

Q No 2

Discuss the main changes made in the Constitution of Pakistan through Twenty-six amendment. What effects it shall have on the political system of Pakistan. Elaborate

## I. INTRODUCTION:

The 25<sup>th</sup> Amendment is one of the remarkable amendment in the constitutional amendment history of Pakistan. It was received the assent of president in 21 November, 2024. The amendment consist of 26 clause, and it redefine the balance of power between parliament and judiciary. The amendment also highlight the longstanding history of judicial Activism in the country. However, the core objective of the amendment is Increase the parliamentary oversight on judicial appointment and function of the judiciary. The famous Roman question: "Quis Custodiet ipsos Custodes?" (Who will guard the guards?) as it seeks to establish a system of-

Give the main heading first

## V Abolished Swo moto action:

Talceaway the supreme court swo moto action. we can say that the concept of judicial activism abolished in the constitution of pakistan.

## VI Insertion of Article 9A

A new article is inserted granting every citizen the right to a clean, healthy and sustainable environment.

## VII Increasing the strength of Judicial Commission of pakistan

The strength of judicial commission was increased. five from judiciary and ~~one~~ 8 outside of judiciary

## VIII Fixed the tenure of Chief Justice of pakistan:

Chief Justice of Pakistan appointed for 3 years only.

Minimum description under a heading should be 5 lines

checks and balance with in highest  
etholon of power.

## II Main changes are made in the ~~EC~~ Constitution of Pakistan through 20th Amendment

Use specific and self  
explanatory headings

### (i) ~~Judicial~~ appointment: 175A

Judicial ~~appoint~~ is one of the core  
objective of this amendment. For  
example, the Chief justice of Pakistan  
was appointed on the basis of  
seniority. However, now the special  
parliamentary committee ~~was~~ introduced  
to ~~se~~ appoint chief justice of Pakistan.  
The parliamentary committee consist  
of 12 members 8 of them from  
national assembly and 4 of them from  
senate. The committee appoint one name  
among the three senior candidates  
and proceed to president for  
assent.

"These changes bring an extraordinary  
level of political influence over  
the process of judicial appointment and  
the judiciary's own administration"

Said by Santiago Canton, ICS  
"Secretary General."

(ii)  
Introduction of Constitutional Benches → 191A

Constitutional benches were made both in Supreme Court and High Court to check and balance in these courts.

(iii)  
Increase the power of Federal Shariat Court → 203A

The Federal Shariat Court was given the power to see that no law was created contrary to Islamic values.

(iv)  
Increase the Duration of Election Commission of Pakistan - 215:

The election Commission of Pakistan will continue after completing its tenure until a new election Commissioner is appointed.

III

## Effects of the Amended on the political system of Pakistan:

"The 25<sup>th</sup> Constitutional Amendment passed by Pakistani parliament today, is a blow to judicial independence, the rule of law and human rights ~~commit~~ protection," said, (ICT)

(i)

Increase parliamentary oversight in judicial appointment:

The introduction of parliamentary Committee and increase in ~~of the~~ number of the members in judicial appointment ~~substantially~~ the judicial administration of the country.

(ii)

### Limiting Judicial Activism

The "sub moto" ~~action~~ of Supreme Court has ~~limited~~, now, special

separate Constitutional Benches deals for such matter.

### (iii) Dilution of Supreme Court's power

Add and highlight references against these arguments

The power of chief justice of Pakistan vanished in the appointment of judges, and also made a variation in (CJP) tenure. 'Suo moto' action also taken away from the supreme court.

### (iv) Redefining the Balance of power Between the judiciary and parliament

This amendment bring enormous ~~change~~ changes in the judiciary as well as parliamentary setup of the country. For example, the increase in the number of political figure in judicial setup and also dilute the power of (CJP) as solid part of balance of power between the judiciary and parliament.

Add more arguments in this part

## IV Conclusion

The 25<sup>th</sup> Amendment bring on extraordinary changes in judicial as well as political setup of Pakistan. ~~The~~ Increase in the number of political figures in judicial appointment and limited the "quo moto" action of supreme court is the solid example of political interference in the judicial administration of the country.



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