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# Areeha Amin Pak Affairs

Q2: Critically evaluate how the twenty-sixth amendment to the constitution of Pakistan will affect the balance of power between the various pillars of the state.

## Introduction:

On October 21, 2024, the significant milestone was marked in the history of the Pakistan's ongoing discourse on judicial reforms with the passing of 26th constitutional amendment in the Constitution of Pakistan, 1973. It actually aims to refine the balance of power between the judiciary and the parliament, particularly in the realm of judicial appointments. The major object of the amendment is to introduce greater parliamentary oversight over the judicial matters, curbing the influence of Supreme court and expanding the role of elected representative in Judicial Commission of Pakistan (JCP). The development arises keeping in view the long-term history of judicial activism and tensions between

the judiciary and the parliament along with the legislature in Pakistan. The amendment echoes the famous Roman quotation, "Who will guard the guards" as it seeks to establish a system of checks and balances within the highest echelons of power. The discourse below will enumerate the affects of balance of power between various pillars of the state.

## A Snapshot of Pakistan's Historical Confrontations:

The history of Pakistan is axiomatic of the fact that since inception, the constitutional downgradation remain<sup>ed</sup> a continuous struggle for Pakistan. The notorious case laws of 20th century in the power corridors of Pakistan are a worthwhile example to quote. The issues of judicial appointments in the 1956 constitution became the reason for its abrogation. Other than that the 1962's constitution also fell short of many important rules regarding appointment procedure of judiciary.

## 18th Amendment and appointment of Senior judges:

In 2010, 18th amendment to the constitution of 1973 was introduced which provides for the body headed by Chief Justice of Pakistan to appoint senior judges in the court. Judicial Commission was tasked with the nomination of candidates for Supreme court and high court on the basis of seniority. After the judicial commissions appointment and recommendations the Parliamentary committee comprising members from National Assembly and Senate would confirm the judge. This power of confirmation or rejection rested with the Parliamentary committee.

## Reverting to judicial dominance in 19th amendment:

The case law of *Nadeem Ali v. Federation of Pakistan* restores the judicial control and overpowers the authority of parliamentary committee for appointment of judges. This provided a leverage to judiciary and made parliam-

committee weak.

## Judicial Activism and Issue of Suo Moto Cases:

The infamous cases of Maulvi Tameez ud-din (1954) State Versus Dosso (1958), Nusrat Bhutto case (1977) Syed Zafar Ali Shah case, Panama paper case (2016+2017) are not unknown to anyone. All the aforementioned cases provided a basis for judicial activism and they somehow shattered the writ of the constitution and democracy in Pakistan.

## Article 184(3) of COP, 1973 and its striking down:

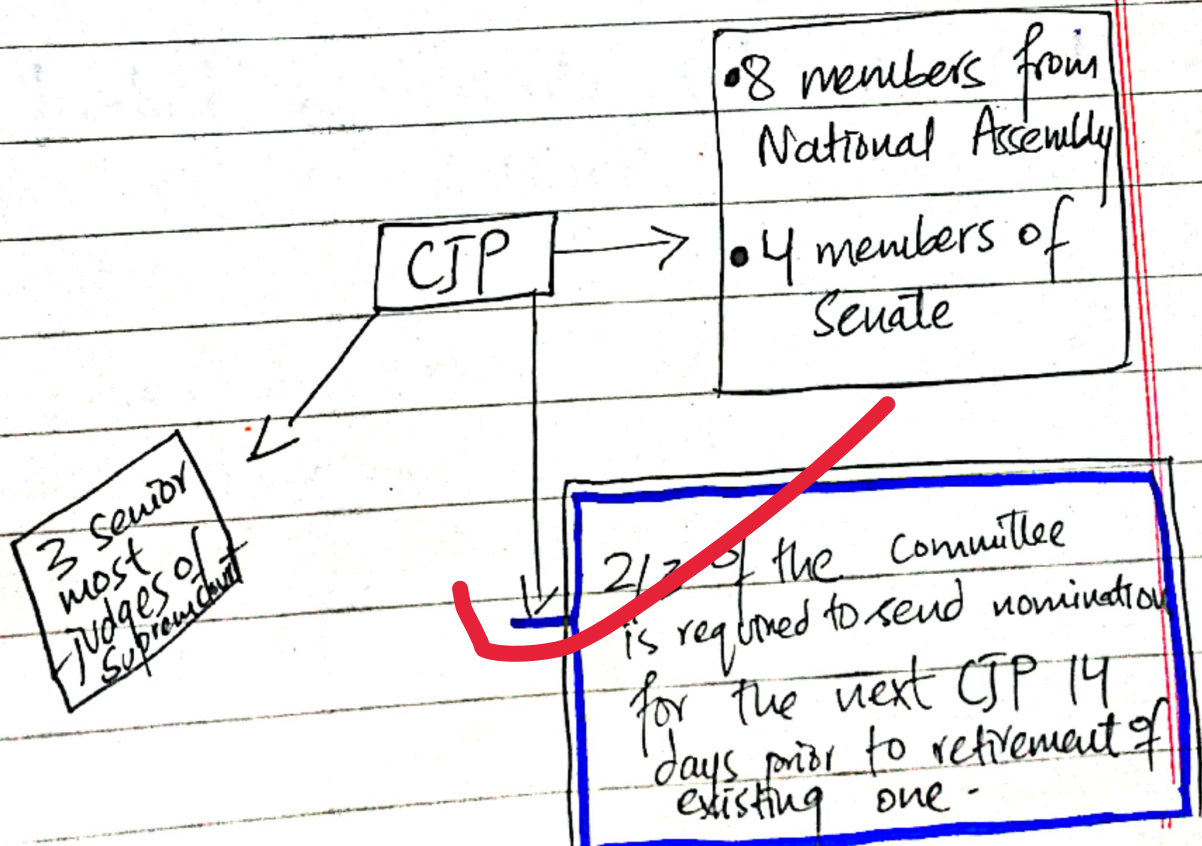
Article 184(3) of COP, 1973 lay bare the inherent powers of the Chief Justice of Pakistan to take suo moto on any issue of national or common interest. In the 26th amendment the procedure for suo moto has been made more complex and now the application is required to be made

