

Question No 2

Changes Through 26th Amendment

Appointment of CJP:

Under amendment to clause 3 of article 175A, instead of President appointing the most senior judge of supreme court as CJP, the top judge will now be appointed on the recommendation of special Parliamentary committee from amongst the three most senior SC judges.

Special Parliamentary Committee:

Under a new clause 3A, the special Parliamentary Committee consists of

- (i) 8 members from NA
- (ii) 4 members from senate.

When NA stands dissolved, then only 4 members of senate constitute it. The function of this committee is to recommend top 3 judges to President, at least 14 days before the retirement of chief justice of Pakistan.

SC, High Court Powers:

A notable change has been made to article 184, taking away the SC's suo motu Powers. SC can transfer cases from high court to itself by using article 186A. Another tweak made to high court jurisdiction under Article 199, a new clause 1A is inserted, taking away their suo motu Powers.

Formation of Constitutional Benches:

A new article 191A is added for formation of three judicial Benches in S.C.
Clause 1 of 191A: Equal number of judges from each Province in the Constitutional Benches.

Clause 2: Most senior judge should be Presiding judge

Clause 3: Put restrictions on SC benches other than constitutional Benches.

A new Article 202A is to be inserted for formation of constitutional benches in high courts consisting of three clauses.

Evaluation of Judges:

The JCP will conduct a Performance evaluation of judges of the high courts under clause 18 of Article 175A. Clause 19 is about that if Performance is inefficient, a Period of improvement would be granted but if it remains Poor a report will be send to supreme judicial council.

Clause 20: Commission set effective standards for evaluation.

Federal Shariat Court:

An amendment of Article 203C, now FSC judge "qualified to be a judge of SC". In article 203D's a condition is added that decision made by FSC shall be ~~disputed~~ within 12 months

Elimination of Ribba:

Changes in Article 38 to eliminate ribba before Jan 1, 2028

Right to Clean, Healthy Environment:

A new Article 9A is inserted according to which every Person have right to clean and healthy environment.

Effects On Political System

Blow To Check & Balance:

The Political system of Pakistan is Parliamentary democracy. This amendment has curbed the independence of Judiciary that is a serious blow to systems of check & balance. Even International community is considering it direct hit to democracy.

Weak Democracy:

In an ideal democratic system Political system have balance of Power among executive, Parliament and Judiciary. But after this ammendment the wings of Judiciary has been clipped. now top three judges of SC would not dare to act independently and would be subjugated by politicians in hope of

becoming the next CJP. Even the Parliamentarians Mr. Ali Muhammad Khan call it black day of democracy.

Increase Political Conflict:

The Passage of this amendment would further increase the Political conflict among Political Parties due to its Passing in a hurry without building the consensus of ruling Party and opposition.

Rise of New Power Struggle:

It has paved the way for an era of new Power struggle among Politicians. Ruling Party has Passed to maintain their rule but when the next government will take over they will also modify the constitution to remain in Power and again a tug of war would start b/w opposition and ruling class.

Question No 8

Components:

There are many components of national integration. Some of them are mentioned below.

- ① Equal Political representation
- ② Equal distribution of resources
- ③ Respect for language and culture of others.
- ④ Civic Participation
- ⑤ Cooperation among social and ethnic groups
- ⑥ Mutual trust
- ⑦ Shared Basic value (freedom, democracy)
- ⑧ Justice.

Challenges To National Integration

- ① Terrorism
- ② Extremism
- ③ Ethnic conflicts
- ④ Political Instability
- ⑤ Distribution of resources
- ⑥ Human right violation.

Terrorism:

Terrorism have disastrous effect on national integration. Excessive military operations to counter terrorism, excessive displacements, collapse of society normal functioning results in trust gap between people and state. The most recent example is Protest of people of KPK against operation Zarb-Azm-e-Aslehkam.

Extremism:

Society functions normally when there is tolerance. The extremist element don't let people integrate with other other because extremist only follow their own ideology. In our society extremism is at its peak where there is no toleration for others. The way Punjabi people were killed in Balochistan is an example of lack of integration among people of provinces. It is not only limited among people but it also had taken its roots among political leadership the way they target each others provinces.

Ethnic Conflicts:

Ethnic Conflicts are also one of the reasons that hinder national integration. When there is marginalization of ethnic groups and discrimination on the basis of ethnicity national integration becomes jeopardized. The grievances of Baloch People due to violation of their rights has increased these conflicts. These conflicts can only be resolved when everyone gets what is due to them.

Political Instability:

It is the role of Political leadership to nationally integrate people but when there is political instability then leadership would not focus on keeping people together rather they would try to create gap. The tug of war between CM Punjab and CM KPK is adding fuel to the fire and is promoting national disintegration.

Distribution of Resources:

When resources are not distributed equally among people then it would lead to a conflict b/w those who get all the resources and those who were left behind. The rise of separatist movements in Balochistan is due to the reason that they were not provided with the enough resources to prosper.

Human Right Violations:

In a state where basic human rights are violated, people would come out on streets and stand against the government as well as challenge the state. The continuous forced disappearances of people was against human right and it has made women, children and adults of Balochistan to question the state. When they people are not given even their basic rights then there is no place for national integration.

Question No 4

Sir Syed was a man of knowledge and wisdom. He has observed the devastating conditions of Muslims were due to their rigid attitude so he gave trinity of ideas that was a tactics of taking step back to become stronger and then hit the enemy strongly to take him down with one blow.

Loyalty Towards British:

At that time the condition of Muslims was bad enough that they were left with no other option except to surrender. The Hindus showed loyalty to British and enjoyed the perks and privileges of their loyalty and at the same time they put the seed of hate for Muslims in the hearts of British that results in more cruel attitude of British towards Muslims. Sir Syed has realized the tactics of Hindus as well as

knew that Muslims are not in the position to take back what's belong to them so he adopted a policy of loyalty towards British. The loyalty towards British resulted fruitful benefits. This loyalty changed the attitude of British towards Muslims and the seed of hate didn't grow to become a tree. The best way to tackle the enemy is to befriend with him and keep him by your side due to two reasons. First, you will learn how to handle the enemy and second you will predict every move taken by your enemy. So loyalty to British made Muslims capable to handle the British as well as able them to predict their moves and plan accordingly.

Devotion To Education:

Education is considered as Power. Sir eyed devotion to education was need of time because Muslims were left behind in every

sphere of life. They were not even given jobs of low grade due to lack of education. Sir Syed advocacy for education was due to many reasons. Firstly to ensure that Muslims secure jobs and their socioeconomic conditions get better. Secondly to produce the competent leaders who will fight for their right of self-determination. Thirdly, to let the British know that our people have potential to decide what's good for them and they can handle the affairs of their country. This devotion to education produced great leaders in subcontinent who fought bravely for their cause and at last took back what's belonged to them.

Aloofness From Politics:

At that time Muslims were not able to understand the complexities of politics, so Sir Syed instructed them to stay away from politics because he

wanted to protect the Muslims from becoming pawns of others. He also wanted to make sure that Muslims don't enter the battlefield of politics until they are not equipped with all tactics of war and weapons to take the enemy down. And definitely one of the main reasons was to make sure that Muslims don't distract from education because education was a long-term and reliable plan to win back.

Conclusion:

This long-term strategy of Sir Syed paved the way for establishment of Pakistan. Sir Syed's trinity of ideas set the foundation for independence and it also made Muslims realize their potential of victory.