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Areeha

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Pak Affairs

Q2: Discuss the main changes made in the Constitution of Pakistan through Twenty-Sixth Amendment. What effects it shall have on the political system of Pakistan. Elaborate.

Introduction:

On 21st October, 2024, 26th Amendment in the Constitution of Pakistan, 1973 was made. This amendment was named as The Constitution (Twenty-Sixth Amendment) Act, 2024. It has received the presidential assent and brought changes in many parts of the constitution. This amendment basically recalibrates the balance of power between the three branches of the state that are the executive, the legislature and the judiciary. The changes are mentioned below:

Changes Made in Constitution by Way of Twenty-Sixth Amendment:

1) Insertion of new Article 9-A in the Constitution:

Under this article, keeping in view the basic fundamental rights of people of Pakistan right to clean and healthy environment was granted.

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2) Elimination of Riba:

Amendment in Article 38f mandates the complete elimination of Riba (interest) by January 1, 2028.

3) Judicial Independence and Protection:

Amendment in Article 48(4) elaborates that the advice given to the President by the cabinet or Prime Minister cannot be challenged in any court or tribunal.

4) Amendment in Article 81 of the Constitution:

It changes the word "Supreme Court" with the expression "Supreme court, the judicial commission of Pakistan, the Supreme judicial council".

Amendment also mandates allocation of funds for judicial bodies such as Judicial Commission of Pakistan and Supreme judicial council.

5) Revised procedure for Appointment of Judges:

Under Article 175A the composition of judicial commission was made. A special Parliamentary committee will appoint the Chief Justice of Pakistan from among the three most senior judges.

The committee will include the representatives from National Assembly and senate ensuring proportional representation.

5) Organizing the election and related Cons:

Amendment to Article 81 of the constitution provides for the sums to organize and conduct election for National Assembly, Senate, Provincial assemblies and local governments.

6) Retirement age and tenure of Chief Justice of Pakistan:

Amendment to Article 179 limits the tenure of CJP to three years, irrespective of his age.

7) Appointment Criteria of Supreme Court:

Article 177 redefines the qualifications for appointment to Supreme court requiring candidates who have served as High Court judges for at least five years and have the practice of 15 years as advocate.

8) New Constitutional Benches in Supreme Court:

Article 191A, brought the formation of Constitutional benches that handle constitutional matters only.

9) Amendment in Article 184 of COP, 1973

A significant Amendment to Article 184 has removed the 'Suo Moto' powers of the Supreme Court.

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10) Amendment in Article 199:

After Supreme Court, the high courts are also restrained to exercise their *Seo moto* powers by way of Article 199.

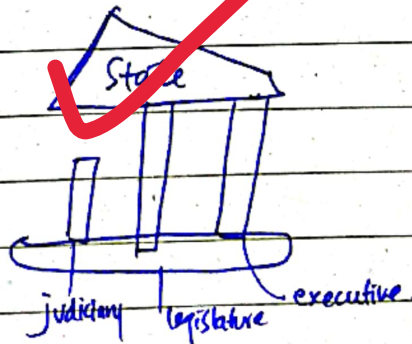
Effects of Amendment on the political system of Pakistan:

Some analysts are of the view that this amendment will remain controversial but Prime minister of Pakistan has announced:

"This is the victory of charter of democracy that Nawaz Sharif and Benazir Bhutto were unable to attain."

1) Chaining the judiciary:

Some belief that the powers of the independent judges are curtailed via 26th amendment by putting bars on them. The state has a balanced pillars but now judiciary is subservient.



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2) Risk of corruption:

The risk associated with corruption are feared because of the amendment because mens rea can arise in between judges to secure their position.

Add more arguments in this part. This is the second part of the answer

Conclusion:

In a nutshell it can be said that: the amendment is a great step to increase the dispensation of justice to litigants. When Pakistan has 2.14 million cases pending for decision. The reforms may move the political parties at one forum to uphold the charter of democracy.

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Q4. Critically evaluate the Sir Syed's trinity of ideas i.e. loyalty towards Britishers, devotion to education and aloofness from politics?

Ans:

INTRODUCTION:

Sir Syed Ahmad Khan was a prominent muslim reformer of 19th century in British India. He provided the guiding philosophy for the muslims of India. His tenets of loyalty to words British, devotion to education and aloofness from politics emerged after the War of Independence 1857. When he realized that the injustices of the Britishers are increasing against muslims. A critical evaluation is given below:

Sir Syed Ahmed Khan's Loyalty to Britisher:

As he himself served the British government as a prosecutor he was at first inclined towards high allegiance of Britishers. He encouraged loyalty to British Crown, believing the cooperation and alignment. He advised muslims to cooperate and seek education in order to gain power and participation at various positions.

He wrote a book 'Causes of Indian revolt' to create goodwill between Britishers and Muslims after the

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war of independence.

2) Devotion to education:

He was a major proponent of education for Muslims. He believed that only education i.e. modern education, English and Scientific education can play a role for the progress of Muslims. He urged Muslims to send their children to schools.

i) Established Scientific Society in Muradabad 1864:

The major objective of making this society was to translate books from foreign languages into Urdu for reading of Muslims.

ii) Aligarh Institute Gazette 1866.

