

How far has the nature of centre-province relations changed under various amendments to the 1973 constitution? Evaluate

Introduction

The evolution of centre-province relations within the constitutional framework of Pakistan has been a dynamic and intricate process.

As determined by its forefathers, Pakistan's vision was based on a strong federation.

Unfortunately, forthcoming leaders hegemonized powers and kept Pakistan under a strong centre for their vested interests. Due to this

reason, the grievances of the provinces

exacerbated, and the struggle for autonomy continued. Through certain amendments provinces achieved minute autonomy.

The real change in the centre-province relations occurred due to Eighteenth Amendment. Numerous articles of the 1973 constitution

are revised to bring provincial autonomy and federalism to the country. Among them,

the most significant steps are the scrapping of article 58(2)(b) and the abolishment

of concurrent list from the constitution of Pakistan. Apart from that, various changes

are also made in important areas of the constitution to strengthen parliament and

federation. As a result of this, Quaid-e-

Azam's vision of federalism is achieved as defined by him in 1945 in the following

words,

"The theory of Pakistan guarantees that federal units of the national government would have all the autonomy that you will find in the constitution of United States, Canada, and Australia. But certain vital powers will remain vested in the central government such as monetary fund, national defence, and federal responsibilities."

Variation in Centre Province Relations under Various Amendments

When the 1973 constitution was enforced, a parliamentary form of government was formed, and the step was made in the right direction, but it was short-term but could not be matured. Thereafter, notorious 58 2(b) had ruled the country for three decades. Moreover, dictatorial regimes had regulated laws to strengthen the centre and prolong their unjust tenures.

For the first time in the history of Pakistan, the Constitution of 1973 has made Pakistan a federation, and a parliamentary form of government has given provinces autonomy to a certain extent. Democracy had been strengthened, along with the improvisation of the provincial role in the country. Meanwhile, the 8th amendment was made by the then General to hold the reign of government in his hand. Then, this was removed through the 13th amendment, but is reimposed through 17th

amendment. After 17th amendment, the centre had innumerable powers and governments were bound to follow the orders. The provinces' presidents and governors were much stronger than the prime minister and chief ministers. Hence, the struggle for provincial autonomy continued for three decades.

18th Amendment: A step Towards Provincial Autonomy.

First, the abrogation of dictatorial articles 58 2(b) and 112 (2b) is one of the prime reasons Pakistan is a true federation. These articles gave enormous powers to the president and governors of provinces in the parliamentary form of government to declare the elected assemblies null and void whenever they deemed it necessary without any accountability. By scrapping these articles, these powers were transferred to the respective assemblies. Hence, centre province relations are improved in this way.

Second, in the 1973 constitution of Pakistan, there used to exist two lists of total forty-seven subjects: federal and concurrent. Subjects in the former list can be legislated by the national assembly, while the latter comes under the domain of both federal and provincial assemblies. However, if there is a dispute on any law, federal legislation would supersede the provincial legislation. By the abrogation of

the concurrent list, all of the forty-seven subjects have come directly under the domain of provinces. The authority of various departments like health, education, and tourism has been devolved into the provinces. Thus, devolution of powers occur from the centre to the provinces, making Pakistan a federalist.

Next, there is also a transfer of various subjects: from the federal list I to federal list II. The subjects - major ports, census, use of police force from one province to another - in the second list are liable to discuss in the Council of Common Interest (CCI). Thereby, the role of provinces has been enhanced. Then, a new article 140(a) is introduced that deals with the formulation of local government. It means devolving the governing powers of the country into three tiers: federal to provincial and provincial to local. In this way, local issues, such as street cleaning waste disposal system, and maintenance of roads could be fixed.

Similarly, there also occurs a drastic change in the province's role in sharing natural resources by amending article 172. Provinces become joint and co-equal owners with the federal government in oil, minerals, natural gas, and water in their respective provinces. Also, by amending article 128, the governor's role in the province's affairs is curtailed. Previously, a governor

could extend the ordinance several times before its expiration life of ninety days. This power is not only transferred to the provincial assembly but can be exercised only once. Moreover, under the amendment of article 232, a governor could not proclaim an emergency without the consent of the provincial assembly in any case.

Likewise, under the new article 38, the senator's working days are increased from 90 to 110. And there occurs a ban on issuance of ordinances when the senate is in session. Furthermore, the governor should belong to the same province. Article 154 has made it necessary for the council of common interest to conduct at least one sitting in 90 days and to have a permanent secretariat. Apart from that, article 157 bounds the federal government to consult the provincial government before sanctioning or banning any hydropower project in its territory.

Lastly, article 160 is amended that deals with National Finance Commission (NFC). It defines the revenue distribution between the centre and provinces. Furthermore, it bounds the provinces to revive it after every five years and that the share of the province cannot be less than the previous share. As a result, a remarkable 7th NFC award is formed, considering aspects other than population. Moreover, provinces are also given the right to raise

domestic or independent loans for themselves. In this way, just and equitable distribution of resources could become possible to promote inter-provincial harmony and cordial centre-province relations.

Conclusion

To conclude, it is the need of the hour to make provinces autonomous and independent in various aspects. Numerous amendments in the constitution of Pakistan 1973, especially the 18th amendment, have made Pakistan a true federation. Decades of struggle have been accomplished. Fusion of power by the centre is neither feasible nor just. Nonetheless, by amending the constitution, centre to province and province to centre relations are improved, which has helped enhance national integrity and brotherhood.