

Section B

Question No. 6

1. Introduction:

Pakistan is a federation where power is divided between center and provinces. However, this federal form of government was given in Constitution of 1956 and 1962. Similarly, Constitution of 1973 came after abolition of constitution of 1962. Both early Constitution provided a weaker system of federation which was changed to stronger federation in Constitution of 1973. Some of issues in Constitution of 1973 were tried to resolved through 18th amendment includes amendment in Article 6, Article 142, Article 153, Article 160 and Article 175.

2- Historical Glance on Federation of Pakistan:

In 1929, Jinnah gave his fourteen points in which he identified Federal form of government, provincial autonomy and transfer of residual powers to provinces. His concept of federation was not fulfilled in Constitution of 1956 and 1962. On the contrary, Constitution of 1973 provided somewhat better system of Federation.

3- 18th Amendment:

18th amendment is most comprehensive amendment in the constitutional history of Pakistan. This amendment involve changes in

more than 100 articles of Constitution. This amendment provided provincial autonomy which was promised by Muhammad Ali Jinnah in 1929. National Assembly of Pakistan passed it on 8th April 2010 and President gave his assent on 19th April 2010. It is also called as mini-constitution of Pakistan.

4- Need of 18th Amendment Regarding Existing Federation:

i. Amendment in Article 6:

Article 6 of Pakistan's Constitution of 1973 required amendment. Article 6 argues that abrogation of constitution shall be charged with high treason. An attempt was needed to save the constitution from suspension which was done in the past by dictators in 1977 and 1999.

ii. Need of Addition of Fundamental Rights: Article 10A, 19-A, 25A

There was need to add new fundamental rights in constitution of Pakistan to make it a stronger federation.

Article 10A → Right to fair trial

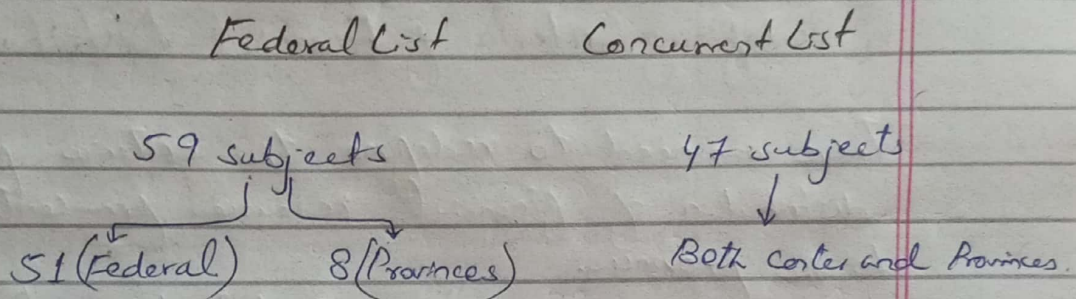
Article 19A → Right to information

Article 25A → Right to education (Age 5-16 years in public schools)

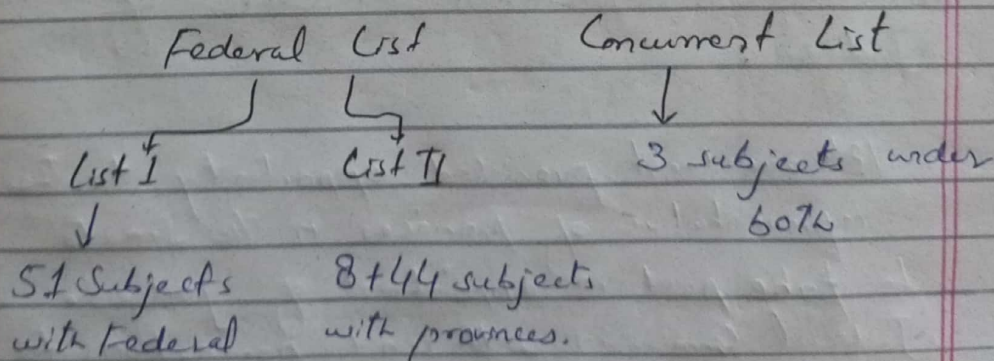
This amendment has further strengthened the federation of Pakistan.

iii. Clarification on Distribution of Power:

