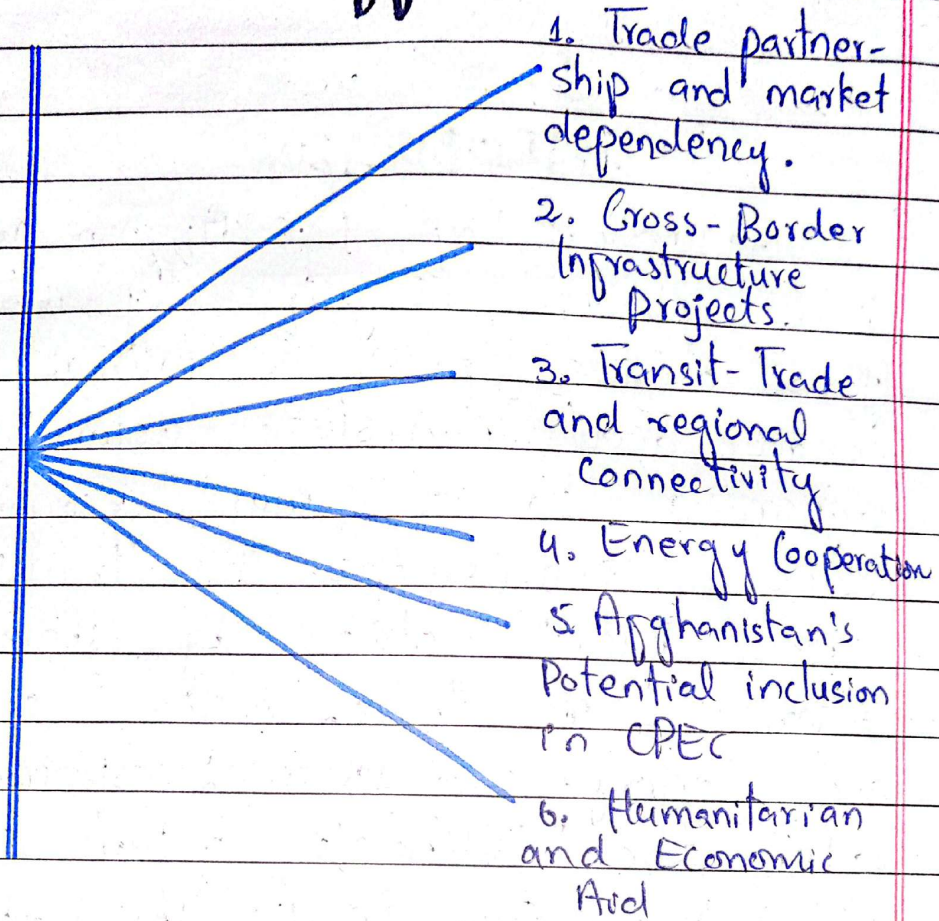


Q. Pak-Afghan relations are now more of Economic nature than that of security and influence of Non-State Actors. Critically Evaluate.

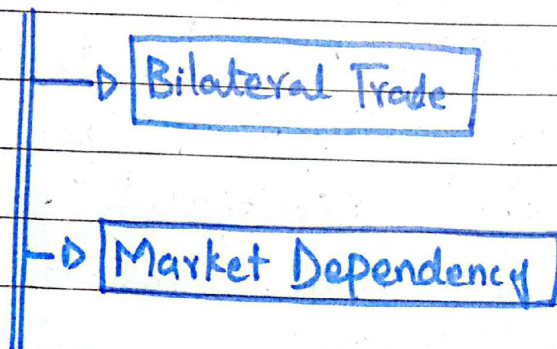
INTRODUCTION

The nature of Pak-Afghan relations have evolved significantly in recent years, shifting from a primarily security-centric and non-state actor-driven dynamics to a more economically focused engagement. This transition has been driven by shared interests in trade, regional connectivity, and energy cooperation, especially after the Taliban's return to power in Afghanistan. Despite these developments, the persistent influence of non-state actors and unresolved border security issues remain significant hurdles. The growing emphasis on economic collaboration reflects a mutual recognition of the need for regional stability and development, fostering hope for a more constructive bilateral relationship.

