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## PART-II

Q.NO.02

### 26<sup>th</sup> AMENDMENT

#### INTRODUCTION:

The 26<sup>th</sup> Amendment Act, 2024 was passed by the Parliament in October 2024. The document provided a detailed amendment to the constitution of Pakistan. The amendment Act entailed a number of articles to be substituted, repealed or inserted. It is a comprehensive document of about 15 pages and proposed major changes to the constitution some of which are given here-in-below:

- 1- Insertion of article 9-A.
- 2- Amendment to riba clause under article 38.
- 3- Amendment to article 48, on power of courts to question the advice of cabinet to the President.
- 4- Amendment to article 81 which renamed "Supreme Court" as "Supreme Court, the Judicial Commission of Pakistan, the Supreme Judicial Council."
- 5- Major amendments to article 175A.
- 6- Amendment in Article 177 to extend the experience requirement of higher judiciary.

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- 7- Amendment to article 184, curtailing the suo Moto powers of the Supreme Court.
- 8- Inclusion of article 191A, which constituted the constitutional benches at Supreme Court.
- 9- Amendment to article 203A which called for constitution of constitutional benches at the respective high courts.
- 10- Curtailment of suo Moto powers of High Courts under article 199 of the constitution.
- 11- Constitution of Parliamentary committee.

### Thorough evaluation: Effects of 26<sup>th</sup>

### amendment on balance of powers

### between various pillars of the state:

For the purpose of evaluating critically the impacts of the 26<sup>th</sup> amendment on balance of power between various pillars of the state, it is requisite to ~~give~~ thoroughly look into the amendments in articles 48, 175-A, 184, 191A, 199 and 203-A. Each of them is examined thoroughly as under:

### 1. Changes to Article 48:

Amendment to article 48 has restricted the courts from questioning any advice being given to the President by the Cabinet with respect to the affairs of the state.

Impact: This amendment has rendered the judiciary helpless and given the executive enhanced authority over the affairs of the state. Another impact of this amendment is that this unquestionable authority of executive now lacks check and balance by other organs of the state. This has ~~rendered~~ ~~the~~ given the pillar unreasonable powers which could be easily misused.

### 2. Amendments to Article 175-A:

The amendments to this article are:

→ Commission for appointment of SC judges will now include at least 6 members from the parliament.

Including the Federal Minister for Law and Justice.

→ The power to nominate the Chief Justice of Pakistan has now been rendered to the Parliamentary Committee from the three senior most judges of the SC.

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Impact: The judiciary of any nation is the most esteemed organ which in no way work effectively if it is not allowed to be independent. The amendments to Article 175-A seems to have put the appointment of supreme judiciary at the hands of the ~~executive~~ legislature. The inclusion of Parliamentarians to the appointment Commission of Supreme Court judges has put into question the independence of judiciary thereby, disrupting the balance of power between the two organs of the state. As pointed out by Mr. Zahid in his article in Daily Dawn, Oct 2024 that "if there's no independence in judiciary, there shouldn't be one."

The amendments to article 175A have been ~~also~~ put at severe criticism. Another aspect of this Article which has rendered all quiet is the grant of authority to nominate the Chief Justice of Pakistan to the Parliamentary Committee. This has severely hampered the balance of power in the state institutions. This can be further supported by the views as presented by Mrs. Maleha Lodhi in her article "The Constitutional Package" in the Daily Dawn of October, 2024 where she also put the amendment to great criticism.

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### 3. Amendment to Article 184:

Curtailment of suo Moto powers of the Supreme Court.

Impact: The amendment to this article has left the authority of the Supreme Judiciary as custodian of the constitution into question as opined by Dr. Arifa in her article in Daily Dawn, 2024. The curtailment of SC's suo Moto has now thrown the matters of Public Concern at the mercy of a complaint being filed in the regard and has ~~put~~ put at stake the SC's authority as a custodian of peace.

