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Subject : Pakistan Affairs

## Part. II

Q.no. 3

New wave of terrorism... Evaluate

Introduction:

Pakistan resides in unsettled and hostile neighborhood facing unstable political situation since decades and imbalance of power followed by tug of war among various political parties. The unstable political rule leads to economic crisis to an extent that ended up finances to halt.

Economic imbalance leads to escalation of further ailments that contribute to worsen the governance to a greater extent.

Apart from political challenges

Pakistan faced multiple issues related to its geo-strategic position. It has to deal with its major rival in East; that continuously tries to step down Pakistan's regional connectivity and development. Pakistan shares its western border with Afghanistan that enjoys a sweet and sour relation with Pakistan; and is the reason of humanitarian crisis in Pakistan and terrorist attacks since 22 years.

**Background:**

The terrorist activities began when Pakistan took a major foreign Policy decision by taking a clear stance of being US ally in Soviet-Afghan war, back in 1990's. US supported Afghanistan via its economic, political, diplomatic and military support and by funding the creation of an organised group named Afghan mujahideed. US

provided them weapons, armed supports, tanks, guns, bombs and defense supplies to sustain Soviet aggression with ease. After Soviet was defeated in Afghanistan US left Afghanistan and Pakistan without guiding them how to handle the arms in future and what is the future goal for Afghan Mujahedeen? How Pakistan would support Afghan refugees in 21st century. Pakistan itself tried to push the descendants of Afghan Mujahideen, TTP (Tehreek-e-Taliban Pakistan) and Afghan refugees towards Afghan border that further flared up Taliban and they started attacks inside Pakistan in the name of Islamization.

On the other hand, Al-Qaeda lead by Osama Bin Laden attacked World Trade Center in 2011 (9-11) and openly announced war against US and non-Islamic. They further added Shia minority, muslims in their

target list later on being a Sunni majority  
 Islamist group sourced by Nacta  
**Pakistan's Approach towards terrorist  
 attacks:**

Pakistan's civil-military relations  
 took a long time to establish  
 since its inception but when TTP  
 attacked mosques, schools, Police stations,  
 Shia rallies, foreign ambassadors, Chinese  
 investors and girls seeking education.

The government and military shook  
 hands and started operations against  
 this organised crime.

**Military operations:**

1. Rah-e-Haq (2007-2009) in Swat
2. Operation Sunrise (2007) in Lal Masjid
3. Operation Sher Dil (2008) in Bajaur
4. Rah-e-Raast (2009) Follow up of Rah-e-Haq
5. Rah-e-Nijaat (2009) in South Waziristan
6. Black Thunderstorm (2009) in Dir
7. Operation Janbaz (2014) in Karachi

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8. Operation Khyber (2014-2016) in Khyber Agency

9. Operation Zarb-e-Azb (2014) North Waziristan

10. Operation Red-ii-Fasad (2017) North Waziristan

Ceasefire between Pakistan and

Tehreek-e-Taliban Pakistan:

After fall of Dhaka in 2019-2020

US troops that took control of Afghanistan in the name of War

on Terror. US invaded Iraq to

contain Daesh and Al-Qaeda and

occupied Afghanistan to dismantle

Afghan Mujahedeen. But by August

2021 American troops were evacuated

from Afghanistan due to war and

conflict raised in South China Sea

and Israel-Gaza war, both wars

shifted the interest of US think tanks.

Prime Minister Imran Khan made

peace talks with Afghan Mujahedeen

rulers and agreed on Ceasefire

on both sides.

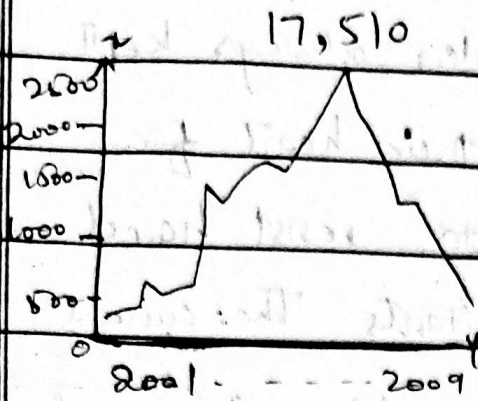
## New Wave of Terrorism:

The ceasefire broke in Nov 2023 when Tehreek-e-Taliban attacked security personnel near Afghanistan claiming that military personnels attacked their members first. It again urged Pak-Afghan tensions politically and diplomatically as well.

