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Interpreting The Potency of Constitutional Contours Concerning Equality of Citizens: A Comparative Analysis of Pakistan and The United States

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Abstract

The shifting sands in the political landscape and stagnant economic growth are the causative agents of burgeoning polarization in Pakistan. Nonetheless, the prosperity of a society is a quid pro quo of the provision of equality to its citizens that is lagging due to burgeoning discrimination. There exist potential constitutional contours that inform the provision of equal rights to its citizen like that of Article 25 of the constitution of the Islamic Republic of Pakistan, yet the footprints of discrimination are increasing. Thus, the researcher conducted secondary research using qualitative research design to compare the prospect of equality in Pakistan with that of the longest-surviving written constitution of the United States of America (USA) to interpret the loopholes in the context of Pakistan. Based on the case analysis of both Pakistan and the USA at the societal and organizational levels, a plethora of literature examined the prevalence of stratification and instigating rhetoric of glass-ceiling metaphor in practice. Furthermore, different initiatives taken by national and international bodies like the Ministry of Human Rights of Pakistan and the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) 1979 which was ratified by Pakistan in 1996 are examined. The study identified, inter alia, implementation of the legislative contours, as a lagging factor in the case of Pakistan to assure equality of citizens. For Instance, Pakistan and the US both have ratified the International Covenant on Civil and Political Rights (ICCPR) treaty that seeks to protect a range of civil and political rights of humans. Yet, the efficacy of the US in implementing the grounds of equality is more noteworthy than that of Pakistan. The prime reason lies in the Supremacy Clause of its constitution which renders the status of federal law to the ratified treaties. Thus, all government institutes, agents and private entities are bound to ensure implications on the treaty. Additionally, factors like discrimination, unawareness, social stereotypes, stigmas and circumlocution in attaining justice make the impact of inequality difficult to reverse. Thus, the widening polarization is envisaged in many forms like populism and gender discrimination. Henceforth, the researcher emphasized on promotion of social justice and information disclosure about the identified pay gap. Whilst, the study also referred to the lagging efficacy in providing compulsory education to children which is the essential constituent of Article 25 of the constitution of Pakistan. Therefore, the researcher emphasized the adoption of transformational practices as per regional demand like that of the learning mechanisms developed by Jack Mezirow. Thereby, such measures of assistance for the vulnerable segment cannot only help in reducing the parity gap but assist Pakistan in achieving its International commitment to achieving sustainable development goals.

Keywords: Equality, Rights, Constitutional contours, Discrimination, Glass-ceiling hypothesis, Stereotypical influence, Sustainable development.

1. Introduction

Constitutional contours help in maintaining order within a state and its successful governing, yet the incidents of violence and disparity prevail. The rationale of the constitutions is to set an apparatus for the state demonstrating rights and liberties, a legal system and its counterparts to ensure distributive justice within the sovereign state. Kuwali (2022) stated that integrity among people and state departments to preserve the rights of its people helps in attaining a prosperous present and ensures sustainable development in the long run. However, equality is a primordial concomitant to bringing peace and prosperity. Equality encompasses the provision of all fundamental rights on an equal basis. It increases the sense of belongingness and satisfaction among the citizens that supplements their loyalty to the state and encourages adopting measures that are fruitful on the state level and restrain the social evils that hinder their development and intervenes with peace.

1.1. Constitutional Contours

According to Khan et al. (2022), rights given in the constitutions like that of Pakistan help in safeguarding the legitimate rights of men, women and other vulnerable segments including children and people from minority groups. It thus helps in enforcing the jurisdictions that intend to root out any abuse, discrimination or inequality.

Clause 1 and 2 of Article 25 of the Constitution of the Islamic Republic of Pakistan 1973 emphasizes the equality of citizens and enshrines that:

“All citizens are equal before the law and are entitled to equal protection of the law. There shall be no discrimination based on sex.”

(Constitution of the Islamic Republic of Pakistan, 2012)

Other than ensuring equal treatment of citizens irrespective of their gender, the articles include a 3rd clause, the context of which elaborates that special protection provisions will be ensured by the state for children and women. The interpretation of this special provision is derived from the religious equity-based value of women and thus, must not be confused with discriminatory measures for the reason that these are more vulnerable segments as compared to men.

Similarly, the constitution of a prominent player of the world that is the United States (US) with the longest surviving charter also emphasizes equality. The Citizenship Clause (14th Amendment 1868) of the US Constitution explicitly preserved the rights of its citizens at the intra-state level (Hu & Dong, 2010). Moreover, the contextualization of Section 1 of the 14th Amendment of the Bill of Rights states that:

‘Persons naturalized or born in the US and thereof, subject to its jurisdiction, are a citizen of the United States. Thus, no such law that abridges the immunity of its citizens shall be made or enforced. No person shall be deprived of their life, property or liberty and equal protection of law shall not be denied by any person within its jurisdictions.’

(Library of Congress, 2023)

Comparing the foundational constitutional standing of both regions regarding the equality of citizens elicits that they imply the same grounds of safeguarding the rights of its citizens on equal grounds. To analyze the efficacy of such frameworks, the relative measures adopted in both regions to serve the purpose are illustrated in the succeeding section to deliberate the impact of regional initiatives by implementing the legislative framework.

2. Measures Informing the Implications of the Aforementioned Constitutional Contours

2.1. Pakistan's Initiative to Put Article 25 into Practice

The Ministry of Human Rights of Pakistan (MOHR) plays a vital role to safeguard the fundamental rights of people in the region. To harmonize rights defined in the constitution with practice, it plays an advisory role to improve the equal provision of rights at the provincial and federal levels. The coordination between these institutions is enacted by implementing Articles 141 to 159 given in Chapter V of the 1973 Constitution. However, the 18th amendment of the 1973 Constitution of the Islamic Republic of Pakistan gave autonomy to the provinces, thus, the decisions taken at both provincial and federal levels can differ based on their need and preferences, whereas, MOHR focuses on equality preserving the rights of people and ensuring that the influence of centre and differences in the share of provinces must not lead to widening the disparities (Legislative, 2010).

