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QUESTION NO 02

INSTRUCTIONS

DIFFERENCE BETWEEN POLITICAL AND JUDICIAL ACCOUNTABILITY

1. Give numbering to headings.

2. Do not write lengthy paragraphs. Write medium sized paragraphs with headings.

3. Do not use table for comparison and contrast questions.

4. Draw figures/diagram/flowchart where needed.

5. Start new question from fresh page.

6. Avoid writing wrong references.

7. Give more weightage to expressly asked parts of the question.

8. Change colour scheme for references to give them more visibility.

9. Manage time well.

10. Wide page borders are discouraged. Should be reasonable.

11. There should be around 15 headings for 20 marks question.

12. Add quotation.

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Introduction is missing

ROLE OF SUPREME COURT AND HIGH COURT IN MAINTAINING ACCOUNTABILITY IN WAKE OF RECENT AMENDMENTS

Supreme Court and High Courts are two main judicial courts responsible for accountability in Pakistan according to constitution of Pakistan as

ARTICLE 184-

Article 184 gives the original Jurisdiction of Supreme Court to do accountability.

ARTICLE 185

Article 185 details about Appellate Jurisdiction of Supreme Courts.

ARTICLE 186

Article 186 details about advisory Jurisdiction of Supreme Court.

ARTICLE 187

It deals with overall responsibility of Supreme Court.

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to do accountability.

HIGH COURTS

High courts also have original, Appellate and advisory jurisdiction like Supreme Court.

Art 199

RECENT AMENDMENTS AND ACCOUNTABILITY

1) DISTURBED TRICHOTOMY OF POWER AND COMPROMISED ACCOUNTABILITY

Separation of powers among state pillars i.e. judiciary, executive and legislative is a prerequisite for transparency and accountability. The 26th and the 27th amendment changed the dynamics of separations of power by giving legislative and executive more power and by curbing the power of judiciary. In this way, the process of transparency and accountability is challenged in Pakistan.

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(ii) CURBING SUEROPTO POWER OF CJP AND ACCOUNTABILITY

Before 26th amendment, Chief Justice of Pakistan had ~~the~~ sue motto power, by virtue of which he could interfere in issues including governance, but in 26th amendment, sue motto power has been taken from CJP, making judiciary less powerful to intervene in process involving accountability.

(iii) JUDGES TRANSFER AND ACCOUNTABILITY POST 27th AMENDMENT

Before 27th amendment, consent of judges was necessary for their ~~posting~~ posting to other courts or High Courts, but 27th amendment take the privilege of consent from the judges. This led to executive monopoly to transfer judges without their willingness. This led to a compromise on accountability for sake of desired posting. Thus 27th amendment hants accountability in this way.

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✓ EVALUATION OF JUDGES PERFORMANCE BY EXECUTIVE

In 26th amendment, promotion of judges is linked to their performance and their performance will be evaluated by members of legislative. Thus dependence of a judge on legislative for its promotion poses a risk to accountability in Pakistan.

vi- APPOINTMENT OF CJP AND ACCOUNTABILITY

Appointment of CJP was made on basis of seniority and ~~the~~ most senior judge was appointed as CJP. But 26th amendment changed the criteria for CJP. Now CJP would be selected among 3 most judges of Supreme Court. The selection would have a great impact on by parliament. This is another way that will impact decisions of judges of Supreme Court ~~too~~ on decisions will be tilted to government for sake of CJP slot, thus compromising the accountability.

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CONCLUSION

The 26th and 27th amendments by virtue of making the executive strong and by increasing the dependency of judiciary over executive and legislative for their promotions, posting and appointing has significantly undermined the role of judiciary in accountability.

QUESTION NO 03

PART (B)

DIFFERENCE BETWEEN GOOD GOVERNANCE AND E-GOVERNANCE

<u>GOOD GOVERNANCE</u>	<u>E-GOVERNANCE</u>
1- Good governance refers to ^{using} established rules of governance for the well being of individuals or common people.	2- E-governance refers to use of Electronic technologies for provision of services to the citizens.

Do not use table for comparison.