necessary actions. This suo moto power has also been used in the disqualification of two former Prime Ministers of Pakistan as well for example: Mr. Yousaf Raza Gillani and Mr. Nawaz Sharif.

## Major changes brought about by The amendment:

### 1- Appointment of CJP of Pakistan:

Before the amendment the Chief Justice of Pakistan automatically qualify for the post. But after 26th amendment, under Article 175(A)(3) the chief Justice of Pakistan will be appointed by a committee which comprises of:



Justice **Yahya Afridi** is appointed as the Chief Justice of Pakistan under the aforementioned procedure despite presence of two senior judges, on the recommendation of the Parliamentary Committee.

## - Age of Chief Justice and Superannuation:

Before the amendment the age of the retirement of Chief Justice was deemed to be 65 years of the age. But after the 26th amendment even if the existing Chief Justice has reached the age of 65, he is bound to complete the tenure of three years, in service. This is made in Article 179 -

## - Increasing the Strength of Judicial Commission of Pakistan:

Article 175(A)(ii)

has filled the balance and now 8 members rather than 6 are comprised as member of JCP. They include three most senior judges of the constitution bench, federal minister of law, and justice, Attorney general of Pakistan

advocate general with 15 years practice of  
 Supreme court and two members from senate  
 and National assembly each - **Add more arguments**

## Conclusion:

**Second part of the answer is missing**

Thus the aforementioned discussion  
 laid bare that 26th amendment has been  
 a pinnacle of power shift from judiciary  
 to parliament. It has provided opportunity to the  
 represented candidates to appoint the Core  
 Judicial head of the Supreme court. Thus  
 making the procedure more transparent  
 and reducing judicial activism. Now the only  
 fear attach with the whole chain of  
 appointments is that of politicization. If that  
 will remained overcome then the judicial  
 system of Pakistan can flourish at its  
 maximum.

Q3: New wave of terrorism exposes Pakistan's policy failure to combat the menace. Evaluate.

Introduction:

As the old adage by San Tzu, goes, "Every battle is won before it is fought." Same is the position of Pakistan in the present scenario. The failure of Pakistan's policy makers to bring about positive and pragmatic solution for eradicating and combatting against terrorism has costed the country a lot. The resurgence of terrorism after the scary Spectre of 2013 clearly highlights the shortcoming of policy making. Below is the evaluation of Pakistan's counterterrorism policies and their effectiveness:

Relate your headings and arguments to the qs statement

Policy failures in Combating Terrorism:

Following are the underlined



## 1. Lack of Policy and Comprehensive Implementation:

Pakistan has devised multiple counter-terrorism strategies, such as National Action Plan (NAP) of 2014. While well-conceived, its implementation remained redundant and the areas of Madrassa, especially sectarian violence were not covered in it - The locals of the area supported terrorist organization with domestic finances. Another issue is lack of political will to inform the policies.

## 2. Reactive rather than proactive Approach:

Counter terrorism efforts in Pakistan often resulted in high profile incidents that became the root cause of extremism. The military operations like Zarb-e-Azam and Radd-ul-Fasad neglected the needs of the civilians and thus leading them in disparities as to economy, and infrastructural damages.

