

Q NO: # 03

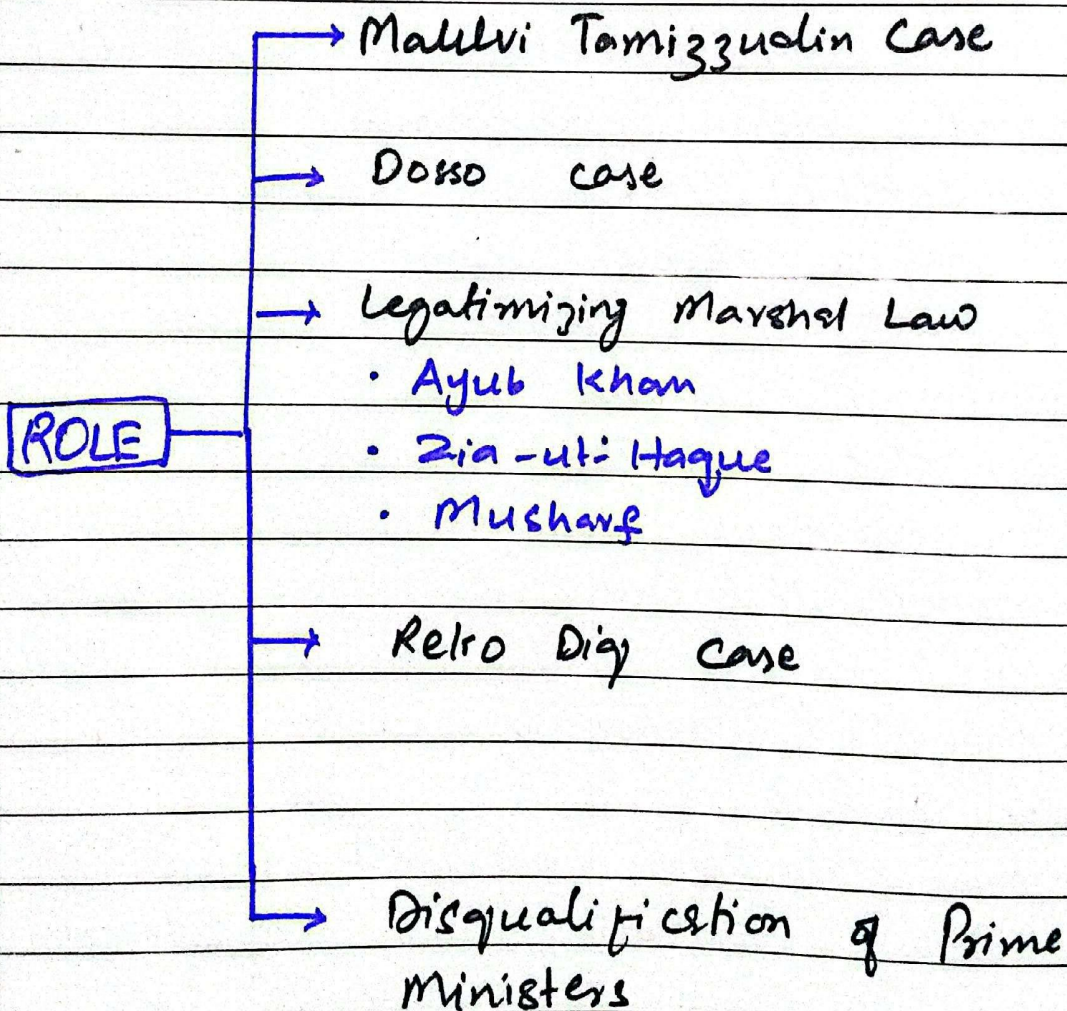
1) INTRODUCTION: 26th Constitutional

The historical role of the judiciary in Pakistan reflects a constant negotiation between autonomy and accountability. Assess the 26th Constitutional Amendment within this framework, considering its likely influence on judicial performance and institutional credibility.

Historically, Judiciary has enjoyed more autonomy, less accountability. The 26th amendment is a check against its outreach in terms of changing appointment scheme of judges and chief justice. The amendment drew enormous changes in Judiciary's performance. It cut the independent decision making and brought the performance ^{evaluation} mechanism. Further it came under political ambit, reducing the ^{office term} (age of retirement of) ^{Chief Justice} (judges) and preventing it from executive matters. The said amendment also re-configured the institutional credibility by empowering the parliamentary

committee and Judicial Commission of Pakistan. It has created the road to accountability, political representation and transparency.

2) THE AUTONOMOUS ROLE OF JUDICIARY THROUGHOUT HISTORY



3) THE INFLUENCE OF 26th

CONSTITUTION AMENDMENT ON

JUDICIAL PERFORMANCE

3.1) Annulment of Suo Motu Powers

The amendment restricts Supreme court to use its Suo Motu Powers under the Article of 184.

The changes came after judicial oversight on executive as well as Humanitarian matter that fall under the umbrella of executives and policy makers. Therefore, judiciary's interference in governance matters such as Retro dig and disqualification the then prime minister Nawaz Sharif is highly criticized.

