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Q No 2:-

Answer:

(i) Introduction

(ii) A Brief overview of the 26th Amendment

(iii) Incentives factors behind the 26th Amendment with the special reference to judiciary

(a) Controversal Appointment Mechanism of the judiciary

(b) Excessive Judiciary Interference/  
Excessive Judiciary activism

(iv) Contros of Recently Passed Constitutional Amendment with the Special Reference of judiciary

(a) Establishment of ~~judiciary~~ parliamentary Committee for judiciary appointment

(b) Establishment of judicial Commission

(c) Commission of Evaluation of judiciary Performance

(d) Limiting the judiciary Activism:/  
~~take~~ took away suo moto power

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(v) Understanding the Amendment through the Prism of Judiciary Independence

(a) Oversight of parliament in Judiciary

(b) Taking away the inherent

Power of judiciary: *Suo motto*

(c) Judiciary Performance subjugated to ~~part~~ legislative members

(vi) Understanding the Amendment through the Prism of parliamentary form of Government

(vii) Concluding Remarks

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## (i) Introduction:

The 26th Constitutional amendment, Pakistan being parliamentary form of government, is a significant milestone for ensuring a smooth democratic evolution. It, after the 18th amendment, deems the 2nd and greatest amendment in the constitution of Pakistan. The main concern subject is the independence of Pakistan in being federating and parliamentary system. This constitutional amendment deals with the power and appoint of judiciary. It, to analyse with the prism of judiciary independence, limit the power of judiciary. However, According to the broader perspective, it will ensure the progress of democratic evolution in Pakistan.

## (ii) Brief overview of the 26th Amendment:

26th

Amendment was passed from the Senate on 20th October and from national assembly it was passed on 21th October 2024.

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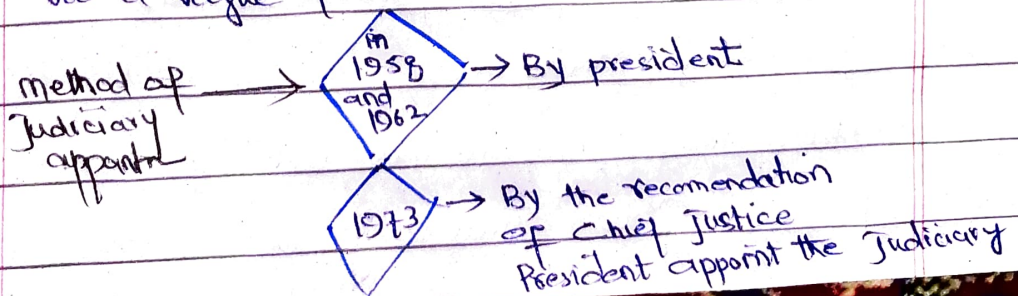
after the 18th amendment, it is the greatest amendment in the Constitution of Pakistan. It comprises 27 clauses: the main subject is the appointment and the power of judiciary. Besides it has some other miscellaneous subjects.

(iii) Incentives factors behind the 26th Amendment with the special reference to judiciary ~~independ~~

The system of Pakistan is a confusion of two distinct and constricted features: parliamentary and federation. So it makes difficult to decide the power of ~~state~~ ~~with~~ ~~the~~ judiciary. This thing historically irritated the democratic evolution.

② Controversial Appointment of the judiciary.

until the 26th Amendment, the appointment of the judiciary was a vague process.





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Due to *Jehad* ~~Trust~~ *Versus* ~~Federation of Pakistan Case~~ ← 1996 → Judiciary Superseded over executive, chief Justice recommendation Used to ~~informing~~ on president to appoint Judges.

18 Amendment  
2010 → formation of judiciary Commission

Due to *Nadeem Versus Federation of Pakistan* ← 2011 → ~~numbers of~~ judiciary Commission occupied by Judges.

Therefore, ~~still this is the~~ 26th Amendment made a clear rules for appointment of Judges.

### (b) Excessive Judiciary activism

Another factor was the excessive Judiciary activism. This hurt the ~~partisan~~ progress of the Parliamentary democracy. for example, validation of Doctrine of necessity and ~~of~~ ~~prevailing~~ ~~a~~ intervention in legislature - for example, disqualification of prime ministers.

