

PART-II

ANSWER-2

TWENTY-SIXTH AMENDMENT

Introduction:

The twenty-sixth amendment to the Constitution of Pakistan 1973 has been recently proposed/passed on 21-22 October 2024. The amendment is commonly known as 'Constitutional Package' and has total of 27 Clauses.

The bill was in debate since long. It has various controversies linked to its forceful approval in the national assembly and its timing.

Critics are skeptical of the manner in which assent was taken from certain parliamentarians and how Justice Mansoor Ali Shah was inline to take over as the next Chief Justice of Pakistan. It has also gathered much International responses and criticism.

The bill is serving as seeds of dissent between three pillars of the government; executive, judiciary and

legislature.

The credible amendments are mentioned as follows:

i) Appointment of CJP-Article 175:

The most debated amendment of the proposed bill is limiting the tenure of Chief Justice to three years term. Also, a special Parliamentary Committee has been made that includes 8 members from National Assembly and 4 members from the upper house-Senate to choose or as they claim-handpick the next CJP from a panel of three Senior-most judges. This equips the executive with over-reaching penetration in judiciary.

ii) Judicial Appointments: (175-A)

Apart from the Chief Justice, other significant appointment shall now be done by Judicial Commission of Pakistan whose makeup has been seriously altered. The Senior judges and CJP are "assisted" by four new parliamentary members; two

from each house. Then again, it depicts upper hand of parliament in conduct of judicial affairs.

iii) Constitutional Benches

Formation - Article 191-A:

Controversial constitutional benches are to be formed under article 191-A.

These benches shall be responsible for conducting all affairs of Supreme Court. Powers of the benches include the "Original Jurisdiction" under article 184 to carry out cases. It also inculcates appellate and advisory jurisdiction of SC under articles 185 and 186.

iv) Curtailment of Suo Motto Powers:

The apex court possessed special 'suo motto powers' to pass judgement on any case if it wanted under article-184. After the bills, the court no longer has right to exercise these powers.

It is notable that many had previously criticised suo motto of judicial over-reach.

v) Constitutional Benches in High Courts : 202-A :

Under amendment in article 202-A, the Judicial Commission can set-up constitutional benches within all five High Courts of Pakistan.

This equips parliamentarians to control provincial judiciary, intervene and cripple their freedom.

vi) Elimination of Riba and Interest-Free Economy:

Under Article 38-A amendment, the package plans to eradicate Riba completely by 1st January, 2028 and proceed towards a zero-interest economic system.

vii) Right to Clean Environment:

Article-9A has been included in the constitutions' chapter 1 that provides every individual a right to clean and healthy environment.

This article is positively perceived by many but does it depict that all those living in Pakistan were previously under unhealthy condition?

International Criticism to the Package:

The International Commission of Jurists (ICJ) has greatly opposed it.

"The recently proposed amendment in Pakistan is a blow to independence and identity of jurists."

The UN Human Rights Commission UNHRC chief Volker Turk said:

"It is a blow to the independence of judiciary."

The Human Rights Commission of Pakistan has also greatly opposed the amendment bill.

Amendment Bill - Curbing Separation of Powers in Pakistan:

There is something wrong with the bill in peculiar. Recently, the coalition government have criticized the judiciary to be tilted towards a particular populist narrative and party. They claim that ex-Prime Minister Imran Khan has been a beneficiary of judicial favours and term him as a "ladka" of

Supreme Court. This bill allows members of parliament - easily manipulated via money or pressure tactics and involved in political mud-slinging oftenly - to have a direct say in judicial appointments. It is an alarming permissive ground where judicial decision would become vulnerable to pursuing political agendas. The lines between executive and judiciary as two separate powers under state machinery are blurred. Another skepticism is the military involvement in the political system of Pakistan. This refers to the idea that not just the parliament but Masters of it, the establishment has paved its own way into the Supreme and High Courts. The independence of judiciary is curbed now, the hands of judges crippled and the burden of more than 60,000 pending cases still intact. Indeed, "Justice Delayed is Justice Denied."

ANSWER: 4

SIR SYED AHMAD KHAN

Life Sketch:

Sir Syed Ahmed Khan was a Muslim Reformer who was a staunch believe that the pen is mightier than a sword. He was born in 1817. All his efforts were aimed at bridging the educational void within the Muslims of Indian sub-continent and Aligarh lied at the core of this agenda. It is rightly said and Sir Syed believed:

"Education is the weapon which you could use to change the world."

