

30/10/2024

General Knowledge - III

Pakistan Affairs

Q-2 Discuss the main changes made in the Constitution of Pakistan through twenty-sixth Amendment. What effect it shall have on the political system of Pakistan Elaborate.

① Introduction:

Answer

"Today's amendment, the 26th, is not just an amendment, but an example of national solidarity and consensus. A new sun will arise, emanating across the nation"

(Prime Minister Shabbaz Sharif)

Introduction:

The "26th Constitutional Amendment Bill" was passed on 21 October 2024. The amendment says that the supreme court's chief justice will now be ~~re~~selected by the parliamentary committee and have a fixed term of three years. Several consequences are related to this amendment and it will reshape the judicial and political system of Pakistan.

② Changes made in the Constitution of Pakistan through 26th Amendment:

(i) Appointment of CJP; expansion of parliamentary Committee:

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

(b) The committee constituted for the same ~~purpose~~ purpose, send its nominations directly to the prime minister who shall forward the same to the president for appointment.

(ii) CJP's Term:

The CJP's term has been limited to a maximum of three years.

(iii) Age limit for CJP:

A judge of the supreme court shall hold office until he attains the age of 65 years, unless he sooner resigns or is removed from office in accordance with the constitution.

(iv) SC, cut to powers of high court:

Another notable change has been made to Article 184, which deals with the apex court's original jurisdiction, taking away the SC's *suo motu* powers.

(v) Transfer of cases from high court to itself:

After the Amendment Article 186A, now read as:

The supreme court may, if it considers it expedient to do so in the interest of justice, transfer any case, appeal or other proceedings, pending before any high court to any other high court or itself."

(vi) Formation of constitutional benches in SC:

For introducing constitutional benches in SC. A new article 191A is added in the constitution.

Clause 1 reads:

"There shall be constitutional benches of the SC, comprising such judges of the Supreme Court and for such term, as may be nominated and determined by the judicial Commission of Pakistan, from time to time, provided that the constitutional benches may comprise an equal no. of judges from each province"

(vii) Appointment of High Court judges:

- minimum age for a high court judge has been reduced to 40 years from 45 years.
- an advocate having not less than 15 years of practice in the high court to be nominated by Islamabad Bar Council for a term of two years.

(viii) Performance Evaluation of HC judges:

- The JC conduct an annual performance evaluation of HC judges, and if the performance is found inefficient, it shall grant period for improvement and upon completion of such period, if the performance of such judges is again found to be unsatisfactory, the commission shall send its report to the Supreme Judicial Council.

(ix) Federal Shariat Court, Council of Islamic Ideology:

Appointment of the FSC chief justice, now also includes an FSC judge "qualified to be a judge of the Supreme Court".

(x) Elimination of riba:

In the Article 38, 'eliminate riba as early as possible' shall be replaced with "eliminate riba completely before Jan 1, 2023".

(xi) Right to clean, health environment.

The act also inserts the following "new Article 9A" into the constitution. The insertion is as follows:

"9A. Clean and healthy environment - Every person shall be entitled to clean, health and sustainable environment"

(xii) Appointment of officers and servants of Courts:

Now IHC - besides the SC and FSC, make rules for appointment of officers and servants to courts.

③ Effects on Political system of Pakistan after 26th Amendment:

(i) Composition of Judicial Commission of Pakistan:

The changes in the JCP's composition allow for direct political influence over it, and reduce the JCP's judicial members to a minority. ~~Due~~ Under this influence judges will be bound to listen the directions made by the ruling party instead of working as an autonomous organ of Pakistan.

(ii) Administrative powers of the judicial Commission of Pakistan:

JCP has the power to nominate "Constitutional benches" within the SC & HC.

Such power allows the JCP to create tailored made judges judicial benches to hear specific cases including cases of political significance. As a result, there is serious concern that JCP-appointed benches will not be independent and impartial.

(iii) Appointment of CJP:

The 26th Constitutional Amendment outlines no grounds or criteria on the basis of which the SJC is to nominate the CJP, while providing that its meetings shall be held in camera.

Through this, the political parties directly influence the CJP.

(iv) Removal on the ground of inefficiency:

The 26th constitutional amendment does not define 'inefficiency', nor does it establish a threshold or criteria for 'inefficiency'.

These amendments directly violate Article 14 of the international covenant on civil and political