2. The Economic Dimension Of Pakistan-Afghanistan Relations



2.1 Trade Partnership and Market Dependency



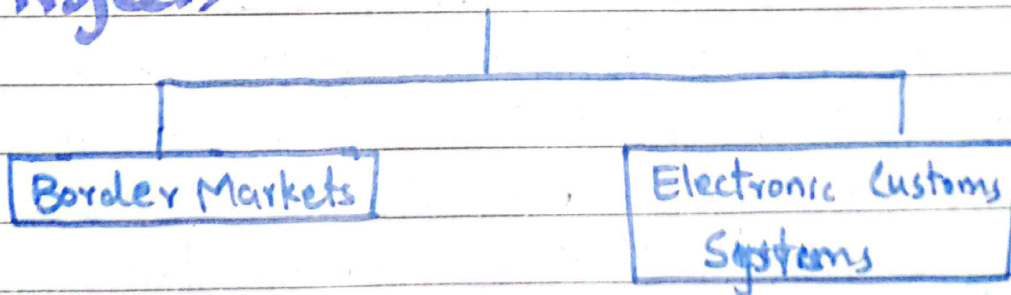
(a) Bilateral Trade

Pakistan remains Afghanistan's largest trade partner, providing essential commodities like wheat, sugar, cement, and medicine. Their trade peaked at \$2.5 billion in 2011 but has declined to recent years due to security issues and border closures. Efforts to revive

(b) Dependence On Pakistan's Market

Around 70% of Afghanistan's imports from Pakistan consist of essential goods like food, construction materials, and medicine, highlighting the interdependence of the economies.

2.2 Cross-Border Infrastructure Projects



(a) Border Markets

In 2022, Pakistan inaugurated several border markets to encourage legal trade, including facilities at

Torkhan and Chaman, which handle 80% of bilateral trade

(b) Electronic Custom Systems

The installation of automated systems at major crossings has reduced processing times and increased transparency in trade operations.

2.3 Transit Trade And Regional Connectivity

→ Afghan-Pak Transit Trade Agreement

→ Trade with Central Asia

(a) Afghan-Pak Transit Trade Agreement

Signed in 2010, this project allows Afghan traders to use Karachi and Gawadar ports for international trade. Approximately 60% of Afghanistan's imports transit through Pakistan annually.

(b) Trade with Central Asia

Afghanistan's geographic position enables Pakistan to access Central Asian markets, with Uzbekistan and Turkmenistan

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emerging as key partners.

2-4 Energy Cooperation

→ TAPI PIPELINE

→ CASA-1000

(A) TAPI Pipeline

Once operational, the TAPI pipeline will transport 33 bn cubic meters of natural gas annually, benefiting Pakistan and Afghanistan while promoting regional integration.

(B) CASA-1000

Expected to transit 1300 MW of electricity annually from Tajikistan and Kyrgyzstan to Afghanistan and Pakistan, this project will alleviate energy shortage in both countries.

2-5 Afghanistan's Potential Inclusion in CPEC

→ Infrastructure Investment

→ Gwadar-Port Utilization

(a) Infrastructure Investment

Afghanistan's inclusion in CPEC could connect it to infrastructure projects worth \$62 bn including roads, railways, and energy corridors.

(b) Quadar Port Utilization

In 2021, Pakistan allowed Afghan traders to use Quadar Port as an alternative to Karachi, enhancing Afghan's access to international markets.

2.6 Humanitarian And Economic Aid

→ Humanitarian Assistance

→ Development Projects

(a) Humanitarian Assistance

After the Taliban takeover in 2021, Pakistan sent \$30 million worth of food, medicine, and relief supplies to Afghanistan to prevent a humanitarian crisis.

(b) Development Projects

Pakistan has built 3,000 schools

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and 14 hospitals in Afghanistan since 2001, showcasing its role in Afghanistan's reconstruction.

Conclusion

Pakistan-Afghanistan relations have undoubtedly taken a more economic turn, driven by shared interests in trade, energy, and connectivity. However, the influence of non-state actors and persistent security concerns consistent to challenge this transition.