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GOOD GOVERNANCE

2- Services to the citizen are provided with great ease

3- Good governance remove the divide between developed and undeveloped areas

4- Services are accessible to all the citizens without any discrimination.

5- It mitigates urban-rural divide.

6- Suitable / workable for developed and developing societies

7- Tech Independent

8- Good governance may include e-governance

9- Inclusive

E-GOVERNANCE

2- Services are provided to citizens which may or may not be at ease

3- E-governance deepens the divide between developed and undeveloped areas

4- Services are accessible to only those who are digital literate

5- It deepens urban-rural divide.

6- Only suits developing societies

7- Tech Dependent

8- E-governance may or may not be good governance

9- may not be inclusive

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(C) INTERGOVERNMENTAL RELATIONS AT FEDERAL AND PROVINCIAL LEVELS IN PAKISTAN

The inter-governmental relations between center and province are guided by constitution of Pakistan-1973.

(i) PAKISTAN A FEDERAL STATE

According to constitution of Pakistan-1973, Pakistan is a Federation with 4 provinces and a center. All the four provinces enjoys the provincial autonomy with their own provincial governments.

(ii) NON-INTERFERENCE OF CENTER IN PROVINCIAL AFFAIR

According to constitution, center cannot interfere in matters related to provinces by constitution. Provincial legislative i.e provincial assemblies are responsible for doing legislation on provincial affairs and provincial executive is responsible for implementing the law made by provincial assembly.

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iii- PROVINCES CAN SURROUNDER THE POWERS TO CENTER

According to constitution, provinces can surrender the powers by passing a resolution, to center.

EXAMPLE FACTOR:

PROVINCES SURROUNDERED DISASTER MANAGEMENT TO CENTER

The disaster management was subject of provinces in 18th amendment. But the provinces badly failed to manage the disaster in 2010, so the provinces surrender the power by resolution to the center.

EXAMPLE:

PROVINCES SURROUNDERED DRUG REGULATIONS TO CENTER

Provinces had the subject of drug regulation, but due to approval of sub standard drugs and death of people, provinces surrender drug regulation to the center.

iv- SUBJECTS RELATED TO CENTER AND PROVINCES

Subjects related to provinces and center were residual

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By 18th amendment Defence and foreign policy are main subjects related to center while health, education and police are major subjects related to provinces.

vi- 18th AMENDMENT AND CENTER PROVINCE RELATIONS

18th

amendment change the ~~the~~ center province relation by giving the unprecedented autonomy to the provinces.

vii- ABOLISHMENT OF CONCURRENT LIST IN 18th AMENDMENT AND INCREASED POWERS OF PROVINCES

The concurrent list which contained the subjects common to both the center and provinces and were jointly exercised by both, was abolished in 18th amendment. 99% subjects in concurrent lists were transferred to provinces in 18th amendment giving wide autonomy to provinces.

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VIII- NFC AWARD, ITS PROTECTION, AND CENTER PROVINCE RELATIONS IN PAKISTAN

The resource distribution between center and provinces are regulated by NFC (National Finance Commission) and share is awarded by award called as NFC award. The NFC award is protected by law as the NFC award cannot be less than previous award in context of provincial share.

IX- COUNCIL OF ECONOMIC INTEREST GOVERNS ECONOMIC ISSUES

Council of common interest govern the economic issues between center and provinces

X- COUNCIL OF COMMON INTERESTS FOR DISPUTE RESOLUTION

Council of common interest is a body which aims to resolve dispute which arises between center and provinces.

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XII- ECONOMIC AUTONOMY TO PROVINCES ~~WITH~~ BY 18th AMENDMENT

Provinces are given full economic autonomy. They can now independently acquire loans from international Monetary Bodies.

EXAMPLE: LOAN FOR LAHORE ORANGE LINE AND PESHAWAR BRT

Loan was obtained by ~~provinces~~ for Lahore orange line metro project. Similarly, loan for Peshawar BRT was obtained by provincial government. This shows economic autonomy to the provinces ~~is~~ utilized without center intervention.

