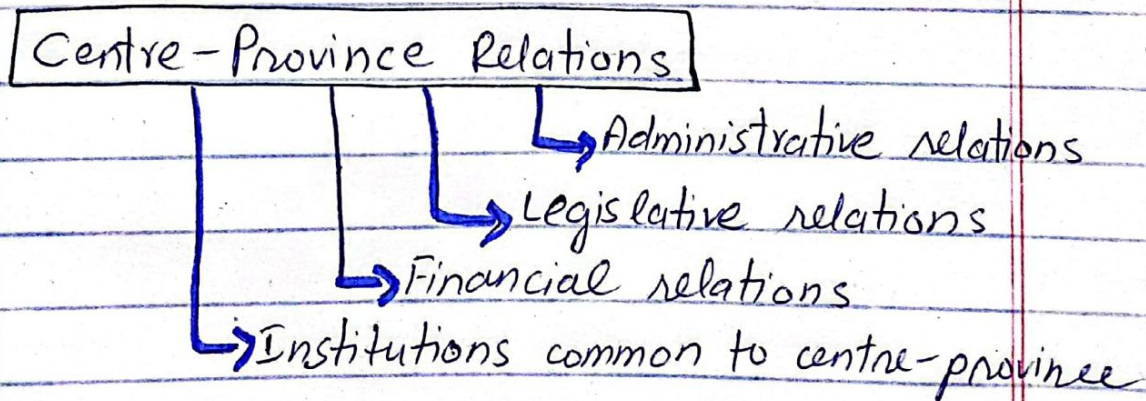


Nature of centre-Province relation

Introduction:

Pakistan came into being on 14 August 1947. According to the constitution of 1973 it formed a Parliamentary form of government with a strong centre and four federating units as provinces. Being a federation its subjects have been distributed amongst federation and provinces and both the tiers are required to operate within their given jurisdictions. The mechanism of centre-provinces relation is discussed as follows:



1) Legislative Relations

1) Jurisdiction with regard to Area:

The jurisdiction of the federal laws extends over the entire Pakistan whereas provincial laws are restricted to the boundaries of the given provinces. - Article 141

For example, the railway act 1890 is a federal law which is applicable across Pakistan. On the other hand, Punjab Food Authority act 2011 is a provincial law, applicable only within Punjab.

2) Jurisdiction with regard to subject matter - Article 142:

According to article 142 of the constitution the subjects under federal legislative list are placed under the jurisdiction of centre whereas the residuary subjects belong to province.

3) Federal law to prevail over provincial law - article 143

In case of inconsistency between federal and provincial laws on the same subject, the law made by the parliament (federal law) will prevail and the provincial law will be considered as being void to the extent of inconsistency.

4) Surrender of provincial subjects to federal - Article 144 :

~~One~~ According to article 144 of the constitution one or more provinces can surrender their subjects to centre through a resolution of the respective provincial assembly. Majlis-e-shura can then make laws on these subjects.

2) Administrative relations

1) Power of President to governor of province :

According to article 145 of the constitution president is empowered to direct the Governor of a province to discharge certain

duties. For example: Fata was under the control of federal government but later on President of Pakistan had directed the governor of KP to run the administrative affairs of FATA.

2) Reciprocal of Functions:

According to articles 146, 147 of the constitution both the centre and provinces are entitled to entrust their respective functions to each other. This include transfer of administrative control to their respective institutions.

3) Responsibility of centre-province towards each others:

Article 148 states about the responsibility of both the tiers are required to extend lawful cooperation towards each other. The provinces are required to facilitate implementation of the federal laws in the provinces. Likewise, centre is required to protect

provinces against external aggression and internal disturbance.

3) Financial Relations

1) Collection of taxes by the federal government:

Article 160 states that majority of the taxes are collected by the federal government however, the entire amount of the taxes so collected is not kept by it rather this amount is meant to be distributed between the federation and all the provinces under national financial commission award.

→ Share of federation : 42.50 %

→ Share of provinces : 57.50 %

2) Federal excise duty on Gas, oil royalty.

Article 161 gives powers to federal to excise duty on royalty of gas, on oil wells and net hydro profit on hydro projects. However,

provinces have the rights of net proceeds of oil gas and electricity.

3) Institutions common to centre- and Provinces:

1) Council of common Interest (CCI)
CCI is headed by Prime-ministers and all provincial chief ministers are its members. The primary function of the council is to promote cordial relations between federation and its units and resolve the ~~amounts~~ disputes amongst units or between federation and units in amicable manner.

2) National economic council - Article 156:
National economic council formed under article 156. Its main purpose is to provide guidelines to federal and provincial governments for financial, economic, commercial and social policies.

3) Auditor General of Pakistan:
Auditor general of Pakistan is

Date: 1 / 20

Day:

empowered to maintain and audit the accounts of both Federation and provinces.

Conclusion:

In Pakistan relation between centre and province are in a smooth way working in their required domains. Some subjects are given to centre while some are given to provinces. Whereas, both the tiers are required cooperation of each other to work effectively. And no one can exercise its power upon each other out of its domain.