Religion shapes people's minds (Perry et al., 2022fc). The Islamic Republic of Pakistan, as the name indicates, follows Islam and ensures equality as one of the Islamic tenets. Religion is a vital concomitant of Pakistan's legislative framework. Thus, the constitution of Pakistan implements Islamic jurisprudence which emphasizes the protection of the rights of everyone irrespective of their religion, caste, colour or race. Thus, it obligates its preachers to ensure equality by following their duties and fulfilling the rights of others. Thereby, inhibiting discriminatory behaviour against any citizen. Nurjan & Uyun (2020) referred to The Qur'an (4:1) which also advocates the universality of justice that can be endowed with the equality of all citizens and the context of the aforementioned verse enshrines that you are all created from the same entity, thereby all men and women are of equal standing. Therefore, the purpose of this study is to shed light on the loopholes due to which Pakistan lags in terms of bringing equality despite having a definite tenet and legislative framework that emphasizes equality for all. In pursuit of enforcing the law pertaining to ensuring the equality of citizens, Article 199 of the 1973 Constitution ascertains certain jurisdictions of the high court so that the deprivation of anyone's fundamental right can be dealt with effectively. The context of clause 2 of article 199 refers that:

'If any of the fundamental rights, stated in Part II of Chapter 1 in the constitution, is abridged one can pursue the High Court.'

(Constitution of the Islamic Republic Of Pakistan, 2012)

Therein, legal proceedings can be initiated if fundamental rights are not being given to an individual. Nonetheless, the implication of Article 199 can only be done when one is aware of the fundamental rights conferred in the constitution (Coelho et al., 2023). The rights conferred in the Constitution include the right to property, information, fair trial, education and freedom for the profession of religion, speech, business or trade, equality of citizens and provision of safeguards against any form of discrimination. The researchers are of the view that it will flourish the supremacy of law within the country.

Nonetheless, an abridgement of any of the mentioned rights hinders the provision of equal treatment of citizens. Moreover, being a permanent member of the blue-chip International Organisation of the United Nations, Pakistan is also committed to implementing its treaties that are centered on promoting equality. These treaties include following the protocols of CEDAW (Convention on Elimination of all Forms of Discrimination against Women), ICESCR (International Covenant on Economic, Social and Cultural Rights) and CRC (Convention on the Rights of Children). The rationale behind referring to these bindings is that Pakistan intends to adopt the nationally and internationally defined parameters that can assist in achieving equality. Moreover, the implications of these protocols help in fulfilling clause (ii) of Article 25 which promotes special assistance for children and women. Thus, the measures of equity and inclusion are censured to root out the evil of inequality or discrimination that leads to stratification.

2.2 US Initiatives to Implement Bill of Rights

United States, a model of prodigious development, through the Bill of Rights, seek to protect the foundational civil rights and assures that its legal obligations are translated into concrete and rational policies as well. It endorsed the Bill of Rights in 1971 as the first of ten amendments to the US Constitution. It defined certain rights as unalienable like democracy and liberty (to the extent that no majority can take anyone's freedom away). Placing emphasis on motivating the students, the US specifically focused on the promotion of student resilience programs introduced by Jack Mezirow for the retention of children and their active engagement in curricular activities. To serve this purpose, policy guidance and grants were given to local education agencies to promote transformative pedagogy and student resilience programs (Natow, 2023). It is for this reason that the US realizes that empowered students will lead to continuing existence as an empowered nation. Yet in Pakistan, there are 22.8 million out-of-school children (NCRC, 2022).

2.3 Ground Setting for the Narrative

It is reckoned that the constitutional framework is a bulwark for the citizens to assume equality but it is worth noticing that without efficient mechanisms for the implementation of the measures of equality, the legislation as well as the equality slogans are garish. Hannum et al. (2023) stated that protocols defined by International bodies to protect human rights can promote equality. Furthermore, the study emphasizes the need to root out inequality so that the mounting turmoil caused by the dominant or discriminatory forces can be avoided and equality can be assured as it refers to democracy and contemplated as a social order to create a pro-human environment based on equality. The intent of democracy is to bring tolerance and ensure socioeconomic parity, however, in the context of Pakistan, its role is questionable due to discrimination, elite capture and exploitation pertaining to a stratified society. Thus, the realization of Corporate Social Responsibility can be effective to improve the implementation process as envisaged in the case of GPG1 disclosure to examine the efficacy of the Equality Act 2010. It assisted in analyzing that information disclosure is being made transparent and ad hoc mechanisms of the US to implement the law through potential ordinances and programs. Therefore, the Executive and relevant stakeholders in Pakistan should wield their authority to hone its implementation strategies to strengthen the competencies of its citizens. To further unearth the role of contours of equality and their efficacy based on the performance of both regions, the study is intended to compare the legislative framework and initiatives of Pakistan concerning the equality of citizens with that of the US. The reason for carrying out a comparison is to analyze the commonalities in preferences of both regions as well as the differences to examine the causative indicators of loopholes. Additionally, analysis of the measures that were taken to implement the constitutional contours has the efficacy in observing the loopholes. For instance, the measures taken by the US in the wake of the Equality Act 2010 to curb disparity including wage discrimination, and disclosure of information resulted in reducing disparity based on gender. The normative contours of equality defined in the constitution of Pakistan with the long-surviving constitution of the US is to identify the redundancies in the implementation of the state-level initiatives to contain the conflagration of discrimination.

