

Teaching Federalism In Universities: Case Study Of Pakistan

Dr. Zarmina Baloch¹, Dr. Asif Salim², Dr. Sadia Fayaz³

¹Assistant Professor, Department of political science, Shaheed Benazir Bhutto University. Email: dr.zarminabaloch@sbbwu.edu.pk

²Assistant Professor, Department of Political Science, Bacha Khan University, Charsadda-Pakistan. Email: drasifsalim@bkuc.edu.pk

³Assistant Professor, Department of political science, Shaheed Benazir Bhutto University
Email . dr.sadiafayaz@sbbwu.edu.pk

Abstract

Federalism is officially institutionalized in around 25 countries, comprising of about 40 percent of global population. It is a structure of the government which segregates functions and power between the central and its decentralized units of the government.

Federalism in many countries has played a vital role in graphing educational growth. Moreover, it is designed to encourage and promote standards of accountability with a developing balance between decentralization and centralization. It furthermore acts without tempering local and regional preferences. Negotiations are facilitated by Federalism both vertically and horizontally that is between the local entities and central authority and respectively.

The 18th Constitutional Amendment in Pakistan's constitutional history is nothing short of a legislative revolution, furthermore it significantly moves towards the consolidation of democratic federalism. The ill polity effected with ethnic and religious violence, civil unrest, economic and demographic disparities and inter-provincial conflicts, further, constitutional arrangements like the 18th Amendment promising provincial autonomy and devolution of power offered an opportunity for future stability and peace.

However, there is a lack of public awareness regarding this historical constitutional amendment there are just few in the country understanding what federalism, decentralization, devolution of government means for Pakistan. In fact, the most alarming truth is how the central concepts of federalism, devolution of power and decentralization are meagerly taught at the University level especially in the disciplines of Public Administration, Political Science, Pakistan Studies and Law.

Introduction:

Since inception education system of Pakistan is passing through diverse plans and policies. Rationale behind these plans was to fulfill the requirements of education in the state. Therefore, several consultations, commissions and

discussion had taken place. Government of India Act 1935 was adopted by Pakistan as the provisional constitution of Pakistan till 1956¹. Under this Act three legislative lists, Federal, Concurrent, and provincial were provided in which education including university education

was incorporated in the Provincial List. Education was a provincial subject from the day of inception till the inculcation of 1973 constitution. Similarly, in the Constitution of 1962 and even during the interim constitution of 1972 education remained provincial subject. However, it was formally incorporated in the Concurrent List in the Constitution of 1973². The 18th Constitutional Amendment³ has initiated number of changes and modifications in the 1973 Constitution of Pakistan. This amendment has reshaped the already existing association between federating units and Federation in Pakistan.

The amendments in the structure of division of powers have deep impacts for the executive authorities and legislative jurisdictions at both federal and provincial levels. Consequently, these amendments in federal and provincial relations also affect financial issues like allocation of revenue resources between the governments. Furthermore, about forty seven subjects which devolved exclusively to the executive and legislative domain of the provinces after multiple changes introduced under these amendments. Education is among those key subjects who are devolved to the provincial directives⁴ as concurrent legislation also removed from the list. Resultantly, the task of Federation and Federating Units significantly changed especially related to education. In the Constitution of Pakistan 1956, 1962 and in 1973, education is considered as a fundamental right of the citizens. However, till the introduction of 25-A it was not obligatory for the state to provide free and compulsory education to the children from age 5 till 16. Furthermore, reconstructing Federal Legislative list where scientific and technical institutions, research and higher education are placed in part

II of the list, hence placing them in the sphere of Council of Common Interests⁵.

The University Grant Commission (UGC) was established in 1974, its main purpose was to monitor the quality of university education, control and coordinate inter-university affairs. They were also given the job to distribute the funds to the universities (Naureen & Lodhi, January -June 2015; Shaikh, 1998). In 1990's government had guaranteed to raise the budget of higher education and also to tighten its wheel in the shape of the University Act 1974. It was decided that immense powers would be delegated to the vice-chancellor who would be the nominee of the government.