Situation during Sir Syed's Time:

When Sir Syed became involved in the Muslim struggle for independence, the Mughal empire was facing a huge decline. The war of Independence 1857 had ended and Bahadur Shah Zafar had been sent to exile in Rangoon.

• Imminent Threat - Marhattas:

The Marhattas and Jatts, claiming their chance to take over after the collapse of Mughal Dynasty, were involved in multiple attacks on Muslim Areas.

• Hindu Movements:

The Muslims, already morally defeated by insurgency rise, were met by challenge of Hindu reformists movements like Shuddhi and Sanghatan that were aimed at making people revert to Hinduism in an attempt to purify them.

• Enmity with British:

The most prevalent was bitter enmity of the Muslims with the British government. Britishers blamed Muslims for ouster and Muslims were aggrivated by the encroachments of their lands.

• ENGLISH - The Official Language:

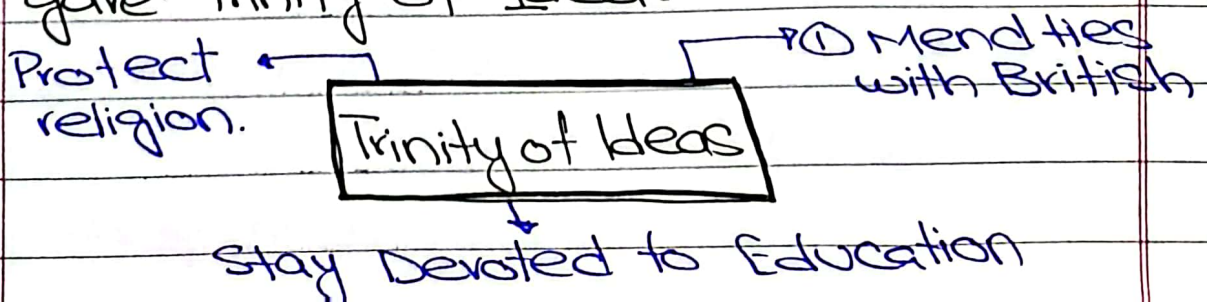
The triggering point was that post 1857 war, English was made the official language and Muslim

languages like Persian and Arabic were banned.

Sir Syed's Response:

Sir Syed agonised by the unjust being done to Muslims told them to learn English. He was a diligent man who had understood that they only way to stay relevant and let the Muslim voice heard was to be profound in English. This was not westernization as many claim, but his far-sightedness. He also advised Muslims to devote themselves to religion and mend their ties with the British. They were the rulers and byalty to them was sole path to attain due rights. Rights are for the vigilant and not the indolent; Sir Syed aimed to make Muslims vigilant.

K.K Aziz in his book "Making of Pakistan" quotes that Sir Syed gave trinity of Idea:



Literary Services of Sir Syed Ahmed Khan:

Sir Syed's educational services centre-staged at Aligarh are a reflection of his inclination to modern and scientific learning methodology.

- Victoria School - Ghazipur (1863)

It was set-up in Ghazipur on western standards.

- Gulshan School Muradabad (1858)

It was the first English School for Muslims.

- MAO HIGH SCHOOL, ALIGARH:

The iconic Muhammadan Anglo-Oriental High School was set-up in Aligarh in 1818. The school became MAO College in 1880. It was later transformed into Aligarh Muslim University in 1920, owing to relentless efforts of Sir Syed's confidants.

- Educational Societies:

A "Scientific Knowledge Society" was set-up in 1870 that translated scientific knowledge into native language. This was a step to

allow Muslims to be inclined to modern scientific knowledge; a pre-requisite for progress of a society according to Sir Syed.

- Educational Committee:

In 1864, Mathematics Committee was formulated that equipped Muslims to be financially ahead of their time.

- AIG and Literary Masterpieces:

Sir Syed did not confine his services to educational setups and institutions. For 22 consecutive years, a Gazette was published from Aligarh annually to build the conscience of Muslims; both socially and politically.

Sir Syed penned remarkable books including "Asar-ul-Sanadid" (a book on archaeology) and "Abtal-e-Ghulamii" (Consequences of Slavery).

Magazines include Risala "Asbab-e-Baghawat-e-Hind" and "Tehzeebut Akhlaq."

