

QUESTION : 02

Ans/

1.

INTRODUCTION

Law is dynamic in nature, therefore, needs to be amended for adapting to recent situation. However, too much changes in law in a short period raises eyebrows. For instance, USA has 27 amendments in its constitution that it achieved in 250 years nearly. On the other hand, Pakistan has done away with 26th Amendment in its 77th year. This amendment is majorly 'reforming' judiciary that will shake the balance of power. It will allow executives to have an upper hand when it comes to checks and balance of one institution over other. Mutual understanding and practical approach need to be considered.

2. 26th AMENDMENT : OVERVIEW

This amendment has dissolved the parliamentary committee that used to assist judicial commission of Pakistan (JCP). Now, parliamentarians are part of JCP. They along with other members of JCP provide three names to Prime Minister of Pakistan. PM is responsible for deciding next chief justice of Pakistan (CJP), once picked by PM, President avert will make the one as CJP. Justice Yahya Afridi is the first product of this process.

2.1 SALIENT FEATURES OF 26th AMENDMENT

(i) JUDICIAL FEATURES :

1. CJP can hold the office for definite period of 3 years.
2. Constitutional benches will be formed at Supreme court and High court level.
3. JCP is empowered to keep an eye on judge's performance.
4. On the basis of performance, JCP along with executives can appoint a district judge in higher courts (HC).
5. CJP on the basis of seniority is abolished.
6. Executives will appoint CJP
7. *Sui moto* is taken away - Article 184.
8. Cases with constitutional nature will go under the domain of constitutional courts.

(ii) OTHER FEATURES :

1. Environmental rights have been given to citizenry as fundamental right.
2. Change in federal legislative list, now federal is responsible for collecting tax from cantonments in all over the country.
3. Parliamentary committee is dissolved
4. JCP is under the thumb of executives.
5. Election commissioner of Pakistan and ECP staff can remain in office as long as new appointments occur.

3. ANALYSIS OF 26th AMENDMENT

3.1 GENERAL POSITIVE PERCEPTION

1. Judicial interference in constitutional decision is curbed. For example, Punjab assembly passed a bill, preventing the transfer of civil servants by Executives. The bill was challenged in Lahore HC and repelled. Unwanted judicial intervention is controlled now.
2. Pakistan is facing challenges of climate change so providing environmental right will legitimize its stance on international forum such as in COP or UNFCCC.
3. SC is liberated from the onus of piles of cases. Constitutional benches can share the load. Countries like, Germany, France have constitutional courts and very effective indeed.
4. CJP hence, judicial wing will have stability. Now, the fix tenure of CJP will cause consistency in decisions for longer period of time.
5. ECP will also have stability as de facto administration will not cause misadventures.
6. Merit appointment of judges to HC. Earlier ~~even~~ even influential lawyer used to become district or HC judge.

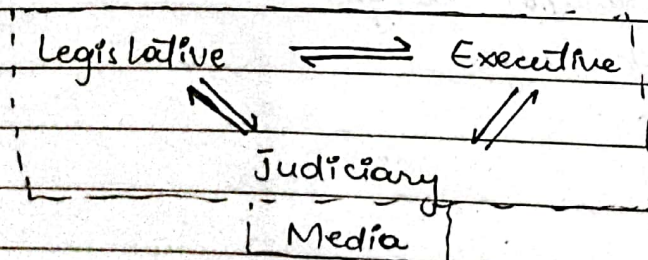
3.2 GENERAL PESSIMIST PERCEPTION

1. Judiciary has been made dependent upon executives from the appointment of CJP to constitutional decision.
2. CJP can not keep a check and balance on executive wing now - clipping power of judiciary.
3. Bench formation of constitutional benches entirely is influenced by parliamentarians.
4. Removal of *suo moto* will injure judiciary.
In past, *suo moto* has given better results such as in the case of *Tinaikya* from *Kanpur*.
5. The changes in federal list of subjects is the violation of provinces' autonomy, hence, 28th Amendment.
6. There is no clarity over the 'nature' of constitutional case. This will provide confusion for SC.

4. 26th AMENDMENT AND BALANCE OF POWER

4.1 IDEAL SITUATION

Ideally all four pillars, of state, legislature, executives, judiciary, and media, keep check on each other. For instance, Abortion rights bill by US congress put down by their SC.

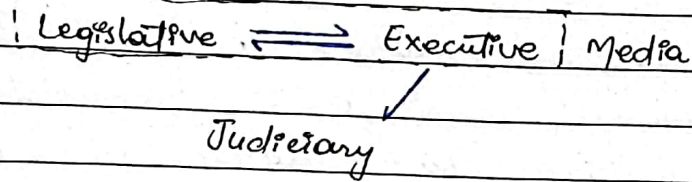


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4.2 CURRENT SITUATION OF PAKISTAN:

After 26th Amendment, Judiciary is under the thumb of Executives. From appointments to judicial decisions. This breaks the chain of balance of power.



