

21 Oct 2024

Monday

## Constitutional Amendment

### Definition:-

A Constitutional amendment is a formal change or addition to the Constitution. It allows the government to adapt the Constitution to new political, social, or legal realities.

### Constitutional History of Pakistan:-

Pakistan's first Constitution was made in 1956 but it was stopped by military rule in 1958. A second Constitution came in 1962, but it was also removed in 1969 after another military takeover. The current Constitution was created in 1973, making Pakistan a democratic country with a parliament. It has been changed many times to fit political needs. The Constitution helps divide power between the government (Executive), Court (Judiciary), and Parliament (Legislative).

### Recent Amendment:-

The recent amendment in 26 Constitution act 2019 amendment bill, which is also known as "Constitutional Package", approved by both houses of Parliament (Senate and National assembly). The new 26 amendment bill was presented by Law minister of Pakistan.

Azam Nadeem Tahir Under the Umbrella of Speaker National Assembly Aijaz Siddiqi, in the late night session on 20<sup>th</sup> Oct 2024 at around 11:36pm.

## 26<sup>th</sup> Constitutional Amendment Bill Aim :-

The 26<sup>th</sup> Constitutional Amendment Bill, aimed at reforming the judiciary, was passed by the Senate with a 2/3 majority. The key changes include

- Limiting the Supreme Court's *Suo moto* powers.
- Setting the Chief Justice of Pakistan's term to 3 years.
- Allowing the Prime Minister to appoint the next Chief Justice from the three most senior judges.

Overall, it is a judicial reform, which has ~~been~~ <sup>been</sup> passed in the National Assembly by a Special Parliamentary Committee and has undergone significant revision.

## Why Constitutional Amendments Occur :-

The Constitutional Amendment occurs in the following reasons.

- **To update laws :-** Amendment addresses outdated laws or gaps in the Constitution.
- **To reflect new political needs :-** Political dynamics can change, requiring alterations in the balance of power between branches of government.
- **To enhance rights :-** Some amendments aim to improve or expand citizens' rights and protections.

## ⇒ Social Effects of this Constitutional Amendment bill:-

### • Potential loss of judicial independence:-

If judges are appointed based on political loyalty, the public may lose trust in the justice system. Because people are facing already problems regarding their rights in Pakistan.

### • Public Concern:-

People may fear that their rights and freedoms could be compromised by politically motivated judges.

## ⇒ Political Effects of Amendment:-

### • Increased government controls.

This amendment will increase the government's ability to influence judicial appointments, may lead to greater control over legal decision.

### • Tensions between branches:-

Amendment's that change the judiciary's independence can create conflict between the government and the courts.

## ⇒ Economic Effects of Amendments-

### • Impact on Investment:-

Judicial independence is crucial for business confidence. If courts are perceived as biased, it may discourage both domestic and foreign investment.

### • Legal disputes:-

Biased judgments could lead to unfair rulings in economic cases, affecting

business and the overall economy.

## Is the Constitutional Amendment for the General Public?

In my opinion, this amendment is more focused on judicial appointments and government influence, it could affect the general public by influencing how laws are interpreted and applied. However, it is not directly aimed at improving public services or welfare.

It can benefit the general public if they are designed to improve governance, protect rights, or address social and economic issues.

Some key ways amendments may benefit the public include

### 1- Enhancing Rights:-

Amendment can expand or strengthen fundamental rights, ensuring better protection for individuals, for example,

- Freedom of Speech
- Gender Equality
- Access to Justice.

### 2- Improving Governance:-

They can reform institutions or processes to make government more transparent, accountable, and effective, benefiting the public through better services and reduced corruption.

### 3- Addressing Social Issues:-

Amendments can be used to introduce policies that address pressing social problems, such as education, healthcare or environmental protection. It's also a fundamental right of every citizen of Pakistan. So, government should give more focus on these sectors. So that Pakistan can include in developing countries of the world.

### Conclusion:-

However, if amendments primarily serve political interests such as concentrating power or undermining judicial independence they may harm the public by weakening democratic checks and balances, whether a constitutional amendment benefits the general public depends on its content and purpose.