

## QUESTION No; 4

Climate change is not only a threat to the environment, but also the economic security of Pakistan. Without Population Planning and proper mitigation strategies, climate induced disasters in Pakistan would become more intense. Evaluate and suggest a way forward.

## ANSWER No; 4

### 1- INTRODUCTION:

Climate change is, undoubtedly, the biggest catastrophe of the 21st century. The effects of climate change are felt all over the globe, however, developing countries get the hardest blow due to the least prepared nature of their infrastructure and unbearable economic damage. According to the Global Catastrophic Risk Institute, "Pakistan is the 5<sup>th</sup> most vulnerable country to climate change." It, not only, affects the environment of Pakistan, despite emitting negligible amounts, but also causes a huge strain on Pakistan's economic security due to the repeated climate-induced disasters.



Thus, without longterm planning including population control and a sustainable infrastructure as well as energy practices, Pakistan will continue to suffer environmental and huge economic losses.

## 2. CLIMATE CHANGE AS A THREAT TO BOTH ENVIRONMENTAL AND ECONOMIC SECURITY OF PAKISTAN: Climate changes

poses a huge dent on the environment and the economy of developing countries like Pakistan. Thus, there are various indicators of the fact that it is a threat to both environmental and economic security of Pakistan.

### (i) Frequent Floods Causing Infrastructural Damage And the Spread Of Diseases:

Pakistan is specifically vulnerable to floods due to its geographical dynamics and climate change. The floods not only prove to be deadly for the environment but also incur a momentous strain on the already struggling economy of Pakistan. The 2022 Floods claimed almost 10,000 lives and a loss of \$1.9 billion in damages and \$15.2 billion ~~dollar~~ in economic losses, according



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Date: \_\_\_\_\_

to world bank. Moreover, the spread of diseases causes a strain on already stressed ~~the~~ medical resources in the government hospitals.

### (ii) Smog Causing Cities And Businesses to Shut down:

The direct effects of smog in big cities like Lahore and Karachi are evident — causing health issues and the temporary lockdown of major cities. However, the economic consequences are even more staggering with Pakistan losing over \$20 billion annually due to smog related issues. These losses include the temporary shut down of businesses including the long term economic losses through health and diseases. As a result, smog is increasingly becoming a threat to the economic security of Pakistan.

### (iii) Water Crisis And Increased dependency in major cities:

Pakistan has been identified among the 17 most water stressed countries. The underground water resources are increasingly reducing due to increased consumption and no proper



organisation. Moreover, the water sources like rivers and lakes are either shrinking or polluted. This brings further losses to the economy of Pakistan due to increased number of water borne diseases.

#### (iv) Inconsistent rain patterns and

the loss of vegetation: climate change has resulted in inconsistent rain patterns either leading to floods or drought. Furthermore, the intensified rains sometimes ~~destroy~~ the already planted vegetation in the rural areas of Pakistan.

Thus, inconsistent rainfall patterns have become another turmoil for the economy of Pakistan owing to food shortages.

### 3. POPULATION PLANNING AS A MITIGATION STRATEGY:

(i) Decreased consumption of already strained resources: Population planning is one of the most effective ways to slow down the effects of climate change for a longer term. It requires a united



campaign, both from the government and a responsible response from the population. Thus, population planning will help slow down the amount of strain put on economy by the relatively decreased consumption of the already stressed resources of Pakistan.

### (ii) Less Population, less emission:

Although Pakistan is one of the lowest emitters of GHGs, yet planning the population growth can effectively minimize the green house gas emission, for the longer term. Thus, if there's a decreased population growth, there will be relatively less emissions and a further decrease in climate-induced catastrophes.

## 4- OTHER MITIGATION STRATEGIES AND A WAY FORWARD:

(i) Invest in sustainable and resilient infrastructure: The government of Pakistan can invest in a sustainable and resilient infrastructure to overcome the frequent infrastructure losses incurred



due to the climate-induced catastrophes. Moreover, early warning systems and friendly technologies can be the way forward for an inclusive Pakistan free from frequent damages to the lives and the properties of its people.