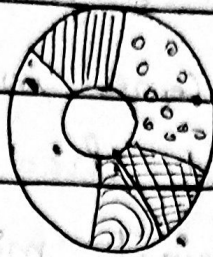
On the other hand, India accepted Mujahideen government in Afghanistan and started developing regional ties with Afghans on economic and cultural grounds. In return expecting Afghanistan to keep pace with the ongoing terrorists attacks in Pakistan; sourced by PIPS (Pakistan Institute of Peace Studies)

P.T.O.

## Table:



death toll in Pakistan



OTTP  
# Lashkar-e-Shayri  
⊙ Hizb-ul-Ahrar

%age of attacks by diff groups in Pakistan

The price Pakistan paid due to terrorism

source (South Asia Terrorism Portal)

Failures on Pakistan's side:

1. Weak Political situation

The continuous regime change operations lead to a weak governance setup in Pakistan that created room for external organs to boost their policies under one permanent leader.

2. Islamic Political Parties having

soft corner for TTP:

Pakistani parties that

: 51

that share the Islamic ideologies of Afghan Mujahedeen always kept a soft corner in their heart for TTP and tried to resist hard policies against militants. The current government is a coalition government having Islamic political parties as a major share holder in decision making and policy initiatives. The softer and compassionate approach of these parties <sup>created</sup> further space for TTP revival.

### 3. Gap between Planning and Development

The gap between high end planning and low end implementation also paves way for non-state actors to fill the gap as per their choice.

The main reason is crippling economy of Pakistan that cannot fund for further military operation with the same interest.



#### 4. Lack of performance from Para-military forces:

Rangers, paramilitary squads in Punjab and Sindh are expected to outperform in the current situation and lack of finances, budget constraint, weak policy management and low incentives are demoralizing the forces other than the mainstream military force.

#### 5. Public Protest opposing military operations:

The current military operation Azm-e-Istehkam launched by civil-military bureaucracy in 2024 to counter the new wave of terrorism and to consolidate the old success in operation of past, counter-terrorism measures, prevention of resurgence, border management and community engagement is opposed by the public via a twitter trend #nomoreoperationsaccepted paving way for anti-military protests in near future.

and a hurdle in the success of current operation.

6. Reactive approach of Pakistan instead of pro-active approach towards the insurgents.

It has been observed by facts that Pakistan always exhibits the reactive approach instead of pro-active approach towards militants.

That is not acceptable in all eras.

Currently, mujahedeen are ruling Afghanistan that shares the longest and porous border with Pakistan so Pakistan must handle it pro-actively on diplomatic platforms.

**Recommendation:**

1. Strong civil-military nexus.
2. Proactive diplomatic approach towards Afghans.
3. Long term foes need long-term solutions.

"You cannot keep snakes in your backyard and expect they only bite your neighbors." (Hillary Clinton, 2010)

Q. no. 2

## 26<sup>th</sup> Amendment and Balance of Power.

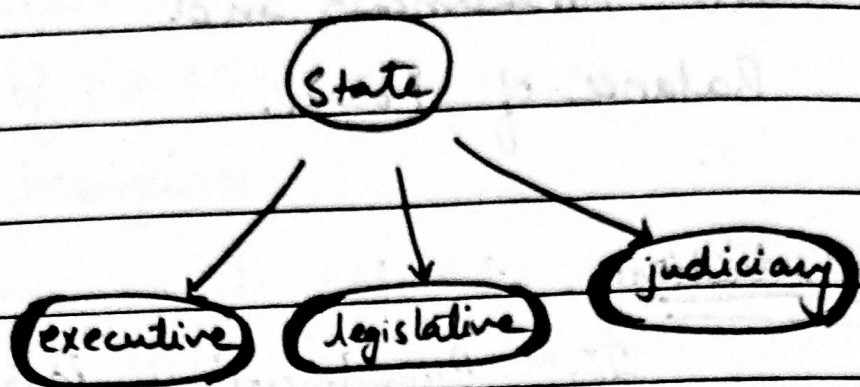
### Introduction:

26<sup>th</sup> Amendment to 1973 constitution of Pakistan passed by the parliament on Oct 21, 2024. Majority changes were related to Judiciary, some articles about end of riba, inclusion of peaceful and secure environment Article. Article related to chairman election commission also added to this amendment.

### Background:

26<sup>th</sup> Amendment didn't come to front line unanimously. The long judicial mal-practices paved way for amendments and reforms in power and actions of judiciary being the third pillar of a

democratic society along with parliamentary  
legislative and executive.