There was need to clarify the distribution of power between center and province. In Article of Constitution of 1973 there were two lists



But article 143 of Constitution argued that in concurrent list, in case of clash between federal and provinces, law of center shall prevail. Under 18th amendment concurrent list was suppressed, out of 47 subjects 44 were transferred to provinces and 3 are still in concurrent list. This increased the autonomy of provinces.



iv- Revival of CCI (Council of Common Interest)

Council of Common Interest was created under Article 153 of the constitution but there was no criteria for meeting. Its purpose was to resolve disputes among center and provinces at table. An amendment was made, through which meeting of CCI within 90 days was made compulsory, which secured provincial autonomy.

v- Redefining Criteria of Financial Distribution:

There was need to redefine the criteria for distribution of financial resources from center to the provinces.

	Center's share	Provinces' share
Before 18 th amendment	52.5%	47.5%
After 18 th amendment	42.5%	57.5%

4 other criteria were included for financial distribution which includes: Population, GDP of provinces, poverty, inverse population density.

vi- Change in Appointment Procedure of Judges:

18th amendment provided opportunity to the representative of provinces in the Senate to take part in appointment of judges. Judicial Commission will send nominations to Parliamentary Commission which consist of 4 members of National Assembly and 4 members of Senate.

They will approve the nomination of judges and will send it to Prime Minister and then President for further approval. Addition of article 175A played role in improving federation.

5. Critical Analysis of 18th Amendment:

18th Amendment has played a pivotal role in making federation strong however, it has further weakened the system. It tried to improve vertical relations i.e. between center and provinces but both vertical and horizontal relations have weakened. Some of the challenges are as given below:

i- Abrupt Distribution of Power:

As a result of 18th amendment, power was distributed abruptly regardless of capacity building and governing structure of the state. Center should have to improve capacity building and governance structure and power distribution needed to be done in phases. However, this sudden distribution of power has not given desired results. For instance, there is a huge difference between capacity building and governing structure of Punjab and Balochistan, how could one expect similar performances from both?

ii-Decline in National Integrity Among Provinces :

Due to differences in capacity building and governing structure, results from provinces were not similar. Further comparison has resulted in the creation of hatred against one another. National integration resultantly declines. However, the problems lies in their capacity building. For instance, Punjab was a province long ago in history of sub-continent, whereas Sindh was separated from Bombay in 1935. Both could not deliver similar results rather the comparison has declined the harmony among them.

iii-18th Amendment as Still Unfinished Agenda: Case of Local Government System :

Under Article 140A, it is compulsory for every Province to establish local government system, but the care is not the same in reality. Local Government system has the potential to address the issues at grassroot level. They are soul and heart of 18th amendment which is still unfinished agenda.

iv. Unclearly in Distribution of Power :

18th amendment is really good in theory, but in reality there is still overlapping of power. For instance, Education is a provincial subject now, but single curriculum is being

applied by center, so there is no clear demarcation. Similarly, subject of health is transferred to provinces but Sheikh Zayed Hospital Lahore is still operating under federal government. These example questions the potential of 18th amendment in strengthening the federation.

v. Issues on Criteria of Financial Distribution:

The provinces still debate on the criteria of financial distribution, which has complicated the system of federation.

Stance of Punjab → High Population

Stance of Sindh → highest GDP share

Stance of Balochistan → Poverty

Stance of KPK → FATA^{has} merged, high population, backwardness, poverty.

6. Recommendations:

Change is always a continuous process but it must be done in phase to address the issues or challenges which are highlighted as result of 18th amendment. Secondly, increase the financial share by improving overall financial reserves. Thirdly, for addressing issue of financial distribution add more factors like research and development, job opportunities etc.

7. Conclusion:

In a nutshell, 18th amendment has

played a significant role in transforming the federation of Pakistan. However, it has also initiated problems which are weakening the structure of federation which needs effective measures and strategies.

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Question No. 8

1. Introduction :

The idea that state has right to collect taxes and use of force is rooted in social contract theory. This theory argues that individual by living in the society, implicitly agree to abide by its rules and contribute to the common good. Taxation provides the financial means for state to fulfill its responsibilities. Whereas legitimate use of force is often linked with enforcing rule of law. Meanwhile, origin of state is complex and debated topic. Some consider it natural while other regard it as artificial. The legitimacy of state depends on how well it fulfills its obligations.