• Jewel in the Crown - AMEC:

The "Aligarh Muhammadan Educational Conference" is said to be the mouth-piece of Muslims of the sub-continent.

This led to the formation of All-India Muslim League in 1906 and strengthened the Two-Nation Theory.

Socio-Political Services:

Sir Syed advised the Muslims to refrain from agitational politics and contest elections only on Muslim reserved seats. This was to protect them from being overshadowed by Congress and have an own voice. He also told them to protect Urdu and remain on their culture.

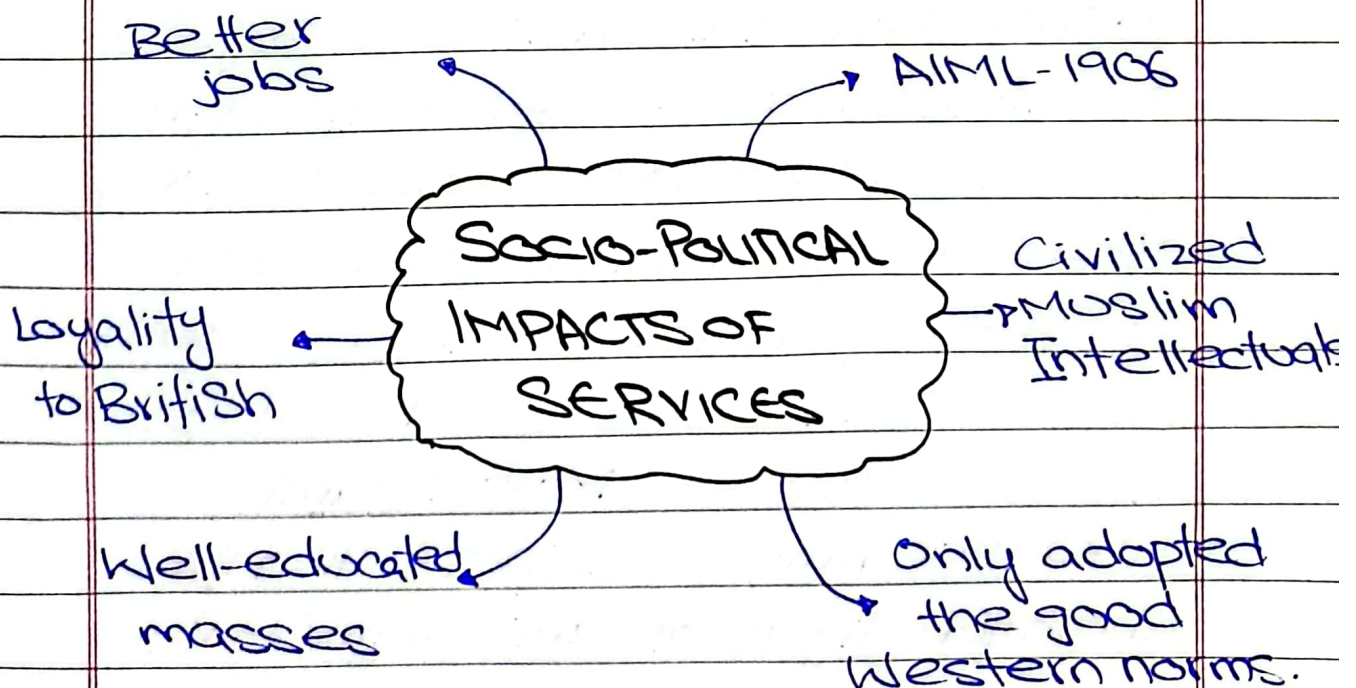
Opportunities Created as a result of Services:

Muslims had a separate voice through AMEC. New leadership was created from Aligarh like (Nawab brothers and Johar brothers)

The economic status of the Muslims greatly accelerated

because they attained better education. This in turn aggravated their social status and let their voices be heard.

Sir Syed through his vision, accredited western etiquette in Muslims (dress to dine and mannerism) that he learned from analysing Oxford University. Simultaneously, he equipped them with indigenous integrity that they differed from western liberal ideology and had their own culture. He uplifted the Muslims morally, socially and politically through education.



ANSWER: 3

"TERRORISM AND POLICY FAILURES"

Introduction:

Pakistan is a country created on the principles of Islam - a religion of peace. Unfortunately, through-out history, various forced and certain conscious decisions have landed the country into menace of terrorism.