3. Literature Review

Equality is a holistic term that refers to providing equal opportunities and protection of rights in all spheres whether it be social, economic or political. The constitutional contours assure the provision of equality for the citizens in both regions but there is a need to harmonize legislative contours, implementation and practices. In this section, the researcher elaborated on the prospects of equality and referred to some prominent impediments that hinder the assurance of equality to all citizens. The rationale behind doing so is to address the gaps in implementation that is the intent of this study by comparing the constitutional contours of two different regions so that the loopholes can be identified.

¹GPG abbreviates for Gender Pay Gap. It is an indicator of inequality in pay at the workplace based on one's gender.

3.1 From Disparity to Prosperity

The empirical analysis revealed that economic equality results in shared prosperity. Cui & Luo (2023) referred to China's stance as per which the developmental imbalance is a backdrop of capitalism due to which it prefers common prosperity. It is for this reason that disparity in assets, division of labour and innovation in ways of generating fiscal resources hinders prosperity. Therefore, based on this stance, it is determined that for the promotion of regional prosperity, it is essential to reduce disparity.

3.2 Equality of Citizens and its Prospects in Both Regions

Davis et al. (2023) referred to Americans' views about the rights of citizens which are in line with that of fundamental rights legislation pertaining to free speech, press, freedom of religion and fair trial. However, the Christian identity above others is often institutionalized. Thus, several factors like the prevalence of a dominant class based on vested interests in general settings and at workplaces, the protection of law defined in Article 25 of the Pakistan Constitution and the American Bill of Rights are negatively affected. Ultimately, the preferences of a specific class supersede the interest of other classes and results in social stratification. Therefore, this section intends to justify the aforementioned prospects to identify the gaps in implementation. To serve this purpose, the researcher used references from previous studies to justify the analysis.

Similarly, Pakistan has also devised a National Strategy to reinforce the mandate of the UN Committee on the Elimination of Racial Discrimination (OHCHR, 2023). To ensure rooting out discrimination and promoting equality, a National Commission was established in 2015 to enforce the implementation to preserve human rights. To serve the purpose, the personnel in the commission were also given human rights education for effective law enforcement. Moreover, the Ministry of Foreign Affairs (2022) reported that Pakistan also assisted United Nations in its international peacekeeping operations to promote equality and denunciate violence across borders. It can be corroborated by referring to the fact that it is one of the high troop contributors for UN missions with blue helmets. Furthermore, Pakistan has steadfast its commitment to promote peace. Whilst, it is examined that women peacekeepers from Pakistan are also given opportunities in conflict resolution in UN peacekeeping missions. It exemplifies that the barrier for women concerning opportunities is reducing and the rights are practically being given through such integrations

3.3 Theoretical Framework and Relevant Legislative Contours

Rule of Law is a doctrine of political philosophy adopting which equality can be nurtured in a society. The doctrine states that all institutions as well as citizens are held equally accountable for the law, whether they be leaders or lawmakers. This instinct has the potency to reduce the illicit dominance of a class that results in exploiting the other.

3.3.1 Theoretical Doctrine of Social Stratification

There are different facets of stratification based on ascribed status like gender, culture, religion and class etc. Fasang & Aisenbrey (2022) uncovered social stratification using an intersectional approach in work and family. The researchers used data from NLSY79 (National Longitudinal Survey of Youth) to determine the work-life domain of Whites as compared to Black and found that the former acquired more privileges while the latter confronted cultural and gendered constraints in their life course at workplaces. The concept of social stratification refers to the implications of conflict theory due to burgeoning inequalities or discrimination. It is said for the reason that the stratification that is based on the grounds of one's social identity accompanies macro-level mechanisms that turn it from merely defining roles to the resulting exclusion of the oppressed group in the long run (Kräft, 2022). Thus, culturally defined identities can interrupt the provision of equality to all citizens.

3.3.2 Glass-ceiling Hypothesis

Patriarchal dominance in the culture of Pakistan is also prevalent in the workplace (Kräft, 2022). The researcher also hypothesized that it is less likely for women to get promotions to the top of the organizational hierarchy as compared to men. A plethora of studies corroborated the prevalence of

gendered organization where the women are not only confronted with barriers of promotion but the glass-ceiling metaphor is often critiqued by not overtly explaining the other barriers like gender roles defined by the culture that further intricate the inequality regime and hinder the path of women development. However, figure (2) illustrates that different indicators of discrimination at the organizational level affect the macro-level socioeconomic dimensions and affect the overall social justice system within the country. Thus, it questions the essence of the preservation of the fundamental rights of citizens.



Figure 1: Vicious Indicators of Socioeconomic Injustice (Kräft, 2022)

The synthesis matrix given below succinctly mentions the analysis from prior studies related to the prospects of the current subject area and helped in referring to the research objectives. Whereas, the purpose of data extraction is to show the prospects interfering with the provision of equality to the citizens referring to previous studies.