The UGC in 2002 was replaced by the Higher Education Commission (HEC) and a lot of efforts were put forward for improving higher education in Pakistan. Furthermore, HEC was declared as an independent (specifically financially) and autonomous body by the government and the Federal Model University Ordinance was also promulgated the same year. The HEC during 2005–10 put forward the Medium-Term Development Framework, with the aim of focusing on quality improvement, faculty development, and increased access. Additionally, revision in the curriculum, restructuring universities their principal structures and their links with industries for improving science and technology facilities were also recommended by HEC⁶. Pakistan People's Party came into power in 2008, negotiations regarding provincial autonomy with other political parties for the next constitutional Amendment started. Resultantly, 18th amendment was passed from the National Assembly hence abolishing Concurrent List⁷ and comprising only one list i-e, the Federal Legislative List, which further was divided into

two parts. Part I holds subjects that are entirely administered and controlled by the federal government, whereas Part II comprises of the subjects that come under the jurisdiction of the Council of Common Interests⁸. Along with other subjects, education was also transferred to provinces under 18th Amendment. Higher education constitutionally now falls under provincial control in terms of conducting its financing, curriculum development, governance, policymaking, and management. Therefore, after devolution of education to provinces and Higher Education Institutions (universities and HEC) automatically fell to the provincial jurisdiction which consequently resulted in provinces demanding devolution of HEC along with universities.

Education Federalism:

Federalism today is an important political understanding for adjusting and solving cultural and ethnic demands of the society. The 18th Constitutional Amendment in Pakistan's constitutional history is nothing short of a legislative revolution, furthermore it significantly moves towards the consolidation of democratic federalism. The ill polity effected with ethnic and religious violence, civil unrest, economic and demographic disparities and inter-provincial conflicts, further, constitutional arrangements like the 18th Amendment promising provincial autonomy and devolution of power offered an opportunity for future stability and peace.

However, there is a lack of public awareness regarding this historical constitutional amendment there are just few in the country understanding what federalism, decentralization, devolution of government means for Pakistan. In fact, the most alarming truth is how the central concepts of federalism, devolution of power and decentralization are meagerly taught at the

University level especially in the disciplines of Public Administration, Political Science, Pakistan Studies and Law.

To overcome these deficits and explore possibilities for the purpose of teaching contemporary constitutional federalism in Universities should be taught as a course in BS and M.phill programs instead of being just taught as a part of any major course like: government and politics of Pakistan. As students after completion of the course on Pakistan's Federalism and Decentralization would be able to providing support for the implementation of the 18th Amendment. This support would be in the form of facilitating, informing and optimizing the procedure of evolution management at Federal, provincial and lower levels.

To accomplish the education aims of a nation, education federalism must be reorganized and restructured in order to grip a more effective and effectual allocation of authority of education that clinches the policymaking strengths and powers of each level of government meanwhile making ensure that all levels of government purpose to acquire equitable access to a modern education⁹.

In charting educational progress in many countries, Federalism has played a central role. With a growing balance between decentralization and centralization, Federalism is aimed to encourage accountability standards without tempering local and regional preferences. Moreover, Federalism facilitates negotiations both horizontally among diverse interests and vertically between the central authority and local entities. Advanced educational practices are often authenticated by a limited local entities prior to moving up to the national level. Federalism encourages a certain degree of financial competition at the regional and local level as it

divides revenue sources between decentralized entities and central authority. Hence, as compared to the unitary system, federalism values regional and local governing of public education¹⁰.

Importance of inculcating Federalism in Curriculum:

Constitutionally Pakistan is a Federal Parliamentary Democracy, therefore it is important to review the curriculum from this perspective. The body of knowledge in all disciplines continues to grow with new research and discoveries, technological advancements and their theoretical articulations. This also warrants for periodic review of curriculum to accommodate new knowledge. Only about 5-7% of eligible Pakistani youth have access to higher education. What is taught to them and the skills that are offered/imparted to are important as they will be the 'intellectual workforce' for the society in their respective field of expertise.