4.3 CONSEQUENCES OF 26TH AMENDMENT:

- (i) Appointments of judges would be prejudiced whosoever dit for their ambitions.
- (ii) Judiciary can not be a last plea for the public now.
- (iii) The most supreme power of *lex mota* has been snatched, making judicial decisions time-consuming.
- (iv) Executives will only appoint people in the ranks with similar mindset.
- (v) Judges will be politicised and divided.
- (vi) Changes in federal list of subject may improve revenue generation, but cause many bottlenecks and 28th amendment.
- (vii) Vague nature of constitutional benches, for now, will do more harm than good to state and judiciary.
- (viii) Infiltration in JCP also will politicise it, making it a 'yes, sir' body for executives or government.

5. CONCLUSION

In a nutshell, 26th Amendment seems to damage the balance of power. The amendment will surely cause some major challenges for judicial independence. However, the positive aspect must not be forgotten as well. This amendment must grant frequent freedom lest judiciary gate matches with Police's. Overall, 26th Amendment is a challenge for the freedom of justice in Pakistan. Hence, it requires concern and actions.

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QUESTION: 04

Ans/1. INTRODUCTION

Muslims of the sub-continent kept receiving educationist reformers from time to time and Sir Syed was among them. Sir Syed Ahmed Khan came as a liberator of Muslim Ummah of India. The episodes of 1857 war of independence made his approach for Muslim's revival even more suitable. For years, he worked for the educational well-being of Muslims.

Interestingly his efforts did not go in vain as many hands that opted the Pakistani flag were the product of Sir Syed's vision including M. Ali Jinnah. Hence, Sir Syed was the reformer of Muslims with respect to education.

2. SIR SYED : OVERVIEW

He was born in 1817, the time when Indian states were slowly going under the dominion of Britishers. He held a firm view for Britishers and believed that Muslims need a dynamic approach for staying in British India. He started his career as clerk in EIC and ended as a judge. Afterwards, he devoted his life for Muslims education and religion in India. He died in 1898, leaving behind the legacy of Aligarh college and Scientific Society.

3. SIR SYED'S CONTRIBUTIONS :

3.1 ESTABLISHING SCHOOLS :

In 1864, he founded first school as Victoria school in present day Maharashtra, India. Later on, he kept establishing many schools. The prominent is Muhammadan-Anglo Oriental School (MAO). The purpose of MAO was to provide scientific and Western education to Indians.

3.2 CURRICULUM AND CONCEPT OF SCHOOLS:

Curriculum of school included religious text along with western education. Sir Syed believed that Muslims are wrongly believed that Western education is evil. He emphasised that for the survival of Muslims, western education is the key.

3.3 SCIENTIFIC SOCIETY:

Sir Syed founded this society to convert the English literature into Persian so that Indians could take benefit from it. Scientific society was formed in Aligarh or MAO school that later on became college as well. Scientific society made Indians enlightened and provided social status as they were not seen as alien by Britishers.

3.4. MEDIATING THE CONFLICT BETWEEN MUSLIMS AND BRITISHERS

(i) LITERATURE WORK:

After the war of independence, 1857 Muslims were discriminated badly as they were considered traitors. Sir Syed through 'causes of the Indian Revolt' highlighted the actual cause of war was not unity but the segregation Muslims receive.

This somehow changed the mind of Britishers as Muslims were majosly sidelined from government jobs, schools and army.

ii) SIMILARITIES OF RELIGION:

Sir Syed also reminded Britishers that Muslims share the same, Abrahamic religion, as Christians. This was done through 'Loyal Muhammadans of India'. Syed emphasised on the mutual cooperation as they are the descendants of same lineage. For Muslims, he advised them to show loyalty to Britishers.

3.5 ACTS OF HUMANITY:

Sir Syed was a great human too and he proved the other aspect of Muslims too. In 1857, due to uprising of Indians, some Britishers were chased by mobs. Sir Syed gave them and their families shelter. This made his sayings and actions supported by Britishers too in justice.

3.6 ADVICE TO MUSLIMS:

Syed believed that Muslims are socially weak. They need to bar themselves from involving in politics. Muslims must align their religious values with modern education. In this way, they can ensure their status in society and gain their lost glory.

3.7 CLEARED MISCONCEPTIONS:

Sir Syed also cleared the misconception of Muslims against Britishers. Muslims used to believe that once Britishers are done away with loot and plunder, they will leave. Then, Muslims will rule again. Syed cleared this as Britishers are not here to leave. This made them to empower themselves rather than sitting idle for better tomorrow.