(ii) Improved Political Will and an all Party consensus: The most crucial aspect of climate mitigation is the recognition of it as a "National emergency" by all parties irrespective of their personal interests. Thus, the political will and passion is the first spirit needed to transform the Pakistan infrastructure and to ensure protection from future catastrophic losses.

(iii) Empowering the National disaster Management authority: The NDMA needs to be the foremost priority in budget allocation and improving capabilities. Moreover, financing the NDMA will have a direct impact on its capabilities to be



Day: \_\_\_\_\_

Date: \_\_\_\_\_

useful during climate catastrophes.

(iv) Promote innovative investment

mechanisms: The government should encourage and promote investments in more sustainable businesses and discourage investments in traditional avenues causing a direct impact on climate change, by including more taxes and a thorough campaigning process.

5. CRITICAL ANALYSIS: It is evident from the facts and debates that climate change is not only an environmental but also a threat to the economic security of Pakistan. Therefore, the government, the policymakers, and all stakeholders should categorise it as a top policy priority and invest in such measures that would eventually mitigate the effect of climate disasters on Pakistan. It needs to be declared as a climate emergency ~~with~~ as changing weathers indicate the risk of more disasters being on the way.



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Date: \_\_\_\_\_

## B- CONCLUSION:

Climate change is evidently more severe than it ever was, in the history.

In such a scenario, Pakistan ought to be more prepared as it brings catastrophic environmental and economic impacts to Pakistan. Moreover, the stakeholders in Pakistan need to recognise the threats and devise counter policies with maximum mitigating efforts or the climate-induced catastrophes could become more intense in the future.

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Date: \_\_\_\_\_

## QUESTION No; 8

For the critical balance between the judicial independence and Parliamentary oversight, it is essential that the 26<sup>th</sup> amendment be critically evaluated on the constitutional principles. Discuss.

## ANSWER No; 8

### INTRODUCTION :

Each organ of the state has its individual importance as well as duties and the balance of powers between these three; Executive, legislative, Judiciary, is what runs a state smoothly. The 26<sup>th</sup> amendment to the constitution of Pakistan disturbs the very balance of power between these institutions and brings a Parliamentary oversight onto the judiciary in a way that it compromises the judiciary's ability to be independent. This fundamental change in the constitution disregards the spirit of the constitution of Pakistan which has always kept



the independence of judiciary as one of its core tenets.

## 2. SIGNIFICANCE OF BALANCE BETWEEN JUDICIAL INDEPENDENCE AND PARLIAMENTARY OVERSIGHT:

(i) Honours the concept of separation of powers: The concept of separation of powers introduced by Montesque in 1748, is an essential component in every democratic constitution. It ensures that all branches of the state constitute equal power and do not override one another. Thus, maintaining a balance between judicial independence and a minute Parliamentary oversight, as previously the Federal Law minister and the attorney general of Pakistan were enough to represent the Parliament in the judicial commission of Pakistan, is crucial to honour the spirit of separation of powers.

(ii) To ensure the rule of law, the independence of judiciary is paramount:  
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Judiciary is only possible when its wings are not clipped by the over-shadowing of Parliamentary control. Thus, for a just society with rule of law, it is important to create a balance between judicial independence and Parliamentary oversight in order for the judicial system to run smoothly.

### (iii) Ensuring no political bias in the decision making process:

An increased scrutiny from the Parliament on the judiciary's decision making process will lead to the control of the entire process of announcing verdicts by the political lot, just behind the curtains. If the judges get selected by the Parliament, there is an increased chance of political bias in the outcome of the judiciary's decisions.

### 3. 26<sup>th</sup> Amendment undermining the balance between organs of the state:



Day: \_\_\_\_\_

Date: \_\_\_\_\_

(i) Selection of the CJP by the Parliamentary committee under

Article 175-A : The 26<sup>th</sup> amendment proposes under article 175-A, that the Chief Justice of Pakistan shall be chosen by a Parliamentary committee consisting of twelve members, eight from the ~~Parliament~~<sup>NA</sup> and four from the senate, based on the proposition of each party in the house. The Parliamentary committee forwards the selected name to the Prime minister and he will approve and forward to the President. The entire process undermines the independence of judiciary because if the Parliamentary committee gets to decide the CJP among the three senior judges, they are likely to choose the one most befitting to them instead of merit.

