

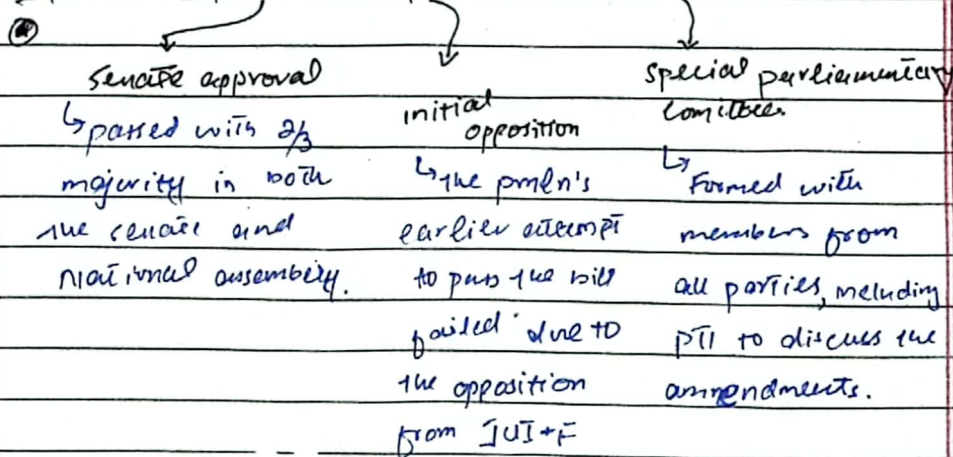
PART II

Q:2:- Discuss the main change made in the constitution of Pakistan through twenty sixth amendment. What effect it shall have on the political system of Pakistan.

1) Introduction to 26th constitutional amendment:-

The 26th constitutional amendment of 2024, also called the constitutional ~~major~~ package, focuses on judicial reforms. It limits the chief justice of Pakistan's term to three years, curtails the supreme court's *sua moto* powers, and gives the prime minister the authority to select the CJP from among the three most senior judges of the supreme court.

2) Legislative process and political dynamics:-



3) Key changes to the CJP's Appointment process:-

Amendments to the Article 175A:-

The CJP will now be appointed from the three most senior supreme court judges upon the recommendation of a special parliamentary committee. Before this amendment the senior most judge will be automatically become chief justice of Pakistan but now the pattern changed through 26th amendment in the constitution. Now the prime minister will forward the name recommended by the committee to the president for appointment.

↳ special parliamentary committee structure:-

The special parliamentary committee will be composed of 12 members. 8 from the national assembly and 4 from the senate. proportional representation of parliamentary parties will also be present. The meetings will be held on camera and the committee will decide by a two-third majority.

↳ Chief justice of Pakistan term limit:- The CJP's term is set at three years, regardless of age. The question here is pending that if a judge has age of 60 years and he appointed the CJP. His tenure will be ended after 3 years at the age of 63. so the remaining 3 years what will he do or where to manage him is still a question mark.

4) Changes to the supreme court's jurisdiction:-

↳ Reduction of suo motu powers:- the supreme court cannot initiate suo motu proceedings on its own beyond the scope of applications filed under Article 184.

↳ Case transfer powers:- Under Article 186A, the supreme court now has the power to transfer cases between high courts or take them up itself.

5) Modification to the judicial commission's role:-

↳ Direct nominations to the PM:-

The judicial commission of Pakistan (JCP) will now send judges nominations directly to the prime minister. The older eight member parliamentary committee structure was omitted.

↳ JCP rule making powers:- the judicial commission can establish criteria for the evaluation and the fitness of judges.

6) Political Disputes and Resolutions

↳ Federal constitution court proposal:- The PTI opposed the idea of a federal constitutional court and

advocated for a constitutional bench, which was incorporated.

Maulana Faruk Rehman of JUI-F played a critical role in mediating opposition concern.

Initially 56 amendments were proposed but were reduced to 27 in the final version.

The recent amendments to the constitution of Pakistan introduce significant changes across various articles aimed at enhancing legal, environmental and judicial frameworks. Here is a detailed overview of the key amendments:

② Amendment to the article 203D:

This clause enables the Federal Sharia Court (FSC) to determine whether a law contradicts Islamic ~~jurisdiction~~ injunctions. A new provision requires that any appeal against decisions made after 26th amendment must be resolved within 12 months otherwise the decision will take until the Supreme Court suspend it.

① Revision to article 229:- changes now allow any

parliament house or provincial assembly to seek the council of Islamic Ideology (CII) advice on Islamic laws on one fourth of its total membership requests it, if they need guidelines of CII so they can give.

② Elimination of Riba:- In article 38, which address social and economic welfare, the language has been modified from "eliminate riba as early as possible" to a more definitive mandate to "eliminate riba completely before Jan 1, 2028".

