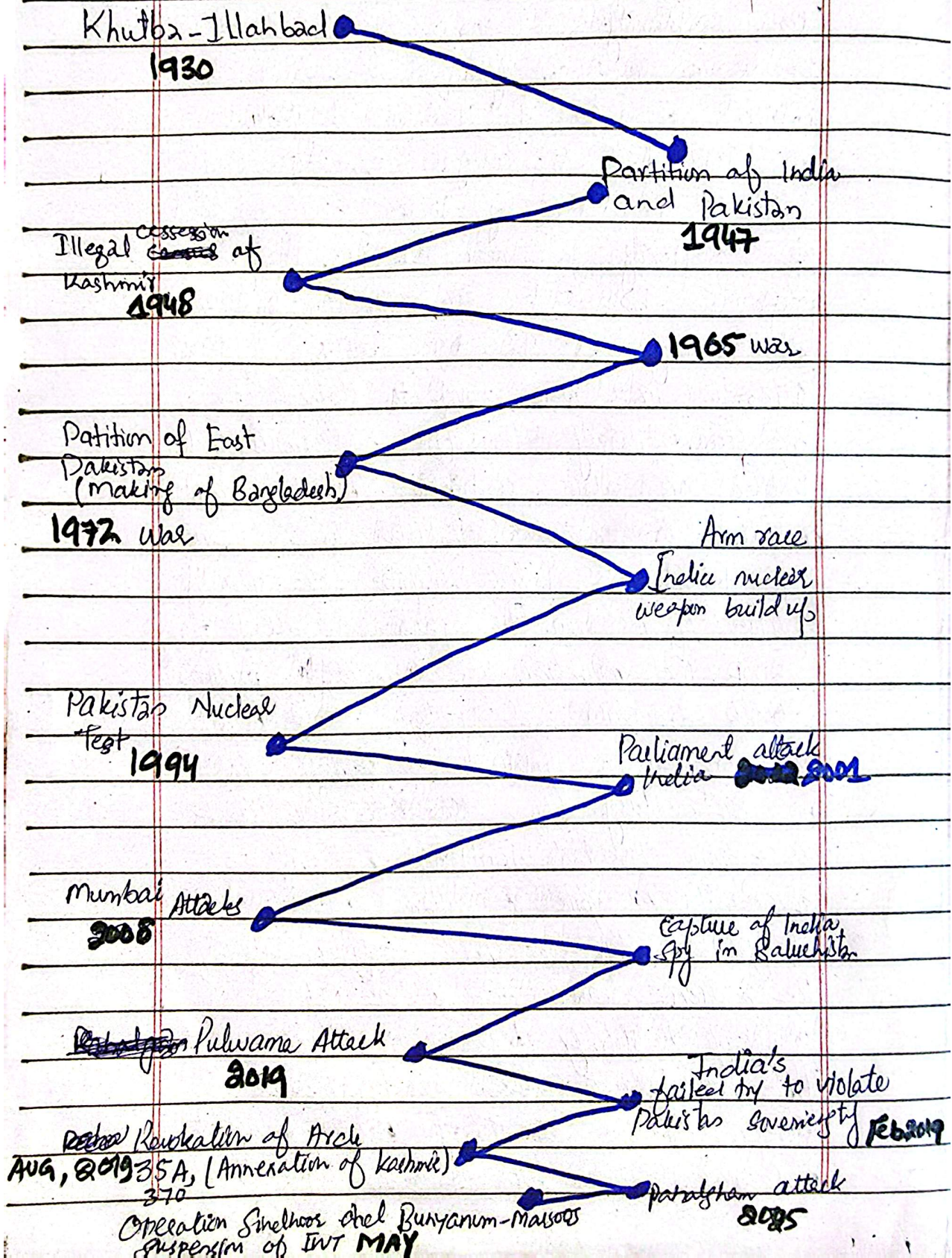


ANS 02

Introduction:

Despite share linguistic, cultural, geographical, and economic links, India-Pakistan relations has been mixed in complexity due to some historical events as well as of political events. The political separation of India and Pakistan in 1947 and the illegal annexation of Kashmir in 1948 by India sow a seed of complexity in their relations. Though the people on both sides share a thousand year of history, but the three wars of 1948, 1965, and 1971 were enough to stained the relations. Military standoffs and small scale battles are also contributed in their complex relation. India accused Pakistan for the cause of terrorism in India despite the security failure of its own. The parliament attack of 2002, the Mumbai attack 2008, the Pulwama attack in 2019, and Phalgam attacks in 2025 were the major political and security events in 21st century which allow India to launch or deprive Pakistan's territorial integrity and sovereignty. Despite Pakistan's clean and clear deny and offer for third party inquiry of the matters causes serious security and military hostility between neighboring countries. The most recent political move by India to suspend Indus water Treaty has sparged the relations between both countries.

TIMELINE OF POLITICAL AND HISTORICAL EVENTS BETWEEN INDIA AND PAKISTAN



TICAL AND
TS BETWEEN

ition of India
Pakistan
1947

1965 was

Arm race
nuclear
upon build up

next attack
is 2001

ture of India
in Baluchistan

India's
try to violate
sovereignty Feb 2019

am attack
2005

a- ILLAHABAD - ADDRESS :

"Muslim and
Hindus are two separate nations, they
both have their own living styles, their
food, their norms are different" Allama
Muhammad Iqbal 29, Dec, 1930.

Two nation theory is a basic stone
of the building that is visible their
present complex relations. Although, the separate
homeland is not a big dispute in itself
but the hasty process of partition could
be seen as basis of two neighbouring countries
relations - which are complex

b- 1947 - India and Pakistan came into being

In August 1947 Pakistan and India
came into being, although the actual time
was for separation was late, but the
hurryness in the process make it difficult
for themselves to be a good neighbours.
The partition of India and Pakistan made
or left the loopholes such as the
important issues of princely states like
Hyderabad Dukan, Junagadh and Kashmir.

c- 1948 India's cession of Kashmir

India's illegal cession of Kashmir
in oct 1948 placed a grave stone
of skirmishes on Pakistan. According
to Pakistan and partition plan "Muslim

majority states will be the part of Pakistan?
⇒ Territorial disputes such as Rann of Kutch, Sir Creek, and Kashmir were the major political grievances ~~and~~ between the complex relations of India and Pakistan. Pakistan and India fought another war on Kashmir in 1965 which make the issue very serious.

d- 1971 War

In my opinion the biggest war ever fought between the neighbouring countries and the damage done to Pakistan was the war of 1971. During 1971 War Bangladesh came into being due to illegal intervention of Indian military in ~~the~~ East Pakistan. The issue of 1970's election was the matter of internal affairs of Pakistan, but unfortunately due to illegal intervention while violating the International law India played its role in separation of East Pakistan.

⇒ Indian nuclear weapon test and rapid arm and military build up forced Pakistan to think about the real politics. Because of that, Pakistan in May, 1994 became the ~~the~~ ~~18th~~ nuclear capable nation.

e The 2002 Indian Parliament Attack

In 2002 there was a great attack on Indian parliament. Before that in 2001 India and Pakistan were at siachen battlefield. The battle was not of full scale but could be able to add complexity between the relations of neighbours. India accuses Pakistan for Parliament attack. Atal Bihari Vajpayee strictly condemned the attack and straightly put the allegations on Pakistan.

⇒ Operation prakram was launched, high level military standoffs were there, which were capable of deteriorating the relationship between both countries.

Conclusion:

~~Pakistan~~ ^{Mumbai} attacks in 2008, India's secret or spy agency involvement in Baluchistan, Pulwama attack in 2019, India's misadventures, revocation of Article 35A and 370 (illegal annexation of Kashmir), the phalgan attack 2025 and the Solay war between India and Pakistan — all contributed to the intense and complex relation of India and Pakistan despite both share history, geography, language, norms and culture. Although, the relation in present time are so tense, and the suspension of JMT unilaterally by India is a severe violation of treaty.

court, the immunity or life-time immunity to persons which are part of executive, the power separation within the judiciary, the curtailment of Supreme Court powers, amendment of clauses related to transfer of high court judges, and the powers of newly formed Federal Constitutional Court.