### Conclusion:

The "constitutional package" as iterated by Mrs. Maleeha Lodhi has been criticized by all who care. The amendment has not only threatened the authority of the Supreme Judiciary as a custodian of peace and the constitution, but it has also greatly disbalanced the powers of all pillars of the state. This has caused agony in public and stakeholders of law around the country which can be presumed by numerous petitions being filed in various courts against the package.

Q. NO. 04.

## SIR SYED AHMED KHAN.

### Introduction:

Sir Syed Ahmed Khan was born on ~~the~~ 17<sup>th</sup> Oct in 1817 in Delhi at India. He was a visionary reformer whose contributions to the socio-political and educational institutions to uplift the Muslims of British India were unparalleled. He is known for his efforts to reconcile the modern scientific thought with religion and promote new education. He had a desire to guide Muslims to thrive in the changing socio-political landscape of the colonial India.

### Reconciliation of Modern Scientific

### Thought with Religion:

Sir Syed Ahmed emphasized that Islam is inherently rational and compatible with modern science. He encouraged Muslims to approach religious texts with reason and critical analysis.

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### Tahzib-ul-Akhlāq:

It was a magazine of Sir Syed by virtue of which he discussed religious and social issues and promoted the idea that Islamic teachings could coexist with modern advancement.

### Views on Quran:

Sir Syed believed that the Quran encourages the pursuit of knowledge and does not oppose the scientific progress, which he believed was a tool for understanding the natural world and Almighty's creation.

### A Proponent of Modern Education:

#### Foundation of Educational Institutions:

He established Mohammedan Anglo-Oriental College in Aligarh in 1875

later, Aligarh Muslim University

Modelled after western Educational system but included Islamic studies in its curriculum.

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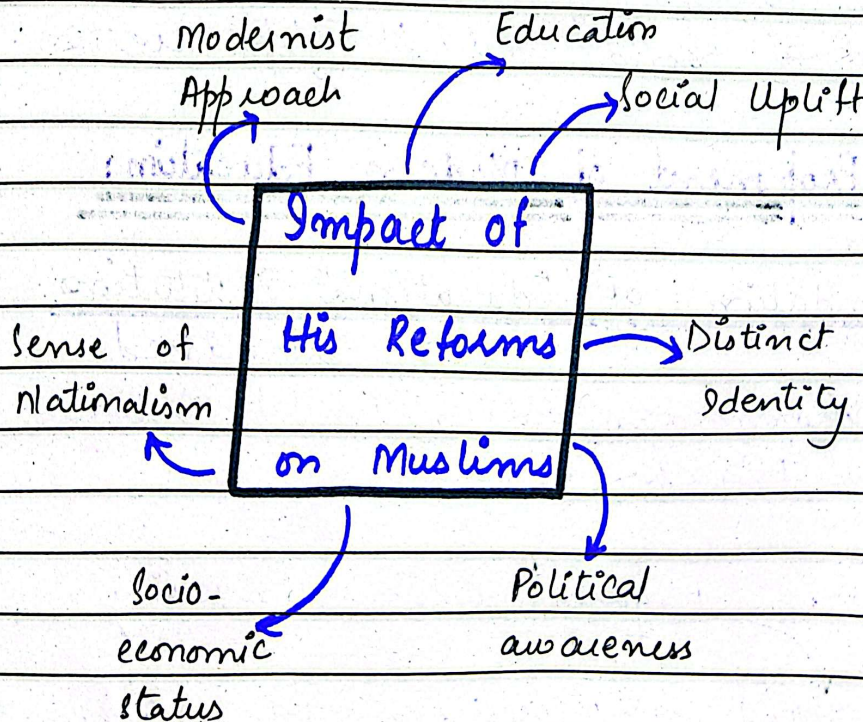
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## Focus on English Education

~~But~~ He believed that since all modern education was in English, it is requisite for Muslims to learn English language to progress and compete with British.

## Educational Reforms

Emphasized Muslims to gain secular education and focus on practical subjects including science, mathematics, and economics while maintaining their religious identity.





## 1. Social Upliftment:

His reforms helped the Muslims of the subcontinent to improve their socio-economic footing and it also helped them in bridging the gap between communities. Muslims started securing jobs at British organizations which boosted their socio-economic footing.

