

Date: 30<sup>th</sup> Oct 2024

Paper: Pakistan Affairs.

Q1

26<sup>th</sup> Amendment in Constitution of Pakistan.

### INTRODUCTION

The 26<sup>th</sup> amendment to Pakistan's Constitution, enacted in October 2024, marks a pivotal shift in the country's judicial landscape aiming to enhance judicial accountability and environmental rights while controversially increasing legislative oversight in judicial matters.

Approved by Parliament and quickly signed by the President, this amendment restructures the judicial commission of Pakistan by incorporating parliamentary members, thus allowing for greater political influence in judicial appointments. Additionally, it introduces a special Parliamentary committee responsible for

appointing the chief justice of Pakistan, breaking the tradition of seniority-based selection. Supporters of this amendment promote transparency and democracy, while critics argue that these changes are direct attack on judicial independence.

## Elements of the amendment.

### i- Judicial Appointment and the judicial commission of Pakistan.

The amendment alters the composition of the judicial commission of Pakistan, reducing proportion of judges and increasing parliamentary representations. This modification allows greater legislative influence in judicial appointments, theoretically increasing transparency and public accountability. However, critics argue its risk introducing political influence into the judiciary by reducing the independency of JCP.

## ii- Chief Justice Appointment Process-

Previously, the chief justice of Pakistan was selected based on seniority alone.

The amendment now grants a special

Parliamentary Committee (SPC) the authority to select the CJP from among the three most senior Supreme Court judges. This

change is intended to enable merit-

based selection rather than relying solely on seniority. While some argue this

could lead to more qualified leadership, others warn it might politicize the selection process.

Add the article numbers amended as references

iii-

## Constitutional Benches

The amendment mandates the formation of constitutional benches specifically for cases of constitutional and fundamental rights importance which are now assigned by the restructured

JCP. This aims to streamline significant constitutional cases, but critics fear it

may create benches tailored to political agendas, particularly as these cases often involve high-stakes political or rights issues.

## Effects of Twenty-Sixth Amendment on the Political System of Pakistan

The Twenty-Sixth Amendment's modifications to Pakistan's judicial structure have profound implications for the political system, shifting the balance of power and potentially affecting both governance and judicial independence.

### Increased political influence in judicial appointments

is significantly marked by the power shift that could enable the executive to more effectively shape judicial appointments, aligning judicial actions more closely with government priorities.

① Potential polarization of the chief justice appointment, this could change the former seniority-based selection to a more discretion in appointing the head of the judiciary, which some argue may enable more merit-based selections but also polarizing the judiciary's highest office.

Attempt by giving subheadings

② Potential long-term effects on democratic processes. The "Montesquieu's" concept of "separation of powers" is challenged in its literal sense.

③ Critics argue that this new structure may allow for bench "tailoring", where political pressure influence the judges selected for high-stakes cases, potentially swaying outcomes on politically sensitive issues.

iv-

Conclusion -

The Twenty-Sixth Amendment, while

designed to increase judicial efficiency and accountability, risks altering Pakistan's democratic structure by reducing judicial independence. The amendment's effects will unfold over time, but it has already sparked debate over the integrity of Pakistan's judiciary and future of checks and balances in the political system.

Q2

The Economic Elite's Use of "Pakistan in Danger" to justify Taxation and Debt Burden on the Poor

## INTRODUCTION

The belief that Pakistan's economic elite often uses slogan "Pakistan in danger" stems from a pattern where they claim national threats to justify economic choices that impact the

poorer population more heavily.

This often means taking on foreign loans from IMF instead of focusing on self-sustainable policies that could help Pakistan rely more on its own resources. The result is a vicious cycle of borrowing - A never ending debt - puts a heavier financial burden on everyday people, increasing their taxes and living costs.

Give the main heading first, and relate your headings to the qs statement

9-

National Security as a justification for Economic Policies

The elite often use the rhetoric

of national security to frame economic decisions as urgent

measures necessary for Pakistan's

sovereignty. This approach diverts the

focus from pressing social and economic reforms and allows the

elite to maintain favorable policies

with limited benefit to the broader

population.

ii-

## Cycle of Foreign Debt and Economic Dependency -

Relying heavily on international loans, Pakistan has accumulated a substantial foreign debt that hinders self-reliance. This dependency prevents sustainable economic development, as significant portions of the budget are allocated to servicing debt, leaving minimal resources for social welfare.

iii-

## Dependency Theory of Andre Gunder Frank

This theory argues that in developing countries may cultivate relationships with foreign powers that sustain an unequal economic structure, keeping the country dependent on external support.

iv-

## The Burden of Regression Taxation on the Poor -

## The Tax System in Pakistan

disproportionately affects the poor through indirect taxes on essentials, as sectors dominated by elites frequently receive exemptions. This regressive tax structure allows the elite to accumulate wealth while the lower-income population bears the financial burden.

