

Q2 Discuss the main changes made in the Constitution of Pakistan through 26<sup>th</sup> system of Pakistan. Elaborate?

Pakistan is currently going through a highly political polarized era where judiciary can play a significant role to enhance public trust in institutions. On 16<sup>th</sup> October, 2024, the 16<sup>th</sup> National Assembly of Pakistan passed the 26<sup>th</sup> Amendment with two-third majority along with Senate. The 1973 Constitution of Pakistan ensures dichotomy of power and to keep the constitution relevant, amendments need to be done. There was a broader consensus among the political parties of Pakistan to pass this amendment except one party which abstained in voting process. This amendment was also known as "Constitutional Package" as judiciary was the major target of this amendment. Pakistan's courts have also been in limelight from very early years ranging from "Doctrine of Necessity" to Reko-Diq case. So to keep the balance, reforms were needed in judiciary.

Major changes made to Constitution:

This 26<sup>th</sup> Amendment overhauled the <sup>key</sup> judiciary



pillar of Pakistan's state including Chief Justice of Pakistan (CJP) appointment to constitutional benches. This amendment took the power of suo-moto by CJP and gave it to the three-member bench. As per article 184 the tenure of CJP would now be 3 years and the age of retirement would be 65 years. A special parliamentary committee will be formed which would include members from National Assembly (ANA) and Senate which will select a nominee a candidate as CJP. The prime minister of Pakistan will forward that nominee to President for final approval. The CJP would be selected among top three senior most judges. As per Kelsenian model, constitutional bench would be formed that would oversee the constitutional affairs and inter-governmental disputes. The Constitutional benches would be formed in both Supreme Court and High Courts of Pakistan. A new article of 9A has been introduced which makes sure that every person is entitled to a clean and healthy environment. This amendment has also set the goal for state to eliminate the Riba before 1st January 2028. A few other changes have



also been made like the tenure of Chief Election Commissioner of Pakistan tenure and clauses related to Council of Islamic Ideology (CII)

### Effects on Pakistan political system.

The passage of this amendment has reinforced the trichotomy of power that only legislature has power to make and change laws. Formation of constitutional benches would allow judges to focus on purely judicial matters not related to constitution. As per Supreme Court of Pakistan, the backlog of cases as of December 2023 stood at 56,000. So formation of constitutional benches would only deal in constitutional affairs and judges could swiftly deliver justice. This amendment also revamps the process for judicial appointments by including the members from Parliament into decision-making. This aims to improve transparency and accountability. This amendment has also revised the procedure of CJP appointment. Now there will be broader pool of candidates allowing selection on basis of merit and experience rather than just seniority. The introduction of article 9A in the constitution has reaffirmed the Pakistan's global commitment to fight climate



change. The amendment also emphasize on judicial restraint in exercising suo-moto by forming a three-member bench to allow such judicial intervention. This was necessary for maintaining balance of Power.

### Conclusion

This amendment reflects a comprehensive attempt to enhance, fairness and efficiency within judicial system of Pakistan which aligns with country's larger objectives of social and legal advancement.



Q8) Enlist the major components of national integration. What are certain issues that may hamper it?

Pakistan is a beautiful ~~mosaic~~ <sup>mosaic</sup> with a thousand different entities. Pakistan is composed of numerous ethnic, cultural, linguistic and religious groups. Just like a mosaic, each piece needs to be glued together <sup>to create</sup> ~~so does the~~ unity. The strength of Pakistan lies in the diversity of its population. So to keep this diverse group united and glued together, national integration plays a significant role. National integration is crucial for national security as it helps the state to fight against internal and external threat. Socio-culture and ethno-linguistic diversities are the centerpiece of national integration. It creates a sense of unity, harmony and national cohesion. The article 25 of Constitution of Pakistan enshrines the principles of equality for all citizens irrespective of race, religion or caste.

Major components of National Integration

1) Political integration: A stable and inclusive political structure would encourage national solidarity.



- 2) Economic ~~Eqta~~ Equality: Policies regarding the fair share of redistribution of wealth and regional development would contribute to national integration.
- 3) Effective Judiciary: Judiciary plays a consequential role in integrating the nation. An effective judiciary with impartial judgements would build public and various group trust in the state.
- 4) Vigilant Executive: Unbiased role of instituting would enhance the national integration and if there are any grievances, <sup>it</sup> they should be immediately addressed.
- 5) Education and Media: Educational institutions and media ~~cost~~ plays a uniting role for a nation, as what is taught in classrooms and what is ~~be~~ read in newspapers echoes in general political debates.

Issues that may hamper National integration:

Although Quaid-e-Azam, the founder of Pakistan, had envisioned Pakistan as a state where all citizens ~~with~~ would be equal and there would be equal opportunities for all of them. This was also ~~x~~ reinstated by the



Objective Resolution which acts as preamble to Pakistan's 1973 Constitution. But unfortunately various reasons are hampering the national integration of Pakistan. First of all, there <sup>was</sup> is federal intervention into provinces. This can be seen by One Unit Scheme of 1955, ~~Zulfikar~~ Zulfikar Ali Bhutto dismissal of Balochistan government and the passage of 17<sup>th</sup> Amendment. ~~These~~ Such kind of actions undermines the provincial autonomy and put strain on federal-province relations. The ideological debate has divided the country about the role of Islam in state affairs. This has hindered the legislative process and also the execution of laws due to complexity of some laws. The dominance of single ethnic class or group also has hampered the national integration. If a political party sweeps Punjab national assembly seats, they can easily have <sup>simple</sup> majority in national assembly which could create a sense of deprivation among other provinces. ~~Time~~ Repeated military operations have, in many ways ~~even~~ exacerbated the situation in Pakistan. The military operations in Balochistan and



Khyber Pakhtunkhwa has increased resentment among local population as they are the most affected ones in this whole scenario.

Economic inequality and unfair resource distribution among provinces can also worsen the situation. Balochistan, among all four provinces of Pakistan, has the lowest in social indicators. There are no proper health and educational facilities in major parts of Balochistan. So these reasons all add up to hamper the national integration.

Conclusions

Pakistani society and culture is very hospitable. All these above mentioned issues could be solved by political consensus, promotion of inter-province harmony and fair distribution of funds and resources.