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Batch 61

Day: _____

Date: 19.07.24

Pak Affairs Assignment

Question: Discuss the nature of centre-province relations under the 1973 Constitution?

Answer:

1. Introduction

The Constitution of 1973, credited to Zulfikar Ali Bhutto came into implementation on 23rd March 1973.

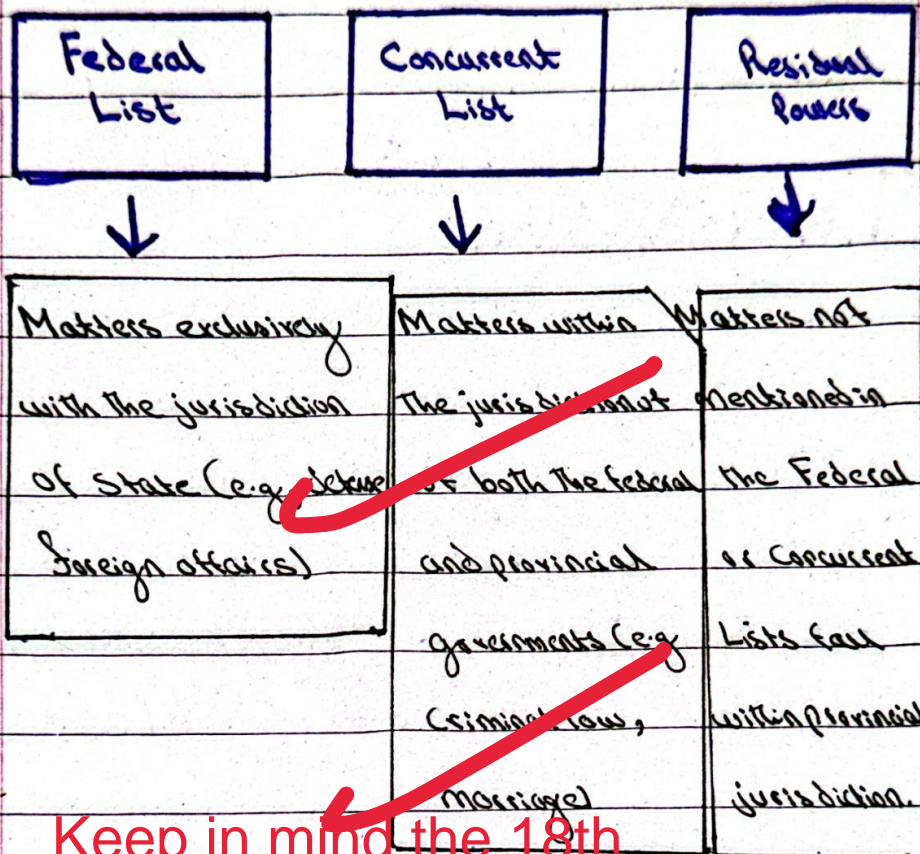
After the separation of East Pakistan and the end of military rule, Pakistan required a new constitution. The 1973

Constitution introduced a parliamentary form of government and was federal in nature. The constitution comprised of 280 articles and six schedules. The

distribution of power between the Federation and provinces was clearly defined and the distribution of seats amongst the provinces was outlined.

2. Constitutional Provisions of the 1973 Constitution - Addressing Centre-Province Relations

a) The Division of Powers:



b) Provincial Autonomy:

Under the constitution of 1973 the Governor was positioned to represent the President in the provinces. In addition, the provinces were given powers as per the Concurrent List along with residual power which allowed provinces to decide on

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Certain subject matters. However, later under the 18th Amendment the concurrent list was abolished with clear division of subjects and increased provincial autonomy.

C. Financial Relations post-NFC Award:

The National Financial Commission (NFC) established by the constitution laid the foundation of equal distribution of revenues between the Federal and four provincial governments of Pakistan under Article 160. In addition, powers of provinces to levy taxes and manage revenues under Article 137.

Use elaborate, specific and self explanatory headings.

d. Administrative Provisions:

A Council of Common Interests (CCI) was established which focused on resolving disputes and coordinate policies among the center and provinces. Furthermore, National Economic Council (NEC) was to play a role in economic planning and development to address economic concerns on distribution of resources and

and development projects between center and provinces.

Add more arguments to this part

3. Practical Implications and Challenges between Center and Provinces

a) Political Dynamics:

There are multiple instances where the central government's interests in provincial matters lead to jurisdiction problems. Moreover, political conflicts between central and provincial governments are more serious when provinces are governed by opposition parties. Consequently, the central government delays the release of funds and reduces focus on developmental projects within such provinces.

b) Impact of 18th Amendment on Federalism and Autonomy:

The 18th Amendment (2010) was a significant constitution amendment which aimed at enhancing provincial autonomy by increasing NFC Award,

