

# 18<sup>TH</sup> CONSTITUTIONAL AMENDMENT & DEVOLUTION OF AGRICULTURE

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# DEVOLUTION

## What happened

- **Devolution- provincial to local**
  - Local Government Ordinance 2001
- **More share of provinces in divisible pool**
  - 7<sup>th</sup> NFC Award-2009
- **Devolution -federal to provincial**
  - 18<sup>th</sup> Constitutional Amendment-2011

## What it should be

- **Devolution- federal to provincial**
- **NFC Award**
- **Devolution- provincial to local**

# RELATIONS BETWEEN FEDERATION AND PROVINCES (Pre 18<sup>th</sup> Amendment)

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- **Legislative Lists**, under Article 70(4):
  - **Federal Legislative List (67 subjects)**: Parliament has the exclusive power to make laws with respect to any or all subjects (Part- I, 59 & Part -II, 8)
  
  - **Concurrent Legislative List (47 subjects)**: Parliament and Provincial Assemblies can make laws.

# AGRICULTURE AND CONSTITUTION

- Agriculture, in original Constitution, neither in FLL nor CLL thus residuary power of Provinces
- Federation role traced back to enactment of Seeds Act 1976, on request of provinces under Article 144
- Entries on drugs, medicines and poisons in CLL provided Federation for Plant Quarantine Act 1976 & Agricultural Pesticides Ordinance 1971
- Federation further exploited FLL 16, 19, 25, 27 and 32 for its extended role in the field of Agriculture

# RELATIONS BETWEEN FEDERATION AND PROVINCES (Post 18<sup>th</sup> Amendment)

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- ❑ Abolishment of Concurrent Legislative List
- ❑ Changes in Federal Legislative Lists
  - ❑ Part-I ( subjects decreased from 59 to 56)
    - ❑ Weakening of Federal legislative Part-I
  - ❑ Part-II: ( subjects increased from 8 to 18)
    - ❑ Strengthening of Federal Legislative List Part-II
    - ❑ Enhanced control of CCI

# FEDERAL LEGISLATIVE LIST

- **Part I, No. 16**
  - Federal agencies and **institutes** for the following purposes, that is to say, for **research**, for professional or technical training, or for the promotion of **special studies**
- **Part I, No. 19**
  - Port quarantine, seamen's and marine hospitals and hospitals connected with port quarantine
- **Part I, No 25**
  - Copyright, inventions, designs, trademarks and merchandise marks

# FEDERAL LEGISLATIVE LIST

## □ **Part I, No. 27**

- Import and export across customs frontiers as defined by the Federal Government, inter-provincial trade and commerce, trade and commerce with foreign countries; standards of quality of goods to be exported out of Pakistan

## □ **Part I, No 32 (New)**

- International treaties, conventions and agreement and international arbitration

## □ **Part II, No. 7(Shifted from Part I)**

- National **planning** and national economic coordination including planning and coordination of scientific and technological research

# CONCURRENT LEGISLATIVE LIST

- **No. 20**
  - ▣ Drugs and medicines
- **No. 21**
  - ▣ **Poisons** and dangerous drugs
- **No. 22**
  - ▣ **Prevention of the extension from one province to another of infectious or contagious diseases or pests affecting men, animals or plants**
- **No. 24**
  - ▣ Environmental pollution and ecology



# DEVOLUTION OF FOOD AND AGRICULTURE

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Ministry of Livestock and Dairy Development

Ministry of Food and Agriculture

DEVOLVED

Functions 38, Departments 12, PSDP Projects 74

Federal Ministries

Functions 26, Dept. 7, Project 16

Provinces

Functions 10, Dept. 1, Project 19

Deleted

Function 2, Dept. 4, Project 39

National Food Security & Research

\* Functions 21, All Dept. Projects 32

\*Various functions have been clubbed

# MYTH vs. REALITY

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Item	Key Institutions	Federal /Provincial
<b>Land</b>	Boards of land revenue	Provincial
<b>Water-river flows</b>	M/o Water and Power & IRSA	Federal
<b>Seed</b>	FSC&RD	Federal
<b>Fertilizer</b>	Fertilizer Review Committee	Federal
<b>Pesticides</b>	Plant Protection Department	Federal
<b>Research</b>	PARC/PCCC	Federal
<b>Agri credit</b>	Sate Bank of Pakistan	Federal
<b>Extension</b>	Extension departments	Provincial
<b>Pricing policies</b>	Agriculture Policy Institute / ECC	Federal
<b>Food Trade Policy</b>	M/o National Food Security/ECC	Federal
<b>Fuel Prices</b>	NEPRA, OGRA	Federal
<b>Border Control</b>	Quarantine Departments	Federal

# IMPLICATIONS

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- Constitution vs. abolishment of MinFA
- Development funds
- Institutional memory
- Technical record
- Custodian
- Focal point
- Litigations
- Human resources

**Thank you**