With much efforts, we had countered the evil but the contemporary time faces internal threats like insurgency and VNSAs. The state writ is challenged and a once for all solution is needed to counter this peril.

VNSAs and Instability Paradox:

Violent Non-states Actors are a global threat. They are groups that maybe well-structured or loose collaborations, operation against the government policies in pursuance of their ideological objectives. This menace is not just limited to Pakistan, Moro Islamic Liberation Army (Phillipes) and the Liberation Tigers of Tamil Elam (LTTE)

in Sri Lanka are also existant.
Most common elements in Pakistan are TTP, Baloch Liberation Army, Baloch Yakjehti Coundl (BYC) and Pashtun Tehreek Movement (PTM). All these are led by notorious leaders that have international linkages and unions. Dr Maleeha Lodhi in her Book, "Pakistan: a Quest for Stability" addresses the security concerns of the country.

Balochistan Insurgency ~ years of Separatist Agendas

The most prevalent threat emerges in the province of Balochistan where the death of Akbar Bugti back in 2005, created the rise of a fifth wave of insurgency. "It was a separatist wave", as labelled by Akram Dashti, then Speaker of Balochistan Assembly. Senator Mushahid Hussain terms the issues in Balochistan "A war of ego's." Balochistan; the area-wise largest, population-wise smallest province of Pakistan is

the most-scarcely populated yet the resource rich province of Pakistan. The lack of people leads to low funds under NFC Awards whose 82% deciding ability is based on population. This causes minimum resources for development that in turn instigates chaos and unrest. Is it fair that Region of Sui Balochistan supplies sui gas to the entire state but is devoid of it itself? The state failed the people of Balochistan when Reko Diq was sold but no infrastructure was provided to unemployed poverty-stricken people of Balochistan to optimize coal and minerals found there. Gwadar and CPEC leaves the Baloch community agonized because they were wiped out of the sea-port, extracting fish; their only source of earning a livelihood was taken from them and given to the Chinese. Who benefitted from all these initiatives? The Federal and Punjab; they accuse.

Anatol Lieven in his book, "Pakistan: a hard country" clearly mentions that Balochistan has suffered the worst marginalisation.

One sector debates the growing insurgency is a reactionary response but there is also enough evidence to support "Foreign Funded Terrorism" narrative. Maulvi Mansoor's confessional statement of RAW supporting the TTP validates state claims. It is easy to exploit an already frustrated youth, after all. There are proofs of Baloch insurgents getting treatments on Indian soil or seeking refuge in Afghanistan. The illegal border trade with Iran is no secret either.

NAP, NSC ~ are these Policy Failures?

Post the traumatic APS Peshawar Massacre, Pakistan formulated its National Action Plan in 2015.

The same year it was decided to form "Military Courts" under 21st Amendment to end this evil

once and for all. This was followed by successive military operations like Zarb-e-Azab in Khyber Pakhtunkhwa and vicinity. The claims of possessing clear evidence in the much-hyped Dossier against India remains delusional since no information was made public under the Right to Information's (Article 19) violation. But what does the state have to say about the emancipation of Ehsan Ullah Ehsan? There is no justification of his freedom till date.

Recently, National Security Policy (2022-2026) has been provided by the state to address the resurgence of internal and external threats. It is a comprehensive policy that addresses traditional as well as non-traditional security threats. Unfortunately, 2023 has been the year with most terrorist attacks in Pakistan. Alarmingly, maximum number of terror-related deaths

have been recorded. There are certain notable attacks that have ended the public trust in notion of peace. In 2022, on the eve of Christmas, 5 well-planned attacks occurred in Quetta, Turbat and other districts of Balochistan killing 6 security personnels. The Men in uniform are protectors but killing them by the enemy from within is demoralising. The Bisham Attack and the recent Killing of Chinese Engineers in Karachi (Airport road) also indicate state's failure to crush oppression against China and CPEC; an agenda that terribly harms national interests of Pakistan.

The National Security Policy failed itself in 2022, when an armed forces airplane/helicopter "crashed" near Quetta (during flood monitoring) and Majeed Birgade formally claimed responsibility of the attack. Are these merely Red-Flag Operations or is the writ of the state this weak?

The Fourth Schedule is also centre of agenda that is a well-organized database of heinous criminals against all domains. Recently, NACTA - The "National Anti-Corruption and Terrorism Authority" has listed 83 terrorist organisations to be operational in Pakistan. The ATC (Anti-Terrorist Court) under FIA is also working against the master-minds of terrorist activities in Pakistan.

