

Federal Public Service Commission, the Speaker and the Deputy Speaker, the Attorney General, the Chief Election Commissioner, Chairman and Deputy Chairman of the Senate, and (b) the administrative expenses of the Supreme Court, the Federal Public Service Commission, the department of the Auditor-General, the office of the Election Commission, the Senate and the National Assembly; and (c) the debt charges binding on the federal government and sums required to satisfy any judgment, decree, or award against Pakistan by any court or tribunal, and any other sum declared by the Constitution or by Act of Parliament.⁹⁰

The introduction of bicameral legislature at the centre had its effect on the legislative procedure. It has been discussed earlier that the competence of the parliament to make laws was extended to the federal and concurrent legislative lists. The federal legislative list, as stated before, was divided into two parts: Part I and Part II. The scheme of this division appears to be that the subjects enumerated in Part I were purely federal subjects and the subjects enumerated in Part II were subjects in which the provinces had special interest like the railways; minerals, oil and natural gas; Council of Common Interests, and others. The subjects enumerated in the concurrent list were, of course, of common interest and importance for the federation and the provinces. This being the case, it became imperative that the Senate, being a House of provinces, should be given greater role and voice in legislation on the subjects enumerated in Part II of the federal legislative list and the concurrent legislative list. Thus, different legislative procedures were given in the constitution for legislation on the subjects enumerated in Part I of the federal legislative list on the one hand and the subjects enumerated in Part II of the federal legislative list on the other.

A Bill relating to matters in Part I of the federal list could only originate in the National Assembly and if it was passed, it was transmitted to the Senate for consideration. If the Senate passed it without amendment or did not reject it or amend it within ninety days of transmission to it, then it would be deemed to have been passed. However, if the Senate rejected the Bill or passed it with amendment, then it would be presented to the National Assembly for reconsideration and if after such reconsideration, the National Assembly passed it again, with or without

amendments proposed by the Senate, it would be deemed to have been passed and presented to the President for his assent.⁹¹ A Bill relating to matters in Part II of the federal list or the concurrent list could originate in either House and if it was passed by one House, it would be transmitted to the other House. If the Bill was passed by the other House without amendment, it was presented to the President for his assent. In case the other House rejected it or passed it with amendment, the Bill, at the request of the House where it originated, had to be considered in a joint sitting of the two Houses of the Parliament which the President would summon.⁹² If the Bill was passed by the votes of the majority of the total membership of the two Houses, then the same would be presented to the President for assent.

The purpose of different legislative procedures for the passing of the Bill relating to Part II of the federal list and the concurrent list was to give greater weightage to the Senate which could exercise a temporary veto against a Bill passed by the National Assembly on any such matters. Nevertheless, the National Assembly could override such a veto in a joint sitting because it initially had 210 members compared to sixty-three in the Senate and a majority in the joint sitting meant 137 votes which the National Assembly alone could procure.

The Money Bills could only originate in the National Assembly and, if passed, they would be presented to the President for assent, without transmission to the Senate. If a question arose as to whether a Bill was a Money Bill or not, the decision of the Speaker of the National Assembly thereon should be final.⁹³

Provincial Governments and Legislatures

The provincial legislatures and executives were small replicas of the institutions at the national level. The provincial legislature remained unicameral and directly elected by the people through universal adult franchise under the electoral laws common for the federal and provincial legislatures. The relationship between the provincial Governor, provincial Chief Minister and the Provincial Assembly closely resembled that between the President, the Prime Minister, and the Parliament. A Chief Minister was to be elected by the Provincial Assembly in the same

manner in which the Prime Minister was to be elected by the National Assembly.⁹⁴ The Chief Minister and the provincial ministers were to be collectively responsible to the Provincial Assembly concerned which could only be dissolved by the Governor on the advice of the Chief Minister. The procedure of vote of no-confidence against a Chief Minister was the same as that for the Prime Minister, meaning thereby that a successor had to be named in a resolution for a vote of no-confidence.⁹⁵ The Governor did not have any power to veto any Bill passed by the Provincial Assembly and had to assent to it within seven days, otherwise it would be deemed to have been assented.⁹⁶ Governors could dissolve Provincial Assemblies but only on the advice of the Chief Ministers.⁹⁷ Various provisions relating to the Parliament or a House thereof were to apply to the Provincial Assemblies with appropriate adjustment of reference to the relevant authorities.⁹⁸ The Governor continued to be an appointee of the President and an agent of the central government which could exercise pressure in the provincial politics through the Governors.⁹⁹

Distribution of Powers and Relations between the Centre and the Provinces

Administrative relations between the centre and the provinces were on the same lines as provided under the previous Constitutions. The federal system showed a marked tendency towards centralized control and authority. It was the constitutional duty of the federal government to protect each province against external aggression and internal disturbance and to ensure that the government of each province was carried on in accordance with the provisions of the Constitution.¹⁰⁰ A provincial government was obliged to exercise its executive authority in such a way as to ensure compliance with the Acts of Parliament and existing laws applying to that province.¹⁰¹ The federal government was entitled to give direction to a province with regard to the duties of the provincial authority and was further entitled to give directions to a province in the following matters:¹⁰²

- (a) as to the construction and maintenance of communications declared to be of national or strategic importance;
- (b) as to the manner in which the executive authority of the province was to be exercised for the purpose of preventing any grave menace to the peace and tranquility or economic life of Pakistan or any part thereof.

There was one important provision in the Constitution which would enable the federal government to delegate power to the provincial governments as its agents. The federal government might, with the consent of a provincial government, entrust either conditionally or unconditionally to that government, or to its officers, functions relating to any matter to which the executive authority of the federation extended.¹⁰³ Similarly, a provincial government, with the consent of the federal government, was also empowered to entrust, either conditionally or unconditionally, some of its executive functions to the federal government or to its officers.¹⁰⁴

The new Constitution made no material changes regarding the distribution of financial resources between the centre and the provinces. The centre was given the power to levy custom duties, export duties, excise duties, corporation tax, taxes on income other than agricultural income, estate and succession duties regarding property other than agricultural land, tax on capital value of the assets exclusive of agricultural land, taxes on goods or passengers, and taxes on mineral, oil, and natural gas. The principal source of income for the provinces were land revenue and taxes on agricultural income, the capital value of agricultural land, taxes on land and buildings, taxes on mineral rights subject to the federal list, excise on alcohol and drugs, taxes on electricity, taxes on vehicles and advertisements, animals, boats, on professions and trades, and on luxuries.¹⁰⁵

The Judiciary

In the new Constitution provisions relating to the judiciary were on the same lines as those in the previous Constitution. However, an effort was made to regulate and confine the powers and jurisdiction of the superior courts. It was clearly stated that no court