3.4. Synthesis Matrix

Sr. No	Citation	Aim and rationale of selection	Findings	Theme
1	Acemoglu & Wolitzky (2021)	The study aimed at demonstrating the necessity of equality before the law which is included in this study as the second clause of Article 25 emphasizes equal protection of the law.	The essence of the study resembled the Rule of law and examined that equality before law lowers the social and economic inequalities and coercions.	Promoting the Rule of Law for equal protection of the law in the provision of equality.
2		To examine the patterns of social stratification in the US and its	Aborigines of America enjoyed privileges over	Racial Constraints at the Workplace

	Fasang & Aisenbrey (2022)	intersectional impact on the work and family of the suppressive class was the aim of the study and the rationale behind including it in the analysis is to analyze the extent of the implication of the US on its Bill of Rights that defined that any individual normalized or born here, is its citizens and thus, should be provided equal rights.	Black men and women leading to the prevalence of stratification based on gender and race.	
3	Davis (2022)	The study presented a general theorization of social and economic stratification conferring that people in the society are given privileges based on their economic background, gender and other such attributes. Such narrative is crucial to be analysed in the context of the selected regions to ascertain to determine the efficacy of their constitutional contours due to which this article is included in the review.	People from suppressed or underprivileged groups based on their race, gender or class, experiences devaluation leading them to exclusion and hindering their development even in democratic societies that seek the welfare of people.	From stigmatization to social exclusion
4	Kräfte (2022)	The selected Article 25 for the analysis referred to deliberating special assistance to women which is negated by the empirical analysis of this article which seeks to demonstrate male dominance at the workplace and fewer chances of growth for the other gender, Therefore, it is selected to refer to the gaps in the implementation of constitutional contours.	The glass-ceiling concept refers to the gender imbalance at the workplace, resulting in lowering the chances of progression for women, especially in leadership roles which can be demonstrated in terms of invisible barriers influenced by discourses of society and	Glass-ceiling Hypothesis and workplace disparity based on gender.

			stratification in the form of pay gaps and comparatively less favourable organisational dynamics.	
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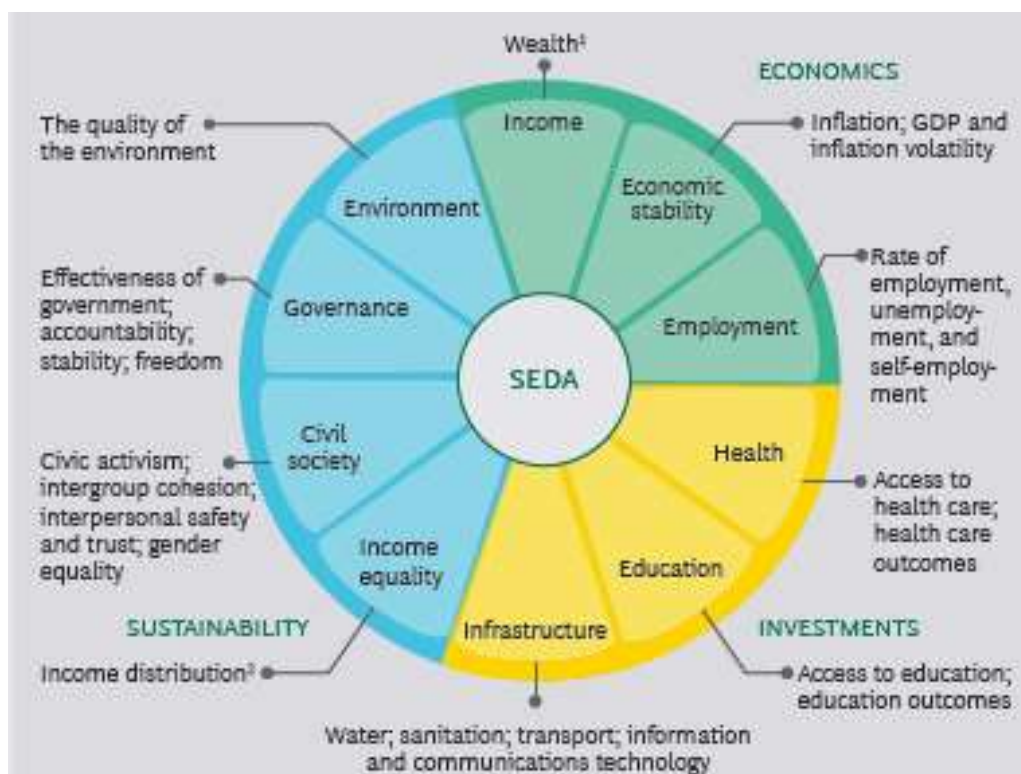
3.5 Impacts of the Gap in Implementation

3.5.1 The Exploitation of rights leading to Turmoil

Everyone sharing a common culture and territory should be integrated and live in harmony to avoid turmoil and conflict. Sarkhel (2022) stated that such a stage can be achieved by the fulfilment of rights to which each citizen is entitled. Otherwise, the exploitation of rights leads to violence in society. Thereby, inefficient measures for the provision of equal rights ultimately create a division in a society consisting of an exploiter and exploited class.

A report by World Economic Forum (2023) corroborated that inequality exploits the oppressed class by affecting their well-being in a number of aspects as shown in the figure. For Instance, inequality in the economic sphere impedes equal access of people to opportunities as referred to by Karl Marx. Marxism's critique of capitalism illustrates that at the expense of the struggle of the working class, the capitalist class enriches their asset only and oppresses the labour class. The theoretical doctrine of Marxism ascertained that the owners of the means of production known as the Bourgeoisie classexploit the struggling or Proletariat class. Warren et al. (2022) also referred to the prevalence of an alliance system where people from the higher economic class are dominant at the workplace as well as at the state level which results in the marginalization of the other class with less privilege, which is also referred to as an exploited class. Thus, the prejudiced people from the economically sound class inflict abuse and neglect on the other class becomes a vulnerable population and are treated unequally, thereby affecting their social, psychological and economic well-being.

Figure 2: Inequality and its Impact on Wellbeing (World Economic Forum, 2017)



The figure ascertains how inequality can affect social and economic well-being. It uses the indicators of Sustainable Economic Development Assessment and refers to ten interlinked dimensions that contribute to negatively affecting the well-being inflicted by inequality. Ultimately, the psychological well-being of the individual or class facing disparity indulges in illicit affairs leading to an increasing crime rate and violence.

