

## PART - II

## QUESTION-NO-2:

The Twenty Sixth Constitutional Amendment of Pakistan, passed in October 2024, introduced significant changes to the country's political and constitutional landscape. This amendment aims to address key issues related to the structure of the government organs (executive, legislature, judiciary) and it has the potential to impact the balance of power between the key pillars of the government. The changes made under this amendment has raised concerns about the basic nature of the constitution: separation and balance of power. Though legal opinion on the Twenty-Sixth Amendment stands divided, with the proponents highlighting the benefits of limiting judicial discretion, introducing parliamentary oversight, and monitoring judicial performance. Critics, however, fear that the amendment could lead to political interference in judicial appointments, create internal divisions, and undermine judicial independence, and the Constitutional Benches could be manipulated for political gains.

CHANGES MADE UNDER 26<sup>TH</sup> AMENDMENT

- 1: Composition of Judicial Commission of Pakistan.
- 2: Composition of Special Parliamentary Committee.
- 3: Appointment of Chief Justice of Pakistan.
- 4: Establishing Constitutional Benches.

The Amendment brought immense changes in the constitutional provisions related to judiciary, executive and parliament. It incorporated four

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members from the parliament, two from National Assembly and two from Senate, into the Judicial Commission of Pakistan, which is responsible for nomination of judges to the Supreme Court. Further, the Amendment also constituted a special Parliamentary Committee of twelve members from Parliament, responsible for finalizing nominated judges by Judicial Commission of Pakistan.

## TWENTY SIXTH AMENDMENT AND BALANCE OF POWER:

### 1: BALANCE OF POWER: EXECUTIVE & JUDICIARY

- Executive Monopoly over Judiciary.
- Curbing Judicial Independence.
- Disturbing Separation of Power.
- No effective Judicial check over Executive.

Separation of power backed by the system of checks and balances, ensure balance of power between different pillars of the government. This set-up is essential for the smooth running of a democratic set-up. The Twenty Sixth Constitutional Amendment gave immense powers to executive which could undermine the very nature of the constitution. For instance, granting the final say in the appointment of the Chief Justice and other judges of Supreme Court to the executive led special Parliamentary Committee pave way for political influence in the judicial decisions. This could undermine judicial independence. Further, judiciary is considered as the protector of the fundamental rights and ensure that the executive keep a check on the executive actions through original jurisdiction to ensure protection of citizen's right. The Amendment also

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curbed this power of the judiciary (supreme court) and granted it to the constitutional benches, thus, immunising itself from judicial review and checks:

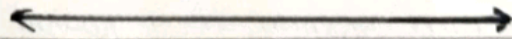
Secretary General of International Commission of Jurists.

"These changes bring an extraordinary level of political influence over the process of judicial appointment and the judiciary's own administration"

The ICJ, further remarks that the amendment erode the judiciary's capacity to independently and effectively function as check against excesses by other branches of the government and protect human rights.

#### CONSTITUTIONAL BENCH: POLITICAL INFLUENCE:

In addition to nominating judges for appointment, the Supreme Judicial Commission has been given the power to determine and nominate the "Constitutional Benches" within the Supreme Court and High Courts. These benches shall have exclusive powers over matters involving interpretation of the constitution and enforcement of fundamental rights. Such powers allow the JCP - a body subject to direct influence (political) in its decision-making.



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## QUESTION No. 2:

### NEW WAVE OF TERRORISM AND PAKISTAN'S POLICY FAILURES:

#### INTRODUCTION:

Terrorist attacks in Pakistan are escalating, particularly due to the activities of Tehrik-e-Taliban Pakistan (TTP), the Baloch Liberation Army (BLA) and the Islamic State of Khorasan Province (ISKP). Factors contributing to the increase violence include the TTP's breakdown of cease-fire in 2022, U.S abrupt withdrawal from Afghanistan, leaving weapons, Afghan Taliban and TTP nexus etc. and a lack of cohesive civil-military action.

#### FACTORS RESPONSIBLE FOR RESURGENCE OF TERRORISM AND STATE POLICY FAILURE:

##### 1: U.S ABRUPT WITHDRAWAL FROM AFGHANISTAN:

The United State under Trump administration, withdrew from Afghanistan in August 2021. The nature of withdrawal was devastating. Before withdrawal the U.S forces along with Afghan army fought against terrorist groups in Afghanistan, and thus preventing them from re-its re-emerging. Now after U.S withdrawal and Taliban took over of Afghanistan, no professional army or international force fight against terrorists. This vacuum gave opportunity for the TTP gets logistic and geographical space in Afghanistan to reorganize and attack within Pakistan. Moreover, U.S also left its weapons in Afghanistan which was captured by certain terrorist groups including TTP and now is being using against Pakistan.