Facts that changed 26<sup>th</sup> Amendment  
from a rumor to reality:

The long history of  
judiciary since inception of Pakistan  
is the main reason for 26<sup>th</sup>

Amendment turning into reality from  
a rumor that spread right after  
elections on 8<sup>th</sup> March 2024.

1. Issue of judicial appointments:

Earlier senior judges  
used to appoint their juniors as chief  
justice high courts and supreme  
court. That lead to bribery and  
undue bickering and gifts exchanging

practice was to be the blue eyed for the boss (the sitting CJP and other senior judges). Senior judges used to send the appointment details to parliament later on for signatures of head of state.

### 2- Appointment of CJP (1947-1973)

President used to appoint next Chief Justice of Pakistan from 1947 to 1973 but after the shift from Presidential to Parliamentary form of government in 1973 the role of President is like a rubber stamp that is honored to signed every document forwarded by executives sooner or later.

### 3. 1973 scenario of judicial appointments

Supreme court and high court use to give suggestions to President for appointment of judges and President picked some among the suggested ones.

#### 4. Al-Jehad Trust vs Federation of Pakistan - 1996:

It was a judges case during the government of Nawaz. Judiciary used to recommend judges for appointment on high ranks and President has to accept it if President has some reservations he must have to inform judiciary first. Here the check of legislation over judiciary diminished.

#### 5. 18<sup>th</sup> Amendment (2010): Article 58(2)(B)

In 18<sup>th</sup> Amendment Presidential powers were clearly defined in Article 58(2)(B). Judicial Commission of Pakistan (JCP) was established. JCP would further nominate judges for vacant position in high courts and Supreme Court. These nominations would be sent to parliamentary committee that comprises of members from National

Assembly, Senate and opposition as well.

• Nadeem Ahmad vs Federation of Pak. (2011)

The purpose of parliamentary committee was ruled out in this case and number of judges in judicial committee were increased.

6. 19<sup>th</sup> Amendment (2010) removed checks and balances of 18<sup>th</sup> Amendment.

The legislative check over judiciary was once again ruled out in 19<sup>th</sup> Amendment.

7. Issue of judicial Activism:

Judicial Activism was the main reason of political instability in

Pakistan.

i- Molvi Tameez-ud-din case - 1954

ii- Dosso case - 1958

iii- Nusrat Bhutto case 1977

iv- Zafar Ali Shah case 1999

v- Al-Jehad Case 1996

## 8. CJP Iftikhar Chaudry Era:

The act of taking suo motu over small scale violations affecting an individual to a group to whole nation had become a routine practice of Pakistani judges of high ranks. CJP Iftikhar Chaudry used Contempt of court to prosecute the then PM Gillani which lead to his disqualification.

## 9. Sagib Nisar Tenure 2019

Chief Justice Sagib Nisar took suo motu on issue of water crisis and Dams, Fund and Kidney and liver institute case objecting high wages of doctors.

## 10. Panama Papers Case (2016-17)

JIT was formed by supreme court against the then PM Nawaz Sharif leading to his disqualification.



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Body of 26<sup>th</sup> Amendment - 27 clauses

## 1. Appointment of CJP

Earlier the senior most judge use to replace the retiring judge but in 26<sup>th</sup> Amendment Article 75(A)(3) a committee was formed named special parliamentary committee comprising of twelve members; including eight members from National Assembly and four from senate will propose the name of next CJP from a panel of three senior most judges. They will forward it to PM who will forward that to President for final approval.

## 2. Term of CJP:

Earlier it was till the judge reaches 65 years of his age, he cannot retire but after 26<sup>th</sup> amendment either the judge turns 65, either he resigns from service or after completion of three years tenure as CJP.

### 3. Increasing strength of JCP.

5 judges including CJP, 6 members from legislative and executive, one civilian advocate and one attorney general for Pakistan were included to reform JCP.

### 4. Judicial Performance and Evaluation:

JCP will do evaluation of judges.

Unsatisfactory performance will be referred to Supreme judicial Council for further action.

### 5. Appointment of Chief Justice Supreme court and high courts:

handed over to JCP.

### 6. Sua Motto Powers:

It was already not mentioned in constitution, judges practiced it calling it an inherent power. Article 184 was added that states "no more suo motto beyond content of filed application."