XIII- EMERGENCY PROVISIONS AND CENTER- PROVINCE RELATION

There is a provision in constitution which provide center a power to enforce emergency in case of extreme security or other conditions. The minimal use of emergency provision by govt shows stable relation between center and province.

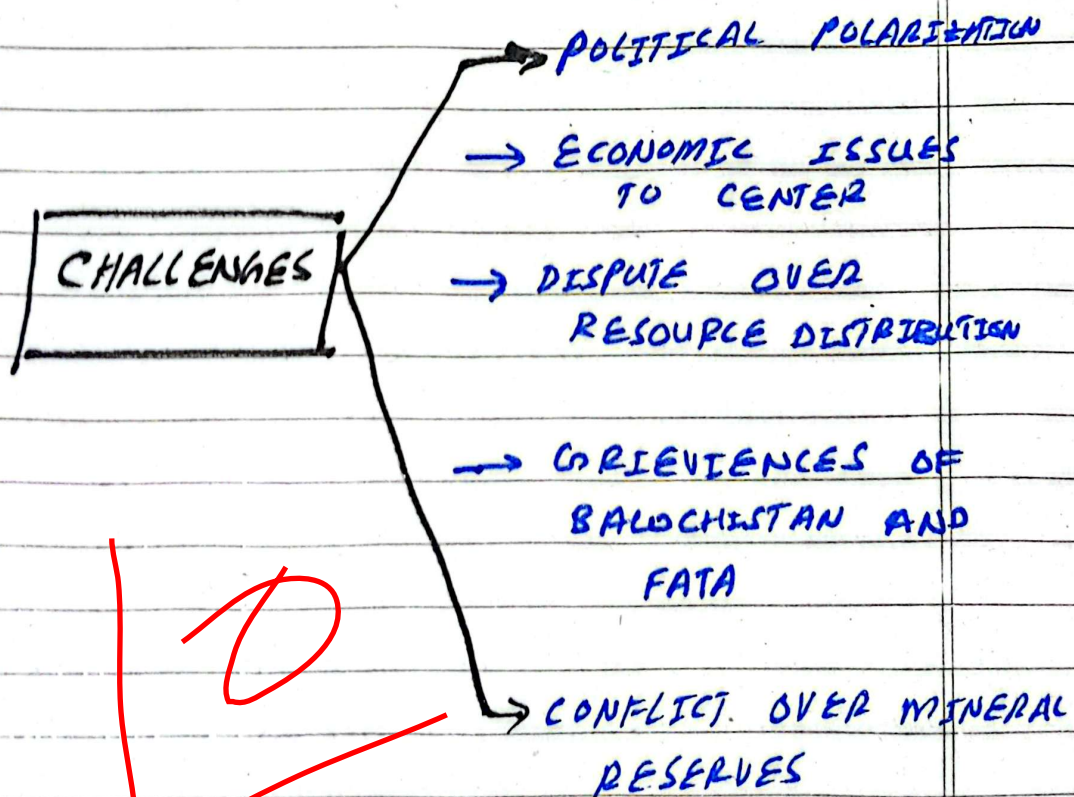
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XV - WATER SECURITY MECHANISM AND CENTER PROVINCE RELATIONS

Similarly, water security is essential to all the provinces. An independent body WPT is responsible for regulating center-province conflict on this matter.

CHALLENGES TO CENTER PROVINCE RELATIONS IN PAKISTAN



QUESTION NO 06

E-GOVERNANCE IN PAKISTAN
- CHALLENGES AND PROSPECTS

I-INTRODUCTION

21st century is the century of technology. E-governance is one such emerging technology which ~~not~~ would be the decisive factor among good and bad governance. Modern technology has influenced all spheres of human life and so is the governance. The emergence of ~~e-governance~~ has revolutionized the governance in many developed countries. In developing countries it faces many challenges. There are bright prospects of ~~e-governance~~ in Pakistan at one hand and challenges to e-governance at the other hand. The prospects include the increasing use of smart phones and internet, government willingness and initiatives and successful provision of ~~new~~ e-services in some areas. But challenges on the other hand are low literacy

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rates, digital divide and bureaucratic reluctance to adopt the e-governance.

