

DATE: 3/01/25

Pak. Affairs Test 2

Explain the main contours of recently passed 26th Constitutional Amendment in Pakistan, particularly in the context of Independence of Judiciary.

A- 26th Amendment and Independence of Judiciary

The 26th Constitutional amendment was passed aiming to strengthen democracy and judiciary. The Chief Law Minister Mr. Nawaz Tarar says that it was mandatory for the strengthening and development of judiciary, however the amendments portray another tapestry. It not only compromises the powers of Supreme Court but also paralyzes Chief Justice of Pakistan. Thus, the amendment has introduced some great amendments such as defining the period for the ending eradication of Riba but has majorly paralyzed the judiciary of Pakistan. Which will ultimately impact the country in multifaceted ways.

B- The 26th Constitutional Amendment

Also known as Constitutional Package as it proposed 56 amendments. Its amendments span between few of the following areas:

Judiciary

Environment: Article 9A

Federal Court
of Shariat

Riba

However, only the judicial reforms were the topic of discussion. Thus, the epicenter of the amendments was the amendments regarding the judiciary of Pakistan.

c- 26th Constitutional Amendment in Context of Judicial Independence:

i) Article 175 A : Chief Justice of Pakistan

This article included the following changes:

- Chief Justice of Pakistan to be chosen from a set of 3 senior judges of Supreme Court.
- The 3 judges to be selected by the **Special Parliamentary Committee**.
- The Prime Minister to choose one of the Supreme Court Judge
- The Chief Justice of Pakistan to serve for **3 years**.

2. The Special Parliamentary Committee

A Committee to be made of **12 members**, **4 members** from Senate and **8 members** from National Assembly.

The Committee will decide the **3 judges** based on **2/3rd majority**. Then the final 3 names will be given to the Prime Minister.

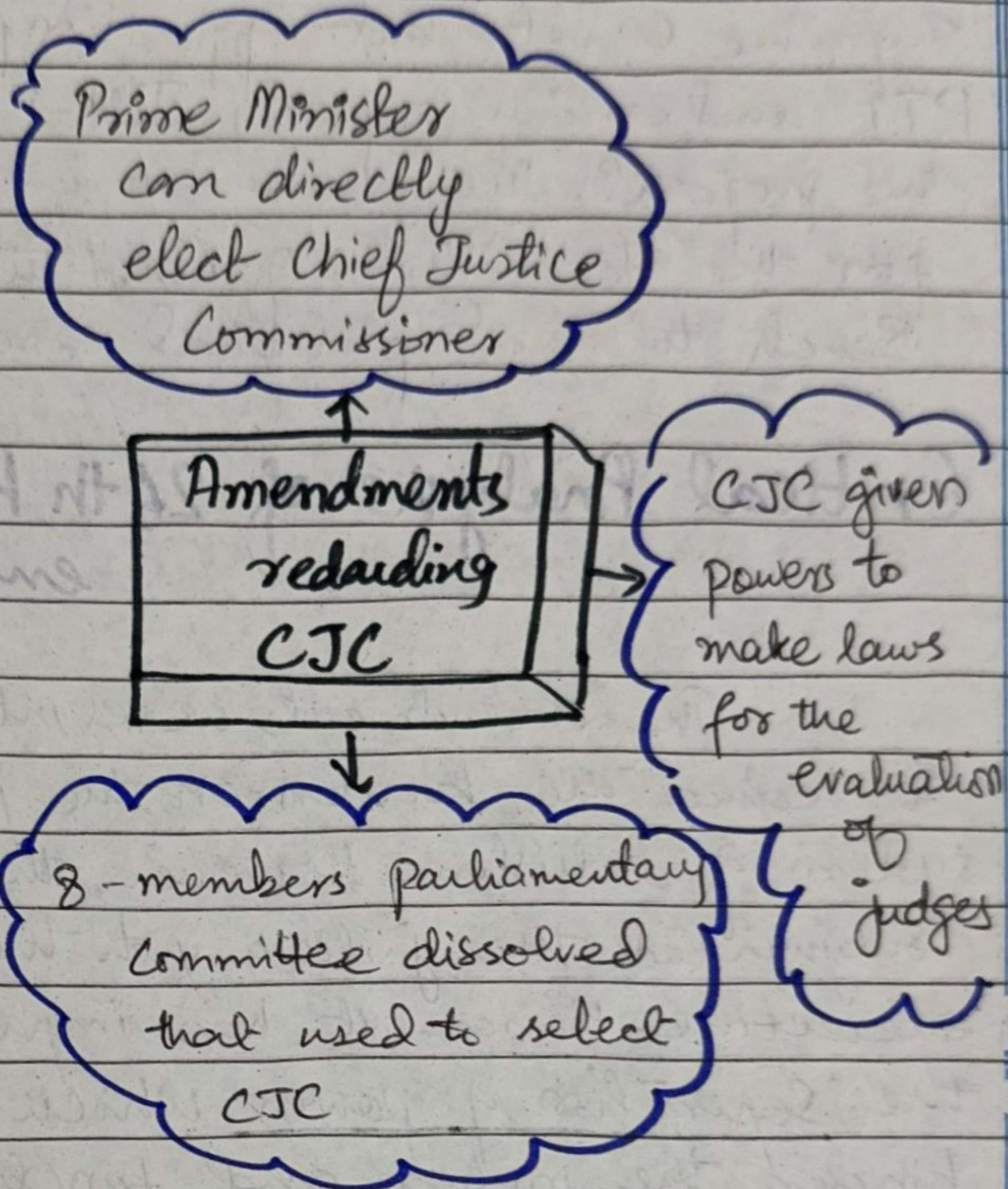
3. Article 185: Suo Moto Powers Curtailed