4. LEGACY OF SIR SYED:

Sir Syed died in 1898 but his struggle kept on. After all, he was the first one to give the bases of two-nation theory over Hindu-Urdu controversy in 1867. Educational and scientific reforms kept-on. By 1920, Aligarh ~~was~~ promoted as university. While, scientific society too kept-on by his disciples. Many of the participants of Lahore Resolution, 1940 were directly or indirectly the product of Sir Syed's vision. In Jinnah gave Pakistan a political reality, Sir Syed would be the one who planted its seed decades before.

5. CONCLUSION

In conclusion, Sir Syed was the ardent supporter of Muslims' empowerment in British India without the loss of through educational and scientific contributions. Sir Syed wanted Muslims to recognise their competition, Hindus, before they get crushed. Therefore, he devoted his life for the well-being of Muslims by hand or by sword. Resultantly, his vision led to the creation of Pakistan in 1947.

QUESTION : 03

Ans/
1.

1. INTRODUCTION

There is an idiom that defines the terrorism origin in Pakistan, When two elephants fight, only the grass is crushed. Terrorism in Pakistan is the product of cold war between USA and then USSR. Since then, Pakistan has been fighting it daily. Its resurgence after the arrival of Taliban government in 2021 has further made the situation precarious for Pakistan.

At one side, Pakistan is fighting for its survival, while on others it is securing its sovereignty. This somehow shows that it is the outline of policy against terrorism. Pakistan must have taken a more holistic approach. Keeping it in mind, there are options available for Pakistan to deal with terrorism one and for all.

2. NEW WAVE OF TERRORISM IN PAKISTAN:

Since the arrival of de facto government in Afghanistan in 2021, terrorist groups such as Lashkar-e-Taiba, Tehreek Taliban Pakistan (TTP) has been regrouped. For them, Afghanistan has become safe heavens. In recent times, they have unearthed new methods of inflicting Pakistan.

2.1 DIGITAL TERRORISM

Many outlawed outfits are using social media apps such as TikTok, Facebook to influence the minds of youth with misinformation. This has become a new form of terrorism, where virtually people are misdirected. India allegedly has been using many sites for propaganda against Pakistan.

2.2 NEW MODUS OPERANDI:

In this year, counter terrorism department (CTD) had disclosed an outfit that was collecting funds through

digital currency. Ethereum was used for it which is a digital coin like Bitcoin. For this reason, digital currency is not legal in countries like, Pakistan.

2.3 STRATEGIC ATTACKS.

In new wave of terrorism, outfits such as BIA are doing more strategic attacks. Such attacks are precise and damage Pakistan the most. To put things in perspective, attack on Chinese Engineers at Karachi Airport was lethal for the revival of CPEC. This shows that terrorists are no longer in caves but amongst people.

3. NEW WAVE EXPOSES POLICY FAILURE OF PAKISTAN

3.1 EMERGENCE OF TTP:

Pakistan Army and intelligence deteriorated the factions of TTP back in 2014. Through kinetic operations such as Red ul Farad, terrorists were shattered. The continuation of policy was weak though, which made resurgence of TTP easy.

3.2 POROUS WESTERN BORDER:

Despite many token gestures and rhetoric the Durand Line has not been fenced completely. Due to this, it became easy for these outlawed factions to create chaos in Pakistan. TTP is its example that is operating from Afghanistan.

3.3 CIVIL - MILITARY RELATION REMAIN WEAK :

This is a main issue, which makes terrorist to influence youth easily. Establishment of Pakistan failed to provide relations with its public. Because of this, youth has become an easy target to be driven against state promoting digital terrorism.

4. WAYS TO COUNTER THE POLICY FAILURE:

4.1 STRENGTHENING CIVIL - MILITARY RELATIONS:

First thing first, Pakistan needs to align its people by its side first. For that Ministry of Defence must be held accountable. This may include ISPR as well for transparency and accountability. This step will prevent youth to become the victim of digital terrorism.

4.2 INTROSPECTION OF STATE INSTITUTIONS:

Terrorist are attack and rupturing state institutions internally. The story of Wali Khan, constable in KP police, is its evidence. Wali was brainwashed by his online friend who came out to be a member of Lashkar-e-Tehrik. Wali exploded himself in police line in 2023. This shows scrutiny and accountability of state institutions members is vital for inclusive peace.

4.3 HYBRID OPERATIONS:

Back in 2017, Pakistan successfully disassembled TTP by infiltration and clandestine approach, creating rifts in the leadership of TTP from Mehmud. Such an approach is necessary as kinetic operations alone can not end terrorism. Operation Azme Istikhram, is 80% dialogues and 20% kinetic, is perfect example of right step to stability.