## 3. Weak governance and political will:

The menace of corruption and inefficiency as described by Dr Maleeha

Lodli in her book Search for stability depicts the faultlines of governance failure. The undermined rights of people, lack of justice and political will, politicization of counterterrorism efforts especially in Balochistan and KPK results in failure of implementation.

#### 4. Flawed Counter Narrative:

As Quaid-e-Azam Muhammad Ali Jinnah once said, "Our object is peace within and peace without" same narrative is needed to be applied today. The struggle for effective counter terrorism policy keeping in view the objection of different sectarian groups is of much need.

#### 5. Sectarianism is the major cause of delayed implementation:

The recent event of parachinar, where two sectarian groups of Shia and Sunni fight on daily basis for land and regional hegemony causes. The internal fissures in the local community became the cause of non-state actors from

foreign land to act in deteriorating the peace in Pakistan. Policies regarding digitalized National identity of such groups can be proved as beneficial for the government to tackle to obstacles of communal violence.

## 6. External influences and geopolitical Constraints:

The Afghan conflict and re-emergence of Tehreek-e-Taliban Pakistan also known as Fitna-at-Khwarezmi<sup>has</sup> intensified the cross-border terrorism. Other than that the regional tensions with India over Kashmir issue has further exacerbated the policy issues.

## 7. Terrorist financing and safe heavens:

Some regional non-state actors finance the terrorist and a course action by Pakistani government like that of FATF programme is needed to implement. This will scrutinize the whole incoming and outgoing financial transactions of hidden safe sanctuaries of terrorist groups.

Also add the manifestations;  
that's the main part asked

# Recommendations for the Improvement:

## 1. Strengthening Institutional Coordination.

Following the norm of power sharing between major institution of security can improve the coordination to tackle terrorism.

## 2. Focus on Socioeconomic development.

Pakistan can only progress if its economy is strong and education, health, job facilities are present for local community.

## 3. Enhanced legal and judicial reforms:

The softening of judicial system in Pakistan and timely punishments to terrorist may improve the vicious cycle to terrorism.

## 4. Regional and global Diplomacy

The regional diplomacy with India, Afghanistan and Iran can be proved fruitful for increased cooperation.

## 5. Learning from Other Countries.

Finland is the world's happiest nation with zero rate of violent extremism.

Pakistan can also curb extremism by following the spirit of that nation.

Minimum description under a heading should be 5 lines

## 6- Digitalization of all citizens:

The recent Digitalization Bill passed from the assembly is the best source of keeping scrutiny of all citizens of Pakistan to control terrorist activities - The use of Artificial Intelligence models for early recognition of terrorism and criminal activities is a positive effort to counter terrorism.

Case in Point: Predpol and dextro AI used by USA and Germany

## 7- Forming Secure borders:

Secure and well bounded borders especially that of Durrani line is the need of the hour to control terrorist influx.

## Conclusion:

Thus, Terrorism has always deteriorated the writ of the state by causing loss to human life, infrastructure, economy and above all, the soft power of the country. So by following aforementioned recommendation Pakistan can lead itself on the trajectory of terrorism free country.

Q4:

## Introduction:

Sir Syed Ahmad Khan, the former civil servant of Britain's government in the subcontinent, was a man of <sup>holding</sup> staunch beliefs towards Muslims. He, after viewing the shattered position of the Muslims after the mass Indian Mutiny of 1857, focused on the education of Muslims. He said, "It is only the power of education that will save the Muslims from the brutalities of Britishers and Hindus." Following his strong personality traits and inclination towards education, he made an educational institution to help the Muslims. The passage below will highlight the role of Sir Syed Ahmad Khan in enlightening the thoughts of Muslims and taking them out of the pipe dream.

# Reconciling modern Muslim Scientific thoughts

## 1- Rational interpretation of Islam

Sir Syed Ahmad Khan delivered the message to the common people who were entangled in the miseries of mysticism that Islam is not the strict religion. Rather it is a diverse religion with adaptability towards education and building society for the benefit of Muslims.

## 2- Focus on Modern Science:

He encouraged the study of subjects like astronomy, medicine, engineering and skills learning as well as keeping a good focus on English.

## 3- Rebuttal of Orthodox Views:

Orthodox scholars criticized Sir Syed Ahmad Khan for holding blunt religious beliefs but instead of facing such criticism he remained steadfast for working in the way of educational reform.

Leave a line space between headings for neatness

#### 4. Promotion of higher education:

He founded Aligarh Movement for reforming the socio-economic and educational conditions of Muslims. Later on he established an education institution named MAO college.