3.2) Role of JCP (Judicial Commission of Pakistan in evaluating the performance of Judges

Before 26th amendment

there was no process of evaluating the performance of judges. However, under 20th amendment, JCP will conduct evaluation of judges under the article of 175A (20). In this, the under-performing judge will be de-ranked.

3.3) Reducing Age of Retirement of Chief Justice (Term as chief Justice)

Changes have been placed in Article 179. It implies that chief justice of Pakistan will retire at 65 including 3-year term as chief justice. Before it, it was only based on retirement age. Now the term is limited. The change is inflicted due to increasing performance of judges.

3.4) Eroding Judicial Activism

Judicial activism is

a philosophy of independently making decision just as former chief justice Sajid Nisar conducted a drive for building dam.

However, no one knows where that money went. Under article 184, specific suggestions will be given to Supreme court from executives to decide a case.

4) THE INFLUENCE OF 96th

CONSTITUTIONAL AMENDMENT ON INSTITUTIONAL CREDIBILITY

4.1) Check and Balance from Parliament

Now, judiciary as an institution has more been credible because of influence of Parliament. Under Article 175A (3), a Parliamentary Committee comprised of 19 members will be nominating a judge as chief justice of Pakistan. So,

this point of view parliament brings check and ^{balance} approach behind the appointment of chief justice.

4.2) Removing Political Biasness

Prior to 96th amendment, the JCP possessed majority of judges to appoint the CJ, but in 96th amendment this mandate went towards parliament, where both opposition and ruling party can decide on JCP of Pakistan. From now, it can hardly be seen as CJ giving remarks that are politically biased as it was ^{x(exp)x} witnessed from 2013 to 2018.

4.3) Enhanced Accountability

The judges of supreme courts and high courts will now remain accountable to JCP for their decisions because

under 26th amendment, JCP has power to remove or upgrade a judge on the basis of his/her performance evaluation. So, accountability is promised in 26th amendment.

44) Political Representation
in an Institution as
mean to credibility

The appointment of chief justice of Pakistan will be dependent upon the nomination of Parliamentary committee. The committee according to new (add) amendment will consist upon 12-member and out of 12-member, 8 will be from Senate and National Assembly. So, it will increase institutional credibility as mandated ministers and senators will nominate a chief justice. Moreover, 2/3rd majority will be mandatory for nominating a chief justice.

5)

CONCLUSION

It is evident that the 26th constitutional amendment has brought judiciary more accountable, but less autonomous. The amendment has reduced the independent powers of judiciary such as *suo motu* and curtailed further activism. That change has further reformed the judiciary by evaluating the performance of judges.



National integration is the backbone of a strong and stable nation. Analyze the impact of provincialism and regionalism on national integration in Pakistan. How can these challenges be addressed?

Q No: 02

1) INTRODUCTION: Impacts of Provincialism and Regionalism on National integration in Pakistan, and strategies to address them.

“We are now all Pakistanis - not Balochis, Pathans, Sindhis, Bengalis, Punjabis and so on.”

~ Quaid-e-Azam

National integration is a pivotal force by which every man, region and province is connected with a single identity. However, quest for regionalism or provincialism weakens the process of national integration. Pakistan is a country of diverse ethnic and cultural groups such as Punjabi, Sindhi, Pathan, etc. So, this fragmentation distorts national identity, cohesion and equality. Such disintegrated landscape

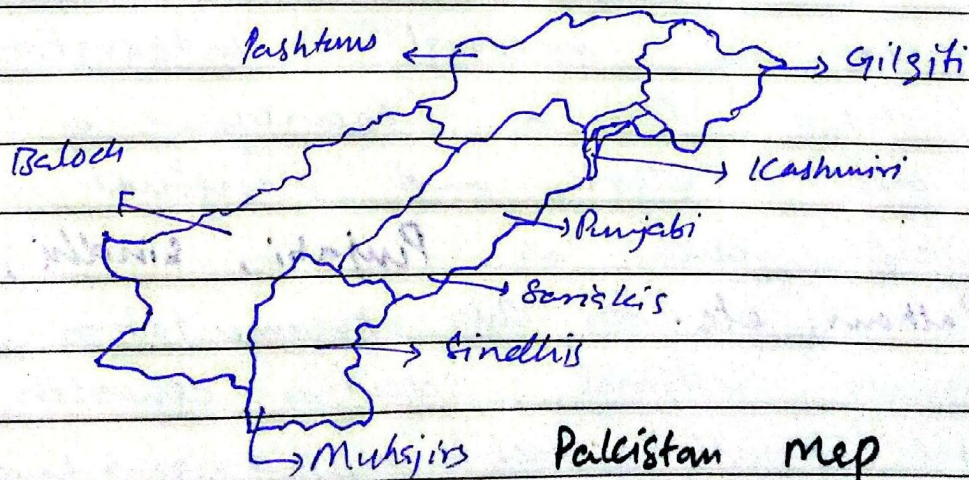
erodes consistent policy making at national level. Moreover, provincialism and regionalism lead towards tug of war in resource distribution, education delivery and foreign interventions. Therefore, center becomes weak threatening the practicability of national integration.