For the relationship to achieve its full economic potential, both countries must address these issues through cooperative frameworks and mutual trust-building. The success of this economic shift will depend on creating a balanced approach that integrates security stability with economic development, ensuring long-term regional prosperity.



Q. 8. For the critical balance between judicial independence and parliamentary oversight, it is essential that the 26th amendment be critically evaluated on the constitutional principles. Discuss.

1. INTRODUCTION

The 26th Amendment to Pakistan's Constitution, passed in 2024, has generated significant debate regarding its impact on the balance between judicial independence and parliamentary oversight. While the amendment aims to address certain political and administrative challenges, it also raises questions about its potential effect on the delicate relationship between the judiciary and the legislature. In Pakistan's parliamentary democracy, ensuring a proper balance between these two branches of government is crucial for maintaining the rule of law, safeguarding individual rights, and preserving the integrity of the constitution.

2. Judicial Independence and Parliamentary Oversight: A Delicate Balance

→ Judicial Independence a cornerstone of democracy

→ Parliamentary Oversight and Accountability

2-1 Judicial Independence a Cornerstone Of Democracy

Judicial independence is vital for ensuring the separation of powers, a fundamental principle enshrined in Pakistan's Constitution. The Judiciary's autonomy ensures that it can make decisions free from political or executive influence.

(a) Constitutional Safeguard

Articles 175 and 177 of Pakistan's Constitution protect the independence of the judiciary, ensuring that judges are not subject to political pressure or interference.

(b) Precedent and Jurisprudence

The judiciary in Pakistan has historically played an important role

upholding the Constitution and safeguarding individual rights, with landmark judgements like the Zafar Ali Shah case establishing the importance of judicial autonomy.

2.2 Parliamentary Oversight And Accountability

Parliamentary oversight is essential for maintaining the accountability of all state institutions, including the judiciary. While the legislature should not interfere with judicial functions, it has the duty to ensure the proper functioning of government institutions.

(a) Checks And Balances:

The legislature's role in approving appointments, approving budgets, and enacting laws allows it to maintain oversight over judicial and executive functions without overstepping its bounds.

(b) Judicial Review

Parliamentary actions are subject to judicial review to prevent the abuse of power. Judicial review ensures that the legislature does

not pass laws that are unconstitutional or infringe on fundamental rights.

2-3 Critical Evaluation Of the 26th Amendment On Constitutional Principles:

- Empowering the Legislature at the Expense of the Judiciary
- Ensuring Constitutional Compliance
- Judicial Review of Parliamentary Action

2.1) Empowering the Legislature at the expense of the Judiciary

The 26th Amendment, while aimed at addressing political and administrative challenges, could potentially increase the power of the legislature over the judiciary in ways that undermine judicial independence.

Potential Overreach

Disrupting Separation of Power

(a) Potential Overreach

The amendment includes provisions that could enable the legislature to alter the composition of the judiciary or influence the appointment of judges. This may result in political considerations influencing judicial decisions.

(b) Disrupting Separation Of Powers

If the legislature gains too much control over the judiciary. It could diminish the principle of separation of powers, making the judiciary vulnerable to external pressures.

3.2 Ensuring Constitutional Compliance

One of the core principles of judicial independence is the ability to interpret the Constitution and strike down laws that violate it. The 26th Amendment must be critically evaluated to ensure it does not infringe on this judicial responsibility.

(a) Basic Structure Doctrine

Judicial independence is considered

a part of "basic structure" of the Constitution, which cannot be altered by ordinary amendments. The 26th amendment encroaches on this fundamental principle, it could lead to constitutional conflicts.

(b) Preserving Fundamental rights.

The judiciary's role in safeguarding fundamental rights, such as the right to fair trials, and equal protection, must remain intact. The amendment should not infringe upon the judiciary's ability to enforce these rights.

4. Conclusion

The 26th Amendment to Pakistan's Constitution presents a challenge in maintaining the balance between judicial independence and parliamentary oversight. While it aims to address pressing political and administrative issues, it must be carefully evaluated to ensure that it does not compromise judicial autonomy or the constitutional principle of

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separation of power. A careful approach is necessary to preserve both the judiciary's independence and the legislature's role in oversight, ensuring the stability and integrity of Pakistan's democratic framework.