Later on those translated books and articles were published in both Urdu and English. This effort of Sir Syed Ahmad was highly acknowledged by many in the subcontinent.

iii) Muhammadian Anglo Oriental School 1875

He made a first formal educational institution for the Muslims to feel secure and free to send their children for seeking education. English education was also made part of the curriculum.

iv) Muhammadan Anglo Oriental College
1877:

In MAO college, focus was drawn on attaining knowledge related to history, English, mathematics, geography etc.

v) later on MAO college became university in 1920.

Sir Syed Ahmad's vision of Alotness
from Politics:

Sir Syed Ahmad Khan was of the opinion that as Muslims ^{were} ~~are~~ minority and socio political conditions were not as good to carry out the task of muslim representation due to Britishers hatred towards muslims. The only option for muslims of Subcontinent was to attain education and develop their personalities. He also feared that political movement especially with growing Indian National Congress would result in conflicts.

Conclusion:

Sir Syed's frinity of ideas was instrumental in bringing a fragmented muslim society into a phase

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of self reflection and progress within colonial India's constraints. His legacy remained complex and he played a vital role in awakening the sleeping conscience of the Muslims in the eighteenth century.

Q6. The diverse Muslim reformists Movement of the Subcontinent authored the sequential unity in the formulation of two nation theory. Delineate.

Introduction:

History is axiomatic of the fact that Pakistan is a country that was made on the basis of religion. A number of contentions were present between the Muslims and Hindus in the Subcontinent. Both were different from each other religiously, culturally, spiritually and socially. The Muslim reformists like Sheikh Ahmed Sirhindi, Shah Waliullah Syed Ahmed Raza Khan etc played a great role in helping the Muslims identify that they are a separate nation.

1) Sheikh Ahmed Sirhindi's Challenge to Akbar's Din-e-Elahi and rising Bhakti movement:

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Shiekh Ahmad Sirhindi challenged the Akbar's Dine-elahi and Bhakti movement. He said, "To consider Ram and Krishna as one is a stupidity because creator cannot be the one with its creation." Later on Islam nourished during Aurangzeb's era and the steps for separatism of Muslims from Hindus took place. He countered mystics and laid stress on muslim identity.

Use specific and self explanatory headings

Shah Wali Ullah's role:

Shah Waliullah translated Quran into Persian language and wrote many letters to the state heads for incorporating the moral spirit of enthusiasm and courage in Muslims. He proposed jihad against Taglid. He also invited Afghan Muslim leader Ahmad Shah Abdali to attack Marathas. He believed in social justice and just society.

Faraizi Movement

This movement was founded by Haji Shariatullah in Bangal - which sought to purify Islam by focusing on fundamental practices in Islam. It protected the Muslim peasants and promoted religious reform in the face of unlawful taxes imposed by Hindu

landlords. Bangali muslims became culturally aware of their rights and sought their separate identity and showed the sign of resistance and removed unlawful exploitation of non muslims.

Aligarh movement by Sir Syed Ahmad Khan

He woke the muslims of Subcontinent and asked them to seek education. Only by this way they can obtain respect and privilege from Britisher. For this purpose he made educational institutions as well to impart modern and religious education in Muslims.

Allama Muhammad Iqbal

Allama Iqbal saw the dream of Pakistan. He woke the young generations by way of his patriotic poetry. He embedded in the thinking of muslims that they are a separate nation by any definition from Hindus. He said that they cannot live together. Thus his patriotism influenced muslims towards attaining a separate homeland via two nation theory.

→ Quaid-e-Azam Muhammad Ali

Jinnah:

Quaid-e-Azam Muhammad Ali Jinnah gave the practical shape to the concept of two nation theory. He made tireless efforts to achieve a separate country. His efforts include his fourteen points and later on his Lahore resolution, where it was affirmed that Muslims will be taken as a separate nation.

Conclusion:

Thus, it can be concluded in the light of aforementioned reformists that they all played a major role in formulating the two nation theory. Some uses Islam as a tool to incorporate a sense of separate identity while others look at the social and economic impacts of the time to attain a point that they are a separate nation.

Q8 Enlist the major components of National integrations. What are certain issues that may hamper it? Explain.

Introduction:

National Integration without an iota of doubt is the most important part of unity in any country. For Pakistan it has been a conundrum since its inception. This is because, Balochistan-Afghan border, the issue of Durand Line, the Pashtoon identity and the Punjabis has always remained a controversial issue.

Major Components of National Integration:

1) Political Unity:

Political unity can bring all parties at one position. The regional and national political parties consensus is utmost necessary to unite a nation on one page. Thus it can be achieved only by respecting the concerns of each other.

2) Economic Parity:

Today the equality of resource distribution has become a major issue for many provinces of Pakistan. Some provinces like Balochistan claim that despite its larger area its share and royalty sums are less.

Add and highlight references/examples against these arguments

3) Social Cohesion.

The bonds of disunity are the major issue for removing social cohesion in a society. This leads to increased brawls on local as well as political level.

4) Cultural integration

As Pakistan has multiple cultures in it. The integration of cultures and welcoming others culture is important to maintain national integration.

5) Removal of Sectarianism

The Sunni-Shia conflict and non registered Madaris are the basic cause of disunity. It leads to less social bonding and non-state actors usually take advantage of it.

6) Equal education

The right to education, based on single curriculum in all provinces is important to maintain social integration.

7) Resource distribution and progress

Equal distribution of money and formation of school, colleges, hospitals etc leads to national integration.

8) Strong Institutions:

By focusing on strong
corruption free institution one can
achieve national ~~integration~~

Conclusion

Second part of the
answer???

Governments commitment is important
to bring national integration by
fostering bonds of unity -

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