

Pakistan AffairsQNO : 1The 26th Amendment :-

The 26th amendment to the constitution of Pakistan known as the Constitution Act, 2024 is an amendment to constitution of Pakistan by Parliament on 21 October 2024. It came into force with Presidential assent the same day.

The amendment contains 27 clauses which effect change in judicial, parliamentary and executive frameworks.

1. The amendment introduced Article 9A, which declares every person shall be entitled to a clean and health, sustainable environment as a fundamental right.

2. Article 38 has added that explains the abolishment of Riba as far as practicable by 1st January 2028.

3. Article 48: Advice was tendered to the President by the Cabinet or PM, shall not be inquired by any court or authority.
4. Article 81: Expenditure charged upon Federal consolidation fund.
5. Amendment to article 111: Right to speak in Provincial Assembly.
6. Amendment to Article 17A: "Most senior Judge to the Constitutional Bench."
7. Amendment to Article 177 as appointment of Supreme Court Judges
8. Amendment to Article 179. (Retiring age).
9. Amendment to Article 184. (Original Jurisdiction to Supreme Court).
10. Amendment to Article 185. (Appellate jurisdiction to Supreme Court).
11. Amendment to Article 186A.
Power of Supreme Court transfer to cases.
12. Article 187 :
Order shall be passed by Supreme Court at any time.

13. Article 191A:

Constitutional Benches of Supreme Court.

14. Article 193:

A person shall not be appointed as a Judge of High Court unless he is citizen of Pakistan and fulfills other conditions.

15. Article 199:

High Court shall not make an order on its own in the nature of suo motu exercise of jurisdiction.

16. Article 202A:

Constitutional benches of High Court determined by JCP.

17. Article 203C:

Judge of Federal Shariat Court qualified to be a Judge of Supreme Court.

18. Article 203D:

Appeal against decision given after the Commencement should be disposed within 12 months and decision by Supreme Court.

19. Article 208 :

The expression "Supreme Court", the Federal Shariat Court and Islamabad High Court shall be substituted.

21. Article 209 :

Supreme Judicial Council.

22. Article 215 :

Commissioner and member shall not withstanding the expiration of his term, continue to hold office until his successor enters upon the office.

23. Article 229 :-

For two-fifth expression one-fourth shall be substituted

24. Article 230 :

Final report shall be considered within 12 month.

25. Article 255 :

The person occurring at the end, the expression the Chief Justice of High court in case of a province and by Chief Justice of Pakistan in all other cases shall be substituted.

26- Article 259 :

Science, technology, medicine, arts or public service shall be substituted for word "or nursing".

27- Fourth Schedule to constitution:-

Local taxes, fees, cess charges, tolls shall be inserted in cantonment areas.

Effects on Political System of Pakistan:-

The 26th Constitutional amendment is a blow to judicial independence, the rule of law and human rights. It made changes in the structure and functioning of Pakistan's judicial system particularly with respect to the Supreme Court and High Courts. These changes bring extraordinary level of political influence over the process of judicial appointments and the judiciary's own administration. "They erode the Judiciary's capacity to independently and effectively function as a check

against excesses by other branches of state and protect human rights." said Santiago Canton Secretary General of ICTJ. "The core principle of the rule of law and the separation of powers according to which citizens and their freely chosen representatives have the right to participate in the legislative processes culminating in the adaptation and enactment of laws was flagrantly violated in this amendment.

This amendment seriously undermines the independence of judiciary by controlling executive and Parliament as:

1. Composition of JCP :-

The JCP nominates judges for Supreme Court (SC) and High Courts (HCs) for appointment. This amendment changed the composition of JCP to also include two members of the (composition of JCP) National Assembly; two from Senate and one woman or non-Muslim member to be nominated by the

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Speakers of NA. These membership changes allow the direct political influence over it and reduce the JCP members to a minority.

2. Administrative Powers of JCP :-

The JCP had power to determine the constitutional benches with the SC and HCs. These benches shall have exclusive involvement over matters concerning interpretation of the constitution and enforcement of fundamental rights. It allows JCP to direct political influence in its decision-making to create tailored-made judicial benches to hear specific cases of political (in)fluences. As a result, there is serious concern that JCP appointed benches will not be independent and impartial. The amendment also provides that all pending petitions, appeals, and reviews that relate to matters of falling under the jurisdiction of constitutional benches be transferred to them.