Several countries with federal composition have designed national curriculum framework/ core curriculum for education, general standards for syllabi for example: Russia, India, China, Nepal, Iraq, Nigeria, Australia, Malaysia and Germany¹¹. Additionally, in US Federal Ministry of Education have setup general principles for a range of essential subjects. United Kingdom and France also follow uniform curricula across the country¹². Most of the Muslim states have standardized curriculum for all the educational institutions like: Turkey, Jordan, Indonesia, Egypt, Saudi Arabia and United Arab Emirates¹³. However, in Pakistan there are four separate education system and assessments followed are: private school system, public school system, non-formal system of education and Madrassa system. Therefore, uniformity and standard of curricula has become a matter of great concern in Pakistan.

Hence, post 18th amendment abolition of Concurrent Legislative List further devolved education to the provinces and has further added element of uniformity amongst provincial standards. Therefore, a framework of a curriculum which is developed nationally in consultation with all the federating units is the solution to get morals and preaching of father of our nation about unity in the state¹⁴.

Teaching Federalism is essential and as per HEC BS curriculum it is being taught as a major course "Politics of Federalism in Pakistan" and as a topic under other courses like "Government and Politics of Pakistan" and "Politics of local government in Pakistan". Meanwhile, HEC being focusing on this topic still needs to make it part M.phil and PhD Curriculum so that it is more considered by the research students. Likewise, Universities should also be emphasized to conduct Federalism related course. Such additions in already well articulated curriculum would cultivate the student's skills essential to analyze all aspects of constitutional questions.

Moreover, these courses would focus on the issues, concepts and policy options for federalism and devolution of power in Pakistan with suggested methodology. It would further open horizon for research among students. Federalism is seen as a ray of hope for the strengthening of federal democratic institutions in Pakistan, through which long awaited issues among the provinces could be resolved cordially and past mistakes could be corrected. Thus political reconciliation in Pakistan is the only practical solution to resolve internal conflicts and if students are taught well about federalism, they in future while serving in civil services, bureaucracy and in politics.

The dispersal of functions and power is framed by a nation's constitutional charter. Federalism permits to some extent of fiscal autonomy at the subnational level hence, supports electoral freedom and independence at the local and regional levels. Thus, the 18th Amendment in Pakistan generated multiple prospects for the provinces to integrate the local and regional necessities and requirements in the curricula¹⁵.

Benefits of Education Federalism in Universities:

This Part describes the benefits that education federalism is believed to provide. This Part provides compelling reasons that why the Universities, Education Commission and nation in Pakistan should reconsider education federalism and include it as a major subject in curricula. It will further pursue a national reform agenda to make sure equal access to an excellent education.

Senior Scholars Understands the concepts well:

Erudite academia understands the concept well and usually don't reach to the conclusions immediately. They relatively draw their inferences on long term investigations and observations. The universities can promote contemporary developments as topics for classroom discussions, seminars, research assignments and simulation. In 75 years of socio-cultural evolution and Pakistani politics, there are many themes, trends and patterns to be offered, which could be studied by applying international theoretical frameworks which would additionally help students use their critical thinking skills to understand the country its political system and the disciplines of study better.

Federalism Matters:

A federal republic can train citizens and the elected officials much better than a unitary democratic state does. Federations could do it well in the scenario when the federal units and public there knows their role and responsibility. This can happen only if the youth is enlightened and could guide their surroundings well¹⁶.

Substantial aspects of federalism are significant for understanding contemporary issues of federation and federalism, like: second chambers, power distribution, high courts, fiscal federalism, intergovernmental relations, conflict resolution, multinational federalism, gendered federalism, secession and indigenous peoples.

On local level, it is manageable and better to hold a local officer accountable for the education system. Rationally as they are in the best spot to find out and define the requirements of their particular community but also the community is equipped to not elect or remove or replace officials whom they think have not been delivering and are unresponsive to their needs. As legislature is subject to political accountability, however, it is not easy and practical to hold them accountable for the failure of delivering education at private or at local levels¹⁷.

Ensuring Unity

Making rules for a nation that is large, multi cultural, multi ethnic and multi lingual and diverse like Pakistan is simply a different challenge. Firstly, understanding the beauty of this multi cultural -ethnic state must be understood, collective patriotic approach towards the state builds up after teaching the fundamentals and application of Federalism.