The 26th Amendment curtailed the Supreme Court power of Suo Moto. Thus, compromising its powers.

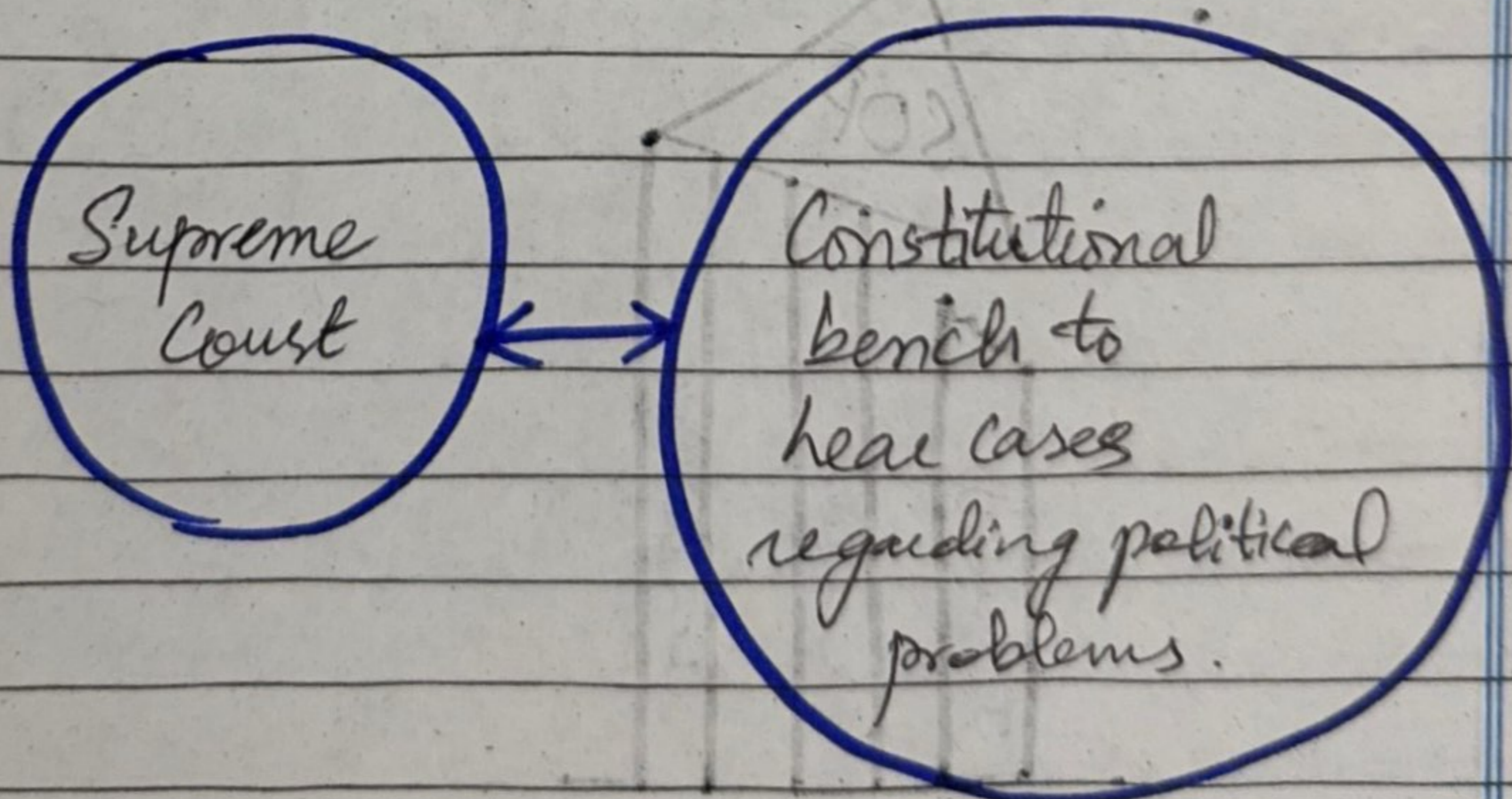
4. Article 186 A: The Case Transfer Powers