3.5.2 Discrimination and Stereotypical Influence of culture impeding women's Development

The gender identities defined by the culture are influenced by cultural stereotypes. The stereotypical influence of culture on societal belief further conflagrates the situation. Additionally, the conflicts due to discrimination in provision of basic rights often confronts settlements without reporting the violation of rights due to stigmatization, lack of participation in decision-making due to male hegemony in the family and other societal institutes, as reported by Davis (2022). The obsolete gender identities defined within the culture must not be the fait accompli because it cannot harness equal opportunities for all and results in the prevalence of injustice through implications on the glass ceiling framework and social stratification, the doctrines of which are discussed in the succeeding section.

4. Methodology

Interpreting the potency of constitutional contours is largely based on the extent of its implementation which helps in avoiding turmoil (Agbor & Njieassam, 2019). Therefore, this study intended to analyze the prospects of equality in the context of two different regions to interpret the efficacy of their governance mechanisms and to highlight the contemporary matters relevant to the subject area. To serve this purpose, a secondary study is carried out, however, this section expounds on the complete pathway that is used by the researcher to unearth the research objectives. It is demonstrated in two sections; one sheds light on the pathway opted to carry out this research while the other justifies the selection by referring to the efficacy of the selected strategies.

4.1 Selected Pathway

Saunders Research Onion Model is used as a reference to adopting an effective methodology for the discernment of the efficacy of a region from the global north and the other from the global south in ensuring equality for its citizens. The reason for selecting this research model is that it provides a researcher with a systematic guide to select suitable methods to carry out research, as shown in the figure.

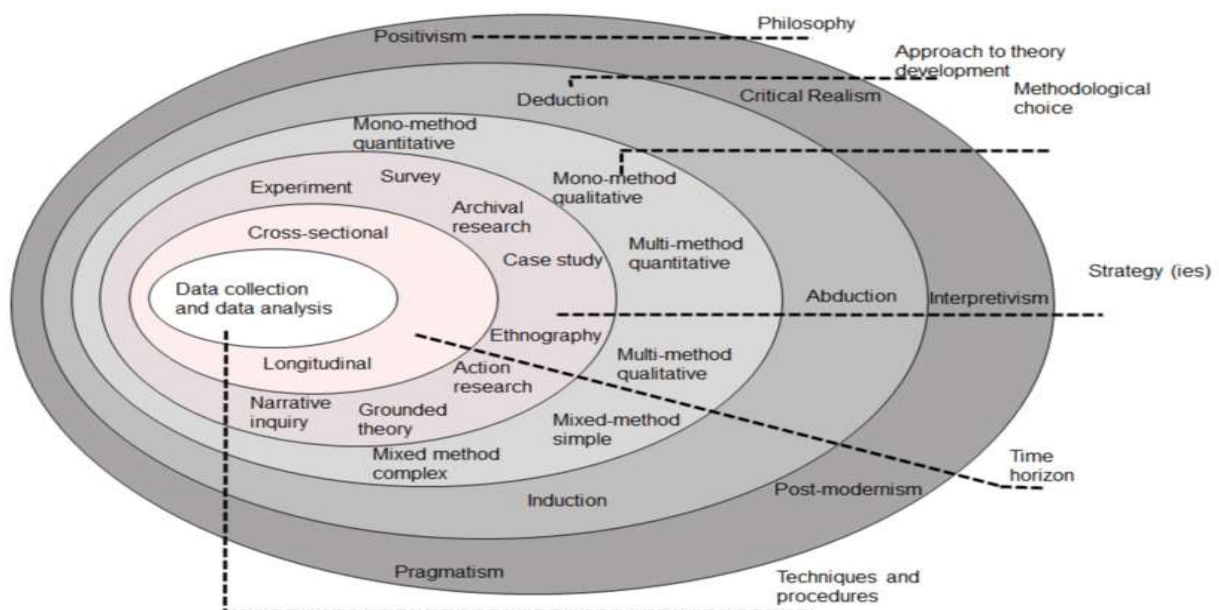


Figure 3: Saunders Research Onion (Seuring, Stella and Stella, 2021)

According to Gogatz&Azavedo (2023), the commencement of any research starts with brainstorming and reviewing the literature to build a narrative which requires adopting a succinct research philosophy. It helps in structuring the nature of arguments and assists the readers in analyzing the paradigm the researcher was inclined to throughout the research. Thus, from all the research philosophies, the researcher opted for the grounds of Interpretivism to conduct a comparative analysis of both regions and based on the legislative contours interpretation of their potency can be brought forward. The next step is to define a research approach that deduces the pathway of arguments concerning the area of interest. If the arguments using the selected research philosophy are developed moving from general reasoning to a specific subject, it refers to a deductive approach Stephens et al. (2020), while the one in which arguments show the trajectory from specific to general analysis, as in case of the present study where equality of citizens is analyzed and its implications are generalized to addressing other variables like discrimination, the approach is referred to as an Inductive approach.

The succeeding layer of the research approach is the research strategy, as shown in the figure. However, the strategies to collect data given in the figure are implied in primary research. Contrarily, this study uses a secondary qualitative research design to unearth the efficacy of legislative contours in Pakistan as compared to the US. Therefore, the researcher collected data from secondary sources like research papers, books, and articles, to access which different databases were used like Google Scholar, moreover, data from relevant authority websites were also included in the study. Whereas to avoid bringing irrelevant data into research, the researcher defined inclusion and exclusion criteria that ensured the integration of potential secondary study sources (Dekker et al., 2022). Inclusion criteria were primarily focused on acquiring data from the research pieces related to Pakistan and the US, therefore, the articles and other sources that were related to the constitutional frameworks of other regions were excluded from the analysis.