"Ignorance is the mother of poverty."

- Sir Syed Ahmed Khan.

## 2. Education:

"When a nation becomes devoid of Arts and learning, it invites poverty. And when poverty comes, it brings in its wake thousands of crimes."

- Sir Syed Ahmed Khan.

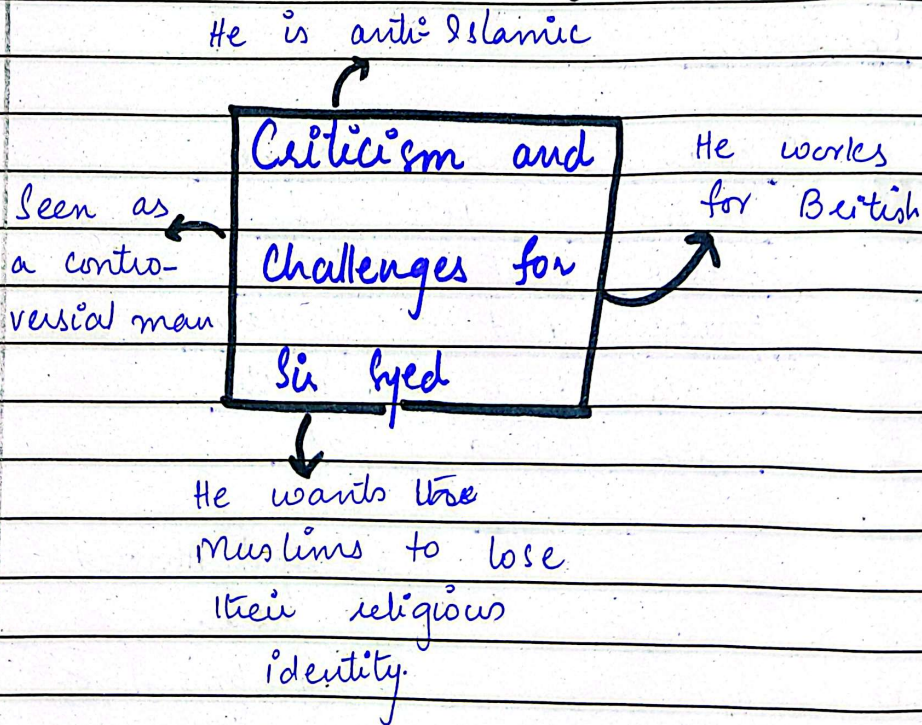
He was a strong proponent of modern education for Muslims and encouraged them to advance in all aspects.

3- Modernist Approach:

His ideas laid the foundation for modernist Islamic thought in South Asia, and influenced future generations of reformers.

"He (Sir Syed Ahmed Khan) was a man of great insight and realized the needs of Muslims when we could not even think of it."

- Quaid-e Azam  
Muhammad Ali  
Jinnah



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### Conclusion:

Sir Syed Ahmed Khan's efforts were groundbreaking and unparalleled. His efforts laid down the foundations for a modern Islamic society where Islam (religion) and modern education could coexist. His emphasis on education and rationalism paved way for Muslims to adapt ~~the~~ to the challenges thrown at them by the British and stand against the colonial rule. His efforts led Muslims to realize they true distinct identity which left its everlasting impact in the south Asia in the form of Pakistan.

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## EDUCATION SYSTEM OF PAKISTAN.

"The world is progressing so rapidly that without requisite advancements in education, not only shall we be left behind others but may be wiped out altogether."