II- PROSPECTS OF E-GOVERNANCE IN PAKISTAN

^{USAGE OF ↓} i- INCREASING DIGITAL DEVICES AND TECHNOLOGIES

Many people in Pakistan are shifting towards advance technologies and digital devices are becoming more and more common, which makes it a positive sign that e-governance can be adopted in Pakistan.

ii- INCREASING USE OF SOCIAL MEDIA - A POSITIVE INDICATOR OF READINESS

Use of social media is increasing day by day in Pakistan. The use of Facebook, Instagram and Flickr has been observed to increase. This shows that e-governance in Pakistan can be a reality then a dream.

III- GOVERNMENT'S WILLINGNESS TO E-GOVERNANCE

Government has shown its willingness to shift towards e-governance. For example, the initiation of **PRIME MINISTER'S CITIZEN PORTAL AND ONLINE CHALLAN SYSTEM BY PUNJAB GOVERNMENT** shows willingness of government to adopt to the e-governance.

IV - EXPANDING IT SECTOR

Similarly, IT sector of Pakistan is expanding day by day. This is another positive sign that Pakistan can shift toward e-governance.

V- CPEC AND IT SECTOR

Likewise, the inclusion of IT sector in CPEC is another prospect of e-governance in Pakistan.

VI- SUCCESS OF E-GOVERNANCE IN SOME SECTORS

Another prospect is success of many e-governance sectors in Pakistan. For example

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Provision of e-service by NADRA has been successful in Pakistan. This shows Pakistan can shift to e-governance.

III - CHALLENGES TO E-GOVERNANCE IN PAKISTAN

There are many challenges to e-governance in Pakistan like;

i - DIGITAL DIVIDE

One major challenge to e-governance in Pakistan is digital divide. The urban and rural areas are not equally digitally literate, making e-governance a challenge in such conditions.

ii - LOW LITERACY RATE

Low literacy rate is another major problem. The ratio of literacy in Pakistan is significantly low (60%) which is another challenge to establishment and success of e-governance in Pakistan.

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iii- LOW DIGITAL LITERACY

The digital literacy situation in Pakistan is also significantly low which is another hurdle in e-governance.

IV - FINANCIAL ISSUES

Financial issues are another hurdle to e-governance in Pakistan. Designing of softwares and e-governance systems require finances which are difficult to manage by a country in debt trap.

V- TECHNICAL ISSUES

Technical issues in designing e-governance setup and regulating these e-governance setup are major issues in e-governance in Pakistan.

VI- LACK OF TRAINED MAN POWER

Similarly, lack of trained human resource to efficiently handle the e-governance is another issue in Pakistan.

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vii- CYBER SECURITY AND PRIVACY ISSUES AS A CHALLENGE TO E-GOVERNANCE

Another major issue in e-governance is cyber security and privacy related issue. Data is now war found in 21st century. Thus any compromise on cyber safety will lead to failure of e-governance in Pakistan.

CASE STUDY | EXAMPLE FACTOR: AVAILABILITY OF NADRA DATA ON DARK WEB

The availability of data of Pakistani citizen on Nadra is one such example which highlights the sensitive issue of privacy in e-governance in Pakistan. The NADRA website was hacked and data of all the Pakistani citizens including NADRA's chairman was available at dark web. This shows that the sensitive issue of data security is a major challenge towards e-governance in Pakistan.