2) ETHNIC DIVERSITY IN

PAKISTAN

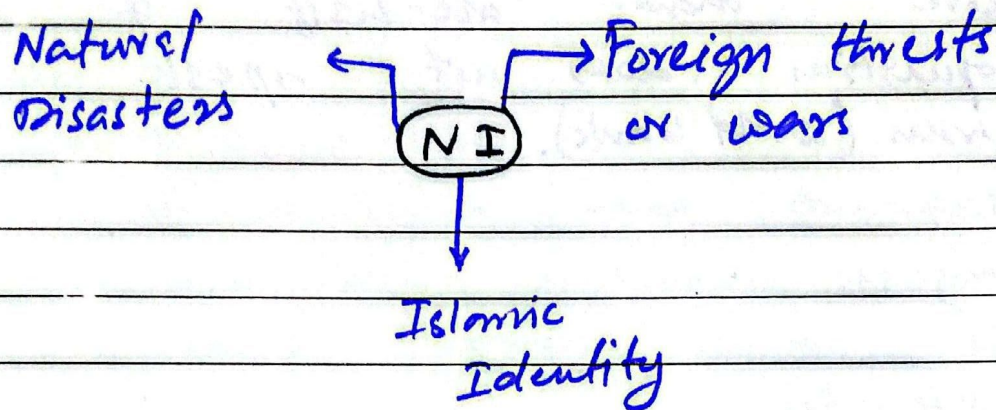
As per Geological Survey:

- 1) Punjabis → 48%
- 2) Pashtuns → 14.4%
- 3) Sindhis → 14%
- 4) Saraikis → 8%
- 5) Muhajirs → 7.5%
- 6) Balochs → 3.5%



Pakistan map

3) Situation where National integration
is widespread in Pakistan



4) IMPACTS OF PROVINCIALISM
AND REGIONALISM IN(ON)
PAKISTAN (NATIONAL INTEGRATION)

5.1) Impact on National Identity

National integration
is a sense of oneness and
unity but preserving
ethnic diversity, heterogeneous
language and class struggle
under the idea of one nation

a bit confusing. Urdu, the national language is almost understood everywhere but more than one-half of population does not speak Urdu (World Bank). So, multiple backgrounds based on ethnicity, language culture challenge the concept of national integration.

2)

4.2) Lack of consistent policy making at national level

Policies that are made at national level are criticized at provincial level due to existing regionalism. People perceive the rewards of such policy making would be taken at national level. For suppose, people criticize projects in Sindh and Balochistan due to proportionate dividends. Their socio-economic worries impede the idea of nationalism.

4.3)

The dilemma of resource allocation

The 7th NFC award which is incorporated, is giving more share to provinces, almost 57%. A tussle of resource ownership exists between center and provinces because provinces have their own aims and visions for their prosperity. In this way, inequality is widespread dismantling the philosophy on national integration.

4.4)

Unequal Access and quality of education among the provinces

National integration proposes single window of education across the country, but persisting provincialism and devolution of concurrent subjects are paving the way for unequal access and quality.

education. According to UN, the average literacy of Pakistan is almost 66%.

If we dissect into provinces, Punjab has 66.7%, Sindh has 57%, KPK has 51.1% and Balochistan has 42%. So, lack of national ~~(eth)~~ education lead to widespread inequality in education.

4.5) Weakening of Federation

More provincialism or regionalism leads to less nationalism. After provincial autonomy, center has been victim of its own expenditure. center has expense of military, employees, foreign debt and pension. However, current NFC distribution does not aid the center. According to Finance Division, center owes an external loan of \$88 billion.

4.6)

Regionalism Leads to Foreign Interventions

Once a region is alienated from the center, it becomes vulnerable to foreign proxies and agendas and further deteriorates the national integration. BLA in Balochistan, TIP in KPK and RAW across Pakistan is widely witnessed.

5)

Addressing The Challenges

Following steps should be
taken

5.1)

Single National Curriculum

Single national curriculum can play a vital role. Sharing same history, heroes, enemies and single window education will increase the idea of national integration. It will further

people closer to each other.

5.2) Equitable Resource Allocation

Currently, the 7th NFC award more focuses on population weightage. It should be changed to poverty, illiteracy, tax collection and developmental weightage. This way provincialism will turn into nationalism.

5.3) Giving Proportionate Dividends of my National project

In 1950, gas was discovered in Sui district of Balochistan but people are still living ^{without} gas there. Likewise, Thar coal is the largest electricity project of Pakistan, but people of Thar criticize government for not given proper electricity. So, giving proportionate dividends from project can work in

6)

CONCLUSION

There are various factors which dilute the concept of national integration such as prevailing ethnicities, racial groups, multi-layered language. Regionalism leads to weakening of center by inconsistent policy making, resource constraints, unequal access and quality of education and burdening the center. For promoting national integration, single national curriculum, reforming NFC award, and socio-economic equality ^{X (should)} can play pivotal role.