4.2 Rationale Behind the Selection

The researcher avoided conducting a primary study in Pakistan because the lack of field access to the US within the specified time of research was not feasible. Thus, the implication of primary research designs for a bloc while secondary for the other in conducting cross-sectional research is not creditable. Therefore, the researcher conducted secondary research for the comparison of the provision of equality in both regions, their prospects and their derived efficacy. To put the collected data into a narrative, the researcher opted for an interpretive philosophy because the study intends to analyze the prospects of the selected constitutional contour rather than merely addressing the equality of citizens, therefore Interpretivism followed by inductive reasoning is preferred as the latter corroborates interpretive grounds in qualitative research.

4.3 Ethical Considerations

The secondary study conducted by the researcher followed a set of principles subsequent to a research's code of conduct. To serve the purpose, the researcher ensured referring each used source with appropriate in-text citations and presenting complete references in the end reference list. It enabled the researcher, the protection of prior scholars' intellectual property rights (Prasad et al., 2023). Concerning intellectual property rights IPO Act was also introduced that came into force on August 28, 2012. The intent of this ordinance was to acquire a body that can protect intellectual property rights, raise awareness among the public and regulate the offence of its violation through inquiries and subsequent penalties, as entitled in XIX of its Section 13 (National Assembly of Pakistan, 2017). To avoid any such violations, the researcher accredited the prior scholars to interpret the research area on ethical grounds.

5. Discussion & Analysis

In this section, the analysis has been carried out by developing two major themes to address the objectives of the research. Theme 1 intends to address the first two objectives of research that focused on determining constitutional contours of equality of citizens in the context of Pakistan, whereas, the second focused on examining the efficacy of implementation of legislative frameworks by

comparison of two distinct regions through their contextual analysis. Similarly, theme 2 is designed to analyze the impact of the initiative taken by them to achieve their contours of equality. To serve this purpose, the researcher referred to the ordinances and initiatives taken to explore their efficiency and identify the loopholes to seek improvement in the provision of equal rights.

5.1 Theme 1: Constitutional Contours of Equality and Impact of Subsequent Initiatives

To put the legislation into practice, the governments of both countries including Pakistan and US have taken multiple initiatives but due to the persisting inequalities, the positive impact of the initiatives goes hand in hand with the long-term influence of discrimination. However, based on different indicators, the subject area is analyzed at the international, national, workplace and domestic levels.

5.1.1 National-level Initiatives

In the context of Pakistan, several government interventions are observed to implement the facets of Article 25 including equal rights, special assistance to women and children and an obligation to equal protection of the law. Similarly, 25A specifically emphasizes free education for children aged 5-16. Therefore, initiatives taken at the national level concerning the right to education are discussed in this section first. It can be corroborated by referring to a number of initiatives like that of The Punjab Free and Compulsory Education Ordinance 2014. The education commission under this ordinance focused on areas like public and private school education, stakeholders involved and allocation of required resources to ensure that every child has access to free education. It ensured the provision of free education for children of age between 5-16 years (Punjab School Education Department, 2023). However, despite such initiatives, the National Commission on the Rights of Children reported that there are 22.8 out-of-school children in Pakistan (NCRC, 2022). The rationale is their involvement either in begging or labour. It denounces the prevalent lack of awareness among parents. Contrarily, special initiatives were taken in the US also that primarily focused on developing an efficient curriculum in addition to improving open access to education for all. Hush et al. (2022) stated that it adopted the initiatives of UNESCO to promote access to education to implicate short and long-term solutions through strategic planning. However, considering the social dimensions, the study revealed the contradiction in the perception of the rights of citizens from the perspective of Americans and Christian nationalism. The study ascertained that liberty for one is the limitation for the other (Perry et al., 2022)

Similarly, in pursuance of the aforementioned article, several initiatives were taken like that of The Baluchistan Compulsory Education Act No. V (2014). These interventions of the government to implement 25(A) is also pursued due to the legal background of one's right to compulsory education. Article 37(b) of the constitution of Pakistan emphasizes 'the role of the state in removing illiteracy and ensuring the provision of education within the minimum period.' However, compared to the West, these initiatives lag behind because Pakistan cannot implement the adoption of a uniform Single National Curriculum, while the other region is intending to implement the transformational framework to promote educational resilience among students (Fehérvári & Varga, 2023). By adopting this framework, a transformational teaching pedagogy is adopted where teachers promote situational learning among students that makes them motivated during the educational course by finding out recoveries for the challenging problems given by the teachers. Furthermore, it promotes critical analysis among students.

5.1.2 International Interventions

Nawaz et al. (2022) referred to the important role of modernization in the specific context of bringing gender equality and elucidated its endeavours in the political sphere. The researcher stated that it has brought positive changes into the lives by shedding light on the equal participation of women in politics. They were of the view that modernization in culture has a positive relationship with economic development, whereas, cultural modernization in their article was demonstrated in the context of the political emancipation of Pakistani women. The study also highlighted the challenges

that were determined in the literature review too that undermine women's participation in the development sector. Concerning the contours of education at the International level, the UN played an integral role in eradicating illiteracy to reduce the dependency of the generation. To serve this purpose, elementary education was declared compulsory during the Universal Declaration of Human Rights in 1948. Article 26(1) of the UNHR declaration recognized education as a fundamental right that should be directed to develop and strengthen the personalities of children (Zadi et al., 2021).

5.1.3 Prospects of Equality at the Workplace

The review of literature also assisted in identifying the glass ceiling as an obstruction to ensuring equality due to which it is analyzed in the context of both regions. Afzal & Akar (2020) examined the existential presence of a glass ceiling in the federal universities of Pakistan. The researcher found gender bias, organizational structure and circumlocution in seeking protection of rights to be prominent elements of the glass ceiling. The researchers demonstrated that there prevail impediments to reaching the top hierarchy. These hindrances can be derived from one's race, gender or language that gives prejudice to one, leaving the other under oppression. Several efforts are made to reduce the disparity based on gender, for instance, women were encouraged to take part in the business sector in leading roles on equal wages as men. The recent analysis by Pew Research Center (2023) revealed that the pay gap is still not closed but is certainly narrowing with the continuous efforts at regional and international levels to support inclusive workplace dynamics for women. The graph given below represents the median earning of women in the US as compared to men in 2022.