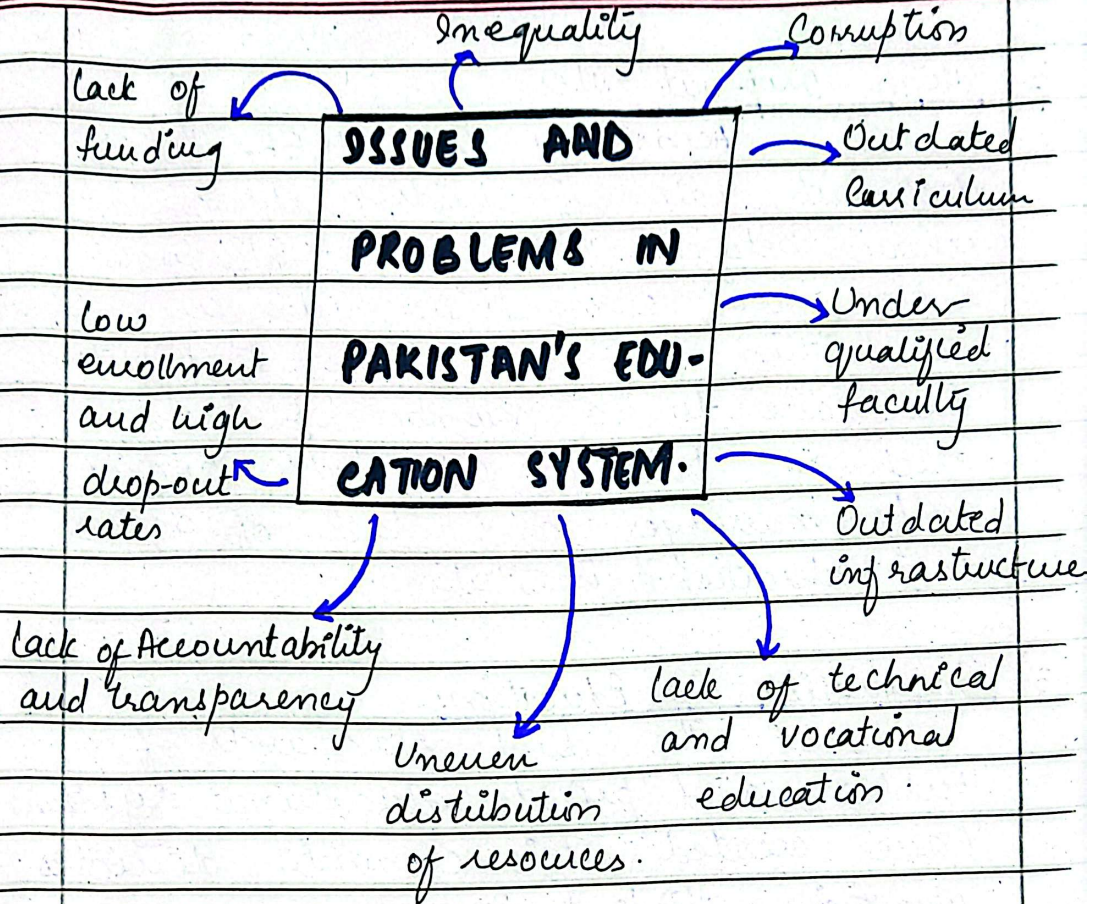
The above quotation emphasizes the need ~~for~~ and importance of education. Being a progressive country, Pakistan needs to work towards the betterment of its educational system. Without education Pakistan ~~is~~ could not keep up with the progressing world despite its great potential to flourish. In order to improve its educational system, Pakistan needs to identify the problems in the concerned sector and their possible solutions.

"Education is a matter of life and death to our nation."

- Quaid-e-Azam  
Muhammad Ali  
Jinnah.

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Some of the major problems in educational system of Pakistan have been discussed below:

1. Lack of funding:

The funding of educational system of Pakistan is significantly low as 2.5% of the Gross Domestic Product in contrast to the recommended value of 4-6% by United Nations Educational, Scientific and Cultural Organization. Poor infrastructure, inadequate facilities and insufficient teachers have severely hampered the quality of education.

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2- High Drop out rates:

According to UNICEF, the drop-out rate of children from school between the age of 15 to 18 has now climbed as high as 26 million in 2024. These drop-outs are due to a number of issues such as poverty, orthodox norms, early marriages and lack of access to educational institutions.

3- Inequality in Education:

The dual standards of public and private educational systems have created socio-economic divides. Wealthier students have access to quality education whereas underprivileged students lack access to quality education or any education at all.