The strongest benefit of authorizing local governments to control education is that the efficiency of developing programs that are responsive to individual needs increases¹⁸. As stated by Justice Powell

“No area of social concern stands to profit more from a multiplicity of viewpoints and from a diversity of approaches than does public education.”²⁴

Furthermore, the problems and complications affecting educational achievement differ from locality to locality and from district to district. That is why only local educational management is in the best position to respond and assess these problems, as well as they are in the better place to tailor curriculum to the specific needs of that particular area/municipality/community/district.

Laboratories of Democracy

Universities could serve as laboratories for Democracies by enlightening youth for electing public representatives from their particular geographic areas and serving with other representatives in harmony. In principle and practice empowering citizens of a state to administer their own community’s dealings and affairs would enhance civic engagement in a democracy. As stated by John Stuart Mill

“Free and popular local and municipal institutions,” argued, provide “the peculiar training of a citizen, the practical part of the political education of a free people¹⁹.”

Federal system is that form of government which is most often linked with multinational democracies. Federalism is also associated with extensive territories, large population and democracies with territorially based linguistic division. In actual fact it is witnessed that long-lasting democracies in territorially based multinational and multilingual polity is a federal state²⁰.

It leaves room for varied approaches to problem-solving:

One of the threats of trying to solve problems from Center is that we setup with one for all solutions. Although center puts efforts immensely hence they mostly are uneven, but they allowed a several approaches to arise, yielding the opportunity to refine, reinvent and learn. Consequently, it becomes more difficult when Center is seeking something that can be applied across various units or provinces²¹.

It aligns responsibility and accountability with authority:

Federalism brings role and responsibilities to not only federal and federating units but also towards the public which students in universities would not only understand but also makes others understand well through research, seminars and trainings.

Federalism, refers to the division and sharing of power between the state and state governments²². Through allocation of power among federal and state governments, it was required to create a united national government of restricted powers and meanwhile upholding a separate sphere of autonomy in which state

governments could exercise power. Moreover, policymakers are implanted in a community, there is also more trust and opportunity is provided to them.

Federal government is rooted in constitutionalism and pluralism:

Federalism needs power-sharing between those at the subnational level and federal institutions, in a way that none of the level of government has absolute power. An efficient federal system is by definition pluralist and constitutional, as it is constructed on negotiation and discussion between balanced centers of power and the acknowledgement of minorities underneath a broader framework of settled constitutional rules.

According to Filippov and Shvetsova:

. . . successful federalism requires all of its benefits: well-functioning democratic institutions, [a] judicial system, integrated national political parties and appropriate electoral incentives created by democratic political competition. The basic finding of the literature is that only in well-functioning democracies can federalism be a stable and effective form of government. And conversely, outside of the democratic context, federalism is ultimately an unstable form, which logically progresses either to territorial disintegration or to becoming a mere constitutional formality²³.

Education Federalism Should Be Guided by Research than Primarily by Education Politics

A reconsideration of education federalism is required because the development of the federal role in education has mainly been guided by politics. Politics, unquestionably, will persist playing an influential role in education reform. Enlightening the youth about the politics and in

return developing research on different aspects of policies further clarify the concept of federation and will pave way to its diverse units to work in harmony.

Conclusion:

Educating Federalism enhance innovative ideas for teaching a multiple key theory of federalism and federal-country cases. Therefore, it is significant for the students in Pakistan to learn about federalism to comprehend Pakistani federal system and to identify examples of federalism in other countries too. Hence, learning and teaching federalism is fundamental to education for citizenship in a democracy.

Federalism is well-suited for Pakistan as it is comprised with diversity of culture, people, languages and governing practices. Federalism fosters institutional stability and commitment to pursue educational objectives. Federalism proposes institutional foundation for a multidimensional system of accountability. Federalism also enables regional and national policy designers to develop particular instruments to address contemporary challenges of fiscal disparity, achievement gap, and innovation. Infact, the education sector is generally well-served by the system of federalism in Pakistan.

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