(ii) Reconstitution of the judicial commission of Pakistan and giving Parliament 1/3rd representation:

The Judicial commission of Pakistan is the



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Date: \_\_\_\_\_

Primary body responsible for the selection of Judges in Supreme court and the high courts of Pakistan. The 26<sup>th</sup> amendment brings considerable changes to the formation of the Judicial commission by adding four new members, 2 from the national assembly and 2 from the senate. This brings the Parliament's representation to about 1/3rd of the judicial commission. As a result, it brings political bias and a control of Parliament over the selection of judges, undermining the balance between judiciary and the Parliament.

(iii) Article 191-A dealing with the formation of Constitutional benches: The formation of the constitutional benches under a new article 191-A, deals with the constitutional cases being referred to the constitutional benches. However, in the words of Justice Mansoor Khan, "Everyday will be a day of chaos and confusion in deciding the nature of the cases whether being constitutional or



not." Moreover, the constitutional benches will also be formed by the judicial commission of Pakistan, justifying straining the disturbed balance.

#### (iv) Evaluation of the high court

Judges: There has also been a clause revealing that the high court judges will be evaluated on their performance and if found unsatisfactory, they will be given warning or removed from their position. This seriously undermines the ability to make an independent decision since the punishment can be severe by deeming their performance as unsatisfactory if the decision is not up to the mark of the party to government.

#### 4. CRITICAL EVALUATION OF THE 26<sup>th</sup> AMENDMENT ON CONSTITUTIONAL PRINCIPLES:

The 26<sup>th</sup> amendment to the 1973 Constitution of Pakistan brings certain changes harmful to the spirit

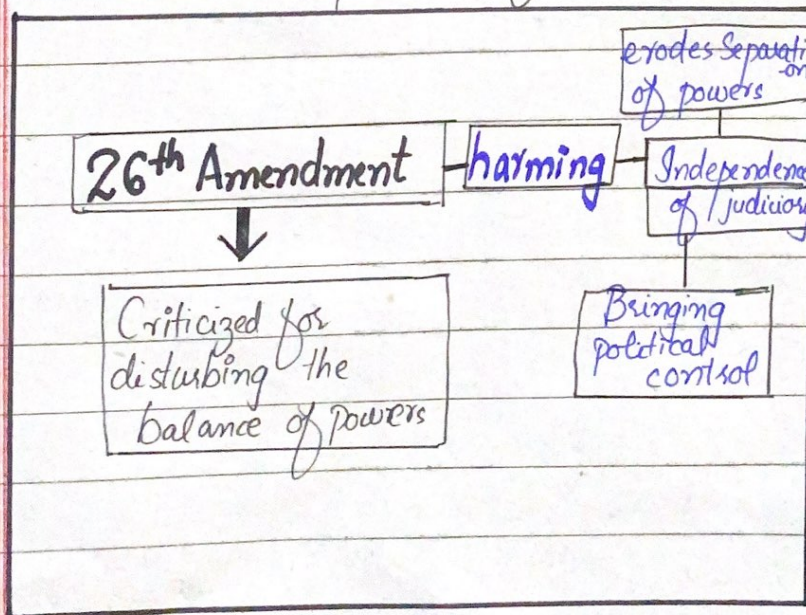


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Date: \_\_\_\_\_

of the constitutional principles such as the independence of judiciary. Various critics have warned about its ability to undermine the judicial independence. Therefore it must be critically evaluated by the stakeholders to bring it on par with the constitutional principles. The International Commission of Jurists have opined,

"These amendments are an attempt to subjugate the judiciary and bring it under the control of the executive, betraying fundamental principles of rule of law, separation of powers, and the independence of the judiciary."





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5. CONCLUSION: For a balanced and stabilized transmission/division of powers between different organs of the state, it is paramount for the stakeholders to hold the 26<sup>th</sup> amendment accountable on the standards of the constitutional principles. Thus, the changes brought by the 26<sup>th</sup> amendment disturbs the balance of power between an independent judiciary and a moderate parliamentary oversight.

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