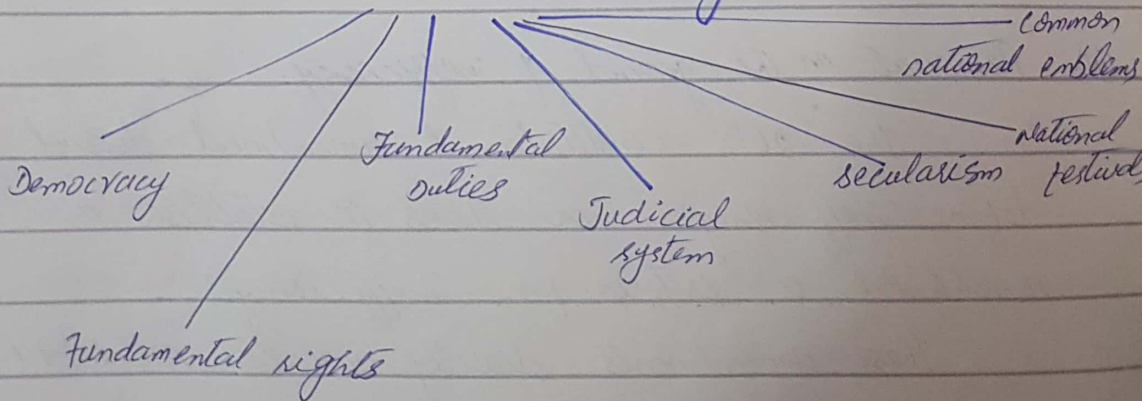
Rights (ICCPR). These amendments are an attempt to subjugate the judiciary and bring it under the control of the executive, betraying fundamental principles of the rule of law, separation of powers and independence of the judiciary.

Q-8 Enlist the major components of national integration. What are certain issues that may hamper it? Explain:

① Introduction:

National integration is essential for the existence of any nation in the world without which only its stories will be found in the books of history and the world later or sooner may forget it forever.

② Components of National Integration:



an equal number of judges from each province".

② effect of on Political system of Pakistan after 25th Amendment is

(a)

(i) Democracy:

Democracy is one of major component of national integration. In the form of government where every citizen has the right to vote, it promotes a sense of responsibility among them and they play a positive role towards the prosperity of the country.

(ii) Fundamental rights:

Provision of fundamental and basic human rights are essential for the national integration of the society.

(iii) Fundamental Duties:

Along with the fundamental rights, fundamental duties should be fulfilled. If every citizen performs its fundamental duties, resultantly every citizen will get its fundamental right.

(iv) Judicial System:

National integration will be seen in the society where judiciary is performing its role effectively. If every citizen knows that one who commits crime can't be spared by the justice system of the country, he will definitely not even think of committing crime.

(v) Secularism:

As Pakistan is secular state and the founder of Pakistan Quaid-e-Azam also wanted Pakistan to be a secular, democratic and a liberal republic, so

secularism is also one of the essential component of national integration.

(vi) Common National Emblems:

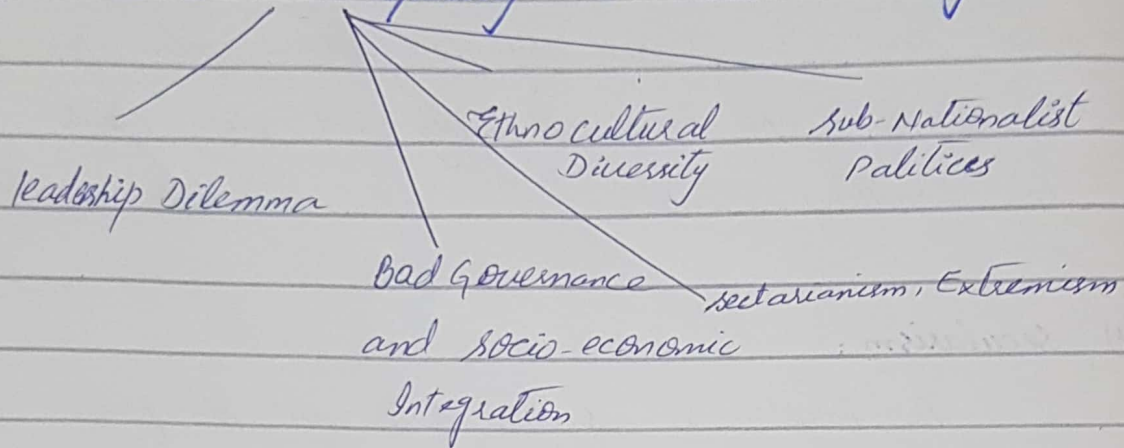
Common national emblems promotes a sense of national integration among the citizens of the country and the hostile countries always try to destroy the image of common national emblems.

(vii) National Festivals:

National Festivals are sign of pride for a nation and they play a vital role in maintaining

instilling a sense of national unity among its citizens.

(3) Issues — hampering the National Integration



(i) Leadership Dilemma:

Behaviour and psychology of the leadership play an important role to promote awareness of oneness among the disjointed sections of society - However, after the death of Quaid-e-Azam, the leadership of Pakistan is has been making efforts to transform the centrifugal tendencies of marginalised ethnic groups into centripetal feelings.

(ii) Bad Governance and Socio-Economic Integration:

Bad governance is the root cause to all inefficiencies: social injustices; economic inequality; regional disparity; unemployment etc. General sentiments of scepticism and unstead

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(ii)

development prevalent in the marginalized community of the country tend to hamper the goal of national integration.

(iii) Ethno-Cultural Diversity.

Unacceptance of central government socio-economic and political initiatives by ethnic insurgents is bound to damage the cause of national integration.