2. Legitimate Right of State From Income

As Taxes :

The notion that state has a legitimate right to collect taxes is often grounded in social contract theory which is given by three different philosophers: John Locke, Thomas Hobbes and Rousseau.

a. Social Contract Theory and Legitimate Right of State to Collect Taxes:

Social Contract Theory stems in the idea that individuals implicitly agree to abide by state rules in exchange for collective benefits. For instance:

i. Social Contract by Thomas Hobbes:

Hobbes argues that his era was era of chaos and turbulence. He also said,

"My mother gave birth to
tums myself and fear."

To end that fear, the people of society entered in a contract in which they surrender their rights to a powerful Leviathan which can collect taxes to protect their life and property.

ii. Social Contract of John Locke and

Idea of Collecting Taxes:

John Locke gave his theory by identifying that competition for resources result in to conflicts. Conflicts could be resolved by their representative to maintain peace and tranquility. Resultantly, they surrendered their rights to community and representatives. So, they are bound to pay taxes which in return can maintain peace.

iii. Social Contract of Rousseau:

Rousseau said,

"Man is born free, but everywhere he is in chains."

To ensure liberty of individuals, they all entered into a contract and surrendered their rights to general will of community. General will implies the will which is common good of people.

b. Taxation for Common Good:

Taxes are seen as a mean for the state to fund public services, infrastructure and essential functions. Therefore, they contribute to the overall wellbeing of a society.

For instance:

In Pakistan, income taxes fund government programmes and ensure essential services like emergency response, public safety and public health.

3- Legitimate Right of State to Use Force for Collecting Taxes:

The legitimacy of state's use of force for tax collection as part from public money can be discussed in context of following theories:

i- Social Contract Theory:

The state based on a social contract, has the right to enforce tax collection as part of agreement that individuals made for mutual benefit. However, excessive force could violate the terms of social contract leading to the questions about legitimacy of such measures.

ii- Liberalism:

Minimal use of force is justified to ensure the protection of individual rights, which include property rights and right to earn income. The use of force should be proportionate, and any violation of individual rights during tax collection may undermine state legitimacy.

iii- Marxist Theory:

It argues that a socialist state might collect taxes differently, while others emphasize the potential coercive nature of capitalist state.

iv. Anarchism:

Anarchism rejects all the legitimate rights of states over their citizens. It argues that state has no right altogether to collect taxes through the use of force.

In essence, legitimacy of state's use of force for tax collection is a debated topic. It has different perspectives and based on different political theories, it had different interpretations based on situational context of the state.

4. Origin of State :

State is defined as :

" a politically organized entity characterized by a defined territory, a permanent population, a government to enforce laws and capacity to enter relations with other states and it must be sovereign."

Origin of state is complex phenomenon and have been debated by political theorists through out the history.

i- Organic Origin of State :

Many political philosophers argue that state is an organic concept and is formed naturally. Aristotle has said that

"State is a magnified individual."

Similarly another political scientist Montesquieu argued that in state of nature, when conflict arises they were controlled by positive laws. Positive laws were the reason for formation of state.

ii- State as Artificial Entity: Social

Contract Theories:

Social Contract Theories are based on the idea that state is created artificially. The people of an area made contract with each other to protect their life, property or to resolve disputes or to gain liberty. Proponents of this school of thought are Thomas Hobbes, John Locke and Rousseau.

iii- Concept of Economic Determinism:

Economic determinism argues that states rise to facilitate economic organization and they provide framework for rights and resource distributions. However, this concept neglects the importance of other factors like culture, ideology, etc.

iv. Cultural and Ideological Theories:

This concept argue that states are formed by cultural value, shared beliefs, and ideological concept that help in uniting communities. Creation of Pakistan depicts a well-explanation of this concept under the ideology of Islam.

Conclusion:

In nutshell, state has legitimate right to collect taxes as a share from income of its

individuals to help others and to ensure peace and safety. However, topic of legitimate right of use of force is not justified it must be balanced. Similarly, there are different concepts regarding the creation of state which are given by different philosophers.