The Supreme Court is given the power to move the case between courts. For instance it can take a case from lower courts and can transfer its cases to lower courts. The aim was to reduce burden on the Supreme Court as per the government.

5. Chief Justice Commission: Amendments



6. Formation of Constitutional Bench:



The proposal was to make another court that will see the Supreme Court but opposition party PTI and another party JUI-F opposed the proposal. They, however, agreed for the formation of Constitutional Bench to deal political cases.

D. Critical Analysis of 26th Amendment

The amendments were introduced to reduce the burden on the judicial system of Pakistan. However, they subjugated the judiciary to the executive. Hence, it has impacted the separation of power which will hinder the process and functioning of democracy.

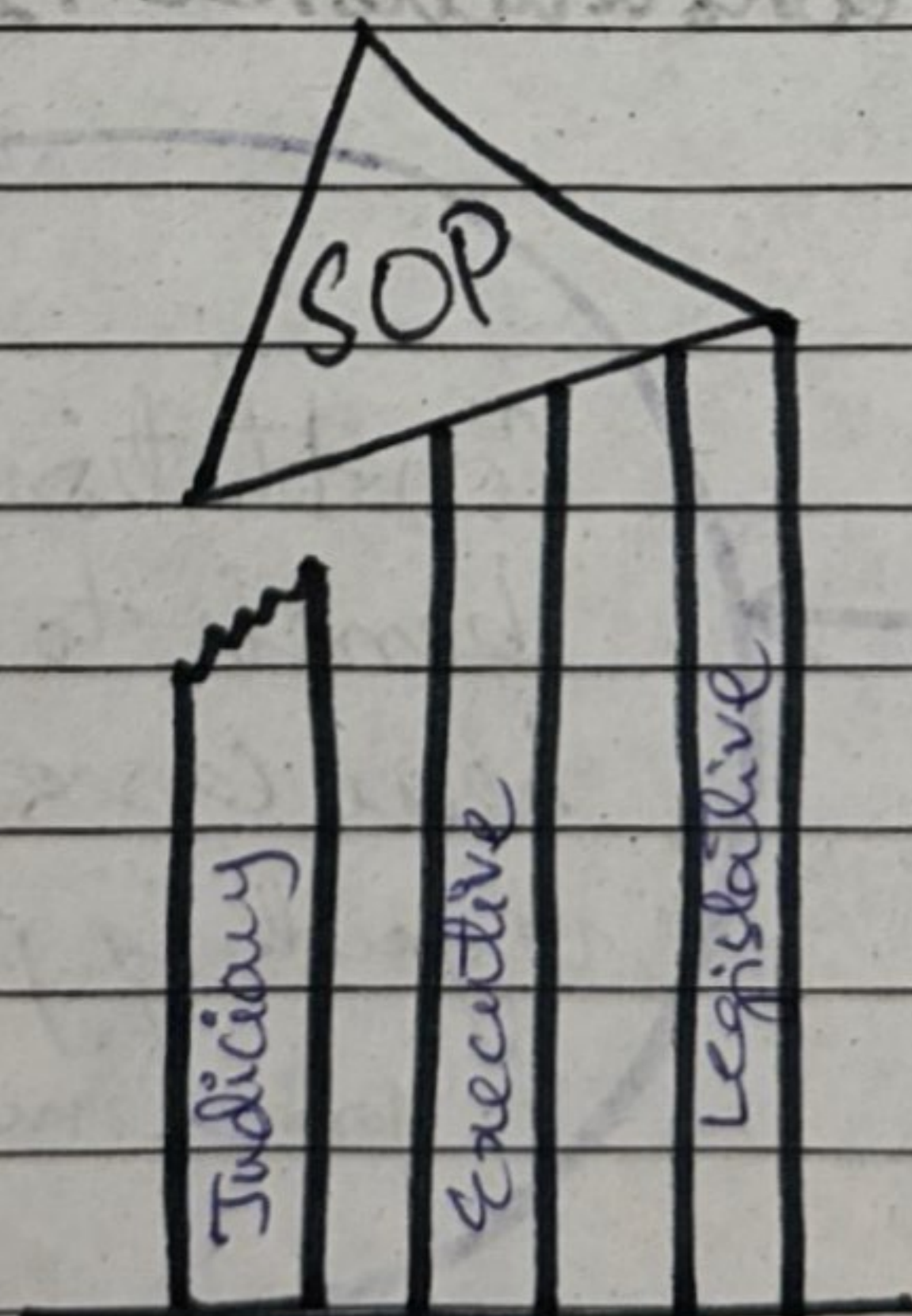


Fig. The Separation of Power structure Impacted

E. Conclusion

