

(Question #3)

Aligarh Movement breathed life into consciousness of a distinct entity among Muslims through its Education. later, its services become foundation of Pakistan. Discuss.

INTRODUCTION:

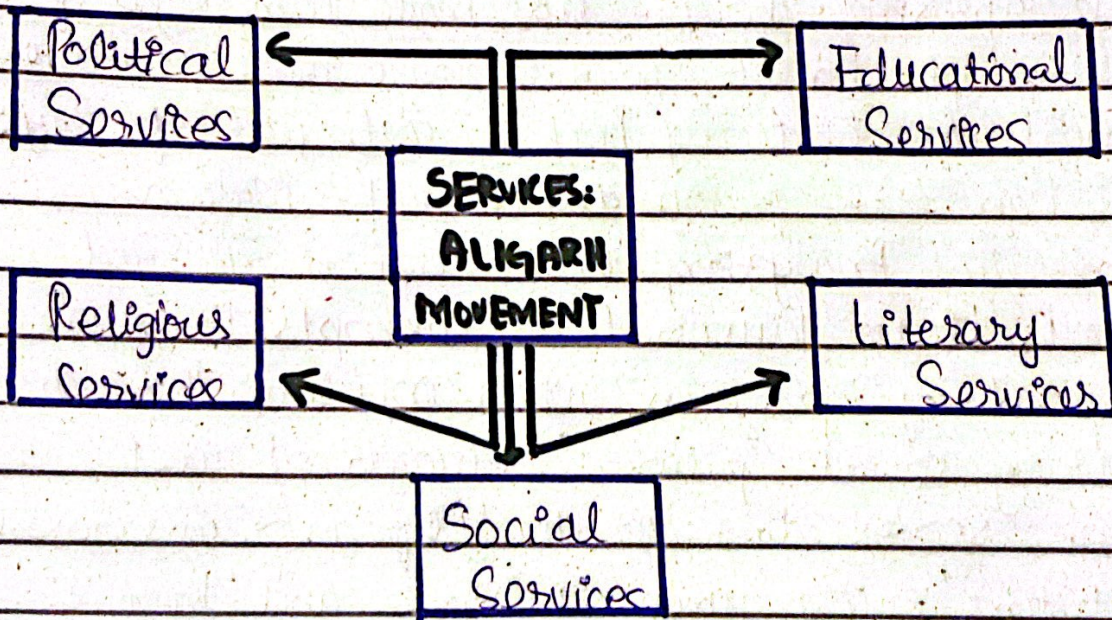
The war of independence (1857) ended in disaster for the Muslims. The British believed that the Muslims were responsible for the anti-British uprising, therefore, they made them subject of ruthless punishments be it either economic, social or political. This tendency had it continued for long, would have been proven disastrous for Muslim community. Analyzing this situation Sir Syed Ahmed Khan launched his attempts to revive the spirit of progress within Muslims through rendering social, political, educational and religious services that breathed life into consciousness of a distinct entity among Muslims and became foundation of Pakistan.

SIR SYED AHMED KHAN. The leader of Aligarh Movement:

Syed Mohammad Ahmed Khan was neither a politician nor a political leader but a social reformer, who aimed at modernizing Muslims through education. He was born in 1817 to Syed M. Taqi. He joined East India Company in 1836

as a 19 years old. He became member of Imperial Council and a member of civil service commission in 1878 and 1887 respectively. He also got the title of SIR and he died in 1898.

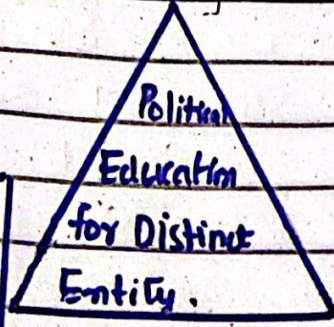
SERVICES RENDERED BY ALIGARH MOVEMENT THAT BREATHED A DISTINCT ENTITY IN MUSLIMS AND BECAME A FOUNDATION OF PAKISTAN:



(b) Political Education breathing a distinct entity in Muslims and a foundation of Pakistan:

SIR SYED AHMED KHAN through his political knowledge and experience advised the Muslims to "eschew from politics" as it would further deteriorate the situation of Muslims of India. The "political ideology" and "mindset" of him served as a foundation of Pakistan after some time. His political services are:

First - to acquire basic Political education to be more competitive

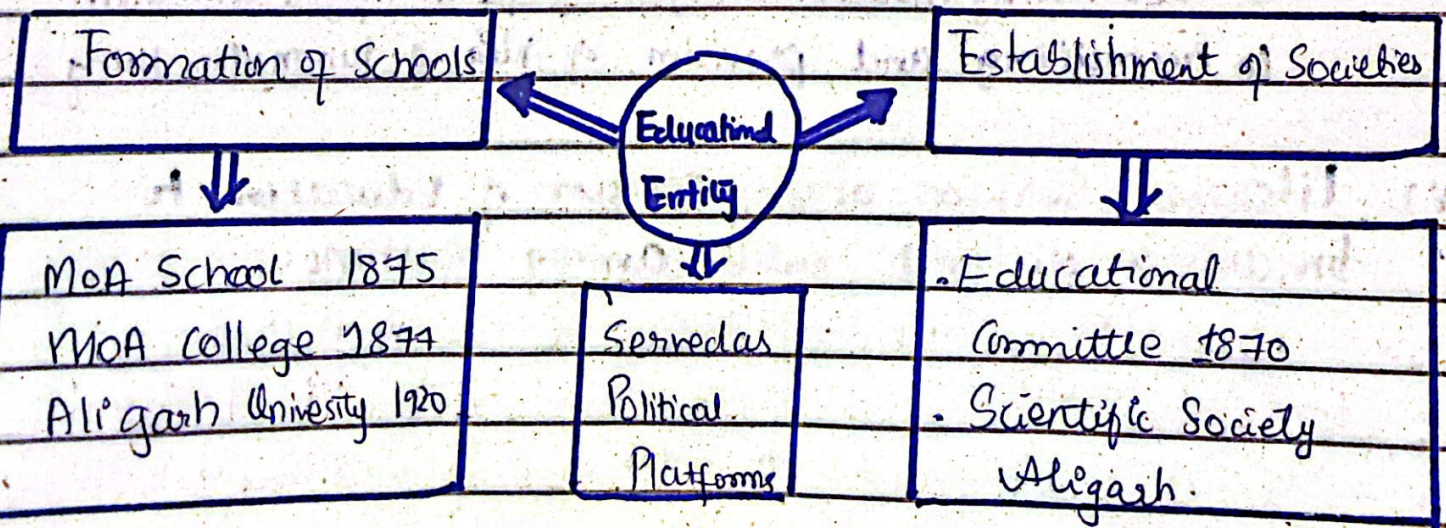


Third, not to join 'congress' as they were more politically aware

Second, to abstain from doing any sort of politics due to lack of modern education

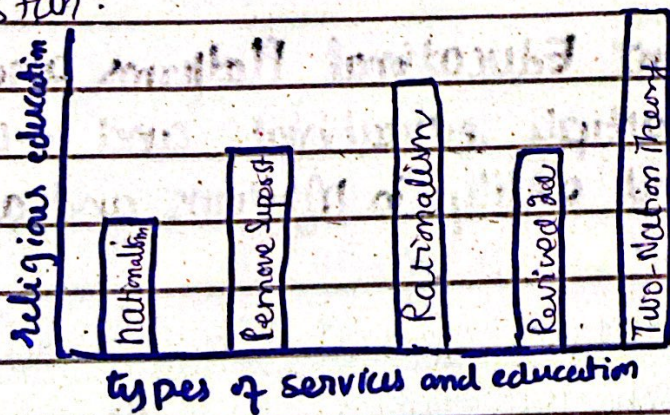
(ii) Foundation of Different Educational Platforms and establishment of multiple educational and co-curricular societies for a distinct entity in Muslims and a foundation of Pakistan:

SIR Syed Ahmed Khan founded multiple and various educational schools, colleges, and universities for a better competitive Muslim society that eventually breathed a distinct entity in Muslims and acted as "platform" for foundation of Pakistan.



(iii) Religious Education paving way as a foundation of Pakistan and instilling a distinct identity as with Two-Nation Theory.

SIR Syed promoted rationalism and instilled to revive the sense of muslim identity in Muslims of India, he supported and quoted western nationalism to aware Muslims about the nationalism that was gradually being lost in Muslims of India. Following are the services / religious education he tried to breathe and successfully laid a foundation of Pakistan:

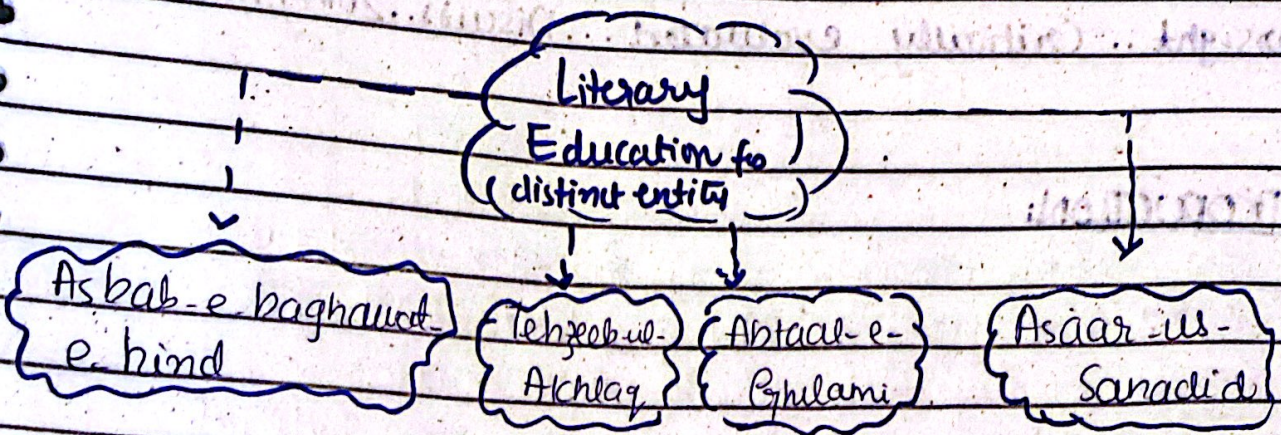


- ↳ Reconciling modern scientific thought by western nationalism
- ↳ reconciling modernity with religion by removing superstitions.
- ↳ reconciling modernity with revival of muslim identity
- ↳ reconciling modern thought by promoting Rationalism.
- ↳ reconciling and provision of idea of two-nation theory.

Literary Services and provision of Education to breathe a distinct entity among Muslims:

SIR Syed Ahmed Khan wrote hundreds of topics in his books and magazines to breathe a distinct identity/entity among muslims.

Following are his writings that paved the way forward for Pakistan:



(K) Social Services, Education, Cohesion and harmony for a distinct entity among Muslims by protecting Urdu language in Hindi-Urdu Controversy:

SIR Syed Ahmed Khan was an ardent supporter of Urdu language. He supported Urdu as an official language due to the very nature of Urdu language and its importance for Muslims of India. This is evident from the incident of

↳ Hindi-Urdu Controversy.

4) Conclusion:

SIR Syed Ahmed, a social reformer who wanted to breath a distinct entity in Muslims and a foundation for Pakistan and to protect Muslims in the aftermath of war of independence 1857. He provided multiple services to provide education to Muslims of India that eventually laid a foundation of Pakistan.

— (Question #8) —

Critical Balance Judicial Independence and Parliamentary oversight.. Critically evaluated... Discuss.. 26th Amendment.

1) INTRODUCTION:

The 26th Amendment of Pakistan's constitution of 1973, passing on 23rd of October, 2024, has sparked significant debate and criticisms, particularly concerning its implication on judicial independence. The judicial branch is essential for upholding rule of law. However, critics argue that such an amendment undermines its independency but celebrators aliebrates it as an increased parliamentary oversight over judiciary to decrease judicial activism.

2) 26th AMENDMENT: A landmark step after 18th amendment within 1973 constitution of Pakistan:

26th amendment also referred as "constitutional package", represents the framework displaying judicial reforms on country's wider interests. Some of the main provision of 26th amendment are as follows:

"SALIENT FEATURES OF 26th AMENDMENT"

modification in Article-175A regarding appointment of senior most judges.

Inclusion of clauses related to expansion of parliamentary committee.

Restructuring judicial commission of Pakistan.

Transfer of Power of Sumatra from CJP to Constitutional Committee under Article 184-A

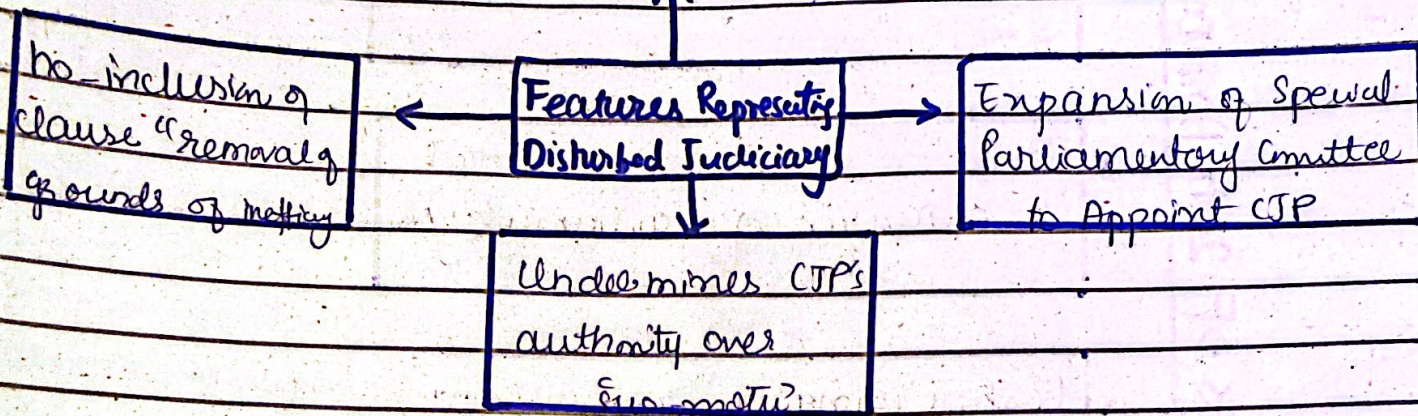
Formation of constitutional bench.