Section A

Question No. 2

1. Introduction :

Aristotle is one of the significant political philosopher who gave his theory on state as well as gave system of governance. He used rational concept rather than using an utopic idea like Plato. His system is still relevant in modern era in terms of acceptance of organic analogy, concept of middle class, concept of distributive justice, concept of eudaimonia and principles of classification.

2. General Overview of Work of Aristotle

Aristotle

Greek Philosopher

Famous Work : Politics

Student of : Plato

Important Concepts : Classification of governments,
theory of state, organic
concept of state

3- Contribution of Aristotle Regarding State :

Aristotle was under the scientific influence of his physician father so he applied scientific principles while studying states. Main contributions of Aristotle regarding state are as follows:

i- Need of State :

Aristotle identified the need of state for humans. He said that man is rational and man does best-benefit analysis of living in the state. He says,

“Man is a social animal, he cannot live in isolation.”

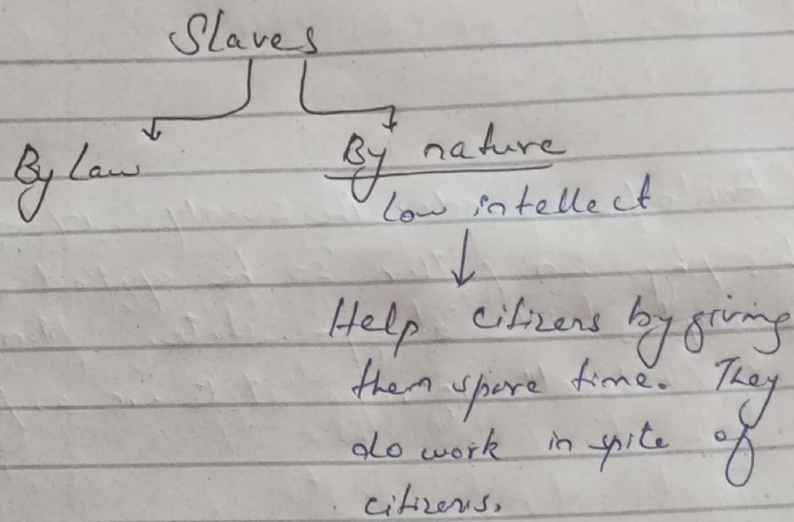
ii Organic Theory of State :

Aristotle compared state with humans. Just like humans, in which different organs work together to ensure betterment of body. In the same way, different parts of state work together for stability of state. He says,

“State is a magnified individual.”

iii- Role of Slaves in State :

Aristotle identified the role of slaves in their contribution to state. He identified two types of slaves :



iv. State as an End to Morality:

For Aristotle, State is an end to morality and this concept is different from that of Plato. Plato says that state is an end to end "justice" while Aristotle want to develop morality in the citizens of a state.

4. Contribution of Aristotle in Governance:

Apart from state, Aristotle played a significant role in governance in the following ways:

i- Classification of Government:

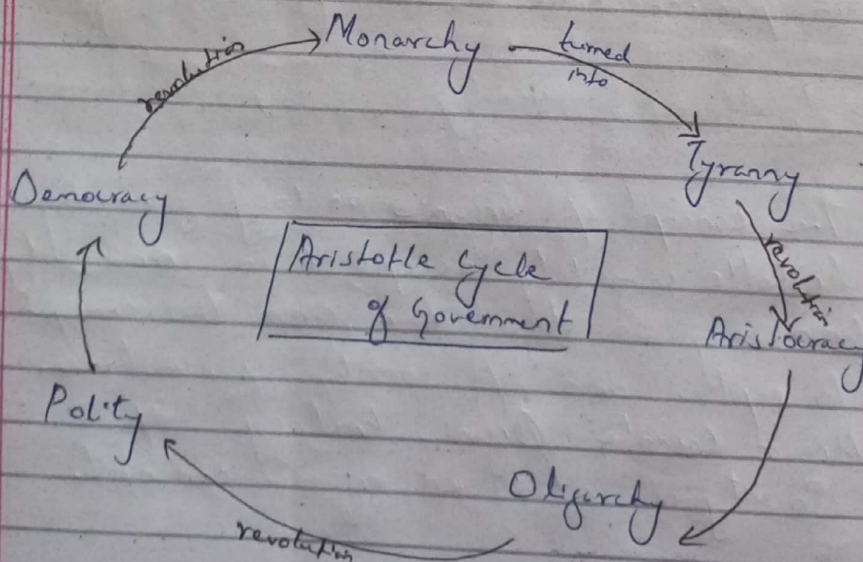
He was the first political thinker to use rational approach unlike Plato who used utopian ideas. Aristotle studied more than 150 types of governments in the existing state. The classification of government system are the proof that he was a rational thinker and classified the governments into 6 types.