The 26th constitutional amendment introduced multiple amendments such as article 175A, 186A and 185 that directly reduces the independence of Supreme Court and its judges. This will impact the separation of power phenomenon. Hence, it influence the functioning of democracy.

Pakistan's Political Culture is marred with extreme polarisation. Explain and suggest remedies.

A- Pakistan's Polarised Political Culture and its Remedies

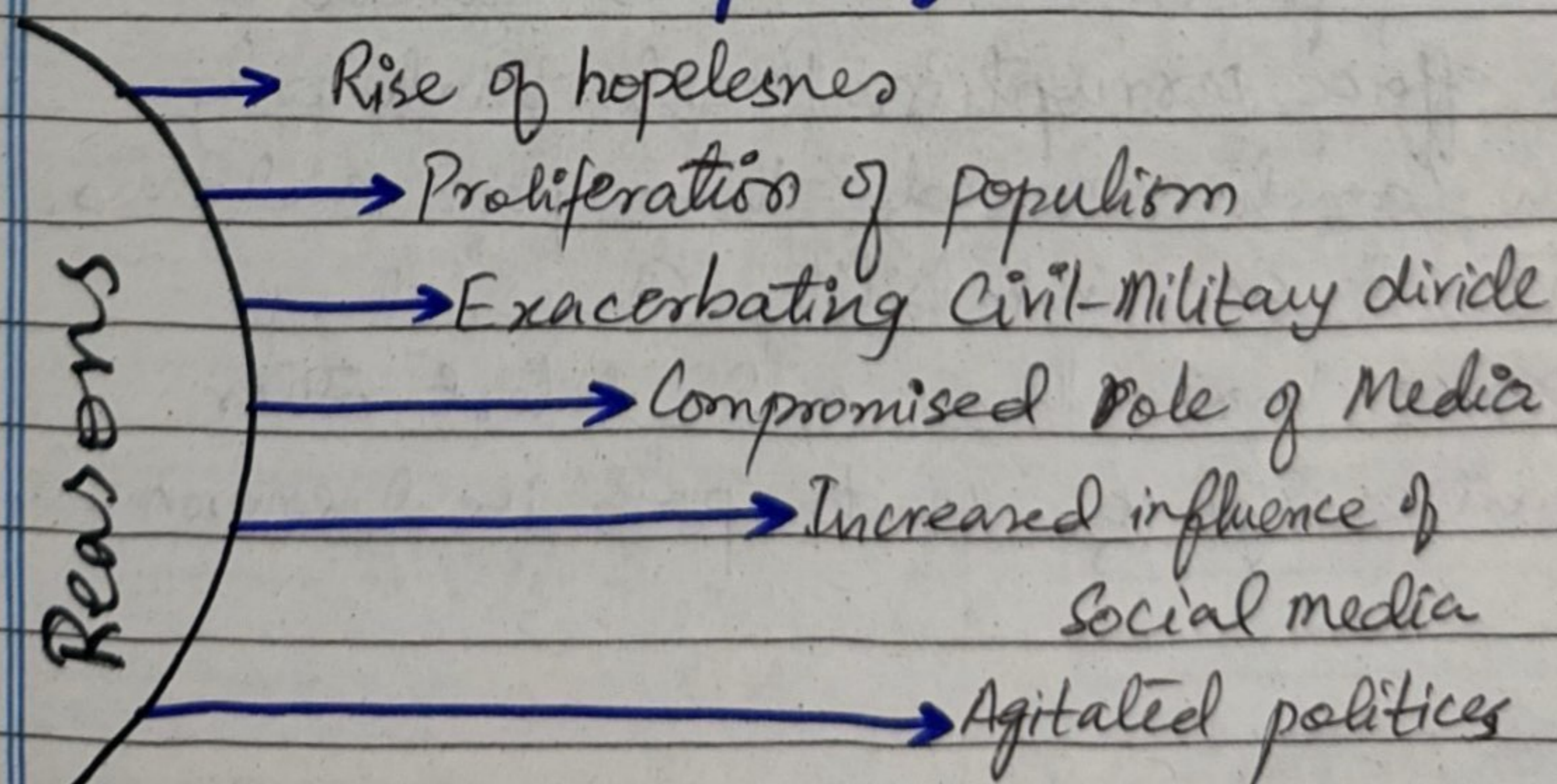
The political culture of Pakistan had always been in a tailspin, but currently it is the polarisation of masses that hinders the smooth functioning of democracy. Thus, impacts the country in multifaceted manner. There are several reasons that contribute to the menace of political polarisation such as rise of populism, agitated politics, social media, civil military divide and many more. However, there is a cure to the ill and it can come through education of both masses and political parties. Through mending civil military ties, enhancing the role of civil societies, unbiased media and increased accountability and transparency. Thus, the cure is inside Pakistan but needs to be approached properly.