4- Outdated curriculum:

The curriculum of Pakistan's educational systems has been the same for decades and has failed to integrate advanced scientific and technological aspects in it. Due to this reason, students lack the skills to needed to compete against the globalized technology-driven world.

5- Underqualified faculty:

Most of the faculty is either underqualified or lacks professional training. This has resulted in poor learning outcomes for students.

6- Corruption:

The educational institutions in Pakistan lack appropriate check and balance hence leading to corruption. This undermines the development of educational infrastructure and educational reforms. This results in wastage of funds allocated for development of educational system.

Other problems include:

7- Lack of vocational and technical education.

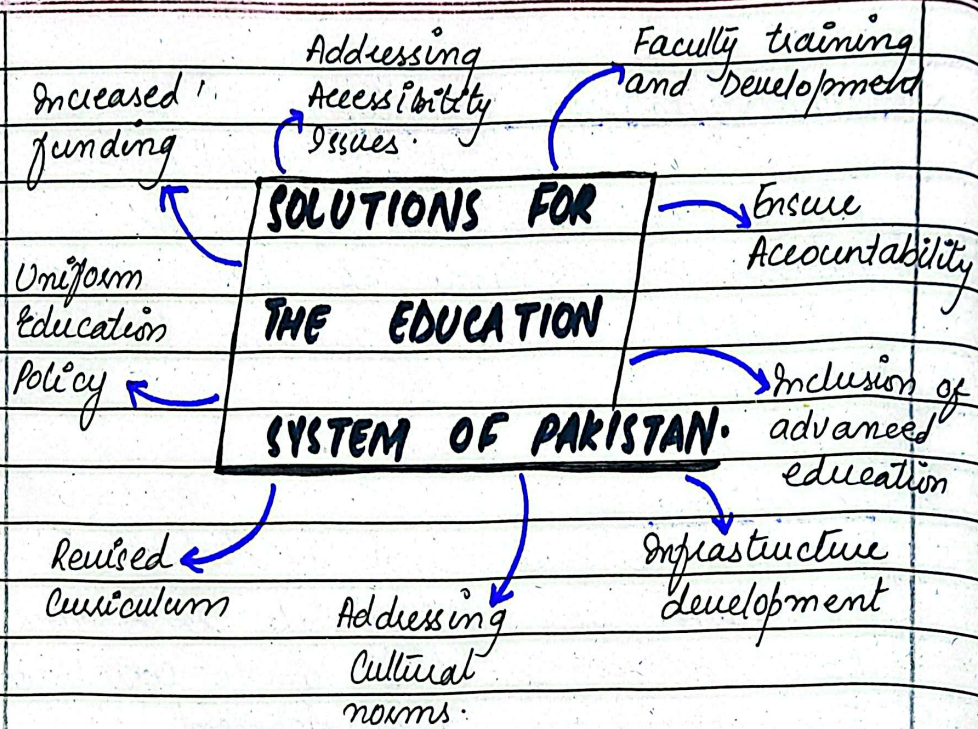
8- Cultural norms restricting the provision of education to youth.

9- Expensive education due to privatisation of educational institutions.

10- Lack of research infrastructure and uneven distribution of resources.

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Some of the solutions to improve the quality of education system in Pakistan are:

- 1- Increasing funding in the annual budget for education.
- 2- Introducing a uniform education policy.
- 3- Annual revision of curriculum to ensure up-to-date education for children.
- 4- Addressing cultural norms and accessibility issues.
- 5- Development of research infrastructure to ensure provision of advanced education.



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6- Revising transparency policies and ensuring accountability of educational institutions.

7- Introducing regular faculty training programmes with specific guidelines on as per need base.

### Conclusion:

In order for Pakistan to progress, it is requisite to address the problems of its educational system with immediate effect. As has been rightly said by Nelson Mandela that;

"Education is the most powerful weapon which you can use to change the world."

Therefore, Pakistan can only flourish and compete with the developed world by improving its educational system.