

QNO - 02

CONSTITUTIONAL AMENDMENTS

A. DEFINITION OF CONSTITUTION

Constitutions are defined as;

"The living documents of a country in order to reflect the aspirations, challenges and priorities of a nation."

B. CONSTITUTIONAL AMENDMENT

Constitutional amendments serve as a mechanism to align the governance frameworks with the contemporary challenges.

C. 26TH CONSTITUTIONAL AMENDMENT

The 26th constitutional amendment enacted in October 24, introduces significant changes to the judicial system of Pakistan, with respect to SC and HC.

ICT SECRETARY GENERAL

"The changes in the constitution brings an extraordinary level of political influence over the process of judicial appointments and judiciary own administration."

D. CONTOURS OF 26th AMENDMENT

Parliamentary oversight

KEY PROVISIONS

Appointment of Chief Justice

Limitation of Suo Motu powers

Reconstitution of Judicial Commission

1. Appointment of CJP :

Appointment of Chief Justice of Pakistan, raises the concerns about transparency, accountability and independence of judiciary.

1. Special Parliamentary Committee

- 8 members from NA
- 4 members from Senate
- Nominating from 3 most senior

ii. Removal of Seniority Based Appointments

- Before, the most senior judge of SC automatically became the CJP ensuing a political process

2. Establishment of Constitutional Bench

A separate bench within the SC is created to look the constitutional matters

3. Parliamentary Oversight

The increased parliamentary oversight ensures more and greater legislature influence over judicial functions.

4. Limitation of Suo Motu Powers

This limitation of SC powers now requires greater approvals from judicial committees.

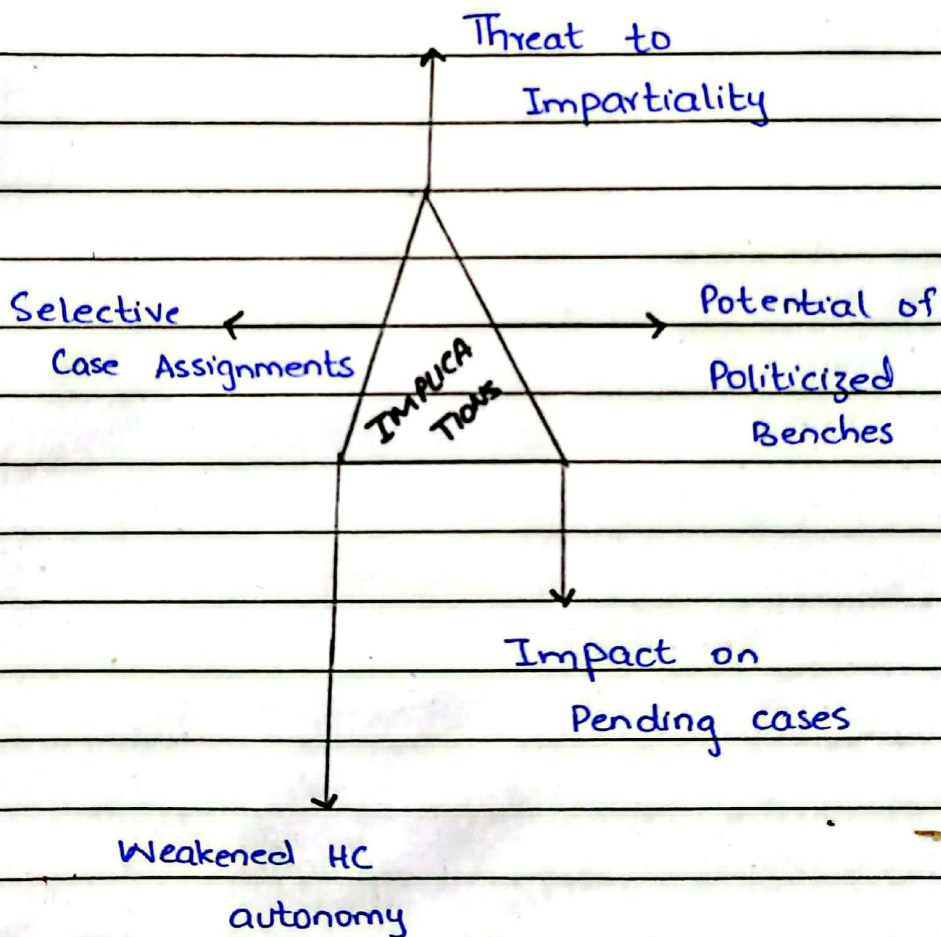
E. ADMINISTRATIVE POWERS OF JCP

The subsequent changes to reconstitution of JCP reflects to the independence and impartiality of judiciary.

3 Retrospective Case Transfers

All due pending cases, appeals and petitions were transferred to constit. benches from previous writ jurisdictions.

IMPLICATIONS FOR THE JUDICIAL INDEPENDENCE



CONCLUSION :