③ Introduction of Right to a clean, health environment:-

A new Article 9A guarantees every individual the right to a clean, healthy and sustainable environment.

- 11) Updates to the 4th schedule: The 4th schedule has been amended to clarify the responsibilities of local self government in commonwealth areas, specially regarding local taxes, fees and other charges.
- 12) Amendments to Article 48: The president's ability to act on advice has been clarified, emphasizing that inquiries into whether advice was given by the cabinet or prime minister are not subject to court review. This removes the previous inclusion of ministers in such inquiries.
- 13) Updates to Article 215: It allows the chief election commissioner (CEC) and ECP members to remain in office until their successors are appointed, regardless of their terms expiration.
- 14) Clarification in Article 255: This article specifies that if a required oath cannot be taken before a designated person, it can be taken before another person nominated by the chief justice of a high court or the chief justice of Pakistan in other cases.
- 15) Revision of Article 259: The article updates the categories for award conferred by the president, replacing "nursing" with "science, technology, medicine arts or public service".

The 26th amendment particularly discuss judicial changes whether it is high court or supreme court. Basically the power of judiciary is lowered and more powers were given to parliament (prime minister).

Q.4: Critically evaluate the Sir Syed's Trinity of ideas:
i.e: loyalty toward Britishers, devotion to education and aloofness from politics.

Ans: In response to the plight of muslims after 1857 Sir Syed emerged as a key figure advocating for reforms and progress within the muslims community. He understood that muslims needed to adapt to the challenging realities of

British India, and saw the education as the key to their upliftment. This vision led him to launch the Aligarh movement which sought to modernize the Muslim community through education, social reforms and political cooperation with the British government. Sir Syed believed that Muslims would no longer rely on traditional means to restore their status and instead need to embrace modern western style education while maintaining their Islamic values.

Life sketch of Sir Syed Ahmad Khan

Sir Syed Ahmad Khan was born in Delhi in 1817, into a noble Muslim family. Sir Syed received both Islamic and modern education and started his career as a civil servant under the British government. During 1857 rebellion Sir Syed remained loyal to the British and worked to protect European civilians. After the war he realized that the Muslims were lagging behind education, which was crucial for progress in the new British dominated system. To address this he founded the Mohammedan Anglo-Oriental College in 1875 in Aligarh, which became Aligarh Muslim University. Sir Syed's vision was to educate Muslims in both western sciences and Islamic teachings and this institution became the center of Aligarh movement.

Educational Aspect of the Aligarh movement :- The core of the Aligarh movement was educational reform. Sir Syed emphasized the need for Muslims to learn modern subjects like science, mathematics, English as these were necessary for success in the British administration and modern professions. He believed that Muslims could not compete with Hindus and other communities unless they embrace modern education. At same

time he ensured that Islamic studies remained a part of the curriculum, so that students would be connected to their religious heritage. His goal was to create a generation of Muslims who could balance modern knowledge with Islamic values and play an active role in society.

Political aspect of the Aligarh movement: Sir Syed's political strategy was one of cooperation with the British government. He believed that Muslims should avoid direct confrontation and instead work with the British government to improve their positions. He argued that Muslims should remain loyal to the British and focus on building their educational and social infrastructure rather than getting involved in political agitation. He also recognized the diverse political interests of Muslims and discouraged their participation in the Indian National Congress, which was largely dominated by Hindus. He felt that Muslims needed a separate political identity to safeguard their rights.

Religious aspect of Aligarh movement: Religiously, Sir Syed Ahmed Khan was a reformer. He promoted a rational and modern interpretation of Islam, arguing that there was no conflict between Islam and modern science. He was critical of religious traditional scholars who restricted change and modernization. Sir Syed believed that Muslims could retain their faith while embracing new ideas and knowledge. His approach sought to reconcile Islam with modernity, which was a key feature of the Aligarh movement's religious philosophy.

Social aspects of Aligarh movement: It was another important aspect of the Aligarh movement. Sir Syed sought to uplift the Muslim community by promoting modern lifestyle and discouraging outdated customs and

superstition. He encouraged muslims to adopt modern hygiene practices and improve their living standards and integrate into the broader global culture. Sir Syed also advocated for empowerment of women through education. Though this aspect of his movement gain more traction after his death.

Main objectives of the Aligarh movement:- The primary objective were to modernize the muslim community by promoting western style education alongside islamic values, to foster political cooperation with the british in order to secure muslim interest and to reform the social custom that were holding back muslim society. Sir syed want muslims to regain their lost influence and status by equipping themselves with the tools necessary for success in the modern world. particularly through education.

Key efforts of Aligarh movement:

↳ Development of western education

↳ establishment of islamic educational institutes

↳ Economic development of muslims

↳ Emergence of political leadership.