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ix- BUREAUCRATIC RELUCTANCE

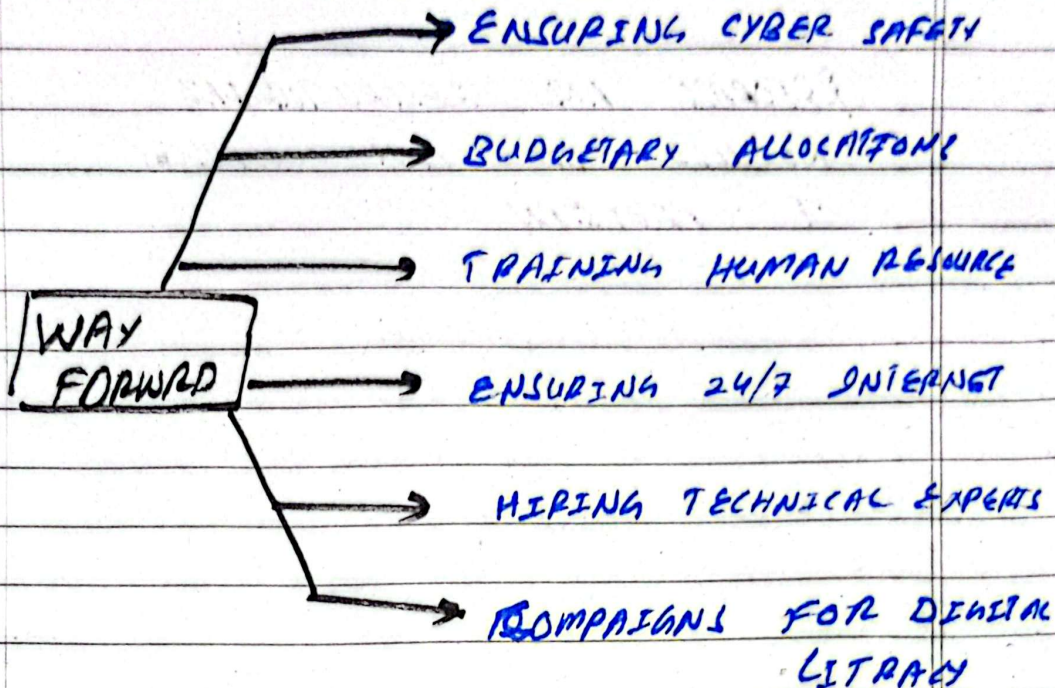
- A CHALLENGE TO E-GOVERNANCE IN PAKISTAN

Bureaucratic reluctance to e-governance is another issue and challenge to e-governance in Pakistan. Due to old bureaucratic mentality and fear of accountability caused by e-governance, many civil servants are reluctant to adopt to e-governance in Pakistan, making it a challenge to be adopted in near future.

x- INTERNET BLACKOUTS, UNAVAILABILITY AND SLOW INTERNET - ANOTHER CHALLENGE TO E-GOVERNANCE

Likewise, the availability of Internet at a reasonable pace is another challenge in Pakistan. Due to security threats, Pakistan faces complete blackouts sometime. Similarly, in many far areas like Balochistan, Internet availability is a major challenge to e-governance in Pakistan.

WAY FORWARD FOR E-GOVERNANCE IN PAKISTAN



CONCLUSION

Pakistan faces many challenges towards digital governance like internet issues, bureaucratic red-tape, technical and economic barriers, and cyber safety issues. The prospects include government's willingness to e-governance, growing digital literacy and successful experiments with e-governance in few sectors. With proper measures, Pakistan can convert the dream of e-governance to reality.

