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Question:- What are the merits and challenges of 26th Amendments to the constitution ~~of Pakistan~~ of Pakistan?

Introduction

The 26th amendment to the constitution of Pakistan was passed and became law on October 21, 2024. The amendments to the constitution of Pakistan are done to keep the Supreme law of the land aligned with the evolving political, social and economic needs of the nation.

It insures that the constitution remains a living documents, capable of addressing new challenges, strengthening democracy, protecting fundamental rights and promoting good governance.

Merits of the 26th Amendment

(i) Promotion of clean and healthy environment

As the world is struggling with climate security. The inclusion of Article 9A in the constitution guarantees that every citizen has the fundamental right to live in a clean and healthy environment. This is a crucial step in fostering a culture of environment awareness and responsibility across the nation.

(ii) Removal of anomalies:

It ~~strengthen~~ addresses ~~inter~~ inconsistencies within key constitutional

articles such as article 48, 177, 208 and 255, refining procedures related to the appointments of certain officials and clarifying ambiguities.

(iii) Strengthening of Islamic Provisions:

It strengthens the Islamic provisions of the constitution by ensuring that the state prioritizes policies aligned with Islamic principles. Such as article 38F, 229 and 230 ensures that Islamic guidelines influence the country's legal and social framework.

(iv) Promotion of parliamentary supremacy:

Article 175(A) strengthens parliamentary supremacy by empowering the legislature in the judicial appointment process. It ensures that judicial appointments reflect the democratic will of the people. In short, it ~~en~~ enhances the overall system of checks and balances in Pakistan's governance structure.

(v) Wider forum for judicial appointment:

It expands the forum for judicial appointments under article 175, bringing greater transparency and inclusiveness in the judicial selection process.

(vi) Promotion of specialized branches in the judiciary for specialized cases:

As article 191, 202 provides specialized

benches within the judiciary to handle specific cases, such as constitutional and environmental issues. This specialized approach is aimed to improving the efficiency and expertise with which the judiciary handles complex legal matters.

Challenges of the 26th amendment:

(i) Lack of consensus:

One of the main challenge is the lack of broad consensus among political parties and stakeholders. As it was passed in a rushed manner, raising concerns about ~~the~~ the lack of adequate debate.

(ii) Politically motivated allegedly:

There have been allegations that the amendment was politically motivated, with some critics claiming it was introduced to

Secure advantages for specific political groups.

Although in many developed countries there is often a collaboration b/w the government and the judicial system.

(iii) Confusion over precise jurisdiction of constitutional benches:

The introduction of specialized constitutional benches, while a step towards efficiency, has led up to confusion over their precise jurisdiction. There are concerns that unclear boundaries of ruling will results in delays

and inefficiencies with the judicial system.

(v) Question on Judicial Independence:

The concern questions are raised by the amendment that it could undermine judicial independence.

By introducing more political involvement in ~~the judiciary~~ could fear^{that} judiciary system could be compromised or influenced by political forces.

Conclusion

The 26th Amendment to the Constitution of Pakistan represents a significant step towards strengthening democratic principles, enhancing environmental protection, and promoting judicial reforms. The careful implementation and collaborative efforts will be crucial in ensuring that the objectives are fully realized for the benefit of national interest and legal framework.