

Q. NO. 2

Main Changes in the Constitution of Pakistan through 26th Amendment and its effects on the Political System of Pakistan:

Introduction:

→ The 26th Constitutional Amendment Act of 2024 in Pakistan brings extensive reforms, mainly focused on judiciary. The amendment seeks to restructure judicial appointments, restrict certain powers of the Supreme Court, establishes mechanisms for performance evaluations, and introduces constitutional rights related to environmental health. Following are the main changes and their potential effects on the Pakistan's political system;



Main Changes made in Constitution of Pakistan via 26th Amendment:

(1) Appointment process of Chief Justice and Judges:

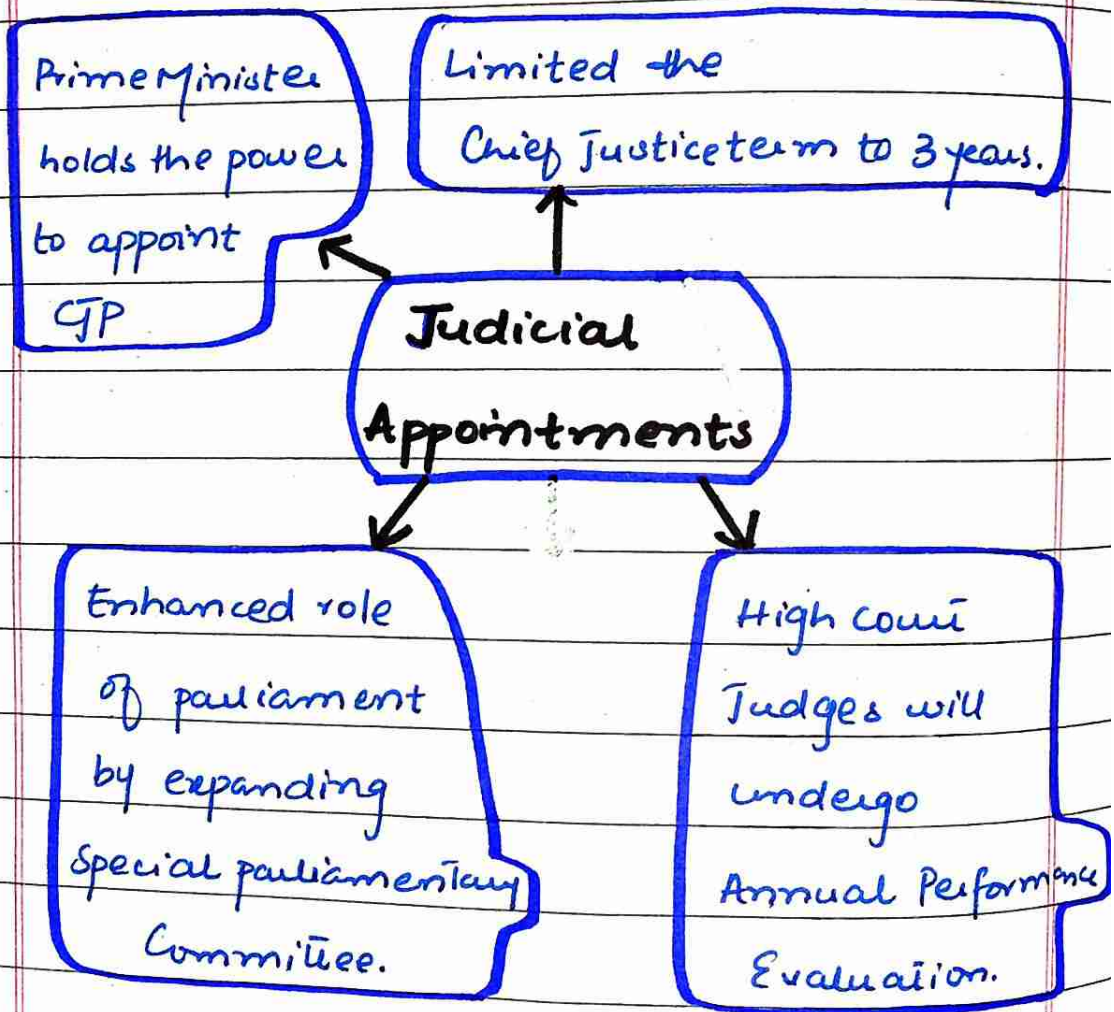


Fig: Reforms in Judicial
Appointments.

(2) Reduction of suo motu

Powers:

→ Supreme Court and high courts are restricted from using suo motu jurisdiction independently. It limits judiciary's ability to initiate cases on its own, reducing its influence over politically charged matters.

(3) Constitutional and High Court Benches:

→ New provisions for constitutional benches in the Supreme Court aim to specialize these benches in matters of constitutional significance. It will reduce backlogs and focus on cases with significant political and constitutional matters.

(4) Environmental Rights:

→ Article 9A: Guarantees every citizen's right to a clean and healthy environment making a constitutional commitment to environmental protection in response to climate change.

(5) Additional Amendments:

(i) Islamic Finance Regulations:

→ Sets a date of 1st Jan, 2028 for complete elimination of riba for the Pakistan's financial system.

(ii) Changes to the Election Process:

→ Extends office term of the Chief Election Commissioner until the successor takes office to stabilize electoral process.

Effects on the Political System:

Increased Political Influence over Judiciary \Rightarrow leads to more gov-aligned Judiciary.

Checks on Judicial Power \Rightarrow Reduces Judicial activism, but can also weaken Judiciary.

Effects on Political System

Focus on Efficiency and Transparency \Rightarrow May streamline Judicial processes, however, parliaments' role raises concerns about Politicization of Judiciary.

Strengthening Environmental Governance \Rightarrow Could result in stronger environmental Policies with political will to enforce them.

\rightarrow But, along with these, reforms also

raises concerns that it may curtail
judicial independence and politicize
it.

Conclusion:

Therefore,

→ 26th Amendment is significant
in judicial reorientation, but it
largely depends upon how these
reforms are implemented.