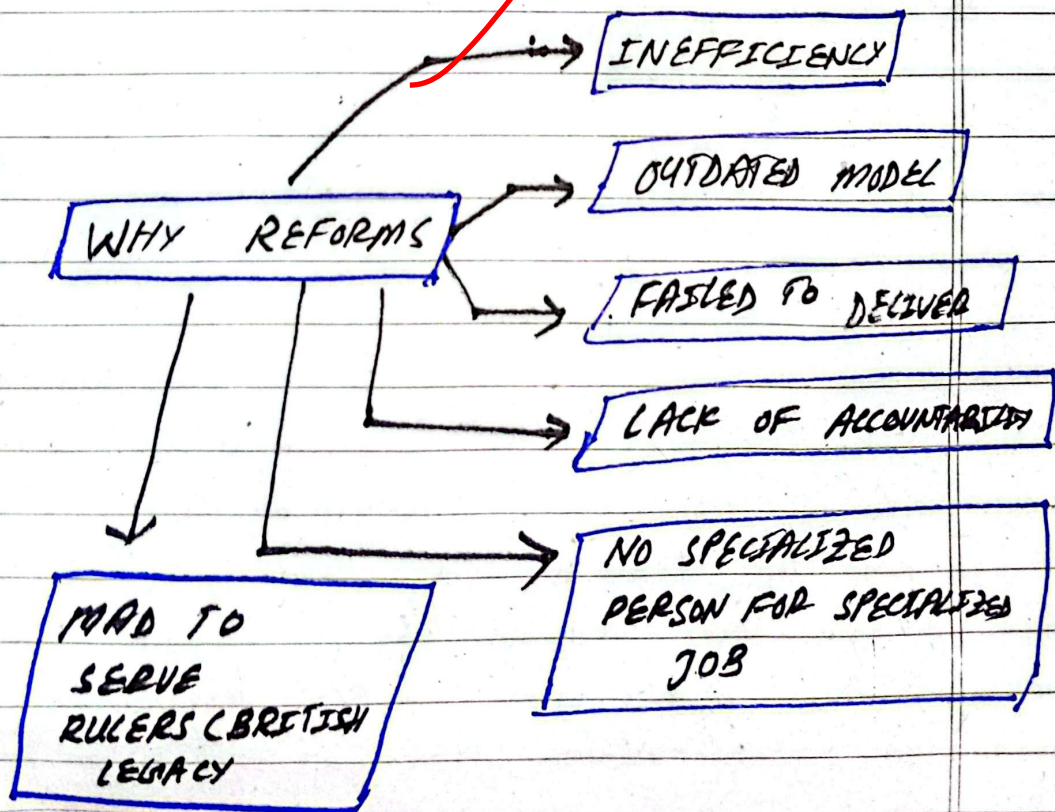
QUESTION NO 05

PART (i)

REFORMS AND RESTRUCTURING
REQUIRED IN CIVIL SERVICES
OF PAKISTAN

The biggest room in the world is room of improvement. Bureaucracy in Pakistan works on an outdated model having a lot of flaws. So practical reforms and restructuring is required in bureaucracy of Pakistan.

WHY REFORMS ARE NEEDED



REFORMS AND RESTRUCTURING REQUIRED

(i) SELECTION OF SPECIALIZED INDIVIDUALS

The civil service of Pakistan needs specialized individuals for specialized jobs. For example, a literature graduate cannot adapt to accounts or audits services. Likewise, an economic literate might have sound knowledge of economy but there is no guarantee of his diplomatic or communication skills required for foreign services and administrative services. So specialized individuals are needed for specialist tasks.

(ii) SELECTION CRITERIA NEEDS TO BE REFORMED

If you judge a fish by its ability to climb a tree, you will spend his whole life believing she is an idiot"

Albert Einstein

The selection criteria of civil services relies on English writing skills and not

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On the one's ability to think and reflect critically. Many a potential candidates having very good communication and professional skills are kicked out of the race due to their ability to manage the English writing skills. There is a need to come out of Lord Macaulay's traps, and to select the individuals based upon their theoretical and technical proficiencies rather than their English writing abilities.

