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(Pakistan Affairs)
Test - 2

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QUESTION # 01

Pakistan's political culture is marred with extreme polarization. Explain and suggest remedies.

Answer

INTRODUCTION:

Since its inception, Pakistan's political culture dangles between authoritarianism either its military or civil and an urge to establish a true democratic state. There is no denying of the fact that Pakistan's political culture is grappled with extreme polarization - Political witch Hunting, Horse Trading, Oligarchic politics, civil-military conflicts have

derailed the democracy of Pakistan. Lack of political decorum, sense of sobriety, intermittent constitutional breakdown and crossing of floor by Parliamentarians have defaced public trust. However, the ills of democracy can be cured by more democracy. So, prudent and vigilant measures are needed to weed out polarization in politics. Hence, by ensuring devolution of power to grass root level, free and fair elections and rule of law, political polarization can be minimized.

Pakistan is at the crossroads of its political destiny. It can either remain trapped in the quagmire of clientilistic politics, eroding faith in state institutions or avert the situation. (Malecha Lodhi - Pakistan Beyond the Crisis state)

(1) Conceptual Framework of Pakistan's Polarized Political

Culture:

Pakistan became a sovereign state on 14th August 1947. Since then, it is trying to assert democratic norms in the state. However, the forthcoming leaders gained power for their ulterior motives. It is befitting to mention here that this ruthless struggle for power and civil-military conflicts resulted in Pakistan's polarized polity. Pakistan state was envisioned on the basis of true Federation but Centre-Province relations dented the core vision of Pakistan.

Post-Colonial Pakistan and India are grappling with an age-old problem of constant shifts and fluctuations of power between center and its region. (Ayesha Jalal - Modern South Asia)

(2) Political Polarization

Impeding The Evolution of Pakistan's Democratic Polity:

Political polarization, undeniably, lies at the heart of governance crisis in Pakistan. The prevalence of patronage-based politics, feudal system and clientilistic mindset have fueled the political polarization in Pakistan. Followings are some of the factors that exacerbated the situation of polarization in Pakistan's polity.

(i) Oligarchic Political Systems

Pakistan's majority of population lives under feudal mindset. The lordly behaviour has aggravated the polarization in political culture of Pakistan. Well expounded by Stephen P. Cohen, "Pakistan has produced no leader yet. It has been dominated by two political parties."

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(ii) Clientelistic Politics:

The culture of horse trading and door crossing has become a new norm in Pakistan's polity. The clientelism and Changa Manga politics portray the nightmarish picture of Pakistan's polarized polity.

The clientelism has become the hallmark of Pakistan's polity. (Malecha Lodhi)

(iii) Civil-Military Conflicts:

The interference of political military in the political field gives unprecedented challenges for to Federal system of Pakistan. Establishment of Federal government without military consent is considered a threat to national security. Ultimately, this practice produces Test Tube Politicians who do nothing when they are at the helm of affairs so fueling a tide of polarization. Over and above that,

Since its existence, Pakistan witnessed three martial laws and one emergency which clearly elucidates the wide polarization in political culture of Pakistan.

Pakistan is much like a Hobbes's state of nature where every group fights with other for the power. (Hassan Askeri Durrani)

(iv) Centre-Province Relations

Pakistan is embroiled with plethora of challenges. One of them is centre-province relations. These relations have seen several ebbs and flows. Strong centre has always been remained a bone of contention between centre and its federating units. In this context, Tilak Deshpande stated that, "Federal is not really interested in the devolution of power as domination of Punjab continues?"

Efficacious Remedies To Remove

the Deep-seated Ills in Pakistan's

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Polity And To Abridge Political Polarization:

Dancing around the fire is not a solution. So the crying need of hour is to take a multipronged strategy in order to exterminate polarization from Pakistan's political culture and to solidify political consensus.

(i) Implement Devolution of Power in Letter And Spirit:

By implementing devolution of power from federal to provinces to local level, political polarization can be reduced. In this regard 18th amendment is a landmark achievement to resolve center-province problems.

(ii) Conduct Free And Fair Elections:

Democracy is regarded as the wishes of people, not the desire of few elite. So, by conducting free and

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fair elections and empowering
electoral representative party,
democratic political culture
can flourish.

(iii) Maintain Separation of Powers:

Reaffirm the separation of power among three pillars of the state that are Executive, Legislative and Judiciary. Keep check and balance among three pillars and free each body from the encroachment of other.

(iv) Non-interference of a political military in politics

The time demands for non-intervention of military in political matters. The need is to release the Pakistan's political system from the clutches of military.

Don't forget armed forces are servants of people. You don't make National Policy, it is we, the civilians who decide these issues. (M. Ali Jinnah)

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Conclusion:

Cutting the long debate short, the topsy-turvy political culture of Pakistan is dented due to widespread polarization in politics. Civil-military conflicts and centre-province relations have worsened the situation.

So, there is a need to bring all stakeholders on one platform in order to reduce polarization of Pakistan's polity.

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QUESTION#02

Explain the main contours of recently passed 26th Constitutional Amendment in Pakistan, particularly in the context of Independence of Judiciary.

Answer

INTRODUCTION:

Pakistan's constitutional history starts with its independence. After a struggle of nine years, Pakistan's first constitution was promulgated in 1956. Since then, Pakistan has promulgated three constitutions in its nascent and fledgling state by abrogating one after the other. Now, the constitution of 1973 is the main emblem

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with 26 amendments. The recently passed 26th amendment is a clamp down on judiciary independence. It limits the role of judicial commission in political affairs. Thus, 26th amendment is paving way towards separation of powers in true sense.

Momentousness of 26th

Constitutional Amendment / Main Contours:

26th constitutional amendment is of immense importance as it strengthens the judiciary-Parliament relationship, reaffirms the doctrine of separation of powers and address judicial overreach and accountability.

(i) Strengthening Judiciary-Parliament

Relationship:

of lately, 26th amendment has been passed which increased parliamentary involvement in Judicial appointments and expanded its role in Judicial

Commission of Pakistan. Additionally, it reduced judicial autonomy, in political matters, that judicial decisions are not dominated by judicial officers alone.

(ii) Reaffirming the Doctrine of Separation of Powers:

It emphasizes the need for each branch of government to remain independent but also accountable.

It restores the power balance between three pillars of state while keeping judiciary's independence intact.

Also add the article numbers amended as references

(iii) Addressing Judicial Overreach And Accountability:

It reduces the scope of judiciary to act unilaterally and limits suo motu powers. Moreover, it promotes a more objective evaluation process that holds judges accountable and responsible for their actions.

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Judicial Independence in The Preamble of 26th Constitutional Amendments

The 26th constitutional amendment enhances democratization of judicial institution by reducing concentration of power and balances its autonomy with democratic oversight and sets a mechanism for judicial performance evaluation.

(i) Balancing Judicial Autonomy

With Democratic Oversight

It ensures ^{that} a judiciary remains free from political pressure and strike a suitable balance between the need for an independent judiciary and the democratic demand for accountability.

(ii) The Role of Parliament

in Judicial Appointments

It expands the Parliament representation in JCP and have more significant role in judicial appointments which reduces the potential of judiciary to become self-serving or out-of-touch institution!

(iii) Objective Performance

Metrics:

It establishes standardized measures for evaluating judicial performance such as Case backlog, Timeliness and Public Trust. So, judges performance will be assessed periodically.

Conclusion:

Suffice it to say that, the recently passed 26th constitutional amendment has decreased the discretionary powers of judicial officers to a greater

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extent. The sole of parliament
in judicial appointments makes
it clear that judiciary
independence is restricted
through 26th amendment.

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