CONCLUSION:

A "Garrison State" as Laswell would have termed it is stuck in a perennial crisis of its own game. All eyes lie on the newly launched "Operation Azm-e-Istehkam" that is on-going in KP and Balochistan. The state is in action to protect its writ and ensure security in all domains. Hoping that Pakistan becomes secure as Barry Buzan defines it: "The protection of independence, integrity and identity is security"

ANSWER: 7

" EDUCATION SYSTEM OF PAKISTAN "

Introduction:

The Education System of Pakistan faces extreme setbacks both in terms of quality and quantity.

Not just that is the problem that the literacy rate of Pakistan is looming around 57% but the standards to measure it are very low too.

The quality of education is so fragile that not even one institution of Pakistan out of a total of 147 under HEC is part of the QS world Ranking 2024. The nation is declining and education remains the only way out.

Problems in Education Sector:

There are multiple arenas of issues in Pakistan's education sector: social, economic and even political factors.

Poverty, Child Labour and Out of School Children:

Currently, there are 26.5 Million

out of school children in Pakistan. Parents, mostly in rural set-ups, do not bear the economic burden alone. They send young boys and girls to earn and compromise on their education.

The Issues with Article 25-A:

Article 25-A of the Constitution of Pakistan 1973 provides right to free education to all children from 5-16 years of age.

The article fails to address the lack of infrastructure, availability of books, presence of teachers in the schools. Recently, Huma Yousaf also raised voice that no provision is provided for children with special needs in Pakistan.

Ghost Teachers:

Mainly an issue confined to the province of Sindh, where in 2019 the issue of 50,000 plus ghost teachers erupted. The staff is taking their pays but classrooms see no presence of a teacher!

- **Budget and Resources:**

After the 18th Amendment, Education has become a provincial matter. There is no proper set-up to provide and access funds required by government institutions. The buildings have collapsed, no proper sanitation or clean drinking water is available.

- **SINGLE NATIONAL CURRICULUM:**

In order to end the differences between provinces, a single National Curriculum was adopted or proposed.

It brought its own challenges with it. There was no set-standard.

Instead of raising the level of government schools, the private institutions were told to mend their curriculum. Such policies explain why 2.1 Million Young People Left Pakistan in (2023-24).

- **Youth Bulge and Brain Drain:**

Pakistan has the largest youth population with 60% of the population below 30 years of age. Unemployment remains

a vital issue within the learned youth. Graduates do not find stable jobs. This causes them to opt for evasive ideas.

"Youth is the asset of any country and Pakistan is losing its human capital."

• Internet Outages and e-Learning:

Following COVID-19, online learning has become part of lifestyle.

Pakistan's issue-struck internet outages, ban of VPNs and imposition of internet-firewall do not allow pupils to learn online.

"Let Thy knowledge be thy Medicine."

- Bu Ali Sina

Unfortunately, our medicine is currently shut-out!

• No Investment in Research Sector:

Pakistan ranks very low on Global Research and Development Standards. There is no one institution that has well-equipped labs or well-written theses.

we fail to meet global standards.

- Information Technology ~ stalemate:
Despite millions of IT graduates, Pakistan lags behind in IT. Our neighbouring country India has Ivy League standard institutions like the IIT and they made the second largest IT export market after Silicon Valley. We are stuck with a 30% export rate of the IT sector. This needs proper policy planning.

Solutions and Recommendations:

The Education Ministry must join hands with the HEC and devise an effective yet practical policy to address grievances of education in Pakistan.

Certain Solutions are as proposed:

- Inculcate ~~at~~ new fields like AI and robotics to enhance IT exports.
- Provide incentives like foreign exchange programmes and sign MoUs on cultural exchanges to reach global standards.

• GDP Investment:

No progress can be made with only 2.7% share of GDP given to education. We need to invest more money following the Scandinavian states.

• Entrepreneurship:

Focus on skill-based learning and provision of entrepreneurial setups in youth.

• Linking universities to Job Markets:

The state must devise a policy to link the higher educational institutions with market to learn practical skills and focus on merit-based recruitments.

• Single National Curriculum - consent from Institutes:

Creation of an Intellectual Committee of academia to address the SNC Dilemma.

The inclusion of Madrassas into SNC must be solved so that Madrassa graduates find a job.