

Discuss the nature of center
province relations under 1973
constitution of Pakistan?

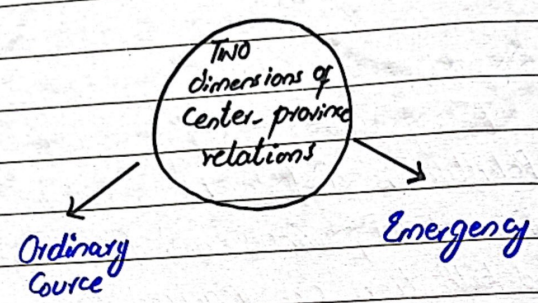
1) Introduction

Pakistan is a federation and is divided into provinces and federation and both tiers are required to operate in their jurisdictions. However in spite of this division both tiers can not remain aloof to each other and they have to interact with each other on multiple counts. The 1973 constitution devises a framework under which provinces and federation are required to function with cooperation.

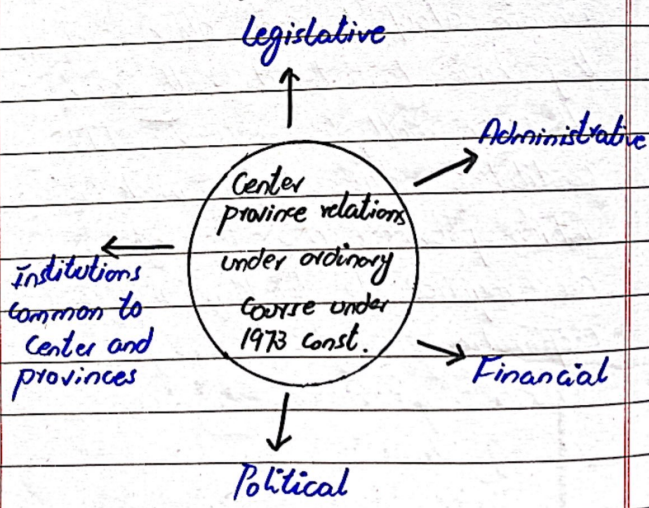
"The provinces must be given autonomy but under strong and united federation"

(M. Ali Jinnah)

2/ Two major dimensions of Center Province Relations



(i) Center Province Relations during ordinary Course



(c) A federal law to prevail over its counter part in event of conflict (143)

In case of inconsistency between Federal and Provincial laws on the same subject, the law made by Parliament will prevail and provincial law will be considered void.

(d) Surrender of Provincial Subjects to center (144)

One or more provinces can surrender their subjects to center (federation) through a resolution of respective provincial assembly. Parliament will make law on it.

Drug Regulatory Authority of Pakistan 2012 promulgated by Parliament.

NDMA 2010 made by Parliament.

(B) Administrative relations of Center and Provinces

(i) Power of President to direct Governor of Province to discharge duties outside of Province (145)

President is empowered to direct Governor of a province to discharge certain duties with respect to any area which is not part of Province.

Administrative control of FATA rested with Governor KP in spite of fact FATA was not part of KP (before 25th Amendment).

(b) Ban on Provinces to restrict inter provincial trade (151)

Inter Provincial trade can not be banned by Provinces but by Assembly on approval of President, in order to prevent spread of a disease.

(c) Responsibility of Provinces to acquire land on direction of federal govt. (152)

The Provinces are directed to acquire land on directions of federal.

(d) Authority of federal Government to build hydro and thermal projects in any Province (157)

The Federal Government is authorized to build hydro-electric projects in any province.

Highest no. of hydro power projects in KP.

(e) Supply of Natural Gas on priority to Province where gas resource was located (158)

The Province where gas resources are present will be given priority for supply of gas.

Largest share in Pakistan's gas supply is of Balochistan.

(b) Provinces authorized to levy "Professional Taxes" through Provincial legislation (163)

Professional Tax Limitation

Act: 1941 framed by Parliament under which provinces are authorized to collect taxes on profession up to Rspees 10000/-.

(1) Political Relations of Center and Provinces

(a) Election of President jointly by Federal and Provincial Legislatures (41)

President is elected jointly by National Assembly, Senate and Provincial Assemblies.

(b) Election of senators from Provincial Assemblies (59)

Senate is house of federation
However provincial assemblies constitute Electoral College of senate.

(c) Appointment of Governors in Provinces by Federal Govt (101)

The Federal Government appoints Governors in Provinces

(d) Institution Common to Provinces and Center

(a) Council of Common Interest
CCI (153)

CCI = PM + 4 CMs + 3 members
Total = 8 members
nominated by PM

The primary function of CCI is to promote cordial relations of Center and units.

Article 154 ∴ Council is required to meet once in 90 days.

(b) National Economic Council (156)

NEC = PM + 4 CMs + one member
of each province nominated by CMs
+ four members nominated by PM

Total = 13

This Council provides guidelines to Federal and Provincial governments for financial, economic, commercial and social policies.

(c) National Finance Commission (NFC) (160)

It makes recommendations on distribution of tax revenues amongst center and provinces.

(d) Supreme Court of Pakistan (176)

Article 184(1), any dispute amongst provincial governments or with federal govt is to be settled by SC.

(e) Federal Shariat Court (203)

To declare any law repugnant to Islam null and void.

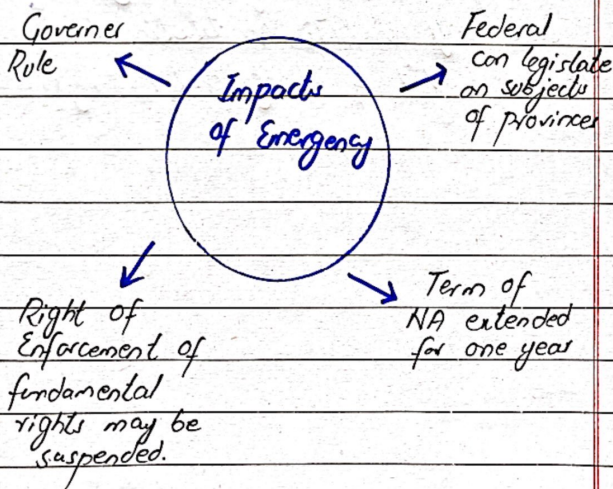
(f) Election Commission of Pakistan (218)

Conducts elections of Federal legislature provincial assemblies and local govt.

(ii) Center Province Relations during Emergency

(A) Emergency on account of War, External aggression or internal disturbance

The President can impose emergency.
The continuance of emergency will
be approved by both house with
in 30 days of imposition. If not
approved, Emergency will cease to
remain in force after two months.



(B) Emergency on account of failure of Constitutional Machinery of Province (234)

If Govt of Province is not being run in accordance with Constitution, Governor rule is imposed by the President.

3/ Conclusion

The center and provinces are like limbs of body. They work together in cooperation. The units are given autonomy in 1973 constitution but under orbit of strong center.