B- Manifestation of Political Polarisation in Pakistan

The society of Pakistan is divided not just on the basis of religion but also politically. Every street of the country depicts a politically charged environment. The youth - which makes almost more than the half of the population is polarised. Tolerance has decreased inside its inhabitants. One party followers detest the other. Their depiction can be seen on social media and the jokes and memes made on political leaders. Thus, the country is engulfed by political polarisation.

C- Reasons for Political Polarisation in

Pakistan



1. Rise of hopelessness

The inhabitants of the country are hopeless. They are facing immense economic crisis. As a result they expect only a few people responsible for it. Thus, decisions are made based on who is responsible.

Its impact can be seen from the fact that from April 2024 nearly 13.53 million people have left the country. They see no future of Pakistan and its people.

2. Proliferation of Populism

One of the major divide is between the PDM and PTI. The followers of PTI are following Imran Khan. Who is a popular leader. His agenda is to efface corruption. People think only few families made them poor and thus, want accountability. Thus, they praise Imran Khan and detest other parties giving rise to polarised environment.

3- Exacerbating Civil Military Divide.

In the contemporary political culture of Pakistan for the first time in Pakistan government and military had is on one page. However, in past civil governments and military had been in friction as seen from multiple military coups in Pakistan. However, now the masses are turning away from military and the opposition and military are in conflict. Thus, any party joining hands with military will face opposition from masses. Causing polarisation.

4- Compromised Role of Media

The role of media has been compromised in following manner:

- Sanctions from authorities, preventing media ^{from} represent real picture
- Corruption in media centres

Thus, masses make their own judgements and polarise.

5- Increased Influence of Social Media

Every person can now make a video and can misguide millions of people. Thus, propaganda spreads and polarise society.

6- Agitated politics

Leaders are not born they are made. Thus, these leaders must have a responsibility to control the actions of its followers. Due to rise in agitated politics their followers adopt same mechanism, resulting in a polarised country.

D. Remedies to Curb Polarisation

Following are the remedies:

- 1) Political parties to get rid of political agitated politics

As their people follow the same mechanism.

2) Political parties to use parliament for the solution of their problems.

This means to solved problems not on road but on tables.

3) Increase accountability and transparency

This will help people have hope that there is a system that will resolve their problems and will not support the corrupt.

4) Educated masses

Education is vital for any society. Thus, masses must be educated to not polarise.

5) Redefine the unbiased role of media

Media must represent the true picture without any sanctions and filters. Thus, will help people develop their thoughts.

6) Reform social media and propaganda mechanism

Not everyone must be allowed to spread propaganda through fake news.

E- Conclusion

The environment of Pakistan is extremely politically polarised which needs to be reformed. Its polarisation can be seen in societies and intolerance. It is because of rise of populism, political agitation and media's irresponsible role. Thus, it can be resolved through education and reforms. Polarised society can be unpolarised if accountability and transparency prevails. Thus, it is mandatory for the prosperity of Pakistan.