Median hourly earnings of U.S. women as percentage of men's median earnings among ...

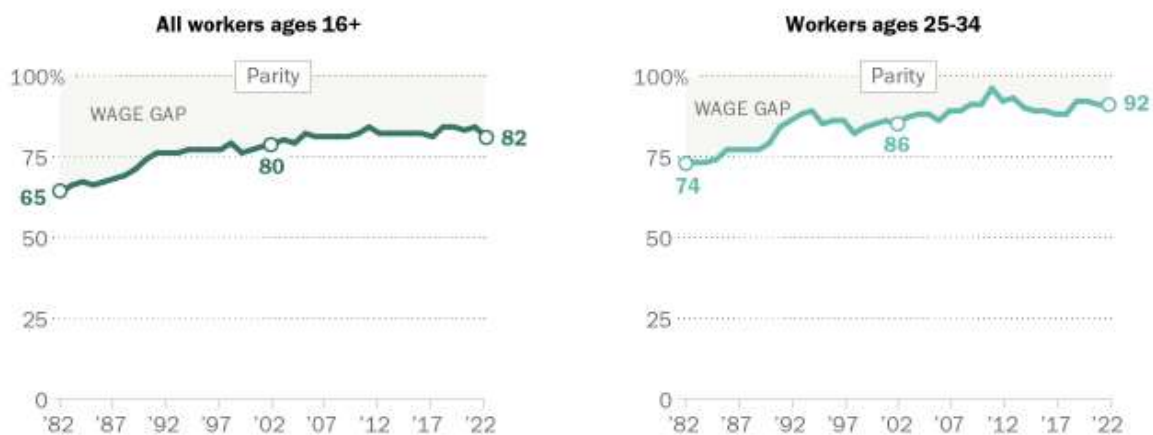


Figure 4: Wage Disparity (Pew Research Center, 2023)

5.2 Theme 2: Initiatives to Ensure Equality and Contain The Factors Inflicting Discrimination

The comparison helped in identifying potential initiatives that can improve the provision of constitutional contours effectively. Largely, the secondary research helped in identifying injustice or oppression as the common prevalent factors that hinder the efficacy of legislative contours of the US as well as Pakistan. The report for the Rule of Law Index 2022 given by the World Justice Project revealed that Pakistan ranked 129/140 countries across the world (MM News, 2022). The implications of focusing on Social justice can serve the purpose of providing equal rights to citizens. It demonstrates that everyone deserves the same socioeconomic and political opportunities and rights. Thus, the concept of social justice is in line with the constitutional contours of both regions. The provisions of equal opportunity also lay down the concept of accountability for those breaching the rights of others and resulting as an agent of social exclusion of others. Thereby, effective implementation of the initiatives promoting social justice can assist in promoting harmony by creating a pro-human environment where everyone is not just entitled to equal rights but is given the amenities. Moreover, The UN defined SDGs primarily to focus on reducing inequality, promoting education and empowerment of people, ensuring their well-being and promoting justice. Henceforth, integrating

practitioners in policymaking in the wake of the UN sustainable development goal (SDG) to empower people equally can also serve the purpose of attaining a sustainable development that is long-term benefits for everyone irrespective of gender, race or class.

Dlamini (2021) refers to Western pursuits of equality and demonstrated the covert facets that are also rooted in oppression. The researcher reported increasing domestic violence during the pandemic. However, women workers from marginalized communities particularly BAME (from Black, Asian, Minority and other ethnic groups) confronted more violence. The increasing cases of abuse questions their justice system and the efficacy of the implementation of the Equality Act 2010. However, the menace can be rooted out by addressing violence as a challenge and structuring policies like gender budgeting to ensure sustainable development on an equal basis. All in all, the analysis revealed that despite the assistance provided to women and children in the constitution, these segments remain the sufferers (NCRC, 2022). Thereby, the obstructions worsen with time pertaining to creating learned hopelessness and affect their resilience which cannot be improved with a single initiative but rather seeks the implementation of omitting ham-fisted measures for policy-making.

5.3 Comparison of the implication on the contours of equality in Pakistan and the US

Imran (2022) in The Express Tribune compared the differences between Pakistan and the US. The researcher ascertained the prevalence of equality that people have in America by referring to the notion that hard work in America is paid off. The influence of one's ascribed status and associated circumstances can be averted in America, unlike Pakistan. The researcher is of the view that there lack of equal opportunities and the social position of the underprivileged is locked in their fates. The rationale demonstrated by the author in the article is the commonality of one document among the people from diverse cultural backgrounds in America that is their constitution, unlike that of Pakistan which is not equal for all. The author also elaborated that one of the facets of attaining perks and privileges lies with the land grabbers, thus, he out rightly mentioned that success is for the bad only.

Pakistan and U.S both ratified the International Covenant on Civil and Political Rights (ICCPR) in 2010 and 1992, respectively. The International Treaty of ICCPR seeks to preserve basic human rights. The context of Article 26 of ICCPR also emphasizes that:

'Law shall prohibit and guarantee protection against any kind of discrimination based on racial religious, sexual, national and social grounds.'