Hence these two factors with the special reference of to Judiciary led toward

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the ~~form~~ 26th Amendment.

(IV) Contents of recently passed constitutional amendment with the special to  
Judiciary:

As mentioned early, this constitutional amendment deals with the power and appoint of judiciary. The following basic amendment about the judiciary took place:

(a) Establishment of parliamentary Committee for judiciary appointment:

According to ~~Art Article 175A~~ 175A, 'for appointment of judiciary a parliamentary committee will come into being. It will Comprises of 12 members. and 8 of them would belong to National assembly and four the remaining four from Senate. 2/3rd majority would be needed for judiciary appointment.'

(b) Establishment of judiciary

Commission:

Another important alteration,  
the enstrengthening of judiciary Commission



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Composed by fifteen members. eight of them would from the ~~electable~~ elected people, one would be technocrat and the remaining from judiciary.

### © Commission of evaluation of chief

Justice Justice performance:

Besides

the establishment of ~~the~~ recommendation of chief justice of Pakistan to parliamentary committee, it will have to examine the annual performance of ~~the~~ chief justice of Pakistan.

### © ~~has~~ taken away ~~a~~ suo ~~a~~ moto

Power from judiciary.

Another significant

change in the power of judiciary is ~~too~~ taken away its suo moto power. Now judiciary is restricted to not intervene within any public institution or individual matter without proper action under a petition/application.

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(vii) Understanding # 26th Amendment through the prism of judiciary independence:

The concern subject shranked the power and ~~increment~~ oversighted the ~~by~~ legislature in the ~~of~~ the appointment of judiciary. To understand these amendment through this lense, ~~the~~ the lesson may be taken:

(a) Oversight of parliament in the appointment of judiciary:

Before the 26th Amendment chief justice used to appoint by seniority basis. Now the establishment of parliamentary ~~Commis~~ Committee and increased the number of elective members in the judiciary commission. It reflects that parliament acquire the control of the appointment of judges.

(b) Took away the inherent Power of judiciary: *Suo motto:*

Furthermore,



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this Constitutional amendment also took away of the power of suo motu. In a sense, it deprived judiciary from ~~their~~ its inherent power. Therefore, it limited the independence of the judiciary.

© Judiciary performance subjugated to legislative members:

Moreover,  
another check of the judiciary Commission wrenched its power. As its annual performance will be evaluated by judiciary Commission where legislative members have high proportional.

(ii) Understanding the 26th Amendment alteration in judiciary through the Prism of parliamentary form of Government:

Pakistan being parliamentary and simultaneously having independent judiciary, it always created irritants

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In the way progressive evolution of democratic system. Therefore, it is the essence of parliamentary form of government to ~~take~~ maintain the supremacy of the parliament. Therefore, this constitutional amendment, in this regard, will ensure a true parliamentary form of government. As it reduced all the power of judiciary which resists democratic system in Pakistan.

(vii) Conclusion :-

The 26th Amendment deals with the subjects of judiciary. More specially, it reduced the power of the judicial, and hands over the authority of the appointment of judges to parliament. To observe it, in isolation, it reflects that this amendment shrank the independence of judiciary. However, in the broader sense, this amendment will ensure a progress ~~in~~ movement to democratic evolution in Pakistan.



Q No 1:

Answer:—

(i) Introduction

(ii) Contextualizing the political  
Culture of Pakistan

(iii) Understanding how political  
Culture is married with  
Extreme polarization

(a) Always a tug of war between  
Government and opposition in parliament

(b) Zero Sum politics

(c) Elite polarization

(d) Mass polarization

(iv) Incentive factors behind  
the ~~cultural~~ Political culture  
Polarization:

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(a) Absence of middle class in Politics

(b) Political opportunists

(c) Elite ~~many~~ manipulating the Poor grievances

(d) ~~Political~~ Hijacked media

(v) Remedies for eradicating political Cultural polarisation:

(a) Consensual democracy

(b) Political Literacy

(c) Vanishing of dynastic politics

(vi) Conclusion:

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(i) Introduction:-

People's ideas, values and attitudes toward politics and political ~~toward~~ institutions are always found on the two extreme. ~~in~~ the political debate; whether it is in parliament or among mass, always based on the concept of us versus them. The infant political



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society exists some incentive factors which fuels the political polarization. However, it may be overcome with adopting some zenith political principles from ~~highly democratic~~ state a matured democratic state.