## AFGHAN TALIBAN & TTP NEXUS:

The Afghan Taliban and TTP nexus affecting Pakistan directly or indirectly. The Afghan Taliban claim that they had won the war against U.S and has been defeated three great empires of the world: United Kingdom, Soviet Union and United States. This narrative emboldened the TTP's leadership that if Taliban can defeat the great powers, the TTP can defeat Pakistan too. Further, both have same ideology of the interpretation of Islam. The Taliban wage a Jihad against U.S and TTP against Pakistan. TTP main objective is to implement Shariah Nizami in Pak.

### PEACE TALK WITH TALIBAN: (TTP).

Pakistan consistently emphasized on peace-talk with Afghanistan. Pakistan saw TTP as advantageous after U.S withdrawal. Pakistan believed that through TTP it could counter Indian influence in Afghanistan, but this narrative was proved wrong after U.S withdrawal. Further, Pakistan also allow TTP families to settle in Pakistan, which provide opportunity for TTP to re-organize and re-energize themselves against Pakistan.

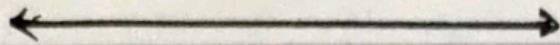
### POLITICAL AND ECONOMIC FACTORS:

Political and economic factors also contribute to the re-emergence of terrorism. Political instability caused by vote of no confidence against Imran Khan, confrontation between PDM vs PTI and PTI vs Establishment, election controversy. This distracted political, military, and bureaucratic leadership and unable to divert resources against terrorist groups.

### WAY FORWARD:

The terrorist groups can be limited and eliminated by making rational decisions, such border management, engagement with stakeholders (Afghan Taliban), political cooperation and support

from international community, particularly economic and military support.



## QUESTION No-7

### PAKISTAN'S EDUCATION SYSTEM: PROBLEMS & SOLUTIONS.

#### INTRODUCTION:

It is mandatory in the constitution under Article 25A to provide free and compulsory education to all children between the ages of 5-16 years and enhance adult literacy. With the Eighteenth amendment and the concurrent list which comprised 47 subjects, abolished and these subjects including education, were transfer to federating units as a move towards provincial autonomy.

#### EDUCATION SYSTEM OF PAKISTAN:

The education system of Pakistan comprised three different models; public sector model run by the government, private sector and Madrassah model. Moreover, there is a further division between the Federal Model education and provincial models.

• A review of the education system of Pakistan that there has been little changes in advancing education system as per international standards. Problems contribute to this failure include access, quality, infrastructure and inequality of opportunity.

#### ISSUES IN EDUCATION SYSTEM OF PAKISTAN:

##### 1: LACK OF PROPER PLANNING:

Pakistan is a signatory to MDGs goals. However, it seems that it will not be able to achieve these international commitments ---

## 2: SOCIAL CONSTRAINTS:

It is important to realize that the problems which hinder the provision of education are not just due to the issues of management by government but some of them are deeply rooted in the social and cultural orientation of the people. Overcoming the latter is difficult and would require a change in attitude of the people.

## 3: GENDER GAP:

Social constraints also contribute to gender gap. Society's emphasis on girls' modesty, protection and early marriages may limit family's willingness to send them to school. Enrollment of rural girls is 45% than that of urban girls, while boys for the difference is 10% only, showing that gender gap is an important issue.

## 4: COST OF EDUCATION:

David Cameron:

"Economy is the start and end of everything. You cannot have successful education reform or any other reform if you don't have a strong economy."

In Pakistan, the economic cost is higher in private schools, but these are located in richer settlements only. The paradox is that private schools are better but not everywhere and govt. schools ensure equitable access but do not provide quality education due to lack of funds.

## 5: LACK OF INFRASTRUCTURE:

o Pakistan's education system has poor quality of infrastructure. According to Pakistan Education Statistics, only 23% of primary schools in

Balochistan have access to potable water, 39% have boundary walls and only 15% have electricity.

### OTHER PROBLEMS:

Other problems include lack of adequate land (only 2.4% of GDP), technical training, poverty and child labor followed by early marriages and out of school children; Balochistan 47%, Punjab 14%, KP 24% and Sindh 15%.

### SOLUTIONS:

#### 1: INNOVATIVE APPROACH TO ATTRACT HIGHER ENROLMENT:

Connecting education with job opportunities and customizing schooling according to children's need can be useful approach to attract enrollment.

#### 2: OFFERING CONDITIONAL STIPEND:

Conditional stipend can attract low-income families, Expanding Benazir Income Support Program can be useful in this regard.

#### 3: EXPANDING INTERNET ACCESS:

According to (2021) data, there are 116 million broadband users in Pakistan. Online based learning can be transformative in Urban areas by offering online (IT) courses.

#### 4: COMMUNITY BASED LEARNING FOR GIRLS.

Local women educators provide safe and culturally appropriate space for girls. These centers provide literacy, numeracy and skills, sewing and food preparation, and can be integrated into local economic activities which can contribute to sustainable agriculture or small scale-business.