↳ Maulana Muhammad Ali Jinnah

↳ Maulana Shaukat Ali

↳ Nawab Mahdi Khan

↳ Nawab Wajidullah and Nawab Ishaq Khan

↳ Liaqat Ali Khan and Nazimuddin.

Aligarh movement as a gamechanger:- The Aligarh movement was a gamechanger for indian muslims. It marked a turning point in the way muslims approached education, politics and society. Sir Syed's vision help the muslims move from a position of decline and marginalisation to one of gradual empowerment. The movement not only revived muslims pride and identity but also laid the foundation of muslim political activism, which ultimately reshaped the future of muslims in india and led to creating pakistan. By promoting modern education and social reform the Aligarh movement brought a profound transformation

in the muslim community positioning it for success in the modern world.

Q.5: Afghanistan leaders want to pursue a more independent foreign policy and do not want to be clients of the regional players anymore. Discuss past Afghan relations in this context.

The changing and evolving political landscape in Afghanistan has prompted Afghan leaders to seek a more independent foreign policy. After the withdrawal of US troops, Taliban take over the Afghanistan government and made some advanced policies to make Afghanistan independent of regional player, including Pakistan. Understanding the implications of this change for Pakistan Afghanistan relations is essential as it would influence trade, security and regional stability. The more the independent foreign policy of Afghanistan the more will be peace in the region, which is crucial element for regional trade to boost, and the all south Asia and middle eastern countries would be benefited including Afghanistan and Pakistan itself.

Historical concept of past Afghan relations:

The relations between Pakistan and Afghanistan are weak from the start. In fact Afghanistan being a neighbour country did not accept Pakistan as a sovereign state at the time of independence. The initial problem was the Durand line issue since 1893 which is drawn by Sir Durand that is 2250 km long, and the motive is to separate Pakistan and Afghanistan. Which did not accepted by Afghanistan. Hamid Karzai said the Durand line is the line of hate between Pakistan and Afghanistan.

Date: _____

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MEMOIRS

the pathans are present on both sides of durand line who do not want border to be divided. therefore they show resistance and is present unill now. the issue of pachtoonistan further contributed to weaken the relations. In August 1956 sikandar mirza visited Afghanistan. it was the first visit from pakistan side since its independence. the aim of this visit is to normalize the situation between both countries. In response Daud Khan had visited pakistan in December 1956. In 1958 transit trade treaty signed between both countries. From 1961 to 1965 the relations again weakened due to Afghan interest towards Soviet union and india. both countries were against pakistan. From 1964 till 1978 relations between both countries got better because of the removing of Daud Khan who was always against pakistan and making Zahir Shah prime minister of Afghanistan who is pro pakistani and made some constitutional changes. in 1978 a revolution began in Afghanistan when Daud Khan was killed in 1978. in 1979 USSR made entry to Afghanistan to reach warm water USSR also bombarded on pshawar region and places near to Afghan borders. Two groups arised in Afghan. one is pro pakistani and other was anti pakistani. so the proxy war started within Afghanistan that result in the breaking of Soviet union into different states in 1989. on 24 April 1992 mujahideen took control of Afghanistan and made good relation with pakistan. After 9/11 the US troops entered into Afghanistan and the relation between Afghanistan and Pakistan again ~~was~~ ^{got weaker.}

United States started operation in Afghanistan and supported Hamid Karzai government. US played double game. After 20 years of war US departed in 2011 and withdrew its troops from Afghanistan. Hamid Karzai also fled from the country. Taliban took over the government. Pakistan is blamed for Taliban government in Afghanistan. Taliban took the Afghan govt with the help of ISI. Afghan and Pakistan relations seen many ups and downs over across the history. Overall Pakistan-Afghan relations was not happiest except 1992-2001.

Afghanistan desire for independence:- Afghan current leadership is trying to establish foreign policy which prioritize national sovereignty. It includes distancing itself from the influence of regional players like Pakistan, India and Iran. Afghan leaders aim to build relationship based on equal footing. Enhancing their diplomatic ties with a variety of nations, rather than relying on a single nation.

Implication for Pakistan-Afghanistan relations:-

As Afghanistan strives for independence, it may challenge Pakistan's historical influence in Afghan affairs. This could lead to reevaluation of traditional alliances pushing Pakistan to adopt its approach to diplomacy with Kabul. Despite political tensions, economic ties remain crucial. Afghanistan relies on Pakistan for trade routes. Therefore both countries show interest to join BRICS. Similarly initiatives like APITA are also signed to facilitate trade, but ongoing security concerns and political disagreements can hinder progress. Security is a significant aspect in Pak-Afghan relations. Both countries face common threats from terrorism and extremism groups. In light of Afghan new direction diplomatic engagement will be critical. High level visits and dialogues will be necessary to address these issues.