muslim League
PPP	Pakistan People's Party
QAU	Quaid-i-Azam University
S & GAD	Services and General Administration
(W) Pakistan	West Pakistan