#### 5. Educational Reforms:

later on he advocated for the english education. He wanted to bring the muslims to higher echelons of British government via contemporary education.

#### 6. Bridged Gap between cultures:

He formed a 'Scientific Society' for the muslims for learning innovative skills and education along with diverse experimentation of scientific ideas.

#### 7. Social and cultural reforms:

He outbounded the practices and superstitious dilemmas of the muslim society - for example calling azan on speaker was deemed as haram. Similarly running wheel was also viewed as a sin and something against the nature. He promoted inter-faith harmony combatting sectarianism.



# Conclusion:

Sir Syed Ahmad Khan's efforts laid the foundation for a modern, muslim intelligensia in the Subcontinent. His efforts later on produced many reknowned person who participated in Pakistan movement. He awaked the Socio-political conscience of the muslim in the time of adversity and degradation. Aligarh university is the testament to his revered and heartfelt efforts for the muslims of the Subcontinent.

Q1:

## Introduction:

There is no denying the fact that educational sector in Pakistan has been a victim of negligence since many years - In Fiscal Year 2022 Pakistan has only spend 1.7% of its GDP in educational sector which is nearly close to Sub-Saharan African countries. Still in the modern day society, Pakistan's schooling and even higher education system has become increasingly redundant and obsolete. The citizen are not well versed in scientific education and that has created havoc in many ways to Pakistan. The underlying text will show the issues, problems and the solutions of education system in Pakistan.

## Issues in education system:

1- Persistence of illiteracy:

In Economic Survey

of Pakistan 2023-2024. Pakistan's literacy rate remained dismally low ranging approximately 67% out of 100.

2 Governments Apathy:

Education, unfortunately remained a non-priority for the government agenda amid distressed socio-economic conditions.

3 Huge Population:

In 2024, Pakistan's population is almost estimated to reach 250 million. The lack of education in rural areas is a major issue today.

4 Weak infrastructure:

Weaker infrastructure and ghost schools in Sindh (Benazir Bhutto's) government are the reason behind the backsliding of educational availability.

5 Schackles of Corruption:

The menace of corruption in the education sector looms large. The lack of scrutiny over resource allocation is the major problem for the government to tackle.

## 6- Socio-cultural barriers-

Socio-cultural barriers such as non preference of girls education has hindered the education supply to all in Pakistan

## 7- Parallel System of education.

The presence of parallel education systems such as public, private, madrassa and international schools is bigger issue.

## 8- Lack of technological integration-

Poor and old methods of learning are another coffin nail in the educational sector of Pakistan-

## 9- Brain Drain from Pakistan:

According to the recent reports of **Pakistan Bureau of Statistics** over 13.53 million Pakistanis have left the country over the past years because of lack of jobs and opportunities-

## 10- Lack of STEM learning Model:

Countries like Finland, India, Singapore and South Korea focuses on Scientific, technological, engineering and mathematic learning in their curriculum.

This practice augments the quality of education.

## Solutions for transforming the Education System of Pakistan:

1- Increase investment in Education:

Pakistan should allocate at least **4-6 % of its GDP** as advised by the World Bank in its reports to improve infrastructure, and resource availability

2. Curriculum Reforms

The reforms in the curriculum are of vital importance. The skills aligned with global practices can improve a lot.

3 Hiring of learned and highly qualified teachers -

The hiring of teachers via proper scrutiny especially in the Province of Sindh and Balochistan is the need of the hour to augment the teaching methods and qualities of the teachers via trainings.

#### 4. Unified Education System:

The move towards Single National Curriculum (SNC) with provisions for flexibility and modernization, ensuring quality and inclusivity will work as wonders for improving learning mechanism-

#### 5. Promote Public Private think-tanks

For encouraging collaboration in research the government of Pakistan with the educational sector heads can unanimously promote research centres etc-

#### 6. Addressing Brain Drain:

By providing better job opportunities, Pakistan can address the issue of brain drain and harness the potential of young leaders-

#### 7. Revamping Examination and Assessment System:

Modern methods of examination and easy conduct of exams can ease the burden of rural population.

## 8 Inculcating linguistic cultural diversity:

By inculcating learning of various language in education centres, Pakistan can produce scholars who can further teach in global South countries for better outreach.

## Conclusion:

As Nelson Mandela, once said, "Education is the most powerful tool to change the world." Undoubtedly, the words of the great leader are true and echo in the corridor of educational system with rapid global progress, Pakistan also needs the urgent reforms in education system. A progressive approach is needed to meet the international standards of education. Failure to act decisively risks leaving the country in limbo.