C- E-GOVERNANCE BASED BUREAUCRACY IS NEEDED

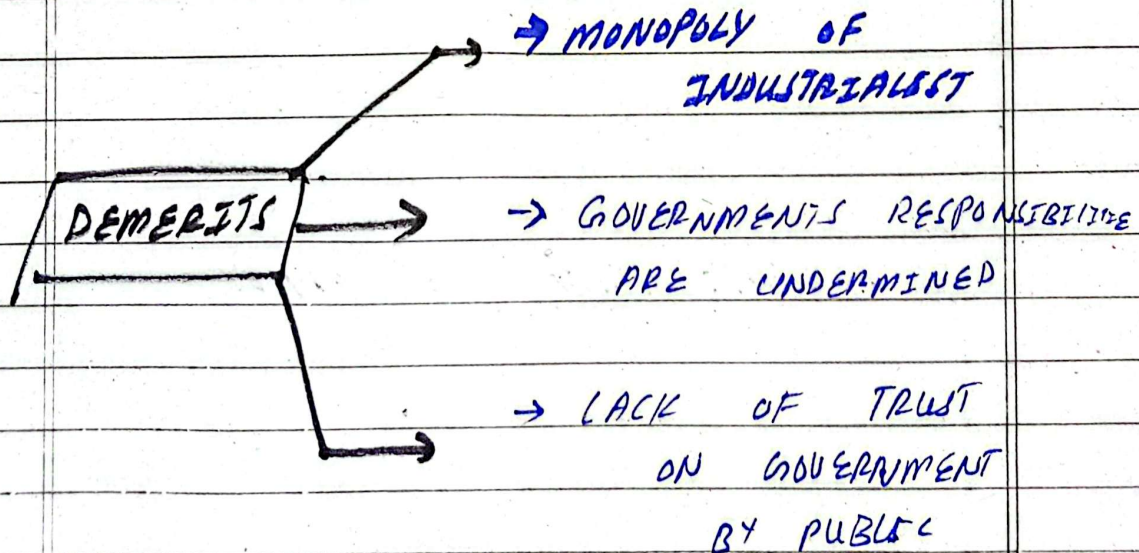
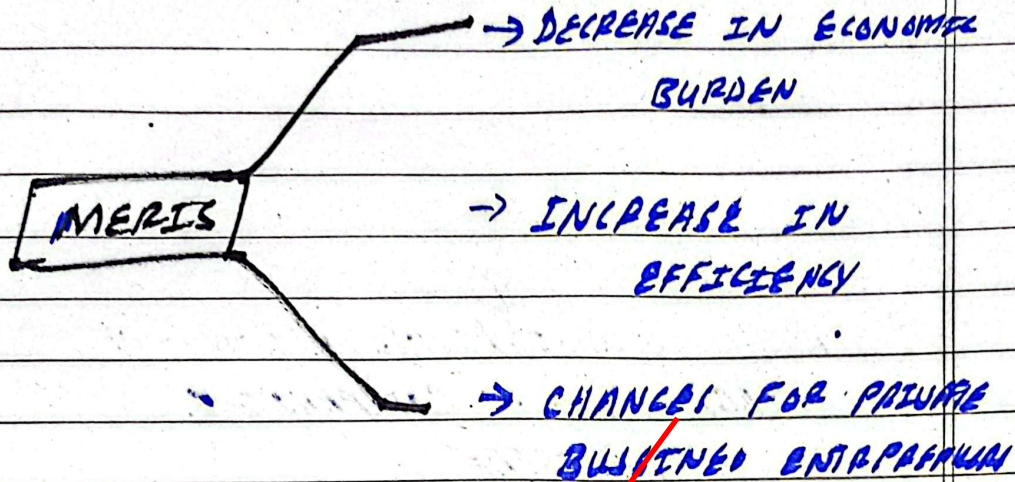
Pakistan needs a bureaucracy based upon e-governance models and efficient enough to solve the problems in a transparent way.