The three pillars of state and the impact of 27th Constitutional amendment of trichotomy of Power in Pakistan

⇒ Affect on Parliament & Senate (Legislature) (The First pillar of state)

According to the democratic norms and constitution of Pakistan, the elected personnels of people or masses of Pakistan are the most powerful and superior authority which sit in both houses the parliament and the senate then the President. The article which provide immunity to the President of Pakistan was there before. It was granted immunity on 15th constitutional amendment. According to experts "Immunity to any person in a democratic state is serious threat to judiciary, because judiciary is there for the scrutiny of law, and law should be violated by anyone"

There is no doubt that the immunity to President of state could make imbalance of power between the triangle of power in Pakistan. However, the power of parliament and senate (both houses) remained intact, or even experienced a boost, due to enactment of 27th constitutional amendment. Parliament role in a state affairs to make laws and passed them, and it was done with great legitimacy in case of 27th constitutional amendment. The amendment itself is an evidence of parliament supremacy in the Islamic Republic of Pakistan.

AFFECT ON EXECUTIVE (Administration) (THE SECOND PILLAR OF STATE)

The article 248 which was providing immunity to the President, is now will provide the lifetime immunity to Chief of Defence Forces, Admiral of fleet, and the Air Marshal Chief. The amendment in article 248 is a much debating article of 27th constitutional amendment. **Quaid-e-Azam Muhammad Ali Jinnah** "No one, here in this country is above the law." The most astute and far visionary politics Thomas Jefferson said "I am not a very good friend of very active government"

The passage of this amendment and the government excitement to do it - is reflecting in a quote of Thomas Jefferson.

The hurry in the process, and the fierce of granted immunities is a piece of concern. The power accumulation and the tilt towards executive branch of state is of serious concern though. Thomas Jefferson the forefather of declaration of Independence said "There are two enemies of people, criminals and government, let's bow down the second with the chains of constitution so that it will not become the legalise version of first."

⇒ The immunity given to the persons belonging to the executive branch of state could be considered the imbalance of trichotomy of power in Pakistan.

JUDICIARY

(THE THIRD PILLAR OF STATE)

The 27th constitutional amendment is regarded as the amendment to manage the powers of judiciary generally. It is evident, because the articles which were amended in the constitutional amendment are

dealing with the judiciary, its structure, its functioning, its hierarchy, and its power. This is now obvious after a month that the legislature and the executive branches of state are trying to see the difference in judiciary.

Articles amended related to judiciary

- Article 175A
- Article 184
- Article 185
- Article 189
- Article 200

THE FCC

Federal Constitutional Court was made under this amendment. The selection of Chief Justice of FCC process was changed. The review power of supreme court of Pakistan was given to FCC.

⇒ The Federal Constitutional Court decisions were binding on Supreme Court and provincial courts

⇒ The power division between the Supreme Court and Federal Constitutional Court tells that "Here is a court within the court"

According to Article 175A Federal Constitutional Court was established. Before the 25th

Constitutional amendment the Chief Justice of Supreme Court was ~~elect~~ selected on the basis of seniority, but the 26th and 27th amendment both enforce that judicial commission, parliamentary committee and President of Pakistan will select the new Chief Justice of FCC and SC.

⇒ Article 200 dealing with high court judges seriously impacted the internal autonomy of Judiciary as well.

⇒ The Supreme Court decisions according to article 189 are not binding to the Federal constitutional Court, ~~and~~ but FCC does.

⇒ The resignation from Supreme court judges and Lahore high judge seriously indicates the grievances and imbalance of power ^{among} the three branches of state. According to political
"Judiciary is there to scrutinize the law parliament or legislature made and to check the executive"