No. of people	Good form	Bad form
1	Monarchy	Tyranny
Few	Aristocracy	Oligarchy
Many	Polity	Democracy

ii- Identification of Best form of Government:

Along with classification of government, Aristotle identified the most practicable form of government. According to him, Monarchy is good but is least practicable but polity is most practicable form of government.

iii. Role of Revolution in Change of Government:



iv. Role of Quality, Quantity and Middle Class in Governance :

Aristotle identified that in a state there are different groups : quality and quantity. Former is smaller in number but have enough resources while quantity is group of poor but they are greater in numbers. Government of both quality or quantity will be unstable, but to create a balance between effectiveness of government, middle class can play its role. Middle class can balance both quality and quantity in a group that is why ~~for~~ ^{for} him, polity is the most practicable form of government.

5 Relevance of Aristotle's Contribution in Present Time :

The work of Aristotle is still relevant in present time in the following ways:

i- Acceptance of Organic Analogy:

The concept of organic analogy given by Aristotle is widely accepted in sociology. Even many sociologists have given this concept to explain origin of society for instance, August Comte Organic Analogy of Society is also an organic concept.

ii- Relevance of Principles of Classification:

He was the first thinker to introduce classification in the sphere of politics. Later on, in other fields of sciences many scientists used the same approach. For instance classification of organisms into five kingdoms.

iii. Concept of Distributive Justice:

Many political thinkers believe that concept of private ownership of property is the real cause behind corruption and other ill. practices. However, Aristotle was of the view that citizens should be incentivized in return for their services to the state. This concept is still relevant in present day theories of motivation.

iv. Concept of Freeing the Slave:

Aristotle gave theory of slavery but he also identified the way where a slave can get rid of slavery. This concept has also been relevant in present time where (abolish) slavery has been abolished and there is not concept of keeping the slave.

v. Relevance of Eudimonia:

Plato argued that disabled child should

be killed as they are not productive for the state. Aristotle gave the opposite view, he says that every person has the right to live. Similarly, this concept is in trend in case of biodiversity loss as they have right to exist.

vi- Concept of Middle Class:

Strong middle class can prevent revolutions and source of stability. This was highlighted by Aristotle and is still relevant in current days.

vii- Concept of Moderate Population:

Aristotle was not in favor of a large population and he identified ideal value of state from 15,000 to 100,000. This concept is still in trend to identify the negative effects of overpopulation.

viii- Ideal State and Sea Route:

Aristotle said that an ideal state must have a sea route and it must not be landlocked. Currently, sea routes are determining the geopolitical and economic competition among states.

Conclusion:

In a nutshell, Aristotle's work has significant contribution in state and governance structure. His concepts are unique.

and are still relevant in current times.

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Question No. 4

1- Introduction:

Shah-Wali Ullah was a prominent Muslim scholar and reformer from Indian sub-continent. His socio-political thought are deeply rooted in his religio political beliefs which aimed to address the challenges faced by Muslims at that time. At that time, he revitalized Islamic principles and practices to strengthen Muslim. His thought have helped in strengthening Muslim nationalism by their unity, reducing sectarianism and recognition of separate identity.

2- Brief Overview of Shah Wali Ullah's Contribution:

Real Name: Qutbuddin

Important work: Social evolution, concept of Sultan and Khalifa.