3) 26th AMENDMENT: Features Hinting At Judicial Capture or Curbing the powers of Judiciary:

"A blow to the independence of Judiciary is repeatedly mentioned by International Commission of Jurists"

Critics argue that Pakistan has made the once non-visible judicial branch of state into realm of politics curtailing its ability to be impartial and effective.

Reconstruction of JCP



i. Reconstruction of Judicial Commission of Pakistan favoring more to the government:

The increased representation of government in Judicial Commission of Pakistan eventually and somehow favors the government. The increased 'greater say' and indirectly government members present in judicial commission proves it.

"Pre-requisite of 5 out of 13

JCP's member of government has overshadowed judicial power"

- Hassan Askari

ii. Non-Inclusion of clause "Removal on grounds of inefficiency" remains a loophole:

The 26th amendment does not properly define the 'grounds of inefficiency' for removal of judges and does not establish a threshold for inefficiency.

"This very amendment and this loophole violates the fundamental right of every citizen: Right to equality before court - a complete violation of ICCPR".

- Critics

(iii) Expansion of Special Parliamentary Committee to appoint Chief Justice of Pakistan favoring the government: another argument of critics:

The expansion of special parliamentary committee to appoint Chief Justice of Pakistan reflects, according to critics, the greater say of government and erodes the impartiality of Chief Justice of Pakistan.

"Chief Justice of Pakistan would be selected from top 3 senior most judges of Supreme court rather than the only senior most"

- 26th Amendment.

↳ 26th AMENDMENT: Features Sparking Parliamentary and Judicial Balance of Power to enhance efficiency:

Multiple variations of arguments support provisions of 26th amendments as to enhance efficiency and effectivity of judiciary. Following are the arguments that hints at balance:

Features
Representing
Enhanced
Efficiency

Performance based
annual evaluation
system for judges
for greater accountability

Inculcation of
2/3rd majority
within Parliament
Committee to nominate JP

Formation of constitutional
benches for purposes
of justice

.i. Performance based annual evaluation system for judges for greater accountability:

The performance based annual evaluation system for judges for greater accountability to serve the best interests of nation. Celebrators elaborate the following way:

annual evaluation system



checks and balances of judges



neutrality and impartiality within decision



Serving the best strategic interest of nation

ii. Inculcation of 2/3rd majority within Parliamentary committee to nominate Chief Justice of Pakistan:

The Chief Justice of Pakistan will have overpowered the strict regards of 2/3rd majority consensus between senators and parliamentarians.

“Bifurcating the scenario of burden through decision making enhances efficient judiciary”

- Supporters

iii. Formation of Constitutional benches for purification of justices they would answer thoroughly.”

The formation of constitutional benches are being considered for purification of justice by the celebrators and supporters of this amendment. The legality and constitutionality of laws will be thoroughly judged.

“Charter of Democracy and the link of constitutional benches are widely celebrated”

- Supporters

5) CRITICAL ANALYSIS:

The 26th Amendment of Pakistan's constitution of 1973 sparked multiple controversies due to the hurried scenario that was created to pass this amendment and that within 24 hours. Critics argue that this has "curbed the powers of judiciary" and supporters argue that it "has strengthened the democracy". However, it would have significant implications within the relation of executive and judiciary. Pakistan being at the critical point needs to have excellent relation and communication between all pillars of State. A balance is however, needed to address the issues and dialogue should be on top priority for the betterment of the State.

6) CONCLUSION:

The 26th Amendment to 1973's constitution of Pakistan is a landmark step after the 18th amendment within Constitution of Pakistan. From critics arguing that it has curtailed the power of judiciary by restructuring of Judicial commission of Pakistan, expansion of special parliamentary committee to appoint Chief Justice of Pakistan, non-inclusion of clause of removal grounds of inefficiency, undermining the CJP's power of Sumoath to supporters arguing that performance based evaluation of judges, constitutional benches formation and inclusion of 2/3rd majority of parliamentarians serve the best interests of nation and enhances provision of Justice.