The Supremacy clause of U.S constitution emphasizes to adopt and implement the ratified treaties as implications are assured on the federal law. Thus, the covenant compels the states to adopt legislative, judicial and administrative measures for the protection of human rights ascertained in the treaty ranging from the protection against ill-treatment and torture to the promotion of gender equality, religious freedom, and fair trial. Whereas, discrimination based on the aforementioned indicators still prevails. Specifically, Abudy et al. (2023) referred to the Equality Act 2010 of the United Kingdom which was passed again in 2017. With the aim of analyzing the effectiveness of the Act in the specific context of Pay Gaps based on gender, it demanded the disclosure of their GPG from private and public firms and the analysis revealed that the mandate of disclosure has significantly reduced the pay gap. Thus, it reveals that promoting transparency in the institutes can also lead to reducing discrimination based on gender. Ultimately, equal participation of both genders in the economic sphere can help in promoting inclusive sustainable development. As demonstrated before that the long-term sustainable development of a region lies in the prosperity of its citizens for which the promotion of inclusivity in the socio-economic sphere is imperative.

Moreover, Article 25A of the constitution of the Islamic Republic of Pakistan states that:

"The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law."

However, despite such provisions and initiatives taken at provincial levels, 22.8 million children in this age group did not acquire primary education. Ali & Mukherjee (2022) emphasized the importance of equality to attain an inclusive identity and also recommends educational curricula in Pakistan to introduce reforms and address potential topics like equality or equal citizenship. It will help in sensitization of the youth concerning the provision and safeguarding of everyone's rights and witness active growth by bridging up social justice and cohesion at a societal level. The former Serbian President stated:

“Equality means nothing unless incorporated into the institutions.”

(Slobodan Milosevic)

5.3.1 Point of Contention

Specifically, in the economic and political sphere, it is viewed that there is either a partial implementation of the implications of Article 25 of Pakistan's constitution or used to favour any illegitimate case based on the misinterpretation of the law. Due to the matter of interpretation, the literature refers to several impugned judgments like that of 1991 SCMR 1041 and the one regarding the taxability of the lower judiciary on their judicial allowance in clause 56, Part I of the second schedule to the Income Tax Ordinance, 2001. In both of the mentioned case laws, article 25 is subjected to judicial scrutiny due to which the Supreme Court of Pakistan upheld that there exists a reasonable classification based on which state can treat its citizens differently. Therefore, in the aforementioned cases, Article 25 is interpreted as:

“Equality of citizens does not imply that all individuals should be treated alike in all circumstances.”

On the whole, it can be said that largely, there are two foundational reasons for the implication of Article 25 in Pakistan's constitution. Firstly, lack of awareness among the public about their basic rights and provisions like that of special treatment for women and children in clause iii of article 25 of the constitution of Pakistan. Secondly, the relative interpretation of the law makes the implication of equality of citizens redundant. Subsequently, misinterpretation of law can be used as a mediator to evade legal proceedings and bear the consequences in one case and oppress the innocent, as referred by Lopez-Calva (2019), who cited that:

'For my friend, anything; for my enemies, the law'

Thus, it is pertinent to ensure the implications on distributive social justice to protect the rights of citizens and envisage the constitutional contours in practice. On the whole, the research is significant in highlighting effective measures that derived positive outcomes in one region, thereby, recommending the other to adopt such measures pertaining to their region to avoid garish representation of constitutional values and put them effectively in practice to have a peaceful and prosperous society. However, the adopted methodology based on secondary research design is one of the limitations of the study. Thus, any future research using primary field analysis by including direct responses from potential participants can help in recommending ad hoc mechanisms to eliminate the increasing populism and promote prosperity reliant of equality of citizens.

6. Conclusion

The study was aimed at analyzing the significance of constitutional contours in bringing prosperity to a region. To serve the purpose, equality of citizens and its associated initiatives were analyzed in the context of Pakistan and for the identification of the factors that usurp the efficacy of the legislative contours, the implementation approaches were compared to that of the ones in the US. The empirical analysis revealed that the contours of equality and subsequent initiatives accompanied by the impact of societal discourses and resultant stratifications are shifting sands. It is for this reason that the positive impact posed by the taken initiatives is often persuaded by social injustice, thereby, the covert negative impacts become visible with its growing roots in the social, political and economic spheres.

Whilst, the constitution of Pakistan is perceived as efficient in the manner that it signifies the importance of special assistance to the vulnerable segment including women and children but a plethora of studies referred to domestic, national and workplace hindrances that increase the cases of abuse and corroborate the prevalence of glass-ceiling metaphor in each society including the developed players from the US. Thus, the role of constitutional contours remains contested due to the prevalence of inequality. Consequently, stratification based on class, race or gender prevails which results in the exploitation of people from the less privileged class. There should be efficient policies that can root out the influence of cultural discourses that are the driving forces for instability of the society and beforehand focus on equal development irrespective of class or gender rather than waiting for the number of cases to mount further because it is imperative that justice delayed is justice denied. Moreover, the comparative analysis enabled the researcher in analyzing the inefficient implementation practices that evade the potency of legislative measures in Pakistan. For Instance, the US pursues efficient inclusion and educational resilience programs that intend to motivate children and improve their retention, unlike Pakistan which is still struggling to take each child to school for elementary education, as reported by the National Commission on the Rights of Children. Moreover, Pakistan is found in lagging behind due to misinterpretation of law that is carried out to evade legal proceedings and inefficacy in implementation of policies by all the state institutes and respective stakeholders, unlike US. It is due to the fact that the US obligates all the entities whether public or private to adopt potential policies in implication federal law under its supremacy clause. However, settlements of disputes and cultural influence acts as setbacks that help in drawing the inference that to put the ostensible preferences into practice and promote equality of citizens and ensure that the vulnerable segment is provided with special assistance, the Ministry of Human Rights should integrate with potential stakeholders so that legislation can be envisaged in practice efficiently.

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