Renowned Service: Translation of Holy Quran in Persian language

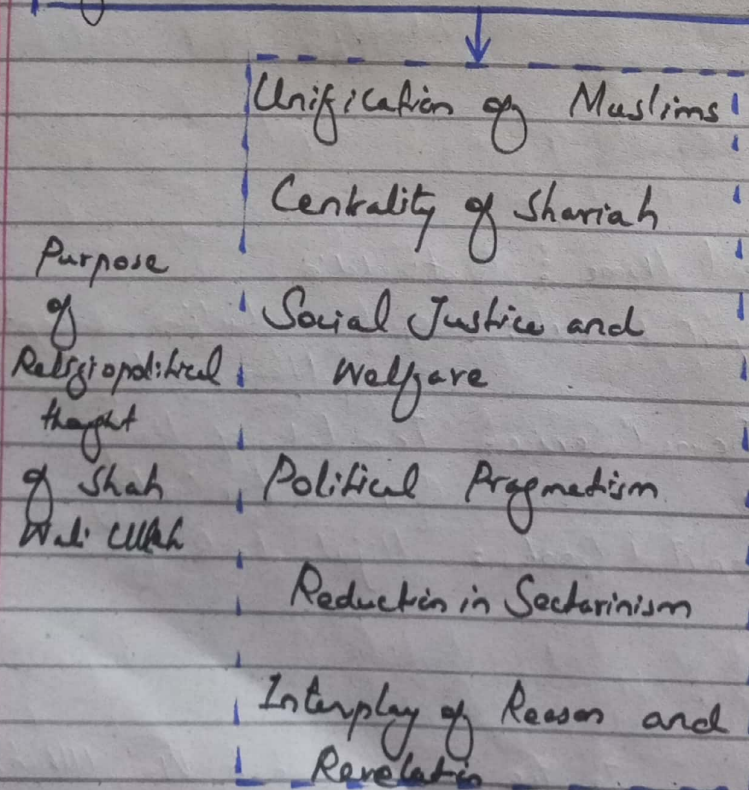
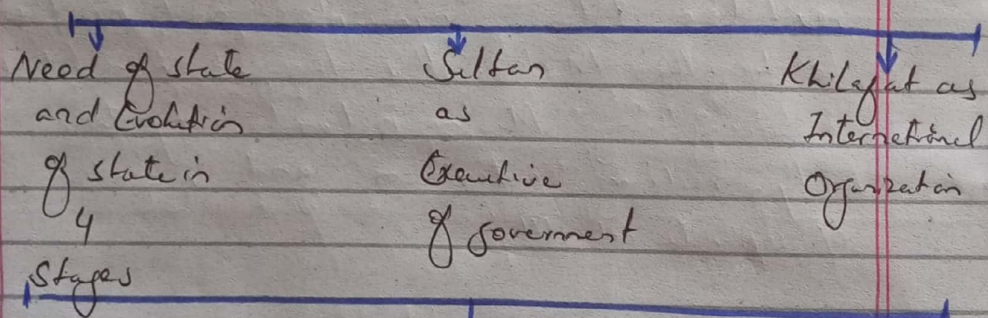
Important Books: Hijat-ul-Baligha

3- Context of Religio-Political Thoughts of Shah Wali Ullah:

In the era of Shah Wali Ullah,

The conditions of sub-continent were worse. Many evil practices were started in the society, many Hindu reformist movements like Shuddhi and Shiksha movement were going to convert Muslims into Hindus. Similarly, Muslims were getting far from religious practices and principles. Moreover, there was increasing threat of Marathas which was threat for rule of Muslims.

Religio-Political Thoughts of Shah-Wali Ullah:



Contributions of Shah Wali Ullah to Muslim Nationalism:

i- Reducing Sectarianism and Increasing Brotherhood:

Shah Wali Ullah preached the Quranic verses and Hadiths to Muslims to reduce seed of hatred in sects. He used to preach a hadith:

لا تفكروني في الدين.

"Make the religion understandable."

He further said that understanding religion leads to integration while misunderstanding leads to sectarianism. He helped in reducing sectarianism and increasing brotherhood.

ii- Socio-political Reforms:

He called for socio-political reforms aimed at aligning governance with Islamic principles resonated with those who seek a just and Islamic societal order. This contributed to formulation of distinct political vision for Muslims in the region.

iii- Islamic Unity Advocacy:

Shah Wali Ullah emphasized the importance of unity among Muslims promoting a shared

identity based on Islamic principles. This advocacy fostered a sense of community and solidarity among Muslims in the sub-continent.

4- Inspirations for Political Movements:

His ideas served as a source of inspiration for later political movements that sought to establish Muslim nationalism after the war of 1857. His philosophy laid the groundwork for articulation of a political inspiration and assertion of unique Muslim identity within the diverse fabric of Indian subcontinent.