### ⑥ Together, Elite and Dependency

Theories provide insights into why the economic elite might prefer foreign debt over policies that encourage self-reliance.

v-

## Limited focus on Economic Self-Reliance -

Pakistan is in a dire need of loans, because of the debt trap, and vicious cycle of loans - Pakistan has focused heavily on foreign loans to finance immediate needs.

Trapped in a debt cycle.

Hard Repayment Terms

Vicious cycle.

Repaying debt

High interest rate.

No fruitful investment

This focus on short-term financing restricts the development of sectors that could foster self-reliance such as agriculture and technology.

## Conclusion -

On the one hand, the elite's reliance on the "Pakistan in danger" narrative to justify the economic policy shifts the financial burden to the poor, creating obstacles to self-reliance.

and Sustainable growth. For Pakistan to progress, reform efforts focussing on fair taxation, broadening the tax net, self-reliant industrial growth, and debt transparency are essential to break the cycle.

Q3

Building Democracy: The Essential Role of Educated Citizens and Ethical leaders -

### INTRODUCTION -

"A democracy is only as good as its citizens. The better educated they are, the more capable they are of making informed choices."

James Abram Garfield

Establishing a functioning, robust democracy hinges on two crucial pillars: a healthy,

educated, and participatory citizenship, alongside an educated and morally grounded leadership. This interplay creates a conducive environment for democratic principles, ensuring effective governance and accountability.

"Integrity in leadership is essential for building public trust, which is the foundation of democracy".

----- Abraham Lincoln -----

i- Importance of an Educated, Participatory Citizenship -

### ① Informed Decision Making -

An educated populace is vital for making informed choices about governance and leadership. Education equips citizens with critical thinking

Skills, allowing them to understand complex political issues, evaluate policies, and engage in meaningful discussion -

④ As in Pakistan, citizens are (majority) not educated and knows nothing about political issues and policy formulation - They elect representatives for policies but these representatives use this platform for their own personal agendas - In most cases, even the educated citizens are not well informed, and put them behind the curtains -

### ⑤ Active Engagement of Citizens in Political Affairs -

Democracy thrives when citizens are not only voters but also the active participants in civic life - Active involvement helps ensure that diverse perspectives are considered in the

decision-making process, enhancing the quality of democracy -

① People are the backbone of any sovereign state, according to Barry Buzan, People or public is an institute, the state needs to protect this institute to maintain state

Sovereignty. It is a constitutional right of the people of Pakistan to have the basic information and knowledge, to actively protest, But some stakeholders, turn a peaceful protest into a violent mob, which then seeks justice -

② Social Trust and Cohesion -

A healthy democracy requires social cohesion and trust among its citizens.

When people are educated and engaged, they tend to ~~to~~ develop stronger community

ties leading to greater cooperation and collaboration.

② In Pakistan, diminishing concept of separation of powers, is creating trust issues among the lower and middle class, Elites are enjoying full protection under the umbrella of political alignment, while the lower and middle class is grinding under poverty - Elites being the Tax evaders and lower class, salaried personals being over-Taxed.

ii-

The Need for Educated, Morally Grounded Leadership -

① Ethical Governance -

Leadership grounded in ethical principles fosters public trust in democratic institutions - leaders who exhibit

integrity, transparency, and accountability inspire confidence among citizens.

### ① Franklin D. Roosevelt - 32<sup>nd</sup>

President of United States of America, pulled out the nation from a devastating "Great Depression" - He proposed and introduced the flood of reforms which not only stabilized the economic condition of the state but also boosted / Restored the confidence of people who were disillusioned and confused at that time.

### ② Visionary Leaders -

Leaders with a solid educational background are better equipped to address complex social and economic challenges.

They can devise informed policies that promote long-term stability and prosperity.

## ○ Role Models for Civic Engagements -

Morally grounded people / leaders

Serve as role models, setting

an example for citizens to follow

Their commitment to ethical behavior

and civic responsibility encourages

public participation and accountability

Active leaders follow the pattern

of Maslow's "Hierarchy of Needs"

where they support people to the

level where they are being

encouraged by "self-actualization",

to fulfill their needs and promote

self-reliance and self-sufficiency

iii-

## Conclusion -

In Pakistan, the synergy between an educated, participatory citizenry and morally grounded leadership is crucial

for fostering a robust democracy -

A well-informed and engaged public

Can hold leaders accountable, advocate for their rights, and drive social change, which is essential in a country facing various political and economic challenges. At the same time, ethical leader is essential to restore public trust in government institutions, which have often been marred by corruption and inefficiency.