4.4 HUMAN DEVELOPEMENT:

Terrorism can only be wiped-out when opportunities will be given. Education is the key here that can break the cycle of violence. The virtuous mind will question the violence itself as that person would know, Pen is mightier than sword. For now, Pakistan stands at 264th Human Dev. Index. This aspect must be a topic of concern for parliamentarians.

4.5 REGIONAL COOPERATION:

Australia has countered terrorism through regional cooperation. Pakistan also has a platform as Shanghai Cooperation Organisation (SCO) for it. SCO has resolved 90% of border disputes between central Asian republics. SCO wing RATS deals with terrorism that can be used for wiping-out terrorism. China would be willing to support as CPEC is halted due to security reasons.

5. CONCLUSION

In a nutshell, it is true that Pakistan has lost against terrorism as it is unable to wipe it out for good. Poor policies and inconsistency has made impossible to wipe out terrorism completely. This has impacted the Pakistan adversely. New wave of terrorism is lethal. However, through practical approach these challenges can be countered and peace be prevailed.

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QUESTION : 07

Ans/

1.

INTRODUCTION

Education is important for any nation as it makes the youth to get ready for future. In Pakistan, education system is going through multiple issues that has halt the intellectual growth of the country. These problems, however, can be addressed. Pakistan needs to divert its energy to emphasis on education by all means. As Nelson Mandela said, "education is the most powerful weapon".

2. ISSUES IN EDUCATION SYSTEM OF PAKISTAN

2.1 LACK OF INFRASTRUCTURE:

In a country with 240 million people, only 240 universities are responsible for graduation. Other than that, 5000 ghost schools existed alone in Sindh. According to a report by NGO, 1/3rd of schools in rural areas do not have benches to sit.

2.2 OUT-OF-SCHOOL CHILDREN:

Out of 54 million children, between 5-16 years old, 26 million are out of school (-PE). This shows that half of the future of country is not educated. 60% of 26m is constituent of girls, depicting gender discrimination as well.

2.3 POOR CURRICULUM AND SYLLABUS:

Curriculum of whole education system is poor. That is why, Pakistanis have to submit dozens of documents, while applying for foreign studies, only to show English proficiency. The out dated syllabus will only make blue-collars workers, impacting the economy of Pakistan.

3. PROBLEMS IN EDUCATION SYSTEM

3.1 LACK OF FUNDING:

Where the world is investing heavily on Education and Human development, Pakistan is stucked at fix stage. For years, Pakistan's share to education is 2.5% of GDP (-PES). A country with 26m out-of-school children finds it hard to incorporate everyone.

3.2 POOR ACCOUNTABILITY:

Teachers as authority makes students submissive against teachers. The same teacher otherwise can fail a student with no accountability. This lack of accountability also seen in the form of ghost teachers. According to Study Education Report, Rs. 300m has been paid to ghost teachers in one month in Study. Due to this, education is compromised.

3.3 LOW STANDARDS OF EDUCATION.

The low standard of Education made children to prefer private schools. Therefore, O and A-levels system is prevalent in Pakistan. This not only repels people out of govt. schools but creates a sense of ~~dis~~ disrespect for those who acquire govt education.

4. REMEDIES FOR EDUCATION IN PAKISTAN

4.1 EFFECTIVE ADMINISTRATION & ACCOUNTABILITY.

Effective administration will encourage teachers to come on time, spend time with children and put efforts in education. Also, the updated curriculum will effectively be implemented. Accountability will make the teacher questioned over personal grudges.

4.2 ADDRESS OUT-OF-SCHOOL CHILDREN:

All the out-of-school children must be attracted towards school by hook or by crook. Incentives must be given, things must be flexible and easy situation for exams. These steps will address the conditions of students as well because many left education to earn for family.

4.3 INVEST IN EDUCATIONAL INFRASTRUCTURE.

The share of education must be increased. Pakistan needs to realize that soft power influences more than hard power. Japan is the example of soft power. Also, the subsidies of elites must be excluded to invest in education and build resilient education system.

4.4 ESTABLISH ORICS IN UNIVERSITIES:

Office of Research and Innovation must be built in every university. ORICS are responsible for attracting companies to have their students get jobs. This will generate employment on merit, reducing unemployment rate from 6%.

5. CONCLUSION

In concluding, it is true that Pakistan has been facing crisis in education development. There are many issues behind it - backed by problems. These problems need to be addressed holistically. For that, practical approach is important. It will utilize Pakistan's youth bulge, diverting country towards prosperity.

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