5- Intellectual Legacy:

The writings and teachings of Shah Wali Ullah left a legacy ^{inspiring} subsequent generations of Muslim scholars and leaders. His ideas became foundation for the development of Islamic political thought in the sub-continent.

6- Cultural Revival:

The religio-political philosophy of Shah Wali Ullah contributed to revival of Islamic culture, encouraging the preservation and promotion of Islamic heritage. This cultural revival played a role in shaping identity of Muslims as a distinct community with

broader cultural landscapes.

7- Bridge Between Faith and Politics:

Sheikh Wali Ullah effectively bridged the gap between the faith and politics, demonstrating how Islamic principles could guide political governance. This integration became a cornerstone for Muslim nationalism, offering a holistic approach to both religious and political aspects of life.

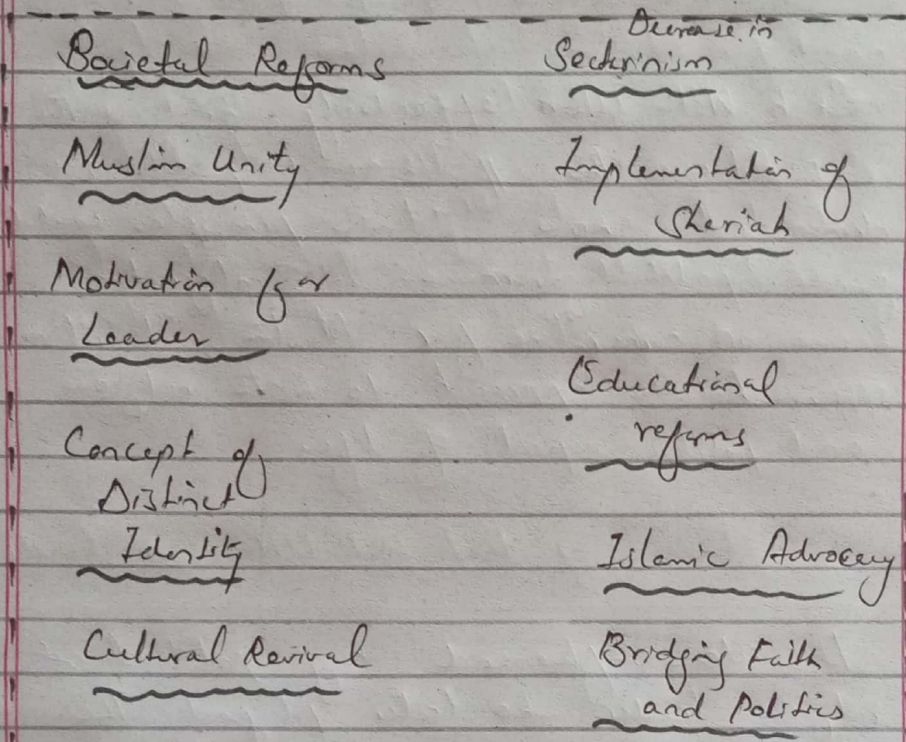
8- Influence of Sheikh Wali Ullah on Leaders:

His ideas influenced key political and religious leaders who later played the pivotal role in formation of Pakistan. The leader drew upon Sheikh Wali Ullah's philosophy to articulate the political aspirations of Muslims in sub-continent. For instance, Sir Syed Ahmad Khan was inspired from Sheikh Wali Ullah's socio-political philosophy and he established Muhammedan Anglo Oriental College in Aligarh.

9. Impact on Education:

Sheikh Wali Ullah established Majlis-e-Mustasim to focus on education which contributed to the educational reforms of Muslims. This has also played a crucial role in shaping mind set of individual who

later became instrumental in Muslim nationalist movement.



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Impacted Muslims in Strengthening Muslim Nationalism

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Cope with Affects of War of 1857

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Movement for Pakistan

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Creation of Pakistan

Conclusion :

Shah Waliullah emphasized the need for Muslims to adhere strictly to Islamic Principles. He aimed to revive Islamic principles and their alignment with Islamic value. This resultantly, increased the Muslim nationalism and contributed to emergence of Muslims as distinct nation.

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