7. Constitutional Benches introduced in SC and HC.

Purpose was to delay in constitutional matters, the members would be appointed by JCP (the tenure, membership and powers and jurisdiction is not described).

8. Article 9A; (Clean and healthy environment right)

Earlier no such right existed in constitution for peaceful and green environment.

9. Military, Taxes, local government:

Some reforms were made in taxation system, military practices and local government's future policies.

10. Extension of Chairman Election

Commission: Article 215(1)(A)

The officer, head of Election Commission of Pakistan will continue to run the office until the appointment of next Chairman. Election Commission even after his tenure expires.

## Implications on Balance of Power:

1- Question mark on separation of power:

Judiciary, legislative, executive can keep a check on each other but cannot invade each other's jurisdiction as a ground rule of democratic structure. This separation of power rule is violated.

2. Increased parliamentary oversight over judicial appointment:

The members of parliament in JCP are 6 while members from judiciary are five hence parliament has edge over judiciary for appointment matter. Again a violation of balance of power.

“Judicial appointment should not be the executive preserve of judiciary, but must involve wider range of accountability actors to ensure democratic legitimacy.” (Hirsche)

### 3. Re-evaluation of judicial performance:

The undue political influence of parliament in judicial matters will lead to judges lobbying with parliamentarians for extra reports in evaluation reports. and influence on Supreme judicial council, how legislative will develop buffer against this?

### 4. Vague grounds for judicial removal:

Evaluation report can lead to removal of judge on what grounds is still not clear and what are the stakeholders involved in this action are not clearly mentioned thus limiting the power of judiciary to a greater extent.

### 5. Compromising independence of judiciary:

26th Amendment is compromising the independence of judicial decisions. Judges will take decisions that would favor the sitting government due to fear of removal or penalty from legislative this will lead to political polarization among judges.

## Conclusion:

All the three pillars of society need to cooperate and work hand in hand to run the state smoothly. Over taking jurisdiction of one institution and absolute freedom both are detrimental to progress. A balanced approach must be used to uplift the political pressure on judges after 26<sup>th</sup> Amendment.

Q. no. 4

Sir Syed Ahmed Khan.

## Introduction:

Syed Ahmad Khan led Muslims of Sub-continent in the darkest period after the 1857 defeat against British empire in War of Independence and end of a long Muslim rule in Sub-continent.

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He belonged to a prestigious family and spent his childhood in and out of Mughal court. Studied Arabic and Persian and also followed teachings of Shah Wali Ullah. He felt that Muslims are being played by Congress and need support and guidance to sustain in sub-continent. He started efforts for Muslims education and political engagements.

### Objectives:

- To remove misunderstandings among British and Muslims.
- To keep Muslims away from Politics.
- Protection of rights of Muslims.

### Educational Services:

1- Paternalizing Muslims towards

### Modern Education:

- He persuaded Muslims to re-attain their glorious past by

studying English and science and for that he developed a scientific society in 1864 for translation of English books in local languages.

## 2. Educational institutions by Syed:

- Madrasah Musadabadi (1859)
- Ghazipur Madrasah (1862)
- MAO Aligarh School (1875)
- MAO College (1877)
- Mohammedi Educational Conference (1886)

## 3. Gathered a galaxy of intellectuals in Aligarh University

He used his pen to enlighten and aware Muslims and persuade them for modern science and literature. Mohsin-ul-Mulk, Waqar-ul-Mulk, Shibli, Noorunnisa, Mirza Asif Ali Khan Talpuri, and Syed Mahmood are among these intellectuals who were nurtured in Aligarh.



Efforts to reconcile modern scientific thoughts with religion:

1. English is just a language not a language of Satan:

Muslims believed that English is a symphony of Satan and Britishers have evil minds and are followers of Satan not Allah Almighty. Syed Ahmed made them believe that good and evil deeds are not associated with evils and Muslims must learn English to communicate with British rulers.

2. British etiquettes and hygiene aligns with Islamic laws of cleanliness:

In his publication Risalah "Tehzeeb-ul-Akhlaaq" he endorsed that the table

manners and dressing etiquettes of Britishers doesn't contradict with attire of Muslims and make them look presentable it can be accepted easily and would be a decent move.

### • Adoption of modern science for war:

He endorsed that to learn how to fight with Britishers first Muslims have to learn how modern equipments are being used and how this technology can be adopted for future wars.

• The acceptance of printing press, loudspeaker for Azan and drum beats for announcements was encouraged by Sir Syed.