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3. Appointment of Chief Justice of Pakistan:-

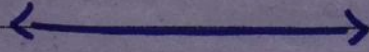
The most senior judge of Supreme court was appointed as CJP. But 26th amendment changed it to Special Parliamentary Committee (SPC) consisting of eight members of NA, four of Senate and power to nominate the CJP from among the three most senior Supreme court judges. It provides no criteria on the basis of which SPC is to nominate CJP while providing that meetings shall be held under camera.

4. Removal of Ground of "Inefficiency":-

The 26th amendment does not ^{define} inefficiency nor criteria for ground for removal by SJC were incapacity or misconduct.

These changes violate the Article 14 of (ICCPR) which guarantee the right of equality, fair hearing. So by concluding, this amendment made political influence

over the judiciary that hinders the fair and fluent system of judiciary at large.



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Possibilities of Establishing Robust

Democracy :-

Democracy is simply a type of government in which public elect their representatives to govern the state. Establishing a functioning robust democracy requires two crucial elements:

1. a healthy, educated, participatory followership
2. educated, morally grounded leadership

This quote from Chinua Achebe highlights the importance of both the people and their leaders in creating a thriving democracy. It suggests that an informed and engaged citizenry along with a morally

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responsible leadership are fundamental to the proper functioning of a democratic society.

Characteristics of a Healthy, Educated

Participatory Followership :-

1. Active Citizenship :-

Citizens who are informed, engaged and willing to participate in the democratic processes.

2. Critical Thinking :-

The ability to analyze information, evaluate evidence and make informed decisions. This means engaging with educational resources, participating in public discussion and understanding the long term (policies) implications of various environmental and economic policies. An educated population can make informed decisions at the ballot box, advocate for effective policies and hold leaders accountable for their stewardship.

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3. Civic Education :-

Understanding of democratic principles, institutions and processes help in fostering democracy.

Educated, Morally Grounded Leadership :-

Leadership ^{that} ensures the greater involvement of common people in policy making processes of state make democratic practices strong. Leaders should demonstrate ethical behavior, transparency and accountability. They should have the ability of empathize citizens, manage conflicts and build consensus.

Leaders who can envision a better future, set priorities and make informed decision can establish robust and functioning democracy in the society.

As democracy is a government of people and by people so their fundamental rights must be insured. The

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engagement between leaders and common man flourish the situation of rule of law in society.

By cultivating these characteristics, democracies can flourish ensuring that power is held accountable and citizen's voices are heard. So both followership and leadership boost the establishment of functioning and robust democracy in any state or society.



QNO: 4

Sir Syed Ahmad Khan :-

He born in 1817 in Delhi. He started his career as a civil servant. He was a great muslim leader in the sub-continent who worked for the muslims. Sir Syed Ahmad Khan's ideas trinity, comprising loyalty towards the British, devotion to education and

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aloofness from politics had a profound impact on the Indian Muslim Community during the 19th century.

Context:-

Post-1857 Indian Rebellion, the British Empire tightened its grip on India. Sir Syed, a witness to the uprising believed Muslims must adapt the new reality. He sought to reconcile Islamic values with Western education and British rule.

Loyalty towards the British :-

- Sir Syed advocated for Muslim loyalty to the British, considering it essential for their survival and progress. He argued that:
1. British rule was a divine decree and Muslim should accept it.
 2. Loyalty should ensure protection from persecution and promote peace.
 3. Collaboration would facilitate access to Western education and modernization.

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Devotion to Education :-

Sir Syed emphasized the education as key to Muslim revitalization and progress. Without education no nation can be succeeded. He said: that the top priority of Muslims must be seeking education and knowledge. He :

- 1- Founded Aligarh Muslim University 1875 to promote Western style education.
- 2- Advocated for English language instruction to enhance employability.
- 3- Encouraged scientific and rational thinking.