### (ii) Contextualizing the political culture of Pakistan:

According to the book, "Pakistani nationhood," the political culture of Pakistan fall in the category of ~~low~~ parochial political culture, where people don't take part in politics, no political awareness, ~~low~~ high political illiteracy, and many more political evils ~~among~~ exists in mass. However, the Pakistani ~~elite~~ political elites easily manipulate them to ~~ex~~ use them as tool in the democratic system.

### (iii) Understanding how Pakistan's Political Culture married with extreme Polarization:

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In this infant political society, one main problem is polarized political culture.

It creates hindrance in the way of ~~de~~ democratization in a true sense. Let's to understand the existence of Political Culture polarisation.

(a) A tug of war between government and opposition:

Pakistan's parliament ~~hang~~ always hangs between two extremes. For example, this non-consensus politics in parliament has been arising ~~for~~ since the establishment of first Constituent assembly. In this same way, parliament was divided on both amendment. Both sides claim that their held stance would bring betterment to the country. They are always lies on the good versus bad.

(b) Zero Sum politics

Another prevailing mode of polarisation is the Zero Sum politics. Being majoritarian democratic



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States the decision of the majority, government, superseded the minority. So it is also a form of political Polarization - Pakistan is grappling with.

### © Elite Polarization :

Power holding elites are appeared highly polarised. The dynastic politics is ~~the~~ an incentive factor behind the elite polarization. ~~for~~ a few families are struggle for acquiring power. Therefore, they ~~is~~ play blame game to hold the power.

### © Mass ~~is~~ Polarization :-

Moreover, Polarization among masses are being observed since long. The political illiterate mass ~~are~~ <sup>are</sup> easily manipulated by their political leaders so that it distribute mass in US. Versus them.

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(iv) Incentive factors behind political Cultural polarization:-

There are several factors lie behind the political Cultural polarization. Some of them are given below.

① Absence of the middle class:

The first reason behind high political polarization in Pakistan is the absence of middle class to provide a moderate ground. According to Aristotle, Political philosopher, the ~~an~~ elimination of middle class from political landscape, then the high polarise politics would shape political instability. This concept is entitle on Pakistan.

② Political opportunists:

Moreover, another factor is the ex prevailing of political opportunists, which fuels the political polarization. For example,



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the formation of Pakistan democratic movement (PDM), many of politicians do not ~~take~~ adopt a moderate path but ~~are~~ ~~selecting~~ costing movement. they extend hand toward emergence alliance for the sake of personal interest. Similarly example can be found in the history.

### © Elite manipulating the poor grievances :

Moreover, the another incentive factor is the elite manipulation of the mass grievance. it exacerbates the fear anger of the poor and the marginalised class so that they use it against their own opponent. Consequently, the poor took an extreme stance.

### (v) Remedies for eradicating political Cultural polarisation

Pakistan ~~being~~ have an embryonic ~~part~~ democratic cultural. it will take to get mature. ~~however~~

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~~the alternative is to adopt some values, customs and~~

or the alternative is to adopt democratic culture, values and principles of some matured ~~sto~~ countries. Some of them are given below:

### (a) Consociational Democracy:

The best option ~~of overcoming~~ is a consociational democracy to overcome political polarization. ~~This type~~ As majoritarian democracy fuels the fire of polarization. However, the proportional based system will ensure the government and opposition to move shoulder-by-shoulder of one another.

### (b) Ensuring political Literacy:

furthermore, ensuring political literacy will reduce mass political polarization. ~~As~~ Being unaware, they blindly follow their own



Political leaders, even though  
understanding ~~their~~ politician manifesto  
however, it will enable mass to follow  
politician on the basis of public interest.  
Moreover, they will never disintegrate  
if the politician get.

### (iii) Conclusion :

Political Cultural  
polarization is prevailing in the society  
Pakistan. Being embryonic democratic  
state, ~~the Pakistan~~ it will  
take time to ensure a friendly  
and congenial democratic cultural. However,  
by adopting some strategic measures,  
Pakistan ~~with~~ may overcome the  
Cultural Political Polarization