

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 25th Amendment is one of the remarkable amendments 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-

V Abolished Suo moto action:

Talceaway the supreme court suo motu 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 8 years only.

checks and balance with in highest echelon of power.

II Main changes are made in the CONSTITUTION of Pakistan through 26th Amendment

(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 Constitutioned
Benches → 191A

Constitutional benches ~~are~~ were made both in Supreme Court and High Court to keep 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 ~~upon~~ the contrary of 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 25th Constitutional Amendment passed by Pakistani parliament today, is a blow to judicial independence, the role 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 sabotage 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 matters.

(iii) Dilution of Supreme Court's power

The power of chief justice
of patron vanished in the appoint-
ment of judges, and also made
a variation in (CJ) 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 (CJ), as solid get
of balance of power between
the judiciary and parliament.

IV

CONCLUSION

The 25th Amendment bring on extraordinary changes in judiciary as well as political setup of Pakistan. ~~The~~ Increase in the number of political figures in judiciary appointment and limited the 'suo moto' action of supreme court is the solid example of political interference in the judicial administration of the country.

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