Critique :-

His vision of devotion to education was criticized by Muslim community as:

- 1- Focus on Western education led to neglect their traditional and Islamic knowledge.
- 2- Aligarh universitys elitist approach limited accessibility for poorer muslims.

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3- Overemphasis on secular education potentially diluted Islamic values.

Alotness from Politics:-

Sir Syed advised Muslims to abstain from politics, citing:

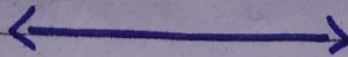
- 1- The need for stability and security under British rule.
- 2- Fear of antagonising the British and provoking reprisals.
- 3- Prioritization of education and social reform over political activism.

Sir Syed's ideas trinity had far reaching consequences. Aligarh movement inspired modernization and education among Indian Muslims. Secondly Muslim League (1906) emerged as a separate political entity advocating for muslim rights. His ideas influenced Muhammad Ali Jinnah's vision for Muslim homeland.

Conclusion :-

Sir Syed Ahmad Khan's ideas trinity reflected the complexities

of his time. While his devotion to education was visionary, loyalty to British and aloofness from politics had ambivalent consequences. It continues to shape Muslim thought and politics in the Indian subcontinent.



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Pak - Afghan Relations

The complex and dynamic relationship between Pakistan and Afghanistan has been shaped by historical, cultural and geopolitical factors. Afghanistan's desire for an independent foreign policy, free from regional influence, poses challenges and opportunities for Pakistan.

Historical Context :-

1: Shared Border: The 2430 kilometer Durand Line has been a source of tension since its establishment in 1893.

2. **Cold Era** :- Pakistan aligned with the US, while Afghanistan leaned towards the Soviet Union.
3. **Soviet Invasion**: Pakistan supported anti-Soviet Mujahideen while Afghanistan became a Soviet satellite state.
4. **Post 9/11**: Pakistan partnered with US in the War on Terror and Afghanistan became a key battleground.

Current Dynamics :-

1. Afghanistan's Pursuit of Independence.
President Ashraf Ghani's administration seeks to reduce reliance on regional powers.
2. **Pakistan's Concern**:
Islamabad worries about losing influence and strategic depth in Afghanistan.
3. **Regional Players**:
Iran, China, India and US have significant stakes in Afghanistan's future.

Key issues in Pak-Afghan Relations:-

1. Border Disputes:

The Durand line remains contentious and Afghanistan refuses to recognize it.

2. Terrorism:

Pakistan accuses Afghanistan of harboring anti-Pakistan militants while Afghanistan blames Pakistan for supporting the Taliban.

3. Trade & Economic Cooperation:

The Pak-Afghan transit trade agreement aims to boost the bilateral trade.

4. Security Cooperation:

Both nations have cooperated on counter-terrorism efforts but trust remains elusive.

Impacts of Afghanistan's Independent Foreign Policy:-

1. Reduced Pak influence: Afghanistan's diversification of diplomatic ties may

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limits Pakistan's leverage.

2. Increased Regional Competition:

Other regional players may fill the power vacuum, potentially destabilizing the region.

3. Opportunities for Cooperation:

An independent Afghanistan may facilitate collaboration on shared interests such as trade and security.

Pakistan's Response :-

1. Engagement and Diplomacy:-

Pakistan has pursued high level diplomatic engagements to address concerns.

2. Economic Cooperation:-

Pakistan aims to strengthen trade ties through initiatives like China - Pakistan Economic Corridor (CPEC).

3. Security Cooperation:

Pakistan had offered military training and counter terrorism assistance.

Way Forward :-

1. Bilateral Dialogue:

Regular, high-level talks can help to address mutual concerns.

2. Regional Cooperation:

Inclusive frameworks such as the Heart of Asia Istanbul Process can promote stability.

3. Economic Integration:

Strengthening trade and investment ties can foster interdependence.

4. Security Collaboration:

Joint counter-terrorism efforts and intelligence sharing can build trust.

Conclusion :-

Pak-Afghan complex relationship is at a crossroad. Afghanistan pursuit of an independent foreign policy presents challenges and opportunities of Pakistan. By engaging in meaningful dialogue, economic and security collaboration, both nations

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can navigate this shift and build
a more stable, mutually beneficial
relationships.