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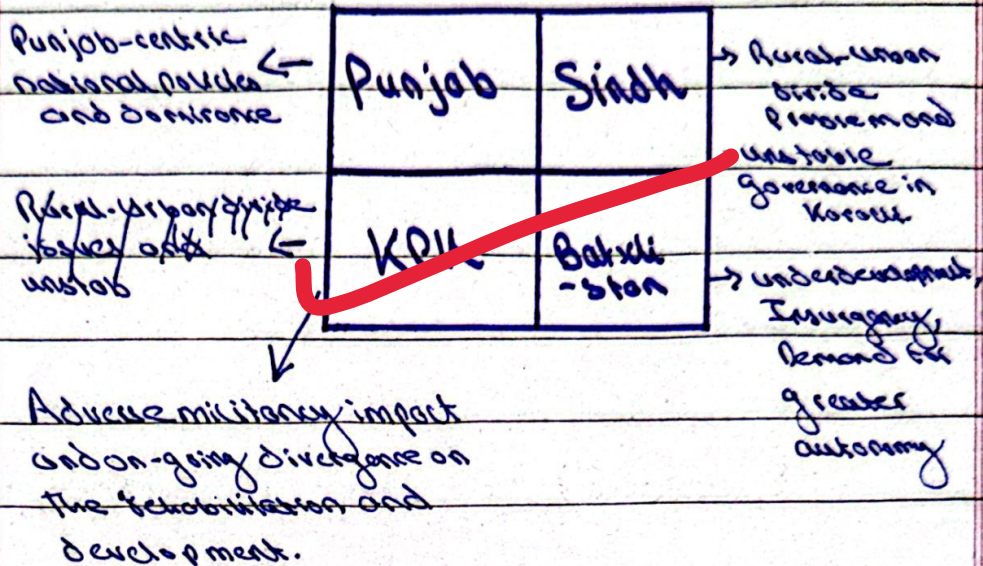
increasing the subject list which falls under provinces, or by strengthening provincial autonomy through the abolition of concurrent list. These provisions allowed greater financial and administrative autonomy for provinces allowing the center-provincial relations to improve significantly as the grievances of provinces with the center reduced. However, the effectiveness of increased provincial powers is being questioned at the present due to decreased funds and powers of the center leading to center's dissatisfaction.

4. Provincial Experiences and On-going Disputes between The Center and Provinces

a) Provincial Experiences:

Despite the promotion of federalism and the greater autonomy through the 18th Amendment, problems among the provinces and the relations

between Center and provinces remain strained.



b) Water and Resource Extraction

Disputes

The water sharing dispute among provinces, especially over the Indus water, continues to persist. Furthermore, dispute over control and revenue from natural resources e.g.: Gas from Sui, Balochistan and Minerals from KPK remains source of ongoing unresolved conflicts between Center and provinces despite efforts made under the 1973 constitution and subsequent 18th Amendment to

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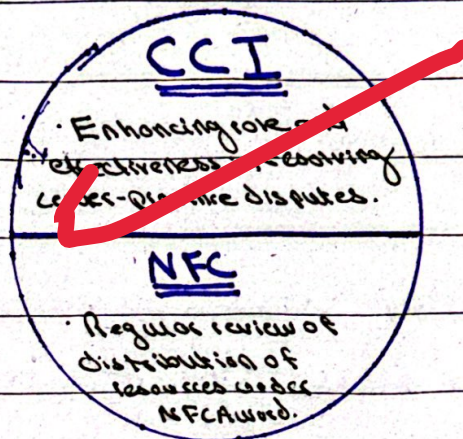
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Increase Provincial autonomy

5. Measures to Improve Center-Province Relations

a) Strengthening Federal Institutions:



b) Promoting Inter-Provincial Harmony

→ Dialogue and Cooperation:

Through dialogue and cooperation between provincial governments national

consensus will be achieved leading to improved center

province relations

→ Development Programs:

Implementing targeted development programs will reduce regional disparity resulting in improved spirit of center-province relations.

c) Constitutional Returns:

The 18th Amendment should be implemented and adopted in the intended spirit as it focuses on balancing autonomy and promoting national cohesion. The primary focus should be on the decentralization aspect which ^{was} initiated by the 1973 constitution and furthered by the 18th Amendment through increased powers to local governments.

6. Comparing Provincial and Center Relations under 1956, 1962, and 1973 Constitutions.

a) 1956 Constitution:

Provided a basic federal structure but struggled with demands for greater provincial autonomy, leading to political instability. ~~Excessive~~ center interference was the primary reason behind provincial dissatisfaction and conflicts.

b) 1962 Constitution:

Centralised Presidential structure
Further reduced provincial autonomy,
leading to increasing provincial tensions,
especially in East Pakistan. The heightened
discontent in East Pakistan led to the
eventual creation of Bangladesh in 1971.

c) 1973 Constitution:

The 1973 constitution focused on
a balanced federal structure, which
was later enhanced by the 18th Amendment
resulting in the center devolving many
powers to the constitution. The improved
provincial autonomy and reduced central
interference aimed to address historical
grievances and promote national integration.

7. Conclusion

The 1973 Constitution of Pakistan
significantly reduced centre-provinces
grievances by rebalancing relations through
a more balanced federal structure.
Unlike the 1956 and 1962 constitutions,

which were marked by centralisation and provincial dissatisfaction, the 1973 constitution aimed to enhance political autonomy and promote federal autonomy. Through the 18th Amendment, provincial powers were further strengthened by the abolishment of concurrent lists and more equitable distribution of resources under the MFCA award. The progressive shift has been crucial in addressing historical grievances, reducing central interference, and promotion of a more inclusive federal structure which will aid in resolving on-going provincial disputes and troubles in the coming times through effective intergovernmental coordination, CCT, and provincial harmony.

Improve the structure and the headings quality a bit