d- ENSURING MENTAL HEALTH PROGRAMS

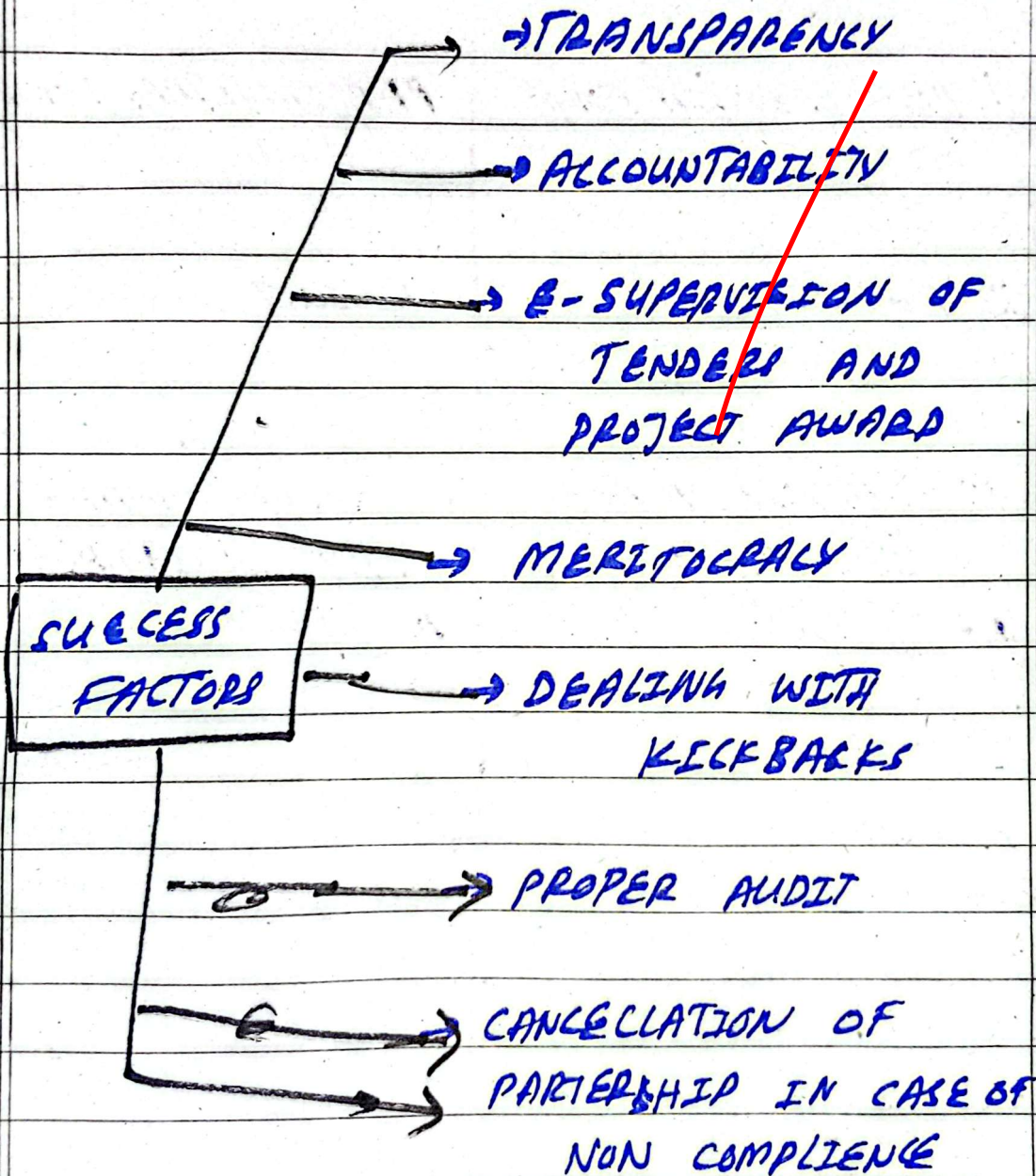
mental health is another issue in civil services of Pakistan. Political and service pressure impacts the mental health leading to inefficiency. So mental health programs are needed to be ensured in bureaucratic setups.

PART iii

MERITS OF PRIVATIZATION



PART IV

SUCCESS FACTORS FOR PUBLIC
PRIVATE PARTNERSHIP IN
PAKISTAN

PART V

PRESIDENTIAL
FORM OF
GOVT

(i) PRESIDENTIAL FORM

→ 1962

(ii) RESULT

→ Failed

(iii) FACTORS MAKE
IT UNSUITABLEa - One person rule
is not accepted by
people

b - Historical Failures

c - ~~unsuitable~~ unsuitable for
diverse Federating unitscannot satisfy multi-
ethnics and sub-
ethnic identitiesPARLIAMENTARY
FORM OF
GOVT

PARLIAMENTARY FORM

→ 1956

→ 1973

RESULT

worked and still
workingFACTORS MAKE
IT SUITABLEa - perceived as
government of chosen
representative

b - Historically successful

c - suitable for
diverse Federating
unitsInclusive in terms
of multiethnic and
subethnic identities.